## Northumberland County Council's responses to the Examining Authority issues and questions issued on 19 November 2020 – ExQ1

EXQ1	Question to:	Question:	Answer:
GENERAL QUI	ESTIONS		
GEN.1.29	Applicant NCC	Figure 34 of the Case for the Scheme [APP-344] is titled 'Inner and Outer Green Belt Boundary Preferred Options Map' sourced from the NCC Morpeth Outer Green Belt Boundary Report, October 2013. It shows existing Green Belt and Proposed Green Belt Extension. Figure 7.10 of the ES [APP-097] shows the existing Green Belt as for Figure 34 and Saved Policy S5 Green Belt Extension. Paragraph 6.4.1 references Policy S5 of the Structure Plan and the emerging NCC Local Plan.  What is the status of Structure Plan Policy S5? What is the status of the Green Belt in the emerging NCC Local Plan as described in paragraph 6.4.1? Is the Scheme within the Green Belt? Please clarify.	(NB the documents referred to in this question can be found via this link: https://infrastructure.planninginspectorate.gov.uk/wpcon tent/ipc/uploads/projects/TR010059/TR010059-000838-A1%20Northumberland%20Examination%20Library%20M orpeth%20to%20Ellingham.pdf).  What is the status of Structure Plan Policy S5?  The adopted Green Belt in Northumberland includes an area where boundaries have been established and adopted in the Local Plans and Core Strategies of the former Tynedale and Wansbeck districts, and the boroughs of Castle Morpeth and Blyth Valley. There is also a part of the adopted Green Belt, saved Structure Plan Policy S5, where a 'general extent' has been identified and adopted but detailed boundaries have not yet been established.  The general extent of this part of the Green Belt is adopted as part of the development plan in saved policy S5 of the Northumberland and National Park Joint Structure Plan First Alteration (2005), which was subsequently saved by the Secretary of State and remains in place.  The Policy states: Policy S5 – Extension to the Green Belt An extension to the Green Belt will extend from the

existing boundary northwards to lie:

- to the west of Netherwitton, Hartburn and Belsay;
- north of Longhorsley and west of Widdrington Station, excluding the Stobswood Opencast site;
- east of Pegswood;
- west of Ashington, Guide Post, Bedlington and the A1068; and
- east of Bothal, Hepscott, Nedderton and Hartford Bridge.

Precise boundaries, including those around settlements, should be defined in Local Plans having particular regard to the maintenance of the role of Morpeth as defined in Policy S7 and to the sequential approach in Policy S11.

The extent of the Green Belt extension, as described is therefore a long established development plan policy.

The part of saved Policy S5 that refers to 'north of Longhorsley and west of Widdrington Station...' makes it clear that much of the 'Part A' scheme would fall within this area and the land concerned has the status of Green Belt.

There are several examples of Planning Appeals relating to sites within this general extent where Inspectors have fully accepted the status of the area as Green Belt. This includes a significant windfarm Inquiry in the vicinity of Fenrother, close to the line of the A1, some 3 kilometres north of the southern end of 'Part A' of the proposed A1 dualling scheme, (APP/P2935/A/13/2194915). That Inspector concluded that the land concerned was Green Belt, stating: "The precise boundaries of the Green Belt

extension have never been defined in a development plan document, as the Castle Morpeth District Local Plan (LP) predated the SP by two years. However it is clear from the SP Key Diagram that the appeal site is well within the hatched area referred to in SP policy S5, and there is a reference in the text to the area north of Longhorsley, beyond the appeal site, which adds further certainty."

Further, a recent High Court judgement concerning a similar situation in York (Wedgewood v City of York Council [2020] EWHC 780) has clarified that, as a matter of planning principle, the general extent, as described, functions as an existing Green Belt designation.

What is the status of the Green Belt in the emerging NCC Local Plan as described in paragraph 6.4.1?

The remaining uncertainty relates to the precise inset and outer boundaries. These are being established through the process of the Northumberland Local Plan. This is at its Examination stage, meaning that the exact line of the boundary has not yet been fixed in terms of the development plan policies map. While there are objections to the general extent, as established through saved Structure Plan Policy S5, the Examination Inspector has limited discussions to more detailed matters regarding outer and inset boundaries and issues such as safeguarded land. We conclude from this that the Inspector is mindful of the above High Court judgement and other decisions and is satisfied that the general extent has been firmly established.

Turning to the outer boundary, as mentioned in the question, this was originally proposed, based on evidence

in a 2013 document. Since then, this section of the outer boundary has been taken forward unchanged based on later evidence and technical assessment. As mentioned, the Local Plan Inspector is currently deliberating on its soundness and considering objections to the approach taken to defining the outer extent.

The emerging Local Plan also seeks to establish an inset boundary for the town of Morpeth, the northern extremity of which abuts the southern end of the 'Part A' section of the scheme. As with the outer boundary, there are objections to the approach taken to defining inset boundaries, which are being considered by the Examination Inspector.

The proposed boundaries that are before the Inspector can be found by referring to the Publication version of the Policies Map via this link:

http://northumberland.maps.arcgis.com/apps/webappvie wer/index.html?id=2ddf03 60755b401e99a333432d132cec

The methodology behind them is explained in the Green Belt Review Technical Paper, available via this link: https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Plannin g-and-Building/planning%20policy/Local%20Plan/Green-Belt-Technical-PaperDecember-2018-Final.pdf

#### Is the Scheme within the Green Belt?

As explained above, in relation to the establishment of the general extent, a substantial part of the scheme is in the

Green Belt. However, as there are no adopted detailed boundaries for this part of the Green Belt, a planning judgement, based upon the wording in saved Policy S5 is required to determine the actual extent of the area where Green Belt policies should apply.

Although land which is clearly within the extent described within Policy S5, (such as around Fenrother), should be regarded as Green Belt, there is a degree of ambiguity to whether land towards the potential outer extent and land in and around settlements falls within the Green Belt. The emerging detailed boundaries have not yet been found sound and do not form part of the development plan; however, they may help to inform a judgement, and the supporting evidence used to define the emerging boundaries may inform this.

In Wedgewood v City of York Council, the judge clarified that unless a policy clearly designates all land within the general extent of the Green Belt, the decision maker should apply a planning judgement to determine whether to apply Green Belt policy to a site. Also referenced in the judgement was a decision by the Secretary of State (Avon Drive<sup>1</sup>) in which a precautionary approach was taken to ensure that no land is arbitrarily excluded from the Green Belt where the boundary is yet to be defined.

Given that the wording in Policy S5 does not describe exactly where the outer boundary should be drawn, there remains a degree of ambiguity as to the outward extent of the Green Belt. It is nevertheless clear that the northern extent lies to the 'north of Longhorsley' but not exactly how far to the north of that village. What can be said is that the outer boundary will fall no further south than the

northern edge of Longhorsley but not as far north as the next village moving north. This happens to be the village of West Thirston, which lies close to line of the 'Part A' scheme. It is therefore the case that a substantial part of the 'Part A' scheme falls within the Green Belt but not as far north as West Thirston. Based on the arguments above, it is strongly recommended that the boundary is taken as that which is proposed in the submitted Northumberland Local Plan which is currently under Examination – i.e. that shown on plan NCC002 appended to this document. Looking more closely at the southern end of the proposed works to the A1, the extract below, taken from one of the Highways England land plans<sup>2</sup>, shows that a very small area that forms part of ancillary works for the scheme, will fall within the proposed inset boundary for Morpeth. This would include the southernmost green area and the southern part of the blue area (approximately as far north as the start of the pink area). Everything north of that, as far north as the outer boundary, would be Green Belt. The inset boundary for the northern end of Morpeth, as proposed in the submitted Northumberland Local Plan, currently under Examination, is also shown below. The Council considers that land beyond the emerging Green Belt inset boundary for Morpeth contributes towards Green Belt purposes and therefore should be treated as Green Belt.

