



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

The Planning Act 2008

**A1 in Northumberland: Morpeth to Ellingham**

Examining Authority's Report  
of Findings and Conclusions

and

Recommendation to the Secretary of State for  
Transport

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Examining Authority

**Kevin Gleeson** BA MCD MRTPI - Lead Member of the Panel

**Andre Pinto** BA MA MRTPI - Panel Member

**5 October 2021**

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# OVERVIEW

File Ref: TR010059

The application, dated 2 July 2020, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 7 July 2020.

The applicant is Highways England.

The application was accepted for Examination on 4 August 2020.

The Examination of the application began on 5 January 2021 and was completed on 5 July 2021.

The development proposed comprises two Parts known as "Part A" (Morpeth to Felton) and "Part B" (Alnwick to Ellingham). Part A comprises approximately 6.5km of online widening of the existing single carriageway to a dual carriageway and approximately 6.1km of new offline dual carriageway of the A1 between Morpeth and Felton. Part B comprises the widening of the existing single carriageway to a dual carriageway for an approximately 8km section of the existing A1 between Alnwick and Ellingham. In total, the Scheme comprises the widening of an approximately 20.6km stretch of the existing A1 between Morpeth to Ellingham, with approximately 14.5km of online widening and approximately 6.1km of new offline highway.

## **Summary of Recommendation:**

The Examining Authority recommends that the Secretary of State should make the Order in the form attached.

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# **1. INTRODUCTION**

## **1.1. INTRODUCTION TO THE EXAMINATION**

1.1.1. The Application for the A1 in Northumberland: Morpeth to Ellingham (the Proposed Development) under file reference TR010059 was submitted by Highways England (the Applicant) to the Planning Inspectorate on 2 July 2020 under section (s)37 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of PA2008 on 4 August 2020 [PD-002]<sup>1</sup>.

1.1.2. The Proposed Development is described in the Introduction to the Application [APP-001] as comprising:

- Part A includes approximately 6.5km of online widening and approximately 6.1km of new offline highway and also the construction of a new bridge to carry the new carriageway of the A1 over the River Coquet parallel to the existing road bridge;
- Part A includes dualling the existing A1 between Warreners Bridge and Priests Bridge at the southern end of Part A; construction of a new dual carriageway, bypassing west of the existing A1, between Priests Bridge and Burgham Park; dualling the existing A1 between Burgham Park and Felton at the northern end of Part A; three new split-level (grade-separated) junctions, which include a bridge over the A1, will be constructed at Highlaws, Fenrother and West Moor; construction of a new bridge over the A1 at Causey Park and construction of a new road under the A1 at Burgham Park; and the existing A1 between Priests Bridge and Burgham Park bypassed by the new dual carriageway will become part of the local road network and will be owned and maintained by Northumberland County Council (NCC);
- Part B includes approximately 8km of online widening. A new southbound carriageway would be constructed to the east of the existing A1, and the existing A1 would act as a new northbound carriageway. Part B also includes improving the existing junction at Charlton Mires with a new grade-separated junction and a new accommodation overbridge at Heckley Fence; and
- A number of Private Means of Access (PMAs) would need to be stopped up and replaced with new access routes including new roads for East and West Linkhall, and from the B6347 and Rock South Farm. To facilitate the construction of Part B, sections of an extra high voltage cable, utility pipes and telecommunication cables would need to be diverted. Part B also includes new drainage features, new and

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<sup>1</sup> 1 References to documents in the Examination Library for this Report are enclosed in square brackets [ ]. A full index to the Examination Library can be found in Appendix A.

extended culverts, and temporary and permanent Public Right of Way (PRoW) diversions.

- 1.1.3. The location of the Proposed Development is shown in the Location Plan [APP-005], Environmental Statement (ES) [APP-035 to APP-336] and Land Plans [APP-006], final updated versions of which (Revision 4) were received at Deadline (D)10 [REP10-003]. The site lies within the administrative area of NCC.
- 1.1.4. The legislative tests for whether the Proposed Development is a Nationally Significant Infrastructure Project (NSIP) were considered by the Secretary of State (SoS) for the former Ministry of Housing, Communities and Local Government (MHCLG) in their decision to accept the application for Examination in accordance with s55 of PA2008 [PD-002].
- 1.1.5. Under delegation from the SoS, the Planning Inspectorate agreed with the Applicant's view stated in the application form [APP-003] that the Proposed Development is an NSIP for the following reasons. It is for the "construction" and "alteration" of a highway within the meaning of s22(1)(a) and s22 (1)(b) of PA2008. The speed limit will be 50mph or more and the area of development is 362 hectares (ha) which exceeds the 12.5ha threshold. The Proposed Development is wholly located in England and Highways England, a strategic highways company, would be the highway authority for the highway to be altered by the Proposed Development. It therefore complies with the requirements of s22(2) and so requires development consent in accordance with s31 of PA2008. The Proposed Development therefore meets the definition of an NSIP set out in s14(1)(h) and s22 of PA2008.
- 1.1.6. The Applicant is appointed and licensed by the SoS for Transport (SoST) as the strategic highways company for England. It is responsible for maintaining and improving the Strategic Road Network (SRN) in England on behalf of the SoST. The network comprises England's motorways and all-purpose trunk roads and the existing A1 is part of the trunk road network for which the Applicant is responsible. Following construction of the Proposed Development the Applicant would be responsible for operating, maintaining and improving the new route of the A1 [APP-001].

## **1.2. APPOINTMENT OF THE EXAMINING AUTHORITY**

- 1.2.1. On 5 August 2020, Kevin Gleeson and Andre Pinto were appointed as the Examining Authority (ExA) for the application under s61 and s65 of PA2008 [PD-004].

## **1.3. THE PERSONS INVOLVED IN THE EXAMINATION**

- 1.3.1. The persons involved in the Examination were:



- Persons who were entitled to be Interested Parties (IPs) because they had made a relevant representation (RR) or were a statutory party who requested to become an IP.
- Affected Persons (APs) who were affected by a compulsory acquisition (CA) and/ or temporary possession (TP) proposal made as part of the Application and objected to it at any stage in the Examination.

## **1.4. THE EXAMINATION AND PROCEDURAL DECISIONS**

1.4.1. The Examination began on 5 January 2021 and concluded on 5 July 2021.

1.4.2. The principal components of and events around the Examination are summarised below. A fuller description, timescales and dates can be found on the Examination timetable page of the project webpage on the Planning Inspectorate National Infrastructure website (the Inspectorate's website)<sup>2</sup>.

### **The Preliminary Meeting**

1.4.3. On 19 November 2020, the ExA wrote to all IPs and Statutory Parties under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) (the Rule 6 Letter) inviting them to the Preliminary Meeting (PM) [PD-006], outlining:

- the arrangements and agenda for the PM;
- an Initial Assessment of the Principal Issues (IAPI);
- the draft Examination Timetable;
- the ExA's Procedural Decisions;
- availability of RRs and application documents; and
- preliminary Procedural Decisions.

1.4.4. A number of Procedural Decisions were made by the ExA which were set out in Annex E of the Rule 6 Letter [PD-006]. These can be summarised as follows:

- the setting of deadlines for the submission of Statements of Common Ground (SoCG) and Local Impact Reports (LIRs);
- the notification by IPs of their wish to attend an Accompanied Site Inspection (ASI) and their nomination of locations including justifications for the consideration of the ExA for their nominations;
- the issuing of First Written Questions (ExQ1) in advance of the Examination commencing;
- the notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an IP by the ExA;
- the submission of low-resolution documents for use at virtual events; and

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<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a1-in-northumberland-morpeth-to-ellingham/?ipcsection=overview>

- the submission and acceptance of post-application documents.

- 1.4.5. The Rule 6 Letter [PD-006] set out that because of ongoing public health controls in response to the COVID-19 pandemic the Examination would begin using virtual events, but flexibility would be maintained to allow for the option of having physical events later in the Examination if possible. Parties receiving the Rule 6 Letter were particularly directed to the Planning Inspectorate's Advice Note 8.6: Virtual Examination Events.
- 1.4.6. Accordingly, the Rule 6 Letter [PD-006] provided for Procedural Deadline A, 10 December 2020 which was the deadline for the receipt by the ExA of written submissions on the Examination procedure and requests to be heard orally at Part 1 of the PM.
- 1.4.7. The PM Part 1 took place virtually on 15 December 2020. It was adjourned in order to allow for the consideration of any written submissions by IPs who did not, or could not make oral submissions at Part 1 of the PM. A transcript of the PM Part 1 [EV-001 and EV-002] was produced to assist IPs in following the meeting while an audio recording [EV-003 and EV-004] was also published on the Inspectorate's website.
- 1.4.8. Procedural Deadline B, which followed Part 1 of the PM, was on 22 December 2020. This was the deadline for the receipt by the ExA of written submissions on Examination procedure including submissions responding to matters raised orally in the PM Part 1 and requests to be heard orally at the PM Part 2.
- 1.4.9. The PM Part 2 took place virtually on 5 January 2021 and the Examination commenced at the close of the PM Part 2. A transcript of the PM Part 2 [EV-006] was produced to assist IPs in following the meeting while an audio recording [EV-005] was also published on the Inspectorate's website. A note of the PM was also published [EV-007].
- 1.4.10. The ExA's Procedural Decisions and the Examination Timetable took full account of matters raised at the PM. They were provided in the EPR Rule 8 Letter [PD-008], dated 6 January 2021.

### **Key Procedural Decisions**

- 1.4.11. The procedural decisions set out in the Rule 8 Letter [PD-008] related to matters that were confined to the procedure of the Examination and did not bear on the ExA's consideration of the planning merits of the Proposed Development. Annex A of the Rule 8 Letter provided the final Examination timetable which in the light of representations received made an amendment to the dates of D2 and D3. Annex B set out the Procedural Decisions made by the ExA relating to the Examination timetable, ASIs and Additional Submissions. They can be seen in detail in the Rule 8 Letter.

- 1.4.12. On 9 April 2021 we confirmed in writing [PD-014] to all IPs a change to the Examination Timetable following our acceptance of the Applicant's request for changes to the Proposed Development. Primarily this provided for representations to be submitted, further written questions to be published and for Hearings to take place in respect of the Applicant's proposed changes to the Application.
- 1.4.13. A further amendment to the Examination Timetable was provided for in our letter of 2 June 2021 [PD-019] to provide an opportunity for IPs to comment on D9 submissions at D10 and for Written Summaries of Oral Submissions to Hearings held during the weeks commencing 7 June and 14 June to be provided by D10.
- 1.4.14. The Examination was closed at 11.59pm on 5 July 2021. This was communicated to IPs in our letter of 6 July 2021 [PD-020].

### **Site Inspections**

- 1.4.15. Site Inspections are held in PA2008 Examinations to ensure that the ExA has an adequate understanding of the Proposed Development within its site and surroundings and its physical and spatial effects.
- 1.4.16. Where the matters for inspection can be viewed from the public domain and there are no other considerations such as personal safety or the need for the identification of relevant features or processes, an Unaccompanied Site Inspection (USI) is held. Where an inspection must be made on land requiring consent to access, there are safety or other technical considerations and/ or there are requests made to accompany an inspection an ASI is held.
- 1.4.17. The ExA held the following USIs:
- USI1 was undertaken on 31 March and 1 April 2021 by Mr Andre Pinto [EV-039]; and
  - USI2 was undertaken on 19 and 20 May 2021 by Mr Kevin Gleeson [EV-055].
- 1.4.18. Each USI enabled the Panel Member to view the Proposed Development in the context of the existing A1 and surrounding road network, neighbouring settlements and the landscape within which the Proposed Development would be set. A site note providing a procedural record of each USI can be found in the Examination Library under the above references.
- 1.4.19. The Examination Timetable (Annex A of the Rule 8 Letter [PD-008]) provided for ASIs to take place during the week commencing 29 March. However, it was confirmed orally during Issue Specific Hearing 1 (ISH1) [EV-021] that the ExA had decided to postpone any ASIs that week due to the ongoing lockdown associated with the pandemic. It was stated

that the ASIs would be re-arranged, and parties would be notified of the revised date or dates in due course.

- 1.4.20. It was also noted that although at D1 a number of IPs had expressed a wish to attend an ASI, there were no submissions indicating which properties those parties wished the ExA to visit or why. On the basis of the delay to the ASI the ExA indicated that it would give further consideration to any requests for an ASI submitted by D4 (12 March 2021).
- 1.4.21. During the hearings held on 20 and 21 April 2021 we indicated that we had given further thought to the need for additional site inspections noting that the only request for an ASI, where it would not be possible to see features of the Proposed Development from publicly accessible land was from Mr Mark Hawes [RR-045] [REP1-083]. Mindful of the ongoing COVID-19 restrictions we proposed that, in order to see the features which Mr Hawes had identified, and which we agreed would be helpful to our consideration, we proposed an Access Required Site Visit. On this basis, should Mr Hawes be willing to provide access to his property and other parties had no objection, the visit could go ahead without any accompanying parties.
- 1.4.22. At Compulsory Acquisition Hearing 2 (CAH2) [EV-040] Mr Hawes confirmed that he was supportive of the proposed approach while the Applicant subsequently confirmed [REP6-044] that the proposal was supported, provided appropriate weight would be assigned to the assessment and views from a private property. On this basis USI2 on 19 May included an inspection of Mr Hawes' property and there was no need for an ASI.
- 1.4.23. The ExA has had regard to the information and impressions obtained during its site inspections in all relevant sections of this Report.

## **Hearing Processes**

- 1.4.24. Hearings are held in PA2008 Examinations in two main circumstances:
- To respond to specific requests from persons who have a right to be heard - in summary terms:
    - where persons affected by CA and/ or TP proposals (APs) object and request to be heard at a CAH (s92 of PA2008); and/ or
    - where IPs request to be heard at an Open Floor Hearing (OFH) (s93 of PA2008).
  - To address matters where the ExA considers that a hearing is necessary to inquire orally into matters under examination, typically because they are complex, there is an element of contention or disagreement, or the application of relevant law or policy is not clear, generally at ISHs (s91 of PA2008).

- 1.4.25. The ExA held a number of hearings to ensure the thorough examination of the issues raised by the application. The first group of hearings were held in late February 2021 with the agenda published on the Inspectorate's website on 16 February 2021 [EV-008 to EV-011] as follows:
- Two OFHs (OFH1 and OFH2) were held in the morning and in the evening of 22 February 2021 (recording and transcript of OFH1 [EV-012] [EV-013], recording and transcript of OFH2 [EV-014] [EV-015]);
  - An ISH into the draft Development Consent Order (dDCO) was held on 23 February 2021 (ISH1) (recordings [EV-016], [EV-017] and [EV-018] and transcripts [EV-019], [EV-020] and [EV-021]);
  - A CAH (CAH1) was held on 24 February 2021 (recordings [EV-022] and [EV-023] and transcripts [EV-024] and [EV-025]); and
  - ISH2 on environmental matters was held on 25 and 26 February 2021 (recordings [EV-026], [EV-027] [EV-028] [EV-032] and [EV-033] and transcripts [EV-029] [EV-030] [EV-031] [EV-034] and [EV-035]).
- 1.4.26. A second group of hearings were held in mid-April 2021. Agendas were published on the Inspectorate's website on 13 April 2021 [EV-037 to EV-038]. The hearings were as follows:
- CAH2 was held on 20 April 2021 (recordings [EV-040] [EV-041] and transcripts [EV-042] [EV-043]); and
  - ISH3 on environmental matters was held on 21 and 22 April 2021 (recordings [EV-044], [EV-045], [EV-046], [EV-50] and [EV-051] and transcripts [EV-047], [EV-048], [EV-049], [EV-052] and [EV-053]).
- 1.4.27. The final set of hearings were held in June 2021. Agendas for all of these hearings were published on the Inspectorate's website on 2 June 2021 [EV-056 to EV-060]. The hearings were as follows:
- CAH3 was held on 9 June 2021 (recordings [EV-061] [EV-062] and transcripts [EV-063] [EV-064]);
  - ISH4 on environmental matters was held on 9 and 10 June 2021 (recordings [EV-065] [EV-066] [EV-069] [EV-070] and transcripts [EV-067] [EV-068] [EV-071] [EV-072]);
  - CAH4 was held on 14 June 2021 (recording [EV-074] and transcript [EV-075]);
  - OFH3 was held 14 June 2021 (recording [EV-076] and transcript [EV-077]); and
  - ISH5 was held on 15 June 2021 (recordings [EV-078] [EV-079] and transcripts [EV-080] [EV-081]).
- 1.4.28. Hearings CAH4, OFH3 and ISH5 were held primarily to address the Applicant's proposed changes to the application submitted at D4.
- 1.4.29. Due to the ongoing COVID-19 pandemic and the associated lockdown it was not possible to hold any Hearings at a location close to the Proposed

Development. Accordingly, they were all held virtually on the Microsoft Teams platform.

## **Written Processes**

1.4.30. Examination under PA2008 is primarily a written process, in which the ExA has regard to written material forming the Application and arising from the Examination. All of this material is recorded in the Examination Library (Appendix A) and published online. For this reason, this Report does not contain extensive summaries of all documents and representations, although full regard has been had to them in the ExA's conclusions. The ExA has considered all important and relevant matters arising from them.

1.4.31. Key written sources are set out further below.

## **Relevant Representations**

1.4.32. Forty-seven RRs were received by the Planning Inspectorate [RR-001 to RR-047]. All makers of RRs received the Rule 6 Letter and were provided with an opportunity to become involved in the Examination as IPs. All RRs have been fully considered by the ExA. The issues that they raise are considered throughout this Report.

## **Written Representations and Other Examination Documents**

1.4.33. The Applicant and IPs were provided with opportunities to:

- make Written Representations (WRs) (D2);
- comment on WRs made the Applicant and other IPs (D3);
- summarise their oral submissions at hearings in writing (D4, D6 and D10);
- make other written submissions requested or accepted by the ExA; and
- comment on documents issued for consultation by the ExA including:
  - any submissions made by the Applicant and other IPs (D2-D11);
  - the Applicants preferred dDCO [D7];
  - the ExA's comments on the Applicant's preferred dDCO [D8]; and
  - updated SoCGs and any other updated documents submitted by the Applicant (D11).

1.4.34. All WRs and other examination documents have been fully considered by the ExA. The issues that they raise are considered in all relevant Chapters of this Report.

## **Local Impact Report**

1.4.35. One LIR was received by the ExA from NCC [REP1-071]. The Applicant provided comments on the LIR at D3 [REP3-025]. The LIR has been

taken fully into account by the ExA in all relevant Chapters of this Report and a description of its content can be found in Chapter 4 of this Report.

### **Statements of Common Ground**

- 1.4.36. The Applicant indicated in its Consents and Agreements Position Statement [APP-016] that it proposed to prepare and agree SoCGs with NCC, Natural England (NE), the Environment Agency (EA) and Historic England. In Annex E of our Rule 6 Letter [PD-006] we asked that in addition to those bodies, the Applicant should also prepare SoCGs with the Forestry Commission, the Woodland Trust and affected statutory undertakers.
- 1.4.37. In its Statement of Commonality for Statement of Common Ground [REP1-027] submitted at D1 the Applicant stated that Woodland Trust had confirmed by email that it was unable to participate in any SoCGs for road schemes. As such the Applicant stated that no further work was proposed on the SoCG with the Woodland Trust.
- 1.4.38. By the end of the Examination, the following bodies had concluded SoCGs with the Applicant:
- NCC [REP11-009];
  - NE [REP10-029];
  - EA [REP11-010];
  - Historic England [REP10-031];
  - The Forestry Commission [REP11-011]; and
  - Northern Gas Networks [REP11-026].
- 1.4.39. At D11 the Applicant confirmed [REP11-025] that with respect to National Grid Gas, as stated in the Statement of Commonality for Statement of Common Ground submitted at D11 [REP11-008], the parties had completed a side agreement, although a signed SoCG with National Grid Gas had not been received by the Applicant but would submit this as soon as it had been received. While no signed version or side agreement was received by the end of the Examination National Grid Gas confirmed [REP11-017] that it had reached agreement and withdrew its objection..
- 1.4.40. Similarly, the Applicant confirmed [REP11-025] that in respect of Northumbrian Water, as set out in the SoCG submitted at D11 [REP11-012], that the parties were close to agreeing a side agreement and that once this had been completed, a signed SoCG would be submitted. Neither was received by the end of the Examination.
- 1.4.41. Northern Powergrid submitted representations, including proposed Protective Provisions at D10 [REP10-046] [REP10-047], to which the Applicant responded at D11 [REP11-001]. The Applicant noted that these provisions had not been agreed and responded to the matters raised in the Applicant's Response to D10 Submissions [REP11-014]. The Applicant

also confirmed that they would continue to engage with Northern Powergrid and would provide a further update once discussions had progressed [REP11-025]. No further correspondence was received during the Examination.

1.4.42. Both the signed and unsigned SoCGs have been taken into account by the ExA in all relevant Chapters of this Report.

### **Written Questions**

1.4.43. The ExA asked four rounds of written questions:

- first written questions (ExQ1) [PD-007] were published alongside the Rule 6 Letter [PD-006], dated 19 November 2020 with responses due by D1 (12 January 2021). As set out in Annex E of the Rule 6 Letter, IPs were advised not to submit responses to ExQ1 until the Examination commenced and no early responses were submitted. In addition, the Rule 8 Letter [PD-008] confirmed that ExQ1 had been published and invited responses by D1;
- second written questions (ExQ2) [PD-011] were issued on 19 March 2021 with responses due by D5 (1 April 2021);
- third written questions (ExQ3) [PD-017] were issued on 11 May 2021 with responses due by D8 (25 May 2021); and
- fourth written questions (ExQ4) [PD-018] which were specifically focused on the Applicant's proposed changes to the application were issued on 24 May 2021 with responses due by D8a (4 June 2021).

1.4.44. The following requests for further information and comments under Rule 17 of the EPR were issued:

- on 3 November 2020 [PD-005] IPs were requested to provide further information about their availability and capability to engage with the Examination remotely, including the use of virtual events;
- on 26 January 2021 the ExA wrote to the Applicant [PD-010] regarding the importance of documentation being provided in a way which assists those reviewing it and specifically drawing the Applicant's attention to apparent errors in D1 submissions; and
- clarification and further information was sought from the Applicant and the EA on the Applicant's proposed changes to the application through a letter dated 30 March [PD-013].

1.4.45. All responses to the ExA's written questions have been fully considered and taken into account in all relevant Chapters of this Report.

### **Report on the Implications for European Sites**

1.4.46. The Examination Timetable had reserved time for the publication of a Report on the Implications for European Sites (RIES) by the ExA and for comments upon it by D6. However, in our letter of 22 March 2021 [PD-012], we noted that after giving careful consideration to all relevant evidence it was not necessary to issue a RIES.



## **Requests to Join and Leave the Examination**

- 1.4.47. There were no requests to join the Examination by persons who were not already IPs at or after the PM.
- 1.4.48. Only the Royal Mail [REP8-031] and National Grid Gas [REP11-017] wrote to the ExA to formally record the settlement of their issues and the withdrawal of their representations.

## **1.5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 1.5.1. The Proposed Development is development for which an Environmental Impact Assessment (EIA) is required (EIA development).
- 1.5.2. On 25 January 2018, the Applicant submitted a Scoping Report for Part A (A1 in Northumberland: Morpeth to Felton) [APP-338] to the SoS under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) in order to request an opinion about the scope of the ES to be prepared (a Scoping Opinion). It follows that the Applicant is deemed to have notified the SoS under Regulation 8(1)(b) of the EIA Regulations that it proposed to provide an ES in respect of the Part A.
- 1.5.3. On 7 November 2018 the Applicant submitted a Scoping Report for Part B (A1 in Northumberland: Alnwick to Ellingham) [APP-339] to the SoS under Regulation 10 of the EIA Regulations with a request for a Scoping Opinion. In respect of Part B, the Applicant is therefore deemed to have notified the SoS under Regulation 8(1)(b) of the EIA Regulations that it proposed to provide an ES in respect of the Part B.
- 1.5.4. In respect of Part A, the Planning Inspectorate provided a Scoping Opinion [APP-340] to the Applicant which was received on 7 March 2018. In respect of Part B, the Planning Inspectorate provided a Scoping Opinion [APP-341] to the Applicant which was received on 18 December 2018. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development was determined to be EIA development, and the application was accompanied by an ES.
- 1.5.5. On 14 September 2020 the Applicant provided the Planning Inspectorate with certificates confirming that s56 and s59 of PA2008 and Regulation 13 of the EIA Regulations had been complied with [OD-001] [OD-002].
- 1.5.6. Consideration is given to the adequacy of the ES and matters arising from it in Chapter 4 of this Report. The potential environmental effects have been assessed and set out in the ES. The ES includes details of measures proposed to mitigate likely significant effects identified by the Applicant.

## **1.6. HABITATS REGULATIONS ASSESSMENT**

- 1.6.1. The Proposed Development is development for which a Habitats Regulations Assessment (HRA) Report has been provided.
- 1.6.2. Consideration is given to the adequacy of the HRA Report, associated information and evidence and the matters arising from it in Chapter 5 of this Report.

## **1.7. UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS**

- 1.7.1. At D10 the Applicant submitted a document titled Summary of Legal Agreement with the Environment Agency and Northumberland County Council [REP10-039]. This set out the key provisions of the compensation arrangements which the Applicant was concluding with the EA and NCC and is an important and relevant consideration for the SoS. Signed SoCGs with the EA [REP11-010], NCC [REP11-009], and NE [REP10-029] confirmed that the legal agreements addressed the concerns of these IPs in respect of compensation for the impact of the Proposed Development on the riverbank of the River Coquet, compensation to offset the culverting of watercourses by the Proposed Development and to secure compensation for woodland potentially damaged by increased nitrogen deposition as a result of the Proposed Development.
- 1.7.2. A submission by the Applicant [REP11-025] immediately before the closure of the Examination confirmed that the agreement with the EA had been signed. However, it was confirmed that the agreement with NCC had not yet been signed because the Council's signing procedures required the fixing of a seal and physical signature which was difficult to organise when staff are working from home during the pandemic. Consequently, there was no Council officer physically available to seal and sign the agreement ahead of the close of the Examination.
- 1.7.3. The existence of these agreements has been taken fully into account by the ExA in all relevant Chapters of this Report.
- 1.7.4. In its RR, NCC [RR-001] stated that it would continue to seek and advocate for s106 agreements under the Town and Country Planning Act 1990 (TCPA1990) to secure appropriate mitigation and/ or compensation in relation to identified impacts of the scheme. At ISH1 NCC confirmed that it was not necessary to proceed with such agreements on the basis that matters would be addressed through the DCO [EV-020].

## **1.8. OTHER CONSENTS**

- 1.8.1. In addition to the consents required under PA2008 the Applicant identified in the Consents and Agreements Position Statement [APP-016] that the following permits consents and agreements may also need to be sought separately from the DCO:

- Protected Species Licensing (badgers, bats, great crested newts and red squirrels) with NE as the consenting authority;
- Water/ Drainage Consents (Water Abstraction Licence and Environmental Permits for Flood Risk Activities from the Environment Agency as consenting authority and Land Drainage Consent from NCC as the Lead Local Flood Authority);
- Waste/ Pollution Consents (waste exemptions under the Environmental Permitting Regulations from the EA, trade effluent consent from Northumbrian Water and s61 agreement under the Control of Pollution Act 1974 from NCC); and
- NE Assent to undertake works in the River Coquet SSSI and Coquet Valley Woodlands SSSI.

1.8.2. Paragraph 3.1.5 of the Consents and Agreements Position Statement [APP-016] identified that the permits, consents and agreements that may need to be sought separately from the DCO "*are largely dependent on final detailed design, the detailed construction site set up and methodologies and discussions with the relevant public authorities from whom consents may be required. These are not sufficiently developed at this stage to confirm the requirements and therefore is not practicable to include them in the DCO*".

1.8.3. Section 4 of the outline Construction Environmental Management Plan (Outline CEMP) [APP-346] also addresses consents and permissions. In addition to those items in the Consents and Agreements Position Statement [APP-016] it listed Statutory Plant Health Notice required from the Forestry Commission.

1.8.4. In relation to the outstanding consents recorded above, the ExA has considered the available information bearing on these and, without prejudice to the exercise of discretion by future decision-makers, has concluded that there are no apparent impediments to the implementation of the Proposed Development, should the SoS grant the application.

## **1.9. STRUCTURE OF THIS REPORT**

1.9.1. The structure of this report is as follows:

- **Chapter 1** introduces the reader to the application, the processes used to carry out the Examination and make this Report.
- **Chapter 2** describes the application as made, the site and its surrounds, the Proposed Development and the application as examined.
- **Chapter 3** records the legal and policy context for the SoS' decision.
- **Chapter 4** sets out the planning issues that arose from the application and during the Examination.
- **Chapter 5** considers effects on European Sites and HRA.
- **Chapter 6** sets out the balance of planning considerations arising from Chapters 4 and 5, in the light of the factual, legal and policy information in Chapters 1 to 3.

- **Chapter 7** sets out the ExA's examination of CA and TP proposals.
- **Chapter 8** considers the implications of the matters arising from the preceding chapters for the DCO.
- **Chapter 9** summarises all relevant considerations and sets out the ExA's recommendation to the SoST.

1.9.2. This report is supported by the following Appendices:

- **Appendix A** – Examination Library.
- **Appendix B** – List of Abbreviations.
- **Appendix C** – The Recommended DCO.

## **2. THE PROPOSAL AND THE SITE**

### **2.1. THE APPLICATION AS MADE**

- 2.1.1. The Applicant submitted an application under s37 of PA2008 for an order granting development consent for the proposed A1 in Northumberland: Morpeth to Ellingham project.
- 2.1.2. Section 2.5 of the ES [APP-037] provides a full description of the Proposed Development which aims to enhance resilience and improve journey times and safety along two sections of the existing A1 between Morpeth and Ellingham. Part A comprises two main categories of work: provision of a new dual carriageway, both online and offline, and works to the de-trunked section of the A1 covering approximately 12.6km of the existing A1 between Morpeth and Felton. It includes approximately 6.5km of online widening and approximately 6.1km of new offline highway. Part A and Part B are separated by an existing stretch of dual carriageway. Part B starts approximately 15km north of the northern extent of Part A. Part B comprises the widening of the existing single carriageway to a dual carriageway for an approximately 8km section of the existing A1 between Alnwick and Ellingham. In total, the Proposed Development comprises the widening of an approximately 20.6km stretch of the existing A1 between Morpeth to Ellingham, with approximately 14.5km of online widening and approximately 6.1km of new offline highway.
- 2.1.3. The Applicant noted that the A1 is a route of national importance and plays a strategic role linking London and Edinburgh [APP-037]. It forms part of Highway England's SRN, comprising motorways and dual carriageways with some sections of single carriageway including between Morpeth and Ellingham.
- 2.1.4. The application as originally submitted comprised the following:
- Introduction to the Application [APP-001];
  - Covering Letter and s55 Compliance [APP-002];
  - Application Form [APP-003];
  - Guide to the Documents to be Certified [APP-004];
  - Location Plan [APP-005];
  - Land Plans [APP-006];
  - Works Plans [APP-007];
  - General Arrangement Plans [APP-008];
  - Rights of Way and Access Plans [APP-009];
  - Traffic Regulation Measures Plans [APP-010];
  - Engineering Section Drawings [APP-011];
  - Structures Engineering Drawings and Sections [APP-012];
  - Vegetation Clearance Plans [APP-013];

- Draft DCO, Explanatory Memorandum (EM), Consents and Agreements Position Statement and Verification Certificate of the dDCO [APP-014 to APP-017];
- Statement of Reasons (SoR) Funding Statement and Book of Reference (BoR) [APP-018 to APP-020];
- Consultation Report and Consultation Report Appendices [APP-021 to APP-034];
- ES, Figures, Appendices and Non-Technical Summary (NTS) [APP-035 to APP-337];
- Scoping Reports Part A and Part B [APP-338 to APP-339];
- Scoping Opinions Part A and Part B [APP-340 to APP-341];
- HRA Report [APP-342];
- Statement Relating to Statutory Nuisance [APP-343];
- Case for the Scheme [APP-344];
- National Policy Statement for National Networks Accordance Table [APP-345];
- Outline CEMP [APP-346]; and
- Construction Traffic Management Plan [APP-347].

## **2.2. THE PROPOSED DEVELOPMENT SITE AND SETTING**

2.2.1. The surrounding area to the Proposed Development is a generally open and rural landscape of medium to large scale intensive farmland with arable and pasture fields enclosed by hedgerows, some tree-lined, and some stone walls [APP-337]. The location of the Proposed Development site in its setting is shown overleaf [APP-005].

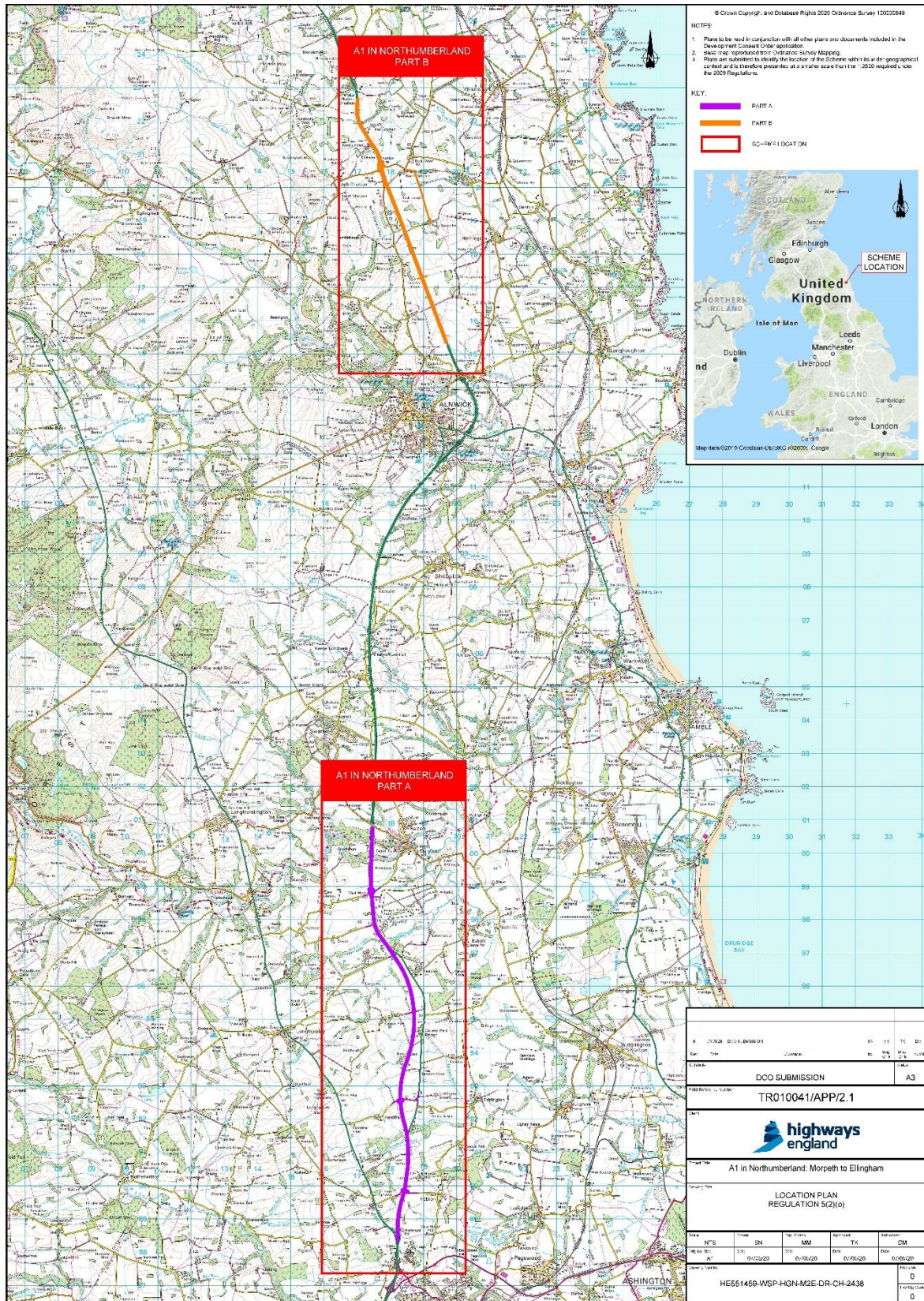
### **Part A**

2.2.2. Figure 1.1 of the ES [APP-064] shows the extent of Part A. It is located on the existing A1 between the Warreners House interchange at Morpeth and the existing dual carriageway at Felton.

2.2.3. The area surrounding the existing A1 and that which would be close to Part A is generally an open and rural landscape of medium to large scale intensive farmland with arable and pasture fields enclosed by hedgerows, some tree-lined and some stone walled. The surrounding area is generally rural and open in nature with small hamlets interspersed along the A1. Part A contains many small areas of woodland of both conifer plantations and broadleaf woodland. The southern extent of Part A is located within designated Green Belt.

2.2.4. Paragraphs 2.3.8 – 2.3.15 of the ES [APP-037] provide information relating to characteristics of the local area such as protected sites and species, cultural heritage, watercourse and mining areas.

2.2.5. The main temporary construction compound which would be used for both Part A and Part B is located towards the northern end of Part A, approximately 1.5km south-west of Felton. It is approximately 16km south of the Part B main scheme area.



A1 IN NORTHUMBERLAND: MORPETH TO ELLINGHAM: TR010059  
 REPORT TO THE SECRETARY OF STATE: 5 OCTOBER 2021

## **Part B**

- 2.2.6. Figure 1.2 of the ES [APP-065] shows the extent of Part B between Alnwick and Ellingham. This comprises two areas, the main scheme area of the Proposed Development and the Lionheart Enterprise Park compound, located to the south of Alnwick, which is proposed to be used for a construction compound.
- 2.2.7. The area surrounding the existing A1 is a generally open and rural landscape of medium to large scale intensive farmland with arable and pasture fields enclosed by hedgerows, some tree-lined, and some stone walled. The largest town within close proximity to the permanent works of Part B is Alnwick, located south-west of the most southern extent of the Part B main scheme area while smaller hamlets and villages are interspersed throughout the length of the main scheme area. Isolated residential dwellings, commercial properties and several farms also lie adjacent to the A1 and within the Order Limits.
- 2.2.8. Paragraphs 2.3.26 – 2.3.36 of the ES [APP-037] provide information regarding the local area, cultural heritage, protected sites and species and flood risk and watercourses.
- 2.2.9. In addition to the main compound and Lionheart Enterprise Park compound, Part B is also served by the Charlton Mires site compound located near to the northern extent of Part B.

## **2.3. THE APPLICATION AS EXAMINED**

- 2.3.1. Changes to the key application documents were submitted between the acceptance of the application and the start of the Examination and during the Examination itself. The changes sought to address points raised in advice pursuant to s51 of PA2008 after acceptance, in RRs, WRs and other submissions by IPs and in written examination questions (ExQ1, ExQ2, ExQ3 and ExQ4) [PD-007, PD-011, PD-017 and PD-018]. Changes were also made to reflect improved information and changes arising during the Examination. These included matters such as clarity and/ or discrepancies within the dDCO and other environmental matters.

## **The Proposed Works**

### **Part A**

- 2.3.2. The Case for the Scheme [APP-344] describes Part A as comprising dualling of the existing A1 single carriageway between Warreners House Interchange at Morpeth and the dual carriageway at Felton (both online and a new offline section). It includes the de-trunking of a section of the existing A1, and the construction of four overbridges (three of which are new junctions), an underbridge, a new subway, a bridge over the River Coquet, new and extended culverts and new access tracks.



- 2.3.3. At the southern extent of Part A, the dualling of the existing single carriageway section of the A1 would begin close to Northgate Hospital. This is to the northwest of Morpeth where the existing dual carriageway ends and the A1 becomes single carriageway.
- 2.3.4. From Northgate Hospital to Priest's Bridge, a stretch of approximately 2.9km of the existing A1 would be used as the southbound carriageway and a new northbound carriageway would be constructed adjacent, to the west of the existing carriageway. Access from the A1 to residential properties around Warrener's House would be removed and stopped up, and new access arrangements for these properties would be provided to the east and south.
- 2.3.5. At Priest's Bridge, Part A would include approximately 6.1km of offline widening with the construction of new dual carriageway to the west of the existing A1. This new offline section would move away from the existing line of the A1 towards the west of Earsdon Moor, passing east of Fenrother, New House Farms, and Causey Park, and tying back into the existing A1 to the east of Burgham Park and west of Felmoor Park.
- 2.3.6. A new grade-separated junction with a bridge over the A1 would be constructed where the new road crosses the side road between the existing A1 and Fenrother. Connectivity from Causey Park across the new dual carriageway would be maintained by a new overbridge on the line of the existing side road to Causey Park. An underbridge would be constructed to enable the road from Longhorsley to the existing A1 to pass under the new dualled A1.
- 2.3.7. From Burgham Park to the northern extent of Part A, the offline section would tie in with the existing A1 dual carriageway. The widening would be online for approximately 3.6km and the existing A1 (including the existing bridge over the River Coquet) would form the new northbound carriageway. A new southbound carriageway (including construction of a new bridge over the River Coquet) would be constructed on the eastern side.
- 2.3.8. Bywell Road is a rural 3.8km long single carriageway connecting the A697 to the existing A1 in an east-west direction. Along this road, connections to the A697 and A1 would both be in the form of at-grade junctions. As part of the Proposed Development, Bywell Road would be realigned north from its existing junction with the A1, which would be removed, to connect to West Moor Road, with an at-grade junction to the west of the proposed West Moor Junction. From there, access to the A1 would be via the new junction.
- 2.3.9. Between Priest's Bridge and Felmoor Park, the existing A1 would be bypassed by the offline section of Part A. The existing section of the A1 in this area (the de-trunked A1) would cease to be a trunk road and would

be passed to the ownership of NCC who would have responsibility for its future maintenance as a local access road.

## **Part B**

- 2.3.10. Part B comprises approximately 8km of dualling of the existing A1 single carriageway, one new junction at Charlton Mires, an accommodation overbridge at Heckley Fence, new and extended culverts, temporary and permanent PRow diversions and new access roads [APP-344].
- 2.3.11. To facilitate the construction of the Proposed Development, statutory utilities would need to be diverted throughout Part B. In particular, the diversion of sections of a Northern Powergrid circuit from Denwick to Middlemoor Windfarm and sections of a Northern Gas Networks pipeline would be required.
- 2.3.12. The entire length of Part B from Alnwick to Ellingham would include online widening to the east of the existing A1.
- 2.3.13. A new grade-separated junction, with a bridge over the A1, would be constructed at Charlton Mires at the northern end of Part B. The B6347 to the west of the Charlton Mires junction would be realigned to accommodate a roundabout and access to the junction. At the southern end of Part B an accommodation overbridge would be located east of Heckley Fence to provide additional connectivity.
- 2.3.14. A number of PMAs currently take access directly onto the A1. These would all be extinguished, and alternative accesses provided as part of Part B.

## **Changes Before the Preliminary Meeting**

- 2.3.15. The Planning Inspectorate's Section 55 Acceptance of Applications Checklist issued on 4 August 2020 [PD-001] which accompanied the notification of the decision to accept the application, pursuant to s55 of PA2008 [PD-002] made a number of observations in respect of the documents submitted as part of the application. The ExA also made a Procedural Decision on 5 August 2020 [PD-003] to request additional and updated evidence to be submitted by the Applicant for publication of the Inspectorate's website at the start of the RR period.
- 2.3.16. In response, on 14 September 2020 the Applicant submitted a number of documents as follows:
- Covering Letter [AS-001];
  - Application Document Tracker [AS-002];
  - HRA Addendum Report [AS-003]
  - Updated HRA Report (Revision 1) [AS-004] [AS-005];
  - Additional Statutory Consultation Evidence [AS-006 to AS-008]; and
  - Updated BoR (Revision 1) [AS-009] [AS-010].

## Changes in Examination

- 2.3.17. As is normal during NSIP examinations, a number of changes/ amendments were made to application documents as the Examination progressed. A comprehensive list of the most up-to date versions of such documents, taking into account ongoing diligence in respect of land and property information, all relevant issues raised in RRs, WRs, in written questions (ExQ1 to ExQ4) and responses to them and in oral submissions at hearings is provided in the final version of the Application Document Tracker submitted at D11 [REP11-002].
- 2.3.18. Prior to the Examination commencing, on 10 December 2020 the Applicant notified the ExA [PDA-001] that it proposed to submit a request for three changes to be made to the application. A summary of the proposed changes was also submitted [PDA-003] which was revised prior to the Examination commencing [AS-017] [AS-018]. On 11 January 2021 the ExA responded to the Applicant [PD-009], commenting on the materiality of the proposed changes, further information required and the approach to consultation.
- 2.3.19. At D4 (12 March 2021) the Applicant submitted a formal request for a material change amendment to the application [REP4-034 to REP4-073a]. The request had three elements to it which are described in the Change Request Letter [REP4-034] as follows:
- Change 1: Earthworks Amendments;
  - Change 2: Stabilisation Works; and
  - Change 3: Southern Access Works.
- 2.3.20. On 30 March 2021 the ExA wrote to the Applicant and the EA [PD-013] to seek further comments and information under Rule 17 of the EPR. After receiving responses from the Applicant [REP5-032] and the EA [REP5-044] the ExA concluded in a Procedural Decision dated 9 April 2021 [PD-014] [PD-015] that the development being proposed through the change request remained in substance that which was originally applied for. The ExA was satisfied that, when taken either individually or in combination, the proposed changes would not amount to a different project being proposed (for which a new application would have been required).
- 2.3.21. While the Applicant was of the opinion that Change 1 was not a material change while Changes 2 and 3 were material, the ExA took a different view. For the reasons set out in the Procedural Decision [PD-013], the ExA found all three proposed changes to be material.
- 2.3.22. The ExA was also satisfied that, with the proposed submission of additional information at D7 (11 May 2021), sufficient time would remain in the Examination for the proposed changes to be properly and fairly examined including the opportunity for written submissions and any oral representations to be made at any Hearings that are required, along with

the procedural requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations).

- 2.3.23. In accordance with Regulation 6 of the CA Regulations, the ExA decided, on behalf of the SoS, to accept the proposed provisions as part of the application. In reaching this decision, the ExA was satisfied that they complied with the requirements of Regulation 5 of the CA Regulations. Details of the ExA's considerations were set out in a Procedural Decision [PD-014]. An update to the Examination Timetable to address these requirements was also made [PD-013].

## **2.4. RELEVANT PLANNING HISTORY**

- 2.4.1. Neither the Case for the Scheme [APP-344] nor NCC's LIR [REP1-071] identified any particular issue with existing consents relating to the Proposed Development or any planning history that would have a significant bearing on the case.

## **3. LEGAL AND POLICY CONTEXT**

### **3.1. INTRODUCTION**

- 3.1.1. This Chapter sets out the relevant legal and policy context for the application. The ExA has taken this into account in the Examination of the Proposed Development and in presenting findings and making recommendations to the SoST.
- 3.1.2. The legislative and policy framework, as understood by the Applicant, is introduced in Chapter 1 of the ES [APP-036] while the National Policy Statement for National Networks Accordance Table [APP-345] provides an assessment of the Proposed Development's strategic alignment and conformity with individual paragraphs of the National Networks National Policy Statement (NNNPS).
- 3.1.3. The Case for the Scheme [APP-344] is intended to supplement the assessment of the Proposed Development's compliance with the NNNPS and also identify "*any other matters*" that are considered "*important and relevant*" to the determination of the application in accordance with s104(2) of PA2008. These important and relevant matters include the aims of relevant local and national economic transport and planning policy.
- 3.1.4. The LIR [REP1-071] prepared by NCC sets out the local authority's position with regard to development plan policies and the conformity of the Proposed Development with these policies is described in individual chapters of the ES relating to particular topics.

### **3.2. THE PLANNING ACT 2008**

- 3.2.1. As the Proposed Development is an NSIP, consent under s31 of PA2008 is required. Under s37 of PA2008, an order granting development consent may only be made if application for it is made (through the Planning Inspectorate) to the SoS.
- 3.2.2. Section 104 of PA2008 applies to the Proposed Development because it is:  
  
*"in relation to an application for an order granting development consent [where] a national policy statement has effect in relation to development of the description to which the application relates".*
- 3.2.3. Section 104(3) of PA2008 requires the SoS to decide an application for development consent in accordance with any relevant National Policy Statement (NPS), except to the extent that the SoS is satisfied that, in summary, doing so:
- would lead to the United Kingdom (UK) being in breach of its international obligations;

- would lead to the SoS being in breach of any duty imposed on the SoS under any enactment;
- would be unlawful under any enactment;
- the adverse impact of the proposed development would outweigh its benefits; or
- fail to comply with any prescribed condition for deciding the application otherwise than in accordance with the NPS.

3.2.4. Section 104(2) of PA2008 sets out the matters to which the SoS must have regard in deciding an application. In summary, these include:

- any relevant NPS which has effect in relation to development of the description to which the application relates;
- any LIR (within the meaning given by s60(3) of PA2008) submitted to the SoS before the specified deadline for submission;
- the appropriate marine policy documents (if any), determined in accordance with s59 of the Marine and Coastal Access Act 2009;
- any matters prescribed in relation to the development of the description to which the application relates; and
- any other matters which the SoS considers are both important and relevant to the decision.

3.2.5. The remainder of this Chapter addresses the application of the relevant NPS and the LIR and identifies other legal and policy matters that are capable of being important and relevant considerations.

### **3.3. NATIONAL POLICY STATEMENT**

3.3.1. The NNNPS has been designated as the NPS for roads for which the SoST is the highway authority. The NNNPS sets out the need for, and Government's policies to deliver, development of NSIPs on the national road network in England. It also provides planning guidance for such projects and the basis for the examination by the ExA and decisions by the SoST, covering a range of relevant topics which are addressed in detailed terms and with references to individual paragraphs in the NNNPS in Chapter 4 of this Report below.

3.3.2. The NNNPS also states that applicable policies from the relevant development plan can be important and relevant matters. These are identified here and addressed further in Chapter 4.

### **3.4. EUROPEAN LAW AND RELATED UK REGULATIONS**

#### **Leaving the European Union**

3.4.1. The UK left the European Union (EU) as a member state on 31 January 2020. The European Union (Withdrawal Agreement) Act of January 2020 gave effect to the transition arrangements until the 31 December 2020. This provided for EU law to be retained as UK law and also to bring into

effect obligations which may come in to force during the transition period.

- 3.4.2. This report has been prepared on the basis of retained law and references in it to European terms such as "Habitats" have also been retained for consistency with the Examination documents. It will be a matter for the SoST to satisfy themselves as to the position on retained law, obligations and equivalent terms at the point of their decision.

## **The EIA Directive and the EIA Regulations**

- 3.4.3. The EIA Directive defines the procedure by which information about the environmental effects of a development is collected and considered by the relevant decision-making body before consent can be granted. It applies to a wide range of public and private projects, which are defined in Annexes I and II of the Directive. The most recent EIA Directive is 2014/52/EU, which came into force in 2014.
- 3.4.4. The EIA Directive is transposed into law for NSIPs in England by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), which came into force in May 2017.
- 3.4.5. The EIA Regulations establish the minimum information to be supplied by an applicant within an ES, as well as information that can be requested as being reasonably justified in the circumstances of the case. Regulation 14 and Schedule 4 of the EIA Regulations set out the information required in an ES. This is reinforced by Regulation 4(2), which sets out the core duty of the decision maker in deciding on EIA development. It states that the decision maker *"must not ... make an order granting development consent or ... grant subsequent consent unless an EIA has been carried out in respect of that application."*
- 3.4.6. The EIA Directive requires EIAs to identify, describe and assess the direct and indirect significant effects of a project on climate. It also stipulates that the information to be included within the ES should include *"a description of the likely significant effects of the project on climate (for example the nature and magnitude of GHG [Greenhouse Gas] emissions) and the vulnerability of the project to climate change"*.
- 3.4.7. The Proposed Development is EIA development under Schedule 2 of the EIA Regulations. The Applicant submitted a notification to the Planning Inspectorate of its intention to submit an ES under Regulation 8(1)(b) and has provided an ES [APP-035 to APP-343] as part of the submitted application. As set out in Section 2.3 above, parts of the ES have been updated during the Examination.
- 3.4.8. All the submitted environmental information has been taken into consideration, as required by Regulation 4 of the EIA Regulations including the ES and all other information received during the Examination.

## **The Habitats Directive, the Birds Directive and the Habitats Regulations**

- 3.4.9. The Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) form a cornerstone of Europe's nature conservation policy. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are the principal means by which the Directives are transposed into the law of England and Wales. The Habitats Directive is built around two pillars: a network of protected sites, and a system of species protection.
- 3.4.10. Habitat types requiring the designation of Special Areas of Conservation (SACs) are listed in Annex I of the Directive. Animal and plant species of interest whose conservation requires the designation of SACs are listed in Annex II. SACs form part of the Natura 2000 ecological network. Annex IV lists animal and plants species of interest in need of legal protection. All species listed in the annexes are identified as European Protected Species.
- 3.4.11. The Birds Directive is a comprehensive scheme of protection for all wild bird species naturally occurring in the EU. It requires classification of areas as Special Protection Areas (SPAs) comprising all the most suitable territories for these species. All SPAs form part of the Natura 2000 ecological network.
- 3.4.12. Assessment processes taking place pursuant to these regulations are referred to as HRA. When determining this application, the SoST must consider whether the Proposed Development may have a significant effect on a European site of nature conservation importance alone or in combination with other plans or projects.
- 3.4.13. The Habitats Directive, Birds Directive and Habitats Regulations have been taken into account in considering the application and are discussed in Chapters 4 and 5.

## **The Air Quality Directive, the UK Air Quality Strategy and the Clean Air Strategy**

- 3.4.14. Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe (the Air Quality Directive (AQD)) sets legally binding concentration-based limit values (LVs) for compliance and establishes control actions where the LVs are exceeded for ambient air quality with respect to sulphur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), lead, benzene, carbon monoxide and ozone. It is transposed into UK statute through the Air Quality Standards Regulations, 2010 made under the Environment Act 1995 (EA1995).
- 3.4.15. EA1995 established a requirement for the production of an Air Quality Strategy (AQS) for improving ambient air quality. The AQS establishes a



long-term vision for improving air quality and offers options to reduce the risk to health and the environment from air pollution. Individual plans prepared beneath its framework provide more detailed actions to address LV exceedances for individual pollutants. In turn, these plans set the framework for action in specific local settings where LV exceedances are found, including the designation of Clean Air Zones and more localised Air Quality Management Areas (AQMAs) where Air Quality Management Plans are prepared by local authorities.

- 3.4.16. The Clean Air Strategy 2019, published on 14 January 2019, sets out actions required across government and society to improve air quality.

### **The Water Framework Directive and the Water Framework Directive Regulations**

- 3.4.17. Directive 2000/60/EC established a framework for Community action in the field of water policy (the Water Framework Directive (WFD)) including objectives to prevent and reduce pollution, environmental protection, improving aquatic ecosystems and mitigating the effects of floods. It also provides for the sustainable management of rivers through River Basin Management Plans.
- 3.4.18. The WFD is transposed into law in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. This matter is addressed in the relevant sections of Chapter 4.

## **3.5. UK LEGISLATION**

### **Wildlife and Countryside Act 1981**

- 3.5.1. The Wildlife and Countryside Act 1981 (WACA1981) is the primary legislation which protects certain habitats, animals and plants in the UK. It provides for and protects wildlife, nature conservation, countryside protection and Public Rights of Way (PRoWs) including for the notification and confirmation of Sites of Special Scientific Interest (SSSIs). These sites are identified for their flora, fauna, geological or physiographical features by NE. WACA1981 contains measures for the protection and management of SSSIs.
- 3.5.2. The Act contains provisions relevant to Ramsar sites and National Nature Reserves. If a species protected under WACA1981 is likely to be affected by development, a protected species licence will be required from NE.
- 3.5.3. WACA1981 is relevant to the Proposed Development in view of the sites and species identified in the Biodiversity Chapters of the ES [APP-048] [APP-049]. Relevant considerations are discussed in Chapter 4 of this Report.

## **Natural Environment and Rural Communities Act 2006**

- 3.5.4. The Natural Environment and Rural Communities Act 2006 makes provision for bodies concerned with the natural environment and rural communities, including in connection with wildlife sites and SSSIs. It includes a duty that every public body must, in exercising its functions have regard, so far as is consistent with the proper exercising of those functions, to the purpose of biodiversity. In complying with the biodiversity duty, regard must be had to the United Nations Environment Programme (UNEP) Convention on Biological Diversity.
- 3.5.5. We have had regard to the Natural Environment and Rural Communities Act and the biodiversity duty in all relevant sections of Chapters 4 and 5 of this Report.

## **The Countryside and Rights of Way Act 2000**

- 3.5.6. The Countryside and Rights of Way Act 2000 includes provisions in respect of PRoWs and access to land. This Act also introduced improved provisions for the protection and management of SSSIs and other designations under WACA1981.

## **Environmental Protection Act 1990**

- 3.5.7. S79(1) of the Environmental Protection Act 1990 identifies a number of matters which are considered to be statutory nuisance. This is discussed further in Chapter 4 of this Report.

## **Water Resources Act 1991, Flood and Water Management Act 2010, Water Act 2003 and 2014, Land Drainage Act 1991**

- 3.5.8. The above Acts set out the relevant regulatory controls that provide protection to waterbodies and water resources from abstraction pressures, discharge and pollution, and for drainage management related to non-main rivers. NNNPS (paragraph 5.100) advises that where construction work has drainage implications, approval for the project's drainage system will form part of any development consent issued by the SoST. The SoST will, therefore, need to be satisfied that the proposed drainage system complies with the National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. The application is considered against such matters in Chapter 4 of this Report.

## **3.6. OTHER RELEVANT LEGAL PROVISIONS**

### **United Nations Convention on Biological Diversity 1992**

- 3.6.1. Responsibility for the UK contribution to the UNEP Convention on Biological Diversity lies with the Department for Environment, Food and Rural Affairs (DEFRA) which promote the integration of biodiversity into policies, projects and programmes within Government and beyond.
- 3.6.2. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, the UNEP Convention on Biological Diversity has to be taken into account in consideration of the likely impacts of the Proposed Development and of appropriate objectives and mechanisms for mitigation and compensation. The provisions on EIA and transboundary matters with regard to impacts on biodiversity referred to in this Chapter, satisfies the requirements of Article 14 of the Convention (Impact Assessment and Minimising Adverse Impacts).
- 3.6.3. This is of relevance to the biodiversity and ecological considerations and landscape and visual impacts which are discussed in Chapter 4 of the Report.

### **Marine Legislation and Policy**

- 3.6.4. NSIP Examinations and Recommendation Reports for decision often identify the Marine and Coastal Access Act 2009, the Marine Policy Statement and Marine Plans as being statutory considerations. However, having had regard to the application documents and evidence submitted during the Examination, we have concluded that the Proposed Development could not affect the coastal or marine environment in a manner sufficient to invoke this body of legislation and policy.

### **Noise Policy Statement for England**

- 3.6.5. The Noise Policy Statement for England (NPSE) seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The NPSE applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 3.6.6. The Explanatory Note within the NPSE provides further guidance on defining "*significant adverse effects*" and "*adverse effects*". One such concept identifies Lowest Observable Adverse Effect Level (LOAEL), which is defined as the level above which adverse effects on health and quality of life can be detected. Other concepts identified are: Significant Observed Adverse Effect Level (SOAEL), which is the level above which significant adverse effects on health and quality of life occur, and No Observed Effect Level (NOEL), which is the level below which no effect can be detected.

- 3.6.7. When assessing the effects of development on noise matters, the aim should firstly be to avoid noise levels above the SOAEL, and to take all reasonable steps to mitigate and minimise noise effects where development noise levels are between LOAEL and SOAEL.

### **The Paris Agreement 2015**

- 3.6.8. The Paris Agreement concluded in December 2015 with an agreement from all parties to the United Nations Framework Convention on Climate Change to the central aim: *"to keep the global temperature rise this century well below 2 degrees Celsius above pre-industrial levels, while pursuing efforts to limit the increase even further to 1.5 degrees Celsius"*. The Paris Agreement requires all parties to the agreement to make ambitious efforts to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future. For this purpose, the parties agreed to making finance available consistent with a low GHG emissions and climate-resilient pathway.
- 3.6.9. The Paris Agreement requires all parties to put forward their best efforts through nationally determined contributions and to report regularly on their emissions and implementation efforts. Some of the key aspects of the agreement include long-term temperature goal, global peaking of GHG and climate neutrality, and mitigation. There will be a global stocktake every five years to assess the collective progress towards achieving the purpose of the agreement and to inform further individual actions by parties to the agreement. The UK ratified the Agreement in 2016.

### **Climate Change**

- 3.6.10. PA2008 s10(3)(a) requires the SoS to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS. This duty has been addressed in Chapter 4 of this Report. The Climate Change Act 2008 (CCA2008) also establishes statutory climate change projections.
- 3.6.11. The CCA2008 established a long-term framework to tackle climate change. A key provision is the setting of legally binding targets for Greenhouse Gas (GHG) emission reductions in the UK of at least 100% by 2050 and at least 26% by 2020, against a 1990 baseline. CCA2008 also created the Committee on Climate Change, with responsibility for setting five-year Carbon Budgets covering successive periods of emissions reduction to 2050, advising and scrutinising the UK Government's associated climate change adaptation programmes and producing a National Adaptation Plan for the UK Government to implement.

- 3.6.12. Section 1 of the CCA2008 established the duty of the SoS *"to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline"* In 2019 The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amended the duty of the SoS *"to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline."*
- 3.6.13. The Third Carbon Budget covering 2018 to 2022 is 2,544 million tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e). The Fourth Carbon Budget covering 2023 to 2027 is 1,950 million tCO<sub>2</sub>e while the Fifth Carbon Budget covering 2028 to 2032 is 1,725 million tCO<sub>2</sub>e.
- 3.6.14. The Sixth Carbon Budget entered UK Law on 24 June 2021. The Carbon Budget Order 2021, SI2021/750 sets the UK carbon cap for the five-year period 2033-2037 at 965 million tCO<sub>2</sub>e (a 78% reduction on 1990 levels).
- 3.6.15. After the Examination closed, the Government published *"Decarbonising Transport: A Better, Greener Britain"*. This provides the Government's approach to decarbonising the transport system in the UK including a pathway to net zero transport, the benefits of net zero transport and the principles underpinning the delivery of net zero transport.

### **The Public Sector Equality Duty**

- 3.6.16. The Equalities Act 2010 established a duty (the Public Sector Equality Duty (PSED)) to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. The PSED is applicable to the ExA in the conduct of this Examination and reporting and to the SoS in decision-making. We had particular regard to the PSED, including in our decision to hold virtual hearings as well as in producing the guidance for, and conducting, those hearings.

### **The Historic Built Environment**

- 3.6.17. Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 requires that when deciding an application which affects a listed building or its setting, the decision-maker must have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses. It goes on to state that when deciding an application relating to a conservation area, the decision-maker must have regard to the desirability of preserving or enhancing the character or appearance of that area and when deciding an application which affects or is likely to affect a scheduled monument or its setting, the decision-maker must have regard to the desirability of preserving the scheduled monument or its setting.
- 3.6.18. We have had regard to these matters in Chapter 4 of this Report, and the SoST must also have regard to this in making their decision.

## **Other Environmental Legislation**

3.6.19. In addition to the legislation highlighted above, the following primary legislation identified in the ES have been taken into account in this Report:

- Protection of Badgers Act, 1992;
- Wild Mammals (Protection) Act, 1996;
- Control of Pollution Act, 1974;
- Localism Act, 2011;
- Infrastructure Act, 2015;
- Clean Neighbourhoods and Environment Act, 2005;
- Highways Act, 1980;
- Town and Country Planning Act, 1990;
- Ancient Monuments and Archaeological Areas Act, 1979;
- Planning (Listed Buildings and Conservation Areas) Act, 1990; and
- Hedgerows Regulations Act, 1997.

## **3.7. THE NATIONAL PLANNING POLICY FRAMEWORK**

3.7.1. The National Planning Policy Framework (the NPPF) and the accompanying National Planning Practice Guidance (NPPG) set out the Government's planning policies for England and how these are expected to be applied for the particular purposes of making development plans and deciding applications for planning permission and related determinations under the TCPA1990.

3.7.2. Paragraphs 1.17 to 1.20 of the NNNPS address the consistency of the NPS with the Framework. In summary, these paragraphs provide that:

- the NPPF may be an important and relevant consideration in decisions on NSIPs, but only to the extent relevant to a project;
- the NPPF is not intended to contain specific policies for individual NSIPs, where particular considerations can apply - the NNNPS performs that function; and
- the NPPF provides a framework within which responses to individual project effects can be considered, but that in relation to tests or standards to be met, these are normally derived from the NNNPS.

3.7.3. NPPF policies have been considered in respect of all planning issues addressed in Chapter 4. They are typically drawn out only where they identify different considerations from those arising through the NNNPS. The revised version of the NPPF which was published on 20 July 2021, after the close of the Examination has been addressed in this context.

### **3.8. THE DEVELOPMENT PLAN**

- 3.8.1. When deciding applications, s104(2)(d) of PA2008 requires the SoS to have regard to any other matters considered both important and relevant. The NNNPS requires consideration to be given to policies and information in the development plan with regard to matters including other developments which may give rise to cumulative impacts, non-designated heritage assets, the Green Belt, impacts on land use and the preclusion of other development, local transport networks and the management of travel demand.
- 3.8.2. As outlined in the Applicant's Case for the Scheme [APP-344] and NCC's LIR [REP1-071], for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004, the development plan for the area of the application Site comprises the following.

#### **Castle Morpeth District Local Plan**

- 3.8.3. Part of the A1 is within the former local planning authority area of Castle Morpeth, extending from the southernmost extent of the Proposed Development (the A1 Warreners House interchange at Morpeth) to where the A1 reaches the River Coquet.
- 3.8.4. The Castle Morpeth Local Plan was adopted in 2003 and has not yet been replaced. It therefore comprises part of the current development plan. The Summary of Proposals confirms the former Council's support for "*the dualling of the A1 north of Morpeth and junction improvements throughout the length of the A1 within the Borough*". The Local Plan also notes "*a great deal of continuing concern is expressed about road safety and the inadequate standards on the single carriageway stretches of the A1 trunk route between Newcastle and Edinburgh*". The Local Plan records that the former Council "*fully supports*" the policy of improving the A1 to dual carriageway standard between Newcastle and Edinburgh and will, through the policies of the Local Plan, "*assist in the realisation of this objective*".

#### **Alnwick District Wide Local Plan**

- 3.8.5. The Alnwick District Wide Local Plan, published in 1997, comprises a strategy to maintain and enhance the environmental quality of the District whilst accommodating the new development necessary for the economic wellbeing of residents.
- 3.8.6. The plan contains a number of transport aims including Aim TT6 to encourage the "*Highways Agency*" (now Highways England) to upgrade the A1 to dual carriageway standard throughout the district "*at the earliest opportunity*". The Local Plan recognised the importance of good road links and also the commitment of the Government to upgrading the A1 to dual carriageway standard which it supported.

## **Alnwick District Core Strategy**

- 3.8.7. The Alnwick District Core Strategy which was published in 2007 included the District Council's strategy for transport, which was to support *"the strengthening of the core elements of the transport system to promote economic regeneration through support of A1 dualling"*.

## **Emerging Northumberland Local Plan**

- 3.8.8. NCC is in the process of preparing the Northumberland Local Plan. The Applicant's Case for the Scheme [APP-344] noted that the Local Plan was submitted to the SoS for Housing, Communities and Local Government for independent examination in 2019. Phase 1 of the examination hearings took place in October 2019 and February 2020. The Case for the Scheme commented that as the Local Plan is at a relatively early stage in the adoption process it is considered that only limited weight can be attached to the policies that it contains.
- 3.8.9. Paragraph 4.16 of the emerging Local Plan states that the Local Plan will assist in delivering sustainable economic growth across Northumberland by supporting *"improvements to the strategic highway corridors"* including the A1. Paragraph 4.32 confirms that with the proposed improvements to the A1 *"Alnwick and Berwick-upon-Tweed will be more accessible and attractive to the market"*. Policy TRA 3 (Improving Northumberland's core road network) supports the creation of additional capacity and improvement measures on the SRN including measures emanating from Highways England's Road Investment Strategies. The policy also supports the *"full dualling of the A1 through Northumberland and improved local links/ junctions to the A1"*. The supporting text to the policy notes that it is *"critical that the network is fit for purpose"*.
- 3.8.10. Paragraph 9.20 of the emerging Local Plan confirms that future improvements to the SRN currently include an upgrade to dual the carriageway between Morpeth and Ellingham and that *"this will create a continuous, high-quality dual carriageway from Newcastle to Ellingham enabling greater access to and from Northumberland"*.
- 3.8.11. At the end of the Examination the position with the emerging Local Plan was that the Inspectors found that the draft plan as submitted was not sound it was likely that it could be made sound by modifications. The Inspectors requested the Council to consult on a Schedule of Proposed Main Modifications which they considered necessary to ensure the soundness of the plan. This consultation took place between June and August 2021.



## **Northumberland County and National Park Joint Structure Plan**

- 3.8.12. NCC's LIR [REP1-071] also commented that extant development plan policy is also provided by the Northumberland County and National Park Joint Structure Plan (February 2005). The only saved policy from this plan is Policy S5 - Green Belt Extension which covers approximately three-quarters of the length of Part A, from its southern end northwards.

## **Neighbourhood Plans and Other Plans**

- 3.8.13. The LIR [REP1-071] also referenced the Morpeth Neighbourhood Plan (May 2016) and its proposals map (covering the southernmost section of Part A) and the Alnwick and Denwick Neighbourhood Plan (July 2017), and its proposals map (covering parts of the southernmost section of Part B and the Lionheart Enterprise Park Compound). Paragraph 4.10 of the LIR also describes the latest position in respect of emerging neighbourhood plans.
- 3.8.14. The development plan also encompasses the Northumberland Minerals Local Plan (March 2000) (saved policies) and its proposals map (covering the full length of the route) and the Northumberland Waste Local Plan (December 2001) (saved policies), its proposals map and insets (covering the full length of the route).
- 3.8.15. Other relevant policies from the above development plan documents for specific topics are considered in Chapter 4.

## **3.9. OTHER RELEVANT POLICY STATEMENTS**

### **NATIONAL POLICIES**

#### **Road Investment Strategy**

- 3.9.1. The relationship between the Government's Road Investment Strategy (RIS) and the NNNPS is explained in the RIS, which confirms that the NNNPS *"is a high-level planning document, which is non-spatially specific. The RIS outlines where decisions have been made on particular schemes and investments over this Road Period"*. Paragraph 1.21 of the NNNPS confirms that the RIS is intended to sit *"alongside"* the NNNPS.
- 3.9.2. The RIS was originally published in December 2014 (RIS1). Section 3(6) of the Infrastructure Act 2015 places a duty on the SoS to comply with the provisions of the RIS. RIS1 confirmed that the SRN required upgrading and improving and that this investment in the SRN is considered to be *"critical"* if the SRN is to deliver the performance needed to support the nation throughout the 21st century.
- 3.9.3. RIS1 contains four strategic goals that are required to deliver improvements to the SRN, as follows:

- providing capacity and connectivity to support national and local economic activity;
- supporting and improving journey quality, reliability and safety;
- joining communities and linking effectively to each other; and
- supporting delivery of environmental goals and the move to a low carbon economy.

3.9.4. These strategic goals are consistent with the policies of the NNNPS and contain the same objectives as described in the Government's vision and strategic objectives for the national networks (NNNPS Summary of Need).

3.9.5. Part 2 of RIS1 comprises the Investment Plan for period up to 2021. It confirmed that the A1 to the north of Newcastle, provides a "*nationally important*" connection between Newcastle and Edinburgh and that it comprises an "*essential*" link for the North East and Northumberland and needs "*substantial improvement to meet the needs of the local economy and to better fulfill its role in the national transport network*" including:

*"A1 Morpeth to Ellingham – thirteen miles of upgrade to dual the carriageway linking the Morpeth and Alnwick bypasses with the dual carriageway near Ellingham, to create a continuous, high quality dual carriageway from Newcastle to Ellingham."*

3.9.6. The dualling of the A1 between Morpeth and Ellingham was "*committed*" within RIS1.

3.9.7. RIS2 (2020 – 2025) was published in March 2020. It recognises that "*key regional connections such as ... the A1 north from Newcastle will see their disparate sections of dual carriageway linked together into joined-up, high quality roads*" and provides the commitment to "*A1 Morpeth to Ellingham - upgrading multiple sections of the A1 to dual carriageway to provide continuous high quality dual carriageway from Newcastle to Ellingham, north of Alnwick*".

3.9.8. Following the closure of the Examination the High Court handed down its judgment in the case of R (on the application of Transport Action Network) v Secretary of State for Transport [2021 EWHC 2095 (Admin)]. The grounds of challenge were that in setting RIS2 the SoST should have taken the Paris Agreement into account along with the net zero target and the Fourth and Fifth Carbon Budgets but did not do so. The Court dismissed the Claimant's challenge and determined that its arguments in respect of the Paris Agreement could not succeed, also finding that there was no policy or legal requirement for all road transport to meet net zero carbon targets and any resulting emissions from RIS2 would be legally insignificant. This matter is dealt with further in section 4.11 below.

## **National Infrastructure Delivery Plan**

- 3.9.9. The National Infrastructure Delivery Plan (NIDP) 2016 outlines details of infrastructure projects and programmes spread across the UK for the period to 2020-21 and beyond. It sets out the Government investment to support Highways England in transforming the SRN.
- 3.9.10. The NIDP confirms that "*economic infrastructure networks are vital to improving quality of life but also integral to the creation of new places to live and work alongside plans for major housing and regeneration schemes and social infrastructure*" and that the SRN "*is vital to businesses and the successful functioning of the economy*" and that "*it helps to put more people within reach of a wider range of jobs*".
- 3.9.11. Other relevant national policy statements cited by the Applicant include:
- Highways England's Licence, April 2015; and
  - Highways England Delivery Plan, 2015-2020.

## **REGIONAL POLICIES**

- 3.9.12. Regional policy statements cited by the Applicant include:
- A1 North of Newcastle Multi Modal Study, 2002;
  - A1 North of Newcastle Study, 2011; and
  - A1 North of Newcastle Feasibility Study, 2015.
- 3.9.13. The relevance of these statements to the Proposed Development is addressed in Chapter 4.

## **LOCAL POLICIES**

- 3.9.14. Local policy statements cited by the Applicant are also addressed in Chapter 4 and include:
- Northumberland Local Transport Plan, 2011; and
  - Northumberland Economic Strategy, 2015-2020.

## **3.10. MADE DEVELOPMENT CONSENT ORDERS**

- 3.10.1. The Applicant's Explanatory Memorandum [APP-015], responses to ExQ1 [REP1-032], ExQ2 [REP5-023], and ISH1 on the dDCO [REP4-025], made reference to the following made DCOs to support their position:
- The A19/ A1058 Coast Road (Junction Improvement) Development Consent Order 2016;
  - The A30 Chiverton to Carland Cross Order 2020;
  - The A585 Windy Harbour to Skippool Highway Order 2020;
  - The A19/ A184 Testo's Junction Alteration Development Consent Order 2018;

- The A14 Cambridge to Huntingdon Improvement Development Consent Order 2016;
- The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016;
- The Silvertown Tunnel Order 2018;
- The M20 Junction 10a Development Consent Order 2017;
- The National Grid (North London Reinforcement Project) Order 2014;
- The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014;
- The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014;
- The River Humber Gas Pipeline Replacement Order 2016;
- The A303 (Amesbury to Berwick Down) Development Consent Order 2020;
- The A63 (Castle Street Improvement, Hull) Development Consent Order 2020;
- The A19 Downhill Lane Junction Development Consent Order 2020; and
- The A1 Birtley to Coal House Development Consent Order 2021.

3.10.2. The Applicant also cited another precedent development approval, namely the High Speed Rail (London – West Midlands) Act 2017.

3.10.3. We have taken all of these Orders into account in our consideration.

### **3.11. LOCAL IMPACT REPORT**

3.11.1. Section 104(2) of PA2008 states that in deciding an application for development consent where a NPS has effect, the SoS must have regard to any LIR within the meaning of s60(2).

3.11.2. A LIR prepared by NCC was submitted at D1 [REP1-071]. Its content is considered in Chapter 4 of this Report. No LIRs were received from any neighbouring local authorities.

### **3.12. TRANSBOUNDARY EFFECTS**

3.12.1. A transboundary screening under Regulation 32 of the 2017 EIA Regulations [OD-004] was undertaken on behalf of the SoS on 16 November 2020. It concluded that the Proposed Development was unlikely to have a significant effect either alone or cumulatively on the environment in another European Economic Area State in terms the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.

3.12.2. In reaching this view the SoS has applied the precautionary approach (as explained in the Planning Inspectorate Advice Note 12 – Transboundary Impacts and Process). Transboundary issues consultation under

Regulation 32 of the 2017 EIA Regulations was therefore not considered necessary.

- 3.12.3. The Regulation 32 duty is an ongoing duty, and on that basis, we have considered whether any facts have emerged to change this conclusion, up to the point of closure of the Examination. No mechanisms whereby any conceivable transboundary effects could occur emerged.

### **3.13. THE SECRETARY OF STATE'S POWERS TO MAKE A DCO**

- 3.13.1. We have remained aware throughout the Examination of the need to consider whether changes to the application have changed it to a point where it became a different application and whether the SoST would have power therefore under s114 of PA2008 to make a DCO having regard to the development consent applied for.
- 3.13.2. Planning Act 2008: Guidance for the Examination of applications for development consent, (March 2015), provides guidance at paragraphs 109 to 115 in relation to changing an application post acceptance. The view expressed by the Government during the passage of the Localism Act, 2011 was that s114(1) places the responsibility for making a DCO on the decision-maker and does not limit the terms in which it can be made.
- 3.13.3. Having considered this context throughout the Examination, we are content that the changes to the application, primarily consisting of technical revisions to the DCO as applied for and the proposed changes submitted at D4, have not resulted in any material change to that which was applied for. We are therefore of the view that the SoST has the power to make the DCO as recommended in Chapter 8 and provided in Appendix C to this Report.

## **4. THE PLANNING ISSUES**

### **4.1. MAIN ISSUES IN THE EXAMINATION**

4.1.1. As required by s88 of PA2008 and Rule 5 of the EPR, the ExA undertook an initial assessment of the application and of the RRs received. Annex C of the Rule 6 Letter [PD-006] set out the IAPI. The issues identified, which were not intended to imply an order of importance, were as follows:

- Air quality and emissions;
- Biodiversity, ecology and the natural environment;
- Climate change;
- CA and/ or TP;
- Draft DCO;
- Economic and social effects;
- Historic environment;
- Landscape and visual effects;
- Noise and vibration;
- Scope of development and EIA;
- Transportation and traffic; and;
- Water environment.

4.1.2. It should also be noted that while the effects of the Proposed Development in relation to human rights and equalities duties was not listed as a specific Principal Issue, we have conducted all aspects of the Examination with this objective in mind.

4.1.3. The IAPI was discussed at the PM [EV-007]. NCC broadly agreed with the IAPI but wanted to ensure that the following issues would be addressed:

- traffic management issues, particularly during the construction phase and with particular reference to the potentially increased use of the A697 and subsequent impact on local communities;
- the extent of the works proposed on the de-trunked A1, with particular reference to cycle links on the Felton to Morpeth section of the route; and
- adequate examination of the active travel agenda.

4.1.4. The Applicant responded [EV-007] that the items specified were already being considered as they had been submitted in written form previously. The various topics set out in the IAPI were acknowledged as being acceptable to the Applicant.

4.1.5. In deciding to accept the Applicant's proposed changes to the application submitted at D4 the ExA undertook a review of the IAPI in the context of the proposed changes. It was decided that no changes needed to be made to the original list.

- 4.1.6. The planning issues have been reordered from the alphabetic order in which they were set out in the IAPI into an order reflecting their importance to the decision and their relationship with other topics. It follows that the planning issues are dealt with in this Chapter in the following order:
- The need for the Proposed Development and consideration of alternatives;
  - transportation and traffic;
  - climate change;
  - air quality and emissions;
  - landscape and visual effects;
  - design;
  - biodiversity, ecology and natural environment;
  - water environment;
  - geology and soils;
  - noise and vibration;
  - social, economic and land use effects;
  - historic environment;
  - material resources and waste management; and
  - combined and cumulative effects.
- 4.1.7. In addition to the planning issues arising from the IAPI, the remainder of this Chapter addresses other relevant matters that arose during the Examination. For each issue, the effect of the Proposed Development on that particular issue and any mitigation measures proposed are summarised. Comments are made on matters raised in RRs, WRs, SoCGs and the LIR on the matters at hand. Where relevant, the Applicant's response to those comments is reported and conclusions drawn.
- 4.1.8. Matters relating to CA, TP and other land or rights considerations are dealt with in Chapter 7. Matters relating to the dDCO are addressed in this Chapter within the framework of the individual planning issues to which they relate. The DCO itself is reported on in Chapter 8 of this Report.
- 4.1.9. In addition to the planning issues, this Chapter also addresses the following topics arising from the conduct of the Examination:
- issues arising in written and oral submissions;
  - issues arising in the LIR;
  - conformity with the NPS;
  - conformity with the development plan;
  - the application and consideration of other legislation and policies;
  - EIA; and
  - HRA.
- 4.1.10. Having set out responses to these matters in broad terms between sections 4.2 to 4.8 of this Chapter, the planning issues identified in

paragraph 4.1.6 above and the matters of detail arising from them are considered in Sections 4.9 to 4.22.

## **4.2. ISSUES ARISING IN WRITTEN AND ORAL SUBMISSIONS**

### **Relevant Representations**

- 4.2.1. A total of 47 RRs were initially received, prior to the Examination commencing which can be characterised as:
- local authorities – NCC [RR-001] and Amble Town Council [RR-002];
  - statutory consultees - Defence Infrastructure Organisation [RR-003], EA [RR-004], Historic England [RR-005], Public Health England [RR-006], National Grid Gas [RR-007], NE [RR-008], Northern Gas Networks [RR-009] and Royal Mail [RR-010];
  - non-statutory organisations/ landowners - Northumberland Estates [RR-011], RWE Renewables [RR-012], Transport Action Network [RR-013] and the Woodland Trust [RR-014]; and
  - individuals/ other landowners [RR-015 to RR-047].
- 4.2.2. NCC expressed support in principle for the Proposed Development noting that it was broadly in accordance with the Council's adopted and emerging policies, while recognising that a number of matters remained unresolved. Amble Town Council was concerned about the proposals for access to the A1 via the Fenrother junction which it considered was inadequate and that southbound A1 access should be provided at Causey Bridge.
- 4.2.3. Responses from statutory consultees raised no in principle objections with Defence Infrastructure Organisation [RR-003] stating that the Ministry of Defence had no safeguarding concerns and Historic England confirming in principle support in spite of a number of issues not being fully addressed [RR-005]. The EA [RR-004] identified a range of concerns relating to its statutory responsibilities which it required to be addressed while NE [RR-008] recorded no in principle objection but sought clarification in a number of areas. Public Health England [RR-006] highlighted a narrow approach to human health focussed primarily on health protection issues, with limited information on local health priorities such as mental health and health inequalities and identified the lack of an Equality Statement. Representations submitted by National Grid Gas [RR-007], Northern Gas Networks [RR-009] and Royal Mail [RR-010] sought to ensure that the proposals did not adversely affect the infrastructure on which they rely.
- 4.2.4. Northumberland Estates [RR-011] objected to the application insofar as it affects their land/ interests while RWE Renewables [RR-012] raised concerns about the impact of the Proposed Development on both the access and grid connection to the Middlemoor Wind Farm.



- 4.2.5. Of the 33 individuals/ other landowners who submitted RRs, 23 of these were represented by the Brockthorpe Consultancy. The vast majority of these individual representations related to Part B of the Proposed Development.
- 4.2.6. These RRs raised a range of issues and concerns and representations from individuals related largely to matters of impacts on owners' properties. There were no representations suggesting that the Proposed Development was inappropriate in policy terms or that development consent should be refused.
- 4.2.7. A further three RRs were submitted at D7a in response to the Applicant's change request submitted at D4. These were from NCC, NE and the Woodland Trust, all of whom were already IPs having submitted earlier RRs.

### **Written Representations**

- 4.2.8. Participants in the Examination were provided with the opportunity to make WRs. WRs amplified the position of IPs as set out in RRs and presented updated positions where possible.
- 4.2.9. Seven WRs were submitted at D2 by Historic England [REP2-026], National Grid Gas [REP2-028], NE [REP2-029], Royal Mail [REP2-030], Mr Colin Moor [REP2-031], Mr Mark Hawes [REP2-034] and the Brockthorpe Consultancy [REP2-035].

### **Other Written Submissions**

- 4.2.10. Participants were provided with an opportunity to comment on RRs at D1 with only the Applicant [REP1-064] [REP1-065] providing a response. At D3 the Applicant commented on WRs [REP3-026] but there were no comments on WRs from any other participants. At D1 participants were also invited to respond in writing to ExQ1 [PD-007] with responses provided by the Applicant [REP1-032], NCC [REP1-073], the EA [REP1-074], Historic England [REP1-075], NE [REP1-076], Public Health England [REP1-077] and Mr Mark Hawes [REP1-082].
- 4.2.11. At D5 responses to ExQ2 [PD-011] were received from the Applicant [REP5-023], NCC [REP5-043], the EA [REP5-044], YoungsRPS on behalf of Millhouse Developments Limited [REP5-046], NE [REP5-048], the Woodland Trust [REP5-050] and Mr Mark Hawes [REP5-051]. Responses to ExQ3 [PD-017] were received from the Applicant [REP8-026], NCC [REP8-028], the EA [REP8-029] and the Woodland Trust [REP8-032]. At D8a the Applicant [REP8a-006], the EA [REP8a-013] and NE [REP8a-015] responded to ExQ4 [PD-018].
- 4.2.12. Signed SoCGs were provided throughout the Examination with a list set out in paragraphs 1.4.38-1.4.39 of this Report. The matters raised in RRs, WRs, responses to the ExA's written questions and in SoCGs have

been addressed in relation to particular issues set out in sections 4.9 to 4.22 below and are taken into account in the remainder of this Report to the extent that they are important and relevant.

## **Oral Representations**

- 4.2.13. Given the support for, or at least acknowledgement of the need for the Proposed Development, oral representations generally responded to the ExA's oral questions which largely tested the application against relevant legislative and policy requirements.
- 4.2.14. Attendance at the three OFHs was limited in number and all attendees were IPs. Nevertheless, the OFHs provided an opportunity for IPs to expand on their written submissions. Particular matters raised included:
- Mr Colin Moor spoke at OFH1 about issues of accessibility and safety at West View/ Warreners House, Morpeth while Mrs Coulson and Mr Rowlands presented a counter view to Mr Moor at OFH3.
  - Mr Mark Hawes also spoke about access to Warreners House and to Northgate Farm at OFH2, raising concerns about the impact of the Proposed Development on the property. He returned to these points at a number of ISHs during the Examination and in written submissions.
  - Mr Louis Fell of the Brockthorpe Consultancy spoke on behalf of a number of his clients at OFH1. Matters raised were also addressed though ISHs, CAHs and in written submissions.

## **4.3. ISSUES ARISING IN THE LOCAL IMPACT REPORT**

- 4.3.1. Section 104(2) of PA2008 requires the SoS to consider the contents of an LIR when making a decision on an application. The LIR produced by NCC [REP1-071] provided information under the following headings:
- Northumberland Context;
  - Details of the Proposal;
  - Local and National Development Plans and Policy;
  - Assessing the A1 Dualling Proposal in the Northumberland Planning Policy Context;
  - Local Impacts Assessment; and
  - Consideration of the Impact of the Proposed Provisions and Requirements within the Draft Development Consent Order.
- 4.3.2. The Council assessed the local impacts arising from the Proposed Development in the following terms:
- economic growth and transportation - positive impact;
  - noise and vibration - neutral impact;
  - air quality- neutral impact;
  - landscape and visual impacts – negative impacts;
  - cultural heritage – neutral impacts;

- biodiversity – negative impacts;
- road drainage and flood risk - neutral impacts;
- geology and soils - neutral impacts;
- materials - neutral impact;
- construction traffic– negative impact;
- road safety – positive impact.

4.3.3. In summary the LIR concluded that:

- *"The delivery of these improvement works has been a longstanding ambition of the Council [to address] congestion and road safety concerns in this key corridor through the county."*
- The improvements would improve the free flow of traffic along the route and also *"improve conditions for non-motorised users who would be able to use the de-trunked route for the same purpose. However, the Council strongly believe the works to this route should provide adequate provision for cycling between Morpeth and Felton"*.
- The improvements would *"improve connectivity within the region, enable a range of economic development opportunities to be delivered and increase the county's attractiveness to economic development investment"*.
- Construction *"would inevitably have some impact on the local landscape, ecology and amenities in terms of noise and air quality and a temporary adverse impact on traffic movement"*.
- *"Whilst there will be some negative local impacts primarily during the construction of the improvement works, none are so significant as to lead to the Council to object to the principle of the scheme."*
- *"The Council is satisfied that the impacts are capable of being appropriately controlled by requirements contained within any DCO granted."* and
- *"The Council welcomes this development which is in accordance with national and local planning policy."*

4.3.4. At D3 [REP3-025] the Applicant commented on the LIR. Where necessary, these comments are considered elsewhere within this Chapter.

4.3.5. The Applicant and NCC signed a SoCG which was submitted at D11 [REP11-009] agreeing all matters apart from those identified as under discussion comprising the provision of the DCO in relation to the de-trunked section of the A1, links for NMUs, whether the DCO ought to require a standalone Landscape and Ecological Management Plan (LEMP) and maintenance boundaries.

4.3.6. The overarching support of the host local authority, NCC, has been noted and taken into account. Analysis of detailed matters raised by the LIR, including those identified above as under discussion, is addressed in the relevant Chapters and sections of this Report to ensure that they are considered as required by the SoST.

## 4.4. CONFORMITY WITH THE NATIONAL POLICY STATEMENT

- 4.4.1. This section assesses the conformity of the Proposed Development with the NNNPS being the relevant NPS. Prior to doing so it is appropriate to acknowledge that none of the exceptions set out in s104(3) of PA2008 (see paragraph 3.2.5 above) apply and therefore the application must be determined in accordance with any relevant NPS.
- 4.4.2. The Applicant analysed the performance of the Proposed Development against relevant policies in the NNNPS within its National Policy Statement for National Networks Accordance Table [APP-345]. In addition, the Case for the Scheme [APP-344] assessed the application against the NNNPS as well as other important and relevant considerations such as the RIS and local and national transport, economic and planning policy.
- 4.4.3. The Case for the Scheme [APP-344] described how the relationship between the RIS and NNNPS is explained in the Strategic Vision section of the RIS, which confirms that: "*the NNNPS is a high-level planning document, which is non-spatially specific. The RIS outlines where decisions have been made on particular schemes and investments over this Road Period.*" Paragraph 1.21 of the NNNPS confirms that the RIS is intended to sit "*alongside*" the NNNPS. As such it is the Applicant's position that as a matter of principle the investment programme set out in the RIS is consistent with the aims of the NNNPS, and that delivering "*committed*" schemes within the RIS is a key part of meeting the aims of the NNNPS.
- 4.4.4. Paragraphs 3.4.2 to 3.4.9 of the Case for the Scheme [APP-344] set out how the Proposed Development is consistent with the aims of the NNNPS at a strategic level. It highlights the following:
- the "*critical need*" to improve the national road networks to address road congestion, to provide safe, expeditious and resilient networks and to provide a transport network capable of stimulating and supporting economic growth (NNNPS paragraph 2.2);
  - the development of the national networks to support national and local economic growth, with improved and new transport links facilitating economic growth (NNNPS paragraph 2.6);
  - the "*compelling need*" for development on the national networks with the assessment of applications for national networks infrastructure starting from that basis (NNNPS paragraph 2.10);
  - the role of the SRN in providing critical links between cities and joining up communities, driving prosperity by supporting new and existing development, encouraging trade and attracting investment and enabling safe and reliable journeys and the movement of goods in support of national and regional economies (NNNPS paragraph 2.13);

- without improving the road network it would be difficult to support further economic development, such that the Government has concluded that at a strategic level there is a compelling need for development of all national road networks (NNNPS paragraph 2.22);
- the Government's policy to enhance the existing national road network including through junction improvements to address congestion and improve performance and resilience at junctions which are a major source of congestion and improvements to trunk roads in particular dualling of single carriageway strategic trunk roads to increase capacity and to improve performance and resilience (NNNPS paragraph 2.23);
- the "*presumption in favour*" of granting development consent for national network NSIPs that fall within the need for infrastructure established in the NNNPS (NNNPS paragraph 4.2); and
- in considering any proposed development, consideration should be given to its potential benefits and its potential adverse effects, as well as measures to avoid, reduce or compensate for any adverse impacts. (NNNPS paragraph 4.3).

4.4.5. The Applicant illustrated through Table 5 of the Case for the Scheme [APP-344] how the Proposed Development would meet the vision and strategic objectives of the NNNPS in terms of the following:

- networks with the capacity, connectivity and resilience to support national and local economic activity and facilitate growth and create jobs;
- networks which support and improve journey time quality, reliability and safety;
- networks which support the delivery of environmental goals and move to a low carbon economy; and
- networks which join up our communities and link effectively to each other.

4.4.6. An assessment of the application against individual policy tests follows in sections 4.9 to 4.22 of this Report. In addition, it should be noted that in paragraph 8.6 the LIR [REP1-071] NCC acknowledged that the Proposed Development is in accordance with national planning policy.

## **4.5. CONFORMITY WITH DEVELOPMENT PLANS**

4.5.1. Section 104(2)(d) of PA2008 requires the SoS to have regard to matters in addition to the relevant NPS which the SoS considers to be both important and relevant to the decision. These include the aims, objectives and policies of the development plan.

4.5.2. Chapter 6 of the Case for the Scheme [APP-344] identifies how the Proposed Development aligns with the aims, objectives and policies set out in NCC's development plans. It concludes that overall, the Proposed Development would deliver one of the key policies of the emerging local plan noting that there is specific planning policy support for the dualling

for the A1 along the proposed route, and the dualling of the A1 would help to fulfil some of the aims and objectives of the current and the emerging development plan.

- 4.5.3. Each specialist environmental Chapter of the ES (Chapters 5-15) [APP-040 to APP-059] also sets out the planning policies which are relevant to the assessment of the environmental topic and outlines how they have been addressed.
- 4.5.4. Section 6.4 of the Case for the Scheme [APP-344] provides an assessment of the Proposed Development against Green Belt objectives which is considered below in section 4.19.
- 4.5.5. Paragraph 8.5 of the LIR [REP1-071] notes that the Proposed development "*is in accordance with...local planning policy*".
- 4.5.6. There are no issues arising from Development Plan policies that conflict with relevant policy directions arising from NNNPS. Whilst NNNPS is the primary source of policy for a decision under PA2008, development plan policies are important and relevant considerations. None of them indicate against the directions set in NNNPS and so it follows that effect can be given to all relevant development plan policies in a manner which reinforces and adds detail to NNNPS compliance.

## **4.6. APPLICATION OF OTHER POLICIES**

- 4.6.1. The other policies that give rise to important and relevant considerations for the SoS include policies identified in sections 3.7 and 3.9 of this Report.

### **National Context**

- 4.6.2. Section 3.7 above provides the context to the NPPF. The NPPF is explicit about the role of NPSs being the primary decision-making document for NSIPs under PA2008. It is also clear about the need for economic growth and the role planning has to play in facilitating it. The objectives underlying the Proposed Development are consistent with the NPPF.
- 4.6.3. Due to the project falling partially in the Green Belt, the policies relating to the Green Belt in section 13 of the NPPF are relevant. The Green Belt is considered separately at section 4.19 of this Report.
- 4.6.4. In RIS1 and RIS2 the Government set out its plans for long term investment in the road network, and particularly the SRN. The A1 in Northumberland aligns with the strategic vision of RIS1 and RIS2 and is recognised as a "*nationally important*" connection and "*essential link*" within the SRN with confirmation of funding provided through the investment plans in both RIS1 and RIS2.

- 4.6.5. The NIDP is clear about the link between infrastructure, improved quality of life and a thriving economy and highlights the Government's commitment to *"increasing capacity on the SRN"*. Key schemes that are central to delivering this objective include *"the start of construction on the dualling of the section [of the A1] north of Newcastle between Morpeth and Ellingham"*.
- 4.6.6. The Highways England Delivery Plan is intended to show how Highways England will achieve the Government's objectives and long-term vision for the SRN. Annex 1 identifies major improvement schemes that the Applicant is seeking to deliver including an upgrade to dual the carriageway linking the Morpeth and Alnwick bypasses with the dual carriageway near Ellingham, to create a continuous dual carriageway from Newcastle to Ellingham.

### **Regional Context**

- 4.6.7. The A1 North of Newcastle Multi Modal Study, 2002 appraised a number of scenarios to improve the corridor of the A1 between Newcastle and the Scottish border. Included within the recommendations of the study was the dualling of the A1 between Morpeth and Felton and dualling to the north of Alnwick to support a reduction in accidents and provide safe overtaking opportunities along single carriageway sections.
- 4.6.8. The A1 North of Newcastle Study was published in 2011 with the aim of considering evidence that could identify options to tackle transport challenges on the A1 corridor between Morpeth and the Scottish border. The study highlighted that the mixture of highway standards on the A1 corridor impacts on the operation of the route and that overall road safety, and slow speeds on the A1 were identified as being amongst the *"most pressing issues"* for A1 corridor.
- 4.6.9. The A1 North of Newcastle Feasibility Study, 2015 commissioned by the Highways Agency identified several key problems and issues on the whole of the A1 to the north of Newcastle including lower average speeds on single carriageway sections, a relatively high proportion of HGVs, a large number of at-grade junctions and private means of access, a lack of overtaking opportunities, a lack of alternative routes and peak hour traffic speeds significantly lower than average off-peak speeds. Having identified key objectives, the study identified a range of interventions which were ultimately reduced to four options to be taken forward for a more detailed assessment. This assessed the strategic case for each option based on the identified problems and issues identifying a clear rationale for improvements to the A1. The study concluded that all four of the options were all considered to have a strategic fit within the local and national policy context.

## Local Context

- 4.6.10. NCC's third Local Transport Plan (LTP) was published in 2011 covering the period April 2011 to 2026. In relation to the SRN, paragraph 3.29 of the LTP recognised that much of the A1 to the north of Morpeth is single carriageway, restricting HGVs to a 40mph speed limit with a resultant adverse impact on regional freight which is vital to the regional economy. The Economic Strategy of the LTP set out priorities for investment in the strategic transport network to increase connectivity including the upgrading of the A1 to dual carriageway standard. It also recognised that:

*"The ... mainly single carriageway road is impacting on the ability of Northumberland to reach its economic potential. A fully dualled A1 throughout Northumberland would improve journey time reliability for all road users whilst improving efficiency for freight transport."*

- 4.6.11. The Northumberland Economic Strategy, 2015-2020, approved by NCC in 2015 sets out a vision for securing prosperity in Northumberland founded on quality local jobs and connected communities. The strategy confirms that one of the "*priorities for growth*" for Northumberland should be completing the dualling of the A1 north of Morpeth. The strategy also confirms the benefits of the Proposed Development in reducing journey times, improving road safety and supporting enterprise.
- 4.6.12. Nothing arising from these policies has been found that conflicts with relevant policy directions arising from the NNNPS. Whilst the NNNPS is the primary source of policy for a decision under PA2008, other national, regional and local policy contexts are capable of being important and relevant considerations. None of them indicate against the directions set in NNNPS and so it follows that effect can be given to all relevant policies.
- 4.6.13. Accordingly, we find that the Proposed Development conforms with other relevant policies discussed above, and as there are no conflicts between the NNNPS, and other relevant policies, those policies would be addressed by a decision that is in accordance with the NNNPS.

## 4.7. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.7.1. As is recorded in section 1.5 of this Report and for reasons set out there, the application is EIA development. This section records the documents comprising the ES and changes to those documents provided during the pre-Examination and Examination stages. It also records the environmental management documents proposed to be used by the Applicant in tandem with DCO provisions to secure the construction and operation of the Proposed Development and the application of mitigation within the worst case parameters (the Rochdale Envelope) assessed in the ES.



## **The Submitted ES**

4.7.2. An ES was provided as part of the application submission. The documents comprising the ES can be summarised as:

- Part 1 – ES Chapters [APP-035 to APP-063];
- Part 2 – ES Figures (Chapters 1-4) [APP-064-074];
- Part 2 – ES Figures (Part A Chapters 5-15) [APP-075 to APP-122];
- Part 2 – ES Figures (Part B Chapters 5-15) [APP-123 to APP-183];
- Part 2 - ES Figures (Chapters 16-17) [APP-184 to APP-186];
- Part 3 – ES Appendices (Chapters 1-4) [APP-187 to APP-197];
- Part 3 – ES Appendices (Part A Chapters 5-15) [APP-198 to APP-268];
- Part 3 – ES Appendices (Part B Chapters 5-15) [APP-269 to APP-326];
- Part 3 – ES Appendices (Chapters 16-17) [APP-327 to APP-336];
- Part 4 – ES Other Documents [APP-337 – APP-343].

## **Addendum to the ES**

4.7.3. Following the submission and acceptance of the application amendments were made to the ES which are recorded in the final version of the Application Document Tracker at D11 [REP11-002]. The Applicant identified the following addendum to the ES:

- Noise Addendum [REP1-019];
- Flood Risk Addendum [REP1-067];
- ES Addendum: Earthworks Amendments for Change Request [REP4-061] (and NTS [REP4-062]);
- ES Addendum: Stabilisation Works [REP4-063] (and NTS [REP4-073a]);
- ES Addendum: Southern Access Works [REP4-064](and NTS [REP4-065]);
- Water Framework Directive Addendum [REP4-068];
- ES Addendum - East and West Linkhall Roads [REP6-024];
- Flood Risk Addendum - River Coquet [REP7-015];
- ES Addendum: Earthworks Amendments for Change Request - Landscape and Visual Errata Report [REP9-011].

## **Environmental Management Documents**

4.7.4. The ES is supported by the following existing and proposed environmental management documents:

- the Outline CEMP [APP-346] with final version at D11 [REP11-006];
- the CEMP to be approved following the making of the Order;
- the Register of Environmental Actions and Commitments (REAC) which forms part of the Outline CEMP [APP-346] [REP11-006];
- the Landscape Mitigation Masterplan Part A [REP8a-003], Landscape Mitigation Plan (Part B) [REP8-010] and Landscape Mitigation Plan including Assessment Parameter 3 Part B [APP-148]; and

- following completion and handover as an operational asset, the Handover Environmental Management Plan (HEMP).

- 4.7.5. The Outline CEMP [APP-346] [REP11-006] is presented as a standalone application document. It is a certified document listed in Schedule 12 of the Order which is secured through Article 46 of the Recommended DCO and defined in Article 2(1). Requirement (R)4 provides that no part of the Authorised Development may be commenced until a CEMP, substantially in accordance with the Outline CEMP, for that part has been submitted to and approved by the SoS, following consultation with the EA and Relevant Planning Authority (RPA). It also requires that construction of the Authorised Development must be carried out in accordance with the approved CEMP. R4 also provides that the CEMP must contain a record of all sensitive environmental features that have the potential to be affected by the construction of the Proposed Development, must require adherence to specified working hours for construction and must include a number of specified management plans.
- 4.7.6. As the REAC forms part of the Outline CEMP it is secured through the Recommended DCO. It is defined in R1 with R4 stating that the CEMP must reflect the mitigation measures set out in the REAC. R5 states that the landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the landscape mitigation masterplan, which is also a certified document while R8 requires details of the surface and foul water drainage system to reflect the mitigation measures set out in the REAC.
- 4.7.7. The HEMP is defined in R1 with R4 stating that it must be developed and completed by the end of the construction, commissioning and handover stage of the Authorised Development in accordance with the process set out in the approved CEMP. The HEMP must address the matters set out in the approved CEMP that are relevant to the maintenance and operation of the Authorised Development which must then be operated and maintained in accordance with the HEMP.

## **4.8. HABITATS REGULATIONS ASSESSMENT**

- 4.8.1. The Proposed Development is one that has been identified as giving rise to the potential for likely significant effects on European sites and is therefore subject to an HRA. Consequently, the application was accompanied by an HRA Report [APP-342]. This was revised prior to the Examination [AS-005] and during the Examination [REP1-057] [REP1-060] with an Addendum Report [REP1-058]. An Updated Habitat Regulations Assessment Report was submitted at D4 as part of the proposed changes [REP4-056].
- 4.8.2. The HRA was not a matter that gave rise to any contention or disagreement with the Applicant's position by any IP at any point in the Examination although the ExA asked a number of questions about the Applicant's approach during Hearings (ISH2 and ISH4) and in writing

(ExQ1 [PD-007], ExQ2 [PD-011]). A separate record of considerations relevant to HRA has been set out in Chapter 5 of this Report below.

- 4.8.3. Nevertheless, we have considered all documentation relevant to the HRA as required by paragraphs 4.22 - 4.25 of the NNNPS and have taken it into account in the conclusions reached here and in the case for development consent (Chapter 6 below). There are no matters in relation to the HRA which require to be considered as part of the reasoning in respect of planning issues set out in this Chapter. Further, project design and mitigation proposals included in the ES and secured in the Recommended DCO have been fully considered for HRA purposes.

## **4.9. THE NEED FOR THE PROPOSED DEVELOPMENT AND CONSIDERATION OF ALTERNATIVES**

### **Policy Considerations**

- 4.9.1. Section 4.4 above demonstrates at a high level how the Proposed Development conforms with the NNNPS vision and strategic objectives. Consequently, there is no need to address those matters here. However, it is appropriate to record that NNNPS paragraph 4.26 notes that the EIA Directive<sup>3</sup> requires an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account environmental effects. Paragraph 4.27 notes that all projects should be subject to an options appraisal which should consider viable modal alternatives although where projects have been subject to full options appraisal in achieving their status within the RIS, option appraisal need not be considered by the Examining Authority or the decision maker.
- 4.9.2. A range of other national, regional and local policy documents or programmes have relevance for the issue of need as referenced in Chapter 3 of the Case for the Scheme [APP-344] and as described in section 4.6 above. Nevertheless, it is appropriate to highlight here that paragraph 5.203 of the NNNPS advises applicants to have regard to policies in local plans when considering the impacts of a scheme on wider transport networks.
- 4.9.3. In this respect we note the support for the Proposed Development which comes from the Castle Morpeth District Local Plan in which the Council's support for "*the dualling of the A1 north of Morpeth and junction improvements throughout the length of the A1 within the Borough*" is confirmed. In addition, the Alnwick District Wide Local Plan confirms that Aim TT6 is to encourage the Highways Agency (now Highways England)

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<sup>3</sup> Council Directive 92/2011 on the assessment of the effects of certain public and private projects on the environment.

to upgrade the A1 to dual carriageway standard throughout the district "at the earliest opportunity".

- 4.9.4. The emerging Northumberland Local Plan provides continued support to the proposed improvements with Policy TRA3 stating that support will be given to the improvement of Northumberland's core road network by improvement measures on the SRN, including for improvement measures emanating from Highways England's Road Investment Strategies and other strategic assessment of the highway network. Specifically, support is provided for "full dualling of the A1 through Northumberland and improved local links/ junctions to the A1".

### **The Applicant's Case**

- 4.9.5. The Applicant set out the need for the Proposed Development in Chapter 2 of the Case for the Scheme, while Chapter 4 presented the Transport Case for the Scheme and Chapter 5 set out the Economic Case Overview [APP-344]. Chapter 2 of the ES: The Scheme [APP-037] also explained the background to the Proposed Development, the evolution of options and the consideration of alternatives in accordance with the EIA Regulations and NNNPS.
- 4.9.6. The evolution of the Proposed Development as well as the route options considered are addressed in Chapter 2 of the Case for the Scheme [APP-344] and ES Chapter 3: Assessment of Alternatives [APP-038]. The history of studies to consider improvements to the A1 between Morpeth and Ellingham since the A1 North of Newcastle Multi Modal Study of 2002 is set out. At the outset it should be noted that no option representing a continuous road improvement over Part A and Part B as well as the intervening section of road was identified because between the two parts, dual carriageway is already in place and it would be disproportionate to have proposed an entirely new alignment offline of the existing dual carriageways purely to ensure a contiguous scheme.
- 4.9.7. Between 2003 and 2005 five route options for dualling the A1 between Morpeth and Felton were considered with public consultation undertaken on two routes in 2004. A preferred route announcement was made in 2005 but the scheme was not identified as a funding priority and therefore the proposals were not progressed.
- 4.9.8. The A1 North of Newcastle Study was published in 2011 and considered evidence to support options to tackle transport challenges on the A1 corridor between Morpeth and the Scottish border. It was followed by the 2013 Spending Review through which the Government announced a series of feasibility studies to examine problems on the SRN including a further study of the A1 north of Newcastle.
- 4.9.9. The most recent study, the A1 North of Newcastle Feasibility Study, 2015 identified key problems and issues on the whole of the A1 north of

Newcastle and specific problems and issues for Part A and Part B. Based on the issues identified, a series of key objectives were identified that were intended to inform Stage 2 of the study. This identified network interventions that could meet these objectives and help to address the identified issues. Subsequently, an initial list of 113 options was developed, the interventions assessed and a list of four options taken forward for a more detailed assessment. Stage 3 of the study focused in more detail on the options, assessing the strategic case for each based on the identified problems and issues. It found there was a clear rationale for improvements to the A1 and that each of the options would go some way to addressing the issues on the route. The study concluded that all four of the options would have a strategic fit within the local and national policy context.

