



The Planning Inspectorate Yr Arolygiaeth Gynllunio

The Planning Act 2008

Morpeth Northern Bypass

**Examining Authority's Report of Findings, Conclusions
and
Recommendation**

to

The Secretary of State for Transport

John Watson

Examining Authority

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ERRATA SHEET – MORPETH NORTHERN BYPASS - Ref TR010010

Examining authority’s Report of Findings and Conclusions and Recommendation to the Secretary of State for Transport, undated but submitted to the Secretary of State for Transport on 14 October 2014

Corrections agreed by the Examining Authority prior to a decision being made

Page No.	Paragraph	Error	Correction
19	3.30	Line 8: “newroads”	“new roads”
20-21	3.31	Quotation sub-paras currently shown as (i) and (ii) are mis-formatted and in the wrong order. (See examination document APP008.22)	“Saved Policy C3 (Areas of High Landscape Value): The Council has identified areas of high landscape value and will not permit development which will have a detrimental effect on such areas. They are defined on the proposals map and insets and are as follows :- i) sections of the Wansbeck Valley and its tributaries within and to the east and west of Morpeth, together with Howburn Wood. ii)”
28	4.12	This apparently incomplete paragraph seems to have been repeated (and completed) at 4.15	Replace entire text of paragraph with “[not used]” (in order not to require renumbering of rest of Report and updating of cross-references).
32	4.25	Line 5: “site”	“sites”
46	4.83	Line 8: “n”	“ <u>i</u> n”
55	4.121	1 st bullet, line 1: “Penine”	“Penn <u>i</u> ne”
72	4.201	Line 8: missing “)” after “How Burn”	“How Burn).”
106	7.29	Line 3: “section115”	“section 115”

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MORPETH NORTHERN BYPASS

File Ref TR010010

The application, dated 11 July 2013, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 15 July 2013.

The Applicant is Northumberland County Council.

The application was accepted for examination on 7 August 2013.

The examination of the application began on 15 January 2014 and was completed on 15 July 2014.

The development proposed comprises a 3.8km long single carriageway road, extending from Whorral Bank roundabout on the A197, north-east of Morpeth, westward to the A1 trunk road where a grade-separated junction would make a connection.

Summary of Recommendation:

The Examining Authority recommends that development consent for the Morpeth Northern Bypass should be granted and therefore recommends the Secretary of State (subject to the receipt by the Applicant of the necessary EPS licences) to make an Order under section 114 of the Planning Act 2008 in the form at Appendix D.

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1 INTRODUCTION

- 1.1 The A192 and A197 roads cross in Morpeth and the A1 trunk road lies to the west of the town. This application proposes to build the Morpeth Northern Bypass ("the Scheme"), a new road which would follow a route between (i) a new junction with the A1 to the north-west of the town near the A192 and (ii) an existing roundabout junction with the A197 to the north-east of the town.
- 1.2 The Applicant is Northumberland County Council (NCC). An application for an Order granting development consent for the Scheme was submitted on 15 July 2013 and was accepted for examination on 7 August 2013. I was appointed by the Secretary of State on 9 October 2013 as the Examining Authority to examine and report on the application under section 83(1)(b) of the Planning Act 2008 ("the 2008 Act"). The examination began on 15 January 2014 and was completed on 15 July 2014.
- 1.3 Documents considered during the examination are listed in Appendix C of this report, and where they are referred to in the text they are cited as Doc ... as appropriate. Audio recordings were made at the Preliminary Meeting and the Hearings and where reference is made to them it may be of this form (Doc AUD001 minute20), meaning the "target" is to be heard during the 20th minute of the recording.
- 1.4 The development proposed is the construction of a highway wholly in England and for a purpose connected with a highway for which the Secretary of State is the highway authority. At the time the application was received by the Planning Inspectorate it met the criteria set out in s22 of the 2008 Act. It is a nationally significant infrastructure project (NSIP) as defined by s14(1)(h) of the 2008 Act.
- 1.5 To the extent that the proposed development is or forms part of an NSIP, development consent is required before the development can proceed (s31 of the 2008 Act). Development consent can be granted only by the Secretary of State and this report provides the Secretary of State for Transport with my findings and conclusions on the application for development consent for the Morpeth Northern Bypass. This report also contains my recommendation on whether to grant consent for the powers sought for the compulsory acquisition of land and rights, and on the terms of the Development Consent Order (DCO or Order) should the Secretary of State be minded to make such an Order.
- 1.6 The application is for EIA development as defined by the Regulations¹. It was accompanied by an environmental statement (ES) which in my view meets the definition given in Regulation 2(1). Supplementary environmental information was supplied

¹ Regulation 2(1) and sub paragraph 10(f) of Schedule 2 of the Infrastructure Planning (Environmental Impact Assessment) Regulations as amended

during the course of the examination. In reaching my recommendation, I have taken all the environmental information into consideration.

- 1.7 The ES was submitted in hard copy and electronically. The electronic copy consists of over 50 separate component files, some of which contain multiple documents. Modified documents were issued during the Examination, and some were accepted (Doc COR021; see also paragraphs 2.24 to 2.26 of this report). Appendix C1 lists all the Examination documents. Appendix C2 contains a list of the plans and documents that are directly referenced in the recommended DCO, as they were at the end of the examination. Appendix C3 contains a list of the documents that together make up the ES as it was at the end of the examination. Appendices C2 and C3 are intended to assist the Secretary of State in considering the application, and are not definitive lists of certified documents. Where I find a need for a reference to the ES in this report, it is given to the individual document containing the relevant material.

The Examination

- 1.8 A preliminary meeting (PM) was held on 15 January 2014 at which the Applicant and all other interested parties (IPs) were able to make representations to me about how the application should be examined. My procedural decision was issued on 22 January 2014 (Doc COR009) and the Examination proceeded broadly in line with the established timetable. I issued written questions on 22 January 2014, 27 January, 20 March, 16 April, 5 June and 6 June 2014.
- 1.9 My questions were directed particularly to the Applicant, the Highways Agency (HA), the Greater Morpeth Development Trust, Mitford Estate LLP, Mitford Parish Council (MPC), Natural England (NE), the Environment Agency (EA) and English Heritage (EH); interested parties' views on the various questions put and answers given were also invited.
- 1.10 I held issue-specific hearings on 8 April 2014 and on 8 July 2014 to consider the drafting of the draft DCO. Later on 8 April I held an issue-specific hearing regarding the provision that would be made for non-motorised users. On 9 April I held a compulsory acquisition hearing, at the request of an affected party and, later on the same day, I held an open-floor hearing at the request of two interested parties.
- 1.11 I am satisfied that all those making representations had a full opportunity to participate in the examination, through written submissions and at the hearings.
- 1.12 On 27 March 2014 I made a site visit, accompanied by interested parties, to St Leonard's Lane, Spital Hill, Fulbeck Lane, East Shield

Hill and the Pegswood Moor area. I had previously visited the area on an unaccompanied basis on 15 January 2014, when I viewed (from points to which the public has access) the Scheme route and points of relevance to the case.

Other Consents Required

- 1.13 Table 2.19 of the ES is a list of authorisations, licences, permits and consents which are likely to be necessary for the Scheme to proceed. The consenting authorities are, variously, NE, the local authority, and the EA.
- 1.14 The evidence is (Doc REP048) that the Scheme's effect on bats would be such as to require a European Protected Species (EPS) Licence granted under the Conservation of Habitats and Species Regulations 2010. At the end of the Examination, it remained for the Applicant either to obtain such a licence or to obtain a "letter of comfort" from NE. See paragraph 4.87 below. My conclusions on this position are set out in paragraph 5.2 of this report in respect of the grant of development consent, and in paragraph 6.39 in respect of compulsory acquisition.
- 1.15 Document APP008.21 includes letters from the local authority and the EA. NCC has issued a "letter of no impediment" in respect of the necessary Land Drainage Consent application under section 23(1) of the Land Drainage Act 1991. The EA has not received enough information to complete a full technical assessment for all the permitting requirements of the proposal, should any be necessary; but the EA does not feel there are any indications to suggest that it would be unlikely to issue any Environmental Permit or Licence that was found necessary. Document APP013.2 is the Applicant's most recent assessment of the position in respect of permits, licences and the like; the need for some of those identified by the ES has fallen away. Only in respect of the EPS Licence in respect of bats is there an unmet confirmed need for a licence or "letter of no impediment".
- 1.16 The proposed bypass would be a local road but the Scheme includes works to the A1 trunk road, described in summary in paragraph 2.14 below. The HA is responsible, on behalf of the Secretary of State, for operating, maintaining and improving the A1 trunk road in England. The HA agrees with the principle of the Morpeth Northern Bypass proposal, subject to provisos regarding the detailed design of its trunk road element (Doc REP047). A statement of common ground between the HA and the Applicant (Doc SOCG001) records their joint positions in respect of various matters of detail in the proposed trunk road works, as at 30 May 2014; and records the joint view that an agreement made pursuant to section 6 of the Highways Act 1980 will be necessary; the intention is that the Applicant would carry out the Scheme construction in the trunk road through such an agreement (Doc REP066). The HA can foresee no reason why approvals relating to

the proposed St Leonard's Junction should not be granted. A Memorandum of Understanding (Doc APP011.7) between the Applicant and the HA addresses the maintenance and operation of the proposed St Leonard's Junction, an interface between trunk and local roads.

Structure of This Report

- 1.17 Chapter 2 sets out the main features of the proposed development. Chapter 3 summarises its legal and policy context. Chapter 4 considers the effects the Scheme would be likely to have, drawing on the evidence on a topic by topic basis; Chapter 4 also considers the Scheme's degree of conformity with key national and local policies. Chapter 5 contains my overall conclusion on the case for development consent. In Chapter 6 I consider the case for the proposed compulsory acquisition of land. Chapter 7 considers the proposed Order, its development through the course of the Examination, and further modifications I feel are necessary to make the proposed development acceptable. Chapter 8 then sets out my overall conclusions and my recommendation.

2 MAIN FEATURES OF THE SITE AND THE PROPOSAL

The Site and its Surroundings

- 2.1 Figure 1.1 of the ES shows Morpeth and the Scheme in the context of nearby settlements and countryside, and Figure 2.1 of the ES illustrates the Scheme in its more immediate context (Doc006.2.1).
- 2.2 The Morpeth Northern Bypass would run through gently undulating countryside to the north of Morpeth. To the north west of the route, and alongside the A1, is the small residential settlement of Fairmoor, and the Northgate Hospital. East Shield Hill is a small settlement a little more than a kilometre to the east of the hospital and facing the northernmost part of the Scheme. Still further east the route passes to the south of Pegswood Moor, much of which has been the site of opencast mineral workings which, at the time of my visit, appeared to be part-way through an extensive programme of restoration.
- 2.3 The A192 road drives north and west from Morpeth to the A1 at Fairmoor. The land to the south of the proposed bypass route and west of the A192 slopes only slightly toward the residential area at Lancaster Park. The route goes east past West Lane End Farm and East Lane End Farm, on either side of the A192, and then crosses the small but steeply-sided valley of the Cotting Burn before re-entering open country. Fulbeck Lane crosses the Cotting Burn in the settlement of Fulbeck and then climbs north to cross the route of the bypass in open country at Rose Cottage, which would be demolished. Kater Dene farm house is on the western side of Fulbeck Lane, to the north of the bypass route. Beyond Fulbeck Lane, the route then passes open country to the south, beyond which lies the St George's Hospital site. The route then crosses the small valley of the How Burn, which flows past East Shield Hill south across the Scheme route and turns toward the south east as it descends to skirt How Burn Wood. Beyond that Wood the route climbs to the Whorral roundabout which currently serves the A197 road between Morpeth and Ashington, an unclassified road to Pegswood, and the B1337 which runs north past Pegswood Moor.
- 2.4 To the west of the Scheme's proposed junction with the A1 a short link road would provide a connection to St Leonard's Lane, which has the character of a country lane and which runs through open country south from Fairmoor and into Spital Hill, a route of similar character which takes the traveller down to the village of Mitford.
- 2.5 The countryside in this area is largely in agricultural use, punctuated by groups of trees – particularly but not exclusively in hedgerows and in valleys such as those of the Cotting Burn and the How Burn.

- 2.6 The part of the A1 trunk road that would be altered by the Scheme has dual two-lane carriageways. Its grade-separated junction with the A697 road is a little way north of Fairmoor. The junction of the A192 and the A1, north of Morpeth, and the junction of the A197 and the A1, south of Morpeth (at Clifton) are currently configured so that (apart from straight-through trunk road traffic) the northern junction readily accommodates only traffic between Morpeth and the north while the southern junction only serves traffic between Morpeth and the south.
- 2.7 The site does not contain any scheduled monuments, listed buildings, conservation areas or other designated heritage assets. NE is satisfied that, with regard to nature conservation, there are no designated International sites ecologically connected to or located within the vicinity of the project that could be significantly affected; and that there is no Site of Special Scientific Interest (SSSI) or National Nature Reserve ecologically connected to the site or near to it that could be significantly affected. NE is also satisfied that there are no nationally designated landscapes near the site that could be significantly affected. European protected species (bat and otter) and UK protected species (red squirrel, badger, white clawed crayfish, breeding birds, and barn owl) are likely to be affected by the Scheme (Doc REP048 section 4). The section of this report that starts at paragraph 4.87 gives more detail.

Objectives of the Scheme

- 2.8 Morpeth is a market town on the River Wansbeck, of which there are only limited crossing opportunities. The town's main road network focuses on Telford's bridge over the river, in the town centre, and this causes traffic congestion and delays. To gain access to the A1, south east Northumberland relies in part on roads that pass through Morpeth. South east Northumberland is a former coal-producing area and includes some of the poorest wards in the area and indeed in the country (Doc006.1.2, 1.34-6).
- 2.9 The objectives of the Scheme are (Docs DOC004.2 item 1.2 and App004.02 pages 13-15):
- i) An improvement in highway connectivity in south east Northumberland. The Scheme would be the final stage of the A1 to South East Northumberland Link Road, completing a direct link from the A1 (to the north-west of Morpeth) through to Ashington and the A189 Spine Road to the east of Ashington. It would also complete a strategic highway box in south east Northumberland comprising the A1 in the west, the A197 in the north (including the Scheme and the A197 to the east of the Scheme, which the Applicant upgraded in 2007), the A189 in the east and the A19 between the Moor Farm roundabout and the Seaton Burn roundabout to the south.

- ii) Improved access to allocated development sites and other strategic locations. NCC is committed to increasing housing provision and accelerating housing delivery. The Scheme would provide a second access to the former St George's Hospital site to the north of Morpeth, thus significantly increasing its development capacity; housing is proposed there. It would additionally improve access to the allocated employment sites at Northgate and Fairmoor to the north of Morpeth. It would provide improved access from the north to the Port of Blyth and the associated proposed development in the Blyth Estuary area, and the Wansbeck and Ashwood Business Parks in Ashington. It would similarly improve the marketability and delivery potential for growth area housing sites (East Ashington, Ellington and Lynemouth) and facilitate the release of new jobs once completed. The Applicant estimates that over 5000 new jobs would be associated with the Scheme.
- iii) Improved highway capacity and reduced traffic congestion in and around Morpeth. Taking into account existing and committed development in and around Morpeth, transport modelling has identified significant stress on the highway network due to the fact that it operates at, or near, capacity in key areas and junctions. This results in congestion in the town primarily as a result of vehicular trips through the town centre and also shorter trips to the town centre. The modelling has shown that the Scheme would significantly improve the operation of the highway network in Morpeth by adding capacity and by facilitating or improving access to significant development in Morpeth. As well as reducing traffic congestion in Morpeth the Scheme also provides traffic relief in nearby villages such as Hebron.

2.10 The Applicant expects that the Scheme would bring significant benefits; in the short term by providing an alternative route around Morpeth and improving access to the A1 and, in the longer term by supporting regeneration and stimulating development, creating job opportunities and by providing a sustainable improvement in the local economy.

Brief Description of the Scheme

2.11 The Scheme Proposals drawing (drawing number HE092631/0/A197/01/07 rev P; Doc APP004.35) illustrates the Scheme proposal, which I shall describe broadly from west to east. The main features of the Scheme are:

- (i) A new grade-separated junction with the A1 trunk road, to the west of Morpeth;
- (ii) A new single-carriageway road some 3.8km long between the proposed A1 junction and the A197 road at

Whorral Bank roundabout, to the north-east of Morpeth;
and,

- (iii) Two intermediate roundabouts on the new road, one at Northgate (the A192) and one which is intended to give access to proposed development at St George's.

- 2.12 I now describe the Scheme in more detail, again broadly from west to east.
- 2.13 The westernmost limit of the Scheme is a drainage outfall by which surface water runoff from part of the Scheme would enter the Benridge Burn.
- 2.14 A single carriageway link road (St Leonard's Link) to the west of the A1 would connect St Leonard's Lane to the proposed A1 junction. At the junction site the A1's existing carriageways are on an embankment. The proposed junction would be of the "dumb bell" form, with a roundabout on either side of the A1 and a single connecting carriageway in an underpass (referred to as St Leonard's Underpass) beneath the trunk road. North- and south-facing on- and off-slip roads would be provided, allowing all movements through the junction.
- 2.15 The bypass would cross arable land and meet the A192 road at the proposed Northgate roundabout. This would give access to the south-east towards Morpeth and north-west to Fairmoor and would also allow access to proposed employment land south of the Northgate Hospital. The A192 currently gives access to and from the A1 at Fairmoor but those accesses would be closed.
- 2.16 East of the roundabout, the bypass would enter arable land and pass on an embankment over the Cotting Burn Bridge, an arched culvert some 4 metres wide at its invert and some 58 metres long. The bypass would then enter a shallow cutting which would allow the bypass to pass beneath Fulbeck Lane Bridge. Fulbeck Lane would be raised above its current level at the bridge. Rose Cottage, a dwelling in Fulbeck Lane, is on the line of the bypass cutting and would be demolished.
- 2.17 Progressing east and north, the bypass would approach St George's roundabout, intended to give access to anticipated development at the St George's hospital site. The bypass would then continue north and east through arable land to How Burn Wood Bridge, near the northernmost point in the Scheme. This bridge would be in the form of a culvert, approximately circular in cross-section, some 6 metres in diameter and almost 60 metres long. At this point, crossing the small valley of the How Burn, the bypass would be on an embankment some 10 metres high.
- 2.18 The bypass would then run east and south, across farmland and Pegswood Moor, to the Whorral Bank roundabout. It would skirt the northern edges of the How Burn Wood at three points.

- 2.19 Some footpaths open to the public would be affected by the Scheme. Public footpaths PF13 and PF21 together provide a route between Lancaster Park and Spital Hill via an at-grade crossing of the A1, and that route would be diverted to take advantage of St Leonard's Underpass. Public footpath PF9 would be crossed by the bypass, as would a permissive footpath at Pegswood Moor; at-grade crossings are proposed at both of those locations.
- 2.20 The Environmental Strategy drawing (drawing number HE092631/0/A197/01/84rev F; Doc APP004.35) illustrates the proposals for landscape planting along the Scheme.
- 2.21 Drainage of the Scheme would be achieved through a series of five networks, discharging variously to the Benridge Burn, the Cotting Burn and its tributaries, and a tributary of the How Burn. Drawing HE092631/0/A197/01/80revD (Doc APP003.53) summarises the proposals.

Planning History

- 2.22 In 2003 NCC, the County planning authority, gave planning permission for the A197 Pegswood Bypass (now built) and for the A1-A192 Link Road. A planning application for the Morpeth Northern Bypass was submitted to NCC by the Applicant in September 2011 but the application was withdrawn upon receipt by the Applicant of advice that the proposed Bypass constituted a Nationally Significant Infrastructure project (Doc DOC004.1, Doc MNB Part 4.1 section 9).
- 2.23 The Applicant reports that the Scheme was submitted for conditional approval to the Department for Transport in 2011 and a planning application made at the same time. DfT gave conditional approval in 2011 but delays arose to the planning application due to uncertainty about the planning route which should be adopted (Doc APP008.24, reference 7.1).

Amendments To The Application During The Examination

- 2.24 Before and during the Examination the Applicant submitted various documents that included changes to some of those which formed the Application or, in some cases, changes to other documents that had been so submitted. Document [MNB-3Q DOC1] APP011.1 lists all such changes. The proposed changes to the application consisted of clarification of points of detail in the Scheme proposals, the rectification of drafting errors, the provision of contextual information (such as public highway limits and updated details of utilities' equipment), illustrative details of certain highway crossing facilities, and increases in the size of two plots of land or interests in land that would be acquired compulsorily.
- 2.25 Although there are numerous minor amendments, none of them is substantive. The Scheme is not so changed that to approve it

would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. Nor would the proposed changes make the Scheme inconsistent with the scope of what had been assessed in the Environmental Statement. And those with an interest in the additional land that would be acquired compulsorily had been consulted and consented to the proposed inclusion of additional land (Docs APP012.9, APP012.7). I carefully considered that, even if taken together, they do not represent a substantial change to the original application.

- 2.26 I therefore issued a procedural decision on 11 July 2014 (Doc COR021), the effect of which was to confirm the withdrawal from the Examination of those documents listed in Annex A of COR021, and to confirm the acceptance for the Examination of those documents listed in Annex B of COR021. My procedural decision concluded with a reminder that it would be open to the Secretary of State to accept, modify or reject the decision I had made.
- 2.27 Appendix C2 lists the documents referred to in the draft DCO, as they were at the end of the Examination, other than the ES. Appendix C3 lists the documents that made up the ES as it was at the end of the Examination.

3 LEGAL AND POLICY CONTEXT

Planning Act 2008, as amended by the Localism Act 2011 National Policy Statements

- 3.1 The Secretary of State has not to date designated a National Policy Statement² (NPS) concerning highway-related development. In the absence of a relevant NPS having effect, the Secretary of State would at present make his decision under section 105 of the Planning Act 2008 under which he must have regard to:
- i) any local impact report;
 - ii) any prescribed matters; and,
 - iii) any other matter the Secretary of State thinks both important and relevant to his decision.
- 3.2 A Draft National Policy Statement for National Networks (NNNPS) was published in December 2013, after the acceptance of this application for examination but prior to the Preliminary Meeting. It was not the subject of any specific representation or submission to the Examination. No revised draft or version for designation had been published by the close of the Examination. Hence, this report is written to address the tests in s105 but the draft NNNPS is an important and relevant matter to which significant weight has been attached.
- 3.3 The Infrastructure Planning (Decisions) Regulations 2010 prescribe matters to which decision-makers must have regard in respect of listed buildings, conservation areas and scheduled monuments. My consideration of the effect the Scheme would have on heritage assets starts at paragraph 4.57. I have also had regard to the United Nations Environment Programme Convention on Biological Diversity 1992 (to which the same Regulations refer) in my consideration of the likely impacts of the proposed development and appropriate objectives and mechanisms for mitigation and compensation.

European Requirements and Related UK Regulations

Habitats Directive (Council Directive 92/43/EEC)

- 3.4 The Habitats Directive (together with the Council Directive 79/409/EEC on the conservation of wild birds (as amended) ("the Birds Directive")) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. It protects over 1000 animals and plant species and over 200 habitat types which are of European importance.

² As defined by section 5 of the Planning Act 2008 and referred to in section 104 of the Act

Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations)

- 3.5 The Conservation of Habitats and Species Regulations 2010 (as amended) (usually referred to as the "Habitats Regulations") implement the Habitats Directive and the Birds Directive into national legislation.
- 3.6 NE has confirmed (REP048) that there are no International sites ecologically connected to or located in the vicinity of the Scheme that could be significantly affected, and that is not in dispute. It can therefore be excluded that the Scheme would have significant effects on any International sites, either individually or in combination with other plans or projects. I am therefore of the view that no International site is likely to be significantly affected by this development, either alone or in combination with another plan or project, and that an appropriate assessment by the competent authority (under Regulation 61 of the Habitats Regulations) would not be required.
- 3.7 With regard to European Protected Species, I set out my findings and conclusions in the ecology section below (paragraphs 4.82 to 4.116), taking into account the representations made by NE and others. There are exceptions to the protection from disturbance of protected species under the Habitats Regulations and in those cases a licence, under Regulation 53 of the Habitats Regulations is required from NE.

Transboundary Effects

- 3.8 The project has been the subject of transboundary screening undertaken by the Secretary of State, on 3 October 2012 following the Applicant's request for a scoping opinion, and on 2 September 2013 on receipt of the application documents. On both occasions the Secretary of State concluded that (Doc COR001):

"Under Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) [the EIA Regulations] and on the basis of the current information available from the Applicant, the Secretary of State is of the view that the proposed development is not likely to have a significant effect on the environment in another European Economic Area (EEA) State."

- 3.9 The Secretary of State's view did not change during the Examination.

Other Legal and Policy Provisions

The Wildlife and Countryside Act 1981 (as amended)

- 3.10 The Wildlife and Countryside Act 1981 is the primary legislation which protects animals, plants, and certain habitats in the UK. It is

divided into four parts: Part I relating to the protection of wildlife, Part II relating to designation of Sites of Special Scientific Interest (SSSIs) and other designations, Part III on public rights of way and Part IV on miscellaneous provisions. If a species protected under Part I is likely to be affected by development, a protected species license will be required from NE.

- 3.11 This has relevance to consideration of impacts on SSSIs and on protected species and habitats.
- 3.12 In relation to the application, the Scheme's effect on species protected by the Wildlife and Countryside Act 1981 is considered in the Ecology section of this report, which begins at paragraph 4.82.

Public Sector Equality Duty

- 3.13 Every public authority has a duty to have regard to the Public Sector Equality Duty under s149 of the Equality Act 2010, and I have taken that into account as part of the Examination of this application.

