

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.26 Applicant's Written Summaries of Oral Submissions to Hearings

Rule 8(1)(c)

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

May 2021

Infrastructure Planning

Planning Act 2008

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

**The A1 in Northumberland: Morpeth to
Ellingham**

Development Consent Order 20[xx]

**Applicant's Written summaries of Oral Submissions
to Hearings**

Rule Reference:	8(1)(c)
Planning Inspectorate Scheme Reference:	TR010059
Document Reference:	7.26
Author:	A1 in Northumberland: Morpeth to Ellingham Project Team, Highways England

Version	Date	Status of Version
Rev 0	May 2021	Deadline 6

CONTENTS

1 APPLICANT'S WRITTEN SUMMARIES OF ORAL SUBMISSIONS TO HEARINGS 1

1.1 INTRODUCTION 1

TABLES

Table 1-1 – Issue Specific Hearing 3 - Day 1 – Environmental Matters	2
Table 1-2 – Issue Specific Hearing 3 - Day 2 – Environmental Matters	15
Table 1-3 – Compulsory Acquisition Hearing 2	24
Table 1-4 – Further Questions for the Applicant Regarding the draft Development Consent Order	30

1 APPLICANT'S WRITTEN SUMMARIES OF ORAL SUBMISSIONS TO HEARINGS

1.1 INTRODUCTION

- 1.1.1. This document relates to an application for a Development Consent Order (DCO) made on 7 July 2020 by Highways England (the 'Applicant') to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act'). If made, the DCO would grant consent for the A1 in Northumberland: Morpeth to Ellingham (the 'Scheme').
- 1.1.2. The Scheme comprises two sections known as Part A: Morpeth to Felton (Part A) and Part B: Alnwick to Ellingham (Part B), a detailed description of which can be found in Chapter 2: The Scheme, Volume 1 of the Environmental Statement (ES) [APP-037].
- 1.1.3. The purpose of this document is to set out the Applicant's Written Summaries of the Oral Submissions made at the hearings in the week commencing 19 April 2021, including responses to action points set out in EV-054.
- 1.1.4. Table 1-4 provides responses to Further Questions for the Applicant Regarding the draft Development Consent Order [REP5-034 and 035].

Table 1-1 – Issue Specific Hearing 3 - Day 1 – Environmental Matters

Ref	Question to	Question	Applicant's Response
2. Change Requests – Outstanding Information (item 3 in published agenda)			
2.1	Applicant	Explain what is meant by hydraulic modelling and geomorphological information.	<ol style="list-style-type: none"> This response sets out the nature of hydraulic modelling and its particular relevance to works comprised in the Scheme: <ul style="list-style-type: none"> The relevant elements of the Change Request are those in the River Coquet valley, which result in there being structures in or near the river environment. Their construction may have a consequence for the performance of the river, which is why assessment is necessary. The hydraulic modelling focuses on the performance of the water, while the geomorphological assessment relates to the effects on the riverbed and geology resulting from any changes to the hydrology. The potential changes include effects on the flow, habitats, carrying of load (such as sediments) and turbulence, and may occur both upstream and downstream of the works as well as within the Order limits. The hydraulic modelling will show how the water flows through the three states being modelled, which are the baseline, the permanent works and the temporary works scenarios. The models used are 2D, and cover several kilometres above and below the crossing, with the banks and river represented in 2m cells which communicate with each other. The model uses Tuflow software, which is a widely accepted format. The findings of the hydraulic modelling will be presented in a single report and are one component of a suite of assessments carried out at the River Coquet. An assessment on the basis of Manning Calculations has already been provided to the ExA, as detailed in Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064]. As such, the hydraulic modelling is designed to confirm the assessments already before the ExA. This means that the existing assessments can be examined in the meantime. The performance of geomorphology and hydrology is also a pathway to understanding the exact effects of the temporary works and permanent river crossing and the impact this may have on other topics, such as ecology.
2.2	Applicant	Why was the hydraulic modelling not carried out as part of the submitted Scheme, and why is it required as part of the Change Request?	<ol style="list-style-type: none"> The requirement for the further modelling work exists because the Applicant continues to assess the design beyond the submission and the submitted scheme did not involve interventions in the River Coquet. The aspects of the Change Request which require the hydraulic modelling relate predominantly to the scour protection that is required following to ensure the longevity of the Scheme. The scour protection is expected to be required in order to protect bank stability works relating to the proposed River Coquet bridge. The stability works were comprised in the Change Request and hence the need for scour protection and consequently its modelling has arisen at this stage.
2.3	Applicant	The hydraulic modelling and the geomorphological information are two separate pieces of information. Please explain the timing of the reports and the interaction between them.	<ol style="list-style-type: none"> The confirmation comprised in the hydraulic modelling is the precursor to the confirmation of the other assessments, including the geomorphological assessment, which are currently supported by the Manning calculations before the Examination. The flow velocity, depth and sheer stress on the river bed informs the geomorphological assessment, as well as other assessments such as the flood risk assessment. The assessment work to be verified by the hydraulic modelling has already been undertaken. As a result, provided the Environment Agency confirm the modelling and the modelling verifies the existing assessments, no new assessments will be required – rather, the assessments already before the Examination will be confirmed.
2.4	Applicant	Please confirm the timetable and whether there has been any further	<ol style="list-style-type: none"> It was originally stated that the baseline model would be provided to the Environment Agency on 6 April 2021. A model of this nature requires processing power and time – the Tuflow software must steadily process the immense number of calculations in order to allow the model to perform.

Ref	Question to	Question	Applicant's Response
		slippage? How does the process evolve from here?	<p>3. When establishing a model, it is necessary to confirm that it is working accurately, and each run of the model takes several hours. During this process, there were a number of instances where the model did not run correctly, which impacted timings. Whilst this causes delay, it is not uncommon and does not suggest a fundamental problem with the model.</p> <p>4. As detailed in the Applicant's Response Deadline 5 and 5a Submissions (document reference: 7.24), the baseline model runs, and associated reporting were submitted to the Environment Agency on Monday 19 April. Submission of the Scheme model runs (i.e. for the temporary construction phase and the permanent operational phase) and associated Scheme model reporting are scheduled for submission week commencing 26 April.</p> <p>5. The Environment Agency is being very helpful and has supported the submission of data in tranches, for which the Applicant is most grateful. As a result, the Environment Agency will be able to make a representation to the examination at the by the time that representations regarding the hydraulic modelling are due.</p> <p>Post Hearing Note</p> <p>1. Following ISH3, the Scheme model runs (i.e. for the temporary construction phase and the permanent operational phase) were submitted to the Environment Agency on Tuesday 27 April. The associated Scheme model reporting was submitted on Thursday 29 April.</p> <p>2. As such, the full suite of information related to the hydraulic modelling has now been submitted to the Environment Agency, allowing the Environment Agency to commence their review of the baseline model on Tuesday 20 April and the temporary and permanent works models on Friday 30 April.</p>
2.5	Applicant	If the model does not verify the original assessments, or further flood risk assessment is required, how would this be addressed?	<p>1. Before considering potential measures to address any deviation, it is necessary to consider the risk profile – i.e. how likely it is that the modelling will not verify the assessment undertaken. This is a scientific and mathematical process, and the Applicant is advised by experts in hydrology and geomorphology. The Applicant has a high expectation as to concurrence between the existing assessments and the hydraulic model, in reliance on experts' professional opinions.</p> <p>2. In terms of addressing any deviation, even after the hearings there is sufficient time to examine any changes, but this is unlikely to be required.</p> <p>3. The flood risk assessment Part A [APP-253] and Part B [APP-311] and Addendum [REP1-067] are already before the examination and is being discussed with the Environment Agency. The Applicant does not consider that there are any material changes to the flood risk performance of the scheme. As such, it is not expected that the outcome of the assessment will change or that any substantive examination will be required.</p> <p>4. In response to EA's request for further explanation, the Applicant confirmed that the existing assessments can be found in the DL4 submissions and that a meeting with the Environment Agency had been arranged for 23 April 2021.</p> <p>Post Hearing Note</p> <p>1. As set out in the Summary of Proposed Changes to Application [AS-017], the flood risk assessment was scoped out as part of Change Request. For the Stabilisation Works, this was due to the minimal changes to the Scheme design next to the watercourse. For the Southern Access Works it was anticipated that these may increase flood levels during construction but would not significantly change the conclusions of the flood risk assessment presented in Appendix 10.1: Flood Risk Assessment Part A [APP-254] and Chapter 10: Road Drainage and the Water Environment Part A [APP-050] due to the distance between the Southern Access Works and the closest receptor and the mitigation already included. The Applicant's expectation is that the hydraulic modelling will confirm this position.</p> <p>2. However, at the request of the Environment Agency, an addendum to the FRA in relation to the Stabilisation Works and the Southern Access Works will be submitted at Deadline 7.</p> <p>3. Following completion of the modelling work and associated report on 29 April 2021, the Applicant can confirm that the hydraulic modelling supports the Mannings calculations underpinning the assessments currently before the ExA. As such, it is not envisaged that substantive changes to the findings or conclusions of Appendix 10.1: Flood Risk Assessment Part A [APP-254] or the geomorphology assessments reported in Environmental Statement Addendum:</p>

Ref	Question to	Question	Applicant's Response
			Stabilisation Works for Change Request [REP4-063] and Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064] will be required, although the position will be confirmed in full at Deadline 7.
3. Water Environment (item 2 in published agenda)			
3.1	Applicant	Please summarise the purpose of the updated culvert mitigation strategy, how the measures have been identified and the type of environment proposed to be provided.	<p>1. The Culvert Mitigation Strategy [REP5-022] has been developed to provide a clear and concise summary of the impacts and mitigation proposed in various assessments to aid the Environment Agency's review of the Scheme. It is required as the widening of the existing A1 requires culverts to be lengthened, while the offline section requires the creation of new culverts.</p> <p>2. The objective behind the culvert mitigation strategy is that there should be no worsening, and in some cases improvement, to the passage below the new and existing A1 alignment. The measures set out in the culvert mitigation strategy achieve that objective. Whereas the objective may not be met in every case, this is considered in the various assessments.</p> <p><u>Post Hearing Note:</u></p> <ol style="list-style-type: none"> 1. The measures outlined in the Culvert Mitigation Strategy [REP5-022] (which outlines which channels / location these measures will be incorporated within) include: 2. Enhancements to the channels that have been proposed, through riparian planting (riparian woodland and understory improvements) up and downstream of the Scheme; 3. Realigned watercourses that are to be designed to be better than the reaches that are lost; and 4. Baffles and natural beds that are to be incorporated within the culverts were feasible. 5. The measures have been identified in accordance with the methodologies and protocols in the supporting reports: <ul style="list-style-type: none"> • Biodiversity No Net Loss Assessment for the Scheme [REP2-009] • Annex A - Approach to the Assessment of Losses and Gains of Watercourses [REP2-010] • Chapter 10: Road Drainage and the Water Environment Part A [APP-050] • Appendix 10.2 Water Framework Directive Assessment Part A [APP-255] • Appendix 10.2: Water Framework Directive Assessment - Part B [APP-312]
3.2	Applicant	With reference to the Culvert Mitigation Strategy [REP5-022], please explain the changes made since the previous iteration?	<ol style="list-style-type: none"> 1. The reason for the changes was to inform ongoing discussions with the Environment Agency and aid interpretation of the document. 2. The key changes related to colouring in the table comprised in the document, inclusion of commentary on the proposed natural bed and its depth, and the removal of the references to marginal planting. 3. In relation to the colouring and in order to assist the reader: <ul style="list-style-type: none"> – Watercourses with no water flow are shaded yellow; – Watercourses with running water are shaded green; – Watercourses with no changes are shaded grey; and – Blue shading indicates the provision of baffles to aid fish movement. 4. The characteristics of each watercourse and size of upstream catchments means that some watercourses are more substantial than others. In particular, some of the watercourses are field drainage ditches (typically ephemeral) and only have water when it rains. Therefore, they are unable to support the same level of biodiversity as more significant water features. As a result, not all watercourses were included in the biodiversity assessment. <p><u>Post Hearing Note:</u></p>

