

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.33 Applicant's Written Summary of Oral Submissions to Hearings in Weeks Commencing 7 and 14 June 2021

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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Weeks Commencing 7 and 14 June 2021**

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1 INTRODUCTION

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 the Oral Submissions made at the hearings in the week commencing 7 and 14 June 2021, including responses to action points set out in EV-073 and EV-082.

2 COMPULSORY ACQUISITION HEARING 3

Ref	Question to	Question	Applicant's Summary
2. Site-specific issues for the Applicant			
2.1	The Applicant	Can the Applicant confirm if there have been any changes to the Book of Reference latest version submitted at Deadline 8 [REP8-007 and 008]?	<p>1. At the stage of the hearing, there were no changes to the Book of Reference that have not already been submitted. This was to be confirmed in the note submitted following the hearing.</p> <p><u>Post Hearing Note</u></p> <p>2. An updated Book of Reference was submitted at Deadline 9 [REP9-016 and 017]. Nine entries were revised following an update to the HM Land Registry title boundary which clarified the extent of the Applicant's land ownership and which showed that an access track is unregistered. An "Unknown" interest has been added to these plots to replace the Applicant's interest in these plots. The entry for plot 19/1g was also revised to reflect the reduction in the area of land required for temporary possession in relation to the Lionheart compound. A final version is submitted at Deadline 10.</p>
2.2	The Applicant	Please explain the changes made to the Statement of Reasons submitted at Deadline 5 [REP5-036 and 037].	<p>1. These were updates which were essential to demonstrate the justification for the acquisition of the new land and rights required in terms of change requests 2 and 3 made at Deadline 4. These changes relate to the parcels that are required on both sides of River Coquet for the works referred to in the change request.</p>
2.3	The Applicant	I would like the Applicant to give a general overview of progress and then case by case some detail, specifically if agreement is likely by end of the Examination.	<p>1. In line with the guidance of the Secretary of State, negotiations have been progressed in parallel with the application process and progress is being made in almost all cases.</p> <p>2. The majority of cases are progressing with claims issued or expected, agreements reached, and head of terms returned. Some ongoing discussions on the evaluation framework are progressing with agreements expected very quickly afterwards.</p> <p>3. In relation to the entries in the compulsory acquisition schedule, the position as at the date of the hearing was as follows:</p> <p>a) Clark and Ions – these are agreed, and heads of terms are with solicitors.</p> <p>b) Brown, Dungait and Clarehugh – heads of terms are agreed and are being issued to the relevant legal teams.</p> <p>d) Dobson, Armstrong and Givens – claims have been received from the agent and there are a few minor valuation issues which are under discussion but capable of resolution</p> <p>e) In relation to the other representations submitted by Tim Michie (i.e. Robson, Teasdale, Carter, Hebron Hill Partnership, Vernal Agriculture, Dixon, Givens, Pattinson, University of Newcastle, Shell and Goodings), the District Valuer spoke to Mr Michie on the Monday before the hearing and Mr Michie intended to submit claims during the course of the week. There has already been discussion on the valuation framework and agreement is expected relatively quickly. Mr Michie also represents Mr Hawes and the discussions on this matter are set out in items 2.5 to 2.10 of this submission.</p> <p>f) Mr Bruce's clients (other than Millhouse) namely, Renton, Hogg, Howarth, Bell, West End Anglers – discussions have taken place on a valuation framework and there has been an exchange of offers. A further call is to take place to try and reach agreement.</p> <p>g) Millhouse Developments – issue about the status of planning permission. This is a matter of valuation which it is not for the ExA to adjudicate on.</p>

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			<p>(h) Kelcher – significant discussions on survey works but the layout now understood and discussions on value are taking place. This is not expected to require significant time.</p> <p>(i) Milner - agreed and with legal team.</p> <p>(j) Henry – acquisition agreed, and heads of terms being sent out to landowner</p> <p>(k) Henderson and Scott – discussion on valuation and land take. They have suggested a change to land parcels which involves an alternative plot which is outside the Order limits. It is not known if this is viable and it is being considered by the Applicant. If the proposal was to be suitable then the arrangements would need to be out with the DCO. This may require separate planning permission and hence the Applicant requests that the Order is made as submitted and the Applicant would then derogate from those powers so that they are available to fall back on if required.</p> <p>(l) Mr Louis Fell's clients (Northumberland Estates, Rock Estate, Grahamslaw, Hester, Beal, Robinson/Thomson, Purvis, and Thorp) - valuation framework agreed for all clients. More detailed discussions are taking place on injurious affection and severance elements which will allow for finalisation of claims. They should all be agreed within the examination period. The Beals' claim is more complex as it is a blight claim. There has been significant progress with this claim. There is a compensation offer which it is understood is broadly acceptable, but some details are to be discussed. A meeting has been arranged with Mr Fell to try and resolve remaining issues.</p>
2.4	The Applicant	What is the Applicant's degree of confidence about completing those agreements before the end of the examination? Is this where you expect to be at this stage?	<ol style="list-style-type: none"> 1. The Applicant considers that the negotiations are where they should be expected to be at this stage of the examination and would refer to the evidence given at the hearing by Mr Paul Hine. A large number of representations are being dealt with by a relatively small number of agents (particularly Mr Fell and Mr Michie). Frameworks are agreed with minor tweaks required and meetings arranged with agents to resolve these. The grouping of clients means that once these agreed, the % of cases agreed will quickly change, based on minor changes only during the course of the week of the hearing. The only transaction not likely to proceed to completion during the Examination or shortly afterwards is Millhouse where agreement is not expected due to disagreement on the status of planning permission. The Applicant is reasonably confident that agreement will be reached with the vast majority of the other landowners within the examination period. It is important to note that the Applicant is actively engaged with all parties on valuation. These are only matters of valuation, not objection in principle to taking the land. 2. This is a set of negotiations in good shape at this stage in an examination and it is remarkable to have so many representations so close to being resolved. The Applicant's approach is in line with the relevant guidance.
2.5	The Applicant	Would the Applicant outline the position on the Private Means of Access (PMA) at Northgate Farm and give summary of where we are and how the Applicant may move forward?	<ol style="list-style-type: none"> 1. The Applicant explained the Warreners Private Means of Access Options [REP5-030]. 2. The two properties (owned by Mr Hawes, Mr Davidson) currently have access from the A1 from a single gateway (from the southbound carriageway). This goes into M Hawes land (first) then to Mr Davidsons. 3. As the Applicant's proposal is for a scheme that is a dual carriageway that includes closure of the access onto the A1 and for safety reasons, a new access is required to accommodate safe access/egress. The Scheme as at application includes a new Private Means of Access (PMA) from the south, which skirts the eastern and northern side of the properties and would effectively reverse the current access arrangements with Mr Hawes taking his access across Mr Davidson's property. 4. Mr Hawes would prefer not to cross Mr Davidson land, but would prefer his own access into his property directly from the North. This alternative route is shown on page 4 of the Technical Note (alternative route A). The red line on the alternative route A shows the limit of the proposed powers under the DCO. The point there is that the Applicant could provide the works up to the bell mouth adjacent to the red line but then the route would need to pass over land over which the Applicant has no powers, and which is owned by Mr Davidson. Mr Hawes and Mr Davidson would need to reach a

Ref	Question to	Question	Applicant's Summary
			<p>private legal agreement to secure an easement of access over Mr Davidson's land in favour of Mr Hawes in order to enable this.</p> <p>5. Given that Mr Hawes would like to have separate access and the ownership constraints in relative to alternative route A, a further access proposal is suggested in Figure 3 of the Technical Note [REP8a-005]. This gives access from the PMA to Mr Hawes's land from the east without the need for third party land or agreement with Mr Davidson. It is deliverable by the Applicant without change to land in the DCO. Whilst this may not be Mr Hawes preference, it would eliminate the need to negotiate with Mr Davidson and there would be no change to land take. The Applicant has in effect, looked to provide a compromise.</p> <p>6. There are, in effect, two options before the Examining Authority. First, there is the Application scheme which requires crossing Mr Davidson's land. It is understood that this is not ideal for Mr Hawes or Mr Davidson as they would prefer to have separate accesses. Alternatively, a bellmouth for an eastern access can be provided within the Order limits in terms of the proposed DCO powers (alternative B). If Mr Hawes and Mr Davidson can come to an agreement, then the Applicant could also deliver alternative A. However, at present the 2 viable schemes are what is proposed in terms of the Order or alternative B.</p>
2.6	The Applicant	So as far as the applicant is concerned, there is still the need for the powers that was part of the original application has to still be there?	<p>1. A replacement access must be provided for Mr Hawes and Mr Davidson and the Applicant requires powers to do so them. One of the ways the Applicant could do this is to provide for all three options in the DCO so that, in the event that there is no agreement, the Applicant can implement the access as proposed in the current Scheme. This could provide as follows:</p> <p>a) If no agreement is made, the Applicant has the powers through Compulsory Acquisition to provide the order scheme;</p> <p>b) If Mr Hawes agrees to access from the east (understanding that this is not his current preference) then the Applicant could provide that;</p> <p>c) If agreement is reached between Mr Hawes and Mr Davidson from access from the north then the Applicant would provide that.</p> <p>2. Providing alternative solutions in this way is not an uncommon type of provision to include in DCOs.</p>
2.7	The Applicant	As shown on figures 2 and 3 [REP8a-005], the purple land is Mr Hawes and Green in Mr Davidson therefore new route in the east, what is the ownership of that land before it accesses Mr Hawes land, who owns this?	<p>1. The Applicant can confirm that the land is owned by the farmer, Mr Robson (plot 1/6a as shown on sheet 1 of Land Plans [REP9-003]). Mr Hawes and Mr Davidson would enjoy in common a right of access over Mr Robson's land.</p>
2.8	The Applicant	Would the Applicant provide the access for alternative B?	<p>1. The Applicant's proposal is as shown in the application. If Mr Davidson and Mr Hawes are asking for a different access, then the Applicant would provide the bell mouth as far as the red line and then Mr Hawes would be required to provide the rest. The Applicant does not have power to provide an access out with the red line.</p>
2.9	The Applicant	Should there not be a measure whereby you provide an access that is suitable and	<p>1. The test is not whether Mr Hawes is being provided with non-advantageous access. It is whether he is being provided with access. The access proposed in the application is the reverse of the current position where Mr Davidson takes access over Mr Hawes property, which is plainly acceptable as matters stand without the Scheme, but in reverse.</p>

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		advantageous for Mr Hawes?	2. The Applicant has already proposed a perfectly good access to Mr Hawes's property. Therefore, if another option is preferred by Mr Hawes then that is a matter for him to secure. The Applicant cannot take responsibility for constructing the access beyond the red line for the alternative layouts in Alternatives A or B as they have no power to do so. However, Mr Hawes would be able to make an application to claim compensation in relation to the cost of constructing the new access. He would be able to use such compensation as he secured to contribute to designing and delivering the replacement access to the specification, he considered appropriate to help address his concerns on how the access would affect the enjoyment of his property. Whilst the Applicant cannot take responsibility for construction of the access within Mt Hawes land, they can offer support to assist Mr Hawes with technical design and obtaining planning permission.
2.10	The Applicant	Does the Applicant have any further submissions in relation to the position at Northgate Farm?	<ol style="list-style-type: none"> 1. It is acknowledged that the replacement access proposed as part of the Scheme would have a greater imposition on Mr Davidson's property and he would be entitled to seek compensation. The access is a reversal of the current situation. Mr Hawes would have an access removed from his property and, to that extent, there is an element of betterment. 2. The Applicant and Mr Hine, the District Valuer, will continue to negotiate with both parties. Highways England would very much like a mutually acceptable agreements to be reached. The Applicant would encourage this for the landowners in this location as an opportunity for the owners of the properties to unlock historic issues.
2.11	The Applicant	When heads of terms are assigned and matters resolved, could the applicant encourage landowners or agents to confirm that matters have been agreed in writing.	<u>Post Hearing Note</u> <ol style="list-style-type: none"> 1. The Compulsory Acquisition Schedule [REP9-024 and 025] has been updated at Deadline 10 to reflect the latest position, including whether objections have been withdrawn.
2.12	The Applicant	Is there any update on the position with Northumberland Estates regarding the 66kv cable?	<ol style="list-style-type: none"> 1. The Applicant understands that this matter is resolved. The ExA will not have received any further requests to vary the application and matters are progressing as a private treaty arrangement. 2. Mr Fell confirmed to the hearing that it has been agreed that the 66kv that will proceed by means of a permanent acquisition to give direct access by and there will be no acquisition of rights over retained land. It is now a matter of valuation which is part of a wider discussion with Northumberland Estates.
3. Site-Specific representations by Affected Persons			
3.1	Louis Fell	Are there any comments you wished to make?	<ol style="list-style-type: none"> 1. Mr Fell referred to an amendment in relation to Mr Thorpe's land with the drive to Charlton Hall where there is mitigation for bat boxes. These were originally proposed for temporary possession, but it has been proposed that permanent acquisition of rights is taken. The Applicant can confirm that plots 16/9e and 16/10b have changed acquisition type at Deadline 10 with written agreement from the affected parties for future access to translocation bat boxes and their 30-year protection plan. 2. The Applicant noted that Mr Fell agreed that good progress had been made and parties were well down the line to agreement.
3.2	The Applicant	If an agreement cannot be completed by 5th July do you intend to release a statement to say why?	<ol style="list-style-type: none"> 1. Yes, a summary would be provided to summarise where we have reached by the close of the examination. The objective is always to reach an agreement with the affected parties, but the onus is not on the Applicant alone to prove that agreement has been reached. The Applicant will summarise the position with the progress update to CA Schedule and update on progress made generally.

