

Ref.	ExA Question	NCC Response
	<b>GENERAL</b>	
<b>GEN.3.4</b>	In response to ExQ2 LV.2.15 NCC indicated [REP5-043] that the Northumberland Local Plan Examination has concluded and that the Inspector had written to the Council to advise that the plan is sound subject to a number of main modifications, with the plan expected to be adopted later in 2021. The Council is asked to provide an update on Local Plan adoption at D8 and if there is any change to the position at D11. The Applicant is asked to explain whether there are any changes to the Local Plan since the submission of the application which the ExA should take into account	<p>Following the close of the examination hearings in late 2020, the Inspectors wrote to the Council to confirm that, while they considered the submitted Local Plan not to be sound, it was likely that it could be made sound by modifications.</p> <p>Following this, the Council provided the Inspectors with a draft schedule of main modifications, which have been variously added to and amended by the Inspectors. The Council continues to await confirmation from the Inspectors that the eight-week consultation on these modifications can begin but remains optimistic that this consultation can be concluded over the summer. It is anticipated that the Local Plan will be adopted during the autumn of 2021.</p>
<b>GEN.3.6</b>	Changes to East Linkhall Access Road, West Linkhall Access Road and associated drainage proposed at D6 [REP6-005] are described as having been discussed with NCC. NCC and all other IPs are asked for their comments on the scope and effects of these proposed changes.	<p>The General Arrangement drawings proposed at D6 [REP6-005] reflect the agreements in relation to the carriageway proposals for East Linkhall Access Road and West Linkhall Access Road in terms of the revised carriageway widths. There remains the need for a turning head at the northern extent of the East Linkhall Road. This was discussed at a meeting with the applicant on 19th May and, we understand, will be included in the next submission of General Arrangement drawings.</p> <p>In respect to the drainage of these two access roads, item 10.10 in Table 3-2 the draft SoCG submitted at D7 [REP7-011] confirms the agreed position that positive drainage is being provided for the East and West Linkhall Access Roads (the item is only identified as remaining "under discussion" due to the Rock</p>

		South Access Road drainage discussions)
<b>GEN.3.7</b>	Paragraph 2.2.1 of the ES Addendum: East and West Linkhall Access Roads [REP6-024] states that widening of the East Linkhall Access Road to provide a two lane carriageway without passing bays was as a result of consultation with NCC on their requirements for adoption of the access road. Paragraph 3.3.3 describes the access roads as private accesses. Is there a conflict between these two statements? Is the intention that both access roads would be adopted by NCC? Where is this secured through the DCO?	We agree with the ExA that there is a conflict between these statements. It is our understanding that East Linkhall Road will be offered to NCC for adoption as public highway subject to the details set out in Article 13 of the dDCO [REP6-010] and shown hatched Orange in the Proposed Highway Adoption and Maintenance Responsibilities drawing [REP6-009]
<b>GEN.3.10</b>	The revised outline CEMP [REP6-025] has introduced a new measure ExA:S-L101 concerning potential veteran trees. Further detail about the compensation and mitigation for veteran trees is provided in Appendix A – Impacts to Ancient and Veteran Trees [REP6- 045]. IPs, especially those named, are asked for their views on Appendix A and measure ExA:SL101.	<p>The Provisions of ExA:S-L101 are sufficient to secure a reasonable effort to retain potential veteran trees and Appendix A – Impacts to Ancient and Veteran Trees [REP6- 045] provides clear detail as to which trees are likely to be retained and those that require removal.</p> <p>We have no specific concerns regarding potential landscape and visual effects arising from the retention or removal of the individual trees identified in Appendix A or the proposed mitigation. The Applicant's LVIA assumed a worst case scenario of all these trees being removed and efforts to retain some are welcome.</p> <p>We are satisfied that measures have been taken to avoid impacts on veteran trees and measures to secure invertebrate populations etc through translocation measures for tree material where trees are to be removed. The County Ecologist agrees that the test at para. 175 (c) of the NPPF is met re: wholly exceptional reasons and a suitable compensation strategy is being</p>

