

**Comments appertaining to
ESSO's Outline CEMP,
LEMP, CTMP & CEP**

**Application by ESSO Petroleum Company Ltd
for an Order Granting Development
Consent for the Southampton to London
Pipeline Project**

Application Reference EN070005

Interested Party Reference 20022787

Internal Reference 19/00432/PINS

1. ESSO's Outline Construction Environment Management Plan (CEMP)

1.1. Introduction

- 1.1.1 Although Rushmoor Borough Council still have serious outstanding concerns especially in relation to protection of ecology, designated sites and species, the CEMP has allayed a number of the council's concerns in relation to management of work on site. Although we have suggested a number of revisions the council feel that the Construction Environment Management Plan provides clarity in relation to a number of our concerns. The appendices in particular, although further changes are required, provide many safeguards that will limit the impact of the project on the local communities impacted.
- 1.1.2 We understand from the applicant that the REAC is to become a redundant document after Deadline 5. Currently the overarching CEMP in particular, contains many references to the REAC, with the pertinent points not quoted in the CEMP. It is important that, to ensure no confusion, all mention of the REAC is emitted from the CEMP and any relevant commitments added to the overarching CEMP or relevant appendices.
- 1.1.3 **Advance Works 1.1.4** - The introduction of the CEMP states that there may be certain advance works that could be undertaken before Development Consent. Due to the need to plan ecological work within Southwood Country Park (SCP), Cove Brook and Queen Elizabeth Park (QEP), Rushmoor Borough Council (RBC) wish to know what these works will involve and whether they will impact on these three locations.
- 1.1.4 **1.1.5** - RBC is pleased to note that the development will be undertaken in accordance with the outline CEMP.
- 1.1.5 **1.2.5** – As well as the CEMP being the responsibility of the main contractor, RBC would expect ESSO to engage an Ecological Clerk of Works to be on site during all works in hotspots such as designated sites, SANGS, River Corridors and QEP, and a suitably qualified arboriculture supervisor to monitor tree protection measures where the RPA of retained trees is effected by development activity. The arboriculture specialist should have expertise in the preservation of veteran and notable trees.
- 1.1.6 **Construction Traffic Management Plan (CTMP) 1.2.3** – The applicant still states that the CTMP will be agreed by the Highways Agency. RBC wish to be consulted and agree the CTMP as detailed within our representations DCO 2.1 at Deadline 4. The Council requests that further amendments are made within requirement 7 to ensure a clear process of consultation is established and that no alterations occur until HCC/RBC have confirmed consent of the proposals.

1.2 Protected and Priority Species Surveys and Mitigation

- 1.3.1 RBC is extremely concerned regarding the lack of protection for species that are legally protected under European and British Law. Due to the lack of survey. There is little baseline data on the species present throughout the hotspots, the size and importance of the population or whether the pipeline route is a particularly important area for these species. There does not appear to have been any consideration of working practices devised to

ensure these species safety and contained within Natural England's Standing Advice and other recognised best practice guidance, used widely within the planning system. The guidance has been written to ensure that species are not harmed during the development and without adherence to this RBC fear that wildlife could be severely impacted by the proposals.

- 1.3.2 **G36 Mammal breeding season** – RBC has consistently requested that further camera surveys are undertaken on the Five Arches Railway Bridge near Cove Brook to establish whether this is a resting place for otter. The council requests that the CEMP commits to a watching brief for otter throughout the works on Cove Brook and during the HDD fewer than five arches Bridge.
- 1.3.3 **G37 Hibernation Seasons** – Under no circumstances should reptiles, amphibians, dormice or hedgehogs be disturbed or moved within the hibernation season. This has a high probability of harm and likely mortality if these species are woken from torpor in cold temperatures. All areas with potential for these species must be cleared using proper recognised avoidance and mitigation.
- Reptiles and amphibians must be translocated from April to June or in September. Translocation effort should be 30 days for a small population, 60 days for a medium population and 90 days for a large population. The translocation will need to be informed by full reptile surveys to ensure an understanding of the species that are present and the population size that needs to be moved. The order limits must be reptile fenced to stop further entry from the pipeline route.
 - Dormice must be displaced by habitat manipulation with trees cut down in the winter months and stumps left in until the following April, when they should be removed.
 - All possible hibernation areas for Hedgehogs should be removed by hand in the summer before construction and rebuilt outside the order limits
- 1.3.4 **G38** – RBC would expect to be consulted on any works to the SPA within the ground nesting season, to ensure no harm as dictated by our role as the responsible authority for the detailed stage. If work is planned during the summer, it is likely that RBC and would need to undertake an additional Appropriate Assessment.
- 1.3.5 **2.2.2** – RBC does not agree that where restrictions to working are required, due to ecological seasonality, e.g. for hibernation or breeding of protected species, these changes should be agreed only by Natural England or the ECOW. RBC would request that if changes are made the Local Authority is consulted. In the case of RBC consultations should be sent through the planning portal, with the RBC ecologist informed of the changes requested. RBC will insist on this consultation within any land agreement appertaining to our land.
- 1.3.6 **2.2.3** – RBC requests that a full translocation is undertaken for all common reptiles rather than a 2 stage habitat manipulation as advocated by the applicant. The translocation should be backed up with full surveys to ensure the species to be translocated and the size of the population is known. All common reptiles are protected from harm under the Wildlife and Countryside Act Schedule 5.

