



Northumberland County Council

A1 in Northumberland
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Your Ref: TR010059
Our Ref: A1 Dualling – Morpeth to Ellingham
Enquiries to: Kevin Tipple
Direct Line: [REDACTED]
Email: [REDACTED]
Date: 14 April 2024

Sent via email to:
A1inNorthumberland@planninginspectorate.gov.uk

Dear Sir or Madam

Application by National Highways for an Order granting Development Consent for the A1 in Northumberland – Morpeth to Ellingham

Request for Comments from All Interested Parties (27 March 2024) – Updated information provided by the Applicant

I write in response in the Secretary of State's invitation to all interested parties to provide comments on the information provided by the Applicant on 23 November 2023 and 25 March 2024 in response to the Secretary of State's consultation letter of 7 November 2023.

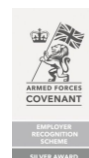
Northumberland County Council's comments on the matters in the Applicant's response are set out below and relate specifically to the additional information set out in the following documents:

- 6.33 Updated Biodiversity Air Quality Assessment (Highways England, March 2024)
- 7.3 Updated Outline Construction Environmental Management Plan (Highways England, March 2024)
- 6.54 Updated Desk Study and Habitat Verification Survey Report (Highways England, March 2024)



Rob Murfin, Director of Planning and Housing
County Hall, Morpeth, Northumberland, NE61 2EF

[REDACTED]
www.northumberland.gov.uk



1. Updated Biodiversity Air Quality Assessment

Assessment of impacts

It is noted that the Air Quality Assessment methodology at Table 2-1 (page 6) assigns a value of local importance to Local Wildlife Sites (LWS). These sites have to be of at least county importance to meet the threshold for designation. In practice this may not lead to different conclusions because most of the LWS considered are also ancient woodlands and are assigned a higher value for that reason. However, it is important that the document is corrected and impacts on LWS are assessed on the basis of their importance being of at least a county level.

A precautionary approach has been taken to modelling air quality impacts, which determines that several receptors including ancient woodland will be impacted by increased ammonia and NO_x emissions. The impacts are generally greater than those predicted in the original 2021 assessment.

Some beneficial impacts are predicted where traffic is predicted to be drawn from other roads, with beneficial impacts predicted for example at Longhorsley Moor SSSI, which is designated for heathland habitats that are sensitive to increased nutrients in air pollution.

The overall trend in traffic emissions is for the emissions per vehicle to be reduced over time as vehicles become more efficient and/or hybrid and electric vehicle use increases.

The baseline situation is that the A1 is already an extensively used major road and at times of high congestion on single carriageway sections will be a source of localised air quality impacts.

It is also noted that the ancient woodland in the Zone of Influence (ZOI) of the project is not in good condition and is subject to the current baseline deposition levels due to the proximity to a major road. It is therefore not considered likely to support those species of lower plants (bryophytes and lichen) which would be particularly sensitive to increased NO_x or ammonia deposition.

Mitigation and Compensation for predicted impacts

Paragraph 186 of the National Planning Policy Framework (NPPF) (December 2023) sets out policy on assessing impacts on biodiversity from new development. Paragraph 186 a) states “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;” and Paragraph 186 c) states “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;”

Footnote 67 of the NPPF gives the example of “infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid

bills), where the public benefit would clearly outweigh the loss or deterioration of habitat” as a ‘wholly exceptional reason’.

Policy ENV 2 of the Northumberland Local Plan reflects Paragraph 186 of the NPPF. Part 1 of Policy ENV 2 states “Development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;”

The location of the proposed development is fixed as it involves the dualling of an existing route and is the least disruptive and harmful option when compared to alternatives. Mitigation has been considered and is not considered to be viable when considered against the constraints. Compensation is therefore proposed.

The Ancient Woodland Strategy [REP9-012] details the removal of 11.54 hectares of land adjacent to the River Coquet and Coquet Valley Woodlands SSSI from agricultural practices and replacing with woodland planting, which would have a positive impact on nitrogen and ammonia levels in the area. The report details principles for management to ensure the structure and management of the woodland as it matures creates a suitable environment for lower plants.

