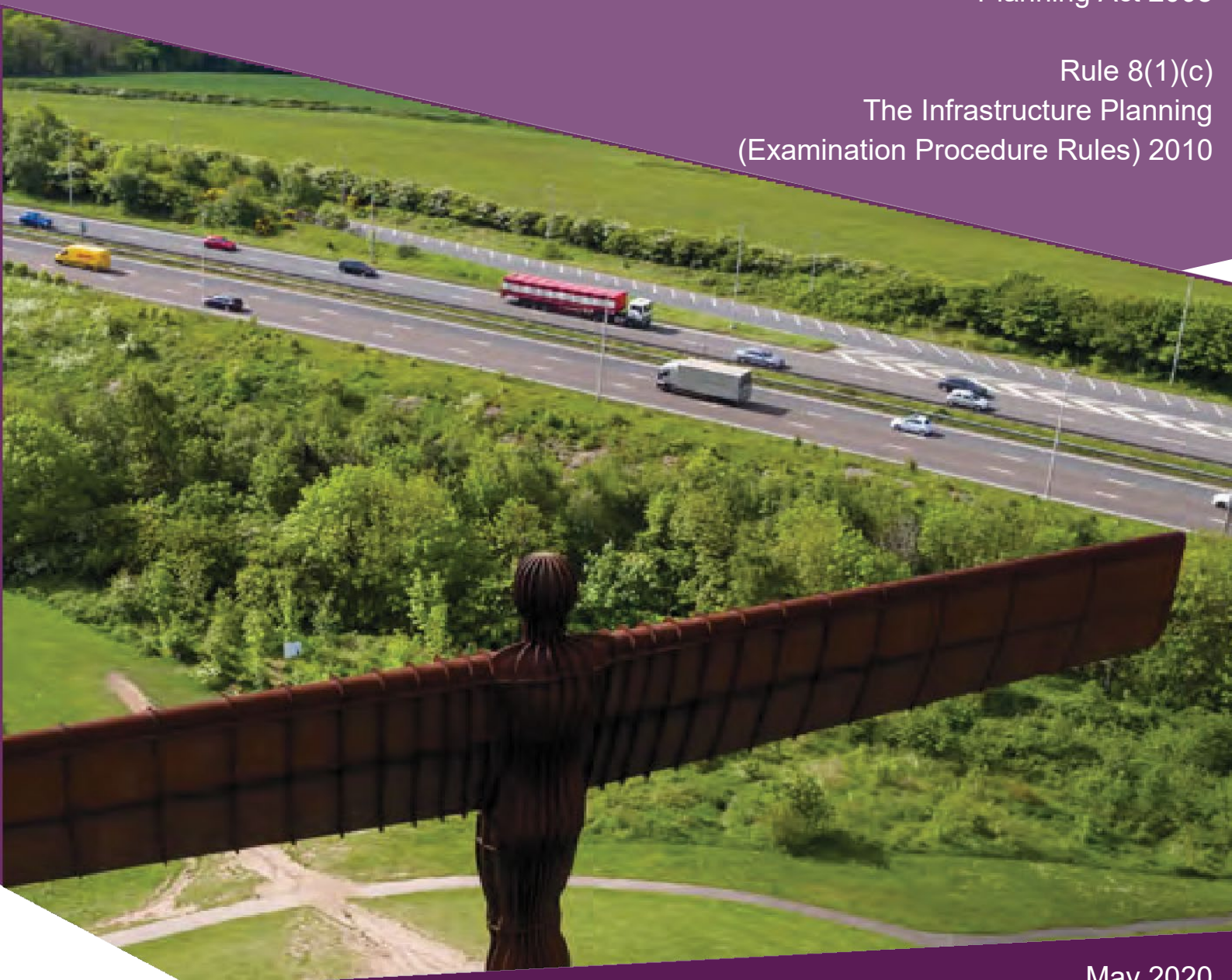


**A1 Birtley to Coal House**  
**Scheme Number: TR010031**  
**Applicant's Response to Deadline 5**

Planning Act 2008

Rule 8(1)(c)  
The Infrastructure Planning  
(Examination Procedure Rules) 2010



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure Rules) 2010**

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

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**Applicant's Response to Deadline 5 Submissions**

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<b>Rule Number:</b>	Rule 8(1)(c)
<b>Planning Inspectorate Scheme Reference</b>	TR010031
<b>Application Document Reference</b>	Applicant's Response to Deadline 5 Submissions
<b>Author:</b>	A1 Birtley to Coal House Project Team, Highways England

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## **1 Applicant's Response to Deadline 5 Submissions**

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

Ref:	Comment:	Applicant's Response:
Q2.0.5.a – North Dene Footbridge	The height of the existing North Dene Footbridge is 1.9m, the height of the new proposed structure would be 2.35m rising to 4.5m at the centre of the bridge – this would significantly disrupt views of the Angel of the North from the South of the footbridge. We would welcome any attempts made by the Applicant to lower the height of the replacement footbridge	<p>The maximum height of the bridge (4.5m) shown on the current proposed design is a “worst case” estimation only (determined in the absence of any major structural analysis) and may be subject to variation within the Limits of Deviation set out in the draft DCO [REP5-003 and 004]. The height, as well as the structural member sizes, may be reduced further at detailed design stage following a more refined analysis.</p> <p>It should also be borne in mind that views of the Angel of the North are already interrupted on approach northbound on the A1. Any interruption caused by the marginally taller bridge profile will marginally alter the point at which an interruption occurs.</p> <p>However, although the existing bridge is approximately 2m high, it must be acknowledged that it is also a 3-span structure with a support located in the central reserve, which interrupts views, and which requires access for maintenance purposes. In contrast, the current proposed replacement design is a single span structure with no supports in the central reserve, thus providing the additional benefit of significantly reducing maintenance liabilities by eliminating access required to the support in the central reserve during its design life (lane closures disrupting road users, safety of maintenance personnel working adjacent to live traffic etc.). The reduction in spans also allows for an enhanced perception of the Angel of the North when approaching the North Dene Footbridge, as the views will not be interrupted by additional supports.</p> <p>The proposed design also provides a much wider deck (3.5m vs 2m existing), enabling enhanced user capacity and future provision.</p> <p>Whilst the Applicant agrees it is very important to maintain views of the Angel of the North, the visual impact of the replacement structure will be reduced as much as possible, whilst simultaneously trying to balance the other key design constraints.</p>
Q2.0.5.B	The Applicant outlines two preferred options for the North Dene footbridge replacement in Structure Options Report Appendix 2.01, HE551462-WSP-LSI-22- DR-ZL-45010 Structures Engineering Drawings and Sections Document Reference TR010031/APP/2.7.5(2)(0) at (K) Sheet 10 of 16 and (L) Sheet 11 of 16. The Tied Arch Structure may create a finer structure and reduce the visual weight of the footbridge, allowing for better through views of the Angel of the North. However, the Half through Warren Truss Structure would reduce the height of the new structure, preserving more of the existing views, and is more comparable to the existing structure. We would support any design aspects that would minimise the height and weight of the replacement structure.	<p>Both options for the North Dene Footbridge (Tied Bow Arch and Bow Warren Truss) have their individual merits considering views of Angel of the North – the Tied Bow Arch allowing greater through-views, reduced structural weight but marginally higher structural height, whereas the Bow Warren Truss would allow marginally reduced structural height, wider over the top views but higher structural weight. The Applicant considers the aesthetics of the bridge itself are also of value and maintaining a Bow shape profile of the replacement structure will enhance driver views from the road below, as well as compliment the surrounding environment.</p> <p>At this stage it is not necessary to determine the optimum structural option which provides the best balance of cost, buildability, practicality and maintenance. It is anticipated that both options can be further assessed at detailed design stage, with a view to refining the selection of the replacement structure within the parameters of the DCO [REP5-003 and 004]. Anthony Gormley Studio could be consulted by Gateshead Council in determining what representations are made to the Secretary of State with regard to the final design.</p>



		<p>It is important to note that in responding to the ExA Second Written Questions, 2.0.6, requirement 12 has been amended to read, 'Requirement 12 of the dDCO has been amended to include provision that no part of the replacement bridge to be constructed shall take place until details of the design have been submitted to and approved by the Secretary of State in consultation with the relevant planning authority.'</p>
<p>Q2.4.3 – Limits of Deviation</p>	<p>We would like to reiterate our concern, and to second Gateshead Council's assertion, that a 1m deviation as stated in Article 7 Limits of Deviation ISH1 (REP1-003) is unacceptable and allows too great a flexibility on the height of structures. A 1m deviation in height for both the gantry structures and the North Dene footbridge replacement could have significant detrimental effect on views to the Angel of the North.</p>	<p>As discussed in the Applicant's Responses to ExA's Second Written Questions [REP4-052] questions 2.4.3 a) and c), and the Applicant's Response to Deadline 4 Submissions [REP5-010] Table 1, 2.4.3, it should be noted that 1m 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"> <li>• A long viaduct / bridge option over an area of unstable ground;</li> <li>• 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;</li> <li>• The preliminary design reflects a network rail aspiration to have 1m clearance to the top of Overhead Line Equipment poles (this aspiration may be altered during the detailed design process); and</li> <li>• There are sections of 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.</li> </ul> <p>Specific mention is made of the height of structures, including gantries and the North Dene Footbridge. However, the height of these is relative to the ground level, with a minimum clearance required to allow high-sided vehicles to safely pass beneath the lowest point. The height of these structures would not be elevated above this minimum requirement unnecessarily.</p> <p>As detailed in the Applicant's response to [REP4-052] 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. included the maximum deviation of 1m. The assessment identified that significant effects are not anticipated to arise, as a result of the Scheme and proposed gantries and replacement of the North Dene Footbridge, including on views that include the Angel of the North.</p>
<p>EXA/D4/007 Applicant's Comments on Submissions to Deadline 3</p>		
<p>4, 5 and 6 &amp; 2.0.7 a, b &amp; c – Gantries – visual impact and placement</p>		
	<p>We of course support the Applicant in their endeavours to make the A1 as safe</p>	<p>Noted</p>

