

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.6 Statement of Commonality for Statements of Common Ground

Rule 8 (1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Infrastructure Planning

Planning Act 2008

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

**The A1 in Northumberland: Morpeth to
Ellingham**
Development Consent Order 20[xx]

**Statement of Commonality for Statements of
Common Ground**

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CONTENTS

1	INTRODUCTION	1
1.1	PURPOSE OF THIS DOCUMENT	1
2	STRUCTURE OF STATEMENTS OF COMMON GROUND	2
3	LIST OF STATEMENTS OF COMMON GROUND	3
4	SUMMARY OF CURRENT POSITION	5
5	CURRENT POSITION	11
6	POSITION AT DEADLINE 10	13

TABLES

Table 3-1 - List of SoCGs	4
Table 4-1 - SoCGs High Level Position	6
Table 5-1 - Table of Commonality at Deadline 10	12

1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Highways England (the 'Applicant') on 7 July 2020 to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act') for a Development Consent Order (DCO). If made, the DCO would grant consent for A1 in Northumberland, Morpeth to Ellingham (the 'Scheme'). The application was accepted for examination by the Inspectorate on 4 August 2020.
- 1.1.2 The Scheme is formed of two parts as follows: A1 Morpeth to Felton (Part A) and A1 Alnwick to Ellingham (Part B). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement (ES) [APP-037].
- 1.1.3 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and interested parties ('other parties') in relation to the Scheme.
 - 1.1.4 This Statement has been updated to reflect the further engagement that has taken place with the consultees that the Applicant has been liaising with throughout the course of the DCO Examination: Northumberland County Council, Natural England, Historic England, the Environment Agency and the Forestry Commission.
- 1.1.5 This Statement also sets out the position in relation to impacted Statutory Undertakers: National Grid Gas, Northern Gas Networks, Northern Powergrid; and Northumbrian Water and sets out the position on the commonality of specific SoCGs at Deadline 10.

2 STRUCTURE OF STATEMENTS OF COMMON GROUND

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopted a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2 Each SoCG has the following structure:
- a.** Section 1: introduces the SoCG and a description of its purpose;
 - b.** Section 2: states the engagement that has occurred between the Applicant and other Party; and
 - c.** Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.

3 LIST OF STATEMENTS OF COMMON GROUND

- 3.1.1 The Applicant has prepared SoCGs with a number of other parties that it considers beneficial to do so with during the preparation of the DCO application. These comprise:
- Northumberland County Council (as the local authority for the area in which the Scheme is located);
 - Natural England;
 - The Environment Agency; and
 - Historic England.
- 3.1.2 In the Rule 6 letter dated 19th November 2020, the ExA requested that the Applicant enter into SoCG in relation to the effect of the Scheme on trees and woodlands, including ancient woodland, and the proposed mitigation measures in respect of trees and woodlands with the following bodies:
- Forestry Commission; and
 - The Woodland Trust.
- 3.1.3 The Woodland Trust confirmed by an email dated 12/01/20 that: 'the Trust is unable to participate in any Statement of Common Ground agreements for road schemes. As we are currently considering both our internal and external position on involvement with transport schemes, we have put in place a moratorium on partaking in any such agreements.' As such, the Applicant has not progressed a draft SoCG with the Woodland Trust. The Applicant has however responded to written representation from the Woodland Trust throughout the examination.
- 3.1.4 The ExA also requested that the applicant enter into SoCGs with affected statutory undertakers, in relation to protective provisions.
- 3.1.5 The affected statutory undertakers are set out in Appendices CA.2 [REP1-038] and CA.3 [REP1-039] of the Applicant's Response to ExA's First Written Questions [REP1-032], submitted at Deadline 1. These appendices identify the extent to which each statutory undertaker would be affected, whether a relevant representation has been submitted and the extent of discussions (if any) with the Applicant as to protective provisions.
- 3.1.6 The Applicant has reviewed the statutory undertakers listed in appendices CA.2 [REP1-038] and CA.3 [REP1-039] to identify those statutory undertakers which have submitted a relevant representation or otherwise requested that the Applicant engage in discussions in relation to protective provisions. Through this process, the Applicant identified the below affected statutory undertakers. Draft SoCGs have been prepared for each of these statutory undertakers:
- National Grid Gas;
 - Northern Powergrid;
 - Northern Gas Networks; and
 - Northumbrian Water.

