

# Southampton to London Pipeline Project

## Deadline 3

Draft DCO Explanation of Changes at Deadline 3

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**ESSO PETROLEUM COMPANY, LIMITED**

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

**DESCRIPTION OF CHANGES TO THE DRAFT DCO AT DEADLINE 3**

1. This document sets out the changes made to the Applicant's draft Development Consent Order ("**draft DCO**") between the version submitted at Deadline 2 in the examination timetable on 14 November 2019 (**Application Document 3.1(3)**) and the version being submitted at Deadline 3 in the examination timetable on 18 December 2019 (**Document Reference 3.1(4)**).

*Article 2*

2. The Applicant has modified the definition of "maintain" in article 2(1) to clarify that the authorised development may not be renewed, re-laid, reconstructed or replaced in its entirety (as opposed to part) as a maintenance activity, in response to concerns raised by the ExA in its first round of written questions and at the Issue Specific Hearing on the draft DCO held on Wednesday 27 November 2019 ("**ISH 1**").

*Article 6*

3. The Applicant has modified article 6(2) to clarify that the power to deviate the authorised development beyond the Limits of Deviation in article 6(1) only applies in respect of the vertical and not the lateral Limits of Deviation. This change was made by the Applicant in the light of discussion in relation to the provision at ISH 1.

*Article 9*

4. Paragraph (5) of this article has been amended to increase the period within which deemed consent would apply under that paragraph from 28 days to 42 days, in response to comments made by Interested Parties at ISH 1.

*Article 10*

5. Like article 9, Paragraph (3) of this article has been amended to increase the period within which deemed consent would apply under that paragraph from 28 days to 42 days, in response to comments made by Interested Parties at ISH 1.

**DCO articles**

*Article 12*

6. The heading of the article has been amended to reflect the change made to paragraph (4).
7. Paragraph (4) of this article has been amended to correct the cross-references to Parts 1 and 2 of Schedule 5. As drafted, this paragraph implied – incorrectly – that the Applicant was only seeking powers to temporarily stop up the streets and public rights of way in that Schedule. This wording now reflects the original intent of article 12.

8. Paragraph (8) of this article has also been amended to increase the period within which deemed consent would apply under that paragraph from 28 days to 42 days, in response to comments made by Interested Parties at ISH 1.

#### *Article 14*

9. Like articles 9 and 10, paragraph (3) of this article has been amended to increase the period within which deemed consent would apply under that paragraph from 28 days to 42 days, in response to comments made by Interested Parties at ISH 1.

#### *Article 15*

10. Like articles 9, 10, 12 and 14, paragraph (7) of this article has been amended to increase the period within which deemed consent would apply under that paragraph from 28 days to 42 days, in response to comments made by Interested Parties at ISH 1.

#### *Article 19*

11. The Applicant has included a new paragraph (6), which makes clear that, as soon as reasonably practicable following the exercise of any powers to survey and investigate land under paragraph (1), any apparatus must be removed and the land restored to the reasonable satisfaction of the owners of the land. This is in response to comments made by Surrey County Council in its Local Impact Report.

#### *Article 20*

12. A new paragraph (3) has been inserted at article 20 to make clear that the power to acquire land outright does not apply to the acquisition of an interest which is for the time being held by or on behalf of the Crown. Article 20(2)(d) has been removed, as the Applicant considers that it would create unnecessary duplication, and potential confusion, in relation to the application of the newly inserted article 20(3).
13. These changes were made in response to questions raised by the ExA at the Compulsory Acquisition Hearing on Wednesday 27 November 2019 (**“the CA Hearing”**).

#### *Article 29*

14. Paragraph (9) of this article has been removed, as confirmed by the Applicant at the CA Hearing.

#### *Article 41*

15. Paragraph (1) of this article has been amended so that the power to fell, lop, prune, coppice, pollard or reduce in height or width is limited to trees or shrubs within or overhanging land within the Order limits and to the roots of trees and shrubs which extend into the Order land, as opposed to trees or shrubs which are near any part of the authorised development. This change has been made in response to concerns raised by the ExA at ISH 1.
16. Paragraph (2) has been amended to include hedgerows within its scope so that damage to them must also be minimised. This change has been made in response to concerns raised by the ExA at ISH 1.

## **Schedule 1**

17. A new temporary access (Work No. 8CZ) has been added to Schedule 1 to allow materials to be brought into Queen Elizabeth Park from the east.

## **Schedule 2 – DCO Requirements**

### *Requirement 1*

18. Further definitions to reflect their use in the schedule have been added for the “CEP” (community engagement plan), “existing fuel pipeline”, “outline CEP” (outline community engagement plan), “CTMP” (construction traffic management plan), “outline CTMP” (outline construction traffic management plan), “Lead Local Flood Authority”, “LEMP” (landscape and ecological management plan), “outline LEMP” (outline landscape and ecological management plan), “outline SFWDP” (outline surface and foul water drainage plan) and “relevant authority”.

