

**A19 / A184 Testos Junction Improvement  
TR010020  
7.6 Statement of Common Ground  
Environment Agency**

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010





## Infrastructure Planning

### Planning Act 2008

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

# A19 / A184 TESTOS JUNCTION IMPROVEMENT

## The A19 / A184 (Testos Junction Improvement) Development Consent Order 201[ ]

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### Statement of Common Ground – Environment Agency

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**A19 / A184 Testos Junction Improvement Development Consent Order**

**Planning Inspectorate Reference: TR010020**

**Statement of Common Ground**

**Between**

**HIGHWAYS ENGLAND**

**and**

**THE ENVIRONMENT AGENCY**

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## TABLE OF CONTENTS

1	Introduction and Purpose	4
2	Consultation with the Environment Agency	6
3	Matters which are agreed between the parties	7
4	Matters not agreed	7

## 1 Introduction and Purpose

### 1.1 Purpose of Statement of Common Ground

- 1.1.1 This Statement of Common Ground (“SoCG”) relates to an application made by Highways England (“HE”) to the Planning Inspectorate under section 37 of the Planning Act 2008 (“the Act”). The application was made on 14 July 2017.
- 1.1.2 The application is for an order granting development consent – a development consent order (“DCO”). The draft DCO is referred to as the A19/A184 Testos Junction Improvement DCO. The DCO, if granted, would authorise HE to carry out the following work (“the Development”), as well as associated development:
- (a) upgrading the existing at-grade A19/A184 Testos junction in South Tyneside to a grade-separated configuration;
  - (b) widening of the Testos roundabout to incorporate new connector roads between the junction and the A19 mainline;
  - (c) new parallel links roads between Testos junction and the adjacent Downhill Lane junction; and
  - (d) improvements to non-motorised user facilities through the provision of new and upgraded facilities.
- 1.1.3 This SoCG has been prepared by HE and the Environment Agency (“EA”) in respect of the Development.
- 1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government’s guidance entitled “*Planning Act 2008: examination of applications for development consent*” (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:
- “A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*
- 1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.
- 1.1.6 The purpose of the SoCG is to set out agreed factual information about the proposed DCO application by HE. It is intended that the SoCG should provide matters on which HE and the EA agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.



- 1.1.7 HE's role is to operate, maintain, and improve the strategic road network in the interests of customers. The network is made up of England's motorways and all-purpose trunk roads (the major "A" roads). The A19 road in South Tyneside, including the Testos Junction, is part of the trunk road network for which HE is responsible. Following the proposed Development, HE would be responsible for operating, maintaining and improving the A19 as modified.
- 1.1.8 HE and the EA are collectively referred to in this SoCG as 'the parties'. The parties have been, and continue to be, in direct communication in respect of the interface between the proposed Development and the environmental matters that are within the remit of the EA.
- 1.1.9 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.10 Subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the 'Document Control' table at the beginning of the document.

## **1.2 The role of the Environment Agency and the DCO application**

- 1.2.1 The EA is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs with the stated purpose "to protect or enhance the environment, taken as a whole".
- 1.2.2 Within England it is responsible for, amongst other things: regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
- 1.2.3 The EA's role in relation to the DCO process derives from the Act and secondary legislation made under the Act. The roles and responsibilities of the EA under the Act relate to its role as a statutory consultee (as a prescribed consultee under section 42 of the Act) and as a consenting body.

## **1.3 The Development location and description**

- 1.3.1 The Development site lies approximately 4km south of the Tyne Tunnel entrance at Jarrow and is located in South Tyneside. It lies in a narrow belt of countryside that separates the urban areas of South Tyneside and Sunderland. Residential areas lie in close proximity to the Development location, at Fellgate and Hedworth to the northwest, at Boldon Colliery to the northeast. A business park lies adjacent to the proposed Development to the northeast. Southeast of Downhill Lane Junction is the residential area of Town End Farm. All the adjacent land to the west is agricultural with the exception of a car-hire business adjacent to the A184. To the East there are three Local Wildlife Sites, and an electricity sub-station.
- 1.3.2 The Development site comprises approximately 30.4 hectares of land. The area in which the proposed Development would be located comprises land that already forms the A19, however in order to protect sensitive sites adjacent to the east side of the road, the A19 would be widened asymmetrically, mainly to the west and its new centre-line would therefore be located slightly west of the existing centre-line.

