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28 November 2019

Dear Sir / Madam,

**PLANNING ACT 2008  
HIGHWAYS ENGLAND (“THE APPLICANT”)  
APPLICATION 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 5 (28 November 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” (**TR010024/APP/1.4(8)**) including the latest versions of the documents listed below.

**Response to Further Written Questions (ExQ2)**

Please find enclosed the Applicant’s response to the ExA’s further written questions (**TR010024/APP/7.22**).

The Applicant has also responded within that document to the matters raised in respect of the ExA’s commentary on the dDCO. As a result, updated versions of the following application documents are enclosed:

- dDCO (**TR010024/APP/3.1(6)**);
- Explanatory Memorandum (**TR010024/APP/3.2(5)**);
- Land Plans (**TR010024/APP/2.3(1)**);
- Streets, Public Rights of Way and Access Plans (**TR010024/APP/2.5(1)**);
- Engineering Drawings and Sections (**TR010024/APP/2.6(2)**) and
- Revised Testo’s Plans, Drawings and Sections (**TR010024/APP/7.5(1)**).

The Applicant anticipates that this latest version of the DCO will be the Applicant's final preferred version of the dDCO (this will be confirmed at Deadline 6). On that basis, the Applicant has also provided a DCO Validation Report (**TR010024/APP/3.4(2)**). The Applicant has not provided an annex to this letter setting out an explanation and justification for the latest changes to the dDCO, as this would duplicate the responses provided to ExQ2, and ExQ2.5.5 in particular.

### **Updated Book of Reference**

Following correspondence with the Planning Inspectorate, the Applicant has provided a revised Book of Reference (**TR010024/APP/4.3(5)**) reflecting new information provided to the Applicant.

### **Statements of Common Ground**

The Applicant and IAMP LLP have now agreed the finalised Statement of Common Ground (**TR10024/APP/7.10(1)**) and this is enclosed.

The Applicant submitted the signed Statement of Common Ground between the Applicant, South Tyneside Council and Sunderland City Council (**TR010024/APP/7.12(2)**) on 27 November 2019. The private Side Agreement (relating to the adoption of roads) remains finalised and agreed, and simply awaits formal completion due to the availability of signatories. The completion of the agreement is expected imminently and the Applicant anticipates providing confirmation of this as soon as possible, and in any event no later than Deadline 6 (5 December 2019).

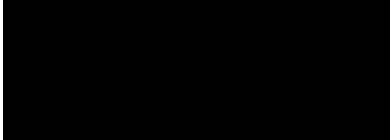
### **Applicant's comments on the need for an additional Compulsory Acquisition Hearing**

In light of the ExA's request for comments on his preliminary decision not to hold further hearings, the Applicant wishes to reiterate its position that no further Compulsory Acquisition Hearing is required to consider the interests of Hellens Land Ltd, for four reasons.

- First, for the reasons outlined in the Deadline submission 4 cover letter, it would not be appropriate or proportionate to give any further consideration to the relocation of Pond 6, noting the lengthy technical assessments this could entail, and that nearly three months of the examination period has already expired.
- Second, as detailed in the joint position statement, a range of other feasible solutions have been identified by the parties and these will continue to be explored. Each one is deliverable by the Applicant, but none of the options can be settled upon or discounted prior to the end of the examination period. As such, a further hearing cannot change this fundamental position.
- Third, South Tyneside Council's current position – that the Applicant cannot transfer land to the Council which is subject to a pre-agreed third party right – does not prejudice the same right being granted by South Tyneside Council in the future. The applicant understands that would be a matter for resolution following publication of the Local Plan and in conjunction with a future planning application.
- Fourth, the Applicant draws the ExA's attention to the paragraph 4.10 of the Written Submissions of the Applicant's case put orally at the Compulsory Acquisition Hearing (**document reference TR010024/APP/7.19**). This already articulates the Applicant's position on the compelling case in the public interest for its acquisition of plot 1/7c, in the unexpected event that none of options A-C in the joint position statement could be

achieved. In those circumstances, the drainage connection would have to be agreed between Hellens Land and South Tyneside Council at the point in time of a future planning consent. A further hearing is unable to elaborate on this position.

Yours faithfully



Helen Apps  
Project Manager

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