



Application by Highways England for TR010031: A1 Birtley to Coal House Improvement Scheme

The Examining Authority's further written questions and requests for information (ExQ3)

Issued on 26 May 2020

The following table sets out the Examining Authority's (ExA's) further Written Questions and requests for information – ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 10 December 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Questions have been specifically directed to the following IPs:

The Applicant, Gateshead Council, Royal Mail, Sir Anthony Gormley and the Environment Agency.

Each question has a unique reference number which starts with 3 (indicating that it is from ExQ3) and then has an issue number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A1BirtleytoCoalHouse@planninginspectorate.gov.uk and include 'A1 Birtley to Coalhouse Improvement Scheme' in the subject line of your email.

Responses are due by **Deadline 8: Tuesday 9 June 2020** and should be **emailed to** A1BirtleytoCoalHouse@planninginspectorate.gov.uk where possible. With respect to the use of any postal services please note that Temple Quay House is currently closed and will remain closed until The Government Property Agency directs otherwise. Accordingly, the Planning Inspectorate's staff currently have no access to Temple Quay House and are therefore unable to receive and process any postal submissions.

Given the current circumstances, if any Interested Party is unable to provide a response to the further Written Questions by Deadline 8 then please inform the ExA, providing details of the relevant question, why you are unable to respond by Deadline 8 and when you expect to be able to provide a response.

If you have any queries, please do not hesitate to contact the Case Team at -

Email: A1BirtleytoCoalHouse@planninginspectorate.gov.uk

Telephone: 0303 444 5000

List of abbreviations used

CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DMRB	Design Manual for Roads and Bridges
dDCO	Draft Development Consent Order
ES	Environmental Statement
ExA	Examining Authority
NGN	Northern Gas Networks Limited
NPSNN	National Policy Statement for National Networks
NR	Network Rail Infrastructure Limited
PA2008	Planning Act 2008
REAC	Register of Environmental Actions and Commitments
TP	Temporary Possession
TSCS	Thin Surface Course System
WSI	Written Scheme of Investigation

The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-000602-A1Birtley%20to%20Coal%20House%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ExQ3.0.1 – refers to question 1 in this table.

ExQ3 Question to: Question:		
3.0 General and Cross-topic Questions		
3.0.1	Applicant and Gateshead Council	<p>Appendix A of the Outline Construction Environmental Management Plan (CEMP) [REP6-08] includes proposed layouts of the two main construction compounds.</p> <p>Should the final proposed layouts of the main construction compounds be secured for approval through the final CEMP? Please explain your reasoning for this and set out how this would be secured as appropriate.</p>
3.0.2	Applicant	<p>Appendix A (site compounds) of the latest version of the outline CEMP [REP6—08] does not include the additional land to be used for material stockpiling.</p> <p>a) Can the Applicant include this additional land in the outline CEMP?</p> <p>b) For clarity, please provide an up to date list of all the specific measures within the CEMP that would be relevant for managing and limiting the impacts from (i) the use of this additional land during the construction process (including site set up and de-mobilisation) and (ii) the Allerdene Three Span Viaduct Option.</p>
3.0.3	Applicant	<p>The Applicant states that the Allerdene three-span viaduct option in combination with the additional land for material stockpiling would reduce the overall construction duration by up to six months, in addition to creating several other benefits.</p> <p>a) Please could the Applicant confirm that the benefits listed would only arise from the additional land for material stockpiling in combination with the three-span viaduct option, or whether any benefits would also arise in connection with any of the other viaduct options?</p> <p>b) Please provide further explanation and details of the benefits that are stated to arise from (i) the reduction in the duration of temporary traffic management and road works on the A1 and (ii) the reduction in the duration of disruption to residents (including any changes to the routing and</p>

ExQ3	Question to:	Question:
		frequency of construction traffic movements).
3.0.4	Applicant	<p>The final sentence of the Applicant's response to ExQ2.0.2(c) includes reference to Appendix 2.0 A 'Appraisal of the Harm on Openness of Green Belt' [REP4-081] and states that <i>'consequently, because this is a separate assessment, this can be used in approvals of and under the CEMP'</i>.</p> <p>For clarity, please provide further explanation of what is meant by this comment?</p>
3.0.5	Applicant and Gateshead Council	<p>The Applicant's response to ExQ2.0.4 [REP4-052] outlines measures that could be developed further during detailed design to ensure that the level of good aesthetics sought by the National policy statement for National Networks (NPSNN) is achieved and that this would be secured through a Requirement in the dDCO or provision in the Register of environmental actions and commitments (REAC).</p> <p>a) The Applicant is requested to provide proposed drafting of both the suggested dDCO Requirement and provision within the REAC as suggested above.</p> <p>b) In its response to ExQ2.04 Gateshead Council [REP4-063] states that securing further details via Requirements is considered to be sufficient. Could Gateshead Council comment on the additional details that the Applicant suggests could be provided in its response to ExQ2.0.4?</p>
3.0.6	Applicant	<p>The Applicant's response to ExQ2.0.13 [REP4-052] sets out the Applicant's approach to any future updates that may be required to the CEMP following its approval under Requirement 4 of the dDCO.</p> <p>The Applicant is requested to consider what further wording could be added to paragraphs 1.2.5 and/or 1.2.6 of the draft CEMP [REP6-08] to make it clear what the process would be in the event that further changes are required to the CEMP and its supporting management plans.</p>

