

Southampton to London Pipeline Project

Deadline 4

Draft DCO Explanation of Changes at Deadline 4
Application Document: 8.55

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ESSO PETROLEUM COMPANY, LIMITED

THE SOUTHAMPTON TO LONDON PIPELINE PROJECT (EN070005)

DESCRIPTION OF CHANGES TO THE DRAFT DCO AT DEADLINE 4

1. This document sets out the changes made to the Applicant's draft Development Consent Order ("**draft DCO**") between the version submitted at Deadline 3 in the examination timetable on 18 December 2019 (**Application Document 3.1(4)**) and the version being submitted at Deadline 4 in the examination timetable on 30 January 2020 (**Document Reference 3.1(5)**).

Article 2

2. Defined terms have been added for the Hampshire County Council Permit Scheme and the Surrey County Council Permit Scheme respectively, as these terms are now used in Part 3 and article 35 of the draft DCO.

Articles 9, 10 and 14

3. The drafting of these articles has been amended to clarify that these street powers apply except where the undertaker is operating under a permit granted pursuant to the Hampshire and Surrey County Council Permit Schemes. This drafting gives effect to the consensus reached by the Applicant and the highway authorities regarding the application of the Permit Schemes to the authorised development.

Article 29

4. A new paragraph (9) of this article has also been added to clarify that the undertaker may not compulsorily acquire any interest or right in the parcels of land listed in Schedule 7 of the draft DCO, those being parcels of land of which temporary possession only may be taken. This change has been made in response to the ExA's written question DCO.2.10 (**Document Reference 8.37**).

Article 35

5. This article has been amended to apply relevant provisions of the Hampshire and Surrey Permit Schemes to the construction and maintenance of the authorised development. The heading of this article has also been amended to reflect the full extent of the article. The Applicant has agreed the wording of this article with both Hampshire and Surrey County Councils in advance of Deadline 4.

Schedule 2 – DCO Requirements

Requirement 1

6. The Applicant has added a new definition of "Site Specific Plans" to Requirement 1. These are the plans which describe the Applicant's methodology for working at "hotspot" sites along the route of the authorised development. The "hotspot sites" comprise Queen

Elizabeth Park, Turf Hill, Fordbridge Park, St Catherine's Road SANG, St James' School, Ashford Road and Southwood Country Park.

7. A change has also been made to the definition of "*stage*" in this Requirement to clarify that this definition is referring to a "*spatial*" stage of the authorised development. This change has been made to provide further clarity about the proposed structure of the written scheme which is required to be prepared pursuant to Requirement 3.

Requirement 5

8. This Requirement has been amended to reflect concerns raised by the ExA regarding the scope for changes to the code of construction practice ("**CoCP**") to be agreed with the relevant planning authority. The Requirement now provides that any changes to the CoCP must be limited to changes which are:
 - a. necessary or desirable to reflect a change or update in legislation or good practice; or
 - b. confined to a specific location along the route of the authorised development.
9. The changes made to this Requirement respond to the ExA's request that changes to the CoCP must be limited to the circumstances described in the Applicant's response to the ExA's written question DCO.1.32 (**Application Document 8.6.05**) – see also the Applicant's response to the ExA's written question DCO.2.16 (**Document Reference 8.37**).

Requirement 6

10. The Applicant has modified the drafting of this Requirement so that any Construction Environmental Management Plan ("**CEMP**") submitted to the relevant planning authority for approval must be "*in accordance with*" the outline CEMP, rather than "*based upon the outline CEMP*". This change has been made in response to the ExA's written question DCO.2.14 (**Document Reference 8.37**).

Requirement 7

11. The Applicant has modified the drafting of this Requirement so that any Construction Traffic Management Plan ("**CTMP**") submitted to the relevant highway authority (following consultation with the relevant planning authority) for approval must be "*in accordance with*" the outline CTMP, rather than "*based upon the outline CTMP*". This change has been made in response to the ExA's written question DCO.2.14 (**Document Reference 8.37**).

Requirement 8

12. A number of amendments have been made to this article:
 - a. The heading of this Requirement is now "vegetation", which better reflects its true scope;
 - b. Under paragraph (a), the retention and removal of vegetation must now be undertaken in accordance with:

- i. a written vegetation retention and removal plan which has been submitted to the relevant planning authority prior to the commencement of that stage of the authorised development and which implements the requirements of the LEMP; or
- ii. where applicable, the Site Specific Plans (or such changes to those plans as may be agreed by the relevant planning authority in accordance with Requirement 17).

