



Meeting note

Project name	A1 Northumberland to Morpeth
File reference	TR010041
Status	Final
Author	The Planning Inspectorate
Date	22 August 2019
Meeting with	Highways England
Venue	Temple Quay House
Meeting objectives	Draft documents review and project update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Scheme overview

The Applicant provided a scheme overview. It explained how the first Road Investment Strategy (RIS1) had set a £290 million funding budget to improve the A1 and that this was one of a series of schemes that would join up the already dualled sections of the A1 in this region. The Inspectorate asked whether, historically, there had been similar schemes proposed. The Applicant noted that there was a history to proposals in the area, explain the most recent project from 2006.

The Applicant briefly outlined the objectives of the scheme: safer and more reliable journeys, improved journey times, improved access and economic development.

The Applicant noted that within Highways England the A1 in Northumberland is considered a single programme, despite them being separate Development Consent Order (DCO) applications, therefore the preferred route announcement (PRA) was for both Morpeth to Felton and Alnwick to Ellingham. The Inspectorate queried the level of interconnectedness between the two schemes. The Applicant answered that each scheme was independent however, they would be looking for any efficiency gains over the two schemes.

The Applicant and the Inspectorate discussed the private means of access which would have to be provided as the scheme would block up all private access directly on to the A1. The Applicant explained that the reason for this was improved safety. The Inspectorate asked how engagement with the relevant stakeholders was progressing. The Applicant felt this was going well. The Inspectorate advised that early engagement is strongly encouraged and could assist in reducing any post-submission request for

changes to the scheme. The Inspectorate warned of the risks associated with proposals to amend a red line boundary after an application had been submitted.

The Applicant summarised some of the potential impacts of the scheme, these included impacts on: flintstone remains, ancient woodlands, the Site of Special Scientific Interest (SSSI) at the River Coquet, diversions of Public Rights of Way and agricultural land take.

The Inspectorate advised the Applicant it should consider justification for aspects of the scheme beyond the Design Manual for Roads and Bridges (DMRB). The Inspectorate also queried whether there were any issues with non-motorised user (NMU) access and rights of way. The Applicant confirmed it was engaging with relevant stakeholders in regard to this, including attending a local access forum.

Draft Documents

The Inspectorate had previously provided the Applicant with a written review of the draft documents provided, which included:

- Consultation Report
- Book of Reference
- Schedule 1 for DCO
- Draft DCO
- Explanatory Memorandum
- Lands Plans
- Works Plans
- Habitat Regulations Assessment (HRA)
- Statement of Reasons

These comments are set out in **Annex A** below. The Applicant said it had incorporated these comments into its application documents and had no further queries on these points.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Inspectorate to provide more information about electronic submission

A1 Northumberland Morpeth to Felton

Section 51 Advice – draft Application Documents by Highways England for PINS review

This advice relates solely to matters raised upon PINS review of the draft application documents submitted by Highways England (“the Applicant”), and not the merits of the proposal. The advice is limited by the time available for consideration and raised without prejudice to the acceptance or otherwise of the eventual application. It is provided to assist the preparation of the next iteration.

Abbreviations

BoR	<i>Book of Reference</i>	dDCO	<i>draft Development Consent Order</i>	dEM	<i>draft Explanatory Memorandum</i>
ExA	<i>Examining Authority</i>	PA2008	<i>Planning Act 2008</i>	PINS	<i>Planning Inspectorate</i>
SoR	<i>Statement of Reasons</i>	SoS	<i>Secretary of State</i>	SPA	<i>Special Protection Area</i>

Draft Development Consent Order			
Q No.	Article (A)/ Requirement (R)	Extract from dDCO (for ease of reference)	Comment/Question
1.	General draft DCO (dDCO)		The Applicant should ensure that all cross references and legal footnotes within the dDCO are checked and corrected where necessary/relevant, this includes references to any plans and we would assume this will be corrected in the application version.
2.	General draft DCO (dDCO)		The Applicant should ensure that the dDCO has been fully proof-read for drafting and typographical errors, both at the time of submission and, if accepted for examination, as the application progresses, e.g.: <ul style="list-style-type: none"> - The content list requires a line break between ‘Part 5 - Other public rights of ways’ and ‘Schedule 4’; - Check the titles of Articles 10, 30 and 31 in the contents list against the titles in the body of the dDCO itself; - Schedule 11, Part 1 is missing from the contents list.
3.	General draft DCO (dDCO)		The Applicant should ensure that the dDCO fully conforms with the guidance in Advice Note 15 , for example: <ul style="list-style-type: none"> - Avoid use of the words ‘shall/should’, ‘and/or’, ‘will’ and ‘may’ to avoid ambiguity. - Provide full justification for each power/provision.
4.	General draft DCO (dDCO)		The Applicant should ensure that consistency between the dDCO and the dEM, for example: if definitions should be the same in the two documents, e.g. ‘commence’ and ‘maintain’.

