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To Interested Parties, Statutory Parties  
and Other Persons invited to the  
Preliminary Meeting

Your Ref:

Our Ref: TR010020

Date: 22 November 2017

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Dear Sir/ Madam

## **Planning Act 2008 (as amended) – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and Rule 13**

### **Application by Highways England for an Order Granting Development Consent for the A19/A184 Testo's Junction Improvement Project**

#### **Examination Timetable, procedure and notification of hearings**

This letter provides you with the Examination Timetable, my Procedural Decisions following the Preliminary Meeting (held on 14 November 2017); details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

#### **Availability of Documents and Examination Information**

The application, all documents submitted to the Examination, information about the Examination process, a written note and a digital audio recording of the Preliminary Meeting are available on the A19 Testo's Junction Improvement page of the Planning Inspectorate's national infrastructure planning website (the Examination website), which can be accessed on a personal computer, tablet or smartphone via the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/A19--A184-Testos-Junction-Improvement/>

Documents are catalogued in the Examination Library, available from the documents tab on the Examination website. Advice about how to access and navigate the Examination Library is provided at **Annex A**.

If you do not have access to a personal computer, tablet or smartphone, **Annex A** also provides details of locations in the vicinity of the Proposed Development at which the Examination documents can be viewed electronically.

## Procedural Decisions and the Examination Timetable

I have made Procedural Decisions about the way the application will be examined and these are attached at **Annex B**. Consequently I have issued an approved Examination Timetable, attached at **Annex C**.

The approved Examination Timetable replaces the draft timetable that was included in the Rule 6 letter<sup>1</sup> dated 17 October 2017. I have considered requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting, but following this consideration there have been no changes to the draft Examination Timetable. A request from South Tyneside Council relating to the deadline for Statements of Common Ground has been addressed in a Procedural Decision in **Annex B** and does not need a change to the timetable to be made.

If I consider it necessary to vary the Examination Timetable during the examination, notification will be sent to Interested Parties invited to the Preliminary Meeting and to Other Persons, and the changes will be published on the Examination website.

I have considered and sought to accommodate requests for Procedural Decisions that were made in correspondence before and at the Preliminary Meeting. My Procedural Decisions made after the Preliminary Meeting are explained in full at **Annex B**.

Please note that I have made a Procedural Decision to invite the Integrated Advanced Manufacturing Park (IAMP) LLP, a person who had not made a relevant representation, to participate in the examination as an 'Other Person' pursuant to Chapter 4 of the Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010. Subsequent references to Interested Parties in this letter and Annexes should be read as applying to Other Persons as though they were Interested Parties.

## Deadlines for receipt of submissions

The Examination Timetable contains deadlines for the receipt of information by the Planning Inspectorate. Please read the timetable and make a note in your diary of all deadlines that apply to you. All deadlines are at 12 noon on the date specified. Submissions in advance of the deadlines are encouraged. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

Wherever practicable, I request that Interested Parties send electronic copies of their submissions as email attachments, to [A19TestosJunction@pins.gsi.gov.uk](mailto:A19TestosJunction@pins.gsi.gov.uk). Attachments should be clearly labelled with the subject title and not exceed 12MB in total for each email. Providing links to websites where your submissions (including parts of or annexes to your submissions) are hosted is not acceptable. All electronic documents submitted to the Examination must be in the form of complete files that can be hosted by the Planning Inspectorate and made available to be viewed in full on and downloaded directly from the Examination website.

If Interested Parties wish to make submissions in hard copy by post, please ensure they are posted in sufficient time to arrive by the deadline. Hard copies will be digitised and made available on the Examination website.

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<sup>1</sup> [Your invitation to the Preliminary Meeting](#)

I have explained some of the submissions that I have requested below. However please refer to the Examination Table in **Annex C** for a complete list of all submissions and their deadlines for this examination.

## Written Representations

I will at various points in the Examination request written submissions. Any Written Representations, and any further written submissions that I request that exceed 1500 words should also be accompanied by a summary, which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

I confirm the invitation in my Rule 6 letter (Annex G - Procedural Decisions) to all Interested Parties to submit their Written Representations and comments on the Relevant Representations that have been made, by **Deadline 1** as specified in **Annex C**.

There is no prescribed form for Written Representations. Written Representations can deal with any relevant matter. They are not restricted to the matters set out in my Initial Assessment of Principal Issues which was included in the Rule 6 letter and discussed at the Preliminary Meeting, nor are they restricted to the content of my Written Questions (ExQ1). If a matter is addressed in ExQ1, it does not have to be reiterated in a Written Representation, but for completeness, the Written Representation should cross refer to any relevant responses to questions.

