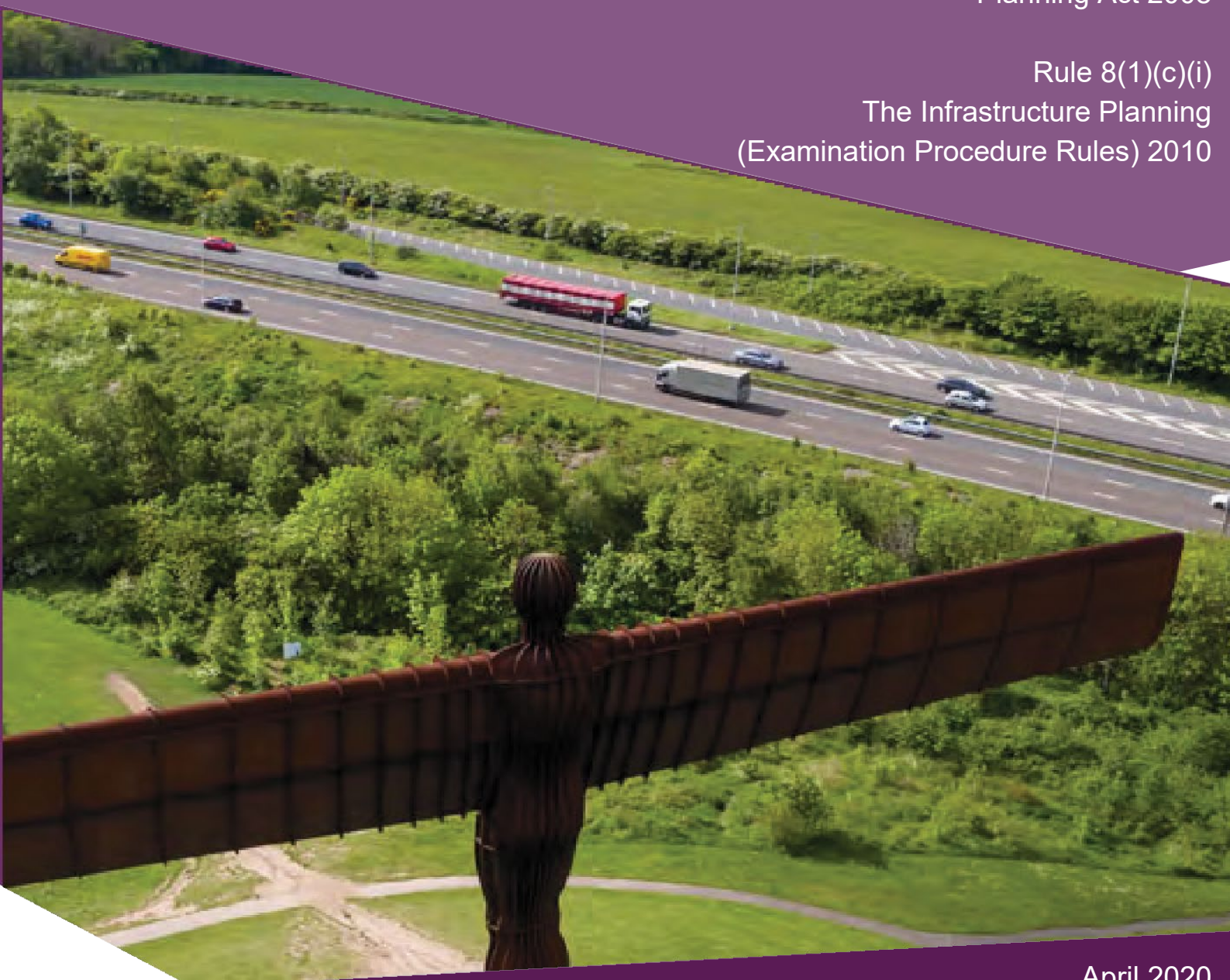


**A1 Birtley to Coal House**  
**Scheme Number: TR010031**

**EXA/D4/018 Applicant's Responses to ExA's Second  
Written Questions**

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 Responses to ExA's Second Written Questions**

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<b>Planning Inspectorate Scheme Reference</b>	TR010031
<b>Application Document Reference</b>	EXA/D4/018/ Applicant's Responses to ExA's Second Written Questions
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## **1 Applicant's Responses to ExA's Second Written Questions**

**Table 2.0 – General and Cross-topic Questions**

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
2.0.1	The 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 <b>paragraphs 2.7.46 and 2.7.47 of the Environmental Statement [APP-023]</b> 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>Northern Gas Networks Limited has submitted a planning application for the construction of the gas transfer station and formation of a vehicular access to the site (LPA Ref: DC/19/01256/FUL) which includes detailed drawings of the proposed buildings. <a href="https://myserviceplanning.gateshead.gov.uk/Planning/planningdocuments?SDescription=DC/19/01256/FUL">https://myserviceplanning.gateshead.gov.uk/Planning/planningdocuments?SDescription=DC/19/01256/FUL</a> as referred to in the Applicant's Response to the ExA's First Written Questions (REP2-060). The planning application drawings are included in Appendix 2.0N. The Environmental Impact Assessment was based on less detail than contained in these drawings based on a worst case scenario. Environmental Impact Assessment was based on less detail than contained in these drawings, thereby providing a reasonable worst case scenario taking account of a greater level of inherent uncertainty.</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>	<p>Work Nos. 10 and 12, which make up the Northern Gas Networks sites, are identified on the drawing entitled "Proposed Green Belt Structures" [REP2-002] that shows proposed structures that are likely to impact on the openness of the Green Belt.</p> <p>The assessment of impacts on Green Belt outlined in <b>paragraphs 7.8.33 to 7.8.38 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES identifies the impacts on the designated Green Belt as a result of the whole of the Scheme and specifically taking into account the Allerdene crossing options and associated infrastructure. Whilst it does not specifically reference Work Nos. 10 and 12, the expert assessment of the proposal on behalf of the Applicant has taken this into account and concluded that there would be a perceptible loss of designated open countryside, arising as a result of the realignment of the A1. The Allerdene viaduct option would, as a result of the longer structure and visual prominence of the structure itself, result in a perceptible impact on the Green Belt. In contrast, the Allerdene embankment option would result in a slightly larger area of Green Belt being impacted. However, as a result of mitigation measures, the sense of openness would be restored.</p> <p>Notwithstanding the above, Work Nos. 10 and 12 are considered separately in the Green Belt assessment 'Appraisal of Harm of the Openness of the Green Belt', Appendix 2.0 A [EXA/D4/014]. This concludes that Work Nos. 10 and 12 have very little impact on the perceived openness of the Green Belt. Notwithstanding this, they meet the "very special circumstances" criteria because they are essential to the Scheme.</p> <p>Furthermore, these elements are an essential part of the infrastructure required by Northern Gas Networks and are proposed for replacement in any case. They are included in the Scheme to ensure that their relocation does not prejudice delivery of the nationally significant infrastructure project. The existing Northern Gas Networks Above Ground Infrastructure is shown on the REP2-002 drawing entitled Appendix 1.0A – Above Ground Structures and is also situated in the Green Belt north of the current alignment of the A1. This will be removed as a consequence of the new Above Ground Infrastructure to be constructed as part of the Scheme (and in any event by Northern Gas Networks). Although this is situated to the north and east of Work Nos. 10 and 12, the openness of the Green Belt in</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
			<p>that location will be improved and the new facility will not be materially different in scale.</p> <p>The design of the entire Scheme has, where feasible and appropriate, sought to locate above ground elements so as to avoid potential impacts on the perception of openness, particularly south of the A1. This is evident in the proposed location of Work No. 10, which uses an existing hedgerow and stands of mature trees to the west and south to reduce visual prominence, and in the case of Work No. 12, adapting and extending an existing site. Obviously, in respect of elements such as the road itself, there are limited opportunities for design to address the effect upon the Green Belt. Nevertheless, this has been undertaken wherever possible.</p> <p>As a result of the location of Work No. 10, the Scheme includes provision for woodland to be planted between chainage 1020 to 1260 adjacent to the northbound carriageway to limit views of the A1 corridor and reduce indivisibility from the A1 to the landscape to the south, which would include Work No. 10 (refer to <b>Figure 7.6: Landscape Mitigation Design [APP-061]</b>).</p>
2.0.2	The 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>Paragraphs 7.8.33 to 7.8.38 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES describe the permanent effect of the Scheme on the Green Belt. Paragraphs 5.4.11 to 5.4.16 of the Planning Statement [REP2-049] assess Green Belt harm caused by the above ground elements of the Scheme and the policies that have been considered to ensure that potential harm to the openness of the Green Belt as a result of the Scheme are minimised. The Applicant's Responses to ExA's First Written Questions Appendix 1.0.B 'Note on Other Harm' [REP2-003] broadens the scope of this assessment to include all environmental topics.</p> <p>The design of the entire Scheme has, where feasible and appropriate, sought to locate above ground elements so as to avoid potential impacts on the perception of openness, particularly south of the A1. Obviously, in respect of elements such as the road itself, there are limited opportunities for design to address the effect upon the Green Belt. Nevertheless, this has been undertaken wherever possible.</p> <p>This is evident in the proposed location of Work No. 10, which uses an existing hedgerow and stands of mature trees to the west and south to reduce visual prominence, and in the case of Work No. 12, adapting and extending an existing site.</p> <p>As a result of the location of Work No. 10, the Scheme includes provision for woodland to be planted between chainage 1020 to 1260 adjacent to the northbound carriageway to limit views of the A1 corridor and reduce indivisibility from the A1 to the landscape to the south, which would include Work No. 10 (refer to <b>Figure 7.6: Landscape Mitigation Design [APP-061]</b>).</p> <p>In addition to the above elements potentially impacting the perception of openness of the Green Belt, other elements taken into account include gantries and signs, and in particular those in more exposed sections of the corridor associated with the River Team valley, where longer distance views exist. The number and location of proposed gantries have been determined in accordance with Highways England's guidance at the time as set out in Design Manual for Roads and Bridges Interim Advice Note (IAN) 144/16 'Directional Signs on Motorway and All-Purpose Trunk Roads: Grade Separated Junctions'. The main driver for the guidance in respect of the number and gantry locations is the safe operation of the highway, as explained in Appendix 2.0 B [EXA/D4/015] of the Applicant's Responses to second written questions. The design has, within the constraints of the above identified guidance for the placing of such signs on safety grounds,</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
			<p>sought to avoid additional or unnecessary signs, and keep the physical height and scale of them as small as possible.</p> <p>Consequently, it can be seen that the approach to the design of the Scheme has been informed by landscape design and Green Belt considerations throughout.</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>Temporary buildings and structures required during construction are identified within the indicative proposals for the layout of the construction compound are shown on Figure 1 Site Compound Plan in Appendix A of the Outline CEMP [REP2-050 and 051]. The final version of the CEMP (submitted in support of discharging Requirement 4) would be subject to consultation with Gateshead Council and the Environment Agency in relation to its content prior to submission to the Secretary of State for approval. Therefore, the finalization of the disposition and extent of structures will be capable of regulation.</p> <p>Furthermore, reference [G10] has been added to the REAC contained in the revised version of the Outline CEMP submitted at Deadline 4, which states that during construction, buildings and structures will only be constructed where absolutely necessary and will ensure that the environmental effects of temporary buildings and structures are no worse than those assessed in the ES Chapters [APP-021 to 037]. Compliance with the Outline CEMP is secured under Requirement 4 of the DCO itself.</p> <p>The potential impacts on the Green Belt during construction have been described in <b>paragraph 7.8.5 of Chapter 7 Landscape and Visual [APP-028]</b> of the ES and in the <b>Planning Statement [REP2-049]</b>, a revised version of which is submitted at Deadline 4. The buildings and structures required during construction, have therefore been assessed through the DCO process, and no further actions are required to secure this provided these structures remain within parameters outlined in <b>Chapter 4: Environmental Assessment Methodology [APP-025]</b> of the ES.</p> <p>Following a grant of a development consent for the Scheme and where the CEMP is to be submitted in support of discharging Requirement 4, it can be seen what would be in contemplation. A CEMP submitted in support of discharging Requirement 4 with a construction compound design would be prepared by the contractor. This would be informed by the design already produced and the assessed effects set out in the ES. This would then be supplied to the local planning authority (in particular) prior to submission to the Secretary of State. Both the local planning authority and the Secretary of State would be required to apply the normal planning approach to adjudging <i>as a matter of fact and degree</i> whether the proposal fell within the assessed parameters. If so, the CEMP submitted in support of discharging Requirement 4 could be approved with the attendant plan for the construction compound.</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>	<p>The construction monitoring and reporting requirements are set out in the Construction Environmental Management Plan (CEMP) [REP2-050 and 051] for the Scheme.</p> <p>Indicative proposals for the layout of the construction compound are shown on the plan Appendix 1 [reference G8] of the CEMP, a revised version of which was submitted at Deadline 4.</p> <p>The potential temporary impacts on the Green Belt during the construction period, have been assessed in <b>paragraph 7.8.5 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES. This is normal in terms of the assessment of impacts of temporary works on a green belt setting.</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
			<p>A high level assessment of the permanent works is set out in the Landscape and Visual Chapter of the Environmental Statement. In response to this written question, an additional document (Appendix 2.0 A, 'Appraisal of the Harm on Openness of Green Belt' [EXA/D4/014]), has been produced to provide a more detailed assessment of permanent structures show that the proposed construction buildings and structures are considered acceptable Green Belt development in this instance.</p> <p>Consequently, because there is a separate assessment, this can be used in approvals of and under the CEMP.</p>
2.0.3	The 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>	<p>An "Other Harm" Assessment has been carried out and forms part of an updated Planning Statement submitted at Deadline 4.</p> <p>In addition to the topics covered in the Applicant's response to ExQ1.0.5 [REP2-060] and REP2-003 Deadline 2 the Applicant's Response to ExA's First Written Questions, – Appendix 1.0B – Note on Other Harm [REP2-003] Chapter 12: Population and Human Health [APP-033] of the ES concludes that construction-related other harm includes a temporary increase in driver stress due to traffic disruption, temporary disruption to Public Rights of Way (PRoW), temporary community severance, as well as temporary impacts on health related to the reduced accessibility of PRoW, reduced amenity value and night-time noise.</p> <p>No significant adverse operational effects have been identified for the Scheme once it is operational in the assessment of Population and Human Health. WCH users will notice long term, moderate beneficial (significant) effects, despite moderate adverse (significant) effects during construction. – <b>Chapter 12 Population and Human Health [APP-033]</b> of the ES concludes that overall the benefits to Population and Human Health outweigh Green Belt harm – and hence rather than considering "other harm", the contemplation is one of the extent of benefits. This topic is not considered sufficient to consider the Scheme in its entirety inappropriate Green Belt development.</p> <p>The "other harm" section of the Planning Statement [REP2-049] has been updated in response to this question and submitted at Deadline 4.</p>
2.0.4	The 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>	<p>The Applicant considers the level of detail provided at preliminary design to be sufficient to confirm the structural form and identify the key constraints and parameters that need to be maintained at the detailed design stage.</p> <p>Furthermore, the Applicant considers that the proposed structures have incorporated all the fundamental design requirements of the relevant highway structure DMRB standards, including visual appearance, whilst balancing functionality, buildability, cost and sustainability.</p> <p>The above factors have been considered in detail in the following Structure Options Reports prepared at the preliminary design stage, all of which are submitted at Deadline 4:</p> <ul style="list-style-type: none"> <li>• Kingsway Viaduct [Appendix 2.0C]</li> <li>• Allerdene Bridge [Appendix 2.0D]</li> <li>• Allerdene Viaduct [Appendix 2.0E]</li> <li>• Allerdene Culvert [Appendix 2.0F]</li> </ul>



Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
			<ul style="list-style-type: none"> <li>• Smithy Lane Bridge [Appendix 2.0G]</li> <li>• Northside Bridge [Appendix 2.0H]</li> <li>• North Dene Footbridge [Appendix 2.0I]</li> <li>• Eighton Lodge North, Slip Road and South Underbridges [Appendix 2.0J]</li> <li>• Longbank Underpass [Appendix 2.0K]</li> <li>• ADS Gantries [Appendix 2.0L]</li> <li>• Retaining Walls [Appendix 2.0M]</li> </ul> <p>The design of the structures has sought to achieve good aesthetics through:</p> <ul style="list-style-type: none"> <li>• Incorporating design features within the structure e.g. formation of a bow design to the replacement North Dene footbridge (although noting that the Examining Authority has asked for this to be considered further);</li> <li>• Reducing (where appropriate and practicable) the height of bridge decks to reduce the visual weight of the structure;</li> <li>• Using materials that currently exist within the A1 corridor, and as part of the existing structures, and (where appropriate) using alternative materials to reduce the visual impact of structures; and</li> <li>• Where existing structures are proposed to be widened (i.e. Kingsway Viaduct and Eighton Lodge Underbridges), for aesthetic purposes, the structural form of the widened sections have been matched to that of the existing structure.</li> </ul> <p>The design of the Scheme will be progressed in further detail should the DCO be made.</p> <p>The Applicant considers that the following measures could be considered and developed further during detailed design to ensure that the level of good aesthetics sought by NNNPS is achieved, and could be secured through a requirement written into the draft DCO or provision in the REAC:</p> <ul style="list-style-type: none"> <li>• Sympathetic colour schemes</li> <li>• Use of sustainable materials</li> <li>• Lighting</li> <li>• Bespoke parapet systems</li> </ul> <p>These measures could provide further visual interest and hence contribute to the area's sense of place at particular locations, unifying structures, and suggesting a coordinated approach to design that is over and above the standard approach required by DMRB.</p>
2.0.5	The 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>In considering a design for the replacement North Dene footbridge, the Applicant has sought to improve upon the existing infrastructure in situ.</p> <p>The curved design of the bowstring arch comprised in the replacement footbridge structure delivers an improved aesthetic over the existing, utilitarian structure. The bow design reflects the undulating landform and the curved characteristics and visual cues inherent in some of the area's iconic bridge structures such as the Tyne Bridge and Gateshead Millennium Bridge. At the same time, it acknowledges at a local level that the footbridge should not detract from its domestic context of adjacent housing development nor the relationship between the A1, and the views of the Angel of the North, particularly for users of the A1 travelling north.</p> <p>The selection of this design combines the above considerations; but has avoided an overly tall or distinctive</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
			<p>footbridge design that would potentially detract from the setting of the Angel of the North, when approaching it from the south. The height of the footbridge has been an important consideration within this, and in the context of the existing footbridge has sought to avoid excessive height without losing the distinctiveness and elegance of the bow design.</p> <p>The combined height of the existing footbridge structure in elevation is 1.9m (bridge deck and parapet) and this would increase to 2.35m, a height difference of only 0.45m for the new structure. The bow design of the footbridge structure would increase the maximum height to 4.5m at the centre of the footbridge. Whilst this would increase marginally the interruption to the view of the Angel of the North from south of the footbridge, the transient nature of the view on a high speed road is not considered to materially change the way in which the Angel of the North is perceived from the baseline views.</p>
		b) What alternatives could be considered to reduce the visual impact?	<p>Alternative designs for the North Dene Footbridge could constitute the following (but not limited to) which may result in a reduced overall visual impact. Further details are presented in the North Dene Footbridge Structure Options Report (Appendix 2.0 I) with those described being most appropriate in the view of the Applicant having regard to the nature and location of the Scheme:</p> <ul style="list-style-type: none"> <li>• Tied arch structure where the truss configuration within the arch is replaced with slender ties. This would have the effect of reducing the visual weight (appearance of a solid structure) of the upper sections of the footbridge, making it more transparent and finer in appearance. As a result, views of the landscape beyond the footbridge would be more readily perceived.</li> <li>• Provide a half through warren truss structure (similar to the existing footbridge) where the top chord arch profile is not as prominent (i.e. height at the centre of the span reduced from 4.5m to circa 2.5m). This would have the effect of lowering the perceived height of the footbridge and would be more similar to the existing footbridge design, and with it the views of the landscape beyond. The overall perceived weight of the footbridge would remain similar to the existing structure. However, some of the design ethos of the bow bridge design would be lost.</li> </ul> <p>The above options though considered at preliminary design stage, were dismissed in favour of a bow truss structure which is understood to provide a balance between cost, buildability and maintenance liabilities.</p>
2.0.6	The 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>Requirement 12 of the dDCO has been amended to include provision that no part of the replacement bridge to be constructed shall take place until details of the design have been submitted to and approved by the Secretary of State in consultation with the relevant planning authority.</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>Please see above. The amended requirement requires the Applicant to submit the requisite details to the Secretary of State, whose decision is to be in consultation with the relevant planning authority. This requirement provides sufficient certainty and opportunity to engage on the details provided by the Applicant to inform consideration of the Proposed Development. The bridge is shown in section within the Engineering Section Drawings [REP2-040] on Sheet 11.</p> <p>The parameters for the design are already provided for by the Works Plans [REP2-038] and engineering drawings [REP2-040-].</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
2.0.7	The 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>The number and location of the proposed gantries 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 the number and location of gantries. The main driver for the guidance in respect of the number and gantry locations is the safe operation of the highway as explained in Appendix 2.0B of the Applicant's Responses to second written questions. Safety is a paramount consideration for the Applicant in road design.</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>The provision of gantries and signs, and in particular those in more exposed sections of the corridor, where longer distance views exist, have the potential to impact on sensitive locations within the setting to the proposed scheme, including visual receptors, the Angel of the North and Green Belt. The design has, within the constraints of the guidance for the placing of such signs on safety grounds, sought to avoid additional or unnecessary signs, and keep the physical height and scale of them as small as possible as explained in Appendix 2.0B of the Applicant's Responses to the Examining Authority's second written questions, so as to reduce the potential magnitude of impact on visual receptors or those experiencing particular qualities of the landscape e.g. visitors to the Angel of the North. The Applicant is continuing discussions with Gateshead Council on the detail of the landscape mitigation strategy, set out in <b>Figure 7.6: Landscape Mitigation Design [APP-061]</b> and how they might support the Council's vision of the setting to the sculpture.</p> <p>It is the professional opinion of the Applicant's expert landscape specialist, that the gantries would not give rise to a significant impact; and micro-siting of the gantries within the identified working areas would not materially alter the findings of the landscape and visual assessment, as outlined in <b>Chapter 7: Landscape and Visual [APP-028]</b> of the ES and Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020].</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>	<p>The signs are in accordance with Highways England's guidance as described in the response to 2.0.7 a). There is no flexibility in accordance with these standards to reduce the number of gantries without undue impacts on safety as explained in Appendix 2.0B of the Applicant's Responses to second written questions. As stated above, it is the professional opinion of the Applicant's expert Landscape Architect, that the gantries would not give rise to a significant impact; and micro-siting of the gantries within the identified working areas would not materially alter the findings of the landscape and visual assessment, as outlined in <b>Chapter 7: Landscape and Visual [APP-028]</b> of the ES and Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions – Appendix 1.5 B - Gantry Assessment Schedule [REP2-020].</p>
2.0.8	The Applicant	<p>The Structures Engineering Drawings and Sections show the two proposed 'typical' gantry designs (truss cantilever</p>	<p>The ADS gantry design types specified on the scheme are those which are most commonly used on the Highways England network and their structural form is dictated by the span lengths as follows:</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
		<p>and super-span gantry) [REP2-042].</p> <p>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?</p>	<ol style="list-style-type: none"> <li>1. Tubular Steel Cantilever Gantries – for spans of up to 14m</li> <li>2. Long Span Truss Type Cantilever Gantries – for span up to 19m</li> <li>3. Super span Portal Gantries – for spans greater than 19m</li> </ol> <p>Gantry span and foundation sizes may be adjusted as required during detailed design subject to the final sign sizes. However, the use of the word “typical” does not refer to an ability to use non-standard gantry types, but rather to the generic design which is adapted to particular locations.</p> <p>The final gantry design to be deployed as part of the Scheme must satisfy the following key parameters:</p> <ul style="list-style-type: none"> <li>• Design working life to be 30 years in accordance with section 3 of 'BD 51/14: Portal and Cantilever Sign/Signal Gantries' DMRB standard.</li> <li>• Minimum headroom (to underside of structure) must be in accordance with Table 6-1 of 'TD27/05: Cross-Sections and Headroom' DMRB standard.</li> <li>• Protection of gantry supports from vehicular collisions must be in accordance with Figure 3-9 of 'TD19/06: Requirement for Road Restraint Systems' DMRB standard.</li> <li>• The gantry must adequately support the proposed ADS signage with a 'reasonable' extra allowance for an increased sign size in the future.</li> </ul> <p>Further details regarding the gantry design may be found in the structure options report [ref].</p> <p>Alternative gantry designs (to those currently proposed) may be considered subject to the relevant Highways England structure technical approvals process. In key locations, it could be that an alternative colour could be used for the gantry structures themselves, which as a regressive colour that reflects the existing hues of the surrounding landscape (olive green or brown), which would reduce their visual impact and blend in with the surrounding environment (subject to approval from Highways England and in agreement with Gateshead Council). This was successfully achieved for a motorway scheme in South Yorkshire, through discussion with Historic England and the National Trust to reduce the potential visual impact on local heritage assets.</p>
2.0.9	The 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 DCO than as currently shown on the Works Plans?</p>	<p>The Works Plans [REP2-038] and the flexibility given for the gantry locations takes precedence over the locations defined within the General Arrangement Plans [REP2-041]. The flexibility afforded by the Works Plans is necessary to allow the precise location of the gantries to be determined during design development and construction should unknown ground conditions or underground apparatus be encountered on site as explained in Appendix 2.0 A of the Applicant's Responses to second written questions.</p> <p>With regard to the certainty of impacts, it is in the professional opinion of the Applicant's expert Landscape Architect that the gantries would not give rise to a significant impact; and micro-siting of the gantries within the identified working areas would not materially alter the findings of the landscape and visual assessment, as outlined in Chapter 7: Landscape and Visual [APP-028] of the ES and Deadline 2 Submission, Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020].</p>
2.0.10	The Applicant	<p><b>Sheet 3 of the Works Plans [APP-007]</b> includes the Limits of Deviation for a) Works Nos. 9, 10, 13, 14, 15, 16 and b) Work No. 22.</p>	<p>The works listed relate to Statutory Undertaker apparatus. It is usual for Limits of Deviation to be applied to Statutory Undertaker diversions to allow the variations to the locations during design development to avoid</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
		<p>Please provide justification for the extent of land within these Limits of Deviation?</p>	<p>or connect into existing apparatus (where the location is unknown); due to unknown ground conditions; and due the potential for other unknown underground apparatus to be present. This is particularly relevant for the Scheme, which is in an area of extensive historic mining activity. A 10m limit of lateral deviation has been applied to Works Nos. 9, 13, 14, 15, 16 and 22 to allow for variations to the proposals during design development. The 10m limits are comparable or less than those provided on other Nationally Significant Infrastructure Projects. Where there are additional factors which may require variation in the location of the diversion these are recorded below.</p> <p>For work No. 9, in addition to the above, the diversion may be varied due to variations to the proposed transfer site and other proposed Statutory Undertaker diversions.</p> <p>For work No. 13, in addition to the above, the diversion may be varied due to variations to the proposed transfer site and other proposed Statutory Undertaker diversions.</p> <p>For work No. 14, in addition to the above, the diversion may be varied due to variations to the proposed gas transfer site, other proposed Statutory Undertaker diversions and variation to the location of the proposed ditch.</p> <p>For work No. 15, in addition to the above, the diversion may be altered due to variations to the proposed transfer site, other proposed Statutory Undertaker diversions and variation to the location of a proposed ditch / culvert. There are two locations where LoD greater than 10m are proposed, these are to accommodate an alternate alignment to pass through a span of the two viaduct options.</p> <p>For work No. 16, in addition to the above, the diversion may be varied due to variations to the proposed transfer site and other proposed Statutory Undertaker diversions.</p> <p>The limits of deviation for Work No. 10 are to allow flexibility during final design development of the Northern Gas Network (NGN) gas transfer site. With the exception of plot 3/3jj the land affected by this work is owned by NGN and therefore these limits do not disadvantage any other parties. Approximately 5m width of plot 3/3jj is included to allow for the connection to existing infrastructure within Work No. 9 to be included within the site.</p> <p>For Work No. 22, there are no additional factors to the above (ground conditions and potential for other apparatus to be present) which may require variations.</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>	N/A
2.0.12	The 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>The Applicant's response to ExQ1.0.19 [REP2-060] set out the implications of the recent updates to Design Manual for Roads and Bridges (DMRB) and identified that additional work was required for biodiversity/air quality and water. Standalone reports have been produced to set out the results of this additional work.</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
		<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>	<p>These standalone reports form appendices to this response as follows:</p> <ul style="list-style-type: none"> <li>• Appendix 2.0 O - Biodiversity/air quality DMRB update – EXA/D4/028.</li> <li>• Appendix 2.0 P - Water HEWRAT Assessment – EXA/D4/029.</li> </ul> <p>The response to ExQ1.0.19 [REP2-060] stated that for geology and soils there would be a change to the significant effects reported in Chapter 9: Geology and Soils [APP-030] of the ES resulting from updated DMRB guidance (LA 109). However, no additional work was proposed.</p> <p>The effects which were altered as a result of the updated guidance related to the permanent loss of agricultural land. In accordance with the updated guidance (LA 109), there would be a minor (non-significant) effect on Best and Most Versatile (BMV) land and a moderate (significant) effect on non-BMV land. This contrasts with the minor (non-significant) effect on BMV and the negligible (non-significant) effect on non-BMV reported in Chapter 9: Geology and Soils [APP-030] of the ES.</p> <p>The change in effects results from a change in the criteria for sensitivity and magnitude of impact. The guidance used to inform <b>Chapter 9: Geology and Soils [APP-030]</b> of the ES did not set out defined criteria for sensitivity and magnitude of impact relating to agricultural land; instead professional judgement was used and applied in the assessment. However, updated DMRB guidance (LA 109) does provide defined criteria for sensitivity and magnitude of impact relating to agricultural land. In particular, the magnitude of impact criteria now classifies the loss of between 1 and 20 hectares of agricultural land as 'moderate'. For this Scheme, 1.37 hectares of non-BMV land (grade 3b) will be lost, and therefore the significance of effect is considered to be moderate (based on a sensitivity of 'medium' and a magnitude of impact of 'moderate').</p> <p>The mitigation applied within Chapter 9: Geology and Soils [APP-030] of the ES included minimising agricultural land take. The Applicant considers that this mitigation is still appropriate and that no further assessment of mitigation is required.</p> <p>The response to ExQ1.0.19 [REP2-060] set out in Deadline 2 Submission – Applicant's Responses to ExA's First Written Questions – Appendix 1.0 G – DMRB Review Option [REP2-008] stated that for air quality, a review of EU limit value compliance would be undertaken to determine whether a change to the low risk of compliance reported in Chapter 5: Air Quality [APP-026] of the ES resulting from updated DMRB guidance (LA 105) may be undertaken. However, upon review of the changes, taking into account the existing low concentrations and in some cases reduction in equivalent PCM concentrations, no additional work was proposed.</p>
2.0.13	The 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>It is proposed that the Outline CEMP should form the basis for approval of the Final CEMP as provided in Requirement 4 of the dDCO.</p> <p>As a matter of general approach, it is possible to submit multiple versions of a document for approval pursuant to a planning condition or requirement attached to a made DCO. The same is true of this proposal.</p> <p>The way that the CEMP in support of discharging Requirement 4 will operate is provided for in its terms. It is proposed that the CEMP in support of discharging Requirement 4 should remain static unless a material change were required, but that the subsidiary approvals of daughter documents such as the CTMP or WSI</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
		<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>	<p>under its terms will be capable of subsequent approval. This would be more likely to be subject to approval by the Secretary of State as opposed to the submission of the entirety of the CEMP in support of discharging Requirement 4. See paragraph 1.2.5 of the Outline CEMP [ref].</p>
2.0.14	The 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,</p>	<p>In addition to any relevant national policy statement, s.104 of the Planning Act 2008 requires the Secretary of State to take into account "any other matters which [he] thinks are both important and relevant to [his] decision". In this case, the Secretary of State may consider that the "net zero" target is such a matter. If so, the Secretary of State should have regard to it when considering this application.</p> <p>The NNNPS specifically addresses the climate change impacts of road development at paragraph 3.8. In relation to carbon emissions, paragraph 3.8 states as follows (our emphasis):</p> <p><i>The impact of road development on aggregate levels of emissions is likely to be very small. Impacts of road development need to be seen against significant projected reductions in carbon emissions and improvements in air quality as a result of current and future policies to meet the Government's legally binding carbon budgets and the European Union's air quality limit values. For example:</i></p> <p><i>· Carbon – the annual CO2 impacts from delivering a programme of investment on the Strategic Road Network of the scale envisaged in Investing in Britain's Future amount to well below 0.1% of average annual carbon emissions allowed in the fourth carbon budget.<sup>44</sup> This would be outweighed by additional support for ULEVs also identified as overall policy.</i></p> <p><sup>44</sup> This is based on a roads programme of the scale envisaged in Investing in Britain's Future, over a 10 to 15 year period.</p> <p>The impact of schemes on carbon emissions is also considered in paragraphs 5.16 – 5.18 of the NNNPS. Paragraph 5.17 notes that it "is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets". This point is illustrated by the calculations set out in Chapter 14 of the Environmental Statement, which demonstrate that the projected increase in greenhouse gas emissions as a result of the Scheme will represent a contribution of less than <b>0.01%</b> to each of the third, fourth and fifth carbon budgets.</p> <p>The above needs to be considered in light of the revised target of a reduction in emissions of 100% compared to 1990 levels by 2050, up from 80%. Given the tiny fraction of the relevant carbon budgets that emissions from the scheme represent, it remains "very unlikely" that the impact of the scheme will, in isolation, affect the Government's ability to meet the revised target.</p> <p>Paragraph 5.18 of the NNNPS states that "any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets". Again, this should be considered against the new target of a 100% reduction in emissions by 2050. However, given the extremely small contribution the Scheme will make to greenhouse gas emissions over the relevant period, it is highly unlikely that they will have a material impact on the Government's ability to meet even this more challenging target.</p>

