



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

The Examining Authority's further written questions and requests for information (ExQ2)

Issued on 6 April 2020

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ2. These have been issued following the postponement of the hearings that were due to be held in the week commencing 30 March 2020, as set out in my Procedural Decision of 24 March 2020. The Examination timetable also 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 ExQ3.

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.

Questions have been specifically directed to the following IPs:

The Applicant, Gateshead Council, Environment Agency, Affected Persons, Northern Gas Networks Ltd, George F White on behalf of B, C & G Askew, Historic England, Network Rail Ltd, Northumbrian Water Ltd and Sunderland City Council.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. 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 and include 'A1 Birtley to Coalhouse Improvement Scheme' in the subject line of your email.

Responses are due by **Deadline 4: Monday 20 April 2020** and should be **emailed to A1BirtleytoCoalHouse@planninginspectorate.gov.uk** where possible. With respect to the use of any postal services please note that Temple Quay House is currently closed and will remain closed until The Government Property Agency directs otherwise. Accordingly, the Planning Inspectorate's staff currently have no access to Temple Quay House and are therefore unable to receive and process any postal submissions.

Given the current circumstances, if any Interested Party is unable to provide a response to the further Written Questions by Deadline 4 then please inform the Examining Authority, providing details of the relevant question, why you are unable to respond by Deadline 4 and when you expect to be able to provide a response.

If you have any queries, please do not hesitate to contact the Case Team at -

Email: A1BirtleytoCoalHouse@planninginspectorate.gov.uk

Telephone: 0303 444 5000

List of abbreviations used

CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
dDCO	Draft Development Consent Order
EA	Environment Agency
ExA	Examining Authority
ES	Environmental Statement
ISH	Issue Specific Hearing
LNS	Low Noise Surface
HDV	Heavy Duty Vehicle
NGN	Northern Gas Networks Limited
NNNPS	National Policy Statement for National Networks
NR	Network Rail Infrastructure Limited
REAC	Register of Environmental Actions and Commitments
TP	Temporary Possession

TSCS Thin Surface Course System
WSI 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. ExQ2.0.1 – refers to question 1 in this table.

ExQ2	Question to:	Question:
2.0 General and Cross-topic Questions		
2.0.1	Applicant	<p>The Applicant's response to ExQ1.0.6 [REP2-060] provides further details of the gas transfer station buildings (Work Nos. 10 and 12 of the draft Development Consent Order (dDCO)). Whilst the Applicant's response provides a link to a current planning application, this appears to provide only limited details and, in any case, is outside of this Examination. The details provided in paragraphs 2.7.46 and 2.7.47 of the Environmental Statement [APP-023] are also limited.</p> <p>a) As Work Nos. 10 and 12 are part of the Proposed Development and to allow the Examining Authority (ExA) to properly assess any visual and landscape impacts arising from them, the Applicant is requested to provide further information, including relevant drawings, of the layout, scale and external appearance of such works.</p> <p>b) Please explain how Work Nos. 10 and 12 have been taken into account in the assessment of the Proposed Development upon the Green Belt?</p>
2.0.2	Applicant	<p>In its response to ExQ1.0.4(c) [REP2-066] Gateshead Council sets out concerns regarding the Applicant's Green Belt assessment.</p> <p>a) Please explain in further detail how the design of the Proposed Development, in particular the above ground elements, have sought to minimise the impacts upon the openness of the Green Belt?</p> <p>b) The Applicant's response [REP3-004] includes that during construction buildings and structures will only be constructed where absolutely necessary to minimise harm to the Green Belt. Please clarify how this would be secured (noting that the relevant text appears to be missing from the Applicant's response)?</p> <p>c) The Applicant also states that should such temporary buildings or structures be required; they can be subject to a separate Green Belt assessment to the permanent works. Please clarify further what is meant by this and how such an assessment would be secured?</p>

ExQ2	Question to:	Question:
2.0.3	Applicant	<p>The Applicant's response to ExQ1.0.5 [REP2-060], providing clarification of 'other harm', states that no significant adverse or beneficial effects have been identified with regard to several chapters of the Environmental Statement (ES).</p> <p>Please review further the list of 'other harm' as, for example, adverse effects have also been found to result in respect of Population and Human Health [APP-033]. The Planning Statement [REP2-049] should also be updated to accurately reflect the 'other harm' arising from the Proposed Development.</p>
2.0.4	Applicant and Gateshead Council	<p>The National Policy Statement for National Networks (NNNPS) (paragraph 4.29) states that visual appearance should be a key factor in considering the design of new infrastructure, as well as functionality, fitness for purpose, sustainability and cost. The general design of structures is provided by the Structures Engineering Drawings and Sections [REP2-042].</p> <p>Given the limited level of detail contained with these drawings, what further measures (including but not limited to requirement(s)) could be secured within the draft DCO in order to ensure that the Proposed Development achieves the level of good aesthetics sought by NNNPS?</p>
2.0.5	Applicant	<p>Concerns have been raised regarding the visual impact of the proposed replacement North Dene Footbridge [e.g. Gateshead Council's Local Impact Report - REP2-075], particularly upon views of the Angel of the North.</p> <p>a) Noting Appendix 5.1 of the Applicant's Comments on Local Impact Report [REP3-005], please explain further how the rationale and justification for the design and appearance of the replacement North Dene Footbridge has had regard to its potential impact upon the views of the Angel of the North?</p> <p>b) What alternatives could be considered to reduce the visual impact?</p>

