

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.40 Applicant's Response to Secretary of State Consultation Responses

Rule 8(1)(c)

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

April 2024

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules
2010**

**The A1 in Northumberland: Morpeth to
Ellingham**

Development Consent Order 20[xx]

**Applicant's Response to Secretary of State Consultation
Responses**

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CONTENTS

1 APPLICANT'S RESPONSE TO SECRETARY OF STATE CONSULTATION RESPONSES 1

1.1 INTRODUCTION 1

TABLES

Table 1-1 – Northumberland Wildlife Trust	2
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1 APPLICANT'S RESPONSE TO SECRETARY OF STATE CONSULTATION RESPONSES

1.1 INTRODUCTION

- 1.1.1. This document relates to an application for a Development Consent Order (DCO) made on 7 July 2020 by Highways England, now National Highways (the 'Applicant') to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act'). If made, the DCO would grant consent for the A1 in Northumberland: Morpeth to Ellingham (the 'Scheme').
- 1.1.2. The Scheme comprises two sections known as Part A: Morpeth to Felton (Part A) and Part B: Alnwick to Ellingham (Part B), a detailed description of which can be found in Chapter 2: The Scheme, Volume 1 of the Environmental Statement (ES) [**APP-037**].
- 1.1.3. The purpose of this document is to set out the Applicant's response to the Secretary of State for Transport's request for comments set out in the Department for Transport's letter dated 16 April 2024.

Table 1-1 – Northumberland Wildlife Trust

Ref. No.	Response:	Applicant's Response:
1	<p>Thank you for consulting with Northumberland Wildlife Trust (NWT). Apologies for my short response and lack of knowledge of previous documents, as I have just received this consultation due to staff changes. Whilst NWT do not object to the proposals, and understand that a vast amount of work has already gone into or is proposed for the application, we have some concerns with the details of mitigation offered and whether a detailed LEMP will be provided. In addition to our previous correspondence, we have the following comments on the documents provided in the link:</p>	<ol style="list-style-type: none"> 1. The Applicant notes that NWT do not object to the Scheme and has provided detailed responses below to the matters raised.
Biodiversity Air Quality Assessment		
2	<p>NWT would advise that although Local Wildlife Sites (LWS) use the term 'Local' as advised by national guidelines, the site selection criteria are developed for a County level and quite often the features of interest can be of national importance. The Assessment states the following: 8.1.51 <i>Coquet River Felton Park LWS - The survey recorded a greater number of ancient woodland indicator species within the LWS when compared to the SSSI, implying that the environmental conditions of the LWS are in a similar, if not better, condition when compared to the SSSI.</i> However, the assessment still concludes in section 8.1.65. <i>In accordance with Table 3.13 of LA 108, as a Major adverse impact on a resource of Local importance, the Scheme would result in a Slight adverse (not significant) effect to the Coquet River Felton Park LWS as a result of operational air quality.</i> The current Ancient Woodland Inventory is incomplete and being updated, with this in mind and the level of ancient woodland indicator species found NWT would argue that this LWS should be assessed in line with the SSSI.</p>	<ol style="list-style-type: none"> 1. The classification of the Coquet River Felton LWS as a LWS and of Local importance remains consistent with the assessment detailed within Chapter 9: Biodiversity Part A [APP-048] and the previous biodiversity air quality assessment (final version during Examination was the Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP10-023]). 2. The Applicant considers that the importance classification assigned to LWSs, as a non-statutory designation, remains appropriate considering the occurrence of the habitat types represented within the sites and their presence within the surrounding landscape. The classification also provides a distinction with Local Nature Reserves (LNRs), a statutory designation, that are attributed County importance. 3. The Applicant provided representations regarding the status of the Coquet River Felton Park LWS in terms of ancient woodland in response to the ExA's First Written Questions [REP1-032] and also in response to a representation made by The Woodland Trust [REP1-064]. The woodland of the Coquet River Felton Park LWS was assessed as an ecological receptor of Local importance. However, the Applicant recognises the presence of ancient woodland indicator species and, in relation to the physical loss of woodland within the LWS as a result of the Scheme, for the purposes of mitigation only the woodland was treated as ancient woodland. As a result, the loss of woodland within the LWS was addressed within the Ancient Woodland Strategy [REP9-012]. 4. As detailed in paragraph 9.10.3 of Chapter 9: Biodiversity Part A [APP-048], the Ancient Woodland Strategy proposes compensatory woodland planting at a ratio of 12:1, greater than that proposed for loss of other broadleaved woodland as a result of Part A. The mitigation afforded is therefore considered to be provided at a ratio above and beyond that conventionally required for a LWS. 5. As detailed in 6.33 Updated Biodiversity Air Quality Assessment submitted at the deadline on 21 March 2024, "the Woodland Creation Area as part of the Ancient Woodland Strategy [REP9-012] would also provide new habitat for lower plants, the component of the SSSI/ancient woodland that may be impacted by the predicted increases in ammonia concentration." Further, the creation of open areas within the structure of the Woodland Creation Area "would provide a benefit to the lower plant community (notably lichens and other epiphytes), which are known to benefit from higher light conditions. A mosaic of lightly shaded and well-lit habitat would encourage the greatest diversity". 6. Therefore, notwithstanding the Applicant's position above, even if the LWS were to be assessed in line with the SSSI as proposed by NWT, the Applicant considers that the ecological function of the

