

A303 Amesbury to Berwick Down

TR010025

Additional Submission 8.53 - Explanation of Amendments to Rev 6 of Draft DCO

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

September 2019



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure)

Rules 2010

A303 Amesbury to Berwick Down

Development Consent Order 20[**]

Explanation of Amendments to Rev 6 of Draft DCO

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010025
Application Document Reference	8.53
Author:	A303 Amesbury to Berwick Down Project Team, Highways England

Version	Date	Status of Version
Rev 0	06 September 2019	Deadline 8 submission

THE A303 (AMESBURY TO BERWICK DOWN) DEVELOPMENT CONSENT ORDER

EXPLANATION OF CHANGES MADE TO THE DRAFT DCO (REV 6)

1. INTRODUCTION

1.1 This document provides a commentary on changes made to the draft Development Consent Order in the version submitted on 6 September 2019 (DCO Revision 6), compared with Revision 5 of the draft DCO submitted on 27 August 2019 (DCO Revision 5). 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 submissions at the hearings held between 21 and 30 August 2019; and

1.2.2 changes to reflect the ongoing discussions with interested parties.

2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 6

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 2 Interpretation	The Applicant has moved the definition of "the World Heritage Site" from paragraph 1 of Schedule 2 to article 2. This is necessary to support changes to article 6 (planning permission). Definitions in article 2 apply throughout the Order so its movement to article 2 does not affect the meaning of the term used in Schedule 2.
Article 6 Planning permission	<p>Article 6 has been amended to more tightly regulate the reliance on Highways England's permitted development right under the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO").</p> <p>The Applicant has amended paragraph (1) to make it plain that it is subject to new paragraph (3).</p> <p>The Applicant has inserted a new paragraph (3) which prohibits the undertaker from relying on Part 9 of the GPDO for any part of the authorised development. The</p>

Provision in revised draft DCO and/or issue	Brief description and explanation
	<p>Applicant considers this to be a proportionate approach to address the concerns raised in connection with it carrying out permitted development within the World Heritage Site, whilst also maintaining its permitted development rights outwith the World Heritage Site. This approach does not prohibit development of a description within class B of Part 9 which is not authorised by the Order, but such development would require an application for permission.</p> <p>The Applicant is continuing to consider the position in respect of Class D of Part 16 of the GDPO, which relates to development by driver information system licence holders. The Applicant considers it to be appropriate to take a cautious approach to the removal of permitted development rights enjoyed by other parties that the Government has seen fit to grant on a general basis.</p>
<p>Article 7 Limits of deviation</p>	<p>Article 7(5)(c) has been amended to provide a downwards vertical limit of deviation for Work No. 1F, the bored tunnel. It provides that no part of the tunnel may exceed a depth below 36 meters above ordnance datum. In this regard the Applicant notes that the surrounding topography is above ordnance datum, which is why it has a positive value notwithstanding its position below the ground.</p> <p>The Applicant has amended article 7(7) to clarify that the default limit of deviation for the commencement and termination point of each numbered work is 3 metres from the positions shown on the Works Plans, except for the commencement and termination points listed in the table under sub-paragraph (7), in which case the limits in that table take precedence.</p>
<p>Article 48 Clearways</p>	<p>The Applicant has made a minor amendment to article 48(1) to make it clear that different days may be specified as the date upon which the clearway restrictions are to take effect. This is to enable different parts of the clearways to be properly regulated should they be opened to public use on different days.</p>
<p>Schedule 2 Requirement 3 Preparation of</p>	<p>The Applicant has amended requirement 3 such that authorised development must be designed in detail to be “in accordance with” the listed plans, subject to the limits of deviation, unless departures from those plans are</p>

Provision in revised draft DCO and/or issue	Brief description and explanation
detailed design, etc.	approved by the Secretary of State.
Schedule 2 Requirement 4 Outline Environmental Management Plan (“OEMP”)	<p>The Applicant has amended requirement 4, sub-paragraph (11) to include in the list of contents of the main works CEMP the Invasive Non-Native Species Management Plan, if one is required. The OEMP makes clear at measure PW-BIO1 that such a plan would be required if such species are present in the works areas.</p> <p>The Applicant has also amended sub-paragraph (13) to remove the reference to HEMPs according with the OEMP, to take into account Wiltshire Council's submissions at the DCO ISH on 30 August 2019.</p>
Schedule 2 Requirement 8 Implementation and maintenance of landscaping	The Applicant has amended requirement 8(3)(b) to remove the reference to "noise" fences and walls, following the Applicant's consideration of Wiltshire Council's submissions at the DCO Issue Specific Hearing held on 30 August 2019.
Schedule 2 Requirement 10 Drainage	The Applicant has amended requirement 10(1) to clarify that the written details to be approved by the Secretary of State must include measures for the "management of flood risk" in addition to means of pollution control. Requirement 10(1) has also been amended to clarify that Wiltshire Council is to be consulted on "matters related to its functions". Both amendments reflect discussions with the Environment Agency and Wiltshire Council at the DCO ISH on 30 August 2019.
Schedules 3, 9 and 10	As noted in the Explanation of Changes document accompanying revision 5 of the DCO [AS-097], the Applicant has undertaken a thorough review of the distances recorded in Schedules 3, 9 and 10. The results of this review are included in this revision of the DCO. It should be born in mind that the distances in these Schedules are approximations.
Schedule 11 Part 3 For the protection of drainage	The protective provisions in the form agreed with Wiltshire Council have been inserted into Part 3 of Schedule 11.

Provision in revised draft DCO and/or issue	Brief description and explanation
authorities	
Schedule 12 Documents to be certified	The Applicant has amended the description of the environmental statement so as to include the Errata Report [REP7-022] in so far as it substitutes the environmental statement, its figures and appendices.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

© Crown copyright 2017.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence: visit www.nationalarchives.gov.uk/doc/open-government-licence/ write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

This document is also available on our website at www.gov.uk/highways

If you have any enquiries about this publication email info@highwaysengland.co.uk or call **0300 123 5000**.*

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls. These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.