

# **A46 Newark Bypass**

**TR010065**

## **Schedule of Changes to draft DCO**

Rule 8(1)(k)

Planning Act 2008  
Infrastructure Planning (Examination Procedure)  
Rules 2010

Volume 7

November 2024

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

**A46 Newark Bypass**  
Development Consent Order 202[ ]

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**Schedule of Changes to draft DCO**

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<b>Regulation Number</b>	Rule 8(1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010065
<b>Application Document Reference</b>	TR010065/EXAM/7.18
<b>Author</b>	A46 Newark Bypass Project Team, National Highways

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	22 October 2024	Final for Deadline 1
Rev 2	12 November 2024	Final for Deadline 2
Rev 3	26 November 2024	Final for Deadline 3

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# 1 Introduction

- 1.1.1 The following tables have been prepared by National Highways ("the Applicant") to set out the changes made to the draft Development Consent Order from that submitted with the application to the Planning Inspectorate on 26 April 2024 (Rev 1).
- 1.1.2 It is submitted together with:
  - a. Revised draft Development Consent Order
  - b. A tracked change version of the draft Development Consent Order showing all changes made since Rev 3 [REP2-002]
- 1.1.3 The changes are made principally to reflect drafting errors or corrections to technical details.

## 2 Summary of proposed changes to draft DCO Rev 2 [REP1-001] submitted at Deadline 1 from the draft DCO submitted with the Application [APP-021]

Ref.	Article/Schedule	Change	Reason for change	Precedent
1	Article 2 - Interpretation	"National Grid" means National Grid Electricity <del>Transmission</del> <u>Distribution</u> PLC (Company No. <del>2366977</del> <u>09223384</u> ) whose registered office is at <del>1-3 Strand, London, WC2N 5EH</del> <u>Avonbank, Feeder Road, Bristol, Avon, BS2 0TB</u> or a related or subsidiary company of National Grid	The definition of National Grid has been amended to correct an error and to refer to the correct entity.	N/A
2	Article 2 – Interpretation	<u>"Natural England" means the body of that name created by the Natural Environment and Rural Communities Act 2006 (a) or any successor in function to it;"</u>	The definition has been added for completeness following the amendment to add Natural England as a statutory consultee in Requirement 3 (Second Iteration EMP).	N/A
3	Article 2 – Interpretation	<u>"(a) 2006 (c.16)."</u>	Consequential change required to define Natural England.	N/A
4	Article 2 – Interpretation	""owner", in relation to land has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981 <del>(a)</del> <u>(b)</u> ;"	Consequential change to footnote numbering due to the addition of a new footnote.	N/A
5	Article 2 – Interpretation	<del>"(a)(b)</del> 1981 (c.67). The definition of "owner" was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order."	Consequential change to footnote numbering due to adding a new footnote due to the addition of a new footnote.	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
6	<b>Article 12 (Consent to transfer benefit of Order)</b>	12(4) "Part <del>3</del> <u>4</u> of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and means of access) to this Order."	Correction of a cross referencing error.	N/A
7	<b>Schedule 2 – Requirements (Second iteration EMP)</b>	3(1) "No part of the authorised development is to commence until the Second Iteration EMP for that part, substantially in accordance with the First Iteration EMP, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, <a href="#">Natural England and the Environment Agency on matters related to its statutory function</a> ."	The Environmental Agency and Natural England have been added as consultees to address a point raised in their relevant representations.	N/A
8	<b>Schedule 2 – Requirements (Second iteration EMP)</b>	3(2) "The Second Iteration of EMP for a part must be produced in accordance with DMRB and so far as is relevant to that part of the authorised development, must reflect the mitigation measures required by the REAC and set out in the Environmental Statement and must include the following management plans and method statements <del>and method statements</del> as are applicable"	Correction of a repetition error.	N/A
9	<b>Schedule 2 – Requirements (Third iteration EMP)</b>	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 <a href="#">and the Environment Agency on matters related to its statutory function</a> ;"	The Environmental Agency has been added as a consultee to address a point raised in their relevant representation.	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
10	<b>Schedule 2 – Requirements (Contaminated Land and groundwater)</b>	8(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, <u>then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located.</u> 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 Environment Agency and the relevant planning authority."	Additional text added at the request of the Environment Agency to address comments in their relevant representation.	N/A
11	<b>Schedule 2 – Requirements (Archaeology and Built Heritage)</b>	9(6) "A programme of archaeological reporting, post excavation and publication required as part of the archaeological mitigation strategy and written schemes of investigation referred to in sub-paragraphs (1), (2) and (4) must be agreed with the County Archaeologist"	To correct a typographical error of a missing space.	
12	<b>Schedule 2 – Requirements (Surface and foul water drainage)</b>	13(1) "No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures in <u>Chapter 13, Road Drainage and the Water Environment</u> , 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 insert a full cross reference for clarity.	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent		
13	<b>Schedule 2 – Requirements (Flood compensatory storage)</b>	14(2) "The schemes prepared under paragraph (1) must provide suitable flood storage for any flood waters that would be displaced by the authorised development in the 1 in 100 year plus 359% climate change allowance event."	To correct the figure and bring it in line with the Flood Risk Assessment [APP-177].	N/A		
14	<b>Schedule 10 – Documents to be Certified</b>	<table border="1"> <tr> <td>Tree Protection Plans</td> <td><del>Appendix E2 of Appendix 7.4 of TR010065/APP/6.3</del> <a href="#">TR010065/APP/2.13</a></td> </tr> </table>	Tree Protection Plans	<del>Appendix E2 of Appendix 7.4 of TR010065/APP/6.3</del> <a href="#">TR010065/APP/2.13</a>	To refer to the stand alone plans submitted to the Examination in response to the Planning Inspectorate's s51 advice letter issued on 23 May 2024.	N/A
Tree Protection Plans	<del>Appendix E2 of Appendix 7.4 of TR010065/APP/6.3</del> <a href="#">TR010065/APP/2.13</a>					

