

Viking CCS Pipeline

2.3 Schedule of Changes to the Draft Development Consent Order Revision B

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a Harbour Energy Company
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Planning Act 2008 (as amended)
The Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009 - Regulation 5(2)(q)
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Schedule of Changes to the draft DCO

Table 3: Table of Amendments to the draft Development Consent Order – Deadline 1 (Revision C)

Article/Requirement/Schedule Number	Amendment	Reason
Changes made throughout the DCO	Various minor amendments have been made to the DCO to correct formatting and grammar errors	For clarity and consistency
Articles		
Article 2 (Interpretation)	Removal of the definition of “crown land plans”	Not otherwise used in the draft DCO
Article 2 (Interpretation)	<p>Changes to the definition of “highway authority” to also include “highway” and local highway authority” as follows:</p> <p><i><u>“highway”, “highway authority” and “local highway authority” means in any given provision of this Order (including the requirements), the highway authority for the highway to which the provision relates have the same meaning as the 1980 Act and “highway” includes part of a highway;</u></i></p>	In response to WQ 1.7.6
Article 2 (Interpretation)	Removal of the definition of “special category land plans”	Not otherwise used in the draft DCO
Article 2 (Interpretation)	<p>Changes to the definition of “trenchless installation techniques” as follows:</p> <p><i>“trenchless installation techniques” means the installation of the new pipeline and/or associated telecommunications-electronic communications cabling by means of boring techniques including horizontal directional drilling, auger boring and micro-tunnelling;</i></p>	In response to action 1 from Issue Specific Hearing 1

<p>Article 2 (Interpretation)</p>	<p>A definition of “watercourse” has been added:</p> <p><i><u>“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;</u></i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]</p>
<p>Article 8 (Street works)</p>	<p>Sub-paragraph (4) has been amended as follows:</p> <p><i>The powers conferred by paragraph (3) must not be exercised without the consent of the street authority, <u>which may attach reasonable conditions to any consent,</u> but such consent is not to be unreasonably withheld or delayed.</i></p>	<p>In response to submissions of Lincolnshire County Council at ISH1 with the Local Authorities.</p>
<p>Article 8 (Street works)</p>	<p>Sub-paragraph (5) has been amended as follows:</p> <p><i>If a street authority that receives an application for consent under paragraph (4) fails to notify the undertaker of its decision within 28<u>42</u> days beginning with the date on which the application was made<u>received by that street authority</u>, that authority will be deemed to have granted consent.</i></p>	<p>In response to submissions of Lincolnshire County Council at ISH1.</p>
<p>Article 9 (Power to alter layout, etc. of streets)</p>	<p>Sub-paragraph (4) has been amended as follows:</p> <p><i>The powers conferred by paragraph (2) must not be exercised without the consent of the street authority, <u>which may attach reasonable conditions to any consent,</u> but such consent is not to be unreasonably withheld or delayed.</i></p>	<p>In response to submissions of Lincolnshire County Council at ISH1.</p>

<p>Article 9 (Power to alter layout, etc. of streets)</p>	<p>Sub-paragraph (5) has been amended as follows: <i>If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28<u>42</u> days beginning with the date on which the application was made<u>received by that street authority</u>, it is deemed to have granted consent.</i></p>	<p>In response to submissions of Lincolnshire County Council at ISH1.</p>
<p>Article 11 (Temporary restriction of public rights of way)</p>	<p>Sub-paragraph (1) has been amended as follows: <i>The undertaker may, in connection with the carrying out of the authorised development, temporarily restrict, prevent use of or stop up<u>close</u> each of the public rights of way specified in column (2) of Schedule 5 (public rights of way to be temporarily restricted) to the extent specified in column (3), by reference to the numbered points shown on the access and rights of way plans.</i></p>	<p>In response to WQ1.7.14</p>
<p>Article 11 (Temporary restriction of public rights of way)</p>	<p>Sub-paragraph (2) has been amended as follows: <i>The public rights of way specified in Schedule 5 (public rights of way to be temporarily restricted) may not be temporarily stopped up<u>closed</u> under this article unless an alternative public right of way is first provided by the undertaker to the reasonable satisfaction of the relevant <u>local</u> highway authority.</i></p>	<p>In response to WQ1.7.14</p>
<p>Article 11 (Temporary restriction of public rights of way)</p>	<p>Sub-paragraph (5) has been amended as follows: <i>If a highway authority which receives an application for confirmation that an alternative public right of way is satisfactory under paragraph (2) fails to notify the undertaker of its decision before the end of the period of 28<u>42</u> days beginning with the date on which the application was received by that highway authority, it is deemed to have granted consent.</i></p>	<p>In response to WQ1.7.14 and discussions with the Local Authorities.</p>

