

Application by Highways England for the A19 Downhill Lane Junction Scheme

The Examining Authority's Written Questions and Requests for Information (ExQ1)

Issued on 20 August 2019

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information – ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2. Responses are required by **Deadline 2 in the Examination Timetable, Tuesday 10 September 2019**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of **12 July 2019**. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a statement of common ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on General and Cross Topic Questions is identified as ExQ1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A19DownhillLaneJunction@planninginspectorate.gov.uk and include A19 Downhill Lane Junction ExQ1 in the subject line of your email.

Responses are due by **Tuesday 10 September 2019**.

Abbreviations Used

PA2008	<i>The Planning Act 2008 as amended</i>	LPA	<i>Local planning authority</i>
Art	<i>Article</i>	MP	<i>Model Provision (in the MP Order)</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) (England & Wales) Order 2009</i>
BoR	<i>Book of Reference [APP-017]</i>	NPS	<i>National Policy Statement</i>
CA	<i>Compulsory Acquisition</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
CPO	<i>Compulsory Purchase Order</i>	R	<i>Requirement</i>
dDCO	<i>Draft DCO (Revision 1) [AS-002]</i>	SI	<i>Statutory Instrument</i>
EM	<i>Explanatory Memorandum [APP-012]</i>	SoS	<i>Secretary of State</i>
ES	<i>Environmental Statement [APP-020-043]</i>	SoR	<i>Statement of Reasons [APP-015]</i>
ExA	<i>Examining authority</i>	Testo's Order	<i>The A19/A184 Testo's Junction Alteration Development Consent Order, 2018</i>
LIR	<i>Local Impact Report</i>	TP	<i>Temporary Possession</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010024/TR010024-000173-A19%20Exam%20Library%20PDF.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg **ExQ1.1.1** – refers to question 1 in this table.

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Ref No.	Respondent:	Question:
1	General and Cross-topic Questions	
Q1.1.1	Applicant, Interested Parties (IPs), Affected Persons (APs)	<p>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.</p> <p>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.</p> <p>In addition, the Applicant is asked to confirm whether or not works (a) to (o) will take place in a location that is proposed to be subject to the CA/TP of any land or rights. If the works have been referred to in the case for CA/TP please provide details of the relevant reference in the BoR, SoR and Land Plan. If the works are capable of being delivered in a different location how can the need for CA/TP be demonstrated?</p> <p>In responding to this question, the Applicant is asked to have regard to Question 38 of Table 1 to Annex E of the Rule 6 Letter and their response to that question.</p> <p>IPs/APs are invited to comment of the location and/or effects of the proposed works (a) to (o), identifying any concerns and/or suggested changes</p> <p>Sunderland City Council Response: The works listed (a) to (o) at the end of Schedule 1 appear to be general provisions to cater for any unknown works at this stage. This approach is considered to be reasonable. Any additional works outside the limits of deviation impacting on the Local Authority areas will need to be identified and agreed in advance to ensure any potential impacts are mitigated appropriately.</p>
Q1.1.2	Applicant	The ES [APP-020] identifies at paragraph 2.7.11 – 2.7.21 a number of elements (gantries and signs, lighting and cabling, fencing and safety barriers) which are based on preliminary designs with the potential for change at

Ref No.	Respondent:	Question:
		<p>detailed design stage.</p> <p>Can the Applicant please explain how flexibility in location or specification has been addressed as part of the worst-case assessment in the ES? Has the preliminary design formed the basis of the assessment in the ES and how does this relate to the Rochdale Envelope?</p>
<p>Q1.1.3</p>	<p>Applicant</p>	<p>Maintenance proposals are described in the ES at section 2.16 [APP-020] and the matter is dealt with in the dDCO at Art. 4.</p> <p>The Applicant is asked to clarify the extent to which the need to maintain the proposed development has been assessed in the ES and to describe the maintenance activities which have been considered?</p> <p>The Applicant is also asked whether there a need for the dDCO to limit the extent of maintenance activities to those that have been considered as part of the ES?</p> <p>In responding to this question, the Applicant is asked to have regard to Question 9 of Table 1 to Annex E of the Rule 6 Letter and their response to it.</p>
<p>Q1.1.4</p>	<p>IPs, APs and Local Authorities (LAs)</p>	<p>The Register of Environmental Actions and Commitments (REAC) is at Appendix 1.3 of the ES [APP-032] and provides a summary of mitigation measures. The relationship between the REAC, the Construction Environmental Management Plan (CEMP) and the Handover Environmental Management Plan (HEMP) is set out in section 5 of the CEMP [APP-051].</p> <p>Do parties wish to comment on the scope of the REAC as a means of delivering mitigation? Are IPs, APs and the LAs content about the extent of and relationship between the CEMP and the HEMP? What changes, if any would you wish to see?</p> <p>Sunderland City Council Response: The proposed mitigation measures included within the REAC and detailed within Appendix D of the CEMP have been reviewed and are considered to follow best practice and appropriate for the scheme. The sensitive area considered at consultation stage appear appropriate. Communication with vulnerable road users will be important during the construction stage, potentially via the Local Access Forum. Therefore, no significant changes are anticipated.</p>