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		<p>secured Woodland Creation Area would still offer suitable compensation for the potential impacts to the lower plant community of the Coquet River Felton LWS as a result of predicted increases in ammonia concentration.</p>
3	<p>Poplar is particularly effective at removing atmospheric ammonia (Tang et al., 2022; CEH, n.d.). Native aspen may be considered as part of the planting scheme, possibly as a replacement, in appropriate locations, for the non-native species listed in the proposed mixes.</p>	<p>1. The Applicant acknowledges NTW's request that the inclusion of poplar and native aspen within the planting scheme be considered. Inclusion of particular species in planting is a matter that will be considered at detailed design as secured by requirement 5, Schedule 2 of the draft Development Consent Order (DCO) [REP11-003]. Requirement 5 outlines that the "authorised development must be landscaped in accordance with a landscaping scheme ... which has been submitted to and approved in writing by the Secretary of State". Requirement 5 states that the landscaping scheme must include details of the "species mix" and must reflect the mitigation measures set out in the REAC (Section 3 of the Outline CEMP), which includes measures that reference "native species" (for example S-L9, A-B3, A-B39 and B-L1). Inclusions of particular species in planting will also be considered at detailed design in relation to the Ancient Woodland Strategy, as secured by requirement 15 of the draft DCO.</p>
Veteran Trees		
4	<p>7.1.18. Significant effects are predicted to an additional eight veteran trees within the updated 2024 assessment (T457, T681, T684, T690, 68872, 68541, 133031 and 132902). The Applicant commits to planting a further 240 trees (a ratio of 1:30 for the additional eight veteran trees) A1 in Northumberland:</p> <p><i>Morpeth to Ellingham Updated Biodiversity Air Quality Assessment Updated Biodiversity Air Quality Assessment Page 28 of 93 March 2024 within the Order Limits or adjacent land within their ownership. This may include, but would not be restricted to, the soft estate along the de-trunked section of the A1 (Part A). The locations of the trees would be informed by a suitably experienced ecologist, with the secondary aim of also providing connectivity for wildlife. The proposed additional planting is considered adequate to compensate for the significant effects to the additional eight veteran trees. Although some of the veteran trees are non-native or not locally native, NWT would request that replacement trees are locally native species, and that these, plus their location are agreed with NCC's Ecology Team.</i></p>	<p>1. The Applicant acknowledges NTW's comments regarding the use of locally native species and agrees with this. Measure A-B39 of the Outline Construction Environmental Management Plan (CEMP), as submitted at the deadline on 21 March 2024 and updated and submitted alongside this response, states that "Landscape planting and newly created habitat will comprise of locally native species of local provenance and will comprise a mixture of species".</p> <p>2. Requirement 4, Schedule 2 of the Draft Development Consent Order (DCO) [REP11-003] outlines that no part of the authorised development is to commence until a CEMP has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority to the extent that it relates to matters relevant to its function. The CEMP would be prepared substantially in accordance with the Outline CEMP.</p> <p>3. NCC have confirmed within their response to the SoS at the deadline on 14 April 2024 that "adequate mitigation and compensation are proposed for impacts on veteran trees within the Zone of Influence (ZOI)."</p>
5	<p>Proposed compensation includes (within certain sites) - 7.1.15. <i>The habitat improvements would comprise invasive/non-native species removal, 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). The habitat improvements are to be secured by a legal agreement to be signed by both the Applicant and Northumberland County Council (NCC). NWT are somewhat satisfied with this condition, as long as species used are locally native, not just UK native; appropriate to the</i></p>	<p>1. The Applicant acknowledges NWT's comments. The Applicant's response to Ref 4 above confirms the use of locally native species. Where planting is undertaken as part of the proposed habitat improvements, the Applicant agrees that the approaches outlined by the NWT (low density, non-modular and naturalised layout) are appropriate. However, the habitat improvements would be undertaken by NCC and therefore would be directly advised by NCC's Ecology Team.</p>

