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To all Interested Parties and  
Statutory Parties

Our Ref: TR010059  
Date: 9 April 2021

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Dear Sir/Madam,

**Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) – Rule 8(3) and Rule 9**

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

**Procedural Decisions and Amended Examination Timetable**

I am writing to advise of Procedural Decisions taken by the Examining Authority (ExA) and changes to the Timetable for the A1 in Northumberland – Morpeth to Ellingham Examination. This follows Highways England's (the Applicant) initial notification of its intention to make changes [PDA-001 and PDA-003] and the subsequent procedural advice the ExA issued in its letter dated 11 January 2021 [PD-009].

You have received this letter because the law requires that where an Examination Timetable is changed, all persons already involved in the Examination together with all persons entitled to be notified of the acceptance and Examination arrangements for the application, must be notified.

The Applicant submitted a change request to the ExA at Deadline (D)4. This is contained in submissions referenced in the Examination Library at [REP4-034] to [REP4-073a]. The ExA reflected on matters raised by the submissions and sought further information and comments under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) from both the Applicant and the Environment Agency [PD-013]. Responses were sought by D5, 1 April 2021. Other Interested Parties (IPs) were also provided with an opportunity to respond. Any IP

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wishing to comment on information submitted in response to this request at may do so by Friday 16 April.

The Applicant responded to the Rule 17 letter [REP5-032] as did the Environment Agency [REP5-044] at D5 as requested.

The request has three elements to it which are described in the Change Request Letter [REP4-034] as follows:

**Change 1: Earthworks Amendments.** Changes to temporary and permanent earthworks within the Order limits along both Part A and Part B in order to reduce earthwork movement. These changes would not involve additional land and the Applicant does not consider that there would be any new or changed environmental impacts as a result.

The Applicant's reasoning for this proposed change is 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.

**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. They include the installation of three rows of piles in the north bank of the River Coquet, which would require the Order limits to be extended with a total of 0.28 ha of land outside the existing Order limits required as a working area for the installation of the piles and access to works. Works also include the installation of temporary river training and permanent erosion protection measures on the north bank. As the installation works would lead to the loss 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.

The Applicant's reasoning for this change follows from a review of the ground investigation works undertaken earlier in 2020, which 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 both the proposed and existing bridges within Part A, the suggested solution would comprise spaced bored piles, ensuring the stability of the northern valley sides and allowing for 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 consequently scour protection measures are required to maintain the integrity of the proposed design. 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

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slope would need to be created following construction of the new bridge, requiring further land take and potential significant effects on a sensitive environment.

**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.

The Applicant's reason for Change 3 is 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 the Environmental Statement (ES) 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 Change Request Letter [REP4-034] noted that: *"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 ExA has reviewed the information provided and assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent'<sup>1</sup> and the Planning Inspectorate's Advice Note 16<sup>2</sup> and has reached the following conclusions:

**Change 1:** The Applicant's position is that the earthwork changes do not involve a change in substance to the Scheme, that the changes fall within the existing Order limits, and do not generate new or different likely significant environmental effects or additional land requirements. Nevertheless, the extent of the earthwork changes both temporary and permanent, involving 61 areas of earthworks amendments [REP4-061]

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>

across various locations within both Part A and Part B and the scale of the proposed change, including the elimination of the need for approximately 200,000 m<sup>3</sup> of excess material being disposed offsite compared to the original ES for Part A, and the proposed reduction of imported materials of approximately 132,000 m<sup>3</sup> compared to the original ES for Part B [REP4-062], cumulatively indicates a degree of change which the ExA considers to be material. Moreover, the number of receptors likely to be affected by the proposed change leads the ExA to conclude that at this point it cannot be determined that there would be no change in the significance of environmental effects. Consequently, the ExA considers that the earthworks amendments should be considered to be a material change.

**Change 2:** The ExA agrees with the Applicant that in order to secure the stability of the north bank of the River Coquet Valley Change 2 would constitute a material change. As the scour protection measures would extend beyond the existing Order limits of Part A an extension to the Order limits would be required. Therefore, the Compulsory Acquisition Regulations will apply for the new plots of land.

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 that 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.

In addition, it is noted that the ES Addendum: Stabilisation Works [REP4-063] concludes that, although the environmental impacts of the Stabilisation Works vary between topics, overall this change to the Scheme would not alter the findings of the ES with comparable effects to those assessed previously, with the exception of Biodiversity and cross-topic combined effects. Significant effects (direct, permanent, Moderate Adverse) would occur due to the loss of riverbank habitat in the River Coquet and Coquet Valley Site of Special Scientific Interest (SSSI) as a result of the proposed hard engineered scour protection to the north banks of the river. Significant combined residual effect (Moderate Adverse) would also occur during construction as a result of both the biodiversity and road drainage and the water environment effects on the River Coquet.

