

DCO Changes Tracker

The West Midlands Rail Freight Interchange Order 201X

Regulation 5 (2) (q)

Eversheds Sutherland - 5 July 2019

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

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

This schedule explains changes made to the previous draft Development Consent Order (dDCO) submitted for Deadline 3 on 24 April 2019 (Document 3.1B (REP3--004 (tracked) and REP3-003 (clean))).

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

DCO Provision	Change	Reason
2. Interpretation	Definition of “ <i>requirements</i> ” – reference to Part 2 of Schedule 2 added	To ensure that the definition of “ <i>requirements</i> ” captures the rail requirements contained in Part 2 of Schedule 2, following the insertion of the rail requirements into the DCO (having previously been included in the DCO _b), as discussed at ISH1 and ISH4 and as per the Applicant’s Response to ISH4:1.25 (Document 14.2, REP4-010).
	Definition of “ <i>verge</i> ” amended to refer to “street” rather than “road”	Having considered Highways England’s suggestion at ISH4 (see Applicant’s Response to ISH4:1.3 (Document 14.2, REP4-010)) that the reference to “road” in the definition of “ <i>verge</i> ” be replaced with the term “highway”, the Applicant’s view is that it would be more appropriate to refer to “street” given the other references to “street” rather than “highway” in the dDCO (e.g. A8, A9 and Schedule 3). This is because the terms “ <i>verge</i> ” is used in the dDCO in the context of “streets” (which includes “highways” and therefore HE’s

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		desire for the reference to include a “highway” is captured.
4. Parameters of Authorised Development	Amendments to sub-paragraph (b) to refer to limits of deviation shown highlighted yellow on the bridge plans and to amend the limits of deviation.	As per the Applicant’s response to ISH4:1.4 (Document 14.2, REP4-010).
	Amendment to the proviso	For clarity and as per the Applicant’s response to ISH4:1.6 (i) (Document 14.2, REP4-010).
12. Public rights of way – creation and stopping up	New article 12(3)	To allow for the stopping up of the byway open to all traffic (BOAT) recently the subject of an Order by Staffordshire County Council amending the Definitive Map. The Order is currently the subject of consultation and, as per the Applicant’s response to ISH4:1.7 (ii) (Document 14.2, REP4-010), the article is inserted to the effect that the BOAT shall be stopped up if the Order is confirmed at any time, without the need for any further order to amend the definitive map.
	Amendments to article 12(4)	<p>The article is amended to refer to the creation of only one new public right of way, at the request of Staffordshire County Council. The routes which were previously identified as new public rights of way are now to be provided as permissive paths.</p> <p>Part 2 of Schedule 5 and the access and rights of way plans have been amended accordingly and are submitted at Deadline 5.</p>

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15. Classification of A5/A449 link road	Reference to section 10(2) of the Highways Act 1980 removed.	As noted by HE, reference to this section, which deals with the classification of trunk roads, was erroneously included in the article. It has therefore been removed, given that the link road will be a County adopted road.
29. Compulsory acquisition of land – incorporation of the mineral code	New article 29(2)	This article is added to provide that the mineral code shall not apply to the land owned by The Inglewood Investment Company, as discussed at the CAH.
Schedule 1 Authorised Development	Amendments to descriptions of Works No. 4(n) and 6(v)	As per the Applicant's Response to ISH4:1.13(ii) (Document 14.2, REP4-010), following discussions with Network Rail.
	Further Works – new paragraph (4)	To deal with the stopping up of the BOAT (if the Order is confirmed at any time). This has been added as a "Further Work" given the number of different Works affected.
Schedule 2 (Part 1) (Requirements)	Definition of " <i>framework ecological mitigation and management plan</i> " amended.	For consistency in terminology.
	Requirement 3 (Detailed design approval): Amendment to R3(1) in respect of the review of design principles.	The requirement has been amended to allow for a review of the design principles in the design and access statement as requested by Staffordshire County

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	<p>Addition to R3(2)(f)</p> <p>New R3(3)</p>	<p>Council. This will also enable any changes to the design guidance in relation to the Cannock Chase AONB to be considered in the review.</p> <p>This amendment identifies a requirement to consider the location and quantum of electric charging points and allows the local authority to have regard to all relevant considerations (including advanced technology) in deciding how many and where electric charging points should be provided for.</p> <p>As requested by and agreed with Staffordshire County Council to ensure that draft details of each phase are the subject of pre-application discussions.</p>
	<p>Requirement 5 (Rail):</p> <p>Amended wording to refer to “requirements in” Part 2</p>	<p>As discussed at ISH4 and as per the Applicant’s Response to ISH4:1.25 (Document 14.2, REP4-010).</p>
	<p>Requirement 11 (Ecological mitigation and management plan):</p> <p>New R11(3) to require, in the event that a phase does not include ecological mitigation and management, a written statement confirming that fact.</p>	<p>As requested by and agreed with Staffordshire County Council to ensure that all parties are clear on whether a phase includes ecological mitigation and management.</p>

