

Application by Esso Petroleum Company, Limited for the Southampton to London Pipeline Project**The Examining Authority's written questions and requests for information (ExQ2)****Issued on Monday 13 January 2020**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ2. Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 5 September 2019. Questions have been added to the framework of issues set out there as they have arisen from representations, Hearings and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then a 2 (indicating that it is from ExQ2) and then has a question number. For example, the first question on alternatives is identified as ALT.2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact SouthamptontoLondonPipeline@planninginspectorate.gov.uk and include 'Southampton to London Pipeline Project' in the subject line of your email.

Responses are due by Deadline 4: Thursday 30 January 2020.

Abbreviations used:

BoR	Book of Reference	IPs	Interested Party	SCC	Surrey County Council
CA	Compulsory Acquisition	ISH	Issue Specific Hearing	SDNP	South Downs National Park
CEMP	Construction and Environmental Management Plan	LEMP	Landscape and Ecological Management Plan	SFDS	Surface and Foul Water Drainage System
CoCP	Code of Construction Practice	LLFA	Lead Local Flood Authority	SoCG	Statement of Common Ground
CMS	Construction method Statement	LIR	Local Impact Report	SoS	Secretary of State
CTMP	Construction Traffic Management Plan	NE	Natural England	SSSI	Site of Special Scientific Interest
dDCO	Draft Development Consent Order	NPS	National Policy Statement	SWT	Surrey Wildlife Trust
EA	The Environment Agency	NSIP	Nationally Significant Infrastructure Project	TBH SPA	Thames Basin Heath Special Protection Area
EIP	Environmental Investment programme	NUEQP	Neighbours and Users of Queen Elizabeth Park	TPO	Tree Preservation Order
ES	Environmental Statement	NWW	Narrow Working Width	WR	Written Representation
ExA	Examining Authority	PA2008	Planning Act 2008		
ExA WQ	ExA Written Questions [PD-008]	PINS	Planning Inspectorate		
FRA	Flood Risk Assessment	REAC	Register of Environmental Actions and Commitments		
GLIVIA3	Guidelines for Landscape and Visual Impact Assessment 3	RIES	Report on the Implications for European Sites		
HRA	Habitats Regulations Assessment	RPA	Root Protection Area		
IELA	Independent Education Association Limited	SAC	Special Area of Conservation		
INNS	Invasive Non-Native Species	SANG	Suitable Alternative Natural Greenspace		



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-000316-Southampton%20to%20London%20Pipeline%20Examination%20Library.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2 ALT.2.1 – refers to question 1 in this table.



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ExQ2	Question to:	Question:
ALTERNATIVES AND GENERAL QUESTIONS		
Alternatives		
<i>Please note that questions regarding alternatives for Queen Elizabeth Country Park and Turf Hill can be found in the separate question for these areas below</i>		
ALT.2.1	<p><i>Fordbridge Park</i></p> <p>The Applicant</p>	<p>In the Examining Authority’s Written Question (ExA WQ) ALT.1.4 [PD-008], the ExA requested the Applicant consider trenchless crossing for the whole of Fordbridge Park. The ExA notes the Applicant’s response [REP2-038]. However, at the Issue Specific Hearing (ISH) held on Tuesday 3 December 2019 [EV-009a and EV-009b] the ExA expressed its concerns that the route of the proposed pipeline along the only tree-covered part of the park would have a considerable effect on its character.</p> <ul style="list-style-type: none"> i) Explain whether additional surveys have been carried out and whether the narrow working width could be specifically defined. ii) Confirm the number of trees that would be removed in the trenched section of Fordbridge Park. iii) Explain the preventative measures that would be undertaken to protected trees and how they would be secured in the draft Development Consent Order (dDCO) [REP3-006].
ALT.2.2	<p><i>Narrow Working Width at Fordbridge Park</i></p> <p>The Applicant</p>	<p>In the Applicant’s response to ExA WQ LV.1.24 [REP2-045], the Applicant confirms that a narrow working width (NWW) at Fordbridge Park would be used, referenced as NW30 in the updated Code of Construction Practice (CoCP) [REP2-010]. However, the CoCP gives no commitment nor is it annotated in the General Arrangement Plans (GAPs) [REP3-005].</p> <p>Update the CoCP and GAPs to indicate the narrow working width at Fordbridge Park.</p>

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ALT.2.3	<i>South Downs National Park</i> The Applicant	Concerns were raised at the ISH on Wednesday 4 December 2019 [EV-010a] and [EV-010b] and in the South Downs National Park Authority's (SDNPA) D3 submission [REP3-061, para 2.2.5] that insufficient information has been provided regarding the cost of, and scope for, developing outside the National Park for the northern most section of the proposed development within the SDNP. Consequently, in the opinion of SDNPA, the policy test set by paragraph 5.9.10 of NPS EN-1 has not been satisfied. Submit this information in relation to the alternative and proposed routes for this section of the scheme.
General Questions		
<i>Please note that questions regarding Suitable Alternative Natural Greenspaces (SANGs) can be found in the separate section for these questions below</i>		
GQ.2.1	<i>Outline Construction and Environmental Management Plan (CEMP) and Code of Construction Practice (CoCP)</i> The Applicant	<p>In its written responses to D3 [REP3-012] and [REP3-013], the Applicant stated that a substantially more informative Outline CEMP and CoCP would be submitted at D4. Amongst other responses, Surrey Heath Borough Council, Spelthorne Borough Council and Runnymede Borough Council in their joint D3 response [REP3-044] state that a Construction Method Statement (CMS) would need to be submitted for their specific "hotspot" sites in their respective areas which would need to deal with a number of matters. This document, they say, could be a standalone document or be appended to the updated Outline CEMP or CoCP to be submitted at D4.</p> <ul style="list-style-type: none">i) Confirm that CMS(s) will be submitted and if so, for some or all of the proposed pipeline route.ii) If not, how will those matters be addressed in the updated Outline CEMP or CoCP.iii) Explain whether the updated Outline CEMP will cover the matters raised by Rushmoor Borough Council in its D3 submission [REP3-039].iv) Provide a response to Surrey Heath Borough Council's D3 submission [REP3-047] that the Outline CEMP should also include a Soil Handling Management Plan and Pollution Incident Control Plan.

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		v) Confirm or provide an Outline Noise Management Plan (NMP) as part of the Outline CEMP at D4.
GQ.2.2	<i>Outline Landscape and Ecology Management Plan (LEMP)</i> The Applicant	<p>Chapter 10 of the Environmental Statement (ES) [APP-050], and as illustrated by the Applicant in its response to ExA WQs [REP2-045] and [REP2-046], states that as a worst-case scenario, all trees and vegetation would be removed within the Order limits except where the good practice measures set out in Table 10.13 and reduced working widths identified within the Register of Environmental Actions and Commitments (REAC), which is contained within Chapter 16 of the ES [APP-056] dictates otherwise. At the ISH on Tuesday 3 December 2019 [EV-009a] and [EV-009b], the ExA stated that it considered this approach too general and vague, and it failed to acknowledge that the proposed pipeline route deviated through some sensitive locations, which the Applicant described as “hotspot” sites. Rushmoor Borough Council’s position as expressed at the Hearing considers that the worst-case scenario particularly at the “hotspot” sites would be unacceptable in planning terms.</p> <p>“Hotspot” sites were identified as being: Tweseldown Racecourse; Southwood Country Park and Cove Brook; Queen Elizabeth Country Park; Frith Hill; Turf Hill; Fordbridge Park and Chobham Common.</p> <p>Accordingly, the ExA stated that the submission of a comprehensive and detailed Outline LEMP was necessary to assess the specific effects and mitigation necessary specifically for the identified “hotspot” areas. The Applicant stated that it would comply with this request and would submit such documents at D4, 30 January 2020. In anticipation of the submission of the Outline LEMP:</p> <p>i) Indicate here briefly, how the Outline LEMP will address the concerns raised by the Examining Authority (ExA) and Interested Parties (IPs).</p> <p>ii) Explain whether the Outline LEMP will undertake site specific surveys for those sites identified by the Applicant at ISH as “hotspots”, namely: Queen Elizabeth Country</p>

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		<p>Park; Fordbridge Park; Turf Hill; Chobham Common and Southwood Country Park. If not, why not.</p> <p>iii) Explain whether the Outline LEMP will also undertake site specific surveys for Tweseldown Racecourse and Frith Hill, both of which are extensively tree covered and where open trenching is proposed. If not, why not.</p> <p>iv) Explain whether the Outline LEMP will cover the matters and sites specifically raised by Rushmoor Borough Council, Spelthorne Borough Council, Surrey Heath Borough Council and Runnymede Borough Council in their joint response at D3 [REP3-042] and by SDNPA [REP3-061] in respect to the Outline LEMP.</p>
GQ.2.3	<p><i>Outline Construction Traffic Management Plan (CTMP)</i> The Applicant</p>	<p>It is clear from ExA WQ TT.1.2 [PD-008] and the various relevant responses that there is concern over the lack of a detailed Construction Traffic Management Plan (CTMP). In addition, at the Issue Specific Hearings on 27 November [EV-006b], 3 December [EV-009a] and [EV-009b] and 4 December [EV-010a] and [EV-010b], the ExA stated that it considered that the REAC [APP-056] and [REP2-010], is insufficient to understand the effects of the Proposed Development on traffic management and accordingly, an Outline CTMP would be needed. The Applicant stated that it would comply with these requests and would submit such a document at D4, 30 January 2020.</p> <p>i) Indicate here briefly, how the Outline CTMP addresses the concerns raised by the ExA and IPs.</p> <p>ii) Respond to the comments made by Spelthorne Borough Council [REP3-045] and Highways England [REP3-034] in respect to the content of the Outline CTMP and also the wording of Requirement 7 of the dDCO [REP3-006].</p>
GQ.2.4	<p><i>Narrow Working Widths</i> The Applicant</p>	<p>The ExA notes the submission at D3 of Alignment Sheets of Narrow Working Width(s) [REP3-023], [REP3-024] and [REP3-025] which are intended to illustrate areas within the Order Limits of where NWW be deployed.</p>

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		<ul style="list-style-type: none">i) Confirm whether the watermark "PROVISIONAL" indicates that the shown NWW are preferred areas only, and it may ultimately be realigned elsewhere in the Order limits when constructed.ii) That being the case, what is the purpose of the plans if they cannot be certified.iii) If this is not the case, and the areas of NWW as shown in the Alignment Sheets of Narrow Working Width(s) document are precise, explain why the Limits of Deviation has not been narrowed to the NWW area.
GQ.2.5	<i>Crossing Plans</i> The Applicant	<p>The ExA notes the submission at Deadline 3 of Crossing Plans [REP3-026] which are intended to illustrate some provisional detail of trenchless crossings.</p> <p>Explain how in the case of the plan relating to TC039 the possible bailey bridge solution noted on the plans for the pre-welded pipe stringing to cross Buxton Road and the access road to HMP Bronzefield could be secured and delivered within the current drafting of the dDCO [REP3-006].</p>
GQ.2.6	<i>Effects on Farming</i> The Applicant	<p>Explain, how the effect of the proposal on farming would be managed with particular reference to:</p> <ul style="list-style-type: none">i) Timing of construction works and how this would accommodate the needs of seasonally dependent agricultural operations such as harvesting, sowing, lambing and calving.ii) Disruption to field drainage and water supplies which may require diversion or repair would be managed.iii) The measures that would be proposed to minimise compaction of soil due to tracking of vehicles and where compaction would occur what reinstatement measures are proposed.