The ExA is also aware that the Applicant's submission at D4 was not complete and envisaged the submission of hydraulic modelling and geomorphological information to the ExA at D8 (25 May 2021). The ExA asked a number of questions about this information in its Rule 17 letter [PD-013] and awaits its submission in order that it and IPs can consider the full effects of this proposed change.

**Change 3:** The ExA also agrees with the Applicant that Change 3 will be a material change as it too will require a permanent extension to the Order Land in order to enable the stabilisation works to be carried out. Additional permanent rights outside the existing Order limits of Part A would be required to facilitate the river crossing. Change 3 involves the addition of new land to the DCO within the scope of compulsory

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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. Therefore, the CA Regulations will apply for the new plots of land.

It is also noted that the ES Addendum: Southern Access Works [REP4-064] reported that the assessments undertaken for the biodiversity topic concluded that the impacts from the Southern Access Works would result in a new Moderate Adverse significant effect, on the River Coquet SSSI and a Moderate Adverse cross topic combined effect on the River Coquet when considering the permanent loss of natural habitat along the northern bank of the River Coquet and effects on the River Coquet from sediment regime, channel morphology and natural fluvial processes.

## Conclusion

The development now being proposed remains in substance that which was originally applied for. The ExA is 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. The ExA is also satisfied that, with the proposed submission of hydraulic modelling and geomorphological information to the ExA at D7 (11 May 2021), 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 procedural requirements of the CA Regulations.

In accordance with Regulation 6 of the CA Regulations, the ExA has decided, on behalf of the Secretary of State, to accept the proposed provisions as part of the application. In reaching this decision, the ExA is satisfied that they comply with the requirements of Regulation 5 of the CA Regulations. Details of the ExA's considerations are set out in a [Procedural Decision](#) which has been published on the project page of the Planning Inspectorate's National Infrastructure website today.

## Changes to the Examination Timetable

Following our acceptance of the Applicant's request for changes to the Proposed Development, and the necessary consultation arising from the request, it is necessary to amend the Examination Timetable. Changes are also proposed to respond to the need for additional hearing time to ensure that all outstanding requests to be heard at Open Floor Hearings (OFHs) are met, as well as issues heard at Issue Specific Hearings (ISHs) and Compulsory Acquisition Hearings (CAHs). This letter provides you with the updated Examination Timetable, which replaces the one that was included in our Rule 8 letter of 6 January 2021 [PD-008].

The Examination Timetable has been amended at items 19 to 29; please refer to **Annex A**. D5a (16 April 2021) has been inserted to provide IPs with an opportunity to comment on the responses of the Applicant [REP5-032] and the Environment Agency [REP5-044] to the ExA's Rule 17 letter of 30 March. This is a deadline in advance of

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comments on other responses submitted for D5, to provide an opportunity for those comments to be considered during the Hearings in week commencing 19 April. Hearings during the week commencing 19 April were confirmed on 22 March [PD-012] and these remain unchanged. D7 (11 May 2021) now includes the submission by the Applicant of hydraulic modelling and geomorphological information to the ExA. A new deadline, D7a (20 May 2021) is for representations in respect of Changes 1, 2 and 3. On 24 May the ExA will publish Further Written Questions (ExQ4) (if required) with any responses to these questions to be received by D8a, 4 June 2021.

The Examination Timetable provided at Annex A of the Rule 8 letter [PD-008] identified Hearings on 8 June 2021 (item 26). This has been revised for clarity in line with the draft provided in the Rule 6 letter of 19 November 2020 to show Hearings during week commencing 7 June 2021. Formal notification of Hearings to be held this week will be provided in due course.

The revised Examination Timetable also makes provision for Hearings in respect of Changes 1, 2 and 3 to take place during week commencing 14 June 2021. Formal notification of Hearings to be held this week will be provided in due course. Post hearing submissions would be required to be submitted at D10 (29 June) and comments on post hearing submissions required by D11 (2 July).

Queries regarding the content of this letter should be addressed to the Case Team using the details listed at the top of this letter.

