

Requirements Register

Register of Requirements within schedule 2 of the A19 Downhill Lane Junction Development Consent Order

Notes:

1. The Secretary of State for Transport granted development consent for the A19 Downhill Lane Junction Development Consent Order (DCO) on 16 July 2020. The following are links to useful decision documentation:
 - Secretary of State for Transport's [decision letter and statement of reasons](#) .
 - [DCO](#) as made by the Secretary of State for Transport. The requirements in the register in this document can be found on pages 34 to 38 of the DCO and the process for discharging the requirements can be found on pages 38 to 39 of the DCO.
 - Examining Authority's [report](#) and recommendations to the Secretary of State for Transport.
2. The made DCO is Statutory Instrument 2020/000 and can be found on the Legislation.Gov.UK website.
3. Requirements are conditions that have been included in the DCO, which control how the project it consents must be implemented (constructed and maintained). Implementing the DCO in accordance with these conditions involves completing consultation and approval processes that have been defined in the DCO. These processes are referred to here and in the DCO as “discharging” the requirements.
4. This Requirements Register is a live document and will be updated as the process to discharge the requirements progresses. The latest version will always be published [here](#). This register will be maintained for three years following completion of the project
5. To capture all changes made to the Requirements Register, a log is located on Page 2. This will be filled in each time a change is made to the register.
6. How the requirements fall within the responsibility of different tiers of local authority was determined during early meetings with those authorities.
7. The Department for Transport's National Transport Casework Team will act on behalf of the Secretary of State in determining the discharge of requirements.
8. The comments column may, for example, give further information on the meaning of the requirement, links to documents referred to in the requirement and identifies if the requirement is fulfilled or does not require discharge.
9. Where the Requirement Description refers to a document submitted as part of the DCO application and examination process, a link is provided to the document held on the Planning Inspectorate website. Where the Requirement Description refers to a document produced after the DCO has been consented, a link is provided to the document stored by Highways England
10. Any questions or observations regarding the content can be directed by email to the A19 Downhill Lane Junction project team at A19DownhillLaneJunctionImprovement@highwaysengland.co.uk.

Below is a table of updates which have been made to the Requirements Register

Date	Requirement Register Version Number	Detail of update
28/08/2020	1.0	

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
<i>Reference from Development Consent Order</i>	<i>Direct quote from Schedule 2 of the Development Consent Order</i>	<i>All documents produced that are necessary to fulfil/discharge the requirement</i>	<i>Statutory duty holder(s) to be consulted to fulfil/discharge the requirement (e.g. the Local Planning Authority, Local Highway Authority, Natural England, etc.)</i>	<i>Details of when these documents were issued to statutory duty holder(s).</i>	<i>Details of when these documents were returned by the Statutory Duty holder(s)</i>	<i>Details of when these documents were issued to the Secretary of State</i>	<i>Details of when these documents were approved by the Secretary of State, including details of prior consultation of 3rd parties by the Secretary of State</i>	<i>Any comments related to the requirements</i>
Time Limits								
2	The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force.							No approvals required. The authorised development must commence by 15 July 2025.
Detailed design								

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
3(1)	The authorised development must be designed in detail and carried out in accordance with the preliminary scheme design shown on the engineering drawings and sections unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions, provided that the Secretary of State is satisfied that any amendments to the engineering drawings and sections showing departures from the preliminary scheme design would not give rise to any materially new or materially	Engineering Drawings - Highways General Arrangement 1 of 2 and 2 of 2 . Engineering Drawings - Highways Longitudinal Sections 1 of 3 , 2 of 3 and 3 of 3 . Engineering Drawings - Structures – South Junction Overbridge 1 of 1 . Engineering Drawings – Structures – Non-Motorised User Overbridge 1 of 2 and 2 of 2 . Engineering Drawings – Drainage General Arrangement 1 of 1	Sunderland City Council and South Tyneside Council	Email sent: 05/06/2020	13/08/2020 – Confirmation received from Sunderland City Council and South Tyneside Council Joint LA comment; “ <i>The submitted engineering plans and section drawings have been reviewed and are in accordance with issues discussed and agreed during the DCO process.</i> ”	Application to discharge this Requirement submitted to the Secretary of State on 28/08/2020	08/09/2020 – Approval from Secretary of State	
3(2)	Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.							This requirement is to be updated should any amendments to the scheme be made. No changes proposed. No approvals required.
Construction environmental management plan								