- 4.9.10. RIS1 endorsed the conclusions of the A1 North of Newcastle Feasibility Study by announcing an investment package to provide for upgrading of the A1 between Morpeth and Ellingham.
- 4.9.11. Following the publication of the A1 North of Newcastle Feasibility Study, three options were identified for the dualling the A1 for Part A and three options were identified for Part B. For Part A the Green and Blue Options comprised the same route alignment as those identified in 2003 – 2005, whilst the Orange Option was new. Three route options for dualling Part B were identified but in September 2016, in light of the conclusions of the Environmental Assessment Report which was produced to identify the environmental impacts of the route options and to assess the extent to which they would fulfil the scheme objectives, the Orange Option was identified as the sole viable option because the two other options (Green Option and Blue Option) were materially more expensive, offered poorer value for money and would have a greater impact on the environment. The assessments of the Environmental Assessment Report are summarised in Table 3.1 of ES Chapter 3 [APP-038]. As such the Green and Blue options were presented as discounted options at the public consultation.
- 4.9.12. Potential route corridors that would avoid the River Coquet and River Coquet and Coquet Valley Woodlands SSSI, Coquet River Felton Park Local Wildlife Site (LWS) and the Dukes Bank Wood ancient woodland were considered. However, none of the alternative routes avoided crossing the SSSI and each would require an entirely new bridge to be constructed. Additionally, other options to avoid the Coquet River Felton Park LWS and Dukes Bank Wood would have required significant length of additional dual carriageway (between 4 to 5 miles). As a result, no alignments to this effect were considered in the initial option selection.
- 4.9.13. A non-statutory public consultation on the scheme was undertaken from November to December 2016. For Part A the Green Option attracted the largest degree of public support (41% identified it as the preferred option) while for Part B 49% supported the Orange Option.

- 4.9.14. In September 2017 the Preferred Route Announcement confirmed the Green Option as the preferred option for Part A. The key reasons for progressing it were that it was the most popular option identified by the public and stakeholders; it would offer a greater level of safety due to the alignment; it presented the greatest construction efficiency and worker safety benefits; it would retain the existing A1 as a local road when the offline section is provided and it would affect fewer landowners than the Orange and Blue Options, although more agricultural land would be affected by this option.
- 4.9.15. In September 2017, the Preferred Route Announcement confirmed the Orange route as the preferred option for Part B. The reasons for this were the level of consultation responses which preferred the option, and that it would provide additional network resilience and overtaking opportunities by providing a dual carriageway road standard. Additionally, it would have the least overall adverse impact on the environment when compared to the Green and Blue Options.
- 4.9.16. Once the preferred options had been identified they were developed and refined through the Preliminary Design Stage. Table 3.3 of the ES [APP-038] describes the environmental considerations which informed the evolution of the design for Part A while Table 3.4 provides the design options which were refined through the preliminary design of Part B. Table 3.4 also includes design options which incorporated alternative locations for the online widening, namely to the west or east of the existing carriageway.
- 4.9.17. The Case for the Scheme [APP-344] describes how the objectives of the A1 in Northumberland: Morpeth to Ellingham project have been identified and developed in response to the planning and environmental context and the need to address identified problems on this stretch of the A1 (paragraph 3.7.1). The objectives are consistent with those identified in the A1 North of Newcastle Feasibility Study Report of 2015. The following paragraphs deal with each objective in turn and how the Case for the Scheme justifies the Proposed Development.

**Improve journey times on this route of strategic national importance**

- 4.9.18. As set out in Chapter 4 of the Case for the Scheme the Proposed Development would improve journey times between Morpeth and Ellingham and would have a significant beneficial impact on journey times and a reduction in travel times along the route. This is set out further in section 4.10 below.

**Improve network resilience and journey time reliability**

- 4.9.19. This stretch of the A1 exhibits a relative lack of resilience and a related lack of journey time reliability. Consequently, the network is unable to cope with disruptive events. The lack of safe over-taking opportunities

and high volume of HGV traffic leads to reduced journey time reliability. In addition, driver frustration and high frequency of junctions and accesses creates more potential for vehicular conflicts with higher daily traffic flows during the summer months exacerbating these problems. Providing an additional lane would improve network resilience. Additional capacity would also minimise disruption when future maintenance activities are undertaken. A dual carriageway would provide earlier and safer overtaking opportunities while the de-trunked section of the A1 would provide an alternative route that vehicles making local journeys could use.

### **Improve safety**

- 4.9.20. The need for safety improvements was recognised in the earlier North of Newcastle Study which found that the A1 suffers more overtaking accidents than would be expected on a road of this type. Additionally, the proportion of fatal accidents on this stretch of road appears to be marginally high than expected. The above average number of HGVs on the single carriageway stretches of the A1 limits overtaking opportunities on the route and contributes to the poor safety record.
- 4.9.21. The Chapter 4 of the Case for the Scheme reports on the Cost and Benefit to Accidents – Light Touch (COBALT) assessment which forecasts that the Proposed Development would provide an accident reduction benefit of £32 million and would save 414 accidents when compared to the "*without scheme*" scenario. Considerable accident savings along the online sections of the Proposed Development would occur as a result of the current single carriageway being replaced by a dual carriageway. Savings on the de-trunked section would also occur due to the considerable decrease in traffic forecast.
- 4.9.22. Accident benefits are also forecast on parallel routes including the A1068, A697, A696 and A68 as a result of reductions in traffic on these roads as traffic switches to using the A1. However, there are some dis-benefits on the A1 to the north and south of the Proposed Development due to the general increase in traffic flows drawn onto the A1 as a result of the Proposed Development.
- 4.9.23. The application includes some changes to bus stops which ensure that they are safely located and changes to PRoWs while ensuring that overbridges and diversions for non-motorised users (NMUs) do not involve crossing the A1 at-grade, thereby reducing the risk of accidents.

### **Maintain access for local traffic whilst improving the conditions for strategic traffic**

- 4.9.24. The removal of multiple private accesses and the rationalisation of side road junctions would ensure access is maintained for local traffic whilst improving conditions for strategic traffic by removing turning conflicts on the mainline A1 contributing to the reduction in accidents. Local traffic

would benefit from the additional capacity on the highway network. Four new grade separated junctions would assist in maintaining the free flow of mainline traffic and remove turning conflicts.

### **Facilitate future economic growth**

- 4.9.25. The Proposed Development would provide improved physical linkages between Morpeth and Ellingham and would improve access to new and planned employment sites. The economic importance of dualling the A1 in Northumberland is confirmed in the emerging Northumberland Local Plan and the Northumberland Economic Strategy 2015–2020. Wider impact benefits have been forecast to amount to £24 million.
- 4.9.26. In addition to the assessment of alternative route options, ES Chapter 3 [APP-038] (Tables 3.3 and 3.4) also explains how the designs for each Part were developed through the preliminary design stage and environmental considerations that contributed to the preferred option selection for key design aspects, noting that other considerations such as cost, landowner requirements or engineering factors did not form part of the consideration in Chapter 3.

### **The Examination**

- 4.9.27. The need for the Proposed Development was not questioned in any RR or WR and there was considerable support from IPs including from NCC in recognising the need for the proposed improvements to the A1. Through its RR, NCC [RR-001] confirmed its strong support for the Proposed Development:

*“Northumberland County Council recognises the benefits of this project. There has been a long ambition and campaign to dual the A1 north of Morpeth and the Council is supportive in principle of the proposal. Support is contained within the Local Transport Plan and other policies and documents. The scheme is considered to be broadly in accordance with the Council’ adopted and emerging policy.”*

- 4.9.28. Strong support for the need for the Proposed Development was also provided by Mr Max Squires [RR-021] who was concerned that continued delays to the upgrade of the A1 would have an increasingly detrimental impact on the economy and quality of life in North Northumberland. Mr Scott Clarehugh [RR-047] also welcomed and supported the Proposed Development to address increasing volumes of traffic using the road and to improve road safety.
- 4.9.29. A number of WRs submitted at D1 also expressed support for the Proposed Development. A submission by Alastair and Christina Marrion [REP1-078] expressed clear support in principle and for the Green Option for Part A in particular. Christopher Rowlands [REP1-079] and Claire Rowlands [REP1-080] both described the proposals as much needed while Mrs Winifred Coulson [REP1-084] considered the proposals to be



necessary and long overdue. Mr Rowlands and Mrs Coulson also spoke in support of the Proposed Development at OFH3 [EV-076].

- 4.9.30. A number of RRs and WRs included objections to details of the Proposed Development and these are addressed in other sections of Chapter 4 and in Chapter 7 of this Report. Mr Robin Duckett submitted an Additional Submission [AS-024] which questioned the choice of the Green Route for Part A on environmental grounds. The Applicant responded [REP4-033] expanding on the reasons for its preferred route for Part A which we find to be reasonable.
- 4.9.31. The only other RR to object to the Proposed Development in respect of the route alignment was that submitted by M E Beal & Sons [RR-020] with further representations expanding on their position [AS-022] [REP3-032] [REP4-078] [REP10-051] concerned about the impact of the proposed Charlton Mires Junction in Part B on their property, Charlton Mires Farm.
- 4.9.32. At ExQ1 GEN.1.14 [PD-007] we asked the Applicant about two residential dwellings, East Cottage and Charlton Mires Farm, which were proposed for demolition to accommodate the proposed Charlton Mires Junction. Specifically, we asked whether alternative alignments had been considered to avoid demolition, noting that RRs had been submitted by the owners of the affected properties [RR-020] [RR-029]. The Applicant referred to the pre-application consultation and confirmed [REP1-032] that two of the routes considered for Part B (the Green and Blue Options) included offline sections that bypassed Charlton Mires altogether, and therefore avoided the demolition of Charlton Mires Farm and East Cottage.
- 4.9.33. Both alternative offline options were assessed as resulting in greater environmental impacts than the online option. The Green Option was considered to result in a greater loss of habitat and agricultural land, would have a greater impact on some protected species and would run closer to the Area of High Landscape Value. The Blue option would also result in a greater loss of habitat when compared to the preferred Orange Option and would also have potentially had a greater impact on some protected species. The Applicant also confirmed that the Orange Option would have the least adverse impact of the three options on landscape and visual amenity, cultural heritage, ecology, the water environment as well as geology and soils. In addition, both the Green and Blue Options were not sufficiently aligned with the budget allocation in the RIS to ensure affordability and thereby constitute a deliverable scheme.
- 4.9.34. ES Chapter 3 (paragraph 3.3.36) [APP-038] stated that for Part B the Orange Option would have the least adverse impact on the environment, the Blue Option would have an intermediate effect on the environment, and the Green Option would overall have the greatest adverse impact on the environment. Of the three options, the Orange Option would have the

least adverse impact on landscape and visual amenity, cultural heritage, ecology, the water environment as well as geology and soils. However, it was identified that the Orange Option would result in a noise increase for properties in the northern section of Part B. Air quality and noise were not assessed for the Green Option or Blue Option. It was identified that the Green Option would have a beneficial effect on people and communities. This is because as part of the Green Option the existing A1 would be converted into a local access road, which would provide easier access for the community.

- 4.9.35. Consultation Report Appendix 1 [APP-022] (Appendix A: Options Consultation Brochure and Public Consultation Report) provided details of the consultation undertaken between November and December 2016. Part 4 of the brochure considered the Alnwick to Ellingham route options. It stated: *"At this stage of design it is common for projects to have more than one viable option for further development. However, within the funding constraint (£290 million) there has only been one option that has been assessed as viable. A full summary of the options discounted so far can be found in the Assessment Summary Report, section B, which has been published as part of this consultation as a supporting document."*
- 4.9.36. It went on to confirm that the Applicant had considered a number of other options which were discounted during the option selection process. The Blue Option was included a new road *"to the west of the existing A1 around South and North Charlton, and a new junction at South Charlton. This option was discounted because it was not affordable within the budget for the scheme."* The Green Option involved a new section of road to the east of the existing A1 close to Rock, with a new junction, and another new section of road to the west of the existing A1 around South and North Charlton. *"This option was discounted because it was not affordable within the budget for the scheme."*
- 4.9.37. The Orange Option was described as widening the A1 to dual carriageway to the east of the existing road. At South Charlton, the details were described as *"connecting the A1, B6341 and B6347. We are still considering the layout of the junction at South Charlton and the one shown is an indicative drawing"*.
- 4.9.38. Consultation Report Appendix 3 [APP-024] (Appendix J: Section 47 Consultation Material) described the consultation undertaken between February and April 2019 for the Alnwick to Ellingham scheme (Part B). The Charlton Mires junction was described as a key element:
- "The revamped Charlton Mires junction will ensure that existing links to the key secondary routes in the area remain accessible but safer to negotiate, for both vehicles and pedestrians. These being the B6347 (linking the Northumberland coast in the east and towards the A697 in the west) and B6341 (linking Alnwick town centre to Rothbury and the A696). The new overbridge will replace the existing staggered junction*

*and as well as allowing access to secondary road networks, it will permit vehicles to manoeuvre from the north to southbound carriageway (or vice versa) without conflict with other vehicles. To the immediate west of the A1 northbound entry and exit slip roads, a roundabout would link to the B6347 and B6341. An overbridge would be provided here from the northernmost arm of the roundabout crossing the A1 and linking to the southbound entry and exit slip roads via a T-junction, whilst also allowing access to the eastbound B6347.”*

- 4.9.39. In summarising the benefits and effects of the proposed design, under the heading of population and health it was noted that two properties would be lost as a result of the scheme where the Charlton Mires junction would be built.
- 4.9.40. At CAH1 [EV-010] we questioned the Applicant further, asking for additional information as to why the Green and Blue options which would have bypassed Charlton Mires Farm were not taken forward and whether further detail was provided at any consultation stage. We also asked the Applicant for evidence that led to the decision to abandon the Green and Blue options and how the cost of the alternative options were assessed to be outside of the scheme budget and therefore determined that the cost was unaffordable. We also sought evidence of the consultation responses of the owners of East Cottage and Charlton Mires Farm to the four options.
- 4.9.41. The Applicant’s Written Summary of Oral Submissions at Hearings [REP4-025] confirmed that Orange, Green and Blue options were presented during public awareness events in May 2016 and considered ahead of the options selection stage in September 2016, (ES paragraphs 3.3.35 to 3.3.36 [APP-038]). Of those options, the Green and Blue Options were offline. As set out in the A1 in Northumberland Environmental Assessment Report (2016, Version 2.1), these options would have had a greater adverse impact on the environment than the Orange Option, as well as requiring more land take. For these reasons, the Orange Option was taken forward to the Preferred Route Announcement.
- 4.9.42. In relation to the Orange Option having been identified as offering the best value for money, the Applicant highlighted that projects such as the Proposed Development are developed based on a reference case. The Applicant also considered that the budget allocation announced in RIS1 was a key consideration when developing the route options. As the Green and Blue Options were environmentally worse and more costly than the Orange Option, these were not taken forward following the May 2016 public awareness events.
- 4.9.43. In addition to the issue of the route alignment of Part B in the vicinity of Charlton Mires the Examination also considered the layout of the proposed new junction at Charlton Mires. Table 3.4 of ES Chapter 3 [APP-038] described the four options which were considered for the proposed

junction as presented in Figure 3.6 [APP-072]. These were Option 1: A new grade separated junction at Charlton Mires to the south of the existing Charlton Mires junction; Option 2 (Option Taken Forward): A new grade separated junction to the north of the existing Charlton Mires junction; Option 3: A new grade separated junction at Charlton Mires with a skew alignment and the overbridge located to the north of the B6347 and south of Charlton Mires; and Option 4: A new grade separated junction across the A1 south of Rock Lodge.

- 4.9.44. Responding to ExQ1 GEN.1.33 the Applicant [REP1-032] provided Appendix GEN.3 [REP1-035] which showed the options in greater detail. The Applicant indicated that Options 1 and 3 were discounted based on consultation with landowners. For Option 1 which was originally presented as part of the preferred Orange Option the proposed overbridge and link road location was assessed as having a greater impact on both the residential property at West Mires and an existing paddock to the south east of Charlton Mires Junction. For Option 3 the road connecting to the skewed bridge crossing the A1 would still come close to Charlton Mires Farm and would result in the loss of around 70% of the garden. Option 4 would require increased diversion routes of 2km for East Linkhall and 900m for West Linkhall. A new 800m length of road between Rock Lodge and Rock Midstead would need to be constructed for Option 4 to connect the existing B6347 and the proposed junction.
- 4.9.45. Option 2 would therefore reduce the length of new side road required and offer better value for money when compared to Option 4. Option 2 was taken forward as it was deemed to be in the optimal position based on connectivity with the surrounding local road network and access considerations for the residents, properties, and businesses at East Linkhall and West Linkhall.
- 4.9.46. Option 2 was further developed during the Preliminary Design stage to ensure that the geometrical alignment complied with design and safety standards. This resulted in the centreline of the new carriageway being moved to the east which in turn would require demolition of some of the Charlton Mires Farm buildings to accommodate the layout.
- 4.9.47. M E Beal & Sons commented at D3 [REP3-032] that they were unaware that there were 4 options for the Charlton Mires Junction and that had they been aware then they would have objected to the mainline version and supported the offline version to the west. The Applicant [REP4-024] reiterated the points it had made in response to ExQ1 GEN.14 [REP1-032] and confirmed that the offline options bypassed Charlton Mires altogether, and therefore avoided the demolition of the Charlton Mires Farm and East Cottage buildings but would have had a greater adverse impact on the environment than the selected Orange Option, as well as requiring a greater land take.

- 4.9.48. At CAH1 [EV-010] we questioned the Applicant further about the consultation responses of the owners of East Cottage and Charlton Mires Farm to the four options. The Applicant's Written Summary of Oral Submissions at Hearings [REP4-025] confirmed that Options 1 and 3 were discounted following consultation with the landowners including with the Beals. This included consultation with the Beals in October 2016 and their response in December 2016. During the course of this consultation, it was identified that the Beals had a new residential property to the west of the A1 and north of Rock Nab at West Mires. As Option 1 would have blighted this new property, it was discounted. Option 3 was developed following further consultation with the Beals. This option would require less of the Charlton Mires Farm holding to be lost than for Option 2 (the selected option) but would require the road to come close to Charlton Mires Farm and a loss of about 70% of its garden. As a result, Options 1 and 3 were discounted and Option 2 was selected as the preferred option. The discounting of Option 4 was primarily on the basis of the increased diversionary requirements and the need for a new link road to the B6347, as detailed further in Table 3.4.
- 4.9.49. The Applicant also explained why figures contained within Appendix GEN.3 [REP1-035] showed the Beals' new property in respect of Options 2, 3 and 4 only. Option 1 would have resulted in the Beals' new property being blighted due to the proximity to Charlton Mires Junction. In contrast, the location of the junction shown for Options 2, 3 and 4 would not blight the new property. As such the property was included on the figures for each of these options.
- 4.9.50. At D10 [REP10-051] Mr Louis Fell submitted final comments on behalf of M E Beal & Sons. Dealing with issues of the proposed route and layout of the Charlton Mires junction it stated that alternative options for the location of the flyover which would have avoided the demolition of the property had not been considered. It was also confirmed that no agreement had been reached on future accommodation. At D11 the Applicant [REP11-014] reiterated its position set out in response to ExQ1 GEN.1.33 [REP1-032] that four different junction options had been considered in order to avoid demolition.

## **ExA Conclusion**

- 4.9.51. As set out in Chapter 2 of the ES [APP-037] there is long standing support at national and local levels of planning, transport and economic policy for the principle of dualling the A1 in Northumberland. The Proposed Development would fulfil the strategic objectives of the NNNPS as detailed in Section 3.7 of the Case for the Scheme [APP-344]. Similarly, as detailed in Section 3.5 of the Case for the Scheme in addition to being a committed scheme in the RIS, the Proposed Development would contribute towards the objectives of the Castle Morpeth District Local Plan, Alnwick District Wide Local Plan, emerging

Northumberland Local Plan, Northumberland Local Transport Plan and Northumberland Economic Strategy 2015 – 2020.

- 4.9.52. The objectives of the Proposed Development, which can be traced back to the A1 North of Newcastle Feasibility Study Report of 2015 reflect the planning and environmental context and the need for improvements to this stretch of the A1. We are convinced that those objectives are appropriately framed to address long standing issues in the area. We also find that the Proposed Development would positively address those objectives which are to: improve journey times on this route of strategic national importance; improve network resilience and journey time reliability; improve safety; maintain access for local traffic whilst improving the conditions for strategic traffic; and facilitate future economic growth.
- 4.9.53. In line with paragraphs 4.26 and 4.27 of the NNNPS the Applicant has demonstrated that a range of alternatives in terms of route options were considered over many years and were subject to extensive public consultation. Consultation prior to the submission of the application and the views of IPs including the host local authority highlighted support for the Proposed Development in general.
- 4.9.54. In terms of route options and layout the position at Charlton Mires junction remained in dispute between the Applicant and M E Beal & Sons at the end of the Examination. With regard to the route itself the Applicant's position is that the Orange Option was the only deliverable option for a variety of environmental and affordability reasons. Consequently, alternative Green and Blue Options were discounted from the non-statutory consultation in 2016. M E Beal & Sons would have preferred one of the offline options because both options would have had much less impact on their property.
- 4.9.55. Having considered the Applicant's justification for not taking forward either of the offline options we find that the environmental impacts of the alternatives would be much greater than the online Orange Option. We were less convinced by the Applicant's response to our questioning about seeking further justification as to why either offline option had been rejected because of cost and unclear whether or not this has been quantified. However, even if the offline options were deliverable taking account of additional costs, the environmental benefits associated with the online option are enough to justify the Proposed Development.
- 4.9.56. Having decided to progress the online Orange Option consultation was undertaken on the proposed junction options (1-4) at Charlton Mires, all of which would have had an impact on the M E Beal & Sons' property. Based on a range of factors and taking account of response from landowners including M E Beal & Sons the Applicant decided to progress with Option 2.

- 4.9.57. Option 1 was originally presented as part of the preferred Orange Option but with the construction of the new residential property at West Mires (in addition to the impact on the existing paddock to the south east of Charlton Mires Junction) would have had significant adverse effects on the new property.
- 4.9.58. Option 3 would require less of the Charlton Mires Farm holding to be lost than for Option 2 but would result in the loss of the vast majority of its garden while Option 4 would require a new link road to the B6347. On that basis we do not consider that Option 2 was an unreasonable proposal to take forward.
- 4.9.59. As described, Option 2 was further developed during the Preliminary Design stage to ensure that the geometrical alignment complied with design and safety standards. As a result, the centreline of the new carriageway has been moved to the east which would require demolition of some of the Charlton Mires Farm buildings to accommodate the layout. As such alignment and safety changes would also impact on other options, we consider that none of the four options would have avoided severe impacts on the M E Beal & Sons' property interests and therefore accept that Option 2 would be the optimum layout for the Proposed Development.

## **4.10. TRANSPORTATION AND TRAFFIC**

### **Policy Considerations**

- 4.10.1. Section 4.4 of this Report introduces the NNNPS whilst paragraphs 4.9.1-4.9.4 set out the policy consideration relating to the need for the Proposed Development. The comments on policy in this section should be read alongside those two earlier sections.
- 4.10.2. Paragraph 2.1 of the NNNPS recognises that well connected and high performing networks with sufficient capacity are vital to meet the country's needs and support a prosperous economy. Paragraphs 2.2 to 2.4 note a critical need to improve national networks to address road congestion and provide safe, expeditious and resilient networks. Improved and new transport links can facilitate economic growth and can help rebalance the economy (paragraph 2.6).
- 4.10.3. Broader environment, safety and accessibility goals will also generate requirements for development (paragraph 2.9). Development will be needed to address safety problems, enhance the environment or enhance accessibility for NMUs. Without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives. Therefore, at a strategic level there is a compelling need for development of the national networks, both as individual networks and as an integrated system (paragraph 2.10).

- 4.10.4. Paragraphs 2.12 to 2.14 of the NNNPS highlight the importance of the SRN which provides critical links between areas enabling safe and reliable journeys and the movement of goods in support of national and regional economies.
- 4.10.5. NNNPS paragraph 2.23 identifies that specific network improvements will be a necessary part of addressing the identified need. Enhancements include junction improvements and new slip roads to address congestion as well as improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads to increase capacity and to improve performance and resilience. The Government's policy on development of the SRN is not that of predicting traffic growth and then providing for that growth regardless. Individual schemes will tackle specific issues, including those of safety, rather than to meet unconstrained traffic growth (paragraph 2.24).
- 4.10.6. Road safety is addressed in paragraphs 3.9 to 3.10 of the NNNPS. It is recognised that road deaths and injuries are a tragedy for all affected, and accidents also have a major economic cost, with incidents on the network leading to increased unreliability and delay for other users. Consequently, scheme promoters are expected to take opportunities to improve road safety.
- 4.10.7. Paragraphs 3.15 to 3.18 of the NNNPS address sustainable transport emphasising the Government's commitment to sustainable travel and *"to bring about a step change in cycling and walking across the country"*. Paragraph 3.17 confirms that there is a *"direct role for the national road network to play in helping pedestrians and cyclists"* and requires applicants to use *"reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes"*. It also expects applicants to identify *"opportunities to invest in infrastructure where the national road network severs communities and acts as a barrier to cycling and walking to ensuring that it is easy and safe for cyclists to use junctions"*.
- 4.10.8. The impact of a scheme on wider transport networks and of construction sites on the network whilst a scheme is being developed is recognised in paragraphs 5.201 to 5.218 of the NNNPS.
- 4.10.9. Paragraph 5.204 notes that Applicants should consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts. The SoST is required to consider impacts on the local transport network and local transport policies, including those in local plans (paragraph 5.211). Paragraphs 5.215 to 5.216 advise that mitigation should focus on promoting sustainable development and that where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. In particular *"there is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated"*.



## **The Applicant's Case**

- 4.10.10. The Applicant set out its position in the Case for the Scheme [APP-344] and Chapter 2: The Scheme, of the ES [APP-037]. In addition, ES Chapter 12: Population and Human Health Part A [APP-054] and Part B [APP-055] are relevant in including the effect on vehicle travellers and the effect on communities which incorporates community severance and journey amenity as far as they affect NMUs. Figures within these ES Chapters which are of particular relevance to this topic comprise Figure 2.3 Existing Junctions and Structures Part A [APP-068], Figure 2.4 Existing Junctions and Structures Part B [APP-069], Figure 12.1 Road Sections Assessed for Driver Stress Part A [APP-120] and Figure 12.1 Assessment Area for Driver Stress Part B [APP-181]. Relevant Appendices comprise Appendix 12.2 Driver Stress Analysis Part A [APP-267] and Appendix 12.2 Driver Stress Analysis Part B [APP-325].
- 4.10.11. Chapter 2 of the Case for the Scheme [APP-344] describes the Proposed Development, setting out the route options and alternatives which have been considered to arrive at the Proposed Development. Chapter 3 then provides the Applicant's case for the scheme in terms of policy compliance before Chapter 4 provides the transport case for the Proposed Development.
- 4.10.12. Section 4.3 of the Case for the Scheme [APP-344] notes that the A1 in Northumberland forms part of the SRN between England and Scotland, being an important route especially for long distance traffic travelling on the eastern side of the country. Although the M6 remains the main strategic traffic route to Scotland, the A1 is an essential link for the North East and Northumberland.
- 4.10.13. Between Morpeth and Felton (Part A) the A1 is an all-purpose trunk road with a single carriageway in each direction with approximately 40 accesses onto the A1 from minor local roads and PMAs from nearby properties. Between Alnwick and Ellingham (Part B) the A1 is also an all-purpose trunk road with a single carriageway in each direction. It has approximately 23 accesses and four at-grade junctions onto the A1 from minor local roads plus a number of PMAs.
- 4.10.14. One of the main issues along Part A and Part B is a lack of overtaking opportunities along the single carriageway, while a significant level of HGV usage means that overall speed is reduced leading to driver frustration. In turn this leads to the potential for unsafe manoeuvres and a significant level of variability in journey times which reduces the reliability of the network. In addition, the local road network does not provide sufficient alternative routes to the A1 as the majority of these routes head east west and the significant number of junctions and PMAs along Part A and Part B can result in delays and an increased likelihood of accidents as vehicles enter the main carriageway or slow down to exit.

- 4.10.15. Traffic flows on Part A and Part B are highly seasonal and the issues above are exacerbated during the summer months. Daily traffic flows during July and August on Part A are 18% and 22% higher and on Part B are 19% and 32% higher than the average annual daily traffic flows respectively.
- 4.10.16. Average Annual Daily Traffic (AADT) flows for the A1 between Morpeth and Felton (Part A) indicate that around 10,000 vehicles a day use the route in each direction of which approximately 11% are identified as HGVs. The percentage of HGVs is significantly higher than the national average figure for rural A roads of around 6%. Moreover, local roads in the surrounding area have much lower traffic flows, emphasising the importance of the A1 as the key route for long distance traffic in the area.
- 4.10.17. Traffic volumes on Part A of the A1 do not follow the usual profile of AM and PM peaks with lower volumes during the inter-peak. Instead, the A1 shows higher volumes of traffic in the inter-peak than in the AM period which can be explained by the fact that the A1 accounts for a significant proportion of long-distance trips.
- 4.10.18. AADT flows for Part B indicate around 5,000 vehicles a day use the route in each direction of which approximately 15% are identified as HGVs which is also a higher percentage than the national average for rural A roads. As with Part A, local roads in the surrounding area have much lower traffic flows, and traffic volumes are higher in the inter-peak than in the AM period.
- 4.10.19. The development of the A1 in Northumberland Traffic Model followed the same process for Part A and Part B and was undertaken in line with transport analysis guidance. The model comprises a simulation area and a buffer area. The simulation area includes the full length of the A1 in Northumberland, the main parallel routes and the local road network in the vicinity of the Proposed Development.
- 4.10.20. The A1 in Northumberland Traffic Model was built to a base year of 2016, the most recent complete year at the time of the model build. It was based on three modelled time periods: morning peak hour: 08:00–09:00; inter-peak hour being the average hour between 10:00–16:00; and evening peak hour: 16:00–17:00. Additionally, forecast years were represented as: 2023 Opening Year; 2038 Design Year; and 2051 Horizon Year (the latest year for which traffic growth forecasts were available).
- 4.10.21. In terms of the future network performance the overview of traffic flows showed that with Part A in place, there would be a significant increase in traffic volumes on the A1 in both directions in all modelled periods, of between approximately 300 and 600 vehicles per hour in each direction. This would be due to increased speeds following the raising of the speed

limit and reduction in delays once Part A was operational. However, due to the relatively low levels of traffic on the side roads Part A was not forecast to make a significant difference to queueing at junctions, and both queues and delays at junctions within Part A were forecast to be minimal. The forecast AADT traffic volumes showed a significant increase in the AADT traffic due to Part A in both the opening year and design year.

- 4.10.22. In terms of journey times and reliability the traffic model indicated that Part A was forecast to have a significant impact on reducing travel times, taking around 4½ minutes off journeys from the start to the end of Part A in 2051. Furthermore, junction capacity assessments showed that the proposed new junctions were forecast to operate well within capacity, with minimal queueing in all assessed time periods.
- 4.10.23. With the implementation of Part B, there would be an increase in traffic volumes on the A1 in both directions in all modelled periods of up to 200 vehicles per hour in each direction. This would be due to the increased speeds following the raising of the speed limit and a reduction in delays. Like Part A, due to the relatively low levels of traffic on side roads, Part B was not forecast to make a significant difference to queueing or delays at junctions. The forecast AADT traffic volumes showed an increase in the AADT traffic due to Part B in both directions in the opening year and design year.
- 4.10.24. In terms of journey times and reliability the traffic model indicated that Part B was forecast to have a positive impact on travel times, taking between 1 and 1½ minutes off journeys from the start to the end of Part B in all modelled future years. Additionally, the proposed new junctions were forecast to operate well within capacity, with minimal queueing in all time periods.
- 4.10.25. Overall, with the Proposed Development implemented, the A1 in Northumberland Traffic Model showed an increase in traffic volumes on the A1 in both directions in all modelled periods. The highest northbound increase was forecast in the 2038 AM peak with an increase of 750 vehicles and the highest southbound increase was forecast in the 2038 PM peak with an increase of 545 vehicles.
- 4.10.26. The Case for the Scheme [APP-344] also indicated that the resilience of the network would improve. This would occur through improved efficiency with the network performance enhanced due to shorter journey times and more effective junctions, new carriageways and junctions designed to modern standards reducing the need for maintenance and the design accommodating present and forecast future traffic flows. Resilience would also improve due to the removal of junctions and PMAs, the provision of dual carriageways which would reduce potential vehicle conflicts, thereby improving safety and increasing capacity which would

enable the network to recover more quickly to normal levels of service following an incident.

- 4.10.27. The wider impacts of the Proposed Development which comprise the economic impacts that are additional to the transport user benefits were identified as producing £24.157 million of benefits over the 60-year appraisal period.
- 4.10.28. Sections 4.5 to 4.9 of the Case for the Scheme [APP-344] explain the development of the model in more detail and present an overview of journey times, future network performance, overview of journey times and reliability and an operational assessment.
- 4.10.29. Section 4.10 of the Case for the Scheme [APP-344] assessed the potential for the Proposed Development to improve road safety. This demonstrated that there would be considerable accident savings along the online sections of Parts A and B as a result of the single carriageway being replaced by a dual carriageway. In addition, savings would occur on the de-trunked section of the A1 due to the considerable decrease in traffic forecast. Accident benefits were also forecast on parallel routes to the Proposed Development including the A1068, A697, A696 and A68 as a result of reductions in traffic on these roads as traffic switches to using the A1. However, some disbenefits on the A1 to the north and south of the Proposed Development were identified which could be attributed to the general increase in traffic flows that would be drawn onto the A1 as a result of the improvements.
- 4.10.30. Overall, the assessment forecast that the Proposed Development would provide an accident reduction benefit of £32.489 million and would save 414 accidents when compared to the situation without the Proposed Development. The reduction in accidents was forecast to reduce the number of casualties by 708 over the 60-year period, of which 17 were predicted to be fatal.
- 4.10.31. The assessment also considered the effect of the Proposed Development on bus services. In developing the preliminary design, the Applicant concluded that it would not be practicable to provide safe access to the northbound bus stop at Warreners House as part of the Proposed Development, with the only feasible option being to remove the northbound bus stop completely. In response, the bus operator indicated that it would not want to retain the southbound stop and so this would also be removed. The Applicant also proposed to alter a number of other bus stop locations along Parts A and B to which the operator had no objection. Overall, the Proposed Development was forecast to reduce delays and improve journey time reliability.
- 4.10.32. Some PRoWs would be directly affected by the Proposed Development and would be permanently closed or diverted during operation with increased walking times in some cases although those to be closed are

not frequently used. Conversely, the Applicant considered that the Proposed Development would improve conditions for NMUs including on the de-trunked section of the A1 where there would be less vehicular traffic on the road while two of the existing PRoWs which cross the A1 at-grade would be re-routed over the Fenrother and Causey Park overbridges thereby improving pedestrian safety. Other benefits for pedestrians would arise from footways facilitating the safe pedestrian access across the new Charlton Mires Junction and the new Heckley Fence Accommodation Overbridge as well as the use of best practice design with regard to the safety of NMUs.

## **Examination**

- 4.10.33. Transportation and traffic featured as part of the IAPI which formed Annex C of the Rule 6 Letter [PD-006]. Under this heading we identified the following matters: context – strategic vision, objectives and alternative design solutions; the case for and benefits of the Proposed Development; construction effects on the surrounding road network including access to existing properties; effects on the use of the PRoW network both during construction and when operational; operational effects on traffic movements and the safety of users; the effect on, and potential for, NMUs both during construction and when operational; and the effect of proposed changes to the Causey Park Bridge and Fenrother junctions on southbound traffic.
- 4.10.34. At the PM [EV-007], as described in paragraph 4.1.3 above NCC suggested some additional matters that should be included in the IAPI. These were: traffic management issues, particularly during the construction phase and with particular reference to the potentially increased use of the A697 and subsequent impact on local communities; the extent of the works proposed on the de-trunked A1, with particular reference to cycle links on the Felton to Morpeth section of the route; and adequate examination of the active travel agenda.
- 4.10.35. Section 6.2 of NCC's LIR [REP1-071] addressed economic growth and transportation and in overall terms considered the impact to be positive. NCC noted that for the SRN, the Case for the Scheme [APP-344] demonstrated that the Proposed Development would reduce delays and accidents and allow the free flow of traffic. Nevertheless, NCC indicated that it would continue to assess whether the redistribution of traffic on the local road network would impact upon capacity notwithstanding the Applicant's position that the Proposed Development would provide capacity at least equal to the present arrangement and improve facilities for NMUs.
- 4.10.36. In delivering highway improvements which would address future traffic demand and reduce congestion, NCC was content that the Proposed Development was in full accordance with local transport and economic strategies to improve access both to key employment corridors and

residential areas and to offer transport infrastructure which would ensure the region's attractiveness to future investment and associated job growth.

- 4.10.37. However, NCC considered that the needs of NMUs had not been fully addressed, in particular within Part A where the potential to provide a continuous footway and cycleway connection between the settlements had not been fully utilised. The use of the de-trunked section of the A1, diverted PRoWs and small sections of additional connectivity was seen as providing an opportunity for a strong connection along the former A1 route between Morpeth and Felton and to reduce the impact upon NMUs as a result of the Proposed Development. Pedestrian and cyclist access within Part A was also identified as a concern in NCC's RR [RR-001] which highlighted a range of other specific concerns.
- 4.10.38. Section 6.11 of the LIR [REP1-071] addressed construction traffic which NCC found to have a negative impact overall. NCC recognised that the effects would be temporary and would be mitigated through measures in the DCO. Particular concerns were raised with respect to the potential for additional traffic to use the local highway network during the construction phase as a result of actual or perceived delays on the A1.
- 4.10.39. The LIR (section 6.12 [REP1-071]) recognised that the Proposed Development would result in positive road safety effects on the improved A1 and would result in traffic relocating from unsuitable local roads to the A1 to provide additional road safety benefits. However, while the de-trunked section of the A1 would experience reduced levels of traffic, NCC was concerned that retaining the existing carriageway widths could be detrimental to road safety. Within Part B road safety benefits would arise from removing local traffic from the SRN in particular through the provision of new local access roads.
- 4.10.40. NCC's RR [RR-001] also identified a range of other transport related concerns including access and connectivity issues at the southern extent of Part A, local access around the proposed Charlton Mires Junction and junction capacity assessments.
- 4.10.41. Through ExQ1 we asked the Applicant a number of questions of clarification or to set the Applicant's case in context (TT.1.2 to TT.1.13, TT.1.15 to TT.1.17 and TT.1.19). The questions did not arise from submissions of other IPs and the Applicant's responses [REP1-032] were not disputed. We were content with the responses and therefore there is no reason to comment on them further here.
- 4.10.42. In respect of traffic and transportation the SoCG between the Applicant and NCC [REP11-009] confirmed that concerns raised by NCC earlier in the Examination concerning the Construction Traffic Management Plan (CTMP) had been resolved. In respect of the effects on motorised road traffic (SoCG section 11) all matters were agreed. However, while some

matters in respect of the effects on the PRow network and on cyclists, pedestrians and horse riders were agreed it was recorded that NMU provision on the de-trunked section of the A1 remained unresolved.

### **NMU Provision**

- 4.10.43. Responding to ExQ1 TT.1.14 NCC confirmed that it was content with surveys undertaken to establish which pathways and junctions were commonly used by walkers, cyclists and horse-riders.
- 4.10.44. At ISH3 and subsequently in writing the Applicant [REP6-044] referenced paragraph 3.17 of the NNNPS. The Applicant considered it had fulfilled the requirements of paragraph 3.17 through grade-separated junctions which addressed the barrier feature of the current A1 and through measures to address impacts to existing PRowS. In the context of paragraph 3.17 the Applicant did not consider that NCC had demonstrated a need for specific safe cycle provision to be made on the de-trunked A1 as part of the Proposed Development.
- 4.10.45. In the Applicant's view [REP6-044] section 3 of the NNNPS provided broad policy and was not specifically directed at decision making. The requirement for reasonable endeavours was for something reasonable to be proposed and not an exhaustive requirement, which would be a requirement for "*all reasonable*" or "*best*" endeavours. In the Proposed Development the Applicant had addressed the historic issues of east-west severance and created an improved north-south provision for NMUs, through the de-trunked A1. Therefore, the Applicant was confident that it was complying with the terms of the NNNPS.
- 4.10.46. Commenting on Local Transport Note (LTN) 1/20 "*Cycle Infrastructure Design*", which was published in July 2020 NCC [REP4-074] noted that among the core design principles was that "*consideration of the opportunities to improve provision for cycling will be an expectation of any future local highway schemes funded by Government*".
- 4.10.47. At ISH3 we asked the Applicant about the relevance of LTN 1/20 which was published after the design of the Proposed Development was completed for the purposes of the DCO and after the DCO application was submitted. Section 1.3 of LTN 1/20 states that the guidance should be applied "*to all changes associated with highway improvements, new highway construction and new or improved cycle facilities.*" In the Applicant's view [REP5-029] [REP6-044] LTN 1/20 is appropriate for new local highway schemes or changes to local highway schemes and would be used in the detailed design of the footway provision being created on the new section of link road from West Moor Junction to Bockenfield Caravan Park (Work No.16L).
- 4.10.48. The Applicant [REP11-014] stated that LTN 1/20 was not appropriate for transferring an existing asset from the SRN to the local highway network particularly as no changes to the de-trunked section of the A1 were

required. However, once de-trunked, new cycling provision on this section of the road could adopt the principles of LTN 1/20.

- 4.10.49. At ISH3 and subsequently in writing, the Applicant [REP6-044] stated that LTN 1/20 was to be applied by local highway authorities *"when designing new cycling schemes"* (paragraph 1.1.1). Additionally, the Applicant considered *"the principle in LTN 1/20 is designed to prevent stranded assets, which is not the case for the Proposed Development, as there will be NMU links provided via both the de-trunked A1 and the east-west links over the new A1"*.
- 4.10.50. Paragraph 1.3.1 of LTN 1/20 states that the guidance *"should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities, including those on other rights of way"*. The Applicant's view [REP6-044] was that the existing A1 does not engage paragraph 1.3.1 as there is no change to its existing alignment or its design. In relation to item 8 of the summary principles, which states that *"cycle infrastructure must join together, or join other facilities together by taking a holistic, connected network approach"* the Applicant's view was that a connected NMU network would be provided as part of the Proposed Development through the connection with the de-trunked A1, which would be less trafficked and available for use by NMUs.
- 4.10.51. The Applicant acknowledged [REP6-044] that LTN 1/20 was an important and relevant matter in respect of the new section of link road from West Moor Junction to Bockenfield Caravan Park where it would be applied at detailed design. However, LTN 1/20 was not applicable to the de-trunked A1 as the change to the character of the de-trunked road was not an impact to be mitigated.
- 4.10.52. NCC [REP10-043] did not accept the Applicant's position that LTN 1/20 only applied to new networks and argued that the principles applied to the Proposed Development including the de-trunked section of the A1. The Applicant's response [REP11-014] asserted that the provision of facilities for NMU's was satisfactorily addressed by the Proposed Development in compliance with the NNNPS and that the creation of a new north-south connection for NMUs was neither a requirement for mitigation nor a requirement of policy.

### **Provision of East-West Improvements**

- 4.10.53. Mr Andrew Kirkham [RR-016] questioned whether the Proposed Development properly addressed cycling provision, particularly east-west routes across the A1 and specifically the proposed Causey Park Overbridge. Responding, the Applicant [REP1-064] referenced surveys of cyclists included in Appendix TT.1 [REP1-047] and confirmed that, east-west crossings of the A1 would be safer for cyclists due to new bridges providing grade-separated routes over or under the A1 at various locations. In addition, the proposed extension of the de-trunked section



of the A1 to tie into West Moor would have a combined footway/ cycleway.

- 4.10.54. Responding to ExQ1 TT.1.1 the Applicant [REP1-032] explained that the provision for NMUs at the Highlaws, Fenrother and West Moor junctions included a 2m wide footway which was of sufficient width to accommodate expected pedestrian usage [APP-012]. Based upon survey data, a limited number of cyclists and equestrians using the bridges would utilise the 6.6m wide carriageway which would be consistent with the side roads linking the junctions where no separate provision for cyclists and equestrians was proposed.
- 4.10.55. In respect of Causey Park Overbridge the Applicant [REP1-064] acknowledged that while there was no dedicated cycle infrastructure proposed, the new bridge would provide a safer east-west crossing of the A1 than the current at-grade crossing. The need for any additional cycling measures would be appraised in accordance with current design standards during detailed design and would be subject to an independent road safety audit.
- 4.10.56. Part A [APP-054] and Part B [APP-055] had been designed to address the needs of cyclists and pedestrians by providing footways at new junctions linking into the existing side roads. Pedestrians would be accommodated by footpaths immediately to each side of the proposed junctions and across the new bridges. At Charlton Mires Junction a footway to facilitate safe pedestrian access would link diverted Footpath 129/004, across the A1 and along the improved B6341, to towards Rock Lodge. Further south, a footway to facilitate safe pedestrian access across the proposed Heckley Fence Accommodation Overbridge would link to the diverted PRow 110/004, across the A1 to PRow 129/023.

### **Provision of North-South Improvements**

- 4.10.57. As confirmed in the SoCG between the Applicant and NCC [REP11-009], NCC sought the inclusion of a segregated cycle path on the de-trunked stretch of the A1 that does not currently have NMU provision with connections for NMUs along the remaining length to be de-trunked. NCC also identified a full north-south connectivity opportunity from Tritlington to Morpeth. To deliver the NMU route NCC proposed amendments to the DCO [REP8-028] [REP8-028a] although the Applicant considered the proposals were not deliverable within the Order Limits and would require additional funding. Moreover, the Applicant's view was that the NMU provision satisfactorily addressed the impacts.
- 4.10.58. Responding to ExQ1 GEN.1.8 [PD-007] the Applicant [REP1-032] confirmed that a new segregated footway/ cycleway along the length of the eastern side of the proposed link road, between the de-trunked A1 and Felton Road (paragraph 2.5.47 of the ES [APP-037]) would form part of Work Nos. 16I, 16J and 16L [APP-007]. It was seen as a future proofing measure rather than to mitigate the impacts of the Proposed

Development and would not link to other walking or cycling networks. Measures to promote sustainable transport choices including on the de-trunked section of the A1 were considered to be outside the remit of the Proposed Development, not the responsibility of the Applicant and not within its ability to deliver [REP5-029], [REP7-017], [REP9-018], [REP8-026]. However, the Applicant confirmed that Designated Funds proposals were being pursued outside of the DCO application to deliver cycle infrastructure alongside the Proposed Development [REP11-014].

- 4.10.59. NCC's response to ExQ3 TT.3.1 [REP8-028] confirmed that it had issued suggested amendments to Schedules 1 and 3 of the dDCO [REP8-028b] to the Applicant which delivered the north-south NMU routes from Morpeth to Felton and made connections to the proposed footways at Fenrother junction and the Causey Park Overbridge. It recognised that there were alternatives that would necessitate amendments and undertook to work with the Applicant.
- 4.10.60. At D10 [REP10-043] NCC strongly refuted the Applicant's statement [REP9-018] that it was unaware until May 2021 that NCC was also seeking shared cycle/ pedestrian provision south of the new Fenrother Lane (east) junction. NCC maintained that throughout the Examination it had identified the need for NMU provision from Morpeth to Felton, citing its LIR [REP1-071], discussion at ISH2 and its D5 submission [REP5-042].
- 4.10.61. The Applicant acknowledged [REP9-018] that the LIR identified the potential to provide a continuous footway and cycleway connection between settlements but indicated that NCC had not been specific about the extent of the NMU provision extending south [REP10-037].
- 4.10.62. The Applicant confirmed at ISH4 and in writing [REP10-037] that to provide a shared footway/ cycleway between Priests Bridge and Morpeth would require additional land outside of the Order Limits while incorporating a shared footway/ cycleway between Morpeth and Highlaws would adversely impact on the re-use of the existing A1 carriageway. Given the costs of the additional land required, together with additional construction costs the Applicant did not accept NCC's view that a footway/ cycleway could be implemented at relatively low cost. Moreover, to incorporate the enhanced NMU provision proposed by NCC would require a further assessment of the environmental impacts, further consultation and a proposed change to the DCO which the Applicant considered could not be achieved during the Examination.
- 4.10.63. At ISH4 and subsequently in writing the Applicant [REP10-037] commented generally on NCC's proposed changes to the DCO which it regarded as an opportunistic request neither supported by policy nor necessity in terms of mitigation and seeking provision for an additional cycle route in an area where there were already plenty of north-south routes that were much more on the desire line for cyclists.

- 4.10.64. Responding to the Applicant's view [REP9-018] that NCC's enhanced NMU proposals had been introduced too late in the Examination, NCC [REP10-043] considered that an opportunity had been missed. Moreover, in NCC's view, the proposals could have been achieved had the Applicant engaged with NCC earlier. NCC was particularly critical of the Applicant's dismissal of the details of the proposals during ISH4 stating that an options study to understand the constraints and consider the delivery of improvements could have been undertaken. NCC expressed disappointment that the Applicant had not engaged in such a process.
- 4.10.65. With regard to the de-trunked A1 from Priest's Bridge to Bockenfield, NCC's view [REP10-043] remained that provision for NMU's should be made along the full de-trunked length, to connect into the new cycleway from Bockenfield to West Moor. Additionally, because the Applicant had undertaken to provide a segregated cycle provision north of Bockenfield, NCC argued that measures comprising carriageway width reduction and NMU provision should be provided on sustainable transport and road safety grounds along the full length of the de-trunked A1.
- 4.10.66. As a result of the de-trunking, and through traffic utilising the dualled A1, the former A1 would be much more lightly trafficked [REP11-014] and therefore suitable for use by cyclists without the requirement for separate cycleway provision. However, a range of technical/ design challenges arising from the provision of a shared footway/ cycleway on the de-trunked A1 from Priest's Bridge to Bockenfield would need to be addressed. Moreover, it would not be feasible simply to insert the proposed changes into the Applicant's Proposed Development through a requirement in the DCO with the detailed design to be approved by the SoS because it was not known whether the proposed amendments could be accommodated within the Order Limits.

#### **Safety Issues on the De-trunked A1**

- 4.10.67. Responding to ExQ2 TT.2.6 the Applicant confirmed [REP5-023] that the Stage 1 Road Safety Audit highlighted the potential for increasing vehicle speeds on the de-trunked A1. An issue reported within a Stage 1 Road Safety Audit would not automatically generate a requirement to change a scheme's design and the Applicant confirmed that no consequential works would be undertaken as the de-trunked section of the A1 would become local highway for which NCC would be responsible. The forecast AADT flows on the section from Fenrother to Earsden indicated an 83% reduction compared with the 2020 figures and an 87% reduction compared with the 2019 figures together with a significant reduction in HGVs.
- 4.10.68. At ISH3 [EV-051] and subsequently in writing the Applicant [REP6-044] acknowledged that the Stage 1 Road Safety Audit had identified a speed issue and there were a number of measures available to tackle the issue of increased speed apart from physically engineered measures. The

Applicant undertook to support NCC in reducing the speed limit, with the assumption being that the speed limit would be obeyed.

- 4.10.69. Responding to ExQ3 TT.3.2 NCC confirmed [REP8-028] that the provision of a cycleway would make the use of the de-trunked A1 safer for cyclists as it would separate potential conflicts between cyclists and motor vehicles. The safety issue with the de-trunked A1 related to the speed of traffic due to the width of carriageway and a cycleway would not necessarily resolve that specific safety issue.
- 4.10.70. The Applicant [REP9-018] confirmed in response to ExQ3 TT3.2 that narrowing the carriageway was an alternative to reducing the speed limit to achieve a reduction in vehicle speeds. However, reducing the speed limit alone would not in NCC's view, reduce vehicle speeds or change driver behaviour. Consequently, NCC argued that a reduction of the road width should form part of the works under Work No. 10a and Work No. 10b and that as the need to make changes to the de-trunked section of the A1 was a direct consequence of the Proposed Development the changes should be undertaken by the Applicant. In NCC's view it would not be appropriate that the burden of necessary work as a consequence of an issue raised at the Stage 1 Road Safety Audit should fall on the local highway authority.
- 4.10.71. At D10 NCC repeated concerns [REP10-043] that the de-trunked section of the A1 would be excessively wide for the traffic flows it would carry, leading to high speeds and road safety issues [REP5-042]. NCC had identified this concern early in the development of the scheme and had provided the Applicant with a preferred revised cross section with a reduced width of 7.3m prior to the Examination. The issue had been identified in a Stage 1 Road Safety Report in 2018 and the Designer's Response accepted the problem and recommendation and identified that details of the section of the de-trunked A1 should be determined and agreed with the Applicant and NCC, with a view to this being developed and confirmed during detailed design. Such proposals were not brought forward, nor had any agreement been given by the Applicant that a width reduction would be incorporated within the Proposed Development.
- 4.10.72. The Applicant [REP11-014] did not accept that the de-trunked section of the A1 was excessively wide for the volume of traffic which would use the road in the future. Over intermittent lengths of the section of the existing A1 to be de-trunked there was already extensive centreline hatching and ghost islands which encouraged a reduction in traffic speed.
- 4.10.73. The Applicant acknowledged [REP11-014] that the Road Safety Audit had highlighted the potential for increasing vehicle speeds, but it did not state that the carriageway would be unsuitable and unsafe. Normally it is for the relevant highway authority to review the recommendations from the Road Safety Audit and determine what mitigation measures, if any, are required.

### **Gaps in NMU Provision**

- 4.10.74. The Applicant [REP1-064] took the view that the road between Causey Park bridge and Chevington Moor was part of the local road network and the responsibility of the local highway and transport authorities to provide facilities for cyclists.
- 4.10.75. In respect of connections at Highlaws, Fenrother and Causey Park, NCC [REP10-043] did not accept that footway connections between the de-trunked A1 and those provided by the Proposed Development should be the responsibility of NCC. The proposed new footways at Fenrother junction and Causey Park Overbridge would lead to gaps in the NMU network solely due to the delivery of the Proposed Development yet the Applicant had failed to make provision to connect those improvements to the existing provision of footways on the de-trunked A1.
- 4.10.76. The Applicant's view [REP11-014] was that some of the works at Highlaws, Fenrother and Causey Park were on existing NCC roads where NCC had not provided NMU facilities, indicating that this was not a priority for NCC. NMU movement would be enhanced through the provision of grade-separated junctions and it was not for the Proposed Development to address gaps in NCC's NMU network. At Fenrother Junction and Causey Park Overbridge the new footways to be provided would form part of new PRowS required to replace existing PRowS which were being stopped up [REP10-006] and the new footways at Highlaws Junction would provide a grade separated crossing of the A1 and provide connections with the PRow (reference PR2/1) and the existing footway east of the A1.

### **Funding**

- 4.10.77. At ISH4 and subsequently in writing the Applicant [REP10-037] explained the context of discussions about Designated Funds. The Applicant's starting point was there was no policy or safety requirement for the improvement to the de-trunked element of the A1 for the provision of the measures sought by NCC. Therefore, the improvements which NCC was seeking were not mitigation and therefore did not appear in the budget for the Proposed Development.
- 4.10.78. The Applicant [REP10-037] informed NCC in January 2021 that funding for a separate cycleway was not part of the scope of the Proposed Development because the objectives were determined as a result of the A1 North of Newcastle Feasibility Study and to align with the RIS. The provision of new cycleways was not required on the basis of traffic flows.
- 4.10.79. NCC [REP10-043] was critical of the Applicant's approach to securing Designated Funds to provide enhancements for NMUs. Although the opportunity to secure Designated Funds was first raised by the Applicant

over 3 years earlier, NCC noted that no specific proposals had been drawn up and no applications for initial preliminary design funding had been made. There had been minimal discussion with the Applicant about the use of Designated Funds during the Examination and no indication provided that progress had been made in securing funding.

- 4.10.80. The Applicant accepted [REP11-014] that dialogue with NCC on Designated Funds had been ongoing since 2018 and that due to the pandemic matters had not progressed as quickly as they might but could not be progressed until a delivery partner had been identified for the proposed works. However, it confirmed that it would work with NCC and other groups to identify initiatives around sustainable transport. It would seek to secure alternative funding either wholly from the Highways England's Designated Funds programme or from other government funds that may be available to NCC. The objective was that a business case for funding would be submitted in August or September 2021.

### **Charlton Mires Junction**

- 4.10.81. Through ExQ1 TT.1.21 we asked the Applicant to comment on concerns raised by NCC [RR-001] about the proposed Charlton Mires junction in terms of capacity, speed limit and public transport provision. The Applicant responded [REP1-032] that the Case for the Scheme [APP-344] detailed the operational modelling of the proposed junctions including the proposed Charlton Mires junction. The analysis concluded that the proposed junction is forecast to operate well within capacity and with minimal queueing. The detailed design of the side roads to national speed limit adjoining Charlton Mires, had been agreed in principle with NCC with traffic calming measures, subject to approval by the SoST. The Applicant confirmed that the existing bus stops at Charlton Mires and along the B6341 would be removed as part of the Proposed Development (section 2.5.204 of ES Chapter 2 [APP-037]). The Applicant also confirmed that two new bus stops were proposed along the B6341 to the west of the A1 to replace these and ensure continued access to public transport. It was recognised in ES Chapter 12 [APP-055], that usage of these services (as reported by the service provider) was low. In commenting on the Applicant's response to TT.1.21 NCC [REP2-025] noted the capacity assessment and public transport provision and stated that the position in relation to the speed limit was under review.
- 4.10.82. Dr Mark Green [RR-019] expressed strong support for the proposed Charlton Mires junction from a cyclist's perspective. He noted that the proposed junction had the potential to make the route safe and attractive to cyclists. The Applicant [REP1-064] confirmed that the proposed bridge would not include dedicated cycle infrastructure at the junction but the finalised requirements for, and details of, cycling infrastructure including signage would be addressed during detailed design which would also be subject to an independent road safety audit. Subsequently the need to provide a signage strategy was covered in R4 of the dDCO [REP11-003].

## **Junction Capacity Assessments and Traffic Modelling**

- 4.10.83. Through ExQ1 TT.1.22 we asked the Applicant to address NCC's comments [RR-001] seeking further information in respect of whether peak hour flows had been assessed in the ES and whether discrete junction modelling has been undertaken. The Applicant [REP1-032] confirmed that peak hour flows had been used within various assessments within the ES including the air quality assessment, the climate assessment and the population and human health assessment. Section 4.9 of the Case for the Scheme [APP-344] which detailed the junction modelling that had been undertaken for the proposed junctions concluded that all junctions assessed were forecast to operate well within capacity and with minimal queueing in all time periods on both the local highway network and SRN. Detailed junction modelling had not been undertaken for the de-trunked sections of the A1, as the significant forecast reduction in flows would lead to reduced delay nor had detailed junction modelling of such potential changes to the cross section of the de-trunked A1 been undertaken.
- 4.10.84. NCC commented on the Applicant's response to TT.1.22 [REP2-025] noting the assessments were made using the derived peak hour flow data and asked for wider traffic flow information to be provided in order to determine whether any impacts needed to be assessed away from the A1 corridor due to reassignment of traffic.
- 4.10.85. At ISH2 [EV-011] we asked the Applicant to explain the case for the Proposed Development in terms of traffic flows and whether there were any changes as a result of the COVID-19 pandemic. Responding at ISH2 and subsequently in writing, the Applicant [REP4-025] noted that the long term impacts of COVID-19 on traffic behaviour were not known. However, the Applicant endorsed the SoST's approach in the decision on the A1 Birtley to Coalhouse DCO. This noted the publication of "*Appraisal and Modelling Strategy- A Route Map for updating TAG during uncertain Times*" which sets out the need to effectively capture the additional uncertainty associated with potential impacts on COVID-19 for future modelling over the long term. Until that information is captured the SoST found that it was too early to fully understand the impacts of COVID-19 on future travel demand and was satisfied, based on the information available, that there was no change to the long-term need and benefits of the scheme.
- 4.10.86. The Applicant noted that an update to guidance was due but in spite of uncertainty, which was common in highway studies, there was good reason to continue with the Proposed Development notwithstanding the pandemic. At D10 the Applicant [REP10-037] confirmed that the Department for Transport (DfT) had published "*Appraisal and Modelling Strategy TAG Update Report*" in May 2021. This described the proposed changes to appraisal guidance. Guidance and software updates relating

to the individual elements would be released in due course, with the first one planned for July 2021. As this was beyond the DCO Examination period the Applicant confirmed that no changes to the current modelling and appraisal were required.

### **Junction Locations**

- 4.10.87. Amble Town Council [RR-002] objected to the Proposed Development on the basis that the Causey Bridge access which was widely used by the communities around Amble would be removed with southbound access in the future provided via the Fenrother junction. The Town Council was also concerned that continued use of the de-trunked A1 to reach the coastal settlements would not improve road safety and that maintenance on the de-trunked section would be reduced. It was therefore suggested that access at Fenrother should be replaced with access via Causey Bridge or alternatively that the proposed new bridge across the A1 near Causey Bridge was provided with slip roads to facilitate access to the A1.
- 4.10.88. Mr Tom Lloyd [RR-015] also expressed opposition to the proposed Fenrother junction in favour of an improved junction at Causey Bridge. Advantages of this approach were cited as savings in journey times for southbound travellers, less pollution/ noise on the de-trunked section of the A1, more even spacing of junctions and the potential for improved bus services.
- 4.10.89. In responding to Amble Town Council and Mr Lloyd the Applicant [REP1-064] [REP1-032] noted that drivers from Amble and other coastal settlements travelling southwards could access the A1 at the Fenrother junction via the de-trunked section of the A1 although other access points were also available including West Moor. The traffic model showed that the additional time associated with the increased 3km journey distance to join the A1 would be offset by the forecast overall journey time savings detailed in section 4.8 of the Case for the Scheme [APP-344]. The modelling also indicated significant forecast reductions in traffic on the de-trunked A1 while other studies indicated no significant air quality effects as a result of changes to traffic activity and significant savings in accidents forecast as a result of the Proposed Development. With approaching a 90% reduction in traffic volumes on the de-trunked section of the A1 the overall safety risk on this section was not likely to increase while maintenance would be to established standards.
- 4.10.90. In justifying the reason for the Fenrother junction being chosen in preference to a junction at Causey Bridge the Applicant explained [REP1-064] that re-locating the Fenrother junction to Causey Park would not dramatically improve journey times particularly for the longer journeys undertaken by tourists. The location of the Fenrother junction was chosen in preference to Causey Park based on the traffic model forecasts which showed more vehicles per hour using the junction. In addition, the Fenrother junction would provide improved east-west connectivity across



the A1 and the existing local road network was more suitable to deal with the forecast traffic movements generated by the new junction.

- 4.10.91. Moreover, in the Applicant's view [APP-344] the proposed junctions could easily accommodate the forecast traffic flows. A junction at Causey Park in addition to the junctions at West Moor and Fenrother could not be justified and would militate against the objectives of the Proposed Development which include to rationalise the number of junctions along this stretch of the A1.
- 4.10.92. Mr Lloyd [REP2-036] provided further justification for proposing a new junction at Causey Park to which the Applicant responded at D4 [REP4-033]. Specifically, Mr Lloyd noted that time savings identified by the Applicant referred to through traffic, not local traffic but in response the Applicant explained that many local trips using the A1 would also benefit from journey time savings while travelling on the improved route. Additionally, other local journeys would reassign to the A1.
- 4.10.93. The Applicant agreed [REP4-033] that under the existing layout, more traffic used the Causey Park junction than the Fenrother junction. However, this factor considered in isolation did not mean that Causey Park was the most appropriate location for the new junction. Consideration was also given to the overall impact of the Proposed Development on traffic assignment across the study area, and the resultant impact on average journey times for all users. This in turn feeds into the calculation of a benefit to cost ratio for the Proposed Development, which was one of the factors considered within the option selection process.
- 4.10.94. Mr Lloyd provided further comments at D6 [REP6-057] including an alternative layout for Causey Park which in his view would further reduce traffic flows on the de-trunked A1 and provide improved road safety features. The Applicant's response [REP7-017] [REP7-018] confirmed that the Applicant had not undertaken detailed modelling of the proposed alternative junction location but forecast traffic flows from the strategic model indicated that the proportion of traffic on the de-trunked A1 between Chevington Road and Fenrother may reduce to around 300-900 vehicles per day rather than 200 as indicated by Mr Lloyd. Moreover, vehicles accessing the new A1 southbound from Chevington Road would not face unacceptable queues, delays or safety risks.
- 4.10.95. In respect of Mr Lloyd's alternative junction layout, the Applicant confirmed that it would extend beyond the Order Limits. It also provided a critique on a number of other aspects which would need further consideration. Moreover, it was not incumbent upon Highways England to demonstrate that its design was the optimum design, neither was it necessary to disprove the superiority of other designs put forward by third parties. The Applicant had provided a response to each of the points raised by Mr Lloyd in connection with the choice of junction location in

Appendix A [REP7-018] but noted that other factors would also need to be considered.

### **Royal Mail Services**

- 4.10.96. In its RR [RR-010] and WR [REP2-030] Royal Mail expressed support for the Proposed Development which, once completed, would be beneficial to Royal Mail and other major road users. It referred to its statutory need to maintain an efficient mail collection, sorting and delivery service. Consequently, Royal Mail was sensitive to changes in the capacity of the highway network and sought to secure certainty of advanced consultation and notification of road works by means of a DCO Requirement and an amendment to the Outline CTMP.
- 4.10.97. Responding to the Royal Mail, the Applicant [REP1-064] [REP3-026] noted that no adverse effects had been identified that would impact on Royal Mail's service as a result of the Proposed Development and Royal Mail had not provided any evidence that it would be, or was likely to be, adversely affected. In respect of the CTMP this would include a mechanism to inform major road users about works affecting the local and strategic road network including Royal Mail distribution facilities in the area surrounding the Proposed Development. However, it would not be appropriate to insert specific provisions for the protection for Royal Mail in the dDCO. Rather, the principal means of managing the effects of the Proposed Development upon the highway network would be by provisions in the CEMP/ CTMP, which required consultation with the local highway authority (Measure S-PH5 of the Outline CEMP [REP11-006]). It was also confirmed [REP3-026] that the Outline CTMP would include the commitment for liaison with Royal Mail at least two weeks in advance of key phases in the traffic management and with Royal Mail on aspects of the traffic management regime.
- 4.10.98. At D8 Royal Mail [REP8-031] confirmed that the Applicant's proposed amendment to the Outline CTMP were acceptable and on that basis Royal Mail withdrew its objection. The Applicant confirmed [REP9-018] that the Outline CTMP [REP8-013] had been amended as agreed, with revised wording in section 2.8 and amendments to Tables 5 and 6.

### **Access Issues in the West View/ Warreners House Area**

- 4.10.99. Mr Gareth Moor [RR-017] and Mr Colin Moor [RR-018] raised concerns about access in the vicinity of West View, Morpeth including suggesting that alternative routes to properties to the north would be shorter and would ensure that West View remained a cul-de-sac. Mr Colin Moor reiterated his concerns at OFH1 to which the Applicant responded at D4 [REP4-025].
- 4.10.100. The Applicant [REP1-064] confirmed that Plots 1-5a and 1-5b of Land Plans [APP-006] were required to upgrade West View and to provide access to properties to the north at Warreners House and Northgate

Farm. Modifications to West View would include an upgrade to two lanes through widening the existing carriageway, a footway along its length between the carriageway and the existing West View properties in addition to a layby for on street parking to the west of the widened road (Work No. 5A) [APP-008]. These modifications would also allow adoption by NCC as provided for in Article 13 of the dDCO [REP11-003]. As the new access road would only serve a small number of properties the additional traffic flows generated would be very low. The preliminary design had also been subject to a safety audit with no safety concerns identified.

- 4.10.101. In response to the submissions of Mr Colin Moor and Mr Gareth Moor at D2 [REP2-031] [REP2-033] the Applicant [REP3-026] stated that an alternative access option proposed by Messrs Moor for a PMA to Warreners House to be accessed off Hebron Road, to the east of the proposed Highlaws junction had been considered and discounted. The alternative PMA would follow field boundaries as a southern extension of Work No. 8J, avoiding woodland to tie into the northern extent of Work No. 5B. For this alternative the majority of Work No. 5B would still be required to reach Work No. 5C to permit access for all residents at Warreners House and the adjacent agricultural plots.
- 4.10.102. The alternative route would be longer than that proposed as part of the Proposed Development and the consequent use of resources would be disproportionate to the proposed usage [REP3-026]. The alternative route suggested by Messrs Moor would also, according to the Applicant, have greater adverse impacts on biodiversity, heritage, landscape and flooding. While the Proposed Development would result in additional traffic using West View the design would not result in substantial dangers to the residents. West View would remain as a cul-de-sac serving fewer than 20 residential properties and a small number of agricultural vehicles to gain access to a woodland area and three field plots.
- 4.10.103. At D5 the Applicant [REP5-029] responded to the submission of Mr Colin Moor and Mr Gareth Moor [REP4-079] and provided Appendix i: The Warreners Private Means of Access Options [REP5-030]. This further assessed the alternative access options proposed by Messrs Moor. Two options to facilitate the alternative northern access arrangement were assessed and it was demonstrated that both would result in an increase in the overall length of PMA required to provide access to the residents of Warreners House and the adjacent fields. During construction and when operational the PMA to Warreners House would result in additional traffic using West View. However, vehicle restrictions during construction would be set out in the CTMP and liaison with residents would be secured through Measure S-G3 of the Outline CEMP. At D11 Mr Colin Moor [REP11-020] reiterated the comments made at D4 [REP4-079] particularly in respect of safety.

- 4.10.104. Mrs Claire Rowland [REP10-048] and Mrs Winifred Coulson [REP10-052] expressed support for the Applicant's proposed changes to West View. Mrs Coulson and Mr Christopher Rowlands also spoke in favour of the proposed changes to West View at OFH3 [EV-076].
- 4.10.105. Mr Mark Hawes on behalf of the residents of Northgate Farm [RR-045] raised a number of traffic concerns including the proposed access to Northgate Farm. In responding the Applicant [REP1-064] confirmed that Plots 1-8a and 1-8b of Land Plans [APP-006] would be used to create the shared PMA to the property as the Proposed Development would remove the direct access from the A1. A replacement PMA (Work No. 5B) would be constructed to gain access to the property via West View [APP-008].
- 4.10.106. The Applicant acknowledged [REP5-029] that removal of the direct access to Northgate Farm from the A1, and replacement with a PMA, would result in, for southbound journeys, an additional 0.78km journey by vehicle to the property. However, this would be offset by the improvements to journey times on the A1 and for northbound journeys, the absence of direct access to the northern carriageway requires travel south to the junction at Morpeth in order to access the northbound carriageway.
- 4.10.107. During ISH2 Mr Hawes raised the status of the replacement PMA which would be provided. Responding, the Applicant [REP4-025] noted that the access would be constructed on behalf of the Applicant and handed to the landowners with appropriate access rights and maintenance responsibilities. It would be provided to an adoptable standard, capable of accommodating the vehicles which would use it, including agricultural traffic.
- 4.10.108. The Applicant's proposed PMA to the properties at Warreners House would tie into the existing access track north of Capri Lodge. The alignment of the access to Northgate Farm would utilise as much of the existing access as possible. It would serve both Capri Lodge, whose land would be crossed in order to access Northgate Farm from the north and Northgate Farm.
- 4.10.109. The Northgate Farm Private Means of Access Options Technical Note [REP8a-005] was prepared by the Applicant in response to comments submitted by Mr Hawes [REP6-055] to which the Applicant responded at D7 [REP7-017]. Mr Hawes raised concerns regarding the viability of the proposed private access to Northgate Farm, as the owner of the adjacent property, Capri Lodge had communicated to Mr Hawes that any shared use of the access road over their property would not be acceptable. The Applicant confirmed [REP5-029] [REP7-017] that Mr Davidson, the new owner of Capri Lodge, wished to avoid a shared access situation and that discussions were ongoing. Mr Davidson confirmed to the Applicant that although he supported the closure of the existing direct A1 access, he would not permit access for Northgate Farm from Capri Lodge land.

- 4.10.110. Both alternative access routes [REP8a-005] to Northgate Farm would entail works outside of the Order Limits. In the case of Alternative Route A, this would comprise part of the land in the ownership of Mr Davidson and land inside Mr Hawes's existing garden, and in the case of Alternative Route B this would be solely within Mr Hawes's existing garden. In each case, the affected landowners would be responsible for construction of the tie-in and continuation of the access road on their private land [REP8a-005].
- 4.10.111. The technical note [REP8a-005] compared the alternative options proposed using similar topic areas used in the ES and concluded that the alternative route options would not alter the conclusions of the assessments reported within the ES. Additionally, the Applicant concluded that there was no material difference between the two solutions in terms of the Proposed Development.
- 4.10.112. In traffic and access terms there would be no material difference between the two alternatives or the Applicant's original proposal. Consequently, it is not necessary to comment further here except in terms of the potential delivery of the alternatives through the DCO. Ownership and access rights are addressed in Chapter 7.
- 4.10.113. The Applicant [REP10-037] confirmed the position that a replacement access must be provided to Northgate Farm and Capri Lodge and the Applicant required powers to do so them. The Applicant stated that this could be done through providing for all three options in the DCO so that, in the event that there was no agreement over Alternative Route A or Alternative Route B, the Applicant could implement the access as proposed in the application submission. This could provide as follows: a) If no agreement is made, the Applicant has the powers through CA to provide the original DCO proposal; b) If Mr Hawes agreed to access from the east (understanding that this is not his current preference) then the Applicant could provide that; c) If agreement is reached between Mr Hawes and Mr Davidson for access from the north then the Applicant would provide that. The Recommended DCO proposed an amendment to the Applicant's final dDCO as Work No. 5B of Schedule 1. This is described in Chapter 8.
- 4.10.114. Mr Hawes [REP10-050] [REP11-021] also highlighted that his property enjoyed rights of way benefits leading south from Northgate Farm which the Applicant had disputed. He also identified a range of concerns about the safety and design of the PMA.
- 4.10.115. The Applicant responded [REP11-014] that NCC's records and the latest refresh of HM Land Registry data did not record a bridleway at this location. The private right of way to which Mr Hawes referred is a right for residents of Northgate Farm to pass over the land to the south-east of the property. The Applicant does not consider that the Proposed Development would impede private access for equestrians or pedestrians

to the existing bridleway. This is particularly so given the proposed provision of a new PMA PA1/3, which would allow access from Mr Hawes' property to the existing bridleway 407/010. The rural nature of the PMA with narrower widths and bends, would naturally regulate the vehicle speeds for the limited use of this road. Subject to further discussions with the landowners at detailed design, the proposed PMA boundary fence could be adapted in detailed design to accommodate access at the current start of the rights of way, whilst not reducing its suitability to provide safety and security. The proposed PMA has been designed in accordance with NCC's guidance and could be readily used by pedestrians.

## **ExA Conclusion**

- 4.10.116. We have considered the Applicant's case in respect of transportation and traffic as set out in the Case for the Scheme [APP-344], ES Chapter 2: The Scheme [APP-037], ES Chapter 12: Population and Human Health Part A [APP-054] and Part B [APP-055] and supporting Appendices and Figures. Further information to support the case was provided in responses to ExQ1, ExQ2 and ExQ3 as well as at ISH2 and at ISH3.
- 4.10.117. NCC, as the host local authority was fully in support of the proposals in traffic and transportation terms considering that the impacts in terms of transportation and economic growth would be positive and therefore in accordance with paragraphs 2.2 to 2.6 of the NNNPS. NCC also supported the Proposed Development in terms of the road safety benefits it would bring, notwithstanding concerns about safety on the de-trunked section of the A1. Accordingly, the Proposed Development would be in line with paragraphs 3.9 to 3.10 of the NNNPS.
- 4.10.118. With regard to construction traffic NCC found the effects to be negative but temporary and to be mitigated as far as possible through the DCO and specifically through the Outline CEMP and Outline CTMP. We concur with this view. Additionally, we note that the Outline CTMP has been amended following discussions with Royal Mail, allowing Royal Mail to withdraw its objection and welcome such changes.
- 4.10.119. No IPs questioned the traffic or transportation case for the dualling the A1 and there was support for the road safety improvements which the Proposed Development would bring. The representations from Amble Town Council and Mr Tom Lloyd questioned the Applicant's strategy for not having a junction at Causey Bridge but the Applicant's case demonstrated that the wider benefits arising from its junction strategy and the traffic benefits generally would outweigh the limited adverse effects which would occur for residents of Amble and neighbouring communities. Accordingly, we are content with the Applicant's junction capacity assessments and traffic modelling which demonstrate the need for the Proposed Development in traffic terms and the case for individual junctions including Charlton Mires.

- 4.10.120. Consequently, we recognise that the Proposed Development would address the compelling need for development of the national networks as identified at NNNPS paragraph 2.10 as well as specific network improvements highlighted at paragraph 2.23.
- 4.10.121. In respect of NMU provision we find that the Applicant has failed to take full advantage of the opportunities to enhance accessibility for NMUs. Paragraph 3.17 of the NNNPS identifies a direct role for the national road network to play in helping cyclists. While accepting that LTN 1/20 post-dates the application, the themes within that document are not new and the Applicant's approach to its applicability appeared to the ExA to lack consistency. The proposals to make NMU provision as part of the Proposed Development as future proofing is to be welcomed but the lack of provision between new grade-separated crossings of the A1 and the de-trunked section lacks reasoned justification. While some improvements to conditions for NMUs would clearly arise as a result of the Proposed Development we do not believe that the Applicant has worked effectively to enhance opportunities for cyclists.
- 4.10.122. At the PM NCC highlighted their wish for the Proposed Development to address cycle links on the Felton to Morpeth section of the route. As a result, NCC brought forward its own proposals to provide enhanced opportunities for cyclists, but they were introduced to the Examination at a late stage and as the Applicant has demonstrated, they have not been costed or developed to a sufficient degree to be incorporated into the Proposed Development. Consequently, we cannot recommend that they are supported. However, we do agree with NCC that this appears to be a missed opportunity when discussions about the use of Designated Funds to provide NMU enhancements have been taking place since 2018.
- 4.10.123. The specific issue of safety issues along the de-trunked section of the A1 is separate from but related to the issue of NMU provision. We note the disagreement between the Applicant and NCC about what measures, if any, need to be introduced to address the re-purposed road particularly in the light of the Stage 1 Road Safety Audit. It does not appear equitable to us that NCC should have to address such matters at the time when they take responsibility for the de-trunked road. We considered whether any changes needed to be made to the DCO to ensure that the Applicant takes account of NCC's concerns but on reflection find that R3 of the Recommended DCO which requires the SoST to approve the detailed designs following consultation with the RPA should provide sufficient opportunity for NCC's views to be addressed.
- 4.10.124. With regard to access issues in the West View/ Warreners House area we find that the Applicant's proposals for access through West View have been appropriately tested during the Examination and that for the reasons which the Applicant has set out no alternative route to provide access to the Warreners House area would be more suitable. The proposals would result in very little additional traffic using West View

although this would include some agricultural vehicles. Moreover, we note that the proposals have been subject to a safety audit with no safety concerns identified.

- 4.10.125. Turning to the access to Northgate Farm and Capri Lodge which would be provided through Work No. 5B. Late in the Examination the Applicant's initial proposal met resistance and two alternative routes were considered. Firstly, in terms of policy, environmental and traffic considerations there would be no material difference between the three possibilities. Considerations of ownership and access rights are addressed in Chapter 7. As the matter has not been resolved between the relevant parties prior to the close of the Examination and there is no reason for us to recommend one alternative over any other we accept the Applicant's suggestion that the matter could be addressed by the DCO providing for all three options. On this basis the approach outlined in paragraph 4.10.113 above would be adopted and a minor change to the Applicant's final DCO would be needed. This proposed change is included in paragraph 8.4.50 of Chapter 8.
- 4.10.126. We recognise that Mr Hawes has other traffic concerns which the Applicant addressed at D11 [REP11-014]. We believe that the Applicant's clarifications together with the measures in the Outline CEMP and Outline CTMP and detailed design proposals will address those concerns.
- 4.10.127. The traffic and transportation effects of the Proposed Development have been assessed in a manner which complies with applicable NNNPS policy. The transport and traffic effects of the Proposed Development during construction will be negative. However, all reasonable steps to minimise these have been taken by the Applicant and a CTMP would be secured through R11 of the Recommended DCO. The transportation and traffic effects of the Proposed Development during operation for NMUs would be neutral although for motorised road users would be strongly positive. The road safety benefits would also be strongly positive.

## **4.11. CLIMATE CHANGE**

### **Policy Considerations**

- 4.11.1. Section 3 of the NNNPS sets out the Government policy on national networks in context. In terms of emissions, it notes that transport will play an important part in meeting the Government's legally binding carbon targets and other environmental targets (paragraph 3.6). To do so it recognises a need to shift to greener technologies and fuels, and to promote lower carbon transport choices particularly from efficiency improvements in conventional vehicles, and through the development of ultra-low emission vehicles (ULEVs).
- 4.11.2. Paragraph 3.8 of the NNNPS notes that the impact of road development on aggregate levels of emissions is likely to be very small and needs to



be seen against significant projected reductions in carbon emissions and improvements in air quality as a result of current and future policies to meet the Government's legally binding Carbon Budgets and the European Union's air quality LVs. For example, the annual CO<sub>2</sub> impacts from delivering a programme of investment on the SRN of the scale envisaged in Investing in Britain's Future amount to well below 0.1% of average annual carbon emissions allowed in the Fourth Carbon Budget. This would be outweighed by additional support for ULEVs also identified as overall policy.

- 4.11.3. Paragraphs 5.16 to 5.19 of the NNNPS address carbon emissions. Paragraph 5.16 provides the context for the Government's legally binding framework to cut GHG emissions by at least 80% by 2050. Together paragraphs 5.16-5.17 note that "*the impact of road development on aggregate levels of emissions is likely to be very small*" and 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 plan targets*". Reference is made to emission reductions being delivered through a system of Five-Year Carbon Budgets that set a trajectory to 2050 while carbon budgets and plans will include policies to reduce transport emissions, taking into account the impact of the Government's overall programme of new infrastructure.
- 4.11.4. Paragraph 5.17 indicates that carbon impacts will be considered as part of the appraisal of scheme options, prior to the submission of an application for a DCO. An assessment of any likely significant climate factors will be required and for road projects evidence should be provided of the carbon impact of the project and an assessment against the Government's Carbon Budgets.
- 4.11.5. The Government has an overarching national carbon reduction strategy as set out in paragraph 5.18 of the NNNPS. It seeks to ensure that any carbon increases from road development do not compromise its overall carbon reduction commitments. It states that "*any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed Scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.*"
- 4.11.6. Paragraph 5.19 of the NNNPS requires the submission of evidence of appropriate mitigation measures in both design and construction. It indicates that the SoS will consider the effectiveness of such mitigation measures in order to ensure that the carbon footprint is not unnecessarily high. In addition, the SoS's "*view of the adequacy of the mitigation measures relating to design and construction will be a material factor in the decision-making process*".
- 4.11.7. Climate change adaptation is addressed in paragraphs 4.36 to 4.47 of the NNNPS. These identify that applicants and the SoS should take the

effects of climate change into account when developing and consenting infrastructure. Applicants must consider the impacts of climate change when planning location, design, build and operation and set out how developments would respond to and accommodate the potential effects of climate change. Paragraph 4.42 requires the applicant to take into account the potential impacts of climate change using the latest UK Climate Projections.

4.11.8. Paragraph 4.43 of the NNNPS requires applicants to *"demonstrate that there are no critical features of the design of new national networks infrastructure which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections."*

4.11.9. Paragraph 4.44 sets out that *"any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement, which should set out how and where such measures are proposed to be secured."*

## **The Applicant's Case**

4.11.10. Chapter 14 of the ES: Climate Part A [APP-058] and Part B [APP-059] together with accompanying Appendices Part A [APP-268] and Part B [APP-326] address the likely significant environmental effects as a result of the Proposed Development on climate.

### **GHG emission assessment**

4.11.11. Chapter 14 presents an assessment of the potential effects on the magnitude and mitigation of GHG emitted during construction and operation and the vulnerability of the Proposed Development to the potential impacts of climate change from extreme weather and long-term climate change during construction and operation. The emissions data for the Proposed Development as a whole are presented in ES Chapter 16: Assessment of Cumulative Effects [APP-062].

4.11.12. The ES [APP-058] [APP-059] assessed the effect of the Proposed Development on climate (GHG emissions) noting that GHG emissions are commonly expressed in terms of carbon dioxide equivalents according to their relative global warming potential. Any increase in emissions and the corresponding concentrations of GHG present in the atmosphere would contribute to climate change, and as such emissions of GHG due to the Proposed Development would contribute to climate change. GHG emissions result in the same impacts wherever and whenever they occur, and therefore it is not possible to link specific emissions from the Proposed Development, with specific environmental outcomes beyond their contribution to climate change at large. The assessment only considered where Part A and Part B would result in additional or avoidable emissions compared to the existing situation and its assumed evolution.

- 4.11.13. The baseline data shows that, in the absence of Part A, end-user traffic emissions would decrease after 2024 (opening year) by 4% until the future year 2039 while in the absence of Part B, end-user traffic emissions would decrease after 2023 (opening year) by 5% until the future year 2038.
- 4.11.14. During construction, the main source of GHG emissions would be embedded carbon in construction materials waste generation, disposal, and materials transportation. During operation, the main source of GHG emissions would be from the vehicles using the Proposed Development with a smaller, ongoing source associated with road repairs and resurfacing over its operational life cycle. The Proposed Development would also result in changes to end-user traffic emissions throughout its operational life, which could be an increase or decrease depending on the effect on traffic flows and speeds.
- 4.11.15. Chapter 14 of the ES for Part A [APP-058] and Part B [APP-050] include measures to mitigate the effects. Measures to reduce GHG emissions during construction are included within the Outline CEMP and include minimising waste and maximising the use of renewable material resources, specifying material with the least embedded carbon as far as practicable, the re-use of material resources from demolition activities on site, sourcing materials locally to minimise transportation, re-using material from earthworks and demolition and using prefabricated elements and off-site construction to optimise efficiency. The construction monitoring regime and reporting requirements are set out in the Outline CEMP [APP-346] which would be secured through the dDCO.
- 4.11.16. The assessment of likely significant effects of the Proposed Development on climate (GHG emissions) (tCO<sub>2</sub>e) arising from the construction of Parts A and B is presented in Figure 14.4 (Part A) [APP-058] and Figure 14.2 (Part B) [APP-059].
- 4.11.17. For Part A [APP-058] the majority (64.7%) of GHG emissions are associated with materials with 20.8% from diesel consumption from construction vehicles, 8.7% from transport of materials and wastes to the site, and 5.7% from waste generation and disposal. For Part B [APP-059], the majority (73.9%) of GHG emissions are associated with materials, 14.6% from diesel consumption from construction vehicles, 11.4% from transport of materials and wastes to and from the site and 0.2% from waste generation and disposal.
- 4.11.18. Total operational GHG emissions for Part A are presented in Table 14.17 for 2024 (the first year of operation for Part A) and 2039 (the future modelled year). In addition, the average annual and total GHG emissions based on a 60-year operational period of 2024 to 2083 are presented. Total operational GHG emissions for Part B are presented in Table 14.17 for 2023 (the first year of operation for Part B) and 2038 (the future modelled year). In addition, the average annual and total GHG emissions

based on a 60-year operational period of 2023 to 2082 are presented. For both Part A and Part B the baseline figures (do minimum) are included for comparison.

- 4.11.19. The total regional traffic GHG emissions for the operational lifespan of Part A (2024-2083) is 1,836 thousand tonnes of carbon dioxide equivalent (ktCO<sub>2</sub>e) higher (approximately 28%) than the do minimum scenario. For Part B (2023-2082) the figure is 629 ktCO<sub>2</sub>e higher (approximately +9%) than the do minimum scenario.
- 4.11.20. The total estimated GHG emissions arising from the Proposed Development have been calculated using the Highways England Carbon Tool and modelling based on Part A and Part B traffic data, quantified using WebTAG data tables and data from the DfT. The carbon tool was developed to better manage carbon emissions resulting from the maintenance and improvement of the trunk road network. It contains average embodied carbon figures for various construction materials along with transport, energy and waste factors. The results are presented in Table 14.19 (Part A) and Table 14.18 (Part B). For each Part they are presented for the construction phase, the operation phase and the overall total for the whole 60 years lifecycle.
- 4.11.21. GHG emissions are presented and compared in percentage terms to UK National Carbon Budget periods to aid the assessment of the magnitude of change. The Third Carbon Budget covering 2018 to 2022 is 2,544 million tCO<sub>2</sub>e. The Fourth Carbon Budget covering 2023 to 2027 is 1,950 million tCO<sub>2</sub>e. The Fifth Carbon Budget covering 2028 to 2032 is 1,725 million tCO<sub>2</sub>e. An annual average of the total GHG emissions arising from Part A and Part B is also presented in comparison with the 2016 road CO<sub>2</sub>e emissions for the North East in 2016.
- 4.11.22. Table 14.19 (Part A) [APP-058] shows that the total estimated GHG emissions arising from Part A (both construction and operation) against the National Carbon Budgets would be less than 0.008% while on the same basis for Part B Table 14.18 [APP-059] the impact against the National Carbon Budgets is less than 0.003%. The Applicant stated that for each Part and for the Proposed Development as a whole there would not be a material impact on the Government meeting its carbon reduction targets.
- 4.11.23. Part A and Part B are each expected to have a slight adverse effect on climate. While the Institute of Environmental Management and Assessment (IEMA) guidance suggests that all GHG emissions are significant in the absence of any significance criteria or defined threshold, given the embedded mitigation measures, the magnitude of GHG emissions, the context of the Proposed Development, and based in the knowledge and experience of similar situations, the Applicant took the view that the slight adverse effect of each Part during the construction

and operational phases would not be significant for the purpose of the ES assessment.

### **Climate change vulnerability**

- 4.11.24. In terms of the vulnerability of the Proposed Development to climate change, Table 14.16 of the ES outlined the embedded mitigation measures that had been integrated into the design and construction methodology of Part A and Part B in order to improve the resilience to the potential impacts identified in Table 14.15 (Part A) and Tables 14.14 (construction) and 14.15 (operation) (Part B). These measures and how they have been secured are detailed in the Outline CEMP [APP-346].
- 4.11.25. In terms of mitigating and adapting to climate change the Flood Risk Assessment (FRA) (Appendix 10.1 [APP-254] [APP-312], ES Chapter 13 [APP-056] [APP-057] and ES Chapter 14 [APP-058] [APP-059] set out how both Part A and Part B take account of the predicted impacts of climate change and the vulnerability of each Part to the impacts of climate change.
- 4.11.26. ES Chapter 14 [APP-058] [APP-059] confirms that the UKCP18 projections have been used to infer future changes in a range of climate variables that may affect the vulnerability of the Proposed Development to climate change. The UKCP18 projections used to define the future baseline (against which resilience is assessed) are projections for the 2080s for the North-East of England region for a high emissions scenario.
- 4.11.27. The EIA is based on the EA's latest set of climate change projections/ measures required during construction. In addition, a number of adaptation measures are embedded in the Proposed Development to take account of climate change and a 20% allowance has been made for increased intensity of rainfall in line with DMRB guidance.
- 4.11.28. Table 14.20 (Part A) and Table 14.19 (Part B) show the outcome of the significance assessment of vulnerability to climate change including extreme weather events (taking account of the incorporated mitigation measures described in Section 14.9 for Part A and Table 14.16 for the construction phase for Part B). For Part B Table 14.20 shows the outcome of the significance assessment (taking account of the incorporated mitigation measures described in Table 14.16) for the operation phase. With the mitigation measures described in section 14.9 (Part A) and Table 14.16 (Part B), the Applicant considered that climate change would have no significant effects on Part A or Part B.
- 4.11.29. ES Chapter 16 [APP-062] includes emissions data for the Proposed Development as a whole. Table 16.8 presents the GHG emissions, taking into account the construction and operational phases. The construction phase impacts have been calculated on the entirety of the study area and Order Limits by combining separate study information while the

operational phase has been re-modelling to ascertain the impacts of the Proposed Development on the UK National Carbon Budgets.

- 4.11.30. The Applicant considered there would be a slight adverse effect for GHG during construction and operation when considering the mitigation measures which was not considered significant. In Appendix 16.9: Climate Likely Significant Effects of the Scheme [APP-335], it was concluded that the GHG impacts of the Proposed Development would not have a material impact on the Government meeting its carbon reduction targets.
- 4.11.31. The Applicant recognised that for Part A and Part B the assessment parameters presented in ES Chapter 2 [APP-037] might slightly alter the requirement for construction materials, and the construction phase GHG emissions. However, because of the limited change in volumes of material or waste involved the Applicant considered it unlikely to change the outcome of the effects of Part A or Part B on climate change (GHG emissions). In addition, because the assessment uses UKCP18 and UKCP09 for the North-East region the assessment parameters were also not considered to impact on the vulnerability of Part A or Part B to climate change. Any effects of the assessment parameters were already incorporated into the assessment.
- 4.11.32. The DMRB sensitivity test described in ES section 14.4 determined that the application of the updated guidance would not change the likely significance of effects because the approach used for the assessment was in close alignment with the updated DMRB Guidance LA114. With the application of the updated guidance the conclusions of the assessment remained unchanged. The same conclusion was reached in respect of the GHG assessment of the Proposed Development as a whole in ES Chapter 16 [APP-062].

## **The Examination**

- 4.11.33. Under the heading of climate change the IAPI which formed Annex C of the Rule 6 Letter [PD-006] listed two matters. These were the overall change in GHG emissions which may arise from the construction of the Proposed Development and emissions of GHGs arising from the Proposed Development during its operational phase.
- 4.11.34. Transport Action Network [RR-013] had stated that the Proposed Development would significantly increase carbon emissions and undermine efforts to reach net zero carbon emissions by 2050. It indicated that increasing emissions by 1,855,000 additional tonnes of carbon due to increased traffic, and 34,750 tonnes due to construction would not be "*not significant*" as the ES claimed.
- 4.11.35. Through ExQ1 CE.1.1 the Applicant was asked to respond to Transport Action Network's representation which it did [REP1-032] by reference to

the emissions data presented both within ES Chapter 14 Part A [APP-058] which Transport Action Network had referenced and the emissions data for the Proposed Development as a whole presented in ES Chapter 16 [APP-062]. It indicated that the assessment of the effect of the Proposed Development on climate change (GHG emissions) in ES Chapter 14 [APP-058] B [APP-059], had been completed in line with up to date and appropriate methodologies. The estimated GHG emissions arising from the Proposed Development had been compared with UK Carbon Budgets and the associated reduction targets (Table 16.8 of ES Chapter 16 [APP-062]).

- 4.11.36. The Applicant acknowledged that the Proposed Development would result in an increase in GHG emissions (59 ktCO<sub>2</sub>e) during construction and 2,428 ktCO<sub>2</sub>e during operation and this would contribute to the carbon budgets. However, these emissions were considered to be relatively small when compared to the carbon budgets (between 0.00824% and 0.01074%). Consequently, referencing the findings of ES Chapter 14 repeated that the effects of the Proposed Development would not be significant. The Applicant also referred to DMRB Guidance LA114, which sets out (paragraph 3.20) that *"The assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets"*.
- 4.11.37. Further explanation as to why it had concluded that it was unlikely that the Proposed Development would constitute a significant portion of the UK carbon budgets was provided in response to ExQ1 CE.1.5 [REP1-032] with reference to the total GHG against each of the UK Carbon Budgets (see Table 16.8 of ES Chapter 16: Assessment of Cumulative Effects [APP-062]).
- 4.11.38. The Applicant also addressed ExQ1 CE.1.2 concerning how the transition to electric vehicles might affect the assessment set out in ES Chapter 14 [APP-058] [APP-059]. It explained [REP1-032] that in modelling GHG emissions data account is taken of the proportions of the vehicle types, fuel type, forecast fuel consumption parameters and emission factors. This includes forecasting the use of different vehicle types for future years. Moreover, the Government's announcement about phasing out the sales of new petrol and diesel vehicles by 2030 would still see existing petrol and diesel vehicles continuing to be used beyond 2030. As no data had been produced to incorporate the Government's announcement into forecasts the Applicant argued that the assessment represented a reasonable worst case which the ExA accepts.
- 4.11.39. We also sought clarification from the Applicant through ExQ1 CE.1.6 about the variation in figures between the total regional traffic GHG emissions for the operational lifespan of Part B [APP-059] (2023-2082) which was 629 ktCO<sub>2</sub>e higher (approximately +9%) than the do minimum scenario and the comparable figure for Part A [APP-058] which

was 1,836 ktCO<sub>2</sub>e (approximately +28%). The Applicant [REP1-032] noted that the variance in operational GHG emissions between Part A and Part B was a combination of several factors including different areas covered, Part A being greater in length than Part B and the traffic models used to calculate end user (traffic) emissions for Part A and Part B having different variables such as traffic flows and percentage of heavy duty vehicles.

- 4.11.40. On 20 April 2021 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. Through ExQ3 CE.3.1 the Applicant was asked to explain how the change would affect the assessments undertaken in ES Chapter 14 [APP-058] [APP-059] and ES Chapter 16 [APP-062] and the Updated Case for the Scheme [REP4-069] and associated Appendices. Transport Action Network was asked to comment but did not do so.
- 4.11.41. The Applicant [REP8-026] noted that the Sixth Carbon Budget did not alter the calculated GHG emissions of the Proposed Development. An update to Table 16.8 of ES Chapter 16 included the Proposed Development GHG emissions during the Sixth Carbon Budget period and their percentage of the overall carbon budget. The GHG emissions from the Proposed Development were not anticipated to constitute a significant proportion of the UK Carbon Budgets. In addition, Appendix i Scheme Impacts on Carbon Budgets [REP8-027] set out the GHG emissions for the Proposed Development based on DMRB Guidance LA114 for the Third, Fourth, Fifth and Sixth Carbon Budgets and total emissions.
- 4.11.42. The Applicant also commented that the setting of the UK Carbon Budgets was 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 would be dependent on reduction of GHG emissions from all sectors within the UK. Although the Proposed Development is expected to result in an increase in emissions it is not possible to deduce that it would stop the UK Government from meeting the target.
- 4.11.43. Through ExQ3 CE.3.2 the Applicant was 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. The Applicant [REP8-026] noted that 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*".
- 4.11.44. The Proposed Development's GHG emissions for the period covered by the 6th Carbon Budget show a total of 0 ktCO<sub>2</sub>e would be generated in



construction (due to the completion of construction before the start of the Sixth Carbon Budget period) and 201 ktCO<sub>2</sub>e in operation. At 0.0202386% percent of the Sixth Carbon Budget the Proposed Development would not have a material impact on the achievement of the carbon budget. Therefore, the Applicant considered that the Proposed Development would not lead to the UK being in breach of the Paris Agreement.

- 4.11.45. In addition to the assessment of GHGs, the Applicant noted that the assessment proposed additional mitigation such as the re-use of site arisings, minimising the transportation of materials and waste and the use of vehicles with telematics to minimise fuel use, in order to reduce emissions in ES Chapter 14 [APP-058] [APP-059]. Furthermore, an assessment of impacts of climate on Part A and Part B, which is summarised at Table 14.16 of the ES 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.
- 4.11.46. We also asked the Applicant (ExQ3 CE.3.3) whether the cumulative effects of carbon emissions from the Proposed Development had been considered with those from other developments and/ or relevant programmes such as RIS1 and RIS2, of which the Proposed Development forms a part. Its response [REP8-026] indicated that it had been asked to consider the appropriate mechanism for assessing cumulative effects at a scheme level and it was in active discussions with the DfT but provided no further detail before the close of the Examination.
- 4.11.47. 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 ktCO<sub>2</sub>e to 148 ktCO<sub>2</sub>e when comparing the do minimum and the do something. Responding to ExQ3 CE.3.5 the Applicant explained [REP8-026] that increases or decreases in the GHG emissions would be dependent on differences in a combination of factors provided in traffic data and the quantification of the GHG emissions. However, since the trends in vehicle efficiency and fuel type are generally towards lower-carbon, increased traffic emissions are expected to result from increased traffic flows and/ or speeds as a result of the Proposed Development. When considered in the context of the Government's aim to cut carbon emissions the Applicant indicated that it should be considered as part of the reduction of GHG emissions from all sectors within the UK. The emissions of the Proposed Development are compared against the national GHG budget which itself forms part of an international budget. By comparing the emissions of the Proposed Development to that budget and in the absence of any defined significance thresholds, the significance of effect of the Proposed Development is assessed. Consequently, the ability of the Government to meet the revised target will be dependent on the reduction of GHG emissions from all sectors within the UK.

- 4.11.48. Responding to ExQ3 CE.3.6 which referenced average per year (2024-2083) GHG emissions for the do minimum of 108 ktCO<sub>2e</sub>. the Applicant [REP8-026] explained that the traffic data used for the calculation presented in Tables 14.12 of ES Chapter 14 [APP-058] [APP-059]) and Table 1.2 of Appendix 16.9 Climate Likely Significant Effects of The Scheme [APP-335]) use different traffic models as Part A, Part B and the Proposed Development as a whole were based on three individual models. As such, there are inherent differences within the forecasts produced by the traffic models. Explaining why the sum of the totals from Tables 14.12 for Parts A and B did not equal the total emissions in Table 1.2, the Applicant stated that the forecasts are not additive, so for example the overall forecast journey time savings of the Proposed Development are not the same as the sum of the savings for Parts A and B. The variations in the traffic data forecasts would alter the quantification of the GHG emissions specific to Part A, Part B and the Proposed Development. However, 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.
- 4.11.49. Table 1.3 of ES Appendix 16.9 [APP-335] shows the total GHG emissions (and the percentage of the budget) increasing from the Third Carbon Budget period to the Fifth Carbon Budget. Responding to ExQ3 CE.3.7 the Applicant [REP8-026] noted that the GHG emissions presented show the change in GHG emissions from the do minimum to the do something. Under the do minimum scenario, GHG emission are shown to decrease while under the do something scenario, they would increase. The difference between the do minimum and do something would increase year on year to the future year.
- 4.11.50. Using the methodology set out in ES Chapter 14 [APP-058] [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 for all carbon budgets. The end-user emissions are quantified using WebTAG data tables and data from the DfT over the operational period of 60 years for each of the road links within the traffic model.
- 4.11.51. Through ExQ3 CE.3.8 we asked the Applicant to comment on their conclusion (paragraph 1.7.9 of ES Appendix 16.9 [APP-335]) that there would be a slight adverse effect on climate during construction and operation of the Proposed Development which would not be significant. The Applicant [REP8-026] acknowledged that the IEMA guidance states that all GHG emissions are significant but in the Applicant's view 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 a range of issues noting that the NNNPS 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. Together, these considerations led the Applicant to conclude that

the increase in emissions was not of a magnitude that would 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 was not significant.

## **ExA Conclusion**

- 4.11.52. We have considered the Proposed Development against the policies set out in the NNNPS in assessing the impacts in relation to climate change, carbon emissions and climate change resilience. We have given particular consideration to the requirements of CCA2008 (as amended) and the Paris Agreement 2015.
- 4.11.53. Section 104(4) of PA2008 refers to a need to consider whether a proposal would lead to the UK being in breach of any of its international obligations. These obligations include the Paris Agreement, and we asked the Applicant to comment about how it should be considered in this context (ExQ3 CE.3.2). The Applicant's response [REP8-026] indicated that its assessment aligned with the Paris Agreement's commitment to increase the ability to adapt to the adverse impact of climate change and foster climate resilience. We also sought the Applicant's response on whether the cumulative effects of carbon emissions from the Proposed Development had been considered with those from other programmes such as RIS1 and RIS2 of which it formed a part. The Applicant's response on the cumulative effects of emissions indicated that such work had not been undertaken. We return to the issue of compliance with the Paris Agreement below.
- 4.11.54. In relation to paragraph 3.8 of the NNNPS, we accept the Applicant's position that Part A and Part B do not contribute positively to government carbon targets. Nevertheless, we accept the conclusion that in line with paragraph 5.17 of the NNNPS, and in the absence of agreed thresholds for what level of GHG emissions is considered significant in an EIA, professional judgement, based on schemes of a similar size and nature, it was reasonable to assess the impacts of construction and operation as not significant.
- 4.11.55. GHG emissions are presented and compared in percentage terms to UK National Carbon Budget periods to aid the assessment of the magnitude of change. This is in line with paragraph 5.17 of the NNNPS.
- 4.11.56. The Applicant has demonstrated that the impact of the Proposed Development on aggregate levels of emissions would be very small in the context of projected reductions in carbon emissions and the legally binding carbon budgets. During the course of the Examination the Sixth Carbon Budget was approved and the Applicant's updated assessment demonstrated that it would be unlikely for the impact of the Proposed Development to have a material impact on the ability of the Government to meet its carbon reduction plan targets.

- 4.11.57. Such a conclusion should also be seen in the context of paragraph 5.18 of the NNNPS which states that an increase in carbon emissions is not a reason to refuse development consent, a point which the Applicant made repeatedly during the Examination.
- 4.11.58. The Applicant also submitted evidence of appropriate mitigation measures in both design and construction which would ensure that GHG emissions both during construction and operation would be limited as far as practicable.
- 4.11.59. With regard to the shift to greener technologies recognised in section 3 of the NNNPS we noted that the Applicant's assessment had not been able to take account of the Government's aim to phase out the sale of petrol and diesel cars by 2030 and therefore we agree that this assessment represents a reasonable worst case.
- 4.11.60. In relation to Chapter 4 of the NNNPS, the assessment of climate resilience and the identification and incorporation of adaptation measures aligns Part A and Part B with these objectives. Mitigation and adaptation measures that have been integrated into Part A and Part B in order to improve resilience to climate change and reduce GHG emissions are detailed in section 14.9 of the ES [APP-058] [APP-059]. Additionally, the FRA [APP-254] [APP-311] [REP1-067] takes into account an allowance for climate change. The Applicant also demonstrated that it had used the latest climate projection data in accordance with paragraph 4.42 of the NNNPS.
- 4.11.61. After the close of the Examination the High Court handed down its judgment in the case of R (on the application of Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin). The grounds of challenge were that the SoS was required to, but did not, have regard to the Paris Agreement, the net zero target under CCA2008, and the carbon budgets made under CCA2008 when setting RIS2 for 2020 - 2025. It was argued that the Infrastructure Act 2015 required the SoS to have regard in particular to the effect of the strategy on the environment. The SoST, argued that there was no obligation to consider these matters (since they were not obviously material to the relevant duty under s3 of the Infrastructure Act 2015), and alternatively that such regard as was required was given to these matters.
- 4.11.62. The Court dismissed the Claimant's challenge and determined that its arguments in respect of the Paris Agreement could not succeed. It was sufficient for the SoST to take account of any obligations under the CCA with the Paris Agreement not being a free-standing consideration that was obviously material to the decision. So far as the net zero target and carbon budgets were concerned, the Court was satisfied that the SoS had sufficient regard to these matters, including because the SoST could be taken to be aware of the challenges facing the road transport sector regarding climate change, that there is no sectoral target for transport,

or any other sector, and that emissions in one sector, or in part of one sector, may be balanced against better performance in others. As the Court held "*[a] net increase in emissions from a particular policy or project is managed within the government's overall strategy for meeting carbon budgets and the net zero target as part of "an economy-wide transition"*".

- 4.11.63. The Court found that there was no policy or legal requirement for all road transport to meet net zero carbon targets and any resulting emissions from RIS2 would be legally insignificant. The Court alternatively concluded that the impact of RIS2 on the net zero target and carbon budgets was de minimis, and for this reason these matters were in any event not obviously material to the SoST's decision.
- 4.11.64. The Court's ruling in respect of the impact of RIS2 on the net zero target and carbon budgets provided clarity in respect of our questioning and the Applicant's response regarding the cumulative effects of carbon emissions from the Proposed Development with those of other developments. In addition, we are content that the emissions from the Proposed Development would not appear to affect the ability of the SoST to reach a conclusion on this matter.
- 4.11.65. Based on the evidence of the Examination and the Court's ruling we find that the Proposed Development would not result in the UK being in breach of the Paris Agreement 2015 and that the SoST can, in accordance with s104 of PA2008, decide the application in accordance with the NNNPS.
- 4.11.66. Since the close of the Examination the Government has published "*Decarbonising Transport: A Better, Greener Britain*". This sets out the Government's commitments and actions needed to decarbonise the transport system in the UK including a pathway to net zero transport, the wider benefits that net zero transport can deliver and the principles that underpin the Government's approach to delivering net zero transport. In deciding whether or not to grant development consent it is a matter for the SoS to take account of the implications of this document in relation to climate change and to consider whether IPs should be asked for their views in respect of the Proposed Development.
- 4.11.67. As a result, we consider that the Proposed Development would be unlikely to result in an increase in carbon emissions so significant that it would result in any significant effects in respect of climate change or carbon emissions. Additionally, we have no concerns about the resilience of the Proposed Development to climate change.
- 4.11.68. Therefore, subject to the SoST's consideration of the Decarbonising Transport strategy, we consider that climate change and carbon emission effects do not weigh significantly for or against the DCO being made. This

is considered further in the planning balance in Chapter 6 and the final conclusions in Chapter 9.

