

# 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

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

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<b>Regulation Reference:</b>	Rule 8(1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010044
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<b>Author</b>	A428 Black Cat to Caxton Gibbet Improvements Project Team, National Highways

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3	14 December 2021	Final for Deadline 6

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## 1 Introduction

### 1.1 Purpose of this document

- 1.1.1 The following tables have 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/3.1v4]** (clean).
  - b. A comparison version of the dDCO showing all changes made since Rev 1 **[APP-025]** and the new Rev 4 **[TR010044/APP/3.1v4]** (tracked).
- 1.1.3 The changes are made principally to reflect drafting errors or corrections to technical details or to address points raised by other parties.

**Table 1-1 - Schedule of changes to the dDCO Rev 2 [REP1-003] submitted at Deadline 1 from the dDCO submitted with the Application [APP-025]**

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
<b>Deadline 1 (31 August 2021)</b>					
1	Preamble	N/A	To remove the square brackets around the wording confirming that a panel has been appointed as the examining authority.	The application was examined by <del>the</del> 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
2	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 <del>insert date</del> 8 April 2021, with reference 20/04185/FULL;	2
3	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
4	Article 23(1)(b)(iii) (Authority to survey and investigate the land)	N/A	To correct a cross referencing error.	(iii) without limitation on the scope of sub-paragraph <del>(a)</del> (i), carry out ecological or archaeological investigations on such land, including making excavations or trial holes on the land for such purposes; and	2

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
5	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(<del>87</del>) 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
6	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 <b>such approval</b> <del>(not to be unreasonably withheld)</del>.</i>  <i>(2) The undertaker must apply to the Environment Agency for approval under paragraph (1) for such suspension, <del>(except in the case of an emergency when the undertaker must give such notice as is reasonably practicable)</del>.</i>	2
7	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.	<i><b>“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;</b></i>	2
8	Schedule 2 (Requirements), Part 1	N/A	To reflect further understanding regarding how the landscaping scheme will	<i>Landscaping</i>	2

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
	(Requirements) Requirement 6 (Landscaping)		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>6.—(1) <del>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</del> is submitted to <del>and approved in writing by</del> the Secretary of State for approval in writing following consultation with the relevant planning authority.</p> <p>(2) The landscaping <del>and ecology management plan</del> 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> <p><del>The landscaping and ecology management plan</del> (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</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made			DCO Version
				<p><i>appropriate British Standards or other recognised codes of good practice.</i></p> <p><i>(6) Any tree or shrub planted as part of <del>the</del> a landscaping <del>and ecology management plan scheme</del> that, within a period of 5 years after planting, is removed, dies or becomes in the 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></p>			
9	Schedule 2 (Requirements), Part 1 (Requirements) Requirement 18(1) (Noise Mitigation)	N/A	To correct an error.	<p><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, <b>noise bunds</b> 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></p>			2
10	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 <b>or restrictive covenants imposed</b>	(3) Relevant part of the authorised development	2



**Table 1-2: Summary of changes made to the dDCO Rev 3 [REP4-006] submitted at Deadline 4 from the dDCO Rev 2 [REP1-003] submitted at Deadline 1**

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
0.	Article 2(1) (Interpretation)	N/A	A definition of pre-commencement work has been included to identify what works will be classed as pre-commencement works and therefore what will fall under the 'pre-commencement plan'.	"pre-commencement work" means: (a) archaeological investigations and mitigation works; (b) environmental surveys; (c) pre-construction mitigation works; (d) investigations for the purpose of assessing and monitoring ground conditions and levels; (e) remedial work in respect of any contamination or other adverse ground conditions (f) erection of any temporary means of enclosure; (g) temporary hard standing; (h) receipt and erection of construction plant and equipment; (i) diversion and laying of underground apparatus and utilities (j) protection works (k) demolition (save in relation to Brook Cottages) (l) site clearance (m) construction compound set up; and (n) the temporary display of site notices or advertisements;	3
1.	Article 2(1) Interpretation	N/A	To insert the definition of "tree constrains plan" referred to Schedule 8, Part 2.	"tree constrains plan" means the document of that description listed in Schedule 10 (documents to be certified) by the Secretary of State as the tree constraints plan for the purposes of this Order;	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
2.	Article 3(2) (Disapplication of legislative provisions)	Cambridgeshire County Council (CCC) and the Environment Agency	<p>Article 3(2)(a) the deletion of water discharge activity was requested by both the Environment Agency and CCC and so has been removed. Article 3(2)(b) has been deleted as the Environment Agency requested that we do not disapply section 24 (restrictions on abstraction) and section 25 (restrictions on impounding) of the Water Resources Act 1991. As a result of these amendments, the Applicant is no longer seeking to disapply these consenting regimes through the dDCO.</p> <p>Article 3(2)(b) (as now renumbered) includes a correction to a typographical error.</p> <p>Article 3(3) has been updated to remove reference to water discharge activity as it is no longer referred to within this Article.</p> <p>As a result of these amendments the paragraph numbers have been updated</p>	<p><b>3...</b></p> <p>(2) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development–</p> <p>(a) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(b) in relation to the carrying on of a flood risk activity <del>or a water discharge activity</del>;</p> <p><del>(b) section 24 (restrictions on abstraction) and section 25 (restrictions on impounding) of the Water Resources Act 1991(e);</del></p> <p><del>(e)(b)</del> the provisions of any byelaws made under, or having effect as if made under, paragraph 5, 6 <del>or</del> 6A <del>or</del> of Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991;</p> <p><del>(d)(c)</del> section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991 <del>(d)(c)</del>;</p> <p><del>(e)(d)</del> section 32 (variation of awards) of the Land Drainage Act 1991;</p> <p><del>(f)(e)</del> section 15 (temporary closure of recreational waterways) of the Anglian Water Authority Act 1977 <del>(e)(d)</del>;</p> <p><del>(g)(f)</del> Part 11 (Community Infrastructure Levy) of the 2008 Act; and</p> <p><del>(h)(g)</del> the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.</p>	3

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			and some footnotes have been removed with footnote numbers also being updated.	(3) In paragraph (3)(2)(a) “flood risk activity” <del>(f)(g)</del> and “ <del>water discharge activity</del> ” <del>(-)</del> have <del>has</del> the meaning given in the Environmental Permitting (England and Wales) Regulations 2016.	
3.	Article 9(1) (Limits of deviation)	CCC	<p>CCC (in their written representation [REP1-048]) requested that the limits of deviation as they relate to non-motorised user routes are expressly referred to within the dDCO and also shown on the Streets, Rights of Way and Access Plans [APP-013].</p> <p>CCC also requested that it has an approval role in relation to any works that may occur outside of the limits of deviation. The Applicant does not agree with this approach and is of the view that the appropriate approval authority is the Secretary of State. However, the Applicant has included the relevant local highway authority as a consultee in relation to elements comprising of highways other than a special road or trunk road, to reflect the fact that the limits of</p>	<p><b>9(1)</b> In carrying out the authorised development the undertaker may, so far as the undertaker considers it necessary or convenient—</p> <p>(a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans;</p> <p>(b) <del>deviate laterally from the routes shown on the streets, rights of way and access plans to the extent of the limits of deviation shown on those plans;</del> and</p> <p><del>(b)(c)</del> deviate vertically from the levels of the authorised development shown on the engineering section drawings, to a maximum of 1 metre upwards or 1 metre downwards.</p> <p>(2) The maximum limits of deviation set out in paragraph (1) do not apply where it is demonstrated by the undertaker to the Secretary of State’s satisfaction and the Secretary of State, following consultation by the undertaker with the relevant planning authority <del>and in respect of the authorised development comprising of highways other than a special road or a trunk road, the relevant local highway authority</del>, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those reported in the environmental statement.</p>	3

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			deviation may have an impact on local highway assets.		
4.	Article 14(1)-(5) (Classification of roads, etc.)	N/A	The amendments made to Article 14 paragraphs (1) to (5) inclusive are to make clear that each road or restriction can be treated individually.	<p><b>14 (1)</b> On the date on which <b>each of</b> the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads etc.) are completed and open for traffic, <del>they are</del> <b>it is</b> to become <b>a</b> trunk roads as if <del>they</del> <b>it</b> had become so by virtue of an order under section 10(2)(a) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.</p> <p>(2) On the date on which <b>each of</b> the roads described in Part 2 (classified roads) of Schedule 3 <del>are</del> <b>is</b> completed and open for traffic, <b>it is</b> <del>they are</del> to become <b>a</b> classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.</p> <p>(3) On the date on which <b>each of</b> the roads described in Part 3 (unclassified roads) of Schedule 3 <del>are</del> <b>is</b> completed and open for traffic, <b>it is</b> <del>they are</del> to become <b>an</b> unclassified road for the purpose of any enactment or instrument which refers to unclassified roads.</p> <p>(4) <del>On</del> <b>From</b> the date on which <b>each of</b> the roads specified in Part 4 (speed limits) of Schedule 3 <del>are</del> <b>is</b> open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along <b>any the</b> lengths of <b>that</b> road identified in the corresponding row of column (2) of that Part.</p> <p>(5) <del>On</del> <b>From</b> a date determined by the undertaker, the restrictions specified in column (3) of Part 5 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 are to</p>	3

