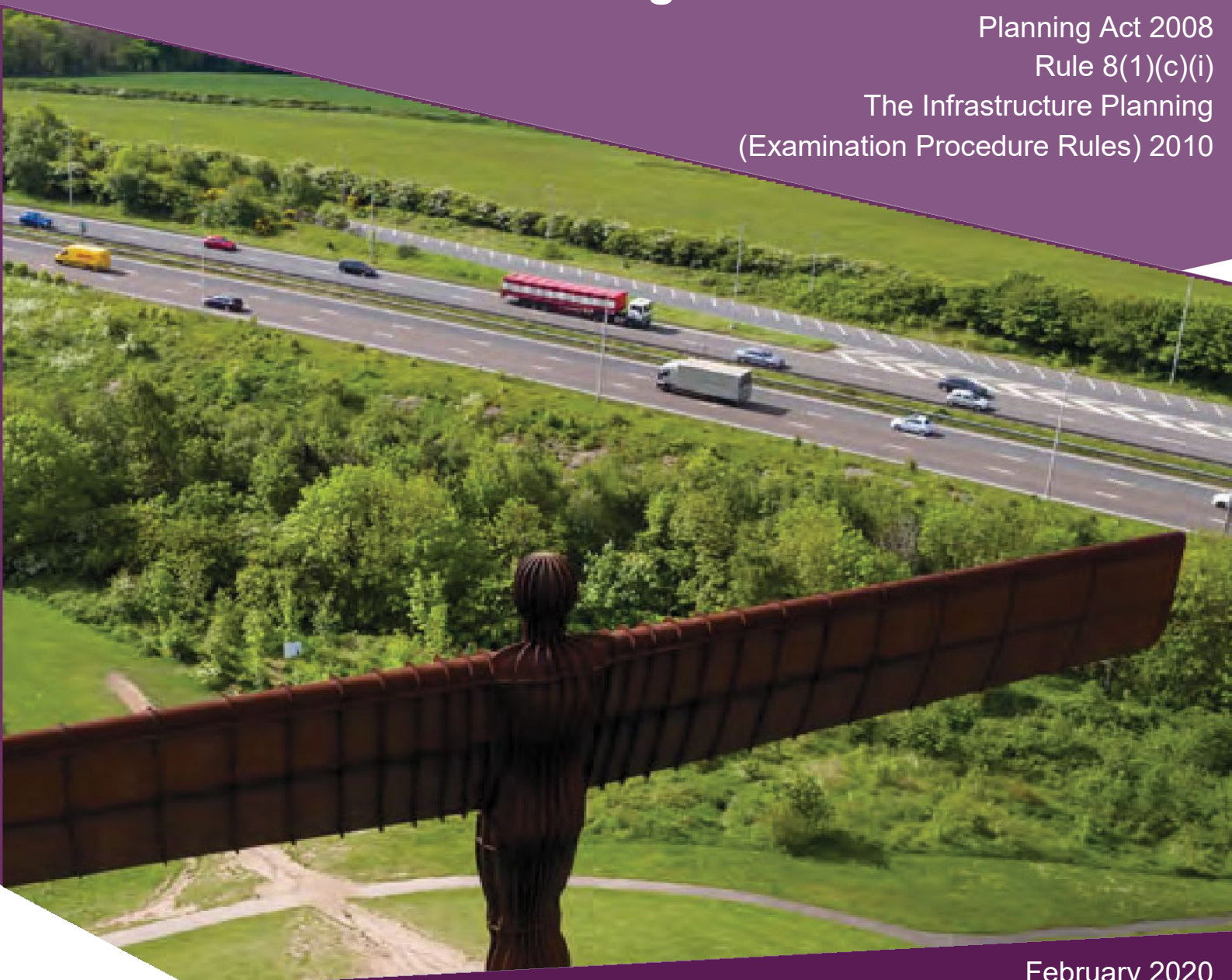


A1 Birtley to Coal House

Scheme Number: TR010031

Applicant's Responses to ExA's First Written Questions – Appendix 1.3.C - S127 Statutory Undertakers Land and Rights

Planning Act 2008
Rule 8(1)(c)(i)
The Infrastructure Planning
(Examination Procedure Rules) 2010



