

A1 in Northumberland: Morpeth to Ellingham 7.38 Applicant's Response to Secretary of State's Request

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

October 2023

Infrastructure Planning

Planning Act 2008

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

**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. This document relates to an application for a Development Consent Order (DCO), made on 7 July 2020, by Highways England (now National Highways) (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').
- 1.2. 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].
- 1.3. 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 11 October 2023.

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

2.1. REQUEST FOR UPDATE APPLICATION INFORMATION

Secretary of State's Request

2.1.1. *The Secretary of State would like to invite the Applicant in the first instance to clearly set out if any updates are necessary to any of the application documentation or other documentation provided during the Examination (or in response to previous consultations by the Secretary of State) including the following:*

If there are any changes in whether the Proposed Development would be consistent with the requirements and provisions of relevant local or national policies.

National Highways' Response

2.1.2. There have been changes to national and local policy since the Examination. The changes to *national* policy are considered to be neutral but the changes to local policy are considered to provide enhanced support for the Proposed Development.

National Policy

2.1.3. The **National Planning Policy Framework** ("NPPF") was updated on 5 September 2023. The revisions to the NPPF are not considered to have a material impact on the support for the Proposed Development.

2.1.4. A **draft national networks national policy statement** was issued for consultation on 14 March 2023. The consultation makes it clear that:-

“While the review is undertaken, the current NNNPS remains relevant government policy for the purposes of the 2008 Act. It continues to provide a basis on which:

- applicants can prepare applications for development consent*
- the planning inspectorate can examine them*
- the Secretary of State can make decisions on them*
- the Secretary of State has decided that for any application accepted for examination before designation of the amendments to the NNNPS, the original NNNPS should have effect. The amended NNNPS will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of those amendments.”*

Thus, whilst the draft NPS would be relevant to consider for a new application, it is not relevant to the current application for the Proposed Development.

2.1.5. The current **Roads Investment Strategy** remains RIS 2, which provides support for the dualling of the A1 between Morpeth and Ellingham as an “essential link” for the north east and Northumberland (see page 19 of the Investment Plan.

2.1.6. At the time of writing the Case for the Scheme [APP-344], a delivery plan had still to be written for how the Investment Plan set out in RIS 2 was to be delivered. Annual updates of the Delivery plan are now published with the most recent being for 2023-2024. The Proposed Development is included in Annex C in the committed enhancements scheme list.

2.1.7. Additional national documentation relevant to the delivery of infrastructure is contained **Union Connectivity Review**. This is considered further below in paragraphs 2.1.18 – 2.1.22.

Local Policy

2.1.8. As explained in the section 3.6 of the Case for the Scheme [APP-344], there has been long-standing development plan support for the dualling of the A1 North of Newcastle. Since the close of the examination, there has been a change to the development plan. The **Northumberland Local Plan 2016 – 2036** was adopted in March 2022. This replaces the Castle Morpeth District Local Plan, Alnwick District Wide Local Plan and Alnwick District Core Strategy.

2.1.9. The adopted Northumberland Local Plan continues the previous development plan support for dualling of the A1. In particular:-

- 2.1.9.1. Chapter 3 of the Local Plan sets out the Spatial Vision, Objectives and Outcomes for the plan period. This confirms that *“the required level of growth across Northumberland will increase demand on local infrastructure services and facilities. The Local Plan ensures that infrastructure requirements are appropriately planned, secured and implemented to ensure the timely delivery of development proposals.”* Paragraph 3.11 identifies improvements to transport and communications infrastructure – including dualling of the A1 – as a key outcome for the local plan.
- 2.1.9.2. Chapter 4 of the Local Plan sets out the strategy for sustainable growth across Northumberland. *Paragraph 4.16 states that the Local Plan will support in the delivery of this growth by supporting “improvements to the strategic highway corridors” including the A1. Paragraph 4.33 recognises that “with proposed improvements to the A1, Alnwick and Berwick-upon-Tweed will be more accessible, and attractive to the market.”*
- 2.1.9.3. Policy TRA 3 (“Improving Northumberland’s core road network”) supports the maintenance and improvement of Northumberland's core road network by:
- 2.1.9.3.1. the creation of additional capacity and improvement measures on the Strategic Road Network, including for the A1 in Northumberland;
 - 2.1.9.3.2. Supporting and identifying acceptable lines and areas of improvements through the plan period including for the full dualling of the A1 through Northumberland and *improved* local links/junctions to the A1;
- 2.1.9.4. Further support for dualling of the A1 is in the supporting text to policy TRA3. Paragraph 9.1.9 states that *“Northumberland's core road network plays an important economic role in facilitating the movement of people and freight across Northumberland whilst providing connections to the neighbouring authorities and the wider region. It is therefore critical that the network is fit for purpose.”*
- 2.1.9.5. Paragraph 9.20 states that *“Future improvements to the Strategic Road Network currently include 13 miles of upgrade to dual carriageway linking Morpeth and Alnwick bypasses with the dual carriageway near Ellingham. This will create a continuous, high-quality dual carriageway from Newcastle to Ellingham enabling greater access to and from Northumberland.”*