- 1.3.7 In the case of sand lizards and great crested newts, present within other boroughs, due to their high protection under the Habitats Directive it is also essential that a proper and appropriately thorough mitigation package is formulated, based on up to date population and distribution data. In the case of both common and rare reptiles and amphibians it is imperative that the mitigation strategy ensures that there is adequate space and that the populations can use all ponds within the hotspot sites.
- 1.3.8 **2.3** – RBC are pleased to note that protected species surveys are being undertaken to inform the final protected species licences. In the council’s borough these should include camera otter surveys on Cove Brook and under the Five Arches Railway Bridge and bat surveys in SCP and QEP and on any trees to be felled in other areas. As construction will not commence until 2021 all protected species surveys undertaken in 2017 to 2019 will need to be repeated as surveys become outdated and thus invalid after 2-3 years.

1.4 Phase 1 Habitat Surveys and Habitat Protection and Reinstatement

- 1.4.1 **2.3.2 – 2.2.3** - RBC is pleased to note that Phase 1 Habitat Surveys are being undertaken on SCP before construction commences to update the baseline conditions. However the council would respectfully request that a full botanical survey is undertaken on the eastern side of the Country Park as this area contains valuable habitats of principal importance under the Natural Environment and Rural communities Act 2006. Once survey is undertaken a biodiversity offsetting calculation should be agreed with RBC for any on or off site mitigation required.
- 1.4.2 **2.4.1 – 2.4.3** – These paragraphs refer the reader to EIA Chapter 3 and CoCP 3.1. CoCP 3.1. There are no specific clauses in relation to habitat protection and reinstatement and RBC has a number of concerns in relation to the methodology contained within the EIA Chapter 3 namely:-
- **3.4.63** states that *“In some locations, groundwater levels may be high and dewatering would be required to aid pipeline construction. There would be no intentional discharge of site runoff to ditches, watercourses, drains or sewers without appropriate treatment and agreement of the appropriate authority (except in the case of emergency) (G12).* No details of safety measures that would be used are detailed and there is no reference to consultation with the relevant Local Authority. As SCP and the areas around Cove Brook have high water levels, and the nearest watercourses will be managed by RBC, the council recommends that details are provided within the site specific plan for SCP detailing the methods of treatment before discharge. RBC recommends that water is filtered at least three times before discharge to a river or stream in line with best practice guidance.
 - **3.4.70** when referring to habitat reinstatement the EIA states that *“The working width would then be cleared, any subsoil reinstated and loosened, and topsoil re-laid and seeded as required. Where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around the pipeline easements) (G88). ...Land would be returned to its original use with some exceptions such as change for ecological mitigation.* One of RBC’s concerns throughout the pre application and application process is that there are no details of any mitigation for any

ecological impact other than reseedling or natural regeneration has been suggested. There is no methodology for seed collection in previous years, to ensure the seed used for restoration is of local provenance, and no biodiversity offsetting is proposed to mitigate for the loss of habitat maturity. Biodiversity Offsetting calculations take into consideration not only the amount of habitat to be lost but also the time it takes to reach the maturity and quality it had attained when impacted. This is particularly relevant in relation to semi mature, mature, notable and veteran trees. RBC therefore request that commitments are made to biodiversity offsetting calculations within all hotspots, to ensure any mitigation fully compensates for habitats lost.