ExQ2	Question to:	Question:
2.0.6	Applicant	<p>The Applicant's response to Gateshead Council's Local Impact Report [REP3-005] states that the final design of the North Dene Footbridge could be subject to a Requirement of the dDCO.</p> <p>a) Please provide drafting for such a Requirement.</p> <p>b) If such a Requirement was imposed, what design provisions, parameters and certainty, along with necessary consultation, would be in place to ensure that the Secretary of State has sufficient detail as part of the Application to come to a considered decision as part of the overall consideration of the Proposed Development.</p>
2.0.7	Applicant	<p>The proposed gantries have potential landscape and visual effects (including on views of the Angel of the North) along with potential effects upon the openness of the Green Belt. The Applicant has provided further details of such effects at Deadline 2 [including REP2-019 and REP2-020]. Some limited justification has been provided by the Applicant for the number, placement, type, sign face design and structural form of the gantries [including REP2-061].</p> <p>a) The Applicant is requested to provide further and more detailed justification for both the number and location of the proposed gantries.</p> <p>b) Please explain the design considerations that have been taken into account in determining the location, number, size and appearance of the proposed gantries, with particular reference to the potential effects upon the Angel of the North, Green Belt openness, and landscape/visual considerations.</p> <p>c) What flexibility is there to reduce the number of proposed gantries and/or alter their location in order to reduce adverse effects, including those relating to the views of the Angel of the North?</p>
2.0.8	Applicant	<p>The Structures Engineering Drawings and Sections show the two proposed 'typical' gantry designs (truss cantilever and super-span gantry) [REP2-042].</p>

ExQ2	Question to:	Question:
		In view of the use of the word 'typical' what flexibility, if any, is there regarding the dimensions and overall appearance of the proposed gantries from that shown on the drawings?
2.0.9	Applicant	<p>The revised Works Plan [REP2-038] shows broad locations for the siting of the proposed gantries. In comparison the General Arrangement Plan [REP2-041] shows more precise locations for the proposed gantries.</p> <p>In order to have more certainty regarding impacts, including upon the Angel of the North, can the location of the gantries be more precisely fixed through the dDCO than as currently shown on the Works Plans?</p>
2.0.10	Applicant	<p>Sheet 3 of the Works Plans [APP-007] includes the Limits of Deviation for a) Works Nos. 9, 10, 13, 14, 15, 16 and b) Work No. 22.</p> <p>Please provide justification for the extent of land within these Limits of Deviation?</p>
2.0.11	Gateshead Council	<p>Gateshead Council has confirmed in its response to ExQ1.0.11 [REP2-066] that it has no issues with the proposed construction working hours.</p> <p>Please can the Council provide its reasoning for the acceptability of the proposed construction working hours?</p>
2.0.12	Applicant	<p>The Applicant's response to ExQ1.0.19 [REP2-060] sets out the implications of the recent updates to the Design Manual for Roads and Bridges.</p> <p>Please provide an update on the additional work identified in respect of biodiversity, air quality, geology and soils, and water, including proposed submission dates if not able to be submitted for Deadline 4?</p>

ExQ2	Question to:	Question:
2.0.13	Applicant	<p>Although the Construction Environmental Management Plan (CEMP) would require approval through Requirement 4 of the Development Consent Order, paragraph 1.2.5 of the Outline CEMP [REP2-051] states that the CEMP will be a living document that will be maintained and updated to take account of several factors (as listed). Paragraph 1.1.4 of the Outline Construction Traffic Management Plan (Appendix B of the Outline CEMP) also states that the document will be developed as the scheme progress.</p> <p>Given that the detailed versions of these documents would be for the approval of the Secretary of State, is it also intended that any subsequent changes would also be submitted for approval and what would be the mechanism for including any relevant consultation requirements?</p>
2.0.14	Applicant	<p>On 27 June 2019 the UK Government announced a new carbon reduction 'net zero' target for 2050 which was given effect by an amendment to the Climate Change Act 2008.</p> <p>What implications does this have for the purposes of the determination of this Application, including with regard to (i) the provisions of the NNNPS including paragraph 3.8, (ii) other local and national policy relating to climate change and (iii) any considerations raised in the recent Court of Appeal judgement regarding the Airports NPS?</p>
2.1	Air Quality and Emissions	
	There are no further questions regarding air quality and emissions at this stage.	
2.2	Biodiversity, Ecology and Natural Environment	
2.2.1	Applicant	<p>The Applicant's response to ExQ1.2.8(c) [REP2-060], regarding long term woodland management, states that towards the end of the establishment period the CEMP would be developed as the HEMP which would set out the monitoring and management arrangements going forward during future maintenance and operation.</p>

