

A1 in Northumberland: Morpeth to Ellingham 7.36 Applicant's Response to Secretary of State's Request

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



Infrastructure Planning

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The A1 in Northumberland: Morpeth to Ellingham

Development Consent Order 20[xx]

Applicant's Response to Secretary of State's Request

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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 purpose of this document is to set out the Applicant's response to the Secretary of State for Transport's request for comments set out in their letter dated 29 October 2021.
- 1.1.4. We should also like to draw the Secretary of State's attention to the Applicant's change of name. Highways England is now known as National Highways. The application was submitted in the name of Highways England. Since the application was submitted the formal name of the Applicant has changed from Highways England to National Highways, following the change of company name from Highways England Company Limited to National Highways Limited on 8 September 2021. The company number and registered address remain the same. Application and Examination documents will not be updated and resubmitted to reflect this change, but the Applicant should be referred to as National Highways for all future documents, including any made DCO, and correspondence.



2 APPLICANT'S RESPONSE TO SECRETARY OF STATE'S REQUEST

2.1 REQUEST FOR AN UPDATE TO THE ENVIRONMENTAL INFORMATION Secretary of State's request

2.1.1. The Secretary of State requests that the Applicant provides additional information on:

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.

National Highways' Response

- 2.1.2. The Applicant's response to the Secretary of State's request for an update to the environmental information relevant to Chapter 16 and the direct, indirect and cumulative likely significant effects of the Scheme 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 (NNNPS) is set out thereafter, under the sub-headings as follows:
 - Direct, Indirect and Cumulative effects of the Scheme GHG emissions;
 - Cumulative likely effects of the Scheme with other existing and/or approved projects climate adaptation; and
 - Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and paragraphs 5.17 and 5.18 of the NNNPS.
- 2.1.3. For reference, written responses at Deadline 8 to questions from the Examining Authority on the impact of the Scheme in relation to the Paris Agreement and the 6th UK Carbon budget can be found in 7.29 Applicant's Responses to ExA's Third Written Questions [REP 08-026] and 7.29.1 Applicant's Responses to ExA's Third Written Questions Appendix i Scheme Impacts on Carbon Budgets (LA114 format) [REP8-027].

Direct, Indirect and Cumulative effects of the Scheme – GHG emissions

- 2.1.4. To support this response the following terms have been interpreted as follows:
 - Direct emissions direct emissions to the atmosphere from relevant activities (e.g. tailpipe emissions from road users or construction vehicles);
 - Indirect emissions indirect emissions resulting from the purchase of electricity (e.g. for infrastructure operation) and/or any relevant downstream activities by third parties within



the supply chain (e.g. embedded carbon from the manufacturing of construction products such as concrete);

- Cumulative effects of the Scheme The consideration of the GHG emissions impact of the Scheme with other relevant committed developments included within the traffic model for the Scheme;
- Likely significant effect An increase in carbon emissions resulting from a proposed scheme that are so significant that the Scheme would have a material impact on the ability of Government to meet its carbon reduction targets (as per paragraphs 5.17 and 5.18 of the NNNPS).
- 2.1.5. Direct and indirect emissions on account of the Scheme are inherently included within the GHG assessment methodology followed in the ES see Chapter 16: Assessment of Cumulative Effects of the ES [APP 062].
- 2.1.6. Indirect emissions encompass the accumulation of embedded emissions that occur throughout the construction supply chain (i.e. an accumulation of various emissions sources such as raw material extraction, intra-manufacturing transportation, manufacturing processes etc). The operational tailpipe emissions and construction process emissions from plant/vehicles on site are inherently 'direct' emissions as they are emissions that are directly released to the atmosphere.
- 2.1.7. The consideration of the cumulative effects of the Scheme with other existing and/or approved projects is inherent within the methodology followed in the ES through the inclusion of the Scheme and other locally committed developments within the traffic model, as referenced in paragraph 16.4.49 of Chapter 16: Assessment of Cumulative Effects of the ES [APP-062], and the Change Request 7.1 Case for the Scheme (Clean) Rev 1 [REP4-069].
- 2.1.8. UK Carbon Budgets, used to put emissions from the Scheme into context, are inherently cumulative as they consider emissions across all sectors of the economy.
- 2.1.9. In the recent case of R (Transport Action Network Limited) v Secretary of State for Transport and Highways England Company Limited (2021) EWHC 2095 (Admin)(the "TAN Case") the judgment considered the entirety of the carbon emissions from all schemes within Road Investment Strategy (RIS 2). The judge stated:
 - "I see no reason to question the judgment reached by the DfT that the various measures of carbon emissions from RIS 2 were legally insignificant, or de minimis, when related to appropriate comparators for assessing the effect on climate change objectives." (paragraph 159)
- 2.1.10. Therefore, the High Court did not contradict the DfT's finding that the total amount of carbon emissions from the schemes listed in RIS2 programme is legally insignificant in the context of appropriate comparators for assessing the effect on climate change objectives.



- 2.1.11. In summary, as explained above, the High Court has not criticised the Secretary of State's finding that the total amount of carbon emissions from the road schemes to be delivered in RIS2 is legally insignificant in the context of appropriate comparators for assessing the effect on climate change objectives. Accordingly, National Highways does not consider that GHG emissions on account of this Scheme alone, and including on a cumulative basis, are likely to have any significant effect on climate or the UK's ability to comply with its carbon budgets. In addition, cumulative emissions are taken into consideration both during the calculation of construction emissions and through the traffic model used as the basis for calculating road user emissions.
- 2.1.12. As a result, the increase in GHG emissions associated with the Scheme is not a reason to refuse development consent. The increase would have no material impact on the ability of Government to meet its carbon reduction targets and so the proposed development does not give rise to any conflict with paragraph 5.18 of the NNNPS.
 - <u>Cumulative likely effects of the Scheme with other existing and/or approved projects climate adaptation</u>
- 2.1.13. Direct and indirect climate vulnerability effects on the Scheme are already included within the climate change risk assessment provided within the ES.
- 2.1.14. Direct effects have been assessed through a review of the 2018 United Kingdom Climate Impact Projections (UKCP18) published by the Met Office for the UKCP18 grid square (412500.00, 587500.00) (Chapter 14 Climate Part A of the ES [APP-058], and UKCP18 projections for the 2080s for the North East England region Chapter 14 Climate Part B of the ES [APP-059]. The climate parameters considered as part of the assessment are presented in Chapter 14 Climate Part A of the ES [APP-058] and Chapter 14 Climate Part B of the ES [APP-059] and include variation to seasonal and average air temperature and precipitation.
- 2.1.15. Hazards that may impact the Scheme, identified as a result of the projected changes in climate, are considered to be secondary, and therefore, indirect, impacts. A summary of the potential hazards is presented in Table 14-15 of Chapter 14 Climate Part A of the ES [APP-058], and Table 14-14 and Table 14-15 of Chapter 14 Climate Part B of the ES [APP-059] and include for example loss of vegetation leading to greater erosional risk due to drought; overheating of machinery or equipment during construction works due to extreme temperature events, flooding of unpaved shoulders due to extreme rainfall.
- 2.1.16. As reported in Chapter 14 Climate Part A of the ES [APP-058], Chapter 14 Climate Part B of the ES [APP-059], found that there were no significant direct, indirect climate change impacts as a result of the Scheme. Hazards identified which may impact the Scheme are mitigated through embedded measures, as described in Table 14-16 of Chapter 14 Climate Part A of the ES [APP-058], and Table 14-16 of Chapter 14 Climate Part B of the ES [APP-059]. Measures include, for example, allowance for increased intensity of rainfall and modelling for temperature effects on structures.



2.1.17. To supplement the assessment made in the environmental statement, which already includes direct, indirect and cumulative effects, an additional assessment is made here to consider whether other strategic transport infrastructure beyond the boundary of the Scheme, which may when subject to climate impacts, have consequences that exacerbate likely significant effects as measured using the consequence and likelihood criteria described at Table 14-7 and Table 14-8 of Chapter 14 Climate Part A of the ES [APP-058], Chapter 14 Climate Part B of the ES [APP-059] in the ES.

Study Area

2.1.18. Given the Scheme's importance to regional transport, cumulative climate vulnerability effects are considered at both local and regional scales. The main transport networks at these scales are shown in Figure 1, Figure 2 and Figure 3 in Appendix A and are described in the following paragraphs.

Climate vulnerability baseline for cumulative effects

- 2.1.19. Figure 1 (Appendix A) shows that alternate road routes around the Scheme are primarily provided by the A697 and A1068 which provide north-south alternative routes. These integrate with 'B roads' and unclassified roads to provide access to the surrounding towns and villages along the Scheme route.
- 2.1.20. Collectively these routes would provide some local resilience in the event of climate vulnerability impacts in the area.
- 2.1.21. Figure 2 (Appendix A) puts the Scheme in a regional context. It shows that:
 - Traffic traveling from the south of the Scheme towards Newcastle upon Tyne, including other transport hubs such as Newcastle International Airport, and north of the Scheme to Edinburgh can use the A697, A1068 or A696 / A68 for long distance journeys;
 - Traffic travelling west of the Scheme towards Carlisle can use the A69 or A7. Road infrastructure east to west of the Scheme is limited due to the coastal location and Northumberland National Park.
- 2.1.22. The above mentioned regional alternate routes provide some flexibility at an unforeseen point of traffic disruption that may drive a need for re-routing, however the absence of primary ('A-roads') east to west may limit this flexibility for certain road users, such as heavy goods vehicles.
- 2.1.23. The rail transport network is shown in Figure 3 (Appendix A). This shows that:
- 2.1.24. Main line routes from Newcastle upon Tyne to Edinburgh pass through the study area and provide access to:
 - Morpeth (approximately 3km to the south of the southern point of Part A),
 - Acklington (approximately 4.7km to the west of the northern point of Part A),
 - Alnmouth (approximately 5.6km south east of the southern point of Part B), and
 - Chathill (approximately 4.4km north east of the northern point of Part B);



- 2.1.25. Rail traffic can divert west via Carlisle to travel north south.
- 2.1.26. The Scheme will improve transport resilience by replacing old degrading assets that were designed with less resilience to climate change than the assets that will replace them. Further details on the climate change mitigation that is embedded into the scheme design can be found in Table 14-16 of Chapter 14 Climate Part A of the ES [APP-058], and Table 14-16 of Chapter 14 Climate Part B of the ES [APP-059]. For example, consideration of flood risk and drainage design.
- 2.1.27. Where significant climate vulnerability events occur and affect one or more strategic routes it is likely that the broad number of journey options available, coupled with the level of mitigation embedded in the design of this Scheme and the rail network (as demonstrated through, for example, the regional weather resilience and climate adaptation plans for the rail network) would provide a sufficient level of systemic resilience to avoid a significant effect when considered against the criteria for significance in the ES (which accord with the methodology in LA114 in DMRB).
- 2.1.28. In conclusion, direct, indirect and cumulative effects have been considered through the assessment undertaken in the ES. This assessment has concluded that no significant effects are associated with the Scheme. Cumulative effects have also been considered in the additional assessment of the combined effects on transport infrastructure presented in this document. This assessment demonstrates that the Scheme will improve the resilience of the strategic routes to the effects of climate change.
 - <u>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and paragraphs 5.17 and 5.18 of the NNNPS</u>
- 2.1.29. The Secretary of State has requested that the additional information be provided '...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 ('NNNPS').'
- 2.1.30. In terms of compliance with the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 (as amended) (the EIA Regulations), the Scheme constitutes EIA development for the purposes of those regulations. The Scheme is therefore subject to the environmental impact assessment process provided for at regulation 5 of the EIA Regulations, which includes the preparation of an environmental statement. An environmental statement was duly prepared and was submitted with National Highways' application for development consent.
- 2.1.31. Paragraph 5 of Schedule 4 of the EIA Regulations provides that the environmental statement must, among other matters, include a description of:
 - "(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;



- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;"
- 2.1.32. The information provided in this response together with the information provided in Chapter 14 Climate Part A of the ES [APP-058], Chapter 14 Climate Part B of the ES [APP-059] and Chapter 16 Assessment of Cumulative Effects of the ES [APP-062] is given for the purposes of complying with the EIA Regulations and is provided to reach a reasoned conclusion on the significant effects of the Scheme on the environment.
- 2.1.33. The NNNPS, at 5.17 states that "Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive" and "It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets". 5.18 states "...any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets".
- 2.1.34. In relation to paragraphs 5.17 and 5.18 of the NNNPS, this response, together with the information provided in Chapter 14 Climate Part A of the ES [APP-058], Chapter 14 Climate Part B of the ES [APP-059] and Chapter 16 Assessment of Cumulative Effects of the ES [APP-062] and paragraph 2.1.4 to paragraph 2.1.12 of this response, demonstrates that the Scheme will not materially affect the ability of the Government to meet its carbon budgets "in isolation" (see NNNPS paragraph 5.17) or cumulatively (see paragraph 2.1.9 & 2.1.10 and the judgement in the TAN Case). Accordingly, the increase in carbon emissions that may arise in consequence of the Scheme is not a reason to refuse development consent pursuant to paragraph 5.18 of the NNNPS.

2.2 NORTHUMBRIAN WATER AGREEMENT

Secretary of State's request

2.2.1. The Secretary of State requests that the Applicant provides additional information on:

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.

National Highways' Response

2.2.2. The Applicant and Northumbrian Water completed the side agreement on 1 September 2021. A copy of the letter dated 9 November 2021 from Birketts LLP, who act for



Northumbrian Water, to the Department for Transport confirming the same is included at Appendix B to this response.

2.3 NORTHERN POWERGRID PROTECTIVE PROVISIONS

Secretary of State's request

2.3.1. The Secretary of State requests that the Applicant provides additional information on:

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?

National Highways' Response

2.3.2. The Applicant and Northern Powergrid continue to discuss protective provisions, through their respective legal teams. These discussions include the negotiation of a side agreement. While the parties have not yet agreed the form of agreement, it is anticipated that the side agreement will be completed by 17 December 2021 if not sooner. The parties will provide a further update following completion of the side agreement.

2.4 NORTHUMBERLAND COUNTY COUNCIL AGREEMENT

Secretary of State's request

2.4.1. The Secretary of State requests that the Applicant provides additional information on:

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?

National Highways'

2.4.2. The Applicant and Northumberland County Council completed the agreement on 28 July 2021.

2.5 SCHEDULE 1 WORK NO 5B

Secretary of State's request

2.5.1. The Secretary of State requests that the Applicant provides additional information on:

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?

National Highways' Response

- 2.5.2. The provision of a replacement access to Northgate Farm and Capri Lodge was most recently discussed at the Compulsory Acquisition Hearing 3 held on 9 June 2021 and captured in the Deadline 10 submission [REP10-037]. Since then, the Applicant, through their appointed District Valuer, has continued discussions with land agents. However, no further digital or face to face meetings with Mr Hawes (Northgate Farm) or Mr Davidson (Capri Lodge) have taken place.
- 2.5.3. Monthly discussions have continued with Mr Michie on behalf of the Hawes family. Mr Michie has advised he has had little contact of late with Mr Hawes and was expecting discussions to continue after the family had taken a period of time to reflect on matters. On Thursday 4 November 2021, a call with Mr Michie highlighted that the Hawes family were now minded to accept Option C for access to their property, bringing the private means of access (PMA) through their garden from the eastern most boundary. Mr Michie has drawn a proposed route and is putting together costings and a claim.
- 2.5.4. In relation to Mr Davidson at Capri Lodge, there has been little progress other than updates from the District Valuer to his land agent explaining that the Applicant is still awaiting



feedback from the Hawes family regarding the route of the PMA. Until this information is known there is little progress that can be made with Mr Davidson's claim.

- 2.5.5. Until a legal agreement is in place the Applicant proposes that all three options remain as part of the DCO.
- 2.5.6. a) The Applicant has reviewed the grid references and track lengths provided by the Secretary of State which do not accurately reflect the three options under consideration. Table 2-3 below has corrected the eastings and northings and track lengths for the alternative routes.

Table 2-1 - Coordinates and length details for the three access options

		E	N	Track length
	Start	418259	588134	
5B(a)	End	418254	588647	832
	ACCESS a	418254	588647	
	Start	418259	588134	
5B(b)	End	418262	588679	807
OB(s)	Bell-mouth ACCESS b	418331	588706	007
	Start	418259	588134	
5B(c)	End	418262	588679	807
30(0)	Bell-mouth ACCESS c	418395	588653	007

2.5.7. The details in Table 2-3 have been used to redraft the proposed options in the description of Work No. 5b, (including specification of the access point for Northgate Farm in each case) as set out below.

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 providing access into Northgate Farm at grid reference 418254E; 588647N, which point is marked "ACCESS a" Sheet 01 of the General Arrangement Plans; or

Work No. 5b(b) 807 in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418262E; 588679N providing a bellmouth for access into Northgate Farm at grid



reference 418331E; 588706N which point is marked "ACCESS b" Sheet 01 of the General Arrangement Plans; 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 418262E; 588679N, providing a bellmouth for access into Northgate Farm at grid reference 418395E; 588653N, which point is marked "ACCESS c" Sheet 01 of the General Arrangement Plans .

- 2.5.8. **b)** The Applicant confirms that Work No. 5B(a) is the same as Work No 5b on Sheet 01 of 19 in the Application Work Plans submitted at Deadline 10 [REP10-004] and is wholly deliverable under the DCO. As stated in Deadline 8a's *Northgate Farm Private Means of Access Options Technical Note* [REP8a-005], both alternative access routes to Northgate Farm would entail works outside the Order limits. Work No. 5B(b) is referred to in the technical note as '*Alternative Route A*' and comprises part of the land in the ownership of Mr Davidson and land inside Mr Hawes's existing garden. It would require the agreement of Mr Davidson to allow access via this means to the Hawes' property. Work No. 5B(c), referred previously as '*Alternative Route B*', would be solely within Mr Hawes's existing garden. Mr Hawes has indicated through his agent on 4 November 2021 that he is minded to progress with this option.
- 2.5.9. In either case, the affected landowners would be responsible for construction of the tie-in from the Scheme's bell-mouth access with continuation of the access road on their private land. The Applicant will provide support to the landowners in obtaining planning permission for the access outside of the DCO process once the preferred option is agreed with a legal agreement. The Applicant continues to manage stakeholder engagement between the two affected parties at Northgate Farm and Capri Lodge and will continue to undertake this liaison.
- 2.5.10. **c)** Sheet 01 of 19 of both Deadline 10's Works Plans [REP10-004] and General Arrangement Plans [REP10—005] have been updated to show insets for the bell-mouth works within the Order limits for both Alternative Route 5B(b) and Alternative Route 5B(c). The revised full set of both plans are attached in Appendices C and D of this response. Land Plans have not been included as there are no changes to landownership required to allow the three options to be included as part of the DCO.

2.6 SCHEDULE 2 - REQUIREMENTS 4 AND 17

Secretary of State's request

2.6.1. The Secretary of State requests that the Applicant provides additional information on:

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 subparagraph (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 <u>Landscape and ecological management plan</u>
- 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 has 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 it <u>The LEMP</u> 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 subparagraph (3) to the Secretary of State with the CEMP in terms of subparagraph (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.

National Highways' Response

2.6.2. The Applicant does not consider that the proposed amendments achieve the aim set out by the Secretary of State. The Secretary of State states that the purpose of the amendments is to "allow the Applicant to prepare a LEMP without the relevant planning authority making a formal request." The previous wording of Requirement 17 already allowed the Applicant to do this. That is the purpose of the words "where it appears desirable to the undertaker" at the start of Requirement 17(1). The Applicant would be required to consult with the planning authority on whether to prepare a LEMP (Requirement 17(3) but the initial decision on whether to do so would be for the Applicant. Under existing Requirement 4(4) it would then



be for the Secretary of State (not the planning authority) to make the final decision on whether to require a LEMP.

- 2.6.3. The effect of the Secretary of State's amendments would be to remove the Applicant's discretion on whether to produce a LEMP and would make such preparation mandatory. The Applicant does not understand this to be the Secretary of State's intention given the reasons for proposing the amendment. As explained above, the existing wording of Requirement 17 would already allow the Applicant to prepare a LEMP without being required to do so. If that is the intention of the Secretary of State, then the proposed amendments are unnecessary.
- 2.6.4. If, contrary to the Applicant's understanding, the intention of the Secretary of State is to make the preparation of a LEMP compulsory then this can be achieved more simply by deleting Requirement 17 and adding the LEMP to the list of management plans which require to be produced in terms of Requirement 4(2)(d). The LEMP would then simply form part of the CEMP (or a separately approved management plan) and separate references to the LEMP in Requirement 4 would no longer be required.
- 2.6.5. If this approach were to be followed then the following amendments would be required:-
- 2.6.5.1 In Article 2(1) add the following definition:-

"Landscape and ecological management plan" means a single document to address the management and 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

and which reflects the mitigation measures set out in the REAC and includes a graphic representation of the measures to be implemented;

- 2.6.5.2 In requirement 4, after paragraph (2)(d)(xvi) add <u>"(xvii) Landscape and ecological</u> <u>management plan";</u>
- 2.6.5.3 Revise Requirement 4(4) as follows:-

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

2.6.5.4 Revise Requirement 4(5) as follows:-

"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, and approved management plan prepared pursuant to subparagraph (3) and the approved LEMP.



2.6.5.5 Revise Requirement 4(6) as follows:-

"The HEMP must address the matters set out in the approved CEMP, and <u>any</u> 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."

2.6.5.6 Delete Requirement 17.

2.7 PROVISION FOR NON-MOTORISED USERS (NMUS)

Secretary of State's request

2.7.1. The Secretary of State requests that the Applicant provides additional information on:

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.

National Highways' Response

- 2.7.2. The Applicant's position is unchanged in that the provision of facilities for NMU's is satisfactorily addressed by the Scheme in compliance with the National Policy Statement for National Networks (NPSNN) and that the creation of a new north/south connection for non-motorised transport is neither a requirement for mitigation of the Scheme nor a requirement of policy. Whilst the Applicant will continue to try and assist the Council to deliver their aspirations for NMU provision, there is no justification for requiring such provision as part of the Scheme.
- 2.7.3. In the Applicant's Responses to Deadline 10 Submissions [REP11-014] the Applicant committed to working with Northumberland County Council to try and secure alternative funding to allow for the provision of an NMU provision on the section of de-trunked A1.
- 2.7.4. Without prejudice to the position of the Applicant as set out above the Applicant has established a joint working group with Northumberland County Council in relation to a prospective application for an alternative means of funding, which in this case could be (but need not necessarily be) National Highways Designated Funds, or from any other government fund that may be available to Northumberland County Council and which may allow further NMU provision in relation to de-trunked elements of the A1.
- 2.7.5. The joint working group meets on a bimonthly basis to review the requirements of National Highways Designated Funds, these meetings started in March 2021 with the most recent having been held in October 2021.
- 2.7.6. The Applicant in REP11-014 stated that the objective was that a business case for funding will be submitted in August or September 2021. The draft business case has been produced with input from both parties and is now being reviewed by the National Highways Designated Funds Cycleway lead, the Applicant, together with Northumberland County

A1 in Northumberland: Morpeth to Ellingham

Applicant's Response to Secretary of State's Request



Council will review any comments received and work together to allow the submission of a final business case within the 2021/22 financial year.