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		<p>In terms of the adverse impact referenced P&C15 of the Environmental Statement, the timing of the provision of the at-grade Pegasus crossing may need to align with highway improvements programmed for IAMP ONE and IAMP TWO subject to DCO. For P&C17 and P&C18 of the Environmental Statement, the two main bus operators in Sunderland and South Tyneside attend a Traffic Management Forum for the Testo's scheme. This forum allows for advance discussion on the impact on bus services prior to formal consultation. This also applies to the permanent relocation of the bus stop on the A1290.</p>
<p>Q1.1.5</p>	<p>Applicant</p>	<p>The Scheme includes a signalised crossing of the A1290 at Follingsby Lane as described at paragraph 2.7.5 of the ES [APP-020]. This relates to the green corridor for NMU users following the route of Follingsby Lane delivered as part of IAMP One.</p> <p>Why is it proposed to include the NMU crossing of the A1290 as part of the DCO Scheme particularly when this part of the Order Limits is so remote from the main DCO boundary?</p> <p>In responding to this question, the Applicant is asked to make reference to its submission dated 24 July 2019 and the discussion about the submission at the PM and ISH1.</p>
<p>Q1.1.6</p>	<p>LAs</p>	<p>Paragraph 2.15.8 of the ES describes the creation of haul roads.</p> <p>Are LAs content that in principle haul roads can be created within the temporary land take areas which would minimise the use of the local road network?</p> <p><u>Sunderland City Council Response:</u> The creation of temporary haul roads within land take areas is supported. This will minimise the need for heavy good vehicles to travel on public highway and be beneficial in terms of road safety.</p>
<p>Q1.1.7</p>	<p>Applicant</p>	<p>Paragraph 2.15.34 of the ES describes the CEMP as including an Environmental Aspects Register. An outline CEMP [APP-051] accompanies the Application.</p> <p>The Applicant is asked to indicate where the Environmental Aspects Register is addressed in the CEMP. How does this relate to the Environmental Action Plan in Part 2 of the REAC?</p>

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Q1.1.8	Applicant	<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>
Q1.1.9	Applicant	<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>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>
Q1.1.10	Applicant	<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>
Q1.1.11	Applicant	<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 '<i>reflect the mitigation measures set out in the REAC</i>' at R4(2)(a).</p> <p>How does R4 specifically address the EAP which includes matters which are not necessarily mitigation measures?</p>

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Q1.1.12	Applicant	<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>
Q1.1.13	Applicant	<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>
Q1.1.14	Applicant	<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 not been addressed.</p>
Q1.1.15	Applicant	<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>
2 Air Quality and Emissions		
Q1.2.1	Applicant	<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</p>

Ref No.	Respondent:	Question:
		<p>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"> • to clarify how the 55 receptors were identified and to show them on a plan to enable the study area boundary to be mapped; • to clarify how the modelled road network was identified and whether this is different from affected roads; • 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 • 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.
Q1.2.2	Applicant	<p>Paragraph 6.3.17 of the ES [APP-020] states that background concentrations for NO_x, NO₂ and PM₁₀ 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>
Q1.2.3	Applicant	<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>
Q1.2.4	Applicant	<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 PM₁₀ monitoring sites within the study area.</p> <ul style="list-style-type: none"> • How was the baseline for PM₁₀ established in the absence of monitoring sites? • How was a baseline established for NO_x concentrations for the regional air quality assessment?

