

A19 / A184 Testo's Junction Improvement TR010020

7.12 Applicant's comments on Written Representations

Planning Act 2008

Rule 8(1)(c)(i)

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[]

APPLICANT'S COMMENTS ON THE WRITTEN REPRESENTATIONS

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| Regulation Number: | Rule 8(1)(c)(i) |
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| Application Document Reference | TR010020/APP/7.12 |
| Author: | A19 Project Team, Highways England & Jacobs |

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| National Grid Written Representation | Highways England (the Applicant) Response |
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| <p>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. Highways England will be required to regularise any changes to the land arrangements under the terms of the protective provisions and in line with the approved details.</p> | <p>As stated in the Statement of Common Ground (SoCG) between the Applicant and NGET (document reference TR010020/APP/7.5), the form of protective provisions is not yet agreed but negotiations are ongoing and agreement is expected shortly as there are few outstanding issues.</p> |
| <p>NGET expects the process of approval required under the protective provisions process to also apply to this area such that detailed design is submitted to NGET for approval.</p> | <p>As above.</p> |
| <p>NGET is seeking confirmation of these arrangements with Highways England, which may result in some changes to the draft DCO, once agreed. At this time, NGET understands that the principal matter will be details of appropriate fencing to be provided as part of the works to provide safe barrier to the permanent land that is required for the widening.</p> | <p>As above.</p> |
| <p>The protective provisions that are currently included within the draft Order for the benefit of electricity, gas, water and sewage undertakers are not agreed by NGET at this time.</p> | <p>As above.</p> |
| Environment Agency Written Representation | |
| <p>This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies.</p> | <p>As stated at paras 3.1.2 and 3.1.3 of the SoCG between the Applicant and the Environment Agency (the EA) (document reference TR010020/APP/7.6), environmental permits will be applied for by HE where necessary.</p> |
| <p>It has been agreed through a joint Statement of Common Ground (SoCG) between the Environment Agency and Highways England that the necessary permits from the Environment Agency will be applied for.</p> | <p>This is correct – see above.</p> |
| <p>Waste transported to and from the development must only be carried by a registered waste carrier. For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environmental Permit (unless the activity is exempt from the need for a permit).</p> | <p>No waste would be transported to the development.</p> <p>The Applicant acknowledges that any waste transported <i>from</i> the development would be carried by a registered waste carrier.</p> <p>With respect to the waste recovery plan, this is an element of the requirements for the Environmental Permit which the Applicant will apply for following receipt of Development</p> |

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| | <p>Consent, assuming no exemption applies.</p> <p>The Applicant is in discussions with the EA with regards to any environmental permits that may be required for the Scheme.</p> |
| <p>Environment Agency are currently seeking clarification from national teams on the use of the Highways Agency (now referred to as Highways England) Water Risk Assessment Tool (HAWRAT) and if it adequately addresses the risk of pollutants and accident spills to the receiving River Don watercourse. Potentially further mitigation measures may be required to ensure, as a minimum, that planned activities will not:</p> <ul style="list-style-type: none"> - Cause deterioration of the status (or potential) for each quality element. - Prevent the ability for the achievement of environmental objectives set out in the River Basin Management Plan (RBMP). | <p>The Applicant acknowledges that the EA is consulting internally on the use of HAWRAT. The current status of HAWRAT is that it is the nationally-recognised methodology for assessing the risk of impacts on water quality from road drainage.</p> <p>The EA, as well as other stakeholders, was consulted and included in development of the methodology. While HAWRAT may in time come to be replaced, until there is a new agreed methodology in place, HAWRAT remains the only appropriate methodology to use.</p> <p>In relation to the Scheme, the EA was consulted by PINS on the scope of the EIA and was content at the time with the application of HAWRAT.</p> |
| <p>South Tyneside Council Written Representation</p> | |
| <p>Q29 – A concern regarding no defects liability period prior to any handover from Highways England to South Tyneside Council</p> | <p>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. The Applicant has agreed that it will be responsible for any latent defects which might arise in the first 12 months following completion; this is confirmed in the SoCG between the Applicant and STC (document reference TR010020/APP/7.11).</p> |
| <p>Q51 – A concern regarding no duty for replacement TPO planting to be provided/ agreed</p> | <p>As set out in the Applicant’s response to Q51 submitted to the ExA at Deadline 1, under Requirement 5, a landscaping scheme must be prepared which reflects the mitigation measures set out in the REAC.</p> <p>The REAC is “the Register of Environmental Actions and Commitments (Appendix 1.2 of the ES, Application Document TR010020/APP/6.3). In particular, the REAC states the following:</p> <p><i>“...Provision of woodland planting to the northwest of the new junction to offset loss of TPO woodland at Mount Pleasant Marsh Local Wildlife Site (LWS) and along Bridleway B46, and to align with the aspirations of the Great North Forest Plan.”</i></p> <p><i>“P3.7 Mitigation planting to replace lost woodland and trees at Mount Pleasant</i></p> |

