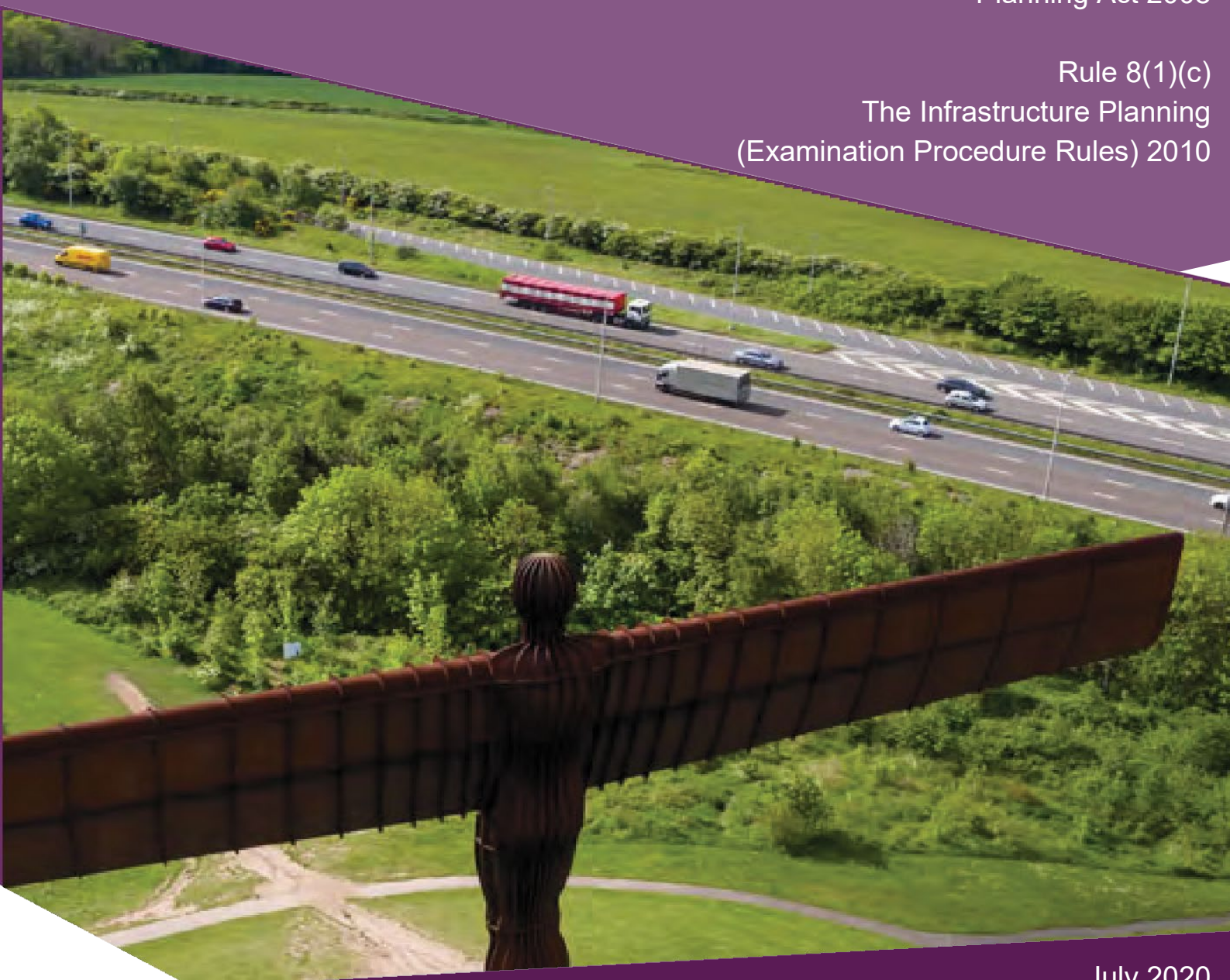


**A1 Birtley to Coal House**  
**Scheme Number: TR010031**

**Applicant's Response to ExA's Fourth Written**  
**Questions**

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 ExA's  
Fourth Written Questions**

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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 ExA's Fourth Written Questions
<b>Author:</b>	A1 Birtley to Coal House Project Team, Highways England

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## **1 Applicant's Response to ExA's Fourth Written Questions**