Ref No:	Question to:	Question: General and Cross-topic Questions	Response:
		(ii) other local and national policy relating to climate change	<p>Gateshead Council has committed to making the “Council’s activities carbon neutral by 2030”. The Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (March 2015), the Sustainability Appraisal Adoption Statement (March 2015) and the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne - Review Report (March 2020) all incorporate policies and commitments to reduce emissions. The Review Report (March 2020) sets out the council’s commitment to carbon neutrality by 2030 and how the local authorities are in the process of preparing Climate Emergency action plans that will encompass a wide range of activities to make a positive contribution to minimising CO<sub>2</sub> emissions.</p> <p>The Council’s activities and responsibilities do not include the construction and operation of the strategic road network. Any emissions associated with the construction and operation of the Scheme are outside the scope of the local policies and climate change target. Consideration to National Policy is detailed under i) above.</p> <p><u>Links:</u> Gateshead Council commitment to carbon neutrality by 2030: <a href="https://www.gateshead.gov.uk/article/14171/What-Gateshead-Council-is-doing">https://www.gateshead.gov.uk/article/14171/What-Gateshead-Council-is-doing</a> Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (March 2015): <a href="https://www.gateshead.gov.uk/media/7765/Core-Strategy-and-Urban-Core-Plan-for-Gateshead-and-Newcastle/pdf/Core-Strategy-and-Urban-Core-Plan-for-Gateshead-and-Newcastle_SMALLER.pdf?m=63661910309250000">https://www.gateshead.gov.uk/media/7765/Core-Strategy-and-Urban-Core-Plan-for-Gateshead-and-Newcastle/pdf/Core-Strategy-and-Urban-Core-Plan-for-Gateshead-and-Newcastle_SMALLER.pdf?m=63661910309250000</a> Sustainability Appraisal Adoption Statement (March 2015): <a href="https://www.gateshead.gov.uk/media/1905/Sustainability-Appraisal-Adoption-Statement/pdf/Sustatinability-Appraisal-Adoption-Statement.pdf?m=636669101567370000">https://www.gateshead.gov.uk/media/1905/Sustainability-Appraisal-Adoption-Statement/pdf/Sustatinability-Appraisal-Adoption-Statement.pdf?m=636669101567370000</a> Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne - Review Report (March 2020): <a href="https://www.gateshead.gov.uk/media/18501/CSUCP-Review-Report-March-2020/pdf/CSUCP_Review_Report_March_2020.pdf?m=637217741439570000">https://www.gateshead.gov.uk/media/18501/CSUCP-Review-Report-March-2020/pdf/CSUCP_Review_Report_March_2020.pdf?m=637217741439570000</a></p>
		and (iii) any considerations raised in the recent Court of Appeal judgement regarding the Airports NPS?	<p>In terms of the Court of Appeal’s judgement on the Airports NPS, this found that there was a failure by the Secretary of State to take into account the Government’s policy commitment to implement the goals of the Paris Climate Change Agreement. The Government’s policy response to the Paris Agreement was already to legislate for the “net zero” target. There are therefore no further implications of the judgement beyond those already discussed above in relation to “net zero”. The Court of Appeal’s judgement is subject to an application to appeal to the Supreme Court, which seeks to set aside the findings referred to above.</p>

**Table 2.2 – Biodiversity, Ecology and Natural Environment**

Ref No:	Question to:	Question: Biodiversity, Ecology and Natural Environment	Response:
2.2.1	Applicant	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>The Applicant confirms that all areas of proposed new woodland planting fall within land currently owned by Highways England, Northern Gas Networks and Gateshead Council.</p> <p>The area of land encompassing proposed new woodland planting currently owned by Northern Gas Networks will be compulsorily acquired by Highways England as part of</p>



