

A12 Chelmsford to A120 widening scheme

TR010060

9.40 Schedule of Changes to draft DCO

Rule 8(1)(k)

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Regulations 2010

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The Infrastructure Planning
(Examination Procedure) Rules 2010

A12 Chelmsford to A120 widening scheme
Development Consent Order 202[]

Schedule of Changes to draft DCO

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CONTENTS

| | | |
|----------|--|-----------|
| 1 | Introduction | 1 |
| 1.2 | Additional notes for Deadline 3. | 1 |
| 1.3 | Additional notes for Deadline 4. | 1 |
| 2 | Summary of proposed changes to submission draft Development Consent Order at Deadline 3 | 3 |
| 3 | Summary of proposed changes to submission draft Development Consent Order at Deadline 4 | 17 |

1 Introduction

- 1.1.1 The submission draft Development Consent Order (DCO) (document reference TR010060/APP/3.1) was given the examination document number APP-039.
- 1.1.2 The following referencing errors were notified to the Applicant in S51 advice received at the time of acceptance of the application for development consent.
- 1.1.3 The following referencing errors were rectified in the second version of the draft DCO submitted under cover of the Applicant's letter of 21 September 2022:
- Article 12 (4) on p14
 - Article 15 (4) on p18
 - Article 22 (3) on p22
 - Article 30 (2) on p30
 - Article 31 (10) on p32
 - Article 42 (1) on p39
- 1.1.4 The revised draft DCO (version 2) is examination document number AS-020. The Applicant has since noted a number of additional revisions to the draft DCO that it proposes to make.
- 1.1.5 Rather than provide a further version of the draft DCO close to the Issue Specific Hearing on the topic of the draft DCO, scheduled for Wednesday 1 March 2023, the Applicant is submitting this list to inform the ExA and Interested Parties of the changes the Applicant proposes.
- 1.1.6 Following the ISH on 1 March the Applicant will submit a revised draft DCO, Explanatory Memorandum and validation report, together with comparisons, at Deadline 3.

1.2 Additional notes for Deadline 3.

- 1.2.1 This document is provided in "clean" and comparison versions, to show those changes made from the preliminary version of this document provided at deadline 2. This document will be provided as a new version with each subsequent revised draft DCO.
- 1.2.2 Following the ISH on 1 March the Applicant is now submitting a revised draft DCO, Explanatory Memorandum and validation report, together with comparisons, at Deadline 3. The dDCO is Version 3, and the Explanatory Memorandum is Version 2 of the documents. This is the first time a validation report has been submitted.
- 1.2.3 A further updated version of this document, together with a further revised draft DCO will be provided at Deadline 4.

1.3 Additional notes for Deadline 4.

- 1.3.1 This document is provided in "clean" and comparison versions, to show those changes made from the version of this document provided at Deadline 3.
- 1.3.2 The dDCO is Version 3 [TRO10060/APP/3.1 rev 3], and the Explanatory Memorandum is Version 3 [TRO10060/APP/3.2 rev 3] of the documents.
- 1.3.3 A further updated version of this document, together with a further revised draft DCO will be provided at Deadline 5.

1.4 Additional notes for Deadline 5.

- 1.4.1 This document is provided in "clean" and comparison versions to show those changes made from the version of this document provided at Deadline 4.
- 1.4.2 Following the ISH on the 27 April the Applicant is now submitting a revised draft DCO, Explanatory Memorandum and validation report, together with comparisons at Deadline 4.
- 1.4.3 The dDCO is Version 4 [TRO10060/APP/3.1 rev 4], and Explanatory Memorandum is Version 4 [TRO10060/APP/3.2 rev 4] of the documents.

2 Summary of proposed changes to submission draft Development Consent Order at Deadline 3

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|--|---------------------------------------|---|-----------------------|
| Article 2 - definitions | “maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace provided such works do not are unlikely to give rise to any materially new or materially different significant adverse environmental effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly; | To better reflect previous precedent. | M42 Junction 6 Development Consent Order 2020 (SI 2020 No. 528) | - |
| Article 2 - definitions | “Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans, and the limits of land <u>within</u> which the authorised development as shown on the works plans may be carried out | Missing word | - | - |
| Article 2 - definitions | “temporary works” means those works shown on the <u>temporary</u> permanent works plans and described as temporary works in Schedule 1 | Correction of a typographical error. | - | - |
| Part 2, Principal Powers Limits of Deviation Article 10 (3)(b) | 'Undertaking' to be replaced with 'undertaker' (3) In constructing and maintaining the— (a) flood mitigation works; and (b) borrow pits restoration works | Correction of a typographical error. | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|---|---|-----------|-----------------------|
| | shown on the permanent works plans, the undertaking <u>undertaker</u> may deviate laterally within the limits of deviation for those works shown on those plans. | | | |
| Article 12 (4) on p14 (change made following S51 Advice) | (4) The consent of the Secretary of State under this article is not required where the powers of article Error! Reference source not found. (compulsory acquisition of rights and imposition of restrictive covenants) are, with the consent of the undertaker given under article Error! Reference source not found. , proposed to be exercised by a statutory undertaker rather than by the undertaker, or are proposed to be exercised for the express benefit or accommodation of owners and occupiers of land, as identified in column (4) of the table in Part 3 <u>4</u> of Schedule 4 <u>and in column (2) of the table in Part 5 of Schedule 4</u> (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to this Order. | Change made following S51 Advice Additional change to reflect need to refer to Part 5 of Schedule 4 | - | - |
| Part 3, Streets Classification of roads, etc. Article 15 (4) | Article 15(4) will be amended to refer to "Part 12" of Schedule 3: (4) On such day as the undertaker may determine, the orders specified in column (3) of Part 8 <u>12</u> (revocations | ExQ1, 6.0.12 states: 'Art 15 - Classification of road, (4) refers to Part 8 of Schedule 3, yet the EM [APP-040] refers to Part 12 of | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|-----------|-----------------------|
| (change made 26 September 2022 following S51 Advice) | and variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part. | Schedule 3, please clarify and update as necessary'. Change made 26 September 2022 following S51 Advice | | |
| Part 3, Streets Classification of roads, etc. Article 15 (5) | (5) Unless otherwise agreed in writing with the relevant highway planning authority, the footpaths, cycle tracks, footways and bridleways set out in Part 13 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans are 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. | Change made further to discussion at Issue Specific Hearing 2 on the draft DCO. | - | - |
| Article 22 (3) (change made 26 September 2022 following S51 Advice) | (3) Except as provided in paragraph Error! Reference source not found. , on and after such day as the undertaker may determine, no person is to proceed or cause or permit any vehicle to proceed on any part of the lengths of road described in column (2) of Part 8-9 (traffic regulation measures (prohibitions)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation measures movement restrictions plans if they are, or the vehicle is of a type specified in the corresponding row of column (3) of that Part except | Change made 26 September 2022 following S51 Advice | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|--|---|-----------|-----------------------|
| | upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer. | | | |
| <p>Part 5, Powers of Acquisition</p> <p>Article 30 (2)</p> <p>(change made 26 September 2022 following S51 Advice)</p> | <p>(2) The powers of paragraph Error! Reference source not found. may be exercised by a statutory undertaker or by an owner or occupier of land identified in column (4) of the table in Part 3 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 this Order, instead of by the undertaker in any case where the undertaker has given its prior consent to that in writing, and that consent may be given subject to terms and conditions.</p> | <p>Change made 26 September 2022 following S51 Advice</p> | <p>-</p> | <p>-</p> |
| <p>Article 31 (10)</p> <p>(change made 26 September 2022 following S51 Advice)</p> | <p>(10) From such date as the undertaker may determine, which may not be later than the date on which the private means of access listed in column 2 of Part 3 4 of Schedule 4 is stopped up, the owners and occupiers, their agents contractors and any person with the permission of the owner or occupier of the land to be accessed by the private means of access to be</p> | <p>Change made 26 September 2022 following S51 Advice</p> | <p>-</p> | <p>-</p> |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|-----------|-----------------------|
| | substituted or provided on the Order Land and listed in column 4 of Part 3 <u>4</u> of Schedule 4, will be entitled to take access to their land at all times with or without vehicles across or along the private means of access to be substituted or provided on the Order Land listed in column 4 of Part 3 <u>4</u> of Schedule 4. | | | |
| Article 40 | (2) Not less than 14 <u>28</u> days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph Error! Reference source not found. Error! Reference source not found. Error! Reference source not found. | Notice period extended at the request of Affected Parties and the ExA. | - | - |
| Statutory Undertakers, Article 42(1) (change made 26 September 2022 following S51 Advice) | Reference to Schedule 10 (protective provisions) changed to Schedule 11 (protective provisions) in Revision 2 of the dDCO. (1) Subject to the provisions of article Error! Reference source not found. (compulsory acquisition of rights and imposition of restrictive covenants), Schedule 10 <u>11</u> (protective provisions) and paragraph | Correction to cross reference. Change made 26 September 2022 following S51 Advice | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|--|---|---|-----------------------|
| | <p>Error! Reference source not found., the undertaker may—</p> <p>(a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and</p> <p>(b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.</p> | | | |
| <p>Part 6, Operations</p> <p>Felling or lopping of trees and removal of hedgerows Article 46, 4 (b)</p> | <p>Addition of 'subject to consultation with the relevant planning authority'</p> <p>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph Error! Reference source not found.—</p> <p>(a) remove any hedgerow described in Part 1 or Part 2 of Schedule 9 (hedgerows and trees); and</p> <p>(b) <u>subject to consultation with the relevant planning authority</u> remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 or Part 2 of Schedule 9.</p> <p>(5) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997⁽¹⁾ and includes important hedgerows.</p> | <p>In response to ExQ1, 6.0.6, which states 'Art 46, Felling or lopping of trees and removal of hedgerows: Parts 1 and 2 of Schedule 9 identifies those trees to be removed, however 4(b) appears to allow for the removal of any hedgerow regardless of whether it has been identified for removal or not. Please explain and justify why this element of Art 46 is required '</p> | <p>A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (2022 No. 934), Article 42(4)</p> | |