**Table 4.0 – General and Cross Topic**

Ex Q4:	Question to:	Question:	Applicant's Response
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>The representation identifies developments at:</p> <ul style="list-style-type: none"> <li>• Kibblesworth</li> <li>• Marley Hill</li> <li>• Hags Lane, Lamesley</li> </ul> <p>The Applicant considers that no updates to Chapter 15: Cumulative and Combined Assessment of the Environmental Statement (ES) [APP-036] are required to take account of the schemes referred to in RR-025 as set out in the Consultation Statement [REP9-013] submitted at Deadline 9 (08 July 2020). For ease of reference this text is also provided below.</p> <p><i>The Transport Assessment Report (TAR) [APP-173] has assessed the cumulative impacts associated with proposed housing and employment developments within 2km of the Scheme including the housing development at Kibblesworth. However, the approved Marley Hill development for 89 dwellings was beyond the 2km limit for schemes incorporated specifically in the model and the scale of the development was less than the threshold at which it is considered a single development could have a material impact. The modelling does include an adjustment factor to account for background traffic growth from this type of development in the form of TEMPRO growth factor. It is considered that the modelling of the traffic impacts of the Scheme are robust.</i></p> <p><i>In relation to traffic impacts associated with the additional land, a larger material stockpile area, in the form of the additional land, would allow the contractor to distribute the vehicle movements more evenly throughout the day. The just-in-time delivery approach previously proposed for the embankment fill material would generate more pronounced peaks in vehicle movements. The use of a larger stockpile area adjacent to the works, would reduce the peaks, and would allow large construction plant used for earthworks to work more efficiently thereby reducing impacts on road users and sensitive receptors.</i></p> <p><i>As detailed in the ES [APP-036], the Cumulative and Combined Assessment assesses the impacts associated with 'other developments' which could have a potential significant cumulative effect. This assessment was conducted in line with the Planning Inspectorate Advice Note Seventeen – Cumulative Effects Assessment relevant to Nationally Significant Infrastructure Projects* which sets out a four stage approach to the assessment of cumulative effects.</i></p> <p><i>Stage 1 of this process was to identify the initial 'long list' of 'other developments' to be considered within the cumulative assessment. 'Other developments' to be included within the 'long list' were derived from the Schemes' air quality and noise and vibration affected road network and the largest environmental study area (see Chapter 15: Cumulative and Combined Assessment, paragraph 15.6.4 [APP-036] of the 2019 ES for further details). The 'long list' for this Cumulative Assessment is presented in Appendix 15.1- Long List of Proposed Developments [APP-167] of the 2019 ES.</i></p> <p><i>Stages 2 and 3 require information gathering from databases managed by local planning authorities and filtering of the 'long list' (using the criteria outlined in Chapter 15: Cumulative and</i></p>



Ex Q4:	Question to:	Question:	Applicant's Response
			<p><i>Combined Assessment, paragraph 15.4.24 [APP-036] of the 2019 ES) in order to identify the 'short list' of 'other developments'. The 'other developments' identified on the 'short list' were considered as part of the cumulative assessment.</i></p> <p><i>This filtering process (detailed in Chapter 15: Cumulative and Combined Assessment, paragraph 15.4.24 a) and Table 15-4 [APP-036] of the ES), screened out 'other developments' due to the relative uncertainty regarding the status of their application. For example, if an application had not been consented, or no date for commencement of construction was available such developments were screened out. This also includes 'other developments' where the status of their application was denoted as 'awaiting decision'.</i></p> <p><i>Please see below our response to each of the developments identified:</i></p> <ul style="list-style-type: none"> <li><i>- Hags Lane Regional Hub planning application (DC/20/00123/FUL) was included within the 'long list' for the cumulative assessment. However, the Applicant understands that this planning application has been withdrawn and that an alternative facility has been proposed in Blaydon that will provide the same function as that originally proposed at Hags Lane.</i></li> <li><i>- With regards to the Marley Hill planning application (DC/19/00477/FUL), this application is outside of the defined study area and therefore was not included in the cumulative assessment.</i></li> <li><i>- With regards to the Kibblesworth planning application (DC/20/00009/OUT), as per the methodology set out in Chapter 15: Cumulative and Combined Assessment, Section 15.4 [APP-036] of the ES, this planning application was not assessed as the application was 'awaiting decision' at the time when the assessment was conducted. The Applicant notes that the planning application was granted on 7 May 2020, however the site area is below 0.5ha and it would not therefore have been included on the 'short list' for the cumulative assessment.</i></li> </ul> <p><i>In summary, each of the developments identified in this response have been considered but did not meet the criteria for consideration as part of the cumulative assessment in line with the methodology detailed above.</i></p> <p><i>*Reference: The Planning Inspectorate. (2015). Advice Note Seventeen. Cumulative Effects Assessment relevant to Nationally Significant Infrastructure Projects. Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf</a></i></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>	<p>N/A</p>
<p><b>4.0.2</b></p>	<p>Applicant</p>	<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</p>	<p>Carbon policy is a matter for the Government. In relation to transport, the aim to reach net zero will be supported by the UK's first Transport Decarbonisation Plan which is due to be completed by the Department for Transport later this year.</p>