Ref No:	Question to:	Question: Biodiversity, Ecology and Natural Environment	Response:
		<p>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?</p>	<p>the DCO process and is shown on the Land Plans [REP2-037] (plot nos. 3/6e). Subsequently, this land will be managed, monitored and maintained by Highways England. This amounts to approximately 18% of the proposed woodland.</p> <p>Approximately 20% of the proposed woodland creation falls within land owned by Gateshead Council. As this land is within public ownership, Gateshead Council would be responsible for the management, monitoring and maintenance of it. There is no reason to suppose it is not willing to do so.</p> <p>The remaining 62% of the proposed new woodland falls within Highways England ownership.</p>
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]. 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>	<p>The current position on the matters that have been resolved between Highways England and the Environment Agency is provided within the updated Statement of Common Ground with Gateshead Council [REP2-054]. The Applicant considers that the comments raised regarding water vole have been resolved.</p>
2.2.3	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 been resolved between the two parties and those that remain outstanding. This may be provided within the Statement of Common Ground (if agreed).</p>	<p>The current position on those matters that have been resolved between Highways England and Gateshead Council and those that remain outstanding is provided within the Statement of Common Ground with Gateshead Council [REP2-052], which has been updated and submitted at Deadline 4.</p> <p>Furthermore, an update to the Applicant's responses to Gateshead Council's Written Representation [EXA/D4/007] has been submitted at Deadline 4.</p> <p>To date, Gateshead Council has not provided confirmation that the points raised within the Local Impact Report [REP2-075] and the Council's Written Representation [REP1-005] have been resolved. The matters that remain outstanding and require further discussion comprise the following and are reflected within the updated Statement of Common Ground with Gateshead Council submitted at Deadline 4:</p> <ul style="list-style-type: none"> <li>• Discussions on the design of the landscape and ecology mitigation proposals within the Order Limits. This is to include consideration of woodland planting within the parkland north of Allerdene bridge. This area of land falls within Gateshead Council ownership and would increase the level of woodland planting within the Order Limits. This agreement would be subject to further discussions internally within Gateshead Council and consideration by the Applicant of the effects on the <b>Chapter 8: Biodiversity [APP-029]</b> and <b>Chapter 12: Population and Human Health [APP-033]</b> impact assessments. Footpaths and public open space are located within the area under consideration for the woodland planting, which need to be taken in to account in the habitat creation design.</li> <li>• Consideration for the inclusion of created scattered scrub planting along the bank of the River Team within Coal House roundabout. This agreement would be</li> </ul>

Ref No:	Question to:	Question: Biodiversity, Ecology and Natural Environment	Response:
			<p>subject to consideration by the Applicant of the effects on <b>Chapter 13: Road Drainage and the Water Environment [APP-034]</b>, the flood plain compensation, and availability of land.</p> <ul style="list-style-type: none"> <li>The provision of further information to the ecological representative at Gateshead Council regarding the access track within Longacre Wood Local Wildlife Site. The information requested was confirmation of the elements of works that will be completed within this section of the Order Limits; including whether vehicle access is required and details of habitat loss within this area.</li> </ul> <p>The above points are in the process of being addressed and, once confirmed, this information will be provided to Gateshead Council in order for the matters to be resolved.</p>

**Table 2.4 – Draft DCO**

Ref No:	Question to:	Question: Draft DCO	Response:
2.4.1	Applicant and Gateshead Council	<p><b>Article 2 Interpretation:</b> <b>Commence</b> – 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>The Applicant has given careful consideration to these works. Due to their nature it is not considered that any of these activities have the potential for significant impacts on relevant receptors. They are all considered to be de minimis or low impact preparatory works, particularly in the context of the Scheme.</p> <p>This approach has been accepted on numerous occasions in previously made orders, including in a number of recent cases allowing for more intrusive or extensive works. For example, the Riverside Energy Park Order 2020 (granted on 9 April 2020) permits "<i>any other works that do not give rise to any likely significant adverse environmental effects as assessed in the environmental statement</i>" [<i>emphasis added</i>] and The Drax Power (Generating Stations) Order 2019 expressly 'carves out' demolition and site clearance operations.</p> <p>The Applicant also notes that in order to comply with the various pre-commencement Requirements (including in particular Requirements 4 (CEMP incorporating Ecological Management Plan) and 9 (Archaeological remains)) preparatory works (including removal of vegetation, clearance of debris or demolition of redundant structures, &amp;c.) are likely to be required in order to facilitate the requisite preliminary investigations (such as trial pits to aid the preparation of the Final WSI).</p> <p>The Applicant considers that it has struck a reasonable and appropriate balance in this case in terms of the works that it is seeking to exclude and that appropriate safeguards are in place.</p>

Ref No:	Question to:	Question: Draft DCO	Response:
		<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>	<p>The consistent practice for all highways DCOs incorporating an express definition for "commence" has been to refer to section 56(4) of the 1990 Act. As intimated at ISH1, there is an established body of caselaw to aid the interpretation of the section 56(4) definition which is not the case for section 155.</p> <p>The Applicant also notes in particular that section 56(4)(d) expressly includes "any operation in the course of laying out or constructing a road or part of a road" as a material operation which is clearly highly relevant to the current highway's improvement scheme.</p> <p>As such, the Applicant considers that reference to section 56(4) remains appropriate for the current dDCO.</p>
		<p>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.</p>	<p>N/A</p>
2.4.2	Applicant	<p><b>Maintain</b> – 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>There is precedent for every item in the list (other than "landscape" – see below) being included in a highways DCO. Indeed, the definition of "maintain" provided in Article 2 of the dDCO is less extensive than that found in The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016, which also explicitly included the additional words "clear", "decommission" and "demolish" which are not incorporated in this dDCO.</p> <p>Arguably, none of these definitions goes beyond the normal English meaning of the word "maintain". However, it is vital for the proper operation of the proposed Scheme into the future (and the safety and convenience of users of the Scheme) that the Applicant is unambiguously able to repair the highway and maintain it to the standards required by prevailing best practice, potentially many decades hence. This includes the need for apparatus and equipment to be refurbished and improved at appropriate intervals.</p> <p>Without prejudice to the foregoing, the Applicant notes that the Proposed Development and the works involved will have a number of effects, as detailed in the Environmental Statement ("ES"). This includes specific impacts on various unique receptors or features. The impact of maintenance is specifically considered as part of this assessment in the following sections of the ES: <b>[WSP/assessors to insert references]</b></p> <p>The Landscape Mitigation Design encompasses biodiversity mitigation requirements and would result in the restoration of any temporary loss of habitats through landscape planting which would establish during operation. This includes creation of woodland strips south of Allerdene Bridge to screen the habitat which is suitable for wintering birds.</p>

Ref No:	Question to:	Question: Draft DCO	Response:
			<p>Adherence to the landscape mitigation, monitoring and maintenance regime would protect retained and newly created habitats, but will require ongoing landscape management.</p> <p>For example, the effect of proposed construction on biodiversity is set out in <b>Chapter 8: Biodiversity</b> of the ES [APP-029] which indicates that there will be loss of woodland at Longacre Wood Local Wildlife Site and Green Wildlife Corridor. The re-establishment of the woodland will require replacement of lost wildlife and vegetation and, subject to appropriate monitoring, may require further improvement once construction is completed and the project is in its maintenance period.</p> <p>An assessment of landscape impact has also been carried out and reported in <b>Chapter 7: Landscape and Visual</b> of the ES [APP-028], within which it is identified that landscape planting should be monitored for a period of five years following completion of the scheme. Chapter 7 identifies in full the extent of landscaping required given the proximity of the Scheme to the Angel of the North and, for example, the construction of the new Allerdene Bridge.</p> <p>These aspects are particular to the current scheme and differentiate its anticipated maintenance requirements from other highways schemes that have previously been consented. Therefore, the content of the definition is appropriate.</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>	<p>All existing maintenance procedures specific to the Scheme would be reviewed by the Applicant and updated as necessary to incorporate the changes needed to support this Scheme. There would also be a number of new assets introduced by the Scheme and the maintenance and access to these new assets have been detailed in the Maintenance and Repair Strategy Statement (MRSS).</p> <p>Towards the end of the construction period the CEMP would be developed as the Handover Environmental Management Plan (HEMP) which would include the monitoring and management arrangements going forward during future maintenance and operation. This includes the environmental information needed for the future maintenance of the development (cf. paragraph 1 of Schedule 2 to the dDCO).</p> <p>Further information is also detailed in <b>Chapter 2: The Scheme</b> of the Environmental Statement [APP-023] at paragraphs 2.9.68 to 2.9.76</p>
2.4.3	Applicant and Gateshead Council (part b only)	<p><b>Article 7 Limits of deviation</b> – 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</p>	<p>It should be noted that 1 metre is a usual provision for vertical Limits of Deviation in a highway DCO, and that no party has objected to it for the scheme or its components. As such, there is no reason not to include the power as sought currently before the Examining Authority.</p> <p>With regard to the Testo's Order there are a number of features which differ</p>

Ref No:	Question to:	Question: Draft DCO	Response:
		<p>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>between the Testo's scheme and this scheme and make a greater vertical Limit of Deviation appropriate. These include:</p> <ul style="list-style-type: none"> <li>• The fundamental nature of the scheme – Testo's is primarily a junction improvement over relatively flat ground, whereas this Scheme is primarily online widening which extends over multiple junctions and significantly undulating ground; and</li> <li>• An offline bridge replacement.</li> </ul> <p>In addition:</p> <ul style="list-style-type: none"> <li>• This Scheme incorporates much longer bridge / viaduct options over an area with unstable ground conditions;</li> <li>• The proposed carriageways incorporate more lanes, which includes carriageways at different levels across in cross-section as well as in long asection;</li> <li>• The preliminary design reflects a network rail aspiration to have 1m clearance to the top of Overhead Line Equipment poles (this aspiration may be altered during the detailed design process); and</li> <li>• There are sections of erroneous crossfall within the existing carriageway which could be changed during design development.</li> </ul>
		<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>	<p>The reasonable worst case resulting from the Limits of Deviation has been assessed as part of the Environmental Impact Assessment as detailed in <b>Chapter 2: The Scheme</b> of the Environmental Statement [APP-023] at <b>paragraphs 2.5.10 to 2.5.12.</b></p> <p>The Applicant is unaware of any other unintended consequences of these Limits of Deviation. Any unintended consequence not assessed would not be within the reasonable worst case properly assessed by the Applicant.</p> <p>Hence, there should not be an effect of Gantries upon the Angel of the North as a result of the proposed signage gantries and North Dene Footbridge. Indeed, those effects have already been assessed and the effect of the power of deviation fully taken into account.</p>
		<p>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?</p>	<p>On the basis that 1 metre is a usual provision for vertical Limits of Deviation the design was developed and assessed on this basis.</p> <p>Should the Limits of Deviation change the Applicant would be required to review and check all engineering components during the DCO examination. Further, it would need to re-perform the environmental impact assessment which is considered disproportionate.</p> <p>The fact that a reduction in the power of vertical deviation at this stage is disproportionate is demonstrated by the fact that all environmental effects have been found to be acceptable by the Applicant's expert assessors. As an</p>

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			<p>example, the significant effects on the views from three visual receptors (R7, R8 and P3), identified in <b>Chapter 7: Landscape and Visual [App-028]</b>, would not be altered as a result of deviation of +/- 1m, due to the exposed nature of this section of the A1 within views from nearby receptors. In addition, the maximum adverse effect on the setting of the Angel of the North that is predicted is slight. The change to the limits of deviation would have little implication for the assessment on impacts to the cultural heritage significance. Impacts are not assessed purely on the basis of views to or from the asset.</p>
2.4.4	Applicant	<p><b>Article 33 Temporary use of land for maintaining the authorised development</b> - 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>The Applicant has a duty of maintenance in respect of the new adopted public highway and associated powers to maintain it under the Highways Act 1980.</p> <p>There are certain powers of entry in the Highways Act 1980, but these only permit access to third party land for certain specified purposes. The general duty to maintain the highway is not amongst them and, absent article 33, there would not be power to use third party land temporarily for this purpose.</p> <p>Where a power of entry is available, this is generally exercisable on giving seven days' notice to the occupier in respect of occupied land. This requirement to give notice does not apply to unoccupied land and does not require that the owner of the land (if not in occupation) be notified.</p> <p>In some enumerated instances, no prior notice is required. This includes cases of emergency.</p> <p>The powers under article 33 would permit access to land in the Order limits during the five year maintenance period after the development is opened for use.</p> <p>Absent article 33(4), the Applicant may well be obliged to allow the identified safety risk to persist were access to land to be refused. This is plainly not in the public interest.</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>	<p>As a public authority, the Applicant is required to act in a lawful and proportionate manner. It will not act in an arbitrary or capricious manner given that it is subject to sanction of the courts if it acts unlawfully.</p> <p>An assessment as to potential risk posed in each of the three circumstances must be undertaken in accordance with accepted general principles of public decision-making, including that only relevant factors should be taken into account.</p> <p>The Applicant's actions in this regard would be subject to the general supervisory jurisdiction of the courts.</p>

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			Importantly, there should be no suggestion of the need – especially in an emergency – to debate the appropriateness of the actions of the Applicant. It should be afforded the same understanding in this regard since the position reflected in other DCOs is no different to that which applies here.
2.4.5	Applicant	<p><b>Schedule 1 Authorised development</b> 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>	The reference is to the final sub-paragraph of the coda to Schedule 1 which was the twenty-second (hence, "xxii") and final sub-paragraph therein prior to the omission of the former sub-paragraph (l) ( <i>works to alter or remove road furniture</i> ).
2.4.6	Applicant	<p>The initial description of Work No. 4b is followed by the text 'Such works including-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>	<p>The text is relevant to both Work No 4a and Work No 4b and has been amended for clarity.</p> <p>Consequential minor amendments to similar text after Work No 1b and Work No 6b have also been incorporated.</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 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>Please clarify which Work No. the attenuation pond is part of? Is amended drafting required in order to make these matters clearer?</p>	<p>The attenuation pond referred to is not currently part of any Scheduled work. However, the attenuation pond is shown on the various plans accompanying the Application.</p> <p>For clarity, the coda to Schedule 1 has been amended to include appropriate additional wording accordingly.</p>
2.4.8	Applicant and Gateshead Council	<p><b>Schedule 2, Part 1</b> <b>Requirement 3 (Detailed design)</b> 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>	Provision to require consultation with the relevant planning authority has been incorporated into Requirement 3.
		b) Why is provision for the approval of the external appearance of Work No.12 (replacement gas transfer building) not included in Requirement 3?	Requirement 3(3) has been amended to extend the provision to Work No 12 in addition.
2.4.9	Applicant and Environment Agency	<p><b>Requirement 4 (Construction and handover environmental management plan)</b> This Requirement includes consultation with the relevant planning authority</p>	<p>Requirement 4(1) has been amended to add a requirement for consultation with the EA in addition to the relevant planning authority.</p> <p>The Outline Construction Environmental Management Plan (CEMP) [REP2-050</p>