Appendix A

MAIN TRANSPORT NETWORKS IN THE REGION OF THE SCHEME



MAIN TRANSPORT NETWORKS IN THE REGION OF THE SCHEME

Figure 1 below shows the local road network. The indicative Scheme location is shown in red – Part A to the south between Morpeth and Felton; Part B to the north between Alnwick and Ellingham

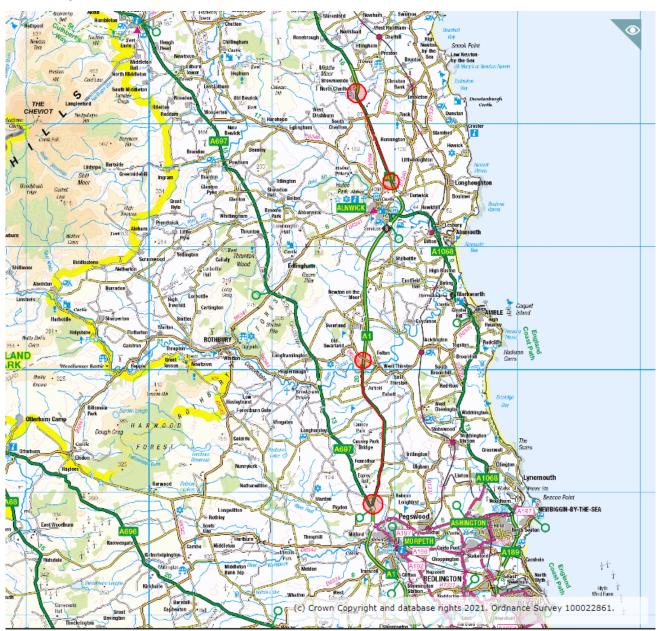


Figure 1: Local Transport Network (source Defra (2021) MAGIC (https://magic.defra.gov.uk/MagicMap.aspx))



Figure 2 below shows the regional transport network. The indicative Scheme location is shown in red – Part A to the south between Morpeth and Felton, Part B to the north between Alnwick and Ellingham



Figure 2: Regional transport network (source Defra (2021) MAGIC (https://magic.defra.gov.uk/MagicMap.aspx))



Figure 3 shows the rail map in the region, showing principal stations.



Figure 3: Rail transport network (Source National Rail 2021 Principal Route Map (https://www.nationalrail.co.uk/Rail%20map%20v33%20curvy%20blue.pdf))

Appendix B

LETTER FROM BIRKETTS DATED 9 NOVEMBER 2021



Our Ref: CAG/JBG/306056.0004

Your Ref:

Date: 09 November 2021

Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
London
SW10 4DR

Birketts LLP Providence House 141-145 Princes Street Ipswich Suffolk IP1 1QI

T: +44 (0)1473 232300 F: +44 (0)1473 230524 DX: 3206 Ipswich E: mail@birketts.co.uk

By email: @dft.gov.uk

www.birketts.co.uk

Dear Sirs

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 Northumbrian Water Limited ("NW")

We act for Northumbrian Water.

In response to your 29th October letter, we confirm that a side agreement between the Applicant and NW was completed on 1st September 2021.

Yours faithfully

Richetts LLP

Birketts LLP

Direct Line: Direct e-mail:

@birketts.co.uk



Appendix C

WORKS PLANS



SCHEDULE OF WORKS PLANS INCLUDED IN THIS DOCUMENT

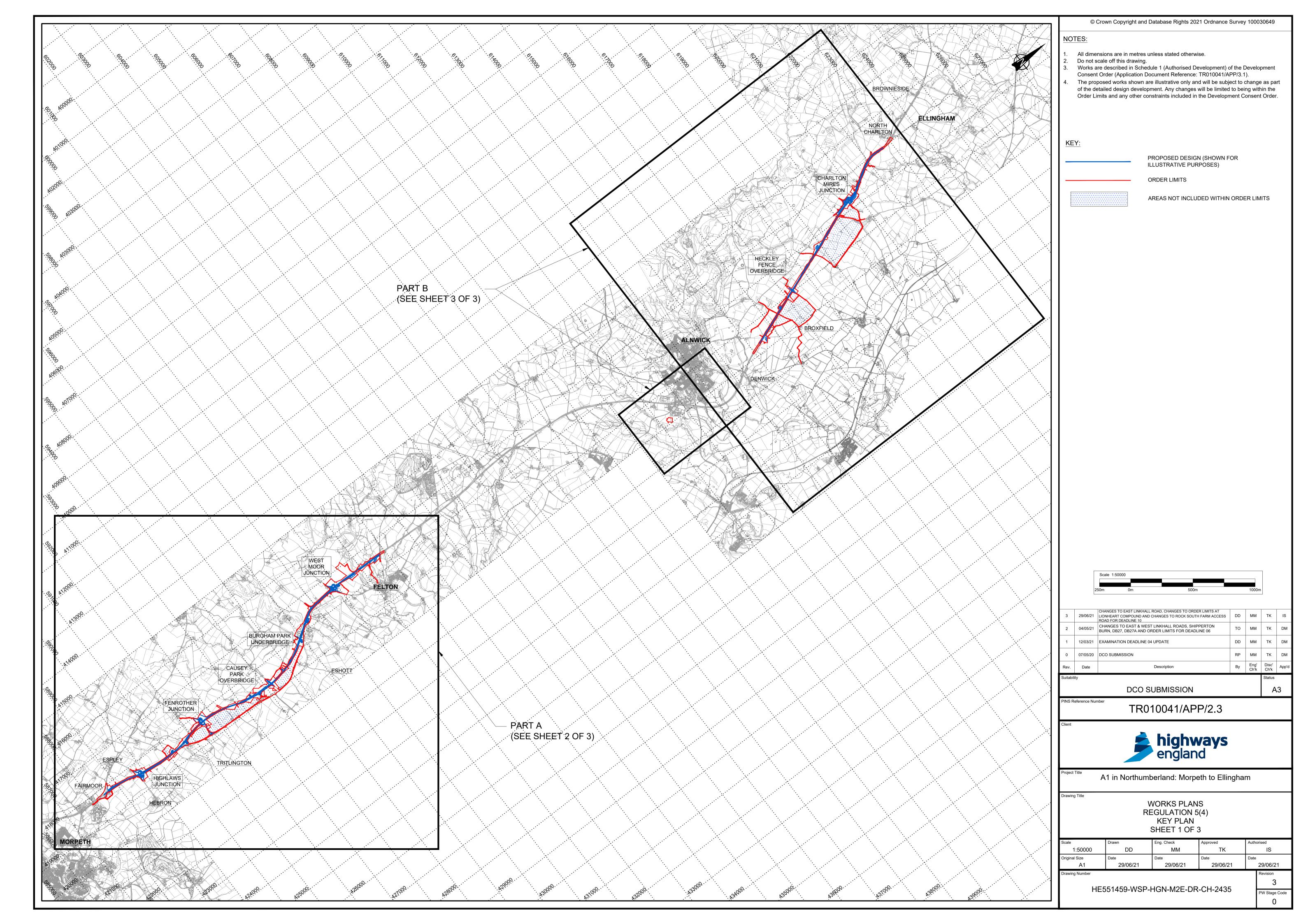
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Key Plan - Sheet 2 of 3		
Works Plans – Regulation 5(4) –	HE551459-WSP-HGN-A2E-DR-CH-02300	2
Key Plan - Sheet 3 of 3		
Works Plans – Regulation 5(2)(j)	HE551459-WSP-HGN-M2F-DR-CH-1368	1
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Sheet 6 of 19		
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Works Plans – Regulation 5(2)(j) – Sheet 9 of 19	HE551459-WSP-HGN-M2F-DR-CH-1376	1
Works Plans – Regulation 5(2)(j)	HE551459-WSP-HGN-M2F-DR-CH-1377	0
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Sheet 13 of 19		
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Works Plans – Regulation 5(2)(j)	HE551459-WSP-GEN-A2E-DR-CH-02305	2
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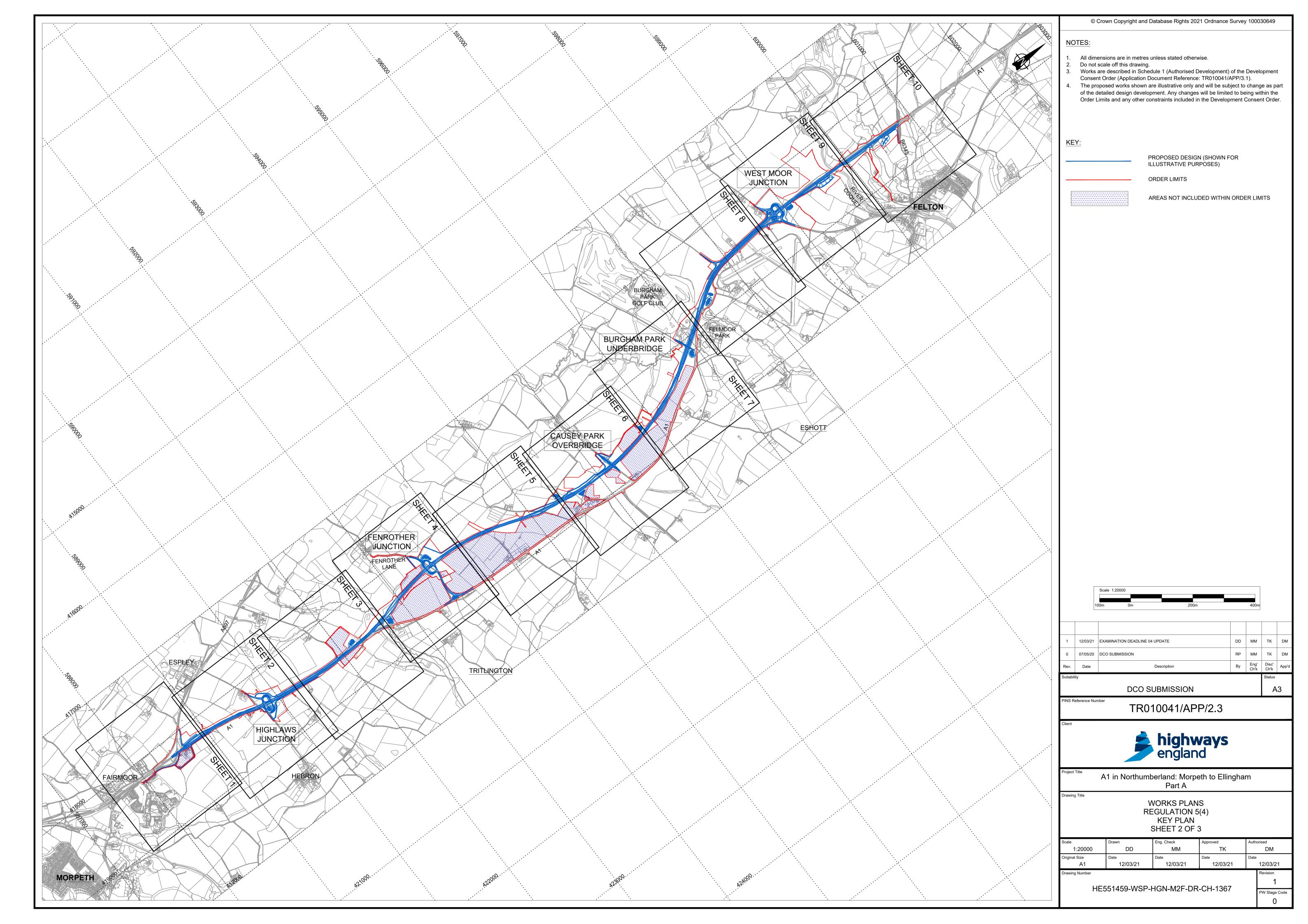
A1 in Northumberland: Morpeth to Ellingham

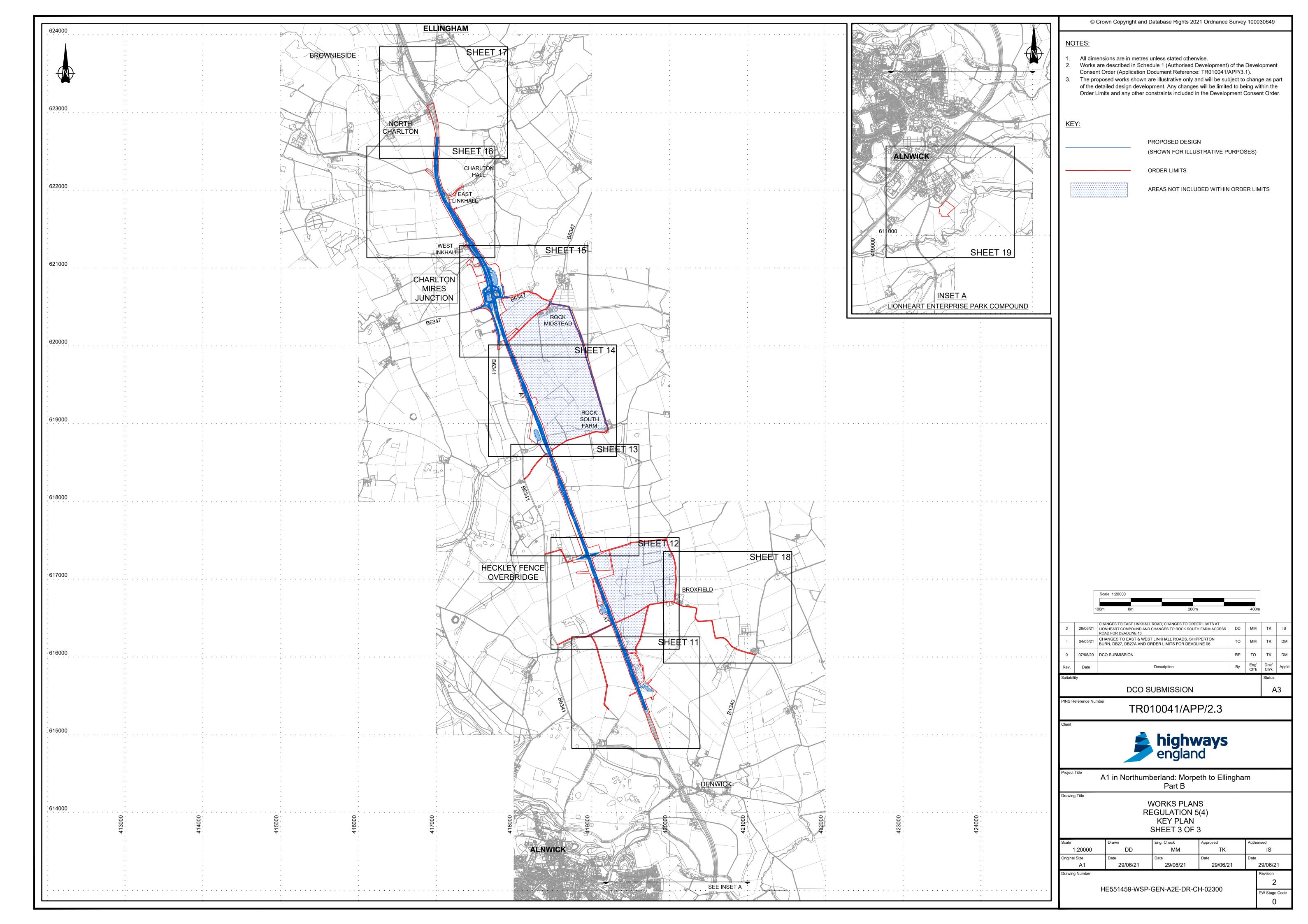
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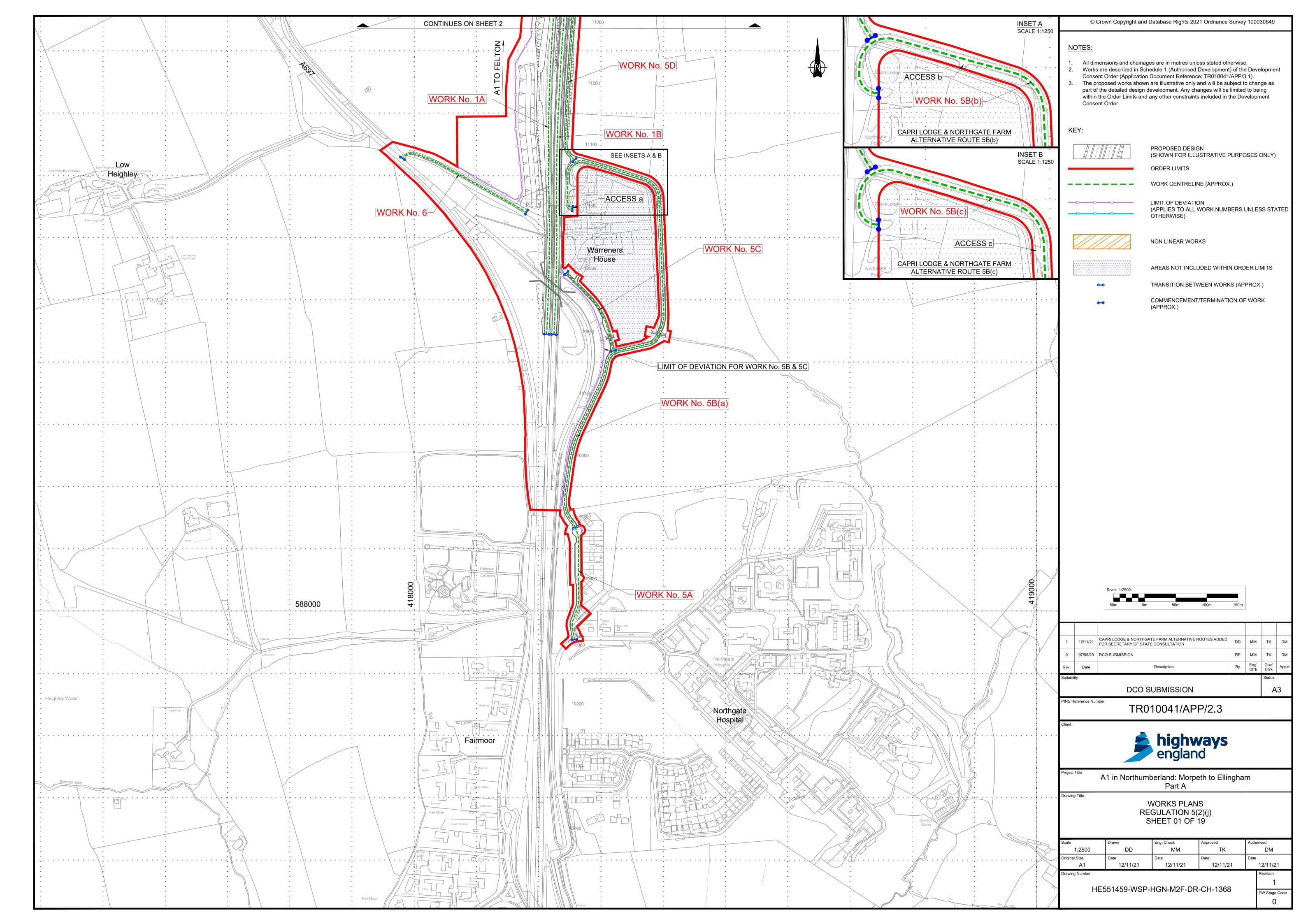


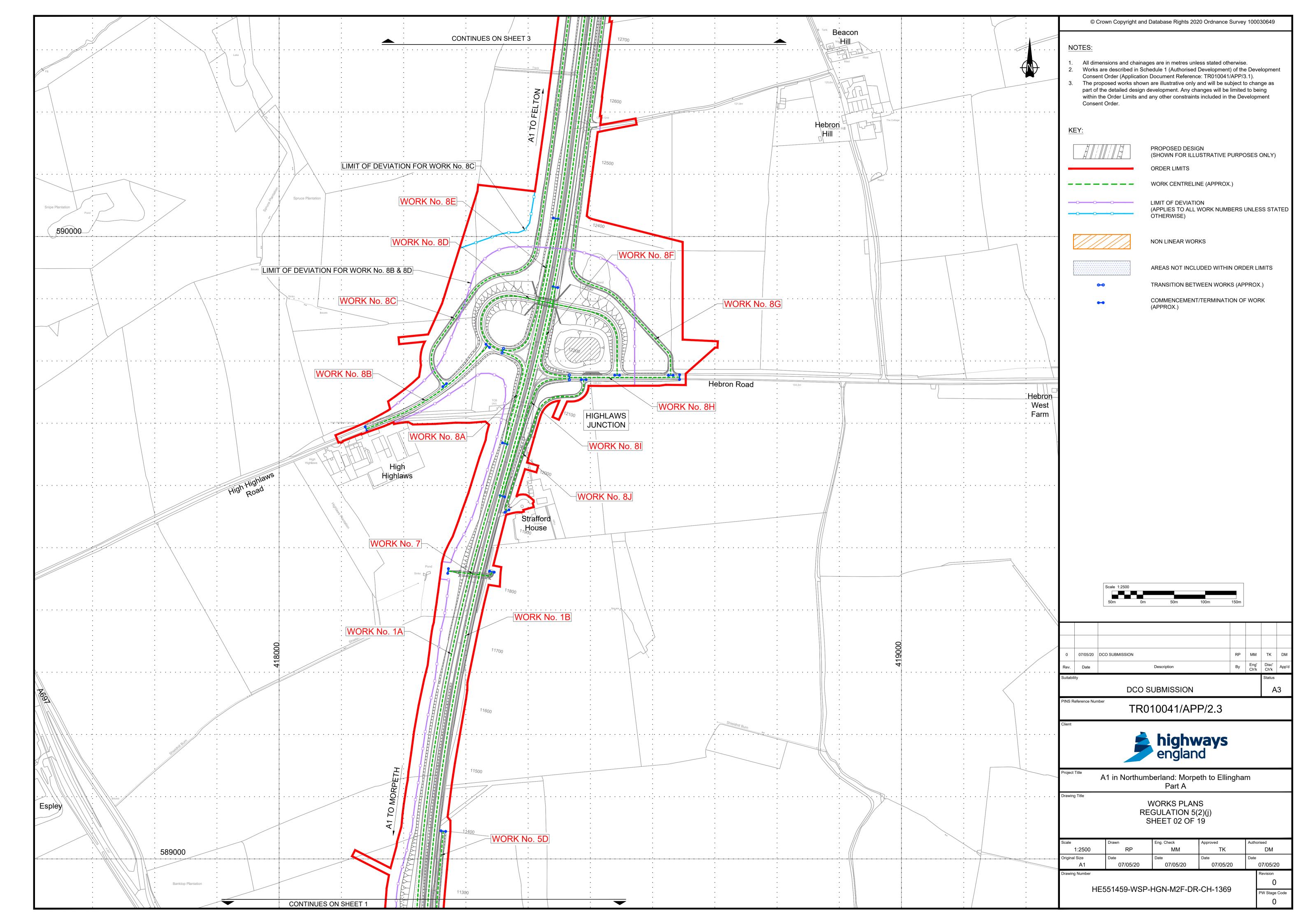
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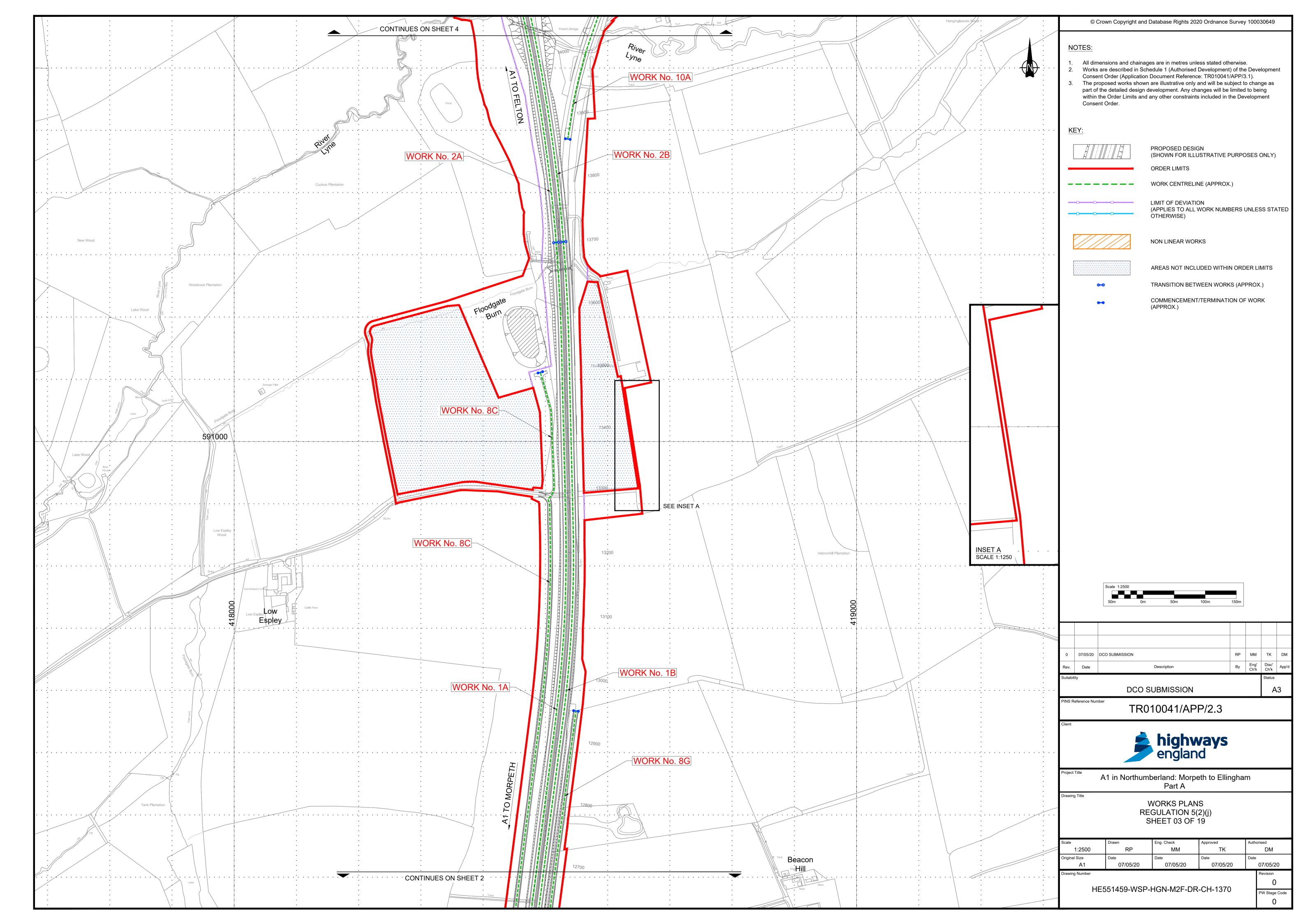


