

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

**Scheme Number: TR010059**

## **7.17 Applicant's Written Summary of Oral Submissions at Hearings**

Rule 8(1)(c)

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

March 2021

Infrastructure Planning

Planning Act 2008

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

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

Development Consent Order 20[xx]

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**Applicant's Written Summary of Oral  
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# 1 INTRODUCTION

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## 1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document relates to an application for a Development Consent Order (DCO) made on 7 July 2020 by Highways England (the 'Applicant') to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act'). If made, the DCO would grant consent for the A1 in Northumberland: Morpeth to Ellingham (the 'Scheme').
- 1.1.2. The Scheme comprises two sections known as Part A: Morpeth to Felton (Part A) and Part B: Alnwick to Ellingham (Part B), a detailed description of which can be found in Chapter 2: The Scheme, Volume 1 of the Environmental Statement (ES) [APP-037].
- 1.1.3. The purpose of this document is to set out the Applicant's written summaries of oral submissions made at hearings in the week commencing 22 February 2021, including responses to post hearing actions.

## 2 OPEN FLOOR HEARING 1

Agenda Item	Interested Party	Applicant's Response
2	Colin Moor	<ol style="list-style-type: none"> <li>1. The Applicant, as the strategic highways authority for the nation's Strategic Road Network, takes safety very seriously. It is licensed by the Office of Rail and Road Regulation and it is subject to the Construction (Design and Management) Regulations 2015 (CDM regulations), which also apply to the Applicant's designers.</li> <li>2. In addition to its adherence to the CDM regulations, the Applicant conducts road safety audits for its schemes. These audits ensure that the standards of construction and safety are suitable for a particular road's intended use.</li> <li>3. In relation to West View, the road would serve other residential properties to the north, including Warreners House and agricultural land. In order to ensure the road is appropriate for its proposed use, the road safety audit and detailed design will consider the intended use of the road, including the types of vehicles that would use the road.</li> <li>4. The road safety audits that have already been undertaken have not shown any risks that are unacceptable in relation to West View. Further, the duty under the CDM regulations is that risks are to be reduced as far as practicable, as opposed to being eliminated or considered in isolation. As such, the question of compliance with the CDM regulations is a global question. The Applicant has reduced risks as far as practicable, across the Scheme.</li> <li>5. Safety will be ensured in line with the regulatory arrangements that apply to the Applicant, including the CDM regulations, and this will ensure that the design will be safe as it is developed through the detailed design stage.</li> <li>6. The Applicant confirmed that the alternative off-network access proposed by Mr Moor had been considered and discounted in the Applicant's response to Mr Moor's Written Representation [REP3-026]. As set out in that response, the alternative access would result in an increase in the overall length of the PMA, and the extent of the construction works required to construct the alternative PMA would be greater and have adverse impacts on biodiversity, heritage, landscape and flooding. The Applicant confirmed that, to its knowledge, there is no risk of rioting in this location and therefore relatively little weight should be applied to the need for property being defensible against rioting. Further, the profile of the risk and security in this location will not change materially as a result of the proposed Scheme or its design.</li> <li>7. Following Mr Moor's confirmation that he would make further written submissions at Deadline 4, the Applicant confirmed that any further points raised would be responded to in writing at Deadline 5.</li> </ol> <ol style="list-style-type: none"> <li>1. <b>Post Hearing Action</b> - Applicant to liaise with Mr. Colin Moor in relation to concerns raised orally at OFH1 and provide an update on progress with discussions. <ol style="list-style-type: none"> <li>8. During OFH1, the Applicant confirmed that it would continue discussions with Mr Moor to progress matters. Following OFH1, an exchange of emails took place with Mr Moor to confirm his availability. A meeting is expected to be arranged in the week commencing 15/03/2021.</li> <li>9. The detailed design could consider items such as speed limit, supplementary signs, surface treatment and road markings to warn the road users of a potential change in risk / hazard from agricultural users. This will be discussed with Mr Moor during the above referenced meeting.</li> </ol> </li> </ol>
	Louis Fell, Brockthorpe Consultancy	<ol style="list-style-type: none"> <li>1. Mr Fell raised five points, which were discussed further during CAH1. As requested by the ExA, details of the further discussions regarding these points are provided under the post hearing actions headings, below. <ol style="list-style-type: none"> <li>10. <b>Adoption of new roads</b> - The Applicant confirmed that Article 13(1) of the dDCO [REP3-004 and 005] requires NCC to adopt the relevant roads once they are completed to the reasonable satisfaction of NCC. Until this point, the roads will be maintained by the Applicant. Section 5.2.2 of the Outline CEMP [REP3-0013 and 014] also confirms that side roads and link roads will be adopted by NCC, while the Highway Adoption and Maintenance Boundary Plans show the roads which are to be adopted by NCC. These roads include Rock South Farm Access Road, West Linkhall Access Road and East Linkhall Access Road. There is no proposal within the Application for local roads to be privately maintained.</li> </ol> </li> </ol>

Agenda Item	Interested Party	Applicant's Response
		<p>11. <b>Vegetation clearance</b> – The Applicant confirmed that it is under a general obligation to mitigate its effect on the natural environment. As such, while the Vegetation Clearance Plans [APP-013] show the worst-case requirements for vegetation clearance, this would be avoided where practicable. This is provided for by the oCEMP [REP3-013 and 014], which requires the minimisation of vegetation clearance, the protection of root systems, compliance with BS5837: 2012 Trees and BS3998:2010 Tree Work, and the replacement of vegetation. The Applicant also highlighted that the final design for the Scheme is still being carried out, and a Landscape and Ecological Management Plan, containing measures as to final landscaping and the amount of vegetation clearance, would be produced ahead of the commencement of construction. Further detail as to the relevant protections in relation to vegetation clearance is set out in Appendix A.</p> <p>12. <b>Topsoil bund 5</b> – The Applicant confirmed that topsoil storage bund 5 is situated on the eastern side of the A1, 2km north of topsoil storage location 2 at Heckley Fence and 1.8km south of topsoil storage location 7 at Charlton Mires. Due to the widening of the A1 to the east, construction of the temporary haul road and the associated land requirements, it will not be possible to use the existing cross-field access once construction begins in this area, irrespective of the positioning of the topsoil storage location. Further, the available space at Location 4 is not large enough to take the additional material from Location 5, as this is also the location of Detention Basin 24 (source of topsoil) and proposed woodland planting. The Applicant agreed to provide a written response regarding topsoil bund 5.</p> <p>13. <b>Drainage</b> - The Applicant confirmed that drainage design would be finalised in the detailed design phase. S-W5 Outline CEMP [REP3-013 and 014] commits the Applicant to complete surveys of land drains prior to start of works. Further, the Applicant confirmed that it would be prudent for the relevant landowners to seek advice from a suitable consultant, to allow for effective engagement at that stage.</p> <p>14. <b>66kV cable</b> –The Applicant confirmed that the two options within the Application are both intended to be available to the Applicant, although the preference is for the cable to be located within the new highway boundary. If the landowners would prefer the cable to be located within private land, then they are able to express their preference and the Applicant will take this into account.</p> <p>2. However, the inclusion of the option for the cable to be moved into the highway boundary was at the request of the landowners. This option as proposed is the most appropriate option from both a resource and design perspective. For this reason, it is the Applicant's preferred option.</p> <p>3. <b>Post Hearing Action</b> - Applicant to liaise with Mr. Louis Fell in relation to concerns raised orally at OFH1 and provide an update on progress with discussions.</p> <p>15. Adoption of new roads – During CAH1, Mr Fell confirmed that the landowners support the inclusion of Article 13(1) in the dDCO [REP3-004 and 005]. Mr Fell also stated that this would be confirmed in writing at Deadline 4.</p> <p>16. Vegetation clearance - During CAH1, Mr Fell confirmed that the landowners were supportive of the measures set out in the oCEMP [REP3-013 and 014]. Please refer to Appendix A which provides detail on the relevant protections in relation to vegetation clearance.</p> <p>17. Drainage - Meetings held with landowners represented by Brockthorpe Consultancy on 8th and 9th March 2021. Principle agreed for landowner-appointed drainage specialists to engage with the Applicant at detailed design.</p> <p>18. 66kV cable – During CAH1, Mr Fell confirmed that Rock Estate and Grahamslaw had accepted the Applicant's position as to the 66kV cable. A meeting was held with the Applicant and the contractor on 9th March 2021 on progress of cable discussions in relation to Northumberland Estates. On behalf of Northumberland Estates, Mr Fell has indicated that the Estate's favoured option is for the cable to be placed within the highway boundary rather than on their land. Discussions are ongoing</p> <p>2. <b>Post Hearing Action</b> - Applicant to provide a more detailed response to the Examining Authority regarding the topsoil bund issue raised by Mr. Louis Fell during OFH1.</p> <p>19. A meeting was held with the landowner on 8th and 9th March 2021, and discussions are ongoing as to the potential for an alternative location.</p>

### 3 OPEN FLOOR HEARING 2

Agenda Item	Interested Party	Applicant's Response
2	Mark Hawes	<p>20. The Applicant noted that Mr Hawes had submitted a comprehensive written submission at Deadline 2 [REP2-034] and explained that the Applicant is required to address every point in its response, otherwise it may be deemed to have accepted a point. This was the reason for the length of the response submitted by the Applicant at Deadline 3 [REP3-026].</p> <p>21. In relation to the Applicant's qualification to make an assessment of Mr Hawes' property, the Applicant explained that the views expressed by the relevant experts within the Application and during the course of the Examination are neutral and objective, while Mr Hawes' views will have a subjective influence, as the resident of the property. This is why the objective evidence submitted by the Applicant is important.</p> <p>22. The Applicant explained that this is the reason for the contrasting approaches between without prejudice private discussions with Mr Hawes and the written submissions made during the course of the Examination.</p> <p>23. In relation to the private means of access, the Applicant confirmed that the final effects on the trees on Mr Hawes' property are yet to be decided. However, experts have been on site, and the Applicant is hopeful that the private means of access can be micro-sited to avoid the trees so far as possible.</p> <p>24. The Applicant confirmed that the two existing bus stop laybys close to Northgate House (at Warrener's House) cannot be located where they were previously, due to the changes to the A1 as a result of the Scheme. The impacts of the removal of these bus stops are set out in Chapter 12: Population and Human Health [APP-054], section 12.10, of the ES and are also described in the post hearing notes, below.</p> <p>25. The Applicant confirmed that it would continue discussions with Mr Hawes to progress matters. An email requesting a meeting was sent to Mr Hawes' agent, Mr Michie on 22/02/21, and a response was received on 08/03/21 to seek clarification on the proposed agenda and the Applicant is currently preparing a response.</p> <p>3. Post Hearing Notes</p> <p>26. Two existing bus stop laybys close to Northgate House (at Warrener's House) are proposed to be removed as part of the Scheme. This is acknowledged within Chapter 12: Population and Human Health [APP-054], section 12.10, under Community Severance. Section 12.10 also confirms that there would be increased journeys for those who access public transport from the existing bus stops at Warreners House, when they are removed. In the case of residents at Northgate House, this would be an increase in journey length of over 2km if wanting to access the X15 bus service on foot, as users would be required to use bus stops on either the northbound and southbound carriageways of the A697 at Espley (outside of the Order limits of Part A), which would be formalised. Three different bus services can be accessed at Fairmoor, approximately 1.1km to the south of Northgate Farm.</p> <p>27. Please refer to Appendix D in relation to detailed points raised by Mr Hawes regarding the Warreners Private Means of Access and the removal of vegetation.</p>



