

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.29 Applicant's Responses to ExA's Third Written Questions

Rule 8(1)(b)

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]

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Written Questions**

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1 APPLICANT'S RESPONSES TO EXA'S THIRD WRITTEN QUESTIONS

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 responses to the Examining Authority's (ExA's) Third (Further) Written Questions [PD-017].

Table 1-1 – General

Ref. No.	Question to:	Question:	Applicant's Response:
GEN.3.1	Applicant	<p>In its response to ExQ2 GEN.2.1 the Applicant stated [REP5-023] that it had been agreed with NCC that Volume 10, Section 0, Part 2 (HA 87/01– Environmental Functions) & 3 (HA 88/01-Landscape Elements) of DMRB documents would be appended to the Landscape Environmental Management Plan (LEMP).</p> <p>The Applicant is asked to provide these documents at D8 and to provide a link to them through the Outline CEMP.</p>	<p>1. The Applicant has provided these documents previously at Deadline 2, refer to Applicant's Comments on Responses to Written Questions – Appendix B – DMRB Guidance (Vol 10 Section 0 Parts 2 and 3) [REP2-022]. Measure S-L100 of Table 3.1 – Register of Environmental Actions and Commitments – The Scheme, Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) refers to these documents.</p>
GEN.3.2	Applicant	<p>In its response to ExQ2 GEN.2.4 the Applicant stated [REP5-023] that a LEMP would be produced during the detailed design stage and prior to construction for both Parts A and B; and it would cover both the construction and operational phases. The Applicant did not answer the question in GEN.2.4 which was "Why is there not a requirement to produce a Landscape and Environmental Management Plan prior to construction?"</p> <p>The Applicant is asked to explain why a LEMP cannot be provided as part of the Examination.</p>	<p>1. The Applicant's response to Written Question GEN.2.4 [REP5-023] explained that a LEMP would be required prior to construction and so the Applicant considers that it did answer the question posed. It is the Applicant's considered opinion that whilst a draft LEMP could theoretically be provided as part of the Examination, at this stage of the DCO process, and prior to the commencement of the detailed design, the commitments secured within the Outline CEMP are sufficient to ensure the delivery of the mitigation measures. This includes the preparation of the LEMP itself, which is secured through measure ExA S-L100 of Table 3.1 – Register of Environmental Actions and Commitments – The Scheme, Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8).</p> <p>2. Therefore, to avoid potential discrepancies between the Outline CEMP and a Draft LEMP prepared during the examination, it is the appropriate and proportionate to retain all measures within a single document which is the Outline CEMP. As more information relevant to the LEMP is developed during the detailed design, it would be appropriate for a LEMP to be produced once the Outline CEMP has been finalised, development consent has been granted and agreement is reached with Statutory Bodies on the particular details of mitigation measures, prior to the commencement of construction for Part A or Part B.</p> <p>3. The approach taken by the Applicant in relation to the LEMP is consistent with LEMP production in the M54 to M6 DCO and A63 Castle Street DCO which, whilst imposing requirements for a LEMP in relation to the construction of the schemes, did not require a LEMP to be produced as part of the examination. Although an outline LEMP was produced during the examination for the A303 Stonehenge DCO, it can be readily understood that the particular sensitivities of that site meant it was appropriate to develop a greater level of detail in relation to the LEMP for that site. The current Scheme does not have the level of natural or built environment sensitivity associated with the Stonehenge scheme. The Applicant considers that the approach to the LEMP more appropriately follows the models of the M54 to M6 and A63 DCOs where it was not considered necessary for a draft LEMP to be produced as part of the examination. As stated in the Statement of Common Ground (SoCG) with NCC, item 5.15 in Table 3-2 – Issues related to the Scheme in the SoCG with NCC [REP7-011], NCC is satisfied that the mitigation strategy, and its long term management, is sufficiently secured and robust to mitigate the Scheme through the inclusion of the requirement for the LEMP within the Outline CEMP (measure ExA S-</p>

Ref. No.	Question to:	Question:	Applicant's Response:
			L100 of Table 3.1 – Register of Environmental Actions and Commitments – The Scheme, Outline CEMP [REP7-008 and 009]).
GEN.3.3	Applicant	<p>In response to ExQ2 GEN.2.13 [REP5-023] the Applicant stated that a Design Statement is not a required document as set out in section 37(3) of the Planning Act 2008 and the section 55 checklist appended to PINS Advice Note Six (Appendix 3). The Applicant went on to explain that due to the nature of the design of the Proposed Development, which mainly involves dualling of the existing A1 and is neither complex nor technically challenging it was decided that a Design Statement was not required to support the application.</p> <p>Notwithstanding that response, is not a Design Statement which provides a framework for applicants to explain how a proposed development is a suitable response to the site and its setting equally applicable to proposals which are less complex and challenging as advocated in the National Design Code?</p>	<ol style="list-style-type: none"> 1. The Applicant considers that the Environmental Statement [APP-036 to 062] is effective in explaining the Scheme in terms of being a suitable response to the site and its setting without the need for a separate Design Statement to support the application. 2. The National Design Code, first published by the Ministry of Housing, Communities and Local Government in October 2019 and updated in January 2021 aligns with the National Planning Policy Framework (NPPF) rather than the National Policy Statement for National Networks (NPS NN). The focus of the National Design Code is on good design in the local planning system, so it is primarily for use by local planning authorities in assessing local planning applications as follows: <ul style="list-style-type: none"> • Local authority planning officers, who prepare local planning policy and guidance and assess the quality of planning applications; • Applicants and their design teams who prepare applications for planning permissions; and • People in local communities and their representatives. 3. For nationally significant highways development, the National Design Code is addressed by following the road specific principles of good road design which are set out in the “Roads to Good Design”. 4. The Applicant set out at Deadline 1 in response to Written Question GEN 1.1 [REP1-032] that the requirement for good road design in developing NSIPs is set out at paragraph 4.3.1 of the NPS NN. The response also demonstrates how the Scheme followed the “Road to Good Design” and the ten principles set out within it (Appendix GEN.1.1 [REP1-033]). Neither the NPS NN nor the “Road to Good Design” require a Design Statement to be produced to support DCO applications. Given that the Applicant has already shown how the Scheme meets with good roads design principles, the Applicant does not consider that a Design Statement for the current Scheme is necessary to further understanding of this issue. 5. In respect of other schemes, the Applicant will continue to consider if this is an appropriate application document on a case-by-case basis.
GEN.3.4	NCC Applicant	<p>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.</p> <p>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>	<ol style="list-style-type: none"> 1. The Applicant is aware that in February 2021 the Planning Inspector examining the Northumberland Local Plan wrote to NCC to advise that the plan is sound subject to a number of main modifications. 2. The Applicant has reviewed these main modifications and notes that the planning policy support for the dualling of the A1 in Northumberland contained in Policy TRA 3 remains unaltered. The main modifications also do not seek to revise the status of Morpeth and Alnwick as ‘main towns’ in the hierarchy of settlements. The Scheme is still considered by the Applicant to help support these towns fulfil this role. 3. One of the main modifications does seek to amend the wording of Policy ECN 4, which relates to Fairmoor Enterprise Zone immediately to the south of the Scheme. This modification alters the wording of the policy to support the development of main employment uses within Use Class E (commercial, business and service uses) at

Ref. No.	Question to:	Question:	Applicant's Response:
			<p>Fairmoor Enterprise Zone, rather than B1 Use Class uses which was previously the case.</p> <ol style="list-style-type: none"> 4. This alteration to the wording of Policy ECN 4 does not alter the Applicant's view that the Scheme will help to support the delivery of Policy ECN 4. 5. The position in relation to Green Belt policy remains unaltered. 6. The Inspector has found that the emerging Northumberland Local Plan is sound, subject to the adoption of a number of main modifications. The Applicant is of the view that, as these proposed main modifications do not materially alter the planning policy support for the dualling of the A1 contained in the emerging plan, greater weight can be attached to these policies as important and relevant matters in the DCO decision making process.
GEN.3.5	Applicant	<p>At D5 the Applicant submitted Rev 3 of General Arrangement Plans for Change Request [REP5-033]. Key Plan (Sheet 1 of 3) is shown as Revision 3 although the legend does not reference Revision 2. The changes are described as "East Linkhall Access Road Widened to Two Lanes and Shipperton Burn Diversion Added for Deadline 5". Sheets 14, 15 and 16 have also been amended as Revision 1. The General Arrangement Plan was further updated at D6 [REP6-005]</p> <p>How do these amendments relate to the Change Request? Explain why Revision 2 is not referenced.</p>	<ol style="list-style-type: none"> 1. At Deadline 5, the Applicant submitted both Rev2 of General Arrangement (GA) Plans [REP5-003] and Rev 3 of General Arrangement Plans for Change Request [REP5-033]. The revision numbers relate to the overall DCO submission of GA Schedule of Plans. 2. Within each DCO Schedule of Plans there are three sheets for the key plan and 19 sheets covering the Scheme. These are individually referenced drawings which are revised only when amendments are made on individual sheets. 3. Rev2 of General Arrangement Plans [REP5-003] includes the amendments to East Linkhall Access Road and Shipperton Burn Diversion and therefore sheets 1 and 3 of the key plan and sheets 14 to 16 of the Scheme are revised. Rev 3 of General Arrangement Plans for Change Request [REP5-033] includes the same Part B amendments and also the changes to Part A proposed in the Change Request. There are updated key plan sheets 1, 2 and 3 and updates to sheets 9, 14-16. The chronology of the revisions to the key plan is as follows: <ul style="list-style-type: none"> • For the Change Request series of submissions at Deadline 4 Key Plan 1 was revised from Rev 0 to Rev 1. • For the Deadline 4 updates not related to the Change Request, the same Key Plan 1 was revised from Rev 1 to 2. • For the Change Request series of submissions at Deadline 5 Key Plan 1 was revised to Rev 3 (including the Rev 2 amendments and the Change Request amendments). • At Deadline 6 [REP6-005] with the change request accepted the Key Plan 1 was revised to Rev 4.
GEN.3.6	NCC All IPs	<p>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.</p> <p>NCC and all other IPs are asked for their comments on the scope and effects of these proposed changes.</p>	
GEN.3.7	Applicant NCC	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	<ol style="list-style-type: none"> 1. Article 13(1) of the draft DCO provides that any street to be constructed under the DCO is to be completed to the reasonable satisfaction of the local highway authority in whose area the street lies and must be maintained by and at the expense of the local