Ex Q4:	Question to:	Question:	Applicant's Response
		<p>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>The Government's policy in respect of the grant of development consent for highway projects is set out in paragraph 5.16 <i>et seq</i> of the National Policy Statement for National Networks (NNNPS). This was published in December 2014. It refers to the then target of cutting greenhouse gas emissions by at least 80% by 2050. Since then, the Government has enhanced its target so as to achieve a reduction of the UK's net emission of greenhouse gases by 100% relevant to 1990 levels by 2050.</p> <p>The requirement upon an Applicant is:</p> <ul style="list-style-type: none"> <li>• To describe any likely significant climate factors in its EIA.</li> <li>• To provide evidence of the carbon impact of the project.</li> <li>• To provide an assessment against the Government's carbon budgets.</li> </ul> <p>The NNNPS states that "it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction targets."</p> <p>The NNNPS states that "any increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets."</p> <p>The Applicant set out the effects of the Scheme on carbon emissions in paragraphs 14.10.1 to paragraph 14.10.20 of Chapter 14: Climate of the ES [APP-035]. The total estimated GHG emissions arising from the Scheme are presented in Table 14-15 of Chapter 14: Climate of the ES [APP-035]. The results are presented for the construction stage (winter 20/21 - winter 23/24), the operation stage (2024-2083) and the overall total for the whole lifecycle (2020-2083). Table 14-15 also presents the total emissions during each of the UK National Carbon Budget periods and a comparison, in percentage terms, to the respective National budget. This table is reproduced for ease below.</p>

Ex Q4:	Question to:	Question:	Applicant's Response																							
			<p><b>Table 14-15 – Key information on GHG sources</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Stage/timing</th> <th colspan="2">Total GHG emissions (thousand tonnes of carbon dioxide equivalent; kTCO<sub>2</sub>e)</th> </tr> <tr> <th>Scheme with Allerdene embankment option</th> <th>Scheme with Allerdene viaduct option</th> </tr> </thead> <tbody> <tr> <td>Construction phase * (2020-23)</td> <td>179</td> <td>166</td> </tr> <tr> <td>Operation phase (2023-2083)</td> <td>276</td> <td>276</td> </tr> <tr> <td><b>Total for lifecycle (2020-2083)</b></td> <td><b>455</b></td> <td><b>442</b></td> </tr> <tr> <td>Total contribution from the Scheme during the third Carbon Budget period ** (2018-2022) [% of budget]</td> <td>119 [0.00469%]</td> <td>110 [0.00434%]</td> </tr> <tr> <td>Total contribution from the Scheme during the fourth Carbon Budget period (2023-2027) [% of budget]</td> <td>75 [0.00386%]</td> <td>71 [0.00363%]</td> </tr> <tr> <td>Total contribution from the Scheme during the fifth Carbon Budget period (2028-2032) [% of budget]</td> <td>20 [0.00117%]</td> <td>20 [0.00117%]</td> </tr> </tbody> </table> <p>* Construction phase (and therefore total lifecycle) emissions take into account the mitigation measure of reuse of certain anticipated arisings generated onsite. This measure has reduced the associated emissions by approximately 482 tCO<sub>2</sub>e for the Allerdene embankment option and 561 tCO<sub>2</sub>e for the Allerdene viaduct option.</p> <p>** Only considering construction emissions as asset will not be operational until 2023.</p> <p>The magnitude of change in GHG emissions for the Scheme is considered to be negligible. The overall outcome of the assessment of significant effects as a result of GHG emissions from the construction and operation of the Scheme is anticipated to be slight adverse (not significant).</p> <p>Taking account of the low levels of any increases in carbon emissions in an overall context, the Scheme is not likely to affect the ability of the Government to achieve its carbon reduction targets.</p>	Stage/timing	Total GHG emissions (thousand tonnes of carbon dioxide equivalent; kTCO <sub>2</sub> e)		Scheme with Allerdene embankment option	Scheme with Allerdene viaduct option	Construction phase * (2020-23)	179	166	Operation phase (2023-2083)	276	276	<b>Total for lifecycle (2020-2083)</b>	<b>455</b>	<b>442</b>	Total contribution from the Scheme during the third Carbon Budget period ** (2018-2022) [% of budget]	119 [0.00469%]	110 [0.00434%]	Total contribution from the Scheme during the fourth Carbon Budget period (2023-2027) [% of budget]	75 [0.00386%]	71 [0.00363%]	Total contribution from the Scheme during the fifth Carbon Budget period (2028-2032) [% of budget]	20 [0.00117%]	20 [0.00117%]
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		<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>	<p>As detailed in Chapter 15: Cumulative and Combined Assessment of the ES [APP-036], the Cumulative and Combined Assessment assesses the impacts associated with 'other developments' which could have potential significant cumulative effects. This includes other relevant road schemes such as A1 Scotswood to North Brunton Improvement Scheme and A1 in Northumberland: Morpeth to Felton Scheme.</p> <p>In relation to carbon emissions, the impacts of greenhouse gas (GHG) emissions, in terms of their contribution to climate change, are global and cumulative in nature, with every tonne contributing to impacts on natural and human systems. The Government is best placed to address this in the round by its consideration of the business case for the Scheme as described in paragraph 5.17 of the NNNPS.</p> <p>Therefore, the quantification of emissions from the project in the assessment of significance or</p>																							



