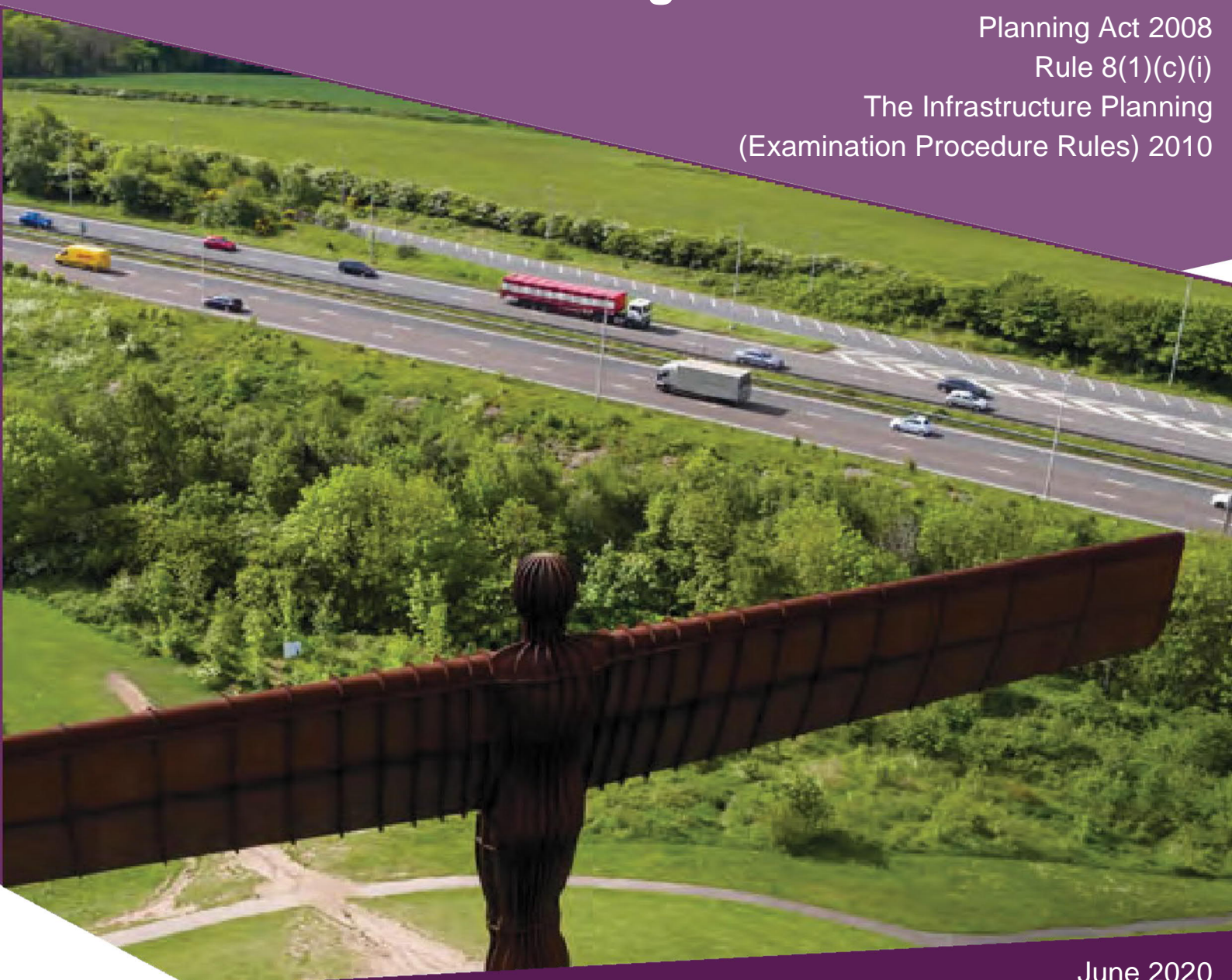


A1 Birtley to Coal House

Scheme Number: TR010031

Applicant's Responses to ExA's Third Written Questions – Appendix 3.3 B - S127 Statutory Undertakers Land and Rights

Planning Act 2008
Rule 8(1)(c)(i)
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]

**APPLICANT'S RESPONSES TO EXA'S THIRD
WRITTEN QUESTIONS – APPENDIX 3.3 B**

Rule Number:	Rule 8(1)(c)(i)
Planning Inspectorate Scheme Reference	TR010031
Application Document Reference	n/a
Author:	A1 Birtley to Coal House Project Team, Highways England