Draft Development Consent Order			
Q No.	Article (A)/ Requirement (R)	Extract from dDCO (for ease of reference)	Comment/Question
5.	General draft DCO (dDCO)		<p>The Applicant will be asked to maintain a list of all plans and other documents that will require SoS certification (including plan/document references), updated throughout the examination process, and supplied to the ExA before the close of the examination.</p> <p>The application dDCO and any subsequent versions of the submitted to the examination:</p> <ul style="list-style-type: none"> • should be supplied in both .pdf and Word formats, the latter showing any changes from the previous version by way of tracked changes. • should be accompanied by a document explaining the changes made– see e.g. Document explaining changes made to DCO for Deadline 5 in the A19 (Testo's Junction) DCO examination <p>The examination timetable will usually provide a deadline for receipt of the Applicant's final or preferred version of the DCO. That version should be supported by a report of the outcome of validating it through the Publishing section of the legislation.gov.uk website.</p> <p>Notwithstanding that drafting precedent has been set by previous DCOs, whether or not a particular provision in this DCO application is appropriate will be for the Examining Authority (ExA) to consider and examine taking account of the facts of this particular DCO application and having regard to any views expressed by the relevant authorities and interested parties.</p>
6.	General draft DCO (dDCO): references to Part 1 of the 1961 Act		<p>A number of Articles make provision for "<i>compensation to be determined, in case of dispute, under Part 1 of the 1961 Act</i>". It is acknowledged that a provision in this form is in the various MPs and is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition. In order for there to be certainty that it would apply in other situations (e.g. the temporary use of land under Art. 34), should a modification be included? If not, why not?</p>
7.	General draft DCO (dDCO)		<p>The description of the development in the dDCO should make explicit the subsection(s) of s22 of the PA2008 that apply to the proposed development, i.e. whether the proposed development comprises the construction of a new road, or the alteration or improvement of an existing road (or any combination of these) and the scheme parameters in relation to this.</p>
8.	Art 45 Crown Rights		<p>The applicant should consider removing the redundant "take" from this article.</p> <p>The applicant should also take steps to ensure that consent under section 135 (1) and (2) is obtained and should consider using the following article to record that consent, if needed,</p> <p><i>Crown land</i> <i>The undertaker may exercise any right under this Order to acquire compulsorily an interest in any</i></p>

Draft Development Consent Order			
Q No.	Article (A)/ Requirement (R)	Extract from dDCO (for ease of reference)	Comment/Question
			<i>land which is Crown land (as defined in the 2008 Act) forming part of The Crown Estate, provided that the interest to be acquired is— (a) identified in the book of reference; (b) for the time being held otherwise than by or on behalf of the Crown; and (c) in a plot that is expressly referred to in the letter provided by the Crown Estate Commissioners with regard to section 135 of the 2008 Act dated [].</i>
9.	Part 2 of Sch. 2 Procedure for discharge of requirements		Advice Note 15 provides standard drafting for articles dealing with discharge of requirements. If this has not been followed the applicant should explain why.
10.	Sch. 1		It would be helpful if the work numbers could refer to which sheet(s) on the works (or other relevant) plan the work can be located.

Draft Explanatory Memorandum			
Q No.	Paragraph	Extract from dEM	Question/comment
1.	General draft EM (dEM)		<p>Generally, the dEM tends to explain the <i>effect</i> of the relevant provision in the dDCO, rather than explaining <i>why</i> it is necessary.</p> <p>Further explanation and evidence (including the outcomes of any consultation) is required to explain why the content of each article, schedule etc to the dDCO is relevant and required for this proposal. Please refer to AN15.</p> <p>The dEM should provide explanation and justification where a provision departs from the model provisions or a precedent. (See AN13 and 15).</p> <p>This should include reference to the particular circumstances of this development and an explanation as to why this is necessary or desirable.</p>
2.	Art. 3 Development consent etc granted by the Order		The intent of this article is to avoid inconsistency with other relevant statutory provisions applying in the vicinity but notwithstanding other precedents, the applicant will need to provide as much information as possible about “any enactments” and clarify how far from the Order limits the provision might bite.