National Policy

2011 Transport White Paper

- 3.14 The January 2011 White Paper "Creating Growth, Cutting Carbon Making Sustainable Local Transport Happen" (the 2011 White Paper) is the latest version of Government transport policy. It sets out the Government's vision for a sustainable local transport system that supports the economy and reduces carbon emissions. It explains how the Government is taking measures to empower local authorities in tackling those issues in their areas.
- 3.15 The 2011 White Paper refers to the need for a coherent plan to reduce the carbon emitted by transport. Two-thirds of all journeys are under five miles, and many of those trips could be easily cycled, walked or undertaken by public transport. The 2011 White Paper is about offering people choices that will deliver that shift in behaviour, in many more local journeys, particularly drawing on what has been tried and tested.
- 3.16 The Government recognises that the car is the mode of choice for all but the shortest of trips, mainly because of its freedom and flexibility. At the same time, car use is responsible for over 50% of transport carbon emissions, and traffic congestion is a drag on the local economy.
- 3.17 Therefore the Government is committed to making car travel greener by supporting the development of the early market in electric and other ultra-low emission vehicles, and through the appropriate design and management of local roads, intelligent transport systems, parking policy, pedestrian and public realm

schemes, workplace parking levies, de-cluttering public spaces, and street lighting design. It is also possible for Local Enterprise Partnerships and local transport authorities to engage with the Department for Transport and others to develop priorities for schemes such as wider transport management measures, reducing the need for travel, as well as covering priorities for transport infrastructure. And there is a need to align local and national strategic planning with one another and with land use planning (2011 White Paper chapter 7).

Draft National Policy Statement for National Networks

3.18 In its “Summary of need” the draft NNNPS sets out the Government’s vision and strategic objectives for the national road and rail networks:

3.19 “The Government will deliver national networks that meet the country’s long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:

- Networks with the capacity and connectivity to support national and local economic activity and facilitate growth and create jobs.
- Networks which support and improve journey quality, reliability and safety.
- Networks which support the delivery of environmental goals and the move to a low carbon economy.
- Networks which join up our communities and link effectively to each other.”

3.20 The “Summary of need” continues:

“There is also a need for development on the national networks to unlock regional economic growth and regeneration, particularly in the most disadvantaged areas. Improved and new transport links can create opportunities for regeneration by improving connectivity and performance, opening up new markets, new job opportunities, and new opportunities for growth. They can help rebalance the economy, rather than accentuate existing divisions.

Developments in other sectors will also place pressure on specific parts of the networks. Areas of high growth, housing developments, new employment opportunities and development of other large infrastructure projects will have significant impacts on the use of national networks.

Whilst the key driver of the need for development of the national networks will usually be economic, broader environment, safety

and accessibility goals will also generate requirements for investment.

In their current state, without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives. The Government has therefore concluded that there is a compelling need for development of the national networks...”

- 3.21 Paragraph 2.22 of the draft NNNPS explains that “The Government’s policy is to reduce congestion and unreliability by focusing on improving and enhancing the existing national road network. Enhancements to the existing national road network will include development beyond the existing highway boundary. Development will include [among other things] enhancements such as junction improvements, upgraded technology and new slip roads to address congestion and improve performance and resilience.”
- 3.22 Paragraph 2.23 adds: “However, in some cases, to meet the demands on the national road network it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity to meet the needs created by economic and demographic growth.”

National Planning Policy Framework

- 3.23 The National Planning Policy Framework (NPPF) does not contain policies specifically concerning Nationally Significant Infrastructure Projects (NSIPs), but I have considered the appropriate parts of the NPPF to be important and relevant to this application and have therefore taken the NPPF into account in my assessment of matters arising from this application.
- 3.24 The Applicant draws attention (DOC 004.02 ref 7.1) to the economic, social and environmental dimensions to sustainable development that are described in paragraph 7 of the Framework, and to the guidance of its paragraph 35 that developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate established home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and,

- consider the needs of people with disabilities by all modes of transport.

The extent to which the application claims to follow the NPPF.

3.25 The Applicant reports (Doc 004.02 ref 7.1) that the Scheme is being designed in accordance with the Framework in that the Scheme would:

- provide a shared cycleway/footway for the full length of the Scheme, with connections to the existing network of cycleways and footways in south-east Northumberland and will improve the sustainable transport choices for residents of proposed housing developments nearby;
- improve access in the area, including access to key services and facilities; and,
- open up employment development land to the north of Morpeth which would provide alternative employment opportunities to commuting into Tyne and Wear.

3.26 Chapter 4 of the ES (DOC006.1.5) assesses the compliance of the Scheme with planning policy. Its paragraphs 4.27 to 4.54 consider the Scheme in the context of the NPPF; paragraph 4.52 includes this passage:

“The proposed bypass will promote local economies by improving connections to the existing network and reducing traffic volumes and congestion through Morpeth and thus easing journeys in the urban centre and improving journey times east to west with the A1 by providing a more direct link. The bypass will result in permanent land take from a mainly rural area. However, the provision of an underpass for West Lane End Farm and the implementation of other mitigation measures will minimise the impact and will not prejudice the continuing use of the land crossed for agriculture. There is therefore no conflict with the basic principles of sustainable development, particularly following habitat creation along the embankments of the proposed bypass.”

3.27 Appendix 4.1 of the ES (DOC006.3.2, starting at page 135) includes in its Table 4.1.1 the Applicant’s assessment of the Scheme’s compliance with the NPPF:

- (i) Requiring good design;
- (ii) Meeting the challenge of climate change, flooding and coastal change;
- (iii) Conserving and enhancing the natural environment;
- (iv) Conserving and enhancing the historic environment.

- 3.28 Table 4.1.1 of the ES also finds that the Scheme's effect would be neutral in respect the following elements of the NPPF:
- (i) Supporting a prosperous rural economy;
 - (ii) Promoting sustainable transport.
- 3.29 Table 4.1.2 of the ES (DOC006.3.2) lists NPPF elements that the Applicant considers to be not relevant to the Scheme, and document APP004.02 explains for the Applicant at its reference 5.5 that the findings of the ES in respect of the Green Belt are inappropriate; the Scheme would not be in the designated Green Belt. Paragraphs 4.144 to 4.146 of this report consider the relationship between the Scheme and emerging proposals for the Green Belt.

Local Policy

The Development Plan

- 3.30 The development plan applicable to the application site consists of the Castle Morpeth District Local Plan 1991-2006 (Adopted February 27th 2003) ("The LP", Doc APP008.22). Attention is drawn to the following saved policies of the LP by the Applicant (Doc APP004.02, item 5.2) and in NCC's Local Impact Report (Doc LIR001):

Saved Policy T1 (Major Road Improvements): "The following newroads and major road improvements will commence within the plan period:

- (i) ...
 - (ii) The A1/South East Northumberland link road.
- ..."

Saved Policy MT1 (A1/South East Northumberland Link Road): "In accordance with Policy T1, the Council supports the County Council in the provision of the A1/South East Northumberland Link Road. The line of the road, as shown on the proposals map inset No. 21, will be protected from development. Measures will be undertaken to reduce the impact of the road on the landscape and on nearby properties through design detailing, landscaping and screen planting."

Saved Policy RE5 (Surface water run-off and flood defences):
"Proposals for new development shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by means of a flood risk assessment and sequential test that

- A) There is no alternative option available at no or at a lower risk of flooding;
- B) There will be no unacceptable risk of flooding;
- C) There will be no unacceptable risk of flooding elsewhere, as a result of the development; and,
- D) Appropriate mitigation measures can be put in place to minimise the risk of flooding and these measures can be controlled by appropriate planning conditions or a section 106 agreement can be secured."

Saved Policy RE6 (Service Infrastructure): "The Council will consider the effects of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Where development is likely to require the improvement or provision of additional services, consideration will be given to the need to impose planning conditions or seek legal agreements as appropriate."

Saved Policy RE8 (Contaminated land): "The Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings, to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the Council may assess any direct threat to health, safety or the environment."

Saved Policy C11 (Protected species): "The Council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse effect on the species or their habitat."

Saved policy C15 (Trees in the countryside and urban areas):
"Developers will be required to:

- i) Provide landscaping including tree planting and hedgerows, particularly indigenous broadleaved species, wherever appropriate, in new development.
- ii) Protect existing trees and hedgerows on sites where development is in progress. Tree preservation orders will be declared as necessary.

Developers should pay particular attention to the landscape of the borough to the east of the A1 and to support and, where appropriate, initiate suitable planting schemes both directly and in support of the green initiative."

3.31 In response to my question (APP008.24 item 5.1) the Applicant provided (APP008.22):

- (i) Sections of the Wansbeck Valley and its tributaries within and to the east and west of Morpeth, together with Howburn Wood.
- (ii) Saved Policy C3 (Areas Of High Landscape Value):
 "The Council has identified areas of high landscape value and will not permit development which will have a detrimental effect on such areas. They are defined on the proposals map and insets and are as follows:
- (iii) ..."

Saved Policy MC2 (Areas Of High Landscape Value): "In accordance with policy C3, the Council identifies ... Howburn Wood, Cottingwood, and Cottingwood Common as areas of high landscape value as defined on the proposals map inset no. 21. Development will not be permitted which would have a detrimental effect on those areas."

3.32 I have considered the development plan policies identified in paragraphs 3.30 and 3.31 above, in the light of paragraph 215 of the NPPF. It is my view that, insofar as they refer to matters relevant to this application:

- (i) Policies C3 and MC2 (Areas of high landscape value) are consistent with the NPPF through NPPF paragraph 109;
- (ii) Policy C11 (Protected species) is consistent with the NPPF through NPPF paragraph 118;
- (iii) Policy C15 (Trees in the countryside and urban areas) is consistent with the NPPF through NPPF paragraph 17;
- (iv) Policy RE5 (Surface water run-off and flood defences) is consistent with the NPPF through NPPF paragraphs 100 to 104;
- (v) Policy RE6 (Service infrastructure) is not relevant to the application;
- (vi) Policy RE8 (Contaminated land) is consistent with the NPPF through NPPF paragraph 120.

3.33 Full weight should therefore be attributed to policies MC2, C3, C11, C15, RE5 and RE8 insofar as they relate to matters relevant to this application.

3.34 Policies T1 (Major Road Improvements) and MT1 (A1/South East Northumberland Link Road) are specific to the proposed bypass and the NPPF offers no direct comparator. In paragraph 4.275 below, I find that the Scheme offers a considerable degree of fit

with the NPPF. Therefore, considerable weight should be attributed to Local Plan policies T1 and MT1.

Emerging Development Plan Policy

- 3.35 The Northumberland Local Plan Core Strategy Preferred Options for Housing, Employment and Green Belt Consultation Document: October 2013 (the Draft Core Strategy) (Doc APP008.23) is a precursor to the emerging Northumberland Local Plan Core Strategy, which is programmed to be adopted in the Spring of 2015. At this early stage in its progress toward adoption, I attribute little weight to the Draft Core Strategy.
- 3.36 Relevant extracts from the Morpeth Neighbourhood Plan Issues and Options Consultation Report were before the Examination as Document APP008.23. The full Consultation Report was the subject of a six-week public consultation in the autumn of 2013. At this early stage it contains no relevant draft policies.

Findings Regarding Policy Compliance

- 3.37 My findings regarding the Scheme's degree of compliance with relevant policies are set out in the section of this report that starts at paragraph 4.261.

4 FINDINGS AND CONCLUSIONS IN RELATION TO POLICY AND FACTUAL ISSUES

Issues in the Examination

4.1 On 5 December 2013 I gave notice of the Preliminary Meeting and issued my Initial Identification of Principal Issues (Doc COR007 annex C), which included the following:

- Apparent inconsistencies between some application documents and the Works Plan;
- Drainage implications of the Scheme;
- Ecological implications of the Scheme;
- Provision for non-motorised users;
- The transport assessment, the traffic modelling that supports it, and the effects the Scheme would have on traffic conditions.

4.2 That is not a comprehensive or exclusive list of all relevant matters. This section of my report presents the gist of the evidence on a topic basis, largely following the sequence established by the Environmental Statement (ES) but including where relevant the gist of the evidence given by all parties. My conclusions on matters raised, when necessary, are set out in the text. Having reviewed the evidence in that way I move on to Section 5 of this report in which I set out my assessment of those matters which, in the light of the evidence, I consider are both important and relevant to the decision.

Apparent inconsistencies between various application documents

4.3 These were the subject of s51 advice issued on two occasions before the Examination, written questions and requests for information put on five occasions during the Examination, viewings during the accompanied site visit, and a procedural decision. I have described in my paragraphs 2.24 to 2.26 the amendments made to the application during the Examination.

Drainage implications of the Scheme

4.4 I consider the drainage implications of the Scheme, and its effects on the water environment, in the section of this report that begins at paragraph 4.199.

Ecological implications of the Scheme

4.5 The Scheme's ecological implications are the subject of the section of this report that begins at paragraph 4.82.

Provision for non-motorised users

- 4.6 The reader is referred to the section of this report that begins at paragraph 4.172.

The transport assessment, the traffic modelling that supports it, and the effects the Scheme would have on traffic conditions

- 4.7 The transport assessment (TA) is set out in Document DOC005.3. It is dated August 2011; updates have been provided (for example, in APP004.02). Following an introduction, its chapters are summarised as follows:
- a) The Applicant's view of the degree of fit with national and local transport-related policy is set out as I have reported in paragraph 4.261;
 - b) Existing conditions are described, as follows. The study area includes the relatively affluent town of Morpeth, the economically deprived settlements to the east, and the surrounding countryside. The junctions of local roads with the A1 north and south of Morpeth are constrained as described in paragraph 2.6 of this report, and that constraint causes extra traffic to pass through the town centre. Traffic in the town centre is often congested during the peak hours. The TA observes that that detracts from the "market town" feel of the local area and that it is hard to see how Morpeth town centre could accommodate further traffic growth. Traffic accidents that resulted in serious or fatal injuries were predominantly located on the A1 trunk road and the key radial approaches into Morpeth town centre.
 - c) The Scheme impact and benefits are described, as follows. Access from the A1 to the former mining villages to the east would be improved. In Morpeth, traffic flows and congestion would be reduced. The new junction with the A1 would improve accessibility to that road from all directions. Development opportunities at the St George's Hospital site, at Fairmoor and at Northgate would be supported through improved access and enhanced viability. There would be a small amount of induced traffic; the suppressed demand in the Morpeth traffic model is estimated to be between 1% and 2% in the 2030 design year. The accident saving associated with the Scheme when assessed in accordance with WebTAG is estimated to total £47,000 over a 60 year appraisal period at 2002 prices (Doc APP004.02 item 7.3). The proposed provision for cyclists and pedestrians is described and the health effects that cycling and walking can have are mentioned. The Applicant expects bus services in Morpeth town centre to benefit from reduced congestion.

- d) The effect the Scheme would have on traffic flows has been modelled using the SATURN software in accordance with criteria set out in the DMRB, DfT value for money guidance and advice from DfT. A Report of Surveys, a Local Model Validation Report (LMVR) and a Forecasting Report are provided (Docs APP004.32 & APP004.33, Doc APP004.23, Doc APP004.22).
- e) The modelled network consists of a simulation area, in which traffic is modelled in considerable detail, and a buffer network which is coded in less detail (Doc APP004.02 ref 7.4). Figure 10 of the LMVR shows the extent of each (Doc APP004.23).
- f) The LMVR tests the "goodness of fit" of modelled base year flows and journey times by comparison with corresponding observed values. The validation table at the foot of this subparagraph briefly summarises the model's reported performance. The LMVR concludes that the model is numerically stable, with all convergence criteria compliant with the DMRB, and any flow changes resulting from scheme testing can be attributed to the Scheme itself and not model noise; that acceptable link flow calibration has been achieved on a cordon around Morpeth and across the network as a whole; and that peak hour and AADT flow and journey time validation indicate that the model provides an accurate representation of observed conditions in the core study area. The Forecasting Report describes the future year trip matrix development (including background growth, the effect of proposed third-party development and that of the Scheme), allowances made for induced traffic, checks and scenario testing, the assessment of future traffic flows and delays with and without the Scheme, and sensitivity and other testing. The Forecasting Report concludes that the Scheme would attract vehicles away from the town of Morpeth with a subsequent re-routing of vehicles to the A1 and the proposed bypass.

/over

Table: Assignment Validation: Application of DMRB Acceptability Guidelines (after DMRB Vol 12 Section 2 Part 1 Table 4.2).				
Criterion and measure	Acceptability guideline	Proportion meeting the guideline		
		AM Peak	Inter peak	PM Peak
Assigned hourly flows compared with observed flows		AM Peak	Inter peak	PM Peak
Individual flows within 100 vph (flows <700 vph): Link flows ³	>85% of cases	85%	88%	92%
Individual flows within 15% (flows 700-2700 vph): Link flows ⁴	>85% of cases	100%	100%	90%
Individual flows within 400 vph (flows >2700 vph): Link flows ⁵	>85% of cases	No flows >2700vph		
Individual turning flows within 100 vph (flows <700 vph) ⁶ (no turning flow of 700 vph or more)	>85% of cases	91%	91%	88%
Total screenline flows (normally >5 links) to be within 5% ⁷	All (or nearly all) screenlines	100%	100%	100%
Individual link flows: GEH<5 ⁸	>85% of cases	86%	83%	96%
Individual turning flows: GEH<5 ⁹	>85% of cases	85%	91%	82%
Screenline totals: GEH<4 ¹⁰	All (or nearly all) screenlines	100%	100%	100%
Modelled journey times compared with observed times				
Times within 15% (or 1 minute, if higher) ¹¹	>85% of routes	90%	80%	90%

- g) The future performance of road junctions on the Scheme is assessed on the basis of future traffic flows estimated with the SATURN model. ARCADY software was used in the assessment of the performance of the roundabout junctions the Scheme would provide. The findings (Chapter 6 of Doc 005.3) are that, in the 2030 assessment year the average length of the longest queue to form at any approach to each roundabout would be as shown in the table at the foot of this subparagraph. (Maximum queue lengths are expressed in vehicles and are averages of the estimated maxima; the ratio of flow to capacity is generally considered to indicate constraint when it rises above 0.85). The

³ LMVR Table 22

⁴ LMVR Table 22

⁵ LMVR Table 22

⁶ LMVR Table 23

⁷ LMVR Appendix G

⁸ LMVR Appendix G

⁹ LMVR Table 23

¹⁰ LMVR Appendix G

¹¹ LMVR Tables 24, 25, 26

merge and diverge facilities that the new junction would introduce on the A1 have been assessed in accordance with the DMRB and are expected to operate well within their capacity. Other junctions in the area would experience reduced traffic flows with the Scheme, and therefore reduced congestion.

Table: Assessed roundabout performances: worst cases: year 2030				
Roundabout	Most congested approach	Most congested period	Av. Max queue (Veh)	Av. Max Ratio: Flow to capacity
Whorral Bank	A197 Pegswood bypass	AM Peak	1.7	0.633
St George's	Proposed bypass (east)	AM Peak	0.6	0.386
Northgate	Northgate	PM Peak	2.2	0.692
St Leonards (east)	Proposed bypass (east)	PM Peak	0.5	0.317
St Leonards (west)	Underpass	PM Peak	0.3	0.203

- 4.8 The surveys used in the model construction, calibration and validation were undertaken in 2007, when Scheme appraisal started. The guidance of the DMRB is that surveys used in the construction of a traffic model should ideally be no more than 6 years old (Doc APP008.24 reference 7.1). A review of the traffic model and highway network in Morpeth has identified that there has been no change to the highway network that will have impacted on travel patterns since the time of the survey in 2007. The Applicant reports further that there has been no significant land use change that will have impacted on travel patterns and so the origin/destination movements captured in 2007 remain appropriate today.
- 4.9 The Traffic Model Forecasting Report (Doc APP004.22) reports in its chapter 4 how TEMPRO and the National Transport Model were used to estimate background growth between the 2007 survey year and the 2015 and 2030 assessment years; and how allowance was also made for the traffic that could be generated by development expected to come forward by 2030. It seems to me that those measures went some way toward overcoming any error that may have arisen from the use of 2007 survey data.
- 4.10 The local model validation report adopts the criteria of the DMRB Acceptability Guidelines (DMRB Vol 12 Section 2 Part 1 Table 4.2). Considering first the reported validation of the base model traffic flows, the results for the AM peak (0800-0900 (Doc App004.23)) meet the Guidelines. I am satisfied that the 2007 AM peak model provides a suitable basis for estimating future traffic behaviour associated with the Scheme during the AM peak hour.

- 4.11 Modelled flows in the PM peak (1700-1800) meet the Guidelines in all cases other than the application of the GEH statistic¹² to turning flows; there is a 3% shortfall. But the DMRB's advice is that "the accuracy of the modelled turning flows, in percentage terms, will generally be much less than that of the modelled link flows. In this case, a lesser degree of apparent agreement between modelled and observed flows does not necessarily imply a poorer model fit." And the modelled turning flows during the PM peak are within 100 vph of the observed flow in 88% of all cases, and so satisfy the corresponding DMRB criterion. In view of those considerations, I am satisfied that the 2007 PM peak model provides a suitable basis for estimating future traffic behaviour associated with the Scheme during the PM peak hour.
- 4.12 The model shows the Scheme to have the following effects (among others) on traffic flows (Doc APP004.22):
- 4.13 The Applicant points out (Doc APP004.23, the LMVR) that the interpeak (1000 to 1600) link flow GEH statistics achieve their target on slightly fewer occasions (83%) than is necessary to meet the DMRB guideline (>85%). Similarly, the journey time validation during the interpeak achieves the DMRB criterion on only 8 out of 10 occasions. The remaining two interpeak journey time validation results relate to northbound and southbound journeys along the A197 to the south of the town (whereas the Scheme would be to the north); in each case the modelled time exceeds the observed journey time by some 65 seconds, or some 28% (LMVR table 25). Although the DMRB validation acceptability guidelines are not met by the interpeak model in these two respects, traffic flows would be lower during the interpeak than at the peaks and so less weight need be given to those shortcomings than would otherwise be the case.
- 4.14 I conclude that the traffic model provides a suitable basis for estimating the effects the Scheme would have on traffic conditions.

The effect the Scheme would have on traffic conditions

- 4.15 The model shows the Scheme to have the following effects (among others) on traffic conditions (Doc APP004.22):
- a) Traffic would increase on the A1, with (in 2030) a 10.3% increase in 12-hour traffic flows northbound between Clifton and the new St Leonard's junction and a 12.2% increase southbound;
 - b) Considering a cordon around the town centre which includes A192 Pottery Bank west of Fulbeck, A197 Whorral Bank, A196 Dunces House, A192 Hepscott Park and A197 Clifton, the

¹² GEH is a form of the chi-squared statistic, used in transport modelling to compare modelled values with observations.

Scheme would reduce the 12-hour cordon flows, averaged in both directions, by 16.2% in 2015 and 16.7% in 2030;

- c) Peak hour two-way traffic flows on the proposed bypass, west of St George’s roundabout, in 2030 would be 939 vehicles during the AM peak and 744 vehicles during the PM peak.
- d) Across the modelled network, the Scheme is predicted to reduce travel time and increase vehicle speeds when compared to the Do-Minimum case. But an overall increase in vehicle kilometres is expected, primarily as a result of traffic from the area south of Morpeth using the bypass as opposed to travelling through the town centre; the extra trip length would be approximately 3 km.
- e) Queuing at junctions in central Morpeth would be reduced. In the 2030 design year without the Scheme, several junctions would see delays greater than 60 seconds and up to 227 seconds in the AM peak and 236 seconds in the PM peak. With the Scheme, only the A192 Castle Bank/Goose Hill priority junction would experience peak hour delay of more than 60 seconds; delays of up to 150 seconds would occur on the side road approach during the AM peak (compared with 202 seconds without the Scheme).
- f) Travel times between the A1 and settlements to the east of Morpeth would be reduced. The following table (from Tables 47 and 48 of the Economic Impact Report, doc APP004.34) illustrates the modelled effect of the Scheme in the 2030 assessment year. Ashington is some 11.1 km from the A1/A192 junction; Newbiggin-by-the-Sea and Ellington are further from the A1.

Table: “2030 Do-Scheme” travel time reductions relative to “2030 Do-Minimum” travel times			
From	To	Modelled reduction in travel time (Minutes: seconds)	
		AM Peak	PM Peak
Fairmoor A1/A192 junction	Ashington, Newbiggin-by-the-Sea or Ellington	4m35s to 4m40s	4m18s to 4m21s
Ashington, Newbiggin-by-the-Sea or Ellington	Fairmoor A1/A192 junction	8m07s to 8m18s	4m43s to 4m47s

4.16 The Statement of Common Ground between the Applicant and the HA (Doc SOCG001) confirms that the HA agrees with the proposals in principle, subject to detailed design checks insofar as the Scheme would affect the A1 trunk road. There would be a number of departures from standard which remained to be approved by the HA at the close of the Examination. The HA reported in its representation dated 7 May 2014 (Doc Rep063) that it could foresee no reason why approval of the departures relating to St Leonard's junction and the weaving length to its north should not be granted. A draft agreement under section 6(5) of the Highways Act 1980 (Doc APP008.17) was submitted by the Applicant which would, if completed, give the Applicant the Secretary of State's conditional authorisation to carry out works in the trunk road as part of the Scheme.

Year of Opening

4.17 The transport assessment and the modelling that supports it assume a year of opening of the Scheme of 2015. The Applicant now expects the Scheme to open in 2016. The Applicant has assessed the implications for the traffic forecasts and reports that an increase of less than 1% would be appropriate (Doc APP004.02, ref 1.6). The Scheme design is well within capacity in the 2030 assessment year and so I am satisfied that the findings of the transport assessment would not be materially different in that case.

4.18 The Applicant has also reviewed the effect of the revised programme on the environmental assessments presented in the ES. The different timescale would have no effect on any assessment in the ES (Doc APP 008.24, ref 1.4).

