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Q1.1.8	<p>In describing the option selection process in paragraph 3.2.4 of the ES [APP-020] it is stated that land allocations that are earmarked for potential development contributed to the rejection of options.</p> <p>Please indicate which land allocations were relevant to these decisions.</p>	<p>the approved CEMP will be completed to comply with the DCO requirements and Costain's environmental management system.</p> <p>Options E &amp; F were discounted due to land allocations for potential development. By way of elaboration:</p> <p>Option E (as described in section 3 of the Planning Statement <b>(Application Document Reference: TR010024/APP/7.1)</b> [APP-050] takes more than the proposed development as submitted in the DCO due to alternative alignment of Downhill Lane (East). Option E involved the use of land proposed to be developed into housing estate at the time the preferred route decision was made (and it is still proposed now). Option E also included provision of a new roundabout junction on the land belonging to Town End Farm Partnership (TEFP) which was subject to a planning application for development by TEFP. This land also now forms part of IAMP Two development proposals.</p> <p>Option F (see section 3 of the Planning Statement) also included provision of new direct links to and from the A19 northbound (accessed via a new junction on the A1290) on the land belonging to TEFP which was subject to a planning application for development by TEFP. This land also now forms part of IAMP Two development proposals.</p>
Q1.1.9	<p>Paragraphs 4.5.4 and 4.5.5 of the ES [APP-020] describe responses to the Section 42 Consultation received from Town End Farm Partnership (TEFP) and Hellens. The responses of these consultees are further recorded in paragraphs 4.11.12 and 4.11.13 and Table 4.12 of the Consultation Report [APP-018]. In respect of both consultees Table 4.12 indicates that the Applicant will continue to engage about the impacts of temporary land take. Paragraph 8.1.4 describes ongoing engagement with TEFP.</p> <p>The Applicant is asked to provide an update regarding further engagement. In respect of Hellens the Applicant is asked to confirm if this is the same company listed as Hellebs Land Ltd which submitted a relevant representation [RR-008].</p>	<p>The Applicant refers to its response to ExQ1.4.1 which provides an update in relation to discussions and negotiations.</p> <p>In relation to Hellens Land Ltd (<b>Hellens</b>), the Applicant confirms that its understanding is that the relevant representation was submitted by Hellens Land Ltd (not "Hellebs" which is understood to be a typographical error).</p> <p>The Applicant further confirms that it has been meeting regularly with Hellens. It is seeking voluntary option agreements with Hellens in relation to the land sought for permanent acquisition (see further</p>

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	<p>In responding to this question, the Applicant is asked to make reference to the letter clarifying the status of the RR submitted by Town End Farm Partnership which was enclosed with the Applicant's letter of 24 July 2019.</p>	<p>ExQ1.4.1). The Applicant's District Valuer has met with Hellens to expedite matters.</p> <p>In relation to the Town End Farm Partnership, the Applicant is actively progressing voluntary option agreements (see further ExQ1.4.1). It is the intention of both parties to reach agreement in order to avoid the use of compulsory powers to expedite the construction of the scheme subject to Secretary of State approval. The Applicant's District Valuer has met with TEF to expedite matters. The Applicant has made clear its intention to explore possibilities to reduce the land take relating to the drainage attenuation pond 8 (see Work No. 2) during the detailed design phase of the Scheme.</p> <p>As regards the status of TEF, as the clarification makes clear, the land is held by four individuals in their capacity as an unregistered partnership. The Applicant confirms that it has consulted that unregistered partnership (i.e., the landowners) as required.</p>
<p><b>Q1.1.10</b></p>	<p>As described in Section 2.10 of the ES [APP-020], the traffic model presented traffic demand operational scenarios for 2021 and 2036. Paragraph 5.4.18 indicates that though the construction programme, presented in Section 2.15 indicates the Scheme opening in Spring 2022, there is a realistic potential the construction programme could be accelerated to complete in 2021. Consequently, the traffic models were developed to reflect the realistic worst-case scenario of the Scheme opening the same year as the Testo's scheme (i.e. in 2021).</p> <p>On what basis has the Applicant concluded that the construction programme could be accelerated?</p>	<p>The programme presented in Section 2.15 of the ES assumes a start of construction work in October 2020. The programme assumes robust timescales for a number of activities such as the Applicant's post consent governance process and it is also possible that development consent could be granted earlier, and so construction could start up to 3 months earlier, such that the programme shown would end in 2021.</p> <p>To support an earlier start, as much of the land required belongs to the Applicant and other parties who are in support of the scheme (e.g. Sunderland City Council and IAMP LLP) there is a realistic possibility of gaining access to land very soon after any decision made by the Secretary of State, subject to the prompt discharge of Requirements. The detailed design of the scheme is progressing in parallel with the DCO process to enable an earlier start on site.</p> <p>The current programme is based on preliminary design information</p>

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		<p>and high-level activities. At this stage it may therefore include conservative durations. This will be refined during detailed design and could result in a shorter overall construction duration.</p> <p>It is also possible to accelerate critical activities within the programme, for example by using different design solutions within the scope of the environmental assessments, working methods and resources. These will be explored during the detailed design.</p>
<p><b>Q1.1.11</b></p>	<p>The Environmental Action Plan (EAP) occurs as part 2 of the REAC within the CoCP [APP-051]. The CEMP would be secured through R4 of the dDCO with reference made to the need for the CEMP to 'reflect the mitigation measures set out in the REAC' at R4(2)(a).</p> <p>How does R4 specifically address the EAP which includes matters which are not necessarily mitigation measures?</p>	<p>The drafting of R4, including the specification at R4(2)(a) that the CEMP must '<i>reflect the mitigation measures set out in the REAC</i>' is aligned with the drafting in the Testo's Order and other made DCOs.</p> <p>It should also be noted that R4, at paragraph (1), stipulates that the CEMP submitted for approval must be '<i>substantially in accordance with the outline CEMP</i>'.</p> <p>The CEMP will thus secure all environmental commitments contained in the REAC. The appended REAC will include the EAP at part 2, which will therefore be secured as part of the CEMP.</p> <p>Section 5 of the outline CEMP (<b>Application Document Reference: TR010024/APP/7.2</b>) [APP-051] sets out the mechanism for how the REAC (included as Appendix D to the outline CEMP) will be secured as part of the CEMP and HEMP:</p> <p><i>Although the REAC initially forms part of the ES, during the implementation of the Scheme it will be appended to the approved CEMP for the construction period and ultimately shall be appended to the HEMP (section 5.1.5).</i></p>
<p><b>Q1.1.12</b></p>	<p>The scheme objectives in the ES Non-Technical Summary (page 2) [APP-043] differ slightly from those in the Introduction to the Application (paragraph 2.2.1) [APP-001].</p> <p>Is there any significance in the differences?</p>	<p>The NTS presents the ES contents (incl. objectives) in a more succinct language, which will result in differences in wording. However, the intent remains the same, as illustrated below when the NTS objectives are aligned with the more detailed objectives in Section 2.2 of the ES (<b>Application Document Reference:</b></p>

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		<p><b>TR010024/APP/6.1) [APP-020].</b></p> <p><b>2.2 The Scheme objectives</b></p> <p>2.2.1 The main objective of the Scheme is to increase capacity by providing a two bridge, grade separated, signalised roundabout junction with full circulatory flow of traffic.  <b>NTS</b> = improve network resilience and journey time reliability;</p> <p>The Scheme is also being designed with the following key objectives, for the wider strategic network in mind, which are set out in Highways England's Delivery Plan 2015-2020:</p> <ul style="list-style-type: none"> <li>• Supporting economic growth – This would be achieved by improving the attractiveness of the area for large-scale commercial development west of Downhill Lane junction and north of the Nissan Plant, such as the IAMP development and other prospective developers and businesses, by improving road access. The Scheme would help connect key employment sites, schools, colleges and residential areas, thereby delivering major benefits.  <b>NTS</b> = support economic growth by improving road access.</li> <li>• A safe and reliable network – The Scheme aims to reduce accidents, provide safer crossings for non-motorists and improve journey time reliability, leading to a reduction in driver stress.  <b>NTS</b> = reduce accidents; provide safer crossings for non-motorised users; improve network resilience and journey time reliability;</li> <li>• A more free-flowing network – The Scheme aims to contribute to achieving a freer flowing strategic network for the region.  <b>NTS</b> = achieve a freer flowing strategic network for the region;</li> <li>• An improved environment – The environmental effects resulting from the Scheme have been considered during the options identification stage. Measures to mitigate effects on the local environment and opportunities to provide enhancements, where reasonably practicable, would be further developed as the design progresses.</li> </ul>

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		<p><b>NTS</b> = minimise impacts on the environment.</p> <ul style="list-style-type: none"> <li>A more accessible and integrated network – The Scheme would provide improved connectivity with the local road network. We are investigating ways to maintain existing facilities for pedestrians, cyclists and horse-riders and, where possible, provide enhancements. We would continue to work with the local access forum and user groups to develop our proposals.</li> </ul> <p><b>NTS</b> = improve connectivity for non-motorised users with the local road network.</p>
<p><b>Q1.1.13</b></p>	<p>Although it is stated in the DCO under requirement 4 that the CEMP must be substantially in accordance with the outline CEMP, it is unclear whether the REAC is secured to be in accordance with that provided with the ES.</p> <p>Please can the Applicant confirm how the measures set out in the REAC will be secured through the DCO and whether the final REAC will be secured to be in accordance with that provided in the ES?</p>	<p>The REAC is secured through a number of Requirements - R4 (the CEMP), R5 (the landscaping scheme), R8 (the surface and foul water drainage system) must all reflect the mitigation measures in the REAC.</p> <p>Requirement 1 defines the REAC as “<i>the register of environmental actions and commitments (Appendix 1.3 of the environmental statement, (Application Document Reference: TR010024/APP/6.3).</i>” Schedule 7 of the dDCO confirms that this will be a certified document.</p> <p>Accordingly, all references in the Schedule 2 requirements to the REAC relates to the REAC as contained in the ES.</p> <p>The approach taken to securing the REAC mirrors that approved for the A19 Testo’s Junction Scheme DCO.</p>
<p><b>Q1.1.14</b></p>	<p>In addressing decommissioning, paragraph 2.68 of the Scoping Opinion [APP-048] states that the process and methods of decommissioning should be considered, and options presented in the ES. It notes that the Secretary of State (SoS) encourages consideration of such matters in the ES. Paragraph 2.16.3 of the ES [APP-020] states that decommissioning has not been considered during the EIA process, the reason being that road schemes have long operational life times and are likely to be subject to a consent application as part of any future change.</p> <p>The Applicant is asked to provide further explanation as to why decommissioning has</p>	<p>Due to the long operational life time of highways there is uncertainty over when / if the highway would ever be fully decommissioned (removed) or simply significantly altered or replaced in the future (i.e. some roads still exist along route of historic Roman Roads). The EIA Regulations 2009 (which apply to this Scheme, on which see paragraph 1.3.5 to 1.3.7 of the Environmental Statement <b>(Application Document Reference: TR010024/APP/6.1)</b> [APP-020] only require the assessment of likely significant effects which the Applicant can be reasonably expected to compile. It is</p>

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	not been addressed.	<p>considered highly unlikely that the proposed scheme would be demolished after its design life as the road is likely to remain an integral part of strategic road network. Therefore, it was not feasible to define a decommissioning scenario for completing a proportionate and reasonable assessment.</p> <p>In the unlikely event of removal or demolition, this would also be part of the relevant statutory process at that time, including EIA as appropriate. The approach by the Scheme ES is also consistent with other Highways EIAs, including the ES supporting the Testo's Junction Improvement Scheme.</p>
<p><b>Q1.1.15</b></p>	<p>As set out in paragraph 3.17 of the Scoping Opinion [APP-048], the SoS recommended providing a visual organogram (or similar) of management plans so as to understand the nature of interrelationships across the various plans and topic areas (including reference to their method of delivery within the DCO).</p> <p>The Applicant is asked to provide their response to this request.</p>	<p>The Applicant would refer to paragraph 1.5.13 of the Environmental Statement <b>(Application Document Reference: TR010024/APP/6.1)</b> [APP-020], which introduces the key documents and linkages between them as shown on Illustration 1.3 (below section 1.5.13).</p>

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2	<b>Air Quality and Emissions</b>	
Q1.2.1	<p>Paragraph 6.3.7 of the ES [APP-020] states that the study area for the assessment of air quality was defined by identifying all sensitive receptors 200m from the affected road network. Paragraph 6.3.9 refers to Figure 6.1 [APP-023] indicating that it illustrates the air quality study area and constraints and that the study area covers the Downhill Lane junction, sections of the A19 and sections of the A1290. Figure 6.1 shows the modelled road network whilst Figure 6.2 and subsequent figures show the position of 10 receptors with the highest concentrations within Table 6.5-a in Appendix 6.5 [APP-33] identifying all 55 receptors.</p> <p>The Applicant is asked:</p> <ul style="list-style-type: none"> <li>to clarify how the 55 receptors were identified and to show them on a plan to enable the study area boundary to be mapped;</li> <li>to clarify how the modelled road network was identified and whether this is different from affected roads;</li> <li>with respect to Figure 6.1 to show the affected road links which the key indicates are shown as red or green in colour but do not appear to be shown other than a short stretch of Washington Road - is this because there would be no affected roads subject to an increase in traffic?; and</li> <li>to explain why the modelled road network includes only Washington Road and Ferryboat Lane within the quadrant to the south east of the application site.</li> </ul>	<p>The Applicant notes that the elements of this questions are interlinked. The Applicant has therefore dealt with the questions together.</p> <p>As outlined in paragraphs 6.2A.19 to 6.2A.22 in Appendix 6.2 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-033] the assessed 55 air quality receptors were identified as air quality sensitive receptors (e.g. residential properties, schools nursing homes or statutory designated nature conservation sites) located within 200m of the 'affected' road links (road links where the change in traffic data meets DMRB criteria as detailed below) and screened using professional judgement for being:</p> <ul style="list-style-type: none"> <li>Representative of maximum impacts of the Scheme in region; and</li> <li>At risk of exceeding the annual mean NO<sub>2</sub> AQO.</li> </ul> <p>Ordnance survey address data was used to identify sensitive properties. This is standard and accepted practice for roads air quality assessment, and is discussed in various guidance, including DMRB HA207/07.</p> <p>The 55 identified sensitive receptors (properties) are illustrated on Figure ExQ1_AQ contained in <b>Appendix [F]</b> of this document.</p> <p>The modelled road network is formed by affected road links and based upon the outputs of a traffic model, so was subject to the assumptions applied to, and limitations of, the model (see Section 5.4 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]. Following identification of all receptors within 200m of the affected road links, any other available road links within 200m of those receptors are identified and added to form the modelled road network used in the air quality assessment. Additional roads were modelled to inform the verification calculations.</p> <p>Affected road links are defined by DMRB HA207/07, as described in ES paragraph 6.3.8 (<b>Application Document Reference:</b></p>

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		<p><b>TR010024/APP/6.1)</b> [APP-020], and shown on top of the Traffic Modelled Road Network in Figure 6.1 (<b>Application Document Reference: TR010024/APP/6.2)</b> [APP-023]. The affected road links are mainly within the yellow land-take boundary - these include the A19 carriageways, Downhill Lane Junction and the A1290, together with Ferryboat Lane.</p> <p>Only 10 receptors were presented in Chapter 6 of the ES (<b>Application Document Reference: TR010024/APP/6.1)</b> [APP-020] to represent those with the highest concentrations, and the closest in proximity to the affected road links of the Scheme. However, the assessment results for all 55 receptors were included in Appendix 6.5 of the ES for completeness (<b>Application Document Reference: TR010024/APP/6.3)</b> [APP-033]. Of the 55 receptors assessed for the local air quality assessment, none were predicted to exceed the NO<sub>2</sub> or PM<sub>10</sub> AQOs.</p>
<p><b>Q1.2.2</b></p>	<p>Paragraph 6.3.17 of the ES [APP-020] states that background concentrations for NO<sub>x</sub>, NO<sub>2</sub> and PM<sub>10</sub> were calculated. Paragraph 6.1A.8 of Appendix 6.1 also identifies these pollutants as relevant to the assessment.</p> <p>On what basis were these pollutants identified as being relevant?</p>	<p>NO<sub>x</sub>, NO<sub>2</sub> and PM<sub>10</sub> are the primary pollutants associated with road traffic pollution. This is standard and accepted practice for roads air quality assessment, and is discussed in various guidance, including DMRB HA207/07 that is referenced throughout the description of the Air Quality assessment methodology in Section 6.3 of the ES (<b>Application Document Reference: TR010024/APP/6.1)</b> [APP-020].</p>
<p><b>Q1.2.3</b></p>	<p>It is outlined in paragraphs 6.3.24 of the ES [APP-020] that a Transport Analysis Guidance (TAG) appraisal was undertaken and this is provided in Appendix 6.7 [APP-033].</p> <p>The Applicant is asked to confirm the outcome of the appraisal and to explain why it was not considered further.</p>	<p>The Air Quality TAG assessment, in Appendix 6.7 of the ES (<b>Application Document Reference TR010024/APP/6.3)</b> [APP-033], is provided in the ES as an output of the EIA process that is used in the separate economic assessment for the Scheme (see further section 4.4.43 of the Planning Statement which shows these outputs and Section 4.41 of the NNNPS accordance table (<b>Application Document Reference: TR010024/APP/7.1)</b> [APP-050]. As the output is merely a prescribed product of defined process to create a standalone value that is simply extracted for use in a separate product, it was not considered further in the ES.</p>
<p><b>Q1.2.4</b></p>	<p>Section 6.5 of the ES [APP-020] describes the baseline conditions for undertaking the air quality assessment. Paragraph 6.5.12 explains that there are no PM<sub>10</sub> monitoring</p>	<p>Where available, baseline data NO<sub>x</sub> for PM<sub>10</sub> was taken from existing sources, including monitoring surveys (e.g local authority and project specific surveys), and other government data (e.g. Defra background</p>



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	<p>sites within the study area.</p> <ul style="list-style-type: none"> <li>• How was the baseline for PM<sub>10</sub> established in the absence of monitoring sites?</li> <li>• How was a baseline established for NO<sub>x</sub> concentrations for the regional air quality assessment?</li> </ul> <p>When was the assessment undertaken?</p>	<p>maps). In addition, baseline modelling was undertaken (using base year traffic data provided).</p> <p>As noted in Table 6-9 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], the air quality assessment used monitoring survey data undertaken by the Applicant in 2012, in order to align with the base year for the traffic data used in the traffic model; as per the limitation cited in paragraph 6.4.1 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]. The ADMS base model outputs provided NO<sub>x</sub> and PM<sub>10</sub> concentrations for the Base Year of 2012. The monitoring survey data was used in the verification process calculations, and the subsequent adjustment factor was also applied to the PM<sub>10</sub> calculations. The Regional assessment emissions are calculated using road link length and traffic data.</p>
<p><b>Q1.2.5</b></p>	<p>Paragraph 6.5.4 of the ES [APP-020] states that monitoring data relevant to the scheme was identified in monitoring reports from South Tyneside Council.</p> <p>Sunderland City Council is asked to explain the basis of its air quality monitoring in the vicinity of the Scheme and why its monitoring data was not relevant to the Scheme. The Applicant is also invited to comment.</p>	<p>No traffic data was available in order for the data to be included within the Base model (and verification process) and the distance to the nearest Sunderland Council monitoring location was 3km from the Scheme. Please see comment regarding existing data sources in response to Q1.2.4.</p>
<p><b>Q1.2.6</b></p>	<p>In paragraph 6.6.15 of the ES [APP-020] it is stated for the opening year (2021) the increase in NO<sub>x</sub> emissions would be approximately 15% with the scheme in place and that PM<sub>10</sub> emissions are predicted to increase by 14% and CO<sub>2</sub> emissions predicted to rise by 17%. The regional assessment for the design year (2036) which is set out in paragraph 6.6.17 indicates increases of 9% for NO<sub>x</sub>, 8% for PM<sub>10</sub> and 8% for CO<sub>2</sub> compared with the DM scenario. The 2036 calculations take account of the new roads in operation for the IAMP Two development.</p> <p>The Applicant is asked to clarify the extent of the regional study area, why there are such sizeable increases in emissions and the contribution, if any, of the Scheme, to those increases.</p>	<p>The regional study area is limited to the affected road links as part of the modelled road network, shown as red/green links in Figure 6.1 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.2</b>) [APP-023]. There is an increase in emissions due to an increase in road traffic as a result of the Scheme, but the percentages must not be viewed in isolation as the actual change is small - the percentage is only large since the baseline is already small so even a small increase can create a large percentage change; for example, in paragraph 6.6.15 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] the results for the opening year (2021) indicate a 15% and 14% increase in NO<sub>x</sub> and PM<sub>10</sub> emissions, respectively, but the physical volume change is only approximately 0.6 tonnes/year and approximately 0.1 tonnes/year, respectively. The increases also only occur primarily on the red</p>