ExQ2	Question to:	Question:
		For areas of proposed new planting proposed that would not be on land owned by the Applicant, please explain how the Applicant would maintain the rights to secure and carry out any required monitoring and management?
2.2.2	Environment Agency	<p>The Written Representation from the Environment Agency (EA) [REP1-009] includes concerns regarding the assessment and protection of water voles. The Applicant has provided a response to this [REP2-061] including amendments to the Outline CEMP [REP2-050].</p> <p>Could the EA confirm whether this matter has been resolved following the Applicant's response. If not, what further information and/or measures would be required?</p>
2.2.3	Applicant and Gateshead Council	Further to the Council's Written Representation [REP1-005] and Local Impact Report [REP2-075] and the subsequent comments from the Applicant on these submissions [REP2-061 and REP3-005], please set out the current position on the outstanding matters, including those matters that have been resolved between the two parties and those that remain outstanding. This may be provided within the Statement of Common Ground (if agreed).
2.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
2.3.1	Any Affected Person	<p>Further to the postponement of the Compulsory Acquisition (CA) Hearing scheduled for 3 April 2000 and to ensure that the ExA has a full understanding of the case that any Affected Person wishes to make, Affected Persons are invited to make a representation in writing regarding the Applicants CA and/or Temporary Possession (TP) requests. These may include:</p> <p>a) Site specific issues (please include identification of each plot of land to which you refer as set out in the Works Plans [REP2-038]);</p> <p>b) The statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 and the DCLG Guidance (<i>'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land 2013'</i>);</p> <p>c) Human rights considerations;</p>

ExQ2	Question to:	Question:
		d) The structure and content of the Book of Reference [AS-004]; e) The structure and content of the Funding Statement [APP-017]; f) The structure and content of the Statement of Reasons [AS-014]; and g) Any other relevant matter.
2.3.2	Applicant	<p>Article 26 (Compulsory acquisition of rights and restrictive covenants) of the draft DCO [REP2-045] allows rights over land to be acquired instead of outright acquisition. Schedule 6 identifies the land in which new rights etc. may be acquired. However, there is limited explanation of the new rights that would be acquired. The DCLG Planning Act 2008 Guidance for compulsory acquisition (paragraph 10 of Annex D) states that <i>where it is proposed to create and acquire new rights compulsorily they should be clearly identified.</i></p> <p>a) If the details of the new rights to be acquired is not sufficient, how is it possible for the Examining Authority to determine whether or not there is a justifiable case for the acquisition of such rights, taking account of the compulsory acquisition tests in the Planning At 2008 and Human Rights considerations?</p> <p>b) Please provide further details of the new rights that would need to be acquired.</p>
2.3.3	Applicant	<p>Article 32 (9) (a) (Temporary use of land for carrying out the authorised development) of the draft DCO [REP2-045] provides the power to acquire new rights over any part of that land under Article 26. Such rights appear to be unspecified. The DCLG Planning Act 2008 Guidance for compulsory acquisition (paragraph 10 of Annex D) states that <i>where it is proposed to create and acquire new rights compulsorily they should be clearly identified.</i></p> <p>a) Can the Applicant clarify how a judgement can be made as to whether the acquisition of such new rights meets the compulsory acquisition tests in the Planning Act 2008 or addresses Human Rights matters?</p> <p>b) Please provide further details of the new rights that would need to be acquired.</p>

