

A57 Link Roads

TR010034

9.34 Schedule of changes to dDCO

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

May 2022

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

A57 Link Roads Development Consent Order 202[x]

9.34 Schedule of changes to dDCO

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1. Introduction

1.1. Schedule of dDCO Changes

- 1.1.1. This schedule of changes records the changes made to the draft Development Consent Order (the "dDCO"). It does not list every typographical change made to the dDCO. Clean and tracked change versions of the dDCO are submitted by the Applicant at each deadline.

1.2. Changes made at Deadline 12 – 16 May 2022

Provision	Change	Reason for change
Schedule 1 Work No.13 (viii)	Combined footway cycleway changes to segregated cycle track	To reflect the updated Streets, Rights of Way and Access Plans submitted at Deadline 11.
Schedule 2 Requirement 4	New sub-requirement 4(2)(e) added	Text approved by the local authorities has been inserted to ensure that applications made pursuant to section 61 of the Control of Pollution Act 1974 and any noise mitigation proposed do not give rise to materially new or worse environmental effects from those assessed.
Schedule 2 Requirement 6	Revised wording for addressing contaminated land & groundwater. New sub-requirements (6) to (8)	Revised wording agreed with the Environment Agency. New sub-requirements (6) to (8) also agreed with the Environment Agency to prevent the development commencing until an updated hydrogeological risk assessment incorporating a dewatering management plan and groundwater monitoring programme have been approved by the Secretary of State.
Schedule 10	Certified document revision numbers updated	To reflect the latest versions of the documents to be certified that have been submitted into the examination.

1.3. Changes made at Deadline 9 – 27 April 2022

Provision	Change	Reason for change
Schedule 2 Requirement 1	New definition of "PAS 2080" inserted	ExA change for use in new requirement 12.
Schedule 2 Requirement 1	New definition of "the Design Council's Design Review panel" inserted	ExA change for use in new sub-requirements to requirement 3

Provision	Change	Reason for change
Schedule 2 Requirement 3	New sub-requirements (3) to (5) added	ExA change to require the detailed design to be reviewed independently.
Schedule 2 Requirement 4	Deletion of "deliveries" from 4(2)(i) and additional wording at 4(2)(h)	<p>ExA change to remove deliveries from the exception to adherence to working hours.</p> <p>ExA change to ensure the third iteration EMP is approved by the Secretary of State.</p>
Schedule 2 Requirement 6	Revised wording for addressing contaminated land and groundwater	<p>Revisions to ExA wording to reflect discussions with the Environment Agency.</p> <p>The changes made prevent the development commencing until a remediation strategy or design statement, if remediation is not required, has been approved by the Secretary of State.</p>
Schedule 2 Requirement 12	New requirement inserted	ExA change to require the Carbon Management Plan to be submitted to and approved by the Secretary of State.
Schedule 2 Requirement 16	New sub-requirement 5 added	ExA change to ensure the deemed provision in sub-requirement 2 is brought to the attention of the Secretary of State when each application is made.

1.4. Changes made at Deadline 8 – 13 April 2022

Provision	Change	Reason for change
Article 7	Text added	The horizontal limits of deviation shown on the Works Plans are to be reduced to 1m near sensitive noise receptors (See the Applicant's response to the ExA at ISH4 Item 3 question a)). Reference to horizontal limits of deviation has been included in the final paragraph which permits the Secretary of State to certify that those limits can be exceeded where the Applicant has demonstrated there are no materially new or worse environmental effects to those reported in the environmental statement.
Schedule 2 Requirement 4	New sub-requirements 4(2)(d)(xx), 4(2)(e) to (h) inserted and text amended at 4(5).	<p>New sub-requirement 4(2)(d)(xx) identifies the Carbon Management Plan as a management plan that must be included in the second iteration of the EMP.</p> <p>New sub-requirements 4(2)(e) to (g) have been included to provide certainty those measures will be included in the second iteration EMP as requested by the ExA.</p> <p>New sub-requirement 4(2)(h) and the amended text at 4(5) relate to the preparation of the third iteration EMP and have been included to provide certainty those measures will be included in the third iteration EMP as requested by the ExA.</p>
Schedule 2 Requirement 12	Consultation period increased to 21 days	A 21 day period has been agreed by the Applicant and the local authorities.
Schedule 10 Environmental Statement	Register of Environmental Statement Changes included as a certified document	To ensure the most up to date versions of each element of the Environmental Statement are correctly certified.

1.5. Changes made at Deadline 7 – 23 March 2022

Provision	Change	Reason for change
Schedule 5	Reference to plot 8/6 added	To ensure the dDCO reflects the updated Book of Reference and Land Plans submitted at Deadline 7 to change plot 8/6 to temporary possession with permanent rights.
Schedule 10	References updated	To ensure the dDCO refers to the latest updated supporting DCO documentation to be certified.

