

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.34 Applicant's Responses to Deadline 9 Submissions

Rule 8(1)(c)

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

June 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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CONTENTS

1	APPLICANT'S RESPONSES TO DEADLINE 9 SUBMISSIONS	1
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1.1	INTRODUCTION	1
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TABLES

Table 1-1 – Mr Colin Moor	2
Table 1-2 – Environment Agency	3
Table 1-3 – Northumberland County Council	4
Table 1-4 – Mr Mark Hawes	5

1 APPLICANT'S RESPONSES TO DEADLINE 9 SUBMISSIONS

1.1 INTRODUCTION

- 1.1.1. This document relates to an application for a Development Consent Order (DCO) made on 7 July 2020 by Highways England (the 'Applicant') to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act'). If made, the DCO would grant consent for the A1 in Northumberland: Morpeth to Ellingham (the 'Scheme').
- 1.1.2. The Scheme comprises two sections known as Part A: Morpeth to Felton (Part A) and Part B: Alnwick to Ellingham (Part B), a detailed description of which can be found in Chapter 2: The Scheme, Volume 1 of the Environmental Statement (ES) [APP-037].
- 1.1.3. The purpose of this document is to set out the Applicant's response to submissions made at Deadline 9. The Applicant notes that Historic England made a submission at Deadline 9 [REP9-026] but confirmed that they had no comments. The Applicant has not commented on Historic England's submission at Deadline 10.

Table 1-1 – Mr Colin Moor

Ref. No.	Response:	Applicant's Response:
1	You will recall that following my submission to the inspectorate it was agreed that a meeting to discuss my concerns would be undertaken. That meeting was subsequently undertaken, and minutes produced.	<ol style="list-style-type: none"> 1. The Applicant's responses to Mr Moor's previous written submissions to the examination are set out in REP1-064, REP2-019, REP3-024 and 027, and REP5-029. 2. The Applicant had a call with Mr Moor on 15/03/2021 and minutes of the meeting were circulated to all attendees on 23/04/2021.
2	There were action points to be followed up from those minutes, which are still outstanding.	<ol style="list-style-type: none"> 1. A number of actions were taken and are noted in the meeting minutes. The list of actions is reproduced below, along with confirmation of the steps subsequently taken by the Applicant: <ul style="list-style-type: none"> – <i>To provide verification of the alternative routes connecting Warrener's complex to the north, rather than West View.</i> – These options were set out in the Technical Note, Applicant's Responses to Deadline 4 Submissions – Appendix i: The Warreners Private Means of Access Options [REP5-030]. As confirmed in that Technical Note, both Alternative Route A and Alternative Route B have been discounted by the Applicant. – <i>To review opportunities for parking bays around the turning circle.</i> – This is currently being reviewed by the Applicant as part of the detailed design. – <i>To review moving the PMA connection to West View further west</i> – This is currently being reviewed by the Applicant within the Order limits in line with item 2 as part of detailed design. – <i>Review the protection requirements to the gas station</i> – This is under review with the gas supplier and distribution company. An initial assessment of the indicative options for relocation was submitted in Applicant's Written Summary of Oral Submissions at Hearings - Appendix G - West View Gas Diversion [REP4-032]. Any measures identified as necessary by Northern Gas Networks during detailed design will address all operational and safety matters associated with the proposed locations and these designs will comply with all applicable guidance and legislation and be implemented, in agreement with the Applicant, as part of the Scheme. However, Northern Gas Networks' detail design is not yet confirmed.
3	I have contacted Costain's who have agreed to chase this up, however until these points are actioned, I am not able to comment further on the proposals.	<ol style="list-style-type: none"> 1. An update in respect of each of the action points from the 15/03/2021 meeting is provided at item 2, above.
4	Likewise, I have not seen the minutes on the document register for the project hence my concerns are not recorded, and my views could go unheard.	<ol style="list-style-type: none"> 1. The minutes of the meeting on 15/03/2021 have been distributed to all the attendees at that meeting. As is standard practice, these minutes are not submitted to the ExA, and will therefore not appear on the project document register. Rather, the meetings and minutes of those meetings inform each party's submissions to the ExA. This is the same approach taken for all other interested parties where such discussions have been undertaken. 2. Mr Moor has made previous representations to the ExA at Deadlines 1, 2 and 4 which the Applicant has responded to in REP1-064, REP2-019, REP3-024 and 027, and REP5-029. All of these submissions are before the ExA for consideration.

Ref. No.	Response:	Applicant's Response:
5	Can I ask that this is resolved and brought to the attention of the inspector?	1. No response required.

