

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Schedule of changes made to the draft Development Consent Order

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24 October 2023

Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Regulation 5(2)(q)**

Schedule of changes made to the draft Development Consent Order

[This document is submitted together with the updated draft DCO \(Document 3.1B\) on 24 October 2023 and identifies, as requested by the ExA at Issue Specific Hearing 1, the changes that have been made to the draft DCO \(Document 3.1A, AS-008\) submitted on 11 September 2023.](#)

[The changes that were made to the original application submission draft DCO \(Document 3.1, APP-085\) in the version submitted on 11 September 2023 have been moved to **Appendix A** of this document.](#)

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Preamble	Amendment made to reflect that the Examining Authority panel consists of three members and is not a single appointed person	Amendments to drafting to reflect that the Examining Authority panel consists of three members.	24 October 2023
	Amendment made to change the reference to 'Chapter [2/3]' to 'Chapter 2'	Amendment to correct the drafting to reflect that the Examining Authority panel consists of three members.	24 October 2023
Footnotes	Amendments to the footnotes throughout	The Applicant has amended the dDCO to include footnotes to amending legislation where not previously included and to reflect the table appended at Appendix 1 of Appendix C to the Post Hearing Submissions (Document 18.1.3, REP1-020) submitted at Deadline 1.	24 October 2023
Article 2	Amendment made to the definition 'electronic communications code network' as follows (amendments shown with a 'strikethrough'): ""electronic communications code network" means-	Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has reviewed the relevant drafting relating to statutory utilities/statutory undertakers and electronic communications code operators and considers the amendments to be reasonable and appropriate and add clarity to the drafting.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p>(a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and</p> <p>(b) an electronic communications network which the Secretary of State is providing or proposing to provide.”</p>		
<u>Article 2</u>	<p>Amendment made to the definition ‘level crossings’ to include additional drafting:</p> <p>“. . . and on the level crossings plan”</p>	<p>Amendment required in connection with and to correctly cross-reference with the new definition ‘level crossings plan’</p>	
<u>Article 2</u>	<p>New term added ‘level crossings plan’ as follows:</p> <p>“‘level crossings plan’ means the plan of that description referred to in Schedule 15 (certification of plans and documents) and certified as the level crossings plan by the Secretary of State for the purposes of this Order;”</p>	<p>Following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO in respect of Article 13(6), the Applicant has produced a plan clearly identifying all level crossings on a specific plan. The definition is required to ensure consistency and clarity in the dDCO.</p>	<u>24 October 2023</u>
<u>Article 2</u>	<p>Amendment to delete the term ‘local highway authority’</p>	<p>Following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has reviewed the dDCO and agrees that clarity</p>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
		can be gained from deleting the defined term 'local highway authority'.	
Article 2	Amendment to the term 'Order land' to include the wording 'permanently or temporarily', the drafting now reads: "“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily and described in the book of reference;”	Amendment made to add clarity to the drafting.	24 October 2023
Article 2	New term added 'public communications code provider' as follows: "“public communications code provider” has the meaning given in section 151(1) (interpretation of Chapter 1) of the 2003 Act;”	Amendment made to add clarity to the drafting in Article 37.	24 October 2023
Article 2	Amendment made to remove the wording 'the Environmental Agency, an internal drainage board or a lead local flood authority' and replace with the wording 'a relevant highway authority'	Amendments required to remove references to other bodies that do not have existing apparatus within the Order limits and include only the relevant highway authority.	24 October 2023
Article 2	Deletion of the term 'statutory utility'	As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has reviewed the dDCO, the Applicant has reflected on the drafting and considers the	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
		<u>term to be redundant, in conjunction with other amendments to Article 37.</u>	
<u>Article 2</u>	<u>New term added 'working day' as follows:</u> <u>"working day' means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holiday) of the Banking and Financial Dealings Act 1971() and any derivative of "working day" is to be construed accordingly; and"</u>	<u>Amendment made to add clarity to and improve the drafting generally. Deletions have been made to other locations in the dDCO which had a "working days" definition so that one consistent definition applies throughout.</u>	<u>24 October 2023</u>
<u>Article 3(2)</u>	<u>New Article 3(2) has been added which reads:</u> <u>"(2) Nothing in this Order grants development consent for the construction of a generating station within the meaning of section 14(1)(a) of the 2008 Act."</u>	<u>Following the discussions at ISH1, the Applicant has included new Article 3(2) to make clear that nothing in the Order grants development consent for the construction of a generating station within the meaning of section 14(1)(a) of the 2008 Act. This was previously governed by requirement 17 in the dDCO, which has now been removed in its entirety.</u>	<u>24 October 2023</u>
<u>Article 10(2)</u>	<u>Amendments made to change the references to 'local highway authority' to 'relevant highway authority'</u>	<u>Amendment required as a result of the deletion of the term 'local highway authority' and for consistency in the drafting</u>	<u>24 October 2023</u>
<u>Article 11(6)</u>	<u>New Article 11(6) has been added which reads:</u> <u>"(6) The powers conferred by paragraph (1) in respect of the permanent stopping up of Smithy Lane as identified in columns</u>	<u>The Applicant has included Article 11(6) to ensure that the permanent stopping up of Smithy Lane, which comprises an all-purpose highway, does not take place until the substitute for the bridleway also served by the relevant part of Smithy Lane (identified as public right of way V29/7 in Part 1 of Schedule 5) has been provided</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	(1) and (2) of Schedule 4 must not be exercised unless and until the relevant works relating to the substitute bridleway for public right of way V29/7 identified in Part 1 of Schedule 5 (public rights of way to be permanently stopped up for which a substitute is to be provided) has been provided in accordance with article 13(2) (public rights of way – creation, substitution, stopping up and closure of level crossings)."	in accordance with Article 13. This will ensure that the replacement bridleway is available for use prior to the stopping up taking place.	
