

The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Project ref: Southampton to London Pipeline
Project – EN070005

Your ref: 20022740

Date: 13 February 2020

Dear Sir/Madam,

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

Please find enclosed our comments for 'deadline 5' submissions for the Southampton to London Pipeline Project Development Consent Order application.

The Role of the Environment Agency

The Environment Agency has a responsibility for protecting and improving the Environment as well as contributing to sustainable development.

Our work helps to support a greener economy through protecting and improving the natural environment for beneficial uses, working with business to reduce waste and save money, and helping to ensure that the UK economy is ready to cope with climate change. We will facilitate, as appropriate, the development of low carbon sources of energy ensuring people and the environment are properly protected.

We have three main roles:

We are an **environmental regulator** – we take a risk-based approach and target our effort to maintain and improve Environmental standards and to minimize unnecessary burdens on business. We issue a range of permits and consents.

We are an **environmental operator** – we are a national organization that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an **environmental advisor** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

Ongoing engagement with the applicant

Our ongoing engagement with the applicant is listed in the Statement of Common Ground (SoCG) that we have produced with the applicant, and that we understand the applicant will submit at this deadline. We have also included a summary in our written representation in Appendix A.

We continue to engage with the applicant on the outstanding matters and will continue to liaise with the applicant to update the SoCG to reflect our latest position.

Cont/d..

Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve any ongoing matters contained within our written representation, and to ensure the best environmental outcome for this project.

Yours faithfully,

Clark Gordon
Strategic Planning Specialist
Environment Agency, Thames area

Att Appendix A – Written Representations on behalf of the Environment Agency

Appendix A

Written Representations on behalf of the Environment Agency

1.0 Summary of further engagement with applicant

1.1 Since we sent our previous written representation (REP4-059) for this application on 30 January 2020, we have undertaken further engagement with the applicant (or their agents) as set out below:

- 6 February: Confirmation sent to applicant of EA's final position on watercourse works timing restrictions for five crossings.

- 11 February: Call between EA and applicant's legal representatives to discuss protective provisions.

- 11 February: EA received Water Framework Directive Technical Note for review from applicant. Our review is ongoing.

- 12 February: EA received updated protective provisions for review from applicant. Our review is ongoing.

- 13 February: Call between EA and applicant's agents to discuss flood risk issues.

1.2 We understand that the applicant intends to submit the latest Statement of Common Ground at this deadline. We will work with the applicant to update the SoCG following our further engagement.

2.0 Summary of outstanding issues

2.1 The same issues that we raised in our previous response (REP4-059) are still outstanding. However, the applicant has setup calls and/or meetings to discuss almost all of these matters with us, or has provided information to us to address these concerns (which we are still in the process of reviewing). I will provide an update on these issues below:

3.0 Protective Provisions

3.1 We held a call between our legal representative and the applicant's legal representative on 11 February to discuss our outstanding issues with the protective provisions. This was a positive call and we feel that any outstanding concerns by both parties can be addressed through appropriate wording for some of the clauses of the provisions.

3.2 We subsequently received updated provisions from the applicant on 12 February. We are still in the process of reviewing these updates, but will be able to provide an update for 'deadline 6' (5 March).

4.0 Groundwater, hydrology and contaminated land

4.1 The applicant has setup a meeting to discuss landfill Permitting issues on 14 February. This will involve our landfill permitting lead for the site, the applicant (and their agents), and the site operator, Brett Aggregates. We cannot provide any further updates at this time, but will provide further updates at the next deadline.

5.0 Water Framework Directive (WFD)

- 5.1 We have received a Technical Note from the applicant on 11 February to address our outstanding WFD concern that non-heavily modified waterbody mitigation measures had not been assessed to date. We are still in the process of reviewing these updates, but will be able to provide an update for the next deadline.

6.0 Watercourse timing restrictions

- 6.1 Following site visits made to the watercourse crossings in question on 30 January, we sent our final position on timing restrictions at these crossings to the applicant on 6 February. For clarity, we will repeat our proposed timing restrictions here:
- 6.2 For crossing WCX006 (Ditch leading to the tributary of the River Hamble) our position is for a restriction between October and 15 May (inclusive).
- 6.3 For crossing WCX007 (Tributary of the River Hamble) our position is for a restriction between October to December (inclusive) and 15 March to 15 May (inclusive), **providing** a redd survey is undertaken downstream at the end of December or beginning of January and no redds are found. Should redds be found then the full timing restriction of October to 15 May (inclusive) will be required to protect all fish life stages.
- 6.4 For crossing WCX012 (Caker Stream) our position is for a restriction between October and February (inclusive).
- 6.5 For crossing WCX021 (Ryebriidge Stream) our position is for a restriction between October and February (inclusive).
- 6.6 For crossing WCX047 (Cove Brook) our position is for a restriction in the coarse closed season (mid-March to mid-June).
- 6.7 Although we have not yet formally heard back from the applicant on our position, we understand that they agree with all of the restrictions except for the Cove Brook. Our position, particularly following our site visits, are that our proposed restrictions are fair and necessary to protect the life stages of relevant fish to the watercourse.

7.0 Flood risk

- 7.1 We held a call between our flood risk officers and the applicant today, 13 February, to discuss our outstanding flood risk issues. It was agreed that the applicant will provide additional assessment and/or summary information to address our outstanding concerns in the form of a technical note (or similar update). As we have not yet received this information, we cannot provide any further updates at this time, but will provide further updates at the next deadline.

8.0 River Thames Scheme (RTS)

- 8.1 Comments raised in our previous response (REP4-059) still stand. As previously noted, at this time we are awaiting further information from the applicant.