

Southampton to London Pipeline Project

Deadline 1

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Southampton to London Pipeline Project

Statement of Common Ground

Between:

Esso Petroleum Company, Limited

and

Natural England

Date: September 2019

Application Document Reference:

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Date	16 th October 2019

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1 Introduction

1.1 Purpose of Document

- 1.1.1 A Statement of Common Ground (SoCG) is a written statement produced as part of the Application process for a Development Consent Order (DCO) and is prepared jointly between the applicant for a DCO and another party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.2 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning, and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.

1.2 Description of the Project

- 1.2.1 Esso Petroleum Company, Limited (Esso) launched its Southampton to London Pipeline Project in 2017. The project proposes to replace 90km of its 105km aviation fuel pipeline that runs from the Fawley Refinery near Southampton, to the West London Terminal storage facility in Hounslow. In spring 2018, Esso held a non-statutory consultation which helped it to select the preferred corridor for the replacement pipeline. In autumn 2018, it held a statutory consultation on the preferred route for the replacement pipeline. In early 2019, it held a second phase of statutory consultation on design refinements.

1.3 This Statement of Common Ground

- 1.3.1 This SoCG has been prepared jointly by Esso as the applicant and Natural England as the Government's adviser for the natural environment in England and a statutory consultee on the Southampton to London Pipeline Project.
- 1.3.2 For the purpose of this SoCG, Esso and Natural England will jointly be referred to as the "Parties". When referencing Natural England alone, they will be referred to as "the Consultee".
- 1.3.3 The Examining Authority's Rule 6 Letter dated 5 September 2019 (**Procedural Document PD-005**) requested that a Statement of Common Ground be prepared between the Applicant and Natural England to include:
- Development Consent Order;
 - Ecology, habitats and nature conservation including issues related to:
 - i. The Applicant's Habitats Regulations Assessment report and effects on European sites and features;



ii. The effects on protected species and habitats;

iii. Mitigation measures and enhancements, including likely effectiveness of mitigation, monitoring procedures, how mitigation will be secured within the DCO, and the content of the Construction Environmental Management Plan / Code of Construction Practice / Register of Environmental Actions and Commitments

- Air quality;
- Landscape; and
- Water quality.

1.3.4 The above issues are reflected in the tables in sections 3, 4 and 5 as 'themes' identified in the left hand columns.

1.3.5 Throughout this SoCG:

- Where a section begins 'matters agreed', this sets out matters that have been agreed between the Parties.
- Where a section begins 'matters not agreed', this sets out matters that are not agreed between the Parties.
- Where a section begins 'matters subject to ongoing discussion', this sets out matters that are subject to further negotiation between the Parties.

1.4 Structure of the Statement of Common Ground

1.4.1 This SoCG has been structured to reflect matters and topics of relevance to the Consultee in respect of Esso's Southampton to London Pipeline Project.

- Section 2 provides an overview of the engagement to date between the Parties.
- Section 3 provides a summary of areas that have been agreed.
- Section 4 provides a record of areas that have not yet been agreed.
- Section 5 provides a list of ongoing matters (if any) that will be agreed or not agreed by the Parties during examination.
- Section 6 provides a record of relevant documents and drawings



2 Record of Engagement Undertaken to Date

2.1 Pre-application Engagement and Consultation

2.1.1 The table below sets out the consultation and engagement that has been undertaken between the Parties prior to the submission of the DCO application.

Date	Format	Topic	Discussion Points
04/12/2017	Letter	Project launch	Esso's Project Executive wrote to Natural England to launch the project.
07/02/2018	Workshop	Project launch	<ul style="list-style-type: none"> • Scheme overview • Environmental constraints • Timescales and future engagement
19/03/2018	Letter	Corridor Consultation launch	Esso's Project Executive wrote to Natural England to launch the corridor consultation.
21/03/2018	Meeting	Project update, corridor consultation and EIA process	<p>Attended by Marc Turner (Senior Advisor for Natural England) with others in attendance:</p> <ul style="list-style-type: none"> • Scheme update • Mitigation and opportunities • Survey strategy • Key issues of interest for Natural England • Information exchange • Designated sites • Habitats Regulations Assessment (HRA) • Biodiversity Offsetting Report and net gain
04/04/2018	Teleconference	Survey strategy	<p>Phone call with Amy Radford (Natural England's Wildlife Management Lead Adviser Thames Team):</p> <ul style="list-style-type: none"> • Construction methodology • Great Crested Newt (GCN) • Bats • Dormouse
16/04/2018	Information Sharing	Person with Interest in Land	Barry Proctor, Reserve Manager for Dorset, Hampshire and Isle of Wight England, completed a Person with Interest in Land questionnaire on behalf of Natural England.
20/04/2018	Teleconference	Protected Species	<p>Phone call with Amy Radford:</p> <ul style="list-style-type: none"> • Survey Strategy • GCN • Bats • Dormouse
27/04/2018	Consultation response	Response to corridor consultation	<p>Response from Marc Turner:</p> <ul style="list-style-type: none"> • Designated sites • Protected species



