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0002

Date
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By Email A19TestosJunction@pins.gsi.gov.uk

Dear Mr Williams

Proposed A19/A184 Testo's Junction Improvement Development Consent Order - Applicant's Submissions - Deadline 5

In accordance with the Examination Timetable please find enclosed the Applicant's submissions to the Examination in respect of Deadline 5. Full details of the submissions are provided within the remainder of this letter.

In order to assist the Examining Authority (**ExA**) and Interested Parties (**IPs**) to navigate the Applicant's latest submissions and to explain where application documents have been superseded, the Applicant has also updated its Application Document Tracker (**document reference TR010020/APP/1.4(5)**). The updated Tracker, which supersedes the version submitted on 6 February 2018, is also enclosed with this letter.

1 Applicant's Final Preferred Development Consent Order (DCO)

- 1.1 The Applicant now encloses its final preferred version of the DCO (**document reference TR010020/APP/3.1(5)**). The final preferred version of the DCO is being provided in both pdf and word formats, with a clean and track change version of each format.
- 1.2 As this is the Applicant's final preferred version of the DCO, a Statutory Instrument validation version (in word format) will follow this submission.

2 Document explaining changes made to DCO submitted at Deadline 5

- 2.1 As requested by the ExA in its questions on the DCO set out in Table 1 to Annex E of its letter of 17 October 2017, the Applicant has prepared a document which explains the changes which have been made to the final preferred version of the DCO which is being submitted at Deadline 5; a copy of this document is enclosed (**document reference TR010020/APP/3.6**).

3 Revised Explanatory Memorandum

- 3.1 The Applicant has also prepared an updated version of the Explanatory Memorandum to reflect the changes that have been made to the DCO, which is enclosed in clean and track change versions (**document reference TR010020/APP/3.2(3)**).

4 Statement of Common Ground with Natural England

- 4.1 A final and signed Statement of Common Ground (SoCG) between the Applicant and Natural England is enclosed (**document reference TRO10020/APP/7.7(1)**).
- 4.2 The ExA will note from the SoCG that there are no outstanding matters relating to the DCO application between the parties and that Natural England considers that no amendments are needed to the DCO or supporting application documents.

5 Written submissions of case

- 5.1 As agreed at Issue Specific Hearings (ISH) 4 and 5, the Applicant has prepared responses to the Tables of Issues and Questions as appended to the ExA's letter of 21 February 2018 in lieu of a written submission of the Applicant's case put orally at the following hearings:

5.1.1 ISH4 on 28 February 2018 (**Document Reference TR010020/APP/7.24**); and

5.1.2 ISH5 on 1 March 2018 (**Document Reference TR010020/APP/7.25**).

6 Other Updated Documents and Submissions

Revised Statement of Reasons

- 6.1 The Applicant has prepared a revised version of the Statement of Reasons which is enclosed in clean and track change versions (**document reference TR010020/APP.4.1(2)**).

Revised Book of Reference

- 6.2 As discussed during ISH4, the Applicant has carried out a refresh of the Book of Reference and now encloses two versions of this document; one clean updated version and one version showing changes that have been made as a result of the refresh exercise in track changes (**document reference TR010020/APP/4.3(2)**).

Works Plans

- 6.3 The Works Plans have been updated to show the location of the newly inserted “Work No. 31” in the DCO (i.e., the main site compound) (**document reference TR010020/APP/2.4(2)**).

Environmental Masterplan

- 6.4 The Applicant has provided an updated Environmental Masterplan (**document reference TR0100/APP/2.7(1)**) (**EMP**). For clarity, proposed Discharge Point B in Figure 2.10 of the Environmental Statement (**document reference TR010020/APP/6.1**) indicates a location north of the drainage attenuation pond rather than a specific location. The location of Discharge Point B is the same as the existing discharge point shown as Discharge Point 3 on Figure 2.9. This discharge point (for attenuation pond 2) is shown in the newly inserted Drainage Features inset in the EMP as “Discharge point to existing drainage from attenuation pond 2”. In addition, we have labelled where the associated outfall is (as the Applicant has done for “A” for Figure 2.10).

Negotiations with South Tyneside Council

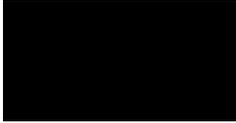
- 6.5 As confirmed by the Applicant at ISH5 it has concluded discussions with South Tyneside Council (STC) over the content of the side agreement referred to in the SoCG between the two parties. The side agreement now remains to be completed including legal formalities, formal signature and execution. It should be noted that the contents of the side agreement are confidential between the parties.
- 6.6 The Applicant considers that there are no outstanding issues or concerns from STC that remain to be addressed with regards to the DCO application.

Air Quality: Client Earth Litigation

- 6.7 As requested by the ExA, the Applicant has considered the recent judgment in R v Client Earth v SoSEFRA, SoST and Welsh Ministers ([2018] EWHC 315 (Admin)). The Applicant does not consider that the judgment affects the assessments or conclusions provided for Scheme. There are no significant adverse effects, including no new exceedances, no exceedances made worse

and no Air Quality Management Areas with significant adverse effects. There are, therefore, no implications for the Scheme from an environmental perspective as the assessment has shown that the Scheme would not affect the ability of the local authority to achieve compliance with air quality targets.

Yours sincerely



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