

## Viking CCS Pipeline

# 2.3 Schedule of Changes to the draft DCO – Revision D

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Applicant: Chrysaor Production (U.K.) Limited,  
a Harbour Energy Company  
PINS Reference: EN070008  
Planning Act 2008 (as amended)  
The Infrastructure Planning (Applications: Prescribed Forms  
and Procedure) Regulations 2009 - Regulation 5(2)(q)  
Date: June 2024

# Schedule of Changes to the draft DCO

## Table 5: Table of Amendments to the draft Development Consent Order – Change Request 2

Article/Requirement/Schedule Number	Amendment	Reason
<b>Articles</b>		
<b>Article 2 (Interpretation)</b>	<p>Changes to the definition of “general arrangement plans” to as follows:</p> <p>“general arrangement plans” means the Immingham Facilities Plot Plan, the Theddlethorpe Facility (Option 1) Plot Plan, <del>the Theddlethorpe Facility (Option 2) Plot Plan,</del> the Washingdales Lane Block Valve Station plan, the Thoroughfare Block Valve Station plan, and the Louth Road Block Valve Station plan certified as the general arrangement plans by the Secretary of State for the purposes of this Order;</p>	To reflect the changes sought as part of the change request to remove the Theddlethorpe Facility (Option 2)
<b>Article 2 (Interpretation)</b>	The definition of “scenario 1” has been deleted.	To reflect that alternative scenarios are no longer included in the draft DCO by virtue of the change request.
<b>Article 2 (Interpretation)</b>	The definition of “scenario 2” has been deleted.	To reflect that alternative scenarios are no longer included in the draft DCO by virtue of the change request.
<b>Article 2 (Interpretation)</b>	<p>Changes to the definition of “Theddlethorpe Facility” (Option 1) as follows:</p> <p>“Theddlethorpe Facility <del>(Option 1)</del>” means an AGI for the control and interface of the pipeline to the Theddlethorpe Facility, within the location shown as Work No.44 on Sheet 35 of the Works Plans</p>	To reflect the changes sought as part of the change request to remove the Theddlethorpe Facility (Option 2)
<b>Article 2 (Interpretation)</b>	The definition of “Theddlethorpe Facility Option 2” has been deleted.	To reflect the changes sought as part of the change request to remove the Theddlethorpe Facility (Option 2)

<p><b>Article 3 (Development consent etc. granted by the Order)</b></p>	<p>Sub-paragraph (2) has been deleted.</p> <p><b>Development consent etc. granted by the Order</b></p> <p>3.—(1) Subject to the provisions of this Order and to the requirements the undertaker is granted—</p> <ul style="list-style-type: none"><li>(a) development consent for the authorised development; and</li><li>(b) consent for the ancillary works,</li></ul> <p>to be carried out within the Order limits.</p> <p><del>(2) Unless otherwise stated in Schedule 2 (Requirements), the requirements apply to scenario 1 and scenario 2.</del></p>	<p>To reflect that alternative scenarios are no longer included in the draft DCO by virtue of the change request.</p>
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**Article 44 (Certification of plans, etc.)**

**44.—**(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the access and rights of way plans (consisting of a key plan and sheets 1 to 36 inclusive) (document number 4.20);
- (b) the land plans (consisting of a key plan and sheets 1 to 36 inclusive) (document number 4.3);
- (c) the crown land plans (consisting of a key plan and sheets 1 to 2 inclusive) (document number 4.4);
- (d) the special category land plans (consisting of a key plan and sheets 1 to 4 inclusive) (document number 4.5);
- (e) the works plans (consisting of a key plan and sheets 1 to 36 inclusive) (document number 4.2);
- (f) the general arrangement plans comprising the Immingham Facilities Plot Plan (document number 4.6); Theddlethorpe Facility ~~(Option 1)~~ Plot Plan (document number 4.7); ~~Theddlethorpe Facility (Option 2) Plot Plan (document number 4.8)~~; Washingdales Lane Block Valve Station plan (document number 4.14); Thoroughfare Block Valve Station plan (document number 4.15); Louth Road Block Valve Station plan (document number 4.16);
- (g) the book of reference (document number 3.3);
- (h) the environmental statement (consisting of 4 volumes) (document numbers 6.1 to 6.4.20.1);
- (i) the outline construction environment management plan (document number 6.4.3.1);
- (j) the outline landscape and ecological management plan (document number 6.8);
- (k) the outline construction traffic management plan (document number 6.4.12.5);
- (l) the outline drainage strategy (document number 6.4.11.3);
- (m) the outline archaeological written scheme of investigation (document number 6.4.8.3);
- (n) outline operational phase mitigation plan (document number 6.4.3.6); and