Table 1-2 – Environment Agency

Ref. No.	Response:	Applicant's Response:
Deadline 8 Submission - 2.12 Riparian Planting Plan [REP8-003]		
1	We are pleased that the Applicant has maximised the planting and seeding schemes on land available within the DCO. The production of the Riparian Planting Plan provides a useful visual representation of the riparian woodland proposed as part of the Culvert Mitigation Strategy [REP8-023].	1. The Applicant welcomes the Environment Agency's acknowledgement that the Applicant has maximised the planting within the Order limits and that the Riparian Planting Plan [REP8-003] has provided a useful visual representation.
Deadline 8 Submission - 7.9.1.1 Culvert Mitigation Strategy - Rev 2 [REP8- 023] and Deadline 8 Submission - 7.3 Updated Outline Construction Environmental Management Plan (Clean) - Rev 7 [REP8-011]		
2	The Culvert Mitigation Strategy, 2.12 Riparian Planting Plan [REP8-003] and the Outline CEMP show that the Applicant, despite their best endeavours, have not provided sufficient compensation within the DCO boundary for the impacts of the scheme, specifically the impacts on and losses of watercourses and riparian habitat through culverting and associated infrastructure. However, we are pleased that the Applicant has agreed to fund a compensation scheme outside of the DCO boundary to include improvements to the River Lyne catchment.	<ol style="list-style-type: none"> 1. The Applicant remains of the view that sufficient mitigation and compensation has been secured within the Order Limits to satisfactorily address the impact of the Scheme on watercourses due to culverting. The Environment Agency has agreed that the Applicant has done all it reasonably can to address impacts to watercourses within the Order limits (as evidenced in Table 3-1 of the Statement of Common Ground with the Environment Agency issued at Deadline 10). 2. However, notwithstanding the Applicant's position, the Applicant is in the process of finalising a legal agreement with the EA to secure the compensation, with current progress reflected in the SoCG with the EA. The legal agreement is expected to be finalised (and signed) by Deadline 11. The content of the agreement is summarised in Appendix B of the Applicant's Written Summaries of Oral Submissions to Hearings in week commencing 7 and 14 July (document reference 7.33.2).
Deadline 8 Submission - 7.28.1 Applicant's Responses to Deadline 7 Submissions - Appendix A - River Coquet Fluvial Geomorphology Assessment - Valley Side-Channel Connectivity [REP8-025]		
3	We are satisfied with this assessment. It addresses the concerns we previously raised regarding the role the surrounding valley slopes play in influencing sediment supply, in-channel features and planform.	1. The Applicant welcomes confirmation that the Environment Agency is satisfied with the content of Deadline 8 Submission - 7.28.1 Applicant's Responses to Deadline 7 Submissions - Appendix A - River Coquet Fluvial Geomorphology Assessment - Valley Side-Channel Connectivity [REP8-025] and that it addresses concerns previously raised by them.
Deadline 8 Submission - 3.1 draft Development Consent Order (Clean) - Rev 9 [REP8-004]		
4	We are content with the requirements set out in the draft DCO.	1. The Applicant welcomes the Environment Agency's confirmation that they are content with the requirements in the draft DCO [REP9-004 and 005].

Ref. No.	Response:	Applicant's Response:
Deadline 8 Submission - 7.6C Statement of Common Ground with The Environment Agency - Rev 6 [REP8-018]		
5	We have reached an agreement with the Applicant regarding compensation and we are currently finalising the mechanics of the legal agreement.	1. The Applicant has agreed to provide a financial contribution towards offsite compensation works, as requested by the Environment Agency. The Applicant is in the process of finalising a legal agreement with the EA to secure the compensation, with current progress reflected in the SoCG with the EA. The legal agreement is expected to be finalised (and signed) by Deadline 11 (see summary of agreement in document reference 7.33.2). The financial contribution is agreed to provide compensation for the loss of open watercourse channel due to culverting and for the loss of natural riverbank (riparian habitat) along the River Coquet as a result of the Change Request. The Applicant has confirmed with the Environment Agency that the financial contribution to provide compensation satisfactorily addresses their concerns (as demonstrated in Item 2 of Table 3-4 of the Statement of Common Ground with the Environment Agency issued at Deadline 10).

Table 1-3 – Northumberland County Council

Ref. No.	Response:	Applicant's Response:
Draft DCO (Ref: REP8-004/005)		
1	The additional wording added to Article 14(2) reflects the agreed position in providing the Local Highway Authority the assurances that the de-trunked sections of highway will be handed over to the Local Highway Authority in a suitable state of repair and is therefore acceptable.	1. The Applicant welcomes Northumberland County Council's acceptance of Article 14(2) of the dDCO [REP9-004 and 005].
2	Schedule 3 Part 3: There is a typographical error on the High Highlaws Road line which needs the C140 classification added (as indicated in our Tracked Changed version of the Schedule submitted as REP8-028b)	1. This was addressed in the Deadline 9 version of the dDCO [REP9-004 and 005].
3	Schedule 11: It is noted that the speed limits for the local road networks in Part B have been amended to 60mph and are acceptable.	1. The Applicant welcomes Northumberland County Council's acceptance of the speed limits in Schedule 11.
Outline Construction Traffic Management Plan (Ref: REP8-013/014)		
4	The proposed amendments in Revision 4 of the document do not impact upon those items previously agreed to be included in the document from a Local Highway Authority perspective.	1. The Applicant welcomes Northumberland County Council's acceptance of the Outline Construction Traffic Management Plan [REP8-013 and 014].
General Arrangement Plans (Ref: REP8a-002):		