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		<p>iv) The measures that would be proposed to deal with the effect of the Proposed Development on commitments made by farmers/landowners etc with regard to agri-environment schemes.</p> <p>v) The measures that would be proposed to reduce the risk of disease transmission and transfer of invasive weeds associated with vehicle movements along access tracks and within the Order limits.</p> <p>vi) How would field boundaries be secured during construction.</p> <p>vii) Where in the dDCO [REP3-006] or control documents would these measures be secured.</p> <p>OR signpost where in the application documentation this information can be found.</p>
GQ.2.7	<p><i>Consents and Licences</i> The Applicant</p>	<p>Provide a brief update on the progress on other consents, licences and agreements (other than s106) and an indicative timescale for when the Applicant hopes to have these agreed. Including but not limited to:</p> <p>i) Crossing Agreements referred to in National Grids D2 response [REP2- 072/073].</p> <p>ii) the technical and business clearances referred to in Network Rails D2 response [REP2-075].</p> <p>iii) the Environment Agency in their D2 response [REP2-065].</p>
GQ.2.8	<p><i>Surrey Heath Borough Council – Draft Statement of Common Ground</i> The Applicant Surrey Heath Borough Council</p>	<p>The draft Statement of Common Ground (dSoCG) submitted by the Applicant [REP2-035] is different from the dSoCG submitted by Surrey Heath Borough Council [REP2-094]. It is assumed work is in progress to sign a final SoCG. The ExA requests an explanation as to why these documents dated the same month are different and which one represents the current position.</p>

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GQ.2.9	<i>Access and Public Rights of Way Plans</i> The Applicant	The Access and Public Rights of Way Plans [AS-055] sheet 36 appears to be missing from the submitted set. Submit sheet 36.
GQ.2.10	<i>Site Works and Temporary Construction Compounds</i> The Applicant	At the ISH held on Tuesday 3 December [EV-009a] and [EV-009b], the Applicant confirmed that site works, and the temporary construction compounds were required for a period of up to two years. The Applicant's response to Action Point 18 [REP3-013] also confirmed that work within SANGs and within Queen Elizabeth Country Park would not extend for more than two years. Signpost and confirm where and how this is secured in the dDCO [REP3-006].

BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENTS

Please note that questions regarding alternatives for Queen Elizabeth Country Park and Turf Hill can be found in the separate question for these areas below

BIO.2.1	<i>Biodiversity Net Gain</i> The Applicant	In paragraph 2.8.1 of its submissions at D3 [REP3-010], the Applicant stated that " <i>only mitigation which was properly to offset the effects of the project were matters which the ExA could consider as important and relevant under s104 of PA2008 but anything over and above that was between the Applicant and the parties who would benefit from it</i> ". In terms of biodiversity, confirm: i) Those elements of mitigation which are required to offset the effects of the project. ii) those elements of environmental improvement which the Applicant is offering, and which are beyond the scope of s104.
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BIO.2.2	<i>Environmental Investment Programme</i> The Applicant	<p>The Applicant's Environmental Investment Programme (EIP) would provide funding for localised environmental improvements in the vicinity of the proposed pipeline. In paragraph 2.8.1 of its submissions at D3 [REP3-010], the Applicant stated that documents relating to the EIP "<i>did not properly relate to mitigation for the project</i>".</p> <ul style="list-style-type: none">i) Set out the legal basis for providing an EIP and why is the Applicant proposing to provide funding for local environmental improvements which are not required as mitigation.ii) Set out the assurances that ExA can be given by the Applicant and relevant IPs that such environmental benefits have not influenced their response to the application.
BIO.2.3	<i>Environmental Investment Programme</i> The Applicant Natural England	<p><u>For the Applicant:</u></p> <ul style="list-style-type: none">i) Explain whether the EIP cover sites within the Order limits. If so, indicate where these occur and how they would be secured? On what basis have the sites within the EIP been identified. <p><u>For Natural England:</u></p> <ul style="list-style-type: none">ii) In response to ExA WQ BIO.1.13 [PD-008] the Applicant confirmed that Biodiversity Net Gain is not necessary but instead is negotiating voluntary agreements under the EIP. This approach is described as being consistent with the approach of Natural England (NE) to seek voluntary agreements. Explain why voluntary agreements are sought.
BIO.2.4	<i>Environmental Mitigation Areas</i> The Applicant	<ul style="list-style-type: none">i) Explain the approach to determining environmental mitigation (EM).ii) Explain whether EM as shown in the Works Plans [AS-007], [AS-008] and [AS-009] form part of the EIP.iii) Explain how the EMs have been determined in terms of size and location.iv) Explain the purpose of each EM.

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		<p>v) How is each EM secured in the dDCO [REP3-006].</p> <p>vi) Confirm over what time-period each EM would be intended to function.</p> <p>vii) Set out the agreements with Affected Persons, if any, that are in place to secure EMs.</p>
BIO.2.5	<i>Monitoring and Mitigation</i> The Applicant	<p>Table 7.6 of the ES [APP-047] identifies engagement relevant to the biodiversity assessment. It sets out the potential opportunities for habitat enhancement at Bourley and Long Valley Site of Special Scientific Interest (SSSI). The Applicant confirms in its response to ExA WQ BIO.1.13[REP2-040] that these are captured in the EIP and are not secured through the dDCO [REP3-006]. It is also confirmed they are not offsetting or mitigation measures.</p> <p>Explain therefore why such measures are proposed, and how do they relate to the ES.</p>
BIO.2.6	<i>Monitoring and Mitigation</i> The Applicant	<p>Measure HRA1 in the REAC, which is contained within Chapter 16 of the ES [APP-056] states that heathland within statutory or non-statutory designated wildlife sites would be reinstated using natural regeneration unless otherwise agreed with NE. This would be secured through the LEMP.</p> <p>Provide details of where such heathland would be affected and confirm whether such details will be included within the forthcoming Outline LEMP to be submitted at D4.</p>
BIO.2.7	<i>Monitoring and Mitigation</i> The Applicant	<p>Measure HRA2 in the REAC [APP-056] states that at heathland SSSIs targeted scrub and secondary woodland would be removed, subject to landowner consent and these areas would be reinstated as heathland or acid grassland through natural regeneration.</p>
BIO.2.8	<i>Monitoring and Mitigation</i> The Applicant	<p>In its response to D3 to Action Point 31 [REP3-013]), the Applicant indicated that Surrey Wildlife Trust (SWT) has confirmed it supports the Applicant's view that the mitigation measures proposed for Local Wildlife Sites are appropriate and that there will be no</p>

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		<p>adverse effects on the integrity of the Thames Basin Heaths Special Protection Area (TBH SPA). This view is confirmed within a SoCG between the Applicant and SWT [REP1-004].</p> <p>Describe the extent of any proposed site-specific mitigation for Local Wildlife Sites.</p>
BIO.2.9	<i>Monitoring and Mitigation</i> The Applicant	<p>In the Local Authorities' proposed Outline LEMP [REP3-042], Spelthorne Borough Council, Runnymede Borough Council, Surrey Heath Borough Council and Rushmoor Borough Council stated that the Application contains few details regarding mitigation and compensation for significant impacts and no assurances that the land identified for mitigation has been secured and will be funded in the medium to long-term.</p> <p>Confirm site specific mitigation and compensation proposals along the proposed pipeline route, to demonstrate how these measures would be secured and to indicate over what time period they would be funded.</p>
BIO.2.10	<i>Monitoring and Mitigation</i> The Applicant	<p>In their proposed Outline LEMP [REP3-042], Spelthorne Borough Council, Runnymede Borough Council, Surrey Heath Borough Council and Rushmoor Borough Council indicate that impacts on SSSI qualifying habitats and species are likely and that no information is provided in relation to these impacts within the Application.</p> <p>Respond to this statement and if impacts are likely, describe what they would be and how they would be mitigated.</p>
BIO.2.11	<i>Monitoring and Mitigation</i> The Applicant	<p>In response to ExA WQ BIO.1.6 [REP2-040], the Applicant identified a number of designated ecological sites which would receive post construction ecological monitoring.</p> <p>Explain the basis on which the particular sites were identified.</p>

BIO.2.12	<p><i>Monitoring and Mitigation</i> The Applicant</p>	<p>In its submissions at D3 [REP3-046], Surrey County Council stated that it agreed with the provision of a requirement for a programme of post construction monitoring and objectives and targets. Surrey County Council also considered that monitoring should be based on the designated ecological sites and that the Applicant should be asked to produce a list of these for the avoidance of doubt, including both statutory and non-statutory sites. It considers that for the statutory sites, NE should agree the monitoring and for non-statutory sites Surrey County Council and SWT should agree the monitoring.</p> <p>Comment on this proposal and indicate how this could/would be secured in the dDCO [REP3-006].</p>
Trees and Hedgerows		
BIO.2.13	<p><i>Trees on Northern Side of the M3 Motorway</i> Natural England</p>	<p>Confirm whether the trees on the northern side of the M3 are a priority habitat [REP3-045, para 2.1] and if it is a priority habitat are you satisfied that the use of a trenchless crossing in this location would not affect its integrity.</p>
BIO.2.14	<p><i>Stem Diameter</i> The Applicant</p>	<p>In its responses at D3 to Action Point 24 [REP3-013], the Applicant states that the stem diameter size for the arboricultural survey was increased from the 75mm suggested in the British Standard BS:5837. It is explained that this was done to highlight the larger notable trees that may be impacted. Appendix 1 of REP3-013 states that each tree with a stem diameter of greater than 250mm was surveyed in accordance with BS:5837.</p> <ul style="list-style-type: none"> i) Clarify the requirements of BS:5837. ii) provide further justification for not following the standard of 75mm. iii) provide an assessment on the likely effect had the standard of 75mm been used.

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BIO.2.15	<i>Fragmentation of Habitats</i> The Applicant	<p>In its responses to D3 [REP3-012], the Applicant at paragraph 5.1 sets out that options of using felled trees to restore habitats elsewhere would be explored. The ExA does not consider this adequately addresses raised concerns about the fragmentation and/or severance of habitats through hedgerow removal. For example, SDNPA in its Local Impact Report (LIR) [REP1-019] at paragraph 5.17.4 raised concerns about temporary connectivity.</p> <p>Notwithstanding the Applicant's comments at D2 on the Local Impact Reports [REP2-053], explain how the ExA can be assured that fragmentation and/or severance of habitats would be minimised.</p>
Protected Species		
BIO.2.16	<i>Potential Additional Requirement</i> Rushmoor Borough Council	<p>In your D3 response [REP3-039] you advocate the need for a new requirement to deal with protected and priority habitats and species.</p> <ul style="list-style-type: none"> i) Provide suggested wording. ii) Provide a more detailed explanation for why such a requirement would be necessary and how it would meet the other tests for requirements.
Invasive Non-Native Species		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination</i>		
Habitat Regulations Assessment (HRA)		
BIO.2.17	<i>HRA Errata</i> The Applicant	<p>The Applicant confirmed in response to ExA WQ BIO.1.61 [REP2-040] that it would be submitting an errata to the HRA report [APP-130] and [APP-131]. The errata is yet to be submitted to the Examination. Confirm at which deadline this would be submitted, noting</p>

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		the date in the Exam timetable for the issue of the Report on the Implications for European Sites (RIES) is 12 March 2020.
BIO.2.18	<i>Legal Submissions on HRA</i> The Applicant Natural England	<p>Rushmoor Borough Council have made legal submissions on the validity of the HRA [REP3-040]. It states that "<i>the HRA does not give a legally compliant basis for carrying out the Appropriate Assessment. The Applicant should be required to provide further information to justify its conclusions on these principal issues</i>".</p> <p>The ExA notes the Applicant's responses at D3 [REP3-016] to Rushmoor Borough Council's WR and responses to the ExA's WQs [REP2-080] and [REP2-081] which states that it has worked with NE who have confirmed its satisfaction with the project's HRA. In addition, the ExA notes that NE have not raised any issue with the HRA Report and that a SoCG with NE has been completed and signed.</p> <p>Provide a detailed response to the above and advise whether or not the SoS has sufficient evidence and information to undertake an Appropriate Assessment of the Proposed Development.</p>
BIO.2.19	<i>Adequacy of Biodiversity Surveys</i> Rushmoor Borough Council	Comment on the Applicant's response [REP3-016] to the concerns you raised about the adequacy of biodiversity surveys.
BIO.2.20	<i>Harm to Key Designations or Species</i> Natural England	In its WR [AS-030], NE concluded that the Application should be able to continue without harm to any key designations or species. Provide the evidence to justify this view.
BIO.2.21	<i>Impact on the Thames Basin Heaths SPA</i> The Applicant	In its SoCG with the Applicant [REP1-005], NE supported the conclusion of no adverse effects on the integrity of European sites after implementation of appropriate mitigation and good practice measures. It also confirmed agreement with the assessment and

