

Hearings Action Points

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

Actions arising from the **Issue Specific Hearings** (ISH4 and ISH5) held at the Royal Station Hotel, Newcastle upon Tyne on **28 February** and **1 March 2018**.

As a consequence of severe weather during the hearing period, at least one intending participant was unable to attend a hearing. In these circumstances, Actions Points 8 & 15 below, provide a process under which any Interested Party (IP) may record their submissions on the matters and questions raised at each hearing in writing by the relevant deadline set in column 4.

	Action	Party	Deadline
ISH4 on any Outstanding Matters			
1	Air Quality: Client Earth Litigation On 21 February, after the Agenda for ISH4 was finalised for publication, the High Court issued a judgement in the ongoing air quality litigation by Client Earth (R oao Client Earth v SoSEFRA, SoST and Welsh Ministers ([2018] EWHC 315 (Admin)). The Applicant is asked to consider the judgement and provide a written submission identifying whether in its view there are any additional considerations that arise from it that have not already been covered in earlier documents, evidence and hearings in this examination, by Deadline 5 (D5).	The Applicant	D5
2	If any other IP wishes to comment on the Applicant's D5 submission on Air Quality and the Client Earth Litigation, they can do so by D6. South Tyneside Council (STC) is specifically requested to do so.	STC & other IPs	D6
3	The Applicant may make any concluding remarks in the light of D6 submissions on Air Quality and the Client Earth Litigation at D7.	The Applicant	D7
4	Updates to CA & TP Documentation Further to questions in ISH4 (Issue 4.3), the Applicant is to ensure that its diligence process on the Compulsory Acquisition (CA) and Temporary Possession (TP) of land or rights is complete and that all relevant changes to the Book of Reference (BoR) and Statement of Reasons (SoR) are	The Applicant	D5

	Action	Party	Deadline
	documented in preferred drafts of these documents, by D5.		
5	If any IP wishes to comment on the Applicant's D5 submission on CA and TP including its preferred draft BoR and SoR, they can do so by D6.	Other IPs	D6
6	The Applicant may make any concluding remarks in the light of D6 submissions on CA and TP from other IPs at D7.	The Applicant	D7
7	Northern Pond and Outfall The Applicant has agreed to add the location of the Northern Pond and Outfall to the Environmental Masterplan. This relates to Action Point 10 below.	The Applicant	D5
8	<p>Responses to Questions Raised at ISH4 and Severe Weather Process</p> <p>The Applicant will provide its written submissions responding to all questions raised at ISH4 in a table format based on the Table of Issues and Questions for ISH4.</p> <p>As a consequence of severe weather during the hearing period, any IP who wished to participate orally but was unable to do so may provide their written submissions on the questions raised by D5.</p> <p>Any IP who wishes to respond to the questions in writing is encouraged to do so in a table format based on the Table of Issues and Questions for ISH4. A copy of the table in Microsoft Word format can be obtained from the Planning Inspectorate via the case team email address: A19TestosJunction@pins.gsi.gov.uk Please include "A19 Testo's Junction: Copy of ISH4 Table" in the title of the your email.</p> <p>IPs who wish to respond to matters raised in the Applicant's oral submissions should access the digital audio recording for ISH4.</p>	<p>The Applicant</p> <p>Any IP unable to attend</p> <p>Other IPs</p>	<p>D5</p> <p>D5</p> <p>D5</p>

	Action	Party	Deadline
ISH5 into the draft DCO			
9	<p>Main Construction Compound</p> <p>The Applicant is to complete its investigation of a drafting approach to the inclusion of the main construction compound as a numbered work in the draft Development Consent Order (dDCO), setting out an approach to drafting and any consequential revisions to the Works Plans</p>	The Applicant	D5
10	<p>Northern Pond and Outfall</p> <p>Further to Action Point 7 above, the Applicant is to review dDCO drafting (the works provisions) for the Northern Pond and Outfall.</p>	The Applicant	D5
11	<p>Report on Changes to the dDCO</p> <p>The Applicant is to prepare a report outlining the changes to the dDCO arising from the hearings in February and March 2018 (ISH4 and ISH5).</p>	The Applicant	D5
12	<p>Preferred dDCO Timing</p> <p>The examination timetable provides for the submission of the Applicant's preferred dDCO by D6. If the Applicant finds that it is in a position whereby it can complete its preferred dDCO (including SI Template validation) by D5, this may be submitted at that time, in which case the Applicant is to submit a report at D6 which will either confirm that, having regard to all other submissions received at D5, it wishes to make no further changes to the preferred dDCO or alternatively, for reasons, it intends to further update the dDCO. If a dDCO update is submitted at D6, it in turn will become the preferred dDCO.</p>	The Applicant	D5 & D6
13	<p>Explanatory Memorandum</p> <p>The preferred dDCO must be accompanied by an updated Explanatory Memorandum (EM), taking account of the changes proposed in examination. If the preferred dDCO is submitted at D5, this must be submitted at D5. If the preferred dDCO is submitted at D6, this must be submitted at D6 also.</p>	The Applicant	D5 or D6
14	<p>Finalisation of Statements of Common Ground (SoCGs) and Agreements</p> <p>The Applicant is to review all SoCGs and</p>	The Applicant	



	Action	Party	Deadline
	<p>proposals for agreements. Any remaining work on SoCGs and commercial agreements on which the Applicant intends to rely must be complete by D5 and evidenced by signed final versions (SoCGs) or correspondence showing agreement between the parties (agreements).</p> <p>The Outstanding SoCG between Natural England (NE) and the Applicant must be concluded and signed by D5.</p> <p>A proposed agreement with South Tyneside Council (STC) on the resolution of construction-related damage and defects must be concluded. Evidence of its conclusion must be provided in the form of a letter of agreement from STC.</p>	<p>and relevant IPs</p> <p>The Applicant & NE</p> <p>The Applicant & STC</p>	<p>D5</p> <p>D5</p> <p>D5</p>
15	<p>Responses to Questions Raised at ISH5 and Severe Weather Process</p> <p>The Applicant will provide its written submissions responding to all questions raised at ISH5 in a table format based on the Schedule of Issues and Questions for ISH5.</p> <p>As a consequence of severe weather during the hearing period, any IP who wished to participate orally but was unable to do so may provide their written submissions on the questions raised by D5.</p> <p>Any IP who wishes to respond to the questions in writing is encouraged to do so in a table format based on the Schedule of Issues and Questions for ISH5. A copy of the schedule in Microsoft Word format can be obtained from the Planning Inspectorate via the case team email address: A19TestosJunction@pins.gsi.gov.uk Please include "A19 Testo's Junction: Copy of ISH5 Schedule" in the title of your email.</p> <p>IPs who wish to respond to matters raised in the Applicant's oral submissions should access Part 1 and Part 2 of the digital audio recordings for ISH5.</p>	<p>The Applicant</p> <p>Any IP unable to attend</p> <p>Other IPs</p>	<p>D5</p> <p>D5</p> <p>D5</p>