

## **A19 Downhill Lane Junction Improvement Agenda for Issue Specific Hearing 3 (ISH3)**

**Date:** 17 October 2019  
**Time:** 2.00pm, room opens from 1.30pm  
**Venue:** **George Washington Hotel,**  
Stone Cellar Road,  
High Unsworth,  
Washington,  
Newcastle upon Tyne  
NE37 1PH

**Access and Parking:** Free parking available on site

### **Purpose of the Issue Specific Hearing 3 (ISH3)**

On 13 August 2019, the Examining Authority (ExA) held Issue Specific Hearing 1 (ISH1) into the draft Development Consent Order (dDCO). ISH1 commenced the task of examining the dDCO to consider:

- i. how the draft responds to the project definition;
- ii. the approach taken to principal, associated and further development;
- iii. the Applicant's response to guidance in PINS Advice Notes, particularly AN13 and AN15;
- iv. the justification for any changes from established practice;
- v. the need for changes to other legislative provisions;
- vi. the need for protective provisions and their scope;
- vii. the need for any commercial agreements, planning obligations or equivalent side provisions; and
- viii. the need for Crown, Statutory Undertaker or any other consents.

On the basis that ISH1 was held at the outset of the Examination and before Interested Parties (IPs) had made their Written Representations (WRs), IPs and Affected Persons (APs) were not expected to raise any concerns that they might have in relation to the dDCO at that hearing.

ISH3 is being held for the following purposes:

- To enable the ExA to inquire into the Applicant's ongoing development of and changes to the dDCO.
- To track and explain changes to the dDCO submitted since the last Issue Specific Hearing into the DCO (ISH1).
- To enable IPs and APs to raise any specific concerns that they might have about the provisions of the dDCO, arising from their WRs or responses to ExQ1.

### **Participation, conduct and management of hearing**

This is the third ISH and the second hearing into the dDCO to be held in this Examination.

Provision has been made for a third ISH into the dDCO (ISH5) to be held on 11 December 2019. Please note that ISH5 will only proceed if it is required. If all

necessary oral investigations are completed before that time, ISH5 will not proceed. If ISH5 does proceed, it is likely to enable only supplementary questions to be asked by the ExA. It will not re-examine the IP's objections to elements of the dDCO. For these reasons, it is important that any IP with outstanding objections to provisions in the DCO who wishes to be heard should attend this hearing.

The Applicant and any IPs with outstanding objections that relate to matters on this agenda are invited to attend the hearing.

The business of an ISH is limited to the matters identified in the agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. It is strongly preferable that any such issues arising from IPs are brought to the Open Floor Hearing (OFH) where there is no subject matter Agenda and IPs may raise any relevant and important matter.

Participation is subject to the ExA's power to control the hearing.

### **Invited Participants**

The ExA requests that the following bodies attend and participate in ISH3 into the dDCO:

- Highways England (the Applicant).
- South Tyneside Council (STC).
- Sunderland City Council (SCC).
- Pinsent Masons on behalf of IAMP.
- IAMP LLP.
- Any other interested local authority or combined authority if they wish to be heard.
  
- Any other IP concerned about the structure or content of the dDCO if they wish to be heard.

The ExA requests that invited participants who wish to make oral representations are invited to attend at the appointed start time of 2.00pm.

### **Hearing Guidance**

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and APs may attend with expert advisers relevant to land and rights matters (including solicitors, chartered surveyors and land agents), but APs may participate without expert advice if they wish.

Guidance under the Planning Act 2008 (as amended) (PA2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions Relevant Representations and Written Representations and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

## **Agenda**

### **1. Welcome, introductions and arrangements for this Issue Specific Hearing (ISH3) into the dDCO**

### **2. Progress Report by the Applicant: Changes to the dDCO since ISH1**

The ExA will ask the Applicant to present and justify changes to the dDCO since ISH1 and will wish to address the following matters:

- a) Changes made to address agenda items in ISH1 (and Table 1 to Annex E in that agenda) [PD-004].
- b) Any other changes proposed by the Applicant in its latest dDCO [REP2-003/004].
- c) The relationship between the Proposed Development and the A19 Testo's project.
- d) The relationship between the Proposed Development and IAMP.

The ExA will invite submissions from IPs who wish to raise matters in relation to these items.

The Applicant will be provided with a right of reply.

### **3. IP's Issues**

The ExA will seek submissions from IPs in attendance to identify whether any further changes to dDCO drafting are sought and the justification for any changes sought by IPs.

The ExA may ask questions of IP's and the Applicant about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

### **4. ExA Issues**

To the extent that these have not been raised and addressed under either items 2 or 3 above, the ExA will review the issues raised in the latest dDCO [REP2-003/004], cross-referring these to matters of relevance to the dDCO arising from:

- a) OFH1 and OFH2;
- b) ISH2; and/ or
- c) CAH1.

Any IP in attendance and wishing to speak in relation to these matters will be invited to put oral submissions to the ExA.

The Applicant will be provided with a right of reply.

## **5. Review of issues and actions arising**

The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken in possible further hearings, in the light of issues raised in this hearing.

## **6. Next steps**

## **7. Closure of the hearing**