Natural England have advised that they require additional areas of woodland planting above those previously agreed to compensate for SSSI impacts and Northumberland County Council agrees with Natural England that this is required.

Adequate mitigation and compensation are proposed for impacts on veteran trees within the Zone of Influence (ZOI).

In addition to areas of compensation agreed in 2021 (and the requirements for additional planting to compensate for SSSI impacts) improved woodland management (to be carried out by Northumberland County Council and funded by the Applicant) is proposed for 11.9 hectares of ancient and priority woodland within Northumberland County Council’s ownership at Davies Wood, Borough Wood and Plessey Woods (Well Wood). The measures proposed are the removal of invasive/non-native species, management to encourage the development of an understorey, selective thinning followed by understorey planting with ancient woodland typical species, and subsequent management for the establishment period (5 years post-planting). This will be secured by a legal agreement.

Qualitatively, improving the condition of ancient and priority woodland within the ZOI of the A1, creating a significant new area of compensation woodland and overall landscape and ecological mitigation measures intended to restore, improve and create habitat linkages will improve the condition and resilience of habitat networks. This will also provide adequate compensation for impacts on ancient and priority woodland. A qualitative assessment of the proposed compensation measures concludes that they are appropriate compensation for the predicted impacts.

Given the additional requirements for long term management of created habitats and compensation habitats Northumberland County Council's previously stated position regarding the requirement for a Landscape and Ecological Management Plan (LEMP) is still relevant (see below and Attachment 1, extract from BS 42020:2013 Biodiversity – Code of practice for planning and development 2013).

2. Protected Species and Habitats

Northumberland County Council considers that the updated information on habitats and species within the Zone of Influence (ZOI) of the proposed development is acceptable and there is no significant change to the original findings. It is noted that some minor changes have occurred due to changes or absence of land management on parcels of land within the ZOI.

Northumberland County Council agrees with the conclusions set out in '6.54 Updated Desk Study and Habitat Verification Survey Report' (Highways England, March 2024) that the impact assessments and significance of effects on designated sites, Habitats of Principal Importance and ancient woodland originally presented within Chapter 9: Biodiversity Part A [APP-048] and Chapter 9: Biodiversity Part B [APP-048] remains the same.

Mitigation and compensation previously agreed remain acceptable. This includes all relevant species checking surveys, precautionary working methods and licensing requirements for protected species.

The 'Ancient Woodland Strategy [REP9-012] Ecological Mitigation Plan (Public) Part A [APP-107]' and 'Landscape Mitigation Masterplan Parts A and B' are considered to remain relevant and acceptable.

The measures to avoid, reduce, mitigate and compensate for harm to protected species and habitats including watercourses provided in the Outline Construction Environmental Management Plan (OCEMP) are still considered to be robust and acceptable.

It is accepted that the OCEMP is a working document that will require revision and updating. The commitment within the OCEMP to continue to involve Northumberland County Council in the ongoing development of that document is welcomed. The commitment within the OCEMP to engage with Northumberland County Council in landscape mitigation and habitat creation throughout the project period is also welcomed.

The appointment of a suitably qualified ecologist to act as an Ecological Clerk of Works is essential and the importance of this role is clearly communicated in the OCEMP.

Given the additional requirements for long-term management of created habitats and compensation habitats the LPA's previously stated position regarding the requirement for a Landscape and Ecological Management Plan (LEMP) is still relevant (see comments below).

In relation to the impacts the River Coquet and Coquet Valley Woodlands Site of Special Scientific Interest (SSSI), Northumberland County Council defers to Natural England as the statutory consultee for SSSIs. A meeting between Northumberland County Council's ecologist and Natural England's Northumbria Team took place on 4 April 2024.

