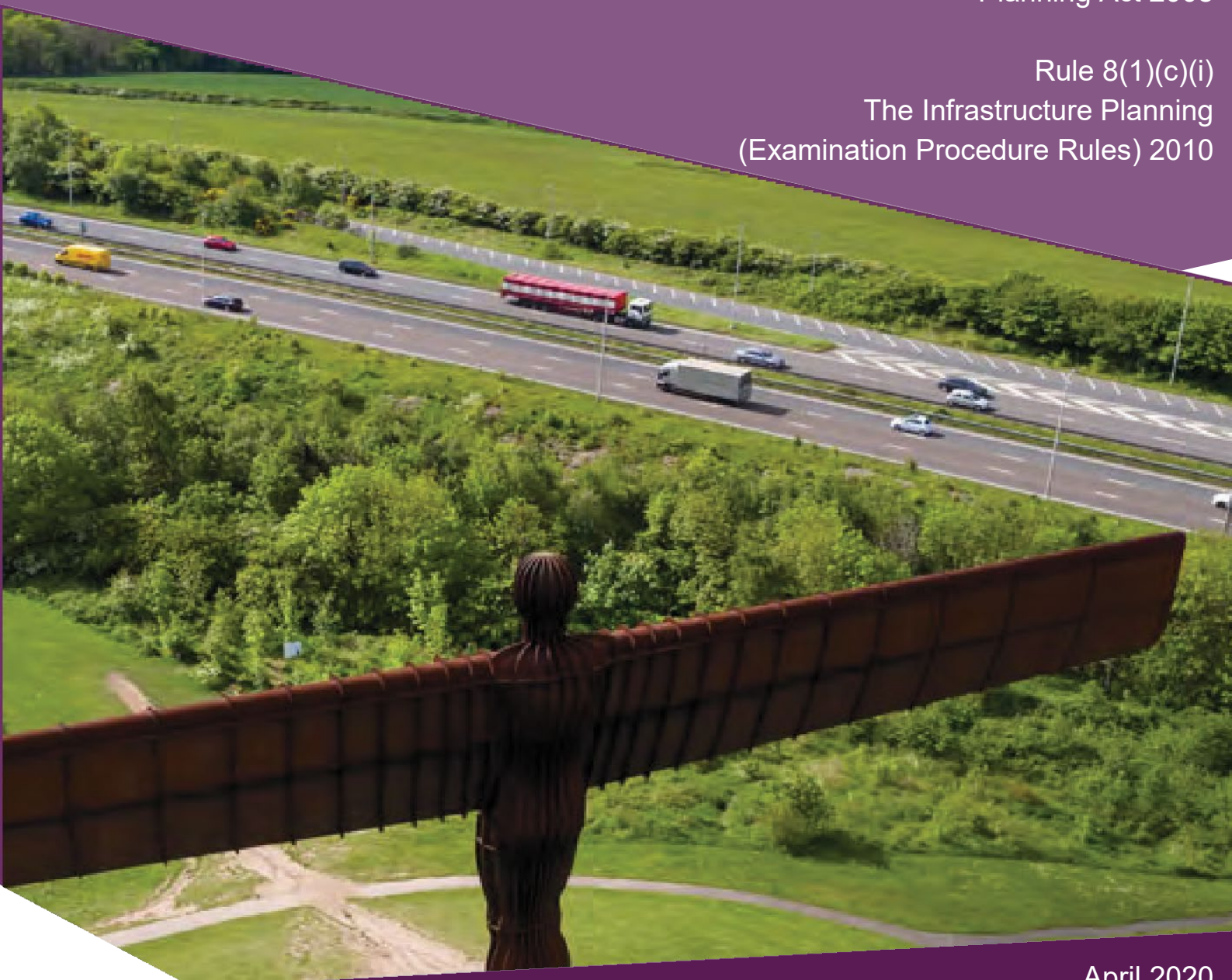


**A1 Birtley to Coal House**  
**Scheme Number: TR010031**

**EXA/D4/007 Applicant's Comments on Submissions to**  
**Deadline 3**

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]**

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**Applicant's Comments on Submissions to Deadline 3**

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<b>Rule Number:</b>	Rule 8(1)(c)(i)
<b>Planning Inspectorate Scheme Reference</b>	TR010031
<b>Application Document Reference</b>	EXA/D4/007/Applicant's Comments on Submissions to Deadline 3
<b>Author:</b>	A1 Birtley to Coal House Project Team, Highways England

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## **1 Applicant's Comments on Submissions to Deadline 3**

**Table 1-1 – Ella Bucklow on behalf of Antony Gormley Studio and Sir Antony Gormley**

Reference Number	Comment from Ella Bucklow on behalf of Antony Gormley Studio and Sir Antony Gormley	Applicant's Response
1	I write again on behalf of 20023052 (Anthony Gormley) and 20023053 (Anthony Gormley Studios), relating to the Highways England A1 Birtley to Coal House Improvement Scheme (TR010031).	
2	For today's deadline, D3, we would simply like to reiterate our concerns regarding the placement of the gantries and the potential impact on views to the Angel of the North. Our comments relate to the Applicant's responses to the Examining Authorities Written Questions, and the Applicant's responses to Relevant Written Representations.	<p>The Applicant would draw the ExA's attention to the responses provided at Deadline 2, and specifically the Applicant's Responses to ExA's First Written Questions Ref Q1.5.11 [REP2-060], Appendix 1.5 A - Angel of the North Narrative [REP2-019], and Appendix 1.5 B - Gantry Assessment Schedule [REP2-020].</p> <p>As previously stated, the number, placement, type, sign face design and structural form have been determined in accordance with Highways England's guidance at the time as set out in the Design Manual for Roads and Bridges Interim Advice Note (IAN) 144/16 'Directional Signs on Motorway and All-Purpose Trunk Roads: Grade Separated Junctions' which provides guidance on location of gantries and TD 18/85 'Criteria for the use of Gantries for Traffic Signs and Matrix Traffic Signals on Trunk Roads and Trunk Road Motorways' which provides guidance on use of gantries. The main driver for the guidance in respect of gantry locations is the safe operation of the highway as explained in Appendix 2.0.B of the Applicant's Responses to second written questions.</p> <p>This guidance is mandatory since the junctions either side of the link adjacent to the Angel of the North are grade separated and the A1 is an All-Purpose Trunk Road.</p> <p>The Applicant does not consider that impacts on the Angel of the North or its setting would be significant in relation to the assessment of landscape and visual effects. Further information was provided at Deadline 3 relating to this matter and demonstrating this conclusion as identified below: Deadline 3 Submission – Applicant's Comments on Responses to Examining Authority's Written Questions [REP3-004], and specifically Table 1.5 and question 1.5.11, which outlines the information provided to date; Deadline 3 Submission - Applicant's Comments on Local Impact Report [REP3-005] that acknowledges the short term impacts on landscape and visual receptors but which are not significant following the establishment of the proposed mitigation strategy outlined in <b>Figure 7.6: Landscape Mitigation Design [APP-061]</b>; and</p> <p>An additional photomontage from North Dene Footbridge looking north and directly towards the Angel of the North which provides information on the location and relative height of the gantries within northbound views from the A1 to the south of the Angel of the North. This has been provided in Appendix 5.2 of REP3-005.</p>
3	I am sorry to say that the applicant's responses to the Examiner's First Written Questions, and the Relevant Written Representations have not assuaged our anxieties.	<p>Further information has been provided at Deadline 3, as outlined above, in addition to the Examining Authority's First Written Questions [REP2-060], and the Applicant's responses to Relevant Written Representations [REP2 -061].</p> <p>The Applicant considers that these fully address the representations made. Safe operation of the Trunk Road network is of paramount importance, which governs the selection and siting of signage.</p>
4 and 5	Highways England have submitted the following document in an attempt to outline the visual impact of the gantries on views to the Angel of the North: A1 Birtley to Coal House Scheme Number: TR010031 Applicant's Responses to ExA's First Written Questions –	<p>It is important to note that the assessment of impact on existing assets is undertaken in an objective manner, prescribed by professional guidance and already reported in the Environmental Assessment (ES) [APP-020 to 037]. In all cases, the assessment has to be proportionate to the likely impacts on landscapes and views, which is the case in this application.</p> <p>The expert landscape assessment undertaken has predicted effects, associated with the Angel of the North, in the order of Slight Adverse (not significant). As such, the effects predicted are not of a level that would warrant the preparation of detailed</p>