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	Natural England	<p>conclusions in the HRA [REP2-074]. A number of local authorities have expressed concerns about the HRA, particularly in relation to habitat loss during construction (screened out as not significant on the basis that effects would be small scale and temporary) and the displacement of users from SANGs to the TBH SPA thereby having a potential impact on the integrity of the TBH SPA (ruled out at appropriate assessment stage).</p> <p>Provide further explanation/justification for their conclusions in relation to these matters. In addition, notwithstanding NE's position, the Applicant is asked to clarify whether or not there would be any direct habitat loss and/or indirect impacts on the TBH SPA and supporting habitat. If, so, how would the impacts be mitigated.</p> <p><i>Please also look at the questions in the specific SANG section as you may wish to combine your response with some of the questions posed in that section</i></p>
BIO.2.22	<i>Response to ExA's WQ</i> Natural England	<p>NE in its response to the ExA's WQs BIO.1.38, BIO.1.41, BIO.1.42 and BIO.1.56 [REP2-074] has provided the same response namely "<i>Natural England confirm agreement with the assessment and conclusions in the Habitat Regulations Assessment</i>".</p> <p>NE is requested to review these ExA's WQ again and provide reasoning/justification as to why it is in agreement with the assessment and conclusions with particular reference to the specific questions asked.</p>
BIO.2.23	<i>Effect on Breeding Territories</i> The Applicant Natural England	<p>In line with the requirement within the Conservation of Habitats and Species Regulations 63(5), provide details as to how they were able to conclude there would be no significant impacts on the integrity of the TBH SPA "<i>beyond reasonable scientific doubt</i>" when the application confirms that within Colony Bog and Bagshot Heath SSSI, Chobham Common SSSI, and at Bourley and Long Valley SSSI breeding territories for Dartford warblers, nightjars and woodlarks will be lost.</p>

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BIO.2.24	<i>Assessment of Bird Populations</i> The Applicant	<p>Comment on the claim made by Blackwater Valley Friends of the Earth [REP3-066] that “No assessment has been performed ...on the effect of the bird population in the SPA, contrary to the Conservation of Habitats and Species Regulations 2018 63(2)”.</p> <p><i>You may wish to combine this answer with BIO.2.26</i></p>
BIO.2.25	<i>Effect on Breeding Territories</i> The Applicant Natural England	<p>Confirm the mitigation strategy that has been agreed to ensure no loss of bird breeding territories within the TBH SPA in the short and medium term, 15 -25 years, whilst the European dry heaths regenerate and reach maturity.</p>
BIO.2.26	<i>Baseline Studies</i> The Applicant Natural England	<p>In line with the requirement within the Conservation of Habitats and Species Regulations 63(2), detail the baseline studies that were used to assess the level of impact on the TBH SPA and the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC) and explain how this is deemed to be adequate.</p> <p><i>You may wish to combine this answer with BIO.2.24</i></p>
BIO.2.27	<i>Effect on the Special Area of Conservation (SAC)</i> The Applicant Natural England	<p>With reference to the Conservation of Habitats and Species Regulations 63(6), in respect of the Thursley, Ash, Pirbright and Chobham SAC, explain how there would be no significant impacts on the SAC when 7.61 ha of European dry heaths are within the Order limits, open trenching is to be used and only natural regeneration is relied on for mitigation.</p>

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BIO.2.28	<i>Mitigation</i> The Applicant Natural England	With reference to the Conservation of Habitats and Species Regulations 63(6), provide details as to what mitigation would be provided to ensure no net loss of qualifying mature and semi mature European dry heath during the regeneration of the heathland.
COMPULSORY ACQUISITION/TEMPORARY POSSESSION		
CA.2.1	<i>Compulsory Acquisition Schedule</i> The Applicant	Provide a completed and updated Compulsory Acquisition Objection Schedule.
CA.2.2	<i>Availability of Funding</i> The Applicant	The Funding Statement [APP-030] provides the funding position for the company as of 31 December 2017 and provides a copy of the accounts for 2017. Provide a copy of the most recent accounts and an update to the funding position.
CA.2.3	<i>Availability of Funding</i> The Applicant	In its response to D3 [REP3-011], a further breakdown of how the £10.3 million funding would be allocated has been provided. £0.2m would be used for the purchase of land. Can you confirm what this is for? (e.g. only for the purchase of the freehold of land over which permanent rights are sought) and confirm (with evidence if necessary) that this would be sufficient.
CA.2.4	<i>Extent of the Order Limits</i> The Applicant	Paragraph 6.3.3 of the Statement of Reasons [AS-10a], set out additionally in the Book of Reference [AS-011] states that the permanent rights to maintain the replacement pipeline would be 6.3m wide, and it would not be authorised to maintain the pipeline within all of the Order limits. Paragraph 7.3.7 states that once the exact location of the pipeline has been determined it would be possible to reduce the extent of both permanent acquisition and temporary possession.

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		Explain how the Applicant intends to notify all Affected Persons of the final 6.3m wide maintenance strip, and how this is secured in the dDCO [REP3-006].
CA.2.5	<i>Culverts</i> The Applicant The Environment Agency Lead Local Flood Authorities	<p>Paragraph 6.3.2 of the Statement of Reasons [AS-010a] states that Class 2 i) would allow the erection and maintenance of stiles, gates, bridges and culverts for the facilitation of access to the pipeline.</p> <p><u>The Applicant</u></p> <p>i) Explain why would culverting be necessary.</p> <p><u>The Environment Agency/Lead Local Flood Authorities</u></p> <p>ii) Set out concerns if any regarding this power. If yes what are your concerns and what measures would be required to address your concerns.</p>
CA.2.6	<i>Construction Compounds</i> The Applicant	<p>The Statement of Reasons [AS-10a] differentiates between rural and urban construction compounds:</p> <p>i) Confirm how many construction compounds would be rural and how many would be urban.</p> <p>ii) A typical rural compound is 40m x 60m. Confirm the size would an urban compound.</p> <p>iii) Explain what is meant by temporary.</p>
CA.2.7	<i>Crown Land</i> The Applicant The Ministry of Defence	<p>Provide an update as to the progress of discussions with regards to facilitating the conclusion of voluntary agreements by the end of January 2020 as referred to in the Applicant's D3 submission [REP3-011].</p>

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CA.2.8	<i>Crown Land</i> The Applicant	Provide an update and a timeframe on the matter of seeking confirmation from the Crown Estate on the matter of escheat land not being Crown land for the purposes of the PA2008.
CA.2.9	<i>Crown Land</i> The Applicant and the Ministry of Justice	Provide an update regarding the discussions between the Ministry of Justice and the Applicant and whether a voluntary agreement will be concluded before the end of the Examination and the timescale for the conclusion of such an agreement.
CA.2.10	<i>Crown Land</i> The Applicant Ministry of Defence Ministry of Justice	Provide the ExA with written confirmation that Crown land can be used for the Proposed Development in accordance with s135(1) and (2) of the PA2008 by D6, 5 March 2020 and if this consent is not forthcoming at this deadline advise the ExA what the implications for the application are.
CA.2.11	<i>Mitigation Land</i> The Applicant	<p>A number of parcels of land are identified for environmental mitigation areas for which the Applicant is seeking temporary possession. At the CA hearing on Wednesday 27 November 2019 [EV-007a] the Applicant confirmed that the mitigation measures would include tree and hedgerow planting.</p> <p>Given the time periods proposed by Requirement 8:</p> <ul style="list-style-type: none">i) Explain how this would work with temporary possession.ii) Explain who would be responsible for the long-term management/maintenance of these areas.iii) Explain how this would be secured.
CA.2.12	<i>Temporary Possession Powers</i> The Applicant	In its response at D3 [REP3-041], Rushmoor Borough Council state that it is particularly concerned about the impact of the long-term possession of land pursuant to temporary possession powers. There is no limit in the DCO as drafted aside from the requirement to give up temporary possession one year after completion of the relevant works. Since

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		<p>temporary possession may be taken shortly after the DCO is granted and could continue even if works were not actively underway, the powers sought are potentially very broad.</p> <p>Spelthorne Borough Council in its response to D3 [REP3-045] raised similar concerns.</p> <p>Rushmoor Borough Council also state that temporary possession powers would not secure long-term maintenance and management of replacement planting and as such should be secured by means of a planning obligation under s106 of the Town and Country Planning Act 1990.</p> <p>Provide a response.</p>
CA.2.13	<i>Protective Provisions</i> The Applicant	Provide an update on negotiations with statutory undertakers and Highways England with regards to protective provisions and a timescale for their conclusion.
CA.2.14	<i>St James' School</i> The Applicant	<p>In its response at D3 [REP3-050] and [REP3-051], the Independent Educational Association Limited (IEAL) state that it maintains concerns over the compulsory acquisition (CA) of its land on the basis of its perceived effects on the operation of the school. Aside from the alternative route it advances, IEAL state that its interests need to be protected via an asset agreement or through Protective Provisions.</p> <p>Provide an update as to progress with these discussions and whether issues are likely to be resolved by the close of the Examination.</p>
CA.2.15	<i>St Catherines Road Suitable Alternative Natural Greenspace (SANG)</i> The Applicant	In its response at D3 [REP3-032] and [REP3-033], Surrey Heath Borough Council state that it maintains an objection to CA until matters are resolved in respect to St Catherines Road SANG.

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		<p>Provide an update as to progress with these discussions and whether issues are likely to be resolved by the close of the Examination and if not, what are the implications for the Proposed Development.</p> <p><i>You may wish to combine this answer with the other questions listed in the SANG section</i></p>
CA.2.16	<p><i>Chertsey Meads</i> The Applicant</p>	<p>In its response at D3 [REP3-035], Runnymede Borough Council state that it maintains an objection to CA until matters are resolved in respect to Chertsey Meads due to two outstanding points in relation to the draft options agreement and easements.</p> <p>Provide an update as to progress with these discussions and whether issues are likely to be resolved by the close of the Examination.</p>
CA.2.17	<p><i>Abbey Rangers</i> The Applicant</p>	<p>The D3 response on behalf of Abbey Rangers Football Club [REP3-052] would appear to indicate that in order to accommodate a trenchless crossing of pitch No 2 there would need to be a change to the current proposed limits of deviation.</p> <p>i) Provide details of the proposed change. ii) Indicate when/if a change request would be required and if so when it will be submitted.</p>
CA.2.18	<p><i>Lower Preshaw Farm</i> The Applicant</p>	<p>In their D3 response [REP3-058] the owner of Lower Preshaw Farm has indicated that amendments to the land rights in relation to the location of valve 3 would be required to accommodate the turning area in the location preferred by the owner.</p>

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		<p>i) Provide details of the proposed change.</p> <p>ii) Indicate when/if a change request would be required and if so when it will be submitted.</p>
CA.2.19	<i>MHA Fleet</i> The Applicant	Provide an update on the progress of discussions and an indicative timeline for their conclusion in light of the comments made in MHA Fleet's D3 response [REP3-055].
CA.2.20	<i>Stakes Lane</i> The Applicant	Provide an update on the ongoing discussions regarding the garages at Stakes Lane; the timescale for the conclusion of these discussions and whether there is likely to be agreement between the parties before the end of the Examination.
CA.2.21	<i>Taylor Wimpey Land Interests</i> Taylor Wimpey	<p>At the CA Hearing on Wednesday 27 November 2019 [EV-007a] and in their D3 response [REP3-011] the Applicant advocated that the objection received at D2 [REP2-121] was incorrect and the result of miscommunication, as the Heads of Terms had been agreed and signed by Taylor Wimpey.</p> <p>Confirm this is the case.</p>
CA.2.22	<i>Outstanding Objections</i> The Applicant	Given the outstanding objections listed above, explain whether the SoS should withhold consent for the Proposed Development if these and other objections remain unresolved at the close of the Examination.
DRAFT DEVELOPMENT CONSENT ORDER		
DCO.2.1	<i>The dDCO at D3</i> All Relevant Planning Authorities	The Applicant provided a response at D3 [REP3-010] to all concerns raised by local authorities at D1 and D2 in respect to the then latest version of the dDCO [AS-059].