AIR QUALITY AND EMISSIONS	LOWA	
<b>VIR QUALITY AND EMISSIONS</b>	PART A	
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		<sup>2</sup> Extract from H.E. document APP-006: PLAN 1 OF 19 TR010041/APP/2.2 REGULATION 5(2)(i) and 5(4)
		Footnotes:  1https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609816/17-04-21_DL_IR_Avon_Drive_York_3149489.pdf
		It can therefore be concluded that, for the purposes of assessing the A1 dualling DCO, the outward extent of the Green Belt should be taken as corresponding to that shown in Figure 7.10 of the Highways England Environmental Statement (APP-097) and the Morpeth inset, as illustrated at NCC003 appended to this document. Green Belt policies therefore apply within the full extent of this area.
		The precise inset and outer boundaries have, as stated, yet to be fixed through the ongoing Local Plan process. While there remains the possibility that the eventual, adopted boundary line will be slightly different, those parts of the inset and outer boundaries that affect the road line have not been in dispute. The majority of recent appeal decisions in proposed Green Belt areas that are close to the proposed inset or outer boundaries, have been made on the basis of a default position that Green Belt policies should be applied - again aligning with the high court decision quoted earlier, in which the Judge refers to appeal decisions where a cautionary approach was taken and concludes that land should not be arbitrarily excluded.

		range of data used?	key issue to address is such an assessment are the existing baseline air quality along the existing and proposed route (which only changes for the section between Fairmoor to Felmoor/Bockenfield), the predicted changes to traffic flows and the resulting changes to the ambient air quality, particularly at the identified receptors. Neither Northumberland County Council or the two former district/borough council on the route (Castle Morpeth and Alnwick) carried out any roadside monitoring of the A1. Therefore, the only air quality data available for current ambient conditions is from the DEFRA "background maps". The applicant has carried out some short-term diffusion tube monitoring. The specific technical nature of road traffic modelling we would rely upon our colleagues in Highways to assess that this follows accepted methods of prediction. The key aspect for the prediction of future air quality impacts are vehicle emission factors – the applicant has used those in IAN 185/15 (issued May 2018). It is noted that WSP have indicated that newer factors were available from DEFRA in Sept 2019 but the use of these would not have materially affected the findings. These emission factors are the de facto "industry standard". The other data and guidance used are also acceptable and would be commonly used in such assessments. Therefore, the Public Health Protection Unit are accepting that they key data and guidance listed in section 5/4/9 of the ES and used to predict future air quality impacts at receptors are as rigorous as possibly can and we are not aware of alternative or additional data or guidance which would have contributed to the overall assessment.
AQ.1.3	IPs	Paragraph 5.4.9 of the ES [APP-040] states that based on the Affected Road Network (ARN), 25 representative human receptors have been selected. These receptors	The Public Health Protection Unit had numerous discussions with WSP and, in part, suggested some of what we considered the nearest receptors. Whilst the

		represent worst-case locations with likely relevant human exposure to air pollutants from the ARN.  Are IPs content with the identification of these receptors in terms of the number and location?	assessment includes some receptors at greater distances from the road (existing and proposed) some of these appear to be included to address impacts during the construction phase. Overall, the Public Health Protection Unit are satisfied that the selection of receptors includes those which we have identified and would consider the nearest receptors most of which are residential.
BIODIVERSITY	AND HABITATS REGUL	ATIONS ASSESSMENT	
		PART A	
BIO.1.2	IPs	Paragraph 9.1.4 of the ES [APP-048] explains that the Phase 1 survey for Part A had an extent of 500m while that for Part B was 50m.  What implications, if any, arise from these different areas?	Part A includes parts of the River Coquet and Coquet Valley Woodlands SSSI and sensitive receptors which would explain a larger survey area. The survey area was also larger due to the defined limits of the potential footprint of Part A. As such, we do not feel there are significant implications of the different survey areas, especially as this is along an existing infrastructure route.
BIO.1.4	Applicant IPs	In addressing Policy ENV2 of the Castle Morpeth District Local Plan in Table 9.3 of the ES [APP-048] it is stated that woodland is an irreplaceable habitat and has not been considered in the context of the biodiversity no net loss assessment.  Why has ancient woodland been excluded? Explain how biodiversity enhancement, rather than compensation, has been achieved for the Scheme. What is the response of IPs to this approach?	The no net loss assessment considers mitigation for the loss of ancient woodland outside of the Biodiversity Net Gain assessment as irreplaceable habitats such as ancient woodland cannot be included within a Biodiversity Net Gain Assessment. (Biodiversity Net Gain Good Practice Principles for Development: A Practical Guide — CIEEM/IEMA, 2019)  The NPPF and Government Standing Advice on Ancient Woodland <a href="https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences">https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences</a> states that  "You should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless:

- there are wholly exceptional reasons
- there's a suitable compensation strategy in place"

The main document prepared by the applicant to address impacts on ancient woodland is at Appendix 9.21: Ancient Woodland Strategy. The overall design approach and the compensation package set out is in accordance with previous informal discussion with the County Ecologist who sought a 1:4 multiplier which is considered to be enhancement due to the significant increase in area of woodland created versus that which is lost.

In this a suitable compensation strategy is in place. The scheme will result in the loss of 0.68ha of ancient woodland, of which 0.27ha is within the River Coquet and Coquet Valley Woodlands SSSI and 0.41ha in the Coquet River Felton Park LWS.

The 0.41ha of woodland within Coquet River Felton Park LWS is not recognised as ancient woodland but for the purposes of this scheme has been assessed as such. This choice has resulted in significant enhancement.

A new area of 8.16ha of ancient woodland (agreed with Natural England) will be established adjacent to the lost woodland on the south west bank of the River Coquet, under a 50 year management plan. Whilst fine detail of that woodland creation is required (soil analysis of receptor site, translocation details of soils and young trees) the overall plan is welcomed. It includes the translocation of soils, saplings, ground flora seed, ancient woodland indicator species and felled timber (for deadwood habitat) from the ancient woodland site which

			will safeguard the seedbank present in that soil and improve the chances of success of replicating that habitat over time.  The County Ecologist considers both the location and increased area of the new woodland (adjacent to the River Coquet) to be optimal.  The need for this dualling of the A1 would be an exceptional circumstance, and the widening of an existing route would be the preferable option to a new route being created.  The County Ecologist defers to the Forestry Commission and Natural England as statutory consultees on ancient woodland and Sites of Special Scientific Interest, and have requested confirmation of their agreement to the proposed compensation/enhancement scheme.
BIO.1.7	Applicant IPs	Paragraph 9.4.52 of the ES [APP-048] describes how a biodiversity no net loss calculation has been carried out. How does this relate to the principle of biodiversity net gain? Explain how the principle of biodiversity net gain applies to the Scheme. In responding the Applicant should have regard to Policies QOP1 and ENV2 of the Castle Morpeth District Local Plan in Table 9.3 which seek to achieve net gains for biodiversity rather than no net loss. This should be addressed for the entire Scheme. What is the response of IPs to this approach?	Excepting the ancient woodland habitats described above the principle of net gain applies to the scheme in the context of National Guidance and the NPPF. NCC has not formally adopted Biodiversity Net Gain (using Defra metric) as the Environment Bill has not yet come into force, although gains for biodiversity are sought by landscaping, habitat creation etc.  It is the opinion of the County Ecologist that the habitats impacted (excepting ancient woodland) are in general of low importance for biodiversity and that landscaping proposals for the new scheme would result in an overall net gain for biodiversity. In particular the creation of crossing points for wildlife would be a significant

