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Planning Inspectorate
Room 3/20 Eagle Wing
Temple Quay House (2 The Square)
Temple Quay Road
Bristol
Avon
BS1 6PN

Our ref: NA/2019/114837/04-L01
Your ref: TR010031
Date: 09 June 2020

Dear Sir/Madam

**PLANNING ACT 2008 – SECTION 88 AND THE INFRASTRUCTURE
PLANNING (EXAMINATION PROCEDURE) RULES 2010 – RULE 6.
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A1 BIRTLEY TO COAL HOUSE
IMPROVEMENT SCHEME (EXQ3 - DEADLINE 8) NZ2590258148 A1 BIRTLEY
TO COAL HOUSE**

Please find enclosed our responses to the Examining Authority's written questions (ExQ3) for this Development Consent Order (DCO) on behalf of the Environment Agency. We have also provided comments regarding a number of other matters.

If you have any questions or require any clarification on the points below, please do not hesitate to contact me.

Yours faithfully

Lucy Mo
Planning Technical Specialist - Sustainable Places
Direct dial 020847 46524
Direct e-mail lucy.mo@environment-agency.gov.uk

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



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

3.10.1: Matters regarding the water environment and drainage will be considered as necessary at Issue Specific Hearing 3: To aid the ExA's preparation for this hearing, 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.

Following the receipt of additional information from the Applicant regarding the water environment and drainage matters, we can confirm that the flood risk, water environment and drainage matters have been addressed. However, we have an outstanding matter in relation to biodiversity and the Allerdene Burn culvert – see below for further information. The Statement of Common Ground (dated April 2020, volume 7) will need to be updated to reflect this and the matters outlined below.

Allerden Burn Culvert

With respect to biodiversity and with reference to the Allerdene Burn culvert, we would welcome confirmation from the Applicant that the design of the culvert will be designed in accordance with the Design Manual for Road and Bridges 1999 volume 10 section 4 part 4 (or more recent guidance) produced by the Highways England. This gives advice for suitable otter mitigation in a number of situations including new roads and existing roads.

Otters often cross land using other natural features and may attempt to travel downstream towards the River Team from upstream of the A1. When the levels are high in culverts otters often leave the watercourse to find safe passage over land. Is there a risk of otter road mortalities currently, and does this continue with the new designs? Can this be alleviated by implementing measures? If the inclusion of a dry high level shelf is infeasible or prohibitively expensive, then other options should be considered to deter otters from entering the highway. Other projects have utilised fencing to direct animals to safer routes and/or used add on metal shelving within culverts etc.



Outline Construction Environment Management Plan (CEMP)

Following discussions with the Applicant, the CEMP will be approved by the Secretary of State following consultation with the Environment Agency (EA). The draft DCO has been updated to reflect this. This approach is supported by the EA.

In terms of reference B1, the table gives the overall length created. However, it does not give a net figure. We recommend the inclusion of this information in order to give a clear indication of whether the scheme is creating a loss, neutral, or a benefit.

With respect to reference B10, this section states that the 'Pre-construction placement of the temporary underground culvert within the River Team within Coal House roundabout will be undertaken outside the period of October to May to avoid the salmon and brown trout (migratory and non-migratory) spawning periods. This will be agreed with the Environment Agency'. We support this measure. However, we would welcome the inclusion of the word 'inclusive' after the word May so that the sentence states 'outside the period of October to May inclusive'.

Additional Land Option and Allerdene Three-Span Viaduct Option

The EA previously provided comments to the Applicant regarding the proposed changes. We have no concerns regarding the additional land option.

With respect to the Allerdene three-span viaduct option, from a Water Framework Directive (WFD) and a biodiversity perspective, this is considered to be a backward step for the environment compared to the 6/7 viaduct option. Further WFD and biodiversity mitigation will be required to compensate and mitigate the WFD and biodiversity impacts of the three span bridge option. As the EA will be consulted on the CEMP and involved in the detailed design of the Allerdene Burn culvert, we will be able to ensure that appropriate mitigation measures are implemented to mitigate against any WFD or biodiversity impacts arising from the Allerdene three span viaduct option through this process. For clarity, we will not be providing any further comments regarding this matter or the additional land option.

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours faithfully

Lucy Mo

Planning Technical Specialist - Sustainable Places

Direct dial 020847 46524

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