⁽¹⁾ S.I. 1997/1160 as amended by S.I. 2003/2155, S.I. 2015/1997, S.I. 2015/377, S.I. 2009/1307 and S.I. 2013/755.

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| <p>Part 7, Miscellaneous and General, Crown Rights, Article 53 (1)(a)(i), (ii) and (iii) Paragraph renumbering.</p> | <p>Amend "Her Majesty" to "His Majesty"</p> <p>53.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker</p> <p>(a) to take, use, enter upon or in any manner interfere with any land or rights of any description—</p> <p>(i) belonging to Her His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;</p> <p>(ii) belonging to Her His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or</p> <p>(iii) belonging to a government department or held in trust for Her His Majesty for the purposes of a government department without the consent in writing of that government department.</p> <p>(b) Paragraph Error! Reference source not found. does not apply to the exercise of any right under this Order for the compulsory purchase of any interest in any Crown land (as defined in the 2008 Act) for the time being held otherwise than by or on behalf of the Crown.</p> | <p>Accession of King Charles III and comments made by the ExA in ExQ1 6.0.24.</p> <p>Formatting error in paragraph numbering.</p> | - | - |

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|---|--|---|-----------|-----------------------|
| | <p>(2) A consent under paragraph Error! Reference source not found. may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.</p> | | | |
| <p>Schedule 1 – Authorised Development</p> | <p>Colchester Borough Council needs to be changed to Colchester City Council:</p> <p>In the County of Essex, in the administration areas of Chelmsford City Council, Braintree District Council, Maldon District Council and Colchester Borough City Council.</p> <p>The Works are situated as follows—</p> <p>U180A, U146A and part of Work Nos. 45a, 45b, 65b, 66a, 68a, 74a, 88a, 88b, 88c, 89a, 91b, 91c,</p> <p>76A, T39, T41, T43, T45, T46, T48, T49, U137, U140, U141, U149, U150, U154, U167, U168,</p> <p>U169, U170, U171, U172, U173 in the administrative area of Colchester Borough City Council.</p> <p>The authorised development is a nationally significant infrastructure project as defined in sections</p> | <p>Colchester now has City status. The change will be made at each instance in the dDCO where there is reference to the former status of the Council.</p> | <p>--</p> | <p>-</p> |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|-----------|-----------------------|
| | 14 and 22 of the 2008 Act(a) and associated development within the meaning of section 115(2) of the 2008 Act, comprising— | | | |
| Schedule 1 – Authorised Development | The authorised development is a nationally significant infrastructure project as defined in sections 14, 20 and 22 of the 2008 Act() and associated development within the meaning of section 115(2) of the 2008 Act, comprising— | Change made to reflect the inclusion of the intermediate gas pipeline diversion as a second NSIP | | |
| Schedule 2, Part 1 Requirements Requirement 2 | The authorised development must not begin <u>commence</u> later than the expiration of 5 years beginning with the date on which this Order comes into force. | Changed at the request of Essex County Council. | | |
| Schedule 2, Part 1 Requirements Requirement 3 | The Applicant proposes to amend Requirement 3 in order to make the Environment Agency a consultee subject to it being limited to 'matters related to its function'. 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 | | | |

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|---|--|--|-----------|-----------------------|
| | <p><u>authority and the Environment Agency on matters related to its functions.</u></p> <p>(2) The authorised development must be constructed in accordance with the Second Iteration EMP.</p> | | | |
| <p>Schedule 2, Part 1 Requirements Requirement 4</p> | <p>The Applicant proposes to amend Requirement 4 in order to make the Environment Agency a consultee subject to it being limited to 'matters related to its function'.</p> <p>4. (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 <u>and the Environment Agency on matters related to its functions.</u></p> <p>(2) The authorised development must be operated and maintained in accordance with the Third Iteration EMP.</p> | | | |
| <p>Schedule 2, Part 1 Requirements Requirement 6</p> | <p>The Applicant proposes to amend Requirement 6 to include the wording contained in the made A47 Blofield to North Burlingham Order 2022 as follows:</p> <p>(2) Where the risk assessment prepared in accordance with sub-paragraph (1) determines that remediation of the contaminated land is necessary, a written scheme and programme for remedial measures to be taken to render the land fit for its intended purpose and to</p> | <p>Amendments further to consultation with the Environment Agency.</p> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|-----------|-----------------------|
| | prevent any impacts on controlled waters must be submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority and the Environment Agency on matters related to its functions. | | | |
| Schedule 2, Part 1 Requirements Requirement 10 | <p>The requirement is amended as follows:</p> <p>10. (1) The detailed design for the authorised development must accord with:</p> <p>(a) the preliminary scheme design shown on the works plans and the engineering drawings and sections; and</p> <p>(b) the principles set out in the environmental masterplan,</p> <p>(e) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local planning authority and relevant local highway authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> | Typographical error. | | |
| Schedule 2, Part 1 Requirements Requirement 11 | <p>Requirement 11 (2) is to be amended as follows:</p> <p>(2) The surface and foul water drainage system must be constructed in accordance with the approved details referred to in paragraph Error! Reference source not f</p> | To reflect agreement with Environment Agency | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|--|--|-----------|-----------------------|
| | <p>ound. unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters relating to its function <u>and the Environment Agency on matters relating to its function</u>, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> | | | |
| <p>Schedule 2, Part 1 Requirements Requirement 13 (5)</p> | <p>Requirement 13 (5) is to be amended as follows:</p> <p>“The noise mitigation measures referred to in paragraphs (1)(a) and (1)(b) must be retained <u>and maintained</u> following their being provided.”</p> <p>In addition the title of the requirement has been altered – the word "Mitigation" is now "mitigation"</p> | <p>This change reflects the Applicant's response to 6.1.7 of ExQ1.</p> | | |
| <p>Schedule 3 Part 6 – Speed Limits</p> | <p>Deletion of measure - Sheet 5</p> | <p>Removal of unnecessary measure</p> | - | - |
| <p>Schedule 3 Part 9 – Traffic Regulation Measures (Prohibitions)</p> | <p>Sheet 10 – Width restriction changed:</p> <p>(6" 6') changed to (6' 6")</p> | <p>Typographical error</p> | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|--|---|-----------|-----------------------|
| Schedule 9, Hedgerows and Trees, Parts 1 and 2 | The following hedgerows need to be moved from Part 2 'Removal of Other Hedgerows' to Part 1 'Removal of Important Hedgerows' within Schedule 9: 9, 16, 20, 23, 26, 27, 30, 33, 34, 36, 37, 38, 39, 45, 46, 48, 52, 57, 59, 66, 68, 69, 70, 78, 83, 84, 85, 88, 94, 95, 103, 133, 134, 135, 156, 159, 160, 163, 170, 185, 186, 187, 192, 194, 195, 199, 200, 205, 206, 209, 219, 230, 244, 256, 335, 994, 9161 and 23001 | Change required to reflect the relevant conclusions of the Environmental Statement. Hedgerows conforming to only the archaeology and heritage criteria of the Hedgerow Regulations 1997 were omitted from Schedule 9 Part 1 and listed in Schedule 9 Part 2 in the submission draft Order. Additional consequential changes have been made to the tables. | - | - |
| Schedule 9, Hedgerow and Trees, Part 3, Trees Subject to Tree Preservation Orders | Addition of new line to Schedule 9 Part 3 Sheet 8 Column (1): Maldon District Council TPO 07/22 Blue Mills, Blue Mills Hill, Wickham Bishops, CM8 3LH Column (2): Felling pruning and lopping of branches Column (3): Work U69 This is to reflect the recent tree preservation order made by Maldon District Council | The TPO was made in July 2022, at the time the submissions documents were finalised for submission. | - | - |
| Schedule 11, Protective Provisions, Part 5 | The dDCO will be amended to update the cross reference within the Cadent Protective Provisions to Paragraph 1 of Part 1 of Schedule 2 (Requirements). | In response to ExQ1, 6.0.3 which states 'Within Art 2 Interpretation of the dDCO | - | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|---|---|-----------|-----------------------|
| <p>– For the Protection of Cadent as Gas Undertaker</p> | <p><u>"Commence" has the same meaning as in Paragraph 1 of Part 1 of Schedule 2 (Requirements).</u></p> | <p>[APP-039], there is no definition of 'commence'. Neither is this explained in the EM [APP-040]. Furthermore, the Protective Provisions for Cadent Gas define 'commence' as having the same meaning as in article 2 (1) of dDCO. Please review and provide the necessary definition.'</p> | | |