Ref. No.	Question to:	Question:	Applicant's Response:
		<p>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.</p> <p>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?</p>	<p>highway authority from its completion. This provision applies to the East and West Linkhall access roads. As Local Highway Authority, NCC has confirmed that West Linkhall Road and East Linkhall Road, as shown on the Works Plans [REP6-004] as new roads to be adopted, will be adopted by NCC.</p> <ol style="list-style-type: none"> Item 3.3.3 in the ES Addendum: East and West Linkhall Access Roads [REP6-024] which sets out the operational assessment of Noise and Vibration, described the roads as private accesses only in the sense that they are dead end roads primarily service private residences rather than that they fall within the formal definition of a Private Means of Access. In this regard, the DCO takes precedence and there is no need for clarificatory wording – an ES is not to be construed according to legal drafting principles.
GEN.3.8	Applicant	<p>The revised General Arrangement Plan [REP6-005] (Sheets 15 and 16) describe Revision 2 as “Changes to West Linkhall Road, DB27, DB27A and Order Limits for Deadline 6”. The revised Land Plans [REP6-003] have also been amended “to reflect changes to West and East Linkhall Road and corrections to easements on Sheet 16”.</p> <p>Explain the precise changes to the Order Limits and the nature of the corrections to easements. Would the extent of the changes to the Order Limits mean that the amendments should be considered as a material change?</p>	<ol style="list-style-type: none"> The changes to the Part B Order limits are set out in section 2.2 of Book of Reference – Schedule of Changes [REP6-017]. This table lists the following plot changes: <ul style="list-style-type: none"> Plot 15/23a reduced from 1238m² to 1093m² so that the area of permanent acquisition matches that shown on the blight counter notice in July 2019; Plot 15/23b increased from 184m² to 188m² as a transfer of the plot area from the change to adjacent plot 15/23a. The entirety of both plots remains within the Order limits and is a reduction in the permanent land take; Plot 16/1a reduced from 16582m² to 5558m² to reduce the permanent acquisition of rights as agreed with Charles William Armstrong; Plot 16/2b permanent acquisition of rights removed, as agreed with Charles William Armstrong. These changes are not related to the amendments to West and East Linkhall Roads. They are all within the Order Limits and involve a reduction in permanent acquisition of land and rights. They are therefore not considered to be material changes.
GEN.3.9	Applicant	<p>At D6 the Defence Infrastructure Organisation [REP6-054] reminded “the applicant and PINS of our previous request of details of any future designs for lighting columns which may be proposed for the two bridges (Heckley Fence Overbridge and Charlton Mires Junction) in order to perform the necessary safeguarding assessments”</p> <p>Is that matter addressed through the outline CEMP? If so, where? If not, why not?</p>	<ol style="list-style-type: none"> The Applicant confirmed at Deadline 7 in Table 1-2 on page 36 of the Applicant's Responses to Deadline 6 Submissions [REP7-017] that lighting was scoped out of the assessment, as set out in 6.7 Appendix 2.1 Lighting Assessment - Rev 1 [REP1-011]. There will be no lighting columns on any of the bridges forming part of the Scheme, including the two referenced overbridges in Part B at Heckley Fence and Charlton Mires. The assessment in the ES proceeded on the basis that there would be no lighting. Therefore, there is no requirement for this to be captured in the outline CEMP.
GEN.3.10	Woodland Trust NCC NE Forestry Commission	<p>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].</p> <p>IPs, especially those named, are asked for their views on Appendix A and measure ExA:S-L101.</p>	<ol style="list-style-type: none"> Further to Applicant's Written Summaries of Oral Submissions to Hearings - Appendix A - Impacts to Ancient and Veteran Trees [REP6-045], the Applicant has set out what it considers is an appropriate methodology by which to minimise the impacts on the trees that have been identified as potentially having characteristics of veteran trees (although they do not appear on the Ancient Tree Inventory). As has been the approach throughout, it is the Applicant's commitment to avoid the unnecessary removal of vegetation, including specifically the trees in question, and this is secured through S-L2 of Table 3.1 – Register of Environmental Actions and

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	Other IPs		Commitments – The Scheme, Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8).
GEN.3.11	EA	<p>The revised outline CEMP [REP6-025] has introduced a new measure: ExA:S-WL101 which states that “riparian planting to compensate for the loss of channels will be undertaken with a mix of native tree species with an understorey along a range of channels as detailed within the Culvert Mitigation Strategy [REP5-022]”.</p> <p>The EA is asked for its views on this measure.</p>	

Table 1-2 – Air Quality

Ref. No.	Question to:	Question:	Applicant's Response:
AQ.3.1	Applicant	<p>In response to EXQ2 AQ.2.1 that Applicant stated that the increase in regional emissions does not affect the UK's ability to comply with the objectives of the Environment Act and the UK Air Quality Strategy. Furthermore, the Applicant noted that the requirement for the reporting of regional emissions has been removed from the updated DMRB guidance document LA105 (Air Quality).</p> <p>Explain further why the increase in regional emissions would not affect the UK's ability to comply with the objectives of the Environment Act and the UK Air Quality Strategy, particularly when considered in conjunction with other proposals by the Applicant and why the reporting of regional emissions is not required under LA 105 (Air Quality).</p>	<ol style="list-style-type: none"> 1. The Environment Act required the UK government to prepare and publish a strategy (the National Air Quality Strategy) for the management of the quality of air. The UK's Air Quality strategy sets standards relating to the quality of air and objectives for the restriction of the levels at which particular substances are present in the air. 2. The standards and objectives set out in the UK's Air Quality Strategy relate to concentrations of pollutants in ambient air at a given location, with concentrations measured over specified timescales. The standards are set out in Table 5-2 of Chapter 5 Air Quality Part A [APP-040] and Chapter 5 Air Quality Part B [APP-041] i.e. the annual mean standard for NO₂ is 40 µg/m³, to be applied at locations representative of long term exposure. There are no standards set for the emission of pollutants within the Strategy. 3. Therefore, the metric against which compliance with the UK Air Quality Strategy is assessed is the concentration of pollutants in air, rather than the mass of pollutants emitted (i.e. emissions). 4. The overarching aim of the DMRB assessment is to determine whether the Scheme significantly affects local air quality and, in particular, whether it results in new or worsened exceedances of air quality standards. As such LA105 (and its predecessor, HA207/07) require the concentration of pollutants to be modelled at selected locations. This modelling takes into account both the mass and, critically, the spatial distribution of regional emissions from road transport with and without the Scheme. 5. However, as set out in the third paragraph, the assessment metric under LA105 is the concentration itself rather than the mass of regional emissions which do not, therefore, require reporting. Indeed, there is no requirement for reporting regional emissions within the updated DMRB guidance document, LA105. 6. The air quality assessments set out in Chapter 5 Air Quality Part A [APP-040] and Chapter 5 Air Quality Part B [APP-041], demonstrate that the Scheme does not result in any exceedances of the air quality standards. Therefore, it is possible to conclude that the change in emissions does not affect the UK's ability to comply

Ref. No.	Question to:	Question:	Applicant's Response:
			with the objectives of the Environment Act and the UK Air Quality Strategy, i.e. it does not result in any new or worsened exceedances of air quality standards.
AQ.3.2	Applicant NE	<p>At set out in NE's D5 response [REP5-047] the issue of the approach to air quality impacts on the River Coquet and Coquet Valley Woodlands SSSI remains unresolved. This matter is currently under discussion at a national level between the Applicant and NE although it has been agreed that it may be necessary to seek agreement at a local level depending on the timescales of discussions at a national level.</p> <p>Explain the timescale for reaching agreement on this matter.</p>	<ol style="list-style-type: none"> 1. This matter remains under discussion at a national level between the Applicant's and Natural England's national specialists. However, in order to seek agreement at a scheme level (i.e. for this Scheme), the Applicant and Natural England continue to engage to reach agreement on the air quality impacts on the River Coquet and Coquet Valley Woodlands SSSI as a result of the DMRB sensitivity assessment. 2. This matter was recently discussed during a meeting on 17 May 2021, between the Applicant and Natural England's local team (the contacts to date for previous Scheme-level engagement with Natural England). Natural England and the Applicant agreed that the increased nitrogen deposition as a result of the Scheme delays (rather than reverses) the downward trend in vehicle emissions (due to the anticipated switch from diesel/petrol to electric vehicles). Further, Natural England and the Applicant agreed that the predicted increases in nitrogen deposition would not result in the physical loss of woodland habitat. Natural England also acknowledged that mitigation measures (such as a physical barrier or reducing speed limits, as per LA 105 Air Quality) are not feasible for the SSSI. 3. The Applicant's position remains that the increase in nitrogen deposition as a result of the Scheme would not result in a significant effect to the SSSI, as set out at paragraphs 8.1.5 to 8.1.31 of the Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010]. 4. Natural England confirmed that they consider the area of the SSSI impacted by vehicle emissions to be relatively small (in comparison to the wider SSSI/SSSI unit). In light of the above confirmations, the Applicant asked Natural England to clarify if they are content with the conclusion of no significant effect to the SSSI, or if Natural England considers a significant effect would occur and is therefore seeking compensation. Following the meeting, Natural England confirmed their position within an email dated 24 May 2021. Natural England confirmed that for the River Coquet and Coquet Valley Woodlands SSSI specifically, they accept the conclusion of no likely significant effect. Natural England confirmed that this decision is based on the following factors and not based on the metric of "loss of one species" as detailed in LA 105 Air Quality: <ul style="list-style-type: none"> • The current long-term downward trend in nitrogen deposition at the SSSI that would be delayed rather than reversed by the Scheme • The temporary nature of the increased nitrogen deposition experienced by the Scheme • "The additional deposition resulting from the Scheme will not impact the decline of background levels too substantially, therefore SSSI objectives will still be met in the long-term" • The relatively small area of the SSSI impacted by the predicted increase in nitrogen deposition as a result of the Scheme • The difficulty in measuring the effects of the predicted increased nitrogen deposition levels on the SSSI woodland habitat

Ref. No.	Question to:	Question:	Applicant's Response:
			<ul style="list-style-type: none"> Assumptions around the timeframe for electric vehicles being phased in and non-renewables (petrol and diesel) being phased out (in line with government policy) <p>5. In advance of Natural England's position being confirmed, during the meeting on 17 May 2021, the Applicant and Natural England preliminarily discussed compensatory woodland planting (should Natural England consider a significant effect would occur) and a potential area for planting within the Order limits was identified between both parties. Natural England commented within their subsequent email dated 24 May 2021 that they would still encourage and welcome the woodland planting as a biodiversity enhancement.</p> <p>6. The Applicant will continue to engage with Natural England regarding their response on 24 May 2021, including in relation to any biodiversity enhancement. The Applicant will provide evidence of further engagement through an updated statement of common ground at Deadline 8a.</p>

Table 1-3 – Biodiversity

Ref. No.	Question to:	Question:	Applicant's Response:
BIO.3.1	Applicant NCC EA	<p>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.</p> <p>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>	<ol style="list-style-type: none"> The Applicant has discussed this matter with the Environment Agency and Northumberland County Council and provides a joint update from all three parties. The below response has been agreed between the three parties, which is captured within the statements of common ground issued at Deadline 8. Otter was recorded along watercourses for Part A and appropriate mitigation has been proposed and secured in measures A-B2, A-B8, A-B10 and A-B17 of the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8). Both the Environment Agency and Northumberland County Council are satisfied with the impact assessment and mitigation for otter for Part A. It is Part B where the Environment Agency and Northumberland County Council disagreed with the conclusion of likely absence, as set out in the otter assessment presented in Chapter 9: Biodiversity Part B [APP-049] and requested that mitigation be considered. Following Issue Specific Hearing 3 (ISH3), the Applicant held discussions with the Environment Agency and, during a meeting on 30 April 2021, the Environment Agency provided recent evidence of otter within the study area for Part B at Shipperton Burn. The Applicant has re-evaluated the position in light of this new evidence and now accepts that otter are present within the Order limits of Part B. Accordingly, the Applicant has now proposed otter fencing at four locations along Part B (Shipperton Burn, Western Tributary of Kittycarter Burn, White House Burn and Denwick Burn) to direct otter passage through culverts beneath Part B that are of a sufficient size to offer safe passage. The Applicant has discussed and agreed the proposed location and length of fencing with the Environment Agency and Northumberland County Council. The proposed fencing is captured and secured by Commitment ExA: B-B100 of the Outline CEMP [REP7-008 and 009] updated at

