

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.23 Applicant's Response to Procedural Decision on Changes to the Application

Rule 8(1)(c)

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

April 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]

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Changes to the Application**

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1 APPLICANT'S RESPONSE TO PROCEDURAL DECISION ON CHANGES TO THE APPLICATION

1.1 INTRODUCTION

- 1.1.1. This document relates to an application for a Development Consent Order (DCO) made on 7 July 2020 by Highways England (the 'Applicant') to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act'). If made, the DCO would grant consent for the A1 in Northumberland: Morpeth to Ellingham (the 'Scheme').
- 1.1.2. The Scheme comprises two sections known as Part A: Morpeth to Felton (Part A) and Part B: Alnwick to Ellingham (Part B), a detailed description of which can be found in Chapter 2: The Scheme, Volume 1 of the Environmental Statement (ES) [APP-037].
- 1.1.3. The Applicant has also submitted a request for changes to the Application as described in the Change Request Letter [REP4-034].
- 1.1.4. The purpose of this document is to set out the Applicant's response to the Examining Authority's Procedural Decision on the Proposed Changes to the Application issue under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 [PD-013]. Specifically, it provides response to the questions to the Applicant therein.

Table 1-1 – Applicant's Response to Procedural Decision on Changes to the Application

Ref. No.	Question to:	Question:	Applicant's Response:
1	The Applicant	Table 7.1 of the Change Request Letter [REP4-034] indicates that the submission of hydraulic modelling and geomorphological information to the ExA would be on 25 May 2021 which is D8. The Applicant is asked to provide this information by D7, Tuesday 11 May 2021 to allow sufficient time for IPs to comment on it and for the ExA to consider the issues which it raises within the Examination timetable.	<ol style="list-style-type: none"> The Applicant will provide hydraulic modelling and geomorphological information to the ExA by Deadline 7. This modelling will not at that stage have been subject to verification by the Environment Agency, who will need to provide that verification via the examination. The following process is anticipated for the preparation and delivery of these data: <ul style="list-style-type: none"> Provision of baseline modelling to the Environment Agency (EA) by 16th April Workshop (week commencing the 19th April) with the EA review team to provide an overview of the model and to facilitate understanding of the model build process and associated parameters and resolve any initial queries The final hydraulic model and accompanying report will be provided to the EA by the 23rd April The Applicant is assuming a 5-week period for model review by the EA but hopes to undertake an iterative and collaborative approach to the review, such that it can address points as they arise. Assuming a five week review period, by Deadline 7 (11th May) the EA are unlikely to have completed their review and therefore would not be able to comment publicly on the model but would be able to comment on the submitted Modelling report and Geomorphological Assessment at Deadline 8. The Applicant's preference is for submission at Deadline 8, to account for any comments received from the EA (should they be available at this time) based on the progress of their review. However, it is acknowledged that an earlier submission will allow others to engage with the modelling and analysis at an earlier stage.
2	The Applicant and the Environment Agency	The Applicant is asked to explain why it was not possible to submit the hydraulic modelling and geomorphological information at D4 alongside other change request submissions. Furthermore, the Applicant is asked to confirm the extent of dialogue it has had with the Environment Agency on this matter since Issue Specific Hearing (ISH)2 on Thursday 25 February. The Environment Agency is asked to confirm the extent of dialogue which it has had with the Applicant since ISH2 and to confirm when it expects to have receipt of the necessary hydraulic modelling and geomorphological information in order to assess the impacts of the proposed changes.	<ol style="list-style-type: none"> The need for the change request came to light in July 2020 after submission of the application. Ongoing discussion and the nature of the works meant that discussions with Environment Agency were held in November 2020 when confirmation was received from the Environment Agency that a full hydraulic model was required as a result of the change request. Bathymetric survey data is required as input data to the hydraulic model. Delays to completion of the bathymetric survey as a result of inclement weather and safety risks associated with high river flows, meant it was not possible to build and run the hydraulic model and for the results to inform the geomorphology assessment reported in the ES addendums in time for Deadline 4. In place of the hydraulic model, preliminary hydraulic assessment was undertaken in the form of Manning's calculations and this data was used to inform the geomorphology assessment reported in the ES addendums submitted at Deadline 4. It is the expectation that the hydraulic modelling will not substantially alter the geomorphology assessment, but rather will provide a refinement/confirmation of the data upon which the assessment is based. A meeting was held between the EA and the Applicant on 4th March. The content of this meeting is summarised in the ES addendums submitted at Deadline 4. Hydrology information was issued to the EA on 10th March, with comments returned to the Applicant on 18th March. These timescales were agreed between the Applicant and the EA, prior to issue of the hydrology information. The hydrology information is required as input data to the hydraulic model.
3	The Applicant	Table 7.1 of the Change Request Letter [REP4-034] provides a draft timetable which envisages a number of tasks (issue of updated examination timetable and preliminary consideration of issues by ExA; issue of written questions by ExA; and notification of hearing date by ExA (if required)) occurring on 3 June 2021. What is the basis of setting the date of 3 June? What would be the implications of bringing this date forward to 21 or 24 May?	<ol style="list-style-type: none"> The date of 3 June was proposed to allow some time after the submission of representations (proposed on 20 May) and hydraulic modelling (originally proposed on 25 May) for the ExA to consider the implications of these documents before issuing written questions. If the date for issuing questions is brought forward then that reduces the time which the ExA has to consider representations in advance of issuing the questions but, given that the issues would be more narrowly focussed, it is considered that this would be manageable. If, as the ExA proposes in Q1,

