

SCOPING OPINION:

Proposed A1 Birtley to Coal House Improvement Scheme

Case Reference: TR010031

Adopted by the Planning Inspectorate (on behalf of the Secretary of State for Communities and Local Government) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

December 2017

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APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

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1. INTRODUCTION

1.1 Background

- 1.1.1 On 08 November 2017, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Highways England (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed A1 Birtley to Coal House Improvement Scheme (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled 'A1 Birtley to Coal House Environmental Impact Assessment Scoping Report' (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
 - (b) *the specific characteristics of the development;*
 - (c) *the likely significant effects of the development on the environment;*
and
 - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement

and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
 - (b) *a description of the proposed development, including its location and technical capacity;*
 - (c) *an explanation of the likely significant effects of the development on the environment; and*
 - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10, an ES accompanying an application for an order granting development consent should be based on '*the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)*'.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This document must be co-ordinated with the EIA, to avoid duplication of information between assessments.

1.2 The Planning Inspectorate's Consultation

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to

the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in undertaking the EIA.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

1.3 Article 50 of the Treaty on European Union

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

2. THE PROPOSED DEVELOPMENT

2.1 Introduction

2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/resources.

2.2 Description of the Proposed Development

2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report sections 1.2 and 3.3.

2.2.2 The Proposed Development comprises the widening of the existing A1 carriageway between junctions 65 (Birtley) and 67 (Coal House), to provide a three lane carriageway and increase capacity. The widening would be mainly online, with a section of realignment to the south at Allerdene Bridge, between junctions 66 (Eighton Lodge) and 67 (Coal House). A new bridge would be constructed to replace the existing Allerdene Railway Bridge (which lies to the east of junction 67 and carries the A1 over the East Coast Mainline), with North Dene Footbridge also to be replaced. Three underbridges at the junction 66 (Eighton Lodge) interchange would be widened and new slip roads provided. The Kingsway Viaduct, which carries the A1 over junction 67 (Coal House), would be widened and connected to the existing slip roads.

2.2.3 The Proposed Development is located on the A1 Newcastle Gateshead Western Bypass, in the North East of England. The application site is largely located within the administrative boundary of Gateshead Council, with the south-eastern part of the application site extending into the boundary of Sunderland City Council. From junction 65 (Birtley), the A1 continues in a generally north-west direction, crossing the Bowes Railway Scheduled Monument (SM). The route passes the Angel of the North sculpture and crosses the East Coast Main Line, towards junction 67 (Coal House), with the northern extent of the application site located in the Team Valley area. Gateshead is located to the north, with Newcastle-upon-Tyne further beyond. A site location plan is provided at Figure 1.1 of the Scoping Report.

2.2.4 The site and surrounding area is comprised of residential, industrial, recreational, open space, agricultural, rural and urban fringe land uses. The existing buildings and other land uses as well as environmental constraints are shown in Figures 1.2, 8.1, 8.2, 9.1, 9.2, and 14.1 of the Scoping Report.

2.2.5 The majority of the site falls within the Tyne and Wear Green Belt. The site is in proximity to four Conservation Areas (Ravensworth, Lamesley,

Birtley and Chowdene) which include various listed buildings. The River Team is culverted under junction 67 and flows in a northerly direction, with its flood plain covering areas around Birtley, through Lamesley, the Team Valley and around the Coal House roundabout. The Bowes Railway SM forms a part of the River Team wildlife corridor and this crosses the A1. There are a number of Local Wildlife Sites (LWS) located within or in proximity to the application site. The Scoping Report does not identify any European or nationally designated ecological sites within the study areas set out in paragraph 10.3.4.

2.3 The Planning Inspectorate's Comments

Description of the Proposed Development

- 2.3.1 The length of the A1 which would be subject to the Proposed Development (in km) and the size of the application site (in hectares) should be specified in the ES.
- 2.3.2 Section 3.3 of the Scoping Report provides a brief description of the Proposed Development. The Inspectorate advises that this should be expanded upon in the ES to include all works which form part of the Proposed Development (for example - signage, gantries, lighting, land profiling, environmental mitigation features and service/utility diversions). This should be supported by figures to illustrate the proposed layout and to depict the locations and dimensions of the proposed structures.
- 2.3.3 Land uses during construction (such as haul roads, material stockpiles and construction compounds), including their locations, should also be fully described and their locations illustrated on accompanying plans. The ES should explain how any phased approach to construction will occur, including the likely duration and location of construction activities. Construction traffic routing and anticipated numbers/types of vehicle movements should be described.
- 2.3.4 The Inspectorate notes that the Allerdene Bridge would be demolished as part of the works. It is not anticipated that demolition of any private property would be required. The ES should provide full details of the necessary demolition works and it should be clear at what point in the programme this would occur. The aspect chapters in the Scoping Report pay limited attention to the works required for demolition. The Applicant should ensure the ES assesses the likely significant effects resulting from any required demolition activities.
- 2.3.5 The description in the Scoping Report of the various new structures (for example, the bridges) is high level at this stage. The Inspectorate expects that at the point when an application is made, the description of the proposed structures will be sufficiently developed to include the design, size (including likely dimensions) and specific locations of the different elements of the Proposed Development. It should be clear in the ES where new structures would be located relative to the existing, along with details of any changes to topography resulting from these works.

The Inspectorate considers that a particular focus should be placed on the design and materials relevant to the proposed new Allerdene Bridge which is a particularly prominent feature of the Proposed Development. This should include any re-profiling of the road which is required, as noted in paragraph 15.2.5 of the Scoping Report. The description should be supported (as necessary) by figures, cross-sections and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the design parameters that would apply and how these have been used to inform an adequate assessment in the ES. This should include the footprint and heights of the structures (relevant to existing ground levels), as well as land-use requirements for all phases and elements of the development.

- 2.3.6 Paragraph 11.7.1 of the Scoping Report refers to piling for bridge abutments. Details of the proposed piling should be provided in the ES, including the anticipated number and sizes of piles, likely duration and locations. Where relevant to the aspect assessments, it should be clear what parameters have been assumed for the piling (for example, to ascertain the likely noise impact).
- 2.3.7 Paragraph 12.5.1 of the Scoping Report explains the intention to deconstruct the North Dene footbridge and re-use this elsewhere on the highway network. The feasibility of doing this will be confirmed as the design phase progresses. The ES should describe the works necessary to inform the assessment of the likely impacts associated with this.
- 2.3.8 If diversions of services and utilities infrastructure are required, these should be described. The Applicant's attention is drawn to the consultation response from Northern Gas Networks, which highlights that low and medium pressure gas mains could be affected by the Proposed Development. The scoping consultation response from the Health and Safety Executive also notes the presence of the Lamesley Storage Installation and the Low Thornley to Lamesley pipeline. The Applicant should take into account the locations of these assets in undertaking the various assessments as part of the ES.
- 2.3.9 The ES should clearly describe, quantify and depict the land applicable to the application including land that would be required temporarily during construction, as well as the land that would be required for the operational phase. This should be presented as a textual description but also on a plan for ease of reference.
- 2.3.10 Where relevant the Applicant should describe any production process, including energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used. The impacts associated with any particular technologies or substances proposed to be used should be described and assessed.

Alternatives

- 2.3.11 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.12 The Scoping Report provides information on alternatives in Chapter 4. The Inspectorate would expect to see a discrete section in the ES that provides details of the alternatives considered and the reasons for the selection of the chosen option(s), including a comparison of the environmental effects.

Flexibility

- 2.3.13 The Applicant's attention is drawn to the Inspectorate's Advice Note 9 'Using the 'Rochdale Envelope'¹, which provides additional details on the recommended approach.
- 2.3.14 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be consistently and clearly defined in the draft DCO (dDCO) and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.
- 2.3.15 It should be noted that if the Proposed Development changes substantially during the EIA process and prior to submission of the DCO application the Applicant may wish to consider requesting a new scoping opinion.

¹ Advice Note Nine: Using the Rochdale Envelope. 2012. Available at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3. EIA APPROACH

3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'² and associated appendices.
- 3.1.2 Aspects/matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report. The Inspectorate has set out in this Opinion where it has/has not agreed to scope out certain aspects or matters on the basis of the information available at this time. The Inspectorate is content that this should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.3 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

3.2 Relevant National Policy Statements (NPSs)

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the Proposed Development is the National Policy Statement for National Networks (NPSNN).

² Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping. Available from:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3.3 Scope of Assessment

General

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- To demonstrate how the assessment has taken account of this Opinion;
 - To identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
 - To set out the proposed mitigation and/or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
 - To describe any remedial measures that are identified as being necessary following monitoring; and
 - To identify where details are contained in the Habitats Regulations Assessment (HRA) report (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 The Inspectorate considers that where a DCO application includes works described as 'associated development', that could themselves be defined as an improvement of a highway, the Applicant should ensure that the ES accompanying that application distinguishes between; effects that primarily derive from the integral works which form the proposed (or part of the proposed) NSIP and those that primarily derive from the works described as associated development, for example through a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.
- 3.3.3 Chapter 6 of the Scoping Report outlines the general approach to the EIA. The Design Manual for Roads and Bridges (DMRB) and accompanying Interim Advice Notes (IANs) will be used as the main source of guidance, with relevant aspect-specific guidance used as appropriate.
- 3.3.4 It is not clarified whether decommissioning of the whole Proposed Development (or elements of the Proposed Development) would be assessed in the ES. The Inspectorate considers that given the nature of the Proposed Development, decommissioning of the Proposed Development as a whole is unlikely in the future. However, the Inspectorate considers that any decommissioning associated with dismantling and replacing particular elements of the Proposed Development (e.g. lighting columns) once they reach the end of their design life should be assessed if significant effects are likely to occur (and the design life should be specifically defined).

- 3.3.5 It is not clear from all of the aspect chapters of the Scoping Report whether the study areas proposed for the assessments are the same as those identified for the purposes of scoping. The Applicant is advised to clearly define the study areas adopted for each aspect assessment in the ES.

Baseline Scenario

- 3.3.6 The ES should include a description of the baseline scenario with and without implementation of the development, as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

Forecasting methods or evidence

- 3.3.7 The ES should contain the timescales upon which the surveys that underpin the assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to each assessment), or in each aspect chapter.
- 3.3.8 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the EIA, which clearly states which effects are 'significant' and 'non-significant' for the purposes of the EIA. Any departure from that methodology should be described in individual aspect assessment chapters.
- 3.3.9 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

Residues and emissions

- 3.3.10 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.

Mitigation

- 3.3.11 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, ideally with reference to specific DCO requirements or other legally binding agreements.
- 3.3.12 The Inspectorate welcomes the production of a Construction Environmental Management Plan (CEMP) for the Proposed Development.

A draft CEMP should be provided with the DCO application. Where the ES relies upon mitigation measures which would be secured through the CEMP, it should be demonstrated (with clear cross-referencing) where each measure is set out in the CEMP.

Vulnerability of the development to risks of major accidents and/or disasters

- 3.3.13 The ES should include a description of the potential vulnerability of the Proposed Development to risks of major accidents and/or disasters, including vulnerability to climate change, which are relevant to the Proposed Development. Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose, provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.
- 3.3.14 The Inspectorate has provided comments on the Applicant's proposed approach in Table 4.3 below.

Transboundary effects

- 3.3.15 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Inspectorate notes that the Applicant has not indicated in the Scoping Report whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 3.3.16 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.
- 3.3.17 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

A reference list

- 3.3.18 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

3.4 Confidential Information

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential, the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

4. ASPECT BASED SCOPING TABLES

4.1 Heat and Radiation

(Scoping Report section 6.2)

| <p>The Scoping Report states that due to the scale and nature of the Proposed Development, it is not anticipated that there will be any significant sources of heat or radiation either during construction or operation.</p> | | | |
|---|-------------|--|--|
| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
| 1 | 6.2.2 | Heat and radiation emissions | The Applicant proposes to scope out consideration of heat and radiation emissions. The Inspectorate is content that this aspect can be scoped out of the ES. |

4.2 Health

(Scoping Report section 6.3)

A study area has not specifically been identified within this section of the Scoping Report, however study areas are provided for aspects referred to below.

The Scoping Report explains that there is no consolidated methodology for assessing health in EIA. However, health will be addressed in the following aspects assessments:

- Air Quality;
- Noise and Vibration;
- Road Drainage and the Water Environment; and
- People and Communities.

Potential effects on health are not specifically identified within this section of the Scoping Report.

| ID | Para | Other points | Inspectorate's comments |
|-----------|-------------|------------------------------|---|
| 1 | 6.3.1 | Assessment of health effects | <p>The Inspectorate is content with the Applicant's proposed approach to assess health impacts in the relevant aspect assessments of the ES.</p> <p>The Applicant should ensure the survey methodologies relevant to health impacts are clearly defined in the relevant aspect chapters.</p> <p>For clarity, the introductory section of the ES should contain a table which provides a clear cross-reference to where the relevant information on human health is located in the ES.</p> |

4.3 Major Accidents and Hazards

(Scoping Report section 6.4)

A study area has not been identified within this section of the Scoping Report.

The Applicant proposes to undertake a qualitative assessment within the following relevant aspect assessments:

- Climate Change;
- Road Drainage and the Water Environment;
- Flood Risk Assessment;
- Air Quality;
- Biodiversity; and
- Materials.

The Scoping Report identifies the following potential major events which are relevant to the Proposed Development:

- Severe weather - storms, floods; and
- Transport accidents – road and rail (resulting in environmental pollution incidents).

| | Para | Other points | Inspectorate's comments |
|---|-------------|------------------------|---|
| 1 | 6.4.11 | Assessment methodology | The Inspectorate welcomes that the potential effects of major accidents and hazards will be assessed within the ES. The Scoping Report does not provide an assessment methodology, however states that the assessment would be qualitative. The ES should clearly set out the methodology/approach to the assessment to ensure there is a clear understanding of how conclusions to the assessment have been reached. |
| 2 | 6.4.9 | Potential impacts | The potential for major accidents and disasters to arise as a consequence of the Proposed Development (such as the collapse of structures) should also be considered. |

4.4 Air Quality

(Scoping Report section 7)

The study area for operational effects consists of a 200m corridor either side of all roads in the affected road network (ARN).

The Scoping Report establishes the baseline air quality environment using Local Air Quality Management (LAQM) Reporting data, nitrogen dioxide (NO₂) diffusion tubes, Defra Pollution Climate Mapping (PCM) and the online Air Pollution Information Systems (APIS). The proposed assessment methodology includes:

- a qualitative assessment of the impacts of nitrogen dioxide due to traffic management measures during construction; and
- a 'detailed' level assessment of operational traffic effects on local air quality following the DMRB (2007). HA207/07 Volume 11 Section 3 Part 1 Air Quality and taking into account relevant Interim Advice Notes (as detailed in paragraphs 7.7.8-11 of the Scoping Report).

The Applicant proposes to assess the impact of the Proposed Development on compliance with the EU Directive on ambient air quality. The human health findings of the assessment will be summarised qualitatively.