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		<ul style="list-style-type: none"> When was the assessment undertaken?
<p>Q1.2.5</p>	<p>Applicant Sunderland City Council</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><u>Sunderland City Council Response:</u> The scheme has been reviewed against data provided in support of the recent IAMP ONE planning application (based on the proximity of the development) using a baseline of the existing Air Quality in the area using 2016 background concentrations. Emissions from committed developments were also considered in relation to the Air Quality Standard (AQS) of 40µg/m³. Receptors within close proximity to the A1290, are located in an open location which is anticipated to aid dispersion.</p>
<p>Q1.2.6</p>	<p>Applicant</p>	<p>In paragraph 6.6.15 of the ES [APP-020] it is stated for the opening year (2021) the increase in NO_x emissions would be approximately 15% with the scheme in place and that PM₁₀ emissions are predicted to increase by 14% and CO₂ 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_x, 8% for PM₁₀ and 8% for CO₂ 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>Q1.2.7</p>	<p>LAs</p>	<p>The LAs are asked to confirm whether or not they agree with the methodology, baseline conditions and conclusions of the air quality assessment and whether they wish to make any other comments in relation to air quality. Specifically, the LAs are asked to comment on the identification of receptors.</p> <p><u>Sunderland City Council Response:</u> The scope of the assessment covers a qualitative assessment of dust impact from the construction phase and operational phase assessments of the effects of road traffic emissions.</p>

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		<p>Relevant guidance has been used in both cases to inform the method of assessment, and considered a fair appraisal of the likely impacts of the development on air quality. The conclusions are accepted in terms of the methodology used and baseline conditions. The risk of impacts for the scheme is considered to be mitigated through the implementation of measures which will be incorporated into the (CEMP).</p>
Q1.2.8	Applicant	<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>
Q1.2.9	Applicant	<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>
Q1.2.10	Applicant	<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</p>

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		<p>relation to NO₂. 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>
Q1.2.11	Applicant	<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>
Q1.2.12	Applicant	<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 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>
Q1.2.13	Applicant	<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>
3	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment)	
Q1.3.1	Applicant / IPs / LAs	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

Ref No.	Respondent:	Question:
		<p>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><u>Sunderland City Council Response:</u> The screening process adopted by the applicant is considered appropriate in principle. However, there is a need for a scaled plan to show which hedgerows and tree planting will be removed, retained as well as any to be created to fully understand the impact of the scheme on this habitat and the species associated it. To mitigate for the impacts of the development, a similar approach is recommended to complementing the approach taken in accordance with the adopted IAMP Area Action Plan.</p>
Q1.3.2	Applicant / Natural England	<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>
Q1.3.3	Applicant/ Natural England	<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>
Q1.3.4	Applicant	<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</p>

Ref No.	Respondent:	Question:
		<p>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>
Q1.3.5	Applicant	<p>Reference is made in paragraph 9.9.15 of the ES [APP-020] to an ecological clerk of works.</p> <p>The Applicant is asked to explain how this appointment would be secured through the DCO.</p>
Q1.3.6	Applicant	<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	Applicant	<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>
Q1.3.8	Applicant	<p>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.</p> <p>This study area conflicts with that defined in ES Chapter 9, paragraph 9.3.2 where a 5km buffer is determined to</p>

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		<p>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>
Q1.3.9	Applicant	<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>
Q1.3.10	Applicant	<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>
Q1.3.11	Applicant	<p>Potential impacts on individual species are not considered in Chapter 9 and any potential 'additive' 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>
Q1.3.12	Applicant	<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, agreement is only specified for the conclusion that</p>

Ref No.	Respondent:	Question:
		<p>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>
Q1.3.13	Applicant	<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>
4 Compulsory Acquisition and / or Temporary Possession		
Q1.4.1	Applicant	<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>
Q1.4.2	Applicant	<p>The Book of Reference (BoR) [APP-017] includes a number of Statutory Undertakers with interests in land.</p> <ul style="list-style-type: none"> • 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. • Indicate whether there are any envisaged impediments to the securing of such agreements. • State whether any additional Statutory Undertakers have been identified since the submission of the BoR as an application document.
Q1.4.3	Applicant	<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>



