

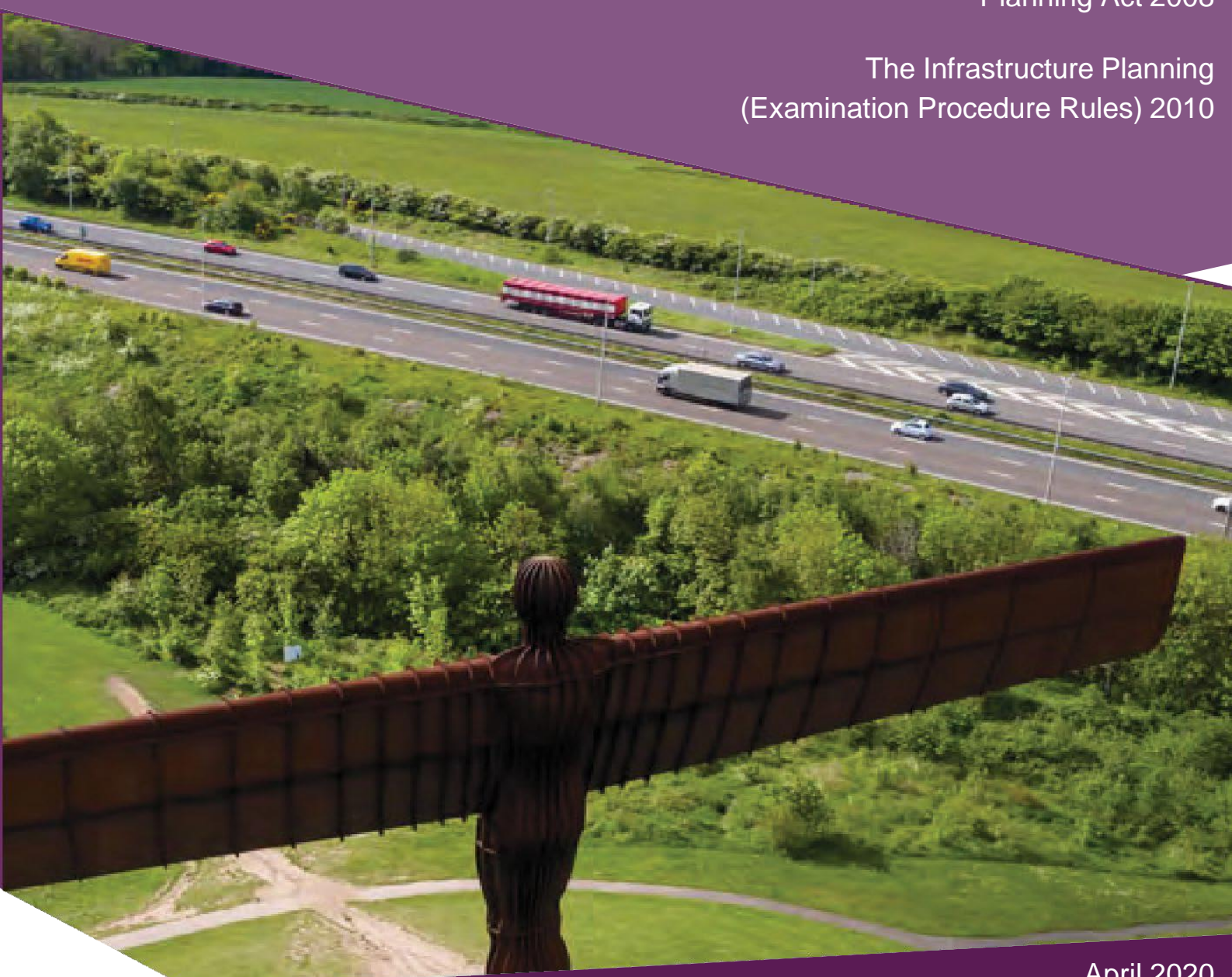
A1 Birtley to Coal House

Scheme Number: TR010031

Change Request

Planning Act 2008

The Infrastructure Planning
(Examination Procedure Rules) 2010



Infrastructure

Planning

Planning Act

2008

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

**The A1 Birtley to Coal House
Development Consent Order
20[xx]**

Change Request

Rule Number:	
Planning Inspectorate Scheme Reference	TR010031
Application Document Reference	Change Request
Author:	A1 Birtley to Coal House Project Team, Highways England

