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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.4.2: Applicant's Schedule of Changes to the Draft
Development Consent Order

Final Issue A
October 2023

Planning Inspectorate Reference: EN020002

The Infrastructure Planning (Examination Procedure) Rules 2010
Regulation 8(1)(k)

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This document has been prepared by National Grid Electricity Transmission plc (the Applicant) to set out the changes made to the draft Development Consent Order (DCO) from the version submitted to the Planning Inspectorate on 27 April 2023 as part of the application for development consent (**Document 3.1(A)**) [APP-034].
- 1.1.2 In preparing this document, the Applicant has had regard to Procedural Decision 8 (*Submission of draft Development Consent Orders (dDCO) and Book of Reference (BoR) by the Applicant*) as listed in Annex F of the Rule 6 Letter dated 7 August 2023 [PD-002].
- 1.1.3 This document is therefore submitted together with:
- (a) A revised draft DCO (**Document 3.1(B)**) (clean); and
 - (b) A tracked version of the draft DCO showing all changes as between Revision A (**Document 3.1(A)**) and the new Revision B (**Document 3.1(B)**).
- 1.1.4 This document is a 'live' document and will be further updated (on a consolidated basis) by the Applicant at Deadlines 3, 4, 5, 6, 8 and 9.

1.2 Overview of changes made at Deadline 2 (11 October 2023)

- 1.2.1 Revision B of the draft DCO (**Document 3.1(B)**) is submitted at Deadline 2.
- 1.2.2 Table 2.1 lists the changes made by the Applicant within Revision B of the draft DCO.
- 1.2.3 The changes made for the purpose of Deadline 2 fall into the following principal categories:
- (a) Amendments (confined to Part 1 of Schedule 7) made in response to Section 51 Advice received from the Planning Inspectorate on 23 May 2023;
 - (b) Correction of certain typographical and other errors identified as part of the Applicant's own consistency checks and noted during the first Issue Specific Hearing held on 14 September 2023; and
 - (c) Amendments made in response to certain matters raised in the joint Local Impact Reports submitted at Deadline 1 by Braintree District Council and Essex County Council [REP1-039] and Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045].

2. Schedule of Changes at Deadline 2 (11 October 2023)

Table 2.1 – Schedule of Changes to Version A of the draft DCO [APP-034]

