

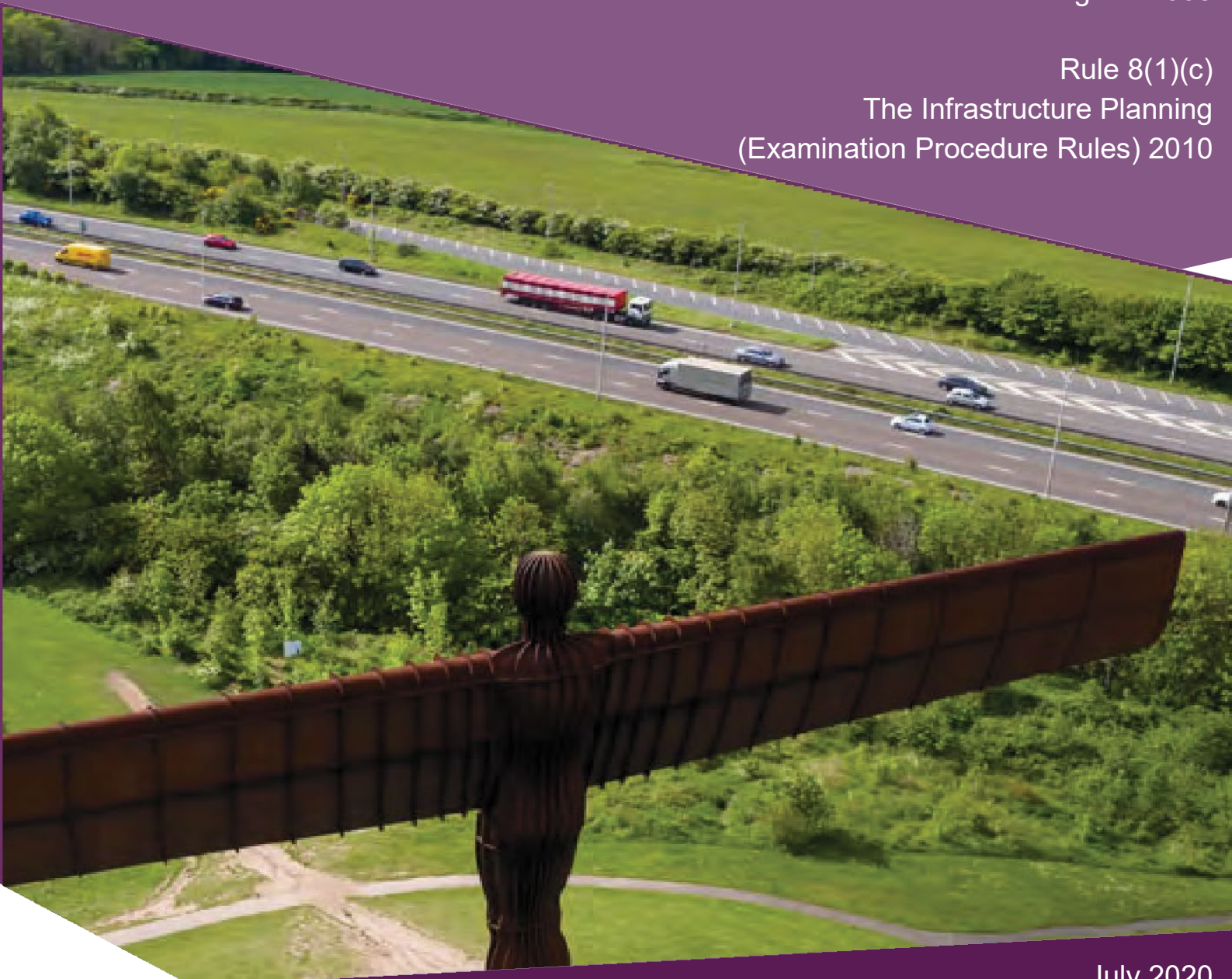
A1 Birtley to Coal House

Scheme Number: TR010031

Applicant's Written Summaries of Oral Submissions

Planning Act 2008

Rule 8(1)(c)
The Infrastructure Planning
(Examination Procedure Rules) 2010



Infrastructure Planning

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**The Infrastructure Planning
(Examination Procedure Rules) 2010**

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

Applicant's Written Summaries of Oral Submissions

Rule Number:	Rule 8(1)(c)
Planning Inspectorate Scheme Reference	TR010031
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1 Applicant's Written Summaries of Oral Submissions