## **4.12. AIR QUALITY AND EMISSIONS**

### **Policy Considerations**

- 4.12.1. The importance of transport in meeting the Government's legally binding carbon and other environmental targets is set out in paragraph 3.6 of the NNNPS, with paragraphs 5.3 to 5.15 detailing the basis for examination by the Examining Authority and decisions by the SoS in relation to air quality issues.
- 4.12.2. NNNPS paragraphs 5.3 to 5.15 note that while increases in emissions of pollutants during the construction or operation of projects can result in worsening of local air quality, they can also have beneficial effects on air quality, for example through reduced congestion. It is also noted that road schemes create complex challenges with regard to air quality and that decisions should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the proposed development.
- 4.12.3. NNNPS paragraphs 5.3 to 5.4 focus on local air quality effects and paragraph 5.3 states that increased emissions can contribute to adverse impacts on human health as well as protected species and habitats. Paragraph 5.4 identifies that UK legislation sets out health-based and eco-system ambient air quality objectives and that ambient concentration LVs for the main pollutants in the AQD should be met.
- 4.12.4. Paragraph 5.11 makes clear that air quality considerations are seen as being particularly relevant where schemes are proposed within or adjacent to AQMAs. Air quality impacts must be given substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact.
- 4.12.5. The NNNPS, in paragraph 5.83, also recognises that for national networks infrastructure projects some impact on amenity for local communities is likely to be unavoidable. The SoS should be satisfied that all reasonable steps have been taken to minimise any detrimental impact on amenity from a range of emissions, as set out in paragraph 5.87.
- 4.12.6. Paragraphs 5.14 and 5.15 relate to mitigation, stating that the SoS should consider whether measures put forward by the applicant are acceptable. Measures may affect the project design, layout, construction, operation and/ or may comprise measures including changes to the route or proximity of vehicles to local receptors in the existing route, as well as physical barriers to trap or better disperse emissions.

## Applicant's Case

- 4.12.7. Chapter 5 of the ES: Air Quality Part A [APP-040] and Part B [APP-041] together with accompanying Figures Part A [APP-075 to APP-078] and Part B, [APP-123 to APP-126] as well as Figure 16.2 [APP-185] and Appendices Part A [APP-198 to APP-205] and Part B [APP-269 to APP-275] as well as Appendix 16.4 [APP-330] address air quality and emissions issues.
- 4.12.8. The air quality assessment detailed in the ES for both Part A [APP-040] and Part B [APP-041] focused on the effects of the construction and operational stages of the Proposed Development on local and regional air quality. In particular, it considered the effects of construction dust on existing air quality receptors and, at the operational stage, changes in roadside pollutant concentrations and emissions from traffic.
- 4.12.9. A study area within 200m of the Order Limits of Part A and Part B was defined to identify relevant residential and ecological receptors, which could be affected by the Proposed Development at construction stage. This area was found suitable for the appropriate evaluation of the effects of the proposal during the construction phase as, *"beyond 200 metres any dust impacts are very unlikely to give rise to a significant effect"*, as set out in paragraph 5.4.22 of both Part A and Part B of Chapter 5 of the ES.
- 4.12.10. For the operational phase, the extent of the road network to be included in the study area for local and regional air quality impacts was based on road links within the Traffic Reliability Area, as shown in Figure 5.1 Air Quality Affected Road Network (ARN) Part A [APP-075] and Part B [APP-123]. An update of Figure 5.1 (Part A and B) [REP1-053] was carried out to improve clarity in relation to spatial extents of the plots, as justified in [REP1-032], in response to ExQ1.
- 4.12.11. Ambient concentrations of air pollutants emitted by road traffic sources decline rapidly with increasing distance away from the road edge within the first 20m to 30m, and by about 200m the contributions are nominal. The study area for local air quality impacts has been therefore defined as a corridor extending 200m either side the ARN.
- 4.12.12. Ambient concentrations of air pollutants emitted by road traffic sources decline rapidly with increasing distance away from the road edge within the first 20m to 30m, and by about 200m the contributions are nominal. The study area for local air quality impacts has been therefore defined as a corridor extending 200m either side the ARN.
- 4.12.13. Consequently, 108 receptors were identified within 200m of the Order Limits of Part A, which include residential premises, Tritlington Church of

England Aided First School, Northgate Hospital and Northumbrian Woodland Burials.

- 4.12.14. Within 200m of the Order Limits for Part B, 68 receptors were identified with 67 receptors being residential premises and one being the Alnwick Community Fire Station. The assessment also looked at sensitive ecological receptors, as there are two designated sites and 20 non-statutory, including 11 ancient woodland sites, with features potentially sensitive to air quality impacts within the study area for Part A. There are no nature conservation sites designated at international and European levels nor non-statutory or ancient woodland sites within the study area for Part B. As such, ecological receptors were not assessed any further.
- 4.12.15. The assessment did not include AQMAs as there are none within 200m of either side of the ARN of either Part A or Part B. The nearest AQMA is approximately 6.5km to the south of Part A.
- 4.12.16. The assessment assumed that during construction, due to increased levels of dust, any impact would risk causing a significant effect to identified human receptors within the study area in relation to the enjoyment of their property or the environment within the surrounding area. However, with best practice measures such as those outlined in paragraph 5.9.1 of Chapter 5 of the ES [APP-040] [APP-041] secured through the CEMP [APP-346] (Measures S-A1 to S-A4), the Applicant predicted that there would be no significant effects on air quality during the construction phase of the Proposed Development. These measures seek to reduce emissions of dust from construction works and are based on best practice<sup>4</sup>.
- 4.12.17. In addition to these measures and also with the aim to reduce dust emissions during construction, traffic management measures would be required during the construction phase of Part A and B, as detailed in ES Appendix 5.2 [APP-199] [APP-270] and secured through the Outline CEMP [APP-346] (Measures S-A1 to S-A4). However, as construction traffic emissions for both Part A and Part B were found to be unlikely to result in significant effects these have been screened out of the air quality assessment.
- 4.12.18. In relation to the operational stage, the impacts on human receptors were presented for each option and scenario, which were considered based on total emissions and the differences between the do something scenario and the do minimum scenario, for both Part A and Part B. For the identified ecological receptors within Part A during the operational stage, concentrations of annual mean NO<sub>x</sub> were used as the main basis for evaluating significant effects at ecological receptors. The impacts

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<sup>4</sup> Annex 1 of the Office of the Deputy Prime Minister (2005) Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England



were also presented for a do something scenario and the do minimum scenario.

- 4.12.19. Concentrations of annual mean NO<sub>x</sub> were used as the main basis for evaluating significant effects of the Proposed Development to ecological receptors and if annual mean NO<sub>x</sub> concentrations are below the critical level of 30 µg/m<sup>3</sup>, then significant effects are not anticipated. *"If the critical level is exceeded but the change in concentration is less than 1% of the critical level then the impact is considered imperceptible and unlikely to be significant"*. Nitrogen deposition impacts were also considered for the most sensitive feature (site or habitat) at each site.
- 4.12.20. In relation to ecological receptors in Part A at the operational stage, the assessment anticipated no significant effects at designated sites of national or international importance. Nevertheless, as stated within [APP-040], seven out of the 20 non-statutory and ancient woodland sites would experience changes in annual mean NO<sub>x</sub> concentrations that would exceed critical levels. However, the assessment concluded that no significant effects to ecological sites would result from air quality impacts. The significance of these effects is also addressed in section 4.15.
- 4.12.21. A beneficial effect, although not significant, is reported to the western side of the A1 at the River Coquet and Coquet Valley Woodland SSSI, in terms of NO<sub>x</sub> concentrations, due to the shift in the southbound carriageway to the east.
- 4.12.22. The assessment of operational effects in relation to identified human receptors highlighted that, although eight receptors in Part A and three in Part B are predicted to experience perceptible increases in some pollutants in 2023, namely annual mean NO<sub>2</sub> concentrations, these levels of concentrations would still be below the threshold set, which is 40 µg/m<sup>3</sup>. Also, seven receptors in Part A and three in Part B are predicted to experience an improvement in air quality for 2023.
- 4.12.23. Overall, at operational stage within Part A, seven receptors would experience an improvement in air quality as a result of reductions in traffic flows, although eight receptors were predicted to experience increases in annual mean NO<sub>2</sub> concentrations. For Part B, three receptors would experience an improvement in air quality as result of reductions in traffic flows and changes in speed band, while three receptors were predicted to experience increases in annual mean NO<sub>2</sub> concentrations.
- 4.12.24. As no significant effects were identified for the operational stage of Part A or Part B, no additional monitoring was proposed by the Applicant.
- 4.12.25. Subsequent to the ES assessment was completed, the relevant DMRB guidance was updated. As such, sensitivity tests were undertaken for both Part A [APP-205] and Part B [APP-275] to determine if the updated

guidance would potentially lead to any additional likely significant environmental effects on air quality. Following further assessments, the sensitivity tests determined that the application of the updated guidance would not change the likely significance of effects and therefore the conclusions of the assessment would remain unchanged for both Part A and Part B.

## **Examination**

- 4.12.26. NCC's LIR [REP1-071] and [RR-001] identified the overall effect of the proposal on air quality as neutral, for both the construction and operational phases. Although NCC was in agreement with the methodology and the baseline data used, it raised concerns regarding the adequacy of the information provided, particularly in relation to the identification of sources and locations of dust and particulate generation, and the methods proposed to mitigate against these.
- 4.12.27. As such, NCC suggested that a dust management plan, providing further detail regarding the nature of the work, the anticipated effects and proposed mitigation measures, should be submitted as part of the CEMP. Measure S-A1 of the CEMP [REP1-024] was amended at D1 to include specific reference to a Dust Management Plan to be produced prior to construction commencing.
- 4.12.28. The ExA also noted that NCC confirmed that it was satisfied with the selection of receptors and that the data and guidance used to predict air quality impacts was rigorous and that it was not aware of alternative or additional data or guidance that would contribute to the overall assessment. NCC in their LIR [REP1-071] also did not highlight any major air quality concerns.
- 4.12.29. NE [RR-008], stated that they did not agree with the approach to air quality assessment taken and that they required further discussions with the Applicant in order to better understand the effects of the air quality impact assessment on the River Coquet and Coquet Valley Woodlands SSSI.
- 4.12.30. We asked several questions of the Applicant and other IPs at ExQ1 [PD-007] particularly in relation to the identification of receptors. The Applicant [REP1-032] and other relevant IPs provided satisfactory responses to these questions at D1, and no objections were raised in relation to the identification of receptors. An update of Figure 5.1 The ARN (Part A and B) [REP1-053] was carried out to improve clarity in relation to spatial extents of the plots, as justified in [REP1-032], in response to ExQ1.
- 4.12.31. At D3, the Applicant provided an updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010] for both Part A and Part B, which presented the methodology and results of the updated assessment in

response to changes in the opening year and the release of updated air quality datasets. The update identified that, although the assessment identified increases in operational nitrogen deposition as a result of the Proposed Development, these were generally only marginally greater than those predicted in the previous assessment.

- 4.12.32. Nevertheless, [REP3-010] stated in paragraph 9.1.2 that, following increases in operational nitrogen predicted for designated habitats, significant effects were now predicted, as a result of the Proposed Development, to Borough Woods Local Nature Reserve (LNR) and ancient woodland, Well Wood ancient woodland and Veteran trees T682 and T701. Paragraph 9.1.3 also stated that, although mitigation measures had been considered, no viable mitigation had yet been identified.
- 4.12.33. At ExQ2 [PD-011] the ExA asked several questions on air quality and emissions, including AQ.2.3 [PD-011] which asked for an update on the discussions between NE and the Applicant regarding the approach to air quality impacts on the River Coquet and Coquet Valley Woodlands SSSI. The Applicant responded [REP5-023] that agreement between both parties in relation to the approach to air quality assessment detailed in the updated DMRB guidance still hadn't been reached.
- 4.12.34. At ExQ3 [PD-017] the ExA requested a further update in relation to the Applicant's lack of agreement with NE on the methodology used for the assessment of air quality impacts (AQ.3.2). The Applicant [REP8-026] confirmed that the matter remained under discussion with NE. The Applicant also confirmed that it remained of the view that the identified increase in nitrogen deposition would not result in a significant effect to the River Coquet and Coquet Valley Woodlands SSSI and that NE had accepted the conclusion of no likely significant effects.
- 4.12.35. A further Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP10-023] was provided at D10 as an update to the earlier version [REP3-010]. The D10 update, [REP10-023], was carried out in order to capture agreed and secured compensation for the likely significant effects predicted within the assessment, identified during the examination process, and in consultation with NE and NCC. [REP10-023] states, in paragraph 9.1.4 that it has secured compensation for the theoretical damage of the Proposed Development to designated habitats where significant effects are predicted, namely Borough Woods LNR and ancient woodland, Well Wood ancient woodland and Veteran trees T682 and T701.
- 4.12.36. As a result, a new measure ExA:S-B100 was included in the Outline CEMP at D9 [REP9-017] as compensation for significant air quality impacts to veteran trees T682 and T701 and consists of the planting of 60 individual trees within an existing area of woodland to the northwest of the bridge over the River Coquet. In addition, habitat improvement works, in order to compensate for the effects to Borough Woods LNR and

ancient woodland and Well Wood ancient woodland would be secured by legal agreement [REP10-039].

- 4.12.37. The SoCG [REP10-029] between NE and the Applicant does confirm that there were no outstanding matters of disagreement between both parties in relation to air quality issues. Although agreement was not reached in relation to the methodology, agreement was reached in relation to appropriate levels of compensation.
- 4.12.38. The ExA, at ExQ2 [PD-011] also asked in AQ.2.5 for further information from the Applicant in relation to how it proposes to minimise or improve pollutant concentrations. The Applicant responded [REP5-023] that whilst the Proposed Development results in an overall increase in the number of vehicles using the A1, its design seeks to minimise pollutant concentrations by relieving congestion, therefore leading to more efficient travel (i.e. a reduction in emissions per vehicle) in those areas where congestion is relieved.
- 4.12.39. At ExQ2 [PD-011] the ExA asked further questions, particularly focused on the Proposed Development's impact on the UK's ability to comply with the objectives of the EA1995 and the UK AQS. The Applicant [REP5-023] provided satisfactory responses to the questions raised, stating that the objectives of the EA1995 and UK AQS relate to compliance with air quality standards for the concentration of pollutants, not emissions. As such, no further examination on the issues raised in the questions was considered necessary.
- 4.12.40. At various points in the Examination Mr Mark Hawes on behalf of the residents of Northgate Farm [RR-045], [REP2-034], [REP4-080], [REP6-055] and [REP9-028] raised concerns regarding the effects of the Proposed Development on air quality, particularly in relation to Northgate Farm, receptor R009 as set out in [APP-076]. His concerns centred on the deterioration and loss of enjoyment of the surrounding open environment during the construction phase but also the projections presented in terms of emissions during the operational phase.
- 4.12.41. The Applicant responded to these concerns in [REP1-064], [REP3-026], [REP5-029], [REP7-017], [REP10-042]. In [REP1-064] the Applicant highlighted that no significant air quality effects, in light of the proposed mitigation measures, were predicted from the Proposed Development for Northgate Farm. In [REP3-026] the Applicant highlighted, in response to [REP2-034], that in relation to air quality issues the private access road would not create such a level of traffic as to justify its inclusion in the modelling and that the main sources of pollution in the immediate vicinity of Northgate Farm are the A1, and to a lesser extent, the A697. These roads were considered as part of the Applicant's assessment which has demonstrated that significant effects are not likely to occur, in relation to air quality, as a result of the Proposed Development.

## ExA Conclusion

- 4.12.42. The NNNPS acknowledges (paragraph 5.3) that while increases in emissions of pollutants during the construction or operation of projects can result in worsening of local air quality, they can also have beneficial effects on air quality, for example through reduced congestion. It is also noted that road schemes create complex challenges with regard to air quality and that decisions should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the proposed development (paragraph 5.10).
- 4.12.43. The NNNPS, in paragraph 5.83, also recognises that for national networks infrastructure projects some impact on amenity for local communities is likely to be unavoidable. The SoS should be satisfied that all reasonable steps have been taken to minimise any detrimental impact on amenity from a range of emissions, as set out in paragraph 5.87.
- 4.12.44. Measures S-A1 to S-A4 of the Outline CEMP [REP11-006] make provision for the management, minimisation and monitoring of dust and emissions during the construction phase, which include the production of a Dust Management Plan, prior to construction commencing, as well as site specific mitigation measures for dust generating activities.
- 4.12.45. Measure S-B8 also highlights the need for the implementation and adherence to measures contained in the Outline CEMP that detail efforts to avoid, minimise and reduce impacts as a result of the construction of the Proposed Development, including, but not limited to, disturbance of sensitive species and habitats by dust and air pollution.
- 4.12.46. We are content that the measures proposed in these plans will mitigate fugitive dust emissions and the predicted impacts of air quality and emissions on sensitive receptors at construction stage to an acceptable level in line with the requirements of NNNPS paragraphs 5.14 and 5.15. Consequently, we find that there would be no significant adverse or beneficial effects during the construction of the Proposed Development.
- 4.12.47. During the operational phase, pollutant concentrations would be below the assessment thresholds for all human receptors in the opening year of Part A and Part B (NO<sub>2</sub> and PM<sub>10</sub>/PM<sub>2.5</sub>). No properties would experience a worsening or improvement of air quality where pollutant concentrations are already above an assessment threshold.
- 4.12.48. At the operational stage, although seven human receptors within Part A would experience an improvement in air quality, eight receptors would experience increases in annual mean NO<sub>2</sub> concentrations. For Part B, three human receptors would experience an improvement in air quality while three receptors would experience increases in annual mean NO<sub>2</sub>

concentrations. Overall, the number of human receptors that would experience an improvement in air quality is similar to those that would experience a slight decrease, while increases would not exceed the assessment thresholds for all human receptors.

- 4.12.49. During the Examination, operational air quality concerns were raised by the residents of some properties in close proximity to the A1 and the Proposed Development. The evidence demonstrates that local air quality would not be significantly adversely affected by the Proposed Development, although one receptor would experience an increase in Annual Mean NO<sub>2</sub> Concentrations and in Annual Mean PM<sub>10</sub>/ PM<sub>2.5</sub>.
- 4.12.50. In addition to human receptors, concerns were raised by NE in relation to the impact of the Proposed Development on ecological receptors River Coquet and Coquet Valley Woodlands SSSI, Borough Woods LNR and ancient woodland, Well Wood ancient woodland and Veteran trees T682 and T701. This is addressed in section 4.15.
- 4.12.51. On the basis that no significant effects have been identified for the operational phase of Part A or Part B, we are satisfied that there is no need for the monitoring of air quality impacts during the operation of the Proposed Development.
- 4.12.52. In terms of the regional air quality impacts, small increases in emissions of all pollutants were anticipated due to the predicted increase in vehicle distance travelled. However, these small increases are unlikely to have a material impact on ambient air quality standards or affect the UK's ability to comply with objectives of the EA1995 and the UK AQS.
- 4.12.53. The Proposed Development would not conflict with any national or local air quality limits or objectives and it would comply with the air quality sections of the NNNPS. Consequently, with regard to air quality and emissions, we find that the Proposed Development would have, overall, a neutral impact on sensitive receptors, both during construction and operation, noting that the air quality impacts on sensitive ecological receptors are addressed elsewhere in the Report.

## **4.13. LANDSCAPE AND VISUAL EFFECTS**

### **Policy Considerations**

- 4.13.1. Paragraph 5.149 of the NNNPS states that, when judging the impact of a project on landscape, the nature of the existing landscape likely to be affected and the nature of the effect likely to occur need to be considered. The same paragraph also states that projects need to be designed carefully and that *"Having regard to the siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate"*.

- 4.13.2. Paragraph 5.156 recognises there are local landscape that may be highly valued locally and protected by local designation. Furthermore, it also states that *"Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration"*.
- 4.13.3. Paragraph 5.157 then goes on to state that, in taking decisions, the SoS should consider whether the project has been designed carefully to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation.
- 4.13.4. In relation to visual impact, Paragraph 5.158 states that the SoS will have to judge whether the visual effects on sensitive receptors, such as local residents, outweigh the benefits of the development.
- 4.13.5. Paragraphs 5.159 to 5.161 deal with mitigation, with Paragraph 5.160 noting that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design and landscaping schemes. Also, the same paragraph states that *"materials and design for infrastructure should always be given careful consideration"*.
- 4.13.6. Paragraphs 5.162 to 5.185 set out the NNNPS policy in relation to land use including open space, green infrastructure and Green Belt, with Paragraph 5.164 clearly stating that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belts are their openness and their permanence.
- 4.13.7. In relation to decision making, Paragraph 5.173 states that *"Where the project conflicts with a proposal in a development plan, the SoS should take account of the stage which the development plan document has reached in deciding what weight to give to the plan"*. Paragraph 5.178 goes on to add that *"When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The SoS will need to assess whether there are very special circumstances to justify inappropriate development"*.
- 4.13.8. In relation to mitigation, Paragraph 5.179 encourages applicants to minimise the direct effects of a project by the application of good design principles and Paragraph 5.184 states that applicants are expected to take appropriate mitigation measures to address adverse effects on PRoWs and open access land and, where appropriate, consider opportunities to improve access.

## **The Applicant's Case**

- 4.13.9. Chapter 7 of the ES [APP-044] and [APP-045] sets out the Applicant's assessment of the potential landscape and visual impacts, covering both

the construction and operational phases for both Part A and Part B. Chapter 7 of the ES is accompanied by Figures [APP-088] to [APP-099] for Part A and Figures [APP-135] to [APP-148] for Part B. Appendices [APP-216] to [APP-220] for Part A and [APP-287] to [APP-290] for Part B also assist in addressing landscape and visual effects.

- 4.13.10. The landscape surrounding both Part A and Part B is generally open with arable and pasture farmland enclosed by hedgerows on either side of the existing A1. As it is often the case along major roads, the landscape is interspersed with dwellings and other buildings, some of which in close proximity to the road, and punctuated by scattered farms and hamlets which characterise the settlement pattern surrounding the areas along Part A and Part B. At the southern end of Part A close to Morpeth, there is also a distinctive row of white horse chestnut trees, along the current stretch of the A1, known locally as Coronation Avenue.
- 4.13.11. Part A crosses areas locally designated as Areas of High Landscape Value in the Castle Morpeth District Local Plan and the Alnwick District Wide Local Plan, as well as numerous areas of woodland, the most notable of which is the ancient woodland located in the southern bank of the River Coquet. This ancient woodland area, along with the adjacent stretch of the river, forms the River Coquet and Coquet Valley Woodland SSSI. The southern area of Part A passes through an area of Green Belt.
- 4.13.12. Several PRoWs also run throughout, as identified in Figure 2.1 Environmental Constraints Plan for Part A [APP-066], and for Part B [APP-067]. Both Part A and Part B are also intersected by several watercourses which contribute to define the overall visual character of the surrounding area and landscape. The most prominent of these watercourses are the River Coquet and the River Lyne, both located within Part A of the Proposed Development.
- 4.13.13. The assessment carried out by the Applicant considered the effects of Part A on national Landscape Character Areas (LCAs) (North Northumberland Coastal Plain, Northumberland Sandstone Hills, Mid Northumberland, South East Northumberland Coastal Plan) and of Part A and Part B on the local landscape character and the potential visual impacts for existing residents, road users and other users, such as walkers, cyclists and horse riders (WCHs).
- 4.13.14. A night time assessment was undertaken for Part A to determine potential impacts from vehicle headlights, particularly associated with the proposed junctions and the proposed offline section. A night time assessment was not undertaken for Part B as there is no lighting proposed and the impact of traffic headlights would not substantially increase the effect on currently unlit landscape areas.
- 4.13.15. The Applicant defines landscape effects as a combination of physical changes arising from the Proposed Development to the fabric of the



landscape. These effects can be either direct or indirect and their magnitude of impact relates to the scale of change brought upon the landscape. Furthermore, the Applicant also considers that different landscapes can have different value, depending, for example, on an area's particular scenic quality or historic and cultural associations. Also, key features which cannot be easily replaced or substituted, are instrumental in defining landscape sensitivity. The significance of any potential effect arising from the Proposed Development is, therefore, determined by considering the sensitivity of the landscape, its value, and the magnitude of the impact.

- 4.13.16. In relation to visual effects, the Applicant defines these as changes in the composition and character of views available in an area. Visual impact assessment considers the overall consequence of the effects on the visual amenity, the pleasantness of the view or outlook and the response of the people who experience these effects, who may be living or working in the area, enjoying recreational activities or simply passing through.
- 4.13.17. Sensitive landscape receptors were identified for both Part A and Part B. For Part A, a 5 km study area was deemed appropriate as, beyond this distance, it is expected that the significance of any effects would decrease due to distance, vegetation cover and the built form. For Part B, a smaller 2 km study area was defined, as Part B is located within a more enclosed landscape, therefore not offering as wide an appreciation of the Proposed Development in the landscape as Part A.
- 4.13.18. To facilitate the construction of Part A, effects on the landscape would include the removal of features which contribute to the local landscape character, namely significant stretches of hedges, trees and woodland (including some of the trees that make up the Coronation Avenue) which contribute to obstruct the view of the existing A1 and the verdant character of the area.
- 4.13.19. The construction of Part B of the Proposed Development would require the removal of landscape features such as hedges, trees and agricultural land. This would result in the removal of features which contribute to the local landscape character and therefore there would be newly exposed views of the wider landscape and the construction activity.
- 4.13.20. Appendix 7.5 Arboricultural Report [APP-220] identifies that, as a result of the construction of Part A, the main arboricultural effects within the study area are: the loss of approximately 21% of woodland area; the loss of 45% of trees and small groups and the loss 55% of surveyed hedges. It also states that the greatest impacts occur to large features such as Coronation Avenue, highway embankment planting adjacent to the existing A1 or woodlands/groups directly within the path of the new route.

- 4.13.21. Appendix 7.1 Arboricultural Report [APP-286] states that the majority of arboricultural features expected to be significantly impacted by the construction of Part B are medium sensitivity features, with a total of 44 medium sensitivity arboricultural features identified, of which 11 are significantly affected. Some of the features that have been identified require removal, include partial removal, resulting in a major effect. Those requiring removal are one mixed wooded group of mature trees and seven other mature trees. Those requiring partial removal are a group of two oak trees and one woodland. In addition, one linear tree group has been identified for removal and another group for partial removal. Although these are low sensitivity arboricultural features, due to its number, the overall effect has been assessed as major.
- 4.13.22. For Part A and B, the removal of such arboricultural features would result in newly exposed views of the wider landscape as well as construction activity. Associated construction activity, namely construction compounds, associated machinery and storage heaps, would also have effects on views of the wider landscape.
- 4.13.23. Furthermore, for Part A, new structures such as a new river Coquet Bridge, new road junctions, embankments and signage would result in a direct loss of an area of open countryside, which would consequently lead to a reduction of the sense of openness (see also section 4.19). This would particularly be the case for the offline section of the Proposed Development, which would modify the existing landscape and introduce a new feature where there is none similar at the moment.
- 4.13.24. Mitigation measures, particularly Measures S-L2 and S-L4, which aim to minimise impacts of the Proposed Development on existing vegetation, would assist in minimising the predicted impacts of the Proposed Development. These are in addition to a number of further specific mitigation measures relating to landscape and/or visual effects set out in the Landscape Mitigation Masterplan for Part A [APP-095] and the Landscape Mitigation Plan Part B [APP-144].
- 4.13.25. Further mitigation measures against the effects of the construction of the Proposed Development are proposed in the Outline CEMP [APP-346], including: Measures S-L5 and S-L9 which aim to protect existing and minimise effects on vegetation during construction, S-L6 aims to reduce the magnitude and duration of landscape and visual effects during construction and maintain a tidy construction site, S-L7 aims to protect soil quality during construction, S-L8 to avoid or reduce impacts on trees and woodlands and S-L10 to reduce the aims magnitude and duration of landscape and visual impacts during construction and S-G5 which includes avoidance of works during hours of darkness wherever possible and generally.
- 4.13.26. Chapter 7 of the ES for Part A [APP-044] also states that, even taking into account proposed mitigation measures, LCAs 38b Lowland Rolling

Farmland, 35a Broad Lowland Valley and No. 17 Coquet Valley [APP-216], will experience a moderate adverse effect, at construction stage, as a result of the Proposed Development. Landscape effects during construction phase are predicted within other LCAs which would be directly impacted, but to a lesser extent ranging from neutral to slight adverse.

- 4.13.27. These construction activities for Part A would also lead to significant visual effects. Paragraph 7.10.32 of Chapter 7 of the ES does state that, after mitigation measures are taken into consideration, *"The assessment of residential views identifies that 30 no. property locations, or groups of properties, would experience a significant visual effect during the construction phase, this is either a significant visual effect from the property itself, or from the access/egress to the property. Half this number (15 no.) would be subject to a significant effect at the upper end of the scale, that being large adverse (significant)"*.
- 4.13.28. In addition to the residential properties mentioned above, a total of 10 PRowS would also be subject to significant visual effects during the construction phase of Part A, even with mitigation measures in place. Out of the 10 PRowS identified, 9 would be subject to large adverse effects. Significant visual effects would also occur for 3 commercial and community facilities that occupy locations adjacent to, or in close proximity to Part A, during construction phase prior to the establishment of appropriate mitigation planting.
- 4.13.29. The construction of Part B would affect both the landscape and visual amenity for residential properties, users of PRowS and people travelling along the A1 due to the loss of landscape features including hedges, trees, woodland and grassland vegetation. In addition, temporary heaps of material from excavation, material storage and construction compounds would also generate changes in the landscape, alongside new structures including embankments and signage, resulting in a reduction of the sense of openness in the predominantly agricultural landscape and a change in its overall appearance, specifically in the areas surrounding the new Charlton Mires Junction and Heckley Fence bridge.
- 4.13.30. Taking into account the mitigation measures proposed, during the construction stage of Part B, the assessment identifies significant landscape effects within three local landscape areas: Charlton Ridge LCA; Rock LCA and North East Farmed Coastal Plain LCA, with the effect on Charlton Ridge being of moderate magnitude, while on all others it would be minor.
- 4.13.31. As a result of construction activities, Part B would also experience a substantial amount of change to views surrounding the A1 corridor, leading to temporary adverse visual effects to a number of identified receptors [APP-287]. These effects, in some cases, would be significant depending on the location of the visual receptors (visual receptors

include residential properties, users of PRow and people travelling along the A1). Seventeen residential receptors along Part B have been identified as experiencing moderate to large adverse effects during construction when considering proposed mitigation measures. In relation to PRow, Table 7.24 of Chapter 7 of the ES for Part B also includes nine receptors identified as experiencing moderate to large adverse effects during construction when considering proposed mitigation measures. Paragraph 7.10.20 of Chapter 7 of the ES for Part B [APP-045] also states that "*Significant visual effects would generally occur for those transport receptors close to Part B. These receptors would be subject to impacts associated with the construction of Part B and prior to the establishment of appropriate mitigation planting*".

- 4.13.32. With the exception of the replacement of lighting columns at West View, which are considered like for like, and the temporary light pollution from the construction compounds (and potentially short-term safety lighting of some work areas) when it is dark during working hours, there is no lighting proposed for Part A, thereby retaining the current night time situation. Measure S-G5 of the CEMP [APP-346] states that suitable lighting strategy will be developed for implementation across the Proposed Development.
- 4.13.33. In relation to the operational stage, the landscape and visual effects of the Proposed Development have been assessed for when both Part A and Part B open and the also 15 years after opening, as to account for when the landscape planting proposed would have matured.
- 4.13.34. Measures in place to retain or protect existing vegetation wherever possible, as identified and set out in the Landscape Mitigation Masterplan for Part A [APP-095] and Landscape Mitigation Plan for Part B [APP-144] are likely to reduce potential avoidable effects at operational stage. Nevertheless, landscape and visual effects are still expected as a result of the Proposed Development.
- 4.13.35. For Part A, at Winter of Year 1, the landscape character of those areas directly affected by the Proposed Development would be subject to some degree of change, namely Lowland Rolling Farmland (Longhorsley), Broad Lowland Valley (Coquet Valley), Broad Lowland Valley (Northgate), Lowland Rolling Farmland (Hub of Recreational Activity) and the Coquet Valley. In these areas, either the widening of the existing road or the construction of a new linear feature within a rural setting (offline section), would result in an erosion of the existing tranquil and largely unspoilt character and appearance of the landscape. There would also be a reduction in the perception of openness within the area.
- 4.13.36. The Landscape Mitigation Masterplan for Part A [APP-095] does include a series of measures which would contribute to a reduction in the potential significance of the landscape effects, namely: slopes and bunds that reflect local landform, the planting and establishment of hedgerow,

woodland, scattered or individual trees that would aim to mitigate the impact of the proposal or the loss of existing vegetation. The landscape design of Part A also includes conservation grassland, grass verges, marginal planting and wetland areas, arable field margins, and amenity grassland.

- 4.13.37. Nevertheless, for those LCAs directly affected by the Proposed Development at the winter of year 1, the effects would remain moderate adverse (significant) with the exception of the Coquet Valley which, due to the proposed construction of the bridge, would have a large adverse (significant) effect.
- 4.13.38. It is anticipated that, once the proposed planting matures (15 years after opening), and is visually integrated into the landscape, the predicted level of effect of the Proposed Development on the landscape would reduce and become not significant. Chapter 7 of the ES for Part A states that *"the establishment of the landscape mitigation strategy would, as it matures, re-establish field boundaries and reduce the effect of the components of Part A, and whilst there would remain some awareness of Part A, the lack of significant development and sense of openness would in part be re-established"*.
- 4.13.39. In relation to the predicted visual impacts of Part A, these would typically occur within short range views (less than 500 m) as well as some long-range views up to 1 km. As the appearance of Part A's become more integrated within the surrounding landscape and the landscape planting matures, the visual impacts are expected to be increasingly reduced. Consequently, the Applicant anticipates that, upon completion, the number of receptors anticipated to be subject to a significant effect would have reduced to 19, with it being further reduced to 10 by Summer of Year 15. It is anticipated therefore that, by the Year 15, 10 properties or groups of properties would be subject to a moderate adverse (significant) effect.
- 4.13.40. Part A would also visually impact upon users, such as WCHs, of five PRoWs when Part A opens, with 4 of these at the upper end of the scale and subject to a large adverse effect. By Year 15, this number would be expected to be reduced to 3 PRoWs. Significant visual effects would also be expected for occupants of two commercial facilities once Part A opens, but none would be significantly affected by Year 15. Tritlington Church of England Aided First School would be expected to only have a slightly adverse effect upon completion of the Fenrother Junction, having taken into consideration the proposed mitigation measures.
- 4.13.41. For Part B, at Winter of Year 1, there would be no significant effects predicted to any of the LCAs areas directly affected by the Proposed Development. By Year 15 and taking into consideration that the measures and proposals included in the Landscape Mitigation Plan Part B [APP-144] would have matured, the Applicant does not anticipate any

changes to its appraisal at Year 1 and no significant effects would be expected.

- 4.13.42. As per Part A, there would be a substantial amount of change anticipated to views surrounding the A1 corridor as a result of the construction activities. Due to the increased visual presence of the A1 and change of landform near the new Heckley Fence bridge and Charlton Mires junction, the assessment predicts some significant visual effects on people living in properties with views to the east during the operation of Part B. At Year 1, according to Table 7.23 of Chapter 7 of the ES for Part B, 15 residential receptors are expected to experience significant visual residual effects from the Development Proposal, ranging from Large Adverse to Moderate Adverse. By Year 15, only 7 of those receptors are expected to still experience significant moderate adverse effects.
- 4.13.43. Significant visual effects are also anticipated for users of several PRow one year after Part B is operational however, none would experience significant effects 15 years later once mitigation planting has established.
- 4.13.44. Table 7.25 of the ES for Part A [APP-044] and Table 7.28 of the ES for Part B [APP-045] considered the potential for each assessment parameter presented in ES Chapter 2 [APP-037] to change the conclusions of Chapter 7. It found that the parameters would not alter the conclusions presented in the landscape and visual assessment for Parts A or B.
- 4.13.45. To address the update to DMRB guidance since the ES assessments were completed, a sensitivity test [APP-197] was undertaken for both Part A and Part B, which determined that the updated guidance would not change the likely significance of effects and therefore the conclusions of the assessment presented in the ES Chapter 7 remain unchanged.

## **The Examination**

- 4.13.46. NCC's LIR [REP1-071] identified the effects of the Proposed Development on landscape and visual matters as negative. It went on to say that NCC considers the landscape and visual effects of the proposal would be one of the most significant impacts of the Proposed Development.
- 4.13.47. The LIR also stated that agreement had not been reached with the Applicant on certain matters relating to landscape and visual effects and that, as such, the LIR had focused on those matters. Those matters were: certainty and clarity of design and mitigation measures, adequacy of mitigation measures, consideration of sensitivity and effects within landscape character, effects on viewpoints and, visual effects on communities.
- 4.13.48. The ExA also asked several questions at ExQ1 [PD-007] to the Applicant in relation to certainty and clarity of design and mitigation measures, including ExQ1 LV.1.7, LV.1.8, LV.1.14, LV.1.18 to LV.1.23.

- 4.13.49. The Applicant [REP1-032] responded to the above, mentioned questions posed by the ExA and commented, in [REP3-025], on the issues raised by NCC in the LIR. The Applicant clarified, in ref 6.5.5 of the Applicant's Comments on Local Impact Report [REP3-025], that only those measures that are within the Order Limits and that form the essential mitigation strategy are committed to and have been incorporated into the assessment of landscape and visual effects.
- 4.13.50. The Applicant also confirmed that hedgerows marked as 'Proposed hedgerows-by agreement' are not included as essential mitigation as these are outside of the Order limits and therefore would require agreement with the adjacent landowner. This issue was also raised by the ExA in ExQ1 LV.1.18 [PD-007].
- 4.13.51. In answering the Applicant (ref 6.5.5 [REP3-025]) confirmed that other desirable measures, as for example the proposed bunds that might only be required if there is enough surplus material, would not significantly alter the conclusions of the assessment as set out in Chapter 7 of the ES [APP-044].
- 4.13.52. In answering ExQ1 LV.1.7 [PD-007], the Applicant stated that, as a result of the construction of Part A, a series of landscape features would be lost, namely: clearance of 6.0 ha of woodland, 13.4 ha of trees and groups of trees, clearance of 6.9 ha of hedgerow and the removal of 187 of the approximate 300 trees that make up Coronation Avenue.
- 4.13.53. In response to ExQ1 LV.1.8 the Applicant confirmed that, following discussions with NCC, it had submitted, a draft plan [REP1-044] indicating both the trees that would be removed and those that would be replaced as part of the Coronation Avenue proposals.
- 4.13.54. ExQ1 LV.1.18 to LV.1.23 sought confirmation from the Applicant in relation to proposals included in the Landscape Mitigation Masterplan Part A [APP-095] and the Vegetation Clearance Plans [APP-096]. The Applicant provided satisfactory responses to the questions asked by the ExA, confirming the status of the 'Proposed hedgerows-by agreement', which also applied to its response to ref 6.5.5 [REP3-025], confirming the strategy for the replacement of the trees that contribute to the landscape, the strategy for the implementation of different grasslands, the impact of the updated DMRB guidance and how the arboricultural data included within the survey for Appendix A of the Arboricultural Report (Appendix 7.5) [APP-220] had been collected.
- 4.13.55. In relation to the adequacy of mitigation measures, the Applicant confirmed, in its comments to Ref 6.5.10 [REP3-025], that as a result of further discussions with NCC regarding the landscape design associated with Fenrother Junction, Causey Park Bridge and West Moor Junction, an updated landscape design [REP3-008] had been submitted capturing the amendments agreed with NCC. In relation to Fenrother Junction, the

update included an increased density of trees on either side of the carriageways, additional trees extending around the junction and along the link road to the former A1, and additional woodland to the west of the junction.

- 4.13.56. The update [REP3-008], in respect of the Causey Park Bridge, showed an indication of additional tree planting within the previously proposed hedgerow to the east of the Proposed Development, scrub planting along the embankment slope and additional tree planting around the drainage attenuation feature. In relation to West Moor Junction, the update provided additional tree planting within the previously proposed hedgerow to the west of the junction, tying previously proposed woodland on the embankment slope with the proposed hedgerow and trees extending west along West Moor Road.
- 4.13.57. The Applicant responded to comments made by NCC in relation to the effects of the Proposed Development on landscape character in [REP3-025] Ref 6.5.11 to 6.5.23. In its response the Applicant confirmed the methodology used, in Ref 6.5.11 that it has incorporated susceptibility within the assessment, as set out in paragraphs 7.4.36 and 7.4.37 of Chapter 7 of the ES for Part A [APP-044] and 7.3.35 and 7.3.36 for Part B [APP-045]. The Applicant also added that, although susceptibility for the LCA is identified, the emphasis remained on quality and value when determining landscape sensitivity, as these are identified as the primary in line with Interim Advice Note (IAN) 135/10.
- 4.13.58. The Applicant's response to Ref 6.5.13 and 6.5.14 [REP3-025] also highlights that, in broad terms, the Applicant's assessment of landscape sensitivity for the four main host LCAs does not fundamentally differ from that of the NCC. Whilst the two approaches differ, the conclusions on sensitivity are broadly comparable which supports the Applicant's findings of the sensitivity in [APP-197].
- 4.13.59. Concerns raised by NCC in relation to effects on viewpoints namely in relation to viewpoint 6, 31 and 36, were addressed in the Applicant's response Ref 6.5.24 [REP3-025]. In its response the Applicant states that, in relation to Viewpoint 6, a more detailed planting strategy has been provided which, once implemented, would result in effects in line with the Applicant's assessment. In relation to viewpoint 31 and 36, the Applicant acknowledges there are some discrepancies between the assessment of receptor R50 [APP-218] and viewpoint 31 [APP-217], and receptors R78 and R79 [APP-218] and viewpoint 36 [APP-217]. These discrepancies stem from viewpoints 31 and 36 having been selected as representatives of the view of the broader cluster of receptors. Nevertheless, the Applicant does not consider that this undermines the findings of the assessment.
- 4.13.60. Concerns raised by NCC in relation to visual effects on communities are addressed in response Ref 6.5.25 to 6.5.52 [REP3-025]. In response to



NCC's statements in the LIR [REP1-071] that the ES assessments do not fully consider the effects on local communities close to the route as these focus on views instead, the Applicant states that the difference in the approaches used for Part A and Part B were explained in Table 4.7 of Chapter 4 Environmental Assessment Methodology [APP-039], but that the assessment of effects is comparable and that the use of different approach has not led to different significance of effects being identified.

- 4.13.61. In response to the ExQ2, the Applicant [REP5-023] provided further information regarding confirmation of the strategy for the replacement of trees to be removed from Coronation Avenue (LV.2.2) and has reiterated, in response to LV.2.4 that, at detailed design stage, efforts would be made to retain the existing vegetation and that it would be protected in accordance with Measure S-L5(a) of the Outline CEMP [REP11-006].
- 4.13.62. Through ExQ2 LV.2.5 the ExA requested further information in relation to the possibility of using further mitigation measures to reduce landscape impacts, particularly in relation to receptors R35, R36, R37 and R93 (but also relevant for receptors R58, R59, R68, R70, R71 and R72), and also to provide further information regarding the decision making process. The Applicant responded by reviewing the landscape strategy for Part A [REP4-010] and updating the planting strategy to indicate where a greater density of trees would contribute towards reducing awareness of traffic. In addition, the Applicant also stated that, in its assessment, it concluded that extensive lengths of fencing would be incongruous within the open countryside, and that should more extensive mitigation measures in the form of substantial and additional roadside planting be included, these would limit some of the remaining views and associated traffic movements. It would also establish as a linear wooded corridor, and this would be at odds with the wider less heavily wooded landscape features of the landscape.
- 4.13.63. In LV.2.12 the ExA sought clarification from the Applicant in relation to tree protection as set out in the Arboricultural Report (Part A) [APP-220] and ES Appendix 7.1 (Part B) [APP-286]. In LV.2.13 the ExA asked for further clarification, in relation to existing woodlands and the number of trees likely to be removed. The Applicant provided satisfactory information to these questions by providing further details regarding how tree protection would be secured through the DCO and also the method used in order to determine the approximate number of woodland trees within an area and, consequently, the approximate number of trees that are likely to be removed.
- 4.13.64. The SoCG between the Applicant and NCC [REP11-009] confirmed that there were no outstanding issues of disagreement between NCC and the Applicant in relation to landscape and visual effects.

- 4.13.65. Mr Mark Hawes [RR-045] raised concerns, throughout the examination, in relation to the visual effects of the Proposed Development on Northgate Farm. The main concerns were linked with the perspective from which the assessment of predicted visual effects was carried out, in so much as that it failed to access the impacts to the west and the north of the property, and the appropriateness of the proposed mitigation measures, as set out in [REP4-080] and [REP4-081], [REP5-051], [REP6-055], [REP11-022]. Concerns were also raised regarding the combined and cumulative effects, which are address in section 4.22 of this Report.
- 4.13.66. The Applicant responded, in Table 1.6 [REP3-026], that the existing view to the west and north and towards the existing A1 is substantially screened by a combination of tall boundary and garden vegetation, with evergreen trees providing an effective screening component. As such, it is the Applicant's view that the access road proposed would not be readily visible from the property, beyond the retained boundary vegetation, and Capri Lodge to the north. Furthermore, the Applicant also stated that the access road would not be readily visible from the property once mitigation planting was established and that only at the point at which it crosses the property boundary to the north would a view to the north be afforded, which would be filtered by the establishing roadside trees to the east of the Proposed Development. The provision of the access road and compacted field access to the north would therefore not radically change the outlook. The Applicant also stated that the proposed removal of woodland to the west of the property would occur within the woodland, and a broad tract of woodland (approximately 15-20m) would be retained between the A697 and the property to reduce the effect of this.
- 4.13.67. In Table 1.7 Ref No 2 [REP5-029], the Applicant, in response to concerns and issues raised previously by Mr Mark Hawes in [REP4-080] and [REP4-081] stated that the Landscape Mitigation Masterplan Part A [REP4-010] includes the replanting of trees within the corner of the plot (land parcel 1/8b), and the planting of a hedgerow. This is secured through item S-L2 (b) of Table 3.1 of the CEMP [REP4-013]. The applicant also states that the PMA would be visible to the east and north, during construction and in the period following, whilst the proposed hedgerow establishes, and trees mature and that it is seeking to reduce the effects of the Proposed Development on receptors through appropriate mitigation measures. The Applicant maintained that, subject to the establishment of these features, the garden space would continue to provide Mr Hawes and his family sufficient privacy and security.
- 4.13.68. In Table 1.3 of the Applicant's Responses to Deadline 6 Submissions [REP7-017]. In relation to issues linked with the visual effects of the property, the Applicant reiterated its position as set out in previous responses [REP3-026] and [REP5-029], which does illustrate lack of agreement between Mr Mark Hawes and the Applicant in relation to visual effects.

## ExA Conclusion

- 4.13.69. Landscape and visual effects would be predominantly caused by the loss of vegetation along the existing A1 and along the offline section of the Proposed Development. Part A would be relatively more affected than Part B, not only because of the offline section which would introduce new development in an area of largely open countryside, but also because Part A is more open in nature therefore affording a wider appreciation of the landscape and being more exposed to the Proposed Development. In addition, Coronation Avenue, which is a distinctive row of individual trees in the landscape, is also located in Part A.
- 4.13.70. Adverse landscape impacts would occur as a result of construction activities, which would be substantial with trees, hedges, woodland (including some of the trees which make up Coronation Avenue) which contribute to local landscape character, and three residential properties removed. Newly exposed views of the wider landscape would be created while construction activities would lead to the creation of temporary mounds of material from excavation, material storage and construction compounds also changing the landscape. New structures, embankments and signage would result in a reduction of the sense of openness in the predominantly agricultural landscape, which is a key feature of the Green Belt designation that covers the southern area of Part A.
- 4.13.71. Construction activities would also result in temporary adverse visual impacts through the presence of construction compounds, construction activities, material storage and temporary lighting. Occupiers of a number of residential and commercial/ community properties as well as users of PRoWs would experience significant adverse effects during construction.
- 4.13.72. These impacts would be managed through appropriate construction management measures including retaining existing vegetation wherever possible, using temporary soil mounds to restrict views of construction activities and locating machinery and material storage areas to avoid landscape and visual impacts. These would be secured through Measures S-L5 to S-L10 in addition to those included in the Landscape Mitigation Masterplan for Part A [REP8a-003] and Landscape Mitigation Plan for Part B [REP8-010]. Nevertheless, even taking into account proposed mitigation measures, as with any major construction programme, residual adverse effects would still result.
- 4.13.73. The design of the Proposed Development has sought to retain existing vegetation wherever possible and includes slopes and bunds that reflect local landform, hedgerow, woodland, scattered or individual trees, conservation grassland, grass verges, marginal planting and wetland areas, arable field margins, and amenity grassland. Nevertheless, the proposals would significantly affect three local LCAs in Part A and three local LCAs in Part B by reducing the sense that the existing character is

tranquil and unspoilt. However, over time the landscape would mature such that by year 15 the effects would not be significant.

- 4.13.74. Visual impacts would also reduce over time as Part A's landscape planting matures to integrate Part A into the landscape. Consequently, the significant visual effects experienced by the occupants of 19 residential properties when Part A opens, would only be experienced by occupants of approximately 9 residential properties after 15 years. A similar benefit over time would occur for users of PRowS and walkers, cyclists and horse riders.
- 4.13.75. Although the effects of the proposal will be lessened with time, as some of the mitigation measures proposed mature and integrate with the surrounding landscape, even by year 15 at operation, some receptors would still experience significant adverse effects.
- 4.13.76. For Part A, these are particularly concentrated in and around the southern end of the Proposed Development, closer to Morpeth (Group 2 [APP-084]), receptors located close to the proposed Fenrother Junction (Group 1 [APP-084]) and 423/001 Footpath, 423/006 Footpath, 423/013 Footpath [APP-094]. For Part B, these would be near the new Heckley Fence Bridge and Charlton Mires Junction, namely receptors 3, 4, 5 & 8 and 6, 7 & 10 [APP-287].
- 4.13.77. The mitigation measures proposed contained in the CEMP [REP11-006], particularly Measures S-L11 to S-L13 and shown on the Landscape Mitigation Masterplan for Part A [REP8a-003] and Landscape Mitigation Plan for Part B [REP8-010] would mitigate the predicted effects of the Proposed Development at operational phase, including Northgate Farm. Nevertheless, the overall effect would still remain negative.
- 4.13.78. We conclude that, although designed to respect and reflect the existing landscape character in line with NNNPS paragraph 5.157, the Proposed Development would lead to adverse landscape impacts during both construction and operational phases. This harm would be minimised by appropriate mitigation which would satisfactorily accord with paragraph 5.179 of the NNNPS. Nevertheless, the Proposed Development would still result in visual harm to sensitive receptors, including local residents. Although negative effects would be minimised through appropriate design and landscaping mitigation, particularly as the proposals for landscape mitigation mature, it is our view that significant adverse effects will still be experienced by some sensitive receptors. Consequently, the ExA concludes that the Proposed Development would have a moderate adverse effect. Accordingly, this must carry some weight against the benefits of the Proposed Development.

## **4.14. DESIGN**

### **Policy Considerations**

- 4.14.1. Paragraphs 4.28-4.35 of the NNNPS considers "*good design*". Applicants are advised to include design as an integral consideration from the outset of a proposal. Visual appearance should be a key factor in considering the design of new infrastructure with good design producing sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.
- 4.14.2. Paragraph 4.32 states that scheme design will be a material consideration in decision making. The SoS needs to be satisfied that national networks infrastructure projects are sustainable and as aesthetically sensitive, durable, adaptable and resilient as they can reasonably be.
- 4.14.3. The applicant should therefore take into account, as far as possible, both functionality and aesthetics (including the scheme's contribution to the quality of the area in which it would be located). Paragraph 4.33 states that the use of professional, independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals.
- 4.14.4. Applicants should be able to demonstrate in their application how the design process was conducted and how the proposed design evolved (NNNPS paragraph 4.35). Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. The ultimate purpose of the infrastructure should be taken into account alongside the operational, safety and security requirements which the design has to satisfy.

### **The Applicant's Case**

- 4.14.5. ES Chapter 2 The Scheme [APP-037] includes the objectives for the Proposed Development, a detailed description of the Proposed Development and the environmental mitigation measures that are proposed to reduce likely significant effects, and which were used to inform the design of the Proposed Development on an iterative basis.
- 4.14.6. The Case for the Scheme [APP-344] described the Proposed Development and the surrounding area and set out how the proposals had evolved over time including with reference to existing land use and character. It also explained how the Proposed Development responded to the objectives of the project and how options were considered.
- 4.14.7. The National Policy Statement for National Networks Accordance Table [APP-345] commented that the design had been guided by visual appearance as well as function and cost. Design options for structures

and drainage, and route options for road design were assessed by the Applicant's environmental specialists and their recommendations informed design choices. Embedded mitigation is outlined within the ES. In terms of design the Applicant recognised that the most visually prominent part of the Proposed Development was where it would cross the River Coquet within Part A. Here the design of the structure incorporated design principles from the existing bridge structure to minimise the impact the new structure would have on the wider landscape. In developing the design of the Proposed Development and environmental mitigation proposals the Applicant had regard to guidelines in DMRB Volume 10 Environmental Design and Management.

- 4.14.8. Responding to NNNPS paragraph 4.21 the Applicant stated that mitigation measures and enhancement opportunities aimed to ensure that the proposed design was sustainable and aesthetically sensitive as far as possible. The Applicant had designed the Proposed Development to ensure it was durable, adaptable and as resilient as it could be.
- 4.14.9. The Applicant [APP-345] also made reference to the Proposed Development being designed in accordance with the Highways England's "*The Road to Good Design*" report which sets out ten principles of good road design. The ten principles include consideration of environmental sustainability and context. Design alternatives were considered throughout the design process at regular meetings and the EIA was integral to the design process. The design also considered operational efficiency.
- 4.14.10. The Applicant [APP-345] indicated that aesthetic requirements were assessed within the technical chapters of the ES. Moreover, consultation with non-statutory and statutory stakeholders led to design changes presented in the Consultation Report [APP-021]. The Applicant also relied on professional independent advice to ensure that good design principles were embedded in the Proposed Development.

## **The Examination**

- 4.14.11. Design featured as an issue under the heading of landscape and visual effects as part of the IAPI which formed Annex C of the Rule 6 Letter [PD-006].
- 4.14.12. Design did not feature in any RRs or WRs. In its LIR NCC [REP1-071] raised design as part of its consideration of landscape and visual matters. This concerned issues of certainty and clarity of design and mitigation measures. NCC were concerned that landscape design and mitigation measures included within the application were not clearly communicated by the plans which included a mix of proposed and "*desirable*" measures. It questioned whether the Applicant's approach suggested a stance that regarded the road itself as the proposal and landscape mitigation as an "*add on*". NCC further suggested that very little information was

provided regarding the landscape proposals in terms of design intent or the proposed materials and approaches to achieve that intent. While understanding the Applicant's desire for some flexibility before finalising the detailed design, NCC considered that a greater level of detail could be provided to give some certainty over the effectiveness and delivery of the landscape proposals whilst retaining flexibility. The submission version of the application was considered too vague.

- 4.14.13. In its response to the LIR the Applicant [REP3-025] commented that *"whether proposals are contained in separate plans or in the ES is not relevant to the effectiveness of mitigation. As the ES will be a certified document it is reasonable and proportionate for its figures to be used as designs in appropriate circumstances."* In respect of landscaping the final designs would be approved by the SoS following consultation with NCC through R5 of the dDCO while detailed design would be approved through R3. Moreover, the SoCG between the Applicant and NCC [REP11-009] did not identify any landscape or design matters as not agreed.
- 4.14.14. Through ExQ1[PD-007] we asked a number of questions about design (GEN.1.1, GEN.1.2, GEN.1.5 and GEN.1.32). In GEN.1.1 in particular we asked the Applicant to demonstrate how the Proposed Development had incorporated the ten principles of The Road to Good Design and to show how the design development had taken account of the National Design Guide and the National Infrastructure Commission Design Principles.
- 4.14.15. The Applicant's response [REP1-032] was that design was not just about aesthetics but also functional requirements and visual and landscape implications. The Applicant's position was that to ensure that the technical requirements of the DMRB were delivered, along with good design, Highways England had gone further than the NNNPS and prepared The Road to Good Design. The purpose of establishing the ten principles of good road design was to deliver *"better, more beautiful roads."* Hence, in the Applicant's view compliance with these principles would ensure that the Proposed Development was *"beautiful"* or *"elegant"* within the meaning of The Road to Good Design.
- 4.14.16. The Applicant considered that the design of the Proposed Development addressed the National Design Guide and National Infrastructure Commission requirements by incorporating the road specific principles of good road design. Reference was made to how the National Infrastructure Commission Design Principles aligned directly with The Road to Good Design principles. Additionally, the Applicant indicated that the National Design Guide was based on the NPPF and based on themes which align directly with The Road to Good Design and by association the ten design principles. The Applicant also provided a detailed response to ExQ1 GEN.1.1 in Appendix GEN.1. [REP1-033] indicating how the ten principles of good road design had been taken into account.

- 4.14.17. NCC [REP2-025] commenting on the Applicant's response to GEN1.1 [REP1-033] expressed general support, noting that they reflected design principles in Policy QOP 1 in the emerging Northumberland Local Plan. Notwithstanding the ongoing discussions on details, NCC noted and appreciated that the document explained measures being taken to progress design matters.
- 4.14.18. The Applicant responded [REP1-032] to our question at ExQ1 GEN.1.2 [PD-007] referring to the role of Highway England's Strategic Design Panel which focused on strategic matters rather than scheme specific details. Consequently, the Strategic Design Panel was not considered to be of direct applicability to the Proposed Development. However, in line with The Road to Good Design the Proposed Development was reviewed by the Applicant's internal design panel, which confirmed it would not be involved during the further design stages of the Proposed Development as the design was not considered complex or contentious.
- 4.14.19. Responding to our question (ExQ1 GEN.1.5 [PD-007]) why there was no explicit reference to design quality within the project objectives the Applicant [REP1-032] explained that the objectives had to align with the RIS, with local, regional, national policy and Highways England's Key Performance Indicators and agreed problems identified as a result of the A1 North of Newcastle Feasibility Study. Design quality was not be a matter which would address the identified problems which the Proposed Development is designed to address and is therefore was not a project objective.
- 4.14.20. Through ExQ1 GEN.1.32 we sought the Applicant's views on the approach to construction. Paragraph 13.9.2 of the ES [APP-056 and APP-057] described a process of off-site construction to maximise the use of prefabricated structures and components. We questioned whether this approach conflicted with the achievement of good quality design. In response the Applicant [REP1-032] commented that the processes of off-site construction contributed to the achievement of good quality design as opposed to conflicting with it through making designs safer to build, in controlled environmental conditions and through standardising designs. Reference was also made to the Treasury's 2018 National Infrastructure and Construction Pipeline report supporting the increased use of prefabrication while other benefits of prefabrication were also outlined.
- 4.14.21. At ISH2 [EV-011] we enquired of the Applicant how the Proposed Development could deliver good design with a particular focus on structures. Specifically, we asked the Applicant to demonstrate that it had addressed aesthetics in designing the Proposed Development. With reference to NNNPS paragraph 4.33 the Applicant responded orally [EV-026] and subsequently in writing [REP4-025] that Highways England had employed an independent design adviser and that as a professional consultant it exercised independent professional judgement. Aesthetics had been taken into account with the design ensuring that structures



were regressive in the landscape and appropriate to their location. It was explained that it was not appropriate to have iconic design features and that a more subtle approach was required to complement the landscape rather than being an eye-catching element within it. The new bridge over the River Croquet was a key design consideration which took the existing constraints into account to complement the existing bridge. An eloquent explanation of the design approach to the proposed bridge and other structures was provided which we found to be informative. Appendix E provided details on the bridge design philosophy [REP4-030].

- 4.14.22. The Applicant expanded on its approach to design indicating explaining that structures had been approached as a family of structures, fitting them into the landscape to reflect the landform. A landscape strategy has been applied to the junctions with the aim of seeking to integrate the junctions as far as possible into the wider landscape structure.
- 4.14.23. The Applicant [REP6-044] also responded to our question at ISH2 [EV-011] about the role of the Design Panel in the design evolution. Their focus was on the Coquet Bridge which was the largest structure. The Design Panel expressed the view that the new bridge should marry in with the existing structure as far as possible whilst taking on board the latest design requirements and looking to improve on operational safety. The Design Panel was content that other structures would be designed in accordance with the DMRB. The combination of the DMRB and the ten design principles would ensure that good design was embedded in the design of structures [REP1-033]. The approach of the Design Panel was therefore tailored to the particular circumstances of the scheme concerned.
- 4.14.24. At ExQ1 GEN.2.10 we noted that Appendix E [REP4- 030] described an early meeting with the Highways England Design Panel in 2015 which considered the scheme as a whole. The Applicant confirmed [REP5-023] that the Design Panel considered the A1 Morpeth to Felton (Part A) and had been asked for advice relating to the River Coquet bridge. The landscape setting to Part B was not identified as being within a sensitive landscape, and as an online improvement to an existing feature of the landscape it was not considered necessary to refer the design to the Design Panel. The Applicant provided redacted official minutes to the meeting as Appendix A [REP5-024].
- 4.14.25. In response to ExQ2 GEN.2.13 [REP5-023] the Applicant correctly stated that a design statement is not a required document as set out in s37(3) of PA2008. As the nature of the design of the Proposed Development, which mainly involves dualling of the existing A1 and was neither complex nor technically challenging it was decided that a design statement was not required to support the application. Notwithstanding that response, through ExQ3 GEN.3.3 we asked whether 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

was equally applicable to proposals which are less complex and challenging as advocated in the National Design Code.

- 4.14.26. The Applicant asserted [REP8-026] that the ES [APP-036 to 062] was effective in explaining the Proposed Development 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. The National Design Code was seen as aligning with the NPPF rather than the NNNPS, focusing on good design in assessment of "*local planning applications*". 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 Road to Good Design. The Applicant confirmed that neither the NNNPS nor The Road to Good Design required a design statement to be produced to support DCO applications and that a design statement was not necessary for further understanding of this issue.

### **ExA Conclusion**

- 4.14.27. We recognise that design is not just about aesthetics as the Applicant has commented, but aesthetics is an important element of design and good aesthetics is in important consideration as required by paragraph 4.29 of the NNNPS.
- 4.14.28. The Applicant's responses to our questions about how The Road to Good Design, the National Design Guide and the National Infrastructure Commission's Design Principles were heavily based on asserting that the relevant design principles had been addressed rather than demonstrating how that had been done.
- 4.14.29. We recognise that there is no statutory requirement for the Applicant to provide a design statement but the submission of such a document would have largely addressed the matters on which we sought clarification during the Examination. When we sought clarification of the design approach at ISH2 we were provided with an eloquent and helpful explanation which could have been provided in a design statement. It had not been provided in the ES.
- 4.14.30. The Applicant's position was that in appointing a professional consultant it had addressed the use of professional independent advice set out in NNNPS paragraph 4.33. While we have no reason to question the professional design advice which the Applicant obtained from its professional team this is not the same as having the design independently reviewed by a team which is external to the project, or the Applicant itself.
- 4.14.31. The Applicant demonstrated that initial proposals were presented to the Highways England Design Panel in 2015. Given the passage of time we considered whether R3 should be amended to require independent advice

but on the basis that neither the RPA nor other IPs raised specific concerns about design we consider that adequate controls over detailed design will be provided through R3.

- 4.14.32. Design, and specifically aesthetics is not only a matter for complex or contentious schemes. Neither the NNNPS nor any of the other design guidance which we referenced makes that claim. Moreover, it may only be through preparing a design statement or undertaking an independent design review that important design matters become apparent.
- 4.14.33. The Proposed Development is largely based on the online widening of an existing road but that does not negate the need for design and aesthetics to be given appropriate consideration as NNNPS paragraph 4.32 indicates.
- 4.14.34. We recognise that design in its widest sense is a process and a design evolves. The need for a balance between certainty and flexibility is also acknowledged.
- 4.14.35. NNNPS paragraph 4.35 requires applicants to demonstrate how the design process was conducted and how the design evolved. We accept that the Applicant has done this in a broad sense but in terms of good aesthetics this was much less well developed in the submitted application.
- 4.14.36. Overall, we apportion a neutral effect to the design of the Proposed Development.

## **4.15. BIODIVERSITY, ECOLOGY AND NATURAL ENVIRONMENT**

- 4.15.1. This section considers the effects of the Proposed Development on biodiversity, ecology and the natural environment. The effects on European sites in the context of the HRA are addressed in Chapter 5 of this Report, while this section examines other biodiversity effects of the Proposed Development.

### **Policy Considerations**

- 4.15.2. NNNPS paragraphs 5.20-5.38 cover biodiversity and ecological considerations. Government policy for the natural environment is described as setting out a vision of moving progressively from biodiversity net loss to net gain. Paragraph 5.23 states that "*the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests*".
- 4.15.3. The NNNPS notes (paragraph 5.25) that as a general principle, and subject to specific policies, developments should avoid significant harm to biodiversity including through mitigation and consideration of

reasonable alternatives. It advises that the Applicant may wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated and that as a last resort, where significant harm cannot be avoided or mitigated, appropriate compensation measures should be sought.

- 4.15.4. In taking decisions the SoS should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity as well as to biodiversity within the wider environment (paragraph 5.26).
- 4.15.5. Paragraph 5.31 indicates that sites of regional and local interest including LWSs, have a fundamental role to play in meeting overall national biodiversity targets, but, given the need for new infrastructure they should not be used in themselves to refuse development consent.
- 4.15.6. Ancient woodland is recognised as a valuable biodiversity resource and the SoS *"should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees, unless the national need for and benefits of the development clearly outweigh the loss."* Aged or veteran trees found outside ancient woodland are also recognised as being valuable for biodiversity such that their loss should be avoided. *"Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this"* (paragraph 5.32).
- 4.15.7. Other species and habitats of importance for the conservation of biodiversity should be protected from the adverse impact of development. The NNNPS also advises that the SoS should refuse consent where harm would occur *"unless the benefits of the developments (including need) clearly outweigh that harm"* (paragraph 5.35).
- 4.15.8. Mitigation measures should be identified as an integral part of the proposed development with an indication of where and how these will be secured (paragraph 5.36). The SoS should also consider what appropriate requirements should be attached to any consent in order to ensure that mitigation measures are delivered (paragraph 5.37).

## **The Applicant's Case**

- 4.15.9. Chapter 9 of the ES: Biodiversity Part A [APP-048] and Part B [APP-049] with the accompanying Figures Part A [APP-105 to APP-110] and Part B [APP-153 to APP-174] and Appendices Part A [APP-227 to APP-253] and Part B [APP-298 to APP-310] present the assessment of the impacts of

the Proposed Development on the natural environment including protected species, habitats and ecologically designated sites.

- 4.15.10. In terms of habitats, the majority of the Part A Order Limits comprises arable farmland, poor semi-improved grassland and improved grassland of low conservation importance although some Habitats of Principal Importance (HPI) are also present. Overall, the ES [APP-048] considered the Order Limits to be of local conservation importance for habitats, except for ancient woodland areas, which were considered to be of national conservation importance.
- 4.15.11. For Part A, desk studies identified three European designated sites within the 10km study area: Northumbria Coast SPA and Ramsar, Northumberland Marine SPA and North Northumberland Dunes SAC. In addition, Coquet Island SPA (12.1km from Part A) was identified for assessment due to its potential hydrological connection to Part A. The HRA [APP-342] concluded that no likely significant effects to European designated sites would arise because of Part A during the construction and operational phases. Therefore, European sites were not considered further in the ES.
- 4.15.12. Within 2km of the Order Limits of Part A five statutory and five non-statutory designated sites were identified. An additional three statutory and six non-statutory designated sites were recorded within 200m of affected roads within the ARN, identified for the air quality assessment. Statutory designated sites included the River Coquet and Coquet Valley Woodlands SSSI within the Order Limits, Longhorsley Moor SSSI (1.8km west of Part A) and six LNRs. Non-statutory designated sites included the Coquet River Felton Park LWS which is within the Order Limits.
- 4.15.13. Species-specific surveys were undertaken to obtain baseline information relating to the presence of protected and notable species and to inform the impact assessment. With the exception of the fish population of Longdike Burn and the River Coquet which were considered as being of national importance, none of the species identified were assessed as being of greater than county importance within their study areas.
- 4.15.14. The ES [APP-048] identified that Part A would result in the loss of approximately 0.68ha of woodland within the Order Limits to facilitate the construction of the new River Coquet Bridge. This comprises 0.27ha of ancient woodland within Duke's Bank Wood located within the River Coquet and Coquet Valley Woodlands SSSI and the loss of approximately 0.41ha of broadleaved woodland within Coquet River Felton Park LWS that has characteristics of and supports indicator ancient woodland. Whilst not designated as such, for the purposes of the assessment, the woodland of Coquet River Felton Park LWS adjacent to Duke's Bank Wood was treated as ancient woodland.

- 4.15.15. To address the loss of ancient woodland habitat and the impacts to retained woodland as a result of Part A an Ancient Woodland Strategy (AWS) [APP-247] was developed in consultation with NE. This would provide an area of compensatory woodland planting at a ratio of 12:1 (creation: loss) amounting to 8.16ha provided as a Woodland Creation Area (WCA). The AWS seeks to avoid, as far as possible, the loss of ancient woodland but in the absence of any suitable alternative to completely avoid impacts, and with mitigation only partially addressing impacts, compensation to address impacts was required. The AWS provides for a range of measures to establish the WCA which would be subject, following establishment, to a suitable management and monitoring regime for a minimum 50year period. The submitted AWS would be finalised at detailed design stage and secured through Measures A-L6, A-B3, A-B42, A-B43, A-B44, SW-L1, and SW-B6 of the REAC contained within the Outline CEMP (latest version [REP11-006]) and R4 of the dDCO (latest version [REP11-003]).
- 4.15.16. Because ancient woodland is an irreplaceable habitat and re-establishing a woodland of similar ecological function would take considerable time, there would be a very large direct, permanent adverse effect to the River Coquet and Coquet Valley SSSI (encompassing Duke's Bank Wood ancient woodland) from the loss of ancient woodland. In addition, the ES stated that there would be a moderate direct, permanent adverse effect to the Coquet River Felton Park LWS due to the loss of woodland.
- 4.15.17. The air quality assessment (ES Chapter 5 [APP-040]) identified potential impacts to ancient woodland sites along Part A and within 200m of the ARN. Air quality modelling showed that as a result of changes to traffic densities during operation there would be an increase in nitrogen deposition which could result in negative impacts on biodiversity. The River Coquet and Coquet Valley Woodlands SSSI is located within 200m of the ARN at three locations. However, the ES indicated that there would be no significant effects on ecological receptors as a result of operational air quality [APP-332].
- 4.15.18. With regard to potential impacts to watercourses, excluding ditches, the ES states that Part A would result in the direct, permanent loss of approximately 750m of watercourse in order to facilitate the construction/ extension of culverts. This would include the loss of approximately 715m of watercourses considered of local importance and approximately 35m of watercourse considered of national importance, namely Longdike Burn. Part A would also provide for the creation of new channels as part of watercourse diversion works with watercourse creation totalling approximately 540m. Works to drainage culverts would result in both temporary and permanent loss of watercourse habitat which may also impact upon fish and aquatic invertebrates. However, with mitigation the Applicant considered that the effects would not be significant. Culverts have also been designed to incorporate natural beds and ledges where possible to reduce the impacts upon fish, amphibians

and mammals. Four culverts would also provide crossing points for badgers and other mammals.

- 4.15.19. Table 9.23 of the ES [APP-048] sets out the design and mitigation/compensation measures proposed for Part A during the construction and operational phases. Table 9.24 of the ES then summarises the assessment of likely significant effects to ecological receptors and the measures employed to reduce the significance of effect during both construction and operational phases. Mitigation would be secured and delivered as part of a CEMP based on the Outline CEMP [APP-346] to be developed by the main contractor.
- 4.15.20. Part A would also result in a loss of 0.38ha of mixed woodland semi-natural habitat to be replaced by a larger area of broadleaved semi-natural woodland (25.3ha) resulting in a moderate beneficial effect. In respect of neutral grassland semi-improved habitat, while 3.02ha would be lost, an area of 40.64ha would be created, resulting in a moderate permanent beneficial effect. The compensatory habitat creation which would be provided is incorporated into the Landscape Mitigation Masterplan [APP-095]. The ecological mitigation measures would reduce the significance of effects and also maintain and improve connectivity along and around Part A and mitigate the effects of fragmentation and displacement according to the ES.
- 4.15.21. The Applicant's Biodiversity No Net Loss (BNNL) Assessment for Part A [APP-246] concluded that it would deliver a considerable net gain in biodiversity of area-based HPI. However overall, Part A would result in a net loss of biodiversity due to the loss of ancient woodland as well as other habitat types such as hedgerows.
- 4.15.22. The majority of the Part B Order Limits comprises arable farmland, poor semi-improved grassland and improved grassland with some HPI. Overall, the habitats within Part B are considered to be of local conservation importance.
- 4.15.23. For Part B, desk studies identified seven European designated sites within the 10km study area: Northumbria Coast SPA and Ramsar, Northumberland Marine SPA, Berwickshire and North Northumberland Coast SAC, North Northumberland Dunes SAC, Newham Fen SAC and River Tweed SAC. The HRA [APP-342] concluded that no likely significant effects to European designated sites would arise because of Part B during the construction and operational stages. Therefore, European sites were not considered further in the ES.
- 4.15.24. A single statutory designated site and three non-statutory designated sites were identified within 2km of the Order Limits for Part B and a single non-statutory designated site within 2km of the Lionheart Enterprise Park Compound. National and local designated sites identified included Longhoughton Quarry SSSI, 1.9 km south east of the Order Limits. Three

LWSs are located within 2km of the main scheme area with a fourth within 2km of the Lionheart Compound.

- 4.15.25. A summary of key desk study results, field survey results, and an evaluation of protected and notable terrestrial species, searched for within the 2km study area of Part B is provided in Table 9.9 of the ES [APP-049]. The assessment identified all species to be of no greater than local importance with the exception of bats, breeding birds, wintering birds and barn owl which were assessed as up to regional importance. Additionally, Atlantic salmon, brown/ sea trout and European eel were assessed as being of national importance. No evidence of otter or water vole was recorded during surveys in 2018 and 2019, despite the presence of habitats with the potential to support either species within Part B.
- 4.15.26. Table 9.12 of the ES [APP-049] describes the design and mitigation measures and their delivery mechanisms for Part B during construction and operation. Construction of Part B would result in the loss of habitat, for which compensatory habitat creation would be provided, as incorporated into the Landscape Mitigation Plan [APP-144]. This includes the habitat creation/ reinstatement set out in Table 9.11 of the ES to mitigate and compensate for the loss of HPI. Table 9.13 provides a summary of the assessment of likely significant effect classifications for ecological receptors and the measures employed to reduce the significance of effects.
- 4.15.27. According to the ES Part B would result in the loss of 0.69ha of broad-leaved and mixed semi-natural woodland HPI although this loss would be overcome by the reinstatement/ creation of 10.14ha of compensatory woodland resulting in a moderate beneficial effect.
- 4.15.28. Where existing culverts are proposed to be extended existing features to support biodiversity would be extended while in other locations measures would be introduced to encourage fish passage and support aquatic life. Part B would result in the loss of watercourse habitat for fish during the extension and realignment of culverts while the construction of new culverts would result in a moderate adverse permanent effect after mitigation. Overall, with mitigation measures in place, the ES anticipated that there would not be any significant effects on ecology when the road is operational.
- 4.15.29. The ES [APP-048] [APP-049] describes how management and monitoring of habitats would be undertaken in accordance with the proposed Ecological/ Environmental Management Plan (Part A Measure DM011, Part B Measure EC15, REAC Measure S-B19), which would be developed at detailed design stage.
- 4.15.30. The BNNL Assessment [APP-309] for Part B and ES [APP-049] indicated that there would be a net loss of biodiversity through the loss of running



water habitat and hedgerows but net gains of less threatened habitats and broadleaved woodland.

- 4.15.31. Table 9.14 of the ES [APP-048] [APP-049] considered the potential for each assessment parameter presented in ES Chapter 2 [APP-037] to change the conclusions of Chapter 9 and concluded that the parameters would not alter the significance of effects of the biodiversity assessment as a result of Parts A or B.
- 4.15.32. To address the update to DMRB guidance since the ES assessments were completed, sensitivity tests [APP-253] [APP-310] [APP-333] were undertaken which determined that the updated guidance would potentially change the assessment in relation to operational effects from air quality. However, following further assessments, the sensitivity tests determined that the application of the updated guidance would not change the likely significance of effects and therefore the conclusions of the assessment would remain unchanged for both Part A and Part B.

### **Examination**

- 4.15.33. The IAPI which formed Annex C of the Rule 6 Letter [PD-006] identified a range of matters under the heading of Biodiversity, Ecology and the Natural Environment. They included the implications for European/international sites and effects on other designated sites as well as the effects on a number of named protected species and species of conservation concern. The effects on protected habitats and habitats of conservation concern including ancient woodland, other woodland, trees and hedgerows were further matters identified. Other matters included the adequacy of proposed mitigation, monitoring management and compensatory measures and their effectiveness, issues relating to Biodiversity Net Gain and No Net Loss and the effect of changes to watercourses including, the creation of new culverts, on biodiversity.

### **The Approach to the Assessment**

- 4.15.34. The methodology and baseline used in the ecological assessments was accepted by NCC in its LIR [REP1-071] and confirmed in the SoCG with the Applicant [REP11-009]. NCC also expressed satisfaction that appropriate surveys had been carried out to assess the value of habitats and the presence of any protected species. NCC was also content with the search/ study areas used to assess the impacts of the Proposed Development. In the Council's view the BNNL Reports [APP-246] [APP-309] which accompanied the application were also comprehensive.
- 4.15.35. NCC noted [REP1-071] that the Proposed Development would result in some loss of habitats that provide connectivity and dispersal routes for species and that some UK and European protected species within the road corridor could be impacted. Nevertheless, the provision of animal crossing points was welcomed and the approach to licensing was considered sound. The Council welcomed habitat creation and

landscaping plans and found that the mitigation proposed through the Outline CEMP [APP-346] was comprehensive and robust for the stage which the project had reached although further detail would be required. Nevertheless, the Council concluded that because some of the proposed mitigation would require time to establish and reach its full potential there would be a negative impact on biodiversity overall.

### **The Effect on Protected Habitats and Species**

- 4.15.36. In relation to identified nature conservation issues within its remit NE [RR-008] commented that there was no fundamental reason of principle why the project should not be permitted. It noted that the Proposed Development was unlikely to have a significant effect on European designated sites and that while the proposals would directly impact on the River Coquet and Coquet Valley Woodlands SSSI both permanently and temporarily, acceptable compensation for the loss of irreplaceable habitats had been identified.
- 4.15.37. With regard to European protected species licences, the Applicant [REP1-063] confirmed that it had produced draft licences for bats, badger and great crested newts and that NE had provided Letters of No Impediment (LoNIs) for each of the drafts issued. The SoCG between NE and the Applicant [REP10-029] referenced the LoNIs in respect of bats and great crested newts and listed numerous comments made by NE. The Applicant confirmed that these matters would be addressed in the formal licence applications and the SoCG recorded the matter as agreed.
- 4.15.38. Through ExQ1 BIO.1.8 [PD-007] we asked IPs whether they considered surveys, which normally require repeating after two years, to be still valid. The Applicant [REP1-032] pointed out that while ecological surveys undertaken between 2016 and 2019 could be potentially less accurate than more recent surveys, a series of verification surveys had been undertaken and submitted at D1. The scope of the verification surveys was discussed with NE which confirmed the ecological surveys undertaken to date for the scheme as a whole were appropriate [REP10-029]. NCC [REP1-073] took the view that the habitats affected were not likely to have undergone significant change and the matter could be addressed by a checking surveys which would be controlled by the CEMP.
- 4.15.39. At ExQ3 BIO.3.4 [PD-017] the ExA asked the Applicant about NCC's comments [REP6-050] which cast doubt on the results of Part B water vole surveys. The Applicant's response [REP8-026] acknowledged that a survey undertaken in 2016 may have recorded potential water vole field signs along Part B [APP-300]. However, updated field surveys in 2018 and 2019 [APP-300] found no evidence of water vole activity or presence. As detailed in ES Chapter 9 [APP-049], water vole is considered likely absent from within Part B but a pre-construction walkover survey for water vole would be undertaken, in accordance with Measure B-B18 of the Outline CEMP [REP11-006]. Additionally, R7, of the

dDCO [REP11-003] would address situations where a protected species was shown to be present, or likely to be present.

- 4.15.40. Responding to the EA's comments about the time that has elapsed since the original great crested newt surveys, the Applicant [REP1-065] noted that it had completed a great crested newt verification survey in 2020 additional to the proposed update surveys to inform the newt licences (Measure A-B18 of the Outline CEMP) [APP-346]). Moreover, the scope of the update surveys to inform the great crested newt licence would be agreed with NE as the licensing body.

### **Air Quality Impacts**

- 4.15.41. At various points during the Examination including through ExQ2 BIO.2.4 [PD-011] we sought responses from NE and NCC about the Applicant's biodiversity air quality assessments [APP-333] [REP3-010]. Specifically, the position in relation to air quality impacts on the River Coquet and Coquet Valley Woodlands SSSI (ISH3 [EV-038], ISH4 [EV-057]) was raised. The matter remained unresolved at the end of the Examination with the SoCG between the Applicant and NE [REP10-029] confirming that NE did not agree with the approach to the air quality assessment adopted by the Applicant based on the updated DMRB advice (IAN 174/13: (HA 207/07)), set out in the updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010] carried out in accordance with LA105. The Woodland Trust also raised concerns about the effects of an increase in traffic emissions on woodlands [RR-014].
- 4.15.42. NE confirmed [REP10-029] that for the River Coquet and Coquet Valley Woodlands SSSI the conclusion of no likely significant effect was accepted based on various factors including the long-term downward trend in nitrogen deposition at the SSSI which would be delayed rather than reversed by the Proposed Development, the temporary nature of the increased nitrogen deposition and because the additional deposition would not impact the decline of background levels too substantially. Consequently, NE agreed that the predicted increases in nitrogen deposition would not result in the physical loss of woodland habitat. The Applicant's position was that the increase in nitrogen deposition as a result of the Proposed Development would not result in a significant effect to the SSSI [REP3-010].
- 4.15.43. At D10 [REP10-037] the Applicant acknowledged that while the methodology was a matter of debate, the Applicant and NE agreed that there would not be a significant effect from the Proposed Development on the River Coquet and Coquet Valley Woodlands SSSI as a result of changes in air quality. However, it was agreed that there would be significant effects on two veteran trees (T682 and T701), Borough Wood LNR/ ancient woodland located along the River Wansbeck and Well Wood ancient woodland located along the River Blyth. In respect of Borough Wood and Well Wood the Applicant [REP11-006] referenced the response to ExQ3 BIO.3.3 [REP8-026] noting that the woods are outside the Order

Limits, 2km and 10km south of the Proposed Development respectively and within 200m of the ARN [REP3-012]. Compensation for the impacts to the two veteran trees would be secured by Measure ExA: S-B100 of the Outline CEMP [REP9-016]. Compensation for potential damage by increased nitrogen deposition as a result of the Proposed Development to Borough Wood and Well Wood, the need for which was recognised by the Applicant and NE would be secured by a legal agreement between the Applicant and NCC, which manages the two woodland sites.

- 4.15.44. As confirmed at D10 [REP10-039] the agreement makes provisions for two payments to be made to NCC, firstly a payment of £11,413 towards compensation works at Borough Woods and secondly a payment of £11,418 towards compensation works at Plessey Woods (Well Wood). On the final day of the Examination the Applicant confirmed [REP11-024] that although there had been agreement with NCC as confirmed in the SoCG [REP11-009] it had not been signed because of complications in obtaining a physical signature ahead of the close of the Examination.

#### **Effects on Ancient Woodland**

- 4.15.45. The impact of the Proposed Development on ancient woodland was raised by a number of IPs. NCC's RR [RR-001] and the SoCG between the Applicant and NCC [REP11-009] confirmed that the Council was satisfied with the overall design approach and compensation package set out in the AWS [APP-247]. NCC recognised that the AWS would result in enhancement due to the significant increase in the area of woodland created compared with that which would be lost. Consequently, subject to the fine detail of the woodland creation being provided the overall plan was welcomed by the Council.
- 4.15.46. Addressing the Woodland Trust's [RR-014] objection in principle to the direct loss of parts of Duke's Bank Wood ancient woodland the Applicant [REP1-064] referenced the AWS [APP-247] and the Case for the Scheme [APP-344], to demonstrate that the Proposed Development would be in compliance with paragraph 5.32 of the NNNPS and paragraph 175 of the NPPF. In respect of the latter which requires development resulting in the loss of irreplaceable habitats to be refused, unless wholly exceptional reasons, and a suitable compensation strategy exist the Applicant's case was that the Proposed Development was an NSIP where the public benefit would clearly outweigh the loss of the habitat. The Applicant's view was that such principles would also apply in respect of veteran trees [REP6-044]. NCC [RR-001] also found that the need for the dualling of the A1 would be an exceptional reason to justify the loss of ancient woodland.
- 4.15.47. Ultimately, the Woodland Trust [REP8-032] also recognised the impacts of the Proposed Development on ancient woodland and veteran trees would be minimised as far as possible such that it was compatible and consistent with paragraph 5.32 of the NNNPS.

- 4.15.48. The Applicant [REP1-064] acknowledged that potential route corridors to avoid the ancient woodland in its entirety were considered [APP-038] but such options would have required a significant length of additional dual carriageway, which would negate the objectives of the Proposed Development. Responding to the Woodland Trust's concerns arising from indirect impacts, the Applicant noted [REP1-064] that the Outline CEMP [APP-346] included measures to reduce the indirect impacts as a result of noise, light and dust pollution (Measures S-N2 and S-A3 [APP-346]).
- 4.15.49. The Applicant's Written Summary of Oral Submissions at Hearings [REP4-025] confirmed a number of detailed matters which the ExA raised at ISH1 [EV-009] in respect of the AWS. These included that the AWS referred to an ancient woodland management and monitoring plan which did not appear to be referred to in the DCO. The Applicant noted that R5 of the dDCO [APP-004] required compensatory planting to be provided based on the AWS but acknowledged that the AWS needed to reference the management and monitoring plan. This was included in the subsequent iteration of the dDCO [REP4-004] with a new R15 dealing specifically with ancient woodland.
- 4.15.50. Regarding the Woodland Trust's concerns [RR-014] about the potential for the translocation of ancient woodland soils for new areas of planting spreading invasive species the Applicant stated [REP1-064] that baseline studies had not recorded invasive species within the Order Limits but as a precaution the AWS detailed appropriate mitigation. In addition, a Biosecurity Method Statement would be developed at detailed design stage in relation to the WCA [REP9-012].
- 4.15.51. The D4 update to the AWS [REP4-054] in response to the proposed Stabilisation Works [REP4-063] and Southern Access Works [REP4-064] recognised the increased area of woodland habitat within the Coquet River Felton Park LWS impacted by the Proposed Development. The Stabilisation Works would result in 0.28ha of land outside the original Order Limits of Part A being required along the north bank of the River Coquet (part of the River Coquet and Coquet Valley Woodlands SSSI) resulting in the permanent loss of natural habitat. To compensate for the additional loss of woodland within the LWS, which for the purposes of mitigation, was treated as ancient woodland, 3.1ha of additional WCA outside the original Order Limits of Part A would be required in accordance with the revised AWS for Change Request [REP4-054] and based on the 12:1 ratio used previously for woodland compensation.
- 4.15.52. Compensation would also include replanting of the 0.28ha within the Coquet River Felton LWS (the Replanted Area) within the revised Order Limits that would be cleared as part of the Stabilisation Works. As a result of the proposed changes, in total 0.96ha of ancient woodland (of which 0.27ha is designated and 0.69ha is treated as such) would be impacted with 11.54ha of woodland planting proposed as WCA. Similar techniques to establish the original WCA would be employed to replant

and establish the Replanted Area. The compensatory woodland habitat would be created as an expansion to the WCA proposed to the south-west of the existing River Coquet Bridge. Long-term management would be undertaken within the WCA and Replanted Area for a minimum period of 50 years. Management prescriptions beyond the 50 year management plan, would be confirmed within the proposed Ancient Woodland Management and Monitoring Plan [REP4-054] at detailed design stage.

- 4.15.53. In addition, the Applicant [REP5-023] advised that the new R15 [REP4-004] provided that no removal of ancient woodland was to take place until an AWS had been approved by the SoS, following consultation with NE and the RPA. R15(3) would provide that the Authorised Development must be constructed in accordance with the approved AWS [REP4-008] which requires the WCA to be retained in perpetuity.
- 4.15.54. At D9 the Applicant submitted a revised version of the AWS [REP9-013], updated in response to final comments received by NE about indicative management and monitoring regimes. NE also confirmed [REP10-029] that the AWS was acceptable, acknowledging that finer detail of the strategy would be developed at detailed design stage and agreed with NE. A number of detailed matters raised by NE and the Applicant's means of accommodating them are set out in the SoCG [REP10-029]. The Forestry Commission [REP11-011] also considered the AWS [REP9-012] to be appropriate to minimise the effects and to mitigate and provide adequate compensation for the impacts of the Proposed Development on ancient woodland.
- 4.15.55. Responding to the Forestry Commission's request for public access, the Applicant confirmed [REP11-011] that public access into the WCA had not been raised as an issue during the Examination and therefore had not incorporated public access into the WCA. However, this factor could be considered during the detailed design phase in consultation with NCC.
- 4.15.56. During ISH3 the Applicant responded to the Woodland Trust's D5 Submission [REP5-049], which was concerned with the number of ancient or veteran trees to be lost. In support of that response [REP6-044], the Applicant provided Impacts to Ancient and Veteran Trees [REP6-045]. This included details of the alternative route alignments considered for the avoidance of ancient and veteran trees, an analysis of the ancient/ veteran trees lost, including proposals for the avoidance of trees identified for removal, and summarised the mitigation and compensation measures proposed.
- 4.15.57. Responding to Impacts to Ancient and Veteran Trees [REP6-045] the Woodland Trust welcomed the retention of T91, T494, T682 and T690, four veteran trees previously outlined for removal but maintained its concerns about the loss of T688. The Applicant [REP9-018] explained that the loss of T688 was necessary to construct Detention Basin 19, to reflect the underlying drainage strategy. To re-design the drainage

strategy to avoid T688 would require substantially greater land take, and potentially impact on a further veteran tree to the south (T682). At D8 NCC [REP8-028] confirmed that Measure ExA:S-L101 of the Outline CEMP [REP11-006] was sufficient to retain potential veteran trees while Impacts to Ancient and Veteran Trees [REP6-045] provided clear detail as to which trees were likely to be retained and those that would require removal.

- 4.15.58. At D9 the Applicant submitted a revised version of Impacts to Ancient and Veteran Trees [REP9-015] which summarised the position relating to those trees referenced as T91, T494, T685, T688 and T690 in more detail. In addition to a number of minor amendments to the statement, the revised version confirmed that following agreement with NE and in response to comments made by the Woodland Trust, a 30:1 ratio to compensate for the loss of T688 was proposed. As such, a total of 30 individual trees would be planted, with 12 to the east of Detention Basin 19 and the remainder (18) being planted within an area of woodland to the north west of the bridge over the River Coquet. NE also agreed with the proposed compensatory planting of 60 trees for the significant effects concluded in relation to veteran trees T682 and T701 (as detailed in updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010]).
- 4.15.59. The SoCG between the Applicant and the Forestry Commission [REP11-011] noted that while the Proposed Development would involve the loss of approximately 20ha of woodland, with the creation of approximately 39ha of woodland the proposed mitigation and compensation measures were appropriate and acceptable.

### **Proposed Changes**

- 4.15.60. The Applicant predicted permanent moderate adverse effects as a result of the proposed changes, set out within ES Addendum: Stabilisation Works for Change Request [REP4-063] and ES Addendum: Southern Access Works for Change Request [REP4-064]. These works would result in the loss of riverbank habitat in the River Coquet and Coquet Valley SSSI and HPI, arising from the proposed hard engineered scour protection to the north and south banks of the river.
- 4.15.61. Mitigation detailed within ES Chapter 9 [APP-048] would reduce the effects of habitat damage/ degradation, which would be secured in Measures A-B38, A-W15 and S-W8 of the Outline CEMP [REP3-013]. Further, mitigation is proposed to control sources of disturbance (noise, light and vibration) through Measures S-G5, S-B14 and S-B16 of the Outline CEMP [REP3-013]. As a result of the Stabilisation Works and the Southern Access Works following the implementation of the revised AWS for Change Request [REP4-054] the Applicant considered that the significance of effect to the LWS due to the loss of habitat remained as moderate adverse, as detailed in ES Chapter 9 [APP-048]. In respect of other effects, the revised ES assessment found that for some receptors

the significance of effects had increased from that reported in ES Chapter 9 [APP-048], the effects remained not significant.

- 4.15.62. At D8a NE [REP8a-015] commented on the Options Appraisal of River Coquet Bridge Foundation Stabilisation and Scour Protection System [REP7-005] stating that it had no outstanding concerns in relation to the effects of the Stabilisation Works and Southern Access Works but disagreed with the Applicant's determination of the nature and scale of the impact which the Applicant considered to be a minor adverse impact. NE considered the impacts to be moderate adverse as the channel would be permanently fixed, thus preventing the river from changing and adapting. Consequently, NE was of the view that the Applicant must provide compensation for the impacts of the stabilisation and southern access.
- 4.15.63. There was agreement between the Applicant, the EA [REP11-010] and NE [REP10-029] that the loss of natural riverbank habitat of the River Coquet (HPI and SSSI) would require compensation. The Applicant had explored opportunities for compensation for the loss of riverbank habitat through discussion with landowners but had not identified viable opportunities. However, the EA proposed for this to be addressed by the Applicant making a financial contribution towards a project identified within the EA's Water Environment Investment Fund (WEIF), namely a rewilding project on the River Coquet. Similarly, to address the associated impacts on geomorphology on the River Coquet, the need for a further financial contribution towards a project identified within the WEIF, namely a water improvement project on the River Coquet was agreed by the Applicant, EA and NE.
- 4.15.64. In respect of Change 1: Earthworks Amendments the Applicant concluded that there would be no changes to the habitats proposed in the Landscape Mitigation Masterplan for Part A [APP-095], Landscape Mitigation Plan for Part B [APP-144] and Landscape Mitigation Plan including Assessment Parameter 3 for Part B [APP-148]. Consequently, there would be no changes to the biodiversity assessment as set out in ES Chapter 9 [APP-048] [APP-049].

### **Effects on Watercourses**

- 4.15.65. Responding to the EA's concerns [RR-004], ExQ1 BIO.1.13 and BIO.1.120 and issues raised by the ExA at ISH1 [EV-011] about the loss of watercourses in Part B and the extension of culverts creating a barrier to the movement of wildlife and increase fragmentation of habitats, the Applicant [REP1-065] [REP1-032] noted that it was not viable to create new watercourses or lengthen existing watercourses without a water source to create new habitat. However, consideration had been given to improving the biodiversity of existing watercourses including through the introduction of approximately 38ha of wet woodland and approximately 12ha of wetland marginal planting. A Culvert Mitigation Strategy (CMS) [REP1-066] summarised the estimated loss of open channel and the



mitigation proposed for each watercourse crossing and WFD water body catchment including proposed mammal passage provision.

- 4.15.66. The extension of existing culverts and the addition of new culverts was considered necessary and the most practical approach when compared to the alternative of providing bridges to span all watercourses. The Proposed Development largely replicates and mirrors the design of existing structures along the length of the A1. Overall, whilst there is an increase in lengths of culvert, there are measures proposed to offset this. Addressing the EA's concerns that proposals to straighten channels would provide very low biodiversity value and that opportunities to create more natural, sinuous watercourses and water dependent habitats had not been taken including at Fenrother Burn, the Applicant noted [REP1-065] that the existing channels to be realigned were small watercourses that are already very straight and trapezoidal in shape. The realigned channels would introduce features within the channel to provide greater variation to flow and habitat form, aiming to improve biodiversity value. Measures would be developed further during the detailed design in consultation with the EA and NCC, secured through R8 of the DCO [REP11-003]. The section of Fenrother Burn to be realigned was already a straightened trapezoidal channel. Consequently, it was not appropriate or necessary to meander the Fenrother Burn and other realigned watercourses.
- 4.15.67. Actions would be developed in partnership with the EA, with reference to the WFD status and reasons for deterioration (see EM047 of ES Chapter 9 [APP-048]). Mitigation measures would address the net loss of watercourse associated with Part A through improvements to approximately 850m of Longdike Burn (see EM041 and EM048 of ES Chapter 9 [APP-048] [APP-049]). In respect of Part B specifically, as summarised in the CMS [REP1-066] measures to improve watercourses impacted by construction include the provision of gravel beds and the removal of a step weir from Shipperton Burn for the benefit of fish movement/ passage (Measure B-W1). Baffles would be retrofitted in the existing River Lyne culvert to aid fish passage, and the existing baffles in the Longdike Burn culvert would also be replaced with a more robust arrangement.
- 4.15.68. Responding to the EA view [RR-004] that culverts should be upgraded to be mammal friendly the Applicant [REP1-065] stated that it had not been possible to include ledges/ shelves within all existing (extended) culverts due to size restrictions. It would also be disproportionate to remove and replace all existing culverts owing to the impacts this would have on surrounding habitats and the water channel itself. Broader benefits for biodiversity would be achieved through the creation and extension of a range of habitats either side of the carriageway to mitigate construction impacts with emphasis placed on achieving connectivity with habitats unaffected by the Proposed Development (Measures S-L2, S-L13, A-L2, B-B2, B-B4, B-L1 in the Outline CEMP [APP-346]). A response from the

EA [REP4-076] acknowledged that it was not viable to create new lengths of watercourse as compensation for loss of watercourse channel.

- 4.15.69. Responding to BIO 1.120 the Applicant confirmed [REP1-032] that mitigation for the loss of approximately 35m of Longdike Burn, a watercourse of national importance, is detailed in EM047 of ES Chapter 9 [APP-048]. Measures would be developed further at detailed design and developed in partnership with the EA.
- 4.15.70. At ISH2 and subsequently in writing the Applicant commented [REP4-025] on the EA's concerns about the nature and location of the proposed habitat being proposed as mitigation and whether this was satisfactory mitigation for loss of the watercourse habitat. The Applicant proposed various measures to address the overall loss of approximately 289m of watercourse channel length. Wet marginal planting and riparian woodland had been proposed to help offset the impacts to watercourses as a complimentary measure rather than compensation and would comprise riparian woodland. This riparian woodland is in various locations across Parts A and B (Appendix F – Proposed Woodland and Marginal Planting Plan [REP4-031]).
- 4.15.71. The EA's D9 submission [REP9-029] noted that the Applicant had maximised the planting and seeding schemes on land available within the DCO. The production of the Riparian Planting Plan provided a useful visual representation of the riparian woodland proposed as part of the CMS [REP8-023].
- 4.15.72. While the Applicant considered that the proposed mitigation measures would address satisfactorily the impact of the Proposed Development on watercourses it recognised that the EA required additional compensation.
- 4.15.73. At D10 [REP10-042] the Applicant commented on the EA's D9 submission [REP9-029] which noted that the Applicant had not provided sufficient compensation within the DCO boundary for the impacts of the scheme, specifically the impacts on and losses of watercourses and riparian habitat through culverting and associated infrastructure. The Applicant agreed to fund a compensation scheme outside of the DCO boundary to include improvements to the River Lyne catchment. The Applicant's position remained that sufficient mitigation and compensation had been secured within the Order Limits to satisfactorily address the impact on watercourses due to culverting.
- 4.15.74. At D10 the Applicant submitted a Summary of Legal Agreement with the EA and NCC [REP10-039]. The agreement with the EA would provide compensation for impact to riverbank habitat on the River Coquet as a result of the Stabilisation Works and the Southern Access works; and secure compensation to offset culverting of watercourses by the Proposed Development. The EA and the Applicant agreed that sufficient mitigation could not be carried out by the Applicant within the Order

Limits. In respect of the River Coquet Offsite Compensation Works the Applicant agreed to make a payment of £70,000 to be used for the delivery of rewilding works within the River Coquet WFD Upper Operational Catchment. In respect of the River Lyne Offsite Compensation Works a payment of £75,000 to be used towards the River Lyne water quality improvement project within the River Lyne from Source to Tidal Limit WFD water body. At D11 [REP11-016] the EA confirmed that the legal agreement had been executed and signed by both parties on 2 July 2021.

### **Other Examination Issues**

- 4.15.75. A number of detailed ecological matters were raised by the EA in its RR [RR-004]. These included the prevention of ingress of fish into pumps, fish rescue measures and the timing of river piling works. The Applicant made a number of amendments to measures in the Outline CEMP [REP11-006] throughout the Examination to address such matters (Measures S-W12, A-B29). While the Applicant disputed the EA's records of white-clawed crayfish on the River Lyne Measure B-B26 of the Outline CEMP would ensure that if a crayfish of any species were found during works, activities would cease, and a suitable licensed ecologist would be consulted to confirm actions to take.
- 4.15.76. Otters were raised at ExQ3 BIO.3.1 with the Applicant, confirming [REP6-048] that it had agreed a position with the EA and NCC in respect of Part A. However, for Part B the EA [RR-004] and NCC disagreed with the conclusion of likely absence, as set out in the otter assessment presented in ES Chapter 9 [APP-049] and requested that mitigation be considered. Following ISH3, the Applicant [REP6-044] re-evaluated the position in light of new evidence and accepted that otters were present within the Order Limits of Part B. Accordingly, the Applicant proposed otter fencing at four locations along Part B to direct otter passage through culverts beneath Part B that are of a sufficient size to offer safe passage. The proposed location and length of fencing was agreed with the EA and NCC, sufficient to address their concerns, which would be secured by Measure ExA: B-B100 of the Outline CEMP [REP7-008].
- 4.15.77. Responding to the ExA's question at ISH2 [EV-011] as to where environmental management plans fitted into the wider CEMP the Applicant [REP4-025] described how environmental management could be included within a draft environmental management plan or included within the detailed mitigation within the REAC. In adopting the latter approach the Applicant argued that there was no need for separate environmental management plans to be prepared during the Examination as the details of the content that they will provide was already available. Nevertheless, the Applicant had reviewed the structure of the REAC, and more interpretive text had been included to aid navigation while R5 of the DCO had been revised to include reference to production of a LEMP.

References to Environmental Management Plans have also been removed from the REAC. This matter is addressed further in Chapter 8.

### **Biodiversity No Net Loss**

- 4.15.78. The ExA sought clarification from the Applicant at ISH2 [EV-011] and ISH3 [EV-038] about the issue of biodiversity net gain and biodiversity net loss. The Applicant confirmed [REP4-025] that there was no legal requirement for a NSIP to achieve biodiversity net gain. It also noted that the EA no longer questioned the basis for the calculation of biodiversity net gain and loss. Nevertheless, BNNL reports [APP-246] [APP-309] had been produced for the Proposed Development for Parts A and B while at D2 a BNNL Assessment [REP2-009] for both Parts A and B was undertaken. The purpose of the reports was to quantify biodiversity losses and gains and to assess the loss of habitats and inform landscape mitigation proposals with the aim of achieving no net loss in order to meet the Applicant's own internal biodiversity plan. The Applicant aims to consider biodiversity impacts across its network on a national scale as opposed to considering it on a scheme-by-scheme basis.
- 4.15.79. Responding to ExQ1 BIO.1.1 the Applicant [REP1-032] confirmed that the aim of working towards BNNL also related to addressing national and local policies and strategies including the aims of the NNNPS. For example, RIS2 states that by 2025, the Applicant must deliver no net loss of biodiversity on its estate and progress towards the target of delivering a net gain in biodiversity by 2040.
- 4.15.80. The BNNL Assessment was revised [REP5-010] to provide a correction to the biodiversity calculation. The correction resulted in a net gain predicted for hedgerow biodiversity units (previously a net loss) and an increase in the net gain of area-based biodiversity units (which includes woodland). However, the as a whole no net loss could not be claimed for the Proposed Development due to the loss of irreplaceable habitat, and medium distinctiveness woodland and scrub and river habitat.
- 4.15.81. Commenting on responses received from IPs regarding the BNNL Assessment submitted at D2 [REP2-009] the Applicant confirmed [REP5-023] that NE noted that while the Proposed Development would result in the loss of ancient woodland from within the River Coquet and Coquet Valley Woodlands SSSI this had been addressed in the AWS [REP4-008]. The Applicant confirmed that the Stabilisation Works and Southern Access Works would impact woodland (for which compensation is addressed within the AWS [REP4-054]) and habitats within the River Coquet and Coquet Valley Woodlands SSSI. An updated BNNL Assessment for the Scheme for the Change Request was also submitted at D5 [REP5-038].
- 4.15.82. At D10 [REP10-044] the EA confirmed that it was content with the dDCO at D9 [REP9-005] and satisfied with the actions outlined in the latest iteration of the CEMP [REP9-016] while noting that there were items

within the CMS [REP8-023] which did not align with the latest version of the Outline CEMP. At D11 [REP11-014] the Applicant confirmed that the CMS had been updated at D11 [REP11-013] as had the Outline CEMP [REP11-006] to address the EA's comments. The SoCG between the Applicant and the EA [REP11-010] confirmed that the EA also agreed with the methodology and results of the BNNL Assessment, although noted a net loss of 11.69% in river biodiversity units.

## **ExA Conclusion**

- 4.15.83. This section has had regard to the likely significant effects resulting from the Proposed Development on biodiversity, particularly taking account of paragraphs 5.20-5.38 of the NNNPS which set out the assessment and mitigation requirements with regard to biodiversity and geological conservation. Findings and conclusions in relation to HRA matters are covered in Chapter 5 of this Report.
- 4.15.84. The baseline biodiversity value and sensitive receptors along the route of the Proposed Development and the impact of construction and operation was assessed in Chapter 9 of the ES [APP-048] [APP-049] and supporting documentation. A wide range of ecological baseline surveys were undertaken along the whole route. This was undertaken in accordance with the guidance in paragraphs 5.22 and 5.23 of the NNNPS.
- 4.15.85. The ES [APP-048] [APP-049] reported on the potential impacts of the Proposed Development on ecological receptors, the results of which are presented in Table 9.24 of the ES for Part A and Table 9.13 of the ES for Part B. Based on the ES evidence and the consideration of matters raised by IPs during the Examination the ExA considers that there would be no likely significant effects on any European sites.
- 4.15.86. The Proposed Development would result in the loss of irreplaceable habitats including ancient woodland and veteran trees. Paragraph 5.32 of the NNNPS advises that the SoS should not grant development consent in such cases unless the national need for and benefits of the development clearly outweigh the loss.
- 4.15.87. To mitigate the impact the Applicant has devised the AWS [REP9-012] which among other measures provides for compensatory woodland planting. The AWS has been developed with NE, the Government's statutory nature conservation body, and has their support. The AWS also has the in principle support of the RPA, NCC, the Woodland Trust and the Forestry Commission. The national need for and benefits of the Proposed Development are established in the Case for the Scheme [REP4-069] and demonstrates that there is no practical means of dualling the A1 between Morpeth and Felton which would avoid the River Coquet and Coquet Valley Woodlands SSSI. Consequently, the Applicant has set out proposals for the conservation of ancient woodland and veteran trees and where their loss is unavoidable, the reasons for this are in line with

paragraph 5.32 of the NNNPS. Therefore, the Proposed Development is in compliance with the tests for the justification of impacts on ancient woodland and veteran trees under both the NNNPS and the NPPF. Nevertheless, the loss of irreplaceable habitat would have a considerable adverse effect which must be weighed against the benefits of the Proposed Development.

- 4.15.88. The Applicant explored opportunities for compensation for the loss of riverbank habitat through discussion with landowners but had not identified viable opportunities. However, the Applicant had secured a financial contribution towards offsite compensation works as requested by the EA, through a legal agreement signed by both parties. The financial contribution relates to the loss of riverbank habitat on the River Coquet. While the parties do not agree the magnitude of impact, given the agreement in relation to the provision of compensation for a significant effect, the Applicant considered the matter to be agreed. We agree that the loss of riverbank habitat would have a significant adverse effect which also weighs against the benefits of the Proposed Development notwithstanding the Applicant's proposed compensation measures.
- 4.15.89. While the Applicant and NE accepted that there would not be a significant effect from the Proposed Development on the River Coquet and Coquet Valley Woodlands SSSI as a result of changes in air quality it was agreed that there would be significant effects on two veteran trees, Borough Wood LNR/ ancient woodland and Well Wood ancient woodland. Compensation for the impacts to the two veteran trees would be secured through the Outline CEMP [REP9-016] while compensation for potential damage by increased nitrogen deposition as a result of the Proposed Development to Borough Wood and Well Wood would be secured by a legal agreement between the Applicant and NCC, which manages the two woodland sites. We are content that this agreement makes appropriate provision for the impact of the Proposed Development on biodiversity as a result of changes in air quality.
- 4.15.90. During construction there would be significant adverse effects due to the loss of ancient woodland associated with the River Coquet and Coquet Valley Woodlands SSSI (encompassing Duke's Bank Wood ancient woodland) and the loss of woodland within the Coquet River Felton Park LWS. Within Part B there would also be a moderate adverse effect permanent loss of watercourse habitat for fish during the extension and realignment culverts and during construction of new culverts. Moderate beneficial effects would be due to more broadleaved semi-natural woodland habitat being provided in comparison to woodland lost and the provision of more neutral grassland semi-improved habitat in comparison to that lost in Part A and the reinstatement/ creation of compensatory woodland in Part B. The BNNL assessment [REP5-038] confirms that the Proposed Development does not achieve a biodiversity net gain due to the loss of irreplaceable ancient woodland, medium distinctiveness

woodland and scrub and river habitat it does identify a net gain in hedgerows, area-based priority woodland and wetland habitats.