Reference Number	Comment from Ella Bucklow on behalf of Antony Gormley Studio and Sir Antony Gormley	Applicant's Response
	<p>Appendix 1.5.A - Angel of the North Narrative <a href="https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/TR010031/TR010031-000811-Appendix%201.5%20A%20-%20Angel%20of%20the%20North%20(WQ%201.5.11).pdf">https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/TR010031/TR010031-000811-Appendix%201.5%20A%20-%20Angel%20of%20the%20North%20(WQ%201.5.11).pdf</a></p> <p>I am afraid that we feel that it is still very difficult to judge the impact of the gantries by the visuals provided in this report. We have made a request for further visual materials through Gateshead Council who have been in direct contact with Highways England. We are under the impression that a video visualising the scheme as you drive along the A1 is available but have not yet received this. We feel that this would aid our understanding of the impact of the gantries on views from the A1 to the Angel of the North.</p>	<p>video renderings. Furthermore, the provision of detailed video renderings would not be proportionate, especially since it would be necessary to render many other aspects of the Scheme to enable this to take place. There is no video currently available which is suitable for landscape and visual assessment.</p> <p>In this case, the assessment of the effect of the Scheme on landscape character and visual effects has been undertaken by a Chartered Landscape Architect with over 20 years' experience of the assessment of highway schemes. In particular, it, and has followed the 'Approach to Photography and Photomontages' as set out in Appendix 5.3 of the Applicant's Comments on Local Impact Report [REP3-005]. This aligns with the guidance within Interim Advice Note 135/10 and Guidelines for Landscape and Visual Impact Assessment (3rd Edition) and TGN 06/19 Visual Representation of development proposals, published by the Landscape Institute (see Appendix B of this document). This extends to the selection of visual receptors, preparation of supporting visual information including the preparation of photomontages in order to assess the effect against the existing landscape and visual baseline.</p> <p>The photomontages prepared to date have comprised Level 4, which is the highest level of accuracy and given the nature of the proposal are proportionate in terms of the level of assessment and the effects identified. Whilst video visualisation can help the public in understanding the context of a scheme, it is not a requirement of the assessment process, is not prepared to the level of accuracy of the photomontages produced and has therefore not been included.</p> <p>As previously provided, the Applicant's Technical Landscape Paper, Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions, Appendix 1.5 A - Angel of the North Narrative [REP2-019], provides a narrative of the views of the Angel of the North, experienced along the southbound A1 between junctions 67 (Coal House) and junction 66 (Eighton Lodge), and northbound between junction 65 (Birtley) and 66 (Eighton Lodge).</p> <p>In addition to the information provided at Deadline 2, including the Applicant's Responses to ExA's First Written Questions [REP2-060] the Applicant has, at the request of Gateshead Council at a meeting held on the 19/2/20, prepared an additional photomontage from North Dene Footbridge looking north and directly towards the Angel of the North. This was provided at Deadline 3 as Appendix 5.2, North Dene Photomontage of the 'Applicant's Comments on Local Impact Report' [REP3-005].</p> <p>In addition, at Deadline 3, the Applicant has provided a series of cross sections in Appendix 1.2A, Cross Sections in the 'Applicant's Comments on Responses to EXA's Written Question' [REP3-004]. The third cross section specifically addressing the relationship between the A1 and the Angel of the North.</p> <p>The Applicant has, with the exception of the verified drive through, provided the information requested by Gateshead Council as the local planning authority, and in line with the guidance identified as outlined above. The Applicant therefore considers that this provides sufficient information to the inform the examination of the DCO, on the basis that the sequence of views has been provided via the narrative (Applicant's Responses to ExA's First Written Questions, Appendix 1.5 A - Angel of the North Narrative [REP2-019]), Appendix 1.2A, Cross Sections in the 'Applicant's Comments on Responses to EXA's Written Question' [REP3-004], and the appearance and detail of the view is contained within the new photomontage Appendix 5.2, North Dene Photomontage of the 'Applicant's Comments on Local Impact Report' [REP3-005].</p>
6	<p>Furthermore, it is extremely difficult to definitively comment on the gantries given that placement is still to be confirmed. However, we feel that the number of gantries, and in some cases gantries that span the entire width of the road, in the approach to the Angel of the North from the South on the A1 is significant.</p>	<p>The placement of the gantries is best understood through reference to the General Arrangement Plans [APP-010], these provide the locations for the gantries against which the assessment has been undertaken and graphic material prepared.</p> <p>As previously stated above, the number, placement, type, sign face design and structural form have been determined in accordance with Highways England's guidance at the time as set out in the DMRB IAN 144/16 'Directional Signs on Motorway and All-Purpose Trunk Roads: Grade Separated Junctions' which provides guidance on location of gantries and TD 18/85 'Criteria for the use of Gantries for Traffic Signs and Matrix Traffic Signals on Trunk Roads and Trunk Road Motorways' which</p>

Reference Number	Comment from Ella Bucklow on behalf of Antony Gormley Studio and Sir Antony Gormley	Applicant's Response
		<p>provides guidance on use of gantries. The main driver for the guidance in respect of gantry locations is the safe operation of the highway as explained in Appendix 2.0 x of the Applicant's response to the ExA's further Written Questions.</p> <p>Furthermore, the Works Plans [REP-038] (which show the authorised development for which consent is sought in the draft Development Consent Order [REP2-044 and 045]) show the locations of the gantries as areas that are hatched in orange on sheets 3 to 7. This means that the location and placing of gantries is restricted to those locations to adhere to the guidance outlined above. It is not the case that the placing of gantries is unrestricted, but rather a very limited amount of flexibility is permitted in order to respond to considerations such as <i>in situ</i> ground conditions. This means that there is sufficient certainty as to the design to enable accurate and robust assessment of the impacts of the gantries as part of the Scheme.</p> <p>As previously stated, the number, placement, type, sign face design and structural form have been determined in accordance with Highways England's. The main driver for the guidance in respect of gantry locations is the safe operation of the highway, and minor adjustment to the locations, within the parameters would not alter the findings of the expert assessment of effects undertaken.</p>
7	We also understand that the design of the footbridge is also still in development and there may be some changes to this. Again, we would like to reinforce our concerns that the footbridge structure in combination with the gantries may have a detrimental effect on views towards the Angel of the North from the A1 Northbound.	<p>The design of the replacement North Dene Footbridge has been determined through the design process and options considered are set out in Structure Option Report 7 North Dene Footbridge that is provided as Appendix 5.1 of the Applicant's Comments on Local Impact Report [REP3-005]. This identified a suitable bridge design that comprised a structural steel bow truss footbridge structure, that is a balance of aesthetic design, buildability and cost. This may be subject to further design iterations at the detailed design stage within the parameters set out in Section 3.4 of the above report, that may reduce the vertical height of the trusses or develop an asymmetric design.</p> <p>The replacement of the North Dene footbridge has been assessed within the assessment of landscape character and where relevant the views, outlined in <b>Chapter 7: Landscape and visual [APP-028]</b> and <b>Appendix 7.1: Visual Effects Schedule [APP-121]</b>. The assessment of visual effects has been based on the design set out in <b>Structures Engineering Drawings and Sections [APP-011]</b>, please refer to <b>Sheets 10 and 11 of 13</b>. This is a replacement structure within the context of the existing A1 corridor and is therefore not anticipated to give rise to a significant impact, although its form would interrupt the view of the Angel of the North in a northerly direction and for users of the A1 in a similar way to the existing footbridge.</p>
8	As instructed, we look forward to being in touch again before the 24th March to confirm our attendance at the upcoming hearings. We would be grateful if you could provisionally note Sir Antony's attendance for the Issue Specific Hearing scheduled for the 1st April, pending our confirmation.	