Ref	Question to	Question	Applicant's Response
			<ol style="list-style-type: none"> The Culvert Mitigation Strategy includes all water channels (watercourses, ephemeral watercourses and ditches) that are assessed as part of the WFD assessment. For the purpose of the biodiversity assessment in relation to impacts to habitat, the term "watercourse" has been applied using established methodologies and typologies. The term is used to represent (and is synonymous with) a habitat with running water (habitat code G2) (as per paragraph 1.1.1, Annex A Approach to the Assessment of Losses and Gains of Watercourses [REP2-010]), which represents a Habitat of Principal Importance (HPI). These habitats are highlighted within the Culvert Mitigation Strategy in green. As detailed in the Applicant's response to Deadline 4 Submissions [REP5-029] (Table 1-4, Ref. No. 1), all habitats were classified and mapped following standard Phase 1 habitat survey methodology (Joint Nature Conservation Committee (JNCC) Phase 1 Handbook) following a Phase 1 habitat survey. In contrast, those habitats mapped as standing water (habitat code G1) or ditches (habitat code J2.6) are not included within the term "watercourse" within the biodiversity assessment. This accords with the definition for ditch (J2.6) of the JNCC Phase 1 Handbook, "<i>only ditches which appear to be dry for most of the year should be included in this category. Wet ditches are mapped as standing water (G1) or possibly swamp (F1).</i>" The status of running water or ditches has not only been verified during the Phase 1 habitat surveys, but also been verified during other surveys, such as aquatic and otter/water vole surveys.
3.3	Applicant	In relation to biodiversity value, what were the assumptions and how was the classification made?	<ol style="list-style-type: none"> The biodiversity assessment in relation to habitats is informed by field surveys of all habitats across the Scheme, including the various watercourses and channels. In terms of classifications, the channels were identified during a Phase 1 habitat survey and classified in accordance with the JNCC Phase 1 Handbook. In relation to channels, this classification process includes both running water (also referred to as "watercourse") and ditch habitats (the definition of these habitats is presented above in the response at 3.2). These are different habitats and were considered as such within the biodiversity assessment in relation to loss of habitat. The status of running water or ditches has not only been verified during the Phase 1 habitat surveys, but also been verified during other surveys, such as aquatic and otter/water vole surveys. The status of the channels was not determined as a result of assumption.
3.4	Applicant	Please would the Applicant comment on the Environment Agency's oral submissions in relation to addressing the loss of watercourse through culverting?	<ol style="list-style-type: none"> There are a number of statements on which the Applicant is still waiting for information from the EA. The WFD assessment undertaken identifies that the Scheme is not affecting the WFD status of any watercourse. Since the Scheme is not affecting the WFD class, there is no requirement for compensation under the WFD. It is not the Applicant's responsibility to improve other watercourses outside the Order limits. The requirement is to mitigate (or where that is not possible to provide compensation for) the impacts of the Scheme. In relation to the biodiversity assessment, the key consideration is the impact of the Scheme as assessed. The position of the Applicant is that the measures identified are sufficient to mitigate and/or offset the assessed impacts. In addition, in certain instances the Scheme is providing improvement, such as through the provision of baffles in culverts where there is no other impact as a result of the Scheme, including Longdike Burn culvert 10.1. The Applicant will continue dialogue with the Environment Agency, which will require the Environment Agency to specify the perceived impacts which their proposed additional measures would be seeking to address. <p>Post Hearing Action - Environment Agency and the Applicant to provide Position Statement on compensation and mitigation for the loss of watercourses and culverts.</p> <ol style="list-style-type: none"> Discussions between the Applicant and the Environment Agency are ongoing, with meetings held most recently on 23 and 30 April 2021. While discussions as to compensation and mitigation for the loss of watercourse and culverts are underway, an agreed Position Statement has not yet been concluded. Further updates as to progress on this matter will be provided in the draft statement of common ground submitted at Deadline 8 In the meantime, the Applicant has summarised its position in relation to the compensation and mitigation for the loss of watercourses and culverts below.

Ref	Question to	Question	Applicant's Response																														
			<p><u>Water Framework Directive</u></p> <ol style="list-style-type: none"> As set out in the Water Framework Directive Assessment Part A [APP-255] and Part B [APP-312], the loss of watercourses as a result of the Scheme is minimal in Water Framework Directive (WFD) terms when the nature of the watercourses (in terms of permanent flows, magnitude of the Q₉₅ flows, location in the very upper reaches of the catchment) is considered. The information on a watercourse by watercourse basis is summarised within the Culvert Mitigation Strategy [REP5-022] and fully detailed within the Water Framework Directive Assessment Part A [APP-255] and Part B [APP-312]. This has been combined with the lengths of water channels within each catchment (as detailed on the OS 1:10,000 mapping for the smaller water channels and the OS Open Rivers dataset for the larger rivers) to demonstrate that the Scheme will have the following negligible impacts on the WFD designated water bodies: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WFD Catchment</th> <th style="text-align: right;">Total Increase in Culvert Length</th> <th style="text-align: right;">Total length of watercourse in designated WFD catchment</th> </tr> </thead> <tbody> <tr> <td colspan="3"><i>Part A</i></td> </tr> <tr> <td>Wansbeck from Font to Bothal Burn</td> <td style="text-align: right;">13m</td> <td style="text-align: right;">35,700m</td> </tr> <tr> <td>Lyne from Source to Tidal Limit</td> <td style="text-align: right;">231.5m</td> <td style="text-align: right;">93,700m</td> </tr> <tr> <td>Longdike Burn catchment (tributary of Coquet)</td> <td style="text-align: right;">79.2m plus additional 34.2m of bridge</td> <td style="text-align: right;">63,800m</td> </tr> <tr> <td>Coquet from forest burn to tidal limit</td> <td style="text-align: right;">20m</td> <td style="text-align: right;">120,800m</td> </tr> <tr> <td colspan="3"><i>Part B</i></td> </tr> <tr> <td>Aln from Edlingham Burn to Tidal Limit</td> <td style="text-align: right;">77.85m</td> <td style="text-align: right;">71,400m</td> </tr> <tr> <td>Embleton Burn form Source to N Sea</td> <td style="text-align: right;">92.3m</td> <td style="text-align: right;">29,400m</td> </tr> <tr> <td>Brunton burn from Source to N Sea</td> <td style="text-align: right;">27.65m</td> <td style="text-align: right;">31,400m</td> </tr> </tbody> </table> <ol style="list-style-type: none"> Given the very small proportion of affected channel (and bearing in mind this states unmitigated impacts), it is very clear that the Scheme will not cause a deterioration in the overall waterbody status for any waterbody, nor will it prevent the designated waterbodies from achieving their WFD objectives. As such, it is plain that there is no requirement for compensation under the WFD. <p><u>Biodiversity Assessment in Relation to Impacts to Habitat</u></p>	WFD Catchment	Total Increase in Culvert Length	Total length of watercourse in designated WFD catchment	<i>Part A</i>			Wansbeck from Font to Bothal Burn	13m	35,700m	Lyne from Source to Tidal Limit	231.5m	93,700m	Longdike Burn catchment (tributary of Coquet)	79.2m plus additional 34.2m of bridge	63,800m	Coquet from forest burn to tidal limit	20m	120,800m	<i>Part B</i>			Aln from Edlingham Burn to Tidal Limit	77.85m	71,400m	Embleton Burn form Source to N Sea	92.3m	29,400m	Brunton burn from Source to N Sea	27.65m	31,400m
WFD Catchment	Total Increase in Culvert Length	Total length of watercourse in designated WFD catchment																															
<i>Part A</i>																																	
Wansbeck from Font to Bothal Burn	13m	35,700m																															
Lyne from Source to Tidal Limit	231.5m	93,700m																															
Longdike Burn catchment (tributary of Coquet)	79.2m plus additional 34.2m of bridge	63,800m																															
Coquet from forest burn to tidal limit	20m	120,800m																															
<i>Part B</i>																																	
Aln from Edlingham Burn to Tidal Limit	77.85m	71,400m																															
Embleton Burn form Source to N Sea	92.3m	29,400m																															
Brunton burn from Source to N Sea	27.65m	31,400m																															

Ref	Question to	Question	Applicant's Response
			<ol style="list-style-type: none"> 1. The Applicant agrees with the Environment Agency that the loss of watercourses as a result of the Scheme cannot be directly replaced with new watercourses, as a source of water is required, which is not practical as part of the Scheme. 2. The Applicant's position is that it has incorporated appropriate measures to compensate / mitigate / offset the assessed loss of watercourses as a result of the Scheme. These include, natural beds in culverts (giving due consideration to the importance of the incorporation of these against, watercourse disruption during construction, embodied carbon and presence of species which would benefit from a natural bed), riparian planting, fish baffles and channel enhancement. This is detailed within the Culvert Mitigation Strategy [REP5-022]. Furthermore, the Applicant has previously agreed the approach and design of the culverts with the Environment Agency for Part A, as set out in the SoCG [REP5-017]. 3. The Applicant considers that the Environment Agency's view that the existing operational infrastructure comprised in the A1 trunk road should be mitigated for is not correct, as there is no loss of watercourse associated with the presence of the existing as a result of the Scheme. A1 The impact has already been experienced and the mitigation, etc. proposed by the Applicant is designed to affect the additional impacts resulting from the Scheme. 4. In their Deadline 5 response [REP5-044] the Environment Agency outlined that the culverting and loss of watercourses as a result of the Scheme could be offset / compensated outside of the DCO boundaries, this remains under discussion. A further meeting with the Environment Agency is scheduled for 7 May 2021 to discuss this matter.
3.5	Applicant	<p>In Comments on responses submitted for Deadline 4, Responses to ExQ2, Response to the Rule 17 request dated 30 March 2021 and Position Statement [REP5-044], the Environment Agency states that their proposals follow industry best practice and the river restoration design manual. What is the status of this manual?</p>	<ol style="list-style-type: none"> 1. The WFD assessment already shows how the Applicant is improving watercourses over and above the current provision. 2. The river restoration design manual deals with works which are beyond the scope of the Scheme and are not required to address the impacts of the Scheme, such as meandering, which is not possible within the Order limits. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. The Applicant has undertaken designs as detailed within the Water Framework Directive Assessment [APP-255 and APP-312] which are sufficient to demonstrate feasibility of channel improvements (when compared to the baseline) of the channel alignment at this stage. The realigned channel designs will be developed further during detailed design, drawing upon best practice techniques such as the River Restoration Manual, as appropriate. These measures are secured in the Outline CEMP [REP5-012 and 013] (and as updated at Deadline 6) including measure EXA S-W100. 2. In particular, many of the techniques outlined within River Restoration Manual are for more substantial watercourses and their restoration, as opposed to small minor watercourse / field drainage ditch realignment, particularly where such channels do not contain water. 3. Therefore, the magnitude of the design requirements requested by the Environment Agency are not appropriate for all watercourses.
3.6	Applicant	<p>Please comment on the Environment Agency's oral submission to the effect that the Applicant is only providing best practice and that mitigation and compensation are required?</p>	<ol style="list-style-type: none"> 1. The Applicant has carried out both a WFD assessment and an EIA to identify the impacts of the Scheme. It has then determined whether mitigation or compensation is required and secured this in DCO and CEMP as appropriate, in accordance with best practice. Best practice is not an alternative or mutually exclusive to mitigation and compensation. 2. The Environment Agency is asking for further compensation outside the Order limits, and has referred to Shipperton Burn, Long Dyke Burn and the River Lyne as particular areas of concern, in terms of depth of natural bed in the culverts. The Environment Agency have referred to the Shipperton Burn, Kittycarter Burn and tributary of Fenrother Burn as examples of where the realigned channels could be enhanced. Both of these concerns are being addressed through on-going discussions with the Environment Agency with the current positions detailed in the Applicants response submitted at Deadline 6 to the Environment Agency's Deadline 5 submission [REP5-044], the key points are 126, 130, 151, 152 and 156 of [REP5-044].

