

# Southampton to London Pipeline Project

## Deadline 5

Response to Rule 17 letter dated 6 February 2020

Application Document: 8.69

Planning Inspectorate Reference Number: EN070005

Revision No. 1.0

February 2020





**Contents**

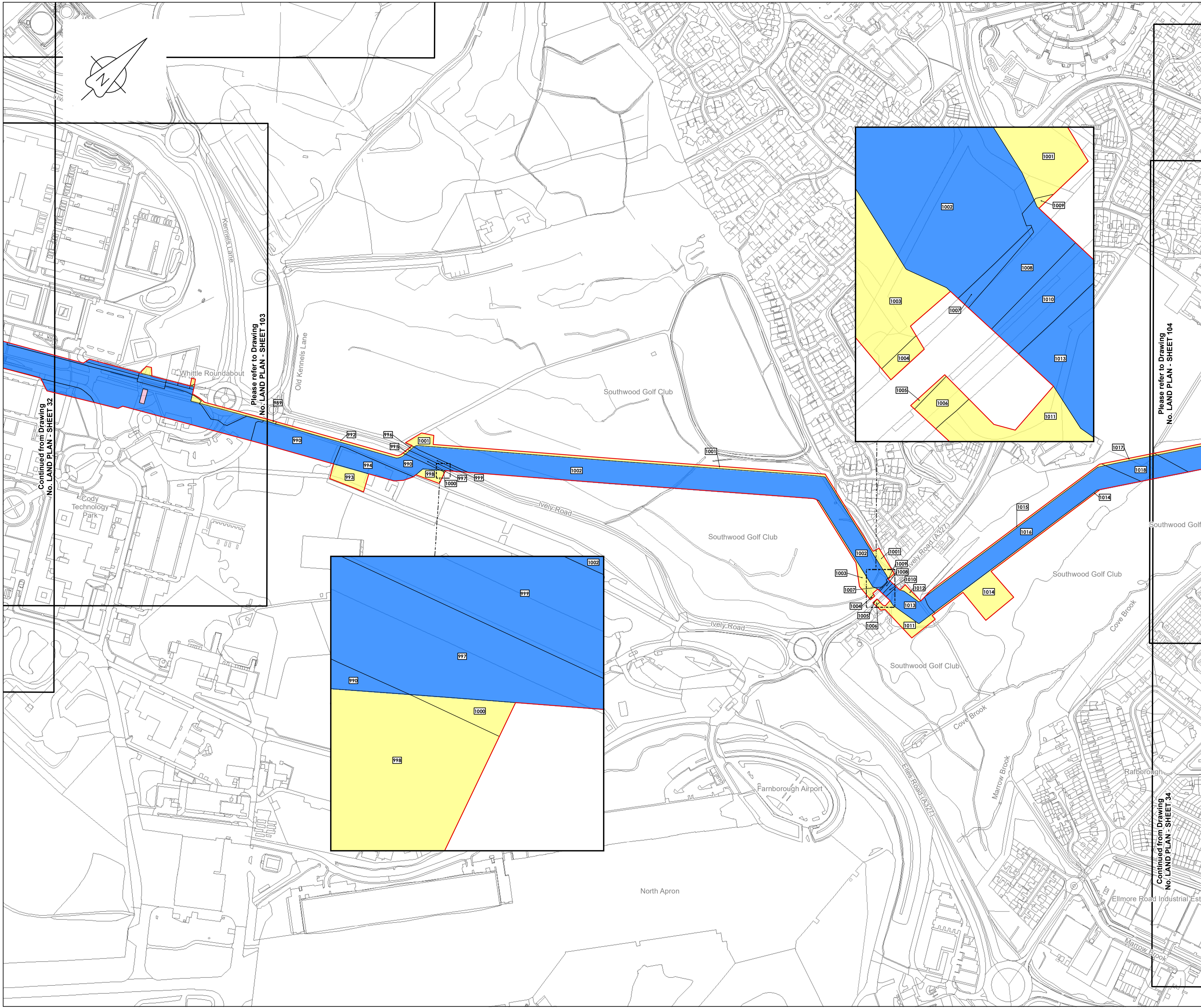
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# 1 Introduction

## 1.1 Additional Information for Response to Rule 17 Letter

- 1.1.1 This document summarises all the documentation requested as further information by the Examining Authority in the Rule 17 Letter dated 6 February 2020 ([PD-011](#)).
- 1.1.2 The Deadline 5 Cover Letter includes the Applicant's response to the points laid out in the Rule 17 letter (**Document Reference 8.67**).
- 1.1.3 The plans that have been updated in respect of accepting the logistics hubs into examination have been submitted separately, these include:
- 8.70 - Updated Plans - Accepted Logistic Hub Non-Material Changes - Land Plans
  - 8.71 - Updated Plans - Accepted Logistic Hub Non-Material Changes - Crown Land Plans
  - 8.72 - Updated Plans - Accepted Logistic Hub Non-Material Changes - Special Category Land Plans
  - 8.73 - Updated Plans - Accepted Logistic Hub Non-Material Changes - Access and Right of Way Plans
  - 8.74 - Updated Plans - Accepted Logistic Hub Non-Material Changes - General Arrangement Plans
  - 8.75 - Updated Plans - Accepted Logistic Hub Non-Material Changes - Work Plans
- 1.1.4 Appended to this document are the following:
- In respect of Request A:
    - Updated Land Plans Sheet 33 and 103 to reflect the correction at Valve 9
  - In respect of Request B:
    - Letters of consent - Abbey Rangers FC – Surrey County Council and Abbey Rangers FC
    - Letters of consent - Abbey Rangers FC – Bourne Education Trust Agreement
    - Letters of consent - Valve 3 – Mr Mark Dunford
    - Letters of consent - Valve 9 – QinetiQ Limited
    - Email – Valve 9 - Zayo Group



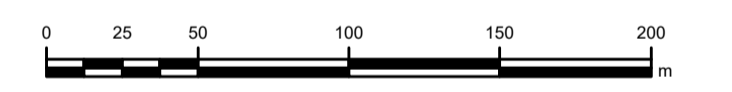
**LOCATION PLAN**  
SCALE 1:500,000

- Legend**
- Order Limits
  - Land subject to compulsory acquisition of all estates and interests as further described in para 5(a) of the Book of Reference
  - Land subject to the compulsory acquisition of permanent rights for the pipeline and associated works as further described in para 5(b) of the Book of Reference
  - Land subject to compulsory acquisition of permanent rights of access and parking as further described in para 5(c) of the Book of Reference
  - Land subject to temporary possession for construction, mitigation, access, etc as further described in para 5(d) of the Book of Reference
  - 1424 Book of Reference plot label