Any person, other than the Applicant, who submits a Written Representation must identify in their Written Representation those parts of the application with which they agree and those parts with which they do not agree, and must state the reasons for such disagreement<sup>2</sup>.

Furthermore, in accordance with the government's 'Planning Act 2008: Guidance for the examination of applications for development consent (March 2015)<sup>3</sup>, Interested Parties should provide with their written statements "*the data, methodology and assumptions used to support their submissions*".

## ExA Written Questions (ExQ1)

I have compiled Written Questions about the application and the representations received so far. These questions are now published on the Examination website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010020-000330>

The deadline for responses to ExQ1 is provided in the Examination Timetable in **Annex C**. The Examination Timetable provides that I may issue a second round of written questions (ExQ2) if needs be. However, as discussed at the Preliminary

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<sup>2</sup> Rule 10(4) of the Infrastructure Planning (Examination Procedure) Rules 2010

<sup>3</sup> <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Meeting, I may decide not to issue these questions if the information that I need has been or can be provided by the other written procedures and by oral hearings provided for in the Examination Timetable.

If you require a hard copy of my questions, please contact the Case Team who will post a copy to you.

### **Statements of Common Ground and Local Impact Reports**

As per my Rule 6 letter (at Annex G – item 7), I now confirm my invitation for the submission of completed Statements of Common Ground (SoCGs) as listed in **Annex B item 4**, by the deadlines specified in the Examination Timetable at **Annex C**.

Local Authorities defined in s56A of the Planning Act 2008 (PA2008) are invited to submit their Local Impact Reports (LIR) by the deadline specified in the Examination Timetable at **Annex C**.

Special provision to respond to a timing request on these matters by South Tyneside Council is made in **Annex B**.

### **Notification of Hearings**

The Examination Timetable at **Annex C** includes periods of time reserved for hearings to be held.

The Examination will be principally undertaken through written procedures. Whilst I am required to hold Open Floor and Compulsory Acquisition Hearings in certain circumstances, the decision to hold and the subject matters for Issue Specific Hearings are for me to decide. My decisions about hearings are not connected to how relevant or important I consider an issue or topic to be. I take these decisions balancing a wide range of factors, including the stage that the Examination has reached, progress in clarifying matters through written procedures and the degree to which further written procedures might be avoided or reduced or matters better clarified by holding a hearing.

I will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include a date by which Interested Parties must inform the Planning Inspectorate if they wish to attend the notified hearing(s).

I am immediately notifying all Interested Parties of hearings timetabled for January 2018. This notification can be found at **Annex D**. Later hearings will be notified closer to the hearing date.

### **Notification of wish to attend a hearing in January**

I now request notification of wishes to attend hearings to be held in January from:

- a) any Interested Party who wishes to be heard at the **Open Floor Hearing (OFH)**;
- b) any Affected Person who wishes to make oral representations at the **Compulsory Acquisition Hearing (CAH1)**; and
- c) any Interested Party who wishes to make oral representations at either of the

## upcoming **Issue Specific Hearings (ISH2 and ISH3)**

Interested parties who wish to speak at the forthcoming January OFH, CAH or ISHs, should notify Emre Williams (Case Manager) using the contact details at the top of this letter by **Tuesday, 28 November 2017 (Deadline 1)**.

If no written requests are received to attend the January OFH or CAH by **Deadline 1** in the Examination Timetable, I am not formally required to hold these hearings. However, I consider that one OFH is necessary to ensure that any local resident Interested Parties are provided with a reasonable opportunity to be heard on matters that I might not address in my Agendas for Issue Specific Hearings (ISHs). It is established good practice to hold one such hearing, even if no written requests are received. I consider that at least one CAH is necessary to enable me to examine the Applicant's case for compulsory acquisition (CA) and temporary possession (TP), whether or not any written requests are received.

It would greatly assist in the organisation of the hearings if you inform the Case Team if you plan to attend any particular hearing, even if you do not wish to speak. It would also assist us if you could notify us of any special needs you may have (for example disabled access or provision of a hearing loop).

Once hearing Agendas are available, if an Interested Party wishes to make an oral representation at an ISH they should inform the Case Team which topics they wish to address at the hearing. Similarly, any Affected Person wishing to make an oral representation at a CAH should identify the plot(s) of land about which they wish to speak using the plot reference(s) from the Book of Reference and the Land Plans.