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	woodland type; planted in a low density, non-modular, naturalised layout and are agreed by NCC's Ecology Team.	
6	NWT welcomes the proposed salvage techniques that will be undertaken, where possible, to take substrate and flora from the ancient woodland donor site to the receptor area of the Woodland Creation, mentioned within the CEMP.	<ol style="list-style-type: none"> 1. The Applicant notes NWT's support for the proposed salvage techniques.
7	For the Ancient Woodlands, an irreplaceable habitat, in general the conclusion is that the Scheme would result in a permanent/irreversible impact that may negatively impact the key characteristics of the resource and therefore the impact is classified as Major adverse . We would encourage the compensation scheme to reach further and include privately owned ancient woodlands, where landowners can be confirmed and agree to a management plan for enhancement. Inclusion of monitoring of this compensation, in a LEMP, is vital to assess the success and appropriateness, to allow for alterations to management and inform future schemes.	<ol style="list-style-type: none"> 1. The Applicant considers the proposed compensation detailed in paragraphs 7.1.11 to 7.1.15 of the Updated Biodiversity Air Quality Assessment submitted at the deadline on 21 March 2024 for predicted impacts to the five ancient woodland sites (as listed in b to f of paragraph 7.1.6) to be appropriate and proportionate. As detailed in paragraph 7.1.14, "<i>the five ancient woodland sites have been considered as a resource, rather than considering each parcel separately</i>" and compensation devised accordingly. 2. The proposed compensation (habitat improvements) has been identified and agreed in consultation with Northumberland County Council (NCC), who would take on the responsibility for the proposed habitat improvements (to be funded by the Applicant). The management of this compensation would therefore be undertaken by NCC. The compensation is secured by measure ExA: S-B100 of the Outline CEMP and a legal agreement between NCC and the Applicant. As this agreement is still to be concluded, the Applicant considers that an additional requirement should be included in the draft DCO in order to secure the obligation for the agreement. The Applicant has proposed that an additional paragraph (5) should be added to requirement 15. The wording of this proposed addition is presented within the Applicant's response to the SoS as submitted alongside this response.
8	NWT would request that all veteran trees and older trees with cavities, marked for removal, are surveyed for bats. This is mentioned in the CEMP, but assuming felling happens outside the bird breeding season and depending on timing, there may be a requirement for full investigation of individual suitable tree cavities for hibernating bats, rather than just dusk/dawn surveys, before soft felling can occur. No more trees should be felled than those listed within the detailed plan.	<ol style="list-style-type: none"> 1. The Applicant confirms that a full suite of bat surveys were undertaken to inform the DCO application [APP-233, APP-234, APP-235]. 2. An Ecological Clerk of Works (ECoW) will be directly involved in felling activities. Measure S-B10 of the Outline CEMP, as submitted at the deadline on 21 March 2024 and updated and submitted alongside this response, states "<i>... tree felling will be kept to a minimum as far as practicable to reduce the impacts of habitat loss and fragmentation. Areas of clearance, particularly those within temporary works, will be identified within a works plan and agreed with the ECoW</i>". Further measure S-G8 of the Outline CEMP states "<i>Any tree felling will be carried out by experienced contractors to reduce direct mortality of protected species according to agreed felling methods between contractors and the ECoW.</i>" 3. Where a veteran tree and/or tree with potential roost features would be felled/pruned, appropriate pre-start assessments would be undertaken as determined by the ECoW. Measure S-B7 of the Outline CEMP confirms that "<i>All trees assessed with bat roost suitability (Low, Moderate or High) that require to be pruned or felled will be subject to a pre-felling inspection and/or dusk/dawn re-entry survey (as determined by the ECoW) no more than 24 hours prior to works in search of roosting bats.</i>" For trees with features that may support hibernating bats, depending on the time of year, the pre-fell inspection may include a full investigation of potential roost features for hibernating bats (for example via a climb and inspect survey). Where a full inspection cannot be completed, felling/pruning would be delayed until such a time when a suitable assessment can be completed.