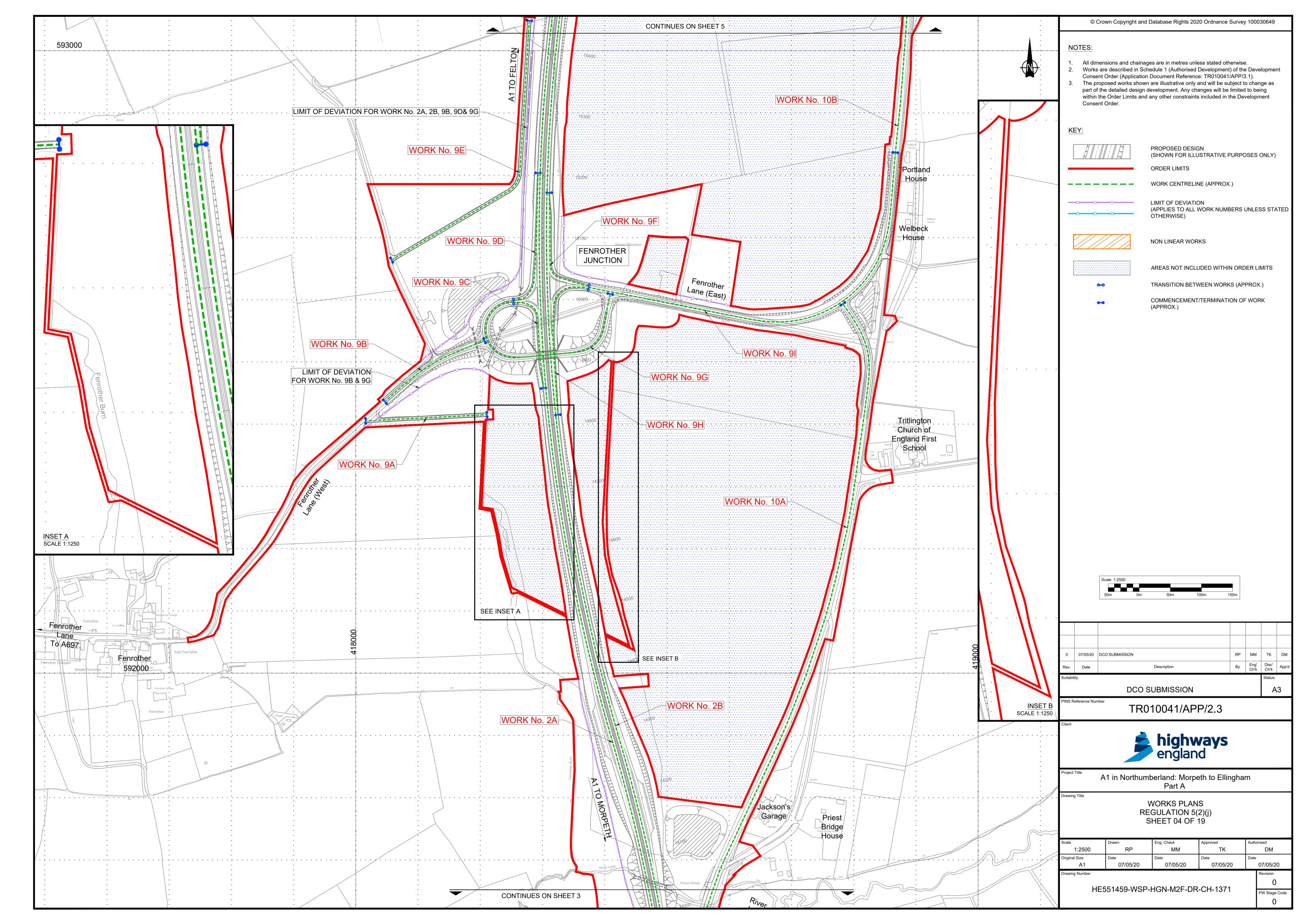


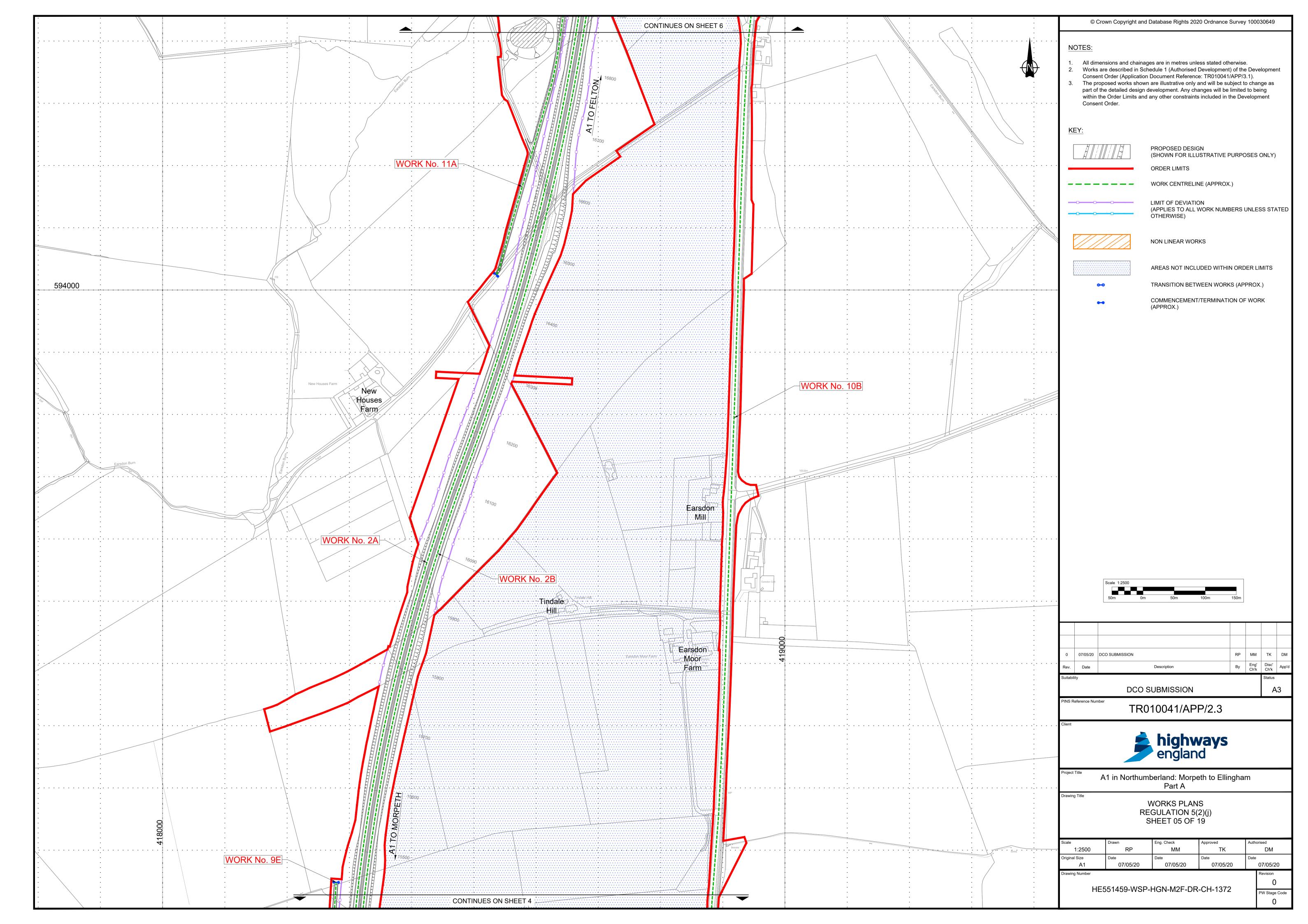


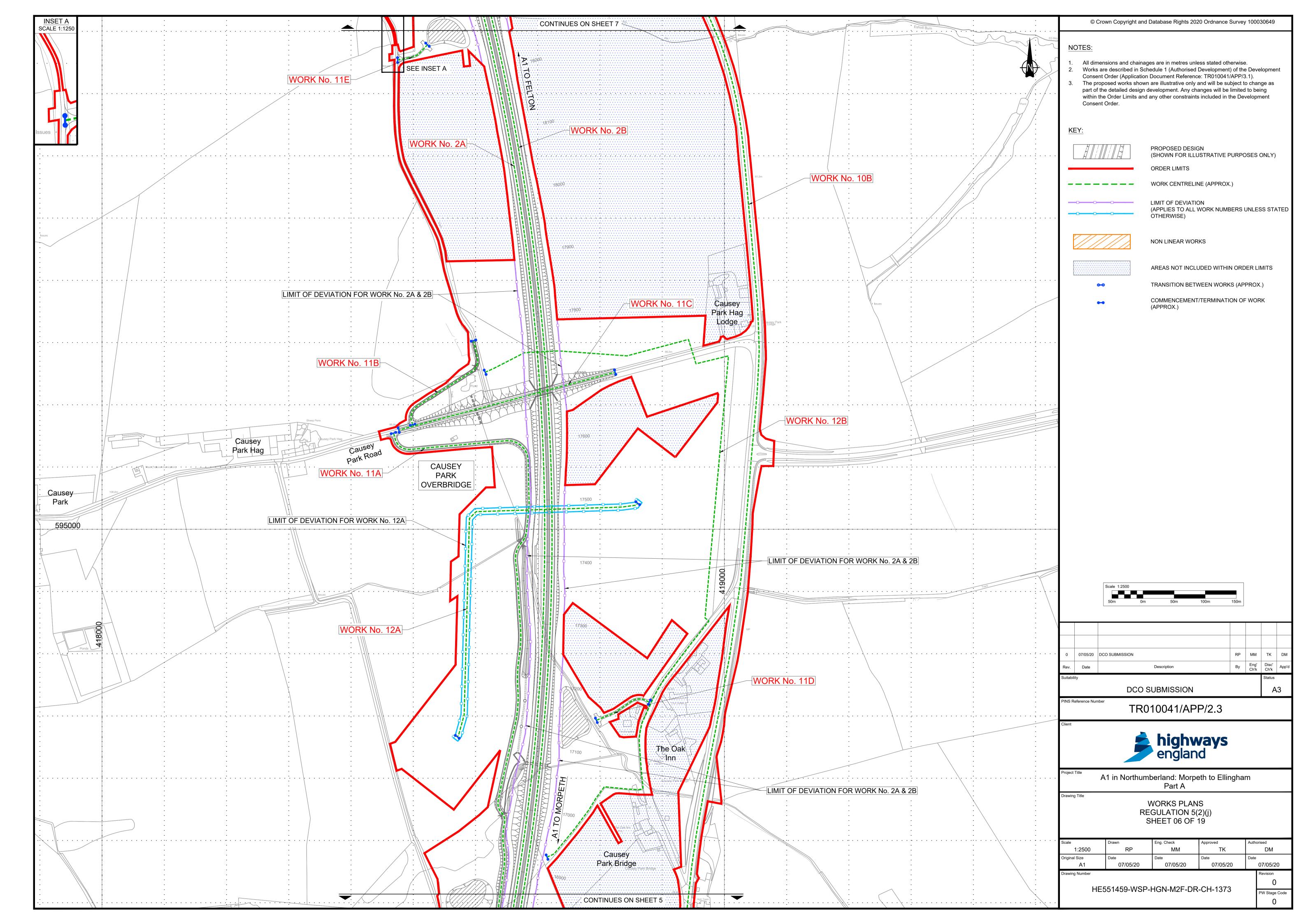


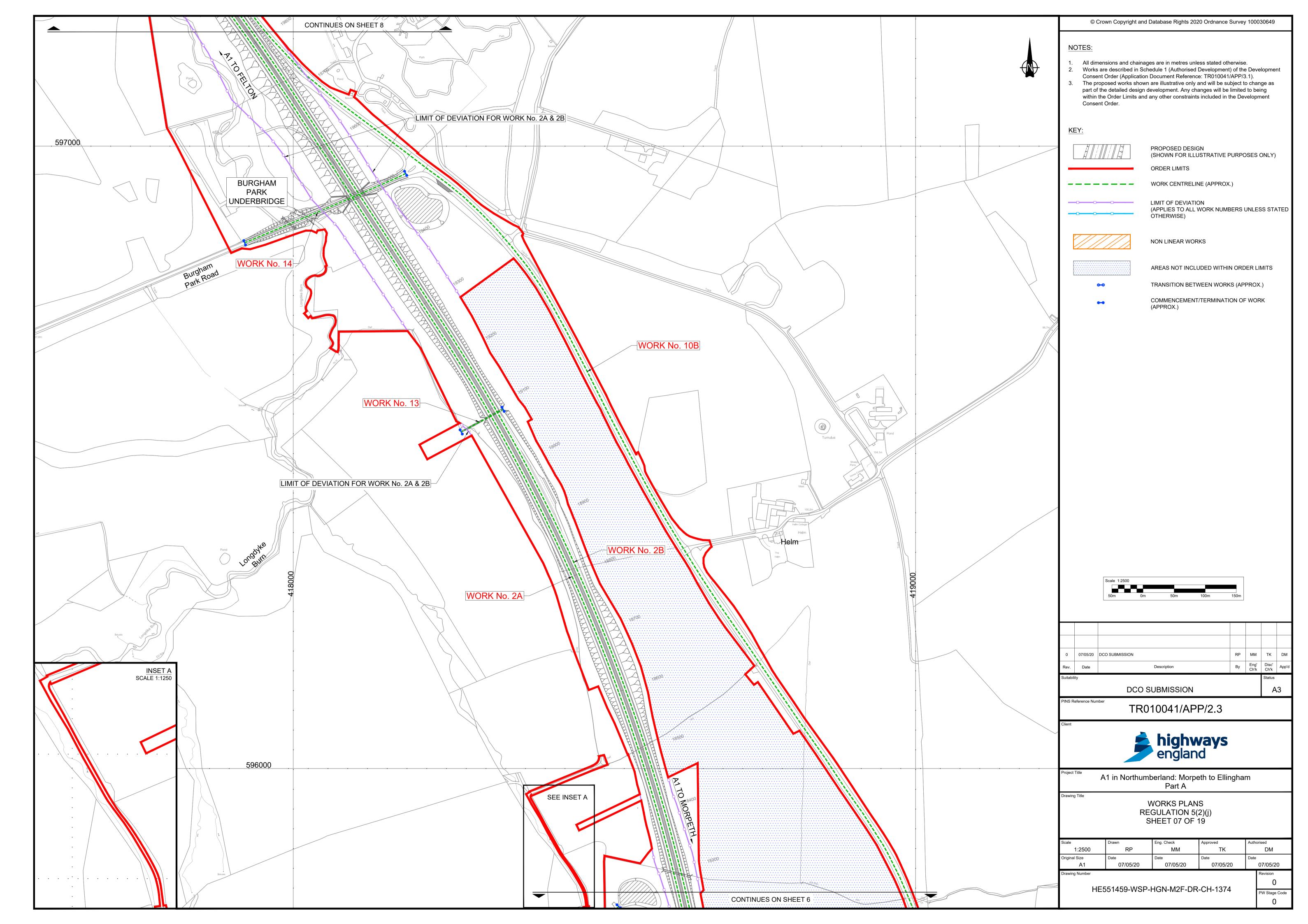


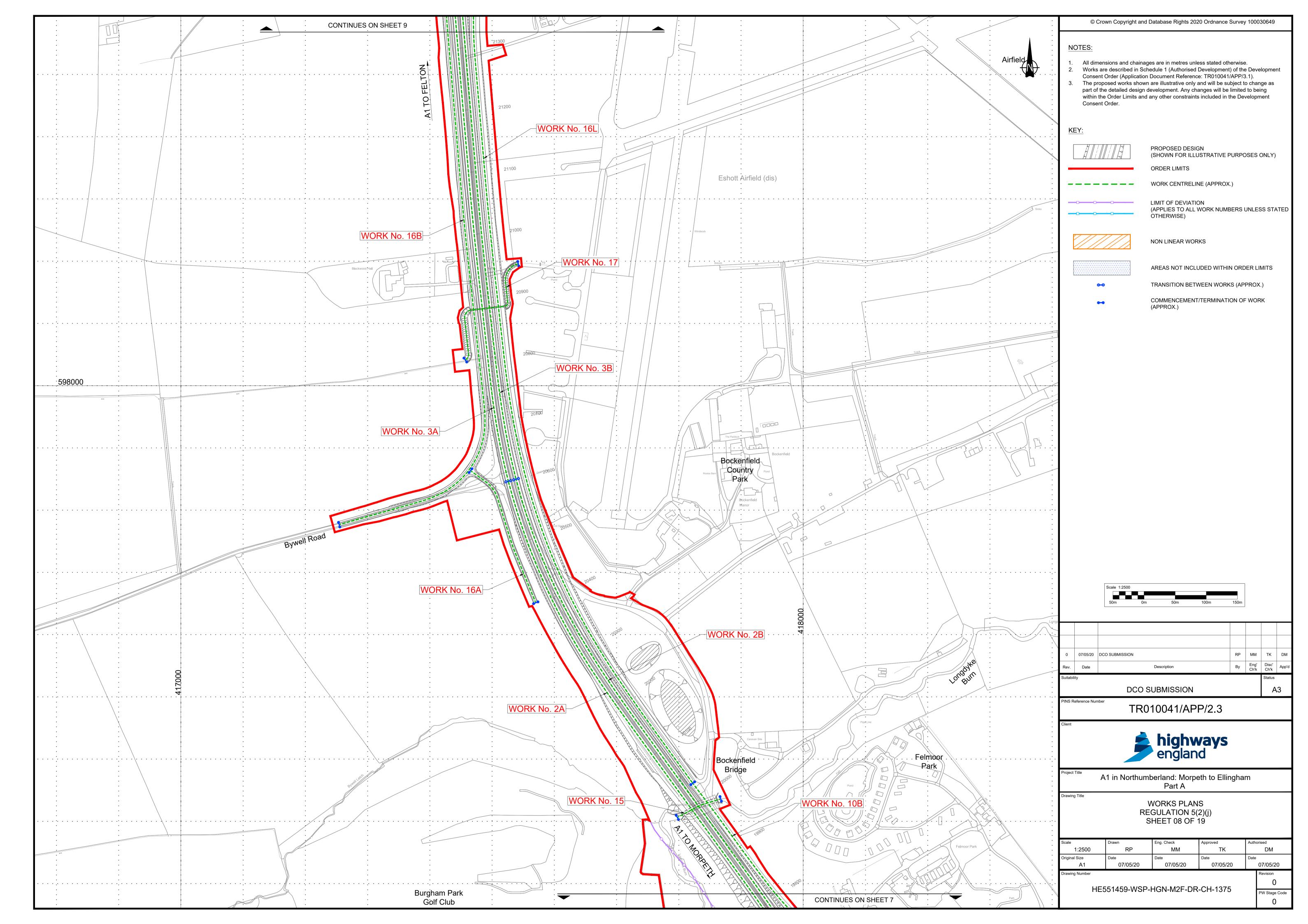


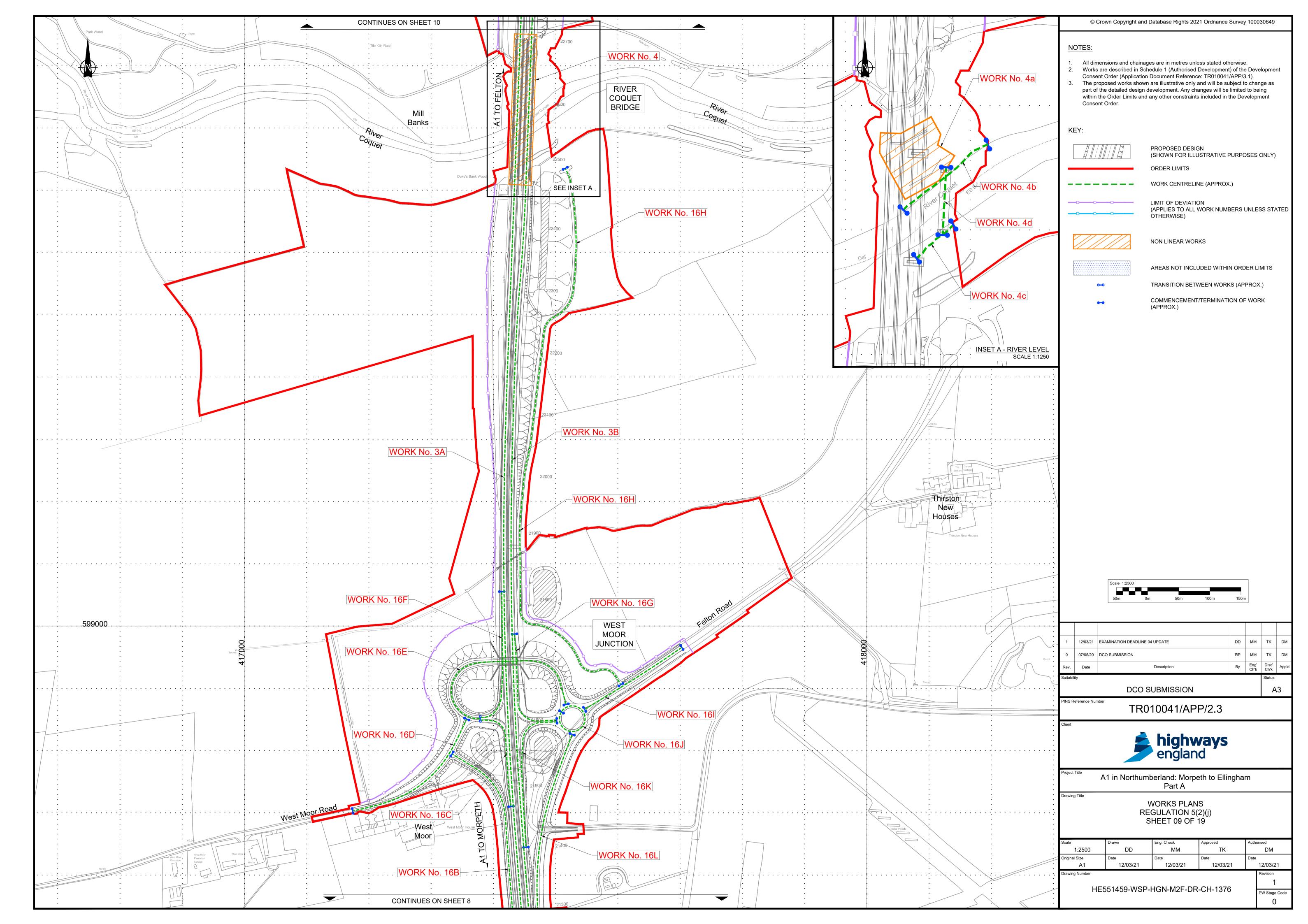


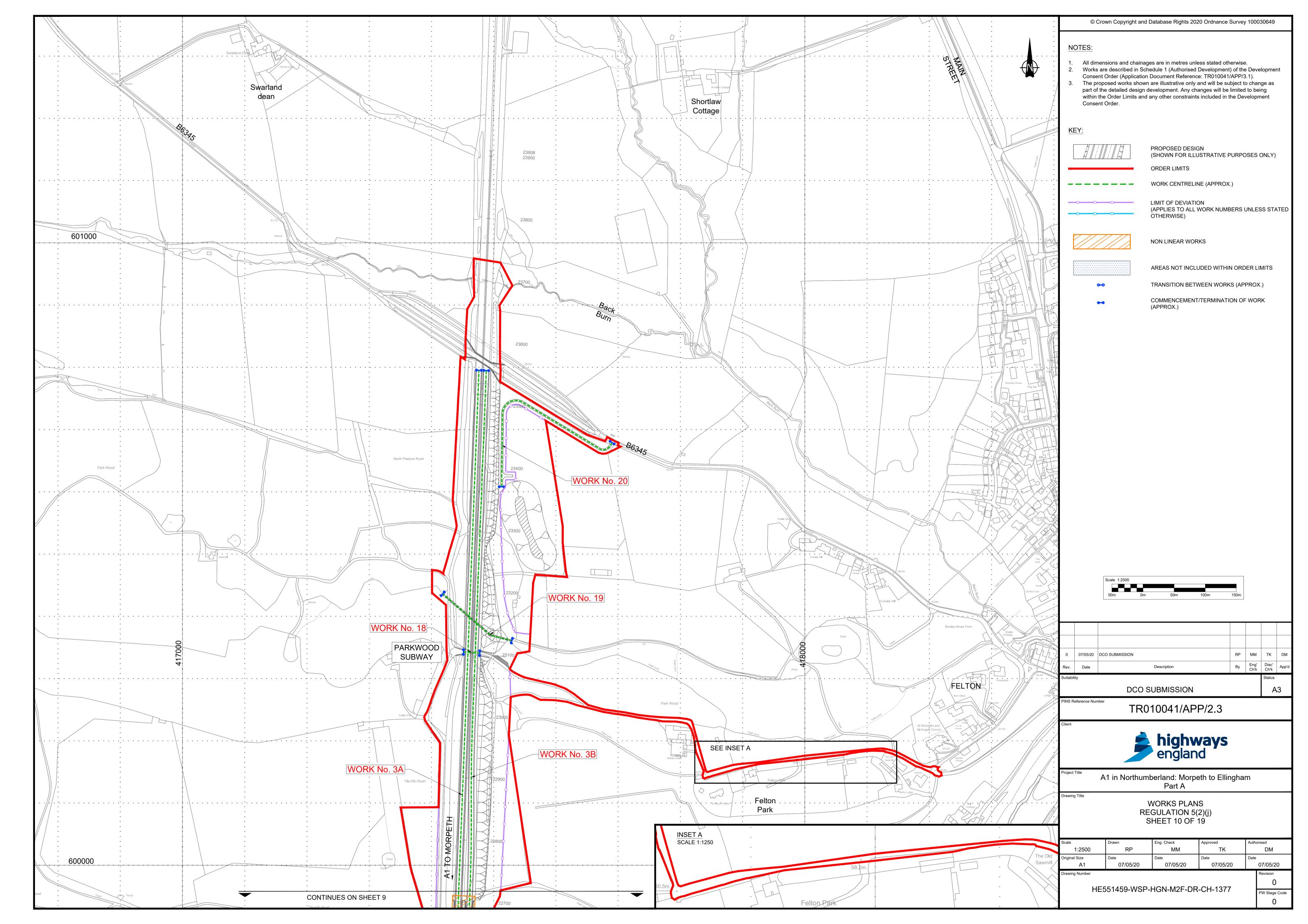


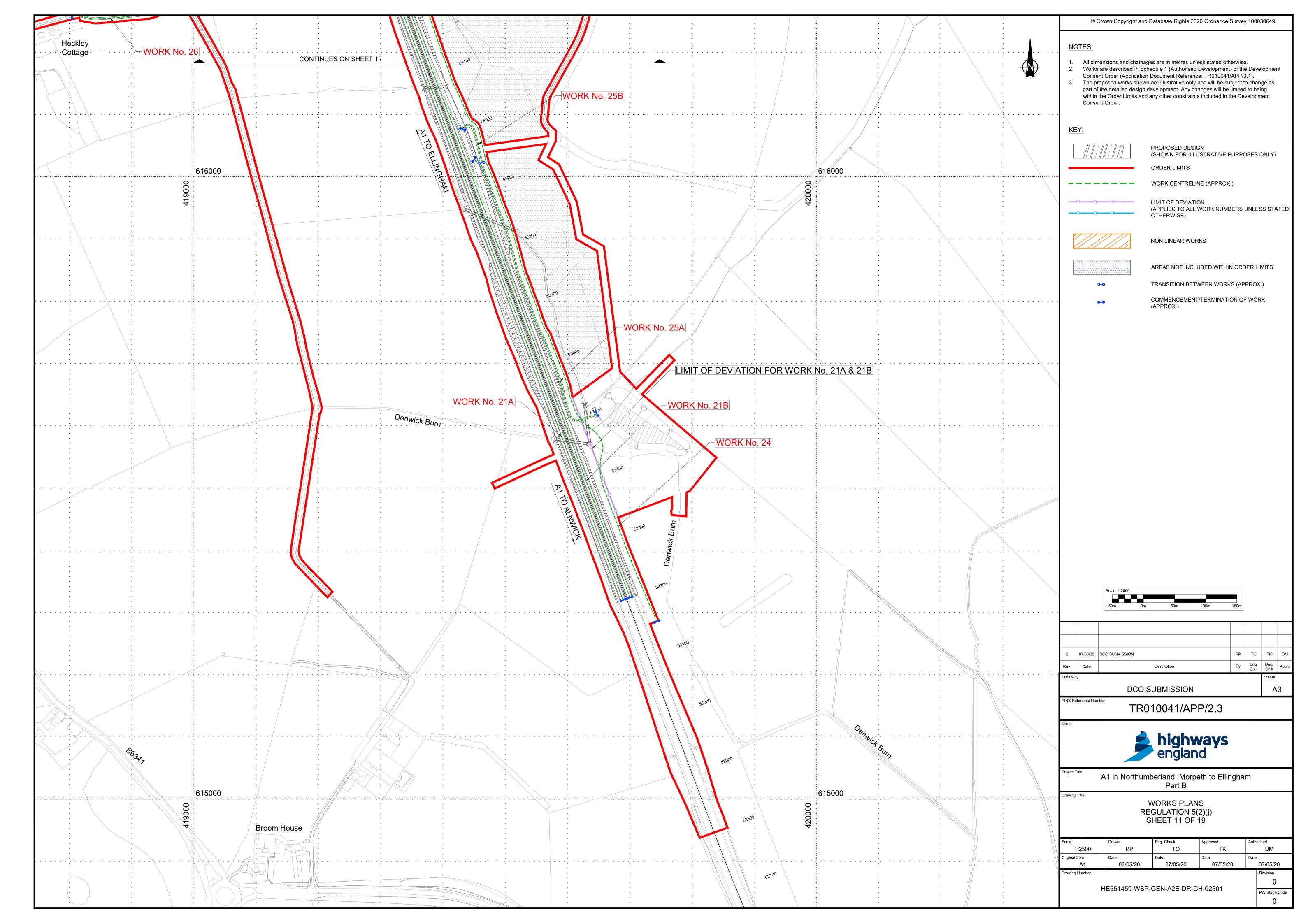