any other plans or documents referred to in this Order as requiring certification, for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

To reflect the changes sought as part of the change request to remove the Theddlethorpe Facility (Option 2)

## Schedules

<b>Schedule 1, Part 1 (Authorised development)</b>	Work No.42 has been deleted.	To reflect the changes sought as part of the change request to remove the Theddlethorpe Facility (Option 2)
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<p><b>Schedule 1, Part 1 (Authorised development)</b></p>	<p>Work No. 43 a) has been amended as follows:</p> <p><i>Work No.43-</i></p> <p>(a) <del>in the event of scenario 1,</del> construction of a buried 24-inch (610 millimetre) external diameter Carbon Dioxide (CO2) pipeline section of approximately 304 metres length between Work No. 41<del>2</del> and Work No. 44 including:</p> <ul style="list-style-type: none"><li>(i) construction and installation of the pipeline by trenched and trenchless methods, including trenchless installation technique pit works, the creation of reception pits, and launch pits;</li><li>(ii) installation of pipeline marker posts and cathodic protection test posts along the pipeline route;</li><li>(iii) installation of underground fibre optic cables for transfer of electronic communications;</li><li>(iv) construction of a haul road, temporary construction accesses and working areas and laydown area;</li><li>(v) reinstatement, ecological and environmental works; and</li><li>(vi) drainage works including creation of connections to existing drainage system.</li></ul> <p><del>b)in the event of scenario 2, construction of a buried 36-inch (914 millimetre) external diameter Carbon Dioxide (CO2) pipeline section of approximately 304 metres length between Work No. 42 and Work No. 44 including:</del></p> <ul style="list-style-type: none"><li><del>(vii) construction and installation of the pipeline by trenched and trenchless methods, including trenchless installation technique pit works, the creation of reception pits, and launch pits;</del></li><li><del>(viii) installation of pipeline marker posts and cathodic protection test posts along the pipeline route;</del></li><li><del>(ix) installation of fibre optic cables for transfer of electronic communications;</del></li><li><del>(x) construction of a haul road, temporary construction accesses and working areas and laydown area;</del></li><li><del>(xi) reinstatement, ecological and environmental works; and</del></li><li><del>(xii) drainage works including creation of connections to existing drainage system.</del></li></ul> <p>as shown on Sheet 35 of the Works Plan.</p>	<p>To reflect the changes sought as part of the change request to remove the Theddlethorpe Facility (Option 2)</p>
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<p><b>Schedule 1, Part 1 (Authorised development)</b></p>	<p>Work No. 44 has been amended as follows:</p> <p>Work No.44 –</p> <p>(a) <del>in the event of scenario 1</del>, construction of an AGI comprising equipment for the control and interface of the pipeline to the Theddlethorpe Facility, within the location shown on Sheet 35 of the Works Plan, including:</p> <ul style="list-style-type: none"> <li>(i) a fenced compound area containing; <ul style="list-style-type: none"> <li>(aa) security lighting;</li> <li>(bb) parking;</li> <li>(cc) cathodic protection measures (including groundbeds)</li> <li>(dd) CCTV cameras, intrusion detection systems and access control systems;</li> <li>(ee) PIG launcher and receiver facilities (including a projectile blast wall);</li> <li>(ff) local equipment room;</li> <li>(gg) supporting infrastructure;</li> <li>(hh) control mechanisms and electrical and instrumentation kiosk; and</li> </ul> </li> <li>(ii) venting system including vent pipework, valves and vent stack;</li> <li>(iii) above ground control boxes</li> <li>(iv) above/below ground pipework and isolation valves;</li> <li>(v) below ground cables and cable ducts;</li> <li>(vi) hard standing;</li> <li>(vii) drainage works, including creation of connections to existing drainage system; and</li> <li>(viii) landscaping.</li> </ul>	<p>To reflect the changes sought as part of the change request</p>
<p><b>Schedule 1, Part 1 (Authorised development)</b></p>	<p>Work No. 15a has been deleted.</p>	<p>To reflect the changes sought as part of the change request</p>
<p><b>Schedule 1, Part 1 (Authorised development)</b></p>	<p>Work No.16a has been deleted.</p>	<p>To reflect the changes sought as part of the change request</p>



