

A47 Wansford to Sutton Dualling

Scheme Number: TR010039

Volume 9

9.13 Draft Development Consent Order - Schedule of Drafting Changes for Deadline 4

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 3(2)(b)

Planning Act 2008

March 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A47 Wansford to Sutton Dualling Development Consent Order
202[x]**

**9.13 DRAFT DEVELOPMENT CONSENT ORDER:
SCHEDULE OF DRAFTING CHANGES FOR DEADLINE 4**

Rule Number:	3(2)(b)
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Version	Date	Status of Version
Rev 0	March 2022	Deadline 3
Rev 1	March 2022	Deadline 4

1 INTRODUCTION

- 1.1.1 The Development Consent Order (**DCO**) application for the A47 Wansford to Sutton Dualling scheme was submitted on 5 July 2021 and accepted for examination on 2 August 2021.
- 1.1.2 The purpose of Table 1.1 in this document is to set out the changes made to the draft Development Consent Order (**dDCO**) from that submitted on 5 July 2021 (Version 0) (**APP-017**).
- 1.1.3 These changes were made principally in response to comments and recommendations made to the Applicant before the start of Examination.
- 1.1.4 The purpose of Table 1.2 in this document is to set out the changes made to the draft Development Consent Order (**dDCO**) from that submitted on 13 August 2021 (Version 1) (**AS-010**).
- 1.1.5 These changes were made principally in response to the Examining Authority's written questions and requests for information (ExQ1) (**PD-008**) and queries explored at Issue Specific Hearing 1 (**ISH1**) which took place on 12 January 2022.
- 1.1.6 The purpose of Table 1.3 in this document is to set out the changes made to the draft Development Consent Order (**dDCO**) from that submitted on 1 March 2022 (Version 2) (**REP3-003**).
- 1.1.7 It is submitted together with:
- Revised issue of the dDCO (Version 3), and
 - a comparison version of the dDCO showing all changes between new Version 3 and Version 2.
- 1.1.8 These changes were made principally in response to queries explored at Issue Specific Hearing 4 (**ISH4**) which took place on 17 March 2022.

Table 1.1: Summary of changes made to the dDCO (Version 1) from the dDCO submitted in the application for development consent (Version 0)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 8(1) (Limits of deviation)	Add reference to Work Nos. 37 and 53 to the list of works.	Work No.37 was previously shown on the works plans as a "Non highway limit of deviation", but following a query from the ExA is to be shown as a highway work with a centre line. Work 53 is also being amended for consistency.	N/A	N/A
Schedule 1 "Works"	In the descriptions of Work Nos 3, 4, 5, 8, 9, 14, 16, 18, 26, 27, 29, 33, 36 48, 49, 56, 57 and 58 reference to the works crossed by those works has been deleted.	The ExA has raised various queries about whether linear works are crossed by those works which are shown by limits of deviation. Reference to which works are crossed has been deleted to avoid any confusion.	N/A	N/A
Schedule 3 (Classification of Roads etc) Part 1: Trunk Roads	In the row of the table under the title "The classification of road plans – sheet 1", in column (1) (Parish) the word "Thronhaugh" has been deleted and replaced with the word "Thornhaugh"	Correction of a typographical error	N/A	N/A

Table 1.2: Summary of changes made to the dDCO (Version 2) from the dDCO submitted in the application for development consent (Version 1)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 2, Interpretation	The following definitions have been added: "adjacent land", "business days", "completion or completed", "drainage", "hedgerow", "important hedgerows", "public communications provider", and "public sewer or drain".	In response to Question 1.6.4 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	<p>The definition of "drainage" has been removed from Article 4, Maintenance of drainage works.</p> <p>The definition of "public sewer or drain" has been</p>

