

# **A19 Downhill Lane Junction Improvement**

**Scheme Number: TR010024**

## **5.1 Consultation Report**

Section 37(3)(c) of the Planning Act 2008  
Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009

## Infrastructure Planning

### Planning Act 2008

### The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

# A19 DOWNHILL LANE JUNCTION IMPROVEMENT

## The A19 (Downhill Lane Junction Improvement) Development Consent Order 201[ ]

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## CONSULTATION REPORT

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<b>Regulation Number:</b>	Section 37(3)(c) of the Planning Act 2008
<b>Planning Inspectorate Scheme Reference</b>	TR010024
<b>Application Document Reference</b>	TR010024/APP/5.1
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## GLOSSARY

Term	Meaning
The Applicant	Highways England (formerly known as the Highways Agency)
APFP Regulations	The Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009
AST	Appraisal Summary Table - A summary for decision makers containing key economic, environmental and other information drawn from existing documents such as cost benefit analysis and Environmental Statement.
BCR	Benefit Cost Ratio - The benefit cost ratio is a representation of the amount of benefit being bought for every £1 of cost to the public purse – the higher the BCR the greater the benefit for every £1 spent.
BOR	Book of Reference
DBFO	Design Build Finance Operate
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
DTLR	Department for Transport, Local Government and the Regions (now been replaced by Department for Communities and Local Government, Department for Environment, Food & Rural Affairs and Department for Transport)
EIA	Environmental Impact Assessment
EIA Regulations 2009	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
EIA Regulations 2017	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
ECI	Early Contractor Involvement
ES	Environmental Statement
Examining Authority (EXA)	The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS.
IAMP	International Advanced Manufacturing Park
ITA	Integrated Transport Authorities
LAF	Local Access Forum
LIQ	Land Interest Questionnaire
Local Authorities	The county council, metropolitan, or district council, whose land the application relates to
LR	Land Registry
LWS	Local Wildlife Site

Nexus	Company who provide, plan and promote public transport in the Tyne and Wear area
NMU(s)	Non-motorised user(s)
Non-prescribed consultees	Additional consultees, not identified within the PA 2008
NSIP	Nationally Significant Infrastructure Project
PA 2008	The Planning Act 2008
PEI	Preliminary Environmental Information
PILs	Persons with an Interest in land which is subject to the DCO (within Category 1, 2 or 3 of section 44 of the PA 2008 – generally owners, occupiers or people with an interest in or right in the land)
The Inspectorate	Planning Inspectorate
PRA	Preferred Route Announcement. Designation of a proposed option as a 'preferred route' by the Department for Transport provides a form of planning protection from development of land in the vicinity of the A19/A1290 Downhill Lane Junction improvement
Prescribed consultees	The persons listed in Schedule 1 of the APFP Regulations who must be consulted in relation to the Scheme under s42(1)(a) of the PA 2008
PRoW	Public Right of Way
PTEs	Passenger Transport Executive(s)
Report	A19 Downhill Lane Junction Improvement Consultation Report
Review	The review undertaken in 2015 investigating the feasibility of combining the Testo's junction improvements with the adjacent Downhill Lane Junction improvements. This feasibility study was completed in 2016 and concluded that the design and construction of the two schemes should be delivered by one team, but with two separate DCO applications
RIS	Road Investment Strategy published by DfT in 2014
SoCC	Statement of Community Consultation
SoS	Secretary of State for Transport
SoW	Start of Works
The Scheme	The A19 Downhill Lane Junction Improvement Scheme
Statutory Undertakers	Persons with regulatory powers and duties, such as gas, electricity, water and transport providers or transmitters
STC	South Tyneside Council
SCC	Sunderland City Council
TAMMS	Tyneside Area Multi Modal Study
TEFP	Town End Farm Partnership
TPI	Targeted Programme of Improvements

VOA	Valuation Office Agency
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<b>Non-statutory consultation</b>	Guidance on DCO applications states that applicants, especially for large projects with long development periods, such as the Scheme, should consider undertaking a non-statutory consultation at an early stage where options are still being considered. This is in order to help the applicant inform proposals and establish a preferred option to take to statutory consultation.
<b>Statutory consultation</b>	As the Scheme is an NSIP, a certain level of consultation is required. This includes a duty to inform and engage statutory consultees, landowners, Local Authorities, members of the public, and other non-statutory consultees under sections 42, 47 and 48 of the PA 2008. Section 49 of the PA 2008 requires the Applicant to take into account the responses received during these consultations and have regard to them when developing the final design.

## Sections of the Planning Act 2008 referred to in this Report

<b>Section 14</b>	Nationally significant infrastructure projects: general
<b>Section 22</b>	Highways
<b>Section 37</b>	Applications for orders granting development consent
<b>Section 42</b>	Duty to consult
<b>Section 43</b>	Specifies Local Authorities for the purposes of section 42(1)(b)
<b>Section 44</b>	Categories for purposes of section 42(1)(d)
<b>Section 46</b>	Duty to notify SoS of proposed application
<b>Section 47</b>	Duty to consult local community
<b>Section 48</b>	Duty to publicise
<b>Section 49</b>	Duty to take account of responses to consultation and publicity
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<b>N2</b>	NEW S42 CONSULTEE LETTER – GENERAL
<b>N3</b>	NEW S42 CONSULTEE LETTER – SHARED TESTO'S SITE COMPOUND
<b>N4</b>	EXISTING S42 CONSULTEE - SCHEME UPDATE LETTER
<b>N5</b>	STATUTORY UNDERTAKERS - BT LETTER
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**Note:** The Highways Agency changed to Highways England in 2015. In this Report, any reference to the Applicant from prior to 2015 will refer to The Highways Agency, and any reference post-2015 will refer to Highways England.



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## 1 INTRODUCTION

### 1.1 Introduction

- 1.1.1 Downhill Lane Junction is a vital link between the A19 and the A1290. It is located about 5km south of the Tyne Tunnel and 1.2km south of Testo's junction. The junction is one of the main access routes for the Nissan car plant and Washington Road, which runs east into North Sunderland.
- 1.1.2 It is predicted that many more vehicles will need to use the junction in the future due to multiple developments planned in the area, specifically around the IAMP. The current junction would not be able to cope with these additional vehicles.
- 1.1.3 The improvements to the Downhill Lane junction (the Scheme), which is approximately 1km in length, include construction of a new bridge south of the existing bridge. Together with the existing bridge this will form a more traditional roundabout junction layout above the A19. The existing north-bound and south-bound A19 slip roads will be realigned to tie in with the new elevated roundabout arrangement. To the north of the junction, these will serve as link roads between the Scheme and the proposed new Testo's junction roundabout. The slip roads south of the junction will also be realigned but will continue to provide direct access to and from the A19. On the west side of the junction the A1290 will be realigned and to the east, the layout of Downhill Lane and Washington Road will also be amended to suit the new junction. Temporary access roads, temporary highway works, temporary construction compounds and work sites will be required during construction of the Scheme.
- 1.1.4 Routes for walkers, cyclists and horse riders will be designed to provide overall improvements in safety and connectivity where possible.
- 1.1.5 In line with the Applicant's Strategic Outcomes, the aims of this Scheme are to:
- improve journey times on this route of strategic national importance;
  - improve network resilience and journey time reliability;
  - improve safety;
  - facilitate future economic growth;
  - improve provision for walkers, cyclists and other NMUs; and
  - maintain access for local traffic whilst improving the conditions for strategic traffic.
- 1.1.6 The Scheme supports these aims by improving traffic flows and reducing queues. This will improve the environment for the local community and transport users will benefit from improved journey times, road quality and safety. This will support the overall competitiveness and productivity of the local, regional and national economy through time savings and improved reliability for business users.
- 1.1.7 A non-statutory consultation exercise was held between 21 November 2016 and 6 January 2017 on a proposed option for the Scheme. The consultation presented the preferred design option. The consultation found an overall support for the proposed option with more than 60% of respondents stating that they support it. A PRA was made in June 2017 (see section 3.2 for more details).

- 1.1.8 This Report summarises the methodology and outcomes of the statutory consultation held between 11 September and 22 October 2017, which ran for a period of 6 weeks.
- 1.1.9 A further three supplementary consultations have been carried out in 2018. Further information regarding these consultations can be found in chapter 7.
- 1.1.10 This report also details how the Applicant has had regard under section 49 of the PA 2008 to the responses received to consultation.

## 1.2 Statutory Consultation Requirements

- 1.2.1 This Scheme is categorised as an NSIP within sections 14(1)(h) and 22(1)(b) of the PA 2008. Under section 22, an NSIP must fall within 1 of the 3 categories specified, which are expressly stated as alternatives. The Scheme is an “alteration” within the meaning of section 22(1)(b) as the area of development is greater than the prescribed 12.5 hectare limit (the relevant limit in relation to the construction or alteration of a highway, other than a motorway, where the speed limit for any class of vehicle is expected to be 50 miles per hour or greater).
- 1.2.2 As the Scheme is an NSIP, a certain level of consultation is required as set out in Part 5, Chapter 2 of the PA 2008 and in the DCLG “Guidance on the Pre-Application Process”<sup>2</sup>, dated March 2015. This includes a duty to inform and engage statutory consultees, landowners, Local Authorities, members of the public, and other non-statutory consultees. Section 49 requires the Applicant to take into account the relevant responses received during these consultations and have regard to them when developing the final design of the Scheme.
- 1.2.3 Section 42 of the PA 2008 requires the developer to consult with:
- Prescribed consultees (section 42(1)(a));
  - Relevant Local Authorities (section 42(1)(b)); and
  - Landowners, those with an interest in the land and those who would or might be entitled to make a relevant claim (42(1)(d)).
- 1.2.4 Section 47 of the PA 2008 requires a developer to consult with the local community, which is defined as ‘people living in the vicinity of the land’. For the purpose of the Scheme this was defined as people living within the vicinity of the junction (within the STC and SCC boundaries) and neighbouring areas bordering the Scheme (Gateshead Council). Section 47 also requires the consultation to be undertaken in accordance with the prepared SoCC. Further details of the SoCC, and how consultation was held in accordance with it, can be found in Chapter 5 of this Report.
- 1.2.5 Section 48 of the PA 2008 requires the developer to publicise the proposed application in the prescribed manner in national and regional newspapers as set out in Regulation 4 of the APFP Regulations.
- 1.2.6 Applications for a DCO must be accompanied by a consultation report (this Report) as outlined in section 37(3)(c). This Report details the methodology and outcomes

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<sup>2</sup> Source: <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

for the statutory consultation undertaken in 2017 and how responses to the consultations and the opinions expressed have been taken into account for the final design of the Scheme.

- 1.2.7 Guidance published by the Inspectorate, the DCLG and the Applicant, including the Inspectorate's Advice Note 14 (Compiling the Consultation Report)<sup>3</sup>, *How Highways England plans major schemes* and DCLG Guidance on the Pre-Application Process (March 2015), were taken into account while delivering the consultations outlined in this Report, in line with requirements set out by section 50 of the PA 2008.

### 1.3 The Applicant's Statutory Consultation Strategy

- 1.3.1 The primary purpose of the statutory consultation undertaken between 11 September and 22 October 2017 was to engage with stakeholders, local residents and businesses, or anyone who may have an interest in the Scheme in order to generate interest. The consultation period served as an opportunity for concerns about the Scheme to be raised so that these would be addressed prior to the start of detailed design development.

- 1.3.2 Information was distributed in a number of ways during the consultation period: it was sent to prescribed consultees; it was available at 12 local locations as well as the Applicant's offices in Leeds; it was available online at [www.highways.gov.uk/a19-testos-downhill-lane](http://www.highways.gov.uk/a19-testos-downhill-lane); and it was available at 2 public information exhibitions. Chapters 4 and 5 of this report provide more details of the consultation undertaken under section 42 and section 47 respectively.

- 1.3.3 The consultation was publicised in the local and national press and through brochures sent to all residential and business addresses in proximity to the Scheme. **Appendix E** provides details of the publicity undertaken under section 47 and section 48.

- 1.3.4 Chapter 4 of this Report provides details of the statutory consultation undertaken.

### 1.4 Programme of Engagement and Consultation

- 1.4.1 Communicating simply and efficiently with all stakeholders was essential throughout the development of the Scheme. A series of non-statutory and statutory consultations were delivered to define the final route and engage the local community once the route was announced. The dates and contexts of both the non-statutory and statutory consultations are set out below.

- **2016/17:** Non-statutory consultation was held between 21 November 2016 and 6 January 2017. The preferred route was later announced in June 2017.
- **2017:** Following the PRA, a full statutory consultation (in accordance with sections 42, 47 and 48 of PA 2008) was undertaken between 11 September and 22 October 2017.
- **2018:** Following scheme development and design amendments, additional consultations were held between 12 March and 10 April, 30 July and 28 August 2018 and 21 November and 19 December 2018 in order to ensure

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<sup>3</sup> Source: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2012/03/Advice-note-14.pdf>

that relevant consultees under sections 42, 47 and 48 of the PA 2008, were kept fully informed.

- 1.4.2 Further details of the various strands of non-statutory consultation that have been undertaken can be found in Chapter 3 of this Report.

## 1.5 Statutory consultation undertaken by the Applicant

### Statement of Community Consultation (SoCC)

- 1.5.1 As required under section 47 of the PA 2008, the Applicant produced a SoCC for the statutory consultation. The SoCC set out how statutory consultations would be carried out with the local community, residents and businesses within the vicinity of the Scheme. Further details of Local Authorities consulted with can be found in Section 4.8 of this Report.

- 1.5.2 The draft SoCC for the statutory consultation was completed in July 2017. The SoCC was issued to STC and SCC on 20 July 2017. The Local Authorities were given 28 days to respond, with a deadline of 17 August 2017. There were no comments received about the SoCC from this consultation. The final SoCC was published on the Applicant's website and full adverts placed in local press in compliance with section 47(6) of the PA 2008 on 4 September 2017 (copies of which can be found in **Appendix E**). Further details of consultation carried out during development of the SoCC can be found in Section 5.2 of this Report.

### Consultation with Statutory Consultees (section 42)

- 1.5.3 The Applicant undertook statutory consultation with section 42 consultees for a 6-week period between 11 September and 22 October 2017 (a total of 42 days). All consultees received a detailed consultation pack which included: a covering letter, copy of the section 48 notice, links to PEI and a consultation leaflet with enclosed questionnaire.

### Consultation with the Local Community (section 47)

- 1.5.4 Statutory public consultation with the local community also took place over a period of 6 weeks from 11 September to 22 October 2017. The consultation was carried out in accordance with the published SoCC. A series of engagement activities were delivered, including a public exhibition held over two days. A total of 35,300 consultation brochures were delivered to neighbouring postal areas. The brochures included questionnaires and links to dedicated online resources, hosted on the Applicant's website. A total of 77 questionnaires were returned in response to the consultation with 68 of the respondents in agreement with the proposals. Refer to Sections 4.5 and 5.2 to 5.7 of this Report for further details on the consultation strategy and compliance with the SoCC. Copies of the notices published in the local newspapers to make the local community aware of the statutory public consultation can be found in **Appendix E**.

### Publicity Notices (section 48)

- 1.5.5 The Applicant published a section 48 notice in three local newspapers in two consecutive weeks (on 4 and 11 September 2017) and in a national newspaper and the London Gazette on 4 September 2017. A copy of the section 48 notice

was provided to all prescribed consultees in compliance with Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations 2009). Copies of these notices can be found in **Appendix E**.

## 1.6 Environmental Impact Assessment (EIA)

- 1.6.1 The proposed Scheme has been identified by the Applicant as an 'EIA project' under the requirements of the European Union EIA Directive and the EIA Regulations 2009. Accordingly, a detailed EIA has been carried out for the Scheme, leading to preparation of an ES to accompany the application for a DCO.
- 1.6.2 The size and potential for significant environmental impacts of the Scheme mean it has been identified as an Annex II EIA project in accordance with the EIA Regulations 2009. The EIA Regulations 2009 implement European Union Directive 85/337/EEC, as amended and codified by Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment' into UK law.
- 1.6.3 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) came into force in England and Wales on 16 May 2017. Regulation 37 of the EIA Regulations 2017 provides transitional arrangements for the continued applicability of the EIA Regulations 2009. These transitional provisions apply to any application for an order granting development consent or subsequent consent where an Applicant has requested the SoS or the relevant authority to adopt a Scoping Opinion (as defined in the EIA Regulations 2009) before the commencement of the EIA Regulations 2017 in respect of the development to which the application relates.
- 1.6.4 On 15 May 2017, the SoS received a request for a Scoping Opinion from the Applicant under Regulation 8 of the EIA Regulations 2009. The request related to the Scheme and was accompanied by a Scoping Report. Since the request for a Scoping Opinion was made before the 16 May 2017, the EIA Regulations 2009 continue to apply.
- 1.6.5 Consultation relating to the EIA has comprised the following elements:
- 1.6.6 A request for a Scoping Opinion<sup>4</sup> was sent to the Inspectorate, accompanied by a detailed Scoping Report (Ref. HE514495-JAC-EGN-DLJCN-RP-LE-0001), on 15 May 2017, and the Inspectorate consulted a large number of statutory consultees before formulating their response. The Applicant has taken account of the Scoping Opinion and considered all the individual consultation responses in undertaking the EIA, and the way in which this has been done is described in Chapter 4 and **Appendix 1.1 of the ES (Application Document References: TR010024/APP/6.1 for the Main ES Text and TR010024/APP/6.3 for the Appendices)**;
- 1.6.7 A PEI document was prepared to inform the statutory consultation in 2017. All consultation exhibitions were attended by specialist environmental staff to answer questions on environmental issues;

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<sup>4</sup> Link to Scoping Opinion Document on the Inspectorate Website - <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010024/TR010024-000026-Scoping%20Opinion.pdf>

- 1.6.8 There have been a number of consultation meetings with the LAF and user groups for walkers, cyclists and horse-riders, to discuss needs and aspirations and potential options for the nature and layout of mitigation works and other new provision around the Scheme. Meetings to date have been held on 19 June 2017 to discuss initial NMU options and on 23 October 2017 following the end of the statutory consultation to establish the LAF's preference for the NMU options presented as part of the consultation. Subsequent meetings in 2018 have also been held to discuss specific elements of the scheme which concern NMU's.
- 1.6.9 There have been a number of meetings and correspondence with stakeholders, including Council officers and statutory environmental bodies, to discuss other environmental issues (see Chapters 3, 4, 7 and 8 of this Report for details).
- 1.6.10 The proprietor of each farm unit affected (irrespective of the nature of tenure) has been interviewed by an agricultural expert to determine the nature of the effect of the Scheme on the operation of the farm business. This informed the proposed design and mitigation measures and was incorporated into the proposed design. Further details of agricultural assessment and proposed mitigation can be found in Chapter 13 of the ES (**Application Document Reference: TR010024/APP/6.1**).

## 1.7 Conclusions and Scheme Changes

- 1.7.1 The periods of statutory and non-statutory consultation have played an important role in challenging and influencing the Scheme design and as a result, the proposed Scheme is well-informed and supported by the majority of local stakeholders.
- 1.7.2 All responses and results received from the statutory consultation in 2017 and the subsequent consultations undertaken in 2018, have been reviewed and actioned to align with requirements set out in section 49 of the PA 2008. As a result, some minor changes were incorporated as follows:
- Adoption of NMU Option 2A as the Preferred NMU Option; and
  - Relocation of attenuation pond from south east to north east of the junction, within the same landownership.



## 2 OVERVIEW

### 2.1 Purpose of the Report

- 2.1.1 This Report forms part of the Applicant's application to the SoS for the Scheme DCO. It has been produced in accordance with section 37(3)(c) of the PA 2008 which requires all applications for a DCO to be accompanied by a Consultation Report. This Report sets out: how the Applicant has carried out statutory pre-application consultation on the Scheme; how consultation complied with the statutory requirements that apply under PA 2008; and the responses received and how the Applicant has taken them into account in developing the Scheme.
- 2.1.2 This Report has been developed by applying guidance from the Inspectorate's Advice Note 14: Compiling the Consultation Report (April 2012) and the PA 2008 Guidance on the Pre-Application Process (March 2015). Table 9-1 details the evidence of compliance with the DCLG guidance on the pre-application process. Compliance with the Inspectorate's Advice Note 14: Compiling the Construction Report is detailed in Table 9 2.
- 2.1.3 In order to fulfil the statutory consultation obligations, the Applicant consulted prescribed consultees, non-prescribed consultees, Persons with an Interest in Land which is subject to the DCO (PILs), and members of the local community living within the vicinity of the Scheme location. The proposed application was publicised in accordance with section 48 of the PA 2008 and guidance provided by the APFP Regulations. Although a 28-day consultation is permitted, the Applicant consulted for a period of 6 weeks.
- 2.1.4 The Applicant produced a SoCC for the statutory consultation. The Applicant consulted on the SoCC with Local Authorities in line with section 47 of the PA 2008 ahead of the start date of the statutory consultation.

### 2.2 Structure of the Report

- 2.2.1 **Chapter 2** (this chapter) provides an overview of the consultation activities undertaken in relation to the Scheme and explains the purpose of this Report in the context of the application for development consent, summarising the approach taken. Chapter 2 also sets out: a summary of the Applicant's compliance with the statutory consultation requirements under the PA 2008 and a description of the existing highway situation.
- 2.2.2 **Chapter 3** provides a summary of the Scheme history and also outlines details of the previous non-statutory consultation in 2016.
- 2.2.3 **Chapter 4** provides an overview of the statutory consultation with named consultees and landowners. This includes: Scheme proposals, NMU Options and summarises the consultation with prescribed consultees, Local Authorities and PILs (under section 42 of the PA 2008).
- 2.2.4 Chapter 4, section 4.12 (Table 4-2) also includes details of how the Applicant has had regard for the consultation responses received.
- 2.2.5 **Chapter 5** provides an overview of the statutory consultation with the local community (under section 47 of the PA 2008). This includes: details of the SoCC, and a summary of the questionnaire results. Issues and concerns that were raised

by the public are discussed. Information related to section 48 of the PA 2008 (Duty to Publicise) is also included in this chapter.

- 2.2.6 Chapter 5 also includes details of the changes made to the Scheme as a result of feedback received.
- 2.2.7 **Chapter 6** provides an overview of how the Scheme was publicised. This includes: the notice and the response mechanisms (under section 48 of the PA 2008). As community consultation under section 47 was undertaken in conjunction with the section 48 notices period, responses to both were received within the same deadline. Accordingly, details of relevant responses received from members of the public in response to the publication of the section 48 notice are addressed in Chapter 5 which deals with community consultation.
- 2.2.8 **Chapter 7** provides an overview of the additional consultations and summarises the main outcomes of the additional consultations and the changes made to the Scheme as a result of the responses received (in accordance with the duty to have regard under section 49 of the PA 2008).
- 2.2.9 **Chapter 8** summarises the engagement which has taken place with stakeholders and adjacent developers since the Statutory Consultation.

