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10 September 2019

Dear Sir/Madam,

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

Further to the Rule 8 letter dated 21 August 2019, we enclose a number of documents in relation to the above application which the Examining Authority (“the **ExA**”) has requested be submitted for Deadline 2 (10 September 2019). This letter sets out a short description of the documents provided, along with our approach in producing them, where relevant.

We also enclose an updated “Application Document Tracker” (TR010024/APP/1.4(5)) including the latest versions of the documents listed below.

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

We enclose an updated dDCO (TR010024/APP/3.1(4)) and EM (TR010024/APP/3.2(4)). As requested by the ExA in the Rule 6 letter dated 12 July 2019, the dDCO is included in both word and pdf formats, and in both consolidated and tracked change versions. Since the changes to the dDCO are very few in number, they are set out and explained in the table at Annex 1 to this letter, rather than as a separate document.

**Updated Book of Reference**

We enclose an amended Book of Reference (TR010024/APP/4.2(3)). As explained in the Applicant’s Deadline 1 cover letter dated 27 August 2019, the Planning Inspectorate informed the Applicant that a number of Rule 6 and 9 letters sent by the Planning Inspectorate were returned to sender. The Applicant sent all but one of these individuals’ letters to alternative addresses informing them of rights under section 102A of the Planning Act 2008. The Applicant noted that it was considering its approach in relation to one individual for whom an alternative address was not found.

By way of update, the Applicant has erected site notices in respect of that landowner informing them of their rights under section 102A of the Planning Act 2008 in accordance with the Planning Inspectorate's request. The Book of Reference has been updated to take into account the sites in respect of which notices have been erected.

### Updated Application Document Errata

We enclose an amended Application Document Errata (TR010024/APP/7.6(1)). This document has been amended to include a correction to errors in Figure 7.1 of the Environmental Statement (TR010024/APP/6.1 / APP-020). The correction ensures that the figure reflects Table 7-6 in Chapter 7 of the Environmental Statement (see further the Applicant's response to ExQ 1.7.1 and the table in the Annex below explaining changes to the dDCO).

### Statements of Common Ground requested by the ExA

The Applicant encloses the Statements of Common Ground which the ExA requested by Deadline 2 (in accordance with the note of the Preliminary Meeting held on 13 August 2019). The status of the Statements of Common Ground between the Applicant and the relevant parties is also set out below.

| Name of organisation(s) | Document Reference | Status / Comment   |
|-------------------------|--------------------|--|
| The Environment Agency  | TR010024/APP/7.9   | This document is in draft, but as stated by the EA in its written representation, the comments included in the draft broadly take account of the discussions with the EA and written representations. Submission of the draft has been agreed by the EA the Applicant does not anticipate an impediment to this being agreed and submitted "as final" in due course. |
| IAMP LLP                | TR010024/APP/7.10  | This document is in draft, but it has been reviewed by IAMP LLP, which has agreed to submission of the draft. The Applicant does not anticipate an impediment to this being agreed and final in due course.  |
| Natural England         | TR010024/APP/7.11  | This was submitted on 6 August 2019 but the applicant has re-submitted the document with a correction to the document reference on the cover sheet.  |

|   |                   |   |
|---|-------------------|---|
|   |                   | The document is identical in all other respects, and represents the final and agreed position between the Applicant and Natural England. No further updates are anticipated.  |
| South Tyneside Council and Sunderland Council | TR010024/APP/7.12 | This document is in draft, but has been reviewed by the local authorities, who have agreed to submission of this draft. The Applicant does not anticipate an impediment to this being agreed and final in due course. |

As noted in the Applicant's cover letter for Deadline 1 dated 27 August 2019, and as agreed at the Preliminary Meeting, the joint statement submitted by the Applicant and National Grid obviates the need for a Statement of Common Ground with National Grid.

The Applicant notes that during the course of the Preliminary Meeting on 13 August 2019, the ExA requested a document which set out the commonality of any issues in the Statements of Common Ground between the Applicant and the above named organisations. The Applicant can confirm there are no common issues in the four Statements of Common Ground submitted. On that basis, the Applicant would propose that a further document is not necessary but would welcome confirmation and clarification from the ExA on this point.

### **Applicant's Responses to the Written Questions**

We enclose the Applicant's responses to the ExA's Written Questions (TR010025/APP/7.13(1)). The appendices to the document are included in the document itself and include:

- Appendix A - ExQ 1.1.1 - Table outlining correlation between lettered works and EIA
- Appendix B - ExQ 1.4.1 – Table setting out status of negotiations with persons with interest in land
- Appendix C - ExQ 1.4.7 - Table disaggregating the numbered works by development category
- Appendix D - ExQ 1.4.8 - Table setting out further justification of temporary land use
- Appendix E - ExQ 1.4.15 – Letter from the Crown Estate's Solicitors
- Appendix F - Supporting Figures

### **Applicant's Comments on Written Representations**

We enclose a table of the Applicant's responses to written representations (TR10024/APP/7.14) received in relation to the Scheme at Deadline 1.

The Applicant has treated the letters submitted by South Tyneside Council and Sunderland City Council as written representations and has taken the opportunity to comment on their, and Natural England's, responses to the ExA's questions on the dDCO contained in Table 1 to Annex E in the Rule 6 letter dated 12 July 2019.

Yours sincerely



Helen Apps  
Project Manager

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## Annex 1: Changes made to dDCO

| ARTICLE  | EXPLANATION FOR CHANGE  |
|--|---|
| Articles 2(2), 23, 24(2), 24(7), 29(9), 32(1), and Schedule 5 to the dDCO. | <p>The Applicant has concluded that the power to impose restrictive covenants is not required for the Scheme following the ExA's Question No. 29 on the dDCO in Table 1 of Annex E of the Rule 6 letter dated 12 July 2019 and in line with Advice Note 15.</p> <p>Accordingly, the Applicant has amended the dDCO to remove references to the imposition of restrictive covenants.</p> |
| Schedule 2 (Requirements)  | Removal of the provisions relating to the integrated NMU provision further to the Applicant's Deadline 1 cover letter dated 27 August 2019.   |
| Schedule 9   | As the Application Documents Errata (TR010024/APP/7.6(1)) contains corrections to the Environmental Statement (TR010024/APP/6.1), the Applicant has inserted a reference to this document in Schedule 9 so that it is certified in accordance with Article 41.  |