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		<p>affected links.</p> <p>Therefore, paragraph 6.8.9 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] concludes that the regional assessment results show small increases in NOx, CO2 and PM10 emissions as a result of the Scheme, with similar results for the opening and design year assessments.</p>
<p><b>Q1.2.8</b></p>	<p>An overview of the methodology used for the air quality assessment is set out in section 6.3 of the ES [APP-020], with more detail presented in Appendix 6.2 (Air Quality Assessment Methodology) [APP-033]. The Scoping Opinion was requested prior to 16 May 2017 and therefore, the EIA process has proceeded under the 2009 Regulations. The applicant's response to the Scoping Opinion, with references to where each comment is addressed is included in Appendix 1.1 of the ES [APP-032]. The methodology has been undertaken in line with DMRB Volume 11 Section 3 Part 1 (HA 207/07), and its guidance notes, using dispersion modelling software, Air Dispersion Model Software (ADMS)-Roads (Version 4.1). The assessment covers an assessment of local air quality (within 200m), and regional air quality In addition to the 2012 baseline, the scenarios assessed in the model were based on the year of completion (2021) without the Proposed Development (referred to as Do Minimum ('DM')), and with the Proposed Development (Do Something ('DS')). In addition, a future scenario set 15 years after completion is also assessed for regional air quality, but not local air quality.</p> <p>Can the Applicant justify why the future scenario in the air quality assessment does not consider local air quality?</p>	<p>The Applicant refers to footnote to paragraph 6.2A.7 in ES Air Quality chapter Appendix 6.2 E2 (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-033], which states: "<i>DMRB Guidance (DMRB, Vol 11 Section 3, Part 1 HA 207/07) suggests that for local air quality, the assessment should be done on the opening year and possibly a later year if more stringent air quality criteria come into effect at a later date. This is due to local air quality effects being greatest in the earlier years as vehicle emissions are set to decrease in the future due to increasingly stringent vehicle emissions legislation. No such change in air quality criteria was identified, so the future year assessment has not been undertaken for local air quality.</i>"</p>
<p><b>Q1.2.9</b></p>	<p>According to paragraph 6.2A.21 of Appendix 6.2 [APP-023], 55 receptors were included in the assessment, "<i>and selected using professional judgement for being representative of the maximum impacts of the Scheme in that region and at risk of exceeding the annual mean NO2 AQO</i>". Appendix 6.2 therefore suggests that not all receptors in the study area were selected for the assessment, but no justification provided.</p> <p>Can the Applicant confirm which 55 sensitive receptors were included in the air quality assessment, and where sensitive receptors were identified but not included, show the justification for this decision?</p>	<p>There are only 55 relevant receptors within 200m of the ARN (affected road links), and their assessment results are listed in ES Air Quality chapter Appendix 6.5 (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-033].</p> <p>Paragraph 6.3.14 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] states that only those 10 receptors, of the 55 assessed receptors, with the highest concentrations were selected for reporting, as these would be the worst case locations for</p>

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		<p>local air quality.</p> <p>The Applicant would note that of the 55 receptors assessed for the local air quality assessment, none were predicted to exceed the NO<sub>2</sub> or PM10 AQOs.</p> <p>The Applicant refers to its response to ExQ1.2.1.</p>
<p><b>Q1.2.10</b></p>	<p>Only receptors considered in the judgement of significance are receptors where the model results expect national Air Quality Objectives to be exceeded in either the DM or DS scenario. Table 6.2-b of Appendix 6.2 [APP-023] shows the threshold guide for determining whether a significant effect on air quality will occur in relation to NO<sub>2</sub>. There does not seem to be a similar quantitative threshold for PM10.</p> <p>Can the Applicant confirm the significance threshold for PM10 used in the air quality assessment?</p>	<p>The Applicant confirms the threshold guide for determining a significant effect on air quality is the same for both NO<sub>2</sub> and PM<sub>10</sub>.</p>
<p><b>Q1.2.11</b></p>	<p>Appendix 1.1 [APP-032] (PINS Scoping Response Log) states, in relation to AQ effects on designated sites, that effects on designated ecological sites beyond the Scheme's DCO boundary have been considered in ES Chapter 9 of the ES [APP-020]. Paragraph 9.8.2 acknowledges that potential impacts on ecology include changes to air quality resulting from vehicular emissions. However, Chapter 9 does not show clearly how the ecological assessment has been informed by the air quality assessment.</p> <p>Can the Applicant provide a statement illustrating how the air quality assessment informed the ecological assessment?</p>	<p>The Applicant would note that Volume 11 DMRB guidelines for Air Quality Assessment (HA 207/07) only requires an assessment for nature conservation designations such as Natura 2000 sites or national designations (SSSI's) within 200m of an affected road where habitats are particularly sensitive to air quality effects. No such sites were identified as part of the air quality assessment.</p> <p>Specific reference is made to Chapter 6 Air Quality in Appendix 9.4, Tables 9.4a and 9.4k. These tables include a summary of the good practice mitigation measures identified in Chapter 6 that would seek to avoid/minimize adverse air quality effects during construction.</p> <p>The Applicant notes it was determined through the Air Quality assessment in Chapter 6 that there would be no significant increase in the baseline levels during the operational phase of the scheme therefore no significant adverse effects.</p>
<p><b>Q1.2.12</b></p>	<p>Appendix 6.2 of the ES [APP-032] (paragraph 6.2A.13ff) sets out the methodology for the air quality assessment, including the model used.</p>	<p>The air quality assessment assumptions are described in Section 6.4 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] and includes a paragraph 6.4.1 that</p>

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	<p>The Applicant is asked to clarify the assumptions used in the modelling of road traffic impacts, and provide reasons for selecting these (including haulage routes during construction, and expected vehicular movements during both construction and operation)?</p>	<p>states: "<i>The assessment of operational air quality impacts was based on the outputs of a traffic model, so was subject to the assumptions applied to, and limitations of, the model (see Section 5.4 in Chapter 5 of this ES).</i>" Section 5.4 summarises the basis of the traffic model development.</p> <p>Paragraph 2.15.8 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] summarises the haulage routes considered for construction, whilst Paragraphs 6.3.11 and 6.3.12 of the ES explain source for determining the operational traffic data used in the air quality assessment.</p>
<p><b>Q1.2.13</b></p>	<p>No information is provided in the ES in relation to monitoring of operational effects. Reference is made to existing monitoring used for the baseline study, but no details are provided as to whether this will continue or be amended following completion of the Proposed Development.</p> <p>Can the Applicant confirm whether there will be any arrangements in place to monitor air quality impacts during operation of the scheme, and clarify whether this is different to existing monitoring in the local area?</p>	<p>There are no exceedances of air quality objectives at the modelled receptors. Therefore, the recommendation of monitoring was not considered necessary.</p>

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3	<b>Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment)</b>	
Q1.3.1	<p>Paragraph 9.3.15 of the ES [APP-020] states that the range of surveys, their spatial and temporal scope and the survey methods to be applied were consulted upon with Natural England, Durham Wildlife Trust and the Local Planning Authority as part of the formal EIA Screening Process.</p> <p>Natural England, South Tyneside Council and Sunderland City Council are asked to confirm whether they are content that their responses as part of the Screening Process are adequately addressed by the Applicant. The Applicant is asked to confirm whether, in the absence of any formal response to the Scoping Report from Durham Wildlife Trust, there was any further dialogue with the Trust and if so, what was their response.</p>	<p>There has been no further dialogue with Durham Wildlife Trust (DWT). The Applicant would refer to its engagement with the Natural England (see Statement of Common Ground with Natural England (<b>Application Document Reference: TR010024/APP/7.11</b>)).</p>
Q1.3.2	<p>At paragraph 9.5.5 of the ES [APP-020] it is stated that no screening for potential effects on Natura 2000 sites was necessary as there was no potential for the Scheme to have significant effects on any Natura 2000 site.</p> <p>Please provide details that Natural England confirmed this position.</p>	<p>This was confirmed by Natural England in 2018. The Applicant would note this has been confirmed by Natural England in their written representation (<b>Application Document Reference: APP-REP1-014</b>).</p>
Q1.3.3	<p>Paragraphs 9.5.25, 9.5.26, 9.5.36, 9.5.38, 9.5.49, 9.5.59, 9.5.70 and 9.5.79 of the ES [APP-020] make reference to various species surveys some of which date to 2014 and a number dating from 2016/2017, some of which have been validated.</p> <p>The Applicant and Natural England are asked to comment on the reliability of such dated desk and field surveys and to explain at which stage, for each species, it would be necessary to commission new surveys.</p>	<p>Ecology baseline data less than two years old is generally accepted as providing a robust basis for an ecological impact assessment. The baseline desk and field data informing the ecological impact assessment of this Scheme is considered reliable for the assessment based on a number of factors, which include:</p> <ul style="list-style-type: none"> <li>• Updates to desk study information obtained in 2017;</li> <li>• Lack of change to habitats in the survey area; and</li> <li>• Long-term monitoring of the survey area since 2007 at different phases of the project (combined with work undertaken as part of the A19 Testo's Junction Improvement project).</li> </ul> <p>Where it was considered likely for the baseline to change for a species or species group then updated surveys have been undertaken since 2017. Updated surveys have been completed for: badgers (2018); wintering/breeding birds (2018/19, baseline report currently</p>

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		<p>under review); water voles and otters on the River Don (2018). These updates were reported in Chapter 9 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020].</p> <p>The Applicant would refer to its Statement of Common Ground with Natural England (<b>Application Document Reference: TR010024/APP/7.11</b>).</p>
<p><b>Q1.3.4</b></p>	<p>It is stated in paragraph 9.5.108 of the ES [APP-020] that Japanese Knotweed is recorded near the Proposed Development but is beyond the 'affected area' and therefore is not considered further. However, this contradicts what is said in the Phase One Habitat survey in Appendix 9 [APP-036], paragraph 4.3.1 where it states that Japanese Knotweed is located close enough to the Proposed Development to cause constraint in that it is on the embankments for the footbridge crossing the A19 which is proposed to be removed as part of the improvements.</p> <p>Can the applicant justify why Japanese Knotweed has not been considered in the detailed ecological assessment, as this contradicts the Phase One Habitat survey which acknowledges the potential for effects?</p>	<p>Paragraph 9.5.108 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] states: "<i>Japanese knotweed (Fallopia japonica) has been recorded near the A19 / A184 Testo's junction. However, this is beyond the affected area for the Scheme, so Japanese knotweed is not considered further in this chapter.</i>"</p> <p>The A19/A184 Testo's junction referred to above is part of the study area for the A19/A184 Testo's Junction Improvement Scheme and the cited stand of Japanese Knotweed was on the embankment beside the footbridge known as West House Farm Accommodation Bridge, located over 200 m north of Testo's junction. This was the nearest recorded Japanese Knotweed stand, so is over 1 km from the A19 Downhill Lane Junction development area.</p> <p>It is important to note that the Phase 1 report was commissioned to provide the ecology baseline for a combined study area encompassing both the A19 Testo's Junction Improvement Scheme and the A19 Downhill Lane Junction Improvement Scheme.</p>

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Q1.3.5	Reference is made in paragraph 9.9.15 of the ES [APP-020] to an ecological clerk of works. The Applicant is asked to explain how this appointment would be secured through the DCO.	<p>The Register of Environmental Actions and Commitments (REAC) contained in Appendix 1.3 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-032] presents all the ecological mitigation and monitoring commitments. Where each mitigation is secured in a Requirement of the draft DCO that would apply to implement that commitment.</p> <p>In addition, the REAC forms part of the CEMP (<b>Application Document Reference TR010024/APP/7.2</b>) [APP-051]. The approved CEMP has to be substantially in accordance with the outline CEMP and must reflect the mitigation measures in the REAC as per Requirement 4 of the dDCO (<b>Application Document Reference TR010024/APP/3.1(4)</b>).</p>
Q1.3.6	<p>At paragraph 9.9.26 of the ES [APP-020] it is stated that a monitoring regime would be introduced to cover both the construction and post construction period.</p> <p>How would the proposed monitoring be secured through the DCO?</p>	
Q1.3.7	<p>It is stated in item P4.1 of Part 2 of the REAC, Appendix 1.3 [APP-032], that water vole, otter and wintering bird surveys will be updated in 2018-19. However, this does not include breeding birds and it does not specify that an assessment of significant effects will be updated. Breeding birds' data is based on field surveys from 2014 and in Appendix 1.1, Ref 201, Natural England advise to carry out ornithological surveys. Additionally, in the ES it states that field surveys were carried out between 2016 – 2018 whereas each survey detailed in Appendix 9 [APP-036] states that the most recent were only carried out in 2016.</p> <p>The Applicant is therefore requested to clarify the position on the most recent species surveys, and to justify the decision not to update breeding bird surveys in 2018-19?</p> <p>Please can the Applicant also clarify if any further surveys were carried out in 2017-2018?</p>	<p>Updated surveys have been undertaken since 2017 for the following species: badger (2018), wintering and breeding birds (2018/19 (baseline report currently under review) and barn owl nesting site verification (2018). In addition, water vole/otter surveys were updated on the River Don in 2018, as reported in Chapter 9, Paragraph 9.5.85, of the ES (<b>Application Document Reference TR010024/APP/6.1</b>) [APP-020]. These surveys were undertaken either as part of the updates to the baseline for the A19 Downhill Lane Junction proposals or as part of the pre-construction surveys for A19 Testo's Junction Improvements.</p> <p>The results of the 2018 baseline surveys validated the historic based ecological baseline reported in Chapter 9. Therefore, as the assessment was informed by ecology field surveys less than two years old, the assessment is deemed to be robust.</p>
Q1.3.8	As identified and located in the Habitats Regulation Assessment Report (HRA) [APP-049], using a 30km search radius in line with DMRB Volume 11 guidance, the nearest Natura 2000 sites to the Proposed Development, located 6.5km east, are the Northumbria Coast Ramsar, Northumbria SPA and Durham Coast SAC. In agreement with Natural England, the report determined that there was no potential for significant effects on any Natura 2000 site.	Although the study area differed between Chapter 9 of the ES ( <b>Application Document Reference: TR010024/APP/6.1</b> ) [APP-020] and the Habitats Regulation Assessment Report ( <b>Application Document Reference: TR010024/APP/6.7</b> ) [APP-046]. This would not change the outcome of the assessment as the fact remains that no significant effects on Natura 2000 sites are anticipated as part of the scheme. DMRB Volume 11 guidance requires consideration all

Ref No.	Question:	Response:
	<p>This study area conflicts with that defined in ES Chapter 9, paragraph 9.3.2 where a 5km buffer is determined to be used and only a 30km buffer is used to identify European sites where bats are the qualifying feature. It is also not stated what study area has been applied for nationally designated sites i.e. SSSIs.</p> <p>The Applicant is asked to clarify the bases of these study areas.</p>	<p>sites within 2km and then 30km where bats are a qualifying feature.</p> <p>For Nationally Designated Sites, such as SSSIs, a 2km search buffer was used as detailed in Chapter 9, paragraph 9.5.1 and 9.5.2, of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] and illustrated on Figure 9.1 of the ES (<b>Application Document Reference: TR010024/APP/6.2</b>) [APP-026].</p>
<p><b>Q1.3.9</b></p>	<p>The ES specifies in paragraph 13.6.2 [APP-020] that there would be temporary road closures and diversions. Whilst it is stated in paragraph 2.15.8 that construction traffic and its effects would be considered in each relevant chapter, there is no evidence of construction traffic movements in Chapter 9. Therefore, it remains uncertain whether there is potential for impacts on ecological receptors, particularly where the road crosses the River Don culvert where otters and water vole have potential to be affected as the shared compound with the Testo's Scheme lies north of the Proposed Development.</p> <p>Can the Applicant provide an estimate of the construction traffic movements, haulage routes and intended road closures/diversions, and consider the potential effects of construction traffic on ecological receptors?</p>	<p>As explained in paragraph 2.15.8 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] most construction haul roads would be within the temporary land take areas that are assessed for ecological impacts (incl. pollution runoff risks) by 'any construction clearance or plant activity/movements within those area (incl. HGVs)'. Access to the site would use existing main roads, such as Washington Road, A1290 and A19 that have established pollution control systems (e.g. controlling pollution risks to the River Don water vole and otter habitats). Given the already substantially high traffic flows on these roads, it was considered that the subsequent temporary increase in HGVs during construction would not pose an increased pollution risk to neighbouring ecological habitats. This would also apply to any proposal to share use of the Testo's main site compound as there would only be a slight increase in HGV movements, along the A19, between the Testo's Scheme and Downhill Lane Junction Scheme.</p> <p>As reported in Paragraph 9.5.84 in Chapter 9 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], water vole surveys undertaken in 2018 recorded a single potential burrow and no other field signs between Boldon Bridge on the A184 and the River Don culvert at Downhill lane Junction. In addition, the otter surveys recorded a single spraint and print in two location on the River Don on the same section of the river indicating that otter are an infrequent visitor. Given the paucity of baseline data for either water vole or otter on the River Don it is considered unlikely that any significant adverse effects as a result of construction traffic would occur.</p> <p>Potential effects of construction traffic has been specifically considered for barn owl and otter in Tables 9.4f and 9.4i, respectively,</p>



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		<p>within Appendix 9.4 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-036] In both cases it is assumed that peak in construction traffic would be in daylight hours which would avoid the times that otter and barn owl are generally active therefore there is unlikely to be a significant adverse effect.</p>
<p><b>Q1.3.10</b></p>	<p>The inter-relationship of effects between topics is considered in Chapter 9, paragraphs 9.10.3 and 9.10.4 [APP-020]. However, there is no evidence of which topics have been considered in relation to which ecological receptors and therefore no evidence or justification is provided in terms of how this assessment was carried out and the conclusion of no significant effects reached.</p> <p>Please can the Applicant clarify these points?</p>	<p>Throughout the detailed assessment tables in Appendix 9.4 numerous references are made to pollution effects and air quality effects on species and habitat during the construction and operational phases of the scheme. Specific reference is made to Chapter 6 Air Quality in Appendix 9.4, Tables 9.4a and 9.4k. These tables include a summary of the best practice mitigation measures Chapter 6 that would seek to avoid/minimize adverse air quality effects during construction. In addition, it was determined through the Air Quality assessment in Chapter 6 that there would be no significant increase in the baseline levels during the operational phase of the scheme therefore no significant adverse effects.</p> <p>Mitigation measures to make sure there would be no significant effects through pollution/runoff during construction or operation have been summarised throughout Appendix 9.4, in numerous locations. These have been taken directly from Chapter 14 Road Drainage and Water Environment.</p>
<p><b>Q1.3.11</b></p>	<p>Potential impacts on individual species are not considered in Chapter 9 and any potential <i>'additive'</i> cumulative impacts are not specifically defined i.e. disturbance or mortality. With a lack of detail as to how the assessment was carried out and what impacts other developments would have on ecological receptors there is no justification for the conclusion of these effects. Since significant effects have also been identified there is no mitigation put forward in order to reduce this.</p> <p>Can the Applicant provide a clear summary of developments and their potential additive impacts on ecological receptors and how this informs the conclusions reached in the ES?</p>	<p>A detailed analysis of individual ecological receptor impacts is presented in Appendix 9.4 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-036].</p> <p>Cumulative impacts, including additive effects, with third party developments are discussed in Chapter 15 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], with paragraphs 15.5.37 - 15.5.44 and 15.7.26 - 15.7.27 discussing the cumulative impacts on ecological receptors without and with mitigation, respectively.</p>
<p><b>Q1.3.12</b></p>	<p>It is acknowledged that the proposed design and mitigation was agreed with Natural England as set out in Chapter 4, of the ES, paragraphs 4.4.22 to 4.4.24. However,</p>	<p>There is no mitigation required specific to Natura 2000 sites. Natural England agreed to our approach to scope Natura 2000 sites out of the</p>

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	<p>agreement is only specified for the conclusion that there would be no significant effects on Natura 2000 sites and there is no evidence of agreement on the appropriateness of mitigation measures or effect conclusions.</p> <p>Can the Applicant provide evidence of agreement on the mitigation measures set out in the outline CEMP / REAC?</p>	<p>assessment mainly based on the scope and scale of the proposed scheme and the distance to the nearest site (6.5km east, are the Northumbria Coast Ramsar, Northumbria SPA and Durham Coast SAC).</p>
<b>Q1.3.13</b>	<p>The temporary displacement of birds during construction was an issue raised by South Tyneside Council (paragraph 4.4.11 of the ES) [APP-020]. However, there is no evidence of displacement being considered in the summary of residual effects in Appendix 9, Table 9.4 nor is it identified explicitly in the list of potential impacts.</p> <p>Can the Applicant clarify how and where the temporary displacement of birds during construction has been considered within the ES?</p>	<p>A detailed analysis of breeding bird impacts during construction is presented in Table 9.4-e, within Appendix 9.4 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-036]. As a standalone scheme, the temporary displacement effects are not identified as significant.</p> <p>The main issue of concern raised by South Tyneside Council related to the cumulative temporary displacement of birds during the parallel construction of three major and adjacent developments - Downhill Lane and Testo's Junction Improvement Schemes plus IAMP TWO.</p> <p>Cumulative impacts with third party developments are discussed in Chapter 15 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] with paragraphs 15.5.37 - 15.5.44 and 15.7.26 - 15.7.27 discussing the cumulative impacts on ecological receptors without and with mitigation, respectively (including the issue of cumulative temporary bird displacement).</p>

Ref No.	Question:	Response:
4	<b>Compulsory Acquisition and / or Temporary Possession</b>	
Q1.4.1	<p>The Applicant is requested to complete the annexed Compulsory Acquisitions Objections Schedule (Annex A) and to make any entries that it believes would be appropriate, taking account of the positions expressed in Relevant Representations, and giving reasons for any additions.</p>	<p>The Applicant has provided the table requested in <b>Appendix [B]</b>. The Applicant would note the table represents an update to Annex B of the Statement of Reasons (<b>Application Document Reference: TR010024/APP/4.1</b>) [APP-015] with additional information requested by the ExA. As mentioned in the appendix, the Applicant has not provided a column relating to AP/IP reference numbers (as these have not been produced or provided) or other document references (as there are no relevant references other than those mentioned in the relevant / written representation reference columns).</p>
Q1.4.2	<p>The Book of Reference (BoR) [APP-017] includes a number of Statutory Undertakers with interests in land.</p> <p>Please provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement from them.</p> <p>Indicate whether there are any envisaged impediments to the securing of such agreements.</p> <p>State whether any additional Statutory Undertakers have been identified since the submission of the BoR as an application document.</p>	<p>The Applicant would refer to its response to Question 47 in Appendix 1 of the Written Submission of Applicant's Case at ISH1 &amp; OFH1 and responses to ExA's question on the dDCO (<b>Application Document Reference TR010024/APP/7.8</b>) [REP1-010] and its response to ExQ1.4.1 above and ExQ1.4.5 and 1.4.6 below.</p> <p>The Applicant would note that the draft DCO has been shared with the relevant statutory undertakers, and they have raised no issue with the protective provisions contained therein. The Applicant does not, therefore, anticipate the need for any agreements and does not anticipate any impediments to carrying out the relevant works.</p> <p>The Applicant confirms that no further statutory undertakers have been identified since the submission of the BoR as an application document.</p>
Q1.4.3	<p>The former Department for Communities and Local Government published Guidance related to procedures for CA (September 2013) in "<i>Planning Act 2008: procedures for the compulsory acquisition of land</i>". This states that:</p> <p><i>'Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.'</i></p>	<p>Section 2.1.2 of the Funding Statement states that most-likely estimated cost of the scheme is £48 million. This includes the land acquisition and compensation costs and claims associated with the Scheme; the legal fees and land agent costs. The costs associated with land acquisition are integrated into the scheme estimate and are met through the sources of funding detailed within Section 3 of the Funding Statement.</p> <p>The Scheme budget, which has been prepared in accordance with Highways England procedures and the HM Treasury Green Book includes</p>

