

Inspector's Written Questions for Birtley to Coal House DCO

Ref	Question	Lead	Comment
1.0.1	<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>		<p>Andrew Haysey to coordinate Transport input.</p> <p>Please refer to Gateshead's LIR.</p> <p>Additional policies and links to documents contained within LIR.</p>
1.0.2	<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>		<p>Andrew Haysey to coordinate Transport input.</p>
1.0.4	<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>The Council's comments are requested on the Applicant's Green Belt assessment. Where there are areas of disagreement please explain why.</p>		<p>The Council believes that Sections 5.4 and 5.5, especially taken together, do not provide a sufficient justification in terms of all aspects of national Green belt policy.</p> <p>These sections are extremely unclear as to the basis on which the scheme is acceptable in terms of national Green Belt Policy and give contradictory alternatives for the following: (i) whether it would adversely affect the openness of the Green Belt (paras. 5.4.6 and 5.4.13); (ii) whether it constitutes inappropriate</p>

			<p>development (para. 5.4.10), the reason given why it “may”, as stated, not being in line with the NPPF; and (iii) whether the impacts would be the same for all the options (paras. 5.4.26 and 5.5.4). It also repeatedly quotes “outweighed” instead of the correct “clearly outweighed” (NPPF para. 144).</p> <p>The Council accepts that there are very special circumstances which clearly outweigh any harm <u>provided</u> that harm is minimised both during construction and by the road as constructed. The statement does not address selection of an option to minimise harm; this should be a pre-requisite.</p> <p>The Statement does not indicate separate justifications for temporary buildings and structures (para. 5.4.7) in the light of Green Belt policy, or the minimisation of their impact. These are major omissions of issues that must be considered.</p>
1.0.11	<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>Does the Council agree with the proposed standard construction hours? If not, please provide reasons for any disagreement.</p>		No issue with the hours proposed.
1.0.15	<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>		<p>a) Not that I am aware of.</p> <p>b) Not that I am aware of at this time.</p>
1.1.1	<p>The Applicant’s air quality assessment is set out in Chapter 5 of the ES [APP-026].</p> <p>Does the Council agree with the impacts scoped out of the assessment in paragraphs 5.4.8 and 5.4.9?</p>		Having read Chapter 5, in conjunction with Appendix 5.1 and Appendix 5.2, I agree with the impacts being scoped out of the assessment.
1.1.2	<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</p>		Andrew Haysey to coordinate Transport input with Caroline Shield.

	<p>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>		
1.2.2	<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>To date any dialogue between the Council's ecologist and the HE appointed ecologist(s) has been limited to the provision of ecological information regarding the study area (e.g. designated sites and protected species data) and the scope of the ecological survey. Currently there has been no dialogue between the Council and HE regarding the proposed approach to ecological mitigation, compensation and enhancement. Such an opportunity would be welcomed as the Council has a number of concerns regarding the proposed mitigation strategy, particularly in relation to the provision of compensatory / replacement priority habitat creation, including woodland.</p> <p>The Council has an agreement (set out in the draft SoCG) to work with HE to produce a single coherent landscape scheme for the Angel of the North, which takes forward Option 3 as set out in the Southern Green options appraisal. Consequently, the landscape mitigation design at 6.2 figure 7.6 will be required to be amended. The HE scheme will require offsite compensatory measures including tree planting, which should be prioritised in Gateshead Borough close to, or within view of the A1 or adversely impacted users & residents, and to enhance biodiversity and ecological value of other/a new site.</p> <p>The Landscape Mitigation Design relates closely to Requirement 5, however the LMD is not complete at this stage because the assessment and mitigation of adverse landscape and visual impact of the gantries, overbridge and acoustic fencing is ongoing.</p>
1.2.2 contd	<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>		
1.2.9	<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>		<p>Noted.</p>

	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.		
1.4.1	In reference 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.		Gateshead continues to liaise with Highway England and therefore wishes to reserve its position to respond to this question in due course.
1.5.10	<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>		<p>The Tyne and Wear County Archaeology Officer's role is to provide advice on archaeological matters to the Council. They are retained as a consultant on this basis. They would be involved, and consulted on, the formulation/consenting of the WSI.</p> <p>Draft requirement 4 requires compliance with the CEMP. Part CH2 of the draft CEMP requires the WSI to be agreed by the LPA. Draft requirement 9 (i) requires the LPA to be consulted on the draft WSI. At this stage the County Archaeologist would be consulted by the LPA, to advise the LPA on their response to the draft WSI.</p>

1.5.11

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.

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?

There is a clear concern that the position of the gantries will directly, and negatively affect views of the Angel as defined in the NECT 2018 study (submitted). The DCO does not currently specify the actual positions, nor provide enough visual information to identify the level of impact (despite this being requested). There is clear presumption against the obstruction of, or restriction of significant views of the Angel.

Discussion between the Council and HE consultants is ongoing regarding an additional photomontage from the A1 south of the Angel, and revising existing montages from the west, and also the creation of a verifiable drive-through model. The existing photomontage from VP 26 no longer accords with the Council's preferred option for the treatment of the Angel. A decision is required for the approach in this instance.

The DCO should seek to secure the above information prior to approval to allow discussion with the Council. Draft view analysis shows that the impact will be significantly harmful and more so on the north bound side than the south bound.

The immediate setting of the Angel will be changed considerably by the removal of all vegetation. See above regarding the agreement for a coherent landscape scheme and mitigation for tree planting and biodiversity.

The draft DCO requirement 5 requires the landscaping scheme to be approved by the SOS following consultation with the LPA. The draft CEMP states that, at CH1 replanting at the Angel will be less dense to enable the Angel to be visible and at L14 that existing planting south of the Angel will be subject to woodland management to improve views/visibility of the Angel.

The draft requirement 5 should specifically reference the design of a combined landscape across Council and Highways England land, in partnership with the Council, at the Angel. Draft CEMP part CH1 and L14 should be amended to reflect the agreed approach based on the SG report. Figure 7.6 in chapter 7 of the ES should be amended.