

A1 Birtley to Coal House

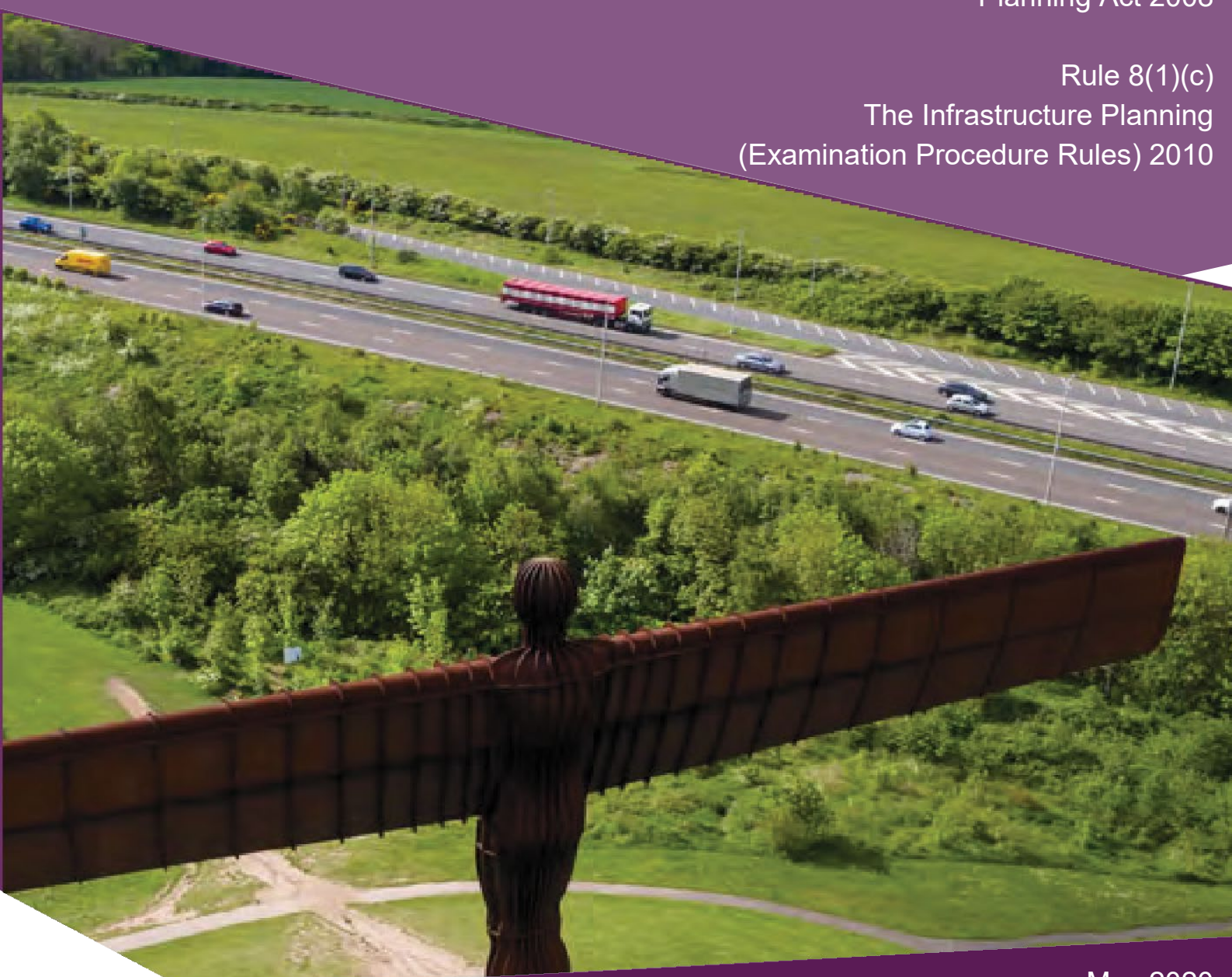
Scheme Number: TR010031

EXA/D5/002 Applicant's Response to Deadline 4

Planning Act 2008

Rule 8(1)(c)

The Infrastructure Planning
(Examination Procedure Rules) 2010



Infrastructure Planning

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(Examination Procedure Rules) 2010**

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

Applicant's Response to Deadline 4 Submissions

Rule Number:	Rule 8(1)(c)
Planning Inspectorate Scheme Reference	TR010031
Application Document Reference	EXA/D5/002 Applicant's Response to Deadline 4 Submissions
Author:	A1 Birtley to Coal House Project Team, Highways England

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1 Applicant's Response to Deadline 4 Submissions

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

Ref:	Ella Bucklow's Response:	Applicant's Comment:
ExQ2 Proposed Gantries		
2.0.7 a, b, and c	I am reassured to see that the Examining Authority has requested further clarification on the visual impacts of the proposed gantries (2.0.7 a, b, and c).	N/A
	In answer to the Examining Authority's First Written Questions, the Applicant submitted the following document in an attempt to outline the visual impact of the gantries on views to The Angel of the North (A1 Birtley to Coal House Scheme Number: TR010031 Applicant's Responses to ExA's First Written Questions – Appendix 1.5.A - Angel of the North Narrative).	<p>The Applicant has since supplied the following documents that expand upon its assessment of the landscape and visual effects of the Scheme:</p> <ul style="list-style-type: none"> • Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions – Appendix 1.5 B - Gantry Assessment Schedule [REP2-020]; • Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 C - Banesley Lane Woodland Photomontage [REP2-021]; • Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 D - Lamesley Road Photomontage [REP2-022]; • Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 E - Angel of the North Photomontage [REP2-023]; • Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 F - Chowdene Bank Photomontage [REP-024]; • Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 G - Kibblesworth Photomontage [REP-025]; • Deadline 2 Submission - Applicant's Comments on Written Representations [REP-061]; • Deadline 3 Submission - Applicant's Comments on Local Impact Report [REP3-005], particularly paragraph numbers 5.21 – 5.25 and 5.33, and appendices; <ul style="list-style-type: none"> ○ Appendix 5.1 – North Dene Footbridge Strategic Option Report; ○ Appendix 5.2 – North Dene Photomontage; ○ Appendix 5.3 – Approach to Photography and Photomontages; • Deadline 4 Submission - Applicant's Responses to ExA's Second Written Questions - Appendix 2.5A - Angel of the North Sketch Proposal (Rev 0) [REP4-044]; and • Deadline 4 Submission - Applicant's Responses to ExA's Second Written Questions (Rev 0) [REP4-052], particularly Tables 2.5 – Cultural Heritage, and response to 2.5.1, and Table 2.6 – Landscape and Visual, and response to 2.6.2.
	As I have already expressed, the quality of the visual renders in this document is too poor to provide an accurate understanding of the impact of the gantries upon views to The Angel of the North. Again, I would like to request that the Applicant makes available higher quality, and more thorough visual renders, or a video visualising the scheme from the viewpoint of a driver as they travel along the A1 rather than the fly-by video currently published online	<p>It is important to understand that landscape and visual impact assessment is not dependent upon the use of visual rendering. It is undertaken according to objective standards that are applied professionally by landscape architects experienced in such assessments. The use of visual rendering is no more than a tool to assist assessment. Similarly, in this case the flyby video referred to (see https://www.youtube.com/watch?v=0PqgT4NB-v8&feature=youtu.be) is not used for landscape and visual impact assessment in this case.</p> <p>For the Scheme, the assessment of effects on landscape character and its visual effects (see Chapter 7: Landscape and Visual [APP-028] of the Environmental Statement (ES)), including those that would potentially affect views of the Angel of the North, has been undertaken by a Chartered</p>

Ref:	Ella Bucklow's Response:	Applicant's Comment:
		<p>Landscape Architect with over 20 years' experience of the assessment of highway schemes. In particular, it has followed the 'Approach to Photography and Photomontages' as set out in Appendix 5.3 of the Applicant's Comments on Local Impact Report [REP3-005]. This aligns with the guidance within DMRB Volume 11 Section 3 Part 5, Interim Advice Note 135/10 Landscape and Visual, Guidelines for Landscape and Visual Impact Assessment (3rd Edition) that forms the guidance for the assessment of landscape and visual effects, and TGN 06/19 Visual Representation of development proposals, published by the Landscape Institute. This extends to the selection of visual receptors and preparation of supporting visual information, including the preparation of photomontages in order to assess the effect against the existing landscape and visual baseline.</p> <p>The photomontages prepared to date have comprised Type 4 (refer to TGN 06/19 Visual Representation of development proposals, published by the Landscape Institute, referenced above) which is the highest level of accuracy and given the nature of the Scheme are considered by the Applicant to be proportionate in terms of the level of assessment and the effects identified. Whilst video visualisation can help the public in understanding the context of a scheme, it is not a requirement of the assessment process and is not prepared to the level of accuracy of the photomontages produced and has therefore not been included.</p> <p>The Applicant has, with the exception of a verified drive through, provided the information requested by Gateshead Council as the local planning authority, and in line with the guidance identified as outlined above. The Applicant therefore considers that this provides sufficient information to inform the examination of the Scheme on the basis that the sequence of views has been provided via the narrative (Applicant's Responses to ExA's First Written Questions, Appendix 1.5 A - Angel of the North Narrative [REP2-019]; Appendix 1.2A, Cross Sections in the 'Applicant's Comments on Responses to EXA's Written Question' [REP3-004]; and the appearance and detail of the view is contained within the photomontage Appendix 5.2, North Dene Photomontage of the 'Applicant's Comments on Local Impact Report' [REP3-005]).</p>
	<p>Notably, the conclusions drawn in this document do not take into consideration the landscaping or vegetation management plans – they only consider the effect on views towards The Angel of the North in relation to the current tree coverage</p>	<p>The position of the Applicant remains that the Scheme has been assessed against the existing baseline, which includes the presence of the existing tree coverage, and includes measures to mitigate its effects in its existing landscape. It is against industry recognised assessment guidance to assess a development against a different baseline unless there is sufficient certainty that it will occur, which is not the case here in relation to the resumption of previous levels of vegetation or the implementation of a remodeled setting that is yet to be committed.</p> <p>However, so far as possible (and without compromising other mitigation required for the Scheme as a result of effects upon biodiversity, etc.), the Applicant is willing to seek a design that can accommodate the aspirations of Gateshead Council in respect of the setting of the Angel of the North. The Applicant would draw the ExA's attention to Deadline 4 Submission - Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal (Rev 0) [REP4-044], that demonstrates the development of the mitigation design in respect of the proposals associated with the Angel of the North, which are subject to ongoing discussions with Gateshead Council.</p>