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C05	07-02-20	UPDATED TO REFLECT ACCEPTED LOGISTIC HUB NON-MATERIAL CHANGES	KB	RW	IL	AW
C04	07-02-20	UPDATED FOLLOWING LAND OWNER DISCUSSIONS AND TO ADDRESS FWQS	KB	RW	IL	AW
Rev	Rev. Date	Purpose of revision	Drawn	Check	Rev'd	Apprv'd



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slpproject@fisherman.co.uk

Client  
Esso Petroleum Company, Limited  
Ermyn House,  
Ermyn Way,  
Leatherhead,  
Surrey,  
KT22 8UX



Drawing title  
**LAND PLAN  
SHEET 33  
REGULATION 5(2)(I)**

APPLICATION NUMBER: EN070005

Drawing status - FINAL FOR ISSUE

Scale 1:2,500 @A1

FG No. SLP-2019-03-MT-BOR

Client No. 105124-001

Drawing Number

LAND PLAN - SHEET 33

**C05**



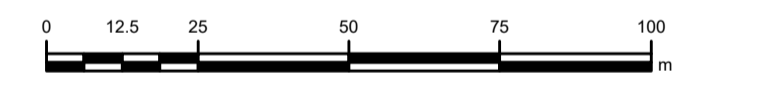
**LOCATION PLAN**  
SCALE 1:500,000

- Legend**
- Order Limits
  - Land subject to compulsory acquisition of all estates and interests as further described in para 5(a) of the Book of Reference
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  - Land subject to compulsory acquisition of permanent rights of access and parking as further described in para 5(c) of the Book of Reference
  - Land subject to temporary possession for construction, mitigation, access, etc as further described in para 5(d) of the Book of Reference
  - 1494 Book of Reference plot label

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Surrey,  
KT22 8UX



Drawing title  
**LAND PLAN  
SHEET 103  
REGULATION 5(2)(i)**

Application Number: EN070005  
Drawing status - FINAL FOR ISSUE  
Scale 1:1,250 @A1  
FG No. SLP-2019-03-MT-BOR  
Client No. 105124-001  
Drawing Number  
**LAND PLAN - SHEET 103**

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Southampton to London  
Pipeline Project

Our Reference: SLP/ AR/ Surrey CC + ARFC

07 February 2020

David Moody  
Bruton Knowles LLP  
2 Paris Parkland  
Railton Road  
Guildford  
GU2 9JX

Dear Mr Moody

**Esso's Southampton to London Pipeline Project – Abbey Rangers FC**

**Your Clients: Surrey CC & Abbey Rangers FC - Application for Minor amendments**

Esso submitted a formal request to the Planning Inspectorate (PINS) on the 30 January 2020 to amend the application for development consent to incorporate the changes you have requested to the Limits of deviation. As discussed those changes have resulted in a change to the extent of land identified for permanent rights required for the pipeline.

Whilst we are of course in the process of agreeing a voluntary agreement for rights over this land you will be aware that the draft DCO also contains compulsory acquisition powers for the entire pipeline. This is usual for long linear schemes as it provides certainty that the pipeline is capable of being built. Before these changes will be accepted into the Examination, the Examining Authority has advised Esso that it requires evidence that all persons with an interest in the additional land subject to the permanent right have consented to its inclusion in the development consent order as land subject to Compulsory Acquisition powers.

We enclose a copy of PINS letter dated 6 February which sets out the information they require to accept Request B.

The change can be identified by comparing the extracts from Land Plan Sheet 48/116 Plot 1781, 1787 attached to this letter. Plan Version CO3 shows the original layout and Plan Version CO4 includes the additional land coloured Blue over which Esso is seeking permanent rights for the pipeline (Class 2 as expressed in the Book of Reference)

Can you please sign and return a copy of this letter to confirm that you consent to the inclusion of this additional land in the DCO as land which will be subject to CA powers