Ref. No.	Question to:	Question:	Applicant's Response:
			<p>Deadline 8 and presented on an updated Landscape Mitigation Masterplan Part B [REP6-018] submitted at Deadline 8.</p> <p>5. The Applicant has agreed with both the Environment Agency and Northumberland County Council that the post-construction otter monitoring for Part B (measure B-B30 of the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8)), which would have informed retrospective mitigation, can be removed from the Outline CEMP as mitigation has now been incorporated into Part B.</p> <p>6. The Applicant has agreed with both the Environment Agency and Northumberland County Council that the proposed mitigation is sufficient to address their concerns regarding otter for Part B. As such, the assessment of, and proposed mitigation for, otter is agreed for the Scheme.</p>
BIO.3.2	Applicant	<p>The Applicant's response to Question 3.9 in the Applicant's Written Summaries of Oral Submissions to Hearings (If otter were found to be present, what is the scope to address this?) states that as it stands there is an absence of field survey data or historic data.</p> <p>The Applicant is asked to address the original question.</p>	<ol style="list-style-type: none"> 1. The Applicant understands the original question (If otter were found to be present, what is the scope to address this?) to relate to the proposed post-construction monitoring for Part B, as secured by measure B-B30 of the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8). This measure was proposed at Deadline 5 in response to the Environment Agency's Deadline 4 submissions in respect of otter [REP4-076]. The proposed monitoring was proposed at a time when the Applicant's position remained that otter were likely to be absent from Part B. 2. However, as detailed in response to BIO.3.1 above, following ISH3, the Applicant held discussions with the Environment Agency on 30 April 2021 and, during those discussions, recent evidence was provided of otter adjacent to the study area for Part B at Shipperton Burn. The Applicant has re-evaluated the position in light of this new evidence and now accepts that otter are present within the Order limits of Part B. As a result, the Applicant has proposed mitigation (otter fencing), which has been agreed with both the Environment Agency and Northumberland County Council as sufficient to address their concerns regarding otter for Part B. 3. The Applicant has agreed with both the Environment Agency and Northumberland County Council that the post-construction otter monitoring for Part B (measure B-B30 of the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8)), which would have informed retrospective mitigation, can be removed from the Outline CEMP as mitigation has now been incorporated into Part B. 4. As such, the original question is no longer relevant as otter presence is now accepted for Part B and appropriate mitigation has been agreed with the Environment Agency and NCC and accordingly secured.
BIO.3.3	NCC Applicant	<p>NCC provided a response to ExQ2 BIO.2.4 at D6 [REP6-051].</p> <p>The Applicant is asked to comment on this response generally and in particular the relevance of offset improvement schemes or strategic compensation.</p>	<ol style="list-style-type: none"> 1. The Applicant provided a comprehensive response to Northumberland County Council's response to ExQ2 BIO.2.4 at Deadline 7 (see Applicant's Response to Deadline 6 Submissions, Table 1-6 [REP7-017]). A summary of that response, and a further update in respect of offset improvement schemes and strategic compensation, is provided below. 2. Generally, the Applicant agrees with Northumberland County Council that the predicted downward trend in vehicle emissions driven by cleaner technologies would reduce the level of impact of the Scheme year on year and that impacts as a result of increased nitrogen deposition are localised to the affected road.

Ref. No.	Question to:	Question:	Applicant's Response:
			<p>3. The Applicant acknowledges that Northumberland County Council defer to Natural England as the technical specialists (as stated in Northumberland County Council's response [REP6-051]). National level discussions are ongoing between the Applicant and Natural England regarding LA 105 Air Quality. The Applicant agrees with Northumberland County Council that it may be necessary to seek agreement with Natural England at a Scheme level. The Applicant confirms that discussions are ongoing with Natural England's local team in order to reach agreement on the air quality impact assessment and compensation at a Scheme level.</p> <p>4. As detailed in REP7-017, the Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010] identified significant effects in relation to Borough Wood Local Nature Reserve (LNR) and Ancient Woodland (considered as a single receptor as the impacted areas are the same) located along the River Wansbeck, and Well Wood Ancient Woodland located along the River Blyth. The assessment also identified significant effects for two veteran trees; T682 and T701.</p> <p>5. With regard to the relevance of offset improvement schemes or strategic compensation, the Applicant confirms that these are considered relevant as it has not been possible to mitigate the effects of increased nitrogen deposition to non-significant levels. The Applicant is exploring opportunities to address the theoretical degradation to woodland habitat as a result of increased nitrogen deposition from vehicle emissions due to the Scheme. This may involve compensation through woodland/tree planting and/or enhancements (improvements) through the provision of measures to offset existing threats and pressures.</p> <p>6. As detailed within the response at Reference 4.2, Table 1-1 of the Applicant's Written Summaries of Oral Submissions to Hearings submitted at Deadline 6 [REP6-044], the Applicant had, at that stage, been awaiting a response from the Countryside, Parks and Green Spaces team at Northumberland County Council in order to progress discussions further. Subsequently, the Applicant received suggested options from Northumberland County Council for measures to compensate/offset the impacts to Borough Wood LNR/ancient woodland and Well Wood ancient woodland on 11 May 2021. The proposed options involve, for each location, selective thinning of an area of woodland that is species poor or plantation woodland, outside the area impacted by increased nitrogen deposition. Following the selective management, the areas would be planted with native, ancient woodland tree species. Northumberland County Council consider that the options would enhance and future proof existing woodland. The Applicant has reviewed the suggested options provided by Northumberland County Council and considers them to be broadly appropriate. The Applicant is engaging with Northumberland County Council to discuss the options in greater detail and identify means to secure the implementation of the proposals through the DCO. The Applicant will provide an update on progress at Deadline 8a.</p> <p>7. The Applicant is also exploring compensatory tree/woodland planting within the Order limits to address the significant effects identified in relation to veteran trees T682 and T701.</p> <p>8. The Applicant continues to engage with Northumberland County Council and Natural England regarding proposals for compensation and enhancement to address the significant effects as a result of increased nitrogen deposition from vehicle emissions</p>

Ref. No.	Question to:	Question:	Applicant's Response:
			<p>due to the Scheme (as reported in the Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010]).</p>
BIO.3.4	NE	<p>In response to Action Point 7 from the April Hearings [REP6-050] NCC indicated that where pre-construction updating surveys confirm the presence of water vole suitable mitigation will be required. The Council indicated that it is acceptable for this to be included in the Schedule of Requirements.</p> <p>Should NCC wish for the ExA to consider any Requirement to address this issue then the precise wording should be provided at D8, ideally after discussion with the Applicant.</p>	<p>1. Following a discussion with NCC, the Applicant provided a response on this matter at Deadline 7 [REP7-017], which is quoted below.</p> <p><i>“This matter was discussed with NCC’s Ecologist on 06 May 2021. The Applicant confirmed that, as detailed in paragraph 4.1.2 to 4.1.4 of Appendix 9.3 Otter and Water Vole Report Part B [APP-300], a survey undertaken in 2016 by the Applicant may have recorded potential water vole field signs along Part B. However, the field signs recorded were not conclusively attributed to water vole and field signs of mink were also recorded, indicating presence and activity of this species in the area. Presence of mink is a significant factor reducing the likelihood of water vole occurring. It is generally accepted that mink can eradicate a water vole population if present. Updated field surveys were undertaken in 2018 and 2019 [APP-300] and no evidence of water vole activity or presence was recorded.</i></p> <p><i>As detailed in Table 9-9 of Chapter 9: Biodiversity Part B [APP-049], “taking into consideration the potential (but unconfirmed) water vole field signs recorded during the 2016 surveys and the presence of mink (as confirmed through scat presence), water vole is considered likely absent from within Part B and Part B Survey Area.”</i></p> <p><i>A pre-construction walkover survey for water vole will be undertaken as good practice, in accordance with measure B-B18 of the Outline CEMP [REP6-025 and 026] (and as updated at Deadline 7). Requirement 7, Schedule 2 of the Draft DCO [REP6-010 and 011] states that “following pre-construction survey work or at any time when carrying out the authorised development, a) a protected species is shown to be present, or where there is a reasonable likelihood of it being present ... the relevant parts of the relevant works must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.”</i></p> <p><i>The Applicant has engaged with Northumberland County Council to request confirmation that they are satisfied with the existing Requirements within the Draft DCO [REP6-010 and 011].”</i></p> <p>2. Northumberland County Council’s Ecologist confirmed via email on 07 May 2021 that the Requirement “seems very reasonable” and subsequently confirmed that a change to the Requirements was not needed. This engagement has been captured within the draft statement of common ground issued at Deadline 8 and the matter is identified as “Agreed” (Item 7.10, Table 3-2 – Issues related to the Scheme).</p>
BIO.3.5	NE	<p>Paragraph 4.2.6 of the Preliminary Bat Roost Assessment Verification Survey Report [REP6-022] indicates that the Applicant is engaging with Natural England to confirm their agreement with the approach to mitigation outlined in the Report. NE is asked to respond at D8.</p>	

Table 1-4 – Carbon Emissions

Ref. No.	Question to:	Question:	Applicant's Response:																
CE.3.1	Applicant Transport Action Network	<p>On 20 April the Government announced a revision to its climate change budget, in line with the Climate Change Committee's recommended Sixth Carbon Budget, to cut emissions by 78% by 2035 compared to 1990 levels.</p> <p>The Applicant is asked to explain how this change affects the assessments undertaken in Chapter 14 [APP-058] [APP-059] and Chapter 16 of the ES [APP-062] and the Updated Case for the Scheme [REP4-069] and associated Appendices. In doing so the Applicant is asked to provide an update to Table 16.8 of the ES [APP-062]: Scheme Impacts on UK National Carbon Budgets, showing the total GHG emissions during the sixth Carbon Budget period (2033-2037).</p> <p>Would the Proposed Development affect the ability of the Government to meet its revised target? Transport Action Network is asked to comment in the light of its Relevant Representation [RR-013].</p>	<p>1. The announcement of the sixth carbon budget post-dated the submission of the ES. The UK government is yet to enshrine in law the sixth carbon budget, although The Carbon Budget Order 2021¹ is a draft statutory document as at the date of submitting this document (25 May 2021).</p> <p>2. The inclusion of the sixth carbon budget does not alter the calculated Green House Gas (GHG) emissions of the Scheme presented in Chapter 14 Climate Part A of the ES [APP-058], Chapter 14 Climate Part B of the ES [APP-059] and Chapter 16 Assessment of Cumulative Effects of the ES [APP-062]. The table presented below is an update to Table 16.8 of Chapter 16 Assessment of Cumulative Effects of the ES [APP-062]. The updated table below includes the Scheme GHG emissions during the sixth carbon budget period (in tonnes) and their percentage of the overall carbon budget. The GHG emissions from the Scheme are not anticipated to constitute a significant proportion of the UK Carbon Budgets.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="color: red;">Stage / timing</th> <th style="color: red;">Total GHG emissions (thousand tonnes of carbon dioxide equivalent; kTCO₂e)</th> </tr> </thead> <tbody> <tr> <td>Combined construction phase (2021/23)</td> <td>59</td> </tr> <tr> <td>Operation phase (2024-2083)</td> <td>2,428</td> </tr> <tr> <td>Total for lifecycle (2021-2083)</td> <td>2,487</td> </tr> <tr> <td>Total during third Carbon Budget period* (2018-2022) [% of budget]</td> <td>39 [0.00155%]</td> </tr> <tr> <td>Total during fourth Carbon Budget 4 period (2023-2027) [% of budget]</td> <td>161 [0.00824%]</td> </tr> <tr> <td>Total during fifth Carbon Budget period (2028-2032) [% of budget]</td> <td>185 [0.01074%]</td> </tr> <tr> <td>Total during sixth Carbon Budget period (2033 – 2037) [% of budget]</td> <td>201 [0.02086%]</td> </tr> </tbody> </table>	Stage / timing	Total GHG emissions (thousand tonnes of carbon dioxide equivalent; kTCO ₂ e)	Combined construction phase (2021/23)	59	Operation phase (2024-2083)	2,428	Total for lifecycle (2021-2083)	2,487	Total during third Carbon Budget period* (2018-2022) [% of budget]	39 [0.00155%]	Total during fourth Carbon Budget 4 period (2023-2027) [% of budget]	161 [0.00824%]	Total during fifth Carbon Budget period (2028-2032) [% of budget]	185 [0.01074%]	Total during sixth Carbon Budget period (2033 – 2037) [% of budget]	201 [0.02086%]
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¹ HM Government (2021) The Carbon Budget Order 2021 (https://www.legislation.gov.uk/ukdsi/2021/9780348222616/contents_)