Ref:	Ella Bucklow's Response:	Applicant's Comment:
		<p>No further assessment of the future baseline is considered by the Applicant to be appropriate.</p>
2.0.8	<p>As expressed in 2.0.8, I would be grateful to the Applicant if further details could be provided on the 'typical' design of the gantries, and further attempts at explaining the parameters for modification of these designs in response to opening up a dialogue with relevant parties. In particular, I am concerned by the potential impact of the 'super-span' gantries that would stretch the full width of the widened A1.</p>	<p>With regard to typical sign gantry details, as described in the Applicant's Responses to ExA's Second Written Questions [REP4-052], 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 designs which are adapted to particular locations. Further details regarding the gantry design may be found in the Gantry Details report [REP4-029]; this includes the proposed use of a truss design, which is more transparent, as opposed to a closed/solid structure. The truss member sizes may be refined further during the detailed design.</p> <p>The super span gantries could be replaced with gantries that span one carriageway only (where signage is required in one direction). However, this will result in supports and foundations being located in the central reserve which will require lane closures/traffic management to gain future access to enable maintenance activities to be carried out in a safe manner. The result of which will inevitably lead to disruption for the road users. In addition, the introduction of gantry supports in the central reserve could potentially impact the alignment design resulting in adjustment to the central reserve and adjacent lane widths.</p> <p>The final gantry design to be deployed as part of the Scheme, using the standard designs <i>in situ</i>, must satisfy the following key parameters:</p> <ul style="list-style-type: none"> • Design working life to be 30 years in accordance with section 3 of 'BD 51/14: Portal and Cantilever Sign/Signal Gantries' DMRB standard. • Minimum headroom (to underside of structure) must be in accordance with Table 6-1 of 'TD27/05: Cross-Sections and Headroom' DMRB standard. • 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. • The gantry must adequately support the proposed ADS signage with a 'reasonable' extra allowance for an increased sign size in the future <p>With regard to impacts resulting from gantries (including super span gantries), it is the professional opinion of the Applicant's expert Landscape Architect that none of the proposed super span gantries would give rise to a significant adverse visual effect, as outlined in Section 10.7 of Chapter 7: Landscape and Visual [APP-028] of the ES and as updated by the preparation of an assessment for the proposed gantries, including super span gantries, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020]. This is because the proposed super span gantries are generally screened by existing roadside vegetation, and where views are predicted to occur, they are typically within the context of what is an existing road corridor, and the magnitude to which the existing views would change are limited.</p> <p>Super span gantries occur at the following chainages:</p> <p>Chainage 11150 super span gantry – is proposed within the Team valley floor and as a result of the</p>

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		<p>additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], is not anticipated to change the findings of the landscape and visual assessment presented in Chapter 7: Landscape and Visual of the ES [APP-028]. It is not anticipated to significantly alter the way in which the Angel of the North is experienced by southbound travelers on the A1, the sculpture remaining prominent on the skyline, apart from a brief moment when the view is interrupted by the gantry;</p> <p>Chainage 12450 super span gantry – is proposed at the off slip to junction 66 (Eighton Lodge) and as a result of the additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], is not anticipated to change the findings of the landscape and visual assessment presented in Chapter 7: Landscape and Visual of the ES [APP-028]. The location is within 150m of the Angel of the North. However, the gantry is set within a cutting and currently the location would be filtered by existing roadside vegetation, some of which would be removed by the Scheme but would be replaced through the landscape strategy (refer to Figure 7.6: Landscape Mitigation Design [APP-061]). A broader awareness from visual receptors is constrained by the existing roadside vegetation. For southbound travelers on the A1, the proposed gantry would form a noticeable new element within views. However, the Angel of the North is obscured from view by existing roadside planting and woodland beyond combining with the landform.</p> <p>Chainage 12870 super span gantry – is located within junction 66 (Eighton Lodge) and as a result of the additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], is not anticipated to change the findings of the landscape and visual assessment presented in Chapter 7: Landscape and Visual of the ES [APP-028]. For northbound travelers on the A1, it would present a new and perceptible feature, interrupting the local skyline and appearing adjacent to the Angel of the North. Momentarily the gantry would interrupt the view as the gantry is passed. However, the focus for drivers would be the descending skyline, as the Angel of the North gradually fades from the view to the right.</p> <p>Chainage 13370 super span gantry – is located south of junction 66 (Eighton Lodge) and as a result of the additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], is not anticipated to change the findings of the landscape and visual assessment presented in Chapter 7: Landscape and Visual of the ES [APP-028]. For northbound travelers, the gantry would briefly interrupt the view of the Angel of the North. However, of greater relevance is the existing planting within the intervening landscape that limits views of the sculpture and of the mound on which it sits.</p> <p>Chainage 13510 super span gantry - is located south of junction 66 (Eighton Lodge) and Longbank Bridleway Underpass. As a cluster of gantries including both super span and cantilever type, the additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], has identified that there is anticipated to be a change to the findings of the visual assessment presented in Chapter 7: Landscape and Visual of the ES [APP-028]. As a result of the proposed 2.4m acoustic barrier</p>

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		<p>screening the A1, the previously identified neutral or slight beneficial effects on residential and other receptors arising, would be modified by the interruption of the view by the proposed gantries, giving rise to a slight adverse effect. For northbound travelers on the A1, the super span gantry would briefly interrupt the view of the Angel of the North. However, of greater relevance is the existing planting within the intervening landscape that limits views of the sculpture and of the mound on which it sits.</p> <p>Chainage 14210 and 14320 super span gantries - are located immediately north of junction 65 (Birtley). As a cluster of gantries including both super span and cantilever type, the additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], has identified that there is anticipated to be a change to the findings of the visual assessment presented in Chapter 7: Landscape and Visual of the ES [APP-028]. As a result of the proposed 2.4m acoustic barrier screening the A1, the previously identified neutral or slight beneficial effects on residential and other receptors arising, would be modified by the interruption of the view by the proposed gantries, giving rise to a slight adverse effect. For northbound travelers on the A1, the super span gantries would briefly interrupt the view of the Angel of the North, that is visible in the distance, having been screened immediately to the south by the A1231 bridge structure crossing the A1. Existing planting within the intervening landscape restricts views of the lower elements of the sculpture and of the mound on which it sits.</p> <p>The additional gantry assessment, presented in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], has identified that the presence of the proposed super span gantries would not substantially modify the findings of the assessment of gantries as outlined in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020], although they would on occasion interrupt the fleeting views experienced by southbound and northbound travelers on the A1. It is the professional opinion of the Applicant's expert landscape architect that, whilst these fleeting views would be interrupted, the awareness and appreciation of the Angel of the North would not be substantially harmed.</p>
2.0.9	<p>Furthermore, as noted in 2.0.9, it is difficult to fully assess the potential impact on views towards The Angel of the North without consistent, clear and precise information on the final placement and number of proposed gantries.</p>	<p>The Applicant does not seek flexibility on the quantity (14) of sign gantries proposed. Similarly, the locations in which the sign gantries can be placed are limited in number and the scope to locate gantries within those locations is heavily constrained. As previously stated and described in the Applicant's Responses to ExA's Second Written Questions [REP4-052] and the Gantry Details report [REP4-029], gantry location is determined within set locations, with some flexibility as part of micro-siting to take account of underlying ground conditions and buildability. The Applicant considers the information provided for the sign gantries to be consistent.</p> <p>With regards 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 adverse effect; and micro-siting of the gantries within the identified working areas would not materially alter the findings of the landscape and visual assessment presented in Chapter 7: Landscape and Visual [APP-028] of the ES and Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020].</p>

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	<p>I of course understand the number and placement of such gantries must be primarily informed by ensuring the safety of road users, but I would like to take this opportunity to reiterate that I believe that views to The Angel of the North from the road, are as important as views to The Angel of the North for pedestrians.</p>	<p>The landscape and visual assessment described in Chapter 7: Landscape and Visual [APP-028] of the ES has considered the impacts of the Scheme in line with the guidance contained in DMRB Volume 11 Section 3 Part 5, Interim Advice Note 135/10 Landscape and Visual, and Guidelines for Landscape and Visual Impact Assessment (3rd Edition). This comprised an assessment of the predicted effects of the Scheme against a set of viewpoints, previously agreed with Gateshead Council. These views have been extended in detail to include the residential receptors, public rights of way, highways and other receptors, including the residents, users and visitors thereof, and includes several receptors within which the Angel of the North is a feature to a lesser or greater degree.</p> <p>In light of previous comments received from the Anthony Gormley Studio and Gateshead Council, identifying the importance of the view experienced from the A1, the Applicant has included within the application a photomontage of the Scheme from the North Dene Footbridge, this being the most representative view that an appropriate image could be secured from, and that reflects the views of the Angel of the North for travelers on the A1 looking north. This photomontage was appended to the response to Applicant's Comments on Responses to EXA's Written Questions at Deadline 3 (see Appendix 5.2 of the response to the Local Impact Report submitted at Deadline 3 [REP3-005]).</p> <p>Under the guidance used for landscape and visual impact assessment and outlined in Table 7-7 of Chapter 7: Landscape and Visual [APP-028] of the ES, different receptors are, through factors such as quality and value (importance), ascribed varying sensitivities. This then affects the significance of effect as a result of the magnitude of an impact assessed as likely to arise on the receptors, as a result of the Scheme. Users of public rights of way and residents of residential property are ascribed a 'high' sensitivity. Users of local roads and rail passengers (where views form an intrinsic part of the experience) are ascribed a 'moderate' sensitivity. However, in the case of trunk roads and main railway routes such as the A1 or East Coast Mainline, where highly transient views are experienced, the sensitivity of receptors is ascribed to be 'low', which is considered by the Applicant to be most relevant to this Scheme. If users of local roads and rail passengers are to be ascribed a different sensitivity to change, this has to be justifiable, which is not considered to be the case here. However, if motorists were ascribed the same level of sensitivity as users of public rights of way (high), the resulting effects would, for some highway corridors (including Lamesley Road and Smithy Lane), be significant (moderate adverse or greater) in the winter year 1 (immediately following construction) however, would not be significant by the summer of the year (the Design Year).</p>
Proposed replacement North Dene Footbridge		
2.4.3 b) and c)	<p>In relation to both the proposed gantries and the proposed replacement North Dene Footbridge, I would like to second the Examining Authority's request for clarification on the limits of deviation and their effects on flexibility of design (2.4.3 b and c)</p>	<p>As stated within Applicant's Responses to ExA's Second Written Questions (Rev 0) [REP4-052] in response to 2.4.3 b, the reasonable worst case resulting from the Limits of Deviation has been assessed as part of the Environmental Impact Assessment as detailed in Chapter 2: The Scheme of the Environmental Statement [APP-023] at paragraphs 2.5.10 to 2.5.12. 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. 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>As stated within Applicant's Responses to ExA's Second Written Questions (Rev 0) [REP4-052] in</p>