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4. Statutory Undertaker's land issues			
4.1	The Applicant	Please provide an update on where the Applicant is with discussions with the various statutory undertakers?	<ol style="list-style-type: none"> In all cases where there are protective provisions, the Applicant is in negotiations with the relevant undertakers with the aim that these will be concluded by the end of the Examination. In terms of the key discussions: <ul style="list-style-type: none"> National Grid Gas - protective provisions are under discussion. They are in fairly good shape and the Applicant expects them to be concluded. Northern Gas Networks - a draft agreement is with NGN which is modelled on an agreement concluded with them for the A1 Birtley to Coal House scheme. Northern PowerGrid - negotiations are ongoing and there are a number of points under discussion. Northumbrian Water – there is a precedent agreement which has been used as a draft and this currently with Northumbrian Water. There are discussions with other undertakers, but these are of a more minor nature regarding apparatus, not land take. A summary will be provided in the response to the hearings regarding Northern PowerGrid's position. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> The Applicant provide a response to Northern PowerGrid's position statement [REP8a-016] at Deadline 9 (see Table 1-10 of the Applicant's Response to Deadline 8 and 8a Submissions [REP9-018]).
4.2	The Applicant	The Environment Agency (EA) did raise a matter previously about further discussions but is there anything further to say on this matter?	<ol style="list-style-type: none"> The EA has confirmed that they do not need protective provisions.
4.3	The Applicant	The ExA notes progress with Royal Mail and the update to the Outline Construction Traffic Management Plan (oCTMP) [REP8-013 and 014] with a new section 2.8 talks about advance notification to Royal Mail that they want included in the oCTMP.	<ol style="list-style-type: none"> Royal Mail have agreed to the Applicant's suggested inclusion in the oCTMP and this was included in the oCTMP [REP8-013 and 14].

3 ISSUE SPECIFIC HEARING 4

Ref	Question to	Question	Applicant's Response
2. Water Environment			
2.1	The Applicant	Explain the relation between the Riparian Planting Plan [REP8-003], the Landscape Mitigation Strategy/Plan [REP8a-003 and REP8-010] and Culvert Mitigation Strategy and explain any differences?	<ol style="list-style-type: none"> 1. The intention of each is slightly different. The Landscape Mitigation Masterplan Part A [REP8a-003] and Landscape Mitigation Plan Part B [REP8-010] represent the overall approach to design of mitigation. The riparian planting plan relates specifically to riparian areas only as part of the mitigation for the impacts on watercourses from extension of culverts. The culvert mitigation strategy is designed to show the provision of mitigation at a culvert-by-culvert level. The three documents are consistent with each other. 2. The document comprising the Landscape Mitigation Masterplan (comprising the Landscape Mitigation Masterplan Part A [REP8a-003]; Landscape Mitigation Plan Part B [REP8-010]; and Landscape Mitigation Plan including Assessment Parameter 3 Part B [APP-148]) is the primary landscape mitigation document. Requirement 4(2) requires that the landscaping scheme which is to be prepared for the approval of the Secretary of State must be based on the Landscape Mitigation Masterplan. 3. The Culvert Mitigation Strategy draws together the various mitigation measures which are proposed for each of the culverts that will be constructed or extended as part of the Scheme. These mitigation measures are secured by the Outline CEMP [REP9-016 and 017] and the Culvert Mitigation Strategy [REP8-023] as a whole is secured by requirement 8(3) 4. The Riparian Planting Plan [REP8-003] is an excerpt from the Landscape Mitigation Masterplan and reflected in the Culvert Mitigation Strategy [REP8-023]. It was produced at the request of the Environment Agency, as detailed in the Applicant's response to the Environment Agency's Deadline 6 Submission (and clarified during meetings) [REP7-017] to help them understand the extent and location of the riparian planting which the Applicant has proposed as part of the watercourse compensation. This document is not intended to be a formal document which is secured through the DCO. It is simply an aid to interpretation. <p><u>Post Hearing Action</u> - Applicant to provide further information on how the Riparian Planting Plan, the</p> <ol style="list-style-type: none"> 5. Landscape Mitigation Masterplans (for both Parts A and B) and the Culvert Mitigation Strategy relate to each other. 6. A description of how the Riparian Planting Plan, the Landscape Mitigation Masterplans (for both Parts A and B) and the Culvert Mitigation Strategy relate to each other is provided in Bullets 1-4 above. <p><u>Post Hearing Action</u> - Applicant to clarify how the Riparian Planting is represented and reflected within the key of the Landscape Mitigation Masterplans (for both Parts A and B).</p> <ol style="list-style-type: none"> 7. The key used in the Landscape Mitigation Masterplan Part A [REP8a-003] and Landscape Mitigation Plan Part B [REP8-010] does not differentiate between different types of woodland cover, which include riparian woodland. However, this is something that would be developed during the detailed design phase and is secured in measure ExA: S-W100 of the Outline Construction and Environmental Management Plan [REP9-016 and 017] and updated at deadline 10.
2.2	The Applicant	Why is riparian planting plan [REP8-003] a separate document?	<ol style="list-style-type: none"> 1. The Riparian Planting Plan [REP8-003] was prepared at request of the Environment Agency in order to assist them in understanding the extent and location of the riparian planting which the Applicant has proposed as part of the watercourse compensation. This document is not intended to be a formal document which is secured through the DCO. It is simply an aid to interpretation.

Ref	Question to	Question	Applicant's Response
2.3	The Applicant	Why is the riparian planting plan on aerial photo base on not OS?	1. Again, this was done to aid the Environment Agency (EA) in understanding how the proposed planting would relate to existing areas of planting.
2.4	The Applicant	Please summarise current position with the Environment Agency on compensation and progress of outstanding matters.	<ol style="list-style-type: none"> 1. The Applicant remains of the view that it has provided sufficient compensation for culverting and the impact on the River Coquet. However, in order to satisfy the concerns of the Environment Agency it has been agreed that a contribution will be made to secure compensation for both of those effects. The possibility of compensation was considered in detail and Highways England has undertaken a great deal of work to establish whether compensation is possible. This has shown that it is not possible to undertake compensation on River Coquet itself or within the Order limits (for the other impacted watercourses). Compensation therefore has to be provided elsewhere. That is why a contribution is being made to the EA. 2. At the date of the hearing a draft compensation agreement had been prepared, The EA had commented on it and there were only a small number of outstanding matters relating to details of payments. The Applicant anticipated that conclusion of the agreement would allow for a SoCG to be concluded with the EA. 3. The position has now moved on. The Applicant is in the process of finalising a legal agreement with the EA to secure the compensation, with current progress reflected in the SoCGs with the EA. The legal agreement is expected to be finalised (and signed) by Deadline 11. As explained in the SoCG with the EA, this resolves all outstanding matters with the EA.
2.5	The Applicant	The EA had asked for the extent of compensation to be clearly shown on plans related to the culvert mitigation plan. How is this being addressed?	<ol style="list-style-type: none"> 1. The EA's comment came at a time when it expected that compensatory provision would be made within the Order limits. As matters have progressed, it has become clear that it is not practical to provide compensation within the Order limits and it instead being provided by means of a contribution to the EA for offsite provision. Hence the culvert mitigation captures mitigation rather than compensation (albeit that some of the provision within the Order limits might be considered compensatory). 2. The EA confirmed to the hearing that it was no longer seeking clear mapping of compensation given that matters were being pursued through a legal agreement.
2.6	The Applicant	Any outstanding matters of disagreement between Applicant and EA on the culvert mitigation strategy and compensation?	<ol style="list-style-type: none"> 1. At the date of the hearing, there were no outstanding matters on the culvert mitigation strategy [REP8-023] and compensation subject to the agreement being concluded. 2. The Applicant is in the process of finalising a legal agreement with the EA to secure the compensation, with current progress reflected in the SoCGs with the EA. The legal agreement is expected to be finalised (and signed) by Deadline 11. As explained in the SoCG with the EA, this resolves all outstanding matters with the EA.
2.7	The Applicant	Otters picked up on previous set of hearings. Please give an update.	<ol style="list-style-type: none"> 1. The Applicant has looked at information provided by EA following recent survey efforts. The Applicant has taken steps to propose mitigation in form of mammal fencing. As at the date of the hearing, this was being considered by EA and was understood to be acceptable to them. 2. The mammal fencing was added to the mitigation plan and reference included in oCEMP item B-B100 [REP9-016 and 017]. The agreed otter mitigation is therefore secured for Part B.
2.8	Environment Agency	Is the EA satisfied with the measures proposed on groundwater monitoring in terms of	1. The Applicant noted that the EA was satisfied with the measures proposed by the Applicant on groundwater monitoring.

Ref	Question to	Question	Applicant's Response
		the issues raised in REP8/029?	
2.8	Applicant	Are there any other outstanding matters related to the water environment	1. The Applicant had no further matters on the water environment and it noted that no further points were raised by the EA.
3. Biodiversity, ecology and the natural environment			
3.1	The Applicant	How has matter of the effects on the River Coquet SSSI been progressed?	<ol style="list-style-type: none"> 1. Whilst the exact methodology (LA 105 Air Quality) may be of debate between parties, the Applicant and Natural England agree that there would not be a significant effect from this specific scheme on the River Coquet and Coquet Valley Woodlands SSSI as a result of air quality. There are significant effects within the assessment [REP3-010] on two veteran trees, Borough Wood Local Nature Reserve (LNR)/ancient woodland and Well Wood ancient woodland. Compensation has been agreed for these impacts. Compensation for the impacts to the two veteran trees is secured by measure ExA: S-B100 of the Outline CEMP [REP9-016 and 017]. Compensation for the impacts to Borough Wood and Well Wood are to be secured by a legal agreement with Northumberland County Council who manages the two woodland sites. 2. At the time of the hearing, discussion was taking place between Northumberland County Council (NCC) and Applicant on the terms of the agreement. 3. The Applicant is in the process of finalising a legal agreement with NCC to secure the compensation, with current progress reflected in the SoCGs with NCC and NE. Both the Applicant and NCC agree that the legal agreement can be finalised (and signed) by Deadline 11.
3.2	The Applicant	Picking up on Borough Wood and Well Wood – the response to BIO.3.3 [REP8-026]. Cannot recall seeing reference to these locations before. Are they in wider study area?	<ol style="list-style-type: none"> 1. They are outside the Order limits, 2km and 10km south of the Scheme respectively. They are within 200m of the Affected Road Network (ARN) (as shown on Figure 1: 2024 Affected Road Network of the Environment Impact Assessment - Air Quality Assessment (Scheme Opening Year 2024) [REP3-012]). 2. The air quality assessment looks at designated habitats within 200m of the ARN, which extends beyond the Order limits (within which the 2 areas of woodland fall). The location of Borough Wood and Well Wood is presented on Figure 5.2 Human and Ecological Receptors Assessed Part A [APP-076].
3.3	The Applicant	The compensatory locations have been identified by NCC and are supported by NE?	<ol style="list-style-type: none"> 1. The impacts were identified and assessed by the Applicant. The resultant need for compensation was identified with NE. The sites were identified by NCC who the owners of the two sites are and is supported by NE. 2. The habitat improvements are to be secured by a separate legal agreement between the Applicant and NCC.
3.3	Ms Brooks	Invited to make points	<ol style="list-style-type: none"> 1. Ms Brooks raised several points regarding the impact of the Scheme on species and the impacts during construction. As a general proposition, all of the points raised are matters which Highways England takes into account when promoting a scheme and which the ExA will have in mind when making recommendations. 2. Ms Brooks referred to dead animals at the side of the road and asked about proposals to protect wildlife. The Applicant has been in discussion with the EA safer ways for mammals to cross the road rather than across a carriageway. This includes use of culverts and mammal shelves. These measures are secured through the CEMP.