Ref. No.	Response:	Applicant's Response:
5	This revision of the General Arrangement Plans shows the remaining omission in respect to the East Linkhall Road proposals and includes the turning head at the end of the new Local Road Network which is acceptable subject to the detailed design process to be undertaken after the Examination and confirmation from the applicant regarding the existing status of the highway to the north of the turning head.	<ol style="list-style-type: none"> 1. The Applicant welcomes Northumberland County Council's acceptance of the changes to the General Arrangement Plans [REP8a-002] subject to detailed design as set out in Requirement 3 of the dDCO [REP9-004 and 005]. 2. In relation to the status of the highway north of the turning head, the Book of Reference, submitted at Deadline 9 [REP9-007 and 008], was updated to reflect the recent HMLR amendments to the relevant plots of land north of the proposed turning head which are unregistered and have an unknown owner. The DCO includes powers for permanent acquisition of the remainder of the track as shown on sheet 16 of the Land Plans [REP9-003] as part of the Scheme. Once the Scheme is in operation, the Applicant may seek to return some of the plots to private ownership. However, none of this will affect the interests of NCC as local highways authority.

Table 1-4 – Mr Mark Hawes

Ref. No.	Response:	Applicant's Response:
Section 1.1.1		
	<p>The following provides comments against Northgate Farm PMA Options Technical Note, submitted as part of deadline 8a. Each comment makes reference to the respective section within the document</p> <p>The Applicant highlights that we communicated this issue via Deadline 6. This is correct but it should be recognised that this was first raised with the Applicant in a meeting on the 13th January 2021. This was followed up in Deadline 2 and subsequent deadline submissions. The Deadline 2 Written Representation included the following statement:</p> <ul style="list-style-type: none"> ■ The current point of access is also not wanted by the neighbour whose property the access road has to travel over. 	<ol style="list-style-type: none"> 1. The Applicant submitted Northgate Farm Private Means of Access Options Technical Note [REP8a-005] at Deadline 8a. This confirms that, in the absence of agreement between the affected parties in relation to the original proposal presented in the DCO application or Alternative Route A, the Applicant's proposal to the Examining Authority is that Alternative Route B contained within that technical note should be taken forward as part of the Scheme. 2. The Applicant acknowledges that the question of access has been raised by Mr Hawes on a number of occasions. The options set out in Northgate Farm Private Means of Access Options Technical Note [REP8a-005] represent the latest position, drawing on Mr Hawes written submissions and meetings between the Applicant and the affected parties. The Applicant has managed stakeholder engagement between the two affected parties at Northgate Farm and Capri Lodge and will continue to undertake this liaison. 3. However, ultimately access to each of Northgate Farm and Capri Lodge must be provided, and this has to be affected whether or not the owners of the two properties are in agreement with one another.
Section 1.1.2		
	<p>Alternative Route A was first presented to the Applicant at a meeting on the 13th January 2021 and subsequently further detailed in an email on the 5th February 2021.</p> <p>Whilst it is recognised that there are some benefits for Northgate Farm in this option the overriding motivation in proposing the solution was to appease Mr Davidson and avoid accessing via the front of his property. In making this proposal this entailed a number of compromises which included:</p>	<ol style="list-style-type: none"> 1. The Applicant confirms that it received an outline of Alternative Route A via email on the 5th February 2021 from Mr Hawes' land agent, as replicated in Figure 2 (page 4) of the Northgate Farm Private Means of Access Options Technical Note [REP8a-005]. It does not appear that in making this suggestion, Mr Hawes or his agent realised that they would be reliant upon the agreement of Mr Davidson if this solution was to be delivered.