**Table 2-1 - Summary of compliance with PA 2008 statutory requirements**

Statutory requirement	Activity undertaken	Date undertaken
Duty to consult prescribed consultees, under section 42(1)(a)	Letter and consultation brochure issued to prescribed consultees <b>(See Section 4.7 and Appendices C1 and C2 and I of this Report)</b>	25 August 2017 with consultation commencing on 11 September 2017
Duty to consult each Local Authority that is within section 43, under section 42(1)(b)	As above <b>(See Section 4.8 and Appendix I of this Report)</b>	25 August 2017 with consultation commencing on 11 September 2017
Duty to consult each person within one or more of the categories set out in section 44 under section 42(1)(d)	As above <b>(see Section 4.9 of this Report)</b>	25 August 2017 with consultation commencing on 11 September 2017
Notification of the deadline for the receipt of responses under section 45(1). This deadline must not be earlier than 28 days under section 45(2)	Information stated in above letters and consultation brochure – 22 October 2017 closing date (42 days) <b>(see Appendix C1 of this Report)</b>	25 August 2017 with consultation commencing on 11 September 2017

Statutory requirement	Activity undertaken	Date undertaken
Section 46 Duty to notify Secretary of State of the proposed application on or before commencing consultation under section 42	Letter sent to the Inspectorate <b>(see Section 4.6 and Appendix B of this Report)</b>	8 September 2017
Duty to consult each Local Authority on a SoCC under section 47(2)	Local Authorities consulted during the creation of the SoCC <b>(see Appendix D1 &amp; D2 and Section 5.2 of this Report)</b>	Draft SoCC sent on 20 July 2017 with deadline for comments on 17 August 2017 (28 days)
Duty to prepare a SoCC under section 47(1) and to publish it under section 47(6)	Published in the Shields Gazette, Newcastle Evening Chronicle and Sunderland Echo <b>(see Appendix E of this Report)</b>	4 September 2017
Duty to publicise under section 48	Published in Shields Gazette, Newcastle Evening Chronicle and Sunderland Echo*. Published in The Guardian and the London Gazette <b>(See Appendix E of this Report)</b>	4 September 2017 (local newspapers, national newspapers and London Gazette), 11 September 2017 (local newspapers)  *Section 48 initially published on 02/09/2017 in Sunderland Echo, not 04/09/2017.
Duty to take account of responses to consultation and publicity under section 49	Individual responses issued where appropriate. Responses accounted for in questionnaire analysis <b>(see Appendices F and P of this Report)</b>	20 November 2017
Notice of PEI under Regulation 11 of the EIA Regulations 2009	Information included on the issued section 42 letters	25 August 2017

## 2.3 Summary of Consultation Activities

2.3.1 The pre-application consultation activities are summarised in Table 2-2:-

**Table 2-2 - Summary of Consultation Activities**

Consultation Activity Undertaken:	Date:	Report reference
Non-statutory consultation	21/11/16 – 06/01/17	Section 3.3
Statutory consultation under s.42 of the PA 2008	11/09/17 – 22/10/17	Chapter 4
Statutory consultation under s.47 of the PA 2008	11/09/17 – 22/10/17	Chapter 5
Statutory consultation under s.48 of the PA 2008	11/09/17 – 22/10/17	Chapter 6

Supplementary consultation	12/03/18 – 10/04/18	Section 7.2
Supplementary consultation	30/07/18 – 28/08/18	Section 7.3
Supplementary consultation	21/11/18 – 19/12/18	Section 7.4

## 2.4 Existing Situation

- 2.4.1 Downhill Lane junction is a vital link between the A19 and the A1290. It is located about 5km south of the Tyne Tunnel and 1.2km south of Testo’s junction. The junction is one of the main access routes for the Nissan car plant and Washington Road, which runs east into North Sunderland.
- 2.4.2 The A19 provides an alternative north-south route to the A1, running approximately parallel and to the east of the A1. The A19 originates at Doncaster and provides links to the counties of South Yorkshire, North Yorkshire, Durham, and Tyne and Wear, and the Teesside conurbation, before joining the A1 at Seaton Burn, north of Newcastle.
- 2.4.3 The A19 forms a part of a circular route of the Tyneside area. This consists of the A1 Gateshead / Newcastle Western Bypass, the A194, the A184, and the A19.
- 2.4.4 Downhill Lane junction, a grade-separated<sup>5</sup> junction, is located approximately 1.2km to the south of Testo’s roundabout as shown in Figure 2-1, below.



**Figure 2-1 - Geographic location of Downhill Lane Junction**

- 2.4.5 The Downhill Lane junction primarily serves the Nissan Motor Manufacturing UK Limited plant (Nissan) which is located south of the junction and adjacent to the western edge of the A19. A lane gain is used by northbound traffic wishing to merge with the A19 from Downhill Lane, and this lane feeds into a segregated,

<sup>5</sup> ‘Grade-separated’: as opposed to ‘at-grade’, this refers to a junction where one road has been elevated or lowered to a different level such that the main flow of traffic is separated.

free-flowing, left turn lane at Testo's roundabout which connects the A19 northbound with the A184 westbound.

- 2.4.6 At Downhill Lane junction the slip roads rise on an embankment up to approximately 7m high.
- 2.4.7 The River Don passes beneath the A19 via a corrugated steel/brick arch culvert of approximately 1.5m diameter, approximately 100m north of Downhill Lane junction. At the location of the crossing the river flows in a west to east direction.
- 2.4.8 A major electricity distribution substation (West Boldon Substation) is located in the north east quadrant of the junction with overhead cables radiating out from the substation in various directions.
- 2.4.9 Within 2km of the Scheme, there are two statutory designated sites (Hylton Castle Cutting Site of Special Scientific Interest & Hylton Dene Local Nature Reserve) and 19 LWS spanning two Local Authorities (STC and SCC). No nature conservation sites lie within the red line boundary, while only two LWSs lie in close proximity to the north-east and north-west: Make Me Rich Meadow (an area of rough unmanaged grassland together with a section of the River Don between the A19 and the A184); and Elliscope Farm East/ Hylton Bridge (two small woodlands and the linking section of the River Don, leading east from Hylton Bridge Farm). The route is relatively rural in nature; the highway is surrounded by fields and farmland except in the south-east quadrant where the estate of Town End Farm is situated.
- 2.4.10 A figure showing the existing road arrangement and the above key features can be found in **Appendix G**.

## **3 SCHEME HISTORY AND NON-STATUTORY CONSULTATION**

### **3.1 Scheme Context**

- 3.1.1 The Scheme is located in the North East of England within the Local Authority areas of STC and SCC. Downhill Lane Junction is located approximately 1.2km south of Testo's roundabout and forms the junction of the A19, A1290, Washington Road and Downhill Lane. The junction is the primary access from the A19 for vehicles entering and leaving the local Nissan car manufacturing plant located 1km to the south.
- 3.1.2 In 2015, Downhill Lane junction was upgraded from a dumbbell roundabout arrangement to a signalised junction by STC as an interim solution to congestion at the junction. This junction and the Testo's roundabout provide links between the conurbations of Tyneside, Wearside and Teesside, and form part of an eastern route around the Tyneside conurbation.
- 3.1.3 A scheme to improve the adjacent A19 Testo's roundabout junction has also been developed. A DCO application was submitted to the Inspectorate in July 2017 and was granted development consent by the Secretary of State in September 2018. Highways England is now developing the programme for both the Downhill Lane and Testo's junction improvements in order to ensure a coordinated approach, however, they are being consented as two separate schemes.
- 3.1.4 This Report therefore makes reference to the Testo's scheme as well as this Scheme. The two schemes are physically linked and need to be considered together for many aspects of the appraisal. Further details of why the schemes are being developed together are given in section 3.2.

### **3.2 Scheme History of A19 Downhill Lane Junction**

- 3.2.1 The RIS for the 2015-2020 Road Period, published by the DfT, announced in December 2014 that Downhill Lane junction would be improved to support local plans for an IAMP to the north of the existing Nissan plant. This formed part of Highways England's programme of investment in the strategic road network in the North East that supports the government's growth agenda for the region.
- 3.2.2 Initially, Highways England considered combining the Scheme with the neighbouring Testo's junction proposed scheme. However, the Testo's scheme was at a more advanced stage and therefore the decision was taken to progress the DCO applications for each separately to avoid delay.
- 3.2.3 The Preferred Route for the Scheme was announced by the SoS on the 30th June 2017.

### **3.3 2016 non-statutory consultation**

- 3.3.1 The Applicant conducted a non-statutory consultation for seven weeks (49 days) between 21 November 2016 and 6 January 2017 in order to present the emerging preferred Option (Option A), obtain feedback and also provide details of the discounted options (Options B to F).

- 3.3.2 This consultation was carried out in the same spirit as statutory consultation, seeking the views of various interested parties and stakeholders as well as gauging public opinion having regard to these in the selection of the preferred option.
- 3.3.3 Two public consultation events were held during the consultation period at which there were exhibition boards presenting information about the Scheme. A public consultation brochure, with a feedback questionnaire, was also available. Twenty-five people attended these public exhibitions.
- 3.3.4 Copies of the non-statutory consultation brochure and questionnaire can be found in **Appendix A**.
- 3.3.5 The public consultation brochure, including questionnaire, was delivered to approximately 35,300 residences in the local area.
- 3.3.6 The public consultation brochure and exhibition boards were made available online, along with an online version of the questionnaire.
- 3.3.7 Responses to the consultation were accepted through a number of channels:
- Online by following the links on [www.highways.gov.uk/a19-testos-downhill-lane](http://www.highways.gov.uk/a19-testos-downhill-lane)
  - Email to the project email addresses:  
[a19testosjunctionimp@highwaysengland.co.uk](mailto:a19testosjunctionimp@highwaysengland.co.uk) (was used for the non-statutory consultation); and  
[A19DownHillLane@highwaysengland.co.uk](mailto:A19DownHillLane@highwaysengland.co.uk) (was used for the statutory consultation and all subsequent consultations)
  - Post, using the free post envelope provided with the consultation brochure
  - At public consultation events, by completing a paper copy of the questionnaire.

### Consultation findings

- 3.3.8 A total of 143 responses were received to this consultation. The majority of responses (137) were received from the general public. The remaining responses were from Local Authorities and other key stakeholders.
- 3.3.9 Most responses were received on the response form (134) with nine responses received via email or as letters.
- 3.3.10 The response form asked for respondents to provide a postcode.
- 57 responses were received from “close to Downhill Lane and Testo’s” (40%)
  - 30 responses were received from “north of Downhill Lane and Testo’s” (21%)
  - 41 responses were received from “south of Downhill Lane” (29%)
- 3.3.11 Responses were received from different demographic groups in the population.
- 3.3.12 The majority of respondents to the consultation travel through Downhill Lane Junction by car or van. A significant number of respondents also travel through the junction by bicycle.

- 3.3.13 Nearly 66% of respondents use the Downhill Lane Junction to get to or from home. A large number of respondents use the junction to travel through Tyne and Wear. Fewer respondents use the junction to travel to work, and to local leisure facilities.
- 3.3.14 Almost 33% of respondents stated that they used the junction every day with a similar proportion using the junction on a weekly basis.
- 3.3.15 Approximately 66% of respondents either strongly agreed or agreed that there was a need for the improvements on the A19 Downhill Lane Junction. Around 20% disagreed or strongly disagreed that there was a need for improvements.
- 3.3.16 More than 60% of respondents overall agreed or strongly agreed with the proposals for Option A, nearly 33% disagreed or strongly disagreed with Option A.
- 3.3.17 In general, feedback received was in support of the Scheme, citing the need to improve traffic flow, reduce congestion at Nissan with the addition of concerns for NMUs, and some general opposition to the Scheme.
- 3.3.18 Responses from Local Authorities and key stakeholders were all supportive of the Scheme.

### 3.4 Tabulated summary of responses from non-statutory consultation and actions taken

Table 3-1 - Changes not made to the scheme as a result of Non-Statutory Consultation

Element of the scheme & issue raised in consultation	Design change not made as a result of consultation response
NMU accessibility and safety	NMU provision reviewed and 2 options offered for further consultation during the statutory consultation
Improve traffic flow	Incorporated in the review, but no direct changes made
Reduce congestion at Nissan	Incorporated in the review, but no direct changes made



## 4 STATUTORY CONSULTATION (SECTION 42)

### 4.1 Consultation Overview

4.1.1 The Applicant undertook a statutory consultation under the PA 2008 with section 42 and section 47 consultees for a six-week period between 11 September and 22 October 2017 (42 days). Alongside the proposals for the preferred route, three NMU options were outlined and feedback was invited on the three proposals from all consultees.

### 4.2 Scheme Proposals

4.2.1 The objectives of the Scheme are as follows:

- improve journey times on this route of strategic national importance;
- improve network resilience and journey time reliability;
- improve safety;
- facilitate future economic growth;
- improve provision for walkers, cyclists and other NMUs; and
- maintain access for local traffic whilst improving the conditions for strategic traffic

4.2.2 The Scheme proposals include construction of a new bridge south of the existing bridge. Together with the existing bridge this will form a more traditional roundabout junction layout above the A19.

4.2.3 The existing north-bound and south-bound A19 slip roads will be realigned to tie in with the new elevated roundabout arrangement. To the north of the junction, these will serve as link roads between Downhill Lane Junction and the proposed new Testo's junction roundabout (1.2 km to the north). The slip roads south of the junction will also be realigned but will continue to provide direct access to and from the A19.

4.2.4 On the west side of the junction the A1290 will be realigned and to the east, the layout of Downhill Lane (East) and Washington Road (East) will also be amended to suit the new junction.

4.2.5 Temporary access roads, temporary highway works, temporary construction compounds and work sites will be required during construction of the Scheme.

4.2.6 Routes for walkers, cyclists and horse riders will be designed to provide overall improvements in safety and connectivity where possible. Three NMU options (NMU Options 1, 2B, and 2A) were presented for statutory consultation and these are discussed in more detail within this chapter. All options aim to improve pedestrian, cyclist and equestrian access.

4.2.7 A number of organisations and authorities were consulted during the development of the NMU options to ensure that the facilities are robust and offer genuine improvements over the existing arrangement. Organisations which were consulted include:

- Sustrans;

- British Horse Society;
- STC;
- Gateshead Council;
- SCC;
- Tyne and Wear LAF; and
- Local NMU representatives.

4.2.8 Detailed drawings of the three NMU options can be found in **Appendix H**.

4.2.9 The Preferred Route combined with the NMU options formed the basis of the Scheme proposals that went out to statutory consultation.

4.2.10 The Preferred Route can be viewed in Figure 4-1.

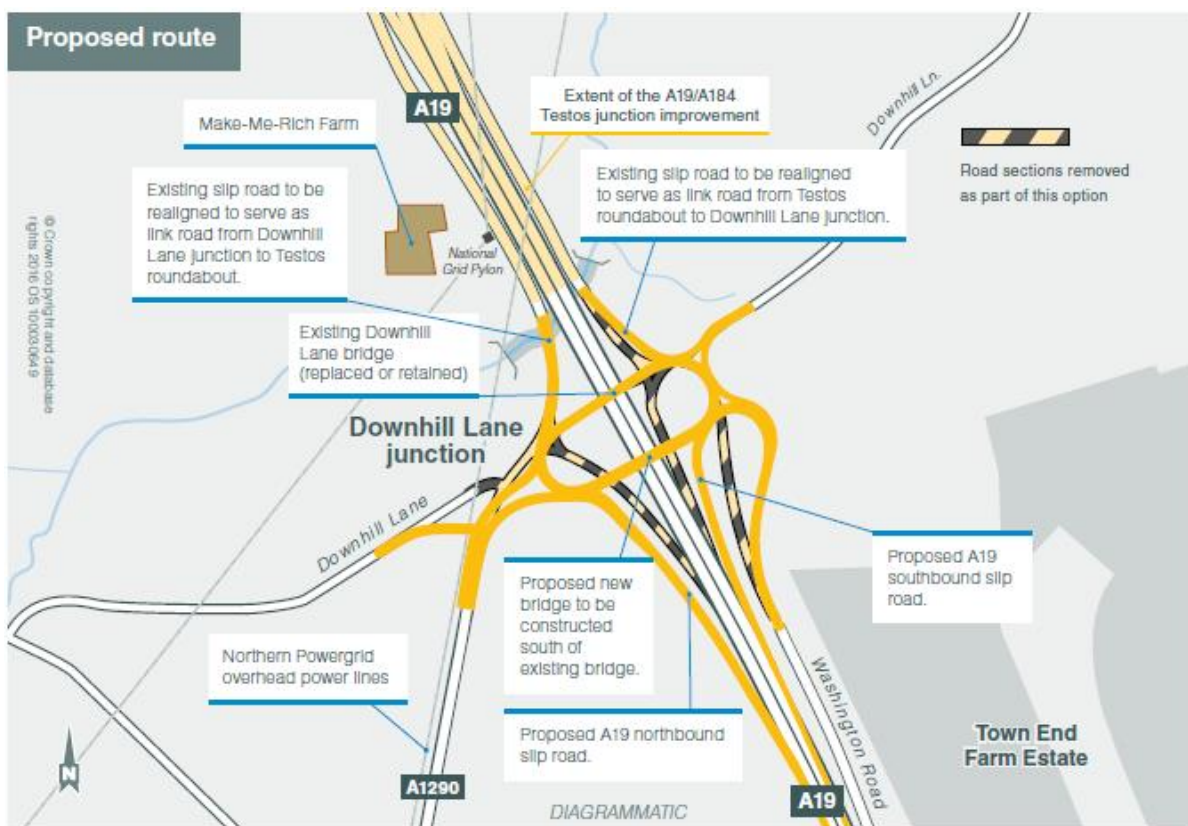


Figure 4-1: Preferred Route Alignment

### 4.3 NMU Option 1

4.3.1 Option 1 provides NMU routes through Downhill Lane junction via a combination of at-grade crossings, located at signalised points around the roundabout, and an independent NMU bridge over the A19, located within the junction roundabout. Where possible the NMU route will be taken away from the carriageway to provide separation of NMU and motorised traffic.

- 4.3.2 This option offers the shortest journey lengths in terms of distance, is visually more direct to NMU users and closer to the “desire line”, it also avoids the need for an underpass. However, the route will require waiting at the at-grade crossings located at the traffic lights on the proposed roundabout, it involves a greater number of signalised crossings and is therefore a longer journey time for cyclists when compared to Options 2A/2B. It is also not fully segregated from traffic.

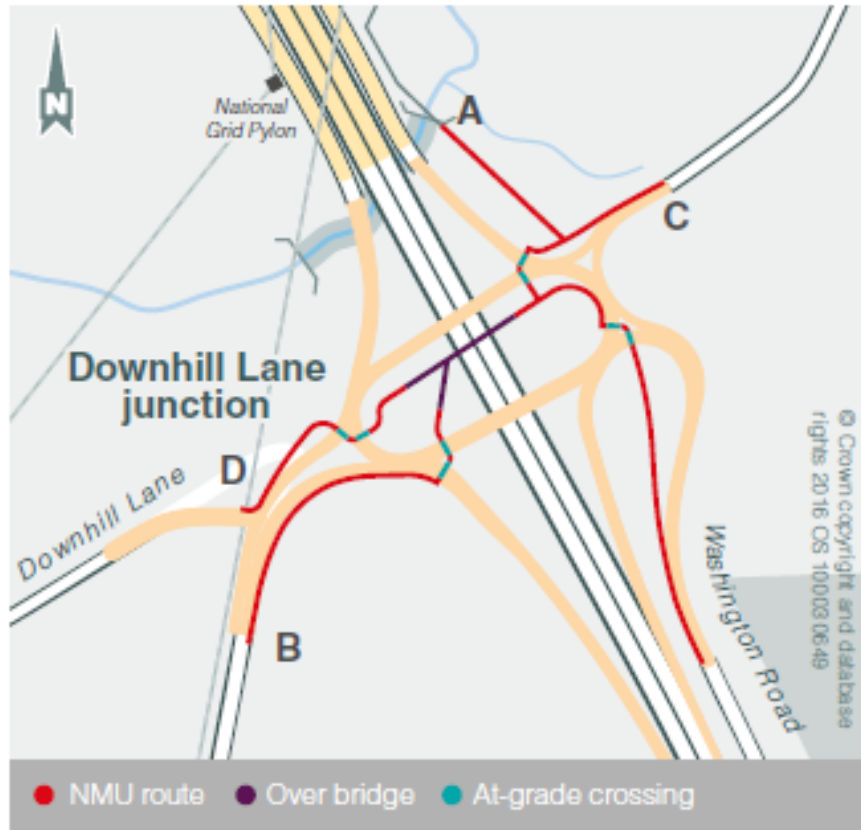


Figure 4-2: NMU Option 1

- 4.3.3 A drawing illustrating Option 1 can be found in Figure 4-2. A more detailed drawing of this option can be found in **Appendix H**.

#### 4.4 NMU Option 2A/2B

- 4.4.1 Options 2A/2B are very similar and so are presented here with a single description. These options provide NMU routes around Downhill Lane junction via a separate NMU bridge over the A19 and Washington Road, located to the south of the junction, and either an at-grade signalised crossing of or an underpass beneath Downhill Lane. Where possible the NMU route will be taken away from the carriageway to provide separation of NMU and motorised traffic. Estimates of journey times take into consideration both an at-grade signalised crossing of Downhill Lane (Options 2A) and an underpass variant (Option 2B).

- 4.4.2 Both Option 2A and 2B can potentially be fully segregated from traffic. The options offer an opportunity for adaptation to integrate with the future IAMP proposals and, where an underpass is used, journey time is quicker. However, these options have the longest journey length in terms of distance, and the route is visually less direct to NMU users and deviates from the “desire line”. The height required to span Washington Road and the A19 results in a tall bridge with probable significant visual impacts. Option 2B would require an underpass.