Table 1 – Applicants Response to ExA Questions during ISH6

Ref:	Question:	Applicant's Response:
3	Applicant asked to clarify the location of the five properties at North Farm.	The Applicant referred the Examining Authority (ExA) to the location of the property by reference to the dark green area (E) and light blue area (H) on the construction compound plan attached to the oCEMP [REP8-014].
	How were these properties taken into consideration in the Environmental Statement (ES)?	<p>The Applicant prepared an addendum to the ES - ES Addendum Additional Land [REP4-058], including an assessment of the impact on affected properties at North Farm. The Applicant was mindful that it was also necessary to extend mitigation to the Additional Land due to the inclusion of the area.</p> <p>The Applicant has prepared a table of measures for additional land as part of ES addendum: Additional Land [REP4-058] in appendix F. These measures were included in Table 3-1 Register of Environmental Actions and Commitments (REAC) of the Outline Construction Environmental Management Plan (CEMP) submitted at Deadline 8 [REP9-007 and 008]. A great number of measures apply to both the additional land and the wider Scheme.</p> <p>The Applicant has put measures in place to address elements that may be of particular concern, e.g.</p> <ul style="list-style-type: none"> • wheel wash to exit of additional land, ensuring no trackout of materials onto external roads. • Reduce dust emissions through bunding. The main elements looking to reduce impacts. The bund would be 3m of topsoil – this measure will be the first installed and last to be removed and will screen elements of the stockpile. The external bund would be prepared first then infilled with the stockpile. • Measures to reduce dust are already included in standard construction methods including damping down/rolling. The Applicant expects that there will be regular dust inspections in accordance with the Outline CEMP. • In relation to noise – standard construction measures will be applied. These include siting of noisier equipment in appropriate locations, as far as possible from receptors. Static plant can be located in the least impactful locations. The presence of bund around area G on the shared plan will assist in addressing noise impacts. • Site working hours would need to be adhered to and these will be the standard construction hours as set out in the Outline CEMP [REP9-007 and 008]. This applies to the additional land as well. • There will be a communications plan with a hotline telephone number for the contractor. The REAC already has this in place, which will provide a means of contact and redress if any issues arise and hence remedial or mitigation measures can be put in place. <p>The applicant has had particular consideration is for the health of residents and workers on site. Measures would be put in place to safeguard everyone.</p> <p>The additional land and the balance of the construction compound may be used for staff parking in the evening should authorised out of hours working take place and for welfare purposes but heavy vehicle movements and operations are not anticipated.</p>
	Will there be any exceptions to the standard construction working hours?	Please refer to Appendix A for response to this point.
	Applicant asked to clarify what activities are expected at construction compound and	Please refer to Appendix A for response to this point.

Ref:	Question:	Applicant's Response:
	additional land during unsociable hours.	
	Why is there no bund on the northern boundary of North Farm as shown on previous construction compound layout?	<p>With regard to area E shown on the relevant appendix to the Outline CEMP dealing with circumstances where the Additional Land is included in powers of temporary possession, this land is to be retained by Northern Gas Networks for the CNG filling station. This land needs to remain vacant for that purpose, therefore the Applicant cannot propose bunding on it as it needs to be used.</p> <p>Stockpiling will now be behind bunds proposed on the construction compound layouts (Area F on new plan, previously Area B). Intrusive activities are not proposed adjacent to North Farm. The Applicant will check mitigation on northern margin (please see Appendix A for response).</p> <p>The possible provision of bunding or screening is addressed elsewhere, insofar as this is possible having regard to the presence of a water main running from East to West, which is owned by Northumbrian Water Limited.</p>
	The gardens of North Farm properties are not shown as they exist on the plan. Could the Applicant ensure assessment on residential living conditions includes the effect on people using these gardens?	Please refer to Appendix A for narrative on the assessment undertaken.
	Area in light blue, area H (maintenance access to existing outfall). What will it provide?	Area K is a balancing pond which will be used to regulate water flow from the site into the existing drainage network. Area H is to be used to access the drainage outfall under Lamesley Road for maintenance. The balancing pond will regulate flow to this drainage outfall. All access will be from point M through the Additional Land. There would be no access from this point on to Lamesley Road.
4	Revised Draft DCO Requirement 5 brings in provision for the LPA to enter into an agreement with the Applicant for revised landscaping. PPG generally discourages requirements for the Applicant to enter into a planning obligation or condition. Does the Applicant consider PPG is applicable? How does an agreement fit with this?	<p>Requirement 5(4)(b) states that:</p> <p><i>“Nothing shall require the landscaping scheme to be based on Option 2 or Option 3 of the Southern Green Options Report unless the relevant planning authority has... (b) entered into an agreement providing for any cost above the cost of Option 2 or Option 3 above the cost of the illustrative masterplan and landscaping design annexed to the environmental statement to be paid or otherwise secured by the relevant planning authority”</i></p> <p>The Applicant accepts that Planning Practice Guidance (PPG) can be an important and relevant consideration in respect of the drafting of requirements in a development consent order. This is because a requirement is expressed to be “corresponding to conditions which could have been imposed on the grant of any permission” under s120(2)(a) Planning Act 2008.</p> <p>In relation to the inclusion of conditions PPG states:</p> <p><i>Is it possible to use a condition to require an applicant to enter into a planning obligation or an agreement under other powers?</i> A <i>positively worded condition</i> which requires the applicant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 or an agreement under other powers, is unlikely to pass the test of enforceability. [emphasis added] A <i>negatively worded condition limiting the development that can take place until a</i></p>

