

Southampton to London Pipeline Project

Deadline 7

Draft DCO Explanation of Changes at Deadline 7
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THE SOUTHAMPTON TO LONDON PIPELINE PROJECT (EN070005)

DESCRIPTION OF CHANGES TO THE DRAFT DCO AT DEADLINE 7

1. This document sets out the changes made to the Applicant's draft Development Consent Order ("**draft DCO**") between the version submitted at Deadline 6 in the examination timetable on 5 March 2020 (**Application Document 3.1(7)**) and the version being submitted at Deadline 7 in the examination timetable on 2 April 2020 (**Document Reference 3.1(8)**).
2. Reference should also be made to the Applicant's response to the Schedule of ExA's recommended amendments to the Applicant's draft DCO submitted at Deadline 6 (PD-017) ("**the ExA's recommended draft DCO**").

Article 2

3. The following terms have been removed from article 2:
 - a. "the 1962 Act": this term is only used once – in article 11 (street works) – and so is now set out in full (with the accompanying footnote) in paragraph (6) of that article instead;
 - b. "pigs": this term is only used twice in Schedule 1 – in relation to Works Nos. 3A and 3C – and the Applicant considers that it is appropriate to set the term out in full there instead;
 - c. "special category land plan" – this term is only used in article 33 (special category land) and so should be defined there instead.
 - d. "tribunal": the term is only used once in article 48 (arbitration) and should be set out in full there instead.
 - e. "valve works": this term is only used in article 6 (limits of deviation) and so should be defined there instead.
4. A definition of the "CEMP" has also been added to article 2 and removed from Requirement 1 of Schedule 2, since the term is also used in the main body of the draft DCO.

Article 6

5. A definition of "the valve works" has been added at paragraph (3), as this is the only article where that term is used.

Article 13

6. This article has been amended to reflect the Examining Authority's ("**ExA**") recommended amendment in the ExA's schedule of recommended amendments. Consequential changes have also been made to the contents and Schedule 5 of the draft DCO.

7. Given the late change to the wording of this article at the request of the ExA, a new paragraph (9) has also been added. This is to clarify that references to the temporary stopping up of streets and highways in Schedule 9 (protective provisions), the terms of which have been agreed with a number of statutory undertakers and other bodies, are to be construed as references to the temporary closure of those streets and highways for the purposes of this article, and therefore ensures that those provisions in Schedule 9 operate as originally intended.

8. References to article 13 in other articles of the draft DCO have been updated to accord with the new heading of this article.

Article 16

9. The word “shall” in paragraph (6) has been changed to “will”, to reflect recent approaches to statutory drafting.

Article 30

10. There was a cross-referencing error in paragraph (9) of this article, which has now been corrected.

Article 33

11. The word “shall” in paragraph (1) has been changed to “will”, to reflect recent approaches to statutory drafting.

12. A definition of “the special category land plan” has been added at paragraph (3), since this is the only article where that term is used.

Article 41

13. References to “construction environmental management plan” in paragraphs (2) and (3) of this article have been amended to “CEMP” to accord with the new defined term in article 2(1).

Article 42

14. A new paragraph (7) of this article has been added to clarify that development consent granted by the DCO is to be treated as a specific planning permission for the purposes of regulation 14 of the Town and Country Planning (Tree Preservation) (England) Order 2012. The effect of this is that the exception in regulation 14(1)(a)(vii) of the 2012 Order to the carrying out of prohibited activities in respect of TPO trees in regulation 13 of the 2012 Order, would apply to activities undertaken under article 42 of the draft DCO, thus ensuring that development consent conferred by this Order benefits from the same exception as an ordinary planning permission.

15. Whilst article 43 confers powers to carry out works to specific TPO trees listed in Schedule 8 of the draft DCO, this further wording is necessary to ensure that the Applicant is also able to carry out works to trees which may be designated as TPO trees in future, without being subject to an obligation to obtain the consent of the local planning authority under regulation 13 before carrying out those works. Without the provision, there is a risk that the

Applicant's ability to carry out works to those trees, and therefore to deliver the authorised development, could be frustrated.

16. The wording is preceded in DCOs: see for example article 40(4) of the National Grid (Richborough Connection Project) Development Consent Order 2017.

Article 48

17. The reference to “the tribunal” has been replaced with “the Upper Chamber of the Lands Tribunal”. This is the only location where the term is used in the draft DCO (hence its deletion in article 2 as well).

Schedule 1

18. The term “pigs” has been replaced with “pipeline inspection gauges” in the description of Works Nos. 3A and 3C, to reflect the deletion of the definition of “pigs” in article 2 (see above).

Requirement 1

19. The definition of “CEMP” has been deleted and moved to article 2, as it also used in article 41 of the draft DCO.
20. A definition of “protected species” has also been added. The term is used in Requirement 13 but was not previously defined. The definition refers to the definitions of “European protected species” and “nationally protected species”, which are already set out in Requirement 1.

Requirement 3

21. This Requirement has been amended to reflect the ExA’s recommended amendments in the ExA’s schedule.

Requirement 5

22. Subject to minor modifications, this Requirement has been amended to reflect the ExA’s recommended amendments in the ExA’s schedule.

Requirement 6

23. This Requirement has been amended to reflect, with minor modifications, the ExA’s recommended amendment in the ExA’s schedule.

Requirement 7

24. The requirement has been updated to reflect the updated heading of article 13.

Requirement 12

25. This Requirement has been amended to reflect, with minor modifications, the ExA’s recommended amendment in the ExA’s schedule.

Requirement 14

26. Paragraphs (1) and (3) of this Requirement have been amended to reflect the ExA's recommended amendments in the ExA's schedule.

Requirement 17

27. Sub-paragraph (b) of this Requirement has been modified to reflect, with minor modifications, the ExA's recommended amendments in the ExA's schedule.

Requirement 18

28. Paragraph (1) of this Requirement has been amended in response to the ExA's comments in the ExA's schedule.

Requirement 25

29. Paragraph (3) of this Requirement has been amended to incorporate the ExA's suggested drafting in the ExA's schedule. (The reference to '5 business days' in paragraph (2) has also been amended to 'five business days').

Requirement 28

30. The reference to the DCLG Planning Policy Guidance (July 2013), which has now been withdrawn, has been amended to the Planning Policy Guidance on Appeals (March 2014), or any circular or guidance which replaces it.

Schedule 4

31. There was a cross-referencing error at the beginning of this Schedule, which has now been corrected.

Schedule 5

32. Minor changes have been made to the headings in this Schedule as a result of the associated changes to article 13 (see above).

Schedule 9

33. A number of additional Protective Provisions have been added to this Schedule to reflect agreements reached with interested parties in advance of Deadline 7.

Schedule 11

34. This schedule has been amended so that all document references and versions are now correct as at the end of the examination period.
35. As set out in the explanation of changes to the draft DCO at Deadline 6 (**REP6-077**), the Applicant has also performed consistency checks on a number of the application documents, such as the outline management plans secured by Schedule 2, submitted at Deadline 7 to ensure that the cross-referencing aligns with the latest draft DCO. However, upon further reflection, no update has been made to the Statement of Reasons as

advertised in REP6-077, since that is not a certified document and no update to it is required for Deadline 7.