Yours sincerely,

 Jonathan Anstee de Mas

Land & Pipeline Technical Lead at Esso Petroleum Company, Limited

**SLP Project Team**

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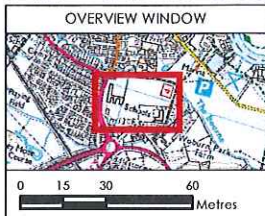
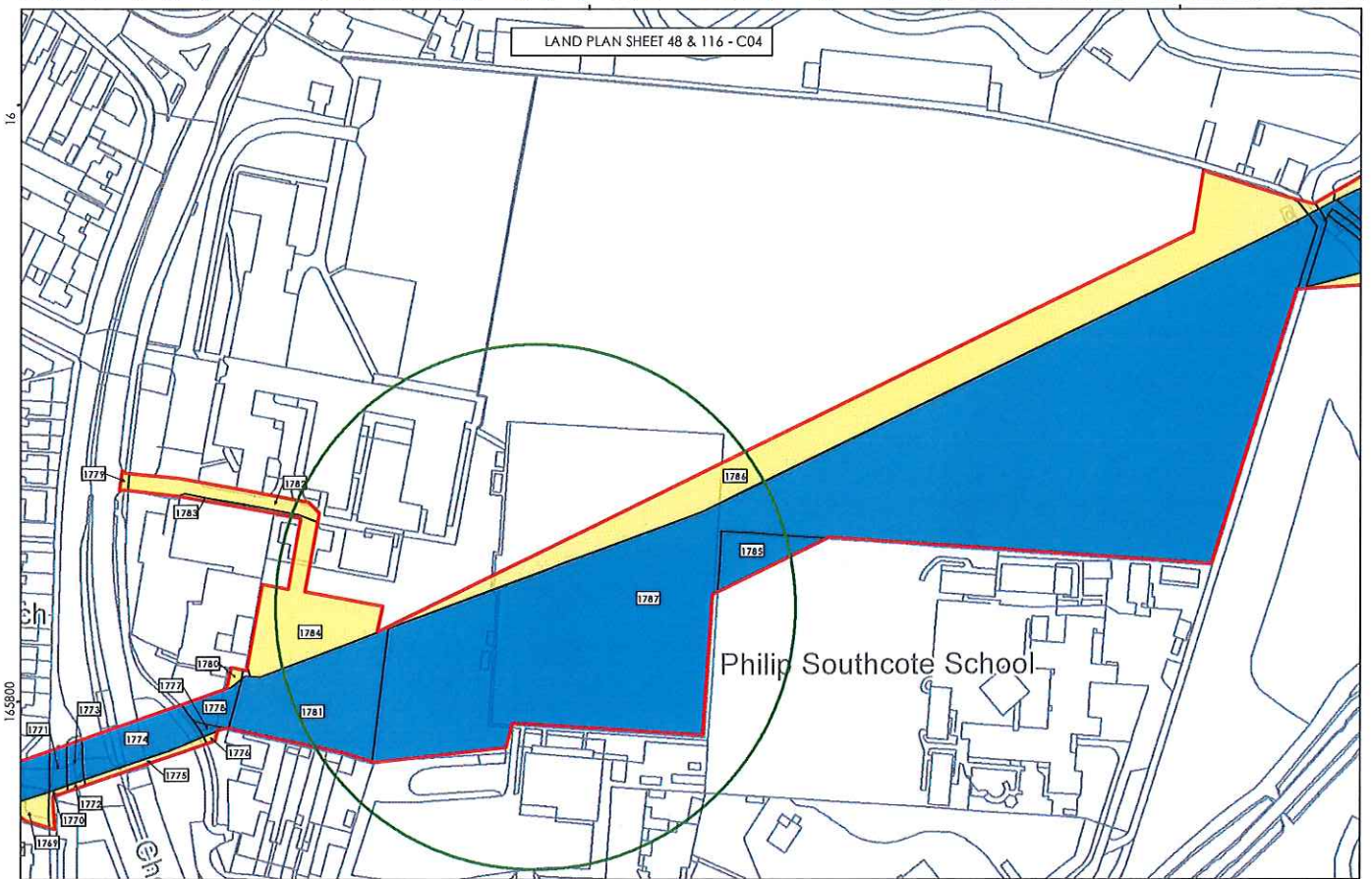
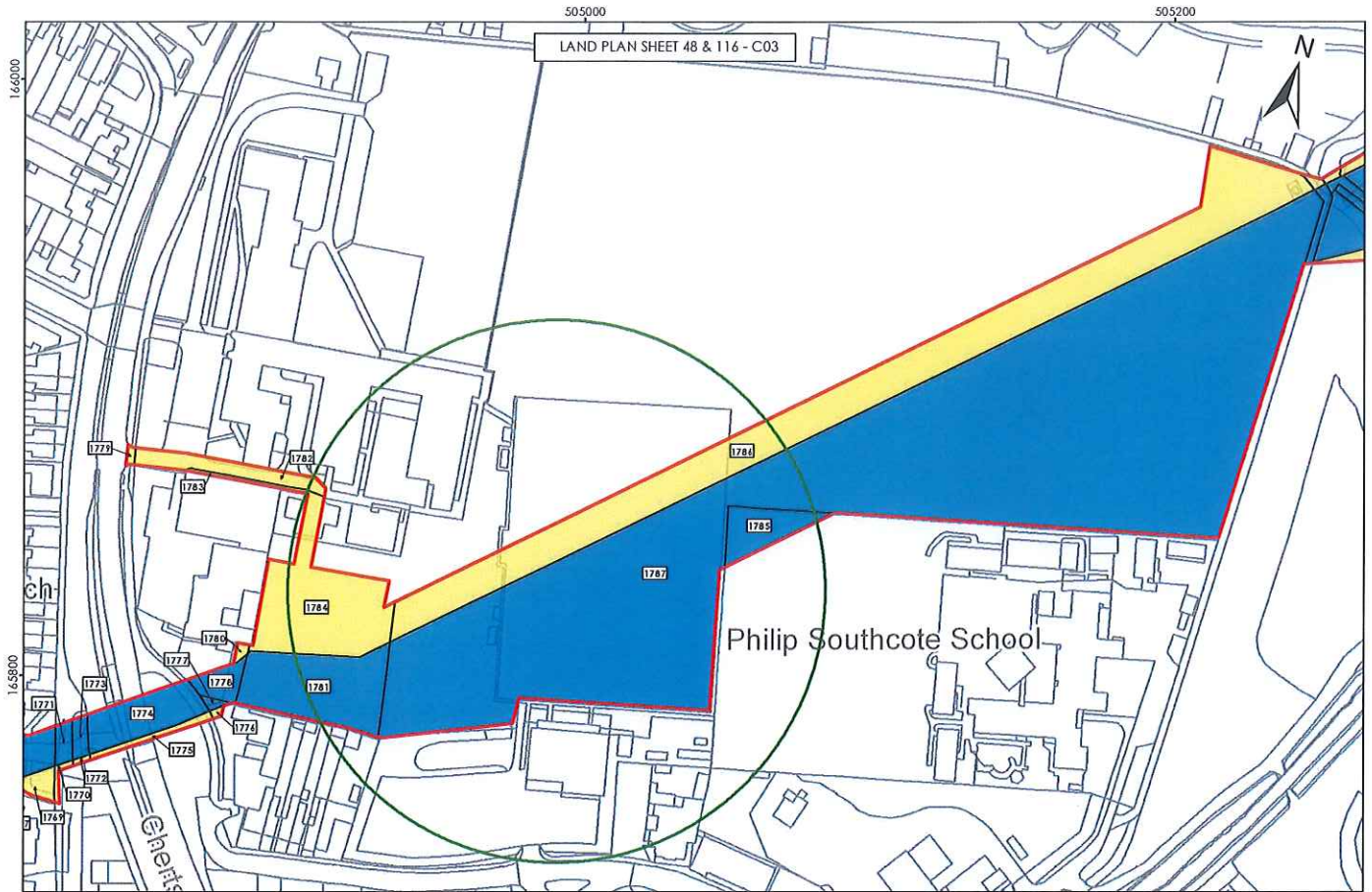


Southampton to London  
Pipeline Project

We Surrey CC and Abbey Rangers FC confirm that we consent to the amendments shown on the extract of Land Plan Sheet 43/116 Ref CO4 attached and to the inclusion of additional Class 2 land identified

Signed.