Ex Q4:	Question to:	Question:	Applicant's Response
			<p>effects (presented in the assessment in Chapter 14: Climate of this ES [APP-35]) inherently assesses the combined and cumulative impacts.</p> <p>It is not considered that taking into account the other schemes nearby – or globally - the impacts of the Scheme will affect compliance with the Government's carbon emission targets.</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 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>The Applicant confirms that the additional land for stockpiling would be required for both the single span embankment option and the three-span option.</p> <p>The programme saving of six months would result for the three span and single span options.</p> <p>The use of the Additional Land for stockpiling and any other uses will still proceed in the event that the single span embankment and/or three span viaduct options would proceed. Whilst it is not now expected to be necessary for the 6/7 span viaduct option (and a six month programme acceleration could not be achieved for that design configuration), the inclusion of the additional land would enable greater confidence in the delivery of the CNG filling station proposed by NGN.</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>Whilst the Applicant considers that there is a compelling case in the public interest in terms of the delivery of the Scheme for the inclusion of the Additional Land for all engineering solutions since it gives certainty as to the delivery of the Scheme and would enable doubt to be removed in respect of NGN's CNG filling station, it understands that it may be desirable to exclude the Additional Land in some circumstances.</p> <p>In that regard, it would be willing to consider drafting so that if both</p> <ul style="list-style-type: none"> <li>(a) the engineering solution for the Allerdene Railway Bridge comprises a viaduct solution with at least six spans; and</li> <li>(b) NGN has confirmed that it does not require the land shown in blue on REP9-020 for the purposes of a CNG filling station then there will be no power to acquire the land comprised in parcel 3/6c (the Additional Land).</li> </ul>
		<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>The Applicant's case is that there is a compelling case in the public interest in relation to the acquisition of all land within the Order limits. In relation to the Additional Land, this is required in all circumstances for the single span and three span engineering options. For the 6/7 span engineering options it is considered that there is a compelling case in the public interest in light of the certainty afforded to the delivery of the project where NGN wishes to promote the CNG filling station to which its representations refer. A suitable approach to address this is set out at item (b) above.</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>	<p>Please refer to items (b) and (c) above.</p>

