Southampton to London Pipeline Project

Deadline 4

Responses to ExA's Further Written Questions - Landscape and Visual (LV)

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1 Response to the Examining Authority's Further Written Questions – Landscape and Visual (LV)

Table 1.1: Applicant response to Question

ExQ2	Question:	Applicant response to Question:
LV.2.1	In their respective LIRs, Spelthorne Borough Council [REP1-021], Runnymede Borough	South Downs National Park Authority, the Applicant has agreed to include the information relating to arboricultural management within the Outline LEMP rather than the Outline CEMP (Document Reference 8.51).
	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	the retention and protection of existing trees (Section 4.3) tree removal (Section 4.4)
	to be submitted to and approved by the relevant planning authority. This	1.3 The Applicant has amended Requirement 12 of the dDCO in the dDCO submitted at Deadline 4 (Document Reference 3.1(5)) to require that the LEMP submitted to the relevant planning authority for approval must "accord with" the outline LEMP.
	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	



ExQ2	Question:	Applicant response to Question:
	and mitigation, particularly at identified "hotspot" areas.	
	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.	
	Update the ExA as to the progress with and the content contained in the Arboricultural Management Plan, and whether this would provide the sufficient	



ExQ2	Question:	Applicant response to Question:
	tree survey and protection assessment as sought by the Local Authorities.	
LV.2.2	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	for degrees of significance can be used" [Applicant emphasis]. The GLVIA3 provides guidelines, it is not prescriptive, as explained in paragraph 1.20 of the guidelines, which states "It is not intended to be prescriptive, in that it does not provide a detailed 'recipe that can be followed in every situation". It is also noted that paragraph 3.33 of GLVIA3 advises that "it is not essential to establish a series of thresholds for different levels of significance of landscape and visual effects, provided that it is made clear whether or not they are considered significant." 1.2 Paragraph 3.34 of GLVIA3 goes on to say that a "clear explanation of which categories are considered to be significant and which are not" is required. This explanation is provided in Chapter 10 of the ES (Application Document APP-050) at paragraph 10.2.37 which states that "Impacts reported in this ES are considered 'likely significant effects' in the context of the EIA (Environmental Impact Assessment) when of moderate significance or above". 1.3 As explained in the Applicant's response to ExA WQ LV.1.6, the methodology that has been used to determine the level of significance for landscape and visual effects identified in the ES is set out in Chapter 6 of the ES (Application Document APP-046) and is consistent with the approach taken with other EIA topic areas. It is not therefore considered appropriate to retrospectively apply
	of sensitivity of receptor	receptors in conjunction with the magnitude of impact, further information can be found on this in chapter 10 of the ES (Application Document <u>APP-050</u>) at paragraphs 10.2.38 and 10.2.39;



ExQ2	Question:	Applicant response to Question:
1	and magnitude of change.	Paragraph 10.2.39 includes the following tables setting out the criteria used to assess the sensitivity of receptors and the magnitude of impact, based on GLVIA3:
	However, para 3.34 of GLVIA3 states "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." The ExA requests again that definitions of the	 Table 10.2: Value/Sensitivity Criteria for Landscape Receptors. Table 10.3: Value/Sensitivity Criteria for Visual Receptors. Table 10.4: Impact Magnitude Criteria for Landscape Receptors. Table 10.5: Impact Magnitude Criteria for Visual Receptors.



ExQ2	Question:	Applicant response to Question:
	significance criteria presented in Illustration	
	6.1 as set out in Chapter 6 of the ES be provided.	
LV.2.3	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 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.	showing the location of Notable trees and Ancient Woodland as a Deadline 4 submission.