### **Procedure at hearings**

The procedure to be followed at hearings is set out in Rule 14 of the Examination Procedure Rules (EPR)<sup>4</sup>. Any oral representations must be based on either the Relevant or Written Representations made by the person by whom or on whose behalf the oral representations are made. I will be responsible for the oral questioning of a person giving evidence but your attention is drawn to Rule 14(5) of the EPR and the circumstances that apply to cross-questioning between parties. Whilst I may permit cross-questioning, I would only do so where it is necessary to the adequate testing of evidence and to ensure that hearing participants have a fair chance to put their case.

A digital audio recording is made of all hearings and these will be published on the Examination website.

### **Site Inspections**

I have already undertaken two Unaccompanied Site Inspections<sup>5</sup> (USIs); my notes of these Inspections have been published on the Examination website. I do not consider that I need to visit these sites again. However I will consider, as set out in the Examination Timetable, any requests to inspect further particular sites. Nominations

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<sup>4</sup> <http://www.legislation.gov.uk/ukxi/2010/103/contents/made>

<sup>5</sup> [ExA's note on USI1](#)  
[ExA's note on USI2](#)

of such locations which are sought to be inspected must be received by the **Tuesday, 28 November 2017 (Deadline 1)**.

Nominations should include a reason why an inspection is required. They should make clear whether a site can be inspected on an unaccompanied basis (because it is accessible from the public domain or can be viewed from a public domain location), or whether accompaniment is required because (for example) the site is private, there are particular features that you need to point out or there are matters such as health and safety considerations that require special arrangements to be made or equipment to be used. If you ask for an inspection on private land, please provide your consent for the inspection to access the land, or provide contact details for the person who can provide that consent.

Upon review of any such submissions I will, if required, publish a notification on the Examination website no later than **Tuesday, 19 December 2017** as to whether an Accompanied Site Inspection (ASI) will proceed on the date reserved for it, being **Tuesday 16 January 2018**. Alternatively a notification that the ASI will not proceed will be published on the website. The itinerary for the ASI (if required) will be published to the Examination website on or before **Tuesday, 7 January 2018**.

Interested Parties may attend an ASI. Please notify the Case Team by Wednesday 8 January 2018 if you intend to attend, as arrangements may be required to enable the transport of attendees between sites. You should be aware that because they are not digitally recorded, **ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development**. All oral representations on planning merits must be made at a hearing.

If I decide that no ASI is required, but there are nominations for the inspection of sites or features that I have not already inspected in USI1 or 2, I will carry out further USIs. These are not required to be timetabled. However, I will publish a note of any additional USI that I carry out on the Examination website. It follows that if there are no nominations for the inspection of sites or features that I have not already inspected in USI1 or 2 then I will not proceed with any further USIs unless issues are raised in the Examination that I decide require me to undertake further inspections.

### **Future notifications**

If you are an Interested Party or Other Person you will continue to receive notifications from the Planning Inspectorate about the Examination throughout the process.

If you have received this letter because you were invited to attend the Preliminary Meeting but you are not an Interested Party you **will not** receive further routine communications from us relating to this application. You can however visit our website to stay informed of the progress of the examination of the application.

As I explained at the Preliminary Meeting, if you are a Statutory Party which has not made a Relevant Representation but wishes to become an Interested Party, you should inform the Case Team by **28 November 2017 (Deadline 1)**. The Groundwork Trust should note that it is a Statutory Party and it may request to become an Interested Party on this basis. Statutory Parties who have not made a Relevant Representation and do not notify us of their wish to become an Interested Party **will**

**not** receive further routine correspondence in relation to the examination of this application.

### **Award of costs**

You should be aware of the possibility of the award of costs against Examination participants who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance: 'Awards of costs: examinations of applications for development consent orders (July 2013)'<sup>6</sup>. It is in everyone's interest that information is brought forward as early as possible in the examination process, so you are encouraged to do so.

### **Management of Information**

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this Examination (if accepted by the ExA) and any record of advice which has been provided, will be published on the Examination website, together with the name of the person or organisation who submitted it or asked for the advice.

The privacy of any other personal information has been and will be protected in accordance with the Planning Inspectorate's Information Charter.