<u>Article 13(1) and 13(2)</u>	Amendments made to change the references to 'local highway authority' to 'relevant highway authority'	Amendment required as a result of the deletion of the term 'local highway authority' and for consistency in the drafting	<u>24 October 2023</u>
<u>Article 13(5)</u>	New Article 13(5) has been added which reads: "(5) Any public right of way temporarily closed pursuant to this article must be reopened on the date of completion of the relevant works specified in column (5) of Part 4 of Schedule 5."	The Applicant has made the amendment to ensure that, where a public right of way is to be closed temporarily, the dDCO provides for the temporary closure to cease upon the completion of the relevant works specified in Schedule 5. Consequential numbering amendments have been made in the Article.	<u>24 October 2023</u>
<u>Article 13(7)</u>	Amendment made to cross-reference to the 'level crossing plan'	The Applicant has made the amendment for consistency and clarity in the drafting. The 'relevant level crossings' are clearly identified on the 'level crossings plan'.	<u>24 October 2023</u>
<u>Article 15(3)</u>	Amendment made to change the reference to 'local highway authority' to 'relevant highway authority'	Amendment required as a result of the deletion of the term 'local highway authority' and for consistency in the drafting	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Article 15(6)	The word '(interpretation)' has been included after the words 'Article 2'	Amendment made for clarity and consistency in the drafting.	24 October 2023
Article 17 (1)	The words '(existing order)' has been included after the words 'Part 1' and the words '(speed limits)' has been included after the words 'Schedule 8'	Amendment made for clarity and consistency in the drafting.	24 October 2023
Article 17(2)	The words 'Schedule 8' has been moved within the draft Article	Amendment made for clarity and consistency in the drafting.	24 October 2023
Article 18(3)(a)(ii)	Amendment made to change the reference to 'local highway authority' to 'relevant highway authority'	Amendment required as a result of the deletion of the term 'local highway authority' and for consistency in the drafting	24 October 2023
Article 21(6)	New Article 21(6) has been added which reads: "(6) The undertaker must not work on, over, under or near an ordinary watercourse (within 3 metres of the landward toe of the bank), makes changes to any structure that helps control water or discharge any water into any watercourse except with the approval of the lead local flood authority, and such approval may be given subject to such terms and conditions as the lead local flood authority may reasonably impose but must not be unreasonably withheld."	Article 21 relates to the drainage of the land within the Order Limits in connection with the carrying out and maintenance of the development. The Applicant has included Article 21(6) to secure the need to obtain consent from the lead local flood authority ("LLFA") and enabling the LLFA to impose conditions on that consent. This has been discussed and agreed with the LLFA. Consequential numbering amendments have been made in the Article.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Article 22	New Article 22 has been included which relates to protective works to buildings and structures	<p>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant accepts that the inclusion of this Article is sensible addition to the dDCO.</p> <p>The Article is based on a former Model Provision that allows the undertaker, at its own expense, to carry out protective works to any building or structure affected by the authorised development where it is considered necessary or expedient.</p> <p>Consequential amendments to the numbering of the Articles and to the cross-referencing to Articles have been made throughout the dDCO.</p>	24 October 2023
Article 24	New Article 24 has been included which relates to the removal of human remains	<p>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, The Applicant accepts that the inclusion of this Article is sensible addition to the dDCO.</p> <p>The Article authorises the removal of human remains from the Order limits and provides a process for notification and identification of the human remains as well as their re-internment or cremation. The Article requires the payment of the reasonable expenses associated with this process. The Applicant does not anticipated that any human remains will be encountered during construction works but, it is possible that human remains could be found within the Order limits. Without this Article, the express consent of the Secretary of State for Justice would be required for removal which would risk delay to the construction programme.</p>	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
		<u>Consequential amendments to the numbering of the Articles and to the cross-referencing to Articles have been made throughout the dDCO.</u>	
<u>Article 29(1)(a)</u>	<u>Amendment made to include the words 'and modification' following the word '(application'</u>	<u>Amendment made for clarity and consistency in the drafting.</u>	<u>24 October 2023</u>
<u>Article 29(2)</u>	<u>Amendment made to change references to Article 32 to Article 34</u>	<u>Amendments made to update the cross-referencing as a result of the latest amendments to the dDCO. The correct cross-reference is to Article 34.</u>	<u>24 October 2023</u>
<u>Article 31</u>	<u>Amendment made to include the word 'temporarily' following the words 'the undertaker may'</u>	<u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has reviewed the drafting and considers the amendment to be necessary to confirm that any interference / obstruction shall be temporary, rather than permanent.</u>	<u>24 October 2023</u>
<u>Article 32(11)</u>	<u>Amendments made to change reference to 'Compulsory Purchase Act 1965' with '1965 Act'</u>	<u>Amendment made for clarity and consistency in the drafting.</u>	<u>24 October 2023</u>
<u>Article 33(2)(b) and (3)</u>	<u>Amendment made to change references to Article 27 to Article 29</u>	<u>Amendments made to update the cross-referencing as a result of the latest amendments to the dDCO. The correct cross-reference is to Article 29.</u>	<u>24 October 2023</u>
<u>Article 34(3)</u>	<u>The Article has been amended to read: "The undertaker is not required to serve notice under paragraph (2) where the</u>	<u>The amendments to this Article have been included to provide the ability to, in the event of a potential risk or safety alert, enter land to put right a danger subject to giving such period of notice as is reasonably practical in the circumstances.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>undertaker has identified a potential risk to the safety of any of-</u></p> <p><u>(a) the authorised development or any of its parts;</u> <u>(b) the public; and/or</u> <u>(c) the surrounding environment,</u></p> <p><u>and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances."</u></p>		
<u>Article 34(14)</u>	<p><u>New Article 34(14) has been included which reads:</u></p> <p><u>"(14) The undertaker must not under this Order take temporary possession of more than 200 square metres of common land."</u></p>	<p><u>The Applicant has included similar restrictions in Article 25 (compulsory acquisition of land) and considers it prudent to include the articles authorising temporary possession.</u></p> <p><u>The provisions provide comfort and certainty that no more than 200 square metres of common land will be interfered with.</u></p>	<u>24 October 2023</u>
<u>Article 35(9)</u>	<p><u>The Article has been amended to read:</u></p> <p><u>"The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of any of-</u></p> <p><u>(d) the authorised development or any of its parts;</u></p>	<p><u>The amendments to this Article have been included to provide the ability to, in the event of a potential risk or safety alert, enter land to put right a danger subject to giving such period of notice as is reasonably practical in the circumstances.</u></p>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p>(e) the public; and/or (f) the surrounding environment,</p> <p>and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances.”</p>		
Article 35(12)	<p>New Article 35(12) has been included which reads:</p> <p>“(12) The undertaker must not under this Order take temporary possession of more than 200 square metres of common land.”</p>	<p>The Applicant has included similar restrictions in Article 25 (compulsory acquisition of land) and considers it prudent to include the articles authorising temporary possession.</p> <p>The provisions provide comfort and certainty that no more than 200 square metres of common land will be interfered with.</p>	24 October 2023
Article 36(3)	<p>Amendments to delete the wording ‘(as defined in article 36(4) (recovery of costs of new connections)’</p>	<p>Amendments made for clarity and consistency in the drafting.</p>	24 October 2023
Article 37	<p>Amendments have been made to the Article generally to amend change the words ‘statutory utility’ with the words ‘statutory undertaker’</p>	<p>Amendments made for clarity and consistency in the drafting.</p>	24 October 2023
Article 37(8)	<p>New Article 36(8) has been included which reads:</p> <p>“In this article-</p>	<p>Amendments made for clarity and consistency in the drafting.</p>	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	(a) reference to a statutory undertaker includes a public communications code provider; and (b) "relocation works" means work executed, or apparatus provided, under sub-paragraph (2)."		
<u>Article 38(4)</u>	The Applicant has deleted the drafting '(a)"public communications provider" has the same meaning as in section 151(1) of the Communications Act 2003(a); and'	<u>Amendments made for clarity and consistency in the latest drafting.</u>	<u>24 October 2023</u>
<u>Article 41</u>	This Article is previous Article 39 and related to Crown land and Special category land. The Applicant has deleted previous Articles 39(1) to (3) which related solely to Crown land.	The amendments have been made by the Applicant as the relevant Crown bodies have now confirmed that they do not have rights in the relevant plots and accordingly, the parts of the Article which pertained to Crown land have been removed from the DCO. The provisions relating to special category land, being a small area of land at Burbage Common and Woods, are retained.	<u>24 October 2023</u>
<u>Article 41(2)</u>	Amendments made to change the term 'order rights' to 'Order rights'	<u>Amendment made for clarity and consistency in the drafting.</u>	<u>24 October 2023</u>
<u>Article 41(2)</u>	Amendments made to the defined term 'special category land' to include the word '(interpretation)' following the words 'Article 2'	<u>Amendment made for clarity and consistency in the drafting.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Article 42(2)	<p>New Article 42(2) has been included which reads:</p> <p>"In respect only of that part of the existing Leicester to Hinckley railway within the order limits nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 (the provision of railway services) of the Railways Act 1993."</p>	Amendment made for clarity and to improve the drafting of Article 42.	24 October 2023
Article 49(1)(f)	<p>New Article 49(1)(f) has been included which reads:</p> <p>"(f) section 25 of the Burial Act 1857 () (offence of removal of body from burial grounds) does not apply to a removal carried out in accordance with article 24 (removal of human remains) of this Order."</p>	<p>The Applicant has made the amendments to disapply section 25 of the Burial Act 1857 as Article 24 replaces the consenting procedures pursuant to section 25 with an alternative procedure, which provides satisfactory alternative protection, for managing the removal of any human remains disturbed during the course of carrying out authorised development.</p> <p>The disapplication of section 25 of the Burial Act 1857 is well precedented and there are many primary and secondary pieces of legislation which authorise the removal of human remains, and which disapply section 25 of the Burial Act 1857.</p>	24 October 2023
Article 49(3)	<p>Amendments to include the following drafting in the Article:</p> <p>"and such development or planning permission shall not at any time be construed as preventing the further</p>	As noted in the Applicant's responses to the ExA's Initial Observations on the drafting of the DCO (the latest version being Appendix C of the Applicant's Post Hearing Submissions (ISH1 and CAH1) – Document 18.1.3), this wording was omitted from the original draft but was	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<u>construction, maintenance or use of the authorised development (or any part of it) in accordance with this Order"</u>	<u>intended to be included as explained in paragraph 5.181 of the Explanatory Memorandum.</u>	
<u>Article 49(6)</u>	<u>Amendment made to change references to Schedule 15 to Schedule 14</u>	<u>Amendment made to update the cross-referencing. The correct cross-reference is to Schedule 14.</u>	<u>24 October 2023</u>
<u>Article 50(3)</u>	<u>New Article 50(3) has been included which reads:</u> <u>"(3) The undertaker must liaise with the relevant planning authority to ensure that, as soon as practicable following the making of this Order, a copy of each of the documents listed in Schedule 15 is made available and maintained by the relevant planning authority in an electronic form suitable for inspection by members of the public."</u>	<u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the additional drafting to reflect that the certified documents will be made available to the public, as soon as practicable following the making of the Order.</u> <u>Following discussions between the Applicant and the relevant authorities, it has been agreed that the certified documents will be made available on Blaby District Council's website.</u>	<u>24 October 2023</u>
<u>Schedule 1</u>			
<u>Schedule 1</u>	<u>Amendments made to remove references to Part 1 and Part 2 in Schedule 1 (Authorised Development)</u>	<u>Following comments from the ExA at ISH1, the Applicant has undertaken a review of Schedule 1 and agrees with the ExA that the amendments improve the drafting.</u> <u>The Applicant has therefore updated the dDCO to remove references to "Part 1" (the NSIP) and "Part 2" (Associated Development) in Schedule 1, since there</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
		<u>are elements of what would constitute "associated development" listed alongside the previously separate Part 1.</u>	
<u>Schedule 1</u>	<u>Amendments to refer to 'the Borough of Rugby and the District of Harborough' at the beginning of the Schedule now that Part 2 has been removed.</u>	<u>Amendments made to accurately reflect the removal of the PART 2 header.</u>	<u>24 October 2023</u>
<u>Schedule 2</u> <u>Part 1</u>			
<u>Paragraph 1 – interpretation</u>	<u>New term 'Euro VI compliant' has been included which reads:</u> <u>""Euro VI compliant" means compliant with the Euro VI standard for the vehicle in question contained in Regulation (EC) no 595/2009;"</u>	<u>The new defined term is required as a result of amendments made to Requirement 9 at the request of Blaby District Council.</u>	<u>24 October 2023</u>
<u>Paragraph 1 – interpretation</u>	<u>New term 'passive provision' has been included which reads:</u> <u>""passive provision" means in relation electric vehicle charging points, the design and construction of the relevant part of the development so as not to preclude the provision of the remainder of the electric charging points referred to in paragraph 1(3) of Part 1 of this schedule at a later date;"</u>	<u>The new defined term is required as a result of amendments made to sub-paragraph (3) of Requirement 4.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
<u>Paragraph 1 – interpretation</u>	<u>Amendments have been made to the defined term ‘woodland access management plan’ to remove the word access so that the defined term now reads ‘woodland management plan’</u>	<u>Amendments made for consistency with the latest drafting in Requirement 31 following the updated plan submitted at Deadline 1 (Document 6.2.12.4A, REP1-015).</u>	<u>24 October 2023</u>
<u>Requirement 3(1)</u>	<u>Requirement 3(1) has been amended to replace the word ‘shall’ with ‘are to’</u>	<u>Amendment made for clarity and in line with PINS guidance.</u>	<u>24 October 2023</u>
<u>Requirement 3(2)(h)</u>	<u>Requirement 3(2)(h) has been included which reads: “(h) public rights of way and the creation of private means of access;”</u>	<u>Amendment made to clarify and improve the details secured by the Requirement, and to ensure the amendments to the triggers in Schedules 5 and 6 of the dDCO are captured by the details required in the phasing submission pursuant to this requirement.</u>	<u>24 October 2023</u>
<u>Requirement 3(3)</u>	<u>New sub-paragraph (3) has been included which reads: “(3) The authorised development shall be carried out in accordance with the approved phasing scheme.”</u>	<u>Following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has included in each requirement a separate implementation clause which requires the development to be carried out in accordance with the approved phasing scheme, rather than the overarching implementation provision in requirement 32.</u>	<u>24 October 2023</u>
<u>Requirement 4(1)</u>	<u>Requirement 4(1) has been amended to replace the word ‘shall’ with ‘must’</u>	<u>Amendment made for clarity and in line with PINS guidance.</u>	<u>24 October 2023</u>
<u>Requirement 4(2)(u)</u>	<u>Requirement 4(2)(u) has been amended to include the wording “the heights and locations of”</u>	<u>Amendment made to clarify and improve the details secured by the Requirement and following commentary from Blaby District Council.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 4(2)(v)	The wording “(including acoustic fencing) which must be a maximum height of 3 metres” has been deleted from Requirement 4(2)(v)	Amendment made for clarity as the amendment to Requirement 4(2)(u) ensures that the details are now covered by that sub-paragraph	24 October 2023
Requirement 4(2)(hh)	The word incorrect word ‘sit’ has been replaced with ‘site’	Amendment made to correct a typographical error.	24 October 2023
Requirement 4(3)	Requirement 4(3) has been amended to read: “(3) A minimum of 20% of the total number of car parking spaces to be provided within the authorised development is to be equipped with electrical vehicle charging points with a minimum rating of 7.4 kWh with passive provision for the remainder. (the rating for which remainder is to be determined by the building occupier in accordance with their requirements).”	The amendments have been made to reflect the ExA’s request that the minimum power rating for the charging points be specified. It is not however possible to specify what the rating will be for the remainder of the charging points (for which passive provision is to be made) as these charging points will be installed by future occupiers of the warehouse units and will need to respond to their requirements.	24 October 2023
Requirement 4(4)	New sub-paragraph (4) has been included which reads: “(4) Each phase shall be carried out in accordance with the approved details for that phase.”	As above, following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has included separate implementation clauses in each requirement which requires the development to be carried out in accordance with the approved details for each phase.	24 October 2023
Requirement 5(2)	Requirement 5(2) has been amended to replace the word ‘shall not be’ with ‘is not’	Amendment made for clarity and in line with PINS guidance.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
<p><u>Requirement 6(2)</u></p>	<p><u>Addition drafting amendments included meaning the Requirement now reads:</u></p> <p><u>“(2) Notwithstanding the provisions of paragraph (1), the rail freight terminal forming part of Work No. 2 must not commence operation (which for the purposes of this sub-paragraph shall include any testing of rail tracks within the rail freight terminal which may take place before the commencement of commercial operation) until the following level crossings have been closed in accordance with Article 13 -</u></p> <p><u>(a) Thorney Fields Farm on footpath U17/2;</u> <u>(b) Elmesthorpe on footpath T89/1;</u> <u>(c) Earl Shilton on footpath U50/3;</u> <u>(d) Barwell on footpath V23/1; and</u> <u>(e) The Outwoods on footpath U8/1.”</u></p>	<p><u>In response to the request from the ExA in its initial observations on drafting of dDCO, the Applicant has amended paragraph 6(2) to clarify that testing of rail track within the rail freight terminal should not take place until the level crossings referred to in paragraph 6(2)(a)-(e) have been closed.</u></p>	<p><u>24 October 2023</u></p>
<p><u>Requirement 7(2) (b)</u></p>	<p><u>The following additional drafting amendment has been included:</u></p> <p><u>“in line with ‘highly recommended’ measures set out in table 9.40 and 9.41 of Chapter 9 of the environmental statement (Air Quality);”</u></p>	<p><u>Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.</u></p>	<p><u>24 October 2023</u></p>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 7(2)(d)	The following additional drafting amendment has been included: “, including details of built development and construction buffers which must be a minimum of 15 metres from Sites of Special Scientific Interest and ancient woodland”	Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.	24 October 2023
Requirement 7(2)(h)	The following additional drafting amendment has been included: “and adverse impacts on Narborough Bog Site of Special Scientific Interest”	Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.	24 October 2023
Requirement 7(2)(j)	The following additional drafting amendment has been included: “including measures to prevent sediment mobilisation to nearby watercourses and adverse effects on the Narborough Bog Site of Special Scientific Interest”	Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.	24 October 2023
Requirement 7(2)(p)	The following additional drafting amendment has been included: “details of temporary lighting; and”	Amendment made to clarify and improve the details secured by the Requirement and at the request of Blaby District Council. Consequential numbering amendments have been made to the Requirement.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 7(3)	<p>Addition drafting amendments have been included in Requirement 7(3) meaning the Requirement now reads:</p> <p><u>"(3) The approved detailed construction environmental management plan for each phase must be complied with during the construction works in that phase until the completion of construction works on that phase. The detailed construction environmental management plan for each phase is to be kept under review by the undertaker and updated if necessary as construction proceeds and any such update to the detailed construction environmental management plan is to be approved in writing by the relevant planning authority."</u></p>	<p><u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the construction phase of the development to be carried out in accordance with the approved details for each phase and added clarification that the undertaker should be responsible for reviews and updates if considered reasonably necessary, with the approval of the relevant planning authority.</u></p>	24 October 2023
Requirement 8(2)	<p><u>The following additional drafting amendment has been included:</u></p> <p><u>"Each occupier must monitor the operation of the occupier specific environmental management plan for a period of five years from the date of first occupation of the relevant warehouse (or until the cessation of occupation of that warehouse if earlier)."</u></p>	<p><u>The Applicant has made the amendment in response to the request from the ExA and discussions at the ISH, as well as a request from Blaby District Council. The requirement has been clarified to remove the compliance period of five years and to include an obligation to monitor the travel plan for a period of five years after first occupation (or earlier cessation of occupation).</u></p>	24 October 2023
Requirement 9(2)	<p><u>New Requirement 9(2) has been included which reads:</u></p>	<p><u>The Applicant has include the additional drafting in response to a request from Blaby District Council, to</u></p>	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>"The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport in respect of -</u> <u>(a) any HGV fleets operated by occupiers of the warehouse units which visit those warehouses; and</u> <u>(b) any public transport service provided pursuant the public transport strategy and dedicated to serving the authorised development."</u></p>	<p><u>require the undertaker to use reasonable endeavours to maximise the use of Euro VI compliant vehicles in relation to HGV fleets visiting the warehouse units and public transport serving the authorised development.</u></p>	
<u>Requirement 11(1)</u>	<u>Amendment made to change reference to 'requirement 2' to 'requirement 4(2)'</u>	<u>Amendment made to update the cross-referencing. The correct cross-reference is to requirement 4(2).</u>	<u>24 October 2023</u>
<u>Requirement 11(2)</u>	<p><u>The following drafting amendments have been included in Requirement 11(2):</u></p> <ul style="list-style-type: none"> <u>(i) the word 'container' has been included between the words 'the' and 'returns'</u> <u>(ii) the reference to 'requirement 2' has been changed to 'requirement 4(2)'</u> <u>(iii) in sub-paragraph (a) the wording 'warehouse floorspace on the authorised development is first occupied' has been replaced with 'the container returns area first comes into use'</u> 	<p><u>Amendment made to update the cross-referencing. The correct cross-reference is to requirement 4(2).</u></p> <p><u>The other amendments have been made following a request by Blaby District Council and are considered acceptable by the Applicant.</u></p>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 12(1)	Requirement 12(1) has been amended to replace the word 'shall' with 'is to'	Amendment made for clarity and in line with PINS Guidance.	24 October 2023
Requirement 12(2)	<p>The following drafting amendments have been included in Requirement 12(2):</p> <p>(i) the word 'shall' has been replaced with 'is to'</p> <p>(ii) the wording '(as amended from time to time)' has been removed</p>	Amendment made for clarity and in line with PINS Guidance.	24 October 2023
Requirement 12(3), 12(4) and 12(5)	<p>New sub-paragraphs (3), (4) and (5) have been added to requirement 12 which read:</p> <p>"(3) A copy of any analysis, reporting, publication or archiving required as part of the written scheme of investigation must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme of investigation.</p> <p>(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and</p>	The Applicant has included the additional provisions relating to publishing and archiving records which secure that such records are to be deposited with the Historic Environment Record of the relevant planning authority. Also the notification of previously unidentified human remains to the relevant planning authority have been added as new sub-paragraphs (3) and (4). An implementation provision has been added as new sub- paragraph (5).	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>reported by way of a notice to the relevant planning authority, as soon as reasonably practicable from the date they are identified.</u></p> <p><u>(4) The written scheme of investigation must be carried out in accordance with the approved details.</u></p>		
<u>Requirement 13(1)</u>	<u>Requirement 13(1) has been amended to replace the word 'shall' with 'is to'</u>	<u>Amendment made for clarity and in line with PINS Guidance.</u>	<u>24 October 2023</u>
<u>Requirement 13(2)</u>	<p><u>New Requirement 13(2) has been included which reads:</u></p> <p><u>"The development of each phase must be carried out in accordance with the approved sustainable drainage strategy for that phase."</u></p>	<u>As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase</u>	<u>24 October 2023</u>
<u>Requirement 14(1)</u>	<u>Requirement 14(1) has been amended to replace the word 'shall' with 'is to'</u>	<u>Amendment made for clarity and in line with PINS Guidance.</u>	<u>24 October 2023</u>
<u>Requirement 14(1)(a)</u>	<u>The word 'Qbar' has been removed from Requirement 14(1)(a).</u>	<u>Amendment at the request of the ExA, the word has been removed top avoid confusion and as the Requirement is clear without it.</u>	<u>24 October 2023</u>
<u>Requirement 14(1)(d)</u>	<u>In Requirement 14(1)(d) the word 'Infiltration' has been replaced with 'infiltration' and the words '(or equivalent)' have been removed</u>	<u>Amendments made to correct typographical errors and for clarity.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 14(2)	<p>New Requirement 14(2) has been included which reads:</p> <p>"The surface water drainage scheme for each phase must be implemented in accordance with the approved scheme for that phase."</p>	<p>As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase.</p> <p>Consequential numbering amendments have been made to the Requirements throughout Schedule 2.</p>	24 October 2023
Requirement 14(3)	Requirement 14(3) has been amended to replace the word 'shall' with 'is to'	Amendment made for clarity and in line with PINS Guidance.	24 October 2023
Requirement 14(4)	<p>New Requirement 14(4) has been included which reads:</p> <p>"The long term maintenance strategy for each phase must be implemented in accordance with the approved details for that phase."</p>	As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be maintained in accordance with the approved details for each phase	24 October 2023
Requirement 15(1)	<p>The following drafting amendments have been included in Requirement 15(1):</p> <p>(i) the word 'may' has been replaced with 'is to'</p> <p>(ii) the wording 'land and' has been included between the words 'contamination of' and controlled waters'</p>	Amendment made for clarity and, as agreed following commentary by the ExA, the Requirement has been amended to include the contamination of land as well as the contamination of controlled waters.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 15(1)(b)	The word 'sub' has been included in Requirement 15(1)(b) to create the word 'sub-paragraph'	Amendment to correct typographical error.	24 October 2023
Requirement 15(1)(c)	The word 'sub' has been included in Requirement 15(1)(c) to create the word 'sub-paragraph' and the incorrect word 'gibing' has been replaced with the word 'giving'	Amendment to correct typographical error.	24 October 2023
Requirement 15(1)(d)	The word 'sub' has been included in Requirement 15(1)(d) to create the word 'sub-paragraph'	Amendment to correct typographical error.	24 October 2023
Requirements 15(2) and 15(3)	<p>New Requirements 15(2) and 15(3) have been included which reads:</p> <p>“(2) The remediation strategy for each phase must be implemented in accordance with the approved strategy for that phase.”</p> <p>(3) No phase of the authorised development is to be brought into use until a verification report demonstrating that any works required by the approved remediation strategy for that phase have been completed has been submitted to and approved in writing by the relevant planning authority following consultation with the Environment Agency. The report must include results of sampling and</p>	<p>As above, following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase.</p> <p>Paragraph (3) has been added at the request of the Environment Agency and Blaby District Council.</p>	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	monitoring carried out in accordance with the approved verification plan.		
Requirement 16(1)	<p>The following drafting amendments have been included in Requirement 16(1):</p> <p>(i) the number '7' has been replaced with the number '07'</p> <p>(ii) the words 'Monday to Saturday have been replaced with the word 'weekdays'</p> <p>(iii) the words and numbers 'and 07:00 to 15:00 on Saturdays has been included.</p>	<p>The Applicant has made the amendments in response to a request from Blaby District Council.</p> <p>The amendments do not fully accord with Blaby District Council's request, which was to limit construction hours to 07:00 – 13:00 on a Saturday, rather than the amended requirement which limits construction to 07:00 – 15:00 on a Saturday. The Applicant needs to allow for civil engineering works to take place up to 15:00 on Saturdays.</p>	24 October 2023
Requirement 16(3)	<p>New Requirement 16(3) has been included which reads:</p> <p>"Any emergency works carried out under sub-paragraph (2)(i) must be notified to the relevant planning authority within 72 hours of their commencement."</p>	<p>The Applicant has made the amendment following a request by Blaby District Council.</p> <p>The Applicant considers the notification provision to be reasonable.</p>	24 October 2023
Previous Requirement 17 (Electricity generation cap)	Previous Requirement 17 of the previous draft DCO has been removed in its entirety	<p>Previous requirement 17 is replaced in full by Article 3(2)</p> <p>Consequential numbering amendments have been made to the Requirements in Schedule 2.</p>	24 October 2023
Requirement 17(1)	Requirement 17(1) has been amended to replace the word 'may' with the words 'is to'	Amendment made for clarity and in line with PINS Guidance.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 17(2)	<p>New Requirement 17(2) has been included which reads:</p> <p>“(2) The energy strategy for each phase must be implemented in accordance with the approved detailed energy strategy for that phase and complied with throughout the occupation of that phase.”</p>	As above, following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase	24 October 2023
Requirement 18	Requirement 18 has been amended to include the word ‘any’ between the words ‘of’ and ‘warehouse’	Amendment made for clarity.	24 October 2023
Requirements 19(1) and (2)	<p>The following drafting amendments have been included in Requirements 19(1) and (2):</p> <p>(i) the word ‘shall’ has been replaced with ‘must’</p> <p>(ii) the word ‘(LEMP)’ has been removed</p> <p>(iii) the word ‘LEMP shall’ has been replaced with ‘landscape and ecological management plan will’</p> <p>(iv) the words ‘The LEMP’ have been replaced with ‘The landscape and ecological management plan’</p> <p>(v) the words ‘Any review of the landscape and ecological management plan is to be approved</p>	<p>Amendment made for clarity.</p> <p>As abbreviations are not generally used in relation to the names of plans and strategies in Schedule 2, the Applicant has removed the abbreviation “LEMP” and replaced it with “landscape ecological management plan” throughout this requirement.</p> <p>The Applicant has also added drafting securing that review is approved by the relevant planning authority.</p>	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<u>in writing by the relevant planning authority.’ have been included</u>		
<u>Requirement 20(1)</u>	<u>Requirement 20(1) has been amended to replace the word ‘shall’ with the words ‘is to’</u>	<u>Amendment made for clarity.</u>	<u>24 October 2023</u>
<u>Requirement 20(2)</u>	<u>The word ‘sub’ has been included in Requirement 20(2) to create the word ‘sub-paragraph’</u>	<u>Amendment to correct typographical error.</u>	<u>24 October 2023</u>
<u>Requirement 20(5)</u>	<u>New Requirement 20(5) has been included which reads:</u> <u>“(5) The detailed ecological management plan for each phase must be implemented in accordance with the approved plan for that phase.”</u>	<u>As above, following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase.</u>	<u>24 October 2023</u>
<u>Requirement 21(1)</u>	<u>Requirement 21(1) has been amended to replace the word ‘shall’ with the words ‘is to’</u>	<u>Amendment made for clarity and in line with PINS Guidance.</u>	<u>24 October 2023</u>
<u>Requirement 21(4)</u>	<u>New Requirement 21(4) has been included which reads:</u> <u>“(4) The detailed written landscape scheme for each phase must be implemented in accordance with the approved scheme for that phase.”</u>	<u>As above, following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 22(1)	Requirement 22(1) has been amended to replace the incorrect word 'arrangement' with the word 'management'	Amendment to correct typographical error.	24 October 2023
Requirement 22(2)	New Requirement 22(2) has been included which reads: "The detailed site waste and materials management plan for each phase must be implemented in accordance with the approved plan for that phase."	As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase	24 October 2023
Requirements 23(3) and (4)	New Requirements 23(3) and (4) have been included which read: "(3) The detailed construction traffic management plan for each phase are to be kept under review by the undertaker and updated if necessary with the approval of the relevant planning authority. (4) The detailed construction traffic management plan for each phase must be implemented in accordance with the approved plan for that phase."	As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase. The Applicant has also added drafting securing that updates are approved by the relevant planning authority.	24 October 2023
Requirement 24(2)	New Requirement 24(2) has been included which reads:	As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<u>"(2)Any works for the layout of any new or modified temporary means of access and the means for reinstating any such means of access referred to in subparagraph (1) above for each phase are to be carried out in accordance with the approved details for that phase."</u>	<u>clause which requires the development to be carried out in accordance with the approved details for each phase.</u>	
<u>Requirement 25(2)</u>	<u>New Requirement 25(2) has been included which reads:</u> <u>"(2) The detailed public rights of way strategy for each phase must be implemented in accordance with the approved strategy for that phase."</u>	<u>As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase.</u>	<u>24 October 2023</u>
<u>Requirement 26</u>	<u>The following drafting amendments have been included in Requirement 26:</u> <u>(i) the wording '(or such other amendment or replacement of such documents as shall apply at the time of submission of the relevant application)' has been added following the wording 'noise reduction for buildings'</u> <u>(ii) the wording 'The installation of all mechanical and ventilation plant and any other noisemaking machinery or mobile plant (including HGV chiller units) shall be carried out in accordance with the approved</u>	<u>Amendments added for clarity and to improve the Requirement.</u> <u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>details.</u>' has been added to the Requirement</p> <p><u>(iii) the word 'also' has been included between the words 'must' and 'be'</u></p> <p><u>(iv) the word 'shall' has been replaced with the word 'must'</u></p>		
<u>Requirement 27</u>	<u>The wording 'and maintained and retained for the lifetime of the authorised development' has been added to Requirement 27</u>	<u>The Applicant has added the additional drafting at the request of Blaby District Council and considers the drafting to be reasonable.</u>	<u>24 October 2023</u>
<u>Requirement 28</u>	<p><u>The following drafting amendments have been included in Requirement 28:</u></p> <p><u>(i) the word 'shall' has been replaced with 'must'</u></p> <p><u>(ii) the wording 'by the relevant local planning authority' has been included</u></p>	<u>Amendment made for clarity. The requirement has been clarified so as to require the provision of the annual usage report to be provided to the relevant planning authority on request.</u>	<u>24 October 2023</u>
<u>Requirement 29(1)</u>	<p><u>Requirement 29(1) has been amended so that it now reads:</u></p> <p><u>"The authorised development must not commence until a biodiversity net gain strategy to achieve a deliver an overall 10% biodiversity net gain in respect of the authorised development (taken as a whole) in accordance with the principles set out in the biodiversity impact assessment has been submitted to and approved by all of the planning authorities</u></p>	<u>The Applicant has amended to Requirement 29(1) to clarify that the biodiversity net gain strategy relates to a requirement for a 10% net gain overall in relation to the whole of the authorised development. The strategy is to be approved by all of the planning authorities within the area of the authorised development (whether or not any element of the strategy entails works within a particular planning authority's area.)</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<u>in whose areas any of the authorised development is to be constructed (whether or not any element of the biodiversity net gain strategy is to be provided within a particular planning authority's area).</u>		
<u>Requirement 29(2)</u>	<u>New Requirement 29(2) has been included which reads:</u> <u>"The biodiversity net gain strategy must be implemented in accordance with the approved strategy."</u>	<u>As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the approved details to be implemented.</u>	<u>24 October 2023</u>
<u>Requirement 30(1)</u>	<u>Requirement 30(1) has been amended so that it now reads:</u> <u>"No phase of the authorised development is to be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The reports and schemes submitted and approved must be in accordance with the lighting strategy and include the following:</u> <u>(a) a layout plan with beam orientation;</u> <u>(b) an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified in</u>	<u>The Applicant has amended Requirement 30(1) to accord Blaby District Council's requested amendments, which are agreed by the Applicant.</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>the detailed ecological mitigation and management plan approved pursuant to requirement 20 as being of ecological importance;</u></p> <p><u>(c) a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and</u></p> <p><u>(d) measures to avoid glare on surrounding railway and highways."</u></p>		
<u>Requirement 30 (2)</u>	<p><u>New Requirement 29(2) has been included which reads:</u></p> <p><u>"(2) The lighting scheme for each phase must be implemented and maintained in accordance with the approved strategy for that phase and may be reviewed by the undertaker as necessary with the approval of the relevant planning authority. No external lighting other than that approved under this requirement may be installed."</u></p>	<u>As above, following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the development to be carried out in accordance with the approved details for each phase.</u>	<u>24 October 2023</u>
<u>Previous Requirement 31 (Employment and Skills)</u>	<u>Previous Requirement 31 has been removed in its entirety.</u>	<p><u>Following discussion with the local planning authorities, the detail of employment and skills requirements are now to be dealt with in the section 106 planning obligation and the Applicant has therefore removed this requirement from the dDCO.</u></p> <p><u>Consequential numbering amendments have been made to the Requirements throughout Schedule 2.</u></p>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 31	The heading to the Requirement has been updated from 'Woodland access management plan' to 'Woodland management plan'	Amendment made for clarity following the update to the plan submitted at Deadline 1 (Document 6.2.12.4A, REP1-015).	24 October 2023
Requirement 31(1)	The following drafting amendments have been included in Requirement 31(1): (i) the word 'shall' has been replaced with 'is to' (ii) the word 'access' have been removed from the Requirement (iii) the abbreviation 'DWAMP' has been replaced with words 'detailed woodland management plan' (iv) the words '(Document reference)' has been removed from the Requirement	As abbreviations are not generally used in relation to the names of plans and strategies in Schedule 2, the Applicant has removed the abbreviation "DWAMP" throughout this requirement. Other amendments have been made for clarity and to correct errors in the drafting	24 October 2023
Requirements 31(2) and (3)	The abbreviation 'The DWAMP' has been replaced with words 'detailed woodland management plan' in the Requirements	As abbreviations are not generally used in relation to the names of plans and strategies in Schedule 2, the Applicant has removed the abbreviation "DWAMP" and replaced it with "detailed woodland management plan" throughout this requirement.	24 October 2023
Requirement 31(5)	New Requirement 31(5) has been included which reads: "(5) The detailed woodland management plan must be implemented in accordance with the approved plan."	As above following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has included the implementation clause which requires the approved details to be implemented.	24 October 2023

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Requirement 32(2)	The wording '(as the case may be) by' has been added to the Requirement between the wording 'authority or' and 'that other'	Amendments added for clarity and to improve the Requirement.	24 October 2023
Schedule 2 Part 2			
Paragraph 1 – interpretation	The term 'working days' has been removed in its entirety	The term is now defined in Article 2 and it is not therefore necessary to duplicate the definition in the Part of the dDCO.	24 October 2023
Schedule 5			
Part 4 – Public Rights of Way to be Temporarily Closed	<p>The following amendments have been made to Part 4 Schedule 5:</p> <p>(i) in column (3) the word 'on' has been replaced with the word 'in'</p> <p>(ii) a new column (5) with the heading 'Stage of the authorised development closure ends' has been included which includes the following:</p> <p>"Completion of Work No. 6 in accordance with the phasing details approved pursuant to requirement 3".</p>	<p>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has made the amendments to ensure that the relevant works are carried out and completed pursuant to the details approved through the Requirements.</p> <p>Other amendments have been made for to correct typographical errors.</p>	24 October 2023
Schedule 6			

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Part 3 – New Private Means of Access Created	<p>In column (3) of the table at Part 3 Schedule 6, the Applicant has included the wording “in accordance with the phasing details approved pursuant to requirement 3’.</p> <p>The wording has been included in every row of column (3) in the table.</p>	<p>Following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has made the amendments to deal with the timing of when the works are to be completed and now ensure that the relevant works are carried out and completed pursuant to the details approved through the Requirements.</p>	<p>24 October 2023</p>
<u>Schedule 8</u>			
Part 1 – Existing Orders	<p>In column (3) of the table at Part 1 Schedule 8, the Applicant has removed the wording ‘Completion of Work No. 7’ and replaced it with ‘The date on which the relevant part of Work No. 7 becomes maintainable by the relevant highway authority pursuant to article 15’.</p>	<p>Following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has made the amendments to ensure that the relevant orders are in place / changes take effect at the relevant stages of the development.</p>	<p>24 October 2023</p>
Part 2 – Highways Subject to 40MPH Speed Limit	<p>In column (3) of the table at Part 2 Schedule 8, the Applicant has:</p> <p>(i) in respect of the locations (column (1)) and descriptions (column (2)) listed in rows 1 to 14 of the table removed the wording ‘Completion of Work No. 7’ and replaced it with ‘The date on which the relevant part of Work No. 7 becomes maintainable by the relevant highway authority pursuant to article 15’.</p>	<p>Following comments from the ExA at ISH1 and the ExA’s initial observations of the drafting in the dDCO, the Applicant has made the amendments to ensure that the relevant orders are in place / changes take effect at the relevant stages of the development.</p>	<p>24 October 2023</p>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>(ii) in respect of the location (column (1) and description (column (2)) listed in row 15 of the table removed the wording 'Completion of Work No. 11' and replaced it with 'The date on which the relevant part of Work No. 11 becomes maintainable by the relevant highway authority pursuant to article 15'.</u></p>		
<p><u>Part 3 – Derestricted Highways</u></p>	<p><u>In column (3) of the table at Part 2 Schedule 8, the Applicant has:</u></p> <p><u>(i) in respect of the locations (column (1)) and descriptions (column (2)) listed in rows 1, 2 and 5 of the table removed the wording 'Completion of Work No. 7' and replaced it with 'The date on which the relevant part of Work No. 7 becomes maintainable by the relevant highway authority pursuant to article 15'.</u></p> <p><u>(ii) in respect of the location (column (1) and description (column (2)) listed in rows 3 and 4 of the table removed the wording 'Completion of Work No. 8' and replaced it with 'The date on which the relevant part of Work No. 8 becomes maintainable by the relevant highway authority pursuant to article 15'.</u></p>	<p><u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has made the amendments to ensure that the relevant orders are in place / changes take effect at the relevant stages of the development.</u></p>	<p><u>24 October 2023</u></p>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
<u>Part 3 - Derestricted Highways</u>	<u>In row two of Column (2) the Applicant has amended the words '(Documents 2.7B)' with the words '(Document 2.7B)'</u>	<u>Amendment to correct typographical error</u>	<u>24 October 2023</u>
<u>Schedule 9</u>			
<u>Part 1 - Clearways</u>	<u>In column (3) of the table at Part 1 Schedule 9, the Applicant has:</u> <u>(i) in respect of the locations (column (1)) and descriptions (column (2)) listed in rows 1, 2 and 3 of the table removed the wording 'Completion of Work No. 7' and replaced it with 'The date on which the relevant part of Work No. 7 becomes maintainable by the relevant highway authority pursuant to article 15'.</u> <u>(ii) in respect of the location (column (1)) and description (column (2)) listed in rows 4 and 5 of the table removed the wording 'Completion of Work No. 8' and replaced it with 'The date on which the relevant part of Work No. 8 becomes maintainable by the relevant highway authority pursuant to article 15'.</u>	<u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the Applicant has made the amendments to ensure that the relevant orders are in place / changes take effect at the relevant stages of the development.</u>	<u>24 October 2023</u>
<u>Part 2 - Waiting Times</u>	<u>In column (3) of the table at Part 2 Schedule 9, the Applicant has removed</u>	<u>Following comments from the ExA at ISH1 and the ExA's initial observations of the drafting in the dDCO, the</u>	<u>24 October 2023</u>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
	<p><u>the wording 'Completion of Work No. 7' and replaced it with 'The date on which the relevant part of Work No. 7 becomes maintainable by the relevant highway authority pursuant to article 15'.</u></p> <p><u>The wording has been included in every row of column (3) in the table.</u></p>	<p><u>Applicant has made the amendments to ensure that the relevant orders are in place / changes take effect at the relevant stages of the development.</u></p>	
<u>Schedule 13</u>			
<u>Part 1 – For the Protection of Railway Interests</u>	<p><u>The term 'working days' has been removed in its entirety</u></p>	<p><u>The term is now defined in Article 2 and it is not therefore necessary to duplicate the definition in the Part of the dDCO.</u></p>	<p><u>24 October 2023</u></p>
<u>Part 6 – For the Protection of Electricity Undertakers</u>	<p><u>The defined term 'utility undertaker' has been amended to read:</u></p> <p><u>“‘utility undertaker’ means any licence holder within the meaning of Part 1 of the Electricity Act 1989 (excluding National Grid Electricity Distribution (East Midlands) Plc and National Grid Electricity Transmission Plc for whom the protective provisions in Part 8 and Part 9 of this Schedule respectively shall have effect) for the area of the authorised development, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained.”</u></p>	<p><u>The Applicant has made the amendments as the protective provisions benefitting National Grid Electricity Distribution (East Midlands) Plc and National Grid Electricity Transmission Plc are included in the dDCO are included in Part 8 and Part 9 of Schedule 13 respectively</u></p>	<p><u>24 October 2023</u></p>

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
<u>Part 8 – For the Protection of National Grid Electricity Distribution (East Midlands Limited</u>	<u>In Part 8 of Schedule 13 the following amendments have been made:</u> <u>(i) the defined term ‘NGET’ has been replaced with a new defined term ‘NGED’; and</u> <u>(ii) references to ‘NGET’ have been replaced with references to ‘NGED’</u> <u>(iii) references to ‘article 51 (arbitration)’ in paragraphs 9(1) and 9(7) have been replaced with ‘article 52 (arbitration)’</u>	<u>Amendment made to correct errors in the drafting or to reflect the latest drafting in the dDCO. Updated provisions reflecting the position of the parties will be included in the next dDCO to be submitted.</u>	<u>24 October 2023</u>
<u>Part 9 - For the Protection of National Grid Electricity Transmission Plc</u>	<u>A new set of Protective Provisions for the benefit of National Grid Electricity Transmission Limited has been included</u>	<u>The Applicant has included draft protective provisions received from National Grid Electricity Transmission Limited. The Applicant is in the process of negotiating the protective provisions with National Grid Electricity Transmission Limited. Updated provisions reflecting the position of the parties will be included in the next dDCO to be submitted.</u>	<u>24 October 2023</u>
<u>Schedule 14</u>			
<u>Paragraph (5) – Town and Country Planning Act 1990</u>	<u>Previous paragraph 5 of Schedule 14 has been removed in its entirety.</u>	<u>The Applicant has reviewed and considered this provision and considers that its disapplication should be removed. This is because Article 46 deals with the felling of trees including those subject to preservation orders.</u>	<u>24 October 2023</u>
<u>Schedule 15</u>			

<u>Section/Article No. and title</u>	<u>Change</u>	<u>Reason</u>	<u>Date of Draft</u>
Schedule 15 (Certification of Plans and Documents)	Amendments to document and plan references and numbers	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents.	24 October 2023
Explanatory Note			
Explanatory Note	The following amendments have been made to the Explanatory Note: (i) reference to 'Article 48' has been replaced with reference to 'Article 50' (ii) the wording 'and at the offices of Hinckley and Bosworth Borough Council at Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR' has been removed	Amendment made to update the cross-referencing in accordance with the latest dDCO and to reflect that the relevant document will be available to inspect at Blaby District Council's offices, in line with discussions with the relevant authorities.	24 October 2023

APPENDIX A

Schedule of changes made to the draft Development Consent Order submitted by the Applicant [on 11 September 2023](#)

Section/Article No. and title	Change	Reason	Date of Draft
Schedule (Authorised Development) – Part 1	1 Amendments to the Description of Work Numbers 1 - 6	General amendments to drafting to improve and clarify the descriptions. These are drafting changes only and do not affect the highway design or what has been assessed in the Environmental Statement (Documents 6.1 – 6.3 [APP-109 – APP-345]) (hereafter referred to as the “ES”).	11 September 2023
	Amendments to the Description of Work Number 7	General amendments to drafting to improve and clarify the descriptions, including making it clear there is a segregated left-turn lane at the roundabout and improvements to the B4668 either side of the roundabout. This is a drafting change only and does not affect the highway design or what has been assessed in the ES.	11 September 2023
Schedule (Authorised Development) – Part 2	1 Amendments to the Description of Work Number 8	General amendments to drafting to improve and clarify the descriptions, including making it clear there are minor works to the Junction 2 southbound diverge slip road. This is a drafting change only and does not affect the highway design or what has been assessed in the ES.	11 September 2023
	Amendments to the Description of Work Number 9	General amendments to drafting to correct, improve and clarify the descriptions.	11 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
		<p>Removal of references to segregated left-turn lane, which are not proposed in work no. 9.</p> <p>Works to connect the A47 link road (Work No. 7) and new slip roads (Work No. 8) into the M69 junction 2 roundabout</p> <p>This is a drafting change only and does not affect the highway design or what has been assessed in the ES.</p>	
	Amendments to the Description of Work Number 10	<p>General amendments to drafting to improve the descriptions, including making it clear the junction is to be signalised.</p> <p>This is a drafting change only and does not affect the highway design or what has been assessed in the ES.</p>	11 September 2023
	Amendments to the Description of Work Number 11	<p>General amendments to drafting to correct, improve and clarify the descriptions.</p> <p>Removal of reference to provision of formal parking bays which are not proposed as part of works no. 11.</p> <p>This is a drafting change only and does not affect the highway design or what has been assessed in the ES.</p>	11 September 2023
	Amendments to the Description of Work Numbers 12 – 16	<p>General amendments to drafting to improve and clarify the descriptions, including making it clear that a zebra crossing is proposed.</p>	11 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
		These are drafting changes only and do not affect the highway design or what has been assessed in the ES.	
	Amendments to the Description of Work Number 17	<p>General amendments to drafting to improve and clarify the descriptions including making it clear the B581 Broughton Road junction is being signalised.</p> <p>Removal of reference to amendments to the access to the public house which are not proposed as part of works no. 17.</p> <p>This is a drafting change only and does not affect the highway design or what has been assessed in the ES.</p>	11 September 2023
	Amendments to the Description of Work Number 18	<p>The Applicant has noted that the works description did not include all of the proposed works and this has now been amended to include the need to connect to the existing foul sewer in the B581 Stanton Road and also the works to Burbage Common Road as shown on the highway plans and connections to public rights of way.</p> <p>These are drafting changes only and do not affect the highway design or what has been assessed in the ES.</p>	11 September 2023
	Amendments to the Description of Work Numbers 19 - 21	General amendments to drafting to improve and clarify the descriptions.	11 September 2023
	Amendments to the Description of Work Number 22	General amendments to drafting to improve and clarify the descriptions including making it clear the works include an uncontrolled crossing over the B581 Station Road.	11 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
		This is a drafting change only and does not affect the highway design or what has been assessed in the ES.	
	Amendments to 'Further Works' including to the paragraphs/numbering.	The list of further works has been rationalised to refine the drafting to better reflect the required works. These are drafting changes only and do not affect the highway design or what has been assessed in the ES.	11 September 2023
Schedule 2 (Requirements)	Deletion of Requirement 5(3)	The requirement has been deleted as explained in the Applicant's Draft Responses to the ExA's Initial Observations on the dDCO (Annex B to the Applicant's Response to the Rule 6 Letter submitted at Procedural Deadline A) – the Applicant now understands that the highway works identified green on the highway plans (Document 2.4H [APP-029]) are no longer proposed/required to be undertaken by Gazeley LP and the Applicant will therefore undertake these works in accordance with requirement 5(1) and the relevant protective provisions.	11 September 2023
Schedule 15 (Certification of Plans and Documents)	Amendments to document and plan references and numbers	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents.	11 September 2023