**Table 4.1 – Compulsory Acquisition**

Ex Q4:	Question to:	Question:	Applicant's Response:
4.1.1	Applicant	<p>Figure 1/AI 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. 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>	<p>The absence of a designated use is not evidence of the absence of use for the land in question. It is the Applicant's case that all land within the Order limits is required for the delivery of the Scheme. It may comprise working areas or circulation space.</p> <p>The "white space" that the ExA has identified is necessary for the delivery of the Scheme as a whole. In the first instance, the land in question will be used for the delivery of Work No 12, being the replacement installation for Northern Gas Networks (NGN). The works in question would either be used by NGN itself or by the Applicant to deliver those works.</p> <p>When the main works are programmed to commence, that part of the site is likely to be required for the NGN works for some seven months thereafter. That part of the site will essentially be sterile and the Contractor implementing the Scheme on behalf of the Applicant will not be able to use it when works start. It will then be used to facilitate access to construct the new embankment/bridge and for storage.</p> <p>The proposed arrangement of temporary cabins, welfare parking, temporary plant and material located between the existing overhead 66kV power lines and the existing 900mm dia trunk water main also allows space to construct the proposed CNG terminal. On the plan, exclusion zones around the overhead service are shown as set out in GS6 of the Register of Environmental Actions and Commitments (REAC) in the Construction Environmental Management Plan (CEMP) [REP9-007 and 008] for working in close proximity of overhead lines.</p> <p>Therefore, when the programme of works for both the NGN diversion and above ground installation (Works No.9, 10, 12 to 16) and the construction of the highway elements of the Scheme are considered together, there is no 'white space' for the first seven months and that whole area will be occupied by either NGN or the Contractor implementing the Scheme on behalf of the Applicant.</p> <p>Once the NGN diversion is complete, the area in question will no longer be required and some of it, south of the track, would potentially be returned to pasture land. It is entirely reasonable to seek powers over the maximum area of land required because the construction sequence has been planned out so that both works for NGN and the A1 highway can be delivered to programme in compliance with CDM Regulations.</p> <p>There is no need for additional wording in the DCO to address this. It is appropriate to enable the Scheme to be delivered to include the whole of the land in question.</p>
		<p>Please note that Question 4.0.3 above (General and Cross Topic) also concerns matters regarding compulsory acquisition.</p>	<p>Please see the Applicant's response to Question 4.0.3.</p>

**Table 4.2 – Cultural Heritage**

Ex Q4:	Question to:	Question:	Applicant's Response:
4.2.1	Applicant and Gateshead Council	An additional Relevant Representation [RR-031] makes the case that North Farm in Lamesley should be considered as a non-designated heritage asset. a) The Applicant is requested to state, with justification, whether it agrees that North Farm should be considered as a non-designated heritage asset?	The Applicant can confirm that North Farm is already noted as a non-designated heritage asset (Historic Environment Record reference: 5081) of low sensitivity and is included within the gazetteer of heritage assets (Table 5-2) in Appendix 6.1: Historic Environment Desk-based assessment [APP-118] of the Environmental Statement (ES). The asset is noted as low sensitivity based upon Design Manual for Roads and Bridges criteria as a ' <i>Historic (unlisted) buildings of modest quality in their fabric or historical association</i> '.
		b) The Council is requested to state, with justification, whether it agrees that North Farm should be considered as a non-designated heritage asset?	N/A
		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>North Farm is a 19<sup>th</sup> century farmstead located at the northern edge of Lamesley Conservation Area. The farm, like the Conservation Area, has a largely rural outlook, although the northern and eastern edges are delineated by the A1 and the East Coast Main Line respectively. Whilst the farm outbuildings have been converted into residential properties, it is still possible to understand their association with the farmhouse.</p> <p>During the use of the proposed main construction compound on the additional land, there will be an impact on pasture fields to the north and east, which form part of the setting of the farm. However, the rural outlook is maintained to the west of the farm and the association of the farm with the wider village of Lamesley will still be appreciated. The presence of topsoil bunds, whilst screening the compound sites, will curtail views out and introduce a greater sense of enclosure to the setting of the farm.</p> <p>The changes to the setting will have a moderate adverse impact on the historical significance of the farm resulting in a slight adverse effect (not significant). However, the changes to the setting are temporary and reversible, and will be reversed upon completion of construction. Action point [G14] in Table 3-1 Register of Environmental Actions and Commitments (REAC) of the Outline Construction Environmental Management Plan (CEMP) [REP9-007 and 008] ensures that the additional land will be reinstated to its pre-construction condition, therefore restoring the current setting of the farm.</p> <p>Therefore, limited weight should be afforded to the adverse impacts on North Farm, which have already been assessed by the Applicant.</p>
4.2.2	Gateshead Council	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. Does this Council agree with this assessment? For any matters that it does not agree on, please provide details and justification?	N/A