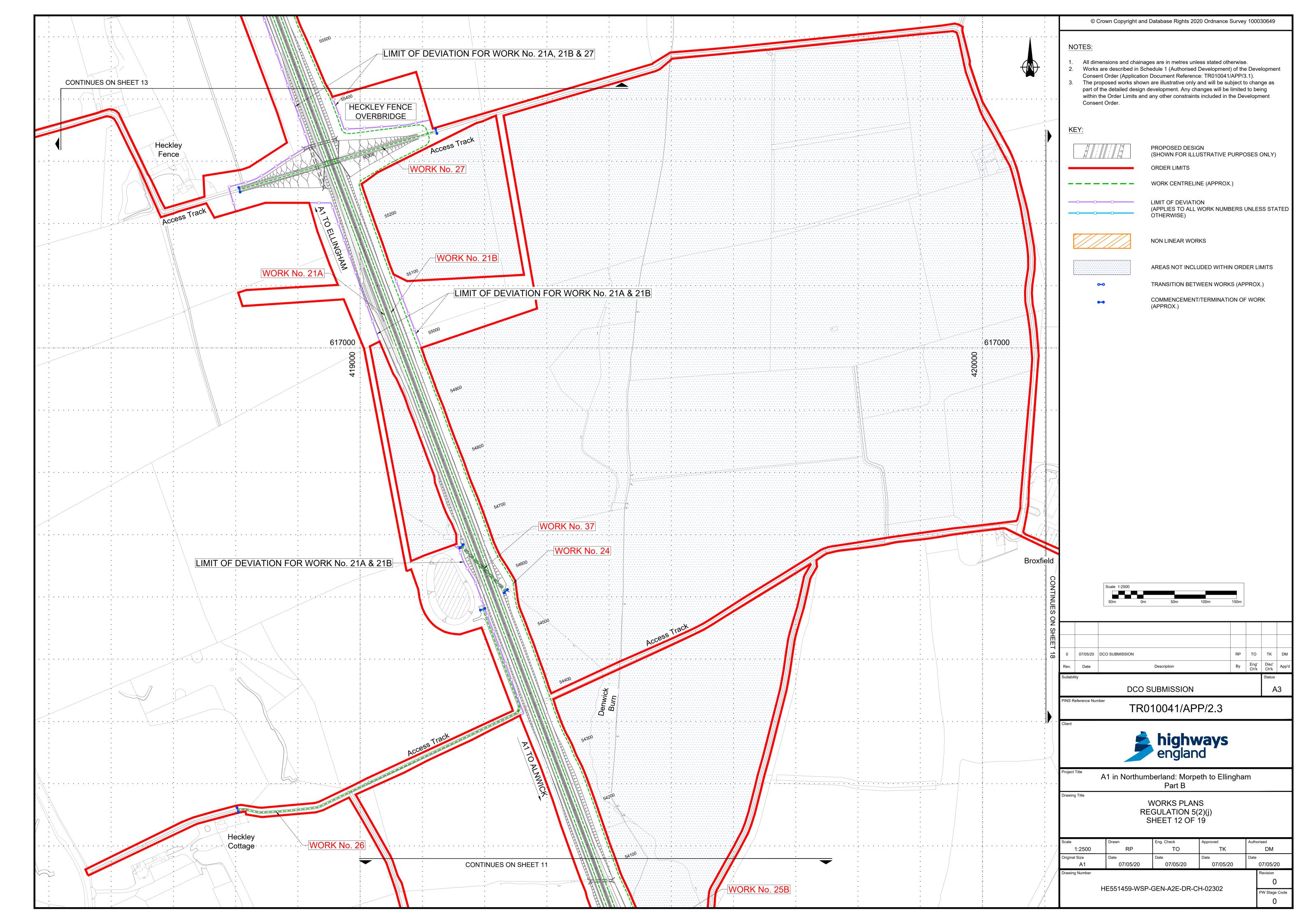


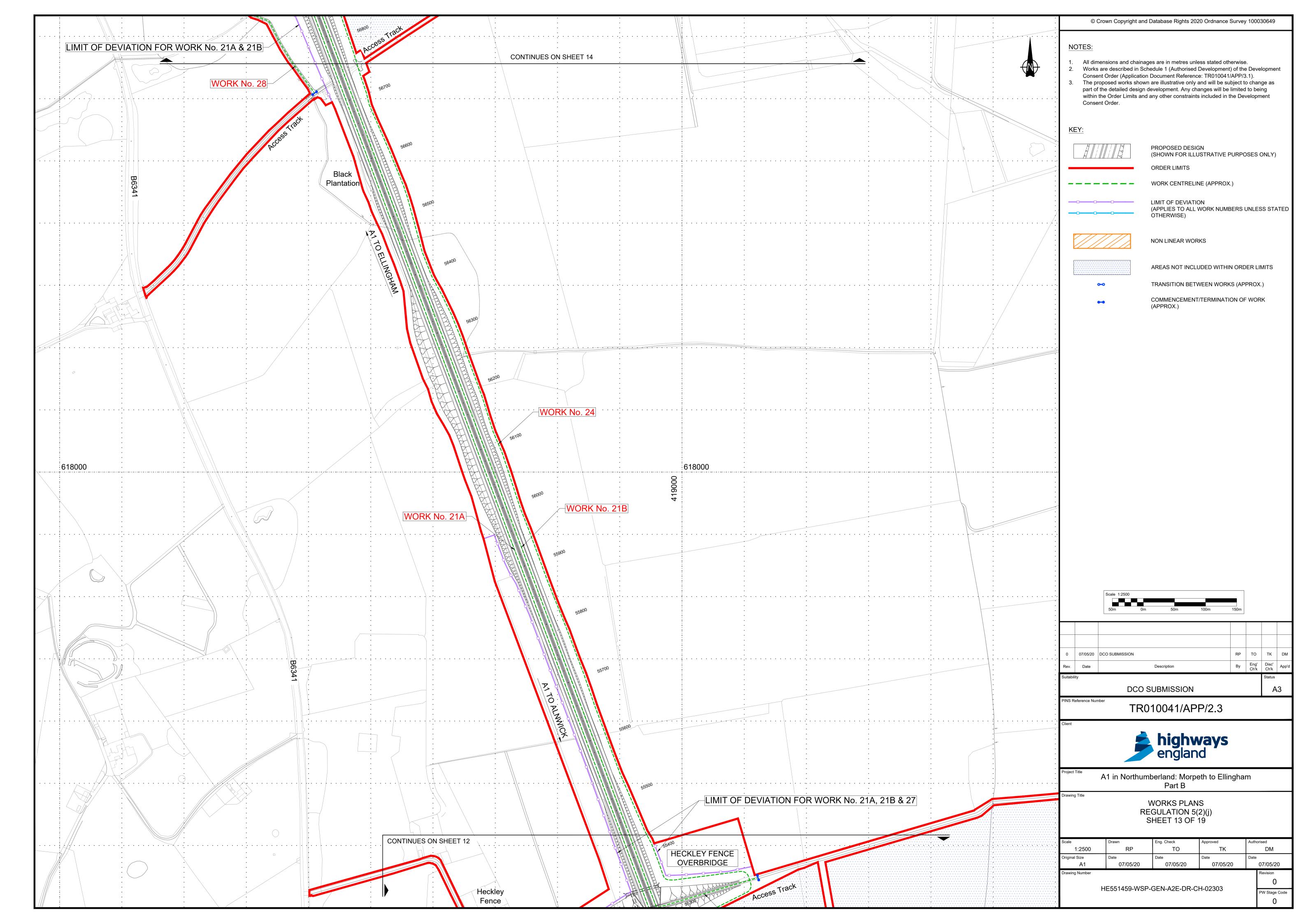


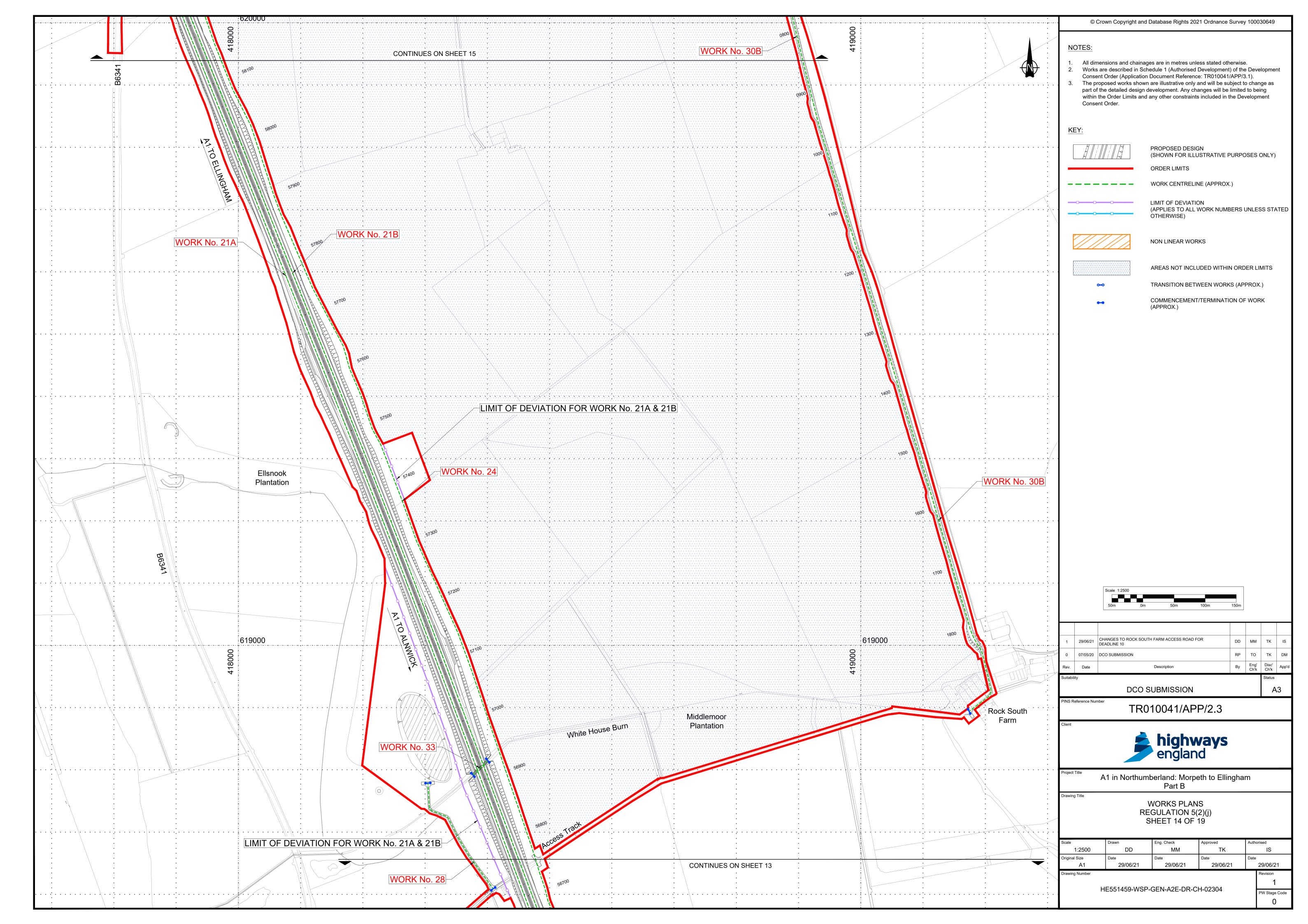


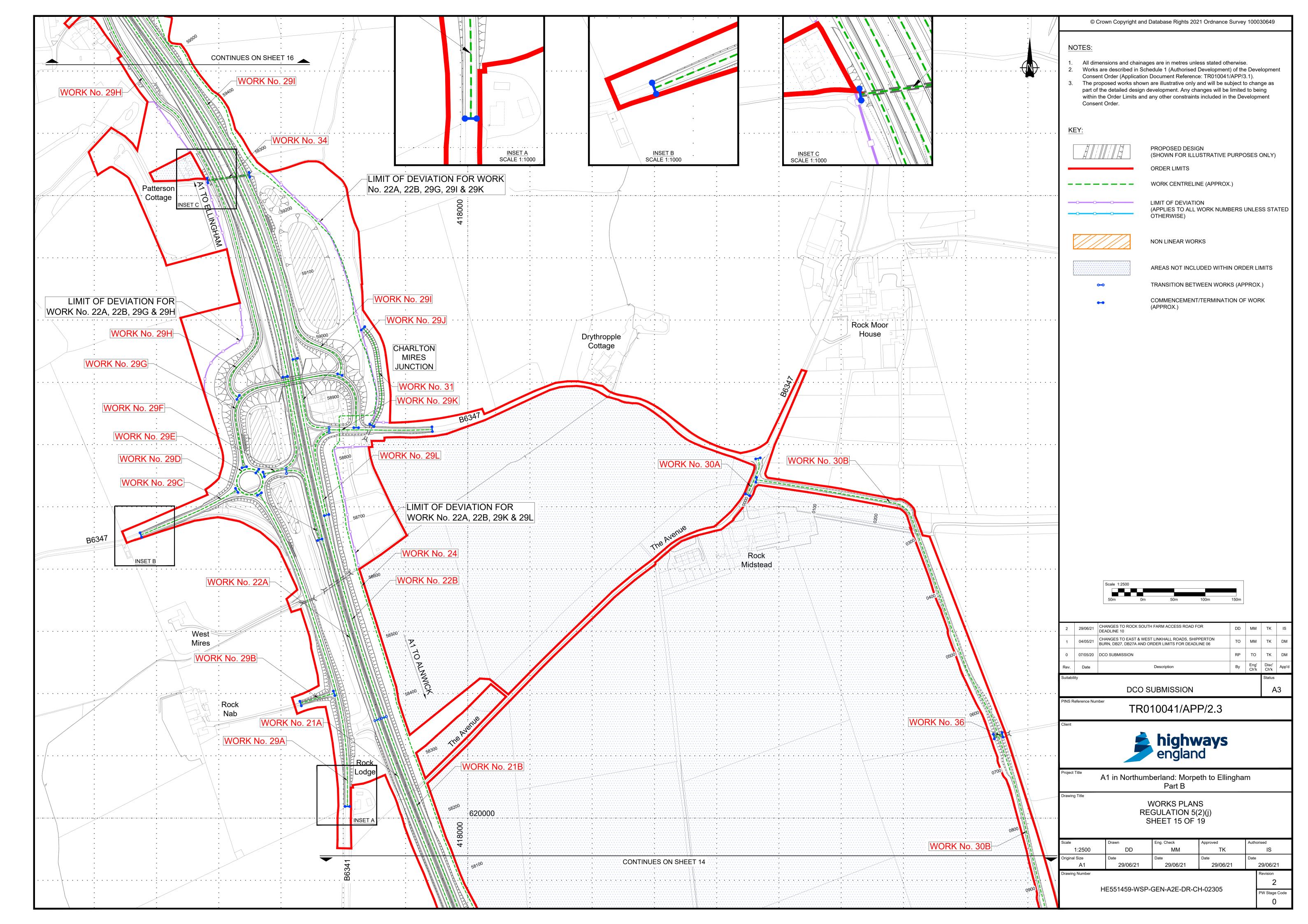


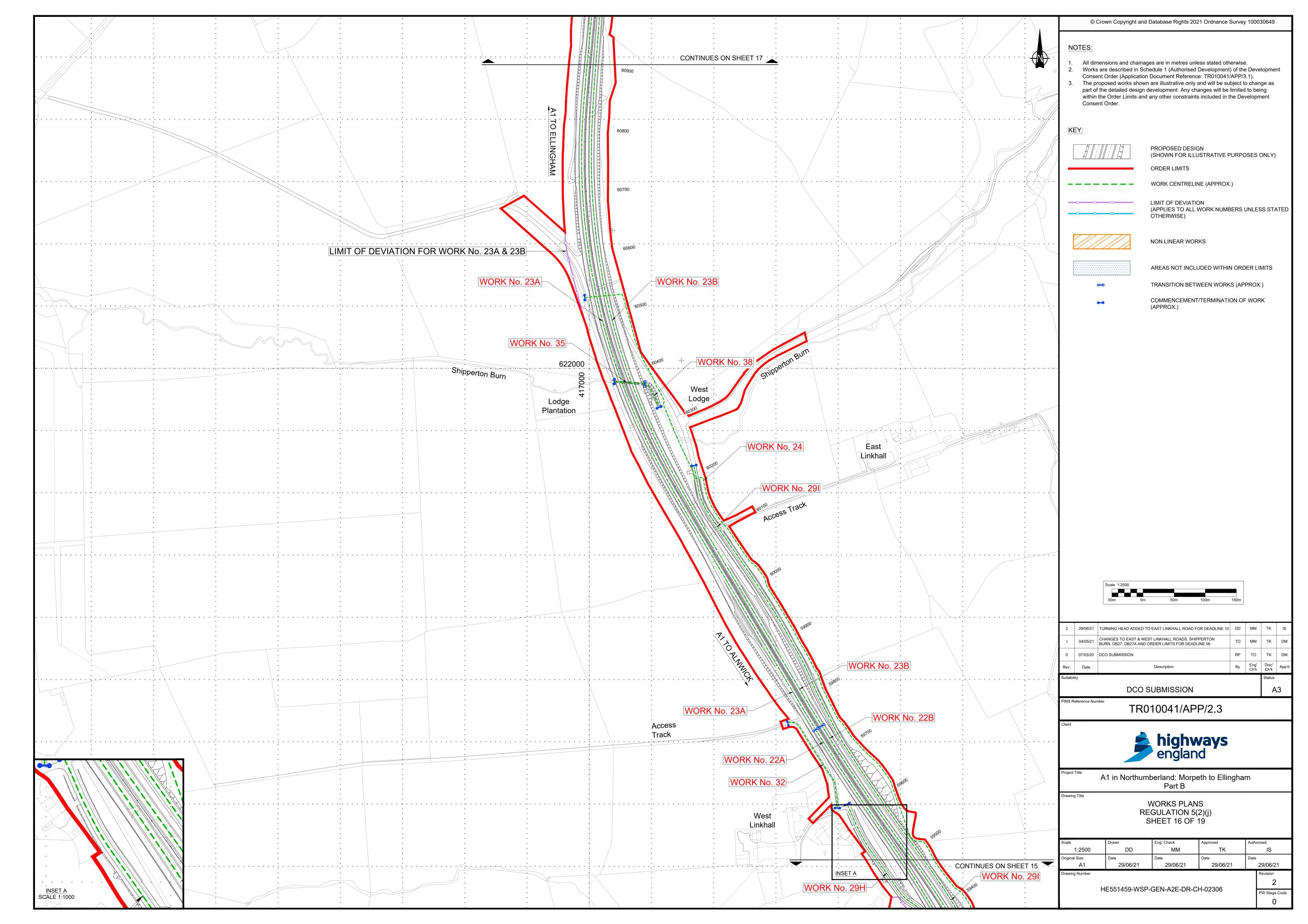


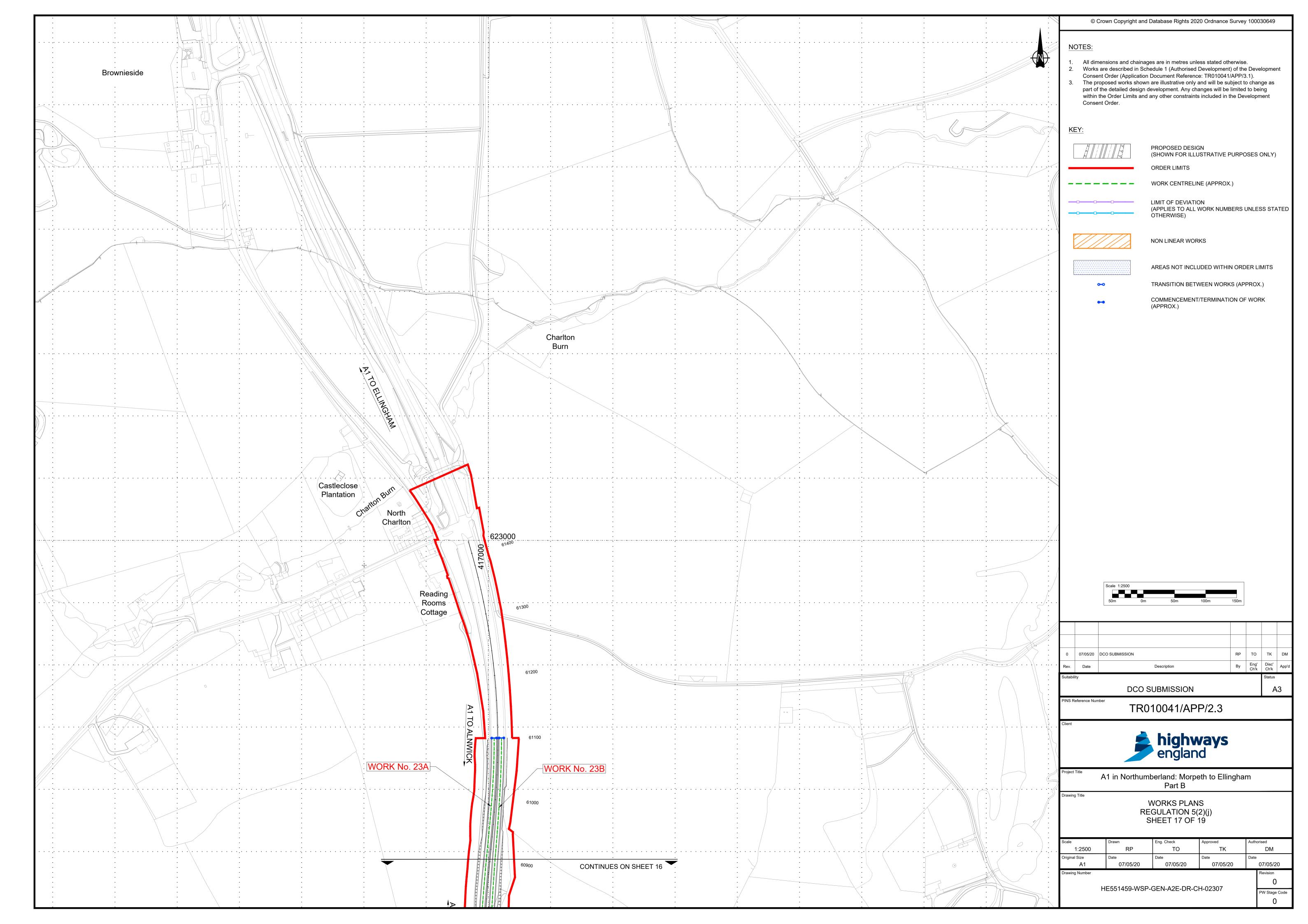


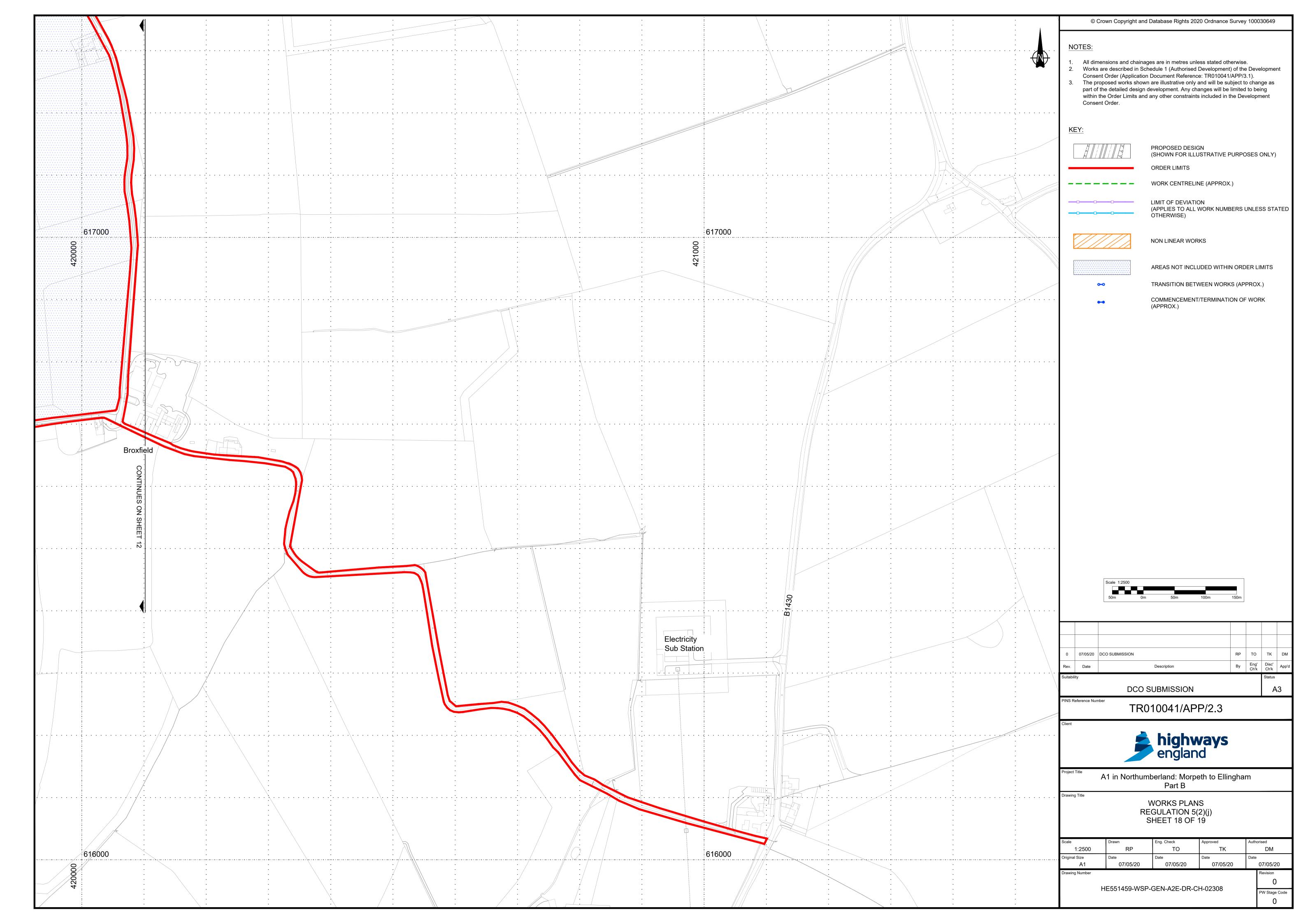


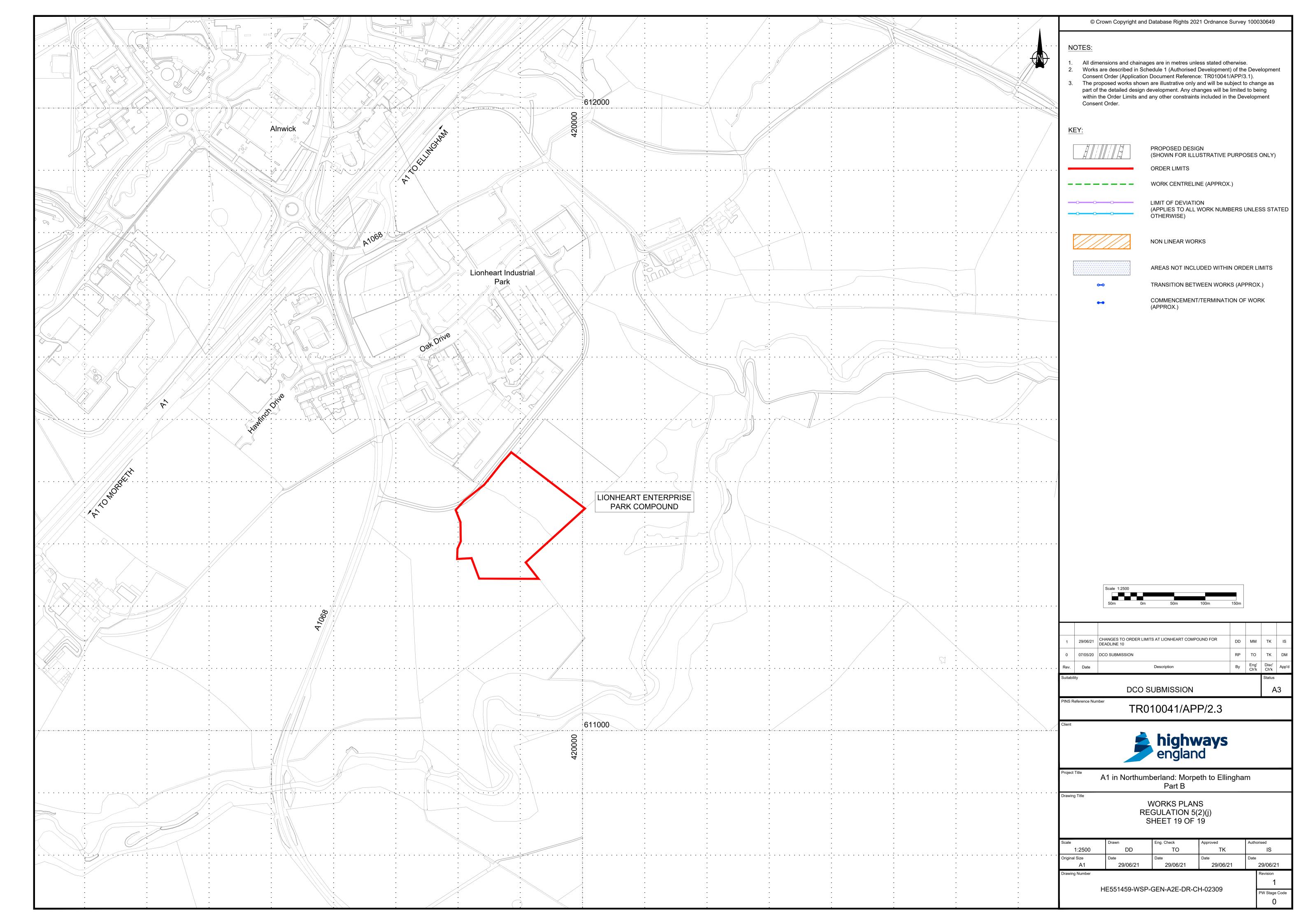