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| | <p><i>Marsh LWS / West Boldon Substation West TPO No.208"</i></p> <p>Under Requirement 5 the Applicant must consult with the local planning authority regarding the landscaping scheme.</p> <p>As such the Applicant considers that there is a duty for replacement tree planning to be provided and that this will be discussed with the local planning authority.</p> |
| Q70 – support was given to the approach the ExA was suggesting at the bullet point for this question concerning timescales referred to in requirement 9 dealing with archaeology. | The Applicant has noted the ExA's comment and STC's comment. The Applicant has amended Requirement 9 to address the concern and an amended version of the dDCO was submitted to the ExA on 28 November at Deadline 1. |
| Groundwork South Tyneside & Newcastle Written Representation | |
| It is noted NGET have already stated that specific protective provisions will be required to be included within the Order to ensure that operational activities and land maintenance interests are adequately protected and comply with relevant safety standards. | The mechanism for acquiring rights to be secured in NGET's (freehold) land will be via protective provisions (currently being discussed) unless sufficient rights are already available to Northern Powergrid and Groundwork (under their existing lease arrangements) and subject to any landlord (NGET) consent required. It is anticipated that agreement will be reached on the protective provisions as there are few outstanding points. |
| A perimeter fence has already been agreed with the applicant as part of the application, the construction, specification and final positioning of the fence is still to be confirmed and agreed. The specification of the fence will need to take into consideration mitigation of any increased noise pollution at key delivery areas of the site, ensure security and enable wildlife to access and egress the site. | The Applicant confirms that a perimeter fence will be provided. The Applicant will continue discussions with GWSTAN as regards the construction, specification and final positioning. |
| The land proposed to be permanently and temporarily acquired by the Applicant will cause disturbance and loss of natural environmental habitat to the value of £33k as well as the loss of a footpath on the west side of the site. | The Applicant would be keen to understand the valuation of the disturbance and loss in order to mitigate this loss as far as practicable. As discussed with GWSTAN the Applicant has agreed to reinstate (by clearance) a replacement path on completion of the required works. The temporary loss of the existing path to the west of the site has been noted during site visits and meetings with GWSTAN. |
| The reinstatement of the footpath has been agreed with the applicant but again the specification and positioning of the path is still to be confirmed and agreed. | See above. The specification and position of the path will be agreed in due course. |
| Further discussions need to be held regarding the works to drainage also considering the extra surface water and how this will affect the site, especially the north side where the wet meadow lies. | Noted. The existing pipe which runs east from the roundabout across NGET land to the outfall into the Don will remain in use as it has a number of connections from field drainage and other unknown sources, however, current |

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| | proposals aim to reduce the flow in the pipe significantly by reducing the area of highway draining into the pipe. |
| GWSTAN will be working with the Applicant on a potential Joint Statement and Statement of Common Ground. | A SoCG with GWSTAN is not anticipated at this time as matters relating to GWSTAN have been incorporated into discussions with NGET. Discussions continue between the Applicant and GWSTAN. |
| International Advanced Manufacturing Park Written Representation | |
| IAMP LLP is working with Highways England to prepare an update to application document 7.3, <i>Interrelationship with Downhill Lane junction and International Advanced Manufacturing Park</i> to inform the Examining Authority. | The Applicant confirms that it is continuing to work with IAMP LLP on the <i>Interrelationship with Downhill Lane junction and International Advanced Manufacturing Park</i> document (document reference TR010020/APP/7.3). An updated document 7.3 has been submitted for Deadline 2. |