

A19/A184 Testos Junction Improvement: Comments on the Consultation Report

These queries relate solely to matters raised by the drafting of the Consultation Report, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

Q No.	CR Para	Extract from CR	Question/Comment
1	Tables Referred to in this report		May wish to revisit and ensure that titles used are correct and reflects Tables used within the Report. Confusion also created where Tables are provided in conjunction to Sections e.g. Table 3 and Section 4.13; Table 7 and Section 4.24; Table 8 and Section 5.9. Within Report, reference is either made to see section xx or see Table xx (to same info), consistency in sign-posting.
		Table 1: Summary of compliance with PA 2008 statutory requirements (2014 consultation)	This table is titled: Summary of compliance with PA 2008 statutory requirements (2014 consultation)
		Table 2: Summary of compliance with PA 2008 statutory requirements (2017 consultation)	This table is titled: Summary of compliance with PA 2008 statutory requirements (2017 consultation)
		Table 3: Breakdown of Public Exhibition attendance	This Table is titled: Summary of responses received from Section 42 Consultees (2014). Is this intended to be Table 3 or Section 4.13? Within report paragraphs refer to Section 4.13 and not Table 3.
2	Summary of consultation stages referred to in this report	Statutory Consultation definition	could include s42, s47 and s48, merely than reference to s49.
3	Appendices referred to in this report		May wish to revisit and ensure that the titles used are correct and reflects Appendices included within the Report.
4	Para 1.1.5	"...stakeholders who were not able to take part in the 2014 process."	Why were they not able to? Were these new parties identified by HE. If this is clarified within the report, draw reference to relevant section.
5	Para 1.3.1	"technical" and "non-technical"	different from "statutory" and "non-statutory" stakeholders? Glossary doesn't define "technical" stakeholders

		"The dates and contexts of the statutory consultation are defined below."	Paragraph 1.3.2 to 1.3.7 defines both statutory and non-statutory consultation undertaken. May wish to reword and make clear the purpose of para 1.3.2 to 1.3.7
6	Para 1.3.4	The scheme was restarted in 2014 and a selective consultation with key stakeholders was undertaken to determine if the results of the 2014 consultation remained valid.	what is meant by "selective" consultation (additional non-statutory consultation). If this is explained within the report make reference to relevant section. 'results of the 2014 consultation' is this intended to refer to 2009 consultation?
7	Para 1.3.5	(in accordance with sections 42, 4[7] and 48 of PA 2008) was delivered [undertaken?] between 13th October and 28th November 2014.	typo
8	Para 1.3.6		who are the new stakeholders, any reason why they were not identified in the initial statutory consultation?
9	Para 1.4.1		Reference to HE drafting both SoCC. Earlier in report make reference to difference in stages of Highways Agency (pre-2015) and Highways England (post-2015)
10	Section 1.4-1.9		May be useful to break this up into Statutory consultation undertaken by Highways Agency (2014) and collate together [SoCC, s42, s47, EIA, s48 & conclusion] followed by statutory consultation undertaken by Highways England (2017) and collate together. Useful to draw distinction on who undertook consultation i.e. HE/HA. Consider under section 1.2 giving overview of requirements under s42, s47 and s48 and was undertaken in 2014 (fully detailed in ch4) and 2017 (fully detailed in ch5), which is detailed in sections 1.xx-1.xx, thereby no need to repeat these latter sections. May also be useful to confirm exact chapters of report which deal with this in detail.
11	1.4.1 & 1.4.2		Were these the host authorities consulted, may wish to make clear. Were no comments received from GC and SCC in 2017 on SoCC? If explained within report perhaps make reference to relevant section
12	1.5.1 & 1.5.2		Distinction drawn here between HA/HE. Perhaps sign-post to Appendices regarding information packs issued for consultation. Minor point – could make explicit number of days consultation undertaken so it's clear that it was more than statutory 28 days. Self-evident but could stand out clearer with exact figure?

