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Date: 21 February 2018

Dear Sir/ Madam

Planning Act 2008 – Section 91

Application by Highways England for an Order Granting Development Consent for the A19/A184 Testo's Junction Improvement Project

Agendas for Issue Specific Hearings: 28 February and 1 March 2018

Further to my letter of 31 January 2018 notifying you of the times, dates and location of the hearings associated with the examination of this application due to be held on 28 February and 1 March 2018, I am now writing to provide agendas for these hearings.

- **Annex A** to this letter is the agenda for **Issue Specific Hearing 4 (ISH4)** into outstanding issues, to be held at the Royal Station Hotel, Newcastle upon Tyne from 10.00am on Wednesday 28 February 2018.
- **Annex B** to this letter is the agenda for **Issue Specific Hearing 5 (ISH5)** into the draft Development Consent Order (dDCO) to be held at the Royal Station Hotel, Newcastle upon Tyne from 10.00am on Thursday 1 March 2018.

The Applicant has been invited to attend both ISHs. The individual ISH agendas identify the Interested Parties (IPs) that I have invited to attend each ISH. Other IPs who wish to be heard on the subject matters set out in the individual ISH agendas may also participate.

Any IPs who wish to speak at one or both of the forthcoming hearings, but did not notify the Planning Inspectorate by Deadline 1 (D1) on 28 November 2017, should indicate the issues that they wish to speak about no later than **Friday 23 February 2018**, using the contact details provided above and made for the attention of the A19/A184 Testo's Junction Improvement project case team.

Planning Inspectorate staff will be available at the venue for half an hour before each hearing commences. It is helpful if intending participants make themselves known to

staff during this time.

It would greatly assist in the organisation of the hearings if you inform us if you plan to attend all the hearings or a specific hearing, even if you do not wish to speak. It would also assist us if you could notify us of any special needs you may have (e.g. disabled access, hearing loop etc). You must ensure that your Interested Party (IP) reference number is included in your correspondence.

If you have any questions about the hearing process, please contact the case team at the above address, email address or telephone number.

Yours faithfully

Rynd Smith

**Rynd Smith LLB MA MRTPI FRSA
Examining Authority**

Annex A: Agenda for ISH4, 28 February 2018

Annex B: Agenda for ISH5, 1March 2018

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

**A19/A184 Testo's Junction Improvement Project
Agenda for Issue Specific Hearing 4 (ISH4)**

Date: **Wednesday 28 February 2018**

Time: 10.00am
Hearing room opens from 9.30am

Venue: The Royal Station Hotel
Neville Street
Newcastle upon Tyne
NE1 5DH

Access and Parking: Paid for parking close by:

Newcastle Central Railway Station
Long Stay Car Park
Neville Street
Newcastle upon Tyne
NE1 5DL

Public transport:

Bus

Neville Street: Stand A: 10, 11 and 38
Neville Street: Stand B: 1, 30, 31

Train and Metro

Central Station

Purpose of the Issue Specific Hearing 4 (ISH4)

Issue Specific Hearing 4 (ISH4) into outstanding matters is being held for the following purposes:

- To enable the Examining Authority (ExA) to inquire further into the Applicant's responses to matters relevant to the relationship between the A19 Downhill Lane Junction Improvement Project (DHJ) and the proposed Development provided at hearings held in January 2018, namely-
 - Open Floor Hearing (OFH)¹ held evening of 16 January 2018;
 - Issue Specific Hearing 2 (ISH2)² on Environmental Matters (17 January 2018); and
 - Issue Specific Hearing 3 (ISH3)³ into the draft Development Consent Order (dDCO); and
 - including documents as referenced in the Examination Library submitted for Deadlines 3 (D3) [REP3-001 to REP3-021] and D4 [REP4-001 to REP4-007].
- To address any other matters arising, following the OFH, ISH2 and ISH3 held in January 2018 and in submissions received for D3 and D4.

¹ [Examination of OFH](#)

² [Examination of ISH2](#)

³ [Examination of ISH3](#)

- To address any other matters arising from the ExA's written questions (ExQ1), including responses to ExQ1 from Interested Parties (IPs) and comments to responses received from IPs relating to the ExQ1.
- To provide IPs with an opportunity to respond to the ExA's questions and the Applicant's responses arising from these matters.
- Where possible, to draw public discussion of important and relevant matters to conclusions.