## 4 ISSUE SPECIFIC HEARING 1: DRAFT DCO

Item Number	Question	Response
<b>2. Article and Schedules of the dDCO</b>		
2.1	Explain the general approach to the DCO.	<ol style="list-style-type: none"> <li>1. The genesis of DCOs is in railway legislation, the Transport and Works Act 1992 and the model clauses which were issued under the Planning Act 2008. The model clauses no longer have statutory force but are still used for drafting. Where there is a need to deviate from these clauses then this is justified in the Explanatory Memorandum. The vast majority of the drafting in the DCO is precededented.</li> <li>2. The DCO is in a fairly standard form. Following the preamble, Part 1 contains the definitions used in the DCO. Part 2 contains the principal powers – powers to construct and maintain, effects on the planning regimes and limits of deviation. Part 3 is very important for a highways DCO as it deals with works to the highways, closures and diversions. In particular, deals with classification of roads. Part 4 contains supplemental powers including drainage and powers to survey and investigate land. Part 5 contains provisions on compulsory purchase and assembly. These are standard provisions which will be familiar to the ExA. Part 6 contains powers to powers to deal with hedgerows and protected trees which are necessary as these are protected assets. Part 7 contains miscellaneous powers.</li> </ol>
2.2	Article 2 -what does the definition of “commence” seek to achieve?	<ol style="list-style-type: none"> <li>1. “Commence” triggers the liabilities of the Applicant under the DCO and the responsibility to provide protective works. Protective works may be complex and require preliminary investigations that themselves may comprise development e.g. trial trenching for Archaeology might comprise development in its own right. This would cause a difficulty because, without careful drafting, the investigatory works could not commence until the mitigation is in place, but it would not be possible to carry out the mitigation until the investigation is complete. The wording therefore strikes a balance which allows for preconstruction ecological and archaeological investigations to get underway without triggering “commencement”. The Applicant recognises that further fine tuning may be required to Article 2 and will keep this under review throughout the Examination.</li> </ol>
2.3	Article 2 – in the definition of “rights of way and access plans” should “Secretary of State” start on a new line?	<ol style="list-style-type: none"> <li>4. This is a typographical error and is corrected in the Deadline 4 DCO.</li> </ol>
2.4	Article 7(b) - paragraph (vi) is a repetition of (v). Should this refer to the Highlaws Junction overbridge works	<ol style="list-style-type: none"> <li>5. This has been corrected in the Deadline 4 DCO.</li> </ol>
2.5	Article 7(1)(vii) – is the intention that there is a 0.65m vertical LoD in either direction?	<ol style="list-style-type: none"> <li>6. The Applicant can confirm that this is the intention.</li> </ol>
2.6	Article 7 – is tailpiece to the Article justified?	<ol style="list-style-type: none"> <li>1. The Applicant considers that a tailpiece of this nature is justified for all highways DCOs. It is necessary to cater for unforeseen circumstances such as unexpected site conditions which may arise during construction. It is not possible to anticipate what the circumstances are that might give rise to the need to trigger this provision and so further specification is not possible. If this provision is not included, then any change in the limits to deal with site conditions would require an amendment to the order to be promoted. This would be disproportionate.</li> </ol>
2.7	Article 7 – is NCC satisfied with the tailpiece provision on consultation with them	<ol style="list-style-type: none"> <li>1. The Applicant understood NCC to be content in principle, but they are to confirm in writing. The Applicant would point out that the SoS is unlikely to approve changes that the LPA is not content with. The Applicant would consult with NCC before submitting anything to the SoS.</li> </ol>



Item Number	Question	Response
2.8	Article 11 – is NCC satisfied with this provision as it relates to local highways?	1. It is noted that NCC are to respond at Deadline 4.
2.9	Should document GEN/2 be a certified document?	1. It is not possible to list every single street which may be affected by article 12 as the definition of “street” is so wide-ranging. The whole purpose of the DCO is to undertake highways works and this power is essential to undertake ancillary works to affected streets with the Order Limits, the full extent of which cannot be confirmed at this stage. The extent of the potential affected streets is clear from the works plans. Including GEN/2 as a certified document would be unnecessary duplication.
2.10	Article 12 – are the related schedules fully agreed?	1. NCC asked for references to the relevant road classifications to be added to the relevant schedules. This has been added to the latest iteration of the DCO.
2.11	What is the purpose of Article 13?	1. Article 13 is analogous to a section 278 agreement. It requires roads to be completed to a reasonable standard and it is then passed on to NCC to be maintained. These provisions are standard and have been included in numerous DCOs. They are important to ensure that new roads which will provide replacement access will be adopted when completed. Discussions are ongoing with NCC on the precise extent of adoption and, in particular, the interface between the national and local roads network.
2.12	Article 14 - What is the response of NCC to questions DCO.1.41 and 1.42?	1. The Applicant notes that NCC are to confirm their position in writing.
2.13	Article 17 - should the power to provides accesses require the consent of the street authority?	1. This provision is to allow the relevant highway authority to construct access as part of their highway work. The relevant highway authority here is Highways England who are promoting this scheme. They require to be able to construct such accesses in their capacity as highways authority. Where there is an interface of a proposed new access with the local highways network then the local highways authority interest is covered by article 13. There is therefore no need for additional consenting requirements in this article.
2.14	Article 22 - Mr Hawes had raised a concern that the powers in Article 22 could be draconian and offered insufficient protection for landowners.	1. Article 22 is not an unfettered power and the position of landowners is protected. First, Article 22(2) requires that compensation is paid for loss or damage and this protects the landowners. The power is also parasitic on other powers. It is only exercisable within the Order limits and is constrained by the other powers in the Order including the Requirements in Schedule 2. It is understood that Mr Hawes was reassured that the provision was not open-ended.
2.15	Article 25 – the ExA queried the power to carry out investigatory works and how this related to the definition of “commence”.	1. This is a standard provision which is included to allow for interference with landowner's rights in order to undertake surveys and investigations. Use of the power is not restricted to pre-commencement investigations but also with access for further survey works which might be required during the construction of the Scheme. This s a separate power which is distinct from the question of when the development is considered to commence.
2.16	What is the justification for extension of the right of temporary occupation under Article 28?	1. 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, perhaps due to construction delays, 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 is potentially a particular issue with this Scheme as there are two sections of works and a delay in Part A could have a knock-on impact for the start of Part B. 2. Requiring the Applicant to apply to modify the DCO would be disproportionate and so Article 28 allows the Applicant to remain in possession if the power is exercised before the end of the relevant 5 year period.
2.17	The ExA was seeking the views of statutory undertakers on the terms of Article 38 but, as none attended, the ExA sought the views of the Applicant	1. This point is addressed in the update on SoCGs. No significant issues are currently anticipated.

Item Number	Question	Response
2.18	The ExA sought the views of NCC on the powers under Article 40 on removal of hedgerows.	1. NCC did not raise any concerns about the power other than that works should be done to the relevant British Standard. The power under Article 40 requires to be read with the other provisions of the Order. Exercise of the power under Article 40 is still dependent on compliance with the CEMP in terms of Requirement 4. Provision SL5 of the outline CEMP requires the use of BS 5837 for hedgerow removal, together with buffer zones and protection measures. The issue raised by NCC has therefore already been addressed. It is understood that NCC are comfortable with the position.
2.19	Schedule 1 – clarification sought on the footnote references in the first paragraph	1. The formatting of footnotes is required by the OPSI template. The location of the footnotes has been changed in the latest iteration of the DCO so as to avoid confusion.
2.20	Schedule 1 Work 5a – are there any revisals to be made to the works at West View in light of Mr Moor's submissions to the open floor hearing?	1. The Applicant has undertaken to discuss this further with Mr Moor and will update the reference if appropriate in a future iteration of the DCO.
2.21	Schedule 1 Work 26 – clarification is required over the extent of this work at Heckley Cottage	1. There is already an existing track covered by plot 12/3. Access rights are being taken over this track and a new section of track is being constructed in terms of work 26. Between work 26 and the acquisition of rights over the existing track in plot 12/3, all required access rights are provided from the public highway.
2.22	Schedule 1 work 29(i) – what standard of access will be provided for the East Linkhall access and how will this be secured?	1. The access will be sufficient for 2 way traffic and this will be shown on the general arrangements plans. Revised general arrangements plans are being prepared to show this and will be submitted at Deadline 5. Requirement 3(1) of the DCO has been revised to clarify that the Scheme needs to be constructed in accordance with the general arrangements plans.
2.23	RR 023, (Grey) 034 (Jill Grey) 025 (Riley) 026 (Rock Estates) 032 (Douglas) 036 (Kelly) 040 (Truer) 037 (Elder) – can the Applicant check the accesses associated with these representations and check if the accesses are shown on the general arrangements plans.	<ol style="list-style-type: none"> <li>RR 023 (M Grey) and RR 034 (J. Grey) will access their properties from the existing adopted West Linkhall Layby. The General Arrangement drawing Sheet 16 of 19 [APP-008] correctly indicates at this location, that this unclassified road is two lane carriageway. West Linkhall Road will be constructed to connect the existing tack back to the new Charlton Mires junction, shown on Sheet 15.</li> <li>RR 032 (Douglas) will continue to access the already adopted B6347 as correctly shown on the General Arrangement drawing Sheet 15 of 19 [APP-008] The Scheme's temporary possession is for tie-ins of the realigned approaches to the junction, road markings and signage.</li> <li>RR 025 (Riley), RR 026 (Rock Estates), 036 (Kelly), 040 (Truer) and 037 (Elder) all live at Rock South Farm. The General Arrangement drawing Sheet 14 of 19 [APP-008] correctly indicates that the access at the properties will be unaffected but that access to the A1 will now be from a replacement road (Work No 30B), consisting of a single track with passing bays. This will be constructed to Rock Midstead and onto the B6347, where access to the A1 would be via the new Charlton Mires junction, shown on Sheet 15.</li> </ol>
2.24	Schedule 1 work 29k and 30a - what is mean by the term "realignment and resurfacing"? Do these need to be defined?	1. This means that the slip road on the eastern side needs to be realigned to ensure that it performs adequately. The words are given their ordinary English meaning and do not need to be defined.
2.25	Schedule 1 tailpiece (u) - why are the construction compounds not given a work number when other DCOs have done so?	1. It is not considered necessary to include the construction compounds as individual works. This is a matter of drafting style. Some DCOs give a work number for compounds and some do not. The Applicant considers that it is apparent what is intended here but if the ExA wish to include the compounds as works then this could be done.

Item Number	Question	Response
2.26	Schedule 1 tailpiece (x) – what is means by “MIDAS”?	1. The term means Motorway Incident Detection and Automated Signalling. The full wording has been included in the draft DCO
2.27	Schedule 12 – should the outline CEMP and CTMP be certified documents	1. The outline CEMP is already a certified document. The CTMP has been added as a certified document.
<b>3. Article 16 and Schedule 4 of the DCO –Permanent Stopping Up of Streets, Public Rights of Way and Private Means of Access</b>		
3.1	What is the state of agreement between NCC and the Applicant on Article 16 and Schedule 4?	1. The Applicant notes that NCC is now satisfied that “extinguished” is the correct term for termination of public rights of way. The Applicant also notes that NCC is satisfied with the amendments to Schedule 4. It is understood that NCC have noted some typographical issues in Schedule 4. Once these are received from NCC, they can be incorporated into a further iteration of the DCO.
<b>4. Schedule 2 of the DCO - Requirements</b>		
4.1	Schedule 2 - provide a general overview of Schedule 2	1. The requirements in Schedule 2 are equivalent to conditions in a standard grant of planning permission. The bulk of the requirements follow a precedented form from other DCOs for highways development. Article 1 contains definitions which are used in Schedule 2. Article 3 contains a 5 year time limit for commencement of the authorised development. Requirement 3 contains provisions requiring the development to be constructed in accordance with the approved drawings but with a mechanism for allowing departures from the approved design provided that this would not give rise to any materially new or materially different environmental impacts compared to those reported in the ES. Requirement 4 provides that no part of the authorised development is to commence until a CEMP is approved by the Secretary of State, following consultation with the relevant planning authority. The component parts of the CEMP are set out in Requirement 4(2). The finalised CEMP must be based on the outline CEMP and reflect the mitigation measures in the REAC. Requirement 5 contains specific requirements for landscaping. A landscaping scheme must be approved by the Secretary of State and must reflect the mitigation measures in the REAC. Again, the component elements of the landscaping scheme are set out in Requirement 5(3). Requirements 6 to 9 are standard requirements providing protection for contaminated land, protected species, surface and foul water drainage and archaeological remains. Requirement 10 is a scheme specific provision to protect listed milestones. Requirements 11 to 13 are standard requirements for traffic management, amendments to the authorised development and fencing. Requirement 14 is a scheme specific requirement requiring the detailed design of a relocated footpath to be approved before Work No. 4 can be commenced. Part 2 of Schedule 2 sets out the procedure for the discharge of requirements. In common with other Highways England DCOs, the approval authority is the Secretary of State.
4.2	Requirement 1 – definition of “European Protected Species” – should the references to regulations 40 and 44 be updated to 42 and 46?	1. This is accepted and is reflected in the latest draft.
4.3	Requirement 3 - how does this requirement address design quality in terms of paragraph 43 and footnote 63 of the NN NPS?	<ol style="list-style-type: none"> <li>1. The provisions of the NN NPS in relation to good design have been integrated into the design process through the “Principles for Good Road Design” as explained in WQ GEN.1.1 (REP1-033).</li> <li>2. Reference was made at the hearing to the A14 DCO and additional requirements on design which were added in that order. The Applicant considers that the A14 DCO can be distinguished from the current order. Looking at the examination report for the A14 DCO, it is clear that there were a number of locations where the ExA were concerned at negative visual impacts, particularly in relation of the viaduct which would cross the River Great Ouse. There were numerous objections on this points and Requirement 3(5) was included specifically to address the impact of the viaduct. We do not have a similar issue here.</li> <li>3. Requirement 3(3) of the A14 DCO was included to address design quality more generally. However, it is important to note that the relevant NN NPS - which includes the reference to good design - was published in December 2014 and the application was submitted</li> </ol>