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9	<p>NWT would always request that all species used in the landscaping (for all habitats) be appropriate locally native species, not just UK native, and that hedgerows are species rich with 8 or more species. The ancient woodland species mix proposed on the landscaping plan (available through the link) includes horse chestnut, which is not native and beech which is not locally native and introduced to Northumberland. We would request that these two species be removed, if not already and a more appropriate species be used. In the indicative woodland block planting mix, beech and large-leaved lime are listed. Again, these species are not locally native and we would request that these species be removed from the list. While beech is a UK native, it will out compete and shade out locally native species, while the heavy and persistent leaf litter will smother ground flora and greatly reduce natural regeneration and biodiversity. Considering the amount of work that has gone into the proposals, this is a minor alteration and by including more appropriate species there should be positive impacts rather than negative impacts.</p>	<ol style="list-style-type: none"> In relation to “locally native”, please see the response to Ref 4 above. The Applicant confirms that reinstated and created hedgerows will be native and species-rich (as detailed in measures S-L2 and B-L1 of the Outline CEMP, as submitted at the deadline on 21 March 2024 and updated and submitted alongside this response, and within the Biodiversity No Net Loss Assessment for the Scheme [REP5-038]). However, the Applicant has not made a specific commitment to creating hedgerows with 8 or more species and does not consider this to be necessary. It is assumed that NWT is referring to the ancient woodland planting mix detailed within Appendix A of the Ancient Woodland Strategy [REP9-012] (no link available within the response). The Applicant confirms that both horse chestnut and beech were removed from the Ancient Woodland Strategy during the Examination in response to similar comments from Natural England (see [REP9-012]).
Updated Outline Construction Environmental Management Plan		
10	<p>The plan currently outlines many best practice methods with regards to reducing or preventing impacts on biodiversity. NWT would request that detailed lighting, drainage/water quality and biosecurity plans for the construction phase are agreed, with the County Ecology Team, as well as relevant statutory bodies, to prevent impacts on nature conservation. We would request an ECoW should be present for any vegetation clearance, where a protected species may be impacted upon, including removal of large areas of dense vegetation, such as bramble, in case of the presence of outlier setts, for example. Any outstanding details need to be agreed before commencement of works. Any unexpected emergency works that may need to take place during the construction phase, which may impact on ecological receptors, should have an ECoW present.</p>	<ol style="list-style-type: none"> Requirement 4, Schedule 2 of the Draft Development Consent Order (DCO) [REP11-003] outlines that no part of the authorised development is to commence until a CEMP has been submitted to and approved in writing by the Secretary of State, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function. The CEMP would be prepared substantially in accordance with the Outline CEMP. This requirement also details that the CEMP will include a number of management plans, including (but not limited to) Environmental Control Plan: General Ecology (which would cover lighting, as it pertains to ecology), Surface Water Management Plan (which would cover drainage and water quality) and Environmental Control Plan: Invasive Species (which would cover biosecurity). The Outline CEMP, as submitted at the deadline on 21 March 2024 and updated and submitted alongside this response, also includes the following measures of relevance to the point raised by NWT: <ul style="list-style-type: none"> S-G5: a suitable lighting strategy (including measures associated with protected and notable species) S-W1: temporary surface water drainage strategy during construction S-GS3: permanent surface water drainage strategy SW-B5, SW-B7, SAW-B5, SAW-W6: Water Quality Monitoring and Management Strategy S-B8: Biosecurity Method Statement/Invasive Species Management Plan The role of the ECoW is detailed within Table 2-1 and measure S-B5 the Outline CEMP. This includes (but is not limited to) undertaking a watching brief during vegetation clearance, attend site when unexpected ecological habitats or species are identified and monitor ecological conditions during the construction phase to identify any additional constraints that may arise. Measure S-B10 also details that “<i>Areas of clearance, particularly those within temporary works, will be identified within a works plan and agreed with the ECoW.</i>” The Applicant considers that the role of the ECoW is both clearly defined and detailed within the Outline CEMP.

