

# A19 / A184 Testo's Junction Improvement TR010020

## 7.13 Applicant's responses to ExA's First Written Questions and Requests for Information

Planning Act 2008

Rule 8(1)(b)

Infrastructure Planning (Examination Procedure) Rules 2010





## Infrastructure Planning

### Planning Act 2008

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

# A19 / A184 TESTO'S JUNCTION IMPROVEMENT

## The A19 / A184 (Testo's Junction Improvement) Development Consent Order 201[ ]

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### APPLICANT'S RESPONSES TO EXA'S FIRST WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION

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<b>Regulation Number:</b>	Rule 8(1)(b)
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<b>Application Document Reference</b>	TR010020/APP/7.13
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ExQ1	General and Cross-topic Questions	
1.0	Question	Response
1.0.1	<p>Description of the Development: The Approach to 'Lettered Works' (a) to (p) The Agenda for ISH1 (Table 1 to Annex E: Questions 56 and 57) identifies that Schedule 1 of the dDCO provides for a class of works (a) to (p) (the 'lettered works') that are not located by reference to the works numbers shown on the Works Plans [APP-007]. Whilst some of these works are minor in nature, some are substantial works in their own right. The more substantial works could give rise to emissions and effects, the meaningful assessment of which would need to rely on reasonably precise understanding of their locations.</p> <p>Because the locations of lettered works have not been secured in the dDCO, it is not always possible to be clear that the impacts assessed in the ES [APP-18] [APP-019 – 039] are sufficiently certainly defined or secured. This is because, in the absence of a locational specification for the lettered works, the dDCO and plans as submitted would authorise their delivery in a wide range of locations. Whilst the ES does include some assumptions about the locations of certain lettered works (and appears to have assessed on the basis</p>	

of these), and some locations can be deduced from other documents (the Statement of Reasons (SoR) [APP-013] identifies that certain plots of land are required for particular lettered works), the ExA remains unclear that if certain lettered works were to be delivered in different locations to those assumed for ES purposes, the effects at particular receptors would be as assessed in the ES and so within the Rochdale Envelope for the application proposal.

There is a read-across between this ES issue and matters relevant to CA and/ or TP. If lettered works that according to the SoR form the justification for the

CA or TP of land or rights on a particular plot were authorised to be delivered in a different location than that recorded in the SoR, the effect could be to weaken or remove the case for CA and / or TP in relation to that particular plot.

These issues are ones that the ExA has already raised in ISH1 and considers it may need to return to in a further Issue Specific Hearing in due course. However, they are recorded here to summarise the questions raised in ISH1 and to support the preparation of information based on that position to be considered at a further hearing.

The Applicant is asked to respond to the following questions.

The Applicant has provided a table 1.0.1(a) below which sets out the information which the ExA has requested. The Applicant

- In respect of the EIA process, for each lettered work (a) to (p), please prepare a table to identify the following:

- o Was a location (or locations) for this work assumed for assessment purposes?

- o If so, please identify the location with reference to relevant ES text and figures. BoR, SoR and Land Plan Plot Numbers should also be recorded if linkages have been made to the work in those documents.

- o If a location was assumed for assessment purposes, but the work was then delivered in a different location, could this materially affect the assessed effects stated in the ES, taking account of possible changes to effects at particular receptor locations?

- o If no location was assumed for assessment purposes, please explain in summary terms how the effects of this work were taken into account in the ES?

considers the following commentary to be relevant to set the context for the drafting of the dDCO and the assessments carried out:

- The lettered works entail no additional environmental effects, because they are all assumed as part of the numbered works within the limits set out in the dDCO. The exceptions to this are (c), (e), (f), (g), (h), (i), which have references to temporary construction works which may take place in the areas marked blue or green on the land plans; and these too have been considered in the ES (document reference **TR010020/APP/6.1**).

- The lettered works are not explicitly referenced in the Statement of Reasons exclusively in relation to particular plots. This is because the lettered works are carried out *“in connection with the construction of any those [i.e., the numbered] works”*. The relevant Plots which are affected by the numbered works are shown in Table 3 of the Statement of Reasons (document reference **TR010020/APP/4.1**).

- The Applicant requires the lettered works to ensure that all necessary construction activities are authorised by the DCO, and with an appropriate degree of flexibility in how the construction of the Scheme takes place. Allowing for a necessary degree of flexibility in the implementation of major infrastructure schemes is an issue that has been raised in relation to a number of highway and non-highway schemes and is necessary.

- In reaching this balance, the Applicant refers the ExA to restrictions contained in the dDCO which provide for sufficient

certainty whilst maintaining this flexibility. It is crucial that the lettered works are considered in the context of the wider dDCO and certified documents.

In particular: (i) Schedule 7 specifies the land of which temporary possession may be taken, the plots affected and the nature of the works to be carried out, which therefore imposes limitations on how the temporary land may be used; (ii) Requirement 3 also ensures that the design of the Scheme must be in accordance with the preliminary scheme design shown on the engineering drawings and sections unless otherwise agreed in writing by the Secretary of State and subject to any changes limited within the “Rochdale Envelope” principle; (iii) the remaining requirements in the dDCO ensure that the mitigation measures as set out in the REAC are delivered, including a requirement to produce and adhere to a CEMP substantially in accordance with the outline CEMP, and a requirement to produce a landscaping scheme based on the illustrative environmental masterplan, all of which impose further limits on the exercise of the lettered powers by the Applicant.

- In addition, some of the works, by their very nature, can only be carried out in particular locations (for example, works on existing drainage system which are already in a fixed location). It would, moreover, be cumbersome to list all of the relevant lettered works against the numbered works.
- Accordingly, the Applicant considers that no works can be carried out, which are inconsistent with the ES.
- The Applicant notes the inclusion of the lettered works in the

- In respect of the CA and/ or TP processes, for each lettered work (a) to (p), please prepare a table to identify the following:
  - o Will the work take place in a location that is proposed to be subject the CA and/ or TP of any land or rights?

dDCO is firmly in line with made DCOs, both for highway and non-highway schemes (see, for example, a recent example contained in the A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 and, for a recent non-highway example, see the National Grid (Richborough Connection) Order 2017). More particularly, the ExA is referred to the recently-made M20 Junction 10A Development Consent Order 2017. Over the course of numerous DCO decisions the Secretary of State has deemed these lettered works to be reasonable and acceptable, striking an appropriate balance between the public interest in scheme certainty with the public interest in scheme flexibility.

- The Applicant would ask the ExA to further consider the public law nature of the Applicant's functions. The Applicant is a body responsible for maintaining and operating the strategic road network in England. It must, in that context, act in a manner consistent with its obligations under public law, the underlying statutory framework and the licence granted to it by the Department of Transport. The Applicant must act in a reasonable manner when exercising any of its functions and powers and, accordingly, would not seek to carry out any of the lettered works in an unreasonable or improper way which could give rise to legal challenge.

The table requested by the Examining Authority is set out in Table 1.0.1(b) below, but it must be read in the context of the following commentary on the Applicant's approach in respect of the lettered works as set out above.

o If so, has the work been referred to in the Applicant's case for CA and/ or TP for particular plots of land? SoR tables, BoR and Land Plan Plot Numbers should be referred to.

o If a location for the work was included in the case for CA and/ or TP of land or rights on a plot, but the work was then to be delivered in a different location, how could a CA and/ or TP case for land that in effect became surplus to the requirements of the project be said to demonstrated?

Table 1.0.1a

Description of the work	Location assumed?	Location, Plot and Work No. (if assumed in ES)	References to ES	Commentary
(a) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing	N	N/A	N/A	<p>o If a location was assumed for assessment purposes, but the work was then delivered in a different location, could this materially affect the assessed effects stated in the ES, taking account of possible changes to effects at particular receptor locations?</p> <p>o If no location was assumed for assessment purposes, please explain</p> <p>It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b>) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change</p>

the width of any such kerb, footpath, footway, cycle track or verge; and reducing the width of the carriageway of the street;				would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.
(b) works required for the strengthening, improvement, maintenance, or reconstruction of any street;	N	N/A.	N/A	It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b> ) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.
(c) ramps, means of access, non-motorised links,	Y	The ES assumed the construction of works to footpaths, bridleways,	Sections 2.10, 3.4, 8.5.46, 13.5.26 to 13.6.59 to 13.5.31,	Theoretically, if these works are developed in different locations they may have different environmental effects. That said,

<p>footpaths, footways, bridleways, cycle tracks and crossing facilities;</p>		<p>footways, cycleways, crossing facilities and other non-motorised user links as described in Works no. 4 (Plot 1/1c, 1/1l, 1/2b, 1/3a), Work No. 6 ( Plots 1/2b and 1/3a), Work No. 13 (Plots 2/4e, 2/6a, 2/6d), Work No. 14 (Plots 2/2g, 2/3c, 2/3e, 2/3f, 2/3g, 2/5b, 2/6d, 2/7b), Work No. 15 (Plots 2/1e and 2/2g), Work No. 17 (Plots 2/5b, 2/6d, 2/6f, 2/8), Work No. 18 (Plots 2/3f, 2/5e, 2/5f, 2/8, 2/9a, 2/9b), Work No. 19 ( 2/2i, 2/3f, 2/3j), Work No. 20 (Plots 2/3f and 2/3h) , Work No. 21 (Plots 2/3f, 2/3g, 2/2g), Work No. 27 (Plots 2/2i, 2/3f, 2/2j, 2/5g, 2/9e).</p> <p>The ES assumed works relating to means of access as described in Works No. 10 (Plots 1/4b, 1/2c, 1/3b, 1/8, 1/9a, ), Work No. 11 (Plots 1/2d, 2/4f, 2/4g, 2/5a, 2/5c), Work No. 12 (Plots 1/7d, 2/1a, 2/1c) and Work No. 30 (Plots 2/2i and 3/2a)</p>	<p>13.6.42 13.6.68, 13.6.73, 13.7.2, 13.8, 13.9.11 to 13.9.14, 13.9.19, 14.6.18 to 14.6.29 of the ES.</p>	<p>the Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b>) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES. In practice any variation to the works will not entail any materially different effects to those reported in the ES.</p>
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<p>(d) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, outfalls, ditches, pollution control devices, wing walls, highway lighting, fencing and culverts;</p>	<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b>) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.</p>
<p>(e) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;</p>	<p>Y</p>	<p>It is assumed in the ES that this item relates to the processes required for the delivery of Works No.. 9 (Plots 1/4a, 1/5b, 1/5c, 1/6b, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 1/9d, 2/1d, 2/1e, 2/2a, 2/2c, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4e, 2/6c.), Work No. 24 (Plots 2/2g, 2/3c, 2/3f,</p>	<p>See Chapter 14 of the ES.</p>	<p>Theoretically, if these works are developed in different locations they may have different environmental effects. That said, the Applicant notes that the existing drainage and sewerage system is currently in a fixed location and therefore cannot be assumed to be elsewhere. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b>) unless consent is obtained from the</p>

		2/3g, 2/3h, 2/5b, 2/6c), Work No. 25 (Plots 2/2i, 2/3f, 2/5f, 2/9c) and Work No. 26 (Plots 2/2i, 2/3f, 2/3h, 2/9c).		Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.
(f) works to place, alter, divert, relocate, remove or maintain the position of apparatus, services, plant and other equipment in a street, or in other land, including mains, sewers, drains, pipes, lights and cables;	Y	It is assumed in the ES that this item relates to the processes required for the delivery of Works no. 9, 24, 25 and 26 (see above for relevant plots) and Work No.16 (Plots 2/6b, 2/6c, 2/6e).	Section 10.6.5, Table 12-7, 13.6.11, Table 13-15.	<p>Theoretically, if these works are developed in different locations they may have different environmental effects. That said, the Applicant notes that the existing relevant apparatus is currently in a fixed location and therefore cannot be assumed to be elsewhere.</p> <p>In addition, as regards any altered, diverted, relocated apparatus, the Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b>) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.</p>
(g) works to alter the course of, or	Y	The ES assumed the construction of a drainage	Section 2.9 and Chapter 13	Theoretically, if these works are developed in different locations they may have

<p>otherwise interfere with a watercourse;</p>		<p>outfall into the River Don in accordance with Work no. 10 (Plots 1/4b, 1/2c, 1/3b, 1/8, 1/9a).</p>	<p>generally of the ES.</p>	<p>different environmental effects. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b>) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.</p>
<p>(h) landscaping, noise barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;</p>	<p>Y</p>	<p>As regards the landscaping, it is assumed in the ES that this item relates to the processes required for the delivery of Works No. 2 (Plots 1/1c, 1/1j, 1/1k, 1/1n, 1/1o, 2/2i, 2/3b, 2/3e, 2/3f, 2/5b, 3/1a, 3/2a), Work No. 3 (Plots 1/1c, 1/1j, 1/1k, 1/1o, 2/3b, 2/3c, 2/5b, 2/6d), Work No. 4 (Plots 1/1c, 1/1l, 1/2b, 1/3a), Work No. 5 (Plots 1/1c, 1/1d, 1/1g, 1/1h, 1/1k, 1/4a, 1/6c, 1/7a,</p>	<p>N/A</p>	<p>It is recognised that the mitigation shown on the Environmental Masterplan may require adjustment (hence it being illustrative) to reflect changed circumstances in the development of the Landscaping Scheme specified in Requirement 5. This may arise (for instance) due to:</p> <ul style="list-style-type: none"> <li>· progress in relation to the IAMP scheme;</li> <li>· any alterations to the Testos scheme that arise from decisions made during the Examination phase;</li> <li>· the results of pre-construction surveys.</li> </ul> <p>This provision gives the applicant the</p>