Ref. No.	Question to:	Question:	Applicant's Response:				
			<table border="1"> <thead> <tr> <th colspan="2" data-bbox="1656 394 2861 474">Comparison of 1 Year Operational Scheme GHG Emissions against North East Total Road CO₂e Emissions for 2016 (Ref 16.3)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1656 474 2415 590">One year's emission's during the operational phase as a % of North East Total Road CO₂e emission estimate in 2016</td> <td data-bbox="2415 474 2861 590">0.93%</td> </tr> </tbody> </table> <p data-bbox="1694 659 2861 1037"> 3. In addition to the table above, Appendix i Scheme Impacts on Carbon Budgets (LA114 format) sets out the GHG emissions for the Scheme using the table format described in DMRB LA114 Climate. The data in Appendix i sets out construction and operational emissions of the Scheme for the third, fourth, fifth and sixth carbon budgets and total emissions for the Scheme. 4. Setting of the UK Carbon Budgets is not a moratorium on the development of new roads or the improvement of existing roads. The ability of the Government to meet the revised target will be dependent on reduction of GHG emissions from all sectors within the UK. Although the Scheme is expected to result in an increase in emissions it is not possible to deduce that the Scheme will stop the UK Government from meeting the target. </p>	Comparison of 1 Year Operational Scheme GHG Emissions against North East Total Road CO₂e Emissions for 2016 (Ref 16.3)		One year's emission's during the operational phase as a % of North East Total Road CO ₂ e emission estimate in 2016	0.93%
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One year's emission's during the operational phase as a % of North East Total Road CO ₂ e emission estimate in 2016	0.93%						
CE.3.2	Applicant	<p data-bbox="552 1079 1626 1184">In addressing the legislative and policy framework relating to climate, Chapter 14 of the ES [APP-058] [APP-059] makes no reference to the Paris Agreement, 2015.</p> <p data-bbox="552 1205 1626 1310">The Applicant is asked to comment on the relevance of the Paris Agreement to the Applicant's assessment and whether the Proposed Development would lead to the UK being in breach of the Paris Agreement.</p>	<ol data-bbox="1694 1079 2861 1942" style="list-style-type: none"> 1. On 21st April 2021 the Government put legislation before parliament which accepted the advice of the Climate Change Committee to limit greenhouse gases emitted over the 5 year period from 2033 to 2037 to 965 MT. This is a 78% reduction in emissions from 1990 and aligns with the target for net zero greenhouse gas emissions by 2050 in the Climate Change Act. The government stated that "The Carbon Budget will ensure Britain remains on track to end its contribution to climate change while remaining consistent with the Paris Agreement temperature goal to limit global warming to well below 2°C and pursue efforts towards 1.5°C". 2. At the time of the publication of publication of the Environmental Statement the government had not published the Carbon Budget Order 2021, for the period 2033 to 2037. Table 14-19 of Chapter 14 Climate Part A of the ES [APP-058], Table 14-18 in Chapter 14 Climate Part B of the ES [APP-059] and Table 16.8 of Chapter 16 Assessment of Cumulative Effects of the ES [APP-062], consider greenhouse gases (carbon equivalents, or CO₂e) up to and including the 5th Carbon Budget. 3. The Scheme GHG emissions for the period covered by the 6th Carbon Budget shows a total of 0 thousand tonnes of CO₂e would be generated in construction and 201 thousand tonnes in operation. At 0.0202386% percent of this Carbon Budget this Scheme is not considered to have a material impact on the achievement of this carbon budget. Therefore, it is not considered that this scheme would lead to the UK being in breach of the Paris Agreement. 4. In addition to the assessment of greenhouse gases, the assessment proposes additional mitigation to reduce emissions at paragraphs 14.9.5 and 14.9.6 in Chapter 14 Climate Part A of the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059]. Furthermore, an assessment of impacts of climate on Part A and Part B of the Scheme are made, which is summarised at Table 14-16 in Chapter 14 				

Ref. No.	Question to:	Question:	Applicant's Response:
			Climate Part A of the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059]. This aligns with the Paris Agreement's commitment (at Article 2) to increase the ability to adapt to the adverse impacts of climate change and foster climate resilience.
CE.3.3	Applicant	Have the cumulative effects of carbon emissions from the Proposed Development been considered with those from other developments and/ or relevant programmes such as the Roads Investment Strategy (RIS1 and RIS2), of which the Proposed Development forms part?	1. Highways England has recently been asked to consider the appropriate mechanism for assessing cumulative affects at a scheme level and is in active discussions with the Department for Transport.
CE.3.4	Applicant	Paragraph 16.4.42 of the ES [APP-062] states that "the assessment of the Scheme's resilience to climate change is specific to the Scheme proposed and it is not anticipated that there would be any Within Topic combined effects in relation to climate resilience. Therefore, this has not been considered further in this chapter." The Applicant is asked to expand on this reasoning.	1. The climate resilience assessment looks at the potential impacts of environmental change on the Scheme (highway infrastructure, its construction and operation), rather than impacts of the Scheme on the environment: the receptor for the resilience assessment is the Scheme itself. As such, no assessment of Cross Topic and Within Topic combined effects for climate resilience has been made as there are no receptors in common with other assessments.
CE.3.5	Applicant	Appendix 16.9 of the ES [APP-335] Table 1.2: End User GHG Emissions Data for the Traffic in the Region of the Scheme shows an increase in total GHG emissions for all traffic in the traffic model area from an average per year of 108 thousand tonnes of carbon dioxide emissions (ktCO ₂ e) to 148ktCO ₂ e when comparing the Scheme Baseline (do minimum) and the Scheme (do something). The Applicant is asked to explain why GHG emissions are expected to rise to this extent with the Proposed Development in place and how this increase in emissions should be considered in the context of the Government's aim to cut carbon emissions.	1. The assessment methodology is presented in Chapter 14 Climate Part A of the ES [APP-058] and Chapter 14 Climate Part B of the Scheme [APP-059] and conforms to best practice guidance for calculating GHG emissions for road infrastructure projects. The end user emissions (for the Scheme baseline (do minimum) and the Scheme (do something)) are modelled using the Scheme traffic data. The Scheme traffic data models traffic flows, speed and percentage of heavy duty vehicles within the affected area network. Using this data, the GHG emissions are quantified using WebTAG data tables ² and data from the Department of Transport ³ which takes into account the proportions of the vehicle types, fuel type, forecast fuel consumption parameters and emission factors over the operational period of 60 years for each of the road legs within the traffic model. 2. Increases or decreases in the GHG emissions will be dependent on the differences in these various factors provided in the traffic data and quantification of the GHG emissions. A definitive answer as to which factor(s) input it an increase in emissions is not possible to define as it will be a combination of several factors. However, since the trends in vehicle efficiency and fuel type are generally towards lower-carbon, the increased traffic emissions are expected to result from increased traffic flows and/or speeds as a result of the Scheme. 3. As noted above, the UK Governments ambition to reducing carbon emissions should not be a moratorium on the development of new roads or the improvement of

² Department for Transport, (2015). TAG Unit A3 Environment Impact Appraisal Chapters 4 Greenhouse Gases

³ Department for Transport Statistics (www.gov.uk/government/organisations/department-for-transport/series/road-traffic-statistics)

Ref. No.	Question to:	Question:	Applicant's Response:
			<p>existing roads. Reduction in carbon emissions will be dependent on reduction of GHG emissions from all sectors within the UK. 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 IPCC) within which all current and future emissions sources (cumulatively) must fit. By comparing the emissions of the Scheme to that budget and in the absence of any defined significance thresholds, the significance of effect of the Scheme is assessed.</p> <ol style="list-style-type: none"> 4. The ability of the Government to meet the revised target will be dependent on reduction of GHG emissions from all sectors within the UK. Although the Scheme is expected to result in an increase in emissions it is not possible to deduce that the Scheme will stop the UK Government from meeting the target. 5. In the context of these inputs, and having regard to ongoing discussion with the Department of Transport in terms of the cumulative context of emissions, it is not the case that a conclusion can be made that the UK Government will fail to meet its target as a result of the Scheme.
CE.3.6	Applicant	<p>Appendix 16.9 of the ES [APP-335] Table 1.2 End User GHG Emissions Data for the Traffic in the Region of the Scheme shows average per year (2024-2083) GHG emissions for the Scheme Baseline (do minimum) of 108 ktCO₂e.</p> <p>Explain why the figure is lower than those for both Part A and Part B contained in Tables 14.12 of the ES [APP-058] [APP-059]. Furthermore, explain the reason for the differences between the Part A and Part B (recognising that the dates vary) including total emissions and why the total emissions in Table 1.2 is not the sum of the totals from Tables 14.12 for Parts A and B.</p>	<ol style="list-style-type: none"> 1. The traffic data used for the calculation presented for Part A, Part B (Tables 14.12 of Chapter 14 Climate Part A of the ES [APP-058] and Chapter 14 Climate Part A of the ES [APP-059]) and the Scheme (Table 1.2 of Appendix 16.9 Climate Likely Significant Effects of The Scheme of the ES [APP-335]) use different traffic models as Part A, Part B and the Scheme are three individual models. As such, there are inherent differences within the forecasts produced by the traffic models, for example the forecast traffic volume which will use the new A1 is different for Part A or Part B alone compared with the Scheme combined. Similarly, forecast traffic speeds and percentage of heavy duty vehicles varies between Part A and B in isolation compared with the Scheme. The forecasts are not additive, so for example the overall forecast journey time savings of the Scheme are not the same as the sum of the savings for Parts A and B. 2. These variations in the traffic data forecasts will alter the quantification of the GHG emissions specific to Part A, Part B and the Scheme. It is not possible to determine which component part of the traffic data results in the GHG emission figures being lower for both Part A and Part B. 3. The Scheme GHG emissions for end user emissions is calculated on traffic data specific to the Scheme and is therefore not a case of 'Part A plus Part B equals the Scheme'. As noted above, the differences in the component parts of the traffic data results in the GHG emission figures being specific to Part A, Part B and the Scheme.
CE.3.7	Applicant	<p>Appendix 16.9 of the ES [APP-335] Table 1.3: Scheme Impacts on Carbon Budgets shows the total GHG emissions (and the percentage of the budget) increasing from the Third Carbon Budget period to the fifth.</p> <p>Explain why this increase is occurring and the position for the sixth carbon budget.</p>	<ol style="list-style-type: none"> 1. The GHG emissions presented in Table 1.3 of Appendix 16.9 Climate Likely Significant Effects of The Scheme of the ES [APP-335] show the change in GHG emissions from the baseline (do minimum) to the Scheme (do something). Under the do minimum scenario, GHG emission are shown to decrease. Under the do something scenario, GHG emissions are shown to increase. As such, the difference between the do minimum and do something increases year on year to the future year reported in the ES.

Ref. No.	Question to:	Question:	Applicant's Response:
			<ol style="list-style-type: none"> 2. Using the methodology set out in Chapter 14 Climate Part A of the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059], the GHG emissions applicable to the carbon budget are provided. This includes construction emission in the third carbon budget and end-user emissions in the fourth and fifth carbon budgets and land use change emissions (where in scope for Part A) for all carbon budgets. The end-user emissions are quantified using WebTAG data tables⁴ and data from the Department of Transport⁵ which takes into account the proportions of the vehicle types, fuel type, forecast fuel consumption parameters and emission factors over the operational period of 60 years for each of the road legs within the traffic model. 3. Increases in the GHG emissions will be dependent on the differences in these various factors. A definitive answer as to which factor(s) input to an increase in emissions is not possible to define as it will be a combination of several factors. However, since the trends in vehicle efficiency and fuel type are generally towards lower-carbon, the increased traffic emissions are expected to result from increased traffic flows and/or speeds as a result of the Scheme. 4. The position for the sixth carbon budget is answered under CE 3.1 above.
CE.3.8	Applicant	<p>Appendix 16.9 of the ES [APP-335] paragraph 1.7.9 states that it is anticipated there would be a slight adverse effect on climate during construction and operation of the Scheme. It points out that "IEMA guidance suggests that all GHG emissions are significant in the absence of any significance criteria or defined threshold. However, given the mitigation measures for the Scheme, the magnitude of GHG emissions and the context of the Scheme, using professional judgement, it is considered that the slight adverse effect of the Scheme is not significant."</p> <p>The Applicant is asked to expand on this reasoning in the light of the IEMA guidance.</p>	<ol style="list-style-type: none"> 1. The IEMA guidance presents a blanket approach that all GHG emissions are significant. Whilst this approach is not necessarily disagreed with, it does not provide for any differentiation between calculated GHG emissions on a project by project basis. As such, the significance of GHG emissions was assessed with reference to: <ul style="list-style-type: none"> • The magnitude of GHG emissions anticipated to be generated by the Scheme • Comparison of the anticipated emissions in relation to their regional and national context • Comparison of the anticipated emissions with the UK carbon budgets; and • Comparisons to GHG emissions of schemes of a similar size and nature It is also taken into account that the National Policy Statement for National Networks concludes that it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plans. 2. In combination, these considerations lead to the conclusion that the increase in emissions is not of a magnitude that will significantly affect the ability of the government to meet its national decarbonisation targets (and thereby contribute to international efforts to fight climate change), and therefore the effect is insignificant.
CE.3.9	Applicant	<p>Paragraphs 14.9.3 to 14.9.6 of the ES [APP-058] [APP-059] describe design measures and mitigation to address the effects on climate.</p>	<ol style="list-style-type: none"> 1. Paragraph 14.10.18 of Chapter 14 Climate Part A the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059] is referring to the inclusion of embedded mitigation into the design of the Scheme which described in paragraph 14.10.1 of Chapter 14 Climate Part A the ES [APP-058] and Chapter 14 Climate Part B of the

