

**A57 Link Roads**

**TR010034**

**9.80 Applicant's comments on the ExA's  
Schedule of Changes to the dDCO**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

April 2022

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

### A57 Link Roads Development Consent Order 202[x ]

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#### 9.80 Applicant's comments on the ExA's Schedule of Changes to the dDCO

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| <b>Rule Number:</b>                           | Rule 8(k)   |
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# 1. Introduction

- 1.1.1. This document provides the comments of the applicant, National Highways', in response to the examining Authority's (ExA) schedule of recommended amendments to the Applicant's draft Development Consent Order submitted at Deadline 8 on Wednesday 13 April 2022 [REP8-005].

## 2. The Examining Authority's schedule of changes to the Applicant's draft Development Consent Order

| No.                      | ExA's recommended amendment   | Comment from the ExA  | National Highways' response   |
|--------------------------|---|---|---|
| Article 7                | N/A   | Comment A1<br>No changes suggested by the ExA subject to the Applicant updating the Work Plans at Examination Deadline 9 to reduce the limits of deviation to 1m in the locations where a proposed carriageway is within 40m of a noise sensitive receptor.   | The Applicant can confirm that Revised Works Plans showing the reduced limits of deviation have been submitted at Deadline 9.   |
| Article 33(12)           | (12) The provisions of the Neighbourhood Planning Act 2017 do not apply insofar as they relate to the temporary possession of land under this article in relation to the maintenance of any part of the authorised development within the maintenance period.   | Comment A2<br>Full stop missing.  | The revised dDCO submitted at Deadline 9 incorporates this change.  |
| Schedule 2 Requirement 1 | <b>PAS 2080" means PAS 2080: 2016 Carbon management in infrastructure, a specification published by The British Standards Institution;</b>  | Comment A3<br>Definition added for use in new Requirement 12 – Carbon management.   | The revised dDCO submitted at Deadline 9 incorporates this change.  |
| Schedule 2 Requirement 1 | <b>the Design Council's Design Review panel" means the group of independent professionals assembled by the Design Council (registered charity number 272099) to undertake reviews of the design of infrastructure projects in accordance with guidance published by the Design Council from time to time;</b>   | Comment A4<br>Definition added for use in new Requirement 3(3).   | The revised dDCO submitted at Deadline 9 incorporates this change.  |
| Schedule 2 Requirement 3 | 3.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the engineering drawings and sections, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the engineering drawings and sections showing departures from the preliminary scheme design would not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement.<br>(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.<br><b>(3) No part of the authorised development is to commence until options for the detailed design of that part of the authorised development have been submitted to the Design Council's Design Review panel and the undertaker has received and considered the advice of the Design Council's Design Review panel in respect of the detailed design of that part of the authorised development.</b><br><b>(4) The undertaker must, in the course of developing the detailed design of the authorised development, consult with the relevant</b> | Comment A5<br>To address the concerns raised by the ExA and local authorities during the Examination.<br>Similar provisions were included in The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016.<br>(a) Please could the local authorities and the Applicant comment?<br>(b) Do the local authorities have any outstanding concerns regarding Requirement 3? | (a) The Applicant notes the reference the ExA has made to the A14 whose location was deemed appropriate to include reference to the Design Council's Design Review panel in a requirement. The Applicant has reviewed the changes proposed by the ExA and to acknowledge the proximity of the Scheme to features such as the Green Belt, it has incorporated these changes into the revised dDCO submitted at Deadline 9. |