Ref No.	Question:	Response:
	<p>The Funding Statement [APP-016] does not identify the CA costs separately from the project costs or explain how a figure for CA costs was arrived at. Please explain the anticipated cost of CA, how this figure was arrived at, and how these costs are going to be met.</p>	<p>an allowance for compensation payments relating to the Compulsory Acquisition of land interests in and over land and the temporary possession and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the 2008 Act.</p> <p>Estimates for compensation and acquisition payments have been informed by land referencing activities, engagement of professional surveyors from the Valuation Office Agency (VOA), used regularly by the Applicant for surveying and valuation purposes and information received from consultation and engagement with parties having an interest in the land. The estimate was reached by appraising the compensation anticipated to be payable as a result of the Scheme impacts (both permanent and temporary) including land value, loss and damage, disturbance, injurious affection (including under Part 1 of the Land Compensation Act 1973) landowner fees and costs in line with the Compensation Code and the Department for Communities and Local Government published Guidance related to procedures for CA.</p>
<p><b>Q1.4.4</b></p>	<p>Paragraphs 5.81 – 5.87 of the EM [APP-012] indicate how Art 24 of the dDCO provides for the extinguishment of private rights.</p> <p>Could the Applicant please explain how this addresses the Guidance published by the former Department for Communities and Local Government in “<i>Planning Act 2008: procedures for the compulsory acquisition of land</i>” which, in Annex D, paragraph 10 states: “<i>Where it is proposed to create and acquire new rights compulsorily, they should be clearly identified. The Book for reference should also cross-refer to the relevant articles contained in the development consent order.</i>”?</p>	<p>The Applicant would note that the guidance relates to the creation and acquisition of new rights. The purpose of Article 24 is to enable the Applicant to ensure that existing private rights over so much of the land that is subject to compulsory acquisition outright under article 20 or acquisition of rights under article 23 are extinguished or suspended so as not to interfere with the construction and operation of Scheme. The power is extended to all ensure it applies to all rights created in future, in the same way that subsequently acquired estates are covered by powers of acquisition. Not to do so, risks implementation of the Scheme as a result of new private rights. In this context, the Applicant refers to its response to Question 29 in Appendix 1 of the Written Submission of Applicant’s Case at ISH1 &amp; OFH1 and responses to ExA’s question on the dDCO (<b>Application Document Reference: TR010024/APP/7.8</b>) [REP1-010].</p>
<p><b>Q1.4.5</b></p>	<p>The Applicant is requested to review Relevant Representations and Written Representations made as the Examination progresses and to prepare, and at each successive deadline update as required, a table identifying and responding to any representations made by Statutory Undertakers with land or rights to</p>	<p>The Applicant would refer to its response to Question 47 in Appendix 1 of the Written Submission of Applicant’s Case at ISH1 &amp; OFH1 and responses to ExA’s question on the dDCO (<b>Application Document Reference:TR010024/APP/7.8</b>) [REP1-010].</p>

Ref No.	Question:	Response:
	<p>which PA2008 s127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> <li>a) the name of the Statutory Undertaker;</li> <li>b) the nature of their undertaking;</li> <li>c) the land and or rights affected (identified with reference to the most recent versions of the BoR and Land Plans available at that time);</li> <li>d) in relation to land, whether and if so, how the tests in PA2008 s127(3)(a) or (b) can be met;</li> <li>e) in relation to rights, whether and if so, how the tests in s127(6)(a) or (b) can be met; and</li> <li>f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so:                         <ul style="list-style-type: none"> <li>i. whether these are already available to the ExA in draft or final form,</li> <li>ii. whether a new document describing them is attached to the response to this question or</li> <li>iii. whether further work is required before they can be documented; and;</li> </ul> </li> <li>g) in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached:                         <ul style="list-style-type: none"> <li>i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and</li> <li>ii. identifying any documents providing evidence of agreement and withdrawal.</li> </ul> </li> </ul> <p>The table provided in response to this question should be titled ExQ1.4.5: PA2008 s127 Statutory Undertakers Land/ Rights and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent</p>	<p>The only statutory undertaker to have submitted a relevant representation is National Grid. For the reasons set out in the joint statement, both the Applicant and National Grid agree that section 127 and 138 of the Planning Act 2008 are not engaged.</p> <p>Notwithstanding, as per the ExA's request, the Applicant has completed a table as requested but given the limited nature of the affected statutory undertakers and for ease of reference, the Applicant has merged the ExQ1.4.5: PA2008 s127 and ExQ1.4.6: PA2008 s138 tables.</p> <p>The Applicant does not anticipate needing to update these two tables, but should any statutory undertaker unexpectedly submit any representations to which sections 127 or 138 attach, the Applicant confirms it will update the table appropriately.</p>

Ref No.	Question:	Response:
	deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.	
<b>Q1.4.6</b>	<p>The Applicant is requested to review Relevant Representations and Written Representations made as the Examination progresses and to prepare, and at each successive deadline update as required, a table identifying and responding to any representations made by Statutory Undertakers with land or rights to which PA2008 s127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> <li>a) the name of the Statutory Undertaker;</li> <li>b) the nature of their undertaking;</li> <li>c) the land and or rights affected (identified with reference to the most recent versions of the BoR and Land Plans available at that time);</li> <li>d) in relation to land, whether and if so, how the tests in PA2008 s127(3)(a) or (b) can be met;</li> <li>e) in relation to rights, whether and if so, how the tests in s127(6)(a) or (b) can be met; and</li> <li>f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so:           <ul style="list-style-type: none"> <li>iv. whether these are already available to the ExA in draft or final form,</li> <li>v. whether a new document describing them is attached to the response to this question or</li> <li>vi. whether further work is required before they can be documented; and;</li> </ul> </li> <li>g) in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached:           <ul style="list-style-type: none"> <li>iii. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and</li> </ul> </li> </ul>	The Applicant refers to its response in ExQ1.4.5.

Ref No.	Question:	Response:
	<p>iv. identifying any documents providing evidence of agreement and withdrawal.</p> <p>The table should be titled ExQ1.4.6: PA2008 s138 Statutory Undertakers Apparatus etc. and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence).</p>	

ExQ1.4.5: PA2008 s127 and ExQ1.4.6: PA2008 s138 Table

Name of statutory undertaker	Nature of undertaking	Land or rights affected or proposed to be extinguished	Whether and if so, how the tests in PA2008 s127(3)(a) or (b) can be met or how the test in s138(4) can be met	Whether and if so, how the tests in s127(6)(a) or (b) can be met	whether any protective provisions and/or commercial agreement are anticipated	i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.
National Grid Electricity Transmission Plc	Electricity	None	N/A as no land belonging to NGET is proposed to be acquired, no rights extinguished and no relevant apparatus proposed to be removed and no relevant right belonging to NGET subsists over any land proposed to be acquired	N/A as no land belonging to NGET is proposed to be acquired, no rights extinguished and no relevant apparatus proposed to be removed and no relevant right belonging to NGET subsists over any land proposed to be acquired	No specific provisions are required - see joint statement between Applicant and National Grid dated 9 August 2019.	NGET has confirmed that section 127 and 138 do not apply in respect of their land, rights or apparatus and there are no outstanding issues between the parties - see joint statement between Applicant and National Grid dated 9 August 2019.

Ref No.	Question:	Response:
<p><b>Q1.4.7</b></p>	<p>Paragraph 3.5 of the EM [APP-012] states that the Applicant has chosen not to differentiate between 'associated development' within the meaning of section 115(2) PA2008 and works which form part of the NSIP.</p> <p>(i) How does that approach reflect the Guidance on associated development 'Planning Act 2008: associated development applications for major infrastructure projects' (former Department for Communities and Local Government, April 2013)?</p> <p>(ii) Explain further the example given of potential overlap between some on-highway and some off-highway diversion of statutory undertakers' equipment and why the 'associated development' aspects of the scheme could not be appropriately categorised as such in the dDCO?</p> <p>(iii) The Statement of Reasons (SoR) [APP-015], paragraph 2.3.1, lists the works necessary to deliver the scheme. Which, if any, of these works. can be identified as associated development?</p>	<p>(i) This question has been addressed in the Applicant's response to the ExA's question number 4 on the dDCO (<b>Application Document Reference: TR010024/APP/7.8</b>) [REP-1/010]. As is explained in paragraphs 3.4 and 3.5 of the Explanatory Memorandum [APP-012]; the approach taken in Schedule 1 of not separately defining elements of the Scheme as forming part of the NSIP or as associated development is deliberate and is in line with precedent for highways development consent orders, including the Testo's scheme.</p> <p>There is no requirement at law to separate the works comprising the NSIP from those constituting associated development, nor does DCLG 'Guidance on associated development applications for major infrastructure projects' require it.</p> <p>Instead, paragraph 10 of that guidance recommends that applicants, "as far as practicable", should explain in their explanatory memorandum which parts of the development are associated development and why. Paragraphs 3.1 – 3.7 of the Explanatory Memorandum adopt this Guidance.</p> <p>The Secretary of State will need to be satisfied that the various items of development for which development consent is sought fall into at least one of these categories (and the Applicant is clear in its submission that they all do) but s/he does not need to establish which category. Were the applicant to categorise the elements of the development into principal vs ancillary works, that would not obviate the need for the Secretary of State to take his or her own view in respect of each specific work.</p> <p>(ii) It is not always straightforward to categorise works as either principal or ancillary development. In the example given, the highway might be designed to accommodate sub-surface cable works, so it could be argued that these works are "part of the highway" and form part of the NSIP. A set of proposed diversion works might therefore include both "NSIP" and "associated development" based whether the diversion was on or off the highway. Similarly, a bridge could incorporate both NSIP and associated development, given that the bridge supports are part of the strategic road network and therefore NSIP, while the highway surface is maintained by</p>



Ref No.	Question:	Response:
		<p>the local authority and therefore associated development. A further example would be a balancing pond – it is necessary in order for the highway to function properly, but is separated from the highway – so it is arguable as to whether it is, or is not, part of the NSIP (as defined by s22 Planning Act 2008).</p> <p>(iii) A table is attached to this document at <b>Appendix [C]</b>, showing which of these works can be identified as associated development. As per the Applicant's response at (ii) above, it should be noted that some works have been categorised as "composite development", as they contain elements of NSIP and elements of associated development.</p>
<p><b>Q1.4.8</b></p>	<p>To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the development to which the development consent will relate:</p> <p>(i) The SoR [APP-015], paragraph 2.4.1, refers to the red line boundary including provision for the opportunity to share use of the proposed Testo's main site compound for some of the facilities associated with the Scheme. Art 30 of the dDCO sets out how the powers of temporary possession would be exercised in this scenario. Nevertheless, please expand on how it would be ensured that powers of Compulsory Acquisition would not be exercised in respect of land not ultimately required?</p> <p>(ii) The SoR [APP-015], section 3.4 refers to temporary possession powers through Articles 29, 30 and 31. Please provide further details to justify the extent of the land sought to be used temporarily. For each area explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</p> <p>(iii) The Works Plans [APP-008] show Work No. 25C as a possible alternative to Work No. 25B with Land Plan [APP-references being 2/1, 2/2a and 2/2b and 1/14b and respectively. Schedule 1 of the dDCO sets out the alternatives and paragraph 3.4.6 of the SoR [APP-015] explains that Plot 1/14b will not be used for construction activities only if the Testo's construction compound (Plot 2/2b) cannot be used. Do the two alternative sites have the same area? If not, what other considerations would justify the different sizes to achieve the same objective? Can the Applicant clarify that Work No. 25c only relates to the area outlined in blue on Works Plan 2 of 2 [APP-008]? If that is the case, why does the red line boundary extend</p>	<p>(i) The Applicant refers to its response to Question 33 in in Appendix 1 of the Written Submission of Applicant's Case at ISH1 &amp; OFH1 and responses to ExA's question on the dDCO (<b>Application Document Reference: TR010024/APP/7.8</b>) [REP1-010]. The relevant land is not proposed to be compulsorily acquired, but only taken possession of temporarily.</p> <p>In the event the Testo's construction compound is utilised, the Applicant understands that Plot 1/14b may not be capable of being utilised by the landowner. There are, therefore, two options: the potential loss of the use of Plot 1/14b would have to be dealt with as a compensation matter requiring the landowner to bring a claim in respect of the use of Plot 1/14a, or the Applicant can take possession of Plot 1/14b and pay any appropriate compensation under Article 29 notwithstanding construction activities would not be carried out on that plot. The Applicant's proposed wording relating to not authorising "construction activities" in Article 30 ensures the latter remains an option, whilst being within the scope of the environmental assessments referred to in its response to Question 33 in in Appendix 1 of the Written Submission of Applicant's Case at ISH1 &amp; OFH1 and responses to ExA's question on the dDCO</p> <p>(ii) The Applicant has produced a table which can be found in <b>Appendix [D]</b> which justifies further the temporary land use required based on Schedule 6 to the dDCO. The use of each plot is elaborated in the final</p>

Ref No.	Question:	Response:
	<p>further to correspond with the Testo's site compound area?</p>	<p>column, and the Applicant confirms it represents the minimum land use and acquisition required at this stage of the Scheme design. The Applicant would refer to its response to ExQ 1.4.12 which sets out the Applicant's methodology at two workshops held by the Applicant in ensuring that land use and acquisition is proportionate and necessary – the same process was utilised in relation to the land proposed to be used for temporary possession.</p> <p>(iii) The two sites have different areas. This is because the Testo's construction compound is already in existence and was sized to service the needs of the Testo's project, whereas the size of the plots identified for a stand-alone Downhill Lane compound (comprising 1/14a and 1/14b) is smaller, as the project itself is of a smaller scale.</p> <p>The full Testo's compound has been used for the purposes of the assessment, as it is realistic to assume that any part of it might be used for Downhill Lane (or parts spread around the whole), rather than a smaller discrete part distinct from Testo's. In practice, as the Testo's project moves to completion, the compound is likely to be scaled down and parts reverted back to the original owners. However, certain aspects, such as the access from West Pastures, will need to be retained until the whole compound is removed.</p> <p>In terms of the extent of Work 25c being smaller than the red line boundary, this is due to the layout of the Testo's compound. The Work 25c area is the main functioning area of the compound, including the site offices, welfare facilities, parking provisions, and storage of plant and materials. It is anticipated that some work may be required in this area for Downhill Lane e.g. reconfiguration of office and storage spaces. The area outside of the Work 25c area, but within the red line boundary, is used for Testo's topsoil storage and other bulk earthworks material storage. It is not expected that any work will be carried out in this area for the purposes of Downhill Lane although access through it will be required.</p>
<p><b>Q1.4.9</b></p>	<p>For the avoidance of doubt, what are all the factors that are regarded as constituting evidence of a compelling case in the public interest for the</p>	<p>The two principal submitted documents setting out the evidence of the compelling case in the public interest for the Compulsory Acquisition</p>

Ref No.	Question:	Response:
	<p>Compulsory Acquisition powers sought and where, giving specific paragraph references, are these set out in the submitted documentation?</p>	<p>powers sought are the Statement of Reasons (SoR) (<b>Application Document Reference: TR010024/APP/4.1</b>) [APP-015] and the Planning Statement (PS) including the National Networks Policy Statement (NNNPS) Accordance Table.</p> <p>The factors set out in these documents which support the Applicant's case are:</p> <ul style="list-style-type: none"> <li>• The need for the Scheme (see SoR paragraph 2.2 and chapter 2 PS)</li> <li>• The Scheme is part of the Department for Transport's Road Investment Strategy (RIS) published in 2014 (see PS paras 2.1.1 and 3.2.1)</li> <li>• In particular, the "critical need" to improve the national networks identified in the NNNPS (see PS paragraphs 5.2.3 to 5.2.12)</li> <li>• Projected national growth in traffic levels (see PS para 2.6)</li> <li>• The alignment of the objectives of the Scheme with the NNNPS, (see PS Chapter 2 and Appendix 1).</li> <li>• The way in which the Scheme will achieve these objectives (see PS 2.7.9 to 2.7.16)</li> <li>• The monetised and non-monetised benefits of the Scheme (see SoR paragraph 2.2 and PS Chapter 4).</li> <li>• The need for each plot of land subject to compulsory acquisition in order to deliver the Scheme (See SoR Annex A)</li> <li>• The Applicant having had regard to section 122 of the Planning Act 2008 and the tests set out in 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG: September 2013) (see SoR sections 5.1 and 5.2)</li> </ul> <p>In addition, the Environmental Statement (ES) and the REAC provide support for the Applicant's case for the acquisition of land for the purposes of mitigation and the provision of NMU facilities:</p> <ul style="list-style-type: none"> <li>• The proposed NMU provision as part of the Scheme would have a significantly beneficial effect (ES paragraph 13.6.71).</li> <li>• Planting is proposed to mitigate the landscape and visual effects of the Scheme and to provide habitat enhancement/replacement (REAC commitments P3.2 to P3.7, D3.3, D4.4)</li> <li>• Provision of alternative NMU access routes/ diversions is proposed to</li> </ul>

Ref No.	Question:	Response:
		<p>mitigate impacts during the construction period (REAC commitment P8.1, D8.1)</p> <ul style="list-style-type: none"> <li>• Provision of access and drainage is proposed to mitigate impacts on agriculture and farm businesses (REAC commitments P8.2 - P8.3, D8.2-D8.4)</li> </ul>
<p><b>Q1.4.10</b></p>	<p>The SoR [APP-015] at section 5.4 states that there is a compelling case in the public interest for the Compulsory Acquisition.</p> <p>(i) (What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of Compulsory Acquisition powers in each case?</p> <p>(ii) Where is it demonstrated within the application that the public benefits of the scheme outweigh any residual adverse effects including private loss suffered by individual landowners and occupiers? Demonstrate how such a conclusion has been reached and how the balancing exercise between public benefit and private loss has been carried out?</p>	<p>(i) Section 4 of the SoR sets out how the Applicant has identified persons with an interest in land. The Applicant has carried out diligent inquiry to identify all such persons. Persons with an interest in land have been listed in the Book of Reference (<b>Application Document Ref: TR010024/APP/4.3</b>) [APP-015] and have been consulted about the DCO application in accordance with section 42 of the Planning Act 2008. As set out in the Applicant's response to Q1.4.12 below, a detailed proportionality exercise was carried out on a plot by plot basis, to determine that the exercise could be justified in each case. The extent of land take was also an important factor considered as part of the options selection process, as evidenced in section 3.3.1 of the Planning Statement.</p> <p>(ii) The Applicant has had regard to the CA Guidance in developing its case for compulsory acquisition, including the general consideration that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate (see paragraphs 8-10 of the CA Guidance). As noted in the Applicant's response to Q1.4.12 below, section 6 of the SoR specifically covers how human rights have been taken into account in balancing public benefit and private loss. In relation to both article 1 and article 8 ECHR, there is a compelling case in the public interest for the compulsory acquisition powers included in the DCO which is sufficient to justify the interference with rights (see chapter 5 of the SoR, the PS, and in particular the factors highlighted in the Applicant's response to Q1.4.9 above. The land over which compulsory acquisition powers are sought as set out in the DCO is the minimum necessary to ensure the delivery of the Scheme. The Applicant has also sought to minimise the private loss suffered by individual landowners and occupiers by seeking to acquire land</p>

Ref No.	Question:	Response:
		<p>through agreement where possible. Section 4.9 of the SoR sets out the approach taken by the Applicant to acquire interests in land by agreement, while Annex B sets out the progress made in negotiations to date.</p>
<p><b>Q1.4.11</b></p>	<p>In the light of the relevant DCLG Guidance related to compulsory acquisition, “<i>Planning Act 2008: procedures for the compulsory acquisition of land</i>” and in particular paragraph 8:</p> <ul style="list-style-type: none"> <li>• How can the ExA be assured that all reasonable alternatives to Compulsory Acquisition (including modifications to the scheme) have been explored?</li> </ul> <p>Set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests in each case.</p>	<p>As the Applicant refers to in Section 5.6 of the Statement of Reasons (<b>Application Document Ref: TR010024/APP/4.1</b>) [APP-015] the Applicant has undertaken a robust option selection process that has identified a scheme design that balances the Applicant’s Scheme Requirements and those of key stakeholders, including adjacent landowners who will be subject to compulsory acquisition.</p> <p>This meant that the Applicant identified and explored the multiple options for improving Downhill Lane junction and reviewed these in cognisance of the preferred route option for Testo’s junction to understand what effect the changes at Downhill Lane junction might present.</p> <p>The first part of this process involved identifying possible options for improvements at Downhill Lane junction. The applicant considered all options and 6 were taken through a more detailed environmental assessment and technical appraisal. The results are reported in our Environmental Assessment Report (EAR) and Technical Appraisal Report (TAR). It is worth noting that environmental impacts are assessed based on national guidance and copies of the full TAR and EAR can be found on the Applicant’s website: <a href="http://www.highways.gov.uk/a19-testos-downhill-lane">www.highways.gov.uk/a19-testos-downhill-lane</a>. In assessing the benefits and effects of improvement options, the applicant looked at a variety of topics including: environmental features, traffic forecasts, traffic movements, how it could be constructed, value for money, cost and budget, required land take and the effect on communities.</p> <p>The Applicant also considered the effect on the Testo’s scheme, including whether the Downhill Lane junction proposals would require major changes to the Testo’s design, resulting in additional work, cost and delays to delivering the improvements.</p> <p>The non-statutory consultation brochure which can be found in Appendix A of the Consultation Report (<b>Application Document Reference:</b></p>