Ref. No.	Response:	Applicant's Response:
		<p>2. The Applicant confirmed at item 1H(1)(3) of Table 1-7 in the Applicant's Response to Deadline 4 Submissions [REP5-029] that:</p> <ul style="list-style-type: none"> initial conversations with Mr Davidson had confirmed that the proposed access route forming part of the DCO application was acceptable, as it had been for the previous owner; since completion of the purchase of Capri Lodge, while Mr Davidson is in support of the closure of the existing direct A1 access, he wishes to avoid a shared access situation; and as a result, alternative access routes had been explored as part of ongoing consultation. <p>3. One of these options was Alternative Route A, to which Mr Hawes refers. If this alignment for a private access is to be selected, it is for Mr Hawes to come to an agreement with Mr Davidson for this route selection and agree the change in land acquisition and/or rights between the two parties that is required to reach from the private means of access to the boundary of Northgate Farm.</p>
1	Take on the responsibility for constructing a 75-metre tarmac road which would partition the property.	<p>1. Alternative Route A would pass through both Mr Hawes's and Mr Davidson's land and could only be undertaken with the consent of all parties. If this proposal was adopted it would be because that was preferred by the parties.</p> <p>2. It is not accepted that the effect of the access when constructed within Northgate Farm would result in "partitioning", since the treatment of that access is not known and would be the responsibility of Mr Hawes to deliver. It would be open to Mr Hawes to select a surface treatment other than asphalt.</p> <p>3. As the final section of Alternative Route, A (from the PMA to Northgate Farm) would be constructed outside of the Order limits, it would require a separate planning permission. As confirmed on page 2 of REP8a-005, the Applicant would provide support to the affected landowners in obtaining planning permission for this element of the access, outside of the DCO process.</p>
2	With the road running through the centre of the garden we were making a compromise on visual effect and air quality.	<p>Visual Effects</p> <p>1. As noted above, the design of Alternative Route A, its surface treatment and landscaping cannot be known at this stage. These aspects would be matters for Mr Hawes to design rather than the Applicant.</p> <p>2. Alternative Route A would be visible from the north facing elevation of the dwelling, and the wider garden space to the east. In this regard, paragraph 3.2.10 of the Northgate Farm Private Means of Access Options Technical Note [REP8a-005] identifies that the access would be visible from the dwelling. It also identifies that the existing vegetation associated with the previously proposed access point would be retained, and as such the awareness of the Scheme to the north identified as occurring for R98, within Appendix 7.3 Residential Visual Effects Schedule [APP-218], and which Mr Hawes has previously expressed concerns about, would be substantially avoided, reducing the magnitude of impact on views from the dwelling to the north. The assessment of effects in [REP8a-005] has identified that, with Alternative Route A, the visual effects on the occupants of the dwelling, when considered from the primary outlook (the</p>

Ref. No.	Response:	Applicant's Response:
		<p>north elevation) would be slight adverse following construction. This does not represent a change in the overall magnitude of impact, which would remain as reported within Chapter 7: Landscape and Visual Part A [APP-044].</p> <p>Air Quality</p> <p>3. As set out in paragraph 3.2.14 of the Northgate Farm Private Means of Access Options Technical Note [REP8a-005], given the portion of Alternative Route A out with the Order limits would primarily be used in association with Northgate Farm, the volume of traffic will be well below levels that have the potential to result in a significant air quality effect. For reference in this regard, the DMRB LA105 Air Quality sets the traffic scoping criterion for the change in volume of traffic on a road at 1000 vehicles per day or 200 heavy duty vehicles per day. These are significantly higher than any plausible use of the route and, as such, Alternative Route A has no potential to change the conclusions of the air quality assessment set out in Air Quality Assessment (Scheme Opening Year 2024) [REP3-012] that there will be no significant effects from air quality on human health.</p>
3	Accept the loss of additional trees at the front of the property.	<p>1. Paragraph 3.2.10 of the Northgate Farm Private Means of Access Options Technical Note [REP8a-005] identifies that the proposed access via Alternative A would impact directly upon the forecourt area due to a change in the point of access, requiring the removal of existing vegetation within the garden space. However, the existing vegetation associated with the previously proposed access point would be retained, and as such the awareness of the Scheme to the north identified as occurring for R98, within Appendix 7.3 Residential Visual Effects Schedule [APP-218], and which Mr Hawes has previously expressed concerns would be substantially avoided, reducing the magnitude of impact on views from the dwelling to the north. As set out at "Section 1.1.2, Item 2", above, there would not be a change in the overall magnitude of impact for visual effects, which would remain as reported within Chapter 7: Landscape and Visual Part A [APP-044]. The assessment of a slight adverse effect as concluded within Appendix 7.3 Residential Visual Effects Schedule [APP-218] remains appropriate.</p>
4	Take on additional responsibility for land works and landscaping. This included the repositioning of a well-established vegetable garden.	<p>1. The final section of Alternative Route A from the PMA to Northgate Farm is outside the Order limits and would need to be constructed under a separate planning permission by Mr Hawes as the landowner. This would include any ancillary works.</p> <p>2. As confirmed on page 2 of [REP8a-005], the Applicant would provide support to the affected landowners in obtaining planning permission for this element of the access, outside of the DCO process.</p>
	Although it is understood that this option is not favoured by Mr Davidson, as it involves some shared access, it is significantly better than the current proposal. Furthermore, it should be recognised that all three routes require a degree of shared use and maintenance.	<p>1. Regardless of the option selected, access rights for the use of the portion of the PMA within the Order limits for the residents of all properties at Warreners House will be secured through the DCO. There will be a standard provision for the landowner for each section of the proposed PMA access road to be liable for its maintenance. It is anticipated that a commuted sum for</p>