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Dear Elis

A1 Birtley to Coal House (TR010031) – Material Change request

1. INTRODUCTION

This letter is an Application for a material change to an application for development consent. It contains the following sections:

1. This introduction
2. Description of Application for Change
3. Documents accompanying Application for Change
4. Reasons for Change to Application
5. Assessment of the nature of change requested
6. Infrastructure Planning (Compulsory Acquisition) Regulations 2010
7. Timing

2. APPLICATION FOR CHANGE

This letter is a formal request from Highways England (the 'Applicant') for a material change amendment to be made to the DCO Application for A1 Birtley to Coal House (the 'Application').

The proposed changes to the Application are as follows:

- **Change 1** - The inclusion of further design flexibility in relation to the proposed replacement Allerdene Railway Bridge. The draft DCO **[REP2-044 and REP2-045]** currently allows for the replacement of Allerdene Railway Bridge by a single span integral bridge (Allerdene Embankment option) or a 6/7-span viaduct (Allerdene viaduct option). It is further proposed to enable the inclusion of a design for a three-span viaduct (Allerdene three-span viaduct option) within the DCO Application.
- **Change 2** - Providing flexibility as to the formation and the road layout of the Scheme to enable narrower lanes to be provided between the existing narrow lanes north of junction 67 (Coal House) and approximately chainage 11150 over Kingsway Viaduct at junction 67. The current Scheme proposes full width lanes. The new proposal is to allow narrower lanes extending over approximately 750m of the length of the Scheme to be introduced.

- **Change 3-** The inclusion of additional land within the application at junction 67 (Coal House) for an extension of the existing site compound, to be used for material stockpiling. This land currently sits outside the proposed Order limits and it is proposed that powers of temporary occupation are extended to the land during construction of the Scheme.

It is the Applicant's view that Changes 1 and 2 are non-material changes in that they do not involve a change in substance to the Scheme, the changes fall within the existing Order Limits, do not generate new or different likely significant environmental effect(s) and do not give rise to 'additional land requirements' under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('CA Regulations').

However, the Applicant is of the view that Change 3 will be a material change as it will require an extension to the Order Land for a temporary materials stockpile. Therefore, the CA Regulations will apply for the new plot of land.

The amendments to the land affected by compulsory acquisition as a result of the changes sought are:

- The addition of approximately 3.89 hectares (ha) of land (plot marked as 3/13a on the Land Plans **[REP2-037]**, Revision 3, which accompany this submission for Deadline 4) located adjacent to the proposed construction compound near junction 67, to be used as a temporary materials stockpile.

This letter follows the guidance provided by the Examining Authority (the 'ExA') in its Rule 8 letter (dated 28 January 2020) and provides the information requirements set out in paragraphs (a) to (g) in Figure 3 of the Planning Inspectorate's (the 'Inspectorate') *Advice Note Sixteen: How to request a change which may be material* (AN16).

The Applicant notified the ExA of its intention to make these changes on 14 January 2020, prior to the Preliminary Meeting on 21 January 2020. This is in line with Step 1 of Figure 1, page 4 of AN 16. Details of the proposed changes are provided in the *Summary of Proposed Changes to the Application January 2020* **[AS-009]**. No major design changes have been made to the Scheme which have required updates to this document since it was submitted.