Ref	Question to	Question	Applicant's Response
			<p>3. Ms Brooks asked what the effect of diversions would be through Hebron during road closures. The objective is to keep main road open throughout construction. There will be overnight bridge works where road closure will be required but most works would not need major diversions. Measures to mitigate the impact of diversions are included in the CTMP.</p> <p>4. Ms Brooks asked about limits on working hours. Section 4.4 Working Hours of the Outline Construction Traffic Management Plan (oCTMP) [REP8-013 and 014] sets out the programmed construction hours which are also controlled by requirement 4(2)(c) of the DCO. There is a requirement to adhere to working hours of Monday to Friday 7.00am and 7.00pm. There are exceptions allowed for night and weekend works in relation to certain activities such as construction of carriageway crossings and resurfacing works. The majority of overnight closures for works will be between the hours of 8.00pm 6.00am, so far as they are required – see point 3 above.</p> <p>5. Finally, Ms Brooks asked about measures for noise reduction at Hebron junction. The Scheme includes a new grade separated junction at Hebron, with slip lanes onto the A1 and an overbridge allowing vehicles to cross the A1. There will be earthworks associated with this junction, which will provide some screening of sections of the main A1 carriageways at the junction. Given the distance from Hebron Junction to the receptors within Hebron (over 700m) the noise climate at the receptors will be influenced by both noise from the A1 and the surrounding road network, including the routes through Hebron itself. At this distance from the A1 and the new junction, operational road traffic noise mitigation measures in the form of acoustic screening at Hebron Junction would be unlikely to provide noticeable benefits at receptors within Hebron. As such, no specific operational road traffic noise mitigation measures have been proposed in the area of the Hebron Junction. However, in order to minimise operational road traffic noise levels for the Scheme as a whole, the Scheme will be laid with low noise road surface (with the expectation of structures). This is secured through the Outline CEMP [REP9-016 and 017] within row A-N1 of Table 3-2.</p>
4. Landscape and Visual Impacts			
4.1	The Applicant	Is there any further clarity in terms of the number of trees which will require to be removed?	1. The number of trees to be removed is not typically a measure which is used to assess impacts. It is normally done by area except where there are veteran trees or other sensitive receptors. The numbers previously provided are not expected to change much.
4.2	The Applicant	Explain the process of tree removal in terms of considering assumptions and worst-case scenarios for tree removal impacts	1. The Applicant previously provided calculations for tree removal, refer to Arboricultural Technical Note - Calculation of Total Tree Removal for Parts A and B [REP7-007], and there are measures in the Outline CEMP [REP9-016 and 017] which try to avoid unnecessary tree removal. Particular attention is paid to specific locations where there are veteran trees aim to avoid impacts on tree which have the characteristic of veteran trees and the Applicant is looking to avoid impacts on the tree root protection area.
4.3	The Applicant	Can the applicant confirm that any 1 veteran tree is likely to be removed?	1. There are no trees which appear on the ancient tree inventory. However, there are several trees which have been identified as having characteristics of veteran trees. A lot more survey work would need to be done before these were included on the inventory. It is anticipated that only a single tree (T688) would be removed as it sits in the middle of detention basin 19. The compensation strategy for that loss has been discussed with Natural England and agreed. It reflects the Woodland Trust opinion that there should be a 30:1 replacement ratio for veteran trees. This is shown on the landscape mitigation masterplan Part A. There are some trees being provided to the east of detention basin 19 and also replacement woodland to the west associated with providing compensation for air quality issues associated with veteran trees. In total there will be 30 replacement trees. 18no trees within an area of proposed woodland to the

Ref	Question to	Question	Applicant's Response
			west of the Scheme, identified on Sheet 17 of 19 of the Landscape Mitigation Masterplan Part A Rev 5 [REP8a-003] as "0.1 hectare of woodland in relation to air quality impacts to veteran trees". This is in addition to the 12 that are indicated to the east of the Scheme, adjacent to detention basin no.19. Combined this will deliver the 30 trees to compensate for the single veteran tree removed (T688). This has been secured within the wording of measure ExA: S-L101 in the Outline CEMP [REP9-016 and 017].
4.4	The Applicant	Does the revised Landscape Mitigation Masterplan Part A replace REP7-007 Technical Note Calculation of Total Tree Removal	1. That document supports the Masterplan. The Applicant has checked this document to see whether any further compensation needs to be capture and can confirm that all measures to compensate for the loss of tree, including potential veteran trees has been captured within the current version of the Landscape Mitigation Masterplan Part A [REP8a-003]
4.5	The Applicant	Have issues of landscape methodology been resolved with NCC?	1. NCC confirmed at the hearing that all remaining issues had been resolved and the Applicant confirms that this reflects their understanding.
4.2	The Applicant	How has the assessment been made in terms of soil storage areas being proposed and how these have been incorporated and whether the assessment has been carried out in 360-degree view?	<ol style="list-style-type: none"> 1. In undertaking an assessment, one does not have a viewpoint for a 360-degree view in relation to a landscape impact. The feature is considered in the sense of landscape rather than looking at it from particular viewpoints. 2. The visual assessment is not a 360-degree assessment. You work out the key receptors and assesses the impact on the visual receptors as opposed to the impact of the structure which is there on a temporary basis. The visibility of the structure would be taken into account in the assessment of impact on specific receptors. There is mitigation in any event so soil storage areas will be mounded to no greater than 2 m in height and will be seeded if stored for a longer period.
4.3	The Applicant	Looking at landscape and picking some examples in terms of soil storage areas that are included within the landscape mitigation masterplan. From the site visit, this particular stretch of A1, there is not a lot of elevations in the ground. In terms of wider impacts to landscape, how has visual impact been assessed?	1. Taking the site Location 5/Bund 10 as an example – the Applicant has looked at the wider works for the Scheme, soil stripping and soils storage area in conjunction with the soil storage area, in terms of assessing overall impact. The site has not been looked at in isolation but taking into account the wider scheme works which are close by to the west (including plant movement, temporary soil stripping and gradient changes). It has been looked at it holistically in terms of what the perception would be of the impact on the relevant landscape character area identified by NCC.

Ref	Question to	Question	Applicant's Response
4.4.	The Applicant	What conclusions did you reach and what limits exist in terms of taking a different approach if you find that the limits are too great? Why is a 2-metre earth bund acceptable in that location?	<ol style="list-style-type: none"> 1. From a construction perspective, it is necessary to store soil on site close to the construction activity to avoid storing the soil some distance away and creating unnecessary traffic movements. A 2-metre storage mound is not a significant landform in the context of the overall landform. There are lots of existing undulations anyway with location 5 on the edge of a gentle hill and is at a lower point in the landscape. The bunds are not for screening for construction activity. The 2-metre limit is best practice for soil storage. Soil cannot be stored for a long period of time over 2m in height as the soil quality degrades and becomes compacted. We have looked at landscape character and impact from construction activities together. The Applicant notes that NCC agreed that it is best practice to keep soil storage below 2 m. 2. The Test is not about acceptability of landscape and visual impacts in the round. The scheme will have certain requirements on a temporary basis which need to be accommodated and this needs to be done in the most environmentally appropriate manner. That does not just involve consideration of landscape and visual impacts but also other environmental impacts which might be associated with moving material from a greater distance. Sites are chosen because of their overall appropriateness.
4.4	The Applicant	In Arboricultural Technical Note REP 7/07 how are replacement trees confirmed - by number or area?	<ol style="list-style-type: none"> 1. It is generally done on an area basis looking at the area of woodland lost and area that needs to be put back. However, with Veteran trees and those in Coronation Avenue, the Applicant considered it appropriate to look in terms of numbers of trees. More clarity would be developed at the detailed design stage in terms of species mixes.
4.5	The Applicant	Is there a specific provision in the CEMP which says that?	<ol style="list-style-type: none"> 1. There is a measure which secures the Landscape Mitigation Masterplan and so areas of woodland are secured through that measure. The current masterplan includes indicative mixes but requirement 5(3)(a) of the draft DCO requires that the final landscaping scheme which requires to be approved by the Secretary of State must include the location, number, species mix, size and planting density of proposed planting. This should give the ExA comfort that the required level of detail of replacement trees is secured by the DCO and subject to the approval of the Secretary of State
4.5	The Applicant	REP8a-003 and Sheet 17 of 19 refers to veteran tree removal t688. Is there supposed to be the number of trees shown on there?	<ol style="list-style-type: none"> 1. 12 trees are shown at that location as part of the compensation for removal of t688. On the west side there is a 0.1 ha area of woodland in relation to air quality impact on veteran trees. The remaining 18 trees would be in that area of woodland.
5. Transport and Traffic			
5.1	The Applicant	Applicant invited to comment generally on the Council's proposed changes to Schedule 3 of the DCO	<ol style="list-style-type: none"> 1. The Applicant has been promoting this section of the Scheme for some years and it is notable that with just a matter of weeks left of the Examination, the detailed proposals are only just being put forward. This causes difficulties to the examination and the Applicant as, in practice, these changes are more complicated than just amending the wording of the DCO. These are very late suggestions. The parties have talked at considerable length, but we are only now seeing the proposals that NCC are putting forward. 2. The second key point is that there are design standards that are applicable to the provision of footways, bridleways and cycleways. The Council has proposed re-designating the existing footway to the east of the A1 and south of Highlaws junction as a shared footways and cycleway. However, It is just a case of re-designation of the form of

Ref	Question to	Question	Applicant's Response
			<p>passage. To meet the required design standards, the shared surface would require to be wider than at present. There will therefore be new works that may require additional land and that may have additional environmental impacts that have not been assessed.</p> <ol style="list-style-type: none"> In particular, in relation to the land south of Highlaws junction, the existing footway to the east of the A1 is in a constrained location. The existing footway could not be converted to a cycleway because it is not wide enough and therefore would require additional land. This location is constrained and adjoined by trees with potential ecological constraints. A number of the works sought by NCC are on roads which are currently in the jurisdiction of NCC. If these works are necessary, then one would have thought that these would have been carried out by NCC. For them to say they do not have a budget is not an answer. This is an opportunistic request neither supported by policy nor necessity in terms of mitigation. The final section of the proposals which requires to be considered is the de-trunked section of the A1. The Applicant considers that the provision of a cycleway on this section would be technically challenging. While the existing carriageway could be reduced in width for a footway/cycleway much of the reduction in width would, assuming the speed limit was unchanged, be taken up by a separation strip between the carriageway and footway/ cycleway. The footway/ cycleway would therefore largely be located in the existing verge. In addition to the alterations which would be required to drainage of the highway, public utilities apparatus in the existing verge may need to be diverted to accommodate the footway/ cycleway. The Applicant has made clear in previous submissions why it does not consider that a cycleway on the detrunked A1 is justified by the impact of the Scheme. When the road is detrunked then this will be a matter in NCC hands if they wish to reduce the speed limit and provide a shared cycle way in that area: they can address it themselves. NCC are seeking provision for an additional cycle route in an area where there are already plenty of north south routes that have more heavy traffic and are much more on the desire line for cyclists.
5.2	The Applicant	Applicant invited to comment on each proposed section of works in turn.	<p><u>Warreners House</u></p> <ol style="list-style-type: none"> For the proposed Warreners House provision – at the hearing Mr Payne stated that he had not engineered the solutions so was speculating at this stage as to the design. There is a question about whether the relevant bridleways would be adopted by NCC. The design standards for a bridleway would be different (for example in relation to drainage) to those for a private means of access and for adopted highways. The routes in this location pass either side of the Warreners properties. If one passes to the west that is constrained between the existing A1 carriageway and the properties to the east. If one passes to the east, then the right of way would pass properties such as Mr Hawes and Mr Davidson who has not been consulted about this. The relevant owners may have something to say about this. They need to be able to comment. Considering the proposed section South of Warreners House, it would be feasible to utilise the PMA providing access to the Warreners House properties as a cycleway. However, the residents of the Warreners House properties have not been consulted on this proposal. It would not be feasible to utilise an alternative access along the corridor to the south of the PMA as that area is to be planted as shown in the Landscape Mitigation Masterplan. That is supplemented by further planting between the PMA and A1. There is not enough land available for a 3-metre-wide bridleway to the north of the PMA within the Order Limits. The existing access to the Warreners properties from the A1 is to be stopped up and a new boundary established. The NCC proposals would require that opening to be kept open and the residents have not been consulted on that.