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
1.	Article 11, Street works	<p>Article 11(3) has been amended in order to allow for the undertaker and the street authority to agree, on a case by case basis, an alternative period of time within which the street authority is permitted to determine an application for consent made pursuant to Article 11(2) before consent is deemed to have been given.</p> <p>This change responds to matters raised in the joint Local Impact Reports submitted by Braintree District Council and Essex County Council [REP1-039] and Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045], and is intended to provide greater flexibility to all concerned.</p>	<p>(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days beginning with the date on which the application was made, that authority will, <u>unless otherwise agreed</u>, be deemed to have granted consent.</p>	B
2.	Article 14, Power to alter layout etc. of streets	<p>Article 14(5) has been amended in order to allow for the undertaker and the street authority to agree, on a case by case basis, an alternative period of time within which the street authority is permitted to determine an application for consent made pursuant to Article 14(4) before consent is deemed to have been given.</p> <p>The rationale for this change is set out above in response to Change Ref. 1.</p>	<p>(5) If<u>Unless otherwise agreed, if</u> a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.</p>	B
3.	Article 15, Temporary stopping up of streets and public rights of way	<p>Article 15(9) has been amended in order to allow for the undertaker and the street authority to agree, on a case by case basis, an alternative period of time within which the street authority is permitted to determine an application for consent made pursuant to Article 15(5)(b) before consent is deemed to have been given.</p>	<p>(9) If<u>Unless otherwise agreed, if</u> a street authority which receives an application for consent under sub-paragraph (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.</p>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		The rationale for this change is set out above in response to Change Ref. 1.		
4.	Article 16, Access to Works	<p>Article 16(2) has been amended in order to allow for the undertaker and the relevant planning authority to agree, on a case by case basis, an alternative period of time within which the relevant planning authority is permitted to determine an application for consent made pursuant to Article 16(1)(b) before consent is deemed to have been given.</p> <p>The rationale for this change is set out above in response to Change Ref. 1.</p>	<p>(2) <u>Unless otherwise agreed, if</u> a relevant planning authority which receives an application for consent under sub-paragraph (1)(b) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.</p>	B
5.	Article 19, Discharge of Water	<p>Article 19(9) has been amended in order to allow for the undertaker and the relevant person to agree, on a case by case basis, an alternative period of time within which the relevant person is permitted to determine an application for consent or approval made pursuant to Article 19(3) and 19(4)(a) (respectively) before consent or approval is deemed to have been given.</p> <p>The rationale for this change is set out above in response to Change Ref. 1.</p>	<p>(9) <u>Unless otherwise agreed, if</u> a person who receives an application for consent under paragraph (3) or approval under sub-paragraph (a) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.</p>	B
6.	Article 21, Authority to survey and investigate the land	<p>Article 21(8) has been amended in order to allow for the undertaker and the highway authority or street authority to agree, on a case by case basis, an alternative period of time within which the highway authority or street authority is permitted to determine an application for consent made pursuant to Article 21(5)(a) or (b) before consent is deemed to have been given.</p> <p>The rationale for this change is set out above in response to Change Ref. 1.</p>	<p>(8) <u>Unless otherwise agreed, if</u> a highway authority or street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—</p> <p>(a) under sub-paragraph (5)(a) in the case of a highway authority; or</p> <p>(b) under sub-paragraph (5)(b) in the case of a street authority,</p> <p>that authority is deemed to have granted consent.</p>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
7.	Article 41, Crown rights	Sub-paragraphs (a), (b) and (c) of Article 41(1) have been amended to refer to ‘His Majesty in right of the Crown’. This change takes account of the Accession of His Majesty, King Charles III in September 2022.	<p>41.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter on or in any manner interfere with any land or rights of any description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary)—</p> <p>(a) belonging to He<ins>His</ins> Majesty in right of the Crown and forming part of the Crown Estate, without the consent in writing of the Crown Estate Commissioners;</p> <p>(b) belonging to He<ins>His</ins> Majesty in right of the Crown and not forming part of the Crown Estate, without the consent in writing of the government department having the management of that land; or</p> <p>(c) belonging to a government department or held in trust for He<ins>His</ins> Majesty for the purposes of a government department, without the consent in writing of that government department.</p>	B
8.	Article 42, Special category land	<p>Correction of a minor typographical error in Article 42(1) noted during the first Issue Specific Hearing (at time stamp 23.21 in the transcript for Session 4 [EV-017]).</p> <p>The change reflects the fact that use of the word ‘must’ is not appropriate in the context of Article 42(1), notwithstanding the extant guidance at Paragraph 3.3 of Advice Note 15 (Drafting Development Consent Orders).</p>	<p>42.—(1) So much of the special category land that is required for the purposes of the exercising by the undertaker of the Order rights must<ins>shall</ins> be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of the Order rights.</p>	B
9.	Article 46, Defence to proceedings in respect of statutory nuisance	<p>Correction of minor typographical errors in Article 46(1)(a)(ii) and (3) identified in the Local Impact Report submitted by Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045].</p> <p>The changes reflect the fact that a detailed Construction Environmental Management Plan is to be approved by the Secretary of State at the point at which the draft DCO is made rather than at a later date pursuant to Schedule 3.</p>	<p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with the controls and measures relating to noise as described in the Construction Environmental Management Plan approved under Schedule 3 (Requirements) or in accordance with the noise levels set out in an environmental permit relating to the construction, maintenance or operation of the authorised development; or</p> <p>(3) Where a relevant planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised development then the local authority must also have regard to the controls and measures relating to noise referred to in the Construction Environmental Management Plan approved under Schedule 3 (Requirements).</p>	B