Appendix D

GENERAL ARRANGMENT PLANS

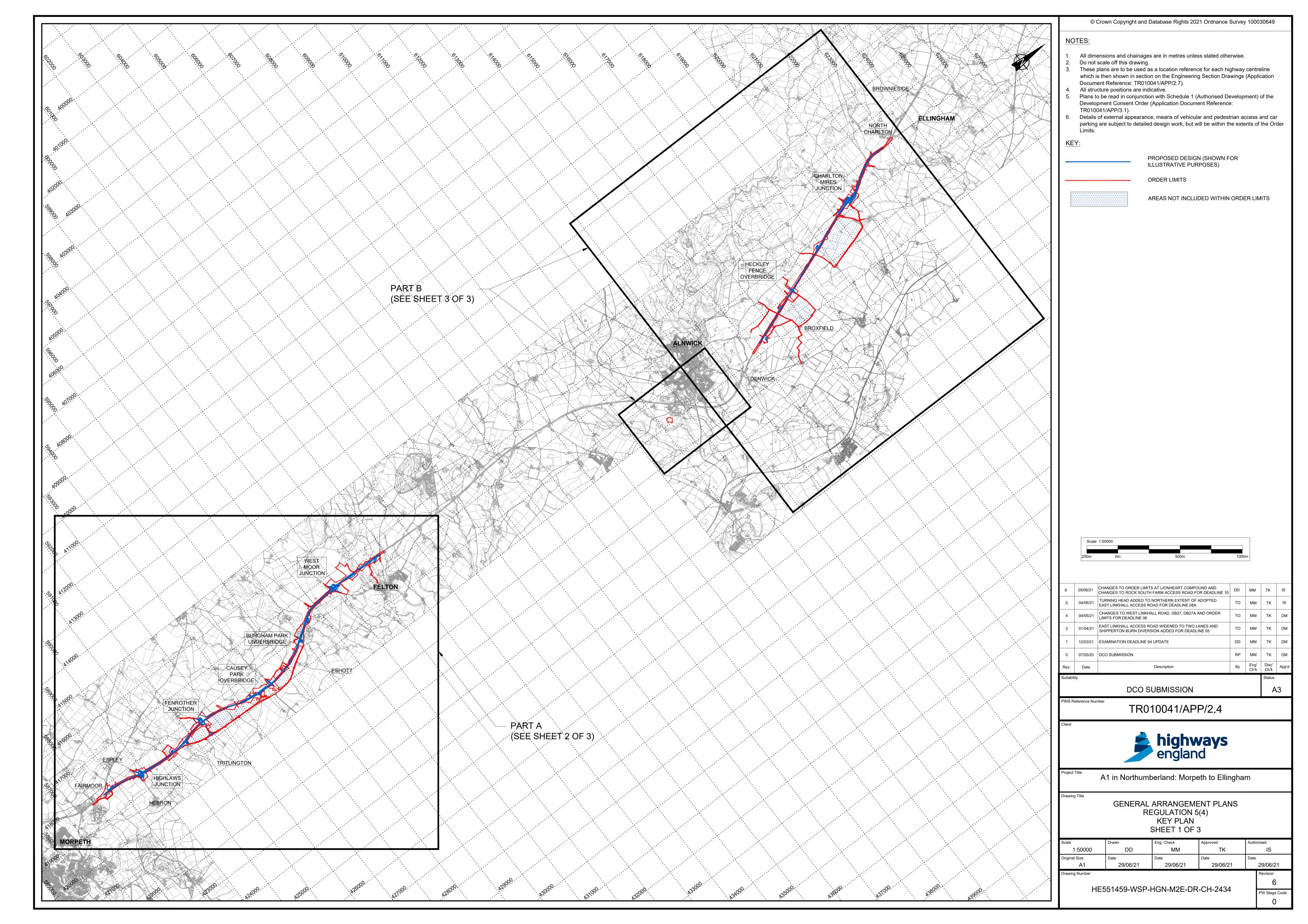


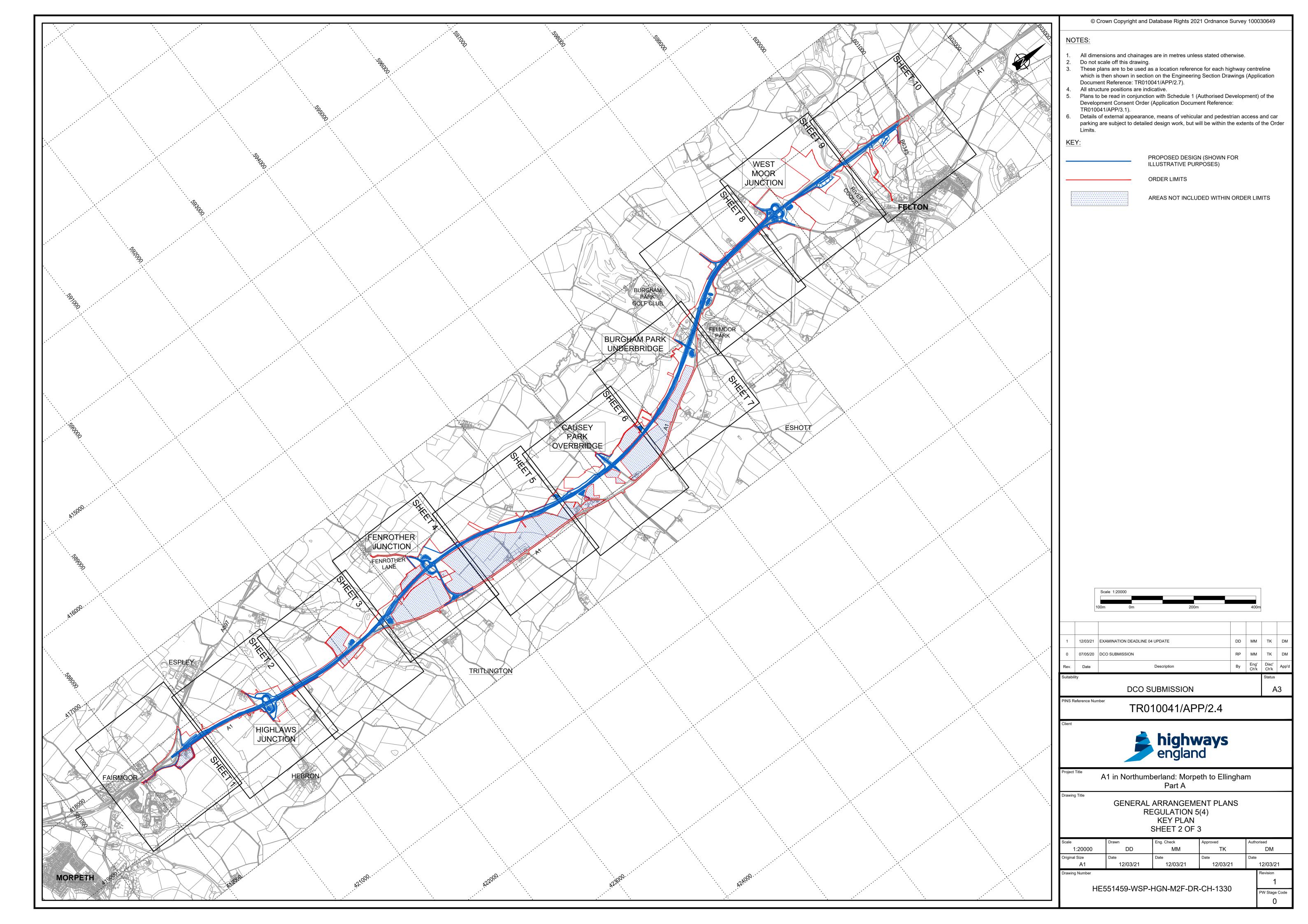
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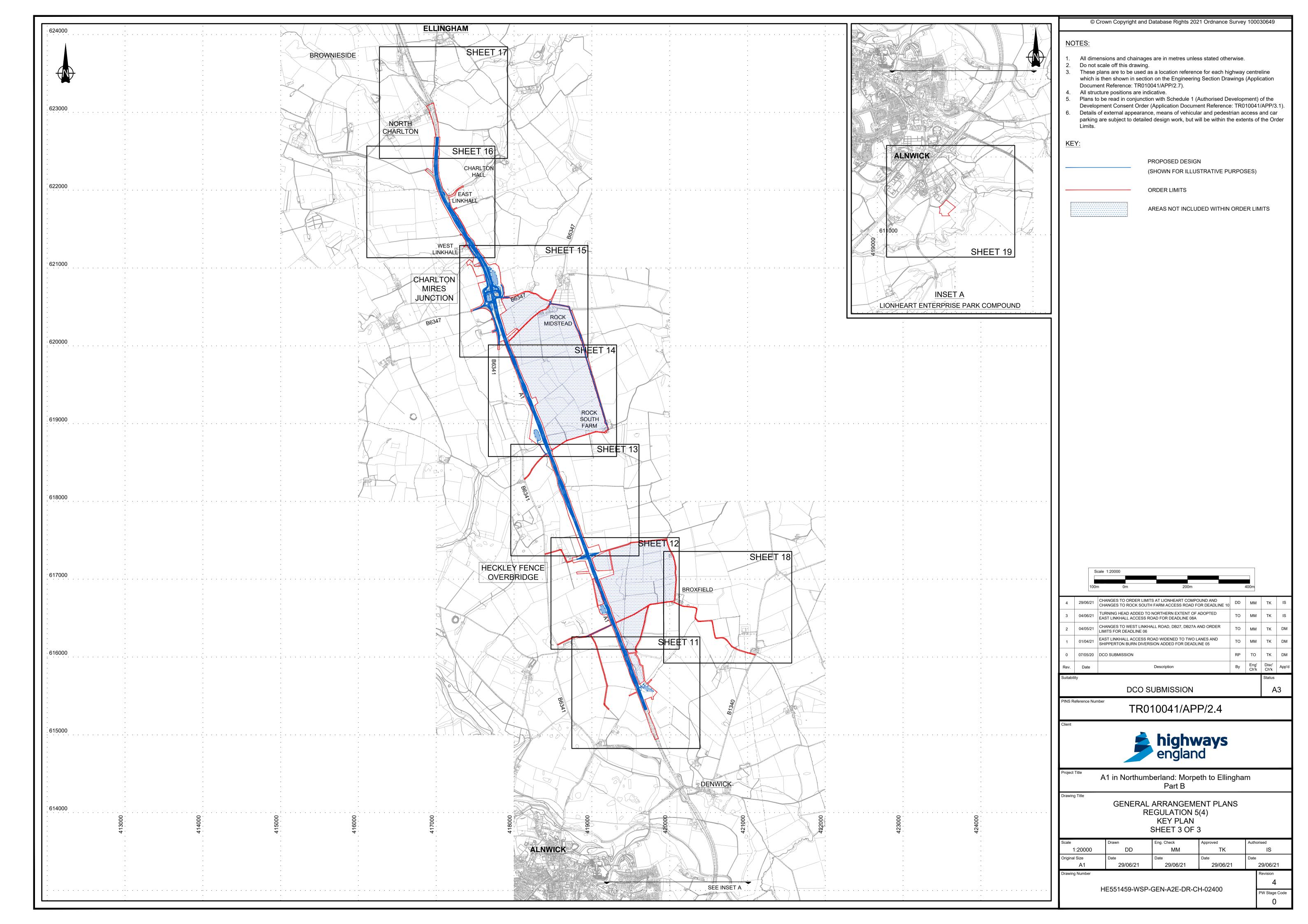
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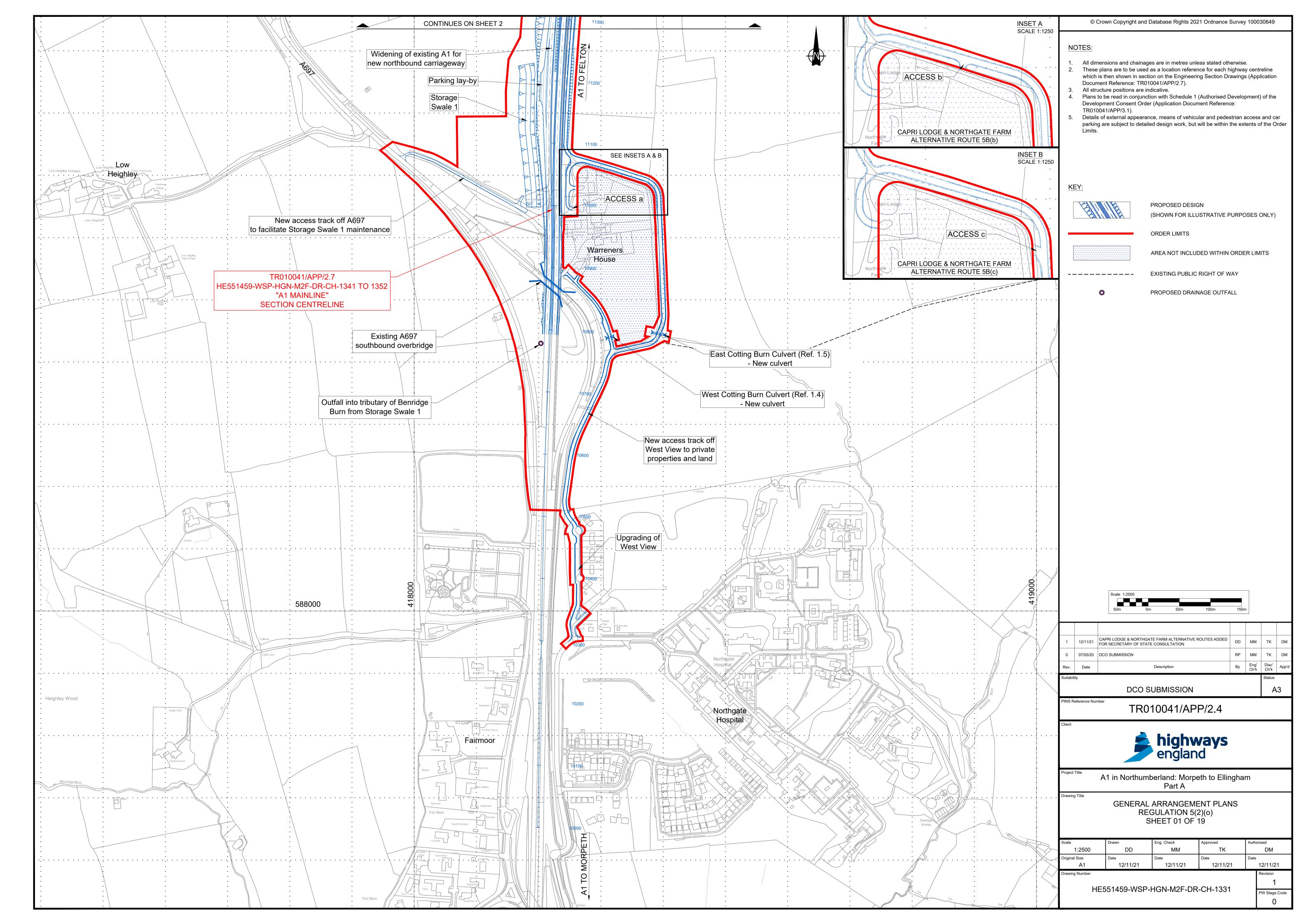


