

13 February 2020



The Examining Authority Case Team  
(Esso Southampton to London Pipeline)  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Karl Cradick  
E: kcradick@savills.com

Wessex House  
Wimborne BH21 1PB  
T: +44 (0) 1202 856 800  
F: +44 (0) 1202 856 801  
savills.com

Planning Inspectorate ref. EN070005

Dear Sir / Madam

**ESSO PETROLEUM COMPANY LIMITED - DCO APPLICATION FOR THE SOUTHAMPTON TO LONDON PIPELINE PROJECT:**

**DEADLINE 5 RESPONSE BY SPELTHORNE BOROUGH COUNCIL**

Savills is instructed by Spelthorne Borough Council (SBC or 'the Council') in respect of the DCO application above. This letter sets out the Council's comments on documents and responses submitted at Deadline 4 of the current DCO examination (30 January 2020), as follows.

1. Revision 5 of the draft DCO (REP4-007)
2. Response to the Site Specific Plan for Fordbridge Park (REP4-051)
3. Response to the Site Specific Plan for Ashford Road (REP4-055)
4. Response to the Site Specific Plan for St James Senior Boys' School (REP4-054)
5. Comments on Esso's draft project implementation plans submitted at Deadline 4:
  - Code of Construction Practice (REP4-013)
  - Outline Construction Traffic Management Plan (CTMP) - Revision No. 1.0 (REP4-034)
  - Outline Landscape and Ecological Management Plan (LEMP) - Revision No. 1.0 (REP4-035)
  - Outline Construction Environmental Management Plan (CEMP) - Revision No 1.0 (REP4-036)
  - Outline Lighting Management Plan - Revision No. 1.0 (REP4-043)
  - Outline Community Engagement Plan (CEP) - Revision No. 1.0 (REP4-044)



## 1. Revision 5 of the draft DCO (REP4-007)

1.1 The Council has the following observations.

1.2 GENERAL – It is noted that a sequence of amendments has been made to the dDCO to accommodate the Traffic Management (Surrey County Council) Permit Scheme Order 2013(a) and any variations to that Order. Subject to any concerns that Surrey CC has about the detailed drafting of these revised provisions, SBC supports these amendments in principle because the permit scheme is an effective means of managing traffic whilst street works are being undertaken.

1.3 In respect of Schedule 2 Part 1: *Requirements* the Council has the following comments.

### ***Req 6: Construction Environmental Management Plan***

1.4 The Council supports the amended drafting of Req 6, which now requires development to be carried out in accordance with a CEMP *'in accordance with'* rather than merely *'based upon'* the outline CEMP.

### ***Req 7: Construction traffic***

1.5 The Council supports the amended drafting of Req 7 for the same reason.

### ***Req 8: Vegetation***

1.6 It is acknowledged that amended Req 8 provides enhanced protection for vegetation affected by the proposed pipeline and associated works. The Council supports the all-embracing references to 'vegetation' instead of just 'hedgerows and trees'.

1.7 Notwithstanding the relationship between the protections afforded by Req 8 and Req 12: *Landscape and Ecological Management Plan*, SBC requests that the following addition in bold underlined text is made to Req 8(1)(a)(i):

*(i) a written vegetation retention and removal plan which has been submitted to **and approved by** the relevant planning authority prior to the commencement of that stage of the authorised development and which implements the requirements of the LEMP;*

1.8 A residual concern, highlighted in para. 4.11 of the Council's Local Impact Report (LIR – REP1-021) is that the overall scale and impact of the pipeline project on trees and other vegetation remain unquantified.

### ***Req 12: Landscape and Ecological Management Plan***

1.9 The Council supports the amended drafting of Req 12, which now requires development to be carried out in accordance with a LEMP *'in accordance with'* rather than merely *'based upon'* the outline LEMP.

1.10 The Applicant made a draft of an outline LEMP available for the first time at Examination Deadline 4 (REP4-035), the Council's comments on which are offered later in this letter.

### ***Req 14: Construction hours***

1.11 It is noted that the Applicant still proposes standard construction working times for the whole pipeline route. As explained in paragraph 1.15 of the Council's *Responses for Examination Deadline 3* (REP3-045), SBC would prefer the local agreement of construction hours with the relevant planning and highways authorities. The pipeline passes through a wide range of environments, including remote farmland in which extended working hours might be acceptable and more sensitive residential areas and school sites in which working hours will need to be restricted.

1.12 This local flexibility would be consistent with the use of the Traffic Management (Surrey County Council) Permit Scheme Order 2013 (see above) as an effective means of responding to local circumstances.

### ***Req 15: Community Engagement Plan***

1.13 The Council supports the amended drafting of Req 15, which now requires development to be carried out in accordance with a CEP *'in accordance with'* rather than merely *'based upon'* the outline CEP.

