



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

**TR040011**

**Applicant: North Somerset District Council**

**9.1 ExA.Sch.D7.V7 – Schedule of Changes to the draft Development Consent Order**

**Author: Womble Bond Dickinson (UK) LLP**

**Version: 7**

**Date: April 2021**



**MetroWest Phase 1: Draft Development Consent Order**

**Schedule of drafting changes for Close of Examination - Final draft DCO**

**19 April 2021**

1. The following table has been prepared by the Applicant to set out the changes made to the Draft Development Consent Order (**dDCO**) from that submitted to the Examination at Deadline 7 (14 April 2021).
2. It is submitted together with:
  - a. revised dDCO (DCO Document Reference: 3.1, version 8) (clean);
  - b. a comparison version of the dDCO showing all changes between new Version 8 and Version 1 (DCO Document Reference: 3.1, version 7); and
  - c. a comparison version of the dDCO showing the changes between Version 8 and Version 7 submitted at Deadline 7 (DCO Document Reference: 3.1, version 7).
3. The changes are made principally to reflect drafting errors in the Deadline 7 dDCO. These principally relate to cross referencing in the provisions included in Schedule 16 – Protective Provisions.

**Table 1: Summary of changes made to the Final dDCO from the dDCO submitted at Deadline 7:**

<b>Article/Schedule</b>	<b>Change</b>	<b>Reason for change</b>	<b>Precedent used</b>	<b>Consequential changes</b>
Article 33, Part 5  'Temporary use of land for carrying out the authorised development'	Article revised:  Sub-paragraph (2) has been amended to align the correct reference from the paragraph to sub-paragraph (1)(a)(ii) which was formerly listed as (1)(a)(i) in the deadline 7 submission.	Corrected to reflect the appropriate sub-paragraph within the order.	-	-

Schedule 2, Part 1, Requirement 1	<p>Requirement revised:</p> <p>Requirement 1 has amended to remove the previous capitalisation of the following:</p> <p>'Highway Works Plan' to 'highway works plan';</p> <p>'Bridleway Extension' to bridleway extension';</p> <p>'Elevated M5 Plan' to 'elevated M5 plan' and</p> <p>to remove the capitalisation of 'habitat' within the definition of the plans certified as habitat impacted by construction works within the Avon Gorge Woodlands SAC plan.</p>	Corrected to reflect the appropriate grammar within the order.	-	-
Schedule 2, Part 1, Requirement 1	<p>Requirement revised</p> <p>The definition of the Easton in Gordano flood mitigation plan (previously shown as: "Easton in Gordano flood mitigation plan" means the plans certified as the Easton in Gordano flood mitigation plan by the Secretary of State for the purposes of this Order) has also been removed from Requirement 1 in the order.</p>	The reference to the Easton in Gordano flood mitigation plan has been removed from the Order. The plan is no longer relevant to the DCO Scheme as a result of the agreed material change requested by the applicant (see document reference: REP4-027).	-	-
Schedule 2, Part 1, Requirement 25	<p>Requirement revised:</p> <p>The mention of the 'Fencing Grades Summary in requirement 25 has been</p>	Correct to reflect the appropriate grammar in the order.	-	-

	revised to remove capitalisation of the document to 'fencing grades summary'.			
Schedule 2, Part 1, Requirement 26	Requirement revised:  Sub-paragraph (2) in Requirement 26 has been revised to remove reference to 'between' in the sub-paragraph. This has instead been included within the sub-paragraphs (2)(a) and (2)(b) to reflect the same meaning in the requirement.	Corrected to reflect the appropriate drafting convention in the statutory instrument.	-	-
Schedule 16, Part 5  Protection for Network Rail Infrastructure Limited	Paragraph revised:  Paragraph 11 has been revised to include 'sub-' with the reference to paragraph 5(1).	Corrected to align the appropriate reference in the order to the drafting convention.	-	-
Schedule 16, Part 5  First Corporate Shipping	Protective provisions revised:  Definition of specified work amended to conclude with "." not ";".  Paragraph 52(1)(b) in line 3-4 has amended the "Marsh Lane Access Track" to be referenced as the "Marsh Lane track".  A comma after reference to parcel '05/171,' has also been added.	Corrected to reflect definition of the path while the comma has been added for grammar and consistency.	-	-
Schedule 16, Part 6  Protection for Exolum Pipeline System Ltd	Protective provisions revised:  Definition of "Exolum undertaker" re-ordered.	Corrected to align with drafting convention for statutory instruments.	-	-

