

## M54 to M6 Link Project

Examining Authority's Consultation Draft Development Consent Order.

Schedule of Recommended Amendments to the Applicant's draft Development Consent Order (DCO) submitted at Deadline 6 [REP6-002/REP6-003]

Provision	Change	Reasoning
Article 2(1) – between definitions of “the 1990 Act” and “the 1991 Act”.	Remove extra line.	Typographic.
Article 2(1) – definition of “CEMP”	Delete.	Use only occurs in Schedule 2 and should therefore be defined there.
Article 2(1) – definition of “hedgerow and protected trees plan”	Delete.	Now redundant as retitled.
Article 2(1) – definition of “HEMP”	Delete.	Use only occurs in Schedule 2 and should therefore be defined there.
Article 2(1) – definition of “lead local flood authority”	Delete.	Use only occurs in Schedule 2 and should therefore be defined there.
Article 2(1) – definition of “Natural England”	Delete.	Use only occurs in Schedule 2 and should therefore be defined there.
Article 2(1) – definition of “OEMP”	Delete.	Use only occurs in Schedule 2 and should therefore be defined there.
Article 2(1) – definition of “relevant planning authority”	Delete.	Use only occurs in Schedule 2 and should therefore be defined there.
Article 2(1) – after definition of “traffic authority”	Insert “tree preservation order/impact removal plans” means the drawings reference in Schedule 10 (documents to be certified) and certified as the tree	To accord with the terminology in Schedule 10. <u>Note:</u> These drawings need to be separately submitted, since they currently form part of Appendix 7.1 to

<b>Provision</b>	<b>Change</b>	<b>Reasoning</b>
	preservation order/impact removal plans by the Secretary of State.”	the Environmental Statement [AS-100/AS-101].
Article 2(1) – definition of “traffic officer”	Delete.	Use only occurs in Article 15 and should therefore be defined in that Article.
Article 2(1) – definition of “the tribunal”	Delete.	Use only occurs in Article 42 and should be used in full there.
Article 2(1) – definition of “trunk road”	Restart list at (a).	Typographic.
Article 6(b)(i)	Replace the text as follows:  “(i) in respect of the construction of any noise barrier, a maximum of 1 metre upwards or downwards, providing that the effective difference in vertical levels between the carriageway and top of the noise barrier is maintained to at least that identified in the Environmental Statement”	To ensure that the noise barrier is effective for its purpose.
Article 13(6) – between “development” and “after”	Insert a comma, “,”.	Typographic.
Article 15	After paragraph (4) insert:  “(5) In this article “traffic officer” means an individual	As this is the only Article in which this definition is used.

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	<p>authorised to carry out assigned duties connected with, or intended to facilitate or to be conducive or incidental to the management of traffic on the relevant road network, or a person authorised by the Secretary of State in accordance with section 2 of the 2004 Act;”</p>	
<p>Article 25(5)(b)</p>	<p>Replace the text as follows:</p> <p>“(b) after paragraph 29, insert a new paragraph:</p> <p style="text-align: center;">“PART 4 INTERPRETATION</p> <p>30. In this Schedule, references to entering on and taking possession of land do not include doing so under articles 18 (protective work to buildings), 29 (temporary use of land for carrying out the authorised development) or 30 (temporary use of land for maintaining the authorised development) of the M54 to M6 Link Road Development Consent Order 20[ ].””</p>	<p>To comply with conventional layout provisions.</p>

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Article 26(7)	<ol style="list-style-type: none"> <li>1. In second line replace “Lan” with “Land”.</li> <li>2. After provision remove extra line.</li> </ol>	Typographic.
Article 40(4)	<p>Replace the text with:</p> <p>“(4) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public:</p> <ol style="list-style-type: none"> <li>(a) a copy of each of the documents listed in Schedule 10 (documents to be certified) as may be amended in accordance with paragraph (2); and</li> <li>(b) a register of those requirements contained in Part 1 of Schedule 2 of this Order (Requirements) that provide for further approvals to be given by the Secretary of State.</li> </ol> <p>(5) The register pursuant to subparagraph (4)(b) must set out in relation to each such requirement the status of the requirement, in terms of</p>	To make it clear how the copies and details are to be made publicly available and to ensure all relevant documents, that are certified documents and submissions and approvals of Requirements, are kept in a single accessible location.

