

A19/A184 Testo's Junction Improvement TRO10020

Planning Act 2008

Rule 8(1)(j) of the Infrastructure Planning (Examination Procedure) Rules 2010

Applicant's Comments on Local Impact Report submitted by South Tyneside Council at Deadline 2

Relevant Section of Local Impact Report	Response from Highways England (the Applicant)
<p><u>Noise and Vibration – Neutral Impacts</u></p> <p>7.13</p> <p>“.. Further to this, a positive communication plan is to be defined and well executed with the local community in Boldon Colliery and Fellgate residential areas.”</p>	<p>The Applicant confirms that a positive communication plan will be defined and executed with the local community in Boldon Colliery and Fellgate residential areas. This will be secured through the Construction Environmental Management Plan (CEMP).</p> <p>Section 2.3 of the outline CEMP (document reference TRO10020/APP/7.2) provides for the planned appointment of a Community Liaison Officer with a brief description of their responsibilities in Table 2.</p> <p>As set out in section 2.5 (Communications) of the outline CEMP, Costain (on behalf of the Applicant) will document and respond to any relevant communications from external interested parties during construction; as set out in section 2.5.3 of the outline CEMP this may include (but will not necessarily be limited to) dealing with complaints from members of the public.</p>

	<p>Further to the above and as set out in Table 3 (Communication Framework) to the outline CEMP, the outline communication processes for the public are as follows:</p> <ul style="list-style-type: none"> • The public shall be kept informed of any operations and developments that may have an effect upon them, such as temporary loss of amenities, changes to pedestrian or vehicle access routes or vegetation clearance. • Any such notification will set out the nature of the operations and the times at which they are to be carried out. • Social media, letter drops, a regularly updated website and newsletters may be used to keep local residents informed of progress on construction and any new operations that are to be carried out. • The information provided will also include details of contacts within the project team (should any issues arise).
<p><u>Materials – Neutral Impacts</u></p> <p>7.26</p> <p>“With respect to the transport of materials and waste during construction, the Council is in discussions with Highways England to produce a traffic management plan to minimise the effects on amenity.”</p>	<p>The Applicant confirms that it is in discussions with South Tyneside Council (the Council) regarding the Traffic Management Plan (TMP) which will be secured through Requirement 10 (Traffic management) of the draft Development Consent Order (DCO) (document reference TRO10020/APP/3.1) which states:</p> <p><i>“10.—(1) No part of the authorised development is to commence until a traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</i>”</p>

	<p><i>(2) The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1)."</i></p> <p>This position is also reflected in the updated Statement of Common Ground (SoCG) (document reference TRO10020/APP/7.11(1)) between the Applicant and the Council which is being submitted at Deadline 3. As set out in section 3.1.10 of the updated SoCG, it is agreed that statutory consultees, including the Council, will work collaboratively with the Applicant to produce the TMP.</p>
<p><u>Archaeology and Cultural Heritage – Neutral Impacts</u></p> <p>7.43</p> <p>"... The Council expects to be informed of any results from the survey and whether any archaeological remains are determined."</p>	<p>The Applicant confirms that the Council will be informed of any results of any geophysical surveys which it carries out. This is secured through the draft DCO; Requirement 9 (Archaeological Remains) states:</p> <p><i>"9...(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified."</i></p> <p>As set out in section 2.2.2 of the outline CEMP, it is expected that an Archaeological Control Plan (associated with an Archaeological Written Scheme of Investigation) will be prepared as part of the detailed final CEMP.</p> <p>Part 2 of the Register of Environmental Actions and Commitments (REAC - see Appendix D to the outline CEMP) (Environmental Action Plan - Table 1 - actions required before the start of construction (i.e. during the detailed design stage or before construction)) states:</p>