3 Summary of proposed changes to submission draft Development Consent Order at Deadline 4

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|---|--|-----------------------|
| Article 10 (Limits of deviation) | <p>A new paragraph (4) has been inserted into Article 10 (Limits of deviation)</p> <p>"...(3) In constructing and maintaining the—</p> <p>(a) flood mitigation works; and</p> <p>(b) borrow pits restoration works</p> <p>shown on the permanent works plans, the undertaker may deviate laterally within the limits of deviation for those works shown on those plans.</p> <p><u>(4) In constructing the footpaths, cycle tracks, footways and bridleways referred to in article 15(5) (classification of roads, etc.) or referred to in article 20(2)(a) (permanent stopping up and restriction of use of streets and private means of access) the undertaker may, so far as the undertaker considers it necessary or convenient, 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.</u></p> <p>(4)(5) In constructing or maintaining the linear works, the undertaker may deviate vertically from the levels shown on the highways engineering section drawings—</p> | <p>This change has been made to confirm the position that the limits of deviation shown on the Works Plans also apply to the routes shown on the Streets, Rights of Way and Access Plans. An updated version of the Streets, Rights of Way and Access Plans have been submitted to the Examination at Deadline 4 [TRO10060/APP/2.6 Part 1 and Part 2 rev 3]] showing the limits of deviation.</p> | <p>This approach broadly follows the precedent set by the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (A428 Order).</p> | - |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|--|-------------------|-----------|-----------------------|
| | <p>(a) Upwards to any extent not exceeding 1 metre, or, in relation to Work Nos. 45(b) and 74(a) upwards to any extent not exceeding 1.5 metres; and</p> <p>(b) Downwards to any extent not exceeding 1 metre.</p> <p>(5)<u>(6)</u> The maximum vertical limits of deviation referred to in paragraph (4)<u>(5)</u> do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State certifies accordingly, following consultation with the relevant planning authority, that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(6)<u>(7)</u> Without limitation on the scope of paragraphs (2) to (5)<u>(6)</u>, in constructing or maintaining the authorised development the undertaker may deviate by up to 3 metres from the points of commencement and termination of any linear works shown on the works plans.</p> <p>(7)<u>(8)</u> In constructing and maintaining those works shown on the temporary works plans the undertaker may so far as the undertaker considers it necessary or convenient deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation - temporary works shown on the temporary works plans.</p> <p>(8)<u>(9)</u> In constructing and maintaining those works shown on the utilities works plans the undertaker may so far as the undertaker considers it necessary or convenient deviate laterally from the lines or situations of the authorised</p> | | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|---|---|------------|-----------------------|
| | <p>development shown on the works plans to the extent of the limits of deviation - utilities shown on the utilities works plans.</p> <p>(9)(10) In this article, references to “linear works” are references to any works shown on the permanent works plans by way of a centreline.</p> | | | |
| <p>Article 14 (Construction and maintenance of new, altered or diverted streets and other structures)</p> | <p>Paragraph (6) of this Article has been deleted:</p> <p>(6) Where a street which is not and is not intended to be a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority and unless otherwise agreed in writing with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.</p> <p>(7)(6) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.</p> <p>(8)(7) For the purposes of a defence under paragraph (7)(6), the court must in particular have regard to the following matters—</p> <p>(a) the character of the street and the traffic which was reasonably to be expected to use it;</p> | <p>The Applicant has confirmed that this power is not needed for the proposed Scheme and as such as amended this Article.</p> | <p>N/A</p> | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|---|---|-----------------------|
| | <p>(b) the standard of maintenance appropriate for a street of that character and used by such traffic;</p> <p>(c) the state of repair in which a reasonable person would have expected to find the street;</p> <p>(d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and</p> <p>(e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,</p> <p>but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and the competent person had carried out those instructions.</p> | | | |
| Article 15 (Classification of roads, etc.) | <p>Paragraph (5) of this Article has been amended:</p> <p>(5) Subject to 10(4) (limits of deviation) Uunless otherwise agreed in writing with the relevant highway authority, the footpaths, cycle tracks, footways and bridleways set out in Part 13 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans are to be constructed by the undertaker in the specified locations and open</p> | <p>This amendment has been included to make it clear that these public rights of way are subject to the same limits of deviation as</p> | <p>This approach broadly follows the precedent set by the A428 Order.</p> | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|--|-----------------------|
| | for use from the date on which the authorised development is open for traffic.. | shown on the Streets, Rights of Way and Access Plans. | | |
| Article 20 (Permanent stopping up and restriction of use of streets and private means of access) | <p>Paragraph (2)(a) of this Article has been amended:</p> <p>(2) No street or private means of access specified in columns (1) and (2) of Parts 2 and 4 of Schedule 4 (being a street 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—</p> <p>(a) subject to article 10(4) (limits of deviation) 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, has been completed to the reasonable satisfaction of the street authority and is open for use; or</p> | This amendment has been included to make it clear that these public rights of way are subject to the same limits of deviation as shown on the Streets, Rights of Way and Access Plans. | This approach broadly follows the precedent set by the A428 Order. | |
| Article 46 (Felling or lopping of trees and removal of hedgerows) | <p>Paragraph (4) of this Article has been amended:</p> <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, or Part 2 or Part 3 of Schedule 9 (hedgerows and trees); and</p> <p>(b) subject to consultation with the relevant planning authority, remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1, or Part 2 or Part 3 of Schedule 9.</p> | This amendment is required to ensure that all hedgerows are covered by the dDCO. | N/A | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|--|---|------------|-----------------------|
| Article 47 (Trees subject to tree preservation orders, etc.) | <p>Paragraph (1) of this Article has been amended:</p> <p>47.—(1) The undertaker may fell or lop any tree described in Part 3<u>4</u> of Schedule 9 (trees subject to tree preservation orders), cut back its roots or undertake such other works as the undertaker reasonably believes to be necessary to prevent the tree or shrub—</p> | <p>This change is a consequential change as a result of inserting a new Part 3 into Schedule 9.</p> | <p>N/A</p> | |
| Schedule 2, Requirement 6 (Contaminated land and groundwater) | <p>Requirement 6 has been amended:</p> <p>6.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the Environment Agency and relevant planning authority, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency on matters related to its <u>their</u> functions.</p> <p>(2) Where the <u>risk assessment prepared in accordance with subparagraph (1)</u> undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose <u>and to prevent any impacts on controlled waters</u> must be submitted to and approved in writing by the Secretary of State, following consultation <u>by the undertaker with the relevant planning authority and</u> with the Environment Agency and the relevant planning authority <u>on matters related to their functions.</u></p> | <p>This change is required to reflect agreement with the Environment Agency.</p> | <p>N/A</p> | |