Ref No.	Question:	Response:
		<p><b>TR010024/APP/5.1)</b> [APP-018] shows the options considered and outlines the reasons why alternative options were discounted.</p> <p>A finite and detailed summary of landtake for alternative options was not undertaken by the Applicant. It was evident that the discounted options would require, on the whole significantly more land from specific landowners such as Make-Me-Rich Farm, Natrass (Hellens) and Town End Farm partnership than the design submitted in this DCO application.</p> <p>The Applicant would refer to its response to ExQ 1.4.12 below.</p>
<p><b>Q1.4.12</b></p>	<p>Section 6 of the SoR [APP-015] addresses human rights.</p> <ul style="list-style-type: none"> <li>Where is it demonstrated that interference with human rights in this case would be proportionate and justified?</li> </ul> <p>How has the proportionality test been undertaken and explain how this approach has been undertaken in relation to individual plots?</p>	<p>Paragraph 6.2.1 of the Statement of Reasons (<b>Application Document Reference: TR10024/APP/4.1)</b> [APP-015] confirms that the Scheme will have an impact on individuals but considers that the public benefits that will arise from the Scheme as set out in this Statement of Reasons outweigh the harm to those individuals. As regards the public benefits, the Applicant refers to its response to ExA 1.4.9 and 1.4.10.</p> <p>Paragraph 5.3.4 of the Statement of Reasons further confirms that the land proposed to be acquired is the minimum land-take required to construct, operate, maintain and mitigate the Scheme and is therefore necessary to achieve the objectives of the Scheme. This is further evidenced in the section 3.3.1 of the Planning Statement which shows how landtake affected the Applicant's options selection process.</p> <p>The Applicant has sought to achieve a balance between minimising land take and securing sufficient land to ensure delivery of the Scheme, noting that the detailed design of the Scheme has yet to be developed. In that context, the limits of the land to be acquired or used has been drawn as tightly as possible so as to avoid unnecessary land take. In that way, the proposed land take is proportionate, justified and necessary.</p> <p>The Applicant would further note that the vast majority of the land proposed to be acquired is within the existing highway boundary (see paragraph 4.1.2 of the Statement of Reasons) and the Applicant would re-iterate that this impacted the options selection process (see section 3.3.1 of the</p>

Ref No.	Question:	Response:
		<p>Planning Statement).</p> <p>In relation to a proportionality test for individual plots, during review of the land requirements for the Scheme, over the course of two workshops, each plot was reviewed individually based on a consideration of the practical engineering requirements against the individual impacts that would occur at the local level.</p> <p>This process of checks and balances, carried out by the Applicant to challenge the proposed land take requirements as the Scheme design evolved following consultation, allowed the Applicant to refine the land requirements and, wherever possible, to mitigate the effects of the Scheme on landowners.</p> <p>The Applicant's plot-by-plot review included detailed consideration of the following:</p> <ul style="list-style-type: none"> <li>• The justification for and extent to which the plot was required, to ensure that only land that was absolutely required to deliver the Scheme was included within the Order limits. Where land requirements could be minimised by reconfiguration of the design, this was undertaken where possible.</li> <li>• Review of plot land use and ownership to understand the impacts resulting from the inclusion of a given plot on the individual's land ownership and business.</li> <li>• Review of plot areas and shape to refine the design within existing field, landownership and land use boundaries to configure the design to contain it within one land area to minimise the impact on multiple landowners or uses.</li> </ul> <p>As a result of the above process of challenge and scrutiny, balancing the requirement for each individual plot against its anticipated impacts on the existing landowners and occupiers, the Applicant is satisfied that the powers of compulsory acquisition and temporary possession sought in the DCO are necessary, proportionate and justified. The culmination of this process has been the production of the Statement of Reasons and, in particular, Annex B which sets out the particular uses for each parcel of</p>

Ref No.	Question:	Response:
		land within the Scheme boundary.
Q1.4.13	<p>What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to the land interests, including the identification of further owners/interests or monitoring and update of changes in interests?</p>	<p>The Applicant refers to section 4.4 to 4.8 of the Statement of Reasons (<b>Application Document Reference: TR010023/APP/4.1</b>) [APP-015] which sets out a robust methodology for identifying relevant land interests.</p> <p>The Applicant has carried out regular land registry searches. In the run up to the application submission, the Applicant carried out searches quarterly. The Applicant has also carried out ongoing liaison and engagement with key stakeholders such as IAMP LLP who are in the process of acquiring land in close proximity to the Scheme.</p> <p>The Applicant confirms it will continue as part of ongoing diligent inquiry to update the Book of Reference, and review Land Registry information.</p>
Q1.4.14	<p>Paragraph 5.6.2 of the SoR [APP-015] states that none of the alternatives or modifications considered would obviate the need for the compulsory acquisition and temporary possession of the Land.</p> <p>The Applicant is asked to provide further detail to substantiate this position.</p>	<p>The Applicant would refer to section 3.3.1 of the Planning Statement (<b>Application Document Reference: TR010024/APP/7.1</b>) [APP-050] which sets out the options considered and establishes that they would require more land than the Scheme as submitted.</p> <p>The improvement proposed by the Scheme ensures that the need to compulsorily acquire land is kept to a minimum and the land that is proposed to be acquired is no more than is reasonably required for its construction, occupancy, mitigation and ongoing maintenance.</p>
Q1.4.15	<p>Section 7.1 of the SoR [APP-015] states that two plots (1/910a and 1/9/10b) are subject to 'escheat' and that it has previously been confirmed by The Crown Estate that plots such as these do not constitute Crown Land for the purposes of PA2008.</p> <p>Please provide evidence that this is the case?</p>	<p>Please refer to <b>Appendix [E]</b> which contains a letter from the Crown Estate's solicitors confirming the position. The Applicant would note that the relevant land parcels referred to in that letter are part of the same Land Registry title as the escheat plots in the Downhill Lane Junction scheme.</p> <p>The Applicant understands these plots has been acquired by IAMP LLP and is awaiting Land Registry registration.</p>
Q1.4.16	<p>How have the locations, and in particular the boundaries, of land to be used temporarily been defined? For example, Plots 1/14a and 14b have largely regular boundaries.</p>	<p>The Applicant would refer to its response to ExQ1.4.12 which sets out the process used for establishing boundaries to be acquired and temporarily possessed.</p>





Ref No.	Question:	Response:
5	Draft Development Consent Order	
<p>Annex D to the Rule 6 Letter dated 12 July 2019 provided notice of an Issue Specific Hearing (ISH) on the dDCO which was held on 13 August 2019 (ISH1). Table 1 to Annex E of that letter set out a schedule of issues and questions for examination at ISH1. The examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by <b>Deadline 1: Tuesday 27 August 2019</b>. Comments on any matters set out in those submissions are to be provided by <b>Deadline 2: Tuesday 10 September 2019</b>, which is the same as the deadline for responses to these questions. IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to reiterate their issues in response to the question below. IPs are requested to review the Deadline 1 written submissions arising from ISH1 before responding to the question below. Matters set out in Deadline 1 written submissions arising from ISH1 are best responded to in Deadline 2 comments rather than in responses to the following question, which aims to capture matters that were not raised at ISH1.</p>		

Ref No.	Question:	Response:
6	<b>Economic and Social Effects</b>	
Q1.6.1	<p>Paragraph 13.3.57 of the ES [APP-020] describes leakage as being the proportion of benefits that accrue to those outside of the target group which refers to those who live outside of South Tyneside, Sunderland and Gateshead. Similarly, paragraph 13.5.69 refers to these as relevant regional local authorities.</p> <p>Why was Gateshead included in this group? How were study areas defined in relation to economy and employment matters?</p>	<p>Paragraph 13.3.57 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] states that the assessment has been undertaken in line with guidance within the Additionality Guide, Fourth Edition (Homes and Communities Agency, 2014). Gateshead was included in the target area as a result of the council boundary being, at its closest point, 2 kilometres (approximately 1.5 miles) from Downhill Lane junction. The study area for the economy and employment matters was defined using professional judgement, in accordance with the Additionality Guide, which suggests the use of single (or multiple) local authority areas and/ or relevant applicable travel to work areas. These were determined to be: Sunderland, which includes the areas covered by Sunderland and South Tyneside; and Newcastle, which includes Gateshead. The three closest local authorities to the Project were used, with wider effects, through leakage etc. felt outside of the target areas.</p>
Q1.6.2	<p>Measures of deprivation are described in paragraphs 13.5.73 – 13.5.75 based on the Index of Multiple Deprivation. Findings are presented from 2010 and 2015.</p> <p>Is there any more recent data in respect of deprivation? If so, why was it not used?</p>	<p>The Applicant would note the 2015 data is the most up to date data published within the UK. Further data is not expected to be published until September 2019. Therefore, the use of 2015 data was the most up to date available when creating the assessment. 2010 data has been used to show any change in deprivation relative to the 2015 data.</p>
Q1.6.3	<p>Paragraph 3.3.11 of the Planning Statement [APP-050] states that the Scheme will increase NOx emissions as traffic journeys change. NOx emissions were shown to increase in the forecast year, due to the IAMP development within the study area, which will attract more traffic movements. The monetised value of this benefit is forecast to be £0.001million.</p> <p>With an increase in NOx emissions how is the conclusion reached that there would be a net benefit?</p>	<p>The air quality assessment covers two components:</p> <ul style="list-style-type: none"> <li>• Local air quality, which relates to pollutants with potential to affect human health and ecosystems at a local level; and</li> <li>• Regional air quality, which relates to pollutants dispersing over a larger area, with potential to affect human health and ecosystems. Carbon emissions, which can influence the global issue of climate change, are included in the regional air quality assessment.</li> </ul> <p>The methodologies used for air quality assessment in Environmental Statements and Web Tag Economic Assessments are not the same and the outputs are used for different purposes.</p>

Ref No.	Question:	Response:
		<p>The first statement referred to is based on the results described in paragraphs 6.6.14 - 6.6.18 of the Environmental Statement [APP-6.2] and is referring to a change in the regional air quality total NOx emissions from the vehicles within the study area.</p> <p>The second statement is referring to the Local Air Quality Assessment on which the monetisation is based and a marginal benefit of £0.001million is forecast.</p> <p>The Planning Statement is based on the monetisation of the results of the Local Air Quality TAG assessment the results of which are described in Environmental Statement – Volume 3: Appendices, Appendix 6.7. The value stated is so small it represents an almost negligible benefit and the monetised value simply reflects nuances in air quality changes at a local level as a result of the Scheme.</p>
<p><b>Q1.6.4</b></p>	<p>Table 5.1 of the Planning Statement [APP-050] identifies the objective within the National Networks NPS to support the delivery of environmental goals and the move to a low carbon economy. In demonstrating how the scheme conforms to this requirement reference is only made to air quality.</p> <p>How would the Scheme help to deliver a low carbon economy?</p>	<p>The Scheme is a highway Scheme to accommodate road-based traffic. Small increases in Carbon emissions are anticipated in both the opening and design year, as outlined at paragraph 6.8.9 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020].</p> <p>The NNNPS paragraph 3.8 highlights the expectation that road-based schemes would lead to a small increase in carbon, but overall investment in the Strategic Road Network of the scale anticipated in Investing in Britain's Future would represent a small proportion of annual emissions allowed for in the fourth carbon budget (Less than 0.1%). The carbon budget is internationally binding on the UK and the fourth budget seeks to reduce carbon emissions by 50% between 2023 and 2027 against 1990 levels. Investment in Ultra Low Emission Vehicles (ULEVs) will help reduce the impact on road-based transport on these budgets.</p> <p>The Scheme incorporates improvements to accommodate non-motorised traffic, which should help encourage more cycling and walking by reducing severance across the junction for these user groups.</p>

Ref No.	Question:	Response:
		It is also worth noting that the Scheme would provide additional capacity to support the anticipated future development of the proposed IAMP, which will be based on automotive industries and ultra-low carbon reducing technologies; see Table 5.1 in the Planning Statement ( <b>Application Document Reference: TR010024/APP/7.1</b> ) [APP-050].

Ref No.	Question:	Response:																		
7	<b>Historic Environment</b>																			
Q1.7.1	<p>Table 7.6 of the ES [APP-020] provides a Summary of historic buildings. Figure 7.1[APP-024] shows the location of archaeological remains and historic buildings. Figure 7.1 identifies the location of assets 83-87 which are all Grade II Listed Buildings, but they do not appear.</p>	<p>Different asset numbers are used on the figures compared with the chapter and gazetteer. This is likely the result of the decision to split the assessment of the Testo's and Downhill Lane schemes which resulted in the baseline assets in the Downhill Lane study area being re-numbered. The correct numbers of the affected assets are:</p> <table border="1" data-bbox="1292 509 2145 987"> <thead> <tr> <th>Old/Figure</th> <th>New/Text</th> <th>Asset Name</th> </tr> </thead> <tbody> <tr> <td>83</td> <td>28</td> <td>Downhill Farmhouse</td> </tr> <tr> <td>84</td> <td>30</td> <td>Pair of Lodge Cottages at entrance to Downhill house</td> </tr> <tr> <td>85</td> <td>31</td> <td>Barn and Gin Gang to South of Downhill Farmhouse</td> </tr> <tr> <td>86</td> <td>33</td> <td>Limekiln Southeast of Downhill Farmhouse</td> </tr> <tr> <td>87</td> <td>35</td> <td>Downhill House</td> </tr> </tbody> </table> <p>An amended version of Figure 7.1 can be found in the Application Documents Errata (<b>Application Document Reference: TR010024_APP_7.6(1)</b>). The figure has been corrected to reflect Table 7-6 in Chapter 7 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020].</p>	Old/Figure	New/Text	Asset Name	83	28	Downhill Farmhouse	84	30	Pair of Lodge Cottages at entrance to Downhill house	85	31	Barn and Gin Gang to South of Downhill Farmhouse	86	33	Limekiln Southeast of Downhill Farmhouse	87	35	Downhill House
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86	33	Limekiln Southeast of Downhill Farmhouse																		
87	35	Downhill House																		
Q1.7.3	<p>Paragraph 7.3.9 of the ES [APP-020] states that at the time of writing a response had not been received from the County Historic Buildings Officer.</p> <p>Has there been any subsequent response from the County Historic Buildings Officer?</p>	<p>The applicant understands that Sunderland Council does not currently have a County Historic Buildings Officer. All cultural heritage matters fall within the role of the Tyne and Wear Archaeology Officer who has been consulted during the assessment process and has confirmed that they are content with the approach taken and the results of the assessment.</p>																		

Ref No.	Question:	Response:
Q1.7.4	<p>Reference is made in paragraph 7.3.11 of the ES to the 2015 Historic England guidance 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets'. The Second Edition of the advice was published in 2017.</p> <p>Has this been taken account of? Does it change any of the study's findings?</p>	<p>The 2nd edition of the guidance was used during preparation of the assessment. The reference should have been updated to reflect this. The correct reference is given in Appendix 7.1 which sets out the assessment methodology in detail (paragraph 7.1a.2 of <b>Application Document Reference: TR010024/APP/6.3</b>) [APP-034].</p>
Q1.7.5	<p>Paragraphs 7.5.18 - 7.5.20 of the ES [APP-020] identify various listed buildings by asset number. Whilst the listing descriptions are included in Appendix 7.3 [APP-034] they do not appear to be shown on Figure 7.1.</p> <p>The Applicant is asked to amend Figure 7.1 to include the assets which have been omitted.</p>	<p>Please see the response to Q1.7.1 for an explanation.</p> <p>An amended version of Figure 7.1 can be found in Appendix A of the Application Documents Errata (<b>Application Document Reference: TR010024_APP_7.6(1)</b>).</p>
Q1.7.6	<p>Paragraph 3.40 of the Scoping Opinion [APP-048] states that if a detailed heritage assessment is not deemed to be required it should be agreed with the relevant local authorities and Historic England.</p> <p>Was agreement reached with Historic England? If so, please provide evidence? If not, why not?</p>	<p>Historic England were consulted in November 2017 and confirmed that they were content with the proposed scope of assessment. This is recorded in the following paragraphs of Chapter 4 'Consultation' of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]:</p> <p><b>Consultation with Historic England &amp; Tyne and Wear Archaeology Officer</b></p> <p>4.4.27 Historic England responded to the PINS consultation and stated there were no comments to be made in relation to the Scheme.</p> <p>4.4.28 Consultation with the Tyne and Wear Archaeology Officer, the South Tyneside Historic Environment Officer and Historic England was undertaken on the methodology used in the preparation of this report, and to identify any specific concerns regarding the Scheme.</p> <p>4.4.29 The Tyne and Wear Archaeology Officer and Historic England confirmed they were content with the proposed scope of assessment.</p> <p>The Applicant has requested permission to share the correspondence from Historic England confirming they have no comments on the Applicant's proposed approach.</p>

Ref No.	Question:	Response:
8	<b>Landscape and Visual</b>	
<p><b>Q1.8.1</b></p>	<p>As set out in paragraph 8.3.5 of the ES [APP-020] both local authorities were consulted about the number and location of photomontages.</p> <p>What were the comments of the local authorities? Were their comments taken into account? What are the views of the local authorities on the methodology, baseline and conclusions of the landscape and visual impact assessment?</p>	<p>Initial consultation on viewpoints and photomontages for the Scheme was undertaken with South Tyne Council (STC) and Sunderland City Council (SCC) in September 2017, whereby STC Operations Manager replied in September 2017 confirming his assessment of the locations and that he had no concerns with these. SCC Principal Landscape Architect replied in September 2017 confirming that the viewpoints identified were acceptable.</p> <p>Further to this, a follow-up consultation with STC and SCC in October 2018 was undertaken in relation to inclusion of the approved Testo's Junction DCO into the future baseline; as well as confirmation of viewpoints and photomontage locations which had been updated. STC Senior Planning Officer responded, via email in October 2018, stating the viewpoints and photomontage locations were acceptable. SCC Principal Landscape Architect responded, via email in October 2018, confirming agreement to the viewpoints identified in the location plan provided.</p> <p>It is presumed the relevant Local Authorities would respond separately with their views on the methodology, baseline and conclusions of the LVIA.</p>
<p><b>Q1.8.2</b></p>	<p>The local planning policies and designations shown on Figure 8.1 are based on published documentation as of October 2018, which has not yet been updated to take account of Testo's junction, as described in paragraph 8.4.1 of the ES [APP-020].</p> <p>Whilst published documentation does not reflect the Testo's scheme South Tyneside Council and the Applicant are asked how Fig 8.1 would reflect any change in circumstance arising from the Testo's approval?</p>	<p>All ES figures reflect the future baseline as set out in Section 5.4 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]. In particular, the OS base map used on the ES figures (including Figure 8.1) was adapted to reflect the changes to PROW and NMU routes proposed as a result of the consented Testo's Junction Improvement Scheme, which is currently under construction. Accordingly, the following text was added to the notes on Figure 8.1 to clarify that the OS base map has been modified to reflect the baseline <i>"The Ordnance Survey background displayed in this drawing has been modified to show the neighbouring Testo's and IAMP One consented schemes. This reflects the most likely baseline scenario for the opening year of the Downhill Lane scheme."</i></p>



Ref No.	Question:	Response:
		<p>It is assumed that South Tyneside Council would update their local planning documentation to reflect the changes by the Testo's Junction Improvement Scheme in accordance with their normal processes and timeframes for updating such documentation.</p>
<p><b>Q1.8.3</b></p>	<p>The Penshaw Monument is identified as a cultural heritage element in paragraph 8.5.24 of the ES [APP-020].</p> <p>How was the Penshaw Monument assessed in cultural heritage terms in Chapter 7 of the ES?</p>	<p>The Earl of Durham's Monument (aka Penshaw Monument) (NHLE Ref. 1354965) is a Grade I listed building of high value, located approximately 4.8km south-west of the Proposed Scheme and 4.6km outside the study area defined for the ES.</p> <p>It was not included in the baseline for assessment in the ES because it was beyond the visual envelope used to identify designated cultural heritage assets outside the study area.</p> <p>As noted in the LVIA chapter (paragraph 8.5.36 <b>Application Document Reference: TR010024/APP/6.3</b>) [APP-020], protected views from Penshaw Hill recorded in the Sunderland City Council UDP are those looking south and east towards Sunderland and the surrounding countryside, not those looking north towards the industrialised landscape surrounding Washington on the opposite bank of the River Wear.</p> <p>Despite its elevated position, as a consequence of the distance to the study area and Scheme extents viewed in the context of the extensive industrial complex between the Proposed Scheme and the B1231, no impact was predicted on the Earl of Durham's Monument from construction and operation of the Proposed Scheme.</p>
<p><b>Q1.8.4</b></p>	<p>In paragraph 8.5.27 of the ES [APP-020] the site is described as straddling two National Character Areas (NCAs).</p> <p>The Applicant is asked to show the boundaries of the NCAs in relation to the Site.</p>	<p>The NCA boundaries were not included on ES Figure 8.1 due to the local context and scale of the Scheme proposals in relation to the study area. Therefore, NCA boundaries were identified within the ES text and appendices only.</p> <p>Figure ExQ1_Landscape located in <b>Appendix [F]</b> has been prepared specifically for this response, has been prepared to illustrate the boundary of the NCAs.</p>

