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for Transport

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To: National Highways,
Northumberland Water,
Northern Power Grid,
Northumberland County
Council, Mr Hawes, Mr
Davidson

Date: 29 October 2021

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Highways England (“the Applicant”) for an Order granting Development Consent to authorise the widening of an approximately 20.6km stretch of the existing A1 between Morpeth to Ellingham, with approximately 14.5km of online widening and approximately 6.1km of new offline highway (“the Proposed Development”).

REQUEST FOR COMMENTS FROM THE APPLICANT AND NORTHUMBERLAND WATER (“NW”), NORTHERN POWERGRID (“NPG”), NORTHUMBERLAND COUNTY COUNCIL (“NCC”), MR HAWES AND MR DAVIDSON.

The Examining Authority submitted on 5 October 2021 a Report and Recommendation in respect of its findings on the above application to the Secretary of State for Transport (“the Secretary of State”). In accordance with section 107 of

the Planning Act 2008, the Secretary of State has until 5 January 2022 to make a decision on the application. I am writing in relation to some outstanding matters at the end of the Examination on which we would appreciate updated information before determining the application.

1. Request for an Update to the Environmental Information

Building on Chapter 16 of the Applicant's Environmental Statement, the Secretary of State requests that the **Applicant** provides additional information on the direct, indirect and cumulative likely significant effects of the Scheme with other existing and/or approved projects on climate, including greenhouse gas emissions and climate change adaptation; which should be set in light of the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and in light of paragraphs 5.17 and 5.18 of the National Policy Statement for National Networks.

2. Northumberland Water agreement

The Secretary of State notes that discussions were ongoing between the **Applicant** and **NW** at the close of the examination on a side agreement [\[REP11-025\]](#).

Please could the **Applicant** and **NW** provide an update on the status of the side agreement.

3. Northern Powergrid protective provisions

The Secretary of State notes that at the close of the examination an agreement on the protective provisions had not been reached [\[REP11-025\]](#).

Please could the **Applicant** and **NPG** confirm the position as regards the protective provisions? If an agreement has been reached on the drafting of the protective provisions since the close of the examination, please could the parties provide the agreed set of protective provisions?

4. Northumberland County Council agreement

The Secretary of State notes that at the close of the examination the agreement with **NCC** had not been signed [\[REP11-024\]](#).

Please could the **Applicant** and **NCC** provide an update on whether the agreement is now signed?

5. Schedule 1 Work No 5B

The Secretary of State notes the Applicant's position on the replacement access that would be provided to Northgate Farm and Capri Lodge [\[REP10-37\]](#).

Please could the **Applicant** and **relevant interested parties (including Mr Hawes on behalf of residents of Northgate Farm and Mr Davidson)** comment on the status of any further discussions about the location of the access track, and in particular on whether any agreement has been reached as to its location.

In order to provide the three alternatives in the DCO that were considered during the examination, the Secretary of State is minded to include a revised description of Work No. 5b in Schedule 1 to the proposed development consent order as follows:

Work No. 5b - a new access track being one of—
Work No. 5b(a) 832m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418254E; 588647N; or
Work No. 5b(b) 677m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418342E; 588723N; or
Work No. 5b(c) 552m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418391E; 588764N.

Please could the **Applicant**:

- (a) confirm whether the specifications of the grid references and track lengths are accurately reflected in the three options that were under consideration during the examination;
- (b) confirm that each of the options would be deliverable under the development consent order; and
- (c) provide revised versions of the relevant sheets of the Works Plans and Land Plans to show any changes that would be required?

6. Schedule 2 - Requirements 4 and 17

The Secretary of State notes NCC's position concerning the Landscape and Ecological Management Plan at item 20 of the Statement of Common Grounds between the Applicant and NCC dated July 2021.

The Secretary of State is minded to make amendments to requirement 17, which would allow the Applicant to prepare a LEMP without the relevant planning authority making a formal request. As a consequence of the change of requirement 17, the Secretary of State is minded to make further amendments to requirement 4.

Please note the following proposed modifications below:

- *Schedule 2 Requirement 4 - Construction and handover environmental management plans 4(1) No part of the authorised development is to commence until a CEMP, substantially in accordance with the Outline CEMP,*

for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.