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				apply to the lengths of road identified in the corresponding row of column (2) of that Part.	
5.	Article 14(7) (Classification of roads, etc.)	N/A	<p>This amendment is required to correct an error as the local highway authority, and not the planning authority, is responsible for the footpaths, cycle tracks, footways and bridleways.</p> <p>The additional amendment to include reference to article 9 of the dDCO is to ensure it is clear that the limits of deviation will apply to the streets, rights of way and access plans.</p>	(7) Unless otherwise agreed in writing with the relevant <del>planning local highway</del> authority, the footpaths, cycle tracks, footways and bridleways set out in Part 7 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans are, <b>subject to article 9 (limits of deviation)</b> , to be constructed by the undertaker in the specified locations and open for use from the date on which the authorised development is open for traffic.	3
6.	Article 14(16) (Classification of roads, etc.)	N/A	This amendment has been included to address a concern raised by CCC regarding the need for accurate information to show the locations of the public rights of way that may be subject to some change due to the application of the limits of deviation.	<b>(16) Upon completion of the footpaths, cycle tracks, footways and bridleways set out in Part 7 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans the undertaker will provide information to the relevant local highway authority setting out the location of the as constructed footpaths, cycle tracks, footways and bridleways.</b>	3
7.	Article 29(2) (Public rights of way)	CCC	This amendment is to ensure there is clarity about the interaction between Article 29 and 18 to ensure there is no gap in the provision of the	<p><b>29...</b></p> <p>(2) The undertaker must erect a site notice at each end of the rights of way to be extinguished <b>specifying a date for its</b></p>	3

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			<p>PROW network. This amendment was also requested by CCC (in line with their written representation [REP1-048]).</p> <p>The additional amendment to include reference to article 9 of the dDCO is to ensure it is clear that the limits of deviation will apply to the streets, rights of way and access plans.</p>	<p>extinguishment, which date must be no sooner than the later of: <del>no less than</del></p> <p>(a) 28 days after the date on which the site notices are erected; and</p> <p>(b) in relation to public rights of way identified in Part 2 of Schedule 4, the date on which the relevant alternative section <del>prior to the extinguishment of each of the public rights of way identified in columns (4)(1) to (3) of Parts 1 and 2 of Schedule 4 and, subject to article 9 (limits of deviation), shown on the streets, rights of way and access plans is open for use by the public.</del></p>	
8.	Article 45(1) (Felling or lopping of trees and removal of hedgerows)	N/A	<p>This change has been included to make it clear that this article does not apply to trees subject to a Tree Preservation Order (TPO) as Article 46 specifically addresses TPO trees.</p>	<p>(1) The undertaker may fell or lop any tree (other than a tree subject to a tree preservation order) or shrub, or cut back its roots, within or overhanging land within the Order limits if it reasonably believes it to be necessary to do so to prevent the tree or shrub—</p> <ul style="list-style-type: none"> <li>from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or</li> <li>from constituting a danger to persons using the authorised development.</li> </ul>	3
9.	Article 45(4) (Felling or lopping of trees and removal of hedgerows)	N/A	<p>This change has been included to seek to address a comment from CCC (written representation [REP1-048]) that the local planning authority should have an approval role in relation to</p>	<p>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph <b>Error! Reference source not found.</b>—</p> <ul style="list-style-type: none"> <li>remove any hedgerow described in Part 1 of Schedule 8 (hedgerows and trees); and</li> </ul>	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
			additional hedgerows. While the Applicant does not accept that an approval role is necessary, this change ensures that the relevant local planning authority will be consulted before hedgerows not previously identified are removed within the Order limits.	<b>subject to consultation with the relevant local planning authority</b> remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 of Schedule 8.	
10.	Article 55(3) (Traffic regulation)	N/A	Wording added to address point raised by the ExA that the drafting could be ambiguous and to make it clear that the trigger referred to should be from the date the last part of the authorised development is first open for public use.	55(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the <u>date the opening of the last part of the</u> authorised development <u>is first open</u> for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.	3
11.	Article 55(6) Traffic regulation	N/A	Wording added to address point raised by the ExA that the drafting could be ambiguous and to make it clear that the trigger referred to should be from the date the last part of the authorised development is first open for public use.	55(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the <u>date opening of the last part of</u> the authorised development <u>is first open for public use</u> .	3

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12.	Article 58 (Works in the River Great Ouse)	Environment Agency	<p>This change was requested by the Environment Agency to ensure it is clear what is meant as an 'emergency' for the purpose of this Article.</p> <p>The paragraph numbering and cross references in this article has also been updated as a result of the inclusion of the new paragraph (3).</p>	<p><b>58...</b></p> <p>(2) The undertaker must apply to the Environment Agency for approval under paragraph (1) for such suspension, except in the case of an emergency when the undertaker must give such notice as is reasonably practicable.</p> <p>(3) For the purposes of paragraph (2), an emergency means a situation that exists that without the temporary suspension of navigation rights will present-</p> <ul style="list-style-type: none"> <li>(a) a risk to life or serious injury to one or more persons;</li> <li>(b) a substantial risk of significant damage to one or more vessels;</li> <li>(c) a risk of significant or structural damage to a bridge, sluice, sluice gate, lock, flood defence structure, river bank, river control work or drainage work; or</li> <li>(d) a risk of serious environmental harm;</li> </ul> <p>and it would not be reasonable in the circumstances to require prior approval under this Article before suspending the public rights of navigation.</p> <p><del>(1)</del>(4) An application for approval under paragraph (2) must provide details of the proposed suspension or periods of suspension, including particulars of—</p> <ul style="list-style-type: none"> <li>(a) commencement date/s;</li> <li>(b) duration/s; and</li> <li>(c) the affected area,</li> </ul> <p>and must include an explanation of the need for the proposed suspension or periods of suspension.</p>	3



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<p><del>(2)</del>(4) The Environment Agency may in relation to any application for approval made under paragraph (2) impose reasonable conditions for any purpose described in paragraph <del>(65)</del>.</p> <p><del>(3)</del>(5) Conditions imposed under paragraph (45) may include conditions as to—</p> <p>(a) the limits of any area subject to a temporary suspension of the public right of navigation;</p> <p>(b) the duration of any temporary suspension;</p> <p>(c) the means of marking or otherwise providing warning in the River Great Ouse of any area affected by a temporary suspension of the public right of navigation; and</p> <p>(d) the use by the undertaker of the area subject to any temporary suspension so as not to interfere with any other part of the River Great Ouse or affect its use.</p> <p><del>(4)</del>(6) Following an approval of any suspension given by the Environment Agency under this article or determined in accordance with article 54 (arbitration), the undertaker must:</p> <p>(a) publish a notice in one or more local newspapers circulating in the district in which the River Great Ouse is situated;</p> <p>(b) publish such notice not less than one month before the powers are to be exercised and state the extent to which, the period during and the purpose for which the use or navigation of the River Great Ouse is to be prohibited, restricted or regulated;</p> <p>(c) Display a copy of such notice in one or more places on or adjacent to the River Great Ouse in such places to bring its</p>	

