



National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: A1BirtleytoCoalHouse@planning  
inspectorate.gov.uk

---

To all Interested Parties

Your Ref:

Our Ref: TR010031

Date: 6 May 2020

---

Dear Sir/Madam

**Planning Act 2008 – Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9**

**Planning Act 2008 (as amended) – Section 123 and the Infrastructure  
Planning (Compulsory Acquisition) Regulations 2010 – Regulation 6**

**Application by Highways England for an Order Granting Development Consent  
for the A1 Birtley to Coal House Improvement Scheme – Material Change  
Request**

I am writing to you to advise of a procedural decision I have taken following the Applicant's formal material change request dated 20 April 2020 [REP4-002]. This follows the Applicant's initial notification of its intention to make changes [AS-009] and the subsequent procedural advice I issued in my Rule 8 letter dated 28 January 2020 [PD-007].

Further to the Applicant's formal material change request, I requested further information in my letter dated 29 April 2020 [PD-014] and the Applicant responded to this on 1 May 2020 (Deadline 5) REP5-012]

The Applicant has set out in its Consultation Statement [REP4-054] the non-statutory consultation it has already carried out on the proposed changes and has supplied details and copies of the responses it has received.

The relevant additional documents accompanying the application for change are listed in **Annex A** of this letter.

I have reviewed the information provided and assessed the Applicant's request in line with paragraphs 109-115 of DCLG Guidance *Planning Act 2008: Examination of Applications for Development Consent* and the *Planning Inspectorate's Advice Note 16: How to request a change which may be material*.

The Applicant has proposed three changes:

**Change 1** proposes the inclusion of further design flexibility in relation to the replacement Allerdene Railway Bridge by way of the inclusion of an option for a three-span viaduct within the application.

The Applicant draws attention to the benefits of this change including a reduction in the amount of material required to construct the approach embankment and a reduction in the construction programme by an estimated six months (when combined with Change 3 for additional land). I note that the Addendum to Environmental Statement (ES) [APP4-060] concludes that this proposed change would not alter the findings of the ES with effects anticipated that would be comparable to those previously assessed for the other options for Allerdene Railway Bridge. This change also does not involve any additional land requirement.

I note that concerns about this change have been raised by the Environment Agency (in its non-statutory consultation response to the Applicant) including on matters relating to biodiversity, water quality and flooding implications. I also consider that whilst noting the conclusions of the ES Addendum, the landscape and visual effects of this additional design option are likely to need careful consideration.

Notwithstanding such issues and the need for careful consideration of matters arising, I do not consider that this change amounts to a *substantial* change to the Application and therefore I agree that it is non-material.

**Change 2** proposes flexibility as to the formation and the road layout of the Proposed Development to enable narrower lanes to be provided between the existing narrow lanes north of junction 67 (Coal House) and approximate chainage 11150 over the Kingsway Viaduct at junction 67 (a length of approximately 750m).

I note the benefits of this change set out by the Applicant including a reduction in construction work and that it 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 also concludes that there would be no change to the existing Environmental Impact Assessment.

Whilst the full effects, including those relating to traffic and highway safety, of this proposed change will need to be considered as part of the Examination, I am satisfied that this change represents a non-material change to the Application.

**Change 3** proposes the inclusion of additional land within the application at junction 67 (Coal House) to provide for an extension of the existing site compound, to be used for material stockpiling. As this land is outside of the originally proposed Order limits, the Applicant proposes that powers of temporary occupation are extended to this land during construction of the Proposed Development.

The Applicant states that the main benefit of this change would be a reduction in the overall construction duration by up to six months (in combination with Change 1) and hence a reduction in disruption during construction.

I noted that the inclusion of additional land would extend the construction compound nearer to properties in Lamesely village than the originally proposed compound. The ES Addendum also finds that the use of the additional land would result in a moderate adverse effect during construction on the setting of the Lamesely Conservation Area

due to the views of temporary stockpiles. I therefore agree with the Applicant that it amounts to a material change to the application.

### ***Conclusion on whether the changes can be accepted into the Examination***

The development now being proposed remains in substance that which was originally applied for. I am satisfied that, when taken either individually or in combination, the proposed changes would **not** amount to a different project being proposed (for which a new application would have been required). The supporting information provided with the proposed changes is of a satisfactory standard for examination. I am satisfied that sufficient time remains in the Examination for the proposed changes to be properly and fairly examined including the opportunity for written submissions and any oral representations to be made at any Hearings that are required, along with the the procedural requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('CA Regulations').

### ***Next steps***

I note that the Applicant will be publicising Change 3 (which includes additional land) in accordance with the CA Regulations and that this publicity will commence on 14 May 2020. It is important for such publicity to start on this date in order for the Examination to be able to be completed within the statutory six month time frame.

In addition to that statutory consultation, I direct that the Applicant should arrange for site notices to be posted and for notification letters to be sent to the occupiers of properties in the vicinity of the proposed Changes 1 and 3 (those properties that were notified as part of the Applicant's non-statutory consultation). This is in order to ensure that all persons who may wish to comment on the changes, including those who are not currently Interested Parties, have a fair and reasonable opportunity to make representations as part of the Examination.

The Applicant is also requested to make suitable provision in its publicity for those parties who may wish to respond to notifications and publicity but do not have access to the internet and are unable or unwilling to leave their property given the current public health situation.

I will also shortly be issuing a revised Examination Timetable and this will include an opportunity for representations to be submitted on all the proposed changes. This will be in addition to subsequent changes to the timetable that are likely to be required as a result of the procedural requirements of the CA Regulations.

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

Yours faithfully

*David Cliff*

**Examining Authority**

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Annex A

### Documents accompanying the application for change

Note: The reference in brackets after each document is the Examination Library reference: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-000602-A1Birtley%20to%20Coal%20House%20Examination%20Library.pdf>

- Material Change Request [REP4-002]
- Revised Location Plan [REP4-004]
- Revised Land Plans [REP4-005]
- Revised Works Plans [REP4-006]
- Revised Composite Land and Works Plans [REP4-053]
- Revised Streets, Rights of Way and Access Plans [REP4-007]
- Revised Engineering Drawings and Sections [REP4-010]
- Revised General Arrangement Plans [REP4-009]
- Revised Structures Engineering Drawings and Sections [REP4-010]
- Revised Special Category Land Plans [REP4-011]
- Updated Change Request Draft DCO (tracked changes) [REP5-008]
- Updated Change Request Draft DCO (clean) [REP5-009]
- Updated Explanatory Memorandum (tracked changes) [REP4-075]
- Updated Explanatory Memorandum (clean) [REP4-076]
- Updated Book of Reference (clean) [REP4-017]
- Updated Book of Reference (tracked changes) [REP4-018]
- Updated Book of Reference (schedule of changes) [REP4-019]
- Revised Statement of Reasons (clean) [REP4-016]
- Addendum to Statement of Reasons [REP4-084]
- Updated Objection Schedule [REP4-062]
- Consultation Statement [REP4-054]
- Addendum to Planning Statement [REP4-055]
- Addendum to Transport Assessment Report [REP4-056]
- Addendum to Environmental Statement – Additional Land [REP4-058]
- Addendum to Environmental Statement – Additional Land Non-Technical Summary (clean) [REP5-007]
- Addendum to Environmental Statement – Additional Land Non-Technical Summary (tracked changes) [REP5-006]
- Addendum to Environmental Statement – 3 span viaduct [REP4-060]
- Addendum to Environmental Statement – 3 span viaduct Non-Technical Summary [REP4-061]