

# A1 in Northumberland: Morpeth to Ellingham

**Scheme Number: TR010059**

## 7.19 Change Request Letter

Rule 8(1)(c)

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

March 2021

Infrastructure Planning

Planning Act 2008

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

**The A1 in Northumberland: Morpeth to  
Ellingham**

Development Consent Order 20[xx]

---

**Change Request Letter**

---

<b>Rule Reference:</b>	8(1)(c)
<b>Planning Inspectorate Scheme Reference:</b>	TR010059
<b>Document Reference:</b>	7.19
<b>Author:</b>	A1 in Northumberland: Morpeth to Ellingham Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	March 2021	Deadline 4

PINS Ref: TR010059

[REDACTED]  
The Planning Inspectorate  
Major Applications & Plans  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

[REDACTED]  
Project Manager  
Highways England  
Lateral  
8 City Walk  
Leeds  
LS11 9AT

Tel: 0300 470 2616

Date: 12 March 2021

Dear [REDACTED],

## **A1 in Northumberland: Morpeth to Ellingham – Material Change request**

### **1. INTRODUCTION**

This letter is a request for a material change to an application for development consent submitted by Highways England ('the Applicant') in July 2020. 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 the Applicant for a material change amendment to be made to the DCO Application for A1 in Northumberland: Morpeth to Ellingham (the 'Scheme').

The proposed changes to the DCO Application are as follows:

### **Change 1 – Earthworks Amendments**

Changes to temporary and permanent earthworks within the Order limits along both Part A (Morpeth and Felton) and Part B (Alnwick and Ellingham) in order to reduce earthwork movement. The Earthwork Amendments would consist of the following:

- a. Utilising borrow pits in Part B to exchange and win additional material suitable for construction.
- b. Maximising use of soil bunds already specified in the Figure 7.8: Landscape Mitigation Masterplan Part A [REP3-008], Figure 7.10 Landscape Mitigation Plan Part B [APP-144] and Figure 7.14: Landscape Mitigation Plan including Assessment Parameter 3 for Part B [APP-148], for disposal of excess site material, in Part A.
- c. Maximising of fill within slopes, already specified within Figure 7.8: Landscape Mitigation Masterplan Part A [REP3-008], Figure 7.10 Landscape Mitigation Plan Part B [APP-144] and Figure 7.14: Landscape Mitigation Plan including Assessment Parameter 3 for Part B [APP-148], for re-use of site material, in Part A.
- d. Creation of new soil bunds in Part B to maximise re-use of excess site material.
- e. Maximising of slopes for re-use of excess Site material, in Part B.
- f. Laying down additional material and increasing some localised ground levels.
- g. Raising levels of junction "bowls" (level or rounded rather than dished).
- h. Creating new, temporary soil storage areas in both Part A and Part B.

There would be no change to the Order limits as a result of the Earthworks Amendments.

The construction methodology outlined in **Chapter 2: The Scheme** of the Environmental Statement (ES) [APP-037] and the **Outline Construction Environmental Management Plan (Outline CEMP) [REP3-013 and 014]** would remain the same as originally proposed. The main contractor would prepare a Materials Management Plan containing the updated material quantities as part of the CEMP prior to commencement of the Scheme.

These changes to the earthworks strategy would not involve additional land and the Applicant does not consider that there would be any new or changed environmental impacts as a result.

### **Change 2 – Stabilisation Works**

The Stabilisation Works include works on the north bank of the River Coquet in order to stabilise the proposed bridge and existing bridge within Part A. The works would consist of the following:

- a. The installation of three rows of piles in the north bank of the River Coquet, which would require the Order limits to be extended;
- b. The installation of temporary river training and permanent erosion protection measures on the north bank;
- c. A total of 0.28 ha of land outside the existing Order limits of Part A would be required as a working area for the installation of the piles and access to works, as well as for the carrying

out of the erosion protection measures. The **Land Plans** [APP-006] are updated to reflect this change and submitted at Deadline 4 of the Examination. This area of land would be planted in accordance with the revised **Ancient Woodland Strategy Part A** [APP-247] for the proposed changes to the Scheme (as submitted at Deadline 4 of the Examination), and therefore, as a worst-case, would be required permanently to enable appropriate management and maintenance of the woodland; and

d. As the installation works would lead to the loss of 0.28 ha of woodland within the Coquet River Felton Park Local Wildlife Site (LWS), there would also be a requirement for 3.1 ha of additional permanent land to facilitate compensatory habitat outside the existing Order limits of Part A. This has been calculated at a rate of 1:12 (loss/creation) ratio for the purpose of woodland compensation. The **Land Plans** [APP-006] are submitted at Deadline 4 of the Examination to include the additional area for boundary works to the woodland, totalling 3.3 ha.