<p>4(1)</p>	<p>No part of the authorised development is to commence until a CEMP, substantially in accordance with the outline CEMP for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority to the extent that it relates to matters relevant to its function.</p>	<p>The Construction Environmental Management Plan (CEMP)</p>	<p>Sunderland City Council and South Tyneside Council Natural England</p>	<p>Email sent: 05/06/2020 Email sent: 08/07/2020</p>	<p>13/08/2020 – Confirmation received from Sunderland City Council and South Tyneside Council <i>Joint LA comment; “It is noted that the CEMP is an update of the outline document reviewed and discussed during the DCO process.</i> <i>It is noted that site control measures are detailed including noise monitoring. The current monitoring locations are in Boston Road and Baxter Road in Town End Farm, Sunderland. These locations are considered appropriate. Results of baseline readings remain and any future noise monitoring (if required) shall be provided when available.</i> <i>It is noted that current details of the Community Relations Manager and other key / emergency contacts are included in the CEMP (if required).”</i> 14/07/2020 – Confirmation received from Natural England, “Thank you for the clarification – the approach you are proposing seems entirely appropriate.”</p>	<p>Application to discharge this Requirement submitted to the Secretary of State on 28/08/2020</p>	<p>08/09/2020 – Approval from Secretary of State</p>	<p>Should any unforeseen environmental issues arise during the course of the construction works specifically impacting on ecology, water, air quality, noise, dust and contamination etc; Highways England shall contact the respective Local Authority to agree any appropriate mitigation (if required). Highways England will share relevant ECPs during their development. Construction Environmental Management Plan (CEMP) considers each of the environmental statement discipline topics (including management plans, working methods and mitigation measures. The Construction Environmental Management Plan can be found here: CEMP.</p>
<p>4(2)</p>	<p>The CEMP must be written in accordance with ISO14001</p>							<p>See above.</p>

	<p>and must—</p> <ul style="list-style-type: none"> (a) reflect the mitigation measures set out in the REAC; (b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development; (c) require adherence to working hours of 07:30–18:00 on Mondays to Fridays and 08:00–13:00 on Saturday except for— <ul style="list-style-type: none"> (i) night-time closures for bridge installation; (ii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation; (iii) junction tie-in works; (iv) overnight traffic management measures; (v) cases of emergency; and (vi) as otherwise agreed by the local authority in advance; (d) include the following management plans— <ul style="list-style-type: none"> (i) Dust, Noise and Nuisance Management Plan; (ii) Site Waste Management Plan; (iii) Environmental Control Plan: Invasive Species; (iv) Environmental Control Plan: General Ecology; (v) Soil Management Plan; (vi) Surface Water Management Plan; (vii) COSHH (control of substances hazardous to health) Material, Waste Storage and Refuelling Plan; (viii) Energy and Resource Use Management Plan; (ix) Materials Management 						<p>All plans listed in (d) (i-xii) can be found in the appendices section of the CEMP</p>
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Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
	Plan; (x) Contaminated Land Management Plan; (xi) Archaeological Control Plan; (xii) Pollution Prevention Plan.							
4(3)	The construction of the authorised development must be carried out in accordance with the approved CEMP.							No approvals required. See above.
4(4)	A HEMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP.							No approvals required. The HEMP will be found here in due course.