Ref No.	Respondent:	Question:
		<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>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>
Q1.4.4	Applicant	<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>
Q1.4.5	Applicant	<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">a) the name of the Statutory Undertaker;b) the nature of their undertaking;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);d) in relation to land, whether and if so, how the tests in PA2008 s127(3)(a) or (b) can be met;e) in relation to rights, whether and if so, how the tests in s127(6)(a) or (b) can be met; andf) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so:<ul style="list-style-type: none">i. whether these are already available to the ExA in draft or final form,ii. whether a new document describing them is attached to the response to this question oriii. whether further work is required before they can be documented; and

Ref No.	Respondent:	Question:
		<p>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:</p> <ul style="list-style-type: none"> 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. <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 deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>
Q1.4.6	Applicant	<p>The Applicant is requested to review its proposals relating to CA or TP of land and/ or rights and to prepare and at each successive deadline update a table identifying if these proposals affect the relevant rights or relevant apparatus of any Statutory Undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the Statutory Undertaker; b) the nature of their undertaking; c) the relevant rights to be extinguished; and/ or d) the relevant apparatus to be removed; e) how the test in s138(4) can be met; and 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"> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented; and 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"> 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. <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</p>

Ref No.	Respondent:	Question:
		ongoing diligence).
Q1.4.7	Applicant	<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>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>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>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>
Q1.4.8	Applicant	<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> <ul style="list-style-type: none"> • 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? • 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. • 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

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		<p>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 further to correspond with the Testo's site compound area?</p>
Q1.4.9	Applicant	<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 Compulsory Acquisition powers sought and where, giving specific paragraph references, are these set out in the submitted documentation?</p>
Q1.4.10	Applicant	<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> <ul style="list-style-type: none"> • 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? • 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 land owners 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?
Q1.4.11	Applicant	<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"> • How can the ExA be assured that all reasonable alternatives to Compulsory Acquisition (including modifications to the scheme) have been explored? • 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.
Q1.4.12	Applicant	<p>Section 6 of the SoR [APP-015] addresses human rights.</p> <ul style="list-style-type: none"> • Where is it demonstrated that interference with human rights in this case would be proportionate and

Ref No.	Respondent:	Question:
		<p>justified?</p> <ul style="list-style-type: none"> How has the proportionality test been undertaken and explain how this approach has been undertaken in relation to individual plots?
Q1.4.13	Applicant	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?
Q1.4.14	Applicant	<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>
Q1.4.15	Applicant	<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>
Q1.4.16	Applicant	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.
5	Draft Development Consent Order	
		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 Deadline 1: Tuesday 27 August 2019 . Comments on any matters set out in those submissions are to be provided by Deadline 2: Tuesday 10 September 2019 , 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

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		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.
Q1.5.1	IPs other than the Applicant	<p>With respect to matters raised in RRs or WRs but which were not discussed in ISH1 and in your view require changes to the dDCO please identify the changes that you require, referring to Articles, Requirements and any other provisions as necessary, providing your preferred drafting where possible and explain why it is proposed and what it aims to achieve.</p> <p>Please cross-reference responses to this question to your RR, WR and to other questions in ExQ1 as necessary.</p> <p>Sunderland City Council Response: Comments on the draft DCO have been produced and submitted as a separate document reference 'SCC 1' to be reviewed in conjunction with the joint Local Impact Report.</p>
6 Economic and Social Effects		
Q1.6.1	Applicant	<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>
Q1.6.2	Applicant	<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>
Q1.6.3	Applicant	<p>Paragraph 3.3.11 of the Planning Statement [APP-050] states that the Scheme will increase NO_x emissions as traffic journeys change. NO_x 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</p>

Ref No.	Respondent:	Question:
		benefit is forecast to be £0.001million. With an increase in NO _x emissions how is the conclusion reached that there would be a net benefit?
Q1.6.4	Applicant	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. How would the Scheme help to deliver a low carbon economy?
7 Historic Environment		
Q1.7.1	Applicant	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 in Table 7-6. The Applicant is asked to identify these buildings, to provide details of their listings as Appendix 7.3 [APP-024] does for other assets, and to include them in Tables 7-8 and 7-9.
Q1.7.2	Sunderland City Council	Paragraph 7.3.8 of the ES [APP-020] confirms that consultation on cultural heritage matters took place with a number of bodies including South Tyneside Council. Was Sunderland City Council consulted? Is Sunderland City Council content with the scope of the assessment? Sunderland City Council Response: The scheme has been consulted on internally within the Council with relevant officers. Penshaw Monument and Hylton Castle are both grade I listed buildings of exceptional significance and major landmarks in Sunderland that can be viewed from miles around. This proposal will have largely negligible impacts on those built heritage assets in the City of Sunderland located within the immediate and wider setting of the site. There are no significant concerns in terms of heritage impacts relating to archaeology. If required, the County Archaeologist will be providing detailed comments in this respect.