It has been determined that there is a requirement to temporarily install temporary river training works to permit the piling platform to be formed and, to protect the bridge foundations from hydraulic action, scour protection measures are required to maintain the integrity of the proposed design. The scour protection would extend beyond the existing Order limits of Part A, requiring an extension to the Order limits.

The construction works associated with the Stabilisation Works would last approximately six months, with the piling works taking place in summer 2022. During this time, the construction works would include the formation of access to the work area (including any site clearance required) and the preparation of piling platforms and access routes to these, for the installation of the Stabilisation Works. The Stabilisation Works would also involve the creation of a dry area to allow reparation of the riverbed to accept river training works. The installation of temporary river training works is expected to take approximately four weeks and would likely be in place for approximately 16 months (July 2022 until November 2023).

Further details of the stabilisation works are described in **Chapter 2: Stabilisation Works** of **ES Addendum: Stabilisation Works for Change Request**, **2.3 Works Plans for Change Request** and **2.4 General Arrangement Plan for Change Request**, all submitted at Deadline 4 of the Examination.

### **Change 3 – Southern Access Works**

The Southern Access Works include the provision of a temporary access to the southern bank of the River Coquet by crossing the river from the temporary working area on the northern bank, as extended in order to accommodate the Stabilisation Works. This would be instead of creating an access track down the southern river embankment as described in **Chapter 2: The Scheme** of the **ES** [APP-037]. In addition, it is anticipated that there would be some temporary river training works along the southern riverbank. Additional permanent rights outside the existing Order limits of Part A would be required to facilitate the river crossing. In addition, the Applicant has determined the need for additional permanent scour protection on the southern bank in light of the latest ground investigation information, taking

into account the presence of scour protection for the existing pier and the results of a preliminary hydraulic assessment of distributed design flows and velocities within the river corridor.

The Southern Access Works would involve the creation of a dry area to allow reparation of the riverbed to accept the temporary river training works and the permanent scour protection. Additional permanent acquisition within the existing Order limits currently identified as temporary land take would be required. It is expected that the works would begin in July 2022, with removal of the temporary works, including the temporary bridge, following construction being completed by early 2024.

Further details of the Southern Access Works are described in **Chapter 2: Southern Access Works** of **ES Addendum: Southern Access Works, 2.3 Works Plans for Change Request** and **2.4 General Arrangement Plan for Change Request**, submitted at Deadline 4 of the Examination.

It is the Applicant's view that Change 1 is a non-material change in that it does 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 Changes 2 and 3 will be a material change as they will require a permanent extension to the Order Land, in order to secure the stability of the north bank of the River Coquet Valley (Change 2) and to enable the stabilisation works to be carried out (Change 3). Therefore, the CA Regulations will apply for the new plots of land.

The amendments to the land affected by compulsory acquisition as a result of the changes sought are set out in the Table 2.1 below.

**Table 2.1**

Plot	Description of Change
<b>Northern Bank</b>	
9/2i	Changed from permanent acquisition of rights to permanent acquisition
9/2ii	New plot for additional permanent acquisition of land on the northern bank
9/2iii	New plot created to show permanent acquisition of rights due to split in plot 9/2i which has changed to permanent acquisition
9/6m	Changed from permanent acquisition of airspace and rights to permanent acquisition

Plot	Description of Change
9/13e	Changed from permanent acquisition of airspace and rights to permanent acquisition
9/13j	Changed from permanent acquisition of rights to permanent acquisition
9/13jj	New plot for additional permanent acquisition of land on the northern bank
<b>River Coquet</b>	
9/13ii	New plot for additional permanent acquisition of rights over the River Coquet
<b>Southern Bank</b>	
9/13c	Changed from permanent acquisition of airspace and rights to permanent acquisition
9/13h	Reduction in area of permanent acquisition of rights due to additional land required for permanent acquisition
9/13hh	New plot for additional permanent acquisition of land on southern bank
<b>Compensatory Habitat</b>	
9/1a	Increase in area of temporary possession due to additional land required for permanent acquisition
9/1bb	New plot for additional permanent acquisition of land
9/1d	Reduction in area of permanent acquisition of rights due to additional land required for permanent acquisition

This letter follows the guidance provided by the Examining Authority (the 'ExA') in its Response to Proposed Changes to DCO letter issued on 11 January 2021 [PD-007] 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 10 December 2020, prior to the Preliminary Meeting on 15 December 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 December 2020 [AS-018]. No major design changes have been made to the Scheme which have required updates to this document since it was submitted.