Date



REVISION: A	FP: 105124-001
CLIENT: ESSO	
SCHEME: SLP	
TITLE: AR CHANGES	
SCALE: 1:2,500 @ A4	
DATE: 07/02/2020	

0	15	30	60
Metres			

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**DRAWING NO:**  
SLP-2020-02-MT-SP-AR





# The Planning Inspectorate

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Bristol, BS1 6PN

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Services: [SouthamptontoLondonPipeline@planninginspectorate.gov.uk](mailto:SouthamptontoLondonPipeline@planninginspectorate.gov.uk)  
e-mail:

---

To Interested Parties and Esso  
Petroleum Company, Limited

Your Ref:

Our Ref: EN070005

Date: 6 February 2020

---

Dear Sir/Madam

**Planning Act 2008 (as amended) Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 (as  
amended) – Rules 9 and 17**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 –  
Regulations 4 to 19**

**Application by Esso Petroleum Company, Limited for an Order Granting  
Development Consent for the Southampton to London Pipeline Project**

**Request A: To Make Changes to the Original Application as submitted at  
Deadline 3 [REP3-022]**

**Request B: To Make Changes to the Original Application as submitted at  
Deadline 4 [REP4-001]**

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the change request made by the Applicant at Deadline (D)3, Wednesday 18 December 2019 (Examination Library reference [REP3-022]) (Herein known as Request A). The ExA also makes a Procedural Decision to request additional information in respect to further changes to the Application sought by the Applicant at D4, Thursday 30 January 2020 [REP4-001] (herein known as Request B).

**Request A**

In our letter dated of 13 January 2020 [PD-011], the ExA requested additional information from the Applicant in respect of proposed changes to the quantum and sizes of the proposed logistics hubs. The Applicant responded at D4 [REP4-048] with the following:

- The Applicant confirmed our understanding of the changes proposed to logistics hubs Work Nos 6C (Hartland Village), 7A (Ministry of Defence land at Deepcut), and 6B (A31/A32 junction Northfield Lane) were correct.

<https://infrastructure.planninginspectorate.gov.uk>



- The new land to be included within the Order limits at Hartland Village would be for Temporary Possession (TP) powers only, thus no additional land is sought. Furthermore, the Applicant also confirmed that the new land to be included within the Order limits concerns a private access road only, affects the same Affected Person (AP), and that a voluntary agreement has been entered into with that party. The Applicant also confirmed that the change request is shown only to clarify the access arrangements at the logistic hub and would not restrict the use of the roads for others. There is no proposed change to the Order limits and no additional land would be required at the other two proposed logistics hubs at Deepcut or the A31/A32 junction.
- The Applicant also confirmed that the environmental effects resulting from the traffic changes associated with the two remaining temporary logistics hubs have been cumulatively assessed and remains as reported in the Environmental Statement.

In the same letter [PD-011], the ExA also requested the views of all relevant planning and highway authorities as to their views as to the change requests in respect to the planning effects, and we have noted the responses received.

Having reviewed all matters, the ExA concludes that the proposed changes the subject of Request A would not result in new or materially different significant effects on the environment. The changes can be deemed to be non-material and accordingly are accepted into the Examination.

### **Request B**

In its submissions at D4 [REP4-001] and [REP4-057], the Applicant has sought a further three changes to the Application. These are summarised in the following table.

Description	Relevant Drawings	Change Request
Valve 3 at Lower Preshaw Farm, Upham	Land Plans Sheet 7 [AS-042] Works Plans Sheet 7 [AS-048] General Arrangement Plans (GAPs) Sheet 7 [REP3-005]	Change to the location of the valve and to permanent access rights at the request of the landowner [REP3-058] for operational reasons.
Valve 9 at QinetiQ, Farnborough	Land Plans Sheet 33 and 103 [AS-043] and [AS-044] Works Plans Sheet 33 and 103 [AS-048] and [AS-049] GAP Sheets 33 and 103 [REP3-005]	Change to the location of the valve, to permanent access rights, and to a reduction in the limits of deviation at the request of the landowner [REP3-060] for operational reasons.

Description	Relevant Drawings	Change Request
Abbey Rangers FC, Ashford	Land Plans Sheet 48 and 116 [AS-043] and [AS-044] Works Plans Sheet 48 and 106 [AS-048] and [AS-049] GAP Sheets 48, 49 and 116 [REP3-005] Access and Right of Way Sheets 48 and 116 [REP4-057]	Change to the limits of deviation and construction technique across Pitch No.2 to allow trenchless and stringing out operations following requests made by Surrey County Council [REP1-023] and by Abbey Rangers FC [REP3-052].

The ExA notes previous responses from Interested Parties and APs in respect to their respective requested changes to the Application on the sites listed above. However, the ExA also notes that in all cases, the requested changes would require additional compulsory acquisition (CA) powers, whereby on parts of plots 228, 231, 990, 1001, 1786 and 1787, CA for new rights would replace land currently shown on the Land Plans [AS-042] to [AS-045] as TP. It is noted that none of the APs made written representations expressing consent for these additional powers sought.

The ExA has reviewed the request specifically against the provisions of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs). These regulations apply to "additional land" which is land proposed to be subject to CA which was not identified as such in the Book of Reference. A change from TP to CA involves the CA of additional land for the purpose of the CA Regs. Consequently, we have concluded that we are unable to determine whether such changes can be deemed to be material or non-material or whether they should be accepted at this time.

Additional information is required from the Applicant in order for the ExA to determine the outcome of the requested change. Specifically, the ExA requires evidence from the Applicant that all persons with an interest in the additional land, consent to its inclusion in the development consent order as land subject to CA. If this is not possible at the current time, the ExA requests the Applicant provide an indication of when this information will be submitted. The Applicant is also asked for its views as to whether the prescribed procedures in Regulations 5-19 of the CA Regs can be complied with within the Examination timetable should agreement not be forthcoming.

The ExA requests the additional information sought in respect to Request B, and the changed documents as a result of the acceptance of Request A including an updated Book of Reference, is submitted at D5, **Thursday 13 February 2020**.

