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Paul Ahdal
Highways England (the Applicant)

Our Ref: TR010020

Sent by email only

Date: 24 November 2017

Dear Mr Ahdal

Planning Act 2008 (as amended) – Procedural Decision under s89(3)

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

Notification of Procedural Decision and Examination Timetable regarding the Applicant's proposed non-material changes to the application

On 10 August 2017 the Secretary of State decided to accept the application for the proposed A19/A184 Testo's Junction Improvement project for Examination. All application documents and Examination documents have been published and made available on the [project page](#) of our website and referenced in the Examination Library¹.

The Applicant in response to post-Acceptance s51 advice issued by the Planning Inspectorate, subsequently submitted responses thereto on 5 October [AS-001] and 31 October 2017 [AS-002].

I refer to Annex B of my Rule 8 Letter dated 22 November 2017.

At the Preliminary Meeting (PM) held on 14 November 2017, the Applicant referred to the changes that were made to their application documents in response to post-acceptance s51 advice. These are referenced as documents AS-003 to AS-014 in the Examination Library and in summary terms include:

- Land Plans (revision 1);
- Works Plans (revision 1);
- Engineering Drawings and Sections (revision 1);
- Draft Development Consent Order (revision 1) (consolidated and tracked);
- Statement of Reasons (revision 1) (consolidated and tracked);
- Book of Reference (revision 1) (consolidated and tracked); and
- Addendum to the ES (volume 1 and volume 3).

¹ [A19/A184 Testo's Junction Improvement Project – Examination Library](#)

I have made a Procedural Decision to accept these documents into the Examination. As they have been referenced in the Examination Library and published, this is sufficient to draw them to the attention of Interested Parties (IPs) and Other Persons (OPs) participating in the Examination.

However, to the extent that these documents may be of interest to persons notified of the Acceptance of the application but who have not become IPs, I decided at the PM that the Applicant must:

- notify these persons about the updated application documents, including the Environment Statement addendum and where they can be obtained;
- provide notifications of the non-statutory consultation in local newspapers and at sites in close proximity to the project;
- provide at least 28 days for the receipt of comments on these documents; and
- provide a report transmitting any comments received regarding these matters to the ExA by Deadline 3 (D3) in the Examination Timetable, for consideration.

This decision takes effect as a requirement for non-statutory notice and consultation to ensure the provision of procedural fairness. It is not made under and does not rely upon any specific provision of the Infrastructure Planning (Examinations Procedure) Rules 2010 or the Infrastructure Planning (Environmental Impact Assessment) Regulations of 2009 or 2017. Specifically, I do not consider that Regulation 17 of the Infrastructure Planning (Environmental Impact Assessment) Regulations of 2009 is applicable as the Environmental Statement submitted by the Applicant was adequate and I have not made a formal request for the submission of any 'further information'².

I have not yet decided whether to accept the submitted documents as a change to the application. I will do so after D3, once the views of IPs and OPs and the results of the Applicant's non statutory notice and consultation are available to me.

The purpose of this letter is to provide a written record of my decision made orally at the Preliminary Meeting.

If you have any queries regarding the above, please contact the A19/A184 Testo's Junction Improvement project case team or Mr Emre Williams (Case Manager) at the contact details provided above.

Yours sincerely

Rynd Smith

Examining Authority

² Pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 Reg 17 (2)(b)