

Table of Amendments to the draft Development Consent Order

Deadlines 1, 4 and 6

DEADLINE 1 SUBMISSION

Article/Requirement/Schedule Number	Amendment	Reason
Cover page	The subject and title of the Order have been updated, and the reference to the date on which the Order will be laid before Parliament has been removed.	To comply with drafting requirements for development consent orders.
Article 2(1)	Definition of “the undertaker” has been amended to refer to “National Highways Limited”.	The amendment was required because Highways England Company Limited changed its name to National Highways Limited.
Page 17 (footnote (a))	The footnote in relation to section 52 of the 1949 Act has been updated to refer to amendments introduced by paragraph 10(f) of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16), paragraph 2(6) of Schedule 10 to the Environment Act 1995 (c.25), and Schedule 30 to the Local Government Act 1972 (c.70)	To correct a statutory reference.
Article 40(2)	A reference to paragraph “(1)” has been added within paragraph (2).	To correct a formatting error.
Schedule 1	Under Work No. 1(x), the reference to “sheet 1” of the works plans has been updated to “sheet 2”.	To correct a typographical error.

Schedule 1	Under Work No. 1(x), “Alexander and Angel Ltd” has been updated to “Alexander and Angell Ltd’s premises”.	This amendment was made to ensure clarity as to where the new access track would be constructed.
Schedule 1	Under Work No. 3(a), the reference to “sheets 2, 3 and 6” of the works plans has been updated to “sheets 2, 3, and 5”.	To correct a typographical error.
Schedule 1	Under Work No. 7(b), the word “from” has been deleted and replaced with the word “to”.	To correct a typographical error.
Schedule 1	Under Work No. 7(c), the word “to” has been deleted and replaced with the word “from”.	To correct a typographical error.
Schedule 1	Under Work No. 11, the letter “s” after the word “sheet” has been deleted.	To correct a typographical error.
Schedule 2, R1	The definition of “EMP construction stage” has been updated to refer to “paragraph 3 of this Schedule” instead of “Requirement 3”.	As explained in response to ExA Question 1.5.46, this cross reference has been updated in accordance with the drafting convention for statutory instruments.
Schedule 2, R6	The words “,and in accordance with the Landscape and Ecological Management Plan approved as part of the EMP (construction stage) and EMP (end of construction stage) under paragraph 3 of this Schedule” have been inserted into paragraph 6(2).	As explained in response to ExA Question 1.5.39, this requirement has been updated to clarify that the landscaping scheme approved under paragraph 5 of Schedule 2 must be implemented in accordance

	The reference to “Requirement 5” in paragraph 6(1) of Schedule 2 has been updated to “paragraph 5 of this Schedule”.	with the approved the Landscape and Ecological Management Plan. As explained in response to ExA Question 1.5.46, the cross reference to paragraph 5 in paragraph 6(1) has been updated in accordance with the drafting convention for statutory instruments.
Schedule 2, R15.1(b)	The words “of this Schedule” have been inserted after the words “paragraph 16”.	As explained in response to ExA Question 1.5.46, the drafting of this paragraph has been updated to clarify the reference.
Schedule 2, R16(3)	The words “of this Schedule” have been inserted after the words “paragraph 18”.	As explained in response to ExA Question 1.5.46, the drafting of this paragraph has been updated to clarify the reference.
Schedule 3, Part 3	A reference to the realigned Climperwell Road between point 41 and point 42 on sheet 6 of the classification of roads plans has been added to Part 3 (classified roads) of Schedule 3.	As detailed in the Applicant’s response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], this amendment was required to correct an error regarding the status of Climperwell Road. This road had been incorrectly included within Part 4 of Schedule 3 as an unclassified road.
Schedule 3, Part 4	The reference to the unclassified road between point 41 and point 42 on sheet 6 of the classification of roads plans has been removed from Part 4 (unclassified roads) of Schedule 3.	As detailed in the Applicant’s response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], this amendment was required to correct an error regarding the status of Climperwell Road. This road had been incorrectly included within Part 4 of Schedule 3 as an unclassified road.