- 3.1.7 There are no other statutory undertakers that have submitted relevant representations or otherwise requested that the Applicant engage in discussions in relation to protective provisions. As such it is not proposed at this stage to enter into any further SoCGs with additional statutory undertakers.
- 3.1.8 The parties which the Applicant has prepared SoCG with are therefore listed in Table 3.1 below.

Table 3-1 - List of SoCGs

Stakeholder
Local Authorities
Northumberland County Council
Prescribed Consultees
Historic England
Environment Agency
Natural England
Forestry Commission
Statutory Undertakers
National Grid Gas
Northumbrian Water
Northern Powergrid
Northern Gas Networks

- 3.1.9 Further detail about the current position of each SoCG can be found at Chapter 4, Table 4.1 of this Statement.

4 SUMMARY OF CURRENT POSITION

- 4.1.1 This section provides the position of each SoCG at Deadline 10, Tuesday 29th June 2021. As final versions of the SoCGs are agreed as the DCO Examination progresses, they will be submitted alongside this Statement.
- 4.1.2 Table 4.1 below provides a high level position and where necessary includes further detail to aid understanding of the ExA. The high level positions used in the table are:
- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
 - Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
 - SoCG in draft – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding'.

Table 4-1 - SoCGs High Level Position

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 8a	Position Deadline 9	Position Deadline 10	Position Deadline 11
Local Authority													
7.6A	Northumberland County Council	Draft SoCG submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated draft SoCG submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.	Updated draft SoCG submitted at Deadline 8a.	Updated draft SoCG submitted at Deadline 9.	Updated SoCG Submitted at Deadline 10. It is anticipated that a final, signed, version of the SoCG will be submitted at Deadline 11.	
Prescribed Consultees													
7.6B	Natural England	SoCG in draft and submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.	Updated draft SoCG submitted at Deadline 8a.	Updated draft SoCG submitted at Deadline 9.	Final, signed, SoCG Submitted at Deadline 10.	
7.6C	Environment Agency (EA)	SoCG under preparation, to be submitted in draft at Deadline 2.	Draft SoCG submitted at Deadline 2.	The Applicant emailed the EA on 19 January 2021, 11 December 2020, and 13 October 2020 to arrange a meeting to discuss the draft	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated draft SoCG submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.	Updated draft SoCG not submitted at Deadline 8a.	Updated draft SoCG submitted at Deadline 9.	An updated SoCG is submitted at Deadline 10. A copy of this Deadline 10 version of the SoCG has been sent to the EA for final agreement. It is anticipated	

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 8a	Position Deadline 9	Position Deadline 10	Position Deadline 11
				SoCG. However, a response from the EA has not yet been received and, therefore, it has not been possible to arrange a meeting prior to Deadline 3. Revised SoCG therefore not submitted, and the Applicant intends to submit a revised version at Deadline 4.								that a final, signed, version of the SoCG will be submitted at Deadline 11.	
7.6D	Historic England	SoCG in draft and submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated SoCG not submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.	Updated draft SoCG not submitted at Deadline 8a.	Updated draft SoCG not submitted at Deadline 9.	Final, signed, SoCG Submitted at Deadline 10.	
7.6E	Forestry Commission	SoCG in draft and submitted	Updated SoCG not submitted	Updated draft SoCG	Updated draft SoCG	The Applicant had intended to hold a further	A draft SoCG was submitted to	Updated SoCG not submitted	Updated draft SoCG submitted	Updated draft SoCG not	Updated draft SoCG not	Updated SoCG Submitted at	