2.1.9.6. With the adoption of the Northumberland Local Plan there is clear and enhanced policy support for dualling of the A1 which emphasises the central importance that upgrading of this strategic road infrastructure plays in delivering economic growth to this part of the country

Secretary of State's Request

2.1.10. *If there are any updates to the assessment of the impact of the scheme on the carbon budgets set out in the Applicant's response of January 2022, in particular to account for any revision in construction timetables and the Prime Minister's announcement on 20 September postponing the ban on the sales of petrol and diesel cars to 2035.*

National Highways' Response

2.1.11. Postponing the delay of new sales of petrol and diesel cars from 2030 to 2035 will not affect the air quality modelling or assessment of greenhouse gas emissions. This is because the road traffic forecasts published in Sheet 1.3.9 of DfT's TAG Databook, which were used in the development of the Emissions Factor Toolkit v11 (published by Defra) (EFT), do not currently make allowance for the introduction of the Zero Emissions Mandate.

2.1.12. Therefore, the proposed delay to the ban to 2035 would not affect the traffic fleets in the TAG Databook, which in turn would not affect the fleets in EFT and consequently nor would it affect the precautionary modelling undertaken for the Project.

2.1.13. It follows that it is not necessary to update the carbon assessment or any related assessment relying upon the EFT that supports the DCO Application.

Secretary of State's Request

2.1.14. *Any other updates to the environmental information produced in support of the application for the Development.*

National Highways' Response

2.1.15. Following examination, the Secretary of State has a comprehensive suite of environmental information before him on the impacts of the Proposed Development, prepared by appropriately qualified experts and submitted on behalf of the Applicant. It is considered that this material is sufficient to enable the Secretary of State to understand the environmental impact of the Proposed Development. The Applicant has considered the extent to which the environmental information which has been supplied may require to be updated given the passage of time from the examination. For the bulk of environmental topics, it is

considered that the existing information is satisfactory. For the topics of air quality and biodiversity, consideration is being given to whether additional work is required before such a conclusion can be reached. Depending on the outcome of that exercise, sensitivity tests might require to be considered for those topics.

Secretary of State's Request

2.1.16. *Any other matters arising since 4 February 2022, which the Applicant consider are material for the Secretary of State to consider in his determination of the application.*

National Highways' Response

2.1.17. The Applicant has reviewed the documents listed in the **Application Document Tracker** – Rev 12 [REP11-002] to consider whether any update is required. Those documents which the Applicant considers may require an update are listed at Appendix A to this response. Appendix A also provides an explanation as to why the Applicant does not consider certain categories of documents to require an update.

2.1.18. In terms of other matters which have arisen the Applicant would also draw attention to the **Final Report of the Union Connectivity Review** published in November 2021. The report is the result of a detailed review into how transport connectivity across the UK can support economic growth and quality of life in England, Scotland, Wales and Northern Ireland. The East Coast Corridor (covering the A1 and East Coast Main Line) is identified on pages 42 to 43 as a “*strategically important national and regional transport link and is a connection for some of the UK's largest cities and city-regions. It is the other main route between England and Scotland and connects some of the UK's wealthiest and poorest communities, while also supporting key logistics hubs.*” In relation to the A1, the Union Connectivity Review notes that:-

“On road, 15% of all HGV traffic between England and Scotland uses the A142, however, speed limitations for HGVs on this road significantly impact reliability and capacity. This is particularly pronounced between Newcastle and Edinburgh. The noncontinuous dual carriageway also causes safety issues on this route.”

2.1.19. The review recommends that the UK Government work with the Scottish Government develop an assessment of the East Coast road and rail transport corridor from North East England to South East Scotland, including improvements on the East Coast Main Line and the A1.

