

A19 Downhill Lane Junction Improvement

Scheme Number: TR010024

7.16 Applicant's Comments on Responses to ExA's Written Questions (ExQ1) and on Additional Information / Submissions Received by Deadline 2

Rule 8(1)(c)(ii)
Planning Act 2008
Infrastructure Planning (Examination Procedure)
Rules 2010

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

A19 DOWNHILL LANE JUNCTION IMPROVEMENT

The A19 Downhill Lane Junction Development Consent Order 202[]

APPLICANT'S COMMENTS ON RESPONSES TO EXA'S WRITTEN QUESTIONS (EXQ1) AND ON ADDITIONAL INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 2

Regulation Number:	Rule 8(1)(c)(ii)
Planning Inspectorate Scheme Reference	TR010024
Application Document Reference	TR010024/APP/7.16
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Version	Date	Status of Version
Rev 0	October 2019	Examination Deadline 3 Submission

Ref No.	Question:	Response:
	STCs Responses to ExQ1s	
Q1.8.2	STC considers that it might be advantageous for figure 8.1 to be updated and to reflect that Testo's DCO has been consented.	Figure 8.1 incorporates the modified Ordnance Survey background which includes the consented Testo's scheme.
	SCCs Responses to ExQ1s	
Q1.1.1	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.	Noted. The Applicant would note that Article 3(1) of the dDCO (Application Document Reference: TR010024/APP/3.1(4)) only authorises works within the Scheme boundary as shown on the Land Plans and so would not permit Works in Schedule 1 to be completed outside of the limits of deviation.
Q1.1.4	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.	Noted.
Q1.1.6	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.	Noted.

Ref No.	Question:	Response:
Q1.2.5	<p>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>	Noted.
Q1.2.7	<p>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> <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>	Noted and agreed.
Q1.3.1	<p>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>	<p>The applicant has met with the local authorities to discuss the proposals and information currently available in the application documents and preliminary design. The Statement of Common Ground (Application document ref: TR010024/APP/7.12) confirms that the local authorities are content that the loss of any vegetation and habitat will be fully mitigated in the design year as set out in the REAC and that the necessary information will be provided for consultation with the local authorities during the discharge of Requirements.</p>
Q1.5.1	<p>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>	<p>The applicant has provided responses to these comments. See below.</p>

Ref No.	Question:	Response:
Q1.7.2	<p>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.</p> <p>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.</p>	Noted.
Q1.8.1	<p>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>	Noted.
Q1.8.6	<p>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>	Noted.

Ref No.	Question:	Response:
Q1.9.1	<p>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>	Noted.
Q1.9.2	The two locations subject to noise monitoring are considered to be appropriate, being representative of residential properties in proximity to the scheme.	Noted.
Q1.9.5	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.	Noted.
Q1.9.10	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.	Noted.
Q1.12.6	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.	Noted.

Ref No.	Question:	Response:
	SCC Response to the draft DCO	
2. "the engineering drawings and sections"	<p><u>SCC Comment 1 - New south junction overbridge –</u> Highways England to be responsible for the bridge structure. STC to be responsible for future maintenance of road surfacing on the circulatory carriageway and eastern approach roads on local road network. This also applies to street lighting and traffic signals.</p>	<p>Agreed.</p>
	<p><u>SCC Comment 2 - Non-motorised user preferred option (based on current DCO application) and approach mu routes –</u> It is noted that the span provides a 3.5m route clear of obstacles and 1.8m parapet protection to both sides, which is acceptable for NMU provision (pedestrians, cyclists and equestrian users).</p>	<p>Noted.</p>

Ref No.	Question:	Response:
	<p><u>SCC Comment 3 - Based on the current DCO proposal for the Non-Motorised User Overbridge –</u></p> <p>Highways England to be responsible for the bridge structure. This should also apply to the waterproofing system and surfacing as it appears to be an integrated solution based on Section A-A shown on drawing TR010024/APP/2.6.3(B).</p> <p>The same principle to apply for the future maintenance of the eastern /western approach ramp structures.</p> <p>Access control at either end at the start of the eastern and western approach ramps should be considered to deter access by other vehicle types. It is noted that this may change based on the applicant's proposal to change the location of the NMU crossing.</p>	<p>During design development it was noted that the combined waterproofing/surfacing system originally proposed was not suitable for equestrian use, and the proposed system has since been amended. The waterproofing and the surfacing are separate systems. It will be possible to remove the surface for maintenance/replacement without damaging the waterproofing underneath. This same principle applies to the approach ramp structures.</p> <p>As for access control, bollards are proposed at each end of the structure.</p> <p>The full details of the waterproofing and surfacing shall be a matter for the detailed design phase and dealt with under Article 10, which requires that such streets “<i>must be completed to the reasonable satisfaction of the local highway authority.</i>” (Application document ref: TR010024/APP/3.1).</p>
	<p><u>SCC Comment 4 – It is noted that three highway drainage / pollution control ponds and associated drainage ditches are proposed on land to be acquired for the scheme -</u></p> <p>The adoption and future maintenance of the proposed attenuation ponds and drainage ditches to be dealt with by a Side Agreement.</p>	<p>Agreed.</p>

