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To: Natural England, Sport England
and Hart District Council

Your Ref:

(by e-mail only)

Our Ref: EN070005

Date: 12 December 2019

Dear Sir/Madam

Planning Act 2008 (as amended)
Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010
(as amended)

Application for Southampton to London Pipeline Project

Requests for further information

The Examining Authority (ExA) writes to Natural England (NE), Sport England (SE) and Hart District Council (HDC) following its review of responses submitted for Deadline 2, Thursday 14 November 2019, and following the oral representations and discussions made at the Environmental Issue Specific Hearings held on Tuesday 3 December and Wednesday 4 December 2019.

The ExA considers issues have been raised which are both important and relevant to the Examination. The ExA therefore makes a written request under Rule 17 of the Examination Procedure Rules for both NE, SE and HDC to engage further in the Examination. We have set out our specific queries in the annexes to this letter. **Annex A** is directed towards NE; **Annex B** towards SE and **Annex C** towards HDC. The ExA requires responses from all three organisations by Deadline 4, **30 January 2020**; electronic submissions should be sent to:
SouthamptontoLondonPipeline@planninginspectorate.gov.uk.

The majority of parties engage with the Planning Act 2008 process via the project page of the National Infrastructure website (<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Southampton-to-London-Pipeline-Project/>), where all submissions are published. Parties are therefore asked to consider this when formatting the electronic copies of their submissions and to avoid submissions made up of large numbers of small files, or excessively large files, or which are otherwise not optimised or unnecessarily difficult to navigate.

Electronic attachments should be clearly labelled with a subject title and not exceed 12MB for each email. Timely submissions in advance of the deadlines set in the timetable are encouraged. Where an electronic submission exceeds 12MB, we will accept the postal submission of an electronic document on portable media (such as a CD or USB flash drive). Providing links to websites where your submissions can be viewed is not normally acceptable, because it does not amount to submitting them.

Further advice relating to this matter can be found in Advice Note 6: How to submit your application (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/05/Advice-note-6-version-71.pdf>).

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Richard Allen

Lead Member of the Examining Authority

ANNEX A

Questions for Natural England (NE)

A) TURF HILL

The ExA would like further clarification on the advice given to the Applicant prior to the submission of the Application in respect to the route choice. This is because questions have been raised by Interested Parties as to the Applicant's reasons not to select route F1c as its preferred route through Turf Hill.

In its response to Written Question TH.1.8, NE suggests that it gave advice to the Applicant as to the risks associated with the proposed pipeline route F1c in respect of designated sites; and left the Applicant to make business decisions on its preferred choice of route within the legislative framework. When pressed on the matter at the ISH on Environmental Matters held on Tuesday 3 December 2019 [EV-010a and EV-010b], the Applicant confirmed that the decision to select F1a (sometimes referred to as F1a+) was taken for a number of reasons. However, they appeared to stem from advice from NE, in particular the need to value heathland habitat over that of coniferous plantation woodland habitat. Among other matters, Interested Parties questioned the ecological value of the heathland, arguing that because there is an absence of trees, and that sand lizards are evident elsewhere and away from the alternative route, the F1c option would have significantly reduced effects on biodiversity as opposed to the route before the Examination.

1. Please set out the advice given to the Applicant and other Interested Parties on the ecological value of the heathland at Turf Hill.
2. Please explain the ecological value of the woodland habitat at Turf Hill, specifically the location of the route of the proposed pipeline F1a.
3. Please provide a view as to the acceptability of route F1c.
4. In terms of the internationally and nationally designated sites at Turf Hill, does NE have a view as to which of the route options would give rise to the worst impacts and have you provided any advice to the Applicant in this regard?
5. Was the option of translocating sand lizards (as is proposed at Chobham Common) from Turf Hill discussed with the Applicant? If so, what was NE's advice in this regard? If translocating sand lizards from Turf Hill was not considered appropriate please explain the reasons why.
6. Did NE advise the Applicant that the proposed route through Chobham Common should avoid the supporting habitat for sand lizards?

B) SUITABLE ALTERNATIVE NATURAL GREENSPACES (SANGs) and HABITATS REGULATIONS ASSESSMENT (HRA)

A number of local authorities including Rushmoor Borough Council (RBC) [RR-293, REP1-015, REP2-080, and REP2-081] and Surrey Heath Borough Council (SHBC) [RR-093, REP1-024, and REP2-092] have raised written and oral concerns [EV-010b] regarding the Applicant's HRA report [APP-130] and [APP-131] and the potential

effects on the Thames Basin Heaths Special Protection Area (SPA) arising from partial closure of SANGs for a period of up to two years to enable construction of the Proposed Development. The local authorities are concerned that the Proposed Development within SANGs could place additional pressures on European sites through diversion of users of these SANGs back to the Thames Basin Heath SPA.

The ExA is seeking specific comments from NE on the likely effects of the Proposed Development on the Thames Basin Heaths SPA as a result of the proposed works within SANGs. The ExA would like NE to respond to the concerns raised by the local authorities, including a response to the following questions.