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				<p>contents to the notice of persons using or navigating the waterways.</p> <p><del>(5)(7)</del> Subject to paragraph (98), an application for approval under this article is deemed to have been approved if it is neither given nor refused within 28 business days of the Environment Agency receiving the application under paragraph (2).</p> <p><del>(7)(8)</del> An approval of the Environment Agency under this article is not deemed to have been approved, if approval within the time limited by paragraph (78) has not been given pending the outcome of any consultation on the approval in question that the Environment Agency is obliged to carry out in the proper exercise of its functions.</p>	
13.	Schedule 1 Part 1 (Authorised Development)	N/A	This change is to correct an error referring to an underground electricity cable instead of an overhead electricity cable.	<b>Work No. 99</b> – As shown on sheets 13 and 13B of the works plans the diversion <b>and undergrounding of an overhead of an underground</b> electricity <b>cableline</b> (730 metres in length) commencing south of the existing A428 and terminating north of the realigned A428 (Work No. 98e).	3
14.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretations)	N/A	As the Applicant has submitted the Pre-Commencement Plan at Deadline 4 <b>[TR010044/EXAM/9.48]</b> this definition is required to ensure that this document is certified. The pre-Commencement Plan will apply to all 'pre-commencement works'.	<b>-“pre-commencement 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 plan for the purposes of this Order;</b>	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
15.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 6 (Landscaping)	CCC	This amendment has been included as requested by CCC.	<b>6.</b> - (1) No part of the authorised development can come into use until a landscaping scheme for that part which sets out details of all proposed hard and soft landscaping works is submitted to the Secretary of State for approval in writing following consultation with the relevant planning authority <b>and the relevant local highway authority so far as it is relevant to their respective functions.</b>	3
16.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 9 (Archaeology)	Bedford Borough Council	This amendment was requested by Bedford Borough Council and reflects the process as set out within the archaeological mitigation strategy.	<b>9.</b> The authorised development must be carried out, operated and maintained in accordance with the archaeological mitigation strategy <b>and, as set out in that strategy, the undertaker must submit individual Site Specific Written Schemes of Investigation to the relevant planning authority for approval.</b>	3
17.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 20 (Biodiversity Pre-Commencement Plan)	N/A	This change is to reflect the fact that the contents of the Biodiversity Pre-Commencement Plan has been expanded to include a range of activities that will apply to the 'pre-commencement works'.	<b><u>Biodiversity-Pre-Commencement PlanWorks</u></b> <b>20.</b> Any pre-commencement <del>operations-works</del> must be carried out in accordance with the biodiversity pre-commencement plan <b>and the pre-commencement plan.</b>	3
18.	Schedule 3 (Classifications Of Roads, Etc.), Part 2 (Classified Roads)	N/A	This change was requested by CCC in order to extend the extent of the A1428 forming part of the de-trunked A428.	SCHEDULE 3 CLASSIFICATION OF ROADS ETC. PART 2 CLASSIFIED ROADS (extract)	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<p>Cambridgeshire County Council, Abbotsley CP, St Neots CP</p> <p>The existing Cambridge Road roundabout, which will be re-classified as the AB1428, point 8/5 on Sheet 8, as shown on the classification of road plans, comprising a length of 137 metres</p>	
				<p>Cambridgeshire County Council, St. Neots CP, Abbotsley CP</p> <p>The realigned A428, which will be re-classified as the AB1428, between point 8/2 on Sheet 8 and point 9/2 on Sheet 9 as shown on the classification of road plans, comprising a length of 350 metres.</p>	
				<p>Cambridgeshire County Council, Abbotsley CP</p> <p>The Cambridge Road junction north roundabout, which will form part of the AB1428, point 9/15 on Sheet 9, as shown on the classification of road plans, comprising a length of 175 metres.</p>	
				<p>Cambridgeshire County Council, Abbotsley CP</p> <p>The northbound carriageway of the Cambridge Road junction dumbbell link road, which will form part of the AB1428, between points 9/11 and 9/14 on Sheet 9, as shown on the classification of road plans, comprising a length of 142 metres.</p>	
				<p>Cambridgeshire County Council,</p> <p>The southbound carriageway of the Cambridge Road junction dumbbell link road, which will form part of the</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
				Abbotsley CP	AB1428, between points 9/13 and 9/12 on Sheet 9, as shown on the classification of road plans, comprising a length of 143 metres.	
				Cambridgeshire County Council, Abbotsley CP	The Cambridge Road junction south roundabout, which will form part of the AB1428, point 9/9 on Sheet 9, as shown on the classification of road plans, comprising a length of 187 metres.	
19.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	These amendments are required to correct an error in that the incorrect local authorities were referred to. There are also changes to correct minor errors in the measurements.	SCHEDULE 3 CLASSIFICATION OF ROADS ETC. PART 7 FOOTPATHS, CYCLE TRACKS, FOOTWAYS AND BRIDLEWAYS (extract)		3
				<del>Bedford Borough Unitary Authority</del> , Cambridgeshire County Council, Abbotsley CP	1406 metres of footpath from point 6/2 to point 8/1 to point 8/3 as shown on Sheets 6 and 8 of the streets, rights of way and access plans.	
				Cambridgeshire County Council, <del>Bedford Borough Unitary Authority</del> , Abbotsley CP	1606 metres of footpath from point 8/1 to point 8/2 as shown on Sheet 8 of the streets,	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
					rights of way and access plans.	
				Cambridgeshire County Council, Toseland CP, Croxton CP, Yelling CP	32 metres of footway from point 11/9 to point 11/11 as shown on Sheet 11 of the streets, rights of way and access plans.	
				Cambridgeshire County Council, Caxton CP	14 <del>90</del> metres of cycle track from point 14/7 to point 14/8 as shown on Sheet 14 of the streets, rights of way and access plans.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version	
20.	Schedule 5 (Land In Which Only New Rights And Restrictive Covenants Etc. May Be Acquired)	N/A	These amendments are required in order to reflect the renumbering of plot numbers as set out in the updated Book of Reference submitted at Deadline 4 [TR010044/APP/4.3v2].	<del>13/4 h</del>	<del>Installation, maintenance and use of apparatus for utilities operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</del>	<del>Work Nos. 91, 98b, 98c, 99, 103</del>	3
				<del>13/4 i</del>	<del>Installation, maintenance and use of apparatus for utilities operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</del>	<del>Work Nos. 91, 98b, 103</del>	
				13/140 d	Installation, maintenance and use of electric lines, cables, equipment and apparatus for utilities operators.  Right to pass and repass with or without plant and vehicles and including access to highways.	Work Nos. 98e, 99, 100	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
					To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
				<a href="#">13/14f</a>	<a href="#">Installation, maintenance and use of apparatus for utilities operators.</a> <a href="#">Right to pass and repass with or without plant and vehicles and including access to highways.</a> <a href="#">To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</a>	<a href="#">Work Nos. 91, 98b, 98c, 99, 103</a>



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version	
				13/14g	Installation, maintenance and use of apparatus for utilities operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work Nos. 91, 98b, 103	
				<del>44/7b</del>	<del>Installation, maintenance and use of electric lines, cables, equipment and apparatus. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</del>	<del>Work Nos. 91, 103</del>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
				<p>14/11d <u>Installation, maintenance and use of apparatus for utilities operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</u></p>	<p><u>Work Nos. 103, 104</u></p>	
				<p><del>14/18a Installation, maintenance and use of apparatus for utilities operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</del></p>	<p><del>Work Nos. 103, 104</del></p>	
				<p>14/21b <u>Installation, maintenance and use of apparatus for utilities operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent</u></p>	<p><u>Work Nos. 91, 103</u></p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
						access to the installed apparatus being made materially more difficult.		
				14/21e		Installation, maintenance and use of electric lines, cables, equipment and apparatus. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work Nos. 109a, 110	
21.	SCHEDULE 7 (Land Of Which Temporary Possession May Be Taken)	N/A	These amendments are required in order to reflect the renumbering of plot numbers as set out in the updated Book of Reference submitted at Deadline 4 [TR010044/APP/4.3v2].	Abbotsely	9/9c	Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.	Work No. 85	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version												
				<table border="1"> <tr> <td>Abbotsley</td> <td>9/12b</td> <td><del>Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.</del></td> <td><del>Work No. 85</del></td> </tr> <tr> <td>Abbotsley</td> <td>10/5e7a</td> <td>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the accommodation bridge and realigned access track.</td> <td>Work No. 85</td> </tr> <tr> <td>Eltisley</td> <td>13/4k</td> <td><del>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track</del></td> <td><del>Work Nos. 91, 98b</del></td> </tr> </table>	Abbotsley	9/12b	<del>Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.</del>	<del>Work No. 85</del>	Abbotsley	10/5e7a	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the accommodation bridge and realigned access track.	Work No. 85	Eltisley	13/4k	<del>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track</del>	<del>Work Nos. 91, 98b</del>	
Abbotsley	9/12b	<del>Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.</del>	<del>Work No. 85</del>														
Abbotsley	10/5e7a	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the accommodation bridge and realigned access track.	Work No. 85														
Eltisley	13/4k	<del>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track</del>	<del>Work Nos. 91, 98b</del>														

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
						from the Eltisley South roundabout.		
				Eltisley	13/10a	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the Eltisley link.	Work Nos. 98b, 98d, 98e	
				Eltisley	13/10e	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the Eltisley link.	Work Nos. 91, 98e	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
				Eltisley	13/14a	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the Eltisley link.	Work Nos. 98b, 98d, 98e	
				Eltisley	13/14e	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the Eltisley link.	Work Nos. 91, 98e	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
				Eltisley	13/14i	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track from the Eltisley South roundabout.	Work Nos. 91, 98b	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
				Eltisley ; Papworth Everard	14/6d	Required to provide temporary storage, laydown areas, access and working space to facilitate a construction area north west of the Caxton Gibbet junction, and the construction of the Caxton Gibbet junction.	Work Nos. 106, 109a	
				Eltisley	14/7c	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the westbound onslip road from the Caxton Gibbet junction.	Work Nos. 91, 103	
				Eltisley	14/21c	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the westbound	Work Nos. 91, 103	