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Rynd Smith*

### **Examining Authority**

#### **Annexes**

- A** Availability of Relevant Representations and Examination Documents
- B** Procedural Decisions made by the Examining Authority
- C** Examination Timetable
- D** Notification of Hearings

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<sup>6</sup> <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

## Availability of Relevant Representations and Examination documents

All application and Examination documents including Relevant Representations are available free of charge on the A19 Testos Junction Improvement page of the Planning Inspectorate's national infrastructure planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/A19--A184-Testos-Junction-Improvement/>

Documents can be found on the documents tab of this website and an index to the Examination Library that is published there will be updated following each deadline in the Examination Timetable by the Planning Inspectorate.

Documents can be viewed electronically via the website at the following locations. Please note that you may need to bring a form of ID to use a computer at these locations.

### Electronic Deposit Locations:

Library/ Address		Opening Hours	
<b>East Boldon Library</b>  Boker Lane East Boldon NE36 0RY  Telephone: 0191 424 7853  <b>Free access to computers for Library members, or £1 charge per 20 minutes.</b>		Monday – 09-30 to 17-00 Tuesday – 09-30 to 19-00 Wednesday - Closed Thursday – 09-30 to 19-00 Friday – 09-30 to 17-00  Saturday, Sunday and Bank Holidays – Closed	
<b>Boldon Lane Library</b>  Boldon Lane South Shields NE34 0LZ  Telephone: 0191 456 2852  <b>Free access to computers for Library members, or £1 charge per 20 minutes.</b>		Monday – 09-30 to 17-00 Tuesday – 09-30 to 17-00 Wednesday - 09.30 to 19-00 Thursday - Closed Friday – 09-30 to 17-00  Saturday, Sunday and Bank Holidays – Closed	
Printing Costs		Black and White	Colour
<b>A4</b>		10p	50p
<b>A3</b>		Not available	

**Hard Copy Deposit Locations:**

**Only the Applicant's application documents** as submitted to the Planning Inspectorate for Acceptance will be available at the locations listed below. These documents will be available at these locations until the date the Secretary of State issues a decision on the application.

If you wish to view documents received during the Examination, please visit the Electronic deposit locations listed above.

<b>Library/ Address</b>	<b>Opening Hours</b>	
<b>The Word Library</b>  The Word 45 Market Place South Shields NE33 1DX  Telephone 0191 4427 1818	Monday to Thursday – 09-00 to 19-00  Friday – 09-00 to 17-00  Saturday, Sunday and Bank Holidays – 10-00 to 16-00	
<b>Copying Costs</b>	<b>Black and White</b>	<b>Colour</b>
<b>A4</b>	10p	Not Available
<b>A3</b>	20p	Not Available
<b>Bunny Hill Customer Service Centre</b>  Community Cafe Hylton Lane Sunderland SR5 4BW  Telephone 0191 520 5555	Monday to Friday – 08-30 to 17-00  Closed Bank Holidays	
<b>Copying Costs</b>	<b>No photocopying available at this facility.</b>	
<b>Highways England</b>  Lateral 8 City Walk Leeds LS11 9AT  Telephone 0300 470 4418	Monday to Friday – 09-00 to 17-00  Closed Bank Holidays	
<b>Copying Costs</b>	<b>Photocopying can be provided for most of the documents (with the exception of the ES Volumes) free of charge, upon request.</b>	

## Procedural Decisions Made by the Examining Authority

I have made the following Procedural Decisions arising from the Preliminary Meeting<sup>1</sup>:

### 1. Examination Timetable

I have not made any changes to the draft Examination Timetable provided with my Rule 6 letter dated 17 October 2017. Annex C below contains the approved Examination Timetable.

In reaching this decision I have considered and agreed to a request from South Tyneside Council to delay the submission of its initial Statement of Common Ground (SoCG) with the Applicant and have responded to this in decision 4 below. However, I do not consider that a general change to the Examination Timetable is necessary to give effect to this decision.

### 2. Examining Authority's Written Questions

Some of my first Written Questions (ExQ1) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence, and I request for each to check my ExQ1 carefully in order that they may identify and respond to any questions posed to them.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015<sup>2</sup>.

### 3. Hearings

The Examination Timetable reserves 3 periods of time for 3 suites of hearings to be held, one of which has already taken place on 15 November 2017 and subsequently further hearings are scheduled between **16 and 19 January 2018** and between **28 February and 1 March 2018**.

Affected Persons should notify me in writing of their wish to speak at the Compulsory Acquisition Hearing (CAH1) in January by **28 November 2017 (Deadline 1)**. Interested Parties who wish to speak at the Open Floor Hearing (ISH2) in January should notify me in the same way, by the same deadline.