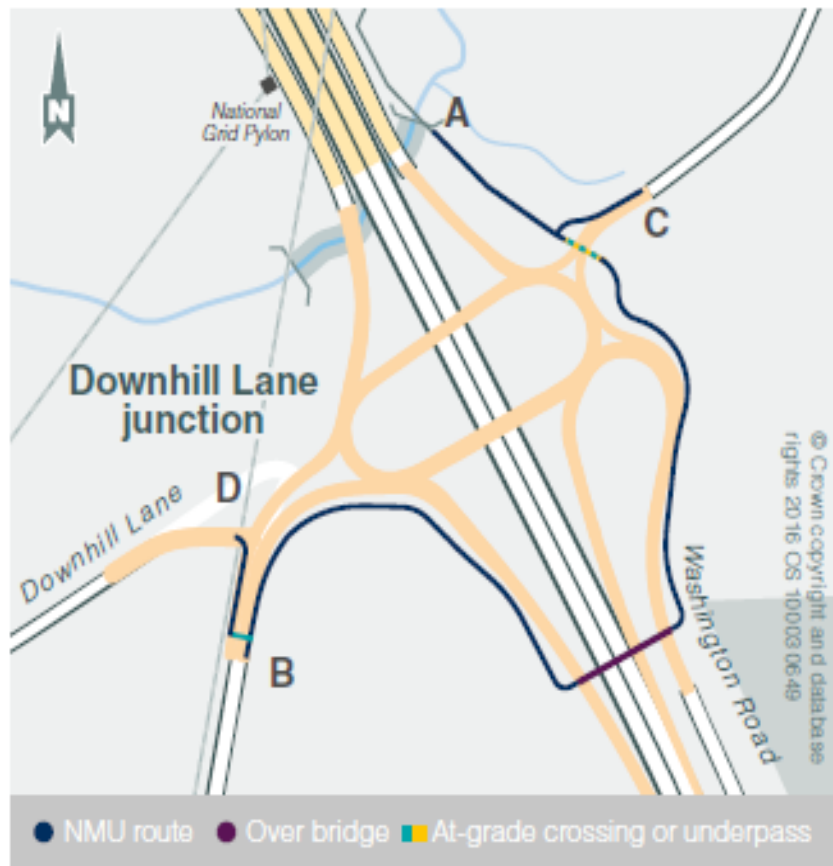


Figure 4-3: NMU Options 2A/2B

- 4.4.3 A drawing illustrating Options 2A/2B can be found in Figure 4-3. A more detailed drawing of these options can be found in **Appendix H**. The “route” for Option 2A/2B is the same. The only difference is the method of crossing both Downhill Lane and the A1290 shown by the dashed line in Figure 4-3 – 2A being at-grade crossings and 2B being underpasses.

## 4.5 Statutory Consultation Strategy

- 4.5.1 The primary purpose of the statutory consultation was to engage with stakeholders, local residents and businesses, or anyone who may have an interest in the Scheme in order to generate interest and seek opinions and preferences. The consultation period served as an opportunity for concerns about the Scheme to be raised so that these could be addressed prior to the start of detailed design development.

4.5.2 Information was distributed in a number of ways during the consultation period. These are discussed in more detail later in this chapter. The information contained within the consultation material included:

- The need for improvement and objectives of the Scheme;
- A brief history of the identification and selection of the Preferred Route;
- Description of the proposed NMU options;
- Information about the EIA proposed;
- The PEI Report;
- A fly-through video showing how the Scheme would look once completed;
- Description of the PA 2008 process with respect to NSIPs and the Scheme; and
- Contact details and ways in which comments/feedback could be submitted.

4.5.3 The statutory consultation ran from 11 September to 22 October 2017.

4.5.4 This chapter specifically highlights what the Applicant has done in compliance with the requirements of the PA 2008, APFP Regulations and relevant advice published by the Inspectorate and the DCLG.

## 4.6 Consultation with prescribed parties (section 42)

4.6.1 On 8 September 2017, the Applicant wrote to the Inspectorate to provide formal notice of its intention to submit the DCO application in accordance with section 46 of the PA 2008. The letter advised the Inspectorate that the Applicant intended to commence statutory pre-application consultation on 11 September 2017. A copy of the section 46 letter sent to the Inspectorate is provided in **Appendix B**.

4.6.2 Section 42 consultation was carried out over a six-week period between 11 September and 22 October 2017 and ran in parallel with 'The Duty to Consult Local Community' (section 47) and 'The Duty to Publicise' (section 48), as prescribed by the PA 2008. These elements are discussed in more detail in Chapters 5 and 6. Section 42 consultees as prescribed by the PA 2008 include the following:

- Consultees as prescribed by Regulation 3 and Schedule 1 of the APFP Regulations;
- Local Authorities within section 43 of the PA 2008; and
- PILs as defined by section 44 of the PA 2008.

4.6.3 The efforts made to consult with and incorporate suggestions made by the above consultees is discussed in the following sections of this chapter.

4.6.4 Each section 42 consultee was sent a section 42 consultation pack which comprised the following materials:

- Covering letter;
- A copy of the section 48 Notice;
- Link to the PEI (provided within consultation brochure); and

- Consultation brochure with enclosed questionnaire.

4.6.5 The consultation packs were sent out on 25 August 2017 (with consultation commencing on 11 September 2017) and the deadline for response was 22 October 2017. An example of the covering letter and consultation brochure contained in the consultation pack is provided in **Appendices C1 and C2** respectively.

## 4.7 Prescribed Consultees

4.7.1 Consulting with prescribed consultees is a requirement under section 42(1)(a) of the PA 2008. A list of prescribed consultees is provided in Schedule 1 of the APFP Regulations. This was cross referenced with the list of prescribed consultees provided by the Inspectorate in response to Regulation 9(1)(a) of the 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 I**.

4.7.2 A number of prescribed consultees were not consulted as they were deemed to not be relevant to the proposed development. The reasons for discounting such bodies have been captured in the draft section 55 checklist (**Application Document Reference: TR010024/APP/1.2**), which lists the following bodies: -

- The Marine Management Organisation, not consulted as the application does not affect marine environment
- The Secretary of State for Transport, not consulted because the Applicant forms part of DfT
- The Office for Nuclear Regulation, not consulted as scheme has no relation to nuclear energy.

4.7.3 It should be noted that ITAs and PTEs were consulted on the proposed Scheme. The Sunderland / South Tyneside region is covered by the combined authority known as 'North East Combined Authority' and the local PTE (Tyne and Wear PTE) functions as the 'Nexus' brand. Both these bodies were consulted under section 42.

## 4.8 Local Authorities

4.8.1 Consulting with Local Authorities is a requirement under section 42(1)(b) of the PA 2008. Only Local Authorities within section 43 need to be consulted – broadly speaking these are councils whose land the proposed application lies within, and councils bordering that 'host' council.

4.8.2 The extent of the Scheme is contained within the boundaries of:

- STC; and
- SCC.

4.8.3 The following authorities have borders with STC and SCC:

- Gateshead Council;

- Newcastle Upon Tyne City Council;
- Durham County Council; and
- North Tyneside Council.

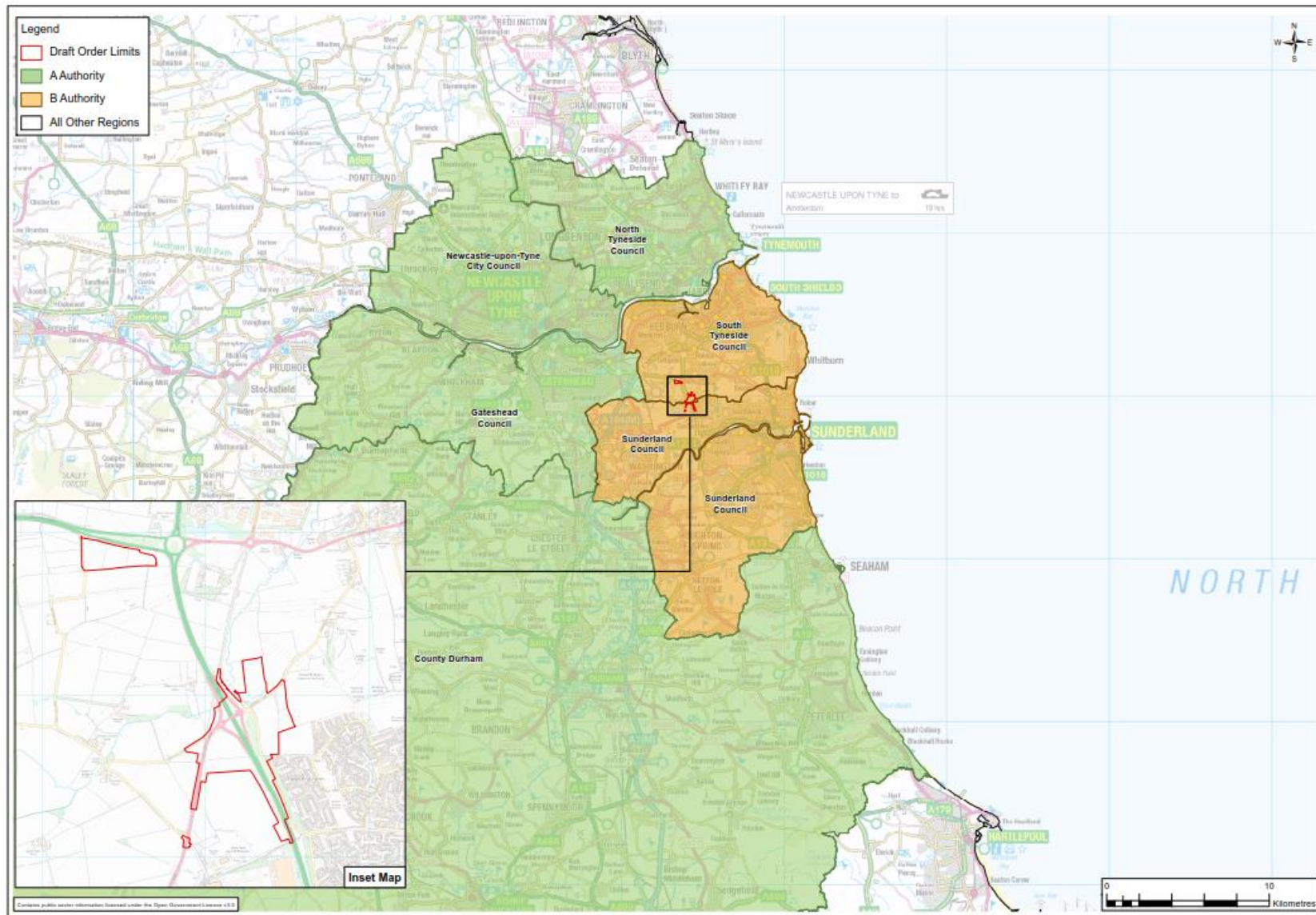
4.8.4 Despite it not being within section 43 of the PA 2008, the Applicant decided to include Durham County Council as a Local Authority consultee due to its regional significance and proximity to the junction.

4.8.5 Local Authorities were issued a notification letter on 25 August 2017 advising of the date on which section 42 consultation would commence. The criteria by which Local Authorities were selected and their geographic location are shown in Table 4-1 and Figure 4-4 below:

**Table 4-1 - Identification of relevant Local Authorities**

<b>Identification of relevant local authorities</b>		
<b>Name:</b>	<b>A, B, C or D Authority:</b>	<b>Criteria for identification:</b>
South Tyneside Council	B	<i>These are lower-tier City / Borough Councils in which the development is situated – host authorities.</i>
Sunderland City Council	B	
Gateshead Council	A	These are neighbouring local authorities (s43(3)) that share a boundary with a lower-tier council within whose area the development is situated.
Newcastle City Council	A	
North Tyneside Council	A	
County Durham	A	

Figure 4-4 Plan showing Local Authorities consulted





## 4.9 Persons with Interests in Land (PILs)

- 4.9.1 Consultation with PILs is a requirement under section 42(1)(d) of the PA 2008, with the categorisation of PILs defined in section 44.
- 4.9.2 Identification of Category 1 and 2 interests was established by contacting LR and purchasing Title Registers and Plans for lands which would be subject to permanent acquisition or temporary possession should the Scheme be implemented. The information contained within the Title Registers and Plans was used to create a LIQ specific to each of the identified land plots. The LIQs included a plan showing the land extents and the parties believed to have an interest in the land (based on LR information), and a short questionnaire requesting the landowners to confirm that the information was correct.
- 4.9.3 There were several unregistered plots whose owners could not be issued an LIQ due to the absence of contact information. In these cases, a copy of the appropriate LIQ was attached to a post and planted on the land for a period of 28 days. In cases where no person has claimed ownership of the land and the land in question is part of the public highway, it has been assumed the 'half-width' ownership rule applies in respect of adjacent landowners.
- 4.9.4 In order to identify Category 3 interests, contact was made with the VOA, the District Valuer employed by the Applicant for the Scheme. An assessment was made as to who may be eligible to make a claim under section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973, or section 152(3) of the PA 2008 should the Scheme be implemented.
- 4.9.5 A draft BOR was prepared for the statutory consultation. The BOR sets out which landowners fall into the respective categories as defined by section 44 of PA 2008 (**Application Document Reference: TR010024/APP/4.3**). In order to avoid potential conflicts and to comply with Data Protection principles, the PILs who responded during the consultation period have been redacted within this Report; however, individuals whose land may be subject to compulsory acquisition or temporary possession, or those individuals who have been identified as having a Category 2 or Category 3 interest have been identified within the BOR.
- 4.9.6 All PILs identified in the BOR were sent a copy of the section 42 consultation pack and covering letter.
- 4.9.7 The methodology for identifying land interests as defined in s42(d) and s44 of PA 2008 is described further in the Statement of Reasons (**Application Document Reference: TR010024/APP/4.1**).

## 4.10 Design Proposals – Comments and Responses

- 4.10.1 The following section deals with the key comments that were received from the various section 42 consultees. Several of the comments received were deemed to require a response from the Applicant, i.e. a formal letter addressing their concerns. It should be noted, however, that not every comment required a response as some comments were general in nature. Comments which typically required a response included those stakeholders who felt they would be severely affected by the Scheme, or by those who had serious concerns over the proposals, or who specifically requested a response. A summary of the comments received

and the actions taken, if any, are contained within Table 4-2. Copies of the feedback received from non-prescribed consultees and the responses issued by the Applicant in return can be found in **Appendices F and P**.

#### **4.11 Responses from section 42 Consultees**

4.11.1 In total, 16 responses were received from section 42 consultees as follows:

- 11 from section 42(1)(a) prescribed consultees;
- 2 from section 42(1)(b) consultees; and
- 3 from section 42(1)(d) consultees.

#### **Prescribed consultees – section 42(1)(a) responses**

4.11.2 **Environment Agency** raised a number of concerns:

- Flood risk could be affected by proximity to the IAMP development. As such it would need to be considered in the “in combination” assessment for the EIA.
- They welcomed the Flood Risk Assessment and Water Framework Directive assessments and any reduction in downstream flood risk as a result of reducing surface water runoff.
- They offered copies of recent reports on the River Don, the River Restoration Centre Study (2017) and Wild Trout Study (2017) to inform the baseline information (section 4.2).
- They state they were satisfied that the Applicant has considered all protected species which are necessary and suggested investigative techniques to reduce the risk of false positives in eDNA tests.
- The response advised of 2 types of invasive species recorded within a 1km buffer of the development area.

4.11.3 **The Coal Authority** responded advising that environmental effects be considered, but that their records showed no risk presently.

4.11.4 **Public Health England** stated that they are satisfied with the preliminary environmental assessment but noted that it did not summarise public health impacts.

4.11.5 **Highways England Asset Management** stated that NMU Option 1 would be preferable given that it most closely follows the desire lines of users. The response stated they consider the ability of Options 2B/2A to usefully adapt to integrate future IAMP proposals to be overstated in the consultation documents. They state the proposed bridge height or perceived safety concerns associated with using an underpass, may act as a barrier to NMUs and result in them using the carriageway infrastructure to the detriment of road safety.

4.11.6 **Fulcrum Pipelines Ltd** and **Energy Assets** responded to say they have no comments on the documents.

4.11.7 **National Grid** responded that they are currently assessing potential impact on assets and will require further consultation if there are any of their assets within the Scheme area.

- 4.11.8 **North East Ambulance Services** commented that they may need access to the Scheme area during construction and operation.
- 4.11.9 Several S42(1)(a) organisations responded to state they had received the consultation documents but had no comments to make about the Scheme. These prescribed consultees were: **Historic England, Health and Safety Executive, and Natural England.**

#### Local Authorities

- 4.11.10 **STC** indicated that they supported NMU Option 2A as the preferred solution; however, they reiterated their total support for the Scheme and their desire to see the improvements implemented as soon as realistically possible. The comment was also made regarding the necessity for the improvements to Downhill Lane junction should the IAMP be approved.
- 4.11.11 **SCC** was fully supportive of the Scheme proposals and believe that in combination with the A19/A184 Testo's and IAMP schemes it will produce a number of economic and highways benefits within the regions. These benefits include road safety improvements, journey time savings and reduction in congestion. They stated their preference for Option 2A, and that the NMU routes will promote sustainable travel. They requested early contractor and stakeholder involvement in ongoing Scheme development.

#### PILs

- 4.11.12 **Hellens** are a privately owned contracting and developing company based in the North East who are promoting land located north of Town End Farm Estate for inclusion as a housing allocation in South Tyneside Council's emerging Local Plan. Hellens response to the consultation stated that the proposed Scheme will impact on future promotion of the land for residential development. They welcome the open and productive dialogue so far and hope that this continues. Option 2A/B is their preferred NMU option as it provides a higher degree of segregation of NMUs from motorised traffic, provides opportunities to link with future IAMP developments and links to the wider footpath and cycleway networks. Hellens also stated concerns regarding drainage close to the River Don and that the consultation provided insufficient information on temporary land take.
- 4.11.13 The **Town End Farm Partnership (TEFP)** is a property developer owning land located south of the junction, west of the A19. TEFP stated that they broadly support the proposals but cannot support them in the current form because of a number of outstanding items which need clarification. They state that the increased proposed land take is unnecessary and no clear rationale has been provided. They have concerns about the impact of temporary land take on the land involved. NMU Option 2A was felt to be the least cost-effective.
- 4.11.14 **A Director of TEFP** has requested more information about how the junction will impact the proposed 2,000 new homes to the west of the IAMP development. He is also concerned about the impact of the IAMP development on capacity at the new junction and queries whether the Scheme will be remodelled to include impacts of the proposed IAMP development.

#### 4.12 Tabulated summary of responses from Section 42 Consultees

Table 4-2 - Summary of responses received from section 42 Consultees

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
North East Ambulance Service Bernicia House Goldcrest Way Newburn Riverside Newcastle Upon Tyne NE15 8NY	S42(1)(a)	11 Sept 2017	22 Oct 2017	Commented that they potentially need access to the affected land.	N	Point noted, access for all traffic will be maintained during construction and operation.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Environment Agency Legal Services Horizon House Deanery Road Bristol BS1 5AH	S42(1)(a)	11 Sept 2017	22 Oct 2017	Stated concerns about potential impacts on flood risk Requested environmental concerns are considered in the final design and more information provided in the ES.	N	<p>The Scheme has been designed, in consultation with the Environment Agency and Local Authorities, to mitigate any potential flood risk impacts. A Flood Risk Assessment is appended to the ES as Appendix 14.2 (<b>Application Document References: TR010024/APP/6.3 and TR010024/APP/6.6</b>).</p> <p>The Applicant is aware of five invasive species within a 1km buffer of the Scheme:</p> <ul style="list-style-type: none"> <li>• Giant Hogweed;</li> <li>• Japanese Knotweed;</li> <li>• Japanese Rose;</li> <li>• Indian/Himalayan Balsam and;</li> <li>• Cotoneaster.</li> </ul> <p>Of the above, the only species of relevance to the Scheme area is Indian/Himalayan Balsam as it has been recorded on the River Don. Although the Scheme is not directly affecting the River Don the presence of Indian/Himalayan Balsam has been highlighted and is considered within Chapter 9 - Ecology and Nature Conservation of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>).</p>

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Highways England Asset Management Highways England Lateral 8 City Walk Leeds LS11 9AT	S42(1)(a)	11 Sept 2017	22 Oct 2017	Option 1 preferred as most closely follows NMU desire lines. Believes ability of Options 2a/2b to integrate into the IAMP development is overstated.	N	Points noted. The Applicant has been in direct liaison with Highways England Asset Management following the Statutory Consultation and responded to HE Asset Management regarding their preference and further explaining the reasoning for the choice of NMU route. No further comment / concern was received following this.
Fulcrum Pipelines 2 Europa View Sheffield Business Park Sheffield S9 1XH	S42(1)(a)	11 Sept 2017	22 Oct 2017	Confirmed no assets in the area.	N	Information noted.
Energy Assets Ship Canal House 98 King Street Manchester M2 4WU	S42(1)(a)	11 Sept 2017	22 Oct 2017	Confirmed no assets in the area.	N	Information noted.
Historic England Bessie Surtees House 41-44 Sandhill Newcastle upon Tyne NE1 3JF	S42(1)(a)	11 Sept 2017	22 Oct 2017	No comments on the Scheme.	N	Point noted.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Health and Safety Executive Redgrave Court Merton Road Bootle L20 7HS	S42(1)(a)	11 Sept 2017	22 Oct 2017	No comments on the Scheme.	N	Point noted.
Natural England Hornbeam House Electra Way Crewe Business Park Crewe Cheshire CW1 6GJ	S42(1)(a)	11 Sept 2017	22 Oct 2017	Responded with a holding response requesting more time (1 week) to respond to the consultation.	N	A follow up request for a response was made to Natural England on 23/10/17. However, following that, no response from Natural England has been received. A copy of the chase email / request can be found in <b>Appendix M</b> .
National Grid 1-3 Strand London WC2N 5EH	S42(1)(a)	11 Sept 2017	22 Oct 2017	Assessing potential impact on their assets. May want further consultation depending on result of search.	N	Point noted.
Coal Authority 2 Lichfield Lane Mansfield Nottinghamshire NG18 4RG	S42(1)(a)	11 Sept 2017	22 Oct 2017	Records show no risk presently.	N	Information noted.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Public Health England Blenheim House West One Duncombe Street Leeds LS1 4PL	S42(1)(a)	11 Sept 2017	22 Oct 2017	Satisfied with PEIR assessment, but does not summarise public health impacts.	N	As this ES is being undertaken in accordance with the EIA Regulations 2009, there is no statutory requirement for a health impact assessment chapter. However, effects on local residents through air pollution, noise disturbance and changes to local community / recreational facilities are considered under the following chapters of the ES <b>(Application Document Reference: TR010024/APP/6.1):</b> Chapter 6 'Air Quality' Chapter 12 'Noise and Vibration' Chapter 13 'People and Communities'
South Tyneside Council Town Hall and Civic Offices Westoe Road South Shields Tyne and Wear NE33 2RL	S42(1)(b)	11 Sept 2017	22 Oct 2017	Support for the Scheme. Prefer Option 2A as it avoided the need for an underpass.	N	Support noted. Option 2A adopted as preferred Scheme.
Sunderland City Council PO Box 100 Civic Centre Burdon Road Sunderland SR2 7DN	S42(1)(b)	11 Sept 2017	22 Oct 2017	Support for the Scheme, believe it will bring economic and highway benefits to the region in combination with the A19/A184 Testo's and IAMP schemes. Prefer Option 2A.	N	Support noted. Option 2A adopted as preferred Scheme.



Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Lichfields on behalf of Hellens Teal House 10 Teal Farm Way Teal Farm Park Washington Tyne & Wear NE38 8BG	S42(1)(d)	11 Sept 2017	22 Oct 2017	Proposed Scheme will impact future promotion of land for residential development. Welcome the open and productive dialogue so far and hope this continues. Option 2A/B is the preferred option: it segregates NMU from motorised traffic, provides opportunities to link with future IAMP developments and to link to the wider footpath and cycleway networks. Stated concerns about drainage close to the River Don. Stated insufficient information on temporary land take.	Y	Points noted, the Applicant will continue to engage about temporary land take requirements. Option 2A adopted as preferred Scheme.  With regard to drainage features near the River Don, the northern attenuation pond was originally located south of Downhill Lane (East). Upon review and following a discussion with Hellens it was agreed that the pond could be relocated to the north of Downhill Lane (East) on land also owned by Hellens. This was agreeable to them and was duly accepted as being a better proposal given the desire for Hellens to develop the land to the south of Downhill Lane (East). This change was made under section 49.
Hedley Planning services on behalf of TEFP.	S42(1)(d)	11 Sept 2017	22 Oct 2017	Broadly support the proposals but cannot support in their current form because of a number of outstanding items which need clarification. Increased proposed land take is unnecessary and not clear rationale provided. They have concerns about impact of temporary land take on the land involved. Option 2A felt to be least cost-effective.	N	Points noted and the Applicant will continue to engage about the impacts of temporary land take. The Applicant confirms that its modelling of the junction includes provision for the proposed IAMP development.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Hedley Planning services on behalf of a Director of TEFP	S42(1)(d)	11 Sept 2017	22 Oct 2017	Requested more information about how the junction will impact the proposed 2,000 new homes to the west of IAMP. Concerned about the impact of IAMP development on capacity at the new junction and queries whether the Scheme will be remodelled to include impacts of the proposed IAMP development.	N	<p>Points noted. The Applicant confirms that its modelling of the junction includes provision for the proposed IAMP development.</p> <p>The Applicant responded to the queries raised by TEFP as a result of the statutory consultation in a letter on 20<sup>th</sup> November 2017. The response provided that relates to the capacity of the junction was as follows: -</p> <p>The capacity for the scheme has been based on the results of the traffic modelling exercise. Our traffic model follows the Department for Transport's WebTag guidance which states that we need to account for everything that has planning consent, or is such that the 'Submission of planning (has occurred) or consent application (is) imminent.</p>

## 5 STATUTORY COMMUNITY CONSULTATION (SECTION 47)

### 5.1 Consultation Overview

5.1.1 The Applicant undertook a statutory consultation under the PA 2008 with section 47 consultees for a six-week period between 11 September and 22 October 2017 (42 days). Alongside the proposals for the preferred route, three NMU options were outlined and feedback was invited on the three proposals from all consultees.

### 5.2 Development of the Statement of Community Consultation

5.2.1 Before commencing statutory community consultation, in accordance with section 47 of the PA 2008 the Applicant prepared the SoCC setting out how it intended to consult with people living within the vicinity of the Scheme location.

5.2.2 Development of the SoCC began in Spring 2017. The local area was researched and consideration given to the most appropriate means of consulting each category of consultee given the nature and scale of the Scheme.

5.2.3 The proposed Scheme is contained within both the metropolitan borough of South Tyneside and City of Sunderland, it is therefore likely that the impacts of the improvement will be felt beyond each of the Local Authority's boundaries. This is due to the road forming part of a major arterial route in the region, and being located within close proximity to the border of other neighbouring authorities.

5.2.4 The Local Authorities (STC and SCC) were consulted on the development of the SoCC in accordance with s47(2).

5.2.5 The draft SoCC was completed in August 2017. Both Local Authorities who were consulted on the development of the SoCC were provided with the draft on 20 July 2017 (copy of email sent to Local Authorities with the draft SoCC is located in **Appendix D2**) and given a period of 28 days to provide comments (by 17 August 2017). No comments were received on the draft SoCC. The final SoCC was completed in September 2017. A copy of the final SoCC is located in **Appendix D1**.

5.2.6 In accordance with Regulation 10 of the EIA Regulations 2009, the SoCC included a statement confirming that the Scheme is an EIA Development and that PEI would form part of the consultation materials.

5.2.7 Details of where copies of the SoCC could be viewed were published in the following local newspapers on 4 and 11 September 2017: the Newcastle Evening Chronicle; the Sunderland Echo<sup>6</sup>; and the Shields Gazette. The SoCC was uploaded to the Applicant's website on 11 September 2017. Copies of the newspaper notices are included in **Appendix E**.

5.2.8 The consultation was executed in accordance with the information stated in the SoCC.

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<sup>6</sup> Section 48 initially published on 02/09/2017 in Sunderland Echo, not 04/09/2017.

**Table 5-1 - SoCC Compliance Table**

<b>Commitment within the SoCC:</b>	<b>Accordance with commitment:</b>
Hold public exhibition	2 exhibitions, see section 5.3.1 for details
Consultation materials available to view	Consultation materials deposited in 13 locations, which are open to the public. See Table 5-2 for details.
Consultation materials available to public	Consultation materials were available on the Highways England website.
Publicising the consultation	Section 48 notices published in local and national newspapers. See 6.1.1 and Table 6-1 for details.  A flyer was sent to local residents and businesses. See section 5.5.2 and <b>Appendix K</b> for details of how this information was distributed.
Meetings with interested parties	This was offered but not taken up by any interested parties

### 5.3 Public Exhibition

5.3.1 Details of public exhibitions are provided in Table 5-2.

**Table 5-2 – Events undertaken within the local community**

<b>Events undertaken within the local community</b>		
<b>Date of event</b>	<b>Event</b>	<b>Location</b>
Friday 22 September 2017, 2pm – 8pm	Drop-in session	Bunny Hill Customer Service Centre
Saturday 23 September 2017, 10am – 3pm	Drop-in session	Monkton Suite, Quality Hotel, Boldon (now Clarion Hotel)

5.3.2 Exhibition boards displaying the consultation material were displayed in a sequential manner. A virtual fly through video showing a 3D representation of the improvement was also provided.

5.3.3 Members of the Scheme team were available to discuss any specific queries or concerns that arose throughout the exhibition. Any query which could not be answered was recorded and followed up after the exhibition. A supply of questionnaires was provided throughout the consultation event.

5.3.4 In addition to being available during the public exhibition, the consultation materials were also available to view at the following locations throughout the consultation period which ran from 11 September to 22 October 2017:

**Table 5-3 – Availability of the Consultation Materials in the vicinity of the proposal**

<b>Location</b>	<b>Opening hours</b>
Boldon Village Hall, Asda Complex/North Rd, Boldon Colliery, NE35 9AR	Monday to Friday 9am to 12pm.
Bunny Hill Customer Service Centre Hylton Lane, Sunderland, SR5 4BW	Monday to Friday 9:30am to 5pm
East Boldon Library Boker Lane, East Boldon, NE36 0RY	Monday and Friday 9:30am to 12:30pm and 13:30pm to 5pm; Tuesday and Thursday 9:30am to 12:30pm and 13:30pm to 7pm
Gateshead Civic Centre Regent Street, Gateshead, NE8 1HH	Monday to Friday, 9am to 5pm
Library at Hebburn Central Glen Street, Hebburn, NE31 1AB	Monday to Thursday 9:30am to 7pm; Friday 9:30am to 5pm; Saturday 10am to 4pm.
Hedworthfield Community Centre Cornhill, Jarrow, NE32 4QD	Monday to Friday 9am to 10pm; Saturday 9am to 5pm; Sunday 10am to 2pm
Jarrow Library Cambrian Street, Jarrow, NE32 3QN.	Monday 9:30am to 5pm; Tuesday and Thursday 9:30am to 7pm; Friday 9:30am to 5pm; Saturday 12pm to 4pm.
North Tyneside Council Planning Reception, Quadrant the Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY	Monday to Thursday 8:30am to 5pm, Friday 8:30am to 4:30pm
The Quadrus Centre Woodstock Way, Boldon Business Park, Tyne & Wear, NE35 9PF	Monday to Friday 8:30am to 5pm
The Word Library the Word, 45 Market Place, South Shields, NE33 1DX	Monday to Thursday 9am to 7pm; Friday 9am to 5pm; Saturday and Sunday 10am to 4pm.
Sunderland City Centre Customer Service Centre 31-32 Fawcett Street, Sunderland, SR1 1RE	Monday to Friday 8:30am to 5pm
Washington Library Independence Square, Washington, NE38 7RZ	Monday, Tuesday, Thursday, Friday 9:30am to 5pm; Wednesday 9am to 7pm; Saturday 10am to 4pm
Highways England (Leeds Office) Lateral, 8 City Wall, Leeds, LS11 9AT.	Monday to Friday 9am to 5pm

## 5.4 Exhibition Boards

- 5.4.1 A total of 9 display boards were produced for the public exhibition, which were distributed around the suite in a sequential manner. The boards presented key information relating to the Scheme including the Preferred Route, NMU Options, environmental and construction constraints, and an overview of the development consent process.
- 5.4.2 The information and themes contained within each board are summarised below. Copies of the exhibition boards can be found in **Appendix J**.
- Board 1 – What does this Scheme involve?
  - Board 2 – Preferred Route
  - Board 3 – What’s changed since the last consultation
  - Board 4 – Access for pedestrians and cyclists
  - Board 5 – Construction Management
  - Board 6 – Environmental Considerations
  - Board 7 – Testo’s Junction Update
  - Board 8 – How to respond
  - Board 9 – Next steps

## 5.5 Consultation Brochure

- 5.5.1 A consultation brochure was produced, providing an overview of the Scheme proposals and the NMU options available for consideration. A consultation questionnaire was enclosed within each brochure along with relevant contact details and methods in which comments could be submitted. Details of the various locations where the consultation materials could be viewed throughout the consultation period were also provided.
- 5.5.2 The brochure was delivered to residents within the brochure drop distribution area as shown in **Appendix K** over a 4-day period from Tuesday 29th August to Friday 1st September.
- 5.5.3 In excess of 35,300 brochures were distributed to residential properties within the distribution area so that the views of the surrounding suburbs could be captured. Postcode areas were taken from previous consultations held in 2016 and agreed in the SoCC with the Local Authorities.
- 5.5.4 Copies of the consultation brochure and questionnaire can be found in **Appendix C2**.
- 5.5.5 The Applicant was unable to deliver the flyer to circa 700 properties due to restrictions such as locked gates, dogs, and limited access. Based on a distribution of 35,300 brochures this equates to 1.98% of the properties initially targeted.

## 5.6 Website

5.6.1 Details of the Scheme and the public consultation were uploaded to the Applicant's website at [www.highways.gov.uk/downhill-lane-improvements](http://www.highways.gov.uk/downhill-lane-improvements).

Information provided included a Scheme overview, the need for improvement, Scheme benefits, PEI and a timetable. The video of the virtual fly-through was also made available to view on-line.

5.6.2 Additionally, the following publications were made available on-line in PDF format:

- A19 Downhill Lane Junction Improvement – Consultation Brochure
- A19 Downhill Lane Junction Improvement – Preferred Route Announcement
- A19 Downhill Lane Junction Improvement – Statement of Community Consultation
- A19 Downhill Lane Junction Improvement – Preliminary Environmental Information

5.6.3 An electronic version of the consultation questionnaire was made available on-line at [www.highwaysengland.citizenspace.com/he/a19-downhill-lane-junction-statutory-consultation](http://www.highwaysengland.citizenspace.com/he/a19-downhill-lane-junction-statutory-consultation) and this was also accessible via a link on the Applicant's website. The online questionnaire was only accessible while the consultation was live; this avoids confusion among potential respondents about whether their comments will be considered if submitted after the consultation period.

## 5.7 Period for Comments

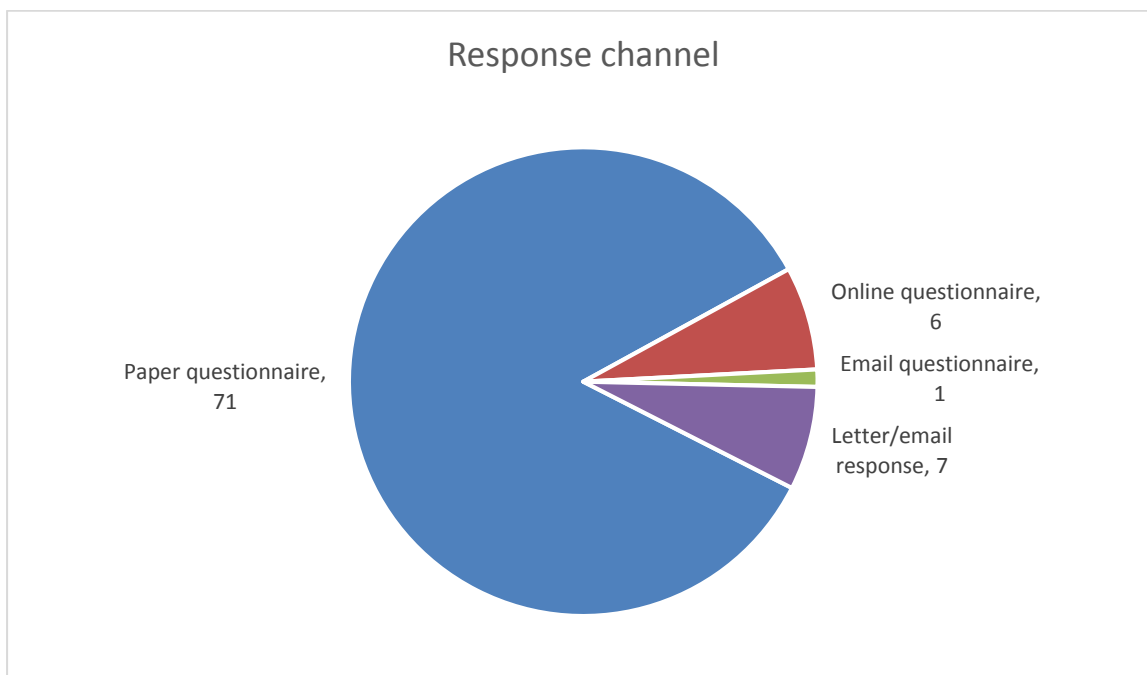
5.7.1 The end date for responses was 22 October 2017, 4 weeks after the last public information exhibition. This was stated clearly on the consultation brochure and questionnaire; a few responses arrived beyond this date, and in the interest of ensuring a thorough consultation, these views have been considered and included in this Report.

5.7.2 No requests for meetings, as outlined in the SoCC, were made throughout the statutory consultation period.

## 5.8 Responses from Section 47 Consultees

5.8.1 In total, 78<sup>7</sup> questionnaires were returned in response to the statutory public consultation. Because the number of responses is less than 100, the results are presented as numbers rather than percentages.

5.8.2 In addition, 7 responses under PA 2008 section 47 were received as emails or letters. The comments from these are included within this chapter, but they do not appear in the overall analysis of opinions as they were not responding to the stated questions on the questionnaire.

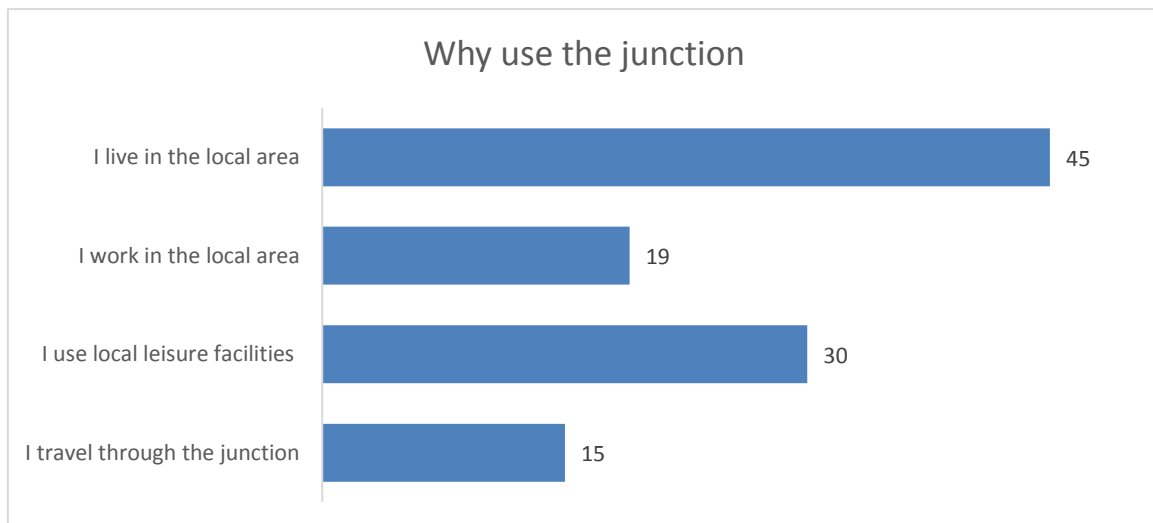


<sup>7</sup> Includes one response received by email which recreated the questions asked on the feedback form.

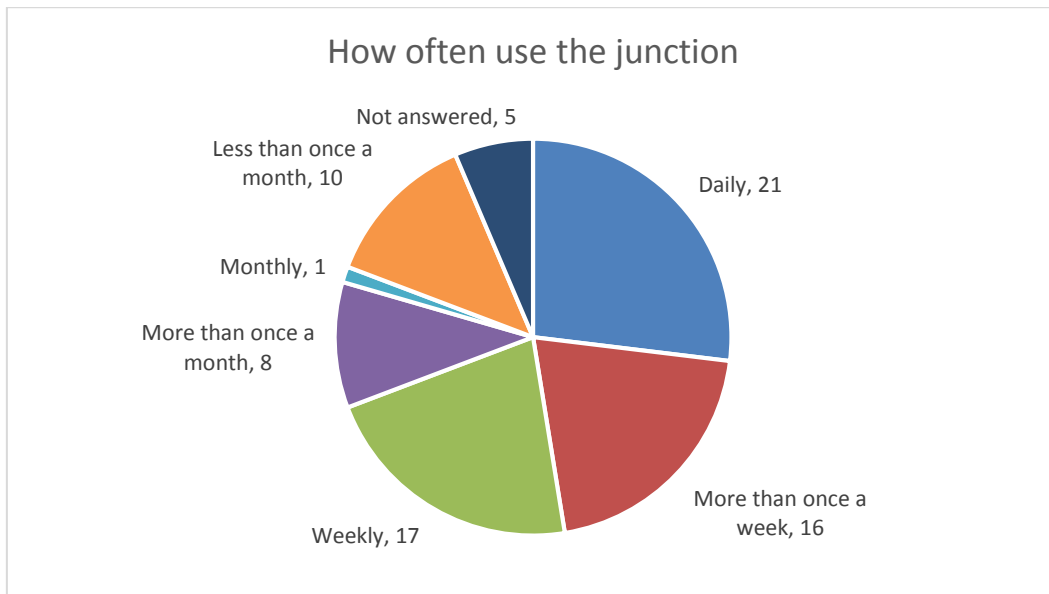


### Demographic question analysis

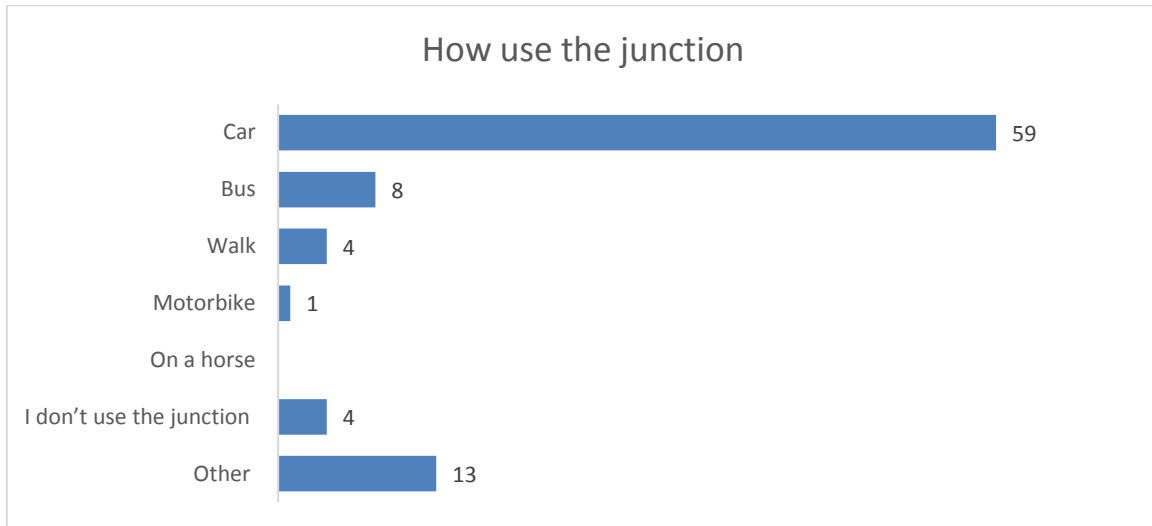
- 5.8.3 The consultation response questionnaire included demographic information which provided an understanding of the respondents that had been reached. Analysis of the responses shows that the consultation reached a broad cross-section of the local population.
- 5.8.4 Over half of the responses (46) were from men, 17 from women, and 15 either did not answer or preferred not to say. 38 responses were from residents aged over 55, 25 from residents aged between 25 and 54 and 15 either did not give their age or preferred not to say. More than two-thirds (57) stated that they did not have a disability, 7 that they did have a disability and 14 either did not answer or preferred not to say.
- 5.8.5 The questionnaire asked respondents for their home postcode, this showed that the consultation reached a broad mix of residents: 25 responses were from residents in the NE36 postcode district, 17 in the SR5 postcode district and 10 from the NE10 postcode district. The remaining responses were from: NE35 (7 responses), NE34 (5), NE37 (4) and NE32 (3), a further 3 responses were from other postcode districts and 4 gave no postcode information.
- 5.8.6 The questionnaire asked why people used the junction, this question allowed people to give multiple answers, for example they could both live and work in the local area. Over half (45 of the 78 respondents) live in the local area, 30 use the Downhill Lane junction to get to leisure facilities, 19 use the junction because of work and 15 travel through the junction but do not use it.