ExQ2	Question:	Applicant response to Question:
	Provide updated General Arrangement Plans.	
LV.2.4	In ExA WQ LV.1.10 [PD-008], the ExA requested	1.1 The Applicant would first like to clarify their previous response to ExA WQ LV1.10 and the position regarding replacement tree planting, including replacements for TPO trees.
	a justification for the Applicant's position that no replacement or compensatory planting is required for Tree	1.2 Existing vegetation, including trees, would be retained where practical (commitment G91). Where it is not practical to retain trees, it is intended to undertake replacement tree planting at the same location unless constrained by the 6.3m wide pipeline easement, in which case other suitable shrub species would be planted within the easement such as hazel or hawthorn.
	Preservation Order (TPO) lost trees where a moderate effect is	1.3 The premise of ExA WQ LV.1.10 is not therefore entirely accepted, since the Applicant does acknowledge the need for tree planting to replace TPO trees to be removed but at the same time acknowledges the practical limitations to achieving this in some urban locations.
	identified at Year 15. The Applicant responded [REP2-045] stating that proposed tree planting and hedgerow infilling	planting could either be undertaken in another location along the pipeline corridor within the Order Limits, or off-site, that it is to say beyond the Order Limits.
	shown on Figure 7.56 of Chapter 7 of the ES [APP-047] would partly	1.5 The tree planting areas shown in Figure 7.5 of the ES (Application Document <u>APP-061</u>),
	offset for loss of TPO trees but that this replacement planting would be mainly in rural areas where there is more room to	1.6 Off-site tree planting outside of the Order Limits could potentially mitigate for TPO trees. However, it would not necessarily be possible to replace trees in the vicinity of those removed, since planting will be subject to the availability of land, agreement with the relevant landowner and other practical



ExQ2	Question:	Applicant response to Question:
	accommodate planting. The ExA is unconvinced that the response resolves the concern. i) Explain whether off-	1.7 As previously explained in the Applicant's response to ExA WQ LV1.10, the moderate adverse effect identified at Year 15 in ES Chapter 10 (Application Document APP-050) is a worst case assessment. In reality, it is expected that the overall effect on TPO trees will be reduced by adopting the protection measures set out in the Project Commitments within the Outline LEMP and through detailed design of the pipeline alignment.
	site planting could mitigate loss of TPOs particularly in non-rural areas.	1.8 For example, the current indicative pipeline alignment demonstrates the capacity to accommodate replacement tree planting within the Order Limits in the vicinity of TPO trees that would be lost. This would largely restore the existing character of the landscape and therefore negates the need for off-site planting mitigation.
	ii) Explain how this could be secured given that such sites would be outside of the Order Limits.	1.9 In response to ii), as explained above, any off-site planting undertaken outside the Order Limits would require the agreement of the relevant landowner. However, the necessity of any such planting is not assumed by the conclusions of the Environmental Statement.
LV.2.5	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	1.1 The Applicant requires a level of flexibility to be able to construct within the order limits, but the Applicant is under an overriding obligation in Article 41 of the dDCO not to cause unnecessary damage to any tree or shrub. There is however a concern that the combined effect of fencing for multiple RPAs may prevent effective operation of the pipeline working width for example when maintaining safe operation of the haul road. In such circumstances, some of the protective fencing would need to be removed and other protective methods used instead. This could include using protective matting could be used to reduce compaction damage to roots and / or supervision by an arboriculturalist to reduce the risk of damage to the trees. These methods are also covered by the National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007).



ExQ2	Question:	Applicant response to Question:
	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.	(3)). Commitment G95 'The contractor(s) would consider and apply, the relevant protective principles set out in the National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007)). This would be applied to trees within the Order Limits which would be preserved through the construction phase, and to trees outside of the Order Limits where such measures do not hinder or prevent the use of the relevant working width for construction'.
	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]. Provide a response and if necessary, clarify	



ExQ2	Question:	Applicant response to Question:
	and/or tighten in an updated CoCP.	
LV.2.7	In ExA WQ LV.1.13 [PD-008], the ExA sought an	1.1 Given the proposition in this question, the Applicant is responding at this time, even though the question is only directed at the relevant planning authorities.
	explanation as to why the aboricultural assessment accompanying the ES, which was undertaken in accordance with British Standard 5837:2012,	1.2 The Applicant does not accept that BS5837:2012 is more rigorous than the NJUG4 guidelines in terms of tree protection fencing. Both BS5837:2012 and NJUG4 recommend the use of free standing fencing. While BS5837:2012 provides some examples of fencing type, it also states, 'that once installed, barriers and ground protection should not be removed or altered without prior recommendation by the project arboriculturist'. This is the same flexibility offered by NJUG4 and referenced in the Applicant's response to LV.2.5.
	relied on the protective principles for trees used by the National Joint Utilities Group Guidelines (NJUG) for the Planning, Installation and	1.3 The Applicant considers that the most important factor when considering the protection of retained trees is the size given to the protection zone, as this is the area in which additional protection measures such as fencing are required. BS5837:2012 refers to such a protected area as a Root Protection Area, which focuses on considerations for protecting only the roots of a tree, while NJUG4 makes reference to a Tree Protection Zone, which ensures consideration is given to all parts of the tree including roots and canopy branches. This means that NJUG4 is more onerous in this regard.
	Maintenance of Utility Apparatus in Proximity	1.4 In BS5837:2012, the formula used for calculating the Root Protection Area of a tree should be 'calculated as an area equivalent to a circle with a radius 12 times the stem diameter'.
	to Trees ('NJUG Volume 4' (2007).	1.5 In NJUG4, the formula for calculating the Tree Protection Zone is '4 times the stem circumference'.
	The Applicant responded [REP2-045]	1.6 This means that the protection area for a single stem tree measured at the same point will always be a greater distance from the tree when following NJUG4 guidance over BS5837:2012.
	that British Standard 5837:2012 is not	1.7 In addition, BS5837:2012 suggests restricting the Root Protection Area of any tree to a maximum distance of 15m from the tree. NJUG4 has no such cap and suggests the Tree Protection Zone is