Date	Format	Topic	Discussion Points
			<ul style="list-style-type: none"> • Priority habitats and species • Biodiversity Net Gain • Hampshire Ecological Network Mapping • Ancient Woodland • Landscape • Soils
18/05/2018	Letter	Survey Strategy	<p>Response to Survey Strategy from Amy Radford:</p> <ul style="list-style-type: none"> • Letter of No Impediment • Protected species licences • Badger • Bats • GCN • Otter and Water Vole • Dormouse
30/05/2018	Letter	Preferred corridor announcement	Esso's Project Executive wrote to Natural England to announce the preferred corridor.
14/06/2018	Workshop	Initial Working Route Announcement	<p>Attended by Marc Turner, with others in attendance:</p> <ul style="list-style-type: none"> • Consultation feedback • Scoping • Initial Working Route • Cumulative effects with Heathrow Expansion • Survey methodology • Watercourse crossings • Ground investigation works • HRA
27/06/2018	Letter	Initial Working Route	Esso's Land and Pipeline Technical Lead wrote to Natural England to provide a project update and introduce the Initial Working Route.
23/07/2018	Site Visit	Bourley and Long Valley SSSI	<p>Attended by Marc Turner and Ian McConnell (Lead Advisor, Hampshire Downs):</p> <ul style="list-style-type: none"> • Route options • Habitats • Construction methodology • Possible mitigation and opportunities
24/07/2018	Site Visit	Colony Bog and Bagshot Heath SSSI	<p>Attended by Marc Turner and Graham Steven (Conservation Advisor):</p> <ul style="list-style-type: none"> • Route options • Habitats • Construction methodology • Possible mitigation and opportunities



Date	Format	Topic	Discussion Points
24/07/2018	Site Visit	Chobham Common SSSI/NNR	<p>Attended by Marc Turner and Graham Steven (Conservation Advisor):</p> <ul style="list-style-type: none"> • Route options • Habitats • Hydrology/hydrogeology • Construction methodology • Possible mitigation and opportunities
28/08/2018	Letter	Response to scoping consultation	<ul style="list-style-type: none"> • EIA scoping • Draft HRA Report (Stage 1: Screening) • National Planning Policy Framework
30/08/2018	Workshop	Scoping	<p>Scoping Workshop attended by Marc Turner with others in attendance:</p> <ul style="list-style-type: none"> • Scoping • Preliminary Environmental Information Report • Flooding • Ancient woodland
06/09/2018	Letter	Preferred route consultation launch	Esso's Project Executive wrote to Natural England to launch the Preferred Route Statutory Consultation.
20/09/2018	Meeting	Reptiles	<p>Attended by Paul Edgar, Natural England reptile specialist:</p> <ul style="list-style-type: none"> • Project introduction • Possible construction impacts on Sand Lizards • Possible mitigation measures • GCN survey strategy
18/10/2018	Site Visit	Chobham Common SSSI/NNR	<p>Attended by Paul Edgar, Natural England reptile specialist:</p> <ul style="list-style-type: none"> • Reptile ecology on heathland sites • Possible mitigation measures
19/10/2018	Site Visit	Colony Bog and Bagshot Heath and Bourley and Long Valley SSSIs	<p>Attended by Paul Edgar, Natural England reptile specialist:</p> <ul style="list-style-type: none"> • Reptile ecology within the SSSIs • Possible mitigation measures
01/11/2018	Consultation Response	Response to preferred route consultation	Natural England (Marc Turner) wrote by email to confirm Natural England do not have any major issues with or comments on the route, are working very proactively with the project on the route sections through designated sites, and will review further details on the Appropriate Assessment when these are available.
27/11/2018	Workshop	Project update	<p>Attended by Marc Turner with others in attendance:</p> <ul style="list-style-type: none"> • Project update • Scoping