Draft Explanatory Memorandum			
Q No.	Paragraph	Extract from dEM	Question/comment
3.	Art. 6 Planning Permission		The applicant should provide further justification and explanation for this article which is intended to allow development (not authorised by the DCO) to be carried out within the Order limits pursuant to planning permission. This would appear to obviate the need to apply to change the DCO (through section 153 of the Planning Act 2008).
4.	Art. 14 Classification of roads		Variation of the provisions in these articles is possible under <u>any</u> enactment and arguably this has the effect of disapplying section 153 which provides a procedure for changing a DCO. There may be precedent in other made DCOs for the same drafting but the applicant should clarify under which section 120 power these articles are made and if necessary provide further justification as to why the provisions are necessary or expedient to give full effect to any other provision of the DCO.
5.	Art. 15 and 16. Stopping up and restriction of use of streets		Notwithstanding other precedents, the applicant will need to demonstrate that the power is appropriate and proportionate having regard to the impacts on pedestrians and others of authorising working sites in these streets.
6.	Art. 11. Power to alter layout of streets		This is a wide power – authorising alteration etc with <u>any</u> street within the Order limits. The applicant should demonstrate why this power is necessary and consider whether it should be limited to identified streets.
7.	Art 39 and 40. Felling or lopping of trees and removal of hedgerows Trees subject to TPOs		The applicant should follow the guidance in section 22 of Advice Note 15 . If this has not been followed the applicant should justify why this is the case.

Draft Land Plans			
Q No.	Land Plan Ref	Extract from Plan Key (for ease of reference)	Question/Comments
1.	Key	Land Plans Key vs Key on Land Plans sheet:	The separate key shows 11 sheets, whereas the key on land plans shows only 10 sheets. Is the separate key required?.
2.	All		It might be helpful to include a mini version of the key on each page so viewers can see where the sheet fits in the bigger picture (see the Land Plans for M25 Junction 10/A3 Wisley Interchange scheme).
3.	All		We suggest that there is no need to replicate the Introduction on each sheet. On the submitted version it could instead be part an introductory statement to the plans.

Draft Land Plans			
Q No.	Land Plan Ref	Extract from Plan Key (for ease of reference)	Question/Comments
4.	All		How was the approach to run the plans from south to north chosen? This approach makes it difficult to navigate down the route on a screen.
5.	All		Where plots continue onto another sheet there is no need to give them a new plot reference number, as long as it is noted on the BoR. However, your approach is acceptable as long as the details of the relevant plots are identical in the BoR.
6.	All		Where the plot is large enough the plot name should be on the plot itself, rather than via a plot line. Where using a plot line, the placement of the plot dot should be fully in the plot and, where possible, in the centre of the plot.
7.	1 of 10		There are two tiny plots of land in green to the left of 1/8b for which the status is not clear, are they part of 1/8a? If so they should be marked as such.
8.	1 of 10		Warreners House is not shown as coloured on sheet 1 but the status against 1/10a in the BoR is temporary possession of '...residential house (Warreners House)'. The status of the house should be made clear.
9.	3 of 10		It looks like there is a very thin strip of land between plots 3/10a and 3/10c. It could it be an extension of 3/10b. If it is it will need to be marked and made clear, possibly by an insert. If not then the red line between the plots should be made singular.
10.	3 of 10		There are two unnumbered plots: <ul style="list-style-type: none"> - A small, square plot (between 3/8g, 3/11g and 3/11d) - A triangular plot underneath the above plot (between 3/11f, 3/11e and 3/7a).
11.	3 of 10		There is a minute green plot above and to the right of 3/1b, is this part of 3/1b?
12.	5 of 10		The difference between 5/8a and 5/8b is not clear, or where 5/1g ends to its North. The section may benefit from an insert.
13.	9 of 10		There is an unnumbered plot between 9/18a and 9/10b.
14.	9 of 10		There is a small plot to the north of 9/8b, it is not clear if it is the very southern part of 9/1b or an unnumbered separate plot.
15.	10 of 10		We recommend making the insert showing 10/3h etc longer to show 10/2h in its entirety.
16.	10 of 10		It's not clear where 10/3f ends and 10/1i begins. There is a minute section between them, which plot does it belong to?
17.	10 of 10		Plots 10/3d and 10/1f are not clear, we suggest using inserts.
18.	10 of 10		Does 10/1j continue down beyond plot 10/1i? If so it might be worth adding another plot line. Unless you zoom in to 400% it looks like a separate plot. Likewise plot 10/2l and 10/9a.

Draft Land Plans			
Q No.	Land Plan Ref	Extract from Plan Key (for ease of reference)	Question/Comments
19.	General		Any additional plot numbers and their details must also be reflected in the BoR, dDCO, SoR and any other relevant documentation.

Draft Book of Reference			
Q No.	Paragraph	Extract from BoR (if necessary)	Question/comment
1	All		The applicant should ensure that the BoR fully conforms with the guidance in Annex D of the guidance document 'Planning Act 2008: Guidance relating to procedures for the compulsory acquisition of land'
3	1.1.2		Some wording is repeated.
6	2.5.2		This paragraph conflicts with para 1.7.1 in the SoR regarding Special Category Land; the BoR states that there is none, whereas the SoR says that special category land has been identified and the applicant has engaged with those responsible for it.
5	Part 1		We suggest adding a paragraph explaining the approach for plots for which the occupation is unknown.