### 3 Summary of proposed changes to draft DCO Rev 3 submitted at Deadline 2 from the draft DCO submitted at Deadline 1 [REP1-001]

Ref.	Article/Schedule	Change	Reason for change	Precedent
1	<b>Article 12 – Consent to transfer benefit of Order</b>	"(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker, save where those benefits or rights are exercised by a statutory undertaker (which for the purposes of this article includes any entity listed in paragraph (5)), or by an owner or occupier of land pursuant to paragraph (23) of article 29 (compulsory acquisition of rights and imposition of restrictive covenants) of this Order, in which case liability for the payment of compensation remains with the undertaker.	The cross referencing has been updated to reflect the inclusion of a new paragraph in Article 29.	N/A



Ref.	Article/Schedule	Change	Reason for change	Precedent
		(4) The consent of the Secretary of State under this article is not required where the powers of article 29 (compulsory acquisition of rights and imposition of restrictive covenants) are, with the consent of the undertaker given under article 29(23), 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 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."		
2	<b>Article 26 – Compulsory acquisition of land</b>	"(2) This article is subject to paragraph (34) of article 29 (compulsory acquisition of rights and imposition of restrictive covenants) and paragraph (910) of article 40 (temporary use of land for carrying out the authorised development) and article 52 (crown rights)."	The cross referencing has been updated to reflect the inclusion of a new paragraph in Article 29 and Article 40.	N/A
3	<b>Article 29 – Compulsory acquisition of rights and imposition of restrictive covenants</b>	<p>"(2) <a href="#">This article is subject to paragraph (9) of article 40 (temporary use of land for carrying out the authorised development) and article 52 (crown rights).</a></p> <p><del>(2)</del>(3) The powers of paragraph (1) may be exercised by a statutory undertaker or by an owner or occupier of land identified in column (4) of the table in Part 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><del>(3)</del>(4) Where in consequence of paragraph (23), a statutory undertaker or an owner or occupier of land exercises the powers in paragraph (1) in place of the undertaker, the statutory undertaker or the owner or occupier of land, as the case may be, is to be treated for the purposes of this Order, and by any person with an</p>	<p>The change was made in response to Examining Authority's written question 6.1.12 [PD-007].</p> <p>The paragraph numbering and cross referencing in this article has also been updated as a result of the inclusion of the new paragraph (2).</p>	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
		<p>interest in the land affected, as being the undertaker in relation to the acquisition of the rights and the imposition of the restrictive covenants in question, except in relation to the payment of compensation the liability for which remains with the undertaker.</p> <p><del>(4)</del><u>(5)</u> In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights and restrictive covenants etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as may be required for the purposes specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.</p> <p><del>(5)</del><u>(6)</u> The power under paragraph (1) to acquire the rights and to impose the restrictive covenants described in Schedule 5 for the benefit of statutory undertakers or for the benefit of any other person—</p> <p>(a) does not preclude the acquisition of such other rights and the imposition of such other restrictive covenants in respect of the same land in accordance with Schedule 5 as may be required for the benefit of any other statutory undertaker or any other person; and</p> <p>(b) must not be exercised by the undertaker in a way that precludes the acquisition of such other rights and the imposition of such other restrictive covenants in respect of the same land in accordance with Schedule 5 as are required for the benefit of any other statutory undertaker or any other person.</p> <p><del>(6)</del><u>(7)</u> Subject to section 8(a) (other provisions as to divided land) of, and Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, affecting land under paragraph (1) or <del>(23)</del>, the undertaker is not required to acquire a greater interest in that land.</p>		

