

## **Application by Highways England for TR010031: A1 Birtley to Coal House Improvement Scheme**

### **The Examining Authority's written questions and requests for information (ExQ1)**

**Issued on 28 January 2020**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the Examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 10 December 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [A1BirtleytoCoalHouse@planninginspectorate.gov.uk](mailto:A1BirtleytoCoalHouse@planninginspectorate.gov.uk) and include 'A1 Birtley to Coalhouse Improvement Scheme' in the subject line of your email.

Responses are due by **Deadline 2: Tuesday 25 February 2020**.

## Abbreviations used

|               |   |
|---------------|---|
| <b>BoR</b>    | Book of Reference                                 |
| <b>BREP</b>   | Benefits Realisation and Evaluation Report        |
| <b>CA</b>     | Compulsory Acquisition                            |
| <b>CEMP</b>   | Construction Environmental Management Plan        |
| <b>CTMP</b>   | Construction Traffic Management Plan              |
| <b>dDCO</b>   | Draft Development Consent Order                   |
| <b>DMRB</b>   | Design Manual for Roads and Bridges               |
| <b>ExA</b>    | Examining Authority                               |
| <b>ES</b>     | Environmental Statement                           |
| <b>IPs</b>    | Interested Parties                                |
| <b>ISH</b>    | Issue Specific Hearing                            |
| <b>FRA</b>    | Flood Risk Assessment                             |
| <b>HDV</b>    | Heavy Duty Vehicle                                |
| <b>LOAEL</b>  | Lowest Observed Adverse Effect Level              |
| <b>LWS</b>    | Local Wildlife Site                               |
| <b>NGN</b>    | Northern Gas Networks Limited                     |
| <b>NR</b>     | Network Rail Infrastructure Limited               |
| <b>NSIP</b>   | Nationally Significant Infrastructure Project     |
| <b>PA2008</b> | The Planning Act 2008                             |
| <b>PRoW</b>   | Public Right of Way                               |
| <b>REAC</b>   | Register of Environmental Actions and Commitments |
| <b>SOAEL</b>  | Significant Observed Adverse Effect Level         |
| <b>SoR</b>    | Statement of Reasons                              |
| <b>TAR</b>    | Transport Assessment Report                       |
| <b>TP</b>     | Temporary Possession                              |
| <b>TSCS</b>   | Thin Surface Course System                        |
| <b>WSI</b>    | Written Scheme of Investigation                   |

## **The Examination Library**

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-000602-A1Birtley%20to%20Coal%20House%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

## **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ExQ1.0.1 – refers to question 1 in this table.

| <b>ExQ1</b> | <b>Question to:</b>  | <b>Question:</b>  |
|-------------|--|---|
| <b>1.0</b>  | <b>General and Cross-topic Questions</b>   |   |
| 1.0.1       | Gateshead Council and Sunderland City Council  | <p>Chapter 5 of the Applicant's Planning Statement [APP-171] includes an assessment of the relevant local planning and transport policies.</p> <p>a) Which documents constitute the Development Plan for each local authority area?</p> <p>b) Do you agree with the list of relevant policies set out by the Applicant in this document? Are there any additional policies you consider to be relevant to the proposal? If so please provide them along with a justification for their relevance.</p> <p>c) Are there any relevant emerging policies? If so, what is their current stage in the plan adoption process?</p> <p>d) Please provide copies of all relevant adopted and emerging policies.</p> |
| 1.0.2       | Gateshead Council, Sunderland City Council, Environment Agency, Natural England and Historic England | <p>The outline Construction Environmental Management Plan (CEMP) [APP-174] including the Record of environmental actions and commitments (Table 3-1) and outline Construction Traffic Management Plan (CTMP) (Appendix B) includes measures to avoid, prevent, reduce or, where possible and appropriate, offset the potential environmental impacts associated with the construction of the Proposed Development.</p> <p>Please comment on the acceptability of the outline CEMP including any potential amendments or additions that may, in your view, be required. Provide appropriate justification for any amendments or additions sought.</p>  |
| 1.0.3       | Applicant  | <p>Paragraph 2.5.12 of the Environmental Statement (ES) [APP-023] states that the ES assessments are based on the works proposed in Schedule 1 of the draft Development Consent Order (dDCO) [AS-012], the Works Plan [AS-011], Engineering Section Drawings [APP-009], General</p>   |

| ExQ1  | Question to:                                  | Question:   |
|-------|---|---|
|       |   | <p>Arrangement Plan [APP-010] and the maximum area of land anticipated to be required, taking into account the Limits of Deviation for the Proposed Development.</p> <p>A set of 'Structures Engineering Drawings and Sections' [APP-011], which include more details of the structures, have also been provided with the application. Can the Applicant explain to what extent the Structures Engineering Drawings and Sections have been taken into account in relevant ES assessments?</p>   |
| 1.0.4 | Applicant and Gateshead Council (part c only) | <p>Section 5.4 of the Planning Statement [APP-171] sets out the Applicants position regarding the Green Belt policy implications of the scheme.</p> <p>a) For the avoidance of doubt, list all the elements of the scheme (for both the construction and operation phases) that are considered to be <i>inappropriate development</i> within the Green Belt?</p> <p>b) With reference to paragraph 5.4.6 of the Planning Statement, please explain in further detail why proposed engineering operations, including below ground and ground level works, are considered to preserve Green Belt openness?</p> <p>c) The Council's comments are requested on the Applicant's Green Belt assessment. Where there are areas of disagreement please explain why.</p> |
| 1.0.5 | Applicant                                     | <p>In the context of the Green Belt assessment, paragraphs 5.4.11 to 5.4.16 of the Planning Statement [APP-171] deal with 'other harm'. Paragraph 5.4.12 states that other harm may arise due to the effect of the scheme on the landscape and views across the Green Belt. The Court of Appeal judgment in <i>SSCLG &amp; Others v Redhill Aerodrome Ltd</i> [2014] EWCA Civ 1386 confirmed that the interpretation given to 'any other harm' in paragraph 88 of the original National Planning Policy Framework (revised Framework paragraph 144) is such that it is not restricted to harm to the Green Belt.</p>  |

| ExQ1  | Question to: | Question:  |
|-------|--------------|--|
|       |              | In this context, is it necessary to update the Planning Statement assessment of the scheme including the sections on 'Other Harm', 'Very Special Circumstances' and 'Planning Balance' to appropriately reflect the position regarding 'other harm'?   |
| 1.0.6 | Applicant    | <p>Work Nos. 10 and 12 of the dDCO [AS-012] provide for the construction of gas transfer station buildings for the benefit of Northern Gas Networks Ltd (NGN).</p> <p>a) Please provide further details of the proposed scale and appearance of these buildings.</p> <p>b) How will the final design details of these proposed buildings be secured by the dDCO? Is additional drafting required to secure the design details.</p> <p>c) Explain how these buildings have been taken into account in the relevant Application assessments?</p> |
| 1.0.7 | Applicant    | <p>Paragraph 2.7.49 of the ES [APP-023] explains that the existing NGN Regulator building would be demolished.</p> <p>Whilst it is stated in paragraph 2.7.46 of ES Chapter 2 that the diversions works would be undertaken by NGN, clarification is requested on who would be responsible for the demolition of the Regulator building and how this would be secured through the dDCO?</p>  |
| 1.0.8 | Applicant    | Paragraph 2.7.6 of the ES [APP-023] and paragraph 2.4.3 of the Statement of Reasons (SoR) [AS-014] explain that ground investigation work has led to the inclusion within the scheme of two alternative solutions for the replacement Allerdene Bridge. These documents go on to say that both   |

| ExQ1   | Question to: | Question:  |
|--------|--------------|--|
|        |              | <p>options include ground improvement to mitigate settlement and that both are acceptable engineering solutions.</p> <p>a) If both options are capable of ground improvement to mitigate settlement and are acceptable engineering solutions, what are the factors that mean a decision cannot be made now on the preferred option?</p> <p>b) What are the key factors that would be used to determine which option to construct?</p> <p>c) Please provide a table showing the differences in the mitigation required for each option.</p> <p>d) When (in relation to the overall planning and construction programme) is it proposed that a decision would be made on which option will be pursued?</p> |
| 1.0.9  | Applicant    | <p>Paragraph 2.7.45 of the ES [APP-023] explains the existing utilities apparatus located adjacent to the Eighton Lodge North underbridge earthworks would need to be moved.</p> <p>Please provide details of where such apparatus would be moved to and set out the progress that has been made towards agreement of such works with the relevant statutory undertaker(s).</p>  |
| 1.0.10 | Applicant    | <p>Table 2-5 (Main phases of construction work) of the ES [APP-023] includes start and end dates including for the 'demolition of existing Allerdene Bridge' (Area 2) and 'removal of existing Allerdene Bridge and Approaches' (Area 7).</p> <p>What are the differences between these two components of work? Explain how both components of work have been assessed in the ES?</p>  |