1.3.3 The A19 carriageway would be raised to an elevation of 7.5m above ground level, passing over an enlarged roundabout and linked to it by slip roads. Traffic on the A19 would flow freely above the roundabout, while traffic using the A184 would still travel around the roundabout. The carriageway would be raised to this height on approach ramps from north and south of the roundabout.

1.3.4 The proposed Development comprises the 'principal development' - which includes all of the highway works as more fully described in Schedule 1 to the draft DCO accepted for examination by the Planning Inspectorate and 'associated development', comprising other development that has a direct relationship with the principal development and is required to support its construction and/or operation.

## 2 Consultation with the Environment Agency

2.1 The parties have been engaged in consultation since the inception of the proposed Scheme. Early correspondence dates back to 2004 with significant consultation also occurring towards the end of 2014 and early 2017.

2.1 A summary of recent key meetings and correspondence between the parties can be found in the table below:

**Table 2.1: Previous Engagement**

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
2004	Letter	Consultation on in accordance with EIA Regulations that were applicable at the time, regarding the development and selection of options.
2005	Letter	Consultation regarding the selection of options.
2006-7	Various	Informal consultation during detailed EIA studies
2009	Letter	Formal consultation on three scheme options.
2014	Letter	Formal consultation on EIA scope, through the Planning Inspectorate, in accordance with EIA Regulations.
10/10/14	Letter	Section 42 consultation including Section 48 Notice , preliminary environmental information and consultation leaflet.
10/05/2017	Letter	HE sent the draft DCO documents to the EA for comment

08/11/17	Meeting	Meeting to discuss drafting of this SoCG, the draft DCO and matters arising from previous consultations including discussion with South Tyneside Council as Lead Local Flood Authority.
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### **3 Matters which are agreed between the parties**

- 3.1 This section of the SoCG describes the 'matters agreed' in detail between the parties.
- 3.1.1 This is a draft SoCG. The final signed version will be submitted to the Examining Authority before the examination closes. The parties are working to finalise this statement for Deadline 5, if not before.
- 3.1.2 It is agreed that environmental permits will be applied for by HE as necessary, in order to prevent pollution arising from construction activities.
- 3.1.3 It is agreed that HE will require an Environmental Permit in relation to works over or adjacent to the River Don (Work No. 10).
- 3.1.4 It is agreed that the flood risk assessment (FRA) that has been carried out is appropriate to the scale and nature of the proposed Development. The FRA takes account of recent reports issued by the EA with respect to the River Don catchment. South Tyneside Council have also been consulted in their role as Lead Local Flood Authority.
- 3.1.5 It is agreed that Chapter 10 of the Environmental Statement submitted with HE's application has adequately assessed the potential for land contamination and, should any unsuspected contamination be discovered during construction, Requirement 6 in the draft DCO will ensure it is dealt with in a satisfactory manner.

### **4 Matters not agreed**

- 4.1 This section of the SoCG describes the matters not agreed between the parties.
- 4.1.1 The Environment Agency are currently seeking clarification from national teams on the use of the HAWRAT assessment and if it adequately addresses the risk of pollutants and accident spills to the receiving River Don watercourse. Potentially further mitigation measures may be required.

Signed on Behalf of HIGHWAYS ENGLAND

Signature:



Name: Paul Ahdal

Position: Highways England Project Manager

Date: 27/11/2017

Signed on Behalf of THE ENVIRONMENT AGENCY

Signature:



Name: James Hudson

Position: Senior Planning Advisor

Date: 24/11/2017