

A303 Sparkford to Ilchester Dualling Scheme TR010036

9.10 Table of Amendments to the Draft Development Consent Order Revision 0.1 to Revision 0.2 as Submitted At Deadline 2

APFP Regulation 5(2)(q)
Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009
January 2019



Infrastructure Planning

Planning Act 2008

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

**A303 Sparkford to Ilchester Dualling
Scheme**

Development Consent Order 201[X]

**Table of Amendments to the Draft Development Consent
Order Revision 0.1 to Revision 0.2 as Submitted At
Deadline 2**

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010036
Application Document Reference	9.10
Author:	A303 Sparkford to Ilchester Dualling Scheme Project Team, Highways England

Version	Date	Status of Version
Rev A	January 2019	Deadline 2 submission

CONTENTS

1. Introduction4

1. Introduction

- 1.1.1 This Table of Amendments to the Draft Development Consent Order Revision 0.1 to Revision 0.2 as Submitted At Deadline 2 is presented below and has been submitted to support the Applicant's response to the Examining Authority's Written Questions (as detailed within the Applicant's Responses to the Examining Authority's Written Questions, document reference 9.1).

ExA's First Written Questions

1 ExA's First Written Questions – For Deadline Two				
	Question Number	Section/ Paragraph	Question	Proposed amendments
1.1	1.10.1	Please see the next section of this table: Annex A		
1.2	1.10.8.	Introductory text	The introductory text refers to a “single appointed person” when, of course, the ExA is a two-person panel. Could this please be amended?	<p>Change made:</p> <p>The application was examined by [a single appointed person] a Panel of 2 members (“the Panel”) (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(1).</p> <p>The [single appointed person] Panel, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report and recommendation to the Secretary of State.</p> <p>The Secretary of State, having considered the representations made and not withdrawn, and the report of the [single appointed person] Panel, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.</p>
1.3	1.10.19	Article 47(12)	This is defined (Article 2(1)) as being the Secretary of State for Transport, but should this Article specifically	Change made:

1 ExA's First Written Questions – For Deadline Two				
			refer to the Secretary of State for Justice as that person to whom an application would have to be made apart from the Order?	by the Secretary of State <u>for Justice</u> .
1.4	1.10.21 1.11.2	Schedule 1	This paragraph refers to associated development. Should Work 10 also be included in this list?	Work 10 has been moved to the list of associated development.
1.5	1.10.30	Requirement 5(2)	Is it appropriate to refer to a specific British Standard, since they have a habit of going out of date (see alternative wording in draft Requirement 6)?	Change made: taking due regard to the guidance in British Standard 5837:2012 <u>or other recognised codes of good practice</u> ,
1.6	1.10.34	Requirement 9	Schedule 2 – Requirement 9 a) The wording of first two lines of sub-paragraph 9(1) is not clear (too many “for”s). Could this please be re-drafted?	Requirement 9 has been amended. (1) No part of the authorised development is to commence until for that part a <u>written scheme of investigation</u> for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in the environmental statement, with provision for sub-written schemes of investigation for each area and/or each phase (evaluation or detailed excavation or watching brief) , <u>in that part</u> , has been prepared in consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State. <u>The written scheme of investigation shall reflect the mitigation measures included in the environmental statement, and include provision for sub-schemes for specific works, areas or locations, which may include evaluation, detailed excavation or watching brief plans.</u> (2) The authorised development must be carried out in accordance with the archaeological framework strategy

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ExA's First Written Questions – For Deadline Two

				<p>and sub-written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.</p> <p>(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.</p>						
1.7	1.10.41	Requirement 13(5)	Schedule 2 – Requirement 13(5) “... brought in by reference.” Can it be clarified to what reference is being made?	<p>Change made:</p> <p>Highway drainage will be designed in accordance with HD 33/16 Design of Highway Drainage Systems and any subsequent design manuals bought in by <u>reference amending or replacing that</u>.</p>						
1.8	1.10.45	Schedule 4 – Part 3, column (3)	Could this be clarified as this does not appear to make sense?	<p>Change made:</p> <table><tr><td>(1) Area</td><td>(2) Private means of access to be stopped up</td><td>(3) Extent of stopping up</td></tr><tr><td>Queen Camel</td><td>Reference 25. Access to land to the east of Camel Hill Farm, shown on sheet 3 of the Rights</td><td>Queen Camel <u>Reference 25 shown in solid black on sheet 3 of the Rights of Way and</u></td></tr></table>	(1) Area	(2) Private means of access to be stopped up	(3) Extent of stopping up	Queen Camel	Reference 25. Access to land to the east of Camel Hill Farm, shown on sheet 3 of the Rights	Queen Camel <u>Reference 25 shown in solid black on sheet 3 of the Rights of Way and</u>
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1 ExA's First Written Questions – For Deadline Two

					of Way and Access Plans	<u>Access Plans</u>	
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Q 1.10.1 and Annex A