Ref:	Question:	Applicant's Response:
		<p><i>planning obligation or other agreement has been entered into</i> is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency. <i>[emphasis added]</i></p> <p>However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes). In such cases the 6 tests should also be met. <i>[This scenario is not applicable as it is not a matter of risk to the Scheme. Therefore it is not necessary to consider the six tests.]</i></p> <p>Where consideration is given to using a negatively worded condition of this sort, it is important that the local planning authority discusses with the applicant before planning permission is granted the need for a planning obligation or other agreement and the appropriateness of using a condition. The heads of terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency. <i>[This is proposed by the Applicant and considered by both parties to be acceptable.]</i></p> <p>This Requirement does not envisage a planning obligation type commitment secured by the Council on the Applicant. It is not a positively worded condition requiring an obligation. It is not a negatively worded condition preventing development unless an obligation or agreement is in place.</p> <p>Rather, the requirement allows the Scheme to proceed, but if an agreement is in place would enable the Council's desired landscaping design to be secured if the Council enters into an agreement. This would require the Council to provide funding to the Applicant to deliver its preferred option. It is not intended to be an obligation to be entered into by the Applicant to mitigate planning harm or to make the delivery of the preferred option acceptable in planning terms – it opens the way for the Council to secure its wishes.</p> <p>PPG sets out the circumstances where it would be difficult to refer to an agreement in a condition (requirement). However this is not the purpose of the Requirement as any obligation will be on the Council to delivery funding for an option which goes beyond that which is required to mitigate any negative effect on landscaping.</p>

Table 2 – Compulsory Acquisition Hearing 14 July 2020

Ref:	ExA Comments:	Applicant's Response:
2(a)	The Applicant to confirm that the statutory conditions for the exercise of compulsory powers in respect of the Additional Land are met.	<p>The requirements for compulsory acquisition are met. S122 (1) of the 2008 Act provides that the Secretary of State can only authorise the compulsory acquisition of land if satisfied that the conditions in subsections (2) and (3) are met.</p> <p>Subsection (2) provides three criteria, only one of which requires to be met. In terms of subsection (2)(a), the</p>