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
				<p>removed from Article 21, Discharge of water.</p> <p>The definition of "completion or completed" has been removed from Schedule 2, Requirements, Part 1, Interpretation.</p> <p>The definition of "business day" has been removed from Schedule 2, Requirements, Part 2, Further information.</p>
Article 2, Interpretation	The following definitions have been updated: "the book of reference", "the classification of roads plans", "detrunking plans", "the engineering drawings and sections", "the Environmental statement", "the general arrangement plans", "hedgerow plans", "the land plans", "outline traffic management plan", "the rights of way and access plans", "traffic regulation plans", "the undertaker" and "the works plans".	To include wording that clarifies that these documents are also to be included in Schedule 10 (documents to be certified) in response to Question 1.6.9 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008)	N/A	N/A
Article 2, Interpretation	The following definitions have been updated: "the local highways authority", "Order land", and "the undertaker".	In response to Question 1.6.7 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008) and to correct typographical errors.	N/A	N/A
Article 2, Interpretation	The following definitions have been removed: "Anglian water", "EMP (First Iteration)", "limitation zone",	In response to Question 1.6.4 of The Examining Authority's written	N/A	The definitions for "Anglian water"

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
	"NGET", "the special category land plans", and "Western Power".	questions and requests for information (ExQ1) (PD-008) or because they no longer apply to this scheme.		and "Western Power" have been updated and inserted into Article 10, Consent to transfer the benefit of Order, paragraph (4). The definition for "EMP (First Iteration)" has been inserted into Schedule 2, Requirements, Part 1, Interpretation.
Article 2, Interpretation	The wording in paragraph (4) has been updated.	To correct a typographical error.	N/A	N/A
Article 5, Development consent etc. granted by the Order	The wording in paragraph (2) has been updated.	For better grammatical sense.	N/A	N/A
Article 8, Limits of deviation	The wording in paragraph (2) has been updated.	In response to Question 1.6.13 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74)	N/A
Article 10, Consent to transfer the benefit of Order	paragraphs (4), (5), (6), (7), (8), (9), and (10) have been removed.	In response to points raised by the ExA at ISH1 and in response to Question 1.6.13 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74)	The numbering of paragraphs in this Article has been reformatted.
Article 13, Classification of roads, etc.	The wording in paragraph (7) has been updated.	In response to Question 1.6.15 of The Examining Authority's written	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
		questions and requests for information (ExQ1) (PD-008). For better grammatical sense.		
Article 19, Clearways, prohibitions and restrictions	The wording in paragraph (2)(a)(iii) has been updated.	To include reference to the correct Act, the Communications Act 2003 in response to Question 1.6.18 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Article 20, Traffic Regulation	paragraph (12) has been removed.	In response to Question 1.6.20 the Applicant explained it will remove the requirement from Article 20 (12) as not being necessary and therefore there is no need for it to be imposed in Article 21. The ExA is referred to the Applicant's Written Summary of Oral Submissions at ISH1: Agenda Point 7: Part 4 – Supplemental Powers, no. 7 (REP1-011).	N/A	N/A
Article 29, Private rights over land	The wording in paragraph (3) has been updated.	In response to Question 1.6.24 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Article 34, Temporary use of land for carrying out the authorised development	A new paragraph (7) has been inserted.	Under paragraph (7) any dispute as to the satisfactory removal of temporary works and restoration of the land under Article 34 paragraph (4) does not prevent National Highways from giving up possession of the land. This provision is considered to be reasonable as it clarifies that National Highways is able to give up possession of the land, and bring to an end any obligations associated with that possession, without affecting any duty on National Highways to undertake restorative	A1 Birtley to Coal House Development Consent Order 2021 (S.I.2021/74)	The numbering of paragraphs in this Article has been reformatted.