<p>Article 12 (Temporary restriction of use of streets)</p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop upclose, alter or divert any street and may for any reasonable time—</i></p> <p style="padding-left: 40px;"><i>(a) divert the traffic or a class of traffic from the street; and</i></p>	<p>In response to WQ1.7.14</p>
<p>Article 12 (Temporary restriction of use of streets)</p>	<p>Sub-paragraph (2) has been amended as follows:</p> <p><i>Without limiting paragraph (1), the undertaker may use any street temporarily stopped upclosed under the powers conferred by this article within the Order limits as a temporary working site.</i></p>	<p>In response to WQ1.7.14</p>
<p>Article 12 (Temporary restriction of use of streets)</p>	<p>Sub-paragraph (3) has been amended as follows:</p> <p><i>The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping upclosure, alteration or diversion of a street under this article if there would otherwise be no such access.</i></p>	<p>In response to WQ1.7.14</p>
<p>Article 12 (Temporary restriction of use of streets)</p>	<p>Sub-paragraph (4) has been amended as follows:</p> <p><i>The undertaker must not temporarily stop upclose, alter, divert or use as a temporary working site any street other than those referred to in Schedule 3 (streets subject to street works) and Schedule 5 (public rights of way to be temporarily restricted) without the consent of the street authority, which may attach reasonable conditions to the consent, but such consent is not to be unreasonably withheld or delayed.</i></p>	<p>In response to WQ1.7.14</p>

<p>Article 12 (Temporary restriction of use of streets)</p>	<p>Sub-paragraph (6) has been amended as follows: <i>If a street authority which receives an application for consent under paragraph (5) fails to notify the undertaker of its decision before the end of the period of 2842 days beginning with the date on which the application was received by that street authority, it is deemed to have granted consent.</i></p>	<p>In response to WQ1.7.14 and discussions with the Local Authorities.</p>
<p>Article 13 (Access to works)</p>	<p>Sub-paragraph (3) has been amended as follows: <i>If the street authority which has received an application for consent under paragraph (2) fails to notify the undertaker of its decision before the end of the 2842 day period beginning with the date on which the application was received by that street authority, it is deemed to have granted consent.</i></p>	<p>In response to discussions with the Local Authorities</p>
<p>Article 16 (Traffic regulation)</p>	<p>Sub-paragraph (3) (a) has been amended as follows: <i>The undertaker must not exercise the powers conferred by paragraph (1) unless it has—</i> <i>(a) given not less than 2842 days' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and</i></p>	<p>In response to discussions with the Local Authorities</p>
<p>Article 16 (Traffic regulation)</p>	<p>Sub-paragraph (7) has been amended as follows: <i>If the traffic authority fails to notify the undertaker of its decision within 2842 days of receiving an application for consent under paragraph (1) the traffic authority is deemed to have granted consent.</i></p>	<p>In response to discussions with the Local Authorities</p>

<p>Article 17 (Discharge of water)</p>	<p>Sub-paragraph (7) has been amended as follows:</p> <p><i>This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 (requirement for environmental permit) of Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016⁽¹⁾ in respect of a water discharge activity or groundwater permit.</i></p>	<p>In response to the Environment Agency's relevant representation [RR-034]</p>
<p>Article 17 (Discharge of water)</p>	<p>Sub-paragraph (8) (b) has been amended as follows:</p> <p><i>(b) other expressions, excluding watercourse, used both in this article and in the <u>Water Resources Act 1991</u> have the same meaning as in that <u>Act</u>Environmental Permitting (England and Wales) Regulations 2016 have the same meaning as in those Regulations.</i></p>	<p>In response to the Environment Agency's relevant representation [RR-034]</p>
<p>Article 19 (Authority to survey and investigate the land)</p>	<p>Sub-paragraph (7) has been amended as follows:</p> <p><i>If either a highway authority or a street authority which receives an application for consent under paragraph (5) fails to notify the undertaker of its decision within <u>28</u>42 days of receiving the application for consent, that authority is deemed to have granted consent.</i></p>	<p>In response to WQ1.7.16 and discussions with the Local Authority</p>
<p>Article 44 (Certification of plans, etc.)</p>	<p>Sub-paragraph (1) (m) has been amended as follows:</p> <p><i>(m) the outline archaeological written scheme of investigation (document numbers 6.4.8.3 and 6.4.8.4);</i></p>	<p>In response to the Environment Agency's relevant representation [RR-034]</p>