Schedule 3, Part 5	The description of the C377 (Leckhampton Hill) in column 2 has been updated to confirm that it is a classified road.	As detailed in the Applicant's response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], this amendment was required to reflect an error in the classification of the C377.
Schedule 3, Part 5	A reference to the speed limit for the new local access road (A436 link road) shown from point 7 on sheet 2 of the speed limit plans to point 7a on sheet 2 of the speed limit plans for a total distance of 65 metres has been added to Part 5 (speed limits) of Schedule 3.	As detailed in the Applicant's response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], this amendment was included to reduce the speed limit on a section of the proposed A436 link road from the national speed limit to 50 mph, further to consultation with Gloucestershire County Council.
Schedule 3, Part 5	In relation to the new local access road (A436 link road), the reference to "point 7" has been updated to "point 7a" and the distance has been reduced from "848" to "783" metres in the second column of Part 5 (speed limits).	As detailed in the Applicant's response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], this amendment was included to reduce the speed limit on a section of the proposed A436 link road from the national speed limit to 50 mph, further to consultation with Gloucestershire County Council.
Schedule 4, Part 1	In relation to the Badgeworth bridleway 125, the word "metres" has been added instead of "m" in column 3 of Part 1 (highways to be stopped up for which no substitute is to be provided).	To correct a typographical error.
Schedule 4, Part 2	In relation to a new length of bridleway (Reference PR12), the reference to "Coberley Civil Parish" has been updated in column 1 of Part 2 (highways to be stopped up for which no substitute is to be provided).	To correct a typographical error.

Schedule 4, Part 2	In relation to a new footpath (Reference PR13), the reference to “Coberley Civil Parish” has been updated in column 1 of Part 2 (highways to be stopped up for which a substitute is to be provided and new highways which are otherwise to be provided).	To correct a typographical error.
Schedule 4, Part 2	An additional section of unclassified highway within Cowley Civil Parish – U50944 Reference A31 - has been added to Part 2 ((highways to be stopped up for which a substitute is to be provided and new highways which are otherwise to be provided), as shown on sheet 4 of the updated rights of way and access plans.	As detailed in the Applicant’s response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], this amendment was included to reflect that the relevant highway is being stopped up with a substitute to be provided (Reference PR18), further to consultation with Gloucestershire County Council.
Schedule 4, Part 2	In relation to Reference PR19, the full stop has been deleted in the fourth column of Part 2 ((highways to be stopped up for which a substitute is to be provided and new highways which are otherwise to be provided).	To correct a typographical error.
Schedule 4, Part 3	In relation to reference h – Access to fields north west of new A417 mainline – the words “as shown on sheet 2 of the rights of way and access plans” have been added in column two of Part 3 (private means of access to be stopped up for which no substitute is to be provided).	As explained in response to ExA Question 1.5.30, the sheet reference has been added for consistency and clarity.

DEADLINE 4 SUBMISSION

Article/Requirement/Schedule Number	Amendment	Reason
Preamble	The reference to section 55(2) of the National Parks and Access to the Countryside Act 1949 has been removed.	As explained in response to ExA Rule 17 Request, section 55 of the 1949 Act is to be disapplied under Article 3 to facilitate the variation of the Cotswold Way National Trail.
Article 2(1)	Footnote (a) has been added in relation to the 1949 Act.	This is a consequential change as a result of the reference to the 1949 Act in the Preamble having been removed.
Article 3(1)(i)	A reference to section 28H of the Wildlife and Countryside Act 1981 has been added under Article 3(1)(i).	Further to the Applicant's Deadline 3 submission Document Reference 8.17 Summary of Applicant's Oral Submissions at Issue Specific Hearings 1 (REP3-009), the Applicant is seeking to disapply section 28H of the Wildlife and Countryside Act 1981.
Article 3(1)(l)	A reference to section 55 of the National Parks and Access to the Countryside Act 1949 has been added to Article 3(1).	Further to the Applicant's Deadline 3 submission Document Reference 8.20 Response to Rule 17 - Cotswold Way National Trail Diversion (REP3-012), the Applicant is seeking to disapply section 55 of the 1949 Act.
Article 8(a)(ii)	The words "and between points S and T" have been added.	This amendment is related to the FlyUp A417 Bike Park. The restriction of the limits of deviation in this location to 0 metres will ensure that the earthworks footprint for the scheme would not affect the existing car park at the Bike Park.

