



# Gatwick Airport Northern Runway Project

Schedule of Changes to the Draft Development Consent Order

**Book 2**

VERSION: 6.0

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- 1 **Schedule of Changes to the Draft Development Consent Order**
- 1.1 **Purpose of this Document**
- 1.1.1 This document records the changes made to the draft Development Consent Order (Doc Ref. 2.1) by the Applicant during the examination.
- 1.1.2 Changes made in version 10.0 of the draft Development Consent Order submitted at Deadline 8 are included in Section 2 of this document.
- 1.1.3 Changes made at previous deadlines are included in Section 3 of this document.



## 2 Changes made at Deadline 8

Row	Provision	Change	Reasoning
188.	<b>Article 9(4) (planning permission)</b>	(5) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (4), it must notify the relevant planning authority <b>and use reasonable endeavours to notify the current beneficiary of the affected planning permission</b> as soon as reasonably practicable.	Added to incorporate additional elements of the JLAs' proposed drafting amends to article 9 in their <b>Consolidated submissions on the draft Development Consent Order [REP7-108]</b> . This drafting is considered more precise than the JLA's specific proposed drafting of <i>"any person who might be adversely affected by the condition ceasing to have effect"</i> .
189.	<b>Article 9(4) (planning permission)</b>	(7) The undertaker must not exercise the permitted development right in Class F of <b>Part 2 of</b> Schedule 2 to the 2015 Regulations for [...]	Added for clarity.
190.	<b>Article 17 (classification of roads, etc.)</b>	(3) From the date <b>determined by the undertaker, being not before the date</b> on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, the roundabout circulatory carriageway at junction 9 of the M23 is to cease to have the classification of motorway and will instead be classified as a trunk road with	These amends to the drafting added at the last deadline (see row 171 of this Schedule of Changes) ensure that the re-classification of the highway does not occur automatically upon the completion of the separate Work No. 35 but only when determined by the undertaker,

		<p>an A-road classification <del>as if it had become so by virtue of an order under section 10(2) of the 1980 Act.</del></p>	<p>thus ensuring this process can be managed and avoiding unintended consequences.</p> <p>The deletion of wording at the end reflects that the same provision is already made in paragraph (4) of article 17.</p>
191.	<p><b>Article 18 (traffic regulations)</b></p>	<p>(8) A copy of the instrument referred to in paragraph (7)(a) must be held at the registered office address of the undertaker for inspection during normal working hours and a copy must be sent to each of Surrey County Council and West Sussex County Council.</p>	<p>Added to incorporate additional elements of the JLAs' proposed drafting amends to article 18 in their <b>Consolidated submissions on the draft Development Consent Order</b> <a href="#">[REP7-108]</a>. The Applicant's standard practice, as informed by statute, is to hold a copy of TROs it makes in its capacity as airport operator at its registered office for inspection and it proposes that the same approach be taken in respect of TROs made under the DCO. The Applicant is happy to additionally provide copies to West Sussex County Council and Surrey County Council so that they have easy access to the final version of the made TROs. The Applicant does not consider that the novel and unprecedented step of being required to publish TROs on its website is required.</p>

<b>192.</b>	<b>Article 18 (traffic regulations)</b>	<p>(10) Provision made in respect of the roundabout circulatory carriageway at junction 9 of the M23 or accesses onto that junction pursuant to subparagraph (3) can include prohibitions on its access and use by pedestrians and other forms of non-motorised users as well as vehicles.</p> <p>(11) From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, a speed restriction of 50mph is to be imposed on the roundabout circulatory carriageway at junction 9 of the M23 as if effected pursuant to paragraph (2).</p>	<p>Paragraph (10) has been moved from article 17 (where it was added at the last deadline – see row 171) as it relates to matters covered by article 18 rather than 17 and thus sits more coherently here.</p> <p>New paragraph (11) has been added following further discussions with National Highways because of the necessity to impose this speed limit in connection with the authorised development, to ensure the ongoing safety of the strategic road network in this location.</p>
<b>193.</b>	<b>Article 19 (clearways, prohibitions and restrictions)</b>	<p>(4) From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, a clearway restriction is to be imposed on the roundabout circulatory carriageway at junction 9 of the M23 as if effected pursuant to paragraph (1).</p>	<p>New paragraph (4) has been added following further discussions with National Highways because of the necessity to impose this restriction in connection with the authorised development, to ensure the ongoing safety of the strategic road network in this location.</p>

194.	<b>Article 21 (agreements with relevant highway authorities)</b>	(3) The undertaker must not commence a local highway work prior to entering into an agreement pursuant to paragraph (1) which <del>provides</del> <b>includes</b> details of the specification of that work which will reasonably satisfy the relevant highway authority for the purpose of article 20, and related provisions in relation to the maintenance and adoption of such works pursuant to that article.	This minor amendment has been made at the request of the JLAs in discussions with the Applicant.
195.	<b>Schedule 1 (authorised development)</b>	<p><b>Work No. 43</b></p> <p>Works to construct water treatment works, comprising a constructed wetland (reed bed) treatment system including— <del>the creation of reed beds and associated facilities, cabin, storage unit and the reprovision of car parking.</del></p> <p>(a) reed beds, surrounded by embankments and suitable boundary treatment;</p> <p>(b) associated plant, equipment and machinery;</p> <p>(c) cabin building;</p> <p>(d) storage unit;</p>	<p>Added to incorporate comments from the JLAs' in their <b>Consolidated submissions on the draft Development Consent Order</b> <a href="#">[REP7-108]</a>.</p> <p>Further explanation is provided in Appendix A to the <b>Applicant's Response to Deadline 7 Submissions</b> (Doc Ref. 10.65).</p>

		(e) reprovision of car parking for Gatwick Greenspace Partnership.	
196.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	“aircraft movements” means commercial or non-commercial aircraft take-offs and landings, but shall not include diverted or emergency flights;	<p>New definition added to reflect the amendments made to requirement 19 (airport operations) at the request of the JLAs.</p> <p>The Applicant considers that the JLAs' proposed definition in their <b>Consolidated submissions on the draft Development Consent Order [REP7-108]</b> is too circular, so has developed this definition drawing on the CAA's website.<sup>1</sup></p>
197.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	“commencement of dual runway operations” means the first day on which <del>commercial air transport</del> aircraft movements are scheduled to depart from both the repositioned northern runway and the main runway, which for the avoidance of doubt shall exclude any days on which both runways are used by the undertaker to test dual operations following approval by the CAA for dual operations;	Definition amended to refer to the new definition of "aircraft movements", for consistency and clarity.

<sup>1</sup> See <https://www.caa.co.uk/data-and-analysis/uk-aviation-market/airports/notes-and-faqs/>



198.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	“commercial air transport movements” means take-offs and landings of aircraft engaged on the transport of passengers, freight or mail on commercial terms, which for the avoidance of doubt shall not include <del>air transport movements with the exception of</del> diverted or emergency flights;	Definition amended so as not to replicate the new definition of "aircraft movements" and to be clear as to the nature of these movements. This definition has also drawn from the CAA's website (as above).
199.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	“emergency flights” means <del>aircraft air transport</del> movements which do not carry commercial passengers, which include but are not restricted to [...]	Definition amended to refer to the new definition of "aircraft movements", for consistency and clarity.
200.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	Amended definition for "noise insulation scheme outer zone 1" and new definitions of "noise insulation scheme outer zone 2" and "noise insulation scheme outer zone 3".	Added to reflect changes made to the <b>Noise Insulation Scheme</b> (Doc Ref. 5.3) at Deadline 8.  This is further discussed in <b>Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation</b> (Doc Ref. 10.62.2).
201.	<b>Schedule 2 (requirements), paragraph 1(4) (interpretation)</b>	Cross-references updated.	To reflect new requirements with "unless otherwise agreed" limbs.

<p><b>202.</b></p>	<p><b>Requirement 15 (air noise envelope)</b></p>	<p>(5) The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where—</p> <p>(a) <b>following the commencement of dual runway operations</b> two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement identify that the same noise envelope limit has been exceeded during the previous 24 months of the operation of the airport;</p> <p>(b) an annual monitoring and forecasting report when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement identifies that a noise envelope limit is forecast to be exceeded; or</p> <p>(c) the independent air noise reviewer and/or the Secretary of State identifies that the same relevant noise envelope limit has been exceeded during the previous 24 months of the operation of the airport <b>following the commencement of dual</b></p>	<p>Added to reflect changes made to the <b>Noise Envelope</b> (Doc Ref. 5.3) at Deadline 8.</p> <p>This is further discussed in <b>Annex 1 of Appendix A</b> to the <b>Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation</b> (Doc Ref. 10.62.2).</p>
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	<p><b>runway operations</b> or a noise envelope limit is forecast to be exceeded and notifies the undertaker that an annual monitoring and forecasting report is not approved,</p> <p>until an annual monitoring and forecasting report has been approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) which confirms compliance with the noise envelope limit identified to have been exceeded or forecast to be exceeded (as is relevant in the circumstances), including where relevant when taking account of the measures proposed within a noise compliance plan to address any such exceedance <b>(save that where a noise envelope limit is forecast to be exceeded prior to dual runway operations commencing a restriction on the declaration of capacity for additional air traffic movements from the airport shall only apply in relation to additional air traffic movements from the commencement of dual runway operations).</b></p>	
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<b>203.</b>	<b>Requirement 16 (air noise envelope reviews)</b>	<p>(3) The noise envelope limits contained within any noise envelope review document (for the avoidance of doubt excluding any extraordinary noise envelope review document and any noise envelope review document submitted following the approval of any extraordinary noise envelope review document) must not be greater than—</p> <p>(a) Leq 16 hour day 51 dB <del>146.7</del> <b>135.5</b> km<sup>2</sup></p> <p>(b) Leq 8 hour night 45 dB <del>157.4</del> <b>146.9</b> km<sup>2</sup></p> <p>[...]</p> <p>(6) The undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each approved noise envelope review document or extraordinary noise envelope review document within not more than <del>45</del> <b>14</b> days following the date on which those are approved.</p>	<p>The figures have been updated to reflect changes to the <b>Noise Envelope</b> (Doc Ref. 5.3) at recent deadlines.</p> <p>For further information see <b>Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation</b> (Doc Ref. 10.62.2).</p>
<b>204.</b>	<b>Requirement 17 (verification of air noise)</b>	<p>[...] the undertaker must submit to the independent air noise reviewer a noise model verification report and the undertaker must publish on a website (including a page on a</p>	<p>Added to reflect changes made to the <b>Noise Envelope</b> (Doc Ref. 5.3) at Deadline 8.</p>

	<b>monitoring equipment)</b>	website) hosted by the undertaker for that purpose each noise model verification report submitted to the independent air noise reviewer within not more than <del>14</del> 45 days after the date of its submission.	This is further discussed in <b>Annex 1 of Appendix A</b> to the <b>Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation</b> (Doc Ref. 10.62.2).
205.	<b>Requirement 18 (noise insulation scheme)</b>	<i>New material added on process – see the draft DCO for the additions in full.</i>	Added to reflect changes made to the <b>Noise Insulation Scheme</b> (Doc Ref. 5.3) at Deadline 8.  This is further discussed in <b>Annex 1 of Appendix A</b> to the <b>Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation</b> (Doc Ref. 10.62.2).
206.	<b>Requirement 19 (airport operations)</b>	19.—(1) From the date of the commencement of dual runway operations, the airport may not be used for more than <del>386,000 commercial air transport movements</del> 389,000 aircraft movements per annum.	Added to incorporate the JLAs' proposed drafting amends to requirement 19 in their <b>Consolidated submissions on the draft Development Consent Order</b> [ <a href="#">REP7-108</a> ].  Further explanation is provided in Appendix A to the <b>Applicant's Response to Deadline 7 Submissions</b> (Doc Ref. 10.65).



207.	<b>Requirement 21 (carbon action plan)</b>	21. From the date on which the authorised development begins, the authorised development and the operation of the airport must be carried out in accordance with the carbon action plan unless otherwise agreed in writing with the Secretary of State (following consultation with CBC).	Amended to incorporate the ExA's proposed changes to this requirement comprised in <b>Annex B to the Agenda for ISH 9</b> <a href="#">[EV20-001]</a> .
208.	<b>Requirement 25 (operational waste management plan)</b>	25.—(1) <del>Work No. 9 (replacement CARE facility) must not be commenced until an operational waste management plan has been submitted to and approved in writing by</del> <del>must not be brought into routine operation until the undertaker has submitted an operational waste management plan to</del> West Sussex County Council <del>for approval.</del>	Amended to incorporate the ExA's proposed changes to this requirement comprised in <b>Annex B to the Agenda for ISH 9</b> <a href="#">[EV20-001]</a> .
209.	<b>New requirement 35 (odour monitoring and management plan)</b>	35. From the date of the commencement of the authorised development, the authorised development and the operation of the airport must be carried out in accordance with the odour monitoring and management plan unless otherwise agreed in writing by CBC (in consultation with RBBC).	This new requirement has been added to respond to the understood intention of the ExA's proposed requirement on this topic in <b>Annex B to the Agenda for ISH 9</b> <a href="#">[EV20-001]</a> and further to discussion at ISH 9.

210.	<b>New requirement 36 (Thames Water phasing plan)</b>	<p>36.—(1) Prior to the commencement of the authorised development, the undertaker must prepare and provide to Thames Water Utilities Limited a passenger throughput phasing plan which will include forecast passenger growth numbers for the period up to the commencement of dual runway operations and five years after the commencement of dual runway operations.</p> <p>(2) The details in the plan provided pursuant to sub-paragraph (1) must not materially exceed the forecast annual passenger numbers shown for the equivalent time periods for the airport with the authorised development in Table 9.2-1 of the forecast data book.</p>	New requirement added in connection with the Applicant's discussions with Thames Water Utilities Limited (" <b>TWUL</b> ") to offer additional comfort to TWUL.
211.	<b>New requirement 37 (car parking spaces)</b>	<p>37.—(1) The undertaker shall not provide more than 53,260 car parking spaces within the Order limits unless otherwise agreed in writing by CBC.</p> <p>(2) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an</p>	Added for the reasons set out in <b>Appendix B of The Applicant's Response to Rule 17 Letter – Parking</b> (Doc Ref. 10.64).

		update on the number of car parking spaces provided by the undertaker within the Order limits.	
212.	<b>New requirement 38 (speed limit monitoring)</b>	<p>38.—(1) No part of Work Nos. 35, 36 or 37 (surface access works) is to commence until a speed limit monitoring plan for those works has been submitted to and approved in writing by West Sussex County Council (in consultation with Surrey County Council and National Highways).</p> <p>(2) The speed limit monitoring plan must include—</p> <p>(a) as a minimum, one survey to be carried out before commencement of the first of Work Nos. 35, 36 or 37 (surface access works) and two surveys to be carried out after completion of the last of those works to assess the changes in traffic speed on the local and strategic highway networks;</p> <p>(b) the locations to be monitored and the methodology to be used to collect the required data;</p>	Added for the reasons set out in Appendix A to the <b>Applicant's Response to Deadline 7 Submissions</b> (Doc Ref. 10.65).

		<p>(c) the periods over which traffic is to be monitored (each such period to be no longer in duration than 14 days);</p> <p>(d) the submission of survey data and interpretative reports to West Sussex County Council; and</p> <p>(e) a description of the manner in which the undertaker would propose to address excessive speeding identified through the monitoring.</p> <p>(3) The authorised development must be carried out in accordance with the speed limit monitoring plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with West Sussex County Council (in consultation with Surrey County Council and National Highways).</p>	
<b>213.</b>	<b>New requirement 39 (tree balance statement)</b>	<p><b>Tree balance statement</b></p> <p>39.—(1) On or before the ninth anniversary of the commencement of dual runway operations, a tree balance statement must be submitted to CBC for approval.</p>	<p>This requirement has been added in relation to <b>Action Point 22</b> as set out in the Applicant's <b>Response to Actions ISH9: Mitigation</b> (Doc Ref. 10.63.2).</p>

		<p>(2) The tree balance statement referred to in sub-paragraph (1) shall follow the methodology set out in section 2 of Appendix J of the tree survey report and arboriculture impact assessment, and must include—</p> <ul style="list-style-type: none"><li>(a) the total number of trees that have been removed as part of the authorised development;</li><li>(b) the total number of replacement trees that are required on the basis of the CBC tree replacement requirement; and</li><li>(c) the total number of trees that have been provided as part of the authorised development.</li></ul> <p>(3) In the event that the tree balance statement identifies that the total number of trees that has been provided as part of the authorised development is less than that required by the application of the CBC Tree Replacement Requirement, the undertaker must pay the tree mitigation contribution to CBC within 60 days of the approval of the tree balance statement by CBC under sub-paragraph (1).</p>	
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		<p>(4) In this requirement—</p> <p>(a) “CBC tree replacement requirement” means the number of replacement trees required on the basis of basis of the number as per paragraph (2)(a), calculated in accordance with the table in Policy CH6 (Tree Planting and Replacement Standards) of Crawley 2030: Crawley Borough Local Plan 2015-2030 (adopted on 16 December 2015);</p> <p>(b) “tree mitigation contribution” means the sum calculated using the following formula, by reference to the approved Tree Balance Statement: (the number as per paragraph (2)(b) minus the number as per paragraph (2)(c)) multiplied by £700; and</p> <p>(c) “tree survey report and arboriculture impact assessment” means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.)</p>	
<b>214.</b>	<b>Schedule 3</b>	Minor corrections.	To correct drafting errors.

	<b>Schedule 4</b>		
215.	<b>Schedule 6 (Traffic Regulations)</b>	New row added.	To reflect extension of speed limit changes in vicinity of M23 J9 following discussions with National Highways.
216.	<b>Schedule 9 (protective provisions)</b>	New parts added.	Added as explained in the Applicant's <b>Response to Actions – CAH 2</b> (Doc Ref. 10.63.1).
217.	<b>Schedule 14 (Documents to be Certified)</b>	New documents added.	To reflect amendments elsewhere in the draft DCO.

