

**A19 / A184 Testo's Junction Improvement
TR010020
7.11 Statement of Common Ground
South Tyneside Council**

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

A19 / A184 TESTO'S JUNCTION IMPROVEMENT

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

STATEMENT OF COMMON GROUND - SOUTH TYNESIDE COUNCIL

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A19 / A184 Testo's Junction Improvement Development Consent Order

Planning Inspectorate Reference: TR010020

Statement of Common Ground

Between

HIGHWAYS ENGLAND

and

SOUTH TYNESIDE COUNCIL

Document control			
Document properties			
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1 Introduction and Purpose

1.1 Purpose of Statement of Common Ground

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

- 1.1.7 Highways England is an Executive Agency of the Department for Transport, and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport. The network is made up of England's motorways and all-purpose trunk roads (the major "A" roads). The A19 road in South Tyneside, including the Testos Junction, is part of the trunk road network for which HE is responsible. Following the Scheme, HE will be responsible for operating, maintaining and improving the A19 a modified.
- 1.1.8 Highways England and South Tyneside Council are collectively referred to in this SOCG as 'the parties'. The parties have been, and continue to be, in direct communication in respect of the interface between the proposed Development and the [INSERT AS APPROPRIATE – e.g. LAND IN THE OWNERSHIP OF THE STAKEHOLDER, PLOT NUMBER XX].
- 1.1.9 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.10 Subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the 'Document Control' table at the beginning of the document.

1.2 The role of South Tyneside Council and the DCO application

- 1.2.1 South Tyneside Council is the local authority for the land within the DCO boundary of the Scheme.

1.3 The Development location and description

- 1.3.1 The Development site lies approximately 4km south of the Tyne Tunnel entrance at Jarrow and is located in South Tyneside. It lies in a narrow belt of countryside that separates the urban areas of South Tyneside and Sunderland. Residential areas lie in close proximity to the Development location, at Fellgate and Hedworth to the northwest, at Boldon Colliery to the northeast. A business park lies adjacent to the Scheme to the northeast. Southeast of Downhill Lane Junction is the residential area of Town End Farm. All the adjacent land to the west is agricultural with the exception of a car-hire business adjacent to the A184. To the East there are three Local Wildlife Sites, and an electricity sub-station.
- 1.3.2 The Development site comprises approximately 30.4 hectares of land. The area in which the proposed Development would be located comprises land that already forms the A19, however in order to protect sensitive site adjacent to the east side of the road, the A19 would be widened asymmetrically, mainly to the west and its new centre-line would therefore be located slightly west of the existing centre-line.
- 1.3.3 The A19 carriageway would be raised to an elevation of 7.5m above ground level, passing over an enlarged roundabout and linked to it by slip roads. Traffic on the A19 would flow freely above the roundabout, while traffic using the A184 would still travel around the roundabout. The carriageway would be raised to this height on approach ramps from north and south of the roundabout.
- 1.3.4 The proposed Development comprises the 'principal development' - which includes all of the highway works as more fully described in Schedule 1 of the draft Development Consent Order accepted for examination by the Planning

Inspectorate and 'associated development', comprising other development that has a direct relationship with the principal development and is required to support its construction and/or operation.

2 Consultation with South Tyneside Council

- 2.1 The parties have been engaged in consultation since the inception of the proposed Scheme. Early correspondence dates back to 2004 with significant consultation also occurring towards the end of 2014 and early 2017.
- 2.2 A summary of recent key meetings and correspondence between the parties can be found in the table below:

Table 2.1: Previous Engagement

Date	Form of Contact	Summary
2004	Letter	Consultation on in accordance with EIA Regulations that were applicable at the time, regarding the development and selection of options.
2005	Letter	Consultation regarding the selection of options.
2006-7	Various	Informal consultation during detailed EIA studies
2009	Letter	Formal consultation on three scheme options.
2014	Letter	Formal consultation on EIA scope, through the Planning Inspectorate, in accordance with EIA Regulations.
10/10/14	Letter	Section 42 consultation including Section 48 Notice, preliminary environmental information and consultation leaflet.
06/03/2017	Letter	Formal response to Statutory Consultation
10/05/2017	Letter	HE sent the draft DCO documents to STC for comment
07/11/17	Meeting	Meeting to discuss drafting of this SoCG, the draft DCO, Local Impact Report and matters arising from previous consultations.

21/11/17	Meeting	Meeting to discuss drafting of this SoCG, the draft DCO, Local Impact Report and matters arising from previous meeting
05/12/2017	Meeting	Meeting to discuss drafting of this SoCG, the draft DCO, Local Impact Report and matters arising from previous meeting

3 Matters which are agreed between the parties

3.1 This section of the SOCG describes the 'matters agreed' in detail between the parties.

3.1.1 This is a draft SoCG. The final signed version will be submitted to the Examining Authority before the examination closes. The parties are working to finalise this statement for Deadline 5, if not before.

3.1.2 Economic growth and Transportation

(a) It is agreed that the Traffic Assessment (DCO document TR010020/7.4) dated July 2017 adequately assesses the impact of the proposed Scheme.

(b) It is agreed that the proposals are in substantial accordance with the Local Development Plan, Draft Local Plan and Strategic Economic Plan

3.1.3 Noise and Vibration

(a) It is agreed that the noise methodology used in the ES is in accordance with HD 213/11 in determining the noise impacts of construction vibration, construction and operational noise.