			improvement on the existing situation on a busy route.
BIO.1.8	IPs	In paragraph 9.5.1 of the ES [APP-048] it is stated that surveys are typically valid for two years unless otherwise specified, and that the validity of surveys greater than two years old, such as breeding birds, to inform the impact assessment has been discussed and agreed with NE. Paragraph 9.7.5 indicates that the Phase 1 habitat survey was undertaken in June 2016. Appendices 9.12 to 9.17 all record surveys from 2017 or earlier.  Do IPs consider surveys which are older than 2 years to be still valid?	2 years is a general requirement for the validity of survey reports, but it is often the case with large infrastructure projects that surveys may be out of date and require updating. In this case the habitats affected are not likely to have undergone significant change and a series of checking surveys are included within the mitigation and pre-start operations, which will be controlled by Construction Environmental Management Plan (CEMP).
BIO.1.9	IPs	Are IPs content with the search / study areas identified in paragraph 9.6.2 of the ES [APP- 048]?	Yes
BIO.1.29	IPs	In section 5.2 of Appendix 9.21 of the ES [APP-247] — Ancient Woodland Strategy high level thoughts for the management strategy are presented including for years 11+ management actions every few years. Are IPs content with the scope of the management strategy?	Yes. Although it is understood that this is a high level approach and a detailed Management Plan would be requested by condition, to be agreed with the IPs.
		PART B	
BIO.1.30	Applicant NCC	Paragraph 9.4.8 of the ES [APP-049] sets out the organisations consulted in respect of baseline surveys and mitigation proposals.  Why were the consultees on Part B not the same as for Part A? Does Northumberland County Council (NCC) wish to respond on these matters?	Relevant parties for each stage of the works have been consulted with Natural England in particular included for Part A due to the presence of the SSSI.

BIO.1.37	Applicant IPs	Paragraph 6.2.2 of Appendix 9.11 [APP-309] refers to Highways England (2018) Chief Highways Engineer Memorandum 422/18, Supporting Transparency around our Biodiversity Performance. An assessment in accordance with this memo is included in Appendix C of Appendix 9.11.  The Applicant is asked to explain why the approach adopted in its own guidance is more appropriate than other methodologies to assess biodiversity performance. IPs are invited to comment on this methodology.	NCC has not formally adopted a process for considering biodiversity performance and welcome the Inspector's request for explanation for the assessment methodology.
DRAFT DEVEL	OPMENT CONSENT OR	DER	
DCO.1.40	Applicant	Art 12 -Street works  Art 12(1) states "The undertaker may, for the purposes of the authorised development, enter upon so much of any of the streets as are within the order limits and may".  Art 12(1)(b) states "tunnel up or bore" Is "up" necessary? Should this article be restricted to specific streets set out in a Schedule? Should it confirm that the power is "without the consent of the street authority"? Should the powers be exercised with the consent of the street authority subject to consultation?  What is the view of NCC in respect of this Article?	Art 12(1) — we are satisfied that this is appropriate as long as 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 will be subject to the requirements under the Northumberland County Council Works Permit Scheme  Art 12(1)(b) — The word "up" is not reference in the New Roads and Street Works Act 1991 S48(3) and 51(1) and therefore we would suggest this is removed and amended to "tunnel or bore".  It is agreed that the Article should be restricted to specific streets as set out in a Schedule. Schedule 3 in the Draft DCO lists the streets and therefore should be referenced. These Schedules shall include the Road Classification (including C and U road classification) for clarity and ease of reference.

			It is agreed that the powers shall be exercised with the consent of the Street Authority subject to consultation to ensure the Street Authority are fully aware of the powers being exercised to ensure no conflict between other authorisations from the Street Authority under their existing powers.  Subject to the points raised above, it is our view that the Article is acceptable combined with the requirements for the Applicant/Contractor to adhere to the requirements of the Traffic Management Act 2004 and the New Roads and Street Works Act 1991.
DCO.1.44	Applicant NCC	Art 16 – Permanent stopping up and restriction of use of streets, public rights of way and private means of access In Art 16(2)(b) should there be a reference to "public right of way" after "street" in line 5?  In Art 16(3) reference is made to the right of way to be extinguished. Does the term "extinguish" need to be defined, or alternatively should another term be used as extinguish is not otherwise used?  NCC - Comment on the provision contained within Art 16	Art 16(2)(b) – It is agreed that the reference "public right of way" is added after "street" in line 5.  Art 16(3)- Yes. Our preference (see our detailed proposals for the tables in the Schedules to the draft DCO) is for the term "stopping up" to be used consistently through the document. This should be preceded by the word temporary or permanent depending on what is being proposed.
		of the draft DCO.	Drafting of Art 16  Article 16 of the draft Development Consent Order (DCO), together with the rights of way and access plans that accompany the draft DCO is the means by which legal changes will be made to the public rights of way network. Overall the Council has found a number of drafting errors in Article 16 and on the accompanying plans and also considers that the Article is confusing in the way that the proposals for the rights of way network are set out. Details of these drafting errors are set out at NCCO5 attached to this document.

The principles set out within Article 16 are generally agreed with however, clarification is required from the applicant in relation to the precise nature of the Stopping Up and the resultant status/ownership of the stopped up highway. For example on Sheet 4 of the Rights of Way and Access Plans (APP-009) there are sections of highway that are to be Stopped Up but would form part of the "future" Highway verge or would be isolated areas of "private" land enclosed by current/future Highway.

We would additionally comment that it would provide greater clarity in Schedule 4 Part 1 for specific road classification numbers (including C and U classified roads) to be used, including in the replacement sections of highway. It is also noted that a distance is not specified on the second entry in Schedule 4 Part 1 in relation to the extent of the permanent stopping up and removal of the existing A1 carriageway starting at 3/d.

The road classification numbers have been sent to the applicant's consultant WSP via e-mail on 17 December 2020 and these are appended to these questions as Appendix NCC04.

The tables appended to this document labelled NCC005 replicates the relevant parts of Article 16 as it affects public rights of way. We have proposed for consideration new text which better reflects the proposed changes to the rights of way network and is in a format which is common to work associated with the stopping up and diversion of public rights of way through statutory procedure. The new text also incorporates changes to the

draft DCO where we have identified errors which are largely typographical in nature. These errors are confined to mistakes in grid references, public rights of way path numbers and rights of way terminology.

We have included in the new text widths for the recording of the new and diverted public rights of way. It is essential that legal widths are included in Article 16. These widths are the standard widths that we employ for the type of public right of way. The preferred width for a public footpath is 1.5 metres or 2 metres where the public footpath is proposed to be fenced or hedged on each side. The preferred width for a bridleway is 3 metres. Note that these widths refer to the legal width and represent the minimum gap between any boundary features (fence, wall trees, hedge etc) along the length of the right of way. Any made up path or bridleway which is being physically created may have a different width and we are happy to discuss any specific proposals for individual rights of way where there is physical creation on the ground.