| No.                      | ExA's recommended amendment  | Comment from the ExA  | National Highways' response   |
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|                          | <p>planning authority, local highway authority and other parties identified in the Community Engagement Plan.</p> <p>(5) No part of the authorised development is to commence until details of the external appearance of the 'Mottram Underpass' and 'Roe Cross Road Bridge' to be constructed pursuant to Work No. 32 and Work No.33, the 'River Etherow Bridge' to be constructed pursuant to Work No. 35, and the noise barriers to be constructed pursuant to Work No. 66 have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and local highway authority on matters related to their functions.</p> <p>(6) The authorised development must be carried out in accordance with the approved details referred to in sub-paragraph (5).</p>  |   |   |
| Schedule 2 Requirement 4 | <p>4.—(1) No part of the authorised development is to commence until a second iteration EMP, substantially in accordance with the first iteration EMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the local highway authority and the Environment Agency <del>to the extent that it relates to matters relevant to its function</del> on matters related to their functions.</p> <p>(2) The second iteration EMP must be written in accordance with ISO14001 and must—</p> <p>(a) be in accordance with the mitigation measures set out in the REAC;</p> <p>(b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;</p> <p>(c) require adherence to working hours of 07:30–18:00 Mondays to Fridays and 07:30–16:00 on Saturday except for—</p> <p>(i) <del>deliveries</del>, movements to work, maintenance and general preparation works but not including running plant and machinery for a period of one hour either side of the above times;</p> <p>(ii) night-time closures including for road crossings and final surfacing tie ins provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement;</p> <p>(iii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;</p> <p>(iv) junction tie-in works;</p> <p>(v) repair or maintenance of construction equipment;</p> <p>(vi) removal of overhead power lines provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement;</p> <p>(vii) overnight traffic management measures;</p> <p>(viii) cases of emergency; and</p> <p>(ix) as otherwise agreed by the relevant planning authority in advance provided that any other work carried out outside the specified working</p> | <p>Comment A6<br/>The ExA may suggest changes subject to further advice from the Environment Agency and the Applicant following the Environment Agency's consideration of the Applicant Flood Risk Assessment, compensatory flood storage provision and other relevant matters.<br/>(a) Please could the Environment Agency and the Applicant comment? Have any proposed changes to Requirements 4 or 10 been agreed?<br/>(b) Does the Environment Agency have any outstanding concerns regarding Requirement 4?</p> <p>Comment A7 [4(1) On matters related to their functions]<br/>For consistency with similar wording elsewhere.</p> <p>Comment A8 [4(2)(c)(i) deliveries]<br/>Deleted to address Tameside Metropolitan Borough Council's concerns about the potential for disruption from noise [REP8-027].<br/>(a) Does Tameside Metropolitan Borough Council have any outstanding concerns regarding Requirement 4?</p> <p>Comment A9 [4(2)(h) third iteration EMP]<br/>To address the concerns raised by the ExA and local authorities during the Examination.</p> | <p>Response to A6<br/>The Applicant has conducted meetings with the Environment Agency (EA) and discussed the dDCO requirements. In relation to requirement 4, it was agreed during a meeting held with the EA on 21 April 2022 that amendments to the commitments within the REAC and the submission of an outline Dewatering Management Plan (already identified within requirement 4) was a suitable way to respond to comments made by the EA at D8. The Applicant has provided the updated documentation to the EA and does not currently expect further revisions to requirement 4 will be required.</p> <p>Response to A7<br/>The revised dDCO submitted at Deadline 9 incorporates this change.</p> <p>Response to A8<br/>The revised dDCO submitted at Deadline 9 incorporates this change.</p> <p>Response to A9<br/>The revised dDCO submitted at Deadline 9 incorporates this change.</p> <p>Response to A10<br/>The revised dDCO submitted at Deadline 9 incorporates this change.</p> |

