

By email to:

A1BirtleytoCoalHouse@planninginspectorate.gov.uk

1 May 2020

Dear Sirs,

Application by Highways England for an Order Granting Development Consent for the A1 Birtley to Coal House Improvement Scheme (the “Scheme”)
Your reference: TR010031

- 1 NGN are providing this letter in response to the Applicant’s submissions (the ‘Applicant’s Response’) dated 20 April 2020 and 29 April 2020, in accordance with the Deadline 5 requirements.
- 2 This submission and any representations made to date concern the Scheme as currently submitted without the proposed additional land, the inclusion of which was formally requested by the Applicant at Deadline 4. NGN has responded to the Applicant’s initial consultation regarding the proposed additional land earlier in the examination and will make further comment on this in due course. NGN’s responses to the Applicant’s prior submissions in relation to the current Scheme are therefore set out below:
- 3 **ExA’s Second Written Questions: Question 2.3.4:**

“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.”
- 3.1 The Applicant’s Response to Question 2.3.4 refers to a Technical Note (WQ Appendix 2.3A [EXA/D4/030]) which “sets out the justification for the proposed layout and usage of plot 3/6c”. This Technical Note is intended to be read in conjunction with the relevant plan of the compound layout, found at ‘Figure 1 Site Compound Plan’ in Appendix A of the Outline CEMP [REP2-050 and REP-051], an updated version of which was submitted by the Applicant at Deadline 4.

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- 3.2 NGN does not accept that the above documents provided by the Applicant in response to Question 2.3.4 are sufficient in showing a compelling case in the public interest as to why the Applicant requires the temporary acquisition of the entirety of plot 3/6c. The Applicant's justification for acquisition of plot 3/6c only goes so far as to explain how the land may be used. At no point has the Applicant justified why the land needs to be used in this way.
- 3.3 NGN maintain that the land take is excessive and that the Applicant is able to accommodate the CNG Filling Station within the current order limits. As shown on Figure 1, the Applicant has justified the land take by stating that a Staff Car Park will be constructed on the land that NGN seeks to retain. NGN does not accept that that there is a compelling reason as to why a car park should take precedent over the CNG Filling Station which, as previously discussed, will deliver numerous economic and environmental benefits to the area and wider transport network. This failure is even more significant given that this plot is one of the very few sites suitable for a CNG Filling Station, as previously discussed.
- 3.4 NGN also does not accept that the site layout provided in Figure 1 of the updated CEMP provides an accurate representation of the construction compound. As has previously been submitted, there are overhead lines running across the site which, by their nature, will impact the works able to be carried out on the land underneath. We do not believe that Plant, Material and Subcontract stores will be workable in this area, as the height of the overhead lines will restrict movement and the ability for vehicles to be able to pass safely underneath and within the exclusion zone of the lines.
- 3.5 NGN is therefore not in a position to accept the Applicant's justification of the temporary acquisition of Plot 3/6c and invites the Applicant to provide a workable construction compound layout, including a justification presenting a compelling case in the public interest for acquiring the land, in light of the proposed CNG Filling Station. If the Applicant is unable to do this, there is no legal or policy basis for the compulsory acquisition of plot 3/6c.

4 **Statement of Common Ground ('SoCG')**

- 4.1 It is still our understanding that if the DCO is amended, the CNG Filling Station can and will be accommodated in the amended Scheme. However, as discussed above, an agreement between the parties has not been reached regarding the use of plot 3/6c as the DCO is currently drafted. The Applicant has provided no justification as to why the land take is as described and NGN therefore maintain that a CNG Filling Station is able to be accommodated at plot 3/6c.

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- 4.2 NGN has been involved with further discussion with the Applicant regarding the draft SoCG. NGN is awaiting a further draft from the Applicant and will provide comments in due course.
- 5 NGN also notes that in a Rule 17 letter dated 29 April 2020, the Examining Authority has requested further information from the Applicant in relation to the additional land take. In this letter, the Examining Authority suggests moving the hearings which are currently scheduled to take place between 9 - 11 June 2020, to an alternative date in late June/July. NGN would like to take this opportunity to welcome a later hearing date and note that should the Examining Authority exercise its discretion to accept or reject the additional land into the examination, sufficient time is given for Interested Parties to respond, particularly in light of the current remote working circumstances.

Yours faithfully,

Northern Gas Networks Limited

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