ExQ2	Question:	Applicant response to Question:
	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. Confirm whether it is accepted that the Applicant's proposed reference to NJUG during the construction period and if not, why not.	calculated for all trees regardless of size, thereby offering a greater degree of protection for large mature trees. 1.8 The Applicant is therefore confident that the adoption of NJUG4 will result in greater protection for retained trees than if BS5837:2012 were applied.
LV.2.8	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	vegetation clearance, retention, protection and replanting/reinstatement drawings to be implemented by the contractor(s) in accordance with commitment G87. For the purposes of the figures submitted in response to LV.1.14, it was assumed that all hedgerows and woodland within the Order Limits would be removed in order to indicate the worst case as requested by the ExA, with the exceptions noted on the figures. As indicated in the Applicant's response to LV.1.14, the



ExQ2	Question:	Applicant response to Question:
	woodlands to be potentially removed. However, commitment G87 of the REAC, which	1.2 The Applicant has refined the proposed approach to the preparation and submission of vegetation plans in its Outline Landscape and Ecological Management Plan (LEMP) (Document Reference 8.50)) and the updated draft DCO (Document Reference 3.1(5)), both submitted at Deadline 4. This is summarised below, in response to ii), iii), and iv).
	is contained within Chapter 16 of the ES [APP-056] and the CoCP [REP2-010] only	1.3 Commitment G87 states '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.' This is implemented through Requirement 8 of the DCO as follows:
	requires the Applicant to implement these measures "where practicable". For the Relevant Planning Authorities:	 Vegetation retention and removal plans will be notified to the relevant planning authorities in accordance with Requirement 8(1)(a) of the DCO. These plans will be based on the final design alignment and would implement the requirements of the LEMP. In the alternative, where there is a Site Specific Plan (SSP) for a specific location along the route, the retention and removal of vegetation must be undertaken in accordance with the relevant SSP, unless a variation to the SSP has been agreed with the Local Planning Authority.
	i) Confirm the appropriateness of the Applicant's approach to commitment G87. For the Applicant:	• Under Requirement 8(1)(a), the reinstatement of vegetation must be undertaken in accordance with a written plan of reinstatement that will form part of the LEMP submitted to the relevant planning authority for approval in accordance with Requirement 12 of the draft DCO (see Requirement 8(2)). The LEMP must be in accordance with the Outline LEMP (see Requirement 12(1)). The Outline LEMP includes indicative drawings as appendices to illustrate examples of the level of detail and information that would be provided in order to
	ii) Explain the process for vegetation clearance, retention, protection and replanting/reinstatement drawings in the event that it was not practical	discharge Requirement 12. 1.4 Where it is subsequently shown not to be practicable to implement the vegetation retention and removal drawings, for example due to previously unknown or unforeseen environmental and/or technical constraints that become clear during the construction process, a revised plan would be submitted to the relevant planning authority pursuant to requirement 8(1)(a)(i) for information.