	<p>for users as possible and agree that the placement of signage and gantries will fulfil an important role in this.</p>	
	<p>As detailed in Appendix 2.0 B - Gantry Details (WQ 2.0.7) 4.6.5 we also appreciate that the Applicant has attempted to use more open truss designs featuring hollow sections to create less visual weight in an attempt to minimise disruption of views to the Angel of the North.</p>	<p>Noted</p>
	<p>In App/7.4 Outline Construction Environmental Management Plan the Applicant states that attempts will be made in the Detailed Design Phase to reduce the visual impact of the gantries and to consider 'sympathetic' placement of the gantries. We look forward to receiving further information to support this statement.</p>	<p>Further information supporting the detailed design phase will be provided to the relevant planning authority, Gateshead Council, at that time.</p> <p>As explained in the Applicant's Response to ExA's Second Written Questions [REP4-052], Table 1, 2.0.7a, the detailed design phase is driven by national standards set out in Design Manual for Roads and Bridges. The response set out that "The number and location of the proposed gantries have been determined in accordance with Highways England's guidance at the time as set out in the Design Manual for Roads and Bridges Interim Advice Note (IAN) 144/16 'Directional Signs on Motorway and All-Purpose Trunk Roads: Grade Separated Junctions' which provides guidance on the number and location of gantries. The main driver for the guidance in respect of the number of gantries and their locations is the safe operation of the highway as explained in Appendix 2.0B of the Applicant's Responses to second written questions [REP4-029]. Safety is a paramount consideration for the Applicant in road design."</p> <p>As is apparent from the Works Plans [REP-4-006], the location of gantries has been identified within specific areas. There remains scope for only minor modifications within the gantry siting areas, during the detailed design stage. This is supplemented within the Outline Construction Environmental Management Plan (CEMP) [REP4-022 and 023] in relation to design aesthetics. The Outline CEMP states in Action Reference PH3 "Ways to minimise the visual impact of gantries which could impact on views to the Angel of the North will be investigated during detailed design. This will include designing gantries as far as possible to have a reduced visual impact and sympathetic placement of gantries within the design envelope." Should the DCO be made, the Applicant will be afforded powers to construct the Scheme, but only within the constraints of the design and commitments made in the Outline CEMP [REP4-022 and 023].</p> <p>The Applicant has previously stated in the Applicant's Responses to ExA's Second Written Questions [REP4-052], 2.0.7 "It is the professional opinion of the Applicant's expert landscape specialist, that the gantries would not give rise to a significant impact; and micro-siting of the gantries within the identified working areas would not materially alter the findings of the landscape and visual assessment, as outlined in Chapter 7: Landscape and Visual [APP-028] of the ES and the Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020]."</p> <p>Therefore, the controls on the final placement and design of gantries are already sufficient, and the Applicant submits that it is not appropriate to require further information at this stage in relation to an effect that is not predicted to be significant.</p>

	<p>Highways England have stated that they do not feel that detailed video renderings are warranted to convey the impact of the gantries and footbridge on views to the Angel of the North. We accept that a number of photomontages of views across landscape towards the Angel of the North have been considered in the Applicant's submission Appendix 7.1 – Visual Effects Schedule of the ES [APP-121], listed by the Applicant as Viewpoints 1, 4, 5, 6, 9, 14, 16, 21, 23, and 31. However, the photomontages that have been made available by the Applicant do little to aid our understanding of how the scheme will affect views of the Angel of the North whilst driving on the A1. Without an accurate and detailed video rendering from the point of view of a vehicle approaching the Angel of the North from both directions on the A1 it is extremely difficult to gauge the cumulative effect of the multiple gantries that drivers would encounter on their experience.</p>	<p>As previously stated in the Applicant's Response to Deadline 4 Submissions [REP5-010], 2.0.7, the provision of an accurate and detailed video rendering is not a requirement in undertaking a landscape and visual impact assessment. The assessment is undertaken according to objective standards that are applied professionally by expert landscape architects experienced in such assessments. The use of visual rendering is no more than a tool to assist assessment, which the professional guidance applying to Landscape Architects makes clear (refer to Guidelines for Landscape and Visual Impact Assessment (3rd Edition), paragraphs 8.28 – 8.31, "An animated sequence may also be helpful in explaining the orientation of a site more dynamically than a series of single photographs can achieve. Equally they do not necessarily represent the way that people would actually experience the change and so can be misleading in an assessment context."). Therefore, whilst acknowledging that visual rendering may be useful, an assessment of visual effects can be undertaken perfectly well without this particular type of representation.</p> <p>A full list of documents that expand upon the assessment of the landscape and visual effects of the Scheme is provided below:</p> <ul style="list-style-type: none"> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 C - Banesley Lane Woodland Photomontage [REP2-021];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 D - Lamesley Road Photomontage [REP2-022];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 E - Angel of the North Photomontage [REP2-023];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 F - Chowdene Bank Photomontage [REP-024];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 G - Kibblesworth Photomontage [REP-025];</li> <li>• Applicant's Comments on Written Representations [REP2-061], and specifically response to 1.5.11;</li> <li>• 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"> <li>o Appendix 5.1 – North Dene Footbridge Strategic Option Report;</li> <li>o Appendix 5.2 – North Dene Photomontage;</li> <li>o Appendix 5.3 – Approach to Photography and Photomontages;</li> </ul> </li> <li>• Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [REP4-044]; and</li> <li>• Applicant's Responses to ExA's Second Written Questions [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.</li> </ul> <p>Together with the Environmental Statement, these documents provide detailed information that the Applicant considers is proportionate. The documents provide ample information to understand the overall effects of the Scheme, including the presence of gantries. As a result, it is not necessary to provide further information in the form of a rendered video drive-through.</p>
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	<p>One of the Applicant's repeated positions, in attempts to detract from the detrimental effect on views of the Angel of the North, is that views from the A1 by car are fleeting in nature. We would like to make it clear that the transitory nature of views from the A1 in no way diminish their value.</p>	<p>The comment does not reflect the manner in which assessment of visual effects is undertaken.</p> <p>As is demonstrated by the additional information and updates outlined above, the Applicant is simply providing an appropriate level of information to demonstrate the likely effect of the Scheme on views, including those experienced from the users of the A1, particularly in – the Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage. The existing A1 is part of the high speed trunk road network, and as result the Applicant maintains that existing views, within which the Angel of the North is an existing and prominent feature, are fleeting in nature. The nature of the existing views as the sculpture appears and disappears within existing transitory views is a result of a combination of the landform, existing vegetation in the wider landscape, and the orientation and angle of views experienced.</p> <p>The description of the views as fleeting is a description of fact. In line with guidance within DMRB Volume 11 Section 3 Part 5, Interim Advice Note 135/10 Landscape and Visual Effects Assessment, and Guidelines for Landscape and Visual Impact Assessment (3rd Edition), the sensitivity of the views is assessed as being low (users of main roads). Nevertheless, the Applicant recognises that there is particular value associated with the view approaching the Angel of the North. The fleeting nature of the views to the Angel of the North affects the experience of the travelling public, but is not used to downplay the value associated with seeing the sculpture itself, which is reflected in the assessment. There are other views where the Angel of the North will be a constant, and those views have a sensitivity assessed as between low and high, dependent upon the receptor, their location, expectation, focus and duration of the view.</p>
	<p>Furthermore, the conclusion drawn in Appendix 1.5 A - Angel of the North (WQ 1.5.11) acknowledges that the multitude of gantries proposed in the new scheme will have detrimental effects on views of the Angel of the North. Likewise, in Conclusion 1.2.23, the Applicant confesses that Northbound views from junction 65 would be adversely affected by the combined impact of the gantries and replacement North Dene footbridge.</p>	<p>The range of visual effects resulting from the Scheme are 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. The impacts upon views of changes to an existing road corridor are accepted to be adverse, but the magnitude of impact, with mitigation in place, is no greater than moderate adverse for a small number of receptors (11 no., associated with the Allerdene crossing), and as a result the overall effect has been judged as not significant.</p> <p>The Applicant's Responses to ExA's First Written Questions, Appendix 1.5A - Angel of the North Narrative [REP2-019], identifies that "The effect of the gantries and replacement North Dene Footbridge, in combination with woodland planting would be a worsening of the views experienced by the occupants of vehicles using the A1." Importantly, the point is also made that whilst the gantries and replacement North Dene Footbridge would intermittently obscure transitory views of the Angel of the North, views are also already obscured by vegetation in the existing landscape, and this is similarly impactful on the existing views. As such, because of the existing vegetation, the effect is not material.</p>
	<p>We do not believe that the Applicant is taking sufficient mitigating measures to safeguard views to the Angel of the North.</p>	<p>The Applicant has, and continues to take, sufficient measures to mitigate potential views to the Angel of the North, within the limitations of the Scheme and Order limits, including: making it a consideration in the design of associated structures; and when designing replacement screening and planting aimed at restoring views, including those of the Angel of the North. The Applicant is continuing discussions with Gateshead Council on how the</p>

