

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.3 Schedule of Changes to the draft DCO

Planning Act 2008

Rule 8(1)(k)

Infrastructure Planning (Examination Procedure) Rules
2010

February 2022

Infrastructure Planning

Planning Act 2008

The Infrastructure (Examination Procedure) Rules 2010

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

9.3 Schedule of Changes to the draft DCO

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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/3.1v5]** (clean).
 - b. A comparison version of the dDCO showing all changes made since Rev 1 **[APP-025]** and the new Rev 6 **[TR010044/APP/3.1v6]** (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
Deadline 1 (31 August 2021)					
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 the 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 insert date 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) <i>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—</i> <i>(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or</i> <i>(b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order,...</i>	2
4	Article 23(1)(b)(iii) (Authority to survey and investigate the land)	N/A	To correct a cross referencing error.	<i>(iii) without limitation on the scope of sub-paragraph (a)(i), carry out ecological or archaeological investigations on such land, including making excavations or trial holes on the land for such purposes; and</i>	2

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(87) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land or the benefit of a restrictive covenant affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.</i>	2
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.	<p><i>58. - (1) Subject to the provisions of this article, during the construction of the authorised development the public right of navigation over any part of the River Great Ouse that is situated within the Order limits may be temporarily suspended with the written approval of the Environment Agency such approval (not to be unreasonably withheld).</i></p> <p><i>(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).</i></p>	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>“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;</i>	2

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
8	Schedule 2 (Requirements), Part 1 (Requirements) Requirement 6 (Landscaping)	N/A	To reflect further understanding regarding how the landscaping scheme will be brought forward post development consent. The landscape and ecology management plan will still form part of the Second Iteration EMP but it will now be supplemented at a later stage with the landscaping scheme in accordance with Requirement 6 of the dDCO [APP-025].	<p><i>Landscaping</i></p> <p>6.—(1) The No part of the authorised development must be landscaped in accordance with the detailed can come into use until a landscaping and ecology management plan forming part of the Second Iteration EMP containing scheme for that part which sets out details of all proposed hard and soft landscaping works and which has been is submitted to and approved in writing by the Secretary of State for approval in writing following consultation with the relevant planning authority.</p> <p>(2) The landscaping and ecology management plan scheme for each part must reflect the applicable mitigation measures for landscaping set out in the First Iteration EMP and the landscaping principles set out in the environmental masterplan.</p> <p>The landscaping and ecology management plan (3) The authorised development must be landscaped in accordance with the approved landscaping scheme for that part.</p> <p>(4) A landscaping scheme referred to in paragraph (1) must contain details of—</p> <p>(a) location, number, species, mix, size and planting density of any proposed planting;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p>(c) proposed finished ground levels;</p> <p>(d) existing trees to be retained, with measures for their protection during the construction period; and</p> <p>(e) implementation timetables for all landscaping works.</p> <p>(5) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of</p>	2

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 the a landscaping and ecology management plan scheme 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, noise bunds and low noise surfacing, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.</i></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 or restrictive covenants imposed	(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
Deadline 4 (04 November 2021)					
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'.	<p>"pre-commencement work" means:</p> <ul style="list-style-type: none"> (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 including utilities protection works or fencing and protection slabs; (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

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
1.	Article 2(1) Interpretation	N/A	To insert the definition of "tree constraints plan" referred to Schedule 8, Part 2.	"tree constraints 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
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</p>	<p>3...</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 or a water discharge activity;</p> <p>(b) section 24 (restrictions on abstraction) and section 25 (restrictions on impounding) of the Water Resources Act 1991(c);</p> <p>(e)(b) the provisions of any byelaws made under, or having effect as if made under, paragraph 5, 6 oref 6A erof Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991;</p> <p>(d)(c) section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(d)(c);</p> <p>(e)(d) section 32 (variation of awards) of the Land Drainage Act 1991;</p> <p>(f)(e) section 15 (temporary closure of recreational waterways) of the Anglian Water Authority Act 1977(e)(d);</p>	3

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Deadline 4 (04 November 2021)					
			<p>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 and some footnotes have been removed with footnote numbers also being updated.</p>	<p>(g)(f) Part 11 (Community Infrastructure Levy) of the 2008 Act; and</p> <p>(h)(g) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.</p> <p>(3) In paragraph (3)(2)(a) “flood risk activity” (f)(g) and “water discharge activity” (-) have has the meaning given in the Environmental Permitting (England and Wales) Regulations 2016.</p>	
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</p>	<p>9(1) 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) 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; and</p> <p>(b)(c) 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 and in respect of the authorised development comprising of highways other than a special road or a trunk road, the relevant local highway authority, certifies accordingly that a</p>	3

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			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 deviation may have an impact on local highway assets.	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.	
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>14 (1) On the date on which each of the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads etc.) are completed and open for traffic, they are it is to become a trunk roads s as if theyit 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 each of the roads described in Part 2 (classified roads) of Schedule 3 are is completed and open for traffic, it is they are to become a classified roads s 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 each of the roads described in Part 3 (unclassified roads) of Schedule 3 are is completed and open for traffic, it is they are to become an unclassified road for the purpose of any enactment or instrument which refers to unclassified roads.</p> <p>(4) From On the date on which each of the roads specified in Part 4 (speed limits) of Schedule 3 are is open for traffic, no</p>	3

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				<p>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 any the lengths of that road identified in the corresponding row of column (2) of that Part.</p> <p>(5) On From 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 apply to the lengths of road identified in the corresponding row of column (2) of that Part.</p>	
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>	<p>(7) Unless otherwise agreed in writing with the relevant planning local highway 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, subject to article 9 (limits of deviation), 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.</p>	3
6.	Article 14(16) (Classification of roads, etc.)	N/A	<p>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</p>	<p>(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</p>	3

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Deadline 4 (04 November 2021)					
			be subject to some change due to the application of the limits of deviation.	setting out the location of the as constructed footpaths, cycle tracks, footways and bridleways.	
7.	Article 29(2) (Public rights of way)	CCC	<p>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 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>29...</p> <p>(2) The undertaker must erect a site notice at each end of the rights of way to be extinguished specifying a date for its extinguishment, which date must be no sooner than the later of: no less than</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-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.</p>	3
8.	Article 45(1) (Felling or lopping of trees and removal of hedgerows)	N/A	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>(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> <p>from obstructing or interfering with the construction, maintenance or operation of the authorised development</p>	3

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Deadline 4 (04 November 2021)					
				<p>or any apparatus used in connection with the authorised development; or</p> <p>from constituting a danger to persons using the authorised development.</p>	
9.	Article 45(4) (Felling or lopping of trees and removal of hedgerows)	N/A	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 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.	<p>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)</p> <p>(a) remove any hedgerow described in Part 1 of Schedule 8 (hedgerows and trees); and</p> <p>(b) subject to consultation with the relevant local planning authority remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 of Schedule 8.</p>	
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	<p>55(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the date the opening of the last part of the authorised development is first open 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.</p>	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
			development is first open for public use.		
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
12.	Article 58 (Works in the River Great Ouse)	Environment Agency	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. The paragraph numbering and cross references in this article has also been updated as a result of the inclusion of the new paragraph (3).	58... (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. (3) For the purposes of paragraph (2), an emergency means a situation that exists that without the temporary suspension of navigation rights will present- (a) a risk to life or serious injury to one or more persons; (b) a substantial risk of significant damage to one or more vessels; (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 (d) a risk of serious environmental harm;	3

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Deadline 4 (04 November 2021)					
				<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>(3)(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"> (a) commencement date/s; (b) duration/s; and (c) the affected area, <p>and must include an explanation of the need for the proposed suspension or periods of suspension.</p> <p>(4)(5) The Environment Agency may in relation to any application for approval made under paragraph (2) impose reasonable conditions for any purpose described in paragraph (6)(5).</p> <p>(5)(6) Conditions imposed under paragraph (45) may include conditions as to—</p> <ul style="list-style-type: none"> (a) the limits of any area subject to a temporary suspension of the public right of navigation; (b) the duration of any temporary suspension; (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 (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. 	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
				<p>(6)(7) 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 contents to the notice of persons using or navigating the waterways.</p> <p>(7)(8) 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>(8)(9) 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	Work No. 99 – As shown on sheets 13 and 13B of the works plans the diversion and undergrounding of an overhead of an underground electricity cableline (730 metres in length)	3

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Deadline 4 (04 November 2021)					
			instead of an overhead electricity cable.	commencing south of the existing A428 and terminating north of the realigned A428 (Work No. 98e).	
14.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretations)	N/A	As the Applicant has submitted the Pre-Commencement Plan at Deadline 4 [TR010044/EXAM/9.48] this definition is required to ensure that this document is certified. The pre-Commencement Plan will apply to all 'pre-commencement works'.	-“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;	3
15.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 6 (Landscaping)	CCC	This amendment has been included as requested by CCC.	6. - (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 and the relevant local highway authority so far as it is relevant to their respective functions.	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.	9. The authorised development must be carried out, operated and maintained in accordance with the archaeological mitigation strategy 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.	3

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Deadline 4 (04 November 2021)									
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'.	Biodiversity Pre-Commencement Plan Works 20. Any pre-commencement operations-works must be carried out in accordance with the biodiversity pre-commencement plan <u>and the pre-commencement plan</u> .	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.	<p>SCHEDULE 3 CLASSIFICATION OF ROADS ETC. PART 2 CLASSIFIED ROADS (extract)</p> <table border="1"> <tr> <td>Cambridgeshire County Council, Abbotsley CP, St Neots CP</td> <td>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</td> </tr> <tr> <td>Cambridgeshire County Council, St. Neots CP, Abbotsley CP</td> <td>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.</td> </tr> </table>	Cambridgeshire County Council, Abbotsley CP, St Neots CP	The existing Cambridge Road roundabout, which will be re-classified as the AB 1428, point 8/5 on Sheet 8, as shown on the classification of road plans, comprising a length of 137 metres	Cambridgeshire County Council, St. Neots CP, Abbotsley CP	The realigned A428, which will be re-classified as the AB 1428, 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.	3
Cambridgeshire County Council, Abbotsley CP, St Neots CP	The existing Cambridge Road roundabout, which will be re-classified as the AB 1428, point 8/5 on Sheet 8, as shown on the classification of road plans, comprising a length of 137 metres								
Cambridgeshire County Council, St. Neots CP, Abbotsley CP	The realigned A428, which will be re-classified as the AB 1428, 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.								

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
				Cambridgeshire County Council, Abbotsley CP	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.
				Cambridgeshire County Council, Abbotsley CP	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.
				Cambridgeshire County Council, Abbotsley CP	The southbound carriageway of the Cambridge Road junction dumbbell link road, which will form part of the 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.

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version						
Deadline 4 (04 November 2021)											
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.	<p>SCHEDULE 3 CLASSIFICATION OF ROADS ETC. PART 7 FOOTPATHS, CYCLE TRACKS, FOOTWAYS AND BRIDLEWAYS (extract)</p> <table border="1"> <tr> <td>Bedford Borough Unitary Authority, Cambridgeshire County Council, Abbotsley CP</td> <td>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.</td> </tr> <tr> <td>Cambridgeshire County Council, Bedford Borough Unitary Authority, Abbotsley CP</td> <td>1606 metres of footpath from point 8/1 to point 8/2 as shown on Sheet 8 of the streets, rights of way and access plans.</td> </tr> <tr> <td>Cambridgeshire County Council, Toseland CP, Croxton CP, Yelling CP</td> <td>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.</td> </tr> </table>	Bedford Borough Unitary Authority , 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, Bedford Borough Unitary Authority , Abbotsley CP	1606 metres of footpath from point 8/1 to point 8/2 as shown on Sheet 8 of the streets, 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.	3
Bedford Borough Unitary Authority , 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, Bedford Borough Unitary Authority , Abbotsley CP	1606 metres of footpath from point 8/1 to point 8/2 as shown on Sheet 8 of the streets, 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.										

