
The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order

Table of Amendments Made to the Draft DCO Submitted on 21 July 2014

Planning Act 2008

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1. INTRODUCTION

1.1 This document sets out the changes that the Applicant has made to the Draft DCO in the version submitted for Deadline 4 (21 July 2014), compared with the application version Draft DCO (which was Document Ref 3.1). The Applicant's revised draft DCO is document NCC/EX/40, and an electronic comparison between the two versions has also been submitted (document NCC/EX/41).

1.2 In broad terms the changes to the draft DCO have been made for the following reasons:

- Those arising following the minor amendments to the Scheme submitted by the Applicant (dated 2 May 2014, the two reports are documents 5.13 and 5.14) and now accepted by the Examining Authority (letter dated 16 July 2014);
- Changes arising from Written Representations (WR), the Local Impact Report (LIR) or the Examining Authority's First Written Questions (FWQ), and/or as noted in the Applicant's respective responses to those. The Applicant's responses are being submitted at the same time as this document; and
- Other points which the Applicant has identified as requiring amendment since submission of the Draft DCO as part of the application.

2. TABLE OF AMENDMENTS TO DRAFT DCO

Provision in Draft DCO	Brief Description of Amendment	Explanation for Change / Relevant References
Preamble	The preamble has been updated to reflect the fact that replacement land is no longer proposed to be required for the smaller area of fuel allotment land to be taken at Broad Lane/Plumstead Road which in turn means that a different sub-section of s131 Planning Act 2008 applies.	Required as replacement land is no longer proposed to be provided following the minor change to the Scheme at Broad Lane/Plumstead Road, see Doc Ref 5.14 dated 2 May 2014 section 3. Section 131(5) Planning Act 2008 applies in two circumstances, one of which is relevant here - where the "order land... is required for the widening or drainage of an existing highway or partly for the widening and partly for the

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		<p>drainage of such a highway". The small area of fuel allotment land now proposed to be taken is required for the widening and drainage of Broad Lane.</p> <p>Section 131(5) also requires the Secretary of State to be satisfied that "the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public". The Applicant considers that, given the small area of fuel allotment land proposed to be acquired, and the lack of any impact on the fuel allotment land, that this condition is also satisfied. The latest position indicated by the Charity which runs the fuel allotment land is set out in the Applicant's response to FWQ 3.7.</p>
Article 2 Interpretation	Definition of "Anglian Water" inserted	Required in order to define the person who is to benefit from the relevant protective provisions (see below)
Article 2 Interpretation	Deletion of two definitions relating to replacement land in respect of the fuel allotment land at Broad Lane / Plumstead Road.	Required as replacement land is no longer proposed to be provided following the minor change to the Scheme at Broad Lane/Plumstead Road, see Doc Ref 5.14 dated 2 May 2014 section 3.
Article 2 Interpretation	Definition of "National Grid" updated to refer to "National Grid Gas plc"	As agreed between the Applicant and National Grid Gas
Article 2	Definition of "Network Rail"	As requested in Network Rail's

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Interpretation	updated to refer to "Network Rail Infrastructure Limited" and company number amended.	(NR) relevant representation and agreed between the Applicant and NR
Article 2 Interpretation	Definition of "numbered work" moved	So that it appears in alphabetical order
Article 17 Discharge of water	Wording added to end of paragraph (1) to ensure it is tied in to, and subject to, paragraph (3)	As requested in Anglian Water's written representation and agreed between the Applicant and Anglian Water
Article 20 Compulsory acquisition of land	Paragraph (3) provided for a right to compensation for extinguishment or suspension of any private right of way - it has been deleted.	This paragraph is not required, as it duplicates the provisions of article 25. The latter provision provides (in 25(1)) that all private rights over land subject to compulsory acquisition under this Order are extinguished from the date specified. Article 25(5) then provides a right to compensation for loss suffered by extinguishment or suspension of a right under article 25. As article 25 applies to all Order land, it provides a right to compensation in respect of all rights that are extinguished.
Article 25 Private rights	Various paragraphs amended to refer to "any private right" rather than "any private right of way"	Typographical errors – the article relates to rights generally, not just rights of way.
Article 25(4) Private rights	The phrase "and so far as their continuance would be inconsistent with the exercise of the temporary possession of that land" has been added to the end of article 25(4).	This change benefits both persons affected by the Scheme implementation and the undertaker – it provides that rights over land are only suspended where they are inconsistent with the temporary use of the relevant area of land. That means that, where rights