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

Yours faithfully

*Richard Allen*

**Lead Member of the Examining Authority**

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[slpproject@fishergerman.co.uk](mailto:slpproject@fishergerman.co.uk)



Southampton to London  
Pipeline Project

Our Reference: SLP/ AR/ Bourne

07 February 2020

Bourne Education Trust (07768726)  
Epsom & Ewell High School  
Ruxley Lane  
Epsom  
Surrey  
KT19 9JW

Dear Sirs

**Esso's Southampton to London Pipeline Project – Abbey Rangers FC**

**Bourne Education Trust- Application for Minor amendments**

Esso submitted a formal request to the Planning Inspectorate (PINS) on the 30 January 2020 to amend the application for development consent to incorporate changes requested to the Limits of deviation. Those changes have resulted in a change to the extent of land identified for permanent rights required for the pipeline.

Whilst we are of course in the process of agreeing a voluntary agreement for rights over this land you will be aware that the draft DCO also contains compulsory acquisition powers for the entire pipeline. This is usual for long linear schemes as it provides certainty that the pipeline is capable of being built. Before these changes will be accepted into the Examination, the Examining Authority has advised Esso that it requires evidence that all persons with an interest in the additional land subject to the permanent right have consented to its inclusion in the development consent order as land subject to Compulsory Acquisition powers.

We enclose a copy of PINS letter dated 6 February which sets out the information they require to accept Request B.

The change can be identified by comparing the extracts from Land Plan Sheet 48/116 Plot 1781,1787 attached to this letter. Plan Version CO3 shows the original layout and Plan Version CO4 includes the additional land coloured Blue over which Esso is seeking permanent rights for the pipeline (Class 2 as expressed in the Book of Reference)

Can you please sign and return a copy of this letter to confirm that you consent to the inclusion of this additional land in the DCO as land which will be subject to CA powers

Yours sincerely,

 Jonathan Anstee de Mas

Land & Pipeline Technical Lead at Esso Petroleum Company, Limited

**SLP Project Team**

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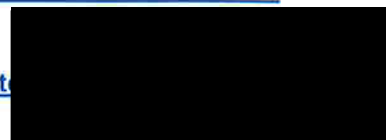
Southampton to London  
Pipeline Project

**We Bourne Education Trust confirm that we consent to the amendments shown on the extract of Land Plan Sheet 43/116 Ref CO4 attached and to the inclusion of additional Class 2 land identified in Plot 1781 & 1787**

Signed...



Date



SLP Project  
The Estates Office Norman Court  
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LE65 2UZ  
0845 437 0383  
[slpproject@fishergerman.co.uk](mailto:slpproject@fishergerman.co.uk)



Southampton to London  
Pipeline Project

Our Reference: SLP/ Dunford / Valve 3

07 February 2020

Mr M R Dunford

Dear Mr Dunford

**Esso's Southampton to London Pipeline Project – Valve 3**  
**Mark Dunford - Application for Minor amendments**

Esso submitted a formal request to the Planning Inspectorate (PINS) on the 30 January 2020 to amend the application for development consent to incorporate the changes you have requested to the Valve Location. As discussed those changes have resulted in a change to the permanent vehicle access required to the valve.

Whilst we are of course in the process of agreeing a voluntary agreement for rights over this land you will be aware that the draft DCO also contains compulsory acquisition powers for the entire pipeline. This is usual for long linear schemes as it provides certainty that the pipeline is capable of being built. Before these changes will be accepted into the Examination, the Examining Authority has advised Esso that it requires evidence that all persons with an interest in the additional land subject to the permanent access right have consented to its inclusion in the development consent order as land subject to Compulsory Acquisition powers.

We enclose a copy of PINS letter dated 6 February which sets out the information they require to accept Request B.

The change can be identified by comparing the extracts from Land Plan Sheet 7 Plot 228 attached to this letter. Land Plan Version CO3 shows the original layout and Plan Version CO4 includes the additional land coloured Brown over which Esso is seeking permanent rights of access (Class 3 as expressed in the Book of Reference).

Can you please sign and return a copy of this letter to confirm that you consent to the inclusion of this additional land in the DCO as land which will be subject to CA powers

Yours sincerely,

Jonathan Anstee de Mas  
Land & Pipeline Technical Lead at Esso Petroleum Company, Limited

**SLP Project Team**  
**Tel: 0845 437 0383**  
**Email: [slpproject@fishergerman.co.uk](mailto:slpproject@fishergerman.co.uk)**

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Southampton to London  
Pipeline Project

I Mark Dunford of [REDACTED] confirm that I consent to the amendments shown on the extract of Land Plan Sheet 7 Ref CO4 attached and to the inclusion of additional Class 3 land identified in Plot 228

Signed. [REDACTED] .... Dated [REDACTED]

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Southampton to London  
Pipeline Project

Our Reference: SLP/ Valve 9/ QinetiQ

07 February 2020

QinetiQ Limited (03796233)  
Cody Technology Park  
Ively Road  
Farnborough  
Hampshire  
GU14 0LX

Dear Sir/Madam

**Esso's Southampton to London Pipeline Project – Valve 9 QinetiQ**

**Application for Minor amendments**

Esso submitted a formal request to the Planning Inspectorate (PINS) on the 30 January 2020 to amend the application for development consent to incorporate changes requested to the Valve Location. As discussed those changes have resulted in a change to the permanent rights required for the valve.

Whilst we are of course in the process of agreeing a voluntary agreement for rights over this land you will be aware that the draft DCO also contains compulsory acquisition powers for the entire pipeline. This is usual for long linear schemes as it provides certainty that the pipeline is capable of being built. Before these changes will be accepted into the Examination, the Examining Authority has advised Esso that it requires evidence that all persons with an interest in the additional land subject to permanent rights have consented to its inclusion in the development consent order as land subject to Compulsory Acquisition powers.

We enclose a copy of PINS letter dated 6 February which sets out the information they require to accept Request B.