<b>Schedule 1, Part 1 (Authorised development)</b>	Work No.16b has been deleted.	To reflect the changes sought as part of the change request
<b>Schedule 1, Part 1 (Authorised development)</b>	Work No. 16c has been deleted.	To reflect the changes sought as part of the change request
<b>Schedule 1, Part 1 (Authorised development)</b>	<p>Work No. 32a has been amended as follows:</p> <p><i>Work No.32a</i> - Construction and use of a temporary access and laydown location at Louth Road for use during the construction of the authorised development at the location shown on <b>Sheet 25 and</b> Sheet 26 of the Works Plan including:</p> <ul style="list-style-type: none"> <li>(a) temporary office, welfare and security facilities;</li> <li>(b) a parking area;</li> <li>(c) laydown / materials storage area;</li> <li>(d) waste management facilities; and</li> <li>(e) fencing and gating.</li> </ul>	To reflect the changes to the Works Plans as part of the change request
<b>Schedule 1, Part 1 (Authorised development)</b>	Work No. 42a has been deleted.	To reflect the changes sought as part of the change request
<b>Schedule 1, Part 1 (Authorised development)</b>	Work No. 42b has been deleted.	To reflect the changes sought as part of the change request
<b>Schedule 1, Part 1 (Authorised development)</b>	<p>Work No 44a has been amended as follows:</p> <p><i>Work No.44a</i> – <del>in the event of scenario 1,</del> improvement and use of an existing vehicular access from A1031- Maplethorpe Road to Work No. 44, within the location shown on Sheet 35 of the Works Plan, including improvement of existing road surfacing.</p>	To reflect that alternative scenarios are no longer included in the draft DCO by virtue of the change request.

<p><b>Schedule 1, Part 1 (Authorised development)</b></p>	<p>Work No. 48a has been amended as follows:</p> <p><i>Work No.48a –</i></p> <p>(a) <del>in the event of scenario 1,</del> installation and use of cables and fibre optic cables from Work No. 44 to Work No. 48 as shown on Sheets 35 and 36 of the Works Plan for supply of electricity and electronic communications; <del>and</del></p> <p>(b) <del>in the event of scenario 2, installation and use of cables and fibre optic cables from Work No. 45 to Work No. 48 as shown on Sheets 35 and 36 of the Works Plan for supply of electricity and electronic communications.</del></p>	<p>To reflect that alternative scenarios are no longer included in the draft DCO by virtue of the change request.</p>
<p><b>Schedule 2 Part 1 Requirements Paragraph 3, (Scenarios, stages of authorised development)</b></p>	<p>Paragraph 3 has been deleted.</p> <p><del>Scenarios, s</del><b>Stages of authorised development</b></p> <p><del>3 (3) The authorised development must not commence until notification has been submitted to the relevant planning authority as to whether the undertaker intends to commence scenario 1 or scenario 2.</del></p> <p><del>The notification required under sub-paragraph (1) must be submitted to the relevant planning authority prior to submission of a written scheme to be submitted under sub-paragraph (3).</del></p> <p>(1)The authorised development must not commence until a written scheme setting out all stages of the authorised development and including a plan indicating when each stage will be constructed has been submitted to each relevant planning authority, which scheme may subsequently be amended from time to time as notified to the relevant planning authority.</p> <p>(2) The written scheme must be implemented as notified under paragraph (13)</p>	<p>To reflect that alternative scenarios are no longer included in the draft DCO by virtue of the change request.</p>