Version	Date	Status of Version
Rev 1	9 June 2020	For Issue

Table 31.3.B - S127 Statutory Undertakers Land and Rights

Statutory undertaker name	Nature of the undertaking	Land and / or rights affected	In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met	In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met	Status of any protective provisions and / or commercial agreements	Settlement reached	Representation(s) withdrawn in whole or part
Environment Agency	Environmental protection	<p>Land</p> <p>CA: 3/2b, 3/3m, 3/3o, 3/3t, 3/3u,</p> <p>TP: 3/3c, 3/3k, 3/3n, 3/3p, 3/3q, 3/3r, 3/3w, 3/3x, 3/3y</p> <p>Rights</p> <p>CA: 3/3m, 3/3o, 3/3u</p> <p>TP: 3/3c, 3/3k, 3/3p, 3/3w, 3/3x</p>	<p>The test in section 127(3) can be met. Although the land to be acquired includes a gauging station operated by the Environment Agency, the works relating to the construction of the scheme would be downstream of the gauging station and would not directly interfere with its continued operation. Notwithstanding this, protective provisions have been drafted to ensure that the Environment Agency can continue to operate their gauging station.</p>	<p>The test in s127(6)(a) can be met. The compulsory acquisition of land subject to rights, land itself or rights in land would not result in serious detriment to the carrying on of the undertaking. The Scheme would not affect the undertaker's ongoing interest in the land.</p>	<p>Discussions remain ongoing. As set out in [update in WQ3.10] the Environment Agency is seeking confirmation that its apparatus is unaffected.</p> <p>The Applicant has provided this confirmation and awaits the Environment Agency's response. This information was submitted at Deadline 6 [REP6-12] (which demonstrates that the temporary works will have no impact on the Environment Agency's gauging station) which is supported by the provisions relating to the Environment Agency's gauging station made within reference [W20] of Table 3-1 REAC of the oCEMP [REP4-022 and 023].</p> <p>The Applicant has made provision in the draft DCO which is effective for this purpose.</p>	Negotiations are underway	No
Gateshead Council	Highway authority	<p>Land</p> <p>CA: 1-1, 3-2b, 3-3a, 3/3g, 3/3h, 3-3j, 3-3l, 3-3m, 3-3o, 3-3t, 3-3u, 3/3ff, 3/3hh, 3-3ii, 3-3kk, 3-3nn, 3-3rr, 3-3uu, 3-3vv, 3-3zz, 3-3ddd, 3-3iii, 3-3mmm, 3/4a, 3/4b, 3-4c, 3-4d, 3-4g, 3-4i, 3-4n, 3-</p>	<p>The test 127(3) can be met. The compulsory acquisition of highway land, as well as any stopping up of any highway owned by the local highway authority, is for the purpose of improvements to the existing highway authority network. Whilst there may be temporary adverse impacts upon the local highway network at the time that works</p>	<p>The test in s127(6)(a) can be met. The compulsory acquisition of rights over the land of the highway authority would not result in serious detriment to the carrying on of the undertaking, rather a benefit. The improvement of local highway authority land through a significant capital improvement programme would result in substantial</p>	<p>Gateshead Council has not sought the inclusion of specific measures in the draft DCO. The draft DCO, outline CEMP and outline CTMP contain provisions for the protection of the local highway network and the undertaking of the local highway authority.</p>	Negotiations are underway	No

Statutory undertaker name	Nature of the undertaking	Land and / or rights affected	In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met	In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met	Status of any protective provisions and / or commercial agreements	Settlement reached	Representation(s) withdrawn in whole or part
		<p>4o, 3-10b, 3-10c, 3-10g, 4-1k, 4-1s, 4-1t, 4-2c, 4-3c, 4-3d, 4-3e, 4-3f, 4-3g, 4-3h, 4-3k, 4-3r, 4-3s, 4-3t, 4-7a, 4-11, 4-12c, 5-5b, 5-5d, 5-5f, 5-10a, 5-10c, 5-10d, 5-10e, 5-10f, 5-10g</p> <p><i>CAR:</i></p> <p>3-3ll, 3-3yy, 3-3hhh, 3-3lll, 3-10e, 4-9b</p> <p><i>CARS&TP:</i></p> <p>3-3e, 3-3f, 3-3i, 3-3z, 3-3dd, 3-3gg, 3-3mm, 3-3pp, 3-3qq, 3-3tt, 3-3ww, 3-3aaa, 3-3kkk, 3-3nnn, 3-4q, 3-10d, 4-2d, 4-3b, 4-7b, 4-14b, 5-5a, 5-9</p> <p><i>TP:</i></p> <p>3-3b, 3-3c, 3-3d, 3-3k, 3-3n, 3-3p, 3-3q, 3-3r, 3-3s, 3-3v, 3-3w, 3-3x, 3-3y, 3-3aa, 3-3bb, 3-3cc, 3-3ee, 3-3jj, 3-3oo, 3-3ss, 3-3xx, 3-3bbb, 3-3ccc, 3-3eee, 3-3fff, 3-3ggg, 3-3jjj, 3-4e, 3-4f, 3-4h, 3-4j, 3-4k, 3-4r, 3-4t, 3-10a, 4-1p, 4-2a, 4-2e, 4-3a, 4-3i, 4-3j, 4-3n, 4-4c, 4-4e, 4-4f, 4-5, 4-12a, 4-13f, 4-14c, 4-15, 5-1a, 5-1b, 5-5c, 5-5e, 5-10b</p>	<p>are ongoing, the resultant effect of the completed works will be beneficial to the highway authority and to users of the local highway network.</p>	<p>benefits to both the highway authority and motorists with no cost to the local highway authority.</p>			
Network Rail Infrastructure Limited	Rail infrastructure	<p>Land</p> <p><i>CA:</i></p> <p>3/10b, 3/10c, 3/10g, 3/10j, 3/10k, 3/11, 3/12a,</p>	<p>The test in s127(3)(a) can be met. The compulsory acquisition of land would not result in serious detriment to the carrying on of the</p>	<p>The test in s127(6)(a) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the</p>	<p>Protective provisions are in the process of being negotiated. The current status of these negotiations</p>	<p>Negotiations are underway</p>	<p>No</p>

