

# A47/A11 Thickthorn Junction

**Scheme Number: TR010037**

**Volume 9**

## **9.7 Draft Development Consent Order - Schedule of Drafting Changes for Deadline 3**

The Infrastructure Planning (Examination Procedure) Rules 2010  
Rule 3(2)(b)

Planning Act 2008

November 2021

Infrastructure Planning

Planning Act 2008

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

**A47/A11 Thickthorn Junction  
Development Consent Order 202[x]**

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**DRAFT DEVELOPMENT CONSENT ORDER:  
SCHEDULE OF DRAFTING CHANGES FOR DEADLINE 3**

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<b>Rule Number:</b>	3(2)(b)
<b>Planning Inspectorate Scheme Reference</b>	TR010037
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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	October 2021	Deadline 2
Rev 1	November	Deadline 3

## 1 INTRODUCTION

- 1.1.1 The Development Consent Order (**DCO**) application for the A47/A11 Thickthorn Junction scheme was submitted on 31 March 2021 and accepted for examination on 28 April 2021.
- 1.1.2 The purpose of Table 1.1 in this document is to set out the changes made to the draft Development Consent Order (**dDCO**) from that submitted on 31 March 2021 (Version 0) (**APP-017**).
- 1.1.3 These changes were made principally to address comments made by interested parties in their relevant representations published by the Planning Inspectorate on 12 July 2021 and the Examining Authority's first set of written questions.
- 1.1.4 The purpose of Table 1.2 in this document is to set out the changes made to the draft Development Consent Order (**dDCO**) (Version 2) from that submitted in October 2021 (Version 1) (**APP-017**).
- 1.1.5 It is submitted together with:
- Revised issue of the dDCO (Version 2), and
  - a comparison version of the dDCO showing all changes between new Version 2 and Version 1.
- 1.1.6 These changes are made principally to reflect the points explored by the Examiner and other interested parties at Issue Specific Hearing 2: Draft Development Consent Order, which took place virtually on 18 November 2021.

Table 1.1: Summary of changes made to the dDCO (Version 1) from the dDCO submitted in the application for development consent (Version 0)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 2, Interpretation for the Development Consent Order	The definition of "commence" has been amended to delete reference to "diversion and laying of underground apparatus".	This amendment is in response to DCO.1.4 of the Examining Authority's First Written Questions ( <b>PD-006</b> ). Upon review the Applicant has decided to remove this wording.	N/A	N/A
Article 37 , Apparatus and rights of statutory undertakers in stopped up streets	The cross reference in sub-section (2) has been updated from article 16 to article 17.	This amendment is a correction of a typographical error.	N/A	N/A
Schedule 2, 'Requirements', Paragraph 1	The definition of " masterplan" has been amended in paragraph 1 of Schedule 2 'Requirements' to "environmental masterplan"	The definition of the document has been updated to reflect the name used in the Examination Library.	N/A	N/A
Schedule 2, 'Requirements', Requirement 4(1)	The lead local flood authority has been listed as a consultee under Requirement 4(1) (Environmental Management Plan).	This amendment has been made at the request of Norfolk County Council as lead local flood authority in its Local Impact Report ( <b>REP1-008</b> ).	N/A	The definition of "local lead flood authority" has been included in paragraph 1 of Schedule 2 'Requirements'
Schedule 2, 'Requirements', Requirement 4(1)	The Environment Agency has been listed as a consultee under Requirement 4(1) (Environmental Management Plan).	This provision has been updated at the request of the Environment Agency (see RR-004.2 in the Applicant's responses to Relevant Representations ( <b>REP1-004</b> )).	N/A	N/A
Schedule 2, 'Requirements' Requirement 6(2)	This provision has been updated so that the requirement for remediation is based on a consideration of the risk assessment and wording has been added to clarify that remedial measures must also prevent any impacts on controlled waters.	This provision has been updated at the request of the Environment Agency (see RR-004.4 in the Applicant's responses to Relevant Representations ( <b>REP1-004</b> )).	N/A	N/A
Schedule 2, 'Requirements', Requirement 8	The word foul water has been removed from Requirement 8.	This amendment has been made as a foul water drainage system is not being installed as part of the Scheme.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, 'Requirements' Requirement 8(1)	The Environment Agency has been added as a consultee for the details of the surface and foul water drainage system.	This provision has been included at the request of the Environment Agency (see RR-004.6 in the Applicant's responses to Relevant Representations ( <b>REP1-004</b> )).	N/A	N/A
Schedule 2, 'Requirements', Requirement 8	The lead local flood authority has been listed as a consultee under Requirement 8(1) and 8(2) (Surface water drainage).	This amendment has been made at the request of Norfolk County Council as lead local flood authority in its Local Impact Report ( <b>REP1-008</b> ).	N/A	The definition of "local lead flood authority" has been included in paragraph 1 of Schedule 2 'Requirements'
Schedule 2, 'Requirements' Requirement 9(1)	Norfolk County Council Historic Strategy and Advice Team and Historic England have been added as consultees for the written scheme of investigation.	This provision has been included at the request of Norfolk County Council.	N/A	N/A
Schedule 2, 'Requirements' Requirement 17	Response time for parties to a consultation by the undertaker amended from 10 to 15 business days.	This amendment has been made at the request of the Environment Agency (see RR-0004.7 in <b>REP1-004</b> ) and also in response to the ExA Written Question DCO.3.6 ( <b>PD-006</b> )  The Environment Agency requested 21 days and the Applicant is agreeable to three weeks, but has referred to 15 business days instead of 21 days.	N/A	N/A
Schedule 6, Paragraph 10	Upper has been capitalised	This has been amended in response to DCO.2.22 of the Examining Authority's First Written Questions ( <b>PD-006</b> ).		
Schedule 9, Part 3 'For the Protection of National Grid as Electricity and Gas Undertaker'	Changes to cross references	The cross references have been corrected.	N/A	N/A
Schedule 9, Part 4 'For the Protection of Anglian Water'	The drafting has been updated	This drafting has been updated following discussions between the Applicant and Anglian Water.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 9, Part 5 'For the Protection of Cadent'	Protective provisions for the benefit of Cadent have been included	This drafting is agreed and has been included following discussions between the Applicant and Cadent.	N/A	N/A