- 5.8.7 Two-thirds (54 of the 78 respondents) use the junction at least once a week, a further 9 use it at least monthly, 10 less than once a month – 5 respondents did not answer the question.

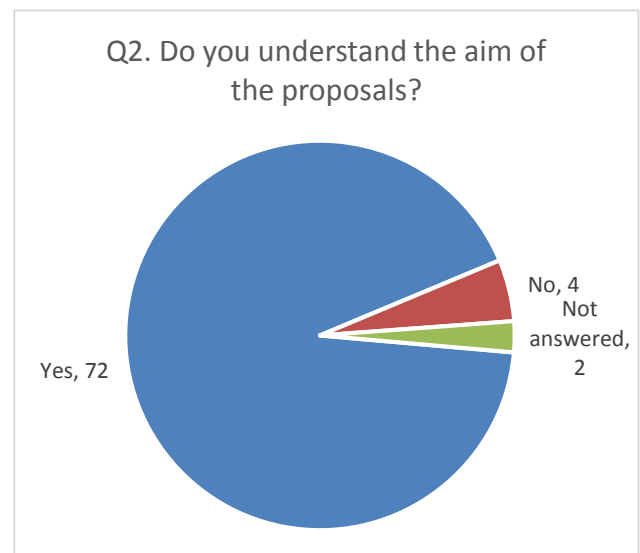
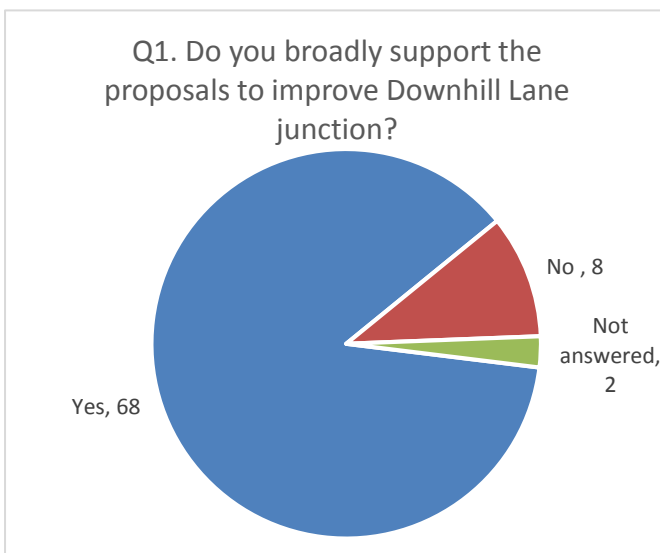


5.8.8 The questionnaire asked how people used the junction, this question allowed people to give multiple answers, for example they could both use the junction in a car and by walking. Two-thirds (59 of the 78 respondents) use a car to access Downhill Lane junction, 8 used the bus, and 4 walk. In addition, 13 respondents said they used another method, including 6 who used a bicycle.



### Levels of support for and understanding of the Scheme analysis

5.8.9 In terms of the Scheme proposals, the questionnaire results indicated that there is high level of support for the Scheme with 68 of the 78 respondents in agreement with the proposals. Among those respondents living closest to the Scheme support is higher: 23 of the 25 respondents living in NE36, 16 of the 17 responding living in SR5 and all of the 10 respondents living in NE10 stated they broadly support the proposal.



5.8.10 In total, 72 of the 78 respondents indicated that they understood the aim of the proposals which suggests that the information presented during the consultation

was clear and easy to understand. Across the postcode districts the numbers saying they understood the aims of the project were similar to those supporting the proposals: 23 in NE36, 15 in SR5 and 10 in NE10.

- 5.8.11 The questionnaire provided space for making comments about responses to the previous 2 questions. These comments were reviewed and coded and the analysis is shown below. The Applicant's response to the issues raised in these themes is provided below:

### General comments

- 5.8.12 General comments were provided by 17 respondents. The details provided general comments, typical comments included:

Expressions of support for the Scheme (mentioned by 3 respondents), for example *"I support the overall idea. The lights that were installed were bad from start to finish, complete waste of money that has only served to create more traffic and a more dangerous junction for all users"* Respondent 1. There were no general comments made that opposed the scheme.

**Applicant's response** – the Applicant welcomes these expressions of support

Statements that the developments are overdue (mentioned by 3 respondents) *"The developments proposed are a long time coming"* Respondent 29

**Applicant's response** – the Applicant notes these comments

That they understand the need for the Scheme (3 mentions) *"Much needed in view of increased traffic both of cars etc and NMU's"* Respondent 74

**Applicant's response** – the Applicant notes these comments

Work should start as soon as possible/are taking too long (2 mentions) *"As soon as possible"* Respondent 8

**Applicant's response** – the Applicant notes these comments

The Scheme is well thought through (2 mentions) *"Seems well planned and quite ingenious"* Respondent 19

**Applicant's response** – the Applicant notes these comments

The Scheme will facilitate economic growth (2 mentions) *"Would greatly benefit the whole area of Washington, Sunderland, as well as South Tyneside"* Respondent 29

**Applicant's response** – the Applicant notes these comments

### NMU provision

- 5.8.13 10 commented about NMU provision, typical comments included:

*"Try to keep pedestrians as far from traffic as possible"* Respondent 17

*“The option is less confusing and adheres to the design lines which exist as present”* Respondent 18

*“Suitable provision for NMU (particularly cyclists) is important. Don’t skimp on underpass”* Respondent 39

*“I use a car or bike to NMUK from Downhill Lane and I would like to separate bike/pedestrians routes from roads”* Respondent 61

**Applicant’s response** – the Applicant notes these comments and would reconfirm that separation of NMUs from motorised traffic has been incorporated into the proposed design Option 2A for the NMU provision

*“I would also like to see some form of cycle lane, I understand it is difficult as road cyclists don’t want to use shared usage with pedestrians, and other cyclists want to be on the path”* Respondent 1

**Applicant’s response** – the Applicant notes this comment and points out that the Design Manual for Roads and Bridges states that where feasible provision for cyclists and pedestrians should be separated from motorised traffic to enhance safety. The Applicant acknowledges that many road cyclists prefer to travel in the main carriageway but this is less safe than providing separate provision and there is not enough usage of the road by cyclists to provide an economic rationale for a dedicated cycle lane on the main carriageway.

### Construction concerns

- 5.8.14 9 mentioned construction concerns, the majority of these comments related to the recently completed improvement scheme (5 mentions of this) with typical comments being *“You’ve only just finished work on this junction, installing two sets of pointless, infuriating lights. Why dig it up again so soon”* Respondent 56 and *“Why did you waste time and money changing Downhill Junction when you knew you were going to alter it again!”* Respondent 68

**Applicant’s response** – the Applicant notes these comments and would point out that the recent improvements at Downhill Lane were provided by STC rather than the Applicant as a temporary solution to the congestion problems at the junction.

### Nissan

- 5.8.15 6 mentioned Nissan in their responses, typical comments included *“A direct road to Nissan (in/out) there is plenty of land to do this, dedicated to Nissan employees only this would surely help 50% of the problems”* Respondent 27, *“It has never been the Downhill Lane Junction that has been the problem. The problem is the single carriageway that leads into Nissan”* Respondent 42 and *“I understand with Nissan expanding we do need the quicker/safer use of the roads”* Respondent 45

**Applicant’s response** – the Applicant notes these comments and acknowledges the importance of the Nissan traffic in how the junction performs

### Junction design

- 5.8.16 4 mentioned elements of junction design, including “*The new junction will be a lot bigger/dangerous for road cyclists*” Respondent 13

**Applicant’s response** – the Applicant notes these comments and refers to its earlier response about the design separating cyclists and pedestrians from motorised traffic for safety reasons.

### Traffic concerns

- 5.8.17 4 mentioned traffic concerns, including “*They seem to address the problems of traffic flow at Testo’s are relevant to Downhill*” Respondent 4

**Applicant’s response** – the Applicant notes these comments

### Consultation

- 5.8.18 4 mentioned elements of the consultation, including “*After the consultation I am more informed of how this project may affect the local area and feel encouraged by the changes*” Respondent 63

**Applicant’s response** – the Applicant notes these comments and is pleased that its consultation was viewed favourably

### Traffic signals

- 5.8.19 3 mentioned traffic signals, including “*I support the proposal on the proviso that the new layout does not have traffic signals. There is no need for signals on a roundabout and they only cause tailbacks and delays*” Respondent 38

**Applicant’s response** – the Applicant notes these comments and confirms that the proposed new junction layout will remove traffic signals

### Cost concerns

- 5.8.20 3 mentioned cost concerns, all related to the recent improvement works which were undertaken in 2015 to remove the dumbbell roundabouts and fully signalise the junction having been wasted money, for example “*Stop wasting money on this project, less than 5 years ruined this junction with a million traffic lights*” Respondent 11

**Applicant’s response** – the Applicant notes these comments. These works were undertaken by STC as an interim solution to resolving congestion at Downhill Lane resulting from site changes at the Nissan plant. This Scheme, is a far more robust and value adding proposal which aims to provide a junction capable of withstanding future demand.

### Future developments

- 5.8.21 3 mentioned future developments, including “*Welcome improvements to the area reduce journey/waiting times at junction especially around Nissan shift change times and for the proposed IAMP site*” Respondent 62

**Applicant’s response** – the Applicant notes these comments

## Access

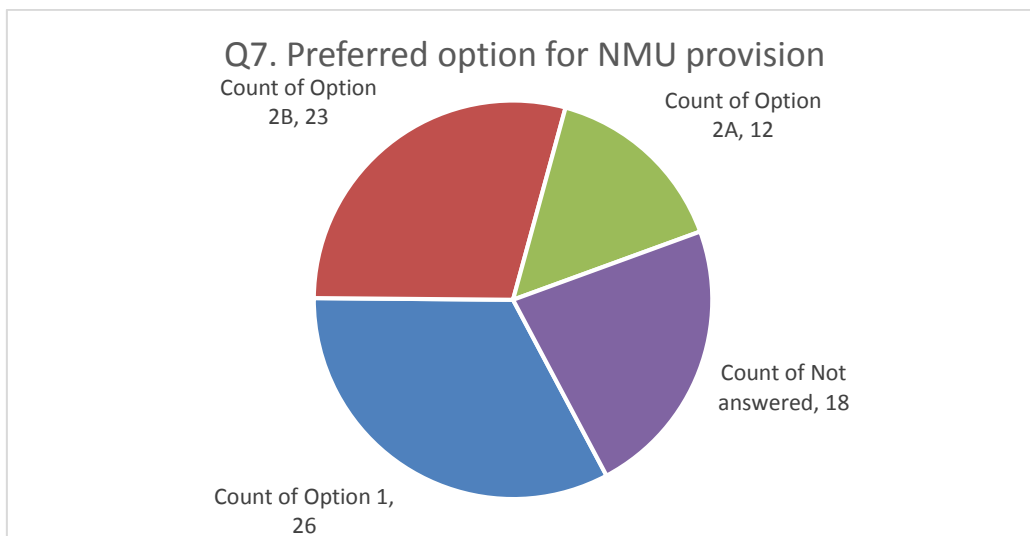
- 5.8.22 2 comments were received about maintaining the full range of access currently possible at the junction: “*Definitely require better access to and from Downhill Lane to A184*” Respondent 15 and “*Coming from and to the A19 from Town End Farm*” Respondent 47

**Applicant’s response** – the Applicant notes these comments

- 5.8.23 A full listing of the number of comments received under each code can be found in **Appendix L**.

## 5.9 NMU provision question analysis

- 5.9.1 In consideration of the NMU options, the results indicate a preference for Option 1 (26 respondents stated this was their preferred option) and Option 2B (23 respondents preferred this option). Twelve respondents said they preferred Option 2A and 18 did not answer. Option 2B is preferred by more respondents who use Downhill Lane Junction on a daily basis: 8 of the 21 respondents who use the junction daily preferred Option 2B, 4 preferred Option 1, 3 preferred Option 2A and 6 did not answer. Among those who use the junction less frequently Option 2B is preferred by 15 respondents and Option 1 by 22 respondents (9 preferred Option 2A and 12 did not answer).



- 5.9.2 The questionnaire provided space for making comments about responses to the previous question. These comments were reviewed and coded and the analysis is shown below. The Applicant’s response to the issues raised in these themes is provided below:

### Option 1 preferred

- 5.9.3 Among the 26 respondents who preferred Option 1, the most mentioned themes were:

7 mentioned that they didn’t want an underpass, typical comments included “*No underpass required which some pedestrians may find intimidating at*

*night*” Respondent 14, *“Less construction work (underpass)”* Respondent 19, and *“I am not a fan of underpass routes, not pedestrian friendly, secluded for pedestrians and not safe”* Respondent 62

6 mentioned that Option 1 was the best option, typical comments included *“Best mix for pedestrians and cyclists”* Respondent 9, *“It looks better”* Respondent 47 and *“More pros than A & B”* Respondent 64

5 stated that it was the most direct, typical comments included *“Other than Option 1, routes are indirect”* Respondent 1, *“It is the most convenient and straightforward proposal”* Respondent 18, and *“Shorter distance”* Respondent 75

Other comments included: *“It is all fully coordinated by lights”* Respondent 46, *“Cyclists need not wait for light changes at non-peak times. Options 1 the least likely for gradients to cyclists”* Respondent 54 and *“More travel options/routes available which gives the traveller more choice”* Respondent 63

**Applicant’s Response** – the Applicant notes these comments. The preference not to have an underpass is reflected in its decision to proceed with Option 2A which includes a segregated route for NMUs and a bridge over the A19. Although this selected route is a longer distance, the travel times are similar to the shorter Option 1 because there is no need to wait for signalised crossings.

Whilst the feedback from respondents to the consultation overall preferred Option 2 as a whole, 35 respondents preferred Option 2 (either A or B) and 26 preferred Option 1, the response rate was 61 out of the c.35,300 consultation brochures distributed. This represents 0.17% of the number of distributed consultation brochures. Such a low representation rate is not considered significant. Accordingly, the views of the adjacent landowners, LAF representatives, local authorities and companies such as Nissan were considered to offer more significant representation than the proportionally low turnout of the general public. It was the view of these groups / organisations that preferred Option 2A which in part is why it has been chosen as the Preferred Route.

## Option 2B preferred

5.9.4 Among the 23 respondents who preferred Option 2B, the most mentioned themes were:

8 mentioned that it was the safest option, typical comments included *“Option 2 keeps cyclists and horses well away from live traffic which can only be a good thing”* Respondent 3, *“Underpass is the safest option for children and cyclists”* Respondent 7, *“It may take longer, but a much safer option in my opinion”* Respondent 32, *“I would like to see separate road traffic from pedal bikes/pedestrians to improve safety”* Respondent 61 and *“If Option 2 is well designed, it has the potential to be a high quality safe route which will be more attractive to people cycling”* Respondent 76



3 mentioned that it segregated cyclists and pedestrians from motorised traffic, typical comments included “*The cycle route is ... separated from traffic*” Respondent 39, “*Segregation from traffic*” Respondent 67 and “*2B is best to get the NMU away from traffic*” Respondent 73

Other comments included “*Underpasses let flow continue and pedestrians not waiting at signals*” Respondent 17 and “*Easier to cross the junction quicker, therefore more efficient. Makes sense – traffic lights cause queues*” Respondent 44

**Applicant’s response** – the Applicant notes these comments and the preferences stated for an underpass. This was weighed against concerns about potential antisocial behaviour and safety in its decision to go forward with Option 2A.

### Option 2A preferred

5.9.5 Among the 12 respondents who preferred Option 2A, the most mentioned themes were:

That it did not involve an underpass (mentioned by 3) “*I do not recommend an underpass in this area as [drunks, druggies and people with air guns] will use it*” Respondent 33 and “*Underpasses can lead to more antisocial behaviour with youths hanging around on evenings*” Respondent 37

It was safer (mentioned by 2) “*It will be a longer journey but I think it will be safer*” Respondent 5 and “*NMU to be encouraged by greater segregation from traffic*” Respondent 36

Signalised crossing was best (mentioned by 2) “*I think that a signalised crossing at Downhill is the best option*” Respondent 34

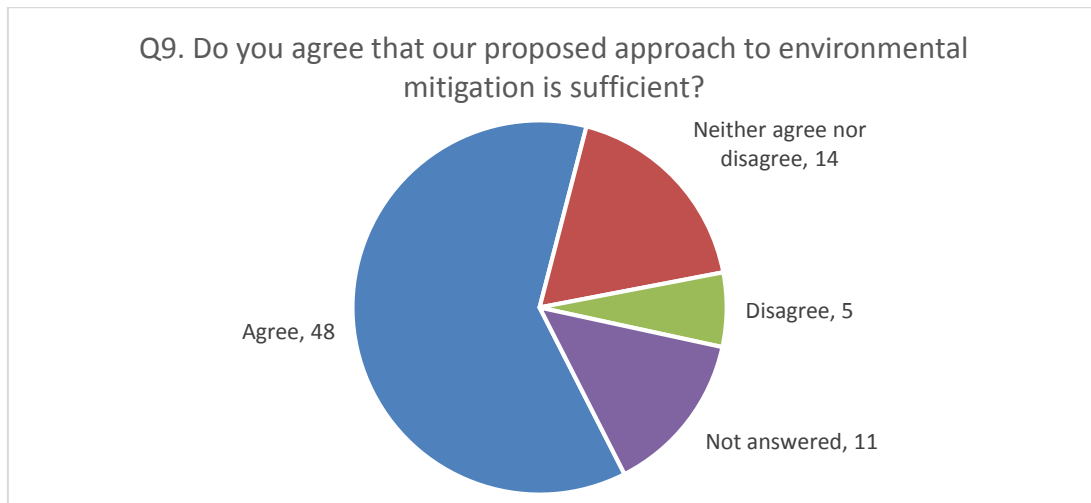
Other comments included “*the route of 2A provides ease of movement*” Respondent 71 and “*It looks easier to navigate*” Respondent 20

**Applicant’s response** – the Applicant notes these comments and the concerns expressed about safety and potential antisocial behaviour related to underpasses. This is reflected in its decision to go forward with Option 2A.

5.9.6 A full listing of the number of comments received under each code can be found in **Appendix L**.

## 5.10 Proposed approach to environmental mitigation question analysis

5.10.1 Nearly two-thirds (48 of the 78 respondents) agreed that the proposed approach to environmental mitigation is sufficient, 14 stated they neither agreed nor disagreed, 5 disagreed and 11 did not answer.



5.10.2 The questionnaire provided space for making comments about responses to the previous question, 15 respondents made comments here, with several making comments which appear in multiple themes. These comments were reviewed and coded and the analysis is shown below:

- 6 made comments related to traffic and its impact, typical comments included “*The environmental impact of the construction is minor compared to ensuring free flow of traffic on this junction*” Respondent 39, “*Add more car pollution due to extra car/van access*” Respondent 41, “*I think the wildlife will still be able to manage – but more traffic will make more noise/fumes*” Respondent 45 and “*... traffic volume will be detrimental to the residents on the east side of Downhill Lane*” Respondent 72
- 3 made comments related to landscape impacts, this included “*I would hope the landscape is maintained and refined to make naturally attractive space*” Respondent 20 and “*Proposed bridge in Option 2A/B over Washington Road and A19 would be very intrusive*” Respondent 74
- 2 made general comments about the need to consider the environment, including “*It is good that effects on the environment will be considered, but it is impossible to do this work without affecting it*” Respondent 37 and “*I understand that a full impact scenario has been done and hope that the environment will not suffer*” Respondent 63
- 2 made comments related to noise “*If noise and visual landscapes adhered to this should be acceptable*” Respondent 51 and “*We are concerned that the noise ... will be detrimental to the residents on the east side of Downhill Lane. You have indicated that noise and vibration will be monitored during construction, this does not indicate the noise and vibration that residents will experience during construction*” Respondent 72.
- 4 made other comments including “*Environmental concerns are not a factor as all land west of A19 is to be built upon*” Respondent 12.

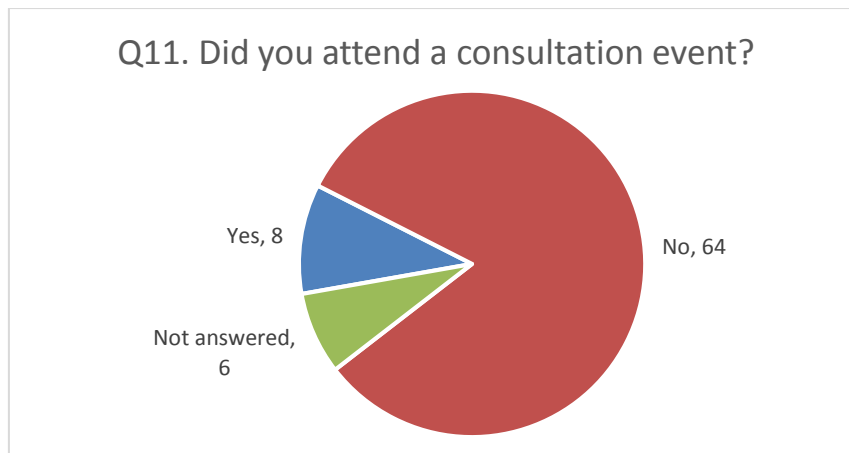
**Applicant’s response** – the Applicant notes these comments and confirms that the environmental impacts of the Scheme and its construction,

including noise, air quality, landscape impacts and flooding, and proposed mitigation measures are addressed in the ES (**Application Document Reference: TR010024/APP/6.1**) in the following chapters: -

- Chapter 6 – Air Quality
- Chapter 8 – Landscape and Visual Effects
- Chapter 12 – Noise and Vibration

## 5.11 Consultation event question analysis

5.11.1 Eight of the 78 respondents attended a consultation event, 64 did not attend and 6 did not answer.



5.11.2 The questionnaire provided space for making final comments, 16 respondents made comments here. Although the comments were reviewed and taken into account by the Applicant, it was not possible to code the responses as there were no consistent or repeated comments. The Applicant confirms that none of these comments raised new concerns about the proposed design of the junction or NMU provision nor to the environmental mitigation that have not already been reported in this document. One comment related to difficulty in finding the online consultation feedback form; one comment stated “*Excellent documentation*”.

## 5.12 Open format Responses from Section 47 Consultees

5.12.1 In addition to the 78 responses received on the consultation response form, 7 responses were received from section 47 respondents.

