

Deadline 6 – Table of DCO amendments



PINS Reference	EN010072	
Document No.	SPH_GREX_DC0D5_06	
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Revision	Date	Description
0	04 July 2016	Deadline 6 Submission

Table of DCO Amendments requested - Submitted for Deadline 6

This table lists the changes sought to the DCO from Revision 6A to Revision 7 submitted for Deadline 6

1. Changes requested by the Examining Authority in Rule 17 letter

	Question	Article/ Requirement	Question/Query/Action point	Applicant response
1.1	2(a)	Article 9	<p>With reference to Article 9 of the draft DCO, please could the applicant provide the following:</p> <p>(a)</p> <p>Suggested rewording of Article 9 to address that s65 of the Control of Pollution Act 1974 was repealed by the Deregulation Act 2015.</p>	<p>The Applicant has amended Article 9 as follows:</p> <p>9.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraphs (c), (d) (e), (g) and (ga) of section 79(1) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) or 65 (noise exceeding registered level) of the Control of Pollution Act 1974(a); or</p> <p>(ii) is a consequence of the construction or maintenance of the authorised development and</p>

				<p>that it cannot reasonably be avoided; or (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.</p> <p>(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), will not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.</p>
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2. The Applicant's changes			
	Article/ Requirement	Reason for change	Change
3.1	General	Typographical changes	Deletion of erroneous capital letters, other minor typographical amendments made throughout.
3.2	General	Amendments consequential on the removal of plot 65 from compulsory acquisition	<p>The Applicant has deleted the following:</p> <ul style="list-style-type: none"> • S131 statement in the preamble • Definition of open space • Reference to blue and green in the definition of order land

			<ul style="list-style-type: none">• Article 19(3) and 19(4)• Article 22 Private Rights• Article 23 (2)• Article 24 Acquisition of part of certain properties <p>Consequential amendments to numbering and cross referencing throughout.</p>
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