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
						onslip road from the Caxton Gibbet junction.		
				Eltisley; Papworth Everard	14/21d	Required to provide temporary storage, laydown areas, access and working space to facilitate a construction area north-west of the Caxton Gibbet junction, and the construction of the Caxton Gibbet junction.	Work Nos. 106, 109a	
				Eltisley; Papworth Everard	14/21f	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the Caxton Gibbet junction.	Work No. 109a	
22.	Schedule 8 (Hedgerows and	N/A	These changes are required to refer to the drawing	(1) <i>Name of Order / Type of tree</i>		(2) <i>Work to be carried out</i>		3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
	Trees) Part 2 (Trees Subject To Tree Preservation Orders)		showing the locations of the trees subject to a Tree Preservation Order.	Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(not found at the time of survey)</u>	Remove single tree	
				Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(not found at the time of survey)</u>	Remove single tree	
				Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(not found at the time of survey)</u>	Remove single tree	
				Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(as shown on Sheet 52 of the tree constraints plan)</u>	Remove full group of trees	
				Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Plum, Dogwood) <u>(not found at the time of survey)</u>	Remove part of tree group	
				Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 T6) (Oak) <u>(not found at the time of survey)</u>	Remove single tree	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
				Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 T7) (Oak) <u>(not found at the time of survey)</u>	Remove single tree	
				Land situated near to the north west corner of enclosure No. 5917 (Parish: Croxton CP) (TPO No. 5/84/SC G1) (Ash) <u>(as shown on Sheet 48 of the tree constraints plan)</u>	Remove single tree	
				Land situated near to the north west corner of enclosure No. 5917 (Parish: Croxton CP) (TPO No. 5/84/SC G1) (Ash / White Poplar / Field Maple) <u>(as shown on Sheet 48 of the tree constraints plan)</u>	Remove part of tree group	
				Land at Weald Corner, Cambridge Road, Eynesbury, Cambridgeshire (TPO No. 003/73 W1) <u>(as shown on Sheet 45 of the tree constraints plan)</u>	Remove part of tree group	
				Land situated within enclosure pt. 122 on Ordnance Sheet Beds XII-4 1926 (Parish: Roxton) (TPO No. Roxton and Great Barford Tree Preservation Order 1959 (7/190/2/031) assumed G7) (Oak, Horse Chestnut, Sycamore, Lime, Ash) <u>(as</u>	Remove single tree	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
				<p><a href="#">shown on Sheet 13 of the tree constraints plan)</a></p> <p>Land situated within enclosure pt. 122 on Ordnance Sheet Beds XII-4 1926 (Parish: Roxton) (TPO No. Roxton and Great Barford Tree Preservation Order 1959 (7/190/2/031) assumed G7) (Oak, Horse Chestnut, Sycamore, Lime, Ash) <a href="#">(as shown on Sheet 13 of the tree constraints plan)</a></p> <p>Land situated within enclosure pt. 122 on Ordnance Sheet Beds XII-4 1926 (Parish: Roxton) (TPO No. Roxton and Great Barford Tree Preservation Order 1959 (7/190/2/031) assumed G7) (Oak, Horse Chestnut, Sycamore, Lime, Ash) <a href="#">(as shown on Sheet 13 of the tree constraints plan)</a></p> <p>Land situated within enclosure pt. 122 on Ordnance Sheet Beds XII-4 1926 (Parish: Roxton) (TPO No. Roxton and Great Barford Tree Preservation Order 1959 (7/190/2/031) assumed G7) (Oak, Horse Chestnut, Sycamore, Lime, Ash) <a href="#">(as</a></p>	<p>Remove single tree</p> <p>Remove part of tree group</p> <p>Remove part of tree group</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version										
				<p><u>shown on Sheet 13 of the tree constraints plan)</u></p> <p>Land situated within enclosure Nos. 9144 and 1743 and land (Parish: Eltisley CP) (TPO No. 5/84/SC) (Hawthorn / Elm) <u>(as shown on Sheet 49 of the tree constraints plan)</u></p> <p>Land situated within enclosure Nos 9144 and 1743 (Parish: Eltisley CP) (TPO No. 5/84/SC) (Ash / Hawthorn) <u>(as shown on Sheet 49 of the tree constraints plan)</u></p>	<p>Remove full tree group</p> <p>Remove part of tree group</p>										
23.	Schedule 10 (Documents To Be Certified)	N/A	These changes are required in order to reflect the revised documents that have been submitted to the Examination to date and to include reference to the two new documents that are now referred to in the dDCO submitted at Deadline 4 [TR010044/APP/3.1v3].	<p>SCHEDULE 10 DOCUMENTS TO BE CERTIFIED (extract)</p> <table border="1"> <thead> <tr> <th>(1) <i>Document</i></th> <th>(2) <i>Reference number</i></th> </tr> </thead> <tbody> <tr> <td>the book of reference</td> <td>TR010044/APP/4.3 <b>revision 2</b></td> </tr> <tr> <td>the classification of road plans</td> <td>TR010044/APP/2.9</td> </tr> <tr> <td>the Crown land plans</td> <td>TR010044/APP/2.11 <b>revision 2</b></td> </tr> <tr> <td>the de-trunking plans</td> <td>TR010044/APP/2.5</td> </tr> </tbody> </table>	(1) <i>Document</i>	(2) <i>Reference number</i>	the book of reference	TR010044/APP/4.3 <b>revision 2</b>	the classification of road plans	TR010044/APP/2.9	the Crown land plans	TR010044/APP/2.11 <b>revision 2</b>	the de-trunking plans	TR010044/APP/2.5	3
(1) <i>Document</i>	(2) <i>Reference number</i>														
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the Crown land plans	TR010044/APP/2.11 <b>revision 2</b>														
the de-trunking plans	TR010044/APP/2.5														

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
				the First Iteration EMP	TR010044/APP/6.8	
				the engineering section drawings	TR010044/APP/2.10	
				the environmental masterplan	Figure 2.4 within TR010044/APP/6.2 <b>revision 2</b>	
				the environmental statement	TR010044/APP/6.1-6.3	
				the general arrangement plans	TR010044/APP/2.4	
				the land plans	TR010044/APP/2.2 <b>revision 2</b>	
				the streets, rights of way and access plans	TR010044/APP/2.6 <b>revision 2</b>	
				the traffic regulation measures plans	TR010044/APP/2.7	
				the permanent speed limit plans	TR010044/APP/2.8	
				the works plans	TR010044/APP/2.3	
				the outline construction traffic management plan	TR010044/APP/7.4 <b>revision 2</b>	
				the archaeological mitigation strategy	TR010044/ <del>APP/6.12</del> <b>EXAM/9.23 revision 2</b>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
				the habitats plan	Figure 1 of Appendix 8.3 within TR010044/APP/6.3	
				the biodiversity-pre-commencement plan	TR010044/APP/6.13	
				the pre-commencement plan	TR010044/EXAM/9.48	
				the tree constraints plan	Appendix 7.5 Part 2 and Part 3 within TR010044/APP/6.3 revision 2	

**Table 1-3: Summary of changes made to the dDCO Rev 4 [TR010044/APP/3.1v4] submitted at Deadline 6 from the dDCO Rev 3 [REP4-006] submitted at Deadline 4**

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
1	Table of Contents	N/A	To reflect the additional Part 8 Protective Provision	<del>PART 8 — FOR THE PROTECTION OF CADENT GAS LIMITED 227</del>  SCHEDULE 10 — DOCUMENTS TO BE CERTIFIED <del>222Error! Bookmark not defined. 234</del>	4
2	Table of Contents	N/A	To reflect the change of name from CLH Pipeline (CLH PS) LTD to Exolum Pipeline System Limited	<del>PART 6 — FOR THE PROTECTION OF CLH PIPELINE SYSTEM (CLH PS) LTD</del> Exolum Pipeline System Limited	4
3	Article 2 (Interpretation)	N/A	To address a comment made by the Cambridgeshire Authorities about the approach to drafting of the definition of 'commence'	<del>“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than any operations consisting of archaeological investigations and mitigation works, environmental surveys, pre-construction mitigation works, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, temporary hard standing, receipt and erection of construction plant and equipment, diversion and laying of underground apparatus and utilities, protection works, demolition (save in relation to Brook Cottages), site clearance, construction compound set up, and the temporary display of site notices or advertisements pre-commencement works, and “commencement” is to be construed accordingly;</del>	4



