

# **SOUTHAMPTON to LONDON PIPELINE PROJECT**

## **Examining Authority's (ExA) Consultation Draft Development Consent Order (DCO)**

### **Schedule of ExA's recommended amendments to the Applicant's draft DCO Submitted at Deadline (D)6 [REP6-003]**

Reference	Text as Set Out in draft DCO [REP6-003]	ExA's Recommended Amendment	Reason and Notes
<b>ARTICLES</b>			
<p><b>Part 3</b> <b>Article 11(1)(g)</b></p> <p><i>Street Works</i></p>	<p><i>execute any works to provide or improve sight lines;</i></p>	<p><b>Delete</b></p>	<p>The ExA considers this is unnecessary because it is a duplication of Article 10(2)(i).</p>
<p><b>Part 3</b> <b>Article 13</b></p> <p><i>Temporary stopping up, alteration, diversion or restriction of streets and public rights of way</i></p>	<p><i>Temporary stopping up, alteration, diversion or restriction of streets and public rights of way</i></p> <p>13.—(1) During and for the purposes of carrying out the authorised development, the undertaker may temporarily stop up, alter, divert or restrict any street or public right of way shown on the access &amp; rights of way plan or within the Order limits and may for any reasonable time— (a) divert the traffic from the street or public right of way; and (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way. (2) Without limitation on the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way which has been temporarily stopped up, altered, diverted or restricted under the powers conferred by this article. (3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary stopping up, alteration, diversion or restriction under this article if there would</p>	<p><i>Temporary <del>stopping up</del> <b>closure</b>, alteration, diversion or restriction of streets and public rights of way</i></p> <p>13.—(1) During and for the purposes of carrying out the authorised development, the undertaker may temporarily <del>stop up</del> <b>close</b>, alter, divert or restrict any street or public right of way shown on the access &amp; rights of way plan or within the Order limits and may for any reasonable time— (a) divert the traffic from the street or public right of way; and (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way. (2) Without limitation on the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way which has been temporarily <del>stopped up</del> <b>closed</b>, altered, diverted or restricted under the powers conferred by this article. (3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary <del>stopping up</del> <b>closure</b>, alteration, diversion or restriction under this article if there</p>	<p>The term stopping up relates to the extinguishment of rights of passage and would mean that once stopped up areas in question would cease to be highway and would revert to landowners. In this scenario, the Applicant would need temporary possession as the streets would cease to be highways if stopped up and ownership would revert to the owners of the subsoil.</p> <p>The ExA considers that changing the terminology to closure would revert the power to a traffic regulation power that is being sought here. This matter was discussed at Issue Specific Hearing (ISH) 4 on Tuesday 25 February 2020 [EV-018] and [EV-019].</p> <p>In addition, Highways England [REP6-082] outlined their concerns about the term 'stopping up' they made at ISH4.</p>

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	<p><i>otherwise be no reasonable access. (4) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter, divert or restrict the streets or public rights of way specified in column (1) of Parts 1 and 2 of Schedule 5 (streets or public rights of way to be temporarily stopped up, altered, diverted or restricted) to the extent specified in column (2) of that Schedule, and, if it does so in respect of a street or public right of way specified in Part 1 of Schedule 5, must provide the temporary diversion as specified in column (3) of that Part. (5) The undertaker must not temporarily stop up, alter, divert or restrict any street or public right of way as mentioned in paragraph (1) without the consent of the street authority, which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld or delayed. (6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard than the temporarily stopped up street or public right of way in column (1) of Part 1 of Schedule 5. (7) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act. (8) If a street authority which receives an application</i></p>	<p><i>would otherwise be no reasonable access. (4) Without limitation on the scope of paragraph (1), the undertaker may temporarily <del>stop up</del> <b>close</b>, alter, divert or restrict the streets or public rights of way specified in column (1) of Parts 1 and 2 of Schedule 5 (streets or public rights of way to be temporarily <del>stopped up</del> <b>closed</b>, altered, diverted or restricted) to the extent specified in column (2) of that Schedule, and, if it does so in respect of a street or public right of way specified in Part 1 of Schedule 5, must provide the temporary diversion as specified in column (3) of that Part. (5) The undertaker must not temporarily <del>stop up</del> <b>close</b>, alter, divert or restrict any street or public right of way as mentioned in paragraph (1) without the consent of the street authority, which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld or delayed. (6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard than the temporarily <del>stopped up</del> <b>closed</b> street or public right of way in column (1) of Part 1 of Schedule 5. (7) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act. (8) If a street authority which</i></p>	