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 8a	Position Deadline 9	Position Deadline 10	Position Deadline 11
		at Deadline 1.	at Deadline 2.	submitted at Deadline 3.	submitted at Deadline 4.	<p>meeting with the Forestry Commission ahead of Deadline 5.</p> <p>However, the Forestry Commission has not yet responded to an email from the Applicant dated 17th March 2021 or a follow up email responding to a request for information from the Forestry Commission dated 23rd March 2021.</p> <p>As such an updated SOCG is not submitted at Deadline 5.</p>	<p>the Forestry Commission on 23rd March 2021 for review and comment.</p> <p>Comments were again requested of the Forestry Commission on 13th April and 21st April.</p> <p>On 27th April, it was agreed that a further meeting would be held to progress the SOCG, but that this would be after Deadline 6. The meeting has been arranged for Week Commencing Monday 10 May 2021.</p> <p>As such an updated SoCG is not</p>	at Deadline 7.	at Deadline 8.	submitted at Deadline 8a.	submitted at Deadline 9.	Deadline 10. It is anticipated that a final, signed, version will be submitted at Deadline 11.	

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 8a	Position Deadline 9	Position Deadline 10	Position Deadline 11
							submitted at Deadline 6.						
7.6F	National Grid Gas	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Not submitted at Deadline 4.	Not submitted at Deadline 5.	Discussions with National Grid Gas are ongoing. However, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.	Updated draft SoCG not submitted at Deadline 8a.	Updated draft SoCG not submitted at Deadline 9.	Updated draft SoCG not submitted at Deadline 10. Please see paragraph 6.1.18, below, for further information.	
7.6G	Northern Powergrid	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Not submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	A holding response was received from Northern Powergrid on 30 April 2021. As such, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.	Updated draft SoCG not submitted at Deadline 8a.	Updated draft SoCG not submitted at Deadline 9.	Updated draft SoCG not submitted at Deadline 10. Please see paragraph 6.1.20, below, for further information.	
7.6H	Northern Gas Networks	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Not submitted at Deadline 4.	Not submitted at Deadline 5.	Discussions with Northern Gas Networks are ongoing. However, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.	Updated draft SoCG not submitted at Deadline 8a.	Updated draft SoCG not submitted at Deadline 9.	Updated draft SoCG not submitted at Deadline 10. Please see paragraph 6.1.21, below, for further information.	

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 8a	Position Deadline 9	Position Deadline 10	Position Deadline 11
7.6I	Northumbrian Water	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	The Applicant awaits a response to its emails of 14 and 28 April 2021. As such, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.	Updated draft SoCG not submitted at Deadline 8a.	Updated draft SoCG not submitted at Deadline 9.	Updated draft SoCG not submitted at Deadline 10. Please see paragraph 6.1.19, below, for further information.	

5 CURRENT POSITION

- 5.1.1 This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters. The table is presented in such a way to show topics covered within the various SoCG and how these are relevant to each other party and a position for each topic as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

- 5.1.2 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore not covered in Table 5.1 and shown as a blank.

Table 5-1 - Table of Commonality at Deadline 10

SoCG Ref	Party	Topics																
		Development Consent Order	Environmental Impact Assessment	Air Quality and emissions	Biodiversity, ecology and nature conservation	Economic and social effects	Historic Environment	Landscape and visual effects	Noise and vibration	Traffic and transportation	Green Belt Considerations	Outline Construction Environmental Management Plan	Water Environment Effects	Water Framework Directive compliance	Drainage and Flooding	Environmental permits	Effects on heritage assets	License applications
7.6A	Northumberland County Council																	
7.6B	Natural England																	
7.6C	Environment Agency																	
7.6D	Historic England																	
7.6E	Forestry Commission																	
7.6F	National Grid Gas																	
7.6G	Northern Powergrid																	
7.6H	Northern Gas Networks																	
7.6I	Northumbrian Water																	

6 POSITION AT DEADLINE 10

- 6.1.1 This section provides a summary of the position between the Applicant and each party at Deadline 10. This section provides the ExA with a summary. The individual SoCGs should be referred to for the full detail on specific matters.

