

## **A57 Link Roads Development Consent Order Hearing Sessions**

### **Hearing Session 4: Draft Development Consent Order**

**Wednesday 6<sup>th</sup> April 2022**

### **Derbyshire County Council's written summary of oral submissions at hearing session**

#### ***ITEM 3: PARTS 1 to 7***

#### ***Article 10 and Article 11: Street Works***

*The Applicant [REP6-017] said that Derbyshire County Council and Tameside Metropolitan Borough Council's permit schemes would no longer be disappplied and has updated the dDCO [REP7-003], removing Article 11(8).*

*c) Do Derbyshire County Council or Tameside Metropolitan Borough Council have any comments on the updates? Are there any remaining concerns about their permit schemes?*

#### **DCC Oral Submission**

Derbyshire County Council thanked the applicant for addressing this issue and welcomed the confirmation in the updated Draft DCO that the County Council's Permit Scheme would no longer be disappplied.

Derbyshire County Council, therefore, has no further concerns. The main concern previously highlighted by the County Council was the need for advanced notice to the County Council of any works that were planned to any streets within Derbyshire's area to construct the scheme with a recommended notice period of three months.

That notice will now be facilitated through the application of the County Council's Permit Scheme.

#### ***Article 12(5) - Construction and maintenance of new, altered or diverted streets and other structures – responsibility for maintenance***

*Derbyshire County Council [REP6-026] provided an update on discussions with the Applicant regarding maintenance liabilities, said that agreement had been reached and that the matter could be secured through the Environmental Management Plan.*

*d) Does Derbyshire County Council have any remaining concerns regarding provisions related to maintenance in the dDCO [REP7-003] or in the Environmental Management Plan (First Iteration) [REP6-007 and REP6-008]?*

### **DCC Oral Submission**

Since the issue of the ExA's First Written Questions and its response in REP4-010, Derbyshire County Council's Network Management Officers have subsequently held discussions with the applicant's consultants regarding maintenance liabilities for various aspects of the scheme and agreement has been reached between the two parties that Derbyshire County Council should assume maintenance responsibilities for those structures set out in Table 6.1 of the EMP i.e. the Woolley Bridge traffic signals and the street lighting. (see also comments in 11.9 regarding maintenance of drainage infrastructure).

The issue of commuted sums is subject to ongoing discussions between the applicant and the County Council, and the Council considers that agreement on this matter could be secured through the EMP.

In the context of the above, Derbyshire County Council has no remaining concerns.

### **Articles 14(6), 18(11), 19(8), 21(6) – Deemed consent**

*The Applicant has updated the dDCO [REP7-003] to require authorities to be notified of the provisions for deemed consent when it makes an application for consent.*

*e) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the updates? Are there any remaining concerns about deemed consent?*

### **DCC Oral Submission**

The County Council has reviewed the applicant's updates to the Draft DCO relating to Articles 14, 18, 19 and 21 and confirms that the County Council is happy with the updates that have been provided by the applicant.

On that basis the County Council has no further concerns as the updates address the County Council's previous concerns on this issue.

### **Article 15(2)(b) - Permanent stopping up and restriction of use of highways, streets and private means of access - Temporary alternative routes for private means of access dDCO reference**

*The Applicant has updated the dDCO [REP7-003] to reword the provisions regarding the maintenance of access.*

*f) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the updates? Are there any remaining concerns about the maintenance of access?*

### **DCC Oral Submission**

Having checked the County Council's previous responses to the first and second round of written questions, Article 15 does not appear to be an issue or concern that has previously been raised by the County Council.

On that basis the County Council has no further concerns regarding Article 15 (2) b.

## **SCHEDULES 1 AND 2**

### **Requirement 4(2)(c) - second iteration EMP - Working hours**

*The Applicant has added Requirement 4(2)(c)(x) to the dDCO [REP7-003] to require notification of activities outside normal working hours.*

*c) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about dDCO provisions for working hours?*

### **DCC Oral Submission**

Derbyshire County Council would thank the applicant for addressing this issue and for its updates to the wording on Requirement 2 (c).

The County Council has reviewed the new wording in 4 2 C x and would confirm that the County Council is happy with the wording and that it addresses its previous concerns on this issue.

### **Requirement 5 – Landscaping**

*The Applicant has updated the dDCO [REP7-003] to require that no part of the authorised development can commence unless a written landscaping scheme for that part has been consulted on and approved.*

*f) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about Requirement 5?*

### **DCC Oral Submission**

The County Council would confirm that it has reviewed the updated wording to Article 5 by the applicant and is happy with the updated wording and that it satisfactorily addresses the County Council's previous concerns on this matter.

DCC has no remaining concerns.

### **Requirement 10 – Archaeological remains**

*The Applicant has updated the dDCO [REP7-003] to add a requirement for any programme of archaeological reporting, post excavation and publication to be consulted on and / or agreed in writing.*

*g) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about Requirement 10?*

#### **DCC Oral Submission**

Derbyshire County Council is satisfied that this matter could be secured within the scope of Requirement 10-1.

The County Council has reviewed the wording that has been included in 10-1 and is generally happy with that wording.

As noted in the County Council's response to the Second Round of Written Questions, however, the County Council has suggested a minor addition to the wording to 10-1 to clarify that the requirement applies to pre-commencement works as well as commencement works, to address the concerns that the County Council highlighted at the last round of hearing sessions relating to Article 2.1 and the definition of 'commence'.

### **Requirement 12(1) Details of consultation – minimum period**

*h) Please could Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council, Tameside Metropolitan Borough Council, Derbyshire County Council and High Peak Borough Council provide an update on discussions regarding the consultation period, for which periods ranging from 14 days to 28 days have been suggested?*

#### **DCC Oral Submission**

As the County Council set out in its response to the second round of Written Questions, the County Council has had further discussions with the applicant regarding Requirement 12 (1) and these discussions are ongoing.

The County Council would reiterate its comments made on this issue in the ExA's First Written Questions that in the County Council's experience of dealing with another DCO for a highways scheme, 14 days was too onerous to respond to any consultation and that 28 days should be the minimum period.

As indicated by the ExA at the hearing, however, a possible compromise suggested by the applicant could be 21 days and the County Council indicated that this appeared to be a fair compromise.

### **SCHEDULES 3 TO 10**

*Schedule 3, 4 and 5 a) Has Tameside Metropolitan Borough Council reviewed the latest versions? Does it have any further comments, please?*

*b) Do Derbyshire County Council or High Peak Borough Council have any remaining concerns?*

**DCC Oral Submission**

The County Council has reviewed the updates to these schedules and has no remaining concerns.