| ExQ1   | Question to:                                  | Question:   |
|--------|---|---|
| 1.0.11 | Applicant and Gateshead Council (part c only) | <p>Paragraph 3.2.1 of the outline CTMP [Appendix B of APP-174] states that standard working hours will be Monday to Friday from 7.00am to 19.00pm. However, paragraph 1.3.12 of the outline CEMP and Requirement 4 of the dDCO [AS-012] also refer to hours of work between 07.30 and 13.00 on Saturdays.</p> <p>a) Does the outline CTMP need to be updated to resolve this discrepancy?</p> <p>b) Please provide an explanation for the extent of the standard working hours proposed including the reasons why they would extend beyond normally recognised construction hours.</p> <p>c) Does the Council agree with the proposed standard construction hours? If not, please provide reasons for any disagreement.</p> |
| 1.0.12 | Applicant                                     | <p>Some works are proposed to take place outside of the standard working hours. For example, works in connection with the East Coast Main Line [Paragraph 1.3.12 of APP-174].</p> <p>a) Where such works are expected to take place, would this also involve Heavy Duty Vehicle (HDV) movements outside of standard hours?</p> <p>b) What measures would be put in place to minimise disturbance of any such HDV movements on local residents and how would these be secured?</p>   |
| 1.0.13 | Applicant                                     | <p>Paragraphs 2.9.15 and 2.9.16 of the ES [APP-023] set out the proposals for construction and working compounds.</p> <p>a) Please provide further details of how the choice of locations for these compounds was determined including any alternative locations that were considered.</p>  |



| <b>ExQ1</b> | <b>Question to:</b>   | <b>Question:</b>   |
|-------------|---|--|
|             |   | b) A representation has been made [RR-019] suggesting an alternative construction compound location near Junction 66. Was this location taken into account in the consideration of compound locations and would it provide a suitable alternative location for a construction compound?  |
| 1.0.14      | Applicant   | <p>Paragraph 2.9.66 of the ES [APP-023] explains that on completion of the construction of the scheme the construction compounds would be demolished and reinstated to the existing condition.</p> <p>a) Can the Applicant set out in more detail what the proposed approach is for the reinstatement of the construction compounds and how this, along with necessary mitigation and enhancement measures, would be secured by the dDCO?</p> <p>b) Would this approach also be applicable to the two proposed working compounds as well as the two proposed construction compounds?</p> |
| 1.0.15      | Applicant,<br>Gateshead Council,<br>Sunderland City Council and<br>Newcastle City Council | <p>A long list and short list of proposed developments used to assess cumulative effects are presented in Appendices 15.1 [APP-167] and 15.2 [APP-168] of the ES.</p> <p>a) Have these lists been agreed with the relevant local authorities?</p> <p>b) Have any more relevant proposed developments been identified since the drafting of these documents?</p>  |
| 1.0.16      | Applicant   | Long List ID nos.17 and 18 of the Long List of Proposed Developments [APP-167] are missing from the schedule.  |

| ExQ1   | Question to:                        | Question:   |
|--------|-------------------------------------|---|
|        |                                     | Please provide an updated document to rectify this. Can the Applicant also confirm that these two proposed developments (nos. 17 & 18) were included within the cumulative impact assessment?   |
| 1.0.17 | Applicant                           | <p>Table 15-9 (Matrix of combined effect interactions) of the ES [APP-036] states that the combined effect from construction upon residents would be of minor significance.</p> <p>a) Please provide further explanation of how the combined effects have been assessed.</p> <p>b) Would the combined impact upon residential receptors not vary depending on factors such as their proximity to certain areas of works? How have such variations been taken into account in the combined effects assessment?</p> |
| 1.0.18 | Applicant                           | <p>ES Appendix 4.3 [APP-105] describes the 'risk' of events occurring, although doesn't appear to explain how in this context risk relates to significance.</p> <p>The Applicant is requested to provide further clarity on this matter and explain how the findings of the major accidents and disasters assessment in relation to risk, demonstrate no likely significant effects?</p>  |
| 1.0.19 | Applicant                           | <p>The ExA notes that updates have recently been made to the Design Manual for Roads and Bridges.</p> <p>Please provide a review of these changes where relevant to this application for Development Consent and set out the implications for, and any updates of the assessments provided, in the ES.</p>  |
| 1.0.20 | Applicant and QE Facilities Limited | QE Facilities Limited [RR-008] have requested that signage for the Queen Elizabeth Hospital is incorporated into the scheme at Junction 66.   |

| <b>ExQ1</b> | <b>Question to:</b>                           | <b>Question:</b>   |
|-------------|---|--|
|             |   | The Applicant, in liaison with QE Facilities Limited, is requested to assess the feasibility of including such signage within the scheme.  |
| 1.0.21      | Applicant                                     | <p>Paragraph 14.9.2 of the ES [APP-035] lists mitigation measures for the effects of the scheme on climate and Table 14-13 (referred to in paragraph 14.9.4) lists the adaption measures that would be integrated in response to the vulnerability of the scheme to climate change.</p> <p>For both sets of measures, please confirm how each measure listed would be secured and implemented through the dDCO.</p>  |
| <b>1.1.</b> | <b>Air Quality and Emissions</b>              |  |
| 1.1.1.      | Gateshead Council and Sunderland City Council | <p>The Applicant's air quality assessment is set out in Chapter 5 of the ES [APP-026].</p> <p>Do the Councils agree with the impacts scoped out of the assessment in paragraphs 5.4.8 and 5.4.9?</p>   |
| 1.1.2.      | Gateshead Council and Newcastle City Council  | <p>Included within Table 5-3 of the ES [APP-026] there is reference to the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations. It states that Newcastle City Council and Gateshead Council have been directed to undertake feasibility studies in relation to measures to deliver compliance with EU limit values and that such work is ongoing.</p> <p>The Councils are requested to provide an update on the progress of this work and explain what, if any, relevance it may have for the Examination of this application?</p> |

| <b>ExQ1</b> | <b>Question to:</b> | <b>Question:</b>   |
|-------------|---------------------|--|
| 1.1.3.      | Applicant           | <p>Paragraph 5.4.5 of the ES [APP-026] explains that the worst year from opening is the opening year itself, as it is anticipated that improvements in vehicle emission rates will offset the impact of growth in vehicle numbers over time. This is further referred to in paragraphs 5.5.2 and 5.5.3 which recognise that in future years uncertainty relates to the projection of vehicle emissions, in particular the rate at which the emissions per vehicle will improve over time.</p> <p>a) Please provide further justification including details of relevant evidence for the assumption that improvements in vehicle emission rates will offset the impacts of vehicle number growth.</p> <p>b) What confidence can there be that vehicle emission rates will offset the impacts of growth in vehicle numbers to the extent considered in the ES?</p> |
| 1.1.4.      | Applicant           | <p>Paragraph 5.4.9 of the ES [APP-026] explains that a full assessment of construction traffic impacts has been scoped out due to vehicle generation being below the relevant Design Manual for Roads and Bridges HA207/07 criteria. Appendix 5.2 (Construction Traffic Assessment) [APP-108] sets out the expected construction traffic generation flows. The Allerdene embankment option would result in a traffic flow of 172 HDVs per day on Link W09.</p> <p>a) What measures would be in place to ensure that these predicted construction traffic flows do not significantly increase beyond the figures in this table, particularly HDVs on Link W09?</p> <p>b) Please provide an explanation of how these construction traffic flows have been calculated.</p>  |
| 1.1.5.      | Applicant           | <p>Paragraph 5.4.10 of the ES [APP-026] explains that an assessment of dust impacts from construction activity has taken into account the number and proximity of potentially sensitive receptors within 200m of the Scheme footprint.</p>   |