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		<p>response to 2.4.3 c, given that 1 metre is a usual provision for vertical Limits of Deviation the design was developed and assessed on this basis. The ES has been prepared taking the 1 metre vertical Limits of Deviation into account and has found that all environmental impacts are acceptable.</p> <p>In particular, Chapter 7: Landscape and Visual [APP-028] of the ES identified the effects based on the worst case scenario i.e. this includes the maximum deviation of 1m. The assessment identified that significant effects are not anticipated to arise, including as a result of the proposed gantries and replacement of the North Dene Footbridge, including on views that include the Angel of the North.</p>
(2.0.5 and 2.0.6)	I would be grateful to see alternative design options that would have a lesser impact on views towards The Angel of the North (2.0.5 and 2.0.6).	<p>Alternative designs for the North Dene Footbridge are presented in the North Dene Footbridge Structure Options Report [REP4-036].</p> <p>The alternative options, though considered at preliminary design stage, were dismissed in favour of a bow truss structure which is considered to provide a balance between cost, buildability and maintenance liabilities, and avoids potentially significant effects on views to the Angel of the North, as described in Applicant's Responses to ExA's First Written Questions, Appendix 1.5 A - Angel of the North Narrative [REP2-019]</p>
Proposed Acoustic Barrier		
2.7.6.b	Information on the visual appearance of the new acoustic barriers would also be greatly appreciated (2.7.6 b).	As detailed in the Applicant's responses to the ExA's first written questions [REP2-060] Question 1.7.11, the final details of the acoustic barrier would be confirmed at the detailed design stage, but it may comprise close boarded timber fencing as shown in the example pictured at Appendix 1.7D [REP-030]. The acoustic barriers provided at Lady Park would be of the same type as those currently provided. In order to maintain consistency across the Scheme, it is likely that the acoustic barrier at Birtley would be similar to that already provided at Lady Park, to maintain consistency across the Scheme. The Applicant also confirmed in its response to the ExA's Second Written Questions [REP4-052] that Table 3-1 of the updated CEMP [REP4-022] now includes an action at [N3] that the final details, including appearance, of the acoustic barrier will be included in the CEMP.
Access to The Angel of the North – both during the construction phase, and ongoing		
2.8.3 and 2.9.4	<p>I am grateful to know that the Applicant is taking steps to ensure that there is safe access to The Angel of the North throughout the construction process</p> <p>However, I would also be grateful to receive further guarantees from the Applicant that they are putting in place appropriate measures to safeguard pedestrian access to The Angel of the North as part of their wider scheme. No doubt, the widening of the A1 will lead to increased traffic, and I am anxious to prevent any negative consequences this may have on people visiting The Angel of the North by foot (2.8.3 and 2.9.4).</p>	<p>The public access from the car park and the bus stops located on Durham Road to the Angel of the North are unaffected by the Scheme. There is a Public Right of Way that runs parallel to Durham Roads between Junction 66 (Eighton Lodge) and the Angel of the North that will be closed for a period of time to undertake construction work at Junction 66 (Eighton Lodge). However, the footway along Durham Road will remain open to the public at all times to provide safe access.</p> <p>Appropriate traffic management will be provided on the A1 mainline carriageway for the widening works. This will retain the traffic on the A1 mainline and limit any traffic local roads. An assessment of the Scheme's impacts on walking, cycling, and horse riding facilities has also been undertaken and the results presented in the Walking, Cycling, Horse Riding Assessment (WCHAR) [APP-162]. The assessment identifies issues and corresponding opportunities that have been taken into consideration as part of the design of the Scheme. The improvements that form part of the Scheme are summarised in Table 6-1 of the Transport Assessment Report [APP-173]. The Applicant considers that the Scheme will not have negative consequences for people visiting the Angel of the</p>

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		North by foot.
Landscaping and Views to The Angel of the North		
	I am forever grateful to Gateshead Council for acting as guardians to The Angel of the North. They have, over the years, worked hard to make sure that The Angel of the North remains a welcome place of pilgrimage, and a proud symbol of homecoming for many.	N/A
	I am thankful for their dedication to the work and its immediate context, and the care and sensitivity that they have shown in their development of the landscaping proposals. Furthermore, I am thankful to Gateshead Council for consulting me about these proposals and for their willingness to respond to my thoughts and feedback. Without a doubt, the treatment of the vegetation that surrounds The Angel of the North has a significant impact on the experience of the viewer – whether from the nearby trainline, the road or on foot. It is vital that we assess the effect any contextual changes could have on the dialogue between The Angel of the North and the mound upon which it stands, and The Angel of the North and the road.	<p>As stated in the Applicant's responses to question 2.0.7 above, the position of the Applicant remains that the Scheme has been assessed against the existing baseline, that includes the presence of the existing tree coverage, and it must mitigate its effects in its existing landscape context. However, so far as possible (and without compromising other mitigation required for the Scheme as a result of effects upon biodiversity, etc.), the Applicant is willing to seek a design that can accommodate the aspirations of Gateshead Council in respect of the setting of the Angel of the North and the mound upon which it stands. No further assessment of the future baseline to account for potential contextual changes is currently considered appropriate.</p> <p>Similarly, in relation to the setting of the Angel of the North, the assessment of the effects of the Scheme is related to its existing as opposed to past and prospective environment. The "dialogue" is couched in its current terms and not in a past or future environment. Regard has already been afforded to the cultural importance of the Angel of the North and its setting (see Section 7.7 of ES Appendix 6.1 Historic Environmental Desk Based Assessment [APP-118]).</p> <p>Although the views to and from the asset make some contribution to the significance of the setting, the cultural heritage significance is also derived from the asset's tangible and intangible connections with the history of the surrounding area, which will not be impacted by the Scheme.</p>
2.5.1.a	I welcome news on any further developments relating to the vegetation management plans that result from Gateshead Council's meetings with the Applicant (2.5.1 a)	<p>Further to the information provided in Applicant's Responses to ExA's Second Written Questions [REP4-052], question 2.6.2, the Applicant has since shared with Gateshead Council (email on 22nd April 2020) an updated plan [refer to Appendix 1A] showing enhanced landscape proposals to support Gateshead Council's vision for the Angel of the North. The Applicant has also provided Gateshead Council with outline proposals for the treatment of the vegetation to be cleared and measures for soiling in order to facilitate the establishment of the species rich grassland, as identified on the plan.</p> <p>Subject to agreement on the proposals, these can be incorporated into the landscape strategy outlined on Figure 7.6: Landscape Mitigation Design [APP-061], along with any further agreed changes to the woodland areas required to ensure that sufficient woodland is provided as replacement habitat, to be issued at a later date. Importantly, these should be recognised as enhancements over and above the mitigation proposed for the impacts of the Scheme.</p>
2.5.1.b	Likewise, I would be grateful for the opportunity to consider the NECT study commissioned by Gateshead Council in 2018 alongside both the Local	Please refer to the information provided by Gateshead Council at Deadline 4 [REP4-064] and contained within the Applicant's response to the ExA's second written questions [REP4-052],

Ref:	Ella Bucklow's Response:	Applicant's Comment:
	Impact Report (REP2-075) and the DCO (2.5.1 b).	question 2.5.1 b, which includes the NECT study commissioned by Gateshead Council in 2018.
	<p>I am particularly concerned by the conclusions drawn in Gateshead Council's Local Impact Report that would suggest that the Applicant's scheme could have significant detrimental effect on views for northbound travellers on the A1 with similarly negative consequences for southbound travellers. The Angel of the North has become a landmark for the North East and welcomes travellers home. In my view, it would be heart-breaking to lose sight of The Angel of the North on the approach from the A1, and thus I am desperate to do all I can to protect these views.</p>	<p>Further to the assessment of landscape and visual effects, presented in Chapter 7: Landscape and Visual [APP-028] of the ES, the Applicant considers that sufficient additional information has been provided to inform the examination of the DCO, on the basis that the sequence of views has been provided via the narrative (Applicant's Responses to ExA's First Written Questions, Appendix 1.5 A - Angel of the North Narrative [REP2-019]); and supporting Appendix 1.2A, Cross Sections in the 'Applicant's Comments on Responses to EXA's Written Question' [REP3-004].</p> <p>In light of previous comments received from Anthony Gormley Studio, Sir Antony Gormley and Gateshead Council, the Applicant has included within the application a photomontage of the Scheme from the North Dene Footbridge, this being the most representative view that an appropriate image could be secured from, and that reflects the views of the Angel of the North from the A1 looking north. This was appended to the response to Applicant's Comments on Responses to EXA's Written Questions at Deadline 3 (see Appendix 5.2 of the response to the Local Impact Report submitted at Deadline 3 [REP3-005]).</p> <p>Anthony Gormley Studio has identified that within the Local Impact Report provided by Gateshead Council [REP2-075], concerns are raised about the impacts on users of the A1 and views of the Angel of the North, and the effect of the proposed gantries and replacement North Dene Footbridge.</p> <p>The Applicant's response to the Local Impact Report provided by Gateshead Council [REP2-075] included reference to a Technical Landscape Paper, providing a narrative of the views of the Angel of the North, experienced along the southbound A1 between junctions 67 (Coal House) and junction 66 (Eighton Lodge), and northbound between junction 65 (Birtley) and junction 66 (Eighton Lodge). This was provided in Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions – Appendix 1.5 A - Angel of the North Narrative [REP2-019]. This document concluded on page 13, that, "the presence of additional gantries would, in the context of the existing A1 and in the appreciation of the Angel of the North, result in a perceptible worsening of the views. However, the interruption of the view by gantries is typically brief as the views experienced by the occupants of moving vehicles are transitory."</p> <p>As stated in the above document "Southbound views are not substantially impacted by the gantries as within more distant views, and with the Angel of the North occupying an elevated location overlooking the valley, the distinctive outline remains conspicuous on the horizon." The Applicant therefore disagrees with the statement that the effects of the infrastructure on southbound approach are replicated and would be significant.</p> <p>The narrative provided in the above document identifies that for the most part, the views of the Angel of the North are not frequently interrupted. Instead it is a combination of woodland and landform in the intervening landscape that obscures views for the occupants of vehicles.</p> <p>The Applicant also disagrees with the suggestion that as a result of the Scheme, that the Angel of the North would be lost from sight. Rather, within the transient and frequently fleeting views, the Angel of</p>

Ref:	Ella Bucklow's Response:	Applicant's Comment:
		the North would remain a conspicuous and prominent landmark.
Part 2 – The significance of The Angel of the North		
	<p>It is only two years since we celebrated the Angel's 20th birthday but I am aware how quickly original intentions of Gateshead Council Commissioners of this work can be forgotten and become obscured by the accretions of time: the ivy that throttles the life and obscures the shape of the trusty oak. This scheme proposed by Highways England will prevent the Angel from continuing to fulfil the ambitious original commission, so in the following paragraphs I outline what that original vision was, and my commitment to allowing the Angel to play its full role in the unfolding of the future of the North-East.</p>	<p>The Applicant does not accept that the improvement of the strategic road adjacent to which the Angel of the North already stands will prevent the asset from continuing to fulfil its original commission. To state as such is unnecessarily emotive and does not address the expert written evidence already before the Examining Authority. Critically, the representation simply fails to set out how the function of the Angel of the North would be impaired. Therefore, the Applicant cannot rebut this unsupported point and so it should be given no weight.</p> <p>The Applicant understands the cultural importance of the Angel of the North, to the region and to the local population. In developing the Scheme, the Applicant has been cognizant of the potential impacts it may have on the access, views and experience of the sculpture and has responded appropriately within the constraints that apply to the development of a Scheme of this nature. How the cultural significance of the Angel of the North is reflected in the assessments undertaken is set out in Section 7.7 of Appendix 6.1: Historic Environment Desk-based Assessment [APP-118]. The assessment of impacts from the Scheme on the cultural heritage resource are included in Chapter 6: Cultural Heritage [APP-027] of the ES.</p> <p>The Applicant is continuing to develop, within the Order limits and in conjunction with Gateshead Council, design enhancements beyond the mitigation necessitated by the impacts of the Scheme on the Angel of the North. Subject to the effects of the Scheme not being worsened, these enhancements would improve the appreciation and experience of the Angel of the North through the removal of some of the surrounding vegetation in order that the Angel of the North and the mound upon which it sits would be appreciated to a greater degree, both from the A1 and more widely within the landscape.</p> <p>To this end, and as stated in the responses above, the Applicant has shared with Gateshead Council (email on 22nd April 2020) an updated plan [refer to Appendix 1A] showing the enhanced landscape proposals to support Gateshead Council's vision for the Angel of the North. The Applicant has also provided Gateshead Council with outline proposals for the treatment of the vegetation to be cleared and measures for soiling to facilitate the establishment of the species rich grassland, as identified on the plan. Subject to agreement on the proposals, these can be incorporated into the landscape strategy outlined on Figure 7.6: Landscape Mitigation Design [APP-061], along with any further agreed changes to the woodland areas required to ensure that sufficient woodland is provided as replacement habitat, to be issued at a later date.</p>
The commissioning of The Angel of the North		
	<p>I was commissioned by Gateshead Council in 1995 to make a landmark work that would be seen from the A1, from the railway and by people using the secondary roads surrounding Low Fell. The principle of the commission was to maintain the topography of the mound. The mound was made from</p>	<p>The Angel of the North is currently visible from the A1 Trunk Road and from the East Coast Main Line. However, its visibility is impaired by the existing vegetation in its immediate vicinity. This is the baseline against which the impacts of the Scheme are assessed.</p>