5.12.2 **IAMP LLP** stated that they would continue to engage collaboratively with the Applicant regarding the A19 schemes (including A19 Testo’s junction improvement) and how the schemes relate to the IAMP project. IAMP LLP have worked with the Applicant to prepare an inter-relationship document / statement (**Application Document Reference: TR010024/APP/7.3**) for the 3 DCO projects (Downhill Lane, Testo’s and IAMP) as requested by the Examining Authority as part of the Testo’s examination. IAMP LLP’s preference is NMU Option 2A, because it avoids the need for an underpass, but asked whether the NMU needs can be met by utilising the bridge proposed across the A19 by IAMP LLP.

Accordingly, the Applicant has undertaken on-going engagement with IAMP LLP in order to ensure that issues / queries are identified and discussed. With regards to the IAMP LLP query concerning the “*NMU needs being met by utilising the bridge proposed across the A19 by IAMP LLP*” this has been discussed at a number of face to face meetings but will ultimately depend on the nature of the IAMP LLP bridge and the ability of IAMP LLP to obtain agreement from the necessary stakeholders, specifically the LAF.

- 5.12.3 **Nissan** responded with concerns about the impact of construction of Downhill Lane junction which is likely to coincide with construction of the IAMP, they requested a coordinated approach to associated roadworks to minimise disruption during construction. The Applicant confirms that its intention is to work with IAMP to manage the potential impacts of construction.
- 5.12.4 **ESP** confirmed they had received the consultation brochure and letter, but did not provide a substantive response.
- 5.12.5 **Historical Railway Estates** responded that the location crosses the route of the former Pontop & South Shields railway line, the associated land was sold to Tyne & Wear County Council in 1979. HRE confirmed that the proposals do not affect any land or structures that they manage.
- 5.12.6 **British Horse Society** responded with examples and photographs of equestrian crossings used on other road schemes which they felt could be applied on the Scheme. They also provided photographs of Pegasus crossings which deviated from DMRB<sup>8</sup> standards with the permission of DfT and suggested these designs may be of interest in the design stage.
- 5.12.7 One member of the general public wrote expressing concerns about the number of separate crossing stages involved in Option 1 and asked whether these could be minimised. They also expressed concern about the height of the NMU bridge in Option 2A and the perceived travel distance of this option. They asked whether it would be possible to combine the bridge and ramps within the footprint of the junction rather than to the south. A response to these concerns was sent by the Applicant, see **Appendix F1** for details.
- 5.12.8 One member of the public responded with an alternative design incorporating mainly at grade crossings except on the south west of the junction where there would be an underpass. A response letter was issued by the Applicant which addressed the alternative design. A copy of this letter can be found in **Appendix F2**.

### 5.13 Design Changes due to feedback

- 5.13.1 Specific comments regarding the design of the Scheme which were not taken forward were responded to individually as noted above. Evidence of these responses can be found in **Appendices F1 and F2**.
- 5.13.2 The changes that have been incorporated into the Scheme as a result of feedback received during the 2017 statutory consultation are detailed in the following sections.

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<sup>8</sup> Design Manual for Roads and Bridges

### NMU Route selection

- 5.13.3 This isn't a change in terms of design but merely a confirmation of NMU route choice as a result of evidence gathered during the statutory consultation being used together with other factors in selecting NMU Option 2A as the one to take forward. Option 2A includes the following features:
- It significantly separates NMUs from motorised traffic, which is seen as safer;
  - Although the route is longer than the at-grade Option 1, the total travel time to cross the Downhill Lane junction is similar because there is no need to wait for signal controlled crossing points; and
  - It includes an at-grade crossing of Downhill Lane rather than an underpass. On balance, more respondents were concerned about using an underpass due to perceptions of an increased risk of anti-social behaviour and therefore felt at-grade crossings and a bridge was the best option.

### Attenuation pond relocation

- 5.13.4 The attenuation pond on the south east quadrant of the proposed junction has been moved to the north east quadrant of the junction at the request of the land owner. This request was received during informal, ongoing engagement rather than formal consultation responses. Both parcels of land are owned by the same person.

## 6 PUBLICISING THE APPLICATION (SECTION 48)

### 6.1 Section 48 Notice (Duty to Publicise)

6.1.1 A notice advertising the Applicant's intention to apply for a DCO in respect of the Scheme was published in accordance with section 48 of the PA 2008 and Regulation 4 of the APFP Regulations. The newspapers and respective dates in which the section 48 notice was published are presented in Table 6-1.

**Table 6-1 - Section 48 Notice publication details**

Newspaper	Date of publication
Shields Gazette	4 and 11 September 2017
Sunderland Echo	2 and 11 September 2017
Newcastle Evening Chronicle	4 and 11 September 2017
The Guardian	4 September 2017
London Gazette	4 September 2017

6.1.2 The section 48 notice included a statement confirming that the Scheme is an EIA Development and that PEI would form part of the consultation material. In accordance with Regulation 11 of the EIA Regulations 2009, a copy of the section 48 notice was sent to all the consultation bodies and those additional bodies notified to the Applicant based on information provided by the Inspectorate under Regulation 9(1)(b).

6.1.3 The section 48 notice contained all the required information stated under Regulation 4(3) of the APFP Regulations which included:

- The name and address of the Applicant;
- A statement that the Applicant intend to make an application for a DCO to the SoS;
- A statement that the Scheme is an EIA Development;
- A summary of the main proposals, route location and proposed development;
- A statement that the consultation materials (documents, plans, etc.) were available to view free of charge at the stated locations and times, and that paper copies were available at a fee of up to £64;
- The dates and duration that the materials were available for inspection;
- Confirmation that all responses would need to be received on or before 22 October 2017; and
- Details of how to respond to the publicity.

6.1.4 As statutory community consultation under section 47 was undertaken in conjunction with the section 48 notices period, responses to both were received within the same deadline. Accordingly, details of relevant responses received from members of the public in response to the publication of the section 48 notice are also addressed in Chapter 5.

6.1.5 A copy of the section 48 newspaper notices can be found in **Appendix E**.

## 7 SUPPLEMENTARY CONSULTATIONS

### 7.1 Introduction

7.1.1 Following the statutory consultation, further design was undertaken to incorporate the comments received. While the Scheme remained substantially unchanged, one further statutory, targeted consultation and two further non-statutory, targeted consultations were undertaken as a result of specific design developments:

- Changes to the construction landtake requirements, this statutory consultation was conducted between 12 March and 10 April 2018; and
- Changes to the NMU design, this non-statutory consultation was conducted between 30 July and 28 August 2018.
- Changes to the NMU design consented under the Testo's Alteration order & the extended use of Testo's compound, this non-statutory consultation was conducted between 21 November and 19 December 2018.

7.1.2 The following sections provide details of how the supplementary consultations were conducted and the responses received.

### 7.2 Consultation on changes to construction landtake (March/April 2018)

7.2.1 The first supplementary statutory consultation followed design development which resulted in some adjustments to the extent of land required to construct the Scheme. It was also decided to include the area designated for use as the proposed compound within the Testo's Scheme (south of the A184 and west of the A19). The reason for including this land was to enable the use of the Testo's compound for shared resources between the schemes and in turn reduce the requirement for temporary land at Downhill Lane.

7.2.2 Updated Land Registry data was obtained in order to take account of any updates to affected titles and a revised category 3 boundary which reflected the updated Scheme boundary associated with the Testo's compound. As a result, 103 new section 42(1)(d) consultees were identified who had not previously been impacted by the Scheme.

7.2.3 A supplementary consultation was conducted to inform these new section 42(1)(d) consultees and to update prescribed consultees under section 42(1)(a) and section 42(1)(b) on the latest proposals and to allow them to comment on scheme developments since the statutory consultation in September and October 2017.

7.2.4 The consultation period ran from 12 March to 10 April 2018.

7.2.5 A letter was sent to all of the section 42 consultees identified as newly affected by the change in required land, or the proposed use of the Testo's Scheme compound for work on this Scheme. In total, 131 letters (see breakdown of letter distribution below in paragraph 7.2.6) were sent to consultees including statutory undertakers that could be affected by the landtake changes.

7.2.6 Newly identified consultees were affected by the scheme in different ways. Accordingly, a targeted statutory consultation was implemented highlighting to the

consultees how the Scheme would specifically affect them. The wording of the letters issued therefore, varied depending on how each consultee was affected. There were four broad categories:-

- (a) 73 letters to new consultees identified as a result of the design changes affecting residents of Town End Farm estate (sample letter can be found in **Appendix N1**).
- (b) 39 letters to new consultees identified as a result of general scheme changes and / or new information obtained from Land Registry regarding land ownership (sample letter can be found in **Appendix N2**).
- (c) 17 letters to new consultees identified as a result of the proposal to share the Scheme site compound with the Testo's Scheme (sample letter can be found in **Appendix N3**).
- (d) Potential changes to how statutory undertaker equipment might be affected. This affected Northern Powergrid and BT apparatus and therefore a letter was also sent to each of these prescribed organisations to update them on the potential impact on their assets (sample letters can be found in **Appendices N5 and N6**).

7.2.7 The letter included a copy of the consultation brochure produced for the statutory consultation in September and October 2017, a plan illustrating the changes to the Scheme made as a result of the statutory consultation (**Appendix N7**) and a copy of the section 48 notice publicising the proposed application. The section 48 notice issued was the same as the version in **Appendix E**. In addition, the letters provided details of how to access the wider Scheme information, through the project website at <http://www.highways.gov.uk/a19-testos-downhill-lane>. The letters also advised that the information could be provided free of charge in electronic format if required.

7.2.8 In addition to the above, a letter was issued in February 2018 to all 379 consultees previously consulted which outlined the key changes to the scheme since the Autumn 2017 Statutory Consultation. An example of the letter sent to previously consulted consultees, is included in **Appendix N4**.

7.2.9 A total of 17 responses were received to the consultation:

- 10 from section 42(1)(a) prescribed consultees;
- 2 from section 42(1)(b) consultees; and
- 5 from section 42(1)(d) consultees.

#### **Responses from section 42(1)(a) prescribed consultees**

7.2.10 **Northern Gas Networks** provided information about their assets in the Scheme area.

7.2.11 **Historic England** stated there were no additional impacts from the proposed changes to the Scheme.

7.2.12 The **Coal Authority** confirmed that there are no recorded coal mining legacy hazards in the Scheme area.



- 7.2.13 **The North East Combined Authority (NECA)** stated that it remains in support of the scheme which improves traffic flow through the area and is consistent with the North East's Strategic Economic Plan.
- 7.2.14 The **Environment Agency** stated they have no further comments to make on the Scheme.
- 7.2.15 **ESP Utilities Group** confirmed that they have no assets in the vicinity of the Scheme.
- 7.2.16 **Wales and West Utilities** confirmed that the Scheme area falls within the Northern Gas Networks area.
- 7.2.17 **National Grid Electricity Transmission** confirmed they have no assets in the area of the Scheme.
- 7.2.18 The **Health and Safety Executive (HSE)** confirmed their response to the previous consultation stating that the Scheme does not affect any elements within HSE jurisdiction.
- 7.2.19 **Southern Gas Networks** confirmed they have no assets in the area of the Scheme.

#### Responses from section 42(1)(b) consultees

- 7.2.20 **SCC** stated that the Scheme had not changed substantially and that they remain in full support of the Scheme. They queried whether the amended drainage provision is deliverable. They asked that careful design is used around bridge abutments to minimise the potential for anti-social behaviour, whether steps could be provided to minimise pedestrian travel routes and asked for clarification on future ownership and maintenance liability of the bridge. They asked that consideration be given to formalising the desire line to connect the new bridge with Boston Crescent in the Town End Farm estate. They also asked that during detailed design attention is paid to ensuring the Pegasus crossing best accommodates the desire lines for equestrians and other NMU groups. They asked for prior notice of any planned engagement with Town End Farm residents so that they can brief relevant ward councillors. They stated that a key issue is maintaining access to/from businesses via the A1290 and the need to co-ordinate with the IAMP developer around construction plans.
- 7.2.21 **STC** stated that the Scheme had not changed substantially and that they fully support the Scheme. They stated they support the proposed NMU option and the provision of a Pegasus crossing. They stated that detailed design needs to ensure the Pegasus crossing best accommodates the desire lines for equestrian and other NMU groups. They asked for clarification on future ownership and maintenance liability on the proposed NMU option. They stated their support for the proposed compound North East of the Downhill Lane junction and that its use be shared with the Testo's Scheme. They stated that highway ownership and future maintenance liability needs clarifying with Highways England.

### Responses from section 42(1)(d) consultees

- 7.2.22 One PIL and their tenant responded to the consultation letter and a meeting on 19 March 2018. They requested continued access during construction to all land not impacted by the Scheme. They requested stockproof fencing to the compound area and that actions are taken to minimise potential contamination of land in the compound area and that the land is restored after the Scheme. They requested that the landtake is minimised.
- 7.2.23 Hellens acknowledged the agreed changes to the Scheme and requested that permanent landtake is minimised. They requested a drainage easement. They also requested that the footprint of the NMU route is minimised with the access ramp change to formalise the links into the Town End Farm estate.
- 7.2.24 One PIL requested a meeting to discuss the proposed use of land during construction.
- 7.2.25 One PIL stated they had no comments to the consultation.
- 7.2.26 One PIL confirmed their address for future correspondence.

## Table summary of responses from Section 42 Consultees

Table 7-1 - Summary of responses received from Section 42 Consultees (March / April 2018)

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Northern Gas Networks	S42(1)(a)	12 March 2018	10 April 2018	Provided information about their assets in the Scheme area.	N	Information acknowledged and incorporated into the Scheme design.
Historic England	S42(1)(a)	12 March 2018	10 April 2018	Stated no additional impacts from the proposed changes to the Scheme	N	Points noted.
Coal Authority	S42(1)(a)	12 March 2018	10 April 2018	Stated not recorded coal mining legacy hazards in the Scheme area.	N	Information noted.
NECA	S42(1)(a)	12 March 2018	10 April 2018	Confirmed support for the scheme.	N	Support noted.
Environment Agency	S42(1)(a)	12 March 2018	10 April 2018	Stated no further comments to make on the Scheme.	N	Information noted.
ESP Utilities Group	S42(1)(a)	12 March 2018	10 April 2018	Confirmed no assets in the Scheme area.	N	Information noted.
Wales and West Utilities	S42(1)(a)	12 March 2018	10 April 2018	Confirmed no assets in the area and that the Scheme falls within the Northern Gas Networks area	N	Information noted.
National Grid Electricity Transmission	S42(1)(a)	12 March 2018	10 April 2018	Confirmed no assets in the Scheme area.	N	Information noted.
HSE	S42(1)(a)	12 March 2018	10 April 2018	Confirmed their response to the previous consultation stating that the Scheme does not affect any elements within HSE jurisdiction.	N	Information noted.
Southern Gas Networks	S42(1)(a)	12 March 2018	10 April 2018	Confirmed no assets in the Scheme area.	N	Information noted.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
South Tyneside Council Town Hall and Civic Offices Westoe Road South Shields Tyne and Wear NE33 2RL	S42(1)(b)	12 March 2018	10 April 2018	Stated that the Scheme had not changed substantially and that they fully support the Scheme. They stated they support the proposed NMU option and the provision of a Pegasus crossing. They stated that detailed design needs to ensure the Pegasus crossing best accommodates the desire lines for equestrian and other NMU groups. They asked for clarification on future ownership and maintenance liability on the proposed NMU option. They stated their support for the proposed compound North East of the Downhill Lane junction and that its use be shared with the Testo's Scheme. They stated that highway ownership and future maintenance liability needs clarifying with Highways England.	N	Support noted. The Applicant and their delivery team will continue to liaise with STC to establish a maintenance regime for the scheme in respect of both the highway elements and NMU facilities. Regular meetings are proposed throughout the detailed design stage to ensure that agreements regarding future ownership, management and maintenance of any new or amended infrastructure are established. Any design changes required will be established and discussed through the design development stage.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Sunderland City Council PO Box 100 Civic Centre Burdon Road Sunderland SR2 7DN	S42(1)(b)	12 March 2018	10 April 2018	Stated that the Scheme had not changed substantially and that they remain in full support of the Scheme. They queried whether the amended drainage provision is deliverable. They asked that careful design is used around bridge abutments to minimise the potential for anti-social behaviour, whether steps could be provided to minimise pedestrian travel routes and asked for clarification on future ownership and maintenance liability of the bridge. They asked that consideration be given to formalising the desire line to connect the new bridge with Boston Crescent in the Town End Farm estate. They also asked that during detailed design attention is paid to ensuring the Pegasus crossing best accommodates the desire lines for equestrians and other NMU groups. They asked for prior notice of any planned engagement with Town End Farm residents so that they can brief relevant ward councillors. They stated that a key issue is maintaining access to/from businesses via the A1290 and the need to co-ordinate with the IAMP developer around construction plans.	N	Support noted. With regards to design related comments, these will be looked at as the design develops through to detailed design. Unsure which "amended drainage provision" SCC refer to. Accordingly, issues such as this will be discussed at the meetings setup during the design development stage (PCF Stage 5) to ensure that SCC's concerns are addressed. Similarly, regular meetings are proposed throughout the detailed design stage as well as a number of design workshops to ensure that agreements regarding future ownership, management and maintenance of any new or amended infrastructure are established. SCC will also be provided opportunity to review the preliminary design packages in order to aid discussion and design development to the satisfaction, as far as is reasonable, of all parties. Any design changes required will be established and discussed through the design development stage.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
PIL and tenant	S42(1)(d)	12 March 2018	10 April 2018	Requested continued access during construction to all land not impacted by the Scheme. They requested stockproof fencing to the compound area and that actions are taken to minimise potential contamination of land in the compound area and that the land is restored after the Scheme. They requested that landtake is minimised.	N	Points noted, the Applicant will continue to engage regarding land take requirements and accommodation works related to specific requests in PCF Stage 5 (Design Development).
Hellens	S42(1)(d)	12 March 2018	10 April 2018	Acknowledged the agreed changes to the Scheme and requested permanent landtake is minimised. They requested a drainage easement. They requested that the footprint of the NMU route is minimised with the access ramp change to formalise the links into the Town End Farm estate	N	Points noted, the Applicant will continue to engage about the impacts of temporary landtake. Potential for drainage easement is being investigated by the Applicant. Similarly, connectivity of the NMU route to Town End Farm estate will be considered also but this issue has already been discussed. There will be a need to balance requests of the landowner and SCC and take cognisance of any options that might give rise to opportunities for anti-social behaviours and environmental impact to adjacent wooded areas. Any design changes required will be established and discussed through the design development stage.
PIL	S42(1)(d)	12 March 2018	10 April 2018	Requested meeting to discuss proposed use of land during construction.	N	Point noted. The Applicant has engaged with the respondent about land use and resolved satisfactorily.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
PIL	S42(1)(d)	12 March 2018	10 April 2018	No comments to the consultation	N	Information noted.
PIL	S42(1)(d)	12 March 2018	10 April 2018	Confirmed address for future correspondence	N	Information noted, contact details changed in database.

### 7.3 Consultation on changes to NMU design (July/August 2018)

- 7.3.1 The second supplementary consultation followed design development to amend the NMU design. The design changed to relocate the pegasus crossing on the A1290 to be further from the junction proposed in the recently consented IAMP ONE scheme. This new position tied with the green route proposed in the IAMP ONE scheme.
- 7.3.2 Consultation was required because the design change resulted in changes to the DCO redline boundary and to the NMU route.
- 7.3.3 Review of Land Registry data showed that no new titles were affected and hence no new section 42(1)(d) consultees were identified.
- 7.3.4 A supplementary consultation was conducted to update affected section 42(1)(d) consultees and to update prescribed consultees under section 42(1)(a) and section 42(1)(b) on the latest proposals and to allow them to comment on scheme developments since the statutory consultation in September and October 2017.
- 7.3.5 The consultation period ran from 30 July to 28 August 2018, a period of 29 days.
- 7.3.6 A letter was sent to all section 42 consultees that were considered to be affected by the changes to NMU design. In total, 77 letters were sent to consultees. An example of the letter sent can be found in **Appendix O1**.
- 7.3.7 The letter included a copy of the consultation brochure produced for the statutory consultation in September and October 2017 and a plan illustrating the changes to the Scheme made as a result of the statutory consultation. A copy of the plan can be found in **Appendix O2**, a newspaper notice was also published as part of the consultation, versions of which can be found in **Appendix O3**. In addition, the letter provided details of how to access the wider Scheme information, through the project website at <http://www.highways.gov.uk/a19-testos-downhill-lane>. The letter also advised that the information could be provided free of charge in electronic format if required.
- 7.3.8 A total of 14 responses were received to the consultation:
- 9 from section 42(1)(a) prescribed consultees;
  - 2 from section 42(1)(b) consultees; and
  - 3 responses to the newspaper notice.

#### Responses from section 42(1)(a) prescribed consultees

- 7.3.9 **ESP Utilities Group** confirmed that they have no assets in the vicinity of the Scheme.
- 7.3.10 **Historic England** stated they had no comments to make on the Scheme.
- 7.3.11 **National Grid Electricity Transmission** confirmed they believe the Scheme will not impact on their equipment.
- 7.3.12 **Burges Salmon** confirmed that escheat land is not Crown Land.



- 7.3.13 The **Coal Authority** confirmed that there are no recorded coal mining legacy hazards in the Scheme area.
- 7.3.14 **Natural England** confirmed that the Scheme will not have significant adverse impacts on designated sites.
- 7.3.15 **Northern Gas Networks** confirmed their previous response remains unchanged.
- 7.3.16 **Northumbrian Water Group Limited** confirmed any of their apparatus in the area would not be affected by the Scheme.
- 7.3.17 **The North East Combined Authority (NECA)** confirmed their continued strong support for the Scheme. They also stated they welcome the continue facilities for no-road users in the Scheme and had no concerns with the proposed design. They provided views on the design around ensuring usability by cyclists.

#### Responses from section 42(1)(b) consultees

- 7.3.18 **SCC** stated that the Scheme had not changed substantially and that they remain in full support of the Scheme. They queried whether the amended drainage provision is deliverable. They asked that careful design is used around bridge abutments to minimise the potential for anti-social behaviour, whether steps could be provided to minimise pedestrian travel routes and asked for clarification on future ownership and maintenance liability of the bridge. They asked that consideration be given to formalising the desire line to connect the new bridge with Boston Crescent in the Town End Farm estate. They also asked that during detailed design attention is paid to ensuring the Pegasus crossing best accommodates the desire lines for equestrians and other NMU groups. They asked for prior notice of any planned engagement with Town End Farm residents so that they can brief relevant ward councillors. They stated that a key issue is maintaining access to/from businesses via the A1290 and the need to co-ordinate with the IAMP developer around construction plans.
- 7.3.19 **STC** stated that the Scheme had not changed substantially and that they fully support the Scheme. They stated they support the proposed NMU option and the provision of a Pegasus crossing. They stated that detailed design needs to ensure the Pegasus crossing best accommodates the desire lines for equestrian and other NMU groups. They asked for clarification on future ownership and maintenance liability on the proposed NMU option. They stated their support for the proposed compound North East of the Downhill Lane junction and that its use be shared with the Testo's Scheme. They stated that highway ownership and future maintenance liability needs clarifying with Highways England.