### 3 Changes made at earlier deadlines

Row	Provision	Change	Reasoning
<b>Deadline 1</b>			
1.	<b>Recitals</b>	<p>The Secretary of State is satisfied that replacement land (as that term is defined in section 131(12) of the 2008 Act) has been or will be given in exchange for the special category land <b>identified in Part 1A of Schedule 10 to this Order within the Order limits to be permanently acquired</b>, and that the replacement land has been or will be vested in the person or persons in whom <del>the that</del> special category land is vested and subject to the same rights, trusts and incidents as attach to <del>the that</del> special category land, and that, accordingly, section 131(4) of the 2008 Act applies <b>in respect of that land</b>;</p> <p><b>The Secretary of State is satisfied that the special category land identified in Part 1B of Schedule 10 to this Order is required for the widening or drainage of an existing highway or partly for the</b></p>	<p>Sections 131 and 132 of the Planning Act 2008 (the "<b>2008 Act</b>") apply where a DCO authorises the compulsory acquisition of land, or rights over land, which is part of a common, open space or fuel or field garden allotment. Such an order is subject to special parliamentary procedure ("<b>SPP</b>") unless the Secretary of State is satisfied that an exception set out in those sections applies.</p> <p>Following further analysis of the current land ownership of the special category land and refinement of the design proposals for the replacement open space, GAL has adjusted the provisions of sections 131 and 132 on which it intends for the Secretary of State to rely such that SPP is not required. This change is set out in the revised recital to the DCO.</p>

		<p>widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and that accordingly section 131(5) of the 2008 Act applies in respect of that land;</p> <p><del>The Secretary of State is also satisfied that, in respect of the parcels of open space land within the Order limits over which rights will be acquired</del></p> <p>The Secretary of State is satisfied that rights to be acquired over the land identified in Part 3A of Schedule 10 to this Order will be <del>the rights being</del> acquired <del>are</del> for a temporary (although possibly long-lived) purpose, and that accordingly section 132(4B) of the 2008 Act applies in respect of that land; and</p> <p>The Secretary of State is satisfied that rights to be acquired over the land identified in Part 3B of Schedule 10 to this Order, <del>or</del> when imposed on the relevant open space land, will leave that land no less advantageous than it was before to the</p>	
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		persons in whom it is vested, other persons, if any, entitled to rights of common or other rights and the public, and that accordingly, sections <del>132(4B) and</del> 132(3) <del>(respectively)</del> of the 2008 Act applies in respect of that land.	
2.	<b>Recitals</b>	The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, <del>and</del> 122 <del>and</del> 123 of the 2008 Act, makes the following Order—	For completeness, section 123 of the 2008 Act has been added to the provisions referenced in this recital.
3.	<b>Article 2 (interpretation)</b>	“airport” means London Gatwick Airport, an airport within <del>has</del> the <del>same</del> meaning given as in Part 1 of the Civil Aviation Act 2012 (b) <del>and is located within</del> comprised of the area shown on the airport boundary plan;	This definition has been amended for clarity, to emphasise that references to the "airport" refer specifically to London Gatwick Airport. The definition continues to refer to the airport boundary plan.
4.	<b>Article 2 (interpretation)</b>	Deletion of definition of "approved plans" and addition of definition of "parameter plans":  “parameter plans” means the plans certified as such by the Secretary of State under article 52 (certification of documents, etc.)	References to "approved plans" have been amended to refer to specific named plans which will be listed in Schedule 12 (documents to be certified) and be certified by the Secretary of State, most notably the "parameter plans" which specify the limits for the purpose of article 6 (limits of works).



			The term "approved plans" is no longer used in the draft DCO and the definition has been deleted.
5.	<b>Article 2 (interpretation)</b>	New definitions for local authorities: <b>"CBC" means Crawley Borough Council;</b> <b>"MVDC" means Mole Valley District Council;</b> <b>"RBBC" means Reigate and Banstead Borough Council;</b> <b>"TDC" means Tandridge District Council;</b>	References to specific authorities have been included throughout the draft DCO in place of references to the "relevant planning authority", to provide certainty as to the body which is intended to exercise particular functions (including discharge of requirements). These definitions have been added to facilitate these changes.
6.	<b>Article 2 (interpretation)</b>	Relocation of definition: <b>"outline landscape and ecology management plan" means the document certified as such by the Secretary of State under article 52 (certification of documents, etc.)</b>	This definition has been relocated from article 40 (special category land) to article 2 (interpretation) given its wider relevance throughout the draft DCO.
7.	<b>Article 2 (interpretation)</b>	Amendments to the following definitions: <b>"relevant highway authority" means, in any given provision of this Order, the highway authority for the highway to which the provision refers or relates;</b>	Minor amendments have been made to these definitions to clarify the manner in which they are intended to apply.

		<p>“relevant planning authority” means in any given provision of this Order, the planning authority for the area <b>of land</b> to which the provision <b>refers or</b> relates;</p>	
8.	<b>Article 2 (interpretation)</b>	<p>New definition:</p> <p>“<b>requirement</b>” means a requirement set out in <b>Schedule 2 (requirements)</b>, and a reference to a numbered requirement is a reference to the requirement set out in the paragraph of the same number in that Schedule;</p>	<p>This definition has been added for ease of cross-referencing in the body of the draft DCO to the requirements in Schedule 2 (requirements).</p>
9.	<b>Article 2 (interpretation)</b>	<p>New definition:</p> <p>“<b>substantially in accordance with</b>” means that the <b>plan or detail to be submitted should in the main accord with the outline document and where it varies from the outline document should not give rise to any new or any materially different environmental effects in comparison with those reported in the environmental statement.</b></p>	<p>In response to representations from the joint local authorities, this definition has been added to clarify the meaning of "substantially in accordance with", which is used in article 40 (special category land) and requirements 7, 8, 11, 12, 13 and 22 of the draft DCO.</p>

<p><b>10.</b></p>	<p><b>Article 6 (limits of works)</b></p>	<p>(1) Subject to paragraph (2), each numbered work must be situated within the limits of the corresponding numbered area shown on the works plans.</p> <p>(2) Any of Work Nos. 35, 36 or 37 (surface access works) may be situated within the limits shown on the works plans of Work Nos. 35, 36 and 37 taken as a whole.</p> <p>(3) In constructing Work Nos. 6, 9, 10, 11, 12, 15, 16, 22, 23, 26, 27, 28, 30 and 31 the undertaker may not deviate vertically from the levels shown or noted on the <del>approved parameter plans</del> except as approved pursuant to <del>requirement 4 Schedule 2 (requirements)</del>.</p> <p>(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate—</p> <p>(a) vertically from the levels shown or noted on the <del>approved parameter plans</del> to a maximum of 1.5 metres upwards and to a maximum of 2 metres downwards; and</p> <p>(b) laterally to the extent shown or noted on the <del>approved parameter plans</del> or as otherwise approved pursuant to <del>requirement 5 or 6(1) (as relevant) Schedule 2 (requirements)</del>.</p>	<p>Changes have been made to these paragraphs of this article to:</p> <ul style="list-style-type: none"> <li>clarify that the plans which specify the levels to which the works are limited are the parameter plans (as newly defined and included in Schedule 12 (documents to be certified), rather than the broader term "approved plans";</li> <li>specify the relevant requirements in Schedule 2 (requirements) pursuant to which detailed designs which deviate from the specified limits can be approved, in response to representations from National Highways; and</li> <li>remove the final sentence of paragraph (5) given that Work Nos. 4(b) and 4(e) are excepted development (as defined) and are therefore not subject to detailed design approval pursuant to the requirements.</li> </ul>
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		<p>(5) In constructing Work Nos. 4(b) and 4(e) (exit/entrance taxiways), the undertaker—</p> <ul style="list-style-type: none"> <li>(a) may deviate laterally to the extent shown or noted on the <b>approved parameter</b> plans; but</li> <li>(b) where an area is specified in square metres on the <b>approved parameter</b> plans for a component of these works, must not exceed that area,</li> </ul> <p>unless otherwise approved pursuant to Schedule 2 (requirements)</p>	
11.	<b>Article 6 (limits of works)</b>	<p>(6) The limits set out in paragraphs (1), (3) and (5) do not apply where it is demonstrated by the undertaker to <b>CBC's the-relevant-planning authority's</b> satisfaction and <b>the-relevant-planning authority CBC</b> certifies accordingly that works 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>In this and several other provisions throughout the draft DCO (all noted below), references to "relevant planning authority" have been replaced with references to specific authorities which GAL considers best placed to exercise those functions / discharge those requirements.</p> <p>Given CBC's role as the local planning authority for the majority of the land within the Order limits, GAL considers that CBC should exercise (or at least lead) in exercising most functions allocated to such an authority under the draft DCO.</p>

			This article is one such example where the function (allowing deviations from the limits of works) has been allocated to CBC.
12.	<b>Article 9 (planning permission)</b>	(5) Nothing in this Order restricts <del>undertaker</del> <b>any person</b> from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.	<p>Entities other than the undertaker may need to seek and implement planning permissions for development within the Order limits. Such entities include NATS, which operates air traffic services; airline operators, which operate aircraft hangars and other facilities; and hotel operators.</p> <p>This change clarifies that such entities are not restricted from seeking or implementing planning permission.</p>
13.	<b>Article 11 (street works)</b>	<p>(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—</p> <p>(a) break up or open the street, or any sewer, drain or tunnel <b>within or</b> under it;</p>	The minor amendment has been made for clarification.



14.	<b>Article 13 (stopping up of streets)</b>	<p>(2) No street specified in columns (1) and (2) of Part 1 of Schedule 3 is to be wholly or partly stopped up under this article unless—</p> <p>(a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the relevant street authority and is open for use; or</p> <p>(b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided <b>to the reasonable satisfaction of the relevant street authority</b> and subsequently maintained by the undertaker between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).</p>	<p>This change has been made at the request of the joint local authorities, to specify that temporary alternative routes provided in place of stopped-up streets must be to the reasonable satisfaction of the relevant street authority, in the same manner as permanent replacement streets.</p>
15.	<b>Article 16 (access to works)</b>	<p>16.—(1) The undertaker may, for the purposes of the authorised development <b>and with the consent of the street authority (such consent not to be unreasonably withheld or delayed and no consent</b></p>	<p>This change has been made at the request of the joint local authorities, to reflect that this article confers powers in respect of streets other than airport roads. In respect of such roads, GAL is willing to accept that the</p>

	<p><b>to be required in respect of airport roads</b>), form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p> <p>(2) The private means of access set out in columns (1) and (2) of Part 2 of Schedule 3 (private means of access to <b>be</b> stopped up and substitute private means and new private means) may be removed by the undertaker to the extent specified in column (3) of that Part of that Schedule and if removed must be replaced by the means of access as set out in column (4) of that Part of that Schedule.</p> <p><b>(3) If a street authority which receives a valid application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.</b></p>	<p>consent of the relevant street authority should be obtained before forming or improving means of access, to ensure that this has no unacceptable impact on the street in question.</p> <p>Paragraph (3), which mirrors similar provision in other articles in the draft DCO, is a necessary inclusion to enable the undertaker to exercise the power conferred by this article and undertake works in an efficient and expedient manner. The deemed approval provision does not remove the street authority's ability to refuse the application but imposes a deadline by which it must exercise the function allocated to it.</p>
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16.	<b>Article 22 (discharge of water)</b>	<p>Addition of:</p> <p><i>(11) A sewerage undertaker is deemed to have granted consent to the discharge of trade effluent into a public sewer under paragraph (3) where the public sewer belongs to the sewerage undertaker and consent under section 118 (consent required for discharge of trade effluent into public sewer) of the Water Industry Act 1991 has been granted in respect of the discharge.</i></p>	<p>This wording has been added to ensure that, if a sewerage undertaker grants consent to the discharge of trade effluent under the Water Industry Act 1991, a separate approval is not also needed under article 22(3) to facilitate the discharge of this effluent.</p>
17.	<b>Article 25 (felling and lopping of trees and removal of hedgerows)</b>	<p>(1) The undertaker may fell, <del>or</del> lop <del>or</del> remove any tree, <del>or</del> shrub <del>or</del> hedgerow within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, <del>or</del> shrub <del>or</del> hedgerow—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or</p> <p>(b) from constituting an imminent danger to persons using the authorised development, or property within the authorised development.</p>	<p>Changes have been made to this article to consolidate the provisions on (i) trees and shrubs and (ii) hedgerows, which were previously dealt with under separate paragraphs. This ensures that works to any tree, shrub or hedgerow are subject to the constraints in paragraph (2) and clarifies the operation of the article.</p> <p>An additional provision has been included in paragraph (2) following representations from the joint local authorities, requiring the undertaker to comply with the relevant British Standard insofar as that is relevant to works being carried out under this article. GAL is content to commit to this in this article.</p>

	<p>(2) In carrying out any activity authorised by paragraph (1), the undertaker must:</p> <p>(a) insofar as relevant, act in accordance with British Standard 3998:2010 (Tree work – Recommendations) or any British Standard which supersedes it;</p> <p>(b) do no unnecessary damage to any tree, <del>or</del> shrub <del>or hedgerow</del>; and <del>must</del></p> <p>(c) pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p><del>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.</del></p>	
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		<p>(4) The powers conferred by paragraphs (1) <del>and (4)</del> removes any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997(a) in undertaking works pursuant to paragraphs (1) <del>or (4)</del>.</p> <p>(5) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997 and includes important hedgerows.</p>	
18.	<b>Article 27 (compulsory acquisition of land)</b>	<p>The undertaker may—</p> <p>(a) acquire compulsorily so much of the Order land as is required for the <b>construction, operation or maintenance of the</b> authorised development, or to facilitate it, or is incidental to it, or is required as replacement land; and</p>	<p>This wording has been added following representations from the joint local authorities, for greater clarity. It is not considered that this inclusion materially affects the operation of this article.</p>
19.	<b>Article 33 (modification of the 1965 Act)</b>	<p>(1)(a)(ii) for “the <del>three-year applicable period mentioned in for the purposes of</del> section 4” substitute “the period of ten years as set out in article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport</p>	<p>This change has been made to reflect the recent amendment to the statutory provision referred to (section 5B of the 1981 Act) by section 185(2)(b) of the Levelling-up and Regeneration Act 2023.</p>

		(Northern Runway Project) Development Consent Order 202[ ]”.	
20.	<b>Article 34 (application of the 1981 Act and modifications of the 2017 Regulations)</b>	(8)(b) for “the <del>three-year applicable</del> period <del>mentioned in for the purposes of</del> section 5A” substitute “the period of ten years as set out in article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ]”.	This change has been made to reflect the recent amendment to the statutory provision referred to (section 5B of the 1981 Act) by section 185(3)(b) of the Levelling-up and Regeneration Act 2023.
21.	<b>Article 39 (temporary use of land for maintaining the authorised development)</b>	(3) Not less than <del>44</del> 28 days before entering upon 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.	This change has been made following representations from the joint local authorities. The amended period of 28 days is considered reasonable and proportionate and is preceded in many recently made DCOs including the Manston Airport (article 30), A38 Derby Junctions (article 34), A303 (Amesbury to Berwick Down) (article 30) and Longfield Solar (article 28) DCOs.
22.	<b>Article 40 (special category land)</b>	(1) On the exercise by the undertaker of the Order rights, the special category land identified in Part 1 of Schedule 10 (special category land to be permanently acquired <del>and for which</del>	Changes have been made to article 40 (special category land) to reflect the revised application of sections 131 and 132 of the 2008 Act, as described in row 1 of this table above. The special category land

	<p><del>replacement land is provided</del>) is not to vest in the undertaker until the undertaker has acquired the replacement land <b>identified in Part 2 of Schedule 10 (replacement land)</b> (to the extent not already in its ownership) and an open space management plan has been submitted to, and approved in writing by, <del>the relevant planning authority</del> <b>CBC (in consultation with RBBC and MVDC)</b>.</p> <p>(2) The open space management plan submitted under paragraph (1) must be <b>substantially in general</b> accordance with the outline landscape and ecology management plan <b>and must include a timetable for the laying out of the replacement land as open space</b>.</p> <p>(3) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 10 is to vest in the undertaker (or any specified person) and be discharged from all rights, trusts and incidents to which it was previously subject.</p>	<p>subject to the Order has been divided in Schedule 10 by reference to which limb of sections 131 or 132 of the 2008 Act applies, and changes have been made to the cross-references in this article accordingly.</p> <p>Paragraph (2) has been amended as part of the rationalisation throughout the draft DCO to remove any references to "general accordance" and replace these with "substantially in accordance", which as a phrase has been clarified by the introduction of the new definition noted at row 10 of this table above.</p> <p>To provide reassurance as to the content of the open space management plan, it has been included in paragraph (2) that this plan will include a timetable for the laying out of the replacement land as open space.</p> <p>Paragraph (1) has been amended to allocate the approval process to CBC, albeit that it must discharge this function in consultation with RBBC and MVDC given that the replacement land sits partially outside CBC's administrative boundary.</p> <p>New paragraph (5) has been added to ensure that the decision-making and appeal provisions in Schedule 11</p>
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	<p>(4) The undertaker must implement the open space management plan approved by <del>the relevant planning authority</del> <b>CBC</b> under paragraph (1) and on the date on which the replacement land is laid out and provided in accordance with that plan, the replacement land is to vest in <b>RBBC</b> <del>the persons in whom the special category land specified in paragraph (1) was vested on the date of the exercise of the Order powers</del> (if the replacement land is not already owned by <del>those persons</del> <b>RBBC</b>) and is to be subject to the same rights, trusts and incidents as attached to the special category land <b>previously in the ownership of RBBC.</b></p> <p>(5) <b>Article 55 (procedure in relation to certain approvals etc.) and Schedule 11 (procedure for approvals, consents and appeals) shall apply to the approval by CBC of the open space management plan under paragraph (1) as if CBC were the "discharging authority" and this article were a "requirement".</b></p> <p>(6) <b>In this article—</b></p>	<p>apply to the submission and approval of an open space management plan under this article in the same manner as if this provision were a requirement, despite article 55 referring specifically to requirements and discharging authority.</p>
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		<p>“Order rights” means rights and powers exercisable over the special category land by the undertaker under article 27 (compulsory acquisition of land) and article 28 (compulsory acquisition of rights and imposition of restrictive covenants);</p> <p><del>“outline landscape and ecology management plan” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.); and</del></p> <p>“specified person” means a person other than the undertaker for whose benefit the replacement land or rights are being acquired.</p>	
23.	<b>Article 46 (disregard of certain improvements, etc.)</b>	<p>Addition of new article:</p> <p><del>(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal must not take into account—</del></p> <p><del>(a) any interest in land; or</del></p>	<p>This article provides for the tribunal to disregard certain interests in and enhancements to the value of land in assessing compensation arising out of that land's compulsory acquisition where the creation of the interest or the making of the enhancement was undertaken with a view to obtaining compensation or increased compensation.</p>

		<p>(b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land,</p> <p>if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.</p> <p>(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works constructed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.</p>	<p>The wording of this article mirrors section 4 (assessment of compensation) of the Acquisition of Land Act 1981 (the "<b>1981 Act</b>"). It is necessary to replicate the wording of that section in the Order because section 4 of the 1981 Act only applies to a compulsory purchase where another statutory instrument has applied its provisions. The 2008 Act does not do so, so section 4 of the 1981 Act would not apply to compulsory acquisition authorised by a DCO in the absence of wording such as in this article. Sections 120(3), 120(5)(a) and Schedule 5 (by virtue of section 120(3)) of the 2008 Act allow the application in a DCO of statutory provisions which relate to the payment of compensation.</p> <p>This article complies with section 126 of the 2008 Act as it does not have the effect of modifying or excluding the application of an existing provision relating to compulsory purchase compensation. The article has precedent in Article 38 of the Boston Alternative Energy Facility Order 2023, Article 44 of the A47 Wansford to Sutton Development Consent Order 2023 and Article 50</p>
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			of the M25 Junction 28 Development Consent Order 2022.
24.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	<p>Addition of new definitions:</p> <p>"flood resilience statement"; [and]</p> <p>"surface access engineering drawings and sections";</p> <p>means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.);</p>	These documents are now referenced in the requirements and have therefore been defined as documents / plans to be certified by the Secretary of State under article 52 (certification of documents, etc.).
25.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	<p>Addition of new definition:</p> <p>"begin" has the meaning given in section 155 (when development begins) of the 2008 Act and shall have a meaning distinct to "commence" in this Order;</p>	This definition has been added in relation to the changes to requirement 3 (time limit and notifications).
26.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	<p>"emergency flights" means <del>planned</del> air transport movements which do not carry commercial passengers, which include but are not restricted to--</p>	This definition has been amended to clarify that emergency flights will not necessarily be 'planned' given their emergency nature.