ExA Table of Issues and Questions for ISH4

On the basis that the number of outstanding matters is relatively limited and that interest in these is largely confined to the Applicant, and Northern Gas Networks (NGN), the ExA has decided not to publish a second round of written questions, preferring instead to address any outstanding matters at ISH4. The ExA has prepared a table of issues and questions for ISH4 (EV-017), which has been published to the project page for the A19/A184 Testo's Junction Improvement project, on 21 February 2018. A copy of this table can be found in the Examination Library or via link provided below.

[Examining Authority's Table of Issues and Questions for ISH 4](#)

Issues and questions from the Applicant and IPs that arise from this table will also be heard.

Participation, conduct and management of hearing

This is the fourth ISH and the second and anticipated to be final hearing into the planning, Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) implications of the Proposed Development to be held in this Examination.

This hearing does not provide an opportunity to raise new objections, to address questions of principle about the Proposed Development, or to re-examine any material examined in ISH2. It is confined to a review of changes since ISH3 and to consideration of matters raised in the ExA's table of issues and questions.

The Applicant and any IPs with an interest in and or prospective obligations flowing from the dDCO have been invited to participate in this hearing.

The business of an ISH is limited to the matters identified in the agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. As an Open Floor Hearing (OFH) has already been provided, it is not anticipated that any additional subject matters over and above those identified in this agenda will be addressed.

Participation is subject to the ExA's power to control the hearing.

Invited Participants

The ExA requests that the following bodies attend and participate in ISH4 into any outstanding matters:

- Highways England (the Applicant).
- Any other IP if they wish to be heard on a matter raised in this agenda or the ExA's table of issues and questions for ISH4. In this respect it should be noted that question ISH4.0.1 in the table is a general question to all IPs and ISH4.5.1 is a question that relates to Northern Gas Networks (NGN) assets.

The ExA requests that invited participants who wish to make oral representations should attend at the appointed start time of 10.00am.

IPs other than the Applicant who do not attend ISH4 may respond to relevant questions in writing at Deadline 5 (D5).

Hearing Guidance

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and IPs may attend with expert advisers relevant to planning and EIA matters raised in the schedule, but IPs may participate without expert advice if they wish.

Guidance under the Planning Act 2008 (as amended) (PA2008)⁴ and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions Relevant Representations and Written Representations, and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

⁴ 'Planning Act 2008: Guidance for the examination of applications for development consent', (DCLG March 2015).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-_final_for_publication.pdf

Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing (ISH4)

2. ExA's table of Issues and Questions for ISH4

The ExA will review the issues raised in the table.

Responses from the Applicant will be sought on all questions.

Any IP in attendance and wishing to speak in relation to matters arising from the published table will be invited to put oral submissions to the ExA.

The Applicant will be provided with a right of reply.

3. Review of issues and actions arising

The ExA will review how and by when any actions placed on the Applicant or other IPs are to be met.

4. Next steps

5. Closure of the hearing

A19/A184 Testo's Junction Improvement Project Agenda for Issue Specific Hearing 5 (ISH5)

Date: Thursday 1 March 2018

Time: 10.00am
Hearing room opens from 9.30am

Venue: The Royal Station Hotel
Neville Street
Newcastle upon Tyne
NE1 5DH

Access and Parking: Paid for parking close by:

Newcastle Central Railway Station
Long Stay Car Park
Neville Street
Newcastle upon Tyne
NE1 5DL

Public transport:

Bus
Neville Street: Stand A: 10, 11 and 38
Neville Street: Stand B: 1, 30, 31

Train and Metro
Central Station

Purpose of the Issue Specific Hearing 5 (ISH5)

On 15 November 2017, the Examining Authority (ExA) held Issue Specific Hearing 1 (ISH1) into the draft Development Consent Order (dDCO).

My [Rule 6 letter](#) dated 17 October 2017 at Annex E provides an Agenda for ISH1 and an audio recording of matters discussed at this hearing can be found using the Examination Library reference [EV-004](#) and [EV-005](#).

On the basis that ISH1 was held at the outset of the Examination and before Interested Parties (IPs) had made their Written Representations (WRs), IPs and Affected Persons (APs) were not expected to raise any concerns that they might have in relation to the dDCO at that hearing.