| Article/Schedule | Change | | | Reason for change | Precedent | Consequential changes | | |
|---|---|---|--|---|-----------|-----------------------|------------------|---|
| Schedule 5 (Land in which new rights etc. may be acquired) | Schedule 5 has been amended: | | | The changes to this Schedule 5 are required to reflect the updated ownership position as set out in the Book of Reference submitted at Deadline 4 [TRO10060/APP/4.3 rev 2]. | | | | |
| <table border="1"> <thead> <tr> <th data-bbox="454 392 607 600">(1) Plot reference number shown on land plans</th> <th data-bbox="607 392 1061 600">(2) Purpose for which rights over land may be acquired</th> <th data-bbox="1061 392 1312 600">(3) Relevant part of the authorised development</th> </tr> </thead> <tbody> <tr> <td data-bbox="454 600 607 1313"> 1/13d </td> <td data-bbox="607 600 1061 1313"> To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult. </td> <td data-bbox="1061 600 1312 1313"> Work No. U2 Work No. U2A </td> </tr> </tbody> </table> | (1) Plot reference number shown on land plans | (2) Purpose for which rights over land may be acquired | (3) Relevant part of the authorised development | | | | 1/13d | To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult. |
| (1) Plot reference number shown on land plans | (2) Purpose for which rights over land may be acquired | (3) Relevant part of the authorised development | | | | | | |
| 1/13d | To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult. | Work No. U2 Work No. U2A | | | | | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------|--|---|-----------|-----------------------|
| | | <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p> | | | |
| | 1/18a | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</u></p> <p><u>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</u></p> <p><u>To install, construct, retain, inspect, maintain, protect, use,</u></p> | <p><u>Work No. U2</u> <u>Work No. U2A</u></p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|-------------------------|---|--|-----------|-----------------------|
| | | <p><u>replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</u></p> | | | |
| | | | | | |
| | <p>8/11h</p> | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p> | <p>Work No. U44 Work No. U56</p> | | |
| | <p>8/11j</p> | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried</p> | <p>Work No. U44 Work No. U56</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------------|--|--|-----------|-----------------------|
| | | <p>communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p> | | | |
| | <u>8/11e</u> | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of</p> | <p>Work No. U65 Work No. 12(e) Work No. 24(e)</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|------------------|---|---|-----------|-----------------------|
| | | access to inspect, maintain and repair bridges and structures on adjoining land. | | | |
| | 8/11t | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.</p> | <p>Work No. U65 Work No. 12(c) Work No. 24(e)</p> | | |
| | | | | | |
| | 8/11x | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to provide access to land and apparatus.</p> | <p>Work No. 12(c) Work No. 24(e) Work No. U65 Access to ecological mitigation areas and open space south of the A12 Access to land</p> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|--|--|-----------|-----------------------|
| | <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.</p> <p>8/11z</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>8/11ab</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or</p> | <p>Work No. U65 Work No. U66 Work No. U67 Work No. U70</p> <p>Work No. U65 Work No. U67 Work No. U70</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|---------------|---|---|-----------|-----------------------|
| | | without vehicles, plant or machinery. | | | |
| | <u>8/11ad</u> | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> | <p>Work No. U65 Work No. U66 Work No. U67 Work No. U70</p> | | |
| | <u>8/11ai</u> | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery</p> | <p>Work No. 12(c) Work No. U65 Work No. U70</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|-----------------------|--|--|-----------|-----------------------|
| | | Rights to pass and repass, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures. | | | |
| | | | | | |
| | 8/47c | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p> | <p>Work No. U44 Work No. U56</p> | | |
| | 8/47d | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried</p> | <p>Work No. U44 Work No. U56</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes | |
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| | | <p>communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p> | | | | |
| | 8/47e | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of</p> | <p>Work No. U65 Work No. 12(c) Work No. 24(e)</p> | | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|-----------------------|--|--|-----------|-----------------------|
| | | access to inspect, maintain and repair bridges and structures on adjoining land. | | | |
| | 8/47g | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.</p> | <p>Work No. U65 Work No. 12(c) Work No. 24(e)</p> | | |
| | 8/47h | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to provide access to land and apparatus.</p> | <p>Work No. 12(c) Work No. 24(e) Work No. U65 Access to ecological mitigation areas and open space south of the A12 Access to land</p> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
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| | <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.</p> <p>8/47j To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>8/47l To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> | <p>Work No. U65 Work No. U66 Work No. U67 Work No. U70</p> <p>Work No. U65 Work No. U67 Work No. U70</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes | |
|------------------|--------|--|---|-----------|-----------------------|--|
| | 8/47n | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</u></p> <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</u></p> | <p><u>Work No. U65</u> <u>Work No. U66</u> <u>Work No. U67</u> <u>Work No. U70</u></p> | | | |
| | 8/47q | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</u></p> <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery</u></p> <p><u>Rights to pass and repass, with or without vehicles, plant or</u></p> | <p><u>Work No. 12(c)</u> <u>Work No. U65</u> <u>Work No. U70</u></p> | | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------|--|---|-----------|-----------------------|
| | | machinery for the purposes of access to inspect, maintain and repair bridges and structures. | | | |
| | 10/14c | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to</p> | <p>Work No. U81 Work No. U84 Work No. U84A Work No. U86</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|------------------------|---|---|-----------|-----------------------|
| | | not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult. | | | |
| | 10/30a | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> | Work No. U84A | | |
| | 10/30b | To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for | Work No. U81 Work No. U84 Work No. U84A | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|--|-------------------------------------|-----------|-----------------------|
| | <p>the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p> | <p>Work No. U86</p> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|--|---|-----------|-----------------------|
| | <p>14/1e</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried sewers.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, sewers, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, sewers, cables, ducts or apparatus; and to prevent access</p> | <p>Work No. U146 Work No. U146B Work No. U146C Work No. U147</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|---------------------|--|------------------------------|-----------|-----------------------|
| | | <p><u>to the installed mains, sewers, cables, ducts or apparatus being made materially more difficult.</u></p> | | | |
| | <p><u>14/1f</u></p> | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</u></p> <p><u>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</u></p> | <p><u>Work No. U146A</u></p> | | |
| | <p><u>14/1i</u></p> | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or</u></p> | <p><u>Work No. U146A</u></p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------|--|---|-----------|-----------------------|
| | | <p><u>without vehicles, plant or machinery.</u></p> <p><u>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</u></p> | | | |
| | 14/20a | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried sewers.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> | <p>Work No. U146</p> <p>Work No. U146B</p> <p>Work No. U146C</p> <p>Work No. U147</p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------|--|-------------------|-----------|-----------------------|
| | | <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, sewers, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, sewers, cables, ducts or apparatus; and to prevent access to the installed mains, sewers, cables, ducts or apparatus being made materially more difficult.</p> | | | |
| | 14/20d | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of</p> | Work No. U146A | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------|--|------------------------------|-----------|-----------------------|
| | | soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult. | | | |
| | 14/20f | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> | Work No. U146A | | |
| | 16/5n | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</u></p> | <p><u>Work No. U166A</u></p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|-----------------------|--|--------------------------------|-----------|-----------------------|
| | | <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p> | | | |
| | 16/5o | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or</p> | Work No. U166A | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|--|------------------------------|-----------|-----------------------|
| | <p><u>without vehicles, plant or machinery.</u></p> <p><u>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</u></p> <p><u>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</u></p> | | | |
| | <p><u>16/5p</u></p> <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</u></p> | <p><u>Work No. U166A</u></p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------------|--|-----------------------|-----------|-----------------------|
| | | <p><u>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</u></p> <p><u>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</u></p> | | | |
| | <u>16/5r</u> | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</u></p> | <u>Work No. U167B</u> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|------------------|--------|--|-----------------------------|-----------|-----------------------|
| | | <p><u>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</u></p> | | | |
| | 18/1x | <p><u>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</u></p> <p><u>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</u></p> <p><u>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed</u></p> | <p><u>Work No. U194</u></p> | | |