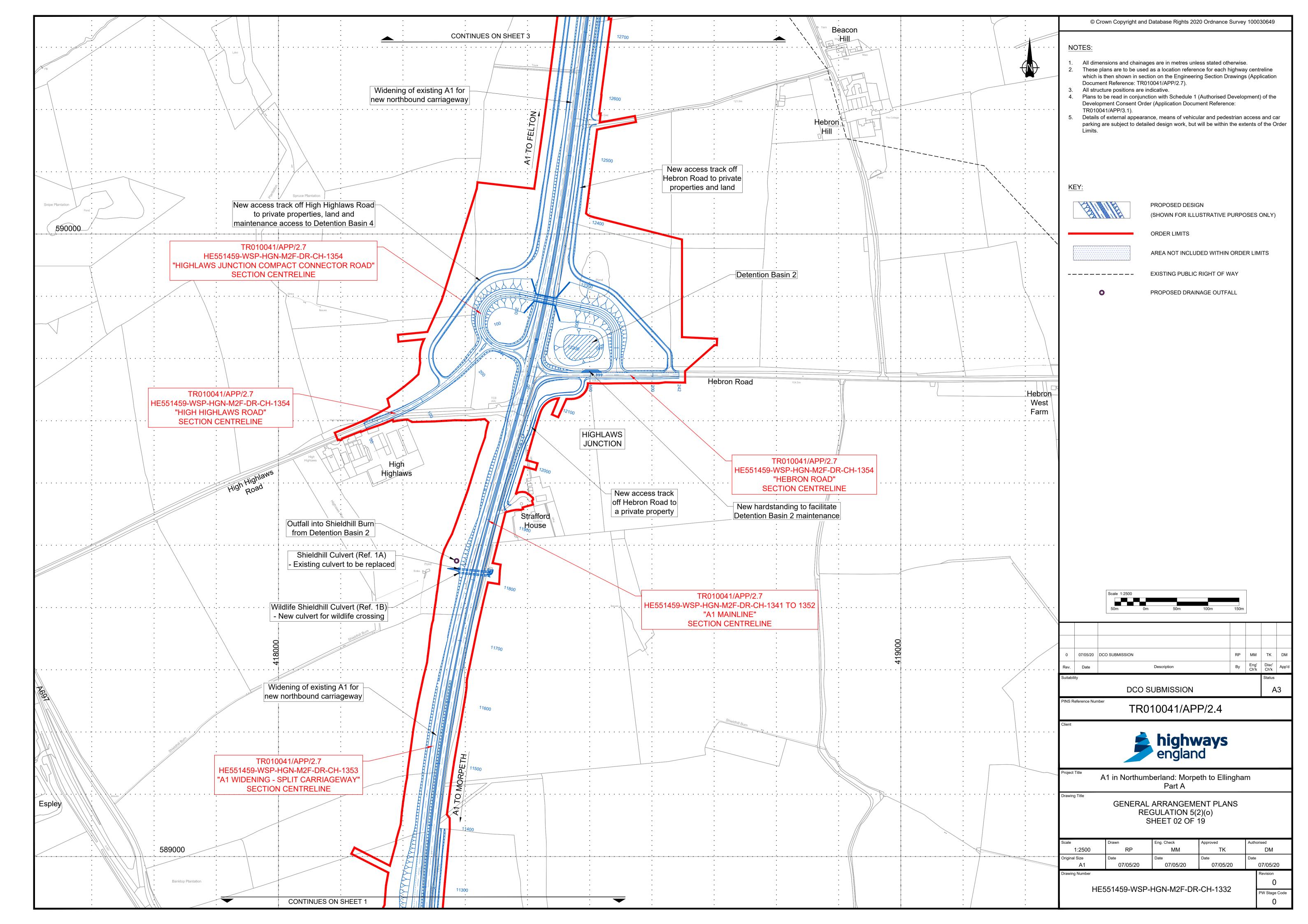
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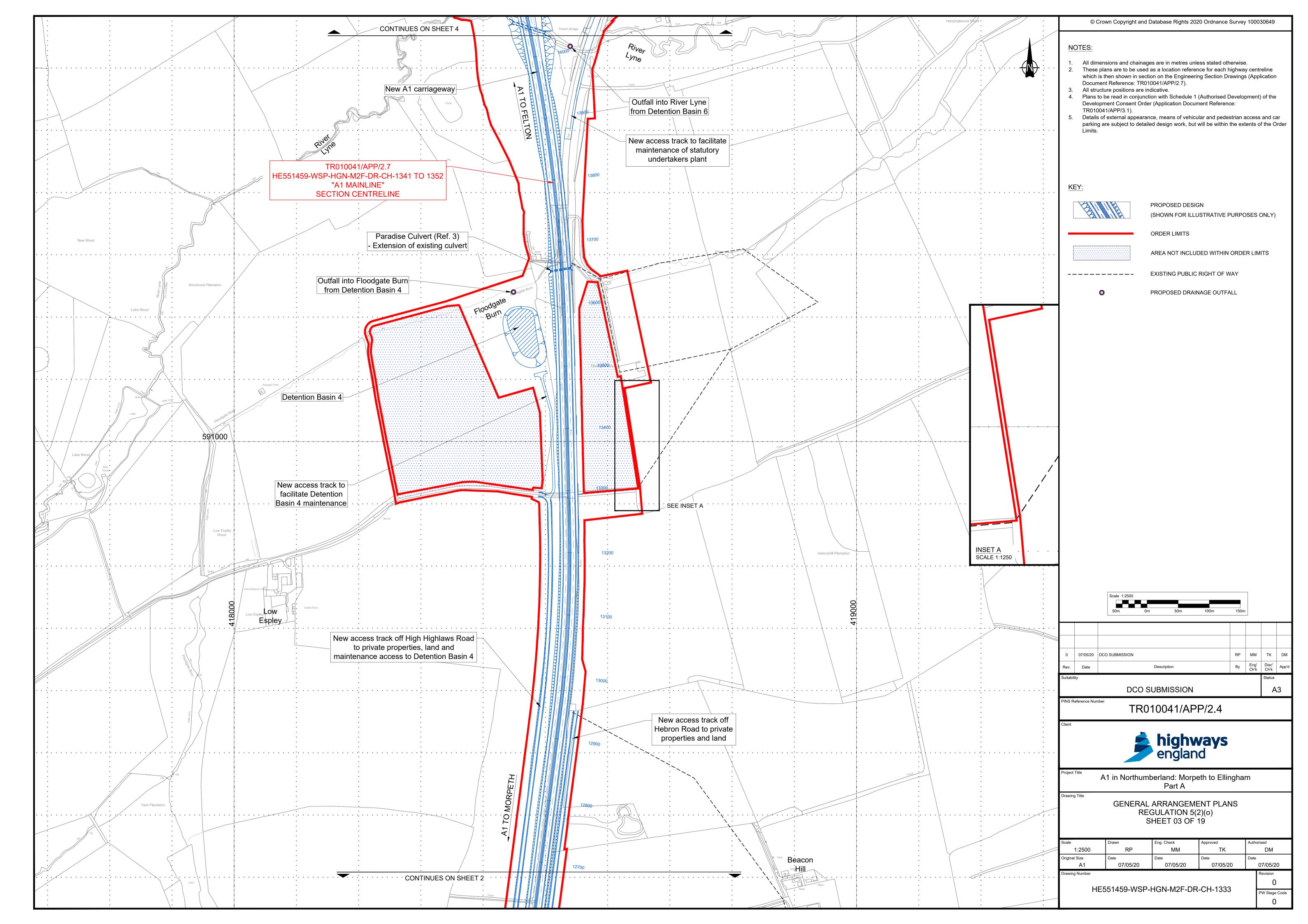