		[...]	
27.	<b>Schedule 2 (requirements), various</b>	"following consultation with..." has been replaced with "in consultation with..."	This minor change has been made for consistency throughout the requirements and to clarify that the discharging authority should approve the submitted plan / details in consultation with the other body, rather than the other body needing to be consulted on the plan / details by the undertaker before it is submitted to the discharging authority.
28.	<b>Requirement 3 (time limit and notifications)</b>	<p>(1) The authorised development must <del>commence</del> <b>begin</b> no later than the expiration of five years beginning on the start date.</p> <p><del>(2) No part of the authorised development is to commence until a written notice of the works comprising that part is given to the relevant planning authority 14 days prior to the commencement of that part.</del></p> <p><b>(2) The undertaker must notify CBC:</b></p> <p><b>(a) within 10 working days of the date on which the authorised development begins;</b></p>	<p>This requirement has been amended to replace "commence" with "begin" in sub-paragraph (1), with the latter term being defined by reference to section 155 of the 2008 Act.</p> <p>This aims to ensure that the carrying out of any material operation (including those carved out of the definition of "commence" in the DCO) will satisfy requirement 3 and ensure that the DCO does not lapse despite material operations having been carried out pursuant thereto.</p> <p>Additional notification requirements have been introduced into sub-paragraph (2), to ensure that CBC is made aware when key project milestones are</p>

		<p>(b) at least 30 working days prior to the anticipated date of commencement, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph;</p> <p>(c) within 10 working days of the actual date of commencement; and</p> <p>(d) within 7 working days of the commencement of dual runway operations.</p>	<p>approaching and/or have taken place. This will assist CBC in monitoring compliance with other requirements which are by reference to these milestones.</p>
29.	<b>Requirement 4 (detailed design)</b>	<p>(1) No part of the authorised development (except for the highway works and excepted development) is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by <del>the relevant planning authority</del> CBC (in consultation with MVDC and RBBC).</p> <p>(2) The details referred to in sub-paragraph (1) must be in accordance with the design principles in appendix 1 of the design and access statement <del>and engineering drawings and sections</del>, and</p>	<p>The following changes have been made to this requirement:</p> <ul style="list-style-type: none"> <li>• a discharging authority and consultees have been specified in place of the "relevant planning authority", for certainty;</li> <li>• the reference to "engineering drawings and sections" in sub-paragraph (2) has been deleted as these drawings and sections are only relevant to highway works, which are dealt with under requirements 5 and 6 rather than requirement 4; and</li> </ul> <p>by way of commitment to design control over excepted development, given that this will be exempted from detailed design approval under requirement 4, a new</p>

		<p>subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with <del>the relevant planning authority</del> CBC (in consultation with MVDC and RBBC).</p> <p>(3) The authorised development must be carried out in accordance with the details approved by <del>the relevant planning authority</del> CBC under sub-paragraph (1) unless otherwise agreed in writing with <del>the relevant planning authority</del> CBC (in consultation with MVDC and RBBC).</p> <p>(4) No excepted development may be carried out until <del>the relevant planning authority</del> CBC has been consulted on that development.</p> <p>(5) Excepted development must be carried out in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed with CBC.</p>	<p>commitment has been added that excepted development will be carried out in accordance with the Project's design principles unless otherwise agreed.</p>
30.	<b>Requirement 5 (local highway works –</b>	<p>(2) The details referred to in sub-paragraph (1) must be in accordance with <del>the approved plans,</del> the design principles in appendix 1 of the design</p>	<p>The documents in accordance with which the detailed design for the local highway works must be submitted have been clarified.</p>

	<b>detailed design)</b>	and access statement and <del>the surface access general arrangements, engineering and structure section drawings engineering drawings and sections</del> , and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant highway authority.	
31.	<b>Requirement 7 (code of construction practice)</b>	Construction of the authorised development must be carried out <del>substantially</del> in accordance with the code of construction practice unless otherwise agreed with <del>the relevant planning authority-CBC</del> .	This requirement has been amended following representations from the joint local authorities, to specify that the authorised development must be carried out in accordance with the code of construction practice.  As described at row 10 above, a specific discharging authority has been included in place of "relevant planning authority".
32.	<b>Requirement 8 (landscape and ecology management plan)</b>	(1) <del>Prior to commencement of any</del> No part of the authorised development <del>is to commence until</del> a landscape and ecology management plan for that part <del>must be has been</del> submitted to and approved <del>in writing</del> by <del>the relevant planning authority</del> CBC (in consultation with RBBC, MVDC or TDC to the extent that they are the relevant	The following changes have been made to this requirement: <ul style="list-style-type: none"> <li>the syntax of the requirement has been amended for consistency with other pre-commencement requirements;</li> </ul>

	<p>planning authority for any land to which the submitted plan relates).</p> <p>(2) Where a landscape and ecology management plan submitted pursuant to sub-paragraph (1) relates to highways works, <del>the relevant planning authority</del> <b>CBC</b> must approve it <b>also</b> in consultation with the relevant highway authority.</p> <p>(3) Each landscape and ecology management plan submitted pursuant to sub-paragraph (1) must be <b>substantially</b> in <del>general</del> accordance with the outline landscape and ecology management plan <b>and must include a timetable for the implementation of the landscaping works it contains.</b></p> <p>(4) The relevant part of the authorised development must be carried out <b>substantially</b> in accordance with the relevant landscape and ecology management plan approved pursuant to sub-paragraph (1) <b>unless otherwise agreed with CBC.</b></p>	<ul style="list-style-type: none"> <li>• a specific discharging authority and consultees have been included in place of "relevant planning authority" for certainty;</li> <li>• the use of "in general accordance" has been replaced with "substantially in accordance" for clarity; and</li> </ul> <p>"substantially" has been removed from the sub-paragraph requiring compliance with the approved plan to ensure adequate control of activities.</p>
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<p>33.</p>	<p><b>Requirement 10 (surface and foul water drainage)</b></p>	<p>(1) No part of the authorised development (except for the highway works and excepted development) is to commence until written details of the surface and foul water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by <del>the lead local flood authority</del> <b>CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited)</b>.</p> <p>(2) The drainage details approved pursuant to sub-paragraph (1) must be in <del>general</del> <b>general</b> accordance with the drainage design principles in appendix 1 of the design and access statement.</p> <p>(3) The authorised development must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by <b>CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited)</b> <del>the lead local flood authority</del>.</p>	<p>The following changes have been made to this requirement:</p> <ul style="list-style-type: none"> <li>• a specific discharging authority and consultees have been included in place of the "lead local flood authority", for certainty;</li> <li>• following representations from Thames Water Utilities Limited, they have been included as a body to be consulted by the discharging authority;</li> <li>• to remove reference to "general accordance"; and</li> </ul> <p>by way of commitment to design control over excepted development, given that this will be exempted from detailed drainage design approval under requirement 10, a new commitment has been added that excepted development will be carried out in accordance with the Project's drainage design principles unless otherwise agreed.</p>
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		<p>(4) No excepted development involving surface or foul water drainage may be carried out until <del>the relevant planning authority</del> CBC has been consulted on that development.</p> <p>(5) Excepted development involving surface or foul water drainage must be carried out in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed with CBC.</p>	
34.	<b>Requirement 11 (local highway surface water drainage)</b>	<p>(1) No part of the local highway works is to commence until written details of the surface water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the relevant highway authority (<del>following in consultation with the Environment Agency and the relevant</del> lead local flood authority).</p> <p>(2) The drainage details approved pursuant to sub-paragraph (1) must be <del>substantially</del> <b>substantially</b> in <del>general</del> <b>general</b> accordance with the surface access drainage strategy.</p>	Minor changes have been made to this requirement for consistency with the changes detailed above, including replacing the use of "general accordance" with the defined term "substantially in accordance".

		<p>(3) The local highway works must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by the relevant highway authority (following in consultation with the Environment Agency and the relevant lead local flood authority).</p>	
35.	<p><b>Requirement 12 (construction traffic management plan)</b></p>	<p>(1) No part of the authorised development is to commence until a construction traffic management plan has been submitted to and approved in writing by <del>the relevant highway authority</del> <b>CBC, (following in consultation with West Sussex County Council, Surrey County Council and National Highways the relevant planning authority on matters related to its their function).</b></p> <p>(2) The construction traffic management plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction traffic management plan.</p>	<p>In response to representations from the joint local authorities, the discharging authority and consultees for this requirement have been updated and specified.</p>

		<p>(3) The authorised development must be constructed in accordance with the construction traffic management plan referred to in sub-paragraph (1), unless otherwise agreed in writing with <del>the relevant highway authority</del> <b>CBC</b> <del>(following in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function)</del> <del>the relevant planning authority on matters related to its function.</del></p>	
36.	<b>Requirement 13 (construction workforce travel plan)</b>	<p>(1) No part of the authorised development is to commence until a construction workforce travel plan has been submitted to and approved in writing by <del>the relevant highway authority</del> <b>CBC</b>, <del>(following in consultation with West Sussex County Council, Surrey County Council and National Highways</del> <del>the relevant planning authority on matters related to its</del> <del>their function).</del></p> <p>(2) The construction workforce travel plan submitted under sub-paragraph (1) must be</p>	<p>In response to representations from the joint local authorities, the discharging authority and consultees for this requirement have been updated and specified.</p>

		<p>substantially in accordance with the outline construction workforce travel plan.</p> <p>(3) The authorised development must be constructed in accordance with the construction workforce travel plan referred to in sub-paragraph (1), unless otherwise agreed in writing with <del>the relevant highway authority</del> <b>CBC (following in consultation with West Sussex County Council, Surrey County Council and National Highways the relevant planning authority on matters related to its their function).</b></p>	
37.	<b>Requirement 14 (archaeological remains)</b>	<p>(2) <del>The Any part of the</del> authorised development in <del>West Sussex (other than Work No. 34(b))</del> must be carried out in accordance with the written scheme of investigation for West Sussex, unless otherwise agreed in writing with West Sussex County Council.</p>	<p>This sub-paragraph of the requirement has been updated to clarify that only parts of the authorised development within West Sussex should be subject to the written scheme of investigation agreed with West Sussex County Council.</p> <p>For areas within Surrey, the only written scheme of investigation that is considered necessary following discussions with Surrey County Council is the scheme in respect of Work No. 34(b).</p>

38.	<b>Requirement 18 (noise insulation scheme)</b>	(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker shall submit to <del>each relevant planning authority</del> <b>CBC</b> details of how the noise insulation scheme is to be promoted and administered to persons considered to be vulnerable to noise related effects to ensure equitable access to the noise insulation scheme and once approved the undertaker shall comply with the approved details when promoting and administering the noise insulation scheme.	A specific discharging authority has been included in place of "relevant planning authority", for certainty.
39.	<b>Requirement 19 (airport operations)</b>	Relocation of: <del>(1) The undertaker must serve notice on the relevant planning authority no later than 7 days after the commencement of dual runway operations informing of the same.</del>	This has been relocated to requirement 3 (time limit and notifications).
40.	<b>Requirements 20 (surface access) and 21</b>	<del>"relevant planning authority"</del> has been replaced with <b>"CBC"</b>	A specific discharging authority has been included in place of "relevant planning authority", for certainty.

	(carbon action plan)		
41.	<b>Requirement 22 (public rights of way)</b>	<p>(1) No development of any new or diverted public right of way listed in Part 3 of Schedule 4 (footways and cycle tracks) may be carried out until a public rights of way implementation plan for that public right of way has been submitted to and approved by <b>the relevant highway authority</b> <del>the relevant planning authority</del>.</p> <p>(2) Each public rights of way implementation plan submitted pursuant to sub-paragraph (1) must be <b>substantially</b> in <del>general</del> accordance with the public rights of way management strategy and in accordance with the rights of way and access plans.</p> <p>(3) The development of any new or diverted public right of way listed in Part 3 of Schedule 4 must be carried out <b>substantially</b> in accordance with the relevant public rights of way implementation plan approved pursuant to sub-</p>	<p>Given that public rights of way are managed by the highway authority for an area rather than the planning authority, the discharging authority has been amended such that the discharging authority better reflects existing authority functions.</p> <p>The other changes, regarding "substantially in accordance" and the addition of "unless otherwise agreed", have been made for consistency with the changes described above and other requirements.</p>

		paragraph (1) <b>unless otherwise agreed with the relevant highway authority.</b>	
42.	<b>Requirement 23 (flood compensation delivery plan)</b>	<p>(1) Prior to the commencement of the first of Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), 25, 36(a), 36(b) or 37(a), a flood compensation delivery plan setting out the timeframe for delivering Work Nos. <b>30(a) (earthworks to enable provision of a water attenuation facility storage tank)</b>, 31(b) (constructing a flood compensation area at Car Park X), <del>and Work No. 38(a)</del> (constructing a flood compensation area at Museum Field) <b>and 39 (works associated with the River Mole)</b> must be submitted to and approved by <del>the relevant planning authority</del> <b>CBC</b> in consultation with the Environment Agency.</p> <p>(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1), unless otherwise agreed in writing</p>	<p>Following representations from West Sussex County Council, the works which are required to form part of the flood compensation delivery plan to be submitted pursuant to this requirement have been amended to include the other works which form part of the Project's flood mitigation.</p> <p>A specific discharging authority has been included in place of "relevant planning authority", for certainty.</p>



		with <del>the relevant planning authority</del> CBC in consultation with the Environment Agency.	
43.	<b>Requirement 24 (flood resilience statement)</b>	<p>Addition of new requirement:</p> <p><b>Flood resilience statement</b></p> <p>24. The authorised development must be carried out in accordance with the flood resilience statement unless otherwise agreed with CBC.</p>	Following representations from the joint local authorities, GAL has added this new requirement to secure the flood resilience statement.
44.	<b>Schedule 3</b>	<del>Permanent</del> Stopping Up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access	By its nature, stopping up is permanent. The word "permanent" has been deleted from the schedule heading due to redundancy.
45.	<b>Schedules 4 – 7</b>	Minor referencing changes throughout.	Changes have been made to these schedules to correct typographical and cross-referencing errors and reflect updated colour schemes on the underlying plans.
46.	<b>Schedule 9, Part 1 (protective provisions for the protection of electricity,</b>	Minor amendments to paragraph 2, 4 and 9.	These changes have been made to aid clarity in interpretation and correct typographical errors.

	<b>gas, water and sewage undertakers)</b>		
47.	<b>Schedule 10 (special category land)</b>	Changes to the table structure in this Schedule.	These changes have been made to reflect the updated approach to special category land and the revised recitals and article 40 (special category land).
48.	<b>Schedule 12 (documents to be certified)</b>	Changes to the structure of, and description of documents in, the table.	These changes have been made to align the plans submitted into the examination (and which will ultimately be certified by the Secretary of State) with the defined terms for these documents in the draft DCO and ensure that only documents which are secured or referenced in the DCO are included in Schedule 12.
49.	<b>Throughout</b>	Correction of various cross-references throughout.	These changes have been made to reflect the revised numbering of articles and requirements.
50.	<b>Throughout</b>	"at least" replaced with "no less than"	This minor change has been implemented for clarity.
<b>Deadline 3</b>			

51.	<b>Article 2 (interpretation)</b>	“airport” means London Gatwick Airport, an airport within the meaning given in <b>section 66 (airports) Part 1</b> of the Civil Aviation Act 2012...	Amended for greater specificity at the request of the West Sussex Joint Local Authorities in their <b>Comments on any submissions received by Deadline 1 [REP2-042]</b> .
52.	<b>Article 2 (interpretation)</b>	New definition: "special category land" means land forming part of a common, open space or fuel or field garden allotment, as identified shaded orange and blue on the special category land plans;	New definition added for clarity in response to <b>ExQ1</b> DCO 1.11.
53.	<b>Article 2 (interpretation)</b>	New separate definitions: "surface access general arrangements"; "surface access engineering section drawings"; and "surface access structure section drawings" as the documents certified as such by the Secretary of State under article 52 (certification of documents, etc.);	These definitions have been added to article 2 instead of the interpretation paragraph in Schedule 2 (requirements) as they are now referenced in article 6 (limits of works).  Whereas these plans were previously defined as one consolidated document set, they are now defined and will be certified independently, as they are now referenced independently in article 6 and Schedule 2.