A non-statutory consultation was held on all three changes and the additional land between 29 January 2021 and 25 February 2021. Whilst this is not statutorily required, this was carried out in accordance with the ExA's advice in their Response to Proposed Changes to DCO letter issued on 11 January 2021 [PD-007] and 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 2008 Act, those deemed to be 'affected persons' by the CA Regulations and adjacent residents and businesses. Further details of the non-statutory consultation is provided in the Consultation Statement submitted at Deadline 4.

This request 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 request for Change are as follows:

- Environmental Statement Addendum: Earthworks Amendments for Change Request
- Environmental Statement Addendum: Earthworks Amendments – Non-Technical Summary for Change Request
- Environmental Statement Addendum: Stabilisation Works for Change Request
- Environmental Statement Addendum: Stabilisation Works Non-Technical Summary for Change Request
- Environmental Statement Addendum: Southern Access Works for Change Request
- Environmental Statement Addendum: Southern Access Works - Non-Technical Summary for Change Request
- Ancient Woodland Strategy (clean) for Change Request
- Ancient Woodland Strategy (tracked) for Change Request
- Landscape Mitigation Masterplan Part A for Change Request
- Landscape Mitigation Plan Part B for Change Request
- Updated Case for the Scheme (clean) for Change Request
- Updated Case for the Scheme (tracked) for Change Request
- Updated NPS Accordance Table (clean) for Change Request
- Updated NPS Accordance Table (tracked) for Change Request
- Updated Statement of Reasons, Figure 3.38, Annex A & B (clean) for Change Request
- Updated Statement of Reasons, Figure 3.38, Annex A & B (tracked) for Change Request
- Updated Book of Reference (clean) for Change Request
- Updated Book of Reference (tracked) for Change Request
- Schedule of changes to the Book of Reference for Change Request
- Change Request Covering Letter
- Updated Habitat Regulations Assessment Report (clean) for Change Request
- Updated Habitat Regulations Assessment Report (tracked) for Change Request
- Consultation Statement for Change Request
- draft Development Consent Order (clean) for Change Request



- draft Development Consent Order (tracked) for Change Request
- Schedule of changes to draft Development Consent Order for Change Request
- Water Framework Directive Addendum for Change Request
- Biodiversity No Net Loss Assessment for the Scheme (clean) for Change Request
- Biodiversity No Net Loss Assessment for the Scheme (tracked) for Change Request
- Land Plans - Sheets 9 and 10 of 19 for Change Request
- Works Plans - Sheets 9 and 10 of 19 for Change Request
- General Arrangement Drawings for Change Request
- Rights of Way Plan - Sheets 9 and 10 of 19 for Change Request
- Traffic Regulation Plan - Sheets 9 and 10 of 19 for Change Request
- Vegetation Clearance Plans for Change Request
- Existing And Proposed Carriageway Area Within Order Limits Plans for Change Request
- Proposed Highway Adoption and Maintenance Responsibilities for Change Request
- Written Scheme of Investigation for an Archaeological Trial Trench Evaluation (Clean) for Change Request
- Written Scheme of Investigation for an Archaeological Trial Trench Evaluation (Tracked) for Change Request

Discussions with Environment Agency and Natural England are ongoing for the change requests relating to the River Coquet in terms of modelling and compensation. It is intended that further information, in relation to hydraulic modelling, will be submitted at Deadline 8 of the Examination.

#### **4. REASONS FOR CHANGE TO APPLICATION**

##### **Earthwork Amendments (Change 1)**

The Applicant proposes to maximise the re-use of materials (via excavation, deposition and temporary storage), within the existing Scheme extents. A recent review of the earthworks strategy has identified an opportunity to reduce earthwork movement and as a result greater flexibility in temporary and permanent storage of Site won material is required to achieve this.

Details of the proposed design change and the benefits are provided in Chapter 2 of the Summary of Proposed Changes to the Application December 2020 [AS-018].