		<p>design of the landscape strategy set out in Figure 7.6: Landscape Mitigation Design [APP-061] can be adapted and developed so as to contribute towards the delivery of the vision for the site (refer to Applicant's Responses to ExA's Second Written Questions - Appendix 2.5A, Angel of the North Sketch Proposal [REP4-044]).</p> <p>The Applicant considers that the mitigation it is taking is appropriate in the circumstances.</p>
<p>4.4.8 – The Applicant's response to Gateshead Council's Local Impact Report</p>		
<p>4.4.8.a</p>	<p>We would like to reinforce the issues raised in Gateshead Council's Local Impact Report, and would like more guarantees from the Applicant that, as proposed in Figure 7.6: Landscape Mitigation Design [APP-061], any reduction in views to the Angel of the North are considered and compensated for in the landscape design and mitigation planning. For example, the Applicant has suggested that woodland edge planting between chainage 12300 – 12560 could be less dense to allow greater potential for views to the Angel of the North, but we propose that there are no trees in this area at all, in line with Gateshead Council's commitment to opening up the site to its original configuration.</p>	<p>The current status of the planting between chainage 12300 and 12560 is woodland edge planting and scattered trees, to replace the vegetation that would be removed by the reprofiling of the existing cutting slope. It is necessary for the Scheme to mitigate its effects on the existing environment within its control. The removal of further planting includes dealing with vegetation outside the Order limits, which is not in the Applicant's control. If additional planting is proposed to be removed, then the ecological consequences of this have to be addressed by Gateshead Council, as this is not a consequence of the Scheme.</p> <p>As stated above, the Applicant is continuing discussions with Gateshead Council on how the design of the landscape strategy set out in Figure 7.6: Landscape Mitigation Design [APP-061] can be adapted and developed so as to contribute towards the delivery of the vision for the site (refer to Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [REP4-044]).</p> <p>Agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]).</p>
<p>4.4.8.b</p>	<p>We understand that the Applicant is currently in conversation with Gateshead Council regarding landscape mitigation plans and vegetation management schemes and welcome a coordinated approach. We would be grateful for any updates on these discussions, and further assurances that the opening up of views to the Angel of the North to minimise the negative effect of gantry placement will be prioritised in these plans</p>	<p>In so far as possible (and without compromising other mitigation required for the Scheme as a result of effects upon biodiversity, etc.), the Applicant continues to seek a design that can accommodate the aspirations of Gateshead Council in respect of the setting of the Angel of the North. However, this is not necessary to mitigate the impacts of the Scheme.</p> <p>The Applicant would draw the ExA's attention to the 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> <p>The revised design currently being discussed between Highways England and Gateshead Council, as an adaption to the mitigation as set out in Figure 7.6: Landscape Mitigation Design [APP-061], proposes to retain some existing trees and plant replacement trees in small clumps in order to ensure that views of the proposed gantries at chainage 12450 and 12870 have an appropriate level of screening in views from the Angel of the North, and that the findings of the assessment as set out in Chapter 7: Landscape and visual [APP-028] of the ES are unchanged. As the revised design is not yet agreed, this has not</p>

		<p>been placed before the Examining Authority.</p> <p>Agreement on the final landscape mitigation plans and vegetation management schemes will be referenced in updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]).</p>
5.2.1 – The Applicant's response to Gateshead Council's Local Impact Report		
5.2.1.a	<p>The mitigation measures promised in the current landscaping plans are not of sufficient reassurance. Gateshead Council's Local Impact Report determined that the scheme would cause significant harm to experiences of the Angel of the North. In response to the concerns raised in Gateshead Council's Local Impact Report, the Applicant has stated that any harm to the Angel of the North would be offset in the Outline CEMP (APP-174) and Figure 7.6 Landscape Mitigation Design (APP-061) in the Applicant's Response to Gateshead Council's Local Impact Report –Document Reference EXA/D3/002. We cannot accept this as discussions are still ongoing</p>	<p>As set out in the Applicant's Response to Deadline 4 Submissions [REP5-010], Table 1, 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 setting.</p> <p>These measures are currently outlined in Figure 7.6: Landscape Mitigation Design [APP-061]. 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 continuing to discuss with Gateshead Council a design that can accommodate its aspirations in respect of the setting of the Angel of the North. The Applicant would therefore draw the ExA's attention to the Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [REP4-044], which demonstrates the development of the mitigation design in respect of the proposals associated with the Angel of the North, and which are subject to ongoing discussions with Gateshead Council. Agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]).</p> <p>However, it is the Applicant's position that the ExA does not need to form a conclusion in relation to the proposals under discussion with Gateshead Council. This is because in its existing environment, the impacts of the Scheme on views relating to the Angel of the North are already sufficiently mitigated.</p>
5.2.3 – The Applicant's response to Gateshead Council's Local Impact Report		
5.2.3.a	<p>The photomontages provided by the Applicant largely use locations far away from the Angel of the North and have little bearing on the experience of A1 users in the near or immediate approach to the Angel of the North from either the North or the South.</p>	<p>The verified photomontages provide visualisations of the Scheme and have been selected in consultation with Gateshead Council to reflect the varied nature of the views of the whole Scheme. These include the proposed Allerdene crossing, modifications to the existing carriageway and junctions, and inclusion of additional gantries. The Angel of the North is a feature of the baseline views, that also include the A1, Gateshead itself, the Team Valley Trading Estate and open countryside. The Applicant recognises that the views along the A1 are important to many local people and to travelers using the A1 itself. At the request of Gateshead Council at a meeting on 19<sup>th</sup> February 2020, the Applicant provided an additional document, in the form of a photomontage, identified below, to address the views from the A1 looking north towards the Angel of the North. Ultimately, two documents have been prepared that specifically consider the views from the A1; these are:</p>

		<ul style="list-style-type: none"> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5A - Angel of the North Narrative [REP2-019]; and</li> <li>• Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage.</li> </ul> <p>These documents specifically describe, in the case of the Appendix 1.5A, Angel of the North Narrative [REP2-019], the views experienced by the users of the A1, and in the case of Appendix 5.2 – North Dene Photomontage, provides a rendered view from the North Dene Footbridge to outline the effect that the proposed gantries would have on the views north along the A1.</p> <p>The location on the North Dene Footbridge represented a safe location from which a suitable verified photograph could be secured, in line with 'Appendix 5.3 - Approach to Photography and Photomontages' 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 Effects Assessment, 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, they are considered by the Applicant to be proportionate in terms of the level of assessment and the effects identified.</p> <p>Consequently, the Applicant is confident that it has provided suitable and sufficient assessment materials to reflect the experience of travelers on the A1.</p>
5.2.3.b	<p>Whilst the Applicant consulted Gateshead Council on the locations for these photomontages, locations were selected before gantry placement had been confirmed. Thus, the potential impact of the proposed gantries was not considered in the location selection process.</p>	<p>Because photomontage selection was undertaken prior to gantry placement being confirmed, the Applicant has been open to providing additional information to support the assessment. Therefore, the timing of photomontage location selection does not impact on the findings of the assessment.</p> <p>At a meeting on 19<sup>th</sup> February 2020, Gateshead Council requested that an additional photomontage to demonstrate the effect on views from the A1 to the north and including the proposed gantries and Angel of the North should be prepared. Therefore, the Applicant prepared a verified photomontage, from above the running lanes of the northbound A1 (refer to Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage). Demonstrably, in agreement with Gateshead Council as the local planning authority, the Applicant has taken appropriate and proportionate assessment and consideration of the potential impact of the proposed gantries with Gateshead Council having full knowledge of the proposed siting.</p>