The Proposed Development would result in changes to traffic volumes and speeds and therefore changes in emissions of oxides of nitrogen and nitrogen dioxide along the A1 and linked routes. Both beneficial and adverse changes are anticipated, depending on the change in road traffic at different receptors.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|-------|---|---|
| 1 | 7.7.1 | Direct construction impacts | <p>The Applicant has proposed to scope out construction impacts as assessment work to date has not identified any significant effects. This assessment (or a summary of this assessment) has not been provided with the Scoping Report.</p> <p>The Inspectorate therefore does not have sufficient information on which to agree to scope this matter out of the assessment. The Inspectorate also notes that DMRB Volume 11 Section 3 states that if construction is expected to last for more than six months, then traffic management measures and the effect of the additional construction vehicles should also be assessed.</p> |
| 2 | 7.7.4 | Particulate matter | The Applicant proposes that the assessment will focus on oxides of nitrogen, since it is the pollutant where vehicle |

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| | | | emissions are more likely to give rise to pollutant levels near or above air quality standards. The Scoping Report states that concentrations of particulate matter are below the air quality standards and at no risk of exceeding the standards; however no evidence of the existing levels has been provided within the Scoping Report. The Inspectorate therefore does not consider sufficient justification has been provided to scope out impacts from particulate matter. The Inspectorate considers that the ES should include an assessment of human health impacts associated with increased PM _{2.5} resulting from the Proposed Development. |
| 3 | 7.7.5 | Regional level emissions | The Scoping Report proposes to scope out the assessment of impacts on regional level emissions due to the limited scope for changes at a regional scale, however has not provided the data to support the conclusion of no significant effects . Therefore, the Inspectorate does not consider that sufficient evidence has been provided to agree to scope this out. |
| | Para | Other points | Inspectorate's comments |
| 4 | 7.2.2 | Study area | The ES should justify the choice of the 200m corridor either side of all roads in the ARN. It is recommended that the ES contains a figure visually depicting the ARN and the study area. The ES should also identify the study area for the construction phase impacts, including for the assessment of impacts from construction traffic. |
| 5 | 7.3.1 | Baseline information | The Scoping Report presents LAQM data from 2013-2015 and diffusion tube monitoring data from March 2015-March 2016. The Applicant should ensure that the most up-to-date baseline information available is utilised within the ES. |
| 6 | 7.3.2 | Figure 7.1 | Paragraph 7.3.2 of the Scoping Report refers to Figure 7.1 for the Gateshead Air Quality Management Area (AQMA). This is not depicted on Figure 7.1. The Inspectorate considers this would be a useful visual aid to include in the ES in order to understand how the ARN and study |

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| | | | area relate to key areas such as AQMAs. The Applicant should ensure accurate cross referencing to figures across the ES. |
| 7 | 7.3.8 | Figure 7.1 | Paragraph 7.3.8 of the Scoping Report states that PCM data is available from 2015; however Figure 7.1 appears to show data from 2013. Paragraph 7.7.3 of the Scoping Report acknowledges that the PCM model has since been updated; the Applicant is reminded of the need to utilise the most up-to-date baseline information to inform the ES. |
| 8 | 7.3.5 | Selected receptors | The Scoping Report states that the background pollutant concentrations from the PCM data has been interpolated to 'locations of the selected receptors'. The Scoping Report has not made any further reference to the selection of sensitive receptors (human or non-human) and it is unclear whether those referred to in paragraph 7.3.5 of the Scoping Report are those that will be assessed in the ES. The ES should clearly set out and justify the choice of selected receptors. It is recommended that these are agreed with the local planning authorities. The locations of all sensitive receptors should be identified on a plan accompanying the assessment in the ES. |
| 9 | 7.3.12-15 | Diffusion tube monitoring | The ES should explain how the 40 locations used for diffusion tubes were selected, confirm their locations and when this monitoring was undertaken and the time period covered. The Inspectorate would expect these locations to have been discussed and agreed with the relevant local planning authorities. The ES should include a justification to support the locations of the diffusion tube monitoring. |
| 10 | 7.7.7-11 | Assessment methodology | The Scoping Report states that the assessment will follow DMRB methodology. The ES should clearly explain how the significance of effect will be determined. |
| 11 | 7.8.3 | Modelling | The ES should explain the type of model used and its suitability for use in the assessment. |
| 12 | n/a | Monitoring | The Applicant notes uncertainty in forecasting vehicle movements and |

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| | | | emissions in future years. Consideration should be given to air quality monitoring during construction and operation to ensure that any mitigation proposed is sufficient to address the effects. The Applicant should also consider the need for a remedial strategy if effects are greater than predicted. This should be discussed and agreed with the local planning authorities. |
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4.5 Cultural Heritage

(Scoping Report section 8)

The following study areas would be applied to identify heritage assets for inclusion in the assessment:

- 1km from the application site for scheduled monuments, conservation areas, listed buildings and locally listed buildings; and
- 500m from the application site for non-designated heritage assets.

The assessment would follow guidance from the DMRB³, the Chartered Institute for Archaeologists (CIfA)⁴ and Historic England guidance on the setting of heritage assets⁵.

The Scoping Report identifies potential impacts on the settings of SMs, conservation areas, Grade II listed buildings and locally listed buildings, as well as the potential for loss and disturbance of known and unknown archaeological assets. Of particular note is the potential impact on both the setting and physical structure of Bowes Railway SM, which is crossed by the Proposed Development. There is the potential for enhancements to the setting of this monument as a result of the design of the Longbank Bridleway underbridge.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
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| 1 | 8.7.3 | Potential effects on historic landscapes | <p>The Applicant explains that the construction works will be largely confined to the highways boundary (or within its immediate vicinity) and that no structures of height are proposed which would have an impact on the wider setting of any historic landscapes.</p> <p>Although the Scoping Report does not identify what (if any) historically significant landscapes are located in the study area, when considering the location and extent of the proposed works, the Inspectorate is content that the Proposed Development would not result in significant effects on any historic landscapes and this can be</p> |

³ DMRB Volume11, Section 3, Part 2

⁴ CIfA Standard and Guidance for Historic Environment Desk-based Assessment (2014); CIfA Code of Conduct (2014)

⁵ Historic England - The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2015)

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| | | | scoped out of the assessment. |
| 2 | 8.7.4 | World Heritage Sites, Registered Parks and Gardens, Historic Battlefields, Grade I and Grade II* listed buildings | <p>The Applicant has not identified any of these features in the study area. With the exception of Grade II* listed buildings, the Inspectorate is in agreement that effects on these types of heritage asset can be scoped out of the ES.</p> <p>With regards to Grade II* listed buildings, the Inspectorate notes that there is a group of designated heritage assets at Ravensworth Castle (including a scheduled monument and Grade II*listed building) which are within the 1km study area denoted on Figure 8.1 but not identified in Table 8.1 of the Scoping Report. The Applicant should assess the potential effects on the designated heritage assets at Ravensworth Castle in the ES.</p> |
| | Para | Other points | Inspectorate's comments |
| 3 | 8.2.1 | Study area | <p>The ES should include a justification in support of the proposed 1km study area, explaining why it is appropriate and sufficient to capture all heritage assets which could experience impacts on their setting – for example, through visual intrusion or increased noise levels.</p> <p>To support this justification, the Applicant is advised to refer to the Zone of Visual Influence (ZVI) developed for the Landscape and Visual Impact Assessment and the conclusions of the noise impact assessment.</p> |
| 4 | 8.4.2-3 | Potential impacts – buried archaeology | <p>The Applicant's attention is drawn to Historic England's scoping consultation response, which states that the assessment should consider (where appropriate) whether alternations to drainage patterns could lead to in situ decomposition or destruction of below ground archaeological remains and deposits, or subsidence of buildings and monuments.</p> <p>The Inspectorate considers that the assessment in the ES should take into account the guidance contained in Historic</p> |

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| | | | England's guidance document 'Preserving Archaeological Remains' ⁶ particularly with regards to impacts on buried archaeology. |
| 5 | 8.5.4 | Bowes Railway SM | Table 8-1 of the Scoping Report notes that the Bowes Railway SM is included on Historic England's Heritage at Risk register; listed as being in very bad condition and at risk of further deterioration or loss of fabric. The ES should include an assessment of impacts to the Bowes Railway SM including relevant specific issues identified by Historic England. Given the proximity of the Proposed Development to this SM, if impacts from vibration are likely to occur during operation that could result in significant effects, this should be assessed in the ES. Appropriate cross reference should be made to the qualitative vibration assessment that is proposed in Chapter 13 of the Scoping Report. |
| 6 | 8.5.1-6 | Design, mitigation and enhancement measures | Section 8.5.6 of the Scoping Report indicates that the Applicant is consulting with Historic England on the scope of enhancement measures for the SM. The Applicant should also discuss opportunities for enhancement with other relevant consultees such as the Council's Conservation and Archaeology Officers. |
| 7 | 8.5.1 | Archaeological potential | The ES should confirm whether the Proposed Development falls within any areas designated as being of high archaeological potential/areas of archaeological importance. These areas should be illustrated on a plan accompanying the ES. The Inspectorate notes the intention to produce an investigation strategy for any areas where new land take is required and agrees that this is appropriate to ensure a robust assessment of likely significant effects. If the investigation strategy demonstrates the need for further archaeological investigations, these should be completed (and the assessment |

⁶ Preserving Archaeological Remains: Decision taking for sites under development (Historic England, 2016)

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| | | | reported in the ES) prior to submission of the DCO application, unless otherwise agreed with relevant statutory consultees. |
| 8 | 8.5.4 | Application for Scheduled Monument Consent | The Scoping Report explains that Scheduled Monument Consent would be sought ahead of any works taking place within the Bowes Railway SM. It is not clear from the Scoping Report what works are likely to be required to the SM; this should be detailed within the ES and the potential effects assessed. The ES should confirm at what point in the programme any application for Scheduled Monument Consent would be made to the relevant Secretary of State. |
| 9 | 8.5.7 | Monitoring | If monitoring is proposed to be undertaken assuming authorisation of the DCO, the ES should provide a clear description of how and when and monitoring would be implemented and it should be clear how this would be secured in the DCO. |
| 10 | 8.7.12 | Guidance | Historic England's scoping consultation response explains that the setting assessment for the Bowes Railway SM should follow the guidance/standards in 'Good Practice Advice in Planning - Note 3: The setting of Heritage Assets' and 'Good Practice Advice in Planning - Note 2: Managing Significance in Decision Taking in the Historic Environment' ⁷ . The latter is in addition to the guidance listed in paragraph 8.7.12 of the Scoping Report. The Inspectorate agrees that the assessment should be informed by this advice and that the Applicant should continue to engage with Historic England on the assessment of the SM. |

⁷ Managing Significance in Decision Taking in the Historic Environment: Good Practice Advice in Planning - Note 2 (Historic England, 2015)

4.6 Landscape and Visual

(Scoping Report section 9)

A study area of 1km from the application site has been defined for both the landscape and visual assessments, with local topography and built form explained to reduce the potential for impacts to occur over longer distances.

A detailed assessment (in accordance with IAN 135/10⁸) is proposed in relation to both landscape and visual impacts. The assessment will follow guidance from IAN 135/10 and the Guidelines for Landscape and Visual Impact Assessment (GLVIA)⁹.

The Scoping Report explains that the Proposed Development is likely to result in adverse impacts on landscape and visual receptors during both construction and operation. The introduction of new structures (such as the Allerdene Bridge), lighting and signage, as well as the removal of vegetation, would likely impact on landscape character, views to the Angel of the North and views from residential properties.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
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| | n/a | None identified | n/a |
| | Para | Other points | Inspectorate's comments |
| 1 | Table 9.1 | Receptors | In addition to the visual receptors identified in Table 9.1 of the Scoping Report, the Applicant should consider whether users of Ravensworth Golf Club, users/residents of the Angel View Inn, and residents of the Eighton Lodge Residential Care Home could be affected by the Proposed Development and should therefore be identified as visual receptors. The sensitive receptors should be agreed with the relevant local planning authority. |
| 2 | 9.3.19 | Green Belt | The Scoping Report acknowledges that the majority of the site and surrounding area is located within the Green Belt, which is defined in Table 9-2 as a receptor of high value. The ES should assess the impact of |

⁸ IAN 135/10 Landscape and Visual Effects Assessment

⁹ GLVIA, 3rd Edition: Landscape Institute of Environmental Management and Assessment (2013)

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| | | | construction and operation of the Proposed Development on the openness of the Green Belt landscape. The Applicant's attention is drawn to the consultation response from Gateshead Council in this regard. |
| 3 | 9.4.1 | Potential construction effects | The ES should assess the potential landscape and visual impacts resulting from any temporary construction-related structures, such as cranes. |
| 4 | 9.4.2 | Potential construction and operational effects | <p>To support a robust assessment of the likely landscape and visual impacts, the Proposed Development should be depicted/illustrated on plans and visualisations which highlight those aspects which would result in changes to landscape character and visual amenity (in particular the new and widened structures, gantries, earthworks and alignment of new slip roads). Cross sections and photomontages are likely to be useful for this purpose. The Applicant's attention is drawn to the comments in paragraph 2.3.5 of this Opinion in this regard.</p> <p>The Inspectorate considers that a thorough assessment of the landscape and visual impacts resulting from the new Allerdene Bridge is of particular importance. This should include assessment of the worst case scenario, for example during the interim period where the new Allerdene Bridge has been constructed but the existing bridge has not been removed.</p> |
| 5 | 9.5.1 | Mitigation | <p>The Scoping Report explains that existing vegetation would be retained where possible.</p> <p>It should be clear in the ES which areas of vegetation would be removed as a result of the Proposed Development and which would be retained. These areas should be described in the ES and depicted on accompanying photomontages/plans.</p> |
| 6 | 9.7.8 | Mitigation | The Applicant proposes to develop a detailed landscape mitigation strategy, a draft of which should be provided with the ES. The Applicant should discuss and agree the landscaping strategy, including planting specification/species mix, with the relevant local planning authority. An appropriate aftercare period for the proposed |

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| | | | <p>landscaping should also be agreed.</p> <p>It should be clear how the proposed landscaping would mitigate the impacts on landscape and visual receptors, and how these impacts would change as the proposed planting matures.</p> |
| 7 | 9.7.8 | Photomontages and viewpoints | <p>The Inspectorate welcomes the intention to produce photomontages as part of the visual assessment, and advises that these should be prepared for both winter and summer views. In particular, photomontages and other plans/figures as set out in IAN 135/10 should be used to illustrate the visual appearance of new structures such as the Allerdene Bridge (as per point 4 above).</p> <p>The locations of the viewpoints and photomontages should be agreed with the relevant local planning authority, but should include views between the A1, the Angel of the North and the East Coast Mainline.</p> |
| 8 | 9.7.8 | Zone of Visibility/ Zone of Visual Influence (ZVI) | <p>The ES should describe how the ZVI has been defined (with reference to model/method used) and how this has been refined on site to take account of topography and built form. The relationship between the ZVI and the chosen study area should be clear; the Inspectorate is concerned that the 1km study area referenced in paragraph 9.2.1 of the Scoping Report may not be sufficient to capture all potential impacts on landscape and visual receptors.</p> <p>When defining the ZVI, the Applicant should take account of the maximum parameters of the Proposed Development (for example, heights of the new structures). It should be clear how the ZVI has been used to identify sensitive receptors for inclusion in the visual impact assessment.</p> |
| 9 | 9.7.11 | Assessment methodology | <p>The ES should expand upon the information provided in paragraph 9.7.11 of the Scoping Report to clearly explain how the significance of effect will be determined. It should be clear how professional judgement has been applied (if applicable).</p> |

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| 10 | Figure 9.1 | Ancient woodland | <p>The Inspectorate notes from Figure 9.1 the presence of areas of ancient woodland (an irreplaceable habitat) adjacent to the site boundary.</p> <p>If any loss of ancient woodland (or plantations on ancient woodland sites) or impacts on this feature would result from the Proposed Development, the ES should assess the impacts to determine if there are likely to be any significant effects.</p> |
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4.7 Biodiversity

(Scoping Report section 10)

The study areas for the desk study varied for different receptors; these were defined using DMRB¹⁰ and the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines¹¹. The study areas for field surveys undertaken in 2015 comprised primarily the land previously identified as being within the Scheme Footprint (provided in December 2016). Study areas were extended for species surveys undertaken in 2016, based on the likely effects of the Proposed Development.

The need for further surveys is identified in Table 10-3 of the Scoping Report. The Applicant proposes an ecological assessment based on IAN 130/10¹² (which supplements the DMRB guidance) and CIEEM guidance to assess the potential for significant ecological effects that may arise from the Proposed Development.