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11	Any temporary diversions of PRowWs should be discussed with NCC Ecology Team, before progressing, to assess potential impacts on sensitive ecological receptors.	1. Requirement 4, Schedule 2 of the Draft Development Consent Order (DCO) [REP11-003] provides that no part of the authorised development is to commence until a CEMP has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority to the extent that it relates to matters relevant to its function. Requirement 4 provides that the CEMP must include a Public Rights of Way Management Plan.
12	NWT welcomes the re-use of resources/materials where possible.	1. The Applicant notes NWT's support for the re-use of resources/materials.
13	We also welcome the inclusion of otter/badger exclusion fencing, with lifetime maintenance, and suitable underpasses/culverts with mammal ledges. As well as Species Protection Plans for badgers and red squirrel, NWT support the inclusion of white-clawed crayfish measures.	1. The Applicant notes NWT's support for the proposed measures.
14	The inclusion of grassed detention basins, swales and reed beds is also a more sustainable and welcomed approach.	1. The Applicant notes NWT's support for the proposed measures.
Hedgerow Removal		
15	NWT would request that any hedgerow removal does not commence until after the bird breeding season and that care is taken with regard to species that may use the habitat for shelter, such as hedgehogs. All hedges should be replaced with species-rich, <u>locally</u> native hedges. Hedgerow planting should be greater than the length of hedgerow lost due to the development. Space for the hedges to mature fully, with a width of 3-5m, and management for wildlife should be the main priority.	<ol style="list-style-type: none"> 1. Measure S-B9 of the Outline CEMP, as submitted at the deadline on 21 March 2024 and updated and submitted alongside this response, provides detail regarding vegetation and site clearance (which includes hedgerows) to be undertaken outside the bird nesting season. This measure also details the approach to be taken should such activities be undertaken during the bird nesting season, to confirm the absence of active nests. 2. The Applicant agrees that care should be taken during hedgerow removal with regard to sheltering species. Measure S-B10 of the Outline CEMP outlines the approach to clearance of dense vegetation (which may include hedgerows), including agreement with and involvement of the ECoW, and also makes specific reference to sheltering hedgehog. 3. A response in relation to replacement hedgerows being species-rich and of locally native species is detailed in the response to Refs 4 and 9 above. 4. The Applicant can confirm that the length of hedgerow to be created by the Scheme is greater than that lost, as detailed within the Biodiversity No Net Loss Assessment for the Scheme [REP5-038]. As detailed within the Applicant's Response to the SoS Request for Comments dated 27 March 2024, a net gain of 4.57% is calculated in relation to Hedgerow Biodiversity Units. When considering linear length, 48.08km of hedgerow are predicted to be lost during construction of the Scheme but 51.79km of hedgerow are to be created as compensation. In addition, 5.60km of hedgerow would be retained. It should be noted that these values are also considered a reasonable worst-case scenario given the assessment limitation outlined within paragraph 2.5.2 of the Biodiversity No Net Loss Assessment for the Scheme. 5. Hedgerows will be managed so that they develop into Habitat of Principal Importance (HPI) quality and target condition, as detailed within the Biodiversity No Net Loss Assessment for the Scheme [REP5-038]. A commitment to this is made by the Applicant within measure S-B19 of the Outline CEMP. Hedgerows have been incorporated into the Landscape Mitigation Masterplan Part A [REP8a-003] and Part B [REP8-010] with sufficient space to achieve HPI quality and target condition.

Ref. No.	Response:	Applicant's Response:
16	<p>Having not seen the previous documents I have to assume that the pre-construction Protected Species Survey protocols, Landscape Mitigation Plan and the production of a LEMP have been or will be agreed with Northumberland County Council and appropriate statutory bodies. Although, many details are proposed within the CEMP, NWT believe it will be clearer if these details are laid out within a separate LEMP that will continue after the construction phase. The LEMP should include complete species lists for all habitat creation, management/maintenance (including habitats, features such as boxes, badger fencing and mammal ledges) and monitoring of all biodiversity enhancement and mitigation.</p>	<ol style="list-style-type: none"> 1. The Outline CEMP, as submitted at the deadline on 21 March 2024 and updated and submitted alongside this response, includes pre-construction protected species survey protocols (including, as examples, S-B6 (badger), S-B7 (bats) and S-B9 (nesting birds)) and secures the Landscape Mitigation Masterplans for the Scheme (measures S-L2, S-L3 and S-B2). 2. In relation to agreements with Northumberland County Council, see response to Ref 10 above. Northumberland County Council were also consulted regarding the Outline CEMP prior to and during the DCO Examination and provided agreement with the proposed mitigation and compensation measures in relation to the predicted impacts of the Scheme (as detailed in the Statement of Common Ground with Northumberland County Council [REP11-009]). 3. The Applicant's position in relation to a LEMP remains consistent with the representation made to the Secretary of State on 15 November 2021 (as referenced within the Secretary of State's consultation letter dated 16 April 2024) and detailed within the Applicant's Responses to Deadline 10 Submissions [REP11-014]. The Applicant's position is that the CEMP manages all mitigation required for the project and longer-term impacts are managed through migration of measures into the HEMP (Handover Environmental Management Plan) which forms the same function as a "LEMP". The Applicant therefore does not see a need for a separate LEMP. However, the wording proposed in the final version of DCO provides a flexible approach which allows for a LEMP to be provided if this is considered necessary in the circumstances.

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