Item Number	Question	Response
		<p>in January 2015. Hence, the preparation of the A14 scheme did not take into account the provisions of the NPS on achieving good design. The applicant for the A14 scheme acknowledged that their Design Panel was then at an early stage of creation. In these circumstances, the applicant proposed that the best way to address good design principles in line with the NPS was to work with the Design Council's Design Panel and Requirement 3(3) of the A14 DCO was therefore included for that purpose.</p> <p>4. The circumstances of the current Scheme are very different. Highways England now has "The road to good design" which embeds design principles into the road design process and the Design Panel is well-established. For some schemes, there may be site specific circumstances which merit additional design controls for elements of the proposed scheme. For example, Requirement 3 of the A1 Birtley to Coalhouse Development Consent Order 2021 includes additional controls on the design of overhead gantries and certain elements of the new bridge over the East Coal Main Line. Requirement 12 includes additional controls over the North Dene footbridge. These controls were included in order to address potential impacts of the scheme on the setting of the Angel of the North which is adjacent to the A1. However, the controls are tailored to specific works and do not apply to structures more generally.</p> <p>5. In the current Scheme, no site-specific circumstances have been raised that merit additional controls over design. The Applicant therefore submits that such controls are unnecessary.</p>
4.4	Requirement 3 - what drawings are included in the definition of "engineering drawings and section"	<p>1. The Applicant accepts that this definition should be expanded to include the general arrangements plans. This has been included in the latest iteration of the DCO.</p>
4.5	Requirement 4 -why is the REAC part of the CEMP and not a separate document as in other DCOs?	<p>1. There are a variety of different drafting approaches to this. The approach here reflects the same approach which has been accepted for other highways schemes such as the recent approval for Birtley to Coalhouse. It does not matter what the documents are called as long as the DCO requires that the authorised development is carried out in accordance with the mitigation measures in the REAC. In this case, the Applicant has chosen, in line with precedent for highways orders, to include the REAC as part of the outline CEMP. That is a perfectly reasonable approach. There are provisions throughout the Requirements which ensure that the authorised development is implemented in accordance with the mitigation requirements of the REAC (e.g. Requirement 4(2)(a), 5(2), 8(1), 9(1)). There is no need to make the REAC a separate document.</p>
4.6	The REAC appears unwieldy and it is difficult to follow how the mitigation measures of the ES follow through to it.	<p>1. The REAC for this scheme follows the same approach as was recently approved by the Secretary of State in the Birtley to Coalhouse DCO. However, the Applicant has reflected on the comments made by the ExA and further interpretative text has been added to the REAC to assist the reader in understanding the various entries in the tables and how to read the REAC along with the ES.</p>
4.7	The outline CEMP now includes a commitment to a LEMP. How is this reflected in the DCO?	<p>1. The Applicant is giving consideration as to how best to update the DCO to include reference to the LEMP. There are a number of potential drafting precedents, but these may require the preparation of additional material which requires to be read with the DCO. Accordingly, the Applicant will include revised wording in relation to preparation of the LEMP in a future iteration of the DCO, along with any required supporting material.</p>
4.8	Requirement 4 includes a requirement for a construction traffic management plan, but this is also included in Requirement 10.	<p>1. These provisions have now been consolidated in Requirement 10.</p>
4.9	Is the CTMP a finalised document and should be referred to in Schedule 12?	<p>1. The current version of the CTMP is an outline document and a finalised version would require to be produced for approval. The Applicant agrees that this should be added to Schedule 12.</p>

Item Number	Question	Response
4.10	Requirement 8 – should there be consultation with the EA on details of the surface and foul water drainage system?	1. The Applicant notes that the EA did not wish to be consulted on this matter and hence no amendment has been made.
4.11	Requirement 9 – should the WSI be referred to in Requirement 9?	1. The Applicant understands that NCC are satisfied with the requirement for the WSI being included in the CEMP and hence no amendment has been made.
4.12	Requirement 4(2)(xii) requires an archaeological control plan - how does this relate to Requirement 9?	1. These provisions have now been consolidated in Requirement 9.
4.13	Schedule 2 Part 2 – is NCC content with procedure in Part 2?	1. The Applicant notes that NCC raised no concerns with the procedure in Part 2 of Schedule 2.
<b>5. Schedule 10 of the DCO – Protective Provisions</b>		
5.1	Schedule 10 protective provisions – provide an overview of the provisions	<ol style="list-style-type: none"> <li>1. The draft protective provisions have 3 parts and are based on previous precedents. Part 1 contains provisions for the protection of electricity, gas, water and sewage undertakers. Part 2 contains provisions for electronics communications code operators. Part 3 contains provisions for the protection of the environment agency.</li> <li>2. Substantive discussions are underway with Northern Gas Networks and National Grid Gas. A meeting took place with Northern Gas Networks on 19 February and a draft asset protection agreement is in circulation. There are no major points of contention. A side agreement is also being discussed with National Grid Gas and no major points of issue are anticipated.</li> <li>3. Contact has been with the Environment Agency, Northumbrian Water and Northern Powergrid. Although there have not been substantive discussions, protective provisions are included in Schedule 10.</li> <li>4. It is noted that the Environment Agency stated at the hearing that they are currently satisfied with the protective provisions although they will need to review the position if the change request is submitted and accepted.</li> </ol>
<b>6. Schedule 12 of the DCO – Documents to be certified</b>		
6.1	Schedule 12 - what other items need to be added to Schedule 12?	1. The Applicant has added the CTMP to Schedule 12. In addition, following other changes made to Requirements 8 and 15, the outline ancient woodland strategy and culvert management plan have been added as certified documents.
<b>7. Consents, licenses and other agreements</b>		
7.1	Consents, licenses and agreement – can the Applicant provide an updated on progress?	<ol style="list-style-type: none"> <li>1. In relation to bats, badgers and great crested newts. draft letters of no impediment are well advanced and should be available within the timescales of the examination. These are pre conditions to construction. In relation to red squirrels no license is required.</li> <li>2. It is not known if an abstraction license will be required but it will be up to the contractor to determine this. There is a standard application process.</li> <li>3. Waste Exemptions, trade effluent consents and S61 control of pollution consents are also for the contractor to agree with the LPA.</li> <li>4. If Natural England consent is required for SSSI activities then this will be dealt with after the DCO and after detailed design, but prior to construction.</li> </ol>
7.2	Is there a requirement for a section 106 agreement?	1. It is noted that NCC confirmed that they are not seeking a s106 agreement.

Item Number	Question	Response
7.3	Northumberland Estates RR011 raised issues about the northern part of the site being used as a site compound but the Applicant referred to a reduction in site area. Is there an update on this?	1. The Applicant can confirm that this is under negotiation with the landowner and it is intended to deal with it an agreement as opposed to amendment of the DCO.
<b>8. Statements of Common Ground relevant to the DCO</b>		
8.1	SoCGs – are there any issues which require comment?	1. There are no major issues to flag at this stage and further updated version have been updated at Deadline 4. However, updated versions of the SoCGs with NCC, Historic England, Natural England, the Environment Agency and Forestry Commission are submitted at Deadline 4.



5 COMPULSORY ACQUISITION HEARING 1

Question to	Question	Applicant's Response
2. The Applicant's case for CA and TP		
The Applicant	The Applicant to present the case for compulsory acquisition and temporary possession - how do the proposals address the DCLG guidance and Human Rights considerations?	<ol style="list-style-type: none"><li>1. The Applicant's case is set out in the Statement of Reasons [APP-018], as supported by the Case for the Scheme [APP-344] and the Environmental Statement [APP-036 to 063]. In addition, the case for compulsory acquisition (CA) and temporary possession (TP), including Human Rights considerations, has been dealt with in detail in the Applicant's responses to the First Written Questions [REP1--32].</li><li>2. The proposal satisfies the pre-conditions for CA under Section 122 of the Planning Act 2008:<ul style="list-style-type: none"><li>• the land in question is required for the development to which the development consent relates, to facilitate development or is incidental to the development; and</li><li>• there is a compelling case in the public interest for CA, as the Scheme would provide an upgrade to the nation's strategic road network, the policy and transport cases for which are made out in the Statement of Reasons [APP-018], where the public interest and common good associated with the upgrade to the SRN are weighed against the private interests of landowners.</li></ul></li><li>3. It should be noted that the replacement land required for the Scheme does not qualify as open space as there is not extensive open space proposed to be acquired for the Scheme. As such, it does not fall within the category of land under Section 122(2)(c) of the Planning Act 2008. Rather, the land in question constitutes compensation for ecological purposes, under the Section 122(2)(b) category of facilitating or being incidental to the development.</li><li>4. The Secretary of State issued the DCLG guidance (Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, 2013) to set out the procedure to be followed when seeking powers of compulsory acquisition (CA). This includes consultation with landowners and also refers to seeking negotiations with landowners. While the guidance suggests that seeking negotiations is not always necessary for long linear schemes, such as the Scheme, the Applicant has nevertheless sought to negotiate with all affected landowners.</li><li>5. The District Valuer, Mr. Hine, has been negotiating with the landowners and has made considerable progress. Further updates will be provided during the course of the examination and the current position is set out in the Compulsory Acquisition Schedule to be submitted at Deadline 4.</li><li>6. The requirement and justification for CA is documented in the following documents:<ul style="list-style-type: none"><li>• Book of Reference [AS-009 and 010] – This identifies the relevant parcels of land and the ownership of and interests in those parcels. This document was submitted as part of the application, following a land referencing exercise, and will be kept up to date during the course of the examination.</li><li>• Statement of Reasons [APP-018] – This sets out the justification for the acquisition of land on a parcel by parcel basis and includes an assessment of the Human Rights considerations.</li><li>• Funding Statement [APP-019] – The DCLG guidance includes a requirement that an applicant must satisfy the ExA and the Secretary of State that there is a reasonable prospect that a scheme will secure the necessary funding, such that it would be in the public interest for the relevant land to be acquired compulsorily. For the Scheme, this is demonstrated by the Funding Statement.</li></ul></li><li>7. The Applicant's detailed assessment of Human Rights considerations is set out in the Statement of Reasons [APP-01P1-032] and the Applicant's response to the First Written Questions [REF], CA.1.13. As set out in those documents, CA can be justified on the grounds of proportionality and there is a means of compensation. Therefore, there is no conflict with the Human Rights Act 1998 in the grant of powers for CA.</li></ol>