Ref:	ExA Comments:	Applicant's Response:
		<p>additional land would not be subject to construction works for the Scheme. However, the land is needed to ensure that the Applicant is able to construct the Scheme and deliver its benefits. If other uses are to be protected (in particular the ability for NGN to construct their proposed CNG filling station) as well as delivering the Scheme then it is necessary to include the Additional Land within the Scheme Limits and subject to the powers of the DCO. This satisfies the requirements of subsection (2)(b). The Additional Land is not required as exchange land and so the provision of subsection (2)(c) are not relevant.</p> <p>Turning to subsection (3), the Secretary of State requires to be satisfied that there is a compelling case in the public interest for acquisition. The Scheme will provide clear benefits as set out in the Statement of Reasons. It has a high BCR and is demonstrably in public interest.</p>
2(b)	<p>The Applicant to confirm that the requirement of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 have been met in respect of the Additional Land.</p>	<p>The 2010 Regulations prescribe additional procedure which must be followed where it is proposed to include in a development consent order a provision authorising the compulsory acquisition of additional land and a person with an interest in the additional land does not consent to the inclusion of the provision. As there was no such consent in respect of the inclusion of the Additional Land, the terms of the 2010 Regulations were engaged. There has been compliance with the 2010 Regulations and the key provisions are set out below.</p> <p>Regulation 4 of the CA Regulations states that Regulations 5 to 19 prescribe the procedure which must be followed in the event that a person with an interest in additional land to be compulsorily acquired does not consent to the inclusion of the provision.</p> <p>The Applicant's Response to the ExA's Rule 17 letter [REP5-012] was provided at Deadline 5 on 1 May 2020. Paragraph 1 of this Response confirmed that the freehold landowners are willing to sell the land in question to the Applicant, but this was subject to agreeing appropriate terms which had not been agreed at the time. Therefore, the Applicant proposed that it would be prudent to carry out the formal notification and examination procedure under the CA Regulations.</p> <p>Regulation 5 – the applicant requires to send the proposed provision in the form of a book of reference or supplement to a book of reference. This is to be accompanied by a land plan, statement of reasons and updated funding statement. These documents were submitted to the ExA at Deadline 4 on 20 April 2020, with updated material supplied on 19 May at Deadline 6. The updated Book of Reference can be found in REP6-05, REP6-06 and REP6-07; the Land Plan in REP4-005; the Statement of Reasons in REP4-016; and Addendum to Statement of Reasons in REP4-084. The Applicant's statement on how the authorisation of the compulsory acquisition of the additional land is proposed to be funded is contained in the cover letter for Deadline 5 [REP5-001]. The letter confirms that the Funding Statement [APP-017] relating to the Application applies to the Additional Land in the same way as it applies to the acquisition of the land included in the Application submitted on 14 August 2019.</p> <p>Regulation 7 – the Applicant is required to give notification of the proposed provision to the persons prescribed in Regulation 7(1). These notices were sent on 13 May 2020 with a consultation period commencing on 14 May 2020 and ending on 18 June 2020. Further details on compliance with this requirement is set out in Consultation Statement (Rev1) REP9-013.</p> <p>Regulation 7(1)(a) consultees are the relevant local authorities, defined in section 102(8) of the Planning Act 2008. The Applicant consulted six local authorities that met these criteria under the CA Regulations. These are provided in Table 2 of Appendix A of the Consultation Statement [REP9-013]. This includes Gateshead Council who are the host local authority for the Scheme and neighbouring authority Sunderland City Council, both of whom were also consulted as prescribed persons.</p>

Ref:	ExA Comments:	Applicant's Response:
		<p>Regulation 7(1)(b) requires an Applicant to consult the Greater London Authority if the land in question is in Greater London. As the Scheme is located in Gateshead, this requirement is not relevant.</p> <p>Regulation 7(1)(c) consultees are persons within one or more of the categories set out in section 57 of the 2008 Act. A person is within Category 1 if the Applicant, after making diligent inquiry, knows that they are an owner, lessee, tenant, or occupier of the land. A person is within Category 2 if they are interested in the land or have the power to sell and convey or release the land. A person is within Category 3 if the Applicant believes that, if the DCO were to be made and fully implemented, they would or might be entitled to make a relevant claim as defined in section 57(6) of the 2008 Act. There were four Regulation 7(1)(c) land interests contacted as part of the statutory consultation who are identified in Table 2.2 of the Consultation Statement [REP9-013]. As the additional land is only required temporarily, there is unlikely to be any injurious affection to any land interests beyond the additional land.</p> <p>Regulation 7(1)(d) consultees are those prescribed persons listed in Column 1 of Schedule 2 of the CA Regulations where the circumstances described in Column 2 of the Schedule are met. A list of the 35 consultees and justification for their inclusion or otherwise from the statutory consultation is provided in Table 1 in Appendix A of the Consultation Statement [REP9-013].</p> <p>A total of 218 landowners or occupiers in the vicinity of the 3 span Viaduct Option (Change 1) and the additional land (Change 3) were also consulted as part of the statutory consultation under the CA Regulations.</p> <p>The Applicant has identified a total of four 'Affected Persons' whose land would be subject to compulsory acquisition powers in line with the CA Regulations. All four of these Affected Persons were consulted as part of the non-statutory consultation in March and April 2020. The full list of Affected Persons contacted as part of the statutory consultation is provided in Table 3 of Appendix A of the Consultation Statement [REP9-013]. The Applicant is currently in ongoing negotiations with them to secure the land by agreement. Due to the COVID-19 government restrictions, the Applicant is seeking to obtain approval by email as face-to-face meetings are unable to take place.</p> <p>Regulation 8 – the Applicant must publish notice of the proposed provision in local and national newspapers, as well as the London Gazette. The Applicant published Regulation 8 Notices in The Times and The London Gazette on Thursday 14 May 2020, and in local newspapers the Newcastle Journal and the Newcastle Evening Chronicle on Thursday 14 May 2020 and Thursday 21 May 2020. Further details on compliance with this requirement is set out in Consultation Statement (Rev1) REP9-013.</p> <p>Regulations 7 and 8 include a requirement that a copy of the proposed provision, revised draft order and information submitted with the proposed provision are made available for inspection free of charge at the times and places set out in the notices.</p> <p>The Applicant was unable to use deposit points for viewings of hard copies of consultation documents due to the COVID-19 movement restrictions and in light of the public health risk. Public venues (which are normally used as deposit points) were closed, and there was a requirement not to encourage the general public to make non-essential journeys in line with government advice.</p> <p>To ensure that no-one was prejudiced by the Applicant's inability to place physical copies of material on deposit, the consultation letters and Regulation 7 Notice confirmed that a CD/USB stick containing the consultation documents would be provided free of charge on request. The Applicant also made all consultation documents</p>

