



West Midlands
Interchange

Four Ashes Ltd

**The West Midlands Rail Freight Interchange Order 201X
DCO Changes Tracker - Document 3.4**

Schedule of changes made to the draft Development Consent Order submitted by the Applicant

N.B. minor typographical changes are not covered in this Schedule.

Section/Article No. and title	Change	Reason	Date of Draft
2. Interpretation	Amendment to definition of “commence”	Amended for clarity.	17 December 2018
	Amended definition of “Highways England”	Amended to refer to successor body.	17 December 2018
	Amended definition of “lead local flood authority”	Amended to refer to successor body.	17 December 2018
	Amended definition of “local highway authority”	Amended to refer to successor body.	17 December 2018
	Amended definition of “local planning authority”	Amended to refer to successor body.	17 December 2018
	Amended definition of “maintain”	Elements deleted to ensure conformity with assessment.	17 December 2018
	Amended definition of “requirements”	To refer to Part 1 of Schedule 2 as a result of the addition of Part 2 of Schedule 2 dealing with approval and appeal process.	17 December 2018

	Deleted definition of “Secretary of State”	To accord with updated AN15 paragraph 6.1.	17 December 2018
	Additional definition of “strategic road network”	Added for the purposes of amendment to article 34.	17 December 2018
	Amended definition of “trunk road”	Amended to particularise DCO reference.	17 December 2018
	Additional paragraph (7)	Added to provide certainty of document reference to accord with revised Schedule 15.	17 December 2018
4. Parameters of Authorised Development	Additional wording to sub-paragraph (b)	To accord with the Applicant’s discussions with The Canal and Rivers Trust.	17 December 2018
	Amendment to the proviso	The Applicant has amended this wording to clarify the basis for consideration of the proviso, which is to align with Regulations 8/9 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The approach taken is to apply the test in Schedule 2, paragraph 13(1) of the Regulations. That categorises any change or extension to a development which is already authorised and which may have “significant adverse effects on the environment” as Schedule 2 development which, if it is likely to have significant effects on the environment, will then constitute EIA development. Given that the Regulations feel it appropriate, when dealing with a change to an authorised development, to apply the test of “significant adverse effects” it is thought appropriate to apply that test to changes anticipated in this article. It is also felt appropriate to apply that test to changes arising from approvals under the requirements and amendments to documents approved	17 December 2018

		<p>under the requirements. Accordingly article 45 (1) and (2) have been amended to incorporate that test.</p> <p>This test has also been applied to the proviso to the “further works” in Schedule 1 and articles 6(3) and 45(1) and (2).</p> <p>The point in time identified in the revised drafting for comparison purposes is “the time this Order was made or, in any updated environmental information supplied under the 2017 EIA Regulations”. This ensures that all environmental information submitted during the course of the Examination is captured along with any information submitted subsequently.</p>	
6. Maintenance of authorised development	Additional paragraph so as to dis-apply to highways	<p>To clarify that the meaning of “maintain” in respect of the highways is the usual meaning of highway maintenance and not as per the definition in article 2.</p> <p>Amendment also made to (2), now (3), in relation to the test to be applied to the scope of the article – see explanation regarding change to article 4 above.</p>	17 December 2018
9. Power to alter layout, etc., of streets	Amended 9(2)	Amendments to ensure any application is accompanied by all relevant material and to provide a longer period for consideration.	17 December 2018
11. Temporary stopping up of streets	Amended 11(3)	Amended for clarity, to be explicit that the street authority can specify the temporary time period.	17 December 2018

	Amended 11(5)	Amended to ensure any application is accompanied by all relevant material and to provide a longer period for consideration.	
13. Accesses	Amended 13(3)	The figure of 28 has been changed to 42 for conformity with other amendments.	17 December 2018
14. Maintenance of highway works	Amendment to 14(1) to replace “shall” with “must”	To accord with paragraph 3.3 AN15.	17 December 2018
	Addition of 14(6)	To dis-apply the definition of “maintain” in article 2 to highways.	
16. Speed limits	Amendment to 16(6) to replace “shall” with “must”	To accord with paragraph 3.3 of AN15.	17 December 2018
17. Traffic regulation	Amended 17(7)	Amended to ensure any application is accompanied by all relevant material and to provide a longer period for consideration.	17 December 2018
21. Discharge of water	Various amendments.	Amended to ensure that consent is required from the relevant highway authority for the discharge of water into any highway drainage system, to ensure any application for such consent is accompanied by all relevant material, and to provide a longer period for consideration.	17 December 2018
22. Authority to survey and	Replacing 14 with 28 in 22(2)	To provide a longer notice period.	17 December 2018