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
4	Article 2 (Interpretation)	N/A	To reflect the change of name from Highways England Company Limited to National Highways Limited.	“undertaker” means <del>Highways England Company Limited;</del> <b>National Highways Limited (previously called Highways England Company Limited)</b> , company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ.	4
5	Article 11(5)(e) (Consent to transfer benefit of Order)	N/A	To reflect the fact that CLH Pipeline Systems has changed its name to EXOLUM Pipeline System Ltd.	(c) <del>EXOLUM Pipeline System Ltd</del> <b>CLH Pipeline Systems (CLH PS) Ltd</b> (company number 09497223), whose registered office is at 69 Wilson Street, London EC2A 2BB for the purposes of undertaking Work No. 38;	
6	Article 11(5)(e) (Consent to transfer benefit of Order)	N/A	To reflect the fact that Cambridge Water has been incorporated by South Staffordshire Water PLC.	<del>Cambridge Water Plc</del> <b>South Staffordshire Water PLC</b> (company number <del>0266274203175861</del> ), whose registered office is at <del>Green Lane, Walsall, West Midlands, WS2 7PD</del> <b>90 Fulbourn Road, Cherry Hinton, Cambridge CB1 9JN</b> for the purposes of undertaking Work Nos. 100, 103 and 107;	4
7	Article 13(5) (Construction and maintenance of new, altered or diverted streets and other structures)	N/A	To reflect a change as suggested by the Cambridgeshire Authorities.	...  (5) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over a special road or trunk road, the highway surface (being those elements over the waterproofing membrane) must be maintained by and at the expense of the relevant local highway authority and the remainder of the bridge, including the waterproofing membrane and <b>any culverts or other structures</b>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<del>laid under it structure below</del> , must be maintained by and at the expense of the undertaker.	
8	Article 13(7) (Construction and maintenance of new, altered or diverted streets and other structures)	N/A	To reflect the fact that National Highways will be responsible for the maintenance of bridges that carry a private right of way over a special road or trunk road.	... (7) In the case of a bridge constructed under this Order to carry a private right of way over a special road or trunk road, <del>the surface of the bridge (being those elements over the waterproofing membrane)</del> must be maintained by and at the expense of the undertaker <del>landowner benefiting from the private right of way and the structure of the bridge must be maintained by and at the expense of the undertaker.</del>	4
9	Article 13(9) (Construction and maintenance of new, altered or diverted streets and other structures)	N/A	To reflect the fact that National Highways will be responsible for the maintenance of bridges that carry a private right of way over a special road or trunk road.	... (9) In the case of a bridge constructed under this Order to carry a shared public right of way and private access track over a special road or trunk road, <del>the surface of the bridge (being those elements over the waterproofing membrane)</del> must be maintained by and at the expense of the <del>local highway authority undertaker and the structure of the bridge must be maintained by and at the expense of the</del> undertaker.	4
10	Article 14(8) (Classification of roads, etc.)	N/A	To allow for sections of the de-trunked highway to be handed.	.... (8) On a date <del>or dates</del> to be determined by the undertaker, the roads described in Part 8 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date <del>or dates</del> as the date <del>or dates</del> on which they were to cease to be trunk roads.	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
11	Article 14(9) (Classification of roads, etc.)	N/A	<p>New paragraph (9) has been inserted to ensure that the de-trunking date can only be determined once it has been agreed with the Secretary of State.</p> <p>There were also consequential amendments made to the paragraph numbers and cross referencing in Article 14 that are not captured here but are shown in the tracked changes version of the dDCO submitted at Deadline 6 [TR010044/APP/3.1 v4].</p>	<p>....</p> <p>(9) The undertaker may only make a determination for the purposes of paragraph (8) with the consent of the Secretary of State, who must consult the relevant local highway authority before deciding whether to give that consent.</p>	4
12	Article 14(17) (Classification of roads, etc.)	N/A	<p>Upon further consideration this part of Article 14 has been refined to ensure that it is clear that the final location of the footpaths, cycle tracks, footways and bridleways will be provided to the relevant local highway authority within 3 months of that way being handed over to that local highway authority.</p> <p>The inclusion of the three month period has been inserted to address a comment received from the Cambridgeshire Authorities.</p>	<p><del>(1617) Upon</del> Within 3 months of completion the relevant local highway authority becoming responsible for the maintenance of the footpaths, cycle tracks, footways and bridleways referred to in paragraph (7) of this Article set out in Part 7 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans the undertaker will provide information to the relevant local highway authority setting out the location of the as constructed footpaths, cycle tracks, footways and bridleways.</p>	4
13	Article 18(2)(a) (Permanent stopping up and		<p>This amendment has been included to make it clear that these public rights of way are subject to the same limits of deviation as shown on the Streets, Rights of Way and Access Plans.</p>	<p>(18)</p> <p>...</p> <p>(2) No street or private means of access specified in columns (1) and (2) of Parts 2 and 3 of Schedule 4 (being a highway or private</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
	restriction of use of streets and private means of access)			means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—  (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule <u>subject to the limits of deviation shown on the streets, rights of way and access plans</u> , has been completed to the reasonable satisfaction of the street authority and is open for use	
14	Article 29 (Public rights of way)	N/A	This paragraph has been refined so that it is clear that the limits of deviation referred to here are those shown on the streets, rights of way and access plans.	...  (b) in relation to public rights of way identified in Part 2 of Schedule 4, the date on which the relevant alternative section of public rights of way identified in column (4) of Part 2 of Schedule 4 <del>and</del> , subject to <del>the article 9</del> (limits of deviation), shown on the streets, rights of way and access plans, is open for use by the public.	4
15	Schedule 2 (Requirements) Part 1 (Requirements) Paragraph 1 (Interpretation)	N/A	The definition of Ecological Clerk of Works has been amended to refer to the First Iteration EMP which defines the role. This was a change requested by the Cambridgeshire Authorities.	“Ecological Clerk of Works” means the individual appointed as such by the undertaker <b>as required by the First Iteration EMP</b> ;	4
16	Schedule 2 (Requirements) Part 1	N/A	The definition of First Iteration EMP has been updated to include reference to the Travel Plan and the Borrow Pits Management Plan.	“First Iteration EMP” means the first iteration of the environmental management plan produced in accordance with the DMRB during the preliminary design stage and as certified	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
	(Requirements) Paragraph 1 (Interpretation)			under article 52 (certification of documents etc) which includes an outline plan for the following:  (a) Air Quality Management Plan; (b) Noise Management Plan; (c) Waste Management Plan; (d) Biodiversity Management Plan; (e) Soil Handling and Management Plan; (f) Water Management Plan; (g) Energy and Resource Management Plan; (h) Materials Management Plan; (i) Contaminated Land Management Plan; (j) Archaeological Management Plan; (k) Construction Compound Management Plan; and (l) Landscape and Ecology Management Plan; (m) Travel Plan; (n) Borrow Pits Management Plan;	
17	Schedule 2 (Requirements) Part 1 (Requirements)  Paragraph 1 (Interpretation)	N/A	This definition has been added to ensure that it is clear that the scheme design approach and design principles is a certified document.	"scheme design approach and design principles" means the document of that description listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the scheme design approach and design principles for the purposes of this Order;	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
	Schedule 2 (Requirements) Part 1 (Requirements) Paragraph 1 (Interpretation)	N/A	The definition of "flood risk assessment" has been added as a result of new Requirement 21 (Flood Risk Assessment)	"flood risk assessment" means the document of that description including the flood risk assessment technical as listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the flood risk assessment for the purposes of this Order;	4
18	Schedule 2 (Requirements) Part 1 (Requirements) Requirement 3 (Second Iteration EMP)	The Environment Agency	This amendment has been made to address a request from the Environment Agency who requested to be consulted on the Second Iteration EMP.	3.—(1) Not to commence any part of the authorised development until the Second Iteration EMP in relation to that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the Environment Agency and the relevant local highway authority.	4
19	Schedule 2 (Requirements) Part 1 (Requirements) Requirement 12 (Detailed design)	N/A	Requirement 12 has been amended to ensure that the detailed design must accord with the design principles set out in the scheme design approach and design principles document.	Detailed design 12.—(1) The detailed design for the authorised development must accord with: (a) the preliminary scheme design shown on the works plans, the general arrangement plans and the engineering section drawings; <del>and</del> (b) the principles set out in the environmental masterplan; <del>and</del>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<p>(c) the design principles set out in the scheme design approach and design principles,</p> <p>unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p>	
20	Schedule 2 (Requirements) Part 1 (Requirements) Requirement 21 (Flood risk assessment)	The Environment Agency	<p>This amendment was requested by the Environment Agency for the Applicant to comply with the flood risk assessment, including its mitigation measures, as a mechanism of ensuring that the proposed development will not result in any exceedance of the flood levels to properties and land shown in the flood risk assessment. If the flood risk assessment is not complied with for a particular part of the proposed development, the Secretary of State must, in consultation with the Environment Agency, be satisfied that this will not result in an exceedance of flood levels shown in the risk assessment beyond 10mm or that affected landowners have accepted this exceedance.</p>	<p><b>Flood risk assessment</b></p> <p><b>21.</b> —(1) Subject to sub-paragraph (2), the authorised development must be carried out in accordance with the flood risk assessment, including the mitigation measures detailed in it, so that no part of the authorised development is predicted to result in any exceedance of the flood levels to properties and land shown in the flood risk assessment.</p> <p>(2) Sub-paragraph (1) does not apply in any circumstance where the undertaker proposes to carry out a part of the authorised development otherwise than in accordance with the flood risk assessment and either demonstrates to the Secretary of State's satisfaction, in consultation with the Environment Agency, that the part of the authorised development concerned would not result in an exceedance of the flood levels shown in the flood risk assessment beyond 10mm or demonstrates that all affected landowners accept the predicted exceedance of the flood levels shown in the flood risk assessment.</p>	4
21	Schedule 2 (Requirements)	N/A	<p>Following the addition of new Requirement 21 (Flood risk assessment) all numbering</p>	<p>All numbering from Requirements 22 to 25 have increased by one.</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
	Requirement 22 - 26		for the succeeding requirements have changed.		
22	Schedule 2 (Requirements) Requirement 23 (Applications made under requirements)	N/A	Following the addition of new Requirement 21 (Flood risk assessment) all cross references to paragraph numbers numbering for the succeeding requirements changes. This change additionally corrects a typographical error.	... (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 242; or ...	4
23	Schedule 2 (Requirements) Requirement 24 (Further information)	N/A	Following the addition of new Requirement 21 (Flood risk assessment) all cross references to paragraph numbers numbering for the succeeding requirements changes. This change additionally corrects a slight typographical error.	... (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 234 and in this paragraph.	4



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
24	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	These amendments are required to correct minor errors in the measurements.	Cambridgeshire County Council, Abbotsley CP, St. Neots CP	<del>402</del> 372 metres of cycle track from point 8/4 to point 9/1 as shown on Sheets 8 and 9 of the streets, rights of way and access plans.	
				Cambridgeshire County Council, Abbotsley CP	<del>450</del> metres of cycle track from point 9/2 to point 9/3 as shown on Sheet 9 of the streets, rights of way and access plans.	
				Cambridgeshire County Council, Abbotsley CP	<del>1919</del> metres of cycle track from point 9/4 to point 9/5 as shown on Sheet 9 of the streets, rights of way and access plans.	
				Cambridgeshire County Council, Abbotsley CP	<del>22834</del> metres of cycle track from point 9/6 to point 9/7 as shown on Sheet 9 of the streets, rights of way and access plans.	
				Cambridgeshire County Council, Abbotsley CP	<del>10195</del> metres of cycle track from point 9/8 to point 9/9 as shown on Sheet 9 of the streets, rights of way and access plans.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version						
				<table border="1"> <tr> <td data-bbox="1131 394 1308 576">Cambridgeshire County Council, Abbotsley CP</td> <td data-bbox="1308 394 1868 576">584 metres of cycle track from point 9/10 to point 9/11 as shown on Sheet 9 of the streets, rights of way and access plans.</td> </tr> <tr> <td colspan="2" data-bbox="1131 576 1868 687">...</td> </tr> <tr> <td data-bbox="1131 687 1308 842">Cambridgeshire County Council, Yelling CP</td> <td data-bbox="1308 687 1868 842">48995 metres of footpath from point 11/5 to point 11/6 as shown on Sheet 11 of the streets rights of way and access plans.</td> </tr> </table>	Cambridgeshire County Council, Abbotsley CP	584 metres of cycle track from point 9/10 to point 9/11 as shown on Sheet 9 of the streets, rights of way and access plans.	...		Cambridgeshire County Council, Yelling CP	48995 metres of footpath from point 11/5 to point 11/6 as shown on Sheet 11 of the streets rights of way and access plans.	
Cambridgeshire County Council, Abbotsley CP	584 metres of cycle track from point 9/10 to point 9/11 as shown on Sheet 9 of the streets, rights of way and access plans.										
...											
Cambridgeshire County Council, Yelling CP	48995 metres of footpath from point 11/5 to point 11/6 as shown on Sheet 11 of the streets rights of way and access plans.										