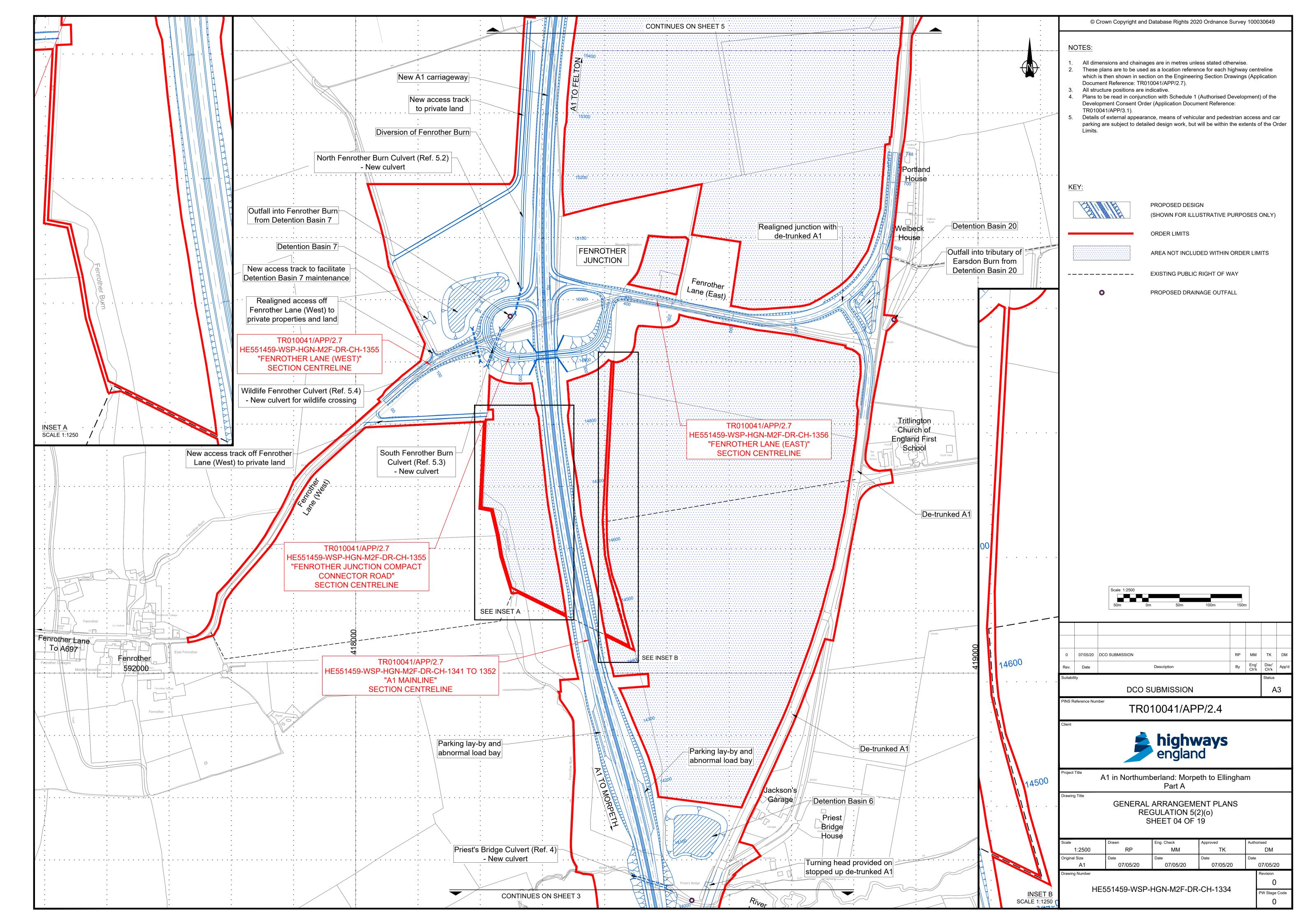


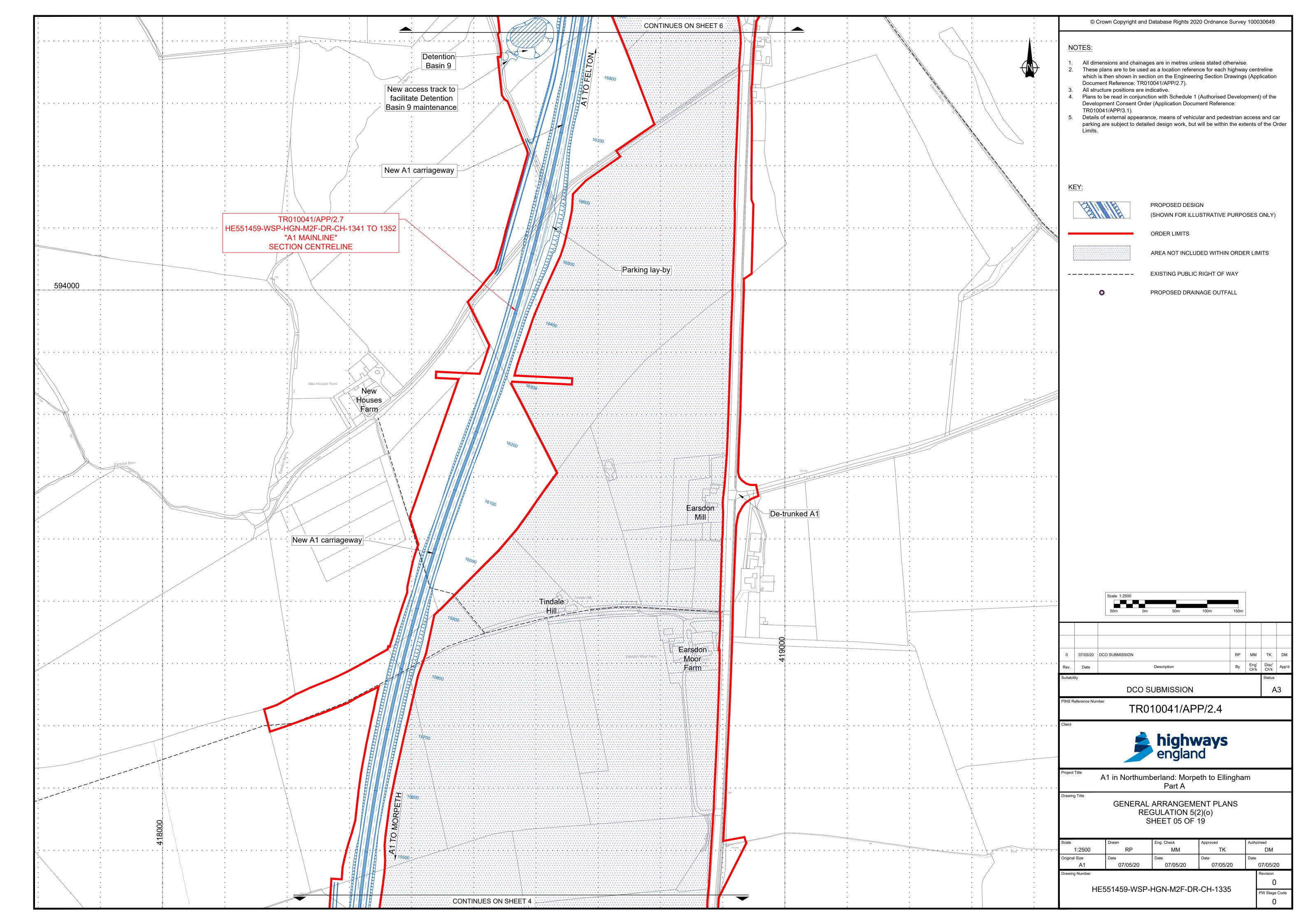


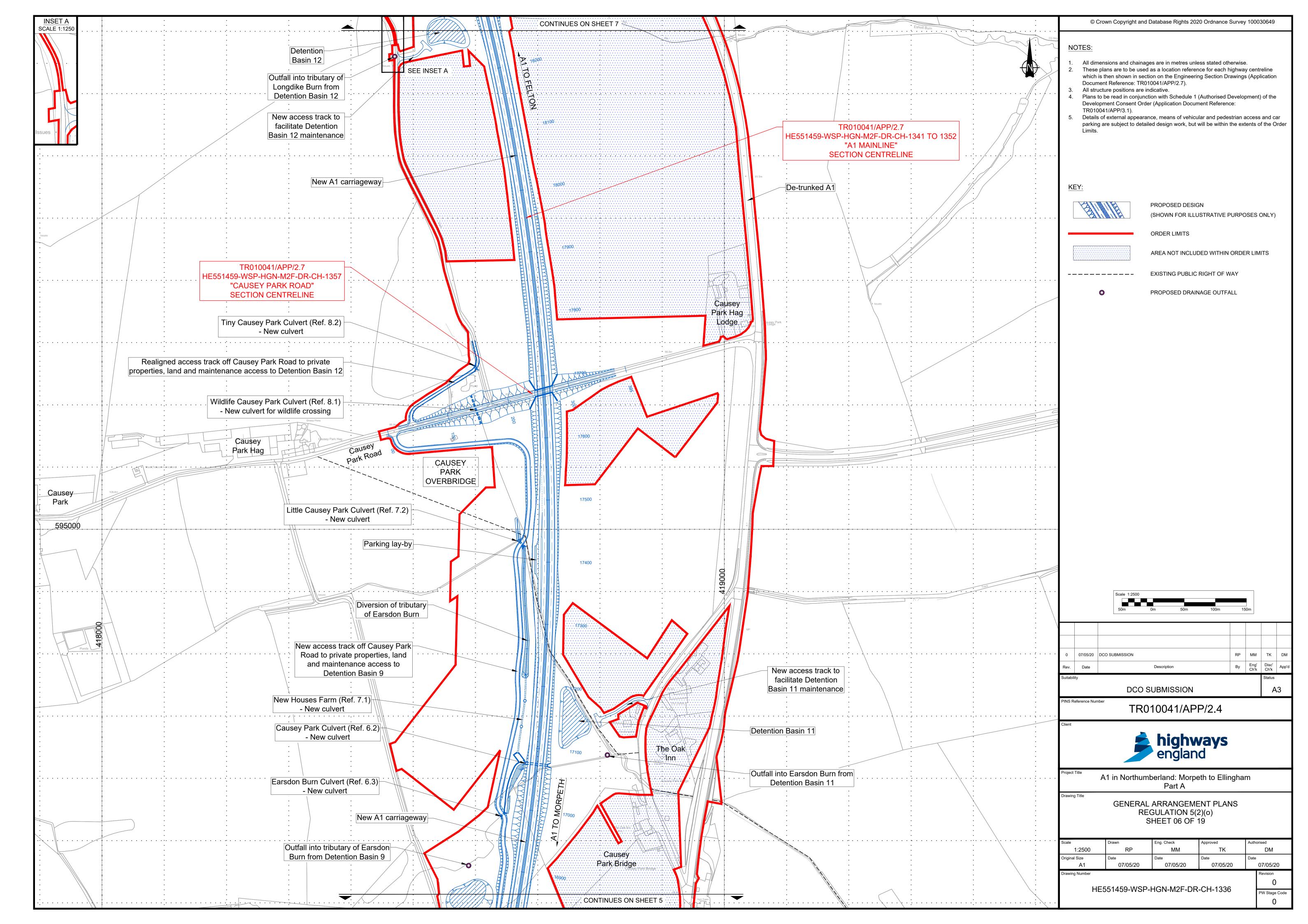


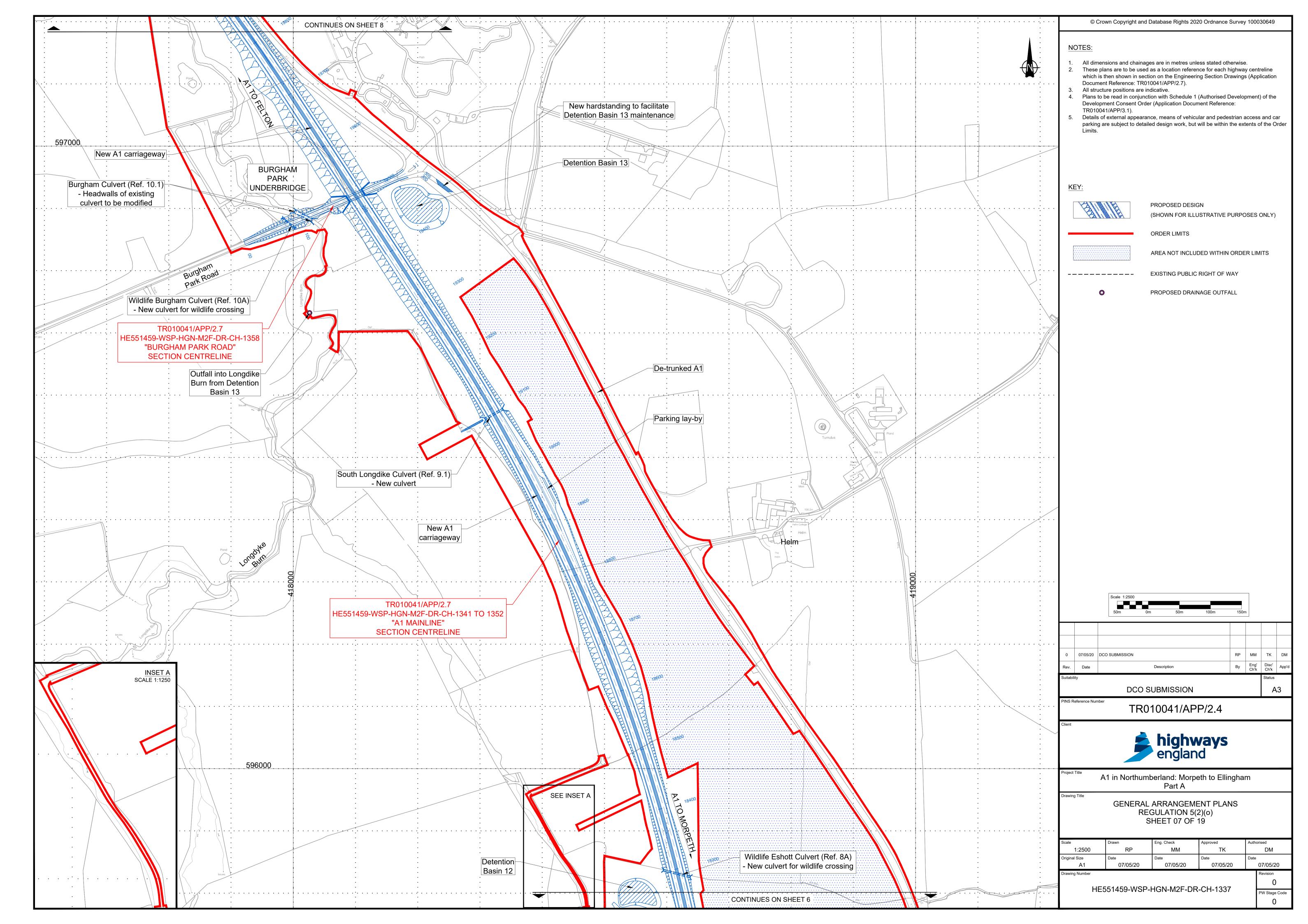


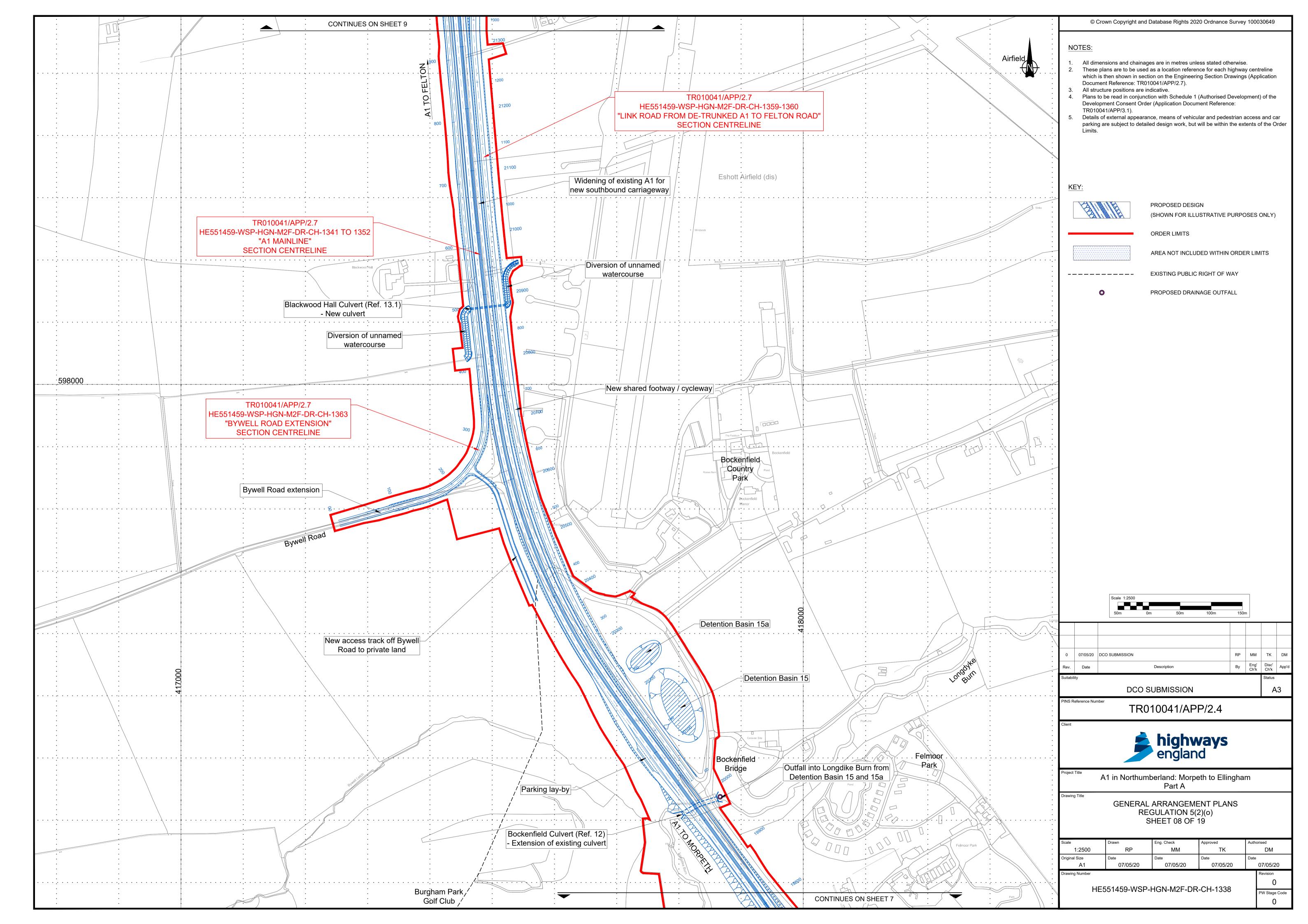


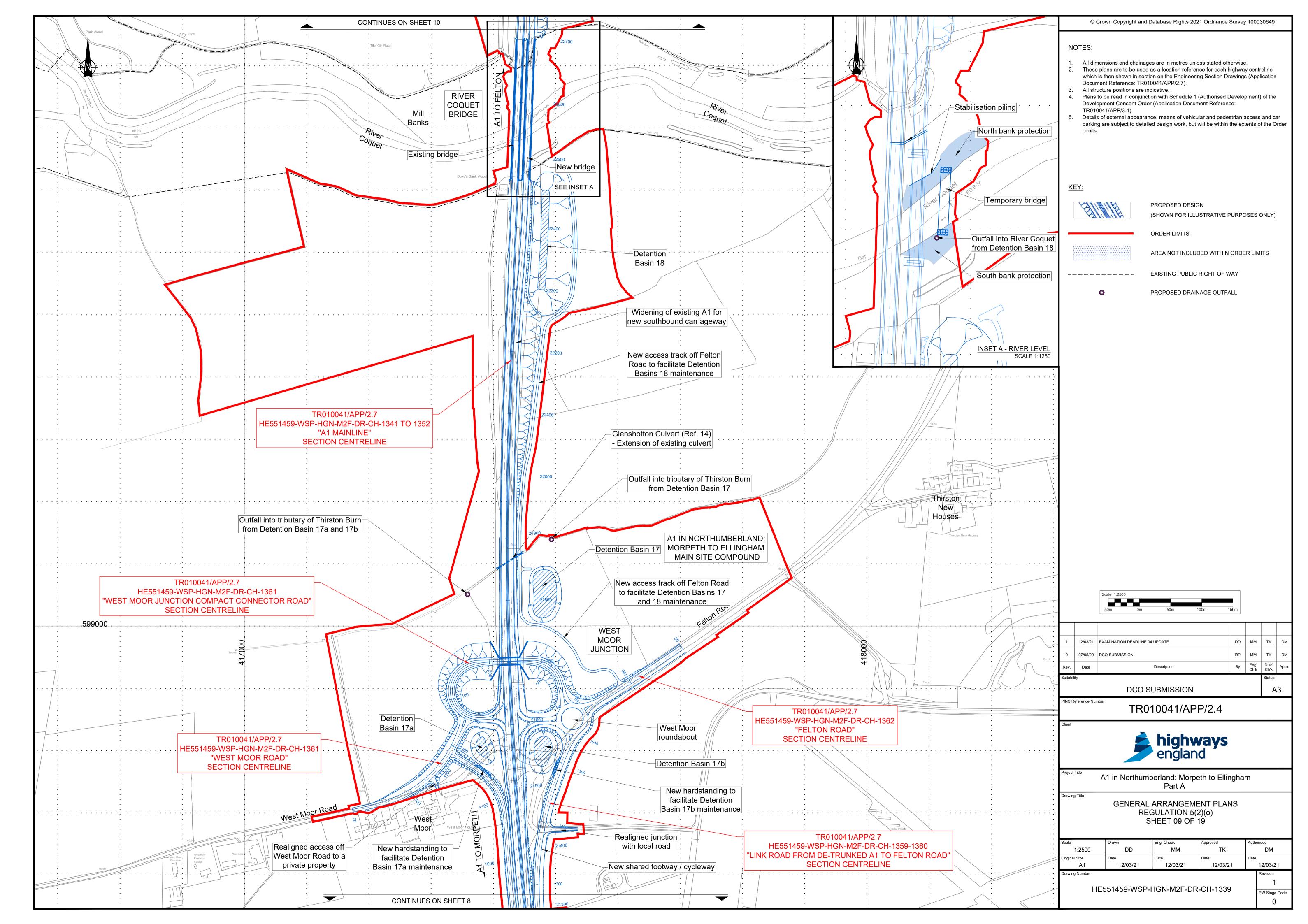


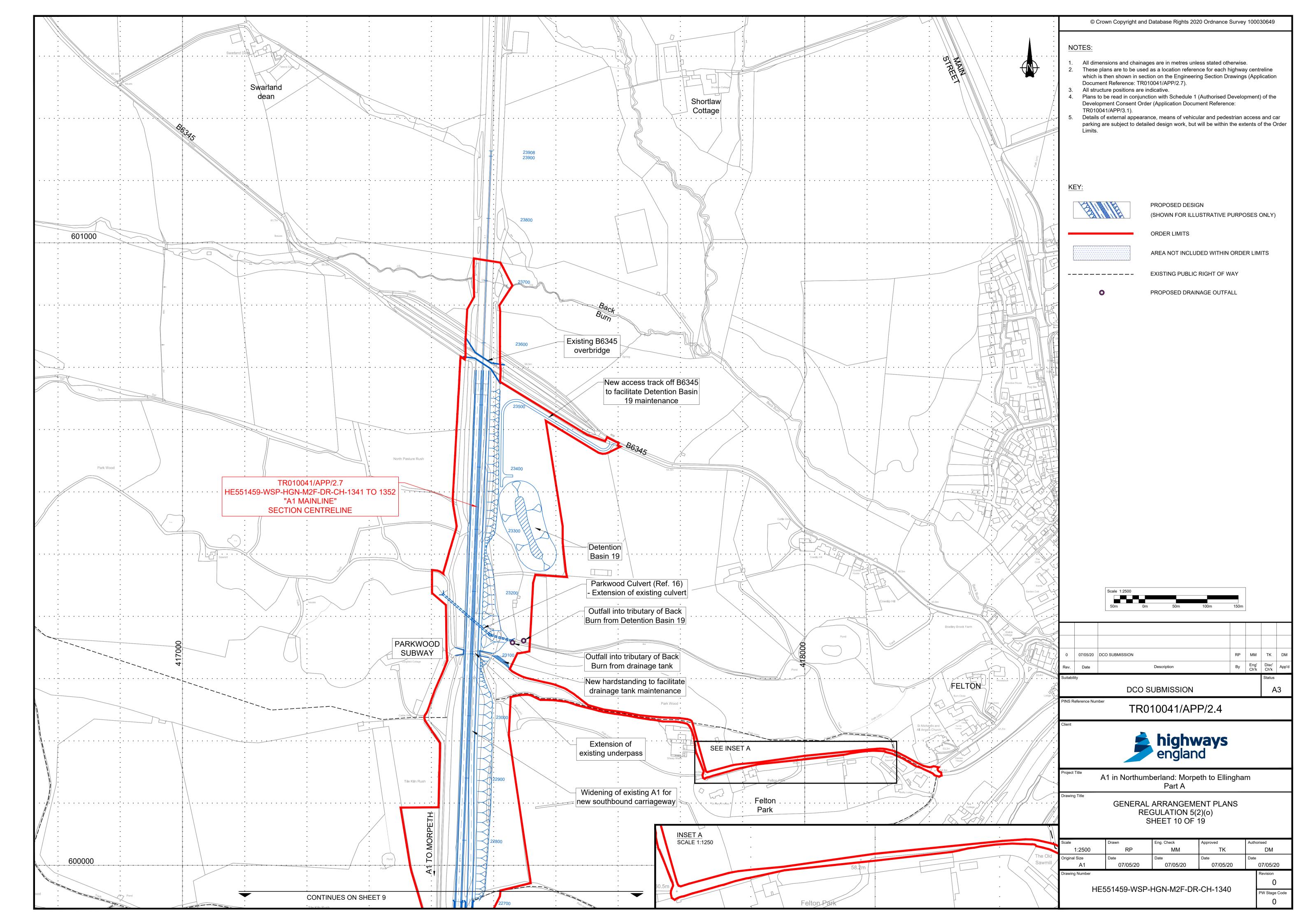


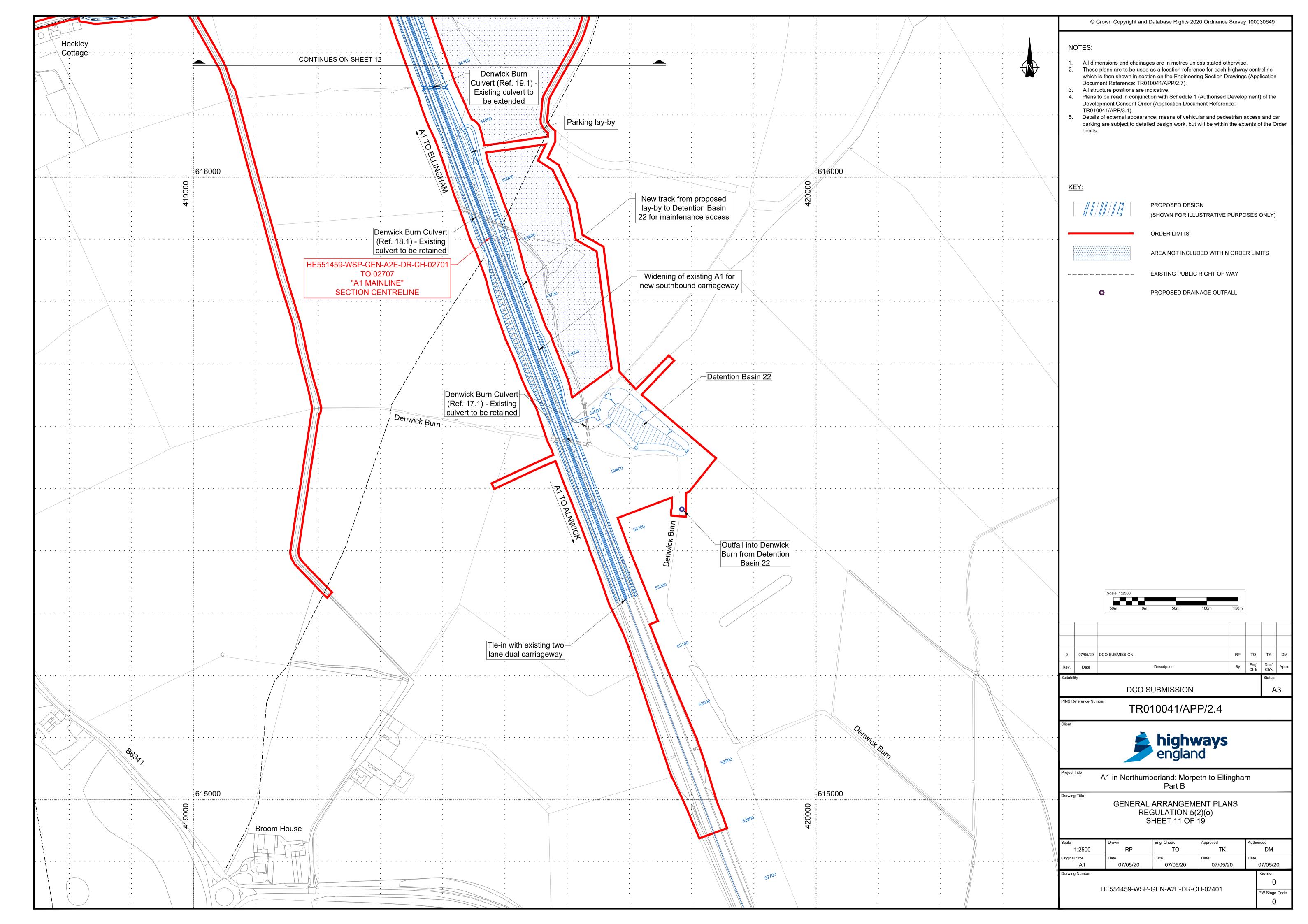


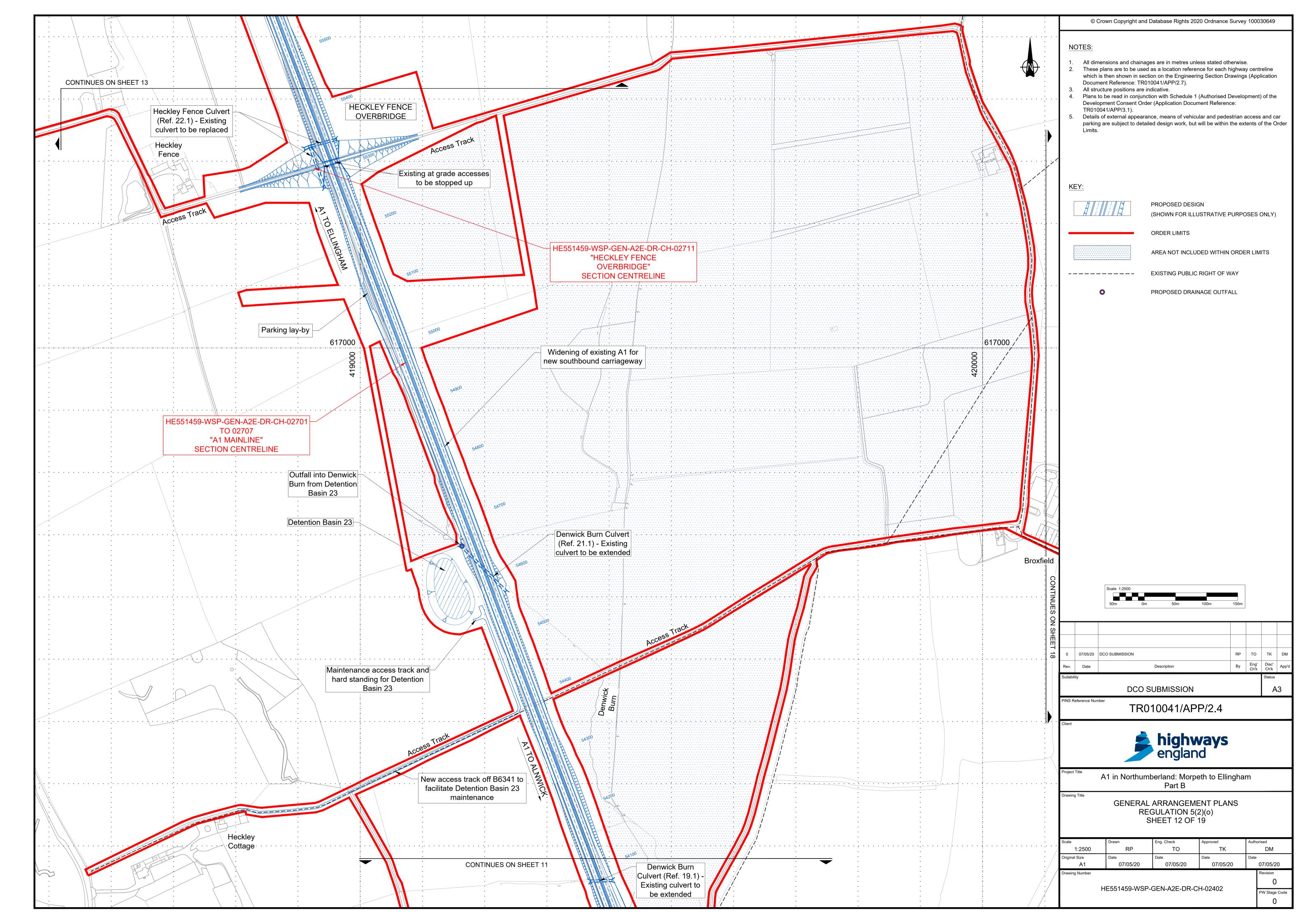


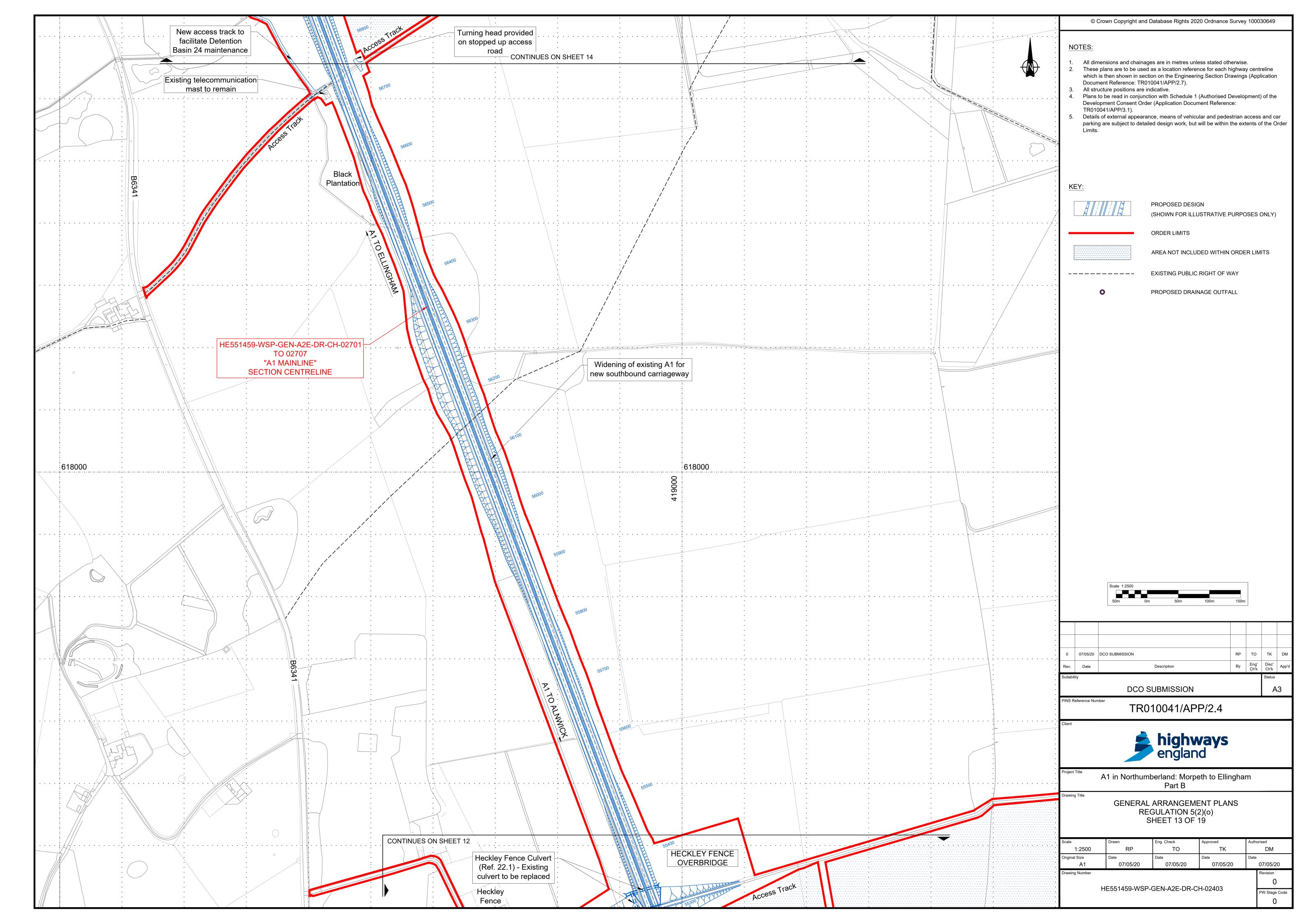