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	<p>Requirement 15 (Landscape – written landscaping scheme)</p> <p>New R15(3) to require, in the event that a phase does not include landscaping, a written statement confirming that fact.</p>	<p>As requested by and agreed with Staffordshire County Council to ensure that all parties are clear on whether a phase includes landscaping mitigation.</p>
	<p>Requirement 19 (Lighting details):</p> <p>Amended wording to R19(1) relating to the location and height of lighting columns.</p>	<p>As requested by and agreed with Staffordshire County Council.</p>
	<p>Requirement 20 (Noise – construction stage):</p> <p>Additional wording to R20(1).</p> <p>New R20(3)</p>	<p>It is acknowledged that R20(1) as drafted is inconsistent with the ODCEMP (in respect of working hours stated). A revised ODCEMP is submitted at Deadline 5 which incorporates the amendments necessary so that it is consistent with R20(1).</p> <p>Added as agreed with South Staffordshire District Council.</p>
	<p>Requirement 21 (Noise – operational stage):</p> <p>New R21(3)</p>	<p>Added as agreed with South Staffordshire District Council.</p>

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	<p>Requirement 26 (Water and flood risk – surface water drainage scheme)</p> <p>Amendment to R26(2)</p>	<p>The requirement has been amended to make it clear that it applies to SUDS.</p>
<p>Schedule 2 (Part 2 – Rail Requirements)</p>	<p>New R3 dealing with notification of occupation of 47,000sq m and 186,000sq. m of warehousing.</p>	<p>As discussed at ISH4.</p>
	<p>Amended R5 (previously R4) requiring demonstration to the reasonable satisfaction of the local planning authority in respect of any delays outside the control of the undertaker.</p> <p>Additions also to refer to consultation with Staffordshire County Council and Highways England</p>	<p>As discussed at ISH4 and as per the Applicant's response to ISH4:1.25 (ii) (see Document 14.2, REP4-010).</p> <p>To ensure that the local planning authority consults with the County Council and Highways England in considering any documentation submitted by the undertaker in respect of any delay in completion of the rail terminal works due to matters outside of its control.</p>
<p>Schedule 5 (Public Rights of Way)</p>	<p>Part 2 (New Public Right of Way to be Created)</p>	<p>This Part has been amended following discussions with Staffordshire County Council, who did not want footways and cycleways adjacent to the existing and new adopted roads identified as separate public rights of way.</p> <p>Two of the routes, previously identified as new public rights of way to be created, are now to be permissive footpaths, at the request of the County Council. There</p>

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		<p>is therefore now only one new public right of way to be created, as described in Part 2 of Schedule 5 and identified on the access and rights of way plans.</p> <p>The access and rights of way plans have been amended accordingly and are submitted at Deadline 5.</p>
Schedule 9 Part 1 (Amendments to Existing Orders)	Addition of further amendments to existing orders	<p>At the request of Highways England, further amendments have been inserted to the existing order to provide for the restriction on waiting in laybys, as indicated by HE at ISH4.</p> <p>The traffic regulation plans have been amended accordingly and are submitted at Deadline 5.</p>
Schedule 13 (Protective Provisions)	Part 3 (Staffordshire County Council)	The protective provisions are now agreed between SCC and the Applicant with the exception of the percentage to be included in paragraph 9(3)(b) which is awaited from SCC.
	Part 5 (Users of the Gailey Park Roundabout)	<p>As indicated in the Applicant's previous DCO Tracker and various submissions to the ExA, discussions have been ongoing with the various parties involved.</p> <p>At the time of writing, the Applicant awaits responses from some of the parties, but believes the provisions contained in the dDCO submitted for Deadline 5 (Document 3.1C) represent the final version which will be the subject of agreement with all parties.</p>

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	Part 6 (SI Group)	To include reference to the SI Facility Plan. This plan is submitted at Deadline 5 as Document 2.20 and has also been added to Schedule 15 as a certified document.
	Part 7 (Canal and River Trust)	To clarify that only CRT's interests are excluded from compulsory acquisition, to ensure that third party rights may be subject to those powers if necessary.
Schedule 15 (Certification of Plans and Documents)	Amended so as to include Document/Plan revisions numbers	<p>Updated documentation added to reflect documents submitted since acceptance of the Application.</p> <p>This schedule will be reviewed and updated throughout the Examination and completed in the final dDCO to be submitted by the Applicant.</p>