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
Deadline 4 (04 November 2021)						
				Cambridgeshire County Council, Caxton CP	1490 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.	
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].	13/4 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, 98c, 99, 103	3
				13/4 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	
				13/140 d	Installation, maintenance and use of electric lines, cables, equipment and apparatus for utilities operators.	Work Nos. 98e, 99, 100

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
				<p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
				<p><u>13/14f</u></p> <p><u>Installation, maintenance and use of apparatus for utilities operators.</u></p> <p><u>Right to pass and repass with or without plant and vehicles and including access to highways.</u></p> <p><u>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. 91, 98b, 98c, 99, 103</u></p>

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
				<p><u>13/14g</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.</p>	<p><u>Work Nos. 91, 98b, 103</u></p>
				<p>44/7b 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.</p>	<p>Work Nos. 91, 103</p>

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
				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>	<u>Work Nos. 103, 104</u>
				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.	Work Nos. 103, 104
				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.</u>	<u>Work Nos. 91, 103</u>

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
Deadline 4 (04 November 2021)								
						<u>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>		
				14/21e		<u>Installation, maintenance and use of electric lines, cables, equipment and apparatus.</u> <u>Right to pass and repass with or without plant and vehicles and including access to highways.</u> <u>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>	<u>Work Nos. 109a, 110</u>	
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].	Abbotsley	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												
Deadline 4 (04 November 2021)																	
				<table border="1"> <tr> <td>Abbotsley</td> <td>9/12b</td> <td>Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.</td> <td>Work No. 85</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>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track</td> <td>Work Nos. 91, 98b</td> </tr> </table>	Abbotsley	9/12b	Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.	Work No. 85	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	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track	Work Nos. 91, 98b	
Abbotsley	9/12b	Required to provide temporary storage, laydown areas, access and working space to facilitate works to existing Bridleway 1/18.	Work No. 85														
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	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the access track	Work Nos. 91, 98b														

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version												
Deadline 4 (04 November 2021)																	
				<table border="1"> <tr> <td></td> <td></td> <td>from the Eltisley South roundabout.</td> <td></td> </tr> <tr> <td>Eltisley</td> <td>13/10a</td> <td>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the Eltisley link.</td> <td>Work Nos. 98b, 98d, 98e</td> </tr> <tr> <td>Eltisley</td> <td>13/10e</td> <td>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the Eltisley link.</td> <td>Work Nos. 91, 98e</td> </tr> </table>			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	
		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
Deadline 4 (04 November 2021)							
				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
Deadline 4 (04 November 2021)							
				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												
Deadline 4 (04 November 2021)																	
				<table border="1"> <tr> <td>Eltisley ; Papworth Everard</td> <td>14/6d</td> <td>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.</td> <td>Work Nos. 106, 109a</td> </tr> <tr> <td>Eltisley</td> <td>14/7c</td> <td>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.</td> <td>Work Nos. 91, 103</td> </tr> <tr> <td>Eltisley</td> <td>14/21c</td> <td>Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the dual carriageway and the westbound</td> <td>Work Nos. 91, 103</td> </tr> </table>	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	
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
Deadline 4 (04 November 2021)							
						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

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
Deadline 4 (04 November 2021)						
22.	Schedule 8 (Hedgerows and Trees) Part 2 (Trees Subject to Tree Preservation Orders)	N/A	These changes are required to refer to the drawing showing the locations of the trees subject to a Tree Preservation Order.	<p style="text-align: center;">(1)</p> <p style="text-align: center;"><i>Name of Order / Type of tree</i></p> <p>Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(not found at the time of survey)</u></p> <p>Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(not found at the time of survey)</u></p> <p>Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Oak) <u>(not found at the time of survey)</u></p> <p>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></p> <p>Land at Croxton Estate, Croxton Road, Toseland, Cambridgeshire (TPO No. 007/84 G1) (Plum, Dogwood) <u>(not found at the time of survey)</u></p> <p>Land at Croxton Estate, Croxton Road, Toseland,</p>	<p style="text-align: center;">(2)</p> <p style="text-align: center;"><i>Work to be carried out</i></p> <p>Remove single tree</p> <p>Remove single tree</p> <p>Remove single tree</p> <p>Remove full group of trees</p> <p>Remove part of tree group</p> <p>Remove single tree</p>	3

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
			Cambridgeshire (TPO No. 007/84 T6) (Oak) <u>(not found at the time of survey)</u>		
			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	Remove single tree	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 4 (04 November 2021)					
			Great Barford Tree Preservation Order 1959 (7/190/2/031) assumed G7 (Oak, Horse Chestnut, Sycamore, Lime, Ash) (as shown on Sheet 13 of the tree constraints plan)		
			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) (as shown on Sheet 13 of the tree constraints plan)	Remove single tree	
			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) (as shown on Sheet 13 of the tree constraints plan)	Remove part of tree group	
			Land situated within enclosure pt. 122 on Ordnance Sheet	Remove part of tree group	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version				
Deadline 4 (04 November 2021)									
				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) (as shown on Sheet 13 of the tree constraints plan)					
				Land situated within enclosure Nos. 9144 and 1743 and land (Parish: Eltisley CP) (TPO No. 5/84/SC) (Hawthorn / Elm) (as shown on Sheet 49 of the tree constraints plan)	Remove full tree group				
				Land situated within enclosure Nos 9144 and 1743 (Parish: Eltisley CP) (TPO No. 5/84/SC) (Ash / Hawthorn) (as shown on Sheet 49 of the tree constraints plan)	Remove part of tree group				
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	<p>SCHEDULE 10 DOCUMENTS TO BE CERTIFIED (extract)</p> <table border="1"> <thead> <tr> <th>(1) Document</th> <th>(2) Reference number</th> </tr> </thead> <tbody> <tr> <td>the book of reference</td> <td>TR010044/APP/4.3 revision 2</td> </tr> </tbody> </table>	(1) Document	(2) Reference number	the book of reference	TR010044/APP/4.3 revision 2	3
(1) Document	(2) Reference number								
the book of reference	TR010044/APP/4.3 revision 2								

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version																						
Deadline 4 (04 November 2021)																											
			submitted at Deadline 4 [TR010044/APP/3.1v3].	<table border="1"> <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 revision 2</td> </tr> <tr> <td>the de-trunking plans</td> <td>TR010044/APP/2.5</td> </tr> <tr> <td>the First Iteration EMP</td> <td>TR010044/APP/6.8</td> </tr> <tr> <td>the engineering section drawings</td> <td>TR010044/APP/2.10</td> </tr> <tr> <td>the environmental masterplan</td> <td>Figure 2.4 within TR010044/APP/6.2 revision 2</td> </tr> <tr> <td>the environmental statement</td> <td>TR010044/APP/6.1-6.3</td> </tr> <tr> <td>the general arrangement plans</td> <td>TR010044/APP/2.4</td> </tr> <tr> <td>the land plans</td> <td>TR010044/APP/2.2 revision 2</td> </tr> <tr> <td>the streets, rights of way and access plans</td> <td>TR010044/APP/2.6 revision 2</td> </tr> <tr> <td>the traffic regulation measures plans</td> <td>TR010044/APP/2.7</td> </tr> </table>	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	the engineering section drawings	TR010044/APP/2.10	the environmental masterplan	Figure 2.4 within TR010044/APP/6.2 revision 2	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	
the classification of road plans	TR010044/APP/2.9																										
the Crown land plans	TR010044/APP/2.11 revision 2																										
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the engineering section drawings	TR010044/APP/2.10																										
the environmental masterplan	Figure 2.4 within TR010044/APP/6.2 revision 2																										
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
Deadline 4 (04 November 2021)					
				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
				the archaeological mitigation strategy	TR010044/ APP/6.12 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
				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
Deadline 6 (14 December 2021)					
1	Table of Contents	N/A	To reflect the additional Part 8 Protective Provision	PART 8 — FOR THE PROTECTION OF CADENT GAS LIMITED PART 8 — FOR THE PROTECTION OF CADENT GAS LIMITED ²²⁷ SCHEDULE 10— DOCUMENTS TO BE CERTIFIED 222226 234	4
2	Table of Contents	N/A	To reflect the change of name from CLH Pipeline (CLH PS) LTD to Exolum Pipeline System Limited	PART 6 — FOR THE PROTECTION OF CLH PIPELINE SYSTEM (CLH PS) LTD 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'	“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	4

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				works , and “commencement” is to be construed accordingly;	
4	Article 2 (Interpretation)	N/A	To reflect the change of name from Highways England Company Limited to National Highways Limited.	“undertaker” means Highways England Company Limited; National Highways Limited (previously called Highways England Company Limited) , 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) EXOLUM Pipeline System Ltd CLH Pipeline Systems (CLH PS) Ltd (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.	Cambridge Water Plc South Staffordshire Water PLC (company number 0266274203175861), whose registered office is at Green Lane, Walsall, West Midlands, WS2 7PD 90 Fulbourn Road, Cherry Hinton, Cambridge CB1 9JN for the purposes of undertaking Work Nos. 100, 103 and 107;	4
7	Article 13(5) (Construction and maintenance of new, altered or	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	4

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	diverted streets and other structures)			local highway authority and the remainder of the bridge, including the waterproofing membrane and any culverts or other structures laid under it structure below , 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, the surface of the bridge (being those elements over the waterproofing membrane) must be maintained by and at the expense of the undertaker 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.	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, the surface of the bridge (being those elements over the waterproofing membrane) must be maintained by and at the expense of the local highway authority undertaker and the structure of the bridge must be maintained by and at the expense of the undertaker.	4

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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 or dates 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 or dates as the date or dates on which they were to cease to be trunk roads.	4
11	Article 14(9) (Classification of roads, etc.)	N/A	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. 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]. (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.	4
12	Article 14(17) (Classification of roads, etc.)	N/A	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	(4617) Upon 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	4

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			months of that way being handed over to that local highway authority. The inclusion of the three month period has been inserted to address a comment received from the Cambridgeshire Authorities.	as constructed footpaths, cycle tracks, footways and bridleways.	
13	Article 18(2)(a) (Permanent stopping up and restriction of use of streets and private means of access)		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.	(18) ... (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 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	4
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 and , subject to the article 9 (limits of deviation);	4

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				shown on the streets, rights of way and access plans, is open for use by the public.	
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 as required by the First Iteration EMP ;	4
16	Schedule 2 (Requirements) Part 1 (Requirements) Paragraph 1 (Interpretation)	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 under article 52 (certification of documents etc) which includes an outline plan for the following: <ul style="list-style-type: none"> (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; 	4

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				<ul style="list-style-type: none"> (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
	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

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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; and (b) the principles set out in the environmental masterplan; and (c) the design principles set out in the scheme design approach and design principles, 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	4

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				effects in comparison with those reported in the environmental statement.	
20	Schedule 2 (Requirements) Part 1 (Requirements) Requirement 21 (Flood risk assessment)	The Environment Agency	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>Flood risk assessment</p> <p>21. —(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) Requirement 22 - 26	N/A	Following the addition of new Requirement 21 (Flood risk assessment) all numbering for the succeeding requirements have changed.	All numbering from Requirements 22 to 25 have increased by one.	4

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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	
24	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways)	N/A	These amendments are required to correct minor errors in the measurements.	Cambridgeshire County Council, Abbotsley CP, St. Neots CP	402 372 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,	459 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.	

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	And Bridleways)			Abbotsley CP	
				Cambridgeshire County Council, Abbotsley CP	1919 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	22834 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	10195 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.
				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.
				...	

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				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.			
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	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 I1 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 I3 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	

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	Otherwise To Be Provided)						and access plans.		