### ***Req 17: Site Specific Plans***

1.14 The Council has advocated the use of such plans for identified 'hotspots' on the pipeline route and supports in principle the inclusion of new Req 17 in the draft DCO.

1.15 Req 17 does not provide for the submission of SSPs to the relevant planning authority for approval. Instead Esso proposes that the SSPs should be included in the certified documents listed in Schedule 11 of the dDCO. Subject to the limited circumstances defined in clauses (a) and (b) of draft Req 17, an SSP would become fixed at the time the DCO is made, with the implication that SSPs need to be agreed before the end of the current DCO examination.

1.16 The Council's comments on the draft SSPs for areas of Spelthorne are set out later in this letter and the Council will continue to engage with the Applicant in pursuit of a common position that can be agreed in a Statement of Common Ground. In the meantime it is requested the wording in bold underline text is added to draft Req 17 to ensure that a SSP certified at the time the DCO is

made can respond to any unforeseeable changes in local circumstances:

*17. The authorised development must be undertaken in accordance with the site specific plans, or with such changes to those plans as agreed by the relevant planning authority provided that any such changes must be—*

*(a) necessary or desirable to reflect **material changes in local circumstances in the area to which the site specific plan applies** or a change or update in legislation, guidance or good practice; or*

*(b) confined to a specific location along the route of the authorised development.*

#### **Req 24: Further information (dDCO Schedule 2 Part 2: Procedure for Discharge of Requirements)**

1.17 For the reasons given on the Council’s response to second written questions DCO.2.28 (see REP4-073 pp 13-14) the Council remains of the view that the period within which the relevant authority must notify the undertaker in writing specifying the further information required should be extended to 15 business days of receipt of the application (Req 24(2)).

#### **dDCO Schedule 11: Documents to be Certified**

1.18 SBC supports the inclusion of site specific plans in Schedule 11.

## **2. Response to the Site Specific Plan for Fordbridge Park (ref. REP4-051)**

2.1 SBC welcomes the focus that Esso is now bringing to this sensitive ‘hotspot’ location and offers the following comments on the draft Site-Specific Plan submitted at Deadline 4.

2.2 The enforceability of any mitigation plan is always a primary concern and it is noted that Esso has included the site-specific plans in the list of documents to be certified in Schedule 11 of Revision 5 of the draft DCO (REP4-007), with compliance provided for in draft Requirement 17 in Schedule 2 Part 1 of the draft Order. The Council is agreeable to this approach in principle.

2.3 Para. 3.5.3 of the draft SSP for Fordbridge Park proposes that the *National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees* (NJUG Volume 4, 2007) will be applied to protect trees from pipeline installation activity. For the reasons given in SBC’s response to second written questions LV.2.7 (see REP4-073 pp 16-17) the Council considers that *BS5837:2012 Trees in relation to design, demolition and construction* is the appropriate and superior standard to apply in this context.

2.4 Having now demonstrated that it can deliver the pipeline in a carefully aligned narrow working width with limited tree loss in Fordbridge Park, it is requested that Esso now reduces the

width of the Order Limits in this section of the route in the next iteration of its draft Land Plans and Works Plans. Unless land is required for proposed mitigation it would be anomalous if the DCO continued to admit the possibility of works causing unacceptable harm in a wider corridor whilst the SSPs, the LEMP and other implementation plans promote a more favourable position.

2.5 The Council will seek to agree the detailed wording of the SSP for Fordbridge Park with the applicant with a view to agreeing common ground on this matter.

### **3. Response to the Site Specific Plan for Ashford Road (ref. REP4-055)**

3.1 SBC welcomes that fact that Esso is promoting a site-specific plan for Ashford Road and will seek to agree the detailed wording of the SSP for Fordbridge Park with the applicant with a view to agreeing common ground on this matter.

3.2 In respect of the current draft the Council is concerned that the SSP does not adequately address a core concern about this section of the proposed pipeline route – the risk of losing mature protected trees because of damage to root systems (see chapter 6 of SBC’s LIR - REP1-021). As noted above, the adoption of *BS5837:2012 Trees in relation to design, demolition and construction* in the SSP would assist in this context.

3.3 Beyond this the Council requests that the SSP for Ashford Road identifies the detailed ‘micro-routing’ of the pipeline at the same level of detail as the Fordbridge Park SSP, to demonstrate how the pipeline routing achieves a reasonable balance between tree protection, residential amenity and road traffic management.

### **4. Response to the Site Specific Plan for St James’ School (ref. REP4-054)**

4.1 An SSP for St James Senior Boys’ School was not requested by the Council but will support the delivery of the pipeline in a matter sensitive to the operation, landscape setting and cultural heritage interest of the school.

