

A1 Birtley to Coal House Improvement Scheme

Agenda for Issue Specific Hearing 1:

The draft Development Consent Order

Date: Tuesday 21 January 2020
Time: 2.00pm
Venue: The European Suite,
Marriott Hotel,
MetroCentre, Gateshead
NE11 9XF

Introduction

The Examining Authority (ExA) considers that it is expedient to examine some matters, issues and questions orally at the outset of the examination in order to ensure that technical and legal matters arising from the draft Development Consent Order (DCO) are identified and considered as early as possible. This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader merits of the application.

Other matters regarding the draft DCO, not included in this agenda, will be raised through subsequent written questions and/or hearings, including matters relating to compulsory acquisition.

Attendees

The ExA would find it helpful if the following parties could attend this hearing. However, this does not indicate that other parties will not be able to contribute. All interested parties are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

- Highways England (the Applicant)
- Gateshead Council
- Historic England
- Any other Interested Parties (IPs) with an interest in the drafting of the draft Development Consent Order, the implementation or discharge of proposed articles, requirements or other provisions.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out below are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Agenda

1. Welcome, introductions and arrangements for the hearing

2. Purpose of the Issue Specific Hearing

3. Articles

a) Article 2	Interpretation Including 'commence', 'maintain', 'environmental statement' and 'street'
b) Article 3	Development consent etc. granted by the Order Explanation of 3(2) with particular reference to land adjacent to the Order limits
c) Article 7	Limits of deviation Including justification for i) extent of deviation and ii) provision for exceedances beyond the stated limits
d) Article 13	Construction and maintenance of new, altered or diverted streets Including use and meaning of the term 'street'
e) Article 14	Classification of roads etc. Including further explanation in the context of s120 of the Planning Act 2008
f) Article 16	Permanent stopping up and restriction of use of streets, public rights of way and private means of access Including whether street authority is the appropriate body to adjudicate in relation to a private means of access
g) Article 18	Modification of Road Traffic Regulation Orders Further explanation and discussion
h) Article 21	Protective work to buildings Including details of any buildings likely to require such protective works
i) Article 33	Temporary use of land for maintaining the authorised development Including consideration of 33(4)
j) Articles 34 and 35	Statutory undertakers and Apparatus and rights of statutory undertakers in stopped up streets Including justification for their inclusion
k) Article 37	Felling or lopping of trees and removal of hedgerows Including need for a schedule and plan showing the hedgerows to be removed
l) Article 38	Trees subject to tree preservation orders Including relationship with Schedule 9
m) Article 39	Scheduled Monuments Including further explanation for inclusion in the context of s33 of the Planning Act 2008 and s3 of the Infrastructure Planning (Decisions) Regulations 2010
n) Other	Any other matters relating to the articles

4. Schedule 1 - Authorised development

a) Justification for necessity of listed works

b) Associated development

c) Relevant text on page 25 of the Explanatory Memorandum [APP-014] under Schedule 1 – Authorised Development

5. Schedule 2 - Requirements

Part 1 Requirements

a) 1	Interpretation of 'European Protected Species' Should this refer to the Conservation of Habitats and Species Regulations 2017?
b) R3	Detailed design i) Scope of requirement and ii) provision for amendments including explanation of 'any new or materially worse adverse environmental effects'
c) R4	Construction and handover environmental management plans i) Use of term 'relevant planning authority', ii) list of management plans in the context of paragraph 1.1.4 of the outline Construction Environmental Management Plan (CEMP) [APP-174] and iii) working hours including exceptions
d) R5	Landscaping Discussion and explanation of drafting
e) R6	Contaminated land and ground water Discussion and explanation of drafting
f) R8	Surface and foul water drainage Explanation of 8(2) and wording of 8(3)
g) R9	Archaeological remains i) Need for Historic England to be a consultee and (ii) relationship with 'Archaeological Mitigation Strategy' sought through R4
h) R10	Traffic management i) Does consultation need to go beyond the 'relevant planning authority' and ii) relationship with Construction Traffic Management Plan [Appendix B of APP-174]
i) R12	Pedestrians, cyclists and horse riding facilities Details of timing
j) R14	Allerdene bridge replacement i) Use of term 'generally in accordance' and ii) general wording and iii) need for separate article?
k) R15	Primary Design Mitigation Discussion and explanation of drafting
l)	Need for additional requirements in relation to measures CH5 and CH6 of the outline CEMP [APP-174] as suggested in relevant representation from Historic England [RR-006]
m)	Any other matters on draft requirements

Part 2- Procedure for discharge of requirements

- a) Discussion on procedures for discharge of requirements
- b) Article 19 – Possible need for updates to draft requirements in the event of anticipatory steps being taken.

6. Schedule 11 – Protective Provisions

- a) Update on discussions with relevant statutory undertakers

7. Next Steps including Statements of Common Ground

8. Closing