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		are consistent with the temporary use of land by the undertaker, they will continue to exist. That benefits the person who has the benefit of the right and limits the compulsory acquisition sought through the Order.
Article 30(1) Temporary use of land for carrying out the authorised development	<p>Paragraph 30(1)(a) has been split into two parts. The first part repeats the previous text, and the second part covers all land within the Order limits, but in respect of which the powers to compulsory acquire (permanently) have not been exercised.</p> <p>Other deletions and an amendment in article 30(3) and 30(8) which are consequential on the change to article 30(1).</p>	<p>This amendment has been inserted to enable flexible implementation of the Scheme. Article 30 continues to enable temporary possession to be taken of the land set out in Schedule 12 (there are no powers of permanent acquisition for this land in the Order).</p> <p>With the amendment, it also enables temporary possession to be taken of other land within the Order limits before it has been acquired – this may be useful if for instance access is required for detailed investigation works prior to the land being required permanently. It may enable the undertaker to allow an owner or occupier to continue to own areas of land in that circumstance. The amendment does not increase the powers contained in the Order.</p>
Article 32 Special category land	<p>Article 32(3) has been updated as replacement fuel allotment land is no longer proposed to be provided.</p> <p>The other provisions relating to replacement land in respect of the fuel allotment</p>	Change required as replacement land is no longer proposed to be provided following the minor change to the Scheme at Broad Lane/Plumstead Road, see Doc Ref 5.14 dated 2 May 2014

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	land at Broad Lane / Plumstead Road have been deleted.	section 3. The area of fuel allotment land that is to be acquired must be released from "rights, trusts and incidents" – the trigger for this to occur has been changed so that it no longer relates to the provision of replacement land (no longer proposed).
Article 33 Statutory undertakers	The article has been amended to allow for the suspension of statutory undertakers' rights, rather than just their extinguishment.	The amendment makes the powers in the Order more flexible – in the same way that private rights can be extinguished or suspended, with the change the rights of statutory undertakers can also be suspended (rather than just extinguished). This enables the implementation of the Order to, where appropriate, only suspend a statutory undertakers rights. The powers in the article remain subject to the protective provisions.
Article 34	Article heading amended to refer to stopped up streets, rather than land acquired or used.	The revised heading better reflects the substance of the article.
Article 37 and Schedule 16 Trees subject to tree preservation order	Article and Schedule deleted.	It has been confirmed that there are no trees subject to TPO affected by the Scheme. See also Applicant's response to FWQ 15.9.
Article 46 Procedure in relation to certain	Deletion of the reference to "railway undertaker" and "tramway undertaker"	Network Rail's written representation requested the deletion of the reference to "railway undertaker" as

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approvals etc		applications to, and consents from, Network Rail are to be covered by the protective provisions. There is no tramway undertaker in the area of the authorised development.
Schedule 1		
Various Work Numbers	References to bat gantries inserted in the relevant work numbers	The bat gantries are considered to be structures which should be specifically listed in Schedule 1, within the relevant Work Numbers in which they will be constructed. See also the Applicant's responses to FWQ 15.7.
Work No. 7	Deletion of paragraphs 7(vii) and 7(x) (previous numbering) from this Work No.	Required following the Examining Authority's acceptance of the minor scheme change proposed by the Applicant (see Doc Ref 5.13 dated 2 May 2014 and Examining Authority's letter dated 16 July 2014).
Work No. 18	Deletion of paragraphs 18(viii) (previous numbering) from this Work No.	Required following the Examining Authority's acceptance of the minor scheme change proposed by the Applicant (see Doc Ref 5.14 dated 2 May 2014 and Examining Authority's letter dated 16 July 2014).
Schedule 2		
Para 1 and various requirements	The definition of "advance works" has been deleted in paragraph 1, and the related exception has been deleted from all relevant requirements which previously referred to it.	The Applicant considers that it is appropriate to delete the reference to "advance works" to ensure that all relevant plans and mitigations measures are approved prior to works commencing. See also the