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	<i>for consent under paragraph (5) fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application was made, it is deemed to have granted consent.</i>	<i>receives an application for consent under paragraph (5) fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application was made, it is deemed to have granted consent.</i>	
<b>SCHEDULES</b>			
<b>Schedule 2 Requirement 3</b>  <i>Stages of the authorised development</i>	<i>The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority.</i>	<i>The authorised development may not commence until a written scheme setting out all stages of the authorised development <b><u>including a phasing plan indicating when each stage will be constructed</u></b> has been submitted to the relevant planning authority.</i>	The ExA considers the Requirement should set out a timescale or phases for each of the stages, which the ExA considers would be beneficial and of assistance to local communities and local authorities.
<b>Schedule 2 Requirement 5</b>  <i>Code of Construction Practice</i>	<i>The authorised development must be undertaken in accordance with the code of construction practice, or with such changes to that document as agreed by the relevant planning authority, provided that any such changes must be—</i>  <i>(a) necessary or desirable to reflect a change or update in legislation, guidance or good practice; or</i>  <i>(b) confined to a specific location along the route of the authorised development,</i>	<i>The authorised development must be undertaken in accordance with the code of construction practice, or with such changes to that document as agreed by the relevant planning authority, provided that any such changes must be—</i>  <b><u>(a) in accordance with the principles set out in the CoCP;</u></b>  <i>(ab) necessary or desirable to reflect a change or update in legislation, good guidance or practice <b><u>or confined to a specific location along the route of development;</u></b></i>	The ExA notes the tailpiece is now limited to changes which do not give rise to any materially new or materially different environmental effects to those assessed in the ES; and do not result in a variation to the measures in the HRA commitments schedule which adversely affects the findings of the HRA.  However, the ExA considers that Requirement 5 as worded does not actually secure anything in the CoCP itself. In effect the relevant planning authority could agree to change all of the detail of the commitments in the CoCP as long as they are within the scope of the ES and the HRA commitments schedule.

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	<p>and in either case such change must not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement and must not result in a variation to the measures set out in the HRA Commitments Schedule which adversely affects the findings of the Habitats Regulations Assessment.</p>	<p><del>(b) confined to a specific location along the route of the authorised development;</del>  <del>and in either case such change must not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement and must not result in a variation to the measures set out in the HRA Commitments Schedule which adversely affects the findings of the Habitats Regulations Assessment.</del></p> <p><b><u>(c) do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement;</u></b></p> <p><b><u>(d) do not result in a variation to the mitigation measures set out in the HRA Commitments Schedule.</u></b></p>	<p>Consequently, details of any specific mitigation or measures set out in the CoCP cannot be relied upon.</p> <p>The ExA remains concerned that method of securing those elements of the CoCP which cannot be amended has been achieved in a rather circuitous manner, and it would be much easier to simply list those elements in the CoCP which cannot be amended and exclude those from the Requirement's tailpiece.</p> <p>However, if the Applicant remains of the view that the current approach is appropriate, the ExA suggests the recommended changes to ensure any such changes must abide by the principles set out.</p> <p>The ExA considers Requirement 5(b), ought to be part of 5(a) and is amended accordingly.</p>
<p><b>Schedule 2 Requirement 6</b></p> <p>Construction Environmental Management Plan</p>	<p>(1) No stage of the authorised development must commence until a CEMP for that stage, in accordance with the outline CEMP, has been submitted to and approved by the relevant planning authority following consultation with the Lead Local Flood Authority and/or the Environment Agency as regards any water mitigation and management measures relevant to that stage.</p>	<p>(1) No stage of the authorised development must commence until a CEMP for that stage, in accordance with the outline CEMP, has been submitted to and approved by the relevant planning authority following consultation with the Lead Local Flood Authority and/or the Environment Agency as regards any water mitigation and management measures relevant to that stage.</p>	<p>The ExA notes the Requirement as worded would prevent commencement until a CEMP is submitted and approved by the relevant planning authority, and must be in accordance with its outline counterpart. While this may be permissible for some elements of the CEMP, the ExA is not convinced that this would provide sufficient certainty for the purpose of the HRA. As a consequence an additional paragraph is required to ensure that any approved CEMP includes</p>