	<p>1/7e, 2/1e, 2/2g), Work No. 7 (Plots 1/1c, 1/1l, 1/1k, 1/3a, 1/4b, 1/9a, 2/4a, 2/4e, 2/6d), Work No. 8 (Plots 1/1k, 1/1m, 1/4a, 1/7a, 1/7e, 2/1e), Work No. 9 (Plots 1/4a, 1/5c, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 2/1d, 2/1e, 2/2a, 2/2c, 2/2g, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4d, 2/4e, 2/6c), Work No. 10 (Plots 1/2c, 1/3b, 1/4b), Work No. 11 (Plots 1/2d, 2/4g, 2/5a, 2/5c), Work No. 13 (Plots 2/4e, 2/6a), Work No. 14 (Plots 2/2g, 2/3c, 2/3e, 2/3f, 2/4e, 2/5b, 2/6d, 2/7b), Work No. 15 (Plots 2/1e, 2/2g), Work No. 16 (Plots 2/6c, 2/6b, 2/6e), Work No. 17 (Plots 2/3c, 2/5b, 2/6d, 2/8), Work No. 18 (Plots 2/3f, 2/5f, 2/5e), Work No. 20 (Plots 2/3f, 2/3h), Work No. 21 (Plots 2/2g, 2/3f, 2/3g), Work No. 23 (Plots 2/9a, 2/9b), Work No. 24 (Plots 2/2g, 2/3c, 2/3f,</p>		<p>power to make those adjustments, including the provision of additional mitigation not currently assumed (e.g. noise barriers) should it be deemed necessary at a later stage but the Applicant will be required to ensure that the landscaping plan is based on the Environmental Masterplan. The purpose of any adjustments would be to ensure that the environmental outcomes were no worse than those assessed in the ES.</p>
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		2/3g, 2/3h, 2/5b, 2/6c, 2/8), Work No. 25 (Plots 2/2i, 2/3f), Work No. 26 (Plots 2/3h, 2/2i, 2/3f), Work No. 27 (Plots 2/2i, 2/2j, 2/3f, 2/5g, 2/9e) Work No. 28 (Plots 2/2i, 2/3f, 3/1a, 3/2a), Work No. 30 (Plots 2/2i, 3/2a).		
(i) works for the benefit or protection of land affected by the authorised development;	Y	It is assumed in the ES that this item relates to the processes required for the delivery of Works no. 9, 16, 24, 25 and 26 (see relevant plots above), and in particular for the protection of apparatus and land owned or operated by National Grid and Northern Powergrid (see above for relevant plots).	Sections 2.11, 2.14.2, 2.14.4 to 2.14.12, 7.6.4 to 7.6.5, 7.6.7, 8.6.2, 8.7.1, 8.9.11, Table 9-9, 9.9.10, 10.6.5, 10.6.11, 11.6.14, 11.7.19, Table 12-7, 13.6.3 to 13.6.3, 13.6.11 to 13.6.16, 13.6.18, 13.6.20, Table 13-15, 13.7.2, 13.7.10, 13.9.6	Theoretically, if these works are developed in different locations they may have different environmental effects. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b> ) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.
(j) works required for the strengthening, improvement, maintenance, or reconstruction of	N	Please note that this a duplication of the powers contained in (b) above and will, therefore, has been removed from the	N/A	N/A

any streets;		Deadline 2 iteration of the DCO (document reference TR010020/APP/3.2(3)).		
(k) works to place, alter, remove or maintain road furniture;	N	N/A	N/A	It is assumed in the ES that this item refers to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works.
(l) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soils stripping and storage, site levelling);	Y (some but not all works)	As regards the vegetation removal, it is assumed in the ES that this item relates to the processes required for the delivery of Works No. 2 (Plots 1/1c, 1/1j, 1/1k, 1/1n, 1/1o, 2/2i, 2/3b, 2/3e, 2/3f, 2/5b, 3/1a, 3/2a), Work No. 3 (Plots 1/1c, 1/1j, 1/1k, 1/1o, 2/3b, 2/3c, 2/5b, 2/6d), Work No. 5 (Plots 1/1c, 1/1d, 1/1g, 1/1h, 1/1k, 1/4a, 1/6c, 1/7a, 1/7e, 2/1e, 2/2g), Work No. 7 (Plots 1/1c, 1/1i, 1/1k, 1/3a, 1/4b, 1/9a, 2/4a, 2/4e, 2/6d), Work No. 8 (Plots 1/1k, 1/1m, 1/4a, 1/7a, 1/7e, 2/1e),		It is assumed in the ES that this item refers to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant notes that Requirement 5 will ensure that the vegetation removal that takes place will be in line with the mitigation measures set out in the REAC and based on the Environmental Masterplan. The Applicant further notes that, as regards site clearances, demolition, creation of alternative footpaths, earthworks, soils stripping and storage the Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b> )

	<p>Work No. 9 (Plots 1/4a, 1/5c, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 2/1d, 2/1e, 2/2a, 2/2c, 2/2g, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4d, 2/4e, 2/6c), Work No. 10 (Plots 1/2c, 1/3b, 1/4b), Work No. 11 (Plots 1/2d, 2/4g, 2/5a, 2/5c), Work No. 13 (Plots 2/4e, 2/6a), Work No. 14 (Plots 2/2g, 2/3c, 2/3e, 2/3f, 2/4e, 2/5b, 2/6d, 2/7b), Work No. 15 (Plots 2/1e, 2/2g), Work No. 16 (Plots 2/6c, 2/6b, 2/6e), Work No. 17 (Plots 2/3c, 2/5b, 2/6d, 2/8), Work No. 18 (Plots 2/3f, 2/5f, 2/5e), Work No. 19 (Plots 2/2i, 2/3f), Work No. 20 (Plots 2/3f, 2/3h), Work No. 24 (Plots 2/2g, 2/3c, 2/3f, 2/3g, 2/3h, 2/5b, 2/6c, 2/8), Work No. 25 (Plots 2/2i, 2/3f), Work No. 26 (Plots 2/3h, 2/2i, 2/3f), Work No. 28 (Plots 2/2i, 2/3f, 3/1a, 3/2a), Work No. 30 (Plots 2/2i, 3/2a).</p>		<p>unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.</p>
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(m)the felling of trees and hedgerows;	Y	It is assumed in the ES that this item relates to the processes required for the delivery of Works No. 2 (Plots 1/1c, 1/1j, 1/1k, 1/1n, 1/1o, 2/2i, 2/3b, 2/3e, 2/3f, 2/5b, 3/1a, 3/2a), Work No. 3 (Plots 1/1c, 1/1j, 1/1k, 1/1o, 2/3b, 2/3c, 2/5b, 2/6d), Work No. 5 (Plots 1/1c, 1/1d, 1/1g, 1/1h, 1/1k, 1/4a, 1/6c, 1/7a, 1/7e, 2/1e, 2/2g), Work No. 7 (Plots 1/1c, 1/1l, 1/1k, 1/3a, 1/4b, 1/9a, 2/4a, 2/4e, 2/6d), Work No. 8 (Plots 1/1k, 1/1m, 1/4a, 1/7a, 1/7e, 2/1e), Work No. 9 (Plots 1/4a, 1/5c, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 2/1d, 2/1e, 2/2a, 2/2c, 2/2g, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4d, 2/4e, 2/6c), Work No. 10 (Plots 1/2c, 1/3b, 1/4b), Work No. 11 (Plots 1/2d, 2/4g, 2/5a, 2/5c), Work No. 13 (Plots 2/4e, 2/6a), Work No. 14 (Plots	Chapter 8 of the ES	<p>It is assumed in the ES that this item refers to detailed processes that are required to remove larger trees and hedgerows (felling) for the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works.</p> <p>It is recognised that the mitigation shown on the Environmental Masterplan may require adjustment (hence the plan itself being illustrative) to reflect changed circumstances in the development of the Landscaping Scheme specified in Requirement 5. This may arise (for instance) due to:</p> <ul style="list-style-type: none"> <li>· progress in relation to the IAMP scheme;</li> <li>· any alterations to the Testos scheme that arise from decisions made during the Examination phase;</li> <li>· the results of pre-construction surveys.</li> </ul> <p>This provision gives the applicant the power to make those adjustments, including the provision of additional mitigation not currently assumed (e.g. noise barriers) should it be deemed necessary at a later stage.</p>
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		2/2g, 2/3c, 2/3e, 2/3f, 2/4e, 2/5b, 2/6d, 2/7b), Work No. 15 (Plots 2/1e, 2/2g), Work No. 16 (Plots 2/6c, 2/6b, 2/6e), Work No. 17 (Plots 2/3c, 2/5b, 2/6d, 2/8), Work No. 18 (Plots 2/3f, 2/5f, 2/5e), Work No. 19 (Plots 2/2i, 2/3f), Work No. 20 (Plots 2/3f, 2/3h), Work No. 24 (Plots 2/2g, 2/3c, 2/3f, 2/3g, 2/3h, 2/5b, 2/6c, 2/8), Work No. 25 (Plots 2/2i, 2/3f), Work No. 26 (Plots 2/3h, 2/2i, 2/3f), Work No. 28 (Plots 2/2i, 2/3f, 3/1a, 3/2a), Work No. 30 (Plots 2/2i, 3/2a).		The purpose of any adjustments would be to ensure that the environmental outcomes were no worse than those assessed in the ES.
(n) establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related	Y (some but not all)	It is assumed in the ES that the construction compound would be located within the land marked in green on the land plans ( <b>TR010020/APP/2.3</b> ), specifically within Land Plots 2/2e and 2/2f, with some elements extending into areas marked pink	Sections 2.7.4 to 2.7.6, 7.6.4 to 7.6.7, 7.7.3, 8.6.2, 8.7.1, 8.9.11 to 8.9.16, 8.9.27, 8.9.31, 9.8.15 to 9.8.16, 9.9.4, 9.9.19, 10.6.5, 10.7.4, 10.8.5, 11.3.3, 11.7.17, 13.6.11, 13.7.21,	The Applicant is tied into locations as regards temporary locations as set out in Schedule 7. In addition, the Applicant will be tied into locations as shown in the Engineering Drawings and Sections (document reference <b>TR10020/APP/2.6</b> ) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially

buildings, welfare facilities, construction lighting, haulage roads and other machinery, apparatus, works and conveniences;		(plot 2/2g and blue (plot 2/2h). The other activities listed in lettered work (n) will take place throughout the areas of temporary and permanent land and have been assessed as part of the construction of the Scheme.	13.9.6 of the ES.	new or materially worse adverse environmental effects in comparison with those reported in the ES.
(o) the provisions of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development; and	N	N/A	N/A	It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works, other than temporary construction works which may take place within the areas marked green or blue on the land plans.
(p) such other works, working sites storage areas,	N	N/A	N/A	It is assumed in the ES that working sites storage areas and any other temporary works covered by this item would take

<p>works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.</p>				<p>place within the areas marked green on the land plans.</p> <p>Any demolition or other works included within this item is assumed to refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works.</p>
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Table 1.0.1b

<b>Lettered Work</b>	<b>Is the location of the lettered work in land subject to CA or TP or both?</b>	<b>Is the lettered work referred to in Statement of Reasons tables?</b>	<b>Plots where the relevant lettered work are currently envisioned to be applied</b>
(a)	Both	No	N/A
(b)	Both	No	N/A
(c)	Both	No	<p>In respect of Work No. 4: Plot 1/1c, 1/1l, 1/2b, 1/3a.</p> <p>In respect of Work No. 6: Plots 1/2b and 1/3a.</p> <p>In respect of Works No. 10 (Plots 1/4b, 1/2c, 1/3b, 1/8, 1/9a.</p> <p>In respect of Work No. 11: Plots 1/2d, 2/4f, 2/4g, 2/5a, 2/5c.</p> <p>In respect of Work No. 12: Plots 1/7d, 2/1a, 2/1c.</p> <p>In respect of Work No. 13 : Plots 2/4e, 2/6a, 2/6d.</p> <p>In respect of Work No. 14: Plots 2/2g, 2/3c, 2/3e, 2/3f, 2/3g, 2/5b, 2/6d, 2/7b.</p> <p>In respect of Work No. 15: Plots 2/1e and 2/2g.</p> <p>In respect of Work No. 17: Plots 2/5b, 2/6d, 2/6f, 2/8.</p> <p>In respect of Work No. 18: Plots 2/3f, 2/5e, 2/5f, 2/8, 2/9a, 2/9b.</p> <p>In respect of Work No. 19: 2/2i, 2/3f, 2/3j.</p> <p>In respect of Work No. 20: Plots 2/3f and 2/3h.</p> <p>In respect of Work No. 21 Plots 2/3f, 2/3g, 2/2g.</p> <p>In respect of Work No. 27: Plots 2/2i, 2/3f, 2/2j, 2/5g, 2/9e..</p> <p>In respect of Work No. 30: Plots 2/2i and 3/2a.</p>
(d)	Both	No	N/A
(e)	Both	No	<p>In respect of Work No.9: Plots 1/4a, 1/5b, 1/5c, 1/6b, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 1/9d, 2/1d, 2/1e, 2/2a, 2/2c, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4e, 2/6c.</p> <p>In respect of Work No.16: Plots 2/6b, 2/6c, 2/6e.</p>

			In respect of Work No. 24: Plots 2/2g, 2/3c, 2/3f, 2/3g, 2/3h, 2/5b, 2/6c. In respect of Work No. 25: Plots 2/2i, 2/3f, 2/5f, 2/9c. In respect of Work No. 26: Plots 2/2i, 2/3f, 2/3h, 2/9c.
(f)	Both	No	In respect of Work No.9: Plots 1/4a, 1/5b, 1/5c, 1/6b, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 1/9d, 2/1d, 2/1e, 2/2a, 2/2c, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4e, 2/6c. In respect of Work No. 24: Plots 2/2g, 2/3c, 2/3f, 2/3g, 2/3h, 2/5b, 2/6c. In respect of Work No. 25: Plots 2/2i, 2/3f, 2/5f, 2/9c. In respect of Work No. 26: Plots 2/2i, 2/3f, 2/3h, 2/9c.
(g)	TP only.	No	In respect of Work no. 10: Plots 1/4b, 1/2c, 1/3b, 1/8, 1/9a..
(h)	Both	No	As set out in Table 1.0.1(a) above.
(i)	Both	No	In respect of Work No.9: Plots 1/4a, 1/5b, 1/5c, 1/6b, 1/6c, 1/7a, 1/7b, 1/7e, 1/7f, 1/9d, 2/1d, 2/1e, 2/2a, 2/2c, 2/2h, 2/2k, 2/3a, 2/3b, 2/3f, 2/3h, 2/4c, 2/4e, 2/6c. In respect of Work No.16: Plots 2/6b, 2/6c, 2/6e. In respect of Work No. 24: Plots 2/2g, 2/3c, 2/3f, 2/3g, 2/3h, 2/5b, 2/6c. In respect of Work No. 25: Plots 2/2i, 2/3f, 2/5f, 2/9c. In respect of Work No. 26: Plots 2/2i, 2/3f, 2/3h, 2/9c.
(j)	Both	No	N/A
(k)	Both	No	N/A
(l)	Both	No	As set out in Table 1.0.1(a) above.
(m)	Both	No	As set out in Table 1.0.1(a) above.