Ex Q4:	Question to:	Question:	Applicant's Response:
4.2.3	Applicant	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>Paragraph 5.132 of the NN NPS notes that '<i>Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development.</i>'</p> <p>Paragraph 5.133 of the NN NPS states that '<i>where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated [that it is] necessary in order to deliver substantial public benefits.</i>'</p> <p>Paragraph 5.134 of the NN NPS states that '<i>Where the proposed development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal...</i>'</p> <p>Chapter 6: Cultural Heritage of the ES [APP-027] details that the assessment of significant effects has identified no substantial harm for designated cultural heritage assets.</p> <p>The impacts from the Scheme on designated assets comprise physical harm to the Bowes Railway Scheduled Monument and temporary impacts to the significance of Lamesley Conservation Area through changes in its setting. However, the Applicant considers that these do not equate to substantial harm alone or in combination with other factors. This is based on the assessments undertaken and reported in Chapter 6: Cultural Heritage of the ES [APP-027] and Chapter 3: Cultural Heritage of the ES Addendum - Additional Land [REP4-058].</p> <p>The Bowes Railway is currently noted as a priority B asset on Historic England's Heritage at Risk register. Although the Scheme, requires the demolition of up to 17m of existing wall, action point [CH6] of Table 3-1 REAC in the Outline CEMP [REP9-007 008] requires that a section of surviving wall either side of Bowes Railway Scheduled Monument will be consolidated, repointed and repaired. In addition, action point [CH5] of the Table 3-1 REAC in the Outline CEMP [REP9-007 008] requires the placement of an interpretation board on or near the asset to highlight the significance of the railway. The Applicant has engaged with Historic England whilst carrying out the environmental impact assessment and throughout examination to develop and agree appropriate mitigation measures for the impacts to Bowes Railway SM.</p> <p>The changes to the setting of Lamesley Conservation Area will have a moderate adverse impact on the historical significance of the farm resulting in a slight adverse effect (not significant). However, the changes to the setting are temporary and reversible, and will be reversed upon completion of construction. Action point [G14] in Table 3-1 Register of Environmental Actions and Commitments (REAC) of the Outline Construction Environmental Management Plan (CEMP) [REP9-007 and 008] ensures that the additional land will be reinstated to its pre-construction condition, therefore restoring the current setting of the farm.</p>



Ex Q4:	Question to:	Question:	Applicant's Response:
			<p>The economic, social and environmental public benefits of the Scheme (monetised and non-monetised) are assessed in Chapter 4 (Section 4.3 and 4.4) of the Planning Statement [REP4-020 and REP4-021]. Chapter 5 of the Planning Statement sets out the planning balance and confirms the benefits of the Scheme will outweigh any harm predicted.</p> <p>The Applicant is updating the NN NPS Accordance Table [APP-172] for submission at Deadline 11 (17 July 2020).</p>

**Table 4.3 – Biodiversity**

Ex Q4:	Question to:	Question:	Applicant's Response:
4.3.1	Applicant and Gateshead Council	<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 the Addendum, Table 4-1 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>The breeding bird surveys are now complete, and the Environmental Statement (ES) Addendum: Appendix 8.9 Breeding Bird Report [REP9-019] was issued at Deadline 9 (08 July 2020).</p> <p><u>Breeding Birds</u>          In summary, a total of 31 species were recorded on or over the additional land during the breeding bird survey; of these nine are considered to breed on the additional land.</p> <p>Of the species recorded, 13 species are of elevated legal protection or species of conservation concern, of which two are considered to breed on the additional land. It should be noted that categories are not exclusive, and a species can be listed in more than one conservation category (for example, listed as a Species of Principal Importance and as either a Red or Amber list Bird of Conservation Concern). The number of birds recorded within each category is summarised below:</p> <ul style="list-style-type: none"> <li>• Two species listed as Species of Principal Importance (also UK Biodiversity Action Plan species). Song thrush and house sparrow were probable breeders on the additional land.</li> <li>• Six Bird of Conservation Concern red list species. Song thrush and house sparrow were probable breeders on the additional land. Four species: curlew, lapwing, mistle thrush and starling were not considered to breed on the additional land.</li> <li>• Seven Bird of Conservation Concern amber list species. All seven species - Common gull, house martin, kestrel, lesser black backed gull, mallard, oystercatcher and swift - were not considered to breed on the additional land.</li> </ul> <p>The breeding bird community within the additional land is of low conservation value due to the relatively low number of species using the additional land to breed, most</p>



