



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

Customer Services: 0303 444 5000  
Email: [A1inNorthumberland@planninginspectorate.gov.uk](mailto:A1inNorthumberland@planninginspectorate.gov.uk)

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Mark Stoneman  
Highways England  
Lateral  
8 City Walk  
Leeds  
LS11 9AT

Our Ref: TR010059  
Date: 11 January 2021

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Dear Sir,

## **Planning Act 2008 – Section 89**

### **Application by Highways England for an Order Granting Development Consent for the A1 in Northumberland – Morpeth to Ellingham**

#### **Notice by Applicant of intention to submit a request to make changes to the application**

Thank you for your letter dated 10 December 2020 giving notice of Highways England's intention to submit a request to make changes to the application. This has been published on the National Infrastructure Planning website here:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010059/TR010059-000911-Highways%20England\\_Covering%20Letter%20Deadline%20A.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010059/TR010059-000911-Highways%20England_Covering%20Letter%20Deadline%20A.pdf)

Your letter of 10 December 2020 [PDA-001] seeks to inform the Examining Authority (ExA) of the Applicant's intention to request "three changes to be made to the Application in order to accommodate changes to the Scheme". The letter is accompanied by a report 'Summary of Proposed Changes to Application' (Summary of Proposed Changes) [PDA-004].

Together the above mentioned documents outline three proposed changes to the application and provide further detail regarding the changes proposed to the original Scheme. The Summary of Proposed Changes also states that the Applicant proposes that consultation on the changes and the updated environmental information is held from 29 January 2021 to 25 February 2021. It is also your intention to make a formal request to the ExA to accept the proposed changes, alongside full supporting documents, on 12

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March 2021. This satisfies Step 1 of the recommended procedure in the Planning Inspectorate's 'Advice Note 16: How to request a change that might be material' (AN16).

Subsequently, you submitted '[Summary of Proposed Changes to Application](#)' Version 2 referenced [AS-017] (tracked changes) and [AS-018] (clean copy) reflecting that there was an error in calculating the affected area for the slope stabilisation treatment area at River Coquet in the original submission.

### **Materiality of the Proposed Changes and Information required**

As set out in the letter of 10 December 2021 [PDA-001] and the accompanying report [AS-018], you consider that two of the proposed changes, namely Proposed Change 2 and Proposed Change 3 constitute material changes, while Proposed Change 1 you consider to be non-material. This is, in your view, mainly due to the fact that Proposed Change 1 does not involve additional land, while Proposed Changes 2 and 3, do.

The ExA notes that the Applicant has confirmed that the Scheme is deliverable without proposed Change 1, the change to the temporary and permanent earthworks. It is your view that Proposed Change 2 is necessary in order to secure the stability of the north bank of the River Coquet Valley and Proposed Change 3 to enable the stabilisation works to be carried out.

If the ExA decides to accept the Proposed Changes into the Examination (irrespective of whether or not they are material) all Interested Parties will have an opportunity to make representations on the changed application, in writing or orally at hearings, as the Examination progresses.

The Examination timetable has been set out in Annex A of the ExA's Rule 8 letter, dated 6 January 2021 [PD-008]. It is therefore imperative that the Applicant has regard to the published Examination timetable and formally submits its Proposed Changes, and any associated amendments/ updates to plans or other Examination documents such as the Environmental Statement (ES), as to allow sufficient time for all parties to properly consider the Proposed Changes and make representations concerning them.

It is ultimately for the ExA to decide whether a proposed change is material and the ExA does not, at this stage, have sufficient information to reach a conclusive view as to materiality. However, from the information that you have presented thus far, the ExA is minded to concur that your Proposed Changes 2 and 3 would be likely to constitute material changes and that Proposed Change 1 would potentially be non-material, considering that it reduces earthwork movement and there would not be any new or changed environmental impacts. However, it is possible that proposed change 1, either alone or when considered with others, might also represent a material change.

The Applicant should have regard to Figures 1 and 3 of AN16 which set out how to make a request to make a material change to an accepted application and the information to include in a request to make a material change to an application after it has been accepted for examination.

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## Consultation

The ExA is aware of your stated intention to carry out non-statutory consultation on all Proposed Changes with all persons prescribed under Section 42 (a) to (d) of the 2008 Act. This should include any 'section 42' persons not originally consulted on the application but who may now be affected by the Proposed Changes. You should give a minimum of 28 days for responses to your consultation, and newspaper and site notices should be posted. Please ensure that consultation responses are sent to you as the Applicant and not to the Planning Inspectorate.

In your Summary of Proposed Changes [AS-018] you propose that this non-statutory consultation will be carried out from 29 January 2021 to 25 February 2021.

In preparing your change request you should also take account of the submissions received by the Planning Inspectorate in response to your initial letter [PDA-001] outlining your intention to submit a request to make changes to the Scheme from the Environment Agency [PDB—001], from Natural England [AS-019] and from the West End Anglers Club [AS-020].

When submitting the change request, it is recommended that you submit a statement encompassing a non-statutory consultation report setting out the detail and methodology of the undertaken consultation.

## Next steps

The Applicant is asked to ensure that the change request that is intended to be submitted by Deadline 4 (**12 March 2021**) responds fully to the points made above and contains sufficient information to enable the ExA to prepare further questions, if necessary.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided in this letter.

Yours faithfully

*Kevin Gleeson*

**Lead Member of the Examining Authority**

This communication does not constitute legal advice.

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