- 2.1.20. The UK Government has not published a response to the recommendations of the Union Connectivity Review and its recommendation for a multi modal study for the East Coast corridor. In the absence of such a response or such a study, National Highways has proceeded to progress the scheme through detailed design as far as practicable during this period.
- 2.1.21. As explained in the Case for the Scheme, a systematic analysis has already been undertaken of the A1 from Newcastle to the Scottish border to identify key issues and options for priority sections for improvement. The conclusions to this assessment are set out in the 2015 A1 North of Newcastle Feasibility Study Report and the Proposed Development is consistent with the identified objectives. There have been no changes to the Scheme objectives since the application was made, developed in response to the planning and environmental context and the need for the Scheme and set out in the Case for the Scheme. Under Part 5 of the Infrastructure Act 2015, the Applicant must in exercising its functions have regard to their effect on the environment and on the safety of highway users. The Scheme objectives were designed, and remain consistent with this duty and are to:
- 2.1.21.1. Improve journey times on this route of strategic national importance;
 - 2.1.21.2. Improve network resilience and journey time reliability;
 - 2.1.21.3. Improve safety;
 - 2.1.21.4. Maintain access for local traffic whilst improving the conditions for strategic traffic;
 - 2.1.21.5. Facilitate future economic growth.
- 2.1.22. The critical importance which the Proposed Development would play in meeting these objectives is underlined by the support for dualling of the A1 which is given in national and now adopted development plan policy. Whilst there may be a case for looking at additional enhancements to the East Coast corridor, the observed discontinuous dual carriageway would remain and would not be improved at all. Further delaying of the improvements which would be delivered by the proposed development would mean that the benefits of the scheme would not be realised to the detriment of this part of the UK.

3. NORTHERN POWERGRID

Secretary of State's Request

3.1.1. *Please could the **Applicant** and **Northern PowerGrid** confirm the position as regards the protective provisions. If an agreement has now been reached on the drafting of the protective provisions, please could the parties provide the agreed set of protective provisions and indicate if there are any differences between it and the protective provisions contained in the final draft development consent order [REP-003].*

National Highways' Response

3.1.2. The Applicant and Northern PowerGrid confirm that a side agreement was completed on 17 May 2022. On that basis, Northern PowerGrid withdrew their objection to the protective provisions set out at Schedule 10 to the draft development consent order submitted to the examination by the Applicant at Deadline 11.

3.1.3. A copy of the email dated 18 May 2022 confirming the withdrawal of the objection is enclosed at Appendix B.

4. SCHEDULE 1 WORK NO 5B

Secretary of State's Request

4.1.1. *Noting the responses from the Applicant and Mr Hawes (here and here) to the Secretary of State's letter of 29 October 2021, regarding replacement access that would be provided to Northgate Farm and Capri Lodge, please could the **Applicant and relevant interested parties** (including Mr Hawes on behalf of residents of Northgate Farm and Mr Davidson) provide an update 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.*

National Highways' Response

4.1.2. In November 2021 an agreement in principle (including in relation to compensation terms) was reached between the Applicant and the Hawes family and their agent Mr Tim Michie on the route of the access road. It was agreed that option 5Bc (which provides for a separate entrance to the Hawes's property) would be taken forward and the Hawes family would undertake the works to provide the access track within their land boundary. Agreement was reached close to the end of the examination, but remains to be documented formally. Thereafter, discussions were paused pending a decision on the scheme. There have since been some discussions on accommodation works.

4.1.3. The location of the access to the Hawes and the exact location of the tie in works to the access track cannot be confirmed or agreed at this

stage, pending finalisation of the detailed design for the Scheme. However, when that goes ahead there is no material obstacle to concluding that finalised design and its delivery.

- 4.1.4. Discussions also took place with Mr Davidson, being the owner sharing the access road, who was content with the agreement reached with Mr Hawes as it avoided use of his land for access by Mr Hawes. Details on compensation have yet to be agreed.

5. PROVISION FOR NON-MOTORISED USERS (NMUS)

Secretary of State's Request

- 5.1.1. *The Secretary of State notes the Applicant's response and Northumberland County Council's response to the Secretary of State's consultation of 29 October 2021 on this issue and invites the **Applicant and Northumberland County Council** to comment on whether there has been any further agreement or in relation to the provision for NMUs.*

National Highways' Response

- 5.1.2. 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 designated National Policy Statement for National Networks (NPSNN) and that the creation of a new north/south connection for NMUs is neither a requirement for mitigation of the Scheme nor a requirement of policy. Whilst the Applicant will continue seeking to assist Northumberland County Council to deliver their aspirations for NMU provision, there is no justification for requiring such provision as part of the Scheme.
- 5.1.3. In the Applicant's Responses to Deadline 10 Submissions [REP11-014] the Applicant committed to working with Northumberland County Council to obtain alternative funding to allow for the provision of an NMU provision on the section of de-trunked A1. This position has not changed. The Applicant itself has not progressed with securing any alternative funding streams available in this area whilst it awaits a positive decision on the application for development consent. This is because the introduction of any NMU provision in that area is dependent on the de-trunking of the existing A1 as part of the Scheme.
- 5.1.4. 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) from 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.

