

**A19 / A184 Testo's Junction Improvement  
TR010020  
7.11(1) 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[ ]

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### STATEMENT OF COMMON GROUND - SOUTH TYNESIDE COUNCIL

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<b>Regulation Number:</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010020
<b>Application Document Reference</b>	TR010020/APP/7.11(1)
<b>Author:</b>	A19 Project Team, Highways England & Jacobs

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	January 2018	Updated for Examination Deadline 3
Rev 0	December 2017	Submitted for Examination Deadline 2

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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**

<b>Document control</b>			
<b>Document properties</b>			
<b>Parties</b>		<b>Highways England and South Tyneside Council</b>	
<b>Author</b>		<b>Highways England</b>	
<b>Approved by</b>		<b>Paul Ahdal (HE) &amp; George Mansbridge (STC)</b>	
<b>Title</b>		<b>Draft Statement of common ground between Highways England and South Tyneside Council</b>	
<b>Document reference</b>			
<b>Version history</b>			
<b>Date</b>	<b>Version</b>	<b>Status</b>	<b>Description/changes</b>
<b>18/12/17</b>	<b>0</b>	<b>Draft</b>	<b>Provided at Deadline 2</b>
<b>18/01/18</b>	<b>1</b>	<b>Draft</b>	<b>Provided at Deadline 3</b>

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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, collectively referred to in this SOCG as ‘the parties’.
- 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 It is envisaged that this is the final SoCG required between the parties on this DCO application.

## **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**

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
2004	Letter	Consultation on in accordance with EIA Regulations that were applicable at the time, regarding the development and selection of options.
2005	Letter	Consultation regarding the selection of options.
2006-7	Various	Informal consultation during detailed EIA studies
2009	Letter	Formal consultation on three scheme options.
2014	Letter	Formal consultation on EIA scope, through the Planning Inspectorate, in accordance with EIA Regulations.
10/10/14	Letter	Section 42 consultation including Section 48 Notice, preliminary environmental information and consultation leaflet.
06/03/2017	Letter	Formal response to Statutory Consultation
10/05/2017	Letter	HE sent the draft DCO documents to South Tyneside Council 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
16/01/2018	Meeting	Meeting to discuss outstanding matters in relation to the application
16/01/2018	Meeting	Meetings with South Tyneside Council Countryside Officer, Tree Inspector and Senior Planning Officer to discuss ecological impacts, secured mitigation, TPOs and Landscaping.

### **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 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

#### 3.1.2 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 South Tyneside Council prior to operation including proposed mitigation measures.
- (c) It is agreed that for the operational phase of the Scheme no further noise monitoring is necessary.

#### 3.1.3 Geology, Soil and Ground Conditions

- (a) It is agreed that Chapter 10 of the V1 Environmental Statement (ES) submitted with Highways England 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.

#### 3.1.4 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 South Tyneside Council as the relevant planning authority.
- (b) It is agreed that a traffic management plan will be produced in accordance with Requirement 10 and South Tyneside Council 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.

#### 3.1.5 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.

#### 3.1.6 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) South Tyneside Council 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.
- (c) Highways England must, under Requirement 5, consult with South Tyneside Council as the relevant planning authority on the landscaping scheme.

#### 3.1.7 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.

### 3.1.8 Ecological and Nature Conservation

- (a) In the Statement of Common Ground submitted by South Tyneside Council and HE for Deadline 2, it was noted that South Tyneside Council and Highways England remained in discussion in relation to ecological mitigation measures.
- (b) South Tyneside Council at Deadline 2 indicated in its Local Impact Report a “negative impact” on ecology and nature conservation. To be clear, this is not because South Tyneside Council objects to the Scheme and its proposed mitigation on ecology grounds, but because the proposed mitigation will require time to establish and reach its full potential.
- (c) At Deadline 2, Highways England submitted amendments to requirements 4 (CEMP), 5 (Landscaping) and 7 (Protected Species), to address comments made by the ExA and third parties prior to that deadline.
- (d) It is agreed that the operation of these requirements, and the application documents to which they refer, is as follows:
- (i) The Register of Environmental Actions and Commitments (“REAC”, at appendix 1.2 of the Environmental Statement) contains all of the mitigation commitments made in the ES. This is the primary mechanism to ensure that environmental mitigation is secured by the Order. The REAC will be certified by the Secretary of State as part of the ES in accordance with Article 40.
- (ii) A CEMP must be produced and no part of the authorised development can commence until a CEMP has been approved in writing by the Secretary of State. The CEMP must:
- be substantially in accordance with the outline CEMP submitted with the application (TRO10020/7.2) and certified as the outline CEMP by the Secretary of State under Art 40;
  - reflect mitigation matters in REAC and must include the management plans set out at Requirement 4(d);
  - contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;
  - include a suite of management plans, set out in outline form in the appendices to the outline CEMP, and to be developed as part of the production of the CEMP.

- (iii) Highways England must, in accordance with Requirement 4, consult with South Tyneside Council, as the relevant planning authority on the content of the CEMP (including the management plans), prior to seeking approval on them from the Secretary of State.
  - (iv) Requirement 5 requires a landscape scheme to be prepared and this again must reflect the mitigation measure set out in the REAC and be based on the illustrative environmental masterplan annexed to the ES.
  - (v) Highways England must consult with South Tyneside Council on the contents of the landscape scheme prior to submitting it to Secretary of State for approval.
  - (vi) Requirement 7 provides a mechanism for managing impacts of the scheme on protected species.
- (e) In light of the above, South Tyneside Council is content that the measures and processes to be developed by Highways England under those requirements, including consultation with South Tyneside Council, enables its comments to be satisfactorily addressed in due course through the discharge of the requirements.
  - (f) It is agreed that no further changes to the requirements are needed to address South Tyneside Council's comments concerning ecology and nature conservation.

#### 3.1.9 Road Drainage and Water Quality

- (a) It is agreed that South Tyneside Council 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.

#### 3.1.10 Construction Traffic

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

#### 3.1.11 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 South Tyneside Council for information. South Tyneside Council will also have the opportunity to be involved in future Road Safety Audits.

3.1.12 Development Consent Order

- (a) South Tyneside Council 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) South Tyneside Council Are content with the proposed amendments to Requirement 9 as set out in TR010020/App/3.1(2).
- (c) South Tyneside Council and the Applicant have had further discussions regarding Articles 10(1) and (2). It is agreed that any street to be constructed, altered or diverted is to be maintained by the local highway / street authority, unless otherwise agreed between the parties. It is agreed that Highways England will be responsible for any latent defects which might arise in the first 12 months following the completion. This commitment will be included in a side agreement between Highways England and South Tyneside Council. It is agreed no amendments are required to the DCO on this matter.
- (d) South Tyneside Council is satisfied with the drafting of the DCO and that its concerns have been satisfied by Highways England's responses to them on this matter.

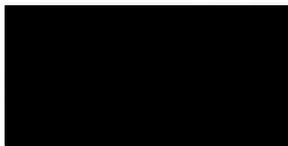
3.1.13 Notwithstanding the above, South Tyneside Council reserves its position on who would be the appropriate entity to discharge requirements on the DHL DCO and the forthcoming IAMP DCO.

**4 Matters not yet agreed**

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

Signed on Behalf of HIGHWAYS ENGLAND

Signature:



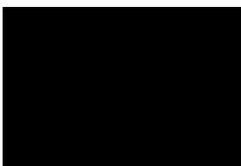
Name: Paul Ahdal

Position: Senior Project Manager

Date: January 2018

Signed on Behalf of South Tyneside Council

Signature:



Name: George Mansbridge

Position: Head of Development Services

Date: January 2018