The main benefits of this proposed change would be:

- a. Greater flexibility during construction to reduce road haul and offsite disposal, therefore reducing vehicle emissions including greenhouse gas.
- b. Greater flexibility during construction to reduce the importation of material, therefore reducing vehicle emissions including greenhouse gas.
- c. By keeping the majority of material transportation within the Site, vehicle movements between Part A and Part B and for disposal, would be minimised, reducing construction traffic.

- d. Where constructed, the addition of new bunds would provide positive impacts in integrating the earthworks into the landscape and immediate landform.
- e. Where constructed, the addition of new bunds would facilitate screening for sensitive receptors near the A1, especially during initial woodland establishment, softening the appearance.
- f. The increase in height of soil bunds already proposed would facilitate better screening of the A1, especially during the woodland establishment, softening the appearance.
- g. Uplift / slackening of slopes would provide positive impacts in integrating the earthworks into the landscape and immediate landform.
- h. Infilling of junction “bowls” would achieve better integration with the existing landform.

An environmental sensitivity assessment was carried out for the Earthworks Amendments 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 ES submitted as part of the DCO Application [APP-035 to APP-336]. The assessment (document reference: 6.36) concluded that overall the Earthworks Amendments would not alter the findings of the submitted ES [APP-035 to APP-336] with effects predicted that would be comparable to those assessed previously.

The Applicant considers that the Earthworks Amendments constitute a non-material change, given that there are no significant differences in environmental effects as a result of the proposed change. The Earthworks Amendments are deliverable within the existing limits of deviation shown on the Works Plans [APP-007] (revised Works Plan are submitted at Deadline 4 of the Examination) and described in a revised draft DCO relevant to the Change Request. No additional rights over land are required and therefore the additional land requirements under the CA Regulations would not apply.

### **Stabilisation Works– Part A (Change 2)**

The Applicant proposes to carry out stabilisation works on the north bank of the River Coquet following a review of the ground investigation works undertaken earlier in 2020, which has identified that the north slope of the River Coquet Valley is suffering from instability which, without treatment, could cause a failure in the slope during the construction and operation of the new bridge and could also have a detrimental impact on the existing bridge structure.

In order to stabilise the proposed bridge and existing bridge within Part A, the proposed solution is that it would comprise spaced bored piles, ensuring the stability of the northern valley sides and allowing new pier foundations to be installed.

The Applicant has determined that in light of the assessed bank river velocities likely to be experienced there is a requirement to protect the bridge foundations from hydraulic action and that scour protection measures are required to maintain the integrity of the proposed design. The Stabilisation Works on the slope would, therefore, include scour protection along the river's edge on the north bank of the River Coquet to provide erosion protection to

the lower stabilisation piles to avoid the need for further maintenance works during the design life of the structure, which is 120 years.

Due to the assessed river bank velocities, should the erosion protection measures only be installed along the riverside within the existing Order limits of Part A, it is highly likely that further significant engineering interventions, such as additional piling, and erosion protection measures would be required in the future to protect the new bridge foundations from undermining and slope instability. Access to the slope would need to be created following construction of the new bridge, requiring further land take and potential significant effects on a sensitive environment. Therefore, as shown in **Figure 1: Stabilisation Works** in **Appendix A: Figures** of the **ES Addendum: Stabilisation Works for Change Request**, the scour protection would extend beyond the existing Order limits of Part A, requiring an extension to the Order limits for this purpose also.

As the installation of the stabilisation works would lead to the loss of 0.28 ha of woodland within the Coquet River Felton Park Local Wildlife Site (LWS), there would also be a requirement for 3.1 ha of additional permanent land to facilitate compensatory habitat outside the existing Order limits of Part A. Details of the proposed design change and the benefits are provided in **Chapter 2** of the **Summary of Proposed Changes to the Application December 2020 [AS-018]**.

The main benefits of this change would be to:

- a. Stabilise the northern slope such that the new bridge foundations are not adversely impacted by slope instability movement.
- b. Stabilise the northern slope such that the existing bridge is not impacted by slope movement in the future.
- c. Provide a position from which traditional foundations can be constructed for the northern pier and abutment.
- d. Provide stabilisation of the slope such that the new bridge would not be destabilised.