⁴ Department for Transport, (2015). TAG Unit A3 Environment Impact Appraisal Chapters 4 Greenhouse Gases

⁵ Department for Transport Statistics (www.gov.uk/government/organisations/department-for-transport/series/road-traffic-statistics)

Ref. No.	Question to:	Question:	Applicant's Response:
		Are these measures not best practice rather than mitigation? Why have they been taken into account as mitigation in paragraph 14.10.18 of the ES?	<p>ES [APP-059]. These measures are reflected in the construction phase data used to calculate construction phase GHG emissions (for example, the retention of existing structures will negate the inclusion of additional concrete, steel etc for new structures in the material and waste data provided by the Buildability Advisor).</p> <p>2. General best practice measures have been taken into account as part of the Scheme. Those noted in Paragraphs 14.9.3 to 14.9.4 of Chapter 14 Climate Part A the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059] are considered at design stage. Measures outlined in Paragraphs 14.9.5 and 14.9.6 of Chapter 14 Climate Part A the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059], are relevant to construction activities. The inclusion of these measures is considered best practice, but are also pertinent to the reduction of GHG emissions specific to the Scheme and so constitute mitigation. Therefore, these measures are set out in Chapter 14 Climate Part A the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059] and the Outline CEMP [REP7-008 and 009] (submitted at Deadline 8).</p>

Table 1-5 – draft Development Consent Order

Ref. No.	Question to:	Question:	Applicant's Response:
DCO.3.1 & DCO.3.2	Applicant	Note that as part of the Hearings Action Points arising from Hearings in April [EV-054] two further questions were asked of the Applicant in respect of the dDCO.	1. Responses to the questions were included in Table 1-4 of the Applicant's Written Summaries of Oral Submissions to Hearings [REP6-044].
DCO.3.3	Applicant	In R4(2)(c)(vii) of the dDCO [REP6-010] the reference to "relevant planning" should be changed to "relevant planning authority".	1. This has been addressed in the Deadline 8 version of the dDCO.
DCO.3.4	Applicant NCC	<p>NCC's response to ExQ1 DCO.1.44 [REP1-073] stated that it is essential that legal widths for ProW 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."</p> <p>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>	1. It is not necessary or appropriate for the width of PROWs to be specified in the DCO. The Applicant understands that NCC has preferred widths for footpaths. However, there may be pinch points at particular parts of a footpath which means that it is not possible to provide this width for the full length of the route. Flexibility is required to deal with such site circumstances and hence it is not appropriate for the DCO to impose a minimum width. The position of NCC is protected as Article 16(2)(a) provides that stopping of specified public rights of way cannot take place until the substitute rights of way has been provided to the reasonable satisfaction of the streets authority and is open for use. This provides the mechanism to ensure that the new rights of way are provided to the appropriate standard, which allowing flexibility to deal with site circumstances.
DCO.3.5	NCC	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.	

Ref. No.	Question to:	Question:	Applicant's Response:
DCO.3.6	Applicant NCC	<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.</p> <p>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>1. The Applicant has not received any request from NCC to further revise R4 and does not consider that any further changes are required.</p>
DCO.3.7	Applicant NCC	<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 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><i>17.—(1) Where it appears desirable to the undertaker, 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> <p><i>(a) environmental constraints;</i></p> <p><i>(b) landscape mitigation;</i></p> <p><i>(c) impacts on biodiversity; and</i></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) In deciding whether to produce a LEMP <u>Should the relevant planning authority request the undertaker to produce a LEMP and the contents of a LEMP the undertaker shall consult and have regard to the views of the relevant planning authority on the contents of the LEMP.</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</i></p>	<p>1. The approach to requirements in relation to Highways England DCOs differs from that in relation to other DCOs. This is because the approving authority in respect of requirements is not the local planning authority, but the Secretary of State himself. Therefore, it is not appropriate for the local planning authority to be able to impose requirements upon an applicant under the terms of the requirements in the DCO. Rather, it should be a matter for its representations to the Secretary of State, who will determine any matter of difference between the undertaker and the local planning authority.</p> <p>2. As such, a different formulation is sometimes used in Highways England DCOs, requiring the representations of consulted bodies to be referred to the Secretary of State as decision-maker. Consequently, it is more appropriate for the requirement to be worded as originally set out, subject as described below.</p> <p>3. The position of the local planning authority is protected by paragraph (4), which requires the Secretary of State to consult the relevant planning authority. However, it would be invidious for the Secretary of State to be directed by the planning authority as to the manner of his decision-making, which would be the effect of the changes to paragraphs (1) and (3).</p> <p>4. In other DCOs, the device is used that the response of the relevant planning authority is to accompany the application. This can be achieved by amending paragraph (4) to read:</p> <p>5. (4) Where a LEMP is to be produced then it shall be submitted for the approval in writing by the Secretary of State <u>(accompanied by any responses to consultation received under paragraph (3) of this requirement)</u>, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.</p>

Ref. No.	Question to:	Question:	Applicant's Response:
		<i>environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.</i>	
DCO.3.8	Applicant	R17 of the dDCO [REP6-010] would give discretion to the undertaker (or if the amended version were adopted, NCC) as to whether or not to prepare a LEMP. Measure ExA:S-L100 of the CEMP [REP6-025] states that the Applicant <u>will</u> (our emphasis) prepare a Landscape and Ecological Management Plan (LEMP) for each of Part A and Part B, prior to construction commencing. How can these two statements be reconciled?	<ol style="list-style-type: none"> The Applicant acknowledges that Measure ExA:S-L100 refers to the LEMP in mandatory terms. However, when the CEMP is considered as a whole, the approach is consistent with Requirement 17 of the DCO. Paragraph 1.1.10 of the CEMP, together with diagrams 1-1 and 1-2 explain the relationship between various documents and the LEMP "if produced" which makes it clear that there is a discretionary element in the production of a LEMP which ties in with the Requirement 17. In order to clarify matters, Measure ExA:S-L100 (and other relevant LEMP references in the CEMP) have been revised so that they are consistent with Requirement 17 and the introductory text to the CEMP.
DCO.3.9	Applicant	Schedule 12 of the dDCO [REP6-010] lists Documents to be Certified including Landscape Mitigation Masterplan Part A. The Applicant is asked to provide a Revision Number which is currently missing.	<ol style="list-style-type: none"> The Revision number is Rev 3 and this has been added to Schedule 12 at Deadline 8.

Table 1-6 – Geology and Soils

Ref. No.	Question to:	Question	Applicant's Response
GS.3.1	Applicant NE	Item 4 of the Statement of Common Ground with Natural England [REP6-031] highlights that the conclusions of the geomorphological assessment are still not agreed and are under discussion between both parties, particularly in relation to the proposed bank stabilisation works and the scour protection works and its implications for local sediment supply in this area. Could the Applicant and Natural England provide an update on the situation?	<ol style="list-style-type: none"> The Applicant has now provided the full quantitative geomorphological dynamics assessment, completed with consideration of the outputs from hydraulic modelling, submitted as part of the Examination at Deadline 7 (River Coquet Fluvial Geomorphology Assessment [REP7-003]). This verifies the results of the assessment presented in Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] (Chapter 9) and Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064] (Chapter 8) and provides further detail on the spatial extents and changes in flow and sediment behaviours in the vicinity of the proposed works. As detailed at paragraph 8.4.6 of the River Coquet Fluvial Geomorphology Assessment [REP7-003], following the further assessment, the Magnitude of Impact for both the Stabilisation Works and Southern Access Works remains the same as that presented (Minor adverse) in Table 9-7 and Table 9-8 of 6.38 Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and Table 8-7 and Table 8-8 of 6.40 Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064]. Therefore, the Significance of Effect for all geomorphological impacts remains Slight (not significant). As such, the Applicant's position remains that the impacts of the Stabilisation Works and Southern Access Works are not significant in terms of geomorphology.

Ref. No.	Question to:	Question	Applicant's Response
			However, the Applicant will continue to discuss the conclusions of this assessment with Natural England, with the intention of agreeing the conclusions of the geomorphological assessment.

Table 1-7 – Landscape and Visual

Ref. No.	Question to:	Question	Applicant's Response
LV.3.1	NCC	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.	
LV.3.2	Applicant EA	Item 1 of table 3-2 in the Statement of Common Ground with the Environment Agency [REP6-032] highlights that the appropriate levels of compensation/mitigations/off-setting in relation to the impacts of the proposal are still not agreed. Could the Applicant and the Environment Agency provide an update on the situation?	<ol style="list-style-type: none"> 1. While Item 1 of table 3-2 relates to the Culvert Mitigation Strategy [REP5-022] (and as updated at Deadline 8) in respect of Part A, Item 1 of table 3-1 sets out the position in further detail for the Scheme as a whole. 2. Although discussions with the Environment Agency are ongoing, the Applicant's position remains that it has included a comprehensive mitigation and compensation strategy to offset the impacts of the Scheme on the watercourses and channels, as set out within the Culvert Mitigation Strategy [REP5-022] (and as updated at Deadline 8). This includes: <ul style="list-style-type: none"> • Sensitive design of culverts (inclusion of natural beds and mammal ledges where possible) • Retrospective installation or replacement (for improved longevity) of fish baffles within two culverts that are not adversely impacted by the Scheme (River Lyne and Longdike Burn) • Realigned watercourses of better quality than those lost • Improvements to Longdike Burn • Riparian planting 3. The measures that are detailed within the Culvert Mitigation Strategy [REP5-022] (and as updated at Deadline 8) are secured within the Outline CEMP through measure EXA S-W101 [REP7-008 and 009] (and as updated at Deadline 8), which details that the measures outlined in the Culvert Mitigation Strategy will be implemented. 4. The Applicant has reached an agreement in principle with the Environment Agency, and the following mitigation measures will be incorporated within the Scheme (as detailed within the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) – refer to paragraphs below for further information on the specific measures): <ul style="list-style-type: none"> • Depth of Natural Beds within the Culverts <ul style="list-style-type: none"> – Earsdon Burn (6.3) or 6.2 <ul style="list-style-type: none"> ○ The culvert will be designed to include a minimum natural bed depth of 150mm, with the low flow channel provided in a notch or via the provision of a deeper / wider section of natural bed to create the low