NORTHUMBERLAND COUNTY COUNCIL

- 6.1.2 Substantive progress has been made in a number of areas, and, subject to the topics listed at 6.1.3 and 6.14 below, the Applicant considers that the following topics are now substantially 'agreed':

- Air Quality and emissions;
- Biodiversity, ecology and nature conservation;
- Economic and social effects;
- Historic Environment;
- Landscape and visual effects;
- Noise and vibration;
- Green Belt Considerations;
- Effects on heritage assets;
- Water Framework Directive compliance;
- Scheme design, particularly in relation the maintenance boundaries;
- Environmental permits;
- Water Environment Effects;
- ;
- Outline Construction Environment Management Plan; and
- Drainage and Flooding.

- 6.1.3 At Deadline 10, there are several issues on which it has not been possible to agree a common position during the course of the DCO Examination. These are marked as "not agreed" in the NCC SoCG and relate to the provision of the Development Consent Order in relation to the de-trunked section of the A1, links for non-motorised users and whether the DCO ought to require a standalone Landscape and Ecological Management Plan (LEMP).

- 6.1.4 The Applicant is in the process of finalising a legal agreement with NCC to secure the compensation, with current progress reflected in the SoCG with NCC and NE. Both the Applicant and NCC agree that the legal agreement can be finalised (and signed) by Deadline 11.

- 6.1.5 At a meeting on Tuesday 8th June NCC and the Applicant discussed NCC's proposed re-wording of Schedule 1 and 3 of the draft DCO. The amendments proposed by NCC are intended to require the provision of enhanced Public Rights of Way as part of the Scheme. The alternate wording proposed by NCC is included in their Deadline 8 submission [REP8-028b]. The Applicant maintains that the requested changes are not required as mitigation for the impacts of the Scheme and that some of the proposed changes are not deliverable within the constraints of the Order Limits. It was not possible to find a

common position on this issue, which has been identified as “not agreed” in the final SOCG.

HISTORIC ENGLAND

- 6.1.6 The SoCG between the Applicant and Historic England has been agreed and signed by both parties. All matters listed in the SoCG are agreed.

ENVIRONMENT AGENCY

- 6.1.7 There have been a number of meetings between the Applicant and the Environment Agency (EA) the most recent of which took place the 18th, 19th and 20th May 2021 at which measures to mitigate the impact of the Scheme on Otters were discussed and agreed, and revisions to the Outline CEMP [REP7-008] discussed. Further meetings have been held on a without prejudice basis, the most recent on the 11th June 2021 to agree the compensation approach for the offsite mitigation measures, which will be delivered by the Environment Agency. These offsite mitigation measures are required as the EA considers that additional mitigation / compensation / offsetting is required for the impacts on the watercourses caused by the Scheme. As the Environment Agency agrees that the Applicant has done all it reasonably can to address impacts within the Order limits (as detailed within the Culvert Mitigation Strategy [REP1-066]) but still maintains that additional compensation is required and it is proposed that this is addressed by the Applicant making a financial contribution towards a project identified on the Environment Agency's Water Environment Investment Fund ~(WEIF). Notwithstanding that the Applicant is of the view that their mitigation proposals are satisfactory, the Applicant is prepared to make a contribution towards offsite works as requested by the Environment Agency. The terms of a Legal Agreement to secure this contribution to have now been agreed by the parties and it should be signed shortly.
- 6.1.8 The Environment Agency also consider that the proposed activities outlined in 6.38 Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and 6.40 Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064] are a significant variation to the original proposals. The Environment Agency do not agree with the suggestion in 6.44 Water Framework Directive Addendum for Change Request [REP4-068] that rock armour will provide adequate and suitable mitigation for the loss of 62m of riparian marginal habitat. All these matters are currently 'under discussion'. The parties are now agreed that compensation is required for loss of Habitat of Principal Importance (HoPI) and habitat of a SSSI and that there are no suitable sites for providing compensation in the vicinity of the bridge. The Applicant is prepared to make a contribution towards offsite works as requested by the Environment Agency. The terms of a Legal Agreement to secure this contribution to have now been agreed by the parties and it should be signed shortly. The details of the contribution and associated offsite works are currently under discussion with the Environment Agency
- 6.1.9 The Environment Agency has highlighted that the Scheme would result in a net loss of 11.69% of watercourse and a gain of 7.21% of area-based units and a failure of 4 out of 10 Net Gain Principles. As such the Environment Agency encourages the Applicant to examine opportunities to compensate for this loss with equivalent river-based units. The Applicant remains of the view that Biodiversity no net loss or net gain is not a legal requirement under current planning law for Nationally Significant Infrastructure Projects

