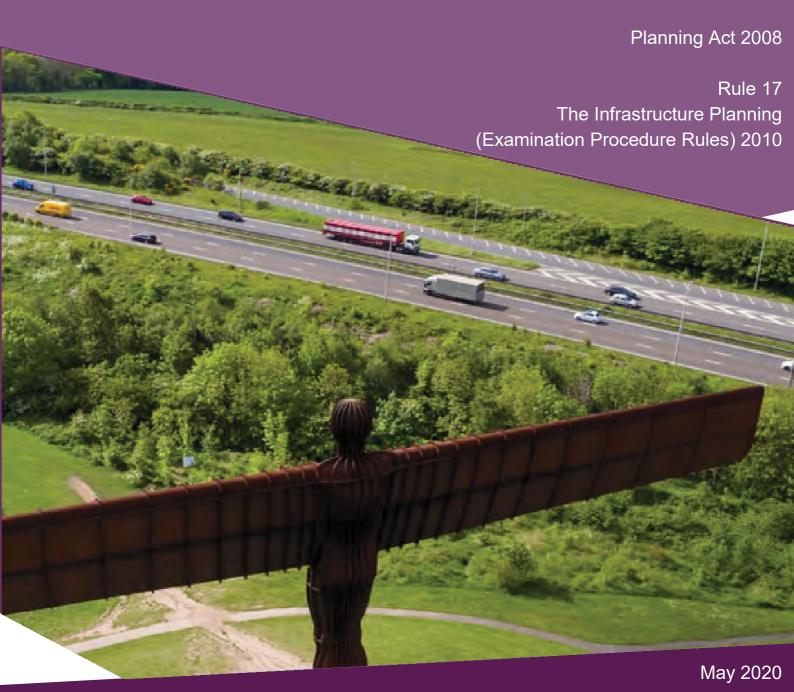


A1 Birtley to Coal House

Scheme Number: TR010031

EXA/D5/004 Applicant's Response to Rule 17 Letter





Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure Rules) 2010

The A1 Birtley to Coal House

Development Consent Order 20[xx]

Applicant's Response to Rule 17 Letter

Rule Number:	Rule 17		
Planning Inspectorate Scheme	TR010031		
Reference			
Application Document Reference	Applicant's Response to Rule 17 Letter		
Author:	A1 Birtley to Coal House Project Team,		
, allien	Highways England		

Version	Date	Status of Version	
Rev 0	1 May 2020	For Issue	



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1 Applicant's Response to Rule 17 Letter



Table 1 – Responses to Rule 17 Letter

Paragraph/Ref	ExA's Query	Applicant's response	
1	An update is requested regarding the Applicant's negotiations with the relevant landowner(s) and those with an interest in the additional land, whether or not you still expect to obtain the consent of those parties and, if so, when such consent is expected to be gained and when documentation to evidence this will be submitted to the Examining Authority?	An email exchange dated 23 April 2020 with the representative of the freehold owner of the additional land is attached at Appendix A. From this it will be seen that the owners are willing to sell the land in question to Highways England, subject to agreeing appropriate terms and consideration. As such, were the land already to be within the application, the Applicant would submit that under s87(3)(c) Planning Act 2008 the objection should be disregarded.	
		It is understood that the owners are elderly, and, in light of the current Coronavirus Pandemic, the Applicant has not sought to meet them or to place pressure upon them. It also affects their ability to meet advisers and to take advice. This affects the ability of both the Applicant and the owners to negotiate and conclude arrangements in relation to the additional land. Nevertheless, the Applicant assures the owners and the Examining Authority of its willingness to engage and to negotiate as far as circumstances allow.	
		As such, whilst the owners have not agreed to the inclusion of the provision for the acquisition of the land in the Application, the Applicant would suggest that they are not opposed to it. With this in mind, out of an abundance of caution it would be prudent to carry out the formal notification and examination procedure under the Compulsory Acquisition Regulations.	
		However, it is proposed that the Examining Authority can examine the inclusion of the additional land in the Application on a contingent basis. Were the owners or other parties to consider that they wished to object they could take part in the Examination of which the Applicant has already made them aware, and also respond formally through the statutory notice procedure that will also be undertaken.	
2	On the basis that landowner consent is not gained, please provide an explanation, including an indicative timetable, demonstrating how the additional land request could be accommodated within the six month examination period. In providing this you should take account of the relevant procedural requirements of the CA Regulations. This explanation should take into account the timetable implications of Regulations 14, 15 and 16 of the CA Regulations on the assumption that the hearings scheduled for w/c 9 June 2020 need to be postponed until later in the examination.	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("CA Regulations") prescribes the procedure which must be followed in the event that a person with an interest in the additional land does not consent to the inclusion of the provision. We have set out below a proposed timetable which shows how the procedures in the CA Regulations can be completed within the six month period for the examination which expires on 21 July.	
		Additional compulsory powers are only sought over a single plot. As explained earlier, consultation has already taken place in relation to the works proposed on this plot and with the persons interested in the land in question. It is therefore anticipated that the issues which require to be considered in relation to the additional land will be fairly limited and clear from the existing consultation. It is also suggested that, if the change request is granted, the ExA could commence consideration of what additional questions may need to be asked in relation to these issues in advance of the deadline for representations. This would allow the ExA to issue the preliminary consideration of issues and timetable shortly after the deadline for representations. There is no legal reason why the ExA may not examine matters relating to the inclusion of the additional land contingent upon the outputs of formal consultation under the CA Regulations.	