We have also proposed amending the way in which the proposed changes to the rights of way network are tabulated in the schedules. We consider that this better reflects what is being proposed and is easier to understand. We have proposed that Schedule 3 Part 5 should contain details of new sections of public rights of way that are being created. Schedule 4 Part 2 should contain detail of public rights of way that are being stopped up and for which an alternative public right of way is being provided and Schedule 4 Part 4 should contain those public rights of way which are being stopped up and where no alternative public right of way

			is being provided.
			The last table identifies rights of way which are contained in schedule 3. Some appear to be rights of way proposed to be stopped up which are not affected by the A1 dualling project. We object to these closures unless they are temporary closures to enable the development work. There is also a conflict between what the DCO proposes and what is proposed on the plans (which we do support).
DCO.1.45	NCC	Art 17 – Access to works  Comment on the provision contained within Art 17 of the draft DCO.	Wording to this extent was previously used by Northumberland County Council in the "Northumberland County Council (A1-South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015". We would additionally require that "with the consent of the Street Authority subject to consultation" was added to the provision.
DCO.1.47	Applicant IPs	Art 22 – Powers in relation to relevant watercourses  Art 22(4) defines "relevant watercourse" as so much of the River Coquet as the context requires.  Is this sufficiently precise? Are IPs content with the powers which are being sought?	We have no comments to the current wording. Please note that at present the DCO and article 22 is worded so "relevant watercourses" only include the river Coquet (a designated main river). As such, if this was to change to include all watercourses, including ordinary watercourses, then part 5 of Article 22 would need to be expanded to include the Land Drainage Act (1991) as well as the other mentioned documents. If this was to occur, we would be satisfied with this.
DCO.1.48	IPs	Art 23 – Discharge of water  Comment on the provision contained within Art 23 of the draft DCO.	Confirm that NCC have no comments to make as an Interested Party

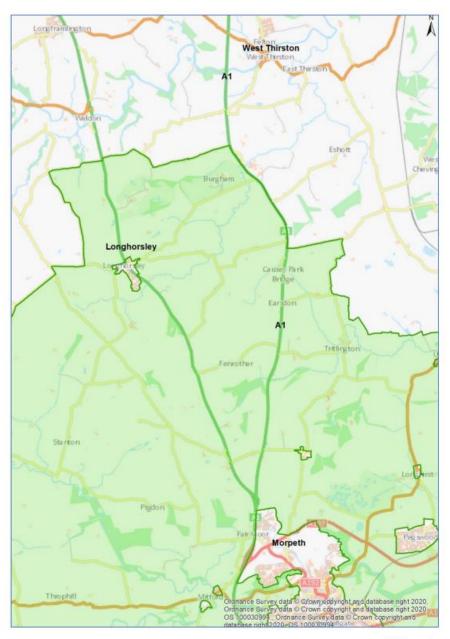
HISTORIC E	NVIRONMENT		
		PART A	
HE.1.1	NCC	Table 8.4 of the ES [APP-046] states that the scope of post determination trial trenching and archaeological mitigation for advanced works was set out in two draft WSIs. These have now been completed and provided (Appendix 8.5 and 8.6) [APP-225 and APP-226]. Is NCC content with the final versions of the WSI?	NCC Conservation Team (Archaeology Section) has read all the WSIs provided for archaeological work and advise that these documents can be approved.
HE.1.5	Applicant NCC Historic England	In paragraph 8.7.34 of the ES [APP-046] it is stated that the assessment identified 64 built heritage assets or designated areas within the Outer Study Area and that 20 built heritage assets have been identified as being potential sensitive receptors.  The Applicant is asked to explain how the number of assets was reduced from 64 to 20.  NCC / Historic England are asked to comment on the identification of the 20 sensitive receptors.	Paragraph 8.7.34 of the ES [APP-046] provides a clear methodology for assessing built heritage assets or designated areas based on visibility on the ZTV and site visits. The Conservation Officer provides advice about the setting of listed buildings and Conservation Areas
HE.1.9	IPs	Paragraph 8.1.2 of the ES [APP-047] identifies differences in the assessment between the chapters for Part A and Part B.  Are IPs content with the different approaches? Are there any significant implications arising from the difference in approach?	Paragraph 8.1.2 of the ES [APP-047] provides clear reasons why there are slightly different approaches in parts A and B and how the documents are set out. This should not have significant implications for the decision-making process as the information that is provided for both parts of the scheme ultimately provide the information that is required. As a result, we are content with this approach.
HE.1.10	Historic England NCC	Table 8.4 of the ES [APP-047] notes the presence of a Prehistoric burial mound Scheduled Monument within the current Order Limits which was identified by Historic	NCC are content that here should be no direct physical impacts on the Scheduled Monuments in proximity to the proposed works

HE.1.11	NCC	England and NCC as being the main point of concern.  Are Historic England and NCC content that here would be no direct physical impacts on Scheduled Monuments?  Table 8.4 of the ES [APP-047] notes that a Draft WSI for Historic Building Recording for Charlton Mires was submitted to NCC for comment.  Is NCC content with the scope of the WSI?	The Archaeology section of the Conservation Team provides approval of WSIs and reports for Historic Building Recording. I have read the WSI for Historic Building Recording for Charlton Mires and can confirm that this document can be approved
LANDSCAPE	AND VISUAL		
		PART A	
LV.1.11	Applicant IPs	Paragraph 7.9.14 of the ES [APP-044] describes the development of the landscape mitigation masterplan, and the mitigation principles adopted. It notes that the landscape mitigation design is set out in Figure 7.8: Landscape Mitigation Masterplan [APP-095].  The Applicant is asked to explain the process in developing the landscape mitigation masterplan, how the mitigation principles were established and to confirm what those principles are.	NCC are of the opinion that Landscape Mitigation Masterplan for Part A is overcomplicated by the mix of necessary and 'desirable' mitigation measures; that the masterplans for both sections lack supporting information to provide confidence in their achieving mitigation aims, and the stated aims as to what is to be achieved by landscape mitigation proposals are often vague.
		Are IPs content with the scope of the Masterplan? Is there a need for a Landscape and Ecological Management Plan to set the Masterplan in context?	Post-application communications have also indicated that elements of mitigation design remain unclear to the applicant team — in particular in relation to some elements of Part B.  At present it is only possible to understand the 'whole' design (including the new road, drainage, local road and footpath amendments and landscape, etc) by looking at multiple plans split across the main layout plans and several ES chapters.

			We would expect to see clearer design intent and commitments communicated in an integrated and straightforward way and integrated into the main layout plans and a supporting suitably detailed LEMP – for example in the same way as provided for the M25 junction 10 / A3 Wisley DCO.
LV.1.16	IPs	IPs are asked whether the Landscape Mitigation Masterplan [APP-095] would adequately address how landscape and ecological features would be protected and managed during construction and reinstatement.	As noted above we would expect to see clearer information in relation to this – in both the masterplans and within a LEMP.
LV.1.17	Applicant IPs	The Landscape Mitigation Masterplan [APP-095] includes a key showing different landscape elements and references environmental function, environmental elements and landscape elements. Explain how the Landscape Mitigation Masterplan works alongside the outline CEMP [APP-346].  Should explanation of the masterplan proposals be included within the masterplan, a separate LEMP or remain solely within the outline CEMP? IPs are invited to comment.	As noted above we would expect to see clearer information in relation to this – in both the masterplans and within a LEMP. At present we do not feel that the intent of the landscape masterplan design and the means by which it will be achieved is sufficiently firm to ensure its effective delivery.
PUBLIC HEAL	⊥ TH	I	
		PART A	
PHH.1.6	NCC	Is NCC content that the 2016 survey data provides a realistic representation of how the local footways and PRoW are being used by WCH?	The Council is not aware of the methodology employed for the survey and so cannot comment on its representation. It believes that the surveys took place over a six day period but does not know which six days were used. If the survey took place over six days consecutively then it is unlikely to provide a realistic representation for the way in which a network may be used over an annual cycle. Use of public right of way is also very weather dependent.