These changes have been made to provide further assurances regarding the retention and removal of vegetation affected by the authorised development. Under paragraph (a)(i), the Applicant would be required to submit to relevant planning authorities for each stage a written vegetation retention and removal plan showing the vegetation proposed to be retained or removed prior to the commencement of the authorised development. These plans must reflect the commitments and measures set out in the LEMP; an outline LEMP has been submitted at Deadline 4 and the LEMP must accord with that outline LEMP. As regards those “hotspot sites” where the Applicant’s proposed construction methodology is set out in the Site Specific Plans secured by Requirement 17, the retention and removal of vegetation must be undertaken with those plans. There is limited scope for seeking changes to those plans, since it is the Applicant’s intention that these would be certified by the Secretary of State for the purposes of this Order.

- c. The reference to trees and hedgerows in paragraph (1)(b) and (3) of Requirement 8 have been replaced with “vegetation” to reflect the change to the heading of the Requirement.

Requirement 9

- 13. The Applicant has modified the drafting of this Requirement so that any surface and foul water drainage plan (“**SFWDP**”) for permanent works submitted for approval must be “*in accordance with*” the outline SFWDP, rather than “*based upon the outline SFWDP*”. This change has been made in response to the ExA’s written question DCO.2.14 (**Document Reference 8.37**).

Requirement 12

- 14. The Applicant has modified the drafting of this Requirement so that any LEMP submitted to the relevant planning authority for approval must be “*in accordance with*” the outline LEMP, rather than “*based upon the outline LEMP*”. This change has been made in response to the ExA’s written question DCO.2.14.
- 15. A further minor correction has been made to sub-paragraph (3) to replace the reference to the “environmental statement” with the “outline LEMP”.

Requirement 14

- 16. Paragraph (4)(b) of this Requirement has been modified to clarify that the Applicant’s ability to carry out start-up and shut-down activities up to an hour either side of the core working hours must be undertaken in accordance with the controls set out in the CEMP. This ensures, by way of example, that those activities must be undertaken in accordance with

any lighting strategy which forms part of the approved CEMP (an outline version of which is part of the outline CEMP).

17. A small number of cross-referencing errors in previous versions of this Requirement have now also been corrected.

Requirement 15

18. The Applicant has modified the drafting of this Requirement so that any community engagement plan (“**CEP**”) submitted to the relevant planning authority must be “in accordance with” the outline CEP, rather than “*based upon the outline CEP*”. This change has been made in response to the ExA’s written question DCO.2.14 (**Document Reference 8.37**).

Requirement 17

19. This is a new Requirement, which provides that “*the authorised development must be undertaken in accordance with the site specific plans, or with such changes to those plans as agreed by the relevant planning authority*”. Any changes to the Site Specific Plans which may be agreed with the relevant planning authority must either be “*necessary or desirable to reflect a change or update in legislation, guidance or good practice*” or “*confined to a specific location along the route of the authorised development*”. This wording mirrors that used in Requirement 5 (code of construction practice).
20. As noted, the site specific plans describe the Applicant’s methodology for working at “hotspot” sites along the route of the authorised development (see Requirement 1 above).

Requirement 24 (was 23)

21. The reference to “21 business days” in sub-paragraph (3) of this Requirement was an error and has been amended to “21 days”. See the Applicant’s response to written question DCO.2.29 (**Document Reference 8.37**).

Cross-references

22. Given the insertion of a new Requirement 17 (site specific plans), a number of cross-references in Part 2 of Schedule 2 have been updated to reflect the changes in numbering.

Schedule 5

23. The following corrections have been made to Part 2 of this Schedule to reflect the Applicant’s response to written question DCO.2.34 (**Document Reference 8.37**):
 - a. the reference to “Wheely Down Road” has been amended to “Wheely Down Farm Lane”;
 - b. the reference to “Selbourne Road” has been amended to “Selborne Road”;
 - c. the reference to “Binstead Road” has been amended to “Binsted Road”; and
 - d. the reference to “Ryebridge Lane” has been amended to “Unnamed Road between A31 and Ryebridge Lane”.

Schedule 11

24. The “site specific plans” have been added to the list of documents to be certified.
25. Document references have been added for the “outline Community Engagement Plan”, “outline Construction Traffic Management Plan”, “outline Landscape Ecological Management Plan” and “outline Surface and Foul Water Drainage Plan”. These documents have been submitted at Deadline 4.