Paragraph/Ref	ExA's Query	Applicant's response		
		It is noted that it is anticipated that the hearing currently scheduled for June may need to be delayed. If hearings are still required, then they could be rescheduled prior to the examination expiring (assuming that lockdown measures allow this) to also include any issues that need to be considered in relation to the additional land. Equally, these hearings could be approached so far as appropriate by written representations having regard to the effects of the Coronavirus pandemic.		
		The procedure would be as follows:		
		Procedure Deadline		
		Notice to affected persons	14 May	
		First newspaper notice	14 May	
		Deadline for decision on acceptance of change request	19 May	
		Second newspaper notice	21 May	
		Deadline for representations	18 June	
		Issue of updated examination	25 June	
		timetable and preliminary		
		consideration of issues by ExA		
		Issue of written questions by ExA	26 June	
		Notification of hearing date by		
		ExA (if required)		
		Deadline for written	10 July	
		representations and responses		
		to written questions		
		Date for response to written	17 July	
		representations and comments		
		on responses to written		
		questions		
		Compulsory purchase hearing (if required)	20 July	
3	Section 4 of the change request states that the additional land to provide an optimised temporary materials stockpile would not result in additional significant	_	Request [REP4-002] provides a summary of the reasons nd why the additional land is considered a material	
	effects to those previously presented in the Environmental Statement (ES) and that effects would be comparable. Nevertheless, section 3.8 of the	change.	,	
	Environmental Statement Addendum: Additional Land [APP4-058] identifies that			
	there would be a moderate adverse (significant) effect on the setting of the		onmental Statement (ES) Addendum - Additional Land	
	Lamesley Conservation Area (compared to a minor adverse effect reported in	, , , , , , , , , , , , , , , , , , , ,	059] stated, within the Cultural Heritage - Construction	
	the original ES [APP-027]).	sub-section that there would be a t	temporary significant effect on Lamesley Conservation	
	110 Original E0 [Al 1 -021]). 	Area, but that the overall Conclusion section stated that there would be no additional		
	Taking this into account, along with the other information contained within the			
	Addendums to the ES, could the Applicant clarify how the proposed changes		endum - Additional Land (Non-Technical Summary)	
	and associated publicity reflect the Infrastructure Planning (Environmental		eflect that there would be a temporary significant effect	
	Impact Assessment) Regulations 2017? As part of this, please also set out how		nd has been re-submitted at Deadline 5. This updated	
	impact Assessment, Negulations 2017: As part of this, please also set out now	at Lamostoy Comocivation / tica an	a had boom to dubinition at bounding of this appared	