13	1.6.1 & 1.6.2		Perhaps sign-post to appendix or section of CR where/how the applicant details compliance with the SoCC.
14	2.1.1	This Report forms part of Highways England's application to the Secretary of State (SoS) for the Scheme DCO.	Consistency in how the proposed development is referenced "the Scheme" or "the DCO" across suite of application documents
15	2.2		Perhaps useful to make clear within introduction the "structure of the report" Chapter 6 is this effectively s49? Its made clear the relationship had between Ch4-5 and PA2008.
16	Table 1 (2014)	Summary of compliance with statutory requirements relating to consultation (2014)	May wish to revisit table and ensure references and sign-posting of sections are correct, in addition any reference to Table 1 in other parts of the report may need to be checked. Examples of cross-referencing given below.
		Duty to consult prescribed consultees, under Section 42(a)	Should this not refer to "Questionnaire and Leaflet issued to prescribed consultees" Section 4.8 refers to full list of consultees at C5. C5 is questionnaire and leaflets. C6 is full list of prescribed consultees
		Duty to consult each local authority that is within Section 43, under Section 42(b)	"As above" – is this in reference to statement "Letter and leaflet issued to prescribed consultees"(?) Section 4.10 refers to PILs (section 4.9?) and 4.13 to Tabled summary of Responses. Table of summaries doesn't confirm consultation with Newcastle City Council & North Tyneside Council as described in section 4.9, if this was the intention of the sign-post? See also reference to Table 3 above.
17	Table 2 (2017)	Summary of compliance with statutory requirements relating to consultation (2017)	May wish to revisit table and ensure references and sign-posting of sections is correct, in addition any reference to Table 2 in other parts of the report may need to be checked. Examples of cross-referencing given below.
		Duty to consult prescribed consultees, under Section 42(a)	Should this not refer to "Questionnaire and Leaflet issued to prescribed consultees" See Section 5.3, [Appendix C6] and Appendix D1.
		Duty to consult each local authority that is within Section 43, under Section 42(b)	See Section 5.4 [and Appendix C6]. The "Date undertaken" column only refers to 2017, assuming this was undertaken 23 January 2017?

18	2.4.1 and 2.4.16	A figure showing the existing road arrangement and the above key features can be found in Appendix A.	Maybe useful to reference Appendix A earlier in this section, to give the reader an overall view from the outset. <i>"The geographic location of the A19 Testos roundabout is shown in Figure 1 and Appendix A shows the existing road arrangements and key features detailed below."</i>
19	3.1.44	These options are reviewed in more detail in Section 4.1.1	Would it not be more accurate to reference chapter 4 or sections 4.2 to 4.5?
20	3.2.6 & 3.2.7		Is the Applicant implying that as part of their Statutory Consultation undertaken in 2017, that a question was posed as to whether the scheme would benefit/prefer a A19 Testos and A19 Downhill Lane DCO (one DCO scheme) or preference to have separate DCO schemes? If so 5.16 doesn't reflect responses as to whether parties preferred a one scheme approach or two scheme approach.
21	3.2.8		Although useful to note an explanation of the outcome hereof is not evident within the report. Were responses from this consultation used to update the consultation undertaken from 30.01.17 to 06.03.2017? If so where is this explained
22	4.1.1	The Highways Agency undertook a formal consultation under the PA 2008 with Section 42 and Section 47 consultees for a 7 week period between 13th October and 28th November 2014.	Preference is to state "statutory consultation" rather than "formal consultation". Useful to make clear that the statutory consultation was undertaken for more than the statutory requirement of 28 days e.g. <i>"...for a 7 week period between 13th October and 28th November 2014 (xx days)."</i>
23	4.5.2	As with Option 2, Option 2a would remove the existing bridge carrying bridleway B28 over the A19 and replace it with signalised crossings on the south side of Testos roundabout.	Would this not include a "new" signalised crossing as per option 2?

