

A19 / A184 Testo's Junction Improvement TR010020

**7.14 Written Submission of Applicant's case put orally at the
Open Floor Hearing on 16 January 2018**

Planning Act 2008

Rule 8(1)(k)

Infrastructure Planning (Examination Procedures) Rules 2010



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

A19 / A184 TESTO'S JUNCTION IMPROVEMENT

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

WRITTEN SUBMISSION OF APPLICANT'S CASE PUT ORALLY AT THE OPEN FLOOR HEARING ON 16 JANUARY 2018

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A19/A184 TESTO'S JUNCTION IMPROVEMENT PROJECT

OPEN FLOOR HEARING

16 JANUARY 2018 AT 18:00

QUALITY HOTEL BOLDON, TYNE AND WEAR

1 Introduction

- 1.1 This document summarises the case put by Highways England (**the Applicant**), at the Open Floor Hearing (**OFH**) which took place at The Quality Hotel Boldon, Witney Way, Boldon, Tyne and Wear on 16 January 2018.
- 1.2 In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for the OFH set out in the Examining Authority's (**ExA**) letter which was published on the Planning Inspectorate's website on 9 January 2018.

2 Agenda Item 1 - Welcome, Introductions and Arrangements for the OFH

- 2.1 Tom Henderson (**TH**), Partner at Bircham Dyson Bell LLP, who was representing the Applicant at the OFH, introduced the Applicant. In particular, TH introduced Phil Emison (**PE**), a Senior Agent within the Infrastructure Division at Costain, who TH noted would speak on construction matters, and Dan Johnston (**DJ**), a Senior Consultant at Jacobs, who TH noted would speak on matters relating to the Environmental Statement (**ES**) (**document reference TRO10020/APP/6.1**).

3 Agenda Item 2 - Representations by Mr Dennis Gilhespy [RR-002]

(a) what is the intended duration of construction works on the land adjacent to the house at West House Farm?

- 3.1 PE noted that the Applicant wanted to thank Mr Gilhespy for having taken an active role in the development of the Scheme over many years, noting that he had attended most if not all exhibitions and responded to consultations. PE noted that Mr Gilhespy had worked with the Applicant with regards to surveys which had been carried out on his land and had provided useful local knowledge.
- 3.2 PE noted that the Applicant and its representatives had attended West House Farm to discuss aspects of the Scheme with Mr Gilhespy on numerous occasions; the Applicant therefore considered that Mr Gilhespy had been kept well informed throughout the development of the Scheme and had a good understanding of the impacts of the Scheme both during construction and operation.
- 3.3 PE noted the Applicant's acknowledgement of the potential impacts the Scheme would have on Mr Gilhespy, particularly throughout the construction phase and confirmed that the Applicant would continue to work with him and other stakeholders to reduce those impacts wherever possible.
- 3.4 It was noted that the Applicant was currently working with Mr Gilhespy in order to resolve three matters which had been raised during recent discussions. There were two matters related to the

permanent highway boundary and access for maintenance of buildings and drainage. The third matter related to temporary possession of land which may impact on the security of the farm buildings. PE advised that it was the Applicant's intention to accommodate Mr Gilhespy's requests and to issue a letter of comfort to provide Mr Gilhespy with some assurance on those three matters.

- 3.5 The ExA requested that the letter of comfort also be provided to the ExA.
- 3.6 PE noted that a detailed description of the construction programme could be found in the outline Construction Environmental Management Plan (**CEMP**) (**document reference TRO10020/APP/7.2**) (section 4 and Appendix B) and also the ES Volume 1 (section 2.14).
- 3.7 In summary, the main construction activities in this area through 2019 would include: site clearance; construction of a haul road; and construction of the new northbound merge slip road and balancing pond.
- 3.8 PE summarised the expected timings of works as follows:
- 3.8.1 the demolition of West House Farm Accommodation Bridge would be one of the first activities following start of works; currently planned for early 2019.
 - 3.8.2 the new northbound slip road would come into operation from late 2019.
 - 3.8.3 the construction of the north embankment / flyover structure which would carry the realigned A19 would commence in late 2019 and continue until late 2020.
 - 3.8.4 the temporary land immediately adjacent to West House Farm would be in use throughout the construction programme, though the intensity of work in this area should decrease significantly in late 2020.
- 3.9 PE noted it was anticipated that the temporary land used near West House Farm would be in use for the majority of Scheme but would be reduced once the Scheme came towards the end in 2020.
- 3.10 PE noted that one activity which would have a particular impact on West House Farm was the demolition of West House Farm Accommodation Bridge. The ExA referred to the Applicant's response to the ExA's First Written Questions (**FWQ**) (**document reference TRO10020/APP/7.13**) and the fact that there was 10,000 cubic square metres of net fill to be removed near West House Farm as part of the bridge (and embankment) removal works; the ExA queried whether this would need to be done at all. The Applicant confirmed it had considered alternatives. The western embankment lies within the permanent Scheme footprint and would need to be removed to allow the A19 mainline to be constructed. The eastern embankment lies within the temporary land to facilitate the bridge demolition. There may be an option to remove some, but not all, of the eastern embankment (e.g. re-grading of the slop) and this remains under review.