Ref. No.	Response:	Applicant's Response:
		any additional future maintenance liabilities could be agreed with each relevant party by the District Valuer, on behalf of the Applicant.
Section 1.2.2		
	The Applicant is correct in highlighting that Alternative Route B does not require agreement between the parties but does not recognise that it would require a major compromise, from Northgate Farm to resolve a problem that was not of its making. Although we were prepared to make compromises for Alternative A this option represents a much larger scale of concession, particularly with the impact upon the woodland. This includes the following:	<ol style="list-style-type: none"> 1. The impacts of Alternative Route B on Northgate Farm are set out at section 3.3 of [REP8a-005]. This concludes that Alternative Route B would result in no change to the conclusions of the assessments reported within the ES, Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063], Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064], Noise Addendum [REP1-019 to REP1-022], Air Quality Assessment (Scheme Opening Year 2024) [REP3-012] and Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010]. 2. The Applicant's position remains that, in the absence of agreement between the affected parties in relation to the original proposal presented in the DCO application or Alternative Route A, the Applicant's proposal to the Examining Authority is that Alternative Route B should be taken forward as part of the Scheme.
1	The additional access road would mean that we have two access roads running through our property within the woodland. The additional access road would significantly exasperate all the issues previously raised in respect to the woodland. This includes:	<ol style="list-style-type: none"> 1. The Applicant has previously responded to the points raised by Mr Hawes in relation to the loss of trees on the north east and eastern boundary to the garden. The Written Summary of Oral Submissions at Hearings – Appendix D – Warreners Private Means of Access [REP4-029] confirmed that the PMA will be predominantly constructed within plot 1/6a, and that plot 1/8a (owned by Mr Hawes) will primarily be used to install the new boundary hedgerow, fence and individual trees. 2. Appendix D goes on to set out how the Applicant will avoid the unnecessary removal of trees and outlines methods by which any remaining trees would be retained and protected, including measures to avoid impacts on root zones. The construction of the portion of Alternative Route B outside the Order limits would be the responsibility of Mr Hawes, but the Applicant would apply the methodology set out in Appendix B to the bell mouth and any other associated works within the Order limits.
A	Privacy	<ol style="list-style-type: none"> 1. Alternative Route B would pass through the small block of woodland to the east of Mr Hawes' property and would require additional trees to be removed. This would result in views from the PMA and access point being marginally more noticeable, although users of the PMA would remain those individuals accessing Northgate Farm, Capri Lodge and the fields to the north and the overall magnitude of visual impact would not change from that reported in Chapter 7: Landscape and Visual Part A [APP-044]. 2. Nevertheless, the Applicant remains committed to providing a boundary hedgerow around the eastern and northern perimeter of the garden space, which would provide screening to the garden space once established. This is identified on Landscape Mitigation Masterplan Part A

Ref. No.	Response:	Applicant's Response:
		[REP8a-003] and secured through measure S-L2 of the Outline CEMP [REP9-016 and 017].
B	Wildlife	<ol style="list-style-type: none">Alternative Route B would pass through the small woodland block (two lines of trees) to the east of Mr Hawes' property and would therefore result in additional tree loss. However, the retained trees would continue to offer habitat and shelter to wildlife following construction. Further, Alternative Route B would not represent a barrier to wildlife movement, as a private means of access that constitutes a single lane road that would be expected to be used infrequently by vehicles.An assessment of Alternative Route B in relation to biodiversity is presented in paragraphs 3.3.4 and 3.3.5 of the Northgate Farm Private Means of Access Options Technical Note [REP8a-005]. Whilst Alternative Route B would alter the amount of tree loss (both additional loss and areas of retention), there would be no change to the significance of effects detailed within Chapter 9: Biodiversity Part A of the ES [APP-048].
C	Outlook	<ol style="list-style-type: none">Alternative Route B would pass through the small block of woodland to the east of Mr Hawes' property and would require additional trees to be removed. This would result in the outlook from the garden space being marginally modified. The Applicant remains committed to providing a boundary hedgerow around the eastern and northern perimeter of the garden space, which would provide screening in order to provide some privacy to the garden space once established but would likely limit the views of the adjoining fields from within the garden space. This is identified on Landscape Mitigation Masterplan Part A [REP8a-003] and secured through measure S-L2 of the Outline CEMP [REP9-016 and 017]. The overall magnitude of visual impact would not change from that reported in Chapter 7: Landscape and Visual Part A [APP-044].
D	Air Quality	<ol style="list-style-type: none">As set out in paragraph 3.3.13 of the Northgate Farm Private Means of Access Options Technical Note [REP8a-005], given the portion of Alternative Route B out with the Order limits would primarily be used in association with Northgate Farm, the volume of traffic will be significantly lower than levels that would have the potential to result in a significant air quality effect.For reference in this regard, the DMRB LA105 traffic scoping criteria make reference to scoping traffic change criteria set at a change of 1000 vehicles per day (AADT) or 200 Heavy Goods Vehicles per day (HGV AADT).These are significantly higher than any plausible use of the route and, as such, Alternative Route B has no realistic potential to change the conclusions of the air quality assessment set out in Air Quality Assessment (Scheme Opening Year 2024) [REP3-012] that there will be no significant air quality effects on human health.
E	Noise	<ol style="list-style-type: none">The Applicant has previously addressed points raised by Mr Hawes with regard to noise impacts from the PMA proposed within the DCO application for the properties in this area (including Northgate Farm and Capri Lodge). Given the likely