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	<i>(2) The construction of each stage of the authorised development must be carried out in accordance with the approved CEMP for that stage.</i>	<i>(2) The construction of each stage of the authorised development must be carried out in accordance with the approved CEMP for that stage</i>  <b><u>(3) The approved CEMP must include the mitigation measures set out in the HRA Commitments Schedule.</u></b>	those measures set out in the HRA Commitments Schedule.
<b>Schedule 2 Requirement 7(1)</b>  <i>Construction traffic</i>	<i>(1) Save in respect of matters approved in accordance with article 13 (temporary stopping up of streets and temporary rights of way) no stage of the authorised development must commence until a CTMP for that stage, in accordance with the outline CTMP, has been submitted to and approved by the relevant highway authority following consultation with the relevant planning authority.</i>	<i>(1) Save in respect of matters approved in accordance with article 13 (temporary <del>stopping up</del> <b>closure</b> of streets and temporary rights of way) no stage of the authorised development must commence until a CTMP for that stage, in accordance with the outline CTMP, has been submitted to and approved by the relevant <del>highway</del> <b>planning authority</b> following consultation with the relevant <del>planning</del> <b>highway authority</b>.</i>	The ExA has carefully considered the arguments put forward by Interested Parties (IPs) in respect to this matter. However, and with specific reference to the South Downs National Park Authority, the ExA considers that approval of the CTMP should fall to the relevant planning authority having regard to the potential planning implications such measures may have.
<b>Schedule 2 Requirement 12</b>  <i>Landscape and Ecological Management Plan</i>	<i>(1) Subject to sub-paragraph (3), no stage of the authorised development must commence until a LEMP, for that stage, in accordance with the outline LEMP and the SSSI working plans, has been submitted to and approved by the relevant planning authority.</i>  <i>(2) The LEMP must include an implementation timetable and must be carried out as approved.</i>	<i>(1) Subject to sub-paragraph (3), no stage of the authorised development must commence until a LEMP, for that stage, in accordance with the outline LEMP and the SSSI working plans, has been submitted to and approved by the relevant planning authority.</i>  <i>(2) The LEMP must include an implementation timetable and must be carried out as approved.</i>	The ExA notes the Requirement as worded would prevent commencement until a LEMP is submitted and approved by the relevant planning authority, and must be in accordance with its outline counterpart. While this may be permissible for some elements of the LEMP, the ExA is not convinced that this would provide sufficient certainty for the purpose of the HRA. As a consequence an additional paragraph is required to ensure that any approved LEMP includes

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	<p><i>(3) Sub-paragraph (1) only applies to those stages of the authorised development in respect of which any landscape and ecological management measures are to be implemented by the undertaker, as identified in the outline LEMP.</i></p>	<p><i>(3) Sub-paragraph (1) only applies to those stages of the authorised development in respect of which any landscape and ecological management measures are to be implemented by the undertaker, as identified in the outline LEMP.</i></p> <p><b><u>(4) The approved LEMP must include the mitigation measures set out in the HRA Commitments Schedule.</u></b></p>	<p>those measures set out in the HRA Commitments Schedule.</p>
<p><b>Schedule 2 Requirement 14</b> <i>Construction Hours</i></p>	<p><i>(1) Subject to sub-paragraphs (2), (3) and (4), construction works must only take place between 0800 and 1800 on weekdays (except Bank Holidays) and Saturdays, except in the event of an emergency.</i></p> <p><i>(2) In the event of an emergency, notification of that emergency must be given to the relevant planning and relevant highway authority as soon as reasonably practicable.</i></p> <p><i>(3) The following operations may where reasonably necessary continue or take place on an exceptional basis outside the working hours referred to in sub-paragraph (1) –</i></p> <p><i>(a) Trenchless construction techniques which cannot be interrupted;</i></p> <p><i>(b) Filing, testing, dewatering and drying;</i></p> <p><i>(c) Works required to mitigate delays to the construction of the</i></p>	<p><i>(1) Subject to sub-paragraphs (2), (3) and (4), construction works must only take place between 0800 and 1800 on weekdays (except <b>Public and</b> Bank Holidays) and Saturdays, except in the event of an emergency.</i></p> <p><i>(2) In the event of an emergency, notification of that emergency must be given to the relevant planning and relevant highway authority as soon as reasonably practicable.</i></p> <p><i>(3) The following operations may where <b>reasonably</b> necessary continue or take place on an exceptional basis outside the working hours referred to in sub-paragraph (1) –</i></p> <p><i>(a) Trenchless construction techniques which cannot be interrupted;</i></p> <p><i>(b) Filing, testing, dewatering and drying;</i></p> <p><i>(c) Works required to mitigate delays to the construction of the</i></p>	<p>The ExA notes the arguments put forward by the IPs in relation to how working hours could be managed and consider that:</p> <p>(1) needs to be amended to include public as well as bank holidays;</p> <p>(3) reasonably should be deleted as it does not add anything to the context; and</p> <p>(4) (a) needs to be amended to clarify, as requested by Rushmoor Borough Council, that the oversized deliveries and non-intrusive activities should only occur up to an hour either side of the core hours to ensure the living conditions of residents in close proximity to the works is maintained.</p>