ExQ2	Question to:	Question:
2.3.4	Applicant and Northern Gas Networks Ltd	<p>Northern Gas Networks Limited (NGN) have submitted representations [including REP1-019] regarding the Applicant's proposed use of Plot 3/6c for a construction compound.</p> <p>a) In the light of such representations from NGN, the Applicant is requested to provide a full justification of its need for the entirety of land within Plot 3/6c, supplemented by any up to date drawings of the construction compound layout.</p> <p>b) NGN is requested to provide details of the proposed timetable for each stage of the implementation of the Compressed Natural Gas refuelling station, taking into account the design, planning and construction process.</p>
2.3.5	Applicant	<p>Notwithstanding the details provided in the Statement of Reasons [AS-014], please can the Applicant provide further details of the purpose for which the land is required within Plot Nos. 4/9a, 4/9b, 4/9c, 4/10 and 4/11? Such details should include but not be limited to details of proposed oil interceptors (4/9c) and any construction access (4/9a).</p>
2.3.6	Applicant	<p>Notwithstanding the details provided in the Statement of Reasons [AS-014], the Applicant is requested to provide further details of the purpose for which the land is required within Plot No. 3/3b.</p>
2.3.7	Applicant	<p>For typical sections of the proposed widening, alteration and realignment works, please provide expanded justification for the extent of and purpose for which the land is required?</p>
2.3.8	Applicant	<p>Grouting works under land are proposed in several locations across the scheme (e.g. Plot Nos. 4/7b and 4/7b) [REP2-037].</p> <p>Please provide further details of the need for and the extent of proposed grouting works and the justification for the extent of land and associated rights required for these works.</p>

ExQ2	Question to:	Question:
2.3.9	George F White LLP on behalf of B, C & G Askew and Applicant	<p>The Examining Authority refers to the Written Representation submitted on behalf of B, C & G Askew [REP1-023]. The representation states that the land referencing carried out by Applicant is inaccurate and incomplete.</p> <p>a) To help the ExA's understanding, please provide any further details and justification of what you consider to be inaccurate and incomplete land referencing?</p> <p>b) Please provide any further detail relevant to your concerns regarding drainage and accommodation works, along with the impact on retained land.</p> <p>c) Can the Applicant provide an update on discussions regarding these matters?</p>
2.4 Draft Development Consent Order (DCO)		
2.4.1	Applicant and Gateshead Council	<p>Article 2 Interpretation:</p> <p>Commence – The Examining Authority notes that additional wording has been added to the dDCO [REP2-045] for the meaning of commence. This includes, in relation to certain Requirements, a reference to any material operation as defined in Section 56(4) of the Town and Country Planning 1990 Act.</p> <p>a) Can the Applicant clarify how this revised interpretation will provide appropriate safeguards to prevent potential adverse effects that might result from operations such as site clearance where ecological interests might be affected?</p> <p>b) Would reference to section 155 of the 2008 Act be more appropriate as this would cover a wider range of works and so would ensure that certain works cannot take place until relevant mitigation has been secured by the relevant Requirements?</p>

ExQ2	Question to:	Question:
		c) The comments of Gateshead Council and any other Interested Parties (IPs) are invited on the effectiveness of the proposed drafting, particularly in relation to mitigation that is sought by draft 'pre-commencement' requirements.
2.4.2	Applicant	<p>Maintain – The Applicant has provided further justification for the interpretation of maintain at ISH1 [REP1-003]. The Examining Authority notes that the list of maintenance activities appears to be longer and more wide ranging for other made DCO's for highways development.</p> <p>a) Notwithstanding the Applicant's submissions at ISH1, could the Applicant explain why a wider range of maintenance activities is necessary for the Proposed Development than for other schemes?</p> <p>b) In the implementation of works that might, or might not, amount to maintenance works, how would the words 'to the extent assessed in the environmental statement' be taken into account and assessed by those responsible for the planning and carrying out of such works?</p>
2.4.3	Applicant and Gateshead Council (part b only)	<p>Article 7 Limits of deviation – At ISH1 [REP1-003] the Applicant explained that limits of deviation of up to 1 metre are required as the Proposed Development is located within an undulating area and therefore requires flexibility of design for element such as the surface of the carriageways.</p> <p>a) Taking into account all of the proposed Works, what evidence is there that such limits need to be as much as 1m for the Proposed Development (in comparison to the Testo's Order, for example, which includes limits of deviation of 0.25m)?</p> <p>b) In the case of structures and buildings, could such limits of vertical deviation result in the possibility of unintended consequences. For example, for the impact of the proposed gantries and the replacement North Dene footbridge upon views of the Angel of the North?</p>