Question to	Question	Applicant's Response
The Applicant	Whether all parties have been captured in the Book of Reference?	<ol style="list-style-type: none"> <li>The Applicant confirmed that the Book of Reference [AS-009 and 010] submitted as part of the application was up to date and complete at the time of submission and that it would be kept under review and updated during the examination as required.</li> </ol>
The Applicant	Any updates as to Northgate House?	<ol style="list-style-type: none"> <li>The Applicant confirmed that Northgate House now belongs to the Applicant. Therefore, there is no dispossession and no engagement of the Human Rights Act 1998.</li> </ol>
The Applicant	Confirmation of the ownership of East Cottage and the Farmhouse?	<ol style="list-style-type: none"> <li>The Applicant confirmed that the Hesters own East Cottage, while the Beals own the Farmhouse. At the ExA's request, the Applicant also agreed to update paragraph 6.1.3 of the Statement of Reasons to ensure that the ownership position was clear.</li> <li>The Applicant confirmed that negotiations with both owners were underway.</li> <li>In relation to East Cottage, matters have been agreed and are awaiting formalisation in an appropriate agreement between the parties, as a matter of priority. As such, so far as matters are agreed, East Cottage doesn't engage the Human Rights Act 1998.</li> </ol> <p>Post Hearing Note</p> <ol style="list-style-type: none"> <li>The Applicant has updated the Statement of Reasons (submitted at Deadline 4) to clarify the statement at paragraph 6.1.3 regarding the ownership of East Cottage and the Farmhouse.</li> </ol>
The Applicant	In relation to the Farmhouse, a number of representations have been made to the examination by the Beals. The issues appear to be some distance from being resolved. The Applicant to summarise the position?	<ol style="list-style-type: none"> <li>The Applicant confirmed that discussions with the landowner's agent (Mr Michie, of G F White) are underway and it is anticipated that these will conclude successfully.</li> <li>The principal issue under discussion is the valuation figure. Discussions are ongoing, and the Applicant recently provided an independent valuation in support of the valuation provided by the District Valuer on behalf of the Applicant. A response from the landowner's agent is awaited as to this valuation. In the absence of agreement, the Applicant has suggested that any outstanding issues could be addressed through an Alternative Dispute Resolution procedure. However, engagement is ongoing in the meantime.</li> <li>The Applicant highlighted that its key considerations in negotiating valuations are to ensure that the person is properly compensated and that the public purse is protected. Crucially, the public purse is protected if the right amount of compensation is paid.</li> <li>The Applicant later confirmed that a blight notice had been served by the landowner on 24/06/2019, which was followed by a counter notice from the Applicant dated 09/07/2019. Through the acceptance of the Applicant's counter notice on 02/09/2019, the principle of acquisition was accepted by the landowner. As a result, the focus turns to the matter of compensation, which includes the ability to appeal to the Upper Lands Tribunal. As the only point outstanding in relation to the property is the valuation, consideration of the Human Rights Act 1998 is not required. Further detail as to the blight notice is set out below.</li> </ol>
The Applicant	Why were the green and blue options (which would have bypassed the farm) not taken forward and was further detail of these options provided at the consultation stage?	<ol style="list-style-type: none"> <li>The Applicant confirmed that the 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, as detailed in paragraphs 3.3.35 to 3.3.36 of the Environmental Statement [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, published in September 2017.</li> <li>In relation to the orange option having been identified as offering the best value for money, the Applicant highlighted that projects such as the Scheme are developed based on a reference case. For the Scheme, 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.</li> <li>The Applicant confirmed that the approach taken to the green and blue options prior to the September 2017 Preferred Route Announcement would be set out in writing at Deadline 4. This is set out in Appendix B.</li> </ol> <p>Post Hearing Action</p>

Question to	Question	Applicant's Response
		<p>4. Applicant to submit further information as to why the green and blue options were not taken forward and why further details were not provided at consultation stage. Particularly how these relate to the Beal Farm. Please refer to Appendix B for a detailed overview of the route option selection</p>
The Applicant	Appendix GEN.3 (ref. GEN.1.33) shows the options for the Charlton Mires Junction. Four options are presented. Table 3-4 of Chapter 3 of the ES states that options 1 and 3 were discounted on the basis of consultation with landowners. What were the responses received from the landowners?	<p>1. The Applicant agreed to review the relevant documentation to confirm that nature and status of the responses received from the landowners.</p> <p>Post Hearing Note:</p> <p>2. Table 3-4 of Chapter 3: Assessment of Alternatives of the Environmental Statement [APP-038] presents the four options considered for the Charlton Mires Junction. Of these four options, Option 2 was taken forward and is now contained in the Works Plans [APP-007]. As stated in Table 3-4, options 1 and 3 were discounted following consultation with the landowners. This included consultation with the Beals. 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. 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.</p>
The Applicant	Options 2, 3 and 4 within GEN.3 show the Beals new property to the SW of Charlton Mires Junction. What is the relevance of showing this for options 2, 3 and 4 but not for option 1?	<p>1. The Applicant confirmed that option 2 was taken forward and is now contained in the Works Plans. The Applicant agreed to provide a written explanation of the figures within GEN.3 [REP1-035] at Deadline 4.</p> <p>Post Hearing Note:</p> <p>2. The figures contained within GEN.3 [REP1-035] show the Beals' new property in respect of options 2, 3 and 4 only. This is because the 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.</p>
	The Applicant to confirm the position regarding blight notices.	<p>1. The District Valuer, representing the Applicant, confirmed that the Beals served a blight notice in respect of the entirety of the holding on 24/06/2019. On 09/07/2019, a counter notice was served by the Applicant in respect of the land required. Following this, discussions took place between the Applicant and the landowner. This resulted in the counter notice being accepted on 02/09/2019. Discussions are ongoing as to the valuation.</p> <p>2. The Applicant confirmed that a blight notice functions as a reverse compulsory purchase. As such, where a blight notice is served, this indicates that the issuer of the notice is willing to sell the property. This is in contrast to the position where there is an objection as to the principle of CA.</p> <p>3. While the Applicant acknowledges the human effects, the critical point for the ExA is that the principle of acquisition has been accepted. As a result, the focus turns to the question of compensation, which includes the ability to appeal Upper Lands Tribunal. Due to the ongoing discussions as to valuation and the ability of the landowner to appeal to the Upper Lands Tribunal, compensation is provided for and the Human Rights of the landowners will be protected.</p> <p>Post Hearing Note:</p> <p>4. During CAH1, the Applicant confirmed that it would continue discussions with the Beals and their agent to progress matters. Mr Louis Fell has now been appointed as land agent by Mr Beal. A call with Mr Fell took place on 05/03/21 to explain current the offer/valuation. The Applicant agreed to send a breakdown of valuation to Mr Fell on a field by field basis with further valuation discussions to continue after his review.</p>



Question to	Question	Applicant's Response
The Applicant	Reference is made to three blight notices. It isn't clear which plot the reference to the 2017 Wensby notice relates to.	1. The Applicant confirmed that the 2017 Wensby notice related to Northgate House, at the southern end of the Scheme.
The Applicant	The Applicant's response to CA.1.3 of the First Written Questions confirms the cost estimate for the Scheme. Please confirm the CA cost.	1. The Applicant confirmed that cost estimates for CA had been prepared as part of the calculation of the overall cost estimate, although the CA cost estimates aren't publicised due to the ongoing landowner negotiations. It was confirmed that a written response would be provided at Deadline 4 to explain the methodology for the calculation of the CA cost estimate.  Post Hearing Actions 2. Please refer to Appendix C, which provides the methodology for the calculation of the CA budget.
3. Site-specific issues for the Applicant		
The Applicant	An explanation of the difference in format between CA1 and Appendix CA5 – columns to list the objection number, IP or AP reference number, representation reference number, any other document reference number and the relevant interests should be included.	1. The Applicant confirmed that an updated Compulsory Acquisition Schedule would be submitted at Deadline 4 with the additional columns incorporated. 2. Post Hearing Note i. An updated Compulsory Acquisition Schedule is submitted at Deadline 4 (document reference 7.8.5).
The Applicant	The Applicant to set out the current position in relation to negotiations with affected persons	1. The Applicant confirmed that a detailed update as to the negotiations with affected persons would be set out in the Compulsory Acquisition Schedule to be submitted at Deadline 4. The District Valuer, representing the Applicant, provided an update in respect of discussions with each of the land agents representing the affected persons: ii. Mr Parlett, representing Ms Ions, Mr Brown, Mr Dungait, Mr Clark and Mr & Mrs Clarehugh – Agreements have been completed with Mr Clark and Ms Ions. The majority of the discussions with the other affected parties are progressing well. The exception to this is the woodland burial ground belonging to Mr & Mrs Clarehugh, where there is a significant difference of opinion as to the value of the land. Discussions are ongoing, with the aim of reaching agreement in a matter of weeks rather than months. iii. Mr Michie of G F White, representing Mr Teasdale, Mr Hawes, Mr Carter, Hebron Hill Partnership, Fenrother Farming/Mr Dobson, Mr Givens, Mr Dixon, Vernal Agriculture, Mr Pattinson and Mr Armstrong - Mr Michie is preparing his clients' claims for submission and it is expected that agreement will be reached shortly. The exception to this is the Beals, where there are outstanding points which are the subject of ongoing discussions (as detailed in the Applicant's responses to Further Deadline 2 submissions (document reference 7.9.18) and Deadline 3 Submissions (document reference 7.9.16). iv. Graeme Bruce, representing Mr Howarth, Mr Hogg, Mr Renton, Mr Bell and West End Anglers - There have been a number of meetings, with offers and counter offers made. Negotiations are progressing well. v. James McDonald of Strutt and Parker, representing Kelcher and Davidson – There was an on-site meeting on 09/02/2021 with Kelchers to discuss concerns over the junction arrangements. This has been resolved and discussions are currently underway as to the valuation. The property in question is a single agricultural field and it is not envisaged that it will be complicated to reach agreement.

Question to	Question	Applicant's Response
		<ul style="list-style-type: none"> <li>vi. Louis Fell of the Brockthorpe Consultancy, representing Northumberland Estates, Rock Estates, Mr Purvis, Mr Thorp and Mr Robinson (and also Mr Beal following the hearing) - Productive discussions are underway and a number of valuation figures have been agreed in broad terms. Mr Fell is preparing a number of claims and no difficulties are envisaged in reaching agreement.</li> <li>vii. Mr Michie of G F White, representing Mr Armstrong – Discussions as to the valuation are underway and good progress is being made.</li> <li>viii. Mr Henry, representing himself – There have been a number of discussions as to valuations and accommodation works. No difficulties are envisaged and agreement should be reached in a short space of time.</li> </ul>
The Applicant	There have been a number of representations in respect of Millhouse Developments. Please provide an update as to timings.	<ol style="list-style-type: none"> <li>1. The Applicant confirmed that a representation was received from Millhouse Developments at Deadline 2 [REP2-027] and a response provided by the Applicant at Deadline 3 [REP3-024].</li> <li>2. The District Valuer, representing the Applicant, confirmed that meetings with Millhouse Developments and Mr Bruce had taken place, including a meeting with Mr Bruce on 20/01/21 to discuss valuations. Agreement is expected in a matter of weeks.</li> </ol>
4. Site-specific representations by APs		
The Applicant	Please comment on the position as to adoption, vegetation clearance, drainage, the 66kV cable and topsoil bund 5, as described by Mr Fell of the Brockthorpe Consultancy.	<ol style="list-style-type: none"> <li>1. The Applicant confirmed the following: <ul style="list-style-type: none"> <li>ix. Adoption of new roads – Mr Fell's confirmation that the landowners support the inclusion of Article 13(1) in the dDCO [REP3-004 and 005] is welcomed, as is Mr Fell's statement that this would be confirmed in writing at Deadline 4.</li> <li>x. Vegetation clearance - Mr Fell's confirmation that the landowners were supportive of the measures set out in the oCEMP [REP3-013 and 014] is welcomed. Please refer to Appendix A which provides detail on the relevant protections in relation to vegetation clearance.</li> <li>xi. Drainage - Meetings held with landowners represented by Brockthorpe Consultancy on 8th and 9th March 2021. Principle agreed for landowner-appointed drainage specialists to engage with the Applicant at detailed design.</li> <li>xii. 66kV cable – Mr Fell's confirmation that Rock Estate and Grahamslaw had accepted the Applicant's position as to the 66kV cable is welcomed. In relation to Northumberland Estates, it is understood that their position is reserved and the Applicant will continue discussions as to minimising land take in this area. As such, this matter is not required to be addressed by the ExA at present, but the Applicant will highlight in good time if the ExA needs to consider the point.</li> <li>xiii. Topsoil bund – The Applicant agreed to consider the options for the location of the topsoil bund. A meeting was held with the landowner on 09/03/2021, and discussions are ongoing as to the potential for an alternative location.</li> </ul> </li> </ol>
The Applicant	If the land owners are to be involved in the drainage design, will this involve a change to the dDCO?	<ol style="list-style-type: none"> <li>1. The Applicant confirmed that the involvement of land owners in the drainage design would be recorded in a private agreement, with the reasonable costs of the contractors to be met by the Applicant. As such no changes to the dDCO [REP3-004 and 005] would be required.</li> </ol>
The Applicant	Please comment on the points raised by Mr Hawes in relation to plots 1-8a, 1-8b, 1-1a, 1-1b, 1-3a and 1-4c.	<ol style="list-style-type: none"> <li>1. The Applicant responded to the points raised by Mr Hawes on a plot by plot basis: <ul style="list-style-type: none"> <li>xiv. Plot 1-8b – The Applicant confirmed that plot 1-8b is located on the eastern side of Mr Hawes' property and would be subject to the acquisition of rights. Plot 1-8b is required in order to construct the Warreners Private Means of Access (PMA), and would incorporate the installation of the new boundary hedgerow by agreement and planting of individual trees. At the location of the 30m radius horizontal bend in the PMA, the PMA itself will encroach slightly. The Applicant confirmed that the final effects on the trees on Mr Hawes' property are yet to be decided. However, experts have been on site, and the Applicant is hopeful that the private means of access can be micro-sited so as to avoid the trees so far as possible.</li> <li>xv. Plot 1-8a - The Applicant confirmed that plot 1-8a is located on the eastern side of Mr Hawes' property and would be subject to the acquisition of rights. Plot 1-8a is required in order to construct the Warreners Private Means of Access (PMA), and would facilitate</li> </ul> </li> </ol>