**Table 1.2 - Issues related to Northern Gas Networks Limited's written representation dated 4 February 2020**

Written Representation Section	Ref	Northern Gas Networks Limited Comment	Applicant's Response
Summary	4	NGN has found it difficult to obtain details regarding the proposed use and duration of occupation of Plot 3/6c within the Scheme in the form which is currently under consideration by the Planning Inspector. For that reason, NGN does not consider that Highways England has made a clear and compelling case in the public	The Applicant submitted a document at Deadline 2 which set out the reasons for identifying the site for each of the construction compounds (Applicant's Responses to ExA's First Written Questions, Appendix 1.0 E [REP2-006]). This document sets out a clear and compelling case for the compound location, describing which other sites were considered and why they were rejected. This establishes the appropriateness of the site for the purpose contemplated. The duration of the construction programme and therefore the duration the compound is required for is described in the Environmental Statement Addendum [EXA\D4\009].

Written Representation Section	Ref	Northern Gas Networks Limited Comment	Applicant's Response
		interest for the acquisition of NGN's land at plot 3/6c, and in particular the proposed site of the CNG station.	The expert evidence of Highways England is that the purposes and areas described at paragraph 19 below are required for the construction of a project of the size and complexity of the Scheme.
NGN's proposed scheme	10	Although the project is in its early stages, NGN does not anticipate any difficulties in obtaining planning permission for the CNG station. In addition, despite Highways England being aware of the proposal for a number of months, no concerns or objections have been raised.	<p>NGN's proposal has not yet been submitted for consideration by the local planning authority. Full details have not been submitted to the Applicant. As such, the acceptability of the CNG station remains to be proven, which it should be noted would be a proposal to be carried out within the Green Belt.</p> <p>The Applicant raised concerns in relation to the proposed CNG station by email on 16 October 2019 and reiterated these concerns in a meeting with NGN on 21 October 2019. Concerns were raised by the Applicant about the impact on the Scheme of NGN retaining the land for the proposed CNG station, and the implications of seeking further land outside of the redline boundary were detailed (including the requirement for additional environmental assessment, public consultation and cost implications). Concerns were also raised by the Applicant in relation to the interaction of the proposed CNG station with Scheme construction traffic. Nevertheless, the Applicant has proceeded with efforts to include additional land within the Application, which demonstrates its efforts to accommodate the wishes of NGN.</p> <p>NGN's understanding of the Applicant's position in respect of the CNG station is not correct. Whilst Highways England has no objection to the principle of development insofar as it is demonstrated to be capable of delivery in tandem with and without prejudicing the Scheme, the Applicant reserves its right to consider the detail on the CNG station as and when an application for the same is submitted. The Applicant would reiterate that NGN has not carried out (or provided) an assessment to evidence that the CNG station is supportable on a policy basis or acceptable in environmental terms. No assessment has been carried out which demonstrates that the proposal could operate in tandem with the scheme and the Applicant would once again state that the traffic modelling that has been provided suggests a substantial increase which might not be possible without significant works to Lamesley Road and in particular, the junction at Kingsway Viaduct. Until such assessments are carried out and demonstrated, the Applicant reserves the right to further challenge the CNG station proposals insofar as they impact on and interface with the Scheme.</p>
Impact on NGN's proposed scheme if land is occupied by the Applicant	12	NGN understands that it is Highways England's intention to occupy Plot 3/6c for up to four years, which would result in significant delay to the delivery of the CNG station. This would delay construction of the CNG station, and consequently the realisation of the environmental benefits delivered by the CNG station for a period of up to four years, resulting in higher levels of pollution during that time. Furthermore, given that CNG is an emergent technology, and given the scarcity of suitable sites as NGN has outlined above, there is a risk that the delay of the CNG station at Lamesley could have the effect of delaying the transition to cleaner fuels across the North of England.	<p>The Applicant has no wish to delay or prejudice delivery of the CNG station unnecessarily at all or for any period longer than is necessary to deliver the scheme.</p> <p>The Applicant has applied for and is currently in examination relating to the delivery of a nationally significant infrastructure project, which requires temporary use of Plot 3/6c. The CNG station is not the subject of a validated planning application and indeed no consent is currently in place for the CNG station. NGN's argument presupposes that the station will have secured planning permission and that NGN will be in a position to begin works at the point of implementation of the scheme. This is unlikely to be the case, which means that any delay to the realisation of environmental benefits, as asserted by NGN, will in all likelihood be less than NGN has suggested.</p>



Written Representation Section	Ref	Northern Gas Networks Limited Comment	Applicant's Response
Impact on NGN's proposed scheme if land is occupied by the Applicant	13	CNG is also predicted to play an important role in the transition of road transport from petrol/diesel fuels to hydrogen as a fuel, which would effectively decarbonise road transport. Delays to the establishment of a viable CNG network in the North of England could therefore have the second-order effect of delaying the decarbonisation of road transport.	The Applicant clearly does not wish to delay decarbonisation of road transport but is equally mindful of the national importance of improving the vital infrastructure essential for the delivery of improved road transport in the North of England. Subject to any impact on the delivery of the Scheme, the Applicant is willing to work with NGN so that so far as reasonably practicable delivery of the CNG station is not prejudiced by the Scheme and that any delay is reduced insofar as is possible.
The Applicant is over-acquiring	18	Despite NGN continually pressing Highways England for its justification of the land requirements, NGN has not received a detailed justification from Highways England explaining why it needs to occupy the CNG Site, or a timetable which clearly demonstrates the duration of the intended occupation. There is only one plan which purports to show the way in which Highways England will use the land at the Junction 67 Compound, which can be found on page 68 of the Outline Construction and Environmental Management Plan (the "Outline CEMP").	There are number of environmental constraints associated with the site compounds. However, access to the road network, location in proximity to the work and access routes, which have impacts to air quality and noise, and the area of land available, to minimise disruption associated with having multiple construction compounds, are critical in determining which site should be used. For further details refer to the Applicant's Responses to ExA's First Written Questions, Appendix 1.0 E [REP2-006]. This sets out the justification for the compound location, describes which other sites were considered and why they were rejected. The construction programme, including the duration of the intended occupation of the site will be identified by the contractor and set out in the CEMP to be submitted for approval under requirement 4 of the draft DCO [REP2-044 and 045].
The Applicant is over-acquiring	19	This drawing shows the CNG Site as being occupied by a topsoil screening bund and a staff carpark. NGN does not consider that this drawing reflects the results of a detailed study of HE's requirements. NGN considers this drawing to be a rough schematic, which may not reflect the final use of the Works Compound. For example, it would be unusual if the land requirements for the Plant Store (I), the Material Store (J) and the Subcontract Store (K) were precisely equivalent, which they appear to be on this drawing. We also suggest that the positioning of a site office (which we presume would be installed by a crane) beneath a pair of high voltage power lines demonstrates the provisional nature of the drawing and a clear lack of care and consideration for the site compound, despite repeated objections to its use.	<p>The drawing which is described is an indicative drawing as the final layout will be decided by the contractor operating the construction compound, which is entirely normal in a scheme of this nature. It would not be proportionate to require the Applicant to demonstrate at this stage exactly how the construction compound will be configured when no technical details on the layout of the CNG station have been provided. Further, the CNG station is not itself sensitive to the layout of the construction compound. NGN is merely asserting that the size of the compound is excessive, which the Applicant considers – based upon expert advice – not to be the case.</p> <p>The use of the site is described in more detail as follows:</p> <p>The layout is likely to be as shown in Figure 1 of the Outline CEMP [REP2-051] with the following elements included within this compound:</p> <ul style="list-style-type: none"> <li>• General-The compound will be bounded by a secure perimeter fence with a gated access and manned security. There will be a part surfaced access route into and around the compound which will operate as a one-way system. The existing topsoil within the footprint of the compound will be stripped and temporarily stored as shown on the figure to act as a screening bund to Lamesley road and properties to the South of the compound. The compound will generally be covered with hardcore excepting parking areas which will be surfaced.</li> </ul>