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	All Interested Parties	Aside from the matters questioned below, set out any outstanding concerns with the latest dDCO [REP3-006].
DCO.2.2	<i>Part 1, Article 2 - Definition of "Commence"</i> The Applicant	<p>The ExA notes the Applicant's response to ExA WQ DCO.1.3 [REP2-042]. However, the ExA remains concerned regarding the loose wording particularly "<i>environmental mitigation measures</i>". The ExA considers the definition as worded, could undermine the surveys and mitigation required by the Requirements in Schedule 2. For example, the "<i>diversion or laying of services</i>" could involve shrub clearance which in turn could undermine the LEMP. The Applicant's assertion that the activities excluded from the definition of commence would not likely to have likely significant effects has also not been adequately explained or secured within the dDCO [REP3-006].</p> <p>Provide a response, and specifically explain whether the dDCO enables environmental mitigation, designed to be undertaken in accordance with the requirements in schedule 2, to be undertaken outside of commencement works and thus whether the dDCO would permit such works in the absence of management plans.</p>
DCO.2.3	<i>Part 2, Article 6(2) - Limits of Deviation</i> The Applicant	<p>In ExA WQ DCO.1.8 [PD-008], the ExA expressed concerns that Article 6(2) allowed a considerable level of flexibility in changes within the Limits of Deviation and sought a justification for its inclusion in the dDCO [AS-059]. The Applicant responded [REP2-042] that the provision is justified, amongst other things, to allow for unexpected ground conditions encountered during construction, that adequate controls on this process rest with the Secretary of State (SoS), and that it has been allowed in other DCOs.</p> <p>Notwithstanding, Rushmoor Borough Council considers in its response at D3 [REP3-041], this Article would allow changes to the DCO without scrutiny and that the provision is unnecessary and unreasonable.</p> <p>i) Respond to Rushmoor Borough Council's comments. In particular, irrespective of any precedent, provide justification for adopting an approach to which allows for a change</p>

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		<p>to the examined limits of deviation, other than by way of an application under schedule 6 PA 2008, without any specific process in place for this. Or</p> <p>ii) Amend the dDCO by inserting a process for permitting a change to the limits of deviation by the SoS.</p>
DCO.2.4	<p><i>Part 3, Article 9(2) – Power to alter layout, etc. of streets</i></p> <p>The Applicant</p>	<p>i) Explain the circumstances where the undertaker may need to permanently alter any street whether in the order limits or not.</p> <p>ii) Explain why the undertaker would need to alter the width of any kerb mentioned in (a) and (b).</p>
DCO.2.5	<p><i>Part 3, Article 10(1) – Street works</i></p> <p>The Applicant</p>	<p>Explain the need for the following powers without the consent of the Street Authority:</p> <p>i) In bullet (f) demolish, remove, replace and relocate any street furniture within the street. Explain the need for all four powers affecting street furniture.</p> <p>ii) In bullet (g) execute any works to provide or improve sight lines. Explain the circumstances where this would be necessary and also what may be involved in terms of street furniture and landscaping?</p> <p>iii) In bullet (h) execute and maintain any works to provide hard and soft landscaping. Explain where this may be required, where the specification of any such landscaping would be secured and where the period of maintenance for any such works is defined and secured</p> <p>iv) In bullet (i) carry out re-lining and placement of road markings. Explain the circumstances where placement of road marking would be required over and above re-lining.</p> <p>v) In bullet (j) remove and install temporary and permanent signage. Explain the circumstances where permanent signage would be removed and installed in a street.</p>

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DCO.2.6	<i>Part 3, Article 11 -Application of the 1991 Act</i> The Applicant All Relevant Highway Authorities	<p>In the D3 response [REP3-010] paragraph 2.35 it was confirmed that the Applicant is in discussion with the both Surrey and Hampshire County Councils with respect to the implications for Article 11 and potentially other Articles in Part 3 of the South East and Hampshire Permit Schemes.</p> <p>Provide an update and any outstanding concerns.</p> <p><i>N.B - The ExA would hope that a joint response could be provided on an agreed approach</i></p>
DCO.2.7	<i>Part 3, Article 12 – Temporary stopping up, alteration, diversion or restriction of streets and public rights of way</i> The Applicant	<p>The title of this Article now includes alteration, diversion or restriction. This now brings the purpose of this Article even closer to Article 15 Traffic Regulation in that they are both seeking to control or regulate the use of a street.</p> <p>Irrespective of any precedent, explain whether the dDCO would be much clearer and more concise if these two articles were combined to provide a new article relating to Temporary Closures and Other Traffic Regulations.</p>
DCO.2.8	<i>Part 3, Article 14</i> The Applicant	<p>Comment on Spelthorne Borough Council’s suggestion [REP3-045] that this Article would be unnecessary given the means of access are identified in the Order plans and subsequently should be deleted or made subject to approval provisions that would allow consideration of the effects of any additional site accesses.</p>
DCO.2.9	<i>Part 3, Article 15(1) – Traffic regulation</i> The Applicant	<p>This Article limits the powers under this Article for the purposes of, or in connection with, the construction of the authorised development. Explain why other articles in Part 3 are not similarly restricted to the construction of the authorised development.</p>

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DCO.2.10	<p><i>Part 5, Article 29 – Temporary use of land for carrying out the authorised development</i></p> <p>The Applicant</p>	<p>Article 29(9) of the dDCO which existed prior the version submitted at D3 [REP2-004] has been removed. The Applicant’s explanation of the change [REP3-011] states that, where in other DCOs an article of this nature serves to clarify powers of new rights and temporary possessions, in this case the “<i>yellow land</i>” only seeks temporary possession powers and is not subject to the compulsory acquisition of rights and for that reason, the Applicant considers that Article 29(9) was not in fact applicable in this case.</p> <p>While the ExA understand the reason for its removal, the ExA is concerned that Articles 20(1) and 22(1) of the dDCO [REP3-006] as worded could essentially override Article 29 and permit CA of land in Schedule 7. The ExA considers that Article 29 should make clear that “<i>yellow land</i>” is not subject to compulsory acquisition.</p> <p>Amend the dDCO and reinsert the following after Article 29(8):</p> <p><i>“(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i)”.</i></p>
DCO.2.11	<p><i>Part 6 Article 35 (2) - Disapplication and modification of legislative provisions</i></p> <p>The Applicant</p>	<p>In ExA WQ DCO.1.24 [PD-008], the ExA requested an update of consents necessary to permit a provision to disapply the provisions under the Water Resources Act 1991, the Environmental Permitting Regulations 2016 and the local legislation and byelaws without the express consent of the relevant consenting body. The Applicant responded [REP2-042] stating that it needs to disapply Schedule 25 (byelaw-making powers of the Authority) to the Water Resources Act 1991, Regulation 12 of the 2016 Regulations (requirement for an environmental permit) in respect of a flood risk activity and Section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991. The Applicant stated that matters are subject to ongoing discussions between the Applicant and the relevant consenting bodies.</p> <p>i) Provide an update on the progress of these discussions.</p> <p>ii) If no consent is forthcoming before Wednesday 1 April 2020, remove the Article for D7, 2 April 2020.</p>

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DCO.2.12	<i>Part 6 Article 38 – Operational land for purposes of the Town and Country Planning Act 1990</i> The Applicant	<p>In ExA WQ DCO.1.26 [PD-008], the ExA requested information as to the permitted development rights in the Town and Country Planning Act 1990 that would be made available to the Proposed Development under this provision. In its response [REP2-042], the Applicant stated the rights applied to Parts 8, 13 and 15 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, but that the provision does not make new permitted development rights available but ensures that statutory undertakers' existing rights continue to be available to them.</p> <p>Explain therefore the need for this Article if such permitted development rights already exist in other legislation.</p>
DCO.2.13	<i>Part 6, Article 41 – Felling or lopping of trees</i> All Relevant Planning Authorities	<p>The ExA notes the alterations to this Article made at D3 [REP3-006] and Rushmoor Borough Council [REP3-041], Spelthorne Borough Council [REP3-045], and the SDNPA's [REP3-061] continued objection to this Article. The ExA will defer further specific questioning of this Article until after it has examined the additional documents to be submitted at D4 in respect to the Outline LEMP, Outline CEMP and CoCP to consider whether the powers sought in this Article, taken alongside the relevant Requirements in Schedule 2, are appropriate. However, in the interim:</p> <ul style="list-style-type: none">i) Comment on the changes to the wording of Article 41(1) of <i>the dDCO</i> [REP3-006] in relation to the power to remove trees "near any part of the authorised development" which has been replaced with "within or overhanging land within the Order limits, or may cut back the roots of a tree or shrub which extends into the Order land...".ii) Explain with reasons whether the Article prevents any trees (other than branches or roots that encroach within the Order limits) being removed outside of the Order limits.iii) Set out what additional changes, if any, would be required in addition to the Outline CEMP to be submitted at D4 to overcome the concerns raised at D3 that neither this Article, Article 42 or Requirement 6 safeguards trees against unnecessary losses.

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DCO.2.14	<p><i>Schedule 2, Requirements 6, 7, 9, 12 and 15</i></p> <p>The Applicant All Relevant Planning Authorities</p>	<p>The ExA is concerned that the Requirements as worded now only requires matters to be “<i>based upon</i>” its outline versions as opposed to be “<i>substantially in accordance</i>” or “<i>in accordance</i>”. No definition exists in the dDCO [REP3-006], and the ExA is not aware of any previous legal definition or meaning in any other DCOs of the terminology “<i>based upon</i>”.</p> <p><u>For the Applicant:</u></p> <ul style="list-style-type: none">i) Explain the difference in terminology and its implications.ii) Justify the looser term. Oriii) Alternatively, restore all relevant Requirement to “<i>in accordance</i>”. <p><u>For Relevant Planning Authorities:</u></p> <ul style="list-style-type: none">iv) Comment on the above.
DCO.2.15	<p><i>Schedule 2, Requirement 3</i></p> <p>The Applicant All Relevant Planning Authorities</p>	<p>The ExA has expressed concerns regarding the practicalities of this Requirement, specifically how the Applicant intends to deal with each authority and ensure a consistent approach. In the D3 response [REP3-010], the Applicant states that the current drafting of this Requirement reflects that there has been limited engagement with contractors and as such the detail as to how the project would be built out has not been worked up.</p> <p><u>For the Applicant:</u></p> <ul style="list-style-type: none">i) Explain whether further details will be made available to the Examination before it closes.ii) Amend the Requirement to ensure that development cannot commence until the scheme setting out the stages has been submitted to all relevant planning authorities. <p><u>For Relevant Planning Authorities:</u></p>

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		<p>iii) Given the concerns raised at the Issue Specific Hearing on the dDCO held on Wednesday 27 November 2019 [EV-006b] and by Spelthorne Borough Council in its submission at D3 [REP3-045] regarding the wording of this Requirement, provide an alternative form of wording which would be acceptable.</p> <p><i>N.B – The ExA would hope that a joint response could be provided on an agreed approach</i></p>
DCO.2.16	<p><i>Schedule 2, Requirement 5</i> The Applicant</p>	<p>Notwithstanding the Applicant’s response to ExA WQ DCO.1.32 [REP2-042], the ExA remains concerned by the wording of this Requirement.</p> <p>Chapter 16 of the ES [APP-056] confirms that the purpose of the CoCP is to provide effective planning, management and control during construction with the aim of controlling potential impacts on people, businesses and the natural and historic environment, and that it would be fixed by the end of the process.</p> <p>However, the tailpiece at the end of the Requirement 5, which states “<i>or with such changes to that document as agreed by the relevant planning authority</i>”, potentially undermines this fixed process, and has the potential to extend beyond the Applicant’s stated intention to maintain flexibility for the possibility of changes in legislation or guidance to reflect best practice or a change to a specific LPA.</p> <p>The ExA requests that either that tailpiece is removed; or that it is reworded to be limited only to the circumstances described in the Applicant’s response to ExA WQ DCO.1.32 [REP2-042].</p>
DCO.2.17	<p><i>Schedule 2, Requirement 5</i> All Relevant Planning Authorities</p>	<p>In its D3 response [REP3-010] the Applicant has indicated that it does not intend to amend Requirement 5 of the dDCO but has instead inserted a new requirement to maintain an electronic register of requirements. This is set out in new Requirement 20.</p>