Question to	Question	Applicant's Response
		<p>the construction the tie-in of the new PMA approach with the existing access to Northgate Farm. However, an alternative proposal to avoid the disruption of tie-in to the Northgate Farm access on plot 1/8a (and 1/9a) is being discussed with Mr Hawes' agent.</p> <p>xvi. Plots 1-1b, 1-3a, 1-4a and 1-4c – The Applicant confirmed that the plots were situated to the west of the existing A1 and did not fall within the ownership of Mr Hawes. Plot 1-1b would be subject to permanent acquisition and is required for Works No 1A, construction of the new northbound carriageway, outfall and storage swale. Plot 1-3a would be subject to permanent acquisition and is required for Works No 6 to construct the new access track for maintenance of the storage swale. Plot 1-4a would be subject to temporary land take and is required for Works Nos 1A and 6, for the establishment of a soil storage area and associated access. Plot 1-4c would be subject to permanent acquisition and is required for Works No 1A, construction of the new carriageway and new storage swale.</p> <p>xvii. The Applicant confirmed that a written response would be provided at Deadline 4.</p> <p>Post Hearing Action – Written Submission regarding options considered and reasoning for access road to plot 1/8b.</p> <p>2. Please see Appendix D, which provides a detailed description of the proposals for the Warreners PMA as well as further responses to the points raised by Mr Hawes in CAH1.</p> <p>3. During CAH1, the Applicant confirmed that it would continue discussions with Mr Hawes to progress matters. An email was sent to Mr Hawes' agent, Mr Michie on 22/02/21, and a response is awaited.</p>
5. Statutory Undertakers' Land Issues		
The Applicant	The Applicant to set out the current position in relation to Statutory Undertakers	<p>1. The Applicant confirmed that the Scheme would not impact on any major installations. Rather, any interactions would be with Statutory Undertakers' apparatus which will be protected through the protective permissions set out in Schedule 10 of the dDCO [REP3-004 and 005]. The Applicant provided an update as to discussions regarding protective provisions during ISH1 and did not have any further points to add.</p>
The Applicant	Please comment on the gas apparatus located in West View, as raised by Mr Moor.	<p>1. The Applicant confirmed that apparatus affected by the Scheme would be resited where necessary, with this process governed by the protective provisions set out in Schedule 10 of the dDCO [REP1-004 and 005]. The provision of any replacement apparatus will be considered at detailed design and coordinated between the Applicant and Northern Gas Networks. Any design would comply with all applicable guidance and legislation.</p> <p>Post Hearing Note</p> <p>2. Please refer to Appendix G for a figure to show the existing location of the gas apparatus on West View and the potential options for relocation. This figure is indicative only. Suitable locations for relocation of the apparatus would be proposed by Northern Gas Networks during detailed design and agreed in consultation with the Applicant. At this stage, Northern Gas Networks will consider all operational and safety matters associated with the proposed locations and these designs will comply with all applicable guidance and legislation. While two potential options for relocation are shown in the figure at Appendix E, Northern Gas Networks' detailed design may identify different or further options.</p>



## 6 ISSUE SPECIFIC HEARING 2: ENVIRONMENTAL MATTERS

Ref	Question	Applicant's Response
2.1	Highway England says that good design is not just about aesthetics but how have aesthetics been addressed?	<ol style="list-style-type: none"> <li>1. Highways England have, in accordance with the NPS, employed an independent design adviser who is WSP. It is important to appreciate that all professional consultants are required to exercise independent professional judgement and thus weight can be given to the material presented.</li> <li>2. There are 2 ways in which aesthetics have been taken into account in the design of the scheme. First, in relation to structures and second in relation to the landscape. The design of structures is approached carefully to ensure that the structure is regressive in the landscape and appropriate to its location. In relation to landscape, it is not appropriate to have an iconic design and a more subtle approach is required. The design requires to complement the landscape rather than being an eye-catching element in the landscape.</li> <li>3. The new bridge over the Rover Croquet is a key design consideration. The design takes the existing constraints into account to complement the existing bridge. At an early stage of the design, different structural forms were considered and reviewed by independent internal specialists. At each stage of design iteration the scheme is assessed form its structural form, its performance and aesthetics.</li> <li>4. The finalisation of options settled on a three span bridge to complement the 2 piers of the existing bridge. It also required to take into account how the bridge would be constructed including the launching system.</li> <li>5. The aesthetics of the bridge have been recorded in the options report in terms of looking to match the existing structure and design it for safe future operation. The existing bridge is a pre-cast box structure. This has been switched to steel which is a lightweight structure due to the launching technique. In the short term this reduces impacts to the valley floor during construction and, in the longer term, produces a simple and elegant structural form.</li> <li>6. Please refer to Appendix EF which provides further details on the design of the structures for the Scheme.</li> </ol>
2.2	How was design approached for the other structures in the Scheme?	<ol style="list-style-type: none"> <li>1. The approach is similar with consideration of options and a design study. The structures have been approached as a family of structures, fitting them into the landscape to reflect the landform. The height of the bridge structures has been reduced so far as possible, taking into account the nature of local traffic. The bridges are single span with no central piers. Abutments would be constructed in reinforced soil which would soften impacts.</li> <li>2. As with the River Coquet, the approach has been to avoid statement designs but to fit the scheme into the landform with embankment slopes and avoiding cuttings which are overly long or overly high. The junctions are relatively compact with approaches which are as small as possible so as to reduce impacts to what is a relatively static rural landscape. 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.</li> <li>3. Overall, the Scheme is driven by its environment which demands a series of structures which respect the environment and which are regressive in their locations and landscaped appropriately. The Applicant has sought to make the junctions as compact as possible, having regard to required headrooms. The final engineering touches will be applied in the detailed design stage as secured by Requirement 3.</li> </ol>
2.3	Did the Highways England Design Panel say anything about the Scheme and, in particular about the engineering sections?	<ol style="list-style-type: none"> <li>1. The Design Panel was involved at an early stage. Their focus was on the Coquet Bridge which was the largest structure. The 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. That is the approach followed by the Applicant. The Panel was content that the other structures would be designed in accordance with the DMRB. The combination of the DMRB and the Principles for Good Design ensure that good design is embedded in the design of structures as set out on GEN.1 (REP1-033).</li> <li>2. It is not unusual for the Panel to be involved at an early stage, rather than look at the detailed design at a later stage. There are structural specialists (SES) within Highways England which look to ensure that the requirements of DMRB are satisfied or that departures are justified. Some schemes, such as the A303 at Stonehenge are in very sensitive locations and so the Panel may require a higher degree of oversight. For other proposals, like the current scheme, the Panel may have a particular interest in a specific part of the Sscheme (such as the Coquet Bridge) and may be content for the rest of the scheme to be designed by the experts in delivering such schemes with the confines of the DMRB guidance. The approach of the panel is therefore tailored to the particular circumstances of the Scheme concerned.</li> <li>3. It is noted that NCC confirmed that they were generally satisfied with the approach to design.</li> </ol>

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3.1	What is the broad strategy to landscape and how does this fit with the DCO and CEMP?	<ol style="list-style-type: none"> <li>1. The approach has been to safeguard vegetation where this can be done. Where that cannot be done then the Applicant has sought to replace what has been removed. Impacts are mitigated from a landscape and visual perspective but also in relation to biodiversity to ensure that habitats which are lost are replaced.</li> <li>2. The receiving landscape is open countryside with a mix of arable and pasture fields. There are no extensive areas of woodland but there are pockets of woodland through which the corridor passes. The Applicant has sought to tie new woodland and hedgerows back into existing woodland as well as providing specific screening measures. The Applicant has not sought to create a green tunnel which hides everything associated with the scheme.</li> </ol>
3.2	What is meant by "landscape features"? How are they identified and assessed?	<ol style="list-style-type: none"> <li>1. Anything which contributes to landscape character such as fields, hedgerows, woodland and trees are landscape features. The assessment of their value of landscape features was led by an arboriculturist who categorises the age and condition of the feature. Individual assets are considered in terms of how they contribute to landscape character. In this landscape, there is not extensive woodland so the blocks that do occur are of importance.</li> <li>2. The landscape assessment was undertaken in terms of IAN 135/10 and GLIVIA 3<sup>rd</sup> edition. The approach concentrated on quality, value, and susceptibility. It used the published landscape character assessment undertaken by NCC to consider how sensitive each landscape character area is to the introduction of the road corridor and then looked at the magnitude of impact. Within Chapter 7 of the ES, ratings on landscape quality are provided Table 7-5. The magnitude of impact is rated in Table 7-7. Table 7-10 then provides a matrix to look at sensitivity and magnitude and to identify significance.</li> </ol>
3.3	Explain the approach to assessment of visual impacts	<ol style="list-style-type: none"> <li>1. The approach is very similar to the assessment of landscape character and magnitude of impact is applied to the sensitivity of the receptor. Residential homes are treated as having a higher sensitivity. The assessment is undertaken for construction, year 1 and year 15 when planting is mature and provides screening.</li> <li>2. Assessment is after mitigation is in place.</li> </ol>
3.4	Explain the level of detail shown on the landscape mitigation masterplan.	<ol style="list-style-type: none"> <li>1. The approach to mitigation is taken from DMRB prior to its update, Vol 10, Section 0, Parts 3 and 4 (this has been provided at Deadline 2 [REP2-022], and is referred to on the relevant landscape mitigation strategies. This sets a structure for identifying the design of mitigation. The function of feature requires to be identified (i.e. why you need it) and these functions are given a code in the DMRB. For example, EFA is for screening, and EFB is for landscape integration. The "LE" is landscape element (in part 4 of the DMRB.) Details of the form of mitigation are then set out in the DMRB. Such as a trimmed hedge, trees or woodland.</li> <li>2. It is noted that NCC confirmed that they were now satisfied with the overall approach to landscape mitigation. However, NCC pointed out the version of the DMRB which is used to describe the landscape elements and mitigation has been withdrawn. NCC therefore requested that clear cross-references are made in the Outline CEMP [REP3-013 and 014] and the LEMP and the appropriate parts of the DMRB that are relevant are extracted from the DMRB and appended to the Outline CEMP at Deadline 4.</li> </ol>
3.5	Is NCC satisfied with the landscape mitigation measures?	<ol style="list-style-type: none"> <li>1. It is noted that, although NCC originally had concerns about some areas of Part A and the use of hedgerows as screening in Parts B, these have been resolved following clarification over how the DMRB has been used to describe mitigation and the revised mitigation proposed at Westmoor, Fenrother junction and Causey bridge. The Applicant is satisfied that these points are resolved.</li> </ol>
3.6	Does NCC still have concerns about the consideration of landscape sensitivity?	<ol style="list-style-type: none"> <li>1. It is noted that that NCC had 2 points on this issue. First, a concern had been raised about how landscape sensitivity and particularly susceptibility is considered, in particular the characteristic of the landscape. However, NCC confirmed that, following preparation of the LIR, NCC found that their assessment of sensitivity was not much different to what was provided by the Applicant. NCC therefore confirmed that this is no longer a material issue.</li> <li>2. Second, 3 judgements have been made in the two landscape character areas in Part B covering construction, winter year 1 and year 15. The Applicant considered that the impact at year 1 would be similar to year 15 whereas NCC considered it would be more akin to with the construction effects as the planting would not have matured. NCC accepted that this issue had been partially addressed by the revised landscape mitigation masterplan. Although NCC considers there was still a slight difference of opinion between NCC and the Applicant on the year 1 impacts. It</li> </ol>