Ref	Question to	Question	Applicant's Response
			<p>5. Adjacent to Warreners House and Northgate Farm there is a limited footprint between the existing and proposed carriageways and the highway boundary to accommodate a bridleway. Considering the section north of Capri Lodge the existing verge is just over 3 metres wide. The Applicant does not believe that there would be sufficient space to incorporate a 3m wide footway/ cycleway together with the required separation strip from the main carriageway. Levels differences mean that an engineered solution may also be required.</p> <p><u>Highlaws Junction</u></p> <p>6. There are very similar constraints immediately south of Highlaws junction. There is a non-adopted private means of access to Strafford House and space is constrained. The Council referred to the possibility of addressing such constraints by using the powers of deviation in the DCO to move the road further to the west. With regards to horizontal deviation, there has to be sufficient room on both sides including the new carriageway. If one were to move the entire Scheme to the west to accommodate this footway cycleway, whilst it might only be a metre the consequence on the west side is that embankment slopes would need to be steeper to keep within the Order Limits. These slopes have not been designed on that basis. Nor have the impacts been assessed or consulted on. We therefore do not know whether such movement could take place within the assessed parameters of the Scheme.</p> <p>7. Moving everything to the west would lose the benefits of re-using the existing southbound carriageway so it would be a less sustainable option and would have a negative impact on the carbon footprint. The Applicant seeks to maintain as much of the existing infrastructure as possible.</p> <p>8. There would be insufficient space to move to the east due to the Order limits. Additional land would be required, and this cannot be obtained through the DCO at this stage of the examination.</p> <p>9. Works on this section of the A1 also need to consider impacts on trees including, in particular, Coronation Avenue which is considered to have landscape value.</p>
5.3	The Applicant	Is there a difference because it is the detrunked section?	<p><u>From proposed NCC/05 to north of Trillington</u></p> <p>1. On the detrunked section north of Fenrother road, the Applicant relies on the previous submissions as to why there is no justification for requiring a cycleway. There are options available to NCC to remedy this when the road is handed to them.</p> <p>2. Fenrother Road is already an NCC road. This is the link between the school and Fenrother village. NCC has not provided a footway themselves and did not assess it as necessary even for the people who might be going to the school.</p> <p>3. Considering the section between Highlaws and Priests Bridge - there is a proposed offline footway along this section to the East of the A1. NCC propose changing that to a bridleway. There are engineering constraints along part of this route. Changing that to a footway/cycleway would be difficult. South of Floodgate Wood there are two 90o bends. A cycleway would require bends with a minimum radius which would potentially require land out with the Order limits.</p> <p>4. The land take within the Order Limits for the section of the footway running parallel to the Floodgate Wood is narrow at just over 3m wide. A bridleway would need a width of 3m so it would be difficult to incorporate a bridleway over this section within the Order Limits. The proposed footway crosses over Floodgate Burn. A bridleway may require an upgraded structure.</p> <p>5. At Priests Bridge itself the existing structure has a stone parapet which is no more than 1m high. For a cycleway or bridleway to run in proximity to the bridge you would need to increase the parapet to at least 1.5m high.</p>

Ref	Question to	Question	Applicant's Response
			6. For the section of Fenrother Lane East the proposal is to provide a verge. Whether a footpath or a verge is provided at that location would be a matter for discussion between HE and NCC.
5.4	The Applicant	Please comment on Sheet 5 of the plans.	<p><u>Causey Park</u></p> <ol style="list-style-type: none"> 1. At Causey Park Lane, NCC is proposing footways to link the overbridge with the detrunked A1. However, this is another situation where there has not been a provision by NCC of a footway to date. If they wish to provide a footpath connection, then they are able to undertake that themselves on their own network. 2. The Applicant is providing a footpath over the Causey Park Bridge and where they are realigning the approaches to the existing road to cross over the A1. Out with the section being realigned, the Applicant is not planning on changing anything. 3. What will be put in place after the scheme will be an improvement to NMU provision as they would not have to cross the A1 at grade – there is already an improvement.
5.5	The Applicant	How could NCCs proposals be incorporated into the DCO?	<ol style="list-style-type: none"> 1. The problem with the proposed changes is that, as the Applicant does not have the detailed design, it does not know whether the changes to the works proposed by NCC are sufficient to achieve the NMU links which NCC seeks. Mr Salisbury has already described what would happen around Floodgate Wood and the constraints to the east of the A1. The approach would need more substantial engineering interventions than simply re-designating existing routes. In order to provide for the proposed links within the DCO, and it would be necessary to know the extent of the engineering work and land take required throughout the proposed routes in all locations. Consideration would also be required as to whether new routes would require DCO work nos. and how the assessment of additional impacts would be addressed. 2. The Applicant has given consideration to whether the Council's proposals could be addresses this with a requirement which secured the principle of the proposed links but required the detailed design to be approved by the Secretary of State. The Applicant does not consider that this is possible because it cannot be known whether it is possible to fit the design within the Order limits. Requirements cannot fundamentally amend the DCO or the works within it. Requirements on DCOs are analogous to conditions on conventional grants of planning permission. Case law is clear that conditions and their discharge may not be used fundamentally to alter the consent from that which has been applied for. It is therefore difficult to require a PROW to be provided between points x and y subject to the design to be approved by Secretary of State because there may be an EIA and consultation requirement. There may not be sufficient space for what is required and so the requirement is frustrated, and potentially the development as a whole. At this stage it is too late for us to resolve these issues in the DCO and so they cannot be addressed through the mechanism of DCO requirements.
5.6		How long has the designated funds group been meeting? In other highways schemes has there not been an integrated approach that has looked at designated funds in parallel with the scheme?	<ol style="list-style-type: none"> 1. The starting point is there is no policy or safety requirement for the improvement to the de-trunked element of the A1 by the provision of the measures sought by NCC. Therefore, this is not mitigation and therefore it does not appear in the budget for the scheme. The Applicant can only provide those works that it is funded to provide. When one is looking for mitigation through the scheme or designated funds it needs to be remembered that NCC is asking for additional money in respect of works for which the Applicant is not funded. This means that the request needs to be formatted and supported so that it can be submitted in the appropriate way. That work has begun on the A1 detrunking but there has also been work undertaken on the A697 cycle link, in each case in respect of requests for Designated Funds as set out in [state where]. 2. There has been a global pandemic within the past year and so Highways England have not progressed with matters as quickly as they may have on other schemes, which is why this process in relation to Designated Funds has not

Ref	Question to	Question	Applicant's Response
			come forward as swiftly. There are internal Highways England meetings taking place and the objective is that a business case for funding will be submitted in August or September 2021.
5.7	The Applicant	Why was progress not made in the years prior to the pandemic? The changes sought to the A1 are a consequence of your scheme.	<ol style="list-style-type: none"> 1. The Applicant was not aware of the works which NCC were seeking south of Priest's Bridge, until 6 weeks prior to the hearing. Whilst NCC referred during the hearing to north south NMU links being referred to in the local impact report, the issue is described there in quite general terms. There have been numerous discussions on roads matters between the parties. However, until very recently, the Applicant had understood that NCC's primary concern on NMUs was in relation to the detrunked section of the A1 north of Fenrother and joining new pedestrian and cycle provision which is being delivered as part of the Scheme to existing provision. It may well be that NCC have always wanted extended NMU provision south of Priest's bridge but, whilst this may have been their intention, that point was unfortunately not a point which the Applicant was aware of. As explained above, the difficulty now is that, whatever the merits of such provision, that link is not something that can be provided as part of the Scheme. 2. In the previous years referred to, the A697 was being prioritised for discussion. It is important to bear in mind that matters could not be progressed until a delivery partner has been identified for the works to the A1. There is also no need for the works which are being requested. It is not a consequence of the scheme - what is proposed would be an enhancement to the scheme and not necessary mitigation.
5.7		NCC's response to WQ TT3.2 about the cycleway not required for safety reasons. NCC reconfirmed the position that they held previously. The Applicant has not commented on the response to the NCC's view. Is there anything you want to add?	<ol style="list-style-type: none"> 1. The Applicant has submitted at Deadline 9, Applicant's Responses to Deadline 8 and 8a Submissions [REP9-018]. This includes a full response to NCC's comments on TT3.2 on pages 10 and 11. The Applicant has added further comment on the scale of the works involved in the provision of a cycleway on the de-trunked section of the A1 in section 5.1 above.
5.8		Are all the schedules and the memorandum of understanding now agreed?	<ol style="list-style-type: none"> 1. The Applicant understands NCC would prefer changes to the NMU provision. However, the Applicant's Responses to Deadline 8 and 8a Submissions [REP9-018] confirmed that Schedules are agreed (other than on the proposed changes to NMUs) and that C140 High Highlaws Road designation was corrected in the Deadline 9 draft Development Consent Order [REP9-004 and 005].
5.9		Route map for updating TAG – did the Applicant wish to add to its response at REP4-025?	<ol style="list-style-type: none"> 1. DfT issued "Appraisal and Modelling Strategy TAG Update Report" in May 2021. This describes the proposed changes to appraisal guidance including the data book, optimism bias, uncertainty toolkit, landscape monetisation and appraisal period guidance. Guidance and software updates relating to the individual elements will be released in due course over the year, with the first one planned for July 2021. As this is beyond the DCO Examination period no changes to the current modelling and appraisal are required at this stage.
6. Mitigation and Construction Impacts			
6.1	The Applicant	Measure S-PH10 of the Outline CEMP [REP9-016 and 017] - could I	<ol style="list-style-type: none"> 1. The Applicant will respond in writing. <u>Post Hearing Note</u>

Ref	Question to	Question	Applicant's Response
		ask the Applicant to explain the deletion in this case?	<p>2. Text regarding the Compensation Code in relation to temporary loss of agricultural land, demolition of properties and permanent land take has been removed from S-PH10, B-PH4 and SW-PH1 of the Outline CEMP [REP9-016 and 017] respectively. The text is otiose as payment of compensation is a legal requirement under the Compensation Code itself.</p> <p><u>Post Hearing Action</u> - Applicant to provide written explanation regarding changes to wording of Action S-PH10 in [REP7-009]</p> <p>3. An explanation is provided in paragraph 2 above.</p>
6.2	The Applicant	Page 170, B-PH4 - is this the same point as previous and therefore no need for this text?	<p>1. The Applicant will respond in writing.</p> <p><u>Post Hearing Note</u></p> <p>2. Text regarding the Compensation Code in relation to temporary loss of agricultural land, demolition of properties and permanent land take has been removed from S-PH10, B-PH4 and SW-PH1 of the Outline CEMP [REP9-016 and 017] respectively. The text is otiose as payment of compensation is a legal requirement under the Compensation Code.</p>
6.3	The Applicant	Inclusion of additional fencing will be considered. Is there a need for this to be updated now we have the otter provision in B100?	<p>1. In relation to part A that would be relevant. Relation to part B we will check for completeness.</p> <p><u>Post Hearing Note</u></p> <p>2. Measure A-B2 of the OCEMP [REP9-016 and 017] was amended at Deadline 9 to remove reference to Part B. Otter fencing for Part B is covered by measure ExA: B-B100.</p> <p><u>Post Hearing Action</u> - Applicant to check if action A-B2 [REP8-029] needs to be updated in relation to Otter protection/fencing as set out in B-100 (pg156).</p> <p>3. Measure A-B2 [REP8-029] relates to landscaping and fencing to guide wildlife (mainly badger and otter) towards crossing points (culverts) for Part A. The measure is found in Table 3-2, which provides commitments specific for Part A. As such, the wording of the measure has been updated to remove reference to Part B. The updated Outline CEMP is issued at Deadline 10. Measure ExA: B-B100 is found in Table 3-3 and provides the commitment specific for Part B in relation to otter fencing.</p>
6.4	The Applicant	At Deadline 8, the Applicant responded at REP8-026 and NCC also responded at REP8-028. Please can the applicant and NCC explain their own proposal?	<p>1. The Secretary of State's (SoS) approach to drafting a DCO is that they should contain requirement which are approved by him rather than the Local Planning Authority (LPA) which is a standard approach. NCC's proposed wording would give NCC the power to require a LEMP. That would not follow the SoS's preferred approach. What the Applicant has suggested is that, rather than saying that the LPA can require a Landscape and Ecological Management Plan (LEMP), the LPA is consulted on the matter. If they consider a LEMP is desirable that they raise it with the SoS. The SoS would then have the LPA's consultations before him in deciding whether to approve the CEMP.</p> <p>2. During the examination, the ExA pointed out that the wording of Requirement 17 meant that consultation from the LPA on the need for a LEMP only required one to be produced to the SoS in the event that the Applicant chose to prepare a LEMP, not if it decided not to do so. Although the LPA would be separately consulted on the terms of the proposed CEMP (in terms of Requirement 4(1)) and could no doubt raise concerns about the lack of a LEMP, the Applicant agrees that it would be better if Requirement 17 required any consultation with the LPA to be submitted to the Secretary of State (including where the Applicant does not propose to prepare a LEMP). This has not been</p>

Ref	Question to	Question	Applicant's Response
			<p>included in the draft DCO, along with revisions to requirement 4 to make it clear that the SoS can require a LEMP to be produced.</p> <p>3. It is appreciated that NCC's position is that a LEMP should be produced. However, during the hearing NCC explained that it saw the role of the CEMP as dealing with construction impacts whereas the LEMP would deal with longer term impacts. The Applicant's position is that the CEMP manages all mitigation required for the project and longer-term impacts are managed through migration of measures into the HEMP which forms the same function as NCC envisages for the LEMP. The Applicant therefore does not see a need for a separate LEMP. If the CEMP provides adequately then there would be no requirement to provide a standalone LEMP. The wording proposed in the final version of DCO provides flexibility in terms of whether a LEMP is provided. NCC will be consulted and the SoS will make the final decision on the approach.</p> <p><u>Post Hearing Action</u> - Applicant to review Requirement 17 in light of discussion at Hearing.</p> <p>4. Requirement 17 has been revised so that if the undertaker proposes not to prepare a LEMP then, when the undertaker submits the CEMP to the Secretary of State for approval, they must also submit the consultation which took place with the planning authority in relation to production of a LEMP. Requirement 4 has been revised to make it clear that the Secretary of State has the final say on whether a LEMP should be prepared. These provisions should address the concerns of NCC whilst providing the flexibility sought by the Applicant.</p>
6.5	The Applicant	Am I right to assume that the width of rights of way do not need to be included in article 16?	<p>1. The position of the Applicant is that it is not appropriate to specify the width of the PROW in the DCO. This is a matter for detailed design.</p> <p><u>Post Hearing Actions:</u></p> <p>2. NCC to clarify if widths of RoW should be included in Art 16 of the dDCO.</p>
6.6	The Applicant	Landscape Mitigation Masterplan for Part A. It has been given the reference 6.5 and there is no revision number given.	<p><u>Post Hearing Note</u></p> <p>1. The Applicant has added Rev.5 to the line referring to the Landscape Mitigation Masterplan Part A [REP8a-003] to Schedule 12 of the dDCO submitted at Deadline 9 [REP9-004 and 005].</p>
6.7	The Applicant	The final question is relating to Requirement 10. The reference there with reference to 10-1. This has been reverted to "local planning authority". We have agreed that it would be "relevant authority". Concerned that if this word has been changes then concerned that it has happened to others.	<p>1. This was corrected again at Deadline 9. As noted by the ExA, this text was previously corrected at an earlier deadline. The DCO is produced using an OPSI drafting template which is subject to an online validation process and the Applicant has been undertaking validation exercises through the examination. Following the previous change to Requirement 10, a validation report identified an issue with the formatting of Requirement 10. The only way to fix this was to recreate Requirement 10 from scratch. It appears that an earlier iteration of the Requirement was accidentally used as the basis for the replacement text. This has been corrected. The Applicant has checked and there is no wider version control issue</p>