On 19 January 2018, the ExA held Issue Specific Hearing 3 (ISH3) into the dDCO. The [Agenda for ISH3](#) was published on 9 January 2018 under Annex D and an audio recording of matters discussed at this hearing can be found using the Examination Library reference [EV-015](#).

The Examination is now drawing to a close and the ExA has timetabled the final Issue Specific Hearing 5 (ISH5) into the dDCO to be held on 1 March 2018 for the following purposes:

- To review the ExA's schedule of issues and questions on the dDCO;
- To allow the Applicant an opportunity to respond to any comments received at D4 regarding their updated dDCO submitted for D3, in particular any comments received on [REP3-008] to [REP3-010].
- To provide IP's and APs to raise any specific concerns that they might have on the Applicant's response to comments, the provisions of the dDCO or from the ExA's schedule of issues and question on the dDCO.

ExA's Schedule of Issues and Questions on the dDCO

The ExA will review detailed issues and questions about individual dDCO provisions that are included in the ExA's Schedule of Issues and Questions on the dDCO ("the dDCO schedule") published on the project page for the A19/A184 Testo's Junction Improvement project on 21 February 2018. A copy of the dDCO schedule (EV-018) can be found in the Examination Library or via link provided below.

[Examining Authority's Schedule of Issues and Questions for ISH 5](#)

Issues and questions arising from the Applicant and IPs that arise from the schedule will also be heard.

Participation, conduct and management of hearing

This is the fifth ISH and the third and anticipated to be final hearing into the dDCO to be held in this Examination.

The ExA understands that there are no remaining objections in principle to the dDCO. This hearing does not provide an opportunity to raise new objections, to address questions of principle about the dDCO, or to re-examine any material examined in ISH1 and ISH3. It is confined to a review of changes since ISH3 and to consideration of matters raised in the ExA's schedule of issues and questions on the dDCO.

The Applicant and any IPs with an interest in and or prospective obligations flowing from the dDCO have been invited to participate in this hearing.

The business of an ISH is limited to the matters identified in the agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. As an Open Floor Hearing (OFH) has already been provided, it is not anticipated that any additional subject matters over and above those identified in this agenda will be addressed.

Participation is subject to the ExA's power to control the hearing.

Invited Participants

The ExA requests that the following bodies attend and participate in ISH5 into the dDCO:

- Highways England (the Applicant).
- South Tyneside Council (STC).

- Any other relevant Local Authority, special purpose delivery vehicle or combined authority if they wish to be heard on a matter raised in this agenda or the dDCO schedule.
- Any other IP concerned about the structure or content of the dDCO if they wish to be heard on a matter raised in this agenda or the dDCO schedule. (The dDCO schedule provides additional guidance on the relevance of individual questions to IPs on page 2.)

The ExA requests that invited participants who wish to make oral representations should attend at the appointed start time of 10.00am.

Hearing Guidance

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and IPs may attend with expert advisers relevant to statutory drafting (including solicitors), but IPs may participate without expert advice if they wish.

Guidance under the Planning Act 2008 (as amended) (PA2008)¹ and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions Relevant Representations and Written Representations, and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

¹ [Planning Act 2008: Guidance for the examination of applications for development consent, \(DCLG March 2015\)](#)

Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing (ISH5)

2. Progress Report by the Applicant: Changes to the dDCO since ISH3

The ExA will ask the Applicant to present and justify changes to the dDCO since ISH3 with reference to its latest dDCO [REP3-008, 009 and 010], taking any written comments received from other IPs into account.

The ExA will invite submissions from IPs who wish to raise matters in relation to these items.

The Applicant will be provided with a right of reply.

3. ExA's schedule of issues and questions on the dDCO

The ExA will review the published schedule of issues and questions on the dDCO.

Any IP in attendance and wishing to speak in relation to matters arising from the schedule will be invited to put oral submissions to the ExA.

The Applicant will be provided with a right of reply.

4. Matters Arising from ISH4

The ExA will review any matters arising from Issue Specific Hearing 4: Outstanding Matters (ISH4) held on 28 February 2018 that give rise to possible changes to the dDCO with the Applicant.

If any changes are proposed, the ExA will invite submissions from IPs who wish to raise matters in relation to these.

The Applicant will be provided with a right of reply.

5. Review of issues and actions arising

The ExA will review how and by when any actions placed on the Applicant or other IPs are to be met.

6. Next steps

7. Closure of the hearing