54.	<b>Article 2 (interpretation)</b>	<p>New definitions:</p> <p>“existing northern runway” means the airport's northern runway as configured and used at the date of this Order;</p> <p>“main runway” means the airport's main runway at the date of this Order, being the runway located immediately to the south of the existing northern runway and which is used for routine take-offs and landings of aircraft;</p> <p>“repositioned northern runway” means the existing northern runway as amended by Work No. 1;</p>	New definitions added for clarity in response to <b>ExQ1</b> DCO 1.39.
55.	<b>Article 2 (interpretation)</b>	(6) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the plans to which the reference applies <del>relevant plans.</del>	Amended for clarity in response to <b>ExQ1</b> DCO 1.14.
56.	<b>Article 6 (limits of works)</b>	(3) In constructing Work Nos. 6, 9, 10, 11, 12, 13, 15, 16, 22, 23, 26, 27, 28, 30, 31, 32 and 43 the undertaker may not deviate vertically from the	The list of Work Nos. has been updated to ensure that all Work Nos. for which vertical parameters are specified

		<p>levels shown or noted on the parameter plans <del>except as approved pursuant to requirement 4.</del></p>	<p>in the <b>Parameter Plans [AS-131]</b> are listed and controlled by this article.</p> <p>The reference to requirement 4 has been omitted to make clear that deviations from the parameters can only be authorised by CBC certifying that the works proposed to exceed the parameters would not give rise to materially new or materially different environmental effects, pursuant to article 6(6).</p> <p>Requirement 4 has been amended accordingly (see (see row 83 below).</p>
57.	<b>Article 6 (limits of works)</b>	<p>(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate—</p> <p>(a) vertically from the levels shown or noted on the <del>surface access engineering section drawings parameter plans</del> to a maximum of 1.5 metres upwards and to a maximum of 2 metres downwards; and</p> <p>(b) laterally <del>within the 'Surface Access Works Lateral Limits' to the extent shown or noted</del> on</p>	<p>The references to the plans which show (a) the preliminary vertical levels of the highway structures and (b) the lateral limits for the highway works detailed design have been updated for greater specificity.</p> <p>The reference to requirements 5 and 6 has been omitted to make clear that deviations from the parameters can only be authorised by the relevant highway authority certifying that the works proposed to exceed the parameters would not give rise to materially new or materially different environmental effects, pursuant to article 6(7).</p>

		the parameter plans <del>or as otherwise approved pursuant to requirement 5 or 6(1) (as relevant).</del>	Requirements 5 and 6 have been amended accordingly (see rows 85 and 86 below).
58.	<b>Article 8 (consent to transfer benefit of Order)</b>	New paragraph:  (5) The undertaker must notify National Highways in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than National Highways the benefit of the Order in respect of national highway works.	Added to ensure that National Highways is notified of transfers of benefit that may affect the national highway works, in response to National Highways' comment on article 8 in its <b>Comments on any submissions received by Deadline 1</b> <a href="#">[REP2-055]</a> .
59.	<b>Article 11 (street works)</b>	(b) <del>drill</del> , tunnel or bore under the street; (c) place <del>and keep</del> apparatus in the street;	Added for completeness in response to <b>ExQ1</b> DCO 1.22.
60.	<b>Article 12 (power to alter layout, etc., of streets)</b>  <b>Article 14 (temporary closure of streets)</b>	<del>Article 56 (deemed consent) applies to an If a street authority which receives a valid application to the street authority for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.</del>	The approach to deeming provisions has been amended for clarity and to ensure efficient drafting. The operative drafting of the deeming provisions has been consolidated in a separate article, article 56 (deemed consent), which incorporates the drafting requested in row 10 of <b>Appendix M to the Joint West Sussex Local Impact Report</b> <a href="#">[REP1-069]</a> .  Each article for which deemed consent is provided then refers to the operative provisions in article 56 rather

	<p><b>Article 16 (access to works)</b></p> <p><b>Article 18 (traffic regulations)</b></p> <p><b>Article 24 (authority to survey and investigate the land)</b></p>		<p>than repeating the deemed consent drafting in each of the separate articles.</p>
61.	<p><b>Article 15 (public rights of way – creation, diversion and stopping up)</b></p>	<p>(a) <del>stop-up divert</del> each of the public rights of way specified in columns (1) and (2) of Part 1 of Schedule 4 (public rights of way to be permanently <del>stopped-up diverted</del> for which a substitute is to be provided) to the extent specified in column (3) of that Part of that Schedule;</p> <p>[...]</p> <p>(c) temporarily <del>stop-up close</del> public rights of way to the extent agreed with the relevant highway</p>	<p>Minor amendments to terminology to incorporate requests in row 19 of <b>Appendix M to the Joint West Sussex Local Impact Report</b> [<a href="#">REP1-069</a>].</p> <p>These amendments do not affect the powers sought or the effect of the provision.</p>

		<p>authority and provide substitute temporary public rights of way between terminus points, on an alignment to be agreed with the relevant highway authority (in both respects agreement not to be unreasonably withheld or delayed); and</p> <p>(2) No public right of way may be <del>stopped-up</del> <b>diverted</b> pursuant to paragraph (1)(a) unless the respective substitute public right of way has first been provided pursuant to paragraph (1)(b) to the reasonable satisfaction of the relevant highway authority.</p> <p>(3) No public right of way may be <del>stopped-up</del> <b>closed</b> pursuant to paragraph (1)(c) unless the substitute temporary public right of way agreed with the relevant highway authority has been provided to the reasonable satisfaction of the relevant highway authority.</p>	
62.	<b>Article 16 (access to works)</b>	16.—(1) <del>Subject to paragraphs (2) and (3),</del> the undertaker may, for the purposes of the authorised development <del>and with the consent of</del>	These changes respond to <b>ExQ1</b> DCO.1.24, which proposed that the relevant planning authority be



		<p><del>the street authority (such consent not to be unreasonably withheld or delayed and no consent to be required in respect of airport roads),</del> form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p> <p>(2) The power in paragraph (1) may only be exercised with the consent of the street authority in consultation with the relevant planning authority (such consent not to be unreasonably withheld or delayed) provided that no consent is required in respect of airport roads.</p>	<p>consulted by the street authority on applications for consent to form or improve accesses.</p> <p>To avoid an unwieldy paragraph (1), the consent requirement has been separated into a separate paragraph (2) which details the consenting and consulted entities, the need to act reasonably and the exception for airport roads.</p>
63.	<b>Article 18 (traffic regulations)</b>	<p>18.—(1) <del>Subject to the provisions of this article,</del> from the date determined by the undertaker... [...]</p> <p>(4) The undertaker must not exercise the powers conferred by paragraphs (1), (2) <del>and or</del> (3) of this article unless it has—</p>	<p>The changes to this article are to:</p> <ul style="list-style-type: none"> <li>clarify that the exercise of powers under <u>any</u> of paragraphs (1) [variations or revocations of existing traffic orders], (2) [new speed limits] or (3) [new unspecified traffic orders] must be notified to the chief officer of police and (where relevant) the traffic authority and advertised in the necessary manner in accordance with paragraph (4);</li> </ul>

		<p>[...]</p> <p>(5) Before complying with the process in paragraph (4) in respect of the exercise of the power conferred by paragraph (3), the undertaker must consult—</p> <p>[...]</p> <p>(6) <del>The undertaker must not exercise the power conferred by paragraph (3) of this article without obtained</del> the consent of the traffic authority (such consent not to be unreasonably withheld or delayed) <del>to the proposed exercise of powers.</del></p> <p>(7) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1), (2) <del>or and</del> (3)...</p> <p>[...]</p> <p>(8) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers of paragraphs (1), (2) <del>and or</del> (3) at any time.</p>	<ul style="list-style-type: none"> <li>clarify in relocated paragraph (5) that consultation with the listed entities is only required for new traffic measures implemented pursuant to paragraph (3) (these being measures not specified in schedules to the DCO and which therefore have not already been scrutinised through the DCO examination, unlike those referenced by paragraphs (1) and (2)); and</li> <li>clarify in paragraph (6) that traffic authority consent is only required (where relevant) to the exercise of the power in paragraph (3) for the same reason.</li> </ul>
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		<p>[...]</p> <p>(12) In respect of airport roads, paragraphs (4)(b), (5)(b) and <del>(6) (5)(e)</del> do not apply and paragraph 54(a) shall be read as if it does not contain the words “and to the traffic authority”.</p>	
64.	<b>Article 22 (discharge of water)</b>	<p>(5) <del>Article 56 (deemed consent) applies to Where the person to whom the watercourse, sewer or drain belongs receives</del> an application for consent under paragraph (3) or approval under paragraph (4)(a) <del>and "the authority" in article 56 shall in this case refer to the person to whom the watercourse, sewer or drain belongs and fails to notify the undertaker of its decision within 28 days of receiving an application, that person will be deemed to have granted consent or given approval, as the case may be.</del></p>	<p>This wording has been amended for the reasons set out in row 60 above but includes additional wording to confirm that article 56 (deemed consent) applies to a "person" from whom consent is required under article 22 in the same manner as consent is required from various "authorities" under the other articles to which article 56 applies.</p>
65.	<b>Article 25 (felling or lopping of trees and</b>	<p>(5) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997 <del>and includes important hedgerows.</del></p>	<p>The reference to "important hedgerows" has been removed on the basis that <b>ES Appendix 9.6.2: Ecology Survey Report [APP-125]</b> confirms that none of the</p>

	removal of hedgerows)		<p>hedgerows surveyed for the Project were found to be important hedgerows.</p> <p>This responds to row 31 of <b>Appendix M to the Joint West Sussex Local Impact Report [REP1-069]</b>.</p>
66.	<b>Article 26 (removal of human remains)</b>	<p>New paragraph:</p> <p>(13) In the case of remains in relation to which paragraph (12) applies, the undertaker—</p> <p>(a) may remove the remains;</p> <p>(b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and</p> <p>(c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.</p>	<p>This new paragraph (13) has been added as an additional safeguard in the event that the undertaker needs to remove human remains interred more than 100 years prior where the undertaker is satisfied that no relative or personal representative of the deceased is likely to object, pursuant to paragraph (12). The new wording requires the undertaker to apply for a direction from the Secretary of State as to how to subsequently treat the remains.</p> <p>This responds to <b>ExQ1</b> DCO.1.28.</p>
67.	<b>Article 32 (private rights of way)</b>	<p>(6) Paragraphs (1) to <del>(3)</del>(4) have effect subject to—</p>	<p>Amended to clarify that the entitlement to compensation in paragraph (4) of this article is not affected by the undertaker's compliance with the procedure in paragraph (6).</p>

			This responds to row 34 of <b>Appendix M to the Joint West Sussex Local Impact Report</b> [ <a href="#">REP1-069</a> ].
68.	<b>Article 37 (temporary use of land for carrying out the authorised development)</b>	(2) Not less than 14 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 <b>and explain the purpose for which entry is taken.</b>	Wording added for consistency with article 39(3) (temporary use of land for maintaining the authorised development) and to address row 36 of <b>Appendix M to the Joint West Sussex Local Impact Report</b> [ <a href="#">REP1-069</a> ].
69.	<b>Article 40 (special category land)</b>	References to "open space management plan" replaced with "open space <b>delivery</b> plan"  (2) The open space <b>management delivery</b> plan submitted under paragraph (1) must <b>be substantially in accordance with the outline landscape and ecology management plan and must</b> include a timetable for:  <b>(a) the submission of a landscape and ecology management plan pursuant to requirement 8 (landscape and ecology management plan) for each part of the replacement land; and</b>	Article 40 has been amended to clarify the nature and function of the plan to be submitted pursuant to article 40(1) prior to the special category land vesting in the undertaker.  Prior to commencement of works on the replacement land, Landscape and Ecology Management Plans (LEMPs) must be submitted and approved for that land pursuant to requirement 8. These plans must be substantially in accordance with the Outline Landscape and Ecology Management Plan (oLEMP), pursuant to requirement 8(3).

		(b) <del>the</del> laying out of <b>each part of</b> the replacement land as open space.	Therefore, the open space delivery plan submitted and approved under article 40 does not, itself, need to be substantially in accordance with the oLEMP but should provide a timetable for the delivery of the replacement open space, including a commitment on the timing for submission of LEMPs for that land.
70.	<b>Article 47 (disapplication of legislative provisions)</b>	(a) <del>section 23 (prohibition of obstructions etc. in watercourses)</del> , 30 (authorisation of drainage works in connection with a ditch) and 32 (variation of awards) of the Land Drainage Act 1991; and	The disapplication of section 23 of the Land Drainage Act 1991 has been removed following further consideration of the extent to which the Applicant would otherwise require ordinary watercourse consent for the Project. The Applicant only anticipates requiring one such consent and is content for the existing regime for ordinary watercourse consent to apply in respect of this instance.
71.	<b>Article 53 (service of notices)</b>	(7) Any consent to the use of electronic <del>communication transmission</del> given by a person may be revoked by that person in accordance with paragraph (8).  [...]	The former amendment is for consistency with the other paragraphs in article 53.  New paragraph (9) responds to <b>ExQ1</b> DCO.1.38 and confirms how notice by electronic transmission is to be treated when sent after 5:00pm.

		(9) Where a notice or document is sent by electronic transmission after 5:00pm, it is deemed served on the next working day.	
72.	<b>Article 56 (deemed consent)</b>	<p>New article:</p> <p><b>Deemed consent</b></p> <p>56.—(1) If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent or approval (as relevant).</p> <p>(2) Any application for consent or approval to which this article applies must include a statement that paragraph (1) applies to that application.</p> <p>(3) If an application for consent or approval to which this article applies does not include the statement required under paragraph (2) then paragraph (1) will not apply to that application.</p>	<p>As per the explanation in row 60 above, the operative drafting of the deeming provisions has been consolidated into this separate article, which incorporates in paragraphs (2) and (3) the drafting requested in row 10 of <b>Appendix M to the Joint West Sussex Local Impact Report [REP1-069]</b>.</p>

73.	<b>Schedule 1 (authorised development)</b>	<b>Work No. 12</b> (a) an open vehicle <b>storage</b> shed;	Added for greater specificity in response to <b>ExQ1</b> DCO.1.39.
74.	<b>Schedule 1 (authorised development)</b>	<b>Work No. 30</b> (a) earthworks and works to construct an attenuation storage facility with a capacity of <del>up</del> <b>to approximately</b> 32,000m <sup>3</sup> ;  <b>Work No. 31</b> (b) construction of a flood compensation area <b>with a capacity of approximately 55,000m<sup>3</sup></b> ;  <b>Work No. 38</b> (a) construct a flood compensation area <b>with a capacity of approximately 57,600m<sup>3</sup></b> ;	Approximate capacity figures added to Work Nos. 31 and 38 for greater specificity at the request of the Environment Agency in its <b>Written Representation [REP1-072]</b> and an ancillary change to wording made to Work No. 30 for consistency.  The final capacity of each work will be approved by the Environment Agency through Flood Risk Activity Permits.
75.	<b>Schedule 1 (authorised development)</b>	<b>Work No. 40</b> (b) deliver <b>approximately no less</b> than 0.52ha of planting;	Amended in response to <b>ExQ1</b> DCO.1.39.



76.	<b>Schedule 1 (authorised development)</b>	<b>Work No. 41</b> Works to create an ecological area at Pentagon Field including <del>landscaping and tree planting</del> works to— (a) deliver approximately 1ha of planting; (b) plant a tree belt approximately 15 metres in length	Added for greater specificity in response to <b>ExQ1</b> DCO.1.39.
77.	<b>Schedule 2, paragraph 1 (interpretation)</b>	New definitions: "operational waste management strategy" [...] "water treatment works footpath plan" [...] means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.)	Added due to the addition of new requirements 25 (operational waste management plan) and 26 (water treatment works footpath).
78.	<b>Schedule 2, paragraph 1 (interpretation)</b>	Relocated definition: <del>"surface access general arrangements, engineering and structure section drawings";</del>	Relocated to article 2 (interpretation) – see row 53 above.

79.	<b>Schedule 2, paragraph 1 (interpretation)</b>	<p>“commencement of dual runway operations” means the first day on which commercial air transport movements are scheduled to depart from both the <b>repositioned</b> northern runway <del>(Work No. 1)</del>, and the <b>main southern</b> runway <del>(being the airport’s main runway at the date this Order is made)</del>, which for the avoidance of doubt shall exclude any days on which both runways are used by the undertaker to test dual operations following approval by the Civil Aviation Authority for dual operations;</p>	<p>The references to the "northern runway" and "southern runway" have been amended for clarity, in accordance with row 54 above.</p>
80.	<b>Schedule 2, paragraph 1 (interpretation)</b>	<p>New paragraph:</p> <p><b>(3) Where submitted details or actions can be "otherwise agreed" by a discharging authority pursuant to requirements 4(2)(a), 4(3), 5(2)(a), 5(3), 7, 8(4), 10(3), 11(3), 12(3), 13(3), 14(1), 14(2), 20, 21, 22(3), 23(2), 24 and 25(3) such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document or details does not give rise</b></p>	<p>New paragraph (3) has been added for the reasons explained in the Applicant's response to DCO.1.40 in its <b>Response to ExQ1</b> (Doc Ref. 10.16).</p>

		to any materially new or materially different environmental effects to those assessed in the environmental statement.	
81.	<b>Requirement 3 (time limit and notifications)</b>	"days of" amended to "days <b>after</b> " in (2)(a), (c) and e)  (e) within 7 working days <b>after</b> the actual commencement of dual runway operations  <b>(d) at least 30 working days prior to the anticipated date of commencement of dual runway operations;</b>	Amendments made to clarify that notifications within X days "of" an event mean X days "after" that event.  Addition of a new notification requirement at least 30 working days prior to the anticipated date of commencement of dual runway operations, to address <b>ExQ1 DCO.1.40.</b>
82.	<b>Requirement 4 (detailed design)</b>	Addition in (1) and (3) of:  "... [agreed/approved] in writing by CBC (in consultation with MVDC and RBBC to <b>the extent that they are the relevant planning authority for any land to which the details relate</b> )"	Added to ensure that MVDC and RBBC are only consulted where the details being submitted are relevant to land within their administrative boundary.
83.	<b>Requirement 4 (detailed design)</b>	(2) The details referred to in sub-paragraph (1) must:	These provisions have been amended to clarify the operation of requirement 4 and make clear that design details submitted for approval must be consistent with

		<p>(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate); and</p> <p>(b) demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).</p> <p><del>(2) in accordance with the design principles in appendix 1 of the design and access statement and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC).</del></p>	<p>the limits set out in article 6 (limits of works) within which the works must be constructed.</p> <p>The revisions make express that the only route by which the undertaker can carry out works in excess of these limits is by reliance on article 6(6), which only has effect where CBC is satisfied that such works would not give rise to materially new or materially different environmental effects.</p>
84.	<b>Requirement 4 (detailed design)</b>	<p>(4) No excepted development may be carried out until CBC has been consulted on that development, <b>with this consultation to take place in the same manner as if taking place pursuant to</b></p>	<p>Wording added to clarify that consultation with CBC on "excepted development" should take place following the same process as is currently followed by the Applicant</p>

		paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations.	when it exercises its permitted development rights. This responds to <b>ExQ1</b> DCO.1.40.
85.	<b>Requirement 5 (local highway works – detailed design)</b>	<p>(2) The details referred to in sub-paragraph (1) must:</p> <p>(a) be in accordance with the design principles in appendix 1 of the design and access statement <del>and the surface access general arrangements, engineering and structure section drawings</del> unless otherwise agreed in writing with the relevant highway authority; and, <del>and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant highway authority.</del></p> <p>(b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with</p>	<p>These provisions have been amended for the same purpose as described in row 83 above.</p> <p>Sub-paragraph (2)(b) reflects that the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings show a preliminary design for the highway works comprising the Proejct, in accordance with which the detailed design must be save to the extent that deviations are provided for in article 6 (limits of works).</p>

		<p>article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).</p>	
86.	<b>Requirement 6 (national highway works)</b>	<p>New paragraph:</p> <p>(2) Design details submitted to National Highways pursuant to paragraph 5(1)(c) of Part 3 of Schedule 9 to this Order must:</p> <p>(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with National Highways; and</p> <p>(b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).</p>	<p>This paragraph ensures that the details for the national highway works are controlled in the same manner as the local highway works, with the process for approval of details and subsequent matters being dealt with in the National Highway protective provisions in Part 3 of Schedule 9.</p>

87.	<b>Requirement 9 (contaminated land and groundwater)</b>	(3) Where the undertaker's <b>risk assessment</b> determines that remediation of contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary [...]	Clarificatory wording added at the request of the Environment Agency in its <b>Written Representation [REP1-072]</b> .
88.	<b>Requirement 10 (surface and foul water drainage)</b>	(4) No excepted development involving surface or foul water drainage may be carried out until CBC has been consulted on that development, <b>with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations.</b>	Wording added to clarify that consultation with CBC on "excepted development" should take place following the same process as is currently followed by the Applicant when it exercises its permitted development rights. This responds to <b>ExQ1</b> DCO.1.40.
89.	<b>Requirement 14 (archaeological remains)</b>	(2) Any part of the authorised development in West Sussex must be carried out in accordance with the written scheme of investigation for West Sussex, unless otherwise agreed in writing with <del>West Sussex County Council</del> <b>CBC.</b>	<b>ES Appendix 7.8.2: Written Scheme of Investigation for Post-Consent Archaeological Investigations and Historic Building Recording – West Sussex [APP-106]</b> refers to Crawley Borough Council as the entity coordinating archaeological matters within its administrative boundary as regards the Project – see e.g. paragraph 1.1.11.

