

A47 Blofield to North Burlingham Dualling

Scheme Number: TR010040

Volume 9

9.29 Applicant's Response to the ExA's Schedule of Changes to dDCO

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(c)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

December 2021

Deadline 8

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

A47 Blofield to North Burlingham Dualling
Development Consent Order 202[x]

**APPLICANT'S RESPONSE TO THE EXA'S
SCHEDULE OF CHANGES TO dDCO**

Regulation Number:	Rule 8(1)(c)
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CONTENTS

1	INTRODUCTION.....	1
2	SCHEDULE OF CHANGES.....	2

1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47 Blofield to North Burlingham scheme was submitted on 30 December 2020 and accepted for examination on 27 January 2021.
- 1.1.2 The purpose of this document is to set out National Highways' (the Applicant) response to the ExA's Schedule of changes to the Applicant's draft Development Consent Order (**PD-014**).

2 SCHEDULE OF CHANGES

dDCO Ref	ExA's suggested changes	ExA's comments	Applicant's Response
Article 2(1)	“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and preconstruction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant, equipment, welfare facilities and temporary buildings, and site clearance , and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;	The ExA has a concern that to include ‘site clearance’ might impact on protected species / ecology should it be allowed to occur prior to required surveys being undertaken in accordance with Requirement 7 (Protected species) of the dDCO.	<p>The Applicant has not removed the words “Site clearance”.</p> <p>The Applicant notes the words were included in Article 2 of the M42 Junction 5 Development Consent Order 2020 (2020 SI 528) in the corresponding definition.</p> <p>Site clearance works impacting on species protected under the Conservation of Habitats and Species Regulations 2017 would require licences before site clearance could take place and this need is not affected by the provisions of the Order if made.</p> <p>The Applicant therefore believes that the issues of concern to the ExA are capable of protection under other legislation and the Applicant is not able to carry out site clearance so as to avoid those controls.</p>
Article 2(1)	Deletion of the definition of “watercourse”	There are no other references to the term ‘watercourse’ within the dDCO.	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)
Article 2(1)	“the undertaker” means National Highways Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and	Due to the above suggested change.	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)
Article 49	(1) Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and	It would seem appropriate to the ExA to have a specific exclusion for the Secretary of State, who should not be bound by arbitration given that the Secretary of State would be acting as a	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)

dDCO Ref	ExA's suggested changes	ExA's comments	Applicant's Response
	settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers. (2) This article does not apply where any difference under any provision of this Order is between any person and the Secretary of State.	public law decision-maker.	
Schedule 1	Work No. 6 – new car park (of approximately 25 spaces) for Blofield Allotments including access to Work No. 7, together with a field access to Work No. 7, south of Work No. 7 and shown on sheet number 1 of the works plans;	For consistency with how other work numbers are written.	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)
Schedule 1	Work No. 10 – improvements to Waterlow including new junction with Work No. 7, 307 metres east of Yarmouth Road, Blofield, and south of Work No. 7, shown on sheet number 2 of the works plans;	For consistency with how other work numbers are written.	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)
Schedule 1	Work No. 18 – drainage and soakaway to the east of the Blofield Overbridge (Work No. 15) and north of Work No. 1 shown on sheet numbers 2 and 3 of the works plans;	For consistency with how other work numbers are written.	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)
Schedule 1	Work No. 37 – temporary compound east of South Walsham Road and north of Work No. 1, shown on sheet numbers 6 and 7 of the works plans;	For consistency with how other work numbers are written.	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)
Requirement 11	Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Manual of Contract Documents for Highway Works maintained by or on behalf of the undertaker except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.	This appears to be a typographical error	The dDCO has been amended and submitted at Deadline 8 (TR010040/APP/3.1 Rev 6)