1.6. Changes made at Deadline 6 – 16 March 2022

Provision	Change	Reason for change
Article 11(8)	Sub-clause deleted	This provision dis-applied permitting schemes adopted by local highway authorities and is no longer required.
Article 14(7)	New sub-clause 14(7) added	Article 14(7) has been inserted to notify a street authority of the deemed consent notice period. Article 14(6) has been updated accordingly.
Article 15(2)(b)	Text added	To clarify that a temporary alternative route must be provided for each street or private means of access until the new street or private means of access is open for use.
Article 18(12)	New sub-clause 18(12) added	Article 18(12) has been inserted to notify a traffic authority of the deemed consent notice period. Article 18(11) has been updated accordingly.
Article 19(10)	New sub-clause 19(10) added	Article 19(10) has been inserted to notify the person or body responsible for drainage infrastructure of the deemed

Provision	Change	Reason for change
		consent notice period. Article 19(9) has been updated accordingly.
Article 21(7)	New sub-clause 21(7) added	Article 21(7) has been inserted to notify a local highway authority or a street authority of the deemed consent notice period. Article 21(6) has been updated accordingly.
Schedule 2 Requirement 4(2)(c)(x)	Text added	To clarify that written notice will be provided in respect of works outside of specified hours except in cases of emergency or repair & maintenance of construction equipment which shall be notified as soon as practicable.
Schedule 2 Requirement 5	Requirement 5(1) text amended New sub-requirement 5(2) inserted	Text added at requirement 5(1) to prevent commencement of works on a part of the authorised development until a written landscaping scheme has been approved for that part. New sub-requirement 5(2) inserted to require the authorised development to be landscaped in accordance with the approved scheme.
Schedule 2 Requirement 10(1)	Text added	To ensure the written scheme of investigation includes a programme for post excavation matters in a manner consistent with the wording at requirement 10(3).

1.7. Changes made at Deadline 5 – 23 February 2022

Provision	Change	Reason for change
Preamble	New paragraph in respect of Section 131 of the Planning Act 2008 added	New paragraph inserted to confirm the Secretary of State is satisfied the statutory exemption in section 131(5) applies and permits the

Provision	Change	Reason for change
		compulsory acquisition of special category land.
Article 3(3)	Sub-clause deleted	Provision no longer required.
Article 5(1)	Text added	Additional text inserted to clarify that where a landowner's access to land is restricted, the undertaker shall be responsible for maintaining the drainage of the land.
Article 13(9)	Text added	Additional text inserted to clarify that any changes agreed with the local authority will not give rise to environmental effects beyond those reported in the environmental statement.
Schedule 1 Work No.4	New items (vii), (viii) and (ix) added	Additional works descriptions inserted to accurately describe updates made to the work plans.
Schedule 1 Work No.9	"bridleway" replaced with "combined footway/cycleway with equestrian use"	To ensure the use of the term is consistent in the dDCO.
Schedule 1 Work No.11	"combined footway/cycleway with equestrian use" inserted	To ensure the use of the term is consistent in the dDCO.
Schedule 1 Work No.13	New item (x) added	Additional work description inserted to accurately describe updates made to the work plans.
Schedule 1 Work No.14	Stated length updated	To accurately describe updates made to the work plans.
Schedule 1 Work No.25(iii)	Stated length updated	To accurately describe updates made to the work plans.
Schedule 1 Work No.67	New work description added	To accurately describe updates made to the work plans.
Schedule 1 Work No.68	New work description added	To accurately describe updates made to the work plans.

Provision	Change	Reason for change
Schedule 1 Work No.69	New work description added	To accurately describe updates made to the work plans.
Schedule 1 other works	Reference to the requirement to not give rise to environmental effects beyond those assessed in the environmental statement moved to precede items (a) to (p).	To clarify that none of the works listed in items (a) to (p) will give rise to environmental effects beyond those reported in the environmental statement.
Schedule 2 interpretation	New definition of "preliminary works" added	To clarify the types of preliminary works that can be undertaken and not require consent unless otherwise expressly stated in the dDCO.
Schedule 2 requirement 4	Requirement 4(1) consultation with the local highway authority and Environment Agency added Requirement 4(2) (ii), (vi) and (ix) reference to materially new or materially worse environmental effects added	Text added to Requirement 4(1) to clarify that the second environmental management plan is to be approved by the Secretary of State in consultation with the local highway authority and Environment Agency. Text added to Requirement 4(2) (ii), (vi) and (ix) to clarify that working beyond the allocated working hours for the specified items will not give rise to environmental effects beyond those reported in the environmental statement.
Schedule 2 requirement 5(1)	Text added	To clarify that the landscaping for the authorised development shall be approved by the Secretary of State in consultation with the planning authority prior to the relevant part of the authorised development coming into use.
Schedule 2 requirement 7(2)	Text added	To clarify the extent of the works that must cease in the event of a likely impact on a protected species.
Schedule 2 requirement 8(1)	Consultation with the Environment Agency added	To ensure the Environment Agency are consulted on matters related to its function.

