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

Document Introducing Amendments to the Draft DCO Submitted on 9 October 2014

Planning Act 2008

PINS Reference Number: TR010015

Document Reference: NCC/EX/78

Author: Norfolk County Council

Version	Date	Status of Version
0	9 October 2014	Final

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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 8 (9 October 2014), compared with the previous version of the draft DCO (dated 8 September 2014). The Applicant's revised draft DCO is document NCC/EX/75, and electronic comparisons between those two versions and between the 9 October 2014 Draft DCO and the Application Draft DCO (Doc Ref. 3.1) have also been submitted (documents NCC/EX/76 and NCC/EX/77).

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

- Changes arising from continued discussions with the host and other local authorities, and with statutory undertakers;
- Changes arising from minor scheme changes proposed by the Applicant, or proposed by affected parties and accepted by the Applicant; and
- Other points which the Applicant has identified as requiring amendment since the previous revisions to the Draft DCO.

2. TABLE OF AMENDMENTS TO DRAFT DCO

Provision in Draft DCO	Brief Description of and Explanation for Amendment
Throughout DCO	<p>Footnotes have been added where necessary to refer to Acts, statutory instruments and amendments to relevant provisions within them, and following the approach in recent highways DCOs such as The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014.</p> <p>Cross references between articles / Schedules (etc.) have been amended or corrected as required.</p> <p>Schedule 1 has been amended so that Work No. "1(i)" now appears as Work No. "1(a)" (i.e. lower case letters, rather than roman numerals), as this numbering is a requirement of the SI template. Cross-references to elements of work numbers have therefore also been updated where relevant.</p>
Preamble	A minor update has been made to the first paragraph to match the text provided for in other DCOs.

Provision in Draft DCO	Brief Description of and Explanation for Amendment
Article 5(3)	<p>The table within Article 5(3) has been updated to allow for a vertical limit of deviation of + or – 1 metre at the Drayton Lane / Reepham Road junction, which has been amended during the examination, and as indicated to the Examining Authority at a previous issue specific hearing. This is required as that part of the scheme has not been subject to the same level of detailed design, and therefore an increased level of flexibility is required.</p> <p>The area within which the increased limit of deviation applies is defined and shown by green shading on the revised works plans (being submitted at the same time as this document).</p>
Articles 6 & 7 Benefit of the Order and Consent to transfer benefit of the Order	<p>Article 6(2) has been updated to make it clear that the diversion of the gas main (work number 2(vii) is for the benefit of National Grid (and not other statutory undertakers), and the general works to apparatus (paragraphs (d) and (e) of Schedule 1) are for the benefit of statutory undertakers.</p> <p>Article 7(4) has been amended to make it clear that the Secretary of State's consent is not required in relation to the benefit of the Order passing under article 6(2).</p>
Article 17 Discharge of water	<p>Article 17(7) has been updated to refer to the correct legislation – the Environmental Permitting (England and Wales) Regulations 2010 have replaced the Water Resources Act 1991 in relation to discharges to controlled waters.</p>
Article 24 Compulsory acquisition of rights	<p>A new paragraph (3) has been added to article 24 to limit the power to create restrictive covenants only to the specified plots. The plots are those which relate to the diversion of the gas main (on sheet 2 of relevant plans). This reflects comments of the Examining Authority at the previous DCO issue specific hearing and the approach taken on The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014.</p> <p>Paragraph (7) has been updated to ensure that the ability to transfer the power in paragraph (1) also relates to restrictive covenants, as was always intended.</p>
Article 30 Temporary use of land for carrying out the authorised	<p>Article 30(3) has been updated by inclusion of the relevant plot numbers relating to the gas main diversion, and by the inclusion of wording which ensures that it is only the gas main diversion rights which bring an end to the temporary occupation (rather than rights created on another part of the scheme).</p>

Provision in Draft DCO	Brief Description of and Explanation for Amendment
development	
[New] article 37 Trees subject to tree preservation order	<p>Following the recent compulsory acquisition hearings, the Applicant has amended the authorised development just to the south of the junction of the NDR and the A1151 Wroxham Road. This proposed scheme change may require removal or lopping of trees within the woodland, which are subject to a tree preservation order (TPO). The TPO article (which was in the Application Draft DCO, Doc. Ref. 3.1) has therefore been reinstated, along with a corresponding schedule (15).</p> <p>Subsequent article numbering has been updated.</p>
Article 42 Certification of plans etc.	Article 42 has been updated to refer to other relevant plans and documents which should be certified by the Secretary of State.
Article 46 Procedure in relation to certain approvals etc	Article 46(4) has been amended to correct the cross reference, which should have been to paragraph (4) when this provision was amended in the previous draft DCO.
Schedule 1	Description of authorised development
-	The description of the gas main diversion works has been updated following discussions with National Grid Gas. Other changes have been made where required in relation to the minor scheme change proposals which are not put forward by the Applicant in the revised plans.
Schedule 2	Requirements
1.	The definition of "mitigation table" has been updated to refer to the document being submitted at the same time as the revised draft DCO.
4(2)	Requirement 4(2) has been updated to refer to all relevant plans and drawings. Those plans which are otherwise 'secured' or reflected in the DCO (the land plans, and those relating to streets) are not listed here, since the Applicant could not deviate from those without seeking an amendment to the DCO.

