

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.3 Schedule of Changes to the draft DCO [APP-025]

Planning Act 2008

Rule 8(1)(k)

Infrastructure Planning (Examination Procedure) Rules
2010

August 2021

Infrastructure Planning

Planning Act 2008

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

**A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

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1 Introduction

1.1 Purpose of this document

- 1.1.1 The following table has been prepared by the Applicant to set out the changes made to the Draft Development Consent Order (dDCO) from that submitted with the application to the Planning Inspectorate on 26 February 2021 (Rev 1).
- 1.1.2 It is submitted together with:
 - a. Revised dDCO (TR010044/APP/3.1 Rev 2) (clean).
 - b. A comparison version of the dDCO showing all changes between Rev 1 **[APP-025]** and the new Rev 2 (TR010044/APP/3.1 Rev 2).
- 1.1.3 The changes are made principally to reflect drafting errors or corrections to technical details.

Table 1-1 - Schedule of Changes to the draft DCO [APP-025]

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 1 (31 August 2021)					
0.	Preamble	N/A	To remove the square brackets around the wording confirming that a panel has been pointed by the examining authority.	The application was examined by {a panel appointed as an examining authority} (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().	2
1.	Article 2(1) Interpretation	N/A	To insert the date for the advanced works permission which has been granted since the application was submitted.	“advanced works permission” means the planning permission in respect of land to the West of Hills Farm, Station Road, Tempsford SG19 2BP for archaeological excavation and associated engineering works granted by Central Bedfordshire Council on {insert date}8 April 2021, with reference 20/04185/FULL;	2
2.	Article 7(1) (Planning Permissions)	N/A	To correct an error and also to address question 1.7.3.6a of the Examining Authorities First Written Question (ExA First WQ).	7. (1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits following the publication of this Order that is— (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or (b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order,...	2

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
3.	Article 23(1)(b)(iii) (Authority to survey and investigate the land)	N/A	To correct a cross referencing error.	<i>(iii) without limitation on the scope of sub-paragraph (a)(i), carry out ecological or archaeological investigations on such land, including making excavations or trial holes on the land for such purposes; and</i>	2
4.	Article 28(6) (Compulsory acquisition of rights and imposition of restrictive covenants)	N/A	To correct a cross referencing error.	<i>(6) Subject to section 8(a) (other provisions as to divided land) of, and Schedule 2A(b) (counter-notice requiring purchase of land not in notice to treat), to the 1965 Act, as substituted by paragraph 5(87) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land or the benefit of a restrictive covenant affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.</i>	2
5.	Article 58(1) and (2) (Works in the River Great Ouse)	N/A	To address question 1.7.3.24 of the ExA First WQ.	<i>58. - (1) Subject to the provisions of this article, during the construction of the authorised development the public right of navigation over any part of the River Great Ouse that is situated within the Order limits may be temporarily suspended with the written approval of the Environment Agency such approval (not to be unreasonably withheld). (2) The undertaker must apply to the Environment Agency for approval under paragraph (1) for such suspension, except in</i>	2

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				<i>the case of an emergency when the undertaker must give such notice as is reasonably practicable).</i>	
6.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretations)	N/A	To correct an error and to address the ExA First WQ 1.6.3.1.	“pre-commencement works plan” means the document of that description listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the pre-commencement works plan for the purposes of this Order;	2
7.	Schedule 2 (Requirements), Part 1 (Requirements) Requirement 6 (Landscaping)	N/A	To reflect further understanding regarding how the landscaping scheme will be brought forward post development consent. The landscape and ecology management plan will still form part of the Second Iteration EMP but it will now be supplemented at a later stage with the landscaping scheme in accordance with Requirement 6 of the dDCO [APP-025].	<p>Landscaping</p> <p>6.—(1) The No part of the authorised development must be landscaped in accordance with the detailed can come into use until a landscaping and ecology management plan forming part of the Second Iteration EMP containing scheme for that part which sets out details of all proposed hard and soft landscaping works and which has been is submitted to and approved in writing by the Secretary of State for approval in writing following consultation with the relevant planning authority.</p> <p>(2) The landscaping and ecology management plan scheme for each part must reflect the applicable mitigation measures for landscaping set out in the First Iteration EMP and the landscaping principles set out in the environmental masterplan.</p>	2

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				<p>The landscaping and ecology management plan (3) The authorised development must be landscaped in accordance with the approved landscaping scheme for that part.</p> <p>(4) A landscaping scheme referred to in paragraph (1) must contain details of—</p> <p>(a) location, number, species, mix, size and planting density of any proposed planting;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p>(c) proposed finished ground levels;</p> <p>(d) existing trees to be retained, with measures for their protection during the construction period; and</p> <p>(e) implementation timetables for all landscaping works.</p> <p>(5) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>(6) Any tree or shrub planted as part of the a landscaping and ecology management plan scheme that, within a period of 5 years after planting, is removed, dies or becomes in the</p>	

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				<i>opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant planning authority, gives consent to a variation.</i>			
8.	Schedule 2 (Requirements), Part 1 (Requirements) Requirement 18(1) (Noise Mitigation)	N/A	To correct an error.	<i>18.—(1) No part of the authorised development is to commence until written details of the proposed noise mitigation for the use and operation of that part of the authorised development, including noise barriers, noise bunds and low noise surfacing, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.</i>			2
9.	Schedule 5 (Land in which only new rights and restrictive covenants etc. may be acquired)	N/A	To address the ExA First WQ 1.7.3.20 by including reference to "or restrictive covenants imposed" to the table heading.	(1) Plot reference number shown on land plans	(2) Purpose for which rights over land may be acquired or restrictive covenants imposed	(3) Relevant part of the authorised development	2