| No. | ExA's recommended amendment  | Comment from the ExA  | National Highways' response |
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|     | <p>hours or any extension to the working hours will only be permitted if there has been prior written agreement of the relevant environmental health officer of the relevant planning authority and provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement; and</p> <p>(x) provided that written notification of the extent, timing and duration of each activity is given to relevant local authorities in advance of any works that are to be undertaken outside of the specified hours, except in cases of emergency or for the repair or maintenance of construction equipment, which are to be notified to the relevant local authorities as soon as is practicable;</p> <p>(d) include the following management plans which must be in accordance with the REAC—</p> <ul style="list-style-type: none"> <li>(i) Soil Resource Plan;</li> <li>(ii) Noise and Vibration Management Plan;</li> <li>(iii) Pollution Prevention Plan;</li> <li>(iv) Emergency Spillage Response Plan;</li> <li>(v) Emergency Flood Response Plan;</li> <li>(vi) Dewatering Management Plan;</li> <li>(vii) Construction Water Management Plan;</li> <li>(viii) Site Waste Management Plan;</li> <li>(ix) Materials Management Plan;</li> <li>(x) Asbestos Management Plan;</li> <li>(xi) Arboricultural Method Statement;</li> <li>(xii) Community Engagement Plan;</li> <li>(xiii) Nuisance Management Plan;</li> <li>(xiv) Ecological Management Plan;</li> <li>(xv) Traffic Management Plan;</li> <li>(xvi) Biosecurity Management Plan;</li> <li>(xvii) Invasive Non Native Management Plan;</li> <li>(xviii) Landscape and Ecological Management and Monitoring Plan;</li> <li>(xix) Archaeological Fieldwork Strategy; and</li> <li>(xx) Carbon Management Plan;</li> </ul> <p>(e) contain a record of the consents, commitments and permissions resulting from liaison with statutory bodies;</p> <p>(f) incorporate the measures for the construction stage identified in the environmental statement;</p> <p>(g) be kept up to date with any material changes during construction and include a mechanism for consultation on such material changes with the relevant planning authority, the local highway authority and the Environment Agency on matters related to their functions;</p> <p>(h) include details of the process for the preparation of the third iteration EMP, <b>which must include for the third iteration EMP to be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the local highway authority and the Environment Agency on matters related to their functions.</b></p> | <p>Comment A10 [4(6) approved]<br/>         To accord with the additional requirement for the third iteration EMP to be approved by the Secretary of State.</p> |                             |

| No.                             | ExA's recommended amendment   | Comment from the ExA   | National Highways' response   |
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|                                 | <p>(3) The construction of the authorised development must be carried out in accordance with the approved second iteration EMP.</p> <p>(4) A third iteration EMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved second iteration EMP.</p> <p>(5) The third iteration EMP must substantially accord with the measures for the management and operation of the authorised development included in the first iteration EMP and address the matters set out in the environmental statement and the approved second iteration EMP that are relevant to the operation and maintenance of the authorised development, and must contain—</p> <p>(a) the environmental information needed for the future maintenance and operation of the authorised development;</p> <p>(b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and</p> <p>(c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.</p> <p>(6) The authorised development must be operated and maintained in accordance with the <b>approved</b> third iteration EMP.</p> |  |   |
| <p>Schedule 2 Requirement 6</p> | <p><b>6.—(1) No part of the authorised development is to commence until for that part a remediation strategy to deal with the risks associated with contamination of the site in respect of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.</b></p> <p><b>(2) The remediation strategy prepared under sub-paragraph (1) must include details of—</b></p> <p><b>(a) a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the land within the Order limits indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination within the Order limits;</b></p> <p><b>(b) a site investigation, based on the preliminary risk assessment under sub-paragraph (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those outside the Order limits;</b></p> <p><b>(c) the results of the site investigation and the detailed risk assessment referred to in subparagraph (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required to render the land fit for its intended purpose and how they are to be undertaken; and</b></p>  | <p>Comment A11<br/>       Changes suggested to Requirement 6 to incorporate the Environment Agency's suggestions [REP8-037].<br/>       (a) Please could the Environment Agency, the local authorities, and the Applicant comment? Have any other proposed changes to Requirement 6 been agreed?<br/>       (b) Do the Environment Agency or the local authorities have any outstanding concerns regarding Requirement 6?<br/>       (There are new and deleted sub-paragraphs, and the subparagraphs are renumbered accordingly.)</p> | <p>The Applicant has conducted meetings with the Environment Agency (EA) and discussed the dDCO requirements. In relation to requirement 6, it was agreed during a meeting held with the EA on 21 April 2022 that the preliminary risk assessment already prepared by the Applicant and included within the environmental statement ground investigation report was satisfactory. Sub-requirement 6(2)(a) has therefore been deleted. The Applicant and the EA also agreed to include wording to acknowledge the possibility that remediation may not be necessary. The wording for sub-requirements (2) to (5) have been updated accordingly in the dDCO submitted at Deadline 9. Sub-requirements (6) to (8) relate to the hydrogeological risk assessment and were not put forward by the EA in their representations submitted at Deadline 8. At the meeting with the EA on 21 April 2022 it was agreed that that subject to adequate revisions to the commitments in the REAC and the submission of the Dewatering Management Plan (both of which are secured under requirement 4), this would avoid the need for a Grampian style requirement to be included. The Applicant has provided the updated documentation to the EA and has therefore deleted these sub-requirements in the dDCO submitted at Deadline 9. A copy of the amended form of requirement 6 has also been shared with the EA to enable them to confirm their agreement to this approach.</p> |