The Scoping Report identifies potential effects during construction and operation including:

- severance, fragmentation, dividing of habitats, disturbance, mortality/injury of protected and/or priority species;
- habitat loss, damage, fragmentation and loss of biodiversity;
- disturbance from noise, light, visual and vibration;
- damage to retained habitats and adjacent watercourses;
- pollution of retained habitats (dust, run-off and material deposition); and
- mortality through traffic collisions.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
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| 1 | 10.7.2 and Table 18.1, Chapter 18 | The River Tyne (Northumbrian Coast) SPA and SAC | The Applicant has proposed to scope out the River Tyne (Northumbrian Coast) Special Protection Area (SPA) and Special Area of Conservation (SAC) from the assessment because of the distance from the Proposed Development (>15km) and the lack of a hydrological connectivity (c. 23km downstream of the Proposed Development). The Inspectorate notes |

¹⁰ DMRB Volume 11, Section 3, Part 4 – Ecology and Nature Conservation (1993)

¹¹ CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (2016)

¹² IAN 130/10 'Ecology and Nature Conservation: Criteria for Impact Assessment' (2010)

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| | | | Natural England's agreement that potential impacts on these sites are unlikely and agrees that this matter can be scoped out of the assessment. |
| 2 | 10.7.1 | Local Wildlife Sites (LWS) | <p>Paragraph 10.3.3 of the Scoping Report states that 14 non-statutory LWSs have been identified within 2km of the Proposed Development; the closest seven of which are listed in Table 10-1. Only four of these LWSs have been scoped in to the assessment in paragraph 10.7.1. No justification has been provided for the omission of the remaining 10 from the proposed assessment. The Inspectorate considers that impacts to these sites should be assessed within the ES.</p> <p>In particular, the scoping consultation response from Gateshead Council highlights the potential for changes in water quality to affect the wetland habitat at Lamesley Pastures LWS. The Inspectorate agrees that this should be assessed in the ES and the Applicant is encouraged to consult with Gateshead Council in this regard.</p> |
| | Para | Other points | Inspectorate's comments |
| 3 | 10.2.1 & 10.3.4 | Study area and designated sites | <p>For statutory and non-statutory designated sites, the Scoping Report has identified a 2km radii study area from the application site; no sites have been identified within this study area.</p> <p>However, it is noted that Shibdon Pond Site of Special Scientific Interest (SSSI) has been identified as an ecological receptor in the Air Quality chapter (Table 7.2) with respect to NOx and nitrogen deposition rates within the assessment area. This is because the SSSI is located within the air quality study area, which has been defined in relation to the ARN.</p> <p>The Applicant should consider whether the study areas within the biodiversity chapter should be adapted to take into consideration the ARN.</p> |
| 4 | 10.2.2 | Field surveys | Paragraph 10.2.2 of the Scoping Report states that ' <i>Land outside of the Scheme Footprint was not included within the 2015 field survey as impacts were considered unlikely</i> '. The ES should justify why |

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| | | | <p>impacts outside of the application site are unlikely, taking into account the mobile nature of some species.</p> <p>The Inspectorate recommends that the scope of all future field surveys, including the study areas, are agreed with relevant consultees including Natural England and the local planning authorities.</p> |
| 5 | 10.3.5 & 10.5.4 | Invertebrates | <p>The Scoping Report identifies invertebrates within the vicinity of the Proposed Development, however no reference is made to assessing impacts on these species. The Environment Agency's response highlights the need to consider potential impacts to invertebrates, in particular from artificial lighting. The Inspectorate agrees that this should be assessed within the ES.</p> |
| 6 | 10.3.8 & Table 10-3 | Potential receptors | <p>The Scoping Report identifies habitat suitable for a number of terrestrial species and reports on surveys undertaken to date. The Inspectorate notes the potential for floodplain compensation which could include alterations to weirs, culverts of highway embankments (paragraph 15.5.2 of the Scoping Report). Should these works be required, the ES should assess the impacts from these works on freshwater ecological receptors.</p> |
| 7 | 10.5.1-10.5.6 | Design, mitigation enhancement and monitoring | <p>The Inspectorate recommends that any proposed avoidance, mitigation and monitoring measures are agreed with relevant consultees including Natural England and the local planning authorities. The ES should detail all proposed measures and explain how they are secured.</p> |
| 8 | 10.7.1 | Protected and notable species | <p>The Scoping Report has scoped in 'protected and notable species' which is a broad description and not particularly well defined. For the avoidance of doubt the Inspectorate considers that all species identified in paragraph 10.3.8 and Table 10-3 of the Scoping Report should be scoped into the assessment.</p> |

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| 8 | 10.8.1- 10.8.3 | Assessment limitations and assumptions | <p>The Scoping Report identifies access limitations to some waterbodies for great crested newt surveys. The Scoping Report also notes at paragraph 10.3.6 that the 2015 field surveys covered the identified study area 'where access allowed'.</p> <p>The Applicant should ensure that survey coverage used to inform the assessment in the ES is sufficient to satisfy the requirements of the EIA Regulations. The Applicant is referred to the powers available under section 53 of the Planning Act 2008 in this regard. The level of survey information necessary to inform the assessment should be agreed with Natural England and the local planning authorities. The ES should explain how the adopted approach influences the findings of the assessment including any limitations or uncertainty.</p> |
| 9 | n/a | Protected species licensing. | <p>The ES should confirm whether any EPS licenses and/or mitigation licenses for other protected species licenses would be required. If so, to provide the ExA with assurance that the necessary license(s) are likely to be obtained, the Applicant should seek to obtain letters of no impediment (LoNI) from Natural England. These should be appended to the ES. The Applicant is referred to the Inspectorate's Advice Note Eleven, Annex C.</p> |

4.8 Geology and Soils

(Scoping Report section 11)

The study area incorporates the application site plus a buffer of 250m from the red line boundary.

The assessment of effects will be undertaken in accordance with DMRB Volume 11, Section 3 Part 11 Soils and Geology and will also follow guidance detailed in paragraph 11.7.8 of the Scoping Report. Contaminated land related issues will be assessed in accordance with Model Procedures for the Management of Contaminated Land (CLR11). A detailed site survey and ground investigation would be undertaken to refine the baseline conditions.

As a result of historical and current land use, there is the potential for ground instability, hazardous mine gases, unexploded ordnance (UXO) and contamination (including from historical landfill sites). The Scoping Report identifies that the Proposed Development has the potential to result in impacts on human health, controlled waters and soil during construction and operation.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
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| 1 | 11.7.2 | Statutory and non-statutory sites of geological importance | Paragraph 11.7.2 of the Scoping Report states that no statutory or non-statutory sites of geological importance have been identified within the application site or the surrounding area. However, paragraph 11.3.12 of the Scoping Report states that the Applicant is still waiting for confirmation from the Local Authority regarding local geological designations (e.g. Regionally Important Geological and Geomorphological Sites (RIGS)). The Inspectorate agrees that potential effects on these sites can be scoped out if the local authority confirms there are no RIGS in the vicinity. Should RIGS be identified, the ES should assess the potential effects on these sites. |
| | Para | Other points | Inspectorate's comments |
| 2 | 11.2.1 | Study area | The Scoping Report states that the study area will incorporate the application site plus a buffer of 250m from the red line boundary. The Scoping Report states that 250m is considered to be the only area that would be affected in terms of geology and soils; this should be justified, taking into account the potential for groundwater |

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| | | | movement and how this could affect the strata. |
| 3 | 11.3.5; 11.7.1 | Ground stability | <p>The application site has been subject to past coal mining activity, with coal mining pits, shaft and adits located on and in close proximity to the site. The Applicant has therefore scoped in coal mining related impacts associated with ground stability and release of hazardous mine gas. The Inspectorate agrees that this matter should be assessed in the ES and highlights the scoping consultation response from the Coal Authority, which provides details of their recommended approach to considering coal mining issues within an ES.</p> <p>The preliminary assessment of ground instability should be undertaken as soon as possible to allow sufficient time in the programme for any further studies and necessary remedial/stabilisation/design measures to be defined and to allow for a robust assessment of the likely significant effects in the ES. It should be clear how the layout of the Proposed Development has been informed by any coal mining legacy features (e.g. mine entries).</p> |
| 4 | 11.3.11 | UXO | The ES should provide details of the results of the commissioned UXO assessment and identify the locations of any UXO. |
| 5 | 11.3.12 | Potential sources of contamination | <p>The ES should be supported by a risk assessment to quantify any potential contamination risks and necessary remedial works.</p> <p>The ES should also contain a figure depicting the locations of the identified potential sources of contamination.</p> |
| 6 | 11.4.2 | Agricultural land | The Scoping Report identifies the potential for loss of agricultural land. Appropriate cross reference should therefore be made to the People and Communities aspect chapter of the ES. |
| 7 | 11.3.15 | Environmental receptors | Table 11-1 of the Scoping Report assigns a low sensitivity to agricultural land grade 3. This does not accord with Table 11-2 which assigns a medium sensitivity to such receptors. The Applicant should ensure consistency with the prescribed methodology in the ES. |

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| | | | Table 11-2 assigns watercourses to different sensitivity criteria depending on their ecological and/or chemical potential. Table 11-1 assigns the River Teen (assumed to be a spelling mistake and be River Team) a medium sensitivity; however there is no indication of its ecological and/or chemical potential in the Scoping Report. The Applicant should ensure that the ES clearly explains why and how sensitivity of receptors is assigned. |
| 8 | 11.5 | Construction phase mitigation | The Scoping Report proposes that a CEMP would be implemented to mitigate risks associated with the construction phase. A draft version of the CEMP should be provided with the application documents. This should include details of the temporary and permanent drainage strategies. |
| 9 | 11.6.1 | Operational phase mitigation | The Scoping Report states that permanent mitigation and environmental enhancement measures will likely be incorporated into the design of the Proposed Development. These should be detailed within the ES, along with an explanation as to how such measures are secured. |
| 10 | 11.7.1 | Soil quality | The Scoping Report has identified the potential for impacts on soil quality. The ES should explain how impacts to soil will be managed. The Applicant may wish to consider preparation of a Soils Management Plan (SMP) to support the assessment in the ES, which can be secured to ensure delivery of measures necessary to protect this valuable environmental resource The Inspectorate recommends that a draft/outline version of any SMP is appended to the ES. In preparing this document the Applicant's attention is drawn to the Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra, 2014). |
| 11 | 11.7.6 | Methodology | Tables 11-2 and 11-3 of the Scoping Report define the sensitivity and impact magnitude criteria, respectively. There is no indication of how these two criteria will be utilised to establish the significance of effect. This should be explained within the ES. |
| 12 | 11.7.4 | Site survey and ground investigation | The Scoping Report states that a site survey and ground investigation will be |

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| | | | undertaken to inform the assessment. It is recommended that the scope of such works should be agreed with the local authorities and the Environment Agency. |
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4.9 Material Resources

(Scoping Report section 12)

The primary study area incorporates the application site. A secondary study area extends to the availability of construction and recovered material resources within the UK and north-east England and waste management facilities in the north-east of England.

The assessment of both on- and off-site effects will be undertaken in accordance with IAN 153/11 Environmental Assessment of Material Resources. Significance of effects will be determined using DMRB Volume 11 Section 2 Part 5 and the requirements of the NPSNN.

The Proposed Development would consume material resources (including recovered site arisings) and produce waste for disposal during construction.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
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| 1 | 12.7.2 | Lifecycle assessment of materials and waste | <p>The Scoping Report proposes to scope out a lifecycle assessment (including embodied carbon and water) of materials, site arisings and waste. The effort and resources required to undertake a full lifecycle assessment of these elements are deemed by the Applicant to be disproportionate to the benefit they would offer the assessment of significance of effect.</p> <p>The EIA Regulations do not specifically require a life cycle assessment of materials and waste. However, they do require an assessment of likely significant effects resulting from the production of waste and the use of natural resources. The Inspectorate agrees that a life cycle analysis is not necessary, however considers that if there are any likely significant effects, these must be assessed.</p> |
| 2 | 12.7.2 | Operational phase | <p>Effects from the consumption of materials resources, and site arisings and waste production beyond the first year of operation are deemed to be not significant. No justification has been provided to support this conclusion, therefore the Inspectorate does not agree that this can be scoped out of the EIA.</p> |
| | Para | Other points | Inspectorate's comments |

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| 3 | 12.4.5 | Effects from transportation | The Scoping Report states that impacts from the transportation of material resources and waste to and from the site will be considered as appropriate in the air quality, people and communities, noise, road drainage, and climate aspect chapters of the ES. The Inspectorate considers this to be an acceptable approach, however the ES should provide clear cross reference between aspect chapters for consistency and understanding of the potential impacts. |
| 4 | 12.5.1 | Design and mitigation | The Inspectorate welcomes the proposed design and mitigation measures and recommends that draft versions of the Site Waste Management Plan and Materials Management Plan are provided with the ES. |
| 5 | 12.7.8 | Assessment methodology | The Inspectorate welcomes the proposal to estimate the quantities of material resources (including site arisings) and waste. The ES should explain the assumptions upon which the estimates have been based. |
| 6 | 12.7.9 | Significance of effects | The Scoping Report explains that the significance of effects will be determined using Table 2.4 of DMRB Volume 11 Section 2 Part 5 and the requirements of the NPSNN. The methodology used to determine the significance of potential environmental effects should be clearly set out in the ES; for example, the sensitivity of potential receptors in relation to the provision of materials or waste disposal should be clear as part of the assessment process. |
| 7 | 12.8.2 | Availability of baseline data | The Scoping Report states that baseline information is only available up to 2016. The Applicant should ensure that the most up-to-date data and information available is used during the preparation of the ES. |

4.10 Noise and Vibration

(Scoping Report section 13)

The study area for operational noise will be defined based on guidance in the DMRB, Volume 11, Section 3, Part 7 (HD 213/11 - Revision 1). The study area for construction noise and vibration and operational vibration will be based on a reduced area. This has not been set out in the Scoping Report.

The proposed assessment methodology is based on industry standard methods in accordance with requirements of DMRB HD 213/11 - Revision 1. It proposes to assess the impacts on both human and non-human receptors.

The Applicant proposes:

- a detailed assessment of potential construction noise and vibration utilising methodology provided in BS 5228;
- a quantitative assessment of operational road traffic noise utilising the former Department of Transport/Welsh Office technical memorandum Calculation of Road Traffic Noise (CRTN) methodologies;
- a qualitative assessment of operational road traffic ground borne vibration; and
- an assessment of noise levels on human health with respect to the Noise Policy Statement for England.

The Applicant identifies that the Proposed Development has potential to give rise to effects from noise and vibration during construction particularly from activities such as piling, breaking/demolition. Operational road traffic noise would also occur.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|--------|---|---|
| | n/a | None identified | n/a |
| ID | Para | Other points | Inspectorate's comments |
| 1 | 13.2.4 | Study area for construction noise impacts | The study area for operational noise will be 600m from the carriageway edge around each of the routes identified as being bypassed or improved, and any proposed routes, between the start and end points; above and also 600m from any other affected routes within one kilometre from the carriageway edge of the routes identified. This will be defined in accordance with DMRB, Volume 11, Section 3, Part 7 (HD 213/11 - Revision 1). The Scoping Report states that the construction noise and vibration and operational vibration study area will be on a reduced area, but it does not provide |

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| | | | further details. The ES should contain evidence of how the extent of the study area for the assessment of construction noise has been determined and that it has been agreed with relevant local authorities. |
| 2 | Table 13.1 | Potential receptors | In addition to the receptors identified in Table 13.1 of the Scoping Report, the Applicant should consider whether users of leisure facilities (such as Ravensworth Golf Club and the Angel View Inn), residents of the Eighton Lodge Residential Care Home and visitors to Birtley Crematorium could be affected by noise and vibration from the Proposed Development and should therefore be identified as receptors. The sensitive receptors applicable to the assessment should be based on the extent of the likely impacts and agreed with the relevant local planning authority. |
| 3 | 13.3.6 | Noise important areas | The design and mitigation measures incorporated into the scheme in the noise important areas should be clearly set out within the ES. |
| 4 | 13.3.8-9 | Existing noise climate | The ES should include details of the noise model used, the input parameters and further details of the output so that the existing noise climate can be better understood. This appropriateness of the noise model should be agreed with relevant consultees. |
| 5 | 13.4.2 | Potential impacts | It is not currently known whether night time working would be required. If it is, the impacts from noise and vibration at night time should be included in the assessment and the findings reported in the ES as should any mitigation measures which may be required to avoid adverse effects. |
| 6 | 13.4.6 & 13.5.2 | Mitigation measures | The Scoping Report states that noise barriers would be required to reduce impacts from operational noise and to meet the aims of the Noise Policy Statement for England. The effectiveness of noise barriers should be fully described and assessed. The ES should identify the dimensions of the noise barriers and the specific location(s) where these would be installed (with reference to an accompanying plan). The ES should also confirm at what point in the construction programme the noise barriers |

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| | | | <p>would be installed.</p> <p>All of the mitigation measures which are either incorporated into the design of the Proposed Development, as well as any measures required to reduce noise impacts on the Ladypark area and Longacre Wood, should be described in the ES. Any inter-relationships with other aspects such as the Landscape and Visual assessment or Biodiversity should also be considered.</p> |
| 7 | 13.7.12 | Assessment of impacts | <p>The anticipated construction activities and associated plant are not yet confirmed. These should be identified within the ES. If it is not possible to determine these by the time of application, the ES should clearly set out the assumptions which apply to the assessment of construction noise and vibration.</p> |

4.11 People and Communities

(Scoping Report section 14)

The study area varies depending on the receptor being considered but will be determined in line with DMRB Volume 11 Section 3 Parts 6 (Land Use), 8 (Pedestrians, Cyclists, Equestrians and Community Effects) and 9 (Vehicle Travellers).

The assessment methodology will follow the updated DMRB structure contained within IAN 125/15.