Ref No.	Question:	Response:
<p><b>Q1.8.5</b></p>	<p>Table 8.5 of the ES [APP-020] lists the visual receptors from which views of the Scheme were assessed. How were the visual receptors identified and were the local authorities involved in their identification?</p>	<p>We refer to the methodology on visual baseline and receptor appraisal process in paragraph 8.1B.9 of the ES Appendices (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-035] whereby the Zone of Theoretical Visibility (ZTV) informed desktop and site surveys to determine likely affected receptors. Please refer to the answer to Q1.8.2, above, in relation to consultation with LAs regarding viewpoints and photomontages.</p> <p>SCC were consulted in 2015/16 on visual receptors as part of the Options Appraisal for the A19/A184 Testos and Downhill Lane Improvements Scheme, whereby a response on potential visual receptors / protected viewpoints was received from the Principal Planner in January 2016. STC were not directly consulted in regard to visual receptors at this time, but the receptors were understood to be the same as for the A19 Testo's DCO and ongoing dialogue and consultation was maintained by the design and environmental coordination team throughout with no objection.</p>
<p><b>Q1.8.6</b></p>	<p>In paragraph 8.7.3 of the ES [APP-020] it is explained that mitigation for landscape and visual effects would be subject to a maintenance period of two years, prior to handover to the future maintaining authority for on-going highway maintenance.</p> <p>The Applicant is asked to confirm on what basis the period of two years was identified and to explain how this would be secured through the DCO. The LAs are asked for their views on the effectiveness of the proposed monitoring and maintenance regime.</p>	<p>The 2-year period is the standard Highways England contract period for the Scheme where the contractor would be liable for maintenance, and then handover to Highways England as the Maintaining Authority for the remaining years.</p> <p>Landscaping maintenance is secured for a five-year period post-planting by Paragraph 5(5) of the Schedule 2, Part 1 Requirements of the draft DCO (see latest revision of dDCO (<b>Application Document Reference TR010024/APP/3.1(4)</b>)).</p>

Ref No.	Question:	Response:
9	<b>Noise and Vibration</b>	
Q1.9.1	<p>Paragraphs 12.3.23 and 12.3.24 of the ES [APP-020] indicate that South Tyneside Council and Sunderland City Council were consulted by the Applicant in relation to the methodology to be used for the noise assessment, construction assessment and noise monitoring locations and durations. It is noted that comments and feedback were taken into account during the assessment with support received for the assessment approach used and the monitoring locations and durations agreed with the local authorities.</p> <p>Can the LAs please confirm that they are content with these reported comments?</p> <p>Was the Environment Agency consulted on sensitive receptors and the assessment methodology as specified in the Scoping Opinion?</p> <p>If the Environment Agency were not consulted, can the Applicant explain why not?</p>	<p>Beyond seeking feedback on Chapter 12's noise assessment methodology in the Scoping Report, the EA were not consulted further on this chapter's methodology. This reflects the likely concern of the EA being noise impacts on ecological sensitive receptors, but this issue is covered in the ecological impact assessment reported in Chapter 9 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]. The EA's written response that accompanied the Scoping Opinion also outlines its area of key concerns, which did not include reference to the scope and approach to the noise assessment in Chapter 12; there were also no EA noise sensitive receptors (e.g. properties used by EA staff) within the study area.</p>
Q1.9.2	<p>In paragraph 12.5.2 of the ES [APP-020] it is explained that noise monitoring was undertaken at two locations, namely Make-Me-Rich Farm and 35 Benton Avenue.</p> <p>The Applicant and LAs are asked to comment on the appropriateness of these locations for long term unattended monitoring, whether other locations should also have been included and the relevance of surveys undertaken in 2014.</p>	<p>It shall be noted that the measurements are principally used in the construction assessment. In particular, the measurements at Benton Avenue are relevant as they provide baseline data for the closest receptors east of the A19 and arguably the most sensitive receptors to construction impacts, i.e. those to the north of the Town End housing development which are close to the construction works and are set back somewhat from existing noise sources (e.g. A19).</p> <p>Make-Me-Rich is the closest sensitive receptor west of the A19 and most affected by road traffic noise from the A19.</p> <p>As the closest properties to the noise source, with access to secure long-term unattended noise monitoring, these were appropriate as the increasing distance from the Scheme for other properties would mean a less representative baseline noise level associated with the A19 and Downhill Lane Junction.</p> <p>Baseline noise levels for other receptors in the construction assessment were derived through CadnaA noise model-based predictions, in</p>

Ref No.	Question:	Response:
		<p>accordance with DMRB HD 213/11 (Rev.1); see Section 12.3 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]. This is a standard approach when considering receptors in close proximity to major existing roads, where road traffic noise is dominant and therefore baseline levels can be predicted.</p> <p>N.B. Field survey-based noise measurements are not used in the operational assessment as, in accordance with paragraph 3 of Calculation of Road Traffic Noise (CRTN), prediction constitutes the preferred calculation technique for road traffic noise levels.</p> <p>We consider that little had changed in terms of the noise climate since the original noise survey in 2014; it would require an increase in road traffic volume of approximately 25% to result in a noise level change of 1 dB, which in itself would not affect the assessment conclusions. Since there has been no significant traffic changes on the A19 since 2014, the 2014 noise measurements was deemed still relevant.</p>
<p><b>Q1.9.3</b></p>	<p>In paragraph 12.5.4 of the ES [APP-020] it states that an average was taken for daytime and night-time noise levels for baseline data and that measurements taken during unsuitable weather conditions were discounted.</p> <p>Would peak traffic flows and inclusion of unsuitable weather not represent the worst-case scenario rather than an average measurement? Please explain this position.</p>	<p>For the purpose of assessing noise impacts, the lower the baseline noise level, the greater the potential noise impact, i.e. the greatest difference between the baseline and resultant. Therefore, including poor weather would in fact increase baseline noise levels, thus reduce resultant potential noise impacts.</p>
<p><b>Q1.9.4</b></p>	<p>Construction noise modelling was based on a provisional construction programme which is provided in, Table 12.7 of the ES and construction traffic movements which are predicted in Appendix 12.5, Table 12.5-a. For this, construction activity and plant details were provided by the contractor and noise predictions were made using source data provided in BS 5228 displayed in Appendix 12.4, Table 12.4(a). Whilst traffic movements are predicted, it is not defined where these movements will be.</p> <p>Can the applicant please determine where these movements will take place?</p>	<p>As explained in paragraph 2.15.8 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] , haul roads would be created within the temporary land take areas to facilitate the movement of plant and materials around the Scheme and minimise the use of the local road network. Access to the site would use existing main roads, such as Downhill Lane (East), A1290 and A19. Indicative schematics of haul routes on local roads were supplied by the contractor and incorporated in the noise models.</p>

Ref No.	Question:	Response:
<p><b>Q1.9.6</b></p>	<p>Tables 12.8 and 12.9 of the ES [APP-020] set out the construction noise impact during daytime and night-time.</p> <p>The Applicant is asked to explain further how the maximum total noise level is calculated taking account of the maximum construction noise and the baseline sound level.</p>	<p>Tables 12.8 and 12.9 present worst-case day-time and night-time predicted noise levels. Appendix 12-5 provides a comprehensive assessment for each sample receptor considering variation of predicted noise levels over the entire construction programme. Based on the construction programme, resultant day-time and night-time construction noise level are predicted at each receptor. The term "maximum" in tables 12.8 and 12.9 refers to the maximum day-time and night-time noise level predicted at a receptor over the entire construction period. This maximum is then compared to the baseline to determine the impact of the worst-case construction noise level.</p> <p>The approach used in the Chapter in determining impact follows the approach contained within BS 5228, as referenced by HD 213/11 (DMRB).</p>
<p><b>Q1.9.7</b></p>	<p>Significant effects have only been determined for three sample receptors for vibration impacts in Table 12.10 of the ES [APP-020], namely those identified with significant noise impacts during construction. However, there is no justification as to why other receptors identified in the study area have not been assessed.</p> <p>Please can the applicant justify why these receptors have not been assessed for vibration impacts during construction or provide the assessment results?</p>	<p>By definition these are sample receptors and are therefore representative of others nearby. These three sample receptors are those closest to the proposed vibration inducing construction works. It can be observed that the thresholds for potential significant vibration impacts are just predicted for such receptors and small duration, i.e. a matter of days. Therefore, the impacts at others will certainly be less.</p>
<p><b>Q1.9.8</b></p>	<p>The installation of Low Noise Road Surface (LNRS) on the A19 by 2036 is referred to in paragraph 12.6.52 [APP-020].</p> <p>Can the Applicant please confirm that both with and without the Scheme in place it is assumed that LNRS will be provided and how this would be secured? What would be the effect on receptors if LNRS were not implemented?</p>	<p>As outlined in the footnote to paragraph 2.7.22 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], between recent road surfacing works by Highways England and the committed (under construction) Testo's scheme, there is secured certainty that the baseline environment included LNRS covering the A19 between the A19/A1231 junction and the A19/A184 (Testo's) junction, whether the Downhill Lane junction Scheme progresses or not.</p> <p>This provided confidence in assuming LNRS was in the baseline for all the Do-Minimum scenarios, as prescribed in paragraph 12.3C.11 of Appendix 12.3 of the ES (<b>Application Document Reference: TR010024_APP_6.3</b>) [APP-039].</p> <p>Highways England are committed to installing LNRS on the Scheme, as</p>

Ref No.	Question:	Response:
		<p>stated in paragraph 2.7.22 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], so it was assumed to be present in the Do Something scenarios.</p>
<p><b>Q1.9.9</b></p>	<p>In paragraph 12.6.57 of the ES [APP-020] it is indicated that predicted noise level changes affecting six dwellings marginally exceed the threshold of perceptibility during the one-hour period between 05.00 and 06.00. It is noted that advice regarding perceptibility strictly relates to the specified prolonged day time and night time periods. Accordingly, it is stated that whether such a relationship would apply to a one-hour period is uncertain.</p> <p>The Applicant is asked to comment further on the effect of the predicted noise level change between 05.00 and 06.00 on occupiers of the six dwellings.</p>	<p>The shift pattern would move road traffic noise from one hour within the night-time period (06:00 to 07:00) to another (05:00 to 06:00). N.B. night-time is defined by DMRB as 23:00 to 07:00. Therefore, any increase in noise level occurring between 05:00 to 06:00 can be considered to be off-set by a noise decrease between 06:00 to 07:00. In fact, in considering the entire night-time period, the residents of these six dwellings would experience negligible noise level change.</p> <p>Notwithstanding the above, the assessment demonstrates that a worst case predicted noise level increases of up to 1.2 dB LA10,1hr would occur between 05:00 and 06:00. However, it is noted that DMRB only requires assessment of night time noise levels in excess of 55 dB Lnight,outside, whereas the predicted noise levels at those six properties showing an increase &gt;1dB is less than 55 Lnight,outside. Therefore, should this be a consideration of the entire night-time period, residents of these six properties would not even be highlighted as experiencing any noise impact.</p> <p>Furthermore, it shall be noted that, when considering impacts at night, DMRB requires the full 8-hour period be considered. The Noise and Vibration chapter presented the hourly assessment for the purpose of information and to demonstrate that overall there would be a negligible effect in terms of the shift change pattern.</p>
<p><b>Q1.9.10</b></p>	<p>Paragraphs 12.7.5 and 12.7.9 of the ES [APP-020] indicate that a scheme of noise and vibration monitoring containing a schedule of monitoring and agreed noise and vibration limits would be drafted and consulted upon with the local authorities as part of the Construction Environmental Management Plan (CEMP).</p> <p>The Applicant is asked why is it not possible to provide the required information before the completion of the Examination? Is this to be secured through the CEMP,</p>	<p>To date, no specific activities have been identified by the Applicant or the local authorities which would require noise and vibration monitoring. The CEMP will be developed for consultation with the local authorities following the completion of the detailed design and construction planning. The completion of the detailed design and thorough planning for construction is currently scheduled to take place after the close of Examination. A scheme of noise and vibration monitoring will be drafted</p>

Ref No.	Question:	Response:
	<p>REAC or through the dDCO or is it part of the Dust, Noise and Nuisance Management Plan?</p> <p>As the schedule of monitoring is yet to be agreed, no details have been provided in the ES. Please can the applicant provide an indicative plan of what these monitoring measures would involve, who would carry these measures out, over what temporal scale and considering what thresholds?</p> <p>Are the LAs content with the matters being addressed through the CEMP rather than during the Examination?</p>	<p>only if a specific need is identified, or if requested by the local authority and this will be secured through Requirement 3 in Schedule 2 of the dDCO (<b>Application Document Reference TR010024/APP/3.1(4)</b>).</p> <p>Planned working methods and programmes can change and so to ensure that a scheme of monitoring can be implemented following the commencement of construction, a plan to establish a baseline based on standard and best practice can be found under the heading 'Background Noise Monitoring for Baseline' in Appendix G of the CEMP (<b>Application Document Reference: TR010024/APP/7.2</b>) [APP-051].</p>
<p><b>Q1.9.11</b></p>	<p>Paragraph 2.7.2 of the ES [APP-020] identifies that a thin surface course system (TSCS) would be used where roads need resurfacing in order to minimise road-surface-related noise emissions. A low noise road surface is to be applied to the A19 and associated slip roads as part of the Testo's scheme, whilst a section of A19 mainline has already been resurfaced.</p> <p>Does TSCS provide a low noise road surface? On what basis will it be determined where and when low noise road surface will be provided and why is it proposed to address this at detailed design stage? How will this be secured?</p>	<p>Low Noise Road Surfacing (LNRS) and Thin Surface Course System (TSCS) are one in the same. See response to Q1.9.8, above.</p>
<p><b>Q1.9.12</b></p>	<p>It is stated in paragraph 12.8.1 of the ES [APP-020] that although embedded mitigation measures in line with best practice guidance will be implemented, it is still possible that significant construction noise levels would likely occur for short durations. From this, it is not possible to determine what residual impacts are expected and from them, which are considered significant. Additionally, in paragraph 12.8.2 it is stated that noise screen mitigation may be implemented '<i>where practical</i>', although there is no definition of what would be deemed practical.</p> <p>Please can the Applicant provide a summary of the residual noise and vibration effects on sensitive receptors during construction and determine what would be considered a practical scenario where noise screen mitigation could be implemented with an anticipation of where it would be employed and to what degree it could reduce / avoid any adverse effects? Additionally, where such mitigation is not practical, would other mitigation be considered? Clarification is also required about</p>	<p>Tables 12.8 and 12.9 in Chapter 12 of the ES (<b>Application Document Reference: TR010024_APP_6.1</b>) [APP-020] identify that only residential properties along Boston Crescent, east of the A19 and Washington Road, and The Chalet, beside the A1290 / Follingsby Lane NMU crossing works, would experience significant noise impacts during construction without mitigation. The impacts would occur for variable durations during the daytime only and over 30 separate days for most receptors, with only 33 Boston Crescent at risk of significant noise effects over potentially 94 separate days. Application of mitigation measures (as outlined in paragraph 12.7.1 of the ES) would either remove or reduce the duration of the noise impact, with the effect further mitigated through proactive engagement with the local residents to provide prior notice of periods of noise activity likely to create significant effects.</p>

Ref No.	Question:	Response:
	<p>the potential significant effects which can be expected if mitigation is not provided?</p>	<p>Noise screens are one strategy for minimising noise impacts as described under the heading 'Strategies for Noise Control' in Appendix G of the CEMP (<b>Application Document Reference: TR010024/APP/7.2</b>) [APP-051]. Noise screens may be used for short durations for specific items of plant/activities. Certain items of plant operating in particularly sensitive locations/near sensitive receptors may emit levels of noise that create a nuisance/exceed acceptable levels and in the absence of other control measures can be effectively screened. Such examples would be small mobile generators and compressors. A specific example could be the use of temporary screens around generators and compressors during the construction of the NMU bridge (e.g. when installing the steelwork superstructure) on the east side of the A19 adjacent to Town End Farm estate. The degree to which noise screens reduce impacts is dependent on a number of factors such as the type of screen, position relative to the emitter and receptor and the frequency of the noise.</p> <p>As highlighted throughout the Noise and Vibration Chapter the noise and vibration assessment should be considered indicative, given the number of variables and assumptions necessary. For example, there are many prolonged activities operating over a prolonged time period, with concurrent working patterns. Nevertheless, in terms of construction noise and vibration assessments, the one undertaken for this project is as detailed as can be anticipated at the ES stage, and it is rare to see such detail. It shall be noted for example, that the construction assessment is more detailed than that undertaken for the Testo's scheme.</p>
<p><b>Q1.9.13</b></p>	<p>With regard to the potential use of noise screens as described in paragraph 12.8.2 of the ES [APP-020], in addition to there being no indication as to where they might be employed, there is no consideration of the interrelationship with landscape and visual impact impacts. This is a matter which was identified as an issue for consideration in the response to the Scoping Opinion as set out in Table 1.1-1 of Appendix 1 of the ES [APP-021].</p>	<p>The cited reference in Table A1.1-1 of Appendix 1.1 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-032] relates to Paragraph 3.98 of the Scoping Opinion (<b>Application Document Reference: TR010024/APP/6.9</b>) [APP-048] which refers to the application of operational noise mitigation measures; see below extracted Scoping Opinion paragraph:</p>



Ref No.	Question:	Response:
	<p>Can the Applicant explain why this inter-relationship has not been addressed?</p>	<p>As outlined in paragraphs 12.8.4 an 12.8.5 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], no noise mitigation measures are proposed during the operational phase of the Downhill Lane improvement scheme. Therefore, there was no requirement to consider the inter-relationship with landscape and visual impact operational impacts.</p> <p>During construction, noise screens are only required as temporary, short duration noise mitigation measures. Given the temporary nature of any noise screens that may be deployed during the construction stage, the impact of these on landscape and visual receptors (including consideration of inter-relationship effects) is not considered a material consideration in the context of the other impacts as a result of construction operations.</p>
<p><b>Q1.9.14</b></p>	<p>The inter-relationship of effects between topics is considered in paragraph 12.8.6 of the ES [APP-020]. However, there is no evidence of which topics have been considered in relation to which noise and vibration receptors and therefore no evidence or justification is provided in terms of how this assessment was carried out and the conclusion of no significant effects reached.</p> <p>Please can the applicant clarify these points?</p>	<p>As stated within the Chapter, given there would be no receptors experiencing significant long-term noise and vibration residual operational effects, there would be no receptors to assess for potential operational Inter-relationship effects with other discipline environmental effects.</p> <p>Similarly, during construction the only potential residual significant effect was related to a worst-case short duration noise impact so there would be a low potential for both geographical and temporal overlap with other discipline environmental effects on a receptor (e.g. noise and dust impacts on a residential property), especially when the risk of such effects would be proactively controlled through the CEMP. Therefore, it was determined that there would be no likely significant inter-relationship effects with other discipline environmental effects.</p>
<p><b>Q1.9.15</b></p>	<p>In the Design Manual for Roads and Bridges (DRMB) Volume 11 Part 7 HD 213/11 (Noise and Vibration) sensitive receptors are defined as dwellings, schools, hospitals, community facilities and designated areas and can be heard by people inside, in gardens or recreational areas. The ES does not mention any designated sites as sensitive receptors and they are not present in the list of all receptors in Appendix 12.6, Table 12.6-a, yet designated sites are located within both the study and</p>	<p>The Noise and Vibration Chapter includes the River Don LWS as a receptor - see Appendix 12.6 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-039]. No other designated sites are contained within the defined study area.</p>

Ref No.	Question:	Response:
	calculation area. Can the applicant please explain this omission?	
<b>Q1.9.16</b>	<p>No baseline vibration data has been provided or cross-referenced in the ES.</p> <p>Please can the Applicant either provide the survey data on which the vibration baseline was determined, explaining how it was determined, or explain why it was not considered necessary to include it?</p>	<p>Vibration baseline is not necessary. That is, it is assumed that receptors are currently exposed to no levels of vibration and that the construction works would, where applicable, introduce new vibration to the receptor. Furthermore, it shall be noted that recommended construction vibration levels from BS 5228, referred to in HD 213/11, are absolute and not based on change of level.</p>
<b>Q1.9.17</b>	<p>Sample receptors were used to represent the worst-case scenario for a number of other receptors. However, it is unclear which sample receptors represent what type / number of sensitive receptors.</p> <p>Can the Applicant please provide clarification on this matter?</p>	<p>As stated in paragraph 12.5A.5 in Appendix 12.5 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-039], the sample receptors used in the construction noise assessment are identified in Table 12.5-b.</p> <p>Table 12.5-a describes a sample receptor as either representing the front-line residential properties facing directly towards the Proposed Development or open spaces with direct line of sight of the Proposed Development. The sample receptors selected largely represent residential areas, but non-residential receptors were also selected (i.e. Town End Primary School and playing field and IAMP 1 Unit 6).</p> <p>These sample receptors were also used in the operational assessment as representative of other receptors nearby; the sample receptors enable understanding for impacts within a certain area without needing to reach into the detailed information contained within the Appendices (i.e. Appendix 12.6).</p>
<b>Q1.9.18</b>	<p>The ES specifies in paragraph 13.6.2 [APP-020] that there would be temporary road closures and diversions.</p> <p>Please confirm whether this has been considered in the noise assessment during construction and if so provide evidence of this? If it has not been considered, why not?</p>	<p>As explained in paragraph 2.15.8 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], haul roads would be created within the temporary land take areas to facilitate the movement of plant and materials around the Scheme and thereby minimise the use of the local road network. The assessment of these construction traffic movements is discussed in response to Q1.9.4, above.</p> <p>In terms of potential diversions and road closures, Chapter 13 assumes that for the most part, apart from discrete short-term over-night closures, there would not be any road closures/ diversions that would</p>

Ref No.	Question:	Response:
		significant change road traffic. Therefore, with regards the noise assessment of changes in road traffic movements during construction, it was deemed that road traffic would use the junction as normal (albeit with traffic management) resulting in no likely significant noise impacts to assess in the ES due to road closures / diversions.