		provided by the applicant.
	<b>BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT</b>	
<b>BIO.3.1</b>	In response to Hearing Action Point 7 [EV-054] the Applicant provided an Otter Position Statement [REP6-048] at D6, as did NCC [REP6-050] and the EA [REP6-053]. The Applicant has proposed potential mitigation and has indicated that the matter is under discussion between the three parties. It is noted that the Applicant's statement is exclusive to Part A and the position in relation to Part A is assumed to be agreed. However, this does not accord with NCC's statement. Parties are asked to provide a further update, either individually or jointly, at D8. Specifically, if NCC or the EA require changes to the DCO, CEMP or other mitigation measures to address their concerns any amendment should initially be discussed with the Applicant and submitted at D8.	<p>A joint statement has been agreed with NCC/EA and the applicant with changes to the design to include crossing points/fencing for otter at the watercourses within Part B and some subsequent amendments to the outline CEMP to remove the need for further assessment and/or mitigation at that time (as it has been agreed at this stage) . The fencing and crossing points represent a positive change for otter commuting across the existing road corridor.</p> <p>N.B. The applicant's updating surveys for water vole are also noted (APP-049) and NCC agree that water vole are likely absent. However, mitigation for otter and continuing ecological functionality of watercourses are important should water vole return from remnant or satellite populations. Updating walk over surveys are welcomed pre-construction.</p>
<b>BIO.3.3</b>	NCC provided a response to ExQ2 BIO.2.4 at D6 [REP6-051]. The Applicant is asked to comment on this response generally and in particular the relevance of offset improvement schemes or strategic compensation.	We have no further comments to make, noting the applicant's comments at REP7-017. It is understood that discussions are ongoing with EA and NE regarding this matter.
	<b>DRAFT DEVELOPMENT CONSENT ORDER</b>	
<b>DCO.3.4</b>	NCC's response to ExQ1 DCO.1.44 [REP1-073] stated that it is essential that legal widths for ProW	Northumberland County Council's preference is that the widths of the rights of way are included in the Development Consent Order (DCO). This is on the

	<p>are included in Art 16 of the DCO. The SoCG with NCC [REP6-030], at item 12.1 states that “NCC is content for the ProW widths to be captured in the SoCG, as long as this is agreeable with the Examiner. The standard widths employed by NCC are as follows: – The preferred width for a public footpath is 1.5 metres or 2.0 metres where the public footpath is proposed to be fenced or hedged on each side. – The preferred width for a bridleway is 3 metres.” NCC is asked to explain the change in its position. Both NCC and the Applicant are asked to explain why widths of proposed PROWs should or should not be included in the DCO.</p>	<p>understanding that the DCO is the instrument that confirms the legal changes to the rights of way network. Once the DCO is confirmed and after works are completed to being the new/diverted rights of way into effect the Council as the Surveying Authority will make a Legal Event Modification Order (LEMO) to amend the Definitive Map and Statement to reflect the new network. The LEMO will describe the alignment and width of the rights of way in accordance with the DCO.</p> <p>When we made this suggestion the applicant indicated that as there was no certainty at this stage on the actual widths of the rights of way to be created they would instead include the widths in the Construction (Rights of Way) Management Plan which would be prepared and agreed and signed off once more detailed information was available.</p> <p>The Council was content to agree to this approach subject to the ExA’s agreement.</p> <p>As the widths proposed are minimum widths it is the Council’s position that these could be properly included in the DCO and if any of the widths are wider than these minimum widths that can be reflected in the Legal Event Order once the project is complete. We would not agree to widths which are less than these minimums.</p>
<b>DCO.3.5</b>	<p>Further to NCC’s response to ExQ2 DCO.2.3 [REP5-043] can the Council confirm that it is content with Schedules 3 and 4 of the dDCO.</p>	<p>In respect to the existing road classifications issued to the applicant on both Schedules these have now been incorporated into the dDCO although a typographical error in respect to Part 3 of Schedule 3 for High Highlaws Road omits the C140 designation.</p> <p>However, we can only be content with the contents of Schedule 3 in relation to the proposals as they currently stand as amendments to this schedule would be</p>