ExQ2	Question to:	Question:
		c) What, if any, would the implications be if the limits of deviation were to be reduced to (i) 0.25m or (ii) 0.5m?
2.4.4	Applicant	<p>Article 33 Temporary use of land for maintaining the authorised development - Part 4 sets out circumstances where the undertaker is not required to serve 28 days' notice on owners and occupiers where the undertaker has identified a potential risk to safety to the development, the public and/or the surrounding environment.</p> <p>a) In the absence of this clause (part 4), how would the undertaker generally deal with such situations where it is not possible to provide 28 days' notice?</p> <p>b) What would the criteria be for determining whether there is potential risk for each of the three listed circumstances (a to c) and how would such criteria be enforced?</p>
2.4.5	Applicant	<p>Schedule 1 Authorised development</p> <p>The Applicant's response to ExQ1.0.7 [REP2-060] explains that, in relation to demolition of the existing NGN Regulator building, the 'coda' to Schedule 1 includes within paragraph (xxii) the power to undertake works of demolition in relation to the diversion works [REP2-060].</p> <p>Please clarify this reference as it does not appear to be included within Schedule 1 of the dDCO.</p>
2.4.6	Applicant	<p>The initial description of Work No. 4b is followed by the text '<i>Such works including-</i>' listing different components of the Work. However, it is not clear to which Works this addition text applies.</p> <p>Is this text also relevant to Work No. 4a? Could drafting alterations be made in order to make this clearer?</p>
2.4.7	Applicant	<p>The proposed attenuation pond shown (adjacent to Work No. 17) on Sheet 3 of the General Arrangement Plan [REP2-041] is not separately listed as a 'Work' in Schedule 1. It is referred to in</p>

ExQ2	Question to:	Question:
		<p>the description of Work No.17 but this is in the context of a pipe outfall to Allerdene Culvert referred to in Work No.20. Work No.20 itself is shown on the Work Plan as being some distance away from Work No. 17 [REP2-038].</p> <p>Pease clarify which Work No. the attenuation pond is part of? Is amended drafting required in order to make these matters clearer?</p>
2.4.8	Applicant and Gateshead Council	<p>Schedule 2, Part 1 Requirement 3 (Detailed design) Requirement 3 has been amended to include the approval of the external appearance of Work No.10 (gas transfer station building) [REP2-044].</p> <p>a) Should there be provision for consultation with the relevant planning authority before any approval by the Secretary of State?</p> <p>b) Why is provision for the approval of the external appearance of Work No.12 (replacement gas transfer building) not included in Requirement 3?</p>
2.4.9	Applicant and Environment Agency	<p>Requirement 4 (Construction and handover environmental management plan)</p> <p>This Requirement includes consultation with the relevant planning authority prior to approval by the Secretary of State.</p> <p>In view of the Written Representations of the Environment Agency (EA) regarding landscape and ecological management matters [REP1-009] should it also include consultation with the EA?</p>
2.4.10	Historic England	<p>Requirement 9 (Archaeological remains)</p> <p>The Applicant has amended the wording of Requirement 9 [REP2-044] in response to Historic England's Written Representation [REP1-013].</p>

ExQ2	Question to:	Question:
		Is Historic England satisfied with the updated wording of Requirement 9?
2.4.11	Gateshead Council and any other Interested Party	<p>The Applicants list of updated Requirements is set out within Schedule 2, Part 1 of the dDCO [REP2-044].</p> <p>Please review these Requirements and set out any suggested amendments or any additional Requirements you consider to be necessary, along with reasons for any such suggestions.</p>
2.4.12	Applicant and Historic England	<p>Schedule 10 Scheduled Monuments – Historic England has made representations [REP1-012 and REP3-007] that Schedule 10 needs to fully reflect all works to the Bowes Railway Scheduled Monument.</p> <p>a) Given that the DCO would replace the need a for a separate Scheduled Monument Consent through Article 39, the Applicant is requested to update Schedule 10 to include all relevant works.</p> <p>b) Is Historic England content that the Application for Development Consent includes and secures all the necessary drawings at this stage relating to the proposed works to the Schedule Monument?</p>
2.4.13	Applicant and Network Rail Limited	<p>Network Rail Infrastructure Limited (NR) has submitted a detailed Written Representation [REP1-016] with subsequent comments upon it submitted by the Applicant at Deadline 2 [REP2-061].</p> <p>a) Please provide an update on discussions on the matters of disagreement between the two parties, including but not limited to the protective provisions for railway interests.</p> <p>b) NR is requested to set out further justification of why it considers that the provisions as currently drafted (updated by the proposed amendments accepted by the Applicant [REP2-061]) would cause serious detriment to the carrying on of its undertaking?</p>

ExQ2	Question to:	Question:
2.4.14	Applicant and Northern Gas Networks Limited	<p>NGN's Written Representation [REP1-019] expresses concern regarding paragraphs 7(6) and 9 of Schedule 11 of the draft DCO. In its response, the Applicant includes reference to similar provisions within the A19/A184 Testo's Junction Alteration Development Consent Order 2008.</p> <p>a) NGN is requested to set out further justification of why it considers that the protective provisions as currently drafted would cause serious detriment to the carrying on of its undertaking?</p> <p>b) Notwithstanding the reference to Testo's, are there any other precedents in Development Consent Orders where such provisions have been agreed in similar circumstances to those of this application?</p> <p>c) Please provide an update on discussions between the two parties on the proposed protective provisions and related matters, with any suggested alternative drafting where appropriate and a full justification for such alternative drafting.</p>
2.4.15	Applicant and Northumbrian Water	<p>The Applicant has proposed protective provisions for the benefit of Northumbrian Water in Part 1 of Schedule 11 of the dDCO [REP2-045] seeking to ensure the operational protection and ongoing maintenance of its assets.</p> <p>Please provide an update on discussions between the two parties on the proposed protective provisions and any related matters, with any suggested alternative drafting where appropriate and a full justification for such alternative drafting.</p>
2.4.16	Applicant	<p>Work No.5b of Schedule 1 provides for the demolition of the existing Allerdene Bridge. The retention of the existing bridge for a longer period than necessary might result in adverse environmental effects (for example landscape and visual effects).</p> <p>a) What provision is, or should be, within the draft DCO to ensure beyond doubt that (i) the existing Allerdene bridge will be demolished and (ii) that it is demolished within a set timeframe?</p>