Ex Q4:	Question to:	Question:	Applicant's Response:
			<p>of which are common and widespread, with only two having a notable conservation status.</p> <p>The breeding bird community present within the additional land accords with the results of the baseline as presented with Appendix 8.9: Breeding Bird Report of the ES [APP-131] and is not a constraint to the Scheme. The survey confirms that the assessment, proposed mitigation and compensation presented in Chapter 8: Biodiversity of the ES [APP-029] for breeding birds is proportionate and valid for the additional land.</p> <p><u>Wintering Birds</u>            The wintering bird surveys were completed in March 2020 and the wintering bird report was issued as Appendix G of the ES Addendum: Additional Land [REP4-058] at Deadline 4 (20 April 2020). Therefore, there are no further updates in relation to wintering birds.</p> <p>All surveys identified to inform an ecological impact assessment of the additional land have now been carried out and reported upon.</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>In summary, Appendix 8.1 Preliminary Ecological Appraisal (PEA) of the ES [APP-123] concluded that there were a range of habitats recorded within the additional land, including poor semi-improved grassland (grazed pasture), scattered trees, scattered scrub, standing water and boundary features (including hedgerows, fences and tree lines). The habitats present both within and adjacent to the additional land were suitable to support roosting, foraging and commuting bats and breeding and wintering birds.</p> <p>Lamesley Meadows Local Wildlife Site (LWS) and the River Team Extension LWS are located within 200m of the additional land. The additional land is hydrologically linked to the River Team Extension LWS via a culvert beneath Lamesley Road.</p> <p>To ensure compliance with legislation and planning policy and to inform an ecological impact assessment, the following ecological surveys were recommended for the additional land, all of which have been completed. No further surveys are required to be completed outside of the examination period.</p> <ul style="list-style-type: none"> <li>• PEA of the additional land, including a building and tree bat roost assessment [REP6-14, 15 and 16].</li> <li>• Wintering bird survey assessment [REP4-058].</li> <li>• Breeding bird survey assessment [REP9-019].</li> </ul>

Ex Q4:	Question to:	Question:	Applicant's Response:
			<p>The buildings assessed during the Preliminary Roost Assessment (PBRA) [APP-126] were found to have low or negligible roosting suitability. It was not possible to assess all buildings/trees within the PBRA survey area due to access restrictions. However, due to the scale of the proposed works and their distance from these buildings, it is considered unlikely that the use of the additional land for stockpiling would impact bats that might be roosting there. Buildings assessed as having low roosting suitability (B1 &amp; B2, with a bat box located on the northern gable end of B2) are all located outside of the additional land footprint and will therefore be retained. The building assessed as having negligible roosting suitability (B3) will be lost, but this will not impact roosting bats.</p> <p>Trees identified as having potential suitability for roosting bats within 50m of the additional land were all outside the additional land footprint, and therefore all trees with potential suitability will be retained. As all the species recorded within the desk study are common and widespread throughout England, it is considered that any features identified, including the bat box, would support a roost of common and widespread species. Therefore, no further survey is required.</p> <p>During the wintering bird surveys, a total of 25 species were recorded on or over the additional land. This included nine species which are legally protected or species of conservation concern. It should be noted that the categories are not exclusive, and a species can be listed in more than one conservation category (for example, listed as a Species of Principal Importance (SPI) and as either a red or amber list Birds of Conservation Concern (BoCC)).</p> <p>The number of birds recorded on or over the additional land as detailed in the Wintering Bird Report assessment [REP4-058] within each category is summarised below:</p> <ul style="list-style-type: none"> <li>• One species listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended): redwing.</li> <li>• Three species listed as SPI: herring gull, lapwing and starling.</li> <li>• Four BoCC red list species: herring gull, lapwing, redwing and starling.</li> <li>• Five BoCC amber list species: black-headed gull, kestrel, lesser black-backed gull, common gull and greylag goose.</li> </ul> <p>The surveys confirm that the assessment within the ES Addendum: Additional Land [REP4-058], which assumed no increase in magnitude of impact, and the proposed mitigation and compensation presented in Chapter 8: Biodiversity of the ES [APP-029] for bats, wintering birds and breeding birds is proportionate and valid for the additional land.</p>

Ex Q4:	Question to:	Question:	Applicant's Response:
		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?	N/A

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