Statutory undertaker name	Nature of the undertaking	Land and / or rights affected	In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met	In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met	Status of any protective provisions and / or commercial agreements	Settlement reached	Representation(s) withdrawn in whole or part
		<p>3/12d, 3/12f <i>CAR:</i> 3/10e, 3/10f, 3/12c, 3/12e <i>CARS&TP:</i> 3/10d, 3/10h, 3/12b <i>TP:</i> 3/3ss, 3/9, 3/10a, 3/10i</p> <p><u>Rights</u> <i>CA:</i> 3/4c, 3/4d, 3/4g, 3/4i, 3/6e <i>CAR:</i> 3/6b <i>CARS&TP:</i> 3/3mm, 3/6d, 3/6f, 3/6k <i>TP:</i> 3/3jj, 3/4e, 3/4f, 3/5, 3/6a, 3/6c</p>	<p>undertaking, rather a benefit. No works are proposed that would affect the safe and efficient operation of the railway. Indeed, by the replacement of Allerdene Bridge with a modern structure and removal of the need for Network Rail's overhead line electrification equipment currently mounted on the Applicant's existing structure, the safe and efficient operation of the railway will be improved as a result of the Scheme. Rather than resulting in serious detriment to the carrying on of the undertaking, the Scheme will improve the future carrying on of the undertaking.</p>	<p>undertaking, rather a benefit. No works are proposed that would affect the safe and efficient operation of the railway. Indeed, by the replacement of Allerdene Bridge with a modern structure and removal of the need for Network Rail's overhead line electrification equipment mounted on the Applicant's structure (as at present), the safe and efficient operation of the railway will be improved as a result of the Scheme. Rather than resulting in serious detriment to the carrying on of the undertaking, the Scheme will improve the future carrying on of the undertaking.</p>	<p>is set out in the Statement of Common Ground between the Applicant and Network Rail and submitted for Deadline 7. Essentially, the majority of the protective provisions are agreed and the undertaking of Network Rail is afforded sufficient protection.</p> <p>Likewise, the Applicant and Network Rail are in the process of negotiating a number of commercial agreements, at the request of Network Rail.</p>		
Northern Gas Networks Limited	Gas distribution	<p><u>Land</u> <i>CA:</i> 3/6e, 3/6j <i>CAR:</i> 3/6b, 3/6l <i>CARS&TP:</i> 3/6d, 3/6f, 3/6k <i>TP:</i></p>	<p>The test in s127(3)(a) can be met. The compulsory acquisition of land would not result in serious detriment to the carrying on of the undertaking, and NGN have not raised any concerns to this effect in their relevant representations or written representations.</p> <p>The Applicant's amended proposals also afford an opportunity to accommodate</p>	<p>The test in s127(6)(a) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, and NGN have not raised any concerns to this effect in their relevant representations or written representations.</p>	<p>Protective provisions are in the process of being negotiated. The current status of these negotiations is set out in the Statement of Common Ground between the Applicant and Northern Gas Networks, and submitted shortly after Deadline 8.</p>	Negotiations are underway	No

Statutory undertaker name	Nature of the undertaking	Land and / or rights affected	In relation to land, whether and if so, how the tests in s127(3) (a) or (b) can be met	In relation to rights, whether and if so, how the tests in s127(6) (a) or (b) can be met	Status of any protective provisions and / or commercial agreements	Settlement reached	Representation(s) withdrawn in whole or part
		3/6a, 3/6c, 3/6g, 3/6h, 3/6i, 3/6m <u>Rights</u> CA: 4/6c CARS&TP: 4/6b TP: 3/8, 4/6a	NGN's intended Compressed Natural Gas filling station.				