Traffic Matters Raised by Interested Parties: St Leonard's Lane

4.19 Mitford Parish Council (MPC) made representations regarding the Scheme's effect on St Leonard's Lane and Spital Hill (Docs REP007, REP031, REP042, REP052, REP060). St Leonard's Lane and Spital Hill together form a route some 1.6 kilometres long. The route is subject to a 7.5 tonne weight restriction, except for access. The approximate width of the carriageway varies between 4.0 metres and 5.6 metres and in places it is necessary for vehicles to pull over to allow others to pass (Docs REP042, APP005).

4.20 MPC is concerned that the proposed St Leonard's Link (by which the Scheme would connect St Leonard's Lane to the new A1 junction) would encourage traffic to increase on St Leonard's Lane and Spital Hill because, in MPC's view:

- the new link would allow southbound traffic from Kirkhill and Abbey Meadows in south-western Morpeth to reach the A1 while avoiding congestion in the town;

- because traffic travelling from Mitford and communities further west toward Ashington and the coast would find the new link a convenient way to the Bypass; and,
- because development expected at Fairmoor would generate more traffic on St Leonard's Lane and the new link.

4.21 MPC is concerned that this traffic increase would be likely to increase the risk of serious road traffic accidents on St Leonard's Lane and Spital Hill, due to their narrowness and surface condition. MPC refers to a report prepared in 2009 by the Applicant (Doc REP042) which proposed six measures to be taken to minimise the impact of traffic on the highway and improve safety once the junction with the A1 is open. MPC is of the view that certain works should be undertaken in St Leonard's Lane, and that other works should be undertaken in Spital Hill, should traffic rise by more than a specific amount, all as described in section 6 of document REP042. MPC proposes that the Order should include a Requirement to the effect that the Applicant should enter a formal agreement with the Parish Council to carry out certain works. The Parish Council has provided a draft agreement, attached to document REP042.

4.22 The Applicant's response is in Doc APP005:

- a) A review of the traffic models in the 2030 design year has shown that the Scheme would lead to an increase in traffic flows on St Leonard's Lane, particularly traffic en route between Pegswood or Ashington to the east of the town, and the rural area to the west of St Leonard's Lane. But that increase in flow results largely from matrix estimation and the Applicant does not consider realistic the result for St Leonard's Lane, because it implies substantial traffic generation in a rural area. Nevertheless, the model is within the required accuracy for a strategic model and has been approved by the DfT.
- b) Analysis of the model has shown there is no increase in traffic flow on St Leonard's Lane in any time period with the Scheme in place for vehicles wishing to access the A1. With the Scheme, traffic congestion in the town is expected to fall, and the travel time between the south-west of Morpeth and the A1 southern access at Clifton would be such as to make unattractive the route via St Leonard's Link that the Parish Council mentions.
- c) The Applicant intends to carry out post-Scheme evaluation to determine the Scheme's effect on St Leonard's Lane and to prepare an appropriate design response. A sum of money is available in the Scheme budget for this purpose; the Applicant is mindful that it cannot spend the agreed Scheme budget to subsidise its own highway capital/maintenance responsibilities. Any existing maintenance or safety issues relating to St

Leonard's Lane should be dealt with through the Applicant's normal highway procedures. The Applicant does not consider appropriate the suggested draft agreement.

- 4.23 I note that the accident record for the 5-year period to 30 September 2013 (Doc APP004.07) reports a single personal-injury accident to have taken place on Spital Hill (two vehicles travelling in opposite directions; the accident record says that the road layout was a contributory factor; the collision is shown to have taken place further north than the widening proposed by the Parish Council), and none on St Leonard's Lane; the Applicant's internal report (in Doc REP042) says no accidents occurred on the route during the 5 years to August 2009. Therefore one personal-injury accident was reported on the route during a period of a little over 9 years. Nevertheless, in view of general conditions on the route (its alignment, width and surface condition), it seems to me feasible that a material increase in traffic on the route could be associated with an increase in accident frequency.
- 4.24 The Applicant reports (Doc APP005) that two-way traffic flows (that is, northbound plus southbound) in St Leonard's Lane were surveyed on a neutral weekday in 2013 to be 47 vehicles per hour during the AM peak hour, and 35 vehicles per hour during the PM peak hour. Estimated two-way traffic flows on the St Leonard's Link in 2015 with the Scheme in place are reported in the transport assessment (document DOC005.3, MNB Part 5.3, Appendix C) to be 49 vehicles per hour during the AM peak hour, and 30 vehicles per hour during the PM peak hour. Even if the flows on the Link were all new to the area and all used the same section of St Leonard's Lane, the peak hour two-way flow on that part of the Lane would be of the order of 100 vehicles per hour. And the Applicant reports the modelled 24-hour two-way traffic flows on St Leonard's Lane in 2030 to be some 303 vehicles per day without the Scheme, or 719 per day with the Scheme. The evidence is that there is no published guidance as to the capacity of this road type (Doc APP004.02 ref 8.9).
- 4.25 The Parish Council's concerns include traffic generated by development on nearby sites at Northgate and Fairmoor. If development were to be proposed there after the Order was made it would be for that developer to indicate how transport to and from those site could satisfactorily be accommodated in the context of the Scheme. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- 4.26 In conclusion, I find that St Leonard's Lane and Spital Hill together form a route which is lightly trafficked, on which in some places it is necessary for drivers to take extra care as vehicles pass, and on which one personal-injury accident was reported during a recent nine-year period. The Scheme would increase traffic flows but they would in my view remain light; vehicles would pass one another

more commonly than they do now, but the character of the traffic conditions would not be markedly different in my judgement in the light of the evidence. The Applicant is the local highway authority and intends to carry out post-Scheme evaluation to determine the effect of the Scheme on traffic conditions, and if necessary to carry out works the design of which would be based on actual outcomes (Doc APP005, page 12). That approach is normal good practice, equivalent to the Stage 4 road safety audit described in volume 5 section 2 part 2 chapter 2 of the DMRB. Since the route in question is largely outside the DCO boundary, a Requirement is necessary to secure the inclusion of the whole route in the post-Scheme evaluation. Requirement 29 makes the appropriate provision.

- 4.27 MPC suggested a development consent obligation between the Applicant and MPC to secure its involvement in agreeing highway works identified in the post Scheme evaluation but I am not persuaded that that would be necessary and, in any event, no such completed obligation was submitted.

Traffic Matters Raised By Interested Parties: The St George's Site

- 4.28 The site known as St George's is on land to the south of the Scheme. It has been in use as a hospital and is proposed for residential redevelopment. The Applicant's evidence is as follows. There is an allocation (known as Phase 1) of 150 dwellings at this site in the LP (allocation A/MO7); Doc APP004.02 ref 7.12(iv); Doc APP008.24 ref 7.3(i)). Road access to St George's Phase 1 would be from the south (Doc APP008.24 ref 7.3(d)) and independent of the proposed bypass. The Draft Core Strategy proposes at its paragraph 9.81(in Doc APP004.36) that "a broad location of the St George's Hospital [should be] identified as a housing growth area to accommodate approximately 1000 dwellings." The boundary of that development would be defined through the Neighbourhood Plan. Road access to this subsequent part of the St George's development could not be taken from the south, for capacity reasons (Doc APP008.24 ref 7.3b), and so would be taken from the St George's roundabout that is part of the application scheme. This would be acceptable in land use planning terms and the Applicant expects it would be required by a planning condition on the future permission for St George's (Doc APP008.24 ref 7.3b and 7.3g). The Transport Assessment does not include modelling of the traffic that would be generated by complete development of all phases of St George's, but a sensitivity test has been carried out on the proposed St George's roundabout and the proposed Northgate roundabout which finds significant spare capacity at each roundabout (Doc APP008.24 ref 7.2).
- 4.29 Interested parties (Docs REP038 and REP049) contend that the proposed St George's roundabout should not be provided as part of the Scheme, because in their view it would be premature (in view of the current status of the emerging Draft Core Strategy),

because the link road from the roundabout to the St George's site would in part be on land owned by a third party whose co-operation would be needed, because the roundabout would unnecessarily delay road users, and because it should in their view be funded by the development it would facilitate.

- 4.30 The Funding Statement (DOC004.2) is clear that the financial case for the Scheme, which explicitly includes no third-party contributions, is acceptable in principle to the DfT. The roundabout is part of the Scheme evaluated by the transport assessment (DOC005.3) and so its effect on traffic journey times is factored in to those considerations. The Applicant considers prudent the provision of the roundabout as part of the Scheme, on grounds of design optimisation, avoidance of traffic disruption when the roundabout is built, and encouraging development gains in pursuit of the Scheme objectives (Doc APP005, page 40). I am of the view that my purpose is to consider the Scheme as a whole, including the St George's roundabout, and to frame my recommendations on that basis. I consider the effect the roundabout with its lighting columns would have on the appearance of the Scheme, in paragraph 4.129 below. There is no objection to the roundabout proposal from any affected party. I have considered the operational, visual, financial and land implications of the proposed roundabout and find no reason to do other than consider it as part of the Scheme.

Issues arising in Local Impact Reports

- 4.31 There is a requirement under s.60(2) of PA2008 to give notice in writing to each local authority falling under s.56A inviting them to submit Local Impact Reports. This notice was given on 22 January 2014 (Doc COR009). A Local Impact Report was submitted by NCC only (Doc LIR001). NCC is the Applicant. The principal matters raised in the LIR are:
- Planning history and development proposals
 - Development plan policies
 - The impacts the Scheme would have on existing land uses, the landscape, archaeology and cultural heritage, ecology and nature conservation, air quality, noise and vibration, flood risk and drainage, and traffic and transport.
- 4.32 Much of the content of the LIR is common with submissions made by the Applicant. The gist of the LIR is set out in the following paragraphs (4.33 to 4.39); subsequently in this Chapter I consider the environmental and other effects that the Scheme would have and in so doing draw on the LIR.
- 4.33 The site and the Scheme are described.

- 4.34 Planning history and development proposals are discussed. There are several development proposals in the Morpeth area, especially near the route of the Scheme. But very few are either committed development or the subject of a current planning application. On 15 December 2011 planning permission was granted for hospital redevelopment and up to 250 dwellings at Northgate Hospital; a necessary reserved matters application has not been submitted. An outline application for planning permission for 255 dwellings on land to the south-west of Northgate Hospital is yet to be determined. There are currently no other planning applications for major development schemes near the bypass route.
- 4.35 A review of the level of development in Morpeth is being undertaken through the preparation of a County-wide Core Strategy; the second "preferred options" consultation ended on 2 January 2014. The emerging Core Strategy can be given only very limited weight because it is at an early stage in its preparation. It proposes that the majority of development in Morpeth should be to the north of the town, with some 1000 dwellings at St George's hospital site of which 400 could take access via the town (limited by highway constraints) and 600 via the application Scheme.
- 4.36 The development plan consists of the Castle Morpeth District Local Plan (adopted February 2003, saved policies 2007) (the Local Plan). Attention is drawn to the following saved policies, none of which is significantly in conflict with the NPPF:
- C11 Protected species
 - C15 Trees in the countryside and urban areas
 - T1 Roads and transportation
 - RE5 Surface water runoff and flood defences
 - RE6 Service infrastructure
 - RE8 Contaminated land
 - MT1 Morpeth: A1/South East Northumberland Link Road.
- 4.37 The Local Plan can no longer be considered to be up-to-date given that its development allocations were intended to guide development only for the period 1991-2006. The general thrust of paragraph 14 of the NPPF is that, where relevant development plan policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably conflict with the NPPF.
- 4.38 The LIR records the Council's hope that, by improving east-west transport links in this location, the proposal would act as a catalyst for economic regeneration and housing growth. The objectives of the Scheme would be generally compliant with the aims of the

NPPF and existing and emerging development plan policy by, among other things, proactively driving and supporting sustainable economic development to deliver the homes, business spaces, infrastructure and thriving local places that the country needs.

4.39 The gist of the Council's comments on the Environmental Statement is as follows:

- i) Impact on existing land uses – The adverse effect on farm businesses would be slight or negligible. There would be some loss of best and most versatile land but the amount would not be significant in either national or local terms.
- ii) Landscape and visual impact – This is an area of attractive landscape in an elevated position above Morpeth comprising large fields divided by established hedgerows with occasional woodland planting. The ES predicts temporary harm to the landscape during construction of the Scheme but, with mitigation planting, the magnitude and significance of visual effects on the majority of properties would, 15 years after the opening of the bypass, be neutral or even slightly beneficial. But significant adverse effects would remain for some visual receptors. The general design of the Scheme, and the detailed design of individual structures and landscaping measures, are such that the overall landscape impact would be minimised and mitigated as sensitively and effectively as possible.
- iii) Archaeology and cultural heritage – The Scheme has been the subject of a detailed archaeological assessment, both desk-based and in the field. The County Archaeologist confirmed during the preparation of the LIR that they are satisfied with the level of archaeological assessment undertaken by the Applicant and that, subject to a programme of archaeological monitoring being put in place for the duration of construction works, no objection to the Scheme is raised. The Council's conservation officer states that the Scheme would be in close proximity to three Grade II listed buildings (Old Farmhouse at East Shield Farm, Bridge between East Shield Hill and East Shield Hill Farm, and West Shield Hill Farmhouse). Any impacts the Scheme might have on these heritage assets, or the conservation area in the heart of Morpeth, would be indirect; any harm to their settings would be less than substantial. The only non-designated heritage asset near the site is a group of farm buildings at East End Lane Farm; any potential impact on the setting of those buildings would be of less than substantial harm.
- iv) Ecology and nature conservation – The County Ecologist has been involved in the preparation of the LIR and confirms that, subject to appropriate mitigation measures and

ecological enhancement, they have no objection to the Scheme in isolation. However, there is concern about the potential cumulative effects the Scheme might have in conjunction with development that the Scheme might stimulate nearby. The long term impact of the bypass on nature conservation interests is therefore unknown at this stage.

- v) Air quality – The Scheme would reduce traffic in Morpeth, leading to minor improvements in air quality at sensitive receptors. Changes in air quality at properties closer to the bypass would be insignificant. The Council’s Public Protection Team advises that there would be no significant impact provided that the mitigation measures detailed in the Applicant’s Construction Environmental Management Plan to reduce impacts on local air quality and reduce the potential for dust generation are adhered to.
- vi) Noise and vibration – The ES identifies nine dwellings where the predicted long-term noise level increase due to the Scheme would be greater than 3dB, but it is unlikely that noise mitigation would be needed at any of those properties as a direct result of the Scheme. The Applicant’s analysis in that respect uses accepted methods. The draft DCO includes requirements to mitigate noise effects during construction, including restrictions on working hours. The Council’s Public Protection Team advises that, subject to those requirements being satisfied and subject also to the mitigation measures in the Construction Environmental Management Plan being implemented in full there would not be a significant adverse impact on residential receptors.
- vii) Flood risk and drainage – The construction of new bridges across the Cotting Burn and How Burn could lead to slight/moderate harm to aquatic ecology and water quality. Effects on other watercourses, assuming compliance with the Construction Environmental Management Plan, would be temporary and cause only slight harm. Groundwater resources are unlikely to be affected significantly. The Scheme’s effect on routine runoff and flood risk is expected by the Council to be neutral. There is the potential for slight adverse river flooding effects during construction, as works in the watercourse channels would be required.
- viii) Traffic and transport – Potential temporary disruption might arise during the construction period of the bypass. But, once complete, the Scheme would benefit the local highway network by reducing daily congestion and improving capacity in and around Morpeth, by providing improved connectivity with South East Northumberland, an alternative route around Morpeth, and improved access to the A1. The Scheme would benefit non-motorised users by reducing traffic and

congestion in the town centre, by providing new combined cycleway/footways, and by improving connectivity to the local NMU network¹³. The Scheme would involve alterations to Mitford Public Footpaths 13 and 21, Hebron Public Footpath 9 and Hebron Bridleway 10. The Council's Rights of Way Officer has no objection to the proposed alterations and asks (through the LIR) that the closure of the A1 slip road (at Fairmoor) should enable continued access for those on foot, cycle and horseback.

4.40 The Applicant's response to the LIR is in document APP006.3. Hebron Bridleway 10 is not inside the DCO boundary and is not proposed to be affected by the Scheme. Access for Non-Motorised Users will be maintained at Fairmoor through the southbound diverge slip road closure through the creation of a section of new highway as shown at reference C on Street Plan 3. I am satisfied that this would be an appropriate provision.

4.41 No other party responded to the LIR.

Air quality

4.42 Air quality is the subject of Chapter 5 of the ES (Doc DOC006.1.6).

4.43 Paragraph 124 of the NPPF says that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. No Air Quality Management Area has been declared by NCC or its predecessor, Castle Morpeth Borough Council (ES para 5.16, 5.91).

4.44 The air quality assessment in the ES includes analysis and interpretation with reference to "Guidance on the Assessment of the Impacts of Construction on Air Quality and the determination of their Significance" (IAQM, 2012); and the DMRB, Volume 11, Section 3, Part 1 "Air Quality". The potential for air quality effects has been assessed for two distinct phases:

- i) Construction phase, during which the greatest effect is expected to be from dust; and,
- ii) Operational phase, when the effects will be primarily associated with emissions from vehicles.

4.45 During the construction of the Scheme, dust effects may arise from demolition, earthworks, construction and track-out. Assessment was undertaken as described in paragraphs 5.36 to 5.50 of the ES (Doc DOC006.1.6) and the findings are described in ES paragraphs 5.98 to 5.110. With no mitigation the significance of those effects would range from "negligible" (in the case of

¹³ The public rights of way and other routes used by Non Motorised Users such as pedestrians, cyclists and so on.

demolition) to “moderate adverse” (earthworks and construction). Mitigation is therefore proposed, as described in the Construction Environmental Management Plan (CEMP) (APP004.16), which would reduce the significance of dust and PM₁₀ effects during construction of the Scheme to “negligible”.

4.46 For the operational phase, assessments of conditions during the 2011 base year, the 2015 opening year and the 2030 assessment year were undertaken. Those concluded as follows (Doc DOC006.1.6, ES paragraphs 5.112 to 5.124):

- i) In respect of nitrogen dioxide, predicted annual mean concentrations at 36 modelled receptors in the “2015 do-scheme” case range between 7.9 and 21.1 µg per cubic metre. All receptors were predicted to experience annual mean concentrations well below the UK annual mean objective and EU limit value of 40 µg per cubic metre in all modelled scenarios, irrespective of whether the Scheme goes ahead; this includes the effects of changes in vehicle technology. Generally, beneficial effects were predicted at properties in Morpeth, with the largest decreases along the A197 and A192; some traffic would transfer from those routes to the new bypass. Adverse effects were predicted along the proposed bypass, and on a footpath (where the greatest increase in NO₂ concentration is predicted: an increase of 2.7 µg per cubic metre in 2015, to an annual mean concentration of 10.3 µg per cubic metre). The local air quality TAG assessment indicates that overall the Scheme would result in an improvement in air quality with regard to human exposure to NO₂.
- ii) The Scheme’s effect on concentrations of particulate matter (PM₁₀) was also assessed. Predicted annual mean concentrations at 35 modelled receptors in the “2015 do-Scheme” case range between 11.6 and 15.5 µg per cubic metre. All receptors were predicted to experience annual mean concentrations well below the UK annual mean objective and EU limit value of 40 µg per cubic metre in all modelled scenarios, irrespective of whether the Scheme goes ahead. The largest adverse effect (an increase of 0.2 µg per cubic metre in 2015) was predicted at a location alongside the proposed bypass.

4.47 The residual air quality effects on footpath PF9 (Doc APP004.02 item 10.4; Figure 5.1 on DOC006.2.2) have been assessed. During the operational phase, an exceedence of the hourly mean objective for NO₂ would be very unlikely to occur and the residual effect on footpath PF9 would be negligible. Footpath PF9 is a “worst case” location in this respect, and so it may be assumed that the residual effects on all public rights of way would be negligible during the construction and operational phases.

- 4.48 NE has been consulted. NE does not consider the Scheme would result in any likely significant air quality effects on protected species (Doc REP064). NE is satisfied that air quality impacts on Nationally or Internationally designated sites can be scoped out of further consideration (Doc APP004.31).
- 4.49 NCC's local impact report (Doc LIR001 paras 6.18, 6.19) considers the Scheme's effect on air quality and concludes that the Scheme, with the mitigation measures proposed in the CEMP (APP004.16), would give rise to no significant adverse impact on air quality.

Cumulative Effects

- 4.50 The ES reports that construction of the Scheme would have a cumulative effect on air quality with other plans or projects if those plans or projects relate to development nearby (within 350 metres (DOC006.1.17, table 16.1)) that comes forward before the Scheme is complete. None of the proposed developments within that distance of the Scheme are expected to be under construction during 2015, most do not have either planning permission or a development plan allocation (ES Appendix 16.1; Doc 006.3.18), and all are said to rely on the application Scheme for access. It seems to me that the probability of another plan or project being built at the same time as the Scheme, that would be large enough and close enough to it to have a significant cumulative effect on air quality during construction, would be slight.
- 4.51 The ES further reports (DOC006.1.17, table 16.1) that, once the Scheme is in operation, the local air quality assessment has taken into consideration cumulative effects as the traffic data applied to the model takes account of all committed developments that have been approved or that the Applicant considers likely to be approved.

Draft NNNPS

- 4.52 The assessment of the Scheme's effect on air quality is consistent with the approach set out in paragraphs 5.2 to 5.12 of the draft NNNPS. I am satisfied that the Scheme is not likely to lead to a breach of the air quality thresholds.

Conclusion: Air Quality

- 4.53 I conclude that, providing the air quality mitigation measures in the CEMP (Doc APP004.16) are properly applied (and that is the subject of Requirement 3), the Scheme's effect on local air quality would be acceptable and accordingly there is no reason in my view to refuse the Order on local air quality grounds. I conclude on greenhouse gases in paragraph 4.56 below.

Greenhouse Gas Emissions

- 4.54 Using data from the transport assessment, changes in carbon dioxide emissions associated with the Scheme have been assessed over a 60-year appraisal period. The finding is that the Scheme would result in a total increase of 23,896 tonnes of carbon dioxide equivalent. The corresponding “do minimum” amount of carbon dioxide for the 60 years period throughout the modelled network is estimated to be 6,124,888 tonnes of carbon dioxide equivalent. There are inherent uncertainties in making such predictions so far in the future (Doc DOC006.1.6 paragraph 5.143).

Draft NNNPS

- 4.55 Paragraph 3.4 of the draft NNNPS reads as follows:

“While, considered in isolation, individual schemes may result in an increase in carbon dioxide emissions, the Government’s overarching plan for reducing carbon emissions will ensure that any such increases do not compromise its overall carbon dioxide reduction commitments. Increases in carbon emissions from a development should not therefore need to be considered by the Examining Authority and the Secretary of State.”

- 4.56 I attribute significant weight to the draft NNNPS (paragraph 3.2 of this report) and that leads me away from the conclusion that very much weight should be attributed to greenhouse gas emissions associated with the Scheme. Additionally, I am mindful that the projected increase in such emissions is expected to be only a small proportion of the road transport-related emissions throughout the modelled network – less than one-half of one percent – and it seems to me that even if the proposed policy position was given only little weight the matter of greenhouse gas emissions would give rise to no reason to refuse the Order.

Archaeology and Cultural Heritage

- 4.57 Archaeology and cultural heritage features are the subjects of Chapter 6 of the ES (Doc DOC006.17).
- 4.58 The archaeological assessment was carried out in accordance with the DMRB Volume 11 Section 3 Part 2 “Cultural Heritage” and the Institute for Archaeologists’ “Standard and Guidance for Historic Environment Desk-Based Assessment”. It considered a corridor whose width extended to some 500 metres on either side of the route alignment, in accordance with the DMRB. A significance statement was submitted by the applicant (Doc APP008.25).
- 4.59 There are 87 heritage assets in the study area. There are no World Heritage Sites, Registered Battlefields, Registered Parks and Gardens or Conservation Areas.

Scheduled Monument

- 4.60 There is one Scheduled Monument, consisting of two lozenge-shaped pillboxes constructed during World War II and now sited to the west of the more recent A1 bypass. These were deliberately sited for defence, and so their setting contributes to their significance; however, EH comments that “the existing A1 road has changed the setting of the Monument, and [EH] is satisfied that the proposed works would not cause further harm to [the] setting of the scheduled pillboxes” (Doc REP040). I conclude that the scheme’s effect on the Scheduled Monument and its setting would not be harmful; both would be preserved.

Grade II Listed Buildings

- 4.61 The ES reports (DOC006.1.7 paragraph 6.79) that there are two other designated heritage assets in the study area, both Grade II listed: East Shield Hill Farmhouse and East Shield Hill Bridge. The value of each when assessed in accordance with the DMRB js Medium (ES Table 6.5). The two listed structures are considered together as they are only a short distance apart and they are broadly contemporary. They have architectural significance, in their design and use of materials; their location contributes to their significance although not to any great extent. The significance statement (Doc APP008.25) describes the relationship between the setting of East Shield Hill Farm House and Bridge and the buildings themselves. The buildings have historical significance as they add to understanding of the development of the landscape and the agricultural practices of the community. The setting comprises the agricultural land in which the two buildings are set. The significance statement (APP008.25) reports that the scheme is likely to have adverse effects (by virtue of noise, pollution and traffic) on the settings of both of these Listed Buildings; in the case of the farmhouse this is assessed by the ES (in its table 6.7) to be of moderate significance, and in the case of the bridge the significance of the effect is assessed to be slight.
- 4.62 NCC’s local impact report (Doc LIR001) considers the scheme’s effect on archaeology and cultural heritage. NCC does not object on archaeological grounds, providing the proposed mitigation is implemented. NCC finds that the scheme’s effect on the settings of three Grade II listed buildings (East Shield Hill Farm House, East Shield Hill Bridge and West Shield Hill Farm House) has the potential to give rise to potential impacts on setting, and considers that any such impacts would cause less than substantial harm.
- 4.63 ES Figure 6.1 (Doc APP003.9) shows West Shield Hill Farm to be north of item 14 (a point of reference on figure 6.1) and several hundred metres beyond the limit of the study area (which extends 500 metres on either side of the Scheme centreline). The farmhouse is at the limit of the scheme’s Zone of Visual Influence (ES figure 8.4, APP003.18).