Written Representation Section	Ref	Northern Gas Networks Limited Comment	Applicant's Response
			<ul style="list-style-type: none"> <li>• Overhead Cable - n existing overhead cable spans above the compound site, at a high level. It will be necessary to ensure that no lifting operations are carried out beneath or within the zone of influence of this cable and may introduce control measures and/or exclusion zones. This reduces the usable area for certain activities and increases the necessary land take.</li> <li>• Item A- This will be a manned security cabin which will provide security, vehicle movement logging, and delivery vehicle direction for the compound. Item B-This is a surfaced car park for staff and visitors. It will occupy an area of approx. 1500m2 and provide delineated spaces for up to 60 cars.</li> <li>• Item C- This is a portacabin type office, fully serviced with kitchen space, meeting room space, and training/induction room space. It is likely to be of size 10m x 40m, single storey construction and will have facilities to cater for up to 50 staff. Staff required to be present on site are expected to include: project managers, engineers, surveyors, works managers, foreman, commercial staff, and administration staff will occupy this space. It will also be the intention for sub contract management staff and other stakeholders to co-locate within this space.</li> <li>• Item D - This is a welfare unit, of size 10m x 20m and will include seating, kitchen, drying, washing and toilets for the workforce. Although item C and D are portacabins – they serve different functions and have areas reserved around them to provide appropriate separation.</li> <li>• Item E-This is a surfaced car park of area approx. 1500m2 which will provide parking for sub-contractor's vans, pickups and delivery vehicles. It will also provide parking spaces for the main contractor's staff vans and operatives' pick-ups. This area is required to provide parking for sub-contractors and is associated with construction activity whereas Item B is staff / visitor parking. G, H, - These areas will include a secure store, manned by a storeman which will provide storage for PPE, small tools, and perishable materials. Adjacent to this will be segregated waste areas and fuel storage areas.</li> <li>• Item I-This area will provide a location for storage and maintenance of construction plant. Items such as excavators, dumpers, tractors, trailers, rollers, telehandlers, lifting apparatus, etc. will be stored here. This area will be of approx. 1200m2.</li> <li>• Item J - This area will provide a location for material storage. Items such as drainage pipes, manholes, kerbs, reinforcement, formwork, timber, etc will be stored here. This area will be of approx. 1200m2.</li> <li>• Item K - This area will provide a location for sub-contractors to store their materials and specialist plant. There are likely to be several sub-contractors on the scheme who will require storage of the following items. Timber fencing, street lighting, safety fencing, parapets, piling, surfacing, grouting and demolition.</li> <li>• Item L - This area will provide an area for temporary storage of aggregates such as pipe bedding, gravels, sands, and sub bases. It will also provide an area for temporary storage of materials from the works such as drainage arisings, piling arisings, foundation arisings and others. This area will be of approximately 8000m<sup>2</sup>.</li> </ul>

Written Representation Section	Ref	Northern Gas Networks Limited Comment	Applicant's Response
The Applicant is over-acquiring	20	There is other land in the vicinity of the Junction 67 Compound which Highways England could have sought to acquire in the months following NGN making clear its requirement, particularly to the South of the compound. Highways England could and should have had regard to NGN's representations, and could have submitted revised redline plans. We are aware that Highways England is doing this now, and we are grateful that efforts have been made to accommodate NGN within the new scheme. Depending on the detail of the revised redline, NGN would be minded to support such a move by Highways England. However currently this proposal has not been accepted by the Inspector as forming part of the Scheme, so we do not address it in detail in this representation	The proposed addition of land to the south of the compound has been subject to consultation. The responses to that consultation are set out in the Consultation Statement (Document Reference: EXA/D4/004) submitted at Deadline 4. NGN provided a response to the consultation on 17 April 2020 which stated that after consideration of the consultation documents and in light of their previous representations, they supported the inclusion of the additional land subject to the reservation of space within the original Order limits for the CNG station.
Protective Provisions	21 a	Paragraph 7(6) of Schedule 11 of the draft DCO which gives the Highways England the power to construct or remove gas apparatus. NGN objects to the inclusion of such a provision as such interference with NGN's assets would pose a risk to the gas supply to NGN's customers. There are very limited circumstances under which NGN permits third parties to carry out works on its network, and this is always subject to stringent terms and conditions, and vigilant supervision by NGN. We therefore object in the strongest possible terms against granting any power to Highways England to carry out works on NGN's network, and we would always seek instead to work with Highways England to achieve the outcomes envisaged by the DCO.	NGN are currently negotiating a deed of asset protection with the Applicant which seeks to replace the application of paragraph 7 of Schedule 11 with bespoke provisions, in respect of their operations only. The Applicant cannot be left in a position where it is unable to carry out essential works for the delivery of the Scheme due to non-compliance or engagement by statutory undertakers, in respect of diversion works. Whilst the Applicant understands NGN's position and the need to retain operational control over its undertaking, NGN has not yet put forward reasonable alternative proposals to address a compromise position with the Applicant. The Applicant is also a statutory undertaker responsible for a significant and essential operational undertaking and as such a pragmatic and sensible approach to alternatives should be achievable.
Protective Provisions	21 b	Paragraph 9 of Schedule 11 of the draft DCO authorises Highways England to carry out works in the vicinity of NGNs apparatus. Whilst NGN is committed to working with Highways England in the delivery of the Scheme, NGN has serious concerns about the mechanism within paragraph 9(3) which assumes NGN's approval of any proposed works after a period of 21 days of having been notified by Highways England. For health and safety reasons, and to ensure that the	NGN are currently negotiating a deed of asset protection with the Applicant which seeks to replace the application of paragraph 9 of Schedule 11 with bespoke provisions, in respect of their operations only. NGN should explain why it requires longer than the standard period for utilities undertakers (which has been agreed on other road schemes for electricity and gas undertakers) to approve the proposed works, adjacent to their undertaking.

Written Representation Section	Ref	Northern Gas Networks Limited Comment	Applicant's Response
		supply of gas is not interrupted to its customers, NGN requires that its explicit approval be sought for works in the vicinity of its <b>apparatus and</b> would urge that the draft DCO is modified to reflect this requirement.	
Compensation	22	Highways England will have to pay compensation to NGN for its temporary acquisition of NGN's land. Given the strategic value of this CNG Site, and its demand on the open market, the value of the CNG Site could be considerable. NGN considers that there is land available in the vicinity of the Junction 67 Compound which Highways England could acquire which would represent better value to the taxpayer than the CNG Site.	As stated above, the Applicant submitted a document at Deadline 2 which set out the reasons for identifying the site for each of the construction compounds (Applicant's Responses to ExA's First Written Questions, Appendix 1.0 E [REP2-006]). This sets out a clear and compelling case for the compound location, describes which other sites were considered and why they were rejected. It is not within the remit of the Examining Authority to consider individual compensation issues.  However, the Applicant considers that the acquisition of the land temporarily is justified and represents best value for money for the reasons set out in REP2-006.

