

A1 Birtley to Coal House

Scheme Number: TR010031

Statement of Commonality for Statements of Common Ground

Planning Act 2008

Rule 8(1)

The Infrastructure Planning (Examination Procedure Rules) 2010

July 2020

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

**The A1 Birtley to Coal House
Development Consent Order 20[xx]**

**STATEMENT OF COMMONALITY FOR STATEMENTS
OF COMMON GROUND**

Planning Inspectorate Scheme Reference	TR010031/7.6
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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this “Statement”) relates to an application made by Highways England (the “Applicant”) to the Planning Inspectorate (the “Inspectorate”) under section 37 of the Planning Act 2008 (the “2008 Act”) for a Development Consent Order (DCO). If made the DCO would grant consent for the A1 Birtley to Coal House (the “Scheme”). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement (ES) [APP-023].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and interested parties (“other parties”) in relation to the Scheme.
- 1.1.3 This Statement also provides a current position on the commonality on specific points between SoCGs at Examination Deadline 11, 17 July 2020.

2 STRUCTURE OF STATEMENTS OF COMMON GROUND

- 2.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopted a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.2 Each SoCG has the following structure:
- Section 1: provides an introduction to the SoCG and a description of its purpose.
 - Section 2: states the engagement that has occurred between the Applicant and other Party.
 - Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.

3 LIST OF STATEMENTS OF COMMON GROUND

- 3.1 The Applicant has prepared SoCG with a number of other parties it considers beneficial to do so with during the preparation of the DCO application.
- 3.2 SoCG with further specific parties were also requested by the ExA through the Rule 6 letter dated 10 December 2019.
- 3.3 The parties which the Applicant has prepared SoCG with are listed in Table 3.1 below. Further detail about the current position of each SoCG can be found at Chapter 4, Table 4.1 of this Statement.

Table 3.1 - List of SoCGs at Deadline 11

Stakeholder
Local Authorities
GATESHEAD COUNCIL
SUNDERLAND CITY COUNCIL
Prescribed Consultees
ENVIRONMENT AGENCY
HISTORIC ENGLAND
NATURAL ENGLAND
Statutory Undertakers
NORTHERN GAS NETWORKS LIMITED (NGN)
NETWORK RAIL INFRASTRUCTURE LIMITED
NORTHUMBRIAN WATER LIMITED

4 SUMMARY OF CURRENT POSITION

- 4.1 This section provides the final position of each SoCG. Where applicable, the final version of the SoCG (as at Deadline 11 on 17 July 2020) has been submitted alongside this Statement. Final versions of each SOCG have now been agreed and submitted to the ExA as shown in table 4.1 below:
- 4.2 Table 4.1 below provides a high level position and where necessary includes further detail to aid understanding of the ExA. The high level positions used in the table are:
- **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
 - **Final Signed SoCG with matters outstanding** – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
 - **SoCG in draft** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding'.

Table 4.1 – SoCG high level position

Document Reference	Party	Position at Deadline 2 25/02/20	Position at Deadline 2A 2/03/20	Position at Deadline 3 10/03/20	Position at Deadline 3A 16/03/20	Position at Deadline 4 20/04/20	Position at Deadline 5 01/05/20	Position at Deadline 6 19/05/20	Position at Deadline 7 02/06/20	Position at Deadline 8 09/06/20	Position at Deadline 9 08/07/20	Position at Deadline 10 13/07/20	Position at Deadline 11 17/07/20
Local Authorities													
TR010031/7.5A	Gateshead Council	<i>SoCG in draft</i>				<i>SoCG in draft</i>				<i>SoCG in draft</i>	<i>SoCG in draft</i>	-	<i>Final SoCG agreed with matters outstanding signed version to follow</i>
TR010031/7.5B	Sunderland City Council	<i>SoCG in draft</i>				<i>SoCG in draft</i>				<i>SoCG in draft</i>			<i>Final Signed SoCG all matters agreed</i>
Prescribed Consultees													
TR010031/7.5C	Environment Agency	<i>SoCG in draft</i>				<i>SoCG in draft</i>				<i>SoCG in draft</i>		<i>Final Signed SoCG all matters agreed)</i>	-
TR010031/7.5D	Historic England	<i>SoCG in draft</i>				<i>SoCG in draft</i>				<i>SoCG in draft</i>			<i>Final Signed SoCG with outstanding matters</i>
TR010031/7.5E	Natural England	<i>SoCG in draft</i>				<i>Final Signed SoCG all matters agreed</i>							
Statutory Undertakers													
TR010031/7.5F	Northern Gas Networks Ltd	<i>SoCG in draft</i>		<i>SoCG in draft</i>						<i>SoCG in draft</i>			<i>Final Signed SoCG all matters agreed</i>
TR010031/7.5G	Network Rail Infrastructure Ltd	<i>SoCG in draft</i>					<i>SoCG in draft</i>	<i>SoCG in draft</i>	<i>SoCG in draft</i>				

Document Reference	Party	Position at Deadline 2 25/02/20	Position at Deadline 2A 2/03/20	Position at Deadline 3 10/03/20	Position at Deadline 3A 16/03/20	Position at Deadline 4 20/04/20	Position at Deadline 5 01/05/20	Position at Deadline 6 19/05/20	Position at Deadline 7 02/06/20	Position at Deadline 8 09/06/20	Position at Deadline 9 08/07/20	Position at Deadline 10 13/07/20	Position at Deadline 11 17/07/20
TR010031/7.5H	Northumbria Water Ltd										SoCG in draft		

5 COMMONALITY

- 5.1 This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters.
- 5.2 The table is presented in such a way to show topics covered within the various SoCG and how these are relevant to each other party and a position for each topic as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

- 5.3 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore not covered in Table 5.1 and shown as a blank.