			the hydraulic modelling and geomorphological information is supplied at Deadline 7 then that would obviously give more time for the ExA to review this material before issuing the questions.
4	The Applicant	Table 7.1 of the Change Request Letter [REP4-034] envisages a hearing date (if required) of 24 June with a deadline for post hearing submissions of 2 July 2021. With the Examination closing no later than 5 July, such dates would not allow IPs to comment on post hearing submissions or any other information requested by the ExA at the hearing. Should the notification of hearing be brought forward to 21 or 24 May, why could a hearing not take place during the week beginning 14 June?	<ol style="list-style-type: none"> 1. The proposed procedure is based on that followed by the ExA for the A1 Birtley to Coal House DCO. In that examination, an application for a change request was allowed and the ExA held hearings in relation to the change request on 13 July 2020 and set a deadline of 17 July for written summaries of oral contributions at hearings. The examination closed on 21 July and the ExA did not consider it necessary to set a further deadline for comments on the written summaries. Clearly, if the notification of the hearing was issued on 21 or 24 May then the hearing could take place in the week of 14 June and there would be an additional week for post hearing submissions if the ExA considered that necessary.
5	The Applicant	Should the Environment Agency not be in a position to provide a substantive response to the hydraulic modelling and geomorphological information by the end of the Examination how would the Applicant envisage that the ExA and Secretary of State address this matter?	<ol style="list-style-type: none"> 1. The Applicant and EA have discussed timescales for review of the hydraulic model with a collaborative approach. This approach will provide the opportunity for any arising queries to be addressed within the EA review period. These timescales should afford the EA the opportunity to provide comments on the modelling and geomorphological information by the end of the Examination.
6	The Applicant	Will any other application documents need to be revised on receipt of the hydraulic modelling and geomorphological information, such as the Flood Risk Assessment? What would be the timetable for further revisions and what would be the implications if they were not completed within the Examination timetable?	<ol style="list-style-type: none"> 1. The Applicant does not anticipate that the additional information will change the findings of the geomorphological assessment that there are no significant effects as set out in Environmental Statement Addendum: Stabilisation Works - Rev 1 [REP4-063] and Environmental Statement Addendum: Southern Access Works - Rev 1 [REP4-064]. The further modelling will be submitted as a technical report in support of the findings. It is therefore not considered likely that documents submitted at Deadline 4 for the Change Request relating to the additional geomorphological assessment will need to be updated and re-submitted. It should also be noted that the findings of Environmental Impact Assessment - River Coquet Geomorphology Modelling Assessment [REP3-009] which assesses the Parameter 10 movement of the bridge piers and found no significant change in the effects, were accepted by the Environment Agency [REP4-076]. 2. With regard to the Flood Risk Assessment (FRA), the Environment Agency have stated in [REP-076] that: The Flood Risk Addendum [REP1-067] now discusses the possibility of moving the piers of the proposed bridge structure over the River Coquet. The Addendum states that during a 1 in 1000 year flood event the calculated increase in depths is 0.25m. Although any increase should be avoided, and ideally flood risk should be reduced, there is no increase in risk to any receptors up or downstream. Therefore, we have no flood risk concerns in this regard. 3. The nearest vulnerable flood risk receptors are Shothaugh Farm High Cottage and Otter House located approximately 800 m upstream of the River Coquet bridge at an estimated elevation of 44.4 m AOD. The analysis indicates that this receptor remains 7.45 m above the estimated 1 in 1000 year event peak water level. The risk to construction workers however, will increase as a result of a temporarily constrained channel caused by the bank retaining structures and the risk of the temporary bridge becoming blinded with debris. Notwithstanding this we consider that the flood risks associated with construction are suitably mitigated through a flood management plan and flood warning system/service involving evacuation of staff and equipment where safe and appropriate to do so. 4. It remains the Applicant's view that an updated FRA addendum should not be required; notwithstanding this, should the Environment Agency insist that a FRA is prepared, this will be submitted with the additional geomorphological information at Deadline 8 (or Deadline 7 if that is the ExA's preference) and the Applicant's opinion is that the assessment findings are likely to result in no significant effects being identified, any changes would be minor and procedural in nature and deliverable within the timescales of the hearing. 5. In the event that there is a need to provide a revision of any documents following the submission of the additional geomorphological information then for the reason set out above, the Applicant considers that these would be likely to be minor in nature. The proposed procedural timetable includes provision for exchange of submissions on representations and the Applicant does not foresee a difficulty in undertaking any necessary revisions within the scope of this timetable.