### *Requirement 6*

19. The Applicant has included a separate Requirement to prepare and seek approval of a community engagement plan for each stage of the authorised development, in response to the ExA’s and Interested Parties’ request. This is now Requirement 15 of the draft DCO.
20. The Applicant has also modified Requirement 6 to reflect discussion at the environmental issue specific hearings in the week commencing 2 December 2019. The Applicant has confirmed that it will provide a revised outline CEMP at Deadline 4 in the examination timetable. This would include the matters previously listed in paragraph (2) of the Requirement, in particular the outline for the management plans and measures set out in Requirement 6(2)(d).
21. Given the further detail that will be included in the outline CEMP, and that any CEMP submitted for approval under Requirement 6 must be based upon the outline CEMP, the Applicant does not consider that it is necessary to specifically list the plans, measures and other matters in the Requirement itself. For the avoidance of doubt, however, the Applicant can confirm that the outline CEMP will include reference to the production of a construction lighting plan, so far as such a plan is relevant to any stage of the authorised development.
22. The Applicant has made some further minor changes to the wording of Requirement 6 in order to reflect the deletion of paragraph (2) and to improve the clarity of the drafting. Provision has also been made for consultation with the LLFA and / or EA as regards any water mitigation and management measures relevant to a stage of the authorised development.

### *Requirement 7*

23. The Applicant has modified this Requirement to include provision for consultation on any construction traffic management plan (“CTMP”) with the relevant planning authority. This change was made in response to comments made by the ExA at ISH 1 and to Interested Parties’ requests.

24. The Applicant has also confirmed that it will be submitting an outline CTMP to the examination at Deadline 4. Requirement 7 has therefore been modified to refer to the outline CTMP, in anticipation of that plan being provided.

*Requirement 8*

25. The Applicant has modified paragraph (3) of this Requirement to:
- a. increase the aftercare period for planting from 3 years to 5 years in response to interested parties' comments at Deadline 2; and
  - b. to ensure there is scope for the planting of new plant species by the Applicant with the approval of the relevant planning authority and landowner concerned, in circumstances where those originally planted in accordance with the written plan of reinstatement approved under Requirement 8(2) have failed and it would not be appropriate simply to replace them with the same species.

*Requirement 9*

26. Paragraphs (1) and (3) have been modified to include reference to the Lead Local Flood Authority in respect of the plan required to be approved under Requirement 9(1) and in respect of discharges under Requirement 9(3).
27. Reference to the outline surface and foul water drainage plan has also been added to paragraph (1), in anticipation of that plan being provided at Deadline 4.

*Requirement 12*

28. The Applicant has confirmed that it will be submitting an outline LEMP to the examination at Deadline 4. Requirement 12 has therefore been modified to refer to the outline LEMP, in anticipation of that plan being provided.

*Requirement 14*

29. Paragraph (1) has been modified to reduce the core working hours from 0800 to 1800 on weekdays and Saturdays except in the event of an emergency.
30. The drafting of the Requirement has also been constrained further, by clarifying that the activities in paragraph (3) of Requirement 14 may only *continue* beyond the core working hours in paragraph (1) (i.e. they may not be commenced afresh outside the core working hours) and only then in exceptional circumstances.
31. The list of activities in paragraph (4), which may also be undertaken outside the core working hours, has also been narrowed in scope.

*Requirement 15*

32. This is the new requirement to prepare and seek approval of a Community Engagement Plan for each of stage of the authorised development, as described above in relation to Requirement 6.

#### *Requirement 16*

33. This is a new Requirement and confirms that the Applicant must ensure that the existing fuel pipeline (as defined in Requirement 1) is no longer capable of commercial operation once the pipeline works have been commissioned. This is in response to concerns raised by the ExA in written questions and at the DCO ISH.

#### *Requirement 18 (was 16)*

34. The period within which deemed consent would apply under paragraph (4) of this Requirement has been extended from 28 days to 42 days, in response to concerns raised by Interested Parties about the 28 day time limit.

#### *Requirement 20*

35. This is a new Requirement and provides for the Applicant to prepare and maintain in electronic form a public register of Requirements, in response to the ExA's request at ISH 1. The drafting of this Requirement is based on Requirement 22 of the A14 Cambridge to Huntingdon Improvement Scheme DCO 2016. A definition of the term "relevant authority", which is employed here, has also been added to Requirement 1.

#### *Requirement 21 (was 18)*

36. The period within which determinations under the Requirements must be made has been extended from 28 days to 42 days, in response to concerns raised by Interested Parties about the 28 day time limit.
37. Various cross-references in Part 2 of Schedule 2 have been updated to reflect the addition of new Requirements in Part 1 of Schedule 2.

#### *Requirement 22 (was 19)*

38. A minor modification to this article has been made in response to a number of local authorities' requests in response to the ExA's written questions on the draft DCO.

#### *Requirement 24 (was 21)*

39. A minor change has been made to Requirement 24(2)(b) to clarify that the time period within which application fees are repayable is 42 days from the date on which the application for discharge is received under Requirement 21.

### **Schedule 5**

40. The headings in this Schedule have been amended to reflect the corresponding changes to article 12.

### **Schedule 11**

41. The outline CEP (outline community engagement plan), outline CTMP (outline construction traffic management plan), outline LEMP (outline landscape ecological management plan) and outline SFWDP (outline surface and foul water drainage plan) have been added to the

list of certified documents and plans in Schedule 11. These documents will be submitted to the examination at Deadline 4.

42. The REAC has been removed from Schedule 11, since the commitments currently contained in that document will be moved to the appropriate outline document.