(n)	Both	No	It is assumed in the ES that the construction compound would be located within the land marked in green on the land plans (TR010020/APP/2.3), specifically within Land Plots 2/2e and 2/2f, with some elements extending into areas marked pink (plot 2/2g and blue (plot 2/2h). The other activities listed in lettered work (n) will take place throughout the areas of temporary and permanent land and have been assessed as part of the construction of the Scheme.
(o)	Both	No	N/A
(p)	Both	No	N/A

ExQ1	General and Cross-topic Questions	
1.0	Question	Response
1.0.2	<p>Description of the Development: Security for the Locations of Lettered Works (n) and (p) As raised by way of example in ISH1, ES paragraph 2.7.6 [APP-018] refers to the main construction compound, which is a prospective source of emissions (including noise, vibration, dust, air emissions) that are relevant to assessments of the effects of the application proposal at individual receptor locations. Changes to the location of these works could significantly influence effects at individual receptors.</p> <ul style="list-style-type: none"> <li>• Would the Applicant be prepared to provide additional security for the location of lettered works (n) and (p) on the face of the dDCO?</li> <li>• Would the Applicant be prepared to provide additional security for the location of lettered works (n) and (p) in the Works Plans?</li> </ul>	<p>The Applicant does not consider the dDCO and supporting documents should be amended to provide greater detail / additional security for the location of lettered works (n) and (p), for the following reasons:</p> <ul style="list-style-type: none"> <li>• Schedule 1 to the dDCO needs to be read in conjunction with the other parts of the dDCO and the supporting (certified) documents which provide, which already provide the additional security referred to. These include: <ul style="list-style-type: none"> <li>o the requirements in Schedule 2, including in particular requirement 3 (which provides security in terms of the preliminary design shown on the engineering drawings and sections) and requirements 4, 5 and 8 which secure the mitigation measures stated in the REAC; and</li> <li>o Schedule 7 to the dDCO which sets out the land which temporary possession may be taken as well as the purpose for it. The Applicant would argue that these additional documents/ sources of information provide sufficient information as to the location of lettered works (n) and (p).</li> </ul> </li> <li>• The ES identifies the likely significant effects of the proposed development. Its assessments seeks to ensure that the Scheme</li> </ul>

		<p>has been assessed so as to identify such effects, but not so as make the exercise disproportionate and inconsistent with its purpose. The lettered works entail no additional environmental effects, because they are all assumed as part of the numbered works, and are subject to the controls elsewhere in the dDCO as referred to above.</p> <ul style="list-style-type: none"><li>• Where locations have been identified for the lettered works, for example the construction worksites then the ES has undertaken assessment based on the land identified in the dDCO as to be used for that purpose. The Applicant does not consider that worksites should be listed as numbered works as the numbered works relate to permanent features, whereas worksites and other activities are temporary in nature.</li><li>• Further in respect of works permitted under lettered work (p) it clearly states in the dDCO that only those works “which do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement” are permitted.</li><li>• As set out in the Applicant’s responses to the ExA’s questions on the dDCO for the first issue specific hearing, and as submitted by the Applicant for Deadline, lettered works such as (n) and (p) follow well-established precedent – see, for instance, the recently made M20 J10a DCO. The Applicant has adhered to established practice and is not of the view that, taking into account the specific characteristics of the Scheme, that this list should be amended or altered in a manner inconsistent with precedent.</li></ul>
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<p>1.0.3</p>	<p>Description of the Development: Flexibility in respect of the Locations of Lettered Works (n) and (p)</p> <p>At ISH1, the Applicant expressed the view that it was important to ensure the efficient and cost effective delivery of works that elements of flexibility were retained in siting and execution of aspects of the lettered works.</p> <ul style="list-style-type: none"> <li>• By reference to works (n) and (p), please explain the effect and benefit of the flexibility provided by the current drafting.</li> <li>• Are there any methods that could be used to retain the flexibility sought whilst providing greater precision about the location of these works?</li> </ul>	<p>As a general point, the Applicant requires the lettered works (including (n) and (p)) to ensure necessary and sufficient flexibility in the construction of the Scheme. This allows for value engineering (i.e. reducing scheme costs) and mitigates against delays that would be caused by having to seek further permissions / amendments to the DCO – which would add cost and increase the period of construction, and the associated disruption this causes. There is a public interest and public benefit in these matters, which are important considerations when determining the balance that needs to be struck between the level of detail in the descriptions of each Work and the level of flexibility.</p> <p>Lettered work (n) permits <i>“the establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery, apparatus, works and conveniences”</i>. Since this primarily concerns land to be taken temporarily for the purposes of constructing the scheme, it is considered that the table at Schedule 7 to the dDCO provides the appropriate degree of precision about their location. The exercise of these powers over any land to be taken permanently will necessarily be constrained by commitment in requirement 3 of Schedule 2 to the dDCO as regards the preliminary design. To attempt to specify the location activities in any greater detail would risk constraining the effective and efficient construction of the Scheme.</p> <p>Letter work (p) permits <i>“such other works, working sites storage</i></p>
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		<p><i>areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement</i>". The reference to "working site storage areas" is dealt with by the preceding paragraph. As for the remainder of letter (p), the purpose of this is to ensure that the DCO is comprehensive in terms of the works it consents. It is already subject to two constraints in terms of the location of such works:</p> <ul style="list-style-type: none"><li>• Firstly, the "lettered works" may only be carried out "in connection" with a numbered work. In effect they must relate to the delivery of a numbered work, but the provision recognises that until detailed design has been carried out the exact "lettered works" required for each numbered work may not be known.</li><li>• Secondly lettered work (p) is subject to the important constraint that such works cannot give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.</li></ul> <p>Taking into account the points made above, the Applicant does not consider that any further precision is needed, nor that the same level of flexibility can be secured if greater precision is given about the location of these works. If the lettered works were "moved up" then in effect they would need to be listed under each of the numbered works – including the lettered works is intended to achieve drafting efficiency by avoiding the need for</p>
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		<p>the repetition of one or more of each of the different elements in the list with each work.</p> <p>As noted elsewhere in the Applicant's answers, the current drafting is heavily based on well-established precedent – see, for instance, the recently made M20 J10a DCO.</p>
1.0.5	<p>Description of the Development: Preliminary Design Elements In describing the elements of the scheme, ES paragraph 2.5.7 (referring to paragraphs 2.5.8 – 2.5.20) [APP-018] states that listed elements (gantries and signs, lighting and cabling, fencing, barriers and road surfacing) are 'based on the current preliminary design and are subject to the potential for change at the detailed design stage'.</p> <ul style="list-style-type: none"> <li>• Against each of the topic areas and each of the elements listed in these paragraphs, can the Applicant explain how flexibility in location or specification of these elements has been captured as part of the worst case assessment in the ES? The response to this question should make clear whether and if so how the 'preliminary design' has formed the basis of the assessment in the ES and hence the Rochdale Envelope.</li> <li>• Can the Applicant explain the relationship between the ES and the Engineering Drawings and Sections [APP-009]?</li> </ul>	<p>The complexity of factors to be cross-referred in this answer requires a tabular format. Please see Table 1.0.5 below.</p> <p>The complexity of factors to be cross-referred in this answer requires a tabular format. Please see Table 1.0.5 below</p>

- As per ExQ1.0.3, please explain the effect and benefit of the flexibility provided by the current drafting.

See response to ExA Q 1.0.3 regarding flexibility in the dDCO (in particular the first paragraph of that response).

Table 1.0.5 (addressing part 1 of question 1.0.5)

In order to provide the information requested in the Examining Authority’s question, the columns in this table represent the scheme elements referred to in the relevant paragraphs of the ES. The first three rows provide the answers to elements of the question relevant to the row headings, subdivided where relevant by column heading. The remaining rows represent the answers to the question in relation to the topics in the ES, subdivided in relation by relevant scheme elements as per the column headings.

	<b>Gantries and signs</b>	<b>Lighting and cabling</b>	<b>Fencing</b>	<b>Barriers</b>	<b>Road surfacing</b>
General	For all these features, the assessment in the ES for every relevant topic was based on the Preliminary Design as described in Chapter 2 of the Environmental Statement. Gantries and signs taken into account in the Environmental Statement are portrayed on Figure 2.7 in Volume 2 of the Environmental Statement (TR010020/APP/6.2).				
Flexibility of location and design	Very limited flexibility available due to operational requirements and physical constraints. No specific parameters defining flexibility are defined.	Only likely to change if traffic forecasts change (no changes to model planned) or other technology changes are instructed.	Only likely to change as a consequence of decisions made in the examination process.	Only likely to change as a consequence of decisions made in the examination process.	Not likely to change.
Engineering drawings and sections	The engineering drawings and sections (TR010020/APP/2.6) express the detail of the Preliminary Design. The basis of these drawings and sections is a series of digital models and x-refs. The Figures in Chapter 2 of the ES that summarise the design (Figures 2.1 to 2.11) are derived from the same x-refs. The written description of the development in the ES is based on those drawings and has been reviewed and approved by the design team leader in charge of developing the engineering drawings and sections.				

	<b>Gantries and signs</b>	<b>Lighting and cabling</b>	<b>Fencing</b>	<b>Barriers</b>	<b>Road surfacing</b>
Air quality	Not relevant. Air quality assessment is based on the quantity, composition, distribution and speed of traffic.				
Cultural heritage	Taken into account re impacts on setting of historic buildings.	Lighting taken into account re impacts on setting of historic buildings.	Not an issue in assessment.		
Landscape and visual effects	Taken into account re visual impacts	Lighting columns taken into account re daytime visual impacts Lighting taken into account re night-time visual impacts	Not an issue in assessment.		
Ecology and nature conservation	Considered and determined not to be an issue	Considered primarily in relation to bats	Fencing type raises no issues	No ecological barriers proposed. Only likely to change if additional mitigation is required following pre-construction surveys.	Relevant only so far as it affects noise. Changed assumptions in the noise assessment could require reconsideration of the potential for disturbance impacts.
Geology and soils	Not an issue in assessment.				

	<b>Gantries and signs</b>	<b>Lighting and cabling</b>	<b>Fencing</b>	<b>Barriers</b>	<b>Road surfacing</b>
Materials	Location/design not an issue in the assessment				
Noise and vibration	Not an issue in the assessment			There are no noise barriers proposed	The nature of the surfacing assumed is in line with standard practice and it would be unreasonable to assume a worse-performing surface.
People and communities	Considered in relation to views from the road. Beneficial in relation to route uncertainty and driver stress. Minimally sensitive to location.	Not an issue in assessment.		Specific barriers proposed to benefit non-motorised users. Extent and specification to be refined in detailed design.	Not an issue in assessment.
Road drainage and the water environment	Not an issue in the assessment.				

ExQ1	General and Cross-topic Questions	
1.0	Question	Response
1.0.6	<p>Description of the Development: Operational Maintenance Maintenance proposals are described at in the ES at section 2.15 [APP-018] although there is limited reference as to what activities could be required as part of this (foreseen or unforeseen). The dDCO articles that deal with maintenance do not clearly limit the definition to that which has been assessed in the ES.</p> <ul style="list-style-type: none"> <li>Working from section 2.15 of the ES, the Applicant is asked to clarify the extent to which the need to maintain the proposed development has been assessed in the ES and describe the foreseeable maintenance activities that have been considered?</li> </ul>	<p>Maintenance was discussed at an early stage within the project team and the following advice was received:</p> <ul style="list-style-type: none"> <li>After the completion of construction and the contractual aftercare period, the Scheme would be handed over to the maintaining authority for long-term maintenance.</li> <li>Highways England is responsible for the ongoing operational maintenance of all motorways and trunk roads.</li> <li>In some cases this is undertaken by contractors on behalf of Highways England's Operations Directorate (OD) and in others through private finance initiatives in the form of Design, Build, Finance and Operate (DBFO) contracts. At Testo's Junction, both apply; the A184 is maintained by OD</li> </ul>

and the A19 by a DBFO company.

- After handover, the scheme would not be maintained as a discrete unit, but as integral parts of the networks of which it forms parts; i.e.

- o The A19 section would be maintained together with the rest of the A19;
- o The roundabout would be maintained together with the rest of the A184 trunk road;

- o The link roads and new or improved public rights of way would be maintained by the local authority.

- The ES therefore focused on making it clear who would be responsible for maintaining each element so that no commitments were made to provide features (e.g. new rights of way) without defining who would maintain it.

- Long-term maintenance activities are assumed in most cases to be the same or very similar to those that take place in the do-minimum situation. Typical activities carried out during operational maintenance would include:

- o gully sweeping and clearing;
- o winter servicing (including anti-icing);
- o highway marking;
- o landscape management;
- o asset inspections, reactive road maintenance following road accidents, road improvement schemes and associated traffic management.

- The exceptions to this are where the scheme includes new types of feature not present in the existing highway in this area, particularly the drainage attenuation ponds. However, the aim of these features is to improve

- The Applicant is asked to comment on the need for the dDCO to limit the extent of maintenance activities to those that have been considered as part of the ES?

environmental performance and their maintenance therefore contributes to that aim.

- The maintenance of highways under the responsibility of Highways England is controlled by the 'Network Management Manual, Routine and Winter Service Code (Highways Agency 2009) ([http://www.standardsforhighways.co.uk/ha/standards/nmm\\_rwsc/index.htm](http://www.standardsforhighways.co.uk/ha/standards/nmm_rwsc/index.htm)), in which Volume 3 'Routine Service' contains inter alia guidance on maintenance of the soft estate and other environmental features.

- Taking all of the above into account, it was considered that it was very unlikely that long-term maintenance activities would give rise to new or significantly different environmental effects from those that would take place in the absence of the scheme. In consequence, maintenance was not given detailed consideration in the Environmental Statement. Note that this approach is a generic one, applied to all or most HE projects, as they all share the same broad situation for long-term maintenance. It is consistent, for instance, with the A14 Cambridge to Huntingdon improvement scheme.

As the strategic highway authority, there is a clear need and justification for the Applicant to be able to maintain the roads for which it is responsible. Perhaps the most fundamental reason for this need relates to ensuring that the road network is safe for users.

The Applicant would note that any anticipated maintenance works after opening of the scheme are not expected to have significantly different environmental impacts than current maintenance activities, undertaken using general powers. Therefore, the Applicant does not consider that it would be appropriate to limit the extent of maintenance works which could be carried out under the DCO.

• At ISH1, the Applicant referred to the general need to enable the operational management and maintenance of a highway permitted as an NSIP to be conducted in a manner broadly equivalent to (and subject to the same absence of legal constraints) as a highway that formed part of the national network prior to the inception of PA2008. With reference to this concept, the Applicant is asked to confirm whether the suite of maintenance activities assessed in the ES is broadly equivalent to those routinely carried out on a highway that formed part of the national network prior to the inception of PA2008? Would any significant activities be anticipated that have not been assessed in the ES?

As set out in the Applicant's response to the ExA's question 16 on the dDCO (document reference **TR010020/APP/7.9**), the Applicant is seeking to avoid any future uncertainty as to whether maintenance works are properly authorised; codifying these provisions in the dDCO simply removes any doubt as to whether or not the Applicant has the necessary power to undertake the specified activities when maintaining a scheme authorised under the 2008 Act. The Applicant confirms that the anticipated maintenance activities for the Scheme would be broadly equivalent to those routinely carried out on a highway that formed part of the national network prior to the inception of the 2008 Act.

Following completion of construction of the Scheme and the contractual aftercare period, the Scheme would be handed over to the appropriate maintaining authority for long-term maintenance. The Applicant would be responsible for the ongoing operational maintenance of all motorways and trunk roads. In some cases, this maintenance would be undertaken by contractors on behalf of the Applicant's Operations Directorate (OD) and in others through private finance initiatives in the form of Design, Build, Finance and Operate (DBFO) contracts. At Testo's Junction, both of these scenarios apply; the A184 is maintained by OD and the A19 by a DBFO company.

After handover, the Scheme would not be maintained as a discrete unit, but rather as integral parts of the networks of which it forms parts; i.e. (provisionally):

- The A19 section, including the link roads, would be maintained together with the rest of the A19. It is assumed that this would be done by the DBFO company;

- It is assumed that the roundabout would be maintained together with the rest of the A184 trunk road; and
- Modified sections of the A184 east of the roundabout and new or improved public rights of way would be maintained by the local authority. The ES therefore focused on making it clear who would be responsible for maintaining each element so that no commitments were made to provide features (e.g. new rights of way) without defining who would maintain them. Long-term maintenance activities are assumed in most cases to be the same or very similar to those that take place in the do-minimum situation. The exceptions to this would be where the Scheme includes new types of feature not present in the existing highway in this area, particularly the drainage attenuation ponds. However, the aim of these features is to improve environmental performance and their maintenance therefore contributes to that aim.