		<p>required to deliver the non-motorised user route (see response to TT.3.1) or any part of the non-motorised connections. In respect to Schedule 4, subject to the confirmation in respect to the Memorandum on Adoption/Maintenance Responsibilities discussed in the most recent Hearing Sessions (to which a draft was submitted to us for review on 18th May 2021) confirming that flexibility on precise locations is built in, then we are content with Schedule 4 based upon the scheme as it currently stands.</p>
<b>DCO.3.6</b>	<p>In ExQ2 DCO.2.6 [PD-011] NCC was asked to expand on its concerns about the drafting of R4 and to propose amended wording at Deadline 5. The Applicant was asked to respond to NCC's suggestion at Deadline 6 unless the matter was agreed between the parties in the meantime. NCC's response at D5 stated that the Council did not have any alternative wording for R4 but would discuss with the Applicant prior to D6. The Applicant and NCC are asked to discuss R4 further and to confirm whether any changes are required beyond those contained in the latest version of the dDCO [REP6- 010].</p>	<p>We consider that the wording of R4 is satisfactory from a legal point of view and upon reflection do not request that the wording of the requirement is altered.</p> <p>The concerns of the RPA remain at a practical level for the submission of documentation for approval, especially where documents will require consultation with both the Environment Agency and NCC. We will discuss the consultation process with the EA outside of the formal DCO process.</p>
<b>DCO.3.7</b>	<p>Following the Applicant's response to ExQ2 DCO.2.7 [REP5-023], at D6 the Applicant proposed a new requirement, R17 in respect of the Landscape and Ecological Management Plan (LEMP). The requirement provides for the undertaker to decide whether or not to prepare a LEMP having regard to the views of the relevant planning authority. In response to Action Point 9</p>	<p>We would suggest slightly altered wording to the requirement as follows:</p> <p><i>17.—(1) In place of the relevant provisions of the CEMP, the undertaker may prepare a single document known as a LEMP to address the management of the landscape and ecological impacts of the Scheme including—</i></p> <p><i>(a) environmental constraints;</i></p> <p><i>(b) landscape mitigation;</i></p> <p><i>(c) impacts on biodiversity; and</i></p>

<p>from the April Hearings [EV-054] NCC indicated [REP6-050] that it would wish to see a greater level of narrative added to the outline CEMP in relation to the contents of a LEMP, confirming the commitments that would be contained in the LEMP.</p> <p>Would it not be more appropriate for the RPA to decide whether or not it wishes to have a LEMP? Accordingly, the Applicant and NCC are asked to comment on the revised wording below. In addition, NCC is asked to confirm whether this wording meets the objectives it set out in response to Action Point 9 and if it does not to propose further changes.</p> <p>17.—<del>(1) Where it appears desirable to the undertaker,</del> <i>In place of the relevant provisions of the CEMP, the undertaker may prepare a single document known as a LEMP to address the management of the landscape and ecological impacts of the Scheme including—</i></p> <ul style="list-style-type: none"> <li><i>(a) environmental constraints;</i></li> <li><i>(b) landscape mitigation;</i></li> <li><i>(c) impacts on biodiversity; and</i></li> <li><i>(d) impacts on protected species.</i></li> </ul> <p><i>(2) Any LEMP which is produced shall reflect the mitigation measures set out in the REAC and include a graphic representation of the measures to be implemented</i></p> <p><del><i>(3) In deciding whether to produce a LEMP Should</i></del></p>	<p><i>(d) impacts on protected species.</i></p> <p><i>(2) Any LEMP which is produced shall reflect the mitigation measures set out in the REAC and include a graphic representation of the measures to be implemented</i></p> <p><i>(3) Should the relevant planning authority request the undertaker to produce a LEMP the undertaker shall consult and have regard to the views of the relevant planning authority on the contents of the LEMP <u>and thereafter produce the LEMP addressing the matters within sub-paragraph (1) (a) to (d).</u></i></p> <p><i>(4) Where a LEMP is to be produced then it shall be submitted for the approval in writing by the Secretary of State, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.</i></p> <p>We believe this would strengthen the wording of the requirement to compel the applicant to produce a LEMP should the RPA require the undertaker to produce such a document. Without this additional wording we believe the requirement would remain a request without any trigger for submission.</p>
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	<p><u>the relevant planning authority request the undertaker to produce a LEMP and the contents of a LEMP</u> the undertaker shall consult and have regard to the views of the relevant planning authority <u>on the contents of the LEMP.</u></p> <p>(4) Where a LEMP is to be produced then it shall be submitted for the approval in writing by the Secretary of State, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.</p>	
	<b>LANDSCAPE AND VISUAL</b>	
<b>LV.3.1</b>	<p>NCC's response to ExQ2 LV.2.9 stated that a response to Appendix LV.1 [REP1-050] would be provided at D6. NCC is asked to provide an update.</p>	<p>Appendix LV.1 was provided by the applicant in response to ExAQ1 LV.1.7 which states:</p> <p>“As summarised in paragraph 7.8.10 of the ES [APP-044], the Arboricultural Report (Appendix 7.5) [APP-220], details the landscape features that would be lost as a result of the construction of Part A comprising: clearance of 28.2 ha of woodland; clearance of 30.2 ha of trees and groups of trees; clearance of 12.5 ha of hedgerow (based on canopy cover) and removal of 187 of the approximate 300 trees that make up the Coronation Avenue.</p> <p>The Applicant is asked to expand on this summary, providing further detail in terms of the number and value of the landscape features to be lost.”</p> <p>Landscape and visual issues arising as a result of vegetation loss have been addressed in previous submissions and we have no further comment to make</p>