			Requirement 14(2) has therefore been amended to reflect this, subject to any comments from the local authorities.
90.	<b>Requirement 14 (archaeological remains)</b>	<p>(7) In this requirement, the "relevant authority" means:</p> <p>(a) in respect of any land in West Sussex, CBC; and</p> <p>(b) in respect of any land in Surrey, Surrey County Council.</p> <p>Amendments throughout requirement 14 to refer to "relevant <b>planning</b> authority"</p>	<p>Greater specificity has been included in this requirement regarding the relevant entities for archaeological matters.</p> <p>The amendments reflect the point above at row 89 and the comment from the Joint Surrey Councils at DCO2 in their <b>Local Impact Report</b> <a href="#">[REP1-097]</a>.</p>
91.	<b>Requirement 19 (airport operations)</b>	<p>(2) The <b>repositioned</b> northern runway (<del>Work No. 4</del>) must not be <b>repeatedly</b> used between the hours of 23:00 – 06:00 but may be used between these hours where the <b>main southern</b> runway (<del>being the airport's main runway at the date this Order is made</del>) is not available for use for any reason.</p>	<p>"Routinely" omitted for clarity and to address <b>ExQ1 DCO.1.40</b> and <b>East Sussex County Council's Local Impact Report</b> <a href="#">[REP1-070]</a>. This change is not considered to alter the application of the requirement.</p> <p>The references to the "northern runway" and "southern runway" have been amended for clarity, in accordance with row 54 above.</p>



<p>92.</p>	<p><b>Requirement 19 (airport operations)</b></p>	<p>New paragraphs:</p> <p>(3) Subject to paragraph (4), the repositioned northern runway must not be used:</p> <p>(a) for aircraft landings; or</p> <p>(b) for departures of aircraft larger than Code C aircraft.</p> <p>(4) Paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that paragraph:</p> <p>(a) where the main runway is not available for use for any reason; or</p> <p>(b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC).</p> <p>(5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as amended from time to time.</p>	<p>New wording added for the purpose given in response to DCO.1.40 in the Applicant's <b>Responses to ExQ1</b> (Doc Ref. 10.16). This also addresses row 36 of <b>Appendix M to the Joint West Sussex Local Impact Report [REP1-069]</b>.</p>
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93.	<b>Requirement 20 (surface access)</b>	20. From the date of the commencement of dual runway operations the operation of the authorised development must be carried out in accordance with the surface access commitments unless otherwise agreed with CBC (in consultation with National Highways).	Added in response to a request from National Highways in its <b>Comments on any submissions received by Deadline 1 [REP2-055]</b> .
94.	<b>Requirement 23 (flood compensation delivery plan)</b>	23.—(1) Prior to the commencement of the first of Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), <del>25</del> , 36(a), 36(b), <del>36(c)</del> , <del>or</del> 37(a), <del>37(b)</del> , <del>37(f)-(j) or 37(l)</del> , a flood compensation delivery plan setting out the timeframe for delivering Work Nos. 30(a) (earthworks and works to construct an attenuation storage facility), 31(b) (constructing a flood compensation area at Car Park X) and 38(a) (constructing a flood compensation area at Museum Field) and 39(a) (divert and extend River Mole course works associated with the River Mole) must be submitted to and approved by CBC in consultation with the Environment Agency.	<p>In response to written representations the Applicant has refined the Work Nos. to be included in this requirement.</p> <p>The works which may not be commenced until a Flood Compensation Delivery Plan (FCDP) is in place are those works that are located in the floodplain, could conceivably remove floodplain and therefore increase flood risk.</p> <p>The works that must be described in the FCDP are those works which are measures proposed to compensate for the loss of floodplain due to the project and ensure no increase flood risk to other parties.</p>

95.	<b>Requirement 25 (operational waste management plan)</b>	<p>New requirement:</p> <p><b>Operational waste management plan</b></p> <p>25.—(1) Within six months after the commencement of dual runway operations the undertaker must submit an operational waste management plan to CBC for approval.</p> <p>(2) The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy.</p> <p>(3) The airport must be operated in accordance with the operational waste management plan approved by CBC unless otherwise agreed in writing with CBC.</p>	<p>The Applicant has been asked to provide details of how operational waste from the Project will be managed, including details of the technologies within the new CARE facility. However, the design of the Project is not at the detailed stage to provide this information. This new requirement is necessary to secure the commitment that an Operational Waste Management Plan will be prepared for the Airport (to include waste from the Project) and that the Plan will be in accordance with the Operational Waste Management Strategy submitted at Deadline 3.</p>
96.	<b>Requirement 26 (water treatment works footpath)</b>	<p>New requirement:</p> <p><b>Water treatment works footpath</b></p> <p>26.—(1) Prior to the commencement of Work No. 43 (water treatment works) a public access by foot must be provided between the locations</p>	<p>Added in connection with the Applicant's change request of 13 February 2024. The current route of footpath West Sussex 360_1sy follows the alignment of the vehicular access route to the Crawley Sewage Treatment Works. There would be additional vehicle movements along this access road route during the construction of the reed beds over the period of</p>

		<p>marked "A" and "B" on the water treatment works footpath plan.</p> <p>(2) The public access by foot described in subparagraph (1) must not be removed until construction of Work No. 43 (water treatment works) is complete.</p>	<p>approximately 1 year. The inclusion of the additional footpath route provides pedestrians the opportunity to follow a vehicle-free route along the access road during the construction period between from the junction with Radford Road north to Upper Pickett's Wood. New requirement 26 secures the delivery of this route.</p>
97.	<b>Schedule 3 (stopping up of streets and private means of access &amp; provisions of new streets and private means of access)</b>	<p>Headings updated to:</p> <p>Stopping up of <b>Highways Streets</b> and Private Means of Access &amp; Provisions of New <b>Highways Streets</b> and Private Means of Access</p> <p><b>HIGHWAYS STREETS TO BE STOPPED UP AND SUBSTITUTE HIGHWAYS STREETS AND NEW HIGHWAYS STREETS TO BE PROVIDED</b></p> <p>Table column headers updated for consistency</p>	<p>Amended for consistency with the terminology used in article 13 (stopping up of streets) and in response to <b>ExQ1</b> DCO.1.41.</p>
98.	<b>Schedule 3 (stopping up of streets and private means of access &amp;</b>	<p>Proposed new highway; A23 London Road Northbound Left-in Diverge to North Terminal Roundabout, within the area marked a24 for a distance of approximately <b>380m</b> <del>325m</del> as shown</p>	<p>Amended to address comments from the Joint West Sussex Authorities.</p>

	<b>provisions of new streets and private means of access)</b>	on Sheet 1 of the rights of way and access plans, shown by green striped hatching.	
99.	<b>Schedule 3 (stopping up of streets and private means of access &amp; provisions of new streets and private means of access)</b>	The newly proposed private means of access for the extents marked as d1 which provides access to an existing Pond to the east of <b>Peeks</b> Brook Lane for a distance of approximately <del>230m</del> <b>220m</b> on Sheet 2 of the rights of way and access plans shown by orange striped hatching.	Amended to address the comment from the Joint Surrey Councils in section 21 of their <b>Local Impact Report [REP1-097]</b> .
100.	<b>Schedule 4 (public rights of way, footways and cycle tracks to be stopped up)</b>	Header for Part 1 amended to: PUBLIC RIGHTS OF WAY TO BE <del>PERMANENTLY STOPPED UP-DIVERTED</del> FOR WHICH A SUBSTITUTE IS TO BE PROVIDED	Minor amendment made in response to row 19 of <b>Appendix M to the Joint West Sussex Local Impact Report [REP1-069]</b> .

101.	<b>Schedule 4 (public rights of way, footways and cycle tracks to be stopped up)</b>	Minor wording tweaks to column headers and contents.	Minor amendments for consistency and to correct typographical errors.
102.	<b>Schedule 6 (traffic regulations)</b>	New rows in Part 2 and Part 3	Updated to reflect parking restriction information that has recently been updated on the Surrey County Council parking restrictions web portal.
103.	<b>Schedule 11 (procedures for approvals, consents and appeals)</b>	<p>New paragraph:</p> <p><i>(1) Where an application is made to a discharging authority for agreement, endorsement or approval in respect of a requirement to which this Part of this Schedule applies, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(1) (as may be amended or replaced from time to time) is to apply and must be paid to that authority for each application.</i></p>	New paragraph added for the reason given in response to DCO.1.7 in the <b>Applicant's Response to ExQ1</b> (Doc Ref. 10.16).

		<p>(2) Any fee paid under this Schedule must be refunded to the undertaker within a period of 35 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the discharging authority failing to determine the application within the decision period specified in paragraph (1) of this Part, unless within that period the undertaker agrees in writing that the fee may be retained by the discharging authority and credited in respect of a future application.</p>	
104.	<b>Schedule 12 (documents to be certified)</b>	Addition of "operational waste management strategy" and "water treatment works footpath plan".	To reflect the addition of new requirements 25 (operational waste management plan) and 26 (water treatment works footpath).
105.	<b>Throughout</b>	Various references to "agreed" specified to be "agreed in writing".	Added for consistency with other references to agreement in writing, and in response to <b>ExQ1</b> DCO 1.20 and DCO.1.40.
106.	<b>Throughout</b>	Cross-references updated.	To correct errors.

		Minor typographical corrections.	
107.	<b>Table of Contents</b>	Amendments to several titles.	To reflect changes that were made in the Schedules themselves in the previous version of the draft DCO that had not been reflected in the Table of Contents.
108.	<b>Article 6 (limits of works)</b>	(3) In constructing Work Nos. 6, 9, 10, 11, 12, 13, 15, 16, 22, 23, 26, 27, 28, 30, 31, 32 and 43 the undertaker <del>may not deviate vertically from the levels</del> must not exceed the maximum heights shown <del>or</del> and noted on the parameter plans (these heights being listed for information in Schedule 13 (informative maximum parameter heights)).	<p>The former wording has been minorly amended to reflect updates to the <b>Parameter Plans</b> (Doc Ref. 4.7) at Deadline 5.</p> <p>The reference to new Schedule 13 (informative maximum parameter heights) has been added to address the JLAs' comment on the Applicant's response to DCO.1.2 in their <b>Comments on responses to ExQ1 - Response to Development Consent Order and Control Documents</b> [<a href="#">REP4-062</a>]. While the complexity of the vertical limits for some works means that the Parameter Plans must be the primary source of the said limits, these limits have been summarised in Schedule 13 by way of information to assist readers of the DCO, as requested.</p>



109.	<b>Article 6 (limits of works)</b>	<p>(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate—</p> <p>(a) vertically from the levels shown or noted on the surface access engineering section drawings to a maximum of <del>1.5 metres upwards and to a maximum of 2 metres downwards</del>; and:</p> <p>(i) in respect of Work No. 35(a) between points A1 and B1 on the parameter plans, 1.5 metres upwards and 2 metres downwards;</p> <p>(ii) in respect of Work Nos. 35(b), 35(c), 35(e), 35(f), 36(e) and 36(f), 1.5 metres upwards and 2 metres downwards; and</p> <p>(iii) in respect of all other parts of Work Nos. 35, 36 and 37, 1 metre upwards and 1 metre downwards; and</p>	<p>The vertical limits for national highway works have been amended following discussions between the Applicant and National Highways. The limits now included in the amended article 6 were confirmed acceptable by National Highways in its comment on the Applicant's response to DCO.1.19 in their <b>Comments on responses to ExQ1</b> <a href="#">[REP4-079]</a>.</p>
110.	<b>Article 8 (consent to</b>	<p>(6) The undertaker must notify a local highway authority in the event that it exercises the power in paragraph (1) to transfer or grant to a person</p>	<p>This addresses a request by the JLAs in their <b>Comments on any further information / submissions received by Deadline 3</b> <a href="#">[REP4-042]</a>.</p>

	<b>transfer benefit of Order)</b>	other than that local highway authority the benefit of the Order in respect of local highway works in an area for which that local highway authority is the relevant highway authority.	
111.	<b>Article 15 (public rights of way – creation, diversion and stopping up)</b>	(4) Any <del>permanent diversion route provided under paragraph (2) or any</del> temporary diversion route agreed by the relevant highway authority under paragraph (3) must be maintained by the undertaker <b>for the duration of the diversion</b> with appropriate clear signage of the <del>permanently diverted or</del> temporarily diverted route.	<p>This corrects a previous drafting error and ensures that the undertaker is only liable to maintain temporary public rights of way diversions.</p> <p>Where a public right of way is permanently diverted, the original right of way is stopped up and therefore no longer needs to be maintained by the local highway authority. Instead, the local highway authority will maintain the new permanent route.</p>
112.	<b>Article 18 (traffic regulations)</b>	<p>(4) The undertaker must not exercise the powers conferred by paragraphs (1), (2) or (3) of this article unless it has—</p> <p>(a) given to the chief officer of police and to the traffic authority in whose area the road is situated not less than—</p> <p>(i) <b>12 weeks' (or, for airport roads, 28 days')</b> notice in writing of its intention so to do in the</p>	<p>This addresses a request from National Highways in its <b>Comments on any further information / submissions received by Deadline 3</b> <a href="#">[REP4-078]</a>.</p> <p>National Highways considers time periods of 12 weeks and 4 weeks to be necessary as regards highways that are not airport roads and the Applicant has adopted these periods.</p>

		<p>case of a prohibition, restriction or other provision intended to have effect permanently; or</p> <p>(ii) except in the case of an emergency, <b>4 weeks' (or, for airport roads, 7 days')</b> notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily; and</p> <p>(b) advertised its intention in such manner as the traffic authority may specify in writing within <del>7 days</del> <b>2 weeks</b> of its receipt of notice of the undertaker's intention as provided for in subparagraph (a).</p>	<p>The 2-week period in (b) is necessarily shorter than the time period in (a)(i) to allow for the traffic authority to specify a manner of advertising before the temporary regulations come into effect.</p>
<p><b>113.</b></p>	<p><b>Article 27 (compulsory acquisition of land)</b></p>	<p>(1) The undertaker may—</p> <p>(a) acquire compulsorily <b>(including for a statutory undertaker or any other person)</b> so much of the Order land as is required for the construction, operation or maintenance of the authorised development, or to facilitate it, or is incidental to it, or is required as replacement land; and</p>	<p>As explained in response to DCO.1.32 in the Applicant's <b>Response to ExQ1 – DCO and Control Documents [REP3-089]</b>, the Applicant has provided in the DCO for the direct vesting of compulsorily acquired land and rights in third parties to streamline the administrative process of land ownership or rights holding and registration at HM Land Registry in a case where land or rights are required to be acquired for works being</p>

			<p>carried out by a third party (e.g. works carried out by a statutory undertaker such as National Highways).</p> <p>As indicated in that response, the Applicant has reviewed the compulsory acquisition provisions and made a few minor changes to ensure its intention is clear and to ensure that the other articles in Part 5 of the draft DCO are consistent with article 34 (application of the 1981 Act and modification of the 2017 Regulations). The changes make clear that both land and rights can be compulsorily acquired and directly vested in statutory undertakers and third parties, expressly stating this power in articles 27 and 28. This ensures that the wording inserted into the 1981 Act by virtue of article 34 ("<i>in the case of land or a right <b><u>that they are expressly authorised to acquire for the benefit of a third party...</u></b></i>") (emphasis added) is satisfied.</p> <p>This wording does not broaden the purposes for which land or rights can be compulsorily acquired, which remains limited by the wording in article 27(1)(a).</p>
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			These changes have drawn on emerging drafting in the draft London Luton Airport Expansion and Lower Thames Crossing DCOs.
114.	<b>Article 28 (compulsory acquisition of rights and imposition of restrictive covenants)</b>	28.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire compulsorily such rights over the Order land or impose restrictive covenants affecting that land, <b>including rights and restrictive covenants for the benefit of a statutory undertaker or any other person</b> , as may be required for any purpose for which that land may be acquired under article 27 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.	
115.	<b>Article 34 (application of the 1981 Act and modification of</b>	(5) In section 4 (execution of declaration), for subsection (1) substitute—  “(1) The acquiring authority may execute in respect of any of the land which they are authorised to acquire by the compulsory	

	<p><b>the 2017 Regulations)</b></p>	<p>purchase order a declaration in the prescribed form vesting the land in themselves, or in the case of <b>land or</b> a right that they are expressly authorised to acquire for the benefit of a third party in the third party in question, from the end of such period as may be specified in the declaration (not being less than 3 months from the date on which the service of notices required by section 6 below is completed).”</p> <p>[...]</p> <p>(16) Schedule 1 to the 2017 Regulations is modified as follows <b>and, without limitation to the other provisions of this article, Form 1 and Form 2 in the 2017 Regulations will include such other consequential modifications as are necessary to enable the compulsory acquisition of land and rights for identified third parties in accordance with articles 27 (compulsory acquisition of land) and 28 (compulsory acquisition of rights and imposition of restrictive covenants).</b></p>	
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116.	<b>Schedule 1 (authorised development)</b>	<b>Work No. 41</b> Works to create an ecological area at Pentagon Field including works to— (a) deliver approximately 1ha of planting; (b) plant a tree belt approximately 15 metres in length; (c) create spoil bunds.	This additional information has been added to address the JLAs' comment on the Applicant's response to DCO.1.39 as regards Work No. 41 in their <b>Comments on responses to ExQ1 - Response to Development Consent Order and Control Documents</b> <a href="#">[REP4-062]</a> .
117.	<b>Schedule 1 (authorised development)</b>	<b>Work No. 42</b> Works to— (a) establish a habitat enhancement area along Perimeter Road East and Perimeter Road South including replacement hedgerows and habitat suitable for bats along Crawler's Brook; <b>and</b> (b) construct a weir and a fish pass.	This work has been subdivided to allow for specific cross-referencing to Work No. 42(b) in new requirement 31 (construction sequencing).
118.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	New definitions: “ <b>construction dust management strategy</b> ”; “ <b>construction resources and waste management plan</b> ”;	These new definitions support new requirements 27 – 30.