Ref No.	Question:	Response:
	<p><u>SCC Comment 5 - The A1290 pond may fall within land required for the DCO for IAMP TWO highway improvements -</u></p> <p>This should be clarified by the applicant in discussion with IAMP LLP.</p>	<p>The Applicant would refer to the Statement of Common Ground between the Applicant and IAMP LLP (Application document ref: TR010024/APP/7.10) which comments on drainage and land assembly overlap.</p>
2. "the land plans"	<p><u>SCC Comment 6 –</u></p> <p>It is noted that the land to be acquired to deliver the scheme is predominantly within existing Strategic Road Network highway limits and is to be used for the scheme construction, operation and maintenance works.</p>	<p>Agreed.</p>
	<p><u>SCC Comment 7 –</u></p> <p>It is noted that outlying land is to be used temporarily to facilitate the construction works, some of which forms part of the IAMP. This is addressed within the interrelationship arrangement with IAMP LLP.</p>	<p>Agreed.</p>
2. "streets, rights of way access plans"	<p><u>SCC Comment 8 - The current scheme includes for a proposed Non-Motorised User route, works to existing Non-Motorised User routes, highway improvements/alterations to the Local Road Network, and signalised Non-Motorised User crossings -</u></p> <p>The maintenance and adoption of these works which will ultimately rest with the LHA can be included within a Side Agreement with the applicant.</p>	<p>Agreed.</p>

Ref No.	Question:	Response:
	<p><u>SCC Comment 9 – The proposed signalised NMU crossing (Pegasus) on the A1290 is to be provided based on the existing carriageway width –</u></p> <p>The delivery of this crossing may need to be clarified by the applicant in discussion with IAMP LLP based on highway improvements to widen a section of the A1290 for the IAMP TWO DCO.</p>	<p>The NMU crossing at the junction between the A1290 and the IAMP ONE green corridor to Hylton Bridge is one of the identified areas of overlap between the Scheme and IAMP TWO. IAMP LLP and the applicant understand the requirements of each scheme in this area and have noted this location in the Statement of Common Ground (Application document ref: TR010024/APP/7.10).</p> <p>No change is required to the Scheme DCO or preliminary scheme design to cater for this scenario.</p>
<p>2. “the works plans”</p>	<p><u>SCC Comment 10(a) –</u></p> <p>It is noted that WORK No 15, 16, 17, 18 and 19 are within or adjacent the Local Road Network within the boundary of Sunderland</p>	<p>No comment</p>
	<p><u>SCC Comment 10(b)–</u></p> <p>It is noted that WORK No 1, 2, 3, 4, 5 and 6 are within or adjacent the Strategic Road Network within the boundary of Sunderland</p>	<p>No comment</p>
<p>9. “Application of the 1991 Act” –</p>	<p><u>SCC Comment 11 –</u></p> <p>It is noted that the respective LHA have a duty to take on prospectively adoptable highway at the public expense and then be responsible for the maintenance.</p> <p>Any such highway requirements affecting the Local Road Network can be set out within a Side Agreement with the applicant.</p>	<p>Agreed.</p>

Ref No.	Question:	Response:
<p>10. "Construction and maintenance of new, altered or diverted streets"</p>	<p><u>SCC Comment 12 –</u> It is noted that as soon as the scheme is completed the respective LHA will be responsible for certain works. To ensure works on the local road network are completed to the reasonable satisfaction of the respective LHA; appropriate inspections should be undertaken jointly with the applicant's agent to identify any defects and remedial works if needed. This is considered a reasonable means of addressing any construction related issues prior to the LHA's assuming maintenance responsibility. Details to be set out within a Side Agreement with the applicant.</p>	<p>Agreed. Noted and agreed. Agreed.</p>
	<p><u>SCC Comment 13 –</u> Article 10(3) Refer to SCC comments 1 and 3 above.</p>	<p>Noted.</p>
<p>12. "Temporary stopping up and restriction of use of streets"</p>	<p><u>SCC Comment 14 –</u> It is noted and accepted that Article 12(2) allows for use a temporary working site on a temporarily stopped up / restricted street.</p>	<p>Noted.</p>
	<p><u>SCC Comment 15 –</u> Appropriate means of pedestrian access to a property shall be maintained where practicable.</p>	<p>Noted and agreed. The applicant has not identified any temporary closures that impact on pedestrian access to domestic properties during the construction phase.</p>