- 4.15.91. Construction phase mitigation measures would be secured through the REAC, the CEMP and through Requirements set out within the Recommended DCO. Some construction effects would remain significant at a local level but would be short-term and would cease at the end of the construction period. All short-term adverse effects would be minimised to the extent reasonably feasible. As a result, there would be no residual likely significant effects on any of the ecological receptors identified. During operation, following mitigation implementation, there would be no residual significant effects.
- 4.15.92. Notwithstanding the improvement in the quality of habitats there would be no net gain in habitat area and the impacts on biodiversity would be adverse, we find that there would be considerable harm to biodiversity and an adverse effect overall. Accordingly, in line with paragraph 5.35 of the NNNPS this must be weighed against the benefits of the Proposed Development which is done in Chapter 6.

## **4.16. WATER ENVIRONMENT**

### **Policy Considerations**

- 4.16.1. Paragraph 4.49 of the NNNPS recognises that the planning and pollution control systems are separate but complementary and the decisions taken under PA2008 should not duplicate those made under the pollution control regime. The Examining Authority and SoS should work on the assumption that the relevant pollution control regime will be properly applied and enforced (paragraph 4.50). According to paragraph 4.51 a similar approach should be taken in respect of land drainage and flood defence controls.
- 4.16.2. Paragraphs 5.90 to 5.115 of the NNNPS set out the policy considerations relevant to flood risk. Paragraphs 5.219 to 5.231 relate to water quality and resources and detail the basis for the Examination by the Examining Authority and for decisions by the SoS.
- 4.16.3. Paragraph 5.92 states that applications for projects in identified Flood Zones 2 and 3 as well as in Flood Zone 1 in certain circumstances, including projects of 1ha or more should be accompanied by an FRA. It also states, in paragraphs 5.93 and 5.94, that the FRA should demonstrate how flood risks will be managed, taking climate change into account. Where flood risk is a factor, the SoS should be satisfied that the application is supported by an appropriate FRA and that the Sequential Test and, if required, the Exception Test have been applied. Paragraphs 5.105 to 5.109 explain the operation of the Sequential and Exception tests.

- 4.16.4. Paragraph 5.100 states that for construction work which has drainage implications approval of the drainage system will form part of any development consent whilst provision should also be made for the adoption and maintenance of any sustainable drainage systems. In addition, paragraph 5.101 notes that the SoS should expect reasonable steps to be taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure.
- 4.16.5. In relation to flood risk mitigation, paragraph 5.111 of the NNNPS identifies measures to address surface water drainage management include sustainable drainage systems, vegetation to help slow runoff, and basins and ponds to allow controlled discharge. NNNPS paragraph 5.113 advises that the volumes and peak flow rates of surface water leaving the site should be "*no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.*"
- 4.16.6. Paragraph 5.222 states that for those projects that are improvements to existing infrastructure, such as road widening, opportunities should be taken, where feasible, to improve upon the quality of existing discharges where these are identified and shown to contribute towards WFD commitments.
- 4.16.7. In relation to decision making on water quality and resources, the NNNPS states, in paragraph 5.227 that consideration should be given to proposals put forward by the applicant to mitigate adverse effects on the water environment and whether appropriate requirements should be attached to any development consent.
- 4.16.8. Mitigation measures (paragraph 5.229 and 5.230) put forward by the applicant which are needed for operation and construction should also form part of the SoS's considerations, including designated areas for storage and unloading which may be codified in a CEMP. Where sustainable drainage systems are proposed for the operational stage, the most sustainable solution recognising feasibility should be employed and conventional drainage solutions may form part of the overall package if required to address site constraints.
- 4.16.9. Paragraphs 4.36-4.47 of NNNPS deal with climate change adaptation with paragraph 4.38 highlighting the need to deal with the potential impacts with new development planned to avoid increased vulnerability to the range of impacts arising from climate change.

### **The Applicant's Case**

- 4.16.10. The Applicant's assessment of the water environment is primarily contained within Chapter 10 of the ES: Road Drainage and the Water Environment Part A [APP-050] and Part B [APP-051] together with accompanying Figures [APP-111], [APP-112], [APP-118] for Part A and



Figures [APP-175] and [APP-179] for Part B. Appendices [APP-254] to also assist in addressing road drainage and the water environment.

- 4.16.11. Part A of the Proposed Development would cross ten watercourses and associated tributaries, the most notable of which are Longdike Burn and the River Coquet. Part B crosses five watercourses and associated tributaries, the most important of which are Denwick Burn and its tributaries and Shipperton Burn.
- 4.16.12. An FRA has been carried out for the proposal, for Part A [APP-254] and Part B [APP-311], as required by the EA's standing advice on flood risk.
- 4.16.13. Although the majority of Part A is located within Flood Zone 1 (low-risk), certain sections of Part A are located within Flood Zone 2 (medium-risk) and Flood Zone 3 (high-risk) namely: The River Coquet, Longdike Burn (and the Poxtondean Burn that discharges into the Longdike Burn), Earsdon Burn, the River Lyne and Floodgate Burn.
- 4.16.14. The Sequential Test is deemed to be passed as improvement works would be to an existing road, so cannot be located in an area of lower flood risk. The Exception Test is also required for Part A. The Exception Test is considered to be passed for the Proposed Development because improvements required to enhance resilience and improve journey times and safety along the route and mitigation measures have been incorporated to protect the development and elsewhere against flooding.
- 4.16.15. For Part B, the alignment of the proposed carriageway widening is located in the low-risk Flood Zone 1, although within the Order Limits of Part B there are two areas that fall within Flood Zone 2 and Flood Zone 3. Medium and high flood risk is associated with Denwick Burn and Shipperton Burn. Nevertheless, as the development is considered to be within Flood Risk Zone 1, the Sequential Test and Exception Test are not required. There are no disputes between the parties, namely the EA, in relation to this issue.
- 4.16.16. The management of surface water for both Part A and for Part B includes mitigation measures that would result in a slow down of the rate of flow and minimisation of sediment and pollutants entering existing watercourses, therefore managing the flow during periods of heavy rainfall to reduce flood risk, as secured through Measures S-W2, S-W5, S-W11, S-GS3, S-GS4, S-GS6, S-GS8, S-GS9 as included in the CEMP [APP-346].
- 4.16.17. During the construction phase, for both Part A and Part B, water quality could be impacted by spillages washed into watercourses or by sediments from construction activities. In addition, Measures S-W8 to S-W15 included within the Outline CEMP [APP-346] ensure that risk of water contamination during construction is minimised.

- 4.16.18. Also, during the construction phase, whilst proposed works would potentially cause increased localised flood risk, it is unlikely to affect properties as none are located close to the proposed construction areas.
- 4.16.19. In order to mitigate against potential impacts from surface water runoff during the operation phase, both Part A and Part B, include mitigation measures, such as a drainage strategy that will collect surface water runoff from the highway and transport it, via filter drains, kerb and gully, combined kerb drainage and concrete surface water channels, to manage the flow during periods of heavy rainfall to reduce flood risk, as set out in Measure S-GS3 of the Outline CEMP [APP-346].
- 4.16.20. Overall, the ES [APP-050] [APP-051] [APP-063] states that no significant adverse or beneficial effects have been identified for the construction or operational phase of Part A or Part B.
- 4.16.21. Paragraphs 10.10.45 to 10.10.45 of the ES for Part A [APP-050] and Paragraph 10.10.37 of the ES for Part B [APP-051] state that the assessment parameters included in ES Chapter 2 [APP-037] would not alter the findings of the significance of the effects presented in the assessment.
- 4.16.22. To address the update to the DMRB guidance since the ES assessments were completed, sensitivity tests [APP-259] and [APP-315] were undertaken which determined that the updated guidance would potentially change the assessment in relation to impacts on groundwater levels and flows. However, following further assessments, the sensitivity tests determined that the application of the updated guidance would not change the likely significance of effects and therefore the conclusions of the assessment would remain unchanged for both Part A and Part B.

## **Examination**

- 4.16.23. NCC's LIR [REP1-071] agrees with the Applicant's conclusions and identified the impact of the Proposed Development on the water environment as neutral, highlighting that the assessment and associated modelling carried out by the Applicant had been done in accordance with national policy and best practice guidance and that it showed that, with appropriate design and mitigation, flood risk would not increase on or offsite as a result of the Proposed Development.
- 4.16.24. The LIR also stated that NCC had reviewed the mitigation measures proposed to address flood risk, surface water flood risk and water quality and found these to be appropriate. In relation to the road drainage assessment, the LIR highlighted that further information was required on the proposed attenuation/ detention basins, as well as slope gradients, materials used, planting and access requirements for maintenance.
- 4.16.25. The EA's RR [RR-004] raised a number of concerns in relation to the effects of the Proposed Development on the water environment,

including: the loss of watercourses and its impacts on biodiversity, the loss of HPI, the effects of the proposal on specific species and the adequacy of the proposed measures included in the Outline CEMP.

- 4.16.26. At D4, the EA submission [REP4-076] highlighted that agreement was still to be reached in relation to the Applicant's approach to the loss of watercourses, including its impacts on biodiversity (see also Section 4.15), the adequacy of the proposed mitigation and the need for and the Applicant's approach to, compensation. These matters were further explored at ISH3, where the ExA focused particularly on the proposed CMS [REP1-066], the proposed approach to the loss of watercourses.
- 4.16.27. At D5 the Applicant submitted a revised version of the CMS [REP5-022] as a result of on-going discussions with the EA on this topic. The revised version of the CMS updated the terminology in relation to riparian woodland and incorporated information on natural beds proposed within the culverts and removal of marginal planting as a mitigation measure.
- 4.16.28. At D6, the Applicant submitted a position statement [REP6-048] in relation to otters which addressed some of the concerns raised by the EA in their written submission [REP4-076] and at ISH3. The EA and NCC expressed concerns regarding the Applicant's conclusion of likely absence of Otters in Part B of the Proposed Development. Following ISH3 and discussions with the EA and NCC on water environment, further evidence of the possible presence of otters adjacent to the study area for Part B was provided, resulting in the addition of measure ExA:B-B100 to the CEMP [REP8-014].
- 4.16.29. At D8 [REP8-023], a third version of the CMS was submitted. This version incorporated refinements to the lengths of the riparian woodland planting, included a watercourse specific mitigation and compensation plan to demonstrate the spatial location and updated the previous version on a series of different points where agreement had been reached with the EA.
- 4.16.30. Written Questions were asked to the Applicant in relation to Water Environment. At ExQ2 [PD-011] the ExA asked questions WE.2.1 to WE.2.12 which focused, amongst other issues, on the classification of different habitats, in particularly how watercourse habitats had been identified and classified, and how the defined study area has taken vegetation into consideration. Through ExQ2 WE.2.6 we asked about the potential movement of the proposed southern pier over the River Coquet and how this could potentially impact flood risk. We also asked, in ExQ2 WE.2.11, how measures proposed to mitigate effects on receptors classified as of High Importance would be secured.
- 4.16.31. The Applicant provided satisfactory responses to these questions [REP5-023] with more detailed information regarding the approach taken to the assessment of watercourse habitats and how it relates to the WFD

Assessment for Part A [APP-255] and Part B [APP-312]. The Applicant also provided further information, in response to WE.2.8 and WE.2.10, on how the removal of vegetation would not have any material impact on the water environment or sediment removal potential. The Applicant also highlighted that Measure S-W1, included in the CEMP, is suitably sized to accommodate any additional run-off from the areas where vegetation clearance has been undertaken.

- 4.16.32. A response was also provided to the query posed by the ExA in relation to the potential movement of the southern pier of the proposed structure over the River Coquet. In [REP5-023] the Applicant had clarified that the hydraulic modelling carried out revealed negligible changes linked to the potential movement of the southern pier in relation to a wide range of flood return periods, including extreme flood events, and also in relation to the erosive power of the river due to vegetation clearance for each flood return period assessed.
- 4.16.33. The Applicant also provided further justification for why the named receptors classified as of High Importance (Bradley Brook, Back Burn and Ponds) did not require further measures in the Outline CEMP to secure their protection. The reasons presented were either because its classification as of High Importance was already covered, or because the assessment carried out demonstrated that there would be no impact on the receptors as these watercourses were not hydraulically connected to the River Coquet in the vicinity of the Proposed Development.
- 4.16.34. The Applicant's request for a material change amendment to their original application included two changes particularly relevant to the water environment. Change 2: Stabilisation Works involving the installation of three rows of piles in the north bank of the River Coquet and the installation of temporary river training and permanent erosion protection measures on the north bank. Change 3: Southern Access Works which include the provision of a temporary access to the southern bank of the River Coquet by crossing the river from the temporary working area on the northern bank and additional permanent scour protection on the southern bank.
- 4.16.35. At ExQ4 [PD-018] the Applicant was asked about concerns raised by the EA [REP5-044] in relation to Change 2: Stabilisation Works and Change 3: Southern Access Works. The EA had expressed concerns regarding the effects of the proposed change on flooding and the geomorphology of the River Coquet and its bed and the effects of the proposed rock armouring scour protection within a SSSI. Similar concerns in relation to the effects of the scour protection were also raised by NE in [REP5a-004].
- 4.16.36. In [REP8a-006] the Applicant provided satisfactory responses to these issues, as confirmed by the EA in [REP8a-013] in which it stated that it was satisfied with the reviewed FRA [REP7-015] submitted in support of the change. The EA also confirmed, in [REP8a-013] that it has no

concerns regarding flood risk as a result of the proposed change and that it was satisfied with the Geomorphology Assessment provided by the Applicant [REP07-003] and has no outstanding concerns in relation to the effects of the stabilisation and southern access works on the SSSI.

- 4.16.37. At D10 the Applicant submitted a Summary of Legal Agreement with the EA and NCC [REP10-039]. The agreement with the EA would provide compensation for impact to riverbank habitat on the River Coquet as a result of the Stabilisation Works and the Southern Access works; and secure compensation to offset culverting of watercourses by the Proposed Development. The EA and the Applicant agreed that sufficient mitigation could not be carried out by the Applicant within the Order Limits. In respect of the River Coquet Offsite Compensation Works the Applicant agreed to make a payment of £70,000 to be used for the delivery of rewilding works within the River Coquet WFD Upper Operational Catchment. In respect of the River Lyne Offsite Compensation Works a payment of £75,000 to be used towards the River Lyne water quality improvement project within the River Lyne from Source to Tidal Limit WFD water body. At D11 [REP11-016] the EA confirmed that the legal agreement had been executed and signed by both parties on 2 July 2021.
- 4.16.38. At D11 the SoCG with the EA [REP11-010] highlighted that issues relating to the CMS and the Approach to the Assessment of Losses and gains of Watercourses [REP2-010] had been agreed and that, notwithstanding that the Applicant is of the view that its mitigation proposals are satisfactory, it has secured a financial contribution towards offsite works as requested EA through a legal agreement signed by both parties. It also confirmed that the EA and the Applicant were in agreement in relation to the content of the FRA [REP1-067] and of the CEMP [REP9-017]. It also confirmed that no points of contention remained between the Applicant and the EA.

## **ExA Conclusion**

- 4.16.39. The Proposed Development would replace elements of the existing A1 drainage system with a sustainable drainage system with a service life of 60 years and sufficient capacity to accommodate additional runoff associated with an increase in rainfall intensity of 20% allowance for climate change. In addition to this, the Proposed Development would also include the management of surface water contributing also to reduce flood risk.
- 4.16.40. The Applicant has demonstrated that both during construction and operation, the Proposed Development is policy compliant in flood risk terms and has demonstrated how an allowance has been made for climate change within the design. Measures S-W1 to S-W7, included in the Outline CEMP [REP11-006] seek to ensure that the proposal is designed to minimise risks to the water environment, manage risks to

groundwater, prevent potential groundwater rise and flooding, manage risk to the water environment associated with design changes, improve culvert design and reduce potential for sedimentation and pollution risks.

- 4.16.41. The WFD assessment has shown that the Proposed Development is compliant under the WFD, and that cumulative effects will not undermine that compliance, with the appropriate mitigation measures implemented as included in the Outline CEMP.
- 4.16.42. Where feasible, the Applicant has taken opportunities to improve upon the quality of existing discharges where these are identified and shown to contribute towards WFD commitments, including measures to protect the water environment during construction included in the Outline CEMP, such as Measure S-GS3, S-W8 to S-W14.
- 4.16.43. An FRA was undertaken which confirmed that the Sequential and Exception Tests have been applied and were passed on the basis that the improvements are required to enhance resilience and improve journey times and safety along the route and there are no reasonable alternatives to the proposed route.
- 4.16.44. Overall, we agree with the Applicant's assessment that no adverse effects on the water environment would result during either the construction or operation of the Proposed Development.
- 4.16.45. Consequently, we find that the Applicant has adequately addressed the requirements of the NNNPS and we find that in terms of water quality and flood risk the effects would be neutral.

## **4.17. GEOLOGY AND SOILS**

### **Policy Considerations**

- 4.17.1. Paragraph 5.116 of the NNNPS states that, the effects of land instability may result in landslides, subsidence or ground heave and that failing to deal with this issue could cause harm to human health, local property, associated infrastructure and the wider environment. Paragraphs 5.117-5.118 identify the need to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected
- 4.17.2. Paragraph 5.119 addresses mitigation and states that Applicants should ensure the proper design of structures to cope with any movement expected and that, if required to mitigate and minimise risks of land instability. Applicants may be required to carry out ground improvement techniques, usually involving the removal of poor material and its replacement with suitable inert and stable material.

## **The Applicant's Case**

- 4.17.3. Chapter 11 of the ES [APP-052] and [APP-053] set out the Applicant's assessment of the potential effects of the proposal on geology and soils, covering the construction and operational phases for both Part A and Part B. This Chapter is accompanied by Figures [APP-113 to APP-115], [APP-176], [APP-177] and Appendices [APP-261 to APP-265] and [APP-216 to APP-323].
- 4.17.4. The Applicant has assessed the different types of land use and soil conditions present within the study area. The study area consists of the Order Limits, plus a buffer of 250m, as this is considered the total area that would be impacted in terms of geology and soils based on the surrounding sensitive environmental receptors and migration potential associated with potential sources of contamination.
- 4.17.5. The construction of Part A would require a temporary agricultural land take of 63ha and an estimated permanent land take of 109ha. Approximately 9% of the construction area lies within what is considered good-quality agricultural land, with the majority of the agricultural land take being considered of moderate and poor quality, corresponding to approximately 156ha (91%) of the agricultural land within the Order Limits.
- 4.17.6. The construction of Part B would result in the permanent loss of approximately 42.4ha of agricultural land and a temporary land take of 62ha. There would be a significant effect due to the loss of 25.9ha of agricultural land which is categorised as best and most versatile agricultural land.
- 4.17.7. The land temporarily used for the construction of both Part A and Part B would not be considered as a significant effect as the areas to be would be reinstated to agricultural use following construction, in line with a Measures S-GS5 and S-GS6 of the Outline CEMP [APP-346] which aim to reduce the amount of agricultural soil lost as a result of the Proposed Development and help preserve land quality, and Measure S-PH12 which seeks to reinstate any temporary agricultural land required during construction to its original condition.

### **Construction Phase**

- 4.17.8. Table 11.13 of Chapter 11 of the ES [APP-052] summarises the potential effects of the construction of Part A upon geology and soils. These include potential detrimental effects to human health, pollution of controlled water bodies, reduction in agricultural soil quality, migration of hazardous ground gas causing explosion and asphyxiation, ground instability and contamination of water and soil resources. Similarly, for Part B, Table 11.11 of Chapter 11 of the ES [APP-053] also summarises the potential effects of the construction stage upon geology and soils,

which includes the same issues as Part A plus the sterilisation of mineral resources.

- 4.17.9. Design measures to reduce the potential effects of construction upon geology and soils would include elements of the proposed drainage strategy to reduce the risk of potential physical and chemical contaminants entering the surrounding surface watercourses, as secured through Measure S-GS3 of the Outline CEMP [APP-346]. These would apply to the whole to both Part A and Part B.
- 4.17.10. It would also include Measure S-GS2 of the Outline CEMP [APP-346] which would require all geotechnical related works to be undertaken in accordance with DMRB guidance document HD 22/08 – Managing Geotechnical Risk, including the production of a Geotechnical Design Report setting out geotechnical parameters to facilitate the safe design of the Proposed Development from a ground engineering perspective.
- 4.17.11. The Outline CEMP [APP-346] would also include measures to be implemented during the construction phase to mitigate risks to human health, such as requiring that suitable risk assessments are carried out as well as the establishment of procedures for when encountering unexpected contamination, secured through Measure S-GS7.
- 4.17.12. Measure S-GS7 of the CEMP [APP-346] would also require earthworks to be completed in accordance with the Contaminated Land: Applications in Real Environments compliant MMP, to ensure re-used material does not present a risk to human health or the environment and that any contaminated material would be re-used suitably.
- 4.17.13. In terms of prevention of contamination of soil and water resources, the Outline CEMP [APP-346] includes measures to limit pollution to the surrounding water environment, such as Measures S-GS8 and S-GS9. These would require construction activities with a greater risk of spillage (such as vehicle maintenance areas) to be carefully located, refuelling would take place on impermeable surfaces, secure storage of fuels, oil and chemicals and loose materials would be covered when stored. Measure S-GS13, which would require the surface of watercourses located within 50m of earthworks to be monitored to identify any pollution as a result of activity, would also contribute to the prevention of contamination of soil and water resources. With these measures in place, the Applicant predicted that there would not be a significant effect on the surrounding water environment in Part A or Part B.
- 4.17.14. Former coal mining areas former landfills and infilled pits, quarries or ponds present a risk of hazardous gas causing an explosion. Measure S-GS10 of the Outline CEMP would be implemented during the construction phase to minimise the risks associated with explosions in confined spaces, including the requirement to undertake a confined space risk assessment and the use of control measures (such as using a gas



detectors). Measure S-GS7 would require the preparation of a Risk Assessment and Method Statement to ensure mitigation measures, such as temporary shoring is incorporated into excavations should there be a risk of loose or unstable ground, would be implemented during the construction stage. In light of the proposed measures, no significant effects would be predicted.

- 4.17.15. There is the potential for areas of loose or unstable ground to exist within Part A and Part B, which could cause collapse and ground related structural damage. Further intrusive ground investigation would therefore be required, as secured through Measure S-GS12 of the Outline CEMP [APP-346] at the detailed design stage to assess for the presence of shallow workings and inform and enable any grout stabilisation requirements for mitigation of ground instability. With these measures in place, there would not be a significant effect on construction works, the public and highway infrastructure.
- 4.17.16. The construction and delivery of Part B would result in the sterilisation of mineral resources because of the permanent land take required. Approximately 33 ha of mineral resource including sand and gravel, limestone and coal located within Mineral Safeguarding Areas (MSAs) would be affected by permanent land take. Although the sensitivity of mineral resources within the Order Limits is high, the magnitude of change is negligible due to the size of the area due to be sterilised. Consequently, it is likely to be a direct, permanent, slight adverse effect on mineral resources.
- 4.17.17. Measure B-GS2 of the CEMP [APP-346] aims to minimise the sterilisation of potential mineral resources located within MSAs in the working area by giving consideration to the incorporation of site won materials from these MSAs into Part B where possible.

### **Operational Phase**

- 4.17.18. The potential operational impacts on geology and soils are summarised in Table 11.14 for Part A and Table 11.12 for Part B, which are identical for both parts. Both Table 11.14 and 11.12 highlight the same potential detrimental effects, these being mainly to human health and potential pollution of controlled water bodies.
- 4.17.19. As with the construction phase, in order to address the identified potential effects, a series of design and mitigation measures would be proposed, to avoid, prevent or reduce significant effects to geology and soils related receptors.
- 4.17.20. Potential sources of hazardous ground gas would continue to be present after the construction phase, during operation. Hazardous gas could move to confined spaces, which could cause a suffocation or explosion risk for maintenance workers that need to access these spaces. Measures would be put in place, such as Measure S-GS17 of the Outline CEMP

[APP-346], appropriate training, preparation of risk assessments and implementation of controls measures (for example gas alarms and respirators). With these measures in place, the Applicant expects there would not be a significant effect on human health from the Proposed Development.

- 4.17.21. During operation, there would be a risk that the surrounding water environment would become contaminated from leaks and spills from vehicles using the new roads. Measure S-SG16 is proposed to be implemented to prevent contamination to the water environment by ensuring the drainage scheme, at operational stage, is meeting its operational requirements and preventing contamination within surface runoff from entering surface water bodies migrating to groundwater. The same measure also sets out a requirement for emergency procedures to be in place in case of a considerable release of contaminants as a result of an incident, such as a road traffic accident, on the highway. With such measures in place, the Applicant expects there would not be a significant effect to the surrounding water environment of the Proposed Development at operational stage.
- 4.17.22. Measure S-GS15 of the Outline CEMP [APP-346] aims to monitor soil condition post construction stage, to identify if there are soil problems which need to be remediated.
- 4.17.23. Paragraphs 11.10.34 to 11.10.36 of the ES for Part A [APP-052] and Paragraph 11.10.35 to 11.10.37 of the ES for Part B [APP-053] state that the assessment parameters included in ES Chapter 2 [APP-037] would not alter the findings of the significance of the effects presented in the assessment.
- 4.17.24. To address the update to the DMRB guidance since the ES assessments were completed, sensitivity tests [APP-265] and [APP-323] were undertaken which determined that the updated guidance would potentially change the assessment in relation to impacts on geology and soils. However, following further assessments, the sensitivity tests determined that the application of the updated guidance would not change the likely significance of effects and therefore the conclusions of the assessment would remain unchanged for both Part A and Part B.

## **Examination**

- 4.17.25. In the LIR [REP1-071], NCC confirmed that it was in agreement with the Applicant's assessment of the geological and geomorphological features of the local landscape and the proposed mitigation identified in the Outline CEMP [APP-346], which references the soil handling strategy and standards of restoration for the return of the temporarily used areas to agricultural production to reduce the impacts, as set out in Measures S-GS15 to S-GS-17 and S-PH12.

- 4.17.26. The EA [RR-004] raised concerns regarding the robustness of the data used, particularly in relation to the construction and operation of the proposed new River Coquet bridge and its effects to the fluvial processes operating within the study reach, particularly in relation to the sediment entrainment and transport capability of the watercourse and the erosion and depositional processes. EA's [RR-004] also included a series of potential solutions suggested to the Applicant in order to address the concerns raised and provide EA with clarity on those issues.
- 4.17.27. In response to the EA's RR, the Applicant [REP1-065] stated that further work had been carried out in relation to the assessment of sediment transport potential, namely 2D hydraulic modelling, which confirmed that no significant effects upon fluvial processes of sediment transport, erosion or deposition between baseline, construction and operation for a wide range of flood return periods, were detected. The same work has also been used in order to assess potential impacts of construction and operation of the Proposed Development on the geomorphological processes of the River Coquet, including the footprint of the sheet piling and foundations of the pier.
- 4.17.28. A series of written questions ExQ1 GS.1.1 to GS.1.11 [PD-007] were asked to the Applicant by the ExA in relation to geology and soils. In response to question GS.1.1, the Applicant confirmed that the implications of the offline works were not considered to be any greater than those associated with online works and that the mitigation measures proposed in Chapter 11 of the ES [APP-052] would ensure that the policy objectives are met in terms of preventing pollution by preventing or limiting the release of potential pollutants to the lowest practical level, as secured in the Outline CEMP [APP-346] through Measures S-GS16, S-W1, S-GS3, S-GS4.
- 4.17.29. Through ExQ1 GS.1.7 the ExA requested confirmation from the Applicant of consultation with the Coal Authority and how their response was incorporated. The Applicant confirmed that the Coal Authority was consulted on Part A of the Proposed Development, at scoping stage, and that it stated that a Coal Mining Risk Assessment would be expected. The Applicant also confirmed that coal mining risks and likely mitigation measures are identified in Chapter 11 of the ES [APP-052] and a Coal Mining Risk Assessment was provided [APP-264]. Consequently, the Applicant believes it has addressed the comments provided by the Coal Authority.
- 4.17.30. In GS.1.9 the ExA asked the Applicant to clarify the magnitude of change to human health for current and future site users. The Applicant confirmed that, for human health receptors (surrounding site users and construction workers) the magnitude of change is considered to be negligible, on the basis of the implementation of Measures, S-PH1 to S-PH4 of the Outline CEMP [APP-346].

- 4.17.31. In GS.1.11 the ExA requested confirmation from the Applicant of the extent of the proposed programme of monitoring in relation to soil conditions and how this would be secured. The Applicant confirmed that the monitoring programme will be completed by the Main Contractor as part of the soil handling strategy and aftercare plan, as set out in measure S-GS5 of the of the CEMP [APP-346].
- 4.17.32. In ExQ2 GS.2.1 [PD-011] the ExA asked further questions to the Applicant in relation to geology and soils, namely how the Applicant could be confident of the predicted effects of the proposed piling operations. The Applicant's response [REP5-023] acknowledged ground instability as a potential effect, in particular in relation to the coal mining legacy, which is present in certain areas of the Proposed Development. But the Applicant's response also highlighted that further ground investigation would be required at detailed design stage to further assess the requirements for mitigation of ground stability risks, in particular in relation to the identified coal mining legacy, as secured by Measure S-GS12 of the Outline CEMP [APP-346].
- 4.17.33. In response to GS.2.2 the Applicant confirmed that the Causey Park Bridge area, where the presence of crown holes signals hazard of gradual surface ground settlement or sudden ground collapse, is not located within a Coal Authority Development High Risk Area and as such further assessment of mining related hazards in this area was not required. Furthermore, as per the Applicant's response to GS.2.1, further ground investigation will be required at detailed design stage as secured by measure S-GS12 of the CEMP [APP-346].
- 4.17.34. In response to GS.2.2 the Applicant confirmed that the Causey Park Bridge area, where the presence of crown holes signals hazard of gradual surface ground settlement or sudden ground collapse, is not located within a Coal Authority Development High Risk Area and as such further assessment of mining related hazards in this area was not required. Furthermore, as per the Applicant's response to GS.2.1, further ground investigation would be required at detailed design stage as secured by Measure S-GS12 of the Outline CEMP [APP-346].
- 4.17.35. Following the submission of the proposed changes at D4, the EA at [REP5-044], raised a series of concerns regarding the effects of the proposed changes on geology and soils. The EA had previously raised concerns in relation to the proposed changes [PDB-001] in response to matters raised orally at the PM, Part 1.
- 4.17.36. The EA's concerns focused on, amongst other issues, the effects of the proposed changes on the geomorphology of the River Coquet following from the location of the southern pier, the effects of the proposed installation of a temporary bridge and river training, the installation of bank protection on the north and south bank, the proposed increase in the area required for construction and the installation of two rows of

spaced piles to the north side of the proposed pier location and a third row to the south side.

- 4.17.37. In its representation [REP5-044] the EA stated that "*The Applicant has failed to take into account the medium to long term impacts of the proposals. Specifically, the rock armouring of the riverbanks will permanently fix the riverbed and banks, restricting and influencing the form and function of the river well past 125 year lifetime of the bridge.*" It also stated that, with the riverbed and banks permanently fixed as a result of the proposals associated with the stabilisations works and the southern access, the natural processes that created the existing geomorphology of the river would be disrupted and prevented from happening.
- 4.17.38. NE [REP5a-004] raised similar concerns to those raised by the EA, particularly in relation to the proposed bank stabilisation works, and the scour protection works stating that these would constitute a break in the connectivity between the terrestrial and riverine habitat, with long-term implications for local sediment supply in this area. This, in the view of both the NE and the EA would constitute greater than a minor adverse effect.
- 4.17.39. Following from the EA's submission [REP5-044] and the NE submission [REP5a-004], the ExA published ExQ3 [PD-017] and ExQ4 [PD-018] which included written questions on this topic, namely GS.3.1, requesting an update from the Applicant on its discussions with the EA in relation to this topic and GS.4.1 which request further confirmation from the applicant in terms of what it considered permanent loss of natural riverbank habitat and also what constituted a minor adverse impact.
- 4.17.40. The Applicant responded to question GS.3.1 at D8 [REP8-026], stating that it had provided a full quantitative geomorphological dynamics assessment [REP7-003] completed with consideration of the outputs from the hydraulic modelling. It went on to say that the full quantitative geomorphological dynamics assessment [REP7-003] confirmed the previous results of the assessment presented in the Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064], which stated that the magnitude of the effects of both the Stabilisation Works and Southern Access Works remained minor adverse.
- 4.17.41. At D8, the EA submitted a statement [REP8-029] in which it stated that, although the geomorphological dynamic assessment is robust and comprehensive, it still raised concerns regarding the effect of the proposal on the River Coquet, particularly in relation to its natural ability to change and adapt to external pressures. It also stated that "*When taking into account the long term fixing of the riverbank, the impact is considered to be moderate adverse rather than the minor adverse, and*

*this should be taken into account when developing the mitigation and compensation package”.*

- 4.17.42. At D8a [REP8a-006] in response to question GS.4.1, the Applicant stated that the magnitude of the effects on the sediment regime and natural fluvial processes are assessed to be negligible, with any long-term effects very minor and localised to the area of permanent works. It also stated that the magnitude of impact on channel morphology is considered minor adverse, as although some bank and near bank features would be lost within the footprint of works, the impacts are small and localised to the channel margins and limited to the extent of the scour protection.
- 4.17.43. In response to ExQ4 [PD-018] GS4.2, the Applicant [REP8a-006] stated that the proposed works would be required to stabilise the north bank, prevent future erosion of the toe of the slopes on the north and south banks to safeguard the stability of the bridge and that the long term consequences of the proposed works were assessed by the detailed 2D hydraulic modelling [REP7-006].
- 4.17.44. At ISH5 the ExA posed a series of question to the Applicant in relation to the impact of the proposed changes, namely changes 2 and 3, on the geomorphology and hydrology of the River Coquet, particularly the potential effects of the proposed scour protection. The Applicant recognised that the changes 2 and 3 would change the nature of the banks by implementing scour protection, which would in turn, affect the continuity of sediment supply and how sediment is passed through the river, which the Applicant deemed to be a minor adverse impact.
- 4.17.45. At D11, the Applicant submitted a signed SoCG [REP11-010] which stated that *"The Applicant disagrees that the impact on geomorphology from long term fixing of the bank is considered to be moderate adverse rather than minor adverse. Nevertheless, the Applicant acknowledges that as a HPI and habitat of a SSSI, compensation should be provided so far as appropriate due to the loss of riverbank habitat as a result of the proposed hard engineered scour protection to the north bank of the river, resulting in a Moderate Adverse significant residual effect."*
- 4.17.46. The Applicant had explored opportunities for compensation for the loss of riverbank habitat through discussion with landowners but had not identified viable opportunities. However, The EA proposed for this to be addressed by the Applicant making a financial contribution towards a project identified within the EA's WEIF, namely a rewilding project on the River Coquet. Similarly, to address the associated impacts on geomorphology on the River Coquet, the need for a further financial contribution towards a project identified within the WEIF, namely a water improvement project on the River Coquet was agreed by the Applicant, EA and NE.

- 4.17.47. A signed SoCG with NE [REP10-029] was also submitted which confirmed that there were no remaining outstanding issues between the Applicant and NE.

## **ExA Conclusion**

- 4.17.48. The effects of the Proposed Development on geology and soils have been assessed in a manner which complies with applicable NNNPS policy.
- 4.17.49. Paragraph 5.116 of the NNNPS identifies the effects of land instability noting that failing to deal with this issue could cause harm to human health, local property, associated infrastructure and the wider environment. The need to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected is also identified, therefore an assessment of ground conditions and assessed the risks posed by historic coal mining.
- 4.17.50. Paragraph 5.119 addresses mitigation and states that Applicants should ensure the proper design of structures to cope with any movement expected and that, if required to mitigate and minimise risks of land instability. Mechanisms to minimise and mitigate the effects of ground instability including Measure S-GS7 to require the preparation of a Risk Assessment and Method Statement would be secured through the Outline CEMP [REP11-006].
- 4.17.51. During the Examination, significant concerns had been raised by the EA and NE, throughout the examination process, in relation to a number of changes submitted by Applicant to the original proposal. The concerns were mainly linked to the potential effects of the proposed changes to the flow of the River Coquet and its impacts on the geomorphology of the river, particularly the stabilisation works, which would affect the continuity of sediment supply and how sediment is passed through the river.
- 4.17.52. Following significant discussions and negotiations between both parties and the submission of an updated geomorphological assessment [REP7-003] and hydraulic modelling [REP7-006], agreement was reached between both parties in relation the compensation required for the loss of riverbank habitat, although the parties do not agree the magnitude of impact. We agree that the loss of riverbank habitat would have a significant adverse effect which also weighs against the benefits of the Proposed Development notwithstanding the Applicant's proposed compensation measures.
- 4.17.53. The construction of Part A would lead to an estimated permanent land take of 109ha. There would be a significant effect due to the loss of 9 ha of agricultural land which is categorised as best and most versatile agricultural land.

- 4.17.54. The construction of Part B would result in the permanent loss of approximately 42.4 ha of agricultural land. There would be a significant effect due to the loss of 25.9ha of agricultural land which is categorised as best and most versatile agricultural land.
- 4.17.55. The land temporarily used for the construction of both Part A and Part B would not be considered as a significant effect as it would be reinstated to agricultural use following construction, in line with a measures S-GS5 and S-GS6 of the CEMP [APP-346]. These measures aim to reduce the amount of agricultural soil lost as a result of the Proposed Development and help preserve land quality, and measure S-PH12 which seeks to reinstate any temporary agricultural land required during construction to its original condition.
- 4.17.56. Notwithstanding the return to agricultural use of the land temporarily taken to facilitate the construction, the Proposed Development would still result in the permanent loss of approximately 35ha of the best and most versatile agricultural land. This would constitute a large adverse significant effect which weighs against the benefits of the Proposed Development. Accordingly, in line with paragraph 5.35 of the NNNPS this must be weighed against the benefits of the Proposed Development which is done in Chapter 6.

## **4.18. NOISE AND VIBRATION**

### **Policy Considerations**

- 4.18.1. Noise considerations are set out in NNNPS paragraphs 5.186 to 5.196. Mitigation is considered in paragraphs 5.197 to 5.200.
- 4.18.2. Paragraph 5.186 recognises that excessive noise can have wide-ranging impacts and that the Government's policy to promote good health and food quality of life through effective noise management also applies to vibration.
- 4.18.3. Paragraph 5.188 sets out the key factors that will likely determine the noise impact which include: construction noise and inherent operational noise; the proximity of the proposed development to noise sensitive premises (including residential properties and schools) and noise sensitive areas (including parks); proximity to quiet places and other areas that are particularly valued for their tranquillity and the proximity of the proposed development to designated sites where noise may have an adverse impact on the special features of interest, protected species or other wildlife.
- 4.18.4. Paragraph 5.189 of the NNNPS sets out the matters that should form part of a noise assessment, including a description of the noise sources, an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas and the measures to be employed in mitigating the effects of noise.



- 4.18.5. In relation to decision making, paragraph 5.193 states that due regard must be given to the Noise Policy Statement for England and relevant planning policy and guidance on noise. Projects are required to demonstrate good design through the optimisation of scheme layout and, where possible, the use of landscaping or noise barriers to reduce noise transmissions.
- 4.18.6. Paragraph 5.195 states that proposals should contribute to improvements to health and quality of life through effective noise control and management, avoid significant adverse impacts, and mitigate and minimise other adverse impacts, on health and quality of life.
- 4.18.7. With regard to mitigation, paragraph 5.197 states that consideration should be given to whether measures are needed over and above those that form part of the application. Mitigation measures may include those relating to engineering to contain noise generated, materials (for example low noise road surfacing); layout (including screening) and administration (specifying acceptable noise limits).

### **The Applicant's Case**

- 4.18.8. Noise and vibration matters were addressed mainly addressed in Chapter 6 of the ES: Noise and Vibration Part A [APP-042] and Part B [APP-043] together with accompanying Figures [APP-079 to APP-087] for Part A and Figures [APP-127 to APP-134] for Part B and Appendices [APP-206 to APP-215] for Parts A and [APP-276 to APP-285] for Part B.
- 4.18.9. At D1, the Applicant submitted [REP1-019] a Noise Addendum which replaced the operational stage assessment presented within ES Chapter 6 Part A [APP-042], and Part B [APP-043] and Chapter 16 of the ES for both Part A and B [APP-062]. In addition, a number of appendices and figures were revised and a number of paragraphs within the same chapters of the ES replaced. The primary aim of the addendum was to confirm the findings of the traffic data sensitivity analysis for the operational stage noise assessments.
- 4.18.10. An assessment of the likely significant noise and vibration effects arising from the construction and operation of the Proposed Development was undertaken, for sensitive receptors within a defined study area.
- 4.18.11. The study area for the construction noise and vibration effects was set at 300m from the boundary of the construction activity associated with the delivery of both Part A and Part B. Based on the available guidance and professional judgement, this area was found appropriate as temporary construction noise and vibration are not expected to generate significant effects beyond 300m from the area of activity.
- 4.18.12. For the operational stage for Part A, the criteria used for the definition of the Operational Road Traffic Noise Study Area and Calculation Area are set out in detail in paragraphs 6.6.5 to 6.6.9 of ES Chapter 6 [APP-042]

and shown in Figure 6.1 [APP-079]. In relation to operational airborne vibration, the study area is defined as being within 40m of any roads identified in the Operational Road Traffic Noise Study Area.

- 4.18.13. For the operational stage for Part B, the criteria used are similar to those used for Part A and set out in paragraphs 6.6.4 to 6.6.8 of ES Chapter 6 [APP-043] and shown in Figure 6.1 [APP-127]. In relation to operational airborne vibration, the study area is defined as being within 40m of any roads identified in the Operational Road Traffic Noise Study Area, as it was the case with Part A.
- 4.18.14. Noise sensitive receptors were identified and categorised as either "*residential*" or "*other noise sensitive*" receptors. The latter category includes health, educational, religious and community uses and designated areas. All other receptors in Part A and Part B were categorised as 'not noise sensitive' as the level or change in noise was deemed unlikely to affect the behaviour of the people using these buildings or areas.
- 4.18.15. Overall, for Part A, 383 residential noise sensitive receptors were identified and 7 other noise sensitive receptors. For Part B, 77 residential noise sensitive receptors were identified and 11 other noise sensitive receptors.
- 4.18.16. Part A included consideration of outdoor noise sensitive areas, namely the River Coquet and Coquet Valley Woodlands SSSI and St. Oswald's Way PRow was also required. In addition to this, Part A also includes two Noise Important Areas (NIAs): Northgate Farm and Causey Park. NIAs, as set out in the Environmental Noise (England) Regulations 2006 (as amended), are locations where it has been identified that the 1% of the of the population that are affected by the highest noise levels are located, in order to identify the areas that require potential action to reduce noise levels.
- 4.18.17. To adequately assess the potential impacts of the Proposed Development on noise sensitive receptors and associated mitigation measures required, a quantitative assessment was carried out, based on reasonable worst-case assumptions and the proposed programme of construction activities.
- 4.18.18. For Part A and Part B, given that the majority of the construction traffic associated with the Proposed Development would be along the existing A1 route, additional vehicle movements associated with the construction operations would be diluted in the overall flow of traffic. Consequently, potential effects from additional noise and vibration from traffic would be minimal. This coupled with a proposed speed reduction through the roadworks on the A1 during the construction stage, indicates that associated changes in road traffic noise levels would be expected to be insignificant.

- 4.18.19. Although the majority of the construction activities for Part A and Part B are linear activities (such as road surfacing) or short-term activities which are unlikely to affect individual receptors for prolonged periods of time, bridge construction and earthworks are more likely to cause some effects. Also, for Part B, in order to minimise these potential effects, Measures S-N1 to S-N5 included in the Outline CEMP [REP1-024] limit working hours to ensure exposure to high noise or vibration levels does not exceed established levels, requires regular onsite observation monitoring and checks/ audits so that best practice measures are employed at all times and, if needed and where appropriate, ensure the use of temporary acoustic barriers and other noise containment measures to minimise noise breakout and reduce noise.
- 4.18.20. With these measures in place, no significant effects during construction are predicted.
- 4.18.21. Operational noise levels and changes have also been modelled and assessed for Part A and Part B for both the short-term, do-minimum opening year (2024) v do-something opening year (2024), and the long-term, do-minimum opening year (2024) v do-something future year (2039).
- 4.18.22. As set in the Noise Addendum [REP1-019] detailed pre-mitigation noise predictions have been carried out for residential and non-residential noise sensitive receptors within Part A and Part B, in addition to three receptors that extend over a wide area within Part A, namely Burial Ground (Northumberland Woodland Burials), River Coquet and Coquet Valley Woodlands SSSI and St Oswald's Way PRow.
- 4.18.23. The detailed calculations demonstrated that, for Part A, changes in the number of residential receptors above Significant Observed Adverse Effect Level (SOAEL: the level above which significant adverse effects on health and quality of life occur) in the short-term were minimal, although there is an increase of six properties above the SOAEL in the long-term as a result of the Proposed Development. For Part B, a reduction of a small number of receptors categorised as being above the SOAEL and an increase in the number of receptors categorised as being between the Lowest Observed Adverse Effect Level (LOAEL: the level above which adverse effects on health and quality of life can be detected) and SOAEL is predicted, suggesting a small beneficial effect.
- 4.18.24. In relation to the three receptors that extend over a wide area within Part A, the change in the noise level caused by the Proposed Development is deemed not significant for the Burial Ground (Northumberland Woodland Burials) and for the St Oswald's Way PRow. For the River Coquet and Coquet Valley Woodlands SSSI, the noise effects arising from the Proposed Development are deemed not significant for human receptors.

- 4.18.25. In relation to operational noise and vibration, the Proposed Development for both Part A and Part B would include measures to reduce noise levels and effects from noise and vibration, including installation of a low noise surface for the majority of the A1 carriageways, environmental bunds and noise barriers. In addition to these measures, where possible the offline alignment avoids passing unnecessarily close to sensitive receptors in order to minimise exposure to noise and vibration.
- 4.18.26. Despite this, and as mentioned previously, there are five properties located within the two NIAs, all within Part A. Whilst noise levels are predicted to decrease at all these properties as a result of Part A in the short-term, the absolute noise level at four of these properties is above the SOAEL (and marginally below the SOAEL at the other). To address this issue, two NIAs have been considered: NIA 10002 Causey Park; where despite both properties included here experiencing a beneficial impact in terms of noise levels, the noise level is still above the SOAEL for one, and NIA 10003 Northgate Farm.
- 4.18.27. As stated in paragraph 6.10.47, receptors with a minor short-term noise level change and which are also predicted to experience noise levels above the SOAEL have the potential to be significant. At NIA 10003 Northgate Farm, one receptor is predicted to experience a minor adverse noise level change in the short-term on a number of facades and noise levels above SOAEL, which has the potential to be significant. Although this property is deemed likely to experience a significant adverse effect, this would be mitigated, such that the effect was non-significant, by a noise barrier already included for the Part A and secured through the Outline CEMP [REP11-007] Measure A-N4.
- 4.18.28. Environmental bunds have been proposed to mitigate landscape and visual effects but also to provide noise mitigation. As such, the nine environmental bunds have been modelled with the proposed noise mitigation.
- 4.18.29. For Part B of the Proposed Development, many receptors are predicted to experience an immediate improvement in the noise environment associated with improved flows of road traffic and the associated noise in the 2023 (Opening Year) and 2038 (Design Year).
- 4.18.30. In relation to vibration, in Part A there are no receptors within a SOAEL area for vibration from piling and only one in Part B. Both parts of the scheme would see receptors impacted above SOAEL by earthworks. Nevertheless, the proposed measures included within the Outline CEMP [REP11-007], particularly Measures S-N1, S-N2 and S-N3, are likely to assist in the management and mitigation of noise and vibration from demolition and construction works.
- 4.18.31. Table 1.41 and 1.42 of the Noise Addendum [REP1-019], considered the potential for each assessment parameter presented in the ES Chapter 2

[APP-037] to change the conclusions of Chapter 6. It concluded that Part A Parameter 2 and 3 and Part B Parameter 1 and 2 are alterations to the 3D alignment of the Proposed Development and therefore require more detailed consideration. Also limits of deviation relating to the vertical height of the Proposed Development are also included, which might affect the vertical alignment of the proposal. Changes in noise levels as a result of vertical limits of deviation are generally likely to be small, but can still affect the magnitude of impact.

- 4.18.32. Having considered the potential road traffic noise impacts of these, the Applicant states that, should it be considered necessary for the design to deviate from the proposed alignment, within the limits of deviation and parameters) is it assumed that the earthworks associated with the Scheme would be re-considered and as necessary re-designed by the main contractor to ensure that no additional significant adverse effects would arise.
- 4.18.33. To address the update to DMRB guidance since the ES assessments were completed, sensitivity tests [APP-215] [APP-285] were undertaken which determined that the updated guidance would potentially change the assessment in relation to operational effects from noise and vibration, although the potential for changes to the conclusions of the construction assessment was considered very low.
- 4.18.34. Following further assessments, the sensitivity tests determined that the application of the updated guidance would change the likely significance of effects. In part A, for one of receptors, the sensitivity from moderate to major. Nevertheless, the Applicant found that, whilst this receptor is predicted to experience a major impact on one façade, as the noise level changes on other facades range from minor adverse to moderate beneficial and the absolute noise levels are less than 5 dB above the LOAEL, this is still considered non-significant.

## **Examination**

- 4.18.35. In relation to noise and vibration, the IAPI [PD-006] identified construction effects, operational effects and the management and monitoring of operational noise effects as the main issues on which the examination would focus on in relation to this topic.
- 4.18.36. NCC is in agreement with the Applicant in relation to the methodology and baseline used for the assessment and it believes that the most significant impacts of the Proposed Development are related to the offline widening section of the A1, from Priest Bridge to Felmoor Park, which would be positive. Overall, even though some positive impacts have been identified in relation to noise exposure at operational stage, the NCC LIR [REP1-071] stated that the effects of the Proposed Development on noise and vibration would be neutral.

- 4.18.37. The offline widening of the A1 would be up to 450m west of the existing single carriageway, therefore constituting an entirely new dual carriageway within a different path from the existing one. The proposed offline widening would result in an acoustic improvement for over 30 receptors, including Tritlington Church of England Aided First School, once the dualled section is opened. One receptor would experience an increase in their noise environment to greater than 5dB LA10, but this must be weighed against the improvement experience by 30 other receptors.
- 4.18.38. Some negative impacts have also been identified in relation to construction noise and vibration, linked to some areas experiencing noise and vibration effect levels above the SOAEL limit. Nevertheless, as the NCC LIR [REP1-071] states, these must be evaluated in light of the measures proposed in the Outline CEMP [REP11-007], particularly Measures S-N1 to S-N5, which are likely to assist in the management and mitigation of noise and vibration from demolition and construction works.
- 4.18.39. In relation to the effects of vibration at operational stage, the NCC LIR [REP1-071] agrees with the Applicant that ground-borne vibration from road traffic is normally linked to issues with the quality of the road surface and that ground-borne vibration from road traffic on new roads is unlikely to be important in relation to disturbance. In relation to airborne vibration, with the exception of the new receptor introduced by the new section of dual carriageway between Priest Bridge and Felmoor Park, most receptors are already at similar distances from the existing A1 carriageway. Consequently, NCC would not see the Proposed Development as a new source of operational vibration to receptors along both parts of the Proposed Development.
- 4.18.40. The ExA asked WQs to the Applicant in relation to noise and vibration which were focused mainly on the effects of the proposed noise barriers and also the mitigation measures proposed and considered, particularly for the receptors identified as having significant residual effects from the Proposed Development.
- 4.18.41. At ExQ1 [PD-007] the ExA asked for the Applicant to confirm the location of properties identified as experiencing significant adverse operational noise effects as a result of the Proposed Development and also to explain why no noise monitoring measures were proposed. The Applicant responded at [REP1-032] that an additional six receptors in Fenrother were identified as likely to experience significant adverse operational noise effects, as shown in [REP1-022], and that comparisons between measured noise levels with and without the Proposed Development would be difficult to carry out as a baseline would need to be completed before the start of any construction works.

- 4.18.42. The ExA also asked at ExQ1 [PD-007] what alternative mitigation measures were explored in order to reduce noise levels for those receptors identified as experiencing significant adverse operational noise effects. The Applicant [REP1-032] responded that whilst noise bunds were considered for these locations, noise barriers were deemed to be a more practicable option given the constraints associated with space required in order to install an earth bund of the required length and height.
- 4.18.43. At ExQ2 [PD-011] the ExA asked how the Applicant was able to assess the full impacts of the Proposed Development, at construction stage, in light of some mitigation measures still not being defined and only proposed to be fully developed at design stage. The Applicant responded [REP5-023] that, although measures may be refined, mitigation Measures S-N2 to S-N5 included in the Outline CEMP [REP4-013], which aim to reduce noise and vibration levels and eliminate significant adverse effects during construction stage, would be adhered to.
- 4.18.44. The ExA also asked a similar question but in relation to human and ecological receptors at operational stage. The Applicant responded [REP5-023] that, following from an update of the assessment of the potential impacts from operational road traffic noise for Part A and Part B [REP1-019], the justification for the inclusion of proposed design, mitigation and enhancement measures was also updated and that, within the exception of barrier PNB4, all other proposed noise barriers would be erected as mitigation for significant adverse effects from operational noise providing a meaningful benefit. These are secured as Measures A-N2 to A-N4 within the Outline CEMP [REP4-013]. Barrier PNB4, included in the Outline CEMP [REP4-013] as Measure A-N5, would warrant further investigation to determine whether the barrier can be built and if it would meet the value for money criteria.
- 4.18.45. The ExA, in [PD-017], asked for the Applicant to provide further information in relation to what alternatives had the Applicant considered in order to minimise the effects of operational road traffic noise in relation to a receptor which, although anticipated to experience significant adverse effects, had no noise barrier or earth bund proposed as form of mitigation. The Applicant responded in [REP8-026] that road speed, vehicle restrictions and modifications to affected buildings were possible alternatives. Road speed and vehicle restrictions were found to not be appropriate as these would reduce the benefits brought by the Proposed Development and likely to increase traffic flows on local roads. Modifications to affected buildings were also considered but found to not provide sufficient benefit.
- 4.18.46. Mr Mark Hawes on behalf of the residents of Northgate Farm [RR-045] raised concerns in relation to the noise effects of the Proposed Development, particularly in relation to the additional noise generated by vehicles accessing the proposed topsoil storage area (Topsoil Storage

Location 1) in the proximity of the Northgate Farm. Mr Hawes also raised further concerns, throughout the Examination, in relation to noise from other sources. In particular, concerns were raised in [REP2-034] in relation to the effects of noise on Northgate Farm in light of anticipated increases in traffic and speed.

- 4.18.47. In [REP3-026] the Applicant responded to Mr Hawes [REP2-034] concerns, which included issues linked to noise and vibration. The Applicant highlighted in its response that the new proposed access road was required in order to secure access to Northgate Farm and other immediately adjacent properties and, as such, was anticipated to generate a minimum amount of traffic. The Applicant also highlighted that vehicle speeds will be low. In regard to the soil store which would be in use during the construction phase, associated noise generating activity had been considered as part of the earthworks activity and that construction mitigation measures, as included in the Outline CEMP [APP-346], were in place in order to minimise the effects from noise. The Applicant also highlighted that, once the proposed mitigation measures were in place, no significant adverse effects would be predicted during the construction stage of the Proposed Development.
- 4.18.48. In [REP4-080], [REP4-081] and [REP5-052] Mr Hawes raised further concerns in relation to the additional noise created by the proposed new access road, and the effectiveness of the proposed noise barrier. Mr Hawes also asked for certainty in relation to its construction, as its cost-effectiveness was not fully ascertained by the Applicant. If the proposed PNB1 noise barrier, which is proposed as a noise mitigation measure for Northgate Farm, could not have been built, then Northgate Farm would also experience significant adverse effects from the Proposed Development. A reflective noise barrier of 70m in length and 3m in height has been confirmed as mitigation and is secured through measure A-N4, included in the Outline CEMP [REP11-006].
- 4.18.49. Nevertheless, at the end of the Examination, agreement was not reached in relation to concerns raised by Mr Hawes on the effects of noise from the Proposed Development, as confirmed in [REP8-033] [REP9-028].
- 4.18.50. In order to minimise the effects of vibration onto sensitive receptors at construction stage, the Outline CEMP [APP-346], in addition to the measures mentioned previously within this section, also includes measures S-N4 and S-N5, applicable where noise and vibration levels at sensitive receptors are predicted to exceed the SOAEL for construction, which seek to ensure that, where practicable, efforts are made to minimise or find alternatives for activities that can impart significant levels of vibration and that protocols are in place in order to monitor vibration.



## **ExA Conclusion**

- 4.18.51. The Applicant has undertaken a noise assessment in line with paragraph 5.189 of the NNNPS based on a methodology and baseline which the local planning authority found acceptable. In line with paragraph 5.193 the assessment has been undertaken in accordance with statutory requirements and guidance including the Noise Policy Statement for England. Where necessary mitigation, in line with paragraph 5.197 of the NNNPS has been proposed.
- 4.18.52. The ExA is satisfied that, during the construction phase noise and vibration negative impacts would be appropriately mitigated through the operation of the CEMP such that there would be no significant adverse or beneficial effects for either Part A or Part B.
- 4.18.53. In order to minimise the effects of vibration on sensitive receptors, the Outline CEMP [REP11-006] includes Measures S-N4 and S-N5, which seek to ensure that, where practicable, efforts are made to minimise or find alternatives for activities that can impart significant levels of vibration and that protocols are in place in order to monitor vibration.
- 4.18.54. For Part A during the operational phase there would be decreases in noise levels affecting 13 dwellings and three other sensitive receptors including the Tritlington Church of England Aided First School due to the application of low noise road surfacing along the full length of the Proposed Development. These receptors would experience moderate to major beneficial effects.
- 4.18.55. Elsewhere, mitigation in the form of reflective noise barriers is proposed and would be secured through Measure A-N4, in the Outline CEMP [REP11-006]. At three properties at the southern end of Part A (Warreners Cottages and Northgate Farm) potential moderate beneficial decreases in noise levels are predicted based on the introduction of noise barrier PNB1. However, if due to design constraints it is not possible to construct barrier PNB1, then the properties would experience significant adverse effects from the Proposed Development. Similarly, if noise barrier PNB4 cannot be constructed because of design constraints the moderate or major beneficial effects arising from a decrease in noise levels at Felmoor Park and Bockenfield Holiday Park would not be realised. At other locations in Part A, in spite of the introduction of noise barriers PNB2 and PNB3 three properties are expected to experience moderate adverse effects.
- 4.18.56. Based on the updated DMRB guidance, should the introduction of PNB1 not be possible the Applicant indicated that adverse effect on Northgate House would be likely to result in the property being eligible for compensation under the Noise Insulation Regulations. Additionally, based on updated DMRB guidance there would be major or moderate beneficial effects for an additional 11 dwellings.

- 4.18.57. During operation there would be a decrease in noise levels at five dwellings and at one other sensitive receptor within Part B based on the application of low noise road surfacing along the full length of the Proposed Development. As a result, these receptors would experience a moderate beneficial effect.
- 4.18.58. Overall, we conclude that in line with paragraph 5.195 of the NNNPS the Proposed Development would contribute to improvements to health and quality of life through effective noise control and management, avoid significant adverse impacts, and mitigate and minimise other adverse impacts, on health and quality of life. While there would be some positive effects associated with operational noise, due to the uncertainty associated with some of the proposed mitigation we find that the operational effects of noise on surrounding sensitive receptors would on balance be neutral.
- 4.18.59. Overall, taking all these matters into consideration, we conclude that noise and vibration matters do not weigh significantly against the Order being made.

## **4.19. SOCIAL, ECONOMIC AND LAND USE EFFECTS**

- 4.19.1. This section considers the social, economic, and broad land use effects of the Proposed Development. Matters addressed include economic development effects, agricultural effects, community effects and effects on the Green Belt. Matters relating to PRow and are also addressed in section 4.10 Transportation and Traffic and 4.13 Landscape and Visual. Matters relating to agricultural land are also addressed in section 4.17 Geology and Soils.

### **Policy Considerations**

- 4.19.2. The relationship between the national road network and the economy is acknowledged in paragraph 2.1 of the NNNPS which states that:
- 4.19.3. *"The national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth, as well as existing economic activity and productivity and in facilitating passenger, business and leisure journeys across the country".*
- 4.19.4. Paragraphs 4.3 and 4.4 of the NNNPS explain that in considering any Proposed Development, and in particular when weighing the adverse effects against its benefits, the facilitation of economic development should be taken into account as part of the overall balance. Environmental, safety, social and economic benefits and adverse impacts, should be considered at national, regional and local levels.
- 4.19.5. Paragraphs 5.162 to 5.185 set out the NNNPS policy in relation to land use including open space, green infrastructure and Green Belt.

- 4.19.6. Paragraph 5.164 states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belts are their openness and their permanence.
- 4.19.7. Paragraph 5.171 refers specifically to the development of linear infrastructure linking an area near a Green Belt with other locations. It acknowledges that often linear infrastructure will have to pass through Green Belt land and, when it does, it needs to take account of the impact on the Green Belt and, as far as possible, the need to contribute to the achievement of the objectives for the use of land in Green Belt.
- 4.19.8. Paragraph 5.178 goes on to add that:
- 4.19.9. *"When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The SoS will need to assess whether there are very special circumstances to justify inappropriate development".*
- 4.19.10. In relation to decision making, paragraph 5.173 states that *"Where the project conflicts with a proposal in a development plan, the SoS should take account of the stage which the development plan document has reached in deciding what weight to give to the plan".*
- 4.19.11. In relation to mitigation, paragraph 5.179 encourages applicants to minimise the direct effects of a project by the application of good design principles and Paragraph 5.184 states that applicants are expected to take appropriate mitigation measures to address adverse effects on PRoW of way and open access land and, where appropriate, consider opportunities to improve access.

## **The Applicant's Case**

- 4.19.12. Chapter 12 of the ES: Population and Human Health Part A [APP-054] and Part B [APP-055] cover the potential effects of the Proposed Development on people and communities, properties, land use, NMUs, vehicle travellers, the local economy and human health. This Chapter is accompanied by Figures [APP-120 to APP-122] in relation to Part A, [APP-181 to APP-183] in relation to Part B and Appendices [APP-266] and [APP-267].
- 4.19.13. The Case for the Scheme [APP-344] sets out the Applicant's position in relation to Green Belt. It is accompanied by Figure 7.10 Green Belt Part A [APP-097].
- 4.19.14. Both Part A and Part B are set within a predominantly rural landscape, that is sparsely populated. The main settlements within the vicinity of Part A are Morpeth and Felton. Within the vicinity of Part B the main

settlement is Alnwick. In between these settlements, and along significant stretches of the route, there are several individual residential properties, businesses, recreational and community facilities located close to the existing A1. The route also passes through some smaller villages, hamlets and communities which are scattered in close proximity to, or along, the existing A1 route.

- 4.19.15. A network of PRowS extends within and around Part A and Part B, serving a wide range of users. In addition to the PRowS, there are footways and bus stops along sections of the existing A1.

### **Economic Development**

- 4.19.16. The assessment of the effects of the Proposed Development on the economy focuses on the county of Northumberland. This is because it is assumed that much of the construction workforce would be drawn from the regional labour market. Wider economic effects are considered in section 4.9 of this Report.
- 4.19.17. Some minor beneficial economic effects have been identified due to the creation of construction related jobs and support to local businesses, for example, through expenditure on materials.
- 4.19.18. The estimated total construction cost of Part A is £173 million and of Part B approximately £81 million. Part A would be estimated to generate direct employment opportunities for approximately 354 workers per year, and Part B 226 workers per year. The construction of Part A would therefore equate to approximately 5.6% of the economically active population in the construction industry in Northumberland and for Part B, 3.6%.
- 4.19.19. It is assumed that the number of indirect and induced employment opportunities within the region of Northumberland per year is 290 construction workers for both Part A and Part B, equating to approximately 4.6% of the economically active population in the construction industry in Northumberland.
- 4.19.20. Significant permanent economic benefits have also been presented (see also section 4.9 – The need for the Proposed Development and consideration of alternatives). The Case for the Scheme [APP-344] does state that, after accounting for impacts associated with delays during construction and maintenance, the combined monetised value of economic benefits of the proposed development is forecast to be £13.4 million commuting user benefit and £44.7 million “other user” benefit, which includes benefits relating to journey time improvements with the Proposed Development or impacts on journey times as a result of construction. Other benefits are also predicted from the construction of the Proposed Development and included in [APP-344], such as noise, air quality and other social benefits.

## Community Effects

- 4.19.21. Community severance is defined within Chapter 12 of the ES [APP-054] and [APP-055] as the separation of residents from facilities and services that they use within their community, which include education, healthcare services and shops.
- 4.19.22. Chapter 12 of the ES [APP-054] and [APP-055] records that there would be, at both construction and operational stages, some residual effects on communities, after taking the proposed mitigation measures into consideration, particularly in relation to community severance and journey amenity.
- 4.19.23. For Part A, in addition to the effects on PRoWs (please see paragraphs 4.19.42-4.19.48) three existing bus stops along the A1 route would be removed, two retained and two would be relocated. The two bus stops proposed to be relocated are on the northbound and southbound carriageways of the de-trunked section of the A1. These would be moved to the north of the proposed Fenrother free-flow link road. Two existing bus stops would be retained on the northbound and southbound carriageways, to the south of Burgham Park Underbridge.
- 4.19.24. The three bus stops proposed to be removed, located near Warreners House, Hebron Road End and Low Espley Road End, would result in increased journey times and reduced access to public transport for those travelling north from the settlements of Northgate, Hebron, Highlaws Junction and Espley. The Applicant states, in paragraph 12.10.12 that it understands, from its engagement with the bus service providers, that the usage of these bus stops is low. However, as the significance of the effects experienced depends on the origin of the journey, it is not possible to provide an accurate quantification of this for the purposes of this assessment.
- 4.19.25. A new segregated three metre cycleway would be provided along the length of the eastern side of the proposed link road, improving access and safety for cyclists alongside the A1. This is assessed by the Applicant as being a permanent slight beneficial effect for cyclists.
- 4.19.26. During the construction period, the community would still be able to access community facilities and private residences through the implementation of proposed traffic management regimes, as set in the Outline CTMP [APP-347] and Measure S-PH5 of the Outline CEMP [APP-346]. As such, the Applicant has considered that there would not be a significant effect on communities in relation to community severance.
- 4.19.27. Nevertheless, the Applicant anticipated that, during operational phase, for one community receptor (Tritlington Church of England Aided First School) the effect of the Proposed Development is likely to be slight beneficial, as diverting traffic from the A1 onto the new offline section of

Part A would reduce traffic, making it safer for people to access and increasing the overall amenity for the school.

- 4.19.28. For Part B, as there are no community facilities close to the route, any temporary effects on community severance would be isolated to individuals accessing community facilities in Alnwick, who may have to temporarily utilise longer routes to access these facilities due to construction activities on the A1.
- 4.19.29. The removal of three bus stops at Charlton Mires, within Part B, and along the B5341 is likely to increase journey times and reduce access to public transport for some local residents. However, temporary bus stops would be provided during construction and permanent bus stops during operation.
- 4.19.30. In terms of access to recreational facilities, following the implementation of the proposed mitigation measures, no significant impacts are anticipated on either the construction or the operational phases of the development.
- 4.19.31. In relation to journey amenity, the introduction of construction works would be anticipated to result in temporary reduction of visual amenity and therefore journey pleasantness, for both parts A and B. During the operational phase, the effects would be predicted to not be significant in terms of journey amenity on any of the affected routes in Part A. For Part B, it would be anticipated that the magnitude of change of amenity for users of PRow following the implementation of mitigation measures during operation would be negligible.

#### **Land Use Effects**

- 4.19.32. Chapter 12 of the ES for Part A [APP-054] and for Part B [APP-055] considers the potential effects on the viability of, and access to, residential and commercial assets within the Order Limits (direct impacts on land take and existing access) and within 500m of the Order Limits (changes to existing access). For effects on agricultural land and agricultural land take, see Section 4.17 - Geology and Soils.
- 4.19.33. The Applicant's assessment identifies that residual significant effects would be predicted from changes in access to and from residential and commercial properties.
- 4.19.34. For Part A, during construction, Northgate House, a residential property, would be required to be demolished, but compensation has been agreed with the occupiers of the property. Overall, this would result in a direct, permanent effect of moderate adverse significance, and, according to the Applicant, would not be considered to be critical in the decision-making process at this scale of loss.

- 4.19.35. For the construction of Part B, East Cottage and Charlton Mires Farm are required to be demolished. Overall, there would be a direct, permanent significant effect, but compensation would be provided to landowners.
- 4.19.36. During construction, there are also a number of residential properties within Part A and Part B which would experience temporary disruption to access. In light of the proposed mitigation measures, including Measure S-G4, S-A2, S-PH5 of the Outline CEMP [APP-346], the Applicant has considered the magnitude of change to be minor, and the effect to not be significant, as construction activities would temporarily disrupt access to and from the properties, but not preclude their use.
- 4.19.37. Table 12.40 of the Chapter 12 of the ES for Part A [APP-054] and Table 12.43 for Part B [APP-055] detail the private properties that would experience change of access during the operational phase. Although the changes in access would increase journey times, in most instances comparatively safer access is provided, so the magnitude of change is minor. The Applicant has assessed that the overall impact during operation would not be significant.
- 4.19.38. Commercial properties, in both Part A and Part B, would experience disruption in access during the construction phase. Nevertheless, the effects would be considered to be negligible to minor, in light of the mitigation measures proposed to reduce potential impacts from noise, dust and vibration as much as practicable and to maintain access, Measure S-PH1 and S-PH8 of the Outline CEMP [APP-346]. As all existing accesses to commercial properties would be maintained during the operation stage, for both Part A and Part B, the effect of the proposal is deemed to be not significant.
- 4.19.39. The Applicant has also carried out a detailed assessment of the agricultural land holdings which considered the importance of the land, the availability of alternative land within the vicinity and the proportion of the land-take as an overall quantum of each land holding. The Study Area for impact on agricultural land holdings was limited to those parcels of land utilised for agricultural activities within the Order Limits, or any means of access which fall within the Order Limits for accessing agricultural land holdings. No direct impacts were anticipated by the Applicant to be experienced beyond this area, outside of this scope.
- 4.19.40. For Part A, Table 12.47 of the ES [APP-054] details the significance of effects, post-mitigation, per Holding during construction. Table 12.48 of the ES [APP-054] details the significant of permanent effects, post-mitigation, per holding. Clarehugh, Hemelspeth Farm, Causey Park and Farm C have all been identified as being moderately adversely affected by the proposal and construction and operational stages. Consequently, Pursuant to the Compensation Code, compensation would be agreed with the relevant parties whose land would be temporarily and permanently acquired or severed to accommodate Part A.

- 4.19.41. For Part B, Table 12.52 of the ES [APP-055] details the summary of the effects on agricultural land holdings, temporary (during construction) and permanent, per holding. At the construction stage, the effect of the Proposed Development on Charlton Mires Farm and West Farm in relation to land holdings has been identified as large adverse, while the effect on East Cottage has been identified as very large adverse. At operational stage, the effect as on Charlton Mires Farm has been identified as large adverse and on East Cottage very large adverse. No permanent effects were predicted by the Applicant to West Farm. Consequently, Pursuant to the Compensation Code, compensation would be agreed with the relevant parties whose land would be temporarily and permanently acquired or severed to accommodate Part B.

### **Public Rights of Way and NMU Routes**

- 4.19.42. A study area of 500m from the proposed Order Limits was used to assess the potential impacts on PRoWs and journey amenity, and the effects experienced by NMUs.
- 4.19.43. Part A has 30 designated PRoWs which lie within 500m of the Order Limits. Eighteen of the 30 PRoWs would be directly affected by Part A and would be temporarily closed during construction. At operational stage, 11 PRoWs in Part A would be permanently closed or diverted. From those 11 PRoWs, three would be expected to experience adverse effects, ranging from moderate adverse to slight adverse. Eight out of 11 PRoWs would be expected to experience a slight beneficial effect from the Proposed Development.
- 4.19.44. The Applicant also states that, for both Part A and Part B, existing PRoWs and NMU provision would be retained where possible, and where they are crossed by the Proposed Development, alternative proper means of access would be provided to prevent severance. This would be secured through Article 16 of the dDCO [APP-014] and it is also referenced in Measure S-PH1 of the Outline CEMP [APP-346].
- 4.19.45. Design measures proposed also include, for Part A, new footways at the three new junctions linking existing side roads. In addition, a new segregated footpath/ cycleway would be provided along the length of the eastern side of the proposed link road, between the de-trunked A1 and Felton Road. This would be secured through Measure A-PH1 of the Outline CEMP [APP-346]. Part B has been designed to include pedestrian footways across Charlton Mires Junction and Heckley Fence. These overbridges would be considered by the Applicant to provide improved crossing provisions in the area. This would be secured through Measure B-PH1 of the Outline CEMP [APP-346].
- 4.19.46. Despite the proposed design, mitigation and enhancement measures proposed, users of the existing non-designated footway along the southbound carriageway of the A1, between Morpeth and Espley in Part A, would likely experience some temporary disruption during



construction. However, as the footway would be anticipated to remain open, the effect is anticipated to be temporary slight adverse.

- 4.19.47. For Part B, 12 PRowS are proposed to be permanently or temporarily closed during the construction period, and one may be temporarily affected by construction vehicles. The Applicant has assessed the significance of such effects in Table 12.49 of Chapter 12 of the ES [APP-055]. The temporary effects to nine of the 11 PRowS is considered by the Applicant as moderate adverse, and to two, slight adverse. The permanent effects are moderate adverse to 10 out of 11, with one PRow having no change. Four are predicted to be extinguished, another four are predicted to be permanently diverted and one partly extinguished.

### **Driver Stress**

- 4.19.48. The Applicant defines Driver Stress as the adverse mental and psychological effects experienced by a driver traversing a road network, which can lead to feelings of discomfort, annoyance, frustration or fear. These can culminate in physical or emotional tension that detracts from the value and safety of the journey.
- 4.19.49. Driver stress may be temporarily adversely affected by construction works. It is assumed that, during the construction phase, driver stress would be high for vehicle travellers along the A1, as traffic diversions and construction works would likely cause increased user confusion and disruption on the road network in the study area. Measure S-PH3, of the Outline CEMP [APP-346], which aim to reduce driver stress, would mitigate against potential adverse effects by securing appropriate signage to avoid creating route uncertainty and providing for grade separated crossings to reduce the fear of accidents for road users during operation.
- 4.19.50. Once operational, it is expected that the Proposed Development would reduce driver stress due to the additional lanes along the main section of the A1, primarily due to the decrease in frustration resulting from reductions in the peak hourly flow, as well as reduction in the fear of potential accidents and route uncertainty. Overall, the effect of the Proposed Development in Part A and Part B on driver stress would be expected to be slight beneficial.

### **Green Belt**

- 4.19.51. Section 6.4 of the Case for the Scheme [APP-344] provided the Applicant's justification for the Proposed Development being located within an area of Green Belt extension, as defined in saved Policy S5 of the Northumberland County and National Park Joint Structure Plan (February 2005) and in the emerging Northumberland Local Plan, Publication Draft Plan (January 2019).

- 4.19.52. It is recognised that Green Belt is intended, amongst other things, to preserve the openness of land and prevent settlements from merging. There is a general presumption against development in the Green Belt unless other overriding reasons justify development. However, paragraph 5.171 of the NNNPS does state that linear infrastructure linking an area near a Green Belt with other locations, will often have to pass through Green Belt land and that a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt.
- 4.19.53. The Applicant states that it *"is able to demonstrate a requirement for a Green Belt location, which forms a part of the test under NPPF paragraph 146, since there is no available route option for the dualling of the A1 between Morpeth and Felton that avoids the Green Belt."* Nevertheless, the Applicant accepts that on a strict interpretation, the Proposed Development does represent inappropriate development within the Green Belt, as defined in the NPPF and that paragraph 147 of the NPPF states that: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
- 4.19.54. The Applicant noted that the Proposed Development would include a new stretch of trunk road and above ground structures, such as new bridges and embankments. Above ground structures may be considered to have a detrimental effect on the openness of the Green Belt. It also states that additional effects on openness would result from temporary buildings and structures during construction.
- 4.19.55. The Applicant concludes that the Proposed Development may conflict with one of the purposes of the Green Belt, namely the purpose of safeguarding the countryside from encroachment, but that the extent of potential harm that would be caused to the Green Belt would be relatively limited.
- 4.19.56. For the purposes of demonstrating that very special circumstances exist, the Applicant considered the following key issues are relevant:
- Compatibility of the Proposed Development with Planning Policy;
  - Delivery of Government policy and programmes;
  - Delivery of local development planning policy and transport programmes;
  - Objectives of Green Belt policy;
  - Availability of alternatives; and
  - Delivery of Planning Policy.
- 4.19.57. The Applicant therefore concluded that, if the Proposed Development is inappropriate development, then the very special circumstances required to justify its development within Green Belt have been demonstrated, even allowing for the *"great weight"* that has to be attached to any harm to the Green Belt.

## Examination

- 4.19.58. NCC, in section 6.2 of the LIR [REP1-071], acknowledges the positive contributions that the Proposed Development would make to the economy of Northumberland, during the construction period and thereafter. It also acknowledged the positive effect it would have on road safety and states, in paragraph 5.75 that, on balance, it is considered that the harm to the Green Belt is significantly outweighed by the relevant other considerations identified by the Applicant and very special circumstances can be demonstrated.
- 4.19.59. Nevertheless, NCC [RR-001] raised concerns regarding how the Applicant assessed the effects of the Proposed Development on the amenity and the quality of the user's experience of the PRow network and local roads. NCC suggested that it should address the impact on both the tourism industry and local communities. The Applicant responded to this concern, reference 1.1.31 [REP1-064], by stating that the assessment had been carried out in accordance with DMRB guidance and that the assessment of the impact on the tourism industry was not required. However, this issue was raised again by NCC in its Comments on Responses to D1 [REP2-025] and then the ExA also raised a question on this topic as part of ExQ2, PHH.2.4 [PD-011].
- 4.19.60. The Applicant responded to ExQ2 PHH.2.4 [REP5-023] by stating that it considered that this matter had been fully assessed within Chapter 12 and Chapter 7 of the ES. A further question was posed on this issue at ExQ3 [PD-017]. In its response to ExQ3 PHH.3.1 [REP8-026] the Applicant stated that although NCC and the Applicant had agreed that the impacts of the Proposed Development on Population and Human Health had been fully assessed, a summary of impacts on communities within the Population and Human Health study area (1km from the Scheme) was requested by NCC and submitted at D9.
- 4.19.61. Appendix A - Summary of Community Impacts [REP9-019] provided a summary of the effects collated per the relevant community, taken from the Population and Human Health assessment found in Chapter 12 Population and Human Health Part A [APP-054] and Part B [APP-055]. As such, it did not present any new effects. The signed SoCG with NCC [REP11-009] identified no outstanding issues in relation to PRowS, therefore agreement has been reached between NCC and the Applicant.
- 4.19.62. A series of written questions ExQ1 PHH.1.1 to PHH.1.21 [PD-007] were asked to the Applicant by the ExA in relation to Chapter 12 of the ES. Through PHH.1.2 we requested the Applicant to confirm why the study area for the assessment of agricultural land holdings was restricted to the Order Limits. The Applicant replied [REP1-032] that "*all agricultural land holdings whose land holding or direct access falls within the Order limits are included in the assessment. No amendments to the road network would be made outside of the Order limits and therefore no*

*impacts on direct access are expected beyond this."* Furthermore, the Applicant also states that *"where a farm holding has a land parcel or access within the Study Area, the impact on the entire farm holding has been assessed. Therefore, land beyond the Order limits is included within the Study Area."* Please also see section 4.17 Geology and Soils.

- 4.19.63. Through ExQ1 PHH.1.4 The ExA we requested confirmation from the Applicant in relation to any opportunities to address the existing network of PRow and make it more coherent. The Applicant has replied [REP1-032] that improved A1 crossings would be provided in two locations for pedestrians, in addition to a series of diversions and new sections of PRows. ExQ1 PHH.1.5 also related to PRows and NMU provision and requested the submission of a plan detailing all of these routes. The Applicant confirmed that Appendix PHH.2 PRow and NMU routes within 500m of the Scheme [REP1-045] was submitted in response to the PHH.1.5.
- 4.19.64. The ExA also asked, in PHH.1.8 for further information from the Applicant in relation to proposed consultation on temporary diversionary works or closure of PRow and NMU routes with affected individuals, groups and the NCC. The Applicant confirmed in its response that consultation would be on the nature of the implementation of the diversion and to determine details such as timing, duration and the location and requirement for signage, not on whether or not a diversion or closure would be required.
- 4.19.65. Through ExQ1 PHH.1.10 in relation to Part A and PHH.1.18 in relation to Part B, the ExA sought clarification from the Applicant, regarding the identification of residential and commercial properties for the purpose of the assessment carried out in Chapter 12 Population and Human Health. The Applicant has responded with the submission of Appendix PHH.3 [REP1-046] which captures relevant residential and commercial properties located within the 500m Study Area for both Part A and Part B.
- 4.19.66. ExQ1 PHH.1.12 related to the economic effects of the proposal and seeks to ask clarification from the Applicant on how proposed measures to increase the potential recruitment of local workforce and supply chains would be secured. The Applicant has clarified that Measure S-PH11 within the Outline CEMP [APP-346] aims to secure such efforts. Nevertheless, the Applicant also clarified that these initiatives would be subject to availability of suitability and procurement procedures.
- 4.19.67. ExQ1 PHH.1.14 sought clarification from the Applicant on what further mitigation measures had been considered in relation to the likely significant effects of the Proposed Development on private property, community severance, agricultural land holdings and recreational facilities as set out in section 12.10 of Chapter 12 of the ES [APP-054] and [APP-055]. The Applicant's response detailed its reasoning regarding identified significant effects and what level of mitigation, if any, had been

considered. The Applicant also provided further justification on why, for some of the effects identified and even taking into consideration proposed mitigation measures, the impact of the Proposed Development would still remain significant.

- 4.19.68. The ExA also requested, in ExQ1 PHH.1.21 further information regarding how the potential effects of the proposal have been assessed in relation to the industrial and employment land included within the Lionheart Enterprise Compound. The Applicant confirmed it was in ongoing liaison with the land owners of the Lionheart Enterprise Compound and that no adverse impact on future employment land was anticipated.
- 4.19.69. At ExQ2 [PD-011] the ExA asked further questions to the Applicant in relation to Population and Human Health, including PHH.2.2, which requested additional information in relation to the assigned level sensitivity to human health receptors. The ExA queried the assigned sensitivity of "*medium*" and not "*high*" in light of the presence of pockets of deprivation and health inequalities along the A1 route. The Applicant responded [REP5-023] that, although there are areas of deprivation within the route of the Proposed Development, the general area is more affluent. It also added that there are no AQMA's within 200m of the ARN and no exceedances in the annual mean objectives at any air quality monitoring site. It continued by saying that "*The area surrounding the Scheme is sparsely populated, therefore walking, cycling, horse riding (WCH) routes (including PRowS) had a very low usage and were used for recreational purposes as opposed to commuting route. Therefore, a sensitivity of medium was considered by the Applicant to be appropriate*".
- 4.19.70. PHH.2.9 asked the Applicant to clarify how the Proposed Development has taken into consideration the health profile of the area, including a slightly worse than England average number of fatalities or instances of being seriously injured on roads. The Applicant confirmed that the Proposed Development is forecast that it would save 414 accidents and 708 casualties over the 60-year appraisal period. The Applicant also added that traffic management during construction would be carefully designed to minimise the risk of accidents, as set out in the Construction Traffic Management Plan [REP3-015].
- 4.19.71. Through ExQ2 PHH.2.10 the ExA asked for further reasoning from the Applicant in relation to how the needs of the older age population, which is predicted to increase in the area, had been taken into consideration particularly given their potential reliance on public transport. The Applicant responded [REP5-023] that the Proposed Development had been designed based on current usage levels and projections which show that usage on the relevant routes has been noted as low and relocation and provision of bus stops, during construction and operation phases, was considered by the Applicant to be proportionate.

- 4.19.72. Through ExQ3 [PD-017] PHH.3.2 the ExA sought confirmation from the Applicant on how opportunities to make routes to alternative bus stops suitable for a range of users were proposed to be secured through the DCO. The Applicant in its response [REP8-026] confirmed that Measure S-PH9 within the Outline CEMP [REP8-012] had been updated to reflect such a commitment.

### **ExA Conclusion**

- 4.19.73. No significant effects are predicted, in light of the proposed mitigation measures, in relation to economic development, access to community or recreational facilities, land use or driver stress. Nevertheless, significant impacts are anticipated to PRowS in both Part A and Part B of the Proposed Development.
- 4.19.74. For Part A, at operational stage, eleven PRowS would be permanently closed or diverted. From those eleven PRowS, three would be expected to experience adverse effects, ranging from moderate adverse to slight adverse. All other would be expected to experience slight beneficial effects.
- 4.19.75. For Part B, at operation stage, the permanent effects of the Proposed Development are moderate adverse to ten out of eleven, with one PRow suffering no change. Four are predicted to be extinguished, other four are predicted to be permanently diverted and one partly extinguished.
- 4.19.76. Although some PRowS would experience a moderate adverse (significant) effect, we are satisfied that the findings of the ES are reasonable and that, where necessary, mitigation measures could be secured through the recommended DCO which are proportionate to the adverse effects that would result. Also, a significant number of PRowS have been assessed as having a beneficial impact from the Proposed Development, which would improve its safety for the local community.
- 4.19.77. Significant temporary economic benefits would result from the Proposed Development due to the economic impact that the proposed construction phase would have, both locally and outside of the region.
- 4.19.78. Significant permanent economic benefits have also been presented (see also section 4.9 – The need for the Proposed Development and consideration of alternatives). The Case for the Scheme [APP-344] does state that the combined monetised value of economic benefits of the proposed development is forecast to be £13.4 million commuting user benefit and £44.7 million “other user” benefit, which includes benefits relating to journey time improvements with the Proposed Development or impacts on journey times as a result of construction. Other benefits are also predicted from the construction and included in the [APP-344], such as noise, air quality and other social benefits.

- 4.19.79. Whilst adverse effects would result during the construction process (including for agricultural use, health and quality of life) these would be temporary and the ExA is satisfied that the measures proposed to mitigate against undesirable effects are proportionate and appropriate.
- 4.19.80. In relation to the Green Belt, paragraph 5.178 of the NNNPS states that, when located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.19.81. The Proposed Development is identified, by both the Applicant and NCC, as being of local, but primarily of national importance, in transportation and economic development terms. Therefore, given its nature, the ExA agrees, with both the Applicant and NCC, that it would be appropriate to consider the scheme against the policy test of the NPPF in so far as it would represent inappropriate development in the Green Belt, as defined in the NPPF.
- 4.19.82. The potential harm to the Green Belt would arise from the expansion of the existing A1 beyond its current confines, through the through the construction of 6.1 km of the new offline section, into areas of farmland that are currently undeveloped, as well as the construction of above ground structures, such as new bridges and embankments. Consequently, the Proposed Development would conflict with the purpose of safeguarding the countryside from encroachment.
- 4.19.83. In order to demonstrate that very special circumstances exist, the Applicant has considered a series of key issues set out in the Case for the Scheme [APP-344], including compatibility with Planning Policy, contribution to the delivery of government policy and programmes, delivery of planning policy, objectives of Green Belt policy and availability of alternatives.
- 4.19.84. The ExA agrees with both the Applicant and NCC that, although the Proposed Development would be inappropriate development in the Green Belt, the very special circumstances required to justify its development within have been demonstrated, even allowing for the "*great weight*" that has to be attached to any harm to the Green Belt.
- 4.19.85. Overall, we conclude that there would be general accord with the relevant policies within the NNNPS. The adverse effects found to result during construction would not weigh significantly against the Order being made. Overall, the positive economic and social benefits would weigh in favour of the Order being made.

## **4.20. HISTORIC ENVIRONMENT**

### **Policy Considerations**

- 4.20.1. Paragraphs 5.120 to 5.142 of the NNNPS address the historic environment explaining that where the proposed development is subject to EIA the applicant should undertake an assessment of any likely significant heritage impacts of the proposal. In determining applications, the SoS is required to identify and assess the particular significance of any heritage assets that may be affected (paragraph 5.128). Paragraph 5.129 goes on to advise that the SoS should take into account the particular nature of the significance of the heritage asset and the value that it holds. The SoS should also take into account the desirability of sustaining and where appropriate enhancing the significance of the heritage assets and the contribution of their settings (paragraph 5.130). When considering the impact of a proposed development on the significance of a designated heritage asset, the SoS should give great weight to the asset's conservation (paragraph 5.131).
- 4.20.2. Where the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should also be weighed against the public benefits, including securing its optimum viable use (paragraph 5.134).
- 4.20.3. According to paragraph 5.136, where the loss of significance of any heritage asset has been justified by the applicant based on the merits of the development and the significance of the asset in question, the SoS should consider imposing a requirement to prevent the loss occurring until the relevant development has commenced.
- 4.20.4. Where the loss of the whole or part of a heritage asset's significance is justified, the SoS should require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (paragraph 5.140).
- 4.20.5. The NNNPS also acknowledges that where there is a high probability that a development site may include as yet undiscovered heritage assets with archaeological interests a requirement should ensure that appropriate procedures are in place for the identification and treatment of such assets discovered during construction.

### **The Applicant's Case**

- 4.20.6. Chapter 8 of the ES: Cultural Heritage Part A [APP 046] and Part B [APP-047] together with accompanying Figures Part A [APP-100 to APP-104] and Part B [APP-149 to APP-152] and Appendices Part A [APP-221 to APP-226] and Part B [APP-291 to APP-297] address cultural heritage issues.



- 4.20.7. For Part A and Part B, an inner study area of 500m extending from the Order Limits was applied for the identification of all types of heritage assets to establish the known historic environment context and the potential for hitherto unknown below ground archaeological remains. An outer study area extending up to 1km from the Order Limits assessed the of settings of designated heritage assets. The assessment for Part B included the main compound which was also included in the assessment for Part A.
- 4.20.8. The Part A assessment identified 149 heritage assets within the inner and outer study areas of which 64 were designated heritage assets comprising 61 Listed Buildings (including one Grade I and three Grade II\* Listed Buildings), one Scheduled Monument and two Conservation Areas. Within the inner study area 85 non-designated heritage assets were also recorded.
- 4.20.9. Within the Order Limits six designated assets were identified which were all Grade II Listed mileposts although two were recorded by the Milepost Society as being lost [APP-224]. Below ground remains within the Order Limits comprised nine non-designated heritage assets. Fifteen areas containing geographical anomalies of potential archaeological origin were also identified.
- 4.20.10. Seventy-one historic landscape areas were recorded within the Order Limits and 50 areas of ridge and furrow cultivation. Hedgerows aligning the route of the existing A1 being contemporary with the development of the former turnpike road in the 18<sup>th</sup> century were also identified as potentially of historic importance.
- 4.20.11. A total of 111 heritage assets were identified within the Part B study areas, of which 60 were designated and 51 were non-designated [APP-297]. Within the Order Limits and study areas of the Part B main scheme area the ES identified seven Scheduled Monuments, 38 Listed Buildings, (one Grade I, one Grade II\* and 36 Grade II), one Grade I Registered Park and Garden, one Conservation Area and 48 non-designated heritage assets. No heritage assets were recorded in the Order Limits for the Lionheart Enterprise Park Compound.
- 4.20.12. Thirty below ground heritage assets and earthworks were identified in the study areas of the Part B main scheme area including 23 non-designated heritage assets. Non-designated below ground heritage assets were recorded at three locations within this part of the Order Limits.
- 4.20.13. As set out in Measure A-CH1 of the Outline CEMP [APP-346], potential impacts on below ground remains resulting from a change in hydrology would be mitigated by a surface water drainage system which forms part of the design of Part A, as set out in Chapter 10: Road Drainage and the Water Environment [APP-050]. Measure B-CH2 also recognises that the

potential impacts on other waterlogged archaeological remains would be minimised through the implementation of appropriate mitigation measures, as detailed within the Outline CEMP and Chapter 10 [APP-051], which indicates that there would be no detrimental impact to groundwater catchments.

- 4.20.14. Measure S-CH6 of the Outline CEMP provides that during construction any work around a designated heritage asset would be undertaken in accordance with the measures contained within the CEMP to ensure any adverse impacts are minimised and in accordance with the Outline CTMP to ensure they are suitably protected from accidental damage through collision during the course of the construction phase.
- 4.20.15. Mitigation in the form of a programme of trial trenching evaluation following the consent of the DCO but before construction would establish whether potential features identified from desk studies and surveys are present and to confirm the presence or absence of currently unknown below-ground archaeological remains in the Order Limits (Measure S-CH2 of the Outline CEMP). The aim of the evaluation would be to determine the value, extent, date, level of survival of the assets, and to inform a mitigation strategy which would be implemented either prior to or during the construction phase. This would be secured by R9 of the dDCO.
- 4.20.16. The approach to mitigation recognised that preservation in-situ typically requires adjustments in designs and is only usually applied where either such amendments are minor, or for assets of high or very high value (Measure S-CH5). Any below-ground archaeological remains identified either during the evaluation or subsequent mitigation phase which are judged to be of very high or high value may require preservation in situ, while those of lesser value would undergo archive recording. Where remains require preservation in-situ, a detailed method statement would be required to set out how the remains would be protected during construction, in line with Historic England guidance. The method statement would be produced in consultation with NCC and potentially Historic England.
- 4.20.17. The approach to archaeological evaluation and mitigation as set out in Measure S-CH3 is described in the Written Scheme of Investigation (WSIs) for Part A and the draft WSIs for Part B [APP-225], [APP-226] [APP-295]). The WSIs provide for detailed method statements which would supersede the draft WSIs. Measure S-CH7 makes provision for the programme of post development consent investigations set out in the WSIs to inform a suitable mitigation, and where necessary monitoring, strategy for any hitherto unknown archaeological remains. This would be set out in a WSI and/ or a conservation management plan and would describe how any required monitoring would be undertaken. It would be secured by R9 of the dDCO.

- 4.20.18. A Grade II listed milepost within the Part A Order Limits and a non-designated milepost north of Shipperton Bridge within the Part B Order Limits which would be removed prior to construction would both be subject to a Level 1 Survey in accordance with Historic England advice<sup>5</sup> to create a permanent record of their existing settings. This would be secured through Measures A-CH2 and B-CH3 of the Outline CEMP [APP-346] respectively and R10 of the dDCO. On completion of construction, the milestones should be reinstated as close as possible to their original location to maintain their relationship with the route. Any mitigation will be devised in consultation with Historic England, NCC and the Milestone Society and set out in a method statement.
- 4.20.19. Measure B-CH4 of the Outline CEMP provides for a programme of historic building recording would be undertaken post development consent and prior to the demolition of Charlton Mires Farm, a non-designated heritage asset within the Part B Order Limits. This would be undertaken as a Level 3 Survey, in accordance with Historic England guidance, as provided for in the draft WSI for Historic Building Recording Appendix 8.6 (Part B) [APP-296]. This also includes the requirement for a detailed method statement to be provided and approved by NCC prior to the works commencing. Any mitigation would be set out in a method statement as secured through R10 of the dDCO.
- 4.20.20. To minimise the impacts on built heritage assets during operation visual or acoustic screening would be provided (Measure S-CH1 of the Outline CEMP [APP-346]). At Highlaws junction the addition of woodland planting would screen the junction from the non-designated Highlaws Farm and reduce the visual impact of Part A from the Grade II listed Church of St Cuthbert. Measure S-CH4 provides for mitigation measures for the removal of any sections of field boundaries identified as being of historic significance to be devised in consultation with NCC. This would apply to any hedgerows to be removed around the Charlton Mires Junction, where the assessment has identified a potential for the presence of hedgerows which meet the criteria of historic importance, as set out in the Hedgerow Regulations Act 1997.
- 4.20.21. Measure B-CH1 recognises two Scheduled Monuments which abut the Order Limits within Part B, and a further two located in close proximity. It indicates that, no construction activity is permitted within any of the Scheduled Monuments adjacent to the Proposed Development and that the limits of the Scheduled Monuments will be clearly marked out as an exclusion zone.
- 4.20.22. For Part A the ES recognised the potential for the presence of additional below ground archaeological remains associated with the findspot of Mesolithic flint around West Moor Farm and buried remains associated with the Chapel or Hermitage at Helm. If present, such assets would be

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<sup>5</sup> Understanding Historic Buildings. A Guide to Good Recording Practice

destroyed by ground disturbance work resulting in a moderate adverse effect. The ES also predicted significant effects on currently unconfirmed below ground archaeological remains of Prehistoric, Roman, Early Medieval and Late Medieval date arising from their removal or destruction where after preservation by record, there would be a moderate adverse effect. For below ground heritage assets of high or very high value within the Order Limits, ranging from the Prehistoric to the Post-Medieval period, although the likelihood of presence is low, after preservation by record the effects would be large or very large adverse. The effect of the permanent removal or destruction of Cropmark of rectilinear enclosure was assessed as unknown at present although it could be significant.

- 4.20.23. The construction phase for Part A would only have a permanent direct impact on one Grade II listed milestone which the ES assessed as resulting in less than substantial harm and a slight adverse effect due to its removal and relocation. Following mitigation, moderate adverse effects on the settings which contribute to the value of assets would occur to the non-designated park and designated assets at Felton Park and the Grade II listed Longfield Cottage and Boundary Stones. Following mitigation, during construction none of the effects on historic landscapes including historic hedgerows were considered to be significant.
- 4.20.24. When operational, the ES predicted that there was potential for below ground archaeological remains of unknown value outside of the Order Limits to be impacted through changes in local hydrology although mitigation in the form of a drainage system would result in a neutral impact. While the ES identified some changes to the setting of the Grade II listed Causey Park Farm, the Grade II listed Thirston New Houses, the Grade II Church of St Cuthbert and the non-designated Highlaws Farm and New Houses Farm during operation none of the effects were considered to be significant. The operation phase would not impact on the setting of the listed mileposts as their position alongside the carriageway and their relationship with the existing A1 would not be altered by Part A. No significant adverse or beneficial effects were identified for the operational phase of Part A.
- 4.20.25. For Part B the ES noted the potential for the presence of additional remains around the site of two Bronze Age cist burials within the Order Limits, north-west of East Linkhall. It also identified the potential for additional remains associated with the findspot of two flint flakes of Neolithic or Bronze Age date at Charlton Mires. In each case they would be subject to permanent, direct impacts as they would be affected by ground disturbance work resulting, after preservation by record, in permanent moderate adverse effects.
- 4.20.26. Elsewhere within the Part B main area the ES identified moderate adverse effects in respect of below ground archaeological remains affecting the earthworks east of Heckley House, due to the establishment

of temporary access tracks required during construction. In addition, the ES identified moderate adverse effects for currently unknown below ground heritage assets to be present of Prehistoric, Medieval, Post-Medieval, Industrial and Modern date as well as unknown heritage assets of Early Medieval and Late Medieval date, after preservation in record. While recognising the low likelihood for the presence of currently unknown below ground heritage assets of high or very high value, ranging from the Prehistoric to the Post-Medieval period, where present, after preservation by record the effects would be large adverse for high value assets and very large adverse for very high value assets.

- 4.20.27. The only significant effect on the setting of below ground archaeological remains was identified in respect of the Camp at West Linkhall where during construction, there would be fundamental changes in the immediate setting of the heritage asset. However, as the assessment indicated that the immediate setting was not providing a strong contribution to value of the asset, it was assessed as resulting in a temporary moderate adverse impact.
- 4.20.28. In terms of built heritage assets, the ES identified that Charlton Mires Farm was judged to be of low value and although the construction of the new Charlton Mires Junction would require the demolition of the farm, after preservation by record a slight adverse effect would result. Significant effects to the settings of Part B built heritage assets during construction were identified for Heckley House, the Dovecote to the east of Heckley Fence Farmhouse, Patterson Cottage and West Linkhall Farmhouse, all of which are Grade II listed.
- 4.20.29. During the operation of Part B, the ES indicated that the only significant effect would be to the Grade II listed Dovecote to the east of Heckley Fence Farmhouse due to the change in its setting resulting in a moderate adverse impact following mitigation.
- 4.20.30. The ES [APP-046] [APP-047] also considered the potential for each assessment parameter presented in ES Chapter 2 [APP-037] to change the conclusions of Chapter 8 and concluded that the change in height/alignment associated with each parameter would not generate additional effects on the setting of heritage assets and no additional heritage assets would be affected.
- 4.20.31. The ES also determined that the application of the updated DMRB guidance since the ES assessments were completed would not change the likely significance of effects. It concluded that even if the value of Listed Buildings were increased under the updated guidance, the resultant significance of effect would remain the same and therefore, the conclusions of the assessment would remain unchanged for both Part A and Part B.

## Examination

- 4.20.32. Under the heading of the Historic Environment the IAPI which formed Annex C of the Rule 6 Letter [PD-006] listed three matters. These were the effects on designated and non-designated heritage assets and their settings particularly North Charlton Medieval Village, the camp at West Linkhall and the Grade II Listed milepost; whether further archaeological investigation is required to understand potential significant deposits; and the effectiveness of mitigation measures. No comment was made about the inclusion of these matters as IAPI by any IPs.
- 4.20.33. In its RR Historic England [RR-005] expressed in principle support for the Proposed Development while seeking assurances about the impact on Scheduled Monuments and the removal and relocation of the Grade II Listed milepost. In responding the Applicant confirmed [REP1-064] that Measure A-CH2 of the Outline CEMP [APP-346] had been amended to include NCC as a consultee in respect of reporting requirements. It was also confirmed that the Order Limits abut the boundaries of the Scheduled Monuments of North Charlton Medieval Village and Camp at West Linkhall, and that no land within the Scheduled Monuments was within the Order Limits. Through Measure B-CH1 of the Outline CEMP the Applicant agreed to establish an exclusion zone where the Order Limits directly abut the boundary of the North Charlton Scheduled Monument to provide additional protection with a plan showing the construction exclusion zone provided as Appendix A of the Outline CEMP [REP1-023].
- 4.20.34. NCC, in its RR [RR-001] and in its LIR [REP1-071] recorded that it was satisfied with the methodology used and the baseline assessments undertaken in respect of heritage matters. For both the built heritage and archaeology the Council considered the impacts of the Proposed Development to be neutral.
- 4.20.35. For Part A the LIR recorded that new over-junction structures would have an impact on heritage assets mainly during the construction phase while during operation the mitigation measures proposed would prove effective. For Part B there would be a wider range of effects with direct impacts to designated heritage assets limited to the relocation of mileposts. NCC recognised that the demolition of Charlton Mires Farm would be a major adverse impact but after mitigation by recording would be a slight adverse effect (and therefore not significant in EIA terms) although as a heritage asset such an impact might be considered significant. In terms of mitigation, NCC supported measures within the CEMP to ensure the appropriate recording of the buildings to be demolished at Charlton Mires.
- 4.20.36. The Council identified adverse impacts to settings being experienced by the non-designated West Lodge House and the gatehouse to the Charlton Hall estate due to the proximity of the new carriageway, with the Grade II listed Patterson's Cottage similarly impacted. However, the Council

agreed that the most significant impact to setting would be to the Grade II listed Dovecote at Heckley Fence where there would be a permanent moderate adverse effect.

- 4.20.37. NCC also urged that all mileposts (whether designated or otherwise) should be subject to a method statement to cover their recording, storage and subsequent relocation within the completed scheme. The Applicant confirmed amendments to Measures A-CH2, B-CH3 and A-CH2 of the Outline CEMP [APP-346] including the provision of consultation with the Milestone Society. In responding to ExQ1 HE.1.15 [PD-006] the Applicant confirmed [REP1-032] an amendment to R10 to the effect that no part of the Authorised Development is to commence until a written scheme for the protection of the Grade II listed milestones and the non-designated milestone had been submitted to and approved by the RPA in consultation with Historic England. Additionally, responding to ExQ1 HE.1.3 concerning the whereabouts of two of the six Grade II Listed mileposts in Part A the Applicant confirmed [REP1-032] that despite visiting the reported locations and the surrounding area, they could not be located.
- 4.20.38. The Council noted that geophysical surveys along the length of the scheme identified a number of geophysical anomalies of potential archaeological origin and glaciofluvial deposits and later disturbance which may mask earlier archaeological remains. It urged further intrusive archaeological investigation to establish the nature, date and significance of the anomalies. In response the Applicant confirmed [REP3-025] that the results of the Geophysical Surveys [APP-222] [APP-292] were used to develop draft WSI for further intrusive archaeological work which would target anomalies of potential archaeological origin. These are presented in Appendix 8.5 [APP-226] [APP-295], secured through R9 of the dDCO and the Outline CEMP in Measures S-CH2, S-CH3, S-CH5 and S-CH7.
- 4.20.39. Responding to ExQ1 HE.1.17 the Applicant confirmed [REP1-032] that conservation management plans may be required in the event that archaeological remains of high value are identified and require preservation in-situ. Measure S-CH5 of the Outline CEMP [APP-346] provides for the preparation of detailed method statements, which would include the production of conservation management plans to address securing the long-term protection of archaeological remains during the operation phase.
- 4.20.40. The LIR referenced a WSI approved by NCC in respect of a site identified by non-intrusive evaluation associated with advanced statutory undertakers' works to the south of Causey Park. The archaeological mitigation was undertaken in line with the Appendix 8.6 WSI (National Grid Diversion Works) Part A [APP-226] but no evidence for the presence of archaeological features was identified during the works. A report outlining results of the mitigation was submitted at D4 [REP4-012].

- 4.20.41. NCC also identified a number of amendments required to the Outline CEMP, noting that the production of a WSI would also be needed for mitigation work, where required, not just evaluation and that the evaluation would establish the appropriate mitigation dependant on the extent and significance of archaeological remains. The Council also noted in respect of Measure S-CH3 that mitigation work may be required prior to construction commencing. The Applicant made the necessary changes to the Outline CEMP at D1 [REP1-023].
- 4.20.42. Responding to ExQ1 [PD-006] specifically HE1.1 about the scope of post determination trial trenching and archaeological mitigation for advanced works as set out in two draft WSIs the Applicant confirmed [REP1-032] that fully detailed method statements would be required to supplement the draft documents which would be prepared in consultation with NCC as set out in the Outline CEMP [APP-346]. NCC's response confirmed that the draft documents could be approved [REP1-082].
- 4.20.43. The LIR also noted that the Proposed Development is located within a wider archaeological landscape with the potential to impact on a range of known and previously unknown archaeological remains. Nevertheless, the Council was of the view that with the implementation of the archaeological requirements within the CEMP and the DCO the scheme should progress smoothly investigating, recording and reporting the archaeological remains and historic standing buildings impacted by the road development in an appropriate and proportionate manner. NCC agreed with the conclusions in the assessment reports that the Proposed Development should not have an adverse impact in the setting of the Scheduled Monuments in the immediately adjacent and wider area. The LIR also reported that the Council welcomed R9 and R10 of the dDCO.
- 4.20.44. Revision 1 of the dDCO [REP1-005] amended R10 with corrections made to milestone references while revision 3 [REP3-004] added the need for consultation with the Milestone Society. Revision 3 of the dDCO [REP3-004] also included an amendment to Article 2, revising the definition of "commence" to clarify extent of pre-commencement archaeological works that trigger requirements. A further revision to R10 [REP5-005], recorded the SoS as the approval authority for the written scheme for the protection of milestones. This change was intended to bring R10 into line with other requirements where the SoS is the approval authority and with Measure A-CH2 in the Outline CEMP. Responding to ExQ2 DCO.2.11 it also revised the title of the requirement to confirm that it applied to non-designated in addition to listed milestones.
- 4.20.45. Responding to ExQ2 DCO.2.9 the Applicant stated [REP5-023] that the reference to archaeological control plan in R4(2)(d)(xii) had been removed because it would be addressed by the WSIs required in R9.
- 4.20.46. The ES Addendum: Earthworks Amendments for Change Request [REP4-061] concluded that following mitigation the earthworks amendments



would lead to no changes to the conclusions of the assessment of effects on below ground or above ground heritage assets during both construction and operation with the significance of effects unchanged and as reported in Chapter 8 [APP-046] [APP-047]. The ES Addendum: Stabilisation Works for Change Request [REP4-063] recognised the potential for additional direct adverse impacts on currently unknown below ground heritage assets during construction due to the proposed stabilisation works and compensatory habitat area. Where present, after preservation by record the effects would be no different from those previously reported as would the effects during operation. Similarly, the ES Addendum: Southern Access Works for Change Request [REP4-064] concluded that there would be no change to the effects to those previously assessed.

- 4.20.47. The final SoCG between the Applicant and NCC [REP11-009] confirmed that all matters in relation to the historic environment were agreed. These included that the potential impacts on heritage assets were adequately assessed, the design and mitigation measures during construction and operation were appropriate, that no enhancement measures were required and that the monitoring proposed was appropriate and adequate. Similarly, the final SoCG between the Applicant and Historic England [REP10-031] confirmed that all matters in relation to the historic environment were agreed including that no mitigation or enhancements were proposed for Scheduled Monuments and that Scheduled Monuments abutting the Order Limits would be protected through the Outline CEMP [REP11-006] on the basis of measures referred to by Historic England.

## **ExA Conclusion**

- 4.20.48. We are satisfied that the Applicant's historic environment assessment has identified the significance of the heritage assets and their settings which would be potentially affected by the Proposed Development. The assessment also includes sufficient information to allow the nature and value of the significance of the assets to be understood. As such, we find that the assessment accords with paragraphs 5.128 and 5.129 of the NNNPS.
- 4.20.49. Within this section we have had regard to the likely significant effects resulting from the Proposed Development on heritage assets including buried archaeological sites, historic buildings and areas, and historic landscapes. Consideration has been given to the effects in terms of the potential for direct physical disturbance and indirect effects on settings.
- 4.20.50. Historic England and NCC were content that the impacts on designated heritage assets had been identified and assessed appropriately [REP10-031] [REP11-09] and on this basis we are satisfied that the assessment would accord with paragraph 5.130 of the NNNPS.