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
25	Schedule 4 (Permanent Stopping Up Of Highways And Private Means Of Access And Provision Of New Highways And Private Means Of Access), Part 2 (Highways To Be Stopped Up For Which A Substitute Is To Be Provided And New Highways Which Are Otherwise To Be Provided)	N/A	These amendments are required to correct minor errors in the measurements or to correct Sheet number references.	Abbotsley CP, St. Neots CP	Existing A428	Reference 11 The existing A428 (including lay-bys) starting at a point 209 metres east of the existing Cambridge Road roundabout to a point 126 metres east of this, as shown on Sheet 9 of the streets, rights of way and access plans.	Reference 11 The realigned A428 starting at the east side of the existing Cambridge Road roundabout to the point where it meets the Cambridge Road junction north roundabout for a distance of 349 metres, as shown on Sheet 8 and 9 of the streets, rights of way and access plans.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
				Tos ela nd CP, Cro xto n CP, Yell ing CP	Foot path No. 278/ 7	The existing footpath 278/7 from point k/1 and point k/2 for a distance of 75 metres as shown on Sheet 11 of the streets, rights of way and access plans.	<p>489 metres of footpath from point 11/5 to point 11/6 as shown on Sheet 11 of the streets, rights of way and access plans.</p> <p><del>4040</del> 1033 metres of footway from point 11/6 to point 11/7 to point 11/8 to point 11/9 to point 11/10 to point 11/12 to point 11/13 to point 11/14 to point 11/15 to point 11/16 to point 11/17 as shown on Sheet 11 of the streets, rights of way and access plans.</p> <p>487 metres of footpath from point 11/17 to point 11/18 as shown on Sheet 11 of the streets, rights of way and access plans.</p> <p>32 metres of footway from point 11/10 to point 11/11 as shown on Sheet 11 of the streets, rights of way and access plans.</p> <p>31 metres of footway from point 11/11 to point 11/14 as shown on Sheet 11 of the streets, rights of way and access plans.</p>	
...								

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
26	Schedule 4 (Permanent Stopping Up Of Highways And Private Means Of Access And Provision Of New Highways And Private Means Of Access), Part 2 (Highways To Be Stopped Up For Which A Substitute Is To Be Provided And New Highways Which Are Otherwise To Be Provided)	N/A	These amendments are required to correct minor errors in the measurements.	Toseland CP, Croxton CP, Yelling CP	Footpath No. 278/7	The existing footpath 278/7 from point k/1 and point k/2 for a distance of 75 metres as shown on Sheet 11 of the streets, rights of way and access plans.	489 metres of footpath from point 11/5 to point 11/6 as shown on Sheet 11 of the streets, rights of way and access plans. <del>4040</del> 1033 metres of footway from point 11/6 to point 11/7 to point 11/8 to point 11/9 to point 11/10 to point 11/12 to point 11/13 to point 11/14 to point 11/15 to point 11/16 to point 11/17 as shown on Sheet 11 of the streets, rights of way and access plans.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
27	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Clh Pipeline System (Clh-Ps) Ltd)	N/A	To reflect the change of name from CLH Pipeline System to Exolum Pipeline System Limited	All references to CLH Pipeline System Ltd or CLH-PS or CLH in Schedule 9 (Protective Provisions), Part 6 (For The Protection Of CLH Pipeline System (CLH-PS) Ltd) have been changed to Exolum Pipeline System Limited or Exolum.	4
28	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities )	N/A	<p>The new definitions of “the agency” and “emergency” have been included at the request of the EA.</p> <p>The changes made to the definition of 'plans' have been included to reflect the breadth of documents that can be used to describe the works to be executed.</p>	<p><b>Interpretation</b></p> <p>19. In this Part of this Schedule—</p> <p>“access route” means an access route used by the drainage authority prior to the commencement of construction of a specified work for accessing a drainage work;</p> <p>“the agency” means the Environment Agency;</p> <p>“emergency” means an occurrence which presents a risk of: serious flooding; serious detrimental impact on drainage; or serious harm to the environment.</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				“plans” includes all designs, sections, drawings, risk assessments, soil reports, drainage reports, specifications, calculations and method statements and other documents that are reasonably necessary in the opinion of the undertaker to properly and sufficiently to describe the works to be executed;	
29	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	The change has been included to reflect the statutory position. The provisions of the Environmental Permitting (England and Wales) Regulations 2017 in respect of Flood Risk Activity Permits provides for a determination period of 2 months and in the absence of a response provides for deemed refusal. In respect of paragraph 20(3) (c) this reflects Section 23(3)(b) of the Land Drainage Act 1991 covering land drainage consents which provides for deemed consent by the drainage board concerned if they fail to determine the application within a 2 month period.	<p><b>Construction of specified works</b></p> <p>20 ...</p> <p>(3) Any approval of the drainage authority required under this paragraph—</p> <p>(a) must not be unreasonably withheld or delayed;</p> <p>(b) in relation to specified works to a main river is deemed to have been refused if it is neither given nor refused within <del>8 weeks</del> <b>2 months</b> of the submission of the plans or receipt of further particulars if such particulars have been requested by the <del>A</del> agency for approval and, in the case of a refusal, accompanied by a statement of the <b>grounds</b> of refusal;</p> <p>(c) in relation to specified works to an ordinary watercourse is deemed to have been approved if it is neither given nor refused within <del>28 days</del> <b>2 months</b> of the submission of the plans or receipt of further particulars if such particulars have been requested by the</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				drainage authority for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal;	
30	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	This is an agreed change that has been included at the request of the EA.	<p><b>Construction of specified works</b></p> <p>23. (1) Subject to sub-paragraph (6), the undertaker must from the commencement of the construction of a specified work <del>until the date falling 12 months from the date of completion of such specified work (“the maintenance period”)</del>, maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the undertaker for the purposes of or in connection with the specified work, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence. <del>Upon the expiry of the maintenance period, the drainage work must be maintained by the highway authority of the highway to which the specified work relates.</del></p>	4
31	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	This is an agreed change that has been included at the request of the EA. .	<p><b>Construction of specified works</b></p> <p>23</p> <p>...</p> <p>(6) This paragraph does not apply to—</p> <p>(a) drainage works which are vested in the drainage authority, or which the drainage authority or another person, <del>including the</del></p>	4



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				highway authority, is liable to maintain and is not proscribed by the powers of this Order from doing so;	
32	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	This is an agreed change that has been included at the request of the EA.	<p><b>Works on the adopted highway</b></p> <p>26. Except in an emergency nothing in paragraphs 22(5), 23(3) and 24 authorises the drainage authority to execute works on or affecting a highway maintainable at the public expense an adopted highway without the prior consent in writing of the undertaker or the relevant highway authority, whichever is the highways authority for the adopted highway in question, such consent is not to be unreasonably withheld or delayed.</p>	4
33	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	This change has been included to reflect the terminology used elsewhere in this Part of the Schedule.	<p><b>Expenses</b></p> <p>27—(1) The Applicant—undertaker shall make reasonable compensation to the drainage authority in respect of all direct costs, charges and expenses which the drainage authority may reasonably incur —</p> <p>...</p> <p>(2) Prior to granting approval under paragraphs 20 and 21, the drainage authority shall inform the Applicant undertaker of the costs it expects to reasonably incur in granting approval.</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
34	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	This change has been included to reflect the current version of the protective provisions being sought by the Applicant for the protection of EA.	<p><b>Expenses</b></p> <p>28—(1) The Applicant is responsible for and shall make reasonable compensation to the drainage authority for all costs and direct losses not otherwise provided for in this Part of this Schedule which may be reasonably incurred or suffered by the drainage authority by reason of —</p> <p>(a) the construction of any specified works comprised within the authorised works; or</p> <p>(b) any act or omission of the Applicant, its employees, contractors or agents or others whilst engaged upon the construction of the authorised works.</p> <p>(2) For the avoidance of doubt, in sub-paragraph (1)—“costs” includes reasonably incurred—</p> <p>(a) expenses and charges;</p> <p>(b) staff costs and overheads;</p> <p>(c) legal costs;</p> <p>(d) liabilities, claims and demands;</p> <p>and “losses” includes physical damage.</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<p>(3)For the avoidance of doubt, in sub-paragraph (2) liabilities includes</p> <ul style="list-style-type: none"> <li>(a)contractual liabilities;</li> <li>(b)tortious liabilities;</li> <li>(c)liabilities to pay statutory compensation for breach of statutory duty;</li> <li>(d)liabilities to pay statutory penalties imposed on the basis of strict liability (but does not include liabilities to pay other statutory penalties)</li> </ul> <p>(4)The drainage authority must give to the <del>Applicant</del>undertaker reasonable notice of any such claim or demand and no settlement or compromise shall be made without the agreement of the undertaker <del>Applicant</del> which agreement shall not be unreasonably withheld or delayed.</p> <p>(5)The fact that any work or thing has been executed or done by the undertaker <del>Applicant</del> in accordance with a plan approved by the drainage authority, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the <del>Applicant</del> undertaker from any liability under the provisions of this Part of this Schedule.</p> <p>(6)The drainage authority must not compromise or settle any such claim or make any admission which might be prejudicial to the claim without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				(7)The drainage authority must, at all times take reasonable steps to prevent and mitigate any such claims, demands, proceedings, costs, damages, expenses or loss.	
35	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities)	N/A	This agreed change has been included at the request of Central Bedfordshire Council.	<p><b>Arbitration</b></p> <p>29. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, <del>may if the parties agree, is to</del> be determined by arbitration under article 54(arbitration) but <del>may shall</del> otherwise be determined by the Secretary of State for Environment, Food and Rural Affairs or its successor and the Secretary of State for Transport or its successor acting jointly on a reference to them by the <del>Applicant</del>undertaker or the drainage authority, after notice in writing by one to the other.</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
36	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited)	N/A	This is an agreed change that has been included at the request of Anglian Water,	<p><b>Interpretation</b></p> <p>80. In this Part of this Schedule—</p> <p>“Anglian Water” means Anglian Water Services Limited;</p> <p>“apparatus” means:</p> <p>...</p> <p>(d) includes a sludge main, disposal main (<del>within the meaning of section 219 of that Act</del>) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus</p> <p>and for the purpose of this definition, where words are defined by section 219 of the Water Industry Act 1991 they shall be taken to have the same meaning;</p>	4
37	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited)	N/A	This agreed change to 85(1)(b) has been included at the request of Anglian Water.	<p>Removal of apparatus</p> <p>85.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that Anglian Water’s apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of Anglian Water to maintain that apparatus in that land must not (<del>without the prior written consent of Anglian Water</del>) be extinguished, until:</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<p>(a) alternative apparatus has been constructed and is in operation to the reasonable satisfaction of Anglian Water in accordance with sub-paragraphs (2) to (8); and</p> <p>(b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 86.</p>	
38	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited)	N/A	This agreed change has been included at the request of Anglian Water.	<p>Removal of apparatus 85</p> <p>...</p> <p>(6) Regardless of anything in sub-paragraph (5), if <del>the undertaker</del> <b>Anglian Water</b> gives notice in writing to <del>the undertaker</del> <b>Anglian Water</b> that <del>it the undertaker</del> <b>desires itself the undertaker</b> to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker <b>or to the extent that Anglian Water fails to proceed with that work in accordance with sub-paragraph (5) or the undertaker and Anglian Water otherwise agree</b>, that work, instead of being executed by Anglian Water, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of Anglian Water.</p>	4
39	Schedule 9 (Protective Provisions) Part 7 (For The Protection	N/A	This agreed change has been included at the request of Anglian Water.	<p>88—(1) Subject to the following provisions of this paragraph, the undertaker must repay to Anglian Water all expenses reasonably incurred by Anglian Water in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
	Of Anglian Water Services Limited)			consequence of the execution of any such works as are referred to in this Part of the Schedule <del>paragraph 85(2)</del> .	
	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited)	N/A	Numbering updated to account for additional sub-paragraph (7)	All numbering of sub-paragraphs has increased by 1	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
40	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited) Requirement 80 (d) (Interpretation)	Anglian Water Services Limited (Anglian Water)	This agreed change has been included at the request of Anglian Water.	80. In this Part of this Schedule—  ... “apparatus” means:  ...  (d) includes a sludge main, disposal main ( <del>within the meaning of section 219 of that Act</del> ) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus <b>and for the purpose of this definition, where words are defined by section 219 of the Water Industry Act 1991 they shall be taken to have the same meaning;</b>	4
41	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited) Requirement 85 (1) (Removal of Apparatus)	Anglian Water	This agreed change has been included to reflect the current version of the protective provisions being sought by the Applicant for the protective of Anglian Water.	85.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that Anglian Water's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of Anglian Water to maintain that apparatus in that land must not ( <del>without the prior written consent of Anglian Water</del> ) be extinguished, until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of Anglian Water in accordance with sub-paragraphs (2) to (8).	4



