

PINS Ref: TR010059

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Date: 24 April 2024

Dear Mr O'Hanlon

**Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by National Highways ("the Applicant") for an Order granting Development Consent to authorise the widening of an approximately 20.6km stretch of the existing A1 between Morpeth to Ellingham, with approximately 14.5km of online widening and approximately 6.1km of new offline highway.**

**REQUEST FOR RESPONSE TO CONSULTATION RESPONSES**

Please find below National Highways' (the "Applicant") 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.

*Updated Biodiversity Air Quality Assessment and Construction Environmental Management Plan ("CEMP")*

*The Secretary of State notes the comments from Natural England in their response of 11 April 2024 regarding the need for additional compensation to be secured for the predicted increase in ammonia concentrations to the Sites of Special Scientific Interest and Natural England's suggestion that this includes a long-term management plan (for example via a comprehensive Landscape and Ecological Management Plan ("LEMP")) for the planted areas and a commitment to securing a specific hectareage of additional woodland planting. The Secretary of State also notes the comments from the Applicant in its response of 15 November 2021 in relation to a LEMP.*

*The Secretary of State requests that the Applicant and Natural England set out what amendments they agree should be made to the Development Consent Order and the outline CEMP to secure this. Where agreement cannot be met, the Secretary of State invites both parties to set out their view on what is needed to address this matter.*

## **Applicant's Response**

The Applicant and Natural England have discussed the amendments to be made to the Development Consent Order (DCO) and the Outline CEMP to secure the proposed additional compensation. Both parties agree that requirement 15 of the draft DCO and measure A-B3 of the Outline CEMP are to be updated as detailed below (amendments shown in blue text):

An updated Outline CEMP is submitted alongside this response (document reference 7.3).

### **Requirement 15 of the Draft DCO:**

#### **Ancient Woodland and Compensatory Planting**

*15 (1) No removal of ancient woodland is to take place until an ancient woodland strategy has been submitted to and approved in writing by the Secretary of State, following consultation with Natural England and the relevant planning authority on matters related to its functions.*

*(2) The ancient woodland strategy required by sub-paragraph (1) shall—*

- (a) be based on the outline ancient woodland strategy;*
- (b) include proposals for compensatory planting for the woodland lost at a ratio of 12:1;*
- (c) include proposals for an additional area of compensatory planting comprising either —*
  - (i) 2.4 hectares which comprise an expansion to the compensatory planting required by sub-paragraph (2)(b); or*
  - (ii) such other area (location and extent) of compensatory planting which serves the same functional requirement as the said expansion to the compensatory planting referred to in sub-paragraph (2)(c)(i) as the relevant planning authority may approve in consultation with Natural England for the purpose of offsetting the impact of ammonia concentration as a result of the authorised development on the River Coquet and Coquet Valley Woodlands site of special scientific interest.*

*(d) include an ancient woodlands management and monitoring plan which shall also include details of how all compensatory planting will be managed. (3) The authorised development must be constructed in accordance with the ancient woodland strategy referred to in sub-paragraph (1).*

*(4) No removal of ancient woodland is to take place until the undertaker has sufficient proprietary interest in the relevant land required to carry out the compensatory planting required by sub-paragraph (2)(c).*

### **Measure A-B3 of the Outline CEMP:**

*An Ancient Woodland Strategy [REP9-013] (~~Appendix 9.21, Volume 7 of the ES (Application Document Reference: TR010041/APP/6.7)~~) has been developed in consultation with Natural England and will require the following actions:*

- a) *To comply with avoidance measures including siting of the route alignment to reduce land take and increase retention of ancient woodland. This will be achieved through construction design, including siting of compound and storage areas.*
- b) *Comply with the following construction mitigation requirements:*
  - i. *Establishment of buffer/stand-off distances*
  - ii. *Implementation of an arboriculture method statement*
  - iii. *Access and construction traffic movements*
  - iv. *Implementation of a Biosecurity Method Statement, as Himalayan balsam is known to be present downstream in Felton and the ancient woodland is infected with ash dieback*
- c) *Planting of Woodland Creation Area identified to the southwest of the River Coquet Bridge (which comprises the 11.54 ha area identified in the Ancient Woodland Strategy [REP9-013] plus an additional 2.4 ha to the immediate west, agreed with Natural England in April 2024 as compensation for predicted increases in ammonia concentrations)*
- d) *Preparation of the Woodland Creation Area, including soil testing and preparation, as required.*
- e) *Salvage of woodland soils and flora, where access permits.*
- f) *Establishment of ~~13.948-16~~ ha of woodland, using native species of local provenance*
- g) *Establishment of hay meadow ground flora with provenance to the Coquet Valley, using locally sourced green hay or an appropriate hay meadow mix*
- h) *Sensitive sapling and seed collection from wider ancient woodland as stock plants for the woodland planting area*