Ref. No.	Question to:	Question	Applicant's Response
			<p>flow channel should a culvert without a notch be chosen. The low flow channel is to be sized based upon the upstream natural channel width.</p> <ul style="list-style-type: none"> - River Lyne (4) <ul style="list-style-type: none"> o The culvert will be designed to include a minimum natural bed depth of 200mm, with the low flow channel provided in a notch or via the provision of a deeper / wider section of natural bed to create the low flow channel should a culvert without a notch be chosen. The low flow channel is to be sized based upon sections of the natural channel width in the upstream wooded area. A check will be undertaken to confirm the viability of this low flow channel maintaining 100mm depth of water above the natural bed during times of optimum fish passage. o Should the notch solution be adopted, then detailed design will consider and include, where feasible, baffles or other features to trap low levels of sediment on the bed of the culvert outside of the notch, to enhance the bed of the culvert for biodiversity purposes. - Floodgate Burn (3) <ul style="list-style-type: none"> o The culvert will be designed to include a minimum natural bed depth of 150mm. As this culvert is proposed to be a 1800mm diameter pipe rather than a box culvert the provision of a low flow channel is not possible. o Measures, where feasible, will be incorporated within the culvert to prevent scour / erosion of the natural bed. - The depth of natural bed on all the other watercourses impacted by the Scheme will be as detailed within the current version of the Culvert Mitigation Strategy submitted at Deadline 8 (document reference 7.9.9.1) and Structures Engineering Drawings and Sections [REP5-004]. <ul style="list-style-type: none"> • Watercourse Realignments <ul style="list-style-type: none"> - Detailed design will be informed, where feasible, by the principles outlined in Section 1.6 of the Manual of River Restoration Techniques (http://therrc.co.uk/MOT/Final_Versions_(Secure)/1.6_Ravensbourne.pdf) - Tributary of Fenrother Burn <ul style="list-style-type: none"> o The outline design provided in Figure 8 of the Water Framework Directive Assessment [APP-255] will be utilised for the reach between the access track and the A1 carriageway, should it not be feasible to enhance this section. o For the reach between the access track and the junction, the banks will be slackened and the bed widened as appropriate, to generate a more typical natural profile, as opposed to an artificial / engineered field drainage ditch. Around the detention basin, the adjacent bank and that of the detention basin will be further slackened as appropriate to enable ease of movement of biodiversity between the wetland habitat in the basin and that in the channel. - Kittycarter Burn <ul style="list-style-type: none"> o The principles for the tributary of Fenrother Burn will be adopted, however, it is acknowledged by the Environment Agency that there are

Ref. No.	Question to:	Question	Applicant's Response
			<p>additional constraints at this location, as there is also a utility corridor to accommodate.</p> <p>5. These measures are secured in the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) through items:</p> <ul style="list-style-type: none"> • S-W6 - Covers all culverts for Part A (in terms of connection to existing channels, provision of natural beds and flow dynamics); • ExA: S-W102 – Monitoring to confirm the successful establishment of the realigned channels and natural beds; • The culvert / realigned watercourse measures (including natural bed depths) are detailed in items A-W2 to A-W13; • A-B30 covers the provision of natural beds; • B-W1 covers the provision of natural beds in Part B and the design requirements for the realignment of the Kitty Carter Burn; and • A-W7 covers the realignment of the tributary of the Fenrother Burn. <p>6. The Applicant remains of the view that the package of mitigation measures which they have set out are sufficient to address satisfactorily the impact of the Scheme on watercourses. The Environment Agency agrees that the Applicant has done all it reasonably can to address impacts within the Order limits but still maintains that additional compensation is required and has proposed that this is addressed by the Applicant making a financial contribution towards the carrying out of offsite compensation works towards a water improvement project on the River Lyne to be carried out by the Environment Agency. Notwithstanding that the Applicant is of the view that their mitigation proposals are satisfactory, the Applicant is prepared to make a contribution towards offsite works as requested by the Environment Agency. The details of the contribution and associated offsite works are currently under discussion with the Environment Agency.</p> <p>7. These ongoing discussions are captured within the updated Statement of Common Ground with the Environment Agency [REP6-032] submitted at Deadline 8.</p>
LV.3.3	Applicant	<p>A series of earth bunds are proposed as essential mitigation.</p> <p>Could the Applicant confirm the maximum height and gradient of these earth bunds and also how their visual and landscape impact has been assessed?</p>	<p>1. A total of nine essential earth bunds are proposed, in respect of Part A only, and are indicated on Landscape Mitigation Masterplan Part A for Change Request [REP4-060]. These comprise:</p> <ul style="list-style-type: none"> • Bund 1 – South west of Highlaws junction and proposed to provide early screening of the junction from the south west and west, and enhance the screening capacity of the associated woodland planting as it establishes. • Bund 2 – West of Highlaws junction and proposed to provide early screening of the junction from the south west and west, and enhance the screening capacity of the associated woodland planting as it establishes. • Bund 7 – South west of Fenrother junction and proposed to provide early screening of the junction from the south west and west, including views from Fenrother, and enhance the screening capacity of the associated woodland planting as it establishes. • Bund 8 – West of Fenrother junction and proposed to provide early screening of the junction from the south west and west, including views from Fenrother of the

Ref. No.	Question to:	Question	Applicant's Response
			<p>Scheme to the north of the junction, and enhance the screening capacity of the associated woodland planting as it establishes.</p> <ul style="list-style-type: none"> • Bund 9 – North east of Fenrother junction and proposed to provide early screening of the junction from the north and north east, and enhance the screening capacity of the associated woodland planting as it establishes. • Bund 10 – East of the main alignment (near Tindale Hill) and proposed to provide barn owl mitigation (to lift the flight path of barn owl over the traffic) and enhance the long-term mitigation as associated woodland establishes. • Bund 11 – East of the main alignment (near Causey Park Bridge) and proposed to provide barn owl mitigation (to lift the flight path of barn owl over the traffic) and enhance the long-term mitigation as associated woodland establishes. • Bund 12 – West of the main alignment (near Causey Park Bridge) and proposed to provide barn owl mitigation (to lift the flight path of barn owl over the traffic) and enhance the long-term mitigation as associated woodland establishes. • Bund 13 – West of the main alignment (near New Houses Farm) and proposed to provide barn owl mitigation (to lift the flight path of barn owl over the traffic) and enhance the long-term mitigation as associated woodland establishes. <p>2. The maximum height of these bunds has been assumed at no more than 4m above existing ground levels – this height being the approximate height of high-sided vehicles, in order that they can be substantially screened within views, or horizontal flight paths in the case of barn owl mitigation. For the purpose of assessing the impacts of the essential bunds, the assumption on the height of the bunds is stated as 4m in paragraph 7.5.1(j) of Chapter 7: Landscape and Visual Part A [APP-044]. The assumptions made in regard to the slope profile is that slopes would be no steeper than 1:3, this is secured in measure A-L5 of Table 3-2 – Register of Environmental Actions and Commitments: Part A, Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8).</p> <p>3. As the landform is less pronounced in Part B, no essential landscape bunds are proposed, and the blocks of planting as indicated on Landscape Mitigation Plan Part B [REP6-018] provide appropriate and effective screening in the Design Year 15.</p> <p>4. The assessment of landscape and visual effects has considered the impact of the essential bunds as a feature of the Scheme, considering the effects in relation to localised impacts on landscape character, or their capacity to screen views from nearby visual receptors. This has been drawn into the assessment of relevant landscape character areas and/or visual receptors, and has considered the degree to which the baseline would be modified as a result of the Scheme with the essential bunds present. This approach is confirmed in paragraph 7.4.59 of Chapter 7: Landscape and visual Part A [APP-044], which confirms that “<i>The predicted effects take into consideration the embedded and additional mitigation measures incorporated as part of the preliminary design of Part A (such as screening bund or agreed specific screen planting or a combination of the two).</i>”</p>
LV.3.4	Applicant	<p>A series of top soil storage locations are proposed as part of the Scheme.</p> <p>Could the Applicant confirm how these will be managed in order to minimise impacts on the wider community, particularly visual and landscape impacts, as</p>	<p>1. Twelve topsoil storage areas would be required along the length of Part A for the duration of the construction works (refer to Figure 2.5: Temporary Construction Works: Part A [APP-070] for locations). Seven topsoil storage areas would be</p>

Ref. No.	Question to:	Question	Applicant's Response
		<p>well as impacts on air quality linked to dust, and where within the outline CEMP will these be secured?</p>	<p>required along the length of Part B for the duration of the construction works (refer to Figure 2.6: Temporary Construction Works: Part B [APP-071] for locations). These are described in paragraph 2.8.39 – 2.8.40 of Chapter 2: The Scheme [APP-037]. In addition, six topsoil areas have been proposed as part of the Earthworks Amendments change request. These topsoil storage areas are set out in Appendix A: Proposed Amendment to Temporary and Permanent Earthworks Schedule of the Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061]. The Examining Authority, on behalf of the Secretary of State, accepted the change requests (including the Earthworks Amendments) as part of the application on 9 April 2021.</p> <p>2. The locations and design of the temporary topsoil storage areas have considered their potential impacts on nearby communities. As such, they have been located as far away from dwellings as is reasonably practicable, and have utilised agricultural land, avoiding the unnecessary removal of significant local vegetation to avoid significant effects on local residents, including visual, air quality and noise effects. As a result, the potential impacts are limited to the landscape and visual effects and air quality, which have been explained in more detail below.</p> <p>Landscape and Visual</p> <p>1. In relation to Part A, the temporary impacts on landscape character as a result of the soil storage areas will contribute alongside the impacts of the other construction activity to construct the Scheme, to a significant effect on LCA 38b Lowland Rolling Farmland – Longhorsley and 35a Broad Lowland Valley – Coquet Valley. These impacts are described in paragraph 7.10.3 of Chapter 7: Landscape and Visual Part A of the ES [APP-044]. In relation to Part B, the temporary impacts on landscape character as a result of the soil storage areas will contribute alongside the impacts of the other construction activity to construct the Scheme, to a significant effect on 3c Rock LCA, the impacts being described in paragraph 7.10.3 of Chapter 7: Landscape and Visual Part B of the ES [APP-045]. The proposed changes to the design in relation to the permanent essential earthworks are described within Change Request - 6.36 Environmental Statement Addendum: Earthworks Amendments - Rev 1 [REP4-061], along with the anticipated effects in Section 5 Landscape and visual.</p> <p>2. To reduce temporary landscape and visual impacts stockpiles would be no greater than 2m in height. This avoids the temporary stockpiles from becoming visually intrusive within the landscape and also prevents the structure of the soils being damaged, should they be stored for a prolonged period. This approach is secured in S-L7 of Table 3.1 – Register of Environmental Actions and Commitments – The Scheme, Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8).</p> <p>Air Quality</p> <p>1. Temporary top soil storage areas would be either covered or, if stockpiles are likely to be stored for a longer period, seeded to reduce the potential impacts of dust. This approach is secured in measures S-W9 of Table 3.1 – Register of Environmental Actions and Commitments – The Scheme, Outline CEMP [REP76-008 and 009]. In addition, site management would seek to manage potential issues of dust on site, in particular producing a Dust Management Plan and maximising</p>

Ref. No.	Question to:	Question	Applicant's Response
			<p>the distance between temporary stockpiles and sensitive receptors. This is secured in S-A1 of Table 3.1 – Register of Environmental Actions and Commitments – The Scheme, Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8).</p> <p>2. As set out in Section 5.10 Assessment of Likely Significant Effects in Chapter 5: Air Quality Part A [APP-040] and Chapter 5: Air Quality Part B [APP-041], with the application of appropriate mitigation, detailed above, the temporary soil storage areas are unlikely to result in a significant air quality effect. The proposed changes to the design in relation to the permanent essential earthworks are described within Change Request - 6.36 Environmental Statement Addendum: Earthworks Amendments - Rev 1 [REP4-061], along with the anticipated effects in Section 3 Air Quality.</p>
LV.3.5	Applicant	<p>Noise barriers are proposed in certain specific locations, as detailed within [REP4-010] as mitigation for certain receptor Groups experiencing significant adverse operational road traffic noise.</p> <p>How has the visual impact of these barriers been taken into consideration and how did it inform the decision-making process? Can the Applicant please also provide details of consultation responses on this issue in relation to how the effect would be perceived by sensitive receptors, particularly residents?</p>	<p>1. In order to ensure that a reasonable worst case scenario was assessed, it was assumed that all of the proposed noise barriers would be in place and form part of the Scheme in Part A only. There are no noise barriers proposed for Part B. The consideration of features as part of the landscape and visual assessment includes noise barriers, and this is specifically identified in paragraph 7.4.32 in relation to landscape character and paragraph 7.4.43 in relation to visual effects in Chapter 7: Landscape and Visual Part A of the ES [APP-044]. The requirement for the noise barriers has been determined through the assessment of noise effects, as set out in Chapter 6 Noise and Vibration Part A of the ES [APP-042], which determined the location, height and length of the noise barriers required. The locations of the proposed noise barriers are identified on Landscape Mitigation Masterplan Part A for Change Request [REP4-060], and the heights of the noise barriers that have subsequently been assessed are set out in paragraphs 7.9.16 and 7.9.17 in Chapter 7: Landscape and Visual Part A of the ES [APP-044].</p> <p>2. Where noise barriers would potentially form an element of the Scheme, the assessment of visual effects has incorporated them into the physical changes associated with the Scheme. The assessment has considered that, whilst the presence of a noise barrier may be perceived as being negative, the capacity of the noise barrier to screen traffic movements and other features of the Scheme may equally be perceived as being beneficial in mitigating the otherwise negative impacts. As such, where planting exists in the foreground of associated views, or where mitigation planting will subsequently establish, this has been considered when determining the potentially negative visual impacts of the Scheme. Further details on the assessment of the visual impacts of each of the noise barriers are provided below:</p> <p>a. PNB1 would comprise a reflective noise barrier 3 m high and 70 m long and would provide noise attenuation to Northgate Farm and Warreners Cottages. Whilst the presence of the noise barrier is a conspicuous and prominent new feature of the Scheme, the capacity of the noise barrier to screen views of the existing A1 and of the wider corridor arising as a result of the Scheme have also been incorporated into the assessment. Where existing vegetation filters or screens views of the noise barrier the negative impact of the barrier itself is reduced, alongside the beneficial effect in screening views of the Scheme, including traffic movements. In relation to PNB1, R96 – Capri Lodge, R98 – Northgate Farm and R100 – Warreners Cottages</p>