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Q1.7.3	Applicant	<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>
Q1.7.4	Applicant	<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>
Q1.7.5	Applicant	<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>
Q1.7.6	Applicant	<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>
8 Landscape and Visual		
Q1.8.1	Applicant LAs	<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>



Ref No.	Respondent:	Question:
		<p>Sunderland City Council Response: To the east, the tree planting belt is largely retained and screens residential area of Town End Farm in north Sunderland. To the west, the landscape is generally flat with undulations near the River Don and to the north offers some long distant views across arable farmland and fragmented landscape of comparatively low scenic quality, which is common place throughout the wider region.</p> <p>The scheme will have impacts on the landscape character of the surrounding area, with localised views being changed due to the additional carriageway and construction of a new road bridge and a new non-motorised user bridge making the A19 more prominent in the short to mid-range views.</p> <p>However, the methodology, baseline conditions and conclusions of the visual impact assessment (including the photomontages) undertaken by the applicant is considered appropriate.</p>
<p>Q1.8.2</p>	<p>Applicant South Tyneside Council</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>Q1.8.3</p>	<p>Applicant</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>Q1.8.4</p>	<p>Applicant</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>

Ref No.	Respondent:	Question:
Q1.8.5	Applicant	<p>Table 8.5 of the ES [APP-020] lists the visual receptors from which views of the Scheme were assessed.</p> <p>How were the visual receptors identified and were the local authorities involved in their identification?</p>
Q1.8.6	Applicant LAs	<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>Sunderland City Council Response: It is considered that the initial screening/associated tree planting along the A19 corridor identified in the CEMP and REAC would become more mature in time (over 15 year period), thus reducing this scale of the visual impact.</p> <p>The principle of the maintenance and monitoring regime is considered appropriate. The ongoing maintenance beyond a two-year period could be secured through a Side Agreement with both Local Authorities.</p>
9 Noise and Vibration		
Q1.9.1	LAs / Environment Agency / Applicant	<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>

Ref No.	Respondent:	Question:
		<p><u>Sunderland City Council Response:</u> In respect of the proposed scheme, noise impact may arise from construction activities and also from road traffic movements when operational. Anticipated construction plant has been considered in combination with the amount of time that it is likely to be in operation whilst construction activities are underway.</p> <p>The impact of construction noise is therefore considered to be of low significance. However, the CEMP will ensure that construction operations are adequately managed to minimise the potential for unreasonable impacts on nearby receptors. Based on this the approach and methodology adopted by the applicant is considered appropriate.</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>Q1.9.2</p>	<p>Applicant / LAs</p>	<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><u>Sunderland City Council Response:</u> The two locations subject to noise monitoring are considered to be appropriate, being representative of residential properties in proximity to the scheme.</p>
<p>Q1.9.3</p>	<p>Applicant</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?</p> <p>Please explain this position?</p>

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Q1.9.4	Applicant	<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>
Q1.9.5	LAs	<p>The proposed construction working hours are set out in paragraph 12.6.5 of the ES [APP-020].</p> <p>Are LAs content with the proposed working hours including activities outside of core hours?</p> <p>Sunderland City Council Response: Measures identified in the CEMP and REAC, restrict construction times to between the hours of 07:30 and 18:00 hours Monday to Friday and 08:00 to 13:00 hours on a Saturday and at no time on a Sunday or Bank Holiday. Exceptions to these operating times should be agreed in consultation with both Councils and any mitigation measures implemented prior to operation including any overnight or weekend works impacting on traffic management plans.</p>
Q1.9.6	Applicant	<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>
Q1.9.7	Applicant	<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>
Q1.9.8	Applicant	<p>The installation of Low Noise Road Surface (LNRS) on the A19 by 2036 is referred to in paragraph 12.6.52 [APP-</p>

