



Ref: TR010062

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Sent by email to:

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Dear Mr Allen,

A66 Northern Trans-Pennine Project: Application for Development Consent (“DCO application”)

Applicant’s Changes to the DCO Application

I am pleased to enclose a Change Application on behalf of National Highways (“the Applicant”), that relates to an application submitted by the Applicant to the Secretary of State for Transport (through the Planning Inspectorate) for a development consent order (“DCO”) under the Planning Act 2008.

This Change Application is made further to the Applicant’s letter dated 17 January 2023 (REP2-042) in response to the Examining Authority’s (“ExA”) Procedural Decision of 6 January 2023 (PD-008). I also refer to the Applicant’s letter of 16 December 2022 (REP1-008), which informed the ExA of our intention to submit a request for proposed changes to the DCO application.

The documents submitted with this Change Application comply with the requirements for information (“the required information”), as set out in Figure 2b of the Planning Inspectorate’s Advice Note 16 (Version 3, published 22 March 2023) (“AN16”) and the Applicant can confirm that the process and steps for preparing the required information comply with AN16 and the ExA’s Procedural Decision of 6 January 2023, as explained below.

Timeline for Preparing the Change Application

The Change Application has been prepared to comply with the steps set out in AN16 (as referenced in the ExA's Procedural Decision of 6 January) as follows:

- Step 1 Applicant decides to request a change to an application which has already been accepted for examination and informs the ExA in writing. The Applicant's Change Notification letter of 16 December 2022 constitutes Step 1.
- Step 2 ExA provides advice to the Applicant about the procedural implications of the proposed material change and about the need, scale and nature of consultation that the Applicant may need to undertake. The ExA Procedural Decision letter of 6 January 2023 confirmed that the ExA is content with the nature and extent of the consultation that was proposed.
- Step 3 To the appropriate extent, the Applicant carries out consultation about the proposed change. This step may be initiated earlier to potentially save time and inform the Applicant's approach. The non-statutory consultation was undertaken between the 28 January 2023 and 27 February 2023, allowing consultees a period of 30 days, to reflect the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 within which to consider the Applicant's proposed changes as set out in the Proposed Changes Consultation Brochure.
- Step 4 Applicant makes a formal request to the ExA to change the application (the Change Application) by providing the relevant information set out in Figure 2. This Change Application constitutes Step 4, and the table below describes where to find the required information as set out in Figure 2b of AN16.

Change Application Documents

The Change Application comprises the following documents:

Ref	Title	Compliance with Figure 2b of AN16
N/A	Covering Letter	
8.1	Change Application	<i>Section 1 Introduction Para 1.4.1 in section 1 confirms that the proposed changes would not have any impact on any non-planning permits, such as environmental permits, which are being sought alongside the DCO to accord with Figure 2b (3) Section 2 provides an overarching statement of need and section 3 provides a rationale and statement for each design change to accord with the requirement of Figure 2b (2)</i>

		<p><i>Section 3 provides a clear description of the proposed change, including any new/alterd works and any new/alterd ancillary matters, as required by Figure 2b (1)</i></p> <p><i>Section 4 introduces the Full Schedule of All Application Documents & Plans listing required consequential revisions, as required by Figure 2b (3)</i></p> <p><i>Section 5 introduces the Clean and Tracked Change Version of Draft DCO, as required by Figure 2b (4). As confirmed at paragraph 5.1.3 of the CA “The Applicant has reviewed the draft Explanatory Memorandum [dEM] (APP-286) and does not consider that any consequential amendments would be required to be made to it in the event that all or any of the proposed changes were accepted by the Examining Authority. Accordingly, a tracked change version of the dEM is not included within an Appendix to this report”.</i></p> <p><i>Section 6 sets out the position in relation to additional land as required by Figure 2b (5)</i></p> <p><i>Section 7 describes the environmental assessment of the Project as required by Figure 2b (6)</i></p>
	<p>Appendix A - Schedule of Consequentially Amended Application Documents</p>	<p><i>This provides a full schedule of all application documents and plans listing consequential revisions to each document and plan or a ‘no change’ annotation, as required by Figure 2b (3).</i></p>
	<p>Appendix B – Bi: Draft DCO with Tracked Changes Relating to Proposed Changes</p>	<p><i>This provides a clean and track changed version of the draft DCO showing each proposed change, as required by Figure 2b (4)</i></p>