Paragraph/Ref	ExA's Query	Applicant's response		
	you intend to reflect the requirements of Regulation 27 of these Regulations?	Non-Technical Summary will be used in the forthcoming statutory consultation detailed in the paragraph below.		
		The Applicant notes that there is no statutory requirement to consult on or publicise the environmental information for the Change Request under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations'). This is also noted in the Planning Inspectorate's Advice Note 16: <i>How to request a change that may be material</i> .		
		The Applicant did however consult with those relevant 'consultation bodies' listed in Regulation 3 of the EIA Regulations that might have an interest in the proposed changes. Tables 1 and 2 of Appendix A of the Consultation Statement [REP4-054] lists the consultation bodies under section 42(1)(a) and section 42(1)(b) of the Planning Act 2008 that were consulted.		
		As this was a targeted non-statutory consultation, certain Regulation 3 consultation bodies listed on Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('2009 Regulations') who were to be consulted in 'all cases' or 'All proposed applications likely to affect land in England' according to Column 2 were not included. This was because the proposed changes are not likely to affect their functions/interests or they were scoped out as no comments were received from them for previous consultations. However, for the forthcoming statutory consultation, the Applicant proposes that all relevant parties identified in Schedule 1 Column 2 will be consulted.		
		In addition, the public consultation exercise which was carried out in relation to the additional land, which is referred to in the Consultation Statement lodged at Deadline 4 [REP4-054], provided for public availability of the environmental information and the opportunity to make submissions on it. This it included making it available to view on Highways England's website and copies were posted on memory sticks to consultees.		
		In regard to Regulation 27, it is intended that the consultation will commence on 14 th May allowing a total of 35 days for responses. The Applicant has been discussing internally with their legal department and has concluded that the use of deposit points to allow members of the public to view documents is not available or appropriate during the Covid-19 outbreak. This is because venues are currently not open and there is a requirement not to encourage members of the public to make non-essential journeys in line with current Government's advice. To ensure that no-one is prejudiced by the Applicant's inability to place copies of material on deposit the Notice will confirm that hard copies will be provided, free of charge, on request. Those directly affected by the request for additional land along with the relevant prescribed consultees will also receive copies of the addenda on data sticks.		
		In this regard, the Applicant notes that where a person is under an obligation to afford to any		



Paragraph/Ref	ExA's Query	Applicant's response	
		person who so requests an opportunity to inspect and take copies of any representation or document, the opportunity shall be taken to have been afforded where the person is notified of publication of the representation or document on a website. Plainly the Applicant will be able to comply with this provision.	
4	In accordance with item g. of Figure 3 of the Planning Inspectorate's 'Advice note sixteen: How to request a change which may be material', please provide copies of the consultation responses received by the Applicant in response to the non-statutory consultation.	Please find enclosed consultation responses received at Appendix B.	
5	In the event that the proposed changes are accepted into the Examination, please provide details of additional notification that could be carried out by the Applicant (e.g. the posting of site notices and/or notification letters to properties in the vicinity of the proposed material change) to ensure that any resident or other party potentially affected has a reasonable opportunity to become an Interested Party in the Examination.	It is intended to undertake statutory consultation under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and (on a non-statutory basis) the Infrastructure Planning (Environmental Impact Regulations) 2017, commencing on 14 th May. This will include the publication of newspaper notices and the Applicant will confirm to the ExA the approach to the provision of hard copy documents and/or deposit of documents when the statutory notices have been issued.	
		The affected parties are limited, and the Applicant is in contact with them all in any event to ensure that they are aware of the consultation and have the opportunity to respond. It will be possible to post site notices whilst adhering to social distancing protocols. Notification letters will also be sent to residents and affected parties, as well as prescribed consultees, a full list of which will be provided at Deadline 6.	



Appendix A Email from Landowner

Hallam, Amy

Subject:

FW: Mr J Skoyles & Mr C Barnaby,

From: Skoyles-Kelly, Anna [

Sent: 23 April 2020 11:16

To: Gardiner, Ricky < ricky.gardiner@voa.gsi.gov.uk>

Cc:

Subject: Mr J Skoyles & Mr C Barnaby,

INTERNAL

Hi Ricky

I'm emailing on behalf of Mr Joseph Skoyles and Mr Craig Barnaby regarding land adjacent to

After we have discussed in length Highways England's proposal and rational for acquiring the land, also we feel we have discussed our concerns, not only the time frame of the proposal, health and wellbeing of the landowner and general upheaval the impact of the project will have.