(1) S.I. 2016/1154.

<p>Article 44 (Certification of plans, etc.)</p>	<p>Sub-paragraph (1) (n) has been amended as follows:</p> <p><i>(n) outline operational and maintenance environmental management phase mitigation plan (document number 6.4.3.6); and</i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]</p>
<p>Schedules</p>		
<p>Schedule 1, Part 1 (Authorised development)</p>	<p>The Applicant has updated the drafting in Schedule 1, Part 1 to clarify which Work Nos. that are the nationally significant infrastructure project and which Work Nos. are associated development.</p>	<p>In response to action 1 from Issue Specific Hearing 1</p>
<p>Schedule 1, Part 1 (Authorised development)</p>	<p>References to “telecommunications cables” where they appear in works descriptions have been amended and replaced with “fibre optic cables for transfer of electronic communications”.</p>	<p>In response to action 1 from Issue Specific Hearing 1</p>
<p>Schedule 1, Part 1 (Authorised development)</p>	<p>References to “electrical connection” where they appear in works descriptions have been amended and replaced with “installation and use of cables...for supply of electricity”.</p>	<p>In response to action 1 from Issue Specific Hearing 1</p>
<p>Schedule 2 Part 1 (Requirements), Paragraph 5 (Construction environmental management plan)</p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>No stage of the authorised development can commence until a CEMP which includes that stage has been submitted to and approved by the relevant planning authority <u>following consultation with the Environment Agency.</u></i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]</p>

<p>Schedule 2 Part 1 (Requirements), Paragraph 6 (Construction traffic)</p>	<p>A sub-paragraph 2 has been added as follows: <i><u>The CTMP for each stage must include a construction worker travel plan in accordance with the interim worker travel plan and include measures to be taken to promote sustainable travel options and minimise use of private vehicles.</u></i></p>	<p>In response to WQ1.16.22</p>
<p>Schedule 2 Part 1 (Requirements), Paragraph 7 (Highways Accesses)</p>	<p>Sub-paragraph (4) has been amended as follows: <i>The highway accesses (including visibility splays) must be implemented in accordance with the approved access plan<u>details</u>.</i></p>	<p>This is a correction.</p>
<p>Schedule 2 Part 1 (Requirements), Paragraph 9 (Contaminated land and groundwater)</p>	<p>Sub-paragraph (1) has been amended as follows: <i>In the event that contamination is found at any time when carrying out the authorised development <u>then works in that location must cease immediately and it must be reported in writing to the relevant planning authority as soon as reasonably practicable</u></i></p>	<p>In response to the Environment Agency's relevant representation [RR-034]</p>

<p>Schedule 2 Part 1 (Requirements), Paragraph 9 (Contaminated land and groundwater)</p>	<p>Sub-paragraphs (2) and (3) have been amended as follows:</p> <p><i>Where contamination has been reported to the relevant planning authority in accordance with sub-paragraph (1), an investigation and risk assessment must be completed in accordance with a contamination scheme to assess the nature and extent of any contamination on the part of the Order limits within which works are being carried out, whether or not that contamination originates on that part of the Order limits; and—</i></p> <p>(a) <i>the contents of that scheme are subject to the approval of the relevant planning authority, <u>following consultation with the Environment Agency</u>; and</i></p> <p>(b) <i>that investigation and risk assessment must be undertaken within timescales agreed with the relevant planning authority and in accordance with the approved contamination scheme and a written report of the findings must be submitted to the relevant planning authority, <u>following consultation with the Environment Agency</u>.</i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]</p>
<p>Schedule 2 Part 1 (Requirements), Paragraph 9 (Contaminated land and groundwater)</p>	<p>Sub-paragraph (3) has been amended as follows:</p> <p><i>Where remediation is determined by the relevant planning authority to be required having had regard to the results of an investigation and risk assessment carried out under sub-paragraph (2), a detailed remediation scheme must be prepared and submitted for the approval of the relevant planning authority, <u>following consultation with the Environment Agency</u>.</i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]</p>