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		<p>i) Explain whether this resolves the concerns raised by a number of relevant planning authorities at the ISH on the dDCO held on Wednesday 27 November 2019 [EV-006b].</p> <p>ii) If not, why not and provide alternative wording that could be used.</p> <p><i>N.B – The ExA would hope that a joint response could be provided on an agreed approach</i></p>
DCO.2.18	<i>Schedule 2, Requirement 6</i> The Applicant	Signpost or provide an explanation as to the changes to Requirement 6 in the dDCO [REP3-006] specifically the deletion of the reports to accompany the CEMP when submitted to relevant planning authorities.
DCO.2.19	<i>Schedule 2, Requirement 7</i> Network Rail	<p>At the ISH on Wednesday 27 November 2019 [EV-006b] the Applicant was made aware of Network Rail's request to be a named consultation body. In its D3 [REP3-010] the Applicant considers that this could be better addressed through protective provisions.</p> <p>Provide a response.</p>
DCO.2.20	<i>Schedule 2, Requirement 7</i> The Applicant	<p>In their respective LIRs, Spelthorne Borough Council [REP1-021], Runnymede Borough Council [REP1-017] and Surrey Heath Borough Council [REP1-023] Local Authorities requested an additional wording to Requirement 7 of the dDCO [REP3-006] requiring a CTMP for each stage of works, and to cover a list of 19 areas including development phasing and highway condition survey.</p> <p>The Applicant responded at D3 [REP3-010] stating that it will be providing an Outline CTMP at D4. The Local Authorities in their D3 responses [REP3-044] appear to consider the matter remains unresolved.</p>

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		Update the ExA as to the progress and content contained within the Outline CTMP and if necessary, update Requirement 7 of the dDCO accordingly.
DCO.2.21	<i>Schedule 2, Requirement 8</i> The Applicant	<p>The SDNPA in its D3 response [REP3-061] states that the words "<i>retention and</i>" be inserted before "<i>removal</i>", and that it be undertaken in accordance with the "<i>landscape and ecological management plan as approved</i>" in order tie in with its recommended changes to the Requirement 12.</p> <p>Provide a response.</p>
DCO.2.22	<i>Schedule 2, Requirement 11</i> The Applicant	<p>i) Indicate when an updated archaeological mitigation strategy [REP2-007] is likely to be submitted into the Examination.</p> <p>ii) Respond to Surrey County Council's D3 response [REP3-046] regarding its view on a re-wording of this Requirement.</p> <p><i>You may wish to combine the response to this question with HE.2.1</i></p>
DCO.2.23	<i>Schedule 2, Requirement 12</i> The Applicant	<p>The SDNPA in its D3 response [REP3-061] states that Requirement 12 of the dDCO [REP3-006] should be re-worded so that it ensures the submitted LEMP would address a number of areas.</p> <p>Provide a response.</p>
DCO.2.24	<i>Schedule 2, Requirement 14</i> The Applicant	<u>For the Relevant Planning Authorities:</u>

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	All Relevant Planning Authorities	<p>The wording of this Requirement has been amended in the dDCO [REP3-006] in light of the discussions at the ISH on the dDCO held on Wednesday 27 November 2019 [EV-006b]. Respond as to the adequacy of this wording.</p> <p><u>For the Applicant:</u></p> <p>Whilst the proposed hours of work have been reduced to 08:00-18:00, it is noted that start up and shut down activities for an hour either side of these times is still proposed. Confirm whether:</p> <ul style="list-style-type: none">i) Deliveries would occur during the start-up/shut-down activities.ii) What mechanisms are proposed to ensure that these activities are low noise generating activities and that plant and machinery are not operated in these periods as stated in your response.iii) Explain what is meant by "<i>reasonably necessary on an exceptional basis</i>".
DCO.2.25	<i>Schedule 2, Requirements 15, 16 and 20</i> All Relevant Planning Authorities	Comment on the adequacy of the new Requirements 15, 16 and 20 in the dDCO [REP3-006].
DCO.2.26	<i>Schedule 2, Requirement 16</i> The Applicant	Explain the term " <i>once the pipeline works have been commissioned</i> " and whether this is adequately defined in the dDCO [REP3-006].
DCO.2.27	<i>Schedule 2, Requirements 18(4), 21(1) and 24(2)(b)</i> Rushmoor Borough Council SDNPA	In its submission at D3 [REP3-006], the Applicant has amended the said Requirements to 42 days. It is not clear from Rushmoor Borough Council's submission at D3 [REP3-041] whether this time period is acceptable or whether it maintains it should be 56 days. SDNPA in its D3 response [REP3-061] considers 56 days to be appropriate.

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		<p>i) Justify why 42 days as proposed by the Applicant is insufficient.</p> <p>ii) Explain whether these concerns extend to Articles 9(5), 10(3), 12(8) and 15(7).</p>
DCO.2.28	<p><i>Schedule 2, Requirement 21</i> All Relevant Planning Authorities</p>	<p>The dDCO submitted at D2 [REP2-003] (then as Requirement 20) increased the number of business days for the submission of a request for further information from two to five days (20(2)). However, this is still below the number suggested by a number of Local Authorities in their LIRs for example Hampshire County Council [REP1-013] suggested 14 days and Runnymede [REP1-017] and Spelthorne [REP1-021] Borough Councils suggested 15 days was necessary.</p> <p>Explain further why a longer time frame would be necessary.</p>
DCO.2.29	<p><i>Use of the term 'Days'</i> The Applicant</p>	<p>Requirement 20 refers to '<i>business days</i>' which is defined in the dDCO [REP3-006]. Requirements 18, 19, 21 and 22 simply refer to 'days', which are undefined.</p> <p>Clarify whether '<i>days</i>' refers to calendar, working or business days and if necessary, amend either the dDCO [REP3-006] to provide a definition of 'days'. Check elsewhere in the dDCO for use of this term and correct.</p>
DCO.2.30	<p><i>Decommissioning</i> The Applicant</p>	<p>In their D3 response [REP3-061] SDNPA request that all above ground infrastructure (such as flight and pipeline markers) be removed in the event that the pipeline ceases operation. Explain whether there is there any legal requirement for these markers to remain in place once a pipeline ceases operation and if not how long a period would be reasonable for their removal.</p>
DCO.2.31	<p><i>Potential Additional or Re-Worded Requirements</i></p>	<p>In the event that the Outline LEMP and Outline CTMP, alongside the substantially updated Outline CEMP and CoCP to be submitted at D4 are not deemed sufficient particularly in dealing with the "hotspot" areas, the ExA will need to consider whether a) the Order is</p>

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	All Relevant Planning Authorities	<p>capable of being made with existing Requirements in place or b) whether additional Requirements or amended wording to existing Requirements would be necessary.</p> <p>When the D4 documents have been assessed, advise whether the SoS is capable of making the Order with the dDCO unamended, or whether additional and/or amended wording would be necessary. Provide this advice by D5, Thursday 13 February 2020.</p>
DCO.2.32	<i>Schedule 4</i> The Applicant	Clarify whether reference to "A327 – Ively Road" should in fact read "Old Ively Road".
DCO.2.33	<i>Schedule 5, Part 2</i> The Applicant	Balmoral Drive is listed in this Schedule of streets where no diversion to be provided. However, the Transport Assessment [APP-135] has assessed a required diversion route to this road. Explain this anomaly.
DCO.2.34	<i>Schedule 5 Part 2</i> The Applicant	<p>Clarify the following when compared with Schedule 4 street names:</p> <ul style="list-style-type: none">i) Winchester Road – Winchester City Council in its LIR [REP01-026] in paragraph 8.5 state that this will be done with traffic light control. Explain whether Winchester Road should be in this Schedule.ii) Wheely Down Road – clarify whether this should read as "Wheely Down Farm Lane".iii) Selbourne Road – clarify whether this should read as "Selborne Road"iv) Binstead road – clarify whether this should read as "Binsted Road".v) Ryebidge Lane – clarify whether this is "Unnamed Road between A31 and Ryebidge Lane"?

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DCO.2.35	<i>Schedule 11</i> The Applicant	<p>The ExA considers the following should be added to the certified documents at Schedule 11:</p> <ul style="list-style-type: none"> • The Navigation Document (latest [REP3-002]; and • The Alignment Sheets (narrow working) [REP3-023], [REP3-024] and [REP3-025]. <p>Provide a response and alter the next dDCO for D4.</p>
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FLOOD RISK, WATER RESOURCES AND GEOLOGY

Please note that questions regarding flood risk, water resources and geology for Queen Elizabeth Country Park and Turf Hill can be found in the separate question for these areas below

FR.2.1	<i>Assessment of Groundwater Resources</i> The Environment Agency	<p>In response to ExA WQ FR.1.5 (ii) [REP2-043] it was confirmed that winter highs have been taken into account.</p> <p>Provide a response as to whether this is agreed with.</p>
FR.2.2	<i>Mitigation of Watercourses</i> The Applicant	<p>In response to ExA WQ FR.1.12 [REP2-043] the good practice commitments of relevance to sediment discharge are explained.</p> <p>Set out the approach to ensuring how these standards would be met during construction.</p>
FR.2.3	<i>Riparian Vegetation and Long-term Watercourse Bank Stability</i> The Applicant	<p>In response [REP2-043] to ExA WQ FR.1.13 [PD-008] the good practice measures relevant are set out. Commitment G116 is for an Erosion and Sediment Control Plan to be produced by the contractor and Commitment G131 is for the retention of in-channel vegetation which is not directly affected by installation works.</p>

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		<p>i) Explain how the Erosion and Sediment Control Plan would be secured through the dDCO and who would be responsible for its approval.</p> <p>ii) Clarify how it will be determined whether vegetation will be directly affected by installation works; where in-channel vegetation is to be removed; how vegetation would be re-instated and if so, how will this be secured through the dDCO [REP3-006] and who will be responsible for the reinstatement of in-channel vegetation.</p>
FR.2.4	<p><i>Private Water Supplies – Significant Spills</i> The Applicant</p>	<p>In its response to Response to ExA WQ FR.1.17 [REP2-043], the Applicant sets out that professional judgement will be used to identify mitigation measures. It is assumed that this will be the decision of the contractor.</p> <p>i) Explain whether such an approach should be set out and secured in the CEMP.</p> <p>ii) State how the mitigation measure W12 would be secured through the dDCO [REP3-006].</p>
FR.2.5	<p><i>Monitoring of Well Water</i> The Environment Agency</p>	<p>In response [REP2-043] to ExA WQ FR.1.21 [PD-008] the Applicant sets out the approach to monitoring of well water in the event of a significant spill.</p> <p>Comment on the Applicant’s approach to monitoring and managing well water in the event of a significant spill.</p>
FR.2.6	<p><i>Climate Effects</i> The Applicant The Environment Agency</p>	<p><u>For the Applicant:</u></p> <p>Considering the EA’s comment in [RR-239] that sites in place for over 18 months should take climate change into consideration and that the logistics hubs could be in place for up to two years; provide an explanation for why climate change has not been taken into consideration within the logistic hubs FRA.</p>

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		<p><u>For the Environment Agency:</u> Provide comment on the Applicant's response to ExA WQ FR.1.23 in [REP2-042].</p>
FR.2.7	<p><i>Flood Risk</i> The Environment Agency</p>	<p>In response [REP2-043] to ExA WQ FR.1.24 [PD-008] the Applicant sets out the construction and detailed design methods with respect to Flood Zone 3.</p> <p>Confirm whether the response provided is acceptable.</p>
FR.2.8	<p><i>Trenchless Crossing at Cove Brook</i> The Applicant</p>	<p>In its response to ExA WQ FR.1.24 [REP2-043], the Applicant confirmed that the Cove Brook flood storage facility would be subject to trenchless crossing. The General Arrangement Plans submitted at D3 [REP3-005] continue to show this as being subject to trenched crossing.</p> <p>Confirm that the Cove Brook flood storage facility will be crossed by trenchless crossing and provide an updated General Arrangement Plans and CoCP to reflect this change.</p>
FR.2.9	<p><i>River Thames Flood Defence Scheme</i> The Applicant The Environment Agency</p>	<p>In ExA WQ ALT.1.8 [PD-008] the ExA requested details of the discussions that have taken place between the Applicant, the EA and the landowner regarding potential conflict with the Thames Flood Defence Scheme. In its response [REP2-038], the Applicant stated, amongst other things, that discussions are ongoing but that it has a good degree of confidence that matters will be agreed before the end of Examination.</p> <p>Provide an update.</p>

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FR.2.10	<i>Adequacy of Baseline Data</i> The Environment Agency Local Lead Flood Authorities	Provide comments on the Applicant's response to ExA WQ FR.1.3 [REP3-020] regarding the adequacy of the baseline data.
HISTORIC ENVIRONMENT		
HE.2.1	<i>Archaeological Mitigation Strategy</i> The Applicant Surrey County Council	<ul style="list-style-type: none"> i) Provide an updated Annex A for the Archaeology Mitigation Strategy with trial trench locations. ii) Provide an update on the trial trenching design and whether agreement with Surrey County Council has been reached. iii) Provide an update on the results of the first phase of archaeological trial trenching that is scheduled to take place in early 2020 or a timescale for when these works would be undertaken. <p><i>You may wish to combine the response to this question with DCO.2.22</i></p>
HE.2.2	<i>Chawton House</i> SDNPA	Provide a plan showing the correct boundary of the registered park and garden.
LANDSCAPE AND VISUAL		
<i>Please note that questions regarding landscape and visual for Queen Elizabeth Park and Turf Hill can be found in the separate question for these areas below</i>		
LV.2.1	<i>New Tree Survey and Protection Assessment</i> The Applicant All Relevant Local Planning Authorities	In their respective LIRs, Spelthorne Borough Council [REP1-021], Runnymede Borough Council [REP1-017] and Surrey Heath Borough Council [REP1-023] requested an additional Requirement be inserted into the dDCO which requires a Tree Survey and Protection Strategy to be submitted to and approved by the relevant planning authority. This is because the Local Authorities did not consider the current REAC, which forms part of the Chapter 16 of the ES [APP-056] and CoCP [REP2-010] are sufficient to deal with the tree loss and mitigation, particularly at identified "hotspot" areas.