| No. | ExA's recommended amendment   | Comment from the ExA | National Highways' response |
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|     | <p>(d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy under sub-paragraph (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>(3) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the <del>environmental statement</del> <b>approved remediation strategy</b>, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must <b>update the remediation strategy</b> <del>complete a risk assessment of the contamination</del> in consultation with the relevant planning authority and the Environment Agency <b>on matters related to their functions.</b></p> <p><del>(4) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.</del></p> <p>(4) Remediation must be carried out in accordance with the approved remediation strategy <del>scheme</del>.</p> <p>(5) No part of the authorised development is to be brought into use until for that part a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their function. The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the remediation measures have rendered the land fit for its intended purpose.</p> <p>(6) The authorised development is not to commence until a hydrogeological risk assessment report that addresses risks to the groundwater resources that may be impacted by the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.</p> <p>(7) The report prepared under sub-paragraph (6) must include details of—</p> <p>(a) the pre-construction baseline conditions of all features identified during a comprehensive water features survey;</p> <p>(b) a hydrogeological model for the area that has been identified as being affected by the construction of all elements of the authorised development;</p> |                      |                             |

| No.                       | ExA's recommended amendment  | Comment from the ExA  | National Highways' response   |
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|                           | <p>(c) suitable monitoring locations and parameters to be used for the duration of the construction of the authorised development and will serve as monitoring points for the verification of a successful scheme; and</p> <p>(d) a dewatering plan and groundwater monitoring plan that shall be implemented to ensure the continued safeguards of abstractions identified by the water features survey.</p> <p>(8) The authorised development must be carried out in accordance with the approved hydrogeological risk assessment.</p>   |   |   |
| Schedule 2 Requirement 9  | N/A  | <p>Comment A12<br/>         The ExA may suggest changes subject to further advice from the Environment Agency and the Applicant following the Environment Agency's consideration of the Applicant Flood Risk Assessment, compensatory flood storage provision and other relevant matters.<br/>         (a) Please could the Environment Agency and the Applicant comment? Have any proposed changes to Requirements 4 or 10 been agreed?<br/>         (b) Do the Environment Agency or the Lead Local Flood Authorities have any outstanding concerns regarding Requirement 10?</p> | <p>The Applicant submitted a revised Flood Risk Assessment (FRA) incorporating the latest climate change allowances at Deadline 8 (REP8-007). The reference to the FRA in Schedule 10 of the dDCO is to the latest FRA. The wording of Requirement 9 therefore remains accurate insofar as it relates to the latest FRA or any update thereof that may be approved by the Environment Agency.</p>   |
| Schedule 2 Requirement 10 | <p>10.—(1) No part of the authorised development, <b>including any works before commencement, is to take place is to commence</b> until for that part a written scheme for the investigation of areas of archaeological interest including a programme for post excavation analysis, reporting, publication or archiving, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, Greater Manchester Archaeological Advisory Service (GMAAS) and the county archaeologist at Derbyshire County Council on matters related to their functions.</p> <p>(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).</p> <p>(3) A copy of any analysis, reporting, publication or archiving required as part of the written scheme referred to in sub-paragraph (1) must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme referred to in sub-paragraph (1).</p> <p>(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified.</p> | <p>Comment A13<br/>         To address Derbyshire County Council's concerns that approval of a written scheme should also be required for pre-commencement works [REP8-024].<br/>         (a) Does Derbyshire County Council have any outstanding concerns regarding Requirement 11?</p> <p>Comment A14 [functions]<br/>         Plural</p>   | <p>The Applicant added sub-requirement 10(8) at Deadline 5 to address pre-commencement works in response to the comments made by Derbyshire County Council [see dDCO ref REP5-006]. Sub-requirement 10(8) operates to ensure that for the purposes of this requirement, no preliminary intrusive ground works may commence until the written scheme referred to in sub-paragraph 1 has been approved. The Applicant considers this wording addresses the comments made by Derbyshire County Council and as a result the ExA's suggested change to the wording at 10(1) has not been included in dDCO submitted at Deadline 9; save that the pluralisation of functions has been included.</p> |