Provision	Change	Reason for change
Schedule 2 requirement 9	Requirement 9(1) text added Requirement 9(2) text amended	Requirement 9(1) has been amended to ensure the reference to the flood risk assessment can include the latest details approved by the Environment Agency. Requirement 9(2) has been amended to include consultation with the lead local flood authority and to delete the exception permitting flood levels to be exceeded by acceptance from affected landowners because the drainage solution does not require this for this scheme.
Schedule 2 requirement 10	Requirement 10(1) consultation with the Greater Manchester Archaeological Advisory Service and the county archaeologist at Derbyshire County Council added. New sub-requirements 10(7) and 10(8) added.	To ensure GMAAS and the county archaeologist are consulted on matters related to their function. New sub-requirements 10(7) provides for approval of the county archaeologist to the long term storage arrangements for artefacts. New sub-requirements 10(8) is an express exception where intrusive ground works comprise a category of preliminary works requiring approval.
Schedule Part 8	3 Stated lengths have been updated and additional descriptions inserted	To ensure the dDCO accurately reflects the amended work plans.
Schedule Part 6	9 Protective provisions in favour of the Environment Agency	Revised short form inserted as requested by the Environment Agency.
Schedule 10	References updated	To ensure the dDCO refers to the latest updated supporting DCO documentation.

1.8. Changes made at Deadline 3 – 26 January 2022

Provision	Change	Reason for change
Preamble paragraphs 2, 3 and 4	Text referring to examination by a single appointed person updated.	The application is being examined by a two person panel.
Preamble paragraph 5	Section 123 of the Planning Act 2008 added.	The power for the Secretary of State to authorise the compulsory acquisition of land, which forms part of the application and dDCO, has been added.
Article 2.1 "first iteration EMP"	Definition moved to Schedule 2, Part 1, Requirement 1	This definition is only used in the requirements in Schedule 2.
Article 2.1 "hedgerow and protected tree plans"	Definition renamed "TPO and hedgerow plans"	To ensure the defined term is consistent with the name on the plans cited in Schedule 10.
Article 2.1 "the speed limits and traffic regulations plans"	Defined term applied consistently with a lower case throughout the dDCO	To ensure use of the defined term is consistent.
Article 2.1 "the works plans"	Defined term applied consistently with a lower case throughout the dDCO	To ensure use of the defined term is consistent.
Article 12	References to "local highway authority" and "street authority" have been updated	To ensure use of the defined terms is consistent.
Article 19	New Article 19(5) added	To clarify that the undertaker must not, when carrying out works or maintenance, interfere with the bed or banks of main river.
Schedule 1	Proposed bridleways replaced with combined footway/cycleway with equestrian use	Discussions with Tameside Metropolitan Borough Council have established that the designation of the new public rights of way as

Provision	Change	Reason for change
Work No.s 7, 11, 14 & 26		footway/cycleways with equestrian use will best achieve the provision and future maintenance of a surface suitable for all categories of permitted user.
Schedule 1 Work No.s (a) and (d)	Reference to cycleways added	To ensure the rights in these provisions include the wider categories of user permitted by cycleways.
Schedule 2 Requirement 1	Definition of Environmental Management Plan removed and relevant references updated to refer to the first iteration EMP	To ensure use of the defined terms is consistent.
Schedule 3 Part 8	Proposed bridleways replaced with combined footway/cycleway with equestrian use	Discussions with Tameside Metropolitan Borough Council have established that the designation of the new public rights of way as footway/cycleways with equestrian use will best achieve the provision and future maintenance of a surface suitable for all categories of permitted user.
Schedule 4 Part 1	Relevant references inserted to new combined footway/cycleway with equestrian use and points on plans updated	Discussions with Tameside Metropolitan Borough Council have established that the designation of the new public rights of way as footway/cycleways with equestrian use will best achieve the provision and future maintenance of a surface suitable for all categories of permitted user.
Schedule 5	Updated to record the restrictive covenants required where utility works are referenced.	To record that new rights may include the imposition of restrictive covenants to protect the apparatus of statutory undertakers after it has been installed.
Schedule 7	The purposes for which some of the identified plots may be taken have been updated	To ensure the reasons provided for temporary possession are consistent with the Statement of Reasons.

Provision	Change	Reason for change
Schedule 8 Part 2 column 4	Column 4 retitled "Tree Preservation Order (TPO) reference"	For clarity and in response to the Examining Authority's request.
Schedule 9	Parts 5 onwards have been re-numbered	To ensure the parts of this schedule are numbered chronologically.
Schedule 10 Speed limits and traffic regulations plans	Typographical changes made and updated revision numbers inserted.	Changes made for consistency and revision numbers updated as requested by the Examining Authority.

1.9. Changes made at Deadline 1 – 1 December 2021

Provision	Change	Reason for change
Article 2.1 "undertaker"	Definition updated to refer to National Highways Limited	To accurately record the Applicant's name change.
Schedule 1 New Work No. 66	Lengths of noise barriers inserted	To provide clarity as requested by the Examining Authority.
Schedule 7	References to Work No. 66 inserted	To provide clarity as requested by the Examining Authority.

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