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		<p>The Applicant responded at D3 [REP3-010] stating matters would form part of the Arboricultural Management Plan secured by Requirement 6 of the dDCO, an outline of which will be included in the Outline CEMP to be submitted at D4. The Local Authorities in question in their D3 responses [REP3-044] appear to consider the matter remains unresolved.</p> <p>Update the ExA as to the progress with and the content contained in the Arboricultural Management Plan, and whether this would provide the sufficient tree survey and protection assessment as sought by the Local Authorities.</p>
LV.2.2	<p><i>Methodology</i> The Applicant</p>	<p>In ExA WQ LV.1.6 [PD-008], the ExA requested the Applicant provide definitions of the significance criteria presented in Illustration 6.1 as set out in Chapter 6 of the ES [APP-046]. The Applicant responded [REP2-045] that such definitions are not required by the EIA Regulations 2017 or the Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3), and that significance of effects had been determined through consideration of sensitivity of receptor and magnitude of change.</p> <p>However, para 3.34 of GLVIA3 states "<i>When drawing a distinction between levels of significance is required (beyond significant/not significant) a word scale for degrees of significance can be used (for example a four-point scale of major/moderate/minor/negligible). Descriptions should be provided for each of the categories to make clear what they mean, as well as a clear explanation of which categories are considered to be significant and which are not.</i>"</p> <p>The ExA requests again that definitions of the significance criteria presented in Illustration 6.1 as set out in Chapter 6 of the ES be provided.</p>
LV.2.3	<p><i>Notable Trees and Ancient Woodlands</i></p>	<p>In its response [REP2-045 and REP2-046] to ExA WQ LV.1.9 [PD-008], the Applicant produced a set of drawings which indicated the position of notable trees. However, ExA</p>

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	The Applicant	<p>WQ LV.1.7 also requested that plans indicating the locations of ancient woodlands be provided. At the ISH held on Tuesday 3 December 2019 [EV-009a and EV-009b], the ExA made an additional request that both the locations of notable trees and ancient woodlands be added to the General Arrangement Plans.</p> <p>Provide updated General Arrangement Plans.</p>
LV.2.4	<i>Tree Replacement Planting</i> The Applicant All Relevant Local Authorities	<p>In ExA WQ LV.1.10 [PD-008], the ExA requested a justification for the Applicant's position that no replacement or compensatory planting is required for Tree Preservation Order (TPO) lost trees where a moderate effect is identified at Year 15. The Applicant responded [REP2-045] stating that proposed tree planting and hedgerow infilling shown on Figure 7.56 of Chapter 7 of the ES [APP-047] would partly offset for loss of TPO trees but that this replacement planting would be mainly in rural areas where there is more room to accommodate planting. The ExA is unconvinced that the response resolves the concern.</p> <p>i) Explain whether off-site planting could mitigate loss of TPOs particularly in non-rural areas.</p> <p>ii) Explain how this could be secured given that such sites would be outside of the Order Limits.</p>
LV.2.5	<i>Tree Protection Measures</i> The Applicant	<p>In ExA WQ LV.1.11 [PD-008], the ExA asked whether tree protection fencing would be provided for TPO trees and woodland and other trees and woodland, hedgerows and important hedgerows and Root Protection Areas (RPAs) which may be at risk during the construction period. The Applicant responded [REP2-045] stating that the commitment to provide tree protection fencing under Good Practice Guide G95 of the REAC, which sits in Chapter 16 of the ES [APP-056] is not limited to any particular designation of tree. However, G95 uses the words "where such measures do not hinder or prevent the use of the working width" which suggests that some trees may not benefit from protective fencing. Spelthorne Borough Council has raised similar concerns in its D3 response [REP3-045].</p>

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		<p>Provide a response and if necessary, clarify and/or tighten in an updated CoCP.</p>
LV.2.6	<p><i>Tree Protection Measures</i> All Relevant Planning Authorities</p>	<p>In ExA WQ LV.1.12 [PD-008], the ExA sought confirmation that provision G68 in the REAC, which is contained within Chapter 16 of the ES [APP-056] and relates to the supervision of notable trees by an Environmental Clerk of Works, would also extend to TPO trees, veteran trees and ancient trees.</p> <p>The Applicant's response [REP2-045] stated that no ancient trees were identified from the inventory or during site surveys, but that G86 of the REAC has been amended to include reference to TPO and veteran trees. The Applicant also states that commitment G3 in the REAC refers to 'appropriate specialists' and this could include an arboriculturalist if required.</p> <p>Confirm the appropriateness of commitment G3 in the REAC with regards to the provision of specialist aboricultural advice.</p>
LV.2.7	<p><i>Tree Protection Measures</i> All Relevant Planning Authorities</p>	<p>In ExA WQ LV.1.13 [PD-008], the ExA sought an explanation as to why the aboricultural assessment accompanying the ES, which was undertaken in accordance with British Standard 5837:2012, relied on the protective principles for trees used by the National Joint Utilities Group Guidelines (NJUG) for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007)).</p> <p>The Applicant responded [REP2-045] that British Standard 5837:2012 is not considered to be the most appropriate guidance for utilities works. The ExA is not persuaded by this response, considering that British Standard 5837:2012 is more rigorous in terms of tree protection fencing.</p>

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		Confirm whether it is accepted that the Applicant's proposed reference to NJUG during the construction period and if not, why not.
LV.2.8	<i>Planting Mitigation</i> The Applicant All Relevant Planning Authorities	<p>The ExA notes the Applicant's response to ExA WQ LV.1.14 [REP2-045 and REP2-046] and the provision of a worst-case scenario set of drawings indicating the approximate lengths of hedgerows and the approximate areas of woodlands to be potentially removed. However, commitment G87 of the REAC, which is contained within Chapter 16 of the ES [APP-056] and the CoCP [REP2-010] only requires the Applicant to implement these measures "<i>where practicable</i>".</p> <p><u>For the Relevant Planning Authorities:</u></p> <p>i) Confirm the appropriateness of the Applicant's approach to commitment G87.</p> <p><u>For the Applicant:</u></p> <p>ii) Explain the process for vegetation clearance, retention, protection and replanting/reinstatement drawings in the event that it was not practical to implement commitment G87.</p> <p>iii) How this would be advised and agreed with relevant planning authorities.</p> <p>iv) How would changes to the submitted drawings be made and recorded.</p>
LV.2.9	<i>Planting Mitigation</i> The Applicant	<p>The ExA notes the Applicant's response [REP2-045] to WQ LV.1.16 [PD-008] in respect to dieback to retained trees due to compaction from construction and windthrow to retained woodland; in that it would be set out in the Arboricultural Management Plan prepared as part of the CEMP.</p> <p>Submit an updated version of the Outline CEMP recording at Annex I the need for the Arboricultural Management Plan to contain provisions to mitigate dieback to retained trees</p>

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		due to compaction from adjacent construction activities and windthrow to retained woodlands and plantations where these are crossed by the pipeline corridor.
LV.2.10	<i>Planting Mitigation</i> The Applicant	<p>In ExA WQ LV.1.17 [PD-008], the ExA expressed concerns with the Applicant's approach to commitment G87 of the REAC which is contained within Chapter 16 of the ES [APP-056] and the CoCP [REP2-010]. This states that vegetation clearance, retention, protection and replanting/reinstatement drawings would be produced prior to the construction phase. The contractor(s) would implement these plans including agreed mitigation where practicable. The Applicant justifies the "where practicable" conclusion as necessary should unforeseen circumstances arise. Should the event of unforeseen circumstances arise:</p> <ul style="list-style-type: none">i) Explain the changes to the submitted drawings that would be required.ii) How would this be advised and agreed with relevant Planning Authorities.iii) How would changes to the submitted drawings be made and recorded.
LV.2.11	<i>Planting Mitigation</i> The Applicant	<p>The ExA notes the Applicant's response [REP2-045] to ExA WQ LV.1.18 [PD-008] in respect to native trees and hedgerows to be planted within areas identified as tree planting and hedge infilling.</p> <p>Confirm that the forthcoming Outline LEMP to be submitted at D4 will contain sufficient details on how this is to be achieved.</p>
LV.2.12	<i>Planting Mitigation</i> The Applicant	<p>Respond to the responses received by the Local Authorities at D2 in that the three-year after care period, as set out in commitment G92 of the REAC, which is set out in Chapter 16 of the ES [APP-056] should be extended to five years. Amend the relevant documents accordingly.</p>

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LV.2.13	<i>Working Width for Ancient Woodlands</i> The Forestry Commission	Comment on the Applicant's response to ExA WQ LV.1.23 [REP2-045] and the submitted Technical Note on Ancient Woodland and Veteran Trees [REP2-061].
LV.2.14	<i>Logistics Hub at Chawton</i> SDNPA	<p>At the ISH held on Tuesday 3 December 2019 [EV-009a and EV-009b] SDNPA expressed concerns regarding the negative effect of the logistics hub would have on the National Park, even if reduced in size. The ExA notes that no representative viewpoint has been provided of this location in Appendix 10 of the ES [APP-114].</p> <p>Provide this representative viewpoint from the Public Right of Way at Chawton to enable the ExA to undertake an USI from this viewpoint.</p>
LV.2.15	<i>Flight Markers</i> The Applicant	<p>In their D3 response [REP3-061] SDNPA state they are satisfied that if the guidance contained within the British Standards Institution code for practice for pipelines is followed for locating flight markers then it would not be so harmful as to justify refusal of the DCO.</p> <p>How would compliance with this guidance be secured.</p>

PEOPLE AND COMMUNITIES**Noise and Vibration**

PC.2.1	<i>Noise Mitigation and the Use of Echo Fencing</i> The Applicant Relevant Planning Authorities	<p><u>For the Applicant:</u></p> <p>In response to Action Point 19 [REP3-015] that arose from the ISH on Wednesday 4 December 2019 [EV-010a and EV-010b], explain why the following locations were not included in the list:</p> <ul style="list-style-type: none"> • Ashford: Ferndale Road;
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		<ul style="list-style-type: none">• Lightwater: Briar Avenue; and• Farnborough: Woodland Crescent, Woodstocks, the Chase, Queen Victoria Court, Cabrol Road and Stakes Lane. <p><u>For Relevant Planning Authorities:</u></p> <p>Review the locations where the Applicant has suggested the use of Echo fencing as noise mitigation and provide with explanation any other locations where such mitigation would be needed.</p>
PC.2.2	<i>Construction Compounds</i> The Applicant	<p>The Statement of Reason [AS-010a] refers to the fact that the proposed temporary construction compounds would not be connected to facilities and as a result would need to use a generator.</p> <p>i) Signpost or provide information on the generator including its noise emittance levels and hours of use; effects on receptors and mitigation if required.</p> <p>ii) How would this be secured in the dDCO [REP3-006].</p>
PC.2.3	<i>Noise Assessment Thresholds</i> The Applicant Rushmoor Borough Council	<p><u>For the Applicant:</u></p> <p>Respond to the concerns raised by Rushmoor Borough Council [REP3-041] that incorrect thresholds have been used with particular reference to Nash Close and if the incorrect thresholds have been used, provide an updated assessment and details of how this would affect the conclusions of that assessment.</p> <p><u>For Rushmoor Borough Council:</u></p> <p>Provide a response to the Applicant's response to Action Point 20 from the ISH on Wednesday 4 December 2019 [REP3-015].</p>