Ref:	Ella Bucklow's Response:	Applicant's Comment:
	the rubble following the destruction of the pithead baths at St Anne Colliery in the Teem Valley.	<p>The topography of the mound on which the Angel of the North is sited will not be affected by the Scheme.</p> <p>There are 11 no. viewpoints identified within Chapter 7: Landscape and Visual [APP-028] of the ES within which the view, that includes the Angel of the North, will experience some degree of change as a result of the Scheme. The assessment undertaken by the Applicant's expert landscape architect has demonstrated that the significance of the effects that will be experienced will be no more than moderate adverse in Year 1 (immediately following construction). Consequently, the Angel of the North will remain a landmark seen from the A1, from the railway and those using secondary rights of way in the vicinity.</p>
The Angel of the North and site		
	Gateshead and Newcastle's heritage of coal mining, bridge building, and shipbuilding are built into the site the material and the structural forms of The Angel of the North.	The Applicant considers there to be no effect of the Scheme on the appreciation of these concepts as presented through the Angel of the North.
	To me the mound was a tumulus similar to those left to us by our Iron Age ancestors. Here it was the memorial mound to the lost history of coal mining in the North-East. The mound has a quiet but powerful symbolic presence resisting the amnesia forced upon this country by Margaret Thatcher's wilful wiping of all signs of coal mining from our landscape.	<p>As noted above, the Applicant considers that the topography of the mound will not be affected by the Scheme. Furthermore, the relationship of the mound to the key transport corridors is unaffected.</p> <p>The vegetation at and immediately surrounding the mound is not a matter for the Applicant. However, the Applicant has stated (see above) that it is willing to work with Gateshead Council in order to enhance the appreciation of the asset and its setting.</p>
	Without honouring the mound, we cannot pay tribute to the brave and extraordinary 200- year history of coal mining in the North-East.	As noted above, the Applicant considers that the mound is not affected by the Scheme. Its appreciation is likewise unaffected by the Scheme.
	From the very beginning, my ambition was to make a work that was integrated with the mound and expressed its dependency on it. The Angel and the mound is the work.	As set out above, the Applicant considers that neither the Angel of the North nor its setting on the mound is affected by the Scheme.
	Without the mound being clearly visible and its profile clearly in a relationship with the wings, the work is compromised.	Any reduction in the appreciation of the mound and its relationship with the Angel of the North is the result of existing vegetation and not of the Scheme. Therefore, any compromise of the work is not capable of being ascribed to the Scheme.
	The way the work works is that there is a relationship between the cusp of the hill and the horizontal of the wings animated by the presence of the visitors. This is critical to how participation is invited. The Angel works so well because it is visited and animated by its visitors, with the visitors' scale put into dramatic contrast with the silhouette and size of the sculpture. The presence of the moving bodies of people held in the gap between two taut boundaries – the silhouette of the top of the mound and the silhouette of the wings – animates the work. In that gap you sense the proportional relations between a living body and this body that is ten times life-size. The clear	<p>As explained above, the Scheme will not affect the topography of the mound on which the Angel of the North is located. The vertical alignment of the A1 is likewise not predicted to change sufficiently to affect views that are or would be available of the asset and its setting.</p> <p>Currently views of the mound are highly constrained by a combination of mature and semi-mature woodland, roadside planting that typically obscures views of the existing A1, and the landform in the wider setting. As a result, the mound and the human interaction at the foot of the Angel of the North is largely obscured in views from the south, west and north, with the wings and head of the Angel visible to varying degrees above the intervening tree line. Views from the wider valley landscape</p>

Ref:	Ella Bucklow's Response:	Applicant's Comment:
	<p>profile of the curve of the mound is the ground on which the movement and size of the visitors relates to the underside of the wings and their horizontal top edge. This is the zone of interaction that makes the Angel function.</p>	<p>perceive the Angel of the North either in profile as a distinctive outline or against a backdrop of a rising landform, within which the outline is less discernible, depending on the angle of view; the slender profile being more difficult to distinguish in side-on views.</p> <p>In transient views from the A1, views of the mound are completely obscured in both directions of travel and where the roadside vegetation is mature and the A1 is set in cutting, so is the Angel of the North itself, and with it any awareness of people moving around the base. Due to a combination of landform and woodland in the intervening landscape there is no appreciation of the mound, the upper sections of the Angel of the North, the wings and head being visible in a fleeting view.</p> <p>In views to the east and north east, the outline of the Angel of the North is more readily perceived at a local level, although a combination of development, woodland and shrubs limits awareness of the mound, until the associated car park is reached and there is an appreciation of people milling around the base or walking around the site.</p> <p>As a result, the Scheme is not considered to materially change the way in which the Angel of the North and the mound is appreciated within the landscape, the A1 is an existing feature of the landscape, and from the west and south is largely screened from view by the same woodland and planting belts that currently obscures the mound and lower sections of the Angel of the North.</p>
	<p>I am very proud of the fact that in daylight hours The Angel is rarely alone.</p>	<p>This is not a matter that is affected by the Scheme and the appreciation of the presence of human forms around the asset is not altered as a consequence.</p>
	<p>For me, it is not about visual corridors, it is about the way that the work animates the whole site and its wider context.</p>	<p>As described above and as shown by the photomontages already provided in Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 C - Banesley Lane Woodland Photomontage [APPREP2-021];</p> <p>Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 D - Lamesley Road Photomontage [APPREP2-022]; Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 E - Angel of the North Photomontage [APPREP2-023]; Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions - Appendix 1.5 G - Kibblesworth Photomontage [APPREP-025]; and Deadline 3 Submission - Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage, the current function of the Angel of the North in its context is not altered by the Scheme. It is not helpful to discard the concept of corridors, since viewers on a linear transport axis (such as travelers) can only be understood in such a way.</p>
<p>The Angel of the North as a landmark</p>		
	<p>The Angel was conceived from the beginning as a landmark. It has become a place of visitation and a sign of homecoming for thousands of local people. I want the work to the fully visible landmark it was always intended to be.</p>	<p>The visibility of the Angel of the North is currently impaired by existing vegetation within the wider landscape. Any change to the visibility of the landmark as a result of the Scheme has been properly and professionally assessed by the Applicant, and mitigation measures have been designed so as to avoid potentially significant effects or reduction in the visibility of the Angel of the North, in order that the landmark remains visible. Any improvement to the visibility of the landmark will be as a result of site enhancements supported by the Applicant, as opposed to impaired by the Scheme.</p>

Ref:	Ella Bucklow's Response:	Applicant's Comment:
	The work has become part of the emergent identity of the region, a focus for the hope and ambition of the North East, a public visual recognition of its extraordinary contribution to the industrial revolution and everything that issued from the relationship between iron and coal.	This is wholly unaffected as a result of the Scheme.
	The Angel celebrates that history but also embodies the confidence which Gateshead, Newcastle and the North have in their future. It's a totemic, transitional object between the industrial and information ages. If it is going to do its work, it has to be 100% visible and it's got to be 100% participatory. Its visibility is part of that participation.	There are limited instances where the visibility of the Angel of the North will be affected. The Applicant has been completely frank about this but emphasizes that the extent of the interference is no more than a brief interruption with fleeting views of travelers proceeding in each direction from the A1 after the Scheme becomes operational. The Angel of the North and the base of its mound are not currently visible from the East Coast Mainline railway line or the A1 for very much of the journey in either direction, with only the upper sections of the Angel, the head and wings being perceptible above intervening tree lines. There are further interruptions to views as a result of the existing dense vegetation within the wider landscape and particularly to the south and west. There are also competing vertical forms in existing signage, the current North Dene footbridge and overhead power lines and from broader views to the west of the Angel of the North, the high rise development in Harlow Green. It would be an erroneous interpretation to suggest that the Angel of the North is 100% visible as matters stand, and to interpret its setting in this manner is misleading.
The Angel of the North as a focus for life		
	The Angel has become a place of pilgrimage, contemplation and hope. The fact that it is the chosen location both for the scattering of granny's ashes, the hosting of weddings under its wings, and the place to gather at the time of a solar eclipse suggests to me that a valuable social and spiritual function is performed by this object.	None of these functions would be affected by the Scheme, save inasmuch as it will be easier to travel to the site after the Scheme has commenced operation.
Key views and experiences of The Angel of the North		
	This work is seen in two very distinct ways: from a distance (and often from the moving vantage point of a car) and on foot.	As shown in typical viewpoints 6, 10, and 30 (refer to 6.2 Environmental Statement - Figure 7.5 Viewpoint Photos – A [APP-058] and 6.2 Environmental Statement - Figure 7.5 Viewpoint Photos – C [APP-060]), the views of the landmark are appreciated from local roads. From typical viewpoints 1, 5, and 27 (refer to 6.2 Environmental Statement - Figure 7.5 Viewpoint Photos – A [APP-058] and 6.2 Environmental Statement - Figure 7.5 Viewpoint Photos – C [APP-060]), the views are appreciated from public rights of way and would not be substantially changed as a result of the Scheme. Whilst these may be affected to a greater or lesser degree, the majority will not.
	It is essential that we protect these ways of engaging with it from the passing glimpse through the windows of your car to the experience of it sensed fully and physically in all seasons and times of the day: sun, wind and rain.	Again, the extent of any effects on these views will be very limited, as set out in Chapter 7: Landscape and Visual [APP-028] of the ES and Appendix 7.1 Visual Effects Schedule [APP-121] of the ES, and in Deadline 3 Submission - Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage.
	When you get out of your car, walk towards it, you get a sense of its relationship to the horizon. The Angel may be a landmark, but once you are out of your car you become a witness to the landscape that it faces. The mix of fell and field, road and railway, homes and places of work are full of history and the dialogue between human need and this earth.	The Applicant considers that the onsite appreciation of the Angel of the North is not affected as a result of the Scheme.

