

# Southampton to London Pipeline Project

## Deadline 2

Draft Development Consent Order Explanation of Changes

Application Document: 8.12

Planning Inspectorate Reference Number: EN070005

APFP Regulation No. 5(2)(b)

Revision No. 1.0

November 2019



Southampton to London  
Pipeline Project

**ESSO PETROLEUM COMPANY, LIMITED**

**THE SOUTHAMPTON TO LONDON PIPELINE PROJECT (EN070005)**

**DESCRIPTION OF CHANGES TO THE DRAFT DCO AT DEADLINE 2**

1. This document sets out the changes made to the Applicant's draft Development Consent Order between the version submitted on 25 September 2019 (**Document Reference AS-059**) and the version being submitted at Deadline 2 in the examination timetable on 14 November 2019.

*Preamble*

2. The space for the number of inspectors in the Examining Authority has been filled in with the number 'four'.
3. The paragraph about open space being less than 200 square metres has been removed, since the land in question is Crown land and so there is no compulsory acquisition and the provision that was referred to does not apply. This is explained in the Applicant's response to the Examining Authority's Written Questions (WQ) CA.1.7 and DCO.1.22.

*Article 2*

4. The definitions of several sets of plans have been amended to better describe them in Schedule 11, namely:
  - a. "access & rights of way plan",
  - b. "general arrangement plans",
  - c. "land plans",
  - d. "special category land plan", and
  - e. "works plans".
5. A definition of "business day" has been added to article 2(1), to clarify the meaning of that term where it is used in Schedule 2 of the draft Order.
6. The definition of "environmental statement" has been amended to refer directly to application documents given that the environmental statement has been removed from the list of certified documents in Schedule 11.
7. The definitions of "pipeline works" and "valve works" have been amended to clarify that reference is being made to the description of those works as set out in Schedule 1 of the draft Order. As regards the definition of "pipeline works" specifically, it has been clarified that the pipeline markers posts and cathodic protection posts (which form part of the description of Works Nos. 1A to 1H in Schedule 1) do not form part of the definition of

“pipeline works”. This is to ensure that those accessories are not subject to the limits of deviation in article 6, which are intended to relate to the replacement pipeline itself.

#### *Article 4*

8. The power to divert the authorised development as part of maintaining it has been restricted to the limits of deviation rather than the Order limits, in response to WQ DCO.1.4. As set out in response to WQ DCO.1.7, article 4(2)(c) has also been deleted since this is a duplication of the proviso already set out in the definition of “maintain” in article 2(1) of the draft Order. Any deviation must still remain within the description of the authorised development in Schedule 1.

#### *Article 6*

9. A minor change has been made to the wording in article 6(1)(c)(i) and (ii) to replace the word “any” with “such”. The Applicant considers that this wording is more appropriate, since the ability to deviate vertically downwards in either case is not unlimited.
10. The wording which relates to the ability to exceed the limits of deviation in article 6(2) has been amended to refer to materially different effects as identified in the environmental statement rather than ... worse ... as reported ..., in response to WQ DCO.1.9.

#### *Article 11*

11. The reference to paragraph (2) in article 11(5) has been amended to refer to paragraph (4). This erroneous cross-reference was spotted by Surrey County Council in their Local Impact Report.

#### *Article 13*

12. It has been made explicit that article 13(1) is subject to paragraphs (2), (3) and a new paragraph (4), which restricts the length of time that a private road can be used to the same as that for the temporary possession of land, in response to WQ DCO.1.13.

#### *Article 14*

13. As set out in response to WQ DCO.1.14, the drafting of this article has now been updated to clarify that the consent of the street authority would be required to form and lay out means of access, except where those means of access are already set out in Schedule 1 of the draft Order.
14. In common with the other street works provisions in Part 3 of the draft Order, a deemed consent provision would apply in circumstances where the street authority fails to respond to an application for consent within 28 days of receipt of that application.

#### *Article 17*

15. The reference in this article to the Homes and Communities Agency has been replaced by Homes England. This out-of-date reference was spotted by Surrey County Council in their Local Impact Report.

#### *Article 24*

16. The Applicant has sought to clarify the meaning and intent of article 24(11), which applies the protections provided for in sections 127 and 138 of the 2008 Act to the replacement pipeline, as set out in detail in response to WQ DCO.1.20.

#### *Article 30*

17. The words “(if any)” have been added to Article 30(4), since in certain circumstances it may not be possible to serve notice of entry at all under the Article.

#### *Article 32*

18. The reference to article 20 has been removed from this article because there are no plots of special category land for which the Applicant is seeking freehold acquisition, in response to WQ DCO.1.22.
19. A minor, typographical error in the definition of “the special category land” in Article 32(3) of the draft DCO has also been corrected.

#### *Article 41*

20. The obligation not to cause unnecessary damage has been extended from just tree works to tree and hedgerow works. It is the Applicant’s intention that this obligation should apply to the full range of works envisaged by Article 41 and this approach better accords with precedent DCO drafting.

#### *Schedule 1*

21. As set out in response to WQ EIA. 1.1, the descriptions of Works 1A to 1H have been amended to include reference to the nominal external diameter of each section of the pipeline works.
22. The descriptions of Works 1A to 1H have also been amended to remove the reference to the limits of deviation, since this simply duplicates that which is already provided for by article 6.
23. The description of Work No. 3A has been modified to correct an erroneous dimension stated in the previous version of the draft DCO, as set out in response to WQ EIA. 1.1.
24. Work No. 4F has been removed. This compound is no longer required, as set out in response to WQ HE. 1.3.
25. Work No. 8CU has been removed, as this Work No. is no longer being used and is not shown on the Works Plans.
26. The descriptions of Works Nos. 8CX and 8CY have been reversed as there was an error in the ordering of those Works in the previous version of the draft DCO.
27. Reference to the construction of “cathodic protection rectifier cabinets” has also been added to lettered work (d)(x), as set out in the response to WQ EIA. 1.1.

## *Schedule 2*

28. The definition of “CEMP” has been amended to refer to requirement 6 as it was not otherwise linked to that requirement.
29. The definition of “REAC” has been amended to refer to Schedule 11 as it is now to be a certified document.
30. The references in paragraph 18 to ‘paragraph (20)’ and in paragraph 20 to ‘paragraphs (18)’ have been amended to ‘paragraph 20’ and ‘paragraph 18’ – the use of brackets around the numbering in each case was a typographical error; the reference to sub-paragraphs (3) and (4) in paragraph 20(4) has also been amended to sub-paragraphs (2) and (3) – this was an incorrect cross-reference.
31. The 2 business day period for requesting further information from the Applicant under paragraph 20(2) has been replaced with 5 business days, as set out in response to WQ DCO. 1.37.

## *Schedule 6*

32. References in paragraphs 2 and 5(8) to the decade of this DCO once made have been changed to ‘202X’ from ‘201X’ since if it is granted it will be after 1 January 2020.

## *Schedule 9*

33. Part 3 (for the protection of railway interests) of Schedule 9 contained some cross-referencing errors, which have now been corrected in the revised version of the draft DCO submitted at Deadline 2.

## *Schedule 11*

34. The documents to be certified have been changed to reflect the documents that contain environmental commitments rather than the whole of the environmental statement. The environmental statement itself has been removed and the following documents that are parts of the environmental statement have been added:
  - a. The Archaeological Mitigation Strategy (Appendix 9.5 of the environmental statement); and
  - b. The Register of Environmental Actions and Commitments (Section 16.3 in Chapter 16 of the environmental statement).