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure Rules) 2010**

**The A1 Birtley to Coal House
Development Consent Order 20[xx]**

**APPLICATION'S RESPONSES TO EXA'S FIRST
WRITTEN QUESTIONS – APPENDIX**

| | |
|---|--|
| Rule Number: | Rule 8(1)(c)(i) |
| Planning Inspectorate Scheme Reference | TR010031 |
| Application Document Reference | n/a |
| Author: | A1 Birtley to Coal House Project Team, Highways England |

| Version | Date | Status of Version |
|----------------|------------------|--------------------------|
| Rev 0 | 25 February 2020 | For Issue |

Table 1.3.C - S127 Statutory Undertakers Land and Rights

| Statutory undertaker name | Nature of the undertaking | Land and / or rights affected | In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met | In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met | Status of any protective provisions and / or commercial agreements | Settlement reached | Representation(s) withdrawn in whole or part |
|---------------------------|---------------------------|---|---|--|--|---------------------------|--|
| Environment Agency | Environmental protection | <p>Rights</p> <p>CA:</p> <p>3/3a, 3/3g, 3/3h, 3/3j, 3/3l, 3/3m, 3/3o, 3/3t, 3/3u, 3/3ff, 3/3hh, 3/3ii, 3/3kk, 3/3rr</p> <p>CARS&TP:</p> <p>3/3e, 3/3f, 3/3i, 3/3z, 3/3dd, 3/3gg, 3/3pp, 3/3qq, 3/3tt</p> <p>TP:</p> <p>3/3c, 3/3d, 3/3k, 3/3p, 3/3q, 3/3s, 3/3w, 3/3x, 3/3y, 3/3m, 3/3o, 3/3t, 3/3u, 3/3cc, 3/3ee, 3/3oo</p> | The test in section 127(3) can be met. Although the land to be acquired includes a gauging station operated by the Environment Agency, the construction works would be downstream of the gauging station. Protective provisions have been drafted to ensure that the Environment Agency are able to continue to operate their gauging station. | The test in s127(6)(a) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking. The rights are required for maintenance purposes and would not affect the undertaker's ongoing interest in the land. | Discussions are ongoing. | Negotiations are underway | No |
| Gateshead Council | Highway authority | <p>Land</p> <p>CA:</p> <p>1-1, 3-2b, 3-3a, 3/3g, 3/3h, 3-3j, 3-3l, 3-3m, 3-3o, 3-3t, 3-3u, 3/3ff, 3/3hh, 3-3ii, 3-3kk, 3-3nn, 3-3rr, 3-3uu, 3-3vv, 3-3zz, 3-3ddd, 3-3iii, 3-3mmm, 3/4a, 3/4b, 3-4c, 3-4d, 3-4g, 3-4i, 3-4n, 3-4o, 3-10b, 3-10c, 3-10g, 4-1k, 4-1s, 4-1t, 4-2c, 4-3c, 4-3d, 4-3e, 4-3f, 4-3g, 4-3h, 4-3k, 4-3r, 4-3s, 4-3t, 4-7a, 4-11, 4-12c, 5-5b, 5-5d, 5-5f 5-10a, 5-10c, 5-10d, 5-10e, 5-10f, 5-10g</p> <p>CAR:</p> <p>3-3ll, 3-3yy, 3-3hhh, 3-3lll,</p> | The test 127(3) can be met. The stopping up and compulsory acquisition of highway land is for the purpose of improvements to the existing highway authority network. Whilst there may be temporary adverse impacts upon the local highway network whilst works were ongoing, the resultant effect of the completed works would be beneficial to users of the local highway network. | The test in s127(6)(a) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, rather a benefit. The improvement of local highway authority land through a significant capital improvement programme would result in substantial benefits to both the highway authority and motorists with no cost to the local highway authority. | We have not been asked to negotiate protective provisions for inclusion in the Order in respect of land owned by Gateshead Council. The draft DCO contains provisions for the protection of the local highway network. | Negotiations are underway | No |