(2) The CEMP must be written in accordance with ISO14001 and must—

(a) reflect the mitigation measures set out in the REAC;
(b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;
(c) require adherence to working hours of 07:00–19:00 Mondays to Fridays except for—

(i) night-time closures for bridge demolition and installation;
(ii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;

(iii) junction tie-in works;

(iv) removal of overhead power lines;

(v) overnight traffic management measures;

(vi) cases of emergency; and

(vii) as otherwise agreed by the relevant planning authority in advance;

(d) include the following management plans—

(i) Dust Management Plan;

(ii) Noise and Vibration Management Plan;

(iii) Site Waste Management Plan;

(iv) Environmental Control Plan: Invasive Species;

(v) Environmental Control Plan: General Ecology;

(vi) Soil Management Plan;

(vii) Surface Water Management Plan;

(viii) Control Of Substances Harmful to Health Material, Waste Storage and Refuelling Plan;

(ix) Resource Use Management Plan;

(x) Materials Management Plan;

(xi) Contaminated Land Management Plan;

(xii) Pollution Prevention Plan;

(xiii) Communications Plan;

(xiv) Public Rights of Way Management Plan;

(xv) Emergency Flood Response Plan; and

(xvi) A Signage Strategy

(3) The undertaker may prepare the management plans required by subparagraph (2) either as part of the CEMP or as free standing documents provided that any free-standing management plan must comply with subparagraph (1).

~~*(4) In deciding whether to approve a CEMP submitted in terms of subparagraph (1), the Secretary of State may require the undertaker to submit a LEMP for the further approval of the Secretary of State in respect of any specified matters, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function*~~

~~(5)~~(4) The construction of the authorised development must be carried out in accordance with the approved CEMP, any approved management plan prepared in terms of sub-paragraph (3) and the approved LEMP.

~~(6)~~(5) A HEMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP, any approved management plan prepared pursuant to sub-paragraph (3) and the approved LEMP

~~(7)~~(6) The HEMP must address the matters set out in the approved CEMP, any approved management plan prepared pursuant to sub-paragraph (3) and the approved LEMP that are relevant to the operation and maintenance of the authorised development, and must contain—

(a) the environmental information needed for the future maintenance and operation of the authorised development;

(b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and

(c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.

~~(8)~~(7) The authorised development must be operated and maintained in accordance with the HEMP.

- Schedule 2 Requirement 17 - Landscape and ecological management plan

~~17(1) No part of the authorised development is to commence until for that part~~

~~Where it appears desirable to the undertaker, in place of the relevant provisions of the CEMP, the undertaker may have prepared a single document known as a LEMP to address the management of the landscape and ecological impacts of the Scheme including— (a) environmental constraints;~~

~~(b) landscape mitigation;~~

~~(c) impacts on biodiversity; and~~

~~(d) impacts on protected species.~~

~~(2) Any LEMP which is produced~~The LEMP shall reflect the mitigation measures set out in the REAC and include a graphic representation of the measures to be implemented.

~~(3) In deciding whether to produce a LEMP and the contents of a LEMP the undertaker shall consult and have regard to the views of the relevant planning authority.~~

~~(4)~~(3) Where a LEMP is to be produced then itThe LEMP shall be submitted for the approval in writing by the Secretary of State (accompanied by any responses to consultation received under sub-paragraph (3) of this requirement); following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.

~~(5) Where a LEMP is not produced then the undertaker shall submit the consultation undertaken with the relevant planning authority in terms of sub-paragraph (3) to the Secretary of State with the CEMP in terms of sub-paragraph (1) of paragraph 4.~~

The Secretary of State invites the **Applicant** and **NCC** to comment on the proposed drafting of the amendments to requirements 4 and 17 above. Comments are not invited on the principle of the proposal.

7. Provision for Non-Motorised Users (NMUs)

The Secretary of State invites the **Applicant** and **NCC** to comment on whether there have been discussions between them since the close of the examination in relation to the provision for NMUs and if so, provide an update on any agreements reached.

The deadline for any response is 23:59 on 12 November 2021

Responses to the matters outlined in this letter should be submitted by email to A1inNorthumberland@planninginspectorate.gov.uk Given the coronavirus (COVID-19) emergency, the Planning Inspectorate is currently unable to accept hard copies of consultation responses.

Your response will be published on the project page for the A1 in Northumberland: Morpeth to Ellingham on the Planning Inspectorate website as soon as possible after the above deadline for response at:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a1-in-northumberland-morpeth-to-ellingham/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the A1 in Northumberland: Morpeth to Ellingham and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Kevin O'Hanlon