ExQ3	Question to:	Question:
3.0.7	Applicant	<p>Several updated versions of the draft CEMP have been submitted with the latest being provided at Deadline 6 [REP6-08].</p> <p>For clarity and to assist Interested Parties and the ExA in keeping track of the changes that have been made to the draft CEMP since the submission of the application, please provide a schedule of the changes that have been made to the draft CEMP at each Examination Deadline. Please also update this schedule at each future Examination Deadline where the draft CEMP is amended.</p>
3.0.8	Applicant	<p>Since the submission of the application, a number of the original application documents have been revised and new documents submitted.</p> <p>Please can the Applicant provide (and update at each subsequent Deadline as required) an Application Document Tracker providing a full list of all the documents submitted to date, making clear the latest version of each document as appropriate and the relevant Planning Inspectorate Examination Library reference.</p>
3.1 Air Quality and Emissions		
		There are no further questions regarding air quality and emissions at this stage.
3.2 Biodiversity, ecology and natural environment		
		There are no further questions regarding biodiversity, ecology and natural environment at this stage.
3.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
3.3.1	Applicant	<p>The Applicant's Funding Statement [APP-017] was submitted with the application.</p> <p>Taking into consideration the time that has elapsed since the preparation of the Funding Statement, including the formation of a new Government, please provide details of any additional matters that</p>

ExQ3	Question to:	Question:
		may be of relevance to the funding of the Proposed Development.
3.3.2	Applicant	<p>The Applicant is requested to provide updated (as required) versions of the following:</p> <p>a) Compulsory Acquisitions Objections Schedule (as referred to in ExQ1.3.1) [PD-008];</p> <p>b) A table identifying and responding to any representations made by Statutory Undertakers with land or rights to which PA2008 s127 applies (as referred to in ExQ1.3.4); and</p> <p>c) A table identifying if the proposals affect the relevant rights or relevant apparatus of any Statutory Undertakers to which PA2008 s138 applies (as referred to in ExQ1.3.5).</p>
		Further matters regarding Compulsory Acquisition etc will be considered as necessary at Compulsory Acquisition Hearing 1
3.4	Draft Development Consent Order	
3.4.1	Applicant and Gateshead Council	<p>Requirement 3 (Construction and handover environmental management plan) of the dDCO [REP6-04] (Part 1 of Schedule 2) states that the Construction Environmental Management Plan (CEMP) must reflect the mitigation measures in the register of environmental actions and commitments (REAC).</p> <p>a) Does the use of the word 'reflect' provide the necessary certainty to ensure that all the measures contained within the REAC will be fully and properly provided for within the subsequent CEMP?</p> <p>b) If not, what alternative drafting could be provided?</p>
3.4.2	Applicant and Gateshead Council	In response to ExQ2.0.11, Gateshead Council states [REP4-063] that final details of demolition, construction and timings should be agreed to minimise impacts relating to the replacement North Dene footbridge. The Applicant's response [REP5-010] states that these measures will be included in

ExQ3	Question to:	Question:
		<p>the outline CEMP at Deadline 6.</p> <p>To reflect the above, does additional wording also need to be inserted into Requirement 3 in order to make it clear that bespoke working hours may be required in this location?</p>
3.4.3	Applicant and Gateshead Council	<p>The Applicant has provided further details of the existing (to be demolished) and proposed Northern Gas Network (NGN) installations [REP4-041 and REP4-081]. The removal of the existing installation is included as a consideration in assessing the impact upon Green Belt openness.</p> <p>a) How would the demolition of the existing NGN installation be secured within the DCO? Please provide any additional drafting necessary to secure this.</p> <p>b) Notwithstanding the amendments made to Requirement 3 and additional details provided, do further details of the parameters of these works (Nos.10 and 12), including scale and height, need to be secured through the DCO. If not, please explain why?</p> <p>c) Requirement 3(3) requires subsequent approval of the <i>external appearance</i> of Work Nos. 10 and 12. For clarity and precision, should the drafting of Requirement 3(3) also include the need for details of layout and scale to be approved?</p>
3.4.4	Gateshead Council	<p>The Applicant's list of updated Requirements is set out within Schedule 2, part 1 of the dDCO [REP6-04].</p> <p>Please review these Requirements and set out any suggested amendments or any additional Requirements you consider to be necessary, along with reason for any such suggestions.</p>
3.4.5	Applicant	<p>Several updated versions of the dDCO have been submitted with the latest being submitted at Deadline 6 [REP6-04].</p>