The change can be identified by comparing the extracts from Land Plan Sheet 33/103 Plot 991 and 978B attached to this letter. Plan Version CO3 shows the original layout and Plan Version CO4 includes the additional land coloured Pink and Brown over which Esso is seeking permanent rights (Class 1 and Class 3 as expressed in the Book of Reference)

Can you please sign and return a copy of this letter to confirm that you consent to the inclusion of this additional land in the DCO as land which will be subject to CA powers

Yours sincerely

 Jonathan Anstee de Mas

Land & Pipeline Technical Lead at Esso Petroleum Company, Limited

**SLP Project Team**

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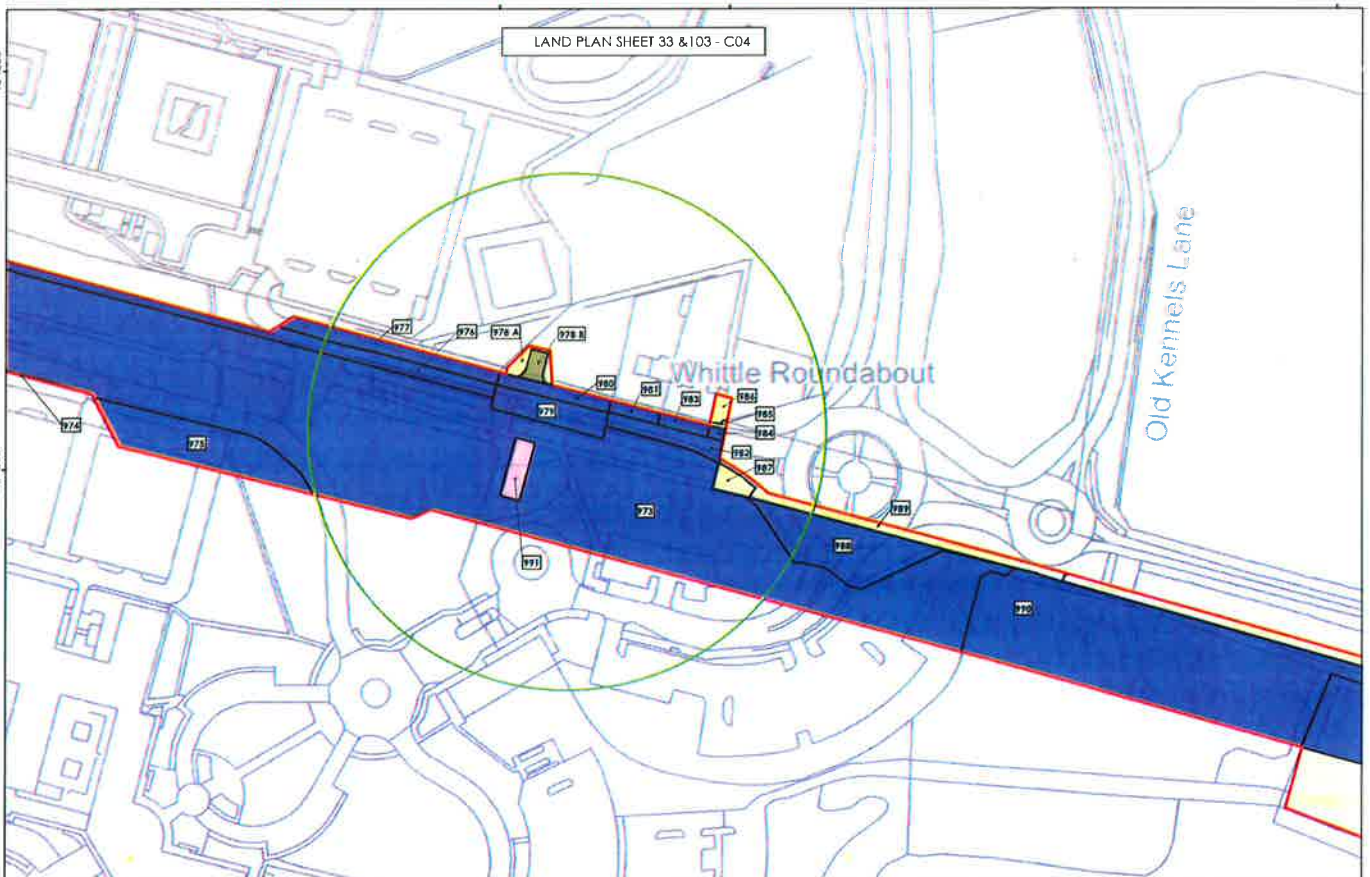
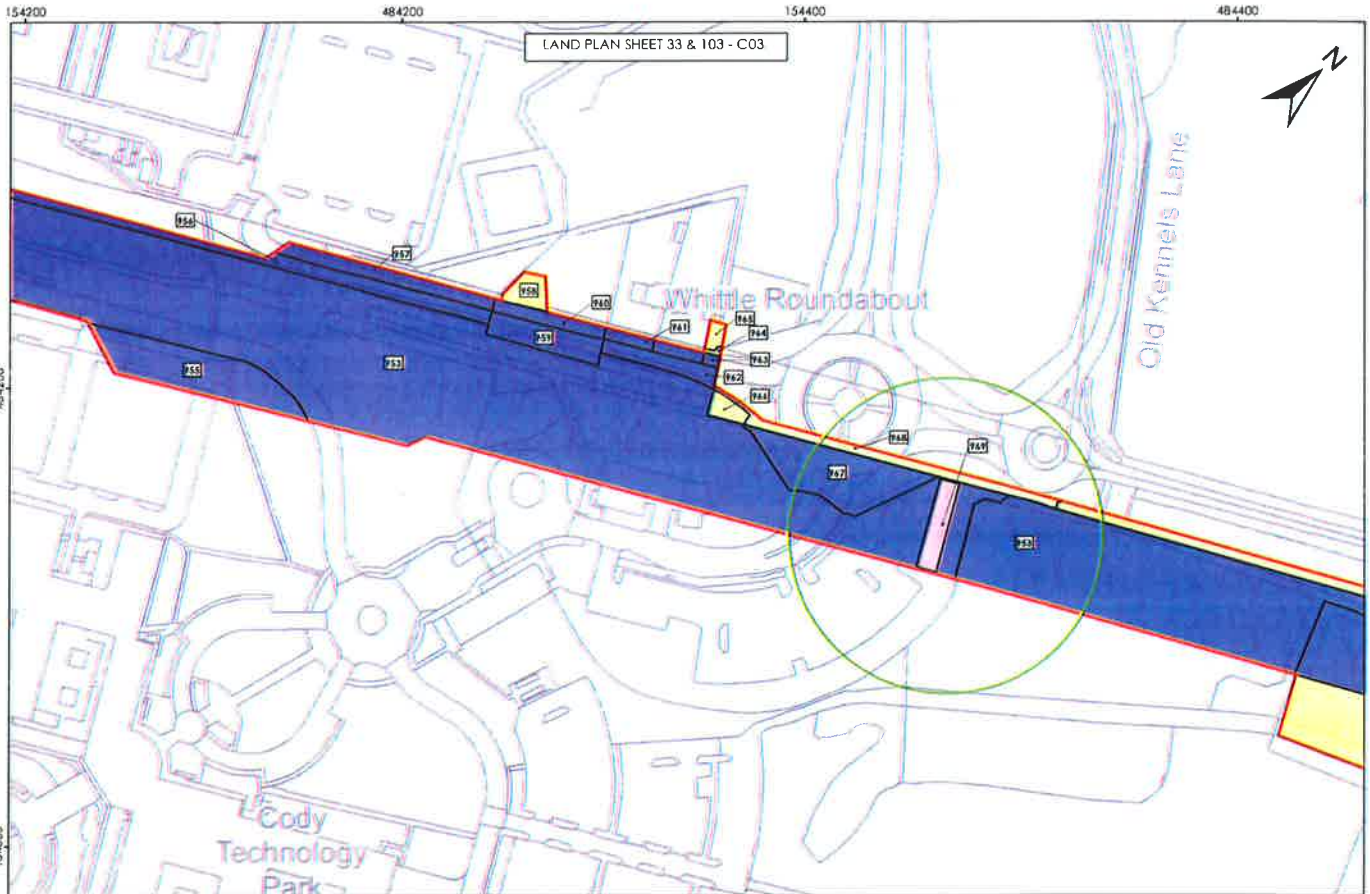


