

Request for Further Information from Lincolnshire County Council

10. LCC's response to ExA second written question 2.5.3 [REP5-039] states that 'Article 11 - still needs to include wording "Streetworks Authority Approval" ...' and that there is a 'tension between the proposal to include details in the OCTMP and the fact the DCO doesn't reflect any need for the Highways Authority to approve these details'. The ExA notes that the outline Construction Traffic Management Plan (oCTMP) submitted at Deadline 4 [REP4-039] has been amended to include certain provisions requested by LCC.

The ExA understands that further comments and discussions are ongoing. LCC is asked to confirm the progress of these discussions, including any suggested wording which may overcome its identified tension. Please update on progress regarding wording, and commentary on suggested changes to date.

LCC Response – It is understood that for the purposes of the DCO unless the land involved is private land then in all other circumstances the County Council is the Streetworks Authority. In terms of the outline Construction Traffic Management Plan the Council is grateful that this has been updated to include additional detail requested by the Council. Whilst the Council would still prefer to have these commitments in the DCO, it is accepted that in relation to proposals for works in the highway, the approach of the applicant to secure this via the oCTMP is agreed.

However, whilst the amended text in oCEMP now addresses the Council concerns regarding technical approval of proposals in the highway, but it does not cover the Permitting scheme – which relates to when the applicant do the works and agreeing the Traffic management measures / diversion routes etc.

The Council therefore requests that either the DCO or the oCEMP be amended to incorporate the following wording:-

“Prior to works being implemented on the Highway pursuant to Article 11, the Applicant will obtain a Streetworks Permit from the relevant Highway Authority [The Lincolnshire Permit Scheme – Lincolnshire County Council](#)”

Examining Authority Proposed Changes to Requirement 12

LCC Response - The Council strongly requests the wording it has proposed is retained. The proposed wording suggested by the ExA has some but not all of the wording proposed by the Council. For example the ExA suggested wording leaves out that the work needs to be done by someone competent in sections 3 and 4 and does not require the mitigation scheme to be submitted and approved by the relevant planning authority which for requirement 12 is the County Council.

The Council suggested its preferred wording in response to the second round of ExA's questions:

The Council as previously stated seeks a more robust requirement as follows:-

“(1) No development may commence until an overarching Archaeological Mitigation Scheme has been submitted and approved by the relevant Planning Authorities, such approval to be in consultation with Historic England;

(2) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a supporting Written Scheme of Investigation for that phase has been submitted to and approved in writing by the relevant Planning Authorities, such approval to be in consultation with Historic England.

(3) The approved scheme must— (a) identify areas where archaeological work is required; and (b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found (i.e. preservation in situ, preservation by record or mix of these elements).

(4) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with the approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.”

The ExAs proposed wording below for comparison.

(1) No part of the authorised development may commence until a written scheme of investigation has been submitted to and approved by the relevant planning authorities in consultation with Historic England.

(2) For the purpose of (1) “commence” includes any permitted preliminary works.

(3) The scheme submitted under sub-paragraph (1) must – (a) identify areas where archaeological work is required; (b) identify the measures to be taken to protect, record or preserve any significant archaeological remains that may be found; and (c) be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.

(4) Pre-construction archaeological investigations and precommencement material operations which involve intrusive ground works may take place only in accordance with the approved written scheme of investigation.