The Scoping Report considers the potential for the Proposed Development to impact upon:

- motorised travellers – views from the road, driver stress, journey length and amenity;
- non-motorised users (NMU) (pedestrians, equestrians and cyclists) of the local Public Rights of Way (PRoW) network; and
- communities – community severance, community land, private assets and property, agricultural land, local economy and health.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|--------|---|---|
| 1 | 14.7.2 | NMU during operation | The Scoping Report states that significant impacts on NMU are not anticipated and that there is potential to improve the current situation through Scheme improvements. The Inspectorate considers that the ES should assessment of both adverse and positive impacts and therefore considers that this cannot be scoped out, particularly if the improvements may result in significant effects. |
| 2 | 14.7.2 | Community severance during operation | The Scoping Report states that new severance impacts as a result of the operation of the new road are not anticipated. The Inspectorate notes that existing footpaths and NMU routes are proposed to be retained and on this basis agrees that significant effects are unlikely and that this matter can be scoped out. |
| 3 | 14.7.2 | Demolition of private property | The Inspectorate agrees that the impacts of demolition of private property can be scoped out as paragraph 14.4.7 states that it is not currently anticipated that there will be any demolition of privately owned assets. Should this situation change during |

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| | | | the design process, this should be assessed within the ES. |
| 4 | 14.7.2 | Tourism and recreation during construction and operation | Paragraph 14.7.2 of the Scoping Report is the first reference to tourism and recreation. The baseline conditions section does not consider existing tourism and recreation assets. Figure 14.1 of the Scoping Report does identify these with a purple dot – one of which appears to be immediately adjacent to the red line boundary (although it is not possible to identify what the asset is). The Inspectorate notes that views from the Angel of the North will be assessed in the landscape assessment, however does not consider that sufficient justification has been provided to agree to scope out this matter from the assessment. |
| 5 | 14.7.2 | Housing | The Scoping Report states that impacts on residents will be assessed under the Air Quality assessment (Chapter 7) and Noise Assessment (Chapter 13). The Inspectorate agrees that this can be scoped out of the People and Communities chapter of the ES. |
| 6 | 14.7.2 | Development land | The Inspectorate interprets development land in accordance with DMRB Volume 11 Section 3 Part 6 as “ <i>future changes in land use due to new development which would be likely to occur in the absence of a scheme</i> ”. On the basis that no development land would be affected by the Proposed Development, the Inspectorate agrees that this matter can be scoped out of the assessment. |
| 7 | 14.7.2 | Waterway restoration projects | The River Team is culverted under junction 67 of the existing A1 route. The Scoping Report states that there are no plans for restoration of this watercourse however has not evidenced this assertion. On the basis that it can be evidenced within the ES that there are no restoration plans, the Inspectorate agrees that this can be scoped out of the assessment. |
| | Para | Other points | Inspectorate’s comments |
| 8 | 14.2 | Effects on all travellers | In addition to motor vehicle travellers and NMUs, potential impacts on rail travellers should be assessed. |
| 9 | 14.3.26 | Agricultural land | It is unclear how the Applicant intends to |

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| | | classification (ALC) | determine whether the land is Best and Most Versatile (BMV); i.e. either through a desk based assessment or through site surveys. The ES should clearly explain how the baseline is established. With regards to establishing ALC, a desk based study can often be broad. The Applicant should ensure that their assessment methodology provides sufficient confidence of accurate identification of the ALC. |
| 10 | 14.4.4 | PRoW | The ES should identify all temporary PRoW diversions or closures. |
| 11 | 14.5.3 & 14.5.14 | Traffic Management Plan | The Scoping Report makes reference to a Traffic Management Plan. It is assumed by the Inspectorate that separate plans will be produced for the operational and construction phases, although this is not clearly stated. This should be clear in the ES. |
| 12 | 14.4.9 | Agricultural land | The Scoping Report identifies the potential for the loss of agricultural land. The Inspectorate considers that impacts to field drainage within agricultural land should also be assessed and the ES should explain how field drains would be restored. |
| 13 | 14.5.10 | Reinstatement of land | The ES should include clear proposals for the reinstatement of land which is required only for the construction phase. |
| 14 | n/a | Traffic model | The ES should provide details of the traffic model for the scheme. It should be clear what area is covered by the model, with reference to an accompanying plan. The scenarios to be modelled and assessed should be agreed with relevant consultees. Forecasts included in the model should include the latest National Trip End Model datasets, National Freight Forecasts and demand from local developments. |

4.12 Road Drainage and the Water Environment

(Scoping Report section 15)

The study area comprises a 1km 'buffer' around the extent of the Proposed Development's red line boundary. The water quality study area includes the permeable and impermeable areas of the application site which would drain into the highway drainage; the River Team (a heavily modified waterbody and with an associated fluvial floodplain comprising Flood Zones 2 and 3); and the ordinary watercourse in the Longacre Dene.

The flood risk study area covers the application site and the watercourses (fluvial flood risk) and the land immediately adjacent to the application site which could convey surface water flows (pluvial flood risk).

The assessment will follow guidance in DMRB, Volume 11, Section 3, Part 10 (HD45/09). It will be informed by:

- a desk based review;
- a Water Framework Directive (WFD) assessment for the proposed works to the River Team and watercourses associated with the Allerdene culverts in accordance with methods A, B and D of HD45/09;
- an assessment of water quality of ordinary watercourses in accordance with methods A, B and D of HD45/09;
- a Flood Risk Assessment (FRA) involving a hydraulic model in accordance with methods E and F of HD45/09 for fluvial flood risk from the River Team, flood risk at the Allerdene Culvert, pluvial flood risk and surface water runoff;
- an assessment of risks to human health from flood risk; and
- the production of a surface water drainage strategy.

The Scoping Report identifies potential effects on surface water quality, groundwater quality and increase flood risk (pluvial at Junctions 65 and 67 (Allerdene Bridge)); and fluvial from the River Team) during both construction and operation of the Proposed Development.

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|--------|---|---|
| 1 | 15.7.2 | Bowes Lake; Lookout Lake; ponds located to the north of Junction 65; Foxpond Fishery; ponds to the west of the River Team; Norwood Nature Park Local Nature Reserve; the | The Applicant proposes to scope out effects on these receptors as assessment work to date has confirmed no hydraulic connectivity. These assessments have not been provided with the Scoping Report. On the basis of the Applicant's assertion that there is no hydraulic connectivity, the Inspectorate is generally content with Applicant's assertion of no significant effects. However, in the absence of a |

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| | | Northumbria Coast SPA and SAC; culverted drains/watercourses between Junction 66 and 67 and to the north of Junction 67 | detailed drainage design which confirms how water from the road will be managed, the Inspectorate does not agree that this can be scoped out of the EIA. |
| 2 | 15.7.2 | Culvert southeast of Junction 66 and Bassett's Pond, a Secondary River culverted beneath the A1 to the north of Junction 65 | The Applicant proposes to scope out effects on these receptors as no outfalls are shown on the Highways Agency Drainage Data Management System (HADDMS) and as there is no hydraulic connectivity. On the basis of the Applicant's assertion that there is no hydraulic connectivity, the Inspectorate is generally content with the Applicant's assertion of no significant effects. However, in the absence of a detailed drainage design which confirms how water from the road will be managed, the Inspectorate does not agree that this can be scoped out of the EIA. |
| 3 | 15.7.2 | Routine runoff to groundwater | An assessment of routine runoff to groundwater has been scoped out in accordance with Method C of the DMRB guidance (HD45/09) as no discharges to groundwater are currently in place or are proposed. The Inspectorate agrees that this matter can be scoped out. |
| 4 | 15.7.2 | Groundwater flood risk | The Applicant considers the risk of groundwater flooding to be low and proposes to scope this out. Without evidence to support this conclusion, the Inspectorate does not agree groundwater flood risk can be scoped out. The scoping consultation response from Gateshead Council notes that a hydrogeological assessment may be required; the need for this should be discussed with the Environment Agency and the Coal Authority. |
| 5 | 15.7.2 | Reservoir flood risk | The risk of flooding due to reservoir failure is considered to be negligible by the Applicant. Paragraph 15.3.13 of the Scoping Report states that there are no reservoirs within the application site or the study area. The Inspectorate therefore agrees that reservoir flood risk can be scoped out. |
| 6 | 15.7.2 | Groundwater or | The Applicant proposes to scope out |

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| | | surface water abstractions | licensed groundwater or surface water abstractions as there are none located within the study area. The Inspectorate agrees that this can be scoped out. |
| 7 | 15.7.28 | Human health impacts | The Scoping Report states that there will be no discharges to groundwater. As such, the human health risk assessment will focus on flood risk only. However, paragraph 15.7.1 of the Scoping Report scopes in the impact of the construction stage on groundwater. As such, the Inspectorate does not agree that the effects on human health from discharges to groundwater can be scoped out. |
| | Para | Other points | Inspectorate's comments |
| 8 | 15.2.1- 15.2.4 | Study area | <p>The Inspectorate notes that the Scoping Report indicates that the drainage from highway runoff may not discharge into the watercourse in the Longacre Dene. This matter should be clarified before it is excluded from the water quality study area. In addition, the Applicant should confirm whether highway run-off is discharging into other ordinary watercourses in proximity to the application site, including Allerdene, Smithy Lane culvert, Northside Farm culvert. If this cannot be excluded, these waterbodies should be considered in the water quality assessment.</p> <p>The chosen study area for both water quality and flood risk should be agreed with the Environment Agency and the local planning authorities and justified in the ES.</p> |
| 9 | 15.5.1- 2 | Mitigation | <p>To avoid adverse impacts on water quality, appropriate mitigation measures should be proposed to manage and treat run-off from the Proposed Development during both construction and operation.</p> <p>Mitigation measures relevant to the construction phase would be detailed in the CEMP, a draft of which should be provided with the ES.</p> |
| 10 | 15.5.2 | Floodplain compensation | Floodplain compensation may be required at the Allerdene Culvert and the River Team culverts at Junction 67 which could include alterations to the weir or culvert opening and/or changes to the highway embankment. These works should be fully described within the ES and impacts |

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| | | | associated assessed accordingly throughout the ES (e.g. any impacts on river flow and freshwater ecology). |
| 11 | 15.5.2 | Surface water drainage strategy | The surface water drainage strategy should be provided within the ES. This should confirm whether new outfalls are required and, if so, their locations and dimensions. Details of the temporary drainage solution referred to in paragraph 15.7.7 of the Scoping Report should also be provided. |
| 12 | 15.7.1 | Groundwater | Paragraph 15.7.1 of the Scoping Report scopes in the impact of the construction stage on groundwater, in relation to the deep excavation required for the bridge pier extension at the River Team crossing. No further information is provided as to how this will be assessed; this should be detailed within the ES. |
| 13 | 15.7.7 | Hydraulic modelling | In relation to construction phase flood risk, the Scoping Report states that " <i>Where hydraulic modelling is required this will be undertaken in accordance with Methods E and F of HD45/09</i> ". The Environment Agency's response has confirmed that hydraulic modelling will be required. The Environment Agency and Gateshead Council also recommend the use of the Environment Agency's Team Valley flood risk model. Gateshead Council's Strategic Flood Risk Assessment (October 2017) should also be taken into consideration in the assessment. |
| 14 | 15.5.2 15.7.13 15.7.16 15.7.18 | FRA | The Inspectorate stresses the need for early discussions with the Environment Agency and the Lead Local Flood Authority (LLFA) regarding the scope of the FRA. The Scoping Report proposes to design surface water attenuation up to the 1 in 100 year plus 20% climate change event, with a sensitivity test for the 1 in 100 year plus 40% climate change event. The climate change allowances do not appear to |

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| | | | <p>accord with those for the Northumbrian River Basin District¹³ or with that proposed in paragraph 15.7.10 of the Scoping Report (i.e. a 50% climate change event for sensitivity testing). The Applicant should agree the appropriate climate change allowances with the Environment Agency and utilise these within the modelling consistently.</p> <p>The conclusions of the FRA should be agreed with the Environment Agency and LLFA prior to submission of the DCO application, with evidence of such agreement provided (for example in a SoCG).</p> |
| 15 | 15.7.16 | Pluvial flooding | <p>The Scoping Report states that localised hydraulic modelling would be undertaken in broad compliance with methods E and F of HD45/09; broad because the guidance does not cover pluvial flooding. The assessment methodology should be agreed with relevant consultees and clearly explained within the ES, with any departures from the guidance set out.</p> |
| 16 | 15.7.11 15.7.13 | Water Framework Directive (WFD) | <p>In relation to the requirements of the WFD, and in accordance with the NPSNN, the Applicant should have regard to the current relevant River Basin Management Plan (RBMP), in this case the Northumbria RBMP, and determine whether the Proposed Development has the potential to impact upon any WFD water bodies.</p> <p>The Scoping Report proposes a WFD assessment to assess impacts to water quality from works to the River Team culvert and watercourses associated with the Allerdene culvert during operation. The Inspectorate considers that this assessment should also cover the construction phase (as indicated by paragraph 15.7.1 of the Scoping Report). The Environment Agency also notes that consideration should be given to mitigation measures and river restoration and that the WFD assessment</p> |

¹³ <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#high-allowances>

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| | | | <p>should assess any impacts on the geomorphology of the watercourses.</p> <p>The Inspectorate also notes that paragraphs 15.3.4-5 of the Scoping Report only identify the River Team as being a WFD waterbody. However, paragraph 15.7.13 proposes a WFD assessment for the watercourses associated with the Allerdene culvert. The ES should clarify which watercourses are classified as WFD waterbodies and the assessment of impacts on water quality should be undertaken accordingly.</p> <p>The Applicant's attention is drawn to the Inspectorate's advice note on the WFD.</p> |
| 17 | 15.7.27 | Human health | <p>The Scoping Report proposes an assessment of impacts on human health, as set out in HD 45/09. The Inspectorate has been unable to locate any specific guidance for assessing impacts to human health within HD 45/09. The ES should set out the methodology that will be used for this assessment.</p> |

4.13 Climate

(Scoping Report section 16)

The assessment of greenhouse gas is not restricted by geographical area. During construction it includes consideration of emissions in the application site as well as from the transportation of materials, their manufacturing and disposal. During operation it includes the application site and any shifts in transport modes/patterns. The resilience assessment will adopt the UK Climate Projections (UKCP09) Area 1004 grid.

The climate assessment will comprise two components:

- A greenhouse gas assessment of emitting activities using a standard emissions calculation methodology; and
- A climate resilience assessment utilising the UKCP09.

Potential effects are identified in the Scoping Report as follows:

- Contribution to climate change - including raw material supply and manufacture; transport to/from the site during construction; construction processes; and the use of the road by the end-user.
- The impact of projected climate change on the Proposed Development and human receptors (e.g. construction workers, operators and users of the infrastructure).

| ID | Para | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|------------|---|---|
| 1 | Table 16-5 | Land use change and forestry | The Scoping Report states that the Proposed Development is predominantly widening of an existing carriageway, with a lane gain/drop; therefore net land use change is not considered to be significant. The Inspectorate agrees that a significant effect is unlikely and that this can be scoped out of the EIA. |
| 2 | Table 16-5 | Emissions from lighting | The Scoping Report explains that existing street lighting technology should see an improvement in the energy efficiency, therefore the contribution to climate change is expected to be minor positive. The Inspectorate agrees that a significant effect is unlikely and that this can be scoped out of the EIA. |
| 3 | Table 16-5 | Emissions from decommissioning | Decommissioning will happen several decades into the future, beyond the period for which the UK Government has set agreed carbon budgets. Notwithstanding |

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| | | | the comments made in respect of decommissioning at section 2.3 of this Opinion, the Inspectorate agrees that an assessment of emissions from decommissioning can be scoped out of the EIA. |
| 4 | Table 16-7 | Climate resilience - receptors | <p>The Applicant proposes to scope out the following receptors from the assessment of resilience to climate change:</p> <ul style="list-style-type: none"> • Drainage – as climate effects will be assessed elsewhere in the Road Drainage and the Water Environment Chapter; • Incident management – as this is outside the scope of design works; and • Managed motorways – as these do not form part of the Proposed Development. <p>The Inspectorate is content that these can be scoped out, on the basis's described above.</p> |
| 5 | 16.7.6 | Climate resilience - decommissioning | Notwithstanding the comments made in respect of decommissioning at section 2.3 of this Opinion, the Inspectorate agrees that an assessment of effects on climate resilience in terms of decommissioning can be scoped out of the EIA. |
| | Para | Other points | Inspectorate's comments |
| 6 | 6.3.11 | UKCP09 projections | As set out in the NPSNN the Applicant should take into account the potential impacts of climate change using the latest UK Climate Projections, this should include the anticipated UKCP18 projections where appropriate. |
| 7 | 16.5 | Design, mitigation, resource efficiency hierarchy and monitoring | <p>The Inspectorate welcomes the measures proposed in the Scoping Report and the proposal to identify mitigation and enhancement measures. In accordance with paragraph 4.44 of the NPSNN, any adaptation measures should be assessed in the ES and it should be clear how and where such measures would be secured.</p> <p>In relation to the proposed monitoring, the ES should provide a clear description of how and when any proposed monitoring would be implemented and how this would</p> |

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| | | | be secured in the DCO. The ES should also explain what action(s) would be taken as a result of the monitoring of greenhouse gases and emissions. |
| 8 | 16.7.12 & 16.8.1 | Significance of effects | <p>The Scoping Report explains that the significance of impacts will be determined by comparing estimated greenhouse gas emissions arising from the Scheme with UK carbon budgets, and the associated reduction targets. The methodology for the assessment should be clearly explained within the ES.</p> <p>The Inspectorate notes that there is currently no specific guidance or carbon emission threshold, which if exceeded, is considered to be significant. The Applicant should therefore set out in the ES how it intends to report on the significance of effects.</p> |
| 9 | 16.7.13 -18 | Climate resilience assessment | The Scoping Report does not explicitly set out the methodology that will be used to assess the resilience of the Proposed Development against climate change. The methodology should be set out within the ES. |
| 10 | 16.7.17 | Climate resilience assessment | The ES should explain the design measures in place to make the Proposed Development resilient to impacts arising from current weather events and climatic conditions. |
| 11 | n/a | Guidance documents | The Scoping Report does not identify any specific guidance which the assessment will follow. The ES should identify any guidance that is utilised. |

4.14 Cumulative Effects

(Scoping Report section 17)

The Scoping Report proposes to assess:

- Combined effects on a receptor from a single project; and
- Cumulative effects on a receptor from different projects.