5.2.3.c	<p>We have requested but have not received accurate renders of relevant views that include the Angel of the North. We would be grateful to receive further photomontage locations based on accurate renderings of the relationship between the proposed gantries, North Dene footbridge replacement, and the Angel of the North. Furthermore, we have asked and ask again to be consulted in this process and be offered the opportunity to suggest key locations for photomontages.</p>	<p>The Applicant has, with the exception of a verified drive through, provided the photomontage and assessment information agreed with Gateshead Council during the scoping stage and subsequently requested by Gateshead Council as the local planning authority at a meeting on 19<sup>th</sup> February 2020. This includes the additional photomontage provided in – the Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage, which provides a view from the North Dene Footbridge looking north towards the Angel of the North. The provision of further verified montages from the aspect of the driver, to include one from south of North Dene Footbridge, is not feasible due to the requirement to accurately take photographs and survey locations within live traffic.</p> <p>The Applicant welcomes the feedback provided on the selection of potential viewpoints. However, the Applicant is required to undertake consultation with statutory bodies, and this includes the local planning authority, which in this case is Gateshead Council, with whom the Applicant has consulted on the location of viewpoints and photomontages and provided the relevant information. The Applicant does not consider it necessary to provide additional photomontages, since the assessment considers a greater number of viewpoints (31no.) than the photomontages (8no.) in any event. The respondent is at liberty to suggest to the ExA locations that should be visited on its site visit.</p>
5.2.4 – The Applicant's response to Gateshead Council's Local Impact Report		
5.2.4.a	<p>All visual assessments carried out by the Applicant to date do not factor in the proposed Southern Green Landscaping plan developed by Gateshead Council. This plan aims to reveal more views to the Angel of the North and to manage the now overgrown vegetation that currently surrounds the Artwork.</p>	<p>The Scheme is designed to fit in the environment that was assessed at the time of the application. An application for development consent is not required to take account of unknown or speculative future scenarios.</p> <p>The Southern Green Landscaping Plan (appended to REP4-063) was not available to the Applicant at a time that enabled it to inform the visual assessments presented in Chapter 7: Landscape and Visual [APP-028] of the ES. It has only recently been made available to the Applicant by Gateshead Council, and has not been formally published. Also, the Southern Green Landscaping Plan is not adopted planning policy or an initiative that is actually being implemented.</p> <p>As previously stated in response to 5.2.1a above, and the Applicant's Response to Deadline 4 Submissions [REP5-010] Table 1, 2.0.7 a), b) and c), 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. These measures are currently outlined in Figure 7.6: Landscape Mitigation Design [APP-061].</p> <p>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 continuing to discuss with Gateshead Council a design that can accommodate its aspirations, as set out in the</p>



		<p>Southern Green Landscaping Plan (appended to REP4-063), in respect of the setting of the Angel of the North, reducing the extent to which vegetation currently screens views towards the artwork.</p> <p>The Applicant would therefore draw the ExA's attention to the Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A, Angel of the North Sketch Proposal [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. Agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]). However, this is not necessary for the purpose of determining the application for a DCO.</p>
5.2.4.b	<p>The conclusions drawn in the Applicant's reports fail to reflect the significant disruption that would be caused by the proposed gantries. The Applicant consistently diminishes the impact of the gantries by referring to current vegetation cover. This is not a representative assessment of the true potential impact. The Southern Green 'Revealing the Angel' scheme embodies our desire, and Gateshead Council's desire, to effectively manage the surrounding vegetation to maximise views of the Angel of the North. The current state of the vegetation is not as intended.</p>	<p>As stated above in response to 5.2.4.a, the Southern Green Landscaping Plan (appended to REP4-063) was not made available to the Applicant in order for it to inform the visual assessments presented in Chapter 7: Landscape and Visual [APP-028] of the ES. It has only recently been made available to the Applicant by Gateshead Council, and has not been formally published. It is not a requirement to address an aspiration or an intention expressed in an unpublished document of which the Applicant was not aware at the point of application.</p> <p>The Applicant disagrees with the suggestion that the proposed gantries would result in significant disruption. As demonstrated in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5A, Angel of the North Narrative [REP2-019], and the Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage, views of the Angel of the North are frequently obscured by existing mature woodland and trees within the wider landscape. The Applicant has consistently acknowledged that the proposed gantries would intermittently disrupt transitory views, but that the impact would be of very short duration and would ultimately not result in a significant effect.</p> <p>Whilst the current level of surrounding vegetation may not be as intended (but presumably was understood since the land is managed by Gateshead Council), it is against industry recognised assessment guidance – and would be unreasonable - 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. As stated above in response to 5.4.2a, the Applicant is continuing discussions with Gateshead Council on the incorporation of the vision, as set out in the Southern Green Landscaping Plan (appended to REP4-063), and wishes to draw the ExA's attention to the Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [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. Agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]).</p>

<p>5.2.4.c</p>	<p>The Applicant simply states that they do not currently intend to undertake further assessments factoring in a background of cleared vegetation. Failure to account for the planned changes to vegetation cover in these assessments is misleading.</p>	<p>As previously stated in response to 5.2.1a and 5.2.4a above, and the Applicant's Response to Deadline 4 Submissions [REP5-010] Table 1, 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. These measures are currently outlined in Figure 7.6: Landscape Mitigation Design [APP-061].</p> <p>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 to.</p> <p>Notwithstanding the above, and as previously stated above, the Applicant is continuing discussions with Gateshead Council on the incorporation of the vision as set out in the Southern Green Landscaping Plan (appended to REP4-063), and wishes to draw the ExA's attention to the Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [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> <p>Agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]).</p>
<p>5.2.5 – Gateshead Council's Local Impact Report</p>		
<p>5.2.5.a</p>	<p>The Gateshead Council report finds that the combination of the gantries and the North Dene Replacement footbridge would have a significantly harmful effect on views of the Angel of the North when travelling Northbound. The images set out on page 57 of the NECT Report also help to illustrate this potentially negative outcome.</p>	<p>The Applicant disagrees with the findings of the Local Impact Report prepared by Gateshead Council [REP2-075], as outlined in Deadline 3 Submission - the Applicant's Comments on Local Impact Report [REP3-005]. This is demonstrated in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5A, Angel of the North Narrative [REP2-019], and the Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage. These documents describe the effect of the gantries and in the case of the Appendix 1.5A, Angel of the North Narrative [REP2-019], the replacement North Dene Footbridge. Both documents also identify that views of the Angel of the North are frequently obscured by existing mature woodland and trees within the wider landscape. The Applicant has consistently acknowledged that the proposed gantries would intermittently disrupt transitory views, but that the impact would be of short duration and would ultimately not result in a significant effect.</p> <p>The images set out in page 57 of the North East Civic Trust report also demonstrate the degree to which vegetation in the wider landscape currently obscures parts or all of the Angel of the North (refer to images 1-3, 5-12). Images 3 and 4 also demonstrate how, in only tens of metres, the existing North Dene Footbridge briefly interrupts the view of the top of the Angel of the North, the majority of the outline being masked by vegetation, the majority of which is existing mature trees associated with Junction 66 Eighton Lodge and the boundary with Eighton Lodge itself, and which are not proposed to be removed by the</p>

		Scheme.
5.2.5.b	As observed in the report, the Angel of the North is intended to be boldly exposed to the passing traffic. The effects of the proposed bridge design and gantries are worrying.	<p>The assessment of the effects as set out in Chapter 7: Landscape and Visual [APP-028] of the ES and additional supporting documents set above, has concluded that the effects would not be significant.</p> <p>As the environment exists, the Angel of the North is not fully exposed to passing traffic. It is unreasonable to proceed on the basis of an alternative reality which does not exist.</p>
5.2.5.c	It is anticipated that the proposed design of the bridge will fully obscure views of the Angel of the North on the northbound approach. Once past the footbridge the views remain obscured by the proposed gantries.	<p>As identified above in response to the request for detailed video renderings and in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5A, Angel of the North Narrative [REP2-019], paragraph 1.2.16, views of the Angel of the North would be briefly interrupted by the replacement North Dene Footbridge (combined with the screening effect of existing vegetation). North of the footbridge, the above document acknowledges in the same paragraph that views would be temporarily obscured by the proposed gantries approaching Junction 66 Eighton Lodge, but that vegetation in the intervening landscape is also responsible for obscuring views to the extent to which, upon reaching the junction, views of the Angel of the North are obscured from view.</p> <p>This is not the same as stating that the views of the Angel of the North are fully obscured, which is not the case.</p> <p>The impact of the gantries would be that the Angel of the North would be intermittently obscured from view, as the travelers moving eyeline to the Angel of the North is interrupted by the narrow gantries or is screened by the existing vegetation within the wider context of the A1, which is of greater impact.</p>
5.2.5.d	It is undeniable that this harmful impact on the views of the Angel of the North from the A1 would have a significant negative effect on experiences of the Artwork.	<p>The Applicant and its professional landscape architect do not agree with the statement that the proposed gantries and replacement North Dene Footbridge would have an undeniable and significant negative effect on the views of the Angel of the North from the A1.</p> <p>The Applicant has demonstrated through the documents identified below that whilst transitory views from travelers using the A1 would be interrupted, the combination of the nature of the receptor, the degree to which a view would be briefly interrupted on passing below the structures in question, and in combination with the vegetation in the wider landscape which currently limits the degree to which the views are achieved, the effect would not be significant.</p> <ul style="list-style-type: none"> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 B - Gantry Assessment Schedule [REP2-020];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 C - Banesley Lane Woodland Photomontage [REP2-021];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 D - Lamesley Road Photomontage [REP2-022];</li> </ul>