- 4.20.51. For Part A permanent moderate adverse effects would occur due to the permanent removal or destruction of additional below ground remains associated with the findspot of Mesolithic flint and buried remains associated with The Chapel or Hermitage at Helm. A moderate adverse effect was identified for the permanent removal or destruction of currently unknown below-ground archaeological remains of medium value from the Prehistoric, Roman, Early Medieval and Late Medieval periods while the permanent removal or destruction of below ground heritage assets of high or very high value, ranging from the Prehistoric to the Post-Medieval periods there would be a large or very large adverse effect. The permanent removal or destruction of Cropmark of rectilinear enclosure was assessed as unknown at present although the effect could also be significant.
- 4.20.52. During the construction of Part A, there would be a slight adverse effect on one Grade II listed milestone due to its removal and relocation and moderate adverse effects on the settings which contribute to their value of the non-designated park and designated assets at Felton Park and the Grade II listed Longfield Cottage and Boundary Stones. No significant adverse or beneficial effects were identified for the operational phase of Part A.
- 4.20.53. For Part B permanent moderate adverse effects were identified due to the permanent loss of below ground heritage assets comprising Bronze Age cist burials, additional remains associated with findspots of Neolithic or Bronze Age flint flakes and earthworks east of Heckley House and from potential archaeological remains dating from Prehistoric, Medieval, Post-Medieval, Industrial, Modern date, Early Medieval and Late Medieval periods. A large adverse effect was identified for the permanent loss of unknown below-ground heritage assets of high importance from the Prehistoric to the Post Medieval period while for assets of very high importance covering the same period the loss was identified as being very large adverse.
- 4.20.54. Significant effects to the settings of Part B built heritage assets during construction were identified for Heckley House, the Dovecote to the east of Heckley Fence Farmhouse, Patterson Cottage and West Linkhall Farmhouse, all of which are Grade II listed. A moderate adverse effect was also identified for the Scheduled Monument Camp at West Linkhall. Additionally, Part B would result in the demolition of Charlton Mires Farm, a non-designated heritage asset which the ES found would result in a slight adverse effect. During the operation of Part B the only significant effect would be to the Grade II listed Dovecote to the east of Heckley Fence Farmhouse due to the change in its setting resulting in a moderate adverse effect.
- 4.20.55. Mitigation is proposed through measures set out in the REAC which forms part of the Outline CEMP with R4 of the dDCO [REP11-003] providing for a CEMP which is substantially in accordance with the Outline CEMP to be

approved before construction commences. Monitoring measures for managing temporary impacts on the setting of heritage assets are also detailed in the Outline CEMP. In addition, R9 and R10 of the dDCO provide for the discovery of currently unknown archaeological interests during construction and the safeguarding of milestones respectively. With these measures secured the significance of the effects would be mitigated as far as possible and no further mitigation has been considered during the Examination. Such measures would also be in accordance with paragraph 5.136 of the NNNPS.

- 4.20.56. In accordance with paragraph 5.132 of the NNNPS any harmful impact on the significance should be weighed against the public benefit of development. Paragraph 5.134 then goes on to state that where the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. In this case there would be less than substantial harm to the setting of a number and range of designated heritage assets.
- 4.20.57. Specifically for Part A there would be less than substantial harm in respect of below ground remains associated with the findspot of Mesolithic flint and buried remains associated with The Chapel or Hermitage at Helm, currently unknown below-ground archaeological remains of medium value from the Prehistoric, Roman, Early Medieval and Late Medieval periods, the permanent removal or destruction of below ground heritage assets of high or very high value, ranging from the Prehistoric to the Post-Medieval periods and the permanent removal or destruction of Cropmark of rectilinear enclosure. Less than substantial harm would also occur to the settings of the statutorily listed Longfield Cottage and Boundary Stones and from the removal and relocation of a listed milestone.
- 4.20.58. For Part B there would be less than substantial harm in respect of below ground heritage assets comprising Bronze Age cist burials, additional remains associated with findspots of Neolithic or Bronze Age flint flakes and earthworks east of Heckley House and from potential archaeological remains dating from Prehistoric, Medieval, Post-Medieval, Industrial, Modern date, Early Medieval and Late Medieval periods, the setting of the statutorily listed Heckley House, the Dovecote to the east of Heckley Fance Farmhouse with attached wall, Patterson Cottage, West Linkhall Farmhouse and the Scheduled Monument Camp at West Linkhall. There would also be potential for less than substantial harm to undiscovered archaeological assets of very high and high importance ranging from the Prehistoric to the Post-Medieval period, resulting in less than substantial harm to the significance of those assets.
- 4.20.59. These harms are weighed against the public benefits of the Proposed Development in Chapter 6.

## **4.21. MATERIAL RESOURCES AND WASTE MANAGEMENT**

### **Policy Considerations**

- 4.21.1. Paragraph 5.42 of the NNNPS advises that the applicant should set out arrangements for managing waste, normally seeking to minimise the volumes of waste produced and sent for disposal. The SoS is required to consider the extent to which the effective management of waste arising from the construction and operation of the proposed development has been addressed (paragraph 5.43). Where the project will be subject to the EA's environmental permitting regime, waste management arrangements during operations will be covered by the permit (paragraph 5.45).
- 4.21.2. Materials are only briefly mentioned in the NNNPS (paragraphs 5.182 and 5.183) in respect of the need for the SoS to ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources where a proposed development has an impact on an MSA.

### **The Applicant's Case**

- 4.21.3. Chapter 13 of the ES: Material Resources Part A [APP-056] and Part B [APP-057] addresses the topics of material consumption and waste generation. The potential for the Proposed Development to consume material resources (including products offering sustainability benefits, recycled or renewable sources) and the generation and use of material recovered from site is recognised. The production and disposal of waste during demolition, site preparation and construction is also considered with potential impacts occurring principally during construction and potentially in the first year of operation.
- 4.21.4. The ES indicated that the consumption of construction materials would not have a significant effect on local, regional and national market resources as there would be sufficient materials available for construction. While primary materials required for Parts A and B are a finite resource, they are generally available through local and regional supply although some national or wider sourcing may be required. Most material from earthworks activities, the demolition of existing structures and buildings and from road planings would be, wherever possible, reused on-site in specified landscape mitigation bunds, or recovered. Waste to landfill would be expected to comprise only unsuitable and contaminated earthworks and hazardous waste but would have an adverse impact on landfill capacity in the region. Excavated material not required for Part A would be re-used in the construction of Part B, if suitable, and/or exported for use to other road schemes in the North East. This material would be stored temporarily within Part A until the start of construction of these other schemes.
- 4.21.5. The Outline CEMP as submitted [APP-346] sets out the requirement for the main contractor to produce management plans to monitor material

reuse and to manage and monitor site waste to reduce its amount. It also details the environmental mitigation measures that would be implemented to manage hazardous and non-hazardous waste arising from construction and operation including responsibilities and any ongoing maintenance and monitoring arrangements.

- 4.21.6. This includes a Site Waste Management Plan (SWMP), aimed at reducing waste disposal to landfill, which would be produced and maintained by the main contractor and secured via the Outline CEMP and through R4 of the dDCO. A MMP would be used to mitigate the risks and monitor the maximum reuse of both natural soils and made ground. Relevant measures in the Outline CEMP/ REAC are S-GS7, S-M6, S-M7, S-M8, S-M9 and S-CC7 and address these matters. The REAC also specifies that the SWMP and MMP would be updated and reviewed by the Environmental Manager on a monthly basis. In addition, any necessary waste management permits would be obtained as set out in the Outline CEMP and the Consents and Agreements Position Statement [APP-016].
- 4.21.7. Based upon estimated quantities of required material, and the capacity of the regional landfill site to accept the waste the ES assessed the post-mitigation construction phase of the Proposed Development to be not significant in relation to material resource consumption and disposal of waste to landfill.
- 4.21.8. During the operation and maintenance of the Proposed Development the potential to consume material resources would be extremely limited while for waste, the potential to produce and dispose of waste to landfill would also be limited. As such the ES found that the operational effects would not be significant.
- 4.21.9. Chapter 13 also considered MSAs in relation to their value as a potentially consumable resource. It recognised that while MSAs had been identified within the Order Limits, the impact on these resources, was not expected to generate a significant adverse effect because the threshold criterion for sterilisation of MSAs would not be reached.

## **Examination**

- 4.21.10. The ExA asked a number of questions of clarification about material resources (ExQ1) [PD-007] These were addressed to the Applicant and were answered to the ExA's satisfaction at D1 [REP1-076]. In addition, material resources and waste management were not identified as a principal issue at the Examination.
- 4.21.11. NCC's LIR [REP1-071] confirmed that the Council agreed with the methodology and the baseline data used in respect of the use of material resources. It noted that the Proposed Development had the potential to consume materials in large quantities which may put pressure on the County's natural minerals resources, and to produce and dispose of

waste during the demolition, site preparation and construction phase. The Council outlined support for the production of a MMP and a SWMP. With respect to the transport of materials and waste during construction, the Council recognised the need for a traffic management plan but was otherwise satisfied with the approach taken. The effects of material resources and waste management were therefore considered by the Council to be neutral.

- 4.21.12. Responding to discrepancies which NCC raised within its LIR about the potential capacity for inert landfill in the county the Applicant commented [REP3-025] that it did not consider the associated reduction in available capacity would materially affect the findings of the assessment. In addition, good and best practice design and mitigation measures would reduce the amount of waste sent to landfill.
- 4.21.13. Responding to the Council's concerns about the limited availability of temporary storage areas for transported materials Applicant confirmed that the Outline CTMP [REP1-025] had identified Rendezvous Points as access points for deliveries from the A1 carriageway directly into the works. These would be developed further by the Applicant prior to the commencement of construction. The final CTMP would be secured through R11 of the Recommended DCO.
- 4.21.14. In their RR the EA [RR-004] commented on an historic landfill site located south of Helm and east of the A1 carriageway. The EA noted that this was operational prior to the introduction of waste disposal licencing and was not identified on ES Figure 11.7 [APP-119]. Responding the Applicant [REP1-065] confirmed that the site is outside of the Order Limits and more than 250m from the proposed online works. Consequently, it would not be disturbed during the construction works. It noted that within Chapter 11 Geology and Soils Part A [APP-052] that water resulting from the dewatering of excavations would be captured and tested prior to appropriate disposal either under licence to foul sewer or to surface watercourse subject to an environmental permit. Given the distance of the landfill from the proposed works it was considered unlikely that leachate associated with the landfill would be encountered during excavation. However, should groundwater containing contaminants associated with the landfill be encountered there would be measures in place to ensure the limitation of potential pollution of controlled waters. Consequently, the Applicant stated that the identification of the historical landfill was not considered to alter the assessment. The Applicant also updated Figure 11.7: Potential Contamination and Shallow Mine related Features Part A at D1 [REP1-068].
- 4.21.15. The Earthworks Amendments to the application proposed changes to temporary and permanent earthworks within the Order Limits along both Part A and Part B. These were proposed to reduce the volume of materials required to be imported for the Proposed Development and

therefore reduce earthwork movement and to minimise offsite disposal, as set out in the ES Addendum: Earthworks Amendments for Change Request [REP4-061]. The amendments would involve permanent changes in the gradient and height of proposed earthworks and additional temporary storage areas for both Part A and Part B, an extension to Parameters 4 and 5 for Part A and the use of borrow pits for Part B.

- 4.21.16. The Addendum indicated that there would be a reduction of 165,000 tonnes of imported materials to Part B, of which 110,000 tonnes would comprise earthworks from Part A. This would further reduce the earthworks haul material between Part A and Part B. There would be an overall reduction in disposal volumes from across the Proposed Development with 250,000 tonnes diverted from landfill for Part A and 137,500 tonnes diverted from landfill for Part B. On this basis the Applicant concluded that following the successful implementation of mitigation, the earthworks amendments would result in no change to the conclusions of the assessment of construction effects as reported in Chapter 13.

## **ExA Conclusion**

- 4.21.17. We are satisfied that any effects of the Proposed Development on the management of materials and waste would be dealt with through the Outline CEMP, SWMP and MMP. Moreover, we are satisfied that mitigation is adequately provided for and secured in the Recommended DCO. The proposals for waste management and the use of material assets would be satisfactory and would accord with paragraphs 5.42, 5.43 and 5.183 of the NNNPS. In this respect, the issues of material resources and waste management attract neutral weight in the planning balance.

## **4.22. COMBINED AND CUMULATIVE EFFECTS**

### **Policy Considerations**

- 4.22.1. Paragraphs 4.3 of the NNNPS states that, in considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the Examining Authority and the SoS should take into account its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 4.22.2. Paragraph 4.17 goes on to say that the Examining Authority should consider how significant cumulative effects and the interrelationship between effects might, as a whole, affect the environment, even though they may be acceptable when considered on an individual basis with mitigation measures in place.

## The Applicant's Case

- 4.22.3. Chapter 15 of the ES: Assessment of Combined Effects Part A [APP-060] and Part B [APP-061] cover the likely significant combined environmental effects of the topics covered in the technical chapters 5 to 13 of the ES. Chapter 16 of the ES: Assessment of Cumulative Effects [APP-062] reports the likely significant cumulative environmental effects associated with the Proposed Development. It is accompanied by Figure 16.1 Cumulative Assessment Applications [APP-184] and Appendices [APP-327] to [APP-336].
- 4.22.4. Paragraphs 15.4.6 to 15.4.7 of ES Chapter 15 Part A [APP-060] set out the methodology for the assessment of combined effects. For Part B [APP-061], the same methodology was used as set out in paragraphs 15.4.7 to 15.4.8. The Applicant stated that the methodology used considers the changes in baseline conditions at common sensitive receptors identified within the ES, for Part A and Part B, which have been grouped based on their shared attributes and/ or common characteristics. This approach therefore allows for an assessment of how multiple effects, at the same time, may impact one particular receptor. Also, in determining the significance of effect for each category of common receptors, the assessment considers the worst-case effects reported in the Chapters 5 to 13 of the ES.
- 4.22.5. Although a number of mitigation measures are included in the Outline CEMP [APP-346] to minimise potential environmental effects at construction stage, such as measures S-A2 and S-A3 to minimise dust and emissions during construction, S-N2 to avoid or reduce disturbance and vibration and S-N3 to limit effects on sensitive receptors during construction, significant adverse combined effects may still be experienced by some receptors.
- 4.22.6. For Part A [APP-060], Table 15.4 details the combined effect interactions of the identified environmental effects and reports that, at construction stage, combined effects would be significant to some residential receptors (moderate to large adverse), amenity areas (moderate adverse), road users (moderate to large adverse), users of footpaths and PRoW (moderate to large adverse), ecological sites (minor adverse to moderate beneficial). Significant combined moderate adverse effect could also potentially occur upon Tritlington Church of England Aided First School due to the loss of amenity.
- 4.22.7. For Part B [APP-061], Table 15.4 reports that, at construction stage, combined effects would be significant to some residential receptors (large adverse on residents closest to Part B during construction), road users (moderate adverse), users of PRoWs (large adverse), ecological sites (moderate adverse to moderate beneficial) and agricultural land (very large adverse due to the temporary and permanent loss of best and most versatile land and the demolition of farm buildings).



- 4.22.8. At the operational stage, the combined effects of Part A would lead to residential receptors experiencing major beneficial to major adverse effects. This is due to significant visual effects being predicted at some residential properties near to Part A, which would also experience noise impacts during operation. Areas of amenity would experience overall combined effects of minor beneficial and minor adverse significance. Users of footpaths and PRow would also experience significant overall moderate adverse combined effects. Road users, ecological sites and community facilities receptors would not be expected to experience significant effects at the operational stage.
- 4.22.9. For Part B, at operational stage, combined effects are predicted to range from major beneficial to moderate adverse for residential receptors. For users of PRow these are predicted to range from slight beneficial to moderate adverse. Road users, ecological sites, and commercial properties are not predicted to experience significant effects.
- 4.22.10. Chapter 16 of the ES [APP-062] provided an assessment of the combined effects of the Proposed Development as a whole and also the cumulative impacts.
- 4.22.11. The following types of cumulative and combined effects were assessed:
- Within topic combined effects, in which the environmental effects of the Proposed Development as a whole (i.e. Part A and Part B together) for each environmental topic are considered;
  - Cross topic combined effects, in which the environmental effects of the Proposed Development as a whole (i.e. Part A and Part B together) across the environmental topics are considered;
  - Cumulative effects, in which the effects of the Proposed Development as a whole (i.e. Part A and Part B together) are considered as these interact with the effects from other developments near the identified receptors.
- 4.22.12. Paragraphs 16.8.1 to 16.8.63 of Chapter 16 of the ES [APP-062] detail the assessment for combined effects within a topic.
- 4.22.13. In relation to noise and vibration, Part A would result in three significant adverse effects and 16 significant beneficial effects (including 13 houses and three other sensitive receptors) when considering the mitigation proposed for Part A. An additional two moderate adverse effects were identified but they were not deemed significant due to the noise level changes on other facades and the absolute noise levels at the receptors. In relation to Part B, the Proposed Development would result in four significant beneficial effects. Several road links (seven in the short-term), outside the Part A and Part B, are predicted to experience significant beneficial changes in noise levels.

- 4.22.14. In relation to air quality, biodiversity, population and human health, material resources and climate, the Proposed Development would not be expected to have a significant combined effect within a topic.
- 4.22.15. Table 16.9 of Chapter 16 of the ES [APP-062] details the combined effect interactions across the environmental topics considered. Its aim is to consider all potential environmental effects and therefore identified those that could combine to result in an effect of greater significance.
- 4.22.16. Combined effects during construction would arise for residents within the vicinity of the main compound for Part A and additional effects due to construction traffic moving between the main compound and Part B. The combined effects would be due to additional impacts from changes to air quality, visual amenity, noise pollution and community severance.
- 4.22.17. When considering the air quality, noise and vibration as well as population and human health effects along with the visual effects, the Proposed Development would have a combined temporary, residual effect of moderate adverse to slight beneficial significance on residents closest to the Proposed Development during construction.
- 4.22.18. In relation to cumulative effects, a review of 43 other development proposals was carried out. No significant cumulative effects were identified between the Proposed Development and any of the other 43 different schemes identified, during construction or operation. Other cumulative impacts with other developments were predicted but they either did not change the assessment of effects (i.e. the effects would remain the same as when the Proposed Development was assessed on its own) or found not to be significant, when considering the degree of impact and sensitivity of receptors.

### **Examination**

- 4.22.19. At ISH3 [EV-038], the ExA posed a series of questions to the Applicant in relation to combined and cumulative impacts in order to better understand how the Applicant had arrived at the overall combined effects as reported within Chapter 15 of the ES. The ExA was particularly interested in understanding from the Applicant how the cross topic combined effects had been evaluated in relation to sensitive receptors, namely residential receptors.
- 4.22.20. Following ISH3, the Applicant submitted, at D6, Appendix E – Combined Effects Technical Note [REP6-047] regarding how the conclusions were reached in Table 15.4 of Chapter 15 of the ES for Part A [APP-060] and Part B [APP-061] and Table 16-9 of Chapter 16 of the ES [APP-062]. The Appendix stated, in paragraph 1.1.3 that the full details of the screening of receptor groups for cross topic combined effects will be provided for all receptor groups and associated individual receptors at D7.

- 4.22.21. At D7 the Applicant submitted the Combined Effects Technical Note (Rev1) [REP7-016] which provided the full details of the screening of receptor groups for cross topic combined effects and the residual effects experienced by each receptor group.
- 4.22.22. In addition to this, the combined and cumulative effects previously reported within Chapter 15 the ES [APP-060] and [APP-061] and in ES Chapter 16[APP-062] were reviewed and updated to account for the proposed changes to the application submitted at D4 and the additional effects identified following the application of the updated DMRB guidance outlined. Consequently, ES Table 15.4 [APP-060] [APP-061] and ES Table 16.9 [APP-062] were revised and incorporated into the Combined effects Technical Note [REP7-016].
- 4.22.23. Paragraph 1.3.13 of the Combined effects Technical Note [REP7-016] confirmed that no further combined significant residual effects have been identified above the level of significance of those residual effects reported in Part A Chapters 5 to 13 [APP-040 to APP-056]. Therefore, no further mitigation or monitoring would be required above that already presented in Part A Chapters 5 to 13 [APP-040 to APP-056] and the Outline CEMP [REP6-025]. The Applicant also confirmed, in paragraph 1.3.14, that significant effects would remain for combined effects as set out in Appendix GEN.4 Justification for Significant Residual Effects [REP1-036].
- 4.22.24. Paragraph 1.3.22 of the Combined effects Technical Note [REP7-016] also confirmed that no further combined significant residual effects had been identified above the level of significance of those residual effects reported in Part B Chapters 5 to 13 [APP-040 to APP-057]. Therefore, no further mitigation or monitoring would be required above that already presented in Part B Chapters 5 to 13 [APP-040 to APP-057] and the Outline CEMP [REP6-025]. The Applicant also confirmed, in paragraph 1.3.23, that significant effects would remain for combined effects as set out in Appendix GEN.4 Justification for Significant Residual Effects [REP1-036].
- 4.22.25. The same position was reached by the Applicant in relation to cross topic combined effects, with no further significant effects above the level of significant having been identified as a consequence of the update.
- 4.22.26. Through ExQ4 CC.4.1 [PD-018] the ExA asked for the Applicant's views on the comments made by NE [REP5a-004] in relation to the combined and cumulative effects of the proposed change on the River Coquet and if the Applicant viewed such impacts as significant, as suggested by NE.
- 4.22.27. The Applicant responded [REP8a-006] that the assessment presented in paragraphs 8.10.25 to 8.10.48 of ES Addendum: Southern Access Works for Change Request [REP4-064] considered the combined effects of both the Stabilisation Works together with the Southern Access Works on the River Coquet when describing the impacts of loss of natural bed and bank

features, decoupling of the channel from the sediment supplied by the gorge slopes and cessation of the natural evolution of the channel. A within topic combined effect of slight adverse was reported as the result of these impacts. It went on to state that a significant cross topic combined residual effect (moderate adverse) during construction had been reported, as a result of both the biodiversity and road drainage, and the water environment effects on the River Coquet.

- 4.22.28. The SoCG between the Applicant and NE [REP10-029] stated that although the parties were unable to reach an agreement in relation to the level of significance of the effects to the River Coquet as a result of the proposed changes to the application, there was agreement that the impact to geomorphology and the loss of riparian habitat required compensation. The Applicant agreed to provide a financial contribution towards offsite compensation works as requested by the EA, through a legal agreement signed by both parties. The financial contribution relates to the loss of riverbank habitat and the associated impacts on geomorphology on the River Coquet.
- 4.22.29. Mr Mark Hawes [REP6-055] raised concerns regarding how the combined and cumulative effects of the Proposed Development on Northgate Farm had been assessed and addressed. These included visual effects, noise and vibration, air quality issues, loss of trees, access to public transport, accessibility from a public highway, effects on land to the west of the property and impact on wildlife and biodiversity.
- 4.22.30. Mr Mark Hawes [REP6-056] also expressed concerns about how the combined effects had been documented and how the cumulative effects had been assessed as particularly in relation to the Morpeth Northern Bypass scheme. He also considered that the wide-reaching impact of the scheme on Northgate Farm had not been recognised by the Applicant.
- 4.22.31. The Applicant [REP7-017] provided a detailed response to Mr Hawes' comments [REP6-055] [REP6-056] (Table 1-3 Ref. No 72 No 73 and Table 1-4 Ref. 1). Further information was provided on how the combined effects during construction and operation were assessed for Northgate Farm and how these were considered. The Applicant acknowledged that some of the effects for Northgate Farm were considered to be significant during the construction phase and not significant during operation. The Applicant also clarified in its response that the Morpeth Northern Bypass scheme had already been constructed and was in operation, therefore forming part of the existing environment (i.e. baseline conditions).
- 4.22.32. Mr Hawes [REP8-033] re-iterated some of his concerns regarding cumulative effects of the Proposed Development on Northgate Farm, particularly questioning the outcome and conclusions reached by the Applicant at D7 [REP7-016] mainly because the analysis was carried out with groups of properties, not individual properties. Amongst other

issues, concerns were raised in relation to the adequacy and efficacy of the mitigation measures proposed.

4.22.33. At D9 [REP9-018] the Applicant provided a response to the issues raised in Mr Hawes' submission at D8, including reference to how Northgate Farm was considered, as an individual residential receptor, as part of the assessment of combined effects and how the impacts and significance of residual effects identified for each individual receptor had been listed and used to inform the potential combined effect for each individual receptor. In Ref 5 to 6c of ES Table 1.5 [REP9-018] the Applicant responded to the concerns raised in relation to the adequacy and efficacy of the proposed mitigation measures.

4.22.34. At D11 Mr Hawes reiterated some of his concerns in relation to the combined and cumulative effects of the Proposed Development [REP11-021], having reviewed the response from the Applicant, which remained unresolved by the end of the Examination.

### **Examination**

4.22.35. Significant effects are predicted for combined and cumulative effects, particularly at the construction stage, as a result of the Proposed Development. For Part A, combined effects would be significant to some residential receptors (moderate to large adverse), amenity areas (moderate adverse), road users (moderate to large adverse), users of footpaths and PRowS (moderate to large adverse), ecological sites (minor adverse to moderate beneficial). For Part B, combined effects would be significant to some residential receptors (large adverse on residents closest to Part B during construction), road users (moderate adverse), users of PRowS (large adverse), ecological sites (moderate adverse to moderate beneficial), agricultural land (very large adverse).

4.22.36. Some residential properties, particularly those located in close proximity to the existing A1 in both Part A and Part B, are likely to experience significant adverse visual effects and noise effects during operation. Users of some footpaths in Part A and PRowS in Part A and B would also experience significant overall moderate adverse combined effects.

4.22.37. These significant effects will be considered as part of the overall effects of the Proposed Development. This would include moderate beneficial effects, which are expected to be experienced by some receptors, including ecological sites, residential receptors along the offline section of the Proposed Development in Part A and other residential receptors that will benefit from safer access and reduced traffic congestion. This is discussed in the overall planning balance and final conclusions.

## **5. FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT**

### **5.1. INTRODUCTION**

- 5.1.1. This Chapter of the Report sets out the ExA's analysis, findings and conclusions relevant to the HRA. This will assist the SoST as the competent authority, in performing their duties under the Habitats Directive<sup>6</sup>, as transposed in the UK through the Habitats Regulations<sup>7</sup>.
- 5.1.2. The broad stages for the HRA process are outlined in the Planning Inspectorate's Advice Note 10 (AN10), in particular the process diagram set out in Figure 1.
- 5.1.3. Regulation 63 of the Habitats Regulations states that if an application proposal is likely to have a significant effect (either alone or in combination with other plans or projects), then the competent authority must undertake an appropriate assessment of the implications for that site in view of its conservation objectives.
- 5.1.4. Consent for the Proposed Development may only be granted if, having assessed the potential adverse effects the Proposed Development could have on European sites<sup>8</sup>, the competent authority considers that it meets the requirements stipulated in the Habitats Regulations. The SoST is the competent authority for the purposes of the Habitats Directive and Habitats Regulations for Transport Applications submitted under the PA2008. NE is the statutory nature conservation body.
- 5.1.5. Throughout the Examination process we have considered the need to ensure that the SoST has an adequate basis of information from which to carry out their duties as competent authority, informed by and compliant with the policy set out in the NNNPS.
- 5.1.6. As such, we have reviewed the evidence presented during the Examination concerning likely significant effects on the integrity of European sites potentially affected by the Proposed Development.

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<sup>6</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

<sup>7</sup> The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)

<sup>8</sup> The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs (cSACs), Special Protection Areas (SPAs), possible SACs (pSACs), potential SPAs (pSPAs), Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above.

5.1.7. The Applicant submitted a HRA Report [APP-342] with the DCO application entitled "6.14 Habitat Regulations Assessment". This was revised prior to the Examination [AS-005] (clean) [AS-004] (tracked) and during the Examination [REP1-057] (clean) [REP1-059] (tracked) [REP1-060] (clean) with an Addendum Report [REP1-058]. An Updated HRA Report was submitted at D4 as part of the Change Request [REP4-056] (clean) [REP4-057] (tracked).

## **5.2. HRA IMPLICATIONS OF THE PROJECT**

5.2.1. The methodology in the HRA Report (consistent with that specified in the DMRB) explains that European sites within 2km of the Proposed Development, or 30km if bats are a qualifying species, were included within the study area. In this instance, the 2km study area was extended to include coastal European sites which are hydrologically connected to the Proposed Development via watercourses crossed by the A1 or are designated for supporting avian qualifying features. The assessment also considered the ARN, scoping in European sites within 200m of the ARN with regard to air quality. The HRA Report confirmed that no European sites were identified due to having bats as qualifying species.

5.2.2. The HRA Report identified an area of search and eight relevant European sites:

- Northumbria Coast Special Protection Area (SPA) (scoped in for Parts A and B);
- Northumbria Coast Ramsar (scoped in for Parts A and B);
- Northumberland Marine SPA (scoped in for Parts A and B);
- North Northumberland Dunes Special Area for Conservation (SAC) (scoped in for Part As and B);
- Coquet Island SPA (scoped in for Part A);
- Berwickshire and North Northumberland Coast SAC (scoped in for Part B);
- Newham Fen SAC (scoped in for Part B); and
- River Tweed SAC (scoped in for Part B).

5.2.3. The Proposed Development Order Limits do not overlap with any European site. The Applicant did not identify any potential impacts on European sites in any European Economic Area (EEA) States. No comments relating to European sites within EEA States were received during the Examination. The Proposed Development is not connected with or necessary to the management for nature conservation of any of the European sites considered within the Applicant's assessment. Plans showing the European sites included within the assessment are provided at Figure 1, Appendix A and Figure 2, Appendix D of the HRA Report [APP-342].

5.2.4. The Applicant provided Screening Matrices listing the sites and their qualifying features for Part A (in Appendix B) and Part B (in Appendix E) [APP-342]. Following acceptance of the application, we requested [PD-

003] that the Application provide a single revised matrix for three sites (Northumbria Coast SPA, Northumbria Coast Ramsar, and Northumberland Marine SPA) and these were provided in an Addendum [AS-003]. A single revised matrix for the North Northumberland Dunes SAC was also requested (ExQ1 BIO.1.49 [PD-007]) and this was provided at D1 [REP1-043].

- 5.2.5. Due to an inconsistency between the qualifying features listed for the River Tweed SAC in the screening matrix (Matrix 7 (Table E-8) [AS-005] and those provided in the main text (Table 3.7), the Applicant was requested in our first written questions to provide a definitive list of features and assessment thereof (BIO.1.51 [PD-007]). The Applicant acknowledged the inconsistency and confirmed the list of qualifying features, amending the HRA report to reflect this [REP1-012] (clean) [REP1-013] (tracked).
- 5.2.6. The ExA is satisfied that the Applicant has correctly identified all the relevant European sites and relevant qualifying features for consideration within the HRA.
- 5.2.7. An Updated HRA Report was submitted at D4 as part of the Change Request bundle of documents [REP4-056] (clean) [REP4-057] (tracked). Paragraph 1.1.5 states that the proposed changes to the Proposed Development of relevance to the HRA report comprise works associated with Part A: Stabilisation Works to the north bank of the River Coquet (see [REP4-063]) and proposed alternative access to the south bank during construction via a temporary bridge crossing the river (Southern Access Works) (see [REP4-063]). The Earthworks Amendments did not alter the HRA and are not discussed further. The revised HRA [REP4-056] goes to Stage 2 – Appropriate Assessment.

### **5.3. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS**

- 5.3.1. The eight European sites identified above were screened by the Applicant prior to the Examination. The assessment considered each of these sites against the following possible impacts:
- habitat loss (habitat loss; spread of invasive plant species);
  - displacement (displacement from noise, lighting or odour; displacement from visual disturbance);
  - emissions (vehicle emissions; waterborne pollution); and
  - in combination effects.
- 5.3.2. At the completion of the screening process, the Applicant concluded for all but one impact pathway that the Proposed Development was unlikely to have significant effects, either alone or in combination with other plans or projects, on the European sites identified above. Potential impacts arising from pollution events during construction associated with the proposed changes to the Proposed Development via the hydrological connection of the River Coquet between the European Sites and Part A



could not be screened out and as such an appropriate assessment of the Proposed Development was required.

5.3.3. The principal matters in relation to HRA during the Examination were:

- construction traffic, forecasts and diversions;
- bird surveys and impacts to black-headed gull; and
- decommissioning.

#### **Construction traffic, forecasts and diversions**

5.3.4. We queried whether the forecast traffic values used in the HRA matched those provided in the Case for the Scheme and the Construction Traffic Assessment (see BIO.1.38 and BIO.1.39). The Applicant acknowledged [REP1-032] these errors (which arose when Part A and Part B were combined to a single scheme) and provided an updated HRA Report [REP1-013]. The Applicant confirmed [REP1-032] [REP5-023] that despite higher forecast traffic values, the conclusions of the assessment remained unchanged, that the ARN assessed within the HRA Report was correct, and that the screening for air quality impacts was based on the right values.

5.3.5. We noted that the northbound diversion for Part A includes the A1068 (which crosses and runs alongside the River Coquet and the boundary of the Northumberland Marine SPA) and questioned what effect this would have on the Northumberland Marine SPA (BIO.1.45). The HRA was revised [REP1-012] to state that as the A1068 is an existing carriageway, any birds using the low tide exposed habitats would be habituated to road traffic noise and movements and are not likely to be impacted by diverted traffic movements. The Outline CTMP was also revised [REP1-025] (clean) [REP1-026] (tracked) to include proposals to minimise the number of days of diversion in any given week/month/season/year, in consultation with NE.

5.3.6. We queried statements in the HRA relating to the movements of construction traffic deliveries in the vicinity of European sites (BIO.1.46). In response, the Applicant updated the Outline CTMP [REP1-025] paragraphs 2.3.3 and 2.3.5 to state that drivers/ suppliers should avoid the use of roads located within 200m of European sites designated for nature conservation.

#### **Bird surveys and impacts to black-headed gull**

5.3.7. We queried the validity of the assessment given the age of the breeding bird survey data for Part A of the Proposed Development (BIO.1.40). The Applicant stated [REP1-032] that they had completed a verification breeding bird survey in 2020 and submitted this at D1 [REP1-014]. The 2020 verification survey did not identify any significant changes to the

2016 surveys and as such, the Applicant considered the 2016 survey data to be valid.

5.3.8. We sought to understand the methodology applied for identifying other projects or schemes that might have given rise to impacts in combination with the Proposed Development on the black-headed gull populations of the Northumberland Marine and Coquet Island SPAs (BIO1.42). The Applicant provided a methodology and further qualified the conclusion of no likely significant effects in combination on the black-headed gull populations [REP1-032].

5.3.9. We queried a discrepancy in the screening of Coquet Island SPA about the presence/ absence of black-headed gull in the study area for Part A (BIO.1.50). The Applicant updated their HRA [REP1-012] (clean) [REP1-013] (tracked) to clarify that there were no likely significant effects to the Coquet Island SPA owing to low numbers of black-headed gull recorded in the study area (as opposed to an absence of birds). The Applicant also confirmed [REP5-023] there are no known projects or schemes that would incur impacts to the black-headed gull population of the Coquet Island SPA or with loss of functional habitat (arable or wetland) that, in combination with the Scheme, would constitute a Likely Significant Effect.

### **Decommissioning**

5.3.10. NE confirmed their satisfaction with the scope and methodology used to gather baseline data in respect of traffic modelling and air quality for the HRA report, the Applicant's approach to the in-combination assessment, and confirmed their agreement with the conclusions of the HRA overall [REP1-076]. Regarding emissions to water, NE also confirmed [REP5-048] that it was content that given the distance to the European sites from the proposed works area that natural dilution and settlement rates should be sufficient on their own (i.e. without mitigation) to conclude no likely significant effect on the European sites at the coast, with the exception of the sites hydrologically connected to Part A via the River Coquet (given the revised design of the bridge crossing of the River Coquet, mitigation measures are proposed and the impacts have therefore been taken through to Appropriate Assessment stage).

## **5.4. CONSERVATION OBJECTIVES**

5.4.1. The Applicant provided [REP4-056] Conservation Objectives for the European sites considered for adverse effects on site integrity:

- Northumbria Coast SPA;
- Northumbria Coast Ramsar;
- Northumberland Marine SPA;
- North Northumberland Dunes SAC; and
- Coquet Island SPA.

5.4.2. For the Northumbria Coast Ramsar site, the assessment applied the objectives from the Northumbria Coast SPA (which covers the same geographical area) (Table 2.2, p. 37 [REP4-056]). NE confirmed their agreement that the proposed objectives were considered appropriate (NE response to ExQ4 BIO.4.4 [REP8a-015]).

## **5.5. FINDINGS IN RELATION TO ADVERSE EFFECTS ON THE INTEGRITY**

5.5.1. Chapter 4 of the revised HRA report contains the information to inform an Appropriate Assessment [REP4-056]. The screening assessment identified one element of the Proposed Development that may give rise to likely significant effects either alone or in combination for each of the European Sites listed above: potential impacts arising from pollution events during construction associated with the proposed changes to the development via the hydrological connection of the River Coquet between the European Sites and Part A. Paragraphs 4.3.2 and 4.3.3 conclude that the proposed avoidance and mitigation measures are considered suitable to prevent pollutants, sediment or contaminants from reaching the European Sites, and that as such, it is concluded that following the implementation of mitigation, there are no adverse effects on the integrity of the European Sites predicted during the construction of the Proposed Development alone.

5.5.2. Through ExQ4 we asked (BIO.4.5 [PD-018]) the Applicant to identify any factors that could affect the certainty of the implementation of the mitigation measures listed in paragraphs 4.2.1 and 4.2.2 of the revised HRA. The Applicant explained how the constraints in this location, and comments from NE were taken into account to increase the certainty of the implementation of the mitigation measures [REP8a-006].

5.5.3. NE confirmed their agreement with the conclusions of the revised HRA report and that the mitigation strategy proposed in the Appropriate Assessment is sufficient to ensure that proposals set out will not have an adverse effect on the integrity of the relevant European sites (NE response to ExQ4 BIO.4.6 [REP8a-015]).

## **5.6. HRA CONCLUSIONS**

5.6.1. The Examination has considered the likely significant effects on the following European sites potentially affected by the scheme:

- Northumbria Coast SPA;
- Northumbria Coast Ramsar;
- Northumberland Marine SPA;
- North Northumberland Dunes SAC;
- Coquet Island SPA;
- Berwickshire and North Northumberland Coast SAC;
- Newham Fen SAC; and

- River Tweed SAC.

5.6.2. Taking account of all representations received, we conclude that the Proposed Development would not adversely affect European sites, species or habitats, and that the Proposed Development can proceed without an appropriate assessment being undertaken by the SoST, whilst recognising that the SoST is the competent authority under the Habitats Regulations.

## **6. CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT**

### **6.1. INTRODUCTION**

6.1.1. This Chapter provides a balanced evaluation of the planning merits of the Proposed Development. It does so in the light of the legal and policy context set out in Chapter 3 and individual applicable legal and policy requirements identified in Chapters 4 and 5 above. The designated NNNPS provides the primary basis for the SoS to make decisions on development consent applications for national networks NSIP. Conclusions on the case for development consent set out in the application are therefore reached within the context of the policies contained in the NNNPS. However, as indicated in Chapters 3 and 4, in reaching the conclusions set out in this Chapter, we have taken all other relevant law and policy into account.

### **6.2. THE PLANNING BALANCE**

6.2.1. We have reached a number of conclusions on the effects of the Proposed Development and its performance against relevant policy and legislation which draw on the analysis of the planning considerations in Chapter 4 and the relevant facts and issues documented in the HRA in Chapter 5.

#### **Issues Arising in Written and Oral Submissions**

6.2.2. There were no objections in principle to the Proposed Development or representations suggesting that the Proposed Development was inappropriate in policy terms and the majority of representations were related to matters of specific interest many of which were resolved during the Examination.

#### **Issues arising in the LIR**

6.2.3. NCC in its LIR [REP1-071 concluded that: "*The delivery of these improvement works has been a longstanding ambition of the Council [to address] congestion and road safety concerns in this key corridor through the county*".

6.2.4. It went on to confirm that "*whilst there will be some negative local impacts primarily during the construction of the improvement works, none are so significant as to lead to the Council to object to the principle of the scheme*" noting that it was "*satisfied that the impacts are capable of being appropriately controlled by requirements contained within any DCO granted*". It welcomed the Proposed Development which it found to be "*in accordance with national and local planning policy*".

## Conformity with the NPS

6.2.5. In relation to the relevant NPS, the NNNPS, we find:

- no instances of non-compliance with the NNNPS were identified by IPs or APs;
- the need for the Proposed Development is established through the NNNPS;
- the Proposed Development conforms to high-level policy in the NNNPS; and
- the compliance of the Proposed Development has been examined against policy detail and tests applicable to individual planning issues within relevant NNNPS paragraphs.

6.2.6. As set out in paragraph 4.4.4 above the Applicant has set out how the Proposed Development is consistent with the aims of the NNNPS at a strategic level with which we concur including:

- the "*critical need*" to improve the national road networks to address road congestion, to provide safe, expeditious and resilient networks;
- the development of the national networks to support economic growth;
- the "*compelling need*" for development on the national networks with the assessment of applications for national networks infrastructure starting from that basis;
- the role of the SRN in providing critical links between cities and joining up communities;
- without improving the road network it would be difficult to support further economic development;
- the Government's policy to enhance the existing national road network including through junction improvements to address congestion and improve performance and resilience and improvements to trunk roads in particular dualling of single carriageway strategic trunk roads to increase capacity and to improve performance and resilience;
- the "*presumption in favour*" of granting development consent for national network NSIPs that fall within the need for infrastructure established in the NNNPS; and
- in considering any proposed development, consideration should be given to its potential benefits and its potential adverse effects, as well as measures to avoid, reduce or compensate for any adverse impacts.

## Conformity with the Development Plan

6.2.7. The Proposed Development aligns with the aims, objectives and policies set out in NCC's development plans. We accept the Applicant's case that overall, the Proposed Development would deliver one of the key policies of the emerging local plan noting that there is specific planning policy support for the dualling for the A1 along the proposed route, and the

dualling of the A1 would help to fulfil some of the aims and objectives of the current and the emerging development plan.

- 6.2.8. We also acknowledge that there are no issues arising from Development Plan policies that conflict with relevant policy directions arising from NNNPS. Whilst NNNPS is the primary source of policy for a decision under PA2008, development plan policies are important and relevant considerations. None of them indicate against the directions set in NNNPS and so it follows that relevant development plan policies will be fully met by a decision that is in accordance with the NNNPS.

### **Application of Other Policies**

- 6.2.9. Section 4.6 above identifies a range of national, regional and local policy contexts which provide further support for the Proposed Development. Nothing arising from these policies has been found that conflicts with relevant policy directions arising from the NNNPS. None of them indicate against the directions set in NNNPS and so it follows that effect can be given to all relevant policies as important and relevant considerations. Moreover, they demonstrate that there is longstanding support for improvements to the A1 to address a range of issues and particularly those relating to congestion and road safety.
- 6.2.10. As the Proposed Development conforms with these other relevant policies and as there are no conflicts between the NNNPS, and other relevant policies, those policies would be addressed by a decision that is in accordance with the NNNPS.

### **Environmental Impact Assessment**

- 6.2.11. The Proposed Development is EIA development. No submissions were made which raised concerns about the overall adequacy of the EIA or the ES. The ES and associated information submitted by the Applicant during the Examination provided an adequate assessment of the environmental effects of the Proposed Development. The EIA Regulations have been complied with by the Applicant and have described the Rochdale Envelope for the Proposed Development which is sufficient to secure its delivery within that envelope through the DCO.
- 6.2.12. The Applicant has also adequately identified the environmental management documents proposed to be used in tandem with DCO provisions to secure the construction and operation of the Proposed Development and the application of mitigation.

### **HRA Considerations**

- 6.2.13. The Proposed Development would not have any likely significant effects on any European sites or their qualifying features. No HRA relevant mitigation measures have been provided because none are required,

Consequently, the Proposed Development can proceed without an appropriate assessment being undertaken by the SoST.

## **The Need for the Proposed Development and Consideration of Alternatives**

- 6.2.14. It has been demonstrated at a high level how the Proposed Development conforms with the NNNPS vision and strategic objectives and is a committed scheme in the RIS. Responding to the planning and environmental context and the need to address identified problems on the A1 in Northumberland the Proposed Development addresses the need to:
- improve journey times on this route of strategic national importance;
  - improve network resilience and journey time reliability;
  - improve safety;
  - maintain access for local traffic whilst improving the conditions for strategic traffic; and
  - facilitate future economic growth.
- 6.2.15. A range of other national, regional and local policy documents or programmes also support the need for the Proposed Development as described above. In line with paragraph 5.203 of the NNNPS the Applicant has had regard to policies in local plans in assessing the impacts of the Proposed Development on wider transport networks which have been found to be supportive of the Proposed Development.
- 6.2.16. Support for *"the dualling of the A1 north of Morpeth and junction improvements throughout the length of the A1 within the Borough"* comes from the Castle Morpeth District Local Plan and the Alnwick District Wide Local Plan which encourages the upgrade the A1 to dual carriageway standard throughout the district. The emerging Northumberland Local Plan provides support for proposed improvements to Northumberland's core road network and for *"full dualling of the A1 through Northumberland and improved local links/ junctions to the A1"*.
- 6.2.17. Other planning, transport and economic policies also provide support for the principle of dualling the A1 including the Northumberland Local Transport Plan and Northumberland Economic Strategy.
- 6.2.18. In line with paragraphs 4.26 and 4.27 of the NNNPS the Applicant has provided an outline of the main alternatives considered in terms of route options and the main reasons for the applicant's choice following extensive public consultation which highlighted support for the Proposed Development in general.
- 6.2.19. Opposition to the proposed route alignment was expressed in terms of proposals in the vicinity of the Charlton Mires junction and remained in dispute at the end of the Examination. The Applicant's position was that the Proposed Development provides the only deliverable option for a



variety of environmental and affordability reasons while M E Beal & Sons would have preferred one of the offline options because either of these would not have had such a devastating effect on their farming business or required the demolition of their family home and that of a neighbour.

- 6.2.20. We accept that the environmental impacts of either of the alternative offline options would be much greater than those associated with the Proposed Development. Although we were not presented with evidence to demonstrate the cost differences between the online preferred option and the offline alternatives, we find that even if the offline options were deliverable taking account of additional costs, the environmental benefits associated with the online option are enough to justify the Proposed Development.
- 6.2.21. With regard to the alternative junction options considered by the Applicant at Charlton Mires, all of which would have a major impact on M E Beal & Sons' property we find the Applicant's reasoning for decided to progress with Option 2 was not an unreasonable proposal to take forward given the impacts of the other options on the landholding and on other properties. With the further development of Option 2 during the Preliminary Design stage to ensure compliance with design and safety standards requiring the centreline of the new carriageway has been moved to the east, we are further convinced that none of the four options would have avoided severe impacts on the M E Beal & Sons' property interests and therefore reaffirm that Option 2 would be the optimum layout at Charlton Mires junction.
- 6.2.22. We recognise that the Applicant has provided an outline of the main alternatives considered in terms of route options and the main reasons for the applicant's choice in line with paragraphs 4.26 and 4.27 of the NNNPS. Having concluded that the Applicant's approach has appropriately addressed the policy requirements the consequence of this finding is the very unfortunate conclusion that this would result in the demolition of two family homes. This matter is further considered in section 7.8.
- 6.2.23. With regard to the need for the Proposed Development there is very strong support and justification for the proposed improvements to the A1 which carries very large weight in the planning balance.

## **Transportation and Traffic**

- 6.2.24. Building upon our earlier findings, the Proposed Development has the full support of NCC, as the host local authority which considered that the impacts in terms of transportation and economic growth would be positive. It is therefore in accordance with paragraphs 2.2 to 2.6 of the NNNPS which note a critical need to improve national networks to address road congestion and provide safe, expeditious and resilient networks while facilitating economic growth.

- 6.2.25. The Proposed Development would address the compelling need for development of the national networks, at a strategic level, both as individual networks and as an integrated system (paragraph 2.10) recognising the importance of the SRN in providing critical links between areas enabling safe and reliable journeys. The Proposed Development would especially meet the need identified in NNNPS paragraph 2.23 which recognises the benefits of specific network improvements including junction improvements and new slip roads as well as improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads to increase capacity and to improve performance and resilience.
- 6.2.26. In line with paragraphs 2.24 and 3.9 to 3.10 of the NNNPS the Proposed Development would bring about significant road safety benefits derived particularly from the dualling of the carriageway to create better opportunities for overtaking, the introduction of grade-separated junctions to replace at-grade junctions and the removal of PMAs. NCC and other IPs supported the road safety improvements which would be achieved, notwithstanding NCC's concerns about safety on the de-trunked section of the A1.
- 6.2.27. With regard to construction traffic NCC found the effects to be negative but temporary and to be mitigated as far as possible through the DCO and specifically through the Outline CEMP and Outline CTMP. We concur with this view.
- 6.2.28. No IPs questioned the traffic or transportation case for the dualling the A1. Amble Town Council and Mr Tom Lloyd questioned the Applicant's junction strategy, but the Applicant demonstrated to our satisfaction the wider benefits for traffic which would outweigh any limited adverse effects for residents of Amble and neighbouring communities. Moreover, we are content with the junction capacity assessments and traffic modelling which demonstrate the need for the Proposed Development and the case for individual junctions.
- 6.2.29. In respect of NMU provision we find that the Applicant has failed to take full advantage of the opportunities to enhance accessibility for NMUs as required by paragraphs 3.15 to 3.18 of the NNNPS which emphasise the Government's commitment to sustainable travel to bring about a step change in cycling and walking. Paragraph 3.17 of the NNNPS identifies a direct role for the national road network to play in helping pedestrian and cyclists. Consequently, we found that while accepting that LTN 1/20 post-dates the application, its themes were not new and the Applicant's approach to its applicability lacked consistency. Proposals to provide for NMUs as future proofing is to be welcomed but the lack of provision between new grade-separated crossings of the A1 and the de-trunked section lacks reasoned justification. While some improvements to conditions for NMUs would clearly arise as a result of the Proposed Development we do not believe that the Applicant has adequately enhanced opportunities for cyclists.

- 6.2.30. We note NCC's call for the Proposed Development to address cycle links on the Felton to Morpeth section of the route throughout the Examination. However, the proposals which it brought forward to provide enhanced opportunities for cyclists, were introduced to the Examination at a late stage and without adequate testing we cannot recommend that they are supported. However, we agree with NCC that this appears to be a missed opportunity when discussions about using Designated Funds to provide NMU enhancements began in 2018.
- 6.2.31. Disagreement between the Applicant and NCC about safety issues along the de-trunked and re-purposed section of the A1 in the light of the Stage 1 Road Safety Audit remained unresolved. We find that NCC should not have to address such matters when they take responsibility for the de-trunked road when they have already been identified. R3 of the Recommended DCO which requires the SoST to approve the detailed designs following consultation with the RPA should provide sufficient opportunity for NCC's views to be addressed.
- 6.2.32. We find that the Applicant's proposals for access through West View have been appropriately tested during the Examination and that no alternative route to provide access to the Warreners House area would be more suitable. The proposals would result in very little additional traffic using West View. Moreover, we note that the proposals have been subject to a safety audit with no safety concerns identified.
- 6.2.33. Access to Northgate Farm and Capri Lodge would be provided through Work No. 5B. We have considered two alternatives to the Applicant's original proposal neither of which would result in a material difference from the original in terms of policy, environmental and traffic considerations. As the matter has not been resolved between the relevant parties, we propose to address the matter by amending Work No. 5B to provide for all three options. This proposed change is included in paragraph 8.4.50 of Chapter 8.
- 6.2.34. We believe that the Applicant's clarifications in respect of Mr Hawes' other traffic concerns together with the measures in the Outline CEMP and Outline CTMP and detailed design proposals will address those concerns.
- 6.2.35. The traffic and transportation effects of the Proposed Development have been assessed in a manner which complies with applicable NNNPS policy. The transport and traffic effects of the Proposed Development during construction will be negative. However, all reasonable steps to minimise these have been taken by the Applicant and a CTMP would be secured through R11 of the Recommended DCO. The transportation and traffic effects of the Proposed Development during operation for NMUs would be neutral although for motorised road users would be strongly positive. The road safety benefits would also be strongly positive.

## Climate Change

- 6.2.36. We have considered the Proposed Development against the policies set out in the NNNPS in assessing the impacts in relation to climate change, carbon emissions and climate change resilience. We have given particular consideration to the requirements of CCA2008 (as amended) and the Paris Agreement 2015.
- 6.2.37. In relation to paragraph 3.8 of the NNNPS, we accept the Applicant's position that the Proposed Development does not contribute positively to government carbon targets but that in line with paragraph 5.17 of the NNNPS, and in the absence of agreed thresholds for what level of GHG emissions is considered significant in an EIA, it was reasonable for the Applicant to assess the impacts of construction and operation as not significant.
- 6.2.38. GHG emissions are presented and compared in percentage terms to UK National Carbon Budget periods to aid the assessment of the magnitude of change. This is in line with paragraph 5.17 of the NNNPS.
- 6.2.39. The Applicant demonstrated that the impact of the Proposed Development on aggregate levels of emissions would be very small in the context of projected reductions in carbon emissions and the legally binding carbon budgets. The Applicant's updated assessment takes account of the Sixth Carbon Budget which was approved during the Examination and demonstrated that it would be unlikely for the impact of the Proposed Development to have a material impact on the ability of the Government to meet its carbon reduction plan targets. This would also be in line with paragraph 5.18 of the NNNPS which states that an increase in carbon emissions is not a reason to refuse development consent.
- 6.2.40. We also find the Applicant's proposed mitigation measures in both design and construction to ensure that GHG emissions both during construction and operation would be limited as far as practicable to be reasonable noting that the construction monitoring regime and reporting requirements set out in the Outline CEMP [REP11-006] would be secured through the Recommended DCO.
- 6.2.41. With regard to the shift to greener technologies recognised in section 3 of the NNNPS we noted that the Applicant's assessment had not been able to take account of the Government's aim to phase out the sale of petrol and diesel cars by 2030 and therefore we agree that this assessment represents a reasonable worst case.
- 6.2.42. In relation to Chapter 4 of the NNNPS, the assessment of climate resilience and the identification and incorporation of adaptation measures aligns Part A and Part B with these objectives. Mitigation and adaptation measures that have been integrated into Part A and Part B in order to improve resilience to climate change and reduce GHG emissions are

detailed in section 14.9 of the ES [APP-058] [APP-059]. Additionally, the FRA [APP-254] [APP-311] [REP1-067] takes into account an allowance for climate change. The Applicant also demonstrated that it had used the latest climate projection data in accordance with paragraph 4.42 of the NNNPS.

- 6.2.43. We have also considered the High Court judgment in the case of R (on the application of Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin) handed down after the Examination closed and which is addressed in paragraphs 4.11.61 to 4.11.65.
- 6.2.44. The Court found that there was no policy or legal requirement for all road transport to meet net zero carbon targets and any resulting emissions from RIS2 would be legally insignificant. The Court alternatively concluded that the impact of RIS2 on the net zero target and carbon budgets was de minimis, and for this reason these matters were in any event not obviously material to the SoST's decision.
- 6.2.45. The Court's ruling provided clarity in respect of our questioning and the Applicant's response regarding the cumulative effects of carbon emissions from the Proposed Development with those of other developments. In addition, we are content that the emissions from the Proposed Development would not appear to affect the ability of the SoST to reach a conclusion on this matter.
- 6.2.46. Section 104(4) of PA2008 refers to a need to consider whether a proposal would lead to the UK being in breach of any of its international obligations. Based on the evidence of the Examination and the Court's ruling we find that the Proposed Development would not result in the UK being in breach of the Paris Agreement 2015 and that the SoST can, in accordance with s104 of PA2008, decide the application in accordance with the NNNPS.
- 6.2.47. The publication of "*Decarbonising Transport: A Better, Greener Britain*" also occurred since the Examination closed and confirms the Government's commitments and actions to decarbonise the transport system. In deciding whether or not to grant development consent it is a matter for the SoS to take account of the implications of this document in relation to climate change and to consider whether IPs should be asked for their views in respect of the Proposed Development.
- 6.2.48. On the basis of the evidence presented to the Examination, we consider that the Proposed Development would be unlikely to result in an increase in carbon emissions so significant that it would result in any significant effects in respect of climate change or carbon emissions. Additionally, we have no concerns about the resilience of the Proposed Development to climate change.

- 6.2.49. Therefore, subject to the SoST's consideration of the Decarbonising Transport strategy, we consider that climate change and carbon emission effects do not weigh significantly for or against the DCO being made.

## **Air Quality and Emissions**

- 6.2.50. The NNNPS acknowledges (paragraph 5.3) that while increases in emissions of pollutants during the construction or operation of projects can result in worsening of local air quality, they can also have beneficial effects on air quality, for example through reduced congestion. It is also noted that road schemes create complex challenges with regard to air quality and that decisions should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the proposed development (paragraph 5.10).
- 6.2.51. The NNNPS, in paragraph 5.83, also recognises that for national networks infrastructure projects some impact on amenity for local communities is likely to be unavoidable. The SoS should be satisfied that all reasonable steps have been taken to minimise any detrimental impact on amenity from a range of emissions, as set out in paragraph 5.87.
- 6.2.52. Measures S-A1 to S-A4 of the Outline CEMP [REP11-006] make provision for the management, minimisation and monitoring of dust and emissions during the construction phase, which include the production of a Dust Management Plan, prior to construction commencing, as well as site specific mitigation measures for dust generating activities.
- 6.2.53. Measure S-B8 also highlights the need for the implementation and adherence to measures contained in the Outline CEMP that detail efforts to avoid, minimise and reduce impacts as a result of the construction of the Proposed Development, including, but not limited to, disturbance of sensitive species and habitats by dust and air pollution.
- 6.2.54. We are content that the measures proposed in these plans will mitigate fugitive dust emissions and the predicted impacts of air quality and emissions on sensitive receptors at construction stage to an acceptable level in line with the requirements of NNNPS paragraphs 5.14 and 5.15. Consequently, we find that there would be no significant adverse or beneficial effects during the construction of the Proposed Development.
- 6.2.55. During the operational phase, pollutant concentrations would be below the assessment thresholds for all human receptors in the opening year of Part A and Part B (NO<sub>2</sub> and PM<sub>10</sub>/PM<sub>2.5</sub>). No properties would experience a worsening or improvement of air quality where pollutant concentrations are already above an assessment threshold.
- 6.2.56. At operational stage, although seven human receptors within Part A would experience an improvement in air quality, eight receptors would experience increases in annual mean NO<sub>2</sub> concentrations. For Part B, three human receptors would experience an improvement in air quality

while three receptors would experience increases in annual mean NO<sub>2</sub> concentrations. Overall, the number of human receptors that would experience an improvement in air quality is similar to those that would experience a slight decrease, while increases would not exceed the assessment thresholds for all human receptors.

- 6.2.57. During the Examination, operational air quality concerns were raised by the residents of some properties in close proximity to the A1 and the Proposed Development. The evidence demonstrates that local air quality would not be significantly adversely affected by the Proposed Development, although one receptor would experience an increase in Annual Mean NO<sub>2</sub> Concentrations and in Annual Mean PM<sub>10</sub>/ PM<sub>2.5</sub>.
- 6.2.58. On the basis that no significant effects have been identified for the operational phase of Part A or Part B, we are satisfied that there is no need for the monitoring of air quality impacts during the operation of the Proposed Development.
- 6.2.59. In terms of the regional air quality impacts, small increases in emissions of all pollutants were anticipated due to the predicted increase in vehicle distance travelled. However, these small increases are unlikely to have a material impact on ambient air quality standards or affect the UK's ability to comply with objectives of the EA1995 and the UK AQS.
- 6.2.60. The Proposed Development would not conflict with any national or local air quality limits or objectives and it would comply with the air quality sections of the NNNPS. Consequently, with regard to air quality and emissions, we find that the Proposed Development would have, overall, a neutral impact on sensitive receptors, both during construction and operation, noting that the air quality impacts on sensitive ecological receptors are addressed elsewhere in the Report.

## **Landscape and Visual Effects**

- 6.2.61. Landscape and visual effects would be predominantly caused by the loss of vegetation along the existing A1 and along the offline section of the Proposed Development. Part A would be relatively more affected than Part B, not only because of the offline section which would introduce new development in an area generally dominated by open countryside, but also because Part A is more open in nature therefore affording a wider appreciation of the landscape and being more exposed to the Proposed Development. In addition, Coronation Avenue, which is a distinctive row of individual trees in the landscape, is also located in Part A.
- 6.2.62. Adverse landscape impacts would occur as a result of construction activities, which would be substantial with trees, hedges, woodland (including some of the trees which make up Coronation Avenue) which contribute to local landscape character, and three residential properties removed. Newly exposed views of the wider landscape would be created

while construction activities would lead to the creation of temporary mounds of material from excavation, material storage and construction compounds also changing the landscape. New structures, embankments and signage would result in a reduction of the sense of openness in the predominantly agricultural landscape, which is a key feature of the Green Belt designation that covers the southern area of Part A.

- 6.2.63. Construction activities would also result in temporary adverse visual impacts through the presence of construction compounds, construction activities, material storage and temporary lighting. Occupiers of a number of residential and commercial/ community properties as well as users of PRoWs would experience significant adverse effects during construction.
- 6.2.64. These impacts would be managed through appropriate construction management measures including retaining existing vegetation wherever possible, using temporary soil mounds to restrict views of construction activities and locating machinery and material storage areas to avoid landscape and visual impacts. These would be secured through Measures S-L5 to S-L10 in addition to those included in the Landscape Mitigation Masterplan for Part A [REP8a-003] and Landscape Mitigation Plan for Part B [REP8-010]. Nevertheless, even taking into account proposed mitigation measures, as with any major construction programme, residual adverse effects would still result.
- 6.2.65. The design of the Proposed Development has sought to retain existing vegetation wherever possible and includes slopes and bunds that reflect local landform, hedgerow, woodland, scattered or individual trees, conservation grassland, grass verges, marginal planting and wetland areas, arable field margins, and amenity grassland. Nevertheless, the proposals would significantly affect three local LCAs in Part A and three local LCAs in Part B by reducing the sense that the existing character is tranquil and unspoilt. However, over time the landscape would mature such that by year 15 the effects would not be significant.
- 6.2.66. Visual impacts would also reduce over time as Part A's landscape planting matures to integrate Part A into the landscape. Consequently, the significant visual effects experienced by the occupants of 19 residential properties when Part A opens, would only be experienced by occupants of approximately 9 residential properties after 15 years. A similar benefit over time would occur for users of PRoWs and walkers, cyclists and horse riders.
- 6.2.67. Although the effects of the proposal will be lessened with time, as some of the mitigation measures proposed mature and integrate with the surrounding landscape, even by year 15 at operation, some receptors would still experience significant adverse effects.



- 6.2.68. For Part A, these are particularly concentrated in and around the southern end of the Proposed Development, closer to Morpeth (Group 2 [APP-084]), receptors located close to the proposed Fenrother Junction (Group 1 [APP-084]) and 423/001 Footpath, 423/006 Footpath, 423/013 Footpath [APP-094]. For Part B, these would be near the new Heckley Fence Bridge and Charlton Mires Junction, namely receptors 3, 4, 5 & 8 and 6, 7 & 10 [APP-287]. The mitigation measures proposed contained in the CEMP [REP11-006], particularly Measures S-L11 to S-L13 and shown on the Landscape Mitigation Masterplan for Part A [REP8a-003] and Landscape Mitigation Plan for Part B [REP8-010] would mitigate the predicted effects of the Proposed Development at operational phase, including Northgate Farm. Nevertheless, the overall effect would still remain negative.
- 6.2.69. We conclude that, although designed to respect and reflect the existing landscape character in line with NNNPS paragraph 5.157, the Proposed Development would lead to adverse landscape impacts during both construction and operational phases. This harm would be minimised by appropriate mitigation which would satisfactorily accord with paragraph 5.179 of the NNNPS. Nevertheless, the Proposed Development would still result in visual harm to sensitive receptors, including local residents. Although negative effects would be minimised through appropriate design and landscaping mitigation, particularly as the proposals for landscape mitigation mature, it is our view that significant adverse effects will still be experienced by some sensitive receptors. Consequently, the ExA concludes that the Proposed Development would have a moderate adverse effect. Accordingly, this must carry some weight against the benefits of the Proposed Development.

## **Design**

- 6.2.70. The NNNPS emphasises the importance of design with visual appearance a key factor in the design of new infrastructure. Moreover, appearance should demonstrate good aesthetics as paragraph 4.29 sets out. A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating identified problems while national networks infrastructure projects should be as sustainable and as aesthetically sensitive, durable, adaptable and resilient as they can reasonably be (paragraph 4.32). In addition to the NNNPS other design advice is available including National Infrastructure Commission Design Principles, the Applicant's own The Road to Good Design, the National Design Guide and the NPPF which we regard as all being important and relevant.
- 6.2.71. Our view was that in the application documentation and throughout the Examination the Applicant provided little to demonstrate that the aesthetics of the Proposed Development had been an important consideration. Both in demonstrating engagement in a design process and producing outputs appropriate to relevant policy and guidance, the Applicant appeared reluctant to demonstrate its case. Whilst accepting

that the Proposed Development is largely based on the online widening of an existing road there is still a need for design and aesthetics to be given appropriate consideration. Notwithstanding that neither the RPA nor other IPs raised specific concerns about design we were left with the feeling that the Applicant could have been more positive in presenting its design proposals as it did with other topics. Design, and specifically aesthetics is not only a matter for complex or contentious schemes.

- 6.2.72. We recognise that there is no statutory requirement for the Applicant to provide a design statement but the submission of such a document would have largely addressed the matters on which we sought clarification during the Examination.
- 6.2.73. In respect of NNNPS paragraph 4.33 the Applicant asserted that it had secured the use of professional independent advice on design though the appointment of a professional consultant and that proposals had been reviewed by the Highways England Design Panel in 2015. In our view the appointment of a professional team to design a scheme is not the same as having the design independently reviewed by a team external to the project.
- 6.2.74. NNNPS paragraph 4.35 requires applicants to demonstrate how the design process was conducted and how the design evolved. We accept that the Applicant has done this in a broad sense but in terms of good aesthetics this was much less well developed in the submitted application.
- 6.2.75. On the basis that neither the RPA nor other IPs raised specific concerns about design we consider that adequate controls over detailed design will be provided through R3 of the Recommended DCO. Nevertheless, overall we apportion a neutral effect to the design of the Proposed Development.

### **Biodiversity, Ecology and Natural Environment**

- 6.2.76. The Applicant undertook an assessment of the likely significant effects resulting from the Proposed Development on biodiversity based on the requirements of paragraphs 5.20 - 5.38 of the NNNPS which set out the assessment and mitigation requirements with regard to biodiversity.
- 6.2.77. The baseline biodiversity value and sensitive receptors along the route of the Proposed Development and the impact of construction and operation was assessed. A wide range of ecological baseline surveys were undertaken along the whole route. This was undertaken in accordance with the guidance in paragraphs 5.22 and 5.23 of the NNNPS.
- 6.2.78. The ES reported on the potential impacts of the Proposed Development on ecological receptors and based on the ES evidence and the consideration of matters raised by IPs during the Examination we consider that there would be no likely significant effects on any European sites.

- 6.2.79. The Proposed Development would result in the loss of irreplaceable habitats including ancient woodland and veteran trees. Paragraph 5.32 of the NNNPS advises that the SoS should not grant development consent in such cases unless the national need for, and benefits of the development, clearly outweigh the loss.
- 6.2.80. To mitigate the impact the Applicant has devised the AWS [REP9-012] which among other measures provides for compensatory woodland planting. The AWS has been developed with NE and has their support. The AWS also has the in principle support of the RPA, NCC, the Woodland Trust and the Forestry Commission. The national need for and benefits of the Proposed Development have been established and demonstrates that there is no practical means of dualling the A1 between Morpeth and Felton which would avoid the River Coquet and Coquet Valley Woodlands SSSI. Consequently, the Applicant set out proposals for the conservation of ancient woodland and veteran trees and where their loss is unavoidable, the reasons for this are in line with paragraph 5.32 of the NNNPS. We therefore find that the Proposed Development is in compliance with the tests for the justification of impacts on ancient woodland and veteran trees under both the NNNPS and the NPPF. Nevertheless, the loss of irreplaceable habitat would have a considerable adverse effect which must be weighed against the benefits of the Proposed Development.
- 6.2.81. The Applicant explored opportunities for compensation for the loss of riverbank habitat through discussion with landowners but had not identified viable opportunities. However, a financial contribution towards offsite compensation works has been secured, through a legal agreement signed by the Applicant and the EA.
- 6.2.82. The Applicant and NE also agreed that as a result of changes in air quality there would be significant effects on two veteran trees, Borough Wood LNR/ ancient woodland and Well Wood ancient woodland. Compensation for the impacts to the two veteran trees would be secured through the Outline CEMP [REP9-016] while compensation for potential damage by increased nitrogen deposition as a result of the Proposed Development to Borough Wood and Well Wood would be secured by a legal agreement between the Applicant and NCC, which manages the two woodland sites. We are content that this agreement makes appropriate provision for the impact of the Proposed Development on biodiversity as a result of changes in air quality.
- 6.2.83. During construction there would be significant adverse effects due to the loss of ancient woodland associated with the River Coquet and Coquet Valley Woodlands SSSI (encompassing Duke's Bank Wood ancient woodland) and the loss of woodland within the Coquet River Felton Park LWS. Within Part B there would also be a moderate adverse effect due to the permanent loss of watercourse habitat for fish during the extension and realignment culverts and during construction of new culverts.

Moderate beneficial effects would be due to more broadleaved semi-natural woodland habitat being provided in comparison to woodland lost and the provision of more neutral grassland semi-improved habitat in comparison to that lost in Part A and the reinstatement/ creation of compensatory woodland in Part B. The BNNL assessment [REP5-038] confirms that the Proposed Development does not achieve a biodiversity net gain due to the loss of irreplaceable ancient woodland, medium distinctiveness woodland and scrub and river habitat it does identify a net gain in hedgerows, area-based priority woodland and wetland habitats.

- 6.2.84. Construction phase mitigation measures would be secured through the REAC, the CEMP and through Requirements set out within the Recommended DCO. Some construction effects would remain significant at a local level but would be short-term and would cease at the end of the construction period. All short-term adverse effects would be minimised to the extent reasonably feasible. As a result, there would be no residual likely significant effects on any of the ecological receptors identified. During operation, following mitigation implementation, there would be no residual significant effects.
- 6.2.85. Notwithstanding the improvement in the quality of habitats there would be no net gain in habitat area and the impacts on biodiversity would be adverse, we find that there would be considerable harm to biodiversity and an adverse effect overall. Accordingly, in line with paragraph 5.35 of the NNNPS this must carry weight against the benefits of the Proposed Development.

## **Water Environment**

- 6.2.86. The Proposed Development would replace elements of the existing A1 drainage system with a sustainable drainage system with a service life of 60 years and sufficient capacity to accommodate additional runoff associated with an increase in rainfall intensity of 20% allowance for climate change. In addition to this, the Proposed Development would also include the management of surface water contributing also to reduce flood risk.
- 6.2.87. The Applicant has demonstrated that both during construction and operation, the Proposed Development is policy compliant in flood risk terms and has demonstrated how an allowance has been made for climate change within the design. Measures S-W1 to S-W7, included in the Outline CEMP [APP-346] seek to ensure that the proposal is designed to minimise risks to the water environment, manage risks to groundwater, prevent potential groundwater rise and flooding, manage risk to the water environment associated with design changes, improve culvert design and reduce potential for sedimentation and pollution risks.

- 6.2.88. The WFD assessment has shown that the Proposed Development is compliant under the WFD, and that cumulative effects will not undermine that compliance, with the appropriate mitigation measures implemented as included in the Outline CEMP.
- 6.2.89. Where feasible, the Applicant has taken opportunities to improve upon the quality of existing discharges where these are identified and shown to contribute towards WFD commitments, including measures to protect the water environment during construction included in the Outline CEMP, such as Measure S-GS3, S-W8 to S-W14.
- 6.2.90. An FRA was undertaken which confirmed that the Sequential and Exception Tests have been applied and were passed on the basis that the improvements are required to enhance resilience and improve journey times and safety along the route and there are no reasonable alternatives to the proposed route.
- 6.2.91. Overall, we agree with the Applicant's assessment that no adverse effects on the water environment would result during either the construction or operation of the Proposed Development.

## **Geology and Soils**

- 6.2.92. Paragraph 5.116 of the NNNPS identifies the effects of land instability noting that failing to deal with this issue could cause harm to human health, local property, associated infrastructure and the wider environment. The need to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected is also identified. In response the Applicant has undertaken an assessment of ground conditions and assessed the risks posed by historic coal mining.
- 6.2.93. Paragraph 5.119 addresses mitigation and states that Applicants should ensure the proper design of structures to cope with any movement expected and that, if required to mitigate and minimise risks of land instability. Mechanisms to minimise and mitigate the effects of ground instability including Measure S-GS7 to require the preparation of a Risk Assessment and Method Statement would be secured through the Outline CEMP [REP11-006].
- 6.2.94. The construction of Part A would lead to an estimated permanent land take of 109ha. There would be a significant effect due to the loss of 9ha of agricultural land which is categorised as best and most versatile agricultural land.
- 6.2.95. The construction of Part B would result in the permanent loss of approximately 42.4ha of agricultural land. There would be a significant effect due to the loss of 25.9ha of agricultural land which is categorised as best and most versatile agricultural land.

- 6.2.96. The land temporarily used for the construction of both Part A and Part B would not be considered as a significant effect as it would be reinstated to agricultural use following construction, in line with a measures S-GS5 and S-GS6 of the CEMP [APP-346]. These measures aim to reduce the amount of agricultural soil lost as a result of the Proposed Development and help preserve land quality, and measure S-PH12 which seeks to reinstate any temporary agricultural land required during construction to its original condition.
- 6.2.97. Notwithstanding the return to agricultural use of the land temporarily taken to facilitate the construction, the Proposed Development would still result in the permanent loss of approximately 35ha of the best and most versatile agricultural land. This would constitute a large adverse significant effect which weighs against the benefits of the Proposed Development.
- 6.2.98. During the Examination, significant concerns had been raised by the EA in relation to a number of changes submitted by Applicant to the original proposal. The EA's and also NE's concerns were mainly linked to the potential effects of the proposed changes to the flow of the River Coquet and its impacts on the geomorphology or the river, particularly the stabilisation works. Following the submission of an updated geomorphological assessment [REP7-003] and hydraulic modelling [REP7-006], agreement was reached between both parties in relation to the effects of the proposed changes and also the level of compensation required.
- 6.2.99. The ExA is satisfied that, in relation to geology and soils, and once proposed mitigation measures are taken into consideration, there would be no significant adverse effects identified within Part A or Part B of the Proposed Development.

## **Noise and Vibration**

- 6.2.100. The Applicant has undertaken a noise assessment in line with paragraph 5.189 of the NNNPS based on a methodology and baseline which the local planning authority found acceptable. In line with paragraph 5.193 the assessment has been undertaken in accordance with statutory requirements and guidance including the Noise Policy Statement for England. Where necessary mitigation, in line with paragraph 5.197 of the NNNPS has been proposed.
- 6.2.101. The ExA is satisfied that, during the construction phase noise and vibration negative impacts would be appropriately mitigated through the operation of the CEMP such that there would be no significant adverse or beneficial effects for either Part A or Part B.
- 6.2.102. In order to minimise the effects of vibration on sensitive receptors, the Outline CEMP [REP11-006] includes Measures S-N4 and S-N5, which seek

to ensure that, where practicable, efforts are made to minimise or find alternatives for activities that can impart significant levels of vibration and that protocols are in place in order to monitor vibration.

- 6.2.103. For Part A during the operational phase there would be decreases in noise levels affecting 13 dwellings and three other sensitive receptors including the Tritlington Church of England Aided First School due to the application of low noise road surfacing along the full length of the Proposed Development. These receptors would experience moderate to major beneficial effects.
- 6.2.104. Elsewhere, mitigation in the form of reflective noise barriers is proposed and would be secured through Measure A-N4, in the Outline CEMP [REP11-006]. At three properties at the southern end of Part A (Warreners Cottages and Northgate Farm) potential moderate beneficial decreases in noise levels are predicted based on the introduction of noise barrier PNB1. However, if due to design constraints it is not possible to construct barrier PNB1, then the properties would experience significant adverse effects from the Proposed Development. Similarly, if noise barrier PNB4 cannot be constructed because of design constraints the moderate or major beneficial effects arising from a decrease in noise levels at Felmoor Park and Bockenfield Holiday Park would not be realised. At other locations in Part A, in spite of the introduction of noise barriers PNB2 and PNB3 three properties are expected to experience moderate adverse effects.
- 6.2.105. Based on the updated DMRB guidance, should the introduction of PNB1 not be possible the Applicant indicated that adverse effect on Northgate House would be likely to result in the property being eligible for compensation under the Noise Insulation Regulations. Additionally, based on updated DMRB guidance there would be major or moderate beneficial effects for an additional 11 dwellings.
- 6.2.106. During operation there would be a decrease in noise levels at five dwellings and at one other sensitive receptor within Part B based on the application of low noise road surfacing along the full length of the Proposed Development. As a result, these receptors would experience a moderate beneficial effect.
- 6.2.107. Overall, we conclude that in line with paragraph 5.195 of the NNNPS the Proposed Development would contribute to improvements to health and quality of life through effective noise control and management, avoid significant adverse impacts, and mitigate and minimise other adverse impacts, on health and quality of life. While there would be some positive effects associated with operational noise, due to the uncertainty associated with some of the proposed mitigation we find that the operational effects of noise on surrounding sensitive receptors would on balance be neutral.

## **Social, Economic and Land Use Effects**

- 6.2.108. No significant effects are predicted, in light of the proposed mitigation measures, in relation to economic development, access to community or recreational facilities, land use or driver stress. Nevertheless, significant impacts are anticipated to PRowS in both Part A and Part B of the Proposed Development.
- 6.2.109. For Part A, at operational stage, eleven PRowS would be permanently closed or diverted. From those eleven PRowS, three would be expected to experience adverse effects, ranging from moderate adverse to slight adverse. All other would be expected to experience slight beneficial effects.
- 6.2.110. For Part B, at operation stage, the permanent effects of the Proposed Development are moderate adverse to ten out of eleven, with one PRow suffering no change. Four are predicted to be extinguished, other four are predicted to be permanently diverted and one partly extinguished.
- 6.2.111. Although some PRowS would experience a moderate adverse (significant) effect, we are satisfied that the findings of the ES are reasonable and that, where necessary, mitigation measures could be secured through the recommended DCO which are proportionate to the adverse effects that would result. Also, a significant number of PRowS have been assessed as having a beneficial impact from the Proposed Development, which would improve its safety for the local community.
- 6.2.112. Significant temporary economic benefits would result from the Proposed Development due to the economic impact that the proposed construction phase would have, both locally and outside of the region.
- 6.2.113. Significant permanent economic benefits have also been presented (see also section 4.9 – The need for the Proposed Development and consideration of alternatives). The Case for the Scheme [APP-344] does state that the combined monetised value of economic benefits of the proposed development is forecast to be £13.4 million commuting user benefit and £44.7 million “other user” benefit, which includes benefits relating to journey time improvements with the Proposed Development or impacts on journey times as a result of construction. Other benefits are also predicted from the construction of the Proposed Development and included in [APP-344], such as noise, air quality and other social benefits.
- 6.2.114. Whilst adverse effects would result during the construction process (including for agricultural use, health and quality of life) these would be temporary and the ExA is satisfied that the measures proposed to mitigate against undesirable effects are proportionate and appropriate.
- 6.2.115. In relation to the Green Belt, paragraph 5.178 of the NNNPS states that, when located in the Green Belt national networks infrastructure projects



may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.2.116. The Proposed Development is identified, by both the Applicant and NCC, as being of local, but primarily of national importance, in transportation and economic development terms. Therefore, given its nature, the ExA agrees, with both the Applicant and NCC, that it would be appropriate to consider the scheme against the policy test of the NPPF in so far as it would represent inappropriate development in the Green Belt, as defined in the NPPF.
- 6.2.117. The potential harm to the Green Belt would arise from the expansion of the existing A1 beyond its current confines, through the through the construction of 6.1 km of the new offline section, into areas of farmland that are currently undeveloped, as well as the construction of above ground structures, such as new bridges and embankments. Consequently, the Proposed Development would conflict with the purpose of safeguarding the countryside from encroachment.
- 6.2.118. In order to demonstrate that very special circumstances exist, the Applicant has considered a series of key issues set out in the Case for the Scheme [APP-344], including compatibility with Planning Policy, contribution to the delivery of government policy and programmes, delivery of planning policy, objectives of Green Belt policy and availability of alternatives.
- 6.2.119. The ExA agrees with both the Applicant and NCC that, although the Proposed Development would be inappropriate development in the Green Belt, the very special circumstances required to justify its development within have been demonstrated, even allowing for the “great weight” that has to be attached to any harm to the Green Belt.
- 6.2.120. Overall, we conclude that there would be general accordance with the relevant policies within the NNNPS. The adverse effects found to result during construction would not weigh significantly against the Order being made. Overall, the positive economic and social benefits would weigh in favour of the Order being made.

## **Historic Environment**

- 6.2.121. We are satisfied that the Applicant’s historic environment assessment has identified the significance of the heritage assets and their settings which would be potentially affected by the Proposed Development. The assessment also includes sufficient information to allow the nature and value of the significance of the assets to be understood. As such, we find

that the assessment accords with paragraphs 5.128 and 5.129 of the NNNPS.

- 6.2.122. We have had regard to the likely significant effects resulting from the Proposed Development on heritage assets and have given consideration to the potential for direct physical disturbance effects and indirect effects on settings. We are satisfied that the assessment would accord with paragraph 5.130 of the NNNPS which advises that the SoS should take into account the desirability of sustaining and where appropriate enhancing the significance of the heritage assets and the contribution of their settings. We note that Historic England and NCC were content that the impacts on designated heritage assets had been identified and assessed appropriately.
- 6.2.123. For Part A permanent moderate adverse effects would occur in respect of below ground remains associated with the findspot of Mesolithic flint and buried remains associated with The Chapel or Hermitage at Helm. A moderate adverse effect was identified in respect of currently unknown below-ground archaeological remains of medium value from the Prehistoric, Roman, Early Medieval and Late Medieval periods while the permanent removal or destruction of below ground heritage assets of high or very high value, ranging from the Prehistoric to the Post-Medieval periods would have a large or very large adverse effect. The permanent removal or destruction of Cropmark of rectilinear enclosure was assessed as unknown at present although the effect could also be significant.
- 6.2.124. During the construction of Part A there would be a slight adverse effect on one Grade II listed milestone due to its removal and relocation and moderate adverse effects on the settings which contribute to their value of the non-designated park and designated assets at Felton Park and the Grade II listed Longfield Cottage and Boundary Stones.
- 6.2.125. For Part B permanent moderate adverse effects were identified in respect of below ground heritage assets comprising Bronze Age cist burials, additional remains associated with findspots of Neolithic or Bronze Age flint flakes and earthworks east of Heckley House and from potential archaeological remains dating from Prehistoric, Medieval, Post-Medieval, Industrial, Modern date, Early Medieval and Late Medieval periods. A large adverse effect was identified for the permanent loss of unknown below-ground heritage assets of high importance from the Prehistoric to the Post Medieval period while for assets of very high importance covering the same period the loss was identified as being very large adverse.
- 6.2.126. Significant effects to the settings of Part B built heritage assets during construction were identified for Heckley House, the Dovecote to the east of Heckley Fence Farmhouse, Patterson Cottage and West Linkhall Farmhouse, all of which are Grade II listed. A moderate adverse effect was also identified for the Scheduled Monument Camp at West Linkhall.

Additionally, Part B would result in the demolition of Charlton Mires Farm, a non-designated heritage asset which the ES found would result in a slight adverse effect. During the operation of Part B the only significant effect would be to the Grade II listed Dovecote to the east of Heckley Fence Farmhouse due to the change in its setting resulting in a moderate adverse effect.

- 6.2.127. Mitigation and monitoring measures for managing temporary impacts on the setting of heritage assets are set out in the REAC which forms part of the Outline CEMP. This would be secured through R4 of the Recommended DCO. In addition, R9 and R10 of the dDCO provide for the discovery of currently unknown archaeological interests during construction and the safeguarding of milestones respectively. With these measures secured the significance of the effects would be mitigated as far as possible in accordance with NNNPS paragraph 5.136.
- 6.2.128. Paragraph 5.132 of the NNNPS requires any harmful impact on the significance of a designated heritage asset to be weighed against the public benefit of development. Paragraph 5.134 then goes on to state that where the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. In this case there would be less than substantial harm to the setting of a number and range of designated heritage assets.
- 6.2.129. Specifically for Part A there would be less than substantial harm in respect of below ground remains associated with the findspot of Mesolithic flint and buried remains associated with The Chapel or Hermitage at Helm, currently unknown below-ground archaeological remains of medium value from the Prehistoric, Roman, Early Medieval and Late Medieval periods, the permanent removal or destruction of below ground heritage assets of high or very high value, ranging from the Prehistoric to the Post-Medieval periods and the permanent removal or destruction of Cropmark of rectilinear enclosure. Less than substantial harm would also occur to the settings of the statutorily listed Longfield Cottage and Boundary Stones and from the removal and relocation of a listed milestone.
- 6.2.130. For Part B there would be less than substantial harm in respect of below ground heritage assets comprising Bronze Age cist burials, additional remains associated with findspots of Neolithic or Bronze Age flint flakes and earthworks east of Heckley House and from potential archaeological remains dating from Prehistoric, Medieval, Post-Medieval, Industrial, Modern date, Early Medieval and Late Medieval periods, the setting of the statutorily listed Heckley House, the Dovecote to the east of Heckley Fance Farmhouse with attached wall, Patterson Cottage, West Linkhall Farmhouse and the Scheduled Monument Camp at West Linkhall. There would also be potential for less than substantial harm to undiscovered archaeological assets of very high and high importance ranging from the

Prehistoric to the Post-Medieval period, resulting in less than substantial harm to the significance of those assets.

- 6.2.131. These harms are weighed against the public benefits of the Proposed Development later in this chapter.

### **Material Resources and Waste Management**

- 6.2.132. We are satisfied that any effects of the Proposed Development on the management of materials and waste would be dealt with through the Outline CEMP, SWMP and MMP. Moreover, we are satisfied that mitigation is adequately provided for and secured in the Recommended DCO. The proposals for waste management and the use of material assets would be satisfactory and would accord with paragraphs 5.42, 5.43 and 5.183 of the NNNPS. In this respect, the issues of material resources and waste management attract neutral weight in the planning balance.

### **Combined and Cumulative Effects**

- 6.2.133. Significant effects are predicted, particularly at the construction stage, as a result of the Proposed Development. For Part A, combined effects would be significant to some residential receptors (moderate to large adverse), amenity areas (moderate adverse), road users (moderate to large adverse), users of footpaths and PRoWs (moderate to large adverse) and ecological sites (minor adverse to moderate beneficial). For Part B, combined effects would be significant to some residential receptors (large adverse on residents closest to Part B during construction), road users (moderate adverse), users of PRoWs (large adverse), ecological sites (moderate adverse to moderate beneficial), agricultural land (very large adverse). These have been incorporated into the overall planning balance conclusions.

## **6.3. OVERALL CONCLUSION ON THE CASE FOR DEVELOPMENT**

- 6.3.1. Paragraph 4.2 of the NNNPS advises that, subject to the provisions of s104 of PA2008, the starting point for the determination of an application for a National Networks NSIP is a presumption in favour of development.
- 6.3.2. Paragraph 4.3 then goes on to explain that in considering any proposed development and in particular when weighing its adverse impact against its benefits, account should be taken of its potential benefits including long term or wider benefits and its potential adverse impacts as well as any measures to avoid, reduce or compensate for any adverse impacts. Reference is made to environmental, safety, social and economic benefits and adverse impacts which may be identified in the NPS or elsewhere.

- 6.3.3. In reaching conclusions on the case for the Proposed Development, we have had regard to the NNNPS as the relevant NPS, the NPPF, the LIR and all other matters which we consider are both important and relevant to the SoST's decision. We have further considered whether the determination of this application in accordance with the NNNPS would lead the UK to be in breach of any of its international obligations where relevant. We conclude that, in all respects, this will not be the case.
- 6.3.4. The A1 in Northumberland project is consistent with the aims of the NNNPS which would be derived from meeting the critical need to address road congestion, the compelling need for development on the national networks and the importance of the SRN. Accordingly, it has very strong support through RIS1 and RIS2.
- 6.3.5. The objectives of the Proposed Development reflect the wider planning and environmental context and the need for improvements to this stretch of the A1. We are convinced that those objectives are appropriately framed to address long standing issues in the area. We also find that the Proposed Development would positively address those objectives which are to: improve journey times on this route of strategic national importance; improve network resilience and journey time reliability; improve safety; maintain access for local traffic whilst improving the conditions for strategic traffic; and facilitate future economic growth.
- 6.3.6. Given this context, unsurprisingly, the Examination demonstrated considerable local support for the Proposed Development with no objections in principle or suggestions that it was inappropriate in policy terms. The host local authority, NCC also strongly welcomed the proposed improvements to address long standing "*congestion and road safety concerns in this key corridor through the county*". It also aligns with the aims, objectives and policies set out in NCC's development plans with specific policy support for dualling for the A1 along the proposed route.
- 6.3.7. In line with paragraphs 4.26 and 4.27 of the NNNPS the Applicant has provided an outline of the main alternatives considered in terms of route options and the main reasons for the applicant's choice. While there was some opposition to the proposed route alignment in terms of proposals in the vicinity of the Charlton Mires junction which remained in dispute at the end of the Examination, we have found that the Applicant appropriately addressed such matters and that we support the Applicant's proposed alignment and junction layout.
- 6.3.8. Consequently, we find that the Proposed Development would have a strongly positive effect in terms of need.
- 6.3.9. In addition, the Proposed Development would have a strongly positive effect for motorised road users with the achievement of network performance improvements, improved resilience and journey time

reliability, the improvement of conditions for local traffic whilst maintaining access for strategic traffic. Significant road safety benefits would be derived particularly from the dualling of the carriageway to create better opportunities for overtaking, the introduction of grade-separated junctions to replace at-grade junctions and the removal of PMAs.

- 6.3.10. Economic and social effects would also be positive with the Proposed Development providing improved physical linkages between Morpeth and Ellingham which would improve access to new and planned employment sites.
- 6.3.11. The benefits of the Proposed Development can also be identified in the context of the NNNPS's recognition of the presumption in favour of granting consent for National Network NSIPs.
- 6.3.12. The main adverse impact to weigh against these benefits is that of biodiversity. Some biodiversity benefits would be achieved in terms of broadleaved semi-natural woodland habitat and neutral grassland semi-improved habitat and the reinstatement/ creation of compensatory woodland. However, there would be significant adverse effects due to the loss of ancient woodland associated with the River Coquet and Coquet Valley Woodlands SSSI (encompassing Duke's Bank Wood ancient woodland), the loss of woodland within the Coquet River Felton Park LWS and in respect of two veteran trees, Borough Wood LNR/ ancient woodland and Well Wood ancient woodland. Within Part B there would also be an adverse effect due to the permanent loss of watercourse habitat for fish. Notwithstanding the mitigation and compensation proposed by the Applicant, there would be considerable harm to biodiversity associated with the loss of ancient woodland with a strongly negative effect. The importance of ancient woodland is emphasised in paragraph 5.32 of the NNNPS.
- 6.3.13. The permanent loss of moderate to best quality agricultural land would have a negative effect while temporary negative effects would be associated with transport and traffic during construction and harm to landscape during construction but less than the permanent effects. Longer term landscape impacts would also have a negative effect although over time this would reduce. Harm to the Green Belt is a further negative aspect but is justified in terms of very special circumstances.
- 6.3.14. We have also identified that there would be less than substantial harm to the significance of a number of heritage assets including identified buried remains and currently unknown below-ground archaeological remains, the permanent removal or destruction of below ground heritage assets, the settings of a scheduled monument and listed buildings and the relocation of a listed milestone. Having considered the public benefits of the Proposed Development we find these sufficient to outweigh the harm to heritage assets.

- 6.3.15. For climate change we have assessed the overall effect to be neutral on the basis that the Proposed Development would be unlikely to result in an increase in carbon emissions of significance and we have no concerns about the resilience of the Proposed Development to climate change. Similarly, for air quality and emissions, mitigation would adequately address the impacts during construction and when operational there would be no exceedances of assessment thresholds.
- 6.3.16. The design of the Proposed Development has been assessed as neutral on the basis that it adequately addresses local context while water issues are also adequately addressed raise no concerns in terms of water quality or flood risk. Overall, we have found the effects of the Proposed Development in terms of noise and vibration to be neutral with limited impact on receptors, overall. Additionally, we have found that the effect on NMUs would be neutral because although grade-separated junctions would improve conditions, an opportunity to invest in infrastructure where the national road network severs communities and acts as a barrier to cycling and walking was not taken.
- 6.3.17. We have assessed the effects in respect of material resources and waste management to be neutral on the basis that there is adequate regional supply of construction materials with appropriate provision made for reuse where possible and that waste management follows current best practice. Finally, combined and cumulative effects would not result in effects of significance and were therefore assessed to be neutral in the planning balance.
- 6.3.18. In conclusion, we find that the substantial weight attributable to the need for the Proposed Development, as advocated by the NNNPS, and the other benefits identified substantially outweigh the harm identified. Furthermore, we further conclude that there is no breach of NPS policy overall.
- 6.3.19. No HRA effects have been identified and there is no reason for HRA matters to prevent the making of the Order.
- 6.3.20. For the reasons set out in the preceding chapters and summarised above, we conclude that the Proposed Development is acceptable, and that development consent should be granted. We carry this conclusion forward noting also that our reasoning above identifies the basis for a small number of changes to the DCO, documented in Chapter 8 below.

## **7. COMPULSORY ACQUISITION AND RELATED MATTERS**

### **7.1. INTRODUCTION**

7.1.1. The application included proposals for the Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights over land. This Chapter records how those proposals and related issues were examined.

### **7.2. LEGISLATIVE REQUIREMENTS**

7.2.1. CA powers can only be granted if the conditions set out in s122 and s123 of PA2008, together with relevant guidance in "Guidance Related to Procedures for the Compulsory Acquisition of Land", DCLG, September 2013 (the former Department for Communities and Local Government) (the CA Guidance) are met.

7.2.2. Section 122(2) of PA2008 states that the land subject to CA must be required for the development to which the development consent relates or must be required to facilitate or be incidental to the development. In respect of land required for the development, the land to be taken must be no more than is reasonably required for the purposes of the development, is no more than is reasonably necessary and is proportionate. Further advice on these matters is provided in paragraph 11 of the CA Guidance.

7.2.3. Section 122(3) of PA2008 requires that there must be a compelling case in the public interest to acquire the land compulsorily. The CA Guidance states at paragraphs 12 and 13 that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from CA will outweigh the private loss that would be suffered by those whose land is to be acquired. In balancing public interest against private loss, CA must be justified in its own right. This does not mean that the CA proposal can be considered in isolation from the wider consideration of the merits of the project.

7.2.4. Section 123 of PA2008 relates to land to which authorisation of CA can relate. Section 123(1) permits CA if one of the following conditions is met: that the application for the order includes a request for compulsory acquisition of the land to be authorised; that all persons with an interest in the land consent to the inclusion of the provision; or that the prescribed procedure has been followed in relation to the land. In the case of the current application the first of these conditions is met.

7.2.5. Paragraphs 8 to 10 of the CA Guidance also sets out a number of general considerations to be addressed when CA powers are sought:

- that all reasonable alternatives to CA (including modifications to the development) have been explored;



- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
- that the applicant has a clear idea of how the land which it is proposing to acquire will be used;
- that there is a reasonable prospect of the requisite funds becoming available; and
- that the purposes for which the CA of land are included in the application are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.

- 7.2.6. Finally, paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiation wherever practicable.
- 7.2.7. Section 127 of PA2008 applies to land acquired by a statutory undertaker for the purpose of their undertaking where a representation is made about the application for the DCO and not withdrawn. Section 127(5) states that an Order may include provision authorising the creation of a new right over statutory undertakers' land providing that it can be done without serious detriment to the carrying out of the undertaking or any detriment can be made good by the undertaker.
- 7.2.8. Section 138 of PA2008 provides for an Order to include provision for the extinguishment of the relevant rights, or the removal of the relevant apparatus of statutory undertakers only if the SoS is satisfied that such actions are necessary for the purposes of carrying out the development to which it relates.
- 7.2.9. Further to Part 1 of Schedule 5 to PA2008, TP powers are capable of being within the scope of a DCO. PA2008 and the CA Guidance do not contain the same level of specification and tests to be met in relation to the granting of TP powers, as for CA powers because, by definition, such powers do not seek to permanently deprive or amend a person's interests in land. However, they must be justifiable and compatible with human rights tests as discussed below.
- 7.2.10. PA2008 requires that if changes are sought to the application, whether material or non-material, then the ExA must consider whether to accept the changes into the Examination. If the changes require additional land then if the consent of persons with an interest in the land is not obtained by the Applicant, the procedures prescribed in regulations 5 to 19 of the CA Regulations would apply.
- 7.2.11. The ExA has taken all relevant legislation and guidance into account when considering this matter and relevant conclusions are drawn at the end of this Chapter.

### **7.3. THE REQUEST FOR CA AND TP POWERS**

- 7.3.1. The application dDCO (Revision 0) [APP-014] and all subsequent versions submitted by the Applicant up to the latest dDCO (Revision 12) submitted at D11 [REP11-003] include provisions intended to authorise the CA of land or an interest in land and rights over land. Powers for the TP of land are also sought.
- 7.3.2. The application was accompanied by an SoR [APP-018], a BoR [APP-020], Land Plans [APP-006], and a Funding Statement [APP-019]. Taken together, these documents describe the land sought by the Applicant together with the reasons why the land is required and the basis under which compensation would be funded.
- 7.3.3. The Examination and the Applicant's due diligence processes led to changes to some of this documentation. By the close of the Examination, the most up-to date versions were as follows:
- SoR (Revision 4) submitted at D10 [REP10-016];
  - BoR (Revision 6) submitted at D10 [REP10-018];
  - Land Plans (Revision 4) submitted at D10 [REP10-003]; and
  - Funding Statement (Revision 0) submitted at application stage [APP-019].
- 7.3.4. A Schedule of Changes to the BoR was submitted alongside each update to the BoR with the latest version being submitted at D10 (Revision 5) [REP10-020].
- 7.3.5. References to the BoR, the Land Plans and the Funding Statement in this Chapter from this point should be read as references to the latest revisions cited above. All Land Plans plot references employed in this Chapter are correct as provided in the most recently submitted version at D10 (Revision 4) [REP10-003].
- 7.3.6. The SoR describes how the Applicant carried out diligent inquiry in order to identify all persons with an interest in the land and persons with a potential claim for compensation as a result of the Proposed Development as set out in the Infrastructure Planning (Applications, Prescribed Forms and Procedure) Regulations 2009 and the CA Guidance. Those persons who were identified by the Applicant are listed in the BoR [REP10-018] and were consulted about the application in accordance with s42 of PA2008 as described in the Consultation Report [APP-021]. Land referencing was undertaken throughout the pre-application, pre-Examination and Examination phases to ensure any changes in ownership or new interests were identified, consulted and subject to engagement.
- 7.3.7. While acknowledging the requirement in paragraph 25 of the CA Guidance to seek to acquire land by negotiation wherever practicable and that the power to acquire land compulsorily should only be sought if

attempts to acquire by agreement fail, the Applicant noted that the CA Guidance also recognises that where proposals would entail the CA of many separate plots of land, it may not always be practicable to acquire each plot of land by negotiated agreement. As the CA Guidance states, *"Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset."*

- 7.3.8. Consequently, the SoR described how the Applicant engaged with all landowners and occupiers to acquire their land interest by agreement. Nevertheless, the Applicant noted its duty to acquire land at best value and to deliver the Proposed Development within a specified timescale. Additionally, it concluded that it may not be possible to acquire all land interests necessary within the Examination timescale and that there were further parcels of land in unknown ownership which could not be acquired by agreement.
- 7.3.9. The position on negotiations was set out in the Compulsory Acquisition Schedule at Annex B of the SoR. This included negotiations with the relevant landowners in respect of Changes 2 and 3 which would require the acquisition of additional land.
- 7.3.10. Existing utility services in the surrounding area that would require major utility diversions as part of the Proposed Development were defined as specific works within Schedule 1 of the dDCO and shown on the Works Plans [REP10-004]. These comprise Work No. 12a, Work No. 12b, and Work No. 24.

## **7.4. THE PURPOSES FOR WHICH LAND IS REQUIRED**

- 7.4.1. The purposes for which the CA and TP powers are required are set out in the BoR [REP10-018] and SoR [REP10-016]. The specific CA powers sought by the Applicant are set out in full in Part 5 of the dDCO.
- 7.4.2. CA is sought for land that would be required or used permanently for construction, operation and maintenance works for the alteration of the existing A1 between Warreners House Interchange at Morpeth and Priest's Bridge; to alter the existing A1 between Burgham Park and the existing dual carriageway at Felton; to construct a new dual carriageway to the west of the existing A1 between Priest's Bridge and Burgham Park, and to alter the A1 between land north of Denwick Interchange (Alnwick) and south of North Charlton near Ellingham as well as carrying out all associated works.
- 7.4.3. The extent of the land subject to CA and TP powers comprises approximately 357ha. Of this, approximately 245ha would be acquired permanently, 70ha would be subject to TP and 42ha would be subject to TP with acquisition of permanent rights (Section 4 of the SoR [REP10-016]).

- 7.4.4. The main powers authorising the CA of land are contained in Article 26 (compulsory acquisition of land) and Article 29 (compulsory acquisition of rights and restrictive covenants) of the Recommended DCO. Article 26 authorises the acquisition of land by compulsory purchase and grants the power to acquire such of that land as is required for the Authorised Development. Article 29 allows for rights in land to be acquired as well as the land itself, for new rights to be created over land and for the compulsory imposition of restrictive covenants. Land to be acquired or used permanently is identified on the Land Plans [REP10-003] as being shaded pink while land subject to the permanent acquisition of rights over land is shaded blue. The permanent acquisition of airspace and right over land is a pink and blue stripe.
- 7.4.5. Other CA powers sought by the Applicant include Article 30 which provides for the extinguishment of all existing private rights over land and Article 33 which allows the Applicant to acquire land below the surface or above the surface, rather than having to acquire all of the land. Article 34 would allow the Applicant to appropriate and use land above and below streets in the Order Limits without having to acquire any part of the street or easement right in it.
- 7.4.6. The Applicant has sought powers of CA (or rights of use) in respect of all plots of land required for the Proposed Development even where it already holds an interest or presumes it holds an interest in the land. This approach has been taken to ensure that it has the right to acquire the interests it needs in all of the land, even where an unknown or unregistered owner later asserts an interest in land which the Applicant believes it owns and clearing the title would be necessary.
- 7.4.7. Powers are sought to take TP of land to carry out the Authorised Development. This is identified on the Land Plans [REP10-003] as being shaded green. Article 35 would allow the land set out in Schedule 8 of the Recommended DCO to be occupied temporarily and for new rights to be created in such land. It would prevent the Applicant having to permanently acquire land which is necessary to construct the Authorised Development but is not needed permanently.
- 7.4.8. Article 36 provides for the Applicant to take TP of land within the Order Limits required for the purpose of maintaining the Authorised Development and to construct such temporary works as may be reasonably necessary for that purpose for a period of 5 years from the date on which that part of the Authorised Development is first used.
- 7.4.9. In addition to CA powers the DCO would also confer on the Applicant other rights and powers that may interfere with property rights and private interests. These additional powers are: Article 15: Temporary prohibition, restriction and regulation of the use of streets; Article 16: Permanent stopping up and restriction of use of streets, PRoWs and private means of access; Article 24: Protective work to buildings; Article

25: Authority to survey and investigate the land; and Article 40: Felling or lopping of trees and removal of hedgerows.

- 7.4.10. It is also appropriate to mention Articles 37 to 39 which address the CA of statutory undertakers' land. Article 37 provides the Applicant with statutory authority to acquire rights over land owned by statutory undertakers while Article 38 governs what happens to statutory undertakers' apparatus under streets that are stopped up by the Order. Article 39 provides that if any statutory undertaker's apparatus is removed such that a service cannot be provided, then the cost of establishing a new service can be claimed from the Applicant.

## **7.5. EXAMINATION OF THE CA AND TP CASE**

- 7.5.1. CA and TP were both identified by the ExA in the IAPI prepared under s88(1) of PA2008 and set out in Annex C of the ExA's Rule 6 letter dated 19 November 2020 [PD-006].

- 7.5.2. The examination of the application included consideration of all submitted written material relevant to CA and TP with the processes involved described below.

### **Written Process**

- 7.5.3. Of the 47 RRs made, two were from statutory undertakers (National Grid Gas and Northern Gas Networks) and 33 from individuals or landowners of which approximately 25 appeared to state an objection to the CA or TP provisions in the application or to the effects of them.

- 7.5.4. ExQ1 [PD-007] included questions relevant to CA and TP, (ExQ1.CA.1.1 to CA.1.14), which can be summarised as addressing the following issues:

- how matters relating to statutory undertakers' interest in land had been addressed;
- funding for CA;
- the approach to dealing with the extinguishment of private rights;
- how the tests in s122 of PA2008 had been addressed;
- matters relating to the due diligence around land and rights documents, including whether any new APs had emerged, and any new prospective objections had been raised; and
- questions about individual properties primarily East Cottage, Charlton Mires and Charlton Mires Farmhouse.

- 7.5.5. The Applicant provided a CA Objections Schedule at D1 [REP1-037] taking account of the positions expressed in RRs and giving reasons for any additions, which was provided at Appendix CA.1 as the Applicant's response to ExQ1 CA.1.1 [REP1-032]. This was updated at various stages during the Examination with the final version (Revision 9) provided at D10 [REP10-033]. Similar information was provided in Annex B of the

SoR [APP-018] which was updated throughout the Examination with the final version provided at D10 [REP10-016]. Annex A of the SoR provides details of the purpose for which CA and TP powers are sought as follows:

- Part A - Permanent Acquisition of Land – by Plot Number;
- Part A - Permanent Acquisition of Rights Over Land – by Plot Number;
- Part A - Permanent Acquisition of Airspace and Rights over Land – by Plot Number;
- Part A - Temporary Possession and Use of Land – by Work Number;
- Part B - Permanent Acquisition of Land – by Plot Number;
- Part B - Permanent Acquisition of Rights Over Land – by Plot Number; and
- Part B - Temporary Possession and Use of Land – by Work Number.

7.5.6. Responding to ExQ1 CA.1.5 and CA.1.6 [PD-007] the Applicant produced a table identifying and responding to representations made by statutory undertakers with land or rights to which PA2008 s127 applies (Appendix CA.2 s127 Statutory Undertaker Land and Rights [REP1-038]) and a table identifying whether the proposals affected the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies (Appendix CA.3 s138 Statutory Undertaker Apparatus Table [REP1-039]). The former was updated at D6 [REP6-036] (described as Appendix C) and the latter was also updated at D6 [REP6-038] (described as Appendix D).

7.5.7. At D1 the Applicant also submitted a table describing TP powers [REP1-040] in response to ExQ1 CA.1.9 [PD-007] which requested details to justify the extent of land sought to be used temporarily.

7.5.8. In light of the responses to ExQ1, other written submissions, and matters raised at hearings, the ExA asked a number of further written questions (ExQ2 CA2.1-CA.2.3 [PD-011]) on CA and TP to which the Applicant responded at D5 [REP5--023].

## Hearings

7.5.9. A Compulsory Acquisition Hearing (CAH) was requested by a number of APs. These included Mr Louis Fell of the Brockthorpe Consultancy, representing a range of APs [AS-021], Mr Tim Michie of George F White LLP also representing a range of APs [REP1-081] and Mr Gareth Moor [REP1-085].

7.5.10. CAH1 took place on 24 February 2021 and the Agenda was published on the Inspectorate's website [EV-010]. A recording of the hearing is available [EV-022] [EV-023] and a transcript of the proceedings is also provided on the Inspectorate's website [EV-024] [EV-025]. CAH1 examined the Applicant's underlying case for CA and tested whether relevant legislative and policy requirements had been met. Matters arising from CAH1 are dealt with in section 7.7 below.

- 7.5.11. A second CAH (CAH2) was held on 19 April 2021 based on an Agenda [EV-037] published in advance. A recording of CAH2 [EV-40] [EV-41] and a transcript of the hearing [EV-042] is also available on the Inspectorate's website. CAH2 provided an opportunity for the ExA to ask the Applicant and APs about site specific issues as well as considering any statutory undertakers' land issues. CAH3 took place on 9 June 2021 with agenda, [EV-056], recordings [EV-061] [EV-062] and transcript [EV-063] [EV-064] provided on the Inspectorate's website. Like CAH2, CAH3 provided an opportunity for IPs to provide updates regarding the negotiations on CA and TP matters.
- 7.5.12. On 9 April 2021 we wrote to all IPs under EPR Rule 8(3) [PD-014] advising of Procedural Decisions and changes to the Examination Timetable in response to the Applicant's change requests submitted at D4 [REP4-034 to REP4-073a]. This provided for a further CAH which was held on 14 June 2021. Details of CAH4 (agenda, recordings and transcript) were provided on the Inspectorate's website [EV-058] [EV-074] [EV-075]. In addition to providing updates with regard to how negotiations with landowners were progressing, the ExA examined the implications for CA and TP that arose as a result of Changes 2 and 3.