4.64 51 heritage assets in Morpeth town centre would be affected by the traffic reduction the scheme is expected to bring there. These include the Clock Tower (a Scheduled Monument), a Conservation Area and listed buildings (including some of Grade I and Grade II*) in the town centre and along the A-roads on the outskirts of the town. There would be no change to any building. The traffic reduction would enhance the character and appearance of the Conservation Area and the settings of the buildings would be preserved and enhanced. In all cases the degree of enhancement would be slight. I am satisfied that the scheme would have no effect on the setting of the Conservation Area, which is some distance from the scheme and not visible from it (Doc APP008.24 item 5.2(v)d).

Conclusion on the Scheme's Effect on Listed Buildings

4.65 The Infrastructure Planning (Decisions) Regulations 2010 include:

"3(1) When deciding an application which affects a listed building or its setting, the decision-maker must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses."

4.66 The Draft National Policy Statement for National Networks (NNNPS) states that, in decision making, the Secretary of State should (among other things):

- Seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including effects on the setting of a heritage asset (NNNPS paragraph 5.116));
- Take into account the particular nature of the significance of the heritage asset and its present and future value (NNNPS paragraph 5.117);
- Take into account the desirability of sustaining and enhancing the significance of heritage assets and the contribution of their settings (NNNPS paragraph 5.118); and,
- When considering the impact of a proposed development on the significance of a designated heritage asset, give great weight to the asset's conservation (NNNPS paragraph 5.119).

4.67 I consider first the effect the scheme would have on the Grade II Listed Buildings East Shield Hill Farm House and East Shield Hill Bridge. The particular significance of these heritage assets derives from their architecture, use of materials and relationship to each other and to the land in which they are set. The scheme's effect on the significance of the two Listed Buildings would depend on its effect on those characteristics. The scheme would pass well over

100 metres to the south of the buildings (APP004.35, "Environmental Strategy"). It would affect neither the architecture, the materials or the relationship between the two buildings.

- 4.68 When I visited East Shield Hill I saw the outlook to the south from the Bridge and the vicinity of the Farm House is largely open and agricultural, with some woodland in the middle distance. The scheme would add to that a new road crossing the view, generally at ground level or thereabouts but on a short embankment at the small valley of the How Burn with tree and shrub planting on its north-facing slope (drawing HE092631/0/197/01/07revP, item 1 in APP004.35). A block of woodland planting would be formed as part of the scheme, to the east of the How Burn (drawing HE092631/0/197/01/84revF, item 3 in APP004.35). In time, the planting (which would be secured by Requirement 7) may be expected to offset the visual effects (of a linear element in the landscape, and of traffic on the new road). The outlook from the two buildings would have changed in detail but its overall character would not have changed. To my mind, the visual effect of the setting of the two listed buildings on their significance would be unchanged.
- 4.69 The significance statement refers to the effects of noise, pollution and traffic on the settings of the listed buildings. Noise levels at East Shield Hill, with the scheme, would be less than the level recommended by the Guidelines for Community Noise as avoiding moderate annoyance for the majority of people (paragraphs 4.153-4.161). Air quality along the bypass would fall slightly, but would remain well within the appropriate national and EU limits (paragraph 4.46). And no additional traffic would pass near the listed buildings as a result of the scheme; any effect, relevant to the significance of the listed buildings, that traffic using the scheme would have would be through the effects of noise, air quality and visual effect that I have considered. In my view, none of those effects would affect the characteristics of the buildings or their setting in a way that would influence the particular significance of the heritage assets.
- 4.70 I am therefore satisfied that the scheme's effect on the significance of the Grade II Listed buildings East Shield Hill Farm House and East Shield Hill Bridge, and its effect on the contribution of their setting, would be neutral. Those listed buildings and their setting would be preserved.
- 4.71 In the case of West Shield Hill Farm House I do not consider that the scheme would give rise to any harm to the heritage asset or its setting; the distance of the House from the scheme would be so great as to make the scheme's effects imperceptible at the House or its setting (ES figure 1.1 (location of West Shield Hill) DOC06.2.1; ES figure 8.4 (zone of visual influence) DOC006.2.5;

ES figure 10.13 (noise) DOC006.2.7). There would be no harm to the setting of this listed building, or to the building itself.

Archaeology

- 4.72 There are 21 archaeological sites and four historic landscape types recorded along the route of the scheme. These comprise a number of sites identified from aerial photography and geophysical survey, and several areas of ridge and furrow cultivation. Also affected are a hollow-way, a footpath, a possible quarry pit, a ford or stepping stones and two structures. The value of individual sites has been assessed using criteria in the DMRB; with the exception of a non-designated pillbox of medium value (some distance to the south of the scheme; see reference 5 on ES Figure 6.1; Doc APP001.12) these non-designated heritage assets are of low or negligible value (Doc DOC006.17, table 6.5 and para 6.76).
- 4.73 Following consultation by the Applicant with the County Archaeologist (Doc DOC006.17 para 6.85), it has been determined that mitigation in the form of an archaeological watching brief would be undertaken in the whole of the development area. This would comprise an archaeologist monitoring the removal of topsoil and subsoil during construction (other than in three small areas where this has already been done). Any archaeological features would be excavated and recorded to ensure preservation by record. Archaeological earthworks that would be lost would first be the subject of a topographical survey. Those measures are listed in the CEMP (APP004.16). A written scheme of investigation would be prepared in advance, for the approval of the relevant planning authority prior to implementation (Doc DOC006.1.7, paras 6.85 to 6.87). All these measures are the subject of draft Requirement 16.
- 4.74 Subject to that mitigation, the residual construction effects of the scheme on the heritage resource would be of slight adverse significance.
- 4.75 The ES finds the overall significance of effect on the setting of heritage assets would be moderate adverse, indicating a significant effect in EIA terms (Doc DOC006.1.7, paragraph 6.92 and table 6.2). The ES finds that the overall effect on archaeological features would be adverse and of slight significance.
- 4.76 NCC's local impact report (Doc LIR001) considers the scheme's effect on archaeology and cultural heritage. NCC does not object on archaeological grounds, providing the proposed mitigation is implemented.

Cumulative Effects

- 4.77 ES figure 16.1 and ES appendix 16.1 (DOC06.1.12 and DOC006.3.18) describe developments that may come forward near the scheme. There may be some cumulative effects on

archaeology and cultural heritage as a result of the interaction of the proposed bypass with other schemes. But the cumulative effects would not be significant, providing that correct assessment and mitigation of any effect arising from those other schemes are provided for through the planning process (Doc DOC006.17, table 16.1).

Draft NNNPS

- 4.78 I am satisfied that the approach taken in this report in respect of Archaeology and Cultural Heritage is consistent with the approach described in paragraphs 5.108 to 5.130 of the draft NNNPS.

Conclusion: Archaeology and Cultural Heritage

- 4.79 I conclude that, providing the mitigation measures identified in the CEMP and the ES in respect of archaeology and cultural heritage are secured (as Requirements 3 and 16 would) the scheme's effect on archaeology would be adverse and of slight significance.
- 4.80 I further conclude that the scheme's effect on designated heritage assets would be neutral.
- 4.81 There is therefore no reason in my view to refuse the Order on grounds arising from its effect on archaeology and cultural heritage.

Ecological Implications of the Scheme

- 4.82 The Scheme's ecological effects are the subject of Chapter 7 of the ES (DOC006.1.8) and of representations by interested parties including NE and the EA.
- 4.83 NE is satisfied that there are no International sites, SSSIs or National Nature Reserves ecologically connected to or located within the vicinity of the Scheme that could be significantly affected (Doc REP048, 4.1). NE's advice is that in relation to nature conservation issues within its remit there is no fundamental reason of principle why the project should not be permitted, although the Applicant has provided insufficient information for NE to issue a letter of no impediment in relation to the draft EPS licences (bats).
- 4.84 The site of the Scheme and nearby land has been the subject of various ecological surveys, most recently in 2012. NE is satisfied (notwithstanding the need to undertake further surveying to inform the EPS licence for bats) that, as the suite of ecological surveys was updated during 2012, this provides a reliable ecological baseline to assess impacts on species and habitats. However, NE considers that (depending on the final implementation timetable for the Scheme) there might be a need for further update surveys to inform the development of detailed mitigation proposals (Doc REP048). NE believes it is not essential

for the results of checking surveys (which the Applicant intended to undertake during the Spring of 2014) to be reported to the Examination; but the results should be used to inform the development of detailed mitigation plans for relevant habitats and species required by Requirements 24 and 25 (Doc REP064). NE is also satisfied that the Applicant's method statements for pre-construction checking surveys for protected species (Doc 004.20) are suitable. Since the method statements were prepared, areas of potential reptile habitat have been identified and will be surveyed; the work is secured by draft Requirement 25(2).

4.85 The evidence is (Doc REP015, DOC006.1.8) that:

- (i) The following European Protected Species (EPS) may be affected by the Scheme: Bats; Otter.
- (ii) The following nationally protected species may be affected by the Scheme: Red squirrel; Badger; White clawed crayfish; Breeding birds; Barn owl.
- (iii) The following non-designated areas of interest would be affected by the Scheme: (a) How Burn Wood SNCI/Ancient Woodland; (b) Cotting Wood SNCI; (c) Cotting Burn Wildlife Corridor; (d) UK priority habitats – hedgerows and ponds.

4.86 The following paragraphs summarise the survey findings, the Applicant's proposals, and the Scheme's expected residual effects on each ecological feature identified in paragraph 4.85 above.

European and National Protected Species

Bats

4.87 Bats are EPS by virtue of Annex IV of the EC Habitats Directive 1992, and also gain protection through Regulation 39 of The Conservation of Habitats and Species Regulations 2010 as amended¹⁴. Surveys of bats were undertaken in the Scheme study area in 2008, 2009, 2011 and 2012. ES Table 7.10 (in DOC006.1.8) describes the locations of identified bat roosts. ES Table 7.11 summarises bat activity recorded around stands of mature woodland and along linear features, particularly mature intact hedgerows and watercourses. Roosts would be disturbed or destroyed by the Scheme, and commuting and foraging corridors would be interrupted. Mitigation is proposed as described in paragraphs 7.334-7.353 of the ES (Doc DOC006.1.8). NE points to a lack of detail in some of the proposals (Doc REP071), and that matter would be addressed by draft Requirement 25.

4.88 The Scheme's residual effect on bats is assessed by the ES to be as follows. There would be slight adverse effects, due to (i) the replacement of a roost at Rose Cottage with other roosting sites;

¹⁴ ES table 7.2

(ii) delay while replacement planting with foraging and roosting potential becomes established; (iii) the possibility that some bats may choose to not use the safe crossing points that would be provided at Cotting Burn and How Burn; (iv) lighting on the Scheme may have some residual effect on bats. Moderate beneficial effects are predicted due to the creation of new roost sites at How Burn and Cotting Burn crossings (Doc DOC006.1.8, page 7-90). Those judgements are not in dispute, subject to the provision of details.

4.89 In Fulbeck Lane, Rose Cottage which contains a bat roost would be demolished for the Scheme. Bat roosts in two trees would also be disturbed and possibly lost if the trees were felled (trees 17 and 26 on ES Figure 7.5 (APP003.14)). EPS licences granted under the Habitats Regulations would be necessary for both Common Pipistrelle Bat and Soprano Pipistrelle Bat. The Applicant approached NE, seeking initially a "letter of no impediment" in relation to the grant of these licences, following the submission of draft EPS mitigation licence applications. However, the information provided to NE by the Applicant was insufficient for NE to issue such a letter and therefore NE asked that additional survey information was provided. The Applicant's intention to provide this information to NE is set out in item A16.8 of document APP011.3. The Applicant also intended to issue a survey report and a revised licence application by the end of August 2014, and then to ask the Secretary of State to give consideration to those documents in determining the DCO application. Neither the necessary information nor a "letter of no impediment" was submitted to the Examination.

4.90 Under the Habitats Regulations, although I am not the consenting authority, I need to have regard to the Habitats Directive to be satisfied that its derogation tests can be met and that a licence can be forthcoming. NE has provided advice to the Applicant on how to resolve this matter (Doc REP048). I have no reason to believe that the licences would not be granted by NE, subject to the provision of the outstanding information, as NE has stated that they see no fundamental reason why the issue could not be satisfactorily resolved (Doc REP048).

Otter

4.91 Otter are EPS by virtue of Annex II and Annex IV of the EC Habitats Directive 1992, and also gain protection through The Conservation of Habitats and Species Regulations 2010. An otter survey in 2012 confirmed the presence of otters on How Burn, with good otter shelter and resting habitat on Ful Beck and How Burn. No evidence was found of otters on the Cotting Burn or the Benridge Burn. The Scheme would affect otter through loss of riverine habitat, severance and increased human activity. Mitigation is proposed as described in paragraphs 7.302, 7.318

and 7.354-7.363 of the ES, and would be secured through draft Requirements 24 and 25. NE supports the proposals (REP048).

- 4.92 The Scheme's residual effect on otters is assessed by the ES (Doc DOC006.1.8 page 7.90) to be as follows. Slight adverse effects due to limited loss of riparian habitat where the Scheme would cross watercourses, and due to disturbance when the Scheme was in use. Slight beneficial effect due to the addition of an otter holt. Those judgements were not in dispute.

Red Squirrel

- 4.93 Red squirrel are protected under schedules 5 and 6 of the Wildlife and Countryside Act 1981.
- 4.94 No red squirrel were identified by the 2007 and 2012 surveys; but they have been sighted in the study area occasionally at other times. There is not a significant population present. The Scheme would affect red squirrels through traffic noise, increased human presence and habitat severance. Mitigation is proposed as described in paragraphs 7.366-7.368 of the ES, and would be secured through draft Requirements 24 and 25. NE supports the proposals (REP048).
- 4.95 The Scheme's residual effect on red squirrel is assessed by the ES (Doc DOC006.1.8 page 7.91) to be slight adverse effects due to tree loss and due to severance of habitat. Those judgements were not in dispute.

Badger

- 4.96 Badger are protected by the Protection of Badgers Act 1992. Four active badger setts were found in the study area by the 2012 survey, and none is expected to be lost to the Scheme. Badgers could be affected by the Scheme through loss of foraging opportunities and through risk of collision with traffic. Mitigation is proposed as described in paragraphs 7.329-7.333 and 7.356 of the ES and would be secured through draft Requirements 24 and 25. NE supports the proposals (REP048).
- 4.97 The Scheme's residual effect on badger is assessed by the ES as a slight adverse effect of medium-term duration while new foraging areas became established (Doc DOC006.1.8 page 7.89). That judgement was not in dispute.

White-Clawed Crayfish

- 4.98 White-clawed crayfish are protected under Schedule 5 of The Wildlife and Countryside Act 1981. The River Wansbeck and its tributaries were reported in 2008 to hold the best population of white-clawed crayfish in the UK. Surveys were undertaken for the Applicant in the Cotting Burn/Ful Beck system in 2007, 2009 and 2012, and in the How Burn. (ES 7.185, 7.186). Crayfish were not

found in any watercourse that would be directly affected by the Scheme. The residual effect of the Scheme on white-clawed crayfish would be neutral (ES Table 7.13).

- 4.99 The Applicant proposes to contribute to feasibility work to introduce the white-clawed crayfish into the How Burn. If that was successful, the residual effect would be moderate beneficial. But any such improvement would not be in mitigation of any predicted effect that the Scheme would have, and it does not form part of the Applicant's case for the Scheme (Doc APP008.24, Ref 11.5).

Breeding Birds

- 4.100 Breeding birds are protected by The Wildlife and Countryside Act 1981. Sixty-four bird species were recorded in the area during the 2012 survey, of which 57 species were considered to be breeding in the area. With the exception of Barn Owl, all other species found in the area which are listed in the BoCC Red and Amber List or the Action Plans for Farmland and Garden Birds (Northumberland BAP) were not present in the survey area in regionally significant quantities. They would be affected through habitat loss, noise and traffic. Mitigation is proposed as described in paragraphs 7.336 and 7.377-7.379 of the ES and would be secured through draft Requirements 24 and 25. NE supports the proposals (Rep048).
- 4.101 The Scheme's residual effect is predicted to be as follows. Slight adverse effect for farmland/riverine breeding birds and marsh tit, due to loss in riparian habitat at watercourse crossings. Minor adverse for woodland breeding birds and the marsh tit, and neutral or slight adverse for all other birds, due to risk of collision with traffic. Moderate adverse for woodland breeding birds and the marsh tit, slight adverse effect for farmland/riverine breeding birds, and neutral or slight adverse for all other species, for noise disturbance from use of the Scheme. (Doc DOC006.1.8 page 7.92)

Barn Owl

- 4.102 The Barn Owl is listed in Schedule 1 of the Wildlife and Countryside Act 1981. The 2012 survey confirmed two pairs in the study area, one of which was known to be breeding. The Scheme's adverse effects on Barn Owl could include foraging habitat loss, noise, lights, and a risk of collision with vehicles. Mitigation is proposed as described in paragraphs 7.380-7.382 of the ES and would be secured through draft Requirements 24 and 25. NE supports the proposals (Doc REP048).
- 4.103 The ES predicts that the Scheme's residual effects on Barn Owl would include slight adverse effects due to loss of foraging habitat, risk of collision with traffic, and noise disturbance. There would also be a slight beneficial effect due to the provision of barn owl boxes. (Doc DOC006.1.8 page 7.93)

Habitats

- 4.104 How Burn Wood Site of Nature Conservation Interest (SNCI) (see ES Figure 7.2, Doc APP003.11) and Cotting Burn Wildlife Corridor (see Environmental Strategy drawing, Doc APP004.35; the corridor was designated under saved Policy MC6 of the Castle Morpeth District Local Plan¹⁵) would be directly affected by the Scheme.

How Burn Wood

- 4.105 At How Burn Wood, some 0.1 hectare of the SNCI (also designated as Ancient Replanted Woodland¹⁶) would be lost to the Scheme. The ecological value of this land has been degraded by adjacent open cast mining (now ceased and being restored). Five trees would be lost.¹⁷ Once the bypass became operational there would be a risk of traffic-sourced contaminants harmfully entering the wood. Hydrological changes consequent upon the Scheme could affect the species found in the woodland. And noise, vibration, and artificial light associated with use of the road may disturb birds in the SNCI. The residual ecological effect of the loss of Ancient Replanted Woodland at How Burn Wood is assessed by the ES as being of moderate adverse significance (Doc DOC006.1.8 paras 7.202-7.206 and Table 7.13).

- 4.106 A stand of Japanese knotweed is located 0.15km from the Scheme. ES paragraph 7.204 expresses concern that this invasive plant could inadvertently be carried into How Burn Wood but, for the reason given by the Applicant (APP004.02 ref 11.4), that concern may be discounted. The EA is content with that (REP061).

Cotting Burn Wildlife Corridor

- 4.107 Cotting Burn Wildlife Corridor would be crossed by the Scheme. The watercourse is considered of medium importance for supporting UK BAP and local BAP species¹⁸. Without mitigation, the movement of wildlife along the watercourse would be impeded, with possible road casualties and population isolation. The overall ecological effect is assessed by the ES as being of moderate adverse significance. Mitigation is proposed in the form of the crossing, a culvert designed to be large enough to allow for the movement of wildlife across the Scheme and secured through Requirements 13, 4 and 1. The ends of the culvert would extend some 20 metres beyond the road edges. The residual effect of the Scheme with this mitigation is found by the ES to be slight adverse (DOC006.1.8 page 7.88).

¹⁵ ES Appendix 4.1

¹⁶ ES para 7.67 attributes the following description to NE: "Ancient Woodland is land that has had continuous woodland cover since at least 1600 AD and may be (among other things) Ancient Replanted Woodland, comprising sites where the original native tree cover has been felled and replaced by planting, usually with conifers and usually this century."

¹⁷ APP004.02 ref 11.5

¹⁸ ES para 4.59

Non-Statutory Sites

- 4.108 The Scheme would pass close to non-statutory nature conservation sites at Cotting Wood and Scotch Gill Wood. There would be no direct effect, but traffic-sourced contaminants may have a slight adverse effect on those Woods (DOC006.1.8 page 7.88).

Hedgerows

- 4.109 The Scheme would cause permanent loss or severance of some 15 lengths of hedgerow, not classed as ecologically "important" under the Hedgerow Regulations 1997 but nevertheless forming important wildlife corridors for protected species such as bats, badger and breeding birds; a loss of moderate adverse significance. Mitigation is proposed (ES Table 7.13, DOC006.1.8 page 7.88) in the form of new hedge planting (secured through Requirement 7), leading to a longer term effect of slight adverse significance.

Ponds

- 4.110 There would be a net increase in the number of ponds on the site. Silt control measures during construction, and pollution control measures such as swales, would offset the risk of contaminants entering ponds from the Scheme. The measures are secured through Requirements 11 and 12. The ES describes the Scheme's overall effect on standing water as "neutral" (DOC006.1.8 page 7.89).

Cumulative Effects

- 4.111 Paragraphs 7.405 to 7.415 of the ES identify that if development were to proceed at any or all of nine sites identified in the ES, then the Scheme's effects on bats might be intensified by virtue of changes by development on those sites to foraging areas and additional lighting. Of those sites, several are not the subject either of development plan allocations or of planning applications (ES Appendix 16.1 in DOC006.3.18). Only one site is the subject of planning permission (Northgate hospital, doc APP008.27) with layout and landscaping among the reserved matters and with various measures for the benefit of bats (including foraging and lighting) the subject of a condition. A cumulative effect on otters is predicted only at the Cotting Burn, due to the Scheme and consented development at the Northgate hospital, but the Scheme would provide planting alongside the Cotting Burn where affected by the Scheme, to make the watercourse more suitable for otter use, and it seems to me that the length of the culvert relative to the road width would provide a degree of separation between otters (and other fauna in the Cotting Burn) and the activity on the Scheme road above (DOC006.1.17 table 16.1, DOC006.1.8

para 7.321, 7.355). Requirements 3, 4, 24 and 25 secure these measures.

- 4.112 NCC's local impact report (Doc LIR001) considers the Scheme's effect on ecology and confirms that NCC has no objection to the Scheme in isolation. The County Ecologist is concerned by the amount of development that has been suggested along the line of the proposed bypass, and its cumulative ecological effect. But, as explained in paragraph 4.111, much of the mooted development assessed in this context by the ES has no planning permission and no allocation in the development plan; nor is the emerging Core Strategy sufficiently far advanced for me to attribute significant weight to it. Therefore I am satisfied that the approach taken by the ES in respect of cumulative impacts has assessed the worst case.

Ecological Management Plan

- 4.113 In its relevant representation (Doc REP015), NE asked that an ecological management plan (EMP) be drawn up as a means of bringing together the various strands of proposed ecological mitigation. The EMP should also contain details of monitoring before, during and after construction of the Scheme. The Applicant's draft EMP was submitted as a Draft Construction Ecological Management Plan (Doc APP008.13). This is a skeleton document with very little detail; NE finds the proposed format to be acceptable (Doc REP064). For the reason originally given by NE, I am satisfied that an EMP would be necessary. Through draft requirements 24 and 25 the Applicant proposes a construction EMP and an operational EMP, both of which would be for the benefit of wildlife species and habitats protected by law, an approach which I find acceptable.

Draft NNNPS

- 4.114 I am satisfied that the approach described in this report in respect of the Scheme's ecological effects is consistent with the approach described in paragraphs 5.13 to 5.31 of the draft NNNPS.

Conclusion – Ecology

- 4.115 Without the necessary EPS licences in respect of bats, the Scheme could not lawfully proceed. Without confirmation from NE that such a licence could be issued I must regard the loss/disturbance of bat roosts associated with the Scheme as an impediment to the Scheme, and that is a matter that I consider as part of the case for compulsory acquisition powers at paragraph 6.39.
- 4.116 Subject to the EPS licences being issued, and if one or more EMPs were prepared so as to secure the delivery of appropriate ecological mitigation measures (the subject of draft Requirements 24 and 25), my conclusion is that of all the nature conservation

issues considered, only the loss of 0.1 ha of How Burn Wood should weigh against the Scheme.

Landscape And Visual Impacts

4.117 The landscape changes and visual impacts associated with the Scheme are the subject of Chapter 8 of the ES (Doc DOC006.1.9). Perspective visualisations of the finished Scheme were submitted with the ES (Doc DOC007.1) and the Applicant has confirmed that those visualisations are intended to represent reliably the planting scheme assessed in the ES (Doc APP004.02 ref 9.1).

4.118 The landscape and visual impact assessment was undertaken in accordance with:

The DMRB, Volume 11 section 3 part 5;

Interim Advice Note 135/10 "Landscape and Visual Effects Assessment";

Guidelines for Landscape and Visual Impact Assessment (GLVIA) 2nd Edition: Landscape Institute and Institute of Environmental Management and Assessment;

Landscape Character Assessment, Guidance for Scotland and England: Scottish Natural Heritage and The Countryside Agency.

Effects On The Landscape

4.119 NE reports that there are no nationally designated landscapes located in the vicinity of the project that could be significantly affected (Doc REP015). The Northumberland Coast Area of Outstanding Natural Beauty (AONB) is some 18km to the north east and the Northumberland National Park is 15km north west of the Scheme. The nearest Registered Park or Garden is at St Mary's Hospital, Stannington, some 5km to the south. The Morpeth Conservation Area is out of sight of the Scheme. The Scheme, its zone of visual influence (ZVI) and the study area used in the LVIA are shown on ES figure 8.4 (Doc APP003.18). Landscape designations are on ES figure 8.1 (Doc APP003.15).

