



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

DCO CHANGES TRACKER

DOCUMENT 3.4C

The Northampton Gateway Rail Freight Interchange Order 201X

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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) for **Deadline 4** (8 January 2019) (**Document 3.1C** (REP4-002 (tracked) and REP4-004 (clean))). An amended dDCO has been submitted for **Deadline 5** (26 February 2019) (**Document 3.1D**) and travels with this note.

References to “DCO:[X]” are references to the ExA’s commentary on the dDCO issued on 5 February, the Applicant’s responses to which are contained in **Document 8.19** submitted for **Deadline 5**.

N.B. Minor typographical changes are not dealt with in this Schedule.

Section/Article No. and title	Change	Reason
Article 2(6)	Removal of the wording at the end of this paragraph	The Applicant is content that the cross referencing to Article 4 will suffice and there is no need for these words. Please also see Applicant’s Response to ExA DCO Commentary, Item 3 (Document 8.19).
Article 3 (Development consent granted by the Order)	Insertion of the wording “and used”	<p>The wording is added to explicitly authorise the use of the development in addition to its construction.</p> <p>The reason for the inclusion of “and used” is that, although section 157 of the Planning Act 2008 authorises the use of buildings in respect of which development consent is granted, there is no similar provisions related to land.</p> <p>Whilst it is acknowledged that this is also expressly included in articles 5 (dealing with rail infrastructure and warehousing) and 39 (dealing with the railway system), in those articles, the “use”</p>

Section/Article No. and title	Change	Reason
		provision relates only to some specific works and not the “authorised development” in its entirety.
Article 4 (Parameters of authorised development)	Amendments to the proviso relating to environmental effects	<p>Article 4 has been amended to expand the proviso so as to ensure it is the subject of an application made to the relevant planning authority and to provide for that application to be treated as if it were a “subsequent application” submitted under the 2017 EIA Regulations. This will then enable the screening provisions relating to such applications to apply.</p> <p>Please see Applicant’s Response to ExA DCO Commentary, Item 3 (Document 8.19).</p>
Article 6(3)	Amendment to the article relating to environmental effects	<p>Article 6 has been amended for consistency with the same expression used in the definition of further works.</p> <p>Please see Applicant’s Response to ExA DCO Commentary, Item 3 (Document 8.19).</p>
Article 45 (Governance of requirements and governance of protective provisions relating to highways)	Amendments to the wording relating to a change in the authorised development and its effect on the environment.	<p>Article 45 (1) and (2) has been amended:</p> <p>(1) to ensure that the proviso applies only to consideration of changes to the development rather than the entirety, as consistent with paragraph 13 of Schedule 2 of the EIA regulations; and</p> <p>(2) to provide for the approval to be treated as if it were a “subsequent application” submitted under the 2017 EIA Regulations. This will then enable the screening provisions relating to such applications to apply.</p>

Section/Article No. and title	Change	Reason
		Please see Applicant's Response to ExA DCO Commentary, Item 3 (Document 8.19).
Article 49 (Arbitration)	Amendments to refer to enforcement under the 2008 Act	Pursuant to the ExA's query at ISH1:45 and DCO:8.
Schedule 1 Further Works	Amendment to the wording relating to environmental effects	Further works have been amended for consistency with the same expression used in Article 6. Please see Applicant's Response to ExA DCO Commentary, Item 3 (Document 8.19).
Schedule 2 (requirements)	Additional sub-paragraph (f) to the definition of "employment scheme"	To ensure that monitoring of the scheme is explicitly covered, in response to DCO:24.
	Additional definitions of "HGV monitoring scheme" and "HGV monitoring system"	Added to define those terms which are used in the new requirement 4(9).
	Amendment to the definition of "Rail Central development"	Amendments arising from discussions with Rail Central.
	Amendment to the definition of "Rail Central footpath connections"	Amendments arising from discussions with Rail Central.
	Amendment to the definition of "Rail Central Order"	Amendments arising from discussions with Rail Central.
	Insertion of the requirement for consultation with Northampton Borough Council in approving those relevant details to requirements 3, 8, 10, 12 and 15	As requested by NBC in their submission to the ExA in respect of the dDCO following ISH3 (REP4-024).

Section/Article No. and title	Change	Reason
	New requirement 4(4)	In response to ExQ2.1.25 (see Document 8.17) the requirement has been added to ensure that employees referred to in the framework travel plan or public transport strategy in the context of sustainable transport measures include all persons attending the authorised development as their usual place of work.
	Amendment to requirement 4(6) (previously 4(5))	Wording altered for clarity and to accord with AN 15.
	New requirement 4(9)	<p>The obligation to install the HGV monitoring system and obtain approval for the scheme for its maintenance has been added to the dDCO and removed from the s106 Agreement. This follows the approach discussed at ISH3. The obligation was omitted from the dDCO submitted at Deadline 4 (Document 3.1C) [REP4-002 and REP4-004], this has now been corrected.</p> <p>The wording is acceptable to NCC.</p>
	New requirement 5(2)	<p>This requirement has been added to specify the height for fencing along the bypass in accordance with the Applicant's response to ISH1:49.</p> <p>Please also see the Applicants response to DCO:10.</p>
	Requirement 7	The wording has been amended to clarify the timing. Please also see the Applicant's response to DCO:17.
	Requirement 8(2) – new item (s)	To ensure that the location of interpretation boards and litter bins is included in details of each component of the authorised development on the main site, as explained in the Applicant's response to ExQ2.2.4 (Document 8.17).

Section/Article No. and title	Change	Reason
	Requirement 11	<p>Requirement 11(1) has been amended and a new requirement 11(2) has been inserted, as per the Applicant's response to ExQ2.2.4 (Document 8.17).</p> <p>Requirement 11(2) has been added to provide detail on the ongoing management and maintenance of the green infrastructure in accordance with the landscape and ecological management plan.</p>
	Requirement 14(1)	Wording has been added to clarify the purpose of the further exploratory archaeological investigation, pursuant to DCO:19.
	New requirement 14(4)	This requirement ensures that the buildings to be demolished on the main site are recorded. It has been added pursuant to DCO:28.
	Requirement 21	Wording added to clarify the construction hours, pursuant to DCO:21.
	Requirement 23	<p>The requirement has been amended and is now in a form agreed with SNC (see the Statement of Common Ground with SNC (Document 7.11) submitted to the ExA on 11 February 2019).</p> <p>See also the Applicant's response to ExQ2.2.7 (Document 8.17).</p>
	Requirement 27	Slightly amended to clarify that the waste management schemes are to relate to the appropriate component of the authorised development.

Section/Article No. and title	Change	Reason
	Requirement 28(2)	The wording has been amended to clarify that each new occupier would be required to submit an employment scheme (see response to DCO:24).
	Requirement 29	Slight amendments to the wording pursuant to DCO:25, to clarify that the responsibility for establishing the CLG lies with the undertaker and to reflect the fact that the CLG does not have specific duties. Please also see the Applicant's response to DCO:25.
	Requirement 30	The requirement has been amended to ensure that the Rail Central footpath connections will be allowed if the Rail Central Order is approved, in accordance with agreed timetables. Amendments arising from discussions with Rail Central. Please see also the Applicant's response to ExQ2.0.3 and Appendix 1 to that document (Document 8.17).
	Requirement 31	Wording amended to clarify the timing of the obligation for notice of the commencement of the junction 15A works. Amendments arising from discussions with Rail Central.
Schedule 13 Part 1 Protective Provisions for Network Rail	Paragraph 4 and paragraph 22	The square brackets have been deleted from paragraph 4 and a revised dispute resolution paragraph has been inserted at paragraph 22 which the Applicant believes is in a form acceptable to Network Rail, however, a response from Network Rail is awaited.

Section/Article No. and title	Change	Reason
Schedule 13 Part 2 (Protective Provisions for Highways England)	Definition of “Bond Sum”	The Applicant has agreed with Highways England (HE) that the Bond Sum will include the Commuted Sum and the amendment to the definition now reflects this agreed position.
Schedule 13 Part 6 (Protective Provisions for electricity undertakers)	Several amendments	The Applicant has agreed various amendments to these provisions with Western Power Distribution (East Midlands) Ltd (the electricity undertaker for the site). The Applicant expects to be in a position to submit a Statement of Common Ground to confirm the agreement of WPD shortly.
Schedule 14 (Miscellaneous Controls)	Paragraph 3(12)	Wording added at the request of Highways England.
Schedule 15 (Membership, Role and Protocol of the Sustainable Transport Working Group)	Minor amendments	<p>Wording added to paragraph (1) to reflect discussions with NCC to ensure that any future changes to the authorities in the area are captured.</p> <p>Paragraph 4 has been slightly amended following discussions with NCC to clarify that decisions are to be taken on majority vote of voting members.</p> <p>Paragraph 5(g) deals with DCO:50 and the reference to the transport assessment.</p>

Section/Article No. and title	Change	Reason
Schedule 16 (Certification of Plans and Documents)	Revision updates	The Schedule has been updated to reflect the latest revisions of documentation and plans submitted to the ExA.