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		Applicant's responses to FWQ 15.11.
Para 1	A new definition of "commence" has been included.	This definition confirms, for the avoidance of doubt, those limited matters that can be dealt with prior to approval of relevant plans and mitigation measures
Para 1 and Requirement 4(2)	A new definition of "mitigation table" has been added to para 1 and paragraph 4(2) has been added to Requirement 4 securing compliance with it	A table of mitigation measures, extracted from the Environmental Statement (Vol 1, Doc Ref 6.1), is being submitted in response to FWQ 15.13. This provision ensures that all mitigation measures in the Environmental Statement will be implemented or complied with (as relevant).
Requirement 5	(1) Natural England is added as a consultee. (2) The replanting period for trees and shrubs is extended to 5 years.	(1) In response to FWQ 15.18. (2) In response to FWQ 15.2 and 15.14, and the LIR.
Requirement 6	(1) Addition of "and soil" in heading (2) Addition of reference to BS5837 (2012) (3) The replanting period for trees and shrubs is extended to 5 years. (4) Amendment to make clear that soil making material should not be compacted. (5) Restriction of operations during bird nesting season.	(1) In response to FWQ 15.14 (2) In response to Local Impact Report. (3) In response to FWQ 15.14 (4) In response to FWQ 15.16 (5) In response to FWQ 15.5
Requirement	(1) Natural England is added	(1) In response to Natural

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7	as a consultee. (2) Further protection for European protected species.	England's written representation. (2) In response to FWQ 15.29 and Natural England's written representations.
Requirement 8	The Environment Agency has been added as a consultee and additional wording has been added to ensure protection of water resources.	In response to the Environment Agency's written representation.
Requirement 9	Addition of reference to the approved scheme being in accordance with the Environmental Statement.	In response to FWQ 15.21
Requirement 11	Addition of "Construction" to heading	For clarity.
Requirement 14	(1) Amendment to ensure approved Scheme is complied with. (2) Amendment to make clear the types of load that should be secured.	(1) In response to Local Impact Report. (2) In response to FWQ 15.24
Requirement 15	The Environment Agency has been added as a consultee	In response to the Environment Agency's written representation.
Requirement 17	The Environment Agency has been added as a consultee	In response to the Environment Agency's written representation.
Requirement 19	The Environment Agency and Natural England are added as consultees.	In response to the Environment Agency's, and Natural England's, written representations.
Requirement 25	Clarification as to what is covered by the surface water management scheme and that the Environment Agency	In response to FWQ 15.27 and the Environment Agency's written representations.

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	is a consultee.	
Requirement 26	A new requirement to ensure that sediment does not enter the River Wensum from Weston Hall Road.	In response to Natural England's written representation.
Requirement 27	A new paragraph to set out the consultation requirements on amendments to plans or documents approved pursuant to requirements.	In response to FWQ 15.18 and for clarity.
Schedules 3, 6 and 12		
Various paragraphs	Various amendments and deletions have been made to the these Schedules	These all relate to the two minor scheme changes, now accepted by the Examining Authority. See the Applicant's reports on the two scheme changes (dated 2 May 2014, Doc Refs 5.13 and 5.14), and the Examining Authority's letter dated 16 July 2014.
Schedule 13		
Part 1 Protective provisions – Network Rail	Protective provisions for Network Rail's infrastructure have been inserted	These provisions are required by NR and the Applicant accepts the principle of this. The provisions are largely agreed with NR, with just the level of NR's input into the Plumstead Road nearby road bridge and electro-magnetic fields continuing to be discussed between the parties. See also the Applicant's response to FWQ 3.4 and the Applicant's response to Network Rail's written representation.
Part 2 Protective	A protective provision – which operates by reference to an	This method of achieving protection for National Grid Gas

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provisions – National Grid Gas	agreement between NCC and National Grid Gas – has been inserted.	Plc's infrastructure has been requested by National Grid Gas and accepted by the Applicant. See also the Applicant's response to FWQ 3.4 and the Applicant's response to National Grid Gas' written representation.
Part 3 Protective provisions – Anglian Water	Protective provisions for Anglian Water' infrastructure have been inserted	These provisions are required by NR and the Applicant accepts the principle of this. The provisions are being discussed with Anglian Water. See also the Applicant's response to FWQ 3.4 and the Applicant's response to Network Rail's written representation.
Parts 4 and 5 Protective Provisions	Protective provisions for electricity suppliers and telecommunications code operators have been inserted.	Although no representations have been received from electricity suppliers or telecommunications code operators, the Applicant considers that suitable protective provisions should be included in the Order.