Ref No:	Question to:	Question: Draft DCO	Response:
		<p>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>	<p>and 051] has also been updated at [G1] to state that:</p> <p><i>"The CEMP will be approved by the SoS following consultation with the local authority and the Environment Agency, prior to construction works commencing on site"</i></p> <p>An updated version of the CEMP has been submitted at Deadline 4.</p>
2.4.10	Historic England	<p><b>Requirement 9 (Archaeological remains)</b> The Applicant has amended the wording of Requirement 9 [REP2-044] in response to Historic England's Written Representation [REP1-013].</p> <p>Is Historic England satisfied with the updated wording of Requirement 9?</p>	N/A
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>	N/A
2.4.12	Applicant and Historic England	<p><b>Schedule 10 Scheduled Monuments</b> – 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>	The design of the works to be carried out in the second column of Schedule 10 has been amended to incorporate additional wording so as to include all relevant works.
		<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>	N/A
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>	Without prejudice to the parties' position generally, the Applicant continues to discuss the Scheme with Network Rail and is in the process of agreeing property transactional documents and protective provisions. It is understood that no more than two items remain outstanding in relation to protective provisions. The Applicant and Network Rail aim to update the Examining Authority on progress as soon as possible, most likely at Deadline 5.
		<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>	N/A



Ref No:	Question to:	Question: Draft DCO	Response:
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>	N/A
		<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>The following Development Consent Orders contain provisions that concern works to be undertaken for the construction or diversion of gas pipelines/connections that correspond with paragraph 7(6) and 9 of Schedule 11 to the dDCO, including a number of highways schemes.</p> <p>In the A30 Chiverton to Carland Cross Scheme DCO (2020), paragraphs 7(6) and 9 of Schedule 9 contain provisions of similar wording to the dDCO.</p> <p>In the M20 Junction 10a DCO (2017), Work No. 22 concerns the diversion of 460m of gas pipeline. Paragraphs 7(6) and 9 of Schedule 9 contain similar provision to the dDCO.</p> <p>The Eggborough Gas Fired Generating Station Order (2018) contains provision in Schedule 12, at paragraph 6(6) and paragraph 8, that echoes paragraphs 7(6) and 9 of Schedule 11 to the dDCO.</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO (2016) contains provision for development involving the diversion of utilities apparatus, including gas and water pipelines and electric cables. Schedule 9 concerns the protection of utility undertakers and paragraph 7(6) and paragraph 9 contain provisions with equivalent wording to the dDCO. There are also included in Part 5 of Schedule 9, at paragraphs 63(6) and 65, provisions for the protection of UK Oil Pipelines Ltd/West London Pipeline and Storage Ltd that are similar to Schedule 11 paragraph 7(6) and 9 of the dDCO.</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>	<p>Without prejudice to the parties' position generally, the Applicant continues to discuss the Scheme with NGN and is in the process of agreeing property transactional documents and protective provisions. It is hoped that the inclusion of additional land within the Application, to which NGN has indicated it is amenable, provision can be made to accommodate land for NGN's proposed CNG Filling Station and resolve its objection. The Applicant and NGN aim to update the Examining Authority on progress as soon as possible, most likely at Deadline 5.</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</p>	<p>Without prejudice to the parties' position generally, the Applicant continues to discuss the Scheme with Northumbrian Water and is in the process of agreeing protective provisions. It is hoped that an agreed position can be reached and</p>

Ref No:	Question to:	Question: Draft DCO	Response:
		<p>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>	<p>the Applicant will aim to update the Examining Authority on progress as soon as possible, most likely at Deadline 5.</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</p>	<p>Table 1.1 of the Outline CEMP sets out indicative timeframes for the construction of the Scheme, including Aspect 7 – removal of Allerdene Bridge and approaches.</p> <p>However, a number of potential options have been identified for the construction of the replacement for Allerdene Bridge, including the use of various configurations of embankment or viaduct. As such, it is not possible for the exact timeframe for demolition to be set at this stage as this will ultimately depend on which replacement option is selected for the Aspect 4 – Allerdene Bridge works. This means that the indicative timeframes in the Outline CEMP may need to be revised as the final detailed design is developed, especially since the works interface with the East Coast Mainline and it is likely that possessions will require to be arranged with Network Rail. Commitment REAC entry P11 in Table 3.1 of the Outline CEMP constrains when these may be carried out and will affect programming as a result.</p> <p>Paragraph 1.3.5 of the Outline CEMP has been amended to clarify that the final CEMP approved under Requirement 4 must also include provision as to the programming of the Aspect 7 works in light of the option selected for the delivery of the replacement Allerdene Bridge. The operation of Requirement 4(3) will then ensure that the demolition is undertaken at the appropriate time.</p> <p>The Applicant considers that this holistic approach to the delivery of the Scheme is sufficient to ensure that the defunct bridge will be removed without unnecessary delay and adverse environmental effects arising from its temporary retention are suitably mitigated.</p>
		and (ii) that it is demolished within a set timeframe?	Ditto
		b) If no such provision is included, what is the justification for this?	Ditto

**Table 2.5 – Cultural Heritage**

Ref No:	Question to:	Question: Cultural Heritage	Response:
2.5.1	Applicant and Gateshead	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	Due to restrictions on meetings and travel, the planned workshop for the 24 <sup>th</sup> March 2020 was changed to a video conference between Clare Richardson

Ref No:	Question to:	Question: Cultural Heritage	Response:
	Council`	<p>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>(Gateshead Council Heritage Officer) and Andrew Williams (WSP Landscape Architect) to discuss the approach to the design of the area around the Angel of the North. This included a discussion on a draft sketch proposal issued to Gateshead Council on 23<sup>rd</sup> March 2020. Subsequent to this meeting, an additional iteration of the sketch proposal was issued to Gateshead Council on the 25<sup>th</sup> March 2020, for further comment. The sketch proposal has been circulated within the internal teams in Gateshead Council and the Applicant to gain feedback. This sketch proposal accompanies these submissions as Appendix 2.5 A. The proposal shown in the sketch identifies additional design measures that exceed those required to mitigate the effects of the Scheme.</p> <p>Gateshead Council responded on the 3<sup>rd</sup> April 2020, suggesting a further conference call with heritage, landscape and ecological officers from Gateshead Council and the Applicant's Landscape Architect and Ecologist. This was held on the 9<sup>th</sup> April 2020 and identified further considerations within the design, which the Applicant is currently developing into a final sketch proposal, with the aim being to have this agreed with Gateshead Council and Anthony Gormley Studios by Deadline 5.</p> <p>The objective of these discussions is that:</p> <ul style="list-style-type: none"> <li>Achieving agreement on the design of the landscape proposals within the Order limits and associated with the interface of the proposed scheme and the Angel of the North for further discussion by Gateshead Council with Anthony Gormley and Anthony Gormley Studios.</li> </ul> <p>That the location for additional ecological areas associated with the interface between the Scheme and Gateshead Council's own subsequent proposals for the Angel of the North, over and above those required to mitigate the impacts of the Scheme alone, will have been provided to the Appellant by Gateshead Council and agreed.</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>	N/A
		<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 Crosstopic Questions above.</p>	<p>The Applicant would like to draw the ExA's attention to the following sections of Southern Green's "Options Appraisal for Managing and Enhancing the Angel" (February 2020):</p> <ul style="list-style-type: none"> <li>Section 1, Site Analysis, Page 5 and the following supporting photographs that illustrate the existing views and appreciation of the Angel of the North and the baseline against which the assessment of landscape and visual effects has been based. This shows that currently the Angel of the North is partially obscured by a combination of existing roadside vegetation and vegetation within the adjoining landscape (particularly associated with Eighton Lodge Care Home);</li> </ul>

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			<ul style="list-style-type: none"> <li>• Section 2, Design Concepts particularly the View from Durham Road, Page 19 – 20, Views from Foot of Angel, Page 22, and which have informed discussions with Gateshead Council about how the site is currently experienced, and how the Scheme could support the delivery of enhancement measures (which are not part of nor required by the Scheme) to the site, within the Order limits; and</li> <li>• Section 3, Design Options, Option 3 – Revealing the Angel Page 31, which the Applicant understands from their discussions with Gateshead Council to be their's and Gormley Studio's preferred option for the enhancement of the landscape and visual environment in and around the Angel of the North. This option is forming the basis for further discussion with Gateshead Council as to whether, and how, the Applicant might be able to support this vision.</li> </ul> <p>The Applicant would also like to draw the ExA's attention to the following sections of the NECT study "A Study of the Significance which the Angel of the North gains from its Setting" (January 2018):</p> <ul style="list-style-type: none"> <li>• Landmark, Page 33, this section of the report identifies the sculpture's prominence within the wider landscape, which the Applicant has been cognisant of in undertaking their assessment of the changes within the A1 and the relationship with the Angel of the North. The assessment has included several viewpoints within the assessment that include the Angel of the North as one of the main features of the view experienced by associated receptors – see in particular Viewpoints 1, 4, 5, 6 in Environmental Statement - Figure 7.5 Viewpoint Photos - A [APP-058] and 14 and 16 in Environmental Statement - Figure 7.5 Viewpoint Photos – B [APP-059];</li> <li>• Visibility, Page 35, this section of the report identifies some of the key views of the Angel of the North from locations within the Team Valley, in particular the view from the A1 for which the Applicant has prepared a photomontage to demonstrate the effect of the Scheme on the view - refer to A1 Birtley to Coal House Applicant's Comments on the Local Impact Report, [REP3-005], Appendix 5.2 – North Dene Photomontage; and</li> <li>• Openness, Page 43, which demonstrates how, as a result of the growth of vegetation surrounding the sculpture, views of the Angel of the North have become obscured, and it is against these baseline conditions that the assessment of landscape and visual effects has been undertaken, as described within <b>Chapter 7: Landscape and Visual [APP-028]</b> of the ES.</li> <li>• Examples of Views, A1 Northbound and Southbound, Page 56-59, which sets out, through a series of photographs, the existing views towards the Angel of the North, and in relation to which the Applicant has prepared a photomontage to demonstrate the effect of the Scheme on the view - refer to Deadline 3 'Applicant's Comments on Local Impact Report' [REP3-005], Appendix 5.2, North Dene Photomontage and similarly described within Deadline 2 'Applicant's Responses to ExA's First Written Questions', Appendix 1.5 A - Angel of the North Narrative [REP2-019].</li> </ul>

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			As demonstrated above, the Applicant's expert assessment has fully taken into account the existing setting of the Angel of the North as well as the content of the Southern Green and NECT reports.
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>	<p>Further to the response to ExQ1.5.4 [REP2-060] at Deadline 2, the Tyne and Wear Archaeology Officer has confirmed that no further geophysical survey is required. This correspondence is provided in <b>Appendix 2.5B</b>.</p> <p>A programme of topographical survey followed by evaluation trenching is still required prior to construction. This is secured through the requirements in the REAC reference [CH4] and [CH8] in the Outline CEMP [REP2-050 and 051] and is also detailed in the Outline WSI submitted at Deadline 4 (which forms an appendix to the Outline CEMP [REP2-050 and 051]).</p>
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>	<p>A version of the Outline WSI (which forms an appendix to the Outline CEMP [REP2-050 and 051]) has been submitted at Deadline 4.</p> <p>A draft Outline WSI has been prepared and has been provided to Historic England and the Tyne and Wear Archaeology Officer on 3 April 2020 for comment. The Applicant will update the draft WSI in light of comments received.</p> <p>If there are any outstanding comments on the Outline WSI, a subsequent version of the Outline WSI will be issued at a later deadline.</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>	<p>The changes to the CEMP requested in the Written Representations have been addressed.</p> <p>In the Deadline 3 submissions Historic England noted that several remained outstanding these are:</p> <ul style="list-style-type: none"> <li>• CH3 (dismantling of the masonry retaining wall) – <i>'the methodology and timing of the works has not been fully incorporated'</i> - The Outline CEMP submitted at Deadline 2 [REP2-050 and 051] states at [CH3] that "A method statement will be produced by the main contractor for how and when the dismantling will occur.... and will be required as part of the Final WSI".</li> <li>• CH5 (interpretation panel) - <i>'reference to the methodology and timing of the works has not been fully incorporated'</i> - The Outline CEMP submitted at Deadline 2 [REP2-050 and 051] states at [CH5] that 'the panel will be installed by the main contractor at the end of works...and before the entire scheme ends. In addition, it notes that the nature, type and location of the board is to be agreed between the main contractor and Historic England and the Tyne and Wear Archaeology Officer</li> <li>• CH6 (wall repair) - <i>'reference to the methodology and timing of the works has not been fully incorporated'</i> - The Outline CEMP submitted at Deadline</li> </ul>

