

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 9

9.7 Draft Development Consent Order - Schedule of Drafting Changes for Deadline 8

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

Planning Act 2008

March 2022

Infrastructure Planning

Planning Act 2008

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

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

**DRAFT DEVELOPMENT CONSENT ORDER:
SCHEDULE OF DRAFTING CHANGES FOR DEADLINE 6**

Rule Number:	3(2)(b)
Planning Inspectorate Scheme Reference	TR010037
Application Document Reference	TR010037/EXAM/9.7
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Version	Date	Status of Version
Rev 0	October 2021	Deadline 2
Rev 1	November 2021	Deadline 3
Rev 2	December 2021	Deadline 5
Rev 3	January 2022	Deadline 6
Rev 4	March 2022	Deadline 8

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 dDCO (Version 2) from that submitted in October 2021 (Version 1) (**APP-017**).
- 1.1.5 These changes were 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.
- 1.1.6 The purpose of Table 1.3 in this document is to set out the changes associated with the non-material change request made to the dDCO from that submitted on 23 November 2021 (Version 2) (**REP3-002**).
- 1.1.7 These changes were made in association with the non-material change request submitted at Deadline 4. The reasons for the changes are summarised in the request document (**AS-017**).
- 1.1.8 The purpose of Table 1.4 in this document is to set out the changes made to the dDCO (Version 4) from that submitted on 7 December 2021 (Version 3) (**AS-028**).
- 1.1.9 These changes were made principally to reflect the changes made to documents submitted at Deadline 4 and in response to the Examining Authority's Second Written Questions EXQ2 (**PD-008**).
- 1.1.10 The purpose of the Table 1.5 in this document is to set out the changes made to the dDCO (Version 5) from that submitted on 20 December 2021 (Version 4) (**REP5-002**).
- 1.1.11 These changes were made principally to address responses to Examining Authority's Written Questions submitted by third parties at Deadline 5.
- 1.1.12 The purpose of Table 1.6 in this document is to reflect the changes made to the dDCO (Version 6) from that submitted on 18 January 2022 (Version 5) (**REP6-003**).
- 1.1.13 It is submitted together with:
- Revised issue of the dDCO (Version 6), and
 - a comparison version of the dDCO showing all the changes between new Version 5 and 6.
- 1.1.14 These changes are made principally to address the Examining Authority's Schedule of Recommended Changes to the DCO published on 17 February

2022.

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 (PD-006). 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 (REP1-008).	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 (REP1-004)).	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 (REP1-004)).	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 (REP1-004)).	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 (REP1-008).	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 REP1-004) and also in response to the ExA Written Question DCO.3.6 (PD-006) 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 (PD-006).		
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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Table 1.3: Summary of changes associated with non-material change request made to the dDCO (Version 3) from the dDCO submitted at Deadline 3 (Version 2)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 1, Authorised Development, Work No. 45	Work No. 45 has been removed from the dDCO.	This change was made in association with the non-material change request submitted at Deadline 4 (AS-017). Further assessments deemed that there was no need to carry out any works to the property on Intwood Road so Work No. 45 is no longer needed.	N/A	N/A
Schedule 4, Permanent Stopping Up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access, The rights of way and access plans – sheet 5, Reference C1 to C2	The descriptions of the accesses have been updated. The distance of the private access to an agricultural field from point C1 on the proposed Cantley Lane Link Road to point C2 has been reduced from 10 metres to 9 metres	This change was made in association with the non-material change request submitted at Deadline 4 (AS-017). The new access being created on the east side of the proposed Cantley Lane Link Road. C1 to C2 has been moved 50 metres south.	N/A	N/A
Schedule 4, Permanent Stopping Up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access, The rights of way and access plans – sheet 5, Reference C3 to C4	The descriptions of the accesses have been updated. The distance of the private access to an agricultural field from point C3 to point C4 on the proposed Cantley Lane Link Road has been reduced from 8 metres to 6 metres	This change was made in association with the non-material change request submitted at Deadline 4 (AS-017). The new access being created on the west side of the proposed Cantley Lane Link Road. C3 to C4 has been moved 85 metres south.	N/A	N/A
Schedule 7, Land Over Which Temporary Possession May Be Taken, Plot 7/12a	The entry relating to 7/12a has been removed from the dDCO.	This change was made in association with the non-material change request submitted at Deadline 4 (AS-017). Further assessments deemed that there was no need to carry out any works to the property on Intwood Road or acquire	N/A	N/A