Ref. No.	Response:	Applicant's Response:
		<p>use of the PMA, including the low number of vehicle trips per day and low vehicle speeds, the portion of the PMA within the Order limits is expected to have an inconsequential effect on noise levels at Northgate Farm.</p> <p>2. Whilst Alternative Route B would mean that an additional section of PMA would be closer to the Northgate Farm building, as this would be used by Northgate Farm residents and visitors only, noise from vehicles would not cause adverse effects to the property. As confirmed at paragraphs 3.3.2 and 3.3.3 of [REP8a-005], there would be no change to the assessment reported within the Noise Addendum [REP-019].</p>
F	Loss of trees	<p>1. Alternative Route B would pass through the small woodland block (two lines of trees) to the east of Mr Hawes' property and would therefore result in additional tree loss. The Applicant remains committed to providing a boundary hedgerow around the eastern and northern perimeter of the garden space, which would provide a new boundary treatment and provide replacement trees therein. This is identified on Landscape Mitigation Masterplan Part A [REP8a-003] and secured through measure S-L2 of the Outline CEMP [REP9-016 and 017]. The additional tree loss would not result in a change to the assessment of visual or biodiversity impacts reported within Chapter 7: Landscape and Visual [APP-044] and Chapter 9: Biodiversity [APP-048].</p>
G	Safety and security	<p>1. Subject to further discussion with Mr Hawes at detailed design, the provision of a boundary fence to provide security along the boundary of the property adjacent to the route of the PMA could be agreed. The design of the fence itself would need to be sufficient to deter access to the garden space if provided for security purposes.</p>
H	Environmental impact	<p>1. As reported at paragraph 3.3.18 of Northgate Farm Private Means of Access Options [REP8a-005], Alternative Route B would result in no change to the conclusions of the assessments reported within the ES, Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063], Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064], Noise Addendum [REP1-019 to REP1-022], Air Quality Assessment (Scheme Opening Year 2024) [REP3-012] and Updated Biodiversity Air Quality DMRB Sensitivity Assessment [REP3-010].</p>
2	The construction of the additional tarmac road, stretching the length of Northgate Farm property (estimated at 135 metres), significantly adds to the amount of tarmac on view.	<p>1. The design and surfacing of the access within Mr Hawes's land would be his responsibility, and there is no reason to suppose (other than that he himself may prefer such surface a treatment) that it would comprise a tarmac road.</p> <p>2. The proposed access via Alternative B would impact directly upon the garden space and may change the way in which the occupants' access and make use of their garden space, as a result of the views of the access road. Alternative B would be visible from the north facing elevation of the dwelling, and the wider garden space to the east. However, the existing vegetation associated with the previously proposed access point would be retained, and as such the awareness of the Scheme to the</p>