7. Combined and Cumulative Effects

Ref	Question to	Question	Applicant's Response
7.1	The Applicant	In relation to the combined effect on the common receptors, could I ask the Applicant to refer to REP7-016 Table 2/2 what is the purpose of this table?	1. The Applicant has provided an update as a set of tables to the appendices of this document, which set out the receptors for each category on their own and also highlights the effects on each receptor. That feeds into table 2/2 by topic. Here the common receptor group is set out starting with the residents. The table then considers the relevant topic such as noise and then the potential impact for that topic. Residual effects are in the 4 th column. IT is then necessary to move to the next column which summarises the combined effects at different levels for each of those effects combined. In the final column an overall summary for each common receptor group is given.
7.2	The Applicant	In the last column there is quite a range of potential impacts. Can you take us through how your assessment takes this range into consideration?	1. That column presents the best case and worst case for that particular common receptor group, saying that the effects on that residential receptor range from major adverse to major beneficial and that is broken down into previous column. The effects are broken down and then we give a summary of the overall effects. The Applicant has presented the range rather than come to an estimate of where the effect is on that range. There is no guidance on how to come to that conclusion.
7.3	The Applicant	If we compare the assessment of Northgate Farm with Stafford House of similar characteristics. These are residential properties in close proximity to the A1. Why do they have the same overall impact when Stafford House has no noise defence?	1. They were assessed in the noise chapter as having the same effect. Northgate House has the reduced effect because of the noise barrier. The other property does not have a barrier but can still have the same effect reported.
7.4	The Applicant	But the effects would include the whole range of effects that you have looked at and not just noise.	1. This is referring to the residual effect column. It is necessary to look at the next column across to see the combined effects. Stafford House is identified on the next page and the properties have different combined effects. Northgate Farm has no significant combined adverse (slight beneficial to slight adverse). Stafford House has slight beneficial to moderate adverse combined effects and so has a significant combined effect.
7.5	The Applicant	Where would I be able to see the reason for the difference in the assessment of combined effects?	1. This is shown on the tables in the appendix to the document. It is necessary to refer to Appendix A on page 81. Stafford House is the third entry down which shows the key differences are air quality, noise and landscape. Stafford House for landscape has moderate adverse effect during operation. Slight beneficial effect from its new access. Northgate Farm has a slight adverse landscape effect during its operation and slight beneficial effect from access during its operation. Landscape is the key factor of difference.
7.6	The Applicant	Response to Mr Hawes submission that there is insufficient granularity of approach	1. The table shows that there are different effects experienced for different disciplines. The Applicant's assessment (which Mr Hawes does not agree with) is that the worst landscape and visual impacts for Northgate Farm is slight adverse. It is next to the existing A1. As an example, the assessment is that Stafford House would experience a greater degree of change. The Applicant has explained how these assessments have been undertaken. Mr Hawes

Ref	Question to	Question	Applicant's Response
			has taken us to these viewpoints. The assessment is not comprised just of the application documents but of the assessment throughout the examination.
7.7	The Applicant	Respond to Mr Hawes questioning of how the wide range of impacts for Northgate Farm can lead to a lightly beneficial impact combined effect.	1. This is a point of disagreement to be addressed in the recommendation. The assessed combined effect is also slight adverse to slight beneficial.
7.8	The Applicant	Is there a reason why there is no visual effect shown for some properties in the tables?	1. This is because there is no change or a neutral effect. Appendix A, B and C of the Combined Effects Technical Note [REP7-016] has been updated to include a key to reflect this.
7.9	The Applicant	It is difficult to identify the location of all the receptors in the tables. Can something be prepared which shows this?	<p>1. The Applicant clarified whether the ExA sought that the index of receptors of numbers and figures given should be presented via visual representation such as a map.</p> <p><u>Post Hearing Action</u></p> <p>1. Figures 1 and 2 of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10) (see Appendix D) showing the location of the following sensitive receptors assessed in the Screening Matrixes provided in Appendix A and B of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10) have been prepared by the Applicant:</p> <p>Part A</p> <ul style="list-style-type: none"> • Ancient woodland; • Main rivers; • Surface watercourses; • Public rights of way; • Listed buildings; • Viewpoint locations; • Commercial properties; • Community receptors; • Local wildlife sites; • Site of Special Scientific Interest; and • Landscape character areas <p>Part B</p> <ul style="list-style-type: none"> • Residential receptors; • Transport receptors;

Ref	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> • Main rivers; • Surface watercourses; • Public rights of way; and • Commercial properties. <p>2. Because some information is confidential and the scale of drawings and number of receptors makes combining all information onto one figure unreadable, not all information on receptors could be included on a single figure. The receptors which are not identified on the figures in Appendix D of the Combined Effects Technical Note [REP7-016] as updated at Deadline 10 can, however, all be clearly identified on other figures.</p> <p>3. Within Appendix D of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10) Figure 1 sets out the Combined Effects Receptor Locations for Part A. The following receptors have been excluded from Figure 1, but cross references are set out below to other figures where the locations of the receptors can be readily identified:</p> <ul style="list-style-type: none"> • Human receptors (air quality) (cross reference Figure 5.2 Human and Ecological Receptors Assessed Part A [APP-076]); • Ecological habitats (cross reference to Figure 9.1 Final Phase 1 Plan Part A [APP-105]); • Residential properties (cross reference to Figure 7.6 Visual Effects Drawing Residential Properties Part A [APP-093]); and • Rural enterprises (cross reference Appendix 12.1 Agricultural Assessment Part A - Confidential [APP-266]). <p>4. Within Appendix D of the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10) Figure 2 sets out the Combined Effects Receptor Locations for Part B. The following receptors have been excluded from Figure 2, but cross references are set out below to other figures where the locations of the receptors can be readily identified:</p> <ul style="list-style-type: none"> • Human receptors (air quality) (cross reference Figure 5.2 Human Receptors Assessed Part B [APP-124]); • Ecological habitats (Figure 9.3 Phase 1 Habitat Survey Part B [APP-155]); and • Rural enterprises (Appendix 12.1 Likely Impacts on Agricultural Businesses Part B - Confidential [APP-324]). <p>5. To assist in interpreting the Combined Effects Technical Note [REP7-016] (as updated at Deadline 10) and locating relevant receptors, the first column of Tables 2-1 and 2-2 of the Combined Effects Technical Note, now includes a reference to the figure where the relevant common receptor group is shown.</p>
7.10	The Applicant	There appear to be 2 entries for Joiners Cottage R58 with slightly different impacts?	<p>1. This entry should only be in the summary table once. The Applicant has reviewed the position following the hearing and the error in Table 2.2 for R58 has been corrected and provided in the Updated Combined Effects Technical Note submitted at Deadline 10.</p>
7.11	The Applicant	Could I please ask for the applicant to state its position when it comes to the cumulative impacts of this proposal on climate change and	<p>1. The cumulative impacts of this proposal have been submitted in the chapter 16 of the ES and also appendix 16.9 – this sets out the way in which this assessment has been performed. The assessment has been undertaken in accordance with the relevant DMRB with relevant standards which are LA104 and LA114. This has resulted in a qualitative assessment of the ability of the Government to comply with its carbon reduction policy in line with paragraph 5.18 of the National Networks National Policy Statement. This is based upon knowledge of the total emissions attributable to the Scheme as stated in Applicant's Responses to ExA's Third Written Questions - Appendix</p>

Ref	Question to	Question	Applicant's Response
		how this has been assessed?	<p>i – Scheme Impacts on Carbon Budgets [REP8-027] and the third, fourth, fifth and sixth carbon budget for the UK as stated in [REP8-027].</p> <p>2. The climate change assessment requires to consider cumulative impacts at an appropriate geographic scale for the Scheme. As the proposal is for a road scheme, a traffic model has been built to assess traffic movements and associated carbon emissions. The traffic model takes into account traffic likely to be generated from other developments including other proposed transport schemes within the model area. The cumulative impact from other development (including carbon emissions) is therefore intrinsically built into the baseline for the Scheme.</p>
7.12		Where are discussions currently between Highways England and the Department of Transport on the assessment of cumulative effects?	<p>1. The information on programme wide impacts are not held at scheme level but are with the SoS at national level.</p>
7.13	The Applicant	Could you explain how the scheme will incorporate the mechanisms recommended by the Department for Transport?	<p>1. Should the Applicant be able to provide an update during the examination, it will provide these to the ExA. If progress is made after the examination, then the Applicant anticipates that additional questions may require to be put by the SoS on this issue.</p>
7.14	The Applicant	Can the applicant provide further explanation on how the increased rise should be considered in light of the Governments aims in the objectives? Could you elaborate further on your answer as to how it links to the Government's aim to cut carbon emissions?	<p>1. The Applicant would refer to paragraph 3 of their response to CE.3.5. The objective to reduce carbon emissions is not a moratorium on new roads or their improvement. All emissions that fall in the degree of significance require to be looked at and that there has to be qualitative effect because there are no defined significance thresholds. It is the Applicant's position that it would not affect the government's policy to reduce carbon emissions.</p>
8. Statements of Common Ground			
8.1	The Applicant	Please provide an update.	<p>1. The Applicant's objective is to have all of these signed off by the end of the Examination.</p> <ul style="list-style-type: none"> NCC – as at the date of the hearing there were ongoing discussions with regard to ecology, biodiversity, nature conservation. The ecology approaches were largely agreed. The wording of draft DCO is agreed. Outline CEMP is acceptable. It was therefore a matter of closing down points. However, there are matters about traffic and transportation which are still outstanding. Matters of difference will be recorded.

Ref	Question to	Question	Applicant's Response
			<ul style="list-style-type: none">Natural England – largely agreed. They are content with compensation agreement with the EA and the Applicant has received letters of known impediment. These will be submitted at the forthcoming deadline.Historic England - submitted SOCG for signature - progressing well.EA – as at the date of the hearing the Applicant expected to conclude the compensation contribution agreement and that would lead to conclusion of the SoCG.Forestry Commission – the Applicant has been trying to make progress but has been struggling to get this deal with as a priority matter. However, if there had been significant concerns about the Scheme then they would have said so.The position with undertakers SoCGs was discussed at CAH3.

4 COMPULSORY ACQUISITION HEARING 4

Ref	Question to	Question	Applicant's Response
2. Site-specific issues for the Applicant			
2.1	The Applicant	Please confirm how the changes to the Application affect matters of compulsory acquisition (CA) and temporary possession (TP).	<ol style="list-style-type: none"> 1. The Applicant confirmed that the latest version of the Land Plans [REP9-003] incorporate the changes required as a result of the Change Request. 2. The changes to the Land Plans [REP9-003] predominantly relate to a widening of the Order Limits on the downstream, eastern side of the existing bridge over the River Coquet, to incorporate the additional land. This additional land and rights are permanently required to provide a working area for the piling works required as part of the stabilisation works to the northern bank. 3. Additional land is also required on both banks to provide for the temporary crossing to the southern bank and the proposed scour protection. This additional land is required permanently. 4. Finally, there is also a requirement for additional land to the south west, to provide additional compensatory planting to offset the impacts on the wooded area in Coquet valley as a result of the Change Request. This additional land is required permanently.
2.2	The Applicant	Please provide an update in respect of negotiations with the affected landowners.	<ol style="list-style-type: none"> 1. The Applicant confirmed that the landowners affected by the Change Request (Viscount Ridley, Scott and Vernal Agriculture) were also affected by the Scheme prior to the Change Request. As a result, the negotiations in respect of the additional land required in relation to the Change Request had simply been incorporated into the original, ongoing negotiations. 2. The District Valuer, on behalf of the Applicant, confirmed that negotiations with the landowners affected by the Change Request were ongoing and expected to conclude prior to the close of the Examination.
2.3	The Applicant	Table 2-1 of the Change Request Letter [REP4-034] sets out the amendments to the land affected by CA and TP. Does the Applicant wish to add any further detail or commentary?	<ol style="list-style-type: none"> 1. The Applicant confirmed that Table 2-1 of [REP4-034] provided a comprehensive list of the changes to the land affected by CA and TP, which are considered by the Applicant to be relatively uncontroversial in the context of the Scheme.
2.4	The Applicant	Does the Applicant wish to provide an update in relation to the Book of Reference, Statement of Reasons or Funding Statement?	<ol style="list-style-type: none"> 1. The Applicant confirmed that the versions of the Book of Reference, Statement of Reasons and Funding Statement before the Examination were up to date and incorporated the land affected by the Change Request. In addition, the Applicant confirmed that further updates to the Book of Reference and Statement of Reasons would be submitted as required. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> 1. Further updates to the Book of Reference and Statement of Reasons have been submitted at Deadline 10.
2.5	The Applicant	Applicant to confirm compliance with the tests for CA and TP, in relation to the Change Request.	<ol style="list-style-type: none"> 1. The Applicant confirmed that: <ol style="list-style-type: none"> i. The proposals are necessary and proportionate. As evidenced by the various environmental assessments and option development process, the land and rights are required to enable the provision of the new bridge over the River Coquet. The Applicant is proposing to take no more land than is required in order to deliver these works. ii. There is a compelling case in the public interest for CA and TP, as the Scheme (of which the Change Request forms a necessary part) would provide an upgrade to the nation's strategic road network. The policy and transport cases for the