Ref No.	Question:	Response:
<b>10</b>	<b>Other Strategic Projects and Proposals</b>	
<b>Q1.10.1</b>	<p>Section 2.6 of the ES [APP-020] notes that other highways and non-highways schemes have been taken into account in the ES. Reference is made in particular to IAMP Two and 'proposals to expand the Nissan Plant'. Paragraph 1.2.5 also describes Downhill Lane as a junction to be improved to support plans for IAMP. Page 1 of the ES Non-Technical Summary [APP-043] states that future developments such as IAMP are likely 'to significantly increase the amount of traffic using the A19 Downhill Lane junction'.</p> <p>The Applicant is asked to provide an update on proposals to expand the Nissan Plant and to explain the importance of this proposed expansion as well as the IAMP in justifying the case for the improvements to the Downhill Lane junction.</p> <p>IAMP LLP is asked to update plans for both IAMP One (currently on site) and IAMP Two? How do proposals for IAMP relate to the proposed expansion of the Nissan Plant?</p>	<p>The statement in paragraph 2.6 of the ES relates to Nissan's 2016 announcement of plans to build the next generation of the Juke, Qashqai and X-Trail models at the Sunderland plant. In 2018, when the ES was compiled, this was understood still to be the case. In February 2019 Nissan announced that it would no longer be building the new X-Trail model in Sunderland, with a fall in demand for diesel models in Europe the main reason for its decision. Nissan have confirmed that they will still be delivering the new models of the Juke and Qashqai in Sunderland. However, the case for the improvements to the Downhill Lane junction does not rely on Nissan expansion. No new trips have been included within the traffic modelling for a Nissan expansion as the 2016 announcement only referred to 'securing and sustaining the jobs of more than 7,000 workers at the plant.</p>
<b>Q1.10.2</b>	<p>Paragraph 2.15.7 of the ES [APP-020] indicates that with the Testo's and Downhill Lane junction improvement schemes expected to be under construction within the same timeframes it would be possible for the Scheme to share the use of the Testo's scheme's main compound.</p> <p>At what point is a decision likely to be taken about whether or not to use the Testo's worksite? If it is to be used are there any implications for the Scheme's proposed working sites in terms of Temporary Possession?</p>	<p>The decision to use Testo's compound will be made in the final months of detailed planning for site commencement. Currently this would likely be in Summer 2020.</p> <p>There are no implications for the Scheme's proposed working sites and the temporary possession thereof other than those described in Article 30 of the Explanatory Memorandum (<b>Application Document Reference: TR010024/APP/3.2(4)</b>).</p>
<b>Q1.10.3</b>	<p>The Scheme provides for powers to stop up the cycle-track between B46 and Downhill Lane Junction proposed under the Testo's DCO. Paragraph 4.8.3 of the ES [APP-020] describes the cycle-track as not required as part of the Scheme because the desire line associated with the segregated NMU route, proposed as part of the Scheme, renders the provision of the new cycle track to be provided as part of the works for the Testo's scheme, obsolete.</p> <p>The Applicant is asked to provide further explanation as to why the previous Testo's</p>	<p>In a Testo's only scenario the desire line for NMU users was up the embankment adjacent to DLJ. NMU surveys and reports from observations identified that a number of NMU commuters were scaling the embankment, walking up the edge of A19 Southbound diverge carriageway and then using the signalised crossings at DLJ. This is an unsafe behaviour, and one that the applicant, as part of the Testo's DCO sought to mitigate through provision of this facility which mirrored the desire line and reduced the risk of a pedestrian or cyclist being</p>

Ref No.	Question:	Response:
	scheme proposed a new cycle track rather than utilising the existing right of way.	struck by a vehicle having taken a shortcut.
Q1.10.4	<p>Paragraph 5.4.5 of the ES [APP-020] indicates that Elliscope Farm would be vacated of any residential/commercial farm use by 2020 and converted to Estate office buildings after 2021.</p> <p>Is this proposed change part of, or as a result of, the IAMP Two development?</p>	<p>In 2018 it was confirmed by IAMP LLP that Elliscope Farm had already been purchased and the farm buildings were no longer in use, and that the farm buildings would be converted to office use as part of IAMP TWO. Therefore, it was safe to assume the Elliscope Farm buildings would be unoccupied during construction of the Downhill Lane Scheme.</p> <p>However, even if IAMP TWO did not proceed, having purchased the property IAMP LLP would still need to find a future use of these buildings. Therefore, the Downhill Lane ES assumed that a future baseline (without or without IAMP TWO) would see Elliscope Farm buildings always occupied again by the future year of 2036, with conversion to offices as the most likely outcome.</p>
Q1.10.5	<p>Paragraph 5.4.13 of the ES [APP-020] states that <i>'it was assumed that the Scheme would only proceed if IAMP or another project akin to IAMP would exist either upon opening or within 15 years of opening. Therefore, IAMP One and IAMP Two were included in the core traffic model scenarios'</i>.</p> <p>The Applicant and IAMP LLP are asked to comment on this statement in the context of Q1.1.5.</p>	<p>The statement correctly reflects the basis of the traffic model development as IAMP ONE has been consented and will be built before our Scheme starts construction. Q1.1.5 relates to connecting to the Follingsby Lane NMU route that is being created as part of the IAMP ONE development and will provide a better NMU connection, irrespective of whether IAMP TWO proceeds. Therefore, it is appropriate to assume our Scheme's proposed A1290 NMU crossing connection to the Follingsby Lane NMU route will be established if our Scheme is consented.</p> <p>The Applicant would refer the ExA to Table 5-2 of the Environmental Statement (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] which confirms IAMP ONE and TWO were considered in the core traffic model scenario.</p>

Ref No.	Question:	Response:
11	Traffic and Transport	
Questions Relevant to this issue are reserved to be addressed in ISH2.		

Ref No.	Question:	Response:
12	<b>Water Environment</b>	
Q1.12.1	<p>In paragraphs 2.11.4 of the ES [APP-020] it is stated that the Scheme includes changes to the existing outfall arrangements for two of the catchment areas. One of these, Outfall 4, would be removed as part of the Scheme and the drainage system for this catchment would discharge via Outfall 1 to be constructed as part of the Testo's scheme.</p> <p>The Applicant is asked whether the construction of the drainage system to discharge via Outfall 1 is included as part of the Scheme? If so, please demonstrate how, if not explain how this would meet the requirement for the Scheme to be a standalone project.</p>	<p>The surface water drainage of the Downhill Lane junction and the A19 mainline between the Downhill Lane junction and the Testo's junction is all one catchment, having one outfall (Outfall 1) located within the Testo's scheme. This drainage catchment spans both schemes, having one high point to the north at Testo's junction and another high point to the south at the Downhill Lane junction. The surface water drainage for both the Testo's project and the Downhill Lane project could have been constructed if either scheme was a standalone project by ensuring that the proposed drainage for each scheme could be connected to the existing drainage system.</p> <p>Following the Secretary of State's decision to grant the adjacent Testo's scheme DCO, the work relating to outfalls will be completed as part of the Testo's scheme. The drainage system downstream of the Downhill Lane Scheme, i.e. between the Scheme and Outfall 1, is currently under construction and is therefore not part of the Scheme.</p> <p>As a standalone project, the proposed network 4 drainage ties in to the Testo's drainage within the Scheme limits. Details of the Testo's system and outfalls downstream are provided as these form part of the baseline environment in the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020].</p> <p>See Figure ExQ1_Water located in <b>Appendix [F]</b>, prepared specifically for this response, that identifies the location of the proposed Outfall 1 and associated Pond 1.</p>
Q1.12.2	<p>Paragraphs 2.11.5 and 2.11.6 of the ES [APP-020] state that three attenuation ponds are proposed for the Scheme in addition to the attenuation ponds proposed for the Testo's scheme. Pond 1 is described as being constructed as part of the Testo's scheme. Paragraphs 2.11.6-2.11.8 then describe the three attenuation ponds proposed as part of the Downhill Lane Junction project.</p> <p>Is Pond 1, proposed as part of the Testo's scheme, a necessary part of the A19 Downhill Lane Junction Scheme? If it is, please demonstrate how it has been</p>	<p>As explained in the response to Q1.12.1, Network 4 is part of a larger drainage catchment, including the A19 mainline between the Testo's junction and the Downhill Lane junction. As the Testo's DCO has been granted and the scheme is under construction, all assessments of the drainage system were made on the basis that the Network 4 drainage would tie in to the Testo's drainage system and that the Testo's drainage system, including ponds and outfalls, forms part of the baseline environment.</p>

Ref No.	Question:	Response:
	<p>assessed, how it it's construction would be authorised through the DCO and show in plan form how it relates to the Downhill Lane Junction Scheme? If it does not relate to the Scheme, please clarify the relationship between Pond 1 and drainage for the Downhill Lane Junction Scheme.</p>	<p>Pond 1 is a necessary part of the A19 Downhill Lane Junction Scheme.</p> <p>Pond 1 and the associated Outfall 1 referred to in paragraphs 2.11.5 and 2.11.6 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020] were assessed as part of the Testo's scheme and are currently under construction as part of the Testo's scheme. For the Downhill Lane Junction Scheme, the assessment was based on the Testo's pre-construction design of the pond. It was found that the pond size was adequate when assessed with the additional runoff from the Downhill Lane scheme albeit with minor changes in predicted water levels and discharge rates all within limits agreed with the Lead Local Flood Authority, South Tyneside Council.</p> <p>See Figure ExQ1_Water located in <b>Appendix [F]</b> that identifies the location of the proposed Outfall 1 and associated Pond 1. Please note, that Pond 1 is labelled "Testo's Pond 1" on this drawing.</p>
<p><b>Q1.12.3</b></p>	<p>In paragraphs 10.5.25 of the ES [APP-020] reference is made to assessments of the River Don in line with the Water Framework Directive which were carried out in 2013, 2014 and 2016. The 2016 assessment classified the river as 'Good' in chemical quality.</p> <p>Have there been any more recent assessments of the River and if so, what were the results? If not, why not?</p>	<p>No more recent assessments have been published on the Environment Agency's catchment data explorer (<a href="https://environment.data.gov.uk/catchment-planning/WaterBody/GB103023075690">https://environment.data.gov.uk/catchment-planning/WaterBody/GB103023075690</a>) for the River Don from Source to Tidal Limit, which only presents classifications for Cycle 2 of the Water Framework Directive for the years 2013 to 2016 inclusive. The Environment Agency will need to identify why there are no more recent assessments published.</p>
<p><b>Q1.12.4</b></p>	<p>Table 14.1 of the ES [APP-020] indicates that the latest Government guidance on climate change, published in 2016, has been incorporated into the design and considered accordingly in the assessment.</p> <p>The Applicant is asked to confirm which guidance is being referred to and to demonstrate how it has been incorporated into the design?</p>	<p>Table 14-1 of the ES [APP-020] relates to the water environment, flood risk and drainage. The guidance referred to is that published by the Environment Agency via the .gov.uk website at <a href="https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances">https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances</a> in relation to flood risk assessments and specifically climate change allowances for peak flows and peak rainfall intensity.</p> <p>The climate change impacts on peak flows are incorporated into the results of the flood risk modelling results provided by the Environment Agency for the River Don which are taken into account within the assessment in paragraphs 14.4.30 to 14.4.31 (baseline) and 14.6.27</p>



Ref No.	Question:	Response:
		<p>(Proposed Scheme) of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]. These are also taken into account in the Flood Risk Assessment which is located in Appendix 14.2 of the ES (<b>Application Document Reference: TR010024/APP/6.3</b>) [APP-041]. The impacts of climate change on rainfall intensity have been incorporated into the drainage design, as described in paragraph 2.11.9, with a 20% allowance incorporated. The sensitivity test described in the same paragraph was for a 40% allowance, as described in the above EA guidance.</p>
<p><b>Q1.12.8</b></p>	<p>In paragraph 14.4.4 of the ES [APP-020] reference is made to an unnamed tributary of the River Don flowing from approximately 170m east of Downhill Lane in a northerly direction.</p> <p>The location of this tributary is not clear and therefore the Applicant is asked to show it on a plan.</p>	<p>See Figure ExQ1_Water located in <b>Appendix [F]</b> which has been prepared for this response, that identifies the location of the unnamed tributary to the River Don referenced in ES paragraph 14.4.4.</p>
<p><b>Q1.12.9</b></p>	<p>Reference is made to water quality in the River Wear in paragraph 14.4.10 of the ES [APP-020].</p> <p>Clarification is sought about the quality of discharge from the A19 into the River Wear in terms of overall quality of the River Wear.</p>	<p>Water quality data is only available for the River Wear upstream of its tidal limit. The information published by the Environment Agency via its catchment data explorer (<a href="https://environment.data.gov.uk/catchment-planning/WaterBody/GB103024077624">https://environment.data.gov.uk/catchment-planning/WaterBody/GB103024077624</a>) indicates that in 2016 the Overall quality of this reach was Moderate, based on a Moderate Ecological classification and a Good Chemical classification. Catchments 7 and 8 from the scheme discharge to a tributary of the River Wear that discharges to the Wear downstream of the tidal limit and therefore in a location for which the Environment Agency does not publish water quality data.</p> <p>Despite this, as indicated in paragraphs 14.6.18 to 14.6.20 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], the quality of surface water discharge that ultimately reaches the River Wear from Catchments 7 and 8 is compliant with DMRB requirements with respect to sediment load, sediment-bound contaminants and soluble contaminants, including with EQS values dictated by the WFD. Further, as indicated in paragraph 14.6.21 of the ES, there is betterment over the existing drainage systems provided by the proposed system.</p>

Ref No.	Question:	Response:
		<p>The quality of discharges from the A19 outside of the study area is unknown.</p>
<p><b>Q1.12.10</b></p>	<p>Paragraph 14.4.31 of the ES [APP-020] indicates that the Environment Agency's Flood Zone Map will be updated in the near future.</p> <p>Has that update taken place? If so, what does it demonstrate? If not, when is it expected?</p>	<p>Paragraph 14.6.27, in Section 14.6 of the ES ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020], states the Scheme is not at risk of flooding, but flood Zones are set to change in the near future, which will increase the extent of Flood Zones 2 and 3 and bring a small area of proposed tree planting into Flood Zone 2.</p> <p>The Environment Agency has since provided updated Flood Zone maps, which have been used in the 'IAMP TWO Flood Modelling – Draft Hydraulic Modelling Report' (JBA Consulting, November 2018). This recent IAMP report by JBA seeks to compare the modelling results of the IAMP TWO scheme against the existing and IAMP ONE modelling. When compared to their previous report, which was reviewed when assessing the Scheme's impacts in the ES (see paragraph 14.4.31 of the ES (<b>Application Document Reference: TR010024/APP/6.1</b>) [APP-020]), there is no change in the flood extents and depths relating to the area near the Scheme. Therefore, as there remains no encroachment by the scheme with the exception of tree planting on the edge of Flood Zone 2, there would be no impact from the scheme on flood risk and no requirement for an Environmental Permit for works within a floodplain.</p>

**Appendix [A] to Applicant's Responses to ExA Written Questions (ExQ1)**

**ExQ 1.1.1: Table outlining correlation between lettered works and EIA**

**Q1.1.1**

- (i) Schedule 1 of the dDCO provides for various works listed (a) to (o). These are not located by reference to the works numbers shown on the Works Plans [APP-008]. Some of these works are substantial and as such could give rise to emissions and effects, the assessment of which would need to rely on a precise understanding of their location.

The Applicant is asked to explain what assumptions if any were made about the locations of works (a) to (o) in respect of EIA, demonstrating how (and showing where) the effects were assessed. If no locations were assumed, please explain how the effects were taken into account in the ES.

**Table ExQ 1.1.1**

(1) Description of the work	(2) Location assumed?	(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)	(4) References to ES	(5) Commentary
(a) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb, footpath, footway, cycle track or verge; and reducing the width of the carriageway of the street;	N	N/A	N/A	It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(b) works required for the strengthening, improvement, maintenance, or reconstruction of any street;	N	N/A	N/A	It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be

(1) Description of the work	(2) Location assumed?	(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)	(4) References to ES	(5) Commentary
				given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(c) ramps, means of access, non-motorised links, footpaths, footways, bridleways, cycle tracks and crossing facilities;	Y	The ES assumed the construction of works to footpaths, bridleways, footways, cycleways, crossing facilities and other non-motorised user links as described in Work Nos. 3, 5, 6, 7, 8, 9, 10, 14, 15, 16, 19, 20, 21, 23, 24	Sections 2.12, 3.3, 8.5.13, 8.5.40 and Table 8-5, 13.5.25 to 13.5.30, 13.6.15 to 13.6.19, 13.6.66 to 13.6.71, 13.7.9, 3.7.26 to 13.7.28, 13.8.11 to 13.8.13 of the ES	The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES. In practice any variation to the works will not entail any materially different effects to those reported in the ES.
(d) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, outfalls, ditches, pollution control devices, wing walls, highway lighting, fencing and culverts;	N	N/A	N/A	It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(e) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;	Y	Work Nos. 3, 4, 5, 7, 9, 10, 14, 15, 16, 17, 19, 20, 21, 23, 24	See Chapter 14 of the ES	The Applicant notes that the existing drainage and sewerage system is currently in a fixed location and therefore cannot be assumed to be elsewhere. The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any

(1) Description of the work	(2) Location assumed?	(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)	(4) References to ES	(5) Commentary
				change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(f) works to place, divert, relocate or maintain the position of apparatus, services, plant and other equipment in a street, or in other land, including mains, sewers, drains, pipes, lights and cables;	Y	Work Nos. 3, 4, 5, 7, 9, 10, 14, 15, 16, 17, 19, 20, 21, 23, 24	Sections 10.6.11, 13.6.11, Table 13-23	<p>The Applicant notes that the existing relevant apparatus is currently in a fixed location and therefore cannot be assumed to be elsewhere.</p> <p>In addition, as regards any altered, diverted, relocated apparatus, the Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.</p>
(g) works to alter the course of, or otherwise interfere with a watercourse;	Y	Work Nos. 13	Section 2.11 and Chapter 14 of the ES.	<p>The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.</p>
(h) landscaping, noise barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;	Y	Work Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 23, 25A, 25B, 25C	N/A	<p>It is recognised that the mitigation shown on the illustrative Environmental Masterplan may require adjustment (hence it being illustrative) to reflect changed circumstances in the development of the Landscaping Scheme specified in Requirement 5. This may arise (for instance) due to:</p> <ul style="list-style-type: none"> <li>• progress in relation to the IAMP Two scheme;</li> <li>• any alterations to the Downhill Lane scheme that arise from decisions made during the Examination phase;</li> <li>• the results of pre-construction surveys.</li> </ul>

(1) Description of the work	(2) Location assumed?	(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)	(4) References to ES	(5) Commentary
				This provision gives the applicant the power to make those adjustments, including the provision of additional mitigation not currently assumed (e.g. noise barriers) should it be deemed necessary at a later stage but the Applicant will be required to ensure that the landscaping plan is based on the Environmental Masterplan. The purpose of any adjustments would be to ensure that the environmental outcomes were no worse than those assessed in the ES.
(i) works for the benefit or protection of land affected by the authorised development;	Y	Work Nos. 2, 13, 18, 25A, 25B, 25C	Sections 2.15.5, 7.6.1 to 7.6.3, 7.6.5, 8.6.2, 8.6.3, 8.7.1, 8.8.10, Table 9-9, 9.9.9, 10.6.11, 11.7.15, 13.6.2, 13.6.4	The Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(j) works to place, or maintain road furniture;	N	N/A	N/A	It is assumed in the ES that this item refers to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works.
(k) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soils stripping and storage, site levelling);	N	N/A	N/A	It is assumed in the ES that this item refers to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works. The Applicant notes that Requirement 5 will ensure that the vegetation removal that takes place will be in line with the mitigation measures set out in the REAC and based on the Environmental Masterplan. The Applicant further notes that, as regards site clearances, demolition, creation of alternative footpaths, earthworks, soils stripping and storage, the Applicant

(1) Description of the work	(2) Location assumed?	(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)	(4) References to ES	(5) Commentary
				will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(l) the felling of trees and hedgerows;	Y	Work Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25A, 25B, 25C	Chapter 8 of the ES	<p>It is assumed in the ES that this item refers to detailed processes that are required to remove larger trees and hedgerows (felling) for the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works.</p> <p>It is recognised that the mitigation shown on the Environmental Masterplan may require adjustment (hence the plan itself being illustrative) to reflect changed circumstances in the development of the Landscaping Scheme specified in Requirement 5. This may arise (for instance) due to:</p> <ul style="list-style-type: none"> <li>• progress in relation to the IAMP Two scheme;</li> <li>• any alterations to the Downhill Lane scheme that arise from decisions made during the Examination phase;</li> <li>• the results of pre-construction surveys.</li> </ul> <p>This provision gives the applicant the power to make those adjustments, including the provision of additional mitigation not currently assumed (e.g. noise barriers) should it be deemed necessary at a later stage.</p> <p>The purpose of any adjustments would be to ensure that the environmental outcomes were no worse than those assessed in the ES.</p>



(1) Description of the work	(2) Location assumed?	(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)	(4) References to ES	(5) Commentary
(m) establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery, apparatus, works and conveniences;	N	N/A	Sections 2.9.4 to 2.9.5, 7.6.1 to 7.6.3, 7.6.5, 7.6.8, 8.6.2 to 8.6.3, 8.7.1, 8.8.8, 8.8.10, 8.8.11, 8.8.14, 8.8.15, 8.8.24, 8.8.28, 9.8.12 to 9.8.15, 9.9.5, 9.9.15, 10.6.5 to 10.6.8, 10.7.2, 10.8.3, 11.3.3, 13.6.9 to 13.6.11, Table 13-23, 13.7.5, 13.8.6 of the ES.	The Applicant is tied into locations as regards temporary locations as set out in Schedule 7. In addition, the Applicant will be tied into locations as shown in the Engineering Drawings and Sections (Application Document Reference: TR010024/APP/2.6 ) unless consent is obtained from the Secretary of State, following consultations with the local planning authority. This consent cannot be given where any change would give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.
(n) the provisions of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road marking works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development; and	N	N/A	N/A	It is assumed in the ES that these items all refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works, other than temporary construction works which may take place within the areas marked green or blue on the land plans.
(o) such other works, working sites storage areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or	N	N/A	N/A	It is assumed in the ES that working sites storage areas and any other temporary works covered by this item would take place within the areas marked green on the land plans.  Any demolition or other works included within this item is assumed to refer to detailed processes and the installation of features that are required in the delivery of the numbered works and that no additional work will take place outside the locations and areas specified within the numbered works.