Ref.	Article/Schedule	Change	Reason for change	Precedent
		<del>(7)</del> (8) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant."		
4	<b>Article 40 – Temporary use of land for carrying out the authorised development</b>	<p>(9) <u>"The undertaker may not compulsorily acquire under this Order any land or rights in respect of the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 38 (acquisition of subsoil or airspace only).</u></p> <p><del>(9)</del>(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p><del>(10)</del>(11) Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p> <p><del>(11)</del>(12) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 26 (compulsory acquisition of land) or article 29 (compulsory acquisition of rights and imposition of restrictive covenants)."</p>	<p>The Applicant has included a new paragraph 9 in response to the Examining Authority's written question 6.1.13 [PD-007].</p> <p>The paragraph numbering in this article has also been updated as a result of the inclusion of the new paragraph (9).</p>	N/A
5	<b>Schedule 2 – Part 1 Requirements (Interpretation)</b>	<p>1 In this Schedule –</p> <p>...</p> <p>"archaeological mitigation strategy" means <del>phase 3</del>Chapter 6 of the archaeological management plan <del>that is to be prepared in accordance with Requirement 9;</del></p>	Updated to refer to the updated Archaeological Management Plan which now includes the detailed archaeological mitigation strategy in	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
			Chapter 6. The updated Archaeological Management Plan has been submitted at Deadline 2 of the Examination [APP-187].	
6	<b>Schedule 2 – Part 1 Requirements (Second Iteration EMP)</b>	3(2)"(l) Construction Communications <a href="#">Management</a> Plan;"	Updated to refer to the correct document title.	N/A
7	<b>Schedule 2 – Part 1 Requirements (Second iteration EMP)</b>	3(2)"(z) Designated Refuelling and Maintenance Areas and Concrete Batching Method Statement; <del>and</del> (aa) Welfare of Staff Method Statement; <del>and</del> <a href="#">and</a> (bb) <a href="#">Dewatering Management Plan.</a> "	Additional plan added to reflect the position stated at row 32 of the Statement of Common Ground with the Environment Agency.	N/A
8	<b>Schedule 2 – Part 1 Requirements (Third iteration EMP)</b>	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, <a href="#">Natural England</a> and the Environment Agency on matters related to its statutory function."	Natural England have been added as a consultee in response to the Examining Authority's written question 6.2.5 [PD-007].	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
9	<b>Schedule 2 – Part 1 Requirements (Contaminated Land and groundwater)</b>	8(2) "Where the <a href="#">risk assessment prepared in accordance with paragraph (1) undertaker</a> 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 <a href="#">and to prevent any impacts on controlled waters</a> must be submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency and the relevant planning authority <a href="#">on matters related to their functions.</a> "	Changes made to reflect Examining Authority's written question 6.2.10 [PD-007].	N/A
10	<b>Schedule 2 – Part 1 Requirements (Archaeology and built heritage)</b>	<p>9" (1) <del>Prior to the start of any pre-commencement works an archaeological mitigation strategy, reflecting the mitigation measures included in the REAC has been prepared in consultation with the relevant planning authority and Historic England, agreed with the County Archaeologist and District Archaeologist and submitted to and approved in writing by the Secretary of State.</del></p> <p><del>(2) Prior to the start of any pre-commencement works a written scheme of investigation for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in the archaeological mitigation strategy referred to in paragraph (1) above, has been prepared in consultation with the relevant planning authority and Historic England, agreed with the County Archaeologist and District Archaeologist and submitted to and approved in writing by the Secretary of State.</del></p> <p><del>(3) The pre-commencement works must be carried out in accordance with the archaeological mitigation strategy and written schemes of investigation referred to in paragraphs (1) and (2) unless otherwise agreed in writing by the Secretary of State.</del></p> <p><del>(4) No part of the authorised development is to 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 the archaeological mitigation strategy, has been prepared in consultation with the relevant planning authority and Historic England, agreed with the County</del></p>	Requirement 9 has been updated by the Applicant to reflect the fact that the detailed archaeological mitigation strategy has now been prepared and is found in Chapter 6 of the Archaeological Management Plan. An updated copy of the Archaeological Management Plan (including the detailed archaeological mitigation strategy) has been submitted into the Examination	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
		<p><del>Archaeologist and District Archaeologist and submitted to and approved in writing by the Secretary of State.</del></p> <p><del>(5) The authorised development must be carried out, <u>operated and maintained</u> in accordance with the archaeological mitigation strategy and <u>as set out in that strategy, the undertaker must submit individual Site Specific Written Schemes of Investigation to the relevant planning authority for approval.</u> <del>written schemes of investigation referred to in paragraphs (1) and (4) unless otherwise agreed in writing by the Secretary of State.</del></del></p> <p><del>(6) A programme of archaeological reporting, post excavation and publication required as part of the archaeological mitigation strategy and written schemes of investigation referred to in sub-paragraphs (1), (2) and (4) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.</del></p> <p><del>(7) Any archaeological remains not previously identified which are revealed when carrying out the authorised development, including any pre-commencement works must be subject to appropriate mitigation as set out in the relevant archaeological mitigation strategy and agreed with the County Archaeologist.</del></p> <p><del>(8) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (6) for a period of 14 days from the date they are identified unless otherwise agreed in writing by the Secretary of State."</del></p>	at Deadline 2 [APP-187].	
11	<b>Schedule 2 – Part 1 Requirements (Detailed design)</b>	12(1)(b) "the <u>mitigation</u> principles set out in the environmental masterplan <sup>7</sup> and"	Amendment in response to the Examining Authority's written question 6.2.15 [PD-007] and	N/A