- 5.1.5. 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 March 2022. The bimonthly working group meetings were paused due to the extension of the deadline to allow the Secretary to State to make their decision on whether to grant the DCO and the reliance on the de-trunking of the A1 on any NMU provision. The intention of the Applicant is to recommence this working group upon receiving a positive decision on the application for development consent from the Secretary of State.
- 5.1.6. The Applicant in REP11-014 stated that the objective was that a business case for funding would be submitted in August or September 2021. A draft business case was produced with input from both parties and was reviewed by the National Highways Designated Funds Cycleway lead, the Applicant, together with Northumberland County Council. However, the business case for alternative funding is reliant on a positive outcome on the grant of the DCO from the Secretary of State, so no further work is being undertaken at this point in time to progress the business case for funding.

APPENDIX A

For ease of navigation, this Appendix refers to the grouping of documents by volumes adopted in the Application Document Trackers submitted during Examination, as detailed below. Where no updates are required to a Volume of documents, the full set of documents are not listed in this Appendix.


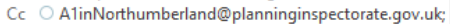
| Volume | | Content |
|--------|--|---|
| 1 | Application Information | The completed application form, covering letter and introduction to the application and Applicant. |
| 2 | Plans/drawings/sections | Plans that illustrate the location of the Scheme, the proposed works, proposed land-take, engineering drawings and other plans/drawings to support the application. |
| 3 | Draft Development Consent Order and Related Documents | The legal powers the Applicant is seeking to enable it to build, operate and maintain the Scheme, together with separate documents explaining the provisions of the Order and how other required consents will be obtained. |
| 4 | Compulsory Acquisition Information | Evidence of why the Applicant requires legal powers to compulsorily acquire land, how the Scheme would be funded and details of the land interests that are required for the construction and operation of the Scheme. |
| 5 | Consultation Report and Related Documents | Details of the pre-application consultation the Applicant has undertaken on the Scheme and how consultation feedback has been taken into account. |
| 6 | Environmental Statement and Related Documents | An assessment of the likely environmental impacts of the Scheme including any significant effects (both positive and negative) of the Scheme and a description of mitigation measures proposed to reduce any negative impacts. |
| 7 | Other Documents | Additional documents that support the application; these are not legally required but provide useful information on the Case for the Scheme, compliance with the NPS NN, Outline Construction Environmental Management Plan and Construction Traffic Management Plan. |

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| Volume 1 Application Information |
| The Applicant does not consider that the Application Information documents will require any updates. |
| Volume 2 Plans/drawings/sections |
| The Applicant does not consider that the plans/drawings/sections will require any updates. |
| Volume 3 Draft Development Consent Order and Related Documents |
| The Applicant has reviewed recently granted Development Consent Orders and does not consider that the documents forming part of Volume 4 require any updates to account for these. |
| Volume 4 Compulsory Acquisition Information |
| The Applicant does not consider that the documents forming part of Volume 4 will require an update. In the case of the Book of Reference, this is due to the update that will be undertaken as part of Notice of Authorisation of Compulsory Acquisition under Section 134(7) of the Planning Act 2008. In addition, the Applicant has confirmed with Northumberland County Council's land charges team that the Scheme appears in local search results, such that transferees would be on notice of the Scheme. |
| Volume 5 Consultation Report and Related Documents |
| The Applicant does not consider that Consultation Report and Related Documents will require any updates since they relate to the pre-application period. |
| Volume 6 Environmental Statement and Related Documents |
| Having reviewed the environmental topics referred to at paragraph [2.1.15] of the Response, and on the basis of the reasons outlined at that paragraph, the Applicant has identified that only a limited number of the documents forming part of Volume 6 may require an update in relation to air quality and biodiversity. However, the extent of those updates (if any) would depend on the outcome of the additional considerations discussed in paragraph 2.1.15 and as a result would need to be determined in due course. |
| Volume 7 Other Documents |
| The Applicant considers that the policy updates, as detailed above mean that it is not necessary to update the documents contained in this volume. |

APPENDIX B

A1 in Northumberland - Morpeth to Ellingham DCO - Withdrawal of objection



To  Transportinfrastructure@dft.gov.uk
Cc  A1inNorthumberland@planninginspectorate.gov.uk;



Wed 18/05/2022 16:21

Dear Sirs,

I write on behalf of my client, Northern Powergrid (Northeast) PLC, who objected to the above mentioned Order. My client has now reached agreement with National Highways and forthwith withdraws their objection to the Order.

Regards

Elaine Field
Principal Associate
Weightmans LLP

My pronouns are: She/her



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