Ref	Question to	Question	Applicant's Response
			3. The Applicant is grateful for the Environment Agency's confirmation that they do not have an objection in principle to the Scheme.
3.7	Applicant	<p>How do the most recent changes to the Outline CEMP [REP4-014] address matters of road drainage?</p> <p>Is the Applicant satisfied that the REAC address the comments raised by the EA and are there any other documents expected to be updated also?</p>	<p>1. The Environment Agency's concerns related to road drainage on the temporary drainage aspects. A full response will be provided in writing (see post-hearing note below).</p> <p><u>Post Hearing Note</u></p> <p>1. The changes made to the Outline CEMP [REP5-012 and 013] submitted at Deadline 5 to address matters of road drainage in response to the Environment Agency's Deadline 4 submissions [REP4-076] and were <i>to confirm that "the CEMP will be approved by the Secretary of State following consultation with Northumberland County Council and other relevant bodies comprising the Environment Agency, Natural England and Historic England, to the extent that it relates to matters relevant to its function."</i> The other requests were considered to be premature given that the Applicant remains in discussions with the Environment Agency over the approach to compensation.</p> <p>2. The approach to mitigation / compensation remains under discussion and Table 3-1 - Register of Environmental Actions and Commitments: The Scheme of the Outline CEMP [REP5-012 and 013] (and as updated at Deadline 6), has been updated for this deadline to incorporate details on the riparian planting (EXA S-W100) and culvert design, including natural beds (S-W6) to supplement the existing information in A-W2, A-W13 and S-W1 which was previously included. This information will be updated at the appropriate stage of the discussions, noting that the most recent meeting was held on 30 April and a further meeting arranged for 7 May 2021.</p>
3.8	Applicant	<p>Does the Applicant wish to comment on the timescale and radius of survey/review of records for otter, in response to the oral submissions from the Environment Agency and Northumberland County Council?</p>	<p>1. The discussions regarding otter relate to Part B only.</p> <p>2. The Environment Agency's confirmation that the survey approach is appropriate and based upon the relevant guidance is welcomed. For the avoidance of doubt, the relevant guidance is Chanin P (2003). Monitoring the Otter <i>Lutra lutra</i>. Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough.</p> <p>3. However, the Applicant is being requested to go beyond the guidance and the generally accepted approach to surveys. The Applicant should be held to generally accepted standards, as opposed to arbitrarily imposed standards not supported by the relevant guidance.</p> <p>4. For Part B, the Scheme upgrades the existing A1. As a result, the existing A1 Trunk Road represents the existing situation and it is not materially worsened by the Scheme. In this light, the survey approach is appropriate, as are the proposed interventions. There will be continued passage for otter (should they be present, contrary to the evidence) across the Scheme and the Applicant's position is that it does not need to go further.</p> <p>5. In accordance with the guidance, as part of the assessment of otter for Part B, a desk study was undertaken and historic records were consulted, which showed the last known otter record as being in 2015, 1 km from Part B. The most recent otter casualty on the A1 within the Order limits of Part B dates back to 2011, 10 years ago. The Applicant carried out a number of otter surveys across Part B in 2016, 2017, 2018 and 2019, which were undertaken in accordance with best practice. The surveys did not record any evidence of otter presence within the Order limits and Survey Area.</p> <p>6. The Applicant does not accept that the Scheme causes a material deterioration in connectivity, but has offered to provide monitoring so as to be aware if action required were to be required in the future.</p> <p><u>Post Hearing Note:</u></p> <p>1. The Environment Agency referenced two records of otter close to the 2km boundary radius Part B that were not present within the Applicant's data set (from 2016 and 2017). The Applicant has requested these records from the Environment Agency for review. However, the Environment Agency have informed that whilst they have access to records held by the local records centre (Environmental Records Information Centre (ERIC) North East), the records centre owns the data and therefore the Environment Agency are unable to share the data. The Applicant has</p>

Ref	Question to	Question	Applicant's Response
			<p>contacted ERIC North East to request an updated data set or verification of the two records that the Environment Agency have referenced.</p> <ol style="list-style-type: none"> Should this information become available, the Applicant will consider it, but notes the information would not be within the data that it is obliged to consider in line with guidance.
3.9	Applicant	If otter were found to be present, what is the scope to address this?	<ol style="list-style-type: none"> Any intervention would have to be determined at the point that otter were detected, on an adaptive basis in response to the findings of the monitoring. Critically, the position as it stands is that there is an absence of field survey data or historic data.
3.10	Applicant	Please explain why Highways England considers that there is no data present, in light of Northumberland County Council's oral submission to the effect that the presence of otter is assumed for planning applications?	<ol style="list-style-type: none"> The Environment Agency has confirmed that the survey and methodologies are compliant with the relevant guidance. The compliant surveys should not be set aside on the ground of assumption applied arbitrarily. The available data relating to otter casualties on the A1 within Part B is 10 years old or more and the nearest record is 1km from Part B. The Northumberland County Council approach is not scientific and is applied entirely arbitrarily. This is not a case of an absence of data, requiring an assumption. Rather, the surveys carried out point to a likely absence of otter. While Northumberland County Council's general approach may be that they do not require a survey, as they assume otter to be present, the Applicant has carried out surveys and no evidence of otter presence was recorded. So far as the Applicant is aware, Northumberland County Council does not have a published policy that otter should be assumed to be present and did not respond to scoping submissions that surveys were unnecessary as such an assumption should be made. It is not reasonable to impose a policy-based assumption of this nature on this basis, especially when the Applicant has carried out assessment in a suitable manner. The records from 2016 and 2017 were absent from the data search obtained by the Applicant. <p>Post Hearing Action - Environment Agency, Northumberland County Council and Applicant to provide Position Statement in relation to the presence of Otter</p> <ol style="list-style-type: none"> Following a call on 30 April 2021 and further evidence provided by the Environment Agency during that call, the Applicant is considering proposals provided by the EA. The Applicant continues to discuss this matter with EA. The Applicant has produced a position statement with regard to the assessment of otter; Appendix F: Otter Position Statement.
3.11	Applicant	How does the proposed planting shown on Written Summaries of the Applicant's Oral Submissions to Hearings: Appendix F – Proposed Woodland and Marginal Planting Plan (Part A and B) [REP4-031] address impacts to watercourses?	<ol style="list-style-type: none"> Written Summaries of the Applicant's Oral Submissions to Hearings: Appendix F – Proposed Woodland and Marginal Planting Plan (Part A and B) [REP4-031] show marginal planting, which relates to the impacts due to the loss of watercourse habitat. The Scheme achieves the maximum mitigation appropriate and, as such, additional compensation measures are not required. Therefore, the marginal planting is not to be considered in the manner of compensation, which is sufficiently provided through improved channels, replacement of wood baffles and bank improvements. However, there are proposals for provision of riparian woodland, which is a benefit of the Scheme to be weighed in the planning balance. In previous discussions with Environment Agency, it was highlighted that provision of blocks of trees was preferable to isolated trees. As such, Written Summaries of the Applicant's Oral Submissions to Hearings: Appendix F – Proposed Woodland and Marginal Planting Plan (Part A and B) [REP4-031] shows trees forming part of the wider area. This means the trees can be better managed in the longer term, and the blocks of trees will provide riverbank stability and shading. The species mix for planting of such blocks of trees would be identified at detailed design and would include species appropriate for waterlogged environments. It is these characteristics which make the proposed planting suitable to offset the watercourse impacts. This is secured by the Outline CEMP [REP5-012 and 013] (and as updated at Deadline 6) measure EXA S-W100.

Ref	Question to	Question	Applicant's Response
3.12	Applicant	Northumberland County Council's oral submission regarding consultation in relation to culvert sizing and road drainage.	<ol style="list-style-type: none"> Northumberland County Council is a consultee in the preparation of the final CEMP, and that is the point at which they would be engaged on points of culvert sizing and road drainage. This is secured by paragraph 1.1.8 in the Outline CEMP [REP5-012 and 013] (and as updated at Deadline 6) states that "The CEMP will be approved by the Secretary of State following consultation with Northumberland County Council and the Environment Agency, to the extent that it relates to matters relevant to its function." This reflects Requirement 4(1) of Schedule 2 to the dDCO [REP5-034 and 035] updated at Deadline 6.
4. Biodiversity, ecology and the natural environment			
4.1	Applicant	Please summarise the outstanding matters between the Environment Agency and the Applicant in relation to the Biodiversity No Net Loss (BNNL) Assessment and identify the prospects of resolution.	<ol style="list-style-type: none"> As a Nationally Significant Infrastructure Project (NSIP), there is not a requirement for the Scheme to achieve biodiversity no net loss (BNNL) or net gain (BNG). The Environment Bill will apply to applications under the Town and Country Planning Act 1990, not the Planning Act 2008. This is agreed with the Environment Agency. The inclusion of a BNNL Assessment for the Scheme is as a result of the Applicant's internal requirements, which consider no net loss across the organisation rather than on a scheme by scheme basis. All parties are agreed that there is not a legal or policy requirement to demonstrate BNNL, but the Environment Agency is concerned as to biodiversity effects on otter and watercourses.
4.2	Applicant	<p>Please outline the current position between Natural England and the Applicant in relation to the air quality impacts of the Scheme on the River Coquet and Coquet Valley Woodlands SSSI.</p> <p>Please provide an update on the timescale for resolving this and the steps to resolve the issue locally, if agreement at a national level is not reached within time.</p>	<ol style="list-style-type: none"> National level discussions are ongoing between Highways England and Natural England regarding LA 105. The relevant impacts of the Scheme have been assessed in accordance with the methodologies set out in LA 105 and LA 108, which in turn are in compliance with the relevant legislation and industry best practice, as well as having been produced in consultation with Natural England. The Applicant's understanding of Natural England's position is that, at a local level, the measures to render the Scheme acceptable to Natural England are capable of being agreed. A meeting between the Applicant and Natural England to discuss the air quality impacts of the Scheme is being arranged (week commencing 3 or 10 May), and the outcomes of this meeting will be captured in the draft statement of common ground to be submitted at Deadline 7 or 8 (depending on the date of the meeting). The matter is before the examination because LA 105 and LA 108 were introduced more recently. For the River Coquet and Coquet Valley Woodlands SSSI, the assessment was carried out in accordance with LA105 and LA 108 and identifies that there would not be a significant effect. In the Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010], there are four receptors with significant effects: Borough Wood Local Nature Reserve (LNR) and Ancient Woodland (considered as a single receptor as the impacted areas are the same), Well Wood Ancient Woodland and two veteran trees. Discussions are ongoing with both Natural England and Northumberland County Council. <p>Post Hearing Note:</p> <ol style="list-style-type: none"> The Applicant is awaiting a response from the Countryside, Parks and Green Spaces team at NCC in order to progress discussions further.
5. Landscape and Visual Impacts			
5.1	Applicant	The draft statement of common ground between Northumberland County Council and the Applicant [REP5-015] states that the methodology for landscape and	<ol style="list-style-type: none"> The Applicant and Northumberland County Council have agreed that IAN 135/10 provides a suitable vehicle for the identification of significant effects and the principles of assessment are broadly the same. The critical point is that all potential significant effects have been identified and nothing has been omitted, including in the sensitivity test. The latest position will be recorded in the draft statement of common ground to be submitted at Deadline 6, along with an update as to the appropriateness of the mitigation measures and tree protection measures under BS2012 – Trees in construction.

Ref	Question to	Question	Applicant's Response
		visual impacts has not been agreed. Please provide an update.	<p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. An updated draft SoCG with NCC has been submitted at Deadline 6.
5.2	Applicant	Please comment on Mr Hawes' concerns regarding the timing of the visual assessment.	<ol style="list-style-type: none"> 1. The visual assessment took account of the proposed noise barrier (PNB1), as it was included as a visual impact on a worst case basis, even though its provision was not confirmed at the time of the visual assessment. This is identified in Table 7-1 - Residential Visual Effects Schedule (VES) - Receptor 98 Northgate Farm of Appendix 7.3 Residential Visual Effects Schedule – Part A [APP-218]. 2. In relation to vegetation, it is the correct approach to conduct the assessment on the basis of the baseline conditions, with the assumption that the planting will mature. The degree of change is assessed, based on magnitude. 3. The management of Mr Hawes' existing planting is outside the scope of the Scheme. Mr Hawes is, of course, able to maintain his own planting.
5.3	Applicant	In relation to visual effects, what is the rating given to the noise barrier, how is this assessed and are there any variations in the noise barriers assessed?	<ol style="list-style-type: none"> 1. For Receptor 98 (North Gate Farm), the noise barrier was referenced in R98 of Appendix 7.3 Residential Visual Effects Schedule Part A [APP-218] and was included in the assessment. 2. With regard to the degree / magnitude of change, the assessment was carried out from the footpath on the existing A1 outside the property as, in accordance with paragraph 2.11 of IAN 135/10 Landscape and Visual Effects Assessment – provided as document ref [REP5-025], assessors do not typically access private land. 3. There is a strong block of planting on the western boundary of the existing A1 to the west of the property, which screens the A1. The noise barrier is a new visual feature but would also provide a degree of visual screening of the Scheme. With the combined effect of the noise barrier and the vegetation to the north side of the boundary, there would not be close quarter views from North Gate Farm of the A1, due to the visual screen provided by the noise barrier in combination with the fence and planting.
5.4	Applicant	What consideration was given to the length of the noise barrier, and how has this determined the inclusion and length of the barrier, both from the perspective of acoustic performance and visual screening?	<ol style="list-style-type: none"> 1. From a visual perspective, if one was to stand on the northern elevation, the planting provides screening of the A1. When viewed obliquely, the vegetation provides screening due to the layers of planting. As a result, there is no requirement to extend the barrier beyond the length dictated by the assessment of noise impacts. 2. The length of noise barriers is calculated on the basis of the effect in attenuating noise and value for money, as effects which are not predicted do not need to be mitigated and public money should not be expended unnecessarily. This results in a suitable noise barrier for predicted impacts of the Scheme. Having established this, the Applicant then considers visual impact. 3. The Applicant has been in consultation with Mr Hawes since before the application was submitted, and discussions are ongoing. 4. The Applicant agreed to provide a further written response. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. In assessing the visual effect of the Scheme on the occupants of Northgate Farm the Applicant has considered the effect from the primary elevation, which in this case is the north facing elevation of the property, and within which the most noticeable changes will arise. Views to the east from the property appear from aerial imagery to be heavily vegetated and as such it is expected that for the most part these would already be substantially screened, and only from within the garden space itself would substantive views of the PMA be experienced. As such, and in assessing the worst case scenario, the Applicant has considered the view from the northern elevation of the property. 2. The worst case scenario is used to determine the magnitude and significance of effect at the location of receptors at Northgate Farm. 3. The purpose of the proposed noise barrier (PNB1) at Northgate Farm is twofold: <ul style="list-style-type: none"> – To mitigate the significant adverse operational road traffic noise effect that is predicted at Northgate Farm, as identified in Table 1-30 of the Noise Addendum [REP1-019]; and