An Issue Specific Hearing (ISH2) will be held into the interrelationship of major proposals in the area, environmental & landscape/visual issues and any legal matters on **17 January 2018**. An Issue Specific Hearing, dealing with the draft Development Consent Order, has already taken place as noted

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<sup>1</sup> Section 89(1) of the Planning Act 2008

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

above on 15 November 2017 (ISH1), and at least one more (ISH3) will be held on **19 January 2018**. Interested Parties who wish to speak at ISH2 or ISH3 in January should also notify me by **28 November 2017 (Deadline 1)**.

Further important information about the forthcoming hearings to be held in the week commencing 15 January 2018 is provided in **Annex D**. In relation to the notice given by the Applicant of these hearings, I have made a Procedural Decision directing the Applicant to comply with the Rule 13(6)<sup>3</sup> notification requirements as soon as practicable and not later than 21 days before the dates fixed for the commencement of the hearings. This is to enable the Applicant to meet the print deadlines for publication of the notice of hearings in the local newspapers.

Please note that in respect of this Procedural Decision, I am writing to Interested Parties for information purposes only. This Procedural Decision does not affect the Examination Timetable in any way and Interested Parties other than the Applicant are not required to respond to it.

In addition to these hearing arrangements, I have decided to reserve time for possible additional hearings on **28 February and 1 March 2018** (ISH4, ISH5 and CAH2). Formal notice of these additional hearings will be provided in due course, if I decide that they need to proceed and arrangements for intending participants to notify me in writing of their wish to speak will also be made at that time if required. However, it is also open to me to decide that these hearings are not necessary.

#### **4. Statements of Common Ground (SoCG)**

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. First draft SoCGs are to be submitted by **Tuesday 28 November 2017 (Deadline 1)** except as specifically provided for South Tyneside Council at (A) below) with revisions (if required) at **Deadline 3**. Final, signed versions of the SoCGs listed below are requested to be submitted by **Thursday 8 March 2018 (Deadline 5)**.

##### **A: The Applicant and South Tyneside Council** to include:

- Development Consent Order (DCO)
- Economic and Social impacts
- Environmental Impact Assessment, including issues related to:
  - The adequacy of the assessment of its potential impacts
  - Cumulative effects
  - Noise & Vibration, Construction, operational and decommissioning noise and vibration effects including upon the living conditions of local residents
- Habitats, Ecology and Nature Conservation
- Landscape and Visual Impact

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<sup>3</sup> The Infrastructure Planning (Examination Procedure) Rules 2010

- Transport and Traffic including:
  - Effects on motorised road traffic
  - Effects on the Public Right of Way (PRoW) network and on cyclists, pedestrians and riders

*Further to oral submissions at the Preliminary Meeting, I note that South Tyneside Council is not in a formal position to prepare and agree a first draft SoCG by Deadline 1. It also wishes to coordinate the content of its SoCG with its Local Impact Report (LIR) due at Deadline 2. On that basis I have decided that this draft SoCG may be provided at Deadline 2 as a 'response to any further information requested by the ExA for this deadline'. Any Interested Party who wishes to comment on this SoCG may do so at Deadline 3. These amended dates are specific to South Tyneside Council only. General timetable provisions continue to apply to all other SoCGs.*

**B: The Applicant and Natural England (NE) to include:**

- Development Consent Order (DCO)
- Habitats, Ecology and Nature Conservation, including issues related to:
  - Protected sites
  - Protected species
  - European sites and features relevant to Habitat Regulations Assessment (HRA)
  - The need for and means of securing mitigation actions

**C: The Applicant, the Environment Agency (EA) (and the lead flood authority) to include:**

- Development Consent Order (DCO)
- Environmental issues, including issues related to:
  - Water environment effects, including abstraction and discharge
  - Drainage
  - Flooding

**D: The Applicant and National Grid Electricity Transmission (NGET) to include:**

- Mitigation of the effects of the project on the transmission system
- Mitigation of the effects of the project on the distribution system
- Effects within operational land containing NGET assets at West Boldon Sub-station
- Effects on the nature conservation values of NGET non-operational land adjacent to the West Boldon Lodge Environmental Education Centre

*Further to written submissions prior and oral submissions at the Preliminary Meeting, I note the Applicant's submission that it is close to agreement in all material respects with the Distribution Network Operators (DNO). On this basis I have agreed to exclude the DNO from the scope of this SoCG but have asked that the Applicant provide me with evidence (in the form of a letter of general agreement from the DNO) by Deadline 1.*