Ref:	Ella Bucklow's Response:	Applicant's Comment:
	The view from the A1 travelling South is my favorite. Having crossed the Tyne, your first view of the Angel is a small but clear shape standing starkly on the edge of the Teem valley. Once you have seen it from a distance, you are primed to look for it again. The work creates a binding relationship between intimacy and distance.	The view from the A1 travelling south has been considered in Deadline 2 Submission - Applicant's Responses to ExA's First Written Questions – Appendix 1.5 A - Angel of the North Narrative [REP2-019]. It describes the view of the Angel of the North on the skyline, and the impact that the Scheme, and in particular the gantries, would have. The Applicant's conclusion is that "Southbound views are not substantially impacted by the gantries as within more distant views, and with the Angel of the North occupying an elevated location overlooking the valley, the distinctive outline remains conspicuous on the horizon. Approaching Smithy Lane overbridge, woodland combines with the landform to obscure views as distance to the sculpture is reduced and the A1 corridor becomes enclosed by woodland either side"
	To me, the locals are incredibly important, they are the family of The Angel. I met the lovely man (he is in the Making An Angel book) who looks from his sitting room across the playing fields to The Angel of the North and feels less alone. The Angel's shadow is at times projected onto the football pitch and you see two teams playing in the still of a summer evening. That, to me, is really beautiful, the normalisation of something that is a bit strange: a surreal but magical interface between life as its lived; the dog walkers and the people that go to toboggan or to run and this 200 ton Angel.	The playing field in the immediate vicinity of the Angel of the North lies between its site and Cowen Gardens, which lies to the north. The views from that direction to the Angel of the North will be wholly unaffected by the Scheme. Similarly, dog walking, tobogganing at and running to the Angel of the North will not be affected by the Scheme.
	I appeal to all involved in this process to play their part in safeguarding this landmark, to ensure that the Angel remains a visible symbol of hope and togetherness for generations to come.	<p>The submission proceeds on the premise that as a result of the Scheme, the Angel of the North, its appreciation and its visual relationship with the mound and its wider setting as envisaged in its original commission will no longer be fulfilled. However, this is a false premise that assumes users of the mound can be seen from the A1 and other key locations. This is not the case and so that interrelationship is not affected. Similarly, the views of the asset itself are also alleged to be affected, but again the extent of interference is modest and strictly controlled through the draft DCO.</p> <p>Notwithstanding the above, the Applicant has and is discussing with Gateshead Council how the Scheme could support enhancement of the site, increasing the visibility of the Angel of the North and the mound upon which it stands. The Applicant has shared with Gateshead Council (email on 22nd April 2020) an updated plan [refer to Appendix 1A] showing enhanced landscape proposals to support Gateshead's vision for the Angel of the North.</p> <p>Subject to agreement on the proposals, these can be incorporated into the landscape strategy outlined on Figure 7.6: Landscape Mitigation Design [APP-061], along with any further agreed changes to the woodland areas required to ensure that sufficient woodland is provided as replacement habitat, to be issued at a later deadline. Importantly, these should be recognised as benefits over and above the mitigation proposed for the impacts of the Scheme.</p>

Table 2 – Environment Agency

Ref :	Question to:	Environment Agency Response:	Response:
2.2.2	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	On 7 April 2020, the Environment Agency (EA) had discussions with the Applicant regarding biodiversity matters. The issues surrounding water vole assessment and protection measures were discussed and number of points	The updated Construction Environmental Management Plan (CEMP) was submitted at Deadline 4 [REP4-022] and a link was provided to the Environment Agency on 24 April 2020 to this updated version. Further details of specific

Ref :	Question to:	Environment Agency Response:	Response:
	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?	were clarified. The Applicant stated that the Construction and Environment Management Plan (CEMP) is currently being updated and will be available for the EA to review. We have not yet received an updated version of the CEMP to review.	references that have been updated in response to discussions with the Environment Agency on 7 April 2020 are provided in the responses below.
		<p>Following our discussion, it was agreed that the CEMP would be updated to reflect the following:</p> <ul style="list-style-type: none"> • Confirmation of pre work checks to include for water vole as well as other protected mammals; and • Confirmation that a watching/ecological brief will be expanded outside the wetted channel and include works from the channel bank up to a suitable distance where water vole burrows could be present. 	<p>Reference [B24] was updated in the Outline CEMP [REP4-022] to include pre-construction checks to be carried out for water vole and to extend the distance to "within five metres of the bank" as follows:</p> <p>"A pre-construction check of the habitat, within five metres of the bank, to the Coal House roundabout, in particular to check for signs of otter and water vole, prior to any habitat clearance and installation of the temporary culvert will be carried out.</p> <p>Should, at any time prior to the works commencing, signs of otter and water vole be recorded, or this species be assessed as likely to be present within the Scheme Footprint, then works would cease and a suitably experienced ecologist be contacted for advice prior to works re-commencing within the area affected".</p>
		<p>With respect to other biodiversity matters, it was agreed that the CEMP would be updated to reflect the following:</p> <ul style="list-style-type: none"> • Confirmation that fish passage will be maintained in the CEMP; and • Confirmation that the EA will be consulted on channel design, morphology, bed materials, levels and fish passage. 	<p>The following measures were updated in the Outline CEMP [REP4-022] as follows:</p> <ul style="list-style-type: none"> • [B10] includes text to ensure that fish passage is maintained. • [B11] includes text to ensure that fish passage is maintained within the River Team. • [B26] includes measures for the design, details and location of baffles or similar structures, e.g. pre barrages, to be installed either within or close to existing culverts for fish passage to be consulted upon with the Environment Agency.
2.4.9	<p>Requirement 4 (Construction and handover environmental management plan)</p> <p>This Requirement includes consultation with the relevant planning authority prior to approval by the Secretary of State. 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>Yes. The Applicant has confirmed that the EA will be consulted on the CEMP and that the Protective Provision will be amended to reflect this. We are awaiting for the relevant documents to be updated to reflect this.</p>	<p>The requirement for the Environment Agency to be consulted on the CEMP has been included in the updated Outline CEMP [REP4-022] at [G1] and within the "Achievement criteria and reporting requirements" column where appropriate.</p> <p>Requirement 4 of the DCO was revised at Deadline 4 [REP4-012 and 013] to include consultation with the EA on the CEMP. This has been further revised at Deadline 5 so that the EA is also consulted on amendments to the</p>

Ref :	Question to:	Environment Agency Response:	Response:
			CEMP.
2.10.1	<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]. 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 EA are having on-going discussions with the Applicant regarding this matter. At present we still have some concerns which have not been addressed. We are waiting for the Applicant to provide us with an updated version of the CEMP. Furthermore, the Applicant has agreed to submit a technical note regarding the temporary works and how this will / will not impact on the gauging station and rating curve which is used in flood warning service and flood warning development. We are awaiting this information. The Protective Provisions to be included within the dDCO have yet to be finally agreed with the Applicant. Their final form will be dependent upon the update to the CEMP.</p>	<p>The updated CEMP was submitted at Deadline 4 [REP4-022] and a link has been provided to the Environment Agency on 24 April 2020 to this updated version. A new action reference [W20] was included in the Outline CEMP [REP4-022] which requires a method statement to be produced in consultation with the Environment Agency for works undertaken in the vicinity of the gauging station.</p> <p>Protective provisions for the EA are included in Part 4 of Schedule 12 and provide a mechanism for the EA to protect the gauging station from damage due to works from the Scheme.</p>
2.10.2	<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. c) What is the current position between the parties on issues concerning the flood risk model?</p>	<p>c) The EA carried out a second review of the flood risk model in March 2020. We consider the flood risk model to be fit for purpose and has assessed the flood risks associated with the development proposal. Our discussions with the Applicant in respect of flood risk are ongoing.</p>	<p>The Environment Agency has approved the flood risk model via email on the 20 March 2020 and this is documented within the Statement of Common Ground (SoCG) between the Applicant and the Environment Agency [REP4-026]. Table 3-1, row two of the SoCG outlines that in regard to the Flood Risk Assessment the only aspect under discussion is the provision of flood plain compensation.</p>
2.10.5	<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]. 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>We are having on-going discussions with the Applicant regarding the Statement of Common Ground. We are awaiting further information from the Applicant regarding flood risk, biodiversity and water quality matters, including an updated version of the CEMP and technical notes in relation to flood risk, which we will need to review. We are unable to finalise the Statement of Common Ground until this information has been provided.</p>	<p>The Environment Agency has requested additional information on the following areas:</p> <ul style="list-style-type: none"> • Flood Plain Compensation (with regard to how this will function) - this remains under preparation. • Temporary works (whether this will have any impact on their flow gauging station) - this remains under preparation. • Clarification on the ES Addendums (the flood risk to the additional land and the impacts of the three span viaduct). Sent to the Environment Agency on the 29 April 2020. • Biodiversity – how the works will be undertaken to minimise the impacts on fish passage and water voles, as discussed in Question 2.2.2. • Water Quality – this is in regard to the applicant progressing works that had been agreed to be undertaken at detailed design to assess how sediment vortexes could be included in the surface water drainage design, this remains under preparation.

Ref :	Question to:	Environment Agency Response:	Response:
			It is intended to supply the additional requested material to the Environment Agency during the course of the week commencing 4 May. The SoCG [REP4-026] (Table 3-1) has been updated to reflect this current position.

Table 3 – Gateshead Council

Ref:	ExA's Written Question:	Gateshead Council's Response:	Applicant's Comment:
2.0.4	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]. 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?	Securing further detail via requirements is considered to be sufficient.	Further provision for approval of the details of the gas transfer stations and North Dene footbridge were added at Deadline 4 to requirements 3 and 12 of the draft DCO [REP4-012 and 013].
2.0.11	Gateshead Council has confirmed in its response to ExQ1.0.11 [REP2-066] that it has no issues with the proposed construction working hours. Please can the Council provide its reasoning for the acceptability of the proposed construction working hours?	For the most part, the majority of the more intensive works, namely constructing the new crossing over the ECML, will be located away from residential properties. Furthermore, the widening works closest to the residential areas of 'Northdene' and 'Crathie' will be located on the eastern side of the carriageway in order to minimise any impacts. The Council also acknowledges the importance of completing these strategic improvement works in a timely manner, and therefore, all considered the construction working hours of 7am-7pm are considered acceptable. A caveat to this is the replacement Northdene footbridge, where it is felt that final details of the method of demolition, construction and timings are agreed to minimise impacts on the residents of Northdene and Crathie.	Noted. In regard to the request to consider the final details of the method of demolition, construction and timing of the replacement Northdene Footbridge, these issues will be addressed in the Outline Construction Environmental Management Plan (CEMP) [REP4-022] to be submitted at Deadline 6.
2.2.3	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).	The Council continues to work with the applicant to try and resolve the outstanding matters.	A summary of consultation with Gateshead Council is provided in the Statement of Common Ground between Gateshead Council and Highways England [REP4-024] submitted at Deadline 4. This document has set out issues that have been agreed and those still under discussion between the two parties through meetings and correspondence including the Written Representations [REP1-005] and Local Impact Report [REP2-075].