Ref	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> - To provide enhancement (minimising operational road traffic noise levels) at other receptors in the area in line with the requirements of the Noise Policy Statement for England (2010) (NPSE). 3. The approach taken for this assessment is that in line with the NPSE, operational noise enhancement measures should be value for money (i.e. the monetised benefits of the enhancement measure in terms of noise level reduction outweigh the cost). 4. The proposed noise barrier is effective in mitigating the significant adverse effect predicted at Northgate Farm (such that it would not be significant) and it also provides meaningful noise benefits to other receptors in the area whilst being value for money. It is therefore considered that the proposed barrier is appropriate. 5. In accordance with DMRB LA 111 Noise and vibration, for the operational road traffic noise assessment, noise level changes are predicted at noise-sensitive buildings. These noise level changes are then used, along with additional contextual factors, to determine the significance of effect at a particular receptor. Mr Hawes has previously proposed that the barrier should be extended to provide further protection to the garden area of Northgate Farm. Whilst DMRB LA 111 does not direct that a specific noise assessment be made within private garden areas and provides no guidance as to how any such assessment might be undertaken, the predicted noise level changes, not including the benefits from PNB1, are shown in the Noise Addendum Figures. Figure 4. Short-term Noise Level Change – Part A within Noise Addendum Appendix D Part 1 [REP1-021] shows that the noise level changes in the garden of Northgate Farm are of no greater than minor magnitude based on the magnitude of change scale presented in DMRB LA 111. In the long-term (Figure 5. Long-term Noise Level Change – Part A within Noise Addendum Appendix D Part 1 [REP1-021]) the noise level changes are predominantly of negligible magnitude within the garden. 6. Therefore, the noise level changes, and absolute noise levels predicted within the majority of the Northgate Farm garden, set back from the A1 are not of such magnitude that they would be considered significant had they been predicted at the façade of a noise sensitive building. 7. In summary, the barrier, in its current length, is effective in mitigating the significant adverse effect at Northgate Farm (such that it would not be significant), whilst also providing meaningful noise benefits to other receptors in the area and being value for money. It is therefore considered that the proposed barrier is appropriate.
5.5	Applicant	Please would the Applicant respond to Mr Hawes' concerns regarding visual impact and the effectiveness of the screening.	<ol style="list-style-type: none"> 1. The representative view approach is appropriate, given the Applicant cannot access private property (in accordance with the approach set out in IAN 135/10 Landscape and Visual Effects Assessment, provided as document [REP5-025]). 2. The assessment of visual effect is undertaken from public locations and assesses private views within the Zone of Visual Influence. The primary view from Mr Hawes' property is the view towards the Scheme, as this is where the greatest visual impacts would arise. For this reason, this was the representative view selected for the visual assessment.
5.6	Applicant	How was the view from the area of Mr Hawes' property not accessible from the public domain assessed?	<ol style="list-style-type: none"> 1. The assessment from the footpath on the existing A1 outside the property was carried out on the basis that the relevant line of sight provides a two-way view and relies on professional judgement. 2. This is the same approach used for all assessment locations and represents the reasonable worst case scenario, given the view towards the Scheme is where the greatest visual impacts would arise. 3. For the purposes of the assessment, the occupier of the house is the receptor, not the garden. In relation to Mr Hawes' property, the garden which sits to the east and is not visible from the A1. As a result, the assessed view is taken from the northern elevation. This includes the portion of the Private Means of Access (PMA) to the north of the property. 4. In accordance with IAN 135/10 Landscape and Visual Effects Assessment, provided as document [REP5-025], receptors are ranked such that they have differing relative importance for the purpose of visual impacts. The most important receptors are publicly accessible areas, followed by PRoW, major traffic routes and then residential properties. As residential properties are relatively low in the order of assessment, the standard methodology dictates that the façade of the building is used as the point of assessments. Further, while IAN 135/10 Landscape and Visual

Ref	Question to	Question	Applicant's Response
			Effects Assessment, provided as document [REP5-025] provides that residential receptors are to be considered highly sensitive, this designation does not apply to garden spaces.
5.7	Applicant	For visual effects, what is the degree of change reported in the ES?	<ol style="list-style-type: none"> 1. The visual assessment considers the occupants of the property, to reflect the views from the window, as opposed to the garden space. This is the standard methodological approach under IAN 135/10 Landscape and Visual Effects Assessment, provided as document [REP5-025]. 2. In relation to the assessment for Mr Hawes' property, the north elevation was the selected viewpoint, so as to provide a reasonable worst case assessment. The assessment took account of the current views of the A1 and, following construction of the Scheme, the noise barrier, the northern element of the PMA and the vegetation loss. These aspects form the main components of change to the view from the property. 3. The eastern element of the PMA does not form part of the assessment, as it does not form part of the view selected in accordance with the assessment methodology. Any change experienced in views in that orientation would be less significant and hence the view from the selected viewpoint represents the high-water mark of impacts to the receptor. 4. This is appropriate because, for a given receptor, there is a representative view. For this property, the greatest element of change is to the north. As such, even if the property were to be assessed from every angle, no other effect would be greater than that to the north. This is the nature of a reasonable worst case assessment. 5. The next question relates to the suitability of mitigation in relation to the PMA, not the location the assessment has taken place from. 6. In assessing the visual effect on the occupants of Northgate Farm the Applicant has considered the effect from the primary elevation, which in this case is identified as the north facing elevation of the property, and within which the most noticeable changes (the proposed noise barrier, modifications to northern boundary and new access for the PMA) will arise. The assessment has not assessed the effect on the garden space to the east of the property as, in line with the established DMRB methodology, access was not sought. 7. This did place a limitation on the assessment as there were no public vantage points from which this side of Northgate Farm could be viewed, and the assessment from public vantage points is identified as such in paragraph 7.5.2 of Chapter 7: Landscape and visual Part A [APP-044]. However, such a limitation is commonplace in assessments undertaken in relation to projects and the expert evidence of experienced landscape architects such as WSP's Mr Andy Williams is used to address this. That is why the assessment remains reliable. 8. In any event, the Applicant has proposed to provide a boundary hedge along the eastern and northern boundary to the garden space in order to screen views of the PMA, and this is identified on Landscape Mitigation Masterplan Part A for Change Request [REP4-060].
5.8	Applicant	In their representation [REP5-049], the Woodland Trust note the number of ancient or veteran trees lost, ask why it has not been possible to avoid the loss and request details as to the proposed mitigation. Please comment.	<ol style="list-style-type: none"> 1. In terms of seeking to avoid the veteran trees and ancient woodland, Chapter 3: Assessment of Alternatives of the ES [APP-038] details how the route alignments were determined. This assessment identified that it is only by diverting the road by a great extent that all such woodland or trees could be avoided, which would not be proportionate. 2. Six trees have been raised by Woodland Trust: <ul style="list-style-type: none"> - T91 – Veteran Ash - T494 – Veteran Oak - T682 – Veteran Ash - T685 – Veteran Sycamore - T688 – Veteran Oak - T690 – Ancient Oak 3. The Arboricultural Report Part A [APP-220] assumed a worst-case scenario, such that all six trees identified by the Woodland Trust would be removed as a result of the construction of the Scheme. The Applicant agreed to provide a detailed updated in writing.

Ref	Question to	Question	Applicant's Response
			<p>Post Hearing Note</p> <ol style="list-style-type: none"> 1. The proposals for each of the trees identified by the Woodland Trust are documented in Appendix A Impacts to Ancient and Veteran Trees, which also provides details as to the proposed mitigation. This is set out in more detail within Appendix A Impacts to Ancient and Veteran Trees. 2. In addition, the Applicant has provided a full written response to [REP5-049] at Table 1-4 of the Applicant's Response to Deadline 5 and 5a Submissions (document reference 7.24), submitted at Deadline 6.
5.9	Applicant	Why can't an arboricultural method statement be produced at this stage, at least in terms of establishing the principles?	<ol style="list-style-type: none"> 1. A separate arboricultural method statement would only be required at this stage were the Outline CEMP insufficient to identify the necessary measures for an arborist to implement the Scheme. As it stands, the Outline CEMP [REP5-012 and 013] (and as updated at Deadline 6) sets out matters relevant to this topic at S-L1, S-L8, S-L9, SB-14, A-L6, A-B3, A-L7, A-L8, A-B34, A-B44, A-W18, B-B1, and B-B3. 2. The Applicant has approached this on a standard basis, such that a method statement can be prepared at detailed design when further, more detailed information pertaining to specifics such as, but not limited to, spatial requirements of the Main contractor, ground level changes during earthworks and installation of services, are formalised. This will form part of the final CEMP]. 3. In a similar manner to an outline planning permission, it isn't necessary to provide further details at this stage unless there is anything so critical that detail needs to be provided to give confidence to allay concerns in relation to particular receptors. Provided this is a question of managing the arboricultural environment in the usual manner, it is appropriate to produce detailed schemes at a later stage.
5.10	Applicant	Paragraph 6.1.6 of Appendix 7.5 Arboricultural Report Part A [APP-220] uses the phrase "can". Please explain how this is secured.	<ol style="list-style-type: none"> 1. These measures are included in the Outline CEMP, with measure S-L8 stating "will".
5.11	Applicant	Please provide the total number of trees lost as a result of the Scheme.	<ol style="list-style-type: none"> 1. The Applicant will provide a total number of trees lost to the Scheme in writing at Deadline 7. <p>Post Hearing Note</p> <ol style="list-style-type: none"> 1. The Applicant has provided details on ancient, veteran and notable trees within Appendix A Impacts to Ancient and Veteran Trees. The note prepared addresses the following: <ol style="list-style-type: none"> a. Avoidance measures b. Mitigation and compensation measures; c. The number of veteran and notable trees removed; and d. Compliance with the tests under the NPSNN and NPPF.
5.12	Applicant	Applicant to comment on proposed unaccompanied site inspection at Mr Hawes' property.	<ol style="list-style-type: none"> 1. The Applicant confirmed that the proposal was supported, provided appropriate weight would be assigned to the assessment and views from a private property.

Table 1-2 – Issue Specific Hearing 3 - Day 2 – Environmental Matters

Ref	Question to	Question	Applicant's Response
6 Traffic and Transport			
6.1		Please would the Applicant and NCC provide a brief overview of the position in relation to the Construction Traffic Management (CTMP) [REP3-015 and 016] and the likelihood of resolution of any matters under discussion ahead of the conclusion of the examination?	<ol style="list-style-type: none"> 1. A link to the updated draft CTMP was shared with NCC on 15 April and is with NCC for review. 2. NCC's oral confirmation that the items set out at section 14 of the draft statement of common ground with NCC are, in broad terms, agreed is welcomed by the Applicant. 3. The Applicant will await NCC's written confirmation that the draft CTMP is agreed. <p><u>Post Hearing Note:</u></p> <ol style="list-style-type: none"> 1. Following ISH3, NCC and the Applicant have agreed the items set out at section 14 of the draft statement of common ground with NCC. This is reflected in the version submitted at Deadline 6.
6.2		Has a contractor been appointed?	<ol style="list-style-type: none"> 1. The contractor (CJP) is already involved, including in discussions with NCC, so as to ensure a smooth transition from consent to construction.
6.3		There is a reference on page 9 of NCC's Comments on Responses Submitted for Deadline 4 [REP5-042] to DMRB TA46/97, which states that the guidance has been withdrawn. Was TA46/97 replaced?	<ol style="list-style-type: none"> 1. The Applicant confirmed that NCC's response to point 36 of the ExA's action points from ISH1 was responded to at row 11 of table 1-3 within the Applicant's response to NCC's Deadline 4 submission [REP5-029]. 2. As set out in that response, the Applicant has not specified that there is a replacement to TA46/97, but confirms that the information provided within the information before the ExA is consistent with TA46/97.
6.4		Please respond to NCC's comments, expand on the findings of the Road Safety Audit (RSA) and explain whether there is sufficient space to provide a LTN1/20 compliant cycle way on the de-trunked A1.	<ol style="list-style-type: none"> 1. In oral submissions, NCC has confirmed that a cycleway on the de-trunked section of the A1 is not required for safety reasons. 2. The Stage 1 RSA identified a speed issue in relation to the prospectively de-trunked section of the A1, and there are a number of other available measures short of physical re-engineering the road to tackle this issue, including white lining. In addition, the Applicant would support NCC in reducing the speed limit, with the necessary assumption being that the speed limit will be obeyed. 3. The Stage 1 RSA does not prescribe solutions or mention Non-Motorised Users (NMUs) in terms of safety, meaning that it is not appropriate to connect the two. 4. The provision of a LTN1/20 compliant cycle scheme is theoretically possible in terms of the width of the existing carriageway of the de-trunked A1 but is not required as mitigation for the reasons described above. Further, the provision of a cycleway may require new drainage provision, with the associated changes to the outfalls presenting an issue due to a lack of space within the eastern side of the Order limits.
6.5		Please summarise the relevance of LTN1/20 to a NSIP such as the Scheme, in light of paragraph 1.3.1 and the summary principles of LTN1/20.	<ol style="list-style-type: none"> 1. LTN1/20 applies to schemes on the local highway network – as opposed to the strategic road network. It is to be applied by local highway authorities "when designing new cycling schemes" (para 1.1.1). 2. Where new local roads are provided, LTN1/20 is applied. However, it doesn't apply in relation to existing, unchanged roads. This would be the equivalent of requiring the retrofitting all existing NCC roads, in a local highway authority context. 3. However, where a new link road is provided as part of the Scheme, this is provided in accordance with LTN1/20. The existing A1 does not engage paragraph 1.3.1 of LTN1/20, as there is no change to the existing alignment of the A1 or its design.