		<ul style="list-style-type: none"> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 E - Angel of the North Photomontage [REP2-023];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 F - Chowdene Bank Photomontage [REP-024];</li> <li>• Applicant's Responses to ExA's First Written Questions, Appendix 1.5 G - Kibblesworth Photomontage [REP-025];</li> <li>• Applicant's Comments on Written Representations [REP2-061], and specifically response to 1.5.11;</li> <li>• 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"> <li>o Appendix 5.1 – North Dene Footbridge Strategic Option Report;</li> <li>o Appendix 5.2 – North Dene Photomontage;</li> <li>o Appendix 5.3 – Approach to Photography and Photomontages;</li> </ul> </li> <li>• Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [REP4-044]; and</li> <li>• Applicant's Responses to ExA's Second Written Questions [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.</li> </ul>
<p>5.2.7 – Gateshead Council's Local Impact Report</p>		
<p>5.2.7.a</p>	<p>We are anxious to hear how the workshop with Gateshead Council to discuss Landscape Mitigation Design went, and how ongoing discussions are developing.</p>	<p>Due to current requirements for social distancing, the workshop to discuss landscape mitigation was undertaken by a video conference call on 24<sup>th</sup> March 2020, between the Heritage Officer for Gateshead Council and the Applicant's Landscape Architect, at which opinions and feedback previously gathered in their respective organisations was fed back. Subsequent to this call, a more detailed plan of the proposals for the landscape mitigation measures within the Order limits was prepared and provided to Gateshead Council on 22<sup>nd</sup> April 2020 (refer to Applicant's Responses to ExA's Second Written Questions, Appendix 2.5A - Angel of the North Sketch Proposal [REP4-044]). Further discussions are ongoing and agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-024]).</p>
<p>5.2.9 – Gateshead Council's Local Impact Report</p>		
<p>5.2.9.a</p>	<p>Regarding the photomontages, and the further photomontages supplied by the Applicant, the selection of locations was made in consultation with Gateshead Council before it became apparent how detrimental the overhead structures would be.</p>	<p>Further to a request from Gateshead Council at a meeting on 19<sup>th</sup> February 2020 to prepare an additional photomontage to demonstrate the effect on views from the A1 to the north and including the proposed gantries and Angel of the North, the Applicant prepared a verified photomontage from above the northbound running lanes of the A1 (refer to Applicant's Comments on Local Impact Report [REP3-005], Appendix 5.2 – North Dene Photomontage). Therefore, in agreement with Gateshead Council as the local planning authority, the Applicant considers that it has taken appropriate and proportionate assessment and consideration of the potential impact of the proposed gantries.</p> <p>These assessments are before the ExA to assist in its recommendations to the Secretary of State.</p>



	As stated above, the Studio would have been grateful to have been consulted for advice on key locations	In accordance with the Planning Act 2008, the Applicant was required to undertake consultation, and this includes the local planning authority, which in this case is Gateshead Council. Gateshead Council was the commissioning body for the artwork, and with whom the Applicant has consulted on the scope and methodology of the landscape and visual assessment and viewpoint locations, and provided the requested information as outlined in Chapter 7: Landscape and Visual [APP-028] of the ES. The applicant also publicized the Scheme through the local media and through press advertisement in a national newspaper.
<b>5.3.3 – Gateshead Council's Local Impact Report</b>		
5.3.3.a	The Applicant acknowledges that visual impacts would occur on the users of the A1, with those travellers with a view northward of the Angel of the North, between junction 65 (Birtley) and 66 (Eighton Lodge) having a noticeable worsening of the view.	The Applicant does identify that effects would occur on users of the A1, travelling in a northbound direction, as identified in the Applicant's Responses to ExA's First Written Questions, Appendix 1.5A - Angel of the North Narrative [REP2-019], paragraph 1.2.23.
5.3.3.b	Therefore, we would impress upon the Applicant the need to mitigate these negative effects. The placement of the gantries, including the design of the attached signage, the design of the North Dene footbridge replacement, and the landscaping plans should all be considered in light of minimising negative effects on views to the Angel of the North.	<p>The Applicant has, through an iterative and combined approach to the design, sought to avoid or reduce potentially negative effects on the environment, whilst ensuring that the Scheme delivers an operationally safe improvement to the A1. The Applicant is continuing to discuss with Gateshead Council appropriate mitigation measures that will deliver the required mitigation so as to avoid a significant effect, whilst supporting Gateshead Council's vision of the Angel of the North, as outlined in the Southern Green Landscaping Plan (appended to REP4-063) (refer 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]). Further discussions are ongoing and agreement on the final landscape design will be referenced in future updates to the Outline CEMP [REP4-022 and 023] and subsequent iterations of the Statement of Common Ground with Gateshead Council (latest version submitted at Deadline 4 [REP4-022 and 023]).</p> <p>The Outline CEMP [REP4-022 and 023] states in Action Reference PH3 "Ways to minimise the visual impact of gantries which could impact on views to the Angel of the North will be investigated during detailed design. This will include designing gantries as far as possible to have a reduced visual impact and sympathetic placement of gantries within the design envelope." Should the DCO be made, the Applicant will be afforded powers to construct the Scheme, but only within the constraints of the design and commitments made in the Outline CEMP [REP4-022 and 023].</p> <p>As such, the effects of the Scheme in relation to views towards the Angel of the North are already addressed.</p>
<b>7 – North Dene Footbridge Replacement</b>		
7	As stated in our comments in response to Q2.0.5 a) and b) of the EXAD4/018 Applicant's responses to ExA's Second Written Questions, we believe that the Applicant should take all steps within their power to minimise the disruption of the replacement North Dene Footbridge. We would support a lower overall height of the bridge, as well as a more open structure to allow more through	The maximum height of the bridge (4.5m) shown on the current proposed design is a conservative estimation (determined in the absence of any major structural analysis) and thus is not fixed, and as such may be subject to variation within the Limits of Deviation set out in the draft DCO [REP5-003 and 004]. The height, as well as the structural member sizes, may be reduced further at detailed design stage following a more refined analysis.



	views to the Angel of the North.	<p>The proposed design also provides a much wider deck (3.5m vs 2m existing), enabling enhanced user capacity and future provision. Efforts will be made to ensure the visual impact of the replacement structure will be reduced as much as possible, whilst simultaneously trying to balance the other key design constraints.</p> <p>Alternative options (Tied Bow Arch and Bow Warren Truss) identified in –the Applicant's Responses to ExA's Second Written Questions, Appendix 2.01 - Structure Options Report 7 - North Dene Footbridge [REP4-036] have their individual merits considering views of Angel of the North. The Tied Bow Arch would allow greater through-views, reduced structural weight but marginally higher structural height, whereas the Bow Warren Truss would allow marginally reduced structural height, wider over the top views but higher structural weight. The Applicant considers the aesthetics of the bridge itself are also of value and maintaining a Bow shape profile of the replacement structure will enhance driver views from the road below, as well as compliment the surrounding environment.</p> <p>At this stage and in the absence of a more refined analysis, it is difficult to determine the optimum structural option which provides the best balance of cost, buildability, practicality and maintenance. It is anticipated that both options can be further assessed at detailed design stage, with a view to refining the selection of the replacement structure within the parameters of the DCO [REP5-003 and 004].</p> <p>It is important to note that in responding to the ExA Second Written Questions, 2.0.6, requirement 12 has been amended to include provision that no part of the replacement bridge to be constructed shall take place until details of the design have been submitted to and approved by the Secretary of State in consultation with the relevant planning authority.</p>
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**Table 2 – NGN**

Ref:	Northern Gas Networks Limited Response:	Applicant's Comment:
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:	<p>The Applicant notes that the representations in this document relate to the scheme prior to the acceptance of the additional land and further represent the position of the parties in the event that the DCO is granted without the inclusion of the additional land.</p> <p>The Applicant understands that subject to:</p> <ul style="list-style-type: none"> <li>• the inclusion of the Additional Land in the Application;</li> <li>• Measures being in place to reserve land for a compressed natural gas filling station in part of parcel 3/6c and</li> <li>• Securing protective provisions for its benefit, the objection of NGN will be resolved.</li> </ul> <p>The Applicant is seeking to assure NGN and to reach an agreement on this basis.</p>

Ref:	Northern Gas Networks Limited Response:	Applicant's Comment:
ExA's Second Written Questions: Question 2.3.4		
3	"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."	The Applicant addressed this at Deadline 5 [REP5-010].
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.	The Applicant addressed this at Deadline 5 [REP5-010].
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.	<p>The Applicant does not agree that it has not sufficiently demonstrated a compelling case in the public interest for temporary acquisition of plot 3/6c. The Applicant has considered in detail the extent of land required and has assessed alternative sites [REP2-006] which were subsequently ruled out. Details of these sites has already been provided in [REP2-006].</p> <p>The Applicant has also identified the uses of the land required for the Scheme on a temporary basis in [ref]</p> <p>The Applicant does not agree that demonstrating a compelling case in the public interest test is reliant upon providing the precise layout of the working compound plot at a technical level or why the land needs to be used in a particular way. As has been stated on numerous occasions, this is far beyond what is typical for major infrastructure projects.</p>
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.	<p>The Applicant notes that NGN's assertion that the land take is excessive and that the CNG Filling Station can be accommodated alongside the proposed working compound is based on its review of an indicative plan of the proposed layout of the working compound only. However, this is based on assertion only. It is not based on any evidence that NGN has obtained or that the Applicant has provided.</p> <p>The Applicant reiterates its position in respect of the planning merits of constructing a CNG Filling Station in the green belt and considers that NGN has failed to demonstrate that the economic and environmental benefits that it refers to are achievable within the period of temporary possession of the plot. NGN has provided no evidence that this site is one of the few sites capable of accommodating a CNG Filling Station and has already stated that it has not yet undertaken any viability study for whether the CNG Filling Station is appropriate in this location.</p> <p>The car park is required to provide the necessary facility to accommodate the services to support the construction of the scheme. This facility will enable safe and secure access on and off site for staff delivering services to enable construction and access for contractor to undertake construction work.</p>