An environmental sensitivity assessment was carried out on the proposed Stabilisation Works to identify if there would be any significant effects as a result of the proposed change that differ from the ES [**APP-035** to **APP-336**] submitted as part of the DCO Application. The assessment (document reference: 6.38) concluded that overall the Stabilisation Works would result in an additional significant effect for Biodiversity, Road Drainage and the Water Environment and Cross-topic Combined Effect compared to those previously presented in the submitted ES [**APP-035** to **APP-336**]. The new significant effects relate to the permanent loss of the riverbank along the northern bank of the River Coquet (part of the River Coquet and Coquet Valley Woodlands SSSI) as a result of the construction of the permanent scour protection.

It is the Applicant's view that the additional land would equate to a material change, as the changes would give rise to 'additional land requirements' under the CA Regulations and would require an extension of the current Order limits. The section 42(1)(d) persons who are 'affected persons' whose land will be subject to compulsory acquisition powers are identified

in **Appendix A Table 3** of the **Consultation Statement** submitted at Deadline 4 of the Examination. 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 is therefore required. Further information on how the Applicant proposed to comply with the requirements of the CA Regulations is provided in section 4 of this letter.

### **Southern Access Works (Change 3)**

The Applicant proposes to amend the DCO to provide a temporary access to the southern bank of the River Coquet by crossing the river from the temporary works on the northern bank using a temporary bridge, instead of creating an access track down the southern river embankment as described in **Chapter 2 The Scheme [APP-037]**. In addition, it is anticipated that there would be some temporary river training works along the southern riverbank. Permanent rights across the River Coquet outside the existing Order limits of Part A would be required as a working area to facilitate the river crossing and to maintain scour protection.

In addition, the Applicant has determined the need for additional permanent scour protection on the southern bank in light of the latest ground investigation information, taking into account the presence of scour protection for the existing pier and the results of a preliminary hydraulic assessment of distributed design flows and velocities within the river corridor. Given prevailing ground conditions, such protection is required in order to provide consistency with the existing structure which includes scour protection of the pier.

The additional land is approximately 0.09ha in size and is shown as plot 9/13ii on the Land Plans [ref 2.2], Revision 1 submitted at Deadline 4 of the Examination.

Details of the proposed design change and the benefits are provided in Chapter 2 of the Summary of Proposed Changes to the Application December 2020 [AS-018].

The main benefits of this change would be to:

- a. Reduce impact on the southern bank of the River Coquet and Coquet Valley Woodland Site of Special Scientific Interest (SSSI) by removing the need for vehicular access from the south.
- b. Reduce long-term impact to southern escarpment landscape.
- c. Reduced spread of construction activity over the area, leaving some areas undisturbed and increasing coppicing only activity as opposed to full clearance to reduce disturbance to the River Coquet and Coquet Valley Woodland SSSI and ancient woodland. This undisturbed area equates to circa 500 m<sup>2</sup>. The additional area over the river is 360 m<sup>2</sup>, showing a net benefit of 140 m<sup>2</sup>.
- d. Assure the structural integrity of the new pier from the risk of channel movement over the design life.

e. Offer protection to the reinstated ground disturbed by the construction works close to the river edge.

An environmental sensitivity assessment was carried out for the proposed Southern Access Works to identify if there would be any significant effects as a result of the proposed change that differ from the ES [APP-035 to APP-336] submitted as part of the DCO Application. The assessment (document reference: 6.40) concluded that overall the Southern Access Works would result in an additional significant effect for Biodiversity, Road Drainage and the Water Environment and Cross-topic Combined Effect compared to those previously presented in the submitted ES [APP-035 to APP-336]. The new significant effects relate to the permanent loss of the riverbank along the northern and southern bank of the River Coquet (part of the River Coquet and Coquet Valley Woodlands SSSI) as a result of the construction of the permanent scour protection.

It is the Applicant's view that the additional land would equate to a material change, as it requires permanent land outside the existing Order limits of Part A as a working area to facilitate the river crossing. This new land 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 submitted at Deadline 4. 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 is therefore required. Further information on how the Applicant proposes to comply with the 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. The Applicant considers that Change 1 is a non-material change – alone and in combination. However, Changes 2 and 3 are considered to be a material change, but not changes which alter the substance of the application.

The material change request for Change 2 would involve the expansion of existing Order limits of Part A in order to carry out the piling works and bank scour protection. In addition, as the installation works would lead to the loss of woodland within the Coquet River Felton Park LWS, there would also be a requirement for additional permanent land to facilitate compensatory habitat outside the existing Order limits of Part A.

Given the amendment of the Order limits will require a permanent extension to the Order land within the scope of compulsory acquisition, this change goes beyond what can be considered non-material in the facts and circumstances of this Application.



