

**A19 / A184 Testo's Junction Improvement
TR010020
7.7(1) Statement of Common Ground
Natural England**

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[]

Statement of Common Ground – Natural England

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A19 / A184 Testos Junction Improvement Development Consent Order

Planning Inspectorate Reference: TR010020

Statement of Common Ground

Between

HIGHWAYS ENGLAND

and

NATURAL ENGLAND

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TABLE OF CONTENTS

1	Introduction and Purpose	4
2	Consultation with Natural England	5
3	Matters which are agreed between the parties	7
4	Matters not agreed	8

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 (“HE”) to the Planning Inspectorate under section 37 of the Planning Act 2008 (“the 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 Testos Junction Improvement DCO. The DCO, if granted, would authorise HE to carry out the following work (“the Development”), as well as associated development:
- (a) upgrading the existing at-grade A19/A184 Testos junction in South Tyneside to a grade-separated configuration;
 - (b) widening of the Testos roundabout to incorporate new connector roads between the junction and the A19 mainline;
 - (c) new parallel links roads between Testos 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 HE and Natural England (“NE”) in respect of the Development.
- 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 HE’s role is to operate, maintain, and improve the strategic road network in the interests of customers.. 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 proposed Development, HE would be responsible for operating, maintaining and improving the A19 as modified.
- 1.1.6 HE and NE are collectively referred to in this SoCG as ‘the parties’. The parties have been, and continue to be, in direct communication in respect of the interface between

the proposed Development and NE's role as the government's adviser for the natural environment in England.

1.2 The role of Natural England and the DCO application

- 1.2.1 NE is a non-departmental public body established under the Natural Environment and Rural Communities Act 2006 ("NERC Act"). NE is the statutory adviser to government on nature conservation in England and promotes the conservation of England's wildlife and natural features. NE's remit extends to the territorial sea adjacent to England, up to the 12 nautical mile limit from the coastline.
- 1.2.2 NE's role in relation to the DCO process derives from the Act and secondary legislation made under the Act. The roles and responsibilities of NE under the Act relate to its role as a statutory consultee (as a prescribed consultee under section 42 of the Act), the government's advisor as regards landscape and Areas of Outstanding Natural Beauty, and as a consenting body.

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 proposed Development 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 sites 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 to the draft DCO 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 Natural England

- 2.1 The parties have been engaged in consultation since the inception of the proposed Development. Early correspondence dates back to 2004 (previously consulted with English

Nature and The Countryside Agency) 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

Date	Form of Contact	Summary
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.
10/10/2014	Letter	Section 42 consultation including Section 48 Notice, preliminary environmental information and consultation leaflet.
10/05/2017	Letter	HE sent the draft DCO documents to NE for comment.
30/05/2017	Letter	NE responded to HE providing general comments on the draft DCO documents (copy of letter can be found at Appendix E1 to the Consultation Report (TRO10020/App/5.2).
29/06/17	Letter	HE responded to NE's comments on the draft DCO documents (copy of letter can be found at Appendix E1 to the Consultation Report (TRO10020/App/5.2).
01/11/17	Meeting	Meeting to discuss drafting of this SoCG and matters arising from Natural England's relevant representation.

09/01/18	Email	Request by NE for further clarity regarding methodology and survey areas
22/01/18	Email	Detail provided by HE regarding the nature and extent of the works with references to application documents
09/02/18	Email	Further clarity provided by NE regarding recent surveys and potential licencing requirements
14/02/18	Email	Detail provided by HE regarding survey data, Examination timetable and relevant sections of the Requirements in the draft DCO.
19/02/18	Meeting	Meeting to discuss process to agree final SoCG including key steps through Examination and looking forward to pre-construction surveys and the relevant site works.

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 This is the final SoCG submitted for Deadline 5.

3.1.2 It is agreed that there are no European sites, Ramsar sites or nationally designated landscapes located within the vicinity of the proposed Development that could be significantly affected.

3.1.3 Based on the current surveys and assessment undertaken, the proposed Development would not appear to have a detrimental effect on any European sites, European Protected Species or nationally designated sites or landscapes. Requirement 7(1) of the draft DCO, states that *"No part of the authorised development is to commence until for that part final preconstruction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by any part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works."* This includes for Otters.

3.1.4 It is agreed that the proposed Development would be unlikely to have a significant impact on the nearby West Farm Meadows Site of Special Scientific Interest (SSSI).

3.1.5 It is agreed that mitigation procedures as set out in Chapter 9 of the Environmental Statement will have a positive effect on the natural environment by providing appropriate mitigation provision concerning protected species. This is in accordance with the principles set out in paragraph 118 of the National Planning Policy

Framework. It is agreed that the mitigation procedures are secured by Requirements 3, 4 and 5.

- 3.1.6 It is agreed that the draft DCO includes sufficient safeguards to ensure that the proposed landscaping scheme, and the environmental benefits resulting from it will be delivered. This is secured through Requirement 5 of the draft DCO.
- 3.1.7 It is agreed that there is evidence of otter and water voles being present within the study area of the proposed Development.
- 3.1.8 It is agreed that the draft DCO adequately ensures that any European and nationally protected species which have not been identified during survey work, but are subsequently discovered during project construction, will be protected, and that the necessary licences will be obtained prior to works continuing should this be required. This is secured through Requirement 7 of the draft DCO.
- 3.1.9 It is agreed that based on current information a Letter of No Impediment is not required.
- 3.1.10 Natural England is content that there are no further amendments needed to the draft DCO and supporting application documents.

4 Matters not agreed

- 4.1 There are no outstanding matters relating to the DCO application between the parties.

Signed on Behalf of HIGHWAYS ENGLAND

Signature:



Name: Paul Ahdal

Position: Project Manager - Highways England

Date: 7 March 2018

Signed on Behalf of NATURAL ENGLAND

Signature:



Name: ANDREW WHITEHEAD

Position: TEAM LEADER - SUSTAINABLE DEVELOPMENT, MARINE AND WILDLIFE LICENSING

Date: 7 March 2018