	<p><i>“Environmental Objective:</i></p> <p><i>Identify archaeological remains that may be encountered during construction, and achieve preservation by record.</i></p> <p>...</p> <p><i>Action:</i></p> <p><i>Prepare a Written Scheme of Investigation to cover geophysical survey of temporary land take west of A19, and mitigation through recording during construction (or other means as appropriate) following agreement with Tyne and Wear Archaeology Officer...”</i></p>
<p><u>Ecological and Nature Conservation - Negative Impacts</u></p> <p>7.50 - 7.54</p> <p>“...The scheme would result in some loss of habitats within the landscape that currently provide connectivity and dispersal routes for species (faunal and floral).</p> <p>...</p> <p>Given the extent of the scheme, it is expected that wildlife will be at risk of disturbance, direct mortality and pollution, as well as severance of habitat. Highways England have identified a number of mitigation measures to reduce the negative effects which include (in summary):</p>	<p>As set out in the SoCG between the Applicant and the Council which is also being submitted at Deadline 3, the negative impact on ecology and nature conservation indicated by the Council in the LIR is not because the 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.</p> <p>As also set out in the updated SoCG, following discussions since submission of the LIR at Deadline 2, the Council is content with the measures and processes to be developed by the Applicant and secured by the Requirements in the DCO and agrees that no further changes to the Requirements are needed in this regard.</p>

- Replacing the lost habitat which will include 12 hectares of grassland, woodland, scrub and tree planting;
- Timing of construction works to avoid the most sensitive times of year;
- Relocating/displacement of relevant protected species before the start of works to move them from the area of the proposals;
- Landscape planting designed to discourage barn owls from hunting within the road corridor;
- Minimising night time working;
- Pollution control measures to prevent damage and degradation to habitats;
- Directional lighting to avoid illumination of habitats;
- Management Plan for Japanese Knotweed (and other invasive species).

Following further discussions with Highways England, it is considered that the indicated proposed mitigation identified in the CEMP and REAC reasonably considers construction and operational impacts of the project. However, some of the proposed mitigation will require time to establish and reach its full potential and this is why we are indicating a negative impact.

<p>Finally, the Council acknowledges that pursuant to requirement 7 of the draft DCO, Natural England must be consulted on the preparation of a scheme for protection and mitigation measures (such scheme to be approved by the Secretary of State) for protected species.”</p>	
<p><u>Road Drainage and Water Quality – Positive Impacts</u></p> <p>7.59</p> <p>“To discharge requirement 8 of the DCO, the Council welcomes the submission of a scheme that mitigates impacts on flooding / water quality and looks to improve the current situation in terms of the water quality discharge to the River Don from the current road drainage system and flood risk downstream.”</p>	<p>The Applicant confirms that this will be satisfied. Current highway drainage discharges the majority of the uncontrolled surface water run-off to a very small watercourse (River Don) via the existing drainage network. The Applicant is only obliged to consider the new impermeable (surfaced) area of the Scheme. However, the Scheme attenuates and improves the water quality of the surface water from both the existing and new impermeable area. The discharge rate will be significantly reduced and the water quality improved as the proposed attenuation ponds catch sediment etc. This is covered in detail within the Environmental Statement (ES) (document reference TRO10020/APP/6.1) and can be considered as “embedded mitigation”.</p> <p>See in particular section 14.9 of the ES which provides that all impacts on surface water quality would be neutral to beneficial during operation and there would be no likely residual flood risk effects during the construction and operation of the Scheme. The residual impacts of the Scheme, with embedded (operation) mitigation in place, have been assessed and is presented in Table 14-11 of the ES.</p> <p>The mitigation proposed – in the form of the water quality treatment provided by the embedded wet attenuation pond – will provide a further reduction in dissolved and sediment-bound pollutants of between 24% and 83% (depending upon pollutant and source of information), ensuring</p>

	<p>additional benefit over and above the minimum necessary. This additional benefit is therefore already embedded in the design and will be secured through the DCO process and subsequent Environmental Permitting process.</p> <p>As set out in Requirement 8 of the DCO (Surface and foul water drainage):</p> <p><i>“8.—(1) No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function.</i></p> <p><i>(2) The surface and foul water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.”</i></p>
<p><u>Construction Traffic – Negative Impacts</u></p> <p>7.64</p> <p>“The Council is appreciative that some of the works associated with the scheme construction will require full carriageway closures of the A19 network. It is supportive of the designation of suitable diversion</p>	<p>The Applicant confirms that communication with the public in relation to works associated with construction of the Scheme will be secured through the TMP.</p> <p>This is secured through Requirement 10 of the draft DCO (Traffic management) which states:</p>