		any rights so this plot has been removed from the Order Limits.		
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Table 1.4: Summary of changes made to the dDCO (Version 4) from the dDCO submitted with non-material change request (Version 3)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, Requirements, Environmental Management Plan, Requirement 4	Subsection (2) parts (a) – (k) has been amended to remove the words "a soil resource plan", "a soil handling strategy", and "Biosecurity management plan" and to insert the words "Detailed heritage Written Scheme of Investigation" and "Operational UXO Emergency Response Plan".	This change has been made to reflect the changes made in the Environmental Management Plan submitted at Deadline 4 (REP4-021).	N/A	N/A
Schedule 2, Requirements, Landscaping, Requirement 5	Subsection (4) has been amended to insert the words "provided these meet or exceed the appropriate British Standards."	This change has been made in response to question reference DCO.2.1 of the Examining Authority's Further Written Questions - ExQ2 (PD-008).	N/A	N/A
Schedule 8, Removal of Hedgerows, Part 1, Removal of Hedgerows	The table under Part 1 has been amended to include a new entry "H8 to H8 on sheet 5 of the Hedgerow Plans".	This change has been made to reflect the updates in the Hedgerow Plans submitted at Deadline 4 (REP4-003).	N/A	N/A
Schedule 8, Removal of Hedgerows, Part 1, Removal of Hedgerows	The table under Part 1 has been amended to include a new entry "H9 to H9 on sheet 5 of the Hedgerow Plans".	This change has been made to reflect the updates in the Hedgerow Plans submitted at Deadline 4 (REP4-003).	N/A	N/A
Schedule 8, Removal of Hedgerows, Part 2, Removal of Important Hedgerows	The entry in the table under Part 2 has been amended to correct the wording. The words "H3 to H4" have been deleted and replaced by the words "H6 to H6".	This change has been made to reflect the updates in the Hedgerow Plans submitted at Deadline 4 (REP4-003).	N/A	N/A
Schedule 10, Document to be Certified	The table has been updated to reference the latest revisions of the documents to be certified under the Order.	This change has been made to ensure the document references are up to date.	N/A	N/A

Table 1.5: Summary of changes made to the dDCO (Version 5) from the dDCO submitted at Deadline 5 (Version 4)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 3, Disapplication of Legislative Provisions	A new paragraph (4) has been added to Article 3 to deal with the potential conflicts with existing planning obligations relating to the Park & Ride set out in the section 106 agreement.	This change has been made to address representations submitted by the agent for CM Watt Residual Trust. The wording disapplies the specific planning obligations that relate to the delivery of a new slip road, which will not be possible if the Thickthorn Scheme is implemented. The wording is intended to deal with the conflict and provide clarity on the enforceability of those obligations.	Similar wording relating to an existing planning permission and section 36 consent was used in Article 6 of the Riverside Energy Park Order 2020.	A new definition of "section 106 agreement" has been added to Article 2.
Article 39, Felling or lopping of trees and removal of hedgerows	Paragraph 2(b) is amended to include the wording "in excess of" and "provided these meet or exceed the appropriate British standards."	This change has been made to at the request of South Norfolk Council in their responses to the Examining Authority's Further Written Questions (REP5-027).	N/A	N/A
Article 41, Removal of Human Remains	A new article to deal with the removal of human remains has been inserted.	This article has been added following a request for its inclusion by the Historic Environment team at Norfolk County Council in their response to the Examining Authority's Further Written Question DCO.2.12 (REP5-025).	The drafting has been taken from the A63 (Castle Street Improvement, Hull) Development Consent Order 2020.	The numbering of all subsequent articles and any relevant cross references in the dDCO have been updated.
Schedule 2, Requirements, Details of consultation, Requirement 17	The paragraph is amended to replace "15 business days" with "20 business days".	This time period has been amended following a request by South Norfolk Council in their response to the Examining Authority's Further Written Question DCO.2.3 (REP5-027).	N/A	N/A

Schedule 3, Classification of Roads, ETC, Parts 2 and 2A, Classified B Roads and Classified C Roads	Cantley Lane Link Road has been removed from Part 2 "Classified B Roads" and inserted into Part 2A "Classified C Roads".	This change has been made to reflect the changes to the classification of Cantley Lane Link Road requested by Norfolk County Council.	N/A	N/A
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Table 1.6: Summary of changes made to the dDCO (Version 6) from the dDCO submitted at Deadline 6 (Version 5)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 41, Removal of Human Remains	Paragraph (8)(d) is amended to delete the wording "Trinity Burial Ground or".	The paragraph has been amended following a request from the ExA in the Examining Authority's Schedule of recommended Changes to the DCO.	N/A	N/A
Schedule 2, Requirements, Detailed Design, Requirement 3	"the paragraph is amended to replace "in electronic form" with "online".	The paragraph has been amended following a request from the ExA in the Examining Authority's Schedule of recommended Changes to the DCO.	N/A	N/A
Schedule 2, Requirements, Landscaping, Requirement 5	Paragraph 3(f) is amended to update replacement period to a "minimum" of five years and inserted the wording, "unless the LEMP specifies a longer replacement period; and"	The paragraph has been amended following a request from the ExA in the Examining Authority's Schedule of recommended Changes to the DCO.	N/A	A new definition "LEMP" has been added to Schedule 2, Requirement 1, interpretation.
Schedule 2, Requirements, Landscaping, Requirement 5	A new paragraph 3(g) has been added to require the landscaping scheme to address the guidance in paragraph 4.29 of the National Policy Statement for National Networks for the appearance of national network projects to demonstrate good design as far as possible.	The paragraph has been amended following a request from the ExA in the Examining Authority's Schedule of recommended Changes to the DCO.	N/A	N/A