Ref No:	Question to:	Question: Cultural Heritage	Response:
			<p>2 [REP2-050 and 051] states at [CH6] that the methodology and timing will be included in the Final WSI.</p> <ul style="list-style-type: none"> <li>• N8 (vibration damage) - <i>'reference to the methodology and timing of the works has not been fully incorporated'</i> - It is stated in the Outline CEMP submitted at Deadline 2 [REP2-050 and 051] at [N8] that monitoring will be carried out during the piling works and that the monitoring requirements will be included in the Final WSI.</li> </ul> <p>The Outline CEMP [REP2-050 and 051] has been resubmitted in updated form at this deadline and the references set out above remain accurate.</p> <p>Historic England also requested that 'each action includes the wording <i>"...submitted in writing to and approved by the Local Planning Authority in consultation with Historic England..."</i> a variation of this text is included in the column 'Achievement criteria and reporting requirements' of the REAC in the Outline CEMP so as to require consultation with both the Local Planning Authority and Historic England. This is because the approving body in respect of Highways England Schemes is the Secretary of State and not the Local Planning Authority.</p> <p>Historic England has requested that 'Actions CH3, CH5, CH6 and N8 (although not relevant to Historic England, CH4 should also be included) all include the following text: <i>"...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."</i></p> <p>The Final WSI will be not be approved by Historic England, because the Secretary of State will be the approving body.</p> <p>Therefore, the requirement to approve the methodology, including the timing and details, is inappropriate and is changed to a duty to consult Historic England. CH5 is the only action that doesn't currently contain at least a variation of this wording. It is however otherwise covered in the Outline WSI (which forms an appendix to the Outline CEMP [[REP2-050 and 051]. [.</p> <p>In relation to the draft DCO, Historic England's comments relate to Requirement 6 in Schedule 2 and also to the content of Schedule 10. The version of the DCO submitted as Deadline 4 has been further revised to address the points raised by Historic England and was supplied to Historic England for comment on 9 April 2020.</p> <p>Historic England responded on 16 April that the changes made to Requirement 6 appear to address their points. The Applicant therefore understands that the wording of Requirement 6 is now agreed.</p> <p>In relation to Schedule 10, Historic England had requested greater specification of the works which would be undertaken to the scheduled monument as well as a</p>

Ref No:	Question to:	Question: Cultural Heritage	Response:
			<p>limitation of the length of the demolition works to be carried out to the stone retaining walls. The list of works referred to by Historic England have been incorporated into Schedule 10.</p> <p>In their response of 16 April, Historic England questioned whether the corrugated metal structure within the underpass required to be replaced or just extended. The Applicant can confirm that proposals comprise the extension of the existing corrugated metal structure.</p> <p>When supplying the draft DCO to Historic England, the Applicant had also indicated that consideration was being given as to whether further wording was required in relation to drainage work. No specific additional wording has been included in relation to drainage works to the scheduled monument, but these are included in the addition to the coda at the end of Schedule 1 which deals with drainage works.</p>

**Table 2.6 – Landscape and Visual**

Ref No:	Question to:	Question: Landscape and Visual	Response:
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 [be] at the lower end of the scale of significance?</p>	<p>As outlined in <b>paragraph 4.6.2 of Chapter 4: Environmental Assessment Methodology [APP-025]</b> of the ES and in <b>paragraph 7.4.43 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES, a significant effect is considered to be an effect of moderate adverse or greater. The described significance of effect ratings represent a sliding scale of effects, between neutral and very large adverse, with moderate adverse being at the lower end of effects that are considered to have met the threshold of being significant. <b>Table 7.12 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES describes a typical moderate adverse effect as being where:</p> <p><i>“The project would cause obvious deterioration to a view from a moderately sensitive receptor, or perceptible damage to a view from a more sensitive receptor.”</i></p> <p>The visual receptors identified as being subject to a significant effect comprise residents of residential property (R7 and R8) and the users of a public right of way (P3). As such, and in accordance with <b>Table 7-7 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES, these receptors are considered to be of high sensitivity. It is the professional opinion of the Applicant's Landscape specialist that, following construction of Allderdene embankment or viaduct options, there would be a deterioration in the views experienced by sensitive receptors along Lamesley Road with an outlook towards the existing structure. This is due to the removal of existing vegetation in order to construct the new crossing, and the new structure being placed in front of the existing bridge. Whilst both options would result in a deterioration in the quality of the views experienced, it is considered that the</p>

Ref No:	Question to:	Question: Landscape and Visual	Response:
			<p>Allerdene viaduct option would result in a perceptibly greater adverse effect, giving rise to a moderate adverse significance of effect rating. This is due to the Allerdene viaduct options having a reduced capacity to be mitigated through replacement planting, in comparison to the Allerdene embankment option.</p> <p>As a result, the degree to which the structure of the Allerdene viaduct option would be visible would be perceptibly greater in comparison to the Allerdene embankment option in the Opening Year (2023), representing a marked and adverse change to the outlook of sensitive receptors on Lamesley Road with an appreciation of the new bridge structure.</p> <p>In the Design Year (2038), mitigation measures identified within <b>paragraphs 7.9.4 and 7.9.5 of Chapter 7: Landscape and Visual [APP-028]</b> of the ES would reduce the degree to which the Allerdene embankment option would be visible as a result of the proposed planting across the embankment slope maturing sufficiently, so as to reduce the degree to which moving traffic would be visible. Combined with the shorter structure itself, this would give rise to a slight adverse (not-significant) effect. In comparison, the Allerdene viaduct option comprises a much longer structure (between 290-310m for the Allerdene viaduct options in comparison with the 62m for the Allerdene Bridge) and does not include embankment slopes suitable for planting. Instead, any planting proposed would occur at ground level and would require a substantial period of time to mature in order to screen views of the viaduct support columns and would not be sufficiently tall to screen moving traffic by the Design Year. As a result, it is considered that, on balance, the effects would not be sufficiently mitigated to the degree that the perceptible effects on the sensitive receptors would have substantially reduced so as to mitigate the previously identified moderate adverse significance of effect, and therefore a significant effect would remain.</p> <p>If the Allerdene three span viaduct option is included as part of the Scheme, then the predicted effect on landscape character and visual amenity would be comparable to the Allerdene embankment option during construction and in the Opening Year (2023). The predicted effect on landscape character and visual amenity of the Allerdene three span viaduct option in the Design Year (2038) would remain comparable to the effect in the Opening Year (2023) due mainly to an absence of planting on the embankment slope. Whilst the capacity to mitigate the Allerdene three span viaduct option through planting would be similar to the Allerdene six/seven span viaduct option (planting being possible at ground level), the top of the viaduct and moving traffic would remain visible. As a result, the effect on visual receptors would be moderate adverse for the same small number of receptors (R7, R8 and P3).</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>	<p>The following mitigation measures have been identified on <b>Figure 7.6: Landscape Mitigation Design [APP-061]</b> of the ES, specifically to reduce the adverse effects</p>



Ref No:	Question to:	Question: Landscape and Visual	Response:
			<p>on the sensitive visual receptors (R7, R8 and P3) that have been identified as being subject to a significant effect as a result of the Allerdene six/seven span viaduct option and Allerdene three span viaduct option:</p> <ul style="list-style-type: none"> <li>• Between chainage 1080 and 1260 northbound, woodland planting would reduce awareness of the embankment, extending to the east, limited by the realigned watercourse.</li> <li>• Extending from chainage 1040 and 1400 northbound, and south of the diverted watercourse, extending to the east as far as the East Coast Main Line (ECML), a hedgerow, along with scattered trees are proposed to provide interruption to views from the south and south west, although in the Design Year (2038) the trees within the proposed hedgerow will not be capable of screening views entirely due to the relative height of the elevated section of the Allerdene viaduct within views and above the likely top of trees. The tops of the proposed trees are likely to be between 5.5m and 6m in the Design Year (assuming an annual growth rate of 0.25m, and trees planted between 1.5 and 2m in height – typically the height of feathered stock supplied by nurseries). As a result, the top of the Allerdene viaduct bridge deck would remain visible above the tree line, as this is anticipated to be approximately 9-9.5m above ground level to the top of the bridge deck, with parapets being an additional 1.8m in height and the top of high sided vehicles approximately 4m above the top of the bridge deck.</li> </ul> <p>The following mitigation measures could be considered, specifically to reduce the adverse effects on the sensitive visual receptors (R7, R8 and P3) that have been identified as being subject to a significant effect as a result of the Allerdene six/seven span viaduct option and the Allerdene three span viaduct option:</p> <ul style="list-style-type: none"> <li>• Additional woodland planting to form a block of planting to the north of the proposed hedgerow between chainages 1280 and 1400 northbound could be provided. However, this would not fully screen the Allerdene viaduct, bridge deck and traffic movements as the relative height difference between the top of woodland planting in the Design Year (2038) and the Allerdene viaduct bridge deck would be similar to that outlined above, and the resulting effects would be comparable. Woodland in this location would reduce the available land for proposed species rich grassland; and an alternative location for this would need to be identified within the Order limits.</li> </ul> <p>Measures to mitigate the Allerdene three-span viaduct option would be comparable to the Allerdene six/seven span viaduct option and would include woodland planting at ground level and on land in the ownership and operation of the Applicant. The effect would be that the top of the viaduct and moving traffic would remain visible above the establishing tree line.</p> <p>Mitigation that was considered but discounted, as it was considered not to be an appropriate or proportionate mitigation measure, is as follows:</p>

Ref No:	Question to:	Question: Landscape and Visual	Response:
			<ul style="list-style-type: none"> <li>An alternative to the above mitigation might be the provision of planting as small blocks of woodland on land belonging to a third party, located immediately adjacent to each of the three receptor locations and within the line of sight to the Allerdene viaduct option. Once established and in the Design Year (2038), this planting would effectively screen views of the Allerdene viaduct. However, this would also limit/screen the open aspect to views from these receptors of the wider landscape that comprises open countryside. This loss of appreciation would be an adverse impact that would lead to a perceptible deterioration in the views experienced by residents of residential properties (associated with R7 and R8), and users of the public right of way (P3), and as such would be likely to represent a significant effect in itself. This would require a legal undertaking as a permanent mitigation measure comprising of an Off-Site Planting Agreement, to be made between the Applicant and the landowner for the benefit of another party. However, it is the Applicant's opinion that this is unlikely to be acceptable due to the permanent reduction in available grazing land and the permanent requirement for the third party landowner to maintain and manage the planting provided for the benefit of another. -</li> </ul>
2.6.2	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).	<p>The current position on those matters that have been resolved between Highways England and Gateshead Council and those that remain outstanding are provided within the Statement of Common Ground with Gateshead Council [REP2-052], which has been updated and submitted at Deadline 4.</p> <p>Further discussion is being held on the following outstanding matters:</p> <ul style="list-style-type: none"> <li>The approach to the detailed design of the landscape mitigation design in the vicinity of the Angel of the North, to identify where the Scheme could support Gateshead Council's vision for the location, as outlined in Options Appraisal for Managing and Enhancing the Angel, Southern Green, February 2020. This is on the basis that any agreed design changes would not materially change the findings of the assessment described in <b>Chapter 7: Landscape and Visual [APP-028]</b> of the ES. Agreement on this design would offset the harm that Gateshead Council asserts would arise on the Angel of the North site as a result of the proposed gantries and design of the North Dene Footbridge, which is not accepted by the Applicant. Such agreement would enable a landscape scheme to be developed that would provide cohesion between the Landscape Mitigation Design for the Scheme and the wider Angel of the North site (outside the Order limits) which would be perceived as a single unified landscape scheme.</li> <li>The Applicant is reviewing, in discussion with Gateshead Council, opportunities within the Order limits to provide alternative areas of woodland to replace those that would no longer be provided as a result of changes to the Landscape Mitigation Design which would be made should the planting strategy for the Angel of the North be agreed.</li> </ul>

Ref No:	Question to:	Question: Landscape and Visual	Response:
			Gateshead Council suggested locations for potential ecological compensation areas at the meeting on 9 April 2020 which are being currently being considered by the Applicant. It should be noted that the Applicant does not agree that these proposals are required as a result of the Scheme.