4.120 Areas of high landscape value (AHLV) are identified in the Castle Morpeth District Local Plan 2003. Close to East Shield Hill the Scheme would cut through part of the Cottingwood Common and How Burn Wood AHLV and take an area of primarily recent tree planting. Distant views of the proposed bypass would be possible from limited areas of the Wansbeck Valley AHLV, close to the A1, but the overlap with the ZVI would be slight (Doc DOC006.1.9 paras 8.69 to 8.71).

4.121 Under NE's classification of National Landscape Character Areas, the study area lies in the eastern part of Character Area 12 in the North East region. The key characteristics of Character Area 12

("Countryside Character Volume 1: North East", Countryside Commission) include, among others:

- A transitional area between the Penine uplands to the west and the low-lying coastal plain to the east;
- Agricultural landscape with arable and cattle farming on lower land;
- Varied woodland cover, with well-wooded valleys of the rivers Font, Wansbeck and Coquet, mixed and ornamental woodlands of country estates, small coniferous block and belts of open farmland to the south;
- Ancient market town of Morpeth serving medieval pattern of small villages, often surrounded by the extensive ridge and furrow of medieval field systems and ancient earthworks.

4.122 Regional landscape character was the subject of the 2010 Northumberland Landscape Character Assessment, commissioned by NCC. The study area falls into three Character Areas, shown by ES Figure 8.2 (Doc APP003.16). They are:

- The Font and Wansbeck Valleys landscape character area, into which the southernmost works on the A1 would enter (Doc DOC006.1.9, paras 8.92-8.96);
- The Longhorsley landscape character area, containing that part of the Scheme between St Leonard's Lane and East Shield Hill (Doc DOC006.1.9, paras 8.88-8.89);
- The Coalfield Farmland character area, from East Shield Hill to the easternmost end of the Scheme (Doc DOC006.1.9, paras 8.84-8.85).

4.123 Local landscape character zones (LLCZ) describe the distinct areas of landscape character in the immediate vicinity of the Scheme. They are shown by ES Figure 8.3 (Doc APP003.17), and include the following (Doc DOC006.1.9, paras 8.98 to 8.122):

Zone A: Rural Agricultural land west of the A1, extending west to East Benridge and Mitford Dene, south to the large bend on St Leonard's Lane and north to the residential edge of Fairmoor. The dominant character of this area is rural, with well-maintained fields and some scattered residential property and mature hedgerow trees.

Zone B: Farmland and urban fringe east of the A1, visually enclosed by the elevated A1 to the west, the natural ridge at Kater Dene to the east, the urban edge of Morpeth to the south and Northgate Hospital to the north. The dominance of the A1 and urban elements and background traffic noise contribute to a degraded rural landscape character.

Zone C: Rolling farmland and ancient woodland, extending from Fulbeck in the west to the How Burn and eastern edges of How Burn Wood in the east, south to the urban fringe of Morpeth and north for some distance north of the Scheme. The landscape has an attractive rural character with intact landscape features such as mature trees and hedgerows. This area includes the AHLV.

Zone D: Area of land restoration, extending north from the eastern boundary of How Burn Wood for some distance north of the Scheme, west to East Shield Hill, and east to the urban fringe of Pegswood and the railway. The urban edge of Pegswood and the A197 are visually prominent in the very open landscape, with views to the north, south and west enclosed by wooded areas and rolling topography. The restored landscape includes a lake and planted areas in the new community park at Pegswood Moor.

Zone E: Fairmoor, a small settlement by the A1, with a suburban pattern of streets and residential properties. The southern edge of Fairmoor is dominated to the south by the visually exposed A1.

Zone F: Morpeth, Northgate and Fulbeck. The busy market town of Morpeth is edged to the north by quiet residential and hospital areas semi-enclosed by woodland at Lancaster Park, Fulbeck, Cotting Wood and St George's. Views to the open countryside are limited.

Zone G: Pegswood, a small former mining settlement with a dense urban pattern of streets and dwellings. The western edge of Pegswood is defined by residential properties and gardens with wide views to the open countryside, visually dominated by existing roads.

4.124 Among the areas affected by the development, zones A, B, D and G are the least sensitive to change, by virtue of the domination of these areas by the A1 or the A197. Similarly, zone F is also of medium to low sensitivity.

4.125 The Applicant proposes a planting and landscaping scheme, illustrated by drawing number HE092631/0/A197/01/84revF "Environmental Strategy" (Doc APP004.35), which is the subject of draft Requirement 7(2) and is intended to meet the following objectives (Doc DOC006.1.9, para 8.130):

- Achievement of best fit within the contours;
- Protection for nearby properties through the use of screen planting, earthworks and noise barriers, retaining (as far as possible) the existing landscape character and creating a buffer between the Scheme and residential amenity areas;
- Protection and improvement of sites of ecological interest (wherever possible) and compensation (wherever possible) for removal of sites of ecological interest;

- Retention (as far as possible) of existing mature trees and hedgerows.

4.126 Construction activities would be screened or partially screened by the use of temporary topsoil stockpiles as screening mounds. Site compounds S1 and S2 would be positioned in the landform to reduce their prominence and to reduce physical disturbance.

4.127 The ES draws attention to the following measures that would have effect when the Scheme is in use:

- i) Hedgerow planting adjacent to new roads throughout the Scheme, to match existing hedgerows;
- ii) Mitigation planting along the A1 slip roads and embankments, to integrate the embankments into their setting of woodland and rolling countryside;
- iii) Naturalistic detailing of the drainage ditch to the Benridge Burn;
- iv) The use and form of a false cutting at St Leonard's east roundabout, mimicking the rolling contours of the adjacent open countryside;
- v) The location of the stock underpass so as to reduce its prominence;
- vi) Naturalistic profiling of the retention ponds near St George's roundabout, and the use of native marginal planting to enhance their appearance, habitat value and integration into the landscape;
- vii) Additional screen planting between St George's roundabout and How Burn, retaining the long vistas and historic field patterns of this area;
- viii) I note also the proposals on the Environmental Strategy drawing for tree, shrub and woodland planting at various locations throughout the Scheme.

4.128 The ES presents a detailed assessment of the effects of the Scheme on the landscape. The following table summarises the findings (Doc DOC006.1.9 table 8.7):

/overleaf

Table: Summary Residual Landscape Effects after Mitigation				
Landscape Areas	Sensitivity	Residual Landscape Effects After Mitigation		
		Construction	Operational Year 1	Operational Year 15
Landscape Designations				
AHLV – How Burn and Cottingwood	High	Moderate Adverse	Moderate Adverse	Moderate-Minor Adverse
AHLV – Wansbeck Valleys	Medium	Minor Adverse	Minor Adverse – Neutral	Neutral
National Countryside Character Areas				
Character Area 12 – Mid Northumberland	Medium	Moderate – Minor Adverse	Minor Adverse	Neutral
Northumberland Landscape Character Assessment				
Coalfield Farmland	Low	Minor Adverse	Minor Adverse	Neutral
Longhorsley	Low	Minor Adverse	Minor Adverse	Neutral
Font & Wansbeck Valleys	Medium	Moderate Adverse	Moderate Adverse	Minor Adverse
Local Landscape Character Zone				
Zone A: Rural Ag. Land West of A1	Low	Moderate Adverse	Minor Adverse	Neutral
Zone B: Farmland & Urban Fringe	Low	Moderate Adverse	Minor Adverse	Neutral
Zone C: Rolling Farmland & Ancient Woodland	Medium	Moderate Adverse	Moderate Adverse	Minor Adverse
Zone D: Area of Land Restoration	Low-Medium	Minor Adverse	Neutral	Neutral
Zone E: Fairmoor	Medium	Minor Adverse	Minor Adverse	Minor Adverse – Neutral
Zone F: Morpeth, Northgate, Fulbeck	Medium-Low	Neutral	Neutral	Neutral
Zone G: Pegswood	Low	Neutral	Neutral	Neutral

4.129 Table 8.4 of the LVIA, and the passage that follows it, explains the effect ratings used in the above table. A seven-point scale is used, ranging down from “major” significance through “moderate”, “minor” and intermediate levels to “neutral”. Effects identified as major or moderate are significant and those identified as minor or

neutral are not significant. A rating of “moderate to minor” is stated to represent a rating at the lower end of the moderate threshold. Therefore, the effect of the Scheme on the landscape of the How Burn and Cottingwood AHLV at the end of Operational Year 15 is assessed to be at the lower end of the “moderate” part of the scale and, it seems to me, therefore significant. The ES identifies (at paragraph 8.139) the effects that would remain at that AHLV in year 15 to be the presence and effect of lighting columns at St George’s Roundabout (lighting is proposed only at the Scheme’s roundabouts), and the effect the road would have on the historic field pattern, despite the mitigation planting.

- 4.130 NCC’s local impact report (Doc LIR001) considers the Scheme’s landscape and visual effects. It finds that, in the case of such a scheme, some visual impact on the landscape is inevitable, and particularly so in immediate views. But the general design of the Scheme, and the detailed design of individual structures and landscaping measures are such that the overall landscape impact would be minimised and mitigated as sensitively and effectively as possible.

Conclusions on the Scheme’s Effect on the Landscape

- 4.131 For the reason given in my paragraph 4.129, I consider that the Scheme’s effect on the How Burn and Cottingwood AHLV would therefore be significant and adverse at year 15, contrary to saved policy C3 of the Castle Morpeth District Local Plan; and that should weigh against the Scheme.
- 4.132 I am satisfied that the Scheme’s residual effects (after mitigation) on the landscape in locations considered other than in the How Burn and Cottingwood AHLV would not be such as to weigh significantly against the Scheme.

Visual Assessment

- 4.133 The ZVI (summer, year 15) for the Scheme was used to help identify potential receptors, and those receptors were validated through site survey. Viewpoints, representing a range of receptors, were visited and surveyed in the preparation of the ES. The sensitivity to change of each visual receptor was estimated, as was the magnitude of change in the existing view that the Scheme would cause. The significance of the visual effect at each receptor was determined from a combined evaluation of the receptor sensitivity and the magnitude of change. The result was expressed relative to a seven-point descriptive scale, in which the three highest points (substantial, substantial-moderate, and moderate) correspond to significant change.
- 4.134 The visual effect of the Scheme, including mitigation, was assessed for receptors at 33 locations in 3 scenarios: during construction, during winter in the year of opening, and during the

summer 15 years after opening. The findings are summarised in Table 8.11 of the ES, in conjunction with Table 8.8. A significant adverse effect is predicted at 14 receptors (including 10 at residential sites) during construction of the Scheme, and during operation of the Scheme in the winter of the year of opening, and at 9 receptors (including 8 at residential sites) during summer 15 years after opening the Scheme. Non-residential locations that are expected to be significantly adversely affected include footpath PF9 (APP004.35, drawing HE092631/0/A197/01/66 rev D, location 4), which would cross the Scheme, and users of Fulbeck Lane (which was assessed twice, for users facing each way along the lane) at the proposed bridge over the bypass.

Conclusion On Visual Assessment

- 4.135 The people who would experience the residual visual effects set out in ES Table 8.11 would be a disparate group. Some would be residents experiencing the outlook from their properties. Others would be users of the public footpaths, often with their attention or interest focussed on the landscape. Visual effects during the construction period would be transient, whereas the "15th year" residual effects would be virtually permanent. Overall, I attribute moderate weight to the visual harm the Scheme would cause.

Cumulative Landscape And Visual Effects

- 4.136 At the construction stage, a cumulative effect with other development proposals in the area may arise if other developments are built at the same time as the Scheme. But, providing other developments implement construction stage mitigation to the same standard as for the DCO Scheme, no significant adverse cumulative effects are anticipated.
- 4.137 The Applicant intends that, when the Scheme was operational, it would stimulate further development. That may lead to a further cumulative urbanising effect, changing the character of the area from rural to urban edge. The quality of the area's visual amenity might also be changed but, in the absence of a detailed proposal for that development, the effect cannot be assessed.

Draft NNNPS

- 4.138 I am satisfied that the approach described in this report in respect of the Scheme's landscape and visual effects is consistent with the approach described in paragraphs 5.135 to 5.147 of the draft NNNPS.

Land Use

- 4.139 The Scheme's effect on land use is the subject of Chapter 9 of the ES (DOC006.1.10). The relationship between the Scheme and the Green Belt was the subject of my written questions (Docs APP004.02 ref 5.5 and APP008.24 ref 5.2).

- 4.140 The Scheme would permanently acquire 26.5 hectares of land with an additional temporary requirement of 8.52 hectares for use during construction. The land that would be permanently acquired is predominantly in agricultural use, of which 0.55 hectares are designated as the best and most versatile agricultural land (Doc APP011.3, item A20.1). The only non-agricultural land that would be acquired for the Scheme is 1.05 hectares that is part of the site of a former quarry, currently undergoing restoration, and some 0.1 hectare of land in residential use (Doc DOC006.1.10 para 9.52; APP013.1).
- 4.141 No relevant representation by any affected person raises an objection to any effect the proposed land acquisition would have on the carrying on of any farm business.
- 4.142 NCC's local impact report (Doc LIR001) considers the Scheme's effect on land use and concludes that the effect would not be significantly harmful.
- 4.143 The draft Book of Reference (Doc APP013.1) identifies that no Special Land would be acquired for the Scheme.

Green Belt

- 4.144 The Scheme would occupy no land in the Green Belt as currently defined in the development plan (Doc APP004.02 ref 5.5).
- 4.145 The emerging Draft Core Strategy includes as a Preferred Option a proposal to extend the Northumberland Green Belt to the north of Morpeth (Doc APP008.23, figure 8.2). If that Preferred Option were to be implemented as proposed then the Scheme would be in the Green Belt extension from its crossing of the How Burn, east to the Whorral Bank roundabout. The Applicant comments (Doc APP008.24 ref 5.2) that the Scheme would be local transport infrastructure which can demonstrate a requirement for a Green Belt location, would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt and so would not be inappropriate development in the Green Belt; that the Scheme would not result in significant harm to the Green Belt, and that its effect on the draft purposes of extending the Green Belt (as stated in draft policy 4 of the Draft Core Strategy (Doc APP008.23)) would not, on balance, be harmful.
- 4.146 In my view, it is clear from the alternative routes considered during the Scheme's development (drawing HE092631/0/A197/01/99, Design Evolution Alternatives Considered, Doc APP004.35) and the constraints on the Scheme alignment, particularly toward its eastern end (the need to connect to the A197 Pegswood bypass and the need to minimise contact with How Burn Wood) that the Scheme would necessarily enter the proposed Green Belt. Between Fulbeck and the How Burn crossing the Scheme would reinforce the proposed Green Belt

boundary and, east of that, would not lead to encroachment into the countryside; and I am satisfied that the other objectives in draft policy 4 (all of which would complement paragraph 80 of the NPPF) would be met. I have noted in paragraph 3.35 above that little weight should be given to the Draft Core Strategy by virtue of the early stage it has reached in its progress toward adoption. I find that its proposals that the green belt should be extended as currently drafted are not a sufficiently strong reason to impede approval of the proposed bypass.

Soil Management

- 4.147 The Construction Code Of Practice For The Sustainable Use Of Soils On Construction Sites (DEFRA,2009) would be followed and the construction work managed to avoid, prevent and minimise any adverse effect on soil. A Soil Management Plan will be prepared as part of the CEMP. The scope of the Soil Management Plan is set out in paragraph 9.76 of the ES (Doc 006.1.10). The Soil Management Plan would be secured through draft Requirement 3(3)(f).

Cumulative Land Use Effects

- 4.148 There would be no residual cumulative effect on land use arising from construction activities associated with the Scheme (Doc DOC006.1.10, para 9.56).
- 4.149 The Scheme is intended to stimulate development, some of which would be on undeveloped land. Although more land would be required it is unlikely that a large area of the best and most versatile agricultural land would be lost; the effect would therefore not be significant at the National or Local level (Doc DOC006.1.10, para 9.82).

Conclusion: Land Use

- 4.150 There is no reason in my view to refuse the Order on grounds arising from its use of land.

Noise And Vibration

- 4.151 Chapter 10 of the ES (Doc DOC006.1.11) presents the findings of a noise assessment of the Scheme, carried out with reference to the following documents:

The DMRB (HD213/11)

Calculation of Road Traffic Noise (Department of Transport, 1988) (CRTN)

The Noise Insulation Regulations 1975 (as amended 1988)

Guidelines for Community Noise (World Health Organisation, 1999) (Doc APP004.29)

BS 5228:2009 Code of practice for noise and vibration control on construction and open sites.

Environmental Noise (England) Regulations (2006), as amended.

- 4.152 An interested party (Doc REP018) questions the method used by the Applicant in respect of noise measurement at her property. I am satisfied, for the reason given by the Applicant (Doc APP005 page 35) that the method used was appropriate with regard to the matter raised.

Operational Noise

- 4.153 The noise metric used for road traffic noise is the $L_{A10,18hr}$. The DMRB states that a change of 3dB is considered perceptible in the long term and that if a 3dB or more increase is predicted to occur at dwellings (when comparing the Minimum Baseline Year with Do Something Future Year) then, where possible, mitigation should be offered.
- 4.154 For guidance on the onset of effects, reference was made to the Guidelines for Community Noise (Doc APP004.29, section 4.3.1), which offers this guidance:
- “To protect the majority of people from being seriously annoyed during the daytime, the outdoor sound level from steady, continuous noise should not exceed 55dB L_{Aeq} on balconies, terraces and in outdoor living areas. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50dB L_{Aeq} .” ... “The lower value should be considered the maximum allowable sound pressure level for all new developments whenever feasible.”
- 4.155 Because of the use of different methodology, the 55 dB $L_{Aeq,16hr}$ noise level referred to by the Guidelines for Community Noise is equivalent to an equivalent threshold façade level (in the terms of the DMRB and CRTN) of 59.5dB $L_{A10(18hr)}$ (Doc DOC006.1.11, para 10.152).
- 4.156 The magnitude of operational noise effects is assessed in accordance with the DMRB.
- 4.157 In the daytime during the year of opening the Scheme, it is predicted that there would be associated with the Scheme an increase in the magnitude of noise effects for 625 dwellings where the increase in noise level would be less than 1 dB, 32 with an increase between 1 and 2.9 dB, and 2 with an increase between 3 and 4.9 dB. There would also be 1363 dwellings that experience decreases in noise level of less than 1 dB, and 185 properties modelled to experience a noise reduction between 1 and 2.9 dB

(Doc DOC006.1.11, para 10.173). More dwellings would experience a noise reduction as a result of the Scheme in this scenario than would experience a noise increase.

- 4.158 In the 2030 assessment year (daytime), there would be 817 fewer dwellings that would experience a noise increase if the Scheme were built than would experience a noise increase if the Scheme were not built and, in the same scenario, noise levels would be reduced at 633 dwellings (Doc DOC006.1.11, para 10.174).
- 4.159 As to night-time noise, the modelling predicts there to be 11 fewer dwellings (with the Scheme, in 2030) that would experience noise increases, such that the noise level rises to above 55 dB $L_{Aeq,16hr,r}$, and 141 dwellings where the noise level increases from a level that exceeded 55 dB $L_{Aeq,16hr}$ from the do-minimum case in the year of opening (Doc DOC006.1.11, para 10.175).
- 4.160 Therefore, the Scheme would generally be beneficial in terms of noise.
- 4.161 There are nine properties listed in table 10.43 of the ES, all either at Fulbeck or near East Shield Hill, where the long term noise level is modelled to increase by at least 3 dB. The Applicant considers that no additional noise mitigation is required (beyond the proposed earthworks) as the predicted noise levels at those nine receptors are below 59.5 dB $L_{A10,18hr}$; the highest estimated future year noise level in the group is 49.1 dB $L_{A10,18hr}$ (Doc DOC006.1.11, paras 10.149 to 10.153).
- 4.162 The DMRB (HD213/11, Annex 5) measures noise nuisance as the percentage of people bothered by traffic noise. Eight of the nine properties to which paragraph 4.161 above refers, listed in ES table 10.47, are predicted to experience a change in noise nuisance of at least 30 per cent. But the steady state annoyance for a sound level of 49 dB $L_{A10,18hr}$ is only some three per cent of the population (HD213/11, Annex 6). The ES therefore takes the position that the reported level of noise annoyance at the eight properties arises from the low initial road traffic noise level, rather than from the absolute noise level (Doc DOC006.1.11, para 10.130). It seems to me that, in view of the predicted low noise levels at those properties, the Scheme's noise effect on them would be acceptable.

Operational Vibration

- 4.163 Estimates of the percentage of people bothered "very much" or "quite a lot" by vibration from current road traffic conditions are set out in ES Table 10.13. The advice of the DMRB is that "on average, traffic induced vibration is expected to affect a very small percentage of people at exposure levels below 58dB and therefore zero per cent should be assumed in those cases". The DMRB vibration bother relationship is validated to a distance of 40m.

Within those parameters, nuisance associated with airborne vibration has been assessed. In the 2030 assessment year the Scheme is expected to result in a modest reduction in such nuisance, as shown in ES tables 10.39 and 10.40. The evidence of the ES is that traffic-induced ground borne vibration does not give rise to complaints by residents to the Applicant (Doc DOC006.1.11 para 10.134). I conclude that the Scheme's effect in respect of operational vibration would be acceptable.

Construction Noise and Vibration

- 4.164 The CEMP (APP004.16) proposes a series of measures to control construction noise and vibration, and draft requirement 3 imposes conformity with those measures. Requirement 19 requires the submission approval and implementation of a detailed Scheme for the control of construction noise.

Cumulative Effects

- 4.165 During its construction period, the Scheme might give rise to cumulative noise and vibration jointly with other development work on nearby sites. But if each development follows the guidance of BS5288:2009 "Code of practice for control of noise from construction and open sites" it is unlikely that cumulative effects would occur. Noise and vibration effects are localised to the vicinity of each construction site and so the local authority can exercise control through CEMPs or through section 61 of the Control of Pollution Act 1974 (Doc DOC006.1.11 para 10.168).
- 4.166 The operational noise assessment has taken into account cumulative noise and vibration effects, since the traffic model considers all proposed developments (Doc DOC006.1.11 para 10.169).

Local Impact Report

- 4.167 NCC's local impact report (Doc LIR001) considers the Scheme's effect on noise and vibration. Because the standard set by Guidelines on Community Noise would not be exceeded, post-development noise mitigation at dwellings would not be necessary. The Scheme when operational has the potential to reduce the exposure of a high number of existing properties to traffic-induced noise and vibration. Subject to the enforcement of draft Requirement 20 (Construction hours) and the noise mitigation measures in the CEMP (APP004.16) there would not be a significant adverse noise impact on dwellings during the construction phase.

Conclusion On Noise And Vibration

- 4.168 Paragraph 109 of the NPPF says that the planning system should contribute to and enhance the natural and local environment by (among other things) "preventing both new and existing

development from contributing to or being put at unacceptable risk from ... unacceptable levels of ... noise pollution."

- 4.169 Paragraph 123 of the NPPF says that planning decisions should aim to "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."
- 4.170 The Noise Policy Statement for England (March 2010, DEFRA) sets out the long term vision of Government noise policy, which is to "promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development."
- 4.171 The Scheme would generally be beneficial in terms of operational noise; the Guidelines for Community Noise would be met, and many more dwellings would be exposed to lower noise levels if the Scheme was built than if it was not. The Scheme when in use would not give rise to unacceptable levels of noise pollution. Subject to proper application of the CEMP (APP004.16) (which is the subject of Requirement 3), the sound associated with its construction would not be unacceptable. It would give rise to no significant harmful vibration. There is no reason in my view to refuse the Order on noise or vibration grounds.

Non-Motorised Users: Pedestrians, Cyclists, Equestrians and Community

- 4.172 Chapter 11 of the ES (DOC006.1.12) sets out an assessment of the Scheme's effects on this group of road users. I also consider representations made with regard to facilities that would be provided for pedestrians.
- 4.173 The gist of the findings of the ES is set out in the following paragraphs 4.174 to 4.181.
- 4.174 An assessment has been carried out in accordance with the DMRB Volume 11 Section 3 Part 8 (Pedestrians, Cyclists, Equestrians and Community Effects) and with Transport Analysis Guidance (2003). It considers the effects the Scheme would have on the following:
- Journey severance;
 - Changes in amenity;
 - Community severance; and,
 - Physical fitness.
- 4.175 In terms of journey severance, the ES finds (Doc DOC006.1.12 paras 11.47 to 11.50) that there would be no new journey severance as a result of the Scheme and, by virtue of the expected reduction in vehicular traffic in central Morpeth, the Scheme is expected to bring slight relief from severance in the

town centre; which is likely to be accompanied by increased uptake of non-motorised user (NMU) modes.

4.176 Improvements in amenity would result from traffic reduction in the town centre. Examples include (Doc DOC006.1.12 paras 11.49 to 11.55):

- Telford Bridge (A192): the road is heavily trafficked here . Flows in the year of opening are estimated to fall by 11.4% with the Scheme, improving amenity for residents and visitors.
- Bridge Street (A192): the main shopping street and main thoroughfare. Flows are expected to decrease by 15.2% in the year of opening, improving amenity for shoppers and those with business there.
- Northgate (A192): a traffic reduction of 12.3% is expected in the year of opening, improving amenity for pedestrians.

4.177 Community severance would not be worsened by the Scheme and would be reduced in the town centre, with improved NMU access to its many facilities.

4.178 The ES predicts that public transport would benefit from reduced congestion in the town centre and, potentially, from increased patronage to and from areas developed in response to the bypass (Doc DOC006.1.12 paras 11.64, 11.66).

4.179 The ES predicts that the Scheme's effect on the physical fitness of the general population would be neutral (Doc DOC006.1.12 para 11.69).