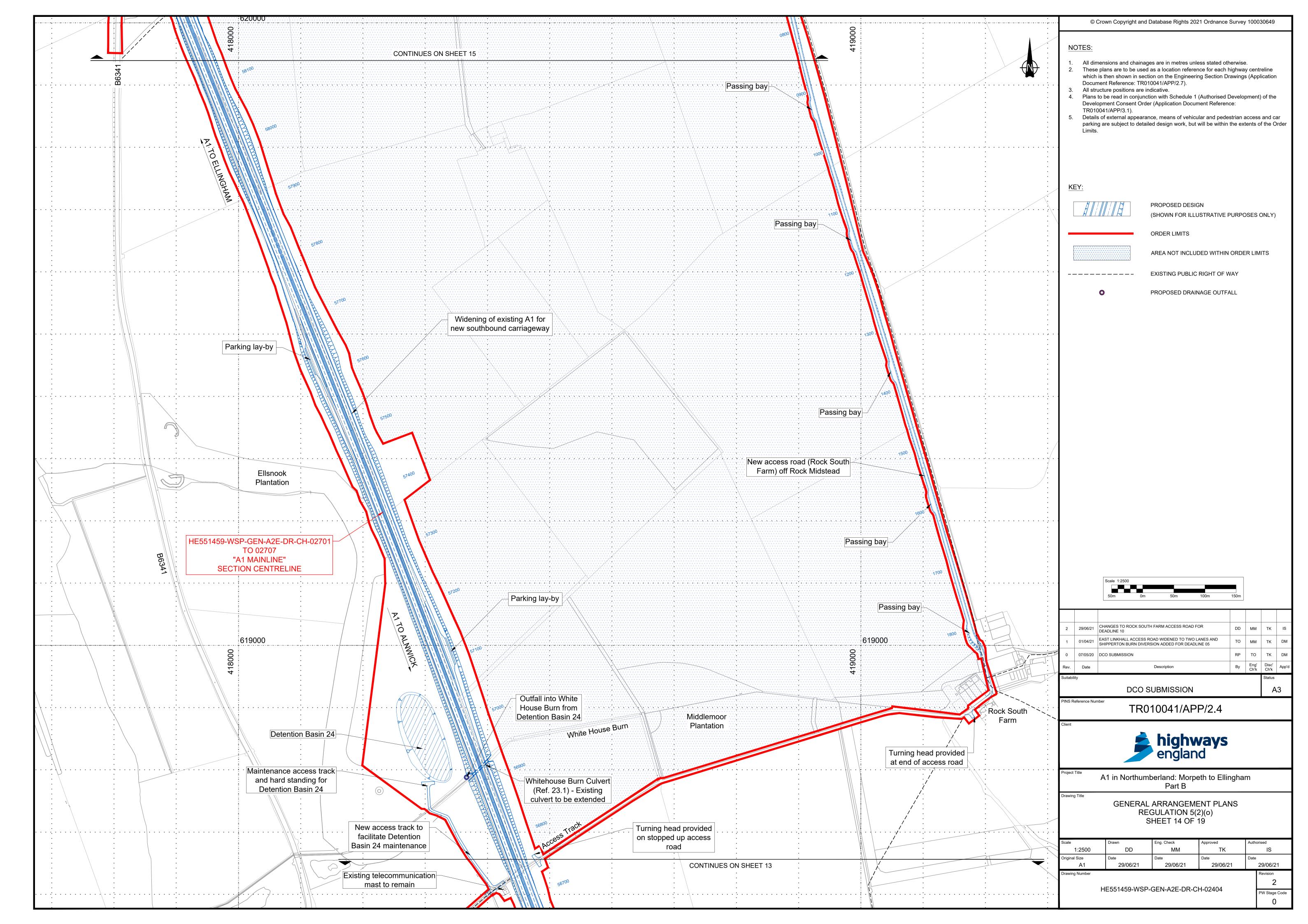


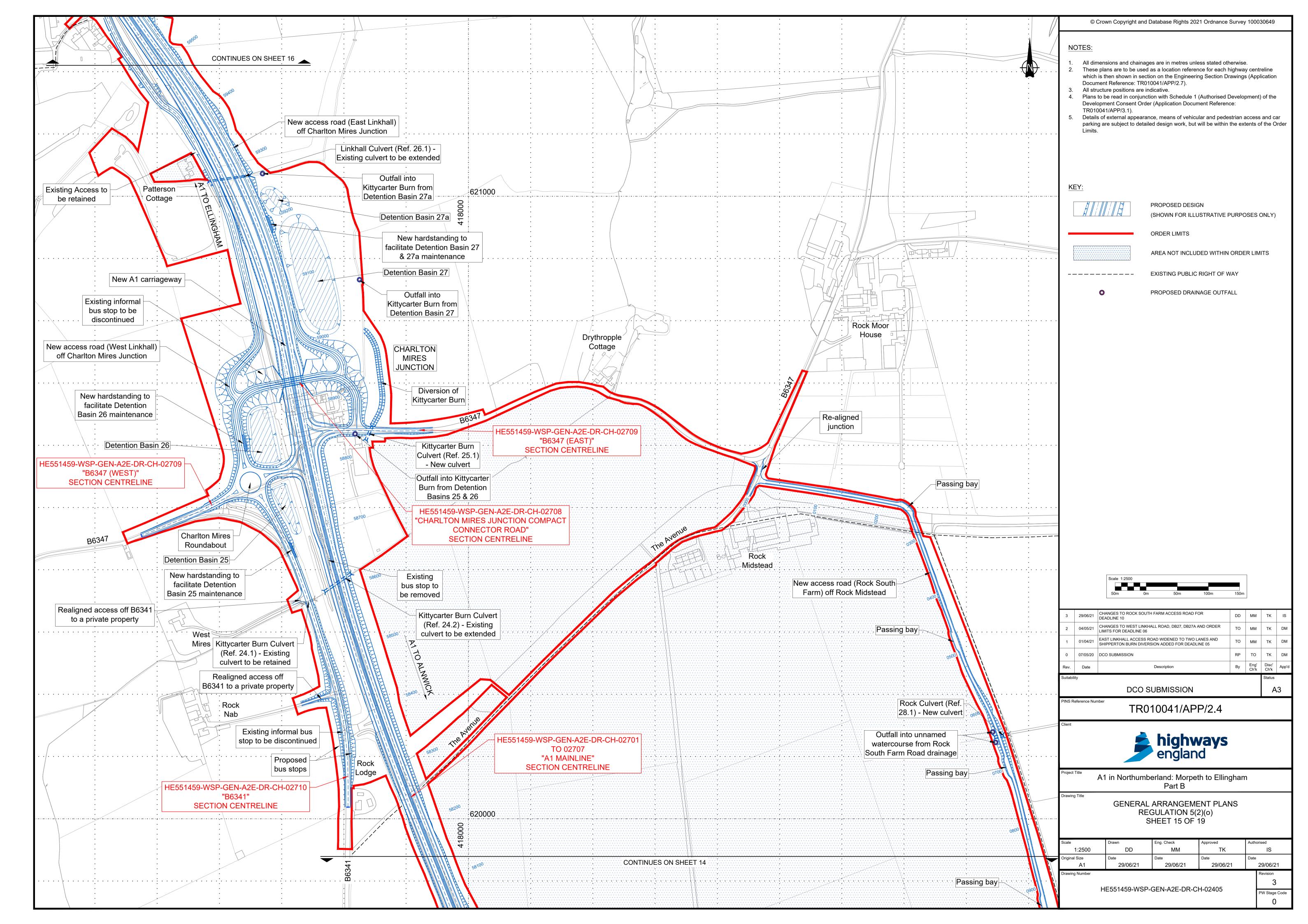


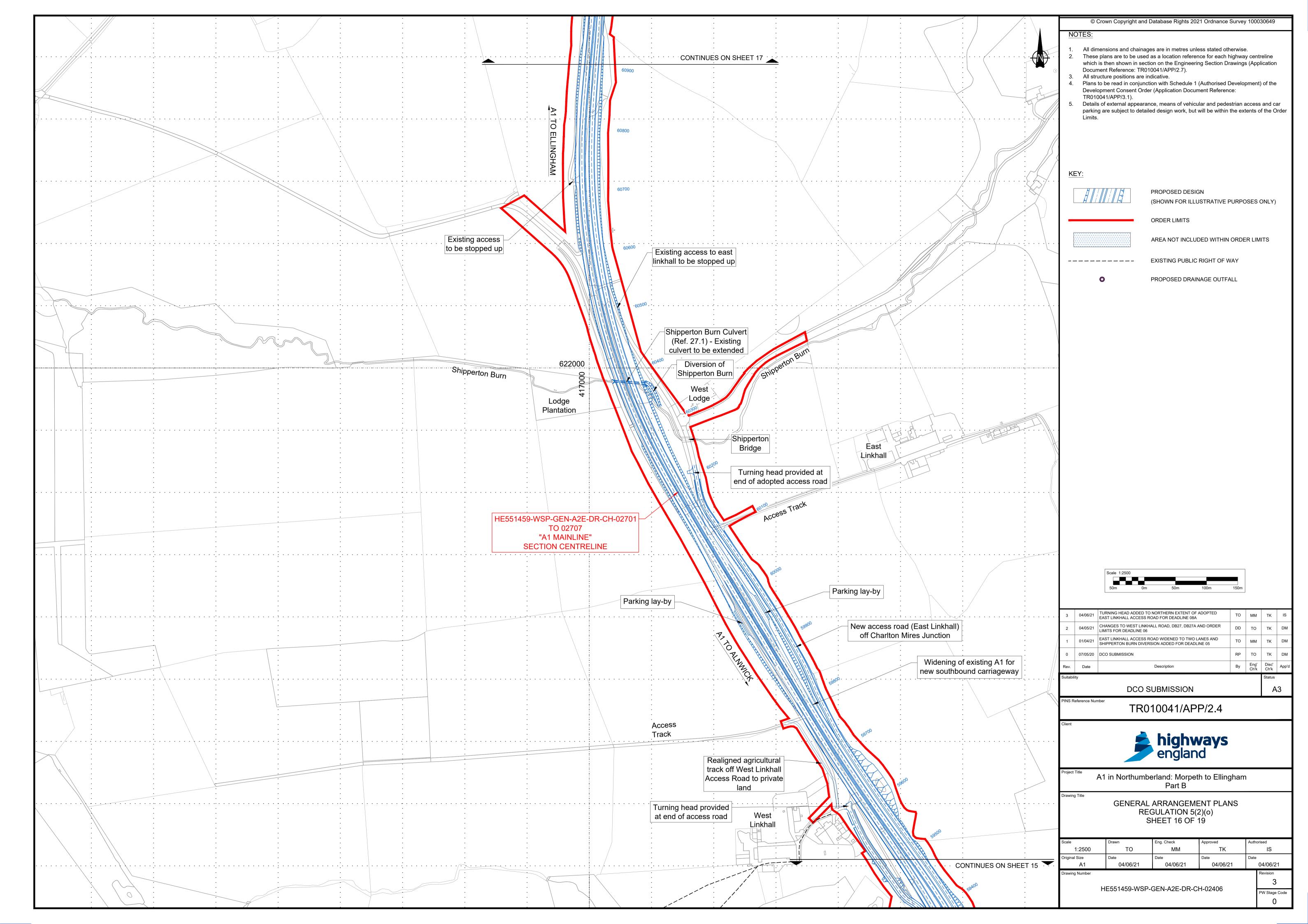


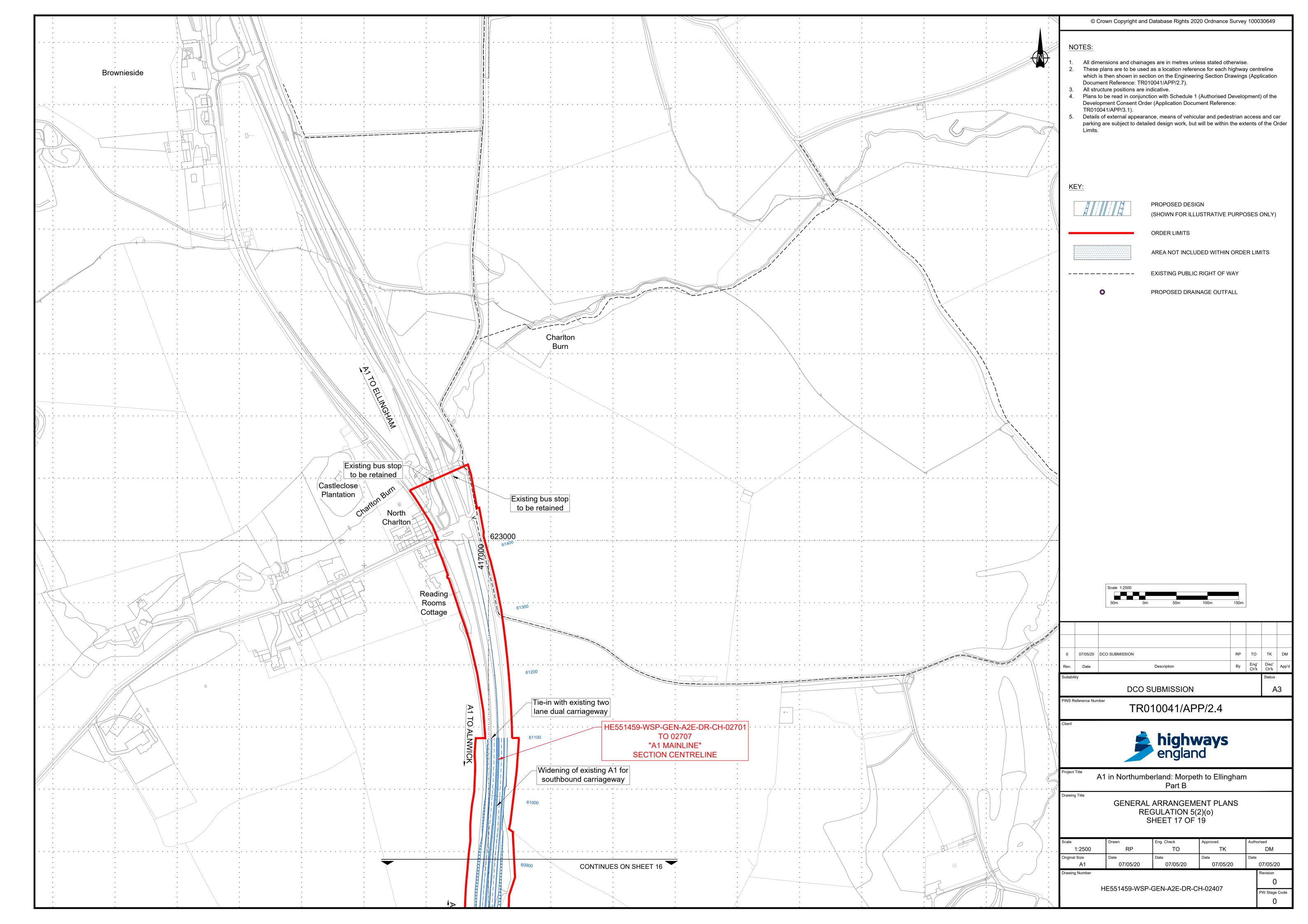


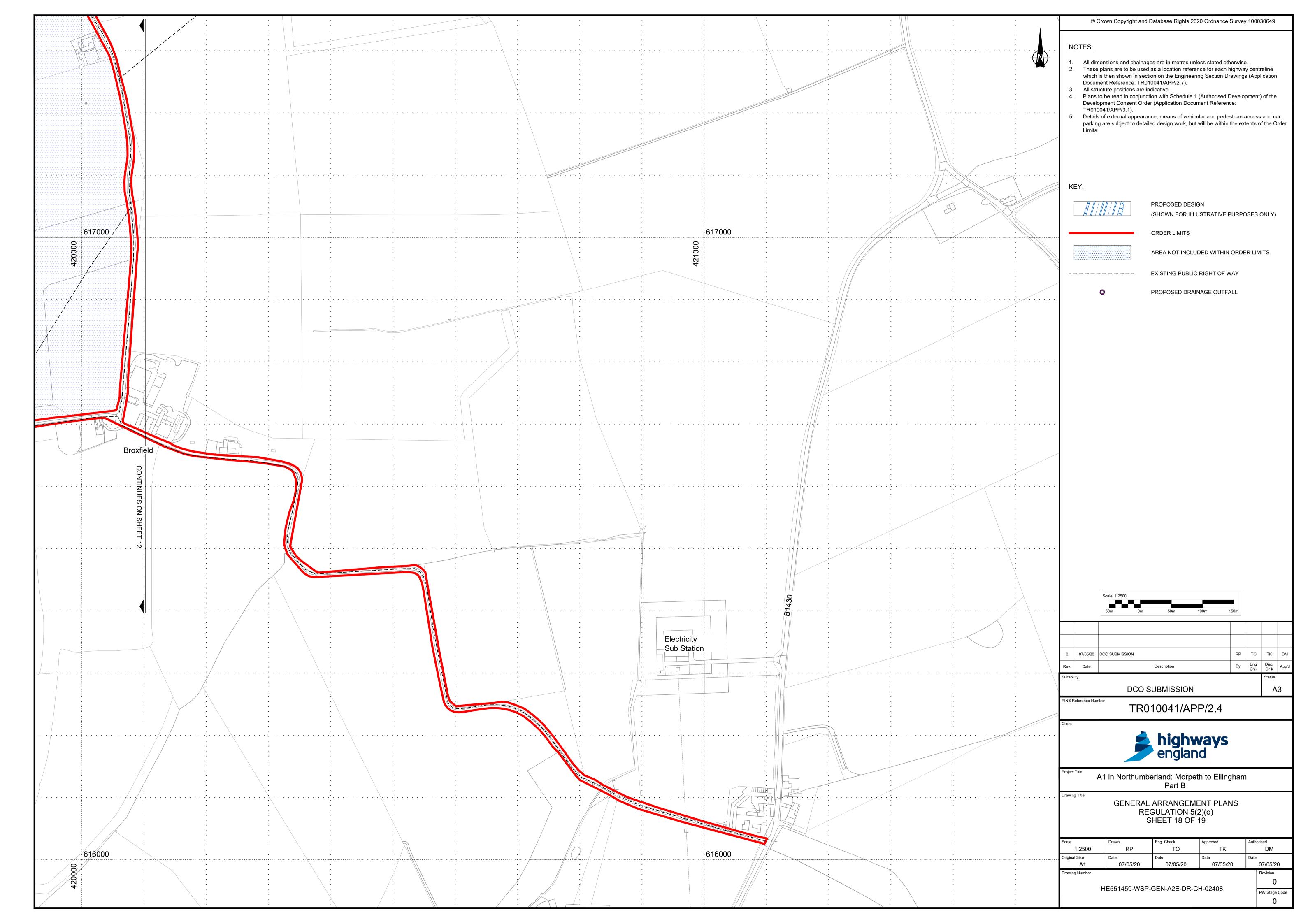


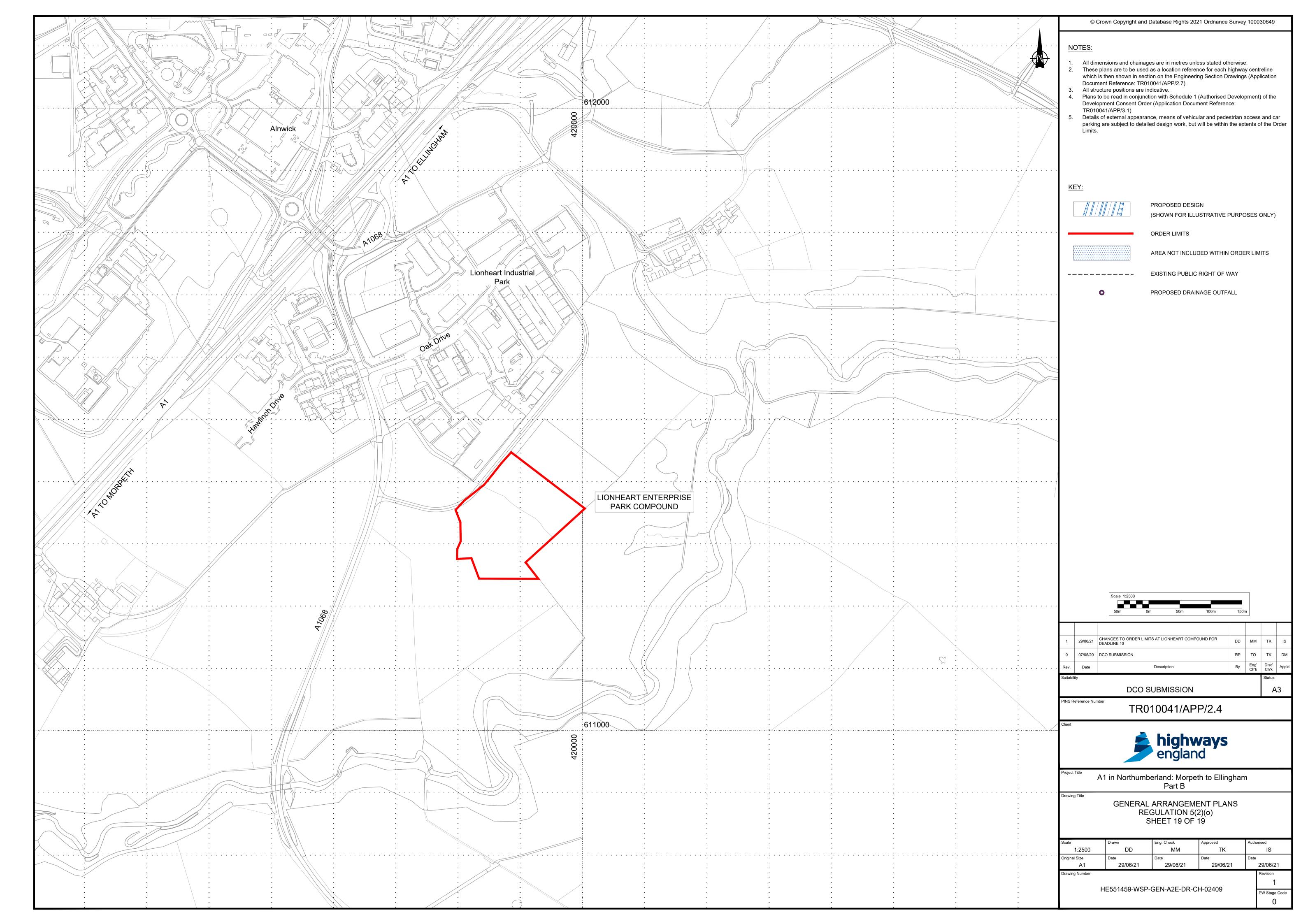












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If you have any enquiries about this document A1inNorthumberland@highwaysengland.co.uk or call **0300 470 4580***.