ExQ2	Question to:	Question:
		b) If no such provision is included, what is the justification for this?
2.5 Cultural Heritage		
2.5.1	Applicant and Gateshead Council`	<p>The ExA notes that a meeting has been arranged between the Applicant and the Council to discuss the Proposed Development in the context of the Council’s vision for the setting and views of the Angel of the North.</p> <p>a) Noting the current circumstances and the need for the cancellation of meetings etc, please provide an update on this and any other discussions that have taken place, and provide a timetable for any discussions that are considered necessary to take this matter forward.</p> <p>b) Please can the Council submit the two relevant publications it refers to in its Local Impact Report [REP2-075] namely the NECT study (2018) – A Study of the Significance which the Angel gains from its Setting and the Southern Green Options Appraisal for Managing and Enhancing the Angel (January 2020).</p> <p>c) Both Gateshead Council and the Appellant are also requested to draw the ExA’s attention to any particular parts of these documents of relevance to support their submissions.</p> <p>Please note that further questions relating to the potential impacts upon the setting and views of the Angel of the North have been included within the ExA’s General and Cross-topic Questions above.</p>
2.5.2	Applicant	<p>The Applicant’s response to ExQ1.5.4 [REP2-060] notes that further clarification has been sought from the Tyne and Wear Archaeological Officer, but a response is still pending.</p> <p>Please can the Applicant provide an update on this matter?</p>

ExQ2	Question to:	Question:
2.5.3	Applicant	<p>In its response to ExQ1.5.9, the Applicant explains [REP2-060] that an outline Written Scheme of Investigation will be prepared and agreed in consultation with both Historic England and the Local Planning Authority.</p> <p>Could the Applicant provide an update on the progress of this document, including how it is responding to any comments including Historic England and the Tyne and Wear Archaeological Officer? When is it expected to be able to submit this document?</p>
2.5.4	Applicant	<p>Historic England has set out its current position in its Deadline 3 submissions [REP3-007 and REP3-008].</p> <p>The Applicant is requested to provide an update on the outstanding matters, including any necessary updates to documents including the outline CEMP and draft DCO. For any suggested changes/additions not accepted, please provide reasons and justification for this.</p>
2.6	Landscape and Visual	
2.6.1	Applicant	<p>In response to ExQ1.6.9 the Applicant explains [REP2-060] that whilst moderate adverse visual effects (significant) have been identified upon properties on Lamelsey Lane (R7, R8 and P3), these occur at the lower end of the scale of significance for the Allderdene viaduct option only.</p> <p>a) Please explain further the reasoning why the effects would at the lower end of the scale of significance?</p> <p>b) Notwithstanding, the Applicant's argument on significance, what mitigation measures have been and could be considered to reduce or remove the effects upon these properties?</p>
2.6.2	Applicant and Gateshead Council	<p>Further to the Council's Written Representation [REP1-005] and Local Impact Report [REP2-075] and the subsequent comments from the Applicant on these submissions [REP2-061 and REP3-005], please set out the current position on the outstanding matters, including those matters that have</p>

ExQ2	Question to:	Question:
		been resolved between the two parties and those that remain outstanding. This may be provided within the Statement of Common Ground (if agreed).
2.7 Noise and Vibration		
2.7.1	Applicant	<p>The Applicant's response to ExQ1.7.2 [REP2-060] explains that the Thin Surface Course System (TSCS) low noise surface (LNS) tends to be only effective at speeds more than 75kph.</p> <p>a) On this basis, how effective would the low noise surface be taking account of the expected average speeds that would be achieved on this stretch of the A1 during operation?</p> <p>b) What would the implications be for the assessment of noise impacts where average speeds would be below 75kph?</p> <p>c) Notwithstanding the response to (a) please explain further how the amended wording of measure N1 of the REAC [Table 3-1 of APP-174] would ensure that the TSCS is installed to maximise its low noise potential.</p> <p>d) The Applicant also explains that the LNS requires more maintenance and cleaning. How often would this be likely to be required and how would this be secured to ensure that its low noise qualities are preserved?</p>
2.7.2	Applicant	<p>The Applicant explains in response to ExQ1.7.5 [REP2-060] that where relatively large increases in noise levels are predicted at residential locations, such as Lamesley Road and Kingsway South, temporary speed restrictions could be considered to reduce the predicted noise levels.</p> <p>Further details are requested of such speed restrictions and the specific measures in the dDCO to ensure that they are secured where required?</p>