Ref	Question to	Question	Applicant's Response
			<p>4. In relation to item 8 of the summary principles, a connected NMU network would be provided as part of the Scheme through the connection with the de-trunked A1, which would be less trafficked and available for use by NMUs.</p> <p>5. The principle in LTN1/20 is designed to prevent stranded assets, which is not the case for the Scheme, as there will be NMU links provided via both the de-trunked A1 and the east / west links over the new A1.</p> <p><u>Post Hearing Note:</u></p> <ol style="list-style-type: none"> 1. The Applicant responded in full at Deadline 5 [REP5-029] to NCC's Deadline 4 submission [REP4-074] with regard to the applicability of LTN1/20 in relation to the de-trunked A1. 2. Crucially, LTN 1/20 is appropriate for new local highway schemes or changes to local highway schemes. 3. As a result, LTN1/20 will be used in the detailed design of the footway provision being created on the new section of link road from West Moor Junction to Brockenfield Caravan Park, Work No.16L as shown on the Works Plans [REP4-036] updated at Deadline 6. 4. However, as no changes to the de-trunked section of the A1 are required as part of the Scheme, LTN1/20 does not apply to what is simply the handover of an existing asset from the strategic road to the local highway network. Once de-trunked, a future scheme on this section of the road by NCC would consider LTN 1/20 for new cycling provision. LTN1/20 is engaged when new cycling infrastructure is provided by a local highway authority (see 1.1.1) and not for any scheme regardless of what it comprises. 5. The Applicant continues to work collaboratively with NCC to discuss potential works to the de-trunked section, outwith the scope of the Scheme, and the possibility of these being secured through Designated Funds.
6.6		<p>How does the LTN1/20 relate to the advice on sustainable transport set out in the NPSNN, in particular paragraph 3.17 regarding the role for the national network to play in the provision of sustainable transport and opportunities to invest in cases of severance?</p>	<ol style="list-style-type: none"> 1. The Applicant's LTN1/20, as well as the Scheme in general, is not inconsistent with the aim of paragraph 3.17 of the NPSNN. 2. The Scheme is consistent with paragraph 3.17 because it is addressing the historic east / west connectivity issues and will also mean that north / south journeys will be easier, given the de-trunked A1 will be more amenable for NMUs due to the reduction in traffic. 3. The Applicant would support a reduction in speed on the de-trunked A1 and is also working with NCC on the potential for designated funds to support their proposals, outwith the scope of the Scheme. 4. In terms of interpretation, it is important to note that the NPSNN is divided into a number of sections, each of which performs differently. Section 5 sets out matters of decision making and mitigation, which include the expectations for assessment, consideration and decision making. Section 4 sets out the general principles of assessment, while Section 3 – in which paragraph 3.17 is located - provides broad policy and is not specifically directed at decision making. 5. Paragraph 3.17 states that there is a "direct role for the national road network to play in helping pedestrians and cyclists" and requires "reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes". The requirement for reasonable endeavours is for something reasonable to be proposed and not an exhaustive requirement, which would be a requirement for "all reasonable" or "best" endeavours. Paragraph 3.17 goes on to require the identification of "opportunities to invest in infrastructure". 6. In this context, the Applicant has addressed the historic issues of east / west severance and the Scheme results in an improved north / south provision for NMUs, through the de-trunked A1. Therefore, the Applicant is already complying with the terms of the NPSNN. 7. The Applicant agreed to provide a further written response to address the compliance of the Scheme with paragraph 3.17 of the NPSNN. <p><u>Post Hearing Note:</u></p> <ol style="list-style-type: none"> 1. In compliance with paragraph 3.17 of the NPSNN, the Applicant has used "reasonable endeavours" to ensure that the Scheme "addresses the needs of cyclists and pedestrians". As set out in Chapter 12 of the ES [APP-054] Part A has been designed to address the needs of cyclists and pedestrians by providing the following features:

Ref	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> a. The proposed footways at the three new junctions link into the existing side roads. Pedestrians are accommodated by footpaths immediately to each side of the proposed junctions and across the new bridges. This increases linkages and provides safer pedestrian access across the A1. b. The proposed Causey Park overbridge would be designed to safely carry both pedestrians and vehicular traffic. c. The proposed Burgham Underbridge would be designed with access for pedestrians using hardened verges, and vehicular traffic, with clear visibility for all users. d. A new segregated 3 m wide footway / cycleway would be provided along the length of the eastern side of the proposed link road, between the de-trunked A1 and Felton Road. This improves access and safety for cyclists alongside the A1. <p>2. Similarly, as set out in Chapter 12 of the ES [APP-054] Part B has been designed to address the needs of cyclists and pedestrians by providing the following features:</p> <ul style="list-style-type: none"> a. A footway to facilitate safe pedestrian access across Charlton Mires Junction would be provided. This footway would link the diverted Footpath 129/004, to the east of Part B, across the A1 and along the improved B6341, to the west of Part B, to approximately Rock Lodge. b. A footway to facilitate safe pedestrian access across the proposed Heckley Fence Accommodation Overbridge would be provided. This footway would link to the diverted PRoW 110/004, to the east of Part B across the A1 to PRoW 129/023. c. The use of best practice design with regard to the safety of WCHs to improve the amenity of users of the footpaths in the surrounding areas. Additionally, landscape planting to provide screening of the road. <p>3. In addition, by addressing the historic issue of east / west severance caused by the A1, the provision of new junction links and over and underbridges suitable for use by NMUs represents an investment "<i>in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking</i>". Similarly, the de-trunked A1 will be more amenable for NMUs following the construction of the Scheme, due to the reduction in traffic.</p>
a.		How should the ExA address LTN1/20. Is it an important and relevant consideration?	<ul style="list-style-type: none"> 1. LTN1/20 is important and relevant matter in respect of the new section of link road from West Moor Junction to Brockenfield Caravan Park (Work No.16L as shown on the Works Plans [REP4-036] to be updated at Deadline 6), but not in relation to the de-trunked A1. There are no changes to the de-trunked A1, which is simply handed over to NCC. As a result, the ExA should view LTN1/20 as not being applicable to the de-trunked A1. 2. In response to NCC's oral submission as to the suitability of NMU provision, the ability of NMUs to utilise the de-trunked A1 is an improvement on the present situation. As stated by NCC, for NMUs the quieter, de-trunked A1 would lead thereafter onto quiet country lanes at either end of the Scheme. This not a change as a result of the Scheme and as such is not an impact to be mitigated. In their oral submissions, NCC also acknowledged that their proposed changes are one solution, but not the only solution. The Applicant agreed to provide written submissions in response to NCC's Deadline [5] submissions, at Deadline 6. <p><u>Post Hearing Note</u></p> <ul style="list-style-type: none"> 1. LTN1/20 is applicable to the detailed design of the new section of link road from West Moor Junction to Brockenfield Caravan Park, Work No.16L as shown on the Works Plans [REP4-036] to be updated at Deadline 6. 2. This is proposed to be a new segregated 3 m wide footway / cycleway provided along the length of the eastern side of the proposed link road, The Applicant responded at Deadline 5 [REP5-029] to NCC's Deadline 4 submission with regards to the applicability of LTN1/20 in relation to the de-trunked A1. LTN1/20 was published after the current Scheme design was completed for the purposes of the DCO and after the DCO application was submitted. However it would be applied at detailed design for the provision of the new segregated footway / cycleway provided along the proposed link road.

Ref	Question to	Question	Applicant's Response
			<p>3. The Applicant reiterates the position set out in the hearings: that LTN1/20 is an important and relevant matter in respect of the new section of link road from West Moor Junction to Brockenfield Caravan Park, but not in relation to the de-trunked A1.</p> <p><u>Post Hearing Action</u> - NCC and Applicant to confirm position in relation to any further need to provide non-motorised user improvements.</p> <ol style="list-style-type: none"> 1. Discussions between the Applicant and NCC as to NMU provision are ongoing, with a meeting held most recently on the 18 March 2021. However, an agreed position has not yet been reached. The Applicant has a meeting scheduled week commencing 17 May, Further updates as to progress on this matter will be provided in the draft statement of common ground submitted at Deadline 8. 2. In addition, the Applicant will continue to work with NCC to consider opportunities to fund additional NMU provision outside the scope of the Scheme. The Applicant is engaged with NCC via bimonthly working group sessions which have been put in place to allow NCC to assist the Applicant in promoting additional ideas for funding via alternative means.
6.8		Please provide an update as to discussions between the Applicant and NCC regarding the widths of PRow.	<ol style="list-style-type: none"> 1. Whilst the proposed PRow widths are understood to generally be acceptable, there are potential pinch points where the parties are working together to avoid any issues. The position will be confirmed in writing. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. The Applicant confirms that the widths for different types of PRow were provided by NCC and are acceptable to the Applicant. This is recorded in the SoCG with NCC [REP5-015] to be submitted at Deadline 6.
		Please provide an update in relation to discussions between NCC and the Applicant regarding maintenance boundaries.	<ol style="list-style-type: none"> 1. The Applicant confirms that discussions are ongoing, including with CJP so as to ensure that the agreed methodology between the Applicant and NCC flows to the delivery of the Scheme. <p><u>Post Hearing Note:</u></p> <ol style="list-style-type: none"> 2. The maintenance boundaries at the Scheme junctions are now agreed in principle with NCC, subject to further discussions at detailed design. It has been agreed between the Applicant and NCC at a meeting on 16/04/2021 that it is not necessary or appropriate to show the maintenance boundaries along the full extent of the Scheme at this stage. This agreement is recorded in the SoCG with NCC [REP5-015] to be submitted at Deadline 6.
7 Mitigation of Construction Impacts			
7.1		With reference to section 13 of the draft statement of common ground between the Applicant and NCC [REP5-012], please confirm whether the entries regarding the oCEMP can be marked as agreed.	<ol style="list-style-type: none"> 1. The reference within section 13 of [REP5-012] to matters being "under discussion" acts as a placeholder, as there may be further items added to the oCEMP during the course of the examination. However, it is understood that the oCEMP as it stands is agreed, as reflected in the SoCG with NCC [REP5-015] to be submitted at Deadline 6.
7.2		Please provide a similar update in respect of the position between the Applicant and the Environment Agency.	<ol style="list-style-type: none"> 1. The Applicant acknowledges that the EA is in the process of reviewing the oCEMP, and continues to discuss matters of mitigation and compensation with the EA.