Ref.	Article/Schedule	Change	Reason for change	Precedent
			a punctuation correction.	
12	<b>Schedule 2 – Part 1 Requirements (Surface and foul water drainage)</b>	13(1) "No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures in Chapter 13, Road Drainage and the Water Environment, 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 <del>local</del> <a href="#">planning</a> authority on matters relating to its function and the Environment Agency on matters relating to its function."	To ensure use of the correct defined term in response to the Examining Authority's written question 6.2.16 [PD-007].	N/A
13	<b>Schedule 2 – Part 1 Requirements (Surface and foul water drainage)</b>	13(2) "The surface and foul water drainage system must be constructed in accordance with the approved details referred to in paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant <del>local</del> <a href="#">planning</a> authority on matters relating to its function, 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."	To ensure use of the correct defined term in response to the Examining Authority's written question 6.2.16 [PD-007].	N/A
14	<b>Schedule 2 – Part 1 Requirements (Surface and foul water drainage)</b>	13(2) "The surface and foul water drainage system must be constructed in accordance with the approved details referred to in paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local planning authority on matters relating to its function, <a href="#">and the Environment Agency on matters relating to its function</a> , 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."	To correct an omission in response to the Examining Authority's written question 6.2.16 [PD-007].	N/A
15	<b>Schedule 2 – Part 1 Requirements (Flood</b>	14(1) "No part of the authorised development is to commence until a detailed floodplain compensation scheme for that part, <a href="#">that reflects the mitigation within the flood risk assessment</a> , has been submitted to and approved in writing by the	To ensure that the detailed flood compensation	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent				
	<b>compensatory storage)</b>	Secretary of State, following consultation with the relevant planning authority and the Environment Agency.  (2) The schemes prepared under paragraph (1) must provide suitable flood storage for any flood waters that would be displaced by the authorised development in the 1 in 100 year plus 39% climate change allowance <a href="#">fluvial flood event</a> ."	scheme aligns with the mitigation measures currently set out in the Flood Risk Assessment and to provide clarity in relation to the flood event.					
16	<b>Schedule 2 – Part 1 Requirements (Highway lighting)</b>	18(1) "No part of the authorised development may be brought into use until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant <del>local</del> <a href="#">planning</a> authority on matters relating to its function."	To ensure use of the correct defined term in response to the Examining Authority's written question 6.2.21 [PD-007].	N/A				
17	<b>Schedule 3 – Classification of Roads, etc. (part 8 Traffic Regulation Measures (no entry))</b>	<table border="1"> <tr> <td><del>Newark-CP</del></td> <td><del>Reference 5-A The A46 northbound off-slip road to the new Brownhills Junction Roundabout.</del></td> <td><del>The new Brownhills Junction Roundabout.</del></td> <td><del>No Entry.</del></td> </tr> </table>	<del>Newark-CP</del>	<del>Reference 5-A The A46 northbound off-slip road to the new Brownhills Junction Roundabout.</del>	<del>The new Brownhills Junction Roundabout.</del>	<del>No Entry.</del>	Entry deleted to address an error identified in Nottinghamshire County Council's Local Impact Review [REP1-038].	N/A
<del>Newark-CP</del>	<del>Reference 5-A The A46 northbound off-slip road to the new Brownhills Junction Roundabout.</del>	<del>The new Brownhills Junction Roundabout.</del>	<del>No Entry.</del>					
18	<b>Schedule 3 – Classification of Roads, etc. (part 9 revocations &amp; variations of existing traffic</b>	<table border="1"> <tr> <td>Farndon CP</td> <td>Existing A46 (northbound) carriageway from point 1/2 to point 1/39, a distance of 105 metres.</td> <td>The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and</td> <td>The variation of the order to exclude the length of road referred to in column (2) from the restriction on waiting contained in Article 3 of the Order.</td> </tr> </table>	Farndon CP	Existing A46 (northbound) carriageway from point 1/2 to point 1/39, a distance of 105 metres.	The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and	The variation of the order to exclude the length of road referred to in column (2) from the restriction on waiting contained in Article 3 of the Order.	Entry corrected to address an error identified in Nottinghamshire County Council's Local Impact Review [REP1-038].	N/A
Farndon CP	Existing A46 (northbound) carriageway from point 1/2 to point 1/39, a distance of 105 metres.	The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and	The variation of the order to exclude the length of road referred to in column (2) from the restriction on waiting contained in Article 3 of the Order.					