Ref. No.	Response:	Applicant's Response:
		north identified as occurring for R98, within Appendix 7.3 Residential Visual Effects Schedule [APP-218], and which Mr Hawes has previously expressed concerns would be substantially avoided, reducing the magnitude of impact on views from the dwelling to the north. The Northgate Farm Private Means of Access Options Technical Note [REP8a-005] correctly identifies that the access would be visible from the dwelling. The assessment of effects has appropriately identified that the effects on the occupants of the dwelling, when considered from the primary outlook (the north elevation) would be slight adverse following construction.
3	The construction of such a road would represent a major undertaken for us.	<ol style="list-style-type: none"> 1. The Applicant is cognisant of Mr Hawes' concerns as to the work required outside the Order limits. Alternative Route B is one of two alternative solutions requested by the two affected parties in lieu of the current DCO proposal, which the Applicant has assessed and mitigated. 2. As confirmed on page 2 of Northgate Farm Private Means of Access Options Technical Note [REP8a-005], the Applicant would provide support to the affected landowners in obtaining planning permission for this element of the access, outside of the DCO process.
4	The road through Northgate would take up a significant percentage of the property imposing constraints on how the property could be used in the future.	<ol style="list-style-type: none"> 1. Discussions as to any compensation payable for land impacted by the proposals will continue between the landowner/their professional representatives and the District Valuer, on behalf of the Applicant. However, the quantum of compensation is not a matter for the Examination. 2. It is important to recognise that there would be no loss of land as a result of either Alternative A or Alternative B. Furthermore, in each case its provision would be because Mr Hawes had requested it.
5	The road would partition the property leaving areas of dead space which would not be utilised.	<ol style="list-style-type: none"> 1. It is not accepted that the property would be "partitioned". The north eastern corner plot of 1/8b would adjoin the portion of Alternative Route B within Mr Hawes' property. It would still be able to be accessed by Mr Hawes. 2. The treatment and use of these areas are not required or precluded by the Scheme, and it will be for Mr Hawes to use them.
6	The road creates additional burden and responsibility on the property for maintenance.	<ol style="list-style-type: none"> 1. Either of the alternative routes would be substituted for the DCO application PMA route, which would also have maintenance responsibilities for the relevant landowners. In the case of the DCO application PMA route, there would be a standard provision for the landowner of each section of the proposed PMA to be liable for its maintenance. This would be simplified if substituted for one of the alternative routes. It is anticipated that a commuted sum for any additional future maintenance liabilities could be agreed with each relevant party by the District Valuer, on behalf of the Applicant. 2. The manner of construction of Alternative A or Alternative B is a matter for Mr Hawes, who would also be responsible for its maintenance.

Ref. No.	Response:	Applicant's Response:
7	The road would require a significant amount of additional land works and landscaping. This would include managing septic tank and water pipes which fall within the route of the road. The well-established vegetable garden would also need to be re-positioned.	<ol style="list-style-type: none"> 1. The Applicant is cognisant of Mr Hawes' concerns as to the work required outside the Order limits. Alternative Route B is one of two alternative solutions requested by the two affected parties in lieu of the current DCO proposal, which the Applicant has assessed and mitigated. 2. As confirmed on page 2 of Northgate Farm Private Means of Access Options Technical Note [REP8a-005], the Applicant would support the affected landowners in obtaining planning permission for this element of the access, outside the DCO process.
Section 2 Current Proposal		
	As previously documented in detail the current proposal is not a good solution and has a number of major issues, which we recognise cannot be resolved. This includes, but not limited to:	<ol style="list-style-type: none"> 1. The Applicant has assessed the environmental impacts of the proposed Scheme layout, including the Warreners PMA, and has proposed appropriate mitigation for those impacts in accordance with the relevant topic-specific guidance. In doing so, the Applicant has taken account of the concerns raised by interested parties such as Mr Hawes, both prior to Application and during the course of examination. 2. The Applicant's previous responses to the concerns raised by Mr Hawes in relation to the Warreners PMA as proposed within the DCO application are set out in REP1-064, REP3-026, REP5-029, REP5-030, REP6-040, REP6-043, REP7-017 and REP9-018 and are not repeated in detail here.
1	To facilitate access into Northgate Farm additional works are required to redesign the front of the property. This includes felling trees which will further open up views of the new Dual carriageway and access roads. Previously the Applicant had placed great store in the benefit of these same trees to screen Northgate Farm from the worse of the visual effect.	<ol style="list-style-type: none"> 1. The Applicant has previously provided a response to the concerns raised by Mr Hawes in relation to the removal of trees within plot 1/8a, at item 1d, Follow-up response to deadline 3 comments from the Applicant – Reference 6C, Table 1-7 - Mark Hawes - Deadline 4 Submission - Comments on responses submitted for Deadline 3 - Part 1, Applicant's Response to Deadline 4 Submissions [REP5-029], which states: <i>"The current outline proposal would require the removal of a limited number of trees on the northern boundary, anticipated to be less than 10, to facilitate construction of the PMA and access onto the property. This clearance is indicated on the Vegetation Clearance Plans [REP4-003], and the retention of existing vegetation is secured through item S-L2 (a) of Table 3.1 – Register of Environmental Actions and Commitments: The Scheme in the Outline CEMP [REP4-013 and 014] (and as updated at Deadline 5)."</i>
2	With the loss of privacy and additional constraints imposed by the access road we understand why this option is not good solution for Mr Davidson.	<ol style="list-style-type: none"> 1. The Applicant has assessed the environmental impacts of the proposed Scheme layout, including the works on Mr Davidson's land, and proposed appropriate mitigation for those impacts in accordance with the relevant topic-specific guidance. 2. As set out in Appendix A of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10), during construction the Scheme would have the following effects on Capri Lodge: <ul style="list-style-type: none"> ■ No residual effect after mitigation on air quality; ■ No residual effect after mitigation on noise and vibration; ■ Large Adverse (significant) effect on visual amenity;