Ref. No.	Question to:	Question	Applicant's Response
			<p>have all been assessed as not being subject to a significant effect in year 1 or year 15 of operation, as outlined in Appendix 7.3 Residential Visual Effects Schedule of the ES [APP-128].</p> <p>b. PNB2 would comprise a reflective noise barrier 4 m high and 340m long and would provide noise attenuation to several residential properties in Causey Park Bridge, comprising R58 – Joiners Cottage and R59 – The Bungalow which have been assessed as being subject to a significant effect in year 1 and year 15 of operation. The significant effect is anticipated to arise as a result of the presence of the embankment and noise barrier to the west of the receptors and the loss of the open aspect. Mitigation measures in the form of tree planting is proposed, as indicated on Landscape Mitigation Masterplan Part A for Change Request [REP4-060]. However, it is considered that whilst the maturing trees would reduce the visual impact of the embankment and noise barrier, the loss of the open aspect to the west would remain and a significant residual effect would occur, as outlined in Appendix 7.3 Residential Visual Effects Schedule of the ES [APP-128].</p> <p>c. PNB3 would comprise an absorptive noise barrier 4 m high and 509m long and would provide noise attenuation to New Houses Farm. The presence of the noise barrier is likely to be visible until such time as existing woodland and new mitigation planting establishes and reduce views of the noise barrier. In the intervening period the noise barrier would substantially screen traffic movements from view. In relation to PNB3, R65 – New Houses Farm has been assessed as not being subject to a significant effect in year 1 or year 15 of operation, as outlined in Appendix 7.3 Residential Visual Effects Schedule of the ES [APP-128].</p> <p>d. PNB4 would comprise a reflective noise barrier 3 m high and 606m long and would provide noise attenuation to the holiday centre at Bockenfield Holiday Park / Felmoor Park to the east of the Scheme. The presence of the noise barrier, set on embankment, would be visible until such time as new mitigation planting establishes and reduce views of the noise barrier. In the intervening period the noise barrier would substantially screen traffic movements from view. It should be noted that further investigation is required during detailed design in order to determine whether this barrier would achieve the value for money criteria (in terms of the noise level benefits) as explained further within paragraph 1.12.28 of the Noise Addendum [REP1-019]. This is committed to in row A-N5 of Table 3-2 of the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8). Nevertheless, and in relation to the visual impact of PNB4, Bockenfield Holiday Park has been assessed as not being subject to a significant effect in year 1 or year 15 of operation, as outlined in Appendix 7.3 Residential Visual Effects Schedule of the ES [APP-128].</p> <p>3. Having assessed the visual impacts of each noise barrier, it was concluded that whilst the presence of the noise barriers would represent a new and noticeable component of the view, their presence also serves to reduce views of the Scheme. On balance, the negative impact of the loss of views is outweighed by the beneficial effect that the noise barriers have in screening other, and more prominent features of the Scheme i.e. traffic movements/associated headlights and road surface. As a result, further changes to the noise barrier proposals were not required following</p>

Ref. No.	Question to:	Question	Applicant's Response
			<p>the visual impact assessment – although mitigation in the form of tree planting was incorporated in the vicinity of PNB2.</p> <ol style="list-style-type: none"> 4. With the exception of the proposed noise barrier at location reference PNB1, and the associated discussions with the residents of Northgate Farm, no feedback has been received on the proposed noise barriers from adjacent or nearby receptors, including residents. 5. Responses were received from the residents of Northgate Farm both during the consultation carried out in May 2020 and during the examination of the Scheme. While they welcome the inclusion of the proposed noise barrier due to the mitigating effects in respect of noise, they are concerned about the visual impact of the barrier itself. Due to the level of concerns raised by residents of Northgate Farm, during the consultation, the Applicant responded during consultation (May 2020) with a proposal to arrange a meeting, without prejudice, to discuss all outstanding issues. With regards to the visual impact of the noise barrier, this was last discussed with the residents of Northgate Farm at a meeting held on 13th May 2021. 6. In addition, responses have been provided during the course of the examination, most recently in item 71 of Table 1-3 in Applicant's Responses to Deadline 6 Submissions [REP7-017]. As has been outlined above in relation to PNB1, it is considered that whilst the noise barrier would be visible, the beneficial effect of the noise barrier screening traffic beyond would outweigh the visual impact of the noise barrier itself, and the retained vegetation in the foreground would further reduce the visual impact of the noise barrier to one that is judged to be slight adverse in year 1 and year 15 of operation, which is not significant. Discussions with the residents of Northgate Farm are ongoing in this regard.
LV.3.6	Applicant	<p>Can the Applicant please provide further detail, in addition to what has already been provided in [REP4-026], on how the age and ecological value of trees will be taken into consideration as part of vegetation protection and, where the removal of vegetation cannot be avoided, how will this be replaced?</p> <p>112</p>	<ol style="list-style-type: none"> 1. The arboricultural survey of the Scheme is provided in Appendix 7.5 Arboricultural Report Part A of the ES [APP-220] and Appendix 7.1 Arboricultural Report Part B of the ES [APP-286], while an additional report on the replacement woodland in relation to the ancient woodland at Duke's Bank is also provided in Ancient Woodland Strategy Part A of the ES [APP-247]. During examination, the Applicant has submitted further explanatory material relating to arboricultural matters, including: <ul style="list-style-type: none"> • Appendix A - Relevant Protections in Relation to Vegetation Clearance [REP4-026], • Appendix A - Impacts to Ancient and Veteran Trees [REP6-045], and • Arboricultural Technical Note - Calculation of Total Tree Removal for Parts A and B [REP7-007]. 2. The potential vegetation protection measures for the Scheme are described at paragraph 6.1.3 – 6.1.10 of Appendix 7.5 Arboricultural Report Part A of the ES [APP-220] and paragraph 6.1.1 – 6.1.7 of Appendix 7.1 Arboricultural Report Part B of the ES [APP-286] and include the identification of a root protection area (RPA), minimising impacts within the RPA and fencing where required, manual excavation techniques to reduce potential damage to roots, no dig construction, avoidance of sensitive features, working within the guidance provided in BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. These

Ref. No.	Question to:	Question	Applicant's Response
			<p>measures are secured within measure S-L8 of the Outline CEMP [REP7-008 and 009] (updated and submitted at Deadline 8)</p> <p>3. In establishing the RPA, it is the size of the tree, as opposed to the age of the tree that is the primary consideration. The survey and assessment for Part A and Part B have been carried out to <i>British Standard BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'</i> (BS 5837:2012) which defines the RPA as <i>'the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability' and is an area within which the requirements of the tree must be given priority</i> [Paragraph 3.7 of BS5837]. The RPA for single stem trees is calculated as an area equivalent to a circle with a radius 12 times the stem diameter [Paragraph 4.6.1 of BS 5837:2012]. For trees with more than one stem, the stem diameter(s) have been measured in accordance with Annex C, and the RPA determined from Annex D of BS 5837:2012. The calculated RPA for each tree is capped at a radius of 15 metres or an area equivalent to 707 m².</p> <p>4. The BS 5837:2012 does not exclusively set out a methodology for determining the RPA of those trees with greater ecological value i.e. ancient/veteran trees. Paragraph 5.2.4 of BS 5837:2012 states that <i>'where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance'</i>. Appendix 7.5 Arboricultural Report Part A of the ES [APP-220] adopted an approach [Paragraph 1.4.10 of APP-220] for the protection of ancient/veteran trees which follows published guidance from The Forestry Commission and Natural England that <i>'a buffer zone should be left between any veteran, ancient or aged tree and proposed development of at least 15 times the diameter of its stem or 5 m from the edge of its canopy, if that is greater'</i>. For Appendix 7.5 Arboricultural Report Part A of the ES [APP-220] and Appendix 7.1 Arboricultural Report Part B of the ES [APP-286] the root protection areas have been calculated as an area equivalent to a circle with a radius 15 times the stem diameter. However, where the canopy extends beyond this distance, further detailed assessment will be carried out to determine the RPA, and a distance of 5m beyond the radius of the canopy may be required. This is secured in measure ExA: S-L101 of the Outline CEMP [REP7-008 and 009] (updated and submitted at Deadline 8).</p> <p>5. As part of the BS 5837:2012 assessment, the ecological value of the tree is only assessed at a high level, and no detailed surveys are carried out as to the suitability of those features for supporting various species or habitats, nor were any in-depth invertebrate studies for individual trees conducted at this stage as this is beyond the scope of the assessments (although terrestrial invertebrate surveys and/or assessment were undertaken in the wider biodiversity assessment; Appendix 9.19 Terrestrial Invertebrate Survey Report Part A of the ES [APP-245] and Chapter 9: Biodiversity Part B of the ES [APP-049]). Where a tree has been identified as potentially being an ancient/veteran tree; in accordance with industry guidance and the surveyor's professional judgement, the implications of their presence on the use of the surrounding land were assessed at the earliest possible stage of the design process. In order to accommodate potentially ancient/veteran trees in a setting that aids their long-term retention, greater stand-offs have been achieved through</p>

Ref. No.	Question to:	Question	Applicant's Response
			<p>increasing the RPA, as detailed further below. It is further assumed that the physical characteristics (e.g., dead wood/holes/cavities/broad buttresses) have an increased potential for biodiversity, and as such the level of effort to retain and protect individual trees, as provided for in paragraph 1.3.8 of Applicant's Written summaries of Oral Submissions to Hearings - Appendix A - Impacts to Ancient and Veteran Trees [REP6-045], and secured in measure ExA: S-L101 of the Outline CEMP [REP7-008 and 009] (updated and submitted at Deadline 8), reflect the potential status.</p> <ol style="list-style-type: none"> 6. The establishment of the RPA and appropriate protection measures are set out in Appendix 7.5 Arboricultural Report Part A of the ES [APP-220] and Appendix 7.1 Arboricultural Report Part B of the ES [APP-286], and Applicant's Written summaries of Oral Submissions to Hearings - Appendix A - Impacts to Ancient and Veteran Trees [REP6-045] with reference to the veteran trees, and include offsets from the canopy depending on the size of the tree and buffers for trees up to 15m from the Order limits (broader for the veteran trees). As stated in measure S-L8 of Table 3-1: Register of Environmental Actions and Commitments in the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) all tree works and construction relating to trees would be undertaken in accordance with BS 5837:2012. As such, the Applicant is committed to following best practice guidance in protecting existing vegetation within the Order limits that will be retained. 7. Where it is unavoidable to remove vegetation, the Landscape Mitigation Masterplan Part A for Change Request [REP4-060] and Landscape Mitigation Plan Part B [REP6-018] identifies replacement planting to mitigate the loss of existing vegetation and to provide appropriate screening to reduce the landscape and visual impact of the Scheme. The delivery of the landscape measures set out in Landscape Mitigation Masterplan Part A for Change Request [REP4-060] and Landscape Mitigation Plan Part B [REP64-018] is secured through S-L2 of the Table 3-1: Register of Environmental Actions and Commitments in the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) and Requirement 5 of Schedule 2 to the draft DCO [REP6-010 and 011] . 8. For the replacement of ancient woodland, a replacement ration of 12:1 has been agreed with Natural England, this is evidenced in the record of a meeting held on the 01/03/2019 and recorded in Table 2-1 - Record of Engagement, in the SoCG with Natural England [REP6-031]. This is secured in S-WB6 of Table 3-1: Register of Environmental Actions and Commitments in the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) and Requirement 15 of Schedule 2 to the draft DCO [REP6-010 and 011]. 9. With reference to the potential veteran trees identified in Appendix 7.5 Arboricultural Report Part A of the ES [APP-220], the measures identified for their retention and protection are outlined in Appendix A - Impacts to Ancient and Veteran Trees [REP6-045]. The Applicant anticipates that a single tree that demonstrates veteran tree qualities would be removed and would require replacement across the whole Scheme (Part A and Part B). The Applicant is committed to replacing this tree at a 1:12 ratio as secured within ExA: S-L101 of Table 3-1: Register of Environmental Actions and Commitments in the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8). Two trees (T195 and