Ref:	Northern Gas Networks Limited Response:	Applicant's Comment:
3.4	<p>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.</p>	<p>The site layout provided has been prepared by expert consulting engineers and is based upon best practice and industry standards for a compound that will be required to support a scheme of this nature, duration and size. With regard to the overhead line, it is at a sufficient level above ground such that mitigation can and will be put in place for safe movement and operation of vehicles and plant beneath. This is demonstrated by the fact that the overhead cables run across Lamesley Road adjacent to the site, which is clearly used extensively by normal and heavy vehicular traffic. It must be noted that the plant, material and sub contract storage areas are bounded on all sides by the one way compound access route and as such the areas may be accessed from either the north or the south, minimising the need for plant and vehicles to cross beneath the overhead line.</p> <p>Insofar as activity is required which may not take place beneath an overhead line, this can be accommodated in other parts of the proposed site area.</p>
3.5	<p>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.</p>	<p>The Applicant disagrees with NGN's interpretation of the evidence that has been provided to date and the characterization of the Applicant's case. The Applicant has made a case for the need to use the land in question, which is supported by expert and factual evidence. There is a strong legal and policy basis for the grant of powers over the land in question.</p> <p>It is not necessary or appropriate at this stage in an application to present a particular construction compound layout.</p>
Statement of Common Ground ('SoCG')		
4.1	<p>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.</p>	<p>The Applicant refers the ExA to its representations outlined above and does not seek to repeat them any further. The Applicant confirms that if the DCO is amended to include the additional land, it is more likely that the CNG Filling Station can be accommodated alongside the working compound, notwithstanding that the CNG Filling Station has not been shown to be capable of being delivered within the timeframe in which plot 3/6c is proposed to be used as a working compound.</p>
4.2	<p>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.</p>	<p>The Applicant has been in further discussions with NGN and has provided a further draft which it hopes will be issued to the ExA imminently.</p>
5	<p>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.</p>	<p>The Applicant welcomes the position taken by NGN in respect of alternative hearing dates and agrees that sufficient time is given for Interested Parties to respond accordingly. Further discussion on these arrangements with the ExA is ongoing.</p>

**Table 3 – Royal Mail**

Ref:	Royal Mail Response:	Applicant's Comment:
Royal Mail's position on A1 Birtley to Coal House Improvements		
	Royal Mail supports the improvement scheme. However, Royal Mail wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public in accordance with its statutory obligations that may be adversely affected by the construction of this proposed scheme.	The Applicant notes the response from Royal Mail in respect of maintaining an efficient sorting and delivery service and confirms that the scheme will result in numerous benefits to users including reduced congestion and travel duration. So far as the Applicant is aware, there are no adverse effects that will impact on Royal Mail's service as a result of the Scheme.
Royal Mail requests that the final DCO includes a specific requirement that:		
1	The forthcoming DCO application offers a requirement that Royal Mail is pre-consulted by Highways England on any proposed road closures/ diversions/ alternative access arrangements, hours of working and the content of the final CTMP. As well as, where possible provide potential alternative access arrangements for impacted Royal Mail sites and other business road users.	<p>The final Construction Traffic Management Plan (CTMP) will include provision for a mechanism to inform major road users about works affecting the local and strategic road network including Royal Mail distribution facilities in the area surrounding the Scheme (see paragraph 2.8.1 of the CTMP, Appendix B of the Construction Environmental Management Plan [REP4-022 and 023]). This will include notifications related to proposed road closures and associated diversions. Details of the anticipated closures are referenced in Appendix 11.2 of the ES [APP-156] and the diversion routes are shown in the Applicant's response to First Written Questions [REP2-028]. The Applicant will use reasonable endeavors to accommodate alternative access arrangements for impacted Royal Mail sites of which the nearest to the Scheme are at Station Approach, Team Valley and Windlass Lane, Washington.</p> <p>However, the principal means of managing the effects of the Scheme upon the highway network will be by consultation with the local highway authorities. This is akin to the approach for all other highway's schemes by the Applicant and those authorities and no additional consultation approach is required in this instance.</p>
2	The forthcoming DCO application offers a requirement that the final CTMP includes provision for a mechanism to inform major road users about works affecting the local network (with particular regard to Royal Mail's distribution facilities in the area surrounding the DCO application site)	The final CTMP will include provision for a mechanism to inform major road users about works affecting the local and strategic road network including Royal Mail distribution facilities in the area surrounding the Scheme (see paragraph 5.3.7 of the CTMP, Appendix B of the Construction Environmental Management Plan [REP4-022 and 023]). This will include notifications related to proposed road closures and associated diversions. Details of the anticipated closures are referenced in Appendix 11.2 of the ES [APP-156] and the diversion routes are shown in the Applicant's response to First Written Questions [REP2-028].
	Royal Mail reserves its position to object to the DCO application if the above requests are not adequately addressed.	The Applicant does not believe that the operation of Royal Mail's service or any of its existing sites will be adversely affected by construction or operation of the scheme. As is required pursuant to the powers contained in the Order.

**Table 4 – Historic England**

Ref:	Historic England's Response:	Applicant's Comments:
<b>REVISED DRAFT DCO (REP4 – 013)</b>		
2.1	The Applicant has made changes to the updated dDCO submitted for Deadline 4 (REP4 – 013). In particular they have now made amendments to Requirement 9 and Schedule 10.	N/A
2.2	We have provided the comments below based on the provisions for Requirement 9 and	N/A



Ref:	Historic England's Response:	Applicant's Comments:
	Schedule 10 as set out in REP4 – 013 (Rev 3a).	
<b>Schedule 2, Part 1, Requirement 9</b>		
2.3	We welcome the changes to Requirement 9(3) of the Draft DCO (REP4 – 013) to reflect our request in previous submissions (REP1 – 012 and REP3 – 007) that Historic England are now included as a “consultation body” in addition to the “relevant planning authority”. In addition, we note the change made to meet our request during discussions with the Applicant’s agents on 16th April 2020 that the reporting and analysis referred to in this section is carried out as per the FINAL WSI. To provide clarity about the wording for Requirement 9 which we understand to have agreed, we have appended the text of dDCO Rev3a at the end of this document (see Appendix 1).	The wording in Appendix 1 of the Historic England response has already been included in both versions of the draft DCO which were circulated at Deadline 5. For clarity, two versions were submitted because the Applicant had made a request to change the terms of the DCO. As it was not known at Deadline 5 whether the change request would be granted, it was necessary to prepare to alternative versions of the DCO. Now that the ExA has confirmed that the change request has been granted, the Applicant would intend to only produce one version of any updated DCO at any future deadline which will be based on the Change Request Additional Land DCO [REP5-008 and 009].
2.4	As requested in our submission REP3 – 007, a change has also been made to 9(6) which now states that if unexpected discoveries are made, then both further investigation and, critically, mitigation shall be discussed and agreed with both the Local Authority and, if in relation to the scheduled monument, with Historic England. This is an important change as it will ensure that unexpected remains which may not be covered by the agreed WSI will not simply be reported to the Local Authority or Historic England but will be subject to the same level of investigation and where required, mitigation as other archaeological works within the development area.	Noted
2.5	We also welcome the reference to 9(4) in requirement 9 (5).	Noted
2.6	The wording therefore in Requirement 9 of the dDCO REP4 – 013 meets our objectives. However, we will reserve final comments until after we have received confirmation that it these provisions are carried forward in the dDCO.	These changes were contained in the version of the DCO circulated at Deadline 5 [REP5-008 and 009].
<b>Schedule 10</b>		
2.7	In the dDCO submitted at Deadline 4 (REP4 – 013), the Applicant has now clearly set out all the works to the Scheduled Monument in Schedule 10 as we have requested in our previous comments (REP1 – 012 and REP3 – 007).	Noted
2.8	There are three outstanding issues in relation to Schedule 10 arising from our previous comments. Firstly, there is a need to clarify the reinstated access arrangements onto the monument by the realigned PROW/Bridleway - as noted in our submission for Deadline 4 (REP4 – 066 in our response to ExA’s Q2: 2.4.12). We are in discussion with the Applicant’s agents regarding a drawing (as requested in our Deadline 4 submission REP4 – 066) to show the access arrangements more clearly so as to be able to determine if there is any impact to the monument. If there is no impact, then the reference to the PROW access could be removed from Schedule 10.	<p>The access on to the monument will be reinstated as per the current arrangement, by both sloped bridleway access and stepped pedestrian access. The bridleway will tie into the pre-existing path, whilst the steps will be replaced as per the current arrangement – immediately adjacent to the end of the underpass. Detailed design of the access has not been undertaken at this stage.</p> <p>A drawing [Structures Engineering Drawings and Sections (Revision 2) TR010031/APP/2.7(J) [REP4- 010]] has been provided to Historic England and more detail was provided in email correspondence dated 7 May 2020 and 15 May 2020 and a discussion took place between the Applicant and Historic England on the 18 May 2020. This correspondence is provided within Appendix 2A.</p> <p>In order to mitigate any impacts associated with the relocated access, a new reference [CH10] has been added to Table 3-1 REAC of the Outline CEMP [REP4-022 and 023], an updated version of which has been submitted at Deadline 6. [CH10] details that in relation to</p>