| No.                              | ExA's recommended amendment   | Comment from the ExA  | National Highways' response  |
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|                                  | <p>(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date of any notice served under sub-paragraph (4) unless otherwise agreed in writing by the relevant planning authority.</p> <p>(6) If the relevant planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the relevant planning authority.</p> <p>(7) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the county archaeologist.</p> <p>(8) For the purposes of this paragraph 10 reference to part shall include the preliminary works where the preliminary works comprise intrusive ground works.</p>  |   |  |
| <p>Schedule 2 Requirement 12</p> | <p><b>12.—(1) No part of the authorised development is to commence until for that part a Carbon Management Plan has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the local highway authority on matters related to their functions.</b></p> <p><b>(2) The Carbon Management Plan must adhere to the principles of PAS 2080 and must—</b></p> <p><b>(a) quantify the construction stage carbon emissions that are identified at the preliminary scheme design stage;</b></p> <p><b>(b) set out the consideration given to the use of construction methods, materials and other means to reduce carbon emissions and identify a target for a reduction in construction stage carbon emissions from the preliminary scheme design stage to the completion of the authorised development; and</b></p> <p><b>(c) provide a comparison of the construction stage carbon emissions, use of construction methods, materials and other means to reduce carbon emissions for the authorised development with other projects identified in consultation with the relevant planning authority and local highway authority.</b></p> <p><b>(3) The undertaker must maintain up to date records of the construction stage carbon emissions, use of construction methods and materials to reduce carbon emissions, and how those compare with the Carbon Management Plan, until the date of completion of the authorised development.</b></p> <p><b>(4) The adherence of the Carbon Management Plan with the principles of PAS 2080, the construction stage carbon emissions in the Carbon Management Plan, and the up to date records referred to in paragraph (3), must be verified by an independent body approved by the Secretary of State.</b></p> <p><b>(5) The Carbon Management Plan and the up to date records referred to in paragraph (3), as verified in accordance with paragraph</b></p> | <p>Comment A15<br/>       To address the concerns raised by the ExA, the local authorities and Interested Parties during the Examination.<br/>       (a) Please could the local authorities and the Applicant comment?<br/>       (This is a new Requirement, and the following Requirements are renumbered accordingly.)</p> | <p>The Applicant has reviewed this change and subject to amending the reference to 'records' in sub-requirements (3) (4) and (5) to refer to 'reports' for consistency with the wording of the Outline Carbon Management Plan, the revised dDCO submitted at Deadline 9 incorporates this new requirement.</p> |