(b) It is agreed that exception to standard operating times shall be agreed in consultation between Highways England and STC prior to operation including proposed mitigation measures.

3.1.4 Geology, Soil and Ground Conditions

(a) It is agreed that Chapter 10 of the V1 Environmental Statement (ES) submitted with HE's application has adequately assessed the potential for land contamination and, should any unsuspected contamination be discovered during construction, the mitigation measures in terms of pollution control measures and the assessment of potential impacts on flow paths from underground work/structures will be dealt with in a satisfactory manner

(b) It is agreed the proposed pollution control measures as set out in the draft Construction Environment Management Plan (CEMP) are adequate to

mitigate concerns to human health from contamination left from unsuitable fill material.

3.1.5 Materials

- (a) It is agreed that the CEMP to be produced in accordance with Requirement 4 will include a Site Waste Management Plan (SWMP), a Materials Management Plan (MMP) and a soils management plan. Highways England must, under Requirement 4, consult with STC as the relevant planning authority.
- (b) It is agreed that a traffic management plan will be produced in accordance with Requirement 10 and STC will be consulted on the draft traffic management plan as the relevant planning authority. The traffic management plan will include the transportation of materials and waste during construction.

3.1.6 Air Quality

- (a) It is agreed that the methodology used in Chapter 6 of the Environmental Statement is in accordance with HA207/07.
- (b) It is agreed that the CEMP to be produced in accordance with Requirement 4 will include a dust, noise and nuisance management plan. Highways England must, under Requirement 4, consult with STC as the relevant planning authority.

3.1.7 Landscape and Visual Impacts

- (a) It is agreed that the methodology used to assess the impacts in Chapter 8 of the ES is sufficient.
- (b) STC are satisfied that the loss of any trees subject to TPOs will be mitigated as set out in the REAC and that under Requirement 5 the landscape scheme must reflect the mitigation measures set out in the REAC.

3.1.8 Highways England must, under Requirement 5, consult with STC as the relevant planning authority on the landscaping scheme.

3.1.9 Archaeology and Cultural Heritage

- (a) It is agreed that the methodology used for the archaeological chapter of the ES is satisfactory.
- (b) It is agreed that the impacts foreseen are of a negligible and low value.
- (c) It is agreed that HE will undertake remedial works to restore the land to its former agricultural state, with the land accommodated by the site compound / storage areas to also have restoration.

3.1.10 Ecological and Nature Conservation

- (a) Under Requirement 7, Highways England must consult with Natural England on a scheme of protection and mitigation measures.

3.1.11 Road Drainage and Water Quality

- (a) It is agreed that STC have been consulted adequately in their role as Lead Local Flood Authority.
- (b) It is agreed that the flood risk assessment (FRA) that has been carried out is appropriate to the scale and nature of the Scheme.

3.1.12 Construction Traffic

- (a) It is agreed that statutory consultees, including STC, will work collaboratively with HE to produce the Traffic Management Plan (TMP).

3.1.13 Road Safety

- (a) It is agreed that the Scheme offers significant road safety improvements to non-motorised users.
- (b) HE will provide Road Safety Audit reports to STC for information. STC will also have the opportunity to be involved in future Road Safety Audits.

3.1.14 Development Consent Order

- (a) STC are satisfied with the wording of Art 36. It is agreed that Requirement 5 will ensure that any trees subject to a TPO that are to be removed will be mitigated as set out in the REAC.
- (b) STC Are content with the proposed amendments to Requirement 9 as set out in TR010020/App/3.1(2).

3.1.15 Notwithstanding the above, STC reserves its position on who would be the appropriate entity to discharge requirements on the DHL DCO and the forthcoming IAMP DCO.

4 Matters under discussion

4.1 STC and Highways England remain in discussion regarding the comments and observations made by STC in their Local Impact Report. As part of this discussions are ongoing regarding operational aspects of the Scheme and the effect on the local road network.

4.2 Articles 10(1) and (2) provide that any street to be constructed, altered or diverted must be completed to the reasonable satisfaction of the local highway / street authority. Any street to be constructed, altered or diverted is to be maintained by the local highway / street authority, unless otherwise agreed between the parties. Highways England has agreed that it will be responsible for any latent defects which might arise in the first 12 months following completion. Whilst this matter is agreed in principle between the parties, the way in which this arrangement is to be documented is yet to be agreed; STC and Highways England are actively engaging with each other in order to determine this.

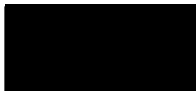
4.3 STC and Highways England remain in discussions in relation to ecological mitigation measures.

5 Matters not yet agreed

5.1 There are no fundamental matters between the parties which are not agreed.

Signed on Behalf of HIGHWAYS ENGLAND

Signature:



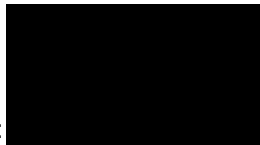
Name: Paul Ahdal

Position: Senior Project Manager

Date: 18th December 2017

Signed on Behalf of South Tyneside Council

Signature:



Name: George Mansbridge

Position: Head of Development Services

Date: 18th December 2017

[Appendices if necessary / as appropriate]