**Table 1.3 - Comments on other matters required for Deadline 3 on Behalf of The Historic Buildings and Monuments Commission for England (Historic England)**

Reference Number	Comment from Historic England	Applicant's Response
<b>1</b>	<b>INTRODUCTION</b>	
1.1	Historic England is more formally known as the "Historic Buildings and Monuments Commission for England". We are the government's statutory adviser on all matters relating to the historic environment, including world heritage. It is our duty under the provisions of the National Heritage Act 1983 (as amended) to secure the preservation and enhancement of the historic environment.	Noted
1.2	We have provided our responses to the Draft Statement of Common Ground separately (please see "Historic England Comments on Draft Statement of Common Ground with Highways England" submitted for Deadline 3).	Noted. Please see the Applicant's separate response to Historic England's comments on the Draft Statement of Common Ground [EXA/D4/006].
1.3	We set out below our comments on other matters that have arisen from documents submitted for Deadline 2 to this DCO examination. We have sought to focus our attention on those documents which we consider it would be of assistance to the Examining Authority to have our commentary. These relate particularly to: <ul style="list-style-type: none"> <li>• Hearing Action Points Response Table – EV-006</li> <li>• Applicant's Comments of Written Representations (REP2-061)</li> <li>• Applicant's Responses to ExA's First Written Questions (REP2-060)</li> <li>• Outline Construction Environmental Management Plan (REP2-050)</li> </ul>	Noted



Reference Number	Comment from Historic England	Applicant's Response
	• Revised Draft DCO (Rev 2 REP2-045)	
<b>2</b>	<b>HEARING ACTION POINTS RESPONSE TABLE – DEADLINE 2 (EV-006)</b> Ref: ES Chapter 19 and 20 – Requirement 9	The Applicant assumes this is referring to row 19 and 20 of the table rather than ES Chapters 19 and 20.
2.1	Historic England notes that the Applicant has responded regarding changes we requested to Requirement 9.	The Applicant has updated the draft DCO [REP2-044 and 045] to address the comments made by Historic England and this has been submitted at Deadline 4.
2.2	We note that the Applicant has made changes Requirement 9 (1) to the Draft DCO to reflect our request that we are included as a “consultation body” in addition to the “relevant planning authority” and we welcome this. However, alongside some changes which have been made, other changes are required See sections 5.2 – 5.5 below for more detailed discussion of the changes made.	Noted. Please see the Applicant's response to Section 5.5 to 5.5 below.
<b>3</b>	<b>APPLICANT'S RESPONSES TO EXA'S FIRST WRITTEN QUESTIONS (REP2-060)</b>	
3.1	Ref: Q1.5.6 The Applicant has made changes as requested to the Outline CEMP to clarify when the repair works to the retaining wall(s) on the monument will be done and that it will form part of the FINAL WSI – see CH3 and CH6 of the updated Outline CEMP (REP2-050) dated 25th February 2020.	Noted
3.2	Ref: Q1.5.7 We await sight of the OUTLINE WSI (see Q1.5.9 below) to ensure that the “agreed conservation strategy” is set out. Despite the Applicant's response here, the OUTLINE WSI was not submitted at Deadline 2 and we await submission of this document to ourselves for review and comment.	The Applicant provided the Outline WSI to Historic England on 3 <sup>rd</sup> April 2020 for their review. The Applicant has reviewed the comments made by Historic England and the updated Outline WSI has been submitted at Deadline 4.
3.3	Ref: Q1.5.9 We note that an OUTLINE WSI is being prepared and that the FINAL WSI will be prepared “...fully in accordance with the OUTLINE WSI...” The Outline WSI was not submitted for Deadline 2 as indicated here. It is our understanding from the Applicant that it will be submitted to Historic England and the Local Authority for comment before it is submitted to the Examining Authority within the next 10 days.	The Outline WSI was provided to both Historic England and the Tyne and Wear Archaeological Officer (acting on behalf of the Local Authority) for their review on 3 <sup>rd</sup> April 2020. The Applicant has reviewed their comments and the updated Outline WSI has been submitted at Deadline 4.
<b>4</b>	<b>APPLICANT'S COMMENTS ON WRITTEN REPRESENTATIONS (REP2-061)</b>	
4.1	In our Written Representations (REP1 – 012), Historic England raised some issues and we note in Section 1.5 of the “Applicant's Comments on Written Representations” (REP2-061) that the Applicant has addressed these concerns and amended the Outline CEMP (REP2 – 050) and Draft DCO (REP2 – 045). Specifically, we note the following in Section 1.5.	Noted
4.2	Items 20, 21 & 30 – Historic England welcomes that the Applicant will now be producing an OUTLINE WSI. We are pleased that the Applicant acknowledges the need for more detail to be in the Outline WSI than the original submission provided. We encourage the Applicant to submit a draft to ourselves and the Local Authority	The Outline WSI was provided to both Historic England and the Tyne and Wear Archaeological Officer (acting on behalf of the Local Authority) for their review on 3 <sup>rd</sup> April 2020. The Applicant has reviewed their comments and the updated Outline WSI has been

Reference Number	Comment from Historic England	Applicant's Response
	archaeology advisor as soon as possible. We welcome the opportunity to review this document prior to its submission to the Examining Authority. It is our understanding after a recent discussion with the Applicant's agents that a draft will be sent through to us within next 10 days as noted in section 3.3 above.	submitted at Deadline 4.
4.3	Items 1, 24, 27 – We welcome that the Applicant has agreed to accept our recommended changes to the Outline CEMP (REP2 – 050) and has also made some of the changes requested to the DRAFT DCO (REP2 – 045). See Sections 5 and 6 below for more detailed comments.	Noted
4.4	Item 18 – there is a typo which requires amendment. We believe the penultimate sentence should read: "...The potential for buried remains to be present under the current bridleway is agreed...."	The Applicant agrees the sentence should read "...The potential for buried remains to be present under the current bridleway is agreed....", rather than '...buried remains to be present until...'
<b>5</b>	<b>OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (REP2-050)</b>	
5.1	Historic England welcomes the amendments made to the Outline CEMP by the Applicant following our recommendations as set out in our Written Representations 1 (REP1 – 012).	Noted
5.2	Specifically, we note and accept the changes made to address our concerns to safeguard and mitigate impacts to the historic environment as detailed in amendments to: • CH2 – The Applicant has acknowledged the requirement for a detailed OUTLINE WSI to be submitted with approval from the local authority and in consultation with Historic England. In addition, that a FINAL WSI will be produced "in accordance" with the Outline WSI. We welcome this.	Noted
	CH3 – Some change has been provided about works to the masonry retaining wall associated with the Bowes Railway Scheduled Monument. However, we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).	Specific timings and the requirement for a methodology were not incorporated as there is an overall approval of the Final WSI by the Secretary of State in consultation with Historic England which will include both the methodology and timing of the works.
	CH5 – Some change has been provided as requested regarding the interpretation panel. However, we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).	Specific timings and the requirement for a methodology were not incorporated as there is an overall approval of the Final WSI by the Secretary of State in consultation with Historic England which will include both the methodology and timing of the works.
	CH6 – Some change has been provided regarding the potential for a retaining wall on both sides of the monument to be repaired and that an appropriate conservation methodology will be provided for approval by the Local Authority in consultation with Historic England. However, we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).	The Applicant has set out specific timings and the requirement for a conservation methodology in relation to the potential for a retaining wall on both sides of the monument in the Outline WSI which was sent to Historic England and the Tyne & Wear Archaeology Officer (acting on behalf of the Local Authority) on 3 <sup>rd</sup> April 2020 for the review. The Applicant has reviewed their comments and the updated Outline WSI has been submitted at Deadline 4.