<p>Schedule 2 Part 1 (Requirements), Paragraph 13 (Construction hours)</p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>Subject to sub-paragraphs (2), (3), and (4) and (5), construction works must only take place between 0700 and 1900 on weekdays (except public and bank holidays) and 0700 and 1330 on Saturdays <u>(except public and bank holidays), except in the event of an emergency unless a scheme for the carrying of those works specifying the hours in which they may be carried out has been submitted to and approved by the relevant planning authority. Where such a scheme is approved under this requirement, the works set out in that scheme must be carried out in accordance with the approved scheme.</u></i></p> <p>Sub-paragraph (1) does not apply in the event of an emergency.</p>	<p>In response to WQ1.7.29</p>
<p>Schedule 2 Part 1 (Requirements), Paragraph 13 (Construction hours)</p>	<p>Sub-paragraph (3) has been amended as follows:</p> <p><i>The following operations may <u>where necessary</u> continue or take place outside the working hours referred to in sub-paragraph (1)—</i></p> <p>(a) <i>trenchless construction techniques which cannot be interrupted;</i></p> <p>(b) <i>filling, testing, dewatering and drying;</i></p> <p><i>works required to mitigate delays to the construction of the authorised development due to extreme weather conditions;</i></p> <p>(c) <i>commissioning of the pipeline works.</i></p>	<p>In response to WQ1.7.29</p>

<p>Schedule 2 Part 1 (Requirements), Paragraph 13 (Construction hours)</p>	<p>Sub-paragraph (4) has been amended as follows: <i>Nothing in sub-paragraph (1) precludes—</i></p> <p>(a) <i>receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</i></p> <p>(b) <i>start-up and shut-down activities up to an hour either side of the core-stated working hours and undertaken in compliance with the CEMP; and</i></p> <p>(c) <i>works on a traffic sensitive street where so directed by the relevant highway authority; and</i></p> <p>(e)(d) <i>works to make construction sites safe in the event of extreme weather</i></p>	<p>In response to WQ1.7.29</p>
<p>Schedule 2 Part 1 (Requirements), Paragraph 15 (Operational and maintenance environmental management<u>phase mitigation</u> plan</p>	<p>Paragraph 15 has been amended as follows:</p> <p>(1) <i>The undertaker must, no later than three months prior to the planned completion of commissioning of the authorised development, submit to the relevant planning authorities the operational and maintenance environmental management<u>phase mitigation</u> plan (or plans) which details the monitoring and management requirements of the authorised development, including post-construction monitoring.</i></p> <p>(2) <i>The operational and maintenance environmental management<u>phase mitigation</u> plans submitted under sub-paragraph (1) must be in accordance with the outline operational and maintenance environmental management<u>phase mitigation</u> plan, and developed having regard to the approved CEMP(s) and the LEMP(s).</i></p> <p>(3) <i>Operation of the authorised development must be implemented in accordance with the submitted operational and maintenance environmental management<u>phase mitigation</u> plan(s).</i></p>	<p>In response to the Environment Agency's relevant representation [RR-034]</p>

