

Amendments to draft DCO for Deadline 7



This document records the changes made to the M20 Junction 10a DCO since submission of the fourth version (Rev D) on 3 March 2017.

| No. | Location | Change | Reason |
|-----------------|----------|---|--|
| Articles | | | |
| 1 | 8 | The local highway authority has been added as a consultee | To address concerns raised by KCC |
| 2 | 11(3) | References to sections 73A, 73B, 73C and 78A of the New Roads and Street Works Act 1991 deleted | Not in force |
| 3 | 12(3) | Additional wording added: "with the exception of the footpath to be provided on plots 3/1/b and 3/1/d, shown on the land plans and the rights of way and access plans, which must be maintained by the undertaker from its completion." | To reflect the agreed position in relation to maintenance of the footpath through the replacement open space |
| 4 | 27(4) | Sub-paragraph (a) deleted | Section 5(1) repealed |
| 5 | 30(5) | "of" added to "(sharing cost of necessary measures)" | Correct reference |
| 6 | 32(10) | "the" deleted from "(to the acquiring authority)" | Correct reference |
| 7 | 38(5) | "Hedgerow" changed to "Hedgerows" | Correct reference |

| | | | | |
|------------------|------------------------|-------|---|--|
| 8 | 39(2)(b) | | amended to add “although where possible the undertaker shall seek to replace any trees which are removed” | To address concerns raised by ABC |
| 9 | 39(2)(c) | | new sub-paragraph (c) added as follows: “the undertaker shall consult the relevant planning authority prior to that activity taking place”. | To address concerns raised by ABC |
| 10 | 42(1)(a) | | “site” changed to “sites” | Correct references |
| Schedules | | | | |
| 11 | Part 1, Schedule 2 | | Definition of ‘County Archaeologist’ added | Term used but not defined |
| 12 | Part 1, Schedule 2 | | Definition of ‘Ecological Clerk of Works’ added | Term used but not defined |
| 13 | Part 1, Schedule 2 | | Definition of ‘LEMP’ added, including reference to the reptile mitigation strategy | To clarify the location of the reptile mitigation strategy |
| 14 | Requirement Schedule 2 | 3, | Reference to turning loop added to 3(4) | To address KCC concerns regarding turning loop |
| 15 | Requirement Schedule 2 | 6, | Reference to “Requirement 4” changed to “Requirement 5” | Typo |
| 16 | Requirement Schedule 2 | 8, | Title of Requirement changed from "Contaminated land and groundwater" to "Land and groundwater contamination" | To address Environment Agency concerns |
| 17 | Requirement | 8(1), | “foundation works risk assessment” changed to “contamination risk assessment in respect of controlled | To address Environment Agency concerns |

| | | | | |
|----|------------------------|-------|---|--|
| | Schedule 2 | | waters”; and new 8(1)(c) added as follows: “appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works” | |
| 18 | Requirement Schedule 2 | 8(3), | “contaminated land, including groundwater” changed to “contaminated materials, including impacted groundwater” and “contaminated land” changed to “contamination” | To address Environment Agency concerns |
| 19 | Requirement Schedule 2 | 10, | Wording amended so that all nesting birds are protected, whether or not they were previously identified in the ES. Works to cease within 10 metres of any nesting birds until nests have been fledged and on discovery of any protected species not previously identified in the ES works to cease within the area specified in the written scheme until any necessary licenses are obtained to enable mitigation measures to be implemented. | To address concerns raised by ABC |
| 20 | Part 1, Schedule 4 | | “From the Barrey Road/Church Road junction to where it meets the A2070 Bad Munstereifel Road, a distance of 160 metres...” changed to “From the Barrey Road/Church Road junction west of the A2070 Bad Munstereifel Road to where it meets Church Road again, east of the A2070 Bad Munstereifel Road, a distance of 184 metres...” | Correct reference |
| 21 | Schedule 5 | | “New right to construct, operate and maintain eastbound off slip from the M20 and related works and mitigation measures including access with or without vehicles plant and machinery” deleted from column 2 row 4 (in relation to plot reference 2/4/b) and additional wording added as follows: “New right to construct and maintain noise bund No.1.” | Correct reference |

| | | | |
|----|-------------------------|---|--|
| 22 | Paragraph 4, Schedule 6 | "in case of severance" added to "measure of compensation" | Correct reference |
| 23 | Paragraph 5, Schedule 6 | "other" added to "provisions as to divided land" | Correct reference |
| 24 | Paragraph 7, Schedule 6 | "penalty for" deleted; "entry on warrant in the event of obstruction" changed to "refusal to give possession to acquiring authority" | Correct references |
| 25 | Paragraph 8, Schedule 6 | "protection for interests of" deleted | Correct reference |
| 26 | Schedule 7 | Additional plots 2/5/aa, 2/6/aa, 2/8/aa and 4/1/bb added, together with descriptions of the purpose for which temporary possession of each plot may be taken and references to relevant Work Nos. Additional Work Nos. added to plots 2/1/g, 4/1/b and 4/1/g. | New plots have been added to correct an administrative error in relation to plot boundaries. Additional works descriptions have been added to ensure the descriptions fully reflected the works proposed. See additional note at the end of this document. |
| 27 | Schedule 8 | "Group G37" deleted and replaced with "TPO No. 15 1997" and "Woodland W1" deleted and replaced with "TPO No. 22 1998" | Correct references |
| 28 | Part 3, Schedule 9 | Deletion of National Grid protective provisions | It has been confirmed that National Grid does not have any apparatus within the order limits |

| Changes under consideration | | | |
|-----------------------------|--------------------|--|-------------------------------------|
| No. | Location | Change under consideration | Reason |
| 1 | Part 4, Schedule 9 | Amendments to Environment Agency protective provisions | At the Environment Agency's request |

There are amendments listed above to Schedule 5 (land in which only new rights etc. may be required) and Schedule 7 (land of which temporary possession should be taken) of the DCO. The amendments are required as a result of:

- (a) the addition of new plots, as explained at Deadline 6; and
- (b) the clarification of the location for certain works.

For the avoidance of doubt, no new works have been added that were not previously included within the DCO, rather the location of those works has now been finalised and so updates are required to the Schedules to reflect this.

To assist the Examination, the Statement of Reasons (at Appendix A) has also been updated and is being submitted (in clean and tracked changes format) at Deadline 7. Again, no new works have been added that were not previously identified, rather the location of the works has now been finalised.