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	<p><i>authorised development due to extreme weather conditions; and</i></p> <p><i>(d) Commissioning of the pipeline works.</i></p> <p><i>(4) Nothing in sub-paragraph (1) precludes –</i></p> <p><i>(a) The receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</i></p> <p><i>(b) Start-up and shut-down activities up to an hour either side of the core working hours and undertaken in compliance with the CEMP; and</i></p> <p><i>(c) Works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit scheme and following consultation by the relevant highway authority with the relevant planning authority under the terms of such a scheme.</i></p> <p><i>(5) In this Requirement –</i></p> <p><i>(a) "emergency" means a situation, where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking action; and</i></p> <p><i>(b) "non-intrusive activities" means activities which would not create any discernible light, noise or vibration outside the Order Limits</i></p>	<p><i>authorised development due to extreme weather conditions; and</i></p> <p><i>(d) Commissioning of the pipeline works.</i></p> <p><i>(4) Nothing in sub-paragraph (1) precludes –</i></p> <p><i>(a) The receipt of oversize deliveries to site and the undertaking of non-intrusive activities <b>up to an hour either side of the core working hours;</b></i></p> <p><i>(b) Start-up and shut-down activities up to an hour either side of the core working hours and undertaken in compliance with the CEMP; and</i></p> <p><i>(c) Works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit scheme and following consultation by the relevant highway authority with the relevant planning authority under the terms of such a scheme.</i></p> <p><i>(5) In this Requirement –</i></p> <p><i>(a) "emergency" means a situation, where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking action; and</i></p> <p><i>(b) "non-intrusive activities" means activities which would not create any</i></p>	



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		<i>discernible light, noise or vibration outside the Order Limits.</i>	
<p><b>Schedule 2 NEW REQUIREMENT</b></p> <p><i>Queen Elizabeth Country Park</i></p>	N/A	<p><b><u>(1) No development shall take place within Queen Elizabeth Country Park until a Site Specific Plan for that area has been submitted to and approved by the relevant planning authority. The Site Specific Plan shall identify the determined route of the pipeline and include the following for approval:</u></b></p> <p><b><u>(a) construction programme including whether trenchless techniques can be used;</u></b></p> <p><b><u>(b) description of the works</u></b></p> <p><b><u>(c) plans including area plans, construction and reinstatement plans, trees to be removed and tree survey and schedule plans.</u></b></p> <p><b><u>(2) The development must be undertaken in accordance with the approved Site Specific Plan, or such changes to that plan as agreed by the relevant planning authority provided that any such changes must be necessary or desirable to reflect a change or update in legislation, guidance or good practice, and such change must not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement and must</u></b></p>	<p>The ExA has considered the Applicant's response and its concerns at the ISH4 [EV-018 and EV-019] to the initial suggestions that all Site Specific Plans should be outline only. The ExA accepts the Applicant's assertion that sufficient information exists such that Requirement 17 can stand with the exception of the Site Specific Plan for Queen Elizabeth Country Park (QEP).</p> <p>The ExA provisionally considers that the Site Specific Plan for QEP cannot be approved by Requirement 17 until the route of the proposed pipeline is known, fixed and the environmental effects precisely understood, and that trenchless construction techniques options have been adequately assessed. This is because of the sensitivity of the Park and its trees, taken with the wide Order limits in this location notwithstanding the commitment to narrow working.</p> <p>Having considered the evidence from IPs including the D6 submissions, the ExA provisionally considers that concerns and questions remain as follows:</p> <ol style="list-style-type: none"> <li>1) Paragraphs 3.3.1 and 3.3.2 of the Site Specific Plan for QEP state that the route of the pipeline is not fixed. The retention of mature trees remains "anticipated"; and</li> </ol>