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
		work on land in the event that a dispute under paragraph (4) is resolved in a landowner's favour.		
Article 37, Apparatus and rights of statutory undertakers in stopped up streets	Definitions under paragraph (8) have been updated.	To remove those already included in Article 2 and for better grammatical sense.	N/A	N/A
Article 38, Recovery of costs of new connections	Definitions under paragraph (3) have been updated.	To remove those already included in Article 2.	N/A	N/A
Article 39, Felling or lopping of trees and removal of hedgerows	Definitions previously under paragraph (7) have been moved to Article 2 and updated.	In response to Question 1.6.4 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008) and for ease of reference.	N/A	N/A
Article 53, Removal of Human Remains	A new Article has been inserted.	In response to points raised by the ExA at ISH1.	A303 Sparkford to Ilchester Development Consent Order (SI 2021/125 Paragraph 12 has precedent in Crossrail Act 2008 and the A303 Stonehenge Order (subsequently quashed).	N/A
Schedule 1, Works Description	References to Article 2, 5, and 6 have been inserted at the start of this Schedule.	In response to Question 1.6.30 of The Examining Authority's written	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
		questions and requests for information (ExQ1) (PD-008).		
Schedule 1, Works Description	The description of Work No.s 17, 24, 28, 30, and 40 have been updated.	To correct typographical errors and insert the correct references to sheets, made as a result of a review for sense and also in response to Questions 1.6.32, 1.6.33, and 1.6.36 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 1, Works Description	The description of Work No. 32 has been updated.	In response to points raised by the ExA at ISH1 and in response to Question 1.6.34 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 1, Works Description	A list of associated and compensatory works (associated development) has been inserted at the end of the Schedule.	In response to points raised by the ExA at ISH1 and in response to Question 1.6.31 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 2, Requirements, Part 1, Interpretation	The definition of "European protected species" has been updated.	In response to Question 1.6.41 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 2, Requirements, Part 1, Interpretation	The definition of "the masterplan" has been updated.	To clarify that the masterplan is to be certified by the Secretary of State and that it is to be included in Schedule 10 (documents to be certified).	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, Requirement 4, Part 1, Environmental Management Plan	The wording in paragraphs (1), (2), and (4) has been updated.	In response to points raised by the ExA at ISH1	N/A	N/A
Schedule 2, Requirement 5, Part 1, Landscaping	The wording in paragraph (4) has been updated and new paragraph (5) has been inserted.	In response to Question 1.6.43 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 2, Requirement 6, Part 1, Contaminated land and groundwater	The wording in paragraph (2) has been updated and new paragraph (3) has been inserted.	In response to Question 1.6.44 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 2, Requirement 7, Part 1, Protected Species	The wording in paragraph (1) has been updated.	In response to Question 1.6.45 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 2, Requirement 8, Part 1, Surface and foul water drainage	This Requirement has been updated to include reference to the lead local flood authority.	In response to Question 1.6.46 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 2, Requirement 9, Part 1, Archaeological remains	The wording in paragraph (1) has been updated and new paragraphs (3), (4), (5), and (6) have been inserted.	In response to points raised by the ExA at ISH1.	A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74) and M54 to M6 Link Project	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, Requirements, Part 1, Traffic management	The wording in paragraph (1) has been updated	To specify the local highway authority as a relevant consultee.	N/A	N/A
Schedule 3, Classification of roads, etc	The wording in the heading of the Schedule has been updated.	To correct a typographical error.	N/A	N/A
Schedule 3, Classification of roads, etc, Part 1, Trunk Roads	The wording in the headings of the table has been updated.	To correct typographical errors.	N/A	N/A
Schedule 3, Classification of roads, etc, Part 8, Traffic Regulation Measures (Clearways and Prohibitions)	A table entry has been updated.	To correct a typographical error and in response to Question 1.6.51 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 5, Land in which only new rights etc. may be acquired	The wording in the headings of the table has been updated.	To correct a typographical error and in response to Question 1.6.53 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 5, Land in which only new rights etc. may be acquired, Plot reference 4/7b	The list of apparatus has been updated.	In response to Question 1.6.35(b) of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 7, Land of which temporary possession may be taken	The wording in the headings of the table has been updated.	In response to Question 1.6.53 of The Examining Authority's written questions and requests for information (ExQ1) (PD-008).	N/A	N/A
Schedule 10, Documents to be Certified, Part 1, Environmental Statement	The table has been split into two parts. Part 1 is a new addition that lists the latest versions of all documents	For better clarity and sight of the documents incorporated in the Environmental Statement that are to be certified under Schedule 10.	N/A	Part 2, Other Documents, has been updated.