| ExQ1   | Question to: | Question:   |
|--------|--------------|---|
|        |              | a) Given the large number of receptors that potentially could be impacted upon during construction, please explain in further detail how construction works would be monitored along with how any necessary enforcement could be practicably implemented to ensure that no significant adverse effects would arise.   |
| 1.1.6. | Applicant    | <p>Air quality baseline conditions are set out in Section 5.7 of the ES [APP-026]. The baseline year is 2017. Highway England Monitoring for scheme specific diffusion tube monitoring data is set out in Appendix 5.8 [APP-114] and is dated 2015.</p> <p>a) Given the time that has elapsed since this baseline data was recorded, can the Applicant provide justification as to why this data is appropriate to be relied upon? Is there any more recent survey data for air quality which may be more appropriate to use?</p> <p>b) Does an allowance need to be made for any baseline data that may have changed between 2017 and 2020?</p>  |
| 1.1.7. | Applicant    | <p>Paragraph 5.8.12 of the ES [APP-026] states that six properties are predicted to experience an increase in pollutant concentrations. Table 5-5 shows that for 'small' impacts the significance of such effects would be based on the number of receptors affected.</p> <p>a) Explain further the criteria that has been used to determine that an increase of between -0.4 and 2 ug/m<sup>3</sup> annual mean NO<sub>2</sub>10 should be considered as amounting to 'small magnitude'?</p> <p>b) What is the justification for using the number of receptors (30 to 60 in this case) to determine whether or not there is a significant effect? Does this risk downplaying the weight to be given to the potential effects on the quality of life of the occupiers of residential properties who could suffer adverse air quality effects as a result of the scheme?</p> |

| <b>ExQ1</b> | <b>Question to:</b>                                  | <b>Question:</b>   |
|-------------|--|--|
| 1.1.8.      | Applicant  | <p>Paragraph 5.8.20 of the ES [APP-026] sets out the regional impacts stating that the scheme would result in an increase in emissions of all pollutants.</p> <p>Please provide further details of these impacts including how the significance of effect of the predicted increases have been determined.</p>   |
| 1.1.9.      | Applicant  | <p>The construction mitigation measures set out in paragraph 5.9.4 [APP-026] of the ES appear to be more comprehensive in certain respects than those set out on page 14 of the CEMP [APP-174].</p> <p>Please review the list in the CEMP to ensure consistency with the ES.</p>   |
| 1.1.10.     | Applicant  | <p>Paragraph 5.9.5 of ES Chapter 5 [APP-026] states that traffic management measures will be required during the construction phase and that details of these are included within Appendix 5.2 [APP-108]. However, Appendix 5.2 does not include such measures.</p> <p>Please clarify this and set out the details of the proposed traffic management measures required during the construction phase?</p>                               |
| <b>1.2.</b> | <b>Biodiversity, Ecology and Natural Environment</b> |  |
| 1.2.1.      | Applicant and Natural England                        | <p>The Consents and Agreements Position Statement [APP-015] states that a licence under section 16 of the Wildlife and Countryside Act 1981 will be necessary in relation to roosting bats with associated mitigation and compensation requirements at Eighton Lodge South Underbridge. A draft licence application has been submitted [APP-136] and a Letter of No Impediment is anticipated to be provided during the Examination.</p> |

| ExQ1   | Question to:                    | Question:   |
|--------|---------------------------------|---|
|        |                                 | Can the Applicant and Natural England provide an update on the progress made towards obtaining a Letter of No Impediment?   |
| 1.2.2. | Applicant and Gateshead Council | <p>Paragraph 8.4.19 of the ES [APP-029] states that ongoing liaison is being undertaken with Gateshead Council's ecological representatives to discuss the finalised Landscape Mitigation Design in Figure 7.6 of the ES [APP-061] detailing the landscape design relating to biodiversity mitigation.</p> <p>a) Both parties are requested to provide an update on the progress on this. In the view of the Council are there any outstanding matters needing to be resolved?</p> <p>b) How does the Landscape Mitigation Design relate to Requirement 5 (Landscaping) of the dDCO [AS-012]?</p> |
| 1.2.3. | Applicant                       | <p>Design, mitigation and enhancement measures along with monitoring measures are set out in sections 8.9 and 8.11 of the ES [APP-029].</p> <p>So the ExA can be satisfied that all such measures can be properly implemented, please clearly set out how each measure would be secured through the dDCO with cross references to the outline CEMP [APP-174] as appropriate.</p>  |
| 1.2.6  | Applicant                       | <p>Paragraph 8.10.2 of the ES [APP-029] identifies temporary significant adverse effects upon Longacre Wood Local Wildlife Site.</p> <p>a) Please explain why removal of existing woodland as proposed within Longacre Wood is necessary and what alternatives have been considered.</p>  |

| ExQ1  | Question to:                          | Question:  |
|-------|---------------------------------------|--|
|       |                                       | <p>b) For what length of time (expressed in number of years) would the assessed temporary adverse effects continue for?</p> <p>c) Provide details and evidence of the growth and establishment rates of the proposed replacement woodland planting for Longacre Wood.</p>  |
| 1.2.7 | Applicant                             | <p>Measure Ref B21 of the Register of environmental actions and commitments within the outline CEMP (Table 3-1 of APP-174] states that replacement planting will be undertaken in Longacre Wood to replace any trees that were intended to be retained. Requirement 5(6) of the draft DCO makes provision for this.</p> <p>How will this provision work in practice as the landscaping scheme sought by Requirement 5 would need to be approved prior to the commencement of construction works?</p>   |
| 1.2.8 | Applicant                             | <p>Paragraph 8.10.7 of the ES [APP-029] explains that the creation of new woodland would be of a smaller overall area than that lost, but would be of a higher quality including a management regime that creates gaps allowing light to reach the understorey layer in patches.</p> <p>Provide further explanation of a) why it is not possible to provide the same area of woodland than that lost, b) how the higher quality would be practicably achieved and c) set out how the management regime would be secured and implemented in the long term through the dDCO?</p> |
| 1.2.9 | Gateshead Council and Natural England | <p>The Applicant has submitted an Environmental Statement Addendum [AS-016] concerning the identification of two additional LWSs and the amendment of the boundaries of two Local Wildlife Site's within the scheme footprint and 2km buffer.</p>  |



| ExQ1        | Question to:  | Question:  |
|-------------|---|--|
|             |   | Gateshead Council and Natural England should ensure that their Written Representation and/or Local Impact Report takes into account this additional information provided by the Applicant.   |
| <b>1.3.</b> | <b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b> |  |
| 1.3.1.      | Applicant   | The Applicant is requested to complete the annexed Compulsory Acquisitions Objections Schedule (Annex A) and to make any entries it believes would be appropriate, taking account of the positions expressed in Relevant Representations, and giving reasons for any additions. As the Examination progresses and at each successive deadline update the Schedule as necessary.  |
| 1.3.2.      | Applicant   | <p>The Book of Reference (BoR) [AS-004] includes several Statutory Undertakers with interests in land.</p> <p>a) Please provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them.</p> <p>b) Indicate whether there are any envisaged impediments to the securing of such agreements.</p> <p>c) State whether any additional Statutory Undertakers have been identified since the submission of the BoR with the application.</p> |
| 1.3.3.      | Applicant   | The former Department for Communities and Local Government published Guidance related to procedures for Compulsory Acquisition (CA) (September 2013) in "Planning Act 2008: procedures for the compulsory acquisition of land". This states that ' <i>Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the</i>   |

| ExQ1   | Question to: | Question:  |
|--------|--------------|--|
|        |              | <p><i>statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.'</i></p> <p>The Funding Statement [APP-017] does not identify the CA costs separately from the project costs or explain in detail how a figure for CA costs was arrived at. Please clarify further the anticipated cost of CA and how this figure has been estimated.</p>   |
| 1.3.4. | Applicant    | <p>The Applicant is requested to review the Relevant Representations and subsequent Written Representations made by any Statutory Undertaker as the Examination progresses and at each successive deadline update, as necessary, a table identifying and responding to any representations made by Statutory Undertakers with land or rights to which PA2008 s127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> <li>a) the name of the Statutory Undertaker;</li> <li>b) the nature of their undertaking;</li> <li>c) the land and/or rights affected (identified with reference to the most recent versions of the BoR and Land plans available at that time;</li> <li>d) in relation to land, whether and if so, how the tests in PA2008 s127(3)(a) or (b) can be met;</li> <li>e) in relation to rights, whether and if so, how the tests in s127(6)(a) or (b) can be met;</li> <li>f) in relation to these matters, whether any protective provisions and/or commercial agreement are anticipated, and if so:             <ul style="list-style-type: none"> <li>i) whether these are already available to the ExA in draft or final form;</li> <li>ii) whether a new document describing them is attached to the response to this question or</li> <li>iii) whether further work is required before they can be documented; and</li> </ul> </li> <li>g) in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached:</li> </ul> |