## **Changes to the Application**

- 7.5.13. The Applicant's formal request for a material change amendment to the application [REP4-034 to REP4-073a] had three elements to it which as described in the Change Request Letter [REP4-034] as follows:
- Change 1: Earthworks Amendments;
  - Change 2: Stabilisation Works; and
  - Change 3: Southern Access Works.
- 7.5.14. Change 1 would not give rise to any additional land requirements under CA Regulations. However, Changes 2 and 3 would require a permanent extension of the Order Land and therefore the CA Regulations would apply. The amendments to the land affected by CA as a result of the proposed changes were set out in Table 2.1 of the Change Request Letter [REP4-034].
- 7.5.15. In accordance with Regulation 6 of the CA Regulations, the ExA decided, on behalf of the SoS, to accept the proposed provisions as part of the application. In reaching this decision, the ExA was satisfied that they complied with the requirements of Regulation 5 of the CA Regulations. Details of the ExA's considerations were set out in a Procedural Decision [PD-014]. Further details about the proposed changes are provided in paragraphs 2.3.17-2.3.23 of this Report.

## **7.6. THE APPLICANT'S CASE**

- 7.6.1. The SoR [REP10-016] sets out the Applicant's position that the powers of CA and TP sought in the DCO are necessary, proportionate and justified.

Furthermore, the Applicant believes that the powers sought are in accordance with all relevant statutory and policy guidance. In addition, the case for CA and TP, including human rights considerations, was dealt with in the Applicant's responses to ExQ1 [REP1-032].

- 7.6.2. Section 5 of the SoR provides the Applicant's case for CA. It does so with reference to s122 of PA2008 and to the CA Guidance (paragraphs 8 to 16 and paragraph 25).

### **The purpose for which compulsory acquisition is sought**

- 7.6.3. Chapter 3 of the SoR sets out how the Applicant considered that it demonstrated compliance with s122(2) of PA2008. The Applicant set out why CA powers were necessary in relation to each individual parcel of land, with reference to the relevant DCO works numbers, and the nature of the works as set out in Schedule 1 of the DCO. The proposed use of the land was set out in Annex A of the SoR beginning with a description of the land subject to powers of outright acquisition in terms of Article 26.
- 7.6.4. The land included in the dDCO [REP11-003] is the minimum required to construct, operate, maintain and mitigate the Proposed Development and necessary to achieve its objectives according to the Applicant. It has sought to achieve a balance between minimising land take and securing sufficient land to ensure delivery of the Proposed Development. Consequently, the limits of deviation have been drawn as tightly as possible. In the event that less land proved to be required following the detailed design stage, the Applicant would only seek to acquire that part of the land that was required and, in any event, would seek to minimise effects on landowners.
- 7.6.5. The CA powers were also required to override any existing rights and interests in land as well as grant the right to take TP of land for construction and maintenance purposes. Without these rights over the land, the Proposed Development could not be delivered.
- 7.6.6. On this basis the Applicant was satisfied that the land to be taken was reasonable and proportionate.

### **Compelling case in the public interest**

- 7.6.7. The SoR explained that the CA powers were necessary so that the Applicant could acquire the land required for the construction of the Proposed Development that were not already in its possession. It also explained that the powers were necessary to enable the Applicant to use land temporarily and acquire or extinguish rights over land in order to construct the Proposed Development in a way that was both proportionate and in the public interest by reducing environmental



impacts, minimising the cost to the Applicant (and hence the public purse) and mitigating the impact on affected landowners.

- 7.6.8. In support of this compelling case, the Applicant also referred to the evidence in the wider documentation that accompanied the application including section 2.2 of the SoR and Chapters 3 and 4 of the Case for the Scheme [REP4-069].
- 7.6.9. In particular, as set out at Chapter 3 of the Case for the Scheme [REP4-069] the Proposed Development would meet the requirements of paragraph 2.2 of the NNNPS which identified a "*critical need*" to improve the national networks to address road congestion to provide safe, expeditious and resilient networks that better support social and economic activity. The proposed improvements would also provide a transport network that is capable of stimulating and supporting economic growth and address the impact of the national networks on quality of life and environmental factors.
- 7.6.10. The way in which the Proposed Development's strategic objectives are aligned with the NNNPS is set out in detail at Chapter 3 of the Case for the Scheme, demonstrating the public benefits arising from the Proposed Development. In the Applicant's view these benefits would outweigh any negative impacts.

### **Consideration of alternatives**

- 7.6.11. In determining the land to be subject to CA and TP powers, the Applicant considered alternatives and modifications to the Proposed Development to minimise potential land take. These were consulted on and the preferred route was chosen based on a thorough consideration of all relevant issues as described in ES Chapter 3 [APP-038], Chapters 2 and 3 of the Case for the Scheme [REP4-069] and Chapter 2 of the Consultation Report [APP-021]. Reference should also be made to section 4.9 of this Report which describes the need for the Proposed Development and the alternatives considered.
- 7.6.12. In identifying options, no option combining Part A and Part B was identified because between the two parts, 15km of dual carriageway is already in place. Hence, it would have been disproportionate to have proposed an entirely new alignment offline of the existing dual carriageways purely to ensure a contiguous scheme.
- 7.6.13. For both Part A and Part B the Applicant's route selection followed public consultation (Consultation Report [APP-021]) and took account of the views of consultees including persons with a land interest. Other factors included environmental impacts, meeting the objectives of the relevant Part, affordability, value-for-money, safety and construction and operational considerations.

- 7.6.14. Part A as a combination of online and offline construction would minimise the amount of land-take required whilst optimising the benefits of the Proposed Development. Construction of Part A entirely online was not considered practicable or value for money because of a range of traffic management challenges during construction, adding to delays and further costs. Conversely, an entirely new offline A1 construction would have resulted in substantial permanent land-take and loss of valued habitats. Moreover, no alternate route would have avoided the River Coquet and Coquet Valley SSSI. The cost implications of an alternate offline route were considered unrealistic and influenced the chosen option following statutory public consultation [APP-021].
- 7.6.15. Of the three options for Part B identified in 2015 only one was progressed to the option selection stage in 2016, as the two other options (which both incorporated an element of offline widening) were materially more expensive and offered much lower value for money. In addition, the option progressed to the option selection stage had the least adverse impact on landscape and visual amenity, cultural heritage, ecology, the water environment, geology and soils.
- 7.6.16. It was also the Applicant's view that none of the alternatives or modifications considered for Part B would obviate the need for the CA or TP of the land in its entirety. The offline options for Part B were considered to result in a greater amount of third-party land being required (ES Chapter 3 [APP-038] and Chapters 2 and 3 of the Case for the Scheme [REP4-069]).
- 7.6.17. Due to the nature of the design process and the timing of the consenting process, the Applicant has sought a degree of flexibility in a number of areas of the design of the Proposed Development.
- 7.6.18. In respect of the proposed new bridge over the River Coquet the Applicant identified the need for flexibility associated with the potential for the proposed piers to move to allow for engineering and environmental constraints to be accommodated for in the construction. In addition, Change 2 required an extension to the Order Limits on the north bank of the River Coquet for stabilisation works while Change 3 required a change to the Order Limits for access works and scour protection on the south bank of the river.
- 7.6.19. An additional element of flexibility within Part B included the diversion of Northern Powergrid's approximately 7.5 km of 66kV transmission cable from Denwick to Middlemoor Windfarm. The Application made provision for two alternatives, firstly for a utilities trench within private land adjacent to the proposed highway boundary and secondly within the new highway boundary which would entail a greater permanent land take but would remove the need to interfere with private land after completion of the works.

- 7.6.20. Further to discussions with affected landowners during the course of the DCO examination, the alternative alignment within the new highway boundary was identified as the landowner's preferred option. Nevertheless, the Recommended DCO continues to provide for both alternatives.
- 7.6.21. In the SoR the Applicant confirmed that it envisaged requiring all the land included in the Order Limits to enable the delivery of the Proposed Development. However, should it transpire that any part of the land within the Order Limits, was not required, the Applicant would only seek to acquire that part of the land required, and in any event, would seek to minimise effects on landowners.

### **Reasonable prospect of funding**

- 7.6.22. The SoR summarised the Applicant's position on funding in that there is a reasonable prospect of the necessary funds for acquisition being available for the reasons set out in the Funding Statement [APP-019].

### **Acquisition by agreement**

- 7.6.23. The Applicant recognised that the authority to acquire land compulsorily should only be sought if attempts to acquire by agreement fail. However, the CA Guidance recognises that, in some cases, it may not always be practicable to acquire each plot of land by agreement and where this is the case, it is reasonable to include provision authorising CA covering all the land required at the outset.
- 7.6.24. The Applicant set out in Chapter 4 and Annex B of the SoR the discussions it had had with landowners and occupiers to acquire land by agreement. The Applicant's approach was that CA/ TP powers were required to ensure that the Proposed Development could be delivered in a reasonable timescale and in the event that it did not prove possible to acquire all of the land by agreement.

### **Human Rights Considerations**

- 7.6.25. The SoR [REP10-016] confirmed that three residential properties would be acquired for the Proposed Development namely Northgate House Morpeth, East Cottage Charlton Mires and Charlton Mires Farmhouse. In respect of Northgate House the Applicant confirmed that the property was required for the widening of the existing A1 and that an exchange of ownership was completed in July 2019 such that the land is now in the Applicant's ownership.
- 7.6.26. In respect of East Cottage and Charlton Mires Farmhouse the Applicant's case was that the land of both properties was required for the construction of the proposed grade-separated junction at Charlton Mires. The SoR [REP10-016] noted that the Applicant had been in regular

discussions with both the landowners and a blight application has been received in respect of both properties. Compensation discussions remained ongoing with both landowners.

- 7.6.27. The Applicant also identified residential properties with only gardens affected by the Proposed Development. For Part A these were Capri Lodge, Morpeth (Plot 1-9a), Burnside, Causey Park, Morpeth (Plots 6-7a, 6-8a), and 4 West Moor Farm Cottages (Plot 9-4a); for Part B the properties were Rock Lodge, Alnwick (Plots 15-21a, 15-21b and 15-21c) and Heckley Fence, Alnwick (Plots 12-3h, 12-3c and 12-3cc).
- 7.6.28. The Applicant considered the potential infringement of the rights in the Human Rights Act 1998 (which incorporates the European Convention on Human Rights (ECHR) into UK law) as a consequence of the CA and TP powers included within the dDCO. Reference was made to Article 1 of the First Protocol which protects the rights to peaceful enjoyment of possessions, Article 6 which entitles those affected by compulsory powers to a fair and public hearing and Article 8 which protects the right of the individual to respect private and family life, home and correspondence. Section 6 of the Human Rights Act 1998 also prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR.
- 7.6.29. Reference was also made to paragraph 10 of the CA Guidance which states that the SoS "*must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.*".
- 7.6.30. The Applicant recognised that the Proposed Development may have an impact on individuals but considered that the public benefits that would arise would outweigh any harm to those individuals. The Applicant asserted that the DCO struck a fair balance between the public interest in seeing the Proposed Development proceed (which was unlikely to happen in the absence of the DCO) and the private rights which would be affected by the CA.
- 7.6.31. In relation to both Article 1 and Article 8, the Applicant believed that a compelling case in the public interest for the CA powers was set out in Chapter 5 of the SoR and in the Case for the Scheme [REP4-069]. The land over which CA powers were sought as set out in the DCO was the minimum necessary to ensure the delivery of the Proposed Development. The scheme had been designed to minimise harm whilst achieving its publicly stated objectives. In this respect they believe that the interference with human rights was both proportionate and justified.
- 7.6.32. In relation to Article 6, the Applicant was content that the proper procedures had been followed for both the consultation and in determining the CA powers included within the DCO. Throughout the

development of the proposals, the Applicant had given persons with an interest in the land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the Applicant had endeavoured to engage with landowners. The Applicant had regard to landowner feedback throughout the life of the proposals. Examples of design changes were provided within the Consultation Report [APP-021].

- 7.6.33. Furthermore, any individuals affected by the DCO could submit representations by way of an objection to the Application in response to any notice given under s56 of PA2008, the Examination of the application by the ExA, any written representations procedure which the ExA decided to hold and in particular, any CAH held under s92 of PA2008, at which each AP was entitled to make oral representations about the CA request.
- 7.6.34. If the DCO were made, a person aggrieved may challenge the DCO by judicial review in the High Court if they considered that the grounds for doing so were made out pursuant to s118 of PA2008.
- 7.6.35. Any person affected by the exercise of CA powers or by the exercise of TP, may be entitled to compensation. This entitlement is provided for by the existing compensation code and Articles 26, 29, 30 and 35 and Schedule 7 of the dDCO [REP11-003]. The Applicant felt they had demonstrated that it had the resources to pay such compensation (in the Funding Statement [APP-019]). Any dispute in respect of the compensation payable may be referred to the Upper Tribunal (Lands Chamber) for determination.
- 7.6.36. For these reasons, the Applicant considered that any infringement of the human rights of those whose interests in the land might be affected by the exercise of powers of CA would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. The Applicant therefore considered that it would be appropriate and proportionate for the SoST to make the DCO including the grant of CA powers.

## **Other Land Considerations**

- 7.6.37. The Applicant confirmed that none of the land to which the Order would apply was Crown land for the purposes of s135 of PA2008. Additionally, it was confirmed that none of land to be acquired comprised special category land forming part of a common, open space, or fuel or field garden allotment for the purposes of s131 and s132 of PA2008 and none of the land to be acquired was National Trust "*inalienable*" land for the purposes of s130 of PA2008.
- 7.6.38. As set out in the SoR, the Applicant had, during preparation of the DCO application, been in discussions with various utility providers about the diversion of existing utilities along the route. The main diversions were listed under Section 4.4 of the SoR (and described in paragraph 7.6.19

above). Through these discussions it had been established that, the land in which these statutory undertaker assets exist is in private ownership. Consequently, none of the land to be acquired was statutory undertakers land for the purposes of s127(3) of PA2008.

- 7.6.39. The Consents and Agreements Position Statement [APP-016] set out the additional consents outside of the DCO and the position as to the status of securing those consents. The Applicant was satisfied that all necessary consents to enable the Proposed Development to proceed had been identified and that there was no reason why such consents should not be secured or granted pursuant to the DCO.

## **7.7. EXAMINATION OF THE APPLICANT'S CASE**

- 7.7.1. This section sets out our consideration of the responses from the Applicant and other parties to matters raised in relation to the Applicant's case. It provides our review of the Applicant's case against relevant legislation and policy using the headings above which reflect those in the SoR and reflect the statutory tests and the CA Guidance.

### **The purpose for which compulsory acquisition is sought**

- 7.7.2. The purpose of the CA powers in the DCO is to enable the Applicant to construct, operate and maintain the Proposed Development. The specific CA powers sought by the Applicant are set out in full in Part 5 of the dDCO.
- 7.7.3. The SoR sets out why CA powers are necessary in relation to each individual parcel of land, with reference to the relevant DCO works numbers, and the nature of the works as set out in Schedule 1 of the DCO. The proposed use of the land is set out in Annex A of the SoR.
- 7.7.4. The ExA has reviewed the land requirements and accepts that the Applicant is seeking to acquire the minimum necessary to construct, operate, maintain and mitigate the Proposed Development based on tightly drawn limits of deviation. In addition, should less land prove to be required, the Applicant would only acquire that part of the land that was necessary, thereby minimising the effects on landowners. Consequently, we find that the s122(2) and CA Guidance test, that the land in question is needed and that it is no more than is reasonably required for the purposes of the development has been met.
- 7.7.5. The Applicant's Written Summaries of Oral Submissions to Hearings held during the week 22 February 2021 [REP4-025] explained that the replacement land required for the Proposed Development did not qualify as open space as there was not extensive open space proposed to be acquired. As such, it did not fall within the category of land under s122(2)(c) of PA2008. Rather, the land in question constituted

compensation for ecological purposes, under the s122(2)(b) category of facilitating or being incidental to the development.

## **Compelling case in the public interest**

- 7.7.6. The needs and benefits of the Proposed Development are set out in the SoR [REP10-016], ES Chapter 2 [APP-037] the Case for the Scheme [REP4-069] and in the National Policy Statement for National Networks Accordance Table [APP-345]. Responding to ExQ1 CA.1.10 [PD-007] which sought evidence of a compelling case in the public interest the Applicant highlighted [REP1-032] the importance of the A1 as a route of local and national importance and as part of the SRN. It also referenced a "*critical need*" to improve the national networks identified in national policy and that that the Proposed Development is supported by national, regional and local transport and planning policy. The Proposed Development would improve journey times, improve safety, increase resilience, improve connectivity between Morpeth and Ellingham which is part of the SRN in the North-East region, provide better transport links and improve opportunities for economic activity.
- 7.7.7. In addition, we consider that a compelling case in the public interest can also be made on the basis of the widespread support for the Proposed Development from IPs, including from the local planning authority, and the need to secure the land and rights required and to construct the Proposed Development within a reasonable timeframe. On this basis we are convinced that the Applicant's compelling evidence demonstrates significant public benefits.
- 7.7.8. Taking these various factors together, the ExA considers that there is a compelling case in the public interest for the CA powers sought in respect of the CA land shown on the Land Plans [REP10-003]. The proposal would therefore comply with s122(3) of PA2008.

## **Consideration of alternatives**

- 7.7.9. Consideration of possible alternatives to the Proposed Development is provided in ES Chapter 3 [APP-038], Chapter 3 of the Case for the Scheme [REP4-069] and Chapter 2 of the Consultation Report [APP-021]. These provide the history of the scheme evolution, including the options considered, and the reasons for their rejection in favour of the preferred option. As set out in response to ExQ1 CA.1.15 [REP1-032] none of the alternative options would obviate the need for CA. Moreover, the scope of the CA powers is limited to that which is necessary.
- 7.7.10. In the SoR [REP10-016] and in response to ExQ1 CA.1.12 [REP1-032] the Applicant set out the process which it followed to identify a scheme design that balanced its project requirements and those of key stakeholders, including adjacent landowners to ensure that land-take was minimised. On the basis of the options appraisal the Applicant concluded

that the discounted options would require, on the whole, significantly more land acquisition than the preferred option and we have no reason to disagree with this view.

- 7.7.11. Through Article 29 of the DCO the Applicant could take TP of the Order Land and only CA what is required subsequently. This would provide scope to reduce the land-take following detailed design to enable the final land-take to be as efficient as possible, thereby minimising CA.
- 7.7.12. The dDCO also provides for a degree of flexibility, particularly highlighting the options surrounding the new Bridge over the River Coquet and the diversion of utilities.
- 7.7.13. The ExA is therefore satisfied that the land for which CA powers is being sought is no more than is reasonably required to enable the construction, operation and maintenance of the Proposed Development and there is no alternative to the use of CA powers, where required.

### **Reasonable prospect of funding**

- 7.7.14. The Funding Statement [APP-019] indicated that the Proposed Development had a capital cost estimate of £261.6 million, including allowances for risk and inflation, at the date of application. This included all costs from options stages through to the opening for traffic. It included an allowance for compensation payments relating to the CA of land, interests in and rights over land and the TP and use of land. It also took account of potential claims under Part 1 of the Land Compensation Act 1973, s10 of the Compulsory Purchase Act 1965 and s152(3) of PA2008.
- 7.7.15. The Funding Statement also recorded that the Applicant is a government owned company responsible for delivering major projects within the SRN. The Government's commitment to fully fund the Proposed Development as part of RIS1 and subsequently through RIS2 demonstrate that the Proposed Development will be fully funded by the DfT and consequently it is not dependent on funding contributions from other parties.
- 7.7.16. The Applicant's response [REP1-032] to ExQ1 CA.1.3 [PD-007] confirmed the cost estimate for the Proposed Development and provided further explanation as to how an allowance for compensation payments had been made. At CAH1 and in writing [REP4-025] the Applicant confirmed that cost estimates for CA had been prepared as part of the calculation of the overall cost estimate, although they were not publicised due to the ongoing landowner negotiations. An explanation of the calculation of the CA cost estimate was provided as Appendix C [REP4-028].

### **Acquisition by agreement**

- 7.7.17. The Applicant has followed the advice of paragraph 25 of the CA Guidance to seek to acquire land by negotiation wherever practicable



recognising that the power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.

- 7.7.18. Noting that it was under a duty to acquire land at best value and to deliver the Proposed Development within a specified timescale the Applicant recognised that it might not be possible to acquire all land interests necessary to deliver within this timescale. Moreover, it identified that there were further parcels of land in unknown ownership which could not be acquired by agreement.
- 7.7.19. The Applicant engaged with all landowners and occupiers with a view to acquiring their land interest by agreement and throughout the Examination continued to engage with numerous landowners on this basis. However, by the end of the Examination not all negotiations had not been successfully completed. The position on these negotiations is set out in the Compulsory Acquisition Schedule at Annex B of the SoR [REP10-016] which also addressed the need for the acquisition of additional land and the status of negotiation with the relevant landowners arising from Changes 2 and 3.
- 7.7.20. Responding to ExQ1 CA1.1 [PD-007] the Applicant [REP1-032] also provided a Compulsory Acquisition Objections Schedule (Appendix CA.1 [REP1-037]) which was updated throughout the Examination with the final version provided at D10 [REP10-034]. In addition, at each CAH the Applicant was asked to provide an update on negotiations with APs and APs were invited to comment. Summaries of these negotiations were provided in the subsequent written summaries of oral submissions at hearings [REP4-025] [REP6-044] [REP10-037].

## **Human Rights Considerations**

- 7.7.21. Building on the Applicant's human rights considerations set out in Chapter 6 of the SoR [REP10-016], through ExQ1 [PD-011] and at CAH1 [EV-010] we explored the issue in more depth. Specifically, through ExQ1 CA.1.13 and CA.1.11 we asked the Applicant what assessment, if any, had been made of the effect upon individual APs and their private loss that would result from the exercise of CA powers in each case and to demonstrate that interference with human rights would be proportionate and justified. Responding, the Applicant [REP1-032] explained that the proportionality test was based on the guidance in the CA Guidance. To assess the private loss of individuals impacted by CA/ TP against public benefits, the need for the land and the extent of the private loss of the affected individuals had to be ascertained. Annex B of the SoR, identified the extent of land to be taken while the need for the land and the extent of the private loss of the affected individuals was set out for each individual plot in Appendix CA.5 [REP1-056]. A plot-by-plot assessment of the private loss of individuals impacted by CA/ TP against the public benefits of the Proposed Development was also set out in Appendix CA.5.

- 7.7.22. At CAH1 and subsequently in writing [REP4-025] the Applicant confirmed that its detailed assessment of human rights considerations could be justified on the grounds of proportionality and that there was a means of compensation. Therefore, there was no conflict with the Human Rights Act 1998 in the grant of powers for CA.
- 7.7.23. The Applicant has had regard to the CA Guidance in developing its case for CA and TP [REP10-016]. It recognised the balance to be struck between individual rights and the wider public interest, carefully considering the proposed interference with the rights of those with an interest in the land. The Applicant has shown that there is a compelling case in the public interest for the CA powers which is sufficient to justify the interference with rights. The land over which CA powers are sought is the minimum necessary to construct, operate, maintain and mitigate the Proposed Development. The Applicant has sought to achieve a balance between minimising land take and securing sufficient land to ensure delivery of the Proposed Development, noting that the detailed design has yet to be developed. The Applicant has also sought to minimise the private loss suffered by individual landowners and occupiers by seeking to acquire land through agreement where possible.
- 7.7.24. We have also had regard to s149 of the Equalities Act 2010 and the PSED which require a public authority, in the exercise of its functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not.
- 7.7.25. In response to comments from Public Health England [RR-006] the Applicant [REP2-007] provided an Equality Impact Assessment to set out the positive and negative impacts of the Proposed Development and how processes such as stakeholder engagement complied with its PSED.
- 7.7.26. The ExA considers that there is no evidence that the Proposed Development would have any specific impact in relation to persons who share a protected characteristic as compared to persons who do not or any indication that allowing the Application would have any harmful equality implications.
- 7.7.27. Having regard to the relevant provision of the Human Rights Act the ExA has considered the individual rights which would be interfered with and the submissions made by the APs in this regard. We are satisfied that:
- In relation to Article 1 of the First Protocol the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest;
  - In relation to Article 6 we are satisfied that all objections which were submitted to the Examination have either been resolved, or the objector has had the opportunity to present their case to us in writing and at the CAHs; and

- In relation to Article 8 the interference is in accordance with the law and is necessary in the interests of the economic well-being of the country.

7.7.28. We conclude that as set out in the Recommended DCO CA and TP for the Proposed Development can be delivered in a manner in full accord with all relevant human rights considerations.

## **Other Land Considerations**

7.7.29. The Applicant has identified no special category land for the purposes of s130, s131 and s132 of PA2008 or Crown land for the purposes of s135 of PA2008 would be affected by the CA powers sought in the DCO. As such the need for special parliamentary procedure in accordance with the relevant sections of PA2008 is avoided.

7.7.30. The Applicant has also confirmed that the land in which statutory undertakers' assets which would be subject to diversion is in private ownership and therefore not statutory undertakers' land for the purposes of to s127(3) of PA2008. We find no reason to disagree with this position.

7.7.31. In terms of the additional consents outside of the DCO which would be required in order to enable the Proposed Development to proceed we are satisfied on the basis of the Applicant's case and evidence from relevant IPs that there are no reasons why such consents should not be secured or granted pursuant to the DCO.

## **7.8. CONSIDERATION OF INDIVIDUAL OBJECTIONS AND ISSUES**

7.8.1. Although this section of the Report specifically considers objections raised by APs, we appreciate that this represents only a proportion of the large number of plots of land that would be affected. Even though a specific objection may not have been raised in relation to a particular plot of land, we have nevertheless applied the relevant tests to the whole of the land that would be subject to the powers of CA, or TP, in reaching its overall conclusions.

7.8.2. The Applicant responded to CA objections throughout the course of the Examination. It has also actively pursued discussions with objectors to seek to address, where possible, specific issues and concerns. Wherever possible the Applicant has sought to enter into agreements with landowners. At various points during the Examination the Applicant sought to provide the ExA with an update on progress on negotiations by submitting a CA Schedule [REP1-037], [REP2-017], [REP3-022], [REP4-022], [REP5-020], [REP6-034], [REP7-013], [REP8-021], [REP9-024], [REP10-033] and an updated SoR [APP-018], [REP4-048], [REP5-008], [REP5-036], [REP10-016].

- 7.8.3. Responding to ExQ1 CA.1.9 the Applicant provided a schedule of TP powers (Appendix CA.4) [REP1-040] which provided details to justify the extent of the land sought to be used temporarily under Articles 35 and 36. For each area it explained why such a size was required and the justification for the extent of the plots proposed to accommodate them.
- 7.8.4. The final CA Schedule submitted at D10 [REP10-033] included a summary table which categorised the interests as follows:
- agreements with solicitors for exchange/ completion;
  - valuations agreed with Heads of Terms (HoTs) in preparation for signing;
  - valuation agreed and HoTs issued for agreement;
  - valuations under discussion with reasonable prospect of agreement;
  - discussions ongoing with difference of opinion regarding planning status; and
  - non-valuation matters under discussion before values can be agreed.
- 7.8.5. We have cross referenced the information within the CA Schedule with that in the final SoR. We have also referenced other interests and provided comment where appropriate having reviewed RRs and WRs which identified impacts on property.
- 7.8.6. We have reviewed all the objections set out in RR and WR, subsequent submissions, and submissions made at the CAH. Many of the issues raised by objectors have been considered in Chapter 4 when considering the planning issues arising in relation to consideration of the grant of the draft DCO. As a result, the objections are considered here only in the context of the application for the grant of CA powers.
- 7.8.7. At CAH2 and CAH3 we asked the Applicant if they could submit, or encourage each landowner to submit, written confirmation where agreement had been reached and an objection withdrawn. The Applicant [REP6-044] undertook to seek confirmation from each land agent that a submission confirming the withdrawal of their clients' objections would be submitted by the end of the Examination or otherwise as to their position, noting that the onus to state whether agreement had been reached or not, and to make representations falls upon landowners and not the Applicant. However, by the end of the Examination, in spite of indications that such confirmation would be forthcoming, no objections in respect of CA/ TP were withdrawn.

## **Consideration of Individual Cases**

### **Mrs Margaret Jill Clark**

- 7.8.8. This interest relates to the CA of Plots 8-10a and 8-11a which are two parcels of land to the east of the existing A1, north of Bockenfield Bridge. No RR or WR was submitted to the Examination in respect of this interest. The Applicant advised that HoTs have been signed with all

matters agreed with Mrs Clark's land agent, Mr Partlett. Collectively the plots would be needed for the construction of new offline southbound carriageway of the A1, de-trunking works to the existing A1 and the construction of a new link road from West Moor Junction roundabout to Bockenfield Bridge and construction of two new detention basins (Work Nos. 2B, 10B and 16L). We consider that these plots would be required to enable the delivery of the Proposed Development and therefore find that the private harm to Mrs Clark would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of CA sought in relation to these plots.

### **Ms Jacqueline Ions**

- 7.8.9. Ms Ions has an interest in land to the north of the proposed West Moor Junction adjacent to the existing carriageway. Plots 9-16a and 9-18a would be required for CA, Plots 9-16b and 9-18b for TP and Plot 9-16c for the acquisition of permanent rights. No RR or WR was submitted to the Examination in respect of this interest. HoTs have been signed and all matters agreed according to the Applicant. Ms Ions was represented by Mr Partlett. Plots 9-16a and 9-18a are required for the construction of a new access track for maintenance of a detention basin (Work No. 16H) and Plot 9-16c for construction and access rights to a new outfall from a detention basin and associated works (Work Nos. 3A and 3B). As such the need for the plots leads us to conclude that the private harm to Ms Ions would be outweighed by the public benefit from the Proposed Development and therefore recommend the grant of CA and permanent rights sought in relation to these plots.

### **Mr David Russell Brown**

- 7.8.10. This interest relates to the CA of Plots 8-7a, 9-14a, 9-14b, 9-15a, 9-17a, 9-17b, 9-17e, 9-8c and 9-19a. The TP of Plots 8-7b, 9-15b, 9-15d, 9-17c, 9-17d, 9-20a and 9-8b is sought and the acquisition of permanent rights in respect of Plots 9-8a and 9-15c. All of this land is located in close proximity to the existing A1 in the vicinity of the proposed West Moor Junction and includes some agricultural land. No RR or WR was submitted to the Examination in respect of this interest. HoTs have been signed and all matters agreed. Mr Brown's land agent was Mr Partlett.
- 7.8.11. Plots 8-7a, 9-14a, 9-14b, 9-15a, 9-17a, 9-17b, 9-17e, 9-8c and 9-19a are required for a range of construction works in the vicinity of West Moor Junction including construction of the junction, works to West Moor Road and Felton Road and links to Bockenfield Bridge (Work Nos. 3B, 16C, 16E, 16F, 16G, 16H, 16I, 16J, 16K and 16L). Plots 9-8a and 9-15c are required for construction and access rights to a new outfall from a detention basin and to access an environmental mitigation area (Work Nos. 3A and 3B). Having taken account of the private harm to Mr Brown arising from the need for his land we consider that this would be outweighed by the public benefits of the Proposed Development.

Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

**Mr Maurice Moore Dungait**

7.8.12. Mr Dungait's interests relate to the CA of Plots 2-7a, 2-8a, 2-8c, 2-8f, 2-11a, 2-14b, 2-15a, 3-1b, 3-4a, 3-6a, 3-6b, 4-5e, 4-5i, 4-6a, 4-7c, 4-8a, 4-8b, 4-10b, 4-10e, 4-10f, 5-4c, 7-4b, 8-7a, 8-9c, 9-15a and 9-17a. The TP of Plots 2-7c, 2-8b, 2-8e, 2-8g, 2-15b, 4-4a, 4-4b, 4-5a, 4-7a, 4-7b, 4-7d, 4-7f, 4-7h, 4-8c, 4-10a, 4-10d, 5-4a, 5-4d, 7-4a, 7-4d, 7-4f, 7-4g, 8-7b, 8-9b, 9-15b, 9-15d and 9-17c is sought together with the acquisition of permanent rights in respect of Plots 2-7b, 2-8d, 2-14a, 3-1a, 3-2a, 4-5h, 4-7e, 4-7g, 4-10c, 5-2b, 5-4b, 7-4c, 7-4e, 8-9a and 9-15c. The plots extend throughout the length of Part A and include agricultural plots. No RR or WR was submitted to the Examination in respect of these interests. HoTs have been signed and all matters agreed with accommodation works to be discussed further at detailed design. Mr Dungait was represented by Mr Partlett.

7.8.13. Plots 2-7a, 2-8a, 2-8c, 2-8f, 2-11a, 2-14b, 2-15a, 3-1b, 3-4a, 3-6a, 3-6b, 4-5e, 4-5i, 4-6a, 4-7c, 4-8a, 4-8b, 4-10b, 4-10e, 4-10f, 5-4c, 7-4b, 8-7a, 8-9c, 9-15a and 9-17a would be required in connection with a range of construction works including in connection with the existing and proposed A1 carriageways both north and south of the proposed Highlaws Junction, Highlaws Road, Hebron Road, Fenrother Junction, Fenrother Lane West, Fenrother Lane East, de-trunking works to the existing A1 crossing of the River Lyne, works in the vicinity of the proposed West Moor Junction, Felton Road and links to Bockenfield Bridge (Work Nos. 1A, 1B, 2A, 2B, 3B, 5D, 7, 8C, 8H, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 10A, 16E, 16G, 16H, 16I, 16J and 16K). Plots 2-7b, 2-8d, 2-14a, 3-1a, 3-2a, 4-5h, 4-7e, 4-7g, 4-10c, 5-2b, 5-4b, 7-4c, 7-4e, 8-9a and 9-15c would be required in connection with access rights to utilities on the existing and proposed A1 carriageways, access tracks, access to culverts, access in the vicinity of High Highlaws Road, access rights to an existing culvert under Burgham Park Road and access from Bywell Road associated with a utility diversion (Work Nos. 1A, 1B, 2A, 2B, 3A, 3B, 5D, 7, 8B, 8C, 9E, 14 and 16A).

7.8.14. Having considered the Applicant's need for this land to facilitate the Proposed Development we consider that the private harm to Mr Dungait would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

**Mr Scott Clarehugh**

7.8.15. Mr Clarehugh's interest relates to Plots 8-8a, 8-10a, 8-12a and 9-15a for which the permanent acquisition of land is sought. The TP of Plots 8-8b, 8-8d, 9-15b, 9-15d is also sought and the acquisition of permanent rights in respect of Plots 8-8c and 9-15c. Much of the land is in agricultural use.

Mr Clarehugh submitted a RR [RR-047] which indicated that he welcomed and supported the proposed highway improvements. He confirmed that his property was directly affected by the proposals as it comprises land adjoining the current highway north of Bockenfield Bridge and around the proposed West Moor Junction, but he was satisfied with the information provided and previous consultation work carried out by the Applicant. He fully supports the DCO application. HoTs have been agreed and signed including an agreement to reserve discussions surrounding injurious affection for a later date. Mr Clarehugh was represented by Mr Partlett.

- 7.8.16. There is a need for Plots 8-8a, 8-10a, 8-12a and 9-15a for works which include the construction of the new offline southbound carriageway, the alteration of the existing A1 to provide a northbound dual carriageway and construction of a new southbound carriageway as well as de-trunking works to the existing A1, works at the proposed West Moor Junction, Felton Road and links to Bockenfield Bridge and a new culvert and ditches (Work Nos. 2B, 3A, 3B, 10B, 16E, 16G, 16H, 16I, 16J, 16K, 16L and 17). Plots 8-8c and 9-15c would be required in connection with the construction and access rights to new culvert, ditches and other associated works (Work Nos. 3A, 3B and 17). We are satisfied that the land required in this location is the minimum required to enable the implementation of the Proposed Development and that the private harm to Mr Clarehugh's interests arising from the Proposed Development would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights for these plots.

**Mr Milner (Isabella Holdings Limited)**

- 7.8.17. This interest relates to the CA of Plots 7-2a, 7-3a and 8-14a. The TP of Plot 8-15a is also sought and the acquisition of permanent rights in respect of Plot 8-15b. This covers land at Burgham Park Road and large agricultural plots immediately to the north crossed by Longdike Burn. No RR or WR was submitted to the Examination in respect of this interest which was represented by Mr Richard Brown. The CA Schedule/ SoR records that HoTs have been agreed and signed and the case is with solicitors for exchange/ completion.
- 7.8.18. Plots 7-2a, 7-3a and 8-14a would be required for the construction of new offline northbound and southbound carriageways of the A1, construction of an underbridge at Burgham Park, the extension of an existing culvert and related works (Work Nos. 2A, 2B, 14 and 15). Plot 8-15b would be required to provide construction and access rights to utility diversions and associated works (Work Nos. 2A and 2B). We consider that the Applicant has justified the need for these parcels of land and having taken account of the private harm to the AP arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Mr Ian Dobson**

- 7.8.19. This interest relates to the CA of Plots 4-5e, 4-5f, 4-5i, 4-6a and 5-2c. The TP of Plots 4-1a, 4-5a, 4-5b, 4-5c, 4-5d, 4-5j, 4-7b, 4-7d and 5-2a is also required in addition to the acquisition of permanent rights in respect of Plots 4-5g, 4-5h, 4-7e and 5-2b. All of Mr Dobson's land required for the Proposed Development is located in the vicinity of the proposed Fenrother Junction and the proposed offline section of the A1 with the majority appearing to be in agricultural use. No RR or WR was submitted to the Examination in respect of this interest with Mr Dobson represented by Mr Michie of George F White. The Applicant confirmed through the CA Schedule/ SoR that values had been agreed and that HoTs were in the process of being prepared for signing.
- 7.8.20. Plots 4-5e, 4-5f, 4-5i, 4-6a and 5-2c would be required for works which include the construction of the new offline northbound and southbound carriageways of the A1, construction of a new private access track, alterations to Fenrother Lane West and Fenrother Lane East, construction works in the vicinity of Fenrother Junction and de-trunking works to the existing A1 crossing the River Lyne to Fenrother Lane East (Work Nos. 2A, 2B, 5-2c, 9A, 9B, 9C, 9D, 9E, 9F, 9G,9H, 9I and 10A). Plots 4-5g, 4-5h, 4-7e and 5-2b would be required in association with the construction of and new rights to a new access track to private land, access to a field, maintenance and access rights to utility diversion and associated works (Work Nos.2A, 2B and 9E).
- 7.8.21. Having reviewed the Applicant's CA requirements we consider that the land would be required for the implementation of the proposed Development and that the private harm to Mr Dobson's interests would be outweighed by the public benefit from the Proposed Development. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **Mr James and Mrs Joan Givens**

- 7.8.22. This interest relates to the CA of Plot 5-3b for which permanent acquisition is sought. The TP of Plots 5-3a and 5-3c is also sought. These land parcels are located along the proposed offline section, south of New Houses Farm and appear to be in agricultural use. No RR or WR was submitted to the Examination in respect of this interest and Mr and Mrs Givens were represented by Mr Michie. The CA Schedule/ SoR notes that all valuation matters were agreed, and HoTs were being prepared for signing.
- 7.8.23. Plot 5-3b would be required for construction associated with the new offline northbound and southbound carriageways of the A1 (Work Nos. 2A and 2B). The private harm to Mr and Mrs Givens arising from the acquisition of their land and rights over the land would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA



recommends the grant of permanent rights sought in relation to these plots.

**Mr Richard Oliver Henry**

7.8.24. This interest relates to the CA of Plots 8-1b, 8-2a, 8-2c, 8-3b, 8-3d and 8-11a. The TP of Plots 8-1a and 8-3a is sought together with the acquisition of permanent rights in respect of Plots 8-1c, 8-2b, 8-3c, 8-5c and 8-5d. No RR or WR was submitted to the Examination in respect of this interest and the CA Schedule confirms that all land acquisition matters were agreed with HoTs issued for signing. Mr Henry was represented by Ms Emma Smith.

7.8.25. Plots 8-1b, 8-2a, 8-2c, 8-3b, 8-3d and 8-11a would be required for the construction of the new offline northbound carriageway of the A1, the construction of a new access track for private access off Bywell Road, works in connection with West Moor Road including the construction of a new culvert and construction of a new link road from West Moor Junction roundabout to Bockenfield Bridge and two new detention basins (Work Nos. 2A, 16A, 16B, 16L and 17). Plots 8-1c and 8-2b and 8-3c and 8-5c and 8-5d would be required to provide construction and access rights for a new access track for private access off Bywell Road and to access a utility diversion (Work No. 16A). We are satisfied that the land identified by the Applicant would be needed for the Proposed Development and having taken account of the private harm to Mr Henry arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr and Mrs Hester**

7.8.26. Mr and Mrs Hester own East Cottage, Charlton Mires. The Applicant is seeking the permanent acquisition of Plots 15-4b, 15-12a, 15-16a, 15-17a and 16-5b which includes the residential property of East Cottage (Plot 15-16a). The TP of Plots 15-4a, 15-4c, 15-4d, 16-5c, 16-5f and 16-5h is sought and the acquisition of permanent rights in respect of Plot 16-5a.

7.8.27. The Brockthorpe Consultancy submitted a RR [RR-029] on behalf of Felicity Hester which objected to the DCO noting that it was proposed to acquire the residential property and adjoining land and that the process was *"massively distressing to the whole family which includes young children and an elderly mother"*. Concern was expressed about: the loss of the family home and the issues surrounding finding another like for like rural property with land; the loss of the businesses being run from the property which include a livery stud business and a fabrication business constructing shepherds huts; the loss of agricultural land used for the grazing of livestock; and the timing of the scheme and the uncertainty of the movement of the family prior to works starting.

- 7.8.28. The Applicant responded to the RR at D1 [REP1-064] which included its justification for the CA of the property and explaining the development options considered in the vicinity of the landholding.
- 7.8.29. Plots 15-4b,15-12a, 15-16a, 15-17a and 16-5b would be required for: alterations and construction of the new northbound and southbound carriageways of the A1; the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm; junction works at Charlton Mires Junction including the construction of an overbridge crossing the new A1 carriageways; and environmental mitigation works (Work Nos. 22A, 22B, 22G,23A, 24, 29G, 29H, 29I, 29J, 29K and 29L). Plot 16-5a would be required for construction and access rights over a new agricultural track and utility diversion works (Work No. 32).
- 7.8.30. At ExQ1 CA.1.16 we asked the Applicant about the proposed permanent acquisition of East Cottage, noting that paragraph 6.1.3 of the SoR [APP-018] stated that the Applicant has been in regular discussions with the landowner and a blight application has been received but at the submission of the application compensation discussions remained ongoing. The Applicant confirmed [REP1-032] that the owners of East Cottage in Plot 15-16a are Alison Drummon-Reddish, Felicity Mary Alison Hester and James Philip Murray Hester (as set out in the BoR [REP10-018]). It was also confirmed that the proposed route of the upgrade to the A1 would result in the demolition of East Cottage and the acquisition of around 6 acres of land. Discussions had been ongoing with the Mr and Mrs Hester since 2016 through the Applicant's project team and the District Valuer with value and blight negotiations ongoing. It was recorded that the main heads of claim had been agreed with discussions around disturbance items to be finalised. Responding to ExQ1 CA.1.18 the Applicant confirmed that a valid blight notice had been received from Messrs Hester in 2017 and accepted by the Applicant. At CAH1 and subsequently in writing [REP4-025] the Applicant stated that in relation to East Cottage, matters had been agreed and were awaiting formalisation in an appropriate agreement between the parties, as a matter of priority and that "*As such, so far as matters are agreed, East Cottage doesn't engage the Human Rights Act 1998*".
- 7.8.31. At CAH2 Mr Fell [EV-040] [EV-041] indicated that a framework of values had been broadly agreed and that no real issues were foreseen in reaching an agreement and at CAH3 the Applicant [EV-061] [EV-062] confirmed that the agreement should be signed within the Examination period.
- 7.8.32. The CA Schedule/ SoR recorded that all valuation matters had been agreed and HoTs were issued for signing. According to the Applicant the land agent confirmed that a submission would be made to the Examination to confirm that all non-valuation matters raised in the landowner's RR had been resolved and any objection is withdrawn.

However, no such confirmation was provided by the end of the Examination.

- 7.8.33. As discussed in Chapter 4 of this Report we are satisfied that all reasonable alternatives have been considered by the Applicant to avoid the permanent acquisition of the Hester's home and adjoining land. However, for the reasons set out earlier in this Chapter we consider that there is a compelling case in the public interest for the Proposed Development. We are satisfied that the land required in this location would be the minimum necessary to enable the implementation of the Proposed Development and the private loss to the Hester family would in our view be outweighed by the public benefit that would be delivered as a result of the scheme. Consequently, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr George Russell Robson**

- 7.8.34. This objection (listed as Objector No. 5 for Part A in the SoR) related to the CA of Plots 1-6b and 2-6a. The TP of Plots 1-6d, 1-6e and 1-6f is also sought and the acquisition of permanent rights in respect of Plots 1-6a, 1-6c, 1-8a and 2-6b. These plots are located in the vicinity of the Warreners House junction and land to the east of the A1 towards Highlaws Junction comprising agricultural land. The CA Schedule/ SoR highlighted that positive discussions with the land agent were ongoing and that a claim was being prepared for submission. Mr Robson was represented by Mr Michie.
- 7.8.35. Plots 1-6b and 2-6a would be required for the alteration of the existing A1 to provide the southbound dual carriageway and the construction of a new access track to private land (Work Nos. 1B and 5D). Plots 1-6a, 1-6c, 1-8a and 2-6b would be required to provide access rights to a new access track to the north of the West View for access to Warreners House properties and private land (Work No. 5B and 5D). We find that the loss of land would be small and that harm to Mr Robson's interests as a result of the Proposed Development would be outweighed by the public benefit and therefore, the ExA considers that the grant of CA and permanent rights sought in relation to these plots is justified.
- 7.8.36. The CA Schedule wrongly stated that Mr (George) Robson had submitted a RR [RR-033] which raised concerns about business disruption; the CA/ TP of specific plots; drainage, flood risk and water quality; the security of access to a retention pond; the quality of replacement fencing; and the soil structure damage arising from temporary works. However, [RR-033] relates to a landholding at Golden Moor Farm. This interest is listed in the BoR as a Category 1 interest in the name of Andrew James Robson of Golden Moor Farm (as partner in A J Robson Farming) and is dealt with below.

### **Mr Andrew & Mrs Tristine Cheryle Teasdale**

- 7.8.37. This interest which is listed in the CA Schedule/ SoR relates to the TP of Plots 1-7b and 1-7c. It also covers the acquisition of permanent rights in respect of Plots 1-7a and 1-7d. All of these plots are located in the vicinity of Warreners House. No RR or WR was submitted to the Examination in respect of this interest but Mr and Mrs Teasdale were represented by Mr Michie.
- 7.8.38. This interest is noted as awaiting the receipt of a claim and that positive discussions with the land agent were ongoing. Plots 1-7a and 1-7d would be required to provide new rights for access to Warreners House properties, including maintenance (Work Nos. 5B and 5C). We consider that any harm resulting to Mr and Mrs Teasdale's interests arising from the acquisition of rights over their land would be outweighed by the public benefit arising from the Proposed Development. Consequently, there is a case to grant the permanent rights sought in relation to these plots.

### **Mr Graham Carter**

- 7.8.39. Mr Carter's interest relates to Plots 2-8a, 2-8c, 2-8f, 2-9a, 2-9e and 2-11a which are required for CA. The TP of Plots 2-8b, 2-8e, 2-8g, 2-9b, 2-9d, 2-9f and 2-9g is also sought together with the acquisition of permanent rights in respect of Plots 2-8d, 2-9c. All are located between Warreners House and the Highlaws Junction and largely relate to agricultural land adjoining the existing A1. Mr Carter did not submit a RR or a WR to the Examination in respect of this interest but was represented by Mr Michie. The CA Schedule/ SoR lists this case as awaiting the receipt of a claim and that positive discussions with the land agent were ongoing.
- 7.8.40. Plots 2-8a, 2-8c, 2-8f, 2-9a, 2-9e and 2-11a would be required to facilitate the alteration of the existing A1 to provide a southbound dual carriageway and the replacement of an existing culvert, works to Hebron Road as part of the Highlaws Junction works (Work Nos. 1B, 7, 8H). Plots 2-8d and 2-9c would be required in association with construction and access to two new culverts and a private access and to access diverted utilities (Work Nos. 7 and 8J).
- 7.8.41. Having taken account of the private harm to Mr Carter from the acquisition of his land interests to accommodate the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Hebron Hill Partnership**

- 7.8.42. This interest relates to the CA of Plots 2-12a, 2-13a, 2-13c, 3-7a, 9-3a and 9-10b. The TP of Plots 2-13d, 2-13e, 2-13f, 2-13h, 3-7c, 3-7d and 9-

10a is also sought together with the acquisition of permanent rights in respect of Plots 2-12b, 2-13b, 2-13g and 3-7b. The land interests extend throughout Part A including agricultural land in the vicinity of the proposed Highlaws Junction and West Moor Junction. No RR or WR was submitted to the Examination in respect of this interest with Mr Michie acting as land agent. The CA Schedule describes this interest as awaiting the receipt of a claim and that positive discussions with the land agent were ongoing.

- 7.8.43. Plots 2-12a, 2-13a, 2-13c, 3-7a, 9-3a and 9-10b would be required for works including the alteration of the existing A1 to provide a southbound dual carriageway, works to construct the Highlaws Junction including construction of a new detention basin and associated works, works to Hebron Road, alterations to Bywell Road and works in the vicinity of West Moor Road and West Moor Junction (Work Nos. 1B, 8D, 8F, 8G, 8H, 16B, 16C and 16D). Plots 2-12b, 2-13b, 2-13g and 3-7b would be required in association with the construction of and new rights associated with a new access track to private land, to access new badger fencing, utility diversions and associated works (Work Nos. 8D, 8G and 8J).
- 7.8.44. We consider that as there is a compelling case in the public interest for the Proposed Development the identified plots would be required to enable the implementation of the Proposed Development. Consequently, we find that the private harm to the Hebron Hill Partnership would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Vernal Agricultural Enterprises Limited**

- 7.8.45. This interest relates to the CA of Plots 8-4b, 9-1b, 9-1bb, 9-1f, 9-3a and 9-11b. The TP of Plots 8-4a, 9-1a, 9-1c, 9-1e, 9-1g, 9-11a is sought as is the acquisition of permanent rights in respect of Plot 9-1d. The affected land is in the vicinity of West Moor Junction. No RR or WR was submitted to the Examination in respect of this interest which was represented by Mr Michie. The Applicant noted in the CA Schedule/ SoR that a claim was received from Mr Michie and the CA Schedule noted that it was being reviewed.
- 7.8.46. Plots 8-4b, 9-1b, 9-1bb, 9-1f, 9-3a and 9-11b would be required for the alteration of the existing A1 to provide the northbound dual carriageway, the alteration of Bywell Road, works in the vicinity of, and construction of the proposed West Moor Junction and West Moor Road, construction of a new detention basin and associated works (Work Nos. 3A, 3B, 16B, 16C, 16D, 16E and 16F). Plot 9-1d would be required in association with the construction of and access rights to a new outfall from a detention basin and to access an environmental mitigation area (Work Nos. 3A and 3B).

7.8.47. We consider that the land to be acquired or subject to rights is necessary for the Proposed Development to proceed and that the private harm to Vernal Agricultural Enterprises Limited would be outweighed by the public benefit from the Proposed Development. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr James Ivor Renton**

7.8.48. The Applicant has identified the need for the CA of Plots 1-4c, 2-1b, 2-2a, 2-2c, 2-3b, 2-3d and 2-4b. The TP of Plots 1-4a, 1-4d, 2-1a and 2-1d is sought together and the acquisition of permanent rights in respect of Plots 1-4b, 2-1c, 2-2b, 2-3a, 2-3c and 2-4a. No RR or WR was submitted to the Examination in respect of this interest with Mr Renton represented by Mr Graeme Bruce. The CA Schedule/ SoR describes the position regarding this interest as awaiting a response from the land agent to an offer noting that negotiations over values were undertaken and updated offers issued.

7.8.49. Plots 1-4c, 2-1b, 2-2a, 2-2c, 2-3b, 2-3d and 2-4b would be required for the construction of a new northbound carriageway adjacent to the existing A1, other works in the vicinity of the proposed Highlaws Junction including at High Highlaws Road, a new storage swale and related works (Work Nos. 1A, 7, 8A, 8B, 8C, 8D and 8E). Plots 1-4b 2-1c, 2-2b, 2-3a, 2-3c and 2-4a would be required for the construction and access rights to utility diversions and associated works (Work No. 1A, 1B, 8A and 8B, 8C). We are satisfied that the Applicant has identified the need to acquire these parcels for the Propose Development and having taken account of the private harm to Mr Renton arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

**Messrs Hogg**

7.8.50. This interest relates to the CA of Plots 5-1b, 5-1g, 5-7a, 6-1a, 6-2a, 6-2e, 6-2i, 6-2t, 6-3a, 6- 4a, 6-5a, 6-5b, 7- 3a, 7-6a, 7-6f, 7- 7a, 7-8a, and 7-12a. The TP of Plots 5-1a, 5-1d, 5-1f, 5-1i, 5-1j, 5-7b, 6- 2d, 6-2f, 6-2g, 6-2h, 6-2j, 6-2m, 6- 2p, 6-2q, 6-2s, 6- 3c, 6-3d, 7-6e, 7-6g, 7-6h, 7-6j, 7-7b, 7-7c, 7-8b, 7-8e, 7-8f and 7-8g is also sought. The acquisition of permanent rights in respect of Plots 5-1c, 5-1e, 5-1h, 6-2b, 6-2c, 6-2k, 6-2l, 6-2n, 6-2o, 6-2r, 6-3b, 6-3e, 7-6b, 7-6c, 7-6d, 7-6i, 7-6k, 7-8c, 7-8d, 7-8h and 8-16a is also required. This landholding relates to land within Part A notably the proposed new offline and de-trunked sections extending to Bockenfield Bridge. No RR or WR was submitted to the Examination in respect of this interest with the landowner represented by Mr Graeme Bruce. The CA Schedule/ SoR describes the position for this interest as awaiting a response to offer noting that negotiations over values were undertaken and a response from the land agent is awaited.

- 7.8.51. Plots 5-1b, 5-1g, 5-7a, 6-1a, 6-2a, 6-2e, 6-2i, 6-2t, 6-3a, 6- 4a, 6-5a, 6-5b, 7-3a, 7-6a, 7-6f, 7-7a, 7-8a, and 7-12a would be required for a range of works including: construction of new offline northbound and southbound carriageways; de-trunking works to the existing A1 from Portland House to Bockenfield Bridge; construction of new access tracks and a new detention basin; construction of a new overbridge at Causey Park and underbridge at Burgham Park; diversion of and works to utilities; construction of a new culvert; landscaping and ecological mitigation works; and related works (Work Nos. 2A, 2B, 10B, 11A, 11B, 11C, 11D, 11E, 12A, 12B and 14).
- 7.8.52. Plots 5-1c, 5-1e, 5-1h, 6-2b, 6-2c, 6-2k, 6-2l, 6-2n, 6-2o, 6-2r, 6-3b, 6-3e, 7-6b, 7-6c, 7-6d, 7-6i, 7-6k, 7-8c, 7-8d, 7-8h and 8-16a would be required for: the construction and access rights to utility diversions, a new detention basin and badger fencing and associated works; construction of and access to tracks to private land and from Causey Park Road to the existing access track to New Houses Farm; construction and access rights to new or diverted utilities, new culverts, and a new outfall from a detention basin and associated works (Work Nos. 2A, 2B, 10B, 11A, 11B, 12A, 12B, 13 and 15).
- 7.8.53. Having considered the full extent of the proposed works and the mitigation to limit the impacts of the Proposed Development we consider that the private harm to Messrs Hogg from these proposed works would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

#### **Messrs Hogg (formerly Admiral Taverns)**

- 7.8.54. The CA Schedule lists this interest separately from that above. It relates to the permanent acquisition of Plots 5-10a, 6-3a, 6-4a and 6-5a. The TP of Plots 5-6a, 6-3c and 6-3d, is sought together with the acquisition of permanent right in respect of Plots 6-3b and 6-3e. Plot 5-6b appears on the CA Schedule but does not appear in Annex A of the SoR which details the purpose for which CA/ TP powers are sought and does not appear on the Land Plans [REP10-003]. This landholding relates to land within Part A in the vicinity of the proposed new offline and de-trunked sections extending to Bockenfield Bridge. No RR or WR was submitted to the Examination in respect of this interest with the landowner represented by Mr Graeme Bruce. The CA Schedule describes the position for this interest as awaiting a response to offer noting that negotiations over values were undertaken and a response from the land agent is awaited.
- 7.8.55. Plots 5-10a, 6-3a, 6-4a and 6-5a would be required for de-trunking works to the existing A1 from Portland House to Bockenfield Bridge and the diversion of a Northern Powergrid High Voltage line, the construction of new offline northbound and southbound carriageways of the A1 and Northern Gas Networks' Medium Pressure gas main under the (new) A1 carriageway (Work Nos. 2A, 2B, 10B and 12B). Plots 6-3b and 6-3e

would be required for the construction and access rights to the underground diversion of Northern Power Grid 20Kv High Voltage line and Northern Gas Networks' Medium Pressure gas main (Work Nos2A, 2B and 12B).

- 7.8.56. Having considered the extent of the proposed works and notwithstanding the Applicant's intention that the High Voltage Line could be located in the highway verge we consider it necessary to make provision for the alternative alignment. Consequently, we find that the private harm to Messrs Hogg from the Proposed Development would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr Jeremy John Alan Howarth**

- 7.8.57. This interest relates to the permanent acquisition of Plots 1-4c and 2-4b. The TP of Plots 1-4a, 1-4d is sought together with the acquisition of permanent rights in respect of Plots 1-4b and 2-4a. These agricultural land parcels are located on the western side of the A1 to the north of Warreners House. No RR or WR was submitted to the Examination in respect of this interest but Mr Howarth was represented by Mr Graeme Bruce. The CA Schedule/ SoR describes the position for this interest as awaiting a response to offer with negotiation over values undertaken, updated offers issued and a response from the land agent awaited.

- 7.8.58. Plots 1-4c and 2-4b would be required for the construction of a new northbound carriageway adjacent to the existing A1 and the construction of a new storage swale (Work No. 1A). Plots 1-4b and 2-4a would be required for the construction and access rights to utility diversions and associated works (Work Nos. 1A and 1B). Having taken account of the Land Plans and Works Plans we are satisfied that the plots would be required for the purposes for which the Applicant has identified. Accordingly, we find that the private harm to Mr Howarth's interests arising from the Proposed Development would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr Paul Graham Bell**

- 7.8.59. This interest relates to the CA of Plots 3-3a, 3-3b, 3-3d and 4-9a. The acquisition of permanent rights is sought in respect of Plot 3-3c. No RR or WR was submitted to the Examination in respect of this interest, which relates to agricultural land Mr Bell was represented by Mr Graeme Bruce. The CA Schedule/ SoR describes the position for this interest as values agreed and HoTs being prepared for signing.

- 7.8.60. Plots 3-3a, 3-3b, 3-3d and 4-9a would be required for construction of the new northbound carriageway adjacent to the existing A1, the construction of the new offline northbound and southbound carriageways, the de-trunking works to the existing A1 crossing the River Lyne to



Fenrother Lane East and related works (Work Nos. 1A, 2A, 2B and 10A). Plot 3-3c would be required for construction and access rights to utility diversions and associated works (Work Nos. 1A and 1B). Having reviewed the Applicant's need for these specific plots we consider that the private harm to Mr Bell arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Messrs Kelcher**

- 7.8.61. This interest relates to the CA of Plots 2-11a, 2-12a, 2-13a, 2-13c and 3-7a. The TP of Plots 2-13d, 2-13e, 2-13f, 2-13h, 3-7c, 3-7d is sought together with the acquisition of permanent rights in respect of Plots 2-12b, 2-13b, 2-13g and 3-7b. No RR or WR was submitted to the Examination in respect of this interest although Messrs Kelcher were represented by Mr James McDonald. The CA Schedule/ SoR describes the position for this interest as awaiting a response to offer. Previously, the land agent had requested updated plans to show the current land ownership position around the proposed junction/ access track. These plans were issued to the land agent who confirmed that the landowner was content with the proposed layout of the junction and the access.
- 7.8.62. Plots 2-11a, 2-12a, 2-13a, 2-13c and 3-7a would be required for: works to Hebron Road as part of Highlaws Junction works and other works in the vicinity of Highlaws Junction; the alteration of existing A1 to provide the southbound dual carriageway; and construction of a new detention basin and a new access track for private access (Work Nos. 1B, 8D, 8F, 8G and 8H). Plots 2-12b, 2-13b, 2-13g and 3-7b would be required for the construction and access rights to new access tracks to private land and badger fencing, access to utility diversions and associated works (Work Nos. 8D, 8G and 8J).
- 7.8.63. The Applicant has identified the need for these specific plots which we consider would be the minimum necessary for the implementation of the Proposed Development. Consequently, having taken account of the private harm to Messrs Kelcher arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Mr Dennis George Dixon**

- 7.8.64. Mr Dixon's land interest are in the vicinity of the Fenrother Junction. The TP of Plots 4-20a, 4-22b and 5-9a and the acquisition of permanent rights in respect of Plots 4-20b and 4-22a is sought. No RR or WR was submitted to the Examination in respect of this interest. The CA Schedule describes the position for this interest as awaiting receipt of a claim noting that positive discussions with the land agent, Mr Michie, were ongoing.

7.8.65. Plots 4-20b and 4-22a would be required for construction and access rights to a new outfall from a detention basin and associated works (Work Nos. 9I and 10A). The limited private harm to Mr Dixon would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of permanent rights sought in relation to these plots.

**Mr Keith Pattinson**

7.8.66. This interest in Mr Pattinson's land relates to the CA of Plots 10-5a and 10-5c. The Applicant also seeks TP powers in respect of Plots 10-5b and 10-7a and the acquisition of permanent rights in respect of Plot 10-5d. This landholding is located at the northern extent of Part A is agricultural land and woodland. No RR or WR was submitted to the Examination in respect of this interest and the CA Schedule noted that the receipt of a claim was awaited following positive discussions with the land agent, Mr Michie.

7.8.67. Plots 10-5a and 10-5c would be required for the construction of a new southbound carriageway adjacent to the existing A1, the extension of an existing culvert and construction of a detention basin and access for maintenance (Work Nos. 3B, 19 and 20). Plot 10-5d would be required for the construction and access rights to a new outfall from a detention basin and associated works (Work Nos. 3A and 3B). We have reviewed the specific need for these parcels of land and having taken account of the private harm to Mr Pattinson arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

**Mr Charles Kenneth Henderson**

7.8.68. This interest relates to the CA of Plots 9-9a, 10-2b, 10-2f, 10-2h and 10-2i. The TP of Plots 10-2a, 10-2d, 10-2g, 10-2j, 10-6a is sought together with the acquisition of permanent rights in respect of Plots 10-1j, 10-8a, 10-2c and 10-2e. No RR or WR was submitted to the Examination in respect of this interest with Mr Henderson represented by Mr Richard Brown. The land is a mix of agricultural land, woodland and public footpath. The CA Schedule/ SoR stated that discussions were ongoing. They were initially focused on the requirement for access for surveys and following agreement on that matter moved on to the acquisition of agricultural land required for environmental mitigation planting. An alternative location was suggested by the land agent, which is being considered by the Applicant. The need for ongoing access during the works for Mr Henderson was also highlighted.

7.8.69. Plots 9-9a 10-2b, 10-2f, 10-2h and 10-2i would be required for the alteration of the existing A1 to provide the northbound dual carriageway and for landscape and ecological mitigation works (Work Nos. 3A and 3B). Plots 10-1j, 10-8a, 10-2c and 10-2e would be required for new

rights required for alternative access to Parkwood Subway and River Coquet Bridge (Work Nos. 3A, 4 and 18). Having considered the specific plots which the Applicant requires, we agree that they would be needed as part of the Proposed Development and find that the public benefit derived from the Proposed Development would outweigh any private harm to Mr Henderson. Consequently, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **Ms Judith Scott**

- 7.8.70. The Applicant is seeking the CA of Plots 9-2d, 9-2g, 9-2i, 9-2ii, 10-1e, 10-1g, 10-1h, 10-1k and 10-3j. The TP of Plots 9-2a, 9-2b, 9-2c, 9-2f, 10-1a, 10-1c, 10-1f, 10-1i, 10-1l and 10-1m is sought together with the acquisition of permanent rights in respect of Plots 9-2e, 9-2h, 9-2iii, 10-1b, 10-1d, 10-1j, 10-1n, 10-3a and 10-8a. All plots are located to the northern end of Part A around the River Coquet and the Parkwood Subway and comprise largely woodland. No RR or WR was submitted to the Examination in respect of this interest and Ms Scott was represented by Mr Richard Brown. The CA Schedule/ SoR described discussions as ongoing. They were initially focused on the requirement for access for survey but following agreement as to access arrangements discussed timescales, the retention of vegetation, the acquisition of rights over the private access road and the use of temporary land during the works.
- 7.8.71. Plots 9-2d, 9-2g, 9-2i, 9-2ii, 10-1e, 10-1g, 10-1h, 10-1k and 10-3j. 9-2d would be required for a variety of purposes including: the construction of a proposed footpath; the alteration of the existing A1 to provide northbound dual carriageway; the construction of a new bridge spanning the River Coquet; modifications to existing footpaths; alterations to the existing bridge spanning the River Coquet; construction of riverbank stabilisation; the extension of an existing culvert; and construction of a new southbound carriageway adjacent to the existing A1 (Work Nos. 3A, 3B, 4, 4B and 19). Plots 9-2e, 9-2h, 9-2iii, 10-1b, 10-1d, 10-1j, 10-1n, 10-3a and 10-8a would be required for alterations and access rights to the existing bridge spanning the River Coquet and new rights required to access the River Coquet Bridge, access rights associated with riverbank stabilisation, construction and access rights to extended a culvert, new rights required for alternative access to Parkwood Subway, the construction and access rights to new outfall from a detention basin and associated works (Work Nos. 3A, 3B, 4, 4A, 18 and 19).
- 7.8.72. Having considered the specific requirements for the CA and acquisition of rights in relation to Ms Scott's land we find that the private harm to Ms Scott would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

## **Northumberland Estates**

- 7.8.73. This interest relates to the CA of Plots 11-1c, 11-1d, 11-1i, 11-4a, 12-3l, 12-3o, 12-3p, 12-3z, 13-1m, 13-1o, 13-5b, 13-5c, 15-5a, 15-12a and 16-16a. TP rights are being sought for Plots 11-1b, 11-1e, 11-1f, 11-1k, 11-1n, 11-4b, 11-4c, 11-4d, 11-4e, 12-3m, 12-3q, 12-3u and 13-1q. The acquisition of permanent rights is sought in respect of Plots 11-1a, 11-1g, 11-1h, 11-1j, 11-1k, 11-1l, 11-1n, 11-4f, 12-2a, 12-3a, 12-3aa, 12-3bb, 12-3cc, 12-3ff, 12-3n, 12-3t, 12-dd, 13-1n, 13-1p, 13-5a, 13-5d, 18-2a, 18-2b, 18-3a and 18-3b. This land interest covers a range of locations throughout Part B predominantly in agricultural use.
- 7.8.74. A RR was submitted to the Examination on behalf of Northumberland Estates [RR-011] represented by Mr Louis Fell from Brockthorpe Consultancy. This objected to the DCO application insofar as it affected the land/ interests of Northumberland Estates. Specific matters raised included: concern about the location of an electricity cable serving the Middlemoor Windfarm located within the highway on verge; concern about the impact, including on recently implemented infrastructure, of the proposals to acquire land at the Lionheart Enterprise Park for a site compound and the conflict with proposals for B2/ B8 use; impacts on PRoWs; drainage of arable fields; fencing, landscaping and ongoing maintenance of the land acquired; ensuring that the CA extent should be minimised; access arrangements and routes to Broxfield Farm, Rennington Moor, Goldenmoor Farm and land west of Denwick Burn; the extent and location of proposed woodland planting in the context of sporting rights; the loss of access to a telecoms mast; and dust, noise and vibrations affecting neighbouring properties and interests.
- 7.8.75. The CA Schedule confirms the position that the Applicant was awaiting the receipt of a claim from the land agent. It was confirmed that Northumberland Estates are in support of the windfarm cable being within the Applicant's land ownership rather than requiring rights over third party land to be obtained for the power company.
- 7.8.76. The CA Schedule/ SoR notes that the land agent is in the process of preparing a claim with valuations under discussion with the reasonable prospect of agreement. It was also confirmed that Northumberland Estates were in support of the windfarm cable being within the Applicant's land ownership rather than requiring rights over third party land to be obtained for the power company. This matter was also discussed at CAH 3 with the positions of the Applicant and comment on the Northumberland Estates position provided subsequently at D6 [REP6-044]. Agreement was also reached with Northumberland Estates over the extent of land required at the Lionheart Enterprise Park such that the land identified for TP by the end of the Examination was smaller than that included in the Application submission.
- 7.8.77. Plots 11-1c, 11-1d, 11-1i, 11-4a, 12-3l, 12-3o, 12-3p, 12-3z, 13-1m, 13-1o, 13-5b, 13-5c, 15-5a, 15-12a and 16-16a would be required for a

range of works including: the construction/ alteration works for the new northbound and southbound carriageways; realignment of the 66kV electrical cable to service the Middlemoor Wind Farm, construction of a new detention basin and new access points and a maintenance track to the detention basin and related works, construction of the Heckley Fence Accommodation Overbridge and associated works; and construction of culvert extensions and works as part of the construction of Charlton Mires Junction (Work Nos. 21A, 21B, 22A, 22B, 24, 25A, 25B, 26, 27, 29G, 29J, 29K, 29L, 34 and 37).

7.8.78. Plots 11-1a, 11-1g, 11-1h, 11-1j, 11-1k, 11-1l, 11-1n, 11-4f, 12-2a, 12-3a, 12-3aa, 12-3bb, 12-3cc, 12-3ff, 12-3n, 12-3t, 12-3dd, 13-1n, 13-1p, 13-5a, 13-5d, 18-2a, 18-2b, 18-3a and 18-3b would be required for access rights associated with the creation of new PRoWs and byways, the realignment and access rights to the 66kV electrical cable to service the Middlemoor Wind Farm, the construction and access rights to a new outfall from a detention basin and for construction and access rights over a new maintenance access track to the detention basin (Work Nos. 21A, 21B, 24 and 26).

7.8.79. We have given consideration to the full range of plots owned by Northumberland Estates which the Applicant has identified as necessary for the Proposed Development recognising the position in respect of the diversion of the transmission cable. We consider that should an agreement not be reached with Northumberland Estates then the private harm to Northumberland Estates arising from the Proposed Development would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Rock Estates**

7.8.80. This interest relates to the CA of Plots 13-2a, 13-2b, 13-3a, 14-1c, 14-1e, 14-1h, 14-4a, 14-4c, 14-4d, 14-4f, 14-4h, 14-4k, 14-4m, 14-4n, 14-6a, 14-6d, 15-18b, 15-18f, 15-18g, 15-18i, 15-18j, 15-18k, 15-24a, 15-24f, 15-26b, 15-26d, 15-26e, 15-26f, 15-26g, 15-26h and 15-27b. TP rights are being sought for Plots 14-1a, 14-1b, 14-1d, 14-1g, 14-2a, 14-4b, 14-4g, 15-18a, 15-18d, 15-18e, 15-20a and 15-26a. The acquisition of permanent rights is sought in respect of Plots 13-2c, 14-1f, 14-4e, 14-4i, 14-4j, 14-4l, 14-6b, 14-6c, 15-18c, 15-18h, 15-24b, 15-24c, 15-24d, 15-24e, 15-26c and 15-27a. These interests cover a range of locations across Part B.

7.8.81. RRs were submitted by Brockthorpe Consultancy on behalf C J Bosanquet Children's Trust [RR-026], Rock Settled Estate [RR-042] and Rock Farms Ltd [RR-041] referred to collectively as Rock Estates and which all covered the same issues. The RRs noted that some land interests did not appear to have been acknowledged. A range of concerns were identified including: concern about the location of an electricity cable serving the Middlemoor Windfarm located within the highway on verge; the drainage

of arable fields and proposed mitigation; the loss of a culvert under the A1 near Rock South junction and the effect on access rights; the CA of land and rights and ongoing access; access and maintenance issues in relation to the road to Rock South; and the landscaping and ongoing maintenance of the land acquired. The Applicant responded to the RR at D1 [REP1-064] which included setting out the means by which the construction impacts would be adequately addressed and managed primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013].

- 7.8.82. The CA Schedule/ SoR records this interest as awaiting the receipt of a claim. A summary of the previous engagement with the land agent records discussions about land values and general agreements regarding a framework of values, crop loss figures and injurious affection, and the Proposed Development's impacts on landowners. Confirmation is also provided that Rock Estates are in support of the windfarm cable being within the Applicant's land ownership rather than requiring rights over third party land to be obtained for the power company. According to the Applicant the land agent confirmed that a submission would be made to the Examination to confirm that all non-valuation matters raised in the landowner's RR had been resolved and any objection is withdrawn. However, no such confirmation was provided by the end of the Examination.
- 7.8.83. Plots required for CA, namely 13-2a, 13-2b, 13-3a, 14-1c, 14-1e, 14-1h, 14-4a, 14-4c, 14-4d, 14-4f, 14-4h, 14-4k, 14-4m, 14-4n, 14-6a, 14-6d, 15-18b, 15-18f, 15-18g, 15-18i, 15-18j, 15-18k, 15-24a, 15-24f, 15-26b, 15-26d, 15-26e, 15-26f, 15-26g, 15-26h and 15-27b would be required for a range of works: the alteration of existing A1 to provide the northbound carriageway; construction of new detention basin and new access track; construction of the new southbound carriageway; the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm; the construction of a new local access road linking Rock Midstead and Rock South Farm; the construction of new culverts and culvert extensions and related works (Work Nos. 21A, 21B, 24, 28, 29K, 30A, 30B, 33 and 36).
- 7.8.84. Plots 13-2c, 14-1f, 14-4e, 14-4i, 14-4j, 14-4l, 14-6b, 14-6c, 15-18c, 15-18h, 15-24b, 15-24c, 15-24d, 15-24e, 15-26c and 15-27a would be required for access rights associated with and including: the 66kV electrical cable to service the Middlemoor Wind Farm, access rights associated with stopping up of an existing access road; construction and access rights over utility diversions, the stopping up of an existing access road and the creation of a new PRow (Work No. 24).
- 7.8.85. We have given full consideration to the Applicant's case for the CA and the impact of the acquisition of rights in respect of land owned by Rock Estates. There are limited options for alternative arrangements for the positioning of the cable which is required to keep the wind farm

functional and so we consider that the harm to Rock Estates' interests arising from the Proposed Development would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **J E G Grahamslaw & Sons**

- 7.8.86. In respect of land owned by J E G Grahamslaw & Sons the Applicant proposes the CA of Plots 15-4b, 16-5b, 16-8a and 16-11b. The TP of Plots 15-4a, 15-4c, 15-4d, 16-5c, 16-5f, 16-5h, 16-11c is also sought together with the acquisition of permanent rights in respect of Plots 16-5a and 16-11a. This interest covers various locations across Part B. A RR was submitted by the Brockthorpe Consultancy on behalf of J E G Grahamslaw & Sons [RR-031] expressing concern: that the access to East Linkhall Farm would be adopted and maintained by the local authority; that it should be suitable for traffic including HGVs to pass; that the extent of CA/ TP was limited; that field drainage issues were addressed; that noise, dust and vibration were mitigated; and that land take to accommodate wind farm electric cable was appropriately addressed. The Applicant responded to the RR at D1 [REP1-064] which included setting out the means by which the construction impacts would be addressed primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013].
- 7.8.87. The CA Schedule/ SoR described the interest as awaiting the receipt of a claim following recent discussions about valuation matters with figures exchanged. It also recorded that Messrs Grahamslaw are in support of the windfarm cable being within the Applicant's land ownership rather than requiring rights over third party land to be obtained for the power company.
- 7.8.88. Plots 15-4b, 16-5b, 16-8a and 16-11b would be required for the alteration of the existing A1 to provide the northbound carriageway of the A1, the construction of a new southbound carriageway, the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm, the construction of a local access road linking Charlton Mires Junction and East Linkhall and environmental mitigation works (Work Nos. 22G, 23A, 23B, 24, 29H and 29I).
- 7.8.89. Plots 16-5a and 16-11a would be required for new rights associated with the construction and access rights over a new agricultural track and utility diversion and the realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm (Work Nos. 24 and 32). Not be possible to locate the transmission cable in the highway boundary then the acquisition of these plots would be required and has been adequately justified by the Applicant. Accordingly, having taken account of the private harm to J E G Grahamslaw & Sons arising from the Proposed Development we consider that this would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

## **M E Beal and Sons**

- 7.8.90. This interest relates to Plots 15-1c, 15-1k, 15-2a, 15-2b, 15-2d, 15-2f, 15-4b, 15-5a, 15-6a, 15-8a, 15-12a, 15-22a, 15-23a, 16-5b and 16-11b for which permanent acquisition is sought. The TP of Plots 15-1a, 15-1b, 15-1d, 15-1h, 15-2c, 15-2e, 15-4a, 15-4c, 15-4d, 15-6d, 15-6f, 15-6g, 15-8b, 15-8c, 15-22b, 15-23b, 15-23d, 15-25, 16-5c, 16-5f, 16-5h and 16-11c is also sought. The acquisition of permanent rights in respect of Plots 15-1j, 15-6c, 15-6e, 15-6b, 16-5a and 16-11a is also required. Mr Martin Beal submitted a RR [RR-020] and further representations were submitted by the Beal family or their agent [AS-022] [REP3-032] [REP4-078] [REP10-051].
- 7.8.91. Their representations outlined the nature of the discussions with the Applicant since 2014 including the stress caused to the family due to the Proposed Development requiring the permanent acquisition of a considerable part of the Beal's landholding including the family home (Plot 15-6a), farm buildings and agricultural land on both sides of the A1 around Charlton Mires. The RR was very critical of the Applicant's approach to negotiations but essentially Mr Beal described how the family would *"be left with no farmhouse, no steading, no airfield, no usable underpass, no income from our caravan storage business, a significantly devalued and unsustainable farm business"*.
- 7.8.92. The Applicant responded to the RR at D1 [REP1-064] confirming that in 2019, the landowner served a blight notice in relation to the whole of their farm with the Applicant serving a counter notice to only purchase the part required for the Proposed Development (farmhouse, buildings and approximately 42 acres of land) commenting that the Applicant was now legally required to purchase the property. The RR and the Applicant's response outlined a range of discussions about the extent of compensation which could be paid but as previously indicated such matters are beyond the scope of the Examination and are not commented on here other than to note that compensation provisions exist which represent a fair valuation of property. The further submissions [AS-022] [REP3-032] [REP4-078] reiterated and expanded on the RR and commented specifically about the options for the Charlton Mires Junction and sought clarification about the amount on land to be acquired.
- 7.8.93. The Applicant responded to the points [REP4-024] [REP5-029] with the former issue as described in section 4.9 above. In relation to the land take, the Applicant explained that some of the land purchased through means of blight would be used permanently and some will be utilised on a temporary basis. The figure agreed within the blight counter notice which was served by the Applicant in July 2019 and accepted by the landowner was based upon the preliminary design at that stage. Since the counter notice was accepted, further design had taken place which had altered the drainage design and environmental mitigation which,



once assessed, reduced the overall land take. As the blight counter notice had been accepted by the landowner the counter-notice boundaries could not be amended by the Applicant once the notice had been accepted. Therefore, the Applicant would still purchase the 42.40 acres as accepted within the blight counter notice rather than the figure in the CA Schedule. The Applicant also responded to an issue of vegetation clearance raised by Mr Beal indicating how the impacts would be mitigated as far as possible through measures in the Outline CEMP [REP11-006] and Landscape Mitigation Plan [REP8-010].

- 7.8.94. The CA Schedule/ SoR provided a detailed update in respect of ongoing discussions with the landowner at D10. Discussions were described as ongoing and a comprehensive update on the dialogue which had occurred throughout the Examination was provided.
- 7.8.95. At D11 the Applicant [REP11-014] responded to the final submission on behalf of M E Beal and Sons [REP10-051]. This had highlighted the stress to and major upheaval to the family particularly given the age of Mr and Mrs Beal and the fact that no alternative accommodation had been secured at that time. The Applicant acknowledged (as set out in ES Chapter 12 Part B [APP-055]) that there would be a large (significant) adverse effect on Charlton Mires Farm during both construction and operation due to temporary and permanent land loss, demolition of property including the farmhouse which is the family home, loss of accesses and reduction in agricultural land holding viability. As accepted through the blight counter notice, the Applicant proposed to acquire approximately 42 acres of a total land holding of 152 acres (approximately 25%). From Mr Beal's perspective this would have a significant impact on the viability of the farm, depriving him of his ability to derive an income from his farm business. Additionally, the Proposed Development would have an adverse effect on the Beal's caravan storage business which the Applicant recognised would need to be the subject of a separate claim. The Applicant also clarified the process which would need to be followed in the event that the DCO is confirmed and the possibility that reasonable disturbance and temporary accommodation could form part of a compensation claim.
- 7.8.96. The final submission on behalf of the Beal family [REP10-051] also commented that a blight notice could be withdrawn at any time and that acceptance of such a notice should not be used to restrict discussion or objection. Responding, the Applicant [REP11-014] noted that there is an option to withdraw the blight claim and enter an alternative dispute resolution process or refer the claim to the Lands Chamber of the Upper Tribunal to deal with compensation disputes.
- 7.8.97. The land to be permanently acquired is shown in Plots 15-1c, 15-1k, 15-5a, 15-6a, 15-8a, 15-23a, 15-2a, 15-2b, 15-2d, 15-2f, 15-4b, 15-12a, 15-22a, 16-5b and 16-11b. Plots 15-1c and 15-6a are required as part of the new Charlton Mires Junction including the construction of a single

span single carriageway overbridge crossing the new A1 carriageways, new local access road linking Charlton Mires Junction and West Linkhall, new northbound slip road from the realigned A1 dual carriageway, and two new detention basins. Plots 15-1k and 15-5a are required for the construction of a local access road linking Charlton Mires Junction and West Linkhall, including the construction of a culvert extension (Linkhall) under the new southbound carriageway of the A1 dual carriageway. Plot 15-8a is required for the realignment and resurfacing of the B6341. Plot 15-23a is required as part of the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm, including the realignment and resurfacing of the B6347 (Work Nos. 22A, 22B, 22G, 24, 29A, 29C, 29D, 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L, 31, and 34).

- 7.8.98. The land to be possessed temporarily is in plots 15-1a, 15-1b, 15-1d, 15-1h, 15-6d, 15-6f, 15-6g, 15-8b, 15-8c, 15-23b and 15-23d. Plot 15-1a is required as part of work to lower the tributary bank. Plots 15-1b and 15-6g are required to facilitate works relating to the realignment and resurfacing of the B6347. Plots 15-1d, 15-23b and 15-23d are required to facilitate works relating to the erection of fencing on the highway perimeter. Plot 15-1h is required for a storage area and associated access. Plot 15-6d is required for a storage area and associated access. Plot 15-6f is required to facilitate works relating to the diversion of Kitty Carter Burn.
- 7.8.99. The land over which new rights are to be permanently acquired is in plots 15-1j, 15-6b, 15-6c and 15-6e. Plot 15-1j is required for to provide permanent rights of access associated with the utility diversion. Plots 15-6b and 15-6c are required to provide permanent rights of access associated with the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm. Plot 15-6e is required to provide permanent rights of access for the new outfall from the detention basin (Work Nos. 24 and 32).
- 7.8.100. As we have identified in section 4.9 of this Report, we are satisfied that all reasonable alternatives have been considered by the Applicant in respect of the route alignment and Charlton Mires Junction in order to avoid the permanent acquisition of the Beal family home and adjoining land. We have also given consideration to the effects of the Proposed Development on the remaining land and the measures to mitigate adverse impacts which we believe would be adequately addressed. We recognise that this has been a long and drawn-out process which has been stressful and unsettling to the family. We note that this is a significant interference with their rights under Article 8 and Protocol 1 under the Human Rights Act. However, for the reasons set out earlier in this Chapter we consider that there is a compelling case in the public interest for the Proposed Development. The plots would be required to enable the implementation of the Proposed Development including to secure permanent rights and the private loss to the Beal family would in our view be outweighed by the public benefit that would be delivered as

a result of the scheme. We note the right to compensation exists through a fair valuation process. Consequently, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **Mr Charles Henry Armstrong**

- 7.8.101. This interest relates to the CA of Plots 16-4a, 16-4e, 16- 6a, 16-6b, 16-6c, 16/7a, 16/7b, 17- 6c and 17-6f. The TP of Plots 16-4c, 17-1a, 17-2d, 17-6a, 17-6d, 17-6e and 17-6h is sought together with the acquisition of permanent rights in respect of Plots 16-4b, 16-4d, 17-6b and 17-6g. These land interests are located at the northern end of Part B. No RR or WR was submitted to the Examination in respect of this interest and the CA Schedule stated that a claim had been received from the land agent, Mr Michie, which includes an element of accommodation works which were being considered by the Applicant.
- 7.8.102. Plots 16-4a, 16-4e, 16- 6a, 16-6b, 16-6c, 16/7a, 16/7b, 17-6c and 17-6f would be required for the alteration of the existing A1 to provide the northbound carriageway of the dual carriageway, construction of the new southbound carriageway and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (Work Nos. 23A, 23B and 24). Plots 16-4b, 16-4d, 17-6b and 17-6g would be required for access rights associated with the construction of utility diversion works (Work Nos. 23A and 23B).
- 7.8.103. We have given full consideration to the Applicant's case for the compulsory acquisition and the impact of the acquisition of rights in respect of land owned by Mr Armstrong. There are limited options for alternative arrangements for the positioning of the cable which is required to keep the wind farm functional and so we consider that the harm to Mr Armstrong arising from the Proposed Development would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **West End Anglers**

- 7.8.104. The acquisition of permanent rights in respect of Plot 9-12a is sought for alterations and access rights to existing bridge spanning the River Coquet (Work No. 4).
- 7.8.105. The CA Schedule described the status of this objection as in negotiations with the Applicant seeking the acquisition of rights only over the riverbed and banks of the River Coquet. Discussions were continuing about the impact on the fishing rights and access during the works programme and post completion. It was agreed that access to the north banks along Park Road would be maintained throughout the construction period, so far as is practical. Where any short-term closures of the underpass were required these would be communicated in advance to West End Anglers. A segregated walkway would be provided along the western boundary of

the works leading from the existing steps down to the river enabling access to West End Anglers fishing grounds.

- 7.8.106. No RR was submitted to the Examination in respect of this interest although a submission was made [AS-020] to which the Applicant responded [REP4-073]. At CAH4 Mr Graeme Bruce spoke on behalf of the West End Anglers confirming the status of discussions with the Applicant and at D10 the Applicant [REP10-037] confirmed that discussions had led to a series of arrangements between the parties, on such matters as agreed methods of working, as opposed to legal agreement. As a result a position statement between the Applicant and the West End Anglers in relation to the proposed works around the River Coquet was submitted at D10 [REP10-041]. This confirmed the measures outlined above and that the Applicant would ensure that access to fishing grounds belonging to West End Anglers would not be unreasonably restricted throughout the period of works.

We consider that with the measures in place which the Applicant has agreed with the West End Anglers together with controls in the Outline CEMP [REP11-006] should address the concerns of the West End Anglers. Nevertheless, we recommend the grant of permanent rights sought in relation to this plot for the avoidance of doubt on the overriding public interest and certainty of delivery of the DCO.

#### **University of Newcastle Upon Tyne**

- 7.8.107. This interest relates to the permanent acquisition of Plots 3-3b, 3-3d, 3-9a and 3-11a. The TP of Plot 3-11b is also sought. These plots are located in the area south of Priest's Bridge in Part A. No RR or WR was submitted to the Examination in respect of this interest. The CA Schedule recorded the status as awaiting the receipt of claim noting that positive discussions with the land agent were ongoing.
- 7.8.108. Plots 3-3b, 3-3d, 3-9a and 3-11a would be required for the alteration of existing A1 to provide southbound dual carriageway, construction of a new northbound carriageway adjacent to the existing A1, the construction of new offline northbound and southbound carriageways, with de-trunking works to the existing A1 crossing the River Lyne to Fenrother Lane East and landscaping and ecological mitigation works (Work Nos. 1A, 1B, 2A, 2B and 10A). Having taken account of the harm to the University arising from the Proposed Development we consider that this would be outweighed by the public benefit arising from the proposed improvements. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

#### **Mr William David Purvis**

- 7.8.109. This interest relates to the permanent acquisition of Plots 15-10c, 15-10d, 15-10e, 15-11b, 15-13a, 15-13b, 15-14b, 15-15a, 15-19a and 15-19b. The TP of Plots 15-9a, 15-10a, 15-10b, 15-11a and 15-19b is also

sought. Mr Purvis submitted a RR [RR-044] which raised concerns about his landholding in Part B including in relation to the access to and from Rock Nab Farm, access to the public carriageway for HGV's and associated noise, dust and vibration, the loss of agricultural land, the lack of details surrounding field drainage and other impacts on agricultural land. The Applicant responded to the RR at D1 [REP1-064] which included the means by which the construction impacts would be addressed and managed primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013].

- 7.8.110. The CA Schedule/ SoR records this interest as awaiting the receipt of a claim with the land agent confirming that a submission would be made to the Examination to confirm that all non-valuation matters raised in the landowner's RR had been resolved and any objection withdrawn. However, no such confirmation was provided by the end of the Examination.
- 7.8.111. Plots 15-10c, 15-10d, 15-10e, 15-11b, 15-13a, 15-13b, 15-14b, 15-15a, 15-19a and 15-19b would be required for the realignment and resurfacing of B6341 and Rock Nab access and environmental mitigation works (Work Nos. 22G, 29A, 29B, 29H and 29I).
- 7.8.112. We consider that the Applicant has appropriately addressed Mr Purvis's concerns about the impact of the Proposed Development through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013] and find that the private harm to Mr Purvis in relation to the potential impact on his business arising from the CA would be outweighed by the public benefit. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

### **Mr Shaun Robinson**

- 7.8.113. This interest relates to the permanent acquisition of Plots 15-19a, 15-21a and 15-21c and the TP of Plots 14-2a, 15-19b, 15-20a and 15-21b. Mr Robinson submitted a RR [RR-043] which identified concerns relating to the landholding at Rock Lodge, south of Charlton Mires in terms of general disruption to the property and business, the CA/ TP of land, the impact of the Proposed Development on the farm business, agricultural land and the holiday cottage business, noise dust and light pollution, the visual impact of the Proposed Development and the effect of diversion of public footpaths through the farm. The Applicant responded to the RR at D1 [REP1-064] which included the means by which the construction impacts would be addressed and managed primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013].
- 7.8.114. The CA Schedule/ SoR states that the Applicant is awaiting the receipt of a claim following discussions about valuation matters with figures exchanged. It notes that the land agent has confirmed that a submission will be made to the Examination to confirm that all non-valuation matters raised in the landowner's RR have been resolved and any objection is

withdrawn. However, no such confirmation was provided by the end of the Examination.

7.8.115. Plots 15-19a, 15-21a and 15-21c would be required for alterations of the existing A1 to provide the northbound carriageway of the dual carriageway and the realignment and resurfacing of the B6341 (Work Nos. 21A and 29A).

7.8.116. We consider that the Applicant has appropriately addressed Mr Robinson's concerns about the impact of the Proposed Development with relevant matters secured through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013]. Furthermore, we find that the private harm to Mr Robinson in respect of both the quiet enjoyment of his property and the operation of his business from the CA of his land would be outweighed by the public benefit from the Proposed Development. Therefore, we recommend the grant of CA sought in relation to these plots.

#### **Mr R J Shell**

7.8.117. This interest relates to the permanent acquisition of Plots 16-9b, 16-9c and 16-10a. The TP of Plot 16-9d is sought and the acquisition of permanent rights in respect of Plots 16-9e, 16-10b. This interest relates to land in Part B north of Charlton Mires. No RR or WR was submitted to the Examination in respect of this interest and the CA Schedule recorded the status as awaiting the receipt of a claim following positive discussions with the land agent.

7.8.118. Plots 16-9b 16-9c and 16-10a would be required for the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (Work No. 24). Plots 16-9e and 16-10b would be required in connection with access rights for environmental mitigation works (Work No. 23B). We have given full consideration to the Applicant's case for the compulsory acquisition and the impact of the acquisition of rights in respect of land owned by Mr Shell. While the Applicant has indicated that it now proposes to locate the transmission cable in highway verge the alternative location also needs to be protected. Consequently, we accept the Applicant needs to make provision for this alternative. We therefore conclude that the private harm to Mr Shell would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of CA sought in relation to these plots.

#### **Mr Robert Thorp and Ms Nina Mickleborough**

7.8.119. These interests relate to the CA of Plots 16-9a, 16-9b, 16-9c and 16-10a. The TP of Plot 16-9d is sought and the acquisition of permanent rights in respect of Plots 16-9d, 16-9e and 16-10b. The plots largely comprise woodlands and are located north of East Linkhall at West Lodge. The Brockthorpe Consultancy submitted a RR [RR-022] on behalf of Mr Thorp which identified concerns regarding the access to Mr Thorp's holiday

business, habitat mitigation and management, noise, dust and vibration, tree protection measures and the prevention of water pollution. A further RR [RR-039] was submitted on behalf of Mr Thorp and Ms Mickleborough in respect of a glamping pod business located at West Lodge. In addition to the above concerns, the impact of acquiring permanent rights to install bat mitigation boxes was also raised.

- 7.8.120. The Applicant responded to the RRs at D1 [REP1-064] which included setting out the means by which the construction impacts would be addressed and managed primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013]. It also explained the need for the access and mitigation for bat boxes and indicated that agreement had been reached in principle. We find that reasoning to be acceptable.
- 7.8.121. The CA Schedule/ SoR identified the interests as awaiting the receipt of a claim following discussions about valuation matters with figures exchanged. It indicated that the land agent had confirmed that a submission would be made to the Examination to the effect that all non-valuation matters raised in the landowner's RR had been resolved and any objection would be withdrawn. However, no such confirmation was provided by the end of the Examination.
- 7.8.122. Plots 16-9a, 16-9b, 16-9c and 16-10a would be required for the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (Work No. 24) while Plots 16-9d, 16-9e and 16-10b would be needed in respect of rights related to environmental mitigation works (Work No. 23B and 29I). Having taken account of the means by which the construction impacts would be addressed and managed primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013] we find that the Applicant's proposals would provide reasonable mitigation. Additionally, we find that the private harm to Mr Thorp and Ms Mickleborough in relation to the operation of their businesses arising from the Proposed Development would be outweighed by the public benefit. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **Mr Patrick Goodings**

- 7.8.123. This interest relates to the CA of Plot 9-7a while the TP of Plot 9-7b is also sought. Both plots are located on the western side of the A1 at West Moor junction. No RR or WR were submitted to the Examination in respect of this interest and the CA Schedule/ SoR recorded the status as awaiting the receipt of a claim with positive discussions with the land agent ongoing. Plot 9-7a would be required for the alteration and realignment of the existing road known as Bywell Road from east of the A1 to the junction with West Moor Road (Work No. 16B). The private harm to Mr Goodings would be outweighed by the public benefit from the Proposed Development. Therefore, the ExA recommends the grant of CA sought in relation to these plots.

### **Viscount Matthew White Ridley**

- 7.8.124. This interest relates to the CA of Plots 9-13a, 9-13b, 9-13c, 9-13d, 9-13e, 9-13f, 9-13g, 9-13hh, 9-13j 9-13jj and 10-4a. The TP of Plots 9-13k and 10-4b is sought along with the acquisition of permanent rights in respect of Plots 9-13h, 9-13i and 9-13ii. The interest is located around West Moor junction and the River Coquet Bridge in Part A. No RR or WR were submitted to the Examination in respect of this interest and the CA Schedule/ SoR noted that discussions were ongoing. The Applicant confirmed that the landowner was content with the principle of acquisition. In relation to the change to land required as a result of the proposed changes to the application the land agent, Mr Matthew Williamson, confirmed that the changes were acceptable and that valuation discussions would continue.
- 7.8.125. Plots 9-13a, 9-13b, 9-13c, 9-13d, 9-13e, 9-13f, 9-13g, 9-13hh, 9-13j 9-13jj and 10-4a would be required for the construction of a new southbound carriageway adjacent to the existing A1, the construction of a new bridge spanning the River Coquet, south bank scour protection, riverbank stabilisation including temporary siting of a construction crane, the construction of a temporary bridge, landscaping and ecological mitigation (Work Nos. 3A, 3B, 4, 4A, 4B, 4C and 4D).
- 7.8.126. Plots 9-13h, 9-13i and 9-13ii would be required for rights in relation to the construction and access rights to the new bridge spanning the River Coquet, riverbank stabilisation, a new outfall from a detention basin, the temporary siting of a construction crane, access to the north bank and south bank permanent protection and for the construction of a temporary bridge (Work No. 4b, 4c and 4d). We consider that the land requirements and permanent rights sought by the Applicant would be proportionate and that the private harm to Viscount Ridley would be outweighed by the public benefit from the Proposed Development. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **Millhouse Developments**

- 7.8.127. The Applicant's interest in relation to land owned by Millhouse Developments relates to the CA of Plots 7-3a, 7-4b, 7-7a and 8-9c. The TP of Plots 7-4a, 7-4d, 7-4f, 7-4g, 7-7b, 7-7c and 8-9b is sought together with the acquisition of permanent rights in respect of Plots 7-4c, 7-4e and 8-9a. All of these plots are located around Burgham Park Road or north of Bywell Road. No RR was submitted to the Examination in respect of this interest although WRs were submitted [REP2-027] [REP5-046] on behalf of Millhouse Developments represented by Mr Graeme Bruce of YoungsRPS. The Applicant responded to these representations at D3 [REP3-024] and D4 [REP4-024] with NCC commenting at D3 [REP3-029]. Millhouse Developments' interests were the subject of ExQ2 GEN.2.8 and discussion at CAH2 and CAH3. Discussion was focused on an historic planning permission for roadside services incorporating a



petrol filling station. NCC's view [REP3-029] was that the permission had not been lawfully implemented.

7.8.128. Millhouse Development's position was that the proposals put forward by the Applicant should make suitable provision for access to their land but not required for the dualling works to the A1. The Proposed Development was described as having a contrived access arrangement through neighbouring land which would be restricted for agricultural use only which was described as inadequate for their purposes [EV-061] [EV-062].

7.8.129. At CAH 3 we noted that the status of Millhouse Developments' planning permission was not a matter for the Examination but asked what the implication would be if the permission were extant, questioning how this development could be accommodated within the Proposed Development. With regard to the access track the Applicant [REP6-044] confirmed that there was no reason why it would be restricted to agricultural use and nothing to prevent Millhouse Developments from seeking to upgrade the track. The Applicant also explained that if, hypothetically, the permission had been lawfully implemented, part of that development would be located under the realigned carriageway of the A1. Given the constrained nature of this area of the Proposed Development, with an airfield to the north-east, there was insufficient space to change the proposed location of the carriageway to accommodate the full extent of Millhouse Developments' proposals. The Applicant summarised its position which was that:

*"if the national need for the Scheme is accepted, the land take in this location is required and justified. As such, it would not be possible to construct Millhouse Developments' proposed development, even if there were an extant permission. It is then for Millhouse Developments to apply for compensation in respect of the effect of the Scheme on their land. Despite this, access is being provided to the remaining land, which means there is the potential for some other form of development on the site subject to the grant of planning permission."*

7.8.130. The CA Schedule described the position that discussions were ongoing although the fundamental issue remained the planning status of the land as this would determine the value to be agreed.

7.8.131. Plots 7-3a, 7-4b, 7-7a and 8-9c would be required for the construction of the new offline northbound and southbound carriageways of the A1 and construction of an underbridge at Burgham Park (Work Nos. 2A, 2B and 14). Plots 7-4c, 7-4e and 8-9a would be required to provide construction and access rights to an existing culvert under Burgham Park Road and to a new outfall from a detention basin and associated works and the construction of a new access track for private access off Bywell Road with new rights to access a utility diversion (Work Nos. 2A, 2B, 15 and 16A).

7.8.132. As identified above, it is not for the ExA to determine whether Millhouse Developments' planning permission is extant but if that were the case then it would be for Millhouse Developments to apply for compensation. With regard to the access issues identified we agree with the Applicant that there appears to be no reason for a restriction to agricultural use and that it is for Millhouse Developments to decide whether or not to seek to upgrade the track. We have been convinced of the need for Millhouse Developments' land for the implementation of the Proposed Development and that the need for and public benefits arising from the Proposed Development would outweigh the private harm in this case. We therefore recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr Mark Hawes on behalf of Residents of Northgate Farm**

7.8.133. This interest relates to the permanent acquisition of Plots 1-6b, 2-6a and 2-7a. The TP of Plots 1-6d, 1-6e, 1-6f and 2-7c is also sought together with the acquisition of permanent rights in respect of Plots 1-6a, 1-6c, 1-8a, 1-8b, 1-9a, 1-9b, 2-6b and 2-7b. These interests are all to be found in the vicinity of Norgate Farm and Warreners House and on the eastern side of the A1 north of Northgate Farm and include part of the garden of Northgate Farm.

7.8.134. Mr Hawes on behalf of the residents of Northgate Farm submitted a RR [RR-045]. This identified extensive and detailed concerns including the impacts of CA, loss of access, loss of key benefits and damage to the local environment as well as inadequate engagement. A WR [REP2-034] and other representations [REP1-082] [REP4-080] [REP4-081] [REP5-051] [REP5-052] [REP6-055] [REP6-056] [REP8-033] [REP9-028] [REP11-021] [REP11-022] [REP11-023] were also submitted. The Applicant responded to the RR at D1 [REP1-064] and to each of the other submissions at the subsequent deadline. Mr Hawes was represented by Mr Michie. The CA Schedule/ SoR described discussions as ongoing with the receipt of a claim awaited. However, the land agent requested that compensation discussions were postponed until those discussions had concluded. Discussions over access concerns were described as ongoing.

7.8.135. Plots 1-6b, 2-6a and 2-7a would be required for the alteration of the existing A1 to provide the southbound dual carriageway and the construction of a new access track to private land (Work Nos. 1B and 5D). Plots 1-6a, 1-6c, 1-8a, 1-8b, 1-9a, 1-9b, 2-6b and 2-7b would be required for access rights associated with the construction of a new access track to the north of the West View turning circle to Warreners House properties, including for maintenance (Work No. 5B and 5D).

7.8.136. As set out in section 4.10, in addition to the Applicant's originally submitted access proposal (Work No. 5B) two alternative routes have been considered to reflect discussions involving the Applicant, Mr Hawes and Mr Davidson. We are proposing an amendment to be included in the Recommended DCO which would provide for any of the three alternatives

to be implemented following further discussions and agreement between the parties. However, we consider that the Applicant has demonstrated the need for the access, notwithstanding which of the three alternatives is ultimately implemented. Moreover, we consider that the mitigation measures which the Applicant is proposing to limit the impacts of the Proposed Development on Mr Hawes's interests primarily through the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013] would be appropriate and effective. Consequently, we consider that the private loss which would occur to Mr Hawes and the residents of Northgate Farm through the loss of part of their garden and associated land would be outweighed by the public benefits arising from the Proposed Development. We therefore recommend the grant of CA and permanent rights sought in relation to these plots.

### **Mr John Ellis Davidson**

- 7.8.137. Mr Davidson's land is located in the vicinity of Warreners House at the southern end of Part A. The land which is required for CA is Plot 2-7a while the TP of Plot 2-7c is also sought together with the acquisition of permanent rights in respect of Plots 1-9a, 1-9b, 2-7b. The CA Schedule/ SoR describes the position for this interest as discussions ongoing and the receipt of a claim is awaited. Mr James McDonald on behalf of Mr Davidson submitted representation at D7 [REP7-023] and D10 [REP10-049]. Mr Davidson purchased the property during the Examination. The representations describe how potential options for alterations to the PMA shared with Northgate Farm (Work No. 5B) were discussed with the Applicant as Mr Davidson does not want the access to Northgate Farm to be routed over his land. The Applicant provided Mr Davidson with potential alternative routes and Mr Davidson wishes to see the alternative option from the eastern boundary of Northgate Farm progressed as the access to Northgate Farm. The Applicant and the land agent agreed that valuation matters would follow progression of the access detail.
- 7.8.138. Plot 2-7a would be required for the alteration of existing A1 to provide the southbound dual carriageway together with the construction of a new northern access track to private land (Work Nos. 1B and 5D). Plots 1-9a and 1-9b would be required in association with the construction of the new access track to the north of the West View turning circle to provide new rights for access to private land and Warreners House properties, including for maintenance (Work No. 5B and 5D).
- 7.8.139. As set out in section 4.10, in addition to the Applicant's originally submitted access proposal (Work No. 5B) two alternative routes have been considered to reflect discussions involving the Applicant, Mr Davidson and Mr Hawes. We are proposing an amendment to be included in the Recommended DCO which would provide for any of the three alternatives to be implemented following further discussions and agreement between the parties. However, we consider that the Applicant

has demonstrated the need for the access, notwithstanding which of the three alternatives is ultimately implemented. Consequently, we consider that the private loss which would occur to Mr Davidson would be outweighed by the public benefits arising from the Proposed Development. We therefore recommend the grant of CA and permanent rights sought in relation to these plots.

### **Taylor Wimpey**

- 7.8.140. The SoR identified this interest as relating to the TP of Plot 1-5b and the acquisition of permanent rights in Plot 1-5a which are located at the southern end of Part A at West View. No RR or WR was submitted to the Examination in respect of this interest and the SoR noted that there was no formal agreement in place. However, it did record that discussions with Taylor Wimpey about the impact of Proposed Development on the housing development at St Andrews Garden had taken place. Furthermore, discussions would recommence during the detailed design stage once the land-take was accurately quantified.
- 7.8.141. Plot 1-5a would be required for the improvement of West View with new rights required for access to Warreners House properties, including maintenance (Work No. 5A). We consider that the Applicant has demonstrated the need for this right and the public benefits it would bring would outweigh any private loss to Taylor Wimpey. We therefore recommend the grant of permanent rights sought in relation to this plot.

### **Mr Laurence Bennison and Mr Phillip Bennison**

- 7.8.142. The SoR identified the need to acquire permanent rights over Plot 1-7a which is to the south of Warreners House. It describes a meeting with Mr Bennison and his agent, Mr James McDonald to discuss the Proposed Development and access proposals. It notes that Mr Bennison was generally happy with the proposals but does not support the alternative proposal put forward by Mr Hawes for access, favouring the original proposal.
- 7.8.143. Irrespective of which of the three alternative access routes to Northgate Farm would be implemented the need for permanent access rights over Plot 1-7a has been adequately demonstrated by the Applicant. Consequently, we consider that the public benefits arising would outweigh the private harm to Mr Bennison's interests and therefore recommend the grant of permanent rights sought in relation to this plot.

### **Mr Matthew Gray**

- 7.8.144. Mr Gray [RR-023] owns property at West Linkhall, accessed directly from the A1. The RR included concerns about the form of access proposed, the maintenance of the new road, the effect on travel times and mitigation of impacts on the property.

- 7.8.145. The Applicant [REP1-064] confirmed that the property was located approximately 35m west of the A1 and that there would be no direct land take although access would be affected with the closure of the existing PMA. Having considered the Applicant's response to Mr Gray we consider that notwithstanding that residents of the property would have a greater distance to travel to access the A1 the impacts would be managed appropriately through the Outline CEMP [REP11-006], the Outline CTMP [REP8-013] and the Landscape Mitigation Plan [REP8-010].
- 7.8.146. **Paul Gray trading as DG Gray & Son**
- 7.8.147. The Brockthorpe Consultancy submitted a RR on behalf of Paul Gray [RR-024]. This concerned land situated at West Link Hall Farm and includes agricultural land to the east and west of the existing A1 north of Charlton Mires. Mr Gray is a tenant of this land. The Applicant proposes to permanently acquire 3.21ha of land in Plots 15-4b, 15-4e, 16-5b and 16-5d, acquire permanent rights over 0.86ha of land in Plots 15-4f, 16-5e, 16-5g and 16-5a and take temporary possession of 0.41ha of land in Plots 15-4a, 15-4d, 16-5c, 16-5f, 16-5i, 15-4c and 16-5h.
- 7.8.148. As the farm is located on either side of the A1 and is accessed directly from the A1 concerns were raised about future access. Other concerns related to the loss of hedgerows and increased journey times. The Applicant [REP1-064] acknowledged that the existing direct access onto the A1 would be closed but access would be maintained through the new grade separated junction at Charlton Mires. The Outline CEMP [REP11-006] and the Outline CTMP [REP8-013] would ensure that impacts during construction would be adequately addressed and Article 13 of the Recommended DCO would ensure that new access roads would be adopted by NCC.
- 7.8.149. Plots 15-4b, 15-4e, 16-5b and 16-5d, would be required for the alteration and construction of new northbound and southbound carriageways of the A1, the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm, construction of a local access road linking Charlton Mires Junction and East Linkhall, the construction of a culvert extension environmental mitigation works (Work Nos. 22A, 22B, 23A, 23B, 22G, 24, 29H, 29I and 34). Plots 15-4f, 16-5e, 16-5g and 16-5a would be required for the realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm and construction and access rights over a new agricultural track and utility diversion (Work Nos. 24 and 32).
- 7.8.150. We have given full consideration to the Applicant's case for the compulsory acquisition and the impact of the acquisition of rights in respect of land owned by Mr Gray. We have also had regard to the alternative positions in respect of the wind farm cable and need to allow for the Applicant not being able to provide the cable in the highway verge. Having considered the Applicant's case for CA and the measures

which the Applicant proposes to minimise the effects of the Proposed Development we find that the private harm to Mr Gray would be outweighed by the public benefit from the Proposed Development. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

### **Ms Ann Riley**

- 7.8.151. The Brockthorpe Consultancy submitted a RR on behalf of Ms Ann Riley [RR-025]. Ms Riley owns a residential property located at Rock South, approximately 800m east of the A1 with existing access to the property provided approximately 2.1km south of the proposed Charlton Mires Junction and consisting of a single lane road. There would be no direct land take from the property although the access to the property would be affected by the Proposed Development. The existing access onto the A1 would be closed on the grounds of safety as a result of the Proposed Development. The RR expressed concern about the new access road and its maintenance as well as other impacts of the Proposed Development.
- 7.8.152. The Applicant's response to the RR [REP1-064] adequately justified the need for the proposed changes to the access and demonstrated how the potential impacts arising from the Proposed Development would be appropriately minimised and managed through the Outline CEMP [REP11-006], the Outline CTMP [REP8-013] and the dDCO.