Ref	Question to	Question	Applicant's Response
			<p>Scheme are made out in the Statement of Reasons [REP5-036 and 037], where the public interest and common good associated with the upgrade to the SRN are weighed against the private interests of landowners.</p> <p>iii. The other requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 have been complied with.</p> <p>iv. The Applicant's detailed assessment of Human Rights considerations is set out in the Statement of Reasons [REP5-036 and 037]. CA can be justified on the grounds of proportionality and there is a means of compensation. Negotiations with landowners are ongoing. Therefore, there is no conflict with the Human Rights Act 1998 in the grant of powers for CA, including in relation to the Change Request.</p>
4. Oral representations from Parties who may be affected by the Proposed Development			
4.1	The Applicant	Applicant to respond to points raised by Mr Bruce, on behalf of the West End Anglers.	<ol style="list-style-type: none"> 1. The Applicant confirmed that the West End Anglers had submitted a Representation on 23 December 2020 [AS-020], a response to which had been provided by the Applicant in the Consultation Statement for Change Request [REP4-073] submitted at Deadline 4 (see page 16). 2. Further to this response, the Applicant is continuing to engage with the West End Anglers, with a view to supporting their continued use of land. The Applicant confirmed that this may be achieved through a series of arrangements, such as agreed methods of working, as opposed to legal agreement. 3. The Applicant confirmed that engagement with the West End Anglers would continue and agreed to provide a further update at Deadline 10. <p><u>Post Hearing Action - Position statement between the Applicant and the West End Anglers to be produced and submitted.</u></p> <ol style="list-style-type: none"> 4. Appendix E contains the agreed position statement.
4.2	The Applicant	Applicant to provide an update in respect of the Compulsory Acquisition Schedule.	<ol style="list-style-type: none"> 1. The Applicant confirmed that further updates to the Compulsory Acquisition Schedule would be submitted at both Deadline 9 [REP9-024 and 025] and Deadline 10.

5 OPEN FLOOR HEARING 3

Ref	Question to	Question	Applicant's Response
2. Representations by Affected Persons and Interested Parties			
2.1	The Applicant	Applicant to respond to submissions from Mrs Coulson and Mr Rowlands.	<ol style="list-style-type: none">1. The Applicant confirmed that a response to the written submission from Mr Moor dated 10 June 2021 would be submitted to the Examination at Deadline 10 (see document reference 7.34).2. The Applicant welcomed both parties' support for the Scheme and confirmed that the Examining Authority would take into account all submissions made during the course of the Examination.

6 ISSUE SPECIFIC HEARING 5

Ref	Question to	Question	Applicant's Response
2. Change Request 2 and 3			
<i>Geomorphology and hydrology</i>			
2.1	Applicant	Applicant to provide an overview of Changes 2 and 3.	<ol style="list-style-type: none"> 1. The Applicant confirmed that Changes 2 and 3 are located in the vicinity of the proposed new bridge over the River Coquet. 2. By way of context, the Applicant highlighted that the A1 is an important strategic road, providing north / south connectivity and forming one of the most important routes on the eastern side of the country. <p><i>Change 2</i></p> <ol style="list-style-type: none"> 3. Following a review of the ground investigation works undertaken earlier in 2020, geotechnical instability on the north side of the River Coquet was identified by the Applicant's engineers. This means that additional ground stabilisation work is required in order for the proposed bridge to be constructed. 4. A number of options have been considered in order to determine the optimal solution, which comprises spaced bored piles. 5. In addition to the piling works, there is a requirement to protect the new piles and bridge foundations from hydraulic action (erosion). Scour protection on the northern bank is proposed for this purpose, with the optimal solution involving a degree of rock armour protection. <p><i>Change 3</i></p> <ol style="list-style-type: none"> 1. Change 3 facilitates access to the southern bank, from the Change 2 working area on the northern bank. It involves the provision of a temporary bridge to link the north and south banks. 2. The original proposals within the DCO application involve the construction of a steep access to the southern bank, from the south. Change 3 allows access to be taken from the north, avoiding these intrusive works on the southern bank. 3. In addition, Change 3 incorporates permanent scour protection on the southern bank.
2.2	Applicant	The Change Request Letter [REP4-034] states that it is the opinion of the Applicant that the Scheme can be built without the changes. Please confirm the position.	<ol style="list-style-type: none"> 1. The Applicant confirmed that ground investigations ground stability issues had been identified on the north bank. Whilst it might be physically possible to construct the bridge without the changes, given the known stability issues, that is not an approach which the Applicant could promote as a responsible highway's authority. The changes to the Change Request 1, together with the scour protection on the southern bank are now considered necessary elements of the scheme given what is now known about ground conditions. The temporary bridge access to the southern bank access is an opportunity to avoid more intrusive works to the southern bank which has arisen from the works proposed in Change Request 1. <p><u>Post Hearing Action</u> - Applicant to confirm whether the Proposed Development could proceed without Change Requests 2 and 3 or whether they are now integral parts of the Scheme.</p> <ol style="list-style-type: none"> 2. The Applicant is not aware of such a statement within [REP4-034]. However, the position is confirmed at paragraph 1.1.6 of Summary of Proposed Changes to Application Version 2 [AS-018]:

Ref	Question to	Question	Applicant's Response
			<p><i>"The Applicant confirms that the Scheme is deliverable without the changes to the temporary and permanent earthworks as referred to in the first sub-paragraph in paragraph 1.1.5 above. However, as explained in paragraphs 2.2.1 and 2.2.2, the ongoing ground investigations have identified slope instability on the north bank of the River Coquet Valley, which means a change in circumstances has occurred. Consequently, the additional slope stabilisation referred to in the second sub-paragraph of paragraph 1.1.5 is now necessary but could not have been identified when the Application was made. The south bank access detailed in the third sub-paragraph of paragraph 1.1.5 is enabled by these works."</i></p> <p>3. The position is also set out in Item 7, Table 1-1 of the Applicant's Response to Procedural Decision on Changes to the Application [REP5-032].</p>
2.3	Applicant	Applicant to summarise how they approached the assessment of the environmental impacts for Changes 2 and 3.	<p>1. The Applicant confirmed that the assessments presented in the ES Addenda for Changes 2 and 3 [REP4-063 and 064]] consider the additional impacts as a result of Changes 2 and 3, in comparison to the impacts previously assessed and reported within the Environmental Statement (ES) [APP-040 to 062].</p> <p>2. The methodology for the assessment of each topic area in relation to Changes 2 and 3 follows the methodology used for the ES [APP-040 to 062], as confirmed in chapter two of the Addenda [REP4-063 and 064].</p>
2.4	Applicant	Please provide further detail as to how the impacts have been classified.	<p>1. The Applicant confirmed that the methodologies for the classification of impacts are set out within the relevant chapters of the ES, on a topic by topic basis. The methodology and thresholds for each topic vary but are taken from the relevant Design Manual for Roads and Bridges guidance document for each topic.</p> <p>2. In broad terms, the classification of an impact is based on the magnitude of impact on and sensitivity of a particular receptor to change. This is determined by comparing the assessed impacts against the baseline assessment, and then considering the magnitude of change. From this assessment, the significance of effect is derived.</p> <p><u>Post Hearing Note</u></p> <p>3. The methodology is set out in Chapter 4 of the ES [APP-039] and as relevant in each technical Chapter of the ES Addenda [REP4-061, REP4-063 and REP4-064].</p>
2.5	Applicant	Applicant to provide an update as to discussions with Natural England, the Environment Agency and Northumberland County Council.	<p>1. The Applicant confirmed that the position with all parties was positive, following productive discussions as to securing the provision of compensation through a legal agreement with the Environment Agency. The terms to this agreement are now agreed with the Environment Agency.</p> <p>2. As a result, the remaining issues with the Environment Agency have been resolved. The Applicant's understanding is that the position is similar in relation to Natural England, as they have been party to the discussions with the Environment Agency regarding the provision of compensation.</p> <p>3. By way of a summary of the position prior to the discussions as to the legal agreement, there were two areas where the parties were not in agreement:</p> <p>4. From a biodiversity perspective, both the Environment Agency and Natural England were of the view that the impact as a result of the loss of riverbank habitat would be a large adverse impact, whereas the assessment presented within paragraph 8.10.6, Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and paragraph 7.10.6, Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064] concludes that there would be a moderate adverse impact. However, all parties agreed that there would be a significant impact which required compensation.</p> <p>5. In relation to geomorphology, both the Environment Agency and Natural England considered that there would be a moderate adverse impact (significant), whereas the assessment presented within Table 9-8 of Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and Table 8-8 of Environmental</p>

Ref	Question to	Question	Applicant's Response
			<p>Statement Addendum: Southern Access Works for Change Request [REP4-064]] concludes that there would be a minor adverse impact (not significant).</p> <p>6. While these were the primary areas of disagreement, matters have progressed following the discussions and agreement regarding offsite compensation for the impacts, which resolves the remaining issues between the Applicant, the Environment Agency and Natural England.</p> <p>7. The Applicant's understanding is that Northumberland County Council's position in relation to Changes 2 and 3 is that they are relying on the expert analysis provided by the relevant statutory consultees. As such, the position between the Applicant and Northumberland County Council is that if matters are resolved with the Environment Agency and Natural England, then Northumberland County Council are also content.</p> <p><u>Post Hearing Note</u></p> <p>8. Since ISH5, Natural England has confirmed that they have no further comments on the draft legal agreement. The latest position in relation to each of Natural England, the Environment Agency and Northumberland County Council is reflected in the Statements of Common Ground submitted at Deadline 10.</p> <p>9. The legal agreement is now in agreed form and with the Environment Agency for signing. The parties envisage that the agreement will be signed for Deadline 11.</p>
2.6	Applicant	Applicant to provide further details as to how the conclusion of a minor adverse impact was reached in relation to geomorphology.	<p>1. The Applicant confirmed that, as presented in the River Coquet Hydraulic Modelling Report [REP7-006], hydraulic modelling had been undertaken for the baseline scenario, the construction scenario and the operational scenario. This modelling work then informed a further two studies, which were the River Coquet Fluvial Geomorphology Assessment [REP7-003] and the Flood Risk Assessment Addendum [REP7-015].</p> <p>2. The hydraulic modelling was used to assess the changes from the baseline scenario and to understand the impacts on hydrology and geomorphology of Changes 2 and 3. The assessments reported in the River Coquet Fluvial Geomorphology Assessment [REP7-003] and the Flood Risk Assessment Addendum [REP7-015] were then used to confirm the assessments originally presented in the ES Addenda for Changes 2 and 3 [REP4-063 and 064].</p> <p>3. In relation to geomorphology, the magnitude of impact was determined to be minor adverse. The methodology for determining magnitude of impact is set out at Paragraph 9.4.4 and Table 9-2 of Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and Paragraph 8.4.4 and Table 8-2 of Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064]. This methodology is based on that set out within Section 5.3 of Environmental Statement - Appendix 10.7 Geomorphology Assessment – River Coquet Parameter 10 Part A [APP-260], which states that as the DMRB (HD45/09) does not provide a specific methodology for the assessment of geomorphological impacts, the approach to the assessment has been developed using Sear, D. A.; Newson, M. D. and Thorne, C. R. (2003) Guidebook of applied fluvial geomorphology. R&D Technical Report FD1914.</p> <p>4. In summary, while Changes 2 and 3 would change the nature of the banks by implementing scour protection, the impacts on the continuity of sediment supply and how that is this sediment is passed through the river was deemed to be a minor adverse impact.</p> <p>5. The Applicant understands that the main point of contention raised by the Environmental Agency relates to the impacts of a change in the continuity of sediment supply and the fixing of the river within confines due to the new bridge structure.</p> <p>6. The Applicant's position in relation to these points is that:</p> <ul style="list-style-type: none"> there is an existing bridge structure, such that the channel is already fixed in position; and

