



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

The Examining Authority's Further Written Questions and requests for information (ExQ4)

Issued on 6 July 2020

The following table sets out the Examining Authority's (ExA's) Further Written Questions and requests for information – ExQ4.

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 arising 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 Applicant and Gateshead Council.

Each question has a unique reference number which starts with 4 (indicating that it is from ExQ4) 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 10: Monday 13 July 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.

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

Email: A1BirtleytoCoalHouse@planninginspectorate.gov.uk

Telephone: 0303 444 5000

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. ExQ4.0.1 – refers to question 1 in this table.

ExQ4	Question to:	Question:
4.0	General and cross topic	
4.0.1	Applicant and Gateshead Council	<p>An additional Relevant Representation has been received [RR-025] including concerns regarding the cumulative construction traffic impacts of the proposed development (including the Additional Land) and other local developments as set out in the representation.</p> <p>a) The Applicant is requested to provide any necessary update to its existing Cumulative and Combined Assessment [APP-036] to take account of the cumulative traffic impacts that may arise from the schemes referred to in RR-025.</p> <p>b) Gateshead Council is requested to comment on whether it considers any adverse cumulative traffic effects would be likely to result from the proposed development and schemes referred to in RR-025.</p>
4.0.2	Applicant	<p>The Applicant's response to ExQ2.0.14 [REP4-052] explains that it remains very unlikely that the impact of the scheme, in isolation, will affect the Government's ability to meet the revised carbon reduction target for 2050 given effect by an amendment to the Climate Change Act 2008.</p> <p>a) Taking account of other relevant road schemes, including those currently programmed, what would the cumulative effects be in the context of the Government's revised carbon reduction target for 2050?</p> <p>b) How should such cumulative effects be taken into account in the assessment of this application taking account of any relevant policy including the National Policy Statement for National Networks?</p>
4.0.3	Applicant	<p>The first paragraph of the Applicant's response to ExQ3.03 [REP8-024] confirms that the Additional Land would benefit the three span Allerdene bridge viaduct option but not the single span embankment or the six (or seven) span viaduct. The second paragraph, however, indicates that a programme saving of six months would result for the three-span and single span options.</p> <p>a) The Applicant is requested to clarify whether the use of the Additional Land for stockpiling (or any</p>

ExQ4	Question to:	Question:
		<p>other use) would still proceed in the event that the single span embankment and/or six/seven span viaduct option is to be implemented?</p> <p>b) Taking account of the possible effects that may result from the use of the Additional Land (and the concerns set out in the additional Relevant Representations e.g. RR-025 and RR-031) are any additional controls or provisions required within the draft Development Consent Order (DCO) to prevent the use of the Additional Land in the event that the single span embankment and/or six/seven span viaduct option is to be implemented?</p> <p>c) In the light of the Applicant's response to ExQ3.03 and the need for the Additional Land, please set out what the implications would be in terms of the Applicant's case for Compulsory Acquisition (including the tests set out under Section 122 of the Planning Act 2008) in the event that the Additional Land is still proposed to be acquired for the single span embankment and/or the six/seven span viaduct option? In such circumstances, how is it able to be demonstrated that the land to be acquired is no more than is reasonably required?</p> <p>d) Are any additional controls or provisions required within the draft DCO to deal with the situation where the Additional Land is not reasonably required due to the final choice of bridge design?</p>
4.1 Compulsory acquisition		
4.1.1	Applicant	<p>Figure 1/Al Site Compound Plan Detailed View, Junction 67 (Additional Land) of Appendix A of the Construction Environmental Management Plan [REP8-007] shows what appears to be areas of spare (white) space with the northernmost part of the compound, with no designated use.</p> <p>Given the amount of space that appears not to be required for any designated use or purpose within the compound, how can the Secretary of State be satisfied that the amount of land proposed to be acquired is no more than is reasonably required?</p>
Please note that Question 4.0.3 above also concerns matters regarding compulsory acquisition.		

ExQ4	Question to:	Question:
4.2 Cultural Heritage		
4.2.1	Applicant and Gateshead Council	<p>An additional Relevant Representation [RR-031] makes the case that North Farm in Lamesley should be considered as a non-designated heritage asset.</p> <p>a) The Applicant is requested to state, with justification, whether it agrees that North Farm should be considered as a non-designated heritage asset?</p> <p>b) The Council is requested to state, with justification, whether it agrees that North Farm should be considered as a non-designated heritage asset?</p> <p>c) What would the effects of the proposed development be, including the proposed main construction compound and stockpile area, upon the significance and setting of North Farm as a non-designated heritage asset?</p>
4.2.2	Gateshead Council	<p>The Applicant's ES Addendum: Additional Land [REP4-058] assesses (chapter 3) the impact of the Additional Land and its proposed use upon cultural heritage, including the setting of the Lamesley Conservation Area.</p> <p>Does this Council agree with this assessment? For any matters that it does not agree on, please provide details and justification?</p>
4.2.3	Applicant	<p>Taking account of all the Applicant's findings within its overall assessment of cultural heritage (including those relating to the Additional Land), please provide a summary of the Applicant's position in respect of the matters the Secretary of State will need to consider within paragraphs 5.132 to 5.134 of the National Policy Statement for National Networks?</p>
4.3 Biodiversity		
4.3.1	Applicant and Gateshead	<p>The Applicant's assessment of the biodiversity impacts of the Additional Land are set out in Chapter 5 of the ES Addendum: Additional Land [REP4-058]. Notwithstanding paragraph 5.6.14 of</p>

ExQ4	Question to:	Question:
	Council	<p>the Addendum, Table4-1 and the conclusions of the updated Preliminary Ecological Assessment [REP6-14] indicate that further survey works have been recommended in relation to breeding birds and wintering birds, with the later already completed.</p> <p>a) Please can the Applicant provide any relevant update on the implementation, results and consequences of these further surveys.</p> <p>b) For any surveys that are not able to be completed and reported on by the end of the Examination, what risk is there that subsequent results could materially alter the conclusions of the Environmental Statement?</p> <p>c) Does Gateshead Council agree with the Applicant's biodiversity assessment of the Additional Land, including the resulting mitigation and management measures that would be required. If not please provide relevant reasoning on any matters of disagreement?</p>