		with respect to the summary information provided within Appendix LV.1
	<b>POPULATION AND HUMAN HEALTH</b>	
<b>PHH.3.1</b>	The Applicant's Response to ExQ2 PHH.2.4 [REP5-023] does not appear to be reflected within the latest version of the Statement of Common Ground between the Applicant and NCC. Could NCC and the Applicant provide an update on their latest position in relation to this issue?	A meeting has been held to discuss this matter and it was verbally agreed that the impacts of the Scheme on Population and Human Health have been fully assessed. A summary of the impacts on communities within the Population and Human Health study area (1km from the Scheme) was requested by NCC, and the Applicant undertook to provide this. The summary of impacts has not yet been received by NCC.
	<b>TRAFFIC AND TRANSPORT</b>	
<b>TT.3.1</b>	In response to Action Point 8 from the April Hearings [REP6-050] NCC indicated that in relation to the need to provide for non-motorised users the basic position between the Applicant and NCC remains divergent. The Council goes on to state that "we are willing to make suggested amendments to the key elements of the dDCO in relation to ensuring future delivery of the suggested NMU route should the ExA consider this to be appropriate". It is not for the ExA to advise IPs how to address their concerns but should NCC wish to propose any amendments to the dDCO to ensure the future delivery of the suggested NMU route then this should be done by D8, ideally having discussed the wording of any proposed amendment with the Applicant.	A meeting was held with the applicant to discuss this question on 19th May 2021. NCC issued suggested amendments to Schedules 1 and Schedule 3 to the applicant on 21st May 2021 which delivered the north-south non-motorised user routes from Fairmoor to Felton and made connections to the proposed footways at Fenrother junction and the Causey Park overbridge. It is recognised that there are alternatives to this particular suggestion that would necessitate alternative amendments and we work with the applicant to provide the ExA with the relevant position in relation to the changes to the dDCO despite the basic position remaining divergent. A copy of these schedule changes is submitted to the ExA for information as Appendix 1 to this response.
<b>TT.3.2</b>	The Applicant's response to Question 6.49 in the Applicant's Written Summaries of Oral Submissions	The applicant may have mis-understood our statements at the hearing to this regard. The provision of the cycleway would make the use of the de-trunked A1



	<p>to Hearings [REP6-044] stated that in oral submissions, NCC has confirmed that a cycleway on the de-trunked section of the A1 is not required for safety reasons. NCC is asked to confirm its position in writing.</p>	<p>safer for cyclists than not providing one as it would separate potential conflicts between cyclists and users of the de-trunked A1 and would make the full route LTN1/20 compliant. The safety issue with the de-trunked A1 relates to speed of traffic due to the unnecessarily wide width of carriageway (as per the Stage 1 Road Safety Audit referenced in REP4-074) and a cycleway would not necessarily resolve that specific safety issue other than through the ability of narrowing the cross section to address that issue creating available space to provide a safer LTN1/20 compliant cycle provision on the de-trunked section as per what is being provided on the new link road south of the West Moor Junction.</p>
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