10.	Article 47, Traffic regulation	Article 47(8) has been amended in order to allow for the undertaker and the traffic authority to agree, on a case by case basis, an alternative period of time within which the traffic authority is permitted to	<p>(8) If<ins>Unless otherwise agreed, if</ins> the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.</p>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		<p>determine an application for consent made pursuant to Article 47(2) before consent is deemed to have been given.</p> <p>The rationale for this change is set out above in response to Change Ref. 1.</p>		
11.	Article 48, Felling or lopping	<p>Article 48(5) has been amended in order to allow for the undertaker and the relevant highway authority to agree, on a case by case basis, an alternative period of time within which the relevant highway authority is permitted to determine an application for consent made pursuant to Article 48(4) before consent is deemed to have been given.</p> <p>The rationale for this change is set out above in response to Change Ref. 1.</p>	<p>(5) Unless otherwise agreed, if the relevant highway authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (4) the relevant highway authority is deemed to have granted consent.</p>	B
12.	Schedule Associated Development	<p>1, Correction of a minor typographical error in sub-paragraph (r) of the list of Associated Development in Schedule 1.</p> <p>The inadvertent omission of the words “<i>materially new</i>” in sub-paragraph (r) was identified in the Local Impact Report submitted by Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045].</p>	<p>(r) such other works, including scaffolding, working sites storage areas, and works of demolition (which includes but is not limited to demolition of residential properties), as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development and which do not give rise to any materially <u>new or materially</u> different environmental effects from those assessed in the Environmental Statement.</p>	B
13.	Schedule Requirements (Paragraphs and 1(3))	<p>3, Minor amendments have been made to paragraphs 1(2) and 1(3)) of Schedule 3 in order to reflect the fact that approval or agreement may, in certain circumstances, be provided by the relevant highway authority.</p> <p>This addresses a matter raised in the Local Impact Report submitted by Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045].</p>	<p>(2) Where under any of the Requirements the approval or agreement of the relevant planning authority <u>or the relevant highway authority</u> is required, that approval or agreement must be given in writing.</p> <p>(3) Where any Requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant planning authority <u>or the relevant highway authority</u>, those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority <u>or the relevant highway authority</u>.</p>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO								
14.	Schedule Requirements (Requirement 4)	<p>3, Minor amendments have been made to sub-paragraphs (1) and (3) of Requirement 4 of Schedule 3 in order to reflect the fact that any departure from the approved Construction Traffic Management Plan will need to be agreed with the relevant highway authority.</p> <p>This addresses a matter raised in the Local Impact Report submitted by Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045].</p>	<p>4. (1) All construction works forming part of the authorised development must be carried out in accordance with the plans listed in sub-paragraph (2) below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, <u>and in the case of the Construction Traffic Management Plan, the relevant highway authority.</u></p> <hr/> <p>(3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the plans listed in sub-paragraph (2) unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, <u>and in the case of the Construction Traffic Management Plan, the relevant highway authority.</u></p>	B								
15.	Schedule Discharge Requirements (Paragraph 3(2))	<p>4, Paragraph 3(2) (which provided for the return of fees of paid pursuant to Paragraph 3(1) where an application made pursuant to Schedule 4 was rejected as having been invalidly made or was not determined within the specified period) has been deleted in its entirety.</p> <p>This is in response to comments raised in the Local Impact Report submitted by Suffolk County Council and Babergh and Mid Suffolk District Councils [REP1-045].</p>	<p>(2) Any fee paid under this Schedule must be refunded to the undertaker within 35 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the relevant planning authority failing to determine the application within 28 days from the date on which it is received,</p> <p>unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application.</p>	B								
16.	Schedule 7, Streets or Public Rights of Way to be Temporarily Stopped Up	<p>Correction of several minor cross-referencing errors identified in Part 1 of Schedule 7 following a further review of the Access Rights of Way and Public Rights of Way Navigation Plans [APP-012] and Schedule 7 of the draft DCO (Streets or public rights of way to be temporarily stopped up).</p>	<table border="1"> <tbody> <tr> <td>Suffolk County Council</td> <td>W-362/001/0</td> <td>Between points P-F-3 and P-F-3 as shown on Sheet 15 <u>and Plan A</u></td> <td>Between points P-F-3 and P-F-3 via line PD-F-3 as shown on Sheet 15 <u>and Plan A</u></td> </tr> <tr> <td>Suffolk County Council</td> <td>Clay Hill</td> <td>Between points SM-AB-19 and SM-AB-20 as shown on Sheet 7 <u>and Plan A</u></td> <td>Between points SM-AB-19 and SM-AB-20 via line SMD-AB-12 as shown on Sheets 3, 5, 7 and Plan A</td> </tr> </tbody> </table>	Suffolk County Council	W-362/001/0	Between points P-F-3 and P-F-3 as shown on Sheet 15 <u>and Plan A</u>	Between points P-F-3 and P-F-3 via line PD-F-3 as shown on Sheet 15 <u>and Plan A</u>	Suffolk County Council	Clay Hill	Between points SM-AB-19 and SM-AB-20 as shown on Sheet 7 <u>and Plan A</u>	Between points SM-AB-19 and SM-AB-20 via line SMD-AB-12 as shown on Sheets 3, 5, 7 and Plan A	B
Suffolk County Council	W-362/001/0	Between points P-F-3 and P-F-3 as shown on Sheet 15 <u>and Plan A</u>	Between points P-F-3 and P-F-3 via line PD-F-3 as shown on Sheet 15 <u>and Plan A</u>									
Suffolk County Council	Clay Hill	Between points SM-AB-19 and SM-AB-20 as shown on Sheet 7 <u>and Plan A</u>	Between points SM-AB-19 and SM-AB-20 via line SMD-AB-12 as shown on Sheets 3, 5, 7 and Plan A									