(NSIPs) (such as the Scheme) and is also currently not mandatory at a local policy level. As explained above, notwithstanding the Applicant's position, the terms of a Legal Agreement to secure a contribution to off-site compensation have now been agreed by the parties and it should be signed shortly. This agreement will resolve the remaining matters between the parties. The following Scheme wide documents are now all 'agreed':

- Flood Risk Addendum - Rev 0 [REP1-067];
- Environmental Impact Assessment - Flood Risk Outside Order Limits [REP3-007]; and
- Environmental Impact Assessment - Surface Water Outfall Strategy [REP3-011].

6.1.10 Upon the imminent signing of the Legal Agreement to secure the contributions for the delivery, by the Environment Agency of the additional mitigation / compensation / offsetting on the River Lyne and the River Coquet all matters will be agreed between the Applicant and the Environment Agency. Therefore, the Applicant does not envisage any further meetings with the Environment Agency to be required.

NATURAL ENGLAND

6.1.11 The position of Natural England at Deadline 10 is Agreed, with all matters previously marked as "Under discussion" at Deadline 9 [REP9-020] now resolved. As such, a finalised SoCG signed by both parties has been submitted at Deadline 10.

6.1.12 The Applicant has also obtained Letters of No Impediment (LoNI) for all the species that the Scheme will have an impact on.

FORESTRY COMMISSION

6.1.13 A meeting between the Applicant and the Forestry Commission was held on Monday 28th June. There is a large amount of common ground between the Forestry Commission and the Applicant, which is recorded in the draft SoCG submitted at Deadline 10.

6.1.14 The Forestry Commission undertook to provide comments on the remaining issues that are "under discussion" by Wednesday 30th June, and it is anticipated that a final, signed SoCG will be submitted at Deadline 11.

NATIONAL GRID GAS

6.1.15 Subject to the completion of an agreed form side agreement, the Applicant and National Grid Gas have agreed the form of protective provisions. It is anticipated that a signed SoCG will be submitted at Deadline 11, following the completion of the side agreement.

NORTHUMBRIAN WATER

6.1.16 Discussions between the Applicant and Northumbrian Water are at an advanced stage, and it is anticipated that agreement will be reached as to the protective provisions ahead of Deadline 11. As such, the parties intend to submit a signed SoCG at Deadline 11.

NORTHERN POWERGRID

6.1.20 Work on this SoCG and discussions as to protective provisions are ongoing. A full update will be provided at Deadline 11.

NORTHERN GAS NETWORKS

- 6.1.21 Discussions between the Applicant and Northern Gas Networks are at an advanced stage, and it is anticipated that agreement will be reached as to the protective provisions ahead of Deadline 11. As such, the parties intend to submit a signed SoCG at Deadline 11.

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