<p><b>Schedule 2 Part 1 Requirements Paragraph 4, (Scheme design)</b></p>	<p>Paragraph 4 has been amended as follows:</p> <p><b>Scheme design</b></p> <p>4.(1) Subject to sub-paragraph (2), <del>the following</del> Works Nos. 1, 14, 21, 31 and 44 must be carried out in general accordance with the general arrangement plans.:</p> <p><del>(a) in the event of scenario 1 or scenario 2, Works Nos. 1, 14, 21 and 31;</del></p> <p><del>(b) in the event of scenario 1, Work No. 44; and</del></p> <p><del>(c) in the event of scenario 2, Work No. 42.</del></p> <p>(2)The authorised development will not be in general accordance with the general arrangement plans if any departure from the general arrangement plans would give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p>	<p>To reflect the changes sought as part of the change request</p>
<p><b>Schedule 2 Part 1 Requirements Paragraph 4, (Scheme design)</b></p>	<p>Table 1 has been amended to remove references to scenarios or to Work No.42</p>	<p>To reflect the changes sought as part of the change request</p>
<p><b>Schedule 2 Part 1 Requirements Paragraph 8 (Surface water drainage)</b></p>	<p>Paragraph 8 has been amended as follows:</p> <p><b>Surface water drainage</b></p> <p>9.—(1) No development of Work Nos 1, 14, 21 and 31, and <del>Work No. 44:</del></p> <p><del>(a) in the event of scenario 1, Work No. 44; and</del></p> <p><del>(b) in the event of scenario 2, Work No. 42,</del></p> <p>may commence. until, for that Work No, a surface water drainage plan for permanent works relevant to that stage, in accordance with the relevant part of the outline surface water drainage strategy has been submitted to and approved by the relevant planning authority.</p> <p>(2) The surface water drainage system for each stage must be implemented in accordance with the approved details.</p>	<p>To reflect the changes sought as part of the change request</p>
<p><b>Schedule 3, Part 1, (Streets subject to permanent street works), Part 2, (Streets subject to temporary street works)</b></p>	<p>The tables in Part 1 and Part 2 have been amended.</p>	<p>To reflect the changes sought as part of the change request</p>

<b>Schedule 6, Part 1 (Land of which only temporary possession may be taken)</b>	The table in Part 1 has been amended.	To reflect the changes sought as part of the change request
<b>Schedule 7, Land in which only new rights etc., may be acquired</b>	The table has been amended.	To reflect the changes sought as part of the change request.

**Table 4: Table of Amendments to the draft Development Consent Order – Deadline 3 (Revision C)**

Article/Requirement/Schedule Number	Amendment	Reason
<b>Articles</b>		
<b>Article 2 (Interpretation)</b>	<p>Changes to the definition of “commence” to include temporary works as follows:</p> <p>“commence” means carry out a material operation, as defined in section 155 of the 2008 Act (<del>which explains</del> when development begins), comprised in or for the purposes of the authorised development other than site preparation works, remediation works, environmental (including archaeological) surveys and investigation, site, utility or soil survey, erection of <b>temporary</b> fencing to site boundaries or marking out of site boundaries, installation of <b>temporary</b> amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures and any such <b>temporary</b> accesses that may be required in association with these, and “commencement”, “commenced” and cognate expressions are to be construed accordingly;</p>	<p>In response to Lincolnshire County Council’s answer to the Examining Authority’s first written question 1.7.1,</p>
<b>Article 2 (Interpretation)</b>	<p>Changes to the definition of “maintain” as follows:</p> <p>“maintain” includes inspect, assess, repair, test, cleanse, adjust, landscape, preserve, make safe, divert or alter the authorised development, and remove, clear, reconstruct, re-new, re-lay, re-furbish, improve, replace, dismantle, demolish, abandon or decommission any part of the authorised development, <b>provided these do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement</b>, but must not include the renewal, re-laying, reconstruction or replacement of the entirety of the new pipeline; and any derivative of “maintain” is to be construed accordingly;</p>	<p>In response to answers from local authorities to the Examining Authority’s first written question 1.7.4.</p>
<b>Article 2 (Interpretation)</b>	<p>Minor amendments to the definitions of “Theddlethorpe Facility (Option 1)” and “Theddlethorpe Facility (Option 2)” to correct references to Works Nos.</p>	<p>To correct minor errors.</p>