4.180 The Scheme would benefit non-motorised users through the provision of NMU facilities alongside the bypass, and the diversion of footpath PF13 to a safer route, crossing the A1 via the proposed St Leonard's underpass (Doc DOC006.1.12 para 11.74; see also the section plans APP008.6 and Street Plan sheet 1 APP008.5).

4.181 Future development, at St George's and at Northgate Hospital, is considered and it is identified that those developments would not give rise to an adverse cumulative effect with the Scheme on non-motorised users. Development near the Scheme would benefit from the improvements the Scheme would bring to pedestrian and cycle routes (Doc DOC006.1.12 para 11.70 to 11.76)

Non-Motorised Users: Matters Raised By Interested Parties And During The Examination

4.182 The Scheme would cross a public footpath (Footpath PF9) and a permissive footpath (at Pegswood Moor). It would divert a second route along public rights of way (PF13 and PF21), and it would provide an equestrian route. These matters were the subjects of

representations, written questions and of an issue specific hearing held on 8 April 2014 (Docs APP004.02, APP008.24, APP011.3, AUD003).

Public Footpath PF9

- 4.183 Public footpath PF9 runs broadly north-south and crosses the route of the Scheme to the west of How Burn Wood Bridge and to the east of the A192. The proposal is that this would be an uncontrolled, at-grade crossing. The Greater Morpeth Development Trust (Docs REP005, REP045) considers that to be unsafe, describing the situation as a conflict between pedestrians and traffic flowing at 60 mph, made worse by the proximity of a layby.
- 4.184 The Applicant replies (Doc APP005, page 7) that the DMRB (table 6/1 of TA91/05) indicates that informal crossings on a single carriageway road are "normally appropriate" for two-way AADT flows below 8,000; whereas, in the 2015 design year, the AADT on the bypass east of the A192 is estimated to be 6638 (ES table 5.11; Doc 006.1.6). It is also confirmed that the visibility distances along the bypass and available to a pedestrian waiting to cross would be appropriate for the 60 mph national speed limit to which the road would be subject (Docs APP008.28, APP 011.3). I am satisfied that the layby to the west of this crossing (or vehicles using it) would not obstruct necessary visibility to or from the crossing. I conclude that there is no reason to reject the proposed at-grade crossing of the bypass by footpath PF9.

Pegswood Moor

- 4.185 At Pegswood Moor the bypass would cross a permissive path at a location between Pegswood Community Park to the north of the Scheme and How Burn Wood to the south of the Scheme (private means of access 16, 17 and 18). Section Plan 11 of 23 shows the general arrangement (Doc APP008.6). Pegswood Community Park, on the site of a former opencast quarry, is currently being formed through the restoration of that site and is contiguous with other land to which the public has access. How Burn Wood is one such body of land, with permissive paths that extend to the fringe of urban Morpeth. The crossing would be uncontrolled and at grade. Pegswood Parish Council and other interested parties question the safety of that arrangement and argue for a pedestrian underpass at the crossing (Docs Rep041, Rep045, Rep005). They expect the Community Park, when fully reclaimed, to attract pedestrian activity (of the order of thousands of people in a year) on the permissive path in question (Doc AUD003). A tunnel is proposed in the Scheme for the benefit of mammals (Doc APP004.16, mitigation item 65) and it is argued that corresponding provision should be made for people.

- 4.186 The Applicant points out that, because the pedestrian route in question is a permissive path there is no surety of its long-term availability; and a pedestrian subway – even if appropriate – would be costly to build and maintain (Doc AUD003). The general configuration of the bypass at Pegswood Moor and the traffic the bypass would carry are comparable to those at footpath PF9 and lead toward the same conclusion. But the proposals differ in detail; there would be a layby close to the Pegswood Moor crossing and on its eastern side, and the Pegswood Moor crossing is currently located to the east of a proposed embankment more than 2.4m high, with a gradient of 1 in 2.5, that requires a safety barrier (termed a VRS in document APP008.28). In order to keep the crossing in the proposed location the safety barrier would need to be shortened by about 45 metres, which would increase the risk for errant vehicles veering down the embankment. The Applicant’s evidence is that the location of the crossing should be reviewed so that the safety barrier should be fully provided, and that might include the withdrawal of the layby proposal (Doc APP008.28, MNB-2Q REP5, page 4). No such design review was put to the Examination.
- 4.187 Notwithstanding the view of the Greater Morpeth Development Trust (that laybys are conducive to fly tipping and illegal wildlife activities such as poaching and badger baiting (Doc REP045)), I note that the principle of the provision of laybys on the Scheme is consistent with Government policy as expressed in the DMRB (Doc APP005 page 7). I do not criticise the principle of layby provision in the Scheme.
- 4.188 The submitted Road Safety Audit (Doc App004.26; MNB-1Q Doc 1) is dated April 2009. Its Appendix A lists the documents that were the subject of the Audit. Those include a Scheme Proposals drawing dated April 2007, a copy of which accompanies the Audit. That drawing shows no pedestrian route to cross the bypass at Pegswood Moor, and no equestrian path. Both are shown on the Section drawings. Those design elements were not subject to the submitted safety audit.
- 4.189 I am mindful of the suggestion by interested parties that a pedestrian subway should be provided beneath the bypass at the Pegswood Moor crossing; but the Order Scheme includes no such proposal and I have no alternative but to consider that Scheme on its own merits.
- 4.190 Requirement 29 in the draft Order provides for road safety audit and monitoring; and that Requirement would be applicable to the Pegswood Moor crossing. But there is no surety that, within the constraints imposed by the Order, a solution consistent with the Applicant’s evidence could be achieved; and so there would be a risk that the Scheme might make less than desirable provision for vehicle restraint, over a distance of 45 metres. That risk must weigh against the Scheme.

Public Footpaths PF13 and PF21

- 4.191 Public footpaths PF13 and PF21 together connect the Lancaster Park estate, on the western edge of Morpeth, to St Leonard's Lane, to the north of Mitford. In so doing they lead the user to an at-grade uncontrolled pedestrian crossing of the A1 trunk road dual carriageway. The Scheme would divert PF13 (which is to the east of the A1) to the new St Leonard's junction, with its underpass beneath the A1 and its link to St Leonard's Lane. PF21 is to the west of the A1 and, by virtue of redundancy, would be extinguished. The at-grade crossing of the A1 would be closed. There is no objection to this from any party to the Examination. I am satisfied that highway safety would benefit from this part of the Scheme, and that these footpath alterations would therefore be worthwhile. The application documents do not identify PF21 as a separate public right of way from PF13 but the error was identified by the Applicant during the Examination and revisions to the street map and draft DCO were submitted to allow the error to be corrected (Docs APP008.5, APP008.7).

Equestrian Path

- 4.192 An equestrian path would run along the southern side of St Leonard's Link and, after a discontinuity at the grade-separated junction, it would continue along the southern side of the bypass to the Whorral Bank roundabout. The section plans show the proposal (Doc APP008.6). I questioned various details of the design (Docs APP004.02 ref 6.2; APP008.24 ref 6.1; APP011.3 ref A6.1; AUD003).
- 4.193 The equestrian path would take the form of a widened verge, adjacent to the proposed combined cycleway/footpath. Its purpose is to provide a safer route for equestrians than the permitted alternative of riding on the carriageway. A similar facility is provided on the Pegswood Bypass (the A197 to the east of the Scheme). It would not connect with, or cross, any bridleway and the Applicant does not expect there to be any significant equestrian activity along the Scheme (Doc APP011.3).
- 4.194 An NMU Context Report (Doc APP011.5) provides, among other things, reports of equestrian and other NMU activity at six locations that would be directly affected by the Scheme. Surveys were undertaken on four representative days at each location.
- 4.195 No equestrian activity was recorded at any of these locations, other than a horse-drawn buggy that was seen once at the Whorral Bank roundabout. To my mind, this corroborates the Applicant's view that usage of the equestrian path would be likely to be insignificant.
- 4.196 Before the survey details became available, I sought confirmation that the provision for ridden horses at junctions would be

appropriate to the circumstances. In view of the evident likely low level of use of the equestrian path, and the advice of the DMRB to which my attention was drawn (which is that dedicated equestrian crossing places should be considered where more than some 20 ridden horses per week are expected) (Doc APP011.3) it seems to me arguable that the Scheme proposal is acceptable in that respect. But it remains the case that no Road Safety Audit of the Scheme with the equestrian path has been reported. That seems to me a deficiency that should be rectified; and that would be done through draft Requirement 29.

Cycling

- 4.197 The CTC supports the provision for cyclists but is disappointed that a formerly-proposed cycle path adjacent to the A697 was removed from the Scheme, as the CTC expects it would provide a safer route for cyclists travelling north from Fairmoor toward Heighley Gate (Doc REP002). The Applicant replies (Doc APP005) that the cycle path proposal was removed from the Scheme as one of a number of changes made to improve the value for money that the Scheme offers; the A697 cycle path proposal was not essential to the main objectives of the Scheme. I am satisfied that the absence of the A697 cycle path proposal should not weigh against the Scheme.

Vehicle Travellers

- 4.198 Chapter 12 of the ES (DOC006.1.13) sets out an assessment of the Scheme's effect on vehicle travellers. The Scheme would have a neutral effect on traveller views, during its construction and when it is in use. Driver stress would be reduced in the centre of Morpeth and, despite increased traffic flows, would be unchanged on the A1 when the bypass is operational. In terms of traveller care the Scheme would improve facilities (DOC006.1.13 Table 12.7). The standard of driver information would be unchanged. The ES identifies no cumulative effect on vehicle travellers, with other proposals, to which the Scheme would contribute. There is no reason to refuse the Order on the basis of its effect on vehicle travellers.

Water Environment

- 4.199 Chapter 13 of the ES (DOC006.1.14) presents an assessment of the Scheme's effect on the water environment. In accordance with the DMRB, four assessments were undertaken:
- (i) The effects of routine runoff on surface waters;
 - (ii) The effects of routine runoff on groundwater;
 - (iii) Spillage risk assessment; and,
 - (iv) Flood effects.

- 4.200 The River Wansbeck is a statutory Main River and flows through the centre of Morpeth. It has excellent water quality. The Scheme would cross four tributaries of the Wansbeck which are (from west to east) Cotting Burn, Fulbeck tributary of Cotting Burn, How Burn, and How Burn tributary.
- 4.201 The ES explains (Doc DOC006.1.14, paras 13.12 to 13.16) that the surface water assessment has been carried out in accordance with the DMRB. The assessment takes into account the overriding objectives of the Water Framework Directive (WFD). The ES argues that it is also important that the proposed bypass would not compromise other measures proposed to improve WFD designated watercourses (including the River Wansbeck, Cotting Burn and How Burn. The assessment therefore identifies relevant measures from the Northumbria River Basin Management Plan (RBMP) and considers the Scheme's compatibility with them.
- 4.202 Table 13.7.1 in ES Appendix 13.7 (DOC006.3.17, final page) sets out measures taken from the Northumbria RBMP that are intended to achieve the WFD objectives (Doc DOC006.1.14, paras 13.12 to 13.16); the application Scheme is assessed against those. The detail is set out in the Table. Overall, the proposed bypass is compatible with actions proposed in the Northumbria RBMP to improve the quality of the water environment, and will not cause deterioration or prevent watercourses in the study area from achieving the WFD target.
- 4.203 During construction works, building the new Cotting Burn Bridge and How Burn Wood Bridge could lead to short term slight/moderate adverse effects on surface water. In the long term the effects on aquatic ecology and water quality (due to habitat loss) are predicted to be slight/moderate adverse. Other watercourses would experience only temporary effects, providing good construction practice is followed.
- 4.204 Groundwater is not likely to be significantly affected during normal construction activities due to the presence of low permeability drift over most of the site and appreciable depth to the water table in the underlying bedrock aquifer.
- 4.205 The risk of spillage of contaminants from vehicles using the Scheme would also be very low, with no predicted residual adverse effect. Any spillage would be contained by the drainage system.
- 4.206 The ES reports that the Scheme would have a neutral effect on routine runoff and flood risk, when taking into account the drainage design, the watercourse crossings and the mitigation measures that are proposed in ES (DOC006.1.14) paragraphs 13.155 to 13.168.

- 4.207 In its relevant representation (REP017) the EA wrote that, while it has no objection to the Scheme, in its view further surface water drainage details were needed in the Flood Risk Assessment (the FRA), (DOC005.2), that a construction sediment management plan (and adherence to that) is a necessary part of the CEMP (APP004.16), and that the Scheme should contribute to a programme of enhancement of watercourses and riverine habitat in the vicinity.
- 4.208 I consider the final point in paragraph 4.99 of this report. As to sediment management and the FRA, I invited the EA and the Applicant to prepare a statement of common ground (SOCG002) to allow differences to be identified. Subsequently, the Applicant proposed draft Requirements 11, 12 and 13; dealing with drainage and water pollution post construction, surface water drainage during construction, and watercourse crossings. The EA's position is stated (in REP061) to be that sufficient detail has been included in the FRA to consider the principle of the development, that draft Requirements 11, 12 and 13 outline the further design details required to meet the flood risk principles outlines in the FRA, and that in its view draft Requirement 12 sufficiently secures the mitigation identified in the statement of common ground.
- 4.209 The Morpeth Flood Action Group (Doc REP059) draws attention to floods that have happened in Morpeth, and to their concern that the Scheme should not increase flood risk there. Particular reference is made to the Cotting Burn. The Applicant's statement of common ground with the EA (SOCG002) includes additional information to inform the FRA, among which I note the following:
- (i) The drainage scheme is to operate to a basic 1 in 2 year return period storm in accordance with "Sewers for Adoption (Sixth Edition)", but the storage and attenuation are designed to accommodate a 1 in 100 year return period storm without flooding outside the system or the designated storage areas;
 - (ii) Discharges to watercourses will be attenuated to appropriate rates, based on a greenfield runoff rate of 4 l/s/ha; and where they coincide with existing flows then these existing rates are added to the greenfield runoff to deduce the appropriate discharge rate;
 - (iii) Climate change is allowed for in the design at +30% and the lifetime of the Scheme, in accordance with the NPPF and its technical guidance;
 - (iv) Draft Requirement 12 states the need for a Construction Site Drainage Plan to prevent unacceptable increases in flood risk beyond the Order limit while the Scheme is under construction.

- 4.210 Therefore, measures have been identified by the Applicant and the EA to ensure that the drainage scheme would not worsen flood risk in the case of a flood event not exceeding a 1 in 100 year intensity. Those measures would be secured in the post-construction phase by draft Requirement 11.
- 4.211 Paragraph 103 of the NPPF refers to the need for decision-makers, when considering development proposals, to “ensure flood risk is not increased elsewhere and to only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that (i) within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and that (ii) development is appropriately flood resilient and resistant ... and gives priority to the use of sustainable drainage systems.” The application Scheme does not closely follow that approach.
- 4.212 However, it is clear from the statement of common ground between the Applicant and the EA (SOCG002) that the EA is content with the approach taken, subject to the addition to the FRA of material newly submitted in the SOCG. Particularly, the SOCG confirms that “the assessment of flood risk and drainage shows that [the] development is appropriate”, and the EA finds sufficient detail in the FRA to consider the principle of the development (SOCG002 page 11, REP061 item 16.3). I therefore do not regard as pivotal the Applicant’s failure to provide the findings of a Sequential Test and other material identified by the NPPF paragraph 103. But, since the FRA is relied on in this way, it is important that the FRA (including the additional information to inform the FRA that is presented in the SOCG) should be the subject of Requirement 11, which ensures that necessary measures and performance standards are secured.

Local Impact Report

- 4.213 NCC’s local impact report (Doc LIR001) considers the Scheme’s effect on flood risk and drainage, and points out the potential for slight adverse flooding effects during construction of the Scheme. Draft Requirement 12 (surface water drainage during construction) addresses that point.

Water Environment: Cumulative Effects

- 4.214 The ES predicts (in its paragraph 13.170 and in DOC006.1.17 page 8) that the risk to the water environment from cumulative effects during the Scheme’s construction would be negligible since all construction work would need to comply with regulations “imposed by the Environment Agency”. Furthermore, the roads in central Morpeth are unlikely to have any treatment or spillage containment facilities and so it is argued that, in transferring

traffic away from those roads, an effect of the Scheme would probably be to reduce the risk of contaminants reaching watercourses via the road drainage in central Morpeth. In the Scheme's operational phase the ES predicts no cumulative effect because "all new development needs to demonstrate that it has considered SUDS to treat surface water runoff and attenuate flows to avoid increasing the risk of flooding; where development does not demonstrate that the relevant risks have been identified and appropriate measures proposed, planning permission is likely to be rejected." (DOC006.1.17 page 8). The EA is confident that risks to the water environment from cumulative effects would be negligible (REP061 item 13.3).

Draft NNNPS

- 4.215 I am satisfied that the approach described in this report in respect of the Scheme's effects on the water environment is consistent with the approach described in paragraphs 5.83 to 5.107 of the draft NNNPS in respect of flood risk, and draft NNNPS paragraphs 5.194 to 5.206 in respect of water quality and resources.

Water Environment: Conclusion

- 4.216 Subject to the imposition of Requirements 11, 12 and 13, I am satisfied that the Scheme's residual effect on the water environment would be acceptable.

Geology and Soils

- 4.217 The site is not designated as a SSSI in relation to geological or geomorphological features. The site is not designated a Regionally Important Geological Site (DOC006.1.15 paras 14.28 and 14.29).
- 4.218 The ES (chapter 14: DOC006.1.15) reports that tests have been carried out on soil samples taken from the site. No evidence of significant contamination has been found to suggest that any of the materials tested cannot be re-used on the site.
- 4.219 The ES finds that construction phase risks associated with geology and soils would be reduced to insignificance by the adoption of good working practices through the CEMP (APP004.16) and its Site Waste Management Plan, secured through draft Requirement 3. The residual operational phase risks are identified by the ES to be neutral or slight adverse, and not significant in EIA terms (DOC006.1.15 tables 14.4, 14.5, 14.6). Those findings were not disputed.
- 4.220 In combination with other proposals, the ES does not expect the Scheme to give rise to significant adverse effects on soils or geology (DOC006.1.15 para 14.71).
- 4.221 I find no reason to refuse the Order on the basis of its effects on geology and soils.

Socio-Economic and Population Effects

- 4.222 Chapter 15 of the ES (DOC006.1.16) is relevant. The Applicant also submitted an Economic Impact Report that had been updated on 24 August 2011 (DOC005.4). In view of the growing availability of results from the 2011 Census since that date, I asked that an updated version of the Economic Impact Report should be prepared. I use the term EIR to refer to the updated version, dated 12 February 2014 (APP004.34).
- 4.223 Chapter 15 of the ES aims to develop an understanding of the potential effects of the bypass on businesses and the local population, with particular reference to Morpeth Town Centre. The reported "baseline" position for Morpeth and the surrounding area included these conditions, among others:
- i) Northumberland's economy has experienced a shift from traditional industries towards a broader-based economy, although a significant output gap exists relative to the rest of the country;
 - ii) Public administration, education and health make up the largest employment sector in the Morpeth area (47%);
 - iii) The area is challenged by the Government's deficit reduction programme and pressures on public sector employment;
 - iv) Unemployment in Morpeth town centre increased from 3% in 2001 to 5% in 2011 whereas the regional unemployment was stable at 7% in both years.
- 4.224 The Morpeth Neighbourhood Plan Steering Group (Doc REP044) confirms that the concentration of retail and leisure developments in the town centre has resulted in increasing traffic congestion throughout the day as well as at peak hours. And the Scheme is a key influence on the emerging development strategy for the town.
- 4.225 The existing congestion in the town centre significantly affects accessibility in Morpeth and South East Northumberland, and reduces the quality of life for Morpeth residents. By reducing congestion and HGVs in the town centre, accessibility would be increased and the town centre would be more attractive for business and for visitors.
- 4.226 The EIR identifies a Regeneration Area (RA), defined as the area within which the Scheme would be likely to influence individuals' decisions relating to personal or business travel. A key part of the Scheme is the improvement of the A1 junction with the A192 near Morpeth, from the current arrangement (which allows direct movements only between the A192 and the A1 (north) arm of the junction) to the proposed "all movements" St Leonard's junction. There are currently limited junctions elsewhere through much of southern and mid Northumberland and so the regeneration area is

large for a Scheme of this size. It extends from the A1 to the coast, to Amble and the A1068 in the north and as far south as Cramlington. Appendix 2 of the EIR illustrates that area and, within it, a Core Regeneration Area which is expected to directly benefit from the implementation of the Scheme (Doc APP004.34, para 1.5.2).

- 4.227 The Core Regeneration Area is focussed on Morpeth, Ashington, Blyth, Ellington and Lynemouth. The Scheme is intended to improve accessibility by improving access between the Core RA and the A1, and thereby reduce traffic flows on the A19, A192 and A189 between the Core RA and Tyne and Wear and the south (Doc APP004.34, 2.2).
- 4.228 The RA was found by the 2011 Census to have a population of 131980, of which 64588 were economically active. The largest employment sector in the RA was health and social work, accounting for 18% of employee jobs. Between 2001 and 2011 there was a 35% decrease in the manufacturing sector, with the loss of over 3000 positions (Doc APP004.34, 3.2.3 to 3.4.1).
- 4.229 The most recent data available (when the updated EIR was compiled, in February 2014) regarding Job Seekers Allowance was for August 2013 (Doc APP004.34, section 3.6). Compared with the Census-derived population base, the average proportion of claimants in the RA was 5.96% as opposed to 3% for Northumberland. The wards with the largest proportion of claimants were Croft and Plessey, both in Blyth, with 15% and 12% respectively. Appendix 3 of the EIR shows the 2007 Index of Multiple Deprivation ranking of local Super Output Areas; a high proportion of those in the RA were among the 20% most deprived in England. Deprivation increases toward the east. Other statistics are also provided.
- 4.230 The EIR (APP004.34 section 3.9) presents the result of an employment land availability survey by NCC in 2009 in the former districts of Blyth Valley, Castle Morpeth and Wansbeck (which include the Core RA). At that time some 290.7 hectares of employment land in the area were identified as available for development.
- 4.231 A business survey was undertaken in 2009. The questionnaire was developed in accordance with WebTAG Unit 3.5.8. 111 completed questionnaires were returned. Results are set out in the EIR (Doc APP004.34 sections 4.1 to 4.8). 58% of respondents said that the movement of goods was important to their business. Most respondent businesses were based in Morpeth, where congestion on the road network was a common cause of problems and delays for staff making business trips, for visitors and for the movement of goods. Staff skill shortages were a key recruitment problem for all sectors and locations; increased site accessibility would increase the population from which employers could draw.

4.232 In 2010, six stakeholder interviews took place with representatives of businesses in Blyth, Ashington, Morpeth and Bedlington (Doc APP004.34 sections 4.9, 4.10). Stakeholders considered that:

(1) Roads to the south are generally adequate whereas those to the north are not;

(2) Poor road access to the north makes businesses in the area unattractive to prospective customers who consider connections to the north to be important;

(3) Improving transport links to Ashington and Blyth would help the economy grow in those places. Industry remains an important part of the economy, reliant on the movement of goods. Better access would also be beneficial to moving staff in and improving the skills pool from which to develop their labour force.

(4) Reducing congestion in Morpeth would benefit business there through time saving and increased reliability.

Employment Forecasts

4.233 Appendix 9 of the EIR contains a completed worksheet in the form of the former TAG unit 3.5.10.WS1 (the Applicant considers that the current Guidance makes no substantial changes which would impact on the key outcomes of the study (APP004.02 item 14.1)). The worksheet concludes that the Scheme should be associated with a potential increase in jobs of 5331; and the potential net change in employment among residents of the RA is estimated to be 1941.

4.234 Table 61 of the EIR (APP004.34) illustrates the basis of the Applicant's assessment of the potential jobs increase consequent upon the Scheme. Table 61 concludes that 5331 jobs could arise from the take-up of available employment sites if the Scheme was opened. It considers 13 employment sites in the RA and shows the vacant land area at each, as it was in 2009. The sites were selected as those which at present have their main point of access from and to the A1 through either the centre of Morpeth or another built-up area.

4.235 Table 61 predicts that, across the 13 sites, 266576 square metres of land (which I assess as being equal to 26.6576 hectares) would be taken up if the Scheme was implemented. The Applicant reports (APP008.24, ref 16.13c) that land take-up was estimated in the EIR for the period up to 2030, the design year of the Scheme. The Applicant expects that (subject to the outcome of the DCO application) the Scheme would be first fully open in 2016 (APP004.02 reference 1.6(i)), some 14 years before the design year. Therefore it seems to me that the average land take-up rate at the 13 sites during the 14-year period, estimated on the basis of Table 61 with the Scheme in place, would be estimated to be of the order of 1.904 hectares per year among the group.

4.236 To establish a baseline, I asked the Applicant to provide the take-up rates of land at each of the 13 sites without the Scheme. In reply, the Applicant provided the results of a review of the land take-up at each of the 13 sites during the 5-year period to 2012/13; the aggregate finding is that 9.334 hectares were taken up (APP008.24 ref 16.13(i)(b)). I estimate that to be broadly equivalent to 1.867 hectares per year among the group, and that on that basis the additional take-up of employment land due to the Scheme would be of the order of 0.037 hectares per year, or 0.518 hectares altogether by the year 2030. This indicates the effect of the Scheme to be substantially less than is suggested by Table 61 of the EIR, in both land take-up and forecast additional jobs.

4.237 The Applicant comments (APP008.24 ref 16.1(i)(b)):

“The results [of the land take-up review] show that at all but two of the sites appraised, there has been no uptake on the sites in the 5-year period assessed. Whilst land uptake at an employment site is about more than just access to the site for transport, the business surveys highlighted that improving transport links to Ashington and Blyth is widely considered to be an aid to helping the economy grow. Using the numbers [in the review results], it can be assumed that there will be limited up-take at the development sites identified without any changes to existing conditions. Transport access to the development sites is one area which could be improved.”