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		is noted that NCC accepted that the impact, although not negligible in their view, was not significant. Accordingly, this is not an issue which would prevent the ExA from being able to report to the Secretary of State favourably in respect of the Scheme.
3.7	Mr Hawes raised concerns that he currently has views over open fields and this will be replaced with views of 7 lanes of traffic with limited mitigation. He thought that the visual impact was much worse than suggested.	<ol style="list-style-type: none"> <li>1. The Applicant considers that the concerns expressed by Mr Hawes are misplaced. As this is a residential property, it is at the higher end of sensitivity but the A1 is an existing visual detractor which affects the magnitude of impact. The western boundary of the property currently provides some screening which would be retained, and a noise fence is proposed which would be implemented to screen the view immediately to the west. In effect, where the existing vegetation is most useful for screening this will be retained, further screening would be provided to account for the loss due to the access road so a view in the north would be limited. It is accepted that some of the trees Mr Hawes refers to would be removed and that proposed planting would take some time to mature before screening would be effective.</li> <li>2. A large adverse effect has been identified during construction, but the Applicant has concluded that ultimately a lot of the existing vegetation which provides the residence with screening would be retained and therefore the magnitude of change would not be large. The overall impact would therefore be slight adverse and not significant.</li> <li>3. The removal of vegetation at Mr Hawes's property would be limited to the access road. The layby would be to the north of the property and not directly opposite. The new carriageway would be at a lower level than the existing carriageway which means that the views would not be dissimilar to now.</li> </ol>
3.8	Mr Moor raised a question about the sheet 1 of 19 on the landscape mitigation masterplan. He queried the meaning of "hedgerows by agreement" and whether the hedgerow should continue to follow on from the existing hedgerow along the A1	<ol style="list-style-type: none"> <li>1. Hedgerows by agreement are shown where there are some locations which hedgerows aren't essential to mitigate but would still be appropriate to put forward as part of the DCO, and if the landowners would agree, these would be taken forward at detailed design and discussed with the landowners.</li> <li>2. Opposite West View there is hedgerow immediate in front of the homes. The double hatched area is existing vegetation to be retained. Following this along the boundary it can be seen that no vegetation would be lost here besides that which is necessary to cross the field boundary.</li> </ol>
4.1	Clarify the extent of the ancient woodland being lost and the compensatory woodland being provided	<ol style="list-style-type: none"> <li>1. There would be 0.27 ha of designated ancient woodland lost on the southern bank of the River Coquet, from within the River Coquet and Coquet Valley Woodland SSSI. An additional 0.41 hectares of woodland would be lost on the northern bank of the River Coquet, from within the Coquet River Felton Park LWS (not designated but treated as ancient woodland within the assessment for the purpose of mitigation and compensation). Together they comprise 0.68 hectares. The replacement planting has been proposed at a ratio of 12:1 for the whole 0.68 hectares even though it is only the woodland on the southern side which is actually designated as ancient woodland. A total of 8.16ha of compensatory woodland planting has been proposed. The area which is being lost could potentially decrease with detailed design but there is no realistic prospect of the amount increasing because that would take the relevant works beyond the Order limits.</li> </ol>
4.2	How many trees would be lost within the woodland groups?	<ol style="list-style-type: none"> <li>1. The woodland was assessed by an arboricultural specialist who undertook a tree survey across the scheme. They looked at the woodland parcel as a whole and the trees they contained. However, the assessment for woodlands was not presented on a tree by tree basis within the arboricultural reports. Following normal practice, the compensation value is based on the area of habitat affected rather than individual trees.</li> </ol>
4.3	What is the basis for the 12:1 replacement ratio?	<ol style="list-style-type: none"> <li>1. There is no defined compensation ratio for ancient woodland. It is determined on a bespoke basis, taking into account the particular circumstances of the affected woodland. The 30:1 referred to by the woodland trust stems from much larger schemes such as HS2 where there are quite large habitat impacts. The 12:1 ratio was arrived through discussion with Natural England. It is based on the limited extent of the impact of the Scheme, which is restricted to quite a small area adjacent to the existing road.</li> </ol>
4.4	Table 3.2 of the draft SOCG with Natural England contains quite specific agreed matters in relation to the	<ol style="list-style-type: none"> <li>1. The Applicant will discuss this further with Natural England to provide a wider statement on the position. The content of Table 3.2 was agreed at an earlier stage when the Scheme was still being promoted as 2 separate sections. The Applicant understands that Natural England are in agreement with the current strategy but will seek confirmation of this in the SoCG. There are further email discussions taking place with Natural England and the Applicant is waiting for a reply from Natural England.</li> </ol>



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	ancient woodland strategy. Can there be a more general statement to confirm that Natural England consider that the ancient woodland strategy is acceptable?	
4.5	Does NCC have a view on the proposed mitigation?	1. The Applicant notes that NCC confirmed that they are happy with the compensation strategy which is in line with government policy on ancient woodland and NCC's emerging local plan policy. It is noted that NCC agree that the Scheme meets the test of exceptional circumstances and that the compensation proposed is suitable.
4.6	The woodland strategy includes reference to an ancient woodlands management and monitoring plan which seems quite an important document. However the woodlands strategy does not seem to be referred to in the DCO.	1. Requirement 5 does include a requirement for compensatory planting to be based on the ancient woodland strategy. However, the Applicant agrees that further reference does require to be made to the ancient woodland strategy and include specific reference to the management and monitoring plan. This has been updated in the latest iteration of the DCO with a new bespoke requirement 15 in relation to ancient woodland..
4.7	What further changes are envisaged to the ancient woodland strategy and why can this not be included now?	1. It is a high level strategy. Soil investigations are proposed within the Ancient Woodland Strategy [APP-247] which could affect the detail of the detail of the management and monitoring. The Applicant considers it preferable to complete those investigations prior to the finalisation of the strategy.
4.8	Should the DCO requirements require the submission of a finalised strategy for approval in consultation with Natural England and NCC?	1. The Applicant has included a new requirement 15 on the ancient woodland which reflects this approach.
4.9	The strategy makes reference to the management monitoring plan and that the Applicant could appoint a third party to fulfil the overseeing obligations. Where is this referenced?	<ol style="list-style-type: none"> <li>1. Reference to the "Overseeing Organisation" within the Ancient Woodland Strategy [APP-247] related to a third party, such as a specialist landscape contractor, that may be appointed by the Applicant to fulfil the requirements of the management and monitoring as detailed within an Ancient Woodland Management and Monitoring Plan (AWMMP) that would be developed at detailed design.</li> <li>2. The Applicant has reviewed the Ancient Woodland Strategy and removed reference to the "Overseeing Organisation". This decision has been made as this term is not defined or used elsewhere within the ES or supporting documentation (for example the Outline CEMP [REP3-013 and 14]). The strategy shall retain statements that the Applicant shall be responsible for implementation of the Ancient Woodland Strategy [APP-247]. An updated Ancient Woodland Strategy is issued at Deadline 4.</li> </ol>
4.10	Outline the main issues regarding biodiversity net gain and biodiversity net loss as they apply to the Scheme	1. The law on biodiversity net gain is evolving. The Environment Bill, which is not yet enacted, will require normal planning projects promoted under the Town and Country Planning Act 1990 to meet a biodiversity net gain requirement. However, Nationally Significant Infrastructure Projects (NSIPs) will not be subject to this requirement. There is currently no legal requirement for a NSIP, such as the Scheme, to achieve biodiversity no net loss or net gain. Nevertheless, a biodiversity no net loss report has been produced for the Scheme in order to meet the Applicant's own internal biodiversity plan and the NPS NN. The Applicant looks to consider biodiversity impacts across its whole network on a national scale as opposed to considering it on a scheme by scheme basis. The report which has been produced will therefore be used to inform biodiversity changes at a national level.

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4.11	Is it a concern that the Scheme only passes 4 out of 10 good practice principles?	1. The Applicant does not consider this to be a concern as the reason for this is largely due to unavoidable impacts to ancient woodland which is irreplaceable habitat. As such habitat cannot be replaced, the Scheme is unable to achieve no net loss or a net gain. In line with good practice. However, the loss of irreplaceable ancient woodland habitat is a function of the place where the scheme is required to be built and cannot be avoided (as detailed in Chapter 3: Assessment of Alternatives [APP-038]).
4.12	Do NCC or the Environment Agency have any comments	<ol style="list-style-type: none"> <li>1. It is noted that NCC do not have mandatory net gain incorporated into their planning policy and are content with the approach that has been taken.</li> <li>2. It is also noted that NCC consider that the existing road forms a significant barrier to wildlife at the moment and that the road incurs severance to hedgerows and watercourses that perform a significant role in terms of providing connectivity at the moment. The Scheme incorporates a number of suitable wildlife crossings beneath the Scheme (particularly beneath the new offline section of Part A). The landscaping for the Scheme incorporates linear habitat features (such as hedgerows) to provide connectivity along the Scheme and also direct wildlife to the suitable crossing points.</li> <li>3. It is also noted that, during the hearing, the Environment Agency no longer questioned the basis for the calculation of biodiversity net gain and loss. They recognised that there is more mitigation proposed in the Scheme than they had appreciated and asked for details of where the riparian wet woodland and wet marginal planting was located. A plan showing the location of the wet riparian woodland adjacent to the watercourses and wet marginal planting has been being prepared and is submitted at Deadline 4 (see Appendix F). Further information regarding the mitigation is provided in 4.16 below.</li> </ol>
4.13	Provide a summary of existing; lengths of hedgerows, the amount to be lost and the amount of new habitat created.	<ol style="list-style-type: none"> <li>1. The rural nature of the road means that there are hedgerows which line the edge of the existing road and will be lost due to road widening. The offline section will also pass through sections of hedgerow. Hedgerows perform a connective function for wildlife, which has been considered in developing a mitigation scheme.</li> <li>2. Hedgerows may be reinstated where there is temporary loss during construction but where the hedgerow would be created along the same alignment. New hedgerows are also created parallel to the Scheme to encourage the parallel movement of wildlife adjacent to the Scheme rather than crossing the road. Hedgerows are also used to guide wildlife to crossing points such as culverts, which have been designed to be wildlife friendly where possible.</li> <li>3. The requested values of hedgerow have been reviewed and (existing and proposed) are as follows: <ul style="list-style-type: none"> <li>• Total length of existing hedgerow within the Order limits is 53,677m</li> <li>• Total length of hedgerow lost to the Scheme is 48,947m</li> <li>• Total length of hedgerow retained by the Scheme is 4,730m</li> <li>• Total length of hedgerow creation is 51,806m</li> </ul> </li> <li>4. The numbers presented above differ from those values used to inform the Biodiversity No Net Loss Assessment for the Scheme [REP2-009] due to an underestimation of the amount of hedgerow post-construction. The Applicant will issue a revised Biodiversity No Net Loss Assessment for the Scheme at Deadline 5.</li> </ol>
4.14	Why is there such a significant increase in the hedgerow provided by the Scheme?	1. As detailed above and from a biodiversity perspective, hedgerows have been created to provide compensatory habitat (for the loss of hedgerow) and used as a tool to maintain and improve connectivity along the Scheme, integrating the Scheme into the wider landscape. Hedgerows have also been created to provide screening to human and ecological receptors. As such, hedgerows have been created for a number of functions resulting in replacement that exceeds a 1:1 ratio.
4.15	Where do the environmental management plans fit into the wider CEMP and why are they not provided as part of the	1. There are different forms of dealing with environmental management in a DCO. Some include a draft environmental management plan. However, other include the detailed mitigation within the REAC. The latter approach is what has been taken with the drafting of this DCO which is consistent with the approach taken in the recently approved Birtley to Coalhouse DCO. Given the detail in the REAC, there is no need for a separate environmental management plan to be prepared at this stage as the details of the content that they will provide is already available. As agreed at the hearing, the