Article/Requirement/Schedule Number	Amendment	Reason
Article 20	The words “as directed by the Secretary of State by way of this Order in accordance with section 55(2) of the 1949 Act” have been removed.	Further to the Applicant’s Deadline 3 submission Document Reference 8.20 Response to Rule 17 - Cotswold Way National Trail Diversion (REP3-012), the reference to section 55 of the 1949 Act has been removed throughout the draft DCO as it is to be disapplied under Article 3.
Schedule 1	A new Work No. 1(y) has been added: (y) the construction of a new access track at the location shown on sheet 1 of the works plans for the new private means of access for the residential property at Flyup 417 Bike Park.	As set out in its non-material design change request, the Applicant is proposing to introduce a new access track for FlyUp Limited in response to their concerns about operational impacts.
Schedule 1	The words “and Emma’s Grove” have been added to Work No. 3.	The description has been updated to reflect the fact that a new private means of access is being introduced to connect to Emma’s Grove.
Schedule 2, R1	A definition for the “DAMS and OWSI” has been added to paragraph 1 of Schedule 2.	This is a consequential amendment to facilitate the changes to Requirement 9 that have been introduced in consultation with Historic England.
Schedule 2, R1	A definition for “Historic England” has been added to paragraph 1 of Schedule 2.	This is a consequential amendment to facilitate the changes to Requirement 9 that have been introduced in consultation with Historic England.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 2, R3(2)(e)(ii)	The words “Detailed Archaeological Mitigation Strategy and Overarching Written Schemes of Investigation” have been removed.	The Detailed Archaeological Mitigation Strategy and Overarching Written Scheme of Investigation are no longer to be included in the Environmental Management Plan (Construction Stage) and are to become a standalone certified document, as agreed with Historic England.
Schedule 2, R9(1)	The words “chapter 6 (Cultural Heritage) of the environmental statement” have been replaced with “the DAMS and OWSI”.	Following discussions with Historic England, the Applicant considers that the archaeology requirements are best placed within the Detailed Archaeological Mitigation Strategy and Overarching Written Scheme of Investigation.
Schedule 2, R9(1)	The words “in consultation with Historic England” have been added.	The Applicant has agreed that the County Archaeologist should be required to consult with Historic England on the archaeological written scheme of investigation required under this paragraph.
Schedule 2, R9(3)	The words “in consultation with Historic England” have been added.	The Applicant has agreed that the County Archaeologist should be required to consult Historic England on the programme of archaeological reporting required under this paragraph.
Schedule 2, R9(6)	The words “On completion” have been replaced with “Prior to commencement”.	The Applicant has agreed with Historic England to agree provisions for long term storage of the archaeological archive with the County Archaeologist prior to commencement of the authorised development.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 2, R11	References to “the engineering drawings and sections” have been added.	References to the engineering drawings and sections have been added to ensure that the detailed design must be in accordance with those plans.
Schedule 3, Part 5	The speed limit for the new Ullenwood Junction has been reduced to 50pmh.	To correct a drafting error. As detailed in the Applicant’s response to section 51 advice and section 55 checklist issued on 29 June 2021 [AS-034], the Applicant agreed with Gloucestershire County Council to reduce the speed limit on the new Ullenwood junction from the national speed limit to 50 mph.
Schedule 3, Part 5	The distance between point 16 and point 17 on sheet 3 of the speed limits plans in relation to the re-aligned B4070 has been updated from “710 metres” to “760 metres”.	To correct a drafting error.
Schedule 3, Part 7	New schedule of revocations and variations of existing traffic regulation orders has been inserted.	To confirm the details of the existing traffic regulation orders that are to be revoked or varied as part of the scheme.
Schedule 4, Part 1	Entry relating to the U40861 (reference A26) has been deleted.	To correct a drafting error. Highways reference A26 is to be replaced by new highways with Reference PR26 and Reference PR27, as detailed in Part 2 of Schedule 4.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 4, Part 4	The description of the new private means of access to Crickley Hill Farm with Reference 1 has been updated to refer to “for a length of 846 metres, south of its existing access”.	For clarification purposes.
Schedule 4, Part 4	<p>A new private means of access with Reference 12 has been inserted as a substitute for the access to Crickley Hill Farm east of C195 Bentham Lane follows:</p> <p>A new private access to Crickley Hill Farm to the east of C195 Bentham Lane for a length of 320 metres south of its existing access</p>	To reflect the design change request at FlyUp Bike Park.
Schedule 4, Part 4	New entry with Reference 11 inserted.	To introduce a new private access to Emma’s Grove south west of the existing A436 roundabout, as shown on sheet 2 of the updated rights of way and access plans submitted at Deadline 4.
Schedule 4, Part 4	Reference to “Keeper’s cottage and B.&M. Babbage & Co. Limited’s premises” added in relation to Reference 10, a new private means of access.	To confirm that these properties will have the right to use the new private means of access with Reference 10.
Schedule 5	In connection with plot 1/19d, the reference to Work No. 1(x) has been deleted and replaced with 1(y).	To facilitate the design change request at FlyUp Bike Park.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 5	New right to construct, use, protect, inspect, maintain and alter drainage apparatus and equipment added in relation to plot 1/19e and Work No. 1(x).	To facilitate the design change request at FlyUp Bike Park.
Schedule 5	"New right for maintenance access" in relation to plot 1/19h and Work No. 1(f) deleted.	To facilitate the design change request at FlyUp Bike Park.
Schedule 5	New right to construct, use, protect, inspect, maintain and alter drainage apparatus and equipment added in relation to plot 1/19s and Work No. 1.	To facilitate the design change request at FlyUp Bike Park.
Schedule 5	New rights to construct, use, protect, inspect, maintain and alter electrical apparatus and equipment for the benefit of Western Power Distribution added in relation to plots 1/19u and 1/19v, and Work No. 11.	To facilitate the design change request at FlyUp Bike Park.
Schedule 5	New rights to construct, use, protect, inspect and maintain new drainage channel or pipe in relation to plots 2/28c and 2/28d, and Work No. 4f deleted.	As agreed with National Star Foundation and the Environment Agency, the Applicant no longer requires permanent rights in relation to these plots.
Schedule 7	The words "replacement car parking" have been deleted and the words "A417 mainline" have been added in respect of plot 1/19.	To facilitate the design change request at FlyUp Bike Park.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 7	<p>The purpose for which temporary possession of plot 1/19a is needed has been deleted and replaced with</p> <p>“Required for the provision of temporary car parking for Flyup 417 Bike Park</p> <p>Required for the provision of and to provide working space and temporary access for works associated with the Flyup 417 Bike Park private means of access and essential mitigation planting”</p>	To facilitate the design change request at FlyUp Bike Park.
Schedule 7	<p>The purpose for which temporary possession of plot 1/19b is needed has been deleted and replaced with</p> <p>“Required for the provision of and to provide working space and temporary access for works associated with the Flyup 417 Bike Park private means of access and maintenance access for the benefit of Western Power Distribution and the undertaker”</p>	To facilitate the design change request at FlyUp Bike Park.
Schedule 7	In connection with plots 1/19f and 1/19j, the reference to Work No. 1(x) has been deleted and replaced with 1(y).	To facilitate the design change request at FlyUp Bike Park.
Schedule 7	Plots 1/19h, 1/19o, 1/19r, and 1/19t have been added to Schedule 7 as plots subject to temporary possession.	To facilitate the design change request at FlyUp Bike Park.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 7	Plots 2/28c and 2/28d have been added to Schedule 7 as plots subject to temporary possession.	To enable the undertaker to undertake drainage works within these plots in the absence of permanent rights, as agreed with the National Star Foundation and the Environment Agency.
Schedule 9	A reference to the “Detailed Archaeological Mitigation Strategy and the Overarching Written Schemes of Investigation” has been included as a document to be certified.	The Applicant has agreed with Historic England that the Detailed Archaeological Mitigation Strategy and the Overarching Written Schemes of Investigation will be a separate document certified by the Secretary of State.