A non-statutory targeted consultation was held on the changes relating to Allerdene three-span viaduct option and the additional land between 17 March and 14 April 2020. Whilst this is not statutorily required, this was carried out in accordance with the ExA advice in Annex B of the Rule 8 letter and relates to Step 3 of Figure 1, page 4 of AN16. Those consulted on the changes were relevant persons under section 42(a) to (d) of the Planning Act 2008, those deemed to be 'affected persons' by the CA Regulations and adjacent residents and businesses. Further details on the non-statutory consultation is provided in the Consultation Statement **(EXA/D4/004)**.

This application for a change to the Application is submitted at Deadline 4 of the examination of the Application in order to ensure sufficient time for its consideration as part of that examination.

3. Documents Accompanying Application for Change

The documents that accompany this Application for Change are as follows:

- Revised Location Plan **[REP2-036]**
- Revised Land Plans **[REP2-037]**
- Revised Works Plans **[REP2-038]**
- Revised Composite Land and Works Plans **[AS-017]**
- Revised Streets, Rights of Way and Access Plans **[REP2-039]**
- Revised Engineering Drawings and Sections **[REP2-040]**

- Revised General Arrangement Plans **[REP2-041]**
- Revised Structures Engineering Drawings and Sections **[REP2-042]**
- Revised Special Category Land Plans **[REP2-043]**
- Updated Draft DCO (tracked changes) **[REP2-044]**
- Updated Draft DCO (clean) **[REP2-045]**
- Updated Explanatory Memorandum (tracked changes) **[REP2-046]**
- Updated Explanatory Memorandum (clean) **[REP2-047]**
- Updated Book of Reference (clean) **[AS-004]**
- Updated Book of Reference (tracked changes) **[AS-005]**
- Updated Book of Reference (schedule of changes) **[AS-006]**
- Revised Statement of Reasons (clean) **[AS-014]**
- Addendum to Statement of Reasons **[EXA/D4/003]**
- Updated Objection Schedule **[EXA/D4/013]**
- Consultation Statement **[EXA/D4/004]**
- Addendum to Planning Statement **[EXA/D4/005]**
- Addendum to Transport Assessment Report **[EXA/D4/006]**
- Addendum to Environmental Statement – Additional Land **[EXA/D4/009]**
- Addendum to Environmental Statement – Additional Land Non-Technical Summary **[EXA/D4/010]**
- Addendum to Environmental Statement – 3 span viaduct **[EXA/D4/011]**
- Addendum to Environmental Statement – 3 span viaduct Non-Technical Summary **[EXA/D4/012]**

4. REASONS FOR CHANGE TO APPLICATION

Allerdene three-span viaduct option (Change 1)

The Applicant proposes to amend the Application to include a three-span viaduct option with reinforced earth embankments to be constructed as a replacement for Allerdene Railway Bridge over the East Coast Main Line. This relates to Works No 5a of the Draft DCO **[REP2-044 and REP2-045]**, which currently provides two design options for the replacement of Allerdene Railway Bridge: a single span integral bridge (Allerdene Embankment option) and 6/7 span viaduct (Allerdene viaduct option). The proposed change would be a new third design option to introduce further flexibility to the delivery of the structure. A drawing of the Allerdene three-span viaduct option is provided in the Structures Engineering Drawings and Sections (see Sheet No.16, **[REP2-042]** Revision 2a submitted for Deadline 4).

This proposed change was identified as a result of design development which has continued to be undertaken by the Applicant and its advisers since the Application for a DCO was made in order to release efficiencies and design benefits. Details of the proposed design change and the benefits are provided in Chapter 2 of the *Summary of Proposed Changes to the Application January 2020* **[AS-009]**.

The main benefits of this proposed change are that it would reduce the amount of material required to construct the approach embankments, reduce the construction programme by an estimated 6 month period (when combined with Change 3 for additional land) and reduce the duration of traffic delays to road users due to the shorter construction period. This option would also reduce the steelwork tonnage required to support the bridge deck, require fewer rigid inclusions and other design benefits compared to the other two options.