**SoCGs A to D should cover the following topics where relevant:**

- Methodology for environmental impact assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO

**SoCGs A to D should cover the Articles and Requirements in the draft DCO.** Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by **D5**, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant** to Deadline 3. The position of the relevant Interested Parties will then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform me as to the need to hold any Issue Specific Hearings in February 2018, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

## **5. Local Impact Reports (LIRs)**

Local authorities<sup>4</sup> are invited to submit LIRs by **Monday, 18 December 2017 (D2)** in the Examination Timetable at **Annex B**.

## **6. Habitats Regulations Assessment**

Under the Habitats Regulations<sup>5</sup>, in order to inform the Secretary of State as the competent authority, certain information may need to be provided and consultation undertaken during the course of the Examination.

I note the submission of a No Significant Effects Report (NSER) and the Applicant's submission at the Preliminary Meeting that there were only the most limited of matters as a consequence that were necessary to be examined with a bearing on Habitats Regulations Assessment. I have decided to make no specific requirements for Habitats Regulations Assessment at this time, but pending my consideration of Written

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<sup>4</sup> Defined in s56A of the Planning Act 2008

<sup>5</sup> The Conservation of Habitats and Species Regulations 2010

Representations and a SoCG between the Applicant and Natural England, I retain the option to seek further information relevant to Habitats Regulations Assessment after Deadline 1 or through hearings, should this be required.

## 7. Requests for Involvement in the Examination

Representatives of the **Integrated Advanced Manufacturing Park (IAMP) LLP** (a joint venture between South Tyneside and Sunderland Councils) attended the Preliminary Meeting. IAMP LLP has not made a Relevant Representation and is not a Statutory Party, but offered to assist the Examination through participation. I have decided to invite IAMP LLP to participate in the Examination as an 'Other Person', enabling it to respond to deadlines and participate in relevant Hearings as if it was an Interested Party. The Planning Inspectorate will notify and correspond with IAMP as if it was an Interested Party.

A representative of **Groundwork Trust** attended the Preliminary Meeting. Groundwork Trust is a tenant of NGET, providing land management for nature conservation and West Boldon Lodge Environmental Education Centre. Groundwork Trust has not made a Relevant Representation but wishes to participate in the examination. On reviewing the standing of Groundwork Trust, I note that it is a Category 1 person for the purposes of s 57 PA2008 and is listed in the Book of Reference. On that basis, Groundwork Trust is an Affected Person and a Statutory Party. If Groundwork Trust wishes to participate in the examination going forward, it must request to become an Interested Party at **Deadline 1**.

## 8. Hearing Venues

Further to the limited involvement of local resident Interested Parties and Affected Persons in the Examination, I have decided to hold Issue Specific Hearings (ISHs) and Compulsory Acquisition Hearings (CAHs) at the Royal Station Hotel in Newcastle upon Tyne. This venue is highly accessible to national and local public transport routes and will provide time, efficiency and cost savings for the majority of examination participants.

However, I have considered a written submission to the Preliminary Meeting by Mr Dennis Gilhespy, a local resident. On the basis of this submission, I have decided to hold an Open Floor Hearing (OFH) at the Quality Inn Boldon, which I understand to be an easily accessible location for Mr Gilhespy and other local residents.

## 9. The Environmental Impact Assessment (EIA) Regulations

The Applicant is requested to provide legal submissions explaining the basis for its view that the effect of the transitional provisions in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017) is that the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations 2009) continue to apply to this application, by **Tuesday 28 November 2017 (Deadline 1)**. Any Interested Party with observations on this matter must comment on the

Applicant's legal submissions on **Monday 18 December 2017 (Deadline 2)**.

## Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	<b>Preliminary Meeting (PM)</b>	<b>Tuesday 14 November 2017</b>
2	<b>Issue Specific Hearing (ISH)</b> ISH1 into: <ul style="list-style-type: none"> <li>• the draft Development Consent Order (dDCO)</li> </ul>	<b>Wednesday 15 November 2017</b>
3	Issue by ExA of: <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• ExA's Written Questions (ExQ1)</li> </ul>	<b>As soon as practicable following the PM</b>
4	<b>Deadline 1</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>• comments on any updates to Application Documents submitted by the Applicant before or at the PM;</li> <li>• comments on Relevant Representations (RRs);</li> <li>• summaries of all RRs exceeding 1500 words;</li> <li>• Written Representations (WRs) by all Interested Parties (IPs);</li> <li>• summaries of all WRs exceeding 1500 words;</li> <li>• Statements of Common Ground (SoCG) requested by ExA – see Annex A;</li> <li>• response to any further information requested by the ExA for this deadline</li> <li>• post-hearing submissions including written submissions of oral cases</li> <li>• notification by Statutory Parties of their wish to be considered as an IP by the ExA;</li> <li>• notification of wish to speak at any subsequent Issue Specific Hearings (ISH);</li> <li>• notification of wish to speak at a Compulsory Acquisition Hearing (CAH);</li> <li>• notification of wish to speak at an Open Floor Hearing (OFH);</li> <li>• provision of suggested locations and justifications for site inspections for consideration by the ExA;</li> <li>• notification of wish to attend an Accompanied Site Inspection (ASI); and</li> <li>• notification of wish to have future correspondence received electronically.</li> </ul>	<b>Tuesday 28 November 2017</b>

Item	Matters	Due Dates
5	<p><b>Deadline 2</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• comments on WRs;</li> <li>• comments on any SoCGs</li> <li>• Local Impact Reports (LIR) from any Local Authorities;</li> <li>• responses to ExA's Written Questions (ExQ1);</li> <li>• comments on any additional information/submissions received by D1; and</li> <li>• responses to any further information requested by the ExA for this deadline.</li> </ul>	<p><b>Monday 18 December 2017</b></p>
6	<p><b>Accompanied Site Inspection</b> Date reserved to hold an ASI (if required)</p>	<p><b>Tuesday 16 January 2018</b></p>
7	<p><b>Open Floor Hearing</b> Date reserved to hold an OFH</p>	<p><b>Tuesday 16 January 2018 (Evening)</b></p>
8	<p><b>Issue Specific Hearing</b> Issue Specific Hearing (ISH2) into:</p> <ul style="list-style-type: none"> <li>• the Interrelationship of major proposals in the Area, Environmental &amp; Landscape/Visual Issues and any Legal matters.</li> </ul>	<p><b>Wednesday 17 January 2018</b></p>
9	<p><b>Compulsory Acquisition Hearing</b> Date reserved to hold a CAH1</p>	<p><b>Thursday 18 January 2018</b></p>
10	<p><b>Issue Specific Hearing</b> Issue Specific Hearing (ISH3) into:</p> <ul style="list-style-type: none"> <li>• the dDCO.</li> </ul>	<p><b>Friday 19 January 2018</b></p>

Item	Matters	Due Dates
11	<p><b>Deadline 3</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• post-hearing submissions including written submissions of oral cases;</li> <li>• comments on LIRs;</li> <li>• comments on responses to ExA's Written Questions (ExQ1);</li> <li>• any revised/updated SoCGs (if any)</li> <li>• the Applicants revised dDCO;</li> <li>• comments on any additional information/submissions received by D2; and</li> <li>• responses to any further information requested by the ExA for this deadline.</li> </ul>	<p><b>Thursday 25 January 2018</b></p>
12	<p><b>Deadline 4</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments on the Applicant's revised dDCO;</li> <li>• comments on any revised/updated SoCGs (if any);</li> <li>• comments on any additional information/submissions received by D3; and</li> <li>• responses to any further information requested by the ExA for this deadline.</li> </ul>	<p><b>Tuesday 6 February 2018</b></p>
13	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ2) (if required);</li> <li>• ExA's consultation on the dDCO or dDCO commentary (if required); and</li> <li>• Report on the Implications for European Sites (RIES) (if required).</li> </ul>	<p><b>Thursday 15 February 2018</b></p>
14	<p><b>Issue Specific Hearing</b> (if required) Date reserved to hold Issue Specific Hearing (ISH4) into:</p> <ul style="list-style-type: none"> <li>• Any outstanding issues</li> </ul>	<p><b>Wednesday 28 February 2018</b></p>
15	<p><b>Compulsory Acquisition Hearing</b> (if required) Date reserved to hold a CAH2</p>	<p><b>Thursday 1 March 2018 (morning)</b></p>
16	<p><b>Issue Specific Hearing</b> (if required) Date reserved to hold Issue Specific Hearing (ISH5) into:</p> <ul style="list-style-type: none"> <li>• the dDCO.</li> </ul>	<p><b>Thursday 1 March 2018 (afternoon)</b></p>