Ref No.	Question:	Response:
	<p><u>SCC Comment 16 –</u></p> <p>It is noted and accepted provision to temporarily stop up, alter or divert any street will require consent of the street authority. Both Sunderland and South Tyneside Councils are invited by Highways England to attend a regular monthly Traffic Management Forum as part of the A19 Testo's scheme. This forum allows for advance notification of works requiring temporary road closures and diversions, prior to any formal consultation which should address this issue. This arrangement is expected to continue for A19 Downhill lane subject to the outcome of the DCO.</p>	<p>Agreed.</p>
<p>13. "Permanent stopping up and restriction of use of streets and private means of access"</p>	<p><u>SCC Comment 17 –</u></p> <p>It is noted that provision is made for proposals to permanently stop up the means of access and streets in Parts 1, 2 and 3 of Schedule 4.</p>	<p>Noted.</p>
	<p><u>SCC Comment 18 –</u></p> <p>In relation to Article 13.(2)(a) and (b) of the DCO SCC would Refer to SCC comment 11.</p>	<p>Noted.</p>
<p>14. "Access to works" -</p>	<p><u>SCC Comment 19 –</u></p> <p>It is noted that Article 14 contains provisions for the forming or improving means of access for the purposes of authorised development. This is agreed in principle. However, any new accesses particularly from a classified road should be discussed and agreed with the respective local authority prior to installation. The access arrangements should also remain temporary, and therefore not subject to adoption as public highway. This requirement could be detailed within a Side Agreement.</p>	<p>The Applicant would refer to its response provided in response to Question 16 in the Written Submission of Applicant's Case at ISH1 & OFH1 and responses to ExA's question on the dDCO (REP1-010).</p> <p>The Applicant does not consider it necessary to amend the article for those reasons.</p> <p>The Applicant is continuing to negotiate with SCC on a side agreement and will provide an update to the Examining Authority at the earliest opportunity.</p>

Ref No.	Question:	Response:
16. "Traffic Regulation"	<p><u>SCC Comment 20 –</u></p> <p>It is noted that consent from LHA needs to be given within 28 days or it is deemed consent.</p> <p>This is agreed in principle. Both Sunderland and South Tyneside Councils are invited by Highways England to attend a regular monthly Traffic Management Forum as part of the A19 Testo's scheme. This forum allows for advance notification of works requiring temporary road closures and diversions, prior to any formal consultation which should address this issue. This arrangement is expected to continue for A19 Downhill lane subject to the outcome of the DCO.</p>	<p>Noted and agreed.</p>
19. "Authority to survey and investigate the land" -	<p><u>SCC Comment 21 –</u></p> <p>It is noted that if the LHA or SA receives an application for consent if it does not respond in 28 days it is deemed consent.</p>	<p>Agreed.</p>
30. "Temporary use of land for construction compound" -	<p><u>SCC Comment 22 –</u></p> <p>Plots 2/1, 2/2a, 2/2b form part of the temporary site compound at West Pastures utilised the A19 Testo's scheme. Continued use of this land is supported for the A19 Downhill scheme.</p>	<p>Noted.</p>