<p>routes which will be agreed with the respective local highway authorities in Sunderland and Gateshead. However, crucial to this approach is communicating the information to the travelling public and affected businesses.”</p>	<p><i>“10.—(1) No part of the authorised development is to commence until a traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</i></p> <p><i>(2) The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).”</i></p> <p>The outline CEMP also refers to the TMP, stating that it would be implemented to reduce any increase in stress caused by the roadworks and would include temporary signage which would be put in place to reduce uncertainty and frustration. This arrangement would therefore also be secured by Requirement 4 of the draft DCO (CEMP).</p> <p>As noted above, this position is reflected in the updated SoCG between the Applicant and the Council (under the heading ‘Construction Traffic’ at 3.1.10).</p>
<p><u>Construction Traffic – Negative Impacts</u></p> <p>7.65</p> <p>“Further to this, there is recognition that the adjacent works are occurring on the strategic road and local road network. Schemes are proposed on the A1 (Birtley to Coalhouse), along with the improvements in close proximity to the A19 corridor at Downhill Lane and the proposed IAMP site. In order to mitigate this, the Council would expect Highways England to adopt a proactive</p>	<p>As above, this will be secured through the TMP to be produced under Requirement 10.</p> <p>As noted above and set out in section 3.1.10 of the updated SoCG, it is agreed that statutory consultees, including the Council, will work collaboratively with the Applicant to produce the TMP.</p>

<p>approach with all parties through its Network Management Duty to ensure that disruption is kept to a minimum.”</p>	
<p><u>Road Safety – Neutral Impacts</u></p> <p>7.70</p> <p>“In respect to the inter-relationship between the local and strategic road network, the Council would like to better understand how the footprint of the A19/A184 Testo's roundabout will operate, especially during peak times.”</p>	<p>Generally the Transport Assessment Report (document reference TRO100/20/APP/7.4) shows the reduction of average vehicle delay in the AM and PM peaks at the design year in the wider context of significant predicted traffic growth. More detail on this is set out in Table 12 of the Transport Assessment Report. The Applicant would be happy to discuss this further with the Council if required.</p>
<p><u>Road Safety – Neutral Impacts</u></p> <p>7.72</p> <p>“The Council has already made representations in relation to the dDCO and the highways handover and defects period. Further comments on this are provided in both the Council's responses to the ExA's written questions and SoCG.”</p>	<p>The Applicant notes this comment and confirms that as set out in the updated SoCG, the parties have 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 the Applicant will be responsible for any latent defects which might arise in the first 12 months following completion of any street (other than a trunk road) constructed, altered or diverted as part of the Scheme. This commitment will be included in a side agreement between the Applicant and the Council. It is agreed no amendments are required to the DCO on this matter.</p>
<p><u>Consideration of the Impact of the Proposed Provisions and Requirements within the Draft Order</u></p>	<p>The Applicant notes that the Council has now confirmed, in the updated SoCG, that it is satisfied with the current drafting in the draft DCO with regards to the discharge of Requirements.</p>

<p>8.2</p> <p>“By way of example, the Council is discussing with HE the most appropriate and effective role the Council might play in the discharge of requirements. It is hoped that the Council and HE will have progressed substantially towards an agreed position on the majority of the draft DCO articles and requirements before discussion at the Issue Specific Hearing on 19th January 2018.”</p>	
<p><u>Appendix A - Sunderland City Council Supporting Statements</u></p>	<p>The Applicant does not consider there are any issues raised in Sunderland City Council's two letters at Appendix A to the LIR which have not been dealt with either in the Applicant's responses to the main body of the LIR set out above or in the updated SoCG between the Applicant and the Council.</p>