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
	<p>comprised in the Environmental Statement with document references and revision numbers.</p> <p>Part 2 lists the remaining documents to be certified with document references and revision numbers updated.</p>			

Table 1.3: Summary of changes made to the dDCO (Version 3) from the dDCO submitted in the application for development consent (Version 2)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 11, Application of the 1991 Act	The wording in footnote (a) has been updated.	To correct a typographical error.	N/A	N/A
Article 17, Permanent stopping up and restriction of use of streets and private means of access	The wording in paragraph (1) has been updated.	To correct a typographical error.	N/A	N/A
Article 19, Clearways, prohibitions and restrictions	The wording in paragraph (1) has been updated.	For better grammatical sense and to correct a typographical error.	N/A	N/A
Article 22, Protective work to buildings	The wording in paragraphs (4), (5), and (6) have been updated.	For better grammatical sense and to correct typographical errors.	N/A	N/A
Article 24, Compulsory acquisition of land	The wording in paragraph (2) has been updated.	To correct a typographical error.	N/A	N/A
Article 27, Compulsory acquisition of rights and imposition of restrictive covenants	The punctuation in paragraph (1) has been updated.	In response to points raised by the ExA at ISH4 .	M54 to M6 Link Project	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 27, Compulsory acquisition of rights and imposition of restrictive covenants	A new paragraph (5) has been inserted.	In response to points raised by the ExA at ISH4 .	M54 to M6 Link Project	N/A
Article 29, Private rights over land	The footnote reference in paragraph 5 has been updated.	To correct a typographical error.	N/A	N/A
Article 30, Modification of Part 1 of the 1965 Act	The wording in paragraphs (1), (3), and (4) has been updated.	To correct the cross-references to articles in the DCO in response to points raised by the ExA at ISH4 .	N/A	N/A
Article 31, Application of the 1981 Act	The wording in paragraphs (6) and (9) has been updated.	To correct the cross-references to articles in the DCO in response to points raised by the ExA at ISH4 .	N/A	N/A
Article 31, Application of the 1981 Act	Reference to a footnote has been removed.	To correct a typographical error.	N/A	N/A
Article 32, Acquisition of subsoil or airspace only	The wording in paragraph (4) has been updated.	To correct a typographical error.	N/A	N/A
Article 33, Rights under or over streets	The wording in footnote (b) has been updated.	To correct a typographical error.	N/A	N/A
Article 53, Removal of Human Remains	The wording in paragraph (16) has been updated and a new footnote has been inserted.	To correct typographical errors and to insert a new footnote (a).	N/A	N/A
Schedule 1, Works Descriptions – further development	The wording in paragraph (l) has been updated.	To delete reference to temporary worder accommodation facilities in response to points raised by the ExA at ISH4 .	N/A	N/A
Schedule 2, Requirement 1, Interpretation	Footnote references (95), (96), and (97) have been replaced by footnote references (a), (b), and (c).	To ensure consistency in the format of the footnotes.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, Requirement 1, Interpretation	The definition of "nationally protected species" has been updated.	To ensure that the European and national definitions of protected species are not mutually exclusive in response to the point raised by the ExA at ISH4 .	N/A	N/A
Schedule 2, Requirement 3, Detailed design	The wording in paragraph (1) has been updated.	To include reference to the local highway authority and to correct a typographical error in response to points raised by the ExA at ISH4 .	N/A	N/A
Schedule 2, Requirement 4, Environmental Management Plan	The wording in paragraphs (1), (2), and (4) has been updated.	To include reference to Natural England and to correct a typographical error in response to points raised by the ExA at ISH4 .	N/A	N/A
Schedule 3, Classification of roads, etc, Part 1, Trunk Roads	The entry in column 1 under the classification of roads plans – sheets 1, 2 and 3 has been updated.	To correct a typographical error.	N/A	N/A
Schedule 3, Classification of roads, etc, Part 4, Speed Limits.	Footnote reference (98) has been substituted for footnote reference (a).	To ensure consistency in the format of the footnotes.	N/A	N/A