Ref:	ExA Comments:	Applicant's Response:
		<p>including the EIA available to view online free of charge on their Scheme webpage. Again, further details can be found in Consultation Statement (Rev1) REP9-013.</p> <p>Regulation 9 requires that a notice certifying compliance with the requirements of Regulations 7 and 8 is submitted to the Secretary of State. This was done on 19 June 2020.</p> <p>Regulation 11 requires the ExA to make an initial assessment of the issues arising with the proposed provision within 21 days of the deadline specified in the notice under Regulation 7(2). The ExA published their initial assessment of issues on 22 June 2020.</p> <p>Regulation 12 requires the ExA to set out a timetable for the examination of the proposed provision. This was also published on 22 June 2020.</p> <p>Regulation 14 requires that further issue-specific hearings are held to enable each additional affected person and each additional interested party to participate. A further such hearing was held on 14 July 2020. Regulation 14(4) normally requires 21 days' notice of additional hearings. However, on 28 May 2020, the ExA directed the Applicant to provide 19 days' notice of the hearing by means of site notice. Such notice as provided.</p> <p>Regulation 15 requires the ExA to notify each additional affected person of the date of an additional compulsory purchase hearing and the date for notifying the ExA that a person wishes to appear at that hearing. Regulation 15(4) normally requires 21 days' notice of additional hearings. However, on 28 May 2020, the ExA directed the Applicant to provide 19 days' notice of the hearing by means of site notice. Such notice was provided.</p> <p>Regulation 16 requires the ExA to notify each additional affected person and each additional interested party of the date of an open floor hearing and the date for notifying the ExA that a person wishes to appear at that hearing. Regulation 16(4) normally requires 21 days' notice of additional hearings. However, on 28 May 2020, the ExA directed the Applicant to provide 19 days' notice of the hearing by means of site notice. Such notice was provided.</p>
2(c)	Any questions from the ExA regarding the compulsory powers sought in respect of the Additional Land	
	The ExA queried the purpose of Article 32(12) of the draft DCO which was added at Deadline 9.	<p>This provision has been included to allow for the Scheme and the proposed CNG filling station project being promoted by NGN to proceed at the same time. If the Applicant is restricted to the original extent of the construction compound as contained in the Application, then the land on which the CNG filling station is proposed would be required for the compound and so the projects could not proceed side by side. If all the requested rights for the construction compound within the land delineated with a broken blue line on Northern Gas Networks Land Ownership Plan are granted to the Applicant then there would be sufficient space within the area allowed for the construction compound to allow for NGN to retain the land on which they propose to build the CNG filling station.</p> <p>Article 32(12) therefore restricts the power of the Applicant in these circumstances so that the Applicant would not be able to exercise the power of temporary possession over the CNG filling station land. This would retain that land in NGN ownership and enable them to carry out their development, subject to the necessary permissions to do so. This addresses a point raised by the ExA at a previous hearing session.</p>
	The ExA questioned whether the Additional Land would still be pursued for the 6/7 span viaduct options as well as for the single and 5 span options	The particular requirement for and benefit from the Additional Land in relation to the single span and 3-span viaduct options arises from the proximity of the stockpile which would be in the Additional Land to the working face of the embankment which would form part of both these options. This allows for an acceleration in the construction of the single and 3-span options.

