

A303 Amesbury to Berwick Down

TR010025

Deadline 3

8.29 Explanation of Amendments to the Draft DCO

APFP Regulation 5(2)(q)

Planning Act 2008

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

May 2019



Infrastructure Planning

Planning Act 2008

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

A303 Amesbury to Berwick Down

Development Consent Order 20[**]

Explanation of Amendments to the Draft DCO

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THE A303 (AMESBURY TO BERWICK DOWN) DEVELOPMENT CONSENT ORDER

EXPLANATION OF CHANGES MADE TO THE DRAFT DCO (REV 2) AT DEADLINE 3

1. INTRODUCTION

- 1.1 This document provides a commentary on changes made to the draft Development Consent Order in the version submitted at Deadline 3 (31 May 2019) (DCO Revision 2), compared with the Revision 1 of the draft DCO submitted at Deadline 2 (3 May 2019). An electronic .pdf comparison between the two versions has also been submitted.
- 1.2 In broad terms the changes made in the latest draft DCO have been made for the following reasons:
- 1.2.1 changes arising from the Applicant's consideration of written representations;
 - 1.2.2 changes arising from the Applicant's consideration of the Examining Authority's First Written Questions; and
 - 1.2.3 changes arising from discussions with affected persons and statutory undertakers and to reflect developments in drafting practice.

2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 2

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 7(6) Limits of deviation	Article 7(6) has been amended to require consultation with the planning authority where the Secretary of State's certification that a departure from the vertical limits of deviation in paragraphs (4) and (5) would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement. This change is made further to the Applicant's response to the Examining Authority's First Written Questions [REP2-030], reference DCO.1.29(ii).
Article 13 Discharge of water	Article 13 has been amended to remove the reference to consent not being unreasonably withheld, as the requirement not to unreasonably withhold consent is addressed in article 59 (consents, agreements and

Provision in revised draft DCO and/or issue	Brief description and explanation
	approvals).
Article 47(6) Classification of roads, etc.	Article 47(6) has been amended to make it clear that the undertaker and the local highway authority can agree in writing an alternative date for the roads described in Part 9 (roads to be de-trunked) of Schedule 9. This change has been made to accommodate the legal agreement being developed between the Applicant and Wiltshire Council to address matters arising from the adoption by Wiltshire Council of highways under the draft Order.
Article 59(4) Consents, agreements and approvals	The definition of “relevant authority” in article 59(4) has been amended to ensure it includes the relevant persons from whom consent may be sought under article 13 (discharge of water).
Schedule 2 (Requirements) Part 1 (Requirements) Paragraph 11 (Details of consultation)	A new paragraph has been inserted to require a summary report to be submitted alongside details submitted to the Secretary of State for approval under this Schedule. The report must summarise the consultation undertaken to inform the detail submitted pursuant to that requirement, and the undertaker's response to that consultation. If any consultation responses are not reflected in the details submitted to the Secretary of State for approval, the summary report must state the undertaker's reasons for not including them.
Schedule 9 (Classification of roads etc.) Part 1 (The new and improved A303 trunk road) Paragraph 1	Minor clarifications have been made to the distances specified for the component parts of the description of the new A303, for the purposes of its classification as a trunk road under article 47(classification of roads, etc.). The changes have been made in response to the written representation of Wiltshire Council [REP2-045].
Schedule 11 (Protective provisions) Part 3 (For the protection of drainage authorities)	Amendments have been made to Part 3, previously intended to protect both the Environment Agency and land drainage functions of Wiltshire Council, to reflect the inclusion in Part 5 of protective provisions for the exclusive benefit of the Environment Agency. Part 3 reflects the Applicant's preferred protective provisions and discussions with Wiltshire Council in respect of this Part are ongoing.

Provision in revised draft DCO and/or issue	Brief description and explanation
Schedule 11 (Protective provisions) Part 5 (For the protection of the Environment Agency)	A new part has been inserted for the protection of the Environment Agency. Part 5 is based on the Environment Agency's preferred protective provisions with amendments proposed by the Applicant. Discussions with the Environment Agency in connection with its protective provisions are ongoing.
General	Minor typographical errors have been corrected.

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