| Article/Schedule | Change | | Reason for change | Precedent | Consequential changes |
|---|---------------------------|---|--|-----------|-----------------------|
| | | <u>cables, ducts or apparatus being made materially more difficult.</u> | | | |
| | 18/17b | <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> | Work No. U194 | | |
| Schedule 7 (Land of which temporary possession may be taken) | Amendments to Schedule 7: | | The changes to this Schedule 5 are required to reflect the updated ownership position as set out | N/A | |

| | (1) Plot reference number shown on land plans | (2) Purpose for which temporary possession may be taken | (3) Relevant part of the authorised development | in the Book of Reference submitted at Deadline 4 [TRO10060/APP/ 4.3 rev 2]. | | |
|--|---|---|--|--|--|--|
| | 2/7e | Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. | Work No. 1(e) All works | | | |
| | <u>2/17o</u> | <u>Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.</u> | <u>Work No. 1(c) All works</u> | | | |
| | <u>5/12i</u> | <u>Laydown areas, storage, access and working space.</u> | <u>Work No. 8(b) Work No. 9</u> | | | |
| | 5/17a | Laydown areas, storage, access and working space. | Work No. 8(b) Work No. 9 | | | |
| | <u>8/1o</u> | <u>Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary haul road.</u> | <u>Work No. T23 Work No. 12(c) All works</u> | | | |

| | | | | | | |
|--|--------------|---|---|--|--|--|
| | <u>8/11y</u> | <p>Temporary haul road and bridge over the River Brain.</p> <p>Access and working area for construction activities at Brain Bridge structure.</p> <p>Temporary storage, laydown areas, access and working space.</p> <p>Access, storage and working area for the construction of a retaining structure.</p> | <p>Work No. T25</p> <p>Work No. 24(e)</p> <p>All works</p> | | | |
| | <u>8/18d</u> | <p>Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.</p> <p>Temporary haul road.</p> | <p>Work No. T23</p> <p>Work No. 12(c)</p> <p>All works</p> | | | |
| | <u>8/47i</u> | <p><u>Temporary haul road and bridge over the River Brain.</u></p> <p><u>Access and working area for construction activities at Brain Bridge structure.</u></p> <p><u>Temporary storage, laydown areas, access and working space.</u></p> <p><u>Access, storage and working area for the construction of a retaining structure.</u></p> | <p><u>Work No. T25</u></p> <p><u>Work No. 24(e)</u></p> <p><u>All works</u></p> | | | |
| | <u>12/1j</u> | <p><u>Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.</u></p> | <p><u>Work No. 45(a)</u></p> | | | |

| | | | | | | |
|--|-----------------------|--|---|--|--|--|
| | 12/15a | Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. | Work No. 45(a) | | | |
| | | | | | | |
| | 13/1f | Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. | Work No. 45(a) | | | |
| | 13/1h | Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. | Work No. 54(b) Work No. 55(a) All works | | | |
| | 13/4b | Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. | Work No. 45(a) | | | |
| | 13/4d | Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. | Work No. 54(b) Work No. 55(a) All works | | | |
| | | | | | | |
| | 16/5k | Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Temporary storage, laydown areas, access and working space to facilitate construction of Easthorpe Road Bridge. | Work No. 68(a) Work No. 88(a) Work No. 88(c) Work No. 99(b) All works | | | |
| | | | | | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes | | | | |
|--|---|--|---|-----------------------|--|--|-----|--|
| | 20/13a Access and working area for widening B1023 Kelvedon Road. Work No. 122 Access and working area to allow for vegetation clearance to enable the construction of the permanent works. | | | | | | | |
| Schedule 8 (Special Category Land) Part 1 (Special Category Land for which replacement land is provided) | Amendments to Schedule 8, Part 1: <table border="1"> <thead> <tr> <th>Sheet of Special Category Land Plan</th> <th>Plot reference number shown on Special Category Land Plans and in the book of reference</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>8/6h, 8/6i, 8/11b, 8/11d, 8/11q, 8/11r, 8/11s, 8/11aa, 8/11ac, 8/11af, 8/11ah, 8/12d, 8/13b, 8/14a, 8/47a, 8/47f, 8/47k, 8/47m, 8/47o, 8/47p</td> </tr> </tbody> </table> | Sheet of Special Category Land Plan | Plot reference number shown on Special Category Land Plans and in the book of reference | 8 | 8/6h, 8/6i, 8/11b, 8/11d, 8/11q , 8/11r, 8/11s, 8/11aa, 8/11ac, 8/11af, 8/11ah , 8/12d, 8/13b, 8/14a, 8/47a, 8/47f , 8/47k , 8/47m , 8/47o , 8/47p | This change is required to reflect a change in ownership of part of the Special Category Land. | N/A | |
| Sheet of Special Category Land Plan | Plot reference number shown on Special Category Land Plans and in the book of reference | | | | | | | |
| 8 | 8/6h, 8/6i, 8/11b, 8/11d, 8/11q , 8/11r, 8/11s, 8/11aa, 8/11ac, 8/11af, 8/11ah , 8/12d, 8/13b, 8/14a, 8/47a, 8/47f , 8/47k , 8/47m , 8/47o , 8/47p | | | | | | | |
| Schedule 8 (Special Category Land) Part 2 (Special Category (Rights) Land for which replacement land is provided) | Amendments to Schedule 8, Part 2: <table border="1"> <thead> <tr> <th>Sheet of Special Category Land Plan</th> <th>Plot reference number shown on Special Category Land Plans and in the book of reference</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>8/6j, 8/6m, 8/11h, 8/11i, 8/27a, 8/47c, 8/47d</td> </tr> </tbody> </table> | Sheet of Special Category Land Plan | Plot reference number shown on Special Category Land Plans and in the book of reference | 8 | 8/6j, 8/6m, 8/11h, 8/11i , 8/27a, 8/47c , 8/47d | This change is required to reflect a change in ownership of part of the Special Category Land. | N/A | |
| Sheet of Special Category Land Plan | Plot reference number shown on Special Category Land Plans and in the book of reference | | | | | | | |
| 8 | 8/6j, 8/6m, 8/11h, 8/11i , 8/27a, 8/47c , 8/47d | | | | | | | |
| Schedule 8 (Special Category Land) | Amendments to Schedule 8, Part 3: | This change is required to reflect a change in | N/A | | | | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes | |
|---|---|---|--|-----------------------|--|
| Part 3 (Special Category (Rights) Land for which replacement land is not provided) | Sheet of Special Category Land Plan | Plot reference number shown on Special Category Land Plans and in the book of reference | Ownership of part of the Special Category Land. | | |
| | 8 | 8/3a, 8/6b, 8/6d, 8/6k 8/11f, 8/11g, 8/11e , 8/11u 8/11z, 8/11ab, 8/11ad , 8/11al 8/47b, 8/47e , 8/47j , 8/47l , 8/47n | | | |
| Schedule 8 (Special Category Land) Part 3 (Replacement Land) | Amendments to Schedule 8, Part 4: | | This change is required to reflect a change in ownership of part of the Special Category Land. | N/A | |
| | Sheet of Special Category Land Plan | Plot reference number shown on Special Category Land Plans and in the book of reference | | | |
| | 8 | 8/1d, 8/1n , 8/17b, 8/18b , 8/19b, 8/33f, 8/33g, 8/33i, 8/33m, 8/41b 8/43d, 8/43e, 8/44c, 8/45e | | | |
| Schedule 9 (Hedgerows and Trees) Part 3 (Removal of Potentially Important Hedgerows) | A new Part 3 (Removal of potentially important hedgerows) has been added into Schedule 9: | | Due to the iterative nature of the design process in the lead up to DCO submission there were changes in the Order Limits. In error the survey of a small number of hedgerows, which were not within the | N/A | |
| | <u>(1)</u> <u>Reference No.</u> <u>(Location of hedgerow)</u> | <u>(2)</u> <u>Work to be carried out</u> | | | <u>(3)</u> <u>Relevant part of the authorised development</u> |
| | <u>Hedgerow Survey Report – not shown. Retained and Removed Vegetation Plans – Sheet 20</u> | | | | |
| | <u>I2 (East of B1023, north-east of Inworth)</u> | <u>Partial removal</u> | | | <u>Work No. 117</u> |
| | <u>I3 (East of B1023, north-east of Inworth)</u> | <u>Partial removal</u> | <u>Work No. 122</u> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|--|---------------------------------|--|--|
| | I4 (East of B1023, north-east of Inworth) | Partial removal | Work Nos. 117, 118 and 122 | provisional Order Limits at the time of the original hedgerow survey, was not completed prior to the DCO submission, however these surveys have since been completed. The inclusion of this part to Schedule 9 is to capture the results of that survey. |
| | I6 (East of B1023, north-east of Inworth) | Full removal | Work No. 122 | |
| | I7 (East of B1023, north of Well Cottage, Inworth) | Partial removal | Work Nos. 117, 118 and 122 | |
| | I8 (West of B1023, south of All Saints Church) | Full removal | Work Nos. 122 and 114 | |
| | I10 (West of B1023, north of Windmill Hill) | Partial removal | Work No. 114 | |
| | I12 (East of B1023 and Marlborough Lodge) | Partial removal | Work No. 122 | |
| | I13 (East of B1023, south-east of Marlborough Lodge) | Full removal | Work No. 120 | |
| | I14 (West of B1023, south of Marlborough Lodge) | Partial removal | Work No. 113 | |
| | I15 (West of B1023, south-west of Marlborough Lodge) | Partial removal | Work No. 113 | |
| | I16 (West of B1023, south of Marlborough Lodge) | Partial removal | Work No. 113 | |
| | I17 (East of B1023, south-east of Marlborough Lodge) | Partial removal | Work Nos. 121 and 122 | |

