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Mr Gary Mills
Highways and Neighbourhood Services
Northumberland County Council
County Hall
Morpeth,
NE61 2EF

Your Ref:
Our Ref: TR010010
Date: 11 November 2013

Dear Mr Mills

Planning Act 2008 (as amended)

Morpeth Northern Bypass

Advice under section 51

I am writing further to the acceptance of the above application. The documents forming the application have been reviewed by officers in preparation for the examination. Following that review, I am writing to provide advice under section 51 of the Planning Act 2008.

This is the advice of officers and does not bind or predetermine any matter that is for the Examining authority; which may take a different view.

Article 3(1) of the draft Development Consent Order would confine development consent to within the Order limits. Article 2(1) defines the Order limits as being the limits described as the development consent order boundary on the works plan. It is therefore important that the works plan accurately reflects the extent of the works for which development consent is sought.

The "s55 acceptance checklist", published on our website, sets out the Inspectorate's comments in respect of the tests that must be met under s55 of the Planning Act 2008. You will recall that some deficiencies in the works plan were identified in that checklist (item 4.4j). The purpose of this letter is to advise you that:

- (i) further apparent inconsistencies have been identified between the development consent order boundary as shown on the works plan, and other illustrations of the application scheme; and,
- (ii) the Examining authority may, in due course, request such modified documents as are necessary to bring the works plan and all other documents into mutual conformity so as to accurately represent the application scheme, and you are advised to prepare for such a request.

Scrutiny of the application documents is not yet complete. It might however assist you to be aware of the apparent discrepancies involving the works plan that have so far come to light. They are:

- (a) The DCO boundary extends beyond the western edge of the works plan ("the WP") and so is not complete on the WP;
- (b) The WP shows work No. 3 to extend beyond the DCO boundary on both sides of the scheme;
- (c) The WP shows work No. 4 to extend beyond the DCO boundary on the south side of the scheme at about chainage 2300, and between the A1 junction and Lancaster Park;
- (d) Drainage outfalls 3, 4 and 5 are shown to be outside the DCO boundary as shown on ES Figure 13.1 and are not shown on the WP. Drainage outfall 3 is shown to be outside the DCO boundary as shown on drawing number HE092631/0/A197/01/80.
- (e) Table 13.11 of the ES indicates storage basins or ponds to be provided at outfalls 1, 2, 4 and 5. The basin at outfall 1 is not shown on the WP (see (a) above) or on ES figure 13.1 or ES figure 2.1, nor is it mentioned in Schedule 1 of the draft DCO; but it is shown on drawing number HE092631/0/A197/01/80. The basin at outfall 2 is not shown on figure 2.1 but one is shown on the WP and on drawing number HE092631/0/A197/01/80. The southernmost proposed pond at outfall 4 is shown by ES figure 2.1 to straddle the DCO boundary but the WP and drawing number HE092631/0/A197/01/80 show that pond wholly within the boundary. Although paragraph 2.7 of Chapter 2 of the ES identifies drawing number HE092631/0/A197/01/80 as being the drainage drawing on which the ES relies, chapter 13 of the ES (which deals with drainage) does not refer to drawing number HE092631/0/A197/01/80 but instead refers repeatedly to Figure 13.1. The two drawings differ.
- (f) The WP shows the DCO boundary to include land at the existing north facing A192/A1 slips but we have yet to identify a corresponding item in Schedule 1 of the draft DCO.

There may be other differences in the ES or other parts of the submission. You may find it useful to prepare the following documents in advance of the examination, in anticipation of likely requests from the Examining Authority:

- 1) Confirmation that you have checked the whole of the application documents for internal consistency;
- 2) A note of all the changes that are to be made to achieve internal consistency among the application documents and to ensure that the works plan properly indicates the DCO boundary;
- 3) Modified documents (clearly identified as such) as necessary to achieve (2) above;
- 4) Clarification as to whether additional land interests are engaged to reflect

any extensions to the DCO boundary, what those interests are and the extent of the land in question, all in the form of addenda to the land plans and book of reference.

If you have any questions about the above letter, please do not hesitate to contact me.

Yours sincerely

Robert Ranger

Robert Ranger

This communication does not constitute legal advice.

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