4.238 I note too that:

- (i) Not all of the total traffic associated with each of the 13 sites is expected to pass through the proposed St Leonard’s junction (referred to in the EIR as the A1/A192 junction (APP004.34 paragraph 7.1)). The amount of site-related traffic that would pass through the St Leonard’s junction would depend on the relative location of the site. The Applicant’s assessment (APP008.24, Appendix B, Q16.15(iii) Tables) is that less than 6% of the traffic generated by most of the 13 sites would pass through that junction; the three exceptions are Coopies Lane in Morpeth (which had 0.162 hectares of vacant land when most recently checked), Morpeth Railway Yards (no vacant land when most recently checked) and the Fairmoor Northgate site, which is near the junction and could be served by the proposed Northgate roundabout. (APP008.24 ref. 16.13(i)(d)).
- (ii) The Scheme would improve accessibility, giving employers in the regeneration area access to a larger workforce and giving employees access to a larger and more varied range of jobs. The Scheme’s impact on making jobs more accessible would be greatest in the A1/North-West Morpeth area. The following table (taken from EIR tables 54 and 56

(APP004.34)) summarises some of the Scheme's effects in that respect, based on travel-to-work journey times of up to an hour:

Accessible jobs and accessible vacancies: changes associated with the Scheme in 2030				
Location	Increase in jobs within 1 hour of location		Increase in vacancies within 1 hour of location	
	Quantity	%	Quantity	%
Fairmoor A1/A192 junction	11898	57%	142	52%
North West Morpeth	6512	31%	62	23%
Central Morpeth	1254	6%	19	7%
Ashington	-48	0%	4	1%
Newbiggin-by-the-Sea	367	1%	8	2%

- (iii) The Applicant has estimated the effect the Scheme would have on annual distribution costs by HGV for three sampled businesses based in Blyth, Bedlington and Ashington. The cost savings associated with the Scheme and with haulage between the A1 and each business's premises are estimated to be, variously, £10523, £5809 and £4398 annually. The equivalent percentage saving in haulage costs for each of the three companies between their premises and the A1/A192 junction would be 13%, 15% and 37% (EIR Table 60). The percentage savings would of course be reduced if the trips in question were to continue beyond the junction, as is often the case (APP008.24 ref 16.15). And the sample is small.

4.239 I therefore find that:

- (i) The forecasts of employment space take-up and additional jobs associated with the Scheme, set out in Table 61 of the EIR, make no allowance for the baseline "Do-Minimum" case, and so are likely to substantially overestimate additional jobs that might result from the Scheme;
- (ii) In most cases, only a small proportion (less than 6%) of the traffic associated with the employment sites listed in Table 61 of the EIR is likely to use the Scheme;
- (iii) The Scheme would nevertheless be beneficial through the increased accessibility it would bring to travel-to-work trips,

although such benefit would not extend markedly into the more challenged eastern part of the Regeneration Area.

Northgate And Fairmoor Sites

- 4.240 The Applicant's reasons for promoting the Scheme include that it should improve access to certain allocated employment development sites at Northgate and Fairmoor (Doc APP004.02 pages 13-15). Appendix 16.1 of the ES (DOC006.3.18) identifies those to be Fairmoor (Northgate) (allocation AE/MO1, 10.1 hectare); Fairmoor Extension (allocation NE/MO7, 5.6 hectare); and Fairmoor (land adjacent to A1) (allocation ME3, 7.9 hectare). I refer to these collectively as the "Northgate/Fairmoor" sites. The Fairmoor (Northgate) site is among those considered in Table 61 of the EIR (Doc APP004.34); the Fairmoor Extension and Fairmoor (land adjacent to A1) sites are not.
- 4.241 Currently access between the Northgate/Fairmoor sites (which abut the A192) and the nearby A1 is constrained by the form of the A1/A192 junction, which allows turning traffic to move only between the A1 north of the junction and the A192. Traffic seeking to travel between the Northgate/Fairmoor sites and the A1 (north) can do so by passing directly through the A1/A192 junction. Traffic seeking to travel between the Northgate/Fairmoor sites and the A1 (south) (or between north-western Morpeth and the A1 (south)) can do so only by driving south through Morpeth to the A1 at Clifton, or by starting north on the A1 and then making a U-turn at the A1/A697 grade separated junction. (Doc APP004.02 ref 4.4).
- 4.242 The Scheme would provide a new junction with the A1, the proposed link onto the A192 and the new Northgate Roundabout all of which are expected by the Applicant to significantly improve access to the Northgate/Fairmoor sites, enhancing the viability of these developments (Doc DOC005.3). The Applicant considers that, in so doing, the Scheme should help to de-risk/facilitate development at Northgate/Fairmoor, which has currently stalled and which the Applicant believes to be unlikely to come forward unless the Scheme or other strategic highway improvement is constructed. And a shortage of the right skills in the area could also be a limiting factor in encouraging businesses to move to the area (Doc DOC004.2; Doc APP004.34 paragraph 6.5.2).
- 4.243 The Applicant has treated one of the Northgate/Fairmoor sites as comparable with the rest of the 13 sites considered in Table 61 of the EIR, and I see no reason to do otherwise in respect of any of the three allocated Northgate/Fairmoor sites. I have found that Table 61 is likely to substantially overestimate the Scheme's effect in increasing the take-up of land for employment, and that finding should correspondingly be applied to the Northgate/Fairmoor sites; the Scheme's effect there would be modest.

Morpeth Town Centre

- 4.244 Chapter 15 of the ES (DOC006.1.16) sets out the results of an assessment of social and economic changes in Morpeth town centre that could result from the Scheme.
- 4.245 The ES predicts that the construction phase of the Scheme would only minimally affect traffic flow in the town centre, and that construction workers might patronise local businesses (DOC006.1.16, 15.150).
- 4.246 Once the Scheme was open, the ES foresees reduced congestion and lorry traffic in the town centre, improved travel times and better connectivity, improved accessibility leading to more visitors and the trade they would bring, and better air quality (DOC006.1.16, 15.151).
- 4.247 If development came forward in Morpeth as a result of the Scheme, the ES argues that the vitality of the town would be strengthened (DOC006.1.16, 15.152).
- 4.248 The residual effects of the Scheme on Morpeth town centre are argued to be neutral during the construction phase and slightly beneficial thereafter (DOC006.1.16, 15.153). No case was put to the contrary.

Disruption Due To Construction

- 4.249 Chapter 17 of the ES (DOC006.1.18) presents an assessment of disruption due to the construction of the Scheme, explained to mean the effects on people and the natural environment that may be caused between the start of work on site and the completion of post-construction "snagging". I consider construction noise in my paragraph 4.164.
- 4.250 The submitted CEMP (Doc APP004.16) sets out various measures intended to mitigate disruption due to construction of the Scheme; some examples are at items 3 to 7, and items 101 to 114. Draft Requirement 3 provides the flexibility and control that would in my view be necessary to ensure that disruption due to construction is kept within acceptable limits.

Human Health Effects

- 4.251 Chapter 18 of the ES (DOC006.1.19) presents an assessment of the Scheme's effect on human health. It summarises the key information and conclusions relating to human health effects contained in other chapters of the ES. Emissions to air, emissions to water, land quality, waste and noise are considered. The ES finds (DOC006.1.19 Table 18.3) that the Scheme could have a slight adverse effect on groundwater (and thus, temporarily, on human health) during its construction, and that all other potential health effects considered would be of negligible significance.

- 4.252 Public Health England (Doc REP020) notes that the public health effects of the Scheme, through its effects on air, land and water, have been adequately considered elsewhere in the ES and is content with the ES.
- 4.253 I find no reason to refuse the Order on the basis of its effects on public health.

Issues Arising From Written Submissions

- 4.254 The following other issues, not addressed previously in this report, arose from written submissions.
- 4.255 Several parties argued for alternatives to the Scheme (Docs REP004, REP036, REP010, REP018, REP038, REP049). Among the suggested differences were different junctions between a bypass and the A1, different bypass alignments and the omission of various elements including the St Leonard's link. I have considered those suggestions but find no reason to conclude that any suggested alternative should be pursued in preference to the Scheme promoted by the Applicant.
- 4.256 Mr S Michie is a resident of Kater Dene farmhouse, off Fulbeck Lane to the north of the proposed bridge that would pass over the Scheme. He is concerned (Doc REP043 and AUD005 minute 7) that the new bridge would be too high, with regard to its landscape and visual effect and with regard to access to Kater Dene. I consider the landscape and visual effects of the Scheme elsewhere in this report. The Applicant expects the realigned Fulbeck Lane to be some 300mm higher than Kater Dene, resulting in a gradient of some 1 in 10 up to the road (Doc AUD005 minute 19). I do not consider that gradient to be excessive.

Construction Environmental Management Plan

- 4.257 Appendix 18 to the ES (Doc APP004.16) takes the form of a draft Construction Environmental Management Plan (CEMP). The introductory section of the CEMP explains that the CEMP is intended to be a live document, regularly updated and revised as the Scheme is progressed. The purpose of the CEMP is that it should be a practical tool for managing the environmental effects of the Scheme during and after construction.
- 4.258 Appendix 1 to the CEMP sets out a schedule of proposed mitigation measures, numbered from 1 to 151, and grouped to reflect the grouping of topics considered in the text of the ES.
- 4.259 It is in my view appropriate that there should be some flexibility in the CEMP, so as to allow appropriate responses to changes in circumstances that might arise during the works, while at the same time maintaining the performance standards and outcomes

of any mitigation measures relied on in the environmental assessment of the Scheme. To that end,

- Draft Requirement 1 establishes that the CEMP should be substantially in the form of document APP004.16; and,
- Draft Requirement 3 establishes among other things that the CEMP should be followed in carrying out the works, that the CEMP may be reviewed from time to time, and that the CEMP must describe measures and processes to meet the requirements of the mitigation described in the ES to be implemented during the construction period of the Scheme.

4.260 I am satisfied that the proposed approach in respect of the CEMP would secure the mitigation measures described in the ES to be implemented while the Scheme is under construction.

Conformity Of The Scheme With Key National And Local Policies

National Transport Policy

4.261 The Applicant draws attention to the 2011 Transport White Paper "Creating Growth, Cutting Carbon: Making sustainable local transport happen", parts of which I have briefly outlined in my paragraphs 3.14 to 3.17. It is argued for the Applicant that although policy regarding transport and development is moving away from providing significant new highway capacity in favour of smarter choices and network management, it is nevertheless recognised that the car will continue to have an important part to play for some journeys and, particularly in rural areas, it will remain the only real option for travel. It is further argued that the White Paper acknowledges that transport provision is essential for economic growth, while noting that the current levels of carbon emissions from transport cannot be sustained if national commitments on climate change are to be met. Any interventions which can facilitate economic growth and reduce levels of carbon will clearly help to achieve the vision set out in the 2011 White Paper and the Scheme would bring genuine economic and carbon benefits through opening up development land and reducing traffic levels in Morpeth town centre. The bypass would help to manage traffic through the area, reducing congestion, supporting the economy and improving living conditions in Morpeth. The Scheme impacts for regional air quality and greenhouse gases are argued to be negligible, although the Scheme will not necessarily lead to a lower carbon economy (Docs DOC006.1.5 para 4.19 to 4.20; DOC005.3 chapter 2).

4.262 The White Paper says, in its introduction, that it "is about providing the early reduction in carbon emissions that local action is best placed to deliver, while facilitating the access to local jobs that will boost economic growth".

4.263 The evidence leads me to the view that the Scheme's effect on the local economy would be less than claimed by the Applicant, although still positive (my paragraph 4.239). Carbon emissions would increase, with the Scheme, and the increase throughout the modelled network has been estimated in the ES to be 23,896 tonnes over 60 years against a baseline of 6,124,888 tonnes (Doc DOC006.1.6, Table 5.25). My conclusion therefore is that the Scheme would not meet full compliance with National transport policy as expressed in the 2011 White Paper. In reaching my overall conclusions, however, I am mindful of paragraph 3.4 of the draft NNNPS, and the proportionately small amount by which the Scheme is expected to increase greenhouse gas emissions (paragraphs 4.55-4.56 above).

Draft NNNPS

4.264 The Secretary of State has not to date designated a National Policy Statement concerning highway-related development. The draft National Policy Statement for National Networks is an important and relevant matter to which I attach significant weight.

4.265 The Scheme would have two direct beneficial effects on the national road network:

- The junction of the A1 and the A192 currently has limited connectivity in that traffic cannot travel between (a) the A1 south of the junction and (b) the A192. The Scheme would replace that junction with one at which all traffic movements would be provided for; an increase in connectivity that would replace the current awkward arrangement (paragraph 4.241).
- The weaving lengths on the A1 to the south of the A697, which the HA considers to be significantly non-compliant with the relevant design standard, would be enlarged to lengths which the HA finds adequate (Doc REP066).

4.266 It seems to me that those measures would improve the performance and resilience of the trunk road and would be of a type envisaged by paragraph 2.22 of the draft NNNPS. To that extent the Scheme would be consistent with the draft NNNPS.

4.267 By providing a road on a new alignment, the Scheme would also relieve congestion in Morpeth and improve journey reliability, journey quality and economic activity in Morpeth. But those benefits would arise from changes to the local road network.

4.268 I conclude that that part of the Scheme that would directly affect the A1 trunk road would be consistent with the draft NNNPS.

National Planning Policy Framework

- 4.269 The ES draws attention to four topics in the NPPF to which the Scheme is said to conform (DOC006.3.2, starting at page 135; reported in my paragraph 3.27). The first is good design.
- 4.270 NPPF paragraph 58 says that developments should be visually attractive as a result of good architecture and appropriate landscaping. It seems to me that the proposed structures (the underpass at St Leonard's junction and the large culverts at West End Lane Farm, Cotting Burn and How Burn) as shown on the approved drawings would have a simple functionality, but much in their appearance would depend on their external materials, which would be the subject of draft Requirement 5. I have found (in my paragraphs 4.131 and 4.132) a significant adverse effect on the landscape of the How Burn and Cottingwood AHLV, and that the Scheme's residual effects on the landscape elsewhere would be acceptable. There would be some visual harm to public and residential views (my paragraph 4.135). In these limited respects, NPPF paragraph 58 would not be met.
- 4.271 Secondly, I have considered the Scheme's effect on flooding and climate change effects, with particular reference to NPPF paragraph 103, and found that the application does not closely follow the recommended approach (my paragraph 4.211). For the reasons given, I do not regard the shortcoming as pivotal; but it remains the case that the guidance of the NPPF is not fully followed in this respect.
- 4.272 Thirdly, conserving and enhancing the natural environment is the subject of section 11 of the NPPF. Paragraph 109 refers to protecting and enhancing valued landscapes, whereas the Scheme's effects on the How Burn and Cottingwood AHLV would be as I have described. Paragraph 109 also refers to minimising effects on biodiversity, which the Scheme would address in many respects and is expected to address in respect of bats (my paragraphs 4.115 and 4.116).
- 4.273 Finally in this context, the ES draws attention to the NPPF's provisions (in its section 12) regarding conserving and enhancing the historic environment. I have found that the Scheme would not harm any designated heritage asset (paragraph 4.80 above). The overall effect on archaeological features would be adverse but not significant. I find no conflict between the Scheme and section 12 of the NPPF.
- 4.274 The LIR (Doc LIR001) refers to the objectives of the Scheme, which are said to be generally compliant with the aims of the NPPF. The Scheme objectives are set out in paragraph 2.9 above. It seems to me that the Scheme's effects would serve the goals of the NPPF principally by virtue of its effect in reducing traffic in Morpeth, and to a lesser extent by improving accessibility. Those two effects would in my view (and with reference to the NPPF):

- support the viability and vitality of the town centre (NPPF paragraph 23)(paragraph 4.246);
- improve residential amenity, for example through a net reduction in traffic noise in Morpeth (NPPF paragraph 17) (paragraph 4.171 above);
- reduce traffic congestion and delay (NPPF paragraph 30) (paragraph 4.15 above).

4.275 Overall it seems to me that the Scheme would offer a considerable degree of fit with those parts of the NPPF identified by the Applicant and those reflecting the Scheme objectives to which I have referred.

Development Plan (the Castle Morpeth District Local Plan 1991-2006)

4.276 Saved policies T1 (Major Road Improvements) and MT1 (A1/South East Northumberland Link Road) (both in Doc APP004.36) give direct and specific endorsement of the Scheme. Against that endorsement must be weighed the effect of saved policy C3 (Areas of High Landscape Value) (Doc APP008.22), with which the Scheme would not comply, as I found in my paragraph 4.131. I have found (in paragraphs 3.33 and 3.34 above) that, while considerable weight should be attributed to policies T1 and MT1, full weight should be attributed to Policy C3.

4.277 The LIR (Doc LIR001) also draws attention to the following saved local plan policies that I consider relevant to the Scheme and to which I have found (paragraph 3.33 above) that full weight should be attributed:

- C11 (Protected species), which would be met, with the proposed mitigation, secured by Requirements 24 and 25;
- C15 (Trees in the countryside and urban areas), which would be met by the Scheme with the proposed planting scheme, secured by Requirement 7;
- RE5 (Surface water run-off and flood defences) which would not be met in full. The considerations set out in paragraph 4.271 above also apply here;
- RE8 (Contaminated land), which is met by Chapter 14 of the ES (DOC006.1.15).

4.278 Policy MT1 appears to anticipate a tension between Policies T1 and MT1 on one hand and Policy C3 on the other, in that Policy MT1 includes this sentence: "Measures will be undertaken to reduce the impact of the road on the landscape and on nearby properties through design detailing, landscaping and screen planting." There can be no dispute that such an approach has been taken. In my

view the Scheme's compliance with T1 and MT1 outweighs its non-compliance with Policies C3 and RE5, notwithstanding the difference in weight. The Scheme is consistent with the development plan.

Local Transport Policy

4.279 The Transport Assessment (Doc DOC005.3) reports (at 2.4.1) five goals of the Northumberland Local Transport Plan 3 (LTP). They are:

- (i) Support Northumberland's economic competitiveness and sustainable growth by delivering reliable, resilient and efficient transport networks;
- (ii) Minimise the environmental impact of transport by reducing carbon emissions and addressing the challenge of climate change;
- (iii) Promote greater equality of opportunity by improving peoples' access to services and facilities;
- (iv) Improve transport safety and security and promote and enable healthier travel; and,
- (v) Ensure that transport helps to improve quality of life for residents, employers and visitors, and protects and enhances the local environment.

4.280 I have found that the Scheme would contribute to goal (i) to a limited extent (previous paragraph 4.239). Its use would increase carbon emissions (Doc DOC006.1.6). It would serve goal (iii) by improving the accessibility of employment, largely in the Morpeth area (previous paragraphs 4.238, 4.239). Transport safety would be virtually unchanged by the Scheme (Doc APP004.02 item 7.3). The Scheme would serve the final goal, particularly in Morpeth town centre, through reduced congestion and improved air quality, but it would have an adverse effect on the How Burn and Cottingwood AHLV; its overall effect in terms of noise at dwellings would be beneficial (previous paragraphs 4.64, 4.225, 4.248, 4.131, 4.157, 4.158, 4.168).

4.281 The Scheme offers limited compliance with the five goals of the LTP.

Conclusion: Policy Conformity

4.282 Overall, I find the Scheme to be compliant with the development plan and partially compliant with national and local transport policy and the NPPF.

Need For The Scheme

4.283 I have reported the Scheme objectives in my paragraphs 2.9 and 2.10. In respect of those and in the light of the evidence I conclude that:

- (i) Traffic congestion is common in Morpeth, causing delay to through traffic and traffic with business in the town and thereby hindering economic activity (paragraphs 4.7(b), 4.15(e), 4.224, 4.231). The evidence is that the Scheme would be effective in reducing traffic volumes and traffic congestion in Morpeth (paragraph 4.15).
- (ii) South East Northumberland has areas of deprivation such that it has twice the Northumberland average proportion of Job Seekers Allowance claimants and a history of deprivation (my paragraph 4.229). There is evidence that workforce and employment accessibilities are poorly matched (4.230, 4.231). There is a need for improved employment accessibility. The Scheme would address that need, particularly in the less deprived north-western area of Morpeth but less so in the east of the regeneration area, where the need is more acute (paragraphs 4.238(ii), 4.239(iii)).
- (iii) The evidence brought by the Applicant does not to my mind support the proposition that improved road access to the regeneration area east of Morpeth (map at Appendix 2 of APP004.34) would be of great importance in encouraging development and employment there (my paragraphs 4.234 to 4.237). But, where development would be newly made possible by the Scheme it might be beneficial. The benefit would depend on the characteristics of the enabled development. The St George's site (phases 2 and 3) might be such a case (my paragraph 4.28) but it is at too early a stage in the planning process for more than very limited weight to be attributed to it (my paragraph 4.35).

4.284 My finding is therefore that the Scheme would meet a clear and pressing need for traffic reduction in Morpeth, and that it would have a limited beneficial effect toward the necessary goal of improving employment accessibility.

5 OVERALL CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT

5.1 In coming to my overall conclusion on the case for granting development consent for this application, I have had regard to matters raised by the Local Impact Report submitted by NCC, the matters prescribed by the Infrastructure Planning (Decisions) Regulations 2010 and other matters that I consider are both important and relevant to the decision. My reasoning in each matter is set out in Chapter 4: relevant paragraph numbers in that Chapter are given here in square brackets.

5.2 The matters are:

1. There is a clear need for the Scheme, which is supported by the development plan and, to a lesser extent, by transport policy guidance from the DfT and the Local Transport Plan. The Scheme offers a moderate degree of fit with the NPPF and its trunk road elements are consistent with the draft NNNPS. [4.275, 4.268]
2. The Scheme would enable ...
 - a. Reduced traffic delays in Morpeth [4.15]; A reduction in traffic flows of the order of 16% on the main roads in and out of Morpeth [4.15] and in the town centre; Travel times between the A1 near Fairmoor, and locations east of the Whorral Bank roundabout (on the A197 east of Morpeth), being reduced by some 4 to 8 minutes [4.15];
 - b. Increased accessibility to a wider employment catchment area [4.238(ii)];

and as a result ...
 - c. The Scheme would be likely to improve operating conditions for businesses in Morpeth [4.2834.261]; Employment and employees would be more accessible to one another, to mutual benefit, particularly in the west of the Regeneration Area [4.238 and 4.239];
3. The Scheme would improve the performance and resilience of the A1 trunk road [4.265, 4.266];
4. The northern tip of How Burn Wood, extending to 0.1 ha, would be lost to the Scheme [4.116];
5. There would be significant adverse effects on the landscape of the How Burn and Cottingwood AHLV [4.131];

6. There would be a significant adverse visual effect upon a disparate group of receptors (including residential receptors); these effects being both temporary and, in some cases, effectively permanent. [4.135]
 7. There would be a risk that the Scheme would make less than desirable provision for vehicle restraint, over a distance of 45 metres at Pegswood Moor [4.190];
 8. The Scheme would have ecological implications, including impacts on European and National Protected Species, and the lack of EPS licences in respect of bats would prevent necessary mitigation of the Scheme's effects on bats. But that would not prohibit the granting of development consent for the Scheme, subject to Requirements . In respect of the effect on protected species the Scheme proposals, including Requirements 24 and 25, would be acceptable [4.116].
- 5.3 In conclusion, balancing the adverse impacts of the proposed development against the need for the project to be implemented and the benefits it would bring, I consider there is a clear justification in favour of granting development consent for the Morpeth Northern Bypass.

6 COMPULSORY ACQUISITION

6.1 I have found in the Conclusion to the preceding section that development consent should be granted. I now consider the extent to which the case is made for compulsory acquisition powers necessary to enable the development to proceed.

6.2 The draft Order would make the following provisions in respect of land and interests in land:

- (i) The compulsory acquisition of land (Article 20);
- (ii) The compulsory acquisition of rights and the imposition of restrictive covenants (Article 23);
- (iii) Matters relating to private rights (Article 24);
- (iv) Application of the Compulsory Purchase (Vesting Declarations) Act 1981 (Article 25);
- (v) Acquisition of subsoil and airspace only (Article 26);
- (vi) Acquisition of part of certain properties (Article 27);
- (vii) Temporary use of land for carrying out the authorised development (Article 29);
- (viii) Temporary use of land for maintaining the authorised development (Article 30).

6.3 The Applicant has provided:

- (i) A Statement of Reasons (SoR) (Doc DOC004.1);
- (ii) A Funding Statement (FS) (Doc DOC004.2);
- (iii) A draft Book of Reference, which was amended during the Examination. The latest version was Revision 3 (BoR) (Doc APP013.1);
- (iv) Land Plans, which were amended during the Examination. The latest version was that shown on drawings HE092631/0/A197/100/28C and 29C (Doc APP008.3).

Description Of The Land For Which Compulsory Acquisition Powers Are Sought

6.4 The Scheme would permanently acquire 26.5 hectares of land with an additional temporary requirement of 8.52 hectares for use during construction. The land that would be permanently acquired is predominantly in agricultural use, of which 0.55 hectares are designated as the best and most versatile agricultural land (Doc APP011.3, item A20.1). The only non-agricultural land that would

be acquired for the Scheme is 1.05 hectares that is part of the site of a former quarry, currently undergoing restoration, and some 0.1 hectare of land in residential use.

