

A19 Downhill Lane Junction Improvement

Scheme Number: TR010024

**7.17 Written Submission of Applicant's case
put orally at Open Floor Hearing 2 on 15th
October 2019**

Rule 8(1)(k)
Planning Act 2008
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The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

A19 DOWNHILL LANE JUNCTION IMPROVEMENT

The A19 Downhill Lane Junction Development Consent Order 202[]

WRITTEN SUBMISSION OF APPLICANT'S CASE PUT ORALLY AT OPEN FLOOR HEARING 2 ON 15TH OCTOBER 2019

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A19 DOWNHILL LANE JUNCTION IMPROVEMENT (THE SCHEME)

WRITTEN SUBMISSION OF APPLICANT'S CASE PUT ORALLY AT OPEN FLOOR HEARING 2 ON 15TH OCTOBER 2019

1 Introduction

- 1.1 This document summarises the case put by Highways England (**the Applicant**) in relation to the A19 Downhill Lane junction scheme (**the Scheme**) at the Second Open Floor Hearing (**OFH2**) which took place at the Mercure George Washington Hotel, Newcastle upon Tyne, NE37 1PH on 15 October 2019, at 18:00.
- 1.2 In what follows, the Applicant's submissions on the points raised follow the agenda for the OFH set out in the Examining Authority's (**ExA**) agenda published on the Planning Inspectorate website on 7 October 2019.
- 1.3 Where, during the hearing, the Applicant committed to consider an issue further and provide a written update, these are embedded at the relevant part of this document under the heading "post hearing note".

2 Agenda Item 1 – Welcome, Introduction and arrangements

- 2.1 No questions of an introductory or preliminary nature were raised by the Applicant or by other attendees at the OFH.

3 Agenda Item 2 - Representations by any Interested Parties

- 3.1 Mr Wylie raised two key points relating to the Scheme.
- 3.1.1 First, the impact on the town of West Boldon, the impact of increased HGV movements, and the ensuing effect on the value of resident's property. In this regard Mr Wylie referred to the Applicant's response (submitted at Deadline 2) to his relevant representations.
- 3.1.2 Second, whether the Scheme should progress in light of the possible consequences and uncertainties surrounding Brexit.
- 3.2 Tom Henderson (**TH**), Partner at BDB Pitmans LLP (**BDBP**), introduced himself as lead advocate for the Applicant. Regarding Mr Wylie's first point, the Applicant would provide a response in due course.

[Post-hearing note: The Applicant has considered the submission made by Mr Wylie at the Open Floor Hearing on 15 October 2019, specifically that his representation about impacts of the Scheme on property, as set out in his relevant representation [RR-001], should be reconsidered. The Applicant refers to its Responses to Relevant Representations [TR010024/APP/7.7; REP1-009] where it set out the assessment of traffic flows on Downhill

Lane, and added that “Highways England cannot assess the marketability of individual properties during the construction period nor are they obliged to deal with compensation matters during the examination of the Scheme...”.

Having reflected further on the matter, the Applicant remains of the view that the position outlined above is consistent with established procedure and practice on compensation matters, namely it is a matter for a landowner to seek independent advice on any potential compensation claim at the appropriate time. To assist Further on this matter, Mr Wylie can find further information on compensation matters in the government’s guidance. This can be found here: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

Should Mr Wylie have specific questions or require further information as a result of the guidance, the Applicant will assist insofar as it can in directing his research, but in those circumstances it seems more appropriate for Mr Wylie to seek independent professional advice as outlined in the above-mentioned guidance. Moreover, as the Applicant noted at ISH2, the matters raised about current HGV movements do not directly relate to the Scheme.

In addition, the Applicant thought it would be helpful to comment on the nature of the meeting referred to by My Wylie at the Open Floor Hearing. The meeting was chaired by the Applicant’s Community Liaison Officer for A19 Testo’s, and was attended by members of the local community and South Tyneside Council. The purpose of that meeting was to discuss a number of matters, including the issue of HGVs movements during the construction of A19 Testo’s. To be clear, by this we mean HGV traffic not related with construction of Testo’s. South Tyneside Council has acknowledged that there is a need to address traffic issues on Downhill Lane and is considering Traffic Regulation Orders to address this, specifically weight restrictions on Downhill Lane. At this stage, there is a sign in place stating that Downhill Lane is not suitable for HGVs although currently the use is not legally restricted.]

- 3.3 Regarding the second submission, TH proposed that it seemed sensible to come back with further detail at the scheduled hearings for the next day; but he stated that the Scheme is required notwithstanding the potential impacts of Brexit

[Post-hearing note: the Applicant would refer to its note at Appendix 1 of the summary of the Applicant’s submissions at ISH2].

- 3.4 The ExA asked whether the Applicant was aware that some residents had indicated that they were not informed of the Scheme and that they would be in touch with the Planning Inspectorate. TH stated that the Applicant was not aware of this and once the Applicant understood who those individuals are, the Applicant could examine the consultation report to ensure the correct procedure had been followed. TH submitted that as far as the Applicant is concerned, the requirements under the Planning Act have been discharged. The Applicant would make contact with those people who felt they should have been consulted with.

[Post-hearing note: having spoken to the attendees of the Open Floor Hearing, the Applicant wanted to be clear that there was no question raised that the individuals were not consulted as part of the statutory consultation, nor the section 56 notification process. The specific issue raised related the notification of hearings. Under Rule 13(6), the Applicant is required to publish

the notice in a local newspaper, conspicuous locations around the site and post and maintain a notice of the hearing in one or more places where public notices are usually posted in the area. The Applicant has complied with these requirements and would note that, in addition and above and beyond the statutory requirements, the hearings were contained in the Testo's newsletter circulated in the local area.]

4 Agenda item 3 – review of issues and actions arising

4.1 As a summary of actions, TH confirmed that the Applicant would:

4.1.1 respond to Mr Wylie's comments;

4.1.2 address concerns regarding Brexit at ISH2; and

4.1.3 maintain on-going dialogue with those who want to get involved with the Scheme's processes but felt they were not previously consulted.

5 Agenda item 4 – next steps

5.1 No comments were made on this point.

6 Agenda item 5 – close of meeting

7 Agenda item 5 – close of meeting