Ref	Question to	Question	Applicant's Response
7.3		<p>Is a LEMP required as part of the examination?</p> <p>Please confirm why the LEMP mechanism cannot be resolved now, and clarify what the LEMP would encompass.</p>	<ol style="list-style-type: none"> 1. In Applicant's Response to ExA's Further Written Questions [REP 5-023], the Applicant confirmed that the matter of a LEMP would be addressed in requirement 5, elsewhere in the dDCO or in the oCEMP before the close of the examination. 2. The reason for needing to consider this matter further is that the Applicant considers that the items of importance to landscape and environmental mitigation are already properly addressed with the oCEMP. As such, the Applicant does not consider that there is necessarily the requirement for a separate document to be produced during the course of the examination, although it would like to accommodate the ExA's preferred approach so far as reasonable and appropriate. 3. However, the Applicant notes that the ExA has requested further detail as to the approach. In considering this matter, there is a question as to whether to provide a separate document during the course of the examination, or to provide for a LEMP to be produced at a later stage based on the oCEMP or a requirement in the dDCO. 4. It should be noted that further obligations may emerge during the course of the examination and during detailed design, for example, following discussions with the EA. By providing for a LEMP to be prepared at a later stage, any such discussions could be taken into account. 5. Crucially the, important and relevant consideration is whether the substantive points have been addressed, rather than the vehicle for doing so. The point to be assured of in this regard is that the appropriate mitigation is secured through the oCEMP and, at the point when the parties need to be able to identify the specific measures, the LEMP could be the operative document which will compile that information prior to implementation. 6. Notwithstanding this, there are two possible approaches if the LEMP were to be required during the course of the examination. The Applicant would either need remove the relevant measures from the oCEMP, so to avoid potential inconsistency issues, or would need to retain the measures in both the oCEMP and the LEMP, which would risk consistency issues arise due to the ongoing requirement for a double update. 7. There hasn't been an expression of concern from any interested parties that measures which might prospectively belong in a LEMP are not properly secured. The critical point is whether the environment protected and measures secured, and the Applicant's position is that this has been achieved through the oCEMP. 8. There is no legal or policy requirement for a LEMP and, as such, the Applicant's requested approach is to secure a LEMP, through either the dDCO or the oCEMP, but to reserve this as a document for preparation during detailed design. <p><u>Post Hearing Note:</u></p> <ol style="list-style-type: none"> 1. The Applicant has given further consideration to the drafting approach on relation to provision of a LEMP and the approach taken in other DCOs. There is a wide variety of approaches in relation to LEMPs. It is noted that the recent decision in the Birtley to Coalhouse DCO did not require a LEMP. For projects where a LEMP was required, there is also no consistent approach. The DCOs for the A303 Stonehenge, M54 to M6 and A63 Castle Street all simply included a LEMP as one of the management plans to be produced as a constituent part of the CEMP but had no specific requirement on LEMP production. Of these, it was only the A303 Stonehenge DCO where an outline LEMP was produced as part of the examination. The A303 Sparkford to Ilchester Dualling DCO included a bespoke LEMP requirement based on an outline LEMP produced during the examination. It should be noted that the Sparkford scheme involved impacts to the Halegrove Registered Park and Garden and the Stonehenge scheme obviously involved impacts to an ancient monument. impacts to the further. Hence, the circumstances in which it may be considered appropriate to produce an outline LEMP might be considered limited to where there is an impact on a sensitive landscape or ecological, feature. That is not the case here and hence the production of an outline is not considered necessary or appropriate. 2. The Applicant would also note that changing oCEMP measures to a draft LEMP will inevitably incur a cost, which would fall upon the public purse. If it is not necessary for a LEMP to be prepared because the oCEMP already secures all items that would be contained in a LEMP, then this would be an unnecessary expenditure of public funds.

Ref	Question to	Question	Applicant's Response
			<p>3. Reflecting on the views of the ExA, the Applicant has included a new Requirement 17 which gives the Applicant discretion to produce a LEMP but, in deciding whether to do so, the Applicant must consult and have regard to the views of the relevant planning authority. Any LEMP which is produced must follow the same consultation and approval process as required for the CEMP. Requirement 4 has been adjusted so that the authorised development must be constructed in accordance with the approved LEMP. Matters of ongoing maintenance and operation are carried forward from the LEMP into the HEMP.</p>
7.4		<p>What is the position on other Highways England NSIPs, such as J10a M25?</p>	<ol style="list-style-type: none"> 1. Highways England has a suite of standard documents for use on schemes. The LEMP is not one of these, and a re-write of any document cannot be recommended to the Highways England when an existing document is legally compliant and complies with Highways England's framework for the production of documents. 2. The use of a LEMP in the J10a M25 scheme can be assumed to result from the particular sensitivity of that location. That scheme is adjacent to Wisley Gardens, which is the location of the headquarters of the Royal Horticultural Society. As such, landscaping and the performance of that scheme in its setting was a topic of particular sensitivity. 3. The production of a LEMP is determined by Highways England on a case by case basis, dependant on the complexities of the relevant scheme and the outcomes of pre-application discussions with statutory bodies. 4. The Applicant agreed to provide a further written response. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. Highways England's Major Projects are governed by the project control framework (PCF), which is a joint Department for Transport (DfT) and Highways England approach to managing major projects. 2. Under the project controls, framework projects are required to produce products that are a requirement of either legislation, standards or best practice / standard project management techniques. For example, Design Manual for Roads and Bridges (DMRB) and Environmental regulations. 3. Whilst an Outline Construction Management Plan (OCEMP) and Register of Environmental Actions and Commitments (REAC) are required products under the framework, a Landscape Environmental Mitigation Plan (LEMP) is not a requirement and as such there is no formal, standardised template for projects to utilise. 4. Therefore, the appropriateness of production of a LEMP for any given project is determined by Highways England on a case by case basis, dependant on the complexities of the relevant scheme and the outcomes of pre-application discussions with statutory bodies. On this project, no statutory body requested the production of such a document.
7.5		<p>Has LA120 been provided to the examination? Will LA120 cover items generally expected to be seen in LEMP?</p>	<ol style="list-style-type: none"> 1. The Applicant welcomes NCC's confirmation that the information contained within DMRB Volume 10 (provided as document reference [REP2-022]) has addressed the concern expressed at paragraph [6.6.6] of the Local Impact Report [REP1-071]. 2. DMRB LA120 sets out the approach to environmental management plans and is publicly available, but the Applicant will provide a copy. 3. In relation to the items which may be expected to appear in a LEMP, this is not a question of general content, as dealt with by LA120. Rather, it is a question of scheme-specific content. For the Scheme, this has been provided within the Outline CEMP [REP5-012 and 013] (submitted at Deadline 6). <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. The relevant guidance for the preparation of Environmental Management Plans is DMRB LA120, a copy of which is provided in Appendix B, and is publicly available at: https://www.standardsforhighways.co.uk/dmrb/search/a3a99422-41d4-4ca1-bd9e-eb89063c7134
7.6		<p>Why has the reference to ecological masterplans been deleted from the dDCO? Please</p>	<ol style="list-style-type: none"> 1. The deletion reflects the fact that draft ecological masterplans were not produced, and the relevant information is included within the Landscape Mitigation Masterplan Part A for Change Request [REP4-060], Landscape Mitigation Plan Part B for Change Request [REP4-053] and the Ecological Mitigation Plan [APP-106 and APP-107] .

Ref	Question to	Question	Applicant's Response
		explain the relationship between the various mitigation plans?	<p>2. The reason that only one ecological mitigation plan was submitted was due to slightly different documents being produced for Part A and Part B. The ecological measures for Part A were more complex, whereas those for Part B were accommodated within the landscape mitigation masterplans. The approach for Part A was amended following the amalgamation of Parts A and B, for the sake of consistency.</p> <p><u>Post Hearing Note</u></p> <p>1. As documented in the Applicant's Response to ExA's Further Written Questions [REP5-023], the environmental masterplans were deleted from the DCO [REP5-005 and 006] and will not be prepared, as the pertinent information is shown in the Landscape Mitigation Masterplan Part A for Change Request [REP4-060] and Landscape Mitigation Plan Part B for Change Request [REP4-053]. Furthermore, for Part A an Ecological Mitigation Plan [APP-106 and APP-107] was also submitted to show ecological mitigation measures separately for clarity. For Part B, such information was included within the Landscape Mitigation Plan Part B for Change Request [REP4-053]. These documents together show all relevant information that would have been within environmental masterplans.</p>
7.7		REAC – SB19 refers to an ecological management plan to be developed at detailed design. How does this relate to the LEMP and the OCEMP? Is this a separate plan?	<p>1. These measures would be drawn together into the LEMP. The oCEMP identifies the substantive measures, in accordance with LA120. If included, the LEMP provision would list the relevant measures from the oCEMP to be addressed by the LEMP.</p>
7.8		Please clarify how the oCEMP and the LEMP interlink.	<p>1. As set out above, the approach to a LEMP is under review.</p> <p>2. The matter before the ExA is whether the Rochdale principle is satisfied, with mitigation being secured. The Applicant's position is that all necessary measures to address the assessed impacts have been identified and secured within the oCEMP and hence this standard is met.</p> <p>3. During ISH3, NCC confirmed that they were content the measures in the CEMP, subject to any additional or amended measures. Similarly, the EA had confirmed their position regarding the oCEMP, which related to an ongoing review of the measures alongside continued discussions as to mitigation and compensation.</p> <p>4. The Applicant agreed to provide a further response in writing.</p> <p><u>Post Hearing Note</u></p> <p>1. Additional navigation information has been added into the Outline CEMP [REP5-012 and 013] (as updated at Deadline 6), to illustrate how the Outline CEMP relates to and interacts with any LEMP and/or other documents.</p>
8 Combined and Cumulative Effects			
8.1		Please describe the approach to the assessment of combined and cumulative effects, including how the interaction is assessed and how it has affected the development of the Scheme?	<p>1. Combined effects are the effects of a project within itself, such as the combined effects of noise and air quality impacts. The assessment of combined effects for the Scheme is set out in Chapter 15 Assessment of Combined Effects Part A [APP-060] and Part B [APP-061], Chapter 16 Assessment of Cumulative Effects [APP-062], Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063], Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064], Noise Addendum [REP1-019] and East and West Linkhall Road Addendum (document reference: 6.46).</p> <p>2. Cumulative effects are the effects of a project alongside another project or projects. The assessment of cumulative effects for the Scheme is set out in Chapter 16 Assessment of Cumulative Effects [APP-062], Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063], Environmental Statement Addendum: Southern</p>

Ref	Question to	Question	Applicant's Response
			<p>Access Works for Change Request [REP4-064], Noise Addendum [REP1-019] and East and West Linkhall Road Addendum (document reference: 6.46).</p> <ol style="list-style-type: none"> The assessment of combined and cumulative effects for the Scheme followed the methodology in [DMRB Volume 11 Section 2 Part 5] and PINS advice note 17. In addition, a sensitivity test was conducted against LA104. The combined effects for Part A and Part B were assessed individually and then for the Scheme, providing a combined assessment of within and cross topic effects. Part A and Part B are located 15km apart. In order to assess cumulative effects across both Part A and Part B, the cumulative effects were assessed for the Scheme as a whole as set out at Chapter 16 Assessment of Cumulative Effects [APP-062]. For the assessment of combined effects, common receptors, such as residents or agricultural receptors, were grouped, accounting for all minor or greater effects so as to ensure a reasonable worst case assessment for each topic area. For the assessment of cumulative effects, a zone of influence was determined. Searches for other developments within that zone of influence were then carried out in 2018 (for Part A), 2019 (for Part B), 2020 (for the Scheme) and in 2021 (for the Change Request).
8.2		If an individual resident wants to understand impacts on their property, how would they do this?	<ol style="list-style-type: none"> To provide a proportionate assessment, the Applicant grouped common receptors and assessed those groups on a reasonable worst case basis. As such, the impacts on an individual would be no worse than the greatest impact assigned to the relevant group of receptors. Table 15-4 of the ES sets out the types of effects which residents may be subject to, linked to topics and impacts.
8.3		The section of Table 15-4 dealing with impacts to residents from permanent loss of private property refers to a specific property (Northgate House). Within Part A, there are a number of different properties affected to varying extents. How were the combined effects assessed?	<ol style="list-style-type: none"> The assessment of combined effects reported the reasonable worst case for each receptor group. Northgate House is specified because it is the most impacted individual receptor within that group. Figure 16.3 Human and Ecological Receptors Assessed [APP-186] which shows receptors assessed for air quality. A list of all of the receptors will be submitted at Deadline 7. In response to Mr Hawes's oral submissions, the reasonable worst case combined effect has been reported, so the impact on Mr Hawes would be no worse than that reported. The key point is that the combined effects have been reported and appropriate steps being taken to mitigate those effects. Provided it is accepted that there are impacts of no worse than moderate to large adverse, the question is then one of mitigation.
8.4		Please clarify the approach.	<ol style="list-style-type: none"> The Applicant agreed to provide a written response to clarify the process from the identification of individual effects to their combination in Table 15-4. <p>Post Hearing Action - Applicant to provide further detail on how they have arrived at the conclusions included in Table 15-4 of Chapter 15 of the ES [APP-060] and Table 16-9 of Chapter 16 of the ES [APP-062].</p> <ol style="list-style-type: none"> The Applicant has prepared a note that provides a high level clarification of the process from the identification of individual effects to their combination. This is provided as Appendix E. It also provides an extract of what the full note (to be submitted at Deadline 7) will contain. The position on mitigation of residual effects, including combined and cumulative effects, is set out in the Applicant's Response to ExA's First Written Questions, Appendix GEN.4 Justification for Significant Residual Effects WQ GEN.1.35 [REP1-036]. Mitigation for each effect acting in combination is already provided as far as is reasonably practical within the topic in which it arises, for example, noise effects are already mitigated through the introduction of low noise surfacing and where appropriate barriers during operation, or for construction through compliance with the measures set out in measures S-N2 and S-N3 in the Outline CEMP [REP5-012 and 013] (and as updated at Deadline 6).