<p>24</p>	<p>4.7.1 & 4.7.4</p>	<p>A copy of the Section 46 letter sent to PINS is provided in Appendix C3.</p>	<p>The s46 notice issued to PINS states that "consultation leaflet" as issued to s42 consultees was provided. Paragraph 4.7.4 doesn't refer to a Consultation leaflet, but consultation pack (reference to Appendix C5) that includes:</p> <ul style="list-style-type: none"> Covering Letter A copy of the Section 48 Notice Links to the PEI Consultation brochure with enclosed questionnaire <p>Appendix C5, doesn't include Covering Letter and/or copy of s48 notice. The links to PEIR is provided within the Consultation Leaflet. Consistency ito "Consultation brochure" or "Consultation Leaflet". May require additional paragraph making clear that the Consultation Leaflet provided info/links to parties on gaining access to further consultation material i.e. PEI, SoCC etc</p> <p>S46 of PA2008 implies that the Applicant should provide to the SoS the same information as that provided to s42 consultees. Was covering letter and copy s48 notice issued to PINS along with s46 notice? Appendix C3 may need to include full pack of documents issued to PINS.</p> <p>Minor point as PINS would rely on the Applicants Statutory Consultation undertaken in 2017 and compliance under s42, 47, 48 and 49.</p>
<p>25</p>	<p>4.8.1</p>	<p>This was cross referenced with the list of prescribed consultees provided by PINS in response to Regulations 9(1)(a) of the Environmental Impact Assessment (EIA) Regulations to ensure that the full range of consultees was captured. There is a degree of overlap between the two lists; however, a number of additional consultees were identified in Schedule 1 (e.g. The Forestry Commission) which were included as prescribed consultees. A full list of the prescribed consultees to which Section 42 consultation packs were sent can be found in Appendix C5.</p>	<p>The list provided by PINS in response to Reg 9(1)(a) is not a list on which the Applicant should rely and the Applicant should be satisfied that they have consulted all persons potentially affected by, or potentially likely to have an interest in, the application.</p> <p>If the Applicant has consulted more or less statutory consultees than required, an explanation thereof should be demonstrated within the report, especially if the Applicant consulted less.</p> <p>The full list of prescribed consultees is provided in Appendix C6 (not C5), upon review of this list it is noted that the Applicant has consulted South Tyneside Council Highways Department (the relevant Highways Authority). This list does not confirm that the Applicant consulted South Tyneside Council (Local Authority), although the dCR states that consultation had been undertaken, Appendix C7 however provides a response from STC and therefore it is assumed they had been consulted. Note: no such response is provided for consultation undertaken in 2017, although PINS would also rely on Adequacy of Consultations received.</p>

26	4.14	Development of 1 st SoCC	This section should reflect date draft SoCC was issued to LA's and outline period of consultation by which LAs should respond. Useful to also include evidence by way of Appendix, date letter issued for responses on draft SoCC + inclusion of draft SoCC on which LA's had to comment and where relevant responses received on the draft SoCC.
27	4.17	Consultation Brochure	Consistency. Report refers to Consultation leaflet and brochure, which is assumed, is the same thing?
28	4.21.3		Consider including bullet point confirming date by which responses needed to be received by.
29	5.1.1	Following the PRA in spring 2014, statutory consultation in accordance with the PA 2008 took place with stakeholders and the local community in autumn 2014. (See chapter 3).	See chapter 4?
30	5.1.2	Therefore a second round of statutory stakeholder consultation commenced on the 30th January 2017 for a period of 5 weeks and closed on the 6th March 2017.	Consider inclusion of exact number of days consultation was undertaken.
31	5.2.5		It is stated that s42 consultation pack were issued on 23 January 2017, however the covering letter provided in Appendix D1 includes letter dated 1 February 2017. If letters were sent on 23 Jan (initial letter regarding consultation) and 1 Feb (follow up letter regarding consultation), then the Applicant should make this clear within report. May require additional paragraph making clear that the Consultation Leaflet/Brochure provided info/links to parties on gaining access to the PEIR
32	5.3.1 and 5.3.2		See comments in Q No. 26
33	5.6 and 5.7		Is reference being made to section 5.9 and Table 8?
34	5.10		See comments in Q No. 27
35	5.11	Appendix D5	1 page provided. Assume that full Consultation Flyer will be issued as part of application.
36	5.12	Consultation Brochure and Questionnaire	Consistency "consultation leaflet" or "consultation brochure"

37	Table 9		<p>Outlines the dates that notices were published in newspaper. Copies of notice provided in Appendix D3 do not reflect that outlined in Table 9.</p> <p>Shields Gazette – 20 Jan and 27 Jan (not 3 Feb)</p> <p>London Gazette – 23 Jan (not 27 Jan)</p> <p>No copy provided of advertisement in The Guardian</p>
38	5.15.3		<p>Consider including bullet point confirming date by which responses needed to be received by.</p>
39	5.17.2	<p>Details of these comments and whether they resulted in a design change can be found in tables 10 to 13 below.</p>	<p>Consistency in terms of reference to section or tables within the report.</p> <p>Typo Table 31 (Table 11?)</p>
40	5.17.3	<p>Many comments echoed the concerns and responses in the 2014 round of public consultation and as such were responded to and adequately dealt with in 2014.</p>	<p>Is the applicant implying that as the comments received in 2017 were similar to that received in 2014, the Applicant therefore responded adequately in 2014 and therefore no actions were required as part of 2017 consultation? Regardless of responses received in 2014, the Applicant must demonstrate as part of their 2017 consultation that they had regard to any responses received in their 2017 Statutory Consultation.</p>