<p><b>Article 36 (Application and modification of legislative provisions)</b></p>	<p>Sub-paragraph (1)(a) has been amended as follows: (a) <del>the 2016 Regulations, to the extent that they require a permit for anything that would have required consent made under section 109 of the Water Resources Act 1991(-) immediately before the repeal of that section or for any activities defined under the Environmental Permitting (England and Wales) Regulations 2016 as flood risk activities (a) regulation 12 (requirement for environmental permit) of the Environmental Permitting Regulations 2016 in respect of a flood risk activity only;</del></p>	<p>In response to the Environment Agency's relevant representation [RR-034]</p>
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<p><b>Article 43 (Planning Legislation)</b></p>	<p>A new article 43 has been added as follows in place of Operation land for purposes of 1990 Act as follows: <del>Operational land for the purposes of the 1990 Act</del> <b>Planning legislation</b> (3) Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is not to be treated as operational land) of the 1990 Act.</p> <ul style="list-style-type: none"><li>a. Any planning permission which has been initiated prior to the commencement of the authorised development pursuant to this Order may continue to be lawfully implemented thereafter notwithstanding any physical incompatibility with the authorised development or inconsistency with any provision of this Order.</li><li>b. As from the date on which the authorised development is commenced, any conditions of a planning permission granted pursuant Part 3 (Control over Development) of the 1990 Act (whether express or otherwise) which relate to land within the Order limits or land adjacent to the Order limits cease to have effect to the extent they are inconsistent with the authorised development or with anything done or approved under the requirements in Schedule 2 (requirements).</li><li>c. As from the date of this Order where planning permission (whether express or otherwise) is granted (whether prior to the date of this Order or after) pursuant to Part 3 of the 1990 Act in respect of land within the Order limits for development not forming part of the authorised development, the carrying out of development pursuant to such planning permission is not to operate to prevent the undertaker from carrying out further works for the development of the authorised project pursuant to the terms of this Order.</li><li>d. Nothing in this Order restricts the undertaker from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.</li><li>e. Any development, or any part of a development within the Order limits which is constructed or used under the authority of a planning permission pursuant to Part 3 of the 1990 Act (whether express or otherwise) following the coming into force of this Order is to be disregarded at all times for the purposes of ascertaining whether or not an offence has been committed under the provisions of sections 160 (offences) or 161 (breach of terms of order granting development consent) of the 2008 Act.</li></ul>	<p>In response to submissions of Lincolnshire County Council at ISH1 and in in the Council's Local Impact Report.</p>
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<b>Schedules</b>		