The maintenance of highways under the responsibility of the Applicant is controlled by the 'Network Management Manual, Routing and Winter Service Code' ([http://www.standardsforhighways.co.uk/ha/standards/nmm\\_rwsc/index.htm](http://www.standardsforhighways.co.uk/ha/standards/nmm_rwsc/index.htm)), in which Volume 3 'Routine Service' contains inter alia guidance on maintenance of the soft estate and other environmental features. Taking all of the above into account, it was considered that it was very unlikely that long-term maintenance activities would give rise to new or significantly different environmental effects from those that would take place in the absence of the Scheme. In consequence, maintenance was not given detailed consideration in the ES. This is consistent with established good practice on other highways projects throughout the UK, for instance on the A14 Cambridge to Huntingdon project.

		<p>Finally and as also set out in the Applicant's response to question 16 on the dDCO in relation to any unanticipated significant activity that has not been assessed in the ES which might be required, the Applicant (or appropriate person as set out above) would need to make a reasonable assessment at the time – as with any intervention on the highway – as to whether the activity fell within the Applicant's general maintenance powers, or if it was more substantive such that authorisation under another mechanism was needed (e.g. approvals under the 1980 Act / General Permitted Development Order, the 2008 Act, etc.). The DCO would not therefore enable the Applicant to carry out any activities which would have a more significant effect than those which have been assessed and set out in the ES.</p>
1.0.7	<p>Mitigation: the Register of Environmental Actions and Commitments (REAC) and the Environmental Masterplan  A summary of mitigation measures is presented in the Register of Environmental Actions and Commitments (REAC) (Appendix 1.2 of the ES) [APP-030]. The Environmental Masterplan is referenced as forming part of the REAC. The version of the Environmental Masterplan that formed part of the application document set is under the reference HE514495-JAC-ELS-MULTI-DR-L-0001 Rev 0 [APP-053]. The REAC also appears to refer to a second version (B01401/E/300/01) which does not form part of the submitted application document set. The Environmental Masterplan is not</p>	

<p>cited in the dDCO as a certified document.</p> <ul style="list-style-type: none"> <li>• The Applicant is asked to update references to the Environmental Masterplan in the REAC so as to reflect a single most recent version. This work should be carried out throughout the Examination to reflect any amendments to the Environmental Masterplan and/ or to the REAC. A final response should be provided at Deadline 7.</li> <li>• If the version of the Environmental Masterplan HE514495-JAC-ELS-MULTI-DR-L-0001 Rev 0 [APP-053] has been superseded, a new version should be provided and the differences between it and the application version should be explained.</li> <li>• At ISH1, the Applicant characterised the Environmental Masterplan as indicative and preliminary, to set out thought processes to be adopted in the detailed design, but not necessarily to be formally secured as such.</li> </ul> <p>o Would it assist the implementation of</p>	<p>There is only one version of the Environmental Masterplan. The correct reference is HE514495-JAC-ELS-MULTI-DR-L-0001 Rev 0 (APP-053). The reference given in the REAC is incorrect due to a drafting error.</p> <p>The Applicant also confirms that at the present time there is no intention for any amendment to be made to the Environmental Masterplan during the examination process. Instead, the intention would be to reflect any further development of the mitigation measures in the landscaping scheme that would be developed through the discharge of Requirement 5.</p> <p>See response above.</p> <p>The Applicant has considered the comments by the ExA and has amended requirement 5 of the dDCO so that the landscaping scheme must be based on the illustrative Environmental Masterplan (see dDCO submitted for Deadline 2, document reference <b>TR10020/APP/3.2(3)</b>). This wording is considered to be consistent with precedent.</p> <p>The Environmental Masterplan is an indicative landscaping design as these plans may have to be adapted depending on the circumstances at the time</p>
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	<p>relevant mitigation if the Environmental Masterplan was expressly referred to in dDCO R3 (Detailed Design), R4 (Construction Environmental Management Plan) or R5 (Landscaping)?</p> <p>o Should the Environmental Masterplan be a certified document listed in dDCO Schedule 10?</p> <p>o Or is it sufficient to be clear that it's status is indicative and that that REAC is the definitive and securing document?</p>	<p>of construction. Hence it would not be appropriate to bind the Applicant to the Environmental Masterplan as it currently stands. The updated wording in Requirement 5(2) makes clear the Environmental Masterplan is illustrative and subject to development.</p> <p>However, requirement 5 of the dDCO makes clear that the landscaping scheme must reflect the mitigation measures set out in the REAC. The Applicant notes that the REAC is defined as "Appendix 1.2 of the Environmental Statement, Application Document TR010020/APP/6.3" and is a document to be certified pursuant to Article 41 and Schedule 10 of the dDCO.</p>
1.0.10	<p>Materials and Earthworks ES Chapter 11 [APP-018] refers at paragraph 11.1.2 identifies the Design Manual for Roads and Bridges and Interim Advice Note (IAN) 153/11 as providing the basis for EIA practice in assessing the use of materials in roads projects. However, reference is also made to 'unpublished draft guidance' as providing a basis for assessment methods.</p> <ul style="list-style-type: none"> <li>• Please provide the 'unpublished guidance' to be made available to the examination in some form?</li> </ul>	<p>IANs are issued by Highways England from time to time. As set out on the Standards for Highways website (<a href="http://www.standardsforhighways.co.uk/ha/standards/ians/">http://www.standardsforhighways.co.uk/ha/standards/ians/</a>) "<i>They contain specific guidance, which shall only be used in connection with works on motorways and trunk roads in England, subject to any specific implementation instructions contained within an IAN. While IANs must be read together with the DMRB and MCHW for the above works, and may incorporate amendments or additions to documents in these publications, they are not part of the DMRB or MCHW.</i>"</p> <p>The unpublished guidance referred to at 11.1.2 of the ES remains unpublished. The unpublished guidance comprises a draft of a new chapter for DMRB Volume 11 entitled: DMRB Volume 11, Section 3, Part 6, 'Materials', HD212/14 (unpublished, unapproved draft) and is intended to replace IAN153/11 once published. The unpublished guidance adds additional scope and a more comprehensive assessment method. We</p>

		<p>understand that it is due for publication next year (2018).</p> <p>The draft chapter was used to inform the Materials chapter of the ES alongside the published IAN guidance to ensure the most up-to-date considerations were given for the assessment. It was the published guidance that was relied on in the first instance, supplemented where appropriate by the draft unpublished guidance. This approach has been used on a number of recent HEng schemes.</p>
1.0.11	<p><b>Materials and Earthworks</b></p> <p>The ES at Section 2.13 [APP-018] explains the potential use of fill material from the nearby and consented A19 / A1084 Coast Road project. Chapter 11 of the ES considers the materials balance in further detail, including cut and fill volumes. In that chapter, it is explained that the magnitude of residual impact would be slightly reduced should the A19 / A1084 Coast Road project material be suitable for re-use, but that the residual effect is not reliant on this as a mitigation measure. The data source for that conclusion is described as “[d]esign information (locations, indicative land take proposals, estimates of materials quantities, cut and fill balance) provided by Costain and Jacobs”, but there is no further statement of detail.</p>	<p><u>Description of the earthworks required to facilitate the development</u></p> <p>The total excavation cut volume is calculated as a sum of the following earthworks operations which are required to facilitate the development. The majority of excavation will be carried out on the offline slip roads and online sections of A19 south of the roundabout, the roundabout itself, A184 to the west of Testo’s, the offline slip roads and online sections of the A19 north of the roundabout, the two attenuation ponds north and south of the roundabout and the West House Farm bridleway bridge ramps. The material types to be excavated consist of the following:</p> <ul style="list-style-type: none"> <li>• Topsoil strip of surrounding fields and verges;</li> <li>• Topsoil strip of heavily rooted soils and wooded areas;</li> <li>• Bridleway bridge ramps comprising made ground;</li> <li>• Excavation of existing carriageway materials comprising asphalt layers, subbase and foundation layers;</li> <li>• ‘Road box’ cut and excavation to formation level in existing ground;</li> <li>• Structure foundations including pile arisings from depth;</li> <li>• Drainage arisings for new drains, ditches, chambers; and</li> <li>• Drainage attenuation ponds in existing ground.</li> </ul>

	<ul style="list-style-type: none"> <li>• Can the Applicant provide a description of the earthworks required to facilitate the development, itemising the assumptions which have formed the basis of the assessment presented in the ES and the cut and fill volumes presented in ES Chapter 11, tabulating the material volumes (in terms of a range between maximum and minimum volumes) and types that could be sourced from the A19 / A1084 Coast Road project.</li> </ul>	<p>Various fill materials would be required to construct the new A19 mainline highway embankments, new slip roads and connecting roads north and south of the roundabout, Testo's roundabout widening, A184 side roads, attenuation ponds, non-motorised user links and accommodation works. This fill would consist of a range of different materials, as classified within the Manual of Contract Documents for Highway Works Volume 1: Specification for Highway Works (SHW), principally within Series 600 Earthworks, Table 6/1. The following materials are expected to be used within the Scheme, although the SHW does allow for alternative options:</p> <ul style="list-style-type: none"> <li>• Bulk fill to formation level for highway embankments: Class 1 (granular e.g. limestone) and Class 2 (cohesive e.g. clays) general fills and class 6A to 6D granular fills (used for starter and intermediate embankment drainage layers). The volumes of each material type within the embankment are included within the total general embankment fill volumes below and the individual volumes will be determined in the detailed geotechnical design.</li> <li>• Capping fill (Class 6F fills) for pavement foundation construction on top of embankments or within cuttings.</li> <li>• Structural fill (Class 6N) for backfilling of structures.</li> <li>• Structural fill (Class 6I, 6J) for reinforced soil structures.</li> <li>• Drainage backfill and filter stone fill (Class 6) for construction of drainage assets.</li> </ul> <p>The general approach to earthworks on any major highway scheme is to re-use as much of the excavated material as possible within the fill requirements for the scheme, to avoid excessive importing of new materials. The SHW allows for this efficient approach, whilst maintaining the required construction quality, through the various classifications described within Series 600.</p>
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A19/A184 Testo's project Cut and Fill Volumes

Within Chapter 11 of the ES the following approximate volumes were provided for the Scheme total cut and fill volumes for the purposes of assessment:

- Approximate cut volume 63,000 m<sup>3</sup>
- Approximate fill volume 187,000 m<sup>3</sup>
- Volume difference fill of 124,000 m<sup>3</sup>

These were based on the earthworks model as developed at the time of the assessment with various assumptions applied at that stage to enable a realistic volume calculation to be made.

Since the ES assessment was completed the earthworks modelling and volume calculation has been refined, and this will continue until the detailed design is completed. For example, as structures and drainage designs are developed, more detail becomes available on volumes of arisings and fill requirements for these elements, albeit they are relatively small compared to the main embankment fill. The overall volumes remain in line with the figures presented in the ES as presented in table 1.0.11(A) below.

To summarise the results contained in table 1.0.11(a), the current cut/fill values are:

- Approximate total cut volume 59,369m<sup>3</sup>
- Approximate total fill volume 182,042m<sup>3</sup>
- Volume difference fill of 122,673 m<sup>3</sup>

The topsoil cut and fill volumes are generally developed separately to the main earthworks calculation as topsoil can only be used for one purpose

		<p>within the final design. The latest topsoil total cut / fill volumes are provided in table 1.0.11(b) below.</p> <p>Topsoil would be re-used within the scheme where possible. Any surplus would be dealt with in accordance with the relevant regulatory requirements (European Union Waste Framework Directive (Directive 2008/98 EC) and applicable Code of Practices (CoP) including the Definition of Waste – Code of Practice – Version 2 (CIRIA, EA 2011) and Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra, 2009). These CoP allow for a more sustainable re-use of suitable soils without resorting to landfill.</p> <p>The latest figures presented for both earthworks volumes and topsoil volumes remain subject to change as the detailed design progresses; however, it is not anticipated that the overall figures will differ significantly between now and completion of the detailed design. As stated in the ES the only major difference will be the adoption of the single bridge option, which will result in a reduction of required fill material of c.30,000m<sup>3</sup> resulting in a reduced environmental impact and overall benefit to the scheme.</p> <p>The assumptions used when calculating current project cut / fill volumes are as follows:</p> <ul style="list-style-type: none"><li>• Initial topsoil strip to depth of 300mm in surrounding fields;</li><li>• Initial topsoil strip to a depth of 500mm in wooded / vegetated areas;</li><li>• Excavation to a depth of 350mm to remove existing carriageway;</li><li>• Where there is sufficient existing carriageway depth in place a plane and overlay operation will be carried out (i.e. no earthworks cut / fill required);</li><li>• Where there is additional depth between an existing carriageway and</li></ul>
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		<p>the new carriageway the existing will be left in place, perforated and filled over.</p> <ul style="list-style-type: none"> <li>• Removal of both embankments of West House Farm Bridge.</li> <li>• Re-soil depth of 250mm on the new embankment slopes.</li> <li>• Re-soil depth of 150mm on the new verges.</li> <li>• Highway box construction of 900mm depth.</li> <li>• Main embankment fill has been calculated to the underside of topsoil and underside of highway box construction.</li> </ul> <p><u>Use of the A19 / A1084 Coast Road project materials</u></p> <p>The A19/A1084 Coast Road project has been assumed to generate up to 130,000m<sup>3</sup> of material from construction. The expected material types and volumes are summarised in table 1.0.11(c) below.</p> <p>Calculation of the above volumes of Coast Road materials was based on borehole information from the site geotechnical ground investigation data, provided by Highways England's designer for the project, and using an excavation corridor of 30m across the site. The values are approximate, developed for the purposes of determining the viability of using the material at Testo's. The quantities align with data subsequently provided by the Coast Road team, although the relative volumes of the different soil types may vary.</p> <p>All three material types have been identified as reusable earthworks materials subject to prespecified testing criteria. Since the ES assessment was carried out, further testing has been done, and this has confirmed the previous assumptions.</p> <p>The materials are all classed as Class 2 general fills under the SHW Series 600; this is suitable fill material for highway embankment construction and all</p>
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		<p>other general fill operations. A summary of each material type and its Class is stated below:</p> <ul style="list-style-type: none"><li>• Glacial Drift Deposits 'Till' (Class 2A / Class 2B)</li><li>• Reworked Glacial Drift Deposits 'Till' (Class 2A / Class 2B)</li><li>• Pulverised Fuel Ash (PFA) Deposits (Class 2E)</li></ul> <p>As the total fill volume required by the Testo's project is greater than the expected maximum usable volume generated by the Coast Road project, it is expected that all the Coast Road fill imported onto the A19 Testo's project will be utilised. If some of the material is found to be out of specification through testing, there are treatment options that will be explored to improve it such that it can be used. Alternatively, the fill may be able to be utilised in landscaping areas.</p> <p>The Coast Road materials will not be utilised as anything other than a Class 2 general fill. Other classes of fill will be sourced from elsewhere, and these will typically comprise granular fills such as quarried stone aggregates. Local sources include Marsden Quarry in Whitburn, Sunderland and Crime Rigg Quarry in Shadforth, Durham. Should the Coast Road material not fulfil all of Testo's general fill requirements, then other sources will be utilised. These may be sources of re-cycled fill in the local area, or quarried stone aggregates as noted above.</p>
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Table 1.0.11(a)

Cut	Estimated Volume (m <sup>3</sup> )	Fill	Estimated Volume (m <sup>3</sup> )
General excavation site wide	27,145	General fill for the main A19 highway embankments	181,433*
Excavation of attenuation ponds	15,103	Fill for attenuation ponds (surrounding bunds)	609
Existing highway carriageway removal	6,921		
West House Farm Bridge embankment removal	10,200		
<b>Total</b>	<b>59,369</b>	<b>Total</b>	<b>182,042</b>
<b>Resulting net fill of 122,673m<sup>3</sup></b>			

\* This figure will be reduced by 29,542m<sup>3</sup> if the single bridge option is adopted rather than the 2-bridge option with earthworks embankment at Testo's roundabout. This results in a reduced net earthwork fill requirement of 110,252m<sup>3</sup>.