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4(5)	(5) The HEMP must address the matters set out in the approved CEMP that are relevant to the operation and maintenance of the authorised development, and must contain— (a) the environmental information needed for the future maintenance and operation of the authorised development; (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.							No approvals required. Highways England will keep Sunderland City Council and South Tyneside Council informed on progress/revisions on the REAC before, during and after construction.
4(6)	The authorised development must be operated and maintained in accordance with the HEMP.							No approvals required. As above.
Landscaping								

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
5(1)	The authorised development must be landscaped in accordance with a landscaping scheme which sets out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.	Written landscaping scheme	Sunderland City Council and South Tyneside Council	Email sent: 05/06/2020	13/08/2020 – Confirmation received from Sunderland City Council and South Tyneside Council Joint LA comment; <i>“It is noted that the submitted landscaping scheme has taken into account mitigation measures identified within the REAC.”</i>	Application to discharge this Requirement submitted to the Secretary of State on 28/08/2020	08/09/2020 – Approval from Secretary of State	Landscape and Ecology Detailed Design Plan 1 of 2 and 2 of 2 .
5(2)	The landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the illustrative environmental masterplan annexed to the environmental statement (application document TR010024/APP/6.1).							No approvals required.
5(3)	The landscaping scheme prepared under sub-paragraph (1) must include details of— (a) location, number, species mix, size and planting density of any proposed planting; (b) cultivation, importing of materials and other operations to ensure plant establishment; (c) existing trees to be retained, with measures for their protection during the construction period; (d) proposed finished ground levels; and (e) implementation timetables for all landscaping works.							No approvals required.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
5(4)	All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.							No approvals required.
5(5)	Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.							No approvals required. Approval from Secretary of State will be sought should variation to planting be required.
Contaminated land and groundwater								

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
6(1)	In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.							No approvals required. This requirement is to be updated should the scheme encounter contaminated land (including groundwater) not previously identified in the Environmental Statement.
6(2)	Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.							No approvals required. This requirement is to be updated should the scheme encounter contaminated land (including groundwater) not previously identified in the Environmental Statement.
6(3)	Remediation must be carried out in accordance with the approved scheme.							No approvals required.
Protected Species								

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
7(1)	No part of the authorised development is to commence until for that part final pre-construction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by that part of the authorised development, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.	Statement of Common Ground – Natural England	Sunderland City Council and South Tyneside Council Natural England	Email sent: 05/06/2020 Email sent: 08/07/2020	13/08/2020 – Confirmation received from Sunderland City Council and South Tyneside Council A joint LA response, “A pre-construction ecology survey report dated July 2020 has been received and reviewed. The baseline ecology work included in the Environmental Statement has been reviewed and walkover habitat surveys undertaken. It is noted that there is no evidence of badger habitats. A variety of breeding and wintering bird species were identified. It is considered that the mitigation identified within the REAC remains appropriate and no further mitigation is planned at this stage.” 14/07/2020 – Confirmation received from Natural England, “Thank you for the clarification – the approach you are proposing seems entirely appropriate.”	Application to discharge this Requirement submitted to the Secretary of State on 28/08/2020	08/09/2020 – Approval from Secretary of State	Matter submitted to, and approved by, Natural England in the Statement of Common Ground (SoCG) . Approval received Natural England.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
7(2)	Following pre-construction survey work or at any time when carrying out the authorised development, where— (a) a protected species is shown to be present, or where there is reasonable likelihood of it being present; (b) application of the relevant assessment methods used in the environmental statement show that a significant effect is likely to occur which was not previously identified in the environmental statement; and (c) that effect is not addressed by any prior approved scheme of protection and mitigation established in accordance with this paragraph, the relevant parts of the relevant works must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.	Pre-construction Survey						No approvals required. This requirement is to be updated should the scheme encounter any previously unidentified protected species. Should any protected species be discovered during construction, will be protected, and that the necessary licences will be obtained prior to works continuing should this be required.
7(3)	The undertaker must consult with Natural England on the scheme referred to in subparagraph (2) prior to submission to the Secretary of State for approval, except where a suitably qualified and experienced ecologist, holding where relevant and appropriate a licence relating to the species in question, determines that the relevant works do not require a protected species licence.							As above.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
7(4)	The relevant works under sub-paragraph (2) must be carried out in accordance with the approved scheme, unless otherwise agreed by the Secretary of State after consultation with Natural England, and under any necessary licences.							No approvals required. Approval from Secretary of State will be sought should variation to methodology be required.
Surface and foul water drainage								
8(1)	No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function.	Details of surface water drainage systems.	Sunderland City Council and South Tyneside Council	Email sent: 05/06/2020	<p>25/09/2020 – Confirmation from Sunderland City Council and South Tyneside Council</p> <p>A joint LA response, "Please take this email as a joint response on behalf of both South Tyneside and Sunderland Councils.</p> <p>Officers from both South Tyneside Council and Sunderland City Council have reviewed the Drainage Strategy Report (June 2020) and are satisfied with the design proposals and mitigation measures identified.</p> <p>It is considered appropriate to discharge this requirement."</p>	Application to discharge this Requirement submitted to the Secretary of State on 01/10/2020	12/10/2020 – Approval from Secretary of State	