**Table 2.7 – Noise and Vibration**

Ref No:	Question to:	Question: Noise and Vibration	Response:
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>Thin surfacing systems are currently the preferred surfacing option of Highways England's roads for both new construction and maintenance works.</p> <p>The completed noise modelling exercise was informed by the Scheme traffic data (flow, average speed and percentage Heavy Duty Vehicles (HDVs)). These traffic data were subject to speed pivoting (to account for any differences between modelled and observed speeds) and speed banding, as required by Interim Advice Note 185/15: <i>Updated traffic, air quality and noise advice on the assessment of link speed and generation of vehicle data into 'speed bands' for users of DMRB Volume 11, Section 3, Part 1 'Air Quality' and Volume 11, Section 3, Part 7 'Noise'</i>.</p> <p>After application of this process, almost all the links on the A1 that would have a Thin Surface Course System (TSCS), fall within the 63 and 97kph speed bands (these bands approximate to 40 and 60mph respectively). The applicable guidance contained within Annex 4 of DMRB HD 213/11 Volume 11, Section 3, Part 7 <i>Noise</i> confirms that a correction of -3.5dB applies to a new TSCS where the speed is above 75kph, whilst a smaller -1dB correction applies at speeds below 75 kph and these road surface corrections have been used in the noise model. The completed noise modelling therefore accounts for whether or not the full benefit of the TSCS would be realised in respect of the Scheme.</p> <p>It should be noted that on the basis of the approach described above (which follows the applicable guidance) the noise model outputs include a theoretical step-change in the applicable road surface correction (-3.5dB at speeds above 75kph and -1dB at speeds below 75kph). Such a step-change would be unlikely to occur in practice, as the TSCS is likely to provide some (diminishing) benefit even as speeds reduce below 75kph.</p> <p>In summary, therefore, worthwhile benefits would be anticipated from the TSCS low noise surface where traffic is free flowing at speeds of around 50 mph (80 kph). Where traffic is moving much slower (for example in stop/start conditions) a negligible benefit would be expected. However, for the A1 as improved by the Scheme, the likelihood of stop/start conditions is reduced.</p>
		b) What would the implications be for the assessment of noise impacts where average speeds would be below 75kph?	As noted above, where speeds fall below 75kph, only applying a correction of -1dB rather than the full -3.5dB benefit associated with a TSCS represents a worst case, because in reality, the benefit afforded by a TSCS will not suddenly cease at 75kph, but rather decay gradually with reduced speeds below this threshold – i.e. there would still be some benefit.

Ref No:	Question to:	Question: Noise and Vibration	Response:
			<p>In addition, it should be noted that where speeds are reduced, e.g. as a result of congestion or an atypical road incident, then because the actual speeds are lower than those which have been modelled and assessed, lower noise levels would arise in any event, off-setting (to an extent) the loss of any benefit afforded by a TSCS, should the reduction in speed span the 75kph threshold.</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>[N1] of the Outline CEMP [REP2-050 and 051] states the following: <i>A Thin Surface Course System (TSCS) for all sections of the A1 and slip roads up to the roundabouts but excluding the roundabout circulatory must be installed.</i></p> <p>The Certification Body SIPT (System Installation and Performance Trial) inspection protocol (as detailed in Clause 942.4 of the MCHW Volume 1 - Specification for Highway Works Series 900 (Road Pavements – Bituminous Bound Materials)) will be developed to contain an additional declaration in achieving the desired road/tyre noise level influence. This will be specified as meeting a minimum Level 2 or 3 as stated in Table 9/17 of the MCHW Volume 1 Specification for Highways Works Series 900.</p> <p>The TSCS used in the SIPT shall meet the performance requirements of the TSCS to be supplied under the contract. In accordance with the specification requirements, the performance of the system is required to be maintained throughout the five-year period and the contract conditions / documentation shall cover these guarantee requirements.</p> <p>As the noise (road/tyre) level influence is to be specified as an optional requirement to the SIPT, this requires third party assessment of the installed system when constructed and over a period of two years. In essence due to this statement, the guarantee of this performance requirement will ensure that the specified noise level reduction is achieved.</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>	<p>Thin surfacing systems are currently the preferred surfacing option of Highways England's roads for both new construction and maintenance works. The principal conclusion from previous research and monitoring work is that TSCS can routinely be constructed to provide a safe and durable surfacing. Estimates of serviceable lives concluded through rigorous statistical analysis established a period of 8 to 12+ years for the lifespan of the surfacing.</p> <p>The function of low noise qualities is mainly attributed by the high void content in the TSCS. As this category of function does not necessarily qualify as a defect, empirical evidence explains that the passage of traffic and rain essentially self-cleanses and flushes voids through hydrostatic pressure action. Notwithstanding the serviceability regime in respect to highway maintenance, the other properties of a serviceable surface are expected to be achieved through routine maintenance post-handover to Highways England's Operations Directorate. A whole-life costing exercise established a re-surfacing requirement every five years, which is still less than the estimated life expectancy concluded from previous research. As such, it is expected that routine resurfacing would take place well before the expiration of the expected lifespan of the TSCS used for the Scheme.</p>

Ref No:	Question to:	Question: Noise and Vibration	Response:																		
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>	<p>Notwithstanding that relatively high increases in noise levels may result during the use of some of the diversion routes, no significant effect was identified in <b>Chapter 11: Noise and Vibration</b> of the ES [APP-032] on the basis that the use of these routes would be infrequent. Therefore, no specific mitigation measures have been or are identified as necessary - it would be disproportionate to impose them.</p> <p>Whilst it is correct that benefits to those living close to these roads could be achieved via temporary speed reductions, these would be on roads ordinarily outside the control of the Applicant, as all the affected links are local authority-maintained roads. For the limited and infrequent use of the roads in question, it would not be appropriate for Highways England to intervene on the local highway network. However, this could be a potential topic for discussion, as noted in the Outline Construction Traffic Management Plan (Appendix B of the Outline CEMP [REP2-050 and 051]) and as mentioned in the paragraph following.</p> <p>If the Local Authorities considered that temporary speed restrictions would be justified during diversions, the use of a Temporary Traffic Regulation Order (TTRO) would be an option available to and capable of being promoted by them. The potential for this could be explored during the preparation of the Construction Traffic Management Plan if it was considered necessary. This has been included within the Outline Construction Traffic Management Plan (Appendix B of the Outline CEMP [REP2-050 and 051]) at 3.3.3 as a potential topic for discussion in the Working Group. An updated version of the Construction Traffic Management Plan has been submitted at Deadline 4.</p> <p>The tables below set out the predicted change in noise level that would result from reduced vehicle speeds on Lamesley Road and Kingsway South, using the relevant algorithm from the Calculation of Road Traffic Noise, and based on a nominal Heavy Duty Vehicle (HDV) percentage of 10%.</p> <table border="1" data-bbox="1359 1213 2080 1453"> <thead> <tr> <th>Lamesley Road</th> <th>Speed</th> <th>Noise change</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Speed reduced from 50 mph to:</td> <td>40 mph</td> <td>-1.3 dB</td> </tr> <tr> <td>30 mph</td> <td>-2.6 dB</td> </tr> <tr> <td>20 mph</td> <td>-3.3 dB</td> </tr> </tbody> </table> <table border="1" data-bbox="1359 1493 2080 1677"> <thead> <tr> <th>Kingsway South</th> <th>Speed</th> <th>Noise change</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Speed reduced from 40 mph to:</td> <td>30 mph</td> <td>-1.2 dB</td> </tr> <tr> <td>20 mph</td> <td>-1.9 dB</td> </tr> </tbody> </table>	Lamesley Road	Speed	Noise change	Speed reduced from 50 mph to:	40 mph	-1.3 dB	30 mph	-2.6 dB	20 mph	-3.3 dB	Kingsway South	Speed	Noise change	Speed reduced from 40 mph to:	30 mph	-1.2 dB	20 mph	-1.9 dB
Lamesley Road	Speed	Noise change																			
Speed reduced from 50 mph to:	40 mph	-1.3 dB																			
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Speed reduced from 40 mph to:	30 mph	-1.2 dB																			
	20 mph	-1.9 dB																			
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>The Applicant confirms that the average case assessment total for each assessment location, provided in response to ExQ1 1.7.7 in the Applicant's Response to ExA's First Written Questions, Appendix 1.7.C – Dwellings in Assessment Locations [REP2-029], does include the number of receptors under which the worst case assessment could apply.</p>																		

Ref No:	Question to:	Question: Noise and Vibration	Response:
		<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>	<p>As stated in N5 of the Outline CEMP [REP2-050 and 051], best practice noise mitigation measures will be employed throughout the construction phase by the main contractor. The decision to employ the best practice measures has already been made and is committed to in bullet points 1 and 2 of N5 of the Outline CEMP [REP2-050 and 051]. These commitments effectively encompass all of the generic measures set out in the remaining bullet points of N5, which include both generic and targeted measures. The generic measures will be applied across the whole scheme and throughout the duration of the contract. The targeted measures in the last five bullet points of N5 relate to specific circumstances that may require an element of judgement in their application.</p> <p>In making these judgements and arriving at a final CEMP for approval by the Secretary of State, the main contractor will follow the guidance set out in Section 8 of BS 5228:2009+A1:2014. This guidance requires noise monitoring to be carried out to ascertain if particular plant or processes are meeting planning noise criteria and if noise control methods are working. It also requires monitoring to be carried out by suitably qualified personnel, instructed by the main contractor, as and when new work phases, activities or use of plant are commenced, with increased scrutiny applied in working areas close to noise sensitive receptors. This monitoring program will provide feedback on the efficacy of the employed mitigation measures (which are summarised in N5 of the Outline CEMP [REP2-050 and 051] and detailed in BS 5228: 2009+A1:2014).</p> <p>Whilst the Best Practicable Means (BPM) to minimise construction noise will be employed at all times, the feedback from the monitoring program will inform the need to adjust and refine the application of the mitigation measures employed. These refinements will include:</p> <ul style="list-style-type: none"> <li>• Size, positioning and alignment of screens and noise barriers;</li> <li>• Plant positioning;</li> <li>• Plant selection; and</li> <li>• Timing and duration of activities.</li> </ul> <p>As stated in Section 8 of BS 5228: 2009+A1:2014, ongoing consultation will take place with the local authority which will include an invitation to be involved in the monitoring program. As set out in N6 of the Outline CEMP [REP2-050 and 051], the main contractor will also keep an open line of contact with local residents to ensure effective two-way communication.</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>The Applicant confirms that the Outline CEMP [REP2-050 and 051] reference [N5] has been updated and submitted at Deadline 4 to state that details of the screening bunds, including heights, to be installed at junction 67 Coal House compound, will be provided in the CEMP. The updated Outline CEMP submitted at Deadline 4 [REP2-050 and 051] has been submitted at Deadline 4 in support of the Applicant's response to the ExA's further written questions and requests for information.</p>

Ref No:	Question to:	Question: Noise and Vibration	Response:
		Is appropriate provision and wording for this included within the Outline CEMP [REP2-051] to ensure that such details will be provided?	
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>	<p>The Applicant confirms that the Outline CEMP [REP2-050 and 051], an updated version of which has been submitted at Deadline 4, reference [N2] has been updated to state that the acoustic barrier will be fully installed before the Scheme becomes operational.</p> <p>The Applicant confirms that the Outline CEMP [REP2-050 and 051] reference [N3] has been updated at Deadline 4 to state that the minimum performance requirement for the acoustic barrier will be derived in accordance with advice in Section 5.3 of LA 119 (November 2019) and BS EN 1793-1 and that the acoustic barrier will be fully installed before the Scheme becomes operational.</p> <p>The updated Outline CEMP [REP2-050 and 051] has been submitted at Deadline 4 in support of The Applicant's response to the ExA's further written questions and requests for information.</p>
		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?	<p>The Applicant confirms that the Outline CEMP [REP2-050 and 051], an updated version of which has been submitted at Deadline 4, references [N2] and [N3] have been updated to state that the final details, including appearance, of the acoustic barrier will be included in the CEMP.</p> <p>The updated Outline CEMP [REP2-050 and 051] has been submitted at Deadline 4 in support of The Applicant's response to the ExA's further written questions and requests for information.</p>
2.7.7	Applicant	<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>The predicted HDV movements on the road network are outlined in the Construction Traffic Management Plan (CTMP) (Appendix B of the CEMP [REP2-050 and 051]), a revised version of which was submitted at Deadline 4, with further information provided in relation to the Allerdene Working Compound in the response to the Applicant's Response to the ExA's First Written Questions, WQ1.9.8 [REP2-060]. It is anticipated that majority of construction trips identified in the CTMP will take place during standard working hours but there will be some vehicle movements out of hours associated with the following activities:</p> <ul style="list-style-type: none"> <li>• Demolition of the existing Allerdene Bridge</li> <li>• Demolition and Installation of North Dene Footbridge</li> <li>• Installation of bridge beams / deck Kingsway Viaduct and Eighton Lodge</li> <li>• Installation of Ganties</li> <li>• General surfacing and Road markings</li> <li>• Installation, removal and switches of traffic management on the A1 mainline</li> </ul> <p>In respect of the demolition of the existing Allerdene Bridge, possessions of the ECML are required and it is anticipated that during these works the operation of the compound could generate on average 6 HDV's per day (12 two-way trips) and 9 LDV movements (18 two-way trips) once site mobilisation and setup has been completed. However, it is envisaged that the majority of the HDV movements will be occur during standard working hours.</p>