Table 1.0.11(b)

Cut	Estimated Volume (m <sup>3</sup> )	Fill	Estimated Volume (m <sup>3</sup> )
Topsoil strip of surrounding fields, wooded and vegetated areas	30,000	Re-soil of the new batters	8,555
		Re-soil of new highway verges	5,517
<b>Total</b>	<b>30,000</b>	<b>Total</b>	<b>14,072</b>
<b>Resulting total surplus of 15,928m<sup>3</sup></b>			

Table 1.0.11(c)

Material Type	Estimated Total Volume (m <sup>3</sup> )	Acceptability Range	Minimum Usable Volume (m <sup>3</sup> )	Maximum Usable Volume (m <sup>3</sup> )
Pulverised Fuel Ash (PFA)	36,000	30% - 50%	10,800	18,000
Re-worked Glacial Till	53,000	60% - 70%	31,800	39,750
Glacial Till	41,000	75% - 85%	30,750	34,850
<b>Totals</b>	<b>130,000</b>	<b>-</b>	<b>73,350</b>	<b>92,600</b>

ExQ1	Air Quality and Emissions	
1.1	Question	Response
1.1.1	<p>Air Quality: Extent of Study Area and Affected Roads</p> <p>Chapter 6 of the ES (Air Quality) [APP-018] presents a description of the study area and 'affected roads' in accordance with established Design Manual for Roads and Bridges (DMRB) criteria. These are listed at section 6.1.4 and shown at Figures 6.1 (study area) and 6.2 (affected roads) [APP-022].</p> <p>The 'affected roads' shown on figure 6.1 do not appear to show the full extent of the effect on the A19, as the map cuts off at points to the north and the south where an increase in traffic is still present. It unclear how far north / south along the A19 the affects (against their stated criteria) extend? The same applies in the context of the modelled road links shown of figure 6.2 and the figures do not show how far along the A19 the modelled roads extend.</p> <ul style="list-style-type: none"> <li>• Can the Applicant please explain its approach to these effects.</li> </ul>	<p>The Applicant confirms that the full extent of the effects has been mapped and assessed. The Applicant recognises Figures 6.1 (study area) and 6.2 (affected roads) do not show the sections of affected road network queried. This is due to the scale of the figures, which was chosen for clarity. The Applicant considers that no potential affected party would be disadvantaged by this as the text in <b>para 6.8.2 to 6.8.6, Chapter 6 of the ES (TR010020/APP/6.11)</b> makes it clear that there are no significant effects on Local Air Quality.</p>

	<ul style="list-style-type: none"> <li>• Why is the full extent of effects not mapped?</li> <li>• If it is argued that there is no need to map the full extent, please explain the basis for this view.</li> </ul>	
1.1.2	<p>Air Quality: Regional Assessment Terms 'Assessment Year', 'Opening Year and 'Design Year'</p> <p>ES table 6.6 [APP-018] states that the regional assessment is undertaken for the 'assessment year (2036)' whereas Tables 6.12 and 6.13 appear to present a regional assessment for the 'opening year 2021' and the 'design year 2036'. In terms of the regional assessment, can the Applicant explain the apparent discrepancy between these tables and definitively confirm the following terms:</p> <ul style="list-style-type: none"> <li>• 'assessment year'</li> <li>• 'design year'; and</li> <li>• 'opening year'.</li> </ul>	<p>Assessment Year(s) are any years which have been considered in the air quality assessment. In Chapter 6 as a whole, this includes the Baseline Year (2012), the Opening Year (2021), and Design Year (2036).</p> <p>Notwithstanding that the methodology stated in Table 6.6 specifies only one assessment year (i.e. the Design Year, 2036), in practice a regional assessment was carried out for two different assessment years (2021 - the Opening Year, and 2036 - the Design Year).</p>
1.1.3	<p>Air Quality: 'Baseline Year' As defined in ES Table 6.6 [APP-018], the 'baseline year' used for the application is 2012. The ES explains that this aligns with 2012 traffic modelling data and the diffusion tube surveys.</p>	<p>For the purpose of the air quality assessment a 'Baseline' or 'Model Verification' Year' is required to establish the performance of the dispersion modelling software and calculate, where necessary, any adjustment factor required to account for any systematic errors in the modelling process.</p>

	<ul style="list-style-type: none"> <li>Given that the baseline year is five years ago, can the Applicant further explain / clarify the validity of and reliance upon data from 2012 as the baseline?</li> <li>Has any allowance been made for traffic change between 2012-2017 and if not why not?</li> </ul>	<p>It's a requirement for model performance evaluation that all data used, represent the same set of conditions; these include traffic data, emissions factors, local air quality monitoring data, and local meteorological data. The only year for which all datasets were available for model performance evaluation was 2012.</p> <p>Adjustment factors that were calculated comparing model predictions for 2012 with local air quality monitoring for 2012 were applied to future year (2021) model predictions. The consideration of 2017 isn't therefore required in the evaluation of future year effects on air quality. No separate allowance was therefore made for traffic change between 2012-2017, as this doesn't inform the assessment of future year (2021) effects on air quality. The relevant period to consider is 2012 – 2021, as 2012 is the baseline year and 2021 is an assessment year.</p>
1.1.4	<p>Air Quality Assessment and Policy: Defra PCM Model</p> <p>Defra's Pollution Climate Mapping ('PCM') model is used to determine compliance with the EU Directive on Ambient Air Quality (2008/50/EC). It is noted that relevant Interim Advice Note (IAN) 175/13 guidance has been withdrawn pending preparation of a new version. ES paragraph 6.6.14 [APP-018] states that there are increases of 0.7ug/m<sup>3</sup> at receptors within 200m along the A19, but that these are classified as 'small'.</p> <ul style="list-style-type: none"> <li>Can the applicant explain why an increase</li> </ul>	<p><b>Table 2.1</b> "Magnitude of Change Criteria" provided in <b>IAN174/12</b> "<b>Updated advice for evaluating significant local air quality effects for users of the Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Part 1 'Air Quality (HA207/07)'</b>" advises that Magnitude of Change in Concentration of between &gt;0.4ug/m<sup>3</sup> to 2ug/m<sup>3</sup> to be 'Small'.</p> <p>A definition and explanation magnitude of change criteria, which will allow an understanding of why a change of this magnitude is considered small, is given in section 2.3 of IAN172/12, which is available at the following link:  <a href="http://www.standardsforhighways.co.uk/ha/standards/ians/pdfs/ian174.pdf">http://www.standardsforhighways.co.uk/ha/standards/ians/pdfs/ian174.pdf</a></p>

	of 0.7ug/m3 is considered to be 'small'?	
1.1.5	<p>Air Quality Assessment and Policy: UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (July 2017)</p> <ul style="list-style-type: none"> <li>The Applicant is requested to monitor steps towards the implementation of the 'UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations' (July 2017) and to draw the ExAs attention to any changes to or affecting the plan that are relevant to the application.</li> <li>This is an ongoing obligation, to be met at any deadline up to and including Deadline 7.</li> </ul>	<p>Highways England will continue to monitor the implementation of '<b>UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations' (July 2017)</b>. However, the compliance risk assessment has been updated using the latest published PCM data from Defra. This has identified that there are no modelled exceedances of the annual mean EU Limit Value for NO2 (40µg/m<sup>3</sup>) for the three PCM links in either the without proposed scheme or with proposed scheme scenario.</p> <p>As all the modelled annual mean NO2 concentrations are below the EU Limit Values for the three PCM links, there is no risk based on the July 2017 plan, for the need to implement any additional measures to bring the road network in to compliance with the Air Quality Directive in the shortest possible timescales.</p>
1.1.6	<p>Air Quality Assessment and Policy: Lindisfarne Roundabout AQMA</p> <ul style="list-style-type: none"> <li>Is there a local air quality plan for the Lindisfarne Roundabout Air Quality Management Area (AQMA)?</li> <li>If so, how does the application respond to it?</li> <li>If not, are steps in place to prepare a plan</li> </ul>	<p>It is a requirement that local air quality plans are prepared by Local Authorities where they declare and Air Quality Management Area (AQMA). South Tyneside Council published the "<b>AIR QUALITY ACTION PLAN</b>" in September 2010 which included plans for Lindisfarne Roundabout AQMA.</p> <p>Air quality modelling undertaken at receptors within the AQMA indicate there will not be exceedances of air quality objectives in the Opening Year, either with or without the Scheme in place.</p> <p>Consequently, the application is shown to have no influence on the Local</p>

	<p>and what emerging measures might be relevant to the application?</p> <ul style="list-style-type: none"> <li>Do any matters arise from the Lindisfarne Roundabout AQMA that are relevant to the implementation of the 'UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations' (July 2017)?</li> </ul>	<p>Authority's ability to successfully deliver its air quality action plan for this AQMA.</p> <p>It would be for the Local Planning Authority to confirm if any matters arise from the Lindisfarne Roundabout AQMA that are relevant to the implementation of the '<b>UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations' (July 2017)</b>. If there are any, they would be very unlikely to affect the application assessment for the Scheme.</p>
1.1.7	<p>Transport Analysis Guidance (TAG): NO2 and PM10 Changes The Transport Analysis Guidance (TAG) assessment to calculate the overall sum of the changes in NO2 and PM10 at 2490 properties is presented at ES appendix 6.7.</p> <ul style="list-style-type: none"> <li>Can the applicant expand and present a further breakdown of properties experiencing a deterioration and properties experiencing an improvement, with reference to tables A6.7-1 and A6.7-2?</li> </ul>	<p>On request, an expanded and further breakdown of properties experiencing deterioration and properties experiencing an improvement, with reference to tables A6.7-1 and A6.7-2 could be provided.</p> <p>However it is noted that such information does not form part of a Transport Analysis Guidance (TAG) appraisal and as such does not inform the Benefit-Cost Ratio (BCR) or the assessment of environmental effects.</p> <p>The TAG methodology doesn't report maximum deterioration values for individual properties, but instead aggregates the changes in concentration experienced across the entire study area. Further investigation, beyond the normal scope of the TAG methodology would be required to provide an answer to this query.</p>

	<ul style="list-style-type: none"> <li>• What are the maximum deterioration values reported?</li> <li>• What are the numbers of properties within the magnitude of impact bands (0-0.1, 0.1 – 0.2 etc)?</li> </ul>	<p>It is again important to note that the purpose of the TAG methodology is purely to derive an economic value for use in the BCR and deterioration and/or improvement values derived using this approach are not comparable to in any way to those values reported using the Detailed Assessment methodology presented in the Environmental Statement (ES), which are the only values which represent the air quality effects of the Scheme.</p> <p>Properties considered as part of the TAG methodology are placed into fixed distance bands from the DMRB local ARN and then assigned values based on the bands in which they sit. It is therefore not present the numbers of properties within the magnitude of impact bands (0-0.1, 0.1 – 0.2 etc).</p> <p>On request, it is possible to provide an expanded and further breakdown of properties experiencing changes in pollutant concentrations, with reference to tables A6.7-1 and A6.7-2. However, the value of such a breakdown is questioned. Note that the additional analysis required to achieve this means that it would not be possible to provide the information within the deadline for answers to these questions.</p>
1.1.9	<p>Assessment of Dust from Construction: IAQM Guidance The Institute of Air Quality Management (IAQM) guidance publication 'Assessment of Dust from Demolition and Construction' (the IAQM guidance) sets the following criteria for detailed assessment: an assessment will normally be required where human receptors are within 350 m of the boundary of the site or 50 m of the route(s) used by construction vehicles on the public</p>	<p>At the time of requesting a Scoping Opinion from the Planning Inspectorate, Highways England proposed to apply air quality assessment methods, including those for construction impacts, based on guidance provided in the Design Manual for Roads and Bridges (HA207/07). The 200m study area for construction impact assessment was specified in the Scoping Report.</p> <p>Highways England did not adopt the <b>Institute of Air Quality Management (IAQM) guidance publication 'Assessment of Dust from Demolition and Construction'</b> as part of the assessment of effects on</p>

	<p>highway. ES paragraph 6.6.3 [APP-018] concludes there is potential for effects at 333 receptors within 200m of the proposed new scheme alignment.</p> <ul style="list-style-type: none"> <li>• Taken at face value, it appears possible that the IAQM guidance has been or could be exceeded.</li> <li>• The Applicant is asked to respond to the IAQM guidance explaining whether and if so how it has been met.</li> </ul>	<p>air quality, because it is not included in the requirements of HA207/07 and this was not requested as part of the Secretary of State’s Scoping Opinion.</p> <p>Were the IAQM guidance to have been applied, it would have met the threshold for a detailed assessment. Upon completion of a detailed assessment, the IAQM guidance identifies appropriate best practice dust control measures to be adopted by a scheme.</p> <p>While the IAQM guidance was not applied as an assessment approach, it was however used to identify appropriate best practice dust control measures. See <b>paragraph 6.3.8 of the ES Main Text</b> which states “... <i>best practice fugitive dust control measures outlined in the Institute of Air Quality Management (IAQM) Guidance, 2014 have been identified. More information is given in Section 6.7.</i>”; and <b>paragraph 6.7.2</b> “<i>Appropriate construction dust mitigation measures, based on those outlined by the Institute for Air Quality Management are detailed within Appendix 6.6 and the CEMP [Construction Environmental Management Plan].</i>”</p> <p>Consequently, the predicted residual effect of adopting the appropriately recommended best practice dust control measures is robust.</p>
1.1.10	<p>Assessment of Construction Vehicle and Plant Emissions Paragraph 3.29 of the Secretary of State’s Scoping Opinion states that:</p> <p>‘[t]he information provided in the Scoping Report does not indicate whether the applicant intends to assess the impact of</p>	<p>Highways England has screened the impact of construction vehicles and plant in terms of anticipated movements on the local road network. This however was not reported within the ES.</p> <p>As indicated in <b>Chapter 3 of the ES</b>, the construction programme is anticipated to last 2 years from 2019 to 2021. Over this time, the contractor, Costain, provided figures which predicted just over 80.5k</p>

	vehicle and plant construction	<p>vehicle movements (in and out) to occur. This equates to a worst-case Annual Average Daily Traffic (AADT) of 111; and below the threshold set in DMRB (200 AADT) to warrant further assessment.</p> <p>Despite the impact of construction vehicles and plant being screened out; the air quality assessment did indicate that <i>“There are a number of receptors which could be directly affected by dust nuisance associated with the Scheme works or construction vehicle traffic, and there is therefore potential for adverse impacts. Best practice construction dust control measures are therefore recommended (see section 6.7, and Appendix 6.6). It should be noted that any potential impacts would be temporary in nature.”</i></p> <p><b>Paragraph 6.6A.4 of Appendix 6</b> also stated that <i>“It is considered that with an appropriate CEMP implemented, there would be no significant effects on air quality during the construction phase of the Scheme.”</i></p>
1.1.11	<p>Assessment of Dust and other Air Quality Effects from Material Import and Movement (Cut and Fill)</p> <p>ES paragraph 10.6.27 [APP-018] discusses the import of material and that 182,000m<sup>3</sup> net of material import is required to ‘balance’ the design (in terms of cut and fill). There does not appear to be any reference as part of the air quality assessment in the ES to local storage or vehicle movements that may be required associated with this material. ES paragraph 10.6.32 states that ‘[w]ithin the</p>	See response to 1.1.10 above