		<p>“outline arboricultural and vegetation method statement”;</p> <p>means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.);</p>	
119.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	<p>New definition:</p> <p>“host authorities” means CBC, RBBC, MVDC, TDC, Surrey County Council and West Sussex County Council;</p>	<p>This new definition supports new requirement 2A (phasing scheme) and the amendments to requirement 3(1) (time limit and notifications).</p>
120.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	<p>Removal of definition:</p> <p><del>“excepted development” means any part of the authorised development which falls within Schedule 2, Part 8, Class F of the 2015 Regulations and does not fall within the description of development in F1 of those Regulations;</del></p> <p>New definition:</p>	<p>These changes support the amendments to requirements 4 (detailed design) and 10 (surface and foul water drainage), which are explained below.</p>



		<p>“listed works” means the works listed in Schedule 12 (non-highway works for which detailed design approval is required);</p>	
121.	<p><b>Schedule 2 (requirements), paragraph 1 (interpretation)</b></p>	<p>Amended provision:</p> <p>(2) References in this Schedule to part of the authorised development are to be construed as references to <del>stages, phases or</del> elements of the authorised development in respect of which an application is made by the undertaker under this Schedule, and references to commencement of part of the authorised development in this Schedule are to be construed accordingly.</p> <p>New provision:</p> <p>(3) References in this Schedule to phases of the authorised development are to be construed as references to phases identified in a phasing scheme submitted under requirement 2A.</p>	<p>These are ancillary changes to ensure that there is no ambiguity following the introduction of requirement 2A (phasing scheme).</p>

122.	<b>Schedule 2 (requirements), paragraph 1 (interpretation)</b>	<p>(4) Where submitted details or actions can be "otherwise agreed" by a discharging authority pursuant to requirements <del>4(2)(a), 4(3), 5(2)(a), 5(3)</del>, 7, 8(4), 10(3), 11(3), 12(3), 13(3), 14(1), 14(2), 20, 21, 22(3), 23(2), 24, <del>and 25(3), 27(3), 28(3), 29(3), 30(3) and 32(2)</del> such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document or details does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.</p>	References amended to reflect amendments to requirements and new requirements.
123.	<b>Requirement 2A (phasing scheme)</b>	<p>New requirement:</p> <p><b>Phasing scheme</b></p> <p><b>2A.—(1) The authorised development must not commence until a phasing scheme setting out the anticipated phases for construction of the authorised development has been submitted to the host authorities and National Highways.</b></p>	<p>This requirement has been added to address the JLAs' comments on the Applicant's responses to DCO.1.40 (R3) and DCO.1.49 in their <b>Comments on responses to ExQ1 - Response to Development Consent Order and Control Documents</b> [<a href="#">REP4-062</a>].</p> <p>Requirement 2A requires the undertaker to submit a phasing scheme to the host authorities and National Highways prior to commencement of the authorised</p>

	<p>(2) The undertaker must review and make any necessary updates to the phasing scheme and submit that updated phasing scheme to the host authorities and National Highways:</p> <p>(a) no later than five years from the date of commencement of the authorised development;</p> <p>(b) at any time if the undertaker proposes a significant change to the contents or timing of the phases of construction in a previously submitted phasing scheme; and</p> <p>(c) no later than every five years after the date of the most recent submission of a phasing scheme under this sub-paragraph (2),</p> <p>provided that the undertaker is not required to submit any further phasing scheme after the fifteenth anniversary of the commencement of the authorised development.</p> <p>(3) Where any requirement in this Schedule requires the submission to any of the host authorities or National Highways of details or a</p>	<p>development. This phasing scheme will ensure that the host authorities are aware of the anticipated temporal phasing and indicative timings for construction of the authorised development. This will provide useful additional context for discharging authorities when they review applications made to them pursuant to other requirements and will allow them to adjust their resourcing according to anticipated periods of concentrated applications.</p> <p>Sub-paragraph (2) provides for the undertaker to review and update the phasing scheme throughout the construction timetable and when there are significant changes, with no further updates required after the fifteenth anniversary of commencement of the authorised development (this being the anticipated duration of construction of the Project).</p> <p>Sub-paragraph (3) provides that, when the undertaker is applying to one of the host authorities or National Highways as a discharging authority, it should contextualise the details subject to the application by reference to the previously submitted phasing scheme.</p>
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		<p>document relating to a part of the authorised development, the undertaker must:</p> <p>(a) state which phase that part falls within by reference to the most recent phasing scheme submitted under sub-paragraph (1) or (2); and</p> <p>(b) where the part does not constitute the whole phase:</p> <p>(i) identify which works in Schedule 1 (authorised development) constitute the part, including by reference to the works plans (where applicable); and</p> <p>(ii) provide indicative timings for the submission of the relevant details or document for the remainder of works in that phase.</p> <p>(4) In this requirement "phasing scheme" means a written document which—</p> <p>(a) identifies, by reference to Schedule 1 (authorised development), the works that are anticipated to be constructed within successive temporal phases of construction;</p>	<p>This requirement has been numbered as '2A' in order to be the first requirement numerically without disturbing the existing numbering of other requirements during the examination. The requirements will be reordered to their final order in the final submission version of the DCO.</p>
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		<p>(b) includes a layout plan showing the location of the works anticipated to be constructed in each phase; and</p> <p>(c) includes an indicative construction programme for any phases to be delivered in the five years following the date of submission of the phasing scheme and indicative timings for the delivery of later phases;</p>	
124.	<b>Requirement 3 (time limit and notifications)</b>	<p>(2) The undertaker must notify <del>CBC</del> <b>the host authorities:</b></p> <p>(a) within <del>10</del> <b>7 working days</b> after the date on which the authorised development begins;</p> <p>(b) at least <del>30</del> <b>28 working days</b> prior to the anticipated date of commencement of the authorised development, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph;</p>	<p>The Applicant has amended the requirement such that all host authorities will be notified of the specified milestones instead of just CBC. This addresses the JLAs' request in their <b>Comments on any further information/submissions received by Deadline 2 [REP3-150]</b>.</p> <p>For greater clarity and to accommodate the JLAs' comment in the above document, the Applicant has standardised references throughout the DCO to calendar days as opposed to working days.</p>

		<p>(c) within <del>10</del> <b>7 working days</b> after the actual date of commencement of the authorised development;</p> <p>(d) at least <del>30</del> <b>28 working days</b> prior to the anticipated date of commencement of dual runway operations; and</p> <p>(e) within <b>7 working days</b> after the actual commencement of dual runway operations.</p>	
125.	<b>Requirement 4 (detailed design)</b>	<p>4.—(1) No part of the authorised development (except for the highway works and <del>excepted development listed works</del>) is to commence until <b>CBC has been consulted on the design of that part, with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations (subject to sub-paragraph (6)).</b></p> <p>(2) <b>Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.</b></p>	<p>These changes have been made following the explanation provided by the Applicant in its <b>Note on Excepted Development and the Airport Development Principle</b> <a href="#">[REP4-030]</a>.</p> <p>By default, CBC must be consulted on the design for works before they are commenced (except for highway works, to which requirements 5 and 6 apply instead, and listed works, to which sub-paragraph (3) applies). All works to which sub-paragraph (1) applies must be carried out in accordance with the Design Principles (Doc Ref. 7.3).</p> <p>The specified design details for any listed works (a new defined term by reference to Schedule 12) must be</p>

	<p>(3) <b>No part of any listed works is to commence until</b> details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate).</p> <p>(4) The details referred to in sub-paragraph (4) must:</p> <p>(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate); and</p> <p>(b) demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).</p>	<p>submitted to and approved by CBC (in consultation with other authorities where relevant) prior to their commencement under sub-paragraph (3). These details must satisfy the existing wording in sub-paragraph (4).</p> <p>New sub-paragraph (6) introduces certainty by specifying a period within which comments should be provided by CBC on a consultation under sub-paragraph (1). The process in the 2015 Regulations is vague and does not include any such period and it is justified to include a period here (which mirrors the 'decision period' from Schedule 11) so that there is certainty as to when input may be expected from CBC as part of the consultation, to ensure that the construction of the authorised development proceeds in a timely and efficient manner, as is required for the delivery of nationally significant infrastructure.</p>
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		<p>(5) The <b>relevant part</b> of the <b>authorised development listed works</b> must be carried out in accordance with the details approved by CBC under sub-paragraph (43) unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate).</p> <p>(6) Where consulted under sub-paragraph (1), CBC must provide its comments (if any) within 8 weeks beginning with the day after the information was submitted to CBC pursuant to sub-paragraph (1) (unless a longer time period is agreed between CBC and the undertaker).</p>	
126.	<b>Requirement 5 (local highway works – detailed design)</b>	<p>5.—(1) No part of the local highway works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant highway authority (in consultation with the relevant planning authority).</p>	<p>The former addition responds to a request from the JLAs in row 30 of their <b>Comments on any further information/submissions received by Deadline 2 [REP3-150]</b>.</p> <p>The latter addition is a minor tweak to ensure there is clarity that details for parts of the local highway works</p>



		<p>[...]</p> <p>(3) The <b>relevant part</b> of the local highway works must be carried out in accordance with the details approved by the relevant highway authority under sub-paragraph (1) unless otherwise agreed in writing with the relevant highway authority.</p>	<p>can be submitted for approval and that those parts must be carried out in accordance with the approved details.</p>
127.	<b>Requirement 6 (national highway works)</b>	<p>(2) Design details submitted to National Highways pursuant to paragraph 5(1)(c) of Part 3 of Schedule 9 to this Order must:</p> <p>[...]</p> <p><b>(c) to the extent that they constitute drainage details, be substantially in accordance with the surface access drainage strategy.</b></p>	<p>This addition clarifies that design details for the national highway works submitted to National Highways under the protective provisions in Schedule 9 must, to the extent relevant, be substantially in accordance with the Surface Access Drainage Strategy (<b>Annex 2 to ES Appendix 11.9.6: Flood Risk Assessment</b> (Doc Ref. 5.3)). This mirrors the equivalent provision for local highways in requirement 11 (local highway surface water drainage).</p>
128.	<b>Requirement 6 (national highway works)</b>	<p>(3) The undertaker must <b>have completed construction of the national highway works and made an application to use reasonable endeavours to obtain a provisional certificate</b></p>	<p>This wording has been amended following discussions with National Highways as to a mutually acceptable position for this requirement. Whilst the amendments proposed to the wording of this requirement have been</p>

		<p><del>from</del> National Highways <b>for a provisional certificate</b> pursuant to paragraph 8 of Part 3 of Schedule 9 in respect of the national highway works by the third anniversary of the commencement of dual runway operations, unless otherwise agreed <b>in writing</b> with National Highways, said agreement not to be unreasonably withheld or delayed.</p>	<p>agreed, discussions remain ongoing regarding the residual drafting, but the Applicant remains optimistic that this will be agreed shortly.</p>
129.	<b>Requirement 10 (surface and foul water drainage)</b>	<p>Amendments equivalent to those for requirement 4 (detailed design) excerpted above.</p>	<p>Changes made for the same reason as explained in relation to requirement 4 (detailed design) above.</p>
130.	<b>Requirement 11 (local highway surface water drainage)</b>	<p>11.—(1) No part of the local highway works is to commence until written details of the surface water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the relevant highway authority (in consultation with the Environment Agency, the relevant lead local flood authority and <b>the relevant planning authority</b>).</p>	<p>The former addition is to address the JLAs' request at row 34 of their <b>Comments on any further information/submissions received by Deadline 2</b> <a href="#">[REP3-150]</a>.</p> <p>The latter addition is a minor tweak to ensure there is clarity that drainage details for parts of the local highway works can be submitted for approval and that those</p>

		<p>(2) The drainage details approved pursuant to sub-paragraph (1) must be substantially in accordance with the surface access drainage strategy.</p> <p>(3) The <b>relevant part</b> of the local highway works must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by the relevant highway authority (in consultation with the Environment Agency and the relevant lead local flood authority).</p>	<p>parts must be carried out in accordance with the approved details.</p>
131.	<p><b>Requirements 12 (construction traffic management plan) and 13 (construction workforce travel plan)</b></p>	<p>References to "<b>part</b>" of the authorised development added.</p>	<p>Added to clarify that a plan can be submitted for approval in respect of a part of the authorised development and that the said part must be carried out in accordance with the approved plan.</p>

<p>132.</p>	<p><b>Requirement 15 (air noise envelope)</b></p>	<p>Change of defined term from "noise action plan" to "<b>noise compliance plan</b>" throughout.</p> <p>Change of time period from 45 days to <b>14</b> days in sub-paragraph (4).</p> <p>15.—(1) From the commencement of dual runway operations the <del>authorised development airport</del> must be operated in accordance with the relevant noise envelope limits.</p> <p>[...]</p> <p>(5) The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where—</p> <p>(a) two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement <del>or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances)</del> identify that the same noise</p>	<p>The change to sub-paragraph (1) is to clarify that it is the airport that must be operated in accordance with the noise envelope limits, rather than the authorised development (which represents only a subset of the airport).</p> <p>The remaining changes have been made to further clarify the operation of requirement 15 following discussions with the CAA, which will take on the role of the independent air noise reviewer.</p>
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		<p>envelope limit has been exceeded during the previous 24 months of the operation of the airport;</p> <p>(b) an annual monitoring and forecasting report <del>either</del> when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement <del>or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances)</del> identifies that a noise envelope limit is forecast to be exceeded;</p> <p>or</p> <p><del>(c) the independent air noise reviewer and/or the Secretary of State identifies that the same relevant noise envelope limit has been exceeded during the previous 24 months of the operation of the airport or a noise envelope limit is forecast to be exceeded and notifies the undertaker that an annual monitoring and forecasting report is not approved,</del></p> <p>until an annual monitoring and forecasting report has been approved by the independent air noise</p>	
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		<p>reviewer or by the Secretary of State (as is relevant in the circumstances) which confirms compliance with the noise envelope limit identified to have <del>not been complied with</del> <del>been exceeded during the previous 24 months of the operation of the airport</del> or forecast to <del>not be complied with</del> <del>exceeded</del> (as is relevant in the circumstances), <del>including where relevant when taking account of the measures proposed within a noise compliance plan to address any such exceedance.</del></p>	
133.	<b>Requirement 19 (airport operations)</b>	<p>19.—(1) From the date of the commencement of dual runway operations, the airport may not be used for more than 386,000 commercial air transport movements per annum.</p> <p>(2) The repositioned northern runway must not be used between the hours of 23:00 – 06:00 but may be used between these hours where the main runway is <del>temporarily non-operational by reason of an accident, incident or structural defect or</del></p>	<p>Sub-paragraph (2) and (4)(a) have been amended to address the JLAs' comment in row 92 of their <b>Comments on any further information / submissions received by Deadline 3</b> <a href="#">[REP4-042]</a>. The incorporated wording reflects current airport practice.</p> <p>Sub-paragraph (5) has been amended for certainty, to prevent any future changes to what constitutes a "Code C aircraft" affecting the restrictions on the repositioned northern runway (to make them either more or less restrictive).</p>

		<p>when maintenance to the main runway is being undertaken <del>not available for use for any reason.</del></p> <p>(3) Subject to sub-paragraph (4), the repositioned northern runway must not be used:</p> <p>(a) for aircraft landings; or</p> <p>(b) for departures of aircraft larger than Code C aircraft.</p> <p>(4) <del>Sub-paragraph</del> Paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that sub-paragraph:</p> <p>(a) where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken <del>not available for use for any reason</del>; or</p> <p>(b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC).</p> <p>(5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum</p>	
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		<p>specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, <del>as amended from time to time at the date of this Order.</del></p>	
134.	<b>Requirement 20 (surface access)</b>	<p>20. From the date <del>on which the authorised development begins of the commencement of dual runway operations</del> the operation of the <del>authorised development airport</del> must be carried out in accordance with the surface access commitments unless otherwise agreed <del>in writing with CBC and (in consultation with National Highways).</del></p>	<p>Amended to clarify that it is the airport that must be operated in accordance with the surface access commitments rather than the authorised development (which represents only a subset of the airport), and to bring forward their trigger to the earlier milestone (albeit noting that the majority of the commitments secured within the document remain set by reference to the commencement of dual runway operations).</p> <p>Amended such that departures from the SACs need to be approved by both CBC and National Highways. This addresses a request from National Highways in its <b>Comments on any further information / submissions received by Deadline 3</b> <a href="#">[REP4-078]</a>.</p>



135.	<b>Requirement 21 (carbon action plan)</b>	21. <b>From the date on which the authorised development begins, t</b> The authorised development <b>and the operation of the airport</b> must be carried out in accordance with the carbon action plan unless otherwise agreed <b>in writing</b> with <del>CBC</del> <b>the Secretary of State</b> .	<p>The new wording at the start and the addition of "and the operation of the airport" clarify that the Carbon Action Plan contains measures that govern both (i) the construction period and (ii) the subsequent operation of the airport. From the time the authorised development begins, the authorised development (i.e. the building out of the Project, including on-airport and the surface access works) and the operation of the airport as a whole must be carried out in accordance with the Carbon Action Plan.</p> <p>The change of the body to approve departures from the Carbon Action Plan reflects that the Carbon Action Plan itself provides for reporting to the Secretary of State rather than any local authority, and relates to the management by Government of emissions from the aviation sector as a whole. It is therefore appropriate for the Secretary of State to be the referenced body rather than CBC.</p>
136.	<b>Requirement 23 (flood</b>	Change of discharging authority from CBC to West Sussex County Council.	This addresses the JLAs' request in their <b>Comments on any further information/submissions received by Deadline 2</b> <a href="#">[REP3-150]</a> .