An environmental impact assessment (EIA) was carried out on the Allerdene three-span viaduct option to identify if there would be any significant effects (including new or materially different effects) as a result of the proposed change that differ from the Environmental Statement (ES) submitted as part of the DCO Application **[APP-021 to 037]**. The assessment **[EXA/D4/011]** concluded that overall this option would not alter the findings of the ES with effects anticipated that would be comparable to those assessed previously.

The Applicant considers that the Allerdene three-span viaduct option constitutes a **non-material change**, given that there are no significant differences in environmental effects compared to the other options for Allerdene Railway Bridge. This option is deliverable within the existing power of deviation shown on the Works Plans [REP2-038] and described in the draft DCO, and the additional land requirements under the CA Regulations would not apply.

Narrower lanes over Kingsway Viaduct at junction 67 (Change 2)

The Applicant proposes to amend the Application to include narrower lanes from land north of junction 67 (Coal House) and up to Kingsway Viaduct (at approximate chainage 11150) for a length of approximately 750m. This is a change from the current Application which seeks powers to provide full width lanes through the entire length of the Scheme. Applying this narrower cross section would reduce the structural widening at Kingsway Viaduct by approximately 5m (2.1m compared to 7m in the Application currently). It may also be necessary to amend the existing Traffic Regulation Order No. 1013 The A1 Trunk Road (Gateshead/Newcastle Western Bypass) (Width Restrictions) Order 2016 (TRO), which prohibits heavy goods vehicles from the offside lane and extend this to the south into the Scheme extents.

Details of the proposed design change and the benefits are provided in Chapter 2 of the *Summary of Proposed Changes to the Application January 2020* [AS-009]. The narrower lanes are also shown on the Structures Engineering Drawings and Sections (see Sheet No.14 and 15, [REP2-042] Revision 2a submitted for Deadline 4).

The main benefits of this change are that it significantly reduces the construction work and impacts on road users, reduces/removes the realignment works to junction 67 (Coal House) roundabout, provides potential for improved driver behavior and compliance with mandatory speed limits, and anticipated operational safety benefits in locating the transition between narrower and full width lanes intra-junction. This proposed change is intended to link more effectively and consistently with the recently implemented A1 Coal House to Metro Scheme which already provides narrower lanes.

The Applicant has identified that there will be no changes to traffic flows as a result of narrower lanes over Kingsway Viaduct, with the capacity of the Scheme not being materially affected, and so there would be no change to the EIA carried out and reported in the Environmental Statement [APP-021 to 037]. As such, no need for additional assessment has been identified as required.

The Applicant considers that the narrower lanes proposal on its own would constitute a **non-material change**, given that no environmental impacts are anticipated, and this change is deliverable under the existing Limits of Deviation shown on the Works Plans [REP2-038]. The additional land requirements under the CA Regulations would not apply.

Additional land (Change 3)

The Applicant proposes to amend the Application to include additional land to provide an optimised temporary materials stockpile during construction of the Scheme. The additional land is approximately 5ha in size and is shown as plot 3/13a on the Land Plans [REP2-037], Revision 3 submitted for Deadline 4. A temporary construction access road would also be required to access the additional land from the adjacent construction compound site at junction 67 (Coal House), as well as a wheel wash facility and temporary water management control for the import of fill material by road.

This proposed change was identified during a review by the Applicant's advisers of the existing two construction compound sites with a view to optimize the location and size of the proposed stockpile. Details of the proposed design change and the benefits are provided in Chapter 2 of the *Summary of Proposed Changes to the Application January 2020* [AS-009].

The main benefits of this change are that it would reduce the overall construction duration

by up to 6 months (in combination with Change 1) of the proposed earth embankment for the replacement Allerdene Railway Bridge. It would reduce the duration of temporary traffic management and road works on the A1, reduce the length of disruption to residents, reduce the length of time that the Scheme requires possession of other temporary land and realise the economic benefits the Scheme will deliver to the local area up to six months earlier than originally planned.