Reference Number	Comment from Historic England	Applicant's Response
	N8 – Some changes has been provided regarding the monitoring for vibration damage during piling works on the monument and any necessary repairs required as a consequence. However, we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).	The Applicant has set out specific timings and the requirement for a methodology in relation to monitoring for vibration damage to the monument during piling works in the Outline WSI which was sent to Historic England and the Tyne & Wear Archaeology Officer (acting on behalf of the Local Authority) on 3 <sup>rd</sup> April 2020 for their review. The Applicant has reviewed their comments and the updated Outline WSI has been submitted at Deadline 4.
5.3	Whilst most of Historic England's amendments have been accepted by the Applicant, we note that there are some omissions in all of the above Outline CEMP Actions as the wording of which are set out in our Appendices to our Written Representations (REP1 – 012).	Noted. Please see the Applicant's response at 5.4 and 5.5 below.
5.4	Specifically, we note that our request that each action includes the wording "...submitted in writing to and approved by the Local Planning Authority in consultation with Historic England..." has only been included in the CH2 Outline CEMP Action. We consider that this provision should be replicated in CH3, CH5, CH6 and N8.	The requirement for consultation with Historic England is included in the column 'Achievement criteria and reporting requirements' in the Outline CEMP for all of the actions noted. An updated version of the Outline CEMP has been submitted at Deadline 4.
5.5	We also suggest that Actions CH3, CH5, CH6 and N8 (although not relevant to Historic England, CH4 should also be included) all include the following text: "...The methodology, including the timing and details, will be required as part of the FINAL WSI to be approved under CH2 of the Outline CEMP."	To avoid the risk of duplication and as the WSI in CH2 of the Outline CEMP [REP2-050 and 051] is required to be approved by the Secretary of State following consultation with Historic England and the Local Planning Authority, the Applicant considers it is sufficient for the Final WSI to include reference to the timing and details of work.
5.6	We believe this will then address points we made on relation to each Action in the Outline CEMP as set out in Appendix 7 of our Written Representations (REP1 – 012).	Noted
6	<b>REVISED DRAFT DCO (Rev 2 REP2-045)</b>	
6.1	The Applicant has made some amendments to the Draft DCO (February 2020), in particular to the following sections in so far as relevant to matters raised by Historic England.	Noted
	Schedule 2, Part 1, Requirement 9	
6.2	The Applicant has accepted some of our suggested amendments to Requirement 9 specifically to 9(1) and 9(2).	Noted
6.3	We note that sub-sections 9(3) – 9(6) are not significantly amended from the wording in the original Draft DCO submitted for examination despite our recommendations in our Written Representations (REP1 – 012) to do so.	Changes to the dDCO wording have been discussed and agreed with Historic England. An updated version of the draft DCO has been submitted at Deadline 4.
6.4	We still contend that sub-section 9(3) requires amendment to ensure that the reporting and analysis referred to in this section is carried out as per the FINAL WSI and in agreement with the Local Authority in consultation with Historic England.	Changes to the dDCO wording have been discussed and agreed with Historic England. An updated version of the draft DCO has been submitted at Deadline 4.
6.5	Sub-section 9(4) still requires amendment to ensure that unexpected remains are subject to agreed mitigation (as defined in 9(5)) and not simply reported to the	Changes to the dDCO wording have been discussed and agreed with Historic England. An updated version of the draft DCO has been submitted at Deadline 4.

Reference Number	Comment from Historic England	Applicant's Response
	Local Authority and Historic England which is all this sub-section requires at present. If the recommended changes were made, there would then be no need for sub-section 9(6).	
6.6	In our Written Representations Appendix 5 (REP1 -012) we had recommended wording for sub-section 9(5) which removed the requirement for agreement with the Local Authority. This was an error and therefore we accept the revision to 9(5) as shown on page 42 of the DRAFT DCO (REP2 – 045).	Noted
	Schedule 10	
6.7	In our Written Representations and Appendices (REP1 – 012) Historic England requested that Schedule 10 be amended to fully reflect all works to the Scheduled Monument of the Bowes Railway. We do not find that this has yet been done to our satisfaction and welcome further discussion about this with the Applicant and their agents as soon as possible.	Changes to the DCO wording have been discussed and agreed with Historic England. An updated version of the draft DCO has been submitted at Deadline 4.
6.8	The reason for this is that the DCO replaces the need for a separate Scheduled Monument Consent, as reflected in Article 39 of the Draft DCO.	Noted
6.9	Historic England therefore need to be reassured that Schedule 10 is clear, detailed, and precisely lists all the works which will have a direct impact on the monument and not simply the excavation of two foundation trenches and the insertion of piles. There is much more intervention to the monument than this which needs to be set out here in Schedule 10, e.g.: <ul style="list-style-type: none"> <li>• Demolition of part of the walls and track-bed of the monument;</li> <li>• Construction of the tunnel;</li> <li>• Repairs to an equal length of walling;</li> <li>• Insertion of drainage;</li> <li>• Access onto the monument during construction from Compound 4;</li> <li>• Access after construction for the new PROW/Bridleway access (we have raised this in correspondence with the Applicant's agents);</li> <li>• The location and fixing of the interpretation board</li> </ul>	Changes to the DCO wording have been discussed and agreed with Historic England. An updated version of the draft DCO has been submitted at Deadline 4.
6.10	It is Historic England's opinion that the Applicant still has work to do in refining Schedule 10 and we welcome further discussion with the Applicant on this matter so that agreement can be reached as soon as possible.	Noted. Changes to the DCO wording have been discussed and agreed with Historic England. An updated version of the draft DCO has been submitted at Deadline 4.

**Table 1.4 - Historic England – Comments on the Draft Statement of Common Ground (Submitted at Deadline 3)**

Chapter/Issue	Ref	Comment from Historic England	Applicant's Response
<b>Table 3-1- Issues related to chapter 6 of the Environmental Statement (ES):</b>			
Chapter 6: Cultural Heritage (APP-027)	Para 6.8.7 and 6.9.6	Whilst we note that Highways England have amended the Outline CEMP, we have not yet seen the draft Outline WSI for us to provide comments on.	The Outline WSI was provided to Historic England on 3 <sup>rd</sup> April 2020 for comment prior to submission at Deadline 4.



<b>Table 3-2 - Issues related to the Construction Environmental Management Plan</b>			
		Highways England Position column - Historic England understand that this column should read "Highways England Response"  Historic England Response column - This should be changed to "Historic England Comment"	The latest draft of the Statement of Common Ground has been updated by the Applicant to reflect this comment [TR010031/APP/7.5D].
Section 3: REAC (APP-174)	Table 3 -1 REAC	We note that some changes have been made as requested and some have not (see Historic England Comments on Other Matters for Deadline 3). We are continuing discussion with Highways England on how these points will be addressed.	The Applicant has updated the Outline Construction Environmental Management Plan (Outline CEMP) [REP2-050 and 051] in line with comments made by Historic England. An updated version of the Outline CEMP has been submitted at Deadline 4.
<b>Table 3-3 – Other Issues</b>			
		Historic England Response column - Historic England understand that this column should read "Highways England Response"	The latest draft of the Statement of Common Ground has been updated by the Applicant to reflect this comment.
Scheduled Monument Consent	Historic England Advice Letter_HERef_PL005 52195_L340286 dated 13 March 2019	Historic England note that the principle regarding Scheduled Monument Consent is agreed, however as a consequence of this we do not yet have reassurance that the complete list of works to the Scheduled Monument has been produced and detailed in Schedule 10.	The Applicant has updated Schedule 10 of the draft DCO [REP2-044 and 045] in line with comments provided by Historic England. An updated version of the draft DCO has been submitted at Deadline 4.
DCO wording	Historic England's Written Representations Reference No: PL00552195 dated 04 (...some text is missing here...?)	Historic England notes that the length of 17m is from the Applicant's own drawings and is not a requirement of Historic England. Works to the scheduled monument are required to be explicit. It is very important that Schedule 10 fully and accurately reflects ALL works to the scheduled monument including demolition, construction, consolidation & repair, as well as access for construction and for PROW / bridleway after construction. The erection of the interpretation panel on the monument should also be included.	The Applicant has updated Schedule 10 of the draft DCO [REP2-044 and 045] in line with comments provided by Historic England. An updated version of the draft DCO has been submitted at Deadline 4.

