

# A303 Amesbury to Berwick Down

TR010025

## Deadline 6

8.40 Explanation of Amendments to Rev 4 of 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 Rev 4 of Draft  
DCO**

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| <b>Regulation Number:</b>                     | Regulation 5(2)(q)   |
| <b>Planning Inspectorate Scheme Reference</b> | TR010025   |
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| Rev 0          | 26.07.2019  | Deadline 6 Issue         |

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

### EXPLANATION OF CHANGES MADE TO THE DRAFT DCO (REV 4) AT DEADLINE 6

#### 1. INTRODUCTION

1.1 This document provides a commentary on changes made to the draft Development Consent Order in the version submitted at Deadline 6 (26 July 2019) (DCO Revision 4), compared with Revision 3 of the draft DCO submitted at Deadline 4 (21 June 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 summaries of submissions at Issue Specific Hearings;

1.2.2 change arising from the Applicant's consideration of the Examining Authority's Second Written Questions;

1.2.3 changes arising from the Applicant's consideration of comments submitted at Deadline 4; and

1.2.4 changes to reflect the changes agreed to protective provisions.

#### 2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 4

| Provision in revised draft DCO and/or issue | Brief description and explanation   |
|---|---|
| Article 2(1)<br>Interpretation              | The definition of "commence" has been amended to remove reference to "advertisements" from the list of works the carrying out of which would not comprise "commencement". This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions and Historic England's comments on revision 2 of the draft DCO. |
| Article 2(1)<br>Interpretation              | The definition of "maintain" has been amended to clarify that the activities within the definition must not "give rise to any materially new or materially different environmental effects to those identified in the environmental statement".   |

| Provision in revised draft DCO and/or issue                      | Brief description and explanation  |
|--|--|
|  | This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions.   |
| Article 2(1)<br>Interpretation                                   | The Applicant has also defined "Southern Electric Power Distribution plc" to accommodate an amendment to article 51 (Consent to transfer benefit of Order), see below.   |
| Article 7(6)<br>Limits of Deviation                              | Article 7(6) has been amended to clarify that in addition to the planning authority, the Secretary of State must consult with any other persons thought to be appropriate having regard to the proposed deviation in question, before certifying that a deviation in excess of the vertical limits of deviation would not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement. This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions.           |
| Article 15(1)(b)(ii)<br>Authority to survey and investigate land | Article 15(1)(b)(ii) has been amended to clarify that the authority to carry out surveys and investigate land includes the discharge of water from sampling operations. This amendment has been made as a result of the Applicant's ongoing consideration of the draft DCO and in light of the fact that not all water discharged from sampling operations is itself a sample. It should be noted that any discharges made would remain subject to the control measures in the DCO including the requirements and protective provisions, as well as background environmental protection legislation. |
| Article 51(5)<br>Consent to transfer benefit of Order            | Article 51(5) has been amended to expressly refer to a transfer or grant, for the purposes of Work No.1C(v) (a temporary substation) and associated ancillary works, to Southern Electric Power Distribution plc without requiring the consent of the Secretary of State. The amendment has been made as a result of ongoing negotiations with Southern Electric Power Distribution plc.   |
| Schedule 1<br>Authorised Development                             | For clarity the Applicant has added "impounding sump" to the list of ancillary works, at paragraph (b)(iv). This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions. The Applicant has also clarified that Work No.1C(v), the provision of a temporary electricity substation, is for the benefit of Southern Electric Power Distribution plc. This amendment has been made as a   |

| Provision in revised draft DCO and/or issue                       | Brief description and explanation  |
|---|--|
|   | result of the Applicant's ongoing negotiations with Southern Electric Power Distribution plc.  |
| Schedule 2<br>Requirement 1<br>Interpretation                     | Requirement 1 has been amended to include an expanded definition of "OEMP" to more clearly reflect its role. This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions.  |
| Schedule 2<br>Requirement 3<br>Preparation of detail design, etc. | The Applicant has amended requirement 3 to clarify that should the Applicant seek the Secretary of State's approval of an amendment to the listed plans, the Secretary of State must consult the planning authority and "any other person the Secretary of State considers appropriate having regard to the proposed amendment in question...". These amendments have been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions.  |
| Schedule 2<br>Requirement 7<br>Contaminated land and groundwater  | <p>The Applicant has amended requirement 7 to clarify that the Applicant, after having determined that it is necessary to remediate unexpected contaminated land, must submit its written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose to the Secretary of State, "as soon as reasonably practicable". This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions. The Applicant has also corrected the omission in paragraph (4) of the "programme" for remedial measures, compliance with which is secured by this paragraph.</p> <p>The Applicant has also deleted "..., including groundwater,..." from sub-paragraph 1. The wording is redundant as "contaminated land" is defined in requirement 1 as having the same meaning as in section 78A of the Environmental Protection Act 1990 which is well understood and sufficiently wide to address harm to controlled waters which in turn includes groundwaters. The amendment has been made as a result of the Applicant's consideration of Wiltshire Council's written summary of DCO ISH submissions.</p> |
| Schedule 2  | The Applicant has amended this requirement to clarify the contents of the traffic management plan that it requires.  |

| Provision in revised draft DCO and/or issue  | Brief description and explanation  |
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| Requirement 9<br>Traffic Management  | This amendment has been made as a result of the Applicant's consideration of Wiltshire Council's review of revision 2 of the DCO, submitted for deadline 4.  |
| Schedule 2<br>Requirement 10<br>Drainage   | Requirement 10 has been amended to make it clear that the drainage system must be constructed in accordance with the approved details prior to the part of the authorised development to which it relates is opened for public use. This amendment has been made as a result of the Applicant's consideration of the Examining Authority's Second Written Questions.                             |
| Schedule 2<br>Requirement 11<br>Details of consultation  | The Applicant has amended this requirement to require the submission of the summary report of consultation to the persons who have been consulted promptly after details have been submitted to the Secretary of State for approval. This amendment has been made as a result of the Applicant's consideration of Wiltshire Council's review of revision 2 of the DCO, submitted for deadline 4. |
| Schedule 11<br>Protective Provisions<br>Part 1<br>For the protection of electricity, gas, water and sewerage undertakers | The Applicant has included a new definition of "plans" and a new sub-paragraph 7(6) at the request of Wessex Water Services Limited.   |
| Schedule 11<br>Protective Provisions<br>Part 4<br>For the protection of Esso Petroleum Company Limited                   | The form of protective provisions agreed with Esso Petroleum Company Limited have been included in Part 4 of Schedule 11.  |

| <b>Provision in revised draft DCO and/or issue</b> | <b>Brief description and explanation</b>   |
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| Schedule 12 Documents to be certified              | The Applicant has updated Schedule 12 to reflect the latest versions of the documents to be certified. |
| General  | Minor typographical errors have been corrected.  |

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