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		<p><b><u>not result in a variation to the measures set out in the HRA Commitments Schedule which adversely affects the findings of the Habitats Regulations Assessment.</u></b></p>	<p>the removal of 30 non-mature trees is only "approximate" and "based on the current intended pipe alignment". Unlike a number of other hotspot locations, the Order limits at QEP remains at 36m. This statement is contrary to the Applicant's oral submissions at ISH4 where it considered the routes were essentially fixed.</p> <p>2) Paragraph 3.4.6 of the Site Specific Plan for QEP does not tie down when the re-sited play park would be delivered. Moreover, its provision currently sits outside of the control of the SoS and as such there is no mechanism in place to secure it re-provision should agreement with the local authority not be forthcoming.</p> <p>3) Should open trench remain the preferred construction method, there is no mention in the Site Specific Plan for QEP of the planned "discreet construction areas", which the Applicant advanced would occur at the ISH5 [EV-021 to EV-025].</p> <p>4) The ExA is concerned that ambiguity remains as to whether Regulation 17 alongside Regulation 8 would ensure that, should the number of trees to be</p>

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			<p>removed at QEP exceed 30, even by one, this would amount "<i>such changes to those plans as agreed by the relevant planning authority</i>".</p> <p>5) Continued doubts remain as to the feasibility of trenchless crossing techniques. The Applicant has cited engineering difficulties, amongst other things, in its response to FWQ QE.2.2 [REP4-027] but has not advanced any detailed evidence to support this into the Examination. Conversely, the Neighbours and Users of QEP have submitted evidence [REP6-111] detailing how trenchless crossing could be facilitated and achieved without encountering the issues identified by the Applicant, including a significant reduction in the stringing out length. The ExA accepts that the Applicant will likely respond to the NUQEP submission at D7.</p> <p>The ExA remains hopeful that the Applicant and IPs will find a resolution on the latter issue such that the QEP Requirement may not be needed. But, as outstanding concerns remain, the ExA considers the Requirement is necessary. The ExA also considers that the draft DCO contains adequate measures for</p>

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			<p>appeal should the relevant authority not determine the Requirement favourably.</p> <p>The ExA accepts the Applicant's assertion regarding the need to exclude the route of the pipeline itself from the need for consent, a point accepted by Rushmoor BC at ISH4 [EV-018 and EV-019]. The wording seeks to replicate, with some amendments, the headings contained within the Site Specific Plan for QEP submitted at D6 [REP6-051].</p>
<p><b>Schedule 2 Requirement 17</b> <i>Site Specific Plans</i></p>	<p><i>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 provided that any such changes must be—</i></p> <p><i>(a) necessary or desirable to reflect a change or update in legislation, guidance or good practice; or</i></p> <p><i>(b) confined to a specific location along the route of the authorised development,</i></p> <p><i>and in either case such change must not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement and must not result in a variation to the measures set out in the HRA Commitments Schedule which adversely affects the</i></p>	<p><i>The authorised development must be undertaken in accordance with the Site Specific Plans <b><u>for St Catherine's Road SANG, Southwood Country Park SANG, Turf Hill, Ashford Road, Ashford Town Centre, Fordbridge Park and St James's Boys' School</u></b> , or with such changes to those plans as agreed by the relevant planning authority provided that any such changes must be—</i></p> <p><i><del>(a) necessary or desirable to reflect a change or update in legislation, guidance or good practice; or</del></i></p> <p><i><del>(b) confined to a specific location along the route of the authorised development.</del></i></p> <p><i>and in either case such change must not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement and must not result in a variation to the measures set</i></p>	<p>Because of the above, the existing Requirement 17 needs to specify that it applies only to the other Site Specific Plans.</p> <p>The ExA is not clear as to the need or justification for Requirement 17(b), and that it should be deleted.</p>