Ref. No.	Question to:	Question	Applicant's Response
			<p>T196) with potentially veteran qualities were identified for Part B but are outside of the draft Order limits and are therefore not impacted by the Scheme, refer to Appendix 7.1 Arboricultural Report Part B of the ES [APP-286].</p> <p>10. All other areas of vegetation would be replaced through the implementation of the Landscape Mitigation Masterplan Part A for Change Request [REP4-060] and Landscape Mitigation Plan Part B [REP6-018] which identifies replacement planting to mitigate the loss of existing vegetation and to provide appropriate screening to reduce the landscape and visual impact of the Scheme. The Applicant has identified that 21 hectares of woodland (including 0.96 hectares of ancient woodland) would be removed by the Scheme, however 47 hectares of woodland would be planted to replace and compensate for this loss. The delivery of the landscape measures set out in the above documents is secured through S-L2 of the Table 3-1: Register of Environmental Actions and Commitments in the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8) and Requirements 5 and 15 of Schedule 2 to the draft DCO [REP6-010 and 011].</p>

Table 1-8 – Noise and Vibration

Ref. No.	Question to:	Question	Applicant's Response
NV.3.1	Applicant	<p>The Applicant's Response to the ExQ2 NV.2.4 [REP5-023] confirms that although receptor Group 9 would experience significant adverse operational road traffic noise, given the distance from the Scheme carriageway to the receptors, a noise barrier or earth bund would not provide meaningful benefit in terms of noise reduction.</p> <p>What other alternatives have been considered for this group in light of the significant adverse impact that the Proposed Development would have, and why have these been rejected?</p>	<ol style="list-style-type: none"> 1. The Applicant confirms that six receptors within the hamlet of Fenrother (identified as receptor Group 9 within the Noise Addendum [REP1-019]) are predicted to experience significant adverse operational road traffic noise effects as a result of the Scheme. This is confirmed in Table 1-30 of the Noise Addendum [REP1-019]. 2. Given the distance of these receptors to the Scheme carriageway, noise barriers or earth bunds would not provide sufficient noise level reduction to provide a meaningful acoustic benefit, as outlined in paragraph 1.12.8 of the Noise Addendum [REP1-019]. 3. It should be noted that, although no barriers or bunds are proposed in this area for the express purpose of mitigating noise, as stated within paragraph 1.12.15 of the Noise Addendum [REP1-019] environmental bunds have been proposed to mitigate landscape and visual effects, some of which are located around the Fenrother junction. The noise screening provided by these bunds has been included within the Do-Something (with Scheme) scenarios (including mitigation) as reported within Section 1.13 Assessment of Likely Significant Effects of the Noise Addendum [REP1-019]. However, the associated noise benefits from the screening afforded by these bunds are very small at the receptors in Fenrother and do not mitigate the predicted significant adverse effects. 4. A low noise road surface (LNS) would be installed on the entire length of the Scheme (with the exception of structures). This is secured through measures A-N1 within Table 3-2 (for Part A of the Scheme) and B-N1 within Table 3-3 (for Part B of the Scheme) of the Outline CEMP [REP7-008 and 009] (and as updated at Deadline 8).

Ref. No.	Question to:	Question	Applicant's Response
			<p>5. As the noise level reduction afforded by the LNS is not sufficient to mitigate the significant adverse operational road traffic noise effects at receptor Group 9, and noise barriers and earth bunds would not be appropriate, the following alternative mitigation measures were considered:</p> <p>Road Speed and Vehicle Restrictions</p> <ol style="list-style-type: none"> 1. Whilst a reduction in the road speed limit or a restriction on noisy vehicles using the Scheme would have the potential to reduce noise levels, such measures are not normally suitable for use on motorways and all-purpose trunk roads such as the Scheme. This is acknowledged within the DMRB LA 111 Noise and Vibration which states in the note under paragraph 3.64.1 that: 2. "Speed limits or restrictions on noisy vehicle types are not normally practical for use on motorways and all-purpose trunk roads, as they can encourage drivers to take alternative routes, which can be less safe and result in higher noise levels for populations along the alternative routes." Two of the identified problems and issues on the current A1, tabulated in Table 2 of the Case for the Scheme [REP4-069 and 070] are low average traffic speeds relative to other sections of the route and low peak hour traffic speeds. 3. In paragraph 3.7.1 of the Case for the Scheme, the key objectives for the Scheme are set out, which include improving journey times on this route of strategic national importance and improving network resilience and journey time reliability. 4. From a transport perspective, no formal assessment of the impacts of reducing vehicle speeds or restricting specific vehicle classes on the proposed A1 mainline has been undertaken. However, it can reasonably be assumed that such measures would reduce the benefits of the Scheme including the forecast journey time savings. Reductions in speed limit or banning of heavy goods vehicles on the proposed A1 mainline would also be likely to increase traffic flows on local roads in the area which pass through settlements, which would be undesirable from a traffic management perspective and may negate any benefits of removing these vehicles from the mainline. Consequently, speed limits or restrictions on noisy vehicle types would not be practical for the Scheme, in line with the position set out in DMRB LA 111 Noise and Vibration. <p>Modifications to Affected Buildings</p> <ol style="list-style-type: none"> 1. Buildings themselves can be treated in order to improve the sound insulation of façades whilst also considering appropriate ventilation provision. However, the absolute noise levels at the receptors within receptor Group 9 are not high and, to provide context, are substantially below the threshold for triggering eligibility for secondary glazing under the Noise Insulation Regulations (NIR). Amongst other criteria, eligibility under the NIR is triggered where the relevant noise level ($L_{A10, 18h}$ Do-Something future year (2039)) is equal to or greater than 67.5 dB. For further context, the predicted relevant noise levels at the six receptors within Group 9 are all below 55 dB $L_{A10, 18h}$ (and therefore more than 12 dB below the 67.5 dB $L_{A10, 18h}$ criterion). As discussed within Table 1-40 of the Noise Addendum [REP1-019], the significant effects predicted at these receptors are primarily driven by the noise level changes and other contextual factors, rather than the absolute noise levels, which as noted above, are not high. In this context, it should be noted that DMRB LA 111 does

Ref. No.	Question to:	Question	Applicant's Response
			<p>not present an absolute noise level threshold, below which significant effects cannot occur.</p> <ol style="list-style-type: none"> 2. Although the provision of secondary glazing would succeed in increasing the acoustic performance of windows (where they are closed), the eligibility for secondary glazing under the NIR is not triggered. Further, any benefits achieved through the installation of secondary glazing are unlikely to be fully perceived by the occupants, particularly given that these properties may rely on opening windows for ventilation and cooling. 3. Modifications to affected buildings, such as installing secondary glazing, have not been considered at this stage as, in accordance with DMRB LA 111, the operational noise assessment carried out as part of the EIA is based on external levels incident on the façades of a receptor. Modifications to the building would not influence external noise levels and therefore would not mitigate the predicted significant adverse effects arising from the Scheme, as reported in the Noise Addendum [REP1-019] to the ES.

Table 1-9 – Population and Human Health

Ref. No.	Question to:	Question	Applicant's Response
PHH.3.1	Applicant NCC	<p>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.</p> <p>Could NCC and the Applicant provide an update on their latest position in relation to this issue?</p>	<ol style="list-style-type: none"> 1. The position between the Applicant and NCC in relation to the impacts of the Scheme on Population and Human Health has now been discussed with NCC and it was agreed that the impacts of the Scheme on Population and Human Health have been fully assessed. 2. However, a summary of impacts on communities within the Population and Human Health study area (1km from the Scheme) was requested by NCC. Acknowledgement of this request has now been included at Item 12.4 of Table 3-2 of the draft SoCG with NCC, as submitted at Deadline 8. This is in addition to the position in relation to the effects on the Public Rights of Way (PRoW) network and on walkers, cyclists and horse riders, as already set out at Item 12 of Table 3-2 within the draft SoCG with NCC submitted at Deadline 7 [REP7-011]. The requested summary of impacts will be provided for Deadline 9.
PHH.3.2	Applicant	<p>The Applicant's Response to ExQ2 PHH.2.10 [REP5-023] states that the Applicant does not consider that the bus stop locations would serve the older population well and also includes reference to The Equalities Impact Assessment [REP2-007] which recommends that Designers continue exploring opportunities to make routes to alternative bus stops suitable for a range of users e.g. footpath surfacing, crossing points, rest areas/seating, dropped kerbs, signage.</p> <p>How is this secured through the DCO?</p>	<ol style="list-style-type: none"> 1. Item S-PH9 within the Outline CEMP [REP7-008 and 009] has been updated and submitted at Deadline 8 to include a measure to secure the commitment to explore opportunities during the detailed design stage (as far as reasonably practicable, and in conjunction with the bus operator) to make routes to alternative bus stops suitable for different users. 2. Item S-PH9 of the Outline CEMP [REP7-008 and 009] updated at Deadline 8 now reads "Temporary bus stops will be provided during construction and permanent bus stops during operation. The exact location of these temporary locations will be finalised prior to construction in discussions with the service provider and NCC as the Highway Authority.

Ref. No.	Question to:	Question	Applicant's Response
			<p>3. The location of the permanent bus stops has already been determined.</p> <p>4. The Applicant will explore opportunities during the detailed design stage (as far as reasonably practicable, and in conjunction with the bus operator) to make routes to temporary and permanent alternative bus stops suitable for different users.”</p>

Table 1-10 – Traffic and Transport

Ref. No.	Question to:	Question	Applicant's Response
TT.3.1	NCC	<p>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”.</p> <p>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.</p>	<ol style="list-style-type: none"> 1. The Applicant confirms that discussions with NCC on NMU provision on a section of the de-trunked A1 are still ongoing, with aspects discussed on calls on 14th, 18th and 19th May 2021. The Applicant has offered further liaison on the legal review of NCC's suggested amendments of the dDCO [REP6-010 and 011] (and updated at Deadline 8). 2. However, the Applicant's position on the north-south connectivity remains as set out in Table 1-3 of the Applicant's Response to Deadline 4 Submissions [REP5-029] and reiterated in item 8 of Table 1-5 of the Applicant's Responses to Deadline 6 Submissions [REP7-017]. The Applicant's position is that the provision of facilities for NMUs is satisfactorily addressed by the Scheme in compliance with the National Policy Statement for National Networks (NPSNN). 3. The creation of a new north-south connection for non-motorised transport is not a requirement of the project. The de-trunking of parts of the existing A1 may help to facilitate such a connection but there is no justification for requiring the link as part of the Scheme. The potential opportunity to create and connect additional lengths of footways beyond the newly constructed dualled trunk road would therefore be over and above the Scope of the Scheme, outside the DCO application and so other funding routes, such as alternative funding mechanisms, would have to be explored. The Designated Funds working group held their second session on 14th May 2021 with the next meeting scheduled for July 2021. It is important to note that there is no requirement for mitigation or directly applicable policy justifying any such intervention.
TT.3.2	NCC	The Applicant's response to Question 6.49 in the Applicant's Written Summaries of Oral Submissions 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.	

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