<p>Schedule 2 Part 1 (Requirements) Paragraph 16 (Decommissioning environmental management plan)</p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>The undertaker must, no later than six months prior to the planned permanent cessation of operation of the authorised development, submit to a DEMP to the relevant planning authorities for approval <u>following consultation with the Environment Agency a DEMP</u>.</i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]. Clarification in wording.</p>
<p>Schedule 2 Part 1 (Requirements) Paragraph 16 (Amendments to approved details)</p>	<p>Sub-paragraph (4) has been amended as follows:</p> <p><i>Subject to sub-paragraph (2), if a relevant planning authority which receives an application for approval of any amendments to approved details under sub-paragraph (1) fails to notify the undertaker of its decision before the end of the period of 28<u>56</u> days beginning with the date on which the application was made, <u>or such longer period as may be agreed in writing by the undertaker and the relevant authority</u>, it is deemed to have granted consent.</i></p>	<p>In response to discussions with the Local Authorities</p>
<p>Schedule 2 Part 2 (Procedure for discharge of requirements) Paragraph 20 (Applications made under requirements)</p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>Where an application has been made to a discharging authority for any consent, agreement or approval under a requirement, the relevant authority must give notice to the undertaker of its decision on the application within a period of 28<u>56</u> days beginning with—</i></p> <ul style="list-style-type: none"> <i>(a) where no further information is requested under requirement 22, the day immediately following that on which the application is received by the authority;</i> <i>(b) where further information is requested under requirement 22, the day immediately following that on which further information has been supplied by the undertaker; or</i> <i>(c) such longer period as may be agreed in writing by the undertaker and the discharging authority.</i> 	<p>In response to discussions with the Local Authorities</p>

Schedule 2 Part 2 (Procedure for discharge of requirements) Paragraph 22 (Further information)

Paragraph 22 has been amended as follows:

2.—(1) Where an application has been made under requirement 20 the discharging authority may, subject to complying with the requirements of this paragraph, request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.

(2) If the discharging authority considers further information is necessary and the requirement does not specify that consultation with a requirement consultee is required, the discharging authority must, within ~~10 business~~ 21 days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement specifies that consultation with a requirement consultee is required, the discharging authority must issue the consultation to the requirement consultee within 10 ~~business~~ days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 10 ~~business~~ days of receipt of such a request and in any event within 21 days of receipt of the application.

(4) If the discharging authority does not give the notification mentioned in sub-paragraphs (2) or (3) or such longer period as may be agreed in writing by the undertaker and the relevant authority, or otherwise fails to request any further information within the timescales provided for in this paragraph, it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

In response to discussions with the Local Authorities

<p>Schedule 2 Part 2 (Procedure for discharge of requirements) Paragraph 23 (Fees)</p>	<p>Sub-paragraph (2) has been amended as follows:</p> <p><i>Any fee paid under this Schedule must be refunded to the undertaker within 35 days of—</i></p> <ul style="list-style-type: none"> <i>(a) the application or request being rejected as invalidly made; or</i> <i>(b) the relevant planning authority failing to determine the application or to provide written comments within 28-56 days from the date on which the application is received, <u>or such longer period as may be agreed in writing under requirement 22</u>, unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application or a future request for comments.</i> 	<p>In response to discussions with the Local Authorities</p>
<p>Schedule 3 (Streets subject to street works) Part 1 (Streets subject to permanent street works)</p>	<p>Amendments have been made to column (3) Description of street works as follows:</p> <p><i>Installation and use of cables and fibre optic cables</i> <i>Execution of electrical connection works from the local Electric Network Operator</i></p>	<p>In response to action 1 from Issue Specific Hearing 1</p>
<p>Schedule 7 (Land in which only new rights etc., may be acquired)</p>	<p>Amendments have been made to column (2) purpose of which land is required as follows:</p> <p>“telecommunications” has been replaced by “electronic communications through the cables and fibre optic cables”.</p>	<p>In response to action 1 from Issue Specific Hearing 1</p>

Table 2: Table of Amendments to the draft Development Consent Order – Change request (Revision B)

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 1, Part 1 (authorised development)	Deletion of Work Nos. 2a and 2b. Removal of other references to those Work Nos.	To reflect the changes sought as part of the change request
Schedule 6, Part 1 (Land of which only temporary possession may be taken)	The tables have been amended.	To reflect the changes sought as part of the change request

Table 1: Table of Amendments to the draft Development Consent Order in response to section 51 advice (Revision A)

Article/Requirement/Schedule Number	Amendment	Reason
Article 44 (Certification of plans, etc.)	Sub-paragraph (1)(m) has been amended to correct an erroneous document reference	In response to section 51 advice
Schedule 1 (authorised development)	Minor correction of Work Nos. where these did not align with the Works Plans [APP-014 and APP-015]	In response to section 51 advice