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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. 4040 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,	

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					rights of way and access plans. ...
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>Interpretation</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> <p>“plans” includes all designs, sections, drawings, risk assessments, soil reports, drainage reports, specifications,</p>	4

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				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>Construction of specified works</p> <p>20</p> <p>...</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 8 weeks 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the A agency for approval and, in the case of a refusal, accompanied by a statement of the grounds 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 28 days 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the drainage authority for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal;</p>	4

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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>Construction of specified works</p> <p>23. (1) Subject to sub-paragraph (6), the undertaker must from the commencement of the construction of a specified work until the date falling 12 months from the date of completion of such specified work (“the maintenance period”); 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. 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.</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>Construction of specified works</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, including the highway authority, is liable to maintain and is not proscribed by the powers of this Order from doing so;</p>	4

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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.	Works on the adopted highway 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.	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.	Expenses 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 — ... (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.	4
34	Schedule 9 (Protective Provisions) Part 3 (For The	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.	Expenses 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	4

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	Protection Of The Environment Agency And Drainage Authorities)			<p>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> <p>(3)For the avoidance of doubt, in sub-paragraph (2) liabilities includes</p> <p>(a)contractual liabilities;</p> <p>(b)tortious liabilities;</p> <p>(c)liabilities to pay statutory compensation for breach of statutory duty;</p> <p>(d)liabilities to pay statutory penalties imposed on the basis of strict liability (but does not include liabilities to pay other statutory penalties)</p>	

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				<p>(4)The drainage authority must give to the Applicantundertaker reasonable notice of any such claim or demand and no settlement or compromise shall be made without the agreement of the undertaker Applicant 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 Applicant 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 Applicant 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> <p>(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.</p>	
35	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment)	N/A	This agreed change has been included at the request of Central Bedfordshire Council.	<p>Arbitration</p> <p>29. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, may if the parties agree, is to be determined by arbitration under article 54(arbitration) but may shall 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</p>	4

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	Agency And Drainage Authorities)			Applicant undertaker or the drainage authority, after notice in writing by one to the other.	
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>Interpretation</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 (within the meaning of section 219 of that Act) 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	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</p>	4

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	Of Anglian Water Services Limited)			any right of Anglian Water to maintain that apparatus in that land must not (without the prior written consent of Anglian Water) be extinguished, until: (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 (b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 86.	
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.	Removal of apparatus 85 ... (6)Regardless of anything in sub-paragraph (5), if the undertaker Anglian Water gives notice in writing to the undertaker Anglian Water that it the undertaker desires itself the undertaker to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker 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 , 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.	4

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39	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.	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 consequence of the execution of any such works as are referred to in this Part of the Schedule paragraph 85(2) .	
	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	
40	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water)	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 (within the meaning of section 219 of that Act) or sewer outfall and	4

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	Services Limited) Requirement 80 (d) (Interpretation)			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 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;	
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 (without the prior written consent of Anglian Water) 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
42	Schedule 9 (Protective Provisions) Part 7 (For The Protection	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 ... (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-	4

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	Of Anglian Water Services Limited) Requirement 85 (7) (Removal of Apparatus)			<p>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>	
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
44	Schedule 9 (Protective Provisions) Part 7 (For The Protection	Anglian Water	This agreed change has been included at the request of Anglian Water.	<p>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.</p>	4

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	Of Anglian Water Services Limited) Requirement 93 (Cooperation)				
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 style="text-align: center;"><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 style="text-align: center;"><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 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</p>	4

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				<p>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</p>	

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				<p>apparatus 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</p>	

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				<p>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 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>	

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				<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> <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>	

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				<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 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>	

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				<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>Acquisition of land</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 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</p>	

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				<p>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> <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</p>	

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				<p>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 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</p>	

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				<p>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 if 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 be constructed in such manner and in such</p>	

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				<p>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</p>	

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				<p>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 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>	

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				<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> <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</p>	

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				<p>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 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</p>	

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				<p>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 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</p>	

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				<p>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> <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-</p>	

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				<p>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 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 subparagraph would be payable to Cadent by virtue of subparagraph (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>	

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				<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 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</p>	

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				<p>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 undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to</p>	

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				<p>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</p>	

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				<p>undertaker, nothing in this Part of this Schedule affects the provisions of any 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</p>	

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				<p>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> <p style="text-align: center;"><i>Arbitration</i></p> <p>108. Save for differences or disputes arising under sub-paragraphs 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 sub-paragraph 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	<p>SCHEDULE 10</p> <p>DOCUMENTS TO BE CERTIFIED</p> <p>(extract)</p>	4

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made		DCO Version
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			document that is now referred to in the dDCO submitted at Deadline 6 [TR010044/APP/3.1v4].	(1) <i>Document</i>	(2) <i>Reference number</i>	
				the book of reference	TR010044/APP/4.3 revision 2	
				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	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				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
				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

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				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 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

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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47	Explanatory Note	N/A	To reflect the change of name from Highways England to National Highways	<p>This Order authorises National Highways Highways England 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 National Highways Highways England 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 52 (certification of documents, etc.) may be inspected free of charge during working hours at National Highways Highways England, Woodlands, Manton Industrial Estate, Manton Lane, Bedford MK41 7LW.</p>	4

Table 40-4: Summary of changes made to the dDCO Rev 5 [TR010044/APP/3.1v5] submitted at Deadline 9 from the dDCO Rev 4 [REP6-003] submitted at Deadline 6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 9 (25 January 2022)					
1	Article 2(1) Interpretation	N/A	New definition proposed in response to ExA comments at Q4.2.2.4 of the Examining Authority's proposed schedule of changes to the draft DCO.	land adjacent to the Order limits" means any land outside but adjacent to the Order limits which is reasonably necessary to construct or maintain the authorised development or any section or part of the authorised development;"	5
2	Article 2(1) Interpretation	Cambridgeshire County Council (CCC)	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028].	"pre-commencement work" means; ... (a) protection works including utilities protection works or fencing and protection slabs;	5
3	Article 2(1) Interpretation	N/A	As Requirement 16 now sets out a process distinct from 'commencement' triggers, it is not necessary to include this exclusion here.	"pre-commencement work" means; ... (k) demolition (save in relation to Brook Cottages);	5
4	Article 4(2) (Development consent etc. granted by the Order)	N/A	Amendment proposed in response to ExA comments at Q4.2.2.4 of the Examining Authority's proposed schedule of changes to the draft DCO.	... (2) Any enactment applying to land within or adjacent to the Order limits or land adjacent to the Order limits has effect subject to the provisions of this Order.	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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5	Article 11(3) (Consent to transfer benefit of Order)	N/A	Amendment proposed in response to ExA comments at Q4.3.6.1 of the Examining Authority's proposed schedule of changes to the draft DCO to clarify that those entities listed in paragraph (5) are statutory undertakers for the purposes of the allocation of compensation payments.	... (3)The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker save where those benefits or rights are exercised by a statutory undertaker (which for the purposes of this article includes any entity listed in paragraph (5)), save where those benefits or rights are exercised by a statutory undertaker or by an owner or occupier of land pursuant to paragraph (2) of article 28 (compulsory acquisition of rights and imposition of restrictive covenants) of this Order, in which case liability for the payment of compensation remains with the undertaker.	5
6	Article 13(1) – (2) (Construction and maintenance of new, altered or diverted streets and other structures)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028] .	13—(1) Subject to paragraphs (45) to (89) any highway (other than a special road or a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the relevant local highway authority in whose area the highway lies. The local highway authority will signify that it is reasonably satisfied by the issue of a certificate to that effect.and, Unless otherwise agreed in writing with the relevant local highway authority, the highway within the boundary specified in the certificate by the relevant local highway authority (including any culverts or other structures laid under it) must be maintained by and at the expense of	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>the relevant local highway authority from its completion date of issue of the certificate by the local highway authority.</p> <p>(2) Subject to paragraphs (45) to (89) where a highway (other than a special road or a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the relevant local highway authority in whose area the highway lies. The local highway authority will signify that it is reasonably satisfied by the issue of a certificate to that effect. and, Unless otherwise agreed in writing with the relevant local highway authority, that part of the highway within the boundary specified in the certificate by the relevant local highway authority (including any culverts or other structures laid under it) must be maintained by and at the expense of the relevant local highway authority from its completion date of issue of the certificate by the local highway authority.</p>	
7	Article 13(3) (Construction and maintenance of new, altered or diverted streets and other structures)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028].	<p>...</p> <p>(3) subject to paragraphs (5) to (9) where a footpath, cycle track or bridleway is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the relevant local highway authority and, unless otherwise agreed in writing with the relevant local highway authority, that part of the highway including any culverts or other structures laid under it must be maintained by and at the expense of the relevant local highway authority from its completion.</p>	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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8	Article 13 (11) (Construction and maintenance of new, altered or diverted streets and other structures)	N/A	Numbering updated as a result of the deletion of paragraph (3) noted above.	(11) For the purposes of a defence under paragraph (104), the court must in particular have regard to the following matters—	5
9	Article 13 (Construction and maintenance of new, altered or diverted streets and other structures)	N/A	Numbering updated as a result of the deletion of paragraph (3) noted above.	Numbering updated from paragraph (3) to (12).	5
10	Article 14(7) & (9) (Classification of roads, etc.)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028] but to adapted to retain 'consultation' rather than 'agreement'.	... (7) Unless otherwise agreed in writing with the relevant local highway 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,	5

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				<p>subject to article 9 (limits of deviation), to be constructed by the undertaker in the specified locations and open for use from the date on which the last of the roads described in Parts 1 to 3 of Schedule 3 (classification of roads etc.) is completed and open for traffic the authorised development is open for traffic or in each case such earlier date as may be required pursuant to article 18(2)(a).</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 and following consultation with the relevant local highway authority as to the date and whether the highway to be de-trunked is of a reasonably satisfactory standard for use as a local highway.</p>	
11	Article 14(17) & (9) (Classification of roads, etc.)	CCC	Amendment made to clarify that this paragraph relates to the 'local' highway authority.	(17) Within 3 months of 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 the undertaker will provide the location of the as constructed footpaths, cycle tracks, footways and bridleways.	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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12	Article 18(1) (Permanent stopping up and restriction of use of streets and private means of access)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028] to account for the potential need to vary the stopping up of old rights of way as a result of the deviation of replacement rights of way.	(1) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised development, stop up each of the streets and private means of access shown on the streets, rights of way and access plans and specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to the extent specified and described, subject to the powers of deviation contained within article 9 (limits of deviation) , in column (3) of those Parts of that Schedule.	
13	Article 18 (2) (Permanent stopping up and restriction of use of streets and private means of access)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028] (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 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, subject to the powers of deviation contained within article 9 (limits of deviation) , in column (4) of those Parts of that Schedule subject to the limits of deviation shown on the streets, rights of way and access plans , has been completed to the reasonable satisfaction of the street authority and is open for use; or	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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14	Article 23(1) (Authority to survey and investigate the land)	N/A	Amendment proposed in response to ExA comments at Q4.2.2.4 of the Examining Authority's proposed schedule of changes to the draft DCO.	... 23—(1) The undertaker may for the purposes of the this Order construction, operation or maintenance of the authorised development enter on— (a) any land shown within the Order limits; and (b) where reasonably necessary, any land which is adjacent to but outside the Order limits, and—	5
15	Article 29(2) (b) (Public rights of way)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028].	... (2) The undertaker must erect a site notice at each end of the rights of way to be extinguished specifying a date for its extinguishment, which date must be no sooner than the later of: (a) 28 days after the date on which the site notices are erected; and (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, subject to the limits of deviation shown on the streets, rights of way and access plans powers of deviation contained within article 9 (limits of deviation), is open for use by the public.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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16	Article 39 (1) (Rights under or over streets)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028]	(1) Provided that it has given the street authority at least 28 days' prior notice (or such lesser period as the street authority may agree), tThe undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.	
17	Article 40 (9) (Temporary use of land for carrying out the authorised development)	N/A	Amendment proposed in response to ExA comments at Q4.6.3.1 of the Examining Authority's proposed schedule of changes to the draft DCO.	... (9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 38 (acquisition of subsoil or airspace only). (a)acquiring new rights over any part of that land under article 28 (compulsory acquisition of rights and imposition of restrictive covenants);(b)	5
18	Article 41 (7) (Temporary use of land for carrying out the authorised development)	N/A	Correction of paragraph reference.	... (7) Any dispute as to the removal of temporary works and restoration of land under paragraph (6) does not prevent the undertaker giving up possession of the land.	5

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19	Article 56 (4) & (6) (Removal of human remains)	N.A	Correction of paragraph references.	<p>...</p> <p>(4) As soon as reasonably practicable after the first publication of a notice under paragraph (32) the undertaker must send a copy of the notice to the relevant planning authority.</p> <p>...</p> <p>and that person is to, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (110).</p>	5
20	Article 58 (5),(6) (8) &(9) (Works in the River Great Ouse)	N/A	Correction of paragraph references.	<p>...</p> <p>(5)The Environment Agency may in relation to any application for approval made under paragraph (2) impose reasonable conditions for any purpose described in paragraph (35).</p> <p>(6) Conditions imposed under paragraph (54) may include conditions as to—</p> <p>...</p> <p>(8) 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>(9) An approval of the Environment Agency under this article is not deemed to have been approved, if approval</p>	5

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				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.	
21	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretations)	Historic England and Bedford Borough Council	Added as a result of the updated Brook Cottages Requirement 16.	"Brook Cottages heritage strategy" means the document of that description listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the Brook Cottages heritage strategy for the purposes of this Order; "Brook Cottages soft strip" means the soft strip referred to in the Brook Cottages heritage strategy at section [3];	5
22	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretations)	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028] to clarify the mechanism for determining contaminated land.	"contaminated land" means land which the undertaker considers would amount to contaminated land has the same within the meaning as that given in section 78A(2)(a) or (b) of the Environmental Protection Act 1990(1);	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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23	Schedule 2 (Requirements) Part 1 (Requirements) (Requirement (2))	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028].	... (2)The landscaping scheme for each part must reflect be substantially in accordance with the applicable mitigation measures for landscaping set out in the First Iteration EMP and the landscaping principles set out in the environmental masterplan.	5
24	Schedule 2 (Requirements) Part 1 (Requirements) (Requirement 16) (1))	Historic England and Bedford Borough Council	This Requirement has been updated in line with the draft approved by Historic England and Bedford Borough Council and shared to the Examination at Deadline 8 [REP8-017].	16.- (1) Subject to paragraphs (2) and (5), the dismantling of Brook Cottages comprised within Work No.21 must be carried out in accordance with the Brook Cottages heritage strategy unless otherwise agreed with the Secretary of State. (2) At the completion of the Brook Cottages soft strip, the undertaker must provide to Historic England and Bedford Borough Council a report containing: (a) information on the heritage interest and significance of Brook Cottages; (b) details of the existing physical condition of Brook Cottages; and (c) in light of (a) and (b) above, options for dismantling Brook Cottages and if relevant, storing, transporting and reconstructing those elements of Brook Cottages that could be relocated to conserve the historic fabric. (3) Within 35 days of receipt of the information set out in paragraph (2), Historic England, in consultation with	5