	Bii: Draft DCO Clean Version Relating to Proposed Changes	
	Appendix C - Agreements from Persons with an Interest in Additional Land	<i>This includes, a description and a copy, where appropriate, of the consent obtained from persons with an interest in the additional land, as required by Figure 2b (5)</i>
8.2	Consultation Report	<i>This is the Consultation Report that confirms who has been consulted in relation to the proposed change, explains why they have been consulted, and includes the Applicant's consideration of the content of the consultation responses received., as required by Figure 2b (7)</i>
	Appendix A - List of Persons Consulted	<i>This confirms that the consultation bodies who might have an interest in the proposed changes have been consulted, as required by Figure 2b (6 A)</i>
	Appendix B - Press Notices	<i>This forms part of the publicity undertaken for the non-statutory consultation (including publicity of the environmental information) as required by Figure 2b (6 A)</i>
	Appendix C - Copy of Notice and Covering Letter sent to Consultees	<i>This forms part of the publicity undertaken for the non-statutory consultation (including publicity of the environmental information) as required by Figure 2b (6 A)</i>
	Appendix D - Site Notices, Location Plan and Photographic Evidence of Notices Effected on Site	<i>This forms part of the publicity undertaken for the non-statutory consultation (including publicity of the environmental information) as required by Figure 2b (6 A)</i>
	Appendix E - National Highways Website Promotion of the Proposed Changes	<i>This forms part of the publicity undertaken for the non-statutory consultation (including publicity of the environmental information) as required by Figure 2b (6 A)</i>

	Appendix F - Social Media Promotion of the Proposed Changes	<i>This forms part of the publicity undertaken for the non-statutory consultation (including publicity of the environmental information) as required by Figure 2b (6 A)</i>
	Appendix G - Consultation Responses Received by the Applicant	<i>This provides copies of any representations received in response to this publicity with the change request, as required by Figure 2b (7)</i>
	Appendix H - Proposed Changes Consultation Brochure	<i>This forms part of the publicity undertaken for the non-statutory consultation (including publicity of the environmental information) as required by Figure 2b (6 A)</i>
8.3	ES Addendum (Volume 1)	<i>This provides the findings of the scoping exercise for the provision of other environmental information required by Figure 2b (6)</i>
8.4	ES Addendum (Volume 2)	This provides the findings of the environmental appraisal in order to conclude whether the proposed changes results in any new or different likely significant effects, as required by Figure 2b (6)
8.5	HRA Technical Note	N/A

The Changes

The Applicant can confirm that this application is for 24 changes, as described in Section 3 of the Change Application (Document Reference 8.1). This is less than the number proposed at non-statutory consultation and in our previous correspondence with the ExA (which was 32 and approximately 40 respectively). The majority (19) is likely to be minor non-material changes and there are only 3 changes requiring additional land, for which the required agreement have been sought without engaging the CA Regulations (as described below):

The changes are categorised as follows:

1. Changes varying the preliminary design presented in the DCO application, some of which can be achieved through changes to the limits of deviation and some which require a change to the land required and/or additional land;
2. Changes to limits of deviation to accommodate realignment of 'side road tie-ins' and/or to bring elements of the Project closer together to reduce land requirements;

3. Changes to limits of deviation to accommodate the separation of public rights of way and private means of access;
4. Changes to be effected by means of a drafting amendment within the submitted DCO application documentation; and
5. Changes to speed limits proposed in the DCO application, some of which also fall within one of the categories above.

Opportunity for Change

The Applicant can apply for the changes now, during the Examination of the Project, as a consequence of early contractor (Delivery Integration Partner (DIP)) involvement, which is a key component of the Government's Project Speed initiative. Without this early contractor involvement, it is highly likely that the potential for many of the Applicant's proposed changes would not have been identified at this early stage in the consenting process, and it would not be possible to deliver the benefits that flow from these proposed changes through the draft DCO that is currently being examined. Consequently, the proposed changes would only have been able to be brought forward through an application, or applications, to make changes to the 'made' DCO, after the grant of development consent should it be granted. This would, of course, cause delays to the delivery of the Project.

Need for the Changes

The Applicant is of the view that there is a pressing need for making each of the changes for a number of reasons, as described in section 2 of the Change Application (Document Reference 8.1) and summarised below:

1. To accommodate reasonable requests made by stakeholders and Affected Persons, specifically in relation to loss of, or impacts on, property and land;
2. To deliver a safer highway and routes for highway users, cyclists, walkers and other members of the public;
3. To reduce the impact on land and property and in some cases reducing the amount of land required;
4. To reduce the impacts and disruption associated with the construction of the Project through either a shorter duration for construction and/or a reduction in the extent or scale of construction works or providing improved temporary diversion routes;
5. To reduce the magnitude or duration of environmental impact, impact on farming land, on designated areas and sites (such as AONB and scheduled monuments) and on the amenity of residents; and
6. To make more effective use of existing assets and resources and in some cases removing the need to remove or alter resources or the need to provide new structures and works, through re-purposing of the existing asset.

The Case for the Changes and Compliance with National Policy

In evaluating and concluding on the case for each change, the Applicant has had regard to paragraph 4.3 of the NN NPS¹, which describes the weighing up of adverse impacts against benefits, an exercise that the Examining Authority and the Secretary of State should undertake when considering a proposed development subject to a DCO application.

The benefits and impacts of each change are described within a subsection (titled Conclusions and Materiality) of the Change Application (Document Reference 8.1). This weighing up of benefits against adverse impacts has already been undertaken at a Project wide and Scheme level within the Case for the Project (APP-008) that was submitted with the DCO application. The evaluation for the changes set out in Document Reference 8.1 supplements the findings and conclusions reached within the Case for the Project.