#### Responses from section 42(1)(d) consultees

- 7.3.20 There were no responses to this supplementary consultation from PILs.

## Table summary of responses from Section 42 Consultees

**Table 7-2 - Summary of responses received from Section 42 Consultees (follow on consultation July / August 2018)**

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
ESP Utilities Group	S42(1)(a)	30 July 2018	28 August 2018	Confirmed no assets in the Scheme area.	N	Information noted.
Historic England	S42(1)(a)	30 July 2018	28 August 2018	Confirmed they have no comments about the Scheme	N	Information noted.
National Grid Electricity Transmission	S42(1)(a)	30 July 2018	28 August 2018	Confirmed no assets in the Scheme area.	N	Information noted.
Burges Salmon	S42(1)(a)	30 July 2018	28 August 2018	Confirmed that escheat land is not Crown Land for the purposes of PA 2008	N	Information noted.
Coal Authority	S42(1)(a)	30 July 2018	28 August 2018	Stated not recorded coal mining legacy hazards in the Scheme area.	N	Information noted.
South Tyneside Council Town Hall and Civic Offices Westoe Road South Shields Tyne and Wear NE33 2RL	S42(1)(b)	30 July 2018	28 August 2018	They stated that the proposed location for the NMU facility is alongside an established share use route on the eastern side of the A1290. They stated that they have no objections to the proposed change in location. They stated they continue to support the Scheme and are keen to continue to work collaboratively to develop the Scheme.	N	Support and information noted. The Applicant and their delivery team will continue to work with STC to develop the Scheme.
Natural England	S42(1)(a)	30 July 2018	28 August 2018	Confirmed that the Scheme will not have significant adverse impacts on designated sites. Natural England has no objection to the scheme.	N	No objection noted.

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Sunderland City Council PO Box 100 Civic Centre Burdon Road Sunderland SR2 7DN	S42(1)(b)	30 July 2018	28 August 2018	They stated that the proposed location for the NMU facility is alongside an established share use route on the eastern side of the A1290, and complements highways infrastructure improvements associated with IAMP ONE. They stated that they have no objections to the proposed change in location. They stated they continue to support the Scheme and are keen to continue to work collaboratively to develop the Scheme.	N	Support and information noted. The Applicant and their delivery team will continue to work with SCC to develop the Scheme.
Northern Gas Networks	S42(1)(a)	30 July 2018	28 August 2018	Confirmed their response to the previous consultation remains unchanged.	N	Information noted.
Northumbrian Water Group Limited	S42(1)(a)	30 July 2018	28 August 2018	Confirmed that any apparatus in the area would not be affected by the Scheme.	N	Information noted.
NECA	S42(1)(a)	30 July 2018	28 August 2018	Confirmed continued strong support for the Scheme. Stated they welcome the continued facilities for non-road users in the scheme, the revision to the crossing raised no concerns and the connections to the existing footway is noted. Stated the bridge should be designed so cyclists can use it and that the ramps on the eastern side should reflect this.	N	Support noted. The Applicant can confirm that the design exceeds the DMRB requirements for cyclists and other NMU groups.

### Responses from section 48 consultees

- 7.3.21 The Applicant also received three responses, from two local residents, as a result of the section 48 publicising of the consultation.
- 7.3.22 All responses included a critique of the proposed NMU provision and alternative design suggestions. Details for these responses are shown in Table 7-3 below. No change was made to the Scheme design as a result of these comments, however copies of the correspondence received and the Applicant's response(s) can be found in **Appendix P**.

## Table summary of responses from Section 48 Consultees

Table 7-3 - Summary of responses received from Section 48 Consultees (follow on consultation July / August 2018)

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Resident and cyclist South Tyneside (2 separate responses received)	S48	30 July 2018	28 August 2018	<p>Previous NMU design was not satisfactory and proposed new design will not improve this. Concerns expressed about the NMU bridge across the A19 and A1290:</p> <ul style="list-style-type: none"> <li>• proposed new zig zag ramp must be sufficient width to allow cyclists, pedestrians and equestrians to pass each other safely</li> <li>• 180-degree zig zag turns can be unsafe in wet or icy conditions</li> <li>• high parapets needed for equestrian safety</li> <li>• high visual impact of such a large structure</li> <li>• does not link with existing traffic free cycle route along west side of A1290 towards Sunderland and North Hylton, nor allow easy access from the south</li> <li>• lighting needed to encourage cyclists to use, especially in winter or at night.</li> </ul> <p>An alternative solution was proposed crossing the A19 only using straight ramps, this would be less intrusive as A19 is lower than A1290.                      Proposed at grade crossing of A1290 at Follingsby Lane would need to be signal</p>	N	<p>Information noted. No change made to the Scheme design. A response letter was issued by the Applicant in September 2018 for each of this residents' responses (copies of which can be found in <b>Appendix P</b>). The response letters clarified the reasoning behind the choice of NMU route and the reasons as to why the design has been developed the way it has – including statement of accident figures at the junction and the desire from majority of users to have a segregated route.</p> <p>A link to the “<i>traffic free cycle route on west of A1290</i>” is provided as part of the scheme via an informal crossing of Washington Road.</p> <p>With regards to the NMU ramps, both linear and switchback ramps were explored. Ramps in linear formation here would require three ramps with landings which increases the potential for high speed interaction between cyclist</p>

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
				<p>controlled to allow safe equestrian crossing.            Downhill Lane crossing position means many cyclists will continue to use the highway as it is closer to desire travel lines. Suggested return to original proposed position closer to the junction or provide an underpass.            Alternative suggestion that the 2 pegasus crossings at the Testos roundabout on the A19 are the best and safest place for equestrians to cross the A19.            Urgent review needed to ensure effective NMU provision made at Downhill Lane junction</p>		<p>and NMU users. A straight ramp would have significant impact on the landscape, particularly from the east. A straight ramp would require around 100m length to get to sufficient height, around 6m, resulting in significant visual impact. It is for these reasons, that a switchback ramp was proposed on the eastern side of Washington Road. The below image provides an impression of how the ramp would be screened by the trees to the east of Washington Road.</p> <p>The alternative option received by the resident was rebutted due to the following reasons:-</p> <p>A signalised crossing on the southbound exit from the circulatory carriageway would result in operational safety implications, compromising the safety of both NMU and vehicular traffic. The siting of a crossing in this location, on a section of road subject to the national speed limit, is not permissible by highway design standards (Design Manual for Roads &amp; Bridges - TA91/05). It</p>

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
						would be an unusual occurrence on the strategic road network and would be unexpected by the majority of drivers. This could result in rear end shunting accidents caused by unexpected stopped vehicles, or drivers simply not being able to react and stop in time for a red signal. The Washington Road and Downhill Lane crossings proposed by the resident are also located close to the exits of the circulatory carriageway. Although these roads would have a lower speed limit, NMU crossings located on the exits of a roundabout are not recommended for a number of reasons; appropriate forward visibility is not always available to drivers resulting in late and sudden braking, and the scenario can result in queuing traffic on the circulatory. It is noted that in urban areas the location of crossings close to roundabout exits are not uncommon, this would not be the case in a rural location.
Resident	S48	30 July 2018	28 August 2018	Proposed NMU facility will not be used as too far from the desire travel line, facilities will be seen as increasing journey distance and time. This is against current government guidance to ensure active	N	Information noted. No change made to the Scheme design. A response letter was issued by the Applicant in September 2018 for this residents' response (a copy of

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
				<p>travel. Therefore, on-line cycle and pedestrian facilities are needed to make safe NMU provision</p>		<p>which can be found in <b>Appendix P</b>). The key points from this letter are as follows: -</p> <p>Option 2A was selected as the preferred option. When compared to Option 1 which routes NMUs through the junction at numerous at-grade crossings and, as the resident identifies, adheres more closely to the desire lines, the consensus in terms of feedback from stakeholders and key user groups was a preference for a wholly segregated NMU route which is what is proposed. Additionally, the anticipated average delay / wait times at each signalised crossing, and the proposed NMU route to the south represents a safer and only marginally longer journey time than the route through the junction. Furthermore, we would like to stress that both of the proposed at-grade crossings on the A1290 and Downhill Lane (East) will be Pegasus type crossings with appropriate signage and signalling installed.</p> <p>We agree that there is no legislation enforcing pedestrians</p>



Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
						<p>and cyclists to use the new off carriageway facilities. However, Department for Transport and SusTrans guidelines state that, physical segregation between motor vehicles and NMU traffic should be provided when traffic flow is expected to exceed 700 vehicles per hour and when the speed limit is 40 mph or greater, which is the case on Downhill Lane junction. The proposed segregated route should significantly improve safety for NMUs in the area. The majority of collisions at the junction are indicated to involve a pedal cyclist. The proposed segregation is therefore, an approach to mitigate this.</p> <p>The proposed design of the new circulatory carriageway forms a complex spiral; involving a series of lane gains and lane drops around the circulatory so that drivers enter in the lane appropriate to their desired exit and follow the lane around to be led off at that exit. This spiralling configuration was developed to address the congestion problems at the junction, but unfortunately this configuration does not allow for the</p>

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
						<p>provision of cycle lanes on the nearside of the circulatory because the outside lane is led off the roundabout at certain exits which would conflict with any cycle lanes. Therefore, on carriageway cycling facilities, including cycle lanes and advanced stop lines could not be provided within the current scheme design.</p>

## 7.4 Consultation on changes to NMU design & Shared Site Compound Duration (November/December 2018)

- 7.4.1 The third supplementary consultation followed design development to amend the Bridleway B46 realignment and provision proposed as part of the A19/A184 Testo's Junction Improvement Scheme.
- 7.4.2 The change provides the Downhill Lane scheme with the powers to stop up the cycle-track approximately 265m in length between Bridleway B46 and Downhill Lane Junction proposed under the A19/A184 Testo's Junction Alteration Development Consent Order 2018. This cycle-track is not required as part of the A19 Downhill Lane Junction Improvement Scheme as the desire line associated with the segregated NMU route, which is to be provided as part of the A19 Downhill Lane Junction Improvement, renders the provision of the new cycle-track to be provided as part of the works for the A19/A184 Testo's Junction Improvement Scheme, obsolete. This change resulted in a change to the DCO redline boundary.
- 7.4.3 Similarly, the consultation also addressed the stopping up of the approximately 90m of re-aligned section of Bridleway B46. As a result of the change identified in para 7.4.2 above, the realigned section of Bridleway B46 is not required as part of the A19 Downhill Lane Junction Improvement works. The effect of this change is that the existing B46 bridleway is unaffected (as it would be under the A19/A184 Testo's Junction Alteration Development Consent Order 2018). This change resulted in a change to the DCO redline boundary.
- 7.4.4 In addition, as per the previous consultation in Spring 2018, (covered by Section 7.2 of this Report), with both the A19 Downhill Lane Junction Improvement Scheme and the A19/A184 Testo's Junction Improvement Scheme expected to be under construction within the same timeframe, it is proposed that the A19 Downhill Lane Junction Improvement Scheme shares the use of the A19/A184 Testo's Junction Improvement Scheme main site compound. However, with the A19/A184 Testo's Junction Improvement Scheme expected to complete approximately 12 months prior to the A19 Downhill Lane Junction Improvement Scheme, it is proposed to extend the use of the A19/A184 Testo's Junction Improvement Scheme main site compound for general storage, traffic management and office-based administrative purposes until the completion of the A19 Downhill Lane Junction Improvement Scheme. The impact of this has been fully assessed in the ES (**Application Document Reference: TR010024/APP/6.1**).
- 7.4.5 A review of Land Registry data showed that no new titles were affected and hence no new section 42(1)(d) consultees were identified.
- 7.4.6 This supplementary consultation was conducted to update affected section 42(1)(d) consultees and to update prescribed consultees under section 42(1)(a) and section 42(1)(b) on the latest proposals and to allow them to comment on the changes.
- 7.4.7 The consultation period ran from 21 November to 19 December 2018, a period of 29 days.
- 7.4.8 A letter was sent to all affected section 42 consultees. In total, 59 letters were sent to consultees.

7.4.9 The letter was accompanied by a plan illustrating the changes to the Scheme as well as a flyer illustrating the amendments to bridleway B46. A copy of the section 42 letter, land usage plan, route comparison flyer and the published newspaper notices can be found in **Appendices Q1 to Q4** respectively. In addition, the letter provided details of how to access the wider Scheme information, through the project website at <http://www.highways.gov.uk/a19-testos-downhill-lane>. The letter also advised that the information could be provided free of charge in electronic format if required.

7.4.10 A total of 13 responses were received to the consultation:

- 8 from section 42(1)(a) prescribed consultees;
- 3 from section 42(1)(b) consultees; and
- 2 responses to the newspaper notice.

#### Responses from section 42(1)(a) prescribed consultees

7.4.11 **ESP Utilities Group** confirmed that they have no gas or electricity apparatus in the vicinity of the site address and will not be affected by the Scheme.

7.4.12 **Historic England** stated they had no comments to make on the Scheme.

7.4.13 **North East Ambulance Service (NEAS) NHS Foundation Trust** responded stating that that as an Emergency Service they may be required to use the roads affected by the Scheme for access and egress in the event of needing to attend an emergency call, or to convey patients to hospital for out-patient appointments. They stated that construction of the Scheme could have significant impact responding from Washington to North West Sunderland. It would also have a potential impact in responding to Nissan and the surrounding factories from the A19. However, they expressed their support for the Scheme. The Applicant has provided a response to the NEAS correspondence, a copy of which can be found in **Appendix R2**.

7.4.14 **Harlaxton Energy Networks Limited** confirmed that they have no assets in the vicinity of the site address and will not be affected by the Scheme therefore they have no comment to make on the Scheme.

7.4.15 **Coal Authority** stated they had no specific comments to make on the proposed changes to the Scheme covered by this consultation.

7.4.16 **National Grid** stated that they believe the Scheme will not impact on the equipment but wish to express interest in continued consultation while the impact on assets is fully assessed.

7.4.17 **Natural England** confirmed that they have no comments to make on the changes outlined as part of this non-statutory consultation.

7.4.18 **Northern Powergrid** stated that they appreciated being consulted as part of the non-statutory consultation. Northern Powergrid confirmed that they have extra high voltage (EHV) assets within the footprint of the scheme. The Applicant is aware of this and engagement with Northern Powergrid will continue through the development of the Scheme in order to ensure that existing rights, assets and

access agreements are managed, maintained and where necessary, satisfactorily mitigated. A copy of Northern Powergrid's letter can be found in **Appendix S**.

#### Responses from section 42(1)(b) consultees

- 7.4.19 **SCC** provided two comments following the consultation, but these were not directly related to the reasons for the consultation. SCC comments concerned the nature of the at-grade crossing on Downhill Lane (East) stating that it must be a Pegasus crossing in order for the associated NMU connections to function as designed. Secondly, SCC asked that consideration be given to formalising the desire line to connect the new bridge with Boston Crescent in the Town End Farm estate. The Applicant has provided a response to the SCC correspondence, a copy of which can be found in **Appendix R1**.
- 7.4.20 **STC** confirmed that they have no concerns regarding the stopping-up the re-aligned bridleway B46 or the stopping-up of the extension linking bridleway B46 to Downhill Lane junction as previously proposed as part of the Testo's Junction Improvement Scheme.
- 7.4.21 **SCC** provided a second response highlighting the need to keep SCC and STC fully informed of Scheme developments and keep providing details of how the Scheme connects to the local road networks of SCC and STC. Response also re-iterated the points raised as part of the first response from SCC, as stated above in paragraph 7.4.19.

#### Responses from section 42(1)(d) consultees

- 7.4.22 There were no responses to this supplementary consultation from PILs.

## Table summary of responses from Section 42 Consultees

**Table 7-4 - Summary of responses received from Section 42 Consultees (follow on consultation November / December 2018)**

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
ESP Utilities Group	S42(1)(a)	21 Nov 2018	19 Dec 2018	Confirmed no assets in the Scheme area.	N	Information noted.
Historic England	S42(1)(a)	21 Nov 2018	19 Dec 2018	Confirmed they have no comments about the Scheme	N	Information noted.
North East Ambulance Service NHS Foundation Trust	S42(1)(a)	21 Nov 2018	19 Dec 2018	Supported the scheme but advised that ambulance service will be affected by scheme during construction. Need to be kept informed of Traffic Management and any temporary closures.	N	Applicant responded advising that NEAS would be engaged during detailed design with regard to proposed traffic management measures in order to mitigate impact on services.
Harlaxton Energy Networks Limited	S42(1)(a)	21 Nov 2018	19 Dec 2018	Confirmed no assets in the Scheme area.	N	Information noted.
Coal Authority	S42(1)(a)	21 Nov 2018	19 Dec 2018	Confirmed they have no comments about the Scheme	N	Information noted.
National Grid	S42(1)(a)	21 Nov 2018	19 Dec 2018	Confirmed no assets in the Scheme area.	N	Information noted.
Natural England	S42(1)(a)	21 Nov 2018	19 Dec 2018	Confirmed they have no comments about the Scheme	N	Information noted.
Northern Powergrid	S42(1)(a)	21 Nov 2018	19 Dec 2018	Want to ensure their EHV assets are protected and that any access, maintenance rights are protected and if any diversions are needed that they are co-ordinated and planned in advance of the main works as per the diversions on Testo's.	N	The Applicant will continue to engage directly with Northern Powergrid to ensure that the impact on their assets is fully assessed as the Scheme progresses and that if any mitigations are needed that they

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
						are prepared in agreement with Northern Powergrid.
SCC	S42(1)(b)	21 Nov 2018	19 Dec 2018	Queried the Pegasus crossing provision and formalisation of informal route between Town End Farm estate and Washington Road.	N	Applicant responded to queries in a letter highlighting that Pegasus crossings will be provided and that a formal route between Town End Farm estate, Washington Road and the new NMU bridge cannot be accommodated due to land constraints and desire to prevent risk of anti-social behaviour.
STC	S42(1)(b)	21 Nov 2018	19 Dec 2018	Confirmed no issue with proposed changes to Testo's works concerning Bridleway B46.	N	Information noted.
SCC	S42(1)(b)	21 Nov 2018	19 Dec 2018	Continue support of the Scheme in principle provided clarity continues to be provided on how scheme connects with local road networks of SCC and STC.	N	Information noted. Applicant will continue to engage with SCC, STC and IAMP as design develops.

### Responses from section 48 consultees

- 7.4.23 The Applicant also received 2 responses, from 2 local residents, as a result of the section 48 publicising of the consultation.
- 7.4.24 The first response queried if the crossings to be provided as part of the Scheme are going to be Pegasus crossings.
- 7.4.25 The second response queried why the Applicant would stop-up the entirety of bridleway B46 when it is so frequently used. This suggested that the consultation had been mis-interpreted because only the re-aligned sections of bridleway B46, proposed as part of the Testo's scheme are to be stopped-up, not the whole route. An email response was issued by the Applicant to clarify the reason for the consultation. No further response was received.



## Table summary of responses from Section 48 Consultees

**Table 7-5 - Summary of responses received from Section 48 Consultees (follow on consultation November / December 2018)**

Consultee	Consultation Strand	Date Consulted	Response Deadline	Summary of consultee response	Change Y/N?	How the Applicant has had regard to responses received (s49)
Local Resident & Cyclist	S48	21 Nov 2018	19 Dec 2018	Queried if Scheme would include Pegasus crossings	N	Applicant responded by return email confirming at-grade crossings will be the Pegasus type.
Resident	S48	21 Nov 2018	19 Dec 2018	Queried why Bridleway B46 being stopped up and removed.	N	Applicant responded by email to explain and confirm that the consultation wasn't on the stopping up of Bridleway B46 in it's entirety, only the section related to Testo's scheme adjacent to this Scheme and that there would be no loss of connectivity to Testo's junction.

## 8 SUMMARY OF ONGOING ENGAGEMENT

### 8.1 Introduction

8.1.1 Following the end of the statutory consultation in October 2017, the Applicant has had frequent contact with a number of stakeholders, specifically IAMP LLP, SCC, STC, TEFP and the LAF. As such, a number of meetings have been held with these parties in order to provide updates on the progress of the design for the Scheme, identify issues and discuss methods for resolving any issues identified.

#### IAMP LLP / SCC / STC

8.1.2 Ongoing discussions with IAMP LLP / SCC / STC have raised concern over the following issues: -

- Provision of segregated left hand lane from A19 northbound diverge to A1290
- Conversion of existing A1290 single carriageway to dual carriageway and tie in arrangements of Downhill Lane junction to an improved A1290 carriageway
- Interaction of NMU options between both developments
- Requirement for Washington Road Bridge and impact on Downhill Lane Junction works / scope
- Traffic signals and timings
- Drainage requirements and attenuation details for the Downhill Lane Junction, A1290 & A19 catchments
- Construction phase logistics such as storage areas for topsoil and plant - specifically to the east of the A1290 / west of the A19 and the need to manage construction traffic to reduce the impact on IAMP One operations and customers.

8.1.3 IAMP LLP have provided a response to the most recent consultation stating their support for the Scheme and also re-iterating the points raised above but this was received following the end of the consultation.

#### TEFP

8.1.4 Following the conclusion of the 2017 Statutory Consultation there has been ongoing liaison between representatives from TEFP and the Applicant. A number of face to face meetings have occurred. Further to the queries raised by TEFP as part of the Statutory Consultation, the following issues have been discussed: -

- Drainage requirements for the southern drainage attenuation pond which clashes with land required for TEFPs Wear Point 55 development. This has included discussions regarding the size, layout and location of the pond. The principle of an alternative arrangement within the land specified in the Scheme footprint has been discussed with TEFP and will be considered further during detailed design.

- TEFP are seeking robust justification for the land take which the Applicant must provide regardless of TEFP's position, in order for the land acquisition powers sought to be authorised.
- Confirmation that the Applicant has modelled the future operation of the Scheme in isolation (i.e. assuming that the Washington Road Bridge may not ultimately be delivered by IAMP) and that the proposed intersection still operates within capacity (i.e. with acceptable queues/delays forecast) during the design-year with the addition of the traffic anticipated to be generated by a full 150Ha IAMP development.