The assessment will be based on professional judgement and will follow guidance contained in DMRB Volume 11 Section 2 Part 5 (HA 205/08). It will also be informed by the NPSNN and the Planning Inspectorate's Advice Note Seventeen: Cumulative Effects Assessment.

| | Para | Other points | Inspectorate's comments |
|---|-------------|--------------------------------------|--|
| 1 | 17.2.2 | Study area | The Scoping Report states that consideration was given to associated schemes that 'occur at times prior to or during construction of the Scheme'. Consideration should also be given to the operational phase of the Proposed Development and the assessment should not be limited to just the construction phase. |
| 2 | 17.3.11 | Traffic assessment – list of schemes | The Scoping Report states that the list of schemes to be considered as part of the traffic assessment will be finalised in January 2018. As per the Planning Inspectorate's Advice Note Seventeen, the Inspectorate acknowledges that a cut-off date is required to be able to finalise and submit an application. The Applicant is directed to paragraph 3.4.9 of Advice Note Seventeen in relation to new 'other development' coming forward after the cut-off date and in particular the potential need to conduct further assessments. |

5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus¹⁴
- Planning Inspectorate advice notes¹⁵:
 - Advice Note Three: EIA Notification and Consultation;
 - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
 - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
 - Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping;
 - Advice Note Nine: Using the 'Rochdale Envelope';
 - Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
 - Advice Note Twelve: Transboundary Impacts
 - Advice Note Seventeen: Cumulative Effects Assessment; and
 - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended).

¹⁴ The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

¹⁵ The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES¹⁶

| SCHEDULE 1 DESCRIPTION | ORGANISATION |
|---|---|
| The Health and Safety Executive | Health and Safety Executive |
| The National Health Service Commissioning Board | NHS England |
| The relevant Clinical Commissioning Group | NHS Sunderland Clinical Commissioning Group |
| | NHS Newcastle Gateshead Clinical Commissioning Group |
| Natural England | Natural England |
| The Historic Buildings and Monuments Commission for England | Historic England - North East |
| The relevant fire and rescue authority | Tyne and Wear Fire and Rescue Service |
| The relevant police and crime commissioner | Police and Crime Commissioner for Northumbria |
| The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council | Lamesley Parish Council |
| The Environment Agency | The Environment Agency - North East |
| The Civil Aviation Authority | Civil Aviation Authority |
| Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs) | The Tyne and Wear Passenger Transport Executive (Nexus) |
| The Relevant Highways Authority | Gateshead Council Highways Authority |
| | Sunderland City Council Highways Authority |
| The relevant strategic highways company | Highways England - Yorkshire and the North East |
| The Coal Authority | The Coal Authority |

¹⁶ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations')

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| Public Health England, an executive agency of the Department of Health | Public Health England |
| Relevant statutory undertakers | See Table 2 below |
| The Crown Estate Commissioners | The Crown Estate |
| The Forestry Commission | Forestry Commission - Yorkshire and North East |
| The Secretary of State for Defence | Ministry of Defence |

TABLE A2: RELEVANT STATUTORY UNDERTAKERS¹⁷

| STATUTORY UNDERTAKER | ORGANISATION |
|--|--|
| The relevant Clinical Commissioning Group | NHS Sunderland Clinical Commissioning Group |
| | NHS Newcastle Gateshead Clinical Commissioning Group |
| The National Health Service Commissioning Board | NHS England |
| The relevant NHS Foundation Trust | North East Ambulance Service NHS Foundation Trust |
| Railways | Network Rail Infrastructure Ltd |
| | Highways England Historical Railways Estate |
| Civil Aviation Authority | Civil Aviation Authority |
| Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000) | NATS En-Route Safeguarding |
| Universal Service Provider | Royal Mail Group |
| Homes and Communities Agency | Homes and Communities Agency |
| The relevant Environment Agency | Environment Agency - North East |
| The relevant water and sewage undertaker | Northumbrian Water |
| The relevant public gas transporter | Cadent Gas Limited |
| | Energetics Gas Limited |
| | Energy Assets Pipelines Limited |
| | ES Pipelines Ltd |
| | ESP Connections Ltd |
| | ESP Networks Ltd |
| | ESP Pipelines Ltd |
| | Fulcrum Pipelines Limited |
| | GTC Pipelines Limited |
| | Independent Pipelines Limited |
| | Indigo Pipelines Limited |

¹⁷ 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (as amended)

Scoping Opinion for
A1 Birtley to Coal House Improvement Scheme

| STATUTORY UNDERTAKER | ORGANISATION |
|--|--|
| | Quadrant Pipelines Limited |
| | National Grid Gas Plc |
| | Scotland Gas Networks Plc |
| | Southern Gas Networks Plc |
| | Wales and West Utilities Ltd |
| | Northern Gas Networks Limited |
| The relevant electricity distributor with CPO Powers | Energetics Electricity Limited |
| | Energy Assets Pipelines Limited |
| | ESP Electricity Limited |
| | G2 Energy IDNO Limited |
| | Harlaxton Energy Networks Limited |
| | Independent Power Networks Limited |
| | Leep Electricity Networks Limited |
| | The Electricity Network Company Limited |
| | UK Power Distribution Limited |
| | Utility Assets Limited |
| | Utility Distribution Networks Limited |
| Northern Powergrid (Northeast) Limited | |
| The relevant electricity transmitter with CPO Powers | National Grid Electricity Transmission Plc |

TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))¹⁸

| LOCAL AUTHORITY¹⁹ |
|-------------------------------------|
| Northumberland County Council |
| Newcastle City Council |
| South Tyneside Council |
| Durham County Council |
| Sunderland City Council |
| Gateshead Council |

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

| ORGANISATION |
|-------------------------------|
| North East Combined Authority |

¹⁸ Sections 43 and 42(B) of the PA2008

¹⁹ As defined in Section 43(3) of the PA2008

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Consultation bodies who replied by the statutory deadline:

| |
|---|
| The Coal Authority |
| Durham County Council |
| The Environment Agency |
| ESP Gas Group Ltd |
| Forestry Commission |
| Gateshead Council |
| Health and Safety Executive |
| Highways England |
| Historic England |
| National Grid Gas & National Grid Electricity |
| NATS En-Route Safeguarding |
| Natural England |
| North East Combined Authority |
| Northern Gas Networks |
| Northumberland County Council |
| Police and Crime Commissioner for Northumbria |
| Public Health England |
| Sunderland City Council |
| Sunderland City Council Highways Authority |
| Wales & West Utilities Ltd |



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Emma Cottam - EIA and Land Rights Advisor

[By Email: A1BirtleytoCoalHouse@pins.gsi.gov.uk]

5 December 2017

Dear Ms Cottam

SCOPING OPINION: TR010031-000007

Application by Highways England (the Applicant) for an Order granting Development Consent for the A1 Birtley to Coal House Improvement Scheme (the Proposed Development); A1 Birtley To Coal House

Thank you for your consultation letter of 8 November 2017 seeking the views of The Coal Authority on the EIA Opinion for the above development proposal.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

The proposed EIA development is located within the defined Development High Risk Area; the site has therefore been subject to past coal mining activity.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, past coal mining activities within the site should be fully considered as part of the Environmental Statement (ES); this should take the form of a risk assessment, together with any necessary mitigation measures.

The Coal Authority notes the Environmental Impact Assessment Scoping Report (Undated, prepared by WSP), Section 11.3.5 of which acknowledges coal mining legacy and that the anticipated structure and content of the ES will include a chapter on 'Geology and Soils.' Accordingly, The Coal Authority welcomes this commitment to undertake a detailed assessment (i.e. the equivalent of a Coal Mining Risk Assessment to meet the requirements of the National Planning Policy Framework, paragraphs 120-121). The Coal

Authority considers that the proposed site layout should be informed by any coal mining legacy features associated with past surface mining operations (i.e. mine entries.)

Consideration of Coal Mining Issues in the ES

There are a number of coal mining legacy issues that can potentially pose a risk to new development and therefore should be considered as part of an Environmental Statement for development proposals within coalfield areas:

- The location and stability of abandoned mine entries
- The extent and stability of shallow mine workings
- Outcropping coal seams and unrecorded mine workings
- Hydrogeology, minewater and minegas

In addition, consideration should be afforded as part of development proposals and the ES to the following:

- If surface coal resources are present, whether prior extraction of the mineral resource is practicable and viable
- Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings during site investigation or development work

Coal Mining Information

Information on these issues can be obtained from The Coal Authority's Property Search Services Team (Tel: 0845 762 6848 or via The Coal Authority's [website](#)) or book an appointment to visit The Coal Authority's Mining Records Centre in Mansfield to view our mining information (Tel: 01623 637 233).

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Guidance on how to produce a Coal Mining Risk Assessment and a template which the "competent body" can utilise is also contained at:

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

In accordance with our consultation requirements, we look forward to receiving the planning application and Environmental Statement for comment in due course.

I trust this is acceptable, please do not hesitate to contact me if you require any additional information or would like to discuss this matter further.

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Contact: Graham Blakey
Direct Tel: 03000 264 865
email: graham.blakey@durham.gov.uk
Your ref: TR010031 - 000007
Our ref: DM/17/03692/AAC



The Planning Inspectorate
C/o Emma Cottam MRTPI
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

29th November 2017

Dear Emma

Town and Country Planning Act 1990 (as amended)

Proposed A1 Birtley to Coal House Road Improvement scheme
At A1 Birtley To Coal House
For Highways England

Further to your correspondence received in regard to the Scoping Opinion provided for comment in regard to the above development. I can confirm that as a consulting body, the Local Planning Authority have no comments to make in regard to the Scoping Opinion for the proposed development.

I trust that the above is sufficient for your records.

Yours faithfully

G. Blakey

Graham Blakey
Senior Planning Officer

Regeneration and Local Services

Durham County Council, Planning Development (Strategic), Room 4/123-128, County Hall,
Durham DH1 5UL Main Telephone: 03000 262 830

Planning Inspectorate
Temple Quay House Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2017/113874/01-L01
Your ref: TR010031-000007
Date: 06 December 2017

Dear Sir/Madam

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE
PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2017(THE EIA REGULATIONS) – REGULATIONS 10 AND 11**

**APPLICATION BY HIGHWAYS ENGLAND (THE APPLICANT) FOR AN
ORDER GRANTING DEVELOPMENT CONSENT FOR THE A1 BIRTLEY TO
COAL HOUSE IMPROVEMENT SCHEME (THE PROPOSED DEVELOPMENT)
A1 BIRTLEY TO COAL HOUSE IMPROVEMENT SCHEME**

Thank you for referring the above Scoping Opinion which we received on 8 November 2017. We have assessed the information submitted against matters within our remit and have the following comments/advice to offer:

Flood Risk

A Flood Risk Assessment should be undertaken to address the flood risks during the construction phase of the A1 widening and the permanent works. In particular, the Flood Risk Assessment should take into account the following matters:

- Climate change allowance must be factored into the design of the road and drainage; and
- Floodplain compensation for any loss of the floodplain must be provided. This should include the provision of climate change.

The scoping report makes reference to working with other flood risk management authorities to join the delivery of wider strategic flood alleviation schemes. We welcome and support this approach.

We would welcome opportunities for environmental betterment, in particular opportunities to reduce surface water flood risk. This issue was highlighted and discussed at a meeting on 31 October 2017 with the consultants managing the

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



application and Gateshead Council.

Flood Risk Modelling

The Environment Agency's 2016 Team Valley flood risk model should be used to inform the proposed development. The existing Team Valley hydraulic model was constructed in 2011, and updated in 2016 by JBA on behalf of the Agency. The purpose of the update was to test the impact of all options proposed in the Project Appraisal Report (PAR) and to improve the understanding of the flood risk within the Team Valley area from the western tributaries. This information is available upon request. Any request for data should be sent to our Customer and Engagement Team at northeast-newcastle@environment-agency.gov.uk

It is noted that section 15.7.7 states 'where hydraulic modelling is required this will be undertaken in accordance with Methods E and F of HD45/09'. It is considered that hydraulic modelling will be required in support of the National Significant Infrastructure Project (NSIP) application.

Flood Risk Permits

Within your site boundary is a designated "main river" and under the Environmental Permitting Regulations 2010, you may require an environmental permit for flood risk activities. If you want to do work within 8 metres of a non-tidal sections, or 16 metres of the tidal section, instance where work is proposed:

- a) in, under or near a main river (including where the river is in a culvert;
- b) on or near a flood defence on a main river
- c) in the floodplain of a main river
- d) on or near a sea defence.

You can find out more information on permit requirements using the following link: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. If a permit is required, it must be obtained prior to beginning the works. The applicant is advised to contact the Environment Agency to discuss the issues likely to be raised.

Water Framework Directive

The proposed works will affect the River Team (Source to Tyne, GB103023075670). This waterbody is currently classified under the Water Framework Directive (WFD) as Moderate. This Heavily Modified Waterbody is impacted by urbanisation from the highway network. In particular, sedimentation, hydrocarbons and road salt from highway infrastructure has affected the water quality of the River Team.

The WFD seeks to improve the water quality in all our waterbodies (including lakes, rivers and estuaries). In particular, it seeks to ensure that all waterbodies



achieve 'good status' or 'good ecological potential'. The environmental objectives of the WFD are:

- to prevent deterioration of the status of surface waters and groundwater
- to achieve objectives and standards for protected areas
- to aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status
- to reverse any significant and sustained upward trends in pollutant concentrations in groundwater
- the cessation of discharges, emissions and losses of priority hazardous substances into surface waters
- progressively reduce the pollution of groundwater and prevent or limit the entry of pollutants

The Northumbria River Basin Management Plan provides the overarching framework for all decisions that are relevant to water management to ensure the protection and improvement of the water environment.

The overall objectives of the Northumbria RBMP is to 1) prevent deterioration 2) deliver protected area objectives 3) deliver improvements that make progress towards 2027 objectives where the benefits are greatest. Environmental objectives have been set for each of the protected areas and waterbodies in the Northumbria river basin district. Highway England must have regard to these objectives when making decisions that could affect the water environment.

It is considered that the proposed development provides a great opportunity to implement WFD mitigation measures and river restoration. This could include deculverting and enhancements to the river environment, such as fish and mammal passage and water quality improvements. The use of sustainable drainage systems combined with oil interceptors would be a recognised way to improve the water quality from the highway draining into the watercourses.

Biodiversity and Ecology

Any works over the River Team must maintain or enhance the riparian corridor. Article 10 of the Habitats Directive, stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

We would welcome any opportunities for the development to contribute to improvement measures for the River Team. This could include local proposals to restore natural conditions in the river corridor and Lamesley Pastures



conservation area and the wider vicinity.

There may be operational and/or post construction impacts to invertebrates in the area. For example, artificial lighting could impact upon feeding, breeding and movement of insects. We would request that number of lights and brightness should be assessed to avoid light spillage. This would be particularly important next to River Team and ponds. Risks should be minimised or eliminated where possible. We would also request that any planting schemes include native plants of local provenance.

Protected Species

The proposed development must ensure that protected species which could be directly or indirectly affected by the proposal are considered. European Otter records have been found in the vicinity. They are protected under Habitat Directive Annex 4, Wildlife and Countryside Act Schedule 5 and Natural Environment and Rural Communities Section 41.

Amphibians including Great Crested Newt may be present within the construction site. They are protected under Habitat Directive Annex 2. The ecological report stated that desktop studies suggested that Water Vole may be present within 1km. Water Vole are protected under Schedule 5 of the Wildlife and Countryside Act.

Fisheries

With respect to section 10.7.8 to 10.7.13, the evaluation of the ecological resources should extend to fish populations of the River Team. Whilst these are known to be very poor, due to water quality and other issues. Brown Trout and Eels, are present in the river and Atlantic salmon have recently been recorded in the Eslington area. All of these species are of high conservation value and as such carry protected species status. Data on fish populations of the Team can be found on open access here: <https://data.gov.uk/dataset/freshwater-fish-counts-for-all-species-all-areas-and-all-years>). Please refer to the Fisheries Classification Scheme output for the Kibbleworth. They are also sensitive receptors to any impacts from the scheme such as pollution and habitat degradation. Given their impoverished status, any opportunity the scheme provides to improve the habitat in the Team for fish should also be taken.

Geomorphology

Morphology is a supporting element under WFD. The NSIP should assess any impact on the geomorphology of the watercourses that are crossed by the carriageway and the processes that determine the fluvial geomorphology. This would include (but is not limited to) any changes to crossings, alterations to piers, extension to culverts and alterations to the bed or banks (temporary or permanent). Where impacts are found, the Environmental Impact Assessment should outline how these can be mitigated e.g. deculverting of the existing



converted watercourses.

Land contamination

The Environment Agency does not hold detailed information on the history, in terms of its previous use(s), or the current condition, of the land in the area under consideration. As such, we are unable to assess whether the land may be affected by contamination.

It is the responsibility of the landowner/developer to identify land affected by contamination and to ensure that remediation is undertaken to ensure a safe development. If there is a possibility of risks associated with land contamination to be present at the development site, we recommend that the applicant undertakes a risk assessment (RA) to quantify any risks and recommend remedial works. Further information can be found in 'Guiding Principles for Land Contamination (2010)' which provides guidance for applying a risk management process when dealing with land affected by contamination.