Annex point number		Amendment or response		
1.9	2.	Article 13(1)	Second line – after “local highway” insert “authority”..	Change made.
1.10	3.	Article 15(4)	Third Line - Is a comma “,” missing between “consent” and “but”?	Change made.
1.11	4.	Article 46(11)	Needs to refer to the Department for Housing, Communities and Local Government.	<p>Change made under amendment. The Department for Communities and Local Government was replaced by the <u>Ministry</u> of Housing, Communities and Local Government, not the <u>Department for</u> Housing, Communities and Local Government.</p> <p>The appointed person may give directions as to the costs of the appeal and as to the parties by whom such costs are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the relevant Planning Practice Guidance published by the <u>Department</u><u>Ministry</u> for <u>Housing</u>, Communities and Local Government or such guidance as may from time to time replace it.</p>
1.12	5.	Schedule 1 – Work 7	Should “The construction of associated outfall works” be prefaced by an “(a)” like others in schedule?	Change made.

Q 1.10.1 and Annex A				
Annex point number			Amendment or response	
1.13	6.	Schedule 1 – Work 89	These works are only shown on Sheet 4, reference to Sheet 3 is superfluous.	Change made.
1.14	7.	Schedule 2 – Requirement 3(2)(e) and (f)	Is (f) a continuation of (e) and then (i) to (v) (so should it be (e) (i) to (vi))?	Change made.
1.15	8.	Schedule 3 – Part 1, column (2)	The title of the column is “Length of road” but a number of these do not have a distance - between G and H, H and I, J and K, and K and L.	These lengths have been added.
1.16	9.	Schedule 3 – Part 6, column (2) and Part 7 column (2)	The title of the columns in each case is “Road name, number and length” but a number of these do not have a length.	These lengths have been added.
1.17	11.	Schedule 3 – Part 11	Is there are reason the “of” is capitalised in the title row?	No, this is an error. Change made: Length Of Footpath/Cycle track/Footway in verge
1.18	13.	Schedule 5, Plot reference 5/3j	The third and fourth sentences appear to be the same.	No change made as this is not an error. The third sentence concerns electricity cables, the fourth telecommunications cables. Both services are required in the plot but the rights will accrue to separate undertakers so have been listed separately.
1.19	14.	Schedule 6, paragraph 2(2)	There appears a typographic error “5A(5A)”. Also, the substitution appears to be to subsection (5). (In Section 5A in the 1961 Act, there are subsections (5), (5A) and (5B)).	The reference 5A(5A) is correct. The amendment is to subsection 5A of section 5A of the Act. A change has been made to sub-paragraph 2 of paragraph 2 of schedule 6 to show the numbering correctly. (2) For section 5A(5A) (relevant valuation date) of the 1961 Act substitute— “(5) (a) 5A) If—

Q 1.10.1 and Annex A				
Annex point number			Amendment or response	

Representations

2 CONSULTEE: Environment Agency					
	Representation	Section/ Paragraph	Comment	Consultee Proposed Revision	Applicant's Response
2.1	Relevant Representation	Part 4 Section 20	Part 4 Section 20 of the Draft Development Consent Order requires that water discharged into a watercourse must be as free as practicable of solid substances, matter in suspension and oil. To ensure controlled waters are adequately protected, we must request the extension of the requirement to include dissolved pollutants and discharges to ground, due to the potential for pollution of groundwater in the underlying Secondary A aquifer.	Not specified	<p>The Applicant proposes the following amendment to Article 20 of the draft DCO to address this point:</p> <p>20 (5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain <u>or to the ground</u> under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension, <u>or dissolved pollutants</u>.</p>
2.2	Relevant Representation	Requirement 3	It is noted that 'Requirement' 3 does not specify consultation with the Environment Agency. Due to potential risks to environmental receptors during construction we	Not specified	<p>The Applicant proposes the following amendment to requirement 3 of the draft DCO to address this point:</p> <p>3.—(1) No part of the authorised</p>

2 CONSULTEE: Environment Agency					
	Representation	Section/ Paragraph	Comment	Consultee Proposed Revision	Applicant's Response
			would request that we have the opportunity to comment on the CEMP and also the HEMP to ensure longer term risks can be adequately mitigated. With reference to the record of sensitive environmental features and Groundwater Monitoring Strategy, we may hold information that would assist in determining sensitive environmental receptors.		development is to commence until a CEMP has been prepared in consultation with the Environment Agency , the relevant planning authority and the local highway authority and submitted to and approved in writing by the Secretary of State.