			Outdoor recreational activities are normally more likely to be engaged in in fine rather than adverse weather. I think it would be more accurate to say that the Council considers that the survey provides accurate survey information for the period that it covers and that an initial review of the survey findings do not cause the Council any concern.
TRAFFIC AND	TRANSPORT		
TT.1.14	NCC	Paragraph 4.11.16 of the Case for the Scheme [APP-344] states that surveys have been undertaken to establish which pathways and junctions were commonly used by WCH (walkers, cyclists and horse-riders) users.  Does NCC wish to comment on the location and / or outputs of these surveys?	The Council is content that the pathways and junctions which were used for the survey were appropriate to assess the way in which the network was being used by walkers, cyclists and horse-riders. The Council does not normally undertake surveys of the use of the rights of way network and so cannot compare what has been undertaken here with its own surveys. However, from reading the results of the survey undertaken over the six days at the various locations the Council is satisfied that the level of use is commensurate with our own anecdotal knowledge of use of these types of rights of way in particular locations.
TT.1.15	Applicant IPs	According to paragraph 4.11.21 of the Case for the Scheme [APP-344] there would be a number of Public Rights of Way (PRoW) that would be directly affected by the Scheme and would be permanently closed or diverted during operation. It indicates that the PRoWs that will be closed as a result of the Scheme are not frequently used with less than five users observed at each site over the six survey days. Additionally, paragraph 5.3.12 states that the inclusion of grade-separated junctions and changes to PRoW would improve connectivity and safety, and therefore benefit users. The Applicant is asked to confirm the details of the	A response will be provided at Deadline 2 as requested.

		surveys which were undertaken which led to the proposed closures and permanent diversions. How would the inclusion of grade- separated junctions and changes to PRoW benefit users when it is proposed to permanently close or divert a number of PRoWs? Following the publication of the Applicant's response to this question at Deadline (D)1, IPs are invited to comment on this response by D2.	
TT.1.18	NCC	Is NCC, as Highway Authority content with the scope of the Construction Traffic Management Plan (CTMP) [APP-347]? Does section 5.10 of the CTMP provide adequate guidance at this stage to guide the scope of the PRoW Management Plan to be secured through R4?	We have a number of queries relating to the details with the plan and these have been passed to the applicant's consultant WSP for comment/clarification by e-mail dated 18 <sup>th</sup> December 2020 rather than be listed in this response.  There remains a concern over the impacts of diversionary traffic on villages on the A697.  Section 5.10 of the Construction Traffic Management Plan provides outline guidance, when read in conjunction with the Rights of Way and Access Plans to enable the main contractor to develop a PROW management plan. However, Section 5.10 and Table 7 PROW Schedule – Part A describes all public rights of way as "footways" which is incorrect. This section should be amended so that the correct highway definition for each prow reference is used i.e. footpath, bridleway, restricted byway or byway open to all traffic





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Not to scale

Classification of Roads NCC004

SCHEDULE 4 - PART 1 STREETS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

Street to be stopped up	Extent of stopping up	New Highway to be substituted	NCC Comments
The permanent stopping up and removal of the existing unregistered street.	From point 418195E, 589709N to 418370E, 589720N (measuring approximately 174.5m in length) shown as between 2/h and 2/I on Sheet 2 of the rights of way and access plans.	Highway to be removed and replaced by New Side Road in terms of Work Number 8b, Sheet 2 of the works plans.	C140
The permanent stopping up and removal of the existing A1 carriageway.	From existing A1 418531E, 591352N to 418536E, 591486N starting at 3/d on Sheet (measuring approximately in length), Sheet 3 of the rights of way and access plans and running in a southwards direction for a distance of approximately 134.4m.	Detrunked A1 will be replaced by the new A1 dual carriageway shown on Sheets 1 to 17 of the rights of way and access plans.	A1 ?? length
The permanent stopping up and removal of the existing street between Fenrother Lane (West) and Fenrother Lane (East) carriageway.	Including access points 418218E, 592538N to 418398E, 592595N (measuring approximately 188.3m in length) between points 4/k and 4/l on Sheet 4 of the rights of way and access plans.	Removal will be replaced by the Fenrother Junction, between 4/k and 4/l, Sheet 4, rights of way and access plans.	C139
The permanent stopping up of part of Fenrother Lane (East) (east and west).	Stopping up will include points 418676E, 592558N to 418811E, 592533N of existing road, (measuring approximately 137.6 m in length, combined) between points 4/g and 4/h on Sheet 4 of the rights of way and access plans.	Replaced by new tie in between the detrunked A1 and Fenrother Lane (East) by new carriageway 4/B, between 4/g and 4/h, Sheet 4 of the rights of way and access plans.	C139
The permanent stopping up of existing A1 north/south between Tritlington Church of England First	Stopping up will include points 418851E, 592675N and 418830E, 592511N of existing road, starting at	Replaced by new tie in between the detrunked A1 and Fenrother Lane (East) by new carriageway 4/B,	A1

School and Welbeck House.	4/c on the Sheet 4 of the rights of way and access plans and running in a southwards direction for a distance of approximately 164.6m.	Sheet 4 of the rights of way and access plans.	
The permanent stopping up and removal of part of existing Bywell Road carriageway.	Stopping up will include points 417418E, 597823N and 417518E, 597851N and of existing route, (measuring approximately 103.9m in length, combined) between points 8/g and 8/h on Sheet 8 of the rights of way and access plans.	New tie in on the Northbound carriageway of the new A1 route to the north of the carriageway to be stopped up set out on Sheet 8 of the rights of way and access plans.	C134
The permanent stopping up and removal of part of existing West Moor Road carriageway between West Moor and existing A1 carriageway.	Stopping up will include points 417273E, 598731N and 417408E, 598813N of existing carriageway (measuring approximately 162.9m in length, combined) between 9/c and 9/d on Sheet 9 of the rights of way and access plans.	New north and southbound access will be provided as part of the West Moor Junction as shown on Sheet 9 of the rights of way and access plans.	C133
The permanent stopping up and removal of part of existing Felton Road carriageway east of existing A1 carriageway.	Stopping up will include points 417511E, 598808N and 417453E, 598773N and 417470E, 598673N (measuring approximately 176.6m in length, combined) between points 9/e, 9/f and 9/g on Sheet 9 of the rights of way and access plans.	New north and southbound access will be provided as part of the West Moor Junctions shown on Sheet 9 of the rights of way and access plans.	C111/U6001
A1 Trunk Road.	From point 417888E, 620033N (15/g) to 417725E, 620553N (15/k) (measuring approximately 545m in length) Sheets 15 of the rights of way and access plans.	Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 of the works plans	A1
A1 Trunk Road.	From point 417718E, 620579N (15/n) to 417670E, 620766N (15/o) (measuring approximately 200m in length) Sheets 15 of the rights of way and access plans.	Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 of the works plans.	A1

A1 Trunk Road.	From point 417548E, 621116N (15/s) to 417350E, 612433N (16/j) (measuring approximately 375m in length) Sheets 15 - 16 of the rights of way and access plans.	Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 and 16 of the works plans.	A1
B6347 (west of A1).	From point 417704E, 620440N (15/r) to 417568E, 620490N (15/q) 417475E, 620455N to 417623E, 620523N (measuring approximately 157m in length) Sheet 15 of rights of way and access plans.	Realigned section of B6347 single carriageway between Rock Lodge and Charlton Mires Junction 5B, Work Nos. 29a, 29c, 29d, Sheet 15 of the works plans.	B6347
B6341	From point 417805E, 620140N to 417847E 620156N (measuring approximately 48m in length) of rights of way and access Plan, Sheet 15.	Realigned section of B6341 to connect with B6347 (west) 5A single carriageway at Charlton Mire Junction, Work No.29a Sheet 15 of the works plans.	