Ref:	ExA's Written Question:	Gateshead Council's Response:	Applicant's Comment:
2.4.1	<p>Article 2 Interpretation: Commence – The Examining Authority notes that additional wording has been added to the DCO [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. 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>The Council considers the drafting is appropriate.</p>	<p>Noted</p>
2.4.3	<p>Article 7 Limits of deviation – At ISH1 [REP1-003] the Applicant explained that limits of deviation of up to 1 metre are required as the Proposed Development is located within an undulating area and therefore requires flexibility of design for element such as the surface of the carriageways. 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>A deviation of up to 1m is likely to have a significant impact upon views of the Angel of the North and is not a level of flexibility that the Council would normally support through a planning submission.</p>	<p>As discussed in the Applicant's Responses to ExA's Second Written Questions [REP4-052] questions 2.4.3 a) and c), it should be noted that 1 metre is a normal provision for vertical Limits of Deviation in a highway DCO; and that the design has been developed and assessed on this basis.</p> <p>The requirement for these Limits of Deviation is driven by the nature of the Scheme, which incorporates:</p> <ul style="list-style-type: none"> • A long viaduct / bridge option over an area of unstable ground; • Carriageways which at their maximum incorporate five lanes (three mainline and two diverging) and hardstrips, which includes carriageways at different levels across in cross-section as well as in long section; • 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 • There are sections of crossfall (i.e. the camber across the width of the road) within the existing carriageway which do not comply with standards and which may require to be changed during design development. <p>As detailed in the Applicant's response to [REP4-052] question 2.4.3 b), the reasonable worst case resulting from the Limits of Deviation has been assessed as part of the Environmental Impact Assessment, as detailed in paragraphs 2.5.10 to 2.5.12 of Chapter 2: The Scheme [APP-023] of the ES. Those effects have therefore been assessed and the effect of the limits of deviation fully taken into account.</p> <p>Chapter 7: Landscape and Visual [APP-028] of the ES identified the effects based on the worst case scenario i.e.</p>

Ref:	ExA's Written Question:	Gateshead Council's Response:	Applicant's Comment:
			included the maximum deviation of 1m. The assessment identified that significant effects are not anticipated to arise, including as a result of the proposed gantries and replacement of the North Dene Footbridge, including on views that include the Angel of the North.
2.4.8	Schedule 2, Part 1 Requirement 3 (Detailed design) Requirement 3 has been amended to include the approval of the external appearance of Work No.10 (gas transfer station building) [REP2-044]. a) Should there be provision for consultation with the relevant planning authority before any approval by the Secretary of State	a) The Council considers that would be beneficial.	Noted. This change was made to the draft DCO [REP4-012 and 013] at Deadline 4.
2.4.11	The Applicants list of updated Requirements is set out within Schedule 2, Part 1 of the dDCO [REP2-044]. 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.	The Council requests an extension until Deadline 5 – May 1st to respond.	N/A
2.5.1.a	The ExA notes that a meeting has been arranged between the Applicant and the Council to discuss the Proposed Development in the context of the Council's vision for the setting and views of the Angel of the North. 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.	a) Discussions are ongoing, albeit the current circumstances have hindered progress.	Further to the information provided in the Applicant's Responses to ExA's Second Written Questions [REP4-052], question 2.6.2, the Applicant has since shared with Gateshead Council (email on the 22 nd April 2020) an updated plan [Appendix 1A] showing the enhanced landscape proposals to support Gateshead Council's vision for the Angel of the North. The Applicant has also provided Gateshead Council with outline proposals for the treatment of the vegetation to be cleared and measures for soiling to facilitate the establishment of the species rich grassland, as identified on the plan. Subject to agreement on the proposals, these will be incorporated into the landscape strategy outlined on Figure 7.6: Landscape Mitigation Design [APP-061] , along with any further agreed changes to the woodland areas required to ensure that sufficient woodland is provided as replacement habitat, to be submitted at a later deadline.
2.5.1.b	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).	b) Requested documents attached alongside this document.	The Applicant's Response to the Local Impact Report [REP3-005] was submitted to the ExA at Deadline 3. Paragraphs 5.21, 5.24, 5.25 and 5.27 of this response include comments on the NECT Study and the Southern Green Options Appraisal referred to by Gateshead Council.

Ref:	ExA's Written Question:	Gateshead Council's Response:	Applicant's Comment:
2.6.2	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).	The Council reserves its view until it has had sight of the SoCG.	Noted. An updated draft of the Statement of Common Ground between Gateshead Council and Highways England [REP4-024] was submitted to the ExA at Deadline 4 and sent to Gateshead Council on 24 February 2020. The document remains draft on 1 May 2020, as several issues are subject to ongoing discussions with council officers.
2.7.6.a	Item N2 of Table 3-1 of the Outline CEMP [REP2-051] provides for the construction of an acoustic barrier. 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?).	a) The Council considers the noise barriers should be installed before the widened road becomes operational and this should be extended to the properties at Lady Park also.	As confirmed in the Applicant's response to the ExA's Second Written Questions [REP4-052], Table 3-1 of the updated Outline CEMP [REP4-022] now includes an action at [N2] that the final details, including appearance, of the acoustic barrier will be included in the CEMP and that the acoustic barrier will be fully installed before the Scheme is open to traffic. As stated at action N3 of the updated Outline CEMP [REP4-022], the same commitments on appearance and installation also apply to the realigned acoustic barrier at Lady Park.
2.7.6.b	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?	b) The Council agrees that final details, including the appearance of the acoustic barrier should be included in the CEMP.	As confirmed in the Applicant's response to the ExA's Second Written Questions [REP4-052], Table 3-1 of the updated Outline CEMP [REP4-022] now includes an action at [N2 and N3] that the final details, including appearance, of the acoustic barrier will be included in the CEMP.
2.7.7	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. 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?	The Council requests an extension until Deadline 5 – May 1st to respond.	Noted
2.7.8	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?	The Council requests an extension until Deadline 5 – May 1st to respond.	Noted
2.8.1	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	The Council requests an extension until Deadline 5 – May 1st to respond.	Noted

Ref:	ExA's Written Question:	Gateshead Council's Response:	Applicant's Comment:
	Outline CEMP [REP2-051] in order to minimise, as far as is possible, the potential adverse impact upon the public enjoyment of Longacre Wood?		
2.9.3	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]. 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)?	The Council requests an extension until Deadline 5 – May 1st to respond.	Noted
2.9.4	<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>b) Does the Council have any comments on the Applicant's approach for the use of Woodford and any necessary highway/pedestrian safety measures?</p>	Woodford is a traffic-calmed residential road which would not normally be considered suitable for this kind of traffic. It is noted from the applicant's response that some heavy traffic associated with demolition of the existing rail bridge will use the old (i.e. current) alignment of the A1. As a route for such traffic this is much to be preferred as it would avoid any disturbance to residential areas. Ideally all heavy traffic associated with this aspect of the works would use the A1 route. However if this is not possible the Council would wish to see the following: - Advance notification of local residents of plans for heavy traffic movement in the Woodford area; - Before and after surveys of road condition (including traffic calming measures) to be undertaken with any damage made good; - All traffic to use the access to Woodford from Hertford, not Smithy Lane.	The Applicant acknowledges that Woodford would not normally be considered suitable for construction traffic. The use of this route for construction traffic will be kept to a minimum and the Applicant agrees to the advanced notification of residents for its use by heavy traffic, surveys of the road condition before and after use and any damage made good, and all traffic to access Woodford from Hertford. This will be included the next update to the Construction Traffic Management Plan (Appendix B of the CEMP [REP4-022 and 023]) at Deadline 6.
2.10.3	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]. 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?	The Council is still concerned about the proposals in this regard and intends to discuss further with the applicant.	<p>The Applicant continues to discuss these issues with Gateshead Council, with an email sent by the Applicant regarding these issues on 15 April 2020. At the time of writing, the Applicant is awaiting a response on the points raised.</p> <p>It should be noted that the updated Outline CEMP [REP4-022 and 023] currently includes the following measures in relation to improving channel design and providing enhancement to the river environment at [W10] as follows:</p> <p><i>In realigning the A1 to the south of the existing Allerdene Bridge, Allerdene Culvert must be replaced by either a new culvert and realignment of the drainage channel (Allerdene embankment option) or daylighting of the Allerdene Culvert and replacement and realignment of the drainage channel to accommodate a new viaduct over the adjacent railway line</i></p>

Ref:	ExA's Written Question:	Gateshead Council's Response:	Applicant's Comment:
			<p><i>(Allerdene viaduct option). All options for Allerdene Culvert will be designed to mimic the flow conditions of the existing watercourse to minimise impacts to the channel morphology and to ensure flood risk is not increased within and outside of the Scheme Footprint. Mitigation measures to be implemented must include:</i></p> <ul style="list-style-type: none"> • <i>For Allerdene viaduct option, in addition to the alterations provided for Allerdene embankment or Allerdene three span options, the existing culvert will be removed and replaced with an open channel.</i> • <i>For all options relating to the replacement of Allerdene railway bridge potential opportunities have been identified to improve the channel design and to provide enhancement to the river environment and morphology by, for example, inclusion of pools and riffles (or similar features to increase biodiversity) constructing a two-stage channel, adopting bioengineering techniques, such as rock rolls and mattresses, to maintain the channel profile and by re-vegetating the banks of the proposed channel realignment. These, and further potential enhancements, will be considered at the detailed design stage of the Scheme.</i> • <i>The requirements for flow control culverts and modification of the flood regime to facilitate more frequent flooding on the floodplain without having adverse impacts on third parties will be incorporated into the detailed design of the proposed channel.</i> • <i>Where new culvert inlets are required, naturalised design features will be utilised, if design allows. Measures such as avoiding planting at the openings to the culvert to increase natural light entering the internal space, and an inclusion of a layer of soil and debris within the culvert to create a natural bed to encourage use will be considered.</i> • <i>Geomorphological aspects will be incorporated into the design by a suitably qualified geomorphologist. The geomorphologist will ensure so far as is reasonably practicable that the morphology of the channel and the riparian zone for habitats and wildlife is maximised in the context of the Scheme as a whole.</i> • <i>Consultation on the specific design regarding the enhancements to river morphology, natural design features, bed cover and levels etc. with the Environment Agency will be carried out.</i>

Table 4 – Historic England

Ref:	Question to:	Question:	Historic England's Response:	Response:
2.0 General and Cross-topic Questions				
2.0.13	Applicant	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. 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>We note that this is a question that has been put to the Applicant and await their response and will comment on it if appropriate. In the question the Inspector refers to the CEMP as a living document which could change as the scheme progresses. We therefore ask if consideration could be given to Historic England being consulted should changes to the outline CEMP have a bearing on the historic environment, so that we can be consulted on matters that relate to our functions.</p> <p>Further, with regards to the Outline CEMP, the Applicant has not yet addressed our concerns expressed in section 5.2 – 5.6 of our document [REP3 – 007].</p>	<p>As detailed in the Applicant's response to the ExA's second written questions [REP4-052] it is proposed that the Outline Construction Environmental Management Plan (CEMP) [REP4-022 and 023] should form the basis for approval of the Final CEMP as provided in Requirement 4 of the draft Development Consent Order (dDCO) [REP4-012 and 013]. 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 Written Scheme of Investigation (WSI) under its terms will be capable of subsequent approval. This would be more likely to be subject to approval by the Secretary of State (SoS) for Transport 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 [REP4-022 and 023].</p> <p>However, in the version of the DCO circulated at Deadline 4 [REP4-012 and 013], Requirement 4(3) was revised to make explicit provision for the SoS to approve amendments to the CEMP should this be necessary. This provision has been further amended in the version of the DCO circulated at Deadline 5 (01/05/2020) by including a requirement for consultation with Historic England and the Environment Agency where there is a proposed amendment to the CEMP. Requirement 4(1) has also been revised to include consultation with Historic England in relation to the finalised CEMP.</p>
2.4 Draft Development Consent Order (DCO)				
2.4.10	Historic England	Requirement 9 (Archaeological remains) The Applicant has amended the wording of Requirement 9 [REP2-044] in response to Historic England's Written Representation [REP1-013]. Is Historic England satisfied with the updated wording of Requirement 9?	Regarding the amendments to Requirement 9: Section 6 of our submission for Deadline 3 [REP3 – 007] recorded that the Applicant has addressed some of our concerns as we set out in sections 6.2 – 6.6 but had not yet addressed all the issues we had raised in our original Written Representations [REP1 – 013]. However, we have been engaged in positive discussions with the Applicant regarding the outstanding issues we referred to in our previous representations and we would hope to be in a position	The Applicant discussed the changes to Requirement 9 of the draft DCO [REP4-012 and 013] circulated at Deadline 4 with Historic England on 28/04/2020. Historic England advised that their legal advisor was reviewing the changes in order to determine if they are acceptable. At the time of writing, Historic England's legal advisor had not yet confirmed that the changes fulfil all of their requirements.