The weighing up of benefits and adverse impacts was undertaken with reference to:

- Changed or new significant environmental effects of the proposed changes and any proposed mitigation, as set out in the ES Addendum (Document Reference 8.3); and
- The key matters raised at the non-statutory consultation and how the Applicant has had regard to these matters, as set in the Consultation Report (Document Reference 8.2).

The conclusion from this evaluation is that for each of the changes that form part of the Application, the benefits outweigh any disbenefits/adverse impacts, which provides further justification and weight to the same conclusion reached on the Project as a whole, as set out in chapter 7 and at a Scheme level in chapter 6 of the Case for the Project (APP-008), submitted with the DCO application.

Non-Statutory Consultation on the Changes

The Applicant has carried out non-statutory consultation on the changes as recommended in the ExA's Rule 9 Letter (PD-009) and as specified as step 3 of the staged approach set out in AN16.

Each of the changes has been progressed by the Applicant through engagement and consultation with relevant Affected Persons, Interested Parties and/or consultation bodies, with the aim of meeting their needs and addressing their stated concerns. In the interests of fairness and transparency, the Applicant consulted with statutory bodies, host local authorities, and local people with a potential interest in the changes, by offering the opportunity to engage with the Applicant and comment on the changes; for

¹ The Applicant notes the edits made to paragraph 4.3 of the NN NPS in the Draft Revised National Networks National Policy Statement published on 14 March 2023 and the revised paragraph (4.3) remains equally relevant as is described here.

example, by attending one of the four consultation events and/or by providing written feedback on the individual changes using the feedback forms provided on-line.

Further details on the approach to and findings from consultation (including how the Applicant has had regard to the feedback from consultation) are provided in the Consultation Statement (Document Reference 8.2) accompanying this Change Application.

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“CA Regulations”)

The Applicant refers to the issues raised in the ExA’s procedural letter of 26 January 2023 (PD-009) relating to allowing enough time for the reopening of Relevant Representations and the need to schedule time for hearings if the changes involve the requirement for additional land. The Applicant acknowledges these concerns and the difficulties, set out in the procedural letter, about achieving the Examination timetable if additional land is required. I understand though that the concerns with the Examination timetable would arise in circumstances where the requirement for additional land relies on the compulsory purchase of land and the associated procedural and consultation implications of engaging the CA Regulations.

To address these concerns the Applicant can confirm that it does not need to engage the CA Regulations in connection with the additional land that would be required, associated with three out of the 24 changes for the Project. In bringing forward those changes, the Applicant has sought to secure the inclusion of the additional land required in connection with these three changes through seeking the consent of those persons with an interest in the additional land. Please refer to Appendix C to the Change Application (Document Reference 8.1) for details (including copies of correspondence) confirming that such consent has been granted. As the CA Regulations are not engaged, it removes the procedural and consultation requirements that the Applicant understand to be the principal concern of the ExA in achieving the Examination timetable.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Having considered the changes in light of paragraph 1 of Schedule 4 to the 2017 EIA Regulations, the Applicant has identified whether each of the changes would result in a new or different likely significant effect or 'no change' to the assessment for each relevant topic within the Project Environmental Statement. The scoping that informed this environmental assessment is set out in the Environmental Addendum Volume 1 (Document Reference 8.3) and the findings of the assessment are set out in the Environmental Addendum Volume 2 (Document Reference 8.4), in accordance with AN16 Figure 2b (6).

Habitats Regulation Assessment (HRA) and Water Framework Directive (WFD)

I can confirm that there are no changes to the HRA or the WFD assessment that were undertaken for the DCO application as a consequence of the changes. See the findings of the HRA Technical note (Document Reference 8.5 and the Environmental Statement Addendum Volume 2 (Document Reference 8.4).

Other Consents and Licences

The Applicant can confirm, with regard to the advice in paragraph 112 of the Examination Guidance and figure 2b (3) of AN16, that the Applicant does not consider that any of the changes would have any impact on any non-planning permits, such as the environmental permits, referenced in the Applicant's Consents and Agreements Position Statement (APP-287), which are being sought alongside the DCO Application for the Project.

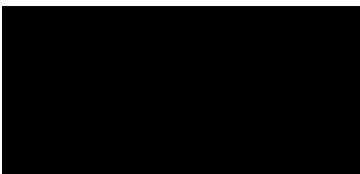
Examination Timetable

The Applicant has provided all the required information and confirms that it will provide any further information that the Examining Authority requires in order to determine whether to accept these changes for examination.

The Applicant is conscious of the time pressures associated with the six-month DCO examination process and of the related need for a request for changes to be made early enough to allow time for the Examining Authority to make appropriate procedural decisions and for the changes to be accepted into the examination of the DCO Application. Despite these time pressures, given the number and characteristics of the changes, as set out above and as described in the Application documents, the Applicant considers that there is still sufficient Examination time for the changes to be considered and examined. The time remaining for the Examination of the changes should allow opportunities for all Interested Parties, Affected Persons, and consultation bodies to make further representations on the changes.

If you have any queries with any aspect of our Change Application, please do contact me at your earliest convenience.

Yours sincerely,



Monica Corso Griffiths

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