| ExQ1   | Question to: | Question:   |
|--------|--------------|---|
|        |              | <p>i) whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and<br/>                     ii) identifying any documents providing evidence or agreement and withdrawal.</p> <p>The table should be titled ExQ1.3.4: PA2008 s127 Statutory Undertakers Land/Rights and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>  |
| 1.3.5. | Applicant    | <p>The Applicant is requested to review its proposals relating to CA or temporary possession (TP) of land and/or rights and to prepare, and at each successive deadline update, a table identifying if these proposals affect the relevant rights or relevant apparatus of any Statutory Undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to identify:</p> <p>a) the name of the Statutory Undertaker;<br/>                     b) the nature of their undertaking;<br/>                     c) the relevant rights to be extinguished; and/or<br/>                     d) the relevant apparatus to be removed;<br/>                     e) how the test in s138(4) can be met; and<br/>                     f) in relation to these matters; whether any protective provisions and/or commercial agreement are anticipated, and if so:</p> <p>i) whether these are already available to the ExA in draft or final form;<br/>                     ii) whether a new document describing them is attached to the response to this question or<br/>                     iii) whether further work is required before they can be documented; and</p> |

| ExQ1   | Question to: | Question:  |
|--------|--------------|--|
|        |              | <p>g) in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached:<br/>                     i) whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and<br/>                     ii) identifying any documents providing evidence or agreement and withdrawal.</p> <p>The table should be titled ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus etc. and be provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p> |
| 1.3.6. | Applicant    | <p>Paragraph 3.5 of the Explanatory Memorandum [APP-014] states that the Applicant has chosen not to differentiate between the NSIP and associated development works in Schedule 1 of the draft DCO.</p> <p>a) How does this approach reflect the Guidance on associated development 'Planning Act 2008: associated development applications for major infrastructure projects' (former Department for Communities and Local Government, April 2013)?</p> <p>b) Paragraph 2.3.1 of the SoR [AS-014] sets out the works necessary to deliver the scheme. Which, if any, of these works, can be identified as associated development?</p>  |
| 1.3.7. | Applicant    | <p>Paragraph 3.4.1 of the SoR [AS-014] refers to temporary possession powers sought under Articles 32 and 33 of the dDCO [AS-012].</p>   |

| ExQ1   | Question to: | Question:   |
|--------|--------------|---|
|        |              | To assist with the consideration of whether the extent of the land to be used temporarily is no more than is reasonably required for the purposes of the development, please provide further details to justify the extent of the land sought to be used temporarily. For each area explain why such a size is required and the justification for the extent of each plot.  |
| 1.3.8. | Applicant    | <p>Plot Refs 3/4p, 3/4q and 3/4r [AS-002] comprise land within Longacre Wood.</p> <p>a) Notwithstanding the details provided in the Tables 1, 2 and 6 of the SoR [AS-014], please provide more detailed justification of the need for the acquisition/possession of this land, including the extent of land within each plot.</p> <p>b) What implications would arise from any works proposed upon these plots on public access to and enjoyment of Longacre Wood?</p>  |
| 1.3.9. | Applicant    | <p>The SoR [AS-014] at section 5.4 states that there is a compelling case in the public interest for the Compulsory Acquisition.</p> <p>a) What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of Compulsory Acquisition powers in each case?</p> <p>b) How has it been demonstrated within the application that the public benefits of the scheme outweigh any residual adverse effects including private loss suffered by individual landowners and occupiers?</p> <p>c) Demonstrate how such a conclusion has been reached and how the balancing exercise between public benefit and private loss has been carried out?</p> |

| <b>ExQ1</b> | <b>Question to:</b>                         | <b>Question:</b>   |
|-------------|---|--|
| 1.3.10.     | Applicant                                   | <p>Section 6 of the SoR [AS-014] addresses human rights.</p> <p>a) Please provide a more detailed demonstration that interference with human rights in this case would be proportionate and justified?</p> <p>b) How has the proportionality test been undertaken and explain how this approach has been undertaken in relation to individual plots?</p>   |
| 1.3.11.     | Applicant                                   | <p>For the avoidance of doubt, please set out all the factors that are regarded as constituting evidence for a compelling case in the public interest for the Compulsory Acquisition and Temporary Possession powers sought and where, giving specific paragraph references, are these set out in the submitted documentation?</p>   |
| 1.3.12.     | Applicant and Northern Gas Networks Limited | <p>NGN has made a representation [RR-004] regarding the temporary acquisition of its land. At present it does not fully support the application. NGN states that further details of its concerns will be set out in its Written Representation including proposed protective provisions.</p> <p>a) The Applicant is asked to explain why CA and/or TP is required and whether or not its needs could be met by any alternative provisions, a lease or other legal agreement relating to NGN land?</p> <p>b) NGN is requested to provide further details of its proposed Compressed Natural Gas refuelling station including details of the stage it is currently at in the design, planning and consenting process and a timetable for its implementation?</p> <p>c) Further details from both parties are also requested providing up to date details of discussions that have taken place regarding the provision for retaining scope for the development of the proposed Compressed Natural Gas refuelling station.</p> |

| ExQ1    | Question to:                                      | Question:   |
|---------|---|---|
| 1.3.13. | Applicant and Network Rail Infrastructure Limited | <p>Network Rail Infrastructure Limited (NR) has made a representation [RR-003] objecting to the proposed CA and/or TP.</p> <p>a) NR is requested to explain why CA and/or TP is inappropriate, with reference to the effect that it would have on its undertaking and the operation of the railway?</p> <p>b) The Applicant is asked to explain why CA and/or TP is required and whether or not its need could be met by any alternative provisions, a lease or other legal agreement relating to NR operational and non-operational land?</p> <p>c) NR is requested to identify whether any alternative provisions, a lease or a legal agreement could address its concerns.</p> <p>d) The Application is asked to respond to each of the particular points (a) to (f) set out in NR's Relevant Representation [RR-003].</p> |
| 1.3.14. | Applicant   | <p>In the light of the relevant DCLG Guidance related to compulsory acquisition, "Planning Act 2008: procedures for the compulsory acquisition of land" and in particular paragraph 8:</p> <p>a) How can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored?</p> <p>b) Please set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests in each case.</p>  |

| ExQ1  | Question to:                                 | Question:   |
|---|--|---|
| 1.3.15.   | Applicant                                    | What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to the land interests, including the identification of further owners/interests or monitoring and update of changes in interests?   |
| <b>1.4.</b>   | <b>Draft Development Consent Order (DCO)</b> |   |
| <p>Annex D to the Rule 6 letter dated 10 December 2019 provided notice of an Issue Specific Hearing (ISH) on the dDCO which was held on 21 January 2020 (ISH1). An agenda for ISH1 was published on 15 January 2020. The Examination Timetable provides that post hearing submissions including written submissions of oral cases made at ISH1 are to be submitted in writing by <b>Deadline 1: Tuesday 4 February 2020</b>. Comments on any matters set out in those submissions are to be provided by <b>Deadline 2: Tuesday 25 February 2020</b>, which is the same as the deadline for responses to these questions. Interested Parties (IPs) who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to reiterate their issues in responses to the question below (1.4.1). IPs are requested to review the Deadline 1 written submissions arising from ISH1 before responding to the question below.</p> <p>Matters set out in Deadline 1 written submissions arising from ISH1 are best responded to in Deadline 2 comments rather than in response to the following question, which aims to capture matters that were not raised at ISH1.</p> |  |   |
| 1.4.1.  | IPs other than the Applicant                 | With respect to matters raised in Relevant Representations or Written Representations but which were not discussed in ISH1 and in your view require changes to the dDCO please identify any changes that you require, referring to Articles, Requirements and any other provisions as necessary. Provide your preferred drafting where possible and explain why it is proposed and what it aims to achieve. |