Ref	Question to	Question	Applicant's Response
			<p>4. The only remaining potential mitigation would be the timing of the construction operations and this is likely limited. To use an example: during construction where a receptor would be subject to combined effects of landscape, visual, noise and air quality (dust), the only additional mitigation would be the timing of each operation causing the relevant effect. In this instance vegetation would need to be removed to allow construction operations to take place (and removal is further constrained in timing by seasonal constraints relating to nesting birds) and noise and dust are generated by the same machinery carrying out the operation. Therefore, no further mitigation can be offered and the effect remains as assessed individually and in combination.</p>
8.5		Please explain the assessment of combined effects for GHG emitting activities.	<p>1. GHG emissions are reported on regional or national basis. In Chapter 14 of the ES [APP-058 and 059], the GHG emissions for each activity in relation to the Scheme is already aggregated as part of that assessment. As such an additional in-combination assessment is not required.</p>
8.6		Please explain the assessment of cumulative effects for GHG emitting activities.	<p>1. GHG assessment involves assessing the gases in the atmosphere, so the assessment automatically considers other developments at that stage. As a result, an additional cumulative assessment is not required.</p> <p>2. The Applicant agreed to provide a further written response regarding the combined and cumulative assessment of GHG emitting activities, with reference to the objective to reduce emissions.</p> <p>Post Hearing Action - Applicant to provide further justification on why it believes that an assessment of the combined effects of GHG (Greenhouse Gas) emissions from the proposal does not require an assessment of combined effects, as per Para 15.4.5 of Chapter 15 Assessment of Combined Effects [APP-060].</p> <p>Combined Effects</p> <p>1. In line with best practice, the combined impact of Greenhouse Gas Emissions (GHG) emissions and other environmental effects of the Scheme on local receptors is not assessed. This is because the effect of GHG emissions (climate change) is global – impacting human and natural ecosystems worldwide - and is not restricted to nearby receptors which would be impacted by the other environmental effects of the Scheme.</p> <p>Cumulative Effect</p> <p>1. The cumulative effect of the GHG emissions resulting from the Scheme and GHG emissions from any other developments is not specifically considered but is inherent to the approach taken. The emissions of the Scheme add cumulatively to all other human and natural GHG emissions from current and future emissions sources, whether in the local area, the surrounding region or the other side of the world. The effect of those emissions is global in terms of contributing to climate change. The emissions of the Scheme are compared against the national GHG budget which itself forms part of an international budget (defined by the Intergovernmental Panel on Climate Change (IPCC)) within which all current and future emissions sources (cumulatively) must fit. By comparing the emissions of the Scheme to that budget and defining their significant accordingly, the approach can therefore be considered to take account of cumulative effects.</p> <p>Policy Objectives to Reduce GHG Emissions</p> <p>1. The UK Government has set a Net Zero carbon target for 2050 and defined the national carbon budget accordingly. There are currently no carbon budgets for individual regions, sectors, projects or organisations. The national Net Zero target is therefore not a moratorium on the development of new roads, the improvement of existing roads or any other development of economic activity. The Net Zero target includes the provision for some emissions to increase, as long as there is a commensurate decrease at national scale. Although the Scheme is expected to result in an increase in emissions it is not possible to deduce that the Scheme will prevent the UK Government from meeting the target.</p>

Table 1-3 – Compulsory Acquisition Hearing 2

Ref	Question to	Question	Applicant's Response
2. Site-specific issues for the Applicant			
2.1	The Applicant	Have there been any changes of the Book of Reference [REP4-050]?	<ol style="list-style-type: none"> 1. The Applicant confirmed that the current version of the Book of Reference [REP4-050 and 051] was up to date at the time of submission but that it will be updated further and submitted at Deadline 6.
2.2	The Applicant	Has the Applicant seen the request from Mr and Mrs Golightly to become an Interested Party (IP)?	<ol style="list-style-type: none"> 1. The Applicant confirmed that discussions were to be commenced with Mr and Mrs Golightly, through the District Valuer. 2. The Applicant confirmed that the Book of Reference would be updated for Deadline 6 as required. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. The Book of Reference [REP4-050 and 051] has been updated and submitted at Deadline 6. Mr and Mrs Golightly's land is not being acquired and therefore they are not included in the Statement of Reasons or Compulsory Acquisition Schedule.
2.3	The Applicant	Are there any changes to the Statement of Reasons [REP5-036 and 037] the Applicant wants to comment on?	<ol style="list-style-type: none"> 1. The Applicant stated that there were updates to two versions of the Statement of Reasons at Deadline 5, with one version [REP5-036 and 037] relating to the Change Request and the other [REP-008 and 009] excluding the Change Request. 2. The Change Request version reflects the particular justification for the additional land acquisition as part of the Change Request.
2.4	The Applicant	Why has there been no update to the Funding Statement [APP-019]?	<ol style="list-style-type: none"> 1. The Applicant confirmed that this matter would be addressed in writing, and an updated Funding Statement submitted at Deadline 6 if necessary. <p><u>Post Hearing Action - Applicant to update Funding Statement to address ExA's decision under Regulation 5 of the Infrastructure Planning (CA) Regulations 2010 on 9 April 2021.</u></p> <ol style="list-style-type: none"> 1. The Applicant did not submit an updated Funding Statement [APP-019] with the change request submitted at Deadline 4 as the Scheme estimate remains the same irrespective of the additional land identified. The Scheme estimate set out in the Funding Statement [APP-019] includes an allowance for compensation payments in relation to compulsory acquisition of land interests in and over land and the temporary possession and use of land. As set out in Appendix C: Calculation of Compulsory Acquisition Budget [REP4-028] submitted at Deadline 4, the District Valuer has assessed the additional land forming the change request to revise the Land Cost Estimate which forms part of the Scheme estimate. Following this assessment, the Applicant can confirm that the Scheme estimate set out in the Funding Statement [APP-019] remains the same. The Applicant therefore did not consider it necessary to re-submit the Funding Statement [APP-019] as part of the change request documentation submitted at Deadline 4 as the Scheme estimate has not changed and the Applicant's funding position therefore remains the same as at application submission.
2.5	The Applicant	Please can the Applicant provide a general overview of where matters are not yet agreed?	<ol style="list-style-type: none"> 1. The Applicant confirmed that a further update as to the negotiations with affected persons would be set out in the Compulsory Acquisition Schedule to be submitted at Deadline 6. The District Valuer, representing the Applicant, confirmed that negotiations were generally progressing well and that, with the exception of Mr Hawes and Millhouse Developments, the only outstanding points related to matters of valuation. The District Valuer then provided an update in respect of discussions by reference to the agents representing groups of affected persons as set out in the Compulsory Acquisition Schedule [REP5-020 and 021]: <ul style="list-style-type: none"> – Mr Parlett, representing Ms Ions, Mr Brown, Mr Dungait, Mr Clark and Mr and Mrs Clarehugh – All matters are now agreed, and the landowners are at various stages of signing heads of terms or agreements.

Ref	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> - Mr Michie of G F White, representing Mr Teasdale, Mr Hawes, Mr Carter, Hebron Hill Partnership, Fenrother Farming/Mr Dobson, Mr Givens, Mr Dixon, Vernal Agriculture, Mr Pattinson and Mr Armstrong - A framework of values has been agreed and claims are awaited from Mr Michie. With the exception of Mr Hawes, whose position is set out in detail at row 3.2 below, it is expected that only minor discussions will be required to agree values following extensive discussions surrounding the required acquisition for the Scheme. - Mr James McDonald, representing Mr Davidson – there are now new owners for this property (Mr and Mrs Golightly, of Warreners Cottage). Mr Davidson previously lived in Warreners Cottage, then bought Capri Lodge and moved out of Warreners Cottage. A meeting with Mr Davidson is scheduled for 6 May and is expected to focus on the question of access, rather than value. Previous discussions (in relation to Mr Davidson's previous property) have shown that Mr Davidson is in support of the Scheme and had no objection to the principle of acquisition. The only area of ongoing discussion ahead of valuation matters is the joint use of the proposed PMA between neighbours. - Mr James McDonald, representing the Kelcher family - Survey access has been agreed and is underway. Plans have been shared highlighting the proposed PMA and Junction layout. Discussions will turn to valuation matters, now that there is an acceptance of the land required for the Scheme and an understanding of the future layout. - The District Valuer confirmed that discussions with Mr and Mrs Golightly would also be initiated. It was noted that their property is not subject to any land take in respect of an estate in land, with the impacts relating to a change of the route of their access rights. - Graeme Bruce, representing Mr Howarth, Mr Hogg, Mr Renton, Mr Bell and West End Anglers - Negotiations as to value are ongoing and the parties have agreed the principle of the acquisition of the lands required for the Scheme. - Graeme Bruce, representing Millhouse Developments – there has been correspondence regarding the planning status of the relevant land. This is a valuation matter and it will ultimately be for NCC to determine the planning status, which will in turn determine the value. It is assumed that an agreement will not be forthcoming, although the Applicant is willing to negotiate an agreement to purchase the land subject to the later agreement of consideration in accordance with the Compensation Code.
2.6	The Applicant	The status of Millhouse Developments' planning permission is not a matter for the Examination, but what are the implications if the permission were extant? How could Millhouse Developments' proposed development be accommodated within the Scheme, particularly given their comments as to the proposed access arrangements?	<ol style="list-style-type: none"> 1. The Applicant referred to sheet 8 of the General Arrangement Plans [REP5-033], which shows the Bywell Road extension joining on to the link road that leads to West Moor junction. The Applicant highlighted the location of the new access track, which runs from the Bywell Road extension to Millhouse Developments' remaining land. 2. The Applicant confirmed that there was no reason why this access track would be restricted to agricultural use, as implied in Millhouse Developments' written submissions at Deadline 2 [REP2-027] and Deadline 5 [REP5-046]. Indeed, subject to necessary permissions, there is nothing to prevent Millhouse Developments from seeking to upgrade the track. 3. The Applicant noted that NCC's position was that Millhouse Developments' permission had not been lawfully implemented, and NCC subsequently confirmed this in their oral submissions. The Applicant supports the position of NCC on this matter. 4. In the hypothetical scenario where there was an extant permission, the Applicant explained that the two key considerations (in terms of the extent to which it would be possible to accommodate any such development) are the need for the Scheme and the objectives of the Scheme. 5. In relation to the Scheme objectives, one of which is to improve safety by restricting direct accesses on to the A1 and replacing these with grade separated junctions. A further separate access on to the A1 from the site would not fit with the Scheme objective unless there as a strategic need for such access which the Applicant does not consider is the case. Access to the Millhouse Developments site will be maintained by the Bywell Road extension which would link into the new West Moor junction.