An EIA was carried out on the proposed additional land to identify if there would be any significant effects as a result of the proposed change that differ from the ES submitted as part of the DCO Application. The assessment [EXA/D4/009] concluded that overall the use of the additional land would not result in additional significant effects to those previously presented in the ES and effects would be comparable.

It is the Applicant's view that the additional land (Change 3) would equate to a **material change**, as it requires an extension to the Order Land and includes new land that was not previously included in the Book of Reference. Therefore, the CA Regulations will apply. The section 42(1)(d) persons who are 'affected persons' whose land will be subject to compulsory acquisition powers are identified in Appendix A of the Consultation Statement [EXA/D4/004]. Further, simply by reason of the inclusion of additional land within the Order limits the environmental effects of the Scheme will change.

Negotiations with the landowners to seek to obtain possession of the additional land by agreement are ongoing but have not yet concluded and inclusion of this plot within the powers sought for compulsory acquisition/temporary possession is therefore required. Further information on how the Applicant complies with the Regulation 5 requirements of the CA Regulations is provided in section 4 of this letter.

5. ASSESSMENT OF THE NATURE OF THE CHANGE REQUESTED

As set out in the Inspectorate's AN16, the determination of whether the change requested is material is to be made by the ExA, not the Applicant. Highways England considers that Changes 1 and 2 are non-material changes – alone and in combination. However, Change 3 is considered to be a material change, but not one of substance.

The material change request for Change 3 involves the addition of new land to the DCO within the scope of compulsory acquisition. The changes would involve the extension of the existing construction compound near junction 67 (Coal House) onto land not previously included within the DCO Application. Given the amendment of the Order Limits would affect new land and require a temporary construction access road, a wheel wash facility and temporary water management control, this change goes beyond what can be considered non-material in the facts and circumstances of this Application.

In assessing the proposed changes, the Applicant has had regard to the advice contained in AN16. The Applicant notes that the substance of the Scheme is the alteration of a highway within the meaning of section 22(1)(b) of the Planning Act 2008. Given that the changes proposed are to the location of a temporary materials stockpile and temporary access and facilities the Applicant considers that the changes proposed do not alter the substance of the Scheme applied for.

6. INFRASTRUCTURE PLANNING (COMPULSORY ACQUISITION) REGULATIONS 2010

The Applicant is of the view that the CA Regulations apply to the proposed additional land for the temporary materials stockpile (Change 3) as the interpretation of 'additional land' in Regulation 2 applies, namely:

"Land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the application as land;"

The information prescribed by Regulation 5 of the CA Regulations has been provided with

this change request in relation to the additional land. This is also identified in Figure 3 (e), page 5 of AN16.

- Updated Book of Reference (clean) **[AS-004]**
- Updated Book of Reference (tracked changes) **[AS-005]**
- Updated Book of Reference (schedule of changes) **[AS-006]**
- Revised Land Plans **[REP2-037]**
- Revised Statement of Reasons (clean) **[AS-014]**
- Addendum to Statement of Reasons **[EXA/D4/003]**

7. TIMING

The ExA has requested that the Applicant provide an explanation of how this request can be accommodated within the statutory six-month examination period and that the procedural requirements of the CA Regulations can be met within this timeframe. It is not the Applicant's intention to propose a draft timeline for the Inspector at this stage as negotiations are still ongoing with the landowner and this will govern the applicability of the CA Regulation procedural route. Acquiescence of the landowner is expected following this submission in short order but we have included the proposal if such consent is not forthcoming.

Landowner consent obtained

It is the Applicant's preferred solution to obtain landowner consent for the acquisition of the additional land. Where this is possible, Advice Note 16 states that a formal request for a material change must be made subject to the procedural requirements set out in Figure 3 of Paragraph 4.1 of Advice Note 16. This request for change is made at Deadline 4, 20 April 2020. The Applicant is hopeful that landowner consent will be forthcoming.

