

**SUNDERLAND CITY COUNCIL'S RESPONSE TO THE EXAMINING
AUTHORITY ISSUES AND QUESTIONS RELATING TO THE DRAFT
DEVELOPMENT CONSENT ORDER AGENDA FOR ISH: 13 AUGUST 2019
TABLE 1 ANNEX E**

Q No.	Part of DCO	Drafting example (where relevant)	Question
21	Art 11(2)	<i>"From such day as the undertaker may determine no person is to drive any motor vehicle at a speed exceeding the limit of 40 miles per hour on the roads described in columns (1) and (2) of Part 4 of Schedule 3 (classification of roads etc)".</i>	Sunderland City Council ('SCC') is supportive of the 40mph speed limit and has no issues.
24	Art 12(6)	<i>"If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent"</i>	SCC is aware of the 28 days' time period in which to make a response to a request for consent or it will be deemed consent. SCC considers that it should be able to respond in that time scale and that this time scale is in line with the nearby Testo's DCO.
25	Art 14	<i>"The undertaker may, for the purpose of the authorised development, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development"</i>	SCC would comment that if a permanent access was to be created or improved without the consent of SCC, to which SCC would become responsible for its maintenance, then there would need to be some provision to cover the costs of defects in construction of that access. This could be covered off in a Side Agreement, which SCC and HE will liaise on.
35	Art 35	<i>"Felling or lopping of trees and removal of hedgerows"</i>	SCC would comment that the draft DCO does not specify the affected trees or hedgerows to be removed to be able to comment on it. However, SCC is liaising with HE and South Tyneside Council ('STC') to determine what is affected.
41	Schedule 2, R3	<i>"(1) The authorised development must be designed in detail and carried out in accordance with the preliminary scheme design shown on engineering drawings and sections unless</i>	SCC note that the current scheme design is at a preliminary design stage. It is noted that the applicant is proposing an alternative alignment for the non-

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		<i>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 worse adverse environmental effects in comparison with those reported in the environmental statement”.</i>	motorised user bridge to the south of the junction. In principle, the provision of a route on an appropriate desire line for non-motorised users, and fully segregated from traffic on the A19 corridor is acceptable. However, SCC wish to reserve its position until further evidence is provided.
43	Schedule 2, R4, 7, 8 & 10	<i>“No Part of the authorised development is to commence until for that part ...”</i>	SCC have no issue with the discharging of requirements set in Schedule 2 being in part where applicable. This practice is well used in terms of adoption of highways and was used in the nearby Testo’s DCO.
45	Schedule 2, Part 2	<i>“Procedure for discharge of requirements”</i>	SCC would comment that although this Schedule is not in compliance with Advice Note 15 Appendix 1, SCC is satisfied that the Secretary of State discharges the requirements in consultation with SCC (where applicable) as oppose to SCC and STC discharging the requirements. This is a similar provision to that in the Testo’s DCO. The only comment that SCC would make is that as there is no appeal mechanism provided would any dispute regarding discharge of requirements be via Arbitration and who would be responsible for payment of that. Also, would SCC in consultation with the Secretary of State be able to prevent discharge of

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			requirements if they were unsatisfied that requirements had not been discharged accordingly.
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