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 acquisition of additional ground to provide a small permanent working area to facilitate the river crossing. Additional permanent rights would be required for the installation of the temporary bridge.

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 2008 Act. Given that the changes proposed are for a permanent working area and temporary access, the Applicant considers that the changes proposed do not alter the substance of the Scheme applied for. The changes are in relation to the engineering operations which are required to deliver the bridge over the River Coquet as a result of additional information on ground conditions. This bridge is already part of the Scheme and there is therefore no change to the scope of the development which is proposed by the Scheme.

## **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 workings (Change 2 and Change 3) and temporary access (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) for Change Request
- Updated Book of Reference (tracked changes)
- Updated Book of Reference (schedule of changes)
- Land Plans – Sheets 9 and 10 of 19 for Change Request
- Updated Statement of Reasons, Fig 3.38, Annex A and B (clean) for Change Request

## **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. A proposed draft timeline for the ExA is set out in the Table 7.1 below. Negotiations are still ongoing with the landowner and this will govern the applicability of the CA Regulation procedural route. Agreement of the landowner is expected promptly following this submission but we have included the proposal if such consent is not forthcoming.

**Table 7.1**

<b>Procedure</b>	<b>Deadline</b>
Deadline for decision on acceptance of change request	9 April 2021
Notice to affected persons	12 April 2021
First newspaper notice	15 April 2021
Second newspaper notice	22 April 2021
Deadline for representations	20 May 2021
Submission of Hydraulic modelling & geomorphological information to ExA	25 May 2021 Deadline 8
Issue of updated examination timetable and preliminary consideration of issues by ExA	3 June 2021
Issue of written questions by ExA	3 June 2021
Notification of hearing date by ExA (if required)	3 June 2021
Deadline for written representations and responses to written questions	10 June 2021
Date for response to written representations and comments on responses to written questions	17 June 2021
Hearing date (if required)	24 June 2021
Deadline for post hearing submissions	2 July 2021 (existing deadline 11)



## **Landowner Consent Obtained**

It is the Applicant's preferred solution to obtain landowner consent for the acquisition of the additional land described in changes 2 and 3 above. 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 on 12 March 2021 (at Deadline 4). 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 9 April 2021.

Non-statutory consultation was undertaken between 29 January 2021 and Thursday 25 February 2021 and the relevant landowners with an interest in 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 on 12 March 2021 at (Deadline 4) and a procedural decision by the ExA is due within 28 days of that request, on 9 April 2021.

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. As set out in the proposed draft timeline for the Inspector, **Summary of Proposed Changes to Application [AS-017]**, the Applicant has already engaged in non-statutory consultation with the landowners of the affected plots between 29 January 2021 and 25 February 2021 and proposes to engage in a further 28-day minimum period of statutory consultation. 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 15 April 2021. The 28-day period for publication consultation would expire on 20 May 2021. 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.

- Clear description of the proposed change - refer to Summary of Proposed Changes to the Application December 2020.
- Statement setting out the rationale and pressing need for making the change – refer to section 2 of this Letter.
- Tracked change version of draft DCO and tracked change version of Explanatory Memorandum.
- Clean version of the draft DCO and tracked change version of the Explanatory Memorandum.
- Confirmation that the CA Regulations apply, and the information required by Regulation 5 is provided – refer to section 4 of this letter.
  
- Addendums to the ES for the changes to the Scheme:
  - ES Addendum: Earthworks Amendments
  - ES Addendum: Earthworks Amendments – Non-Technical Summary
  - ES Addendum: Stabilisation Works
  - ES Addendum: Stabilisation Works – Non-Technical Summary
  - ES Addendum: Southern Access Works
  - ES Addendum: Southern Access Works – Non-Technical Summary
- Consultation Statement 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.

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,



[REDACTED]

Project Manager

Highways England

Email: [REDACTED] [@highwaysengland.co.uk](mailto:[REDACTED]@highwaysengland.co.uk)

© Crown copyright 2020.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

write to the **Information Policy Team, The National Archives,**

**Kew, London TW9 4DU**, or email

[psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This document is also available on our website at [www.gov.uk/highways](http://www.gov.uk/highways)

If you have any enquiries about this document  
[A1inNorthumberland@highwaysengland.co.uk](mailto:A1inNorthumberland@highwaysengland.co.uk)

or call **0300 470 4580\***.