	<p>site, there would be significant heavy plant movements, to allow for deposition of fill materials to construct the proposed alignment' but these are not quantified or considered in terms of air quality effects and particularly dust effects. ES paragraph 10.6.37 concludes that '[w]hatever the source, import of material would create additional heavy duty transport movements, including increased vehicle use'.</p> <ul style="list-style-type: none"><li>• The Applicant is requested to summarise the air quality effects of material import and movement, demonstrating where this has been set out in the ES.</li></ul>	
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ExQ1	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment(HRA))	
1.2	Question	Response
1.2.1	<p>West Boldon Lodge: the 'Groundworks lease land' NGET [RR-008] identifies that land surrounding the operational perimeter of its substation is leased to the Groundworks Trust and is managed to deliver natural environment benefits and for natural environment educational purposes (referred to as the 'Groundworks lease land').</p> <ul style="list-style-type: none"> <li>• NGET is requested to provide a document outlining the management actions undertaken on this land, providing a description of the habitat(s) and species present, summarising relevant habitat and species survey or monitoring data that may be available together with a description of the community or educational activities undertaken on the land (in terms of its target audience(s), typical participation and the benefits considered to be achieved).</li> <li>• Does the ES sufficiently identify the natural</li> </ul>	<p><b>Natural environment values:</b> The Groundworks lease land approximately coincides with Mount Pleasant Marsh Local Wildlife Site (LWS). Section 9.5 of the ES and Figure 2.5 of the Phase 1 Habitat Survey Report (<b>Appendix 9.1A of the ES</b>) provide a description of the ecological baseline in this area. The confirmed presence of priority habitats (NERC Act (2006) and Durham BAP) such as: open water (ponds), swamp and board-leaved plantation woodland is described in Table 9.4 of the ES. Paragraph 9.5.12 evaluates the importance of LWSs (County Importance) applying the CIEEM Good Practice Guidelines (CIEEM, 2016). In addition, important ecological features present in this location (habitats and species) are similarly described and evaluated throughout Section 9.5 and summarised in Table 9.7of the ES applying CIEEM Good Practice Guidelines. It is therefore concluded that the ES does sufficiently identify the natural environmental values present on the Groundworks lease land.</p> <p>Potential impacts of the proposals on Local Wildlife Sites and associated features, including Mount Pleasant Marsh LWS, are summarised in Section 9.8 of the ES (see Table 9-6). Table 1-21 in Appendix 9.4 identifies whether the scheme impacts would result in significant effects to these features applying CIEEM Good Practice Guidelines. It is therefore concludes that the ES does sufficiently assess the effects of the</p>

	<p>environmental values present on the Groundworks lease land and assess the effects of the application proposal upon these values?</p> <ul style="list-style-type: none"> <li>• Does the ES sufficiently identify the community and educational outcomes derived from the natural environmental values and the management actions present on the Groundworks lease land and assess the effects of the application proposal upon these outcomes?</li> <li>• Is any additional mitigation argued to be necessary to address effects on these values and outcomes and, if so, what might this be and how should it be secured?</li> </ul>	<p>application proposal on the natural environment value of the Groundworks lease land.</p> <p><b>Community and educational outcomes:</b> The community value of the Groundworks lease land is largely vested in its use as West Boldon Environmental Education Centre (WBEEC), managed by Groundworks and based in West Boldon Lodge. Extensive consultation has taken place with Groundworks from early stages of the project onwards to identify how they consider the scheme would affect the operation of WBEEC.</p> <p>It is reported in Section 13.9 of the People and Communities chapter that any disruption to use of the educational facility during construction would not be significant.</p> <p>The assessment in the ES reflects the concerns identified by consultation with Groundworks themselves and the mitigation measures they requested to address those concerns. Accordingly, it is deemed that the community and educational value of the site and the effect of the scheme on them has been adequately identified and assessed in the ES.</p> <p>Section 9.9 of the ES describes the proposed mitigation for ecology in relation to the scheme, and section 13.7 describes proposed mitigation for People and Communities. Mitigation proposals relating to the community and educational values of WBEEC are referenced in the REAC and shown on the Environmental Masterplan. Habitat creation proposals are illustrated on the Environmental Masterplan and detailed in Table 9.10 of the ES. Paragraph 9.9.10 highlights specific habitat creation measures (woodland planting) in relation to mitigating for direct impacts to Mount Pleasant Marsh LWS. In addition to essential mitigation and</p>
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		<p>habitat creation proposals, species specific enhancements to Mount Pleasant Marsh LWS have been proposed in Section 9.9 of the ES for the following: amphibians (paragraph 9.9.19 – creation of refugia and hibernacula), breeding/wintering birds (paragraph 9.9.21 – erection of bird boxes) and bats (paragraph 9.9.26 – erection of bat boxes). No other ecological mitigation has been identified as being required during pre or post application consultation with stakeholders responsible for the management and maintenance of Mount Pleasant Marsh LWS.</p> <p>Therefore, it is considered that the measures identified in the ES and Environmental Masterplan are sufficient to mitigate the potential impacts of the scheme.</p>
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ExQ1	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3	Question	Response
1.3.1	<p data-bbox="331 435 613 464">National Trust Land</p> <p data-bbox="331 507 992 946">The Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of the Planning Act 2008 (as amended) section 130 (s130 PA2008). This question should be responded to in the light of any ongoing due diligence in respect of land and should be responded to at any deadline up to the end of the examination, should circumstances as known to the Applicant change.</p>	<p data-bbox="1048 507 2045 647">The Applicant can confirm that the application proposal does not seek to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and is subject to s130 of the Planning Act 2008.</p> <p data-bbox="1048 691 2045 799">If the Applicant becomes aware of any circumstances changing in this regard up to the end of the examination it will update the ExA accordingly.</p>
1.3.2	<p data-bbox="331 991 741 1019">Commons, open spaces etc.</p> <p data-bbox="331 1062 1014 1315">The Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land forming part of a common, open space or fuel or field garden allotment subject to the operation of s131 PA2008, or rights over such land subject to the operation of s132 PA2008. This question should</p>	<p data-bbox="1048 1062 2045 1203">The Applicant can confirm that the application proposal does not seek to compulsorily acquire any land, or rights over land, forming part of a common, open space or fuel or field garden allotment as is subject to s131 or 132 of the Planning Act 2008.</p> <p data-bbox="1048 1246 2045 1315">If the Applicant becomes aware of any circumstances changing in this regard up to the end of the examination it will update the ExA</p>

	<p>be responded to in the light of any ongoing due diligence in respect of land and should be responded to at any deadline up to the end of the examination, should circumstances as known to the Applicant change.</p>	<p>accordingly.</p>				
<p>1.3.3</p>	<p>Crown land</p> <p>The Applicant is requested to provide and at each subsequent deadline to maintain and resubmit a table identifying any Crown land subject to PA2008 s135 with reference to the latest Book of Reference and the Land Plans and to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s). Written evidence of consent(s) and explanations around consents should be provided. The table should be titled ExQ1.3.3: Crown Land and Consent.</p> <ul style="list-style-type: none"> <li>• I understand from submissions made by the Applicant at ISH1 and from paragraphs 1.1.20 – 24 of the BoR [AS-011] that the only land held by the Crown of which the Applicant is currently aware is land held in escheat and that this is not considered to be ‘Crown Land’.</li> <li>• In the Applicant’s submission, the Crown does not consider that it is necessary or even</li> </ul>	<p>The Applicant notes that there is no Crown land for the purposes of section 135 of the Planning Act 2008. The table below, therefore, is blank.</p> <p><b>Table - Ex Q1.3.3(1):</b></p> <table border="1" data-bbox="1048 834 2042 951"> <thead> <tr> <th data-bbox="1048 834 1547 911">Crown Land (Relevant Plot No.)</th> <th data-bbox="1547 834 2042 911">Consent required?</th> </tr> </thead> <tbody> <tr> <td data-bbox="1048 911 1547 951">None.</td> <td data-bbox="1547 911 2042 951">N/A.</td> </tr> </tbody> </table> <p>For the ExA’s benefit, the relevant plots which contain land subject to escheat are Plots 1/6a to 1/6c. These plots are not considered by the Crown Estate to be Crown land for the purposes of the Planning Act 2008.</p> <p>The Applicant refers to its response to Question 52 contained in the Applicant’s Responses to the ExA’s Questions on the draft Development Consent Order (document reference <b>TR010020/APP/7.9</b>) and Annex 2 of the same document which</p>	Crown Land (Relevant Plot No.)	Consent required?	None.	N/A.
Crown Land (Relevant Plot No.)	Consent required?					
None.	N/A.					

	<p>that it is able to provide consent in relation to that land.</p> <p>This position and evidence for it should be provided with the table. If as a consequence, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence or new information provided by a Crown entity).</p>	<p>contains a letter from Burges Salmon dated 17 August 2017 confirming that it is the Crown Estate's position that the land subject to escheat is not Crown land.</p>
1.3.4	<p>Compulsory acquisition: general</p> <p>The Applicant is requested to complete the attached Objections Schedule with information about any objections to the compulsory acquisition proposals in the application and at each successive deadline to make any new entries, or delete any entries that it considers would be appropriate, taking account of the positions expressed in relevant representations and written representations, giving reasons for any additions or deletions. (See Annex B to ExQ1 below). The Objections Schedule should be titled ExQ1.3.4: Schedule of CA Objections. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent</p>	<p>Please see Table ExQ1.3.4: Schedule of CA Objections below.</p>

	deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence or the submission of a representation by an Affected Person).	
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**Table - ExQ1.3.4(1)**

Obj No	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent/ Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection
1	National Grid Electricity Transmission Plc	Unknown	Relevant Representation dated 5 October 2017	Written Representation (undated) published on 29 November 2017	Statement of Common Ground between NGET and the Applicant ( <b>document reference: TR010020/APP/7.5</b> )	Category 1 interest as set out in the Book of Reference (document reference TR10020/APP/4,3) at Plots 2/6a to 2/6f.	Both.	Plots 2/6a to 2/6f.	Yes.	Under discussion, see Statement of Common Ground between NGET and the Applicant ( <b>document reference: TR010020/APP/7.5</b> )

- i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.
- ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)
- iii Reference number assigned to each Relevant Representation (RR) in the Examination library
- iv Reference number assigned to each Written Representation (WR) in the Examination library
- v Reference number assigned to any other document in the Examination library
- vi This refers to parts 1 to 3 of the Book of Reference:
  - Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
  - Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
  - Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.
- vii This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/ rights
- viii CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and Highways England are seeking compulsory acquisition of land/ rights.

ExQ1	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3	Question	Response
1.3.5	<p data-bbox="331 432 846 464">Statutory undertakers: land or rights</p> <p data-bbox="331 507 1025 831">The Applicant is requested to review relevant representations and written representations made as the examination progresses and to prepare and at each successive deadline update as required a table identifying and responding to any representations made by statutory undertakers with land or rights to which PA2008 s 127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul data-bbox="331 842 1025 1310" style="list-style-type: none"> <li data-bbox="331 842 898 874">• the name of the statutory undertaker;</li> <li data-bbox="331 879 808 911">• the nature of their undertaking;</li> <li data-bbox="331 916 1025 1054">• the land and or rights affected (identified with reference to the most recent versions of the Book of Reference and Land Plans available at that time);</li> <li data-bbox="331 1059 987 1123">• in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met;</li> <li data-bbox="331 1128 1025 1192">• in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and</li> <li data-bbox="331 1197 943 1310">• in relation to these matters, whether any protective provisions and or commercial agreement is anticipated, and if so whether</li> </ul>	See Table - ExQ1.3.5(1) below

	<p>these are already available to the ExA in draft or final form, whether a new document describing them is attached to the response to this question or whether further work is required before they can be documented?</p> <p>The table provided in response to this question should be titled ExQ1.3.5: PA2008 s127 Statutory Undertakers and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence).</p>	
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Table - ExQ1.3.5(1)

Undertaker	Extract from Representation	Nature of undertaking	Land or rights to be affected	Statutory tests met?	Protective Provisions
National Grid Electricity Transmission Plc	<p>“...as recorded in the SoCG, NGET has now been provided with sufficient information by Highways England for NGET to confirm that it does not object to the principle of the permanent and temporary interference subject to application of protective provisions in favour of and in form acceptable to NGET. As is typical, these protective provisions should dis-apply the general application of the compulsory acquisition and temporary rights in the DCO and require Highways England to submit detailed design to NGET for approval.</p>	Electricity transmission	Plots 2/6a-f	<p>The Applicant refers to the Statement of Common Ground between NGET and the Applicant (<b>document reference: TR010020/APP/7.5</b>) which sets out on a plot by plot basis the need for the particular plot.</p> <p>The Applicant considers that the statutory tests are met as there is no detriment to the undertaking of NGET. NGET does not carry out any operational activities in land contained in the Scheme boundary.</p>	The Applicant refers to the Statement of Common Ground between NGET and the Applicant ( <b>document reference: TR010020/APP/7.5</b> ) where this matter is dealt with.

ExQ1	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3	Question	Response
1.3.6	<p>Statutory undertakers: extinguishment of rights and removal of apparatus etc. The Applicant is requested to review its proposals to CA or TP land and/ or rights and to prepare and at each successive deadline update a table identifying if these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> <li>• the name of the statutory undertaker;</li> <li>• the nature of their undertaking;</li> <li>• the relevant rights to be extinguished; and / or</li> <li>• the relevant apparatus to be removed;</li> <li>• how the test in s138(4) can be met; and</li> <li>• in relation these matters, whether any protective provisions and or commercial agreement is anticipated, and if so whether these are already available to the ExA in draft or final form, whether a new document describing them is attached to the response to this question or whether further work is required before they can be documented?</li> </ul>	See Table - ExQ1.3.6(1) below

<p>The table should be titled ExQ1.3.6: PA2008 s138 Statutory Undertakers and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence).</p>	
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**Table - ExQ1.3.6(1)**

<b>Undertaker</b>	<b>Nature of undertaking</b>	<b>Relevant right to be extinguished</b>	<b>Relevant apparatus to be removed</b>	<b>Is extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates?</b>	<b>Protective Provisions</b>
Northern Powergrid	Distribution Network Operator	Current easement for utility connections (on Plot 2/6c)	Eight NPg 66kV overhead cables and underground auxillary (communication cables) and associated structures/towers. Utility connections from Plot 2/6c over the current A19 and onto Plot (as described	The extinguishment and removal of the apparatus is required because without the utility diversions taking place the highway cannot be elevated as per the Scheme description.	See Protective Provisions in dDCO, see also response to Question 1.5.2 below.

			in Work No.9).		
National Grid Electricity Transmission Plc	Electricity transmission	Current easement for utility connections from Northern Powergrid substation (on Plot 2/6d)	Eight NPg 66kV overhead cables and underground auxillary (communication cables) and associated structures/towers. No NGET apparatus is to be removed (as described in Work No. 9)	The extinguishment is required because without the utility diversions taking place (which require extinguishing the current right) the highway cannot be elevated as per the Scheme description.	Please refer to the Statement of Common Ground between the Applicant and NGET (document reference: TR010020/APP/7.5) as these matters are discussed in detail therein.
Northumbria Water Limited	Water undertaker	Easements and restrictive covenants in relation to water pipes.	Single 450mm (18") Potable Water Main. No pipes are to be removed, but may be diverted (see further Work No. 24)	The extinguishment and diversion of the apparatus is required because without the upgrade of the existing highway cannot be carried out.	See Protective Provisions in dDCO, see also response to Question 1.5.6 below.
BT / Openreach	Telecommunications	Easements and restrictive covenants in relation to communication cables.	Communication cables and associated draw pits. No removal, but communication cables to be diverted (see further Work. No.25)	The extinguishment and diversion of the apparatus is required because without the upgrade of the existing highway cannot be carried out.	See Protective Provisions in dDCO, see also response to Question 1.5.7 below.
Northern Gas Networks Limited	Gas distribution	Easements and restrictive covenants in relation to gas pipes.	Single 300mm (12") Intermediate Pressure main. No pipes are to be removed, but may be diverted (see further Work. No.26).	The extinguishment and diversion of the apparatus is required because without the upgrade of the existing highway cannot be carried out.	Protective provisions have been agreed with Northern Gas Networks.