*Table 1.2: Summary of changes made to the dDCO (Version 2) from the dDCO submitted at Deadline 2 (Version 1)*

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 2, Interpretation	The definition of "the Environmental Statement" has been amended to remove capitalisation and now reads as follows: "the environmental statement" means the document of that description submitted with the application for this Order and certified by the Secretary of State as the environmental statement for the purposes of this Order; ".	This change has been made for grammatical consistency.	N/A	N/A
Article 2, Interpretation	References to the Book of Reference have been capitalised in the definition of "Order land" and also under Paragraph 4.	This change has been made for grammatical consistency.	N/A	N/A
Article 2, Interpretation	The definition of undertaker has been changed from Highways England Company Limited to National Highways Limited	This change reflects the recent legal name change of the legal entity.	N/A	N/A
Article 10, Consent to transfer benefit of Order	Paragraph 3 has been amended to insert the following wording: "save where those benefits or rights are exercised by a statutory undertaker or by an owner or occupier of land pursuant to paragraph (2) of article 27 (compulsory acquisition of rights and imposition of restrictive covenants) of this Order, in which case liability for the payment of compensation remains with the undertaker."	This change has been made in response to the Examiner's question at ISH2. Further detail can be found in the Applicant's Written Summary of Oral Submissions at ISH2 Ref. 1.4.	N/A	N/A
Article 10, Consent to transfer benefit of Order	Paragraph 10, subparagraphs (a) to (f), have been amended to insert the following wording: "any works relating to its apparatus set out in".	This wording has been included to make it clear the transfer of benefit may only occur in relation apparatus belonging to the relevant statutory undertaker.	N/A	N/A

Article 13, Clarification of roads, etc.	Paragraph 4 has been amended to delete the words "planning authority" and insert instead the words "highway authority".	This change has been made in order to ensure the correct relevant authority is referenced.	N/A	N/A
Article 39, Felling or lopping of tress and removal of hedgerows	Paragraph 2 has had a subparagraph inserted at point (b) that reads as follows: "ensure all works are carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice."	This change has been made in response to the ExA's question raised at ISH2 and South Norfolk Council's comment. Further detail can be found in the Applicant's Written Summary of Oral Submissions at ISH2 Ref. 1.12.	N/A	N/A
Article 39, Felling or lopping of tress and removal of hedgerows	Paragraph 7 has had a typo corrected. It now correctly refers to the Hedgerows Regulations 1997.	This change has been made in response a comment raised by South Norfolk Council at ISH2. Further detail can be found in the Applicant's Written Summary of Oral Submissions at ISH2 Ref. 1.12.	N/A	N/A
Schedule 2, Requirements, Landscaping, Requirement 5	Subparagraph 2 has been amended to insert the following wording: "prepared under sub-paragraph (1)".	This change has been made in response to the Examiner's question at ISH2. Further detail can be found in the Applicant's Written Summary of Oral Submissions at ISH2 Ref. 2.3.	N/A	N/A
Schedule 2, Requirements, Landscaping, Requirement 5	Subparagraph 4 has been amended to insert the words "more suitable". The new drafting reads as follows: "All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice."	This change has been made in response to the Examiner's question at ISH2. Further detail can be found in the Applicant's Written Summary of Oral Submissions at ISH2 Ref. 2.4.	N/A	N/A
Schedule 2, Requirements, Surface water drainage, Requirement 8	Subparagraph 2 has been amended to insert the words "and the Environment Agency on matters related to their function".	The Environment Agency has been included following a request made in response to the ExA's Written Question DCO.3.4 [REP2-015].	N/A	N/A
Schedule 7, Land of which temporary possession may be taken	Plots 3/3c and 3/8a have been amended to refer to the undertaker rather than Highways England.	This has been updated to ensure the powers in schedule 7 refer to the undertaker as defined in Article 1.	N/A	N/A

Explanatory Note	The reference to Highways England has been updated to National Highways.	This change reflects the recent legal name change of the legal entity.	N/A	N/A
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