7	The Applicant	<p>The Applicant confirmed [AS-017] that the Proposed Development is deliverable without the changes to the temporary and permanent earthworks. Further ground investigations have identified slope instability on the north bank of the River Coquet Valley, as set out in the Change Request Letter [REP4-034]. This also identifies a number of benefits of slope stabilisation works but the need for such works is not explicit. The Applicant is asked to confirm whether the Proposed Development is deliverable without Change 2 and Change 3.</p>	<ol style="list-style-type: none"> 1. The Applicant agrees that the Scheme can be delivered without changes to the temporary and permanent earthworks. 2. The review of the geological and geotechnical information, including the reporting of the ground investigation works undertaken between January and July 2020, has identified that the north slope of the River Coquet Valley is suffering from instability. Without treatment this 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 as well as the proposed new bridge. The stabilisation works proposed in Change 2 as set out in Environmental Statement Addendum: Stabilisation Works - Rev 1 [REP4-063] are considered by the Applicant to be essential because, without these works to be protect the pier, the 120 year life of the structure could not be assured. If the bridge was built without those works then, in addition to the risk of slope failure future interventions and maintenance operations would be required throughout the 120 year design life of the structure. Such operations would have the potential for further environmental impact in a sensitive area. 3. With regard to scour protection specifically; while the Scheme could be constructed without scour protection on the northern bank, over time, the Applicant's assessment is that erosion would expose the retaining stabilisation piles leading to their design integrity being compromised. There would therefore be a need to make multiple interventions in order to reconstruct the bank to protect the stabilisation piles over the life time of the bridge. Again, recognising the sensitivity of the location, the Applicant considers that undertaking the scour protection work as part of the bridge construction works would be the least environmentally intrusive option. 4. The part of Change 3 as set out in Environmental Statement Addendum: Southern Access Works - Rev 1 [REP4-064], relating to the temporary access bridge is not considered essential by the Applicant although the benefits generated by the construction methodology in relation to the form of the southern bank i.e. the need to excavate a access route within the SSSI, would not be realised if this option is not available.. 5. With regard to scour protection on the southern bank,, the Scheme is technically deliverable without it, but would require ongoing inspection and maintenance similar to the issues highlighted on the north bank. However, the Applicant's assessment indicates that it is probable that there would be a need to make multiple interventions in order to reconstruct the bank to protect the piers and their foundations over the life time of the bridge within a SSSI. Again, the Applicant considers that undertaking the scour protection work as part of the bridge construction works would be the least environmentally intrusive option.
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