Ref	Question to	Question	Applicant's Response
			<ol style="list-style-type: none"> 6. In relation to the need for the Scheme, the Applicant highlighted that the Scheme is a nationally significant infrastructure project, the need for which has been discussed at previous hearings and is set out in the application documents. 7. The Applicant explained that if, hypothetically, the permission had been lawfully implemented, part of the proposed development would be located under the realigned carriageway of the A1. Given the constrained nature of this area of the Scheme, with the airfield to the North East, there is insufficient space to change the proposed location of the carriageway to accommodate the full extent of Millhouse Developments' proposals. 8. The Applicant concluded that, if the national need is for the Scheme is accepted, the land take in this location is required and justified. As such, it would not be possible to construct Millhouse Developments' proposed development, even if there were an extant permission. It is then for Millhouse Developments to apply for compensation in respect of the effect of the Scheme on their land. 9. Despite this, access is being provided to the remaining land, which means there is the potential for some other form of development on the site subject to the grant of planning permission.
2.7	The Applicant	The ExA asked the Applicant to continue to update on negotiations from Item 23 of Compulsory Acquisition Schedule.	<ol style="list-style-type: none"> 1. Mr Richard Brown, representing Milner – The principle of acquisition has been agreed and Heads of Terms signed. 2. Mr Henry, represented by Emma Smith – Early discussions have taken place, and a follow up meeting has been arranged for 21 April 21. This is a question of value only, with the principle of acquisition having been agreed. 3. Mr Richard Brown, representing Henderson and Scott – Discussions to date have focused on agreeing access for surveys, as well as high level discussions as to value. There is additional land required from Mr Scott as part of the Change Request. However, this is not expected to be problematic and the principle of acquisition is accepted subject to valuation. 4. Mr Louis Fell, representing Grahamslaw, Bosanquet (Rock Estates), Northumberland Estate, Beal, Hester, Purvis, Robinson, Grey and Thorpe – A framework of values has been broadly agreed for all landowners, and no real issues are foreseen. In relation to the Beals, the District Valuer has now received a valuation for consideration, which is noted to be close to the valuation previously provided by the District Valuer. 5. Mr Louis Fell and Rob Thompson, representing Hester – The blight case has been agreed and heads of terms have been issued on 23 April 2021 for signing. 6. Mr Michie, representing Mr Gooding – A productive on site discussion took place on 26 March 2021, with the focus on accommodation matters and broad discussions on value. Mr Michie is preparing a claim. 7. Mr Mathew Williamson, representing Viscount Ridley – The additional land required as part of the Change Request has been discussed and the principle accepted. Discussions are ongoing to agree the valuation.
2.8	The Applicant	Why is there a new entry at item 40 of the Compulsory Acquisition Schedule?	<ol style="list-style-type: none"> 1. The District Valuer, representing the Applicant, confirmed that the entry at item related to the new owner of West Moor House. The previous owner, Mr Bennett, was omitted from the Compulsory Acquisition Schedule in error, although discussions had taken place. 2. The Applicant confirmed that negotiations are ongoing with all relevant parties, and that all parties were now recorded in the Compulsory Acquisition Schedule. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. Mr Bennet and Viscount Ridley had been omitted from the original Compulsory Acquisition Schedule although discussions had taken place with both parties. The Applicant has reviewed the Compulsory Acquisition Schedule and confirms that all parties are now included.
2.9	The Applicant	Was Viscount Ridley's land added to the Compulsory Acquisition Schedule (item 41) as a result of the Change Request?	<p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. As for Mr Bennett, Viscount Ridley should have been included within the original Compulsory Acquisition Schedule. but was omitted from the previous iterations of the Compulsory Acquisition Schedule. Nonetheless, discussions and meetings have taken place.

Ref	Question to	Question	Applicant's Response
2.10	The Applicant	Will the Applicant be submitting written confirmation from the landowners that they are in agreement and have withdrawn any previous objections?	<p>1. The Applicant agreed that written confirmation from each land agent would be sought.</p> <p><u>Post Hearing Action - Confirmation from the Applicant and landowners/ agents detailing agreed matters/ Heads of Terms in respect of Compulsory Acquisition and Temporary Possession.</u></p> <ol style="list-style-type: none"> 1. The District Valuer, on behalf of the Applicant, is seeking confirmation from each land agent that a submission confirming the withdrawal of their clients' objections will be submitted by the end of the Examination or otherwise as to their position. 2. Notwithstanding efforts to seek such statements, it should be noted that <ol style="list-style-type: none"> a. The purpose of powers of compulsory acquisition is to address the position where such an agreement has not been reached; b. The Applicant is in negotiation with all landowners in relation to prospective agreements in line with statutory guidance on compulsory acquisition; and c. The onus to state whether agreement has been reached or not, and to make representations falls upon landowners and not the Applicant.
2.11	The Applicant	Is there anything to add on the 66kv cable?	<ol style="list-style-type: none"> 1. The Applicant confirmed that Northumberland Estates had agreed that the 66kV cable should be within the Applicant's land. While discussions are ongoing as to land take, the primary question is one of value. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 2. A telephone call was held with Mr Louis Fell, representing Northumberland Estates, on 28 April 2021. Mr Fell confirmed that Northumberland Estates are supportive of the inclusion of the 66kV cable within the Applicant's land following acquisition to allow construction of the Scheme, rather than its siting within Northumberland Estate's land pursuant to an easement. This avoids the requirement for the operator of the 66kV cable to take rights over third party land. Discussions are now focussed on the value of the land to be acquired and documenting agreement.
3. Site-specific Representations by APs			
3.1	The Applicant	Are there any points to raise in relation to comments by Mr Fell?	<ol style="list-style-type: none"> 1. The Applicant confirmed the following: <ul style="list-style-type: none"> - 66kV cable - Mr Fell confirmed that Northumberland Estates agreed to the principle that the 66kV cable should be located within the permanent land take area. This is welcomed, as is the confirmation that this forms part of the ongoing discussions as to value. Negotiations on valuation are ongoing. - Mr Fell raised specific points regarding the location of overhead cables and access to a settling pond off the old A1. These points are under consideration and further discussions will be held with Mr Fell on them. - Beals – It was acknowledged that this is a difficult and sensitive process for APs such as the Beals. With that in mind, it would appear that the focus is moving to the question of valuation, rather than principles and Mr Fell hoped to reach agreement by the end of May. The submissions at CAH1 were referred to, in relation to the consequences of the blight notice. The Applicant agreed that there is a need to be cautious in terms of the approach and the timeline to resolution. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. The principal contractor has initiated discussions with the relevant statutory undertaker (Northern Powergrid) responsible for the utilities raised by Mr Fell. It is anticipated that the resolution of these specific points will be concluded during detailed design, within the current Order limits, and discussions with Mr Fell are ongoing in this regard. Draft protective provisions for utilities and statutory undertakers are contained in Part 1 of Schedule 10 to the dDCO [REP5-005 and 006]. The Applicant has engaged with all statutory undertakers and utility providers impacted by the Scheme, and utilities that are required to be relocated to allow the safe construction of the Scheme

Ref	Question to	Question	Applicant's Response
			will be undertaken by the utility owner unless agreed otherwise. The Applicant will enter into an agreement with each utility provider to allow apparatus to be diverted as appropriate by the asset owner.
3.2	The Applicant	Are there any points to raise in relation to comments by Mr Hawes?	1. Mr Hawes' comments relating to the productive meeting on 11/02/2021 are welcome, as is his confirmation that a further site meeting is arranged for 6 May 2021. The Applicant will continue to work with Mr Hawes to seek to resolve outstanding matters.
3.3	The Applicant	Please update CA Schedule with fuller response regarding the Beals due to sensitivity and timing?	1. The Applicant confirmed that the entry in respect of the Beals would be expanded at each subsequent Deadline. <u>Post Hearing Action - Updated CA Schedule including more detailed update in relation to Obj. Nos. 13 (Davidson/ James McDonald), 22 (Millhouse Developments/ Graeme Bruce) and 32 (Beal/ Louis Fell).</u> 1. The Compulsory Acquisition Schedule (document reference 7.8.5) has been updated and submitted at Deadline 6.
4. Statutory Undertakers' Land Issues			
4.1	The Applicant	Applicant to update the ExA on current position in relation to Appendices CA.2 [REP1-038] and CA.3 [REP1-039]. Are these up to date?	1. Statutory Undertakers have not commented on the position in Appendices CA.2 [REP1-038] and CA.3 [REP1-039] to the Applicant's Response to First Written Questions. 2. The Applicant agreed to provide an update to Appendices CA.2 [REP1-038] and CA.3 [REP1-039] at Deadline 6, if required. <u>Post Hearing Note</u> 1. The Applicant has provided an update of the Statutory Undertaker information in Appendices CA.2 and CA.3 at Deadline 6 to account for the following changes: – Innogy Renewables UK Limited have changed name to RWE Renewables UK Swindon Limited. – Gamma Telecom Limited have confirmed that they do not have any apparatus in the vicinity of the Scheme – Plot 16/8a has been removed from the list of plots associated to Northumberland County Council. 2. The Principal Contractor has confirmed that seeking feedback on these appendices has been added to the agenda of any future meetings with statutory undertakers, to seek their prompt response. When updates are received, these will be provided at subsequent Deadlines.

Ref	Question to	Question	Applicant's Response
4.2	The Applicant	Please provide an update on discussions with Statutory Undertakers?	<p>1. The Applicant confirmed that:</p> <ul style="list-style-type: none"> - Since CAH1, the Applicant has been in contact with the legal representatives for each of Northern Gas Networks (NGN), Northern Powergrid (NPG), National Grid Gas (NGG) and Northumbrian Water (NW). - A draft asset protection agreement is with NGN for comment. - A draft side agreement is with NGG for comment. - Discussions are ongoing with NPG as to protective provisions, following initial contact from NPG's legal representatives on 24 March 2021. - Discussions are ongoing with NW as to protective provisions, following initial contact from NW's legal representatives on 9 April 2021. <p><u>Post Hearing Action - Confirmation of position with Statutory Undertakers who have previously raised objections, namely Northern Gas Networks and Northern Powergrid and Royal Mail.</u></p> <ol style="list-style-type: none"> 1. The Applicant contacted Northern Gas Networks on 19 and 28 April 2021 to request an update in light of the Applicant's responses to Northern Gas Networks' written submissions, as set out in the Applicant's Response to Relevant Representations [REP1-064]. A response is awaited. 2. The Applicant contacted Northern Powergrid on 1, 19 and 28 April 2021 to request an update in light of the Applicant's responses to Northern Powergrid's written submissions, as set out in Table 1-4 of the Applicant's Response to Deadline 3 Submissions [REP4-024]. A holding response was received on 30 April 2021, but a substantive response is awaited. 3. An update in respect of Royal Mail is provided at item 4.5, below.
4.3	The Applicant	In their representation at Deadline 5, the EA stated that their protective provisions require further discussion. Are there any outstanding matters?	<ol style="list-style-type: none"> 1. The Applicant highlighted that, during ISH1, the Environment Agency confirmed they were satisfied with the draft protective provisions, but that their position as to the Change Request was reserved. 2. The Applicant confirmed that it would make contact with the Environment Agency, to confirm their position regarding the Change Request. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. The Applicant contacted the Environment Agency on 28 April 2021 to request an update in respect of their position regarding the protective provisions in light of the Change Request. A response is awaited.
4.4	The Applicant	Does the Applicant have anything to raise regarding the two utilities affected besides the 66kv cable?	<ol style="list-style-type: none"> 1. The Applicant referred to sheet 6 of the Works Plans [REP4-036] and confirmed that the relevant works were Works 12A and 12B. 2. The Applicant confirmed that these works had already been undertaken and were complete, with final wayleaves being agreed between the statutory undertakers and landowners. 3. The Applicant agreed to consider whether the powers relating to these works were still required. 4. Post Hearing Action - Confirmation of works completed by utility providers (Northern Gas Networks in relation to the pipeline and Northern Powergrid in relation to overhead electricity line) and update of the dDCO. 5. The Applicant confirms that contract reconciliation between the Applicant and the statutory undertakers are still to be resolved and agreements on wayleaves with the landowner are still outstanding. Therefore, at this time, powers are still required for Works Nos 12A and 12B.
4.5	The Applicant	Have the matters with Royal Mail been resolved and can they make a submission to confirm this?	<ol style="list-style-type: none"> 1. The Applicant confirmed that it would contact Royal Mail to confirm the position ahead of Deadline 6. <p><u>Post Hearing Action - Confirmation of position with Statutory Undertakers who have previously raised objections, namely Northern Gas Networks and Northern Powergrid and Royal Mail.</u></p> <ol style="list-style-type: none"> 1. The Applicant contacted Royal Mail on 29 April 2021 to request an update in light of the Applicant's responses to Royal Mail's written submissions, as set out in Table 1-10 of the Applicant's Response to Relevant Representations

Ref	Question to	Question	Applicant's Response
			[REP1-064] and Table 1-4 of the Applicant's Response to Written Representations [REP3-026]. A response is awaited.

Table 1-4 – Further Questions for the Applicant Regarding the draft Development Consent Order

Ref No.	Question to:	Question	Applicant's Response
DCO3.1	Applicant	Sch. 2 R3 – Detailed Design. Should the reference in R3(1) be to 'arrangement' rather than 'arrangements' in line with the definition in Article 2?	1. The Applicant agrees that the reference should be in the singular and this has been updated in the latest draft of the DCO.
DCO3.2	Applicant	Sch. 12 Documents to be Certified. No revision number is provided for Landscape Mitigation Masterplan Part A. Please clarify. Landscape Mitigation Plan Part B is referenced as Revision 4. The Application Tracker [REP5-002] lists the latest version as Revision 2. Please clarify.	1. The revision number for Landscape Mitigation Masterplan Part A is 3. 2. The correct revision number for Landscape Mitigation Masterplan Part B is 2 as per the Application Tracker. 3. These references have been updated in the latest draft of the DCO.

© Crown copyright 2020.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives,**

Kew, London TW9 4DU, or email

psi@nationalarchives.gsi.gov.uk.

This document is also available on our website at www.gov.uk/highways

If you have any enquiries about this document
A1inNorthumberland@highwaysengland.co.uk

or call **0300 470 4580***.