| Article/Schedule | Change | | | Reason for change | Precedent | Consequential changes |
|--|--|---------------------------------|------------------------------|-------------------|-----------|-----------------------|
| | I18 (West of B1023, south of Marlborough Lodge) | Partial removal | Work No. 113 | | | |
| | I19 (East of B1023, south-east of Marlborough Lodge) | Partial removal | Work No. 120 | | | |
| | I20 (East of B1023, south-east of Marlborough Lodge) | Partial removal | Work No. 120 | | | |
| Schedule 9 (Hedgerows and Trees) Part 4 (Trees subject to Tree Preservation Orders) | This Part has been amended from Part 3 to Part 4. | | | | | |

4 Summary of proposed changes to submission draft Development Consent Order at Deadline 5

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|---|--|-----------------------|
| Schedule 1 Authorised Development | <p>Permanent Works</p> <p>Amendments to Work No. 74</p> <p>Work No. 74 – As shown on sheet 14 of the permanent works plans the construction of the new Junction 24 of the A12 (J24), including:</p> <p>(a) northern and southern roundabouts of J24, and a connecting underbridge;</p> <p>(b) New link road (Inworth Link) from the southern roundabout of J24 to the new Inworth Roundabout (Work No. 74(c)); and</p> <p>(c) and a new roundabout on B1023 Kelvedon Road (Inworth Roundabout) including the realigned Kelvedon Road, realigned B1023 Kelvedon Road and segregated left turn lane from B1023 Kelvedon Road to the Inworth Link (Work No. 74(b)).</p> | Correction of typographical errors | - | - |
| Schedule 2 Requirement 1, Interpretation Requirement 1 | <p>“commence” in relation to any part of the authorised development referred to in the provisions of this schedule means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming in respect of that part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and mitigation works, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, treatment of any invasive species and the temporary display of site notices or advertisements, and pre-commencement works, and “commencement” is to be construed accordingly;</p> | This change is to address comments made at the recent hearings and to also reflect that the Applicant has submitted a pre-commencement plan [TR010060/EXAM/ | This approach broadly follows the precedent set by the A428 Black Cat to Caxton Gibbet | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|--|--|--|-----------------------|
| | | 9.57] into the Examination at Deadline 5 which will apply to all "pre-commencement works". | Development Consent Order 2022 No. 934 (A428 Order). | |
| Schedule 2 Requirements, Interpretation Requirement 1 | New definitions added: "pre-commencement plan" means the document of that description listed in Schedule 12 (Documents to be certified) and certified by the Secretary of State as the pre-commencement plan for the purposes of this Order;" | As the Applicant has submitted the pre-commencement plan at Deadline 5 [TR010060/EXAM/9.57] this definition is required to provide clarity in interpreting the new requirement regarding pre commencement works. The pre-Commencement Plan will apply to all 'pre-commencement works' and ensures that these activities are | This approach broadly follows the precedent set by the A428 Order. | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|---|---|-----------|-----------------------|
| | | <p>carried out as assessed in the Environmental Statement.</p> <p>The pre-commencement plan sets out a scope, methodology and specific mitigation for those pre-commencement works where this is required and in addition applies generic mitigation/control measures for all the pre-commencement works.</p> | | |
| Schedule 2 Requirements, Interpretation | <p>““pre-commencement works” means;</p> <p>(a) archaeological investigations and mitigation works;</p> <p>(b) ecological surveys and mitigation works;</p> <p>(c) investigations for the purpose of assessing ground conditions;</p> <p>(d) remedial work in respect of any contamination or other adverse ground conditions;</p> <p>(e) erection of any temporary means of enclosure;</p> <p>(f) receipt and erection of construction plant and equipment;</p> <p>(g) treatment and removal of any invasive species;</p> | <p>A definition of pre-commencement work has been included to identify what works will be classed as pre-commencement</p> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|---|--|-----------|-----------------------|
| Requirement 1 | <p>(h) construction compound establishment works;</p> <p>(i) site clearance works;</p> <p>(j) temporary haul roads, temporary hard standing and temporary access works;</p> <p>(k) installation of temporary drainage;</p> <p>(l) engineering surveys; and</p> <p>(m) temporary display of site notices or advertisements.”</p> | <p>works and therefore, what will fall under the 'pre-commencement plan'. The list of pre-commencement works reflects what was assessed in the Environmental Statement and includes those activities that were previously set out in the definition of “commence” together with some additions. The additional activities were included in the environmental assessment but not expressly listed as pre-commencement works within the dDCO. These changes ensure that the dDCO and</p> | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|-----------|-----------------------|
| | | the Environmental Statement are aligned in how and what pre-commencement works can be undertaken, and the mitigation/control measures that must exist in relation to those activities. | | |
| Schedule 2 Requirement 1, Interpretation Requirement 1 | A new definition added: “Traffic Signs Manual” means the Traffic Signs Manual published by the Department for Transport, which contains guidance to traffic authorities on the use of traffic signs and road markings on the highway network, or any equivalent replacement to be published. | Change at the request of Essex County Council | - | |
| | | | | |
| | | | | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|---|-----------|-----------------------|
| Schedule 2 Requirement s, Requirement 2 | The authorised development must not commence begin later than the expiration of 5 years beginning with the date on which this Order comes into force. | Change at the request of Essex County Council | - | |
| Schedule 2 Requirement s, Requirement 3 | 3. —(1) Not to commence any a 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 and the Environment Agency on matters related to its functions. | To reflect changes to definition of commence | - | |
| Schedule 2 Requirement s, Requirement 7 | 7. —(1) No A part of the authorised development is to must not commence until for that part a written scheme of investigation for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 7 of the environmental statement and the archaeological mitigation strategy, has been prepared in consultation with the relevant planning authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State. | To reflect changes to definition of commence | - | |
| Schedule 2 Requirement s, Requirement 9 | 9. —(1) No A part of the authorised development is to must not commence until a traffic management plan for the construction of the authorised development, substantially in accordance with the outline construction traffic management plan, has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority. | To reflect changes to definition of commence | - | |
| Schedule 2 Requirement s, | 10. —(1) The Subject to the provisions of this Order, the detailed design for the authorised development must accord with: | To reflect changes by the inclusion of new requirements covering specific | - | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|---|-----------|-----------------------|
| Requirement 10 | (a) the preliminary scheme design shown on the works plans and the engineering drawings and sections; and (b) the principles set out in the environmental masterplan, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local planning authority and relevant local highway authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. | aspects of detailed design | | |
| Schedule 2 Requirement 11 | 11. —(1) No A part of the authorised development is to must not commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures in chapter 14 of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation with the relevant local authority on matters relating to its function and the Environment Agency on matters relating to its function. | To reflect changes to definition of commence | - | |
| Schedule 2 Requirement 13 | 13. —(1) No A part of the authorised development is to must not commence until written details of the proposed noise mitigation for the use and operation of the relevant part of the authorised development, including: (a) noise barriers, and (b) noise bunds has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority. | To reflect changes to definition of commence | - | |