ExQ3	Question to:	Question:
		For clarity and to assist Interested Parties and the ExA in keeping track of the changes that have been made to the draft DCO since the submission of the application, please provide a schedule of the changes that have been made to the draft DCO at each Examination Deadline. Please also update this schedule at each future Examination Deadline where the draft DCO is amended.
		Further matters regarding the Draft Development Consent Order will be considered as necessary at Issue Specific Hearing 2
3.5 Cultural Heritage		
3.5.1	Applicant	<p>The original Environmental Statement (ES) [APP-027] reports a slight adverse effect from construction works (as originally proposed) upon the setting of Grade II listed Church of St Andrew in Lamesley village.</p> <p>Noting that the ES Addendum [REP4-058] reports that a moderate adverse effect would result upon the Lamesley Village Conservation Area from the additional land to be used for material stockpiling, please provide an assessment of whether there would also be any additional effects upon the setting of the Church of St Andrew.</p>
		Matters regarding the Angel of the North will be considered as necessary at Issue Specific Hearing 5. Questions regarding the Angel of the North are also included within Landscape and Visual below.
3.6 Landscape and Visual		
3.6.1	Gateshead Council	The Applicant's response [REP6-11] on matters concerning the Angel of the North raised by Sir Anthony Gormley [REP5-014] states (section 5.2.4.a) that an application for development consent is not required to take account of unknown or speculative future scenarios. It goes on to say that the Southern Green Landscaping Plan has not been formally published, is not adopted planning policy or an initiative that is actually being implemented.

ExQ3	Question to:	Question:
		<p>Given the Applicant's position, please can Gateshead Council comment on the weight it considers should give to the Southern Green Landscaping Plan in considering matters relating to the effects upon the Angel of the North and its setting.</p> <p>In doing so, please include details of any publicity or consultation that has been carried out and how it is intended that this plan and the associated document should be used in determining current proposals?</p>
3.6.2	Applicant	<p>The Applicant's response to ExQ2.0.7 [REP4-052] states that the number and location of the proposed gantries have been determined in accordance with Highways England's guidance <i>at the time</i>.</p> <p>a) Has any updated Design Manual for Roads and Bridges (DMRB) guidance or advice been subsequently published that would have a bearing on the consideration of the number and location of the proposed gantries?</p> <p>b) To help any subsequent discussion and consideration of the proposed gantries please provide the relevant extracts from the DMRB guidance which the Applicant has used to justify their need, number and location in the Proposed Development.</p>
3.6.3	Applicant	<p>At Deadline 5 the Applicant [REP5-010] states that the super span gantries could be replaced with gantries that span one carriageway only (where signage is required in one direction). The Applicant goes on to state that there would be other implications arising from this in relation to future maintenance activities leading to disruption for road users and potential impacts upon the alignment design resulting in adjustment to the central reserve and adjacent lane widths.</p> <p>a) Please can the Applicant provide further details of the feasibility and effects of using gantries that span one carriageway only, particularly for those gantry chainage locations that would interrupt views of the Angle of the North?</p>

ExQ3	Question to:	Question:
		b) Taking account of any other implications that may arise, how could the use of these alternative gantry designs be secured within the dDCO?
3.6.4	Applicant, Gateshead Council and Sir Anthony Gormley	<p>Measure Ref. PH3 of the REAC (page 49 of the CEMP) [REP6-08] states that "<i>ways to minimise the visual impact of gantries which could impact on views of 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 envelopes.</i>"</p> <p>a) Should the final designs and locations of the proposed gantries be subject to future consultation and approval through the dDCO? Please include an explanation for your response.</p> <p>b) Please provide additional drafting to allow for such consultation and approval to take place.</p>
		Further matters regarding landscape and visual effects, including the Angel of the North will be considered as necessary at Issue Specific Hearing 2
3.7 Noise and Vibration		
3.7.1	Applicant	<p>The Applicant's response to ExQ2.7.1(c) [REP4-052] seeks to clarify the process for ensuring that a Thin Surface Course System (TSCS) is installed to maximise its low noise potential.</p> <p>However, it is not clear how such provision would be robustly secured by measure N1 of the REAC. Please provide further clarification of how this would be robustly secured in the CEMP, including any additional wording that is required to be added to measure N1 in order to ensure the TSCS is installed to maximise its low noise potential?</p>
3.7.2	Gateshead Council	<p>In its response [REP4-063] to the ExA's second round of Written Questions [PD-013] the Council stated that it requests an extension to provide responses to ExQ 2.7.7 and 2.7.8.</p> <p>Please can the Council respond to these questions by Deadline 8.</p>