## **Schedule 3: Part 3 Classification of Roads**

Classified Roads		NCC Comments
	240m in length comprising Work	
High Highlaws Road	No. 8b. commencing at grid reference 418140E; 589691N and	C140
	terminating at grid reference 52 (1)	52.0
	Road (2) Extent 418335E; 589824N	
	177m in length comprising Work	
	No. 8h commencing at grid	
Hebron Road	reference 418465E; 589773N and	C130
	terminating at grid reference	
	418644E; 589774N.	
Fenrother Lane West	190m in length comprising Work	C139
Telliotilei Lalle West	No. 9b commencing at grid	C133

	reference 418047E; 592436N and terminating at grid reference 418207E; 592534N.	
Fenrother Lane East	685m in length comprising Work No. 9i commencing at grid reference 418372E; 592620N and terminating at grid reference 418867E; 592836N.	Detrunked A1 link
Causey Park Road	1572m in length comprising Work No. 11a commencing at grid reference 418536E; 594025N and terminating at grid reference 418468E; 595155N and Work No 11b grid reference commencing at 418499E; 595168N and terminating at grid reference 418597E; 595303N respectively	U6017 NOT CLASSIFIED!!
Bywell Road & West Moor Road	1208m in length comprising Work No. 16b commencing at grid reference 417798E; 596845N and terminating at grid reference 417868E; 597336N.	C134
West Moor Road	249m in length comprising Work No. 16d commencing at grid reference 417174E; 598703N and terminating at grid reference 417357E; 598851N.	C133
a new link road from West Moor Junction roundabout to Bockenfield Bridge	1548m in length commencing at grid reference 417822E; 597362N and terminating at grid reference 417527E; 598826N Work no.16L	Old A1 – Not included in the schedule and needs adding
Felton Road Realign and resurfacing of Felton Road	185m in length comprising Work No. 16i commencing at Grid reference 417547E; 598866N and terminating at grid reference	C111

	417703E; 58996N.	
	Length totalling 528m comprising	
	Work No. 29a commencing at grid	
B6341	reference 417807E; 620019N and	
	terminating at grid reference	
	417666E; 620521N.	
	Length totalling170m comprising	
	Work No. 29c commencing at grid	
B6347 (West of A1)	reference 417475E; 620455N and	
	terminating at grid reference	
	417629E; 620526N.	
	Length totalling166m comprising	
	Work No. 29k commencing at grid	
B6347 (East of A1)	reference 417943E; 620625N and	
	terminating at grid reference	
	417777E; 620624N).	

#### Schedule 3 Part 5

#### OTHER PUBLIC RIGHTS OF WAY

(1)	(2)
Public right of way	Extent
Public Bridleway (extension to existing Bridleway 407/010) south of Warreners House.	A 3 metre wide public bridleway, from point 418258E, 587956N on the Northgate Hospital Access Road, in a general northerly direction for a distance of 555 metres to point 418389E, 588431N on existing Bridleway 407/010 as shown between points PR 1/1 and PR 1/2 on Sheet 1 of the
	rights of way and access plans.
Public Footpath (northerly and southerly extension to existing Footpath 407/018) west of Hebron Hill.	A 2-metre-wide public footpath, from point 418627E, 589784N on the C130 (Hebron Road), in a general northerly direction for a distance of 1530 metres to point 418618E, 591124N on existing Footpath 407/002, north-east of Low Espley, as shown between points PR 2/1 and PR 3/1 on Sheets 2 and 3 of the rights of way and access plans.
Public Footpath (westerly extension to existing Footpath 423/002) south of Welbeck House.	existing western end of Footpath 423/002, south of Welbeck House, in a westerly direction for a distance of approx. 5m to point 418854E, 592669N on the proposed new alignment of Fenrother Lane (East), as shown between points 4/c and 4/i on Sheet 4 of the rights of way and access plans.  NOTE – where new public right of way are proposed for creation they should be given their own creation reference number using the existing protocol in
	the draft DCO and the plans e.g. PR 4/5 and PR 4/6 references.
Public Footpath (retention of existing footway element of existing A1 highway being stopped up) south of Welbeck House.	A 1.5 metre wide footpath, from point 418861E, 592700N at Welbeck House, in a southerly direction for a distance of 202 metres to point 418836E, 592500N, north-west of Tritlington First School, as shown between points PR 4/7 and PR 4/8 on Sheet 4 of the rights of way and access plans.
	NOTE - Ref points PR 4/7 and PR 4/8 do not currently exist. See NOTE

	above.
Public Footpath (to link existing Footpaths 422/002 and 422/020 under proposed A1) south of the River Coquet bridge.	A 1.5 metre wide public footpath, from point 417405E, 599706N in a general easterly direction for a distance of 90m under the proposed A1 carriageway to point 417474E, 599740N, as shown between points PR 9/1 and PR 9/2 on Sheet 9 of the rights of way and access plans.
Public Footpath (to link existing Footpaths 129/021 and 110/019 with the proposed Heckley Fence byway open to all traffic) along western boundary of the A1.	A 2 metre wide public footpath, from point 418820E, 617256N on the proposed byway open to all traffic east of Heckley Fence, in a general northwesterly direction for a distance of 1491m to point 418418E, 618612N on existing Footpath 129/021, north-east of Heiferlaw Bank, as shown between points PR 12/4 and PR 13/2 on Sheets 12 and 13 of the rights of way and access plans.