Ref:	ExA Comments:	Applicant's Response:
		<p>The 6/7 span viaduct does not require such a large volume of fill. However, there is still a requirement with the 6/7 span viaduct to ensure that there is sufficient land for the proper layout of the construction compound at this location. The detailed scheme is currently being developed on the basis of the Additional Land being available.</p> <p>The extent of the original construction compound would not be sufficient to also accommodate the proposed CNG filling station by NGN and so, if restricted to that original compound, both projects could not proceed concurrently. However, in the event that the 6/7 span viaduct proceeds then there may be scope to reduce the amount of the Additional Land which is required for the construction compound to ensure that the land acquired is no more than necessary. This depends on decisions on the availability of the CNG filling station land and detailed engineering requirements.</p> <p>In order to address the extent of the construction compound in the event of the 6/7 span option being pursued, the Applicant has proposed a new Requirement 17 in the draft DCO. In the event that the Appellant were to proceed with the 6/7 span option, then Requirement 17 would prevent the Applicant from acquiring rights over plot 3/13a (the Additional Land) until a plan for the extent and layout of the construction compound is approved by the Secretary of State, in consultation with the planning authority. In formulating and approving this plan, regard would require to be had to (a) the construction requirements of the chosen engineering design for Work No. 5a; (b) the availability of the CNG filling station land (in case it had been decided this should remain available to NGN, thereby constraining the working area); and (c) the need to minimise land take in terms of Additional Land so far as reasonably practical.</p> <p>This provision would ensure that decisions on this Scheme and the CNG filling station are properly reflected whilst also ensuring that no more of the Additional Land is taken than necessary.</p>
	<p>The ExA requested clarification on the status of the CNG filling station and the weight which the Applicant considered should be attached to it.</p>	<p>The Applicant considers that it is for the ExA to satisfy themselves to the weight to be given to CNG filling station. Previously, the positions of NGN and the Applicant on this matter had to be reserved pending the decision to admit the additional land. In the event that the Additional Land was not to be included within the Order then the land on which the CNG filling station is proposed to be constructed would be required for the construction compound. In those circumstances, the Applicant would argue that comparatively little weight should be attached to the CNG filling station given the importance of delivering the Scheme. If, however, the Additional Land is included then a different view can be taken as both projects could then proceed.</p> <p>The Applicant considers that the present proposals, including proposed Requirement 17 satisfactorily balance the three interests: the Scheme, NGN's interest in promoting the CNG filling station and the appropriateness of providing limits on land-take in respect the Additional Land when the Secretary of State's decision on its inclusion cannot yet be known.</p>
	<p>The ExA queried whether there was a process for advising of when the Applicant had made a decision on the chosen bridge option.</p>	<p>Although Requirement 3(10), as included at Deadline 9 would require elements of the Allerdene Bridge design to be approved (which would involve an implicit clarification of the chosen engineering option), the Applicant accepts that it would be helpful to have explicit confirmation of the chosen option at as early a stage as possible. This is now included in the outline CEMP at paragraph 1.3.5.</p>

