

Date: 28 August 2018



info@slpproject.co.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Southampton to London Pipeline, EIA Scoping – August 2018

Natural England welcomes the opportunity to respond to this consultation for the Southampton to London Pipeline. We have had a number of meetings with you during 2018 and are pleased with the progress being made on this project, and this EIA Scoping document reflects that. We have a couple of general comments to make below.

Our key comment is that we hope the feedback given during the two site visits day; Monday 23rd July in Hampshire with Ian McConnell of Natural England; and Tuesday 24th July in Surrey with Graham Steven of Natural England are incorporated within the design and evolution of the EIA and scheme in general. That is specifically around design methodology and individual avoidance and mitigation mechanisms at Chobham Common Site of Special Scientific Interest (SSSI) and Colony Bog and Bagshot Heath SSSI. As well as discussion over the course of both days around net gain possibilities for all of the SSSIs.

EIA Scoping Comments

- 7.3.17 – NE are pleased to see consideration of Suitable Alternative Natural Greenspaces (SANGs) which the route is passing through. We would be keen to see information as how the works here will be scheduled. SANGs are a dynamic entity and new ones are being designated on a monthly basis. We suggest it is worth keeping a watching brief incase others are designated along the route, as the project evolves.
- Chapter 7 Protected Species – formal advice has been given directly by Amy Radford of Natural England on the 18th May 2018. We would also like to draw your attention to the Natural England Standing Advice on Protected Species.
- Similarly we understand that Ancient Woodland is avoided where possible along the entire length of the route. If the route does impinge on root protection zones or any Ancient Woodland, then please refer to the Natural England Standing Advice on Ancient Woodland.

Appendix 5 – Draft Habitats Regulations Assessment

- Section 2.5 – As discussed above, this is where we would urge you to consider the recommendations made during the site visits on the 23rd and 24th July 2018.
- Section 2.7 – Natural England are very supportive of the concept of Biodiversity Enhancements coming forward with this project. This is in keeping with the National Planning Policy Framework 2018 and the presumption towards Net Gain, when looking at development. We look forward to working with Jacobs and Esso on identifying opportunities that will help to deliver enhancements throughout this project.
- References to the bird breeding season and the presumption of avoiding doing works on the Thames Basin Heaths Special Protection Area (SPA) is very much supported by Natural England. However we understand that there may need to be situations where this consideration is reviewed, due

to other potential impact pathways. Such as wet working in bog or mire habitats. Natural England are prepared to review these instances on a case by case basis, and work pragmatically together with the developer.

- 3.4.13 - Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your legal team, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. You should have regard to this and may wish to seek your own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for the Local Planning Authorities to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment you decide to make.

National Planning Policy Framework

As you may be aware, the revised National Planning Policy Framework (NPPF) was published in July 2018. The EIA will need to be carried out in line with the new Framework.

Our response relates to the current consultation on Southampton to London Pipeline Consultation. We would be happy to discuss the detail of this response with Esso, and to give further advice required ahead of any DCO application.

For any queries relating to the specific advice in this letter please contact Marc Turner at marc.turner@naturalengland.org.uk

Yours sincerely,

Marc Turner,
Thames Team,
Natural England