

# A303 Amesbury to Berwick Down

TR010025

## Deadline 4

8.32 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

June 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[\*\*]

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**Explanation of Amendments to the Draft DCO**

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| <b>Regulation Number:</b>                     | Regulation 5(2)(q)                                           |
| <b>Planning Inspectorate Scheme Reference</b> | TR010025                                                     |
| <b>Application Document Reference</b>         | 8.32                                                         |
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| <b>Version</b> | <b>Date</b> | <b>Status of Version</b> |
|----------------|-------------|--------------------------|
| Rev 0          | 21.06.2019  | First Issue              |

## THE A303 (AMESBURY TO BERWICK DOWN) DEVELOPMENT CONSENT ORDER

### EXPLANATION OF CHANGES MADE TO THE DRAFT DCO (REV 3) AT DEADLINE 4

#### 1. INTRODUCTION

- 1.1 This document provides a commentary on changes made to the draft Development Consent Order in the version submitted at Deadline 4 (21 June 2019) (DCO Revision 3), compared with Revision 2 of the draft DCO submitted at Deadline 3 (31 May 2019). An electronic .pdf comparison between the two versions has also been submitted. In addition, appended to this document is an email confirming that the revised draft Development Consent Order is in a validated form.
- 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 submissions at Issue Specific Hearings; and
  - 1.2.2 changes arising from the Applicant's consideration of comments submitted at Deadline 3; and
  - 1.2.3 changes to reflect the changes agreed to the Environment Agency's protective provisions.

#### 2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 2

| Provision in revised draft DCO and/or issue                     | Brief description and explanation                                                                                                                                                                                     |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article 2(1)<br>Interpretation                                  | The definition of "the planning authority" has been amended following comments by Wiltshire Council at the DCO Issue Specific Hearing on 4th June 2019 ("the DCO ISH") to simply make reference to Wiltshire Council. |
| Article 2(4) and 7(9)<br>Interpretation and Limits of Deviation | Articles 2(4) and 7(9) have been amended to make it plain that the limits of deviation are not to be considered to be stated "approximately".                                                                         |

| Provision in revised draft DCO and/or issue                      | Brief description and explanation                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article 7<br>Limits of Deviation                                 | Article 7(1) has been amended to more clearly express its intention, that the authorised development must be constructed within the Order limits.                                                                                                                                                                                                                        |
| Article 12<br>Access to works                                    | Article 12 has been amended to make it clear that the authority to form new, or improve existing, means of access to the works may only be exercised for the purposes of carrying out the authorised development.                                                                                                                                                        |
| Article 15<br>Authority to survey and investigate land           | A new paragraph (3) has been inserted such that the notice required to be given to owners and occupiers under this article must indicate the nature of the survey or investigation that is intended to be carried out. This is in response to the National Farmers Union's submissions at the DCO ISH.                                                                   |
| Article 16<br>Removal of human remains                           | A new definition of "burial authority" has been added to this article which replaces the previously used "planning authority". This is in response to Wiltshire Council's submissions at the DCO ISH.                                                                                                                                                                    |
| Schedule 1<br>Requirement 1<br>Interpretation                    | <p>A minor amendment has been made to the definition of "preliminary works" to make clear these incorporate both archaeological investigation <i>and</i> mitigation works. This is in response to discussions at the DCO ISH.</p> <p>A new definition of "the World Heritage Site" has been added, as a result of amendments to Requirement 8 (on which, see below).</p> |
| Schedule 2<br>Requirement 5<br>Archaeology                       | Paragraph 5(2) has been deleted as a result of the Applicant's further consideration following the DCO ISH.                                                                                                                                                                                                                                                              |
| Schedule 2<br>Requirement 7<br>Contaminated land and groundwater | A new paragraph (2) has been included to provide that the risk assessment to be completed under paragraph (1) must be provided to the Environment Agency and the planning authority following its completion.                                                                                                                                                            |
| Schedule 2<br>Requirement 8                                      | <p>Requirement 8 has been amended to:</p> <p>(a) provide that prior to any part of the authorised development commencing within the World Heritage Site</p>                                                                                                                                                                                                              |

| Provision in revised draft DCO and/or issue                                            | Brief description and explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Implementation and maintenance of landscaping                                          | <p>or as part of Work No. 4, a landscaping scheme applicable to all parts of the authorised development falling within either element must be submitted to the Secretary of State for approval, following consultation with Historic England and the planning authority;</p> <p>(b) provide that an implementation timetable for the landscaping works is included in any landscaping scheme (sub-paragraph 3(g));</p> <p>(c) provide that any landscaping scheme includes provision for the replacement of any tree or shrub planted which within 5 years of the completion of the relevant part of the authorised development dies, becomes seriously diseased or is seriously damaged as a result of construction works – this is a slight change from the original drafting following points made at the DCO ISH (sub-paragraph 3(h)); and</p> <p>(d) add clarificatory amendments to paragraph (4) for consistency.</p> |
| Schedule 2<br>Requirement 10<br>Drainage                                               | A minor amendment has been made to paragraph (1) to provide that the written details of the drainage system submitted for approval must include a timetable for implementation. This is in response to comments made at the DCO ISH.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Schedule 9                                                                             | Minor corrections have been made to the distances referred to in this Schedule and the classification number of the A303 (to be de-trunked) has been included now that it has been confirmed by Wiltshire Council through its representations (see [REP3-046]).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Schedule 10                                                                            | A typographical correction has been made to a distance referred to in this Schedule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Schedule 11<br>Protective provisions<br>Part 5 (For the protection of the Environment) | Protective provisions have now been agreed with the Environment Agency. Minor changes have been made to this part to reflect the final form of the agreed protective provisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| <b>Provision in revised draft DCO and/or issue</b> | <b>Brief description and explanation</b>        |
|----------------------------------------------------|-------------------------------------------------|
| Agency)                                            |                                                 |
| General                                            | Minor typographical errors have been corrected. |

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