ExQ2	Question to:	Question:
2.7.3	Applicant	<p>In response to ExQ1.7.7 Appendix 1.7.C – Dwellings in Assessment Locations (AL) [REP2-029] provides details of the number of noise sensitive receptors for each receptor location.</p> <p>For the avoidance of doubt, does the average case assessment total for each AL also include the number of receptors under which the worst case assessment could also apply (i.e. the total overall number of receptors affected for AL1 is one property and for AL2 is 5 properties)?</p>
2.7.4	Applicant	<p>The Applicant's response to ExQ1.7.8 regarding construction noise explains that it is not possible to be prescriptive in terms of specific mitigation solutions at this stage as solutions will need to be specifically tailored.</p> <p>Please set out in further detail how and by whom each mitigation solution would be determined (including any consultation) to ensure that noise and disturbance is minimised and at what stage such decisions would be made.</p>
2.7.5	Applicant	<p>The Applicant's response to ExQ1.7.10(c) [REP2-060] explains that further details of the screening bunds, including heights, will be included in the final CEMP to be submitted for approval.</p> <p>Is appropriate provision and wording for this included within the Outline CEMP [REP2-051] to ensure that such details will be provided?</p>
2.7.6	Applicant and Gateshead Council	<p>Item N2 of Table 3-1 of the Outline CEMP [REP2-051] provides for the construction of an acoustic barrier.</p> <p>a) Notwithstanding the Applicant's response to ExQ1.7.11 [REP2-060] should wording be added to ensure that the acoustic barrier is constructed prior to operation of the widened road in order to protect the living conditions of the occupiers of the adjacent residential properties? Should this also apply to item N3 (realigned noise barrier at Lady Park?).</p>

ExQ2	Question to:	Question:
		b) Taking account of the proximity to residential properties, should provision be made to ensure that the final details (including appearance) of the acoustic barrier are included in the CEMP?
2.7.7	Applicant and Gateshead Council (part b only)	<p>The Applicant's response to ExQ1.0.12 [REP2-060] responds to the issue of construction works and Heavy Duty Vehicle (HDV) movements outside of standard construction hours.</p> <p>a) What are the predicted construction HDV movement numbers during both out of hours working and during standard working hours on any local residential roads close to the Proposed Development (e.g. Woodford)?</p> <p>b) Is the Council satisfied with the measures proposed (N5 of the Outline CEMP [REP2-051]) to manage and mitigate out of hours noise impacts from HDV movements on local residential roads such as Woodford?</p>
2.7.8	Gateshead Council	<p>Item N5 of Table 3-1 of the Outline CEMP [REP2-051] includes proposed noise monitoring measures and these are explained further in the Applicant's response to ExQ1.7.12 [REP2-060].</p> <p>Is the Council satisfied with the proposed noise monitoring measures and the level of the detail provided within the Outline CEMP?</p>
2.8 Economic and social effects (including Population and Human Health)		
2.8.1	Applicant and Gateshead Council	<p>The Applicant's response [REP2-060] to ExQ1.8.9(a) regarding Longacre Wood explains that there may be a need to temporarily close the footpath through Longacre Wood during construction should it prove too difficult to access the headwall extension from the A1.</p> <p>Given the above, should any further measures be included within the Outline CEMP [REP2-051] in order to minimise, as far as is possible, the potential adverse impact upon the public enjoyment of Longacre Wood?</p>

ExQ2	Question to:	Question:
2.8.2	Applicant	<p>The Applicant's response to ExQ1.8.11 [REP2-060] explains that an expanded response regarding the overall effect upon Dunkirk Farm and any other agricultural/horticultural holdings will be provided at a future Deadline.</p> <p>a) Please can the Applicant provide an update on these matters, including when such submissions will be made if not complete for submission by Deadline 4?</p> <p>b) For each relevant agricultural/horticultural holding affected by the Proposed Development please set out how in further detail how any impacts upon, and disruption to, farming operations would be kept to a minimum both in terms of any compulsory acquisition/temporary possession matters and the impact of any construction works?</p> <p>c) A plan is requested of the full extent of the land holding at Dunkirk Farm showing those areas of both temporary and permanent land take as a result of the Proposed Development.</p>
2.8.3	Applicant	<p>The Applicant's response to the Written Representation from the Tyne and Wear Joint Local Access Forum, regarding diversion of rights of way at Junction 66, includes explanation that the roundabout and slip roads will be subject to traffic management which will slow traffic, making crossings safer at these points.</p> <p>Please can the Applicant set out further details of these, and any other necessary measures to safeguard safety, at Junction 66 and how they will be implemented during the construction of the Proposed Development?</p>
2.9 Transportation and Traffic		
2.9.1	Sunderland City Council	<p>In response to ExQ1.9.1 [REP2-074] Sunderland City Council says that it intends to provide more feedback of the Transport Assessment Report [APP-173], including a review of the A1231/B1288 Mill House roundabout.</p>