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		<p>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>
Q1.9.9	Applicant	<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>
Q1.9.10	Applicant / LAs	<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, 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>Sunderland City Council Response: To minimise the local noise impact of construction works on residential receptors close to the construction area, the Council is content with the identified measures in the CEMP. It is considered appropriate to address this matter through the CEMP and not during the examination.</p>

Ref No.	Respondent:	Question:
Q1.9.11	Applicant	<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>
Q1.9.12	Applicant	<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 the potential significant effects which can be expected if mitigation is not provided?</p>
Q1.9.13	Applicant	<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 inter-relationship 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>Can the Applicant explain why this inter-relationship has not been addressed?</p>
Q1.9.14	Applicant	<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</p>

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		<p>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>
Q1.9.15	Applicant	<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 calculation area.</p> <p>Can the applicant please explain this omission?</p>
Q1.9.16	Applicant	<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>
Q1.9.17	Applicant	<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>
Q1.9.18	Applicant	<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>
10	Other Strategic Projects and Proposals	
Q1.10.1	Applicant	<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 '<i>proposals to expand the Nissan Plant</i>'.</p>

Ref No.	Respondent:	Question:
	IAMP LLP	<p>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>
Q1.10.2	Applicant	<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>
Q1.10.3	Applicant	<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 scheme proposed a new cycle track rather than utilising the existing right of way.</p>
Q1.10.4	Applicant/IAMP LLP	<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>
Q1.10.5	Applicant/IAMP LLP	<p>Paragraph 5.4.13 of the ES [APP-020] states that 'it was assumed that the Scheme would only proceed if IAMP</p>

Ref No.	Respondent:	Question:
		<p><i>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>
11 Traffic and Transport		
		Questions Relevant to this issue are reserved to be addressed in ISH2
12 Water Environment		
Q1.12.1	Applicant	<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>
Q1.12.2	Applicant	<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 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>
Q1.12.3	Applicant	<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</p>

Ref No.	Respondent:	Question:
		<p>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>
Q1.12.4	Applicant	<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>
Q1.12.5	Environment Agency	<p>Paragraphs 14.3.3 – 14.3.18 of the ES [APP-020] sets out the methodology for the water quality assessment. It indicates that the Environment Agency has approved the method of assessment used by the Highways Agency (now Highways England) Water Risk Assessment Tool (HAWRAT).</p> <p>Is the Environment Agency content with the way in which the water quality assessment methodology was applied in this case?</p>
Q1.12.6	Environment Agency LAs	<p>A flood risk assessment was undertaken and is included as Appendix 14.3 of the ES [APP-041].</p> <p>Do the Environment Agency and the LAs wish to make any comment on the methodology adopted?</p> <p>Sunderland City Council Response: The Council support the methodology and introduction of relevant planning conditions relative to Flood Risk / Drainage that have been identified on behalf of the Lead Flood Authority for Sunderland.</p>
Q1.12.7	Environment Agency	<p>A Water Framework Directive assessment was undertaken as set out at Appendix 14.3 of the ES [APP-041].</p> <p>Does the Environment Agency wish to comment on the methodology adopted in undertaking this assessment?</p>
Q1.12.8	Applicant	<p>In paragraph 14.4.4 of the ES [APP-020] reference is made to an unnamed tributary of the River Don flowing</p>

Ref No.	Respondent:	Question:
		<p>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>
Q1.12.9	Applicant	<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>
Q1.12.10	Applicant / Environment Agency	<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>

ANNEX A

A19 DOWNHILL LANE JUNCTION IMPROVEMENT:

**LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS
(ExQ1: Q1.4.1)**

Obj. No.¹	Name / Organisation	IP/AP Ref. No.²	RR Ref. No.³	WW Ref. No.⁴	Other Doc Ref. No.⁵	Interest⁶	Permanent/ Temporary⁷	Plot	CA?⁸	Status of Objection

¹ Objection No.

² Reference number assigned to each Interested Party (IP) and Affected Person (AP).

³ Reference number assigned to each Relevant Representation (RR) in the Examination library.

⁴ Reference number assigned to each Written Representation (WR) in the Examination library.

⁵ Reference number assigned to any other document in the Examination library.

⁶ This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

⁷ This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights.

⁸ CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and the Applicant is seeking compulsory acquisition of land/ rights