- 6.5 The Order land in places abuts land which is in the public highway and on which works would be carried out as part of the Scheme. Local roads and the A1 Trunk road would be affected in this way (Docs APP008.14, APP004.17, APP008.16). The Applicant is the local highway authority, and the Secretary of State is the highway authority for the trunk road. The HA has been consulted in the development of the proposal.
- 6.6 The HA agrees with the principle of the Scheme proposal, subject to provisos regarding the detailed design of its trunk road element (Doc REP047). A statement of common ground between the HA and the Applicant (Doc SOCG001) records their joint positions in respect of various matters of detail in the proposed trunk road works, as at 30 May 2014; and records the joint view that an agreement made pursuant to section 6 of the Highways Act 1980 will be necessary (draft at Doc APP008.17); the intention is that the Applicant would carry out the Scheme construction in the trunk road through such an agreement (Doc REP066). The Applicant confirmed at the DCO hearing on 8 July 2014 (Doc AUD006, minute 36) that a section 6 agreement in respect of the trunk road elements of the Scheme was completed on 7 July 2014. The HA can foresee no reason why approvals relating to the proposed St Leonard's Junction should not be granted. A Memorandum of Understanding (Doc APP011.7) between the Applicant and the HA addresses the maintenance and operation of the proposed St Leonard's Junction, an interface between the trunk road and local roads.
- 6.7 Having reviewed the information regarding local highways (Doc APP004.17), with particular reference to Fulbeck Lane and plots 10i and 12, discrepancies were apparent between those plot boundaries, as they were then shown on the land plan that formed part of the original application (Doc DOC002.2), and the nearby highway boundary. In response to my question 16.11 in document COR016 the Applicant made revised proposals in respect of plots 10i and 12. One of the effects of those revised proposals was to enlarge plots 10i and 12 so that they were contiguous with the highway boundary. The enlargements would be minor in scale. The Applicant proposes to achieve that by the inclusion of additional land within the meaning established by The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations), and has sought the consent of all persons with an interest in the additional land.
- 6.8 In the case of plot 10i, the original and revised proposals are both shown on drawing number HE092631/0/A197/100/36 (Doc APP012.12). Persimmon Homes and Ms Ord have interests in the land (Doc APP013.1). Doc APP008.19 includes an explanatory

letter from the Applicant to the persons with interests in the land, and the reply of Ms Ord's agent stating that Ms Ord does not object to the proposed change. Doc APP012.10 provides subsequent confirmation by the Applicant that an accommodation gate sought by Ms Ord would be provided. Doc APP012.9 is a letter from Persimmon Homes North East agreeing to the revised boundary of plot 10i and giving consent to the additional land being included in the DCO as land to which the DCO provisions would relate. I am therefore satisfied that provision 4(b) of the CA Regulations is not engaged in respect of the proposed additional land in plot 10i. The additional land is incorporated in plot 10i of the land plan identified in Article 2 of the draft Order which I propose be made if the Secretary of State is so minded (Appendix D to this report), and is identified in the most recent version of the draft Book of Reference (Doc APP013.1).

- 6.9 Plot 10i in its original form was shown on the original land plan (Doc DOC002.2) as straddling a property boundary on the southern side of plot 10i. The property to the south of that boundary is known as Glendene House, a private dwelling. Document REP036 includes a relevant representation made on behalf of the residents of Glendene House, questioning the configuration of Plot 10i in that respect. The changes to Plot 10i proposed by the Applicant include the realignment of the southern boundary of plot 10i to coincide with the northern boundary of Glendene House, as requested by the residents of Glendene House (REP036). As this meets the representation, I consider no further action to be necessary in that respect.
- 6.10 In the case of plot 12, the original and revised proposals are both shown on drawing number HE092631/0/A197/100/37 (Doc APP012.11). Doc APP012.6 is an explanatory letter from the Applicant to members of the Michie family. Doc APP012.7 is a letter (dated 9 July 2014) from the Michie family's agent which confirms that the members of the Michie family are now the only persons with an interest in the land, that they agree to the revised boundaries and that they consent to the additional land being included in the DCO and to it becoming land to which the provisions in the DCO, including the provision authorising compulsory acquisition, will relate. I am therefore satisfied that provision 4(b) of the CA Regulations is not engaged in respect of the proposed additional land in plot 12. The additional land is incorporated in plot 12 of the land plan identified in Article 2 of the draft Order, and is identified in the most recent version of the draft Book of Reference (Doc APP013.1).

The Purposes For Which The Land Is Required

- 6.11 The Land is required in order that the Scheme may be built and maintained and so that some of its adverse effects can be mitigated. The land is proposed to be used as follows (DOC004.1, APP008.7):

Plot	Required For
1	Permanently required for highway drainage outfall
1a	Access rights permanently required for construction and maintenance access
2 to 10, 12 to 15 and 17 to 19	Permanently required for construction of the highway
4a, 5a, 5b, 7a, 8a, 9a, 10a, 10d, 10e, 10l, 15a, 15g, 15h, 17b	Permanently required for landscape mitigation planting
10j and 15d	Permanent rights for drainage
10f, 11, 15b, 15c, 18a	Permanent rights for surface water storage ponds
6a	Permanent right to use as a public footpath
10g, 10h, 10i	Permanent right: keep and maintain water main
2a, 7b, 10c, 10k, 15e, 19a	Temporary right for soil storage during construction
2b, 6b, 8b, 12a, 15f, 17a, 19b	Temporary rights for access, working space, site compounds and haul road during the works

6.12 I find that the Applicant has a clear idea of how it intends to use the land.

Crown Land

6.13 Regulation 7(1)(d) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 requires that the Book of Reference should specify the owner of any Crown land interest in the land which is proposed to be used for the purposes of the Order. The Secretary of State is the owner of Crown land in the A1 trunk road (Doc APP008.16). The HA, on behalf of the Secretary of State, and the Applicant intend that those parts of the Scheme that are in the trunk road should be undertaken through an agreement made under section 6 of the Highways Act 1980, the completion of which was reported at the DCO hearing on 8 July 2014 (Docs REP047 reference 10.2.2, SOCG001, APP008.17, AUD006 (minute 36)). Because the works in the trunk road would not be undertaken through the Order, the Book of Reference

shows there to be no Crown land interest that would be used for the purposes of the Order (Doc APP013.1). The draft Order does not propose powers of compulsory acquisition in respect of any Crown land.

Statutory Undertakers

- 6.14 None of the land required for the Scheme is in the ownership of any statutory undertaker (Doc AP013.1). Article 31 of the draft DCO would provide for the relocation of statutory undertakers' apparatus if unexpectedly found in the land required for the Scheme (paragraph 7.13).

Special Land

- 6.15 The draft Book of Reference (Doc APP013.1) identifies that no Special Land would be acquired for the Scheme.

Compulsory Purchase (General Vesting Declarations) Act 1981

- 6.16 Article 25 of the draft Order would incorporate the provisions of the Compulsory Purchase (General Vesting Declarations) Act 1981, with modifications as set out in the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (the Model Provisions) schedule 1, item 23.

Representations By Affected Persons Regarding Compulsory Acquisition

- 6.17 The only representation during the Examination made by an affected person in connection with land ownership matters was put on behalf of Messrs Michie and dated 26 February 2014 (Doc REP043). Messrs Michie own plots 12 (which at that time included the land which is now proposed to be plot 12A) and 13. Their representation asked that specific changes be made to the southern ends of both plots; Messrs Michie's agent provided clear drawings.
- 6.18 The Applicant's response (Doc APP006.2 item 7) was that the requested change to plot 13 would be made, as it resulted from a drafting error by the Applicant.
- 6.19 In respect of the southern part of plot 12 (as identified by Messrs Michie), the Applicant proposed that a temporary interest would be acquired in plot 12A, for the duration of the works (Doc REP058), and plot 12A would be reinstated to grass on completion of the Scheme (Doc APP008.18); that arrangement was accepted by Messrs Michie (Doc APP008.18).
- 6.20 Drawing HE092631/0/A197/100/37 (in Doc APP008.18) was presented by the Applicant to illustrate the changes (and those relating to the highway boundary, the subject of my paragraph

6.10). The changes to Plot 12 are reflected in the Land Plan HE092631/0/A197/100/28C (Doc APP008.3), but the change to Plot 13 is not made on that Land Plan. The change in Plot 13 to the form shown on drawing HE092631/0/A197/100/37 corrects the Applicant's drafting error and creates the outcome sought by Messrs Michie in Figure 3 of document REP043. It should therefore be formalised in the Order. Article 2 of the draft DCO reflects the necessary incorporation of drawing HE092631/0/A197/100/37 as a land plan in respect of Plot 13 only.

The Case For Compulsory Acquisition Powers

- 6.21 Compulsory acquisition powers can only be granted through the Planning Act 2008 (the 2008 Act) if the conditions set out in sections 122 and 123 of the 2008 Act are met. I refer also to "Guidance related to procedures for the compulsory acquisition of land", DCLG, September 2013 (the Guidance).
- 6.22 Section 122(1) requires that the decision maker may only authorise compulsory acquisition if he or she is satisfied that the conditions in sections 122(2) and 122(3) are met.
- 6.23 Section 122(2) requires that the land must be required for the development to which the development consent relates or is required to facilitate or is incidental to the development. The Guidance advises that the land to be taken must be no more than is reasonably required and be proportionate.
- 6.24 Section 122(3) requires that there must be a compelling case in the public interest for the land to be acquired compulsorily. The Guidance here is that the Secretary of State will need to be of the view that the public benefits that would be derived from the compulsory acquisition would outweigh the private loss that would be suffered by those whose land is to be acquired.
- 6.25 Section 123 requires that one of three conditions is met by the proposal. I am satisfied that the condition in s.123 (2) is met because the application for the DCO included a request for compulsory acquisition of the land to be authorised. The requirement of s.123 as a whole would therefore be met if the Secretary of State was of the same view.
- 6.26 The Guidance states that various general considerations also have to be addressed either as a result of following applicable guidance or in accordance with legal duties on decision-makers –
- all reasonable alternatives to compulsory acquisition must have been explored;
 - that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate;
 - the Applicant must have a clear idea of how it intends to use the land;

- the Applicant should show that sufficient funds are available; and,
- the Applicant should show that any potential risks or impediments to implementation of the Scheme have been properly managed.

Applying The Tests

- 6.27 The Applicant has provided a Statement of Reasons (Doc DOC004.1) and a Funding Statement (Doc DOC004.2). Having considered those documents and other material in evidence, I find as follows.
- 6.28 I am satisfied that the scale of the Scheme is proportionate to its purpose; the road would have a single two-lane carriageway, appropriate to its function and the volume of traffic it is expected to carry; and to my mind the land that would be taken for mitigation planting, verges and permanent earthworks would be necessary for the purpose. Some 35 hectares of land would be acquired in total but almost a quarter of that would be returned once construction was complete. And I have found the Scheme's use of land to be acceptable and clearly related to the Scheme (my paragraphs 4.140 and 4.150 and 6.12). I am satisfied that the Order land would be required for the development to which the development consent would relate or is required to facilitate the development. The amount of land would be no more than would reasonably be required and would be proportionate. Section 122(2) of the 2008 Act would be satisfied.
- 6.29 I now turn to the general considerations identified by the Guidance.
- 6.30 The public interest that the Scheme would serve would include reduced traffic congestion in Morpeth, improved road travel times, better operating conditions for businesses in Morpeth, and easier access to employment for some (Docs APP004.22, APP004.34). And there would be improvements to the A1 trunk road (paragraph 4.265 above). Against those benefits (which together I consider to be very substantial) I consider the private loss that would be suffered by those whose land is to be acquired. Only one affected party, Messrs Michie, made a representation regarding the acquisition of land, and I have reported that previously in this Chapter; the matters raised were of a small scale in comparison to the Scheme, and readily resolved. I describe in paragraph 6.31 the work that has been done in negotiation with all parties. There is no evidence that any affected party is conscious of a private loss that would arise from the compulsory acquisition of their land, and so there is no rational basis for me to conclude other than that any private loss would be slight, and therefore outweighed by the public benefit. Section 122(3) of the Planning Act 2008 is therefore satisfied, by dint of the Guidance.

- 6.31 An alternative to compulsory acquisition in this case is acquisition by agreement and it is clear that the Applicant has been pursuing that. All affected persons have been aware of the Scheme for a number of years and none has indicated any objection in principle to the Scheme nor any unwillingness to negotiate with the Applicant. The Statement of Reasons sets out the position with each affected person as it was in July 2013 (Doc DOC004.1) and Doc APP004.02 reference 4.3 provides an update. In most cases Heads of Terms have been agreed. But the Applicant has concluded that acquisition by agreement is unlikely to occur in all cases in the necessary timescale.
- 6.32 Modifications to the Scheme have also been considered by the Applicant, as described in the Statement of Reasons (DOC004.1, from paragraph 7.10) and the ES (DOC006.1.3, from paragraph 2.120). Two options, apart from the application Scheme, were investigated. Both would have been similar to the application Scheme from the Whorral Bank roundabout westwards to the How Burn Bridge. Option 1 would then pass to the north of Kater Dene and would join the A1 at Fairmoor. The junction of Option 1 with the A1 would not conform to current design standards and was not supported by the HA. Option 2 would see the junction with the A1 located still further north, at or near the A1/A697 junction. The junction's location in Option 2 would compromise the Scheme objectives and Option 2 would cost some 45% more than the application Scheme. Neither option would avoid the need for compulsory acquisition of land, and the application Scheme is superior to options 1 and 2.
- 6.33 The Applicant has explored the alternatives to compulsory acquisition and has found the alternatives to be insufficient to meet the need for the Scheme in the necessary timescale.
- 6.34 Compulsory acquisition of land in this case is being pursued in accordance with the law. The Scheme's aims are legitimate and they are in the interest of the economic well-being of the country. I have found (in my paragraph 6.29) that the Scheme is in the public interest and that it is proportionate in that the public benefit would outweigh the private loss.
- 6.35 I have considered the circumstances of this case in the light of Articles 1 and 8 of the European Convention on Human Rights. Article 1 establishes that no-one shall be deprived of his possessions except in the public interest and subject to the conditions imposed by law. Article 8 identifies that interference with a person's right to respect for the home, private and family life (for the purpose of compulsory acquisition) may be justified if it pursues a legitimate aim, is in accordance with the law, is in the interest of the economic well-being of the country and is proportionate.

- 6.36 I am therefore satisfied that the proposals would not conflict with Convention rights that I have identified.
- 6.37 I have found (my paragraph 6.12) that the Applicant has a clear idea of how it would use the land.
- 6.38 The Funding Statement (Doc DOC004.2) describes the funding arrangement in detail. In summary, the Applicant is proceeding on the basis that the Scheme would be jointly funded by the Applicant and the DfT. The expected Scheme cost of £30.105 million would be met by a DfT funding contribution of £21.073 million and a contribution of £9.032 million made by the Applicant. Section 4.10 of the Best and Final Funding Bid (Appendix C of DOC004.2) explains that the Local Authority contribution would be funded by means of Prudential Borrowing; the Applicant has amended its Medium Term Capital Plan accordingly and is satisfied that the borrowing is affordable. Appendix D of DOC004.2 is a letter, dated 16 December 2011, from the Regional and Local Major Projects Division of the DfT confirming the DfT contribution of £21.073 million subject to conditions. The Applicant has shown that sufficient funds are available.
- 6.39 I have described (paragraph 4.89) the need for the Applicant to obtain EPS licences in respect of certain bat roosts that would be affected by the Scheme, and the action the Applicant intended to take in response to that need. I have concluded (paragraph 4.115) that subject to the necessary EPS licences in respect of bats, the Scheme could lawfully proceed. In view of assurance given by NE, there is no reason to believe that the licences would not be granted by NE, subject to the provision by the Applicant of information requested by NE; and the Applicant has undertaken to provide that information (paragraphs 4.89 and 4.90). There is therefore no reason for me to conclude other than that this potential impediment to the Scheme has been properly managed.

Recommendation On The Inclusion Of Compulsory Acquisition Powers In The DCO

- 6.40 For the reasons set out in this chapter I am satisfied that the case has been made that all of the land included in the Book of Reference and Land Plans is required either for the development, or to facilitate it, or as incidental to it.
- 6.41 I am also of the view that a compelling case in the public interest has been made out; there is a clear need for this Scheme to proceed, its delivery would be jeopardised in the absence of the compulsory acquisition powers contained in the draft Order, the interference with persons and affected land interests is proportionate to the benefits that would be brought about by the development, and risks have been properly managed.

6.42 I conclude that the case for compulsory acquisition has been made. Therefore, the compulsory acquisition powers included in the draft Order are appropriate and should be granted.

7 DRAFT DEVELOPMENT CONSENT ORDER

- 7.1 The application included a draft Order (Doc DOC003.1) and an Explanatory Memorandum (Doc DOC003.2).
- 7.2 I held two issue-specific hearings examining the draft Order, on 8 April 2014 and on 8 July 2014. The emerging draft Order was the subject of written questions that I issued on 22 January (Doc COR009) and further questions on 16 April (Doc COR016).
- 7.3 Various revised versions of the draft Order were submitted by the Applicant. Version 5 (Doc APP010.2) was the most recent version, issued on 10 June (Doc APP010.1) and was considered at the 8 July hearing. Version 5A (Doc APP012.3) was issued after that hearing and contains the same text as version 5 but with formatting corrections. At that hearing the Applicant suggested some changes to the draft (Doc AUD006), as did I, but at my request those changes are not in Version 5A. Instead I considered them in preparing my recommended final draft DCO, which is at Appendix D.
- 7.4 Version 5a of the draft DCO is therefore the basis of the consideration set out in this chapter, in which I explain any significant changes which I propose to the Version 5a draft. In the interests of precision or legibility I have also made changes of less significance, which I have set out in Appendix E to this report.

DCO Provisions

Articles

- 7.5 The revised final draft Order contains 36 Articles, providing for amongst other things compulsory acquisition, street works and public rights of way diversions, construction of the Scheme and arrangements for its upkeep.

Schedules 1 and 3 to 11

- 7.6 These Schedules were amended during the Examination to ensure comprehensive references to the authorised development in Schedule 1 and accurate references to matters relating to streets, private accesses, public rights of way, land and legislation. I am satisfied that all of the Schedules are necessary.

Requirements

- 7.7 Specific references are given in this report, particularly in chapter 4, to the requirements proposed in Schedule 2 to mitigate the adverse impacts of the development. They provide for consultation with appropriate bodies in connection with carrying out the development.

7.8 I am satisfied that all of the proposed requirements in Schedule 2 should be included in the draft Order, are necessary, relevant to the Scheme, enforceable and reasonable in all other respects.

7.9 My recommendation for the content of the draft Order is in Appendix D.

Articles In Which Significant Changes Are Proposed

References are to the recommended draft Order unless stated otherwise.

Article 10: Stopping Up Of Streets

7.10 References to private accesses are added throughout this Article, bringing Article 10 into conformity with Schedule 4 parts 2 and 3.

Article 11: Public Rights Of Way

7.11 I recommend the addition of Article 11(3) to provide for the situation on Public Footpath 13 and its extension Public Footpath 21 (PF13/21) where a safe replacement public path could not be provided by the time PF13/21 would be closed. The replacement would pass through the proposed St Leonard's underpass, for the construction of which the A1 traffic would be diverted onto new slip roads that would cross PF13 and PF21 (Doc AUD006 minute 19).

Article 23: Compulsory Acquisition Of Rights And Imposition Of Restrictive Covenants

7.12 In the version 5a draft, Article 23(3) would be inconsistent with Article 24(2) and so Article 23(3) in the version 5a draft is recommended to be deleted.

Article 31: Statutory Undertakers

7.13 In the version 5a draft, Article 31(a) made provision for the compulsory acquisition of land or rights or the imposition of restrictive covenants over land belonging to statutory undertakers shown on the land plan. No such land is shown on the land plan and so 31(a) is proposed to be removed. The Applicant considers that the recommended Article 31 text (formerly 31(b)) may still be necessary to provide for the situation which can arise in which statutory undertakers' apparatus is unexpectedly (despite diligent inquiry beforehand) found to be present in the land which may need to be repositioned (Doc AUD006 minute 37).

Version 5a Article 34: Application Of Landlord And Tenant Law

7.14 At the Hearing on 8 July 2014 the Applicant stated that the Scheme has no examples of the relevance of this Article. The Applicant does not envisage landlord and tenant law becoming

relevant to the future of the Scheme, and suggested that the Article should be removed (Doc AUD006 minute 38). I recommend that this Article is withdrawn.

Version 5a Article 35: Operational Land For Purposes Of The 1990 Act

- 7.15 The Model Provision from which this Article is sourced has its application in cases in which a statutory undertaker is the promoter of a DCO. The Applicant suggested that the Article should be removed. In respect of works to statutory undertakers' apparatus that is in the highway (as could be the case here once the Order land had become highway land), part 13 of the General Permitted Development Order allows minor works to be carried out within the highway boundary and so Article 35 of Version 5A is not necessary (Doc AUD006 minute 40). I recommend that this Article is withdrawn.

Recommended Draft Order: Article 35: Certification of Plans etc

- 7.16 The list of plans etc. to be submitted to the Secretary of State is extended to include all documents referred to in the draft Order.

Schedule 2 Requirements to which substantial changes are proposed

Requirement 5: External Materials

- 7.17 Requirement 5 in version 5A addressed the details of highway construction, with the purpose of securing an acceptable appearance (Doc APP008.24, item R5, page 33). Requirement 5 as now recommended takes a clearer, and more widely applicable, approach to the matter of appearance (Doc AUD006 minute 60).

Requirement 9: Public Rights Of Way

- 7.18 The previous version of this requirement instructed the developer to consult the relevant planning authority regarding the route to be followed by diverted footpath PF9. Since the route is defined on the street plan, that part of Requirement 9 (in version 5a of the DCO) is not necessary and so I recommend that it be removed.

Requirement 11: Drainage And Water Pollution Post-Construction

- 7.19 For the reason given in paragraph 4.212 of this report, I recommend that draft requirement 11 should be modified to include explicit reference to flood risk management and compliance with the Flood Risk Assessment and the performance criteria in the statement of common ground between the Applicant and the EA (Doc SOCG002). (Doc AUD006 minute 81).

Requirement 16: Archaeology

- 7.20 The recommended requirement incorporates modifications to ensure compliance with the CEMP and, through that, the ES.

Requirement 29: Road Safety Audit

- 7.21 Some highway elements in the Scheme have not been the subject of a road safety audit (RSA). This Requirement is recommended for the reasons given in paragraphs 4.26, 4.190 and 4.196 of this report. The HA makes its own arrangements for RSA (Doc REP047) and so this Requirement need not apply to the trunk road.

Other Matters Related to the Draft Order

Authorised Development

- 7.22 The Explanatory Memorandum (DOC003.2) identifies three items of Work to be associated development as identified by section 115 of the Planning Act 2008. Those items are Work No. 2 (the demolition of a dwelling on the line of the Scheme); Work No. 3 (the diversion of a water main that crosses the route of the Scheme); and Work No. 4 (the diversion of public footpaths in association with the Scheme).
- 7.23 I have considered Works 2, 3 and 4 in the light of the "Guidance on associated development applications for major infrastructure projects" issued by the DCLG in April 2013, with particular regard to the core principles to be taken into account in deciding whether to treat development as associated development. I find as follows:
- (i) Works 2 and 3 would support the construction of the principal development (Works 1 and 5), and Work 4 would support the operation of the principal development;
 - (ii) Works 2, 3 and 4 would be subordinate to the principal development;
 - (iii) Works 2, 3 and 4 are not necessary merely as a source of additional revenue for the Applicant; and,
 - (iv) Works 2, 3 and 4 are proportionate to the nature and scale of the principal development.
- 7.24 Additionally, Works 2, 3 and 4 are typical of development brought forward alongside highway Schemes of the same character as the proposed bypass, in my experience. No dwelling would be created or extended. And the impacts of Works 2, 3 and 4 are assessed where appropriate in the ES.
- 7.25 I am therefore satisfied that Works 2, 3 and 4 should be accepted as associated development. This is reflected in draft Article 2, at "authorised development".

Compensation For Creation Of Rights Etc

7.26 Article 23(4) and Schedule 11 ensure that the compensation procedure applies to the additional categories of acquisition that the DCO would allow, including the creation of new rights. No affected party made representation on this. I am satisfied that the proposed Article and Schedule would be appropriate for inclusion in the Order.

7.27 Detailed Design

7.28 Requirement 4 allows only limited scope for further development of the Scheme design. This Scheme has been in preparation for several years and is at an advanced stage. Article 5 constrains the design within narrow limits of deviation, while Requirement 4 strengthens the confidence that can be placed in the findings of the ES.

Recommendation Concerning the Order

7.29 I am satisfied that the authorised development itemised in Schedule 1 of the draft Order comprises development falling within the terms of section 22 and section 115 of the Planning Act 2008 and further that the provisions and requirements in the draft DCO fall within the terms of section 120 of the same Act.

7.30 I recommend that, should development consent be granted by the Secretary of State for the Morpeth Northern Bypass, the form of the draft Order in Appendix D is appropriate.

8 CONCLUSIONS AND RECOMMENDATIONS

- 8.1 In coming to my overall conclusions, I have had regard to the matters listed in section 105 of the Planning Act 2008 as amended, including the local impact report submitted by NCC.
- 8.2 I conclude, for the reasons stated in this report, that subject to the modifications to the draft Order that I propose, the adverse impacts of the proposed development would not outweigh its benefits.
- 8.3 I have also considered whether powers of compulsory acquisition should be included in any Order that is made and conclude that, subject to the receipt by the Applicant of the necessary EPS licences, there is a compelling case in the public interest for the grant of the compulsory acquisition powers sought by the Applicant relating to the areas of land shown on the Land Plans and as described in the Book of Reference.

RECOMMENDATION

- 8.4 For the reasons set out above, as the Examining Authority under section 83 of the Planning Act 2008, I conclude that (subject to the receipt by the Applicant of the necessary EPS licences) development consent for the Morpeth Northern Bypass should be granted and therefore recommend the Secretary of State to make an Order under section 114 of the Planning Act 2008 in the form at Appendix D.

APPENDICES