| No.   | ExA's recommended amendment  | Comment from the ExA  | National Highways' response   |                      |                                 |                          |                    |   |   |   |   |      |
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| Schedule 2 Requirement 16                             | <p><b>(4), must be available in electronic form for inspection by members of the public until the date of completion of the authorised development.</b></p> <p>16.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.</p> <p>(2) In the event that the Secretary of State considers such further information to be necessary the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within that 21 business day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.</p> <p>(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 14 (applications made under requirements) and in this paragraph.</p> <p>(4) In this paragraph, "business day" means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(a).</p> <p><b>(5) The undertaker when making an application for consent under paragraph (1) shall notify the Secretary of State of the content of paragraph (2) and the fact that, if the Secretary of State fails to notify the undertaker within 21 days of receiving the application for consent, it is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.</b></p> | <p>Comment A16<br/>For consistency with deemed consent provisions, and for similar reasons.</p>   | <p>The Applicant anticipates that the Secretary of State will be familiar with the unamended format of requirement 16 which has been included in several made DCOs. However, the Applicant has no objection to this additional wording, which is included in the dDCO submitted at Deadline 9.</p>  |                      |                                 |                          |                    |   |   |   |   |      |
| Schedule 9  | N/A  | <p>Comment A17<br/>No changes to the Protective Provisions suggested by the ExA, subject to it receiving evidence that the provisions and any relevant side agreements have been agreed between the Applicant and each relevant Statutory Undertaker.</p> | <table border="1"> <thead> <tr> <th data-bbox="1846 1423 2190 1549">Statutory Undertaker</th> <th data-bbox="2190 1423 2451 1549">Status of Protective Provisions</th> <th data-bbox="2451 1423 2712 1549">Status of side agreement</th> </tr> </thead> <tbody> <tr> <td data-bbox="1846 1549 2190 1793">Cadent Gas Limited</td> <td data-bbox="2190 1549 2451 1793">Agreed (subject to legal agreement being completed)</td> <td data-bbox="2451 1549 2712 1793">Side agreement now approved by Cadent and with each party for execution &amp; completion.</td> </tr> <tr> <td data-bbox="1846 1793 2190 1938">Cornerstone Telecommunications Infrastructure Limited</td> <td data-bbox="2190 1793 2451 1938">National Highways has offered but not secured a</td> <td data-bbox="2451 1793 2712 1938">None</td> </tr> </tbody> </table> | Statutory Undertaker | Status of Protective Provisions | Status of side agreement | Cadent Gas Limited | Agreed (subject to legal agreement being completed) | Side agreement now approved by Cadent and with each party for execution & completion. | Cornerstone Telecommunications Infrastructure Limited | National Highways has offered but not secured a | None |
| Statutory Undertaker                                  | Status of Protective Provisions  | Status of side agreement  |   |                      |                                 |                          |                    |   |   |   |   |      |
| Cadent Gas Limited                                    | Agreed (subject to legal agreement being completed)  | Side agreement now approved by Cadent and with each party for execution & completion.   |   |                      |                                 |                          |                    |   |   |   |   |      |
| Cornerstone Telecommunications Infrastructure Limited | National Highways has offered but not secured a  | None  |   |                      |                                 |                          |                    |   |   |   |   |      |

| No. | ExA's recommended amendment | Comment from the ExA | National Highways' response                |   |  |
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|     |                             |                      |  | meeting or comments from Cornerstone. Comments or approval are therefore awaited  |  |
|     |                             |                      | Electricity North West Limited             | Agreed [REP2-033 2.1]   | None   |
|     |                             |                      | Environment Agency                         | Wording follows the EA's preferred wording from A1 Morpeth to Ellingham. Discussed at recent meetings between National Highways and the EA. Further update to be included in the SoCG to be submitted at D10. | None   |
|     |                             |                      | National Grid Electricity Transmission plc | Agreed (subject to legal agreement being signed)  | Side agreement in an advanced form and with NGET for approval. |
|     |                             |                      | Openreach Limited                          | Agreed [REP2-030 4.1]   | None   |
|     |                             |                      | United Utilities plc                       | Wording is in the form approved by other sewerage undertakers.<br><br>National Highways convened a meeting with UU on 22 April. UU  | None   |

| No.         | ExA's recommended amendment | Comment from the ExA   | National Highways' response   |
|-------------|-----------------------------|--|---|
|             |                             |  | <p>indicated that they will provide comments on the PPs. National Highways will review those comments once received and seek to address any issues and update the ExA in the remaining time available within the examination.</p> |
| Schedule 10 | N/A                         | <p>Comment A18<br/>           No changes suggested by the ExA unless changes are required to the "Revision" column following the ExA's acceptance of any updated document that are submitted to the Examination.</p> | <p>The Applicant has included updates to Schedule 10 in the dDCO submitted at Deadline 9.</p>   |

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