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				<p>Bedford Borough Council, must advise the undertaker of the suitability of proceeding with relocation and, if Historic England advises that the historic fabric is suitable for relocation, it must confirm an approved method of dismantling and storing the historic fabric.</p> <p>(4) Unless Historic England, in consultation with Bedford Borough Council, advise that the historic fabric is suitable for relocation within 35 days in accordance with paragraph (3) the undertaker must proceed with dismantling and recording as set out in the Brook Cottages heritage strategy but is not required to take any further steps in relation to relocation.</p> <p>(5) If Historic England, in consultation with Bedford Borough Council, advises that the historic fabric is suitable for relocation then, unless otherwise agreed with the Secretary of State, the undertaker must complete the dismantling and store the historic fabric using the approved method confirmed by Historic England under paragraph (3).</p> <p>(6) As soon as reasonably practicable following dismantling and storage of the historic fabric in accordance with paragraph (5) the undertaker must, submit to the Secretary of State for approval, in consultation with Bedford Borough Council and Historic England, either:</p> <ul style="list-style-type: none"> (a) details demonstrating why reconstruction is not appropriate; or (b) details of: <ul style="list-style-type: none"> (i) an appropriate future use for the historic fabric; 	

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				<p>(ii) a suitable receptor willing to receive the historic fabric;</p> <p>(iii) the method of transporting the historic fabric for reconstruction;</p> <p>(iv) a schedule of works for reconstruction; and</p> <p>(v) a timetable for the completion of the reconstruction.</p> <p>(7) In the event that the Secretary of State approves details for the relocation of the historic fabric under sub-paragraph (6)(b), the undertaker must relocate the historic fabric in accordance with the details so approved, unless otherwise agreed with the Secretary of State.</p> <p>(8) The undertaker must provide a copy of the level 3 record to Bedford Borough Council and Historic England on completion of the dismantling.</p> <p>16 The demolition of Brook Cottages comprised within Work No.21 must not commence until a method statement for its demolition has been submitted to the Secretary of State for approval in consultation with the relevant planning authority and Historic England. The method statement must contain proposals to record Brook Cottages to a Level 3 standard as set out in the archaeological mitigation strategy during the process of demolition. Brook Cottages may only be demolished in accordance with the approved method statement unless otherwise agreed with the Secretary of State and a copy of the level 3 record must be</p>	

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				<p>provided to the relevant planning authority and Historic England on completion of the demolition.</p> <p>17 The method statement submitted for approval under paragraph (1) must include an assessment to determine which structural elements of Brook Cottages are capable of reconstruction. Where the results of the assessment identify structural elements that are capable of reconstruction the method statement must contain:</p> <p>18 details for its demolition, storage and reconstruction, including an inventory of all building materials to be re-used with justification for any historic fabric excluded, details of a suitable receptor willing to receive the structural elements to be reconstructed, and a timetable for the completion of the reconstruction; or</p> <p>19 demonstrate why reconstruction is not appropriate.</p>	
25	Schedule 2 (Requirements) Part 1 (Requirements) (Requirement 19) (2))	CCC	Amendment proposed in response to CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028] to limit the scope of start-up and shut down activity.	<p>(1) Construction work for the authorised development must only take place between 0700 hours and 1800 hours Monday to Friday, and 0700 hours to 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in paragraph (2). paragraphs(2) and (3).</p> <p>Outside the hours and days specified in paragraph (1), daily start up and shut down is permitted and construction work may be undertaken for essential activities assessed in the environmental statement including but not limited to comprising—</p>	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<ul style="list-style-type: none"> (a) bridge and gantry demolition and installation including the installation of safety systems; (b) works over and adjacent to the East Coast Main Line railway; (c) lifting operations; (d) site clearance of vegetation adjacent to live carriageways; (e) site clearance of signs, street furniture and lighting columns adjacent to live carriageways; (f) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation, including delivery of plant; (g) junction and highway tie-in works; (h) installation of temporary and permanent line markings; (i) traffic management measures and signal changes; (j) installation of signs and technology; (k) any emergency works or operations required for safe working; (l) continuous periods of operations, such as completing concrete pouring; (m) non-intrusive environmental and engineering surveys; or 	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>(n) as otherwise agreed by the relevant local authority in advance.</p> <p>(3) Outside the hours and days specified in paragraph (1), the undertaker may with the prior written consent of the relevant planning authority carry out the following activities—</p> <p>(a) concrete pours and piling, diaphragm wall works, pavement operations;</p> <p>any emergency works;</p> <p>(b) work associated with the diversion of existing utilities, including the removal of overhead power lines;</p> <p>(c) earthworks operations, including excavation, filling, transport, placing and compacting of earthworks material;</p> <p>(d) intrusive environmental and engineering surveys; or</p> <p>(e) activities assessed in the environmental statement which do not fall within paragraph (2). as otherwise agreed by the relevant local authority in advance.</p>	
26	Schedule 2 (Requirements) Part 1 (Requirements) (new Requirement (22))	N/A	Additional requirement added in response to ExA comments at Q4.8.1.7 of the Examining Authority's proposed schedule of changes to the draft DCO in accordance with 'National Highways Statement on Operational Phase	<p>Local traffic monitoring</p> <p>22. —(1) Before any part of the authorised development is open for traffic, the undertaker must submit written details of an operational traffic monitoring scheme for approval to the Secretary of State following consultation with the relevant local highway authority for the following locations:</p>	5

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			Monitoring [TR01004/EXAM/9.116] submitted at Deadline 9.	<p>(a) Great North Road, between A428 and Nelson Road;</p> <p>(b) Cambridge Road, between Station Road and A428;</p> <p>(c) Park Street East, Dry Drayton;</p> <p>(d) Brook Lane, Coton; and</p> <p>(e) St Neots Road, Sandy.</p> <p>(2) The operational traffic impact monitoring scheme must include—</p> <p>(a) a survey to assess baseline traffic levels at the locations listed in sub-paragraph (1)(a) to (e);</p> <p>(b) an operational traffic survey at the locations listed in sub-paragraph (1)(a) to (e) within the first year and fifth year following the date on which the authorised development is fully completed and open for traffic to assess the changes in traffic from the baseline;</p> <p>(c) the methodology to be used to collect the required data;</p> <p>(d) the periods over which operational traffic is to be monitored; and</p> <p>(e) proposals for the submission of the survey data collected and an interpretative report to be provided to the relevant local highway authority.</p> <p>(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker unless otherwise agreed in writing with the Secretary of State.</p>	

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27	Schedule 2 (Requirements) Part 1 (Requirements (Requirements (22 – 26))	N/A	Requirement numbers and as a result of additional requirement 22 (above).	Requirement 22, changed 23, requirement 23 changed to 24, requirement 24 changed to 25, requirement 25 changed to 26, and requirement 26 changed to 27.	5
28	Schedule 2 (Requirements) Part 1 (Requirements (Requirement (23))	N/A	Paragraph reference updated as a result of additional requirement 22 (above).	(1) - Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with— the day immediately following that on which the application is received by the Secretary of State; the day immediately following that on which further information has been supplied by the undertaker under paragraph 225; or	5

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29	Schedule 2 (Requirements) Part 1 (Requirements) (Requirement (24))	N/A	Paragraph reference updated as a result... of additional requirement 22 (above).	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 24 and in this paragraph.	5		
30	Schedule 3 (Classifications Of Roads, Etc.), Part 5 (Traffic Regulation Measures (Clearways And Prohibitions))	N/A	Correction of sub-paragraph reference.	In this Part of this Schedule, "authorised vehicle" has the same meaning as that given in article 14(516).	5		
31	Schedule 3 (Classifications Of Roads, Etc.), Part 8 (Roads to be Detrunked)	CCC	Updated to reflect CCC falls under the area under Part 8 of schedule 3 as proposed by CCC Comments on Applicant's updated dDCO, Explanatory Memorandum and Schedule of changes to the dDCO [REP8-028].	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">(1) Area Parish</td> <td style="width: 50%; text-align: center;">(2) Length of Road</td> </tr> </table>	(1) Area Parish	(2) Length of Road	5
(1) Area Parish	(2) Length of Road						

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				<p>Cambridgeshire County Council, St. Neots CP, Abbotsley CP</p> <p>Existing A428 carriageway between point A on Sheet 7 and point B on Sheet 9, inclusive of the roundabouts, as shown on Sheets 6, 7, 8 and 9 of the de-trunking plans, for a total length of 5258 metres.</p>	
				<p>Cambridgeshire County Council, Abbotsley CP, Toseland CP, Croxton CP, Yelling CP</p> <p>Existing A428 carriageway between point E on Sheet 9 and point F on Sheet 12 as shown on Sheets 9, 10, 11 and 12 of the de-trunking plans, for a total length of 5498 metres.</p>	
				<p>Cambridgeshire County Council, Eltisley CP</p> <p>Existing A428 carriageway between point G on sheet 13 and point H as shown on Sheet 14 of the de-trunking plans, for a total length of 1169 metres.</p>	

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				Cambridgeshire County Council, Eltisley CP	Existing A428 carriageway between point I on sheet 13 and point J as shown on Sheet 13 of the de-trunking plans, for a total length of 8930 metres.		
				Cambridgeshire County Council, Eltisley CP, Caxton CP	Existing A428 carriageway between point K on sheet 14 and point L as shown on Sheet 14 of the de-trunking plans, for a total length of 300 metres.		
32	Schedule 4 (permanent Stopping up of Highways and Private means of Access and Provision of New Highways and Private Means of Access),	N/A	Updated to reflect slight amendment to these footpaths in the Streets, Rights of Way and Access Plans submitted at deadline 8 [REP8-003].	(1) Area	(2) Highway to be stopped up	(3) Extent of stopping up	5
				Wyboston, Chawston & Colesden CP	Footpath No. 36 as shown on Sheet 1 of the streets, rights of way and access plans.	Footpath from point a/3 to point a/5 for a total distance of 130 metres as shown on Sheet 1 of the streets, rights of way and access plans.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made			DCO Version
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	Part 1 (Highways to be Stopped up for which no Substitute is to be Provided)			Wyboston, Chawston & Colesden CP	Footpath No. 7 as shown on Sheet 1 of the streets, rights of way and access plans.	Existing footpath No.7 from point a/1 and point a/2, a total distance of 104metres, as shown on Sheet 1 of the streets, rights of way and access plans.	
				Wyboston, Chawston & Colesden CP	Reference A11 Existing Black Cat roundabout as shown on Sheet 1 of the streets, rights of way and access plans.	Existing Black Cat roundabout for a distance of 352 metres as shown on Sheet 1 of the streets, rights of way and access plans.	
				Wyboston, Chawston & Colesden CP	Footpath No. 8 as shown on Sheet 1 of the streets, rights of way and access plans.	Footpath from point a/4 to point a/6 for a total distance of 147 metres as shown on Sheet 1 of the streets, rights of way and access plans.	
				Cambridgeshire County Council &	Footpath No. 1/11 as shown on Sheet 5 of the streets, rights of way and	Footpath from point e/1 to e/2 for a total distance of 8m as shown on Sheet 5 of	