Groundwater

The applicant should undertake a Hydrogeological Risk Assessment (HRA) if there are risks to groundwater from the proposed development.

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours faithfully

Lucy Mo
Planning Technical Specialist - Sustainable Places

Direct dial 020847 46524
Direct e-mail lucy.mo@environment-agency.gov.uk



From: ESP Utilities Group Ltd [mailto:donotreply@espug.com]
Sent: 21 November 2017 16:50
To: A1 Birtley to Coal House
Cc: Cottam, Emma
Subject: Reference: PE133383. Plant Not Affected Notice from ES Pipelines

Emma Cottam MRTPI
A1 Birtley to Coal House Improvement Scheme
The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

21 November 2017

Reference: TR010031-000007

Dear Sir/Madam,

Thank you for your recent plant enquiry at (TR010031-000007).

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

Important Notice

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: PlantResponses@espipelines.com

Yours faithfully,

Alan Slee
Operations Manager

Bluebird House
Mole Business Park
Leatherhead
KT22 7BA

☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

From: [FS, Yorkshire and North East Area](#)
To: [A1 Birtley to Coal House](#)
Subject: RE: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation
Date: 06 December 2017 16:39:12

Dear Emma,

Please see the attached link relating to our joint Standing Advice with Natural England in relation to Ancient Woodland and the Planning system:

<https://www.forestry.gov.uk/forestry/inf-d-9hbjk4>

Please also see our general guidance on UKFS for Planners:

[https://www.forestry.gov.uk/pdf/UKFS_for_Planners.pdf/\\$FILE/UKFS_for_Planners.pdf](https://www.forestry.gov.uk/pdf/UKFS_for_Planners.pdf/$FILE/UKFS_for_Planners.pdf)

Kind regards,

Serena Clifford

Area Administration Officer
Yorkshire and North East Area

📍: Yorkshire and North East Area Office
Forestry Commission England
Foss House, King's Pool,
1-2 Peasholme Green,
York YO1 7PX

✉: yorkshirenortheast@forestry.gsi.gov.uk

☎: 0300 067 4900 (switchboard)

🌐: www.forestry.gov.uk

🌐: www.forestry.gov.uk/yorks

Protecting and expanding England's forests and woodlands, and increasing their value to society and the environment.

From: A1 Birtley to Coal House [mailto:A1BirtleytoCoalHouse@pins.gsi.gov.uk]
Sent: 08 November 2017 14:16
Subject: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation

Dear Sir/Madam

Please see attached correspondence on the proposed A1 Birtley to Coal House Improvement Scheme.

Please note the deadline for consultation responses is 6 December 2017, and is a statutory requirement that cannot be extended.

Kind regards,
Emma

Emma Cottam MRTPI

EIA and Land Rights Advisor – Environmental Services Team
Major Casework Directorate
The Planning Inspectorate, Temple Quay House, 2 The Square,

Bristol, BS1 6PN

Direct Line: 0303 444 5721

Helpline: 0303 444 5000

Email: emma.cottam@pins.gsi.gov.uk

Web: infrastructure.planninginspectorate.gov.uk (National

Infrastructure Planning)

Web: www.gov.uk/government/organisations/planning-inspectorate

(The Planning Inspectorate)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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Date: 6th December 2017
Application Ref: EIA/17/005

To
Emma Cottam
Environmental Services Team
Major Caseworks Directorate
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Emma

**Planning Act 2008 (as amended)
Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 2017 (as amended)**

Scoping Opinion

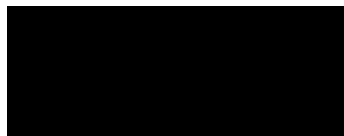
| DESCRIPTION OF PROPOSAL | SITE LOCATION |
|---|-------------------------------------|
| Proposed Development Consent for the A1 Birtley to Coal House Improvement Scheme. | A1 Birtley to Coal House Roundabout |

Thank you for your letter requesting consultation comments on Highways England's Scoping Opinion of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) dated 8th November 2017 in respect of the proposed A1 Birtley to Coal House Improvement Scheme.

I am pleased to attach the Council's response, which sets out the information the Council feels should be provided within the Environment Statement.

This opinion is given without prejudice and in the event further information is presented to the Local Planning Authority, a further opinion may need to be sought.

Yours faithfully



Anneliese Hutchinson
Service Director, Development and Public Protection
Communities and Environment

FORMAL CONSULTATION RESPONSE IN RESPECT OF SCOPING OPINION IN CONNECTION WITH THE A1 BIRTLEY TO COAL HOUSE IMPROVEMENT

Flood Risk and Drainage

Water Quality

Regard should be given to Local Plan policies: Policy CS17:3 and CS14:iii of the Newcastle Gateshead Core Strategy and Urban Core Plan and Draft Plan Making Spaces for Growing Places (MSGP) Policies 30, 31 and 32.

The effect of the scheme on water quality should be considered during the construction and operation. This should include the impact of surface water runoff discharging directly or indirectly from scheme into all ordinary watercourses (as defined by the Land Drainage Act). The focus should not be limited to only the River Team and the Longacre Dene, but include all ordinary watercourses (including Allerdene, Smithy Lane culvert, Northside Farm culvert/ Birtley unnamed watercourse) which could affect other environmental sensitive receptors within the area; given that the scoping report is not clear about the location of the outfalls for the scheme and surface water discharge routes. The culverted watercourses/drains between junction 66 and 67 should not be scoped out at this stage. The outfalls and the surface water discharge routes and destinations of the scheme should be clearly identified on a plan and related to the locations of any ecologically sensitive receptors, including all Local Wildlife Sites. Given that the hydrological connectivity of the Smithy Lane culvert is currently unclear, the impact of the scheme on the water quality of the surrounding sensitive receptors such as the existing Lamesley Meadows Local Wildlife Sites and future expansion of Lamesley Pastures (refer to MSGP Policy 32.3) may need to be considered. The indirect effects of the scheme on surface water and groundwater quality arising from any contaminated land, extended culverts, new structures and the replacement bridge, and the capacity of wastewater infrastructure should also be considered.

Appropriate mitigation measures should be put in place to treat runoff from the scheme to ensure no adverse impact on the water quality of groundwater and surface water taking account of cumulative impacts of diffuse pollution within the catchment from the existing and extended highway.

Opportunities to improve the quality of the existing surface water runoff discharging from the A1 should also be considered to support the Water Framework Directive objectives in line with the Northumbria River Basin Management Plan and to support the River Team Catchment Partnership work. The water quality of Allerdene may have high sensitivity given the potential hydrological links with Environment Agency's and Council's Lamesley Pastures flood alleviation and wetland habitat creation scheme. The Lamesley Pastures scheme is currently at a design stage, and is expected to commence on site in December 2018 followed by completion in

June 2020. The impact of sediments, cements and fluids (e.g. fuels), during the construction as well as operation of the A1 scheme, on the newly established wetland habitat at Lamesley Pastures will need to be carefully assessed and mitigated.

The EIA should also incorporate a detailed Water Framework Directive assessment that considers the direct impact of geomorphological/physical changes to waterbodies during the construction and operation. This should include the impact during construction and operation of the physical changes to the River Team (widening of the bridge piers and sheet piling), extension of Allerdene culvert and realignment of the ditch, and extensions to other culverts and changes to flood storage areas. It should also consider the likely impacts of the scheme on water quantity and flow, river continuity and groundwater connectivity, and biological elements (flora and fauna); how the proposed development will affect measures in the river basin management plan for the River Team, and how it is intended the development will comply with other relevant regulatory requirements relating to the water environment. Regard will need to be given to Draft MSGP Policy 30 which supports catchment management approaches including river restoration and not culverting wherever practicable. The design and alternative options should demonstrate that physical modifications to watercourses have been minimised where possible and opportunities to improve the river environment have been considered to compensate for any necessary physical changes. Consideration should be given draft MSGP Policy 31:3 such as: naturalising watercourse channels, improving ecological connectivity, enlarging river buffers and mitigation of diffuse urban pollution, particularly for Allerdene watercourse, which could integrate with the Team Valley Flood Alleviation scheme at Lamesley Pastures.

Flood Risk

Regard should be given to Local Plan policies: Policy CS17 of the Newcastle Gateshead Core Strategy and Urban Core Plan and Draft Plan Making Spaces for Growing Places (MSGP) Policies 30, 31 and 32.

The effect of surface water and fluvial flood risk to and from the scheme should be considered during the construction and operation. Appropriate mitigation measures should ensure that the scheme does not increase flood elsewhere within the River Team catchment.

The design of the scheme will need to have regard and where possible complement the Team Valley Flood Alleviation including flood water attenuation and habitat creation at Lamesley Pastures, Team Valley Surface Water Management Plan and Team Valley Flood Masterplan which are identified within the draft MSGP Policies 30:3 and 32:3.

The latest version of the Team Valley Integrated Flood Model, which is available from the Environment Agency, should be used to assess the flood

risk to the proposal and impact on flood risk elsewhere in the River Team catchment.

The flood risk assessment should also consider the Strategic Flood Risk Assessment (October 2017) (which includes the identification of flood zone 3b within the junction 67 area) and latest Lead Local Flood Authority data (including historic flooding records, flood management assets including culverts and details of ordinary watercourses). The fluvial floodplain of the River Team south of the A1 is highly sensitive, given the high risk of flooding downstream within the Team Valley Trading Estate and the lower River Team catchment, and the need to accommodate additional fluvial storage within the Lamesley area as part of the Team Valley Flood Alleviation scheme.

Consideration should be given to the effect of extending the Allerdene culvert on the flood risk upstream and downstream of the culvert, particularly near to Horseworld/Willowsbed Farm area in Lamesley. Appropriate mitigation measures around junction 67 will be required, possibly including the additional attenuation east of the River Team. The hydrological modelling should quantify the effect of the physical changes to Allerdene watercourse and the River Team. The compensatory storage mitigation measures should also consider natural flood management options such as river restoration, as well as more traditional engineering approaches, and consider the integration and cumulative impact with the wider Team Valley Flood Alleviation scheme particularly at Lamesley Pastures, supported by quantitative and qualitative information.

The assessment should cover the sequential test and exception test, should the scheme be located within flood zone 2 and 3. The flood modelling and assessment should demonstrate that any part of the scheme within flood zone 3a and 3b is designed and constructed to remain operational and safe for users in times of flood and any part of the scheme located in flood zone 3b would result in no net loss of floodplain storage and not impede the water flows. The assessment should also demonstrate how the design has considered a sequential approach where possible to avoiding all sources of flooding.

The risk of groundwater flood risk to the scheme and the effect of the scheme on groundwater flows may require a hydrogeological assessment, subject to expert advice from Environment Agency and Coal Authority. Consideration should be given to the cause of the sinkhole which appeared on the northbound carriageway between junction 67 and 68 in June 2016. In April 2018, the Environment Agency and Coal Authority will be launching a new screening toolkit for groundwater flood risk in Gateshead, which will support LPAs/LLFAs to address the risks of recovered, rising and actively controlled mine waters within Durham and Northumberland Coalfield.

The construction and final design of the scheme should have regard to the effect on the emergency planning requirements for Team Valley Trading Estate, such as ensuring safe egress during flood events and supporting

evacuation plans. As part of the Team Valley Flood Alleviation scheme, a new flood warning system will be put in place for the Team Valley Trading Estate. Consultation should take place with the Environment Agency, Lead Local Flood Authority, Council's Resilience Team and emergency services. Different flood response plans are likely to be required for summer and winter storms.

It will be the important that the existing surface water flood risk problems associated with the A1 are assessed and mitigation measures are put in place to resolve these problems working with Lead Local Flood Authority. These should include assessing problems with overland flows being channelled through the A1 subway southeast of junction 66 and eroding the Bowes Railway path. In addition, elsewhere existing carriageways discharge into poorly maintained culverts, which can lead to flooding incidents. Where surface water discharges into existing and extended culverts, the assessment should ensure sufficient quantitative and qualitative information to demonstrate that: the culverts have sufficient hydraulic capacity to take the scheme's surface water flows; the culverts are of an adequate structural condition and have adequate maintenance regimes; and the surface water discharged from the culverts will not increase flood risk downstream.

The surface water flood risk data for the carriageway should also consider the Team Valley Integrated model, and data collected from the LLFA and NWL, as well as Environment Agency's Updated Flood Map for Surface Water. The risk of surface water flood risk to the scheme from heavy storm events should be assessed, considering the resilience of the design to climate change, set out the operating standards. The mitigation options should consider sustainable drainage system (SuDS) options in addition to lane closures and oversized conveyance channels.

The scheme should include appropriate surface water management arrangements, including the use of SuDS which provide multifunctional benefits (including wildlife habitat), to maintain the volume and rate discharged from the scheme to no greater than prior to the project. The design of SuDS should reflect best practice in the CIRIA SuDS Manual and have regard to Council's forthcoming SuDS Supplementary Planning Document. The scheme will need to achieve greenfield runoff rates 1 in 100 year plus 20% including the climate change allowances with assessment of exceedance with 40% climate change allowance. Consideration should be given to a range of SuDS components i.e. not just attenuation ponds, to maximise the multifunctional benefits in terms of habitats, amenity and water treatment.

The monitoring arrangements for the fluvial and pluvial flood mitigation measures and water treatment measures should be put in place, which can feed into the wider monitoring arrangements for the River Team catchment.

Green Belt

The Scoping Report acknowledges that most of the land which includes and surrounds the site footprint is designated part of the Tyne and Wear Green Belt. The Scoping Report does not include any conclusions as to any implications of this which could affect the design or siting of the development or any accompanying provisions.

The existing and proposed roads cross diagonally the strategic Green Belt gap between the Tyneside conurbation to the north (represented here by the outer edge of Gateshead) and the Washington/Chester-le-Street/Birtley conurbation to the south (represented here by the northern and eastern edges of Birtley). Policy CS19 of the adopted Gateshead and Newcastle upon Tyne Core Strategy follows earlier development plans in specifically identifying prevention of the merging of Gateshead with Birtley or Washington as a principal purpose of the Tyne and Wear Green Belt in accordance with national policy.

The gap is less than 1km wide at its narrowest point, just E of the Eighton Lodge junction. It is also crossed by the East Coast Main Line railway with the accompanying Tyne Marshalling Yard complex, the A1 itself and the A167 Durham to Newcastle road corridor, the latter two of which intersect at the Eighton Lodge Junction.

The effective functioning of this gap as Green Belt is thus highly vulnerable to significant adverse impact from any reduction in its openness. Whilst the effect of the proposed scheme will be limited, the Scoping Report should explicitly recognise the importance of minimising diminution in the openness of the Green Belt, including temporary diminution during construction, and of returning any land which is surplus to highway requirements to other, open uses by the completion of the scheme.

Public Open Space

The extent of the proposed scheme includes an area of open space at Longacre Wood. It is not yet clear whether this land will be developed as part of the Improvement Scheme. However, the EIA Scoping Report appears to have appropriate regard to the potential impact of the development on open space, as addressed within the *Landscape and Visual* and *People and Communities* sections of the report.

Landscape

On the grounds of adverse landscape and visual impact an EIA and Environmental Statement would be required. The A1 Birtley to Coal House EIA Scoping Report identifies a number of significant adverse impacts and also contains a number of errors or discrepancies which raise concern, and would require clarification, for example, the Angel is described as being 300m

from the scheme, when it is within 100m, and residential land take is said to be minimised whilst elsewhere the scheme is described as being carried out within existing highway land boundaries.

As far as can be assessed from the information provided, which only includes a few diagrams and text, the scheme would significantly adversely affect:

- local residents in settlements and the countryside;
- the setting of the Angel of the North – views from it and towards it;
- the open-ness and attractiveness of the greenbelt;
- the landscape and its users.

The scheme would result in the considerable loss of roadside screening vegetation which serves several purposes in the landscape. The recent A1 widening from Coal House north has demonstrated how significantly the roadside environment can be degraded by highways improvements within the highways land. The need for off-site mitigation has been identified in the scoping report and would need to be appropriately sited, along with any other off-site works such as drainage features.

The Scoping Report contains proposals to carry out LVIA following Highways England DMRB Volume IAN 135/10, and the GLVIA guidance, which is satisfactory. However it proposes to assess the impacts within 1km of the route, before the ZVI has been identified and the outline scheme has been provided to us, which is premature. The scheme would be visible over a wider area, and impacts may need to be assessed on the wider landscape or the residents of Kibblesworth for example.

Transport and Highways

The Council has the following comments in respect of the scoping opinion:

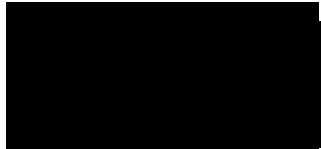
- S7 – the ‘UK plan for tackling roadside nitrogen dioxide concentrations’ identifies sections of the A1 as predicted to exceed, or be marginally compliant with, statutory limits. Although not within the immediate area covered by the scheme, these areas are close to it, and as such should be referenced specifically in any assessment work;
- S14.2 – although this may be scoped out at an early stage, should not rail travellers also be considered here given the crossing of the main line?
- S15.3.11 – there is no mention of the flooding problems relating to the Bowes cycle route connected with the A1;
- S16.5.2 – this should include reference to smarter choices programmes to reduce unnecessary traffic growth.