ExQ1	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3	Question	Response
1.3.7	<p data-bbox="331 435 674 464">West Boldon Substation</p> <p data-bbox="331 507 1010 647">The application proposal includes the CA of rights over land and the TP of land that is within and adjacent to the operational perimeter of West Boldon Substation, in relation to the ZZA 275kV South Shields – West Boldon transmission alignment, a 275kV substation and a 66kV substation. National Grid Electricity Transmission (NGET) is the undertaker for the transmission system facilities. At present, it objects to CA and/ or TP.</p> <ul data-bbox="331 914 1010 1313" style="list-style-type: none"> <li data-bbox="331 914 1010 1094">• NGET is requested to explain why CA and/ or TP is inappropriate, with reference to the effect that it would have on the operation of the transmissions and substation facilities recorded above.</li> <li data-bbox="331 1137 1010 1313">• The Applicant is asked to explain why CA and/ or TP is required and whether or not its needs could be met by any alternative provisions, a lease or other legal agreement relating to NGET</li> </ul>	<p data-bbox="1048 507 2045 759">Plot 2/6d is required permanently for the purpose of widening of the A19 and to make provision for a bridleway. This land is presently leased by NGET to Groundworks as part of an educational centre. It is not used by National Grid for operational purposes. The Applicant is in discussion with NGET and Groundworks over the acquisition of this land, but compulsory acquisition powers are included in the dDCO, in the usual way, to ensure that the Applicant is able to acquire the land.</p> <p data-bbox="1048 802 2045 943">Temporary possession is required in connection with the provision of a permanent fence (requested by Groundworks) around the perimeter of the Groundworks site and in connection with construction of a new footway by the highway.</p> <p data-bbox="1048 986 2045 1126">Northern Powergrid, NGET and the Applicant are currently working together, aiming to complete the necessary diversions ahead of the main construction by the end of 2018 and so alternative provisions are already being looked at.</p> <p data-bbox="1048 1169 2045 1278">The Applicant is in negotiations with NGET about the application of the provisions in the dDCO and, in particular, the protective provisions.</p>

	<p>operational and non- operational land.</p> <ul style="list-style-type: none"> <li>• NGET is requested to identify whether any alternative provisions, a lease or a legal agreement could address its concerns. (NGET is requested to note that if this issue remains unresolved by D2, I will be minded to invite NGET to a Compulsory Acquisition Hearing (CAH1) to be held on 18 January 2018.)</li> </ul>	<p>Notwithstanding this, compulsory acquisition powers are included in the dDCO, again in the usual way, to ensure that the Applicant can procure rights for Northern Powergrid in the event that Northern Powergrid cannot secure the rights that its needs voluntarily or if, for any reason, the legal agreement is non-enforceable. In addition, the rights are included in relation to the temporary fence to ensure that the necessary mitigation for the Scheme can be delivered. The carrying out of works which affect the undertaking of a statutory undertaker are regulated and controlled by the protective provisions contained in Schedule 9 of the dDCO.</p>
1.3.8	<p>Book of Reference: Land on West Pastures During USI2, I observed land on West Pastures Lane (shown hatched in red in the plan at Annex A to these questions) in apparent use as a residential caravan park.</p> <ul style="list-style-type: none"> <li>• Please identify whether and if so where and in which category and part of the BoR persons with interests in this land are identified?</li> </ul>	<p>The red hatched area is known locally as West Pastures Traveller's Site and is accessed via West Pastures lane. The land on which the site is located is owned by Edward James Cleary. Neither the traveller's site, nor the land where the site is situated, is contained within the BoR as they both lie beyond the extents of Scheme's redline boundary.</p> <p>However, during its land investigations, Highways England identified several unregistered land parcels contained within the redline boundary, of which West Pastures lane was one such area. Despite efforts to determine the owner of the land, no ownership claim was ever registered and in the absence of any further information Highways England has applied the ad medium filum rule (the "half width rule") with respect to the adjacent landowners (please refer to paragraph 1.1.10 of the BoR for further information).</p> <p>The land occupied by West Pastures Traveller's Site borders West Pastures lane to the west. Through the application of the 'half-width</p>

		<p>rule', Edward James Cleary's presumed ownership up to the halfway point of West Pastures lane has been included against Plot 2/7a in Part 1 of the BoR. The occupiers of the caravan site do not have a registerable interest apparent at the Land Registry and would, therefore, not have the same interest in respect of the subsoil.</p> <p>The Applicant does not consider that the occupiers of the site would classify as a Category 1, 2 or 3 person and they have, therefore, not been included in the Book of Reference (document reference <b>TR10020/APP/4.3(1)</b>).</p>
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ExQ1	Electricity Connections and Other Utility Infrastructure	
1.5	Question	Response
1.5.1	<p>West Boldon Lodge Substation: electricity transmission network assets With reference to the Agenda for ISH1 Question 82 (Annex E Table 1) and to the Statement of Common Ground (SoCG) between the Applicant and NGET under Annex G, Item D of the ExA's Rule 6 Letter of 17 October 2017 but only to the extent that it is not made clear by way of those processes:</p> <ul style="list-style-type: none"> <li>• Please identify whether additional dDCO protective provisions are required to provide for NGET assets; and if so</li> <li>• What progress is being made on the development of these?</li> </ul>	<p>Please refer to the Statement of Common Ground between the Applicant and NGET (document reference <b>TR010020/APP/7.5</b>) as these matters are discussed in detail therein.</p>
1.5.2	<p>West Boldon Lodge Substation: electricity distribution network assets Will the Applicant's proposals in this location affect the operations of any electricity distribution network (DNO) operator or other entity with obligations in relation to the management or maintenance of the electricity distribution network, and if so:</p>	<p>The DNO for the West Boldon sub-station is Northern Powergrid. There are no other DNOs in the area.</p> <p>The Applicant understands that Northern Powergrid is a statutory undertaker. Northern Powergrid has confirmed that they are content with the protective provisions included in the dDCO, see Annex 1 to these responses for a letter dated 28 November 2017 in which they</p>

	<ul style="list-style-type: none"> <li>• please identify the DNO by name;</li> <li>• please identify any other entity with relevant obligations; and</li> <li>• please clarify whether any body identified in response to this question is also a statutory undertaker?</li> </ul> <p>To the extent that a body is identified as a DNO in response to this question at Deadline 1, but has not participated in the finalisation of a Statement of Common Ground (SoCG) with the Applicant under Annex G, Item D of the ExA's Rule 6 Letter of 17 October 2017, that body is requested to comment on any SoCG between the Applicant and NGET submitted for Deadline 1: Tuesday 28 November 2017, at Deadline 2: Monday 18 December 2017.</p>	<p>state they <i>"...are content with the form of the protective provisions as drafted affecting [their] apparatus as contained in the draft Development Consent Order and have decided not to take part in the examination process..."</i>. The Applicant further refers the ExA to the letter from Northern Powergrid dated 24 November 2017 which sets out their views on the works to be carried out.</p>
1.5.3	<p>Northern Powergrid</p> <p>The Consultation Report [APP-016] at pg 84 identifies that Northern Powergrid is a key stakeholder and that it has 'no issues with the drafting of the DCO'.</p> <p>Can the Applicant please confirm:</p> <ul style="list-style-type: none"> <li>• Northern Powergrid is a statutory undertaker</li> </ul>	<p>Please see response to Question 1.5.2 above.</p>

	<p>with assets and / or rights affected by the application proposal;</p> <ul style="list-style-type: none"> <li>• Northern Powergrid is the DNO; and</li> <li>• with reference to a letter from Northern Powergrid evidencing general satisfaction, show that the DNO has no outstanding concerns with the dDCO or with any other relevant aspect of the application?</li> </ul>	
1.5.4	<p>Northern Powergrid</p> <p>The ES [APP-018] at section 2.11 identifies that what that ExA takes to be DNO cable alignment diversions will be undertaken ahead of the proposed works using Northern Powergrid’s own statutory powers. Can the Applicant and please confirm the following:</p> <ul style="list-style-type: none"> <li>• the scope and timing of the proposed asset diversions have been (or will be) agreed;</li> </ul>	<p>Due to the scale and complexity of the required diversion works, Highways England have been engaged in regular discussions with Northern Powergrid (“NPg”) since 2014. Initial line survey work was undertaken by NPg in 2016. NPg provided Highways England with a quotation for all works associated with the diversions in late 2016. The quotation contained a detailed scope, indicative programme, key risks and assumptions. Highways England formally accepted the quotation and in early 2017 instructed NPg to commence detailed design, planning and procurement activities. NPg have completed their preparatory works and are due to commence site activities in December 2017. The current programme indicates that the diversions should be complete in late 2018. NPg have confirmed this position in</p>

	<ul style="list-style-type: none"> <li>• delivery responsibility for the diversions has been (or will be) agreed; and</li> <li>• there is no need include additional powers relating to the diversion of DNO assets in the dDCO.</li> </ul>	<p>their letter to Highways England dated 24 November 2017 which was appended to the covering letter submitted to the Examiner by Highways England at Deadline 1.</p> <p>NPg are solely responsible for the delivery of the diversions.</p> <p>No additional powers are required over and above those already included within the dDCO. Highways England and NPg are engaged with all the affected landowners and are in the final stages of acquiring the land and rights needed to complete the diversion works. The dDCO includes provision for the diversion works to ensure that all the necessary land and rights can be secured in the event that advanced agreements cannot be achieved.</p>
1.5.5	<p>Northern Gas Networks</p> <p>The Consultation Report [APP-016] at pg 85 identifies that Northern Gas Networks is a key stakeholder and that the Applicant ‘continues to engage’ with this body around the protection of its apparatus. Can the Applicant please confirm that:</p> <ul style="list-style-type: none"> <li>• Northern Gas Networks is a statutory undertaker with assets and / or rights affected by the application proposal; and</li> <li>• evidence the latest position reached in discussions, identifying whether any changes to</li> </ul>	<p>The Applicant refers to the Statement of Common Ground between NGET and the Applicant (document reference <b>TR010020/APP/7.5</b>) where this matter is dealt with. The Applicant further refers to the response to Question 1.5.2 above.</p>

	the dDCO are anticipated to address matters raised by this body?	
1.5.6	<p>Northumbrian Water Group</p> <p>The Consultation Report [APP-016] at pg 84 identifies that Northumbrian Water Group is a key stakeholder and that it has 'no issues with the drafting of the DCO'. Can the Applicant please confirm that:</p> <ul style="list-style-type: none"> <li>• Northumbrian Water Group is a statutory undertaker with assets and / or rights affected by the application proposal; and</li> <li>• that Northumbrian Water Group either directly or to the best of the Applicant's knowledge has no outstanding concerns with the dDCO or with any other relevant aspect of the application?</li> </ul>	<p>The Applicant understands Northumbria Water Limited is a statutory undertaker with assets and / or rights affected by the application proposal; and to the best of the Applicant's knowledge has no outstanding concerns with the dDCO or with any other relevant aspect of the application. The Applicant has shared the dDCO with them and they have not put in a relevant representation.</p>
1.5.7	<p>BT Group plc / Openreach</p> <p>The Consultation Report [APP-016] at pg 84 identifies that BT Group plc / Openreach are key stakeholders and that they have 'no issues with the drafting of the DCO'. Can the Applicant please confirm that:</p> <ul style="list-style-type: none"> <li>• These bodies are statutory undertakers with</li> </ul>	<p>The Applicant understands that BT Group plc / Openreach is a statutory undertaker with assets and / or rights affected by the application proposal; and to the best of the Applicant's knowledge has no outstanding concerns with the dDCO or with any other relevant aspect of the application. The Applicant has shared the dDCO with them and they have not put in a relevant representation.</p>

	<p>assets and / or rights affected by the application proposal; and</p> <ul style="list-style-type: none"> <li>• that either directly or to the best of the Applicant's knowledge these bodies have no outstanding concerns with the dDCO or with any other relevant aspect of the application?</li> </ul>	
1.5.8	<p>Effects on and consultation about other physical infrastructures</p> <p>Will the works affect any physical infrastructures or rights related to the reticulation or passage of electricity, water, surface drainage, foul drainage, gas, heat, telecommunications or data, other than by NGET and the infrastructure entities identified in responses to questions 1.5.1 – 5 above?</p> <ul style="list-style-type: none"> <li>• If so, with appropriate reference to the Consultation Report [APP-016 – 017] and the most recent version of the BoR, please identify these entities, the physical infrastructure or rights affected and any measures undertaken to consult with them about these effects.</li> </ul>	<p>The applicant is not aware of any other infrastructure affected by the scheme other than those identified within the dDCO.</p> <p>In addition to the prescribed consultees detailed in the Consultation Report (document reference <b>TR010020/APP/5.1-2</b>), Highways England have undertaken preliminary inquiries in accordance with the New Roads and Street Works Act 1991 (NRSWA) and Appendix C2 of the Code of Practice 'Measures Necessary Where Apparatus Is Affected By Major Works (Diversionary Works)'.</p> <p>The C2 inquiries were carried out by a specialist consultant on behalf of Highways England. Letters were sent to over 30 statutory undertakers and a search undertaken on an industry standard web based service used by over 60 utility asset owners.</p>

