



South Tyneside Council

Application by Highways England for the A19 Downhill Lane Junction Improvement

ExQ2 - South Tyneside Council Response

1.0	General and Cross-topic Questions
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ExQ2	Question	South Tyneside Council Comments
Q2.1.2	<p>At Deadline (D)4 the Applicant confirmed [REP4-001] that the joint local authority Statement of Common Ground (SoCG) as submitted at D3, and the private side agreement (relating to the adoption of roads) had been agreed and that the submission of the signed SoCG would be submitted in advance of D5. Paragraph 5.16 of [REP3-017] also refers.</p> <p>The Applicant and the local authorities are asked to confirm the position with regard to the SoCG.</p> <p>In addition, please explain why it is necessary for matters relating to the adoption of roads to be subject to a side agreement. It is stated that this is a private agreement and implied that it will not be submitted to the Examination. If this is the correct interpretation explain why it is not appropriate to submit the agreement to the Examination.</p>	<p>The SoCG has been agreed and fully signed by all parties. The applicant will be submitting the completed SoCG for Deadline 5.</p> <p>The Side Agreement has been agreed and is pending completion, and an update will be provided as soon as possible.</p> <p>The agreement contains information relating to the future maintenance of assets to be transferred to the respective local authorities upon satisfactory completion of the scheme.</p>

3	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))
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ExQ2	Question	South Tyneside Council Comments
Q2.3.1	<p>Paragraph 7.15 of the Local Impact Report (LIR) [REP2-021] states that "the delivery of compensation measures, including biodiversity offsets, is likely to involve access to land, or land purchase, outside a scheme footprint and a commitment to long-term management through legal agreements. They therefore require early consideration in project design. The principles of offsetting should be agreed with the</p>	<p>We agree in principle that all necessary mitigation measures will be provided within the footprint of the DCO boundary.</p> <p>It is considered that the REAC and outline CEMP will enable an appropriate level of mitigation to be agreed with the respective local authorities.</p>

	<p>competent authority at an early stage, particularly where this is not clearly set out in a policy or biodiversity offsetting strategy.” The Applicant responded [REP3-012], indicating that the scheme will deliver all biodiversity offsetting within the DCO boundary and so does not require access to land outside the scheme footprint.</p> <p>The Applicant is asked to demonstrate where within the scheme boundary biodiversity offsetting is proposed to take place.</p> <p>The Local Authorities are asked to comment on the Applicant’s response to paragraph 7.15 of the LIR.</p>	<p>Further dialogue between the applicant and local authorities will be undertaken as part of the detailed design process. This is necessary to meet concerns relating to biodiversity offsetting and securing mitigation measures to address impacts on the local ecology resulting from the proposed scheme.</p>
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ExQ2	Question	Comments
2.3.2	<p>Paragraph 7.16 of the LIR [REP2-021] states that “<i>it is important that [the] scheme is sustainable and that it produces a net gain for biodiversity and nature conservation. National policy promotes the inclusion of measures to enhance biodiversity within development proposals. Enhancement of biodiversity should be an objective of this project.</i>” In response [REP3-012] the Applicant noted that Chapter 9 of the ES [APP-020] outlines the habitat gain and loss of the scheme and demonstrates a net biodiversity gain.</p> <p>The Applicant is asked to confirm how a net biodiversity gain for the scheme has been achieved. The Local Authorities are asked to explain the policy basis for seeking a net biodiversity gain.</p>	<p>Both national and STC local planning policies set out a principle for achieving net gain for biodiversity through planning decisions.</p> <p>The latest NPPF is explicit (para. 175 limb d) using the term net gain, the local policies are less explicit using the terms ‘enhance’ and ‘add to’ biodiversity but this still indicates in an increase in biodiversity being required.</p>

4	Compulsory Acquisition and / or Temporary Possession
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ExQ2	Question	South Tyneside Council Comments
2.4.1	At D4 the Applicant and Hellens Land Limited submitted a Joint Statement on the status of discussions between the parties [REP4-004]. The Applicant also set out its position separately [REP4-001] as did Hellens Land Limited [REP4-005].	This is an ongoing matter.

12	Water Environment
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ExQ2	Question	South Tyneside Council Comments
2.12.1	Paragraph 14.8.16 of the ES refer to the limited change in water environment risks at the Testo's compound. Please clarify what the risk is?	<p>The SoCG between the Environment Agency and the applicant includes provision to explore and adjust the layout of the water environment and associated habitat in the locality of pond 6. This has been agreed between both parties in the completed SoCG.</p> <p>In our opinion whether or not a proposed change would or would not be non-material could be considered under the relevant requirement 8 (and noting the caveats in requirement 8 (2) that have relevance).</p>