<b>(1) Description of the work</b>	<b>(2) Location assumed?</b>	<b>(3) Related Work Nos. (for relevant land plots refer to Statement of Reasons)</b>	<b>(4) References to ES</b>	<b>(5) Commentary</b>
maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.				

**Appendix [B] To Applicant's Responses to ExA Written Questions (ExQ1)**

**Response to ExQ1.4.1 – Update to Annex B**

The Applicant would note that as AP/IP References Numbers have not been produced / provided, this column was excluded from the table below. The Applicant is willing to provide such references should the ExA require further clarity. In addition, as there were no other documents referred to, the “Other Doc. Ref. No” column has not been included.

Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
1/1	<i>Highways England Company Limited</i>	<i>N/A</i>	<i>N/A</i>	<i>Part 1 (Category 1 – Owner)</i>	<i>(a) Permanent (b) Rights to be acquired</i>	<i>(a) 1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/1f, 1/1g, 1/1h, 1/1i, 1/1j, 1/1k, 1/1l, 1/1m, 1/1n, 1/1o, 1/1p, 1/1q, 1/1r, 1/1s, 1/1t, 1/1u, 1/1v (b) 1/1w</i>	<i>(a) Y (b) N</i>	<i>Highways England have confirmed that they have no issue with the compulsory acquisition and temporary possession of their interests.</i>
1/2	<i>Sunderland City Council</i>	<i>AS-008</i>	<i>REP1-017 REP1-018</i>	<i>Part 1 (Category 1 – Owner)</i>	<i>(a) Permanent (b) Temporary</i>	<i>(c) 1/2a, 1/2b, 1/2g (d) 1/2c, 1/2d, 1/2e, 1/2f</i>	<i>(c) Y (d) N</i>	<i>No objection submitted. Sunderland City Council have confirmed that they have no issue with the compulsory acquisition and temporary possession of their interests. Discussions ongoing.</i>

Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
1/3	<p><i>Jawid Iqbal, Peter Razaq and Ian Marley (Town End Farm Partnership)</i></p> <p>Contact: <i>Peter Razaq</i> <i>Town End Farm Partnership</i></p> <p>Agent: <i>Colliers International</i></p>	RR-005	N/A	<i>Part 1 (Category 1 – Owner)</i>	<p><i>(a) Permanent</i></p> <p><i>(b) Temporary</i></p>	<p><i>(a) 1/3b, 1/3c</i></p> <p><i>(b) 1/3a</i></p>	<p><i>(a) Y</i></p> <p><i>(b) N</i></p>	<p><i>HE representatives have met the landowners and their planning consultant on a number of occasions to discuss the proposals and potential land use from their interest. Several matters have been resolved/clarified to the satisfaction of the landowner.</i></p> <p><i>The landowners are also in discussions with Sunderland City Council and IAMP LLP regarding future development plans for their land. Consequently, discussions are ongoing.</i></p> <p><i>HE's District Valuer has recently met with TEF and their property advisor to progress land negotiations.</i></p>
1/4	<p><i>Dianne Talbot</i></p> <p>Agent: <i>Youngs RPS</i></p>	N/A	N/A	<i>Part 1 (Category 1 – Owner)</i>	<p><i>(a) Permanent</i></p> <p><i>(b) Temporary</i></p>	<p><i>(a) 1/4b, 1/4c</i></p> <p><i>(b) 1/4a</i></p>	<p><i>(a) Y</i></p> <p><i>(b) N</i></p>	<p><i>No objection submitted.</i></p> <p><i>HE representatives have met with the land agents on a number of occasions and most recently with the landowner to discuss HE proposals.</i></p> <p><i>The landowner and agent are also in discussions with IAMP LLP who are trying to acquire the entirety of the landholdings in this location.</i></p> <p><i>HE's District Valuer met the agent and had provisionally agreed terms to acquire lands and settle compensation claim in full however, HE understand that legal completion has recently taken place and the freehold interest is now with IAMP LLP. HE will seek confirmation from Land Registry records as they become available.</i></p> <p>..</p>

Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
1/5	Wingdale Investments NV  Agent: H&H Land	N/A	N/A	Part 1 (Category 1 – Owner)	(a) Permanent (b) Temporary	(a) 1/5a (b) 1/5b	(a) Y (b) N	No objection submitted.  HE's District Valuer discussed HE's proposals with the agent in November 2018 and it has been indicated that terms to sell all of the lands in this locality have been agreed with a third party. As the sale is only in the early stages, the agent is not in a position to provide HE with details of the potential purchaser.  HE understand that legal completion has recently taken place and the freehold interest is now with IAMP LLP. HE will seek confirmation from Land Registry records as they become available.
1/6	Gentoo Group Ltd	N/A	N/A	Part 1 (Category 1 – Owner)	Temporary	1/6	N	No objection submitted.  Gentoo have confirmed that they have no issue with the compulsory acquisition and temporary possession of their interests. Discussions ongoing.
1/7	Joan Natrass and Paul Natrass  Contact: Hellens Land Limited  Agent: Youngs RPS	RR-008	REP1-019	Part 1 (Category 1 – Owner)	(a) Permanent (b) Temporary	(a) 1/7a, 1/7c, 1/7e (b) 1/7b, 1/7d	(a) Y (b) N	HE representatives have met the landowners and their planning consultant on a number of occasions to discuss the proposals and potential land use from their interest. Several matters have been resolved/clarified to the satisfaction of the landowner. HE have made several amendments to their design resulting in a reduction of the permanent land required.  HE's District Valuer has met with the agent representing the landowner to progress land negotiations.

Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
1/8	IAMP LLP  Agent: BNP Paribas	RR-003	REP1-023	Part 1 (Category 1 – Owner)	Permanent	1/8	Y	No objection submitted.  IAMP LLP have confirmed that they have no issue with the compulsory acquisition of their interests.  Regular discussions have taken place with IAMP LLP and their agent with regard to land matters. For further information please refer to the interrelationship document (Application Document Reference: TR010024/APP/7.3).
1/9	The Crown Estate Commissioners  Agent: Burgess Salmon	N/A	N/A	Part 1 (Category 1 – Owner)	Permanent	1/9a, 1/9b	Y	No objection submitted.  HE have corresponded with the agent with regard to the Crown Estate's interests of which these plots forms the southern boundary.  HE understand that there is an agreement between IAMP LLP and Crown Estate Commissioners to acquire the entirety of the Crown Estate's interests in this area which is likely to be legally concluded prior to SoS decision for this Scheme.  HE have agreement with both parties to acquire this parcel from legal owner.  HE understand that legal completion has recently taken place and the freehold interest is now with IAMP LLP. HE will seek confirmation from Land Registry records as they become available.

Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
1/10	South Tyneside Council	AS-007	REP1-015 REP1-016	Part 1 (Category 1 – Owner)	(a) Permanent (b) Temporary (c) Rights to be acquired	(a) 1/10a, 1/10b, 1/10c, 1/10d, 1/10e, 1/10g (b) 1/10f, 1/10h, 1/10i (c) 1/10j	(a) Y (b) N (c) N	No objection submitted.  South Tyneside Council have confirmed that they have no issue with the compulsory acquisition, acquisition of rights and temporary possession over their interests. Discussions ongoing.
1/11	Marilyn Margaret Jacobson  Contact: Brett Jacobson	N/A	N/A	Part 1 (Category 1 – Owner)	Temporary	1/11	N	No objection submitted.  The Jacobson family have not raised any issues with the temporary possession of their interests.  Limited engagement to date regarding the Scheme specifically, however the HE District Valuer has been in regular contact with the landowner regarding the voluntary acquisition of land for the Testo's scheme.  The HE District Valuer has been in recent contact with Mr Jacobson who has confirmed that the landowner has no issue with the temporary possession of their interest.
1/12	The Church Commissioners for England  Agent: Savills	N/A	N/A	Part 1 (Category 1 – Owner)	Temporary	1/12a, 1/12b	N	No objection submitted.  The Church Commissioners for England have not raised any issues with the temporary possession of their interests.  Limited engagement to date regarding the Scheme specifically, however the HE District Valuer is in regular contact with the landowners agent regarding other HE schemes inc. Testo's.

Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
1/13	<i>Christopher Grieveson</i>  <i>Solicitor:</i> <i>Hathaways</i>	N/A	N/A	<i>Part 1 (Category 1 – Owner)</i>	<i>(a) Permanent</i> <i>(b) Rights to be acquired</i>	<i>(a) 1/13a</i> <i>(b) 1/13b</i>	<i>(a) Y</i> <i>(b) N</i>	<i>No objection submitted.</i>  <i>Discussions with Mr Grieveson confirmed that there is no issue with the effect on his land interests under the Scheme as the land is not currently used by Mr Grieveson for any particular purpose.</i>  <i>Pending further confirmation and investigation of title / ownership</i>
1/14	<i>Davinder Singh Kandola</i>  <i>Agent:</i> <i>Youngs RPS</i>	RR-004	N/A	<i>Part 1 (Category 1 – Owner)</i>	<i>Temporary</i>	<i>1/14a, 1/14b</i>	<i>N</i>	<i>HE representatives have met with the land agents on a number of occasions to discuss HE's proposals.</i>  <i>The agent has confirmed that the landowner has no issue with the temporary possession of their interest.</i>
1/15	<i>Peter John Tate</i>  <i>Agent:</i> <i>Youngs RPS</i>	N/A	N/A	<i>Part 1 (Category 1 – Owner)</i>	<i>Temporary</i>	<i>1/15a, 1/15b</i>	<i>N</i>	<i>No objection submitted.</i>  <i>The landowner has not raised any issues with the temporary possession of their interests.</i>  <i>Limited engagement to date regarding the Scheme specifically, however the HE District Valuer has been in regular contact with the landowner regarding the voluntary acquisition of land for the Testo's scheme.</i>
2/1	<i>Edward James Cleary</i>  <i>Contact:</i> <i>Tom Cleary</i> <i>West Pastures</i> <i>Caravan Site</i>	N/A	N/A	<i>Part 1 (Category 1 – Owner)</i>	<i>Temporary</i>	<i>2/1</i>	<i>N</i>	<i>No objection submitted.</i>  <i>The landowner has not raised any issues with the temporary possession of this assumed interest.</i>



Obj No:	Name/Organisation (and Land Agents Name (if applicable)):	RR Ref No	WW Ref	Type of Interest:	Permanent/Temporary/Rights to be acquired:	Plot(s):	Compulsory Acquisition (Y/N):	Status of objection and negotiations with land interest:
2/2	<i>The Church Commissioners for England</i>  <i>Agent:</i> <i>Savills</i>			<i>Part 1 (Category 1 – Owner)</i>	<i>Temporary</i>	<i>2/2a, 2/2b</i>	<i>N</i>	<i>The Church Commissioners for England have not raised any issues with the temporary possession of their interests for the Scheme.</i>  <i>The HE District Valuer is in regular contact with the landowners agent at this time regarding the temporary possession of these plots for the works associated with the Testo's scheme.</i>

**Appendix [C] to Applicant's Responses to ExA Written Questions (ExQ1)**

**Table ExQ 1.4.7**

The table below sets out which of the following categories the numbered works listed in Schedule 1 to the draft DCO fall within: Principal Development; Associated Development; Ancillary Development; or Composite Development (i.e., more than one of the aforementioned).

<b>Work No.</b>	<b>Principal Development</b>	<b>Associated Development</b>	<b>Ancillary Development</b>	<b>Composite Development</b>
<b>1</b>		✓		
<b>2</b>		✓		
<b>3</b>	✓			
<b>4</b>	✓			
<b>5</b>	✓			
<b>6</b>		✓		
<b>7</b>				✓
<b>8</b>				✓
<b>9</b>	✓			
<b>10</b>		✓		
<b>11</b>		✓		

Work No.	Principal Development	Associated Development	Ancillary Development	Composite Development
12		✓		
13				✓
14		✓		
15		✓		
16		✓		
17	✓			
18				✓
19	✓			
20	✓			
21	✓			
22		✓		
23	✓			
24	✓			
25		✓		

The lettered works which are set out in Schedule 1 to the draft DCO will not always be either principal, associated, ancillary or composite development and it is therefore not possible to categorise them in the same way as the numbered works. The reason for this is that the lettered works can only be used *in connection with* different numbered works as and when appropriate (per the drafting of the DCO) and so will inherit the status of the numbered work which they are being used in connection with.

**Appendix [D] to Applicant's Responses to ExA Written Questions (ExQ1)**

**ExQ 1.4.8: Further justification for Temporary Land Use**

<b>(1) Plot reference Number shown on Land Plans</b>	<b>(2) Purpose for which temporary possession may be taken</b>	<b>(3) Relevant part of the authorised development</b>	<b>Further details to justify the extent of the land sought to be used temporarily. Explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</b>
1/2c, 1/2d	Required to provide construction access.	Work No. 17	These two small plots, along with part of a larger plot 1/3a (see below) form a long, narrow area covering the southern part of the work extents alongside the southbound carriageway of the A1290. The area is needed for construction of Work No. 17, comprising new drainage assets within the highway verge. The width of the area is considered just sufficient for safe plant, temporary works and personnel access to construct the works adjacent to the existing carriageway.
1/2e	Required to provide construction access.	Work Nos. 17, 19 & 20	This is a long, narrow plot covering the southern part of the work extents alongside the northbound carriageway of the A1290. The area is needed for construction of Work No. 17, comprising new drainage assets within the highway verge. The northernmost part of the plot also provides construction access for parts of Work No. 19 and Work No. 20 which are sections of new and realigned roads at the north end of the A1290. The southern section of this plot is considered just sufficient for safe plant, temporary works and personnel access to construct the works adjacent to and within the existing carriageway.
1/3a, 1/4a, 1/5b, 1/7b, 1/11, 1/12a	Required to provide an area for construction material storage and storage of plant.	All Works	Plots 1/3a and 1/5b together form an area adjacent to the works in the southwest quadrant of the Downhill Lane junction, between the A1290 and the A19. As well as being required for construction material storage and storage of plant, this area also provides access for Works No. 1, 2, 3, 8, 17, 18 and 19. Plot 1/4a is a smaller area located adjacent to the works in the northwest quadrant of the junction, between the A1290 and Downhill Lane (west). Between them, plots 1/3a, 1/5b and 1/4a provide the main temporary construction land for all works west of the A19. The construction activity in this area will be significant, with the works including construction of a large embankment for the new northbound

<p>(1) <i>Plot reference Number shown on Land Plans</i></p>	<p>(2) <i>Purpose for which temporary possession may be taken</i></p>	<p>(3) <i>Relevant part of the authorised development</i></p>	<p><i>Further details to justify the extent of the land sought to be used temporarily. Explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</i></p>
			<p>off-slip and northern end of the A1290, all associated drainage, pavements and roadside furniture, the new attenuation pond to the south, and the western parts of the new gyratory system, road bridge and NMU facility. The works will require a large area for topsoil and subsoil to be stripped and stored, temporary access roads and parking areas for large items of plant, areas for storage of fill and other construction materials such as drainage pipes and chambers, concrete formwork and reinforcement. Plant and temporary works for water management and other environmental controls will also be needed throughout this area.</p> <p>Plots 1/7b, 1/11 and 1/12a together form an area adjacent to the works in the southeast quadrant of the Downhill Lane junction, between Downhill Lane (east) and Washington Road. As well as being required for construction material storage and storage of plant, this area also provides access for Works No. 8, 9 and 11. Similarly to the area in the southwest quadrant described above, plots 1/7b, 1/11 and 1/12a provide the main temporary construction land for most of the works east of the A19. This includes construction of a large embankment for the new southbound off-slip and re-aligned Washington Road, all associated drainage, pavements and roadside furniture and the eastern parts of the new gyratory system, road bridge and NMU facility. In addition, plot 1/7b will be used to construct a temporary link road for traffic to access Washington Road and the southbound A19 during phase 1B and 2 as described in section 2.15 of the Environmental Statement (Application Document Reference: TR010024/APP/6.1). This link road will occupy a large proportion of plot 1/7b for a significant time, hence the need for plots 1/11 and 1/12a for material and plant storage. The area will also include an element of perimeter screening using soil bunds due to the proximity of the Town End Farm residential area to the south and east.</p> <p>It is worth noting that the Scheme is effectively constrained to the north by the River Don corridor, and by electrical overhead lines along with the IAMP ONE site currently under construction on the west side. This is</p>

<b>(1) Plot reference Number shown on Land Plans</b>	<b>(2) Purpose for which temporary possession may be taken</b>	<b>(3) Relevant part of the authorised development</b>	<b>Further details to justify the extent of the land sought to be used temporarily. Explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</b>
			why the majority of the temporary land proposed is south of the junction immediately adjacent to the main Works.
1/3a	Required to provide construction access.	Work Nos. 1, 2, 3, 8, 17, 18 & 19	See further explanation above.
1/4a	Required to provide construction access.	Work Nos. 20 & 21	See further explanation above.
1/5b	Required to provide construction access.	Work Nos. 1, 3, 7, 8, 19 & 20	See further explanation above.
1/7b	Required to provide construction access.	Work Nos. 8, 9 & 11	See further explanation above.
1/7d, 1/10h, 1/10i, 1/12b, 1/15a	Required to provide site access.	All Works	These small and linear plots form the area of the Downhill Lane (east) carriageway and verges covering the extent of Downhill Lane (east) which is required to access the larger temporary construction areas east of the junction - 1/7b, 1/11, 1/12a. The Applicant will create suitable accesses to allow safe turning movements on/off the Downhill Lane (east). These plots together are just sufficient for safe plant, temporary works and personnel access to construct the required access within and adjacent to the existing carriageway.
1/10f	Required to provide construction access and site access.	Work Nos. 12, 13 & 25	This small plot is contiguous with the above plots on Downhill Lane (east) and is required to access the main site compound and also the Work Nos. referenced.
1/14a, 1/14b, 1/15b	The main site compound to include, but not limited to, site offices, welfare facilities, parking provisions, storage of plant and materials, and the treatment of site generated waste.	Work No. 25A & 25B	The main site compound will comprise the facilities listed in column (2). Site offices includes desk space for the following members of staff – management (client and contractor), designers, reception, administration, commercial, quality assurance, engineering, safety, health and environment. The offices will also have a number of large and small meeting rooms. Welfare facilities include cabins for toilets, showers, changing and kitchen. Parking will be created for all site staff and visitors. Storage of plant and materials in these plots is for smaller items which are deployed across the whole site.
1/2f, 1/6	Required to provide a perimeter enclosure and exclusion zone to allow for safe construction.	Work No. 8	These two small plots cover a largely vegetated area between Washington Road and Town End Farm, immediately south of Work No. 8 - a new shared use NMU facility which includes a major bridge structure over Washington Road and the A19. The Work is close to the

<b>(1) Plot reference Number shown on Land Plans</b>	<b>(2) Purpose for which temporary possession may be taken</b>	<b>(3) Relevant part of the authorised development</b>	<b>Further details to justify the extent of the land sought to be used temporarily. Explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</b>
			residential area of Town End Farm, and so a reasonable exclusion zone with perimeter security is considered essential for safety and environmental reasons. The existing vegetation is expected to be retained to provide screening of the work area.
2/1, 2/2a	Required to provide access to the site compound.	Work No. 25C	Access to the Testo's main site compound area is through these plots. It is not planned to use the area for any construction or plant storage for the Downhill Lane project.
2/2b	The main site compound to include, but not limited to, site offices, welfare facilities, parking provisions, storage of plant and materials, and the treatment of site generated waste.	Work No. 25C	Testo's site compound main office, welfare, parking and construction storage area for use as an alternative to plot 1/14b.



**Appendix [E] to Applicant's Responses to ExA Written Questions (ExQ1)**

**ExQ 1.4.15: Letter from the Crown Estate's Solicitors Regarding Escheat Land**

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Our ref: TW03/RO01/31932.2703/WILLI

Your ref:

16 August 2017

When telephoning please ask for: Tristan Williams

Dear Sirs

**A19 Testos Junction Improvement Scheme (the "Scheme")  
Land subject to escheat**

We write further to recent correspondence passing between us in relation to the Scheme.

**BACKGROUND**

You act for Highways England, and have applied for a Development Consent Order (a "**DCO**") in relation to the Scheme pursuant to the Planning Act 2008 (the "**2008 Act**"). We act for the Crown Estate Commissioners.

This response is based on your query relating to whether the Scheme involves compulsory acquisition of interests in "Crown land" as defined by the 2008 Act.

As will be apparent from this letter, the land in the Scheme (outlined below) does not form part of The Crown Estate, but may instead be subject to escheat. On this basis it is not Crown land under the 2008 Act.

This letter will first explain our client's approach to land subject to escheat, and then we will comment on the application of the 2008 Act to such land.

**LAND SUBJECT TO ESCHEAT**

Where property is subject to escheat to the Crown at common law, it falls by longstanding convention to be dealt with by The Crown Estate.

In those circumstances, and in accordance with legal advice given on previous occasions, The Crown Estate would not propose to take any action which might be construed as an act of management, possession or ownership in relation to such property, since to do so might incur upon it liabilities with which the property is, or may become, encumbered. Please note that neither this letter, nor any other dealings between us, should be construed as such an act.

The reasoning behind this approach is that The Crown Estate does not accept that it should be, in effect, a guarantor of last resort for companies and individuals who have failed financially, leaving onerous property in their wake. To do so would not be an appropriate application of The Crown Estate's revenues, nor is it a function envisaged for The Crown Estate by Parliament. Properties that may be subject to escheat are not infrequently onerous in nature, and many have little or no monetary value. The total cost of all potential past, present and future liabilities connected to such properties, of which there are many, would be enormous. As

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The Crown Estate accounts to the Treasury for its operating surplus, such a cost would end up as a burden on the public purse.