investigate the land	Amended 22(6)	Amended to ensure any application for such consent is accompanied by all relevant material, and to provide a longer period for consideration.	
27. Private rights	Amended 27(3)	Amended for clarity and to delete superfluous wording.	17 December 2018
34. Rights under or over streets	Additional 34(6) and consequential amendment to 34 (1)	To dis-apply this provision in relation to the strategic road network.	17 December 2018
35. Temporary use of land for carrying out the authorised development	Amendment to Paragraph 35(4) to include reference to temporary highway accesses	Amended to ensure that the relevant highway authority is required to be satisfied with the restoration following temporary accesses.	17 December 2018
36. Temporary use of land for maintaining authorised development	Amendments to Paragraphs 36 (1)(c) and (5) to refer to highway accesses	Amended to ensure that the relevant highway authority is required to be satisfied with the installation of and restoration following temporary accesses.	17 December 2018
39. Operation and use of railways	Paragraph 39(2) deleted	Amended to avoid duplication with Protective Provisions (Schedule 13 Part 1 paragraph 19).	17 December 2018
45. Governance of requirements and protective provisions relating to highway works	Amendment to the heading of the Article	To clarify the scope of the article.	17 December 2018
	Amendment to proviso to paragraphs 45(1) and 45(2)	Amended wording intended to clarify basis for consideration of the proviso in each paragraph – see explanation for amendment to article 4 above.	

	Deletion of previous 45(3)	On review, the previous paragraph (3) is unnecessary in view of the enforcement of the Order being dealt with in Part 8 of the Planning Act 2008 which the Applicant is not seeking to dis-apply.	
	Insertion of new 45(3)	This provision has been added in accordance with guidance in the updated AN15.	
46. Disapplication, application and modification of legislative provisions	Removal of articles 46(1) and (2) and correlating amendments to article numbering.	These paragraphs have been deleted because they are effectively replaced by the new Part 2 of Schedule 2 which provides a bespoke approval and appeals procedure. Part 2 of Schedule 2 has been added to provide a mechanism for dealing with the refusal of (or failure to deal with) details required to be approved under the DCO and is in accordance with the updated AN15.	17 December 2018
	Deletion of previous 46(10)	Deleted since accepted to be too broad.	
49. Arbitration	Amended Article	Amended to specify in further detail how disputes are to be determined.	17 December 2018
Reference to Secretary of State	Deletion of “for Transport”	Words deleted in accordance with AN15 paragraph 6.1 (fourth bullet).	17 December 2018
Schedule 1	Amendment to text beneath the heading of “Further works”	Amended wording intended to clarify basis for consideration of the proviso in each paragraph – see explanation for amendments to article 4 above.	17 December 2018

Schedule 2 (Requirements)	Inserted definitions of “early arrival bays”, “extended stay bays”, “operational bays” and “HGV”	Inserted as an explanation of those terms used in the requirements to enable easy cross reference.	17 December 2018
	Amendment to requirement 3(2)(c)	Inserted wording to ensure that details of towpaths are included.	
	Amendment to requirement 3(2)(m)	Amendment following the insertion of various definitions and amended requirement 23(3) in respect of HGV parking bays and also to cover welfare facilities following discussions with Staffordshire County Council.	
	Deletion of paragraph (3) from requirements 22 and 23 and paragraph (2) from requirements 24 and 25	Following amendment to article 45 in respect of enforcement of the Order.	
	Amendment to requirement 23	Insertion of new paragraph (3) to provide that HGV parking must be provided as set out.	
	Amendment to requirement 25	Removal of “use reasonable endeavours”.	
		Amendment to the timing for the provision of items (iv) and (xiv) to satisfy concerns raised by Highways England.	
Schedule 2 Part 2	New Part 2 to Schedule 2	<p>Added to respond to updated AN15 Good Practice Point 3. The Secretary of State is asked to include in paragraph 3(2)(b) the identity of the office to which any appeal should be submitted.</p> <p>The text broadly follows Appendix 1 of AN15 but imposes timescales for determination of appeals as well as for the actions of the other parties.</p>	17 December 2018

Schedule 3	Heading to column 2 amended to “streets subject to street works”	To avoid confusion.	17 December 2018
Schedule 12 (Modifications of compensation and compulsory purchase enactments for creation of new rights)	Altered order of provisions.	To correct the order in which the modified sections are referred to.	17 December 2018
Schedule 13	Part 2	Amendments to several paragraphs in Part 2 to reflect discussions with Highways England.	17 December 2018
	Part 3	Amendments to several paragraphs in Part 3 to reflect discussions with Staffordshire County Council.	17 December 2018
	Part 7	To reflect discussions with the Canal and Rivers Trust.	17 December 2018
	Part 8	To reflect discussions with Cadent and to correct typographical errors.	17 December 2018
Schedule 15	Amended so as to include Document/Plan revisions numbers	To ensure the correct version of each document is certified.	17 December 2018

		This schedule will be reviewed and updated throughout the Examination and completed in the final dDCO to be submitted by the Applicant.	
--	--	---	--