(b) how will the effects of construction-related air emissions and particularly dust on the house, agricultural vehicles and equipment at West House Farm be controlled and how will complaints from the occupier be addressed?

(c) how will the effects of construction-related noise emissions on the residential occupation of the house at West House Farm be controlled and how will any complaints from the occupier be addressed?

(d) how will the effects of construction works at night and light emissions on the residential occupation of the house at West House Farm be controlled and how will any complaints from the occupier be addressed?

- 3.11 PE noted there was a degree of overlap between the above Agenda Items as the relevant mitigation measures would all be secured by Requirement 4 of the draft Development Consent Order (**DCO**) (**document reference TRO10020/APP/3.1**) and they were therefore discussed together (*although for the purposes of this note they have been partially separated - see below*). PE confirmed that Appendix G to the CEMP (Dust, Noise & Nuisance Management Plan) covered the noise, dust and light aspects referred to in Agenda Items 2(b) and (c).
- 3.12 PE explained that the environmental assessment for the Scheme had been produced in conjunction with the ECI contractor for the Scheme (Costain); the team that carried out the Environmental Impact Assessment had been led by Costain since the earliest stages of the project life cycle. Costain had written the outline CEMP and had based it on recent experiences of successfully delivering other major projects for the Applicant. The ExA noted this should mean that the assessment was technically informed.
- 3.13 It was noted that the CEMP applied to all receptors across the entire Scheme and would benefit all receptors which were listed as 'sensitive' (including for example Mr Gilhespy, and also the caravan site adjacent to West Pastures Lane). A list of sensitive areas identified to date are set out at para 8.1.2 of the outline CEMP.
- 3.14 PE explained that the outline CEMP and its associated appendices would be developed in more detail to form the final CEMP during preparation for construction of the Scheme, and would be kept under review throughout construction of the Scheme. It was also noted that South Tyneside Council (**STC**) would be consulted on the content of the CEMP.
- 3.15 The outline CEMP at paragraph 2.3 sets out 'Construction Environmental Roles and Responsibilities'. PE explained there would be a dedicated Community Liaison Manager (**CLM**) who would meet with the stakeholders, including those on the sensitive receptor list, and be the point of communication with the public more generally.
- 3.16 In terms of procedure in the event of a complaint, PE noted that the CLM would manage the complaint process whereby the complaint would be registered in accordance with the site complaints procedure. The CLM would then ensure the issue was responded to at the earliest opportunity by the appropriate member of the project team and a suitable action plan put in place.
- 3.17 Part of the CLM's role would be to inform those at sensitive receptors when particularly high levels of activity would be taking place. Following a comment by the ExA, the Applicant confirmed that it would produce a brief and "plain English" document which would set out the practicalities of how a person at a sensitive receptor should deal with noise and dust concerns.

Emissions and dust

- 3.18 Construction-related emissions to air including dust would not, with suitable mitigation strategies in place, be expected to result in significant effects on any receptor, as set out in paragraph 6.7.1, 6.7.3 and 6.8.1 of the ES:

- 3.19 The outline CEMP at page G3 specifies strategies for dust control.
- 3.20 In the event of an emissions or dust related complaint being received, the CLM and / or an appropriate member of the site team would discuss the matter at a time convenient to the occupier. Where necessary the Dust, Noise and Nuisance Management Plan would be reviewed and amended to mitigate the issue. This may involve a review of monitoring arrangements, site maintenance and/or construction activities including dust suppression measures.

Noise

- 3.21 The outline CEMP, page G2, also specifies strategies for noise control, embodied within the Dust, Noise and Nuisance Management Plan.
- 3.22 PE noted the ES predicted that West House Farm would be exposed to elevated noise levels during the construction of the Scheme. Potential adverse impacts would arise when works, in particular earth works and site clearance, occur in close proximity to the property.
- 3.23 The ES presents the "worst case scenario" noise level predictions, e.g. with plant assumed to be located at the nearest position to the sample receptors and with all plant operating simultaneously. However, in reality, the construction noise levels would likely be lower than those presented in the ES. In addition, given the transient nature of those aspects giving rise to highest predicted noise levels, such as earthworks and site clearance, the peak noise levels would only continue for a short period, i.e. a matter of days, with lower noise levels at other times of the construction programme.
- 3.24 It was noted that Requirement 4(2)(c) of the dDCO sets out the normal working hours for the Scheme, including matters that would take place outside of "core" hours. The working hours would also be set out in the final CEMP which as noted above, the relevant planning authority would be consulted on. The proposed working hours have already been discussed with STC and were included within the Local Impact Report submitted by STC at Deadline 2.
- 3.25 The occupier would be informed in advance of activities which may occur outside of the normal working hours and any particularly noisy activities which would be carried out in the vicinity of the house at West House Farm PE noted again that the Applicant would be willing to offer Mr Gilhespy alternative local accommodation for the duration of certain overnight operations, such as the demolition of West House Farm Accommodation Bridge. This is accordance with the Government guidance '*Compulsory Purchase and Compensation Booklet 5: Reducing the Adverse Effects of Public Development - Mitigation Works*' (2004).
- 3.26 In the event of a noise related complaint being received, the CLM and / or an appropriate member of the site team would discuss the matter at a time convenient to the occupier. Where necessary the Dust, Noise and Nuisance Management Plan would be reviewed and amended to mitigate the issue. This may involve a review of monitoring arrangements, the noise path from source to receiver, programme, type of construction plant and plant movements.