The Applicant and Natural England also discussed the mechanism of detailing and securing long-term management for the proposed additional compensation. The Applicant understands that Natural England's reference to use of a LEMP is intended as an example of a mechanism which could be used to secure such long-term management. However, the Applicant confirmed to Natural England that long-term management and monitoring of compensatory woodland for ancient woodland is already detailed within Section 5 of the Ancient Woodland Strategy [REP9-012], which is secured by proposed requirement 15(2)(d) of the draft DCO. The additional 2.4ha of woodland planting would act as an extension to the Woodland Creation Area detailed within the Ancient Woodland Strategy. As such, it was agreed between both parties that the Ancient Woodland Strategy remains the appropriate document to detail the long-term management and monitoring of the proposed ancient woodland compensation planting. As explained above, the Applicant proposes revised wording to requirement 15 which will capture the agreed additional woodland, as well as its long-term maintenance. Natural England has confirmed that it is comfortable with this approach and the wording proposed by the Applicant. Reference to an additional document such as a LEMP is unnecessary.

*The Secretary of State also invites the Applicant to respond to any other comments from NE as they consider necessary to inform the Secretary of State's decision.*

### **Applicant's Response**

The Applicant highlights a minor correction to Natural England's response. The area of the River Coquet and Coquet Valley Woodlands SSSI predicted to be subject to elevated ammonia concentrations (above the threshold detailed in the Updated Biodiversity Air Quality Assessment) would be 2.4ha, rather than 2.5ha within the Natural England response. The Applicant discussed this minor error with Natural England on 18 April 2024 and it was agreed between both parties that this was a typographic error and 2.4ha is correct.

The Applicant has no further response to any other comments from Natural England and thanks Natural England for their engagement.

*The Secretary of State also notes the other responses from Northumberland Council dated 14 April 2024 and Northumberland Wildlife Trust dated 11 April 2024 and invites the Applicant to respond to any comments raised by these parties that they consider necessary to inform the Secretary of State's decision.*

### **Applicant's Response**

#### ***Northumberland County Council***

##### Assessment of Impacts

Northumberland County Council have commented on the Local importance classification assigned to Local Wildlife Sites (LWSs) within the Updated Biodiversity Air Quality Assessment and consider that this should be amended to County importance. This point has not been previously raised by the Council in discussions with the Applicant or during the DCO Examination.

The importance classification of LWSs within the Updated Biodiversity Air Quality Assessment remains consistent with the importance classification detailed within the original application documentation (including Chapter 9: Biodiversity Part A [APP-048] and Chapter 9: Biodiversity Part B [APP-049]) and the previous biodiversity air quality assessment (final version during Examination was the Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP10-023]). All of these documents assigned the Local importance classification to LWSs and no adverse comment was raised by the Council on this point.

The Applicant considers that the importance classification for 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.

### Mitigation and Compensation for Predicted Impacts

NCC agree with the Applicant that the additional 11.9 hectares of improved woodland management within NCC's control at Davies Wood, Borough Wood and Plessey Woods (Well Wood) is appropriate compensation for impacts to the ancient woodlands (listed as b to f in paragraph 7.1.6 of the Updated Biodiversity Air Quality Assessment submitted at the deadline on 21 March 2024). As NCC state, the Applicant's funding of this management by the Council will be secured by a legal agreement. 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 therefore proposes that an additional paragraph (5) should be added to requirement 15 as follows:

*(5) No removal of ancient woodland is to take place until the undertaker has concluded an agreement with Northumberland County Council to fund the carrying out by Northumberland County Council of 11.9 hectares of habitat improvement works at Davies Wood, Borough Wood and Well Wood (Plessey Wood), such habitat improvement works to include—*

- a) removal of invasive and non native species;*
- b) management to encourage the development of an understorey;*
- c) selective thinning followed by understorey planting with ancient woodland typical species; and*
- d) woodland management for five years following planting.*

### Protected Species and Habitats

The Applicant notes that NCC agrees with the conclusions of the Updated Desk Study and Habitat Verification Survey Report and considers that the Ancient Woodland Strategy [REP9-012], Ecological Mitigation Plan (Public) Part A [APP-107]) and Landscape Mitigation Masterplan Parts A and B [REP8a-003 and REP8-010, respectively] remain relevant and acceptable. They also consider that the measures to avoid, reduce, mitigate and compensate for harm to protected species and habitats including watercourses provided in the Outline CEMP are still robust and acceptable.