ExQ3 Question to: Question:		
3.8 Economic and social effects (including Population and Human Health)		
3.8.1	Applicant	<p>The Applicant's response to ExQ2.8.3 [REP4-052] in relation to the Written Representation [REP1-022] from the Tyne and Wear Joint Access Forum sets out safety details of measures to be provided at Junction 66 during construction.</p> <p>It is understood that the measures outlined in the Applicant's response are intended for when construction works will be carried out at Junction 66 (for example, narrower lanes to provide separation between traffic and construction activities). What additional measures would be provided for ensuring the safety of pedestrians and other users for the duration of use of the temporary public right of way diversion?</p>
3.8.2	Gateshead Council	<p>In its response [REP4-063] to the ExA's second round of Written Questions [PD-013] the Council stated that it requests an extension to provide responses to ExQ 2.8.1 regarding Longacre Wood.</p> <p>Please can the Council respond to this question by Deadline 8.</p>
3.9 Transportation and Traffic		
3.9.1	Applicant	<p>Paragraph 3.17 of the National Policy Statement for National Networks (NPSNN) states that there is a direct role for the national road network to play in helping pedestrians and cyclists. It goes on to state that the Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions.</p> <p>Taking account of the concerns raised by Gateshead Council in relation to both the Eighton Lodge and Coal House roundabouts [REP2-075 and REP4-024] please can the Applicant explain how the Proposed Development accords with paragraph 3.17 of the NPSNN, including the opportunities identified to invest in infrastructure in these locations?</p>
3.9.2	Applicant	The Proposed Development includes two construction compounds and two working compounds.

ExQ3	Question to:	Question:
		<p>For each of these compounds please explain how safe vehicular accesses would be provided and how the vehicular accesses would be secured within the dDCO in order to safeguard highway and pedestrian safety (including matters relating to access location, width, geometry, gradient and visibility splays)?</p>
3.9.3	Gateshead Council	<p>ExQ2.9.4 [PD-013] concerns the use of Woodford for construction traffic movements. The Applicant has responded to the Council's concerns regarding the use of Woodford [REP5-010] including the inclusion of additional measures within the Construction Traffic Management Plan (CTMP) at Deadline 6 [REP6-08].</p> <p>Please can the Council provide an update on whether the measures now proposed by the Applicant are acceptable in this regard? If not, what additional measures are sought by the Council.</p>
3.9.4	Applicant and Royal Mail	<p>The Applicant has provided a response [Table 3 of REP6-11] to Royal Mail's representation [REP5-016] regarding the effects of construction including road closures and diversions upon Royal Mail operations.</p> <p>a) The Applicant's response refers to provision within paragraphs 2.8.1 and 5.3.7 and of the CTMP (Appendix B of the CEMP) [REP6-08].</p> <p>b) Could Royal Mail confirm whether it is satisfied with the Applicant's proposed measures in this regard? If not, please set out the specific reasons why Royal Mail considers that the proposed construction works could adversely affect its operations, taking account of the relevant information provided by the Applicant as referred to in its response?</p>
3.9.5	Gateshead Council	<p>In its response [REP4-063] to the ExA's second round of Written Questions [PD-013] the Council stated that it requests an extension to provide response to ExQ 2.9.3 regarding the CTMP.</p> <p>Please can the Council respond to this question by Deadline 8.</p>

ExQ3	Question to:	Question:
		Further matters regarding transportation and traffic will be considered as necessary at Issue Specific Hearing 4
3.10 Water Environment and Drainage		
3.10.1	Applicant, Gateshead Council and the Environment Agency	<p>Matters regarding the water environment and drainage will be considered as necessary at Issue Specific Hearing 3.</p> <p>To aid the ExA's preparation for thisHhearing, the Applicant, Environment Agency and Gateshead Council are requested to ensure that up to date and fully reasoned Statements of Common Ground, including details of outstanding matters of disagreement between the parties, are provided in relation to water environment and drainage matters.</p>