

From: Nicky Scaife [mailto:NScaife@northampton.gov.uk]
Sent: 08 January 2019 10:35
To: Northampton Gateway
Cc: 'Denis Winterbottom'
Subject: DEADLINE 4 - POST ISSUE SPECIFIC HEARING COMMENTS - ISH3 ON DCO

Fao: Kate Mignano

Dear Kate

Further to the ISH3 on the DCO on 20th December 2018.

Unfortunately, the hearing ended rather abruptly due to time constraints and it was not possible to verbally convey the comments below. However, the Council would wish to make the following comments on the submitted DCO:

1. Consultation with Neighbouring Authority on details submitted for Requirements

Part 1 – Preliminary - Interpretation 2.

“relevant planning authority” – is defined at the district planning authority within whose administrative boundary that part of the authorised development relevant to the operation or enforcement of the provision in question is situated.

The majority of the site is within the administrative boundary of South Northamptonshire District Council (SNC), and therefore the majority of details would be approved by SNC. There is no requirement for consultation on the submitted details with Northampton Borough Council as the neighbouring authority, to enable the authority to assess any potential impacts within the Borough.

Northampton Borough Council would wish to be in a position to comment on any details submitted, particularly in respect of the following requirements:

- 3. – Components of development and phasing
- 8. – Detailed design approval
- 10. – Provision of landscaping
- 12. – Construction and Environmental Management Plan
- 15. – Lighting details

Northampton Borough Council request that the DCO is amended accordingly to allow provision for consultation with the neighbouring authority on the details submitted for Requirements.

2. Use of tailpieces to Requirements the term

A number of requirements retain the use of tailpieces, such as the following:

- 3. (3) ‘unless otherwise agreed in writing with the relevant planning authority’.
- 4. (1) ‘unless otherwise agreed in writing with the relevant planning authority’
- 8. (1) ‘The design and access statement can be reviewed and updated by the undertaker in agreement with the relevant planning authority.’
- 9. The details in 8(2) (a) to (r) can be subject to alteration by approval in writing from the relevant planning authority. The authorised development must be carried out in accordance with the details as approved in writing by the relevant planning authority from time to time.

- 15. (2) 'the details can be subject to alteration with the approval in writing of the relevant planning authority'.

Whilst the amendments to the DCO under Part 2 – Principal Powers, paragraph 4, allow an element of control over any changes to the parameters of the authorised development that would give rise to significant changes over and above those assessed in the Environmental Statement, the use of tailpieces is generally not considered good practice and allows for some ambiguity.

It is considered that there should more formality and the opportunity, where appropriate, for consultation on any amendments made. It is not clear in the DCO process as to whether approval of amendments can be sought under a more formal process, either as non-material amendments under Section 96A of the Town and Country Planning Act 1990 or as a minor material amendment under Section 73 of the Act. Consideration on this point is requested.

3. Timescales for Procedure for Approvals under Requirements

- The timescale for dealing with an application for effectively discharging a requirement is 42 days (6 weeks). It is not clear whether this is a standard timescale for DCOs, however, it is considered that a number of the requirements are effectively tantamount to reserved matters approvals for which ordinarily with a standard reserved matters application an 8 week period would be allowed for determination. The timescales proposed seem restrictive, particularly in respect of allowing sufficient time for consultation and to resolve matters. It is, however, acknowledged that a longer period can be agreed by the undertaker and discharging authority.
- In addition, Paragraph 2 refers to the right for the discharging authority to request further information in relation to any application submitted in respect of requirements, but advise that this must be done within 10 working days. This does not appear to allow sufficient time for consultation with relevant consultees to consider as to whether the submitted information is appropriate.

Kind Regards

Nicky Scaife (formerly Toon) | Development Management Team Leader
01604 837692

Planning Services | Northampton Borough Council | The Guildhall, St. Giles Sq,
Northampton, NN1 1DE

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