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42	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited) Requirement 85 (7) (Removal of Apparatus)	Anglian Water	This agreed change has been included to reflect the current version of the protective provisions being sought by the Applicant for the protective of Anglian Water.	<p>85</p> <p>...</p> <p>(7) Notice under sub-paragraph (6) that Anglian Water desires the undertaker to execute any work, or part of any work, must be given within 14 days of agreement under sub-paragraph (4) or, in default of agreement, within 14 days of the date of settlement by arbitration under sub-paragraph (4).</p> <p>The paragraph numbering and cross references in this article have also been updated as a result of the inclusion of the new paragraph.</p>	4
43	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited) Requirement 87 (3) (Retained apparatus)	Anglian Water	This agreed change has been included at the request of Anglian Water.	<p>87</p> <p>...</p> <p>(3). in so far as is reasonably practicable in the circumstances and will keep the impact of those emergency works on Anglian Water's apparatus, on the operation of its water and sewerage network and on end-users of the services Anglian Water provides to a minimum.</p>	4

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44	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited) Requirement 93 (Cooperation)	Anglian Water	This agreed change has been included at the request of Anglian Water.	93. Any time period in which an action must be taken in this part of the Schedule may be amended by written agreement between the undertaker and Anglian Water.	4
45	Schedule 9 (Protective Provisions) Part 8 (For The Protection Of Cadent Gas Limited)	Cadent Gas	As the protective provisions for Cadent Gas have now been agreed this change is required to include those agreed protective provisions within the dDCO.	<p><i>Application</i></p> <p>94. For the protection of Cadent the following provisions will, unless otherwise agreed in writing between the undertaker and Cadent, have effect.</p> <p><i>Interpretation</i></p> <p>95. In this Part of this Schedule—</p> <p>“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;</p> <p>“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus</p>	4

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				<p>belonging to or maintained by Cadent for the purposes of Cadent's undertaking together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of Cadent for the purposes of Cadent's undertaking and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;</p> <p>"authorised development" shall have the same meaning as in the Order;</p> <p>"Cadent" means Cadent Gas Limited and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;</p> <p>"Cadent's undertaking" means the rights, duties and obligations of Cadent Gas Limited as a public gas transporter within the meaning of Section 7 of the Gas Act 1986 (as amended by the Gas Act 1995);</p> <p>"commence" has the same meaning as in article 2(1) of the Order and "commencement" shall be construed to have the same meaning save that for the purposes of this Part of the Schedule the terms "commence" and "commencement" include any below ground surveys, monitoring, work operations, remedial work in respect of any contamination or other adverse ground conditions, the receipt and erection of construction plant and equipment, and non-intrusive investigations for the purpose of assessing ground conditions;</p> <p>"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus</p>	

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				<p>in a manner consistent with the terms of this Part of this Schedule;</p> <p>“facilities and rights” for construction and for maintenance include any appropriate working areas required to reasonably and safely undertake that construction or maintenance, and any necessary rights of access;</p> <p>“functions” includes powers and duties;</p> <p>“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;</p> <p>“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, requires the undertaker to submit for Cadent’s approval a ground mitigation scheme;</p> <p>“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;</p> <p>“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;</p> <p>“maintain” and “maintenance” for the purposes of this Part of the Schedule shall have effect as if Cadent’s existing apparatus was authorised development and as if the term maintain includes</p>	

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				<p>protect and use, improve, landscape, preserve, decommission, refurbish or replace;</p> <p>“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;</p> <p>“rights” includes restrictive covenants and, in relation to decommissioned apparatus, the surrender of rights, release of liabilities and transfer of decommissioned apparatus; and</p> <p>“specified works” means any of the authorised development or activities (including maintenance) undertaken in association with the authorised development which—</p> <p>(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 100(2) (removal of apparatus) or otherwise; or</p> <p>(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 100(2) (removal of apparatus) or otherwise.</p> <p style="text-align: center;"><i>On Street apparatus</i></p> <p>96.—(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act, except for—</p>	

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				<p>(a) paragraphs 97 (apparatus of Cadent in stopped up streets), 102 (retained apparatus: protection of Cadent), 103 (expenses) and 104 (indemnity); and</p> <p>(b) where sub-paragraph (2) applies, paragraphs 100 (removal of apparatus) and 101 (facilities and rights for alternative apparatus).</p> <p>(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.</p> <p>(3) Paragraph 103 does not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—</p> <p>(a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and</p> <p>(b) the allowable costs are to be borne by the undertaker and Cadent in such proportions as may be prescribed by any such regulations.</p> <p style="text-align: center;"><i>Apparatus of Cadent in stopped up streets</i></p> <p>97.—(1) Where any street is stopped up under article 18 (permanent stopping up and restriction of use of streets and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements</p>	

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				<p>reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway, but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 100 (removal of apparatus).</p> <p>(2) Notwithstanding the temporary alteration, diversion or restriction of use of any street under the powers of article 17 (temporary alteration, diversion, prohibition and restriction of use of streets), Cadent will be at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as it would have been entitled to do immediately before such temporary alteration, diversion or restriction of use in respect of any apparatus which at the time of the stopping up or diversion was in that street.</p> <p style="text-align: center;"><i>Protective works to buildings</i></p> <p>98. (1) The undertaker must exercise the powers conferred by article 22 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent (such consent not to be unreasonably withheld or delayed)</p> <p><i>Acquisition of land</i></p> <p>99.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or appropriate, acquire, extinguish, interfere with or override any easement or other interest in land of Cadent otherwise than by agreement.</p> <p>(2) As a condition of agreement between the parties in subparagraph (1), prior to the carrying out or maintenance of any</p>	

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				<p>part of the authorised development (or in such other timeframe as may be agreed between Cadent and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of Cadent or affect the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development or maintenance thereof.</p> <p>(3) The undertaker and Cadent agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus, including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent and other enactments relied upon by Cadent as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.</p> <p>(4) Any agreement or consent granted by Cadent under paragraph 102 (retained apparatus: protection of Cadent) or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).</p>	



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				<p>(5) As a condition of an agreement under sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement or other interest of Cadent in such decommissioned apparatus and release Cadent from all liabilities in respect of such de-commissioned apparatus from the date of such surrender.</p> <p>(6) Where an undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 100 (removal of apparatus) do not apply, the undertaker must, unless Cadent agrees otherwise—</p> <p>(a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and</p> <p>(b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.</p> <p style="text-align: center;"><i>Removal of apparatus</i></p> <p>100.—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with paragraph 99 (acquisition of land), the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and the facilities and rights referred</p>	

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				<p>to in sub-paragraph (2) have been provided, to the reasonable satisfaction of Cadent and in accordance with sub-paragraphs (2) to (5) inclusive.</p> <p>(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or in consequence of the exercise of any of the powers conferred by this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account paragraph 101(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—</p> <p>(a) for the construction of alternative apparatus; and</p> <p>(b) subsequently for the maintenance of that apparatus.</p> <p>(3) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.</p> <p>(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must</p>	