Ref:	Question to:	Question:	Historic England's Response:	Response:
			to update the Examining Authority in due course.	
2.4.12	Applicant & Historic England	<p>Schedule 10 Scheduled Monuments – Historic England has made representations [REP1-012 and REP3-007] that Schedule 10 needs to fully reflect all works to the Bowes Railway Scheduled Monument.</p> <p>a) Given that the DCO would replace the need for a separate Scheduled Monument Consent through Article 39, the Applicant is requested to update Schedule 10 to include all relevant works.</p>	<p>We note that this is a question that has been put to both Historic England and the Applicant. We await the Applicant's response and will comment on it if appropriate. However, we advise that the Applicant has recently provided Historic England with proposed amended wording to Schedule 10 in response to our comments in sections 6.7 – 6.10 of our Deadline 3 submission [REP3 – 007]. Discussions are currently on-going about these and we would hope to be in a position to update the Examining Authority in due course.</p>	<p>Schedule 10 of the dDCO [REP4-012 and 013] was updated at Deadline 4 in response to the amended wording provided by Historic England at previous deadlines [REP1-012 and REP3-007]. This wording was shared with Historic England prior to submission and includes the revisions sought by them. Following discussions with Historic England on 28/04/2020 it was confirmed that they are now content with the amended wording in Schedule 10 of the dDCO [REP4-012 and 013].</p>
		<p>b) Is Historic England content that the Application for Development Consent includes and secures all the necessary drawings at this stage relating to the proposed works to the Schedule Monument?</p>	<p>We would also note that with regards to (b) above there are two drawings which have not yet been provided: 1) Drawing to show the access route (and design detail) from Compound 4 onto the scheduled monument. 2) Drawing to show the access arrangement (and design detail) for the public footpath/bridleway access back down onto the monument after construction of the tunnel extension and wall repairs to the monument. This has been raised with the Applicant and we would hope to be in position to update the Examining Authority in due course.</p>	<p>The access from the working compound to the monument is to the north end of the compound. The scheduled monument (SM) wall is not affected by this. Details of the access have been included in the Outline CEMP [REP4-022 and 023] at [CH7] to include that this will be via an access track formed of hardcore and a permeable membrane will be laid over the bridleway surface where the access track joins the SM and the access track built up over the existing bridleway. A method statement will be produced for these works and will form part of the WSI. This method statement will be produced in consultation with Historic England.</p> <p>Additionally, Figure 1 of the Outline CEMP [REP4-022 and 023] has been updated to show the location of the access track and will be provided with the next iteration of the updated Outline CEMP.</p> <p>In terms of the access back down onto the monument. The path running over the monument is to be reconstructed as part of the extension and this will link back to the existing public right of way to get back onto the monument. Refer to Structures Engineering Drawings and Sections (Revision 2) TR010031/APP/2.7(J) [REP4-010].</p>
2.5 Cultural Heritage				
2.5.3	Applicant	<p>In its response to ExQ1.5.9, the Applicant explains [REP2-060] that an outline 4 Written Scheme of Investigation will be prepared and agreed in consultation with both Historic England and the</p>	<p>We note that this is a question that has been put to the Applicant and await their response and will comment on it if appropriate. However, we would like to note that on 3 April 2020 the Applicant provided the</p>	<p>Historic England's position is noted. Their comments on the draft Outline WSI were incorporated into the Outline WSI that was submitted at Deadline 4 (as an appendix to the Outline CEMP [REP4-022 and 023]). During</p>

Ref:	Question to:	Question:	Historic England's Response:	Response:
		Local Planning Authority. 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?	first draft of the Outline WSI for comment to Historic England and the Local Authority. We provided comments back to them and are awaiting sight of a further revised Outline WSI document. We would hope to be in a position to update the Examining Authority in due course.	discussions between the Applicant and Historic England on 28/04/2020, Historic England requested a number of additional minor amendments. The Applicant will update the Outline WSI accordingly for submission with the next iteration of the Outline CEMP [REP4-022 and 023].

Table 5 – Network Rail

Ref:	Question:	Network Rail Response:	Applicant's Comment:
2.4.13 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>Network Rail is continuing to discuss with the Applicant the Protective Provisions for Network Rail's benefit, with a view to providing the ExA with agreed protective provisions at a future Deadline.</p> <p>In the meantime, we attach the Protective Provisions which Network Rail wishes to see included in the Order (Appendix 1 - Network Rail Protective Provisions) and a version showing how the Network Rail Protective Provisions amend those included in the draft DCO submitted by the Applicant at Deadline 2 [REP2-045] (Appendix 2).</p> <p>There currently remain 3 points of disagreement with the Applicant regarding the Protective Provisions:</p> <p><i>i) Paragraph 20(1) – Network Rail's inclusion of wording to refer to the required consent of the leaseholder, DB Cargo (UK) Limited</i></p> <p>Network Rail requests this additional wording to acknowledge the fact that Network Rail cannot be held accountable for any delay to its consent that may be caused by the Applicant or Network Rail first seeking consent from the freight operating company leaseholder, DB Cargo (UK) Limited.</p>	<p>The Applicant continues to engage constructively with Network Rail on resolution of the outstanding protective provisions and a substantive update, including the positions of the respective parties on outstanding matters, will be provided in the draft Statement of Common Ground submitted as near as possible to deadline 5.</p> <p>In respect of paragraph 20(1) Network Rail has asserted that DB Cargo will need to consent to any proposals affecting its property interest. However, DB Cargo has not objected to the Application and is not part of Network Rail's statutory undertaking. Neither is DB Cargo's property part of Network Rail's operational land. As such, Network Rail has provided no evidence as to why this treatment of a private third party is necessary or appropriate. DB Cargo is already suitably protected: its land is required for the Scheme and it is open to it to seek compensation should it be adversely affected both under the Railways Act 1993 regime <u>via</u> Network Rail and under the Compulsory Purchase Compensation Code.</p>
		<p><i>ii) Paragraph 21(1) – Network Rail's inclusion of reference to article 21 (discharge of water) in the list of powers that require Network Rail's consent</i></p> <p>Network Rail requests that this article is included in the list of Order powers that would require Network Rail's consent so that any work by the Applicant to drains, watercourses or culverts would have to be agreed with</p>	<p>The Applicant has already confirmed to Network Rail that the existing culverts will see no increase in discharge as a result of the scheme and therefore this provision is unnecessary and unjustified – its inclusion is otiose. The Applicant is willing to consider this drafting if a justification for it can be provided by Network Rail.</p>

Ref:	Question:	Network Rail Response:	Applicant's Comment:
		<p>Network Rail in so far as such work would affect the railway. Network Rail's consent cannot be unreasonably withheld but may be given subject to reasonable conditions (paragraph 21(5) of the Network Rail Protective Provisions).</p> <p>Reference to this article has been included in the equivalent list of powers in relation to many other Orders and Network Rail does not consider its inclusion to be controversial as the Applicant will be liaising with Network Rail in relation to all other Order powers in any event.</p>	
		<p><i>iii) Paragraph 32(4) – Network Rail's deletion of the reference to the Applicant not being liable for any indirect or consequential loss of loss of profits</i></p> <p>Network Rail requests the deletion of the wording, being sought by the Applicant at sub-paragraph (4), which excludes liability, on the part of the Applicant, for any indirect or consequential loss of profits by Network Rail. Network Rail is anxious to ensure that the indemnity included in the Network Rail Protective Provisions is included in the Order and that the scope of the indemnity is not diluted. As the operator of the national rail network it is essential that the undertaker of any works that affect the railway provides Network Rail with a full indemnity; that should include consequential loss which, in any event, would need to be properly justified and meet the relevant common law tests.</p> <p>Network Rail should also not be obliged (as requested by the Applicant at its sub-paragraph (4)(b)) to provide advance details of agreements with train operators to the Applicant; this creates an unnecessary administrative burden on Network Rail and any failure to provide the relevant details would invalidate the indemnity. Further, such agreements are commercially sensitive; the Office of Rail and Road only provides redacted copies of such train operator contracts for that reason.</p>	<p>In respect of paragraph 32(4), This is not accepted. The oversailing of a railway by a road is neither different in terms of its installation (it will be undertaken during possessions, just like the installation of overhead lines) and when in situ will be inert. As such, the impacts upon the operation of Network Rail's undertaking and need for it to recover consequential loss are essentially identical. This is because, if an interference were to occur, the loss suffered by Network Rail has not been demonstrated in any way to be different to the losses which would result from interference by an overhead power line. Accordingly, the determination of the Secretary of State in relation to the DCO authorizing the Hinkley Point C Connection is equally apposite here and there is no need for the Secretary of State to dilute his findings in the decision on that Application.</p> <p>As regards disclosure, Highways England should only be liable for losses of which it has knowledge and can control. Therefore, it is appropriate that where Network Rail can foresee consequential loss and disclose the potential liability to which it may be exposed. This is a concession in relation to the first part of paragraph (4), representing a compromise. If Network Rail is not able to subscribe to sub-paragraph (b) of paragraph 4, the exclusion of consequential liability should be absolute. Furthermore, it is not the case that Network Rail is being asked to disclose all and every part of every agreement, merely the details that are of concern. If Network Rail cannot identify the risks that it considers should be protected, then the risks should not be for Highways England to bear.</p>
		<p>Agreements Network Rail is discussing with the Applicant the agreements that are needed between the parties. These include the property agreement that will be required with Network Rail's leaseholder namely the freight operating company affected by the Scheme; DB Cargo (UK) Limited.</p>	<p>The Applicant continues to engage with Network Rail's Property team on the relevant estate agreements required for construction and operation of the scheme, insofar as the same affects the operational land of the railway undertaking.</p>