<p><b>Schedule 2 Part 1 (Requirements), Paragraph 1 (Interpretation)</b></p>	<p>Paragraph 1 has been amended to include a new definition of “relevant planning authority” as follows:</p> <p>“relevant planning authority” means–</p> <ul style="list-style-type: none"><li>i. Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council for the purposes of–<ul style="list-style-type: none"><li>1. Requirement 6 (construction traffic)</li><li>2. Requirement 7 (highway accesses)</li><li>3. Requirement 8 (surface water drainage)</li><li>4. Requirement 10 (archaeology)</li></ul></li><li>ii. East Lindsey District Council, North Lincolnshire Council, North East Lincolnshire Council and West Lindsay District Council for the purposes of–<ul style="list-style-type: none"><li>1. Requirement 2 (time limits)</li><li>2. Requirement 3 (scenarios, stages of authorised development)</li><li>3. Requirement 4 (scheme design)</li><li>4. Requirement 5 (construction environmental management plan)</li><li>5. Requirement 9 (contaminated land and groundwater)</li><li>6. Requirement 11 (landscape and ecological management plan)</li><li>7. Requirement 12 (ecological surveys)</li><li>8. Requirement 13 (construction hours)</li><li>9. Requirement 14 (restoration of land)</li><li>10. Requirement 15 (operational phase mitigation plan)</li><li>11. Requirement 16 (decommissioning environmental management plan)</li></ul></li></ul> <p>and “relevant planning authorities” and “relevant planning authority” means Lincolnshire County Council, North Lincolnshire Council, North East Lincolnshire Council, East Lindsay District Council and West Lindsay District Council, as applicable;</p>	<p>In response to submissions of Lincolnshire County Council at ISH1 and in in the Council’s Local Impact Report.</p>
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<p><b>Schedule 2 Part 1 (Requirements), Paragraph 5 (Construction environmental management plan)</b></p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>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 following consultation with the Environment Agency <b>and Lincolnshire County Council</b>.</p>	<p>In response to a request from Lincolnshire County Council.</p>
<p><b>Schedule 2 Part 1 (Requirements), Paragraph 5 (Construction environmental management plan)</b></p>	<p>Sub-paragraph (2) has been amended as follows:</p> <p>(2) The CEMP must be substantially in accordance with the outline construction environment management plan and include management plans, working methods and mitigation measures including—</p> <ul style="list-style-type: none"> <li>iii. details of lighting during construction;</li> <li>iv. noise and vibration management plan,</li> <li>v. dust management plan;</li> <li>vi. materials management plan;</li> <li>vii. soil management plan;</li> <li>viii. water management plan</li> <li>ix. site waste management plan;</li> <li>x. emergency response plan;</li> <li>xi. stakeholder communication plan; <b>and</b></li> <li>xii. public right of way management plan;</li> <li><b>xiii. construction ecological management plan;</b></li> <li><b>xiv. species protection plans; and</b></li> <li><b>xv. invasive non-native species method statement.</b></li> </ul>	<p>In response to comments from Lincolnshire County Council.</p>
<p><b>Schedule 2 Part 1 (Requirements), Paragraph 16 (Decommissioning environmental management plan)</b></p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>The undertaker must, no later than six months prior to the planned permanent cessation of operation of the authorised development, submit a DEMP to the relevant planning authorities for approval following consultation with the Environment Agency <b>and Lincolnshire County Council</b>.</p>	<p>In response to comments from Lincolnshire County Council.</p>

**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><u>“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;</u></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><u><i>“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;</i></u></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 <u>2842</u> days beginning with the date on which the application was <del>made</del><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 <del>28</del><u>42</u> days beginning with the date on which the application was <del>made</del><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 <del>stop up</del><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 <del>stopped up</del><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 <del>28</del><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 <del>stop up</del>close, alter or divert any street and may for any reasonable time—</i></p> <p style="padding-left: 40px;"><i>divert the traffic or a class of traffic from the street;</i></p> <p style="padding-left: 40px;"><i>and</i></p> <p style="padding-left: 40px;"><i>subject to paragraph (3), prevent all persons from passing along the street</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 <del>stopped up</del>closed 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 <del>stopping up</del>closure, 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 <del>stop up</del>close, 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 <del>284</del>2 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 <del>284</del>2 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 <del>284</del>2 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 <del>284</del>2 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: <i><del>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<sup>(1)</sup> in respect of a water discharge activity or groundwater permit.</del></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: <i><del>(b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act Environmental Permitting (England and Wales) Regulations 2016 have the same meaning as in those Regulations.</del></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: <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 <del>28</del>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: <i>(m) the outline archaeological written scheme of investigation (document numbers 6.4.8.3 <del>and 6.4.8.4</del>);</i></p>	<p>In response to the Environment Agency’s relevant representation [RR-034]</p>