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		<p>The further review was undertaken by the Applicant in response to Section 51 Advice received from the Planning Inspectorate on 23 May 2023.</p> <p>Corrections made are limited to four row entries in Part 1 of Schedule 7 (Streets or public rights of way to be temporarily stopped up for which a diversion is to be provided).</p>	Essex County Council	Lorkin's Lane	Between points SM-H-4 and SM-H-5 as shown on Sheets 28 and 29	Between points SM-H-4 and SM-H-5 via line SD-HSMD-H-2 as shown on Sheets 22, 23, 25, 28, 29 and Plan B	
			Essex County Council	Old Road	Between points SM-H-17 and SM-H-18 as shown on Sheet 23	Between points SM-H-17 and SM-H-18 via line SM-H SMD-H-10 as shown on Sheets 23, 25 and 26	
17.	Schedule 10, Land of which only temporary possession may be taken	Minor updates made to Schedule 10 in order to correct certain typographical errors and also correspond with changes made by the Applicant at Deadline 1 to the Land Plans (Document 2.3(B)) [REP1-004] and to the Book of Reference (Document 4.3(B)) [REP1-005].	3-11, 3-12, 3-51, 3-52, 3-53, 3-55, 3-57, 3-58, 3-60, 3-62, 3-63, 3-64, 3-67, 3-68, 3-69, 3-70, 3-71, 3-73, 3-74, 3-78, 3-80, 3-81, 3-82, 3-83, 3-87, 3-88, 3-96, 3-99, 3-106, 3-108 , 3-109, 3-110,	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No 1 and Work No. 2	3-11 – planting 3-12 – planting 3-51 – planting 3-53 – planting 3-55 – planting 3-57 – planting 3-62 – planting 3-63 – planting 3-64 – planting 3-68 – planting	B
			14-06, 14-08	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	14-06 – planting 14-08 – planting	
			14-17, 14-18 , 14-20, 14-21, 14-22, 14-24, 14-27, 14-30, 14-31, 14-32, 14-33, 14-34	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	14-18 – planting 14-24 – planting 14-31 – removal of pylon foundations only to a depth of 1.5m	
			17-70	Temporary use for access	Work No. 4 and Work No. 8		
			27-09, 27-10 , 27-12 , 7-30 27-30 , 27-31, 27-33, 27-36, 27-38,	Temporary use for construction, mitigation, maintenance, and	Work No. 5 and Work No. 7		

Ref.	dDCO Ref.	Rationale for the Change	Change Made			Version of dDCO
			27-46, 27-47, 27-48, 27-56	dismantling of redundant infrastructure		
18.	Schedule 11, Extinguishment of private rights and restrictive covenants etc.	<p>Minor updates made to Schedule 11.</p> <p>The inclusion of Plot 3-108 reflects a change in the class of rights sought in respect of this plot (to which see further in the updated Land Plans (Document 2.3(B)) [REP1-004] and to the Book of Reference (Document 4.3(B)) [REP1-005] submitted at Deadline 1).</p> <p>The inclusion of Plot 14-08 corrects a minor typographical error.</p>	District of Babergh	3-15, 3-19, 3-27, 3-55, 3-57, 3-60, 3-64, 3-69, 3-108 , 3-109, 3-115		B
			District of Babergh	14-06, 14-08 , 14-18, 14-24, 14-30, 14-31, 14-32, 14-33, 14-36, 14-38, 14-39		

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