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	examination like the landscape management plan?	Applicant has reviewed the structure of the REAC and more interpretive text has been included to aid navigation. Requirement 5 of the DCO has also been revised to include reference to production of the LEMP.
4.16	What is the Applicant's approach to loss of watercourses, and what are the impacts of such loss on biodiversity?	<ol style="list-style-type: none"> <li>1. In the context of this Scheme, loss of watercourse is interpreted to mean the loss of natural channel caused by the construction of culverts/bridges as opposed to the loss of watercourses absolutely. Document REP1-066 (culvert mitigation strategy) outlines the Applicant's intentions and the need for culverts. This document includes all culverts proposed along the Scheme, which comprises those associated with watercourses identified within the biodiversity assessment and additional culverts associated with ditches (as both of which are accounted for within the Water Frameworks Directive (WFD) assessment).</li> <li>2. As detailed within the Applicant's response to the Environment Agency's relevant representation [REP1-065], the extension of existing culverts and the addition of new culverts within the Scheme design is considered necessary and the most practical approach when compared to the alternative of providing bridges to span all watercourses. The Scheme largely replicates and mirrors the design of existing structures along the length of the A1. Where new culverts and culvert extensions are proposed, bridges have been considered to be disproportionate when acknowledging the size and characteristics of the watercourses in question and the extensive earthworks that would be required to accommodate any bridge structure, increasing the footprint of the Scheme and construction works. This would impact a wider area, and potentially increased number, of habitats as a result.</li> <li>3. Overall, whilst there is an increase in lengths of culvert, there are measures proposed to offset this.</li> <li>4. The proposed culverting along the Scheme would result in a loss of approximately 427m of watercourse (approximately 271m for Part A and 156m for Part B). Approximately 138m of new watercourse channel would be created along Part A in relation to the realignment of watercourses impacted by the Scheme. The proposed design of the sections of realigned channel would introduce features within the channel to provide greater variation to flow and habitat form, aiming to create environmental conditions that are better in comparison to the channels lost to the Scheme. Taking into consideration the channel creation as part of proposed watercourse realignment, the Scheme would result in an overall loss of approximately 289m of watercourse. The values of watercourse loss and gains presented above are in accordance with Annex A – Approach to the Assessment of Losses and Gains of Watercourses [REP2-010].</li> <li>5. With the exception of the realigned channels, the Applicant does not consider it viable to create new lengths of open watercourse to mitigate for the loss of watercourse, as this would rely on a water source to create the habitat [REP1-065]. Therefore, in the absence of a natural source, a watercourse cannot be readily created. In addition, the diversion of water from an existing watercourse or the modification of an existing watercourse to increase its length (for example, by meandering the channel) is also not considered a viable option for mitigation or compensation, as this would increase the impacts of the Scheme.</li> <li>6. A number of measures are proposed to address the loss of watercourse, these include: <ul style="list-style-type: none"> <li>• Improvements to approximately 850m of Longdike Burn that falls within the Order limits;</li> <li>• Creation of 1340XX mha of riparian woodland (currently identified as "wet woodland") located adjacent to watercourses to strengthen riparian corridors along the Scheme (shown on Appendix FG - Proposed wet woodland and marginal planting locations (document reference 7.17.67), further information is provided in Section 4.18;</li> <li>• Removal of a step weir (Shipperton Burn, Part B);</li> <li>• Retrospective installation of fish baffles on the existing culvert of the River Lyne to improve fish passage;</li> <li>• Replacement of the wooden baffles within an existing culvert of Longdike Burn to increase the life span of this feature (long-term improvement).</li> </ul> </li> <li>7. The Applicant continues to engage with the Environment Agency regarding the proposals to mitigate and offset the impacts to watercourses. A meeting is arranged for 19<sup>th</sup> and 24<sup>th</sup> March with the Environment Agency to better understand the Environment Agency's position and to determine whether additional mitigation and/or compensation is required. The outcome of this would be submitted at Deadline 5.</li> </ol>
4.17	Should the culvert mitigation strategy be referred to in the DCO?	Requirement 8(3) has been added to require the measures in culvert mitigation plan to be undertaken.



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4.18	What is the position of the EA on loss of watercourses?	<ol style="list-style-type: none"> <li>1. The Applicant notes that the EA accepts that the revised biodiversity no net loss assessments shows a significant reduction in the previous assessed loss to 11.69% with a 7.21% gain in area based units. Although the EA acknowledged that the culvert mitigation strategy was a very useful document, they expressed 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 EA sought confirmation of the location of the mitigation woodland.</li> <li>2. The Applicant notes that the EA is not opposing the Scheme but there are different opinions on the approach to mitigation. As detailed in 4.16 above, with watercourses it is not considered viable to recreate a watercourse as you need a water source. Diverting or increasing watercourse will in itself create impacts on that watercourse. The Applicant is proposing various measures to address the overall loss of approximately 289m of watercourse channel length, as detailed in 4.16 above. This includes improvements to a 850m section of Longdike Burn.</li> <li>3. The wet marginal planting and riparian woodland has 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 and the Applicant has prepared plans which show the proposed locations (see Appendix FG). This is considered appropriate mitigation to maintain downstream hydromorphological conditions and to provide sufficient riparian habitats.</li> <li>4. The Applicant notes that the EA have referred to the possibility of introducing meanders for existing watercourses but it has not suggested where these could be introduced as part of the Scheme. The Applicant considers that the mitigations and improvements which have been proposed are sufficient to address the concerns in relation to culvert extension. However, the Applicant will continue to engage with the EA to reach agreement on this issue.</li> <li>5. The Applicant has arranged three meetings (11<sup>th</sup>, and 19<sup>th</sup> and 24<sup>th</sup> March) with the Environment Agency to better understand the Environment Agency's position and seek to reach agreement. The first of these has taken place and discussions are progressing on all outstanding aspects. The outcome of this should be submitted at Deadline 5.</li> </ol>
4.19	What is the position regarding the proposals to minimise the impacts of diverted traffic on the A1068 on the Marine SPA in terms of the People Over Wind case?	<ol style="list-style-type: none"> <li>1. An amendment was made to paragraph 2.6.24 of the Construction Traffic Management Plan (CTMP) issued at Deadline 1 [REP1-025 and 026], to state "all closures requiring diversion shall be scheduled so that they avoid frequent or protracted use of the northbound diversion route, via the A1068 in close proximity to the Northumberland Marine Special Protection Area. The use of the A1068 as a diversion route shall take account of the need to minimise impacts on the relevant SPA. Proposals for diversions using the A1608 shall be developed further in consultation with Natural England to manage the number of days of diversion in any given week/month/season/year."</li> <li>2. What is proposed in the amendment of the CTMP is no more than writing up assumptions of how matters would take place. The mitigation at issue in the People Over Wind case was "after-applied" mitigation. In this case, the use of the A1068 as a diversion route on a temporary basis is an inherent factor in the design of the Scheme and the addition made to the CTMP is not considered to trigger the requirement of an Appropriate Assessment. As the use of the A1068 diversion would be on a temporary basis, it would not result in likely significant adverse effects to the integrity of the Northumberland Marine SPA.</li> <li>3. In the absence of the addition made to paragraph 2.6.24 of the CTMP, Natural England have confirmed via consultation with the Applicant that they do not consider that there would be a likely significant effect on the SPA as a result of the use of the A1068 as a diversion route. This was because: <ul style="list-style-type: none"> <li>• "The proposed diversion [uses] the existing A1 diversion route along the existing A1086 and does not require any additional land take or construction impacting on the SPA.</li> <li>• The proposed diversion is temporary in nature and for short periods only, primarily for night-time closures of the A1, when traffic levels would naturally be lower.</li> <li>• Interest features of the Northumberland Marine SPA using the sections of the River Coquet Estuary close to the proposed diversion route are already habituated to the disturbance associated with the existing road and therefore not likely to be significantly affected by the proposed diversion route.</li> <li>• The aerial emissions from the limited additional traffic movements associated with the proposed temporary diversion are likely to be minimal and, therefore, unlikely to have a significant effect on the SPA and its interest features."</li> </ul> </li> </ol>

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		4. This engagement will be captured in the Statement of Common Ground with Natural England.
4.20	What is the justification for screening out in-combination effects for emissions and disturbance?	<ol style="list-style-type: none"> <li>1. The Northumberland Marine SPA is designated for its bird species. With regard to emissions and disturbance, this relates to impacts from vehicular traffic and includes noise/light disturbance and exhaust emissions (air quality).</li> <li>2. The proposed diversion would be used temporarily, for short periods only and primarily at night, when traffic levels would naturally be lower. As the proposed diversion route via the A1068 utilises an existing road, the birds of the SPA will already be habituated to the noise/light disturbance associated with the existing road (both use by diverted traffic in-combination with normal vehicular movements for the A1068).</li> <li>3. The A1068 does not form part of the identified modelled Affected Road Network (ARN) as a result of the Scheme in-combination with the ten other road schemes (as detailed in Table 2-3, Emissions on page 38 of the Updated HRA [REP1-012 and 013]). As such, an assessment of impacts from vehicular emissions associated with the use of the A1068 would be exclusively in response to the temporary diversion for the Scheme. Increases in vehicular emissions (nitrogen deposition) are not predicted to give rise to significant effects given the temporary nature of the diversion. The effects as a result of incremental increases in nitrogen deposition tend to take a long time to exhibit a measurable effect.</li> </ol>
5.1	What is the broad position that the Applicant has taken on watercourses, particularly in terms of river flow?	<ol style="list-style-type: none"> <li>1. When the DCO was drafted siting of the bridge piers was very much taken into consideration in relation to impact on the water environment. It has been taken into account and subsequently verified.</li> <li>2. 2D modelling of the river has been undertaken to determine potential impacts. Two alternative designs were considered one with piers in alignment and one out of alignment (known as parameter 10). The 2D modelling looks at any potential changes as a result of the proposed scheme in relation to river flows, the potential for changes and alteration to sediment transport, the risk of sediments being mobilised and transported as well as alteration in the river and habitats. The key geomorphological drivers showed that there is no noticeable difference between the modelled returns and no notable difference from the baseline. The methodology was discussed in advance with the EA.</li> </ol>
5.2	What are the consequences of the 2 pier scenarios for flood risk?	<ol style="list-style-type: none"> <li>1. The assessment has been undertaken through Mannings calculations as opposed to a computer model due to the nature of the River Coquet at this location. The assessment found that there will be no impact on design flood flows. There would be a very minor change in water level but no significant impact.</li> </ol>
5.3	How has the whole of the proposed development taken into account potential effects on water courses?	<ol style="list-style-type: none"> <li>1. 10 watercourses have been modelled along the length of the Scheme and determined no impact as a result of the proposed additional culverts. Impact outside of DCO boundary is covered in REP3-007 Assessment of flood risk outside order limits. This looked at culverts and impacts downstream.</li> </ol>
5.4	How will the proposal seek to address existing areas of risk and what mitigation measures have been put in place to minimise flood risk?	<ol style="list-style-type: none"> <li>1. Various measures are proposed to ensure there are no flood risk impacts along the Scheme. During the construction phase, the REAC deals with run off and highway drainage.</li> <li>2. In the operational phase, the highways have been designed for run off using detention basins to control run off into watercourses.</li> <li>3. The Applicant notes that both the EA and NCC confirmed at the hearing that they were satisfied in relation to flooding and mitigation. However, NCC asked to be consulted on the drainage proposals in their capacity as local flood authority. This has been added to Requirement 8.</li> </ol>
5.5	Any other matters on the water environment?	<ol style="list-style-type: none"> <li>1. It is noted that EA wished to receive further discussion about water quality and the WFD. There are two further meetings arranged (11<sup>th</sup> and 19<sup>th</sup> March) during which the Applicant will follow up on these points with the EA as required.</li> </ol>
6.1	What is the case for the Scheme in terms of traffic flows? Are there any changes as a result of Covid?	<ol style="list-style-type: none"> <li>1. As recognised by NCC, the case for the Scheme is not based solely in terms of traffic volumes. Congestion and road safety are concerns on this stretch of the A1. The Scheme will provide a means to relieve that impact and improve the free flow of traffic. It will also improve conditions for non-motorised users.</li> <li>2. The long term impact of Covid 19 on traffic behaviour are not known, However, in the recent decision on the Birtley to Coalhouse DCO, the Secretary of State found in paragraph 55 of the decision letter that:</li> </ol>