	<b>compensation delivery plan)</b>		
137.	<b>Requirement 24 (flood resilience statement)</b>	24. <del>From the date on which the authorised development begins, the</del> authorised development <del>and the operation of the airport</del> must be carried out in accordance with the flood resilience statement unless otherwise agreed <del>in writing</del> with CBC.	As for requirement 21 above, the Flood Resilience Statement contains measures relating to the construction and operation periods – these changes reflect that.
138.	<b>Requirement 25 (operational waste management plan)</b>	25.—(1) <del>The replacement CARE facility (Work No. 9) must not be brought into routine operation until Within six months after the commencement of dual runway operations</del> the undertaker <del>must</del> has submitted an operational waste management plan to <del>West Sussex County Council</del> CBC for approval.  (2) The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy.	These changes address the JLAs' comments at row 95 of their <b>Comments on any further information / submissions received by Deadline 3</b> <a href="#">[REP4-042]</a> .

		(3) The airport must be operated in accordance with the operational waste management plan approved by <b>GBG West Sussex County Council</b> unless otherwise agreed in writing with <b>GBG West Sussex County Council</b> .	
139.	<b>Requirement 26 (water treatment works footpath)</b>	(2) <b>Once provided</b> , <del>the</del> public access by foot described in sub-paragraph (1) must not be removed until construction of Work No. 43 (water treatment works) is complete.	Minor tweak to clarify the operation of this sub-paragraph.
140.	<b>New requirements 27 – 30</b>	New requirements: <b>Requirement 27 (construction dust management plan)</b> <b>Requirement 28 (arboricultural and vegetation method statement)</b> <b>Requirement 29 (soil management plan)</b> <b>Requirement 30 (site waste management plan)</b>	As explained in response to DCO.1.47 and DCO.1.48 in the <b>Applicant's Response to ExQ1 – DCO and Control Documents</b> [ <a href="#">REP3-089</a> ], new separate requirements have been added where Level 2 control documents need to be submitted for approval.
141.	<b>New requirement 31</b>	<b>Construction sequencing</b>	This requirement has been added to secure the delivery of certain specified works in advance of the other

	<b>(construction sequencing)</b>	<p>31.—(1) The commencement of dual runway operations must not take place until Work No. 43 (water treatment works) has been completed.</p> <p>(2) Work No. 39(b) (River Mole culverts and syphons) must not be commenced until Work No. 42(b) (weir and fish pass) has been completed.</p>	specified works where this is necessary to ensure impacts are mitigated before they arise.
142.	<b>New requirement 32 (western noise mitigation bund)</b>	<p><b>Western noise mitigation bund</b></p> <p>32.—(1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed.</p> <p>(2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC.</p>	<p>This requirement has been added to secure that the western noise mitigation bund is constructed prior to the commencement of dual runway operations and that, once in place, it cannot be removed unless agreed in writing by CBC.</p> <p>This addresses the JLAs' comment at NV.1.5 in <a href="#">[REP4-068]</a>.</p>
143.	<b>Requirements 6, 8, 20, 21, 22</b>	Addition of "in writing" to agreed with the relevant cited body.	Added for consistency with other requirements and provisions in the draft DCO.
144.	<b>Schedule 11 (procedures for approvals,</b>	Amendments to the periods specified in working days to be calendar days in Part 1 and Part 2.	For consistency throughout the DCO.

	<b>consents and appeals)</b>	Amendments to change references to "noise action plans" to " <b>noise compliance plans</b> "	
145.	<b>Schedule 11 (procedures for approvals, consents and appeals)</b>	<p>Various minor amendments to Part 2 of Schedule 11, alongside the following substantive changes:</p> <p><b>Applications</b></p> <p>[...]</p> <p><del>(3) In the event the independent air noise reviewer does not determine an application within the decision period the independent air noise reviewer is taken to have approved the relevant noise plan at the end of that period unless otherwise agreed in writing.</del></p> <p><b>Further information</b></p> <p>2.—(1) In relation to any application to which this Part of this Schedule applies, the independent air noise reviewer <del>has the right to</del> <b>may</b> request <del>such</del> further information from the undertaker <del>which it identifies as</del> is necessary to enable it to consider the application.</p>	The changes are to improve the processes for the approval and non-approval of Air Monitoring and Forecasting Reports following discussion with the CAA, so that there is additional clarity on what occurs in a scenario of non-approval of such a report.

	<p>(2) If the independent air noise reviewer considers further information is necessary for the relevant noise plan to comply with the information requirements relevant to it, it must as soon as is reasonably practicable <del>and within 10 working days of receipt of the relevant noise plan,</del> notify the undertaker in writing specifying the further information required <del>and providing the undertaker with a reasonable time period to provide that further information (which for the avoidance of doubt may be provided in the form of a revised noise plan).</del></p> <p><del>(3) If the independent air noise reviewer does not give such notification as specified in subparagraph (2) or otherwise fails to request any further information within the timescales provided for in this paragraph, it will be deemed to have sufficient information to consider the application and will not thereafter be entitled to request further information without the prior agreement of the undertaker.</del></p> <p>[...]</p>	
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		<p><b>Charges</b></p> <p>6. The independent air noise reviewer may charge the undertaker in respect of the performance of its functions under this Part of this Schedule in accordance with its scheme of charges made in accordance with section 11 of the 1982 Act (or such other successor legislation providing for such statutory charges to be levied).</p>	
146.	<b>Schedule 12 (non-highway works for which detailed design approval is required)</b>	New schedule.	Added to support the new definition of 'listed works' in Schedule 2 (requirements).
147.	<b>Schedule 13 (informative maximum parameter heights)</b>	New schedule.	Added to support the amendments to article 6 (limits of works).

148.	<b>Schedule 14 (documents to be certified)</b>	Amendments to table.	Consequential amendments arising from additions and amendments to Schedule 2 (requirements).
<b>Deadline 6 – general amendments</b>			
149.	<b>Article 3 (development consent etc. granted by the Order)</b>	(2) Any enactment applying to land within or <b>immediately</b> adjacent to the Order limits has effect subject to the provisions of this Order.	Added following discussions with the JLAs to further clarify the meaning of "adjacent to" and address their concerns regarding the potential scope of this provision.
150.	<b>Article 14 (temporary closure of streets)</b>	(4) The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of any street—  <b>(a)</b> without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed; <b>and</b>  <b>(b) unless a temporary diversion to be substituted for it is open for use and has been completed to the reasonable satisfaction of the street authority.</b>	Added following discussions with the JLAs to address their concerns with this article.



151.	<b>Article 40 (special category land)</b>	“specified person” means a person other than the undertaker for whose benefit the <del>replacement</del> <b>special category</b> land <del>or rights are</del> <b>is</b> being acquired.	Amended to correct a drafting error.
152.	<b>Article 56 (deemed consent)</b>	<p>(1) If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the <del>date on which</del> <b>day after</b> the application was made, it is deemed to have granted consent or approval (as relevant).</p> <p>[...]</p> <p><b>(4) An application to which this article applies must be made in the same manner as a notice or other document must be served pursuant to article 53 (service of notices) and is deemed to have been made on the date that such a notice or document would be deemed served under article 53.</b></p>	Amended following discussions with the JLAs to provide greater clarity on the timing of the period after which consent is deemed given. For internal consistency within the DCO, the new article 56(4) refers to the existing service provisions in article 53 (service of notices) and applies these explicitly to applications for consent or approval to which article 56 applies.

153.	<b>Schedule 1 (authorised development)</b>	Changes to capitalisation of words.	Capitalisation removed from phrases that are not established location names in order to make clear that the work descriptions are factual descriptions of the proposed works rather than legal terms requiring separate definition.
154.	<b>Schedule 2, paragraph 1 (interpretation)</b>	[...] such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document, <del>or</del> details <b>or obligation</b> does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.	Amended to clarify that in some instances a discharging authority will be 'otherwise agreeing' a departure from an obligation rather than a previously approved document (e.g. requirement 32(2)).
155.	<b>Requirement 23 (flood compensation delivery plan)</b>	(1) Prior to the commencement of the first of <del>Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), 36(a), 36(b), 36(c), 37(a), 37(b), 37(f)-(j) or 37(i)</del> the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the timeframe for delivering <del>Work Nos. 30(a) (earthworks and works to construct an</del>	Amended so that the requirement accurately reflects the (i) works to be carried out in the floodplain for which prior mitigation is required and (ii) the works which constitute fluvial mitigation.  The justification for the works that comprise the 'floodplain works requiring prior mitigation' and the 'fluvial mitigation works' in this requirement is set out in

		<p><del>attenuation storage facility), 31(b) (constructing a flood compensation area at Car Park X), 38(a) (constructing a flood compensation area at Museum Field) and 39(a) (divert and extend River Mole course)</del> the fluvial mitigation works must be submitted to and approved by West Sussex County Council (in consultation with the Environment Agency).</p> <p>[...]</p> <p>(3) In this requirement—</p> <p>(a) "floodplain works requiring prior mitigation" means Work Nos. 3, 4(f), 4(g), 4(h), 4(i), 4(j)(ii), 15, 20, 23(b), 23(c), 23(d), 29, 32, 34(a), 34(c), 36(c), 36(e) 36(f), 36(p), 36(q), 36(w), 36(x), 36(y), 37(a), 37(b), 37(f), 37(g), 37(h), 37(i), 37(j), 37(l), 37(m) and 37(n); and</p> <p>(b) "fluvial mitigation works" means Work Nos. 31(b), 31(c), 38(a), 39(a), 39(b), 39(c) and 39(e).</p>	<p>the <b>Flood Compensation Delivery Plan Technical Note</b> (Doc Ref. 10.42) submitted at Deadline 6.</p>
<p><b>156.</b></p>	<p><b>Requirement 28 (arboricultural</b></p>	<p>(3) Vegetation or tree clearance must be carried out in accordance with the relevant arboricultural and vegetation method statement approved</p>	<p>Correcting drafting to ensure paragraph (3) accords with paragraph (1) of this requirement.</p>

	<b>and vegetation method statement)</b>	pursuant to sub-paragraph (1) unless otherwise agreed in writing by CBC (in consultation with MVDC, <del>and</del> RBBC <del>and</del> TDC to the extent that they are the relevant planning authority for any <del>land to which the statement relates part of the said area</del> ).	
157.	<b>Requirement 33 (North and South Terminal roundabouts BAU improvement scheme)</b>	<p>New requirement 33:</p> <p><b>North and South Terminal roundabouts BAU improvement scheme</b></p> <p>33.—(1) Prior to the first of—</p> <p>(a) the commencement of dual runway operations;</p> <p>(b) the commencement of the first of Work Nos. 35 (South Terminal Junction improvements) and Work No. 36 (North Terminal Junction improvements); or</p> <p>(c) the third anniversary of the commencement of the authorised development,</p>	<p>Added at the request of, and following agreement of the wording with, National Highways.</p> <p>This requirement secures the delivery of the 'North and South Terminal roundabouts BAU improvement scheme', a scheme of works not comprised in the authorised development but which forms part of the Applicant's transport modeling.</p>

		<p>the North and South Terminal roundabouts BAU improvement scheme must be completed, unless otherwise agreed with National Highways.</p> <p>(2) In this requirement—</p> <p>(a) "North and South Terminal roundabouts BAU improvement scheme" means a scheme of construction, not forming part of the authorised development, to implement traffic signal control and add further entry and exit lane and roundabout circulatory capacity at the North and South Terminal roundabouts, to be agreed with National Highways and to be in general accordance with the North and South Terminal roundabouts BAU improvement scheme plans and the detailed design of which will be agreed separately with National Highways; and</p> <p>(b) "North and South Terminal roundabouts BAU improvement scheme plans" means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.).</p>	
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158.	<b>Schedule 13 (informative maximum parameter heights)</b>	Correction of description for Work No. 43.	Drafting correction.
159.	<b>Schedule 14 (documents to be certified)</b>	<p>Addition of the ES figures and appendices to the documents referenced in respect of the 'environmental statement'.</p> <p>Addition of North and South Terminal roundabouts BAU improvement scheme plans</p>	<p>Added to ensure that where the DCO refers to the 'environmental statement' this includes the full ES including its figures and appendices, which are an integral part of the main chapter text.</p> <p>To reflect new requirement 34.</p>
<b>Deadline 6 – amendments arising from the Second Change Application</b>			
160.	<b>Article 6 (limits of works)</b>	(3) In constructing Work Nos. 6, 9, 10, 11, 12, 13, 15, 16, 22, 23, 26, 27, 28, 30, 31, 32, <del>and</del> 43 [and 44] the undertaker must not exceed the maximum heights shown and noted on the parameter plans (these heights being listed for information in Schedule 13 (informative maximum parameter heights)).	<p>Work No. 44 is the construction of the wastewater treatment works comprised in the Second Change Application.</p> <p>Additional wording in the draft DCO relating to Work No. 44 is included in square brackets to reflect that the Second Change Application is an 'alternative' option were the Secretary of State to be minded to include a</p>

			<p>pre-commencement restriction in the DCO that specifies that no airport growth arising from the Project can be implemented (and wastewater flows discharged) until modelled wastewater flows have been agreed by Thames Water and any necessary upgrade works to Thames Water's network and processing facilities have been implemented, as requested by Thames Water in its representations to date. The Applicant's approach to the Second Change Application is detailed further in the <b>Second Change Application Report</b> (Doc Ref. 10.47).</p> <p>This addition to article 6 reflects that the wastewater treatment works would be subject to a maximum building height specified in the <b>Parameter Plans</b> (Doc Ref. 4.7 v4).</p>
161.	<b>Schedule 1 (authorised development)</b>	<p><b>[Work No. 44</b></p> <p><b>Works to—</b></p> <p>(a) <b>remove existing surface car parking and associated structures;</b></p> <p>(b) <b>construct wastewater treatment works.]</b></p>	<p>Added as the new numbered work comprising the Second Change Application.</p>

162.	<b>Schedule 2, paragraph 1 (interpretation)</b>	Inclusion of reference to requirement 31(3).	Added to reflect the proposed addition of requirement 31(3).
163.	<b>Requirement 31 (construction sequencing)</b>	<p>[(3) The commencement of dual runway operations must not take place until—</p> <p>(a) Work No. 44 (wastewater treatment works) has been completed; and</p> <p>(b) an application has been submitted for an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 for the operation of Work No. 44 (wastewater treatment works), unless otherwise agreed in writing by Thames Water Utilities Limited.]</p>	Added to secure the timing of delivery of Work No. 44 (wastewater treatment works) as part of the Second Change Application.
164.	<b>Schedule 13 (informative maximum parameter heights)</b>	Addition of Work No. 44.	Added to reflect that Work No. 44 (wastewater treatment works) would be subject to a maximum height parameter.



<b>Deadline 7</b>			
<b>165.</b>	<b>Recitals</b>	<p><del>The Secretary of State is satisfied that replacement land (as that term is defined in section 131(12) of the 2008 Act) has been or will be given in exchange for the special category land identified in Part 1A of Schedule 10 to this Order, and that the replacement land has been or will be vested in the person or persons in whom that special category land is vested and subject to the same rights, trusts and incidents as attach to that special category land, and that, accordingly, section 131(4) of the 2008 Act applies in respect of that land;</del></p> <p>The Secretary of State is satisfied that the special category land identified in Part 1B of Schedule 10 to this Order is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and</p>	<p>The deletion of this recital reflects that the Applicant is now proposing to rely solely on the exception to special parliamentary procedure in section 131(5) of the 2008 Act in respect of the acquisition of special category land as all special category land proposed to be acquired is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway.</p> <p>The Applicant no longer intends to rely on section 131(4) because that requires that replacement land is vested in the entity from which the special category land is being acquired. None of the local authorities (including RBBC, from which special category land is being acquired) wish the replacement land to be vested in them, so the Applicant has agreed to hold the land itself and maintain it as open space in the same manner as previously communicated.</p> <p>The practical provision of replacement land for the special category land to be acquired remains unchanged and it is only the specific legal exception</p>

		that accordingly section 131(5) of the 2008 Act applies in respect of that land;	<p>from section 131 of the 2008 Act to be relied upon that has changed.</p> <p>Article 40 (special category land) has been retained in the same terms (save for the provision which vested the replacement land automatically in RBBC) and therefore continues to secure that special category land cannot be acquired until the undertaker has acquired the replacement land and has submitted an open space delivery plan to CBC for approval.</p> <p>Further detail is provided in the updated <b>Statement of Reasons</b> (Doc Ref. 3.2).</p>
166.	<b>Article 8 (consent to transfer benefit of Order)</b>	(b) in relation to a transfer or a grant relating to any part of Work Nos. 10(h), 11(d), 28(b) (office and welfare facilities), 16 (new aircraft hangar), 26, 27, 28(a) or 29 (hotels) and any relevant accesses thereto, any registered company.	Amended for precision to clarify that Work No. 28(b) is an office and Work No. 28(a) is a hotel. The reference to accesses is included to ensure that if the benefit of a particular work is transferred, the benefit as regards any necessary access to that work can also be transferred.
167.	<b>Article 9 (planning permission)</b>	(5) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages	This change has been made for the reasons described in response to DCO.2.6 in the <b>Applicant's Response</b>

	<p>paragraph (4), it must notify the relevant planning authority as soon as reasonably practicable.</p> <p>(6) Subject to paragraph (7), nothing in this Order restricts any person from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.</p> <p>(7) The undertaker must not exercise the permitted development right in Class F of Schedule 2 to the 2015 Regulations for—</p> <p>(a) any development on the areas labelled Work No. 38 (habitat enhancement area and flood compensation area at Museum Field) or Work No. 43 (water treatment works) on the works plans; or</p> <p>(b) any development of car parking on the area labelled Work No. 41 (ecological area at Pentagon Field) on the works plans.</p>	<p><b>to ExQ2 – Development Consent Order and Control Documents</b> (Doc Ref. 10.56.4).</p>
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<p>168.</p>	<p><b>Article 10 (application of the 1991 Act)</b></p>	<p>(3) The following provisions of the 1991 Act <b>(whether modified or not by the permit schemes or the lane rental schemes)</b> do not apply in relation to any works executed under the powers conferred by this Order—</p> <p>[...]</p> <p>(5) The provisions of the 1991 Act referred to in paragraph (4) are—</p> <p>[...]</p> <p><del>(j) section 77 (liability for cost of use of alternative route);</del></p> <p><b>(7) Subject to paragraph (3), the permit schemes and the lane rental schemes apply to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part.</b></p> <p><b>(8) For the purposes of this Order a permit may not be granted under the permit schemes subject to conditions where compliance with those conditions would constitute a breach of this Order</b></p>	<p>The deletion of the reference to section 77 in paragraph (5) corrects a drafting error, as this provision was included in both paragraph (3) and (5).</p> <p>The other new drafting incorporates the Surrey and West Sussex permit schemes, as discussed in response to DCO.2.7 in the <b>Applicant's Response to ExQ2 – Development Consent Order and Control Documents</b> (Doc Ref. 10.56.4). It also makes clear that the lane rental schemes also apply.</p> <p>As per the <b>Explanatory Memorandum to the Draft DCO</b> (Doc Ref. 2.2), the drafting regarding the permit schemes is preceded in the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022. The lane rental scheme drafting is bespoke, and the Applicant is willing to consider the JLAs' preferred drafting if different from that advanced here.</p>
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		<p>or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.</p> <p>(9) Any difference arising between the undertaker and either of West Sussex County Council or Surrey County Council under the relevant permit scheme will be resolved by arbitration under article 54 (arbitration).</p> <p>[...]</p> <p>(11) In this article—</p> <p>(a) “the permit schemes” means the following schemes made under Part 3 of the Traffic Management Act 2004 as in force at the date on which this Order is made—</p> <p>(i) the Traffic Management (Surrey County Council) Permit Scheme Order 2015 (as varied); and</p> <p>(ii) the West Sussex County Council Permit Scheme Order 2016 (as varied); and</p>	
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		<p>(b) “the lane rental schemes” means the lane rental schemes approved by the Secretary of State under section 74A(2) of the 1991 Act in the following Orders as in force at the date on which this Order is made—</p> <p>(i) the Street Works (Charges for Occupation of the Highway) (Surrey County Council) Order 2021; and</p> <p>(ii) the Street Works (Charges for Occupation of the Highway) (West Sussex County Council) Order 2022.</p>	
169.	<b>Articles 12(3), 14(4)(a), 16(2), 18(6), 22(3), 22(4)(a), 24(4),</b>	consent not to be unreasonably withheld <del>or</del> <b>delayed</b>	Wording deleted as discussed in response to DCO.2.9 in the <b>Applicant's Response to ExQ2 – Development Consent Order and Control Documents</b> (Doc Ref. 10.56.4). This is to address the JLAs' particular concern regarding deeming provisions in the draft DCO.
170.	<b>Article 14 (temporary</b>	(4) The undertaker must not temporarily <b>close</b> , alter, divert, prohibit the use of or restrict the use of any street—	Amended for consistency with the rest of article 14.