Taking all the above into consideration we are not opposed in principle to Highways England using the land for the purposes put forward and we are willing to engage in negotiations to try and reach an agreement.

Kind Regards Anna Skoyles-Kelly



Appendix B Consultation Responses

Planning Inspectorate Scheme Ref: TR010031
Application Document Ref: TR010031/EXA/D5/002 Applicant's Response to Deadline 4





200 Lichfield Lane Berry Hill Mansfield Nottinghamshire NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority



For the Attention of: A1 Birtley to Coal House Project Team

[By Email: A1BirtleytoCoalHouse@highwaysengland.co.uk]

30 March 2020

Dear Sir or Madam

PLANNING APPLICATION: TR010031-000007

Application by Highways England (the Applicant) for an Order granting Development Consent for the A1 Birtley to Coal House Improvement Scheme (the Proposed Development); A1 Birtley, To Coal House - RECONSULTATION

Thank you for your consultation letter of 16 March 2020 seeking the views of The Coal Authority on the additional information.

The Coal Authrity has no further observations to make at this current time and would reiterate the comments made in our consultation response letter dated 5 December 2017, which remain valid

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Chris Macarthur

Chris MacArthur B.Sc.(Hons), DipTP, MRTPI Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

From: <u>Kitchen, Megan</u>
To: <u>A1BirtleytoCoalhouse</u>

Cc: Howard.Bassford; ; Richard Armstrong; Glover, Richard
Subject: Consultation Response - Northern Gas Network Limited [I-EUR.FID9398512]

Date: 17 April 2020 15:15:04

Attachments: image001.ipg ATT00001.txt

Good Afternoon

A1 Birtley to Coal House – Consultation on Amendments to the Development Consent Order Application

Further to the consultation letter received by Northern Gas Networks Limited ('NGN') on 16 March 2020 in relation to the above, please accept this email in response on behalf of NGN. Although the deadline for responses to the consultation document was 14 April 2020, we hope that the comments cited below will still be included as part of the Consultation Statement to be submitted to the Planning Inspectorate.

After careful consideration of the consultation documents and in light of the previous representations made by NGN in relation to the current DCO, NGN support the inclusion of the additional land *subject to* the reservation of space within the original order limits for the CNG filling station. Such caveat reflects the stance which has consistently been taken by NGN in previous submissions during the DCO process.

If any further information is required, please do let me know.

Kind regards

Megan



Squire Patton Boggs (UK) LLP 6 Wellington Place Leeds LS1 4AP

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From: Appasamy, Karthikeyan, Vodafone UK (External)

To: Tamilarasan, Prathiba, Vodafone UK (External)

Subject: FW: A1Birtley to Coal House Non statutory Consultation

Date: 02 April 2020 11:31:55

Attachments: <u>image001.jpg</u>

ATT00001.txt ATT00001.txt

Hi Prathiba,

FYI.

Thanks & Regards,

Karthik.



Karthikeyan Appasamy

Fibre Records Coordinator
Fibre Projects - Fibre Services
National Mobile & Fibre Deployment
Vodafone Limited

Direct Dial: +44 134 460 8205

Comnet: 758 8205

Email: karthikeyan.appasamy@vodafone.com

From: Richardson, Jake [mailto:Jake.Richardson@highwaysengland.co.uk]

Sent: 02 April 2020 11:25

To: Appasamy, Karthikeyan, Vodafone UK (External)

Subject: A1Birtley to Coal House Non statutory Consultation

Dear Karthikeyan Appasamy

On 16th March we wrote to Vodofone regarding Highways England's proposed A1 Birtley to Coal House scheme. The letter advised of a non-statutory consultation running from 17th March to 14th April with regards to two of the changes we are seeking to make to the Development Consent Order. The changes are to introduce a 3 span viaduct to replace Allerdene bridge and additional land to the south of junction 67 to be used for stockpile of material. The letter included a USB stick containing the addendums to the Environmental Statements for these changes.

