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29 October 2019

Dear Sir / Madam,

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

Further to the Rule 8 letter dated 21 August 2019, we enclose a number of documents in relation to the above application which the Examining Authority (“the **ExA**”) has requested be submitted for Deadline 3 (29 October 2019). This letter sets out a short description of the documents provided, along with our approach in producing them, where relevant.

We also enclose an updated “Application Document Tracker” (**document reference: TR010024/APP/1.4(6)**) including the latest versions of the documents listed below.

**Written submissions of case**

The Applicant’s written submissions of the case it put forward at each of the following hearings which took place between 15 and 17 October 2019 are enclosed:

- *Open Floor Hearing (OFH)* on 15 October 2019 (**document reference TR010024/APP/7.17**);
- *Issue Specific Hearing 2 (ISH2)* on the interrelationship of major proposals in the area, environmental & landscape/visual issues and transport matters on 16 October 2019 (**document reference TR010024/APP/7.18**);
- *Compulsory Acquisition Hearing 1 (CAH1)* on 17 October 2019 (**document reference TR010024/APP/7.19**); and
- *Issue Specific Hearing 3 (ISH3)* into the draft Development Consent Order (**dDCO**) on 17 October 2017 (**document reference TR010024/APP/7.20**) – please note that this contains the Applicant’s suggestions for an expedited Examination timetable at Appendix 1.

### **Applicant's comments on Local Impact Report**

- The Applicant's comments on the joint Local Impact Report which was submitted to the Examination by South Tyneside Council and Sunderland City Council at Deadline 2 are enclosed (**document reference TR010024/APP/7.15**).

### **Applicant's comments on responses to ExA's written questions (ExQ1) and on any additional information/ submissions received by Deadline 2**

- The Applicant's comments on any responses to ExA's written questions (ExQ1) and on any additional information/ submissions received by Deadline 2 are enclosed (**document reference TR010024/APP/7.16**).

### **Statements of Common Ground**

- An updated Statement of Common Ground (**SoCG**) between the Applicant and South Tyneside Council (**STC**) and Sunderland City Council (**SCC**) is enclosed (**document reference TR010024/APP/7.12(1)**). The Applicant has provided both consolidated and tracked change versions of this document. This version is agreed subject to the final agreement and execution of the side agreement between the Applicant, STC and SCC. The Applicant expects no impediments to this agreement being settled very shortly and will provide an update at Deadline 4.
- There are no substantive updates to the version of the SoCG between the Applicant and IAMP, beyond what was conveyed during the recent DCO hearings. An updated version will be submitted as soon as possible, and is anticipated to be settled no later than Deadline 5.

### **Revised draft Development Consent Order**

- We enclose an updated dDCO (**document reference: TR010024/APP/3.1(5)**). The dDCO is included in both word and pdf formats, and in both consolidated and tracked change versions. Since the changes to the dDCO are very few in number, they are set out and explained in the table at Annex 1 to this letter, rather than as a separate document.

### **Other updated / revised documents**

- We enclose amended Engineering Drawings and Sections (**document reference: TR010024/APP/2.6(1)**). This document has been amended to insert a note referencing low noise road surfacing on roads in the Scheme boundary where the speed limit is greater than 75kph (see further the Applicant's submissions on this point contained in its written summary of oral submission at ISH3 (TR010024/APP/7.20)).
- We enclose an updated Funding Statement (**document reference: TR010024/APP/4.2(1)**). The Applicant has provided this following an update to the capital costs associated with the Scheme.
- We enclose an amended Book of Reference (**document reference: TR010024/APP/4.3(4)**). As explained at CAH1, the Applicant carried out a review of updated information at the Land Registry and has updated the Book of Reference with this information (including a number of acquisitions by IAMP LLP).

- We enclose an updated Transport Assessment which includes a correction to errors within that document as highlighted at ISH2 (**document reference: TR010024/APP/7.4(1)**).
- We enclose a revised Interrelationship Document (**document reference: TR010024/APP/7.3(3)**) to reflect revisions to IAMP TWO's programme discussed at ISH2 and remove references to the integrated NMU solution.

### **Withdrawal of Environmental Statement Addenda**

As mentioned at ISH2 and ISH3, on the basis that the integrated NMU solution is not being promoted at this juncture, the Environmental Statement Addenda should be treated as being withdrawn. Please take this letter as the Applicant's formal withdrawal of the Environmental Statement Addenda (**document reference TR010024/APP/6.11**).

### **Update on negotiations with Hellens Land Ltd**

The Applicant met with representatives from Hellens Group following CAH1 and continue to discuss a suitable mechanism to retain rights over plot 1/7c. STC also attended this meeting to provide clarification regarding their position on this matter.

In summary, the Applicant is considering a number of solutions including:

- a voluntary agreement between the Applicant and Hellens Land Ltd over the use of Plot 1/7c, which would obviate the need for a drainage connection right over any land proposed to transferred STC; and / or
- utilising existing highway/land drainage features that are likely to be retained following the completion of the Scheme.

The parties intend to conclude these discussions and provide a position statement at Deadline 4 which will be the final position for the purposes of Examination.

Yours sincerely

Andrew Scatchard  
Assistant Project Manager



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**ANNEX 1: EXPLANATION FOR CHANGES TO DRAFT DCO**

ARTICLE	EXPLANATION FOR CHANGE
Article 2 – definition of “maintain”	Further to the ExA’s suggestion at ISH3, the definition has been amended to make clear that “maintain” is limited to works which do not give rise to materially new or materially different environmental effects (as compared with those in the environmental statement).
Article 2 – definition of “Testo’s plans”	Further to the ExA’s suggestion at ISH3, the definition has been amended to include a reference to the application document number and, further, has been amended to make clear that it will be a document which is certified for the purposes of the A19/A184 Testo’s Junction Alteration Development Consent Order 2018 (see further commentary on article 41(4) below).
Article 6(2)	Further to the ExA’s suggestion at ISH3, this paragraph has been inserted to make clear the procedure set out in Part 2 of Schedule 2 of the dDCO is to apply to an application for certification under Article 6(1).
Article 30	<p>Further to the ExA’s suggestion at ISH3, article 30(2) has been amended to make clear that the Applicant is able to take temporary possession of Plot 1/14b notwithstanding the Testo’s construction compound is being utilised (i.e., the Applicant has taken temporary possession of Plots 2/1, 2/2a, 2/2) provided that construction activities are not being carried out on Plot 1/14b. The justification for this is set out in the Applicant’s Written Summary of Oral Submissions at ISH3 (TR010024/APP/7.20) but in summary, the intention is to curtail the works carried out on Plot 1/14b rather than the temporary possession powers.</p> <p>The Applicant has further inserted paragraph (3) to provide a definition for “construction activities”. The definition makes clear that any material operations would not be permitted in the event that the Testo’s construction compound was being utilised for the purposes of the Scheme.</p>

Article 41(4)	The provision has been amended to make clear that the revised Testo's plans are to be certified for the purposes of the A19/A184 Testo's Junction Alteration Development Consent Order 2018. This complements the existing amendment to article 40 of that Order contained in Schedule 8 to the dDCO.
Articles 30(1), 36(1), 41(4)	Insertion of footnotes referencing the A19/A184 Testo's Junction Alteration Development Consent Order 2018.
Schedule 9	<p>The schedule of certified documents has been amended to:</p> <ul style="list-style-type: none"> <li>- Remove reference to the "Environmental Statement – Addenda" on the basis this document has been withdrawn.</li> <li>- Update references to the Book of Reference and the Engineering Drawings and Sections on the basis that these documents have been updated.</li> </ul>