### **Mr Craig McLaren**

- 7.8.153. A RR submitted on behalf of Mr McLaren [RR-027] by the Brockthorpe Consultancy expressed concern about disruption to Mr McLaren's residential property at West Linkhall on the west side of the A1, north of Charlton. Responding, the Applicant [REP1-064] confirmed that there would be no direct land take from the property. Nevertheless, it is accessed from the A1 via a track which falls within Plot 16-3dd which would be permanently acquired. During construction, traffic management systems and diversion routes would be put in place to maintain access to residential properties and private land holdings, secured through the CTMP [REP8-013].
- 7.8.154. Having reviewed the RR and the Applicant's response [REP1-064] we consider that Mr McLaren would not be directly affected by CA/ TP and that while there would be some disruption to access and potential for disturbance during construction of the Proposed Development the Applicant's proposed mitigation measures secured through the Outline CEMP [REP11-006], the Outline CTMP [REP8-013] and the dDCO would in our view ensure that the effects are appropriately managed.

### **Messrs Allen**

- 7.8.155. A RR submitted on behalf of Dallas Allen [RR-028] by the Brockthorpe Consultancy raised concerns about the permanent acquisition of land, the

acquisition of rights over an access track to an attenuation pond, general disruption to the Humbleheugh Farm business, and a range of environmental impacts. The Applicant [REP1-064] confirmed that there would be a need for the permanent acquisition of Plots 13-1i and 13-1j which form the western boundary of the existing A1 and would be required for the alteration of existing A1 to provide the northbound carriageway of the A1 dual carriageway, specifically to re-establish the boundary planting of a native hedgerow with trees that would be removed by Part B to the west of the existing A1 and along the existing highway boundary (Work No. 21A).

- 7.8.156. Additionally, there would be the permanent acquisition of rights over the land in Plots 13-1a, 13-1b, 13-1c and 13-1d to facilitate maintenance access to Detention Basin 24. Following construction of the Proposed Development, the access track would be used by maintenance vehicles attending the detention basin for occasional inspection and maintenance purposes. As such there would be very limited additional use of the track which would not significantly impact on its usage for farm purposes. Disruption would be limited to that caused by traffic management during construction while there would be no identified severance of land as a result of the Proposed Development for the agricultural land holding.
- 7.8.157. During construction, traffic management systems and diversion routes would be put in place to maintain access to private landholdings. The mitigation measures for use during construction would be secured through the Outline CTMP [REP8-013] and Outline CEMP [REP11-006]. Measures B-PH4(e) and (f)) confirm that during construction land and surface drainage affected by the works would be reinstated, land restored to a functional state and any damage to land would be made good and appropriate access to any affected fields would be maintained where required. Existing PRow 129/021 would be stopped up as shown on the Rights of Way and Access Plans [APP-009] to eliminate at grade crossings of the proposed A1 and a new PRow 13/2 would be provided to run south from the existing PRow 110/010 to divert PRow users to the proposed Heckley Fence overbridge. The new PRow would run along the landowner's boundary with the A1.
- 7.8.158. Having considered the Applicant's case for the permanent acquisition of land and the permanent acquisition of rights over land together with the measures which the Applicant proposes to minimise the effects of the Proposed Development we find that the private harm to Messrs Allen would be outweighed by the public benefit from the Proposed Development. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

#### **House of Haggerston Ltd trading as Carnabys**

- 7.8.159. A RR submitted by Brockthorpe Consultancy on behalf of House of Haggerston Ltd trading as Carnabys [RR-030] raised concerns about the impact of the Proposed Development on their business located on the

western side of the A1 at the Brownieside junction. Concern was also raised about the effect of construction traffic. In response the Applicant [REP1-064] noted that as the café is located approximately 800m north of the northern extent of the Proposed Development it is not envisaged that the operation of the café would be impacted by works traffic. Nevertheless, the Applicant outlined measures which are set out in the Outline CTMP [REP8-013] and Outline CEMP [REP11-006] which we consider would limit any adverse effects during construction.

### **Mr James Douglas**

- 7.8.160. Brockthorpe Consultancy submitted a RR on behalf of Mr James Douglas [RR-032]. This concerned Mr Douglas's landholding at Drythrople Farm. As set out in the Applicant's response [REP1-064] to the RR, Mr Douglas is a tenant on land at Charlton Mires Farm. Concern was raised in the RR over the general environmental disruption to the property and farm business including the TP of land which would restrict access to business and the diversion of public footpaths through the farm.
- 7.8.161. The land at Charlton Mires Farm to be permanently acquired is shown in Plots 15-1c, 15-1k, 15-5a, 15-6a, 15-8a and 15-23a. The land to be possessed temporarily is shown in Plots 15-1a, 15-1b, 15-1d, 15-1h, 15-6d, 15-6f, 15-6g, 15-8b, 15-8c, 15-23b and 15-23d and the land over which new rights are to be permanently acquired is shown in Plots 15-1j, 15-6b, 15-6c and 15-6e.
- 7.8.162. Plots 15-1c and 15-6a are required as part of the new Charlton Mires Junction including the construction of a single span single carriageway overbridge crossing the new A1 carriageways, new local access road linking Charlton Mires Junction and West Linkhall, new northbound slip road from the realigned A1 dual carriageway, and two new detention basins. Plots 15-1k and 15-5a are required for the construction of a local access road linking Charlton Mires Junction and West Linkhall, including the construction of a culvert extension (Linkhall) under the new southbound carriageway of the A1 dual carriageway. Plot 15-8a is required for the realignment and resurfacing of the B6341. Plot 15-23a is required as part of the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm, including the realignment and resurfacing of the B6347 (Work Nos. 22A, 22B, 22G, 24, 29A, 29C, 29D, 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L, 31, and 34).
- 7.8.163. Plot 15-1j is required for to provide permanent rights of access associated with the utility diversion. Plots 15-6b and 15-6c are required to provide permanent rights of access associated with the realignment of the 66kV electrical cable to service the Middlemoor Wind Farm. Plot 15-6e is required to provide permanent rights of access for the new outfall from the detention basin (Work Nos. 24 and 32). Plot 15-25a would be possessed temporarily and comprises part of the B6347 from which Mr Douglas's residence is accessed. The SoR describes the purpose for which the land is required as environmental mitigation works together with the



alteration and realignment of road markings and new/ relocation of signs (Work Nos. 29K and 30A).

- 7.8.164. As set out above in relation to Charlton Mires Farm and as identified in section 4.9 of this Report, we are satisfied that all reasonable alternatives have been considered by the Applicant in respect of the route alignment and Charlton Mires Junction. We have given consideration to the effects of the Proposed Development on the remaining land at Charlton Mires and the measures to mitigate adverse impacts which we believe would be adequately addressed. However, for the reasons set out earlier in this Chapter we consider that there is a compelling case in the public interest for the Proposed Development. The plots would be required to enable the implementation of the Proposed Development and the private loss to Mr Douglas would in our view be outweighed by the public benefit that would be delivered as a result of the scheme. Consequently, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mr James Robson**

- 7.8.165. The RR submitted by the Brockthorpe Consultancy on behalf of James Robson [RR-033] concerns a landholding at Goldenmoor Farm at the southern end of Part B. Concerns raised included: general business disruption; the CA / TP of specific parcels of land; drainage, flood risk and water quality; access to a new retention pond; and soil structure damage arising from temporary works.
- 7.8.166. The Applicant is seeking the temporary possession of 0.88ha of land in Plots 11-1k, 11-4b, 11-4c, 11-4d and 11-4e; the permanent acquisition of 2.58ha of land in Plots 11-1i and 11-4a; and permanent acquisition of rights over 0.1ha of land in Plots 11-1j, 11-1l and 11-4f.
- 7.8.167. Plots 11-1i and 11-4a would be required for the construction of a new southbound carriageway of the A1, realignment of the 66kV electrical cable to service the Middlemoor Wind Farm, the construction of a new access point and maintenance track to detention basin. Construction of new detention basin. (Work Nos. 21B, 24 and 25A). Plots 11-1j, 11-1l and 11-4f would be required for the realignment and access rights to the 66kV electrical cable to service the Middlemoor Wind Farm and construction and access rights to a new outfall from a detention basin (Work Nos. 21A, 21B and 24).
- 7.8.168. The Applicant stated that no severance or impact on nuisance is anticipated but a slight reduction in farm viability is expected resulting in a slight adverse effect on the agricultural land holding for both construction and operation periods. Nevertheless, the Applicant outlined measures as set out in the Outline CEMP [REP11-006] and the Outline CTMP [REP8-013] which would seek to minimise the impact of construction on the farm. The RR specifically questioned the need for the

TP of Plot 11-1k which the Applicant confirmed was required for the establishment of a topsoil storage area.

- 7.8.169. We have given full consideration to the Applicant's case for the compulsory acquisition and the impact of the acquisition of rights in respect of land owned by Mr Robson. We have also had regard to the options for the relocation of the windfarm cable and the need to address alternatives. Having taken account of the measures proposed by the Applicant to mitigate the impacts of the Proposed Development we consider that the private harm to Mr Robson would be outweighed by the public benefits derived from the scheme. Therefore, we recommend the grant of CA and permanent rights sought in relation to these plots.

**Mrs Jill Gray**

- 7.8.170. A RR submitted on behalf of Mrs Gray [RR-034] by the Brockthorpe Consultancy expressed concern about disruption to Ms Gray's residential property at West Linkhall on the west side of the A1, north of Charlton. Concerns were expressed about access arrangements, the maintenance of the access road, the increase in travel time and a range of environmental disturbance effects. Responding, the Applicant [REP1-064] confirmed that there would be no direct land take from the property but access to the property would be affected by the Proposed Development. A new access road, West Linkhall Road, would join the A1 via the new grade separated junction at Charlton Mires and Article 13 of the Recommended DCO would provide for its adoption by NCC. During construction, traffic management systems and diversion routes would be put in place to maintain access to residential properties and private land holdings, secured through the Outline CTMP [REP8-013].

- 7.8.171. Having reviewed the RR and the Applicant's response [REP1-064] we consider that while Mrs Gray would be subject to increased travel times when travelling north and some disturbance during construction of the Proposed Development the Applicant's proposed mitigation measures secured through the Outline CEMP [REP11-006], the Outline CTMP [REP8-013] and the dDCO would ensure that the effects are appropriately managed.

**Mr Mick Holland**

- 7.8.172. Mr Holland's RR [RR-035] submitted by the Brockthorpe Consultancy related to Mr Holland's landholding at Heckley Fence Farm located approximately 245m west of the A1. It raised concerns about the CA of rights over land on a farm access tracks to the new bridge at Heckley Fence including the future maintenance of the track, the impact of land acquisition on the farm business, the visual impact of the bridge and general disruption to the property.
- 7.8.173. Responding to the RR the Applicant [REP1-064] noted that Mr Holland has a tenancy agreement over the land which forms part of the

Northumberland Estate. The Applicant proposes to take temporary possession of Plot 12-3h to facilitate the construction of the Heckley Fence accommodation overbridge and associated ramps over the widened A1. The permanent acquisition of rights over Plots 12-3b, 12-3c and 12-3d would also be required for the creation of a byway to access the new Heckley Fence Overbridge (Work No. 27).

- 7.8.174. Having reviewed the RR and the Applicant's response [REP1-064] we consider that while there would be a large adverse effect on the visual amenity of Mr Holland's property and that there would be other environmental impacts including some disturbance during the construction of the Proposed Development the Applicant's proposed mitigation measures secured through the Outline CEMP [REP11-006], the Outline CTMP [REP8-013] and the dDCO would ensure that the effects are appropriately managed.

**Mr and Mrs A Kelly, Neil and Elizabeth Elder and Mr Robin Tuer**

- 7.8.175. RRs submitted on behalf of Mr & Mrs A Kelly [RR-036], Neil and Elizabeth Elder [RR-037] and Mr Robin Tuer [RR-040] by the Brockthorpe Consultancy related to properties at Rock South Farm and Cottages. The RRs recorded concerns about proposals to block the existing access road and provide a new access from the north through the Rock Estate. The RRs also expressed concern about the maintenance of the road as well as other impacts of the Proposed Development.

- 7.8.176. The Applicant's response to the RRs [REP1-064] indicated that the residential properties were located approximately 800m east of the A1 with the existing access approximately 2.1km south of the proposed Charlton Mires Junction and comprising a single lane road. There would be no direct land take from the properties, but access would be affected by the Proposed Development. A replacement road would be constructed to Rock Midstead and onto the B6347, where access to the A1 would be via the new grade separated junction at Charlton Mires. The Applicant also confirmed design and adoption arrangements for the new road, secured through Article 13 of the Recommended DCO and the Outline CEMP [REP11-003] which in our view adequately addresses the concerns expressed in these RRs.

**Mr Robert Thompson**

- 7.8.177. Mr Thompson submitted a RR [RR-046] which identified concerns relating to the landholding at Broxfield Farm, which forms part of the Northumberland Estate and is located 860m east of the A1, north of Denwick. The Applicant proposes to permanently acquire the land in Plots 12-3l, 12-3e, 12-3r, 12-3v, 12-3w, 12-3z, 12-3dd, 13-1l and 13-1o. The Applicant proposes to acquire permanent rights over the land in Plots 12-3b, 12-3d, 12-3k, 12/3n, 12-3s, 12-3t, 12-3x, 12-3y, 13-1f, 13-1k, 12-3aa, 12-3bb, 12-3hh, 12-3ii and 13-1p. The Applicant proposes to take temporary possession of the land in Plots 12-3f, 12-3g, 12-3i and 12-3.

- 7.8.178. The RR identified issues related to general disruption to the property, access rights to a retention pond at Goldenmoor Farm, the effect of the Proposed Development on drainage and other impacts on the operation of the organic farm. The Applicant responded to the RR at D1 [REP1-064] confirming that Detention Basin 22 would be accessed via a track from the adjacent highway via Plots 11-1d and 11-1i, which are to be permanently acquired although these do not form part of the property which is the subject of RR-046. No other plots would provide access rights to Detention Basin 22.
- 7.8.179. Plots 11-1a, 12-3b, 12-3c, 12-3d, 12-3t, 12-3n, 12-3k, 12-3a, 12-1a, 12-2a, 12-2a, 13-1c, 13-1b, 13-1a, 13-1f and 13-1p which constitute the existing farm access tracks are subject to the permanent acquisition of rights. Of these plots, permanent rights over Plot 13-1p and part of Plot 12-3cc are required to accommodate a PRoW over Heckley Fence Overbridge while Plots 11-1h, 12-3bb, 12-3cc (part), 12-3dd, 12-3ee, 12-3ff, 12-3gg, 12-3hh, 12-3ii, 12-3s (part), 12-3x, 12-3y (part), 18-1a, 18-2a, 18-2b, 18-3a and 18-3b are required for statutory undertaker easements for the wind farm cable. With regard to Plots 11-1h and 12-3dd which are required for potential access rights to the high voltage cable access, these would only be required on a very infrequent basis if maintenance work were required to the cable requiring access to be taken over these plots. Plot 12-3w is required for the widening of the A1, creation of the verge and a statutory undertaker corridor with mitigation planting and boundary hedgerow and fence. The Applicant acknowledged that the acquisition of Plot 12-3w would reduce the remaining width between the field boundary and Denwick Burn.
- 7.8.180. We have given full consideration to the Applicant's case for the compulsory acquisition and the impact of the acquisition of rights in respect of land owned by Mr Thompson. We acknowledge that the position regarding the windfarm cable requires the applicant to retain the alternative through private land if it is not possible to locate the cable in the highway verge. Having considered the Applicant's case for the permanent acquisition of land and the permanent acquisition of rights over land together with the measures which the Applicant proposes to minimise the effects of the Proposed Development primarily through the Outline CEMP [REP11-006], the Outline CTMP [REP8-013] and R3 and R13 of the Recommended DCO we find that the private harm to Mr Thompson would be outweighed by the public benefits derived from the scheme. Therefore, the ExA recommends the grant of CA and permanent rights sought in relation to these plots.

## **7.9. STATUTORY UNDERTAKERS**

- 7.9.1. Throughout the Examination the Applicant sought to reach agreement with statutory undertakers and to include protective provisions within the dDCO to protect their interests. RR were submitted by National Grid Gas [RR-007] and Northern Gas Networks [RR-009]. At D11 we received final

confirmation from National Grid Gas that their objection had been withdrawn although by the end of the Examination we had not received confirmation that the objection from Northern Gas Networks had been withdrawn and therefore s127 of PA2008 applies. The position for each of the statutory undertakers which engaged with the Examination is set out below.

## **National Grid Gas**

- 7.9.2. National Grid Gas submitted a RR [RR-007] in order to protect its position in relation to infrastructure and land within or near the proposed Order Limits. It noted that its rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus should be maintained and access to inspect and maintain such apparatus must not be restricted. It indicated that it may require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. The RR described its assets within or within close proximity to the Order Limits as comprising High Pressure Gas Pipeline (Feeder 13) near Causey Park.
- 7.9.3. National Grid Gas submitted representations, including proposed protective provisions at D10 [REP10-046] [REP10-047], which it indicated had been agreed between the Applicant and National Grid Gas Plc. It also stated that the parties had reached agreement in respect of a separate commercial agreement which was in the process of being executed.
- 7.9.4. The Statement of Commonality for Statements of Common Ground [REP11-008] noted that the Applicant and National Grid Gas had agreed the form of protective provisions, and these were incorporated into the dDCO submitted at D11 [REP11-003]. A draft SoCG had been agreed between the parties, and a final, signed version would be submitted to the Examination on 5 July 2021. A late submission by the Applicant at D11 [REP11-025] confirmed that, the parties had completed a side agreement. The Applicant stated that it awaited National Grid Gas' signed SoCG and would submit this as soon as it had been received. However, no signed version was received by the end of the Examination nor was the side agreement.
- 7.9.5. At D11 National Grid Gas [REP11-017] confirmed that it had agreed an appropriate an appropriate form of Asset Protection Agreement with the Applicant. Engrossments of the Agreement had been sealed by National Grid Gas and the agreement completed. On this basis, National Grid Gas indicated that it was satisfied that appropriate contractual and statutory protections had been agreed in respect of their apparatus and withdrew their objection. Consequently, and on the basis of the inclusion of the protective provisions in Part 4 of Schedule 10 provided at D10 we conclude that the Recommended DCO would provide an appropriate form

of protection for National Grid Gas and that the test in s127(5) of PA2008 is met.

## **Northern Gas Networks**

- 7.9.6. Northern Gas Networks' RR [RR-009] confirmed an objection to the Proposed Development on the grounds that the protection given to the company's plant may be diminished by the proposed works. Details of the plant in the vicinity of the Proposed Development were provided.
- 7.9.7. A signed SoCG was accepted as a late submission at D11 [REP11-026]. This confirmed that Northern Gas Networks maintained its objection to the Proposed Development. It noted that the Applicant was in correspondence with Northern Gas Networks on the content of an Asset Protection Agreement and that while the parties were close to agreement on the outstanding matters the agreement would not be completed until shortly after the close of the Examination. The Applicant noted that the dDCO [REP11-003] included protective provisions for gas undertakers in Part 1 of Schedule 10.
- 7.9.8. We note that Northern Gas Networks and the Applicant both confirmed that they were close to an agreement with the expectation that it would be completed shortly after the close of the Examination. Should this have not occurred then we are satisfied that the Recommended DCO would provide an appropriate form of protection for Northern Gas Networks and that the test in s127(5) of PA2008 is met.

## **Northumbrian Water**

- 7.9.9. A late submission by the Applicant at D11 [REP11-025] confirmed that as set out in the draft SoCG submitted at D11, it was close to agreeing a side agreement with Northumbrian Water. Once this had been completed, it indicated that a signed SoCG would be submitted.
- 7.9.10. The Statement of Commonality for Statements of Common Ground [REP11-008] noted that a SoCG signed by the Applicant only and reflecting the position at the close of the Examination was submitted at D11 [REP11-012]. This confirmed that the Applicant was in correspondence with Northumbrian Water on the content of an Asset Protection Agreement with the parties close to agreement on outstanding matters and likely to complete the agreement on 5 July 2021 or shortly after the close of the Examination. As set out in the draft SoCG [REP11-012], the parties were close to agreeing a side agreement and that once this had been completed, a signed SoCG would be submitted. Neither was received by the end of the Examination.
- 7.9.11. The draft SoCG [REP11-012] confirmed that Northumbrian Water has water apparatus contained in land which is proposed to be acquired under or affected by the DCO and therefore has rights of access or rights to place the apparatus within that third party land. For this reason,

Northumbrian Water has a commensurable interest in land included within the DCO. Northumbrian Water's position was that apparatus should not be moved because of the proposed works to the A1 unless it cannot be safely protected and remain accessible. In response the Applicant stated that it considered that Northumbrian Water was sufficiently protected by the protective provisions for water undertakers in Part 1 of Schedule 10 to the dDCO [REP11-003].

- 7.9.12. Northumbrian Water also noted that diversionary works may be required to apparatus at a number of identified locations while recognising that the list was not exhaustive and may be revised when further technical and design information is made available. In response the Applicant stated that during investigations Northumbrian Water had identified no sewers that were affected by the Proposed Development and that all water mains identified by Northumbrian Water as affected by the scheme were included in diversion estimates.
- 7.9.13. Northumbrian Water and the Applicant both confirmed that they were close to an agreement at the end of the Examination with the expectation that it would be completed shortly after the close of the Examination. Should this have not occurred then we are satisfied that the Recommended DCO would provide an appropriate form of protection for Northumbrian Water and that the test in s127(5) of PA2008 is met.

## **Northern Powergrid**

- 7.9.14. Northern Powergrid did not submit a RR but submitted a formal letter of objection dated 30 October 2020 [AS-025].
- 7.9.15. The Statement of Commonality for Statements of Common Ground [REP11-008] noted that the Applicant was in correspondence with Northern Powergrid. It stated that an updated SoCG to reflect the position between the parties at the close of the Examination would be submitted on 5 July 2021. A late submission by the Applicant at D11 [REP11-025] confirmed that both parties had set out their position with respect to the protective provisions on the face of the Order at D11. It indicated that dialogue would continue with Northern Powergrid and a further update would be provided once discussions had progressed. No further correspondence was received during the Examination.
- 7.9.16. Northern Powergrid had submitted representations, including proposed protective provisions [REP11-018] [REP11-019], to which the Applicant responded at D11 [REP11-001]. The Applicant noted that these provisions had not been agreed with the Applicant and there was insufficient time left in the examination for the Applicant to properly respond. Nevertheless, the Applicant included initial representations on the matters raised at D11 [REP11-014].

- 7.9.17. The submissions on behalf of Northern Powergrid [REP11-018] [REP11-019] stated that its objection related to the latest version of the protective provisions being proposed by the Applicant [REP10-011]. It pointed out that on 29 June, the Applicant responded to Northern Powergrid's proposed amendments to the protective provisions, which highlighted a number of key issues which were not yet agreed and were not reflected in the latest dDCO. The protective provisions schedule from the dDCO, marked up with the amendments being sought by Northern Powergrid was attached. The submission requested that Northern Powergrid [REP11-018] be granted additional time to continue to seek to engage with the Applicant to reach agreement on fundamental points and that the requested form of protective provisions was included within any final DCO that may be granted.
- 7.9.18. The Applicant's response [REP11-014] summarised the dialogue between the parties while pointing out that Northern Powergrid's first substantive comments were placed before the Examination at the final deadline. Consequently, neither the Applicant nor other IPs were afforded sufficient opportunity to respond to the matters which Northern Powergrid raised. While the Applicant stated that it would continue to engage with Northern Powergrid outside of the Examination, it opposed any request for additional time. As the Applicant correctly recorded, the examination of an application for a DCO is a statutory process with set timescales and Northern Powergrid had been afforded sufficient opportunity to make written and oral submissions to the Examination during the statutory timescales, being alerted to the draft protective provisions over two months prior to the commencement of the Examination.
- 7.9.19. We agree that it is not reasonable to lodge the provisions on the last deadline of the Examination, leaving the Applicant with insufficient opportunity to respond and for the ExA to properly examine the matters raised. Accordingly, we have not proposed any changes to the protective provisions as they affect Northern Powergrid but the SoST may wish to invite IPs to comment. However, should agreement not be reached between the parties we consider that the protective provisions at Schedule 11 Part 1 would adequately address Northern Powergrid's interests in accordance with s127 of PA2008.
- 7.9.20. With regard to those statutory undertakers whose rights and apparatus would be interfered with by the delivery of the scheme but who have not made a representation, Part 1 of Schedule 10 of the Recommended DCO includes provisions for the protection of all electricity, gas, water and sewage undertakers and Part 2 provides protections for the operators of electronic communication code networks. Part 3 of Schedule 10 provides for the protection of the EA and Part 4 for the protection of National Grid as gas undertaker.



## **ExA Conclusion on Statutory Undertakers**

- 7.9.21. On the basis of the evidence before us, the ExA is satisfied that the provisions contained within Schedule 10 of the Recommended DCO would ensure that an appropriate degree of protection would be given to affected undertakers, such that there would be no serious detriment to the carrying out of those companies' undertakings. The ExA is satisfied that the interference with apparatus and extinguishment of rights would be necessary for the purposes of carrying out the development.
- 7.9.22. Accordingly, having regard to the provisions of s138(4) of the PA2008 we recommend to the SoS that the Order may include provision for the extinguishment of the relevant rights or the removal of the relevant apparatus.

## **7.10. CONCLUSIONS AND RECOMMENDATIONS**

- 7.10.1. The ExA's approach to the question of whether and what CA powers it should recommend to the SoST to grant has been to seek to apply the relevant sections of PA2008, notably s122 and s123, the CA Guidance, the Human Rights Act 1998, and, in the light of the representations received and the evidence submitted, to consider whether a compelling case has been made in the public interest, balancing the public interest against private loss.
- 7.10.2. S122 and s123 of PA2008 set out the purposes for which CA may be authorised. We are satisfied that the legal interests in all the plots of land included in the revised BoR [REP10-018] and shown on the Land Plans [REP10-003] would be required to allow the Applicant to construct, operate and maintain the Proposed Development with respect to both CA and TP powers. In respect of land subject to CA for the development, the land to be taken is no more than is reasonably required and the proposed land-take is proportionate and in the public interest by reducing environmental impacts, minimising costs and mitigating the impact on affected landowners. In the absence of compulsory powers, it would not be possible to proceed with the Proposed Development and therefore the public benefits of the Proposed Development would not be realised.
- 7.10.3. The Applicant has consulted all persons affected by the CA/ TP powers and persons who may have a claim for compensation arising from the Proposed Development. It has also sought to acquire any interests in the land by agreement wherever practicable. Having considered individual cases we are satisfied that the public benefit in delivering the Proposed Development would outweigh the private loss.
- 7.10.4. Concerning s122(3), we are satisfied, and recommend to the SoST that a compelling case in the public interest exists for the following reasons:

- the development for which the land is sought would be in accordance with national policy as set out in the NNNPS and development consent should be granted;
- there is widespread support for the Proposed Development from IPs including from the local planning authority;
- the NNNPS identifies a critical need for enhancing strategic highway network capacity of the type that is the subject of this application;
- there is a need to secure the land and rights required and to construct the Proposed Development within a reasonable timeframe, and it represents a significant public benefit to weigh in the balance;
- the private loss to those affected has been mitigated through the selection of the land and the minimisation of the extent of the rights and interests proposed to be acquired;
- the Applicant has explored all reasonable alternatives to the CA of the rights and interests sought and it is reasonable that the Applicant should retain CA and TP powers as a guarantee against the possible failure of voluntary agreements; there are no alternatives which ought to be preferred; and
- funding is available to meet any compensation liabilities for CA and/or TP and for any blight claims and the standing of the Applicant in relation to public funds is such that there is no need for any special or additional guarantees for this funding.

7.10.5. In respect of s127 and s138 of PA2008, there are representations from statutory undertakers that have not been withdrawn and, therefore, s127 of the PA2008 is engaged in the consideration of the Application. There are also relevant statutory undertaker rights and apparatus on land that is the subject of CA of new rights under the draft DCO. S138 of the PA2008 is, therefore, also engaged and the ExA has considered the application and representations accordingly.

7.10.6. With regard to special category land there is no National Trust Land that engages s130 of PA2008 and there is no common, open space or related land that engages s131 or s132 of PA2008. There are no other considerations relating to special category land under PA2008 that need to be taken into account. Additionally, none of the land to which the Order would apply is Crown land and therefore s135 of PA2008 does not apply.

7.10.7. The case for CA powers needs to be based on the case for the development overall. We have shown in Chapter 6 that we have reached the view that development consent should be granted. As set out above, we are satisfied that the CA powers sought by the Applicant are justified and should be granted because there is a compelling case in the public interest for land and interests to be compulsorily acquired and therefore the proposal would comply with PA2008 and the advice within the CA Guidance.

7.10.8. In terms of human rights, we are satisfied that the Examination has ensured a fair and public hearing, that any interference with human rights arising from implementation of the Proposed Development is proportionate and strikes a fair balance between the rights of the individual and the public interest and that compensation would be available in respect of any quantifiable loss. There is no disproportionate or unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

## **8. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS**

### **8.1. INTRODUCTION**

- 8.1.1. A dDCO [APP-014] (Revision 0) and an EM [APP-015] (Revision 0) were submitted by the Applicant as part of the application. The EM describes the purpose of the dDCO as originally submitted, and each of its articles and schedules.
- 8.1.2. While the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, (the Model Provisions Order) has been repealed, the submission version of the dDCO drew on the model provisions as well precedent set by made Orders for highways development under PA2008. There has been a change of approach to the use of Model Provisions since the Localism Act 2011, and although they provide a starting point for the consideration of the DCO, precedent cases are generally more appropriate. The submission version dDCO [APP-014] and subsequent iterations are in the form of a statutory instrument as required by s117(4) of PA2008.
- 8.1.3. This Chapter provides an overview of the changes made to the dDCO during the Examination process, between the original submission dDCO and the Applicant's final version at D11 [REP11-003] (Revision 12) and a revised EM [REP10-013] (Revision 5). It considers changes proposed to the Applicant's final dDCO in order to arrive at the Recommended DCO in Appendix C to this Report.
- 8.1.4. The following sections of this Chapter:
- report on the structure and functions of the dDCO;
  - report on the processes used to examine the dDCO and its progress through the Examination;
  - report on contentious matters in the Examination and summarise changes made to the dDCO during the Examination;
  - set out final changes proposed; and
  - address the relationship between the DCO and other consents and legal agreements.

### **8.2. THE STRUCTURE OF THE DCO**

- 8.2.1. This section records the structure of the dDCO which is based on the Applicant's final dDCO [REP11-003] and is as follows:
- Part 1 (Article 1 and Article 2) sets out how the Order may be cited and when it comes into force. Article 2 sets out the meaning of various terms used in the Order;
  - Part 2 (Article 3 to Article 9) contains the principal powers in relation to the Order, provides for the grant of development consent for the

Proposed Development and allows it to be carried out and maintained. Article 6 permits certain development authorised by a planning permission granted under the TCPA1990 that is within the Order Limits to be carried out pursuant to the terms of the planning permission without breaching the Order. Article 7 provides for limits of deviation to allow for a lateral or vertical deviation from the Authorised Development shown on the Works Plans. Article 8 and Article 9 set out who has the benefit of the powers of the Order and how those powers can be transferred;

- Part 3 (Article 10 to Article 22) "*Streets*" refers to matters relating to the application of the New Roads and Street Works Act 1991, powers to alter the layout of streets, to interfere with and execute works in or under the streets within the Order Limits, the classification of roads, temporary prohibition of the use of streets, stopping up, access to works, clearways, speed restrictions, closures of bus stops and parking bays, traffic regulation and powers in relation to relevant watercourses;
- Part 4 (Article 23 to Article 25) provides supplemental powers relating to the discharge of water, protective works to buildings and the authority to survey and investigate land;
- Part 5 (Article 26 to Article 39) contains powers in relation to the acquisition and temporary possession of land;
- Part 6 (Article 40 and Article 41) contains powers in relation to operations affecting trees and hedgerows and trees subject to Tree Protection Orders;
- Part 7 (Article 42 to Article 48) is concerned with miscellaneous and general matters including the application of landlord and tenant law, operational land under TCPA1990, a defence to proceedings in respect of statutory nuisance, the protection of interests, the certification of plans and the serving of notices and arbitration.

8.2.2. There are 12 schedules to the Order, providing for:

- the description of the Authorised Development (Schedule 1);
- the Requirements applying to the Authorised Development (Schedule 2);
- classification of roads etc. (Schedule 3);
- permanent stopping up of streets, public rights of way and private means of access (Schedule 4);
- temporary prohibition of vehicular traffic and pedestrians (Schedule 5);
- land in respect of which only new rights etc. may be acquired (Schedule 6);
- modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants (Schedule 7);
- land of which temporary possession may be taken (Schedule 8);
- trees and hedgerows (Schedule 9);
- protective provisions (Schedule 10);

- traffic regulation measures (Schedule 11); and
- documents to be certified (Schedule 12).

8.2.3. We find that the structure of the DCO is fit for purpose and no changes to the structure as outlined above are recommended.

### **8.3. THE EXAMINATION OF THE DCO**

8.3.1. The review of the submission versions of the dDCO [APP-014] (Revision 0) and the EM [APP-015] (Revision 0) commenced with the publication of initial Written Questions (ExQ1) [PD-007] issued alongside the Rule 6 Letter [PD-006] on 19 November 2020. Seventy-nine questions at ExQ1, a further 19 at ExQ2 [PD-011] and seven further questions at ExQ3 [PD-017] related to the dDCO. In addition, as part of the Hearings Action Points from hearings in April [EV-054] further questions were asked of the Applicant in respect of the dDCO (ExQ3 DCO.3.1 and DCO.3.2). Responses to these were provided at D6 [REP6-044].

8.3.2. The first ISH (described in Chapter 1 above) related to the dDCO. The notice of ISH1 on the DCO (Annex D), was published as part of the Rule 8 Letter [PD-008]. An Agenda [EV-009] was published on 16 February 2021.

8.3.3. ISH1 into the dDCO was held on 23 February 2021. A recording of the hearing was subsequently put on the Inspectorate’s website [EV-016-EV-018] as well as a transcript of the Hearing [EV-019]. ISH1 was based on dDCO [REP3-004] (Revision 3) (clean) and [REP3-005] (tracked) and EM [REP1-007] (Revision 2) (clean) and [REP1-008] (tracked).

8.3.4. The Applicant updated the dDCO several times during the Examination, responding to issues raised in written questions, to WRs and as a consequence of the hearing processes. At each revision, the Applicant submitted a clean copy and a copy showing tracked changes from the previous clean copy version. With each iteration of the dDCO the Applicant also provided a Schedule of Changes to the dDCO. Table 8.1 below shows the iterations of the dDCO (clean) and summarises the main changes proposed. A Final Schedule of Changes to draft Development Consent Order (Revision 9) was published at D11 [REP11-005].

**Table 8: Iterations of the dDCO**

| <b>Revision No.</b> | <b>Examination Library Reference</b> | <b>Notable Changes Made</b>                                |
|---------------------|--------------------------------------|--|
| 0                   | APP-014                              | N/A  |
| 1                   | REP1-005                             | Subject heading revised for consistency with other Orders. |

| Revision No. | Examination Library Reference | Notable Changes Made  |
|--------------|-------------------------------|---|
|              |                               | <p>Article 2: Revised to include new definitions and a revised definition of "<i>maintain</i>".</p> <p>Article 7: Revised to include 7(2) providing a procedure for applications to vary the limits of deviation.</p> <p>Article 9(4): Included additional text to clarify the position regarding the movement, replacement or diversion of apparatus.</p> <p>Other changes/ clarifications to:<br/> Article 10(4);<br/> Article 11(3);<br/> Article 16(2)(b);<br/> Article 18(2)(a)(iii);<br/> Article 29(2); and<br/> Article 43.</p> <p>Schedule 1: Tailpiece revised to clarify that the works listed (a) to (x) must not give rise to any materially new or materially different environment effects in comparison with those in the ES.</p> <p>Schedule 2: Revisions/ amendments to R1; amendments to R3 and R8 and 1(3)(b) of Part 2 to "<i>materially different environmental effects</i>" for consistency.</p> <p>Other minor changes/ clarifications to:<br/> R4;<br/> R5;<br/> R10; and<br/> R12.</p> <p>Schedule 12 updated with revised documents.</p> |
| 2            | REP2-004                      | <p>Schedule 3: Part 3 revised to include road numbers and adjust entries to respond to comments from NCC;<br/> Part 4 revised to include an additional reference to the U6017;<br/> Part 5 revised to adjust entries to respond to comments from NCC.</p>   |

| Revision No. | Examination Library Reference | Notable Changes Made  |
|--------------|-------------------------------|---|
|              |                               | <p>Schedule 4: Part 1 revised to include road numbers and revised to adjust entries for clarification;<br/>Parts 2 and 4 revised to adjust entries to respond to comments from NCC.</p> <p>Schedule 12: Updated to include additional Landscape Mitigation Plans.</p>   |
| 3            | REP3-004                      | <p>Article 2: Definition of "<i>commence</i>" varied to clarify extent of pre-commencement archaeological works.</p> <p>Schedule 2: R4 revised for consistency with the CEMP; R10 revised to require consultation with the Milestone Society.</p>   |
| 4            | REP4-004                      | <p>Schedule 1: Work No. 4 revised to include amended River Coquet works.</p> <p>Schedule 2: "<i>Culvert management plan</i>" defined in R2.</p> <p>New R15 added (Ancient Woodland) to address ancient woodland matters and new definition of "<i>ancient woodland strategy</i>" added to R1.</p> <p>Schedules 6 and 8: Entries revised to provide the rights necessary for the works in the proposed changes to the application.</p> |
| 5            | REP4-043                      | <p>Change Request DCO updated on the same basis as Revision 4.</p> <p>Revisions to Work No 4 to accommodate proposed changes associated with the Stabilisation Works and Southern Access Works.</p> <p>New R16 added (Works in River Coquet) to require details of works authorised by Work No. 4 to be approved by SoS.</p>  |



| <b>Revision No.</b> | <b>Examination Library Reference</b> | <b>Notable Changes Made</b>  |
|---------------------|--------------------------------------|--|
| 6                   | REP5-005                             | <p>Article 2: Definitions updated/ added.</p> <p>Schedule 2: Definitions updated; R4 consultation with EA added; R10 updated and SoS made the approval authority.</p> <p>Schedule 3: Parts 3 and 4 adjusted to reflect discussions with NCC</p>  |
| 7                   | REP5-034                             | Change Request DCO updated on the same basis as Revision 6.  |
| 8                   | REP6-010                             | <p>Schedule 1: Work No. 29h revised to change the termination point of the West Linkhall local access road; Work No.38 added to include construction of Shipperton Burn diversion.</p> <p>Schedule 2: R1 definition of LEMP added; R4 revised to provide for freestanding management plans to be prepared as part of the CEMP; R17 added in relation to the preparation of a LEMP.</p> <p>Schedule 3: Part 2 Section of A1 to be de-trunked and transferred to local highway authority revised; Part 3 reference changed; Part 5 entries adjusted in line with NCC comments.</p> <p>Schedule 4: Part 2 and Part 4 Various entries adjusted in line with NCC comments.</p> <p>Schedule 6: Reference to plot 16/2b removed following agreement with landowner</p> <p>Schedule 8: Reference to plot 5/2a removed to reflect Land Plans.</p> |
| 9                   | REP8-004                             | Article 14(2): Revised to ensure de-trunked roads in a state of repair reasonably satisfactory to the local highway authority.   |

| <b>Revision No.</b> | <b>Examination Library Reference</b> | <b>Notable Changes Made</b>  |
|---------------------|--------------------------------------|--|
|                     |                                      | <p>Schedule 2 R17(4): Revised to provide for consultation responses to be submitted to SoS with proposed LEMP.</p> <p>Schedule 11: Entries in Part 2 revised to address speed limit increase.</p>  |
| 10                  | REP9-004                             | <p>Schedule 2: R10 reference to local planning authority changed to relevant planning authority.</p> <p>Schedule 12: Entries updated to reflect latest document versions.</p>  |
| 11                  | REP10-011                            | <p>Schedule 2 R4(2) added to clarify that SoS can require a LEMP; R17(5) added to require consultation responses to be submitted to SoS if no LEMP is produced.</p> <p>Schedule 6 Plots 16/9e and 16/10b added.</p> <p>Schedule 8 Plots 16/9e and 16/10b removed.</p> <p>Sch 12 Entries updated to reflect latest document versions.</p> |
| 12                  | REP11-003                            | <p>Schedule 10 Part 4 added to include agreed protective provisions for National Grid as gas undertaker.</p> <p>Schedule 12 Entries updated to reflect latest document versions.</p>   |

8.3.5. The EM was updated throughout the Examination as the dDCO evolved. The versions of the EM submitted by the Applicant were as follows:

- Revision 0 (Application Issue) [APP-015];
- Revision 1 [REP1-007] (clean copy) and [REP1-008] (tracked changes);
- Revision 2 [REP4-006] (clean copy) and [REP4-007] (tracked changes);

- Revision 3 (EM for Change Request) [REP4-045] (clean copy) and [REP4-046] (tracked changes);
- Revision 4 [REP6-012] (clean copy) and [REP61-013] (tracked changes); and
- Revision 5 [REP10-013] (clean copy) and [REP10-014] (tracked changes).

8.3.6. On 10 May 2021 the ExA wrote [PD-016] to all IPs to advise of a Procedural Decision following from Item 23 of the Examination Timetable [PD-008] which indicated that it would publish its proposed schedule of changes to the dDCO if required on 11 May. Having given careful consideration to all representations in respect of the dDCO, the ExA decided that only one change to the dDCO was required and this would be included as a question within ExQ3. Subsequently, the publication of ExQ3 [PD-017] on 11 May, which included seven written questions about the dDCO, proposed a single change to the dDCO (DCO.3.7) with responses sought by D8, 25 May 2021. At D8 [REP8-026] the Applicant provided a response to ExQ3.

8.3.7. No IP raised any concern with the description of the Authorised Development during the Examination. No IP raised any concern with the description of the works or the documents to be certified. Our concerns with some definitions in the dDCO submitted with the Application [APP-014] were resolved during the Examination.

## **8.4. CONTENTIOUS MATTERS IN THE EXAMINATION**

### **Introduction**

8.4.1. In this section we do not report on every change made to the dDCO in the updated versions. Many changes were as a result of typographical errors, referencing errors, or slight revisions of the wording following dialogue between the Applicant and relevant IPs or from their WRs, or as a result of minor changes following our written questions (ExQ1 [PD-007], ExQ2 [PD-011] and ExQ3 [PD-017]) or questions at ISH1 [EV-009]. Additionally, we report on those changes to the dDCO which emerged from the proposed changes to the application submitted at D4: Earthworks Amendments, Stabilisation Works and Southern Access Works. We do however comment on those changes made during the Examination which we consider to be significant because of their effect. Numbers for Articles and Requirements are based on the application version [APP-014] (Revision 0) of the dDCO and EM [APP-015] (Revision 0) unless otherwise referenced.

8.4.2. Where an amendment has been made to the EM to provide further justification for a proposed provision in the dDCO and the ExA is content with that further clarification it is not reported in this section.

8.4.3. At ISH1 and subsequently in writing [REP4-025] the Applicant explained how the dDCO evolved from the Model Provisions Order and that where

there was a need to deviate from these clauses then this was justified in the EM. However, the vast majority of the drafting in the DCO was described as precedented and in a fairly standard form.

- 8.4.4. Through ExQ1 DCO.1.4 we asked the Applicant to explain the approach to drafting in respect of associated development. In particular we sought an explanation for there being no distinction between the principal development of the NSIP and associated development within the meaning of s115 of PA2008.
- 8.4.5. The Applicant explained [REP1-032] that there is no requirement under PA2008 for associated development to be identified and neither was this required in the DCLG Guidance<sup>9</sup>. The point of associated development is to allow for development which has a direct relationship with the principal development to be authorised by means of a DCO. The difficulty with a linear highways scheme is that there is no clear distinction between the principal works and other works which are necessary in order for the scheme to be built. The dDCO identified the principal activities which would be required to be undertaken in order to construct the Authorised Development as Works. On that basis the ExA was content with the Applicant's approach.

## **DCO Provisions**

### **Article 2 – Definition of Commence**

- 8.4.6. Through ExQ1 DCO.1.10 we asked the Applicant to clarify their approach to the definition of "*commence*" noting that it only related to "the carrying out of any material operation" (as defined in s.56(4) of PA2008). The other works listed in the definition, which are described in the EM as "low impact preparatory works" were excluded from the definition. However, these other works were not described as "*preparatory works*". Consequently it was unclear what authority the Applicant would have to carry out these "*preparatory works*".
- 8.4.7. The Applicant [REP1-032] explained that the definition aimed to clarify that the carrying out of certain works that would constitute a "*material operation*" under TCPA1990 did not mean that the Authorised Development has been "*commenced*" for the purposes of interpreting the dDCO. This would enable the Applicant to undertake preparatory works prior to the submission of relevant details for approval under the requirements. The items that were excluded were either de minimis or would have minimal potential for adverse effects which was why they were described as "*low impact preparatory works*" in the EM. In some cases, they may need to be carried out in order to comply with pre-commencement requirements which require approval from the SoS. The

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<sup>9</sup> DCLG - Planning Act 2008: guidance on associated development applications for major infrastructure projects.

Applicant also cited the use of the definition as having precedents in the M20 Junction 10a Development Consent Order 2017 and the Silvertown Tunnel Order 2018. The Applicant also stated that the dDCO would provide authority for all of the preparatory works through R4(6) dDCO which required that mitigation measures were implemented in terms of the CEMP. The remaining works which are excluded from the definition of "commence" would be authorised by the list of additional works which are included at the end of Schedule 1.

- 8.4.8. A change was made to the definition at D3 [REP3-004] with reference made to "*pre-construction archaeological investigations and mitigation*". At ISH1 the Applicant [REP4-025] provided further explanation in terms of the responsibility to provide protective works which may be complex and require preliminary investigations that themselves may comprise development. Potentially the investigatory works required could not commence until the mitigation was in place, but it would not be possible to carry out the mitigation until the investigation was complete.
- 8.4.9. The SoCG between the Applicant and NCC [REP11-009] noted that NCC did not object to the definition of "commencement" that had been used in the dDCO [REP8-005]. With the changes made to the definition during the Examination the ExA is now content with its scope.

#### **Article 2 – Definition of Maintain**

- 8.4.10. Responding to our question (ExQ1 DCO.1.13) about the definition of "*maintain*" and the disconnect between the definition and the intent identified in Section 6.4b of the EM, the Applicant [REP1-032] confirmed that the definition had been revised so that any of the activities classed as maintenance could only be carried out if they did not give rise to any materially new or materially different environmental effects to those reported in the ES.

#### **Article 7 – Limits of Deviation**

- 8.4.11. Responding to the ExA's concerns about the level of flexibility sought, and the circumstances in which it may be necessary to amend the maximum limits of lateral and vertical deviation the Applicant [REP1-032] [REP4-024] stated that the provision was fairly standard in highways DCOs. The Applicant considered that the limits of deviation reflected the characteristics of the Proposed Development while recognising that it was necessary to cater for unexpected site conditions which could be encountered. It was argued that it was not possible to anticipate what circumstances might give rise to the need to trigger this provision and so further specification was not possible. If this provision were not included, then any change in the limits to deal with site conditions would require an amendment to the Order to be promoted which was considered to be disproportionate. The tailpiece would provide a mechanism allowing the SoS to authorise construction beyond the limits of deviation but only where there would be no materially new or materially different impacts

compared to the ES. The Applicant also cited the broad precedent of the provision, including in the A19 Downhill Lane Junction Order 2020.

8.4.12. The submission version of the dDCO did not make provision to enable an application to be made to the SoS for the discharge of requirements. Responding to ExQ1 DCO.1.34 the Applicant stated that Article 7(2) had been added to the dDCO [REP1-005] based on the approved wording in the A19 Downhill Lane Junction Order 2020.

8.4.13. The SoCG between the Applicant and NCC [REP11-009] confirmed that NCC was content with the limits of deviation contained in Article 7, subject to NCC being consulted on any proposed amendments. The Applicant confirmed that Article 7 provided for consultation with the RPA on any amendments made under prior to their submission to the SoS.

#### **Article 9 – Consent to transfer benefit of the Order**

8.4.14. The ExA was concerned (ExQ1 DCO.1.36) that this Article was drafted to give the Applicant the power to transfer or grant to named utilities powers for the purposes of carrying out the Works listed in Article 9(4). The EM suggested that the intention was to allow the named utilities to move their own apparatus where this needed to be diverted for the NSIP. However, the relevant Works would provide a much greater power. Consequently, we suggested that the Article should be modified to limit the transfer/ grant for the limited purposes set out in the EM and not for the entirety of the relevant Works. The Applicant confirmed [REP1-032] that Article 9(4) had been revised in the dDCO [REP1-005] so that the power for the identified undertaker to carry out the specified works was limited to the movement, replacement or diversion of apparatus.

#### **Article 11 - Power to alter layout etc. of streets**

8.4.15. The ExA noted (ExQ1 DCO.1.36) that the EM stated that it was unnecessary to list the affected roads as their "location and extent is self-evident from the Works etc. Plans". The Applicant's view [REP1-032] was that the affected roads should either be marked clearly as such on the Plans or listed in a Schedule to the DCO (preferably the latter). Article 11 would also cover "*any street having a junction with such a street*" with the Applicant explaining that the rationale for this drafting was on the basis that Article 11 would give power to alter the layout of streets within the Order Limits. If there were a junction with such a street, then the alteration to the layout of the street within the Order Limits could have a consequential impact on the junction. Consequently, the Applicant sought powers to ensure that any such required work could be carried out to the junction. The plans in Appendix GEN.2 [REP1-034] showed the existing and proposed carriageways and the associated existing streets. Subject to the interpretation which the Applicant applies to this Article, that it only applies to streets within the Order Limits and does not include streets which are outline of the Order Limits, the ExA is content with the proposed provisions under Article 11.

## **Article 12 – Street works**

- 8.4.16. With Article 12(1) stating that "*the undertaker may, for the purposes of the Authorised Development, enter on so much of any of the streets as are within the Order Limits and may...*", we asked the Applicant at ExQ1 DCO.1.40 whether the article should be restricted to specific streets set out in a Schedule. Additionally, we queried whether it should confirm that the power is "without the consent of the street authority" and whether the powers should be exercised with the consent of the street authority subject to consultation.
- 8.4.17. NCC's response [REP1-073], as confirmed in the SoCG between the Applicant and NCC [REP11-009] recorded that NCC was satisfied that Article 12(1) was appropriate provided that the Applicant/contractor complies with the requirements of the Traffic Management Act 2004 and the New Roads & Street Works Act 1991 and specifically s60 – General duty of undertakers to cooperate. Any streets outside the Order would be subject to the requirements under the NCC Works Permit Scheme.
- 8.4.18. In respect of Article 12(1)(b) NCC considered [REP11-009] that the Article should be restricted to specific streets as set out in a Schedule although the Schedule should include the Road Classifications for clarity and ease of reference. The Applicant [REP1-032] [REP11-009] thought it unnecessary to specify the streets which would be subject to this power because the affected streets could be clearly seen on the application plans. Moreover, the Applicant argued that such statutory powers are not subject to requiring the consent of the street authority and it would not be appropriate to require such consent in this situation. The signed SoCG records NCC as understanding the position and the issue as agreed.
- 8.4.19. NCC also recorded [REP11-009] that it was agreed that the powers would be exercised with the consent of the street authority, subject to consultation to ensure the street authority was fully aware of the powers being exercised. This would ensure no conflict between other authorisations from the street authority under their existing powers. The Applicant noted that these were standard powers required for construction of the road which would be authorised by the DCO. In the Applicant's view it was not appropriate for such works to be subject to the consent of the street authority particularly when NCC would be protected by other provisions in the Order. The Applicant stated that it understood that NCC accepted the position, and the matter was recorded as agreed.
- 8.4.20. Responding to our question at ISH1 as to whether Appendix GEN.2 [REP1-034] should be a certified document the Applicant argued that it was not possible to list every street which may be affected by Article 12 as the definition of "*street*" was so wide-ranging. Moreover, it may be necessary to undertake ancillary works to affected streets with the Order Limits, the full extent of which could not be confirmed at Examination stage. The Applicant's view was that including Appendix GEN.2 as a

certified document would be unnecessary duplication and we agreed with that view. On the basis of the above responses, we do not consider any changes are required to Article 12.

#### **Article 14 - Classification of roads etc**

- 8.4.21. Responding to the request (ExQ1 DCO.1.42) for justification as to why the provisions are necessary or expedient to give full effect to any other provision of the DCO the Applicant [REP1-032] noted that these provisions designate the classifications of the various roads and PRowS to be constructed as the Authorised Development. Previous highways DCOs had recognised that it was appropriate for these existing procedures to be used if there was to be a change to the classification of a road constructed under a highways DCO. The Applicant therefore argued that the proposed provisions were far better suited to dealing with the issues concerned than the procedure under s153 of PA2008 which would be inconsistent with the approach taken on other highway DCOs and could cause confusion.
- 8.4.22. The Applicant also provided additional explanatory wording to explain the rationale for the powers in Article 14 in the revised EM submitted at D1 [REP1-007].
- 8.4.23. In the SoCG between the Applicant and NCC [REP11-009] NCC proposed an amended form of Article 14(2) which the Applicant accepted, and which was incorporated into the dDCO [REP8-005]. The ExA does not require any further changes to Article 14.

#### **Article 15 - Temporary prohibition, restriction and regulation of the use of streets**

- 8.4.24. The EM [APP-015] indicates that Article 15 confers powers to use a street which has been temporarily stopped up as a temporary working site. Responding to our question (ExQ1 DCO.1.43) whether Article 15 should also apply to PRowS the Applicant noted that the Article reflected the approach to temporary traffic regulation in the Road Traffic Regulation Act 1984 which applies to streets and it was appropriate that the powers provided under Article 15 followed the same approach. On that basis the Applicant argued that it was not necessary to extend the power to PRow, which are included in the definition of "street".

#### **Article 16 - Permanent stopping up and restriction of use of streets, public rights of way and private means of access**

- 8.4.25. In ExQ3 DCO.3.4 we noted that NCC's response to ExQ1 DCO.1.44 [REP1-073] stated that it was essential that legal widths for PRow were included in Article 16. Both NCC and the Applicant were asked to explain why widths of proposed PRowS should or should not be included in the DCO.



- 8.4.26. The Applicant's response [REP8-026] stated that it was not necessary or appropriate for the width of PRowS to be specified in the DCO arguing that flexibility is required to deal with specific site circumstances. It also considered that the position of NCC was protected as Article 16(2)(a) would provide that stopping of specified PRow could not take place until the substitute right of way had been provided to the reasonable satisfaction of the streets authority and was open for use. This would ensure that the new PRowS were provided to the appropriate standard, while allowing flexibility to deal with site circumstances.
- 8.4.27. NCC's [REP8-028] preference was that the widths of the rights of way were included in the DCO based on the DCO being the instrument that confirms the legal changes to the rights of way network. Nevertheless, NCC agreed that as there was no certainty about the actual widths of the rights of way to be created, the Applicant's proposal that the widths would be confirmed in the PRow Management Plan which would be prepared once more detailed information was available, was acceptable.
- 8.4.28. Through ExQ2 DCO.2.1 we noted that in commenting on NCC's response to ExQ1 DCO.1.44, the Applicant indicated [REP2-020] that the widths of the proposed PRow had not been included in Schedule 4 of the dDCO due to potential on-site variances. However, the Applicant confirmed that the widths of the proposed PRow would be specified in the PRow Management Plan as part of the final CEMP.
- 8.4.29. In response the Applicant [REP5-023] confirmed that in the Outline CEMP [REP4-013] included at D5, Measure S-PH7 had been updated so that the PRow Management Plan would be required to include the widths of the proposed PRow.
- 8.4.30. The SoCG between the Applicant and NCC [REP11-009] stated that in Article 16(3) NCC's preference would be for the term "stopping up" to be used consistently through the DCO. This should be preceded by the word temporary or permanent depending on what is being proposed. However, the Applicant commented that it understood that NCC accepted that it is appropriate that there is reference to extinguishment of PRow and the matter was recorded as agreed. In addition, the Applicant confirmed [REP1-032] that the term "extinguish" is the same terminology used in the Highways Act 1980 and other legislation for termination of a PRow.
- 8.4.31. NCC also confirmed [REP11-009] that the principles set out within Article 16 were generally agreed although clarification was sought in relation to the precise nature of the stopping up and the resultant status/ ownership of the stopped-up highway as well as the exact boundaries between the local road network and the SRN. The SoCG [REP11-009] records that the parties had agreed a maintenance boundary methodology which will include the details of stopping up boundaries which we are content with.

### **Article 17 – Access to works**

- 8.4.32. At ISH1 [EV-017] we asked the Applicant whether the power to provide access should require the consent of the street authority. The Applicant's view [REP4-025] was that Article 17 would allow the relevant highway authority, in this case Highways England, to construct access as part of their highway work. Where there is an interface of a proposed new access with the local highway network then the local highway authority interest would be covered by Article 13. On that basis the Applicant took the view that there was no need for additional consenting requirements in Article 17 and the ExA accepts this reasoning.
- 8.4.33. The SoCG between the Applicant and NCC [REP11-009] confirmed that NCC was satisfied with the proposed article but required that "*with the consent of the street authority subject to consultation*" was added to the provision. The Applicant considered that the additional wording was not necessary and that the position of NCC would be protected by other provisions in the DCO. The SoCG stated that NCC accepted this position but in any event the ExA is content with this provision.

### **Article 25 – Authority to survey and investigate the land**

- 8.4.34. Through ExQ1 DCO.1.49 we noted that the EM described Article 25 as the means by which, prior to the construction of the Authorised Development, ground investigations and surveying could be undertaken. The Applicant was asked to demonstrate how this provision related to the scope of commencement defined in Article 2 and responded [REP1-032] stating that the exercise of powers under Article 25 would not trigger commencement of development as the definition of "*commence*" in Article 2 excluded various operations such as archaeological investigations, ecological surveys and the assessment of ground conditions from the definition of material operations in s56(4) of the TCPA1990.
- 8.4.35. During ISH1 we further queried the power to carry out investigatory works and how this related to the definition of "*commence*". Responding, the Applicant [REP4-025] stated that this was a standard DCO provision which would allow for interference with landowner's rights in order to undertake surveys and investigations. Use of the power would not be restricted to pre-commencement investigations but would also provide access for further survey works which might be required during the construction. This power would be distinct from the question of when the development is considered to commence. On that basis we were content with the proposed provision.

### **Article 28 – Time limit for exercise of authority to acquire land compulsorily**

- 8.4.36. Through ExQ1 DCO.1.51 we noted that the EM states that Article 28 sets a 5 year time limit on the power of the Applicant to take TP of land,

although the Applicant is not prevented from remaining in possession of land after that time if it had taken possession within the specified period.

8.4.37. The Applicant explained [REP1-032] that Article 28 set the last date for when CA powers could be exercised under the Order, limiting the period during which powers could be commenced to give certainty as to the likelihood of exercise. Powers of TP can be exercised under Article 35 up until that power prescribes under Article 28. When a power of TP is exercised, Article 35(3) sets a time limit of a year from completion of the relevant work to which the powers relate. The EM explained that, if the temporary power were exercised prior to the power exercising in Article 28, the undertaker can remain in possession until the end of the period set out in Article 35(3).

8.4.38. At ISH1 we asked the Applicant to justify the provision providing for the extension of the right of temporary occupation under Article 28. The Applicant confirmed [REP4-025] that the right to exercise the power expires 5 years from when the order is made. However, the works authorised by the exercise of that power may last beyond that 5 year period. There may be circumstances where the power to enter land is only exercised in year 4 but the Applicant may need to be in possession of the land beyond year 5. This could be a particular issue with the Proposed Development comprising two sections of works with a delay in one part having a knock-on impact for the other part. We accept that in such circumstances requiring the Applicant to apply to modify the DCO would be disproportionate and so Article 28 which allows the Applicant to remain in possession if the power is exercised before the end of the relevant 5 year period is appropriate.

#### **Article 35 – Temporary use of the land for carrying out the authorised development**

8.4.39. Article 35(9) states that the undertaker may not compulsorily acquire land specified in column 1 of Schedule 8 (land of which temporary possession may be taken) except that the undertaker is not to be precluded from acquiring new rights over any part of that land under Article 29 (compulsory acquisition of rights and restrictive covenants).

8.4.40. Article 29(1) provides that the undertaker "*may acquire such rights over the Order land, or impose restrictive covenants affecting the Order land, as may be required for any purpose for which that land may be acquired under article 26 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.*"

8.4.41. As currently drafted, Article 29(1) enables the creation of undefined new rights in the land described as being for TP. Imposing a burden of undefined new rights on APs consulted on the basis that the Applicant only intends to take TP of their land would not be in line with the CA tests in s122 of PA2008 or the CA Guidance. It has not been adequately demonstrated that the undefined new rights are required for the

Proposed Development and therefore the ExA is not convinced that there is a compelling case in the public interest for these rights.

- 8.4.42. We therefore recommend that Article 35(9)(a) is deleted on the grounds that it would create permanent rights under Article 29(1) over land which was only intended for TP alone. Consequently, we recommend that Article 35(9) is amended as follows: "*...(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil (or rights in the subsoil of or airspace over) that land under article 33 (acquisition of subsoil or airspace only).*"

### **Article 38 - Apparatus and rights of statutory undertakers in stopped up streets**

- 8.4.43. The EM explains that Article 38 is based on Article 32 of the Model Provisions and governs what happens to statutory undertakers' apparatus under streets that are stopped up by the Order. Without Article 38, the statutory undertaker would not have access to the apparatus, since there would no longer be a right of way along the street.
- 8.4.44. Through ExQ1 DCO.1.57 we noted that the SoS would be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal was necessary for the purpose of carrying out the development in accordance with s138 of PA2008.
- 8.4.45. Responding to our request for justification to show that extinguishment or removal was necessary, the Applicant [REP1-032] stated that the streets which are to be stopped up in terms of Article 16 would cross the path of the new highway to be constructed or the related side roads necessitating excavation below the current road level which would potentially require the removal or repositioning of apparatus. Consequently, we agree that the powers in Article 38 are appropriate in order to authorise interference with such apparatus where required.

### **Article 40 – Felling or lopping of trees and removal of hedgerows**

- 8.4.46. Responding to ExQ1 DCO.1.58 [REP1-032] which sought justification for Article 40, the Applicant explained that all hedgerows which were known to require removal were specified in Schedule 9. The power was included on a precautionary basis in case it is necessary, following detailed design, for any additional areas of hedgerow to be removed. Such removal would be subject to the consent of the RPA.
- 8.4.47. The SoCG between the Applicant and NCC [REP11-009] confirmed that NCC was satisfied with Article 40 but was keen to ensure that words would be carried out to British Standards and at a time of year that

avoids seasonal constraints. The Applicant confirmed that British Standard 5837<sup>10</sup> would apply to ensure that trees and their root systems would be protected. This is captured in in Measure SL5 of the Outline CEMP [REP11-006].

### **Other Matters in Articles**

- 8.4.48. In ExQ1 DCO.1.62 the ExA commented that a number of Articles made provision for "*any dispute as to a person's entitlement to compensation ... or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act*". Part 1 of the 1961 Act only relates to compensation for CA. The ExA sought clarity that it would apply in other situations, such as the temporary use of land under Articles 35 and 36 of the Order, and that modification should be included as with the other compensation provisions in Schedule 7.
- 8.4.49. The Applicant [REP1-032] argued that it was not necessary to make changes as it was clear from the drafting that the terms of Part 1 of the 1961 Act would be applied to situations such as temporary acquisition. Noting that such provision had been included in numerous DCOs the Applicant was not aware of this giving rise to any difficulty. Consequently, the Applicant stated that it would not be appropriate to seek to address in drafting for all conceivable eventualities when normal statutory interpretation applies. The ExA accepts this explanation and requires no change to the dDCO.

### **Schedule 1 Work No 5B**

- 8.4.50. As set out in paragraphs 4.10.113 and 7.7.136 above we have given consideration to alternative access options to Northgate Farm. We agree with the Applicant that providing alternatives within the Recommended DCO would provide for the Applicant to continue to seek to reach agreement with Mr Hawes and Mr Davidson but in the event that agreement was not reached the Applicant's original proposal could be implemented. On this basis we propose an amendment to Work No. 5B which would provide for the three alternatives. As this contains detailed specifications (grid references and track lengths) the SoST may wish to consult with the Applicant to ensure accuracy.

### **Schedule 2 Requirement 5**

- 8.4.51. Responding to ExQ2 DCO.2.7 which questioned when R5 would be revised to include reference to the production of a LEMP the Applicant [REP5-023] outlined a number of possible approaches. These comprised a requirement to produce a LEMP with the required scope set out in R5, a requirement to produce a finalised LEMP based on an outline LEMP prepared during the Examination, or a requirement to produce a LEMP based on the parameters set out in a scoping document prepared during

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<sup>10</sup> Trees in Relation to Design, Demolition and Construction.

the Examination. However, the detailed drafting would depend on what additional material was provided on the LEMP during the course of the Examination. The Applicant stated that it was reviewing approaches to the preparation of LEMPs for other schemes and proposed to provide a further version of R5 at a future deadline. This matter is addressed further under R17.

### **Schedule 2 Requirement 9**

- 8.4.52. Through ExQ1 DCO.1.73 we asked whether R9 which would provide for no part of the Authorised Development to commence until a WSI of areas of archaeological interest had been submitted to and approved by the SoS should specify that the WSI should be based on the WSI annexed to the ES [APP-225] [APP-226] [APP-295].
- 8.4.53. Responding, the Applicant [REP1-032] stated that it was not necessary to refer to the draft WSIs in R9 as these documents were already referred to in the REAC (see Measure S-CH3 in particular) contained in the Outline CEMP [APP-346] and R9(1) would provide that the WSI submitted for the approval of the SoS must reflect the relevant mitigation measures in the REAC. On this basis we were content that no change was required to R9.

### **Schedule 2 Requirement 15**

- 8.4.54. Under R5 of the submission version of the dDCO compensatory woodland planting would be required on the basis outlined in the AWS. Responding to comments from the ExA at ISH1 the Applicant [REP4-025] acknowledged that the AWS needed to reference the ancient woodland management and monitoring plan and included such a reference in the subsequent iteration of the dDCO [REP4-004] which provided a new R15 dealing specifically with ancient woodland. It also provided that no removal of ancient woodland was to take place until an AWS, based on the Outline AWS had been approved by the SoS, following consultation with NE and the RPA. R15(3) would provide that the Authorised Development must be constructed in accordance with the approved AWS [REP4-008] which requires the WCA to be retained in perpetuity.
- 8.4.55. As a result of the introduction of R15, R5 was amended [REP-004] to remove the reference to the compensatory woodland planting requirement based on the ASW. No IP suggested changes to the definition of Outline AWS in R1 or to R15 during the Examination and the ExA is content with the drafting of these provisions.

### **Schedule 2 Requirement 16**

- 8.4.56. At D4 the Applicant [REP4-043] submitted Revision 5 of the dDCO to address the proposed changes to the application, namely the Earthworks Amendments, Stabilisation Works and Southern Access Works. In Schedule 1 Authorised Development, Work No 4 was amended with the inclusion of Work No 4a -4d at river level. These consist of piles for the

new bridge, scour protection on both banks of the river and the construction of a temporary bridge for construction access.

- 8.4.57. Schedule 2 Part 1 Requirements [REP4-043] included a new requirement, R16 "*Works in River Coquet*". According to the EM this contains additional controls over the river level works comprised in Work No 4. The details of the works are required to be approved by the SoS prior to Work No 4 commencing. On completion of Work No 4, the temporary bridge and temporary river training works are to be removed as soon as reasonably practicable.
- 8.4.58. No IP suggested changes to the amendments to Work No 4 or to R16 during the Examination and the ExA is content with the drafting of these provisions.

### **Schedule 2 Requirement 17**

- 8.4.59. Following the Applicant's response [REP5-023] to ExQ2 DCO.2.7, at D6 (see paragraph 8.4.50 above) the Applicant proposed a new requirement, R17 [REP6-010] in respect of the LEMP. LEMP was also added as a definition to R1. As set out in the revised EM [REP6-012] R17 contains a mechanism for the preparation of a LEMP to manage the landscape and ecological impacts of the Authorised Development. As with the CEMP, the LEMP must reflect the mitigation measures set out in the REAC. In deciding whether to produce a LEMP, R17 provided for the undertaker to consult, and have regard to the views of, the RPA. If a LEMP were to be produced then it would be approved by the SoS, following consultation with the RPA and the EA. R4(3) was also amended to provide for the undertaker to prepare any of the management plans required by R4(2) either as part of the CEMP or as free standing documents. R4(4) would ensure that the Authorised Development was constructed in accordance with the approved LEMP. Relevant features of the approved LEMP for the operation and management of the Authorised Development must then be incorporated into the HEMP.
- 8.4.60. In ExQ3 DCO.3.7 we asked if, rather than letting the undertaker decide whether or not to prepare a LEMP having regard to the views of the RPA, it would not be more appropriate for the RPA to decide whether or not it wished to have a LEMP. On this basis the Applicant and NCC were asked to comment on the revised wording suggested by the ExA [PD-017]. In addition, NCC was asked to confirm whether the wording met the objectives it set out in response to Action Point 9 from the April Hearings [EV-054] which indicated [REP6-050] that it would wish to see a greater level of narrative added to the Outline CEMP in relation to the content of a LEMP, and if it did not to propose further changes. The matter was also discussed at ISH4 [EV-057].
- 8.4.61. The Applicant's response [REP8-026] noted that the approving authority in respect of requirements for Highways England DCOs is not the local planning authority, but the SoS. Therefore, it is not appropriate for the

RPA 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 SoS, who would determine any matter of difference between the undertaker and the RPA. The Applicant argued that position of the RPA would be protected by the revised wording in Article 17(4) (Response to ExQ1 DCO3.7 [REP8-026]) which would require the SoS to consult the RPA. The Applicant incorporated this proposed change into the revision of the dDCO submitted at D8 [REP8-004].

- 8.4.62. NCC's response [REP8-028] to ExQ1 DCO.3.7 suggested revised wording to R17 to compel the Applicant to produce a LEMP should the RPA require the undertaker to produce such a document.
- 8.4.63. At D10 the Applicant [REP10-011] proposed a further amendment to R17 with the incorporation of sub-paragraph (5) which would provide for the undertaker to forward the results of consultation to the SoS whether or not the undertaker proposed to produce a LEMP. An amendment to R4 would also ensure that, while giving the Applicant discretion to produce a LEMP, the SoS has the final decision on whether a LEMP is to be prepared and the SoS has power to require the preparation of the LEMP, following consultation.
- 8.4.64. The SoCG between the Applicant and NCC [REP11-009] confirmed that NCC would prefer the LEMP commitments to be set out in a standalone document and not contained within the wider CEMP. The Council was also concerned that the wording of R17 in the dDCO submitted at D8 [REP8-005] would make the submission of a LEMP a matter that is at the discretion of the Applicant. NCC proposed that R17 should be amended so that if the submitted CEMP did not include all the provisions that one would normally expect to see in a LEMP, and the Applicant is not minded to produce a LEMP, NCC has a mechanism for making their views known to the SoS and that obliges the SoS to consider them when discharging R17.
- 8.4.65. The Applicant [REP11-009] [REP11-014] considered that there was no requirement for the LEMP to be a standalone document, and that these matters could be satisfactorily dealt with in the CEMP. The Applicant agreed that the wording of R17 should be reviewed so that if there were a disagreement on the need for a LEMP then the matter would be resolved by the SoS, who would have the submissions of NCC to refer to in making a decision. These were the changes included in revised R4 and R17 at D10 [REP10-011].
- 8.4.66. The issue about whether or not to have a LEMP and if so at what stage should it be prepared is related to the discussion which the ExA had with the Applicant and other IPs at ISH1 regarding the Outline CEMP and the REAC. We asked whether the REAC should be separate from the CEMP, noting that because of its length and structure it was difficult to follow



how mitigation measures in the ES were taken forward. At ISH1 and in writing the Applicant [REP4-025] stated that it did not matter what the documents were called as long as the DCO required that the Authorised Development was carried out in accordance with the mitigation measures in the REAC. The Applicant had chosen to include the REAC as part of the Outline CEMP and identified provisions throughout the Requirements which would ensure that the Authorised Development was implemented in accordance with the mitigation requirements of the REAC. Consequently, the Applicant argued that there was no need to make the REAC a separate document but added further interpretative text to it to assist the reader in understanding the various entries in the tables and how to read the REAC along with the ES [REP5-012].

- 8.4.67. Reflecting on the Applicant's proposed changes to R17 (and R4) at D10 as well as the final comments of the Applicant and NCC at D11 [REP11-009] it is clear that NCC would like greater clarity in the documentation which addresses the mitigation of construction impacts and measures to manage the landscape and ecological impacts of the Authorised Development. Specifically, NCC has indicated that while it accepted that the measures in the REAC and CEMP satisfactorily addressed matters, the navigation of the CEMP was difficult and measures to be included in a LEMP would be most effectively provided in a standalone document. As currently proposed by the Applicant the LEMP could be produced as part of the CEMP.
- 8.4.68. We support the view of the local authority as well as other IPs that the issue is not simply having the necessary information to assess the progress of implementation but that such information should be accessible and easily understood. We note that the Applicant did not consider it necessary to prepare a LEMP or an outline structure of such a document during the Examination in spite of us encouraging the Applicant to do so.
- 8.4.69. Consequently, we are recommending a change to the Applicant's final dDCO [REP11-003] to provide for the Applicant to prepare a LEMP without the RPA having to make a formal request to do so. As a consequence of the proposed change to R17 it is also necessary to make a change to R4. The revised wording of the dDCO is presented in section 8.5.

### **Schedule 3 – Classification of roads etc.**

- 8.4.70. The Applicant's Comments on Responses to ExQ1 – Appendix A PRoW Response [REP2- 021] provided comments on NCC's response to ExQ1 DCO.1.44 and specifically proposed changes to Schedules 3 and 4 of the dDCO. Through ExQ2 DCO.2.3 we asked NCC to confirm that it was content with the proposed changes to Schedules 3 and 4.
- 8.4.71. NCC [REP5-043] made a number of detailed comments which the Applicant responded to at D6. The Applicant [REP6-043] confirmed that

Part 2 of Schedule 3 had been revised to clarify that the section of de-trunked road to be transferred to NCC would start at the location referred to by NCC to ensure that the Council did not take on responsibility for the de-trunked A1 from Priest's Bridge southwards. Such a change would be sufficient to protect the Council's position.

- 8.4.72. In respect of Parts 3 and 4 of Schedule 3 the Applicant [REP6-043] noted that the Council had supplied proposed post-scheme road numbering which the Applicant was content with but considered that this should not be included in the DCO. A change to road numbering in the future might require an amendment of the DCO and therefore road numbering was a matter which would be addressed outside the DCO process in consultation with NCC as local highway authority.
- 8.4.73. With respect to Schedule 3 Part 6 NCC [REP5-043] referenced the Council's RR [RR-001] which identified proposed footways which would not connect to existing infrastructure especially at the proposed grade separated crossings. The Applicant [REP6-043] maintained its position as explained at ISHs, that the provision of facilities for NMUs was satisfactorily and no additional provision for NMUs was to be provided. In relation to two specific changes referred to by the Council, the Applicant explained that plans showing footways over structures provided a "*future proofing*" measure; such that, should there be a future access improvement opportunity, the structures will not restrict this improvement. However, there was no requirement to extend the footways to the east at Fenrother Junction nor Causey Park Overbridge in order to address the impact of the Proposed Development. This issue is also addressed above at section 4.10.
- 8.4.74. Through ExQ3 DCO.3.5 we asked NCC, further to its response to ExQ2 DCO.2.3 [REP5- 043], to confirm that it was content with Schedule 3 of the dDCO. Responding, NCC [REP8-028] confirmed that the existing road classifications had been incorporated into the dDCO amendments to Schedule 3. However, matters related to the delivery of the NMU route remained outstanding. The Applicant's [REP9-018] response to the Council's proposed changes to Schedule 3 in relation to NMU routes was provided in the comments on the Council's response to TT.3.1 as set out in section 4.10. On the basis of the Applicant's responses regarding Schedule 3 the ExA proposes no change to the Applicant's final dDCO [REP11-003].

#### **Schedule 4 - Permanent stopping up of streets, public rights of way and private means of access**

- 8.4.75. Schedule 4 of the dDCO was the subject of considerable attention and dialogue between the Applicant and NCC during the Examination, largely to clarify matters of detail. Through ExQ2 DCO.2.14 we sought NCC's views on whether the Applicant's proposed changes to Schedule 4 at D4 [REP4-004] were acceptable. NCC confirmed [REP5-043] that the amendments to the Part 1 of Schedule 4 were acceptable in broad terms

and included road classification numbers where relevant. The Council also commented on the need to agree the limits of future adoption and confirmed that it supported the changes to Schedule 4 with respect to PROWs.

- 8.4.76. The Applicant responded [REP6-043] that, in response to NCC comments, it had reviewed Schedule 4 [REP5-005] and amended the limits of stopping up shown on the Rights of Way and Access Plans [REP4-038] with respect to limits of future adoption. The Applicant also confirmed that it had agreed with NCC that the Proposed Development would operate within the limits of deviation and that future adoption limits would be refined at detailed design and finalised with the as-built records.

### **Schedule 10 – Protective Provisions**

- 8.4.77. At ISH1 and in writing [REP4-025] the Applicant explained that the draft protective provisions had three parts and were based on previous precedents. Part 1 contained provisions for the protection of electricity, gas, water and sewage undertakers. Part 2 contained provisions for electronics communications code operators and Part 3 contained provisions for the protection of the EA. At D11 Part 4 was inserted which contained provisions for the protection of National Grid as gas undertaker.
- 8.4.78. Throughout the Examination, including at ISH1, CAH1 and CAH2 the Applicant provided the ExA with updates regarding discussions with statutory undertakers and the EA in respect of protective provisions. The Applicant summarised the position [REP11-008] on SoCG between the Applicant and prescribed consultees, statutory undertakers and IPs at D11.
- 8.4.79. The position in respect of individual statutory undertakers is set out above at section 7.9.
- 8.4.80. A signed SoCG between the Applicant and the EA [REP11-010] confirmed that there were no outstanding matters between the parties. Furthermore, the EA confirmed that it was content with the protective provisions as far as they related to it.
- 8.4.81. On the basis of the above review of matters related to protective provisions the ExA does not propose any changes to Schedule 10.

### **NCC's Proposed Amendments to the Draft DCO**

- 8.4.82. ExQ3 TT.3.1 [PD-017] asked NCC if any amendments to the dDCO would be required to ensure the future delivery of the suggested NMU route (see section 4.10 above). NCC's response [REP8-028] proposed amendments to Schedules 1 and 3 [REP8-028b] to deliver the north-south NMU routes from Fairmoor to Felton and make connections to the

proposed footways at Fenrother junction and the Causey Park overbridge while recognising that further changes to the dDCO would be required.

- 8.4.83. At D9 the Applicant [REP9-018] responded (see also section 4.10 above). In respect of the proposed amendments to the dDCO the Applicant's position was that they should not be made because the Council's proposals had not been subject to public consultation, and it might be anticipated that a number of parties might wish to make representations, as well as the uncertainty over the scope of the work (and required land take) which would be required to form NMU routes. This means that these works cannot be secured through the DCO, irrespective of the Applicant's view that they were not justified by the Proposed Development.
- 8.4.84. The SoCG between the Applicant and NCC [REP11-009] confirmed that NCC would like to see the wording of Schedules 1 and 3 revised to require the provision of enhanced PRoW as part of the Proposed Development [REP8-028b]. The Applicant's position was recorded as not accepting that the proposed amendments are required to mitigate the impact of the Proposed Development. It also commented that some of the proposed changes would not be deliverable within the Order Limits.
- 8.4.85. Notwithstanding our comments in section 4.10 above about the merits of NCC's proposals to enhance facilities for NMUs, because of the lateness of their submission it has not been possible to properly consider the proposed changes to Schedules 1 and 3 including undertaking appropriate consultation. The fact that the proposals appear likely to require amendments to the Order Limits further complicates matters. On that basis the ExA is not proposing any changes to Schedules 1 and 3 as set out in the Applicant's final version of the dDCO [REP11-003].

### **ExA's Recommended Changes**

- 8.4.86. The changes which we are proposing in the Recommended DCO which differ from the Applicant's final draft (Revision 12) [REP11-003] are as follows:
- Article 35 – Temporary use of the land for carrying out the authorised development. ...(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil (or rights in the subsoil of or airspace over) that land under article 33 (acquisition of subsoil or airspace only).
  - Schedule 1 Work No. 5b - a new access track either:
    - (1) 832m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418254E; 588647N; or

- (2) 677m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418342E; 588723N; or
  - (3) 552m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418391E; 588764N.
- Schedule 2 Requirement 4 - Construction and handover environmental management plans
    - 4(1) No part of the authorised development is to commence until a CEMP, substantially in accordance with the Outline CEMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.
    - (2) The CEMP must be written in accordance with ISO14001 and must—
      - (a) reflect the mitigation measures set out in the REAC;
      - (b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;
      - (c) require adherence to working hours of 07:00–19:00 Mondays to Fridays except for—
        - (i) night-time closures for bridge demolition and installation;
        - (ii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;
        - (iii) junction tie-in works;
        - (iv) removal of overhead power lines;
        - (v) overnight traffic management measures;
        - (vi) cases of emergency; and
        - (vii) as otherwise agreed by the relevant planning authority in advance;
      - (d) include the following management plans—
        - (i) Dust Management Plan;
        - (ii) Noise and Vibration Management Plan;
        - (iii) Site Waste Management Plan;
        - (iv) Environmental Control Plan: Invasive Species;
        - (v) Environmental Control Plan: General Ecology;
        - (vi) Soil Management Plan;
        - (vii) Surface Water Management Plan;
        - (viii) Control Of Substances Harmful to Health Material, Waste Storage and Refuelling Plan;
        - (ix) Resource Use Management Plan;
        - (x) Materials Management Plan;
        - (xi) Contaminated Land Management Plan;
        - (xii) Pollution Prevention Plan;
        - (xiii) Communications Plan;
        - (xiv) Public Rights of Way Management Plan;
        - (xv) Emergency Flood Response Plan; and

(xvi) A Signage Strategy

(3) The undertaker may prepare the management plans required by sub-paragraph (2) either as part of the CEMP or as free standing documents provided that any free-standing management plan must comply with sub-paragraph (1).

~~(4) In deciding whether to approve a CEMP submitted in terms of sub-paragraph (1), the Secretary of State may require the undertaker to submit a LEMP for the further approval of the Secretary of State in respect of any specified matters, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function~~

~~(5)~~(4) The construction of the authorised development must be carried out in accordance with the approved CEMP, any approved management plan prepared in terms of sub-paragraph (3) and the approved LEMP.

~~(6)~~(5) A HEMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP, any approved management plan prepared pursuant to sub-paragraph (3) and the approved LEMP

~~(7)~~(6) The HEMP must address the matters set out in the approved CEMP, any approved management plan prepared pursuant to sub-paragraph (3) and the approved LEMP that are relevant to the operation and maintenance of the authorised development, and must contain—

(a) the environmental information needed for the future maintenance and operation of the authorised development;

(b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and

(c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.

~~(8)~~(7) The authorised development must be operated and maintained in accordance with the HEMP.

- Schedule 2 Requirement 17 - Landscape and ecological management plan  
17(1) No part of the authorised development is to commence until for that part ~~Where it appears desirable to the undertaker,~~ in place of the relevant provisions of the CEMP, the undertaker ~~may~~has prepared a single document known as a LEMP to address the management of the landscape and ecological impacts of the Scheme including—
  - (a) environmental constraints;
  - (b) landscape mitigation;
  - (c) impacts on biodiversity; and
  - (d) impacts on protected species.

~~(2) Any LEMP which is produced~~The LEMP shall reflect the mitigation measures set out in the REAC and include a graphic representation of the measures to be implemented.

~~(3) In deciding whether 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.~~

~~(4)~~(3) Where a LEMP is to be produced then itThe LEMP shall be submitted for the approval in writing by the Secretary of State (accompanied by any responses to consultation received under sub-paragraph (3) of this requirement); following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.

~~(5) Where a LEMP is not produced then the undertaker shall submit the consultation undertaken with the relevant planning authority in terms of sub-paragraph (3) to the Secretary of State with the CEMP in terms of sub-paragraph (1) of paragraph 4.~~

## **8.5. LEGAL AGREEMENTS AND OTHER CONSENTS**

- 8.5.1. Paragraphs 1.71 to 1.72 above provide an overview of the legal agreements which the Applicant has undertaken with NCC and with the EA. Further detail about these agreements is also provided in section 4.15. The existence of these agreements has been taken fully into account by the ExA.
- 8.5.2. There are no development consent obligations pursuant to s106 of the TCPA1990 which the SoS needs to be aware of or take account in their decision.
- 8.5.3. Section 1.8 of this Report records the other consents to which the Proposed Development is subject, in addition to the need for a DCO. At ISH1 and subsequently in writing the Applicant [REP4-025] provided an update to matters identified in the Consents and Agreements Position Statement [APP-016]. The Applicant indicated that it was not known if an abstraction licence would be required but it would be up to the contractor to determine this. Waste Exemptions, trade effluent consents and s61 control of pollution consents were also for the contractor to agree with the local planning authority. If NE consent were required for SSSI activities then this would be dealt with after the DCO and after detailed design, but prior to construction.
- 8.5.4. With regard to European protected species licences, the Applicant [REP1-064] confirmed that it had produced draft licences for bats, badger and great crested newts and that NE had provided LoNIs for each of the drafts issued. The SoCG between NE and the Applicant [REP10-029] referenced the LoNIs in respect of bats and great crested newts and listed numerous comments made by NE. The Applicant confirmed that these matters would be addressed in the formal licence applications.

- 8.5.5. The implications of these legal agreements and consents have been considered throughout the Examination. Without prejudice to the exercise of discretion by other decision makers, there are no obvious impediments to the delivery of the Proposed Development arising from these consents. Nor are there any additional matters arising from or relating to these consents which indicate against the grant of the DCO or for which the DCO should additionally provide.

## **8.6. CONCLUSIONS**

- 8.6.1. We have considered all iterations of the dDCO as provided by the Applicant, from the application version (Revision 0) to the D11 version (Revision 12) and considered the degree to which the Applicant's final version [REP11-003] has addressed outstanding matters. Four provisions have been amended as set out in section 8.4.91 and are included in the Recommended DCO in Appendix C of this Report
- 8.6.2. Taking all matters raised in this Chapter and all matters relevant to the DCO raised in the remainder of this Report fully into account, if the SoS is minded to make the DCO, it is recommended to be made in the form set out in Appendix C.



## **9. SUMMARY OF FINDINGS AND CONCLUSIONS**

### **9.1. INTRODUCTION**

9.1.1. This Chapter summarises our conclusions arising from the Report as a whole and sets out the primary recommendation to the SoST.

### **9.2. CONSIDERATION OF FINDINGS AND CONCLUSIONS**

9.2.1. Section 104 of PA2008 applies to the Proposed Development because it is an application for an Order granting development consent where an NPS has effect in relation to the development.

9.2.2. We have had regard to s104(3) of PA2008 which requires the application to be decided in accordance with any relevant NPS except to the extent that one or more of the subsections (4) to (8) apply. None of those subsections apply and therefore the application must be decided in accordance with the NNNPS.

9.2.3. The A1 in Northumberland project is consistent with the aims of the NNNPS which would be derived from meeting the critical need to address road congestion, the compelling need for development on the national networks and the importance of the SRN. Accordingly, it has very strong support through RIS1 and RIS2.

9.2.4. In relation to s104(2) of PA2008, we conclude that making the Recommended DCO would be in accordance with the NNNPS which is the relevant NPS. In reaching our conclusion we have also had regard to the LIR produced by NCC together with the development plan and other relevant policy, all of which have been taken into account in this Report. A range of other important and relevant matters have also informed our considerations. None of these would individually or collectively lead to a different recommendation to that below.

9.2.5. The NNNPS notes that subject to the provisions of s104 of PA2008 the starting point for the determination of an application for a National Networks NSIP is a presumption in favour of development. In line with paragraph 4.3 of the NNNPS we have assessed the adverse impacts of the Proposed Development against its benefits.

9.2.6. We have found that the Proposed Development would have a number of adverse impacts. The major one would be due to the irreplaceable loss of an area of ancient woodland, as well as other harm to biodiversity. We have also identified the permanent loss of agricultural land, adverse effects on landscape and a range of construction impacts. There would also be less than substantial harm to the significance of a number of heritage assets.

- 9.2.7. The benefits of the Proposed Development would derive from improved network performance, improved resilience and journey time reliability and the improvement of conditions for local traffic whilst improving the conditions for strategic traffic. Significant road safety benefits would occur as would a range of economic benefits.
- 9.2.8. With the mitigation proposed through the Recommended DCO in Appendix C to this Report, there are no adverse effects arising from the Proposed Development that would outweigh its benefits and therefore s104(7) of PA2008 does not apply.
- 9.2.9. In making the DCO, the SoST would be fulfilling their duty under retained UK law by regulation, as well as the biodiversity duty under the Natural Environment and Rural Communities Act 2006. Whilst the SoST is the competent authority under the Habitats Regulations<sup>11</sup>, and will make the definitive assessment, we conclude that the Proposed Development would not be likely to have significant effects on European sites, and we have taken this finding into account in reaching our recommendation.
- 9.2.10. We have considered the case for CA and TP of land and rights required in order to implement the Proposed Development. Subject to the changes we propose to Article 35(9) of the Recommended DCO, we are satisfied that the CA and TP powers sought by the Applicant are justified and should be granted. They are necessary to enable the Applicant to complete the Proposed Development. The Applicant has explored all reasonable alternatives to the CA of land, rights and interests sought and there are no alternatives that ought to be preferred. In addition, there is a compelling case in the public interest for land and interests to be compulsorily acquired, the Applicant has a clear idea of how it intends to use the land, and funds are available for the implementation. Therefore, the proposal would comply with PA2008.
- 9.2.11. We have also had regard to the provisions of the Human Rights Act 1998. In some cases, there would be interference with private and family life and home in contravention of Article 8, and interference in the peaceful enjoyment of possessions in contravention of Article 1 of the First Protocol of the Human Rights Act 1998. In relation to the Article 6, the Examination has ensured a fair and public hearing and any interference with human rights arising from implementation of the Proposed Development would be proportionate and strike a fair balance between the rights of the individual and the public interest.
- 9.2.12. However, with the weight of national policy in favour of the Proposed Development, the wider public interest qualifies any interference with the human rights of the owners and residential occupiers affected by CA and

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<sup>11</sup> The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

TP of lands. The interference in their human rights would be proportionate and justified in the public interest.

- 9.2.13. We have had regard to the PSED throughout the Examination and in producing this Report. The Proposed Development does not harm the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic. On that basis, we consider that the PSED has been complied with.
- 9.2.14. We have proposed four changes to be included in the Recommended DCO which differ from the Applicant's final draft (Revision 12) [REP11-003]. These are set out in paragraph 8.4.91 and included in the Recommended DCO at Appendix C. They address the following provisions:
- Article 35(9);
  - Schedule 1 – Work No. 5B;
  - Schedule 2 Requirement 4; and
  - Schedule 2 Requirement 17.
- 9.2.15. With regard to our proposed amendment to Work No. 5B, as this contains detailed specifications (grid references and track lengths) the SoST may wish to consult with the Applicant to ensure accuracy.
- 9.2.16. In addition, we would highlight that "*Decarbonising Transport: A Better, Greener Britain*" was published after the Examination closed. In deciding whether or not to grant development consent it is a matter for the SoST to take account of the implications of this document in relation to climate change.

### **9.3. RECOMMENDATION**

- 9.3.1. For all of the above reasons, and in the light of our findings and conclusions on important and relevant matters set out in the Report, we recommend that the Secretary of State for Transport makes The A1 Morpeth to Ellingham Development Consent Order in the form recommended at Appendix C to this Report.

## **APPENDIX A: EXAMINATION LIBRARY**

# **A1 in Northumberland – Morpeth to Ellingham Project**

## **Examination Library**

**Updated – 06 July 2021**

This Examination Library relates to the **A1 in Northumberland – Morpeth to Ellingham** application. The library lists each document that has been submitted to the examination by any party and documents that have been issued by the Planning Inspectorate. All documents listed have been published to the National Infrastructure's Planning website and a hyperlink is provided for each document. A unique reference is given to each document; these references will be used within the Report on the Implications for European Sites and will be used in the Examining Authority's Recommendation Report. The documents within the library are categorised either by document type or by the deadline to which they are submitted.

Please note the following:

- This is a working document and will be updated periodically as the examination progresses.
- Advice under Section 51 of the Planning Act 2008 that has been issued by the Inspectorate, is published to the National Infrastructure Website but is not included within the Examination Library as such advice is not an examination document.
- This document contains references to documents from the point the application was submitted.
- The order of documents within each sub-section is either chronological, numerical, or alphabetical and confers no priority or higher status on those that have been listed first.

