



# The Planning Inspectorate

## Planning Act 2008 – Section 91

### Application by Highways England for an Order granting Development Consent for the A1 in Northumberland: Morpeth to Ellingham

### Agenda for Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order (ISH1)

**Date:** Tuesday 23 February 2021

**Joining available from:** 9.30am<sup>1</sup>

**Meeting start time:** 10.00am<sup>2</sup>

**Location:** Virtual event

#### Notes on participation, conduct and management of the hearing

All Interested Parties are invited to attend issue specific hearings but as this event is being held virtually it would assist with the running of the hearing if you could let the Inspectorate's Case Team

([A1inNorthumberland@planninginspectorate.gov.uk](mailto:A1inNorthumberland@planninginspectorate.gov.uk)) know by **Friday 19**

**February** if you wish to participate in the hearing so that the relevant instructions can be sent for you to join the event. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure website closer to the event date.

Each Interested Party is entitled to make oral representations at the Hearing. However, this is subject to the Examining Authority's (ExA) power to control the Hearing.

The ExA requests that the following attendees participate in ISH1 into the dDCO:

- **Highways England (the Applicant)** - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- **Northumberland County Council (NCC);**
- **Environment Agency (EA);**
- **Natural England (NE);** and
- **Any other Interested Parties (IPs)** - with an interest in the drafting of the DCO, the implementation or discharge of proposed articles, requirements or other provisions.

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<sup>1</sup> Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

<sup>2</sup> If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

The virtual event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of the issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any Hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [ ].

### **Purpose of ISH1**

The main purpose of the first draft Development Consent Order (dDCO) Hearing is to undertake an examination of the dDCO Articles and Schedules.

In particular, to consider:

- Issues around how the draft DCO is intended to work – what would be consented, the extent of the powers and what requirements, provisions and agreements are proposed;
- Any possible issues of prevention, mitigation or compensation which are not covered by the DCO as currently drafted;
- The justification for any changes from established practice;
- The need for changes to other legislative provisions;
- The need for protective provisions and their scope; and
- The views of other Interested Parties as to the appropriateness, proportionality or efficacy of the proposals.

This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights or temporary possession of land. The

draft examination timetable proposes separate Compulsory Acquisition Hearings on these topics and they may also be returned to in subsequent DCO ISHs.

**Please Note:**

**In order to ensure timely publication of the agenda, this has been drafted shortly after the receipt of submissions for Deadline 3. As a consequence, the ExA may need to adjust the agenda at the Hearing to allow for responses received at this deadline.**



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Inspectorate

## **Issue Specific Hearing 1: Draft Development Consent Order**

**10:00am, Tuesday 23 February 2021**

- 1. Welcome, introductions, arrangements for this Issue Specific Hearing (ISH1)**
- 2. Articles and Schedules of the dDCO (excluding Article 16, and Schedules 2, 4, 10 and 12)**
  - The Applicant will be asked to provide a very brief overview of each part of the DCO. The ExA will then ask questions in respect of DCO powers, seeking responses where appropriate from the Applicant, Northumberland County Council (NCC), the Environment Agency (EA), Natural England (NE) and other Interested Parties (IPs). IPs will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.
- 3. Article 16 and Schedule 4 of the DCO –Permanent Stopping Up of Streets, Public Rights of Way and Private Means of Access**
  - The ExA will ask NCC to explain and expand on its response to ExQ1 DCO.1.44 [REP1-073]. The Applicant will be asked to respond.
- 4. Schedule 2 of the DCO - Requirements**
  - The Applicant will be asked to provide an overview of the Requirements with particular focus on Requirements 3, 4 and 5. The ExA will then ask questions, seeking responses where appropriate from the Applicant, NCC, EA, NE and other IPs. IPs will also be invited to ask questions of clarification in relation to DCO Requirements.
  - The ExA will ask IPs and particularly NCC whether the Council has any significant concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

**5. Schedule 10 of the DCO – Protective Provisions**

- To obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

**6. Schedule 12 of the DCO – Documents to be certified**

- To review the documents to be certified and seek views as to whether the list is complete and if not, what additional documents would need to be included.

**7. Consents, licenses and other agreements**

- The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any section 106 agreements are proposed and if there is an indicative timescale for finalising them.

**8. Statements of Common Ground relevant to the DCO**

- The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the DCO.

**9. Review of issues and actions arising**

- The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken to the examination of the dDCO and any changes to it, in the light of issues raised.

**10. Any other matters**

**11. Closure of the Hearing**