Ref.	Article/Schedule	Change				Reason for change	Precedent
	regulation orders)			Prohibition of Waiting Order 2012			
19	<b>Schedule 3 – Classification of Roads, etc. (part 9 revocations &amp; variations of existing traffic regulation orders)</b>	Newark CP	Existing A46 (southbound) carriageway from point 1/3 <del>10</del> to point 1/4, a total distance of 98 metres.	The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and Prohibition of Waiting Order 2012	The variation of the order to exclude the length of road referred to in column (2) from the restriction on waiting contained in Article 3 of the Order.	Entry corrected to address an error identified in Nottinghamshire County Council's Local Impact Review [REP1-038].	N/A
20	<b>Schedule 3 – Classification of Roads, etc. (part 9 revocations &amp; variations of existing traffic regulation orders)</b>	<del>Farndon CP, Newark CP</del>	<del>Existing A46 (northbound) carriageway from point 1/9 to point 1/3, a distance of 45 metres.</del>	<del>The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and Prohibition of Waiting Order 2012</del>	<del>The variation of the order to exclude the length of road referred to in column (2) from the restriction on waiting contained in Article 3 of the Order.</del>	Removed to reflect a comment made in Nottinghamshire County Council's Local Impact Review [REP1-038].	N/A
		<del>Newark CP</del>	<del>Existing A46 (southbound) carriageway from point 1/3 to point 1/10, a total distance of 45 metres.</del>	<del>The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and Prohibition of Waiting Order 2012</del>	<del>The variation of the order to exclude the length of road referred to in column (2) from the restriction on waiting contained in Article 3 of the Order.</del>		
21	<b>Schedule 3 – Classification of Roads, etc. (part</b>	Newark CP	Existing A46 (southbound) carriageway from point <del>3</del> 4	The A46 Trunk Road (A607 Hobby Horse Roundabout, Syston to	The variation of the order to exclude the length of road referred	Correction of a typographical error identified in	N/A