Provision in Draft DCO	Brief Description of and Explanation for Amendment
5	A new sub-paragraph has been added to ensure the maintenance of the bat houses.
7(1)	Requirement 7(1) has been updated to include wording requested by the Environment Agency.
9	The hours of working requirement has been moved to follow on from the Noise and vibration requirement, as discussed at the previous DCO issue specific hearing.
19	Requirement 19 has been updated to allow departures from DMRB – as per the Design and Departures Report (Document Ref. 10.2) there are elements of that part of the NDR scheme relating to the Trunk Road network which are departures from DMRB, and therefore it is appropriate that that is allowed for within the requirement. The Secretary of State retains control and must approve such departures.
21	The operational noise measures requirement has been updated to require the submission of the details earlier in the scheme construction process, and to require the installation of the approved measures during construction. Sub-paragraph (2) has been included to ensure that the requirement is enforceable, by providing for a 'hard' backstop date for approval. The expectation is that approval would be considerably earlier.
25	Requirement 25 has been updated to refer to the A1067, as discussed at the previous issue specific hearing.
26	Requirement 26 has been updated with a reference to Cromer, as suggested by the Examining Authority, and to require consultation with the Highways Agency given the need for signage on the Trunk Road network.
27	Requirement 27 has been updated to require the immediate submission of details of traffic measures, as opposed to the previous approach of monitoring and then proposing measures if required.
28	Requirement 28 has been updated to refer to Hall Lane.
29	Requirement 29 has been inserted in relation to traffic in Lyng, requiring traffic monitoring and then, depending on the results of that monitoring, traffic management measures to be approved and implemented.

Provision in Draft DCO	Brief Description of and Explanation for Amendment
31 – 34	New requirements 31 to 34 have been inserted as per the discussion at the recent issue specific hearings, dealing with complementary traffic measures, lighting of the NDR, carriageway surfacing and surfacing of bridleways. See also Document NCC/EX/67, submitted following those hearings.
Schedules 3, 4 and 6	Streets and highways schedules
-	The Schedules relating to streets have been updated to reflect the revised scheme proposals shown on the plans being submitted to the examination for Deadline 8, including revised/new/deleted private means of access, alterations to public rights of way along the NDR and the Drayton Lane / Reepham Road junction.
Schedule 10	Land in which only new rights etc. may be acquired
-	<p>The plot numbers relevant to the rights required to carry out (etc) the gas main diversion works have been inserted - these match the revised land plans submitted for Deadline 8. The restrictive covenants requested by National Grid Gas have been updated at their request.</p> <p>A right to carry out and maintain landscaping has been inserted for plots 2/5a and 2/11, following discussions with the land owner and as discussed at the compulsory acquisition hearings.</p> <p>Rights have been added for plots 8/10a and 8/11a to reflect discussions with land owners, and to permit the undertaker access to the necessary rights to construct and use a means of access to a drainage lagoon/the bat gantries, and to a drainage ditch.</p>
Schedule 12	Land of which temporary possession may be taken
-	<p>The plot numbers relating to the gas main diversion have been updated to match the revised land plans, and the description of the purpose updated to make clear that National Grid Gas may use the diverted gas pipe in any period prior to the permanent rights being granted or secured.</p> <p>Plots have been added to permit the undertaker to construct the new or revised private means of accesses included within the revised scheme plans, and to permit the earth bunds / landscaping / topsoil storage where temporary access only is now proposed.</p>

Provision in Draft DCO	Brief Description of and Explanation for Amendment
Schedule 13	Protective provisions
Part 1 Protective provisions – Network Rail	There are minor updates to the protective provisions for railway interests following continued discussions with Network Rail.
Part 2 Protective provisions – National Grid	The protective provisions for National Grid Gas have been inserted, following agreement on the terms of these and that they should be included on the face of the Order.
Schedule 14	Speed limits and traffic regulation measures
Part 1 Speed limits	There has been a minor amendment to increase the length of the NDR (the A1270) to which a 40mph speed limit applies, from 35 to 175 metres. This change relates to the lighting of this stretch of NDR, as shown on the revised Works Plans submitted for Deadline 8 and as previously raised in NCC/EX/4 at paragraph 2.1.6 / Appendix F.
Schedule 15	Trees subject to tree preservation orders
-	New schedule added as noted above.