Appendix A – Further ISH Hearing Action Points
10AM Tuesday 14 July 2020

Action	Date due	Notes
<p>Provide summary of the mitigation measures in relation to the proposed use of the additional land for the extended construction compound at J67 (including measures to safeguard residential living conditions).</p>	<p>Deadline 11 (17 July)</p>	<p>As detailed in the Applicant’s responses to ExA’s Third Written Questions [REP9-018], WQ 3.0 B, Appendix 3.0 B – Measures within the Outline Environmental Management Plan (CEMP) [REP9-007 and 008] in relation to the additional land and Allerdene three span viaduct option, details the mitigation measures in relation to the use of the additional land for the extended construction compound at junction 67 (Coal House). These list all of the specific measures within Table 3-1 Register of Environmental Actions and Commitments (REAC) of the Outline CEMP [REP9-007 and 008], an updated version has been submitted for Deadline 11 (17 July 2020), that are relevant for managing and limiting the impacts from the use of the additional land (parcel 3/13a) during the construction process (including site set up and de-mobilisation) (Table 1).</p>
<p>Provide clarification of the hours of use of the J67 construction compound (including additional land) including any such use outside of the standard construction hours and any necessary measures to control the hours of its use in this regard.</p>	<p>Deadline 11 (17 July)</p>	<p>All works at the additional land would take place during the working hours detailed in the Outline CEMP [REP9-007 and 008] at paragraph 1.3.12 as follows:</p> <ul style="list-style-type: none"> • <i>Weekdays: 07.00 – 19.00</i> • <i>Saturdays: 07.30 – 13.00</i> • <i>There will be no working on Sundays, Bank and Public Holidays (except in each case for works relating to the replacement of Allerdene Bridge for which possessions of the ECML are required). Where works are required to be carried out outside these hours this will be agreed in writing in advance with the local authority as the relevant planning authority.</i> <p>The Outline CEMP [REP007 and 008] includes an action [G5] which details any evening / night time works that are likely to be required in relation to the Scheme, and that consultation would take place with the</p>

		<p>local authority in advance of the works taking place.</p> <p>It is likely that the junction 67 compound will be used for the following activities in relation to these works:</p> <ul style="list-style-type: none"> • Staff car parking – this would include the provision of lighting. • Security. • Delivery of abnormal loads that cannot be delivered during the day due to traffic volumes or other restrictions, e.g. bridge beams etc. <p>A new action has been added [G16] to include measures for staff arriving and leaving the site, and for security staff working during the evening or night time and additional text has been added to [G6] to detail control measures for lighting specifically in relation to residential properties that could be affected by lighting at the Junction 67 compound.</p> <p>Delivery of abnormal loads has been added to the list of evening night-time work within action [G5] that would require consultation with the local authority prior to such works taking place.</p>
<p>Provide further details regarding the location of screening bunds within the two alternative illustrative construction compound layouts at J67, including any additional measures needed within the outline CEMP.</p>	<p>Deadline 11 (17 July)</p>	<p>Figure 1 AL Site Compound Plan Detailed View, Junction 67 (Additional Land) provided in Appendix A of the Outline CEMP [REP9-007 and 008] has been updated to include an extension of the topsoil screening bund. It should be noted that a Northumbrian Water (NWL) water main runs across the field from east to west at this location. The water main requires an exclusion zone of 6 metres either side. As such it is not possible to extend the bund across the NWL water main.</p> <p>Action [N5] within the Table 3-1 REAC of the Outline CEMP [REP9-007 and 008] includes the following text: “<i>Details of the screening bunds, including heights, to be installed at Junction 67 Coal House compound, will be provided in the CEMP</i>”. Additional text has been added to this</p>

		<p>action point as follows: “Screening will be provided to the properties at North Farm having due regard to the Northumbrian Water main”.</p>
<p>Provide details of the assessment of the effects of the proposed construction compound at J67 (both options) upon the residential use and enjoyment of the gardens of properties at North Farm.</p>	<p>Deadline 11 (17 July)</p>	<p>The effects of the proposed construction compound upon the residential use and enjoyment of the gardens of properties at North Farm have been assessed within the Environmental Statement (ES), as summarised below.</p> <p>Visual impacts on North Farm have been assessed in Chapter 7: Landscape and Visual of the Environmental Statement (ES) [APP-028]. North Farm was identified as Receptor 7 ((R7) Lamesley Road: North Farm, 1-4 The Courtyard). The assessment of the visual effects of extending the proposed construction compound into the additional land have been assessed in the ES addendum: Additional Land [REP4-058].</p> <p>Both the ES and ES Addendum identified that there would be large adverse visual effects during construction on R7. As set out in paragraph 4.9.1 of the ES Addendum - Additional Land [REP4-058] mitigation would comprise the formation of a 3m topsoil bund to the west of the additional land, which would be seeded, to provide some screening to property (R7 and R8) along Lamesley Road which would be implemented at the outset of the temporary works. In addition, a further screening bund is proposed to extend north of the property, between the storage compounds/car parking and the compressed natural gas compound. The effect of this would be to form an almost continuous bund (a break is required to cross a water main) to the north east and east of the receptor. These bunds have formed the primary mitigation measures in reducing the level of visual intrusion to the residential properties and therefore the impact on residential use and enjoyment of the gardens of these properties. These receptors are considered to be highly sensitive to change resulting from the type of development proposed,</p>