As the project team are following the government measures to prevent the spread of COVID-19, if possible, we would be grateful if comments or response to the consultation are made via email a1birtleytocoalhouse@highwaysengland.co.uk or by telephone. We have also arranged for the documents contained on the USB stick to be available on the scheme webpage

https://highwaysengland.co.uk/projects/a1-birtley-to-coal-house/. They are located under the heading Documents>Environment, I would be grateful if you can share this information within your organisation.

If there is anything else we can help you with please email a1birtleytocoalhouse@highwaysengland.co.uk or contact us on 0300 470 4548.

Kind regards

Jake Richardson

Regional Investment Programme (RIP)

Apprentice Project Manager | A1 Birtley to Coalhouse Highways England | Lateral | 8 City Walk | Leeds | LS11 9AT

Web: http://wwww.highwaysengland.gov.uk

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Date: 06 April 2020

Our ref: 312269, Case 14721

Your ref: TR010031

Ms N. Wilkes
Project Manager, A1 Birtley to Coal House
Highways England
Lateral
8 City Walk
Leeds
LS11 9AT



Customer Services Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Wilkes

Planning consultation: Consultation on amendment to the Development Consent Order

Application – 17 March 2020 to 14 April 2020 **Location**: A1 Birtley to Coal House, Gateshead

Thank you for your consultation on the above dated 16 March 2020 which was received by Natural England on 17 March 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Additional land at Junction 67 for material stockpile during construction

Having considered the detail in the ES Addendum, and in particular the information relating to biodiversity impacts, Natural England does not consider the changes to be of a significance that would warrant a different opinion from that detailed in our Relevant and Written Representations to the Planning Inspectorate. I am aware that Wildlife Licensing colleagues are in conversation with your consultants regarding the implications for Letters of No Impediment for the scheme, and understand that any further information that may be required will be provided to enable these letters to be produced.

Three Span Viaduct option for replacement of Allerdene Bridge

Having considered the detail in the ES Addendum Natural England does not consider the changes to warrant an alteration to the position we have previously detailed to the Planning Inspectorate in Relevant and Written Representations for this scheme, and have no comments to make.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter <u>only</u> please contact me on 0208 0265533 or <u>andrew.whitehead@naturalengland.org.uk</u>. For any new consultations, or to provide further information on this consultation please send your correspondences to <u>consultations@naturalengland.org.uk</u>.

Yours sincerely

Andrew Whitehead Northumbria Area Team
 From:
 Lynn Wilson

 To:
 A1BirtleytoCoalhouse

 Cc:
 Colin Wilson

Subject: Additional land at Junction 67

Date: 03 April 2020 12:58:57

Dear Sirs

In response to your recent communication - **ES Addendum: Additional Land- Non – Technical Summary**, I would like the following comments to be taken into account when considering if this is the appropriate place to locate the material stock piling facility:-

I am contacting you as resident of Lamesley as I am concerned about the nature and extent of the above-mentioned proposal.

Lamesley is a highly picturesque village and a conservation area benefitting from historical buildings (St Andrews dates back to 1758).

It is accessed from the Coal House roundabout by a small country road, not intended for heavy duty traffic flow.

There are a number of restrictions placed on the residents to maintain this as a conservation area (restrictions on what buildings can be erected/altered, which trees can be removed etc). We would also like these restrictions adhered to on any planning application or planned works, which will fundamentally alter the look and feel of such a small village.

As the proposed site is within a Conservation Area and greenbelt land we believe that the design, scale, character, its location, and the choice of position are detrimental to the appearance of the Conservation Area and most certainly the proposal has a negative impact on the historic setting of Lamesley.

The area is also a wetlands area with significant wildlife including nesting birds and we do feel that any significant increase in traffic will lead to a change in the "small village" appearance and cause imbalance in the natural habitat of the area as well as an increase in noise pollution from a substantial increase in vehicular activity. Gateshead Council has done an excellent job at providing wetlands and pastures which has greatly improved the appearance of Lamesley and has done a wonderful job at attracting nesting birds.

However, they have recently approved a housing Scheme in Kibblesworth for an additional 225 proposed homes with at least one car per home travelling past these sanctuaries daily and on to Coal House roundabout.