DEADLINE 6 SUBMISSION

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 2, R1	Definitions for the “Design Summary Report” and the “structures engineering drawings and sections” have been added to paragraph 1 of Schedule 2 (Requirements).	This is a consequential amendment to facilitate the changes to Requirement 11.
Schedule 2, R9	The words “sub-written schemes of investigation” have been substituted with “site-specific schemes of investigation”. The words “archaeological framework strategy” have been substituted with “scheme for the investigation and mitigation of areas of archaeological interest”.	To ensure consistency across the Development Consent Order and DAMS/OWSI following engagement with Historic England, the County Archaeologist and the Joint Councils.
Schedule 2, R11	References to the “structures engineering drawings and sections” and the “Design Summary Report” have been added to Requirement 11.	To confirm that the structures engineering drawings and sections form part of the preliminary scheme design and that the detailed design must be compatible with the principles set out in the Design Summary Report.
Schedule 4, Part 2	The descriptions of PR9 and PR10 have been amended to include a right for National Trust to drive cattle along the restricted byway.	The Applicant has agreed with the National Trust to provide a right to drive cattle along the restricted byway.
Schedule 9	References to the “structures engineering drawings and sections” and the “Design Summary Report” have been included as documents to be certified.	In light of the amended drafting at Requirement 11, the structures engineering drawings and sections and the Design Summary Report will be separate documents certified by the Secretary of State.