3. Requirement for a Landscape and Ecological Management Plan (LEMP)

With reference to 7.6A Statement of Common Ground with Northumberland County Council (Rev 10 July 2021) and the comments submitted by Northumberland County Council on 29 June 2021 at Deadline 10 regarding the requirement for a standalone Landscape and Ecological Management Plan (LEMP) it is noted that the OCEMP is still ambiguous about whether this document will be prepared.

The potential for a LEMP is included in the Final Draft DCO July 2021, Schedule 2 Part 1 Requirements at Page 45 (Requirement 4 (4, 5, 6, and 7) and at Page 50 (Requirement 17).

It is Northumberland County Council's consistent position that the OCEMP is related solely to the construction period and in order to secure the proposed landscape and visual mitigation proposals (including ecological mitigation) post-construction in a manner which can be easily managed and monitored it is preferable that a LEMP is definitively required by the DCO.

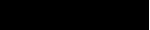
Attached to this letter is the relevant extract from the BS 42020:2013 Biodiversity – Code of practice for planning and development (2013) at Annex 1 which explains the rationale behind this request.

In comments dated 29 June 2021 Northumberland County Council stated: "In principle, NCC accept that the same information could be provided in this document in place of a LEMP. However, NCC consider that in order to ensure the landscape mitigation is delivered as intended the minimum information requirements set out in EXA: S-L100 of the OCEMP must be secured within the DCO."

Given the additional compensation measures required because of the new information submitted, Northumberland County Council reiterate that a standalone LEMP (via a DCO requirement) would be the preferred option to secure the mitigation and compensation required. This allows the Applicant some flexibility regarding securing additional areas of compensation habitat and their management requirements by setting baseline requirements at this stage of determination with the details being required post-determination. This approach is applied by Northumberland County Council in its role as the Local Planning Authority consistently across major planning applications in Northumberland.

I trust that these comments are of assistance. If you require any further information or clarification, please do not hesitate to contact me.

Yours faithfully



Kevin Tipple
Senior Planning Officer
Northumberland County Council

Attachment 1: Extract from “BS 42020:2013 Biodiversity – Code of practice for planning and development (2013)”

Chapter 11 – Post-development: land management and performance review

11.1 Post-development management of habitats and species

NOTE Biological communities are constantly changing and require positive action to maintain their conservation value. Preparation and implementation of a bespoke management plan provides a convenient means of achieving this.

11.1.1 In order to provide clarity and certainty over what is being provided, and to enable adequate resources to be identified and allocated, plans for the long-term management of habitats, species and other biodiversity features should include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that could influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Body or organization personnel responsible for implementation of the plan.
- h) Monitoring and remedial measures (see 11.2).
- i) Funding resources and mechanisms to ensure sustainable long-term delivery of the proposed management.

NOTE While plans setting out proposals for long-term management are often secured through planning conditions (see 9.2 and D.4.5), the funding provisions may be more appropriately secured through planning obligations (see 9.4). If a planning obligation, instead of a condition, is used to secure long-term management plans, the agreement ought to provide for the inclusion and delivery of the elements set out in a) to i).

11.1.2 Wherever possible, management of biodiversity features should be coordinated with other site management requirements, and especially with the management of landscape features where there is often considerable overlap of aims, objectives and necessary management actions. This may be achieved through the preparation of an integrated landscape and ecological management plan (LEMP) (see 9.2.3 and D.4.5).

11.1.3 The level of detail required for any given site should be that which is necessary to ensure the effective management of the biodiversity features present. The approach to management planning should remain flexible, so that time, money and energy are not expended on the implementation of non-essential or inappropriate management works. For some large and complex sites containing a variety of biodiversity and landscape features, a comprehensive management plan covering a broad range of management works should be prepared (e.g. a LEMP). However, on smaller sites the preparation and implementation of full-scale management might be beyond the resources available or simply be unnecessary. In such circumstances, an outline management document may be prepared.

Annex D: Standard or model planning conditions and planning “informatives”

D.4.5: Landscape and ecological management plans (LEMPs) – Condition

(Also referred to as a Habitat or Biodiversity Management Plan)

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.