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Air Quality		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination</i>		
Human Health		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination</i>		
Leisure and Recreation		
PC.2.4	<i>Maintenance of Sports Pitches</i> The Applicant	<ul style="list-style-type: none"> i) Confirm that the Proposed Development would restrict the 'breaking up' of sports pitches at the end of the season [REP3-045, para 1.29]. ii) Explain whether guarantees firmer than the proposed provisions in the CoCP or land agreements would be necessary to ensure that playing fields would be restored and be able to be maintained by the Council to the appropriate standard [REP3-045, para 1.20]. Or iii) Revise the Outline CEMP [APP-129] to include confirmation that the Proposed Development would not prevent the ability to break up sports pitches.
PC.2.5	<i>Narrow Working in Sports Fields</i> The Applicant	<p>In response 10 [REP3-015] to action points from ISH on Wednesday 3 December 2019 [EV-010a and EV-010b] Figure 1.5 and accompanying text set out working in sports fields. The last bullet point says trench boxes or equivalent would be used to avoid side battered trenches. Sketch 7 in Appendix A relating to St. James School shows a battered side trench.</p> <p>Explain this apparent inconsistency.</p>
PC.2.6	<i>Woodthorpe Road Play Area</i> The Applicant Spelthorne Borough Council	Provide an update on the progress over discussions regarding the relocation and reinstatement of the play area.

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PC.2.7	<i>Potential Additional Requirement</i> Rushmoor Borough Council	<p>In your D3 response [REP3-039] you advocate the need for a new requirement to deal with sporting facilities.</p> <p>i) Provide suggested wording.</p> <p>ii) Provide a more detailed explanation for why such a requirement would be necessary and how it would meet the other tests for requirements.</p>
Housing		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination</i>		
QUEEN ELIZABETH COUNTRY PARK AND TURF HILL		
<i>Please note that in addition to these specific sections there are a limited number of questions relating to both Queen Elizabeth Country Park and Turf Hill located in other sections</i>		
Queen Elizabeth Country Park		
QE.2.1	<i>Narrow Working Width and Stringing Out Area</i> The Applicant	<p>At the ISH held on Tuesday 3 December 2019 [EV-009a] and [EV-009b], the Applicant confirmed that the NWW for Queen Elizabeth Country Park would be 15m. However, and on further examination, the Applicant confirmed in [REP3-020] that the 15m width would comprise a 10m working width for the proposed pipeline route itself, and a further 5m for the stringing out area for trenchless crossing TCO018. The Applicant further confirmed that the 5m route would not necessarily run adjacent to the 10m working width of the proposed pipeline, and as such it is feasible that the NWW could in fact spread over the entire 36m width of the Order limits and be constructed at a different time. This is illustrated in Figure 1.2 in [REP3-013] and general work plans Sheets 34, 35,105 and 106 [AS-009].</p> <p>i) Justify the reason for not including the stringing out area adjacent to the 10m NWW, and the reasons for the proposed route as depicted in Figure 1.2 within [REP3-013].</p> <p>ii) Signpost in the Application where an assessment of the effects of the stringing out area has been undertaken and assessed.</p>

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QE.2.2	<i>Trenchless Techniques</i> The Applicant	<p>At the ISH held on Tuesday 3 December 2019 [EV-009a and EV-009b], the Neighbours and Users of Queen Elizabeth Park (NUQEP) gave their view that it would be possible to install the proposed pipeline at Queen Elizabeth Country Park using trenchless techniques. It was said that by undertaking this as a separate project, as opposed to an extension of TCO018, it would be possible to string out those sections of the pipeline in the school grounds of Farnborough Hill School. The Applicant confirmed that in theory, this was possible. The NUQEP subsequently submitted such a proposal at D3 [REP3-059] and a specific trenchless proposal was submitted in REP3-067.</p> <p>However, in the response to Action Point 15 [REP3-013], the Applicant considers that in fact undertaking a trenchless crossing would not be feasible, citing principally issues concerning the use of Farnborough Hill School for stringing out operations. As pointed out by the NUQEP in its D3 response [REP3-059], the response given by the Applicant appears to differ from a previous response given at 1.3 of the response to ExA WQ QE.1.5[PD-008] at D2 [REP2-048], in which it was cited that the trenchless techniques would have no greater benefit than open trenching.</p> <p>The sketches provided in the response to Action Point 15 would however seem to indicate it may be possible at least with option 1 utilising the maximum radius of curvature of 400m that with some modification to the receptor pit location that the whole stringing out length required could be accommodated within the Farnborough School site or potentially utilising the end of Woodstocks off Ship Lane for the end of the stringing section.</p> <p>Provide a more detailed feasibility assessment of the potential for stringing out to be undertaken in Farnborough School.</p>
QE.2.3	<i>Trenchless Techniques</i> The Applicant	<p>Explain why there is need for such an enlarged drive site shown in response to Action Point 15 [REP3-013], when at Stakes Lane the drive site is contained within a much smaller footprint.</p>

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QE.2.4	<i>Trenchless Techniques</i> Rushmoor Borough Council	<p>In the response to Action Point 15 [REP3-013], the Applicant sets out its opinions and issues relating to alternative trenchless crossing of Queen Elizabeth Country Park. It states, amongst other things, the following: <i>"Unlike QEP, Farnborough Hill school is within the Farnborough Hill Conservation Area and accounts for approximately 50% of its area. The addition of a substantial stringing out operation as well as the required open trench works will have a greater impact on this designation. Rushmoor Borough Council has previously advised the Applicant of concerns about its impacts on the Conservation Area."</i></p> <p>i) Having read and heard the Examination matters up to now, explain the Council's views as to whether it would prefer Queen Elizabeth Country Park to be constructed using trenchless techniques even if the consequences are that temporary construction works would occur within the Conservation Area and within proximity to a Grade II* Listed Building at Farnborough Hill School.</p> <p>ii) If so, provide a view on the Conservation Area and setting of the Listed Building, and how this would weigh against the potential effects to Queen Elizabeth Country Park.</p>
QE.2.5	<i>Trenchless Techniques</i> Neighbours and Users of Queen Elizabeth Park	Provide a response to the Applicant's comments made at Action Point 15 [REP3-013].
QE.2.6	<i>Unexplained Structure</i> The Applicant	<p>At the Accompanied Site Inspection held on Tuesday 26 November 2019 [EV-008], the ExA noted a raised brick structure near to the boundary with Farnborough Road with in what appeared to be within the alignment of the proposed pipeline. The Applicant's representatives and IPs were unable to explain what this was.</p> <p>i) Clarify what this structure is.</p> <p>ii) Explain whether this has any bearing on the Proposed Development.</p>

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QE.2.7	<p><i>New Works Access to Auger Bore Compound from A325 Farnborough Road</i></p> <p>The Applicant</p>	<p>Figure 1.5 of the Applicant's responses to Other Parties submitted at D3 [REP3-017] indicates the proposed temporary access from Farnborough Road to the auger drill compound in Queen Elizabeth Country Park. This proposed temporary works access has been added to the dDCO [REP3-006] but is not shown on the relevant Access and Public Rights of Way or Works Plans.</p> <p>Amend all relevant submission documents.</p>
QE.2.8	<p><i>New Works Access to Auger Bore Compound from A325 Farnborough Road</i></p> <p>Rushmoor Borough Council Hampshire County Council</p>	<p>Confirm:</p> <ul style="list-style-type: none">i) Consultation with respect to this proposed new access has taken place; andii) The views of the Authorities with respect to this proposed new temporary access point.
QE.2.9	<p><i>NEAP Provision</i></p> <p>The Applicant Rushmoor Borough Council</p>	<p>The proposal would require the temporary removal of the play area at Queen Elizabeth Country Park. The existing play area is a Neighbourhood Equipped Area for Play (NEAP).</p> <p><u>For Rushmoor Borough Council</u></p> <ul style="list-style-type: none">i) Explain the criteria for a NEAP in particular what size area and equipment is needed.ii) Set out where the nearest alternative NEAP to the play area in Queen Elizabeth Country Park is.iii) In your D3 response [REP3-041] you advocate that there would be insufficient space for the existing play area to be relocated within the Order limits. Explain whether sufficient space exists within Queen Elizabeth Country Park outside of the Order limits where the NEAP could be relocated and where trees would not need to be felled.iv) If this would not be possible, advise whether an alternative of a temporary provision of several Local Areas of Play (LAPs) or Locally Equipped Areas of Play (LEAPs) would be considered acceptable. If so how many/which type would be considered a suitable

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		<p>alternative and whether these could be accommodated within the Order limits or within the wider park without the need to fell trees.</p> <p><u>For the Applicant:</u></p> <p>Rushmoor Borough Council in its D3 response [REP3-041] suggest that the relocation of the NEAP must be secured by a legal mechanism, and the appropriate one is s106 of the TCPA1990. The reason cited by Rushmoor Borough Council is that the re-provision would need to be outside of the Order limits.</p> <p>Provide a response and advise the ExA whether the SoS should withhold the Order if they determined the re-provision of the NEAP had not been adequately secured by means of an appropriate measure.</p>
QE.2.10	<i>Potential Loss of Veteran Trees</i> The Woodland Trust	<p>Section 4.1 of the submission of the NUQEP at D3 [REP3-059] addresses tree loss in QEP. Appendix A of the submission lists notable and veteran trees.</p> <p>Comment on the matters made by NUQEP in relation to veteran tree loss.</p>
Turf Hill		
TH.2.1	<i>Route Options</i> The Applicant Natural England Surrey Wildlife Trust	<p>Provide a response to the corporate position and comments made by Surrey Heath Borough Council in its response at D3 [REP3-048] regarding the route options at Turf Hill, with particular reference to the preference for route F1a as opposed to F1c.</p>
TH.2.2	<i>Route Options</i> The Applicant	<p>The ExA notes the Applicant written response to D3 [REP3-012] and in respect of Action Point 32 from [REP3-013] in respect to how route F1a was decided. Nevertheless, the ExA considers that greater clarity of the methodology it adopted in balancing conflicting considerations is required.</p>

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		<ul style="list-style-type: none">i) Explain how the views of NE, Surrey Heath Borough Council's Open Space Officer and SWT were assessed.ii) Explain how consultation responses and the proximity to residential properties, which is set out as a consideration in paragraphs 2.19.7 – 2.19.10 of NPS EN-4, were weighed into the decision process.iii) Explain whether the balancing exercise included consideration of the potential impact of tree removal alongside Guildford Road and the impact of Compound 5E on ecology or alternatively the traffic impact on Guildford Road. If not, why not.iv) Explain whether the balancing exercise took account of the topography of the different alignments and construction costs? If these considerations were taken into account, how were they balanced. If not, why not.
TH.2.3	<i>Route Options</i> The Applicant	<p>In paragraph 3.57 of its response at D3 [REP3-012], the Applicant confirms that sub-options were presented for consultation in the majority of sites.</p> <ul style="list-style-type: none">i) Explain whether in the case of Turf Hill, the sub-option was an indication that the considerations were finely balanced.ii) In view of the availability to the Applicant of the Surrey Amphibian and Reptile Report on sand lizards at Turf Hill in August 2018 and the views of Natural England's reptile specialist from October 2018, explain why the Design Refinements Consultation in January 2019 included option F1c.
TH.2.4	<i>Pipeline Route</i> The Applicant	<p>On Sheet 105 of Alignment Sheets (narrow working) (3 of 3) submitted at D3 [REP3-025] the proposed pipeline centreline is shown as generally to the southern part of the bridleway.</p> <p>Notwithstanding that the alignment may be provisional, comment on its effects on trees to the south of the bridleway.</p>