| <b>ExQ1 Question to: Question:</b> |                          |  |
|------------------------------------|--------------------------|--|
|                                    |                          | Please cross-reference responses to this question to your Relevant Representation, Written Representation and to other questions in ExQ1 as necessary.   |
| <b>1.5.</b>                        | <b>Cultural Heritage</b> |  |
| 1.5.1.                             | Applicant                | <p>Figures 6.1 [APP-051] and 6.2 [APP-052] of the ES show designated and non-designated heritage assets.</p> <p>a) There appear to be some discrepancies between the text in paragraphs 6.6.2 and 6.6.3 of the ES [APP-027] and Figures 6.1 and 6.2. For example, Figure 6.2 (non-designated sites) shows a study area of 1km whereas paragraph 6.6.2 indicates that non-designated assets have been identified within a 500m inner Study Area. Please could these be reviewed and clarified.</p> <p>b) Please update Figure 6.2 to make clear what the different categories of non-designated assets are depicted by green/blue shaded areas, green lines and green dots.</p> |
| 1.5.2.                             | Applicant                | <p>Paragraph 6.6.1 of the ES [APP-027] states that where appropriate, and requested by consultees, assets beyond the 1km study area were also considered.</p> <p>Please identify which, if any, such assets beyond the 1km study area have been considered and the results of any subsequent assessment.</p>   |
| 1.5.3.                             | Applicant                | Paragraph 6.1.4 of the ES [APP-027] states that there would be no difference between the Allerdene bridge options with regard to the predicted physical impacts on heritage assets.  |

| ExQ1   | Question to:                   | Question:   |
|--------|--------------------------------|---|
|        |                                | Please explain further how this conclusion has been reached in the context of the Structures Engineering Drawings and Sections [APP-011] which show that the viaduct option would require a greater extent of foundations than the embankment option.   |
| 1.5.4. | Applicant                      | <p>The Geophysical Survey Report [APP-119] identifies areas which were not surveyed, including Areas 5 – 7 and the south-east of Area 8.</p> <p>a) What assumptions have been made regarding the baseline conditions in these areas and how have these been taken into account in reaching the conclusions of the ES Cultural Heritage assessment?</p> <p>b) Clarify whether surveys of these areas would take place at a later date and if so, how would this be secured through the dDCO?</p>                                   |
| 1.5.5. | Applicant and Historic England | <p>In ES Appendix 4.1 [APP-103], the Applicant states that it: <i>"...is in discussions with Historic England in order to obtain a Letter of No Impediment with the aim to include Scheduled Monument Consent within the Development Consent Order"</i>.</p> <p>Noting that consent for works to the Bowes Railway Scheduled Monument is sought through the dDCO (Article 39 and Schedule 10), can the Applicant and Historic England provide an update regarding progress towards agreeing any such Letter of No Impediment?</p> |
| 1.5.6. | Applicant                      | To mitigate the loss of part of the retaining wall associated with Bowes Railway Scheduled Monument, ES paragraph 6.9.10 [APP-027] states that Historic England have requested that another section of the surviving wall associated with Bowes Railway Scheduled Monument of equal length to that being demolished is repaired. It is proposed that the section of retaining wall to be repaired and the repointing and conservation methodology, would be agreed with Historic England.   |

| <b>ExQ1</b> | <b>Question to:</b> | <b>Question:</b>   |
|-------------|---------------------|--|
|             |                     | <p>a) Can the Applicant provide further details and a framework of what is proposed in this regard and at what point in the programme these works would be implemented?</p> <p>b) Schedule 10: Scheduled Monuments of the dDCO [AS-012] does not currently include the mitigation to repair sections of the retaining wall associated with Bowes Railway Scheduled Monument. Can the Applicant confirm how delivery, including timing, of these works would be secured through the dDCO?</p>   |
| 1.5.7.      | Applicant           | <p>Measure Ref N8 of the Register of Environmental Actions and Commitments (REAC) within Table 3-1 of the outline CEMP [APP-174] states that if any of the retaining wall of the Scheduled Monument is damaged from piling works it will be repaired using the agreed conservation strategy set out in Chapter 6 of the ES [APP-027]. However, it is not clear to which part of Chapter 6 this refers.</p> <p>a) Please provide an outline of the content of this conservation strategy along with details of how it would be secured through the dDCO (including timings for delivery)?</p> <p>b) Could the reference to Chapter 6 in Measure Ref N8 be made clearer?</p> |
| 1.5.8.      | Historic England    | <p>Article 39 of the dDCO [AS-012] includes authorisation for the works specified in column 2 of Schedule 10 to be carried out.</p> <p>Historic England are requested to comment on whether any further details are required, including with regard to mitigation, in connection with the proposed works to the Bowes Railway Scheduled Monument.</p>  |
| 1.5.9.      | Applicant           | <p>Table 3-1 (Ref CH2) of the REAC [APP-174] sets out the measures proposed to be included within the Written Scheme of Investigation (WSI). These would include a mitigation strategy for the impact on the Bowes Railway as well as other potential archaeological remains.</p>  |

| ExQ1    | Question to:                                  | Question:   |
|---------|---|---|
|         |   | <p>The Applicant is requested to submit an outline WSI which has been agreed with Historic England and the LPA setting out the principles to ensure the protection of the archaeological resource and a summary of the necessary archaeological mitigation measures.</p>  |
| 1.5.10. | Applicant and Gateshead Council               | <p>Paragraph 6.9.5 of the ES [APP-027] states that the WSI would be submitted in consultation with the Tyne and Wear Archaeology Officer and would be approved by the Secretary of State in consultation with the local authority. There is no similar provision for consultation with the Tyne and Wear Archaeology Officer in either Requirements 4 and 9 of Schedule 2, Part 1 of the dDCO [AS-012] or in the REAC [APP-174].</p> <p>a) Please clarify the role of the Tyne and Wear Archaeological Officer and how they would be involved in the formulation and/or consenting of the WSI.</p> <p>b) Gateshead Council are also requested to seek and submit the comments of the Tyne and Wear Archaeological Officer on the Applicant's Cultural Heritage application submissions.</p> |
| 1.5.11. | Applicant and Gateshead Council (part d only) | <p>Concerns have been raised [RR-006 and RR-018] regarding the impact of the proposals (including from the road realignment and replacement Allerdene Bridge, gantries, signage and landscaping) on views of the Angel of the North from both the A1 itself and the railway line. Paragraph 6.8.24 of the ES [APP-027] states that views from the road towards the Angel of the North will be slightly more restricted due to the installation of gantries.</p> <p>a) Please can the Applicant provide further detailed assessment of how the proposals would affect views of the Angel of the North, including from the A1 roads itself, the railway line and surrounding landscape.</p>   |

| ExQ1        | Question to:                | Question:   |
|-------------|-----------------------------|---|
|             |                             | <p>b) Please also provide further detail of how woodland enhancement measures, including thinning operations and pruning would provide greater visibility of the sculpture.</p> <p>c) Supporting visual material is requested in association with the response to parts (a) and (b) of this question.</p> <p>d) Do any further measures need to be secured in the DCO to satisfactorily preserve the views of and setting of the Angel of the North?</p>  |
| <b>1.6.</b> | <b>Landscape and Visual</b> |   |
| 1.6.1.      | Applicant                   | <p>With regard to assessment methodology, paragraph 7.4.3 of the ES [APP-028] refers to two guidance documents. DMRB Volume 11, Section 3 LA107 (Landscape and visual effects) was recently published in September 2019.</p> <p>What implications does this recently published guidance have in terms of the assessment of landscape and visual effects? Are any updates or revisions required?</p>   |
| 1.6.2.      | Applicant                   | <p>Paragraph 7.4.9 and 7.4.20 of the ES [APP-028] sets out the three scenarios that have been assessed in considering the impacts of the scheme upon landscape character (7.4.9) and visual effects (7.4.20). The third of these scenarios is summer of the design year.</p> <p>Why has summer been chosen for the assessments rather than winter when impacts might be different due to the presence of deciduous trees? How would the results of the assessment differ for winter of the design year when trees have lost their leaves?</p> |