Natural England

Please refer to attached appendix 1.

Should you wish to discuss this matter further, please contact **Andrew C Softley** on 0191 4332743 or at andrewsoftley@gateshead.gov.uk

Yours faithfully



Anneliese Hutchinson
Service Director,
Development and Public Protection
Communities and Environment

Date: 23 November 2017
Our ref: 230874
Your ref: EIA/17/005



Development Manager
Development and Enterprise
Gateshead Council
Civic Centre
Regent Street
Gateshead, NE8 1HH
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impacts Assessment) regulations 2017 (the EIA Regulations) – Regulations 10 and 11: Application by Highways England for an Order granting Development Consent for the A1 Birtley to Coal House Improvement Scheme

Location: A1 Birtley to Coal House, Gateshead

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 08 November 2017 which we received on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 0208 0265533 or andrew.whitehead@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Andrew Whitehead
Team Leader – Sustainable Development, Marine and Wildlife Licensing
Natural England Northumbria Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

Given the distance between the proposal site and the nearest SSSIs and European designated sites we do not consider there to be any potential impacts from the scheme on any nationally or internationally designated sites.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;

- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other

green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way

The EIA should consider potential impacts on rights of way in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

From: NSIP.Applications@hse.gov.uk [mailto:NSIP.Applications@hse.gov.uk]
Sent: 06 December 2017 17:01
To: A1 Birtley to Coal House
Subject: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation

Dear Emma,

Thank you for your letter of 8th November 2017. HSE does not comment on EIA Scoping Reports but the attached information is likely to be useful to the applicant.

Kind regards,

Marion.

Marion Davies
CEMHD5
Desk 57 2.2
Redgrave Court,
Merton Road,
Bootle L20 7HS
Telephone – 0203028 4374
e-mail; marion.davies@hse.gsi.gov.uk

CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TR010031
Our ref: 4.2.1.6173.
HSE email: NSIP.applications@hse.gov.uk

FAO Emma Cottam
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

6/12/17

Dear Ms Cottam

**PROPOSED A1 Birtley to Coal House Improvement Scheme (the project)
PROPOSAL BY HIGHWAYS ENGLAND (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for your letter of 8th November 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

The proposed development is in the vicinity of a major hazard installation, Northern Gas Networks Limited (pka Transco), Lamesley Storage Installation, Gateshead, Tyne & Wear and a major hazard pipeline, Low Thornley to Lamesley. The storage site has been decommissioned, however HSE recommends the applicant contacts NGN to discuss the status of the site, and ensure works don't compromise the integrity of the pipeline.

Explosives sites

The Explosives Inspectorate has no comment to make as there are no licensed explosive sites in the vicinity.

With regard to 6.4 in the above document, Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE is consulting further with the Planning Inspectorate to clarify this requirement.

Electrical Safety

No comment from a planning perspective

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations

2.2 Redgrave Court
Merton Road, Bootle,
Merseyside L20 7HS

Yours sincerely,
Marion Davies



PP
Dave Adams
(CEMHD4 Policy)

From: Goodwill, Mark [mailto:Mark.Goodwill@highwaysengland.co.uk]
Sent: 21 November 2017 15:15
To: A1 Birtley to Coal House
Subject: A1 Birtley to Coal House - Environmental Statement Scoping Report

Dear Sir/Madam

I refer to your letter dated 8 November 2017 regarding the above.

I can confirm that the Scoping Report has been reviewed and that I do not have any comments.

Thank you for formally consulting us.

Kind regards

Mark Goodwill – Asset Manager

Highways England | Great North House | 20 Allington Way | Darlington | DL1 4QB

Mobile: 07760 990450

Web: <http://www.highways.gov.uk>



Historic England

NORTH EAST OFFICE

Ms Emma Cottam
The Planning Inspectorate, Environmental
Services Team
Major Casework Directorate
Temple Quay House, The Square
Bristol
BS1 6PN

Direct Dial: 0191-269-1239

Our ref: PL00215822

1 December 2017

Dear Ms Cottam

Re: Application by Highways England for an Order granting Development Consent for the A1 Birtley Coal House Improvement Scheme: ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCOPING OPINION

Thank you for your letter received on 8th November 2017 consulting us about the above EIA Scoping Report Opinion.

This development could, potentially, have an impact upon 23 designated heritage assets and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

Our initial assessment agrees with the list of designated heritage assets within 1km of the proposed development as identified by the Scoping Report in Table 7-1. We would draw your attention, in particular, to the following scheduled monument which will be directly impacted by the scheme:

- Bowes Railway HA 1003723

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff. The Scoping Report does identify non-designated heritage assets within a 500m study area in Table 8-2.

We would strongly recommend that Highways England involves the Conservation Officer of Gateshead Borough Council and the Archaeological Officer at Newcastle City Council in the development of this assessment. They are best placed to advise



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

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NORTH EAST OFFICE

on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

We have the following comments to make regarding the content of the Scoping Report:

The submitted EIA Scoping report has a cultural heritage chapter which identifies the baseline data. Of particular interest is that the proposed development crosses over the scheduled monument known as “Bowes Railway” (HA 1003723). The Railway and all associated buildings, track, and other features, is a scheduled monument. The monument is also included on Historic England’s Heritage at Risk register.

The setting and significance of the monument should be considered at an early stage to inform development and design and not after the design has already been decided. The setting assessment should follow best practice standards and guidance as set out in “Good Practice Advice in Planning - Note 3: The setting of Heritage Assets.” (Historic England March 2015) and “Good Practice Advice in Planning - Note 2: Managing Significance in Decision Taking in the Historic Environment” (Historic England March 2015). The latter is in addition to guidance mentioned in para 8.7.12 of the Scoping Report.

Historic England has not yet been consulted about potential enhancement measures for the Bowes Railway (para. 8.5.6), but we look forward to having discussions with Highways England in due course. It is reassuring that the need for Scheduled Monument Consent for works at Bowes is recognised and highlighted several times in the report.



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

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We would welcome early discussions with Highways England in order to agree the key issues with regards to Bowes Railway which will need to be addressed within the EIA.

Yours sincerely,



Lee McFarlane
Inspector of Ancient Monuments
lee.mcfarlane@HistoricEngland.org.uk

cc: Mrs J Morrison, Archaeology Officer, Newcastle City Council



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

Telephone 0191 269 1255
HistoricEngland.org.uk



From: Jefferies, Spencer [mailto:Spencer.Jefferies@nationalgrid.com]

Sent: 06 December 2017 19:05

To: A1 Birtley to Coal House

Cc: Dexter, Nicholas

Subject: A1 Birtley - Coal EIA scoping response.

Good evening,

Please accept this email as a joint response of National Grid Gas plc (NGG) and National Grid Electricity Transmission plc (NGET).

NGG and NGET have no assets in the order boundary. Therefore NGG and NGET do not object to the order and have no further comment.

Regards

Spencer Jefferies BSc

Development Liaison Officer

Acquisitions and Surveying

Network Management

National Grid House, Warwick Technology Park

Gallows Hill, Warwick. CV34 6DA

Mobile: 07812651481

Email: spencer.jefferies@nationalgrid.com

General enquiries: box.landandacquisitions@nationalgrid.com

From: AULD, Alasdair E [mailto:Alasdair.Auld@nats.co.uk]
Sent: 09 November 2017 15:27
To: A1 Birtley to Coal House
Cc: NATS Safeguarding
Subject: SG25390 A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully,

Alasdair Auld
On behalf of NERL Safeguarding Office

Date: 23 November 2017
Our ref: 230874
Your ref: TR010031-000007



Emma Cottam
EIA and Land Rights Adviser
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CW1 6GJ

T 0300 060 3900

Dear Ms Cottam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impacts Assessment) regulations 2017 (the EIA Regulations) – Regulations 10 and 11: Application by Highways England for an Order granting Development Consent for the A1 Birtley to Coal House Improvement Scheme

Location: A1 Birtley to Coal House, Gateshead

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 08 November 2017 which we received on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 0208 0265533 or andrew.whitehead@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Andrew Whitehead
Team Leader – Sustainable Development, Marine and Wildlife Licensing
Natural England Northumbria Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

Given the distance between the proposal site and the nearest SSSIs and European designated sites we do not consider there to be any potential impacts from the scheme on any nationally or internationally designated sites.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;

- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other

green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way

The EIA should consider potential impacts on rights of way in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.



Emma Cottam,
Planning Inspectorate,
3D Eagle Wing, Temple House,
2 The Square,
Bristol,
BS1 6PN.

Date: 6th December 2017

Dear Emma,

Planning Act 2008: A1 Birtley to Coal House Improvement Scheme, Environmental Impact Assessment, Scoping Opinion

The North East Combined Authority (NECA) welcomes the opportunity to respond to the Environmental Scoping Opinion for the proposed scheme by Highways England on the A1 in Gateshead.

About NECA

The NECA consists of the seven local authorities of Durham County Council, Gateshead Council, Newcastle City Council, North Tyneside Council, Northumberland County Council, South Tyneside Council and Sunderland City Council. The Combined Authority reinforces and strengthens existing partnership arrangements to collectively drive forward change and enable economic growth. NECA is also a partner of Transport for the North.

The NECA works with the seven authorities, Nexus the Public Transport Executive for Tyne and Wear) and national partners including Highways England to provide a single voice for approach to transport. That is to identify opportunities to improve the efficiency and resilience of the highways network to support economic growth in the area.

Roads Investment

The A1 acts a key part of the North East's road infrastructure, providing a link between the south and Scotland with many economic assets easily accessible from the road. It enables traffic to bypass Newcastle City Centre and to connect with routes towards the Ports and Newcastle International Airport.

Peak Hour congestion is quite often a problem on the A1 and recent investment by Highways England to enable improved journey times on this strategic corridor is supported. This is echoed by Transport for the North's vision for a faster, less congested strategic road network. As such it is welcomed that the next phase of this investment on the Western Bypass is now being planned by Highways England as part

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www.northeastca.gov.uk

The person dealing with this matter is:
Andrew Dorrian (See below)

of the Roads Investment Strategy (RIS1). NECA's comments relate to the environmental assessment being undertaken for the scheme.

Air Quality

The NECA is currently preparing an area wide air quality strategy the aim of which is to improve air quality to the benefit of the almost 2 million people who live in our region. The strategy seeks to identify measures which could have a positive benefit towards public health and emission reduction and to monitor and to react to air quality results identified in the region. There are several monitoring stations across the NECA area.

This strategy will sit alongside work by Newcastle, Gateshead and North Tyneside Councils who are looking to reduce Nitrogen Dioxide (NO₂) emissions by 2021 on specific corridors. The A1 (Gateshead) is one of three corridors identified by the Joint Air Quality Unit (UK Plan for tackling roadside nitrogen dioxide concentrations - Detailed plan July 2017) as having NO₂ limits above the legal maximum. As such all three authorities are required to prepare a Feasibility Study to identify options to deliver compliance with legal limits for NO₂ in the shortest possible time. The Initial Feasibility Study must be submitted to government as soon as possible and by 31 March 2018 at the latest with the final Feasibility Study being submitted by 31 December 2018 at the latest.

All three authorities and NECA are working with Highways England on this study. The NO₂ hotspots on the A1 is identified as the section around junction 69 (A184 – known as Gateshead Quays) and between junctions 72 (Swalwell) and 76 (Westerhope). The three authorities and the NECA are applying to undertake more detailed traffic and air quality modelling to inform the action plan.

The air quality modelling references the DEFRA NO₂ outputs. The subsequent Environmental Statement should recognise the additional assessment work that is underway for the wider Western Bypass. The general conclusions of the scoping opinion that the scheme is likely to increase flows of traffic and thereby marginally impact on air quality matters seem reasonable. Notwithstanding this the NECA is keen that any subsequent measures implemented at the current hotspots don't move the problem elsewhere and as such and Highways England should continue to work with the NECA and the three authorities. This may involve modelling of the wider corridor and agreement of solutions, including potentially to this section.

Park and Ride

As part of air quality management and effective transport management, the NECA is exploring opportunities for additional park and ride facilities in the region. Durham County Council has an effective scheme which operates from 3 main sites with additional provision on event days. In Tyne and Wear, there are existing facilities at numerous Metro stations and bus based schemes such as at the Great Park.

Park & Ride plays an important role in improving the efficiency of our transport network in the North East and acts as a relief to urban congestion. Park & Ride sites encourage reduced car use in city centres by allowing more efficient provision of parking capacity in a city, thus tackling congestion and helping to improve air quality.

Opportunities to expand Park & Ride provision in the NECA area are being examined, with a number of potential sites being considered. Specifically in the case of this scheme, a site is allocated at Eighton Lodge in the Newcastle Gateshead Joint Core Strategy and Urban Core Plan 2015 (Policy CS13) and Gateshead Council's draft Site Allocations and Development Management Policies, October 2017 (Policy MSGP18.2). The site is located adjacent to the A167 (junction 66).

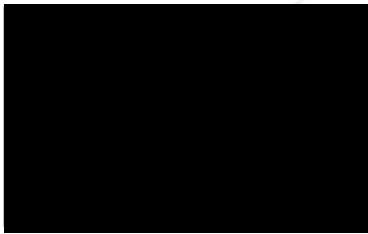
The subsequent Environmental Statement and onward designs should recognise the safeguarding of this site for bus based park and ride. This is important when looking at the design of the junctions and carriageway realignment.

Conclusion

Overall the NECA strongly supports the principles of the scheme which are consistent with the North East's Strategic Economic Plan and has suggested two elements that should be considered when developing the Environmental Statement associated with this scheme. NECA look forward to working with Highways England and the Planning Inspectorate on the scheme in the future.

Please do not hesitate to get in touch with me or my colleague Andrew Dorrian (Andrew.Dorrian@northeastca.gov.uk / 0191 2771193) should you have any questions.

Yours sincerely,



Tobyn Hughes

Managing Director (Transport Operations)
North East Combined Authority

From: Before You Dig [mailto:BeforeYouDig@northerngas.co.uk]

Sent: 20 November 2017 15:59

To: A1 Birtley to Coal House

Subject: RE: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation - NGN ref: 301683369

Dear Emma

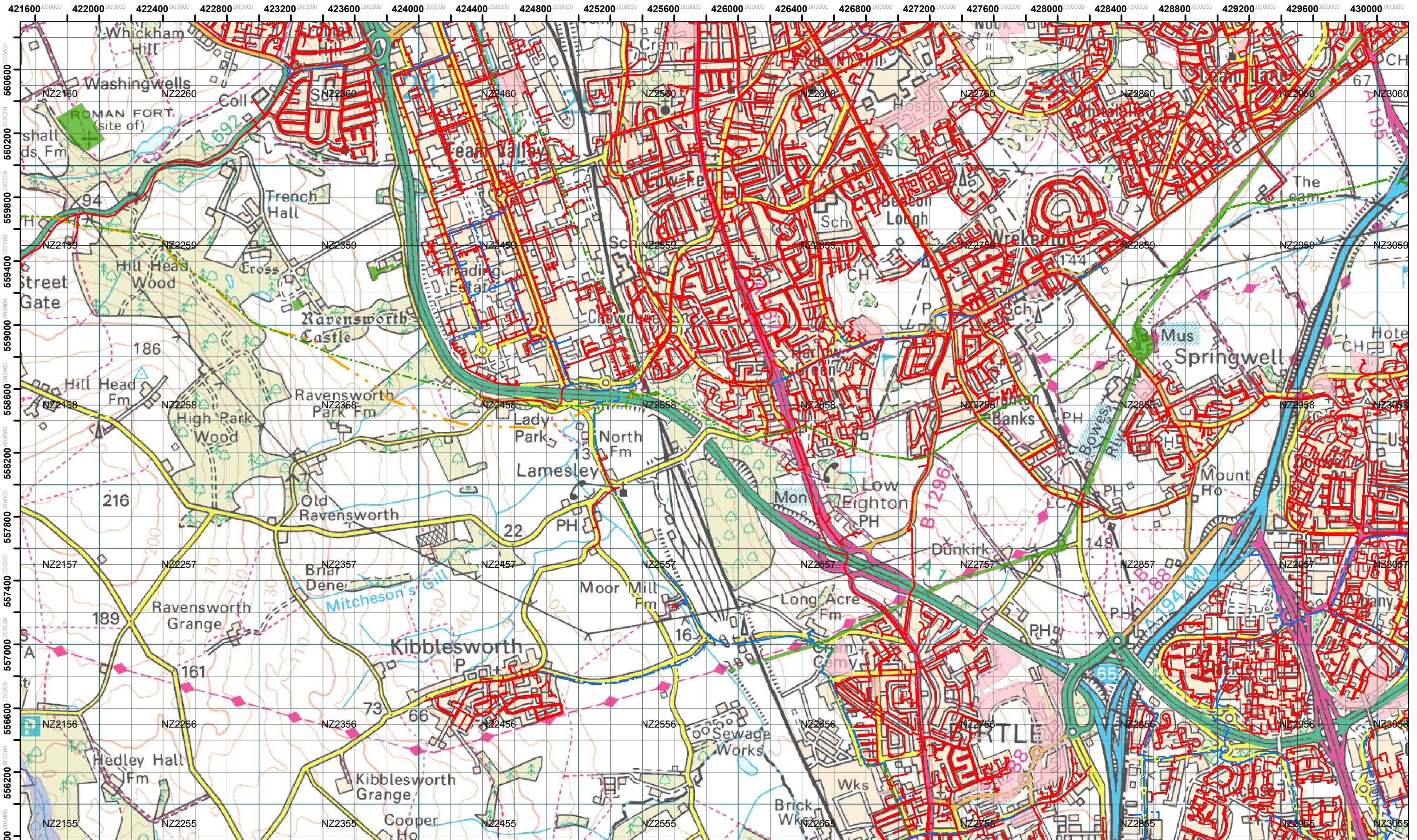
Further to my call last week, please find attached a plan of the area in question, together with essential safety information. As advised, both low and medium pressure gas mains are present on the plan and thus could be affected by the proposed works. However, further information is required from the applicant before Northern Gas Networks can determine which mains are affected and to what extent.