Southampton to London  
Pipeline Project

QinetiQ Limited (03796233) confirms that it consents to the amendments shown on the extract of Land Plan Sheet 33/103 Ref CO4 attached and to the inclusion of additional Class 1 and Class 3 land identified on the plan.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_



OVERVIEW WINDOW

0 15 30 60 Metres

REVISION: A	FP: 105124-001
CLIENT: ESSO	
SCHEME: SLP	
TITLE: VALVE 9 CHANGES	
SCALE: 1:2,500 @ A4	
DATE: 07/02/2020	

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# The Planning Inspectorate

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e-mail:

---

To Interested Parties and Esso  
Petroleum Company, Limited

Your Ref:

Our Ref: EN070005

Date: 6 February 2020

---

Dear Sir/Madam

**Planning Act 2008 (as amended) Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 (as  
amended) – Rules 9 and 17**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 –  
Regulations 4 to 19**

**Application by Esso Petroleum Company, Limited for an Order Granting  
Development Consent for the Southampton to London Pipeline Project**

**Request A: To Make Changes to the Original Application as submitted at  
Deadline 3 [REP3-022]**

**Request B: To Make Changes to the Original Application as submitted at  
Deadline 4 [REP4-001]**

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the change request made by the Applicant at Deadline (D)3, Wednesday 18 December 2019 (Examination Library reference [REP3-022]) (Herein known as Request A). The ExA also makes a Procedural Decision to request additional information in respect to further changes to the Application sought by the Applicant at D4, Thursday 30 January 2020 [REP4-001] (herein known as Request B).

**Request A**

In our letter dated of 13 January 2020 [PD-011], the ExA requested additional information from the Applicant in respect of proposed changes to the quantum and sizes of the proposed logistics hubs. The Applicant responded at D4 [REP4-048] with the following:

- The Applicant confirmed our understanding of the changes proposed to logistics hubs Work Nos 6C (Hartland Village), 7A (Ministry of Defence land at Deepcut), and 6B (A31/A32 junction Northfield Lane) were correct.

<https://infrastructure.planninginspectorate.gov.uk>



- The new land to be included within the Order limits at Hartland Village would be for Temporary Possession (TP) powers only, thus no additional land is sought. Furthermore, the Applicant also confirmed that the new land to be included within the Order limits concerns a private access road only, affects the same Affected Person (AP), and that a voluntary agreement has been entered into with that party. The Applicant also confirmed that the change request is shown only to clarify the access arrangements at the logistic hub and would not restrict the use of the roads for others. There is no proposed change to the Order limits and no additional land would be required at the other two proposed logistics hubs at Deepcut or the A31/A32 junction.
- The Applicant also confirmed that the environmental effects resulting from the traffic changes associated with the two remaining temporary logistics hubs have been cumulatively assessed and remains as reported in the Environmental Statement.

In the same letter [PD-011], the ExA also requested the views of all relevant planning and highway authorities as to their views as to the change requests in respect to the planning effects, and we have noted the responses received.

Having reviewed all matters, the ExA concludes that the proposed changes the subject of Request A would not result in new or materially different significant effects on the environment. The changes can be deemed to be non-material and accordingly are accepted into the Examination.

### **Request B**

In its submissions at D4 [REP4-001] and [REP4-057], the Applicant has sought a further three changes to the Application. These are summarised in the following table.

Description	Relevant Drawings	Change Request
Valve 3 at Lower Preshaw Farm, Upham	Land Plans Sheet 7 [AS-042] Works Plans Sheet 7 [AS-048] General Arrangement Plans (GAPs) Sheet 7 [REP3-005]	Change to the location of the valve and to permanent access rights at the request of the landowner [REP3-058] for operational reasons.
Valve 9 at QinetiQ, Farnborough	Land Plans Sheet 33 and 103 [AS-043] and [AS-044] Works Plans Sheet 33 and 103 [AS-048] and [AS-049] GAP Sheets 33 and 103 [REP3-005]	Change to the location of the valve, to permanent access rights, and to a reduction in the limits of deviation at the request of the landowner [REP3-060] for operational reasons.

Description	Relevant Drawings	Change Request
Abbey Rangers FC, Ashford	Land Plans Sheet 48 and 116 [AS-043] and [AS-044] Works Plans Sheet 48 and 106 [AS-048] and [AS-049] GAP Sheets 48, 49 and 116 [REP3-005] Access and Right of Way Sheets 48 and 116 [REP4-057]	Change to the limits of deviation and construction technique across Pitch No.2 to allow trenchless and stringing out operations following requests made by Surrey County Council [REP1-023] and by Abbey Rangers FC [REP3-052].