	Sub-paragraph 77(2) has been amended to remove reference to paragraph '77' when mentioning sub-paragraph 1.			
Schedule 16, Part 7  For the protection of Western Power Distribution Limited (South West) Plc	Protective provisions revised:  Paragraph 84(11) has separated the draft of sub-paras (11) and (12) into sub-paras (11)(a) and (11)(b). The Applicant has merely shortened the wording of sub-para (11) to 'For the purposes of sub-paragraph (10):' while the content appears in the respective sub-paragraphs 11(a) and (11)(b).	These paragraphs have been revised as paragraph 10 needs to be read in the context of the prior paragraphs (11) and (12) rather than as separate paragraphs.	-	-
Schedule 16, Part 7  For the protection of Western Power Distribution Limited (South West) Plc	Protective provisions revised:  Paragraph 85(6) has amended reference 'paragraph 80 to 84' to appear as 'paragraph 84(1) to (6).	Corrected to reflect the accurate meaning of the sub-paragraphs reference.	-	-
Schedule 16, Part 7  For the protection of Western Power Distribution Limited (South West) Plc	Protective provisions revised:  Sub-paragraph 85(5) has been amended – "Third Addition" changed to "Third Edition"  Sub-paragraph 87(2) has removed mention to para 87 in reference 'sub-paragraph 87(1)' to appear as 'sub-paragraph (1)'.  Sub-paragraph 87(5)(c) has amended the mention to 'subparagraph (5)(b)' to appear as 'sub-paragraph (5)(a)'.	Corrected to list the accurate reference in the order.	-	-
Schedule 16, part 8	Protective provisions revised:  Definitions – definitions of "parent company" and "plans", "the relevant authorised	Protective provisions revised to reference the correct paragraphs in the order.	-	-

<p>For the mutual protection of National Grid and the railway undertaker</p>	<p>development" and "the relevant 2016 Order development" re-ordered.</p> <p>Paragraph 92 has been revised from the following: 'Except for paragraphs 7 (apparatus of National Grid in stopped up streets), 11 (retained apparatus), 12 (expenses) and 13 (indemnity)' to 'Except for paragraphs 96 (apparatus of National Grid in stopped up streets), 100 (retained existing apparatus), 101 (expenses) and 102'</p> <p>"Indemnity" removed from Para 92.</p> <p>"and" added to Para 101 (1) (e).</p>			
<p>Schedule 16, Part 9</p> <p>For the protection of Wales and West Utilities Limited</p>	<p>Protective provisions revised:</p> <p>Under sub-paragraph 118(3), the reference to 'subparagraph 1' has been amended to 'sub-paragraph 1'.</p>	<p>Corrected to align with drafting convention for statutory instruments.</p>	<p>-</p>	<p>-</p>
<p>Schedule 17, Documents to be Certified</p>	<p>The schedule of certified documents has been finalised for the end of examination.</p> <p>The reference '674946.BQ.42.01' relating to 'the permanent and temporary stopping up and diversion plan' has</p>	<p>Amendments have been made to reflect the list of documents required to be certified at the end of the examination.</p>	<p>-</p>	<p>-</p>

	<p>been amended to '674946.BQ.42.01-481' to reflect the consequential ordering of the drawing numbers.</p> <p>List re-ordered, with National Cycle Network (NCN) temporary and permanent Work Plans and New Highways Plan being inserted before permanent and temporary stopping up and diversion plan.</p>			
--	---	--	--	--

**Womble Bond Dickinson**

**19 April 2021**