Kind regards,

Maria Curran | Network Support Assistant
Northern Gas Networks

Direct line: 0191 5014314

Website: www.northerngasnetworks.co.uk



SCALE: 1:22,000
 USER ID: N810857
 DATE: 15/11/2017 15:37:18
ADVANCED PLOT
 GRID REFERENCE:
 E: 425851 N: 558326

| | | | |
|--|------------------------|--|-------------------|
| | Low Pressure | | Abandoned LP Pipe |
| | Medium Pressure | | Abandoned MP Pipe |
| | Intermediate Pressure | | |
| | Regional High Pressure | | |

0 370 740 1,480 Metres

TITLE : A1 Birtley to Coal House Improvement Scheme

The plan shows those pipes owned by Northern Gas Networks or the relevant Gas Distribution Network in their roles as Licenced Gas Transporters (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, the relevant Gas Distribution Network, or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

ArcGIS Server 9.3.1

This plan is reproduced from or based on the OS survey map by Northern Gas Networks, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved.

Some examples of Plant Items:

| | | | | |
|-------|----------------|--------|-----------------|-----------------|
| Valve | Depth of Cover | Syphon | Diameter Change | Material Change |
|-------|----------------|--------|-----------------|-----------------|



Stay safe near our pipes

A guide to working near infrastructure

Who are Northern Gas Networks?

We look after the 37,000km of gas mains in the North of England. We don't own the gas but it's our job to transport it safely to you. We're responsible for most of Yorkshire, the North East and Northern Cumbria with our pipes running the equivalent distance of Leeds to Sydney, Australia and back.



Before you start work

1

Identify the **exact location** of our gas infrastructure (pipes etc) by **hand digging** trial holes or using **electronic tracers**.

Surface boxes and manholes

Never cover surface boxes or build manhole covers or other structures over, around or under a gas pipe.

Always ask our permission before doing work that may affect a cover or protection.

2

Use a **marker** to indicate the position of our pipes on site.

3

Make sure everyone involved has a copy of our **site plan** and everyone's read the **HSG47 Avoiding Danger from Underground Services** and **Utilities Guidelines on Positioning and Colour Coding of Apparatus**. You can download these for free from nug.org.uk

Tree planting

- Make sure you carefully consider the impact of planting trees and shrubs as roots can cause damage to gas pipes and make future maintenance work difficult.
- You will need to get approval from the Before You Dig Team before you can start planting.

Clearances

Never lay equipment along or above a gas pipe.

Keep a minimum clearance of 250mm or 1.5 x the external diameter of the gas pipe (whichever is the greater) between the existing gas infrastructure and any new plant. If this isn't possible, please contact the Before You Dig Team.

250mm

Deep excavations

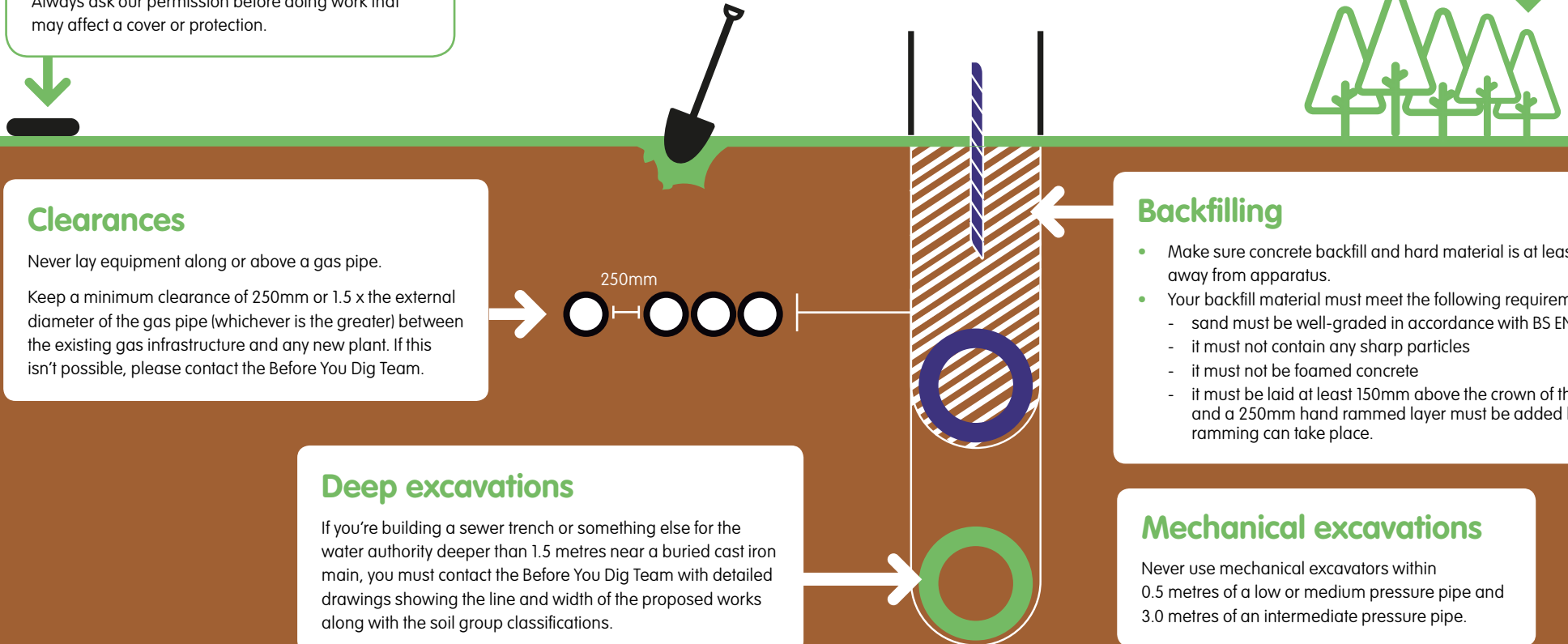
If you're building a sewer trench or something else for the water authority deeper than 1.5 metres near a buried cast iron main, you must contact the Before You Dig Team with detailed drawings showing the line and width of the proposed works along with the soil group classifications.

Backfilling

- Make sure concrete backfill and hard material is at least 300mm away from apparatus.
- Your backfill material must meet the following requirements:
 - sand must be well-graded in accordance with BS EN 1260:2002
 - it must not contain any sharp particles
 - it must not be foamed concrete
 - it must be laid at least 150mm above the crown of the apparatus, and a 250mm hand rammed layer must be added before power ramming can take place.

Mechanical excavations

Never use mechanical excavators within 0.5 metres of a low or medium pressure pipe and 3.0 metres of an intermediate pressure pipe.



Carrying out explosions, pilings, boring or deep excavations?

You need to call us for minimum safe working distances before you get started.

Financial penalties

- You will need to cover the costs of any damage to our infrastructure.
- We will charge you for any alterations needed to surface boxes or manholes caused by your work.
- If we have to move our infrastructure as a result of your work, you will need to cover the cost.

Exposed plant

- You must support our infrastructure at all times, and protect any exposed elements from impact.
- Never weld or use hot substances if there is a risk of damaging plastics or protective pipe coatings.

Make sure that you build shuttering to stop fresh concrete from encasing our infrastructure.

Access

We need access to our infrastructure at all times so make sure that access isn't blocked by temporary structures and piles of spoil.

Crossing our plant with heavy equipment

Always ask our permission before you place heavy goods, equipment and vehicles on our infrastructure.

Smell gas or suspect a gas leak?

1. Call **0800 111 999** immediately.
2. Move away from the gas pipe.
3. Don't attempt to block the leak.
4. Evacuate people from surrounding buildings.
5. Put out naked flames.

Questions?



Call: 0800 040 7766



Email: beforeyoudig@northerngas.co.uk

Important Safety Guidance

Northern Gas Networks is the gas distribution company for the North East of England, Yorkshire and Northern Cumbria. We own about 37,000km of gas mains, and other vital equipment, which supply gas to some 2.7 million homes and businesses.

If you or one of your contractors plan to work near gas pipes or other Northern Gas Networks's equipment, you must let us know.

Damaging gas pipes is dangerous and potentially expensive. Not only could it lead to a fire or explosion, it could result in the loss of the gas supply to local communities.

Safety is therefore Northern Gas Networks's top priority. We need to ensure no-one damages our equipment and puts either themselves or members of the public at risk. Our work in this area is encapsulated in the Pipeline Safety Regulations, and by the Northern Gas Networks's safety case, which is approved by the Health and Safety Executive (HSE).

Our website, www.northerngasnetworks.co.uk has safety guidance booklets that can be downloaded to assist you when carrying out any works. Please use these as reference guides prior to commencing works. Should you have any difficulty in downloading these documents, please either call 0800 040 7766, option 5, or via email: beforeyoudig@northerngas.co.uk

The guidance documents include this one and the following:

1. Safe working in the vicinity of high pressure gas pipelines and associated installations
2. Avoiding injury when working near gas pipes up to 7 bar
3. Avoiding injury when working near gas pipes

If at any point during your works, you smell gas, call the National Gas Emergency Service immediately on the Freephone 0800 111 999.

Examples of higher risk works are, but not limited to, the following:

- Any excavation works within 0.5m of low/medium pressure mains and 3m of intermediate and high pressure mains (the distance is measured from the proven position of the gas main).
- Demolition works within 15m of low/medium pressure mains and 150m of intermediate and high pressure mains.
- The use of explosives within 30m of low/medium pressure mains and 250m of intermediate and high pressure mains.
- Excavations within 10m of a pressure reduction unit.
- Excavations deeper than 1.5m.
- Heavy loading eg cranes, spoil deposits and heavy construction traffic.

NORTHUMBERLAND

Northumberland County Council

Emma Cottam
Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Planning Ref: 17/04149/CNA
Your Ref:
Contact: Ms Erin Hynes
Direct Line:
E-Mail: erin.hynes@northumberland.gov.uk
Date: 6th December 2017

Dear Sir/Madam,

TOWN & COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Proposal Scoping opinion for order granting development consent

Location A1 Birtley To Coal House

Applicant Emma Cottam

I would confirm that Development Management have **No Objection** to the above consultation.

Yours Faithfully

Ms Erin Hynes
Planning Officer

From: Dave Gould 7296 [mailto:Dave.Gould.7296@northumbria.pnn.police.uk]
Sent: 09 November 2017 10:35
To: A1 Birtley to Coal House; Cottam, Emma
Cc: Bob Rushbrooke 7396; Sarah Pitt 7012
Subject: FW: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation

FAO Emma Cottam

Emma

On behalf of Northumbria Police and Office of Police & Crime Commissioner – Northumbria;

I can confirm that having considered the ES (Environmental Statement) Northumbria Police do not have any further requests or considerations to add.

We are in regular contact with Highways England (and their service providers) regarding proposed work / consultation and have attended workshops which have included testing of their Emergency Procedures.

Many Thanks
Dave Gould

Dave Gould
Chief Inspector 7296
Operations Department

Mob: 07795207977
Etn: 62953



Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

Ms Emma Cottam
EIA and Lane Rights Advisor
The Planning Inspectorate,
3D Eagle Wing,
Temple Quay House,
2 The Square,
Bristol BS1 6PN

Your Ref: 171108_TR010031-000007

Our Ref: 41607

5th December 2017

Dear Emma,

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed
“A1 Birtley to Coal House” Improvement Scheme**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe that the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,



Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken. PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF)

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE's predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP

guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m⁻¹ (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term,

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

From: Paul Muir [mailto:Paul.Muir@sunderland.gov.uk]

Sent: 30 November 2017 16:25

To: A1 Birtley to Coal House

Cc: Graham Carr (@Highways); Paul Lewins; Mark Jackson1; Jamie Reed; Toni Sambridge

Subject: RE: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation

For the attention of Emma Cottam

Your Ref: TR010031-000007

Dear Emma,

Thank you for contacting Sunderland City Council as a consultation body in its capacity as Local Highway Authority, and for providing the opportunity to comment.

I can confirm that we have reviewed the Scoping Report for the Environmental Impact Assessment and have no comments to make at this stage. It is anticipated that more detail will be provided when the application is made for a Development Consent Order, and we would like to take that opportunity to comment further should it be necessary.

I trust this is of assistance.

Regards

Paul

Paul Muir
Group Engineer
Transportation Development
Sunderland City Council
Jack Crawford House
Commercial Road
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Civic Centre
Burdon Road
Sunderland
SR2 7DN

Tel: 0191 561 1219
Web: www.sunderland.gov.uk

RESPONSE BY EMAIL ONLY

Date: 05 December 2017
Our ref: 17/02202/MNQ
Your ref: TR010031-000007

**A1 BIRTLEY TO COAL HOUSE IMPROVEMENT SCHEME
SCOPING CONSULTATION DATED 08 NOVEMBER 2017**

This matter is being dealt with by:
Jamie Reed, Senior Planner.

Dear Madam,

Thank you for your letter dated 08 November 2017 regarding the proposed improvements to the A1. It is noted that the works generally appear to involve the widening of the Trunk Road to provide a three lane carriageway and additional lanes between junctions to help manage traffic joining and leaving the A1.

For the purposes of this consultation response, Sunderland City Council only wishes to comment upon those aspects of the project which it considers may have an effect or impact upon land within the City Boundary. Upon review of the Appendices in the report it is apparent that such areas of interest are focussed around the A1 / A194 interchange (Junction 65) which is dominated by industrial land uses, the residential areas of Ayton, Blackfell and Oxclose, and two schools. Furthermore, it is noted that the Screening determination carried out by Highways England concluded that the Scheme is likely to result in significant environmental effects and that an EIA is required, to which SCC concur.

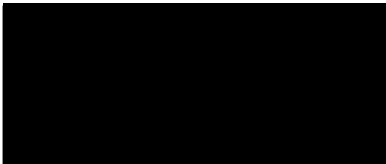
With regards consultation, it is noted that Sunderland City Council will be consulted further when the Environmental Statement is submitted as part of the Development Consent Order application, which is welcomed. Obviously a greater amount of detail and information will be

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available at this point, relating to (amongst other things) visual impacts; impacts upon legally protected and / or priority species; hydrology and noise and vibration to which the Council will be pleased to provide detailed commentary if considered necessary.

In addition, the City Council, in its capacity as Local Planning Authority would like to request that Highways England arrange a briefing session with Officers to advise further upon the project and with this in mind it would be appreciated if you could advise them accordingly , when you respond to their Scoping Request, advising them to contact my Senior Planner, Jamie via the contact details set out below.

Yours Faithfully,



PP Peter McIntyre

Executive Director Economy and Place

| | |
|-------------|--|
| Name | Jamie Reed |
| Title | Senior Planner |
| Direct line | 0191 561 1219 |
| Email | Jamie.reed@sunderland.gov.uk |

From: Danielle Thomas [mailto:Danielle.Thomas@wwutilities.co.uk] **On Behalf Of** Dig
Sent: 15 November 2017 09:30
To: A1 Birtley to Coal House
Subject: RE: A1 Birtley to Coal House Improvement Scheme - EIA scoping notification and consultation

Good morning

With regards to your below request, this is not Wales & West Utilities area. This falls within Northern Gas Networks area, contact details for them below:

Email: plantprotection@northerngas.co.uk
Telephone: 0800 040 7766 and then dial option 6

If you have any further questions please don't hesitate to contact me. Many thanks

Kind Regards,

Danielle Thomas
Plant Protection Team
Administrator Assistant

Telephone: **02920 278 912**
Email: Danielle.Thomas@wwutilities.co.uk

Wales & West Utilities Ltd | Wales & West House | Spooner Close | Celtic Springs | Newport | NP10 8FZ