The ExA should then make a procedural decision on whether or not to examine the changed application and how it should be examined within 28 days of the request, which would be no later than 18 May 2020.

Non-statutory consultation was undertaken between Tuesday 17 March 2020 and Tuesday 14 April 2020 and the relevant landowners with an interest in or adjacent to the land subject to the request for change have already been liaising with the Applicant, including through the ongoing examination process.

The Applicant proposes exchange of submissions between consultees at Deadlines 7-9 to enable engagement with the main issues. This is an adequate time frame for consultees to engage in the request for change process given the limited nature of the issues concerned in the amendment.

Landowner consent refused

In the event that landowner consent is not obtained, the provisions of the CA Regulations are engaged. As stated above, the formal request for a material change was made at Deadline 4, 20 April 2020 and a procedural decision by the Inspector is due within 28 days of that request, on 18 May 2020.

Pursuant to the CA Regulations, the Applicant is under a duty to give notice of the proposed provision to prescribed parties, allowing for a period of 28 days, in which relevant representations can be submitted to the Secretary of State. The Applicant has already engaged in non-statutory consultation with the landowners of the affected plots between 17 March 2020 and 14 April 2020 and it proposes to engage in a further 28-day minimum period of statutory consultation commencing on 30 April 2020. The Applicant is also required to give public notice of the proposed provision for at least 2 successive weeks in

local newspapers, as well as once in a national newspaper and the London Gazette. Such notice must allow for at least 28 days for consultees to make relevant representations to the Secretary of State and the Applicant proposes to publish notices on 30 April 2020 (or at latest 7 May 2020). The 28-day period for publication consultation would expire on 28 May 2020 (or at latest 4 June). Certificates of CA Regulation compliance must be lodged within 10 days of expiry of the consultation period and the final step is for the Secretary of State to determine the critical issues and decide the procedure for examining the change request.

Due to the limited consequential impact of the proposed changes, the consultation period proposed is adequate time for consultees to engage with the proposed amendments and exchange of submissions can run concurrently with deadlines in the existing examination timetable.

8. DOCUMENTS

The Applicant includes the following documents with the material change request in accordance with Figure 3, page 5 of AN16.

- a) Clear description of the proposed change - refer to *Summary of Proposed Changes to the Application January 2020* [AS-009].
- b) Statement setting out the rationale and pressing need for making the change – refer to section 2 of this Letter [EXA/D4/002]
- c) Guide to Documents to be Certified confirming all updated application documents and plans listing consequential revisions to each document [REP3-002], Revision 3 for this submission
- d) Tracked change version of draft DCO [REP2-044] and tracked change version of Explanatory Memorandum [REP2-046]
- e) Confirmation that the CA Regulations apply, and the information required by Regulation 5 is provided – refer to section 4 of this letter [EXA/D4/002]
- f) Addendums to the ES for the 3-span viaduct option and additional land changes:
 - Addendum to Environmental Statement – Additional Land [EXA/D4/009]
 - Addendum to Environmental Statement – Additional Land Non-Technical Summary [EXA/D4/010]
 - Addendum to Environmental Statement – 3 span viaduct [EXA/D4/011]
 - Addendum to Environmental Statement – 3 span viaduct Non-Technical Summary [EXA/D4/012]
 -
- g) Consultation Statement [EXA/D4/004] covering the non-statutory consultation and requirements under the Infrastructure Planning (Environmental Impact Assessment) Regulations stated in Figure 3f i) and ii), page 5 of AN16.

The full list of documents provided with the Examination Deadline 4 submission that accompanies this material change request is provided in the covering letter (EXA/D4/001).

If you have any queries about the documents provided, the Scheme or otherwise please do not hesitate to contact me using the details provided.

Yours sincerely,



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