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
8(2)	The surface and foul water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.							No approvals required. This requirement is to be updated should a variation to 8(1) be required.
Archaeological remains								
9(1)	Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified.							No approvals required.
9(2)	No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (1) for a period of 14 days from the date of any notice served under sub-paragraph (1) unless otherwise agreed in writing by the relevant planning authority.							No approvals required.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
9(3)	If the relevant planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the relevant planning authority.							<p>No approvals required.</p> <p>Will contact the relevant local planning authority should any archaeological remains be found and require investigation.</p>
Traffic Management								

<p>10(1)</p>	<p>No part of the authorised development is to commence until a traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</p>	<p>Traffic Management Plan</p>	<p>Sunderland City Council and South Tyneside Council</p>	<p>Email sent: 05/06/2020</p>	<p>13/08/2020 – Confirmation received from Sunderland City Council and South Tyneside Council</p> <p>A joint LA response, “Highways England will need to liaise with both South Tyneside and Sunderland’s Highway Asset / Network Operation teams to ensure traffic orders are planned and introduced as and when required. Permit schemes have been introduced by both Authorities for road closures and booking road space. Contact details to be provided. Nissan are supportive of the scheme; and are keen to work with Highways England and the Local Authorities to ensure impact on the operation of the business and staff travel arrangements is minimised where possible. A fortnightly meeting is to be arranged with Nissan to enable continued discussions and monitoring of traffic movements during the construction works. A communications group is to be established between Highways England, Nissan, Sunderland and South Tyneside Councils. The intention of the group is to manage press releases and social media to</p>	<p>Application to discharge this Requirement submitted to the Secretary of State on 28/08/2020</p>	<p>08/09/2020 – Approval from Secretary of State</p>	<p>Highways England shall liaise with Nexus and the bus operators to address any traffic management issues during the construction phase including any temporary diversions or suspension of bus stops through this working group.</p> <p>Highways England shall liaise with the IAMP project team to monitor implications for construction and operational traffic during the construction works. The temporary Nightingale Hospital access arrangements to remain unchanged until notified by NHS.</p> <p>The revised programme will be shared with Sunderland City Council and South Tyneside Council once it is available.</p>
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					<p><i>advise of the project in the first instance and temporary traffic management arrangements as and when planned.</i></p> <p><i>It is anticipated that the established Traffic Management Working Group for A19 Testo's will continue to cover the A19 Downhill Lane construction programme."</i></p>			
10(2)	The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).							No approvals required.
Amendments to approved details								
11	With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or schemes are taken to include any amendments that may subsequently be approved in writing by the Secretary of State.							No approvals required.
Fencing								

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
12	Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Volume 1, Series 0300 of the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.							No approvals required. Any departures will be agreed in writing with the Secretary of State if required.
Schedule 2 Part 2 - PROCEDURE FOR DISCHARGE OF REQUIREMENTS								This register will be published on the scheme webpage and updated as required.