Ref No:	Question to:	Question: Noise and Vibration	Response:
			In respect of the replacement of North Dene Footbridge, work associated with Kingsway Viaduct / Eighton Lodge, installation of gantry, general surfacing and road marking, and traffic management the vehicle movements associated with these works will be on the A1 and the short section of the road network to access the site compounds. It is not anticipated that these works will generate HDV movements on local residential roads.
	Gateshead Council	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?	N/A
2.7.8	Gateshead Council	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].  Is the Council satisfied with the proposed noise monitoring measures and the level of the detail provided within the Outline CEMP?	N/A

**Table 2.8 – Economic and Social Effects (including Population and Human Health)**

Ref No:	Question to:	Question: Economic and Social Effects (including Population and Human Health)	Response:
2.8.1	Applicant and Gateshead Council	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.  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>The land included within Longacre Wood is required to access, maintain and alter an existing drainage outlet and ditch, which can be seen on the General Arrangement Plans [REP2-041].</p> <p>The works would be limited, comprising only access for maintenance of the existing drainage ditch and drainage discharge point during construction. The works can be undertaken with some control measures – fencing off locally the work area. It is assumed that access will be maintained given the limited nature of the works in question.</p> <p>The Applicant has included a new measure at [B27] within the Outline CEMP [REP2-050 and 051], a revised version of which has been submitted at Deadline 4, which includes measures to minimise impacts at Longacre Wood LWS.</p> <p>Consequently, the impacts on Community Land at Longacre Wood during construction works are considered to be slight adverse at most and not significant, as set out in <b>paragraphs 12.10.33 to 12.10.35 of Chapter 12: Population and Human Health</b> of the ES [APP-033].</p>



Ref No:	Question to:	Question: Economic and Social Effects (including Population and Human Health)	Response:
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>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>An Agricultural Land Holdings Assessment [EXA/D4/019] has been completed, and the report of this assessment has been submitted at Deadline 4 alongside this response. This assessment uses recent DMRB guidance (DMRB LA112) to assess the eight Agricultural Land Holdings, including Dunkirk Farm and the Additional Land included in the ES Addendum [EXA/D4/009], impacted by temporary and/or permanent land take for the Scheme.</p> <p>The conclusion of the Agricultural Land Holdings Assessment may be summarized as:</p> <ul style="list-style-type: none"> <li>• All but one of the eight land holdings included in the assessment are used on a daily basis for the purpose of horse grazing or tending to crops or livestock.</li> <li>• Three of the eight land holdings assessed require the complete temporary possession of land parcels for the duration of the construction phase, resulting in all agricultural activity on these parcels ceasing during this period.</li> <li>• The remaining five land holdings (including Dunkirk Farm) would require the partial possession of land from their land holdings during construction, though the remainder of the land parcels set outside of the Order limits would be unaffected.</li> <li>• Once the Scheme is operational, four land holdings (including Dunkirk Farm) would experience the permanent loss of portions of land from their land holdings. Any land temporarily possessed during construction works would be returned to its previous condition as detailed in a new measure [P12] in the Outline CEMP [REP2-050 and 051] a revised version of which has been submitted at Deadline 4.</li> <li>• A moderate (significant) adverse effect is anticipated for one land holding (Longacre Farm) during construction, where land will be used for a construction compound. No significant effects are anticipated once the Scheme is operational.</li> </ul>
		<p>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>The Scheme has been designed so that only the land which is necessary for the construction and operation of the Scheme is proposed to be acquired. The Statement of Reasons [AS-014 and 015] provides detail as to why each of the land plots is required. This is the principal means by which the impacts on agricultural/horticultural land holdings is mitigated.</p> <p>The impact of the Scheme on each of the Agricultural Land Holdings has been reported in the Agricultural Land Holdings Assessment [EXA/D4/019]. The following mitigation measures have been proposed to address the identified impacts of the Scheme on Agricultural Land Holdings and these are secured within the Outline CEMP [REP2-050 and 051], a revised version of which has been submitted at Deadline 4:</p>

Ref No:	Question to:	Question: Economic and Social Effects (including Population and Human Health)	Response:
			<ul style="list-style-type: none"> <li>The duration of any temporary possession would be minimised where possible, and all temporarily possessed land will be returned to its previous condition following the completion of construction works [P12].</li> <li>Land and surface water drainage affected by the construction works would be reinstated and land restored to its previous condition [P12].</li> <li>Construction activities would be scheduled with consideration of grazing and crop activities where possible. Suitable, secure fencing would be used to ensure the safety of any animals [P12].</li> <li>Best practice construction methods would be used to minimise potential disturbance to grazing animals and crops particularly refs [A1], [A2] and [N5].</li> </ul>
		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.	Please see plan provided at Appendix 2.8 B.
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>	<p>Traffic management will be used on the roundabout and the slip roads to enable construction to be carried out safely. This is detailed in <b>Chapter 2: The Scheme</b>, para 2.9.57 [APP-023] within 2-i.</p> <p>The measures will include narrower lanes to provide sufficient separation between traffic and construction activities. This would slow traffic, making crossings safer at these points, including the southbound entry slip road which currently operates as an uncontrolled crossing will be made. The northbound exit slip road is currently signalised and this will be used to provide a safe crossing point.</p>

**Table 2.9 – Transportation and Traffic**

Ref No:	Question to:	Question: Transportation and Traffic	Response:
2.9.1	Sunderland City Council	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. Can Sunderland City Council now provide such comments?	N/A
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</p>	<p>The Applicant held a meeting with Gateshead Council and Sunderland City Council on Thursday 26th March 2020 to discuss the Outline Construction Traffic Management Plan (CTMP) (Appendix B of the CEMP [REP2-050 and 051]) including the Applicant's response to ExQ1.9.3 [REP2-060].</p> <p>It was agreed at the meeting that managing and monitoring the Arrival/Departure</p>

		any other relevant matters that it should discuss and manage (the wording currently relates solely to discuss and manage interaction between schemes)?	profile of traffic as part of the Working Group was an acceptable approach. The text in the CTMP has been expanded upon to include this in the scope for the Working Group along with permit procedures for road closures, travel plan measures for contractors and any other construction related activity issues that arise during the construction programme. This is to be found at Section 3.3 in the draft CTMP (Appendix B of the CEMP [REP2-050 and 051]). The updated Outline CTMP has been submitted at Deadline 4.
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>	<p>The Applicant held a meeting with Gateshead Council and Sunderland City Council on Thursday 26th March 2020 to discuss the Construction Traffic Management Plan (CTMP, Appendix B of the CEMP [REP2-050 and 051]) including their responses to ExQ1.9.3 [REP2-065]. ExQ1.9.3 concerned the following issues:</p> <ol style="list-style-type: none"> <li>1. Construction Worker Trips – Sustainable Travel Measures</li> <li>2. Construction Vehicles – Arrival/Departure Profile</li> <li>3. Heavy Duty Vehicle Routing – Local Roads Restrictions</li> <li>4. Road Closures – Permit System (April 2020)</li> <li>5. Co-ordination with other Major Highway and Non-Highway Schemes</li> <li>6. Allerdene Working Compound – Construction Trips, Impact on NMU routes, Duration of Works</li> </ol> <p>Items 1, 2, 3 and 4 have been agreed in principle with Gateshead Council and the CTMP (Appendix B of the CEMP [REP2-050 and 051]) was amended accordingly and has been submitted at Deadline 4 (see Sections 2.4, 3.3, and 7.1 - 7.5 respectively). Discussions are on-going in relation to items 5 and 6. A full update on the above issues has been included in the draft Gateshead Council SoCG [REP2-052] and draft Sunderland City Council SoCG [REP2-053], updates of which have both been submitted at Deadline 4.</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>The Applicant held a meeting with Gateshead Council and Sunderland City Council on Thursday 26th March 2020 to discuss the Construction Traffic Management Plan (CTMP) (Appendix B of the CEMP [REP2-050 and 051]) including the Applicant's response to ExQ1.9.8 [REP2-060].</p> <p>Gateshead Council subsequently confirmed that any works should follow the principles set out in the DFT Document 'Safety at Street Works and Road Works – A Code of Practice'. The following text has been incorporated in the CTMP (Appendix B of the CEMP [REP2-050 and 051]) a revised version of which (TR010031/APP/7.4) (Revision 2) was submitted at Deadline 4:</p> <p>'In discussion with the local highway authority it has been agreed to apply the principles contained in the DFT document 'Safety at Street Works and Road Works – A Code of Practice' and operate to the same guidelines as applied to footways as follows:</p>

			<ul style="list-style-type: none"> <li>The footpath will be closed for no longer than absolutely necessary, and in any case no longer than 15 minutes in every full hour.</li> <li>Sufficient operatives will be available at all times to advise, assist and direct footway users safely past the works.</li> <li>Pedestrians requiring assistance will not have to wait longer than 5 minutes for help.</li> <li>All overhead operations will be suspended when assisted pedestrians pass the works.</li> </ul> <p>Temporary footway closure signs will be placed a recommended minimum of 20 metres in advance of the closure.'</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?	Gateshead Council to respond.

**Table 2.10 – Water Environment**

Ref No:	Question to:	Question Water Environment	Response:
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>	<p>The Applicant discussed the potential impacts of the Scheme on the gauging station, including the protective provisions included within the draft DCO [REP2-044 and 045], with the Environment Agency on 2<sup>nd</sup> April 2020. The Environment Agency are currently reviewing the protective provisions and are expected to comment in due course. Further correspondence has taken place in relation to the updates that have been made to the Outline Construction Environmental Management Plan (CEMP) [REP2-050 and 051] a revised version of which was submitted at Deadline 4. This dialogue is ongoing to ensure that the Environment Agency are content that the measures are sufficient. This will be recorded in the Statement of Common Ground with the Environment Agency [REP2-054].</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>The revised flood risk model has been provided as <b>Appendix 2.10A</b> to these responses to the ExA's further written questions.</p>
		<p>b) Appendix WR10-B does not appear to have been provided. Please clarify this.</p>	<p>We apologise for this oversight. The Applicant's responses to the Environment Agency's questions on the flood risk model is provided as Appendix 2.10B to these responses to the ExA's further written questions.</p> <p>The revised flood risk model was also provided separately to the Environment Agency on 11<sup>th</sup> February 2020. Following their review of the revised flood model the Environment Agency have confirmed that they are satisfied with the flood</p>

Ref No:	Question to:	Question Water Environment	Response:
			model, with no further comments on this, Appendix 2.10C.
		c) What is the current position between the parties on issues concerning the flood risk model?	The revised flood risk model has been agreed between the Applicant and the Environment Agency as detailed within the draft Statement of Common Ground (SoCG) [REP2-054] a revised version of which was submitted at Deadline 4. Discussions are ongoing to provide further clarity to the Environment Agency on the approach to flood plain compensation and temporary works in Coal House roundabout
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>	N/A
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>	<p>The Statement of Common Ground with Gateshead Council [REP2-052] revision 2, a revised version of which was submitted at Deadline 4, sets out the current items that are currently under discussion.</p> <p>Gateshead Council has requested further and continued involvement in the detailed design and requested that the following matters are given further consideration:</p> <ol style="list-style-type: none"> <li>1. More naturalistic design of the detention basin;</li> <li>2. The extent of the maintenance basin access track;</li> <li>3. More naturalistic design of the re-aligned and opened up sections of the Allerdene Burn;</li> <li>4. The necessity for the underground tank at Junction 65;</li> <li>5. Silt control vortex separators have been provided for the water course at Longacre Dene. Gateshead is seeking a commitment to all water courses;</li> <li>6. More naturalistic design of inlet and outlet features;</li> <li>7. Evidence that works will physically protect water courses; and</li> <li>8. Consideration of the mine water and groundwater constraints on the surface water drainage system.</li> </ol> <p>The positions on the above matters are presented within the meeting minutes set out in the draft Gateshead SoCG [REP2-052] revision 2 of which was submitted at Deadline 4.</p>

Ref No:	Question to:	Question Water Environment	Response:
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>	<p>The Applicant and the Environment Agency have agreed the approach of the Scheme to the following matters:</p> <ol style="list-style-type: none"> <li>9. Biodiversity (subject to the Environment Agency's review of the updated Outline CEMP [REP2-050 and 051] a revised of which was submitted at Deadline 4) which was provided in draft to the Environment Agency at Deadline 2).</li> <li>10. <b>Chapter 13:</b> Road Drainage and the Water Environment [APP-034] of the ES.</li> <li>11. <b>Appendix 13.2:</b> Water Framework Directive Assessment [APP-164] of the ES.</li> <li>12. <b>Appendix 13.3:</b> Highways Agency Water Risk Assessment Tool [APP-165] of the ES.</li> </ol> <p>The following matters are still under discussion:</p> <ol style="list-style-type: none"> <li>1. Flood plain compensation</li> <li>2. Potential impacts on the gauging station including impacts resulting from the temporary works to Coal House roundabout.</li> </ol> <p>The positions on the above matters are presented within the meeting minutes set out at Appendix 2.10D to these written questions, the minutes of the meetings on 2<sup>nd</sup> April 2020 (Road Drainage and the Water Environment) and 8<sup>th</sup> April 2020 (Biodiversity), and in the draft Environment Agency SoCG [REP2-054] a revised version of which was submitted at Deadline 4.</p>