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				Abbotsley CP	access plans.	the streets, rights of way and access plans	
33	Schedule 5 (Land In Which Only New Rights And Restrictive Covenants Etc. May Be Acquired)	N/A	Schedule updated to include correct plot references.	1/8t	Right to pass and repass with or without plant and vehicles and including access to highways.	Work No. 15	5
				1/9d	Right to pass and repass with or without plant and vehicles and including access to highways.	Work No. 15	
				1/9c	Right to pass and repass with or without plant and vehicles and including access to highways.	Work No. 15	
				1/9f	Right to pass and repass with or without plant and vehicles and including access to highways.	Work No. 15	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version						
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				<p>...</p> <table border="1"> <tr> <td>1/43f</td> <td>Right to pass and repass with or without plant and vehicles and including access to highways.</td> <td>Work Nos. 15, 21</td> </tr> </table> <p>...</p> <table border="1"> <tr> <td>13/140c</td> <td> 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. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus </td> <td>Work Nos. 91, 98b, 99, 100</td> </tr> </table>	1/43 f	Right to pass and repass with or without plant and vehicles and including access to highways.	Work Nos. 15, 21	13/140 c	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. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus	Work Nos. 91, 98b, 99, 100	
1/43 f	Right to pass and repass with or without plant and vehicles and including access to highways.	Work Nos. 15, 21									
13/140 c	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. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus	Work Nos. 91, 98b, 99, 100									

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				<p>being made materially more difficult.</p> <p>13/14d</p> <p>Installation, maintenance and use of electric lines, cables, equipment and apparatus for utilities operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	<p>Work Nos. 98e, 99, 100</p>

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34	Schedule 7 (Land Of Which Temporary Possession May Be Taken)	N/A	Schedule updated to include correct plot references.	Roxton	1/21a	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the realigned Roxton Road and required to provide temporary storage, laydown areas, access and working space to facilitate the construction of Roxton Road Link (south).	Work Nos. 3, 18	5	
35	Schedule 9 (Protective Provisions) Part 1 (For The Protection Of Electricity, Gas, Water and Sewage Undertakers)	N/A	Amended to reflect article title.	(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 17 (temporary alteration, diversion, prohibition stopping up and restriction of use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.					5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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	Requirement 2 (Apparatus in stopped up streets) (2)				
36	Schedule 9 (Protective Provisions) Part 1 (For The Protection Of Electricity, Gas, Water and Sewage Undertakers) Requirement 9 (Retained Apparatus) (4)	N/A	Correcting paragraph referencing	... (4) If a utility undertaker, in accordance with sub-paragraph (3) and 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 1 to 30 and 60 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).	5
37	Schedule 9 (Protective Provisions) Part 1 (For The Protection Of	N/A	Correcting paragraph referencing	(1)—(a) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 50 or 7(2), or by reason of any subsidence resulting from such development or 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	5

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	Electricity, Gas, Water and Sewage Undertakers) Requirement 11 (Expenses and Costs) (1)			of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—	
38	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities) Requirement 20 (Construction of Specified Works) (3)	Environment Agency	(c) Amended at the request of the Environment Agency to 'stop the clock' when a request for particulars is made until they are provided. (d) Change of date to refer to the most recent regulations.	... (3)Any approval of the drainage authority required under this paragraph— (b)must not be unreasonably withheld or delayed; (c)in relation to specified works to a main river is deemed to have been refused if it is neither given nor refused within 2 months of the submission of the plans, ignoring any time period commencing when the agency make a request for further particulars until those particulars have been provided or receipt of further particulars if such particulars have been requested by the agency for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal; ... (d) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work, fishery or water	5

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				resources or for the prevention of flooding or pollution or in the discharge of its environmental duties including those under the Environment Act 1995, the Natural Environment and Rural Communities Act 2006 and the Water Environment (Water Framework Directive)(England and Wales) Regulations 2017 03 .	
39	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities) Requirement 22 (construction of specified works)	N/A	Correction to use of defined term.	(4) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the drainage authority may by notice in writing require the undertaker at the undertaker's own expense to comply with the requirements of this Part of this Schedule or (if the undertaker so elects and the a Agency in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.	5
40	Schedule 9 (Protective Provisions) Part 3 (For The Protection	Environment Agency	(1) amended at the request of the environment Agency.	(1) The undertaker shall—must pay make—reasonable compensation to the drainage authority in respect of all direct-reasonable costs, charges and expenses which the drainage authority may reasonably incur or which it may sustain in—	5

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	Of The Environment Agency And Drainage Authorities) Requirement 27 (Expenses) (3)		(2) deleted by agreement as it is not a standard clause and does not assist the parties.	<p>(c) the examination or approval of plans under this Part of this Schedule;</p> <p>(d) the inspection of the construction of the specified works or any protective works required by the drainage authority under this Part of this Schedule; and</p> <p>(e) the carrying out of any surveys or tests by the drainage authority which are reasonably required in connection with the construction of the specified works.</p> <p>(2) Prior to granting approval under paragraphs 20 and 21, the drainage authority shall inform the undertaker of the costs it expects to reasonably incur in granting approval.</p>	
41	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities) Requirement 28	CCC	Wording requested by CCC.	<p>(1) Without prejudice to the other provisions of this Part of this Schedule, the undertaker is responsible for and must make reasonable compensation to 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>(f) the construction of any specified works comprised within the authorised works; or</p> <p>(g) any act or omission of the Applicant, its employees, contractors or agents or others whilst engaged upon the construction of the authorised works.</p>	5

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	(Expenses) (1)			(2)For the avoidance of doubt, in sub-paragraph (1) — “costs” includes reasonably incurred —	
42	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker) Requirement 31 (Interpretation)	National Grid Electricity Transmission. National Grid Gas	Amended definition at the request of the statutory undertakers.	<p>“authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;</p> <p>“authorised development” means the development and associated development described in Schedule 4 (authorised development), and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;</p>	5
43	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker)	National Grid Electricity Transmission. National Grid Gas	Replacement defined term.	<p>“specified works” means any of the authorised works development or activities undertaken in association with the authorised works-development which:</p>	5

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	Requirement 31 (Interpretation)				
44	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker) Requirement 32 (Interpretation)	National Grid Electricity Transmission. National Grid Gas	Amended to reflect paragraph titles.	Except for paragraphs 33 (<i>apparatus of National Grid in stopped up streets</i>), 38 (<i>retained apparatus: protection of electricity undertaker</i>) and 39 (<i>retained apparatus: protection of gas undertaker</i>), 40 (<i>expenses</i>) and 41 (<i>indemnity</i>) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 of the 1991 Act.	5
45	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity	National Grid Electricity Transmission. National Grid Gas	Amended to reflect article title.	... (2) Notwithstanding the temporary alteration, diversion or prohibition or restriction of any highway under the powers of article 17 (<i>temporary alteration, diversion, prohibition and restriction of the use of streets</i>), National Grid is 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 highway as may be reasonably necessary or desirable to enable it to maintain any	5

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	and Gas Undertaker) Requirement 33 (Apparatus of National Grid in stopped up streets) (2)			apparatus which at the time of the stopping up, or alteration, or diversion or restriction was in that street.	
46	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker) Requirement 35 (Acquisition of land) (2)	National Grid Electricity Transmission. National Grid Gas	Replacement defined term.	... (2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised development works (or in such other timeframe as may be agreed between National Grid 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 National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and secure the consent and entering into of such deeds and	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				variations by all other third parties with an interest in the land at that time who are affected by such authorised development-works .	
47	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker) Requirement 39 (Retained apparatus: protection of gas undertaker) (10)	National Grid Electricity Transmission. National Grid Gas	Replacement defined term.	... (10)As soon as reasonably practicable after any ground subsidence event attributable to the authorised development-works :	5
48	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National	National Grid Electricity Transmission. National Grid Gas	Replacement defined term.	(1) Subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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	Grid as Electricity and Gas Undertaker) Requirement 40 (Expenses) (1)			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 works including without limitation—	
49	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker) Requirement 41 (Indemnity) (1)&(3)	National Grid Electricity Transmission. National Grid Gas	Replacement defined term.	(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised development works 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 him) 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 works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party, the undertaker will— ...	5

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				<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 National Grid, its officers, servants, contractors or agents;</p> <p>(b) any part of the authorised development-works carried out by National Grid in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 11 (consent to transfer benefit of Order).</p>	

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50	Schedule 9 (Protective Provisions) Part 4 (For The Protection Of National Grid as Electricity and Gas Undertaker) Requirement 43 (Co-operation) (1)	National Grid Electricity Transmission. National Grid Gas	Replacement defined term.	(1) Where in consequence of the proposed construction of any part of the authorised development works , the undertaker or National Grid requires the removal of apparatus under paragraph 36(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 38 or 39, 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 works and taking into account the need to ensure the safe and efficient operation of National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.	5

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51	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) Requirement 75 (Expenses) (1)	N/A	Decapitalised reference to Exolum.	<p>...</p> <p>(3)</p> <p>...</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 article 54 (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 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 EXOLUM Exolum by virtue of sub-paragraph (1) is reduced by the amount of that excess.</p>	5
52	Schedule 9 (Protective Provisions) Part 8 (For The Protection Of Anglian	N/A	Updated incorrect paragraph reference and grammar.	<p>(1)</p> <p>...</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</p>	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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	Water Services Limited) Requirement 103(Expenses) (1)			<p>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 10099(3) (removal of apparatus) if it elects to do so; or</p> <p>...</p> <p>(3)</p> <p>...</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>	
53	Footnotes	N/A	Footnotes have been revised to reflect the most up to date information.	<p>1981 c.66. Section 5 was amended by section 183 of, and paragraphs 4 and 6 of Schedule 15 to, the Housing and Planning Act 2016.</p> <p>1981 c.66. Section 5B was inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016 (c. 22).</p> <p>1981 c.66. 2008 c.29 sSection 118 was amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).</p>	5

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>1981 c.66. 2008 c.29 134 was amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 (c. 20) and Schedule 1 to the Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017/16 S.I. 2012/46.</p> <p>1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186, 187, 188 of and Schedules 14 and 16 to the Housing and Planning Act 2016 c. 22 and Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.</p>	

Table 1-5: Summary of changes made to the dDCO Rev 6 [TR010044/APP/3.1v6] submitted at Deadline 10 from the dDCO Rev 5 [REP9-004] submitted at Deadline 9

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 10 (15 February 2022)					
1.	Schedules	N/A	Updated to reflect Schedule heading	Part 7 - FOOTPATHS, CYCLE TRACKS, FOOTWAYS, BRIDLEPATHS AND BRIDLEWAYS	6
2.	Schedules	N/A	Title of the Schedule amended to reflect the name as registered at Companies House.	Part 6 FOR THE PROTECTION OF EXOLUM PIPELINE LTD	6
3.	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 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(c).	6
4.	Article 2(1) Interpretation	CCC	New definition added to correspond to the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	"bridlepath" means a way constituting or comprised in a highway over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988), on foot and on horseback or leading a horse, but no other rights of way;	6
5.	Article 2(1) Interpretation	N/A	Correction of defined term.	the general arrangement plans" means the document of that description listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the general arrangement plans for the purposes of this Order;	6

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Deadline 10 (15 February 2022)					
6.	Article 2(1) Interpretation	CCC	Update to definition to reflect submissions made by CCC. Protection works are now limited to utilities protection works or fencing and protection slabs. Activities which are not likely to give rise to significant effects also fall within this definition.	"pre-commencement work" means: ... (j) protection works including comprising utilities protection works or fencing and protection slabs; ... (m) construction compound set up; and (n) the temporary display of site notices or advertisements; and (o) activities which do not fall within paragraphs (a) to (n) and are not likely to have significant effects on the environment;	6
7.	Article 2(1) Interpretation	N/A	Correction to replace colon with semi-colon.	"street" means a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street; ;	6
8.	Article 2(7) Interpretation	N/A	Amendment made to reference the correct Part of the Order.	(7) References in this Order to numbered works are references to the works as numbered in Part 1 of Schedule 1 (authorised development).	6
9.	Article 9(2) Limits of Deviation	N/A	Commas added to clarify meaning of Article.	(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 and, in respect of the authorised development comprising highways other than a special road or a trunk road, the relevant local highway authority, certifies	6

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				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.	
10.	Article 13(1), (2) (Construction and maintenance of new, altered or diverted streets and other structures)	N/A	Updated to reflect defined term.	<p>(1) Subject to paragraphs (4) to (8) any highway (other than a special road or a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the relevant local highway authority in whose area the highway lies. The relevant local highway authority will signify that it is reasonably satisfied by the issue of a certificate to that effect. Unless otherwise agreed in writing with the relevant local highway authority, the highway within the boundary specified in the certificate by the relevant local highway authority (including any culverts or other structures laid under it) must be maintained by and at the expense of the relevant local highway authority from the date of issue of the certificate by the relevant local highway authority .</p> <p>(2) Subject to paragraphs (4) to (8) where a highway (other than a special road or a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the relevant local highway authority in whose area the highway lies. The relevant local highway authority will signify that it is reasonably satisfied by the issue of a certificate to that effect. Unless otherwise agreed in writing with the relevant local highway authority, that part of the highway within the boundary specified in the certificate by the relevant local</p>	6