The ExA notes previous responses from Interested Parties and APs in respect to their respective requested changes to the Application on the sites listed above. However, the ExA also notes that in all cases, the requested changes would require additional compulsory acquisition (CA) powers, whereby on parts of plots 228, 231, 990, 1001, 1786 and 1787, CA for new rights would replace land currently shown on the Land Plans [AS-042] to [AS-045] as TP. It is noted that none of the APs made written representations expressing consent for these additional powers sought.

The ExA has reviewed the request specifically against the provisions of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs). These regulations apply to "additional land" which is land proposed to be subject to CA which was not identified as such in the Book of Reference. A change from TP to CA involves the CA of additional land for the purpose of the CA Regs. Consequently, we have concluded that we are unable to determine whether such changes can be deemed to be material or non-material or whether they should be accepted at this time.

Additional information is required from the Applicant in order for the ExA to determine the outcome of the requested change. Specifically, the ExA requires evidence from the Applicant that all persons with an interest in the additional land, consent to its inclusion in the development consent order as land subject to CA. If this is not possible at the current time, the ExA requests the Applicant provide an indication of when this information will be submitted. The Applicant is also asked for its views as to whether the prescribed procedures in Regulations 5-19 of the CA Regs can be complied with within the Examination timetable should agreement not be forthcoming.

The ExA requests the additional information sought in respect to Request B, and the changed documents as a result of the acceptance of Request A including an updated Book of Reference, is submitted at D5, **Thursday 13 February 2020**.

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

Yours faithfully

*Richard Allen*

**Lead Member of the Examining Authority**

**From:** [Rob Mills](#)  
**To:** [Iain Long](#)  
**Cc:** [Michaela Harding](#)  
**Subject:** RE: Esso SLP - Zayo  
**Date:** 23 December 2019 11:56:55  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[SLP-2019-10-EP-OP-VALVE 9 OPTIONS.pdf](#)  
[Guide to Excavation within the Vicinity of Zayo Apparatus.pdf](#)

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Dear Iain,  
JSM on behalf of Zayo accept the Protective Provisions below.

Please find attached Zayo Guidance to excavation within the vicinity of Zayo apparatus.

If your works are within the public highway please proceed with extreme caution, and with reference to the Zayo Guidance Notes and plans issued via [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) This does not absolve you from your duty of care as a competent contractor.

Depth of cover for duct in the verge and footway will be anywhere between 200-450mm and may vary along the line of the duct.

Depth of cover for duct in the carriageway will be anywhere between 450-600mm and may vary along the line of the duct.

Please also be advised that there are sections that have been Directionally Drilled and if you are considering similar method you should contact JSM for further information and advice.

All excavation works should follow the guidelines given in the HSE booklet HS(G)47 – Avoiding Danger from Underground Services.

We would expect operatives to have valid StreetWorks accreditation and be certified in the use of Cat & Genny techniques.

If your works are within private land and you are crossing the Zayo network please contact me for a mark-up to be arranged. The mark-up will be at your client's cost.

Regards

**Rob Mills**  
Operations Manager - Planning & Multi-Utilities

t. 01992 257623 [REDACTED], 01992 788026  
e. [Rob.Mills@jsmgroup.com](mailto:Rob.Mills@jsmgroup.com) w. [www.jsmgroup.com](http://www.jsmgroup.com)



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**From:** Iain Long <[Iain.Long@fishergerman.co.uk](mailto:Iain.Long@fishergerman.co.uk)>  
**Sent:** 19 December 2019 16:19  
**To:** Rob Mills <[Rob.Mills@jsmgroup.com](mailto:Rob.Mills@jsmgroup.com)>  
**Subject:** Esso SLP - Zayo

Dear Rob

I have been passed your details from a colleague with regard to Zayo

I am working on behalf of Esso SLP project. We currently have submitted a development consent order and looking to do a minor change to move a valve location as per the attached from the green location to the pink area as per the landowners request.

As part of the development consent order we have the below Protective Provisions which we will be legally obligated to protect your equipment.

Please can you confirm your acceptance to the minor alteration.

Many thanks

Iain

## *PART 2*

### *FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS*

*14. For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.*

*15. In this Part of this Schedule—*

*“the 2003 Act” means the Communications Act 2003(a);*

*“electronic communications apparatus” has the same meaning as in the electronic communications code;*

*“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act(b);*

*“electronic communications code network” means—*

*(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronic communications code) of the 2003 Act; and*

*(b) an electronic communications network which the undertaker is providing or proposing to provide;*

*“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;*

*(a) 2003 c. 21.*

*(b) See section 106. Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c. 30).*

*124*

*“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and*

*“operator” means the operator of an electronic communications code network.*

*16. The exercise of the powers conferred by article 33 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.*

*17.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its construction, or of any subsidence resulting from any of those works—*

*(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of an operator; or*

*(b) there is any interruption in the supply of the service provided by an operator, the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.*

*(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.*

*(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.*

*(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 47 (arbitration).*

*(5) This Part of this Schedule does not apply to—*

*(a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or*

*(b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.*

*(6) Nothing in this Part of this Schedule affects the provisions of any enactment or agreement*

*regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.*

**Iain Long MRICS FAAV**



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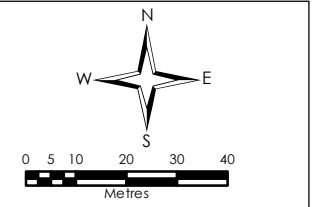
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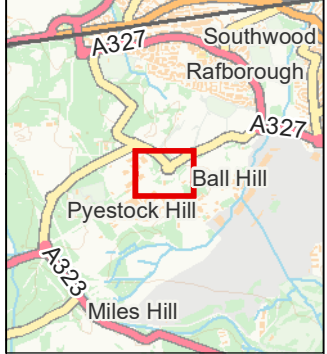
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OVERVIEW WINDOW



LEGEND:

- Option Area
- Limits of Deviation
- Order Limits
- Previous Acquisition**
- Access route
- Permanent rights

REVISION: D

CLIENT:

SCHEME:  
SOUTHAMPTON TO LONDON  
PIPELINE PROJECT

TITLE:  
VALVE OPTIONS

FP: 105124-001

SCALE: 1:1,500 @ A3  
DATE: 18/12/2019

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