ExQ2	Question to:	Question:
		Can Sunderland City Council now provide such comments?
2.9.2	Applicant	<p>In response to Gateshead Council's comments on arrivals/departures to/from construction compounds [in response to ExQ1.9.3 - REP2-065] the Applicant states that further details can be discussed as part of the scope of the traffic management working group.</p> <p>Can the relevant text in the Construction Traffic Management Plan (CTMP) [REP2-051] be expanded to include this in the scope for the group along with any other relevant matters that it should discuss and manage (the wording currently relates solely to discuss and manage interaction between schemes)?</p>
2.9.3	Applicant and Gateshead Council	<p>Gateshead Council's response to ExQ1.9.3 [REP2-065] sets out several issues that should be the subject of further discussion. The Applicant has responded to each of these [REP3-004].</p> <p>Could both parties provide an update on discussions and outstanding issues regarding the CTMP (this can be through an agreed Statement of Common Ground if appropriate)?</p>
2.9.4	Applicant and Gateshead Council (part b)	<p>The Applicant's response to ExQ1.9.8 [REP2-060] provides further details of construction traffic movements along Woodford. It is acknowledged that the CTMP would address construction traffic movements and manage highways and pedestrian safety.</p> <p>a) In order for the ExA to be satisfied that Woodford can provide safe access/egress for construction vehicles, please can the Applicant provide in outline form, the measures that would be necessary in this location to safeguard highway and pedestrian safety for inclusion in the Outline CTMP.</p> <p>b) Does the Council have any comments on the Applicant's approach for the use of Woodford and any necessary highway/pedestrian safety measures?</p>

ExQ2	Question to:	Question:
2.10 Water Environment		
2.10.1	Environment Agency	<p>In its Written Representation [REP1-009] the EA has set out concerns regarding the proposed temporary possession of land containing an EA flood risk gauging station. As part of its response the Applicant has drawn attention to measure W20 in the revised Outline CEMP [REP2-051] to prevent impacts to the gauging station and the protective provisions contained within Part 4 of Schedule 12 of the dDCO [REP2-045].</p> <p>Could the EA confirm whether or not such provisions overcome its concerns and, if not, any further measures/provisions it considers would be necessary?</p>
2.10.2	Applicant and Environment Agency	<p>In response to the EA's comments on the flood risk model the Applicant explains [REP2-061] that a flood risk model was re-submitted to the EA on 11 February 2020 and that the EA's questions and responses are appended in Appendix WR10-B.</p> <p>a) Please submit the revised flood risk model as part of the Examination.</p> <p>b) Appendix WR10-B does not appear to have been provided. Please clarify this.</p> <p>c) What is the current position between the parties on issues concerning the flood risk model?</p>
2.10.3	Gateshead Council	<p>The Council has made representations in its Local Impact Report [REP2-075] seeking more naturalistic design of the proposed watercourse realignments, inlet and outlet features and the drainage basin. The Applicant has provided a response to the Council's concerns [REP3-005] including measures contained within the Outline CEMP [REP2-050].</p> <p>Is the Council satisfied with the Applicant's response and current proposals in this regard? If not, does it suggest any further measures that could be introduced?</p>

ExQ2	Question to:	Question:
2.10.4	Applicant and Gateshead Council	<p>The Written Representations from Gateshead Council [REP1-005] set out additional concerns regarding flood risk, drainage and water quality matters. The Applicant has provided a written response to these concerns [REP2-061] including reference to an updated Outline CEMP [REP2-050].</p> <p>Could both parties confirm (through the Statement of Common Ground if possible) the latest position on these matters indicating those areas where there remains to be disagreement?</p>
2.10.5	Applicant and Environment Agency	<p>The Written Representations from the EA [REP1-005] sets out additional concerns regarding flood risk, drainage and water quality matters. The Applicant has provided a written response to these concerns [REP2-061] and including reference to an updated Outline CEMP [REP2-050].</p> <p>Could both parties confirm (through the Statement of Common Ground if possible) the latest position on these matters indicating those areas where there remains to be disagreement?</p>