ExQ1	Other Strategic Projects and Proposals	
1.8	Question	Response
1.8.1	<p>A19 Downhill Lane: Shared Works</p> <p>Question 1.0.1 above raises the absence of defined locations for lettered works (n) and (p) in dDCO Schedule 1. With reference to the response to that question, the Applicant's attention is drawn to ES paragraph 1.6.7 [APP-018] which suggests that construction and storage compounds for Testos may also serve the same function for the Downhill Lane project.</p> <ul style="list-style-type: none"> <li>• Does the duration and intensity of works (n) and (p) as assessed in the ES take full account of the prospective needs of the A19 Downhill Lane as well as the A19 Testos proposals?</li> </ul>	<p>The assessments in Chapters 6 to 14 of the ES related to works (n) and (p) do not take account of the additional impacts associated with A19 Downhill Lane works. These additional impacts will be assessed in the A19 Downhill Lane DCO application.</p> <p>The ES does fully consider the cumulative effects of both the Testo's and Downhill Lane schemes in accordance with the scope and methodology defined in ES Chapter 15 (<b>TR010020/APP/6.1</b>).</p>
1.8.2	<p>A19 Downhill Lane: Linked and In-combination Drainage Effects ES paragraph 2.17.4 [APP-018] states that '[t]here are instances where the two schemes [A19 Testo's and Downhill Lane] are intrinsically linked, such as the drainage design', but this does not appear to have been considered further as part of ES Chapter 14.</p> <ul style="list-style-type: none"> <li>• Please explain the potential for linkage of proposed drainage infrastructure and the in-</li> </ul>	<p>The applicant acknowledges that the statement made in <b>para 2.17.4 of the ES (TR010020/APP/6.1)</b> with regard to drainage design could be misleading. The drainage design for the A19 Testo's Scheme has been developed, assessed and can be delivered independently of the Downhill Lane Scheme drainage.</p> <p>The Downhill Lane Scheme drainage design is at an earlier stage, but is also being developed as an independent design, which can be delivered independently of the A19 Testo's Scheme. The Downhill Lane drainage would connect into the existing A19 highway drainage</p>

	<p>combination effects of A19 Testo's and Downhill Lane for drainage purposes.</p>	<p>and be carried north to an existing outfall on the Don.</p> <p>Should both schemes be successful in obtaining Development Consent, the independent drainage schemes can both be delivered, however, the connection of the Downhill Lane drainage into the A19 highway drainage would result in flows being carried through the A19 Testo's Catchment 1 drainage system, to the River Don via attenuation pond 1.</p> <p>Both schemes would increase paved area, resulting in the generation of increased runoff rates. Both schemes would include embedded mitigation of the impacts on flood risk, which would reduce flow rates below existing rates. This provides an overall benefit whether the schemes are developed independently or together.</p> <p>As part of the development of the Downhill Lane Scheme drainage design, options to combine the drainage systems of the two schemes would be considered. Optimisation of storage features within a combined drainage network may provide a number of benefits, including reduced maintenance requirements. Any alternative developed would be included in the Downhill Lane Scheme DCO.</p>
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ExQ1	Socio-economic Effects	
1.9	Question	Response
1.9.5	<p>Nearby use and development: Land on West Pastures During US12, I observed land on West Pastures Lane (shown hatched in red in the plan at Annex A to these questions) in apparent use as a residential caravan park.</p> <ul style="list-style-type: none"> <li>• The LPA is requested to advise me of the planning history and current use and development status of this land.</li> <li>• The Applicant is requested to identify whether and where the ES refers to and assesses the effects of the application proposal on the owners and occupiers of this land.</li> </ul>	<p>The site referred to is West Pastures Gypsy and Travellers Site. The individual plots within the site are shown as residential properties on ES Figure 13.4 in the <b>ES Volume 2 (TR010020 Vol 6.2)</b>. The site is also indicated on Figure 13.9, which shows non-motorised user surveys. The site is addressed in the <b>Volume 1 of the ES (TR010020 Volume 6.1)</b> primarily in <b>Chapter 13</b>, as follows:</p> <ul style="list-style-type: none"> <li>• Table 13.2, last row, current policy and how addressed;</li> <li>• Table 13.6, reference to relevant policy;</li> <li>• Table 13.8, description of West Pastures Lane.</li> <li>• Table 13.20, row 8, summarising impact and mitigation in relation to relevant policy.</li> </ul> <p>These are all the explicit references to the site in the ES. It is envisaged that the effect of the scheme for residents will be beneficial, primarily in relation to safe access.</p> <p>In addition, the location is within the noise study area shown on Figures 12.2 to 12.5. The noise contours shown on these plans indicate that in all scenarios, in the short and long term, with or without the scheme, the location would experience no change in operational noise.</p>

ExQ1	Water Environment	
1.11	Question	Response
1.11.1	<p>Water environment: historic land use at Boldon Business Park Boldon Business Park held a radioactive substance site licence between 2001 and 2012 (ES paragraph 14.4.10 [APP-018]). The relevance of this in relation to potential contaminated land and surface water pollution has not been considered.</p> <ul style="list-style-type: none"> <li>• What did this site licence relate to?</li> <li>• Do any matters relevant to land or surface water pollution arise from this historic land use?</li> </ul>	<p>The site licence relates to an organisation involved in medical systems for the keeping and use of radioactive materials and disposal of radioactive waste. No further information is available, however, applications for such a permit requires information on where such material is received, stored and used on site, where and how it is moved around on site, where supporting activities occur. The boundary of the premises identified includes systems that extend beyond the boundaries of the site, such as drains up to the public sewer. There may also be a requirement to provide information on management systems to show how compliance with the permit is achieved.</p> <p>It is considered that compliance with the licence would ensure that pollution is limited to areas covered by the licence and that there will be no pathway for pollution to impact land or water outside of the licence boundary. It has, however, been assumed that it may be possible for radioactive residues to reach the public sewer system. Boldon Business Park lies downstream of the scheme and it was considered that there was no pathway from the public sewer system and the River Don that could affect or be affected by the scheme as a result of this land use.</p>
1.11.2	Water Framework Directive (WFD): Boldon Lake ES Chapter 14 [APP-018] identifies the Water	

	<p>Framework Directive (WFD) status of the River Don and its tributaries as 'good'.</p> <ul style="list-style-type: none"> <li>• Does Boldon Lake form part of this assessment?</li> <li>• If not, what is the WFD chemical status of Boldon Lake?</li> </ul>	<p>Boldon Lake is not classified under the Water Framework Directive (WFD) and it is not understood to form part of the River Don waterbody classification.</p> <p>The Environment Agency does not sample the waterbody and therefore its WFD chemical status is unknown, however, for the purposes of this assessment Highways England has assumed that the WFD chemical status of Boldon Lake is the same as the WFD chemical status of the River Don, i.e. 'good'.</p>
1.11.3	<p>The Drainage Strategy</p> <p>Paragraph 14.6.9 of the ES [APP-018] states that '[t]he drainage strategy (Appendix 2.1) has been considered as embedded mitigation for the purpose of this assessment.' The ExA as yet has not located Appendix 2.1, nor is a separate drainage strategy document to be found elsewhere in the application.</p> <ul style="list-style-type: none"> <li>• Can the Applicant point to the drainage strategy document.</li> <li>• If there is no such document, can the Applicant explain why no drainage strategy document is presented as part of the</li> </ul>	<p>The Applicant confirms that no drainage strategy has been submitted. The reference at paragraph 14.6.9 of the ES to the drainage strategy being at Appendix 2.1 is an error.</p> <p>As paragraph 14.6.9 of the ES explains, the drainage strategy has been considered as embedded mitigation. As such, the drainage strategy has been included as part of the detailed design of the</p>

	<p>application?</p> <ul style="list-style-type: none"> <li>• Should a drainage strategy document be included as a certified document or provided pursuant to a requirement in the dDCO?</li> </ul>	<p>Scheme and no separate strategy is required.</p> <p>Details of the drainage strategy can be found in paragraphs 14.6.7 – 14.6.34, 2.9 – 2.9.12 and Figure 2.10 of the ES.</p> <p>The Applicant considers that, other than the drainage strategy as part of the embedded mitigation, no further drainage strategy is required. There is therefore no drainage strategy document to include as a certified document, or to which a dDCO requirement could refer.</p>
1.11.4	<p>Climate Change and Non-routine Run-off Events “Routine runoff” has been assessed by the Applicant in ES Chapter 14 [APP-018] but an assessment of potential exceptional or non-routine runoff is not made clear.</p> <ul style="list-style-type: none"> <li>• Have exceptional or non-routine run-off events been assessed?</li> </ul>	<p>‘Routine runoff’ in this context refers to rainwater drained from the road surface, because this is what the drainage system is designed to deal with. The distinction is with the ‘spillage risk assessment’, which considers the risk of non-routine events such as the risk of accidental spillages of chemicals, fuels etc. onto the road surface caused, for instance, by road accidents, which would then make their way into the drainage system.</p> <p>There are two main environmental concerns considered in the assessment of routine run-off:</p> <ul style="list-style-type: none"> <li>• in low-flow conditions in the watercourse, the potential issue is lack of dilution of contaminated water drained from the road and consequent high concentrations in the watercourse; and</li> <li>• in high-flow conditions after significant rainfall, the potential issue is flood risk.</li> </ul> <p>The assessment therefore focuses on these two boundary events; low (rather than typical) flows for water quality, and high (rather than</p>

		<p>typical) flows for flood risk.</p> <p>The approach taken to assessment of impacts from runoff on the receiving water environment is that required by the Design Manual for Roads and Bridges HD45/09 and principally the application of the HAWRAT method (Method A). That guidance considers the effects of routine runoff by consideration of average annual traffic volume as the primary source of pollution and the effect on the water environment is taken into account through use of Q95 to represent low flows and therefore limited dilution, resulting in an assessment of what is considered to be a worst-case.</p> <p>Exceptional or non-routine runoff might also include events which increase the pollutant load within the drainage catchments. This is considered by assessment of the likelihood of accidental spillage as per the approach specified in the Design Manual for Roads and Bridges HD45/09 (Method D).</p> <p>At the other end of the spectrum, exceptional or non-routine runoff might derive from significant storm events. The effect of these on flood risk are considered and managed through the drainage design. The effect of these on water quality are not explicitly considered because there would be greater dilution of pollutants in both the runoff and receiving watercourses and hence the overall impact on the receiving water environment would be lower than assessed using the standard Method A approach specified in the Design Manual for Roads and Bridges HD45/09.</p> <p>In relation to flood risk, the drainage system and attenuation pond are designed to deal with a 1-in-100-year rainfall event, with an additional</p>
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		<p>allowance of 20% for climate change. The ponds do have sufficient 'freeboard' to retain more water than this, although beyond this point the attenuation of discharge to greenfield rates is not guaranteed.</p>
<p>1.11.5</p>	<p>Climate Change and Catchment 3: Retention of the Existing Drainage Network Paragraphs 2.9.1 of the ES [APP-0189] states that '[t]he existing drainage [for Catchment 3] was installed in the early 1970s and does not meet modern standards in relation to either flood risk or protection of the local watercourse from pollution', and yet paragraph 2.9.12 states that '[a]ssessment has indicated that attenuation and treatment are not required for this catchment'.</p> <ul style="list-style-type: none"> <li>• Can the applicant clarify where this assessment is presented, how this conclusion has been reached and explain what works are proposed to be undertaken with reference to the drainage design at catchment 3?</li> </ul>	<p>A description of the drainage is presented in Section 2.9, referencing Figure 2.9 showing the existing drainage system and proposed drainage system. There is additional information presented in Chapter 14, which also includes the assessment of the impact of Catchment 3 on flood risk and protection of the local watercourse from pollution.</p> <p>The assessment of whether the existing drainage meets modern standards was made on the basis that when the road was built the drainage system installed at the time carries the surface runoff to the outfall via a carrier drain system and does not include measures to control runoff or water quality, which are now standard.</p> <p>From a flood risk perspective, the attenuation provided for Catchments 1 and 2 ensures that the overall runoff from the additional paved areas</p>

- How have climate change allowances been factored into the assessment of effects on Catchment 3 in respect of which the applicant identifies that the existing drainage network will continue to be used for discharge?

within the Scheme is restricted to greenfield rates and the runoff from the existing paved areas is restricted to a rate lower than existing, which provides benefit through reduced flows to ultimate receiving watercourses for all events that produce runoff above this flow rate. Further, the attenuation proposed provides treatment of pollutants such that the proposed drainage meets water quality standards as defined by the Design Manual for Roads and Bridges HD45/09 and principally the application of the HAWRAT method (Method A).

The area of Catchment 3 itself, is reduced substantially (42%), as presented in 14.6.16, though the network in Catchment 3 also receives runoff at restricted at greenfield rates from the attenuation pond in Catchment 2, which is then routed through Catchment 3. North and downstream of the northern Scheme extents, the existing drainage network receives flows from Catchment 3 before discharging to the River Don approximately 1km further north. This existing outfall to the Don also receives flows from the A19 north of the Don. Overall, the flows that the existing network must deal with are reduced substantially from the existing case, which is considered to reduce the pressure on the existing drainage system where it is utilised. The existing drainage system receiving flows from the Scheme and the A19 north of the scheme does not include measures to control runoff and in this regard would not meet modern standards.

All catchments have been modelled in MicroDrainage software, including allowances for climate change. The size of the attenuation ponds has incorporated the effect of climate change.

## **ANNEX 1**

Letter from Northern Powergrid to Highways England dated 28 November 2017



Tuesday, 28 November 2017

Shiremoor Depot  
Newcastle upon Tyne  
NE27 0LP

lee.thompson@northernpowergrid.com

Paul Ahdal  
Highways England  
Regional Investment Programme (RIP) North  
8 City Walk  
Leeds  
LS11 9AT

Our Ref: ENQ5336793

Dear Paul,

**Highways England Investment Works, A19 Testo's, West Boldon - Northern Powergrid Diversions.**

Within the accepted quotation ENQ5336793, Revision 1.1, dated 4<sup>th</sup> January 2017 I can confirm that due consideration and suitable proposals has been agreed so that the multiple Northern Powergrid operational assets affected by Highways England Investment Works, A19 Testo's, West Boldon are suitably diverted.

The to be 66kV diverted circuits derive their point of supply from West Boldon 275/66kV Grid Supply Point (GSP). The 275kV supply is brought into the GSP by National Grid after which this is transformed via four super grid transformers to Northern Powergrid at 66kV. At the 66kV Point of supply Northern Powergrid supply in excess of 145,000 customers via interconnected tower lines, underground cables and electrical apparatus as such this GSP forms a strategically critical part of Northern Powergrid's distribution network.

The close liaison and co-ordination between Highways England and Northern Powergrid has ensured that the multiple overhead tower line and wood pole 66kV circuits can be suitably diverted in advance of Highways England's commencement of works at A19 Testo's, West Boldon. This assists Northern Powergrid in operating its network, maintaining the quality and continuity of supply to its customers and its obligations as a Distribution Network Operator. Equally as important by undertaken the multiple diversions in advance this assists with the safe working of personnel/construction workers throughout the road investment construction works.

As such Northern Powergrid are suitably satisfied that we have been afforded the opportunity by Highways England to duly consider the road investment scheme at Testo's to enable us to undertake design works and offer suitable alternative proposals as per the accepted quotation ENQ5336793, Revision 1.1, dated 4<sup>th</sup> January 2017. As a result of these negotiations we are content with the form of the protective provisions as drafted affecting our apparatus as contained in the draft Development Consent Order and have decided not to take part in the examination process for the A19 Testo's, West Boldon scheme.

Yours sincerely

Lee Thompson

Project Manager, Primary Engineering Projects

**NORTHERN POWERGRID**

is the trading name of Northern Powergrid (Northeast) Ltd (Registered No: 2906593) and Northern Powergrid (Yorkshire) plc (Registered No: 4112320)

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