

**Durham County Council's Response to The Examining Authority's Written Questions and requests for information Issued on 31 January 2023 for submission at Deadline 4 (14 February 2023)**

**Durham County Council reference number: 20032071**

DCO	Draft Development Consent Order (draft DCO)	Question	Durham County Council Response
DCO 1.2	<p><i>Article 9 (1) and (2) Construction and maintenance of new, altered or diverted streets and other structures</i></p> <p><b>Cumbria CC, Durham CC, and North Yorkshire CC</b></p>	<p>Article 9 (1) and (2) stipulate that any highway constructed, altered, or diverted must “be maintained by and at the expense of the local highway authority from its completion.” Confirm that the wording of this Article does not allow for any maintenance period after completion.</p>	<p>Durham County Council (DCC) request a 12-month maintenance period for those highway assets that are proposed to be handed over as part of the project.</p> <p>Street sweeping, gully cleaning, winter routes will need to be confirmed if part of the maintenance agreement.</p> <p>For all works that DCC will be maintaining post-project completion, a copy of as-built drawings will be required. Any pumps that may be installed as part of any drainage/SUDS works will need to be detailed with any warranty, maintenance etc.</p>
DCO 1.6	<p><i>Article 53 EMP – Second Iteration Amendments Approvals Process</i></p> <p><b>Environment Agency Natural England Historic England</b></p>	<p>Comment on the revised wording of Article 53 submitted at Deadline 2 [REP2-005] in particular the amendments and additions made to new paragraphs (7), (8) and (9) and whether the Secretary of State’s call-in mechanism, and the timescale given of 14-days, eliminates the concerns over the so-called “self-approval” process of amending the second iteration of the EMP.</p>	<p>DCC continues to have concerns regarding the EMP process.</p> <p>The EMP process should not disadvantage DCC or other Councils in any way and their input to and influence over the matters contained within each iteration of the EMP should be no less than would have been the case had the approvals followed the normal DCO requirements process.</p> <p>The amendment to Article 53 and continued engagement with the Applicant is welcomed, but concerns remain about the EMP process which are shared by the other Councils.</p>

**All Relevant Local Authorities**

The Applicant's proposal to include a mechanism for notification to the Secretary of State (SoS), when it proposes to determine a change to the 2nd iteration EMP, is welcomed giving the SoS the opportunity to 'call-in' the decision. To enable DCC's views to be taken into account by the SoS in deciding whether to exercise call-in powers, it is requested that the article should also include a provision requiring the Applicant to notify DCC and other interested parties be informed at the same time as the notification to the SoS takes place. This will allow an opportunity to make timely representations to the SoS about the matter.

The proposed period of 14 days for the SoS to make a decision under Article 53 (8) (b) is considered insufficient, particularly if adequate opportunity is to be afforded to other parties to make representations to the SoS, as suggested above.

DCC would like the SoS to be consulted now to ascertain his view on whether the proposed approval process for the EMP is acceptable to him and that the timescales are reasonable for his department to consider and respond to any notification by the Applicant. DCC is concerned that if the time period is too short for the SoS to respond and give adequate consideration to any third-party representations, then the effect of the process will be to operate as deemed approval and their views not taken into account. DCC wishes to point out that this would set a precedent for other DCOs in the future.

DCC is also concerned that there are no provisions in relation to the approval of the third iteration EMP to deal with any material changes to that version.

The requirement for the third iteration to 'reflect' the second iteration is too vague and DCC's request that it should be changed to 'substantially in accordance with' the second iteration EMP. There does not seem to be a process for independent decision-making where the third iteration is not in substantial accordance with or does not reflect the second iteration (whichever

			wording applies). This needs to be rectified and provision made within Article 53.
<b>TA</b>	<b>Traffic and Access</b>	<b>Question</b>	<b>Durham County Council Response</b>
TA 1.1	<p><i>Detrunking Arrangements</i></p> <p><b>The Applicant</b>  <b>Cumbria CC</b>  <b>Durham CC</b>  <b>North Yorkshire CC</b></p>	Provide an update on progress of detrunking agreements. Although not part of the Application the ExA needs to establish that any recommended DCO wording will correctly reflect any agreements made between the Applicant and LHA's concerning detrunking arrangements.	<p>DCC has agreed in principle detrunking arrangements.</p> <p>Further discussions are required as to the asset condition, location of drainage, signing, street lighting, and other infrastructure that DCC will be managing.</p> <p>A commuted sum will need to be agreed for those assets part of the detrunking arrangement in particular carriageways, footways and drainage assets.</p>
TA 1.7	<p><i>Diversion Routes</i></p> <p><b>Cumbria CC</b>  <b>Durham CC</b>  <b>North Yorkshire CC</b></p>	Explain whether there are any barriers to agreeing a suitable approach to diversion management as part of the development of the Construction Traffic Management Plan and during the operational period. Outline any relevant concerns.	<p>DCC will need to see a detailed diversion plan to establish suitability and to determine whether this will have an impact on the surrounding networks from a traffic, noise, dust/pollution perspective.</p> <p>Discussions will be required with Darlington Borough Council to confirm acceptance of the routes if, as suggested, part of the diversion route passes through their borough.</p> <p>The Construction Traffic Management Plan will require further scrutiny and evaluation with colleagues from the neighbouring LAs, regional police forces, town and parish councils to determine impact.</p> <p>If remedial measures are required to accommodate additional traffic on previously unsuitable roads then DCC would require advanced designs for approval. Agreement would be required regarding the permanency of any works.</p> <p>Advanced communications would be required with stakeholders impacted by the diversion routes. Identification of possible rat-</p>

			running routes will be required and mitigation measures confirmed to deter such practices. Consultation with aforementioned stakeholders will be required as early as possible.
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