They have also approved a housing scheme at Marley Hill – which is now partially built and we can already see the increase in traffic flow down Haggs Lane and on to Coal House roundabout. There is a current planning application in with Gateshead Council - Application number DC/20/00123/FUL - RE: Creation of a "regional hub" comprising six single storey buildings to provide site offices, welfare, training and security facilities, a 300 space car park and associated works, to be retained for a five year period. Located Opposite Lamesley Garden Centre Haggs Lane, Lamesley, Gateshead, NE11 0HA.

This will inevitably lead to a potential increase of a further minimum 300 vehicles making at least two trips per day over 2 shifts (as per the Transport Assessment report) - a minimum of an additional 1200 vehicles travelling between Coal House roundabout and Haggs Lane, in addition to numerous HGV's and works vehicles making various trips throughout the day backwards and forwards to the construction site.

This will substantially increase the traffic volume on country lanes in and around the village which are not intended for heavy duty traffic flow.

There appears to be no joined up thinking between Gateshead Council and Highways England when considering the effects of placing the proposed "regional hub", the "material stockpiling

facility", together with recent housing schemes which have been approved, - all with vehicles travelling in and around the small village of Lamesley. Haggs Lane and Lamesley Road are already congested routes during peak times. Commuters from Sunniside and Whickham use the road as a "rat run" to the A1 or Team Valley.

Furthermore, once you get to the Haggs Lane/Greenford lane junction you have merging traffic from Ouston/Marley Hill and Kibblesworth. Carrying on to the Smithy Lane/Lamesley Road roundabout you have merging traffic from Birtley and Smithy Lane. This roundabout has already seen a significant rise in volume of traffic due to the TWP Pallet Company and the railway sidings operation being based on Smithy Lane, it is a bottleneck with queuing traffic, during rush hour, coming from the roundabout leading up Haggs Lane for approximately 1000 metres. This is all traffic trying to access Lamesley Road and on to the Coal House roundabout.

- I feel the location of your proposed site is going to add further increased traffic to an already overloaded road which is very congested route, especially during peak times.
- Another concern is the flooding issues we have in around the village and, in particular, on the road bridge near Lamesley Road roundabout, whereby traffic will often travel down the middle of the road in times of moderate rainfall to be able to pass safely through the standing water.
- I appreciate you have carried out a desktop study but would suggest you may wish to visit Lamesley after a moderate rainfall to see for yourself the level of flooding that causes major disruption to traffic around our small village.
- When we had a rainfall event in 2012, this rendered the road from the Coalhouse roundabout up to Lamesley Road roundabout and then further up Haggs Lane toward the junction with Greenford Lane, completely impassable and was indeed closed off by the police.
- I strongly believe the creation of more areas of hardstanding will inevitably increase the levels of flooding we have in and around the village.

I would propose that you should make use of areas within Team Valley which are more suited to this purpose. Team Valley is ideally set up with dual carriageways on the main entrance and exit roads, to handle the volume of traffic which this site is envisaged to have.

There are a number of vacant land plots – including the former Huwood site at the northern end of Team Valley and the former BT site, on Eighth Avenue. There are a number of vacant offices or industrial buildings that could serve the purpose of the welfare and office facilities , should they be required for these works.

Your document concludes "The assessments presented in this ES Addendum have concluded that although the use of the additional land would result in impacts, overall the use of the additional land would not result in additional significant effects to those previously present in the ES and effects would be comparable."

However, I would sincerely hope that Highways England, together with Gateshead Council, begin to join the dots with regards to what has already been agreed for housing developments in Marley Hill and Kibblesworth, and the current "regional Hub" planning application and the effect all of this this will have on the surrounding area, instead of viewing each project in isolation.

We cannot, and should not, be destroying the greenbelt areas when there are suitable alternatives already in existence which are not being utilized and are far more fit for purpose.

At what stage do we declare that Lamesley is no longer a conservation area?

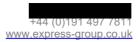
Yours Faithfully

Lynn & Colin Wilson

Lynn Wilson

Managing Director

Team Valley Gateshead Tyne & Wear NE11 0TU Mobile Fax Website



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If you have any enquiries about this document A1BirtleytoCoalhouse@highwaysengland.co.uk or call 0300 470 4580*.

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