Table 5.1 Table of Commonality at Deadline 2

SoCG Ref	Party	Topics																				
		Development Consent Order	Environmental Impact Assessment	Air quality and emissions	Biodiversity, ecology and nature conservation	Economic and social effects	Historic Environment	Landscape and visual effects	Noise and vibration	Traffic and transportation	Green Belt considerations	Outline Construction Environmental Management	Water environmental effects	Water Framework Directive compliance	Drainage and flooding	Environmental permits	Effects on heritage assets	Archaeological Investigations	License applications	Impact on NGN Operations	Requirements of s172 of 2008 Act	Impacts on Rail infrastructure and services
TR010031 /7.5A	Gateshead Council									Except Bridleway												
TR010031 /7.5B	Sunderland City Council																					
TR010031 /7.5C	Environment Agency																					
TR010031 /7.5D	Historic England						Except Substantially															
TR010031 /7.5E	Natural England																					
TR010031 /7.5F	NGN Ltd																					
TR010031 /7.5G	Network Rail Infrastructure Ltd																					
TR010031 /7.5H	Northumbria Water Ltd																					

6 FINAL POSITION AS AT DEADLINE 11 (17 July 2020)

6.1 This section provides a summary of the final position between Highways England and each party where there are matters outstanding.. This section provides the ExA with a summary. The individual SoCGs should be referred to for the full detail on specific matters.

Gateshead Council (TR010031/7.5A (Rev 4))

6.2 The Deadline 11 (Rev 4) of the SoCG with Gateshead Council is agreed by officers of Gateshead Council. In particular there is a broad measure of support for the environmental package to be provided as part of the Scheme.

6.3 Gateshead Council confirmed that they are satisfied with the current landscape strategy as set out in Figure 7.6: Landscape Mitigation Design [APP-061]. This agreement is on the understanding that the Applicant remains willing to continue without prejudice discussions on the potential implementation of a revised landscaping design for the area around the Angel of the North, as set out within the Southern Green Report [REP9-021]. Gateshead Council expressed preference is for Option 3: Revealing the Angel. The Applicant has agreed to these without prejudice discussions and it is agreed that any solution to delivery of Option 3 should be cost-neutral for the Scheme and not affect the assessed effects of the Scheme on the Environment.

6.4 There remains an area of disagreement between the parties. Gateshead Council are not satisfied with the temporary bridleway diversion of the Longbank Bridleway at Eighton Lodge Roundabout proposed during the construction period. Gateshead Council's concern is in relation to horse riders.

Sunderland City Council (TR010031/7.5A Rev 3)

6.5 The Deadline 11 (Rev 4) of the SoCG with Sunderland City Council is agreed by officers of Sunderland City Council on all matters. In particular, broad measures of support of the Scheme in principle and its objectives. There is agreement in relation to aspects of the scheme that relate to the content of the Outline Construction Environmental Management Plan (CEMP); Construction Traffic Management Plan (CTMP) and Record of Environmental Actions and Commitments (REAC) in relation to delivery of the Scheme and temporary traffic management and necessary diversionary routes on the local road network during the construction phase.

Environment Agency (TR010031/7.5C Rev 3)

6.6 The Deadline 10 version of the SoCG with the Environment Agency is the final signed version of the SoCG. All issued discussed between the two parties throughout the examination period have been agreed and are set out in submitted DCO documents.

Historic England (TR010031/7.5D Rev 3)

- 6.7 The final position of Historic England at Deadline 11 (Rev 3), on issues related to the draft DCO [APP-013] have been concluded and Historic England are in agreement with the principles of the Scheme.
- 6.8 One item remains "Not Agreed" and that is that Historic England are of the view that the wording of Requirement 9(1) as been amended to read 'The FWSI shall be substantially in accordance with...' should instead be expressed as 'in accordance with...'. Historic England considers 'in accordance with' to be more enforceable phrasing to ensure that the methodology as set out in the Outline WSI is taken forward into the final WSI. The Applicant considers that both parties benefit from flexibility in its preferred wording and that the matter is provided to be fully overseen by the secretary of State in any event.

Natural England (TR010031/7.5E Rev 1)

- 6.9 The Deadline 4 version of the SoCG with Natural England is the final signed version of the SoCG. The SoCG has been agreed by with Natural England. There are no principal matters outstanding between Natural England and the Applicant. The matters relating the DCO [APP-013] as amended at Deadline 11 and the Outline CEMP [REP9-018] have been agreed.

Northern Gas Networks Limited (TR010031/7.5F Rev 1)

- 6.10 The parties have reached agreement on the protective provisions which are to be included within a private agreement between the parties, to be signed within the next 10 days. The private agreement has also been agreed. The statement of common ground has been agreed and will be submitted at deadline 11 with a signed copy to follow shortly thereafter.

Network Rail Infrastructure Limited (TR010031/7.5F Rev 3)

- 6.11 The parties have reached agreement on all matters save for paragraph 32(4) of the protective provisions. The Applicant has provided square brackets around paragraph 32(4). The statement of common ground is in a substantially agreed form and the final agreed document will be submitted to the ExA before the close of examination. The signed copy will follow shortly thereafter.

Northumbria Water Limited (TR010031/7.5H rev 1)

- 6.12 The statement of common ground is in a substantially agreed form save for one final matter. Highways England will endeavor to agree this point with Northumbrian Water Ltd and submit the SOCG prior to the close of the examination and the signed copy will follow shortly thereafter.

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