Ref.	Article/Schedule	Change				Reason for change	Precedent
	<b>9 revocations &amp; variations of existing traffic regulation orders)</b>		<a href="#">3/4</a> to point 3/3, a distance of 65 metres.	A1133 Winthorpe Roundabout, Newark-on-Trent) (24 Hours Clearway and Prohibition of Waiting Order 2012	to in column (2) from the restriction on waiting contained in Article 3 of the Order.	Nottinghamshire County Council's Local Impact Review [REP1-038].	
22	<b>Schedule 4 – Permanent Stopping Up of Highways and Private Means of Access &amp; Provision of New Highways and Private Means of Access (part 2 Highways to be stopped up for which a substitute is to be provided)</b>	Newark CP	B6326 Great North Road	Reference 3C (inset A) The existing B6326 Great North Road, starting at the existing Cattle Market Roundabout to a point 286 metres southeast.	The altered B6326 Great North Road, from point H-3L to point H- <del>3K</del> <a href="#">inset3K</a> , a distance of 243 metres.	Correction of a typographical error.	N/A
23	<b>Schedule 9 – Protective Provisions (Part 1 For the protection of electricity, gas, water and</b>	2 "apparatus"(d)(ii) "any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(d) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreement to adopt sewers, drains or sewage disposal works at future date) of that Act(e), and includes a sludge main, disposal main (within the meaning of section 219(a) (general interpretation of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or				This amendment has been made to correct a punctuation error.	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
	<b>sewerage undertakers)</b>	works <sup>7</sup> and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus; <u>—</u> "		
24	<b>Schedule 9 – Protective Provisions (Part 1 For the protection of electricity, gas, water and sewerage undertakers)</b>	2 " <a href="#">"Cadent" means Cadent Gas Limited (company number 10080864), whose registered office is at Pilot Way, Ansty, Coventry, CV7 9JU, and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 (introductory) of the Gas Act 1986(b);</a> "	This amendment has been made in line with the response to the Examining Authority's Written Question 6.3.4 so that it is clear that this Part of Schedule 9 does not apply to Cadent Gas Limited given that they benefit from bespoke protective provisions in Part 3 of Schedule 9.	N/A
25	<b>Schedule 9 – Protective Provisions (Part 1 For the protection of electricity, gas, water and sewerage undertakers)</b>	2 "utility undertaker" (b) "a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986 <a href="#">except for Cadent;</a> "	This amendment has been made in line with the response to the Examining Authority's Written Question 6.3.4 so that it is clear that this Part of Schedule 9 does not apply to Cadent Gas Limited given that they benefit from bespoke	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
			protective provisions in Part 3 of Schedule 9.	

#### 4 Summary of proposed changes to draft DCO Rev 4 submitted at Deadline 3 from the draft DCO submitted at Deadline 2 [REP2-002]

Ref.	Article/Schedule	Change	Reason for change	Precedent
1	<b>Article 49 – Defence to proceedings in respect of statutory nuisance</b>	49(1) "Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph <a href="#">(d)</a> , <a href="#">(fb)</a> , <a href="#">(g)</a> <a href="#">and (ga)</a> of section 79(1) (b) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—"	To correct an omission identified in question 6.1.17 of NSDC's Responses to the Examining Authority's First Written Questions [REP2-050] and to reflect the matters set out in the Statement Relating to Statutory Nuisances [APP-186].	N/A
2	<b>Schedule 2 – Part 1 Requirements (Highway lighting)</b>	18(1) "No part of the authorised development may be brought into use until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority <a href="#">and the local highway authority</a> on matters relating to <del>its</del> <a href="#">their</a> functions."	To add a clarification requested by NCC in question 6.2.21 of NCC's Responses to	N/A

Ref.	Article/Schedule	Change	Reason for change	Precedent
			the Examining Authority's First Written Questions [REP2-052]. "Local highway authority" has the meaning as defined in Article 2(1) of the Order.	