### Requirement for a Landscape and Ecological Management Plan (LEMP)

In relation to Northumberland County Council's comments regarding a LEMP, the Applicant's position 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). The Applicant's position is that the Construction Environmental Management Plan (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 NCC envisages for the 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.

The Applicant has no further response and thanks Northumberland County Council for their comments that appropriate compensation has been provided for the predicted impacts detailed within the Updated Biodiversity Air Quality Assessment and their agreement with the conclusions of the Updated Desk Study and Habitat Verification Survey Report.

### ***Northumberland Wildlife Trust***

The Applicant's response to the response made by Northumberland Wildlife Trust is detailed in the Applicant's Response to Secretary of State Consultation Responses (document reference 7.40), submitted at this deadline.

### **Update to Environmental Information**

*The Secretary of State notes from the Applicant's response of March 2024 the update to the opening year of the Proposed Development. Whilst noting the Applicant's reply of October 2023, the Secretary of State requests that the Applicant updates its response of January 2022 regarding the impact of the Proposed Development on carbon, in particular Table 2.1, to reflect the revised construction and operation dates. The Secretary of State also invites the Applicant to confirm that no further updates to the application documents are required as a result of the change in timetable for construction and operation.*

### **Applicant's Response**

Revised construction and operation dates, as set out in the March 2024 response, have been reflected in an update to Table 2-1.

The Applicant has also taken the opportunity to update sources of carbon emission conversion factors where more recently published datasets are available. Specifically, latest Transport Analysis Guidance (TAG) available from Department for Transport.

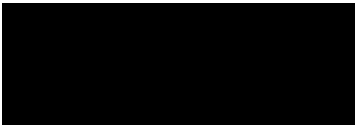
In respect of activity data, no reassessment modelling has been carried out. In the case of traffic flows, an uplift factor has been applied to reflect the 2029 opening year and 2044 future year. This has meant scaling adjustment of vehicle fleet proportions and fuel consumption parameters for consistency.

**Table Error! No text of specified style in document.-1 - Change in CO<sub>2</sub>e Emissions (With Scheme Scenario – Without Scheme Scenario)**

	<b>CO<sub>2</sub>e (Million tonnes)</b>			
<b>Carbon Budget Period</b>	<b>3 (2018-2022)</b>	<b>4 (2023-2027)</b>	<b>5 (2028-2032)</b>	<b>6 (2033-2037)</b>
<b>Carbon Budget</b>	2,544	1,950	1,725	965
<b>January 2022 Update</b>				
<b>Construction (a)</b>	0.038	0.019	0	0
<b>Operation (b)</b>	0	0.138	0.169	0.171
<b>Total</b>	0.038	0.157	0.169	0.171
<b>Sensitivity Test for Operational Emissions</b>				
<b>TDP (upper bound)</b>	0	0.1848	0.1522	0.1025
<b>TDP (lower bound)</b>	0	0.1467	0.0880	0.0457
<b>April 2024 Update</b>				
<b>Construction (c)</b>	0	0.029	0.029	0
<b>Operation (d)*</b>	0	0	0.125	0.146
<b>Total</b>	0	0.029	0.153	0.146
<b>Sensitivity Test for Operational Emissions</b>				
<b>TDP (upper bound)</b>	0	0	0.1126	0.0875
<b>TDP (lower bound)</b>	0	0	0.0650	0.0390
<b>Notes:</b>				
(a) National Highways Carbon Emissions Calculation Tool v2.4				
(b) Department for Transport TAG data book November 2021 V1.17 & Department for Transport Road Traffic Statistics April 2021				
(c) National Highways Carbon Emissions Calculation Tool v2.4 (2021)				
(d) Department for Transport TAG data book November 2023 V1.22 & Department for Transport Road Traffic Statistics July 2023				

In preparation for the October 2023 response, the Applicant reviewed the documents listed in the Application Document Tracker – Rev 12 [REP11-002] and considered whether any update was required. Those documents which the Applicant considers may require an update were listed at Appendix A to that response. The Applicant's position remains the same, that it does not consider certain categories of documents require any further update that would change the outcome of the application under examination.

Yours sincerely,



Andrew Scatchard  
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National Highways