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		<ul style="list-style-type: none"> ■ Slight Adverse (not significant) effect on access to the property; and ■ Slight Adverse (not significant) effect on human health. <ol style="list-style-type: none"> 3. As detailed in Table 2-1 of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10), the Scheme would have a combined effect on Capri Lodge of Large Adverse (significant) during construction. 4. As set out in Appendix A of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10), during operation the Scheme would have the following effects on Capri Lodge: <ul style="list-style-type: none"> ■ No residual effect after mitigation on air quality; ■ Negligible to Minor Beneficial (not significant) effect on noise and vibration; ■ Slight Adverse (not significant) effect on visual amenity; and ■ Slight Beneficial (not significant) effect on access to the property. 5. As detailed in Table 2-2 of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10), the Scheme would have a combined effect on Capri Lodge of Slight Beneficial to Slight Adverse (not significant) during operation.
3	Given the strength of feeling from Mr Davidson and the current circumstances this option is not viable	<ol style="list-style-type: none"> 1. The Applicant understands that Mr Davidson is in support of the closure of the existing direct A1 access but wishes to avoid a shared access situation. 2. Nonetheless, the Applicant has assessed the environmental impacts of the proposed Application layout and proposed appropriate mitigation for those impacts in accordance with the relevant topic-specific guidance. In doing so, the Applicant has taken account of the concerns raised by Mr Davidson. The proposed solution within the DCO application therefore remains viable.
Section 3.3.7 Population and Human Health		
	It is estimated that the new road will be approximately 135 metres in length. While I understand that this is negligible when considering the rest of the scheme, it represents a major loss of garden to ourselves.	<ol style="list-style-type: none"> 1. The portion of Alternative Route B outside the Order limits would be approximately 120m in length. The Applicant is cognisant of Mr Hawes' concerns as to the additional loss of garden. This can be compared to Alternative Route A (which is estimated at approximately 80m in length outside the Order limits). Neither option changes the significance of effect on private property as assessed within Chapter 12 of the Environmental Statement [APP-054]. 2. Both Alternative A and Alternative B would be pursued at the choice of Mr Hawes (alternative A also requiring the agreement of Mr Davidson).
Section 3.3.10 Visual		
	As previously discussed in the issue specific hearings we understand that the visual receptor sitting outside of the property (on the A1 verge) will not register the additional 135 metre access road, but nonetheless, will have a major visual effect which impacts the use of the garden. This further highlights the limitations of having a single visual receptor which sits outside the property.	<ol style="list-style-type: none"> 1. It should be noted that paragraph 3.3.10 of Northgate Farm Private Means of Access Options [REP8a-005] relates to the visual impacts of Alternative Route B. 2. As for the assessment presented within Chapter 7: Landscape and Visual Part A [APP-044], the assessment of visual effects has been undertaken from publicly accessible locations, and access to private property has not been sought. Nevertheless, the assessment of effects has considered the impacts on the

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		<p>occupants of the dwelling, using the primary outlook (the north elevation of the dwelling) and has assessed the degree to which the Scheme would modify this outlook. As outlined in Appendix 7.3 Residential Visual Effects Schedule Part A [APP-218] (R98), the Applicant assessed the effects during construction as large adverse, reducing to slight adverse upon completion of the construction phase. The assessment has not been undertaken from the garden space nor every aspect from which elements of the Scheme might be visible, focusing on what it considered to be the most sensitive aspect in order that the worst-case scenario is assessed and reported upon.</p> <p>3. Alternative routes A and B would likely comprise a single width access track from the boundary of the property, which would cross the existing garden space for the purpose of accessing Northgate Farm. The nature and scale of the access route would not give rise to a magnitude of impact that would represent a major adverse effect on views from the dwelling, when considered in the context of the Scheme as a whole. As a result, the overall magnitude of impact would remain as reported within Chapter 7: Landscape and Visual Part A [APP-044].</p>
Section 3.3.12 Air Quality		
	<p>The access road will introduce vehicle fumes and noise further into the centre of the garden. As Northgate Farm would be responsible for constructing the road, I am not sure how the proposed mitigation measures are relevant here.</p>	<p>1. It should be noted that paragraph 3.3.12 of Northgate Farm Private Means of Access Options [REP8a-005] relates to the air quality impacts of Alternative Route B. The only additional impacts would be the negligible impacts resulting from the use of the access by the residents of Northgate Lodge.</p> <p>Noise</p> <p>2. As stated above (1.2.2. E), whilst Alternative Route B would mean that an additional section of PMA would be closer to the Northgate Farm building, as this would be used by Northgate Farm residents and visitors only, noise from vehicles would not be considered to cause adverse effects to the property.</p> <p>Air Quality</p> <p>3. As stated at 1.2.2. D, above, due to the low level of traffic likely to use the access road, Alternative Route B has no potential to alter the conclusion of no significant effects on air quality in relation to human health set out in the Air Quality Assessment (Scheme Opening Year 2024) [REP3-012].</p>

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