		<p>albeit on a temporary basis. This is due to the nature in which residents use their internal and external spaces, and in this case, the impact of the proposed bunds, and potential awareness of compound activity beyond on the perception of the open aspect to the east of the properties. The assessments, identified above, have identified that during the construction phase, the assessment of effects, refer to Appendix 7.1: Visual Effects Schedule of the ES [APP-121] would comprise “Construction activity and compound replacing pasture in the foreground of views for a sustained period” which would represent a “large scale change”. The resulting effect would be Large Adverse (significant).</p> <p>Potential air quality impacts upon the residential use and enjoyment of the gardens of properties at North Farm could arise from construction dust from works and emissions associated with use of the compound. North Farm was assessed in the Air Quality assessment as receptor R16 (refer to Figure 5.7.10 [APP-048]). The assessment concluded that whilst the potential for impacts from construction works exists, following the application of the good practice measures detailed in Section 5.9 of Chapter 5: Air Quality of the ES [APP-026], there would be no significant effects as a result of construction dust. The measures in Section 5.9 focus on preventing emissions of dust occurring and include planning the site layout to the maximise distance from potentially dust generating plant or stockpiles etc. away from sensitive receptors such as the gardens of properties at North Farm.</p> <p>In terms of impacts from noise and vibration upon the residential use and enjoyment of the gardens of properties at North Farm, this has been considered in the EIA for the Scheme and reported in Chapter 11: Noise</p>
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		<p>of the ES [APP-032] and, to include the extension of the Junction 67 compound into the additional land, the ES Addendum: Additional Land [REP4-058] within Appendix A – Desktop Assessment and Scoping Report. The adopted assessment criteria have been determined in accordance with the applicable British Standard (BS 5228-1: 2014+A1 2019), and are based on an appraisal of the external noise levels at receptors. Account has therefore been taken of potential impacts at both external and internal areas of the associated properties, including the gardens of properties at North Farm.</p> <p>The Study Area for the noise assessment in the ES as detailed in section 11.6 Study Area of Chapter 11: Noise of the ES [APP-032] included potential impacts to North Farm. The assessment concluded that exceedances of the adopted daytime criteria would be expected to arise from worst-case activities at the compound e.g. when works are undertaken at the boundaries closest to the receptors, during bund construction for example. However, with the proposed mitigation measures in place and given that such periods would be of limited duration, resulting effects would be not significant. During typical daytime operations at the compound, exceedances of the criteria would not be expected resulting in effects that would be not significant.</p> <p>A desktop assessment and scoping exercise was carried out to include the extension of the Junction 67 compound into the additional land and was reported in the ES Addendum: Additional Land [REP4-058] within Appendix A – Desktop Assessment and Scoping Report. This assessment considered potential additional impacts associated with the use of the additional land for stockpiling. This assessment concluded that no significant effects relating directly to the additional land are anticipated over and above those identified</p>
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		in Section 11.10 of Chapter 11: Noise and Vibration of the ES [APP-032].
Provide confirmation of the position in relation to the revised drafting of Requirement 5, specifically how the drafting has taking account of the guidance in the Planning Practice Guidance regarding conditions requiring agreements.	Deadline 11 (17 July)	The Applicant has addressed this in its written submissions following the ISH.

Appendix B – Further CA Hearing Action Points
2:30PM Tuesday 14 July 2020

Action	Date due	Notes
Provide a written submission to confirm compliance with The Infrastructure Planning (Compulsory Acquisition) Regulations 2010.	Deadline 11 (17 July)	This has been addressed in the Applicant's written submission following the CA Hearing.
Provide drafting proposal in relation to the flexibility provided regarding the CNG filing station, including commentary.	Deadline 11 (17 July)	This has been addressed in the Applicant's written submission following the CA Hearing.
Consider an update to the CEMP to provide for prior notice to the relevant parties on the final selection of the engineering option.	Deadline 11 (17 July)	A new sentence has been added to the Outline Construction Environmental Management Plan (CEMP) [REP9-007 and 008], a revised version of which was submitted at Deadline 11, at paragraph 1.3.5 as follows: "The final selection of the engineering option for the replacement of Allerdene Bridge must be confirmed in the final CEMP".