**TR010059 – A1 in Northumberland – Morpeth to Ellingham****Examination Library - Index**

| <b>Category</b>  | <b>Reference</b> |
|--|------------------|
| <a href="#">Application Documents</a><br><br>As submitted and amended version received before the PM. Any amended version received during the Examination stage to be saved under the Deadline received  | APP-xxx          |
| <a href="#">Adequacy of Consultation responses</a>   | AoC-xxx          |
| <a href="#">Relevant Representations</a>   | RR-xxx           |
| <a href="#">Procedural Decisions and Notifications from the Examining Authority</a><br><br>Includes Examining Authority's questions, s55, and post acceptance s51  | PD-xxx           |
| <a href="#">Additional Submissions</a><br><br>Includes anything accepted at the Preliminary Meeting and correspondence that is either relevant to a procedural decision or contains factual information pertaining to the examination including responses to Rule 6 and Rule 8 letters | AS-xxx           |
| <a href="#">Events and Hearings</a><br><br>Includes agendas for hearings and site inspections, audio recordings, responses to notifications and applicant's hearing notices  | EV-xxx           |
| <b><a href="#">Representations – by Deadline</a></b>   |                  |
| <a href="#">Procedural Deadline A</a>  | PDA-xxx          |
| <a href="#">Procedural Deadline B</a>  | PDB-xxx          |
| <a href="#">Deadline 1:</a><br><br>Deadline for receipt by ExA of:<br>- Responses to The ExA's Written Questions   | REP1-xxx         |

|  |          |
|--|----------|
| <p>(ExQ1) issued on 19 November 2020</p> <ul style="list-style-type: none"> <li>- Local Impact Reports (LIR) from Local Authorities</li> <li>- Comments on Relevant Representations</li> <li>- Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA</li> <li>- Statements of Common Ground (SoCG) requested by the ExA</li> <li>- Statement of Commonality for SoCG</li> <li>- The Compulsory Acquisition Schedule</li> <li>- Notification of wish to participate in Open Floor Hearings</li> <li>- Notification of wish to participate in Issue Specific Hearings</li> <li>- Notification of wish to participate in Compulsory Acquisition Hearings</li> <li>- Notification of wish to attend Accompanied Site Inspection (ASI)</li> </ul>   |          |
| <p><a href="#">Deadline 2:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses for Deadline 1</li> <li>- Comments on responses to ExQ1</li> <li>- Written Representations (WRs) including summaries of all WRs exceeding 1500 words</li> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- An updated Guide to the Application</li> <li>- An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions</li> <li>- Schedule of changes to dDCO</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Submission by Applicant of proposed locations of ASI</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> | REP2-xxx |
| <p><a href="#">Deadline 3:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 2</li> <li>- Comments on LIR(s)</li> <li>- Comments on WRs</li> <li>- An updated Guide to the Application</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed Statement of Common Ground</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul>   | REP3-xxx |
| <p><a href="#">Deadline 4:</a></p> <p>Deadline for receipt by ExA of:</p>  | REP4-xxx |

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| <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 3</li> <li>- Written summaries of oral submissions to Hearings held during the week 22 February 2021</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- An updated Guide to the Application</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated Schedule of changes to the dDCO</li> <li>- Comments on the Applicant’s draft ASI arrangements and itinerary</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul> |           |
| <p><a href="#">Deadline 5:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Responses to ExQ2 (if required)</li> <li>- Comments on responses submitted for Deadline 4</li> <li>- An updated Guide to the Application</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated Schedule of changes to dDCO</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul>   | REP5-xxx  |
| <p><a href="#">Deadline 5a:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted in response to the ExA’s Rule 17 letter of 30 March ([REP5-032] [REP5-044])</li> </ul>   | REP5a-xxx |
| <p><a href="#">Deadline 6:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 5</li> <li>- Written summaries of oral submissions to Hearings held during the week commencing 19 April 2021 and if held 27 April 2021</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- Comments on the RIES (if required)</li> <li>- An updated Guide to the Application</li> </ul>   | REP6-xxx  |



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|---|-----------|
| <ul style="list-style-type: none"> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated Schedule of changes to dDCO</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul>  |           |
| <p><a href="#">Deadline 7:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Responses to comments on the REIS (if required)</li> <li>- Comment on responses submitted for Deadline 6</li> <li>- Updated SoCG</li> <li>- Update Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Documents and information requested by the ExA from the Applicant in the Procedural Decision dated 9 April 2021 following the Applicant's submission of proposed changes at D4, namely hydraulic modelling and geomorphological information</li> </ul>  | REP7-xxx  |
| <p><a href="#">Deadline 7a:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Representations on the Applicant's changes to the application received at D4</li> </ul>   | REP7a-xxx |
| <p><a href="#">Deadline 8:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 7</li> <li>- Responses to ExQ3 (if required)</li> <li>- Updated SoCG</li> <li>- Updated Statement of Commonality for SoCG</li> <li>- An updated Guide to the Application</li> <li>- An updated Book of Reference</li> <li>- An updated Statement of Reasons</li> <li>- Signed and dated s106 Agreements (if required)</li> <li>- Comments on the ExA's proposed schedule of changes to the dDCO (if issued)</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated Schedule of changes to dDCO</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the EPR (if required)</li> </ul> | REP8-xxx  |

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| <p><a href="#">Deadline 8a</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Responses to ExQ4</li> </ul>   | <p>REP8a-xxx</p> |
| <p><a href="#">Deadline 9</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 8 and Deadline 8a</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the EPR (if required)</li> </ul>  | <p>REP9-xxx</p>  |
| <p><a href="#">Deadline 10:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 9</li> <li>- Written summaries of oral submissions to Hearings held during the week commencing 7 and 14 June 2021</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- Finalised SoCG</li> <li>- Finalised Statement of Commonality for SoCG</li> <li>- Finalised Statement of Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- A finalised Guide to the Application</li> <li>- A finalised version of the dDCO in clean and tracked versions</li> <li>- A finalised Schedule of changes to the dDCO</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the EPR (if required)</li> </ul> | <p>REP10-xxx</p> |
| <p><a href="#">Deadline 11:</a></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 10</li> <li>- Any further information requested by the ExA (if required) under Rule 17 of the EPR (if required)</li> </ul>   | <p>REP11-xxx</p> |
| <p><a href="#">Other Documents</a></p> <p>Includes s127/131/138 information, s56, s58 and s59 certificates, and transboundary documents</p>   | <p>OD-xxx</p>    |

**TR010059 – A1 in Northumberland – Morpeth to Ellingham****Examination Library****Application Documents****Volume 1 Application Form / Information / Background**

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| APP-001 | <a href="#">Highways England</a><br>1.1 Introduction to the Application                            |
| APP-002 | <a href="#">Highways England</a><br>1.2 Covering Letter and Schedule of Compliance with Section 55 |
| APP-003 | <a href="#">Highways England</a><br>1.3 Application Form   |
| APP-004 | <a href="#">Highways England</a><br>1.4 Guide to the Documents to be Certified                     |

**Volume 2 Plans, Drawings and Sections**

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| APP-005 | <a href="#">Highways England</a><br>2.1 Location Plan                              |
| APP-006 | <a href="#">Highways England</a><br>2.2 Land Plans                                 |
| APP-007 | <a href="#">Highways England</a><br>2.3 Works Plans                                |
| APP-008 | <a href="#">Highways England</a><br>2.4 General Arrangement Plan                   |
| APP-009 | <a href="#">Highways England</a><br>2.5 Rights of Way and Access Plans             |
| APP-010 | <a href="#">Highways England</a><br>2.6 Traffic Regulations Measures Plan          |
| APP-011 | <a href="#">Highways England</a><br>2.7 Engineering Section Drawings Plan          |
| APP-012 | <a href="#">Highways England</a><br>2.8 Structures Engineering Drawings & Sections |
| APP-013 | <a href="#">Highways England</a><br>2.9 Vegetation Clearance Plans                 |

**Volume 3 Draft Development Consent Order**

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| APP-014 | <a href="#">Highways England</a><br>3.1 Draft Development Consent Order                             |
| APP-015 | <a href="#">Highways England</a><br>3.2 Explanatory Memorandum                                      |
| APP-016 | <a href="#">Highways England</a><br>3.3 Consents and Agreements Position Statement                  |
| APP-017 | <a href="#">Highways England</a><br>Verification Certificate of the Draft Development Consent Order |

**Volume 4 Compulsory Acquisition Information**

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| APP-018 | <a href="#">Highways England</a><br>4.1 Statement of Reasons |
| APP-019 | <a href="#">Highways England</a><br>4.2 Funding Statement    |
| APP-020 | <a href="#">Highways England</a><br>4.3 Book of Reference    |

| <b>Volume 5 Reports / Statements</b>                        |   |
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| APP-021   | <a href="#">Highways England</a><br>5.1 Consultation Report   |
| APP-022   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 1 of 13   |
| APP-023   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 2 of 13   |
| APP-024   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 3 of 13   |
| APP-025   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 4 of 13   |
| APP-026   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 5 of 13   |
| APP-027   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 6 of 13   |
| APP-028   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 7 of 13   |
| APP-029   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 8 of 13   |
| APP-030   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 9 of 13   |
| APP-031   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 10 of 13  |
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| APP-033   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 12 of 13  |
| APP-034   | <a href="#">Highways England</a><br>5.2 Consultation Appendices 13 of 13  |
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| APP-035   | <a href="#">Highways England</a><br>6.1 Environmental Statement - Chapter 0 Table of Contents, Glossary and Abbreviations |
| APP-036   | <a href="#">Highways England</a><br>6.1 Environmental Statement - Chapter 1 Introduction                                  |
| APP-037   | <a href="#">Highways England</a><br>6.1 Environmental Statement - Chapter 2 The Scheme                                    |
| APP-038   | <a href="#">Highways England</a><br>6.1 Environmental Statement - Chapter 3 Assessment of Alternatives                    |
| APP-039   | <a href="#">Highways England</a><br>6.1 Environmental Statement - Chapter 4 Environmental Assessment Methodology          |
| APP-040   | <a href="#">Highways England</a><br>6.2 Environmental Statement - Chapter 5 Air Quality Part A                            |
| APP-041   | <a href="#">Highways England</a><br>6.3 Environmental Statement - Chapter 5 Air Quality Part B                            |
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| APP-043 | <a href="#">Highways England</a><br>6.3 Environmental Statement - Chapter 6 Noise and Vibration Part B                      |
| APP-044 | <a href="#">Highways England</a><br>6.2 Environmental Statement - Chapter 7 Landscape and Visual Part A                     |
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| APP-238 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.12 Barn Owl Report Part A - This document contains confidential information and is only available on request to those who have a legitimate need to view the information.      |
| APP-239 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.13 Breeding Bird Survey Report Part A  |
| APP-240 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.14 Wintering Bird Survey Report Part A   |
| APP-241 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.15 Reptile Survey Report Part A  |
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| APP-247 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.21 Ancient Woodland Strategy Part A   |
| APP-248 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.22 Bat Method Statement Part A  |
| APP-249 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.23 Badger Method Statement Part A - This document contains confidential information and is only available on request to those who have a legitimate need to view the information. |
| APP-250 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.24 Great Crested Newt Method Statement River Coquet Part A  |
| APP-251 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.25 Great Crested Newt Method Statement Burgham Park Part A  |
| APP-252 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.26 Wintering Bird Verification Survey Report Part A   |
| APP-253 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 9.27 Biodiversity DMRB Sensitivity Test Part A  |
| APP-254 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 10.1 Flood Risk Assessment Part A   |
| APP-255 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 10.2 Water Framework Directive Assessment Part A  |
| APP-256 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 10.3 Drainage Network Water Quality Assessment Part A   |
| APP-257 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 10.4 Geomorphology Assessment River Coquet Part A   |
| APP-258 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 10.5 Drainage Strategy Report Part A  |
| APP-259 | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 10.6 Road Drainage and the Water Environment DMRB Sensitivity Test Part A   |
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|   | 6.7 Environmental Statement - Appendix 10.7 Geomorphology Assessment – River Coquet Parameter 10 Part A   |
| APP-261   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 11.1 Preliminary Sources Study Report Part A   |
| APP-262   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 11.2 Ground Investigation Report Part A  |
| APP-263   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 11.3 Agricultural Land Classification Part A   |
| APP-264   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 11.4 Coal Mining Risk Assessment Part A  |
| APP-265   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 11.5 Geology and Soils DMRB Sensitivity Test Part A  |
| APP-266   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 12.1 Agricultural Assessment Part A - This document contains confidential information and is only available on request to those who have a legitimate need to view the information |
| APP-267   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 12.2 Driver Stress Analysis Part A   |
| APP-268   | <a href="#">Highways England</a><br>6.7 Environmental Statement - Appendix 14.1 Vulnerability to Climate Change Baseline Part A   |
| <b>Part 3 – Environmental Statement Appendices (Part B Chapters 5-15)</b> |   |
| APP-269   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.1 Traffic Data Part B  |
| APP-270   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.2 Construction Traffic Assessment Part B   |
| APP-271   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.3 Methodology and Verification Part B  |
| APP-272   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.4 Receptors Part B   |
| APP-273   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.5 Operational Impacts – Human Receptors Part B   |
| APP-274   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.6 European Union Limit Value Compliance Risk Assessment Part B   |
| APP-275   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 5.7 Air Quality DMRB Sensitivity Test Part B   |
| APP-276   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 6.1 Glossary of Acoustical Terminology Part B  |

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| APP-278 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 6.3 Noise and Airborne Vibration Nuisance Assessment Part B                                 |
| APP-279 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 6.4 Source Information and Assumptions for Construction Noise Assessment - Part B           |
| APP-280 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 6.5 Source Information and Assumptions for Operational Road Traffic Noise Assessment Part B |
| APP-281 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 6.6 Equipment Details Part B  |
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| APP-283 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 6.8 Noise Monitoring Results Part B   |
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| APP-287 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 7.2 Visual Effects Schedule - Part B  |
| APP-288 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 7.3 Landscape Effects Schedule Part B   |
| APP-289 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 7.4 Landscape and Visual Sensitive Receptors Part B   |
| APP-290 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 7.5 Landscape Character Part B  |
| APP-291 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 8.1 Historic Environment Desk Based Assessment - Part B                                     |
| APP-292 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 8.2 Geophysical Survey Report - Part B  |
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| APP-295 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 8.5 Draft Written Scheme for Investigation for Post DCO-Consent Trial Trenching Part B   |
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| APP-298 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.1 Habitats and Designated Sites Part B   |
| APP-299 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.2 Badger Report Part B - This document contains confidential information and is only available on request to those who have a legitimate need to view it                       |
| APP-300 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.3 Otter and Water Vole Report Part B   |
| APP-301 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.4 Red Squirrel Report Part B   |
| APP-302 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.5 Bat Report Part B  |
| APP-303 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.6 Breeding and Wintering Birds Survey Report Part B  |
| APP-304 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.6 Breeding and Wintering Birds Report Part B   |
| APP-305 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.7 Barn Owl Survey Report Part B - This document contains confidential information and is only available on request to those who have a legitimate need to view the information |
| APP-306 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.8 Great Crested Newt Survey Report Part B  |
| APP-307 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.9 Reptile Assessment Report Part B   |
| APP-308 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.10 Aquatic Ecology Assessment Report Part B  |

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| APP-310 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 9.12 Biodiversity DMRB Sensitivity Test Part B                            |
| APP-311 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 10.1 Flood Risk Assessment Part B   |
| APP-312 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 10.2 Water Framework Directive Assessment Part B                          |
| APP-313 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 10.3 Drainage Network Water Quality Assessment Part B                     |
| APP-314 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 10.4 Drainage Strategy Report Part B                                      |
| APP-315 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 10.5 Road Drainage and the Water Environment DMRB Sensitivity Test Part B |
| APP-316 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 11.1 Preliminary Sources Study Report Part B                              |
| APP-317 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 11.2 Preliminary Risk Assessment: Lionheart Business Park Part B          |
| APP-318 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 11.3 Ground Investigation Report Part B                                   |
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| APP-321 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 11.5 Soils and Agricultural Land Quality Report Part B                    |
| APP-322 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 11.6 Coal Mining Risk Assessment Part B                                   |
| APP-323 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 11.7 Geology and Soils DMRB Sensitivity Test Part B                       |
| APP-324 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 12.1 Likely Impacts on Agricultural Businesses Part B                     |
| APP-325 | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 12.2 Driver Stress Analysis Part B  |

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| APP-326   | <a href="#">Highways England</a><br>6.8 Environmental Statement - Appendix 14.1 Vulnerability to Climate Change Baseline Part B              |
| <b>Part 3 – Environmental Statement Appendices (Chapters 16-17)</b> |  |
| APP-327   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.1 Cumulative Short List  |
| APP-328   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.2 Cumulative Long List   |
| APP-329   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.3 Cumulative Assessment Matrix                                 |
| APP-330   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.4 Air Quality Likely Significant Effects of the Scheme         |
| APP-331   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.5 Noise and Vibration Likely Significant Effects of the Scheme |
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| APP-334   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.8 Driver Stress Analysis of The Scheme                         |
| APP-335   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.9 Climate Likely Significant Effects of The Scheme             |
| APP-336   | <a href="#">Highways England</a><br>6.4 Environmental Statement - Appendix 16.10 Cumulative Study Area Sensitivity Test                      |
| <b>Part 4 – Environmental Statement: Other Documents</b>            |  |
| APP-337   | <a href="#">Highways England</a><br>6.9 Environmental Statement Non-Technical Summary  |
| APP-338   | <a href="#">Highways England</a><br>6.10 Scoping Report Part A   |
| APP-339   | <a href="#">Highways England</a><br>6.11 Scoping Report Part B   |
| APP-340   | <a href="#">Highways England</a><br>6.12 Scoping Opinion Part A  |
| APP-341   | <a href="#">Highways England</a><br>6.13 Scoping Opinion Part B  |
| APP-342   | <a href="#">Highways England</a><br>6.14 Habitats Regulation Assessment (HRA) Report   |
| APP-343   | <a href="#">Highways England</a><br>6.15 Statement Relating to Statutory Nuisance  |
| <b>Volume 7 Other Documents</b>                                     |  |
| APP-344   | <a href="#">Highways England</a>   |

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|   | 7.1 Case for the Scheme  |
| APP-345                                   | <a href="#">Highways England</a><br>7.2 National Policy Statement for National Networks Accordance Table |
| APP-346                                   | <a href="#">Highways England</a><br>7.3 Outline Construction Environmental Management Plan               |
| APP-347                                   | <a href="#">Highways England</a><br>7.4 Construction Traffic Management Plan                             |
| <b>Adequacy of Consultation Responses</b> |  |
| AoC-001                                   | <a href="#">Durham County Council</a><br>Adequacy of Consultation Representation                         |
| AoC-002                                   | <a href="#">Gateshead Council</a><br>Adequacy of Consultation Representation                             |
| AoC-003                                   | <a href="#">Newcastle City Council</a><br>Adequacy of Consultation Representation                        |
| AoC-004                                   | <a href="#">Northumberland County Council</a><br>Adequacy of Consultation Representation                 |
| <b>Relevant Representations</b>           |  |
| Local Authorities                         |  |
| RR-001                                    | <a href="#">Northumberland County Council</a>  |
| Parish Councils                           |  |
| RR-002                                    | <a href="#">Amble Town Council</a>   |
| Other Statutory Consultees                |  |
| RR-003                                    | <a href="#">Defence Infrastructure Organisation</a>  |
| RR-004                                    | <a href="#">Environment Agency</a>   |
| RR-005                                    | <a href="#">Historic England</a>   |
| RR-006                                    | <a href="#">Public Health England</a>  |
| RR-007                                    | <a href="#">National Grid Gas plc</a>  |
| RR-008                                    | <a href="#">Natural England</a>  |
| RR-009                                    | <a href="#">Jameson Bwanali on behalf of Northern Gas Networks</a>                                       |
| RR-010                                    | <a href="#">BNP Paribas Real Estate on behalf of Royal Mail</a>  |
| Non-Statutory Organisations               |  |
| RR-011                                    | <a href="#">Northumberland Estates</a>   |
| RR-012                                    | <a href="#">RWE Renewables UK (formerly Innoqy Renewables UK Limited)</a>                                |
| RR-013                                    | <a href="#">Transport Action Network</a>   |
| RR-014                                    | <a href="#">Woodland Trust</a>   |
| Members of the public and businesses      |  |
| RR-015                                    | <a href="#">Tom Lloyd</a>  |
| RR-016                                    | <a href="#">Andrew Kirkham</a>   |
| RR-017                                    | <a href="#">Gareth Moor</a>  |
| RR-018                                    | <a href="#">Colin Moor</a>   |
| RR-019                                    | <a href="#">Dr Mark Green</a>  |
| RR-020                                    | <a href="#">M E Beal &amp; Sons</a>  |
| RR-021                                    | <a href="#">Max Squires</a>  |
| RR-022                                    | <a href="#">Brockthorpe Consultancy on behalf of Robert John Fenwick Thorp</a>                           |
| RR-023                                    | <a href="#">Brockthorpe Consultancy on behalf of Matthew Thomas Gray</a>                                 |
| RR-024                                    | <a href="#">Brockthorpe Consultancy on behalf of Paul Gray trading as D G Gray &amp; Son</a>             |

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| RR-025   | <a href="#">Brockthorpe Consultancy on behalf of Ann Riley</a>   |
| RR-026   | <a href="#">Brockthorpe Consultancy on behalf of C J Bosanquet Childrens Trust</a>                             |
| RR-027   | <a href="#">Brockthorpe Consultancy on behalf of Craig McLaren</a>   |
| RR-028   | <a href="#">Brockthorpe Consultancy on behalf of Dallas Allen</a>  |
| RR-029   | <a href="#">Brockthorpe Consultancy on behalf of Felicity Hester</a>   |
| RR-030   | <a href="#">Brockthorpe Consultancy on behalf of House of Haggerston Ltd trading as Carnabys</a>               |
| RR-031   | <a href="#">Brockthorpe Consultancy on behalf of J E G Grahamslaw &amp; Sons</a>                               |
| RR-032   | <a href="#">Brockthorpe Consultancy on behalf of James Douglas</a>   |
| RR-033   | <a href="#">Brockthorpe Consultancy on behalf of James Robson</a>  |
| RR-034   | <a href="#">Brockthorpe Consultancy on behalf of Jill Mary Gray</a>  |
| RR-035   | <a href="#">Brockthorpe Consultancy on behalf of Mick Holland</a>  |
| RR-036   | <a href="#">Brockthorpe Consultancy on behalf of Mr &amp; Mrs A Kelly</a>                                      |
| RR-037   | <a href="#">Brockthorpe Consultancy on behalf of Neil &amp; Elizabeth Elder</a>                                |
| RR-038   | <a href="#">Brockthorpe Consultancy on behalf of Paul Dawson</a>   |
| RR-039   | <a href="#">Brockthorpe Consultancy on behalf of Robert John Fenwick Thorp &amp; Nina Mickleborough</a>        |
| RR-040   | <a href="#">Brockthorpe Consultancy on behalf of Robin Tuer</a>  |
| RR-041   | <a href="#">Brockthorpe Consultancy on behalf of Rock Farms Ltd</a>  |
| RR-042   | <a href="#">Brockthorpe Consultancy on behalf of Rock Settled Estate</a>                                       |
| RR-043   | <a href="#">Brockthorpe Consultancy on behalf of Shaun Robinson</a>  |
| RR-044   | <a href="#">Brockthorpe Consultancy on behalf of William David Purvis</a>                                      |
| RR-045   | <a href="#">Mark Hawes on behalf of Residents of Northgate Farm</a>  |
| RR-046   | <a href="#">Robert Thompson</a>  |
| RR-047   | <a href="#">Scott Clarehugh</a>  |
| REP7a-001  | <a href="#">Northumberland County Council</a>  |
| REP7a-002  | <a href="#">Natural England</a>  |
| REP7a-003  | <a href="#">The Woodland Trust</a>   |
| <b>Procedural Decisions and Notifications from the Examining Authority</b> |  |
| PD-001   | <a href="#">Section 55 Checklist</a>   |
| PD-002   | <a href="#">Notification of Decision to Accept Application</a>   |
| PD-003   | <a href="#">Procedural Decision following issue of Acceptance decision</a>                                     |
| PD-004   | <a href="#">Notice of Appointment of Examining Authority</a>   |
| PD-005   | <a href="#">Request for Further Information – Rule 17</a>  |
| PD-006   | <a href="#">Rule 6 letter - Notification of the preliminary meeting and matters to be discussed</a>            |
| PD-007   | <a href="#">Examining Authority’s written questions and requests for information (ExQ1)</a>                    |
| PD-008   | <a href="#">Rule 8, 9 &amp; 13 - Examination Timetable and procedure and notification of hearings</a>          |
| PD-009   | <a href="#">Notice by Applicant of intention to submit a request to make changes to the application</a>        |
| PD-010   | <a href="#">Request for Further Information - Rule 17</a>  |
| PD-011   | <a href="#">Further Written Questions</a>  |
| PD-012   | <a href="#">Procedural Decisions and Notification of Hearings - Rule 13</a>                                    |
| PD-013   | <a href="#">Request for Further Information - Rule 17</a><br>Procedural Decision on Changes to the Application |



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| PD-014                        | <a href="#">Variation to Timetable – Rule 8(3)</a>   |
| PD-015                        | <a href="#">Proposed Provisions Checklist</a>  |
| PD-016                        | <a href="#">Rule 13 - Notification of Hearings</a>   |
| PD-017                        | <a href="#">Further Written Questions (ExQ3)</a>   |
| PD-018                        | <a href="#">Further Written Questions (ExQ4)</a>   |
| PD-019                        | <a href="#">Rule 8(3) - Procedural Decision and Amended Examination Timetable</a>  |
| PD-020                        | <a href="#">Notification of completion of the Examining Authority's Examination</a>  |
| PD-021                        | <a href="#">Response to s102A application – Katherine Golightly</a><br>Letter from the Examining Authority regarding an application to become an Interested Party under section 102A of the Planning Act 2008  |
| PD-022                        | <a href="#">Response to s102A application – Michael Golightly</a><br>Letter from the Examining Authority regarding an application to become an Interested Party under section 102A of the Planning Act 2008  |
| <b>Additional Submissions</b> |  |
| AS-001                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to the s55 checklist issued 4 August 2020 and the Procedural Decision dated 5 August 2020 - Covering Letter               |
| AS-002                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to Procedural Decision dated 5 August 2020 - 1.5 Application Document Tracker   |
| AS-003                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to Procedural Decision dated 5 August 2020 - 6.14 Habitats Regulations Assessment (HRA) Addendum Report                   |
| AS-004                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to Procedural Decision dated 5 August 2020 - 6.14 Habitats Regulations Assessment (HRA) Report (Tracked Changes) (Rev 1a) |
| AS-005                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to Procedural Decision dated 5 August 2020 - 6.14 Habitats Regulations Assessment (HRA) Report (Clean) (Rev 1)            |
| AS-006                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to the s55 checklist issued 4 August 2020 - Additional Statutory Consultation evidence                                    |
| AS-007                        | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Response to the s55 checklist issued 4 August 2020 - Additional Statutory Consultation evidence                                    |
| AS-008                        | <a href="#">Highways England</a>   |

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|        | Additional Submission accepted at the discretion of the Examining Authority - Response to the s55 checklist issued 4 August 2020 - Additional Statutory Consultation evidence            |
| AS-009 | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - 4.3 Book of Reference (Tracked Changes) (Rev 1)                        |
| AS-010 | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - 4.3 Book of Reference (Clean) (Rev 1)                                  |
| AS-011 | <a href="#">Last Mile Gas Limited</a><br>Additional Submission accepted at the discretion of the Examining Authority   |
| AS-012 | <a href="#">Last Mile Electricity Limited</a><br>Additional Submission accepted at the discretion of the Examining Authority   |
| AS-013 | <a href="#">Energy Assets Pipelines Limited</a><br>Additional Submission accepted at the discretion of the Examining Authority   |
| AS-014 | <a href="#">Energy Assets Networks Limited</a><br>Additional Submission accepted at the discretion of the Examining Authority  |
| AS-015 | <a href="#">Energy Assets Power Networks Limited</a><br>Additional Submission accepted at the discretion of the Examining Authority  |
| AS-016 | <a href="#">Energy Assets Fibre Networks Limited</a><br>Additional Submission accepted at the discretion of the Examining Authority  |
| AS-017 | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Summary of Proposed Changes to Application Version 2 (tracked changes) |
| AS-018 | <a href="#">Highways England</a><br>Additional Submission accepted at the discretion of the Examining Authority - Proposed Changes to Application Version 2                              |
| AS-019 | <a href="#">Natural England</a><br>Additional Submission accepted at the discretion of the Examining Authority   |
| AS-020 | <a href="#">West End Anglers Club</a><br>Additional Submission - concerns about the proposed changes to the crossing of the River Coquet   |
| AS-021 | <a href="#">Brockthorpe Consultancy Ltd</a><br>Additional Submission - Accepted at the discretion of the Examining Authority   |
| AS-022 | <a href="#">M. E. Beal and Sons</a><br>Additional Submission - Accepted at the discretion of the Examining Authority   |
| AS-023 | <a href="#">Brockthorpe Consultancy Ltd</a><br>Additional Submission - Accepted at the discretion of the Examining Authority   |
| AS-024 | <a href="#">Robin Duckett</a>  |

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|  | Additional Submission - Accepted at the discretion of the Examining Authority  |
| AS-025   | <a href="#">Northern Powergrid</a><br>Additional Submission - Letter of Objection - Accepted at the discretion of the Examining Authority  |
| AS-026   | <a href="#">Gamma Telecom Limited</a><br>Additional Submission - Accepted at the discretion of the Examining Authority   |
| AS-027   | <a href="#">ESP Utilities Group Ltd</a><br>Additional Submission - Accepted at the discretion of the Examining Authority   |
| AS-028   | <a href="#">Northumbrian Water</a><br>Additional Submission accepted at the discretion of the Examining Authority  |
| AS-029   | <a href="#">Colin Moor</a><br>Additional Submission - Accepted at the discretion of the Examining Authority  |
| <b>Events and Hearings</b>   |  |
| <b>Accompanied, Unaccompanied Site Inspections, Preliminary Meeting and Hearings</b> |  |
| EV-001   | <a href="#">Preliminary Meeting - Transcript - 15 December 2020 – Session 1</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event |
| EV-002   | <a href="#">Preliminary Meeting - Transcript - 15 December 2020 – Session 2</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event |
| EV-003   | <a href="#">Recording of preliminary meeting part 1 - Session 1 - 15 December 2020</a>   |
| EV-004   | <a href="#">Recording of preliminary meeting part 1 - Session 2 - 15 December 2020</a>   |
| EV-005   | <a href="#">Recording of preliminary meeting part 2 - 05 January 2021</a>  |
| EV-006   | <a href="#">Preliminary Meeting 2 - Transcript - 05 January 2021</a>   |
| EV-007   | <a href="#">Preliminary Meeting Note</a>   |
| EV-008   | <a href="#">Agenda for Open Floor Hearing 1 (OFH1) and Open Floor Hearing 2 (OFH2) - 22 February 2021</a>  |
| EV-009   | <a href="#">Agenda for Issue Specific Hearing 1 on the dDCO (ISH1) - 23 February 2021</a>  |
| EV-010   | <a href="#">Agenda for Compulsory Acquisition Hearing 1 (CAH1) - 24 February 2021</a>  |
| EV-011   | <a href="#">Agenda for Issue Specific Hearing 2 on Environmental Matters (ISH2) - 25 February 2021</a>   |
| EV-012   | <a href="#">Recording of Open Floor Hearing 1 (OFH1) - 22 February 2021</a>  |
| EV-013   | <a href="#">Open Floor Hearing 1 (OFH1) - Transcript - 22 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence   |

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|        | voice to text and is unedited. The video recording remains as the primary record of the event.   |
| EV-014 | <a href="#">Recording of Open Floor Hearing 2 (OFH2) - 22 February 2021</a>  |
| EV-015 | <a href="#">Open Floor Hearing 2 (OFH2) - Transcript - 22 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.                  |
| EV-016 | <a href="#">Recording of Issue Specific Hearing 1 (ISH1) on the Draft Development Consent Order - Session 1 - 23 February 2021</a>   |
| EV-017 | <a href="#">Recording of Issue Specific Hearing 1 (ISH1) on the Draft Development Consent Order - Session 2 - 23 February 2021</a>   |
| EV-018 | <a href="#">Recording of Issue Specific Hearing 1 (ISH1) on the Draft Development Consent Order - Session 3 - 23 February 2021</a>   |
| EV-019 | <a href="#">Issue Specific Hearing 1 (Session 1) - Transcript - 23 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.         |
| EV-020 | <a href="#">Issue Specific Hearing 1 (Session 2) - Transcript - 23 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.         |
| EV-021 | <a href="#">Issue Specific Hearing 1 (Session 3) - Transcript - 23 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.         |
| EV-022 | <a href="#">Recording of Compulsory Acquisition Hearing 1 (CAH1) - Session 1 - 24 February 2021</a>  |
| EV-023 | <a href="#">Recording of Compulsory Acquisition Hearing 1 (CAH1) - Session 2 - 24 February 2021</a>  |
| EV-024 | <a href="#">Compulsory Acquisition Hearing 1 (Session 1) - Transcript - 24 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-025 | <a href="#">Compulsory Acquisition Hearing 1 (Session 2) - Transcript - 24 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-026 | <a href="#">Recording of Issue Specific Hearing 2 (ISH2) - Session 1 - (Day 1) - 25 February 2021</a>  |

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| EV-027 | <a href="#">Recording of Issue Specific Hearing 2 (ISH2) - Session 2 - (Day 1) - 25 February 2021</a>   |
| EV-028 | <a href="#">Recording of Issue Specific Hearing 2 (ISH2) - Session 3 - (Day 1) - 25 February 2021</a>   |
| EV-029 | <a href="#">Issue Specific Hearing 2 (ISH2) - Session 1 - (Day 1) - Transcript - 25 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-030 | <a href="#">Issue Specific Hearing 2 (ISH2) - Session 2 - (Day 1) - Transcript - 25 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-031 | <a href="#">Issue Specific Hearing 2 (ISH2) - Session 3 - (Day 1) - Transcript - 25 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-032 | <a href="#">Recording of Issue Specific Hearing 2 (ISH2) - Session 1 - (Day 2) - 26 February 2021</a>   |
| EV-033 | <a href="#">Recording of Issue Specific Hearing 2 (ISH2) - Session 2 - (Day 2) - 26 February 2021</a>   |
| EV-034 | <a href="#">Issue Specific Hearing 2 (ISH2) - Session 1 - (Day 2) - Transcript - 26 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-035 | <a href="#">Issue Specific Hearing 2 (ISH2) - Session 2 - (Day 2) - Transcript - 26 February 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-036 | <a href="#">Action Points from Open Floor, Issue Specific and Compulsory Acquisition Hearings held between 22 and 26 February 2021</a>  |
| EV-037 | <a href="#">Agenda for Compulsory Acquisition Hearing 2 (CAH2) - 20 April 2021</a>  |
| EV-038 | <a href="#">Agenda for Issue Specific Hearing 3 (ISH3) - 21 April 2021</a>  |
| EV-039 | <a href="#">Note of Unaccompanied Site Inspection - 31 March - 01 April 2021</a>  |
| EV-040 | <a href="#">Recording of Compulsory Acquisition Hearing 2 (CAH2) - Session 1 - 20 April 2021</a>  |
| EV-041 | <a href="#">Recording of Compulsory Acquisition Hearing 2 (CAH2) - Session 2 - 20 April 2021</a>  |
| EV-042 | <a href="#">Compulsory Acquisition Hearing 2 (CAH2) - Session 1 - Transcript - 20 April 2021</a>  |

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|        | This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.  |
| EV-043 | <a href="#">Compulsory Acquisition Hearing 2 (CAH2) - Session 2 - Transcript - 20 April 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.  |
| EV-044 | <a href="#">Recording of Issue Specific Hearing 3 (ISH3) - Part 1 - Session 1 - 21 April 2021</a>   |
| EV-045 | <a href="#">Recording of Issue Specific Hearing 3 (ISH3) - Part 1 - Session 2 - 21 April 2021</a>   |
| EV-046 | <a href="#">Recording of Issue Specific Hearing 3 (ISH3) - Part 1 - Session 3 - 21 April 2021</a>   |
| EV-047 | <a href="#">Issue Specific Hearing 3 (ISH3) - Part 1 - Session 1 - Transcript - 21 April 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-048 | <a href="#">Issue Specific Hearing 3 (ISH3) - Part 1 - Session 2 - Transcript - 21 April 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-049 | <a href="#">Issue Specific Hearing 3 (ISH3) - Part 1 - Session 3 - Transcript - 21 April 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-050 | <a href="#">Recording of Issue Specific Hearing 3 (ISH3) - Part 2 - Session 1 - 22 April 2021</a>   |
| EV-051 | <a href="#">Recording of Issue Specific Hearing 3 (ISH3) - Part 2 - Session 2 - 22 April 2021</a>   |
| EV-052 | <a href="#">Issue Specific Hearing 3 (ISH3) - Part 2 - Session 1 - Transcript - 22 April 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-053 | <a href="#">Issue Specific Hearing 3 (ISH3) - Part 2 - Session 2 - Transcript - 22 April 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |

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| EV-054 | <a href="#">Action Points from Compulsory Acquisition Hearing 2 (CAH2) and Issue Specific Hearing 3 (ISH3) held between 20 and 22 April 2021</a>   |
| EV-055 | <a href="#">Note of Unaccompanied Site Inspection - 19 and 20 May 2021</a>   |
| EV-056 | <a href="#">Agenda for Compulsory Acquisition Hearing 3 (CAH3) - 09 June 2021</a>  |
| EV-057 | <a href="#">Agenda for Issue Specific Hearing 4 (ISH4) - 09 June 2021</a>  |
| EV-058 | <a href="#">Agenda for Compulsory Acquisition Hearing 4 (CAH4) - 14 June 2021</a>  |
| EV-059 | <a href="#">Agenda for Open Floor Hearing 3 (OFH3) - 14 June 2021</a>  |
| EV-060 | <a href="#">Agenda for Issue Specific Hearing 5 (ISH5) - 15 June 2021</a>  |
| EV-061 | <a href="#">Recording of Compulsory Acquisition Hearing 3 (CAH3) - Session 1 - 9 June 2021</a>   |
| EV-062 | <a href="#">Recording of Compulsory Acquisition Hearing 3 (CAH3) - Session 2 - 9 June 2021</a>   |
| EV-063 | <a href="#">Compulsory Acquisition Hearing 3 (CAH3) - Session 1 - Transcript - 9 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-064 | <a href="#">Compulsory Acquisition Hearing 3 (CAH3) - Session 2 - Transcript - 9 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-065 | <a href="#">Recording of Issue Specific Hearing 4 (ISH4) Part 1 - Session 1 - 9 June 2021</a>  |
| EV-066 | <a href="#">Recording of Issue Specific Hearing 4 (ISH4) Part 1 - Session 2 - 9 June 2021</a>  |
| EV-067 | <a href="#">Issue Specific Hearing 4 (ISH4) Part 1 - Session 1 - Transcript - 9 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.  |
| EV-068 | <a href="#">Issue Specific Hearing 4 (ISH4) Part 1 - Session 2 - Transcript - 9 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.  |
| EV-069 | <a href="#">Recording of Issue Specific Hearing 4 (ISH4) Part 2 - Session 1 - 10 June 2021</a>   |
| EV-070 | <a href="#">Recording of Issue Specific Hearing 4 (ISH4) Part 2 - Session 2 - 10 June 2021</a>   |
| EV-071 | <a href="#">Issue Specific Hearing 4 (ISH4) Part 2 - Session 1 - Transcript - 10 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence  |

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|  | voice to text and is unedited. The video recording remains as the primary record of the event.   |
| EV-072   | <a href="#">Issue Specific Hearing 4 (ISH4) Part 2 – Session 2 – Transcript - 10 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event. |
| EV-073   | <a href="#">Action Points from Compulsory Acquisition Hearing 3 (CAH3) and Issue Specific Hearing 4 (ISH4) held between 9 and 10 June 2021</a>   |
| EV-074   | <a href="#">Recording of Compulsory Acquisition Hearing 4 - 14 June 2021</a>   |
| EV-075   | <a href="#">Compulsory Acquisition Hearing 4 (CAH4) - Transcript - 14 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.            |
| EV-076   | <a href="#">Recording of Open Floor Hearing 3 (OFH3) - 14 June 2021</a>  |
| EV-077   | <a href="#">Open Floor Hearing 3 (OFH3) - Transcript - 14 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.                        |
| EV-078   | <a href="#">Recording of Issue Specific Hearing 5 (ISH5) – Session 1 – 15 June 2021</a>  |
| EV-079   | <a href="#">Recording of Issue Specific Hearing 5 (ISH5) – Session 2 – 15 June 2021</a>  |
| EV-080   | <a href="#">Issue Specific Hearing 5 (ISH5) – Session 1 – Transcript - 15 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.        |
| EV-081   | <a href="#">Issue Specific Hearing 5 (ISH5) – Session 2 – Transcript - 15 June 2021</a><br>This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.        |
| EV-082   | <a href="#">Action Points from Compulsory Acquisition Hearing 4 (CAH4) and Issue Specific Hearing 5 (ISH5) held between 14 and 15 June 2021</a>  |
| <b>Representations</b>   |  |
| <b>Procedural Deadline A – 10 December 2020</b>  |  |
| <ul style="list-style-type: none"> <li>- Written submissions on Examination procedure; and</li> <li>- requests to be heard orally at the Preliminary Meeting Part 1</li> </ul> |  |
| PDA-001  | <a href="#">Highways England</a>   |



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|  | Procedural Deadline A Submission – Applicant’s written response including a proposed change request  |
| PDA-002  | <a href="#">Highways England</a><br>Procedural Deadline A Submission - Noise and Vibration Re-assessment (Rev 0)   |
| PDA-003  | <a href="#">Highways England</a><br>Procedural Deadline A Submission - Summary of Proposed Changes to Application (Rev 1)  |
| PDA-004  | <a href="#">Northumberland County Council</a><br>Procedural Deadline A Submission – Response to Rule 6 letter  |
| PDA-005  | <a href="#">George F White LLP</a><br>Procedural Deadline A Submission   |
| <b>Procedural Deadline B – 22 December 2020</b>  |  |
| <ul style="list-style-type: none"> <li>- Written submissions on Examination procedure including submissions responding to matters raised orally in the Preliminary Meeting Part 1; and</li> <li>- requests to be heard orally at the Preliminary Meeting Part 2.</li> </ul>  |  |
| PDB-001  | <a href="#">Environment Agency</a><br>Procedural Deadline B submission - Written submission responding to matters raised orally in the Preliminary Meeting Part 1                                  |
| PDB-002  | <a href="#">Highways England</a><br>Procedural Deadline B submission - Written submission responding to matters raised orally in the Preliminary Meeting Part 1                                    |
| PDB-003  | <a href="#">Mark Hawes on behalf of Residents of Northgate Farm</a><br>Procedural Deadline B submission - Written submission responding to matters raised orally in the Preliminary Meeting Part 1 |
| <b>Deadline 1 – 12 January 2021</b>  |  |
| <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Responses to The ExA’s Written Questions (ExQ1) issued on 19 November 2020</li> <li>- Local Impact Reports (LIR) from Local Authorities</li> <li>- Comments on Relevant Representations</li> <li>- Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA</li> <li>- Statements of Common Ground (SoCG) requested by the ExA</li> <li>- Statement of Commonality for SoCG</li> <li>- The Compulsory Acquisition Schedule</li> <li>- Notification of wish to participate in Open Floor Hearings</li> <li>- Notification of wish to participate in Issue Specific Hearings</li> <li>- Notification of wish to participate in Compulsory Acquisition Hearings</li> <li>- Notification of wish to attend Accompanied Site Inspection (ASI)</li> </ul> |  |
| REP1-001   | <a href="#">Highways England</a><br>Deadline 1 Submission - Cover Letter   |
| REP1-002   | <a href="#">Highways England</a><br>Deadline 1 Submission - 1.5 Application Document Tracker - Rev 0   |
| REP1-003   | <a href="#">Highways England</a><br>Deadline 1 Submission - 2.5 Rights of Way and Access Plans - Rev 1   |

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| REP1-004 | <a href="#">Highways England</a><br>Deadline 1 Submission - 2.8 Denwick Burn Culvert Structural DCO drawing - Rev 1   |
| REP1-005 | <a href="#">Highways England</a><br>Deadline 1 Submission - 3.1 Updated Draft DCO (Clean) - Rev 1   |
| REP1-006 | <a href="#">Highways England</a><br>Deadline 1 Submission - 3.1 Updated Draft DCO (Tracked) - Rev 1a  |
| REP1-007 | <a href="#">Highways England</a><br>Deadline 1 Submission - 3.2 Explanatory Memo (Clean) - Rev 1  |
| REP1-008 | <a href="#">Highways England</a><br>Deadline 1 Submission - 3.2 Explanatory Memo (Tracked) - Rev 1a   |
| REP1-009 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.2 Environmental Statement Figure 7.1 - Zone of Theoretical Visibility - Rev 0                           |
| REP1-010 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.2 Environmental Statement Figure 7.12 - Photomontage Location Plan - Rev 0                              |
| REP1-011 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.7 Appendix 2.1 Lighting Assessment - Rev 1  |
| REP1-012 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.14 Updated HRA Report WQ BIO. 1.38, BIO.1.39, BIO.1.45, BIO.1.50 and BIO.1.51 (Clean) - Rev 1           |
| REP1-013 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.14 Updated HRA Report WQ BIO. 1.38, BIO.1.39, BIO.1.45, BIO.1.50 and BIO.1.51 (Tracked Changes) - Rev 1 |
| REP1-014 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.17 Breeding Bird Verification Survey Report - Rev 0   |
| REP1-015 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.18 Preliminary Bat Roost Assessment Verification Survey Report - Rev 0                                  |
| REP1-016 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.19 Bat Activity 2020 Verification Survey Report Part A - Rev 0  |
| REP1-017 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.20 Great Crested Newt Verification Survey Report - Rev 0  |
| REP1-018 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.21 Badger 2020 Verification Survey Report CONFIDENTIAL  |
| REP1-019 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.22 Noise Addendum - Rev 0   |
| REP1-020 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.22.1 Noise Addendum Appendix A, B and C - Rev 0   |
| REP1-021 | <a href="#">Highways England</a>  |

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|          | Deadline 1 Submission - 6.22.2 Noise Addendum Appendix D Part 1 - Rev 0  |
| REP1-022 | <a href="#">Highways England</a><br>Deadline 1 Submission - 6.22.3 Noise Addendum Appendix D Part 2 - Rev 0  |
| REP1-023 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.3 Outline Construction Environmental Management Plan (Clean) - Rev 0                                   |
| REP1-024 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.3 Outline Construction Environmental Management Plan (Tracked) - Rev 0                                 |
| REP1-025 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.4 Construction Traffic Management Plan (Clean) - Rev 1   |
| REP1-026 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.4 Construction Traffic Management Plan (Tracked) - Rev 1   |
| REP1-027 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.6 Statement of Commonality for Statement of Common Ground - Rev 0                                      |
| REP1-028 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 0                               |
| REP1-029 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.6C Statement of Common Ground with Natural England - Rev 0   |
| REP1-030 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.6D Statement of Common Ground with Historic England - Rev 0  |
| REP1-031 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.6E Statement of Common Ground with the Forestry Commission - Rev 0                                     |
| REP1-032 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8 Applicant's Response to ExA's First Written Questions - Rev 0  |
| REP1-033 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.1 Principles for Good Road Design WQ GEN.1.1 - Rev 0   |
| REP1-034 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.2 Appendix GEN.2 Existing and Proposed Carriageway Area within Order Limits Plans WQ GEN 1.6 - Rev 0 |
| REP1-035 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.3 Appendix GEN.3 Junction Drawings WQ GEN.1.33 - Rev 0   |
| REP1-036 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.4 Appendix GEN.4 Justification for Significant Residual Effects WQ GEN.1.35 - Rev 0                  |
| REP1-037 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.5 Appendix CA.1 Compulsory Acquisition Schedule WQ CA.1.1 - Rev 0                                    |

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| REP1-038 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.6 Appendix CA.2 s127 Stat Undertaker Land and Rights WQ CA.1.5 - Rev 0                                      |
| REP1-039 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.7 Appendix CA.3 s138 Stat Undertaker Apparatus Table WQ CA.1.6 - Rev 0                                      |
| REP1-040 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.8 CA.4 Temporary Possession Powers WQ CA.1.9 - Rev 0  |
| REP1-041 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.9 Appendix DCO.1 Limits of Deviation Assessment WQ DCO.1.32 - Rev 0   |
| REP1-042 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.11 GS.1 Appendices to Preliminary Sources Study Report WQ GS.1.6 - Rev 0                                    |
| REP1-043 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.12 BIO.1 North Northumberland Dunes SAC Habitats Regulations Assessment Addendum Report WQ BIO.1.49 - Rev 0 |
| REP1-044 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.13 Appendix LV.2 Trees to be Removed and Replaced at Coronation Avenue WQ LV.1.8 - Rev 0                    |
| REP1-045 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.14 Appendix PHH.2 PRow and WCH Routes with 500m of the Scheme WQ PHH.1.5 - Rev 0                            |
| REP1-046 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.15 Appendix PHH.3 Response to WQ PHH.1.10 and 18 - Rev 0  |
| REP1-047 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.17 Appendix TT.1 Walking, Cycling and Horse Riding Survey Data - Rev 0                                      |
| REP1-048 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.18 Appendix TT.2 Updated Appendix C of Case for the Scheme WQ TT.1.17 - Rev 0                               |
| REP1-049 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.19 TT.3 Maintenance Boundaries - Rev 0  |
| REP1-050 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.20 Appendix LV.1 Summary Table WQ LV.1.7 - Rev 0  |
| REP1-051 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.21 Appendix LV.3 Response to WQ LV.1.13 - Rev 0   |
| REP1-052 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.22 Appendix LV.4 Tree Protection Plan and Composite Table WQ LV.1.37 and 38 - Rev 0                         |
| REP1-053 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.23 Appendix AQ.1 Affected Road Network (Part A and B) - Rev 0   |
| REP1-054 | <a href="#">Highways England</a>  |

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|          | Deadline 1 Submission - 7.8.24 AQ.2 Receptors (Part A, Part B and the Scheme) - Rev 0  |
| REP1-055 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.25 Appendix AQ.3 Monitoring (Part A and B) - Rev 0   |
| REP1-056 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.26 Appendix CA.5 Compulsory Acquisition – Affected Persons and Effects on Human Rights WQ CA.1.11- Rev 0           |
| REP1-057 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.27 BIO.3 Habitats Regulation Assessment (HRA) Report [APP-342] WQ BIO.1.49 - Rev 0                                 |
| REP1-058 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.28 BIO.4 6.14 Habitats Regulations Assessment (HRA) Addendum Report [AS-003] WQ BIO.1.49 - Rev 0                   |
| REP1-059 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.29 BIO.5 6.14 Habitats Regulations Assessment (HRA) Report (Tracked Changes) (Rev 1a) [AS-004] WQ BIO.1.49 - Rev 0 |
| REP1-060 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.30 BIO.6 6.14 Habitats Regulations Assessment (HRA) Report (Clean) (Rev 1) [AS-005] WQ BIO.1.49 - Rev 0            |
| REP1-061 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.31 Appendix PHH.1 Driver Stress Assessment WQ PHH.1.1 and 1.13 - Rev 0   |
| REP1-062 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.32 Appendix GEN.6 - Figure 32 WQ GEN.1.28 - Rev 0  |
| REP1-063 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.8.33 Appendix GEN.5 Technical Note on BCR - Rev 0  |
| REP1-064 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9 Applicant’s Response to Relevant Representations - Rev 0   |
| REP1-065 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9.1 Appendix A Response to RR-04 Environment Agency - Rev 0  |
| REP1-066 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9.1.1 Annex A - Culvert Mitigation Strategy - Rev 0  |
| REP1-067 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9.1.2 Annex B - Flood Risk Addendum - Rev 0  |
| REP1-068 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9.1.3 Annex C - Figure 11.7 Potential Contamination Sources - Rev 0  |
| REP1-069 | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9.1.4 Annex D - Environment Agency Meeting Minutes Geomorphology - Rev 0   |

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| REP1-070   | <a href="#">Highways England</a><br>Deadline 1 Submission - 7.9.2 Appendix B Working Area around West Linkhall Scheduled Monument and North Charlton Scheduled Monument - Rev 0 |
| REP1-071   | <a href="#">Northumberland County Council</a><br>Deadline 1 Submission - Local Impact Reports (LIR)   |
| REP1-072   | <a href="#">Northumberland County Council</a><br>Deadline 1 Submission - Notification of wish to attend the hearings  |
| REP1-073   | <a href="#">Northumberland County Council</a><br>Deadline 1 Submission - Responses to The ExA's Written Questions (ExQ1) issued on 19 November 2020                             |
| REP1-074   | <a href="#">Environment Agency</a><br>Deadline 1 Submission - Responses to The ExA's Written Questions (ExQ1) issued on 19 November 2020  |
| REP1-075   | <a href="#">Historic England</a><br>Deadline 1 Submission - Responses to The ExA's Written Questions (ExQ1) issued on 19 November 2020  |
| REP1-076   | <a href="#">Natural England</a><br>Deadline 1 Submission - Responses to The ExA's Written Questions (ExQ1) issued on 19 November 2020   |
| REP1-077   | <a href="#">Public Health England</a><br>Deadline 1 Submission - Responses to The ExA's Written Questions (ExQ1) issued on 19 November 2020                                     |
| REP1-078   | <a href="#">Alastair and Christina Marrison</a><br>Deadline 1 Submission - Representation regarding the merits of the scheme  |
| REP1-079   | <a href="#">Christopher Rowlands</a><br>Deadline 1 Submission - Representation regarding the merits of the scheme   |
| REP1-080   | <a href="#">Claire Rowlands</a><br>Deadline 1 Submission - Representation regarding the merits of the scheme  |
| REP1-081   | <a href="#">George F White LLP</a><br>Deadline 1 Submission - Notification of wish to attend hearings   |
| REP1-082   | <a href="#">Mark Hawes</a><br>Deadline 1 Submission - Responses to The ExA's Written Questions (ExQ1) issued on 19 November 2020  |
| REP1-083   | <a href="#">Mark Hawes</a><br>Deadline 1 Submission - Notification of wish to attend hearings   |
| REP1-084   | <a href="#">Winifred Coulson</a><br>Deadline 1 Submission - Representation regarding the merits of the scheme   |
| <b>Late Submission</b>   |   |
| REP1-085   | <a href="#">Gareth Moor</a><br>Deadline 1 Submission - Late submission accepted at the discretion of the Examining Authority  |
| <b>Deadline 2 – 29 January 2021</b>  |   |
| Deadline for receipt by ExA of:<br>- Comments on responses for Deadline 1<br>- Comments on responses to ExQ1 |   |

- Written Representations (WRs) including summaries of all WRs exceeding 1500 words
- Progressed SoCG
- Progressed Statement of Commonality for SoCG
- An updated Guide to the Application
- An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions
- Schedule of changes to dDCO
- An updated Compulsory Acquisition Schedule in clean and tracked versions
- Submission by Applicant of proposed locations of ASI
- Any further information requested by the ExA under Rule 17 of the Examination Rules

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| REP2-001 | <a href="#">Highways England</a><br>Deadline 2 Submission - Cover Letter  |
| REP2-002 | <a href="#">Highways England</a><br>Deadline 2 Submission - 1.5 Application Document Tracker - Rev2                                       |
| REP2-003 | <a href="#">Highways England</a><br>Deadline 2 Submission - 2.5 Rights of Way and Access Plans  |
| REP2-004 | <a href="#">Highways England</a><br>Deadline 2 Submission - 3.1 draft Development Consent Order (Clean)                                   |
| REP2-005 | <a href="#">Highways England</a><br>Deadline 2 Submission - 3.1 draft Development Consent Order (Tracked)                                 |
| REP2-006 | <a href="#">Highways England</a><br>Deadline 2 Submission - 3.4 Schedule of changes to dDCO   |
| REP2-007 | <a href="#">Highways England</a><br>Deadline 2 Submission - 6.23 Equality Impact Assessment   |
| REP2-008 | <a href="#">Highways England</a><br>Deadline 2 Submission - 6.24 Population and Human Health Additional Assessment                        |
| REP2-009 | <a href="#">Highways England</a><br>Deadline 2 Submission - 6.28 Biodiversity No Net Loss Assessment for the Scheme                       |
| REP2-010 | <a href="#">Highways England</a><br>Deadline 2 Submission - 6.29 Annex A - Approach to the Assessment of Losses and Gains of Watercourses |
| REP2-011 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.6 Statement of Commonality  |
| REP2-012 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.6B Statement of Common Ground with Environment Agency                       |
| REP2-013 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.6F Statement of Common Ground with National Grid Gas                        |
| REP2-014 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.6G Statement of Common Ground with Northern Powergrid                       |
| REP2-015 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.6H Statement of Common Ground with Northern Gas Networks Gas                |
| REP2-016 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.6I Statement of Common Ground with Northumbrian Water                       |

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| REP2-017 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.8.5 CA.1 Compulsory Acquisition Schedule (Clean)  |
| REP2-018 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.8.5 CA.1 Compulsory Acquisition Schedule (Tracked)  |
| REP2-019 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.10 Applicant's Response to Deadline 1 Submissions   |
| REP2-020 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.11 Applicant's Comments on Responses to ExA's First Written Questions   |
| REP2-021 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.11.1 Applicant's Comments on Responses to Written Questions - Appendix A - Public Rights of Way Response  |
| REP2-022 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.11.2 Applicant's Comments on Responses to Written Questions - Appendix B - DMRB Guidance  |
| REP2-023 | <a href="#">Highways England</a><br>Deadline 2 Submission - 7.12 Itinerary for Accompanied Site Inspection  |
| REP2-024 | <a href="#">Northumberland County Council</a><br>Deadline 2 Submission - Cover Letter   |
| REP2-025 | <a href="#">Northumberland County Council</a><br>Deadline 2 Submission - Comments on responses for Deadline 1   |
| REP2-026 | <a href="#">Historic England</a><br>Deadline 2 Submission - Comments on responses for Deadline 1, Comments on responses to ExQ1, Written Representations (WRs) including summaries of all WRs exceeding 1500 words and Comments on Statement of Common Ground |
| REP2-027 | <a href="#">YoungsRPS on behalf of Milhouse Developments Ltd</a><br>Deadline 2 Submission - Comments on responses to ExQ1   |
| REP2-028 | <a href="#">Bryan Cave Leighton Paisner LLP on behalf of National Grid Gas Plc</a><br>Deadline 2 Submission - Written Representations (WRs) including summaries of all WRs exceeding 1500 words   |
| REP2-029 | <a href="#">Natural England</a><br>Deadline 2 Submission - Written Representations (WRs) including summaries of all WRs exceeding 1500 words  |
| REP2-030 | <a href="#">Royal Mail</a><br>Deadline 2 Submission - Written Representations (WRs) including summaries of all WRs exceeding 1500 words   |
| REP2-031 | <a href="#">Colin Moor</a><br>Deadline 2 Submission - Comments on responses for Deadline 1 and Written Representations (WRs) including summaries of all WRs exceeding 1500 words  |
| REP2-032 | <a href="#">Colin Moor</a><br>Deadline 2 Submission - Notification of wish to attend hearings and Site Inspections  |
| REP2-033 | <a href="#">Gareth Moor</a>   |



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|   | Deadline 2 Submission - Comments on responses for Deadline 1   |
| REP2-034  | <a href="#">Mark Hawes</a><br>Deadline 2 Submission - Written Representations (WRs) including summaries of all WRs exceeding 1500 words  |
| <b>Late Submission</b>  |  |
| REP2-035  | <a href="#">Brockthorpe Consultancy Ltd</a><br>Deadline 2 Submission - Late Submission - Written Representations (WRs) including summaries of all WRs exceeding 1500 words - Accepted at the discretion of the Examining Authority |
| REP2-036  | <a href="#">Tom Lloyd</a><br>Deadline 2 Submission - Late Submission - Comments on responses for Deadline 1 - Accepted at the discretion of the Examining Authority  |
| <b>Deadline 3 – 12 February 2021</b>  |  |
| <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 2</li> <li>- Comments on LIR(s)</li> <li>- Comments on WRs</li> <li>- An updated Guide to the Application</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed Statement of Common Ground</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul> |  |
| REP3-001  | <a href="#">Highways England</a><br>Deadline 3 Submission - Cover Letter   |
| REP3-002  | <a href="#">Highways England</a><br>Deadline 3 Submission - 1.5 Application Document Tracker - Rev 2   |
| REP3-003  | <a href="#">Highways England</a><br>Deadline 3 Submission - 2.11 Proposed Highway Adoption & Maintenance Responsibilities Plans  |
| REP3-004  | <a href="#">Highways England</a><br>Deadline 3 Submission - 3.1 Draft Development Consent Order - Rev 3 (Clean)  |
| REP3-005  | <a href="#">Highways England</a><br>Deadline 3 Submission - 3.1 Draft Development Consent Order - Rev 3a (Tracked)   |
| REP3-006  | <a href="#">Highways England</a><br>Deadline 3 Submission - 3.4 Schedule of Changes to the dDCO - Rev 1  |
| REP3-007  | <a href="#">Highways England</a><br>Deadline 3 Submission - 6.30 Environmental Impact Assessment - Flood Risk Outside Order Limits   |
| REP3-008  | <a href="#">Highways England</a><br>Deadline 3 Submission - 6.31 Environmental Impact Assessment - Landscape Mitigation Masterplan - Part A  |
| REP3-009  | <a href="#">Highways England</a>   |

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|          | Deadline 3 Submission - 6.32 Environmental Impact Assessment - River Coquet Geomorphology Modelling Assessment  |
| REP3-010 | <a href="#">Highways England</a><br>Deadline 3 Submission - 6.33 Environment Impact Assessment - Updated Biodiversity Air Quality DMRB Sensitivity Assessment |
| REP3-011 | <a href="#">Highways England</a><br>Deadline 3 Submission - 6.34 Environmental Impact Assessment - Surface Water Outfall Strategy                             |
| REP3-012 | <a href="#">Highways England</a><br>Deadline 3 Submission - 6.35 Environment Impact Assessment - Air Quality Assessment (Scheme Opening Year 2024)            |
| REP3-013 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.3 Outline Construction Environmental Management Plan - Rev 2 (Clean)                            |
| REP3-014 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.3 Outline Construction Environmental Management Plan - Rev 2a (Tracked)                         |
| REP3-015 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.4 Construction Traffic Management Plan - Rev 2 (Clean)  |
| REP3-016 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.4 Construction Traffic Management Plan - Rev 2 (Tracked)  |
| REP3-017 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 2                              |
| REP3-018 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 1                        |
| REP3-019 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.6B Statement of Common Ground with Natural England - Rev 1                                      |
| REP3-020 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.6D Statement of Common Ground with Historic England - Rev 1                                     |
| REP3-021 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.6E Statement of Common Ground with Forestry Commission - Rev 1                                  |
| REP3-022 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.8.5 Compulsory Acquisition Schedule - Rev 2 (Clean)   |
| REP3-023 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.8.5 Compulsory Acquisition Schedule - Rev 2a (Tracked)  |
| REP3-024 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.13 Applicant's Response to Deadline 2 Submissions   |
| REP3-025 | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.14 Applicant's Comments on Local Impact Reports   |
| REP3-026 | <a href="#">Highways England</a>  |

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|  | Deadline 3 Submission - 7.15 Applicant's Responses to Written Representations   |
| REP3-027   | <a href="#">Highways England</a><br>Deadline 3 Submission - 7.15.1 Applicant's Responses to Written Representations - Appendix A - Letter to Mr Moor in Response to Statutory Consultation Submission |
| REP3-028   | <a href="#">Northumberland County Council</a><br>Deadline 3 Submission - Cover Letter   |
| REP3-029   | <a href="#">Northumberland County Council</a><br>Deadline 3 Submission - Comments on responses submitted for Deadline 2   |
| REP3-030   | <a href="#">Brockthorpe Consultancy Ltd</a><br>Deadline 3 Submission - Comments on responses submitted for Deadline 2   |
| REP3-031   | <a href="#">Historic England</a><br>Deadline 3 Submission - Confirmation of no further comments for Deadline 3  |
| REP3-032   | <a href="#">M E Beal &amp; Sons</a><br>Deadline 3 Submission  |
| <p><b>Deadline 4 – 12 March 2021</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 3</li> <li>- Written summaries of oral submissions to Hearings held during the week 22 February 2021</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- An updated Guide to the Application</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated Schedule of changes to the dDCO</li> <li>- Comments on the Applicant's draft ASI arrangements and itinerary</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul> |   |
| REP4-001   | <a href="#">Highways England</a><br>Deadline 4 Submission - Cover Letter  |
| REP4-002   | <a href="#">Highways England</a><br>Deadline 4 Submission - 1.5 Application Document Tracker – Rev 3  |
| REP4-003   | <a href="#">Highways England</a><br>Deadline 4 Submission - 2.9 Vegetation Clearance Plans - Rev 1  |
| REP4-004   | <a href="#">Highways England</a><br>Deadline 4 Submission - 3.1 draft Development Consent Order (Clean) - Rev 4   |
| REP4-005   | <a href="#">Highways England</a><br>Deadline 4 Submission - 3.1 draft Development Consent Order (Tracked) - Rev 4a  |
| REP4-006   | <a href="#">Highways England</a><br>Deadline 4 Submission - 3.2 Explanatory Memorandum (Clean) - Rev 2  |
| REP4-007   | <a href="#">Highways England</a>  |

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|          | Deadline 4 Submission - 3.2 Explanatory Memorandum (Tracked) - Rev 2a   |
| REP4-008 | <a href="#">Highways England</a><br>Deadline 4 Submission - 6.7 Ancient Woodland Strategy (Clean) - Rev 1                                     |
| REP4-009 | <a href="#">Highways England</a><br>Deadline 4 Submission - 6.7 Ancient Woodland Strategy (Tracked) - Rev 1a                                  |
| REP4-010 | <a href="#">Highways England</a><br>Deadline 4 Submission - 6.31 Landscape Mitigation Masterplan - Part A - Rev 2                             |
| REP4-011 | <b>No longer in use</b>   |
| REP4-012 | <a href="#">Highways England</a><br>Deadline 4 Submission - 6.43 Causey Park Advanced Works Phase 2 Archaeological Mitigation                 |
| REP4-013 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 3    |
| REP4-014 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 3a |
| REP4-015 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 3              |
| REP4-016 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 1        |
| REP4-017 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6B Statement of Common Ground with Natural England - Rev 2                      |
| REP4-018 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6C Statement of Common Ground with Environment Agency - Rev 1                   |
| REP4-019 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6D Statement of Common Ground with Historic England - Rev 2                     |
| REP4-020 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6E Statement of Common Ground with Forestry Commission - Rev 2                  |
| REP4-021 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.6I Statement of Common Ground with Northumbrian Water - Rev 1                   |
| REP4-022 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 4                             |
| REP4-023 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 4a                          |
| REP4-024 | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.16 Applicant's Response to Deadline 3 Submissions                               |

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| REP4-025              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17 Applicant's Written Summaries of Oral Submissions to Hearings held during the week 22 February 2021   |
| REP4-026              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.1 Applicant's Written Summary of Oral Submissions at Hearings - Appendix A - Relevant Protections in Relation to Vegetation Clearance         |
| REP4-027              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.2 Applicant's Written Summary of Oral Submissions at Hearings - Appendix B - Part B Route Optioneering  |
| REP4-028              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.3 Applicant's Written Summary of Oral Submissions at Hearings - Appendix C - Calculation of Compulsory Acquisition Budget                     |
| REP4-029              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.4 Applicant's Written Summary of Oral Submissions at Hearings - Appendix D - Warreners Private Means of Access                                |
| REP4-030              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.5 Applicant's Written Summary of Oral Submissions at Hearings - Appendix E - Bridge Design Philosophy   |
| REP4-031              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.6 Written Summaries of the Applicant's Oral Submissions to Hearings: Appendix F - Proposed Woodland and Marginal Planting Plan (Part A and B) |
| REP4-032              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.17.7 Applicant's Written Summary of Oral Submissions at Hearings - Appendix G - West View Gas Diversion  |
| REP4-033              | <a href="#">Highways England</a><br>Deadline 4 Submission - 7.18 Applicant's Response to Further Deadline 2 Submissions  |
| <b>Change Request</b> |  |
| REP4-034              | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 7.19 Change Request Letter  |
| REP4-035              | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.2 Land Plans - Rev 1  |
| REP4-036              | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.3 Works Plans - Rev 1   |
| REP4-037              | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.4 General Arrangement Plans - Rev 1   |
| REP4-038              | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.5 Rights of Way and Access Plans - Rev 3  |
| REP4-039              | <a href="#">Highways England</a>   |

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|          | Deadline 4 Submission - Change Request - 2.6 Traffic Regulation Plans - Rev 1  |
| REP4-040 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.9 Vegetation Clearance Plans - Rev 2                                  |
| REP4-041 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.10 Existing and Proposed Carriageway Area within Order Limits - Rev 1 |
| REP4-042 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 2.11 Proposed Highway Adoption and Maintenance Responsibilities - Rev 1 |
| REP4-043 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 3.1 draft Development Consent Order (Clean) for - Rev 5                 |
| REP4-044 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 3.1 draft Development Consent Order (Tracked) - Rev 5a                  |
| REP4-045 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 3.2 Explanatory Memorandum (Clean) - Rev 3                              |
| REP4-046 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 3.2 Explanatory Memorandum (Tracked) - Rev 3a                           |
| REP4-047 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 3.4 Schedule of changes to draft Development Consent Order - Rev 3      |
| REP4-048 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 4.1 Statement of Reasons (Clean) - Rev 1                                |
| REP4-049 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 4.1 Statement of Reasons (Tracked) - Rev 1                              |
| REP4-050 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 4.3 Book of Reference (Clean) - Rev 2                                   |
| REP4-051 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 4.3a Book of Reference (Tracked) - Rev 2                                |
| REP4-052 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 4.4 Book of Reference - Schedule of Changes - Rev 1                     |
| REP4-053 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.6 Landscape Mitigation Plan - Part B - Rev 1                          |
| REP4-054 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.7 Ancient Woodland Strategy (Clean) - Rev 2                           |
| REP4-055 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.7 Ancient Woodland Strategy (Tracked) - Rev 2a                        |
| REP4-056 | <a href="#">Highways England</a>   |

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|          | Deadline 4 Submission - Change Request - 6.14 Updated Habitat Regulations Assessment Report (Clean) - Rev 2  |
| REP4-057 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.14 Updated Habitat Regulations Assessment Report (Tracked) - Rev 2a                                 |
| REP4-058 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.28 Biodiversity No Net Loss Assessment for the Scheme (Clean) - Rev 1                               |
| REP4-059 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.28 Biodiversity No Net Loss Assessment for the Scheme (Tracked) - Rev 1a                            |
| REP4-060 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.31 Landscape Mitigation Masterplan - Part A - Rev 3   |
| REP4-061 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.36 Environmental Statement Addendum: Earthworks Amendments - Rev 1                                  |
| REP4-062 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.37 Environmental Statement Addendum: Earthworks Amendments - Non-Technical Summary - Rev 1          |
| REP4-063 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.38 Environmental Statement Addendum: Stabilisation Works - Rev 1                                    |
| REP4-064 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.40 Environmental Statement Addendum: Southern Access Works - Rev 1                                  |
| REP4-065 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.41 Environmental Statement Addendum: Southern Access Works - Non-Technical Summary - Rev 1          |
| REP4-066 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.42 Written Scheme of Investigation for an Archaeological Trial Trench Evaluation (Clean) - Rev 1    |
| REP4-067 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.42 Written Scheme of Investigation for an Archaeological Trial Trench Evaluation (Tracked) - Rev 1a |
| REP4-068 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.44 Water Framework Directive Addendum   |
| REP4-069 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 7.1 Case for the Scheme (Clean) - Rev 1   |
| REP4-070 | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 7.1 Case for the Scheme (Tracked) - Rev 1a  |
| REP4-071 | <a href="#">Highways England</a>   |

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|   | Deadline 4 Submission - Change Request - 7.2 National Policy Statement for National Networks Accordance Table (Clean) - Rev 1   |
| REP4-072  | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 7.2 National Policy Statement for National Networks Accordance Table (Tracked) - Rev 1                           |
| REP4-073  | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 7.20 Consultation Statement for Change Request   |
| REP4-073a   | <a href="#">Highways England</a><br>Deadline 4 Submission - Change Request - 6.39 Environmental Statement Addendum: Stabilisation Works Non-Technical Summary - Rev 1                         |
| REP4-074  | <a href="#">Northumberland County Council</a><br>Deadline 4 Submission - Any post-Hearing notes requested at the Hearings   |
| REP4-075  | <a href="#">Northumberland County Council</a><br>Deadline 4 Submission - Comments on the Applicant's draft ASI arrangements and itinerary and Comments on responses submitted for Deadline 3  |
| REP4-076  | <a href="#">Environment Agency</a><br>Deadline 4 Submission   |
| REP4-077  | <a href="#">Historic England</a><br>Deadline 4 Submission - Statement of Common Ground Position Statement   |
| REP4-078  | <a href="#">Brockthorpe Consultancy Ltd on behalf of M E Beal and Sons</a><br>Deadline 4 Submission - Written Summaries of Oral Submissions to Hearings held during the week 22 February 2021 |
| REP4-079  | <a href="#">Gareth Moor and Colin Moor</a><br>Deadline 4 Submission - Post-hearing submission   |
| REP4-080  | <a href="#">Mark Hawes</a><br>Deadline 4 Submission - Comments on responses submitted for Deadline 3 - Part 1   |
| <b>Late Submission</b>  |   |
| REP4-081  | <a href="#">Mark Hawes</a><br>Deadline 4 Submission - Late Submission - Comments on responses submitted for Deadline 3 - Part 2 - Accepted at the discretion of the Examining Authority       |
| <b>Deadline 5 – 01 April 2021</b>   |   |
| <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Responses to ExQ2 (if required)</li> <li>- Comments on responses submitted for Deadline 4</li> <li>- An updated Guide to the Application</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated Schedule of changes to dDCO</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> </ul> |   |



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| REP5-001 | <a href="#">Highways England</a><br>Deadline 5 Submission - Cover Letter  |
| REP5-002 | <a href="#">Highways England</a><br>Deadline 5 Submission - 1.5 Application Document Tracker - Rev 3  |
| REP5-003 | <a href="#">Highways England</a><br>Deadline 5 Submission - 2.4 General Arrangement Plans - Rev 2   |
| REP5-004 | <a href="#">Highways England</a><br>Deadline 5 Submission - 2.8 Structures Engineering Drawings and Sections - Rev 2                          |
| REP5-005 | <a href="#">Highways England</a><br>Deadline 5 Submission - 3.1 draft Development Consent Order (Clean) - Rev 6                               |
| REP5-006 | <a href="#">Highways England</a><br>Deadline 5 Submission - 3.1 draft Development Consent Order (Tracked) - Rev 6a                            |
| REP5-007 | <a href="#">Highways England</a><br>Deadline 5 Submission - 3.4 Schedule of changes to draft Development Consent Order - Rev 4                |
| REP5-008 | <a href="#">Highways England</a><br>Deadline 5 Submission - 4.1 Statement of Reasons (Clean) - Rev 2  |
| REP5-009 | <a href="#">Highways England</a><br>Deadline 5 Submission - 4.1 Statement of Reasons (Tracked) - Rev 2  |
| REP5-010 | <a href="#">Highways England</a><br>Deadline 5 Submission - 6.28 Biodiversity No Net Loss Assessment for the Scheme (Clean) - Rev 2           |
| REP5-011 | <a href="#">Highways England</a><br>Deadline 5 Submission - 6.28 Biodiversity No Net Loss Assessment for the Scheme (Tracked) - Rev 2a        |
| REP5-012 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 4    |
| REP5-013 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 4a |
| REP5-014 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 4              |
| REP5-015 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 2        |
| REP5-016 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.6B Statement of Common Ground with Natural England - Rev 3                      |
| REP5-017 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.6C Statement of Common Ground with Environment Agency - Rev 2                   |
| REP5-018 | <a href="#">Highways England</a>  |

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|          | Deadline 5 Submission - 7.6G Statement of Common Ground with Northern Powergrid   |
| REP5-019 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.6I Statement of Common Ground with Northumbrian Water - Rev 2   |
| REP5-020 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 4   |
| REP5-021 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 4a  |
| REP5-022 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.9.1.1 Culvert Mitigation Strategy - Rev 1   |
| REP5-023 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.21 Applicant's Response to ExA's Further Written Questions  |
| REP5-024 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.21.1 Applicant's Responses to the ExA's Further Written Questions - Appendix A - Highways England Design Panel 27-Nov-2015 Meeting Summary - WQ GEN2.10         |
| REP5-025 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.21.2 Applicant's Responses to the ExA's Further Written Questions - Appendix B - Interim Advice Note 135 10 Landscape and Visual Effects Assessment - WQ LV.2.1 |
| REP5-026 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.21.3 Applicant's Responses to the ExA's Further Written Questions - Appendix C - Former and Updated DMRB Guidance - WQ GEN.2.1                                  |
| REP5-027 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.21.4 Applicant's Responses to the ExA's Further Written Questions - Appendix D - Population and Human Health Properties Assessment - WQ PHH.2.3                 |
| REP5-028 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.21.5 Applicant's Responses to the ExA's Further Written Questions - Appendix E - Natural England's Air Quality Position WQ AQ.2.3                               |
| REP5-029 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.22 Applicant's Response to Deadline 4 Submissions   |
| REP5-030 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.22.1 Applicant's Responses to Deadline 4 Submissions - Appendix i: The Warreners Private Means of Access Options  |
| REP5-031 | <a href="#">Highways England</a><br>Deadline 5 Submission - 7.22.2 Applicant's Responses to Deadline 4 Submissions - Appendix ii: Revised Itinerary for Accompanied Site Inspection   |
| REP5-032 | <a href="#">Highways England</a>  |

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|                       | Deadline 5 Submission - 7.23 Applicant's Response to Procedural Decision on Changes to the Application  |
| <b>Change Request</b> |   |
| REP5-033              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 2.4 General Arrangement Plans - Rev 3  |
| REP5-034              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 3.1 draft Development Consent Order (Clean) - Rev 7  |
| REP5-035              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 3.1 draft Development Consent Order (Tracked) - Rev 7a   |
| REP5-036              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 4.1 Statement of Reasons (Clean) - Rev 2   |
| REP5-037              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 4.1 Statement of Reasons (Tracked) - Rev 2   |
| REP5-038              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 6.28 Biodiversity No Net Loss Assessment for the Scheme (Clean) - Rev 3  |
| REP5-039              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 6.28 Biodiversity No Net Loss Assessment for the Scheme (Tracked) - Rev 3a   |
| REP5-040              | <a href="#">Highways England</a><br>Deadline 5 Submission - Change Request - 6.45 Borrow Pit Dewatering Plan  |
| REP5-041              | <a href="#">Northumberland County Council</a><br>Deadline 5 Submission - Cover Letter   |
| REP5-042              | <a href="#">Northumberland County Council</a><br>Deadline 5 Submission - Comments on responses submitted for Deadline 4   |
| REP5-043              | <a href="#">Northumberland County Council</a><br>Deadline 5 Submission - Responses to ExQ2  |
| REP5-044              | <a href="#">Environment Agency</a><br>Deadline 5 Submission - Comments on responses submitted for Deadline 4, Responses to ExQ2, Response to the Rule 17 request dated 30 March 2021 and Position Statement |
| REP5-045              | <a href="#">Historic England</a><br>Deadline 5 Submission - Position Statement  |
| REP5-046              | <a href="#">YoungsRPS Ltd on behalf of Millhouse Developments Limited</a><br>Deadline 5 Submission - Responses to ExQ2  |
| REP5-047              | <a href="#">Natural England</a><br>Deadline 5 Submission - Position Statement   |
| REP5-048              | <a href="#">Natural England</a><br>Deadline 5 Submission - Responses to ExQ2  |
| REP5-049              | <a href="#">The Woodland Trust</a><br>Deadline 5 Submission   |
| REP5-050              | <a href="#">The Woodland Trust</a><br>Deadline 5 Submission - Responses to ExQ2   |
| REP5-051              | <a href="#">Mark Hawes</a>  |

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|   | Deadline 5 Submission - Comments on responses submitted for Deadline 4  |
| REP5-052  | <a href="#">Mark Hawes</a><br>Deadline 5 Submission - Responses to ExQ2   |
| <b>Deadline 5a – 16 April 2021</b>  |   |
| Deadline for receipt by ExA of:<br>- Comments on responses submitted in response to the ExA's Rule 17 letter of 30 March ([REP5-032] [REP5-044])  |   |
| REP5a-001   | <a href="#">Highways England</a><br>Deadline 5a Submission - 1.5 Application Document Tracker - Rev 6   |
| REP5a-002   | <a href="#">Highways England</a><br>Deadline 5a Submission - Applicant's comments on the Environment Agency's response submitted in response to the ExA's Rule 17 Letter of 30 March ([REP5-044]) |
| REP5a-003   | <a href="#">Environment Agency</a><br>Deadline 5a Submission - Comments on responses submitted in response to the ExA's Rule 17 Letter of 30 March ([REP5-032] [REP5-044])                        |
| REP5a-004   | <a href="#">Natural England</a><br>Deadline 5a Submission - Comments on responses submitted for Deadline 4  |
| <b>Deadline 6 – 04 May 2021</b>   |   |
| Deadline for receipt by ExA of:<br>- Comments on responses submitted for Deadline 5<br>- Written summaries of oral submissions to Hearings held during the week commencing 19 April 2021 and if held 27 April 2021<br>- Any post-Hearing notes requested at the Hearings<br>- Comments on the RIES (if required)<br>- An updated Guide to the Application<br>- An updated version of the dDCO in clean and tracked versions<br>- An updated Schedule of changes to dDCO<br>- An updated Compulsory Acquisition Schedule in clean and tracked versions<br>- Progressed SoCG<br>- Progressed Statement of Commonality for SoCG<br>- Any further information requested by the ExA under Rule 17 of the Examination Rules<br>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required) |   |
| REP6-001  | <a href="#">Highways England</a><br>Deadline 6 Submission - Cover Letter  |
| REP6-002  | <a href="#">Highways England</a><br>Deadline 6 Submission - 1.5 Application Document Tracker - Rev 7  |
| REP6-003  | <a href="#">Highways England</a><br>Deadline 6 Submission - 2.2 Land Plans - Rev 2  |
| REP6-004  | <a href="#">Highways England</a><br>Deadline 6 Submission - 2.3 Works Plans - Rev 2   |
| REP6-005  | <a href="#">Highways England</a><br>Deadline 6 Submission - 2.4 General Arrangement Plans - Rev 4   |
| REP6-006  | <a href="#">Highways England</a>  |

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|          | Deadline 6 Submission - 2.5 Rights of Way and Access Plans - Rev 4  |
| REP6-007 | <a href="#">Highways England</a><br>Deadline 6 Submission - 2.6 Traffic Regulations Measures Plan - Rev 2   |
| REP6-008 | <a href="#">Highways England</a><br>Deadline 6 Submission - 2.10 Existing and Proposed Carriageway Area Within Order Limits Plans - Rev 2   |
| REP6-009 | <a href="#">Highways England</a><br>Deadline 6 Submission - 2.11 Proposed Highway Adoption and Maintenance Responsibilities - Rev 2   |
| REP6-010 | <a href="#">Highways England</a><br>Deadline 6 Submission - 3.1 draft Development Consent Order (Clean) - Rev 8   |
| REP6-011 | <a href="#">Highways England</a><br>Deadline 6 Submission - 3.1 draft Development Consent Order (Tracked) - Rev 8a  |
| REP6-012 | <a href="#">Highways England</a><br>Deadline 6 Submission - 3.2 Explanatory Memorandum (Clean) - Rev 4  |
| REP6-013 | <a href="#">Highways England</a><br>Deadline 6 Submission - 3.2 Explanatory Memorandum (Tracked) - Rev 4a   |
| REP6-014 | <a href="#">Highways England</a><br>Deadline 6 Submission - 3.4 Schedule of Changes to draft Development Consent Order - Rev 5  |
| REP6-015 | <a href="#">Highways England</a><br>Deadline 6 Submission - 4.3 Book of Reference (Clean) - Rev 3   |
| REP6-016 | <a href="#">Highways England</a><br>Deadline 6 Submission - 4.3a Book of Reference (Tracked) - Rev 3  |
| REP6-017 | <a href="#">Highways England</a><br>Deadline 6 Submission - 4.4 Book of Reference - Schedule of Changes - Rev 2   |
| REP6-018 | <a href="#">Highways England</a><br>Deadline 6 Submission - 6.6 Landscape Mitigation Plan - Part B - Rev 2  |
| REP6-019 | <a href="#">Highways England</a><br>Deadline 6 Submission - 6.6 Applicant's Response to Deadline 5 and 5a Submissions - Appendix ii Figure 10.1 - Water Constraints Plan - Part B - Rev 1 |
| REP6-020 | <a href="#">Highways England</a><br>Deadline 6 Submission - 6.8 Environmental Statement Appendix 10.4 - Drainage Strategy Report - Part B (Clean) - Rev 1                                 |
| REP6-021 | <a href="#">Highways England</a><br>Deadline 6 Submission - 6.8 Environmental Statement Appendix 10.4 - Drainage Strategy Report - Part B (Tracked) - Rev 1a                              |
| REP6-022 | <a href="#">Highways England</a><br>Deadline 6 Submission - 6.18 Preliminary Bat Roost Assessment Verification Survey Report (Clean) - Rev 1  |
| REP6-023 | <a href="#">Highways England</a>  |

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|          | Deadline 6 Submission - 6.18 Preliminary Bat Roost Assessment Verification Survey Report (Tracked) - Rev 1a   |
| REP6-024 | <a href="#">Highways England</a><br>Deadline 6 Submission - 6.46 Environmental Statement Addendum - East and West Linkhall Roads  |
| REP6-025 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 5  |
| REP6-026 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 5a   |
| REP6-027 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.4 Outline Construction Traffic Management Plan (Clean) - Rev 3 - This document is superseded by [REP6-058]                                    |
| REP6-028 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.4 Outline Construction Traffic Management Plan (Tracked) - Rev 3 - This document is superseded by [REP6-059]                                  |
| REP6-029 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 5  |
| REP6-030 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 4  |
| REP6-031 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.6B Statement of Common Ground with Natural England - Rev 4  |
| REP6-032 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.6C Statement of Common Ground with Environment Agency - Rev 2   |
| REP6-033 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.6D Statement of Common Ground with Historic England - Rev 4   |
| REP6-034 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 5   |
| REP6-035 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 5a  |
| REP6-036 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.8.6 Applicant's Written Summaries of Oral Submissions at Hearings - Appendix C - s127 Statutory Undertaker Land and Rights (Clean) - Rev 1    |
| REP6-037 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.8.6 Applicant's Written Summaries of Oral Submissions at Hearings - Appendix C - s127 Statutory Undertaker Land and Rights (Tracked) - Rev 1a |
| REP6-038 | <a href="#">Highways England</a>  |

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|          | Deadline 6 Submission - 7.8.7 Applicant's Written Summaries of Oral Submissions at Hearings - Appendix D - s138 Statutory Undertaker Apparatus (Clean) - Rev 1  |
| REP6-039 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.8.7 Applicant's Written Summaries of Oral Submissions at Hearings - Appendix D - s138 Statutory Undertaker Apparatus (Tracked) - Rev 1a |
| REP6-040 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.24 Applicant's Response to Deadline 5 and 5a Submissions  |
| REP6-041 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.24.1 Applicant's Response to Deadline 5 and 5a Submissions - Appendix i - Geomorphological Map  |
| REP6-042 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.24.2 Applicant's Response to Deadline 5 and 5a Submissions - Appendix iii - Indicative Longdike Burn Proposals                          |
| REP6-043 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.25 Applicant's Comments on Responses to Further Written Questions   |
| REP6-044 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.26 Applicant's Written Summaries of Oral Submissions to Hearings  |
| REP6-045 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.26.1 Applicant's Written summaries of Oral Submissions to Hearings - Appendix A - Impacts to Ancient and Veteran Trees                  |
| REP6-046 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.26.2 Applicant's Written summaries of Oral Submissions to Hearings - Appendix B - LA 20 Revision 1 Environmental Management Plans       |
| REP6-047 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.26.3 Applicant's Written Summaries of Oral Submissions to Hearings - Appendix E - Combined Effects Technical Note                       |
| REP6-048 | <a href="#">Highways England</a><br>Deadline 6 Submission - 7.26.4 Applicant's Written Summaries of Oral Submissions to Hearings - Appendix F - Otter Position Statement                              |
| REP6-049 | <a href="#">Northumberland County Council</a><br>Deadline 6 Submission - Cover Letter   |
| REP6-050 | <a href="#">Northumberland County Council</a><br>Deadline 6 Submission - Any post-Hearing notes requested at the Hearings   |
| REP6-051 | <a href="#">Northumberland County Council</a><br>Deadline 6 Submission - Outstanding responses to ExQ2  |
| REP6-052 | <a href="#">Defence Infrastructure Organisation</a><br>Deadline 6 Submission - Position Statement   |
| REP6-053 | <a href="#">Environment Agency</a><br>Deadline 6 Submission - Comments on responses submitted for Deadline 5 and Any post-Hearing notes requested at the Hearings                                     |

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| REP6-054  | <a href="#">Historic England</a><br>Deadline 6 Submission - Position Statement  |
| REP6-055  | <a href="#">Mark Hawes</a><br>Deadline 6 Submission - Comments on responses submitted for Deadline 5  |
| REP6-056  | <a href="#">Mark Hawes</a><br>Deadline 6 Submission - Written summaries of oral submissions to Hearings held during the week commencing 19 April 2021   |
| REP6-057  | <a href="#">Tom Lloyd</a><br>Deadline 6 Submission - Comments on responses submitted for Deadline 5   |
| <b>Late Submissions</b>   |   |
| REP6-058  | <a href="#">Highways England</a><br>Deadline 6 Submission - Late submission accepted at the discretion of the Examining Authority - This document corrects errors in and supersedes [REP6-027] - 7.4 Outline Construction Traffic Management Plan (Clean) - Rev 3   |
| REP6-059  | <a href="#">Highways England</a><br>Deadline 6 Submission - Late submission accepted at the discretion of the Examining Authority - This document corrects errors in and supersedes [REP6-028] - 7.4 Outline Construction Traffic Management Plan (Tracked) - Rev 3 |
| <b>Deadline 7 – 11 May 2021</b>   |   |
| <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Responses to comments on the REIS (if required)</li> <li>- Comment on responses submitted for Deadline 6</li> <li>- Updated SoCG</li> <li>- Update Statement of Commonality for SoCG</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Documents and information requested by the ExA from the Applicant in the Procedural Decision dated 9 April 2021 following the Applicant's submission of proposed changes at D4, namely hydraulic modelling and geomorphological information</li> </ul> |   |
| REP7-001  | <a href="#">Highways England</a><br>Deadline 7 Submission - Cover Letter  |
| REP7-002  | <a href="#">Highways England</a><br>Deadline 7 Submission - 1.5 Application Document Tracker - Rev 8  |
| REP7-003  | <a href="#">Highways England</a><br>Deadline 7 Submission - 6.47 River Coquet Fluvial Geomorphology Assessment  |
| REP7-004  | <a href="#">Highways England</a><br>Deadline 7 Submission - 6.48 Borrow Pit Dewatering Assessment   |
| REP7-005  | <a href="#">Highways England</a><br>Deadline 7 Submission - 6.49 Options Appraisal of River Coquet Bridge Foundation Stabilisation and Scour Protection System  |
| REP7-006  | <a href="#">Highways England</a><br>Deadline 7 Submission - 6.50 River Coquet Hydraulic Modelling Report  |
| REP7-007  | <a href="#">Highways England</a>  |



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|                                  | Deadline 7 Submission - 6.51 Arboricultural Technical Note - Calculation of Total Tree Removal for Parts A and B   |
| REP7-008                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 6                           |
| REP7-009                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 6a                        |
| REP7-010                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 6                                     |
| REP7-011                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 5                               |
| REP7-012                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.6C Statement of Common Ground with The Environment Agency - Rev 5                                      |
| REP7-013                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 6  |
| REP7-014                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 6a   |
| REP7-015                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.9.1.2 Flood Risk Assessment Addendum - River Coquet - Rev 1  |
| REP7-016                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.26.3 Combined Effects Technical Note - Rev 1   |
| REP7-017                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.27 Applicant's Responses to Deadline 6 Submissions   |
| REP7-018                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.27.1 Applicant's Responses to Deadline 6 Submissions - Appendix A - Tom Lloyd Junction Comparison      |
| REP7-019                         | <a href="#">Highways England</a><br>Deadline 7 Submission - 7.27.2 Applicant's Responses to Deadline 6 Submissions - Appendix B - Chevington Road Junctions 9 Report |
| REP7-020                         | <a href="#">Northumberland County Council</a><br>Deadline 7 Submission - Comments on responses submitted for Deadline 6  |
| REP7-021                         | <a href="#">Environment Agency</a><br>Deadline 7 Submission - Comments on responses submitted for Deadline 6   |
| REP7-022                         | <a href="#">Historic England</a><br>Deadline 7 Submission - Position Statement   |
| REP7-023                         | <a href="#">James McDonald on behalf of John Ellis Davidson</a><br>Deadline 7 Submission   |
| <b>Deadline 7a – 20 May 2021</b> |  |

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| Deadline for receipt by ExA of:<br>- Representations on the Applicant's changes to the application received at D4  |  |
| REP7a-001  | <a href="#">Northumberland County Council</a>  |
| REP7a-002  | <a href="#">Natural England</a>  |
| REP7a-003  | <a href="#">The Woodland Trust</a>   |
| REP7a-004  | <a href="#">Homes England</a><br>Deadline 7a Submission  |
| <b>Deadline 8 – 25 May 2021</b>  |  |
| Deadline for receipt by ExA of:<br>- Comments on responses submitted for Deadline 7<br>- Responses to ExQ3 (if required)<br>- Updated SoCG<br>- Updated Statement of Commonality for SoCG<br>- An updated Guide to the Application<br>- An updated Book of Reference<br>- An updated Statement of Reasons<br>- Signed and dated s106 Agreements (if required)<br>- Comments on the ExA's proposed schedule of changes to the dDCO (if issued)<br>- An updated version of the dDCO in clean and tracked versions<br>- An updated Schedule of changes to dDCO<br>- Any further information requested by the ExA under Rule 17 of the Examination Rules (if required)<br>- Responses to any further information requested by the ExA under Rule 17 of the EPR (if required) |  |
| REP8-001   | <a href="#">Highways England</a><br>Deadline 8 Submission - Cover Letter   |
| REP8-002   | <a href="#">Highways England</a><br>Deadline 8 Submission - 1.5 Application Document Tracker - Rev 9               |
| REP8-003   | <a href="#">Highways England</a><br>Deadline 8 Submission - 2.12 Riparian Planting Plan                            |
| REP8-004   | <a href="#">Highways England</a><br>Deadline 8 Submission - 3.1 draft Development Consent Order (Clean) - Rev 9    |
| REP8-005   | <a href="#">Highways England</a><br>Deadline 8 Submission - 3.1 draft Development Consent Order (Tracked) - Rev 9a |
| REP8-006   | <a href="#">Highways England</a><br>Deadline 8 Submission - 3.4 Schedule of Changes to dDCO - Rev 6                |
| REP8-007   | <a href="#">Highways England</a><br>Deadline 8 Submission - 4.3 Book of Reference (Clean) - Rev 4                  |
| REP8-008   | <a href="#">Highways England</a><br>Deadline 8 Submission - 4.3 Book of Reference (Tracked) - Rev 4a               |
| REP8-009   | <a href="#">Highways England</a><br>Deadline 8 Submission - 4.4 Book of Reference - Schedule of Changes - Rev 3    |
| REP8-010   | <a href="#">Highways England</a><br>Deadline 8 Submission - 6.6 Landscape Mitigation Masterplan - Part B - Rev 3   |
| REP8-011   | <a href="#">Highways England</a>   |

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|          | Deadline 8 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 7   |
| REP8-012 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 7a  |
| REP8-013 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.4 Outline Construction Traffic Management Plan (Clean) - Rev 4   |
| REP8-014 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.4 Outline Construction Traffic Management Plan (Tracked) - Rev 4a  |
| REP8-015 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 7   |
| REP8-016 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 6   |
| REP8-017 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.6B Statement of Common Ground with Natural England - Rev 5   |
| REP8-018 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.6C Statement of Common Ground with The Environment Agency - Rev 6  |
| REP8-019 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.6D Statement of Common Ground with Historic England - Rev 5  |
| REP8-020 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.6E Statement of Common Ground with The Forestry Commission - Rev 4   |
| REP8-021 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 7  |
| REP8-022 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 7a   |
| REP8-023 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.9.1.1 Culvert Mitigation Strategy - Rev 2  |
| REP8-024 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.28 Applicant's Responses to Deadline 7 Submissions   |
| REP8-025 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.28.1 Applicant's Responses to Deadline 7 Submissions - Appendix A - River Coquet Fluvial Geomorphology Assessment - Valley Side-Channel Connectivity |
| REP8-026 | <a href="#">Highways England</a><br>Deadline 8 Submission - 7.29 Applicant's Responses to ExA's Third Written Questions  |
| REP8-027 | <a href="#">Highways England</a>   |

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|  | Deadline 8 Submission - 7.29.1 Applicant's Responses to ExA's Third Written Questions - Appendix i - Scheme Impacts on Carbon Budgets (LA114 format)                                |
| REP8-028   | <a href="#">Northumberland County Council</a><br>Deadline 8 Submission - Responses to ExQ3  |
| REP8-028a  | <a href="#">Northumberland County Council</a><br>Deadline 8 Submission - Cover Letter   |
| REP8-028b  | <a href="#">Northumberland County Council</a><br>Deadline 8 Submission - Responses to ExQ3 - Appendix 1: Suggested changes to Schedules 1 and 3 of the dDCO                         |
| REP8-029   | <a href="#">Environment Agency</a><br>Deadline 8 Submission - Position Statement, Comments on responses submitted for Deadline 7, and Responses to ExQ3                             |
| REP8-030   | <a href="#">Historic England</a><br>Deadline 8 Submission - Position Statement  |
| REP8-031   | <a href="#">Royal Mail</a><br>Deadline 8 Submission - Position Statement  |
| REP8-032   | <a href="#">The Woodland Trust</a><br>Deadline 8 Submission - Responses to ExQ3   |
| REP8-033   | <a href="#">Mark Hawes</a><br>Deadline 8 Submission - Comments on responses submitted for Deadline 7  |
| <b>Deadline 8a – 4 June 2021</b>                       |   |
| Deadline for receipt by ExA of:<br>- Responses to ExQ4 |   |
| REP8a-001  | <a href="#">Highways England</a><br>Deadline 8a Submission - 1.5 Application Document Tracker - Rev 10  |
| REP8a-002  | <a href="#">Highways England</a><br>Deadline 8a Submission - 2.4 General Arrangement Plans - Rev 5  |
| REP8a-003  | <a href="#">Highways England</a><br>Deadline 8a Submission - 6.5 Landscape Mitigation Masterplan Part A - Rev 5   |
| REP8a-004  | <a href="#">Highways England</a><br>Deadline 8a Submission - 6.50 River Coquet Hydraulic Modelling Report - Rev 1   |
| REP8a-005  | <a href="#">Highways England</a><br>Deadline 8a Submission - 6.52 Northgate Farm Private Means of Access Options Technical Note   |
| REP8a-006  | <a href="#">Highways England</a><br>Deadline 8a Submission - 7.30 Applicant's Responses to ExA's Fourth Written Questions   |
| REP8a-007  | <a href="#">Highways England</a><br>Deadline 8a Submission - 7.30.1 Applicant's Responses to ExA's Fourth Written Questions - Appendix A - Cross-sections for Earthworks Amendments |
| REP8a-008  | <a href="#">Highways England</a><br>Deadline 8a Submission - 7.31 Consultation Statement for Statutory Consultation on Change Request   |

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| REP8a-009   | <a href="#">Highways England</a><br>Deadline 8a Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 8       |
| REP8a-010   | <a href="#">Highways England</a><br>Deadline 8a Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 7 |
| REP8a-011   | <a href="#">Highways England</a><br>Deadline 8a Submission - 7.6B Statement of Common Ground with Natural England - Rev 6               |
| REP8a-012   | <a href="#">Highways England</a><br>Deadline 8a Submission - Cover Letter   |
| REP8a-013   | <a href="#">Environment Agency</a><br>Deadline 8a Submission - Responses to ExQ4  |
| REP8a-014   | <a href="#">Northern Powergrid</a><br>Deadline 8a Submission - Position Statement   |
| REP8a-015   | <a href="#">Natural England</a><br>Deadline 8a Submission - Responses to ExQ4 and Comments on responses submitted for Deadline 7        |
| <b>Late Submissions</b>   |   |
| REP8a-016   | <a href="#">Northern Powergrid</a><br>Deadline 8a Submission - Late Submission - Additional Position Statement                          |
| <b>Deadline 9 – 15 June 2021</b>  |   |
| Deadline for receipt by ExA of: <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 8 and Deadline 8a</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Responses to any further information by the ExA under Rule 17 of the EPR (if required)</li> </ul> |   |
| REP9-001  | <a href="#">Highways England</a><br>Deadline 9 Submission - Cover Letter  |
| REP9-002  | <a href="#">Highways England</a><br>Deadline 9 Submission - 1.5 Application Document Tracker - Rev 11                                   |
| REP9-003  | <a href="#">Highways England</a><br>Deadline 9 Submission - 2.2 Land Plans - Rev 3  |
| REP9-004  | <a href="#">Highways England</a><br>Deadline 9 Submission - 3.1 draft Development Consent Order (Clean) - Rev 10                        |
| REP9-005  | <a href="#">Highways England</a><br>Deadline 9 Submission - 3.1 draft Development Consent Order (Tracked) - Rev 10a                     |
| REP9-006  | <a href="#">Highways England</a><br>Deadline 9 Submission - 3.4 Schedule of Changes to dDCO - Rev 7                                     |
| REP9-007  | <a href="#">Highways England</a><br>Deadline 9 Submission - 4.3 Book of Reference (Clean) - Rev 5                                       |
| REP9-008  | <a href="#">Highways England</a><br>Deadline 9 Submission - 4.3 Book of Reference (Tracked) - Rev 5a                                    |

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| REP9-009 | <a href="#">Highways England</a><br>Deadline 9 Submission - 4.4 Book of Reference - Schedule of Changes - Rev 4  |
| REP9-010 | <a href="#">Highways England</a><br>Deadline 9 Submission - 6.1 Environmental Statement - Appendix 2.2 Technical Drawings - Rev 1  |
| REP9-011 | <a href="#">Highways England</a><br>Deadline 9 Submission - 6.53 Environmental Statement Addendum: Earthworks Amendments for Change Request - Landscape and Visual Errata Report |
| REP9-012 | <a href="#">Highways England</a><br>Deadline 9 Submission - 6.7 Ancient Woodland Strategy (Clean) - Rev 3  |
| REP9-013 | <a href="#">Highways England</a><br>Deadline 9 Submission - 6.7 Ancient Woodland Strategy (Tracked) - Rev 3a   |
| REP9-014 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.26.1 Impacts to Ancient and Veteran Trees (Clean) - Rev 1  |
| REP9-015 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.26.1 Impacts to Ancient and Veteran Trees (Tracked) - Rev 1a   |
| REP9-016 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 8                                       |
| REP9-017 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 8a                                    |
| REP9-018 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.32 Applicant's Responses to Deadline 8 and 8a Submissions  |
| REP9-019 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.32.1 Applicant's Responses to Deadline 8 and 8a Submissions - Appendix A - Summary of Community Impacts            |
| REP9-020 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 9   |
| REP9-021 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 8   |
| REP9-022 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.6B Statement of Common Ground with Natural England - Rev 7   |
| REP9-023 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.6C Statement of Common Ground with The Environment Agency - Rev 7  |
| REP9-024 | <a href="#">Highways England</a><br>Deadline 9 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 8  |
| REP9-025 | <a href="#">Highways England</a>   |

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|  | Deadline 9 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 8a  |
| REP9-026   | <a href="#">Historic England</a><br>Deadline 9 Submission - Position Statement  |
| REP9-027   | <a href="#">Historic England</a><br>Deadline 9 Submission - Draft Statement of Common Ground with the Applicant                         |
| REP9-028   | <a href="#">Mark Hawes</a><br>Deadline 9 Submission - Comments on responses submitted for Deadline 8 and Deadline 8a                    |
| REP9-029   | <a href="#">Environment Agency</a><br>Deadline 9 Submission - Comments on responses submitted for Deadline 8 and Deadline 8a            |
| REP9-030   | <a href="#">Northumberland County Council</a><br>Deadline 9 Submission - Comments on responses submitted for Deadline 8 and Deadline 8a |
| <p><b>Deadline 10 – 29 June 2021</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>- Comments on responses submitted for Deadline 9</li> <li>- Written summaries of oral submissions to Hearings held during the week commencing 7 and 14 June 2021</li> <li>- Any post-Hearing notes requested at the Hearings</li> <li>- Finalised SoCG</li> <li>- Finalised Statement of Commonality for SoCG</li> <li>- Finalised Statement of Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- A finalised Guide to the Application</li> <li>- A finalised version of the dDCO in clean and tracked versions</li> <li>- A finalised Schedule of changes to the dDCO</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules (if required)</li> <li>- Responses to any further information requested by the ExA under Rule 17 of the EPR (if required)</li> </ul> |   |
| REP10-001  | <a href="#">Highways England</a><br>Deadline 10 Submission - Cover Letter   |
| REP10-002  | <a href="#">Highways England</a><br>Deadline 10 Submission - 1.5 Application Document Tracker - Rev 12                                  |
| REP10-003  | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.2 Land Plans - Rev 4   |
| REP10-004  | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.3 Works Plans - Rev 3  |
| REP10-005  | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.4 General Arrangement Plans - Rev 6                                      |
| REP10-006  | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.5 Rights of Way and Access Plans - Rev 5                                 |
| REP10-007  | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.6 Traffic Regulations Measures Plan - Rev 3                              |
| REP10-008  | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.9 Vegetation Clearance Plans - Rev 3                                     |
| REP10-009  | <a href="#">Highways England</a>  |

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|           | Deadline 10 Submission - 2.10 Existing and Proposed Carriageway Area Within Order Limits Plans - Rev 3   |
| REP10-010 | <a href="#">Highways England</a><br>Deadline 10 Submission - 2.11 Proposed Highway Adoption and Maintenance Responsibilities - Rev 3   |
| REP10-011 | <a href="#">Highways England</a><br>Deadline 10 Submission - 3.1 Draft Development Consent Order (Clean) - Rev 11  |
| REP10-012 | <a href="#">Highways England</a><br>Deadline 10 Submission - 3.1 Draft Development Consent Order (Tracked) - Rev 11a   |
| REP10-013 | <a href="#">Highways England</a><br>Deadline 10 Submission - 3.2 Explanatory Memorandum (Clean) - Rev 5  |
| REP10-014 | <a href="#">Highways England</a><br>Deadline 10 Submission - 3.2 Explanatory Memorandum (Tracked) - Rev 5a   |
| REP10-015 | <a href="#">Highways England</a><br>Deadline 10 Submission - 3.4 Schedule of Changes to Draft Development Consent Order - Rev 8 - This document is superseded by [REP10-053] |
| REP10-016 | <a href="#">Highways England</a><br>Deadline 10 Submission - 4.1 Statement of Reasons (Clean) - Rev 4  |
| REP10-017 | <a href="#">Highways England</a><br>Deadline 10 Submission - 4.1 Statement of Reasons (Tracked) - Rev 4a   |
| REP10-018 | <a href="#">Highways England</a><br>Deadline 10 Submission - 4.3 Book of Reference (Clean) - Rev 6   |
| REP10-019 | <a href="#">Highways England</a><br>Deadline 10 Submission - 4.3 Book of Reference (Tracked) - Rev 6a  |
| REP10-020 | <a href="#">Highways England</a><br>Deadline 10 Submission - 4.4 Book of Reference - Schedule of Changes - Rev 5   |
| REP10-021 | <a href="#">Highways England</a><br>Deadline 10 Submission - 6.8 Environmental Statement - Appendix 10.4 - Drainage Strategy Report - Part B (Clean) - Rev 2                 |
| REP10-022 | <a href="#">Highways England</a><br>Deadline 10 Submission - 6.8 Environmental Statement - Appendix 10.4 - Drainage Strategy Report - Part B (Tracked) - Rev 2a              |
| REP10-023 | <a href="#">Highways England</a><br>Deadline 10 Submission - 6.33 Updated Biodiversity Air Quality DMRB Sensitivity Assessment (Clean) - Rev 1                               |
| REP10-024 | <a href="#">Highways England</a><br>Deadline 10 Submission - 6.33 Updated Biodiversity Air Quality DMRB Sensitivity Assessment (Tracked) - Rev 1a                            |
| REP10-025 | <a href="#">Highways England</a>   |



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|           | Deadline 10 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 9   |
| REP10-026 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 9a  |
| REP10-027 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 10  |
| REP10-028 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 9   |
| REP10-029 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.6B Statement of Common Ground with Natural England - Rev 8   |
| REP10-030 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.6C Statement of Common Ground with The Environment Agency - Rev 8  |
| REP10-031 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.6D Statement of Common Ground with Historic England - Rev 6  |
| REP10-032 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.6E Statement of Common Ground with The Forestry Commission - Rev 5   |
| REP10-033 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.8.5 Compulsory Acquisition Schedule (Clean) - Rev 9  |
| REP10-034 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.8.5 Compulsory Acquisition Schedule (Tracked) - Rev 9a   |
| REP10-035 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.26.3 Updated Combined Effects Technical Note (Clean) - Rev 2   |
| REP10-036 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.26.3 Updated Combined Effects Technical Note (Tracked) - Rev 2a  |
| REP10-037 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.33 Applicant's Written Summary of Oral Submissions to Hearings in Weeks Commencing 7 and 14 June 2021  |
| REP10-038 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.33.1 Applicant's Written Summary of Oral Submissions to Hearings - Appendix A - Technical Note - Proposed Amendments to Earthworks                                       |
| REP10-039 | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.33.2 Applicant's Written Summary of Oral Submissions to Hearings - Appendix B - Summary of Legal Agreement with the Environment Agency and Northumberland County Council |
| REP10-040 | <a href="#">Highways England</a>  |

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|   | Deadline 10 Submission - 7.33.3 Applicant's Written Summary of Oral Submissions at Hearings - Appendix C - Capri Lodge and Northgate Farm Private Means of Access Alternatives Plan   |
| REP10-041   | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.33.4 Applicant's Written Summary of Oral Submissions at Hearings - Appendix D - Agreed Position Statement with West End Anglers  |
| REP10-042   | <a href="#">Highways England</a><br>Deadline 10 Submission - 7.34 Applicant's Responses to Deadline 9 Submissions   |
| REP10-043   | <a href="#">Northumberland County Council</a><br>Deadline 10 Submission - Comments on responses submitted for Deadline 9 and Any post-Hearing notes requested at the Hearings   |
| REP10-044   | <a href="#">Environment Agency</a><br>Deadline 10 Submission - Comments on responses submitted for Deadline 9 and Any post-Hearing notes requested at the Hearings  |
| REP10-045   | <a href="#">Historic England</a><br>Deadline 10 Submission - Position Statement   |
| REP10-046   | <a href="#">Bryan Cave Leighton Paisner LLP on behalf of National Grid Gas Plc</a><br>Deadline 10 Submission - Cover Letter and Position Statement  |
| REP10-047   | <a href="#">Bryan Cave Leighton Paisner LLP on behalf of National Grid Gas Plc</a><br>Deadline 10 Submission - Protective Provisions for the benefit of National Grid Gas Plc   |
| REP10-048   | <a href="#">Claire Rowlands</a><br>Deadline 10 Submission   |
| REP10-049   | <a href="#">James McDonald on behalf of John Ellis Davidson</a><br>Deadline 10 Submission   |
| REP10-050   | <a href="#">Mark Hawes</a><br>Deadline 10 Submission - This document is superseded by [REP11-021]   |
| REP10-051   | <a href="#">Brockthorpe Consultancy Ltd on behalf of Messrs Beal</a><br>Deadline 10 Submission  |
| REP10-052   | <a href="#">Winifred Coulson</a><br>Deadline 10 Submission  |
| <b>Late Submission</b>  |   |
| REP10-053   | <a href="#">Highways England</a><br>Deadline 10 Submission - Late submission accepted at the discretion of the Examining Authority - This document corrects errors in and supersedes [REP10-015] - 3.4 Schedule of Changes to Draft Development Consent Order - Rev 8 |
| <b>Deadline 11 – 02 July 2021</b>   |   |
| Deadline for receipt by ExA of:<br>- Comments on responses submitted for Deadline 10<br>- Any further information requested by the ExA (if required) under Rule 17 of the EPR (if required) |   |
| REP11-001   | <a href="#">Highways England</a><br>Deadline 11 Submission - Cover Letter   |
| REP11-002   | <a href="#">Highways England</a>  |

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|           | Deadline 11 Submission - 1.5 Application Document Tracker - Rev 12  |
| REP11-003 | <a href="#">Highways England</a><br>Deadline 11 Submission - 3.1 Final draft Development Consent Order (Clean) - Rev 12                         |
| REP11-004 | <a href="#">Highways England</a><br>Deadline 11 Submission - 3.1 Final draft Development Consent Order (Tracked) - Rev 12a                      |
| REP11-005 | <a href="#">Highways England</a><br>Deadline 11 Submission - 3.4 Final Schedule of Changes to draft Development Consent Order - Rev 9           |
| REP11-006 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 10    |
| REP11-007 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Tracked) - Rev 10a |
| REP11-008 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.6 Statement of Commonality for Statements of Common Ground - Rev 11              |
| REP11-009 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.6A Statement of Common Ground with Northumberland County Council - Rev 10        |
| REP11-010 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.6C Statement of Common Ground with The Environment Agency - Rev 9                |
| REP11-011 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.6E Statement of Common Ground with The Forestry Commission - Rev 5               |
| REP11-012 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.6I Statement of Common Ground with Northumbrian Water - Rev 3                    |
| REP11-013 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.9.1.1 Culvert Mitigation Strategy - Rev 3  |
| REP11-014 | <a href="#">Highways England</a><br>Deadline 11 Submission - 7.35 Applicant's Responses to Deadline 10 Submissions                              |
| REP11-015 | <a href="#">Northumberland County Council</a><br>Deadline 11 Submission - Comments on responses submitted for Deadline 10                       |
| REP11-016 | <a href="#">Environment Agency</a><br>Deadline 11 Submission - Comments on responses submitted for Deadline 10                                  |
| REP11-017 | <a href="#">National Grid Gas Plc</a><br>Deadline 11 Submission - Withdrawal of Objection   |
| REP11-018 | <a href="#">Weightmans LLP on behalf of Northern Powergrid</a><br>Deadline 11 Submission - Cover Letter and Position Statement                  |
| REP11-019 | <a href="#">Weightmans LLP on behalf of Northern Powergrid</a><br>Deadline 11 Submission - Protective Provisions                                |
| REP11-020 | <a href="#">Colin Moor</a>  |

|                         |  |
|-------------------------|--|
|                         | Deadline 11 Submission   |
| REP11-021               | <a href="#">Mark Hawes</a><br>Deadline 11 Submission - Comments on responses submitted for Deadline 9 - This document corrects errors in and supersedes [REP10-050]  |
| REP11-022               | <a href="#">Mark Hawes</a><br>Deadline 11 Submission - Comments on responses submitted by the Applicant for Deadline 10  |
| REP11-023               | <a href="#">Mark Hawes</a><br>Deadline 11 Submission - Comments on responses submitted by James McDonald on behalf of John Ellis Davidson for Deadline 10  |
| <b>Late Submissions</b> |  |
| REP11-024               | <a href="#">Highways England</a><br>Deadline 11 Submission - Late Submission - Update on agreements between Environment Agency and Northumberland County Council - Accepted at the discretion of the Examining Authority |
| REP11-025               | <a href="#">Highways England</a><br>Deadline 11 Submission - Late Submission - Update on remaining Statements of Common Ground - Accepted at the discretion of the Examining Authority                                   |
| REP11-026               | <a href="#">Highways England</a><br>Deadline 11 Submission - Late Submission - 7.6H Statement of Common Ground with Northern Gas Networks - Rev 1 - Accepted at the discretion of the Examining Authority                |
| <b>Other Documents</b>  |  |
| OD-001                  | <a href="#">Highways England</a><br>Applicant's s56 notice of accepted application   |
| OD-002                  | <a href="#">Highways England</a><br>Section 59 and Reg 16 Compliance Certificates and Book of Reference Schedule of Changes  |
| OD-003                  | <a href="#">Highways England</a><br>Certificate of Compliance  |
| OD-004                  | <a href="#">Regulation 32 Transboundary Screening</a>  |
| OD-005                  | <a href="#">Highways England</a><br>Certificate of Compliance under Regulations 9(a) of The Infrastructure Planning (Compulsory Acquisition) Regulations 2010  |
| OD-006                  | <a href="#">Highways England</a><br>Certificates of Compliance under Regulations 9(b) of The Infrastructure Planning (Compulsory Acquisition) Regulations 2010   |

## **APPENDIX B: LIST OF ABBREVIATIONS**

| <b>Abbreviation or usage</b> | <b>Reference</b>   |
|------------------------------|--|
| AADT                         | Average Annual Daily Traffic   |
| AP                           | Affected Person  |
| AQD                          | Air Quality Directive  |
| AQMA                         | Air Quality Management Area  |
| AQP2017                      | Air quality plan for nitrogen dioxide (NO <sub>2</sub> ) in the UK, DEFRA (2017)                             |
| AQS                          | Air Quality Strategy   |
| ARN                          | Affected Road Network  |
| ASI                          | Accompanied Site Inspection  |
| AWS                          | Ancient Woodland Strategy  |
| BNNL                         | Biodiversity No Net Loss   |
| BoR                          | Book of Reference  |
| CA                           | Compulsory Acquisition   |
| the CA Guidance              | Planning Act 2008: Guidance Related to Procedures for Compulsory Acquisition of Land                         |
| the CA Regulations           | Infrastructure Planning (Compulsory Acquisition) Regulations 2010  |
| CAH                          | Compulsory Acquisition Hearing   |
| CCA2008                      | Climate Change Act 2008  |
| CEMP                         | Construction Environmental Management Plan   |
| CMS                          | Culvert Mitigation Strategy  |
| CO <sub>2</sub>              | Carbon Dioxide   |
| CTMP                         | Construction Traffic Management Plan   |
| D                            | Deadline   |
| dB                           | Decibel  |
| DCLG                         | Department for Communities and Local Government  |
| the DCLG Guidance            | DCLG - Planning Act 2008: guidance on associated development applications for major infrastructure projects. |
| DCO                          | Development Consent Order  |
| dDCO                         | draft Development Consent Order  |
| DEFRA                        | Department for Environment, Food and Rural Affairs   |
| DfT                          | Department for Transport   |
| DMRB                         | Design Manual for Roads and Bridges  |
| EA                           | Environment Agency   |
| EA1995                       | Environment Act 1995   |
| EIA                          | Environmental Impact Assessment  |
| ECHR                         | European Convention on Human Rights  |
| EEA                          | European Economic Area   |
| the EIA Regulations          | The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)                  |
| EPR                          | Examination Procedure Rules 2010   |
| ES                           | Environmental Statement  |
| EU                           | European Union   |
| ExA                          | Examining Authority  |

| <b>Abbreviation or usage</b> | <b>Reference</b>  |
|------------------------------|---|
| EM                           | Explanatory Memorandum  |
| ExQ1                         | Initial written question(s)   |
| ExQ2                         | Further written question(s)   |
| ExQ3                         | Third Written Questions   |
| ExQ4                         | Fourth Written Questions  |
| FRA                          | Flood Risk Assessment   |
| GHG                          | Greenhouse Gas  |
| ha                           | hectare   |
| the Habitats Regulations     | Conservation of Habitats and Species Regulations 2017 (as amended)        |
| HE                           | Highways England  |
| HEMP                         | Handover Environmental Management Plan                                    |
| HPI                          | Habitat of Principal Importance   |
| HRA                          | Habitats Regulations Assessment   |
| HGV                          | Heavy Goods Vehicle   |
| HoT                          | Heads of Terms  |
| IAN                          | Interim Advice Note   |
| IAPI                         | Initial Assessment of the Principal Issues                                |
| IEMA                         | Institute of Environmental Management and Assessment                      |
| IP                           | Interested Party  |
| ISH                          | Issue Specific Hearing  |
| km                           | Kilometre   |
| kv                           | Kilovolt  |
| ktCO <sub>2</sub> e          | Thousand Tonnes of Carbon Dioxide Equivalent                              |
| LCA                          | Landscape Character Area  |
| LIR                          | Local Impact Report   |
| LEMP                         | Landscape and Ecological Management Plan                                  |
| LNR                          | Local Nature Reserves   |
| LOAEL                        | Lowest Observable Adverse Effect Level                                    |
| LoNI                         | Letter of No Impediment   |
| LV                           | Limit Values  |
| LTN                          | Local Transport Note  |
| LTP                          | Local Transport Plan  |
| LWS                          | Local Wildlife Sites  |
| m                            | metre   |
| µg                           | Microgram   |
| MHCLG                        | Ministry of Housing, Communities and Local Government                     |
| MMP                          | Materials Management Plan   |
| MSA                          | Mineral Safeguarding Area   |
| the Model Provisions Order   | Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 |
| mph                          | miles per hour  |
| NCC                          | Northumberland County Council   |
| NE                           | Natural England   |
| NIA                          | Noise Important Area  |
| NIDP                         | National Infrastructure Delivery Plan                                     |
| NMU                          | Non-Motorised User  |

| <b>Abbreviation or usage</b> | <b>Reference</b>  |
|------------------------------|---|
| NNNPS                        | National Networks National Policy Statement                     |
| NPPF                         | National Planning Policy Framework                              |
| NPPG                         | National Planning Practice Guidance                             |
| NO <sub>2</sub>              | Nitrogen Dioxide  |
| NO <sub>x</sub>              | Nitrogen Oxide  |
| NOEL                         | No Observed Effect Level  |
| NPS                          | National Policy Statement                                       |
| NPSE                         | Noise Policy Statement for England                              |
| NSIP                         | Nationally Significant Infrastructure Project                   |
| NTS                          | Non-Technical Summary   |
| OFH                          | Open Floor Hearing  |
| PA2008                       | Planning Act 2008 (as amended)                                  |
| PM                           | Preliminary Meeting   |
| PMA                          | Private Means of Access   |
| PM <sub>2.5</sub>            | Particulate Matter which is 2.5 micrometres or less in diameter |
| PM <sub>10</sub>             | Particulate Matter which is 10 micrometres or less in diameter  |
| PRoW                         | Public Right of Way   |
| PSED                         | Public Sector Equality Duty                                     |
| R                            | Requirement   |
| REAC                         | Register of Environmental Actions and Commitments               |
| RIES                         | Report on the Implications for European Sites                   |
| RIS                          | Road Investment Strategy  |
| RPA                          | Relevant Planning Authority                                     |
| RR                           | Relevant Representation   |
| s                            | Section (of Act)  |
| SAC                          | Special Area of Conservation                                    |
| SNCB                         | Statutory Nature Conservation Body                              |
| SO <sub>2</sub>              | Sulphur Dioxide   |
| SOAEL                        | Significant Observed Adverse Effect Level                       |
| SoCG                         | Statement of Common Ground                                      |
| SoR                          | Statement of Reasons  |
| SoS                          | Secretary of State  |
| SoST                         | Secretary of State for Transport                                |
| SPA                          | Special Protection Area   |
| SRN                          | Strategic Road Network  |
| SSSI                         | Site of Special Scientific Interest                             |
| SWMP                         | Site Waste Management Plan                                      |
| tCO <sub>2</sub> e           | Tonnes of Carbon Dioxide Equivalent                             |
| TCPA1990                     | Town and Country Planning Act 1990                              |
| TP                           | Temporary Possession  |
| UK                           | United Kingdom  |
| UKCP                         | United Kingdom Climate Predictions                              |
| ULEV                         | Ultra-Low Emission Vehicles                                     |
| UNEP                         | United Nations Environment Programme                            |



| Abbreviation or usage | Reference   |
|-----------------------|---|
| UNFCCC                | United Nations Framework Convention on Climate Change |
| USI                   | Unaccompanied Site Inspection                         |
| WACA1981              | Wildlife and Countryside Act 1981                     |
| WCA                   | Woodland Creation Area                                |
| WCH                   | Walkers, cyclist and horse riders                     |
| WEIF                  | Water Environment Investment Fund                     |
| WFD                   | Water Framework Directive                             |
| WR                    | Written Representation                                |
| WSI                   | Written Scheme of Investigation                       |

## **APPENDIX C: THE RECOMMENDED DCO**

PLEASE SEE EMAIL ATTACHMENT FOR RECOMMENDED DCO.  
VALIDATED VERSION PENDING.