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	<i>findings of the Habitats Regulations Assessment.</i>	<i>out in the HRA Commitments Schedule which adversely affects the findings of the Habitats Regulations Assessment.</i>	
<p><b>Schedule 2 Requirement 18(1)</b></p> <p><i>Removal of above-ground infrastructure</i></p>	<p><i>(1) The undertaker must as soon as reasonably practicable following the abandonment of the authorised development remove any above-ground infrastructure, including for the avoidance of doubt, any aerial markers, cathodic protection test posts, cathodic protection rectifier cabinets and field boundary markers, to ground level.</i></p>	<p><i>(1) The undertaker must as soon as reasonably practicable <b>or within six months</b> following the abandonment of the authorised development, <b>whichever is the soonest</b>, remove any above-ground infrastructure, including for the avoidance of doubt, any aerial markers, cathodic protection test posts, cathodic protection rectifier cabinets and field boundary markers, to ground level.</i></p>	<p>The ExA considers that some certainty in timescale is necessary to ensure such structures are removed. The ExA suggests a six month period to be reasonable.</p>
<p><b>Schedule 2 Requirement 25(3)</b></p> <p><i>Further Information</i></p>	<p><i>If the Requirement specifies consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within 2 business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 2 business days of receipt of such a request and in any event within 21 days of receipt of the application.</i></p>	<p><i>If the Requirement specifies consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within 2 <b>5</b> business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 2 <b>5</b> business days of receipt of such a request and in any event within 21 days of receipt of the application.</i></p>	<p>The ExA considers it a reasonable request of local authorities for requests for further information in this paragraph to be greater than two business days, which the ExA considers it unreasonably short. The ExA does not on the evidence before us consider the additional time would have any negative effect on the delivery of the Proposed Development.</p>
<p><b>Schedule 5 Part 1</b></p>	<p><i>SCHEDULE 5</i></p> <p><i>STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP, ALTERED, DIVERTED OR RESTRICTED</i></p> <p><i>PART 1</i></p>	<p><i>SCHEDULE 5</i></p> <p><i>STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED-UP <b>CLOSED</b>, ALTERED, DIVERTED OR RESTRICTED</i></p>	<p>Removal of the words stopping up and replacement with the word closed. Reasoning as explained in Notes on Article 13.</p>

Reference	Text as Set Out in draft DCO [REP6-003]	ExA's Recommended Amendment	Reason and Notes
	<p><i>STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP, ALTERED, DIVERTED OR RESTRICTED FOR WHICH A DIVERSION IS TO BE PROVIDED</i></p> <p>(1) <i>Street or Public Right of Way to be temporarily stopped up, altered, diverted or restricted</i></p> <p>(2) <i>Extent of temporary stopping up, alteration, diversion or restriction</i></p>	<p><i>PART 1</i> <i>STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED-UP <b>CLOSED</b>, ALTERED, DIVERTED OR RESTRICTED FOR WHICH A DIVERSION IS TO BE PROVIDED</i></p> <p>(1) <i>Street or Public Right of Way to be temporarily <del>stopped-up</del> <b>closed</b> altered, diverted or restricted</i></p> <p>(2) <i>Extent of temporary <del>stopping-up</del> <b>closure</b>, alteration, diversion or restriction</i></p>	
<p><b>Schedule 5</b> <b>Part 2</b></p>	<p><i>PART 2</i> <i>STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP, ALTERED, DIVERTED OR RESTRICTED FOR WHICH NO DIVERSION IS TO BE PROVIDED</i></p> <p>(1) <i>Street to be temporarily stopped up, altered, diverted or restricted</i></p> <p>(2) <i>Extent of temporary stopping up, alteration, diversion or restriction</i></p>	<p><i>PART 2</i> <i>STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED-UP <b>CLOSED</b>, ALTERED, DIVERTED OR RESTRICTED FOR WHICH <del>NO</del> <b><u>DIVERSION IS TO BE PROVIDED. A DIVERSION MAY BE REQUIRED BY THE LOCAL HIGHWAY AUTHORITY</u></b></i></p> <p>(1) <i>Street to be temporarily <del>stopping-up</del> <b>closed</b>, altered, diverted or restricted</i></p> <p>(2) <i>Extent of temporary <del>stopping-up</del> <b>closure</b>, alteration, diversion or restriction</i></p>	<p>During Examination several examples of streets that would require to have diversion when temporarily closed were discussed, ie; Balmoral Drive, Frimley Green Road and Mincingfield Lane. It is more than likely that most streets in this schedule will require a diversion to be agreed with the Local Highway Authority when closed for even short periods. Hence the need to re title this table.</p>

Reference	Text as Set Out in draft DCO [REP6-003]	ExA's Recommended Amendment	Reason and Notes
<p><b>Schedule 11</b></p> <p><i>Document to be certified</i></p>	<p>As worded in the dDCO [REP6-003]</p>	<p>See comments</p>	<p>The ExA is concerned the Schedule lacks clarity of documents or that the correct referencing exists. This may be deliberate on the Applicant's part in order to amend this at the final draft DCO to be submitted at D7. However, the ExA requests the Applicant undertake a thorough review of the versions of the documents and would suggest an additional column inserting the dates they were submitted into the Examination.</p>