Ref:	Historic England's Response:	Applicant's Comments:
		<p>the relocated access, should intrusive works be required at the Scheduled Monument, mitigation measures will be included in the final WSI and a method statement will be produced for the works in consultation with Historic England to detail how and when the works will take place and to include monitoring arrangements for the work. The Outline WSI (Appendix C of the CEMP) has been updated to include reference to reinstating access to the Scheduled Monument [CH10] and to include a figure (Figure 3) showing the Scheduled area of the monument. Given that works may be required at the scheduled monument in relation to access it is still necessary to include these potential works in Schedule 10.</p>
2.9	<p>Secondly, there may be a nomenclature issue regarding the PROW which would require Schedule 10 to be corrected in relation to a "private" versus "public" Right of Way. We have raised this with the Applicant's agents.</p>	<p>The additional wording provided by Historic England for inclusion in Schedule 10, stated 'PROW/Bridleway..'. It is the Applicant's understanding that 'private' is a typo and should read 'public'. This was amended in the draft DCO submitted at Deadline 5 [REP5-003, 004, 008 and 009]. As explained earlier, future iterations will be based on the Additional Land draft DCO [REP-5-008 and 009].</p>
2.10	<p>Finally, there is the issue of drainage (see also section 3.6 below). This was a point raised by Gateshead Borough Council as an issue to be resolved, and we note a "new" provision has been included about drainage at the end of Schedule 1 of the dDCO (REP4 – 013). We are seeking clarification on the drainage issue in relation to Schedule 10 in so far as the works might have an impact on the scheduled monument. This will then ensure that any impacts arising on the monument can be addressed through the Final WSI methodology if required. If the drainage does not have an impact on the monument, then the reference to drainage could be removed from Schedule 10.</p>	<p>The concept of the design proposal is to address the points raised by Gateshead Council. The new drainage provision is to intercept the surface water runoff for the length of the reconstructed wall (circa 17m) through a stone grip constructed of filter media wrapped in geo-synthetic material. Whilst maintaining the natural passage of the runoff, this will be conveyed through the newly constructed Scheduled retaining wall by weepholes. This would significantly reduce further occurrences of erosion failures as previously witnessed. The purpose is to intercept field runoff, reduce outflow and convey on to the bridleway. The Applicant is in discussion with Historic England as to the impacts of the drainage on the wall of the Scheduled Monument. Given that works may be required at the scheduled monument in relation to these drainage works, it is still necessary to include these potential works in in Schedule 10 of the draft DCO [REP5-008 and 009].</p>
2.11	<p>These outstanding issues have been discussed with the Applicant's agents in a teleconference on 28th April 2020 and we await further updates on them.</p>	<p>As noted above, further email communication with Historic England was made on 7 May 2020, 11 May 2020 and 15 May 2020 and a discussion took place between the Applicant and Historic England on 18 May (see Appendix 2A) in regard to the reinstatement of access on to the monument, provision of drainage, amendments to Schedule 10 made at Deadline 5 and changes to the Outline WSI. Changes have been made to the Outline CEMP [REP4-022 and 023] an updated version of which has been submitted at Deadline 6, in regard to the reinstatement of access to the monument [CH10] of Table 3-1 REAC and to the Outline WSI (Appendix C of the CEMP) to manage potential impacts to the monument. Historic England have provided further comment on the Outline WSI and this has been updated for submission at Deadline 6. Discussions in regard to drainage are ongoing. As explained above, given that works may be required at the scheduled monument may be required in relation to access and drainage, it is necessary to retain reference to these works in Schedule 10.</p>
<p><b>3. UPDATED OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (REP4-023)</b></p>		
3.1	<p>The Applicant has made changes to the Outline CEMP to the relevant sections of the REAC Table 3-1 which refer to Cultural Heritage.</p>	<p>Changes to the REAC Table 3-1 in the Outline CEMP [REP4-022 and 023] submitted at Deadline 4 include amendments to the wording of [CH1], [CH2] and [CH6] and the addition</p>

Ref:	Historic England's Response:	Applicant's Comments:
		of actions [CH7]-[CH9].
<b>CH2</b>		
3.2 to 3.7	<p>Historic England are disappointed to note a change has been made to the wording of CH2 after previous agreement was reached and which we acknowledged in our response at Deadline 3 (REP3 – 007). The Applicant had accepted the change as noted in their comments in reference number 5.2 of Table 1.3 (p.11) of the document “Applicant’s Comments on Submissions to Deadline 3” (REP4 – 057) on our submission provided at Deadline 4.</p> <p>CH2 now reads (bold has been added for emphasis): <i>...Prior to construction, a final archaeological WSI <b>substantially in accordance with that annexed to this Outline CEMP as Appendix C</b> will be prepared in consultation with Historic England and the local authority in relation to archaeological works required during construction within the railway cutting associated with the Bowes Railway Scheduled Monument (HA 1003723) and the Scheme Footprint. The Final WSI will be approved in parallel with the Final CEMP in accordance with the Outline WSI annexed to this Outline CEMP and address those actions detailed within CH2, CH3, CH4, CH5, CH6, and N8 of this Outline CEMP...</i></p> <p>The wording agreed at Deadline 3 stated:</p> <p><i>“Prior to construction, a <b>final archaeological WSI will be prepared in consultation with Historic England and the local authority</b> in relation to archaeological works required during construction within the railway cutting associated with the Bowes Railway Scheduled Monument (HA 1003723) and the Scheme Footprint. The Final WSI will be approved in parallel with the Final CEMP in accordance with the Outline WSI annexed to this Outline CEMP and address those actions detailed within CH2, CH3, CH4, CH5, CH6, and N8 of this Outline CEMP...”</i></p> <p>Historic England was not asked about this text and consider that the inclusion of the phrase “substantially in accordance with” introduces uncertainty and contradiction as to the wording of the provision. Whilst having reference to the Outline CEMP in Appendix C can provide clarity as to the final form of the WSI, we consider that this should read “in accordance with”, and the word “substantially” should be deleted. We consider and understand that the Applicant had already agreed in section 5.2 of Table 1.3 in their response to our Deadline 3 comments (REP4 – 057) that the Final WSI will be “in accordance” with the Outline WSI appended to the OCEMP.</p> <p>We also note that the wording of Requirement 9(1) states that “...The FWSI shall be in accordance with the mitigation measures included in the REAC and the outline written scheme of investigation...” which we consider is a clearer, more enforceable phrasing to use and recommend that CH2 should reflect Requirement 9(1) and use the same</p>	<p>Historic England’s position is noted. This was discussed in a call between the Applicant and Historic England on 18 May. The additional text was added to [CH2] of the REAC Table 3-1 in the Outline CEMP [REP 4-22 and 023] to ensure that the final WSI follows the Outline WSI that will be agreed, during examination, with Historic England. The use of “substantially in accordance with” acknowledges that there might be developments made during the course of detailed design that would mean that elements of the final WSI would change when compared with the Outline WSI. This might include changes in methods, technological developments or ways of avoiding impacts. Should the final WSI have to be produced in accordance with the Outline WSI, this could preclude changes in its content that could provide opportunities for improvement. The wording “substantially in accordance with” allows for these developments to be realised, but also ensures that the Outline WSI is followed by the appointed contractor. The Final WSI will be approved by the Secretary of State in consultation with Historic England, and as such the Applicant considers that the wording does not present risk to the process.</p>