4.2 SBC identified neighbouring Clarendon primary school and Ashford town centre and station approach as a ‘hotspot’ requiring site-specific attention. It is understood that an SSP for the area around Ashford station will be provided at Examination Deadline 5 and that this will seek to address the concerns the Council highlighted in respect of Clarendon Primary School in paras. 9-12-9.19 of its LIR (REP1-021).

4.3 From discussions between the Council and the Applicant it is understood that Esso has agreed with the County Education Authority and Clarendon Primary School’s headteacher that construction works would take place and be reinstated within school summer holidays in the western extremity of the school grounds with no work undertaken in term-time. It is ultimately for the school and the

County Council to advise on the acceptability of this arrangement. In any event the required safeguards need to be captured in the DCO and certified documents.

4.4 The Council remains concerned to protect the amenity of residents of Village Way whose homes back on to Clarendon Primary School. Completion of trenchless crossings during the narrow working window of a school holiday implies extended working hours that could significantly affect residential amenity, particularly in summer when householders quite reasonably wish to have their windows open. It is noted with concern that these properties have not been identified in Esso's *Appendix 13.3 Noise and Vibration Technical Note Addendum* submitted at Deadline 4 (REP4-017).

#### **5. Comments in Esso's draft project implementation plans submitted at Deadline 4 (CoCP, CTMP, LEMP, CEMP, Lighting Plan and Community Engagement Plan)**

5.1 In addition to the matters discussed above, SBC offers the following comments on the suite of project implementation plans submitted by Esso at Examination Deadline 4.

##### ***Code of Construction Practice (ref. REP4-013)***

5.2 In the round the amended CoCP appears to represent a strengthening of the Applicant's commitment to the construction practices and safeguards described, and this is welcomed. Most of SBC's outstanding concerns about the proposed pipeline are capable of being addressed through suitable site-specific plans (see comments above) and it is noted that the dCoCP acknowledges the role of these plans (e.g. dCoCP paras. 1.3.4 and 2.4.3).

5.3 It is noted with satisfaction that dCoCP chapter 6: *Aftercare* affirms that where vegetation including woodland, hedgerows and trees has been planted as part of reinstatement works, these would have a five year aftercare period in accordance with Requirement 8 of the dDCO, and that a programme of aftercare operations would be developed for inclusion in the final LEMP.

##### ***Outline Construction Traffic Management Plan (CTMP) - Revision No. 1.0 (REP4-034)***

5.4 SBC defers to Surrey County Council in its capacity as the Local Highway Authority for Spelthorne in respect of the technical adequacy of the draft CTMP. Subject to the County Council's comments SBC notes with satisfaction that the dCTMP covers the range of topics identified in paragraph 4.34 of the Spelthorne LIR (REP1-021).

##### ***Outline Landscape and Ecological Management Plan (LEMP) - Revision No. 1.0 (REP4-035)***

5.5 In conjunction with the emerging site-specific plans the draft outline LEMP provides a welcome overview of the methods that Esso proposes to employ to protect, reinstate and provide aftercare for affected landscape and habitats.

5.6 The dLEMP proposes (e.g. in paragraph 4.3.8, referring to commitment G95) that the *National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees* (NJUG Volume 4, 2007) will be applied to protect trees from pipeline installation activity. For the reasons given in SBC's response to second written questions LV.2.7 (see REP4-073 pp 16-17) the Council considers that *BS5837:2012 Trees in relation to design, demolition and construction* is the appropriate and superior standard to apply in this context and should be cited in the LEMP.

5.7 As explained earlier in this letter, SBC's residual concerns about the effects of the project on landscapes and landscape features in Spelthorne are capable of being addressed through suitable site-specific plans, the role of which is acknowledged in dLEMP para. 1.3.7.

***Outline Construction Environmental Management Plan (CEMP) - Revision No 1.0 (REP4-036)***

5.8 The amended dCEMP provides more information than the version provided upon submission of the current DCO application but remains a thin document, presumably in view of the need for contractor engagement in the working details. However, SBC is satisfied in this respect that Requirement 6: *Construction Environmental Management Plan* of the draft DCO (REP4-007) provides for the submission to and approval by the relevant planning authority of a detailed CEMP.

***Outline Lighting Management Plan - Revision No. 1.0 (REP4-043)***

5.9 SBC notes with satisfaction that a LMP has been submitted to address lighting effects during construction.

***Outline Community Engagement Plan (CEP) - Revision No. 1.0 (REP4-044)***

5.10 SBC likewise welcomes the production of an outline CEP. The scope of the oCEP appears to be appropriate and final versions will, under Requirement 6: *Community Engagement Plan* of the draft DCO (REP4-007), be submitted to the relevant planning authority for approval before the commencement of each stage of development.

We hope these comments are helpful to the Examining Authority.

Yours faithfully,



**Karl Cradick**  
Director