| Schedule 2, Requirement 14 | Walking, cycling and horse-riding bridges 14. —(1) —Requirement 10 (detailed design) is to be read subject to the provisions of this requirement. | Change at the request of Essex County Council | - | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|---|---|-----------|-----------------------|
| New Requirement 14 | <p>(2) The detailed design for the works listed in this paragraph (“the relevant WCH bridge Works”) must accord with the following design specifications (the “WCH bridge specifications”)—</p> <p>(a) Work No. 5 (Paynes Lane Bridge) must be designed with minimum internal radii of 4 metres for any change in direction on its northern and southern ramps and no more than one switchback on its southern ramp;</p> <p>(b) Work No. 30 (Little Braxted Bridge) must be designed with a straightened northern ramp including provision for intermediate platforms and its southern ramp must be designed with a minimum external radius of 5 metres;</p> <p>(c) Work No. 53 (Snivellers Lane Bridge) must be designed with a minimum external radius of 5 metres for any change in direction on both its northern and southern approaches;</p> <p>(d) Work No. 100 (Potts Green bridge) must be designed with a minimum external radius of 5 metres for any change in direction on both its northern and southern approaches; and</p> <p>(e) Work No. 112 (Marks Tey footbridge) must be designed with a 4 metre minimum internal radius for any change in direction on each ramp and on the single switchback.</p> <p>(3) The relevant WCH bridge Works must accord with the WCH bridge specifications when constructed.</p> | | | |
| Schedule 2, Requirements New Requirement 15 | <p>Boreham operation phase traffic mitigation measures</p> <p>15.—(1) No part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for the B1137 in Boreham has been submitted to and approved by the Secretary of State, following consultation with the relevant highway authority, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) The operation phase traffic mitigation scheme for Boreham must include provision for the following operational phase traffic mitigation –</p> <p>(a) a new controlled pedestrian crossing on the B1137 in the vicinity of Boreham Co-op (grid reference 575330, 210021);</p> <p>(b) road safety posters in the vicinity of Orchard Cottages (grid reference 576394, 210658), Boreham Recreation Ground (grid reference 575848, 2103190) and outside of the Little Hedgehogs Day nursery (grid reference 575444, 210081);</p> | Change at the request of Essex County Council | - | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|-----------|-----------------------|
| | <p>(c) installation of average speed cameras on the B1137 (excluding ongoing operation, maintenance/calibration and enforcement) within Boreham as defined by the extent of 30mph speed limit shown between reference A.010 and A.011 on the traffic regulation measures speed limit plans; and</p> <p>(d) installation of average speed cameras (but not including provision for their ongoing operation, maintenance /calibration and enforcement) on the B1137 between Boreham and Hatfield Peverel defined by the extent of 40mph speed limit shown between reference A.011 and A.012 on the traffic regulation measures speed limit plans.</p> <p>(3) The scheme of operation phase traffic mitigation for the B1137 in Boreham must be provided in accordance with the approved details.</p> | | | |
| <p>Schedule 2, Requirements New Requirement 16</p> | <p>Messing operation phase traffic mitigation measures</p> <p>16.—(1) No part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for Messing has been submitted to and approved by the Secretary of State, following consultation with the relevant highway authority, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) The operation phase traffic mitigation scheme must include provision for the following operational phase traffic mitigation –</p> <p>(a) gateway features for signage in accordance with Traffic Signs Manual Chapter 3: Figure 8-21, and speed limit roundels in accordance with the 2016 Regulations and Directions diagram 1065 at Lodge Rd (grid reference 589938, 219356), Kelvedon Rd (grid reference 589511, 218861) and Harborough Hall Road (grid reference 590233, 218566) marking the extents of the existing 30mph speed limit; and</p> <p>(b) “Unsuitable for heavy goods vehicles” signage in accordance with the 2016 Regulations and Directions diagram 820 at the junction of the B1023 and Yewtree Farm Road (grid reference 587881, 218631), the junction of Harborough Hall Road and B1022 (grid reference 590573, 218228), the junction of the B1023 and Oak Road (grid reference 588820, 217131), and the junction of the B1022 and Oak Road (grid reference 589505, 217275).</p> <p>(3) The scheme of operation phase traffic mitigation for the B1137 for Messing must be provided in accordance with the approved details.</p> | <p>Change at the request of Essex County Council</p> | <p>-</p> | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|--|--|--|-----------------------|
| <p>Schedule 2, Requirement 17</p> <p>New Requirement 17</p> | <p>Operation phase local traffic monitoring</p> <p>17.—(1) No part of the authorised development is to commence until a survey to assess baseline traffic levels has been undertaken at the following locations—</p> <p>(a) B1137 Main Road, Boreham</p> <p>(b) The Street/Maldon Road (Duke of Wellington) junction, Hatfield Peverel;</p> <p>(c) Little Braxted Lane, Little Braxted;</p> <p>(d) Braxted Road/Braxted Park Road;</p> <p>(e) B1023 Kelvedon Road, Inworth;</p> <p>(f) Kelvedon Road, Messing; and</p> <p>(g) B1023 Church Road, Tiptree</p> <p>(2) No part of the authorised development is to open to traffic until details of an operation phase local traffic monitoring scheme has been submitted to and approved by the Secretary of State, following consultation with the relevant highway authority, for the locations listed in subparagraph (1).</p> <p>(3) The operation phase local traffic monitoring scheme to be provided under sub-paragraph (2) must include—</p> <p>(a) a survey to assess baseline traffic levels at the locations listed in sub-paragraph (1), or confirmation that such survey has already been undertaken;</p> <p>(b) proposals for an operation traffic survey at the locations listed in sub-paragraph (1) to assess the changes in traffic from the baseline carried out —</p> <p>(i) within the first year; and</p> <p>(ii) prior to the expiry of the third year following the date on which the authorised development is fully completed and open for traffic;</p> <p>(c) details of the methodology to be used to collect the required data;</p> <p>(d) details of the periods over which operation 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>Change at the request of Essex County Council</p> | <p>Based on similar provision in the A428 Order, requirement 23 of Schedule 2.</p> | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|---|---|--|--|-----------------------|
| | (4) The scheme approved under sub-paragraph (2) must be implemented by the undertaker unless otherwise agreed in writing with the Secretary of State following consultation with the relevant highway authority. | | | |
| Schedule 2, Requirement 18 New Requirement 18 | Pre-commencement works 18. Any pre-commencement works must be carried out in accordance with the pre-commencement plan. | The inclusion of this requirement ensures that the “pre-commencement works” are appropriately controlled by the “pre-commencement plan”. | This approach broadly follows the precedent set by the A428 Order, requirement 20 of Schedule 2. | |
| Schedule 2, Requirement 19 | 19.14. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State. | Consequential renumbering | - | |
| Schedule 2, Part 2 Requirement 15 | Applications made under requirements 20.15. —(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— | Change due to the change in numbering in Part 1 of Schedule 2 | - | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|--|--|--|-----------|-----------------------|
| | <p>(a) the day immediately following that on which the application is received by the Secretary of State;</p> <p>(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph (16) 21 (further information); or</p> <p>(c) such longer period as may be agreed between the parties.</p> <p>(2) Subject to paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.</p> <p>(3) Where—</p> <p>(a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;</p> <p>(b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and</p> <p>(c) the application is accompanied by a report from a body required to be consulted under that requirement that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, the application is taken to have been refused by the Secretary of State at the end of that period.</p> | | | |
| <p>Schedule 2,</p> <p>Part 2</p> <p>Requirement 16</p> | <p>Further information</p> <p>21.16.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.</p> <p>(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 business day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.</p> | <p>Change due to the change in numbering in Part 1 of Schedule 2</p> | - | |