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				<p>be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.</p> <p>(5) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3), then proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.</p> <p style="text-align: center;"><i>Facilities and rights for alternative apparatus</i></p> <p>101.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance of alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.</p> <p>(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed, then the terms and conditions to which those facilities and rights are subject in the matter may be referred to arbitration in accordance with paragraph 108 (arbitration) of this</p>	

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				<p>Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.</p> <p>Retained apparatus: protection of Cadent</p> <p>102.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.</p> <p>(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—</p> <p>(a) the exact position of the works;</p> <p>(b) the level at which these are proposed to be constructed or renewed;</p> <p>(c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;</p> <p>(d) the position of all apparatus;</p> <p>(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and</p> <p>(f) any intended maintenance regimes.</p> <p>(3) The undertaker must not commence any specified works until Cadent has given written approval of the plan so submitted (and the ground monitoring scheme if required).</p> <p>(4) Any approval of Cadent given under sub-paragraph (3)—</p> <p>(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5); and</p>	

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				<p>(b) must not be unreasonably withheld or delayed and Cadent must meaningfully engage with the undertaker within 28 days of the date of submission of the plan under sub-paragraph (1).</p> <p>(5) Cadent may require such modifications to be made to the plan as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.</p> <p>(6) Specified works must only be executed in accordance with—</p> <p>(a) the plan submitted under sub-paragraph (1) (and ground monitoring scheme if required), as approved or as amended from time to time by agreement between the undertaker and Cadent; and</p> <p>(b) all conditions imposed under sub-paragraph (4)(a), and Cadent will be entitled to watch and inspect the execution of those works.</p> <p>(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required prior to commencement.</p> <p>(8) If Cadent, in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 94 to 96 and 99 to 101 apply as if the removal of the</p>	

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				<p>apparatus had been required by the undertaker under sub-paragraph 100(2) (removal of apparatus).</p> <p>(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan (and ground monitoring scheme if required), instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan (and ground monitoring scheme if required).</p> <p>(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development (including such an event attributable to its maintenance)—</p> <p>(a) the undertaker must implement an appropriate ground mitigation scheme; and</p> <p>(b) Cadent retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 103 (expenses).</p> <p>(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances.</p> <p>(12) In this paragraph, “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or</p>	

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				<p>imminent) which are likely to cause danger to persons or property.</p> <p style="text-align: center;"><i>Expenses</i></p> <p>103.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand, all charges, costs and expenses reasonably anticipated or reasonably incurred by Cadent in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised development including without limitation—</p> <p>(a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent;</p> <p>(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 99(3) (removal of apparatus) if it elects to do so; or</p> <p>(ii) exercising any compulsory purchase powers under this Order transferred to or benefitting Cadent;</p> <p>(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;</p> <p>(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;</p> <p>(d) the approval of plans;</p>	

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				<p>(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;</p> <p>(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule;</p> <p>(g) any watching brief pursuant to sub-paragraph 102(6) (retained apparatus: protection of Cadent).</p> <p>(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.</p> <p>(3) If in accordance with the provisions of this Part of this Schedule—</p> <p>(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or</p> <p>(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 108 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved</p>	



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				<p>if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Cadent by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances (or it would be unlawful due to a statutory or regulatory change) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.</p> <p>(4) For the purposes of sub-paragraph (3)—</p> <p>(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and</p> <p>(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.</p> <p>(5) An amount which apart from this sub-paragraph would be payable to Cadent in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Cadent any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.</p> <p style="text-align: center;"><i>Indemnity</i></p> <p>104.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without</p>	

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				<p>limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus) or in consequence of the construction, use, maintenance or failure of any of the authorised development (including works carried out under article 22 (protective work to buildings)) by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker will—</p> <p>(a) bear and pay on demand accompanied by an invoice or claim from Cadent, the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and</p> <p>(b) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty, compensation or costs properly incurred by, paid by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.</p> <p>(2) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief will not (unless sub-paragraph (3) applies) excuse the</p>	

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				<p>undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.</p> <p>(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—</p> <p>(a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents; and</p> <p>(b) any part of the authorised development carried out by Cadent in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 11 (consent to transfer benefit of the Order).</p> <p>(c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable at the commencement of the relevant works referred to in sub-paragraph (1)</p> <p>(4) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.</p> <p style="text-align: center;"><i>Enactments and agreements</i></p> <p>105. Except where this Part of this Schedule provides otherwise or by agreement in writing between Cadent and the undertaker, nothing in this Part of this Schedule affects the provisions of any</p>	

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				<p>enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.</p> <p style="text-align: center;"><i>Co-operation</i></p> <p>106.—(1) Where in consequence of the proposed construction of any part of the authorised development, the undertaker or Cadent requires the removal of apparatus under paragraph 100(2) (removal of apparatus) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 102 (retained apparatus; protection of Cadent), the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Cadent’s undertaking and Cadent must use its best endeavours to co-operate with the undertaker for that purpose.</p> <p>(2) For the avoidance of doubt whenever Cadent’s consent, agreement or approval is required in relation to plans, documents or other information submitted by Cadent or the taking of action by Cadent, it must not be unreasonably withheld or delayed.</p> <p style="text-align: center;"><i>Access</i></p> <p>107. If in consequence of any agreement reached in accordance with paragraph 99(1) (acquisition of land) or the powers conferred by this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version									
				<p style="text-align: center;"><i>Arbitration</i></p> <p>108. Save for differences or disputes arising under subparagraphs 100(2) and 100(4) (removal of apparatus) and 102(11) (retained apparatus: protection of Cadent) any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by arbitration in accordance with article 54 (arbitration).</p> <p style="text-align: center;"><i>Notices</i></p> <p>109. Notwithstanding article 53 (service of notices) any plans submitted to Cadent by the undertaker pursuant to subparagraph 102(1) (retained apparatus: protection of Cadent) must be sent by email to Cadent Gas Limited Plant Protection at plantprotection@cadentgas.com as well as by post to Plant Protection, Cadent Gas Limited, Brick Kiln Street, Hinckley, Leicestershire, LE10 0NA, or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker in writing.</p>										
46	Schedule 10 (Documents To Be Certified)	N/A	These changes are required in order to reflect the revised documents that have been submitted to the Examination to date and to include reference to the new document that is now referred to in the dDCO submitted at Deadline 6 [TR010044/APP/3.1v4].	<table border="1"> <tr> <td colspan="2">SCHEDULE 10 DOCUMENTS TO BE CERTIFIED (extract)</td> <td>4</td> </tr> <tr> <td style="text-align: center;">(1) <i>Document</i></td> <td style="text-align: center;">(2) <i>Reference number</i></td> <td></td> </tr> <tr> <td>the book of reference</td> <td>TR010044/APP/4.3 revision 2</td> <td></td> </tr> </table>	SCHEDULE 10 DOCUMENTS TO BE CERTIFIED (extract)		4	(1) <i>Document</i>	(2) <i>Reference number</i>		the book of reference	TR010044/APP/4.3 revision 2		
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Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				the classification of road plans	TR010044/APP/2.9
				the Crown land plans	TR010044/APP/2.11 revision 2
				the de-trunking plans	TR010044/APP/2.5
				the First Iteration EMP	TR010044/APP/6.8 revision 2
				the engineering section drawings	TR010044/APP/2.10
				the environmental masterplan	Figure 2.4 within TR010044/APP/6.2 revision 2 3
				the environmental statement	TR010044/APP/6.1-6.3
				the general arrangement plans	TR010044/APP/2.4
				the land plans	TR010044/APP/2.2 revision 2
				the streets, rights of way and access plans	TR010044/APP/2.6 revision 2
				the traffic regulation measures plans	TR010044/APP/2.7

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				the permanent speed limit plans	TR010044/APP/2.8
				the works plans	TR010044/APP/2.3
				the outline construction traffic management plan	TR010044/APP/7.4 revision 2 3
				the archaeological mitigation strategy	TR010044/EXAM/9.23 revision 2
				the habitats plan	Figure 1 of Appendix 8.3 within TR010044/APP/6.3
				the biodiversity-pre-commencement plan	TR010044/APP/6.13
				the pre-commencement plan	TR010044/EXAM/9.48 revision 2
				the tree constraints plan	Appendix 7.5 Part 2 and Part 3 within TR010044/APP/6.3 revision 2
				scheme design approach and design principles	TR01044/EXAM/9.26
				flood risk assessment	Appendix 13.4 - Flood Risk Assessment, Appendix 13.4 - Flood Risk Assessment – Annex A – River Great Ouse Hydraulic Modelling

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				Report, Appendix 13.4 - Flood Risk Assessment – Appendix B – Ordinary Watercourse Modelling Report, Appendix 13.4 - Flood Risk Assessment – Annex C – Ordinary Watercourse Hydrology Report, within TR010044/APP/6.3 and Flood Risk Technical Note TR010044/EXAM/9.82	
47	Explanatory Note	N/A	To reflect the change of name from Highways England to National Highways	<p>This Order authorises <del>National Highways Highways England</del> to construct a new 10 mile (16km) dual 2-lane carriageway from the Black Cat roundabout to Caxton Gibbet roundabout, to be known as the A421 (defined herein as the ‘new dual carriageway’) and in addition approximately 1.8 miles (3km) of tie-in works.</p> <p>The Order permits <del>National Highways Highways England</del> to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.</p> <p>The Order also makes provision in connection with the maintenance of the authorised development.</p> <p>A copy of the plans, engineering section drawings, book of reference and environmental statement mentioned in this Order and certified in accordance with article <b>Error! Reference source not found.</b> (certification of documents, etc.) may be inspected free of charge during working hours at <del>National</del></p>	4



Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
				<del>Highways England</del> , Woodlands, Manton Industrial Estate, Manton Lane, Bedford MK41 7LW.	