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Highways England
By email only

Your Ref:

Our Ref: TR010031

Date: 29 April 2020

Dear Nicola Wilkes

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) - Rule17

Application by Highways England for an Order Granting Development Consent for the A1 Birtley to Coal House Improvement Scheme

Request for further information from Highways England regarding its material change request

I am writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to request further information regarding your formal request, dated 20 April 2020, for a material change to the Application, including additional land. In order to assist my consideration of whether or not your change request can be accepted into the examination, further information is required regarding the following matters by **5.00pm on Friday 1 May 2020 (Deadline 5)**.

Section 7 of the material change request sets out timing implications for how the request can be accommodated within the statutory six month examination period. It explains that it is not the intention to propose a draft timeline at this stage as negotiations are still ongoing with the landowner(s) and this will govern the applicability of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) procedural route. It further explains that acquiescence of the landowner is expected in short order but that a proposal has been included if such consent is not forthcoming.

At the time of writing, I have not received confirmation that landowner consent has been gained. In the event that the CA Regulations are triggered, there is limited time within the six month examination timeframe for all the relevant CA procedural requirements to be implemented. Furthermore, as set out in my letter of 24 March 2020, there is uncertainty regarding the ability to hold the hearings scheduled in the Examination Timetable for 9 to 11 June 2020. In the current circumstances, I am currently considering alternative options for staging hearings and it may be possible for hearings to be scheduled later in June/July 2020.

In this context, the following information is requested:

- 1.** An update is requested regarding the Applicant's negotiations with the relevant landowner(s) and those with an interest in the additional land, whether or not you still expect to obtain the consent of those parties and, if so, when such consent is expected to be gained and when documentation to evidence this will be submitted to the Examining Authority?
- 2.** On the basis that landowner consent is not gained, please provide an explanation, including an indicative timetable, demonstrating how the additional land request could be accommodated within the six month examination period. In providing this you should take account of the relevant procedural requirements of the CA Regulations. This explanation should take into account the timetable implications of Regulations 14, 15 and 16 of the CA Regulations on the assumption that the hearings scheduled for w/c 9 June 2020 need to be postponed until later in the examination.
- 3.** Section 4 of the change request states that the additional land to provide an optimised temporary materials stockpile would not result in additional significant effects to those previously presented in the Environmental Statement (ES) and that effects would be comparable. Nevertheless, section 3.8 of the Environmental Statement Addendum: Additional Land [APP4-058] identifies that there would be a moderate adverse (significant) effect on the setting of the Lamesley Conservation Area (compared to a minor adverse effect reported in the original ES [APP-027]).

Taking this into account, along with the other information contained within the Addendums to the ES, could the Applicant clarify how the proposed changes and associated publicity reflect the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017? As part of this, please also set out how you intend to reflect the requirements of Regulation 27 of these Regulations?

- 4.** In accordance with item g. of Figure 3 of the Planning Inspectorate's 'Advice note sixteen: How to request a change which may be material', please provide copies of the consultation responses received by the Applicant in response to the non-statutory consultation.
- 5.** In the event that the proposed changes are accepted into the Examination, please provide details of additional notification that could be carried out by the Applicant (e.g. the posting of site notices and/or notification letters to properties in the vicinity of the proposed material change) to ensure that any resident or other party potentially affected has a reasonable opportunity to become an Interested Party in the Examination.

Please contact the Case Team if you have any questions about this letter.

Yours sincerely

David Cliff

Examining Authority

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