## LAF

- 8.1.5 The Applicant has attended numerous workshops and meetings with representatives from the LAF. These meetings have thus far focussed on the arrangement and type of NMU facilities that will be provided as part of the Scheme including discussion regarding surfacing types, lighting provision and the type of highway crossings. Further liaison will be required as the design develops to finalise the NMU route design.

## 8.2 Engagement with Key Stakeholders pre-DCO application submission

- 8.2.1 The Applicant will continue to engage with key stakeholders post submission of the DCO application in January 2019. However, prior to the DCO submission, some of the key draft application documents were shared with key stakeholders as part of the preparations. The section below summarises which draft DCO documents have been issued to key stakeholders and also captures any significant actions resulting from this engagement.

## IAMP

- 8.2.2 The Applicant sent the following draft DCO documents to the IAMP team in January 2019: DCO, Explanatory Memorandum, BoR, Statement of Reasons, Land, Works and Street Plans and this Report. The Applicant has had a number of meetings with IAMP throughout the pre-application period. The Applicant has explained the draft documents and clarified what will happen next. The Applicant has explained the application process and what will be expected of IAMP following submission of the DCO application.
- 8.2.3 The Applicant has prepared, jointly with the IAMP team, a document outlining the interrelationship between the three DCO schemes (Testos Junction, Downhill Lane Junction, and IAMP) which outlines how the development of the three schemes will be integrated (**Application Document Reference: TR010024/APP/7.3**).

## Northumbrian Water Group Limited

- 8.2.4 The Applicant consulted Northumbrian Water in September 2017 and as part of the subsequent consultations in Spring and Summer 2018. They were then consulted again on the draft DCO and the protective provisions therein. The Applicant's understanding, based on engagement to date, is that they have no issues with the drafting of the DCO.

### **BT Group Plc / Openreach**

- 8.2.5 The Applicant consulted BT Group Plc in March 2018 as part of the first supplementary consultation. They were then consulted again on the draft DCO and the protective provisions therein. The Applicant's understanding, based on engagement to date, is that they have no issues with the drafting of the DCO.

### **Northern Powergrid**

- 8.2.6 The Applicant consulted Northern Powergrid in September 2017 and as part of the subsequent consultations in Spring and Summer 2018. They were then consulted again on the draft DCO and the protective provisions therein. The Applicant's understanding, based on engagement to date, is that they have no issues with the drafting of the DCO.

### **National Grid**

- 8.2.7 The Applicant consulted National Grid in September 2017 and as part of the subsequent consultations in Spring and Summer 2018. They were then consulted again on the draft DCO and the protective provisions therein. The Applicant's understanding, based on engagement to date, is that they have no issues with the drafting of the DCO.

### **Local Authorities**

- 8.2.8 The Applicant has continued to engage with SCC, STC, North Tyneside Council, Newcastle City Council, The County Council of Durham and Gateshead Council since the end September 2017 consultation and as part of the subsequent consultations in Spring and Summer 2018. The Applicant sent the draft DCO documents referred to in paragraph 8.2.2 above to the local authorities listed above in January 2019.

### **Statutory Environmental Bodies**

- 8.2.9 The Applicant sent the draft DCO documents referred to in paragraph 8.2.2 above to the following stakeholders in January 2019 for comment: Historic England, Natural England and the Environment Agency.

### **Persons with Interests in Land**

- 8.2.10 In addition to the statutory consultation, the Applicant has continued to meet (on a one-to-one basis) and engage with landowners affected by the Scheme. This has included engagement with affected landowners in relation to the adjustments to the land required for the Scheme which have been identified since the 2017 statutory consultation was concluded as covered by Chapter 7 of this report.

## **8.3 Miscellaneous Information**

- 8.3.1 In carrying out its ongoing diligent inquiry, the Applicant noted that Stessa 3006 Limited, a category 3 person in the Book of Reference, was sent a consultation letter using their address for service as noted on the title register at the Land Registry only. This address was different from their registered office and so the

consultation letters were also sent to Stessa 3006 Limited's registered office on 11 January 2019.

## 9 CONCLUSION

### 9.1 Summary

- 9.1.1 The Applicant has adopted a multi-phased approach to its consultation, including both statutory and non-statutory stages. Statutory consultation has been undertaken in accordance with the published SoCC and all relevant statutory requirements.
- 9.1.2 Statutory consultation has served as the primary means of acquiring feedback on the proposals and, where possible, has been taken into consideration in the development of the Scheme, as set out in the preceding chapters of this Report.
- 9.1.3 Feedback received from both statutory and non-statutory consultations, particularly the questionnaires, indicates that there is widespread support for the Scheme and that the benefits generated by the Scheme are well understood and desired.
- 9.1.4 After careful consideration of the feedback and consultation with stakeholders and Local Authorities during the statutory consultation, NMU Option 2A has been taken forward as the Preferred NMU Option. As required by section 49 of the PA 2008, the Applicant has had regard to all the responses which it received in response to the statutory consultation.
- 9.1.5 In summary, the main changes that have been made to the Scheme in response to the feedback received during consultations include:
- Adoption of NMU Option 2A as the Preferred NMU Option; and
  - Relocation of attenuation pond from south east to north east of the junction, within the same landownership.
- 9.1.6 There were no changes to the Scheme following the supplementary consultations in March 2018, August 2018 and November 2018.
- 9.1.7 A table setting out a summary of all statutory and non-statutory consultation with all section 42(1)(a), (b) and (d) consultees as set out in this Report is included at **Appendix T**.
- 9.1.8 This Report outlines how the Applicant has met all the statutory requirements for s42, s46, s47, s48 and s49 of the PA 2008. A summary of all the non-statutory and statutory consultation activities undertaken has been outlined in Table 2-2. The covering letter and s55 checklist (**Application Document Reference: TR010024/APP/1.2**) demonstrates how the Applicant meets the Inspectorate's submission requirements.

### 9.2 Compliance with Advice & Guidance

- 9.2.1 Table 9-1 details the evidence of compliance with the DCLG Guidance on the pre-application process<sup>9</sup>.

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<sup>9</sup> Source: <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

**Table 9-1 - Compliance with DCLG guidance on the pre-application process**

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
17	<i>When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation.</i>	Consultation material circulated during non-statutory and statutory consultation stated that it was for the purpose of consultation. This statement was included in the consultation material and in letters accompanying plans. Examples of documents circulated can be found in <b>Appendices A, C1, C2, N, O and Q</b> .
18	<i>Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties.</i>	A summary of all consultation activities and dates is provided in <b>Table 2-2</b> of this report. Pre-consultation meetings were held during 2017 and included representatives from the local councils, residents' associations and some of the local interest groups. As covered by <b>Section 5.2</b> of this report, a draft SoCC was sent to local authorities for comment in July 2017 and no comments were received in response.
19	<i>The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the 6 months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues.</i>	Consultation was conducted in accordance with the SoCC, a copy of which can be found in <b>Appendix D1</b> . A list of the responses received on both the statutory consultation and subsequent non-statutory consultations as well as the regard the Applicant has had to these responses are outlined in <b>Table 4-2, Table 7-1, Table 7-2, Table 7-3 and Table 7-4</b> .
20	<i>Experience suggests that, to be of most value, consultation should be:</i> <ul style="list-style-type: none"> <li>• <i>Based on accurate information that gives consultees a clear view of what is proposed including any options;</i></li> <li>• <i>Shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and</i></li> <li>• <i>Engaging and accessible in style, encouraging consultees to react and offer their views.</i></li> </ul>	<p>The information presented at statutory consultation in Autumn 2017 reflected the most accurate and up to date information available at the time. The statutory consultation brochure, see <b>Appendix C2</b>, outlined the subjects on which a decision had already been made and those the Applicant was seeking opinions on. By holding further consultations, the Applicant was able to share plans at an early stage and seek opinions on options proposed before the Scheme design was finalised. The outcomes of the additional consultations are outlined in the <b>Chapter 7</b> of this report.</p> <p>Consultation commenced well in advance of the DCO application date to allow time for consultees to influence the Scheme proposals, including a number of additional consultations in March / April 2018, July / August 2018 and November / December 2018. All consultation material was available in hardcopy at a cost/charge, in digital format and at deposit locations free of charge to try and cover different options for how consultees wish to view the information. 3D visualisations were available to view and the project</p>

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
		<p>team were available to discuss the plans at the public consultation exhibition event. The consultation programme allowed consultees to engage face-to-face with the project team, access details in their own homes through a Scheme webpage and post questions through a number of channels. Images and displays were designed to be informative but not complicated whilst allowing enough detail on the proposed Scheme for consultees to be informed.</p> <p>Following the 6-week statutory consultation held from September to October 2017, the comments received resulted in a design change concerning the location of a drainage attenuation pond in the northeast of the scheme. This was re-located from south of Downhill Lane (East) to the north of Downhill Lane (East) at the request of the landowner.</p>
25	<p><i>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</i></p>	<p>Consultation was conducted in accordance with the SoCC (<b>Appendix D</b>).</p> <p>The statutory consultation ran for 6 weeks (42 days).</p> <p>There were consultation exhibitions held across a range of days, times and locations in the vicinity of the Scheme as detailed in <b>Table 5-1</b> and <b>Table 5-2</b> of this report. This was to assure members of the public had opportunity to attend if they wished.</p> <p>If a technical response to a comment was required, this was developed and sent to stakeholders. If specific requests were made for how customers would like to receive their response these were followed where possible.</p>
26	<p><i>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine</i></p>	<p>Consultation with those set out in s42 – s44 of the PA 2008 has been undertaken.</p> <p>Sections 4.5 to 4.9 of this report details who has been consulted including prescribed consultees, local authorities and Category 1, 2 and 3 persons with an interest in land. Prescribed consultees were identified in accordance with The APFP Regulations and the list of consultation bodies provided in Appendix 1 of the Scoping Opinion who had been</p>



Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
	<p><i>Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</i></p>	<p>notified under Regulation 11(1)(a) of the EIA Regulations.</p> <p><b>Chapter 5</b> of this report details the Local Community Consultation that has been undertaken, in accordance with s47, including any public consultation events and community reference group meetings.</p> <p><b>Appendix I</b> contains a list of prescribed consultees that have been consulted at the pre-application stage.</p> <p><b>Appendix C1</b> contains the sample s42 letter that was sent to category 1, 2 and 3 consultees as part of the statutory consultation.</p> <p><b>Appendix E</b> contains the Section 47 and 48 notices that were published in the newspapers detailed in <b>Table 2-1</b> of this report.</p> <p><b>Appendix T</b> provides details of how all PIL's were consulted and when.</p> <p>The local community was consulted as outlined in the SoCC in accordance with s47 of the PA 2008. A copy of the final SoCC can be found in <b>Appendix D1</b>.</p>
27	<p><i>The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could be make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.</i></p>	<p>The Applicant undertook diligent enquiry in deriving the list of prescribed consultees to consult with in accordance with The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Inspectorate Scoping List.</p> <p>Prescribed consultees, including statutory environmental bodies such as Natural England and the Environment Agency were engaged with early in the development of the Scheme. These consultees were included in the non-statutory public consultation and the statutory consultation. The Applicant also identified the locally specific contacts of the prescribed consultees.</p> <p>No non-planning consents are included.</p>

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
29	<i>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</i>	<p>Ongoing engagement with relevant parties has been taking place alongside s42 consultation activities. Consultation with relevant Statutory bodies for environmental aspect of the Scheme are detailed in the Environmental Statement Chapter 4: Consultation (<b>Application Document Reference: TR010024/APP/6.1</b>).</p> <p>Throughout the development of the design there has been engagement with the relevant statutory undertakers.</p>
38	<i>The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.</i>	A SoCC was prepared and sent to the local authorities South Tyneside Council, Sunderland City Council and Gateshead Council. No feedback was received by the Applicant from the local authorities on the SoCC.
41	<i>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</i>	No feedback was received by the Applicant from the local authorities on the SoCC.
50	<i>It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land</i>	The Applicant has diligently sought to identify all land interests and ensure that the Book of Reference ( <b>Application Document Reference TR010024/APP/4.3</b> ) remains up to date. Details of

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
	<i>interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categories those land interests) is up-to-date at the time of submission.</i>	<p>this are set out in the Statement of Reasons (<b>Application Document Reference TR010024/APP/4.1</b>). <b>Appendix T</b> provides details of how all PIL's were consulted and when.</p> <p>The Applicant has undertaken continued engagement with the relevant parties.</p>
54	<i>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultation in their area.</i>	<p>Consultation documents were made available on the website, placed in deposit points in agreement with Local Authorities and advertised in local and national newspapers. Requests for printed consultation documents via post could be made to the Applicant.</p> <p>The surrounding areas were posted either a brochure or a flyer to inform them of the public consultation events, the extent is shown on the plan in <b>Appendix K</b>.</p> <p>Face to face interaction with the project team was available via the exhibitions and the team were available to speak to following the exhibitions by calling the dedicated scheme phonenumber.</p>
55	<i>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</i>	<p>The consultation materials are described in <b>Chapter 4</b> of this report.</p> <p>The consultation materials included a consultation leaflet, brochure, Consultation Questionnaire Response Form, poster, DCO leaflet, SoCC, plan showing scheme layout with proposed red line boundary, s47 notice and s48 notice.</p> <p>The consultation brochure clearly stated which elements of the scheme had been decided on ahead of consultation (general highways layout and junction format). Details regarding these decisions are included in <b>Section 4.2</b>. Opinions were sought on other aspect of the scheme through the Consultation Response Form on such as preference of NMU route.</p>
57	<i>The Statement of Community Consultation should act as a framework for the community consultation</i>	A summary of the content of the SoCC is in <b>Chapter 5</b> of this report.

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
	<i>generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.</i>	<p>The SoCC was made available online at <a href="https://highwaysengland.co.uk/projects/downhill-lane-junction-improvement/">https://highwaysengland.co.uk/projects/downhill-lane-junction-improvement/</a> and was published in the newspapers detailed in <b>Paragraph 5.2.7</b>. Copies of press notices can also be found in <b>Appendices E3 to E5</b>.</p> <p>The SoCC was also made available at the deposit locations listed in <b>Paragraph 5.3.4</b> of this report as agreed with Local Authorities from the start of the consultation period.</p> <p>The SoCC included the details and dates of the public exhibition events.</p>
58	<i>Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the 2 required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.</i>	<p>The s48 notices placed in newspapers and the date of publication are detailed in <b>Table 6-1</b> of this report.</p> <p>The Applicant advertised the proposed application under s48 of the PA 2008 to coincide with the start of s42 and s47 consultations. The first advert in the local newspapers was included in the publication on 2 September 2018 (statutory consultation commenced 11 September 2018).</p> <p><b>Appendix E</b> contains the s48 notices which were published in newspapers to advertise the first statutory consultation period.</p>
68	<i>To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time consultees will need sufficient information on a project to be able to recognise and understand the impacts.</i>	<p>A non-statutory consultation on options took place in 2016 to allow for early engagement and to seek opinions on various elements of the scheme. This is covered in <b>Chapter 3</b> of this report.</p> <p>The statutory consultation was undertaken in 2017 and this is covered in <b>Chapter 4</b> of this report.</p> <p>Subsequent statutory and non-statutory consultations were undertaken in March/April 2018, July/August 2018 and November/December 2018. These are all described in greater detail in <b>Chapter 7</b> of this report. A summary of all consultation activities and dates is provided in <b>Table 2-2</b> of this report.</p>
72	<i>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected</i>	<p>A summary of all consultation activities and dates is provided in <b>Table 2-2</b> of this report.</p> <p>A statutory consultation period of 42 days between 11 September 2017 and 22 October 2017 in accordance with the SoCC. An allowance of 3 days (until 25 October) for postal submission of the consultation questionnaire was also made.</p>

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
	<i>that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</i>	Subsequent statutory and non-statutory consultations were undertaken between 12 March and 10 April 2018, 30 July and 28 August 2018 and 21 November and 19 December 2018. Each of these consultations was 29 days in duration. These are all described in greater detail in <b>Chapter 7</b> of this report.
73	<i>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</i>	One additional statutory consultation was required for the Scheme. The non-statutory consultations undertaken were required to address minor amendments to the Scheme as explained in <b>Chapter 7</b> of this report.
77	<i>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultations is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</i>	Consultation was conducted in accordance with s42 of the PA 2008 and through the methodology outlined in the SoCC. The SoCC was reviewed and agreed with the Local Authorities who have a broader understanding of any local issues which should be considered.  In response to comments received during the non-statutory consultation, a public exhibition event was held in Boldon during the statutory consultation to capture views of the public who reside in the vicinity of the scheme.
84	<i>A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a</i>	<b>Table 4-2</b> of this report contains the responses from prescribed consultees and the regard the Applicant has had to these responses.

Compliance with DCLG Guidance on the pre-application process		
Para:	Requirement:	Evidence of compliance:
	<i>judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.</i>	<p>Where stakeholders provided a written consultation response that warranted an individual response by the Applicant that was relevant to the detail provided (i.e. as a result of the query / comment being extraordinary to the content of this report). These written responses have also been considered in this report and can be found in <b>Appendices F, P and R</b>.</p> <p>No additional bodies have been identified for consultation outside of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Schedule 1 and the list of consultation bodies provided in the Scoping Opinion who had been notified under Regulation 11(1)(a) of the EIA Regulations. If any additional bodies are subsequently identified the Applicant will engage with them as appropriate.</p>

9.2.2 Compliance with the Inspectorate's Advice Note 14: Compiling the Construction Report is detailed in Table 9-2.

**Table 9-2 - Compliance with The Planning Inspectorate's Advice Note 14: Compiling the Consultation Report**

Advice:	Evidence of compliance:
<i>Explanatory text should set the scene and provide an overview and narrative of the whole pre-application stage as it relates to a particular project. It would assist if a quick reference guide in bullet point form, summarising all the consultation activity in chronological order, is included near the start of the report.</i>	Refer to <b>Table 2-2</b> of this report for a chronological summary of all pre-consultation activities sectioned by the stage in the process (eg Non-statutory consultation, PRA, statutory consultation, etc).
<i>The Applicant should include a full list of the prescribed consultees as part of the consultation report.</i>	Please refer to <b>Appendix I</b> and <b>Appendix T</b> .
<i>A short description of how s43 of the [PA 2008] has been applied in order to identify the relevant local authorities should be included, this could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.</i>	Refer to <b>Table 4-1</b> and <b>Figure 4-4</b> for a list and map of the relevant local authorities.
<i>Where compulsory acquisition forms part of the draft DCO the consultees who are also included in the book of reference for compulsory acquisition purposes should be highlighted in the consolidated list of prescribed consultees.</i>	Compulsory acquisition powers sought by the Applicant are set out in Book of Reference ( <b>Application Document Reference TR010024/APP/4.3</b> ). A list of prescribed consultees is provided in <b>Appendix I</b> and also in <b>Appendix T</b> . Those prescribed consultees that are under compulsory acquisitions have been highlighted.
<i>It would be helpful to provide a summary of the rationale behind the SoCC methodology</i>	The Applicant's preparation of a draft SoCC took into account the Inspectorate' Advice Note 14 (April 2012):

Advice:	Evidence of compliance:
<p><i>to assist the Secretary of State's understanding of the community consultation and provide a context for considering how consultation was undertaken.</i></p>	<p>Compiling the Consultation Report and the DCLG Planning Act 2008: Guidance on the pre-application process. The following was set out in these guidance documents and has been used in the methodology of drafting the SoCC:</p> <ul style="list-style-type: none"> <li>• early engagement with local people.</li> <li>• an inclusive approach is needed to ensure different groups have the opportunity to participate.</li> <li>• applicant should use a range of methods and techniques to ensure that access all sections of the community in question.</li> <li>• prepare and consult with the host authorities on the draft SoCC.</li> <li>• Applicants should clearly set out what is being consulted on.</li> <li>• Applicants should publicise under s48.</li> </ul> <p>The preparation and development of the SoCC is set out in <b>Section 5.2</b> of this report. No comments were received on the draft SoCC.</p>
<p><i>Any consultation not carried out under the provisions of the [PA 2008] should be clearly indicated and identified separately in the report from the statutory consultation. This does not necessarily mean that informal consultation has less weight than consultation carried out under the [PA 2008] but identifying statutory and non- statutory consultation separately will assist when it comes to determining compliance with statutory requirements.</i></p>	<p>The summary of consultation activities in <b>Table 2-2</b> is divided into non-statutory and statutory.</p> <p><b>Chapter 3</b> of this report details the non-statutory consultation undertaken in 2016. <b>Chapter 4</b> of this report details the statutory consultation undertaken in 2017. <b>Chapter 7</b> of this report details the supplementary statutory and non-statutory consultations undertaken in 2018.</p>
<p><i>The summary of responses, if done well, can save a significant amount of explanatory text. We advise that applicants group responses under the three strands of consultation as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>s42 prescribed consultees (including s43 and s44);</i></li> <li>• <i>s47 community consultees; and</i></li> <li>• <i>s48 responses to statutory publicity.</i></li> </ul> <p><i>This list should also make a further distinction within those categories by sorting responses according to whether they contain comments which have led to changes to matters such as siting, route, design, form or scale of the Scheme itself, or to mitigation or compensatory measures proposed, or have led to no change.</i></p>	<p>Prescribed consultation bodies, statutory undertakers and local authorities provided a written response (if responding to the consultation at all) rather than completing the Consultation Response Form. This information has been tabulated and presented in. All tables related to this aspect of the pre-application Consultation, include a column to clarify whether the response warranted a change to the Scheme design.</p> <p>Remaining Consultation Questionnaire Response Forms and written responses following the statutory consultation under s47 and s48, have been analysed collectively and the outcomes described in <b>Section 5.8</b>. Where comments warranted a change in the design, these are covered in <b>Table 4-2</b> along with an explanation of how the Scheme design has been adjusted.</p> <p>Furthermore, s48 responses to the non-statutory consultations in July / August 2018 and November / December, have been tabulated in <b>Table 7-3</b> and <b>Table 7-5</b>.</p>

Advice:	Evidence of compliance:
<p><i>A summary of responses by appropriate category together with a clear explanation of the reason why responses have led to no change should also be included, including where responses have been received after deadlines set by the Applicant.</i></p>	<p>A summary of responses which have been fully broken down and analysed in a number of categories can be found in <b>Section 5.8</b> along with a response by the Applicant.</p> <p>All consultation responses received within the designated consultation periods are included within this report and captured both within the main body of this report or within <b>Table 4-2, Table 7-1, Table 7-2, Table 7-3, Table 7-4 or Table 7-5.</b></p>