| <b>ExQ1</b> | <b>Question to:</b> | <b>Question:</b>  |
|-------------|---------------------|---|
| 1.6.3.      | Applicant           | <p>One of the assumptions and limitations listed in paragraph 7.5.1 of the ES [APP-028] states that it is assumed that the design of the slopes in cuttings and embankments would, where required, provide suitable growing conditions for native trees and that suitable depths of topsoil can be achieved.</p> <p>What are the factors that would determine the suitability of slopes for planting and how would these be taken account in the scheme design? What measures would be secured by the dDCO to ensure that appropriate growing conditions would be provided?</p> |
| 1.6.4.      | Applicant           | <p>Please provide copies of the following documents referred to in paragraph 7.6.2 of the ES [APP-028]:</p> <ul style="list-style-type: none"> <li>a) Gateshead Landscape Character Assessment Report;</li> <li>b) Made in Gateshead: Urban Character Assessment;</li> <li>c) City of Sunderland Landscape Character Assessment; and</li> <li>d) Gateshead Conservation Area Character Statements, Strategies and Policy Guidelines.</li> </ul>   |
| 1.6.5.      | Applicant           | <p>Paragraphs 7.11.5 and 7.11.6 of the ES [APP-028] set out details of regular surveying of specific viewpoints at years 6, 10 and 15. These surveys would be after the 5 year monitoring/management period has finished.</p> <ul style="list-style-type: none"> <li>a) Please explain how the selected viewpoints have been chosen.</li> <li>b) What measures would be taken in the event that new planting has not provided the required level of screening by the end of the 5 year period and how would these be secured?</li> </ul>  |

| ExQ1   | Question to: | Question:   |
|--------|--------------|---|
|        |              | c) If no measures are able to be taken, what confidence is there that the predicted planting mitigation would be adequately secured by year 15 and that the impacts would be as assessed and predicted in the ES?   |
| 1.6.6. | Applicant    | <p>In respect to both landscape and biodiversity effects, the monitoring requirements set out in Table 16-2 of the ES [APP-037] state that the monitoring of the growth and establishment of the planning strategy by Highways England are implemented as part of the proposed development through the Benefits Realisation and Evaluation Plan (BREP).</p> <p>a) Please provide further details of the role and implementation of the BREP, including how it relates to the mitigation measures set out in Chapters 7 [APP-028] and 8 [APP-029] of the ES (it does not appear to be mentioned in either).</p> <p>b) Please provide a copy of the BREP.</p> <p>c) How will the BREP be secured through the dDCO, who would be responsible for approving it and how does it relate to the Handover Environmental Management Plan?</p> <p>d) Please add the BREP to the list of abbreviations in Chapter 0 [APP-021]?</p> |
| 1.6.7. | Applicant    | <p>Table 2-5 of the ES [APP-023] details the main phases of construction work and shows that there would be a period of approximately 18 months between the end date for the construction of the new Allderdene Bridge and the end date for the demolition/removal of the existing bridge.</p> <p>How has this period been taken into account in assessing the temporary landscape and visual impacts within the ES [APP-028]?</p>  |

| <b>ExQ1</b> | <b>Question to:</b> | <b>Question:</b>   |
|-------------|---------------------|--|
| 1.6.8.      | Applicant           | <p>Details of the design of the replacement Allerdene Bridge are set out in the ES (paragraphs 2.7.5 to 2.7.18) [APP-023].</p> <p>Explain in further detail how either of the proposed design options for the replacement bridge have sought to minimise and mitigate the resulting landscape and visual effects.</p>  |
| 1.6.9.      | Applicant           | <p>The assessment of visual impacts [APP-028] for both the year of opening and year 15 (the design year) identifies that there would be moderate adverse impacts for several residential properties but goes onto conclude in paragraphs 7.10.80 and 7.10.92 respectively that visual effects would not be significant.</p> <p>Please explain in further detail how these conclusions have been reached. In particular, what thresholds have been used and what is the justification for their use in determining that adverse impacts on a number of residential properties would not amount to an overall conclusion of significant adverse effects?</p>                         |
| 1.6.10.     | Applicant           | <p>Paragraph 2.4.1 (Assessment Assumptions and Limitations) of the Arboricultural Report [APP-122] states that a minimum working area of five metres (ten metres for certain works) will be required around the Scheme footprint and that all arboricultural features within these areas will need to be removed. However, it goes onto to state that arboricultural features outside the Scheme Footprint cannot be removed.</p> <p>a) Can the Applicant clarify this contradiction and explain what comprises the Scheme Footprint?</p> <p>b) In addition to the Allerdene Bridge, which areas of the Proposed Development would involve a working area of up to ten metres?</p> |



| <b>ExQ1</b> | <b>Question to:</b>        | <b>Question:</b>  |
|-------------|----------------------------|---|
| 1.6.11.     | Applicant                  | <p>Paragraph 5.2.1 of the Arboricultural Report [APP-122] states that opportunities to retain veteran tree T18 should be explored including accurate positioning in relation to proposed works and potential tree protection measures.</p> <p>a) Please provide an update regarding this veteran tree including confirmation of whether or not it can be retained and an outline of any necessary protection measures for its retention.</p> <p>b) How has the potential loss of T18 been taken into account in the ES?</p> <p>c) The Arboricultural Report (paragraph 7.1.2) also states that potential adverse impacts regarding trees protected by Tree Preservation Order No.21 should be discussed with Gateshead Council. Please provide an update on such discussions.</p> |
| <b>1.7.</b> | <b>Noise and Vibration</b> |   |
| 1.7.1.      | Applicant                  | <p>Table 11-7 of the ES [APP-032] details the operational road traffic noise effect level criteria.</p> <p>Explain how these external noise effect level criteria have been established?</p>  |
| 1.7.2.      | Applicant                  | <p>Paragraph 2.7.1 (n) of the ES [APP-023] states that a Thin Surface Course System (TSCS) will be installed for all sections of the A1 and slip roads to the roundabouts.</p> <p>a) Please provide further details of TSCS with particular regard to its 'low noise' performance attributes, durability and maintenance requirements.</p>  |

| ExQ1   | Question to: | Question:   |
|--------|--------------|---|
|        |              | b) Is the wording of measure N1 of the REAC [Table 3-1 of APP-174] sufficient to ensure that TSCS is installed with the necessary specifications (including thickness) to maximise its low noise potential?   |
| 1.7.3. | Applicant    | <p>Table 16.1 of Appendix 11.16 of the ES [APP-160] shows that 4 dwellings would experience, during operation, an increase in noise nuisance of between 20% and 30%.</p> <p>a) Where are these properties located?</p> <p>b) With cross-reference to other documents as appropriate please provide further explanation of how the noise nuisance levels have been calculated for these properties?</p>        |
| 1.7.4. | Applicant    | <p>Paragraphs 11.10.43 and 11.10.59 of the ES [APP-032] explain that the number of receptors between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL) generally increase, whilst the number of receptors within the SOAEL generally decrease.</p> <p>In both cases please summarise how these adverse impacts would be mitigated and minimised?</p> |
| 1.7.5. | Applicant    | <p>Appendix 11.12 of the ES [APP-156] lists the diversion routes to be used when road closures are required to facilitate construction works.</p> <p>a) Please provide a plan/map showing these diversion routes.</p> <p>b) Clarify which diversion route would be required for each closure. For each of the diversion routes, set out the period of time when they would be used.</p>                       |

| <b>ExQ1</b> | <b>Question to:</b> | <b>Question:</b>  |
|-------------|---------------------|---|
|             |                     | c) Provide further details (in addition to paragraphs 11.10.23 to 11.10.27 of the ES [APP-032]) of the assessment (including increases in traffic movements and corresponding noise/vibration increases) that has been carried out of the noise and vibration effects arising from the use of these diversions during construction?   |
| 1.7.6.      | Applicant           | <p>Paragraph 11.8.4 of the ES [APP-032] states that some out of hours working will be required.</p> <p>a) Please provide a list of all working scenarios and locations where out of hours working will take place, including the likely duration and frequency of such works in each instance.</p> <p>b) For Locations 1 (Willowbeds Farm), 2 (Lamesely Vicarage and Cottages) and 3 (Salcombe Gardens) (as described in paragraph 11.10.22) set out the frequency and duration of the out of hours working taking account of all the applicable working scenarios.</p> |
| 1.7.7.      | Applicant           | <p>Table 11-20 of the ES [APP-032] sets out the construction noise assessment locations and criteria.</p> <p>Please state how many dwellings are contained within each location?</p>  |
| 1.7.8.      | Applicant           | <p>Paragraphs 11.10.9 – 11.10.11 and 11.10.36 of the ES [APP-032] describe works with levels above SOAEL but with a duration that would be below the defined criteria.</p> <p>a) Please provide details of the expected duration of each of these works and state what confidence there can be that the works would not exceed the defined criteria?</p> <p>b) What mitigation measures would be implemented in the event that the duration of any of these works exceeds the defined criteria?</p>   |