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TH.2.5	<i>Environmental Designations</i> The Applicant	<p>In paragraphs 3.42 and 3.43 of its response to D3 [REP3-012], the Applicant sets out the environmental designations at Turf Hill.</p> <p>Whilst recognising the general characteristics and locations of woodland and heathland, comment on the specific characteristics including the ecological value of the proposed pipeline alignment (F1a+) and the previously considered option (F1c).</p>
TH.2.6	<i>Ecological Baseline</i> The Applicant	<p>In its response to Action 34 at D3 [REP3-013], the Applicant indicates that different ecological baseline situations occur at Turf Hill and Chobham Common. The Applicant's response also makes reference to the Reptile Factual Report [APP-092] but is largely based on assertion rather than evidence.</p> <p>Demonstrate, with reference to evidence, how the two situations differ and therefore led to different approaches being proposed. In addition, explain why the required mitigation at Turf Hill which would prevent public access for a minimum of two months prior to vegetation removal or construction, be unacceptable when construction activities generally, including for option F1a+ take up to 2 years.</p>
TH.2.7	<i>Sand Lizard Release Area Suitability</i> The Applicant	<p>Map 6 of the Turf Hill Park Management Plan (Appendix 8 of [REP3-013]) shows the sand lizard release area and breeding area in compartment 6. This is separate from compartment 2 which comprises dry heathland with wooded blocks and extends along the route of the pylons / option F1c.</p> <p>Compartment 2 is described as differing "<i>from the other areas of dry heathland on site being linear in shape and regularly cut on a 4-year cycle since 1994. Situated beneath the high-power cables that cross the site this compartment was, prior to 1994, cut on an ad-hoc basis by National Grid in order to keep the power cables free of trees</i>".</p>

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		<ul style="list-style-type: none">i) Explain whether Sand Lizards that were reintroduced to Turf Hill likely to have remained in or close to the original release area or will they have spread out from the original release site and if they have how far are they likely to have moved.ii) Explain whether the above indicates that route F1C is as unsuitable for sand lizards as other parts of Turf Hill including the proposed route option.
TH.2.8	<i>Existing Water Infrastructure</i> Affinity Water	<p>The ExA has been advised that you own an existing water pipe that would be located within the proposed Order limits in the location of Turf Hill. Can you:</p> <ul style="list-style-type: none">i) If available, provide a plan showing the route of this water pipe.ii) Advise if there are any restrictions in place with regards to the location/construction of new development in relation to the water pipe.iii) Advise if there are any standards or guidance (including good practice) that the ExA should be aware of with regards to the co-location of pipelines, in particular are there any regulations preventing hydrocarbon pipelines being laid near PVC water pipes because of possible contamination in terms of spills or leakages from the hydrocarbon pipeline as referred to at the open floor hearing on 25 October 2019 [EV-011].iv) Do you have any objections/concerns regarding the location and installation of the proposed pipeline in relation to your existing pipeline in this location.
TH.2.9	<i>Potential Flooding after Removal of Trees</i> The Environment Agency	<p>In response [REP2-049] to ExA WQ TH.1.13 (ii) the Applicant refers in paragraph 1.4 to Rainfall Runoff Management for Developments (Environment Agency, 2013) and states that run-off rates do not depend on vegetation types and goes on in paragraph 1.5 to say that removal of trees would not change surface water run-off rates in Turf Hill. Could the EA advise on:</p> <ul style="list-style-type: none">i) The appropriateness of the quoted best practice guidance in this context.

		<p>ii) The general conclusion about there being no change to surface water runoff if trees are removed.</p>
<p>SUITABLE ALTERNATIVE NATURAL GREENSPACES (SANGs)</p>		
<p><i>Please also look at the questions in the HRA section within the Biodiversity and Habitat Regulations Assessment section as you may wish to combine your response with some of the questions posed in that section due to the overlap between these two topics</i></p>		
<p>SANG.2.1</p>	<p><i>SANG Attributes</i> The Applicant</p>	<p>A SANG should be “<i>natural as possible; free from noise, lighting, smells and visual intrusion; have unfettered access throughout the site with the ability of dogs to be let of the lead and a minimum 2.4km circular walking route that starts/ends at a car park</i>”.</p> <p>i) What measures/controls are proposed to ensure that these attributes would be maintained in those SANGs through which the Proposed Development would run and/or where a construction compound would be located.</p> <p>ii) Explain how they would be secured.</p>
<p>SANG.2.2</p>	<p><i>HRA and SANGs</i> The Applicant</p>	<p>The Applicant acknowledged [REP3-020] the concerns of Surrey Heath Borough Council [RR-093] [REP2-091] about the potential adverse effects on the integrity of the TBH SPA arising from construction activity on both of the Borough's SANGs (St Catherines Road and Windlemere) simultaneously.</p> <p>REAC Measure OP04 indicates that principal pedestrian routes within SANGs would be managed with access only closed for short periods. The Applicant has stated that it is too early to make a commitment about the schedule of construction activity, as the Applicant is yet to appoint a contractor and define the phasing for installation.</p> <p>With reference to the HRA report, confirm how the it has concluded:</p>

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		<ul style="list-style-type: none">i) That there would be no impact on the TBH SPA when it has not confirmed when the works within SANGs would take place.ii) How long it would be working in each SANG and whether or not works would be undertaken concurrently or consecutively.iii) What assumptions has the Applicant applied to the HRA in terms of timings and duration of works in SANGs.iv) What is meant by short duration and temporary.v) How would this be secured.
SANG.2.3	<i>HRA and SANGs</i> All Relevant Planning Authorities	<p>In response to ExA WQ BIO.1.47 [PD-008] concerning the likely numbers of displaced visitors from the SANGs to the TBH SPA, the Applicant stated [REP2-040] that the HRA used information that was available to construct a reasoned case including that unaffected alternative spaces were available.</p> <p>Relevant planning authorities are asked to comment on the suitability of the Applicant's "<i>unaffected alternative spaces</i>".</p>
SANG.2.4	<i>HRA and SANGs</i> All Relevant Planning Authorities	<p>In response to ExA WQ BIO.1.49 [PD-008] the Applicant [REP2-040] states that the assumption is made that if visitors decide not to use an affected SANG during construction, they are likely to select a nearby SANG or other open access space for recreational activities. Evidence is provided by the Applicant that such alternative locations exist. The Applicant states that the Proposed Development would not generate any additional population and therefore, there is no requirement to provide permanent SANG mitigation and the pipeline would have a temporary impact during construction only and this is reported in the HRA Report.</p> <p>Comment on this response.</p>

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SANG.2.5	<p><i>Proposed Requirement for Working in a SANG</i></p> <p>The Applicant Surrey Heath Borough Council</p>	<p>In its response to D2, Surrey Heath Borough Council [REP2-092] stated that two additional Requirements would be necessary requiring alternative SANGs to be provided and a scheme for the management of works in open land. In its response at D3 [REP3-010], the Applicant states that a) it does not consider that any evidence has been provided regarding impacts on St Catherines Road SANG which would require an alternative SANG to be provided, and b) that it does not agree there is a need for a Requirement dealing with the management of works in open space and further details on how construction would be managed will be provided as part of the updated CoCP to be submitted at D4.</p> <p>Update the ExA as to the progress and content contained within the CoCP and whether it would adequately manage the St Catherines Road SANG during construction of the Proposed Development.</p>
SANG.2.6	<p><i>Additional Requirement for Working in a SANG</i></p> <p>The Applicant Rushmoor Borough Council</p>	<p>The ExA note that the Applicant does not agree [REP3-010] that there is a need for a Requirement dealing with working in a SANG as this would be managed through the updated CoCP due to be submitted at D4. However, the Applicant is proposing to limit construction works within Southwood Country Park to two years.</p> <p><u>For the Applicant:</u></p> <ul style="list-style-type: none">i) Justify the decision to limit construction activities to a two-year period.ii) At the ISH held on Wednesday 27 November 2019 [EV-006b], the Applicant indicated that a similar time limit would be proposed for St Catherines Road SANG. Confirm whether this is still proposed, and why is two years required and how would this be secured.iii) If it would be occupied for a period of up to two years how can it be concluded that there would be no impact on the integrity of the TBH SPA? Provide evidence to support this conclusion.

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		<p><u>For Rushmoor Borough Council:</u></p> <p>Comment on whether the proposed two-year limit on construction works is acceptable.</p>
SANG.2.7	<p><i>St Catherines Road SANG</i> The Applicant Natural England Surrey Wildlife Trust</p>	<p>Provide a response to Surrey Heath Borough Council's D3 response [REP3-049] regarding St Catherines Road SANG and the effects on the TBH SPA with specific reference to the 5 questions posed by the Council in Paragraph 38.</p>
SANG.2.8	<p><i>St Catherines Road SANG – Stringing Area shown on GAP [REP3-005]</i> The Applicant</p>	<p>Explain the circumstances in which the stringing area would need to be utilised in St. Catherines Road SANG.</p>
SANG.2.9	<p><i>Southwood Country Park SANG</i> The Applicant</p>	<p>Explain why you considers areas of land which have full SANG capacity, such as Southwood Woodlands SANG, would be a "suitable alternative" to Southwood Country Park SANG in absorbing displaced recreational pressure. Provide evidence to support this conclusion.</p>
SANG.2.10	<p><i>Southwood Country Park SANG</i> The Applicant</p>	<p>Explain how the impacts of construction activity would affect accessibility of Southwood Country Park and if it would how would this effect the capacity of the SANG i.e. would it be reduced?</p>
SANG.2.11	<p><i>Chertsey Meads</i> The Applicant</p>	<p>Runnymede Borough Council have advised [REP3-035] that Chertsey Meads is now formally recognised by Natural England as a SANG for mitigating impact on the TBH SPA. Explain whether this affects any of the assumptions made in the ES and HRA report and do any of the application documents need to be updated to reflect the change in status of this area of open space.</p>

SCOPE OF DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

The ExA do not wish to ask any further questions on this topic at this point in the Examination

TRAFFIC AND TRANSPORT

TT.2.1	<i>Highway Condition Surveys</i> The Applicant	For streets affected by pipeline construction, explain how highway condition surveys and any necessary mitigation would be secured.
TT.2.2	<i>Logistics Hubs</i> The Applicant	Supply details of any measures designed to ensure that peak flows of construction related traffic to logistics hubs would not conflict with the network peak hours on the adjacent highway network and how they would be secured.
TT.2.3	<i>Trenchless Crossing Under A30</i> The Applicant	<p>Highways England in their response to ExA WQ TT.1.3 [REP2-068] asked that construction vehicle movements for the trenchless crossing of the A30 are provided as they may need to access the A30 trunk road.</p> <p>Detail traffic movements associated with this trenchless crossing and anticipated routeing.</p>
TT.2.4	<i>St. Catherines Road Closure</i> The Applicant	<p>Surrey Heath Borough Council in their D2 response [REP2-092] state that St. Catherines Road is used to access Tomlinscote School for children both walking and being driven from residential properties to the south of the proposed closure. The alternative vehicle diversion is understood but can you outline the arrangements for pedestrian access along the road during construction.</p> <p>If there is no pedestrian route being provided, detail alternative arrangements for pedestrian access to the school for properties to the south of the closure.</p>

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TT.2.5	<p><i>Possible Temporary Closure of Frimley Green Road</i></p> <p>The Applicant Surrey County Council</p>	<p>On sheet TC-020 of the submitted crossing drawings [REP3-026], there is a note indicating that it may be necessary for pre welded pipe to be strung out across Frimley Green Road that would require a closure of Frimley Green Road.</p> <p><u>For the Applicant:</u></p> <p>i) In the event of it being required confirm the estimated duration of this possible closure and whether the closure has been discussed and agreed with the Surrey County Council.</p> <p><u>For Surrey County Council:</u></p> <p>ii) Given expressed concern about congestion effects of works impact on Frimley Green Road confirm that this possible closure has been agreed, along with any necessary diversion routes that may be needed.</p>
TT.2.6	<p><i>Celia Crescent/Woodthorpe Road</i></p> <p>The Applicant Spelthorne Borough Council</p>	<p>Provide an update on the discussions/agreement to deleting the proposed construction access from Celia Crescent to Woodthorpe Road [REP3-045, para 1.35].</p>

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