Ref	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> as the River Coquet gorge is several kilometres long, Changes 2 and 3 only impact a relatively small proportion of the overall bank length in this reach and the impacts on sediment supply from the slopes would be limited in extent. <p>7. Based on these factors, the conclusion of there being a minor adverse impact (not significant) was reached.</p>
2.7	Applicant	Applicant to confirm the guidance used for the assessment and the thresholds for the classification of impacts.	<ol style="list-style-type: none"> The Applicant confirmed that the assessment criteria, including references to the relevant guidance, were provided within Section 5.3 of Environmental Statement - Appendix 10.7 Geomorphology Assessment – River Coquet Parameter 10 Part A [APP-260], Section 9.4 of Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and Section 8.4 of Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064]. Using this methodology, the classification of impacts is a question of professional judgement as to the scale of impact across not just the banks but also the channel itself. In relation to the channel, Changes 2 and 3 would have relatively limited impacts on the bed due to this section of the River Coquet having bedrock close to the channel bed level. By way of comparison, if there was a gravel bed, there may have been a requirement to provide scour protection across the entire bed. In such a scenario, with a greater extent of engineering works upstream and downstream, there would be more likely to be a moderate impact. However, for the purposes of the assessment presented in the River Coquet Fluvial Geomorphology Assessment [REP7-003], the key considerations were the extent of the works within the wider context of the reach (i.e. the River Coquet Gorge) and the ongoing sediment supply to that reach. This represents a judgment as to the scale of the impacts, which concluded that there would be limited geomorphological impacts to the banks and channel during the operational phase. In relation to the construction phase, the nature of the construction platforms requires the formation of vertical walls within the channel to support them. This results in a constriction in the channel cross sectional area, which causes a backwater effect upstream (which reduces velocity) and a localised increase in velocity through the legato blocks. Under circumstances of high flow, this may lead to temporary changes in the sediment transport regime. However, the construction phase and the associated impacts are temporary in nature (up to 16 months). As a result, the impacts are not considered to be more than minor adverse in nature.
2.8	Applicant	How was the duration of the works considered in reaching the conclusion of minor adverse?	<ol style="list-style-type: none"> The duration of the construction phase and the associated impacts is estimated to be 16 months. During this period, there may be temporary changes in the retention of sediment within the reach. However, following the reinstatement works, the channel is likely to return to relatively normal (i.e. baseline) conditions. The impacts during the 16 month construction phase would be minor changes on the margins, which would lead to some minor changes in velocity and depth at the margins but are not anticipated to have a significant impact on the nature of the sediment during the construction phase, although the increases in velocity may lead to changes in the dynamics of that section of the river should a significant flow event occur during the 16 month construction period. It is anticipated that, once the permanent works have been installed, conditions similar to the baseline would return. The Applicant understands that a key concern of the Environment Agency related to the potential for impacts on a gravel bar. The Environment Agency's confirmation during ISH5 that the proposed mitigation measures are appropriate in terms of managing the risk is welcomed.
2.9	Applicant	What is the timescale in terms of operation?	<ol style="list-style-type: none"> The Applicant confirmed that the assessment doesn't consider a series of events, as a series of events can't be predicted over a particular timescale. Rather, the assessment presented within the River Coquet Fluvial

Ref	Question to	Question	Applicant's Response
			<p>Geomorphology Assessment [REP7-003] considers a range of flow events (Q50, two-year, 50 year and 200 year) and compares the Construction and Operational phase impacts in comparison with the baseline.</p> <p>2. In doing so, the assessment considers whether Changes 2 and 3 would change the biotope within the river under normal flow conditions (Q50) and then for each of those flood flow events, with the changes in sediment entrainment is examined by assessing critical shear stress (the forces required to move different particle size classes). This includes a consideration as to the change from the baseline scenario should those events occur.</p>
2.10	Applicant	How has the cumulative effect of individual events been considered?	<p>1. The Applicant confirmed that the assessment does not consider cumulative events. Rather, it assesses a broad range of events and compares these to the baseline. This includes the 200 –year flow event, although the likelihood of this occurring during the 16-month construction period is low.</p> <p>2. A cumulative assessment in the traditional sense would require multiple runs of the hydraulic models and a morpho dynamic assessment (where the bed material is also mobilised in the hydraulic model and the channel morphology adjusts in response to flow events), and is currently beyond the state of the art in gravel bed rivers like the River Coquet. The assessment set out within the River Coquet Fluvial Geomorphology Assessment [REP7-003] complies with the relevant guidance and followed methodology previously agreed with the Environment Agency as provided in 7.9.1.4 Annex D – Environment Agency Meeting Minutes Geomorphology [REP1-069]. The assessment covered additional work previously requested by the Environment Agency. Assessment of sediment around a key feature of interest was described by the Environment Agency as “detailed and appropriate” and the geomorphological dynamics assessment was described as “robust and comprehensive, providing a greater level of detail and understanding” in Deadline 8 Submission – Position Statement, Comments on responses submitted for Deadline 7, and Responses to ExQ3 [REP8-029]. The assessment uses standard geomorphological approaches such as Stream Power and Critical Shear Stress parameters to assess the potential changes in the river sediment regime.</p>
2.11	Applicant	The River Coquet Fluvial Geomorphology Assessment [REP7-003] refers to a “change range” of 30% to 100%. Please explain this range.	<p>1. The Applicant confirmed that the categories of figures used in River Coquet Fluvial Geomorphology Assessment [REP7-003] were intended to avoid the risk of confusion which may have resulted from referring to numerous incremental categories and to highlight the largest changes.</p> <p>2. The categories of figures selected approximately represent equal intervals on a log 10 scale of percentage change (i.e. 10, then 30, then 100, then should it be required 300 and 1000), to highlight order-of-magnitude scale, rather than incremental, percentage changes. These reflect the figures used in Appendix C of [REP7-003].</p> <p>3. The categories were used to demonstrate that the majority of the changes were less than 10% and that areas exceeding 30% were limited in extent.</p> <p>4. The Environment Agency’s confirmation during ISH5 that this is a matter of presentation which doesn’t alter the risk is welcomed by the Applicant.</p>
2.12	Applicant	How did the assessment inform the overall development proposals?	<p>1. The Applicant confirmed that assessment and design is an iterative process, with the relevant assessments informing the design.</p> <p>2. By way of an example, the scour protection was initially proposed as rock armour for the entirety of the scour protection under the bridge. Following assessment and engagement with the Environment Agency, this has now been refined to provide a mix of rock armour and green/grey protection.</p>

Biodiversity, ecology and the natural environment

Ref	Question to	Question	Applicant's Response
2.13	Applicant	Applicant to summarise the magnitude of impact of Changes 2 and 3, in light of the responses of the Environment Agency and Natural England to BIO.4.1.	<ol style="list-style-type: none"> 1. The Applicant confirmed that all parties agree that there is a significant impact. The point in dispute is the magnitude of impact, as to whether this is a moderate adverse significant impact or a large adverse significant impact. Whatever the views of the parties, the Applicant does not consider that this affects the response in terms of mitigation and compensation. 2. When assessing impacts to ecological receptors, the approach taken is to first consider the importance of the receptor, based on its designation. In this case, the River Coquet is a SSSI (i.e. national importance) and also qualifies as a habitat and principal importance. As such, in strict accordance with the DMRB guidance (Interim Advice Note 130/10 (as detailed in paragraph 9.4.45 and Table 9-5 of Chapter 9: Biodiversity of the ES [APP-048], as superseded by LA 108 Biodiversity), the impact could be considered very large adverse, due to the impact on a receptor of national importance. However, the assessment also considers other relevant factors. 3. This included the qualifying features for which the SSSI is designated, which is for its habitats and species. The relevant habitats are the river and woodland, while the species includes fish and aquatic invertebrates. The nature of the proposed scour protection, being approximately 2/3 rock and 1/3 green/grey was also considered, as well as the relatively short extent of the SSSI unit impacted. As a result, the assessment concluded that the impacts would not result in a large or very large adverse effect, but the effect was still deemed significant. As such, a moderate adverse effect was considered an appropriate classification. 4. While the classification of the impact is not agreed, the proposed compensation is considered by all parties to be sufficient to offset that impact, regardless of which characterisation of the scale of the impact is preferred. As such, the issue between the parties is resolved. 5. The Environment Agency's confirmation during ISH5 that they had no further comments is welcomed.
2.14	Applicant	Applicant to summarise the position of Natural England, in their absence.	<ol style="list-style-type: none"> 1. The Applicant understands that Natural England's view that there is a large adverse impact is largely based on the consideration that, in their view, the River Coquet is a generally pristine river with very few manmade modifications. In contrast, the Applicant's position is that there has been a number of manmade interventions which detract from the pristine characterisation assigned by Natural England. However, Natural England are content that the compensation which has been agreed between the Applicant and the Environment Agency is sufficient to offset the impact.
2.15	Applicant	Applicant to confirm whether the compensation agreement will be complete before the end of the examination and to explain the mechanism for the purposes of the Examination.	<ol style="list-style-type: none"> 1. The Applicant confirmed that the draft compensation agreement would be entered into between the Applicant and the Environment Agency and was agreed between those parties. 2. Confirmation was awaited from Natural England that they are content with the draft agreement. Once this has been received, the agreement can be completed. This is expected to be prior to the end of the Examination. 3. The Applicant confirmed that the completion of the agreement would be reflected in the relevant statements of common ground, and that a written submission would be provided to summarise the measures agreed and the triggers for their provision. <p><u>Post Hearing Action</u> - Applicant to provide summary statement detailing the latest position and/or agreement with the Environment Agency (EA) and Natural England (NE), in relation to compensation, including trigger points and cross-referenced with SoCGs.</p> <ol style="list-style-type: none"> 4. Since ISH5, Natural England have confirmed that they have no further comments on the draft legal agreement. The latest position in relation to each of Natural England, the Environment Agency and Northumberland County Council is reflected in the Statements of Common Ground submitted at Deadline 10. The legal agreement is now in agreed form and with the Environment Agency for signing. The parties anticipate that it will be signed for Deadline 11.

Ref	Question to	Question	Applicant's Response
			5. Please refer to Appendix B (document reference 7.33.2) for a summary of the terms and triggers within the compensation agreement.
3. Change Request 1			
3.1	Applicant	Applicant to provide an overview of Change 1 and a summary of the consultation carried out.	<ol style="list-style-type: none"> Change 1 arose from a review of the earthwork's strategy submitted as part of the DCO application by the consulting engineers, which identified an opportunity to reduce earthwork movement. In summary, Change 1 seeks to make the use of soil as efficient as possible by maximising the amount of onsite storage and thereby also minimising the need to import soil or dispose of soil off site. Achieving this results in a number of amendments to the earthworks strategy. There are 61 areas of change, across both Part A and Part B. As detailed in Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], Change 1 does not result in a change to the assessed impacts for the Scheme, as presented in the ES [APP-040, APP-042, APP-044, APP-046, APP-050, APP-052 and APP-056]. In addition, Change 1 introduces some benefits as compared to the earthwork's strategy submitted as part of the DCO application, due to the screening effect of certain of the increases in bund size. The Applicant confirmed that the position as to consultation in relation to Change 1 was set out in the Consultation Statement for Statutory Consultation on Change Request [REP8a-008], but that a written response would be provided at Deadline 10. <p><u>Post Hearing Note</u></p> <ol style="list-style-type: none"> The position as to consultation in relation to Change 1 is set out in Table 1-1 and Table 1-2 of the Environmental Statement Addendum: Earthworks Amendments, Table 2-1 of the Consultation Statement for Change Request [REP4-073] and Table 2-1 of the Consultation Statement for Statutory Consultation on Change Request [REP8a-008].
<i>Landscape and visual effects</i>			
3.2	Applicant	Please confirm the number of soil storage areas and soil bunds proposed as part of Change 1.	<ol style="list-style-type: none"> The Applicant confirmed that the figures would be confirmed in writing. <p><u>Post Hearing Action</u> - Applicant to provide written clarification regarding how many new soil bunds and new soil storage areas are proposed as part of Change 1- Earthworks Amendments.</p> <ol style="list-style-type: none"> Change 1 includes the provision of: <ul style="list-style-type: none"> One new permanent soil bund for Part A (M2F-CH126-NB-NBD-15) Four new permanent soil bunds for Part B (A2E-CH550-NB-NBD-3, A2E-CH554-NB-NBD-4, A2E-CH583-NB-NBD-2, and A2E-CH591-SB-NBD-1), Six new temporary soil storage areas for Part A (M2F CH171 NB NGA 1, M2F CH171 NB NGA 2, M2F CH174 SB NGA 3, M2F CH174 SB NGA 4, M2F CH215 NB TPS 15 and M2F CH217 SB TPS 11. Three new temporary soil storage areas for Part B (A2E CH541 SB TPS 9, A2E CH553 NB TPS 5, and A2E CH583 NB TPS 2) The location and indicative extent of these additional earthworks are indicated on Figures 1 and 2 for Parts A and B respectively in the Technical Note – Proposed Earthwork Amendments, submitted at Deadline 10 (see Appendix A of this document, document reference 7.33.1). As identified in Environmental Statement Addendum: Earthworks