Schedule 3, Classification of roads, etc, Part 4, Speed Limits.	The wording in the preliminary text has been updated.	To correct a typographical error.	N/A	N/A
Schedule 3, Classification of roads, etc, Part 6, Footpaths, Cycle Tracks, Footways and Bridleways	Entries under the rights of way and access plans – sheets 4, 6, and 7 have been updated.	To ensure consistency with the Rights of Way Plans and in response to points raised by the ExA at ISH3 .	N/A	N/A
Schedule 4, Part 3, Private means of access to be stopped up etc.	The entry in column 1 under the rights of way and access plans – sheet 1 has been updated.	To correct a typographical error.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 5, Land in which only new rights etc. may be acquired	The purpose for which rights over land may be acquired has been updated for plots 1/3f, 1/4b, 1/5a, 1/6b, 1/7b, and 1/8b.	To correct typographical errors.	N/A	N/A
Schedule 6, Modification of compensation and compulsory purchase enactments for creation of new rights, Compensation enactments	The wording in paragraph (2) has been updated.	To correct the cross-references to articles and schedules in the DCO in response to points raised by the ExA at ISH4 .	N/A	N/A
Schedule 6, Modification of compensation and compulsory purchase enactments for creation of new rights, Compensation enactments	Footnote reference (99) has been replaced by footnote reference (a).	To ensure consistency in the format of the footnotes.	N/A	N/A
Schedule 6, Modification of compensation and compulsory purchase enactments for creation of new rights, Application of Part 1 of the 1965 Act	Footnote references (100), (101), (102), (103), (104), and (105) have been replaced by footnote references (a), (b), (c), (d), (e), and (f).	To ensure consistency in the format of the footnotes.	N/A	N/A
Schedule 6, Modification of compensation and compulsory purchase enactments for creation of new rights, Application of Part 1 of the 1965 Act	The wording in paragraph (8) has been updated.	To correct the cross-references to articles in the DCO in response to points raised by the ExA at ISH4 .	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 7, Land of which temporary possession may be taken	The purpose for which temporary possession may be taken has been updated in each entry.	To clarify that there are no permanent works or environmental mitigation requiring maintenance beyond that period provided for in article 35 and in response to points raised by the ExA at ISH4 .	N/A	N/A
Schedule 7, Land of which temporary possession may be taken	The purpose for which temporary possession may be taken for plots 6/1e and 6/3f has been updated further.	To reflect the precise details of Work No. 47	N/A	N/A
Schedule 8, Removal of hedgerows and trees, Part 1, Removal of hedgerows	The descriptions of the relevant part of the authorised development has been updated for two entries.	To correct typographical errors.	N/A	N/A
Schedule 9, Protective Provisions, Part 1, For the protection of electricity, gas, water and sewage undertakers	Footnote references (106), (107), (108), and (109) have been replaced by footnote references (a), (b), (c), and (d).	To ensure consistency in the format of the footnotes.	N/A	N/A
Schedule 9, Protective Provisions, Part 1, For the protection of electricity, gas, water and sewage undertakers, Apparatus in stopped up streets	The wording in paragraph 4(2) has been updated.	To ensure consistency with the title of the article.	N/A	N/A
Schedule 9, Protective Provisions, Part 2, For the protection of operators of electronic communications code networks,	Footnote references (110) and (111) have been replaced by footnote references (a) and (b).	To ensure consistency in the format of the footnotes.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 9, Protective Provisions, Part 3, For the protection of National Grid as electricity and gas undertaker, Apparatus of National Grid in stopped up streets	The wording in paragraph 20(2) has been updated.	To ensure consistency with the title of the article.	N/A	N/A
Schedule 9, Protective Provisions, Part 3, For the protection of National Grid as electricity and gas undertaker, Access	The wording in paragraph 31 has been updated.	To correct the cross-references to paragraphs in the Protective Provisions in response to points raised by the ExA at ISH4 .	N/A	N/A
Explanatory Note	The wording has been updated.	To ensure consistency with the title of the article.	N/A	N/A