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				highway authority (including any culverts or other structures laid under it) must be maintained by and at the expense of the relevant local highway authority from date of issue of the certificate by the relevant local highway authority .	
11.	Article 14(7) (Classification of roads, etc.)	CCC	Term 'bridlepaths' added to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	... (7) Unless otherwise agreed in writing with the relevant local highway authority, the footpaths, cycle tracks, footways, bridlepaths and bridleways set out in Part 7 (footpaths, cycle tracks, footways, bridlepaths and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans are, subject to article 9 (limits of deviation), to be constructed by the undertaker in the specified locations and open for use from the date on which the last of the roads described in Parts 1 to 3 of Schedule 3 (classification of roads etc.) is completed and open for traffic or in each case such earlier date as may be required pursuant to article 18(2)(a).	6
12.	Article 14(9) and (Classification of roads, etc.)	N/A	Amended to remove incorrect insertion of 'and'.	(9) The undertaker may only make a determination for the purposes of paragraph (8) with the consent of the Secretary of State, and following consultation with the relevant local highway authority as to the date and whether the highway to be de-trunked is of a reasonably satisfactory standard for use as a local highway	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 10 (15 February 2022)					
13.	Article 14(7) (Classification of roads, etc.)	CCC	Term 'bridlepaths' added to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	(17) Within 3 months of the relevant local highway authority becoming responsible for the maintenance of the footpaths, cycle tracks, footways, bridlepaths and bridleways referred to in paragraph 7 of this Article the undertaker will provide the location of the as constructed footpaths, cycle tracks, footways, bridlepaths and bridleways.	6
14.	Article 15(1) (Power to alter layout etc. of streets.)	CCC	Term 'bridlepaths' added to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	(1) Subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may— (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, bridlepath , cycle track or verge within the street; (b) alter the level or increase the width of any such kerb, footway, bridlepath , cycle track or verge; (c) reduce the width of the carriageway of the street; and (d) make and maintain passing places.	6
15.	Article 15(4) (Power to alter layout etc. of streets.)	CCC	Changes made in response to CCC's request to include drafting that allows the authority to request further information and extend the	... (4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the later of:	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 10 (15 February 2022)					
			deemed consent deadline as a result of that request.	(a) the end of the period of 28 days beginning with the date on which the application was made; or (b) if further information is reasonably requested by the street authority within 28 days of the date the application was made, the end of the period of 14 days beginning with the date the further information is provided to the street authority, it is deemed to have granted consent.	
16.	Article 17(6) (Temporary alteration, diversion, prohibition and restriction of the use of streets.)	CCC	Changes made in response to CCC's request to include drafting that allows the authority to request further information and extend the deemed consent deadline as a result of that request.	... (6) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the later of: (a) the end of the period of 28 days beginning with the date on which the application was made; or (b) if further information is reasonably requested by the street authority within 28 days of the date the application was made, the end of the period of 14 days beginning with the date the further information is provided to the street authority, it is deemed to have granted consent.	6
17.	Article 20 (2) (Clearways, prohibitions and restrictions)	N/A	Correction to replace colon with semi-colon.	(b) in relation to a vehicle being used— (i) for police, ambulance, fire and rescue authority or traffic officer purposes; ;	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 10 (15 February 2022)					
18.	Article 23 (8) (Authority to survey and investigate the land)	N/A	Updated to reflect defined term.	(8) If either the highway authority, the relevant local highway authority or a street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent— (a) under paragraph (5)(a) in the case of the highway authority or the relevant local highway authority; or	6
19.	Article 24 (Maintenance of drainage works)	N/A	Addition of footnote to reflect definition.	(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991 (a) . (a) 1991 c. 59. The definition was substituted by section 100(2) of the Environment Act 1995 (c. 25).	6
20.	Article 45(4) (Felling or lopping of trees and removal of hedgerows)	N/A	Amended to correct defined term.	(b) subject to consultation with the relevant local planning authority remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 of Schedule 8.	6
21.	Article 50(7) (Appeals relating to the Control of Pollution Act 1974)	N/A	Amended to correct grammar.	(8) On an appeal under this paragraph, the appointed person may— (a) allow or dismiss the appeal; or (b) reverse or vary any part of the decision of the local authority (whether the appeal relates to that part of it or not),	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 10 (15 February 2022)					
22.	Schedule 1, Part 1 (Authorised Development)	N/A	Amended to correct grammar.	Work No. 7 – As shown on sheet 1 of the works plans the construction of the Kelpie Marina access road and bridleway, including— (a) the construction of an access track, south of Bedford Road including the private field accesses and a bridleway which extends southwards;	6
23.	Schedule 1, Part 1 (Authorised Development)	N/A	Amended to correct grammar.	Work No. 61 – As shown on sheets 5, 6 and 6A of the works plans the diversion of two underground water pipelines (varying in length from 210 to 380 metres) including –	6
24.	Schedule 1, Part 1 (Authorised Development)	N/A	Amended to correct grammar.	Work No. 68 – As shown on sheets 6 and 8 of the works plans the construction of the realigned B1046, including the emergency access and maintenance tracks, private access tracks both sides of the new dual carriageway (Work No. 57), the construction of the B1046 Bridge and the associated demolition work to the existing B1046 . Work No. 98 – As shown on sheets 12 and 13 of the works plans the construction of the new Eltisley Link, including – (a) The construction of the realigned A428 west of the Eltisley Link south Roundabout and private access tracks and associated demolition works to the existing B1040 (north) . Work No. 80 – As shown on sheets 8 and 9 of the works plans the construction of the Cambridge Road junction, including –	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>(a) The construction of the realigned A428 between the existing Cambridge Road Roundabout and the Cambridge Road junction north Roundabout (Work No. 80b) and private access tracks.;</p> <p>(b) The construction of the Cambridge Road junction north and south Roundabouts, the Cambridge Road Junction Dumbbell Link Road and a private access track.;</p> <p>(c) The construction of the realigned A428 from the Cambridge Road junction south Roundabout (Work No. 80b) and private access tracks including associated demolition work to the existing A428 carriageway.</p> <p>Work No. 98 – As shown on sheets 12 and 13 of the works plans the construction of the new Eltisley Link, including –</p> <p>(a) The construction of the realigned A428 west of the Eltisley Link south Roundabout and private access tracks and associated demolition works to the existing B1040 (north)-;</p> <p>(b) The construction of Eltisley bridge and associated link road, the Eltisley Link north and south Roundabouts, and private access tracks-;</p> <p>(c) The construction of the realigned Cambridge Road connecting to the Eltisley Link south Roundabout (Work No. 98b)-;</p> <p>(d) The construction of the realigned B1040 (north) connecting to the Eltisley Link north Roundabout (Work No. 98b)-; and</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>(e) The construction of the realigned A428 east from the Eltisley Link North roundabout including a private access track.</p> <p>Work No. 104 – As shown on sheets 13, 14 and 14B of the works plans the diversion of underground communication cables (Openreach, Vodafone and Virgin Media) (1580 metres in length) commencing east of the attenuation basin (Work No. 102) and terminating east of the Caxton Gibbet junction south Roundabout (Work No. 109b) including:</p> <p>(a) a branch of one of the underground communication cables (Openreach) extending northwards (180 metres in length) along the A1198 and terminating north of the Caxton Gibbet junction north Roundabout (Work No. 109b); and</p> <p>Work No. 109 – As shown on sheets 13, 14 and 15 of the works plans the construction of the Caxton Gibbet junction, including –</p> <p>(a) The realignment of the existing A428 commencing 200 metres west of Work No. 102 and terminating at Caxton Gibbet junction north Roundabout (Work No.109b), including the construction of a private means of access-;</p> <p>(b) The construction of the Caxton Gibbet junction north Roundabout and Caxton Gibbet junction dumbbell link Road, as well as modifications to the existing Caxton Gibbet roundabout (now Caxton Gibbet junction south Roundabout), including partial demolition and modification of a section of the existing A1198 carriageway-;</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 10 (15 February 2022)					
				(c) The construction of a shared private means of access and bridleway from Caxton Gibbet junction north Roundabout (Work No.109b) to Brockley Road; and	
25.	Schedule 1, Part 1 (Authorised Development)	CCC	Term 'bridlepaths' added to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Work No. 111 ... (a) alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track, bridlepath or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge ... (g) creation and removal of ramps, means of access, non-motorised routes or links, footpaths, footways, cycle tracks, bridleways, bridlepaths , equestrian tracks, restricted byways, lay-bys and crossing facilities, including the hard surfacing of ways;	6
26.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretation)	N/A	Removal of brackets as information within brackets now confirmed.	“Brook Cottages soft strip” means the soft strip referred to in the Brook Cottages heritage strategy at section {3};	6

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Deadline 10 (15 February 2022)					
27.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 1 (Interpretation)	N/A	Updated to remove incorrect capitalisation.	“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;	6
28.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 3 (Second Iteration EMP)	Natural England	Natural England added as a consultee for the Second Iteration EMP. Clarification added that consultees will be consulted so far as is relevant to their respective functions.	(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, Natural England and the relevant local highway authority so far as it is relevant to their respective functions.	6
29.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 4 (Third Iteration EMP)	Natural England	Clarification added that consultees will be consulted so far as is relevant to their respective functions.	(1) Following completion of construction of the authorised development the Third Iteration EMP must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the relevant local highway authority so far as it is relevant to their respective functions.	6
30.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 6 (Landscaping)	Natural England	Natural England added as a consultee for the landscaping scheme.	(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 Natural England , the relevant planning authority and the relevant local highway authority so far as it is relevant to their respective functions.	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version		
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31.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 10 (Protected Species)	N/A	Defined term removed as not used elsewhere in the Order.	(1) (a) cease the relevant parts of the relevant works and report it immediately to the Ecological Clerk of Works (ECoW); and	6		
32.	Schedule 2 (Requirements), Part 1 (Requirements) Paragraph 19 (Construction) (2)	CCC	Amended to add clarity to the scope of activities that fall under this sub-paragraph.	(2) ... (l) completion of activities already begun which require continuous periods of operation, such as completing concrete pouring; or	6		
33.	Schedule 3 (Classifications Of Roads, Etc.), Part 1 (Trunk Roads)	N/A	Correction of grammar.	<table border="1" data-bbox="1061 900 1789 1206"> <tr> <td>Bedford Borough Council, Wyboston, Chawston & Colesden CP</td> <td>The Black Cat junction eastbound off-slip road between points 1/2 and 1/9, as shown on Sheet 1 of the classification of road plans, comprising a length of 615 metres.</td> </tr> </table>	Bedford Borough Council, Wyboston, Chawston & Colesden CP	The Black Cat junction eastbound off-slip road between points 1/2 and 1/9, as shown on Sheet 1 of the classification of road plans, comprising a length of 615 metres.	6
Bedford Borough Council, Wyboston, Chawston & Colesden CP	The Black Cat junction eastbound off-slip road between points 1/2 and 1/9, as shown on Sheet 1 of the classification of road plans, comprising a length of 615 metres.						

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
Deadline 10 (15 February 2022)						
				Bedford Borough Council, Wyboston, Chawston & Colesden CP, Roxton CP	The Black Cat junction southbound off-slip road between point 1/13 on Sheet 1 and point 2/16 on Sheet 2, as shown on Sheet 1 of the classification of road plans, comprising a length of 511 metres.	
34.	Schedule 3 (Classifications Of Roads, Etc.), Part 2 (Classified Roads)	N/A	Correction of grammar.	Bedford Borough Council, Little Barford CP Cambridge shire County Council, Abbotsley CP	The existing A428, which will be re-classified as the A1428, between point 7/5 on Sheet 7 and 8/4 on Sheet 8, as shown on the classification of road plans, comprising a length of 3131 metres.	6
				Cambridge shire County Council,	The existing Cambridge Road roundabout, which will be re-classified as the A1428, point 8/5 on Sheet 8, as shown on the	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>Abbotsley CP, St Neots CP</p> <p>classification of road plans, comprising a length of 137 metres.</p>	
				<p>Cambridge shire County Council, Abbotsley CP, Croxton CP, - Eltisley CP</p> <p>The existing A428, which will be re-classified as the B1428, between point 9/7 on Sheet 9 and 12/1 on Sheet 12, as shown on the classification of road plans, comprising a length of 5088 metres.</p>	
35.	Schedule 3 (Classifications Of Roads, Etc.), Part 4 (Speed Limits)	N/A	Correction of grammar.	<p>Roxton CP, Tempsford CP, Little Barford CP, Abbotsley CP, Toseland CP, Yelling CP,</p> <p>The new dual carriageway (westbound) starting at the point 920 metres east of the Caxton Gibbet dumbbell link Road to the point 801 metres west of the Roxton Road Bridge for a total distance of 18825 metres, as shown on Sheets 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of the permanent speed limit plans.</p>	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<p>Croxton CP, Eltisley CP, Caxton CP, Papworth Everard CP, Elsworth CP, Wyboston, Chawston & Colesden CP, Cambourne CP</p>	
				<p>Roxton CP</p> <p>The realigned A1 (northbound) starting at the point 700 metres south of the centre line of the new dual carriageway as it crosses the A1 (northbound) to the point 1067 metres north of the centre line of the new dual carriageway as it crosses the A1 (northbound) for a total distance of 1767 metres, as shown on Sheets 2 and 1 of the permanent speed limit plans.</p>	

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				<p>Wyboston, Chawston & Colesden CP</p> <p>The Black Cat junction northbound on-slip road starting at Black Cat junction circulatory to the point where it merges with the realigned A1 (northbound) for a total distance of 566 metres, as shown on Sheets 1 and 2 of the permanent speed limit plans.</p>	
				<p>Wyboston, Chawston & Colesden CP</p> <p>The Black Cat junction southbound off-slip road starting from the diverge with the realigned A1 (southbound) to the point where it meets the Black Cat junction circulatory for a total distance of 341 metres, as shown on Sheets 1 and 2 of the permanent speed limit plans.</p>	
				<p>Wyboston, Chawston & Colesden CP</p> <p>The Roxton Road link (north) between Chawston Lane and The Lane, starting at the intersection with Chawston Lane to the point where it meets the existing The Lane for a total distance of 669 metres, as shown on</p>	<p>30 miles per hour-</p>

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				Sheet 2 of the permanent speed limit plans.	
			Abbotsley CP	The realigned Potton Road starting at the junction with the realigned B1046 to the point 444 metres south for a total distance of 444 metres, as shown on Sheets 5 and 6 of the permanent speed limit plans.	
			Abbotsley CP	The Cambridge Road junction eastbound on-slip road, starting from the Cambridge Road junction north roundabout to the point where it merges with the new dual carriageway (eastbound) for a total distance of 479 metres, as shown on Sheets 9 of the permanent speed limit plans.	
			Abbotsley CP	The Cambridge Road junction westbound off-slip road, starting from the diverge with the new dual carriageway (westbound) to the point where it meets the Cambridge Road junction south roundabout for a total	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				distance of 630 metres, as shown on Sheets 9 of the permanent speed limit plans.	
				Abbotsley CP The Cambridge Road junction north roundabout, the whole length of the circulatory carriageway for a total distance of 175 metres, as shown on Sheets 9 of the permanent speed limit plans.	
				Abbotsley CP The Cambridge Road junction south roundabout, the whole length of the circulatory carriageway for a total distance of 187 metres, as shown on Sheets 9 of the permanent speed limit plans.	
				Abbotsley CP The Cambridge Road junction dumbbell link road (northbound) starting from the Cambridge Road junction south roundabout to the Cambridge Road junction north roundabout for a total distance of 142 metres, as shown on Sheets 9 of the permanent speed limit plans.	
				Abbotsley CP The Cambridge Road junction dumbbell link road (southbound) starting from the Cambridge Road junction north	

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				roundabout to the Cambridge Road junction south roundabout for a total distance of 143 metres, as shown on Sheets 9 of the permanent speed limit plans.	
			Croxton CP, Toseland CP, Yelling CP	The realigned Toseland Road, starting at the point 476 metres north of the centre of the new dual carriageway to the point 494 metres south of the centre of the new dual carriageway for a total distance of 970 metres, as shown on Sheets 11 of the permanent speed limit plans.	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
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36.	Schedule 3 (Classifications Of Roads, Etc.), Part 5 (Traffic Regulation Measures (Clearways And Prohibitions))	N/A	Correction of grammar and spelling.	Roxton CP, Tempsford CP, Little Barford CP, Abbotsley CP, Toseland CP, Yelling CP, Croxtton CP, Eltisley CP, Caxton CP, Papworth Everard CP, Elsworth CP, Wyboston, Chawston & Colesden CP, Cambourne CP	The new dual carriageway (eastbound) from point AA on Sheet 1 to point OA on Sheet 15 as shown on Sheets 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of the traffic regulation measures plans, for a total distance of 18825 metres.	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
Deadline 10 (15 February 2022)						
				<p>Roxton CP, Tempsford CP, Little Barford CP, Abbotsley CP, Toseland CP, Yelling CP, Croxtton CP, Eltisley CP, Caxton CP, Papworth Everard CP, Elsworth CP, Wyboston, Chawston & Colesden CP, Cambourne CP</p>	<p>The new dual carriageway (westbound) from point AS on Sheet 1 to point OB on Sheet 15 as shown on Sheets 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of the traffic regulation measures plans, for a total distance of 18825 metres.</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
Deadline 10 (15 February 2022)						
				<p>Abbotsley CP</p> <p>Reference F</p> <p>The emergency access road from realigned B1046 onto the new dual carriageway (northbound) as shown on Sheet 6 of the traffic regulation measures plans.</p>	<p>Prohibition (No Entry); except for an authorised vehilce vehicle and in the case of an emergency</p>	
				<p>Abbotsley CP</p> <p>Reference K</p> <p>The emergency access road from realigned B1046 onto the new dual carriageway (southbound) shown on Sheet 6 of the traffic regulation measures plans.</p>	<p>Prohibition (No Entry); except for an authorised vehilce vehicle and in the case of an emergency</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
Deadline 10 (15 February 2022)								
37.	Schedule 3 (Classifications Of Roads, Etc.), Part 6 (Revocations & Variations Of Existing Traffic Regulation Orders)	N/A	Reference to correct sheet number updated.	Eltisley CP, Papworth Everard CP, Abbotsle y CP	Existing A428 carriageway from point I01 on Sheet 98 to point I02 on Sheet 89 of the traffic regulation measure plans, a total distance of 903 metres.	Order not cited	Clearway order to be varied, removing the length, between the points stated in column (2).	6
				Wybosto n, Chawsto n & Colesdon CP	Reference 1 Travel Lodge Bedford Wyboston at existing Black Cat roundabout as shown on Sheet 1 of traffic regulation measures plans.	The A421 trunk road (Black Cat roundabout, Roxton, Bedfordshire) (Prohibition of entry and right turn) Order 1999 No. 1186.	Orders to be revoked (No Right Turn and No Entry)	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version				
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38.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	Term 'bridlepaths' added to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	FOOTPATHS, CYCLE TRACKS, FOOTWAYS BRIDLEPATHS AND BRIDLEWAYS <table border="1"> <thead> <tr> <th>(1) Area</th> <th>(2) Length of Footpath/Cycle Track/Footway/Bridlepath/Bridleway</th> </tr> </thead> <tbody> <tr> <td>Bedford Borough Unitary Authority, Wyboston, Chawston & Colesden CP</td> <td>415 metres of footpath/cycle track from point 1/1 to point 1/2 as shown on Sheet 1 of the streets, rights of way and access plans</td> </tr> </tbody> </table>	(1) Area	(2) Length of Footpath/Cycle Track/Footway/ Bridlepath /Bridleway	Bedford Borough Unitary Authority, Wyboston, Chawston & Colesden CP	415 metres of footpath/ cycle track from point 1/1 to point 1/2 as shown on Sheet 1 of the streets, rights of way and access plans	6
(1) Area	(2) Length of Footpath/Cycle Track/Footway/ Bridlepath /Bridleway								
Bedford Borough Unitary Authority, Wyboston, Chawston & Colesden CP	415 metres of footpath/ cycle track from point 1/1 to point 1/2 as shown on Sheet 1 of the streets, rights of way and access plans								
39.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	Distance amended and designation updated to 'bridlepath' in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Cambridge shire County Council, Abbotsley CP <table border="1"> <tbody> <tr> <td>55285 metres of bridlepathway from point 9/12 to point 10/1 as shown on Sheets 9 and 10 of the streets, rights of way and access plans.</td> </tr> </tbody> </table>	5 5285 metres of bridle pathway from point 9/12 to point 10/1 as shown on Sheets 9 and 10 of the streets, rights of way and access plans.	6			
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Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version	
Deadline 10 (15 February 2022)						
40.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	Row added in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Cambridge shire County Council, Abbotsley CP	8 metres of bridlepath from point 9/15 to 9/16 as shown on Sheet 9 of the streets, rights of way and access plans.	6
41.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	Amendment to correctly define area by removing Papworth Everard CP.	Cambridgeshi re County Council, Elsworth CP, Papworth Everard CP	975 metres of bridleway from point 14/5 to point 15/1 as shown on Sheets 14 and 15 of the streets, rights of way and access plans.	6
42.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	Row added in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Cambridgeshi re County Council, Elsworth CP, Papworth Everard CP	299 metres of bridlepath from point 14/4 to 14/5 as shown on Sheet 14 of the streets, rights of way and access plans.	6
43.	Schedule 3 (Classifications Of Roads, Etc.), Part 7 (Footpaths, Cycle Tracks, Footways And Bridleways)	N/A	Distance amended and plot reference updated in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Cambridge shire County Council, Elsworth CP, Cambourne CP	373672 metres of cycle track from point 14/54 to point 14/14 to point 14/15 to point 14/16 to point 14/17 to point 14/6 as shown on Sheet 14 of the streets, rights of way and access plans.	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made			DCO Version	
Deadline 10 (15 February 2022)								
44.	Schedule 4 (Permanent Stopping Up Of Highways And Private Means Of Access And Provision Of New Highways And Private Means Of Access)	N/A	Term 'bridlepaths' added to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	<p>...</p> <p>(b) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 of this Schedule, are shown by red cross-hatching (for trunk roads), blue cross-hatching (for other classified roads and highways) and solid blue shading (for footpaths, footways, cycle tracks, bridlepaths and bridleways) (as shown in the key on the streets, rights of way and access plans), the new highway (trunk, classified or unclassified) and are given a reference label (two capital letters in a circle) and will be a road and new footways, footpaths, cycle tracks or bridleways are given a reference label (two numbers in a circle) (as shown in the key on the streets, rights of way and access plans) with the specific type of way identified by the word 'footpath', 'bridleway', 'bridlepath', 'footway' or 'cycle track' beneath its reference letter in column (4) of Part 2 of this Schedule.</p>			6	
45.	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	N/A	Distance amended in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Abbots ley CP	Bridleway No. 1/18	The existing Bridleway No. 1/18 from point i/1 and point j/1, a distance of 425 metres as shown on Sheets 9 and 10 of the streets, rights of way and access plans.	55285 metres of bridleway from point 9/12 to point 10/1 as shown on Sheets 9 and 10 of the streets, rights of way	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
Deadline 10 (15 February 2022)								
	Stopped Up For Which A Substitute Is To Be Provided And New Highways Which Are Otherwise To Be Provided)						and access plans.	
46.	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	Row added in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Abbots ley CP	-	-	8 metres of bridlepath from point 9/15 to 9/16 as shown on Sheet 9 of the streets, rights of way and access plans	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version				
Deadline 10 (15 February 2022)									
47.	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	Designation updated to 'bridlepath' in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	<table border="1"> <tr> <td>Abbots ley CP</td> <td>-</td> <td>-</td> <td>60 metres of bridlepathway from point 9/13 to point 9/14 as shown on Sheet 9 of the streets, rights of way and access plans</td> </tr> </table>	Abbots ley CP	-	-	60 metres of bridlepathway from point 9/13 to point 9/14 as shown on Sheet 9 of the streets, rights of way and access plans	6
Abbots ley CP	-	-	60 metres of bridlepathway from point 9/13 to point 9/14 as shown on Sheet 9 of the streets, rights of way and access plans						
48.	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	N/A	Amendment to correctly define area by removing Papworth Everard CP.	<table border="1"> <tr> <td>Papworth Everard CP, Elsworth CP</td> <td>-</td> <td>-</td> <td>975 metres of bridleway from point 14/5 to point 15/1 as shown on Sheets 14 and 15 of</td> </tr> </table>	Papworth Everard CP, Elsworth CP	-	-	975 metres of bridleway from point 14/5 to point 15/1 as shown on Sheets 14 and 15 of	6
Papworth Everard CP, Elsworth CP	-	-	975 metres of bridleway from point 14/5 to point 15/1 as shown on Sheets 14 and 15 of						

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
Deadline 10 (15 February 2022)								
	Stopped Up For Which A Substitute Is To Be Provided And New Highways Which Are Otherwise To Be Provided)						the streets, rights of way and access plans.	
49.	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	Row added in order to correspond with the updated streets, rights of way and access plans submitted at Deadline 10 [TR010044/APP/2.6].	Elswoth CP, Papwoth Everard CP	-	-	299 metres of bridlepath from point 14/4 to 14/5 as shown on Sheet 14 of the streets, rights of way and access plans.	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made				DCO Version
Deadline 10 (15 February 2022)								
50.	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		Elsworth CP, Cambourne CP	-	-	373672 metres of cycle track from point 14/54 to point 14/14 to point 14/15 to point 14/16 to point 14/17 to point 14/6 as shown on Sheet 14 of the streets, rights of way and access plans.	6
51.	Schedule 7 (Land Of Which Temporary Possession May Be Taken)	N/A	Correction of grammar to reflect multiple 'Work' numbers are being referred to.	Roxton	1/49c	Required to provide temporary storage, laydown areas, access and working space to facilitate the construction of the combined Kelpie	Work Nos. 7, 21	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version				
Deadline 10 (15 February 2022)									
				<table border="1"> <tr> <td></td> <td></td> <td>Marina access track and realigned A1 carriageway.</td> <td></td> </tr> </table>			Marina access track and realigned A1 carriageway.		
		Marina access track and realigned A1 carriageway.							
52.	Schedule 8 (Hedgerows and Trees) Part 2 (Trees Subject To Tree Preservation Orders)	N/A	Correction of grammar to reflect multiple 'Work' numbers are being referred to.	'Work No' changes to 'Work Nos' throughout schedule where more than one 'Work' is being referred to.	6				
53.	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities) Paragraph 27 (Expenses)	Environment Agency	Changes made at the request of the Environment Agency on the basis it is not necessary due to the 'reasonability' qualification later in the paragraph.	<p>...</p> <p>(1) The undertaker must pay to the drainage authority all reasonable costs, charges and expenses which the drainage authority may reasonably incur or which it may sustain in—</p> <p>(a) the examination or approval of plans under this Part of this Schedule;</p> <p>(b) the inspection of the construction of the specified works or any protective works required by the drainage authority under this Part of this Schedule; and</p>	6				

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				(c) the carrying out of any surveys or tests by the drainage authority which are reasonably required in connection with the construction of the specified works.	
54.	Schedule 9 (Protective Provisions) Part 3 (For The Protection Of The Environment Agency And Drainage Authorities) Paragraph 29 (Arbitration)	N/A	Space added to correct sentence formation.	29. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, may if the parties agree, be determined by arbitration under article 54 - (arbitration) but may 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 undertaker or the drainage authority, after notice in writing by one to the other.	6
55.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) Paragraph 69 (Interpretation)	N/A	Title of the Schedule amended to reflect the name as registered at Companies House.	FOR THE PROTECTION OF EXOLUM PIPELINE LIMITED LTD	6
56.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline	N/A	Updated to reflect Companies House name.	"Exolum" means Exolum Pipeline System Limited Ltd and any successor in title	6

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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	System Limited) Paragraph 69 (Interpretation)				
57.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) Paragraph 70 (Acquisition of apparatus)	Exolum Pipeline System Ltd	Change made in response to request from Exolum Pipeline System Ltd.	(a) the undertaker must not acquire any apparatus or obstruct or render less convenient the access to any apparatus, otherwise than by agreement with Exolum CLH ₇ , such consent not to be unreasonably withheld or delayed	6
58.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) Paragraph 73 (Retained apparatus: protection)	Exolum Pipeline System Ltd	Change made in response to request from Exolum Pipeline System Ltd.	73 ... The specified work must be executed only in accordance with the plan submitted under subparagraph (1) and approved by Exolum. (2) Any approval of Exolum required under this paragraph— (a) — must not be unreasonably withheld or delayed; (b) — is deemed to have been given if it is neither given nor refused within 28 days of the submission of the plans or receipt of further particulars if such particulars have been required by Exolum for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and	6

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				(c) — may be given subject to in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (4) by Exolum for the alteration or otherwise for the protection of the apparatus, or for securing access to it; and Exolum is entitled to watch and inspect the execution of the specified work.	
59.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) Paragraph 75 (Expenses)	N/A	Updated to remove incorrect capitalisation.	Subject to the following provisions of this paragraph, the undertaker must pay to EXOLUM Exolum the reasonable costs and expenses incurred by Exolum in, or in connection with—	6
60.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) Paragraph 76 (Damage to property and other losses)	Exolum Pipeline System Ltd	Change made in response to request from Exolum Pipeline System Ltd.	76 ... (c) pay the cost reasonably incurred by Exolum in stopping, suspending and restoring the supply through its pipeline and make reasonable compensation to Exolum for any other expenses, losses, damages, penalty or costs incurred by Exolum by reason or in consequence of any such damage or interruption provided that the same arises in consequence of the carrying out of any relevant works and any protective building works.	6

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61.	Schedule 9 (Protective Provisions) Part 6 (For The Protection Of Exolum Pipeline System Limited) New Paragraph 79 (Emergency circumstances)	Exolum Pipeline System Ltd	Change made in response to request from Exolum Pipeline System Ltd.	<p>(1) The Promoter acknowledges that Exolum provides services to Her Majesty's Government, using its apparatus, which may affect any works to be carried under this Order.</p> <p>(2) In the following circumstances, Exolum may on written notice to the Promoter immediately suspend all works that necessitate the stopping or suspending of the supply of product through any apparatus under this Order and Exolum shall not be in breach of its obligations to proceed:</p> <p>(a) circumstances in which, in the determination of the Secretary of State, there subsists a material threat to national security, or a threat or state of hostility or war or other crisis or national emergency (whether or not involving hostility or war); or</p> <p>(b) circumstances in which a request has been received, and a decision to act upon such request has been taken, by Her Majesty's Government for assistance in relation to the occurrence or anticipated occurrence of a major accident, crisis or natural disaster; or</p> <p>(c) circumstances in which a request has been received from or on behalf of NATO, the EU, the UN, the International Energy Agency (or any successor agency thereof) or the government of any other state for support or assistance pursuant to the United Kingdom's international obligations and a decision to act upon such request has been taken by Her Majesty's Government or the Secretary of State; or</p>	6

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				<p>(d) any circumstances identified as such by the COBRA committee of Her Majesty's Government (or any successor committee thereof); or</p> <p>(e) any situation, including where the United Kingdom is engaged in any planned or unplanned military operations within the United Kingdom or overseas, in connection with which the Secretary of State requires fuel capacity.</p> <p>(3) The parties agree to act in good faith and in all reasonableness to agree any revisions to any schedule, programme or costs estimate (which shall include costs of demobilising and remobilising any workforce, and any costs to protect Exolum's apparatus "mid-works") to account for the suspension.</p> <p>(4) Exolum shall not be liable for any costs, expenses, losses or liabilities the Promoter incurs as a result of the suspension of any activities under this paragraph or delays caused by it.</p>	
62.	Schedule 9 (Protective Provisions) Part 7 (For The Protection Of Anglian Water Services Limited) New Paragraphs 83, 86 (Apparatus in stopped up streets)	N/A	Following the addition of paragraph 79 (Emergency circumstances) all cross references to paragraph numbers numbering for the succeeding protective provisions changes.	<p>8283</p> <p>(1) Where any street is stopped up under article 18 (permanent stopping up and restriction of use of streets and private means of access), where Anglian Water has apparatus in the street or accessed by virtue of that street, it has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Anglian Water legal easements reasonably satisfactory to Anglian Water in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of Anglian Water to</p>	6

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				<p>require the removal of that apparatus under paragraph 8685 or the power of the undertaker to carry out works under paragraph 8887.</p> <p>8586 -(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 (without the prior written consent of Anglian Water) be extinguished, until—</p> <p>...</p> <p>(b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 876.</p> <p>87.88.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 865(2), the undertaker must submit to Anglian Water a plan of the works to be executed.</p> <p>...</p> <p>(4) If Anglian Water in accordance with sub-paragraph (3) and 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</p>	

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				<p>requirement, paragraphs 480 to 382 and 685 to 87 apply as if the removal of the apparatus had been required by the undertaker under paragraph 865(2).</p> <p>89-90.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 843 or 865(2), or by reason of any subsidence resulting from such development or 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 those works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—</p> <p>90-91. Where in consequence of the proposed construction of any of the authorised development, the undertaker or Anglian Water requires the removal of apparatus under paragraph 865(2) or Anglian Water makes requirements for the protection or alteration of apparatus under paragraph 889, the undertaker must use all reasonable 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 Anglian Water’s undertaking and Anglian Water must use all reasonable endeavours to co-operate with the undertaker for that purpose.</p>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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63.	Schedule 9 (Protective Provisions) Part 8 (For The Protection Of Cadent Gas Limited)	N/A	Following the addition of paragraph 79 (Emergency circumstances) all cross references to paragraph numbers numbering for the succeeding protective provisions changes.	<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 1010(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 1010(2) (removal of apparatus) or otherwise.</p> <p>96-97.—(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> <p>(a) paragraphs 987 (apparatus of Cadent in stopped up streets), 1032 (retained apparatus: protection of Cadent, 1034 (expenses) and 1045 (indemnity); and</p> <p>(b) where sub-paragraph (2) applies, paragraphs 1001 (removal of apparatus) and 1024 (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</p>	6

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				<p>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 1043 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>97.98.—(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 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 1010 (removal of apparatus).</p> <p>99100</p> <p>...</p> <p>(4) Any agreement or consent granted by Cadent under paragraph-1032 (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>	

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
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				<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 1010 (removal of apparatus) do not apply, the undertaker must, unless Cadent agrees otherwise—</p> <p>100.101.—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with paragraph 10099 (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 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 if 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</p>	

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				<p>paragraph-1024(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—</p> <p>401102</p> <p>...</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 1098-(arbitration) of this Part of this Schedule and the</p> <p>402103</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 95 to 96 97 and 99-100 to 404 102 apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 1010(2) (removal of apparatus).</p> <p>...</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>	

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				<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-1043(-expenses).</p> <p>103.104.—(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 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 1010(3) (removal of apparatus) if it elects to do so; or</p> <p>...</p>	

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				<p>(g) any watching brief pursuant to sub-paragraph 1032(6) (retained apparatus: protection of Cadent).</p> <p>...</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 on accordance with paragraph 1098 (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 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</p>	

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				<p>place at the existing depth in which case full costs will be borne by the undertaker.</p> <p>106.107.—(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 1010(2) (removal of apparatus) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 1032 (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>Access</p> <p>107.108. If in consequence of any agreement reached in accordance with paragraph 10099(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 well enable Cadent to maintain or use the</p>	

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				<p>apparatus no less effectively than was possible before such obstruction.</p> <p>Arbitration</p> <p>108-109. Save for differences or disputes arising under subparagraphs 1019(2) and 1019(4) (removal of apparatus) and 1032(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>Notices</p> <p>109-110. Notwithstanding article 53 (service of notices) any plans submitted to Cadent by the undertaker pursuant to subparagraph 1032(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>					
64.	Schedule 10 (Documents to be Certified)	N/A	Amended to update the revision number and decapitalised for consistency with the remainder of the table.	<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 revision 23</td> </tr> </tbody> </table>	(1) <i>Document</i>	(2) <i>Reference number</i>	the book of reference	TR010044/APP/4.3 revision 2 3	6
(1) <i>Document</i>	(2) <i>Reference number</i>								
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				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 24
				the engineering section drawings	TR010044/APP/2.10
				the environmental masterplan	Figure 2.4 within TR010044/APP/6.2 revision 34
				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 25

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				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 revision 35
				the archaeological mitigation strategy	TR010044/EXAM/9.23 revision 23
				the habitats plan	Figure 1 of Appendix 8.3 within TR010044/APP/6.3
				the biodiversity-pre-commencement plan	TR010044/APP/6.13 revision 2
				the pre-commencement plan	TR010044/EXAM/9.48 revision 24
				the tree constraints plan	Appendix 7.5 Part 2 and Part 3 within TR010044/APP/6.3 revision 2

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				<p>Sscheme design approach and design principles</p> <p>flood risk assessment</p>	<p>TR010044/EXAM/9.26 revision 3</p> <p>Appendix 13.4 - Flood Risk Assessment, Appendix 13.4 - Flood Risk Assessment – Annex A – River Great Ouse Hydraulic Modelling 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 revision 3</p>
65.	Schedule 10 (Documents to be Certified)	Historic England and Bedford Borough Council	Insertion to account for the additional document to be certified.	Brook Cottages heritage strategy TR010044/EXAM/9.104	6