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	<p>whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.</p> <p>(6) The electronic record set out in paragraph (4) must be maintained by the undertaker for a period of 3 years following completion of the authorised development."</p>	
Article 42	Replace "the tribunal" with "the Lands Chamber of the Upper Tribunal".	As this term is only used once in this Article.
Schedule 2, Part 1, Requirement 1.	<p>Insert in the relevant places:</p> <p>"bank or public holiday" means Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971([x])."</p> <p>[x] is 1971 c. 80.</p> <p>"CEMP" means the construction environmental management plan;"</p> <p>"HEMP" means the handover environmental management plan;"</p>	<ol style="list-style-type: none"> <li>1. As the term "bank or public holiday" is used twice (in Requirements 2 and, as recommended, in Requirement 14(4)) and should be defined.</li> <li>2. As the remaining definitions are only used in the Requirements.</li> </ol>

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	<p>““lead local flood authority” has the same meaning as in the Flood and Water Management Act 2010;”</p> <p>““Natural England” means the body created by the National Environment and Rural Communities Act 2006 or any successor in function to it;”</p> <p>““the OEMP” means the outline environmental management plan submitted with the application for this Order and certified as the OEMP by the Secretary of State for the purposes of this Order;”</p> <p>““relevant planning authority” means the planning authority for the area to which the provision relates;”</p>	
Schedule 2, Part 1, Requirement 1 – the definition of “the Manual of Contract Documents for Highway Works”	Delete.	This definition is not used in this Schedule.
Schedule 2, Part 1, Requirement 9(4)	Second line replace “reported” with “reported by way of notice”.	To ensure consistency with Requirement 9(5) which refers to a “notice”.
Schedule 2, Part 1, Requirement 10	Delete Requirement and renumber requirements thereafter.	This appears to be a duplicate of Requirement 2(d)(xiv).

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Schedule 2, Part 1, Requirement 13	<ol style="list-style-type: none"> <li>1. In sub-paragraph (2) replace "sub-paragraph (3)" with "sub-paragraphs (3) and (4)".</li> <li>2. Insert new sub-paragraph (3) as follows:   " (3) Where the Secretary of State requests further information pursuant to paragraph 14, and no further information has been submitted eight weeks from the day immediately following that on which the application was received by the Secretary of State, the application is taken to have been refused by the Secretary of State." </li> <li>3. Renumber sub-paragraph (3) as (4).</li> </ol>	To ensure that where the Secretary of State requests further information and no such information is submitted that the previously submitted information is not approved by default.
Schedule 2, Part 2, Requirement 14(3)	<ol style="list-style-type: none"> <li>1. Replace "separate" with "separate application".</li> <li>2. Add at end:   " (4) In this paragraph, "business day" means a day other than Saturday, Sunday or bank or public holiday." </li> </ol>	<ol style="list-style-type: none"> <li>1. To ensure clarity that any element where further information is requested is to be dealt with as an independent matter.</li> <li>2. To ensure that this term is appropriately defined.</li> </ol>



<b>Provision</b>	<b>Change</b>	<b>Reasoning</b>
Schedule 2, Part 2, Requirement 15	Delete Requirement and renumber requirement thereafter.	As this should now be covered in Article 40.
Schedules 2 to 5, 7 and 8	Ensure all tables are of same overall width and that there are no 'orphan' headings.	Typographic.
Schedule 3, Part 6	<p>Insert extra row as Reference (1) below.</p> <p>If necessary, appropriate changes should also be made to Work provisions in Schedule 1, and cartographic changes to sheet 4 of the streets, rights of way and access plans, and any other necessary document.</p>	<p>To enhance pedestrian and cyclist links between north and south of M54 junction 1.</p> <p>This should run as per option E2 as discussed in the Applicant's response to ExQ3.10.8.</p>
Schedule 9	Please ensure that any protective provisions in favour of South Staffordshire Water (and any other appropriate party) are included for Deadline 8 (7 April 2021)	To ensure provisions included.
Schedule 10	Please ensure this is updated for Deadline 8 (7 April 2021), including deletion of "Crown land plans"	To ensure up-to-date and accurate.

Additional matters

1. Could the Applicant please ensure that the agreed fence to be installed along the southern side of Dark Lane is identified, either as a Work in Schedule 1, or within the Environmental Masterplan (master and sheet 3), and any other necessary document amended.
2. Could the Applicant please ensure that Article 8(4) covers all the necessary statutory undertakers so as to be in accordance with the final Protective Provisions to be set out in Schedule 9.
3. In addition, there a significant number (34) of occasions in the draft DCO where there is a double space. These should be checked and generally replaced with a single space.

Reference (1):

Cannock Road (proposed footpath and cycleway)	Between point [X/X] and point [X/X] on sheet 4 of the streets, rights of way and access plans
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Please Note:

1. As set out in the ExA's letter of 23 February 2021, there may be further changes which the ExA recommends to the Secretary of State to take account of other matters that have been and continue to be examined. This is particularly likely to be in the situation where it is clear that there are fundamental differences between parties on a number of issues. These will need to be reported to the Secretary of State along with the ExA's conclusions when all the evidence has been submitted.
2. Should the Applicant or any other party have comment on this proposed schedule of changes then these should be submitted at Deadline 7 (26 March 2021).