Date	Format	Topic	Discussion Points
			<ul style="list-style-type: none"> • Survey results and data collection • Protected species licences • Possible mitigation measures • Statements of Common Ground
21/01/2019	Letter	Design refinement consultation launch	Esso's Project Executive wrote to Natural England to launch the Design Refinement Statutory Consultation.
29/01/2019	Meeting	Protected species and HRA	<p>Attended by Marc Turner and six other Natural England officers:</p> <ul style="list-style-type: none"> • Project update • Protected species and licensing • HRA and SSSI • Soils and veteran trees • Biodiversity enhancements (known now as Esso's environmental investment programme) • Statement of Common Ground and Letters of No Impediment.
31/01/2019	Consultation Response	Response to design refinements consultation	Natural England wrote by email to state they had no comments to make on the design refinements consultation, and look forward to continuing their input to the Habitats Regulations Assessment and Protected Species Licences.
01/03/2019	Information Sharing	Draft survey reports and draft protected species licence applications	<p>The project's Ecologist wrote to Natural England to request Natural England's review of the following reports issued:</p> <ul style="list-style-type: none"> • draft licence applications for Sand lizard, Dormouse, Badger and GCN; • draft Factual Reports for GCN, Dormouse, Badger and bats; • Reasoned Statement for all European Protected Species Applications (Draft).
01/03/2019	Consultee engagement	Draft HRA Report	The project's Ecologist wrote to Natural England to request NE's views on the draft HRA Report and Appendices, in particular the scope and conclusions of the Stage 1 and 2 assessments.
21/03/2019	Consultee engagement	Draft HRA report	Marc Turner wrote to the project's Ecologist to express agreement on the HRA with some minor corrections.
27/03/2019	Information sharing	Final route announcement	Esso's Project Executive wrote to Natural England to announce the final route for the replacement pipeline which will be included in the development consent order.
11/04/2019, 24/04/2019	Consultee engagement	Response to draft protected species	Natural England wrote to query and clarify a number of matters on the draft protected species licence for GCN. The project responded on 17/04/2019 and 25/04/2019.



Date	Format	Topic	Discussion Points
		licence application	
11/04/2019	Consultee engagement	Response to draft protected species licence application	Natural England wrote to clarify a number of matters on the draft protected species licence for badger. The project responded on 11/04/2019.
16/04/2019, 24/04/2019	Consultee engagement	Response to draft protected species licence application	Natural England wrote to query and clarify a number of matters on the draft protected species licence for dormouse. The project responded on 17/04/2019 and 29/04/2019.
30/04/2019	Consultee engagement	Response to draft protected species licence applications	Natural England provided Letters of No Impediment for dormouse, GCN and badger, and associated Favourable Conservation Status reports for dormouse and GCN.
07/05/2019	Consultee engagement	Response to draft protected species licence applications	Natural England wrote to confirm a number of matters prior to the Letter of No Impediment for Sand Lizard being issued. The project responded on 08/05/2019.
08/05/2019	Consultee engagement	Response to draft protected species licence application	Natural England provided a Letter of No Impediment for Sand Lizard.

2.2 Engagement Following Submission of Application

2.2.1 The table below sets out the consultation and engagement that has been undertaken between the Parties since the submission of the DCO application.

Date	Format	Topic	Discussion Points
11/07/2019	Consultee engagement	Statement of Common Ground	The Project sent a draft interim Statement of Common Ground by email to Natural England and requested a meeting to discuss the way forward.
24/07/2019	Meeting	Statement of Common Ground	Meeting with Natural England's Senior Planning Advisor to discuss the draft interim Statement of Common Ground, and initial feedback on the submitted application, Environmental Statement and Habitats Regulations Assessment report.
10/09/2019	Meeting	Response to application and Statement of	Meeting with Forestry Commission and Natural England's Senior Planning Adviser, to discuss their Relevant Representations on the submitted application and to



Date	Format	Topic	Discussion Points
		Common Ground	progress Statements of Common Ground, in relation to impacts on trees and woodlands.

2.2.2 Although not considered to be an examination issue, the Parties will continue to engage on the voluntary Environmental Investment Programme and intend for the broad scope of this programme to be agreed shortly.

3 Matters Agreed

3.1.1 The table below sets out the matters agreed in relation to different topics.

Examining Authority's suggested theme	Topic	Matter agreed
Development Consent Order	Route alignment	That, when considering all factors, the selection of the final pipeline route is appropriate in its response to the presence of biodiversity receptors within and in the vicinity of the Order Limits.
Ecology, habitats and nature conservation issues	EIA approach and method	That the methodology used in the ES for the prediction and assessment of effects on biodiversity assets is appropriate.
Ecology, habitats and nature conservation issues	Surveys	That the scope and methods of the ecological surveys are appropriate.
Ecology, habitats and nature conservation issues	Surveys	That it was appropriate to exclude breeding birds from the field survey strategy as a result of the desk-based survey and the mitigation and good practice measures that would be implemented.
Ecology, habitats and nature conservation issues: the effects on protected species and habitats	Protected habitats	That the impacts to statutory designated sites have been adequately assessed in the ES.
Ecology, habitats and nature conservation issues: the effects on protected species and habitats	Ancient Woodland	That the route will avoid all areas of existing classified Ancient Woodland, and that appropriate measures have been taken to reduce impacts to areas of Potential Ancient Woodland less than 2ha that may not appear on Natural England's Ancient Woodland Inventory.
Ecology, habitats and nature conservation issues: Mitigation	Mitigation	That the mitigation proposed in Chapters 7 and 16 of the ES is appropriate, including monitoring procedures, how mitigation will be secured within the DCO, the content of the Register of Environmental Actions and Commitments and the Code of