| Article/Schedule | Change | Reason for change | Precedent | Consequential changes |
|------------------|---|---|-----------|-----------------------|
| | <p>(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 15 20 (applications made under requirements) and in this paragraph.</p> <p>(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(a).</p> | | | |
| | <p>Register of requirements 22.17.—(1) 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 a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.</p> <p>(2) The register must set out in relation to each such requirement the status of the requirement, in terms of 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>(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.</p> | Change due to the change in numbering in Part 1 of Schedule 2 | - | |
| | <p>Anticipatory steps towards compliance with any requirement 23.18. If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.</p> | Change due to the change in numbering in Part 1 of Schedule 2 | - | |

| Schedule 12 Documents to be Certified | Addition of "Pre-commencement plan" within the documents to be certified set out in Schedule 12. This is to reflect new requirement 18. | Change required to reflect new requirement 18 in Schedule 2, Part 1, Requirements | - | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|---|--|-------------------------------------|--------------------------------|-------------------|-------------------|-------------------------------|-------------------|-----------------------------------|--------------------|--------------------------|-------------------|-------------------------|-------------------|---------------------|-------------------|-----------------------|-------------------|---------------------------------------|--------------------|------------|-------------------|--|-------------------|-----------------------|---------------------|---------------------------------------|-------------------------------------|---|---------------------|---------------------------------------|--------------------|-----------------------------|-------------------|---|-------------------|--|--------------------|-----------------------|---------------------|---|---------------------|--|---------------------|-----------------------|---------------------|
| | <p>SCHEDULE 12 Articles 2 and 60</p> <p>DOCUMENTS TO BE CERTIFIED</p> <table border="1"> <thead> <tr> <th style="text-align: center;"><i>(1)</i> Document</th> <th style="text-align: center;"><i>(2)</i> Reference number</th> </tr> </thead> <tbody> <tr><td>Book of Reference</td><td>TRO010060/APP/4.3</td></tr> <tr><td>Classification of roads plans</td><td>TRO010060/APP/2.4</td></tr> <tr><td>De-trunking and stopping up plans</td><td>TRO010060/APP/2.10</td></tr> <tr><td>Environmental masterplan</td><td>TRO010060/APP/6.2</td></tr> <tr><td>Environmental Statement</td><td>TRO010060/APP/6.1</td></tr> <tr><td>First Iteration EMP</td><td>TRO010060/APP/6.5</td></tr> <tr><td>Flood Risk Assessment</td><td>TRO010060/APP/6.3</td></tr> <tr><td>Highway engineering sections drawings</td><td>TRO010060/APP/2.11</td></tr> <tr><td>Land plans</td><td>TRO010060/APP/2.7</td></tr> <tr><td>Outline construction traffic management plan</td><td>TRO010060/APP/7.7</td></tr> <tr><td>Permanent works plans</td><td>TRO010060/APP/2.2.1</td></tr> <tr><td>Pre-commencement plan</td><td>TRO010060/EXAM/9.57</td></tr> <tr><td>Revocation of existing traffic orders plans</td><td>TRO010060/APP/2.3.3</td></tr> <tr><td>Retained and removed vegetation plans</td><td>TRO010060/APP/2.14</td></tr> <tr><td>Special category land plans</td><td>TRO010060/APP/2.5</td></tr> <tr><td>Streets, rights of way and access plans</td><td>TRO010060/APP/2.6</td></tr> <tr><td>Structures engineering drawings and sections</td><td>TRO010060/APP/2.12</td></tr> <tr><td>Temporary works plans</td><td>TRO010060/APP/2.2.3</td></tr> <tr><td>Traffic regulation measures movement restrictions plans</td><td>TRO010060/APP/2.3.2</td></tr> <tr><td>Traffic regulation measures speed limits plans</td><td>TRO010060/APP/2.3.1</td></tr> <tr><td>Utilities works plans</td><td>TRO010060/APP/2.2.2</td></tr> </tbody> </table> | | | | <i>(1)</i> Document | <i>(2)</i> Reference number | Book of Reference | TRO010060/APP/4.3 | Classification of roads plans | TRO010060/APP/2.4 | De-trunking and stopping up plans | TRO010060/APP/2.10 | Environmental masterplan | TRO010060/APP/6.2 | Environmental Statement | TRO010060/APP/6.1 | First Iteration EMP | TRO010060/APP/6.5 | Flood Risk Assessment | TRO010060/APP/6.3 | Highway engineering sections drawings | TRO010060/APP/2.11 | Land plans | TRO010060/APP/2.7 | Outline construction traffic management plan | TRO010060/APP/7.7 | Permanent works plans | TRO010060/APP/2.2.1 | Pre-commencement plan | TRO010060/EXAM/9.57 | Revocation of existing traffic orders plans | TRO010060/APP/2.3.3 | Retained and removed vegetation plans | TRO010060/APP/2.14 | Special category land plans | TRO010060/APP/2.5 | Streets, rights of way and access plans | TRO010060/APP/2.6 | Structures engineering drawings and sections | TRO010060/APP/2.12 | Temporary works plans | TRO010060/APP/2.2.3 | Traffic regulation measures movement restrictions plans | TRO010060/APP/2.3.2 | Traffic regulation measures speed limits plans | TRO010060/APP/2.3.1 | Utilities works plans | TRO010060/APP/2.2.2 |
| | <i>(1)</i> Document | | | | <i>(2)</i> Reference number | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Book of Reference | | | | TRO010060/APP/4.3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Classification of roads plans | | | | TRO010060/APP/2.4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | De-trunking and stopping up plans | | | | TRO010060/APP/2.10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Environmental masterplan | | | | TRO010060/APP/6.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Environmental Statement | | | | TRO010060/APP/6.1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | First Iteration EMP | | | | TRO010060/APP/6.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Flood Risk Assessment | | | | TRO010060/APP/6.3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Highway engineering sections drawings | | | | TRO010060/APP/2.11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Land plans | | | | TRO010060/APP/2.7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Outline construction traffic management plan | | | | TRO010060/APP/7.7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Permanent works plans | | | | TRO010060/APP/2.2.1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Pre-commencement plan | | | | TRO010060/EXAM/9.57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Revocation of existing traffic orders plans | | | | TRO010060/APP/2.3.3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Retained and removed vegetation plans | | | | TRO010060/APP/2.14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Special category land plans | | | | TRO010060/APP/2.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Streets, rights of way and access plans | | | | TRO010060/APP/2.6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Structures engineering drawings and sections | | | | TRO010060/APP/2.12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Temporary works plans | | | | TRO010060/APP/2.2.3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Traffic regulation measures movement restrictions plans | | | | TRO010060/APP/2.3.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Traffic regulation measures speed limits plans | | | | TRO010060/APP/2.3.1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Utilities works plans | TRO010060/APP/2.2.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |