

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

Document reference: 3.4D

Revision: 5

December 2024

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 3.1E) on 10 December 2024 and identifies the changes that have been made to the Applicant's draft DCO (Document 3.1D, REP7-011) submitted on 27 February 2024 to reflect the changes required as a result of the Applicant's proposed amendments to the Application proposals in response to the Secretary of State's letter dated 10 September 2024.

The changes that were made to the draft DCO throughout the Examination of the Application are included at **Appendix A** of this Document for completeness.

Section/Article No. and title	Change	Reason	Date of Draft
Article 13	<p>To insert a new Article 13(5) as follows:</p> <p><i>"The undertaker must in connection with carrying out of the authorised development provide the new public rights of way specified in columns (1) and (2) of Part 4 of Schedule 5 (new public footpath to be created) between the points specified in column (3) of that Part of that Schedule on an alignment agreed with the relevant highway authority."</i></p> <p>To update the cross referencing and to renumber existing Article 13(5) as Article 13(6) and existing Article 13(6) as Article 13(7).</p>	<p>The Applicant is providing a new footpath through the main site which will align with the estate road and so only terminus points are referenced in the Article, as set out in the Applicant's Response to the Secretary of State in response to the ExA's commentary [ER 3.3.606] and detailed in the Explanatory Memorandum (Document 3.2D).</p>	10 December 2024
Article 20	<p>To insert "or structure" after "maintenance of landscaping in Article 20(1)(c) as follows:</p>	<p>The Applicant has discussed and agreed with LCC, that the Applicant will maintain any acoustic barriers which are to be provided as part of the Proposed Development,</p>	10 December 2024

Section/Article No. and title	Change	Reason	Date of Draft
	“(c) the maintenance of landscaping or structure within a highway constructed as part of the highway works;”	including those which are located within adopted highway. The amendments are proposed to clarify this intention.	
Schedule 1			
Work No. 9	To insert a new Work No. 9(d) as follows: “(d) <i>an acoustic barrier</i> ” To renumber existing Work No. 9(d) and Work No. 9(e) as Work No. 9(e) and Work No. 9 (f).	To include reference to the acoustic barrier being provided as part of the A47 Link Road works (Work No. 7) in Work No. 9, where part of the barrier has been moved into this work area as explained in detail in the Applicant’s Response to the Secretary of State.	10 December 2024
Work No. 12	To delete Work No. 12(c) and to insert the following new Works: “(c) <i>kerb realignments to widen footways on the northern side of the B4669 between the new zebra crossing and Stanton Road;</i> <i>(d) kerb realignments on the B4669 to create wider footways;</i> <i>(e) widening of the carriageway around the junction between the B4669 and New Walk;</i> <i>(f) provision of road markings to guide larger vehicles away from footway areas;</i> <i>(g) relocation of the west bound bus stop from outside of the Co-operative store;</i> <i>and</i> ” To renumber existing Work No. 12(d) as Work No. 12(h)	In response to concerns raised by the ExA’s Recommendation Report in respect of traffic impacts on Sapcote that HGVs travelling in opposite directions were unlikely to wait and would instead mount the footways in the area, the Applicant is proposing an enhanced scheme of mitigations in this area. The changes to Work No. 12 are to facilitate the delivery of this scheme, as set out in detail in the Applicant’s Response to the Secretary of State and in particular, in the Sapcote Highway Mitigation Technical Note appended to that response.	10 December 2024

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 2			
Part 1, Paragraph 1	<p>To insert a new definition of "Sapcote enhanced s278 works general arrangement plan" as follows:</p> <p><i>"Sapcote enhanced s278 works general arrangement plan" means the document of that description referred to in Schedule 15 and certified as the Sapcote enhanced s278 works general arrangement plan by the Secretary of State for the purposes of this Order;"</i></p>	The definition is required as a result of new Requirement 5(4).	10 December 2024
Part 1, Requirement 4	<p>To renumber existing Requirement 4(4) as Requirement 4(a) and to insert a new Requirement 4(b) as follows:</p> <p><i>"(b) No acoustic barriers are to be constructed within the buffer zone detailed on Figure 10.10A (Acoustic Barrier Locations) of the environmental statement and the height of each acoustic barrier must not exceed the relevant maximum height specified on that figure."</i></p>	As detailed in the Applicant's Response to the Secretary of State, this amendment is made to secure the Applicant's commitment to a 12m buffer between Aston Firs and the southern section of the barrier and a reduction in its height to a maximum of 3m in response to concerns raised by the ExA's Recommendation Report and the Secretary of State's minded to refuse letter concerning the visual impact upon the residents of Aston Firs arising from the 6m acoustic barrier.	10 December 2024
Part 1, Requirement 5	<p>To insert a new Requirement 5(4) as follows:</p> <p><i>"No phase is to commence until the undertaker has entered into an agreement with the relevant highway authority pursuant to section 278 of the</i></p>	In response to concerns raised by the ExA's Recommendation Report in respect of traffic impacts on Sapcote that HGVs travelling in opposite directions were unlikely to wait and would instead mount the footways in the area, the Applicant is proposing an enhanced scheme of mitigations in this area. The new Requirement 5(4) is to facilitate the delivery of this	10 December 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>1980 Act to secure the delivery of the highway works shown on the Sapcote enhanced s278 works general arrangement plan."</p>	<p>scheme on the area of the existing highway which falls outside of Order Limits as set out in detail in Applicant's Response to the Secretary of State and in particular, in the Sapcote Highway Mitigation Technical Note appended to that response.</p>	
Requirement 28	<p>To amend Requirement 28 as follows:</p> <p><i>"The combined heat and power plant may not be operated for more than 30% of the hours in a calendar year. For the lifetime of the authorised development the the undertaker must maintain an up-to-date annual usage report for covering a period of at least 12 months and shall make the information available to the relevant planning authority within 14 days of it being requested by the relevant local planning authority"</i></p>	<p>To reflect the request made by Blaby District Council after the submission of the final dDCO (document reference: 3.1D, REP7-011) as explained in paragraph 9.3.6 of the Applicant's closing submissions (Document 23.1, REP8-027). This change was requested in the Applicant's closing submissions and was included in the ExA's recommended DCO.</p>	10 December 2024
Schedule 5			
Part 1	<p>To amend Column 4, Rows 3 and 4 as follows:</p> <hr/> <p>(4)</p> <p><i>Substitute to be provided</i></p> <hr/> <p>The bridleway shown with a solid yellow line between point 16 and point 37 and point 14, point 17 and point 18 on the access and rights of way plan (Document 2.3D)</p>	<p>For clarity, to refer to point 17 which is identified on the access and rights of way plan sheet 4 (document reference 2.3D) and to improve the drafting of the dDCO.</p>	10 December 2024

Section/Article No. and title	Change	Reason	Date of Draft									
	<p>The bridleway shown with a solid yellow line between point 16 and point 37 and point 14, point 17 and point 18 on the access and rights of way plan (Document 2.3D)</p>											
Part 3	<p>To insert a new row in Part 3 of Schedule 5 as follows:</p> <table border="1" data-bbox="465 595 1037 1026"> <thead> <tr> <th data-bbox="477 603 577 635">(1)</th> <th data-bbox="600 603 745 635">(2)</th> <th data-bbox="768 603 1025 635">(3)</th> </tr> </thead> <tbody> <tr> <td data-bbox="477 643 577 738"><i>Area</i></td> <td data-bbox="600 643 745 738"><i>Public right of way to be created</i></td> <td data-bbox="768 643 1025 738"><i>Extent of new public right of way to be created</i></td> </tr> <tr> <td data-bbox="477 746 577 1018">District of Blaby</td> <td data-bbox="600 746 745 1018">Public bridleway</td> <td data-bbox="768 746 1025 1018">The bridleway shown with a solid yellow line between point 14 and point 42 on the access and rights of way plan (Document 2.3D)</td> </tr> </tbody> </table>	(1)	(2)	(3)	<i>Area</i>	<i>Public right of way to be created</i>	<i>Extent of new public right of way to be created</i>	District of Blaby	Public bridleway	The bridleway shown with a solid yellow line between point 14 and point 42 on the access and rights of way plan (Document 2.3D)	<p>LCC made a comment around access to and from the Pegasus crossing from the south and that users may be inclined to follow a desire line which took them across a grassed area not designated as bridleway. In response to this comment, the Applicant has provided a short additional bridleway link to accommodate this desire line and address the comment from LCC. This link has also been added to the access and rights of way plan sheet 4 (document reference 2.3D).</p>	10 December 2024
(1)	(2)	(3)										
<i>Area</i>	<i>Public right of way to be created</i>	<i>Extent of new public right of way to be created</i>										
District of Blaby	Public bridleway	The bridleway shown with a solid yellow line between point 14 and point 42 on the access and rights of way plan (Document 2.3D)										
New part 4	<p>To insert a new Part 4 as follows:</p> <p>Part 4</p> <p>New public footpath to be created</p> <table border="1" data-bbox="465 1233 1037 1362"> <thead> <tr> <th data-bbox="477 1241 577 1273">(1)</th> <th data-bbox="600 1241 745 1273">(2)</th> <th data-bbox="768 1241 1025 1273">(3)</th> </tr> </thead> <tbody> <tr> <td data-bbox="477 1281 577 1362"><i>Area</i></td> <td data-bbox="600 1281 745 1362"><i>Public right of way to be created</i></td> <td data-bbox="768 1281 1025 1362"><i>Extent of new public right of way to be created</i></td> </tr> </tbody> </table>	(1)	(2)	(3)	<i>Area</i>	<i>Public right of way to be created</i>	<i>Extent of new public right of way to be created</i>	<p>This new part has been inserted as a result of the amendments to article 13 (detailed above) to reflect the Applicant's new proposal to provide a new footpath through the main site which will align with the estate road in response to the ExA's comment at ER 3.3.606 and as set out in the Applicant's Response to the Secretary of State.</p>	10 December 2024			
(1)	(2)	(3)										
<i>Area</i>	<i>Public right of way to be created</i>	<i>Extent of new public right of way to be created</i>										

Section/Article No. and title	Change	Reason	Date of Draft
	District of Blaby Public footpath Between the points marked 40 and 41 on the access and rights of way plans (Document 2.3B (point 40) and Document 2.3D (point 41)) and shown indicatively with a dashed blue line on a detailed alignment to be agreed with the relevant highway authority.		
Schedule 13			
Schedule 13	Minor typographical changes to correct cross referencing throughout schedule 13	For clarity and to improve the drafting of the dDCO.	10 December 2024
Part 1 – For the protection of railway interests	Various amendments made to the protective provisions: To insert a new definition of “bridge” as follows: <i>““bridge” means the new bridge to be constructed as part of the A47 link road over the Leicester to Hinckley railway line which, for the purposes of this Part of this Schedule, is to include the superstructure of the new bridge including deck, piers, footings, abutments and wingwalls to be provided as part of Work No. 7 but does</i>	As explained in the Applicant’s Response to the Secretary of State, the Applicant notes that the ExA did not consider that Leicestershire County Council should be required to adopt and maintain the A47 Link Road bridge over the railway [ER 7.4.39 – 7.4.46] in circumstances where the Council did not agree to it. As confirmed by the Applicant and Network Rail at Deadline 8, Network Rail is willing to adopt and maintain the bridge and the Applicant proposed appropriate wording and amendments to the relevant provisions of the dDCO to reflect this in its Final Summations and Signposting submission at Deadline 8 [REP8-027]. The ExA included this suggested wording in its	10 December 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>not include the highway, approach embankments, road approaches/embankments, footpaths, street lighting and all necessary highway related structures and apparatus (which are to be maintained by the local highway authority);"</i></p> <p>To add a new paragraph 19 as follows and consequential renumbering of existing paragraphs 19-21:</p> <p><i>"19. Network Rail and the undertaker agree that, following the construction and completion of the bridge and payment of an appropriate commuted sum to Network Rail, Network Rail will take a transfer of the bridge and maintain the bridge from the date of such transfer."</i></p>	<p>recommended DCO and recommended that the Secretary of State consult with the County Council on that wording.</p> <p>The Applicant notes that the Council will have the opportunity to respond to this wording in response to this submission.</p> <p>The Applicant confirms that it is content for the bridge to be adopted and maintained by Network Rail and has therefore made those changes to the dDCO.</p>	
Part 2 – For the protection of National Highways Limited	<p>To insert new paragraphs 20(5) and (6) as follows:</p> <p><i>"(5) The undertaker must ensure that any land to which the strategic road network drains and which the undertaker has acquired, either by agreement or through the exercise of compulsory acquisition or temporary possession, continues to receive such highway drainage at all times and must grant to National Highways such rights of access as are</i></p>	<p>Amendments made to reflect the Applicant's responses to National Highways' Deadline 8 submission [REP8-016] in relation to the land provisions and ensuring adequate drainage of the strategic road network.</p>	10 December 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>reasonably necessary for maintenance of that highway drainage.</i></p> <p><i>(6) National Highways and the undertaker hereby agree to cooperate in the execution of any transfer or deed of grant, licence or easement as may be necessary provided always that the undertaker is not prevented from exercising any powers under Part 5 of this Order, subject to sub-paragraph (5) above."</i></p>		
<p>Part 3 – For the protection of Leicestershire County Council as Highway Authority</p>	<p>To amend the definition of bridge as follows:</p> <p><i>""bridge" means the new bridge to be constructed as part of the A47 link road over the Leicester to Hinckley railway line <u>which, for the purposes of this Part of this Schedule, is to include the highway, approach embankments, road approaches/embankments, footpaths, street lighting and all necessary highway related structures and apparatus but does not include the</u> and all necessary superstructures <u>of the new bridge including deck, piers,</u> footings, abutments and wingwalls to be provided as part of Work No. 7, and forming part of the highway works for the purpose of this Schedule 13 Part 3;"</i></p>	<p>As explained above in relation to the changes made to Part 1 of Schedule 13, to reflect the Applicant's and Network Rail's positions that Network Rail will adopt and maintain the bridge instead of LCC.</p>	<p>10 December 2024</p>

Section/Article No. and title	Change	Reason	Date of Draft
<p>Part 3 – For the protection of Leicestershire County Council as Highway Authority</p>	<p>Various amendments made to the protective provisions:</p> <p>To insert a new definition of “acoustic barriers as follows:</p> <p>“<i>“acoustic barrier(s)” means the acoustic barrier(s) to be provided as part of any phase of the highway works;”</i></p> <p>To amend Paragraph 5(2) as follows:</p> <p><i>“5(2) Upon receipt of the as built information in respect of a phase and approval of the same and if the phase includes acoustic barriers the entering into of a licence between the highway authority and the undertaker pursuant to article 20 granting access to the undertaker to the highway for the purpose of securing the ongoing maintenance of the acoustic barrier(s) by the undertaker, the director must issue a final certificate in respect of that phase and as from the date of such final certificate the highway works become highways maintainable at the public expense.”</i></p> <p>To insert a new Paragraph 5(4) as follows:</p>	<p>As explained above in relation to the changes made to article 20, it is intended that the Applicant will maintain any acoustic barriers which are to be provided as part of the works, including those which are located within adopted highway.</p> <p>The amendments are proposed to clarify this intention and the provisions have been agreed with LCC.</p>	<p>10 December 2024</p>

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>"5(4) From the date of issue of a final certificate in respect of the phase containing the acoustic barrier(s), the undertaker must continue to maintain (at the undertaker's expense) the acoustic barrier(s) for the lifetime of the development in accordance with the terms of the licence to be entered into between the highway authority and the undertaker pursuant to paragraph 5(2)."</i></p>		
Schedule 15			
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.	10 December 2024

Appendix A

Schedule of changes made to the draft Development Consent Order following submission of the Application up to and including Deadline 7

Changes made at Deadline 7 (27 February 2024)

Section/Article No. and title	Change	Reason	Date of Draft
Footnotes	Amendments to the footnotes throughout	The Applicant has amended the dDCO to include footnotes to amending legislation where not previously included and to make any necessary updates.	27 February 2024
Article 6(2)	To replace "Parts 2 and 3" with "Parts 2, 3 and 4"	Amendments made to reflect the position which has been reached in relation to the protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 7(2)	To replace "Parts 2 and 3" with "Parts 2, 3 and 4"	Amendments made to reflect the position which has been reached in relation to the protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 7(2)(b)	To replace "paragraph 4(6) with "paragraphs 8(7) or 12(3) and to insert "or paragraph 4(7) of Part 4" after "of Part 3"	Amendments made to reflect the position which has been reached in relation to the protective provisions in Parts 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 8(1)(b)	To replace "Parts 2 and 3" with "Parts 2, 3 and 4"	Amendments made to reflect the position which has been reached in relation to the protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 9(1)(f) – (i)	Articles 9 (1)(f), (g), (h) and (i) have been deleted and previous Article 9(1)(j) has been renumbered Article 9(1)(f).	The Applicant has amended the dDCO in response to comments made by Blaby District Council at Deadline 5 (REP5-055).	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
Article 9(2)	To replace "Parts 2 and 3" with "Parts 2, 3 and 4"	Amendments made to reflect the position which has been reached in relation to the protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 11(6)	"Have" has been replaced with "has".	Minor amendment to drafting to correct a typographical error	27 February 2024
Article 15	<p>Article 15 has been amended as follows (bold text reflects the new amendments):</p> <p>"(1) The highway works must be completed in accordance with the provisions of Parts 2, and 3 and 4 of Schedule 13 (protective provisions). (1) With effect from the date of the handover final certificate referred to in paragraph 714 of Part 2 of Schedule 13 the highway works to which that certificate relates will be maintained by and at the expense of National Highways. (2) With effect from the date of the final certificate referred to in paragraph 7 5 of Part 3 of Schedule 13 the highway works to which that certificate relates will be maintained by and at the expense of the relevant highway authority Leicestershire County Council. (3) With effect from the date of the final certificate referred to in paragraph 7 of Part 4 of Schedule 13 the highway works to which that</p>	Amendments made to reflect relevant protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p><u>certificate relates will be maintained by and at the expense Warwickshire County Council.</u></p> <p>(4) Where new land not previously part of the public highway is the subject of a provisional certificate under paragraph 6 10 of Part 2 of Schedule 13 then it shall be deemed to be dedicated as part of the public highway on the issue of that certificate.</p> <p>(5) Where new land not previously part of the public highway is the subject of a provisional certificate under paragraph 6 4 of Part 3 of Schedule 13 then it shall be deemed to be dedicated as part of the public highway on the issue of that certificate.</p> <p>(7) For the purposes of this article, the definition of "maintain" in article 2 (interpretation) shall not apply and the word "maintain" shall be given its ordinary meaning when applied to highways.</p>		
Article 16	"Part 1 of" has been inserted before references to "Schedule 7" throughout the Article.	Minor amendments to drafting to improve clarity	27 February 2024
Article 25(2)	The Article 25(2) has been replaced with <i>"The undertaker must not under this Order acquire or take temporary possession pursuant to articles 34 or 35 of a total area of more than 200 square</i>	Amendment to drafting to improve clarity that the restriction on acquiring or taking temporary possession of more than 200 square meters of common land applies cumulatively to both the powers of compulsory acquisition and temporary possession, as per the	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<i>metres of common land provided that nothing in this article 25 prevents the undertaker from exercising both temporary possession and compulsory acquisition powers over that land."</i>	Applicant's responses to the ExA's commentary on the dDCO (Document reference 3.5, REP6-004).	
Article 34(14)	The Article has been deleted.	Amendment to drafting as a result of the amendment made to Article 25(2).	27 February 2024
Article 35(1)	To replace "Parts 2 and 3" with "Parts 2, 3 and 4"	Amendments made to reflect the relevant protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 35(12)	The Article has been deleted and previous Article 35(13) has been renumbered Article 35(12).	Amendment to drafting as a result of the amendment made to Article 25(2).	27 February 2024
Article 37(7)(b)	"Utility" has been replaced with "undertaker".	Minor amendment to drafting to correct a typographical error.	27 February 2024
Article 40(2)	Article 40(2) has been amended as follows: "... (b) article 26 (compulsory acquisition of land - minerals incorporation of the mineral code); ... (f) article 34 (temporary use of land for carrying out the authorised development);	Amendments made to reflect the names of the relevant articles as they appear in the dDCO.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	(g) article 35 (temporary use of land for maintaining the authorised development); ..."		
Article 48(1) and (2)	To replace "Parts 2 and 3" with "Parts 2, 3 and 4"	Amendments made to reflect the relevant protective provisions in Parts 2, 3 and 4 Schedule 13 of the dDCO.	27 February 2024
Article 50(4)	<p>Article 50(4) has been replaced as follows:</p> <p><i>"The undertaker must liaise with the relevant planning authority to ensure that-</i></p> <p><i>(a) as soon as practicable following the making of this Order, a copy of each of the documents listed in Schedule 15 is included under Part 2 of the local planning register as if this Order were a planning permission granted under the 1990 Act;</i></p> <p><i>(b) a register of those requirements contained in Part 1 of Schedule 2 of this Order (requirements) that provide for further approvals to be given by the relevant planning authority is included within the local planning register under regulation 40 of the Town and Country Planning (Development Management</i></p>	The Applicant has amended the dDCO in response to proposals made in the Examining Authority's schedule of proposed changes to the draft Development Consent Order (dDCO) (PD-014) and the Applicant's responses (Document reference 3.5, REP6-004).	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>Procedure) (England) Order 2015(1) as if each requirement were a condition of a planning permission granted under the 1990 Act; and</i></p> <p><i>(c) the reference number, the date and the effect of the decision of the Secretary of State of an appeal under paragraph 4 of Part 2 of Schedule 2 of this Order is included within the local planning register under regulation 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015."</i></p>		
Schedule 1			
Work No. 7	<p>To insert a new work 7(j) as follows:</p> <p><i>"(j) the provision of a bridleway linking the A47 link road to Burbage Common Road as shown on the access and rights of way plans;"</i></p> <p>Existing works 7(j)-(l) were numbered 7(k)-(m)</p>	General amendments to drafting to refer to the bridleway connection from the A47 link road to Burbage Common Road.	27 February 2024
Work. No.11	To remove paragraph (a).	To remove reference to the gateway feature as explained at Deadline 4 and ISH6.	

⁽¹⁾ S.I. 2015/595, amended by S.I. 2016/873, S.I. 2016/873, S.I. 2016/912, S.I. 2017/402, S.I.2017/571, S.I. 2017/1013, S.I. 2017/1243, S.I. 2017/1309, S.I. 2018/119, S.I.2018/695, S.I. 2020/505, S.I. 2021/746, S.I. 2021/814, S.I. 2023/1279 and S.I. 2024/50.

Section/Article No. and title	Change	Reason	Date of Draft
Work No. 12	To delete paragraph (a) and to renumber the remaining paragraphs to reflect this change.	To remove reference to the gateway feature as explained at Deadline 4 and ISH6.	27 February 2024
Schedule 2			
Part 1, paragraph 1	To make the following changes to the definitions: In the definition of "passive provision", to capitalise "Schedule"; To amend the definition of "public rights of way strategy" to refer to "public rights of way appraisal and strategy" throughout the definition;	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part Requirement 4(1)	To insert the following Requirements: <i>"(m) bridges;</i> <i>... (v) the height, position, form, construction and appearance of acoustic barriers including provision for landscaping between the acoustic barrier and the Aston Firs Gypsy and Traveller Site and between the acoustic barrier and the site boundary at the junction of the A47 link road with the B4668 Leicester Road;"</i>	The Applicant has added (m) for clarity and amended the paragraph relating to the acoustic barriers to reflect discussions at ISH6 and its response to ExA Q2.9.2 (REP5-039).	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	The existing Requirements were numbered to reflect this change.		
Part Requirement 1, 4(4)	To insert a new Requirement 4(4) as follows: <i>"(4) Details of any acoustic barriers submitted under sub-paragraph (2) must be included within the phase generating the noise source for which they are designed to mitigate."</i> Existing Requirement 4(4) was renumbered as Requirement 4(5)	This amendment reflects the change the Applicant confirmed it would make in its responses to the ExA's commentary on the DCO at Deadline 6 (Document reference 3.5, REP6-004) in respect of the ExA's commentary on Requirement 27.	27 February 2024
Part Requirement 1, 5(1)	To amend Requirement 5(1) as follows: <i><u>"Subject to sub-paragraphs (2) and (3), the undertaker must complete the highway works identified in columns (1) and (2) of the following table by no later stage than the stage of the authorised development as set out in column (3) of that table below or such alternative later stage as agreed by the relevant body or bodies identified in column (4) or such successor body as may replace them in function."</u></i>	To accommodate the new requirement 5(3).	27 February 2024
Part Requirement 1, 5(1)	To amend row 16, column 3 of the table to read as follows <i>"National Highways and</i>	To correct the reference to the relevant highway authorities.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<i>Warwickshire County Council and Leicestershire County Council".</i>		
Part Requirement 5(3) 1,	<p>To insert a new requirement 5(3) as follows:</p> <p><i>"(3) The undertaker is not obliged to undertake any individual work specified in sub-paragraph (1) where—</i></p> <p><i>(a) the undertaker has agreed with the relevant planning authority and the relevant highway authority that an alternative to that work has been proposed which will mitigate the effect of the authorised development at the location of that work; and</i></p> <p><i>(b) the relevant planning authority and the relevant highway authority agree that such alternative work should be carried out in lieu of the individual work specified in sub-paragraph (1), and either—</i></p> <p><i>(i) an agreement for carrying out that alternative work has been entered into between the relevant highway authority and a third party; or</i></p> <p><i>(ii) the undertaker has entered into an agreement with the relevant highway authority in relation to the carrying out of that alternative work."</i></p>	<p>The Applicant has included this wording to provide flexibility to carry out the works in line with its Deadline 6 Response (Document Reference: 18.9) and as explained in the Explanatory Memorandum submitted at Deadline 7 (Document reference 3.2C).</p>	<p>27 February 2024</p>

Section/Article No. and title	Change	Reason	Date of Draft
Part 1, Requirement 6	To insert "or such successor body as may replace them in function" at the end of Requirement 6(1). To insert "sub-" before "paragraph (1)" in Requirement 6(2)	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 8(2)	To amend Requirement 8(2) as follows: <i>"(2) Prior to each and every occupation of an individual warehouse unit an occupier-specific travel plan is to be submitted to, and approved in writing by, the relevant planning authority- following consultation with the relevant highway authority. Each occupier specific travel plan must be in accordance with the framework site wide travel plan- and include provisions for promoting the travel plan across the occupiers work force for the site. Each occupier must comply with their occupier specific travel plan from not less than three months of the date on which they first occupy the relevant warehouse unit for the duration of the occupation of the relevant warehouse by that occupier. Each occupier must monitor the operation of the occupier specific travel 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</i>	The Applicant has amended the dDCO for clarity and in response to proposals made in the Examining Authority's schedule of proposed changes to the draft Development Consent Order (dDCO) (PD-014).	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<i>earlier) the period of their occupation.</i>		
Part 1, Requirement 8(3)	<p>To amend Requirement 8(3) as follows:</p> <p><i>"No warehouse units may be occupied until the undertaker has established and administered arrangements, including inviting participation from the transport relevant planning authority and the relevant highway authorities, for the travel plan steering group to discharge the role of that group in relation to the provision of the framework site wide travel plan."</i></p>	<p>The Applicant has made this amendment for certainty and clarity, since the Applicant can only control the invitation of the relevant authorities and not their participation.</p>	27 February 2024
Part 1, Requirement 10	<p>To insert new Requirements 10(2) and 10(3) as follows:</p> <p><i>"(2) The undertaker must notify the relevant planning authority of the date of the first occupation of more than 105,000 square metres of warehousing within 28 days of such occupation occurring.</i></p> <p><i>(3) Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal available for use throughout the period of occupation of the warehousing floorspace."</i></p>	<p>The Applicant has inserted this wording to address requests made by HBBC and BDC as confirmed in the Applicant Deadline 5 (REP5-040 and REP5-041) and Deadline 6 Response (Document Reference: 18.9)</p>	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
Part Requirement 11(1)	1, To amend Requirement 11(1) as follows: "(a) not exceed 8.7 metres from finished floor level prior to the 2nd second anniversary on of the date on which the container storage area first comes into use; (b) not exceed 11.6 metres from finished floor level prior to the 3rd third anniversary of the date on which the container storage area first comes into use ; and ..."	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part Requirement 12(1)	1, To amend Requirement 12(1) as follows: "No phase is to commence until such time as a written scheme of investigation for that phase based on, informed by the provisions of the archaeological mitigation strategy, has been submitted to and approved in writing by the relevant planning authority. The written scheme of investigation must include: (a) details of the on-site recording methodology; (b) details of sampling, analysis and reporting strategy; (c) details of monitoring arrangements; and	These amendments were requested by BDC and the Applicant confirmed in its responses to BDC at Deadline 6 that it would make the changes in this version of the DCO.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	(d) details of timetable and personnel"		
Part Requirement 12(2) 1,	<p>To insert a new Requirement 12(2) as follows:</p> <p><i>"(2) The written scheme of investigation submitted for approval must include—</i></p> <ul style="list-style-type: none"> <i>(a) the statement of significance and research objections;</i> <i>(b) details of the on-site recording methodology;</i> <i>(c) details of sampling, analysis and reporting strategy;</i> <i>(d) details of monitoring arrangements;</i> <i>(e) details of timetable and personnel; and</i> <i>(f) details of post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material."</i> <p>The remaining Requirements have been renumbered to reflect this change.</p>	<p>These amendments were requested by BDC and the Applicant confirmed in its responses to BDC at Deadline 6 that it would make the changes in this version of the DCO.</p>	<p>27 February 2024</p>

Section/Article No. and title	Change	Reason	Date of Draft
Part 1, Requirement 12(4)	To amend Requirement 12(4) as follows: "A copy of any analysis, reporting, and publication or archiving required as part of the written scheme of investigation must be deposited with the Leicestershire and Rutland 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."	These amendments were requested by BDC and the Applicant confirmed in its responses to BDC at Deadline 6 that it would make the changes in this version of the DCO.	27 February 2024
Part 1, Requirement 12(6)	To amend Requirement 12(6) as follows: "(6) The written scheme of investigation Each phase must be carried out in accordance with the approved details written scheme of investigation ."	These amendments were requested by BDC and the Applicant confirmed in its responses to BDC at Deadline 6 that it would make the changes in this version of the DCO.	27 February 2024
Part 1, Requirement 15(1)	To insert "for that phase" after "controlled waters".	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 16	To delete "excessively" in Requirement 16(1)(g). To insert "sub-" before "paragraph (1)" in Requirement 16(2)	General amendments to drafting for certainty.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
Part 1, Requirement 19	To replace the title as follows "Landscape and Ecological Management Plan"	General amendments to drafting to improve and clarify the drafting and in response to the ExA's Rule 17 letter (TR050007).	27 February 2024
Part 1 Requirement 20 (1) and (3)	To insert "sub-" before "paragraph"	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 21(2)(e)	To replace the reference to "20 years" to "30 years".	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 23(1) and (3)	To insert "following consultation with the relevant highway authority" after "relevant planning authority"	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 24(2)	To insert "relevant planning authority following consultation with the" prior to "highway authority".	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 25(1)	To amend Requirement 25(1) as follows: "(1) Prior to commencement of construction works on any phase a detailed public rights of way strategy for that phase in accordance with the principles set out in the public rights of way appraisal and strategy must be submitted to and approved by the relevant planning authority following consultation with the relevant highway authority.	General amendments to drafting to improve and clarify the drafting.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
Part 1, Requirement 26	To insert "and the provision of details of automated hardware and software to lift and place containers" after "any machinery".	The Applicant has amended the Requirement to reflect its Deadline 5 submission (REP5-025) and as explained in the Explanatory Memorandum (Document 3.2C).	27 February 2024
Part 1, Requirement 27	To split the requirement into two paragraphs.	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 1, Requirement 28	To insert "for a period of at least 12 months" after "annual usage report".	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part Requirement 29(1)	To insert "calculations" after "biodiversity impact assessment".	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part Requirement 31(1) and (5)	To insert "for that phase" after "detailed woodland management plan".	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part Requirement 31(3)	To insert "sub-" before "paragraph"	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part Requirement 32(1)	To insert "sub-" before "paragraph"	General amendments to drafting to improve and clarify the drafting.	27 February 2024
Part 2, paragraph 4(4)	To amend paragraph 4(4) as follows: "The appointed person is to must make their decision and notify it to the appeal parties, with reasons, as soon as	As per the Applicant's response to the ExA's commentary on the DCO at Deadline 6 (Document 3.5, REP6-004).	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>reasonably practicable and in any event within 2030 working days of expiry of the 20 working day period referred to in <u>deadline for the receipt of counter-submissions pursuant to sub-paragraph (2)(e) or, if applicable, within 20 working days of the expiry of the 10 working day period referred to in sub-paragraph (6).</u></p>		
Part 2, paragraph 4(8) and (9)	To replace "is to" with "may".	As per the Applicant's response to the ExA's commentary on the DCO at Deadline 6 (Document 3.5, REP6-004).	27 February 2024
Part 2, paragraph 4(13)	<p>To amend paragraph 13 as follows:</p> <p>"(13) On <u>The appointed person may, following an</u> application by the discharging authority or the undertaker, the appointed person may or in the absence of such application, give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance published by the Department for Communities and Local Government on 6th March 2014</p>	As per the Applicant's response to the ExA's commentary on the DCO at Deadline 6 (Document 3.5, REP6-004).	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
	or any circular or guidance which may from time to time replace it.		
Part 2, paragraph 5(1)	To insert "as though the application were a reserved matters application," after "Regulations 2012"	The Applicant has amended the dDCO in line with its response to ExQ2.5.7 (REP5-036) and as confirmed in the Applicant's responses to HBBC and BDC in this regard.	27 February 2024
Schedule 5, Part 3	To amend row 6, column (3) of the table as follows: "The bridleway shown with a solid yellow line between point 13 and point 1637 on the access and rights of way plan (Document 2.3B (point 13) and Document 2.3D (point 37))" To insert a new row 7 in the table as follows: Column (2): "Public Bridleway" Column (3): "The bridleway shown with a solid yellow line between point 38 and point 39 on the access and rights of way plan (Document 2.3A)"	General amendments to drafting to improve and clarify the descriptions. To reflect the new bridleway link from the A47 link road to Burbage Common Road.	27 February 2024
Schedule 12	To change "Modifications" to "Modification" in the title to the Schedule	Minor amendment to drafting to correct a typographical error	27 February 2024
Schedule 13			
Part 1 – For the protection of Railway Interests	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with Network Rail.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
Part 2 – For the protection of National Highways Limited	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with National Highways.	27 February 2024
Part 3 – For the protection of Leicestershire County Council as Highway Authority	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with Leicestershire County Council.	27 February 2024
Part 4 – For the protection of Warwickshire County Council as Highway Authority	Protective Provisions have been added from the benefit of Warwickshire County Council as a highway authority affected by the DCO	The protective provisions reflect latest negotiations / position with Warwickshire County Council.	27 February 2024
Part 5 – For the protection of Cadent Gas Limited	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect the agreed position with Cadent Gas.	27 February 2024
Part 9 – For the protection of National Grid Electricity Distribution (East Midlands) Limited	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect the agreed position with National Grid Electricity Distribution (East Midlands) Limited.	27 February 2024

Section/Article No. and title	Change	Reason	Date of Draft
Part 10 – For the protection of National Grid Electricity Transmission PLC	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect the agreed position with National Grid Electricity Transmission PLC.	27 February 2024
Schedule 15			
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.	27 February 2024

Changes made at Deadline 4 (9 January 2024)

Section/Article No. and title	Change	Reason	Date of Draft
Article 2	<p>Amendment made to the definition 'highway works' as follows (amendments shown with a 'strikethrough'):</p> <p>“highway works” means the works comprised in Work Nos. 57 to 17;’</p>	Amendment required to ensure that the definition refers to the relevant works	9 January 2024
Article 10(2)	Amendments made to change the references to 'relevant highway authority' to 'relevant street authority'	Amendment made at the request of Blaby District Council and agreed by the Applicant. The amendments are required for clarity and consistency in the drafting.	9 January 2024
Article 11(6)	<p>The wording 'or an alternative temporary substitute public right of way agreed by the relevant highway authority have' has been included in the article, the article now reads:</p> <p>(6) The powers conferred by paragraph (1) in respect of the permanent stopping up of Smithy Lane as identified in columns (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) or an alternative temporary substitute public right of way agreed by the relevant highway authority have been provided in accordance with article 13(2) (public rights of way – creation, substitution, stopping up and closure of level crossings).</p>	Amendment is required for clarity and consistency in the drafting, to ensure sure that the drafting aligns with Article 13(2) which is referenced in Article 11(6).	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
Article 13(1)(c)	<p>The Article has been amended to read (amendments shown underlined or with a 'strikethrough'):</p> <p>"temporarily close <u>any</u> public rights of way specified in columns (2) and (3) of Part 4 of Schedule 5 (public rights of way to be temporarily closed) or to the extent agreed with the relevant highway authority and provide substitute temporary public rights of way on an alignment to be agreed with the relevant highway authority prior to the temporary closure of the public right of way concerned</p>	<p>Amendment has been made following the removal of Part 4 Schedule 5 due to PROW U50/1 being stopped up and an alternative provided rather than being temporarily stopped up.</p>	9 January 2024
Article 13(5)	<p>The Article has been deleted.</p>	<p>Amendment has been made following the removal of Part 4 Schedule 5 due to PROW U50/1 being stopped up and an alternative provided rather than being temporarily stopped up.</p>	9 January 2024
Article 26	<p>The heading of Article 26 has been updated as follows (amendments shown with a 'strikethrough'):</p> <p>"Compulsory acquisition of land - minerals""</p>	<p>Amendment has been made following a request from the ExA to review the drafting. The amendment reflects the drafting in the recently made DCO, The Hornsea Four Offshore Wind Farm Order.</p>	9 January 2024
Article 45(i)	<p>The Article has been amended to read:</p> <p>"45(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by persons aggrieved by</p>	<p>The article has been amended to include drafting suggested by Blaby District Council and agreed by the Applicant.</p>	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>statutory nuisance)⁽²⁾ in relation to a nuisance falling within section 79(1) of that Act (statutory nuisances and inspections therefore) no order may be made, and no fine may be imposed, under section 82(2)⁽³⁾ of that Act if</p> <p>(a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974;</p> <p>(ii) the nuisance is a consequence of complying with a requirement or any other provision of this Order and</p>		

⁽²⁾ 1990 c. 43. There are amendments to this section which are not relevant to this Order.

⁽³⁾ 1990 c. 43.

Section/Article No. and title	Change	Reason	Date of Draft
	<p>that it cannot reasonably be avoided; or</p> <p>(b) the nuisance is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or</p> <p>(c) it relates to premises used by the undertaker for the purposes of or in connection with the maintenance, operation or use of the authorised development and that the nuisance is attributable to the maintenance, operation or use of the authorised development which is being maintained, operated or used in compliance with a requirement or any other provision of this Order and that it cannot be reasonably avoided.”</p>		
Article 50(3)	<p>A new Article 50(3) has been included which reads:</p> <p>“50(3) Where a plan or document certified under paragraph (1)—</p> <p>(a) refers to a provision of this Order (including any specified requirement) when it was in draft form; and</p> <p>(b) identifies that provision by number, or combination of</p>	<p>Amendment has been made following a request from the ExA to review the drafting relating to the certification of documents. The amendment reflects the drafting in the recently made DCO, The Hornsea Four Offshore Wind Farm Order.</p>	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>numbers and letters, which is different from the number, or combination of numbers and letters by which the corresponding provision of this Order is identified in this Order as made, the reference in the plan or document concerned must be construed for the purposes of this Order as referring to the provision (if any) corresponding to that provision in this Order as made.”</p> <p>Previous Article 50(3) has been renumbered as Article 50(4).</p>		
Schedule 1			
Schedule 1 (Authorised Development) –	Amendments to the Description of Work Number 4(e) to include ‘bus interchange’.	<p>General amendments to drafting to improve and clarify the descriptions.</p> <p>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]).</p>	9 January 2024
Schedule 2 Part 1			
Paragraph 1 – interpretation	<p>New term ‘lorry park management plan’ has been included which reads:</p> <p>“‘lorry park management’ means the document of that description referred to</p>	The new defined term is required as a result of the inclusion of new Requirements 33 (lorry park management plan) securing compliance with the lorry park management plan submitted as part of the	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	in Schedule 15 and certified as the lorry park management plan by the Secretary of State for the purposes of this Order;”	Examination at Deadline 3 (Document 17.1, REP3-042).	
Paragraph 1 – interpretation	New term ‘outline landscape and ecological management plan’ has been included which reads: “‘outline landscape and ecological management plan’ means the document of that description referred to in Schedule 15 and certified as the outline landscaping and ecological management plan by the Secretary of State for the purposes of this Order;”	The new defined term is required as a result of the amendments made to Requirement 19 which secures the submission, approval and compliance with the detailed landscape and ecological management plan in accordance with the outline landscaping and ecological management plan, in respect of each phase.	9 January 2024
Requirement 4(2)(cc)	Requirement 4(2)(cc) has been deleted and the remaining items renumbered.	General amendments to drafting to improve and clarify the descriptions.	9 January 2024
Requirement 5	In column (4) of the table in Requirement 5 the Applicant has amended the wording as follows: (i) row 1, column 4 – “National Highways (Work No. 8) AND Leicestershire County Council (Work No. 9)” (ii) row 2, column 4 – “National Highways AND Leicestershire County Council”.	Amendments have been made for clarity in the drafting and to identify which relevant body or bodies is / are responsible for approving the relevant highway works	9 January 2024
Requirement 6(1)	A new row 8 has been added:	Amendments have been made due to PROW U50/1 being stopped up and an alternative provided rather	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>(i) Column (1): "U50/1 to the extent shown by the dashed green line between point 6 and point 7 in the access and rights of way plan (Document 2.3D)"</p> <p>(ii) Column (2): "Completion of Work No. 6 in accordance with the phasing details approved pursuant to requirement 3"</p> <p>(iii) Column (3): "Leicestershire County Council"</p> <p>In column 1 of row 14 "Document 2.3A and" has been deleted.</p>	<p>than being temporarily stopped up and due to changes to the access and rights of way plans (Document Reference 2.3A, submitted at Deadline 4)</p>	
Requirement 6(2)	The word 'Article' has been replaced with 'article'.	Minor drafting amendment for consistency with the DCO drafting generally.	9 January 2024
Requirement 7(2)(d), (o) and (q)	<p>Requirement 7(2)(d) has been amended to refer to 'hedgerows' and now reads:</p> <p>"(d) an arboriculture method statement detailing measures to protect retained trees and hedgerows, 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;"</p>	The Requirement has been amended to include drafting suggested by Blaby District Council and agreed by the Applicant, and to improve the drafting generally.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>The wording 'training' has been deleted from Requirement 7(2)(o) and now reads:</p> <p>"(o) details of site rules and communication with the community."</p> <p>The wording 'shall contain' has been deleted from Requirement 7(2)(q) and now reads:</p> <p>"(q) a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development."</p>		
Requirement 8(2) and (3)	<p>The Requirement has been amended to read:</p> <p>"(2) Prior to each and every occupation of an individual warehouse unit an occupier-specific travel plan is to be submitted to, and approved in writing by, the relevant planning authority. Each occupier-specific travel plan must be in accordance with the framework site wide travel plan. Each occupier must comply with their occupier-specific travel plan from not less than three months of the date on which they first occupy the relevant warehouse unit for the duration of the occupation of the</p>	<p>The Requirement has been amended to include drafting suggested by Blaby District Council and agreed by the Applicant, and to improve the drafting generally.</p>	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>relevant warehouse by that occupier. Each occupier must monitor the operation of the occupier specific travel 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).</p> <p>(3) No warehouse units may be occupied until the undertaker has established and administered the transport plan steering group to discharge the role of that group in relation to the provision of the framework site wide travel plan."</p>		
Requirement 10	<p>The wording '(including ancillary office)' has been included in the Requirement, which now reads:</p> <p>"10 No more than 105,000 square metres of warehouse (including ancillary office) floorspace to be provided as part of the authorised development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure has been completed."</p>	The Requirement has been amended to include drafting suggested by Blaby District Council and agreed by the Applicant.	9 January 2024
Requirement 11	The Requirement has been amended to read:	The Requirement has been amended following discussions with Blaby District Council and reflects the agreed drafting.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>“11(1) The height of any stack of containers within the container storage area approved pursuant to the details submitted in accordance with requirement 4(2) must-</p> <ul style="list-style-type: none"> (a) not exceed 8.7 metres from finished floor level prior to the 2nd anniversary on the date on which the container storage area first comes into use; (b) not exceed 11.6 metres from finished floor level prior to the 3rd anniversary; and (c) not exceed 14.5 metres from finished floor level at any time thereafter. <p>(2) The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 4(2) must not-</p> <ul style="list-style-type: none"> (a) exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use; and (b) exceed 14.5 metres from finished floor level at any time thereafter.” 		
Requirement 12(2)	The wording ‘buildings and structures’ has been included in the Requirement which	Amendments have been made for clarity in the drafting.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>now reads (amendments shown with a 'strikethrough'): "(2) No part of the authorised development on the main site is to commence until a level 3 record of the building buildings and structures of historic interest identified in the archaeological mitigation strategy has been undertaken. The record must be carried out in accordance with a written specification first agreed with the relevant planning authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016."</p>		
Requirement 15	The Requirement has been amended to replace the word 'terms' with 'term'	Amendment made to correct a typographical error.	9 January 2024
Requirement 16(1)	<p>The Requirement has been amended to read: "16(1) Construction works relating to the authorised development must not take place on Sundays, bank holidays, public holidays, nor otherwise outside the hours of 7:00 to 19:00 on week days and 7:00 to 15:00 on Saturdays in the phase of the authorised development which includes</p>	The Requirement has been amended following discussions with Blaby District Council and reflects the agreed drafting.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>the earthworks as detailed in the written phasing scheme submitted and approved pursuant to requirement 3. Construction works relating to all phases of the authorised development must not take place on Sundays, bank holidays, public holidays, nor otherwise outside of the hours of 7:00 to 19:00 Monday to Friday and 7:00 to 13:00 on Saturday.”</p>		
Requirement 16(2)	<p>The word ‘road’ has been included in Requirement 16(2)(e), which now reads: “(e) are associated with slip road form working;”</p>	Amendment made to correct an error in the drafting.	9 January 2024
Requirement 19	<p>The Requirement has been amended to read: “19(1) No phase is to commence until a detailed landscape and ecological management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed landscape and ecological management plan must be in accordance with the principles set out in the outline landscape and ecological management plan. (2) The content of any detailed landscape and ecological management plan will- identify features of ecological importance;</p>	Amendments have been made to secure the submission and approval of detailed landscape and ecological management plan per phase, in accordance with the outline landscaping and ecological management plan, and secures implementation and compliance with the detailed landscape and ecological management plans.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>(i) provide a management framework for the conservation and enhancement of habitats and other features of ecological interest; and</p> <p>(ii) provide a work schedule (including an annual work plan).</p> <p>(3) Any detailed landscape and ecological management plan must be implemented as approved as part of the relevant phase of the authorised development and must be reviewed on the 5th anniversary of commencement of the relevant phase of the authorised development and at five yearly intervals thereafter for the lifetime of the relevant phase of the authorised development. Any review of a detailed landscape and ecological management plan is to be approved in writing by the relevant planning authority."</p>		
Requirement 20	<p>The Requirement has been amended to read:</p> <p>"20 (1) Subject to paragraph (3) no phase is to commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with the principles set out in the ecological</p>	<p>The Requirement has been amended to include drafting suggested by Blaby District Council and agreed by the Applicant, and to improve the drafting generally.</p>	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	<p>mitigation and management plan and must-</p> <ul style="list-style-type: none"> (a) apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians; (b) ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on; and (c) create alternative habitats to an agreed form to compensate for the loss of irreplaceable habitats. <p>(2) Any detailed ecological mitigation and management plan approved under subparagraph (1) must include an implementation timetable and must be carried out as approved in writing by the relevant planning authority.</p> <p>(3) If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a</p>		

Section/Article No. and title	Change	Reason	Date of Draft
	<p>notification has been given in accordance with this sub-paragraph must not commence until the relevant planning authority has confirmed in writing that no ecological mitigation and management plan is required for that phase.</p> <p>(4) Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitably qualified person or body.”</p>		
Requirement 26	<p>The wording ‘including details of mitigation measures to any machinery’ has been added to the Requirement, which now reads:</p> <p>“26 Prior to their installation, details of all mechanical and ventilation plant and any other noisemaking machinery, or mobile plant (including HGV chiller units) that is intended to be used within the main site, must be submitted to and approved in writing by the relevant planning authority. Including details of mitigation measures to any machinery. This will include an assessment of the expected noise impact at relevant receptors in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS8233:2014 Guidance on sound</p>	The Requirement has been amended to include drafting suggested by Blaby District Council and agreed by the Applicant, and to improve the drafting generally.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
	insulation and noise reduction for buildings (or such other amendment or replacement of such documents as shall apply at the time of submission of the relevant application). The assessment will consider noise from the proposed plant and machinery to demonstrate compliance with government and local policy on noise. The installation of all mechanical and ventilation plant and any other noisemaking machinery or mobile plant (including HGV chiller units) must be carried out in accordance with the approved details. Any fixed plant or ventilation equipment must also be installed and operated in accordance with manufacturers' instructions at all times."		
Requirement 33	A new Requirement 33 has been included which reads: "33. The lorry park management plan must be complied with at all times following the first occupation of any warehouse floorspace on the authorised development."	The Requirement secures compliance with the lorry park management plan submitted as part of the Examination at Deadline 3 (Document 17.1, REP3-042).	9 January 2024
Schedule 2 Part 2			
Paragraph 2(a) and (b)	The relevant time periods have been increased from '42 days' to '56 days'	Amendments have been made to reflect the Applicant's consideration of other SRFI DCOs (specifically Northampton Gateway and West Midlands Interchange,	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
		together with the PINS Advice Note 15 upon which the original drafting was largely based.	
Paragraphs 4(2)(a) and (c), 3, 8 and 9	Minor drafting amendments made	Amendments have been made to reflect the Applicant's consideration of other SRFI DCOs (specifically Northampton Gateway and West Midlands Interchange, together with the PINS Advice Note 15 upon which the original drafting was largely based.	9 January 2024
Schedule 5, Parts 1, 3 and 4			
Part 1	<p>A new row 5 has been added:</p> <p>(i) Column (1): "U50/1"</p> <p>(ii) Column (2): "The dashed green line between point 6 and point 7 in the access and rights of way plan (Document 2.3D)"</p> <p>(iii) Column (3): "The bridleway shown with a solid yellow line between point 6 and point 7 on the access and rights of way plan (Document 2.3D)"</p>	Amendments have been made due to PROW U50/1 being stopped up and an alternative provided rather than being temporarily stopped up.	
Part 3 – New Public Rights of	In column (3) of the table in Part 3 the Applicant has amended the wording as follows:	Amendments have been made following a request from the ExA. The amendments correct the drafting.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
Way to be Created	(i) row 1, column 3 – “The bridleway shown with a solid yellow line between point 5 and point 7 on the access and rights of way plan (Document 2.3C (point 5) and Document 2.3D (point 7))” (ii) row 2, column 3 – “The footpath shown dashed brown between point 33 and point 34 on the access and rights of way plan (Document 2.3D)”; row 4, column 3 – “The footpath shown dashed brown between point 35 and point 36 on the access and rights of way plan (Document 2.3D)”		
Part 4	Part 4 has been deleted	Amendments have been made following the removal of Part 4 Schedule 5 due to PROW U50/1 being stopped up and an alternative provided rather than being temporarily stopped up.	9 January 2024
Schedule 13			
Part 2 – For the protection of National Highways Limited	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with National Highways.	9 January 2024
Part 3 – For the protection of Leicestershire County Council as Highway Authority	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with Leicestershire County Council.	9 January 2024

Section/Article No. and title	Change	Reason	Date of Draft
Part 4 – For the protection of Warwickshire County Council as Highway Authority	Protective Provisions have been added from the benefit of Warwickshire County Council as a highway authority affected by the DCO	The protective provisions reflect latest negotiations / position with Worcestershire County Council.	9 January 2024
Part 5 – For the protection of Cadent Gas Limited	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with Cadent Gas.	9 January 2024
Part 9 – For the protection of National Grid Electricity Distribution (East Midlands) Limited	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with National Grid Electricity Distribution (East Midlands) Limited.	9 January 2024
Part 10 – For the protection of National Grid Electricity Transmission PLC	Various amendments made to the protective provisions	Amendments have been made to the protective provisions which reflect latest negotiations / position with National Grid Electricity Transmission PLC.	9 January 2024
Schedule 15			
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.	9 January 2024

Changes made at Deadline 1 (24 October 2023)

Section/Article No. and title	Change	Reason	Date of Draft
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- (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	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

Section/Article No. and title	Change	Reason	Date of Draft
	<p>direction under section 106 of the 2003 Act; and (b) an electronic communications network which the Secretary of State is providing or proposing to provide.”</p>		
Article 2	<p>Amendment made to the definition ‘level crossings’ to include additional drafting: “. . . 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>	
Article 2	<p>New term added ‘level crossings plan’ as follows: “‘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>	24 October 2023
Article 2	<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 can be gained from deleting the defined term ‘local highway authority’.</p>	24 October 2023
Article 2	<p>Amendment to the term ‘Order land’ to include the wording ‘permanently or temporarily’, the drafting now reads:</p>	<p>Amendment made to add clarity to the drafting.</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p>““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;”</p>		
Article 2	<p>New term added ‘public communications code provider’ as follows:</p> <p>““public communications code provider” has the meaning given in section 151(1) (interpretation of Chapter 1) of the 2003 Act;”</p>	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 term to be redundant, in conjunction with other amendments to Article 37.	24 October 2023
Article 2	<p>New term added ‘working day’ as follows:</p> <p>“‘working day’ means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank</p>	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.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	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"		
Article 3(2)	New Article 3(2) has been added which reads: "(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."	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.	24 October 2023
Article 10(2)	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	24 October 2023
Article 11(6)	New Article 11(6) has been added which reads: "(6) The powers conferred by paragraph (1) in respect of the permanent stopping up of Smithy Lane as identified in columns (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)	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 in accordance with Article 13. This will ensure that the replacement bridleway is available for use prior to the stopping up taking place.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(public rights of way – creation, substitution, stopping up and closure of level crossings).”		
Article 13(1) and 13(2)	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	24 October 2023
Article 13(5)	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.	24 October 2023
Article 13(7)	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’.	24 October 2023
Article 15(3)	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 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

Section/Article No. and title	Change	Reason	Date of Draft
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
Article 22	New Article 22 has been included which relates to protective works to buildings and structures	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. 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	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
		<p>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>	
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> <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 29(1)(a)	Amendment made to include the words 'and modification' following the word '(application'	Amendment made for clarity and consistency in the drafting.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Article 29(2)	Amendment made to change references to Article 32 to Article 34	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.	24 October 2023
Article 31	Amendment made to include the word 'temporarily' following the words 'the undertaker may'	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.	24 October 2023
Article 32(11)	Amendments made to change reference to 'Compulsory Purchase Act 1965' with '1965 Act'	Amendment made for clarity and consistency in the drafting.	24 October 2023
Article 33(2)(b) and (3)	Amendment made to change references to Article 27 to Article 29	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.	24 October 2023
Article 34(3)	<p>The Article has been amended to read:</p> <p>"The undertaker is not required to serve notice under paragraph (2) where the undertaker has identified a potential risk to the safety of any of-</p> <p>(a) the authorised development or any of its parts; (b) the public; and/or (c) the surrounding environment,</p>	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.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	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."		
Article 34(14)	<p>New Article 34(14) has been included which reads:</p> <p>"(14) 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 35(9)	<p>The Article has been amended to read:</p> <p>"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-</p> <p style="padding-left: 40px;">(d) the authorised development or any of its parts; (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>	<p>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.</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
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)	Amendments to delete the wording ‘(as defined in article 36(4) (recovery of costs of new connections)’	Amendments made for clarity and consistency in the drafting.	24 October 2023
Article 37	Amendments have been made to the Article generally to amend change the words ‘statutory utility’ with the words ‘statutory undertaker’	Amendments made for clarity and consistency in the drafting.	24 October 2023
Article 37(8)	<p>New Article 36(8) has been included which reads:</p> <p>“In this article-</p> <p>(a) reference to a statutory undertaker includes a public communications code provider; and</p> <p>(b) "relocation works" means work executed, or apparatus provided, under sub-paragraph (2).”</p>	Amendments made for clarity and consistency in the drafting.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Article 38(4)	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'	Amendments made for clarity and consistency in the latest drafting.	24 October 2023
Article 41	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.	24 October 2023
Article 41(2)	Amendments made to change the term 'order rights' to 'Order rights'	Amendment made for clarity and consistency in the drafting.	24 October 2023
Article 41(2)	Amendments made to the defined term 'special category land' to include the word '(interpretation)' following the words 'Article 2'	Amendment made for clarity and consistency in the drafting.	24 October 2023
Article 42(2)	New Article 42(2) has been included which reads: "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	Amendment made for clarity and to improve the drafting of Article 42.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	or affects the operation of Part 1 (the provision of railway services) of the Railways Act 1993.”		
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 construction, maintenance or use of the authorised development (or any part of it) in accordance with this Order”</p>	<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 intended to be included as explained in paragraph 5.181 of the Explanatory Memorandum.</p>	24 October 2023
Article 49(6)	Amendment made to change references to Schedule 15 to Schedule 14	Amendment made to update the cross-referencing. The correct cross-reference is to Schedule 14.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Article 50(3)	<p>New Article 50(3) has been included which reads:</p> <p>“(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.”</p>	<p>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.</p> <p>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.</p>	24 October 2023
Schedule 1			
Schedule 1	Amendments made to remove references to Part 1 and Part 2 in Schedule 1 (Authorised Development)	<p>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.</p> <p>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 are elements of what would constitute “associated development” listed alongside the previously separate Part 1.</p>	24 October 2023
Schedule 1	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.	Amendments made to accurately reflect the removal of the PART 2 header.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 2 Part 1			
Paragraph 1 interpretation	- New term 'Euro VI compliant' has been included which reads: "Euro VI compliant" means compliant with the Euro VI standard for the vehicle in question contained in Regulation (EC) no 595/2009;"	The new defined term is required as a result of amendments made to Requirement 9 at the request of Blaby District Council.	24 October 2023
Paragraph 1 interpretation	- New term 'passive provision' has been included which reads: "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;"	The new defined term is required as a result of amendments made to sub-paragraph (3) of Requirement 4.	24 October 2023
Paragraph 1 interpretation	- 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'	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).	24 October 2023
Requirement 3(1)	Requirement 3(1) has been amended to replace the word 'shall' with 'are to'	Amendment made for clarity and in line with PINS guidance.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 3(2)(h)	Requirement 3(2)(h) has been included which reads: “(h) public rights of way and the creation of private means of access;”	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.	24 October 2023
Requirement 3(3)	New sub-paragraph (3) has been included which reads: “(3) The authorised development shall be carried out in accordance with the approved phasing scheme.”	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.	24 October 2023
Requirement 4(1)	Requirement 4(1) has been amended to replace the word ‘shall’ with ‘must’	Amendment made for clarity and in line with PINS guidance.	24 October 2023
Requirement 4(2)(u)	Requirement 4(2)(u) has been amended to include the wording “the heights and locations of”	Amendment made to clarify and improve the details secured by the Requirement and following commentary from Blaby District Council.	24 October 2023
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

Section/Article No. and title	Change	Reason	Date of Draft
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
Requirement 6(2)	Addition drafting amendments included meaning the Requirement now reads: “(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	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.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p>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 -</p> <p>(a) Thorney Fields Farm on footpath U17/2; (b) Elmesthorpe on footpath T89/1; (c) Earl Shilton on footpath U50/3; (d) Barwell on footpath V23/1; and (e) The Outwoods on footpath U8/1.”</p>		
Requirement 7(2) (b)	<p>The following additional drafting amendment has been included:</p> <p>“in line with ‘highly recommended’ measures set out in table 9.40 and 9.41 of Chapter 9 of the environmental statement (Air Quality);”</p>	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)(d)	<p>The following additional drafting amendment has been included:</p> <p>“, 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”</p>	Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 7(2)(h)	<p>The following additional drafting amendment has been included:</p> <p>“and adverse impacts on Narborough Bog Site of Special Scientific Interest”</p>	<p>Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.</p>	<p>24 October 2023</p>
Requirement 7(2)(j)	<p>The following additional drafting amendment has been included:</p> <p>“including measures to prevent sediment mobilisation to nearby watercourses and adverse effects on the Narborough Bog Site of Special Scientific Interest”</p>	<p>Amendment made to clarify and improve the details secured by the Requirement and at the request of Natural England.</p>	<p>24 October 2023</p>
Requirement 7(2)(p)	<p>The following additional drafting amendment has been included:</p> <p>“details of temporary lighting; and”</p>	<p>Amendment made to clarify and improve the details secured by the Requirement and at the request of Blaby District Council.</p> <p>Consequential numbering amendments have been made to the Requirement.</p>	<p>24 October 2023</p>
Requirement 7(3)	<p>Addition drafting amendments have been included in Requirement 7(3) meaning the Requirement now reads:</p> <p>“(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</p>	<p>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.</p>	<p>24 October 2023</p>

Section/Article No. and title	Change	Reason	Date of Draft
	<p>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.”</p>		
Requirement 8(2)	<p>The following additional drafting amendment has been included:</p> <p>“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).”</p>	<p>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).</p>	24 October 2023
Requirement 9(2)	<p>New Requirement 9(2) has been included which reads:</p> <p>“The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport in respect of -</p> <p>(a) any HGV fleets operated by occupiers of the warehouse units which visit those warehouses; and</p> <p>(b) any public transport service provided pursuant the public transport strategy</p>	<p>The Applicant has include the additional drafting in response to a request from Blaby District Council, to 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.</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	and dedicated to serving the authorised development.”		
Requirement 11(1)	Amendment made to change reference to ‘requirement 2’ to ‘requirement 4(2)’	Amendment made to update the cross-referencing. The correct cross-reference is to requirement 4(2).	24 October 2023
Requirement 11(2)	The following drafting amendments have been included in Requirement 11(2): (i) the word ‘container’ has been included between the words ‘the’ and ‘returns’ (ii) the reference to ‘requirement 2’ has been changed to ‘requirement 4(2)’ (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’	Amendment made to update the cross-referencing. The correct cross-reference is to requirement 4(2). The other amendments have been made following a request by Blaby District Council and are considered acceptable by the Applicant.	24 October 2023
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)	The following drafting amendments have been included in Requirement 12(2): (i) the word ‘shall’ has been replaced with ‘is to’	Amendment made for clarity and in line with PINS Guidance.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(ii) the wording '(as amended from time to time)' has been removed		
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 reported by way of a notice to the relevant planning authority, as soon as reasonably practicable from the date they are identified.</p> <p>(4) The written scheme of investigation must be carried out in accordance with the approved details.</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