measures and enhancements		Construction Practice, and in relation to the Construction Environmental Management Plan.
Ecology, habitats and nature conservation issues: the Applicant's Habitats Regulations Assessment report and effects on European sites and features; mitigation	Habitats Regulations Assessment and the effects on European sites	That Natural England support the conclusion of the Habitats Regulations Assessment that there would be no adverse effects on the integrity of either the Thames Basin Heaths Special Protection Area or the Thursley, Ash, Pirbright and Chobham Special Area of Conservation after implementation of appropriate mitigation and good practice measures.
Ecology, habitats and nature conservation issues: the effects on protected species and habitats; mitigation	Protected species	That Natural England agrees that the mitigation described in the draft license applications is appropriate. Letters of No Impediment have been issued - Sand Lizards 08/05/2019 Dormice 30/04/2019 Great Crested Newts 30/04/2019 Badgers 30/04/2019
Ecology, habitats and nature conservation issues: the effects on protected species and habitats; mitigation	Working methods in relation to Ancient Woodland and Veteran trees	That Natural England agrees that the methodologies and mitigation measures for the protection of Ancient Woodland and Veteran trees, including tree roots, are appropriate.
Ecology, habitats and nature conservation issues: enhancements	Enhancements	That the Parties will continue to engage on the voluntary Environmental Investment Programme and intend for the broad scope of this programme to be agreed shortly.
Air quality	Air quality impacts	That the impacts on air quality have been adequately assessed in the ES and are acceptable to Natural England.
Landscape	Landscape impacts	That the impacts on the landscape have been adequately assessed in the ES and are acceptable to Natural England.



Water quality	Water quality impacts	That the impacts on water quality have been adequately assessed in the ES and are acceptable to Natural England.
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4 Matters Not Agreed

4.1.1 The table below sets out the matters **not** agreed in relation to different topics.

Examining Authority's suggested them	Topic	Matter not agreed



5 Matters Subject to On-going Discussion

5.1.1 The table below sets out the matters subject to ongoing discussion.

Examining Authority's suggested theme	Topic	Matter subject to ongoing discussion



6 Relevant documents and drawings

6.1 List of relevant documents and drawings

6.1.1 The following is a list of documents and drawings upon which this SoCG is based.

Application Reference	Title	Content	Date
EN070005 Document 6.1	Environmental Statement Non-Technical Summary	Overview of the Environmental Statement	14 May 2019
EN070005 Document 6.2	Environmental Statement	Report of the Environmental Impact Assessment	14 May 2019
EN070005 Document 6.3	Environmental Statement Figures	Illustrative material to support the Environmental Statement	14 May 2019
EN070005 Document 6.4	Environmental Statement Appendices	Additional data and evidence to support the Environmental Statement, including:	14 May 2019
EN070005 Document 6.5	Habitats Regulations Assessment report	Report summarizing the findings of the studies in relation to the effects of the Project on European protected sites, to inform Stage 1 (Screening) and Stage 2 (Appropriate Assessment) of the Habitats Regulations Assessment process.	14 May 2019
Included in EN070005 Document 6.4	Letter of no Impediment – Sand Lizard	Letter of No Impediment with Caveats from Natural England. Included in Environmental Statement Appendix 7.16: Draft Rare Reptiles EPS Licence Application	8 May 2019
Included in EN070005 Document 6.4	Letter of no Impediment - Dormouse	Letter of No Impediment with Caveats from Natural England. Included in Environmental Statement Appendix 7.14: Draft Dormouse EPS Licence Application	30 April 2019
Included in EN070005 Document 6.4	Letter of no Impediment - Badger	Letter of No Impediment with Caveats from Natural England. Included in Environmental Statement Appendix 7.13: Draft Badger Licence Application [redacted]	30 April 2019
Included in EN070005 Document 6.4	Letter of no Impediment - GCN	Letter of No Impediment with Caveats from Natural England. Included in Environmental Statement Appendix 7.15: Draft Great Crested Newt EPS Licence Application	30 April 2019

