

The Northampton Gateway Rail Freight Interchange Order 201X

South Northamptonshire Council response to ExAQ2 - dDCO issued 05/02/2019

| ExQ2 | Question to: | Question: | SNC Response |
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| DCO 7 | NCC, SNC, NBC | <p>46(4) and Reqts 3(1)(g) and 8(2)(n) - These deal with advertisements in lieu of the normal advertisement control regime. Please will the County Council and RPAs say if they are content with the provisions and, if not, propose any modifications they feel are necessary, in accordance with the necessary policy tests?</p> | <p>The Council is content that these provisions would require consent to be obtained from the LPA prior to the display of signs and advertisements within the two specified locations S1 and S2.</p> <p>However these essentially recreate the control regime provided by the Control of Advertisement Regulations (CAR). It is unclear therefore what purpose is achieved through the disapplication of the CAR with respect to these two locations. The CAR would apply across the remainder of the proposed development site. The application of the CAR to S1 and S2 would thus provide a consistent advertisement control regime to the whole of the proposed development.</p> <p>Signs displayed within Site S2 will be visible from the M1 motorway. The impact on highway safety must therefore be a significant consideration in the display of advertisements in this location; the view of the relevant Highway Authority would be significant to any decision.</p> <p>Site S2 is located to the north of J15 M1 signs located here will thus serve no directional purpose for M1 northbound traffic travelling to the development. Any directional sign to the development for southbound M1 traffic would be more appropriately located on the nearside of the southbound carriageway.</p> |

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| DCO13 | NCC, SNC, NBC | Reqt 3(4) - "unless the timing of the provision of the rail terminal is otherwise agreed in writing with the relevant planning authority" | <p>The minimum rail capability required for the development to qualify as a NSIP should be provided from the outset to ensure the use of rail for freight movements and to encourage the occupation of the 'enabling' warehousing by businesses committed to the use of rail freight transport.</p> <p>A moot point is whether the 'flexibility' sought over the timing of the delivery of the minimum rail capability required for a NSIP consistent with the guidance set out in PINS Advice Note 15 at Section 17. Paragraph 17.3 states....<i>"that details fixed by the terms of the DCO can only be changed if authorised, and following adherence with the prescribed approach explained in section 153 of and Schedule 6 to the PA2008. Furthermore, it is not acceptable to circumvent the prescribed process in Schedule 6 by seeking to provide another route to approving such changes or variations, by a person other than the Secretary of State who made the DCO" ...</i></p> |
| DCO14 | NCC, SNC, NBC | Reqt 3(4) | The Council would concur with the inclusion of this requirement to retain the rail facility that is an essential component of an SRFI. |
| DCO22 | SNC | Construction hours noise and vibration "cause an adverse impact" | The Council would consider the terms 'audible' and 'detectable' to be clearer. |
| DOC23 | SNC | Noise monitoring 2032-2042 | The Council has discussed the issues raised here with the Applicant and expects these to be addressed through amendments made within a revised version of the dDCO. The Council wil review the revised Ddco when this is made available. |
| DCO24 | SNC | Reqt 28 - Employment | The Council could not agree with the provisions of Reqt 28 as drafted in Doc 3.1C. The revision put forward by the Council for |

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| | | | <p>Reqt 28 places emphasis on implementing a strategy to engage local business and people with the development, this would identify measures and outputs that could be monitored.</p> |
| DCO25 | NBC,SNC | Reqt 29 - Community Liaison Group (CLG) | <p>The Council would expect the CLG to be a forum for liaison between the developer and the local community to ensure issues can be raised and resolved. Through this Group the applicant would engage the local community in the finalising of details of the development, throughout the construction works and in the initial operational phase.</p> <p>Reqt 29(1) should clearly identify who is responsible for establishing the CLG.. Reqt 29(2) & (3) refer to the 'undertaker', the inclusion of a reference to 'the undertaker' in 29(1) would clarify this responsibility and be consistent with other sub-paragraphs. The Council considers the undertaker to refer to the developer, however no definition for the 'undertaker is provided in Schedule 2, Part 1, para 1, Interpretation; - a definition should be included for clarity. The requirement should also make clear the undertaker will identify a senior management person within the organisation with overall responsibility for the CLG.</p> |
| DCO29 | NBC,SNC | Schedule 2 Part t2 'Applications and appeals' under Reqts. | <p>The proposed procedure for 'Approvals under Requirements Council will place a new burden on the Council and additional resources will be required to meet this. The shorter than usual timescales set for determining applications is significant and will require amendments to office procedures, computerised systems and additional staff resources.</p> <p>If the provision for payment of application fees is omitted, then an appropriate alternative provision should be included within the DCO to ensure the costs of fulfilling the obligations imposed by the approval procedure can be recovered by the LA. Alternatives could</p> |

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| | | | include a Service Level Agreement (the approach adopted with HS2) or a Planning Performance Agreement. The DCO must be clear on how the LA can recover the costs incurred due to the approval of requirements procedures. |
| DOC31 | NBC, SNC | Sched 2 Pt 2 continued (b) | <p>Matters identified in Reqt 8 'Detailed design approval' are more akin to the 'Reserved Matters' e.g. Appearance, following the grant of Outline planning permission. Reqt 8(2)(f) for example refers to specifically to approval of the appearance of buildings.</p> <p>The determination of these 'reserved matters can often require wider engagement and more dialogue than the often single matters that are considered under the procedure for 'Approval of details required by condition' following the grant of Full planning permission.</p> <p>The procedure (and longer timescales - 56 days) associated with the Approval of Reserved Matters would be more appropriate to the determination of these details.</p> |

Abbreviations used

dDCO Draft DCO
ExA Examining authority
NBC Northampton Borough Council
NCC Northamptonshire County Council
Para Paragraph
Reqt Requirement
SNC South Northamptonshire Council

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