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 13(1)	Requirement 13(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 13(2)	New Requirement 13(2) has been included which reads: "The development of each phase must be carried out in accordance with the approved sustainable drainage strategy 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
Requirement 14(1)	Requirement 14(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 14(1)(a)	The word 'Qbar' has been removed from Requirement 14(1)(a)	Amendment at the request of the ExA, the word has been removed to avoid confusion and as the Requirement is clear without it.	24 October 2023
Requirement 14(1)(d)	In Requirement 14(1)(d) the word 'Infiltration' has been replaced with 'infiltration' and the words '(or equivalent)' have been removed	Amendments made to correct typographical errors and for clarity.	24 October 2023
Requirement 14(2)	New Requirement 14(2) has been included which reads: "The surface water drainage scheme for each phase must be implemented in accordance with the approved scheme 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. Consequential numbering amendments have been made to the Requirements throughout Schedule 2.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
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)	New Requirement 14(4) has been included which reads: "The long term maintenance strategy for each phase must be implemented 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 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)	The following drafting amendments have been included in Requirement 15(1): (i) the word 'may' has been replaced with 'is to' (ii) the wording 'land and' has been included between the words 'contamination of' and controlled waters'	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
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

Section/Article No. and title	Change	Reason	Date of Draft
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 monitoring carried out in accordance with the approved verification plan.</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
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>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</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(ii) the words 'Monday to Saturday have been replaced with the word 'weekdays' (iii) the words and numbers 'and 07:00 to 15:00 on Saturdays has been included.	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.	
Requirement 16(3)	New Requirement 16(3) has been included which reads: "Any emergency works carried out under sub-paragraph (2)(i) must be notified to the relevant planning authority within 72 hours of their commencement."	The Applicant has made the amendment following a request by Blaby District Council. The Applicant considers the notification provision to be reasonable.	24 October 2023
Previous Requirement 17 (Electricity generation cap)	Previous Requirement 17 of the previous draft DCO has been removed in its entirety	Previous requirement 17 is replaced in full by Article 3(2) Consequential numbering amendments have been made to the Requirements in Schedule 2.	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
Requirement 17(2)	New Requirement 17(2) has been included which reads: "(2) The energy strategy for each phase must be implemented in accordance with the approved detailed energy strategy for	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

Section/Article No. and title	Change	Reason	Date of Draft
	that phase and complied with throughout the occupation of that phase.”		
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> <ul style="list-style-type: none"> (i) the word ‘shall’ has been replaced with ‘must’ (ii) the word ‘(LEMP)’ has been removed (iii) the word ‘LEMP shall’ has been replaced with ‘landscape and ecological management plan will’ (iv) the words ‘The LEMP’ have been replaced with ‘The landscape and ecological management plan’ (v) the words ‘Any review of the landscape and ecological management plan is to be approved in writing by the relevant planning authority.’ have been included 	<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
Requirement 20(1)	Requirement 20(1) has been amended to replace the word ‘shall’ with the words ‘is to’	Amendment made for clarity.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 20(2)	The word 'sub' has been included in Requirement 20(2) to create the word 'sub-paragraph'	Amendment to correct typographical error.	24 October 2023
Requirement 20(5)	New Requirement 20(5) has been included which reads: “(5) The detailed ecological 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
Requirement 21(1)	Requirement 21(1) has been amended to replace the word 'shall' with the words 'is to'	Amendment made for clarity and in line with PINS Guidance.	24 October 2023
Requirement 21(4)	New Requirement 21(4) has been included which reads: “(4) The detailed written landscape scheme for each phase must be implemented in accordance with the approved scheme 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
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:	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

Section/Article No. and title	Change	Reason	Date of Draft
	<p>"The detailed site waste and materials management plan for each phase must be implemented in accordance with the approved plan for that phase."</p>	<p>clause which requires the development to be carried out in accordance with the approved details for each phase</p>	
<p>Requirements 23(3) and (4)</p>	<p>New Requirements 23(3) and (4) have been included which read:</p> <p>"(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.</p> <p>(4) The detailed construction traffic management plan for each phase must be implemented in accordance with the approved plan 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>The Applicant has also added drafting securing that updates are approved by the relevant planning authority.</p>	<p>24 October 2023</p>
<p>Requirement 24(2)</p>	<p>New Requirement 24(2) has been included which reads:</p> <p>"(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."</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>24 October 2023</p>

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 25(2)	<p>New Requirement 25(2) has been included which reads:</p> <p>“(2) The detailed public rights of way strategy for each phase must be implemented in accordance with the approved strategy 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>	24 October 2023
Requirement 26	<p>The following drafting amendments have been included in Requirement 26:</p> <ul style="list-style-type: none"> (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’ (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 details.’ has been added to the Requirement (iii) the word ‘also’ has been included between the words ‘must’ and ‘be’ (iv) the word ‘shall’ has been replaced with the word ‘must’ 	<p>Amendments added for clarity and to improve the Requirement.</p> <p>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.</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 27	The wording 'and maintained and retained for the lifetime of the authorised development' has been added to Requirement 27	The Applicant has added the additional drafting at the request of Blaby District Council and considers the drafting to be reasonable.	24 October 2023
Requirement 28	<p>The following drafting amendments have been included in Requirement 28:</p> <p>(i) the word 'shall' has been replaced with 'must'</p> <p>(ii) the wording 'by the relevant local planning authority' has been included</p>	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.	24 October 2023
Requirement 29(1)	<p>Requirement 29(1) has been amended so that it now reads:</p> <p>"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 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).</p>	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.)	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 29(2)	<p>New Requirement 29(2) has been included which reads:</p> <p>“The biodiversity net gain strategy must be implemented in accordance with the approved strategy.”</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 approved details to be implemented.</p>	24 October 2023
Requirement 30(1)	<p>Requirement 30(1) has been amended so that it now reads:</p> <p>“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:</p> <ul style="list-style-type: none"> (a) a layout plan with beam orientation; (b) an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified in the detailed ecological mitigation and management plan approved pursuant to requirement 20 as being of ecological importance; (c) a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and 	<p>The Applicant has amended Requirement 30(1) to accord Blaby District Council’s requested amendments, which are agreed by the Applicant.</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(d) measures to avoid glare on surrounding railway and highways.”		
Requirement 30 (2)	New Requirement 29(2) has been included which reads: “(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.”	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
Previous Requirement 31 (Employment and Skills)	Previous Requirement 31 has been removed in its entirety.	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. Consequential numbering amendments have been made to the Requirements throughout Schedule 2.	24 October 2023
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):	As abbreviations are not generally used in relation to the names of plans and strategies in Schedule 2, the	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(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	Applicant has removed the abbreviation "DWAMP" throughout this requirement. Other amendments have been made for clarity and to correct errors in the drafting	
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
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			

Section/Article No. and title	Change	Reason	Date of Draft
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> <ul style="list-style-type: none"> (i) in column (3) the word ‘on’ has been replaced with the word ‘in’ (ii) a new column (5) with the heading ‘Stage of the authorised development closure ends’ has been included which includes the following: <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			
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>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 8			
Part 1 – Existing Orders	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'.	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.	24 October 2023
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>(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'.</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.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Part 3 Derestricted Highways	<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, 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'.</p> <p>(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'.</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.	24 October 2023
Part 3 Derestricted Highways	- In row two of Column (2) the Applicant has amended the words '(Documents 2.7B)' with the words '(Document 2.7B)'	Amendment to correct typographical error	24 October 2023
Schedule 9			

Section/Article No. and title	Change	Reason	Date of Draft
Part 1 – Clearways	<p>In column (3) of the table at Part 1 Schedule 9, the Applicant has:</p> <p>(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'.</p> <p>(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'.</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>	24 October 2023
Part 2 – Waiting Times	<p>In column (3) of the table at Part 2 Schedule 9, 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>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 ensure that the relevant orders are in place / changes take effect at the relevant stages of the development.</p>	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 13			
Part 1 – For the Protection of Railway Interests	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
Part 6 – For the Protection of Electricity Undertakers	The defined term ‘utility undertaker’ has been amended to read: “‘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.”	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	24 October 2023
Part 8 – For the Protection of National Grid Electricity Distribution (East Midlands) Limited	In Part 8 of Schedule 13 the following amendments have been made: (i) the defined term ‘NGET’ has been replaced with a new defined term ‘NGED’; and (ii) references to ‘NGET’ have been replaced with references to ‘NGED’	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.	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(iii) references to 'article 51 (arbitration)' in paragraphs 9(1) and 9(7) have been replaced with 'article 52 (arbitration)'		
Part 9 - For the Protection of National Grid Electricity Transmission Plc	A new set of Protective Provisions for the benefit of National Grid Electricity Transmission Limited has been included	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.	24 October 2023
Schedule 14			
Paragraph (5) – Town and Country Planning Act 1990	Previous paragraph 5 of Schedule 14 has been removed in its entirety.	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.	24 October 2023
Schedule 15			
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:	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	24 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	(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	District Council's offices, in line with discussions with the relevant authorities.	

Changes made at 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	<p>General amendments to drafting to improve and clarify the descriptions.</p> <p>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”).</p>	11 September 2023
	Amendments to the Description of Work Number 7	<p>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.</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
Schedule (Authorised Development) Part 2	1 - Amendments to the Description of Work Number 8	<p>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.</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 9	<p>General amendments to drafting to correct, improve and clarify the descriptions.</p> <p>Removal of references to segregated left-turn lane, which are not proposed in work no. 9.</p>	11 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
		<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> <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

Section/Article No. and title	Change	Reason	Date of Draft
	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	<p>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.</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

Section/Article No. and title	Change	Reason	Date of Draft
	Amendments to 'Further Works' including to the paragraphs/numbering.	<p>The list of further works has been rationalised to refine the drafting to better reflect the required works.</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
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