#### **APPLICATION OF THE 2008 ACT TO LAND SUBJECT TO ESCHEAT**

You have written to us in relation to 3 parcels of land (the "**Property**") which are proposed to be covered by the DCO. These areas of land may now be subject to escheat, by virtue of having formerly been owned by Tyne River Properties Plc.

We can confirm that no act of management has been undertaken by The Crown Estate in relation to the Property. Accordingly, the Property does not form part of The Crown Estate.

It follows that the Property cannot be Crown land (as part of The Crown Estate) for the purposes of the 2008 Act, nor do the Crown Estate Commissioners have remit under the 2008 Act to consent to the acquisition of any interest in such land within the DCO.

However, although this is a matter for the Examining Authority, we are not aware of any reason why the DCO cannot be granted over land that is subject to escheat.

#### **CONCLUSION**

We trust you will appreciate that the events which have led to the current situation are not of The Crown Estate's making. The law relating to escheat is archaic and complex, and imposes constraints on The Crown Estate's freedom of action.

Against that background though, we hope that this letter has been helpful to explain The Crown Estate's position in relation to the Scheme and the DCO.

Yours faithfully

A handwritten signature in dark ink, appearing to read "BURGES SALMON LLP".

BURGESS SALMON LLP



**Appendix [F] to Applicant's Responses to ExA Written Questions (ExQ1)**

**Figures in this Appendix are as follows:-**

**Figure ExQ1\_AQ supporting Applicant's response to ExQ 1.2.1**

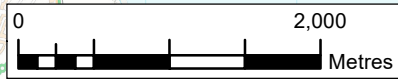
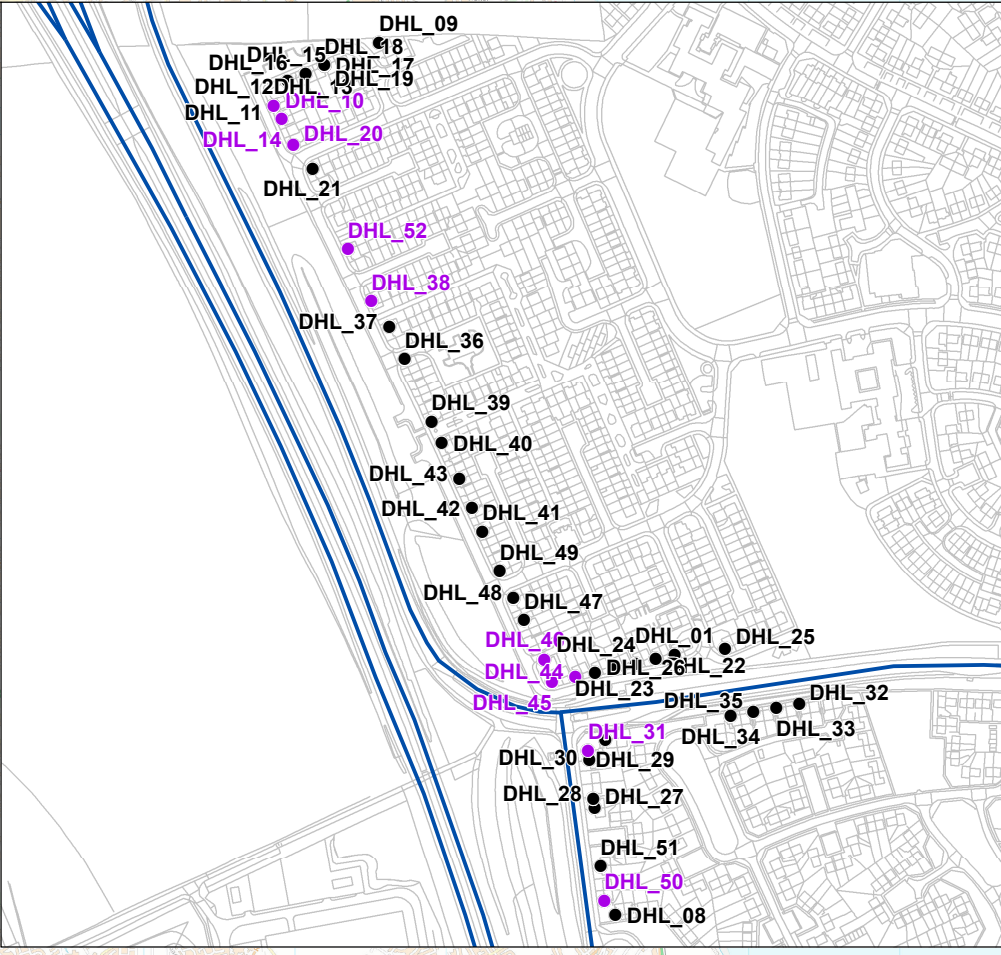
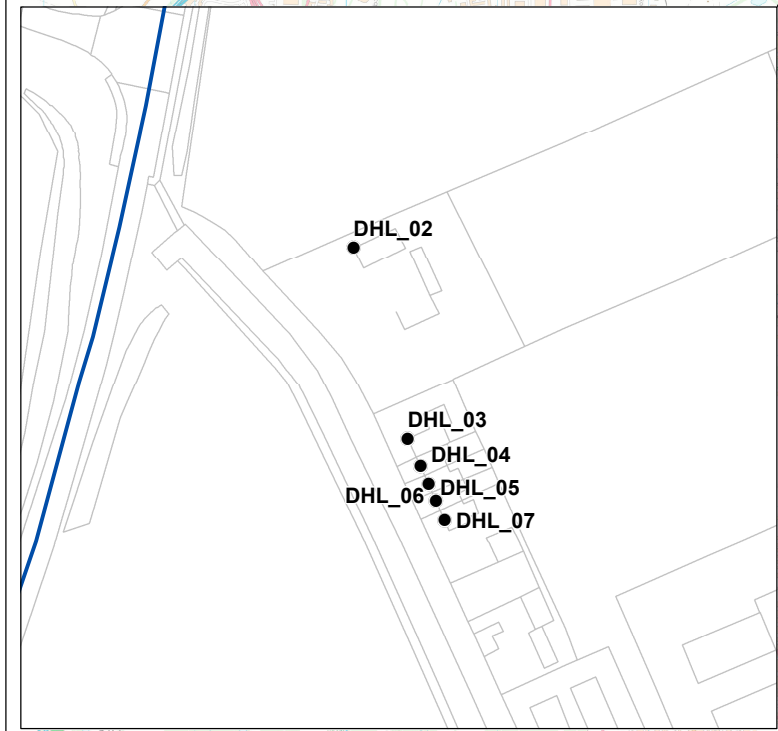
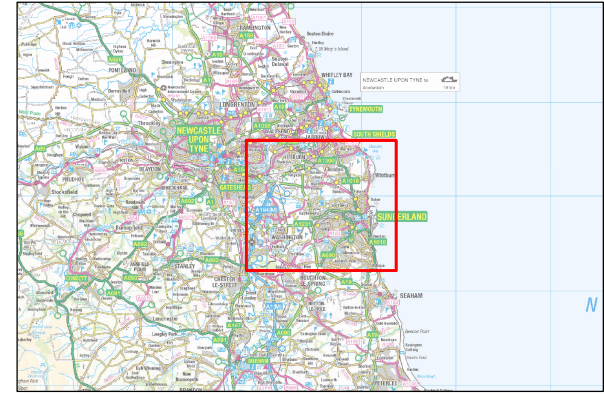
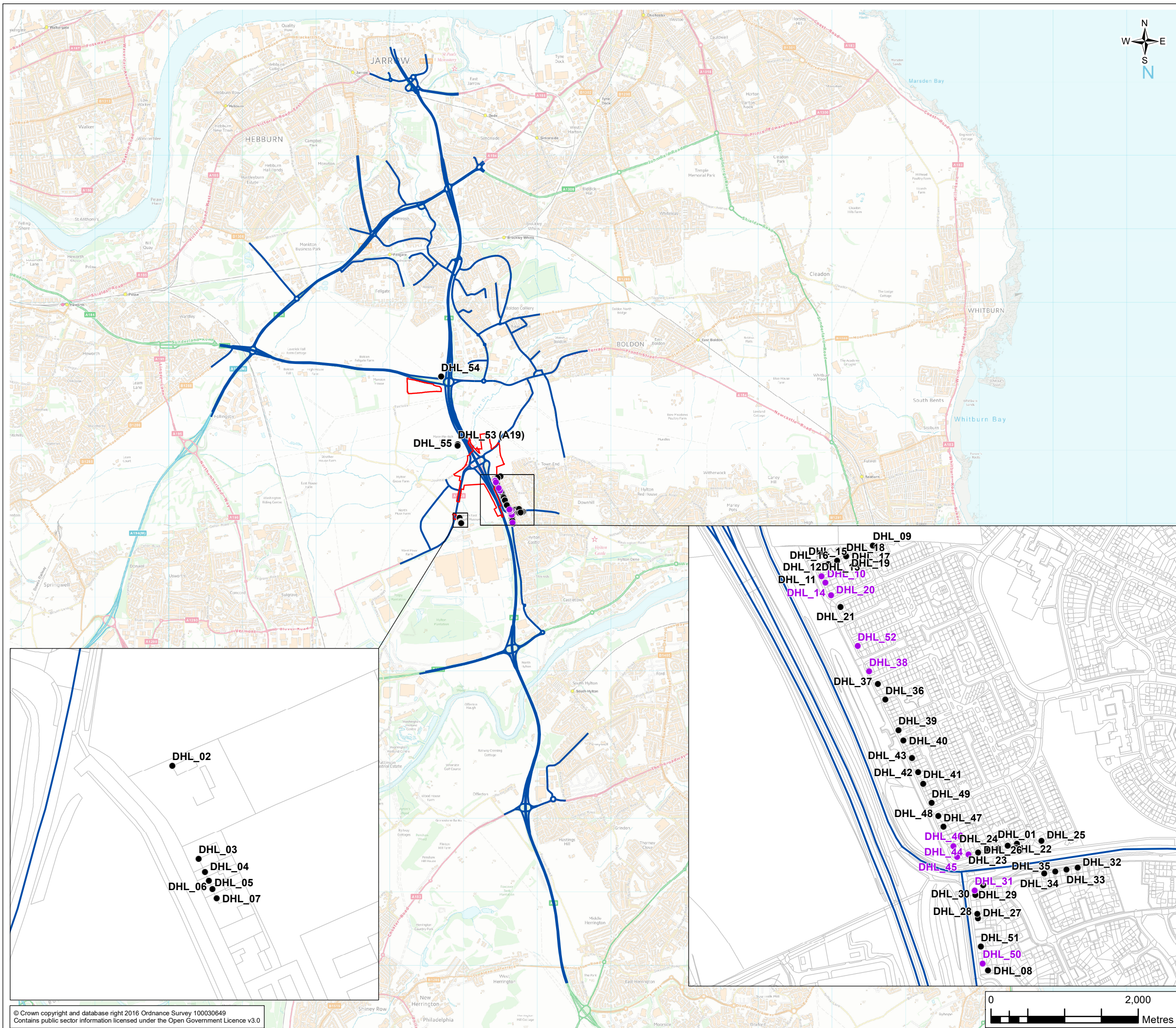
**Figure ExQ1\_Landscape supporting Applicant's response to ExQ 1.8.4**

**Figure ExQ1\_Water supporting Applicant's response to ExQ 1.12.1, 1.12.2 & 1.12.8**



# ExQ1 AQ

- Legend**
- DCO Boundary
  - Shortlisted 10 Sensitive Receptors
  - Other Assessed Sensitive Receptors
  - Modelled Road Network



0	SEP 19	DCO Deadline 2	LT	AS	MR	GW
Rev.	Date	Purpose of revision	Drawn	Check'd	Rev'd	Appr'd



Client **highways england**

Project **A19 DOWNHILL LANE JUNCTION IMPROVEMENT**

Drawing Title **SUPPORTING DRAWING FOR EXQ1 QUESTION 1.2.1**

Drawing Status **DCO SUBMISSION**

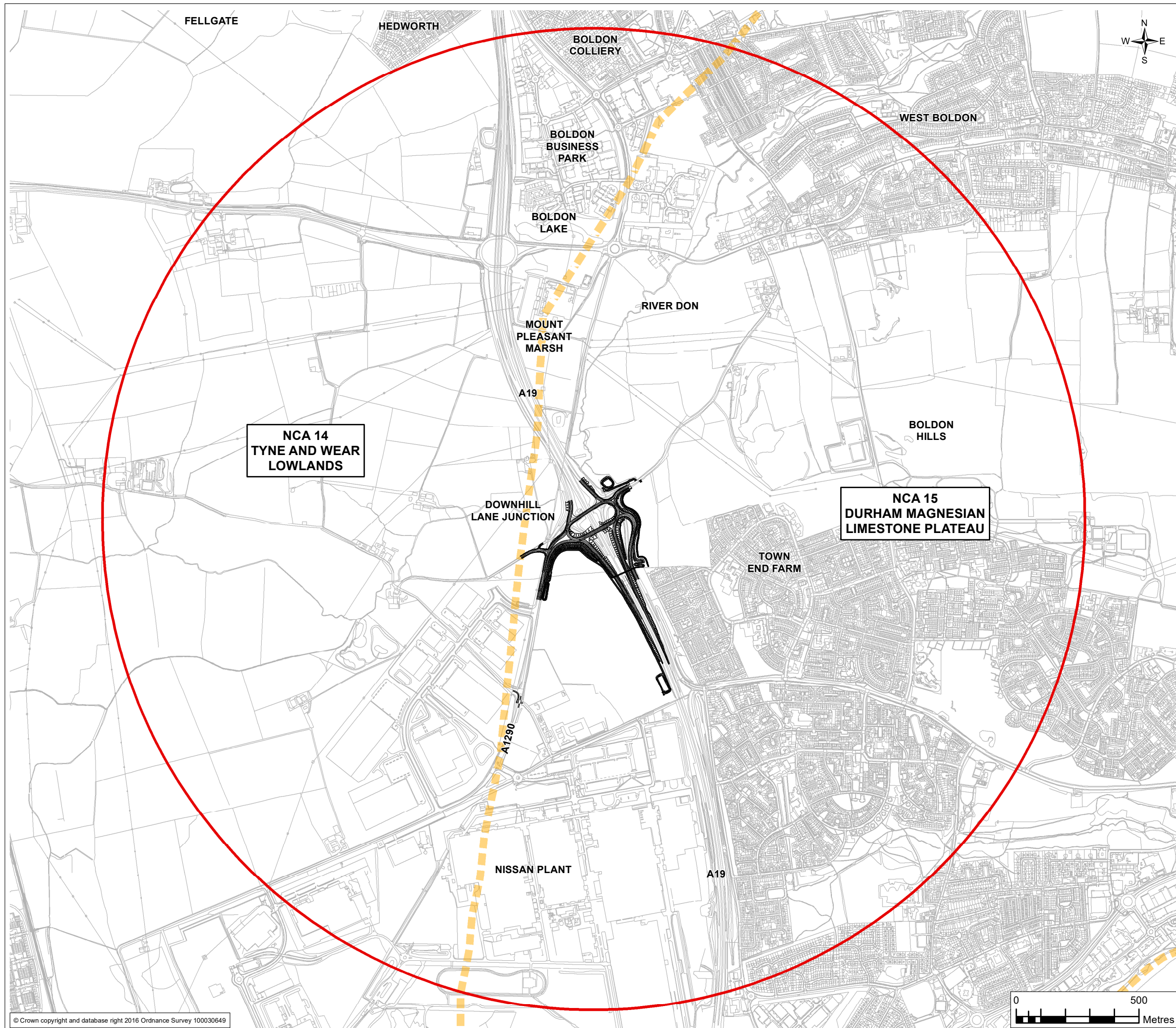
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Jacobs No. **B0140301**

Drawing No. **ExQ1\_AQ**

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# ExQ1 Landscape

## Legend

- 2km Study Area
- Preliminary Design
- National Character Areas (NCA) Boundary

**Note:**  
NCA boundary is not precise as stated in NCA profile mapping. It should be considered a transitional zone.

The Ordnance Survey background displayed in this drawing has been modified to show the neighbouring Testo's and IAMP One consented schemes. This reflects the most likely baseline scenario for the opening year of the Downhill Lane scheme.

0	SEP 19	DCO Deadline 2	LT	JP	JP	GW
Rev.	Date	Purpose of revision	Drawn	Check'd	Rev'd	Appr'd



Client **highways england**

Project **A19 DOWNHILL LANE JUNCTION IMPROVEMENT**

Drawing Title **SUPPORTING DRAWING FOR EXQ1 QUESTION 1.8.4 NATIONAL CHARACTER AREAS**

Drawing Status **DCO SUBMISSION**

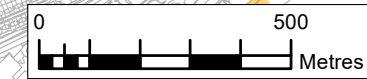
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Client No.

Drawing No. **ExQ1\_landscape**








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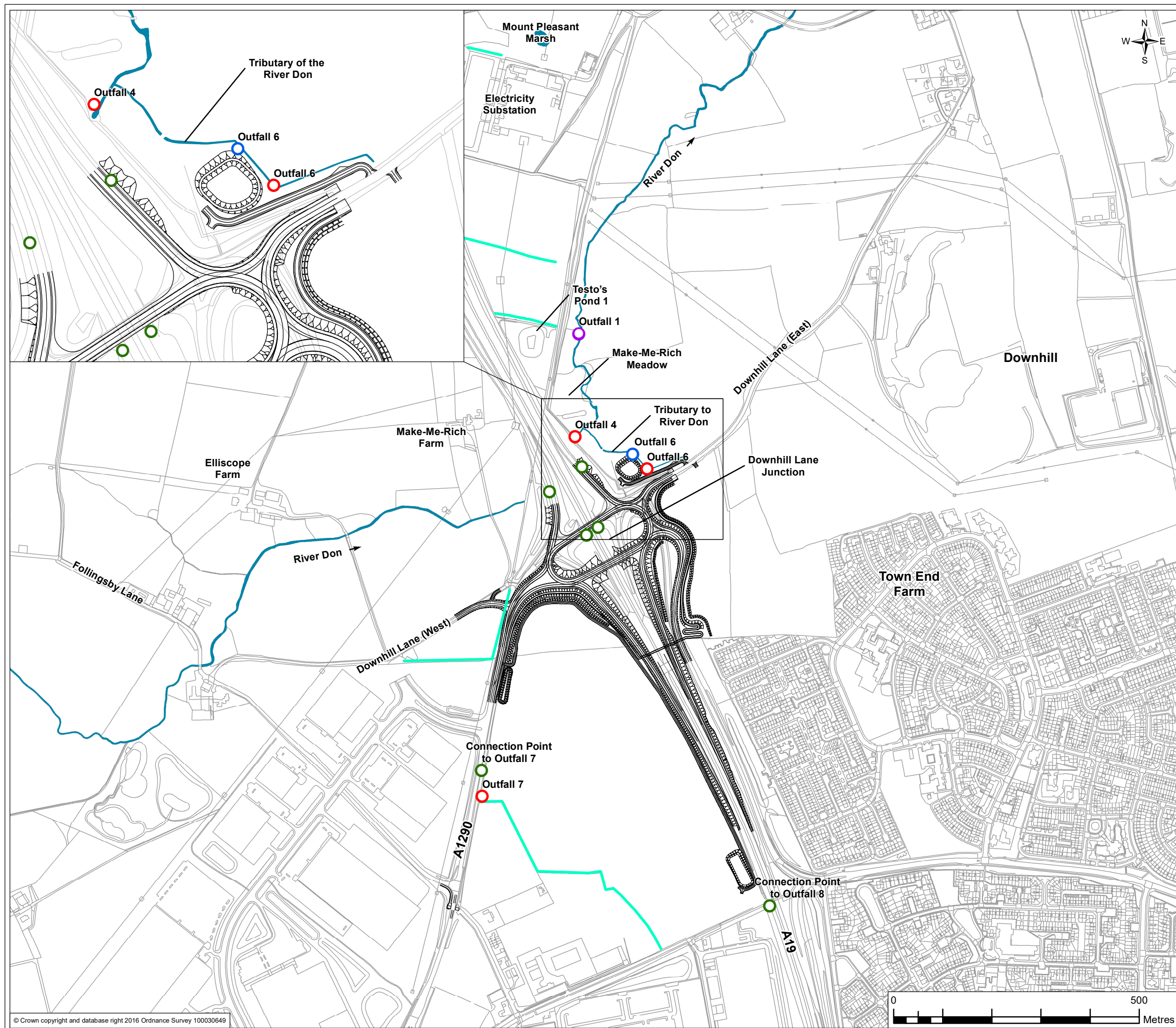


# ExQ1 Water

## Legend

-  Preliminary Design
-  Existing Discharge Points
-  Proposed New Discharge Points
-  Connection Points
-  Testo's Discharge Point
-  Drain
-  Waterbody

**Note:**  
Testo's is currently under construction and has been incorporated into the baseline for the Downhill Lane junction improvement scheme.



The Ordnance Survey background displayed in this drawing has been modified to show the neighbouring Testo's and IAMP One consented schemes. This reflects the most likely baseline scenario for the opening year of the Downhill Lane scheme.

0	SEP 19	DCO Deadline 2	LT	EA	MR	GW
Rev.	Date	Purpose of revision	Drawn	Check'd	Rev'd	Appr'd



Client: 

Project: **A19 DOWNHILL LANE JUNCTION IMPROVEMENT**

Drawing Title: **SUPPORTING DRAWING FOR EXQ1 QUESTIONS 1.12.1, 1.12.2 AND 1.12.8**

Drawing Status: **DCO SUBMISSION**

Scale @ A3: 1:7,500 DO NOT SCALE

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Client No.:

Drawing No.: **ExQ1\_Water**

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