Ref	Question to	Question	Applicant's Response
			Amendments for Change Request [REP4-061], these additional earthworks are not anticipated to give rise to significant effects on landscape character or visual effects.
3.3	Applicant	How were the visual impacts of Change 1 assessed?	<ol style="list-style-type: none"> 1. The methodology followed was the same as that used for the original assessment within the ES Chapter 7: Landscape and Visual Part A [APP-044] and Chapter 7: Landscape and Visual Part B [APP-045]. As set out at paragraph 5.4.1 of the Environmental Statement Addendum: Earthworks Amendments - Rev 1 [REP4-061], this was carried out through a desk-based assessment, which involved the review of the proposed changes alongside the landscape mitigation strategies at the time, comprising Landscape Mitigation Masterplan Part A, Rev 2 [REP4-010], Landscape Mitigation Plan including Assessment Parameter 3 Part B [APP-148] and Google Streetview. 2. Appendix A of the Environmental Statement Addendum: Earthworks Amendments - Rev 1 [REP4-061], sets out the details of the proposed amendments to both temporary and permanent earthworks as part of Change 1, and this was used as the primary source of information for identifying the amendments to be assessed. The assessment then considered the relevant visual figures from the ES Figure 7.6 Visual Effects Drawings Residential Properties Part A [APP-093], Figure 7.7 Visual Effects Drawings Public Rights of Way Part A [APP-094], and Figure 7.2 Visual Receptors Plan Part B [APP-136] to locate each of the visual receptors that may be affected.
3.4	Applicant	Where is the extent of the changes to earthworks that are proposed as part of Change 1 clearly identified?	<ol style="list-style-type: none"> 1. The Applicant confirmed that the earthworks changes proposed as part of Change 1 can be identified by cross referring between the Landscape Mitigation Masterplans (Part A [REP8a-003] and Part B [REP8-0010]) and Appendix A of the Environmental Statement Addendum: Earthworks Amendments - Rev 1 [REP4-061]. 2. The Applicant agreed to prepare a document which would set out the extent of the changes from the original application'. <p><u>Post Hearing Action</u> - Applicant to provide additional document, or update the Landscape Mitigation Masterplan, so that changes linked to Change 1 – Earthworks Amendments are clearly identified.</p> <ol style="list-style-type: none"> 3. The Applicant has provided a Technical Note and supporting figures at Deadline 10 (Appendix A to this summary document – document reference 7.33.1), which indicate the location of the proposed earthworks, presented as part of Change Request 1. Overlaid with this information are the locations of the bunds, as identified on Landscape Mitigation Masterplan Part A [REP8a-003] and assessed with Chapter 7: Landscape and Visual Part A [APP-044]. The Technical Note – Proposed Earthwork Amendments, submitted at Deadline 10, also provides the relevant heights of the proposed earthworks (which includes where earthworks associated with structures deviate from the GA drawings). This material is supplied to assist the ExA in forming a view on the merits of Change 1. However, it is not considered necessary to show this information on the Landscape Mitigation Masterplan as this sets out the full landscape mitigation proposals. For the purpose of the Landscape Mitigation Masterplan, it does not matter whether the proposals shown originate from the original application or Change Request 1.
3.5	Applicant	Applicant to explain the differences between the landscape mitigation master plan submitted with the DCO application [APP-095] and the latest version [REP8a-003], in relation to Change 1.	<ol style="list-style-type: none"> 1. The Applicant confirmed that [APP-095] identified the bunds originally proposed as part of the application. These were separated into bunds that were considered to be essential (magenta), as they performed a specific mitigation purpose (primarily relating to the screening of junctions or barn owl mitigation), and those that were not considered essential but would provide benefits in terms of integration and reflecting local landforms (yellow). 2. It should be borne in mind that the bunds are proposed to be planted, such that they would be perceived as blocks of woodland as opposed to be the significant engineered or profiled earthworks. 3. Change 1 scoped in those bunds that it was considered would not give rise to additional significant impacts, as well as retaining the bunds originally identified as being essential for mitigation purposes. In addition, an exercise was carried out to consider whether the profiles of the bunds could be modified to improve integration with local

Ref	Question to	Question	Applicant's Response
			<p>landscape and landform. This included the consideration of, for example, the potential to extend the toe of embankments within the Order limits.</p> <p>4. As a result, [REP8A-003] shows those bunds that are considered essential alongside the additional bunds arising from Change 1. This represents a refinement of the design shown on [APP-095].</p>
3.6	Applicant	Applicant to confirm the maximum height of the earthwork amendments under Change 1.	<ol style="list-style-type: none"> 1. The proposed additional temporary soil storage areas for Part A and Part B will not exceed 2m in height as set out in measure S-L7 of the Outline Construction Environmental Management Plan [REP9-016 and 017] (and as updated at Deadline 10). 2. The proposed amended or additional soil bunds for Part A and Part B would have a maximum gradient of 1:4, and would not exceed 4m in height, as set out in Paragraph 2.4.6 of the Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061]. This reflects the assumptions made in paragraph 7.5.1 (j) of Chapter 7: Landscape and visual Part A of the ES [APP-044]. 3. The proposed maximum height of the proposed slackened slopes adjacent and supporting the approaches to proposed structures for Part A (11no.) would be 7.4m above the road level of an adjacent access track and ties into the approach to the bridge crossing at Highlaws Junction (ch12200 to 12280). This approach would not result in an increase in the overall height of the earthworks over that assessed in Chapter 7: Landscape and visual Part A [APP-044]. The earthwork extends to the south where it is 4m above the adjoining proposed ground level as it ties into the existing road network. This is demonstrated in earthwork opportunities unique ID M2F-CH122-SB-SEB-1 (Appendix A of Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061]) and explained in Earthworks Opportunities Section M2F-CH122-SB-SEB-1 in Applicant's Responses to ExA's Fourth Written Questions [REP8a-007]). 4. The proposed maximum height of the proposed infilled junction bowls for Part A (4no.) would be 3.5m above the road level of the adjacent A1 northbound carriageway and 3m above the adjoining proposed ground level this is demonstrated in earthwork opportunities unique ID M2F-CH216-NB-SBF-1 (Appendix A of Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061]) and explained in Earthworks Opportunities Section M2F-CH216-NB-SBF-1 in Applicant's Responses to ExA's Fourth Written Questions - Appendix A - Cross-sections for Earthworks Amendments [REP8a-007]). This proposed structure bowl fill would not however increase the overall height of the junction. 5. The proposed maximum height of the proposed slackened slope adjacent and supporting the embankment slopes to the main alignment (i.e. earthworks associated with the Heckley Fence overbridge) in Part B would be 0m above the road level of the adjacent A1 northbound carriageway where embankment slopes are extended, and 7.3m above the adjoining proposed ground level as it ties into the Heckley Fence overbridge (earthwork opportunities unique ID A2E-CH554-NB-NBD-4 (Appendix A of Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061]) as shown in Earthworks Opportunities Section A2E-CH554-NB-NBD-4 - Side Road A in Applicant's Responses to ExA's Fourth Written Questions - Appendix A - Cross-sections for Earthworks Amendments [REP8a-007]). This approach would not result in an increase in the overall height of the earthworks over that assessed in Chapter 7: Landscape and visual Part B [APP-045]. 6. The proposed maximum height of the proposed infilled junction bowls for Part B (2no.) would be 3.4m above the adjoining proposed ground level (earthwork opportunities unique ID A2E-CH589-NB-SBF-1 (Appendix A of Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061]) as shown in Earthworks Opportunities Section A2E-CH589-NB-SBF-1 in Applicant's Responses to ExA's Fourth Written Questions - Appendix A - Cross-sections for Earthworks Amendments [REP8a-007]). This proposed structure bowl fill would not however increase the overall height of the junction.

Ref	Question to	Question	Applicant's Response
			<p><u>Post Hearing Note</u></p> <p>7. The Applicant has provided a Technical Note and supporting figures at Deadline 10 (Appendix A to this summary document – document reference 7.33.1), which indicate the location of the proposed earthworks, presented as part of Change Request 1. This Technical Note also sets out the maximum height of each category of earthwork.</p> <p>8. As stated in section 10 (Summary) of Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], the Earthworks Amendments would result in no change to the conclusions of the assessment of construction and operational effects on residential, PRoW, commercial and community receptors reported in Chapter 7: Landscape and Visual Part A of the ES [APP-044] and Chapter 7: Landscape and Visual Part B of the ES [APP-045].</p>
3.7	Applicant	Applicant to confirm the location of the consolidated assessment of visual impacts in relation to Change 1.	<p>1. The Applicant confirmed that tables 5-2 to 5-5 within section 5 of Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061] present the findings of the assessment of visual effects for Change 1, in comparison with the effects of the Scheme as previously assessed in the ES [REF]. As identified in Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], these additional earthworks are not anticipated to give rise to significant effects on landscape character or visual effects.</p>
3.8	Applicant	Sheet 13 of the Landscape Mitigation Master Plans [APP-095] and [REP8a-003] shows Highlaws Junction, including bunds numbered 1, 2 and 3. In [APP-095] bunds 1 and 2 are categorised as essential, while Bund 3 is shown in yellow. Further, in [APP-095] contours are not shown, while they appear within the redline on [REP8a-003]. Please explain the changes made and confirm the status of the contours.	<p>1. The Landscape Mitigation Masterplan Part A [APP-095] shows bunds 1 and 2 as being essential mitigation, in terms of their screening properties for receptors located to the west. This is identified by the magenta colouring. In contrast, bund 3 is shown as an opportunity, identified by the yellow colouring. The potential opportunity was identified as arising if there were to be additional slope slackening or earth bunding, which would provide further soil disposal and better integration in that area.</p> <p>2. Bund 3 was subsequently taken forward, and this is reflected in [REP8A-003].</p> <p>3. The Landscape Mitigation Masterplan Part A [REP8A-003] also shows the contours of the proposed bunds, as a refinement of the level of detail provided as part of the DCO application. In relation to bund 3, the contours demonstrate that the toe of that embankment slope would be slackened to achieve a slightly flatter profile to the embankment slope as it ascends to Highlaws junction.</p>
3.9	Applicant	Sheet 15 of the Landscape Mitigation Master Plans [APP-095] and [REP8a-003] shows West Moor Junction. In both versions, topsoil location number 10 is shown as 800m ³ and no greater than 2m in height. However, in the ES Addendum [REP4-061], the series of maps (albeit	<p>1. The proposed temporary storage area shown at West Moor Junction on Indicative Earthwork Change Locations Page 3 of 5 in Appendix C (Summary of Proposed Changes to Application) of the Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061] includes both Topsoil Storage Location 10 (8000m³) and the proposed additional temporary soil storage area M2F-CH215-NB-TPS-15 (90,000m³), resulting in a larger temporary footprint to the immediate west of the junction than shown on Sheet 15 of the Landscape Mitigation Master Plans for Part A [REP8a-003]. The maximum height of both Topsoil Storage Location 10 and M2F-CH215-NB-TPS-15 would be 2m (as set out in measure S-L7 of the Outline Construction Environmental Management Plan [REP9-016 and 017]). As identified in Environmental Statement Addendum: Earthworks Amendments for Change Request [REP4-061], the additional earthwork is not anticipated to give rise to significant effects on landscape character or visual effects.</p>

Ref	Question to	Question	Applicant's Response
		marked "indicative") show West Moor Junction with temporary storage covering the whole of the site to the west. Please explain the reason for the difference.	
3.10	Applicant	Applicant to confirm how it expects Change 1 to be secured through the DCO.	<ol style="list-style-type: none"> 1. The Applicant confirmed that all of the changes forming Change 1 are within the confines of the Order limits. Further, some of the changes to Part A are subject to the assessment Parameters 4 and 5 of the ES [APP-037]. 2. The DCO [REP9-004 and 005] provides the powers to undertake the works required for the Scheme, in accordance with the assessment Parameters 4 and 5 set out in the ES [APP-037]. Specifically, the tailpiece to Schedule 1 of the DCO allows for the construction of earthworks provided that these do not give rise to any materially new or materially different environmental effects in comparison with those associated in the environmental statement. As the impacts from the changes forming Change 1 are assessed in the Addendum to the ES in relation to Change Request 1, it follows that the environmental effects of the proposed changes to earthworks are within the assessed parameters of the ES. The changes therefore fall within the further development permitted by the tailpiece to Schedule 1.
3.11	Applicant	Should Change Request ES Addenda [REP4-061, 063 and 064] be certified documents?	<ol style="list-style-type: none"> 1. The Applicant agreed to provide a response in writing. <u>Post Hearing Action</u> - Applicant to confirm if one or all of the ES Addendums in relation to change requests 1, 2, and 3 should be certified documents under Sch 12. 2. The Change Request ES Addenda [REP4-061, 063 and 064] were added to Schedule 12 (Documents to be Certified) of the dDCO [REP9-004 and 005] at Deadline 9.
<i>Combined and cumulative effects</i>			
3.12	Applicant	How were combined and cumulative effects assessed for Change 1?	<ol style="list-style-type: none"> 1. The Applicant confirmed that, as detailed at paragraph 1.2.4 of the Environmental Statement Addendum: Earthworks Amendment for Change Request [REP4-061], the combined and cumulative effects were scoped out of the assessment. 2. This is due to such an assessment only considering residual effects on receptors and only then when there is more than one residual effect on a receptor. As there was no change in the significance of effects reported in relation to Change 1, there would be no change to the combined effects or cumulative effects for construction or operation. 3. In relation to cumulative effects, an updated planning application search was undertaken in January 2021, which showed no new developments which would change the original conclusion as to cumulative effects presented within the ES Addendums for Change Request [REP4-061, REP4-063 and REP4-064].

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