Yours faithfully

*Kevin Gleeson*

**Lead Member of the Examining Authority**

## **Annex**

A Revised Examination Timetable

## Original timetable with variations in Red

Item	Matters	Due Dates
19.	<p><b>Deadline 5 (D5)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2 (if required);</li> <li>• Comments on responses submitted for Deadline 4;</li> <li>• An updated Guide to the Application;</li> <li>• An updated version of the dDCO in clean and tracked versions;</li> <li>• An updated Schedule of changes to dDCO;</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Progressed SoCG;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules;</li> <li>• Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	<b>1 April 2021</b>
19a.	<p><b>Deadline 5a (D5a)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted in response to the ExA's Rule 17 letter of 30 March ([REP4-032] [REP4-044]).</li> </ul>	<b>16 April 2021</b>
20.	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing(s) (if required);</li> <li>• Open Floor Hearing(s) (if required);</li> <li>• Compulsory Acquisition Hearing(s) (if required).</li> </ul>	<b>Week commencing 19 April 2021</b>
21.	<p><b>Hearing</b></p> <p>Date reserved for any:</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing (if required).</li> </ul>	<b>Tuesday 27 April 2021</b>

22.	<p><b>Deadline 6 (D6)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 5;</li> <li>• Written summaries of oral submissions to Hearings held during the week commencing 19 April 2021 and if held 27 April 2021;</li> <li>• Any post-Hearing notes requested at the Hearings;</li> <li>• Comments on the RIES (if required)</li> <li>• An updated Guide to the Application;</li> <li>• An updated version of the dDCO in clean and tracked versions;</li> <li>• An updated Schedule of changes to dDCO;</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Progressed SoCG;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules;</li> <li>• Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	<b>4 May 2021</b>
23.	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ3) (if required);</li> <li>• The ExA's proposed schedule of changes to the dDCO (if required).</li> </ul>	<b>11 May 2021</b>
24.	<p><b>Deadline 7 (D7)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to comments on the REIS (if required);</li> <li>• Comments on responses submitted for Deadline 6;</li> <li>• Updated SoCG;</li> <li>• Update Statement of Commonality for SoCG;</li> </ul>	<b>11 May 2021</b>



	<ul style="list-style-type: none"> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> <li>• Responses to any further information requested by the ExA under Rule 17 of the EPR (if required);</li> <li>• Documents and information requested by the ExA from the Applicant in the Procedural Decision dated 9 April 2021 following the Applicant's submission of proposed changes at D4, namely hydraulic modelling and geomorphological information.</li> </ul>	
24a	<p><b>Deadline 7a (D7a)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Representations on the Applicant's changes to the application received at D4.</li> </ul>	<b>20 May 2021</b>
24b	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ4) (if required).</li> </ul>	<b>24 May 2021</b>
25.	<p><b>Deadline 8 (D8)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 7;</li> <li>• Responses to ExQ3 (if required);</li> <li>• Updated SoCG;</li> <li>• Update Statement of Commonality for SoCG;</li> <li>• An updated Guide to the Application;</li> <li>• An updated Book of Reference;</li> <li>• An updated Statement of Reasons;</li> <li>• Signed and dated s106 Agreements (if required);</li> <li>• Comments on the ExA's proposed schedule of changes to the dDCO (if issued);</li> <li>• An updated version of the dDCO in clean and tracked versions;</li> <li>• An updated Schedule of changes to dDCO;</li> </ul>	<b>25 May 2021</b>

	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules (if required);</li> <li>Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	
25a.	<p><b>Deadline 8a (D8a)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Responses to ExQ4 (if required).</li> </ul>	<b>4 June 2021</b>
26.	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>Issue Specific Hearing(s) (if required);</li> <li>Open Floor Hearing(s) (if required);</li> <li>Compulsory Acquisition Hearing(s) (if required).</li> </ul>	<b>Week commencing 7 June 2021</b>
26a.	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>Issue Specific Hearing(s) (if required);</li> <li>Open Floor Hearing(s) (if required);</li> <li>Compulsory Acquisition Hearing(s) (if required).</li> </ul>	<b>Week commencing 14 June 2021</b>
27.	<p><b>Deadline 9 (D9)</b></p> <ul style="list-style-type: none"> <li>Comments on responses submitted for Deadline 8 and Deadline 8a;</li> <li>Written summaries of oral submissions to Hearings held during the week commencing 7 June 2021;</li> <li>Any post-Hearing notes requested at the Hearings.</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules (if required);</li> <li>Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	<b>15 June 2021</b>
28.	<p><b>Deadline 10 (D10)</b></p> <p>Deadline for receipt by ExA of:</p>	<b>29 June 2021</b>

	<ul style="list-style-type: none"> <li>• Written summaries of oral submissions to Hearings held during the week commencing 14 June 2021;</li> <li>• Any post-Hearing notes requested at the Hearings;</li> <li>• Finalised SoCG;</li> <li>• Finalised Statement of Commonality for SoCG;</li> <li>• Finalised Statement of Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• A finalised Guide to the Application;</li> <li>• A finalised version of the dDCO in clean and tracked versions;</li> <li>• A finalised Schedule of changes to the dDCO;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules (if required);</li> <li>• Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	
28a	<p><b>Deadline 11 (D11)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 10;</li> <li>• Any further information requested by the ExA (if required) under Rule 17 of the EPR (if required).</li> </ul>	<b>2 July 2021</b>
29.	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.	<b>5 July 2021</b>

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