Ref:	Question:	Network Rail Response:	Applicant's Comment:
		<p>Clearance Before granting rights over its land, Network Rail is required, by its regulatory framework, to undertake a "clearance process" that assesses the impacts of the grant of rights or transfer of land on its business and the conditions that must be attached to such grant of rights or transfer. Network Rail is waiting for a number of details about the Applicant's proposed works and the property rights it is seeking before the clearance process can be completed.</p>	<p>The Applicant reserves comment on what is an internal Network Rail function. The clearance process is not within the control of the Applicant and is an entirely NR-specific control measure. These internal measures have no bearing on the principle of the Scheme, or the powers sought.</p> <p>The Applicant would note that the details which Network Rail asserts it is waiting for were discussed at a project meeting with its asset protection team on 26 March 2020 with the Applicant's delivery partner.</p> <p>The Applicant would also like to clarify that Network Rail still requires clearances over a number of elements which have been known to be part of the order limits since before the Applicant submitted the DCO. For example, the extinguishment of Network Rail's access rights over the existing access track and permanent access for bridge maintenance.</p>
2.4.13 b)	<p>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>	<p>Network Rail's asset protection team and its engineers are still considering the design of the Scheme and has confirmed to the Applicant that it must provide further details to enable Network Rail to apply for business and technical clearance for certain aspects of it.</p> <p>Until such details have been provided, Network Rail is unable to assess the impact of the Scheme on its undertaking and provide a detailed submission about "serious detriment" to its undertaking.</p> <p>However, we have already confirmed that the compulsory acquisition of Network Rail's property is unnecessary, and cannot be justified, given Network Rail's willingness to agree the necessary property and other required documents with the Applicant which Network Rail considers can be achieved during the course of the Examining Authority's consideration of the draft Order.</p>	<p>As stated above, the relevant discussions between the Applicant and Network Rail's Asset Protection team took place on 26 March 2020 and it is understood that provision of these additional details are well advanced. Despite this, a number of details still require clearance from Network Rail, which it is hoped it is progressing expeditiously since it has had notice of them for a considerable period of time. The Applicant welcomes the progress made to date with Network Rail and is pressing to resolve final details of the following outstanding items:</p> <ol style="list-style-type: none"> a. The extinguishment of any of the covenants benefitting Network rail in the conveyance dated 29/03/1974 relating to the existing road over rail bridge and the land off Smithy Lane; b. The extinguishment of Network Rail's access rights over the existing access track; c. The temporary possession and use of the Network Rail owned verges to the approaches to a road over rail bridge at Chowdene Bank; d. Permanent easement for bridge maintenance access; e. Additional access rights (over the new track) into the blue Plot 3/10f; and <p>The Applicant notes that Network Rail is willing to agree the necessary property agreements but requires comfort that notwithstanding the current dialogue between the parties the Applicant will have the necessary powers it may need to compulsorily acquire land and interests should agreement not be reached.</p>

Ref:	Question:	Network Rail Response:	Applicant's Comment:
		<p>Statement of Common Ground Network Rail received from the Applicant a proposal regarding the property agreements on Tuesday 14 April and Network Rail is reviewing that proposal.</p> <p>Having spoken to the Applicant's solicitors, we have agreed that we should progress negotiations regarding the proposal and the Protective Provisions during the course of this week and provide a more complete update for the ExA regarding progress at Deadline 5, by which time we hope to have agreed the first draft Statement of Common Ground.</p>	<p>The Applicant and Network Rail continue to engage constructively on the Statement of Common Ground and intend to submit an advanced version at deadline 5 (or as soon as possible thereafter) with an updated draft of the protective provisions.</p>

Table 6 – Northern Gas Networks Limited Response

Ref:	Question:	Northern Gas Networks Limited Response:	Applicant's Comment:
2.3.4	<p>Northern Gas Networks Limited (NGN) have submitted representations [including REP1-019] regarding the Applicant's proposed use of Plot 3/6c for a construction compound.</p> <p>a) In the light of such representations from NGN, the Applicant is requested to provide a full justification of its need for the entirety of land within Plot 3/6c, supplemented by any up to date drawings of the construction compound layout.</p>		<p>The Applicant has drafted a Technical Note setting out the justification for the proposed layout and usage of plot 3/6c as a construction compound at junction 67 - refer to WQ Appendix 2.3A [REP4-082]. This refers to the current Scheme design under Examination and does not take account of the material change request submitted at Deadline 4. This request includes a proposal to include additional land at plot 3/13a in relation to a material stockpile adjacent to plot 3/6c.</p> <p>The relevant plan of the compound layout is Figure 1 Site Compound Plan in Appendix A of the Outline CEMP [REP4-022 and 023], an updated version of which was submitted at Deadline 4. This plan also forms Figure 1 of the Technical Note at Appendix 2.3A [REP4-082].</p> <p>The layout of the compound at plot 3/6c as shown on Figure 1 is indicative, showing the likely uses and layout that the contractor may adopt. The areas that have been identified and the different uses of each area is typical of what is required to be provided. The contractor will further review and update the layout once detailed design and construction methods have been finalised.</p> <p>The indicative sizes of each of the areas shown on Figure 1 are set out in the Technical Note, along with justification for the size of each of these areas and the compound as a whole.</p>

Ref:	Question:	Northern Gas Networks Limited Response:	Applicant's Comment:
			<p>The Applicant has reviewed the proposed land for the construction compound and in order to realise design benefits and efficiencies for the Scheme is proposing a material change request at Deadline 4. This includes a proposal to include additional land at plot 3/13a in relation to a material stockpile adjacent to plot 3/6c [REP4-082]. Further details as to the additional land at plot 3/13a are set out in the Addendum to the Statement of Reasons [REP4-084], the Planning Statement Addendum [REP4-055], the Environment Statement Addendum – Additional Land [REP4-058] and shown on the Land Plans [REP4-011].</p>
	<p>b) NGN is requested to provide details of the proposed timetable for each stage of the implementation of the Compressed Natural Gas refuelling station, taking into account the design, planning and construction process.</p>	<p>NGN is able to provide a response to question 2.3.4(b) as follows: NGN is not currently in a position to give a definitive timeline for the implementation of the CNG refuelling station. There are two principal reasons for this: (a) ENGIE, who are currently intending to construct and operate the CNG Refuelling Station has informed NGN that before works can commence on the construction of the CNG Station, it is necessary to have secured customers to use CNG Refuelling Station. This is an important part of the viability assessment process. Whilst this market development is currently underway, there are obvious limits to how far this process can be taken whilst the proposed site is subject to a potential DCO. This process is therefore dependent on when the proposed CNG station becomes available.</p>	<p>NGN has asserted that the CNG filling station is being impeded as to its delivery by the Scheme. However, it remains the case that there is no programme for the delivery of its proposal either with or without the Scheme. Furthermore, NGN has stated that the CNG filling station remains subject to a viability assessment process. Implicitly, the proposal may not proceed, and hence little weight can be afforded to the proposal, however worthy it may be.</p>
		<p>(b) The global Coronavirus pandemic and the UK Government's response to it may impact on (a) investment decisions of ENGIE and/or its customers and (b) on construction timelines, availability of certain items of equipment, workforce etc. All of these could potentially delay the timelines for the delivery of the CNG Refuelling Station, therefore it would be imprudent to state exact timescales which may need to be varied</p>	<p>Whilst the consequences of the Coronavirus pandemic are regrettable, the increased uncertainty affecting the delivery of the CNG filling station affects the weight that can be ascribed to it as an alternative use of the land required for construction of the Scheme.</p>
		<p>However, subject to the site being available to NGN, we expect the delivery timelines to be as follows: (a) Planning would be obtained as soon as practicable and we do not anticipate that planning consent would take longer to obtain than the statutory 13-week period.</p>	<p>The Applicant considers that the proposed timeline outlined by NGN is incomplete and unrealistic given the nature of the proposed development and its location in the green belt. No information has been given about the state of any proposed application. Indeed, the section above suggests</p>

Ref:	Question:	Northern Gas Networks Limited Response:	Applicant's Comment:
			<p>that the proposal remains subject to viability assessment. It is notable that there has been no application for the CNG filling station made or evidence supplied to the Applicant during the currency of the Examination.</p> <p>Further, as NGN notes, the ongoing COVID-19 pandemic has put significant strain on the resources of local planning authorities to determine planning applications within the statutory period, resulting in a growing backlog. There is at present, no indication of when business as usual planning services will be functioning at pre-COVID-19 levels.</p> <p>Accordingly, there should be no confidence that the period of 13 weeks represents anything other than an aspirational timescale.</p>
		(b) NGN understands that actual construction of the CNG station (excluding civils work) is around 4 weeks.	<p>(b) The Applicant believes that the construction period should include all matters required to make the CNG station operational, including the civils work.</p> <p>Therefore, this period cannot be viewed as a realistic period for the transformation of a greenfield site in the Green Belt into a functioning filling station.</p>
2.4.14	<p>NGN's Written Representation [REP1-019] expresses concern regarding paragraphs 7(6) and 9 of Schedule 11 of the draft DCO. In its response, the Applicant includes reference to similar provisions within the A19/A184 Testo's Junction Alteration Development Consent Order 2008.</p> <p>a) NGN is requested to set out further justification of why it considers that the protective provisions as currently drafted would cause serious detriment to the carrying on of its undertaking?</p>	<p>NGN received a response from Highways England ("HE") in relation to the proposed protective provisions on Sunday evening (19 April 2020), less than 24 hours before Deadline Four. NGN are therefore taking instructions and will respond to HE as soon as possible in the hope that this will lead to a further update on the above matters.</p>	<p>The Applicant notes that there was no formal requirement to submit updates on the draft protective provisions at Deadline 4, and also notes that it was proposed in its communications with NGN that further submissions should await Deadline 5 in relation to the protective provisions. Notwithstanding this the Applicant welcomes NGN taking further instructions.</p>
	<p>b) Notwithstanding the reference to Testo's, are there any other precedents in Development Consent Orders where such provisions have been agreed in similar circumstances to those of the application?</p>		<p>Notwithstanding the identical provisions in the Testos Order, the Applicant confirms that similar provisions have been included in the A30 Chiverton to Carland Cross Scheme 2020 ("A30 Scheme") and the A585 Windy Harbour to Skippool Improvement Scheme 2020 ("A585 Scheme") relating to gas undertakers, however these provisions were qualified by further restrictions.</p> <p>Schedule 9, Paragraph 9(6) of the A30 Scheme order provides that the undertaker is not required to seek the approval of the utility undertaker for works in respect of</p>

Ref:	Question:	Northern Gas Networks Limited Response:	Applicant's Comment:
			retained apparatus in the case of emergency. Schedule 10, Part 3, Paragraph 26(10) of the A585 Scheme order similarly provides that the undertaker is not required to seek the approval of Cadent Gas for works in respect of retained apparatus in the case of emergency.
	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.		The parties continue to engage positively on resolution of the protective provisions and believe that all but 3 of the provisions have been settled, which the parties are taking instructions on. We are providing a revised Statement of Common Ground at deadline 5 showing the extent of issues outstanding.

Table 7 – Sunderland City Council Response

Ref:	Question to:	Question: Sunderland City Council	Response:
2.9.1	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	The applicant's document reference 7.3 Transport Assessment Report (TAR) has now been fully considered. In terms of future forecast traffic flows it is recognised that there will be an increase in traffic flows along this corridor during peak hour flows. The proposed increase in capacity and subsequent journey time savings to be delivered by the scheme are welcomed. Based on the traffic data contained within the TAR, it is considered that there will be no significant impact on the operational capacity of the A1231/B1288 Mill House roundabout that would be detrimental to highway safety. As such, Sunderland have no further comments they wish to make on this matter.	The Applicant notes that Sunderland accepts the absence of effect on operational capacity and the benefits that will be delivered in terms of increased capacity and journey time savings. The Applicant welcomes this comment.
Additional Information			
		Meetings and discussions have taken place with Highways England and the applicant's team with both Gateshead and Sunderland Councils. Points of interest to Sunderland have focused on construction traffic and construction worker trips. A Traffic Management Working Group is also planned by the applicant to help communicate with key stakeholders, subject to the outcome of the DCO. These matters are being addressed by the applicant and will be incorporated within the Outline Construction Environmental Management Plan and will be reflected within the Statement of Common Ground.	The Construction Traffic Management Plan (CTMP, Appendix B of the CEMP [REP4-022 and 023] has been amended and a revised version submitted at Deadline 4. The revised CTMP reflects the discussions held with Sunderland City Council and clarifies that the catchment area for construction worker trips includes Sunderland (Para 4.2.9) and a commitment has been made to set up a Traffic Management Working Group (Section 3.3). This is captured in the Statement of Common Ground with Sunderland City Council [REP4-025].

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