Ref No.	Question:	Response:
35. "Felling or lopping of trees and removal of hedgerows" -	<p><u>SCC Comment 23 –</u></p> <p>To request that a provision is inserted into the Article 35 that requires HE to obtain the prior written consent of the relevant LA before any trees or hedgerows are removed.</p>	<p>The Applicant refers to its response to Question 35 in the Written Submission of Applicant's Case at ISH1 & OFH1 and responses to ExA's question on the dDCO (REP1-010). The Applicant does not consider it necessary, for the reasons set out in that response, to amend Article 35.</p> <p>The Applicant would note that Requirement 5 allows SCC to be consulted on the landscaping scheme. This provides SCC with an opportunity to comment on the proposed landscaping scheme. The Secretary of State will then consider and, if appropriate, approve that landscaping scheme.</p>
Schedule 1 "Authorised Development"	<p><u>SCC Comment 24 –</u></p> <p>The Works as set out in Schedule 1 are all acceptable and supported. This includes Work item Nos 1, 2, 3, 4, 5, 6 15, 16, 17, 18, and 19 within the boundary of Sunderland</p>	<p>No comment</p>
Schedule 2 "Requirements" Part 1 Requirements Detailed Design – Requirement 3	<p><u>SCC Comment 25 –</u></p> <p>It is noted that the scheme design drawings are preliminary. A request made by the applicant at ISH1 around a potential change to the scheme seeking removal of the non-motorised user bridge from the proposed location to an alternative location further to the south. In principle, the provision of a route on an appropriate desire line for non-motorised users, and fully segregated from traffic on the A19 corridor is acceptable. However, Sunderland would wish to reserve its position until further evidence is provided.</p>	<p>The Applicant would note that it is no longer pursuing the integrated NMU provision referenced at this juncture.</p>
Construction environmental management plan – Requirement 4	<p><u>SCC Comment 26 –</u></p> <p>The general provisions for the CEMP are considered acceptable. However, further comments may be provided when the documentation is submitted for discharge of condition is sought by the applicant.</p>	<p>Noted and agreed.</p>

Ref No.	Question:	Response:
<p>Schedule 2 – Part 2 – Procedure for Discharge requirements</p>	<p><u>SCC Comment 27 –</u> Sunderland City Council are content for the discharge of conditions to be dealt with by the Secretary of State. However, further comments may be provided when the discharge of conditions are sought by the applicant in relation to the CEMP and any specific mitigation measures relating to ecology or public health. This approach was previously adopted for the consented DCO for the A19 / A184 Testo's Junction Improvement Scheme.</p>	<p>Noted and agreed.</p>
<p>Schedules 3 “Classification of Road etc” and Schedule 4 “Permanent Stopping up of Streets and Private Means of Access”</p>	<p><u>SCC Comment 28 –</u> There are no objections to the description of the highways set out in both Schedules.</p>	<p>Noted.</p>
<p>Schedule 5 “Modification of Compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants”</p>	<p><u>SCC Comment 29 –</u> There are no comments in principle to provisions set out in Schedule 5 but SCC reserves its position to make further comments on this if required.</p>	<p>Noted.</p>

Ref No.	Question:	Response:
Schedule 6 “Land of which temporary possession may be taken”	<u>SCC Comment 30 -</u> Land parcel 1/2g is required to be used temporarily to facilitate the works. This is acceptable in principle. No further comments at this stage.	Noted.
EA Responses to ExQ1s		
Q1.9.1	The Environment Agency was not consulted on the sensitive receptors and the assessment methodology with respect to noise and vibration.	The applicant responded to this question at Deadline 2 (Application Document Reference: TR010024/APP/7.13)
Q1.12.15	The Environment Agency is satisfied with the water quality assessment methodology submitted to support the application.	Noted.
Q1.12.6	The Environment Agency have no further comments to make regarding the methodology in the flood risk assessment and appendix 14.3.	Noted.
Q1.12.7	The Environment Agency have no further comments to make regarding the methodology for the Water Framework Directive assessment.	Noted.
Q1.12.10	The Flood Map has been updated and was published on the Gov.uk website on Wednesday 31 July 2019. The updated flood map shows a smaller extent of flood zones along the River Don, and a smaller risk area along the River Don including the application site.	Noted.
IAMP LLP Responses to ExQ1s		

Ref No.	Question:	Response:
1.10.1	<p>IAMP ONE is underway with over 51,200sqm of manufacturing, research and development space across 3 buildings currently under construction. Related highways and other infrastructure are also under construction.</p> <p>IAMP LLP carried out statutory consultation for IAMP TWO in Spring this year. It is currently working towards submission of its DCO application in Q1 2020.</p> <p>The relationship between IAMP and the Nissan Plant is summarised in the International Advanced Manufacturing Park Area Action Plan 2017-2032, which is available on the websites of South Tyneside Council and Sunderland City Council. IAMP is a location for occupiers from across the automotive and advanced manufacturing sectors, not just those connected to Nissan.</p>	Noted.
1.10.4	<p>Elliscope Farm is currently vacant and is expected to remain in that condition for the foreseeable future. The emerging ES for IAMP TWO considers the property as a receptor, but not for residential purposes – its likely use, if it remains, would be as a site management office.</p> <p>This change is a direct result of the IAMP TWO project.</p>	Noted.
1.10.5	IAMP LLP has seen a draft of Highways England's proposed response to this question and has nothing further to add.	Noted.