### Schedule 4 Part 2

(1)	(2)	(3)
Public right of way to be stopped up	Extent of stopping up	New highway to be substituted
	•	A 2 metre wide public footpath, from point
9	591260N (57m in length) between points 3/f and 3/g on Sheet 3 of the rights of way and access	418588E, 591260N on existing Footpath 407/001, northwards, parallel to the proposed A1 for a
		distance of 410 metres, to point 418570E,
	Ī	591633N as shown between points PR 3/2 and PR
		3/3 on Sheet 3 of the rights of way and access
		plans.
Permanent stopping up of existing Footpath	From point 418254E, 592131N to 418399E,	A 2 metre wide public footpath, from
423/001 between Fenrother Burn and west	592236N (403m in length) between points 4/e and	point 418254E, 592131N on existing Footpath
of Tritlington First School.	4/f on Sheet 4 of the rights of way and access	423/001, northwards then westwards for a
	plans.	distance of 485m to point 418016E 592398N, on
		the C139 road (Fenrother Lane (West)) north-east
		of Fenrother. And a 2 metre wide footpath, from
		point 418399E, 592236N, northwards for a
		distance of 340m to point 418410E, 592575N on

		the C139 road (Fenrother Lane (East)), north-west of Tritlington First School. The new footpaths are shown between points PR 4/2 and PR 4/1 and between points PR 4/3 and PR 4/4 on Sheet 4 of the rights of way and access plans.
Permanent stopping up of existing Footpath 423/013, between Causey Park Road and The Oak Inn.	From point 418736E, 594782N to 418344E, 595115N (578m in length) between points 6/d and 6/e on Sheet 6 of the rights of way and access plans.	A 2 metre wide public footpath, from point 418344E, 595115N on existing Footpath 423/013 in a general northerly direction, parallel to the proposed A1, for a distance of 520m, to point 418825E, 595241N on the U6017 road (Causey Park Road) as shown between points PR 6/1 and PR 6/2, on Sheet 6 of the rights of way and access plans.
Permanent stopping up of existing Footpath 422/011, south of Bywell Road.	From point 417569E, 597651N to 417562E, 597723N (75 m in length) between points 8/e and 8/f on Sheet 8 of the rights of way and access plans.	A 1.5 metre wide footpath, from point 417569E, 597651N on existing Footpath 422/011 in a general northerly direction, parallel to the proposed A1 for a distance of 245m to point 417480E, 597875N on the C134 road (Bywell Road), as shown between points PR 8/1 and PR 8/2, on Sheet 8 of the rights of way and access plans.
Permanent stopping up of existing Footpath 115/009, north of River Coquet.	From point 417435E, 599895N to 417486E, 599950N (87m in length) spanning the proposed A1 carriageway between points 9/j and 9/k on Sheet 9 of the rights of way and access plans.	A 1.5 metre wide footpath, from point 417435E, 599895N on existing Footpath 115/009 in an easterly then general northerly direction for a distance of 93m to a point 417486E, 599950N on existing Footpath 115/009, as shown between points PR 9/3 and PR 9/4, on Sheet 9 of the rights of way and access plans.
Permanent stopping up of existing Footpath 115/016, west of A1 at Felton.	From point 417391E, 600238N to 417425E, 600237N (34m in length) between points 10/a and 10/b on Sheet 10 of the rights of way and	A 2 metre wide footpath, from point 417391E, 600238N on existing Footpath 115/006, in a north- easterly direction for a distance of 120m to point

	access plans.	417440E, 600342N at the western entrance to the Parkwood Subway, as shown between points PR 10/1 and PR 10/3, on Sheet 10 of the rights of way and access plans.
Permanent stopping up of existing Footpath 115/008, east of A1 at Felton.	From point 417504E, 600265N to 417644E, 600256N (145m in length) between points 10/c and 10/d on Sheet 10 of the rights of way and access plans.	A 2 metre wide footpath, from point 417440E, 600342N at the western entrance to the Parkwood Subway, in a general south-easterly direction for a distance of 225m, via the Parkwood Subway, to point 417644E, 600256N on existing Footpath 115/008, as shown between points PR 10/3 and PR 10/2, on Sheet 10 of the rights of way and access plans.
Permanent stopping up of existing Footpath 110/004 north of Broom House.	From point 419212E, 615336N to 419467E, 615870N (595m in length) between points 11/b and 11/a on Sheet 11 of the rights of way and access plans.	A 2 metre wide footpath, from point 419212E, 615336N on existing Footpath 110/004, in a general northerly direction for a distance of 1009m, to point 418985E, 616286N on existing Byway Open to All Traffic 110/013, east of Heckley House, as shown between points PR 11/1 and PR 12/1, on Sheets 11 and 12 of the rights of way and access plans.
Permanent stopping up of existing Byway Open to All Traffic 110/013 at Heckley House.	From point 418569E, 616159N to 419264E, 616420N (750m in length) between points 12/j and 12/a on Sheet 12 of the rights of way and access plans.  NOTE - Ref point 12/j does not currently exist and should be recorded on Sheet 12 of the rights of way and access plans. See NOTE above.	A 5 metre wide bridleway, from point 418569E, 616159N on the B6341 road, at Heckley House, in a general easterly direction for a distance of 736m, to point 419250E, 616412N, east of Heckley House, as shown between points PR 12/3 and PR 12/2, on Sheet 12 of the rights of way and access plans. A 3 metre wide bridleway, from point 419250E, 616412N east of Heckley House, in a general north-westerly direction for a distance of 1055m to point 418820E, 617256N on the proposed new byway open to all traffic east of Heckley Fence, as shown between points PR

		12/2 and PR 12/4, on Sheet 12 of the rights of way and access plans.  A 5 metre wide byway open to all traffic, from point 418400E 617323N on the B6341 road, west of Heckley Fence, in a general easterly direction for a distance of 1710m, to point 419960E 617512N on existing Byway Open to All Traffic 129/023, north of Broxfield, as shown between points PR 13/1 and PR 13/3, on Sheets 12 and 13 of the rights of way and access plans.
Permanent stopping up of existing Footpat 129/021 north-east of Heiferlaw Bank	of Heiferlaw Bank, in a north-east of Heiferlaw Bank, in a north-easterly direction for a distance of 19 metres, to point 418435E, 618625N, at the western boundary of the existing A1 road, between points 13/e and 13/b on Sheet 13 of the rights of way and access plans.  NOTE - Ref point 13/e does not currently exist and should be recorded on Sheet 13 of the rights of way and access plans. See NOTE above.	to all traffic east of Heckley Fence, in a general north-westerly direction for a distance of 1491m to point 418420E, 618613N on existing Footpath 129/021, north-east of Heiferlaw Bank, as shown between points PR 12/4 and PR 13/2 on Sheets 12
Permanent stopping up of existing Footpath 129/004 east of Rock Lodge	From point 418062E, 620196, east of Rock Lodge, in a south-westerly direction for a distance of 214 metres, to point 417914E, 620040N, at the eastern boundary of the existing A1 road, between points 15/f and 15/j on Sheet 15 of the rights of way and access plans.	A 2 metre wide public footpath, from point 418062E, 620196, east of Rock Lodge, in a general north-westerly direction for a distance of 735m to point 417789E, 620614N on the B6347 road, at the proposed Charlton Mires Junction, as shown between points PR 15/2 and PR 15/1 on Sheet 15 of the rights of way and access plans.

(1) Public right of way to be stopped up	(2) Extent of stopping up
Permanent stopping up of existing Footpath 423/006 west of Tindale Hill.  NOTE - Plan incorrectly identifies eastern part of Footpath 423/007 as being part of Footpath 423/006. Footpath 423/006 stops at junction with 423/007, west of Tindale Hill – need a new point "5/f" here.	From point 417751E, 593145N to point 418513E, 593451N for a length of 824m shown as between points 5/e and 5/f on Sheet 5 of the rights of way and access plans.
Permanent stopping up of existing Footpath 423/007 between New Houses Farm and Earsdon Moor Farm.  NOTE - Plan incorrectly identifies eastern part of Footpath 423/007 as being	From point 418347E, 593794N to point 418900E, 593481N for a length of 784m shown as between points 5/c and 5/d on Sheet 5 of the rights of way and access plans.
part of Footpath 423/006.  Permanent stopping up of existing Footpath 129/013 west of Broxfield.	From point 419848E, 616690N to point 420077E, 617048N for a length of 425m shown as between points 12/g and 18/a on Sheets 12 and 18 of the rights of way and access plans.
Permanent stopping up of existing Footpath 129/014 and Footpath 110/004 on the east side of the A1, south-west of Broxfield.  NOTE - The reference to 110/004 is a section 15 metres in length from the eastern boundary of the A1 to the Parish Boundary at Denwick Burn where existing footpath 129/014 commences.	From point 419495E, 615921N to point 419732E, 616662N for a length of 807m shown as between points 11/c and 12/h on Sheets 11 and 12 of the rights of way and access plans.
Permanent stopping up of existing Byways Open to All Traffic 110/013 and 129/022, to the east of the A1, west of Broxfield.  NOTE - On the plan, 12/f needs to be moved slightly further east (to new highway boundary) to match the grid ref given.	From point 419295E, 616432N to point 420055E, 616712N for a length of 825m shown as between points 12/f and 18/b on Sheets 12 and 18 of the rights of way and access plans.
Permanent stopping up of existing Footpaths 110/003 and 129/009, south o Rock Farm.	From point 419162E, 618882N to point 418670E, 618091N for a length of 971m shown as between points 14/a, 13/e and 13/d on Sheets 13 and 14 of