Lighting

- 3.27 The outline CEMP, pages G4 and G5, also specifies Strategies for visual intrusion and traffic control, embodied within the Dust, Noise and Nuisance Management Plan.

3.28 In the event of a nuisance related complaint being received, the appropriate member of the site team would discuss the matter at a time convenient to the occupier. Where necessary the Dust, Noise and Nuisance Management Plan would be reviewed and amended to mitigate the issue. This may involve a review of monitoring arrangements, the source of the nuisance (for example, temporary lighting), programme, type of equipment used and its location.

(e) where will construction materials, fill, soil and spoil be stored relative to the location of the house at West House Farm? Can a line of sight between the house and the agricultural buildings be retained and, if not, what measures will be put in place to ensure the ongoing security of the farm buildings?

3.29 The Applicant notes that the issue relating to line of sight was raised by Mr Gilhespy following submission of the application. The Applicant has reviewed the use of temporary land between the buildings and house at West House Farm and is confident that the required sight line could be maintained throughout the construction period. The Applicant confirmed that this would be expressed in the letter of comfort to Mr Gilhespy.

3.30 As set out in paragraph 2.8.6 of Addendum 1 to the ES:

“Temporary storage areas would be located in the fields either side of the A19, adjacent to the permanent works, and linked by additional haul roads”

3.31 The outline CEMP includes a Soil Management Plan (at Appendix K) which would be secured by Requirement 4 of the DCO.

(f) “The ExA may raise any other matters relating to the occupation of the house and, of the carrying on of the agricultural or haulage businesses at West House Farm during the construction period”

3.32 The above Agenda Item was not discussed in detail during the OFH and the Applicant had no further substantive comments which it wishes to make in relation to it

(g) Taking all matters relevant to the effects of the application proposal on West House Farm into account and noting Mr Gilhespy's stated intent to remain resident during the construction period [REP2-003]:

- ***can the Applicant assure the ExA that reasonable standards of residential amenity will be retained at the dwelling throughout the construction period and highlight how this is secured in the DCO: and***
- ***is there any possibility that Mr Gilhespy may need to leave the premises for a period due to the effects of construction works and if so, can his interests under his Agricultural Tenancy be protected?***

3.33 The Applicant acknowledges that the Scheme will have impacts on West House Farm during both construction and operation; these impacts are reported in the ES.

3.34 Whilst the Applicant has proposed mitigation to reduce the effects during construction and operation where it would be practicable to do so (which is also set out in the ES), inevitably there are some impacts which would remain.

- 3.35 The mitigation for adverse impacts would be secured primarily through the requirements in the DCO, principally Requirement 4 (CEMP) and Requirement 5 (landscaping).
- 3.36 The Applicant has communicated with Mr Gilhespy on what impacts would be expected and understands that he is content with what is proposed regarding his residence. In addition, as noted above the Applicant has offered to make temporary alternative accommodation available to Mr Gilhespy.
- 3.37 PE noted that the Church Commissioners (the freehold owner of the West House Farm site) had been informed of the Scheme. The Applicant, following discussions with Mr Gilhespy, considered that there would be no impact on Mr Gilhespy's agricultural tenancy.

Other comments from the Applicant

- 3.38 TH confirmed that the Applicant had no further comments in relation to Agenda Item 2.
- 3.39 Mr Gilhespy also confirmed that he had nothing further to add and that he was satisfied with what had been discussed.

4 Agenda Item 3 - Representation by any Other IPs

Mr Cleary's Submissions

- 4.1 The ExA noted that on his site inspection he had observed works being carried out by Northern Powergrid (**NPG**) in advance of the Scheme. PE confirmed this position.
- 4.2 The ExA noted that it would be helpful if Mr Cleary's concerns relating to the ongoing NPG works could be passed on to NPG by the Applicant; the Applicant agreed to do so.

5 Agenda Item 4 - Review of Issues and Actions Arising

- 5.1 The Applicant acknowledged that its actions following the OFH include
- (a) sending a letter of comfort to Mr Gilhespy;
 - (b) preparing a reference document for individuals (including Mr Gilhespy) who would be affected by the Scheme setting out the practicalities of how to deal with noise and dust concerns.