Item	Matters	Due Dates
17	<p><b>Deadline 5</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• post-hearing submissions including written submissions of oral cases;</li> <li>• any revised/ updated SoCGs</li> <li>• response to the ExA's Written Questions (ExQ2) (if required);</li> <li>• comments on the ExA's consultation on the dDCO or dDCO commentary (if required);</li> <li>• comments on the ExA's RIES (if required);</li> <li>• comments on any additional information/ submissions received by D4</li> <li>• responses to any further information requested by the ExA for this deadline.</li> </ul>	<p><b>Thursday 8 March 2018</b></p>
18	<p><b>Deadline 6</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments on any revised/ updated SoCGs;</li> <li>• comments on responses to ExA's Written Questions (ExQ2) (if required);</li> <li>• the Applicant's Final Preferred DCO in the SI template validation report;</li> <li>• comments on any additional information/ submissions received by D5; and</li> <li>• responses to any further information requested by the ExA for this deadline.</li> </ul>	<p><b>Thursday 15 March 2018</b></p>
19	<p><b>Deadline 7</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments on the Applicant's Final Preferred DCO;</li> <li>• comments on any additional information/submissions received by D6; and</li> <li>• responses to any further information requested by the ExA for this deadline.</li> </ul>	<p><b>Monday 26 March 2018</b></p>
20	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p> <p>The ExA may close the examination before the end of the six month period if he is satisfied that all relevant matters have been addressed and discussed.</p>	<p><b>Monday 14 May 2018</b></p>

## **Publication dates**

All information received will be published on the project website as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination.

## **Hearing agendas**

We will aim to publish a draft agenda for each hearing on the project website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

## **Report on the Implications for European Sites (RIES)**

Where the Applicant has provided a No Significant Effects Report (NSER) or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a RIES during the Examination.

The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

**Notification of Hearings**  
**(under sections 91, 92 and 93 of the Planning Act 2008 (as amended))**

<b>Date</b>	<b>Hearing</b>	<b>Time</b>	<b>Venue</b>	<b>Access and Parking</b>
Tuesday, 16 January 2018	Open Floor Hearing (OFH) (evening)	18.00	<b>Quality Hotel Boldon</b> , Witney Way, Boldon, Tyne and Wear, NE35 9PE	Bus routes  <u>Abingdon Way</u> Stagecoach X34 Go North East 9  <u>Newcastle Road (A184)</u> Stagecoach X9, X10 and X34  Free parking at venue.
Wednesday, 17 January 2018	Issue Specific Hearing (ISH2) into: the Interrelationship of major proposals in the Area, Environmental & Landscape/Visual Issues and any Legal matters.	10.00	<b>The Royal Station Hotel</b> , Neville Street, Newcastle upon Tyne, NE1 5DH	Bus routes  <u>Neville Street</u> Stand A: 10, 11 38 Stand B: 1, 30, 31  National Rail and Metro <u>Central Station</u>  Paid parking close to venue (Newcastle Station Long Stay Car Park, Neville Street, NE1 5DL)
Thursday, 18 January 2018	Compulsory Acquisition Hearing (CAH2)	10.00	The Royal Station Hotel, address as above	As above
Friday, 19 January 2018	Issue Specific Hearing (ISH3) into: the draft Development Consent Order	10.00	The Royal Station Hotel, address as above	As above

The agendas for these hearing will be published on the A19 Testo's Junction Improvement page of the Planning Inspectorate's national infrastructure planning website at least five working days before such hearing takes place.

Those Interested Parties (IPs) who wish to speak at the hearing should notify the Case Manager (Emré Williams) at the postal or email address in the covering letter by **midday (12 noon), Tuesday 28 November 2017**.

It would help with the management of the hearing following publication of the Agenda for the relevant hearing, if you can let the Case Manager know:

- what hearing(s) you wish to attend;
- whether you wish to speak at the hearing and the subject matters and agenda items for the points you wish to make; and
- of any special needs you may have (e.g. disabled access, hearing loop).

Please ensure that you include your IP reference number in your correspondence.

The hearing venue will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and all necessary issues have been covered.

Every effort will be made to ensure that the issues in the agenda will be discussed on the day.

Depending on the number of parties wishing to speak, it may be necessary to limit the time allocated to each speaker.

The ExA reserves the right to rearrange the agenda for a hearing on the day. If discussion of an issue takes longer than anticipated, it may have to be completed at a later date.