	<b>closure of streets)</b>		
171.	<b>Article 17 (classification of roads, etc.)</b>	<p>(3) From the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, the roundabout circulatory carriageway at junction 9 of the M23 is to cease to have the classification of motorway and will instead be classified as a trunk road with an A-road classification as if it had become so by virtue of an order under section 10(2) of the 1980 Act.</p> <p>(4) Any prohibitions in respect of the circulatory carriageway at junction 9 of the M23 or accesses onto that junction that are made pursuant to article 18(3)(b) or (e) can include prohibitions on its access and use by pedestrians and other forms of non-motorised users as well as vehicles.</p>	<p>This drafting has been included at the request of National Highways because of the necessity to re-classify and to impose these restrictions on the circulatory carriageway as part of the authorised development, to ensure the ongoing safety of the strategic road network in this location.</p> <p>Please see paragraph 5.47 of the <b>Explanatory Memorandum to the Draft DCO</b> (Doc Ref. 2.2) for further information.</p>
172.	<b>Article 31 (time limit for exercise of authority to</b>	<p>(1) After the end of the period of <del>ten</del> seven years beginning on the start date—</p>	<p>Amendment made as discussed in response to DCO.2.14 in the <b>Applicant's Response to ExQ2 – Development Consent Order and Control</b></p>

	<b>acquire land compulsorily)</b>	<i>Consequential amendments also made to article 33(1)(a)(ii), 34(8)(b) and 38(1).</i>	<b>Documents</b> (Doc Ref. 10.56.4) as a compromise position with the JLAs.
173.	<b>Article 40 (special category land)</b>	(4) The undertaker must implement the open space delivery plan approved by CBC under paragraph (1) <del>and on the date on which the replacement land is laid out and provided in accordance with that plan, the replacement land is to vest in RBBC (if the replacement land is not already owned by RBBC) and is to be subject to the same rights, trusts and incidents as attached to the special category land previously in the ownership of RBBC.</del>	Amendment made for the reason included in row 165 above given the change in the limb of section 131 of the 2008 Act relied upon by the Applicant for the acquisition of special category land given that the JLAs do not wish to own the replacement land.  The rest of article 40 and the processes it secures remain unchanged.
174.	<b>Article 56 (deemed consent)</b>	(1) If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the day after the application was made <del>(or such longer period agreed in writing between the undertaker and the authority)</del> , it is	Provided to ensure that an extension to the deemed consent time period can be agreed between the relevant authority and the undertaker if amenable to both parties.



		deemed to have granted consent or approval (as relevant).	
175.	<b>Article 56 (deemed consent)</b>	<p>(5) Where an application for consent or approval to which this article applies is made, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as may be amended or replaced from time to time) is to apply and must be paid to the recipient authority for each application.</p> <p>(6) Any fee paid under paragraph (5) must be refunded to the undertaker within a period of 35 days of the application being rejected as invalidly made.</p>	<p>Included here as discussed in response to DCO.2.23 in the <b>Applicant's Response to ExQ2 – Development Consent Order and Control Documents</b> (Doc Ref. 10.56.4), to provide for the payment of a fee for applications for consent or approval under the articles of the draft DCO as well as the requirements.</p> <p>This responds to the JLAs' comments in, <i>inter alia</i>, their <b>Response to REP5-072</b> [<a href="#">REP6-104</a>] and their <b>Post-Hearing Submission on Agenda Item 8: Draft Development Consent Order</b> [<a href="#">REP6-110</a>].</p>
176.	<b>Schedule 1 (authorised development)</b>	<i>Changes to work descriptions for Work Nos. 2, 3, 4, 6, 9, 14, 15, 18, 28, 41 and 43</i>	Amendments made for clarity, to correct drafting errors and to add additional detail that is otherwise contained in the <b>Design Principles</b> (Doc Ref. 7.3).

			These changes form part of the comprehensive exercise on design matters that the Applicant has undertaken following ISH 8, as described in the Appendix to its <b>Response to Deadline 6 Submissions</b> (Doc Ref. 58).
177.	<b>Schedule 2 (requirements, paragraph 1 (interpretation))</b>	Definition of "host authorities"	Order of authorities alphabetised.
178.	<b>Requirement 2A (phasing scheme)</b>	<p>(1) The authorised development must not commence <del>until</del> <b>unless, no less than two months prior to the anticipated date of commencement</b>, a phasing scheme setting out the anticipated phases for construction of the authorised development has been submitted to the host authorities and National Highways.</p> <p>(2) The undertaker must review and make any necessary updates to the phasing scheme and submit that updated phasing scheme to the host authorities and National Highways:</p>	<p>These changes have been made as a compromise position in response to the JLAs' comments on requirement 2A in their <b>Response to the Applicant's Schedule of Changes to the dDCO</b> [<a href="#">REP6-103</a>].</p> <p>These time periods are considered appropriate and reasonable:</p> <ul style="list-style-type: none"> <li>• A two-month period ahead of commencement allows the JLAs sufficient notice of what is expected, but ensures that plans will have been sufficiently progressed by the Applicant that the phasing scheme submitted will be accurate and useful.</li> </ul>

	<p>(a) no later than <del>five</del> <b>three</b> years from the date of commencement of the authorised development;</p> <p>(b) at any time if the undertaker proposes a significant change to the contents or timing of the phases of construction in a previously submitted phasing scheme; and</p> <p>(c) no later than every <del>five</del> <b>three</b> years after the date of the most recent submission of a phasing scheme under this sub-paragraph (2), provided that the undertaker is not required to submit any further phasing scheme after the <del>later</del> <b>of—</b></p> <p><b>(a) the fifteenth anniversary of the commencement of the authorised development;</b></p> <p><b>(b) the tenth anniversary of the commencement of dual runway operations; and</b></p> <p><b>(c) the fifth anniversary of the commencement of the later of Work No. 35 (South Terminal Junction improvements), Work No. 36 (North Terminal Junction improvements) or Work No. 37</b></p>	<ul style="list-style-type: none"> <li>• Providing for automatic reviews of the phasing scheme every three years is justified given that, if there is ever a significant change to the contents or timing of a previously submitted phasing scheme, an updated version must be provided as a result of sub-paragraph (2)(b) in any event. A three-yearly review is sufficient to ensure the JLAs are aware of minor tweaks to phasing and timings.</li> <li>• The period during which phasing schemes must be kept updated has been revised to ensure that it continues for the duration of the construction period. This drafting is used instead of referring to the "completion" of the authorised development because it is difficult to otherwise define when such "completion" would occur.</li> </ul>
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		(Longbridge Roundabout Junction improvements).	
179.	<b>Requirement 4 (detailed design)</b>	<p>(1) No part of the authorised development (except for the highway works and listed works) is to commence until CBC has been consulted on the design of that part, <del>with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations (subject to sub-paragraph (6)).</del></p> <p>(2) Consultation under sub-paragraph (1) shall take place by—</p> <p>(a) the undertaker providing CBC with an explanatory note, drawings (where necessary) and a compliance statement regarding the design of the part in question; and</p> <p>(b) CBC providing its comments (if any) within 8 weeks beginning with the day after the information was provided to CBC pursuant to sub-paragraph (2)(a), unless a longer time period</p>	<p>These amendments to requirement 4 incorporate changes proposed by the JLAs at Deadline 6, including in their <b>Response to the Applicant's Schedule of Changes to the dDCO</b> [<a href="#">REP6-103</a>] and the Joint Surrey Councils' <b>Comments on any further information/submissions received by Deadline 5</b> [<a href="#">REP6-101</a>].</p> <p>The amendments:</p> <ul style="list-style-type: none"> <li>• Confirm the process to be followed for consultation under sub-paragraph 4(1), including the information to be submitted, rather than cross-referring to the 2015 Regulations.</li> <li>• Provide for the submission of a compliance statement as part of consultation or an application for detailed design approval, detailing how the design details comply with the <b>Design Principles</b> (Doc Ref. 7.3) and the vertical and lateral limits in article 6 (limits of works).</li> </ul>

	<p>is agreed in writing between CBC and the undertaker.</p> <p>(3) Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.</p> <p>(4) No part of any listed works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by—</p> <p>(a) for Work No. 40(a) (pedestrian footbridge over the River Mole), MVDC (in consultation with RBBC); and</p> <p>(b) for all other listed works, CBC</p> <p><del>(in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate).</del></p> <p>(5) The details referred to in sub-paragraph (4) must include an explanatory note and drawings</p>	<ul style="list-style-type: none"> <li>• Provide for MVDC to be the discharging authority for the detailed design of Work No. 40(a) (pedestrian footbridge over the River Mole) and associated landscape and ecology management plans, as requested.</li> </ul>
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		<p>(where necessary) and be accompanied by a compliance statement.</p> <p><del>(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate); and</del></p> <p><del>(b) demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).</del></p> <p>(6) The relevant part of the listed works must be carried out in accordance with the details approved by CBC under sub-paragraph (4) unless otherwise agreed in writing with MVDC (in consultation with RBBC) or CBC (as relevant depending on which authority approved the details) <del>(in consultation with MVDC and RBBC to</del></p>	
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	<p><del>the extent that they are the relevant planning authority for any land to which the details relate).</del></p> <p>(7) In this requirement “compliance statement” means a document that sets out how—</p> <p>(a) the part of the authorised development in question will be constructed in accordance with the design principles in appendix 1 of the design and access statement, unless otherwise agreed in writing with—</p> <p>(i) for a part to which sub-paragraphs (1) or (4)(b) apply, CBC; or</p> <p>(ii) for a part to which sub-paragraph (4)(a) applies, MVDC (in consultation with RBBC); and</p> <p>(b) in carrying out that part the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).</p> <p><del>(5) Where consulted under sub-paragraph (1), CBC must provide its comments (if any) within 8 weeks beginning with the day after the information was submitted to CBC pursuant to</del></p>	
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		<del>sub-paragraph (1) (unless a longer time period is agreed between CBC and the undertaker).</del>	
180.	<b>Requirement 8 (landscape and ecology management plan)</b>	(5) In respect of any landscape and ecology management plan for Work No. 40 (works associated with land to the north east of Longbridge Roundabout), the references in this requirement to “CBC” are to be read as “MVDC”.	<p>Ensures that any landscape and ecology management plan submitted in respect of the land to the north east of Longbridge Roundabout, which is in MVDC's administrative area, will be discharged by MVDC.</p> <p>This responds to a request from MVDC in the Joint Surrey Councils' <b>Comments on any further information/submissions received by Deadline 5 [REP6-101]</b>.</p>
181.	<b>Requirement 10 (surface and foul water drainage)</b>	(1) No part of the authorised development involving surface or foul water drainage (except for the highway works and listed works) is to commence until CBC has been consulted on the drainage for that part, <del>with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations (subject to sub-paragraph (6)).</del>	<p>These amendments accord with the changes made to requirement 4 (detailed design), explained above in row <b>Error! Reference source not found..</b></p>



	<p>(2) Consultation under sub-paragraph (1) shall take place by—</p> <p>(a) the undertaker providing CBC with an explanatory note, drawings (where necessary) and a compliance statement regarding the drainage of the part in question; and</p> <p>(b) CBC providing its comments (if any) within 8 weeks beginning with the day after the information was provided to CBC pursuant to sub-paragraph (2)(a), unless a longer time period is agreed in writing between CBC and the undertaker.</p> <p>(3) Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.</p> <p>(4) No part of any listed works involving surface or foul water drainage is to commence until details of the surface and foul water drainage for</p>	
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	<p>that part, including means of pollution control and monitoring, have been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).</p> <p>(5) The drainage details <del>approved pursuant to referred to in sub-paragraph (4)</del> must include an explanatory note and drawings (where necessary) and be accompanied by a compliance statement <del>be in accordance with the drainage design principles in appendix 1 of the design and access statement.</del></p> <p>(6) The relevant part of the listed works must be constructed in accordance with the details approved under sub-paragraph (4) unless otherwise agreed in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).</p> <p>(7) In this requirement “compliance statement” means a document that sets out how the part of the authorised development in question will be</p>	
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		<p>constructed in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.</p> <p><del>(5) Where consulted under sub-paragraph (1), CBC must provide its comments (if any) within 8 weeks beginning with the day after the information was submitted to CBC pursuant to sub-paragraph (1) (unless a longer time period is agreed between CBC and the undertaker).</del></p>	
182.	<b>Requirement 20 (surface access)</b>	<p>From the date on which the authorised development begins the operation of the airport must be carried out in accordance with the surface access commitments unless otherwise agreed in writing with CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council).</p>	<p>This incorporates a request from the JLAs in their <b>Response to the Applicant's Schedule of Changes to the dDCO</b> [<a href="#">REP6-103</a>].</p>
183.	<b>Requirement 23 (flood)</b>	<p>(1) Prior to the commencement of the first of the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the</p>	<p>This accommodates the reversal in the JLAs' position on the appropriate discharging authority for this requirement, as set out in their <b>Response to the</b></p>

	<b>compensation delivery plan)</b>	<p>timeframe for delivering the fluvial mitigation works must be submitted to and approved by <del>West Sussex County Council</del> CBC (in consultation with the Environment Agency).</p> <p>(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1) unless otherwise agreed in writing with <del>West Sussex County Council</del> CBC (in consultation with the Environment Agency).</p>	<b>Applicant's Schedule of Changes to the dDCO</b> <a href="#">[REP6-103]</a> .
<b>184.</b>	<b>Requirement 30 (site waste management plan)</b>	<p>(1) <del>No part of t</del>The authorised development <del>must not is to</del> commence until a site waste management plan <del>for that part</del> has been submitted to and approved in writing by <del>the relevant authority West Sussex County Council and Surrey County Council</del>.</p> <p>(2) The site waste management plan submitted pursuant to sub-paragraph (1) must <del>be substantially in accordance with</del> include the form of sections A1, A2, A3 and A4 of Annex A to the</p>	<p>These amendments reflect changes made to the <b>Construction Resources and Waste Management Plan</b> (Doc Ref. 5.3.2) at Deadline 7 and provide greater specificity on the intended form that the site waste management plans submitted for approval and maintained by the undertaker during construction will take. The drafting has also been amended to ensure that site waste management plans can be submitted in respect of a part of the authorised development.</p>

		<p>construction resources and waste management plan.</p> <p>(3) Construction waste arising from <del>the</del> that part of the authorised development must be managed in accordance with the <del>measures set out in the form of section A1 of the</del> site waste management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by <del>the relevant authority West Sussex County Council and Surrey County Council</del>.</p> <p>(4) A form of section A5 of Annex A to the construction resources and waste management plan must be maintained throughout the duration of the construction of that part of the authorised development and must be made available to the relevant authority upon request.</p> <p>(5) In this requirement, the “relevant authority” means, in respect of a part of the authorised development:</p> <p>(a) in West Sussex, West Sussex County Council;</p>	
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		<p>(b) in Surrey, Surrey County Council; and</p> <p>(c) partly in each of West Sussex and Surrey, West Sussex County Council (in consultation with Surrey County Council).</p>	
185.	<b>New requirement 34 (office occupier)</b>	<p><b>Office occupier</b></p> <p>34. Work No. 28(b) (office at Car Park H site) must only be occupied by an entity related to, or whose business and/or operations are related to, the airport, air travel and/or aviation, unless otherwise agreed in writing by CBC.</p>	<p>This requirement has been added for the reasons described in response to SE.2.10 of the <b>Applicant's Response to ExQ2 – Socio-Economic Effects</b> (Doc Ref. 10.56.14).</p>
186.	<b>Schedule 7 (Land in which only new rights etc. may be acquired)</b>	<p><i>Further information included in table and new plots added.</i></p>	<p>Changes made for the reasons described in response to DCO.2.22 in the <b>Applicant's Response to ExQ2 – Development Consent Order and Control Documents</b> (Doc Ref. 10.56.4) and, as regards the scope of compulsory acquisition powers being sought by the Applicant over adopted highway, in CA.2.4 of the <b>Applicant's Response to ExQ2 – Development Consent Order and Control Documents</b> (Doc Ref. 10.56.3)</p>

187.	<b>Schedule 13 (Informative maximum parameter heights)</b>	<i>Removal of references to an additional height restriction for "associated elements" regarding Work No. 28.</i>	Change made to reflect changes made to the <b>Parameter Plans</b> (Doc Ref. 4.7) at Deadline 7.
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