ExQ2	Question:	Applicant response to Question:
	to implement commitment G87. iii) How this would be advised and agreed with	1.5 Where changes to vegetation retention or removal plans are proposed within an area for which there is an SSP, and thus the vegetation retention and removal plans which are proposed to be changed form part of the SSP, the Applicant would request a change to the plan be agreed by the relevant local planning authority in accordance with Requirement 17.
	relevant planning 1.6 authorities. iv) How would changes to the submitted drawings be made and	1.6 Where the changes are proposed to a written plan of reinstatement, Requirement 19 identifies the process through which the Applicant would be authorised to submit amended drawings to the relevant planning authority for approval of those amendments. The detailed LEMP will include a methodology for the notification of any proposed changes, and discussion with the relevant local authority, during the implementation of the approved proposals.
		1.7 Once submitted and approved, the amended drawings would be recorded in electronic form on the public register to be established and maintained in accordance with Requirement 20 of the draft DCO.
LV.2.9	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	1.1 The Applicant can confirm that measures for avoiding or reducing potential construction effects to retained trees due to compaction or windthrow are set out in the Outline Landscape and Ecological Management Plan (LEMP) (Document Reference 8.50) (not the CEMP as previously indicated), that has been submitted at Deadline 4.
		1.2 Measures for the avoidance or reduction of potential compaction effects on trees and more specifically their root systems are fundamental to tree protection and are set out in the Outline LEMP, under Vegetation and Tree Retention.
		1.3 Measures to reduce the risk of potential 'windthrow' (trees uprooted or damaged by wind) are discussed in the same section of the Outline LEMP.
	Management Plan	



ExQ2	Question:	Applicant response to Question:
	prepared as part of the CEMP.	
	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 due to compaction from adjacent construction activities and windthrow to retained woodlands and plantations where these are crossed by the	
	pipeline corridor.	



ExQ2	Question:	Applicant response to Question:
	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	protection and replanting/reinstatement drawings, and the submission, approval and recording of amendments to these drawings, is set out in its response to LV.2.8.



ExQ2	Question:	Applicant response to Question:
	circumstances arise. Should the event of unforeseen circumstances arise:	
	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	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	Management Plan (LEMP) (Document Reference 8.50) submitted at Deadline 4 sets out the basis for new tree planting and hedge infilling shown on Figure 7.5 of the ES (Application Document APP-061). This includes indicative mixes of native trees and shrubs, together with indicative stock types and heights. Further details of new planting will be provided in the final



ExQ2	Question:	Applicant response to Question:
	planting and hedge infilling.	
	Confirm that the forthcoming Outline LEMP to be submitted at D4 will contain sufficient details on how this is to be achieved.	
LV.2.12	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.	27 November 2019 (ISH1) that the aftercare period would be extended to five years in response to the comments from the Local Authorities. Commitment G92 has been updated to state 'A five-year aftercare period would be established for all mitigation planting and reinstatement'. This has been included in the revised Code of Construction Practice (Document Reference 6.4 Appendix 16.1 (3)) submitted at Deadline 4 and is reflected in the revised dDCO submitted at Deadline 3 (REP3-006) (Requirement 8(3)).



ExQ2	Question:	Applicant response to Question:
LV.2.14	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].	Responses to Written Representations – Local Authorities (REP3-016).
	Provide this representative viewpoint from the Public Right of Way at Chawton to enable the ExA to undertake an USI from this viewpoint.	



ExQ2	Question:	Applicant response to Question:
LV.2.15	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. How would compliance with this guidance be secured.	 1.1 Regulation 5 of the Pipeline Safety Regulations 1996 provides that: The operator shall ensure that no fluid is conveyed in a pipeline unless it has been so designed that, so far as is reasonably practicable, it can withstand - (a) forces arising from its operation; (b) the fluids that may be conveyed in it; and (c) the external forces and the chemical processes to which it may be subjected. 1.2 The HSE's "A guide to the Pipelines Safety Regulations 1996" provides guidance on the implementation of these regulations and notes at paragraph 32 "In general, British Standards provide a sound basis for the design of pipelines. Other national or international standards (eg a relevant standard or code of practice of a national standards body or equivalent body of any member state of the European Union) are likely to be acceptable provided the proposed standard, code of practice, technical specification or procedure provides equivalent levels of safety." 1.3 Compliance with relevant British Standards Institution codes of practice for pipelines are regularly reviewed and checked by the Health and Safety Executive Pipelines Inspectorate. Failure to adequately comply with relevant standards could result in the issuing of an appropriate improvement order or ultimately a prohibition on operating the pipeline. 1.4 The Applicant will be following the same pipeline marking standards as exists on the existing pipelines which are compliant with BSI Standards Publication Pipeline systems – Part 1: Steel pipelines on land – Code of practice (PD 8010-1:2015+A1:2016).



References

British Standards Institution (2012). BS 5837:20120 Trees in relation to design, demolition and construction. Recommendations. London: British Standards Institution.

The National Joint Utilities Group (NJUG) (2007). NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees, Volume 4 (NJUG4). Accessed January 2020. http://streetworks.org.uk/wp-content/uploads/V4-Trees-Issue-2-16-11-2007.pdf.