| Statutory undertaker name | Nature of the undertaking | Land and / or rights affected | In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met | In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met | Status of any protective provisions and / or commercial agreements | Settlement reached | Representation(s) withdrawn in whole or part |
|-------------------------------------|---------------------------|---|---|---|--|---------------------------|--|
| | | <p>3-10e, 4-9b</p> <p><i>CARS&TP:</i></p> <p>3-3e, 3-3f, 3-3i, 3-3z, 3-3dd, 3-3gg, 3-3mm, 3-3pp, 3-3qq, 3-3tt, 3-3ww, 3-3aaa, 3-3kkk, 3-3nnn, 3-4q, 3-10d, 4-14b, 4-2d, 4-3b, 4-7b, 5-5a, 5-9</p> <p><i>TP:</i></p> <p>3-3b, 3-3c, 3-3d, 3-3k, 3-3n, 3-3p, 3-3q, 3-3r, 3-3s, 3-3v, 3-3w, 3-3x, 3-3y, 3-3aa, 3-3bb, 3-3cc, 3-3ee, 3-3jj, 3-3oo, 3-3ss, 3-3xx, 3-3bbb, 3-3ccc, 3-3eee, 3-3fff, 3-3ggg, 3-3jjj, 3-4e, 3-4f, 3-4h, 3-4j, 3-4k, 3-4r, 3-4t, 3-10a, 4-12a, 4-13f, 4-14c, 4-15, 4-1p, 4-2a, 4-2e, 4-3a, 4-3i, 4-3j, 4-3n, 4-4c, 4-4e, 4-4f, 4-5, 5-10b, 5-1a, 5-1b, 5-5c, 5-5e</p> | | | | | |
| Network Rail Infrastructure Limited | Rail infrastructure | <p>Land</p> <p><i>CA:</i></p> <p>3/10b, 3/10c, 3/10g, 3/10j, 3/10k, 3/11, 3/12a, 3/12d, 3/12f</p> <p><i>CAR:</i></p> <p>3/10e, 3/10f, 3/12c, 3/12e</p> <p><i>CARS&TP:</i></p> <p>3/10d, 3/10h, 3/12b</p> <p><i>TP:</i></p> <p>3/9, 3/10a, 3/10i</p> | The test in s127(3)(a) can be met. The compulsory acquisition of land would not result in serious detriment to the carrying on of the undertaking, rather a benefit. No works are proposed that would affect the safe and efficient operation of the railway. Indeed, by the replacement of Allerdene Bridge with a modern structure and removal of the need for Network Rail's overhead line electrification equipment currently mounted on the Applicant's existing structure, the safe and efficient operation | The test in s127(6)(a) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, rather a benefit. No works are proposed that would affect the safe and efficient operation of the railway. Indeed, by the replacement of Allerdene Bridge with a modern structure and removal of the need for Network Rail's overhead line electrification equipment mounted on the Applicant's structure (as at present), the safe and efficient operation of | Protective provisions are in the process of being negotiated. The current status of these negotiations is set out in the Statement of Common Ground between the Applicant and Network Rail and submitted for Deadline 2. Likewise, the Applicant and Network Rail are in the process of negotiating a number of | Negotiations are underway | No |

| Statutory undertaker name | Nature of the undertaking | Land and / or rights affected | In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met | In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met | Status of any protective provisions and / or commercial agreements | Settlement reached | Representation(s) withdrawn in whole or part |
|-------------------------------|---------------------------|--|---|---|--|---------------------------|--|
| | | <p>Rights</p> <p>CA: 3/3nn, 3/6e</p> <p>CAR: 3/6b</p> <p>CARS&TP: 3/3mm, 3/6d, 3/6f, 3/6k</p> <p>TP: 3/3jj, 3/3ss, 3/5, 3/6a, 3/6c</p> | <p>of the railway will be improved as a result of the Scheme. Rather than resulting in serious detriment to the carrying on of the undertaking, the Scheme will improve the future carrying on of the undertaking.</p> | <p>the railway will be improved as a result of the Scheme. Rather than resulting in serious detriment to the carrying on of the undertaking, the Scheme will improve the future carrying on of the undertaking.</p> | <p>commercial agreements, at the request of Network Rail.</p> | | |
| Northern Gas Networks Limited | Gas distribution | <p>Land</p> <p>CA: 3/6e, 3/6j</p> <p>CAR: 3/6b, 3/6l</p> <p>CARS&TP: 3/6d, 3/6f, 3/6k</p> <p>TP: 3/6a, 3/6c, 3/6g, 3/6h, 3/6i, 3/6m</p> | <p>The test in s127(3)(a) can be met. The compulsory acquisition of land would not result in serious detriment to the carrying on of the undertaking, and NGN have not raised any concerns to this effect in their relevant representations or written representations.</p> | <p>The test in s127(6)(a) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, and NGN have not raised any concerns to this effect in their relevant representations or written representations.</p> | <p>Protective provisions are in the process of being negotiated. The current status of these negotiations is set out in the Statement of Common Ground between the Applicant and Northern Gas Networks and submitted for Deadline 2.</p> | Negotiations are underway | No |