Draft Works Plans			
Q No.	Work Plan Ref	Extract from Schedule 1: Authorised Development (PART 1)	Question/Comments
1.	All		It might be helpful to include a mini version of the key on each page so viewers can see where the sheet fits in the bigger picture (see the Works Plans for M25 Junction 10/A3 Wisley Interchange scheme).

Draft Consultation Report			
Q No.	Paragraph/Section	Extract from CR (for ease of reference)	Question/Comments

Draft Consultation Report			
Q No.	Paragraph/Section	Extract from CR (for ease of reference)	Question/Comments
1.	3.2.4	A copy of the phone log and response email is provided in Annex E of this Report.	Annex E contains a copy of the phone log but no copy of the response email from Northumberland County Council (NCC).
2.	3.2.10	Copies of the newspaper adverts and published SoCC can found in Annex F of the Report.	Annex F doesn't appear to include a copy of the notice from The Times.
3.	3.3.4	A list of land interest parties consulted (noting their interest in the land) during the statutory consultation can be found within the Book of Reference (Application Document Reference: TR010041/APP/4.3) .	Have any new land interests been identified since the consultation, who are therefore in the BoR but have not been consulted?
4.	3.4.2	A copy of the letter to the Inspectorate is provided in Annex J of this Report alongside the accompanying consultation material.	The s46 acknowledgement letter from the Planning Inspectorate should also be included when the final consultation report is submitted.
5.	Table 5.1.1 19 and 84 Table 5.1.2 7 and 9	Annexes N and P of this Report sets out how we have had regard to all the responses	Annex O also sets out how regard has been had to the statutory consultation.
6.	Annex G	Section 42 consultee list	Has the Applicant consulted Newton-on-the-Moor and Swarland Parish Council?
7.	General		Presentation points: <ul style="list-style-type: none"> - Para 4.2.3, bullet point 7: 'Border' is misspelt. - Table 5.1.1 row 57: There is a space missing '18June 2018'

Draft Habitats Regulations Assessment Stage 1 Screening			
Q No.	Paragraph/ Section	Extract from [abbreviation of doc] (for ease of reference)	Question/Comments
1.	Natura 2000 sites under consideration	<i>HRA Stage 1 Screening</i>	They have different boundaries and may be designated for different species. They should be considered independently. They are also referenced separately later on in the table.
2.	Size and scale		'dualling' is spelt incorrectly.
3.	Distance from the Natura 2000 site		Why is it referred to as The Northumbria Coast SPA, pSPA and Ramsar wetland? The information sheets states its name is just Northumbria Coast.
4.	Screening table: Name of Natura 2000 Sites and their EU Code		'Coquet Island SPA' is missing its bullet point.
5.	Natura 2000 Sites size		The size difference in the sites reinforces that they should be considered separately, see question 1.
6.	The Northumbria Coast Natura 2000 – Standard Data Form Footnote 6 – then Ref 11		The footnote refence goes to a JNCC webpage dedicated to black headed gulls. Is this correct?
7.	Vulnerability of the Natura 2000 Sites – any information available from the standard data forms on potential effect pathways		The Northumberland Marine SPA – then goes on to discuss Northumbria Coast. But at the start when the report says it will combine sites this only refers to Northumbria Coast Ramsar, SPA and pSPA, and not the Northumberland Marine SPA.
8.	Natura 2000 Sites conservation objectives – where these are readily available - as this covers the same geographical area		Note caution as the sites are different sizes and do not cover exactly the same area.
9.	Assessment criteria		Refers to Natura 2000 site in singular not plural.
10.	Table 1		Should Arctic tern be included?
11.	Table 2		Ruddy turnstone
12.	Table 2 a)		Distance of site is same as Table 1. Is this correct? Based on mapping?
13.	Table 3 a)		Missing SPA after Northumberland Marine

Draft Habitats Regulations Assessment Stage 1 Screening			
Q No.	Paragraph/ Section	Extract from [abbreviation of doc] (for ease of reference)	Question/Comments
14.	Throughout		<p>Latin names are used intermittently. It is useful to apply a consistent way throughout.</p> <p>Puffin or Atlantic puffin.</p> <p>Check the use of capital letters on bird names.</p> <p>Intermittent use of abbreviations of sites.</p>

General

1. Where references are provided to other Application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of sign-posting) as well as their respective reference number.
2. [DCLG: Application form Guidance](#), paragraph 3 states: *The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*