| <b>ExQ1</b> | <b>Question to:</b> | <b>Question:</b>  |
|-------------|---------------------|---|
| 1.7.9.      | Applicant           | <p>Paragraph 2.7.49 of the ES [APP-023] explains that the NGN gas mains would be diverted using micro tunnelling, open cut trenches and trenchless techniques.</p> <p>Including any cross-references to relevant sections of the application documents, please clarify and explain how the assessment of noise and vibration effects of these works has been carried out?</p>   |
| 1.7.10.     | Applicant           | <p>The locations of the proposed construction compounds are provided in Figure 2.3 of the ES [APP-040]. This includes both the main construction compounds and separate working compounds. Further details of the layout of the compounds is provided in Appendix A of the outline CEMP [APP-174].</p> <p>a) Cross referencing to existing application documents as appropriate, please set out the potential noise and vibration effects that would arise from the use of these four compounds and how these would be mitigated?</p> <p>b) How would the construction compounds be used throughout the day/night, including outside of the standard scheme construction hours? Would there be any potential for noise impacts at the compounds outside of the standard scheme construction hours (e.g. from the use of site generators)?</p> <p>c) The layout of the construction compound at Junction 67 includes a topsoil screening bund. Please provide further details of the height, construction and form of this bund. How would such details be secured through the dDCO?</p> |
| 1.7.11.     | Applicant           | <p>Paragraphs 11.9.1 and 11.9.3 of the ES [APP-032] set out details of a new acoustic barrier at Birtley. This would be secured in the outline CEMP [APP-174].</p>  |

| ExQ1        | Question to:   | Question:   |
|-------------|--|---|
|             |  | <p>a) Please provide further details of the design and appearance of this noise barrier.</p> <p>b) How would the approval of the final details of this noise barrier and the timing of its construction be secured through the dDCO?</p> <p>c) What measures would be in place to ensure its long term maintenance and retention?</p>   |
| 1.7.12.     | Applicant  | <p>Section 11.11 of the ES [APP-032] sets out the proposed noise and vibration construction monitoring proposals. Section N5 of the outline CEMP [APP-174] secures monitoring measures.</p> <p>a) What measures would be in place to ensure that construction noise and vibration effects are no worse than those predicted in the ES for activities where no noise monitoring is proposed?</p> <p>b) Provide further details of the noise monitoring programme referred to in section N5 of the CEMP. Would this programme need to be previously agreed with the local authority? How would this be secured through the dDCO?</p> <p>c) How would the measures set out in the final bullet point of N5 (relating to temporary significant noise/vibration effects) of the CEMP be implemented, including any necessary agreement with the local authority, community consultation and relevant timescales?</p> |
| <b>1.8.</b> | <b>Economic and social effects (including Population and Human Health)</b> |   |
| 1.8.1.      | Applicant  | Paragraph 12.4.35 of the ES [APP-033] refers to a baseline using publicly available information gathered from (amongst others) 'NOMIS'.   |

| <b>ExQ1</b> | <b>Question to:</b>                                  | <b>Question:</b>   |
|-------------|--|--|
|             |  | As NOMIS is a term that may not be familiar to all Interested Parties and is not included in the list of abbreviations [APP-021], please clarify to what it refers.  |
| 1.8.2.      | Applicant  | <p>In terms of effects on people, the Study Area of the Local Economy is stated as being the Gateshead Council administrative area [paragraph 12.6.9 of the APP-033].</p> <p>a) Please provide justification for only choosing this administrative area being chosen and not adjacent administrative areas located in proximity to the scheme (e.g. Sunderland City Council)?</p> <p>b) What effects are predicted for other areas outside of Gateshead Council?</p> |
| 1.8.3.      | Applicant  | <p>In paragraph 12.7.22 of the ES [APP-033] rail travellers have been assessed as having a medium sensitivity value.</p> <p>Taking account of the sensitivity criteria set out in Table 12-8 of the ES [APP-033] and the high level of usage of the East Coast Main Line, please provide further justification for arriving at this sensitivity value rather than a higher value (high or very high)?</p>  |
| 1.8.4.      | Applicant  | <p>Paragraph 12.8.11 of the ES [APP-033] explains that there would be some disruption to rail travel during construction.</p> <p>Please set out in more detail the frequency and duration of track closures that would be required during construction works.</p>  |
| 1.8.5.      | Applicant and Gateshead Council (parts d and e only) | <p>Table 12-17 of the ES [APP-033] provides details of the public rights of way (ProW) to be temporarily stopped up and the provision of substitute routes.</p> <p>a) Provide details of the estimated length of time over which each temporary stopping up of a public right of way would occur.</p>  |

| ExQ1   | Question to: | Question:  |
|--------|--------------|--|
|        |              | <p>b) Please also provide details of a safety audit for the proposed diversion routes, with particular regard to any diversions where there may be conflict with vehicular traffic (for example the proposed diversion across Junction 66 (Eighton Lodge).</p> <p>c) What is the estimated additional average walking time for each diversion?</p> <p>d) Are any affected PRoW likely to be used by school children and, if so, what are the implications for journeys to and from school?</p> <p>e) Are additional safety measures required to be put in place for the ProW diversion across Junction 66?</p>   |
| 1.8.6. | Applicant    | <p>Table 12-18 [APP-033] provides usage levels of the Northside Overbridge.</p> <p>For clarification, is the ExA correct in assuming that the 5<sup>th</sup> column should be PM Peak not 'AM Peak'?</p>   |
| 1.8.7. | Applicant    | <p>Sheet 6 of the Streets Rights of Way and Access Plan [APP-008] shows the public footpath arrangements in connection with the temporary closure of the North Dene Footbridge. This shows the creation of a temporary diversion route north of the A1 but does not show the full extent of the diversion route, including to the south of the A1.</p> <p>a) Please provide a drawing showing the full proposed temporary diversion route in connection with this closure including the use of any existing footpaths.</p> <p>b) Does the temporary diversion route shown to the north of the A1 utilise an existing footpath for its entire length?</p> |

| <b>ExQ1</b> | <b>Question to:</b>                    | <b>Question:</b>   |
|-------------|--|--|
| 1.8.8.      | Applicant                              | <p>The proposed diversion for Longbank Bridleway appears to cross the proposed construction compound adjacent to Junction 66. The details provided in the outline CEMP [APP-174] (Figure 1 of Appendix A) do not show how provision has been made for the footpath to cross this compound.</p> <p>a) Is it the intention for the Longbank Bridleway diversion to cross the construction compound? If so what provisions would need to be made to ensure the safety of footpath users?</p> <p>b) If the existing footpath across the proposed construction compound would need to be closed, please provide details of any necessary diversion route.</p> |
| 1.8.9.      | Applicant                              | <p>Plot Refs 3/4p, 3/4q and 3/4r [AS-002] comprise land within Longacre Wood Local Wildlife Site (LWS).</p> <p>a) What implications would arise from any works, including construction works, proposed upon these plots on public access to and enjoyment of Longacre Wood LWS?</p> <p>b) What specific measures would be required to safeguard public access to and enjoyment of Longacre Wood LWS during construction works?</p>   |
| 1.8.10.     | Tyne and Wear Joint Local Access Forum | <p>The Tyne and Wear Joint Local Access Forum has made a representation [RR-009] concerning the need to maintain/improve footpaths and bridleways adjacent to the development.</p> <p>Please provide further submissions on the application proposals in this respect, including the proposed temporary diversion routes [APP-008], the details contained within Chapter 12 (Population and Human Health) of the ES [APP-033] and Appendix D of the Transport Assessment Report (TAR)[APP-173].</p>  |