1. What consideration did NE give to the construction effects on SANGs in the vicinity of the proposed pipeline?
2. The Applicant's HRA report [APP-130] and [APP-131] does not specify the duration of the proposed works within SANGs and there are no proposed timing restrictions for works within SANGs. It was however indicated at the ISH of 4 December 2019 that works within SANGs could take place for a period of up to two years. Could NE comment on whether they are content that works within SANGs (including consecutively or concurrently) would not result in an adverse effect on the integrity of the Thames Basin Heaths SPA, given that they provide an avoidance and mitigation strategy for recreational impacts from new development? Are you content that no restrictions to the duration and timing of works within SANGs are required to ensure no adverse effects on the integrity of the Thames Basin Heaths SPA?
3. Would any impact on SANGs during construction result in likely significant effects and / or adverse effects on the integrity of the assessed European sites including the Thames Basin Heaths SPA?
4. Could NE comment on the assumptions and methodology applied by the Applicant in their assessment [APP-130 and APP-131] of effects on SANGs and the Thames Basin Heaths SPA? NE is directed to responses in the Applicant's response to Written Questions [REP2-040] and the Written Representations of Rushmoor BC [REP2-081] and Surrey Heath BC [REP2-092]

C) ENVIRONMENTAL INVESTMENT PROGRAMME

As set out in the SoCG between NE and the Applicant [REP1-005] both parties are continuing to engage on the voluntary Environmental Investment Programme (EIP) and intend for the broad scope of the progression to be agreed shortly. The ExA is seeking clarification on the role of the EIP; its relationship to the Proposed Development; and the likely effects should the EIP not to be carried out.

1. Please explain the purpose, status and relevance of the EIP.
2. Please explain whether the EIP is intended to mitigate the effects of the Proposed Development. Is the EIP relied upon for the conclusions in the ES?

ANNEX B

Questions for Sport England (SE)

SPORTS PITCHES

In the Written Questions [PD-008], the ExA sought SE's views as to the effect of the Proposed Development on sports pitches and playing fields (PC.1.22). The ExA have not, as yet, been provided with a response to this question and therefore reiterate this request.

In addition, the ExA note that the Proposed Development would extend through a number of golf courses. Whilst the ExA acknowledge that the main effect on these facilities would be during construction, there is a concern that during this period, access to these facilities could be adversely affected and, as a consequence, request a response from SE to the following question:

1. The route of the Proposed Development would go through a number of playing fields, sports pitches and golf courses. Can you:
 - i. Explain whether the Applicant has had any specific engagement with you regarding the effect of the Proposed Development on these facilities?
 - ii. If so, explain the advice provided with regards to the potential effect of the Proposed Development on sports provision, with particular reference to specific development taking place on playing fields and sports pitches; and
 - iii. If not, comment on the potential effects that the Proposed Development may have on sports provision with particular reference to playing fields and sports pitches and if and how these effects could be mitigated.

It would assist the ExA if SE could consider the Applicant's response to Written Question PC.1.21 [REP2-047] when providing a response.

2. A number of sports organisations in particular Abbey Rangers Football Club [AS-065] and Cove Cricket Club [REP2-114] have raised concerns about the effect of the construction of the Proposed Development on:
 - i. Their ability to provide facilities for the relevant leagues during the appropriate playing seasons; and
 - ii. Their ability to provide facilities of the appropriate standard to comply with the relevant overseeing organisation provision criteria eg the Football Association.

Can SE provide any view on the above concerns to assist the Examination?

ANNEX C

Questions for Hart District Council (HDC)

A) WRITTEN QUESTIONS

The ExA issued a number of Written Questions [PD-008] for all Interested Parties on a number of issues. The ExA note that HDC did not provide a response to these questions. Furthermore, the ExA note that HDC did not submit a Local Impact Report (LIR). Consequently, in order to be able to consider the views of HDC the ExA would like to offer HDC the further opportunity to answer these questions through a written representation or LIR.

B) SANGs

At the issue-specific Hearing held on the 4 December 2019 [EV-010b] the ExA heard from a number of local authorities who were concerned about the potential effect of the Proposed Development on the SANGs and the consequential potential effect that this could have on nearby European sites. The Applicant advocated that HDC had raised no concerns on this matter. However, the ExA notes that the effect of the Proposed Development on access to Crookham Park SANG during construction was listed as an outstanding matter in the draft Statement of Common Ground (SoCG) [REP2-028] between the Applicant and HDC. In addition, the ExA note that Taylor Wimpey in their representation [REP2-121] raised concerns about the effect of the Proposed Development on a SANG required for their development at Queen Elizabeth Barracks, which is located within the HDC administrative area. As such, please can HDC:

1. Confirm if the Crookham Park SANG and the SANG referred to by Taylor Wimpey are the same SANG? If they are different SANGs please provide details for both SANGs.
2. Confirm, in light of the draft SoCG and the comments by Taylor Wimpey, if the Applicant's comments at the Hearing that HDC are satisfied on this issue were correct? If not, please explain what your outstanding concerns regarding this issue are.

This communication does not constitute legal advice.

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