Ref	Question	Applicant's Response
		<p>3. "The Secretary of State notes the ExA recommends that he may wish to consider if there are effects and implications of any changes in transport use and related transport modelling arising as a result of the COVID 19 pandemic which are likely to persist against the original baseline modelling (ER 5.9.46) and that the Secretary of State consults on the effect of a potential decrease in road use resulting from the COVID 19 pandemic (ER 5.9.50). The Secretary of State notes the Department for Transport's publication of 20 July 2020 on "Appraisal and Modelling Strategy- A Route Map for updating TAG during uncertain Times". This 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 such information is captured, the Secretary of State considers it is too early to fully understand the impacts of COVID 19 on future travel demand and is satisfied, based on the information available, there is no change to the long-term need and benefits of the scheme. hat it was currently too early to fully understand the impacts of Covid 19 on future travel demand and is satisfied, based on the information available, there is no change to the long-term need and benefits of the scheme."</p> <p>4. The Applicant submits that the same approach should be taken with the current Scheme. The need for the Scheme remains, notwithstanding Covid.</p> <p>5. The traffic modelling process for the Scheme makes use of growth assumptions sponsored by national government as well as local government assumptions on development. It is well founded in the latest guidance and there has been no update to the relevant guidance in light of Covid.</p> <p>6. The growth which is inputted in the model range from 15% up to 40% through to the design year of 2038. The model focuses on travel demand in the corridor resulting from increased capacity and is effectively 90% over that horizon. There is therefore a significant volume of traffic which would be relieved from a number of unsuitable routes across the region and this demonstrates a strong need for the Scheme. The Scheme also improves network resilience to one of the limited routes into Scotland.</p> <p>7. There are two potential impacts from Covid – travel behaviour change and economic growth. The impact is highly likely to be temporary and works both for and against traffic growth. Across the county, there have been reduced commuting trips but the location of the Scheme is well outside the normal commuting range for Newcastle and so the impact of this is predicted to be limited.</p> <p>8. A higher proportion of travel along the corridor consists of longer distance movements. There tend to be strong reasons for long distance travel and these tend to persist notwithstanding disturbance to general traffic demand.</p> <p>9. Covid is also showing a relocation of population from urban to rural areas. It is therefore equally possible that Northumberland could see growth relative to other parts of the country which could mean that local commuter traffic is retained.</p> <p>10. The road provides economic impetus for Northumberland to flourish. With reduced travel overseas there is the opportunity for UK based leisure to increase. Northumberland coast tourism could therefore grow.</p>
6.2	Are there any outputs from the route map for updating TAG referred to in the Birtley decision?	<p>1. An update to guidance is expected some time in March. However, highway studies always have to consider uncertainty and this project is no different in that regard. The Applicant has given due consideration to the potential impacts of Covid for this particular Scheme and has demonstrated that there is good reason to continue with the Scheme notwithstanding Covid. NCC has referred to the Scheme as being a key outcome of their local plan and national government remains committed to it in the roads investment strategy. Any update in guidance will be picked up in future submissions.</p>
6.3	Are the traffic flows comparable between the 2 parts of the Scheme?	<p>1. The figures reduce north of Alnwick to between 6,000 and 7,000 AADT. This is moderately low volume and the Scheme benefits shift from congestion to resilience and road safety.</p> <p>2. The Applicant confirmed that details of traffic flows for Parts A and B of the Scheme may be found in Figures 7 and 9 and Tables 9 and 18 of the Case for the Scheme [APP-344].</p>
6.4	What is the position of NCC on the need for the Scheme and the impact of Covid?	<p>1. The Applicant notes that NCC confirmed that there is long standing policy support for the Scheme and they do not consider that Covid will impact on that support.</p> <p>2. NCC also confirmed that the benefits of the Scheme was not just in terms of traffic volume. They set out that journey times and tourney reliability are key issues due to the single carriageway. The unreliable journey times impact on economic investment and lead to driver frustration with inappropriate overtaking. Maintenance also causes disruption with traffic diverted into less suitable roads. NCC also confirmed that the current A1 acts as a barrier</p>



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		to east-west traffic flows and NMUs and the grade-separated junctions would be an advantage. In traffic terms, NCC did not see long term impacts from Covid.
6.5	Are there outstanding issues on traffic flows?	1. NCC confirmed that they had received the requested extracts from the traffic model and are working through this. The Applicant will continue to discuss any issues with NCC but does not understand there to be any issues of principle between the parties.
6.6	Why was there no transport assessment submitted with the application?	1. Previous DCO applications by Highways England have included a separate transport assessment. However, the application template has changed and the transport assessment is now combined with the case for the scheme into a single document. The same level of information is provided in Chapter 4 of the case for the Scheme.
6.7	Are there any outstanding issues on the CTMP?	1. There has been positive engagement with NCC and there have been no requests from NCC for further changes to the CTMP. It is noted that NCC referred to the impact on local communities from use of the A697 as a diversionary route. However, NCC confirmed that they now understood the proposals and were just looking for a mechanism between the Applicant and NCC to react to situations which may arise on the network during construction. This will continue to be discussed.
6.8	Is the CTMP an outline or finalised document?	1. The document is currently an outline CTMP which sets the parameters with the final details to be developed by the contractor.
6.9	Does the CTMP provide adequate guidance on the public rights of way management plan?	1. It is noted that the Council is to confirm their position on this matter at Deadline 4.
6.10	Overview of the extent of permanent PROW closures and the effect on users?	<ol style="list-style-type: none"> <li>1. The extent of diversions and closures is set out in the DCO and public rights of way plan. The consideration of the impact on PROWs is undertaken by a multidisciplinary team which looks at what interference there is, what value the affected right of way has and whether there should be re-provision. For example, some affected rights of way do not go anywhere and there may not in such cases be a need for re-provision. Next the Applicant looked at the quality of diverted routes to measure the level of inconvenience of the diversion. The assessment of the impacts on PROWs is undertaken in the population and human health chapters of the ES [APP-054 and APP-055].</li> <li>2. There are no substantive representations in relation to loss of PROWs and indeed there is support for the Scheme in terms of the benefits for NMUs. The reason for this, in the Applicant's submission, is that the A1 in the Scheme corridor is currently a relatively busy single carriageway in a rural location which is a barrier to east-west movement. This will be replaced by a dual carriageway with grade separated crossing points which will improve east-west movements.</li> <li>3. Across the Scheme there are 18nr footpaths, 2nr bridleways and 1nr byway affected by the Scheme. In total 7.17km of PROW is proposed to be stopped up, 10.63km will be created and 0.74km of a Byway Open to All Traffic (BOAT) converted to a byway.</li> <li>4. NCC confirmed that there has been good liaison between the Applicant and their rights of ways officer whose advice has been taken on board by the Applicant. NCC agreed that the provision of the grade-separated junctions would be a significant benefit of the Scheme.</li> <li>5. It is noted that Mr Hawes made reference to the loss of an access to the west of his property. However, this is not an existing PWOW and it appears to the Applicant that use of this route is not currently a straight-forward process. The Applicant is content for the ExA to form their own view on this issue at a site visit.</li> </ol>
6.11	Can the Applicant supply responses to the points made on access in RR028 Dallas Allen, RR038 Dawson and RR043 Robinson	<ol style="list-style-type: none"> <li>1. Representations submitted by property owners questioned if they would still have access to their property and PROW issues.</li> <li>2. RR028 Dallas Allen query 1.27.2 and 1.27.7 in Applicant's Response to Relevant Representations [REP1-064] raised concerns over PROW access through the farm. The Applicant confirmed the alteration to PROW 129/021 as it used to cross the A1 at grade. and a new PROW 13/2 runs close to the new carriageway boundary, south from the existing PROW 110/010 to divert PROW users to the proposed Heckley Fence overbridge</li> </ol>

Ref	Question	Applicant's Response
		<p>3. RR038 Dawson at Heckley House query 1.37.2 in Applicant's Response to Relevant Representations [REP1-064] related to concerns over increased numbers of personnel walking past the property. The Applicant can confirm that the existing byway 110/013 at the property will be stopped up. Following construction, the additional traffic using the track in proximity to the property would be for maintenance personnel accessing Detention Basin BD23. There is presently a gate at the location where the new access track joins the B6341 and the Applicant confirms that a new gate would be provided across the entrance to the access track.</p> <p>4. RR043 Robinson query 1.40.12 and 1.40.16 in Applicant's Response to Relevant Representations [REP1-064] raised concern about public footpaths. The Applicant confirmed that existing PRoW ref 129/024 shown on Rights of Way and Access Plans [APP-009] is outside the southern boundary of the landowners' interests and will be stopped up. A new footway will be established adjacent to the re-profiled local highway, B6341. There are no diversions proposed through the property.</p>
6.12	What is the current stage of discussions between the Applicant and NCC on NMU provision.	<p>1. NCC seek the provision of cycle provision on the de-trunked A1 as part of the Scheme. It is important to appreciate the different roles of Highways England and NCC. Highways England is the strategic highways authority and NCC is the local highways authority. Paragraph 3.17 of the NPS NN sets out the consideration required of NMU interest in NSIPs. The Applicant has fulfilled the requirement of paragraph 3.17. The needs of cyclists and pedestrians have been addressed in the Scheme. The provision of grade-separated junctions facilitates NMU passage and addresses the barrier feature of the current A1. Proportionate measures have been taken to address impacts to existing PROWs.</p> <p>2. However, the Scheme is not proposing works to the section of the existing A1 referred to by NCC which would become local highway for which NCC will be responsible, The Applicant does not consider that NCC has demonstrated a need for cycle provision to be made on that road as part of the Scheme. There will be a dramatic drop in use of the A1 with at least a 90% reduction in traffic levels and a significant reduction in HGVs on what is a wide road. Evidence has not been presented to show that safe use of the de-trunked A1 by cyclists requires specific provision. Such provision, whilst it may be a desirable aspiration, is not mitigation which is required to offset an impact of the Scheme.</p> <p>3. The Applicant is working with NCC to try and secure alternative funding through designated funds. However, such provision would be separate to the Scheme. The Scheme is not dependent on such funding being available as the cycle provision which is sought by NCC is not required in order to address the impacts of the Scheme.</p>
6.13	What is the state of agreement on the areas of highways adoption?	<p>1. The proposed respective areas of highways adoption are shown on REP3-003 with technical notes provided in REP1-049. The Applicant continues to work with NCC to reach agreement on adoption and further meetings have been arranged. It is noted that NCC confirmed that there is general agreement on the lengths of road which are for NCC adoption. They are looking for more detail on the extent of verges and landscaping. NCC also referred to issues to be discussed in relation to drainage at West Linkhall and the Applicant will be looking to resolve these remaining points.</p> <p>2. A meeting was held with the NCC Highways team on 02/03/21. NCC confirmed that they wish for a positive drainage system on the new local roads and for detention basins to be combined. The Applicant is investigating these options. The areas of land created by the realignment of local roads was also discussed. The District Valuer has been asked to discuss these with adjacent landowners. A further meeting is to be held w/c15/03/21 to agree on the adoption of these elements.</p>
6.14	Any other issues on transport and traffic?	<p>1. Mr Hawes raised the status of the replacement private access which will be provided for him. The Applicant notes that NCC confirmed that this is not a form of access which they would adopt. The access will be constructed on behalf of the Applicant and handed to the landowners with appropriate rights of passage and maintenance responsibilities.</p> <p>2. Mr Moor queries the status of Westview. In terms of this Scheme, the works would be constructed as a private means of access. It would be a matter for NCC to determine whether it wished to adopt that. However, it will be provided to an adoptable standard which is capable of accommodating the vehicle which will use it, including agricultural traffic.</p>

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