	the rights of way and access plans.
Permanent stopping up of existing Footpath 129/024 south of Rock Lodge	From point 417814E, 619943N, south of Rock Lodge, in a north-easterly direction for a distance of 110 metres, to point 417892E, 620021N, at the western boundary of the existing A1 road, between points 15/m and 15/i on Sheet 15 of the rights of way and access plans.

# Other public rights of way issues in Schedule 3

Public Right of Way	Comment
Public right of way 423/008 running north/south, east of Causey Park Bridge.	This public right of way is unaffected by the proposals. Does it need to be referred to at all in the DCO.
Public right of way 129/023 running from public right of way 129/014 and B1430.	We object to the proposal in schedule 3 to stop up this public right of way. The plan states the byway open to all traffic is to be retained, which we support.
Public right of way 129/012 running from public right of way 129/023	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support.
Public right of way 129/005 running from Rock Midstead and Rock South Farm	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support.
Public right of way 110/019 running from B6341 proposed A1 alignment	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support
Public right of way 110/010 running from the B6341 and proposed public right of way 129/021	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support
Public right of way 112/008 running from Westlink Hall	We object to the proposal in schedule 3 to stop up this public right of way.
Public right of way 112/037 running from A1 at North Charlton and Bridleway 218/024 Charlton Burn	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support.
Bridleway 218/024 running from public right of way 112/037 to north of Brownieside	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support.
Public right of way 112/007 running from Bridleway 218/024 and Bridleway 126/026	We object to the proposal in schedule 3 to stop up this public right of way.
Public right of way 129/006 running east from Rock South Farm	We object to the proposal in schedule 3 to stop up this public right of way. The plan states public right of way to be retained, which we support.

#### APP - 009 2.5 RIGHTS OF WAY AND ACCESS PLANS

Submitted separately with this representation is a copy of the Rights of Way and Access Plans (referenced ExA Q1 NCC06) annotated with changes to reflect our proposed amendments to the schedules and rights of way and where we have spotted errors or typographical mistakes. The labelling convention identified in the plan key (1/a to 1/b for closures, PR1/1 to PR 1 / 2 etc.) needs to be properly adhered to on all plans.

Footpaths, Bridleways, Restricted Byways and Byways Open to All Traffic are all "Public Rights of Way". On all plans the key should be changed to remove the generic term "public right of way" and replace it with the actual public right of way classification. This will either be footpath, bridleway, restricted byway or byway open to all traffic. It does appear that the term "public right of way" has been used on the plans to refer to a footpath. This is a mistaken approach.

On **all** plans, amend "Notes" point 2 (at the top of key) to also include "Schedule 3 (Classification of Roads etc)" as this is the section that covers new public rights of way (and, presumably, any new roads too).

#### Plan 1

Western end of existing Bridleway 407/010 south of Warreners House is missing from the plan.

# Plan 4 (see attached annotated plan)

Add points PR 4/5 and PR 4/6 on former A1 footway, south of Welbeck House. Add points PR 4/7 and PR 4/8 at locations of PA 4/6 and 4/c south of Welbeck House.

#### Plan 5

Change footpath label at Tindale Hill from 423/006 to be 423/007. Path 7 goes from New Houses to Earsdon Moor. Add point 5/f at junction of Footpaths 423/006 and 423/007, west of Tindale Hill.

## Plan 6

Relabel the footpath between points 6/e and PA 6/1 to be part of 423/013. Path 423/017 does exist, but it is the short path between layby and A1, south of The Oak Inn.

## Plan 7

Existing Restricted Byways 422/022, 422/023 and 411/033 ought to be added along the old Great North Road route, east of Helm.

## Plan 8

The alignment / length of Footpath 422/011 from point 8/e northwards to A1 (i.e. the section being stopped up) isn't quite right.

## Plan 9

Existing Footpath 422/020 is shown extending slightly too far to the west. Means that when the new section of footpath is created under the A1, it won't extend quite far enough east to meet the existing footpath.

The section of existing footpath being closed doesn't need to be. It's not a recorded public footpath (that was closed in 1976 Side Roads Order and the Definitive Map amended to reflect this by DMMO (No 3) 1985).

## <u>Plan 10</u>

Needs a new point PR 10/3 at the subway (i.e. The point where the new route of Footpath 115/016 and the new route of Footpath 115/008 will meet – otherwise describing them gets very messy).

#### <u>Plan 11</u>

There is a short length of existing Footpath 110/004 (which is currently missing from the actual Definitive Map (between the parish boundary (at 11/c) and the A1 highway boundary 15 metres to the south-west)), but this short section of footpath still exists and ought to be stopped up at the same time as Footpath 129/014. Plan needs to extend the length of path being closed slightly further to the south-west, move point 11/c to the existing A1 highway boundary and label this very short section "Footpath Ref 110/004".

#### <u>Plan 12</u>

Move PA 12/4 west to junction with B6341 road. At the same location, should there also be a 12/j to describe western extent of closure and a PR 12/3 to show western extent of bridleway creation. Show the line west of Heckley Cottage with the same colouring / symbol as the section east of Heckley Cottage.

Need a new point PR 12/4 where new north –south bridleway meets the Heckley Fence Overbridge road / byway open to all traffic.

#### Plan 13

Existing Footpath 110/019 does not cross the A1 road and therefore this section of Footpath doesn't need to be closed. It's not a recorded public footpath (that was closed in 1983 Side Roads Order and the Definitive Map amended to reflect this by DMMO (No 1) 1986). However, is the A1 road being widened here (the whole road, I mean, not just the carriageway). If western highway boundary is moving a bit further westward, might need to close the very end of Footpath 110/019 between old and new boundaries.

Need a new reference point (or just 13/d, if western boundary is staying same) on existing eastern highway boundary, because this is where Footpath 110/003 ends (and will be described as being stopped up from).

Need a point 13/f at same location as PR 13/2 to help identify the extent (i.e. 13/f to 13/b) of Footpath 129/021 which is to be closed.

## Plan 15

From point PA 15/5 south-westerly to Rock Midstead is already the U3105 road (and in the process of being recorded as Byway Open to All Traffic 129/028).

Existing Footpath 129/004 (from Rock Midstead, eastwards, off the map) is currently in the process of being diverted northwards onto the track which lies in between the current route of Footpath 129/004 and the new private means of access. This diversion may be in effect by January 2021.