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<p>Article 44 (Certification of plans, etc.)</p>	<p>Sub-paragraph (1) (n) has been amended as follows:</p> <p><i>(n) outline operational <del>and maintenance environmental management phase mitigation</del> 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 <del>access plan</del><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)dwater)</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), <del>and (4) and (5)</del>, construction works must only take place between 0700 and 1900 on weekdays <del>(except public and bank holidays)</del> and 0700 and 1330 on Saturdays <del>(except public and bank holidays)</del>, <u>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><del>Sub-paragraph (1) does not apply in the event of an emergency.</del></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> <ul style="list-style-type: none"> <li><i>(a) trenchless construction techniques which cannot be interrupted;</i></li> <li><i>(b) filling, testing, dewatering and drying;</i> <del><i>works required to mitigate delays to the construction of the authorised development due to extreme weather conditions;</i></del> and</li> <li><i>(c) commissioning of the pipeline works.</i></li> </ul>	<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>  <i>(a) the receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</i>  <i>(b) start-up and shut-down activities up to an hour either side of the <del>core-stated</del> working hours and undertaken in compliance with the CEMP; <del>and</del></i>  <i>(c) works on a traffic sensitive street where so directed by the relevant highway authority; <del>and-</del></i>  <del>(e)</del><i>(d) works to make construction sites safe in the event of extreme weather</i></p>	<p>In response to WQ1.7.29</p>
<p><b>Schedule 2 Part 1 (Requirements), Paragraph 15 (Operational <del>and maintenance environmental management</del><u>phase mitigation</u> plan</b></p>	<p>Paragraph 15 has been amended as follows:  <i>(1) 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 <del>and maintenance environmental management</del><u>phase mitigation</u> plan (or plans) which details the monitoring and management requirements of the authorised development, including post-construction monitoring.</i>  <i>(2) The operational <del>and maintenance environmental management</del><u>phase mitigation</u> plans submitted under sub-paragraph (1) must be in accordance with the outline operational <del>and maintenance environmental management</del><u>phase mitigation</u> plan, and developed having regard to the approved CEMP(s) and the LEMP(s).</i>  <i>(3) Operation of the authorised development must be implemented in accordance with the submitted operational <del>and maintenance environmental management</del><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 <del>to a DEMP to the relevant planning authorities for approval</del> <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 <del>28</del><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 <del>28</del><u>56</u> days beginning with—</i></p> <ul style="list-style-type: none"> <li><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></li> <li><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></li> <li><i>(c) such longer period as may be agreed in writing by the undertaker and the discharging authority.</i></li> </ul>	<p>In response to discussions with the Local Authorities</p>

<p>Schedule 2 Part 2 (Procedure for discharge of requirements) Paragraph 22 (Further information)</p>	<p><i>Paragraph 22 has been amended as follows:</i></p> <p>— (1) <i>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.</i></p> <p>(2) <i>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 <del>10 business</del> 21 days of receipt of the application, notify the undertaker in writing specifying the further information required.</i></p> <p>(3) <i>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 <del>business</del> days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 10 <del>business</del> days of receipt of such a request and in any event within 21 days of receipt of the application.</i></p> <p>(4) <i>If the discharging authority does not give the notification mentioned in sub-paragraphs (2) or (3) or <u>such longer period as may be agreed in writing by the undertaker and the relevant authority, or</u> 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.</i></p>	<p>In response to discussions with the Local Authorities</p>
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<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>(2) Any fee paid under this Schedule must be refunded to the undertaker within 35 days of—</i></p> <p><i>(a) the application or request being rejected as invalidly made; or</i></p> <p><i>(b) the relevant planning authority failing to determine the application or to provide written comments within <del>28-56</del> 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>	<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><del><i>Installation and use of cables and fibre optic cables</i></del> <del><i>Execution of electrical connection works from the local Electric Network Operator</i></del></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
<b>Schedule 1, Part 1 (authorised development)</b>	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
<b>Schedule 6, Part 1 (Land of which only temporary possession may be taken)</b>	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
<b>Article 44 (Certification of plans, etc.)</b>	Sub-paragraph (1)(m) has been amended to correct an erroneous document reference	In response to section 51 advice
<b>Schedule 1 (authorised development)</b>	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