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Mr Ian Fletcher  
Jacobs

Your Ref:

(by e-mail only)

Our Ref: EN070005

Date: 11 June 2019

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Dear Mr Fletcher

## **Planning Act 2008 (as amended) – Section 55**

### **Application by Esso Petroleum Company Limited for an Order Granting Development Consent for the Southampton to London Pipeline Project**

#### **Advice following issue of decision to accept the application for Examination**

On 11 June 2019 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's section 55 Acceptance of Applications Checklist (the Checklist) has been published and made available on the project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/southampton-to-london-pipeline-project/>

In undertaking checks at the acceptance stage, the Planning Inspectorate made some observations in relation to the application. This letter comprises advice to the Applicant, provided under section 51 of the PA2008, in respect of those observations. The Applicant should pay attention to its content and consider the appropriate action to be taken.

#### **Submission of updated documents**

With regards to items 1, 2, 3, 4, 6 & 7 listed below, it is considered that this information would be necessary in order for Interested Parties to submit Relevant Representations, based on clear information. As such we would strongly advise the Applicant to submit this information to the Inspectorate as a matter of urgency and we would expect this to be before the Relevant Representation period opens.

With regard to the items 5, 8 & 9 it would be helpful and assist the examination process if the information, clarification documents or amendments made to the

<https://infrastructure.planninginspectorate.gov.uk>

application documents were submitted to the Inspectorate no later than 10 working days before the Preliminary Meeting (PM), to enable them to be published on the project page of our website before the PM.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future ExA comfort that the documentation is complete and accurate.

## **1. Consultees (Boxes 5 & 8 of the Checklist)**

As noted in the Checklist, the Applicant does not appear to have consulted Dorset County Council (now Dorset Council as of 1 April 2019), which appears to be a "D" authority. The Applicant should ensure that the new Council, Dorset Council, is given an opportunity to participate in the Examination of the application, unless the Applicant has justification as to why it is not necessary to include the successor in its notice of accepted application.

Additionally, as detailed in box 5 of the Checklist there are several potentially relevant bodies which, based on the information provided by the Applicant, do not appear to have been consulted at the pre-application stage. These are:

- NHS Hounslow Clinical Commissioning Group
- NHS North East Hampshire and Farnham Clinical Commissioning Group
- NHS North Hampshire Clinical Commissioning Group
- NHS West Hampshire Clinical Commissioning Group
- NHS North West Hampshire Clinical Commissioning Group
- NHS Surrey Heath Clinical Commissioning Group
- Metropolitan Police
- Eclipse Power Network Limited
- Harlaxton Gas Networks Limited
- Murphy Gas Networks Limited
- Southern Electric Power Distribution Plc

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the bodies listed above amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

## **2. Book of Reference (BoR) Land Plans and Work Plans**

It is noted that there are some discrepancies in Part 1 of the BoR in relation to 'Description of Land'. For example some plots are described as being 'west' of a road when they should be described as 'east' according to the land plans. Further guidance on this issue can be found in [DCLG's Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land \(Annex C and D\)](#). The Applicant is

advised to carry out a full check of the BoR and land plans to ensure all information provided is clear and consistent.

There also appear to be discrepancies on some Land Plans. These include duplicate plots, plots listed on the incorrect sheets and some instances where reference points included in the BoR do not appear on the Plans. Additionally, on some Land Plans, the direction of north is missing, despite it being in the key (where the direction of North is shown in relation to the whole scheme).

In some Works Plans there are plots which do not appear to have a use category/shading (for example sheet 109). The Applicant should review the Works Plans to ensure all use categories/shading are correctly identified.

The Applicant is advised to carry out a full check of these Plans to ensure all information provided is complete and accurate.

### **3. Special Category Land Plan**

Unfortunately, details on Sheet 11 (Doc 1 of 3) cannot be viewed in its entirety as published on the Planning Inspectorate's website. The Applicant is advised to send the document in a reduced file size (it is currently 40MB), where Sheet 11 can be fully viewed when published to the Inspectorate's website.

### **4. Design Options**

The Applicant has indicated at various points within the documentation, that it is anticipated that one of the alternative routing options shown on Works Plans and Land Plans Sheets 10 and 11 should be withdrawn around the time of the Preliminary Meeting (PM). As currently drafted the dDCO does not appear to identify both sub options under Work No. 1A specifically. Prior to the PM the Applicant is advised to revise the dDCO to reflect the fact that this issue is still to be resolved unless agreement has been reached by that time enabling one of the options to be withdrawn.

### **5. Clarity of HRA Documents**

The Applicant is advised to review the documents submitted in relation to the HRA as there appears to be some duplication. Document 1.4 (Acceptance Application Index) lists two HRA documents: 1 of 2 and 2 of 2. They are listed as Document 6.5 as part of the Environmental Statement folder although not as an Appendix. Although not listed in Document 1.4 three other HRA documents have been provided: Appendix F, Appendix G including Conceptual Site Model and a document listed as HRA incl. A, B1, D, E which appears to be the same as 1 of 2.

### **6. Navigation Document**

The Applicant is advised to consider whether the Navigation Document (Document 1.4) should be expanded to assist in understanding the content of each document. The inclusion of lists of all Appendices, Tables, Figures and Annexes relating to each individual document would greatly assist the navigation of the application. At the very least a comprehensive list of Appendices etc relating to the Consultation Report and

ES would be of benefit. Whilst Document 1.5 goes some way to achieving this it does not go far enough and is difficult to read.

## **7. The Existing Pipeline**

A plan or plans at an appropriate scale showing the location of the existing pipeline in relation to the proposed development would assist in understanding the relationship between the two, particularly as the width of the Order Limits / Limits of Deviation is determined by proximity to the existing pipeline.

## **8. Other Reports**

Within the Consultation Report (Document 5.1) reference is made to the Scoping Report/Scoping Opinion and the Preliminary Environmental Information Report. Whilst summaries/commentaries on these documents are provided the original documents, they were not submitted as part of the Application. For completeness the Applicant is requested to provide copies of these reports.

## **9. Volume 7 Flood Risk Assessment (Document 7.3)**

The Flood Risk Assessment (FRA) states in Section 2.7 Consideration of Climate Change that the Environment Agency (EA) have agreed with the Applicant that climate change allowances do not need to be factored into the assessment for fluvial and pluvial (surface water) flood sources.

The FRA does not provide evidence of this agreement. The agreement with the EA and Applicant should be appended to the FRA.

The FRA has also not factored in climate change allowances for the assessment of groundwater flooding. Section 2.7.8 of the FRA states that "*given the nature of the works during construction, it is considered that climate change would have no discernible impact upon groundwater flood risk*". No evidence has been provided to confirm that the approach to groundwater flooding has been agreed with the relevant statutory body(ies), including the EA. The Applicant should provide evidence of any consultation and agreements reached with the EA.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*Hefin Jones*

**Hefin Jones**  
**Case Manager**

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