

The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Helen Apps
Highways England
3 South
Lateral
8 City Walk
Leeds
LS11 9AT

Helen.Apps@HighwaysEngland.co.uk

0300 470 2705

27 August 2019

Dear Sir/ Madam

**PLANNING ACT 2008
APPLICATION BY HIGHWAYS ENGLAND (“THE APPLICANT”) FOR AN ORDER
GRANTING DEVELOPMENT CONSENT FOR THE PROPOSED A19 DOWNHILL LANE
JUNCTION SCHEME (“THE SCHEME”)
APPLICATION REFERENCE: TR010024**

Further to the Examining Authority’s Rule 6 letter dated 12 July 2019, and Rule 8 letter dated 21 August 2019, we enclose a number of documents in relation to the above application which the Examining Authority has requested be submitted for Deadline 1 (27 August). This letter sets out a short description of the documents provided, along with our approach in producing them, where relevant. We also enclose an updated “Application Document Tracker” (TR010024/APP/1.4(4)) including the latest versions of the documents listed below.

Amended draft Development Consent Order (dDCO) and Explanatory Memorandum (EM)

We enclose an updated dDCO (TR010024/APP/3.1(3)) and EM (TR010024/APP/3.2(3)). As requested by the Examining Authority in his questions on the dDCO, the dDCO is included in both word and pdf formats, and in both consolidated and tracked change versions. Since the changes to the dDCO are very few in number, they are set out and explained in the table at Annex 1 to this letter, rather than as a separate document.

Written Submission of the Applicant’s Oral Case at Issue Specific Hearing 1 on the dDCO and Open Floor Hearing, 13 August 2019

We enclose a document summarising the Applicant’s oral submissions at Issue Specific Hearing 1 into the dDCO, and the Open Floor Hearing, both held at the Clarion Hotel, Boldon on 13 August 2019. This document has three appendices, which are additional documents that the Applicant agreed at the hearing to submit to the Examining Authority by Deadline 1, as follows:

Appendix 1 – Table containing the Examining Authority’s Questions on the dDCO and the Applicant’s Responses

Appendix 2 – Department for Transport correspondence outlining the process for sign-off of requirements by the Secretary of State

Appendix 3 – A19 Testo's Junction Correction Order and Correction Notice

Applicant's Comments on Relevant Representations

We enclose a table of the Applicant's responses to relevant representations received in relation to the Scheme. As agreed at the Open Floor Hearing on 13 August, this table also contains responses to the questions raised by Mr Edward Wylie at that hearing.

Updated Book of Reference

We enclose an amended Book of Reference (TR010024/APP/4.2(2)), which has been updated after a number of Rule 6 and 9 letters sent by the Planning Inspectorate were returned to sender. The Applicant is considering its approach in relation to one individual for whom an alternative address has not yet been found and will update the ExA at the earliest opportunity. By way of explanation, the address for service registered at the Land Registry for this individual is incorrect, and the relevant sites do not have a mailbox.

Statements of Common Ground requested by the ExA

In the Rule 6 letter, the ExA requested that Statements of Common Ground be submitted by Deadline 1 with the parties listed therein.

The status of the Statements of Common Ground between the Applicant and the relevant parties is set out below. These reflect the deadlines for submission agreed at the Preliminary Meeting on 13 August and recorded in the note of this meeting published by the Planning Inspectorate on 21 August

2019: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010024/TR010024-000256-Preliminary%20Meeting%20Note.pdf>

- : South Tyneside Council and Sunderland City Council – as agreed with the ExA at the Preliminary Meeting, a joint Statement of Common Ground between the Applicant, South Tyneside Council and Sunderland City Council is to be submitted by Deadline 2, to align with the Local Impact Report, following a request by the local authorities.
- : Natural England – this was submitted on 6 August 2019.
- : The Environment Agency – it was agreed at the Preliminary Meeting that the Applicant would provide a statement to the ExA regarding the status of this Statement of Common Ground by Deadline 1. The Applicant can confirm that a Statement of Common Ground will be provided as soon as possible and, in any event, no later than 30 September 2019. The Applicant understands the EA has no significant concerns.
- : IAMP LLP – As agreed at the Preliminary Meeting, this Statement of Common Ground will be submitted for Deadline 2 following a request by IAMP LLP.
- : National Grid Electricity Transmission PLC and National Grid Gas – as noted at the preliminary meeting, a joint statement has been submitted between National Grid and the

Applicant confirming that National Grid has no apparatus affected by the Scheme and that no specific protective provisions for the benefit of National Grid are required. This joint statement can be taken as a statement of common ground between the Applicant and National Grid.

We note that the Rule 8 Letter does not appear to reflect the Inspectorate's note of the preliminary meeting, and would welcome a clarification on this as soon as possible.

Comments on Accompanied Site Inspection

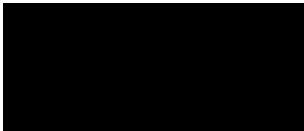
The Applicant is content that the Examining Authority's unaccompanied site inspection has provided him with a sufficient overview of the site, and has no particular proposals to put forward in relation to a potential accompanied site inspection on Tuesday 15 October. The Applicant would note that the ExA has not requested its attendance at any accompanied site visit, but is happy to ensure representation if this is required by the ExA.

Comments on the integrated non-motorised user provision

Having considered the queries from the Examining Authority on the integrated NMU provision (on which see, in particular, AS-022 and AS-016), and having considered further the information currently available, the Applicant has concluded it will not progress the integrated NMU provision at this juncture. Accordingly, the Applicant does not propose to undertake consultation on this aspect. The dDCO and Explanatory Memorandum will be amended in due course to remove Requirement 3(3) and the associated definitions in Requirement 1 in Schedule 2 to the dDCO.

Yours sincerely,

Helen Apps



Project Manager

Annex 1: Changes made to dDCO

ARTICLE	EXPLANATION FOR CHANGE
Article 9(7)	The Applicant has moved the content of the former paragraph (b) into paragraph (a) as per the A19/A184 Testo's Junction Alteration Development Consent Order 2018 following the ExA's suggestion in Table 1 of the Rule 6 letter dated 12 July 2019.
Article 11 and 13	Insertion of the correct titles of the relevant Parts of the Schedule 3 and 4 following the ExA's suggestion in Table 1 of the Rule 6 letter dated 12 July 2019.
Article 15(2)(c)(iii)	Correction of typographical error following the ExA's suggestion in Table 1 of the Rule 6 letter dated 12 July 2019.
Article 33	Deletion of definition of "apparatus" as this is defined in Article 2 following the ExA's suggestion in Table 1 of the Rule 6 letter dated 12 July 2019.
Article 36	Section 120(5) refers to amendment rather modification of legislation of local application so the term "modified" has been changed to "amended." In addition, the title of the article now includes "etc." on the basis that the amendment of legislation is strictly speaking not the "disapplication of legislation."
Schedule 2 (Requirements)	Amendment of the titles of paragraphs in Schedule 2, and provisions concerning the HEMP, to reflect the A19/A184 Testo's Junction Alteration Development Consent Order 2018 following the ExA's suggestion in Table 1 of the Rule 6 letter dated 12 July 2019.