**Table 1-5 – Gateshead Council**

Reference Number	Comment from Gateshead Council	Applicant's Response
<b>Property and Asset Management</b>		
	The documents confirm that the Council will be affected by the proposals as landowner and occupier. The proposals intend to acquire Council land either by way of a of a temporary use, a permanent acquisition of the land and also	It is correct that powers of compulsory acquisition of land or rights over land and temporary use of land are sought.  The descriptions of land are set out in the Book of Reference [AS-004 and 005], but are

Reference Number	Comment from Gateshead Council	Applicant's Response
	acquisition of rights over the land.	largely of the types described by the Council
	The main areas of land that are affected by the proposals appear to be woodland areas within Council ownership and land that appears to be highway verge. In addition, they are seeking temporary use over private access routes within Council ownership and public footpaths and public bridleway.	This is correct.
	Under the proposals the Council will be entitled to compensation for the various parcels of land that the Order is seeking to acquire. DLA Piper have already approached the Council in this regard seeking to negotiate settlement.	Gateshead Council is correct in that they are entitled to compensation in the same manner as any other landowner i.e. with reference to the Compensation Code. If it is appropriate then they will receive compensation for land taken permanently and temporarily, compensation for injurious affection and they will be compensated for any other reasonable costs incurred as a direct result of the acquisition (disturbance). DLA Piper has indeed sought to engage with the Council, but a substantive discussion is yet to take place.
	There appears to be some discrepancy between the figures provided for habitat loss and habitat creation within different sections of the Biodiversity chapter of the Environmental statement (e.g.Pg. 53 Table 8.17 – Priority habitat creation across the scheme footprint and Pg. 64 para. 8.10.7)	<p>The discrepancy is noted, and it can be confirmed that the figures within <b>Table 8.17</b> are correct.</p> <p><b>Paragraph 8.10.7 Chapter 8: Biodiversity</b> of the Environmental Statement (ES) [APP-029] should read as follows [with alterations underlined].</p> <p>The A1 between Birtley and Coal House is constrained due to it being an existing road corridor and the Scheme would result in the loss of approximately <u>2.88</u> hectares of semi-natural woodland and approximately <u>11.25</u> hectares of other woodlands, such as broadleaved plantation, coniferous plantation and mixed plantation woodland. However, the Landscape Mitigation Design [APP-061] which was designed to encompass biodiversity mitigation requirements, includes the creation of approximately 14 hectares of semi-natural woodland. The habitat created to compensate this loss, would be <u>an equal</u> area to that lost due to the Scheme, but all would be of a higher quality by creating a structure comprising varying tree ages, and with a management regime that creates gaps allowing light to reach the understorey layer in patches. However, the newly created woodland habitats will take time to establish and will not result in a biodiversity net gain. It is considered that this would result in a direct, adverse significant effect. It would also result in the loss of <u>6.79</u> hectares of neutral grassland. <u>It is considered that this would result in a direct, adverse significant effect. However, the Landscape Mitigation Design which was designed to encompass biodiversity mitigation requirements, includes the creation of approximately 6 hectares of neutral grassland. The habitat created to compensate this loss, would be a smaller area to that lost due to the Scheme, but all would be of a higher quality by creating a species- rich sward.</u> Please also see ES Addendum: Allerdene three span viaduct [EXA/D4/007] and the Applicant's response to Written Question 1.2.8 which also refer to habitat creation [REP2-060].</p> <p>Habitat lost and created differs within the ES Addendum [EXA/D4/007] due the change in Scheme design altering the available footprint for habitat creation. However, the conclusions</p>

Reference Number	Comment from Gateshead Council	Applicant's Response
		<p>relating to the impact assessment remain the same. Habitat loss and creation for the Allerdene three span viaduct option are:</p> <ul style="list-style-type: none"> <li>• Woodland: 13.83ha loss and 13.94ha creation; Scrub: 1.71ha loss and 1.71ha creation;</li> <li>• Grassland: 6.79ha loss and 7.12ha creation;</li> <li>• Hedgerow: 1797m loss and 3791m creation;</li> <li>• Hedgerow with trees: 407m loss and 407m creation;</li> <li>• Running Water: 552m loss and 505m creation.</li> </ul> <p>The mitigation design follows the approach taken within <b>Chapter 8: Biodiversity</b> of the Environmental Statement (ES) [APP-029], in regard to increasing the quality of the habitat created post-construction.</p>
	<p>Notwithstanding the above, based on the negative impact the scheme would have on Council land in respect of ecology/biodiversity, the Council is concerned about the extent of Council land/rights to be acquired by the scheme. The Council will seek assurance that appropriate ecology/biodiversity mitigation is provided as part of any compensation settlement.</p>	<p>It is not accepted that following the completion of the Scheme there would be a negative impact on the Council's land. Further, mitigation for impacts on ecology/biodiversity are not matters for the compensation settlement, even to the extent that it is appropriate to discuss this in any Examination at all. Section 87(3)(c) of the Planning Act 2008 allows the Examining Authority disregard representations "that relate to compensation for compulsory acquisition of land or of an interest in or right over land".</p> <p>Nevertheless, the proposed ecology/biodiversity mitigation has been identified following the environmental impact assessment carried out for this Scheme and the Applicant considers the proposals to be appropriate in order to mitigate potential impacts.</p>
	<p><u>Diversion of Public Rights of Way</u></p> <p>This representation is based on information contained in Document 2.4 – Streets, Rights of Way and Access Plan. Its area of concern is in the proposals for the temporary diversion of Rights of Way during the construction of the project.</p> <p>When making a diversion whether that is temporary or permanent the following should be considered:</p> <ul style="list-style-type: none"> <li>• Physical features. The physical features of the new route should be similar to the original route, including:             <ul style="list-style-type: none"> <li>○ surface;</li> <li>○ gradient; and</li> <li>○ path width.</li> </ul> </li> <li>• Directness. The new route should not unreasonably lengthen the path.</li> <li>• Landscape character. The new route should not result in lower quality or diversity of views for the path user.</li> <li>• Features of interest. The new route should not move the path away from significant features of interest.</li> <li>• Financial. The new route should not result in any increased maintenance costs.</li> </ul>	<p>The Applicant confirms that the proposals for temporary diversions meet the criteria listed within this representation as far as is reasonably possible.</p>

Reference Number	Comment from Gateshead Council	Applicant's Response
	<ul style="list-style-type: none"> <li>• Safety. The new route should not subject users to any potential dangers or hazards.</li> <li>• Needs of all users. The new route should include features to improve access for the mobility impaired user; (for example, gates rather than stiles and ramps, rather than steps).</li> </ul> <p>Highways England should confirm that the proposals for temporary diversion meet, as far as is reasonably possible, the above criteria.</p>	
	<p>The Council has the following specific concerns concerning the proposed temporary diversions of Public Rights of Way:</p> <p><a href="#">Document 2.4 – sheet 3 (TR010031/APP/2.4(D))</a></p> <p>This shows the temporary stopping up of two rights of way where they cross the temporary means of access (between points 3/10 and 3/11, and points 3/12 and 3/14). The plan indicates that controlled crossings will be put in place to allow continued use of the right across this during the construction phase. Confirmation is sought from Highways England that this will be the case, and that any interruptions to use of these paths will be minimised.</p>	<p>With reference to the temporary stopping up of the public right of way between 3/10 and 3/11, the Applicant confirms that this will be a temporary measure required towards the end of the construction programme to facilitate the demolition of the existing Allerdene Railway Bridge. The access track will only be required intermittently to get plant in and out of the site. When plant is crossing the public right of way, the crossing will be manned by the contractor. At all other times, the access track will be fenced off at both sides of the crossing to allow this right of way to operate as it does now.</p> <p>With reference to the temporary stopping up of the public right of way between 3/12 and 3/14, as with the stopping up detailed above, this will also be a required on a temporary basis onwards the end of the construction programme to facilitate the demolition of the existing Allerdene Railway Bridge. The access track will only be required intermittently to get plant in and out of the site. When plant is crossing the public right of way, the crossing will be manned by the contractor. The public right of way at this location is an unsurfaced grass verge adjacent to the carriageway. When the closure is in place, pedestrians will be diverted to the paved footway on the north side of Woodford.</p>
	<p><a href="#">Document 2.4 – sheets 5 and 6 (TR010031/APP/2.4(F/G))</a></p> <p>North Dene Footbridge</p> <p>The footbridge from footpath BI/16 is being stopped up. On the plan there is a diversion from the north side but it does not reconnect with the south side. The length of the diversion is approximately 1,650 metres when the distance across the bridge is 60 metres.</p>	<p>The footpath across the footbridge will be temporarily stopped up while the existing footbridge is removed, and the new footbridge is constructed. The current outline construction programme assumes that the closure will be in place for 24 weeks. The diversion shown to the north side connects to Long Bank Bridleway which will be the alternative crossing point of the A1 during the reconstruction of the footbridge. The existing footpath to the south of the A1 from Long Bank Bridleway to North Dene footbridge will complete the diversion. This section of the diversion route has been incorrectly omitted from the drawings. The drawing has been updated to show the full diversion [REP2-028]. This is the shortest possible diversion available.</p>
	<p>Bridleway LA/72 (Bowes Railway Path)</p> <p>This Bridleway is being diverted. The diversion route is over 1100 metres in length and is not user friendly as a bridleway, as a section of the diversion is on road. It also requires crossing the slip roads to and from the A1. These see high volumes of traffic some of which (particularly in relation to the on-slip) is travelling at relatively high speed. This will pose significant problems for pedestrians, cyclists and in particular horse riders seeking to use the diverted route. Closures and diversions affecting the Bowes Railway Path can be met with hostility from</p>	<p>The bridleway under the Long Bank Underpass will be diverted for a period of 13 weeks to allow the extension of the underpass to be constructed to facilitate the widening to the A1. The route proposed is the shortest possible route available during the closure of the underpass.</p> <p>The current programme ensures that the underpass and North dene Footbridge are not closed at the same time. This is secured by the CTMP (Appendix B of the CEMP [REP2-050 and 051] which is secured by requirement 4 of the DCO [REP2-044 and 045]).</p>