| <b>ExQ1</b> | <b>Question to:</b>   | <b>Question:</b>   |
|-------------|---|--|
| 1.8.11.     | Applicant   | <p>Representations have been submitted [RR-010 and RR-011] regarding the potential effects on Dunkirk Farm, Northside.</p> <p>a) Please set out, with cross references to the relevant application documentation as appropriate, the measures that would be secured and implemented through the dDCO to safeguard farming operations at Dunkirk Farm, including measures for the restoration of land and continued access to fields.</p> <p>b) What would be the overall effect of the Proposed Development upon farming operations at i) Dunkirk Farm and ii) upon any other agricultural/horticultural holdings?</p> |
| <b>1.9.</b> | <b>Transportation and Traffic</b>   |  |
| 1.9.1.      | Gateshead Council,<br>Sunderland City Council and<br>Newcastle City Council | <p>The application is accompanied by a Transport Assessment Report (TAR) [APP-173].</p> <p>Do the Council's agree with the content and findings of the TAR? Provide reasons for any disagreement with any aspect of it.</p>  |
| 1.9.2.      | Gateshead Council,<br>Sunderland City Council and<br>Newcastle City Council | <p>Paragraph 1.1.1 of the Construction Traffic Assessment [APP-108] states that the routes used to access the construction site and the additional flows generated during construction are scoped out of further consideration for further assessment.</p> <p>Do the local authorities agree with the conclusions of this document?</p>  |

| <b>ExQ1</b> | <b>Question to:</b>   | <b>Question:</b>  |
|-------------|---|---|
| 1.9.3.      | Gateshead Council, Sunderland City Council and Newcastle City Council | <p>The outline CEMP [APP-174] includes an outline CTMP (Appendix B). Details of construction phase traffic diversions have been provided in Appendix 11.12 of the ES [APP-156].</p> <p>Submissions from the Councils are requested with regard to the adequacy of content of the outline CTMP with particular regard to managing and mitigating the effects of construction traffic within the respective Council areas.</p>  |
| 1.9.4.      | Applicant   | <p>Figure 2.1 of the TAR [APP-173] shows the study area for the scheme.</p> <p>Please explain the criteria for the extent of the study area including how it relates to surrounding roads?</p>  |
| 1.9.5.      | Applicant and Gateshead Council                                       | <p>The representation from Gateshead Council [AS-007] draws attention to the what the Council considers to be the poor nature of facilities for pedestrians and cyclists at the Coal House roundabout (Junction 67).</p> <p>a) What scope and justification is there for improvements to access and facilities for pedestrians and cyclists in this location through the Proposed Development?</p> <p>b) How could such improvements be secured through the dDCO?</p> |
| 1.9.6.      | Applicant   | <p>A representation has been received [RR-021] expressing concern at the potential traffic impacts of the proposal upon the access to the A1 from the A1231 from Washington/Sunderland.</p>   |

| ExQ1   | Question to: | Question:   |
|--------|--------------|---|
|        |              | <p>What future impacts would the scheme be likely to have on traffic and highway conditions on the A1231 including the access to the A1 and are any specific measures proposed to alleviate potential problems?</p>   |
| 1.9.7. | Applicant    | <p>Paragraph 1.1.1 of the Construction Traffic Assessment [APP-108] states that the routes used to access the construction site and the additional flows generated during construction are scoped out of consideration for further assessment.</p> <p>a) Please provide assessment details of the potential for cumulative construction traffic and highway impacts taking account of other schemes including, but not limited to, other major highway schemes.</p> <p>b) Are any additional management measures required to be included in the CTMP in order to alleviate and safeguard against any potential cumulative impacts?</p>  |
| 1.9.8. | Applicant    | <p>Work No. 21 (temporary construction access onto Woodford to carry out the demolition of Allerdene Bridge) [AS-011] would involve the access onto and use of a minor residential road.</p> <p>a) Construction traffic movements into and out of the construction access onto Woodford do not appear to be included in Construction Traffic Assessment [APP-108]. Please clarify this? Are construction traffic movements for the working compound to the north west of Longbank Bridleway Underpass included in the Construction Traffic Assessment?</p> <p>b) What is the expected flow and frequency of HDVs and other construction/traffic movements using Woodford and what would be the overall duration of the use of this access? Would there be any evening/night time vehicle movements?</p> |

| <b>ExQ1</b> | <b>Question to:</b>             | <b>Question:</b>  |
|-------------|---------------------------------|---|
|             |                                 | c) What measures would be put in place in this location in order to safeguard highway and pedestrian safety and how would these be secured through the dDCO?  |
| 1.9.9.      | Applicant                       | <p>Table 6-1 of the TAR [APP-173] provides details of walking, cycling and horse riding Preliminary Design Stage Improvements.</p> <p>For each of these, please confirm how they would be secured by the dDCO?</p>  |
| 1.9.10.     | Applicant and Gateshead Council | <p>The representation from Gateshead Council [AS-007] draws attention to the need to address what it considers to be the poor nature of facilities for pedestrians and cyclists at Coal House roundabout.</p> <p>The parties are requested to liaise and address this issue within their Statement of Common Ground to be submitted at Deadline 2. The Council should provide details of any measures it considers to be necessary and justified through the proposed scheme.</p> |
| 1.9.11.     | Gateshead Council               | <p>The representation from Gateshead Council [AS-007] draws attention to the need for a complimentary programme of measures to promote sustainable transport.</p> <p>Please can the Council provide further details of i) the form of measures it considers would be appropriate and ii) the justification for those in connection with the proposed scheme?</p>  |
| 1.9.12.     | Applicant                       | Please provide further details of the proposed A1 Scotswood to North Brunton scheme (ID 12 of Table 15-8 of APP-036] including outline scheme details, the stage of scheme development, any consenting/approval details and the current anticipated construction and opening timetable.   |

| ExQ1         | Question to:                     | Question:   |
|--------------|----------------------------------|---|
|              |                                  | Provide an assessment of impacts that may arise in the event that the construction of this scheme overlaps with the Proposed Development.   |
| <b>1.10.</b> | <b>Water Environment</b>         |   |
| 1.10.1.      | Applicant and Environment Agency | <p>Paragraph 2.3.7 of the ES Flood Risk Assessment (FRA) [APP-163] acknowledges that the EA are currently revising the climate change allowances (as set out in the FRA) following the publication of new climate projections (UKCP18). The Applicant states that the Environment Agency in their document (<i>Using 'Flood risk assessments: climate change allowances' following publication of new climate projections in UKCP18</i>) (Ref 1.2) consider that the allowances detailed in Table 2-2 (for peak river flow) and Table 2-3 (for peak rail fall intensity) are still the best national representation of how climate change is likely to affect flood risk.</p> <p>Paragraph 2.3.8 states that this position and use of these climate change allowances has been agreed with the Environment Agency. Can the Applicant and the Environment Agency confirm that this remains to be the current position and provide any necessary update on this aspect of the assessment?</p> |
| 1.10.2.      | Applicant and Environment Agency | <p>Paragraph 2.5.13 of the ES FRA [APP-163] states that the EA have informed the Applicant that the published Flood Map for Planning has been superseded by the River Team model, the results of which should be used in its place. But that this new mapping has yet to be published.</p> <p>a) Has the new mapping now been published and, if not, when is it expected to be published?</p> <p>b) If it has already been published, what implications does it have for the FRA?</p>   |

**ANNEX A**

**TR010031: A1 Birtley to Coal House Improvement Scheme:  
 LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS  
 (EXQ1: QUESTION EXQ1.3.1**

| Obj No. <sup>i</sup> | Name/<br>Organisation | IP/AP<br>Ref<br>No <sup>ii</sup> | RR<br>Ref No <sup>iii</sup> | WR Ref<br>No <sup>iv</sup> | Other Doc<br>Ref No <sup>v</sup> | Interest <sup>vi</sup> | Permanent/<br>Temporary <sup>vii</sup> | Plot(s) | CA? <sup>viii</sup> | Status of<br>objection |
|----------------------|-----------------------|----------------------------------|-----------------------------|----------------------------|----------------------------------|------------------------|--|---------|---------------------|------------------------|
|                      |                       |                                  |                             |                            |                                  |                        |  |         |                     |                        |
|                      |                       |                                  |                             |                            |                                  |                        |  |         |                     |                        |
|                      |                       |                                  |                             |                            |                                  |                        |  |         |                     |                        |

<sup>i</sup> Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

<sup>ii</sup> Reference number assigned to each Interested Party (IP) and Affected Person (AP)

<sup>iii</sup> Reference number assigned to each Relevant Representation (RR) in the Examination library

<sup>iv</sup> Reference number assigned to each Written Representation (WR) in the Examination library

<sup>v</sup> Reference number assigned to any other document in the Examination library

<sup>vi</sup> This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

<sup>vii</sup> This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

<sup>viii</sup> CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.