Ref:	Historic England's Response:	Applicant's Comments:
	<p>wording for consistency and the avoidance of confusion.</p> <p>Historic England asks that the wording in CH2 be corrected to reflect what was previously agreed for CH2. It is important that the FWSI is in accordance with the Outline WSI to ensure that all archaeological works are conducted as agreed, particularly in relation to the scheduled monument.</p>	
3.8	<p>Historic England had the opportunity to discuss the updated version of the Outline WSI appended to the OCEMP (see REP4 – 022) with the Applicant's agents via a teleconference on 28th April 2020. This included a request to ensure that the Outline WSI complies with the Cultural Heritage actions points in the OCEMP where reference is made to timings and methodologies being presented in the Final WSI. Currently the text in the Outline WSI is not clear in this regard (see section 5.2 of REP4 – 057). Additionally, we welcome that as per our comments in our Deadline 4 submission (see 2.4.12 in REP4 – 066), the Applicant has provided a drawing showing the location of the access route from Compound 4 onto the monument as a Figure in the Outline WSI. We have provided tracked changes to the Outline WSI with our comments. We wait to see the latest updated version of the Outline WSI, and may provide further comments once this has been submitted and we have had an opportunity to review it.</p>	<p>Historic England has provided additional comments (see Appendix 2A) on the Outline WSI (Appendix C of the Outline CEMP [REP4-022 and 023]) and these have been incorporated.</p> <p>The Applicant awaits a response from Historic England in regard to any monitoring requirements that will need to be added to the Outline WSI for the reinstatement of access to the monument. Additional requirements will then be added where necessary.</p>
<b>CH6</b>		
3.9	<p>In our appendices to our Written Representations 1 (REP1 – 012) we had requested that a section of the monument retaining wall of equal length that would be removed was to be consolidated, repointed and repaired and that this would be approved by the local authority in consultation with Historic England. The Applicant has made a change to the achievement criteria column of CH6 stating that the WSI is to be approved by the Secretary of State in consultation with Historic England as it is a scheduled monument. We accept this change.</p>	<p>The Applicant welcomes Historic England's acceptance of the updated wording at [CH6] of the REAC Table 3-1 in the Outline CEMP [REP4-022 and 023].</p>
<b>CH7</b>		
3.10	<p>We welcome the inclusion of a new action in the REAC table. CH7 covers the access from the site compound on the NW side of the monument and sets out how the access will be formed so as not to harm the monument and that the methodology will be informed by the Archaeological Contractor and provided as part of the FSWI. Historic England will be involved through consultation in the approval of the FWSI so we are happy to accept this change.</p>	<p>The Applicant welcomes Historic England's acceptance of the updated wording at [CH7] of the REAC Table 3-1 in the Outline CEMP [REP4-022 and 023].</p>
<b>CH9</b>		
3.11 to 12	<p>Historic England notes that a new action point CH9 has been added to the REAC table. This action relates to drainage works on the land adjacent to the monument in response to a request by Gateshead Council. Drainage works may impact on the monument by connecting the drainage grip by weep holes through the reconstructed sections of the monument wall. The aim is to ensure that any erosion caused by field run-off does not undermine the wall, the cutting or the Bowes Railway scheduled monument.</p>	<p>Noted Historic England's position is noted.</p> <p>The Applicant will provide further details on the drainage arrangement and the matter remains under discussion with Historic England.</p> <p>The Applicant agrees that Method Statement for construction of the drainage grip should be</p>

Ref:	Historic England's Response:	Applicant's Comments:
	<p>As noted in paragraph 2.10 above, Historic England has requested clarification regarding the potential impact that this might have on the scheduled monument and that any works to achieve CH9 which impact on the scheduled monument are to be agreed in consultation with Historic England. Currently the "achievement criteria" states that the CEMP will be approved by the SoS following consultation with the local authority. We suggest that for consistency across the CH Actions, the achievement criteria should be amended to reflect similar wording used for CH7, i.e. "Method statement for construction of the drainage grip produced in consultation with Local Authority <b>and Historic England</b>". We ask that consideration be made to ensure this consistency and to permit our oversight if the works will impact on the monument.</p>	<p>produced in consultation with Local Authority and Historic England and this has been updated within [CH9] of the REAC Table 3-1 in the Outline CEMP [REP4-022 and 023], an updated version of which has been submitted for Deadline 6.</p>
<b>4 APPLICANT'S RESPONSES TO ExA'S 2ND WRITTEN QUESTIONS (REP4 – 052)</b>		
<b>4.1</b>	<p><b>Ref Q.2.5.4</b> – Historic England welcomes the changes made to the Outline CEMP as noted in the Applicant's response to this question.</p>	<p>In the response, the Applicant notes that changes to the Outline CEMP [REP4-022 and 023] requested in Historic England's Written Representations have been addressed and that any outstanding matters noted in their Deadline 3 submissions [REP3-008] have also been addressed.</p>
<b>4.2</b>	<p>We thank the Applicant for confirmation that the tunnel over the Bowes Railway will be extended and not replaced as was indicated in the wording of Schedule 10 in Rev 2 of the dDCO (REP2 – 044). It is important the correct version of the dDCO is confirmed (see also section 1.3 above) and we would be grateful for clarification.</p>	<p>A further version of the draft DCO (Tracked Changes [REP5-003] and Clean version [REP5-00], Change request additional land Tracked Changes [REP5-008] and Change request additional land Clean version [REP5-009]) was submitted at Deadline 5. The proposed provision for the compulsory acquisition of additional land as part of the DCO application has been accepted by the Examining Authority. This draft DCO [REP5-008 and REP5-009] will be the version used prior to Deadline 6, but a revised version will be submitted at Deadline 8.</p>
<b>5 STATEMENT OF COMMON GROUND: HISTORIC ENGLAND (REV 1) (REP4 – 027)</b>		
<b>5.1</b>	<p>We note a revised SOCG was submitted at Deadline 4 (REP4 – 027) without discussions with Historic England prior to submission.</p>	<p>A revised SoCG was submitted at Deadline 4 to include the comments submitted by Historic England at Deadline 3. The changes included ongoing discussions in regard to the Outline WSI; changes to the REAC in regard to the provision of additional action points; changes to Schedule 10 to include the complete list of works to the Scheduled Monument and the maximum extent of works. Discussions are ongoing with Historic England to resolve any outstanding points (see Appendix 2A). The outcome of these discussions will be reflected in the updated SoCG submitted at Deadline 8.</p>
<b>5.2</b>	<p>Under "ES Chapter 6: Design, Mitigation and Enhancement Measures" Historic England confirm that we provided comments on the first version of the Outline WSI which was then submitted as an appendix to the "clean" Outline CEMP (REP4 – 022). We have subsequently provided additional comments to this version in a teleconference on 28th April 2020 with the Applicant's Agents. Discussions are therefore on-going in this matter.</p>	<p>Comments provided by Historic England via email on 15 May 2020 (see Appendix 2A) and discussions between the Applicant and Historic England on 28 April 2020 and 18 May 2019 have been addressed in the Outline WSI (Appendix C to the Outline CEMP [REP4-022 and 023] an updated version of which has been submitted at Deadline 6).</p>
<b>5.3</b>	<p>All other issues identified as "under discussion" remain so at this time. We anticipate further discussion with the Applicant in due course.</p>	<p>The outstanding issues have been discussed in the teleconferences between the Applicant and Historic England on 28 April /02020 and 18 May 2020.</p>



Ref:	Historic England's Response:	Applicant's Comments:
		<p>The outstanding issues are as follows:</p> <ol style="list-style-type: none"> <li>1. The use of “substantially” in accordance with the Outline WSI, in relation to the Final WSI as outlined in 3.2 to 3.7 above. This was discussed in a call between the Applicant and Historic England on 18 May 2020 and the Applicant awaits Historic England’s response on this matter.</li> <li>2. Drainage at the retaining wall of the Bowes Railway Scheduled Monument, as detailed in 2.10, 2.11 and 3.11 – 3.12 above, – discussions are ongoing in relation to the impacts on the wall.</li> <li>3. Relocated access, as detailed in 2.8 and 2.11 above, over and back onto Longbank bridleway underpass – updates have been made to the Outline CEMP [REP4-022 and 023], an updated version of which has been submitted for Deadline 6, and the Outline WSI (Appendix C of the Outline CEMP) in response to Historic England comments.</li> <li>4. Final wording of the draft DCO – discussions are ongoing in connection to the matters above.</li> </ol> <p>An updated version of the SoCG will be submitted at Deadline 8.</p>
<b>6 EXA/D4/007 APPLICANT'S COMMENTS ON SUBMISSIONS TO DEADLINE 3 (REP4 – 057)</b>		
<b>6.1</b>	We note that the Applicant has provided comments on our Deadline 3 submission (REP3 – 007). We have provided comments in relation to Table 1.3 reference 5.2 above in sections 3.2 – 3.8. We await sight of an updated version of the Outline WSI to ensure it addresses our concerns	As noted above, the Applicant confirms that all comments provided by Historic England on the Outline WSI (Appendix C to the Outline CEMP [REP4-022 and 023]) have been addressed. A first draft of the Outline WSI was shared with Historic England on 3 April 2020 with comments received on 15 April 2020. A second draft was shared with Historic England on 28 April 2020 following the teleconference, with additional comments received on the same day and further comments received on 1 May 2020. A further version of the Outline WSI was provided to Historic England on 15 May 2020 with comments received on that day. The updated Outline WSI submitted at Deadline 6 incorporates all comments received to date from Historic England.

**Table 5 – Network Rail**

Ref:	Question:	Applicant's Comment:
<b>1</b>	Network Rail and the Applicant had hoped to provide a Statement of Common Ground to the Examining Authority at today's Examination deadline.	
<b>2</b>	The parties are keen to assist the Examining Authority regarding the progress they have made and hope to be able to submit an agreed Statement of Common Ground in the early part of next week. We have copied this email to the Applicant who we understand is in agreement with its terms.	An updated version of the draft Statement of Common Ground has been submitted to Deadline

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