Reference Number	Comment from Gateshead Council	Applicant's Response
	<p>users, so any diversions should take on board the different users' needs and be properly communicated to all parties.</p> <p>Both the diversions as currently proposed do not meet the principles outlined above. Further discussion is needed with Highways England over the possibility of improved provision, and to ensure that any time the use of Rights of Way is interrupted is minimised.</p> <p>Should the closure of North Dene footbridge be required for any length of time, consideration should be given to provision of a temporary bridge crossing at this location.</p>	
	<p><u>Structures – Long Bank Bridge</u></p> <p>(A) Long Bank Bridge provides the underpass by which the Bowes railway path passes beneath the A1 (see attached plan). The ponding effect of the northern slope of the embankment at this point, which sees the underpass effectively act as a drain, has been raised previously with Highways England.</p>	<p>(A) Gateshead Council raised historic issues relating to this flood damage and erosion issues. The potential cause of the flooding may be due to the direction of the ploughing of the adjacent fields. The Council agreed to check further information as to the authenticity of this claim. However, no further information was received (Drainage Meeting Minutes 15/03/18 as Appendix C in the Environment Agency Statement of Common Ground (SoCG) [REP2-054]). Refer to <b>Flood Risk Assessment at Appendix 13.1</b> of the ES [APP-163] paragraph 4.4.14.</p> <p>It has now been established with sufficient confidence that the source of the surface water is from the uphill catchment (adjacent field) being obstructed by the embankment of the A1 and channelled into the Bowes Railway cutting. This has previously caused extensive damage to the fabric of the Bowes Railway and the embankment that supports the A1.</p> <p>The concept for a design proposal (which is now to be included within dDCO) is to intercept the water runoff for the length of the wall construction (circa 17m) through a stone grip constructed of filter media wrapped in geo-synthetic material. The purpose is to intercept field runoff, reduce outflow and convey it on to the railway path, which is how water currently disperses. Whilst maintaining the natural passage of the runoff and disregarding the impact downstream, this would significantly reduce further occurrences of erosion failures as previously witnessed. This is secured through the Outline CEMP in [CH9] [REP2-050 and 051].</p>
	<p>(B) The original deck of Long Bank Bridge was beyond economic repair and a corrugated steel buried structure (CSBS) was placed inside the bridge span in 2006. The CSBS was extended at each end onto land owned by Gateshead Council.</p>	<p>(B) The current design for Longbank Underpass considers extension of the eastern end of the structure further to the works previously undertaken by Gateshead Council.</p> <p>Further to the work previously undertaken, as part of the Scheme the extension will comprise a similar CSBS-type construction to a maximum length of 17m (refer to REP2-040). The proposed foundations of the underpass extension will necessitate removal of the existing stone walls which run along the edge of the bridleway. The extended structure will need to tie into the</p>

Reference Number	Comment from Gateshead Council	Applicant's Response
		existing stone walls to minimise the potential for scour to occur at the interface.
	(C) Subsequent to this an extreme weather event in September 2012 occurred which resulted in surface water from the uphill catchment being obstructed by the embankment of the A1 at this location and channelled into the Bowes Railway cutting. This caused extensive damage to the fabric of the Bowes Railway and the embankment that supports the A1 (see attached picture).	<p>(C) The proposed A1 carriageway drainage will intercept surface water at the top of the embankment, thus reducing the potential for slope instability within the embankment. Consideration will also be given to the slope stability and drainage of the widened section of embankment supporting the A1 carriageway (beyond the underpass), including the potential for slope instability during extreme weather events.</p> <p>The concept for a design proposal (which is now to be included within the dDCO) is to intercept the water runoff for the length of the wall construction (circa 17m) through a stone grip constructed of filter media wrapped in geo-synthetic material. The purpose is to intercept field runoff, reduce outflow and convey on to the railway path. Whilst maintaining the natural passage of the runoff and disregarding the impact downstream, this would significantly reduce further occurrences of erosion failures as previously witnessed. This is secured through the Outline CEMP in [CH9] [REP2-050 and 051].</p> <p>The conveyance of surface water will be designed to limit peak outflow and reduce the risk of any future damage to the fabric of the Bowes Railway.</p>
	(D) Action to repair the damage to the embankment at this time highlighted uncertainty over the responsibilities for this, and whether it lay with the landowner or Highways England.	(D) Highways England will undertake discussion with Gateshead to determine future responsibilities and liabilities. Highways England and Gateshead Council are working together to agree the landowner responsible.
	(E) The DCO process, and proposed widening at this point, provides the opportunity to clarify responsibilities on this matter. As the embankment supports the A1 at this point it is the Council's view that future maintenance responsibilities and liabilities should lie with Highways England, and confirmation of this is sought. Also, any design should incorporate features that offer scour protection at the headwall and within the underpass.	<p>(E) The source of the surface water causing the flooding issues is outside the highway boundary. As the cause is likely to be from the fields near to Longbank Bridleway, this cannot be connected to the road drainage system. It is therefore not proposed to provide any drainage provision to the Longbank Bridleway.</p> <p>Assessments have confirmed that the Scheme itself will not exacerbate the issues raised from previous flooding history (see Flood Risk Assessment at Appendix 13.1 of the ES [APP-163]. As there are no existing connections, in compliance with the highway standards (DMRB CG501) it is not intended to provide any drainage from areas outside the highway boundary.</p> <p>A commitment will be included in the DCO for the provision/maintenance of a drainage grip at this location (upstream face) to intercept the conveyance of overland agricultural runoff that normally flows to the base of the embankment and headwall onto the underpass. This would minimise the risk of scour and collapse of the retained / enhanced stone wall and designed to minimise the risk of scour to the footpath surface. Considerations in respect to maintenance would involve replacement of filter media conventional to other cyclic routines and maintained by Highways England for this feature only.</p>

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		Highways England intend to enter negotiations with Gateshead Council to clarify the overall future responsibilities for all maintainable aspects. There are currently areas of anomalies which require addressing to respective owners and their associated liabilities.
	(F) The wider issue of the ponding effect of the embankment, and the damage this can cause to the Bowes Railway Path as a whole, will be considered in the Local Impact Report.	(F) This has been responded to as part of the Applicant's response to the Local Impact Report [REP3-005] and within ongoing discussions with Gateshead Council as set out in the Statement of Common Ground [REP2-052].