1.5 Farnborough Airport

1.5.1 **PC1 and PC2** – These two commitments relate to events in Chertsey and the South Downs. There are no requirements to work with the RBC or Farnborough Airport to limit impacts on the Farnborough Air show. Within Deadline 3 responses the applicant stated Farnborough Air show is no longer being run. This is not the case the Air Show is run every two years with significant traffic implications for the borough. The public element of the air show is not taking place in 2020, but this was always held at the weekend. Therefore the usual high levels of traffic will be occurring during the week of the Air show. Traffic planning for the Air show is substantial and we would require a similar commitment to Chertsey.

1.6 Project Team Roles and Responsibilities

1.6.1 **3.2.4** – Seems to imply that suitably qualified persons would make autonomous decisions on working practices. RBC would expect all working practices appertaining to, work within international, national and locally designated sites, habitats of principal importance, tree protection and work in the locality of notable and veteran trees, works to or discharging into watercourses and species protection and translocation should be detailed within the Outline or detailed CEMP or the site specific plans within the Landscape and Ecological Management Plan (LEMP) and agreed with either the ExA or the relevant Local Authority.

1.7 Central Environmental Log and Consents, Permits and licences Register

1.7.1 **3.3.3** – RBC is pleased to note that the above registers are to be set up and would value access to them. This will aid transparency and ensure all parties are aware of the works on site and the consents, permits and licences required and obtained.

1.8 Appendix A Outline Emergency Action Plan

1.8.1 Flooding

1.8.2 **G123 & G124** – RBC notes from the EA response at Deadline 4 that there are still some outstanding issues in relation flooding. Due to the floodplain within SCP, and the residential development surrounding the site, the council wishes to be assured that the EA is happy that all issues have been dealt with before the examination closes. All safe working practices agreed with the EA should be detailed within outline and detailed CEMP.

1.9 Pollution

- 1.9.1 **G122 & G142** - RBC is pleased to note the working practices within the REAC. This should ensure that water crossings do not pollute the waterway. The council is however concerned regarding the mention of lagoons, as these structures, if placed within valuable habitat, are likely to cause further damage to the floodplain within SCP. We recommend that in SCP free standing tanks or bowsers are used.
- 1.9.2 It is the council's view that it is unlikely that riparian vegetation of local provenance will be unable to be restored. Therefore we recommend that where vegetation has been lost, it is allowed to regenerate naturally. This will ensure seed stock from the rest of the site will colonise the area. In the case of Cove Brook and Ively Brook we would expect any damage to be assessed within the Biodiversity Offsetting calculation with appropriate wetland mitigation provided elsewhere within the park. We would expect these mitigation measures to be set out within the Site Specific Plan for SCP within the (LEMP).

1.10 Incident Response

- 1.10.1 RBC agrees that this section contains adequate safeguards in the case of an incident providing further details are to be provided within the detailed CEMP.

1.11 Roles and Responsibilities

- 1.11.1 RBC are satisfied with the roles and responsibility detailed. However as mentioned earlier within this response and within our Deadline 4 comments, we would request that an appropriately qualified Arboriculture expert is also employed, where work is undertaken on trees or within tree root zones.

1.12 Appendix B Water Management Plan.

- 1.12.1 **1.2.1** – RBC is pleased to note that the CEMP and all appendices will be agreed by the relevant Local Planning Authority.
- 1.12.2 **1.2.4** - RBC would also wish to be consulted on watercourse crossings where they impact on Cove and Ively Brooks.

1.13 Surface Water Features

- 1.13.1 **2.1.2** – Within this section a trenchless crossing is detailed over the Blackwater River and the council notes that 04 of the CoCP states that "*Trenchless crossing technology to be used for crossings of waterways over 30m wide,*" however within the CoCP trenching is still mooted as a possibility through the unofficial landfill site. Could ESSO confirm whether or not trenchless crossing is now proposed? If so could the CoCP be changed to reflect this? RBC is concerned about trenching across the landfill due to pollution of the Blackwater River as detailed in previous responses.

1.14 Water Management Plan

1.14.1 **G12** – RBC is concerned to note that in the case of an emergency there would be discharge of site runoff to ditches, watercourses, drains or sewers without appropriate treatment and without the agreement of the appropriate authority. In all cases pollution prevention measures should be put in places and EA or LLFA consulted.

1.15 Construction Programme

1.15.1 **3.3.1** - RBC wishes to see at least some detail of the construction programme within the outline CEMP. We understand that a detailed programme cannot be worked out until the contractors have been commissioned however the council wishes to know at least the sections of the route to be served by the construction compounds.

1.15.2 **W8** –The council would be concerned if works were undertaken on the Flood Storage Area in SCP during the SPA bird nesting season. As stated in previous responses this would apply to all works with the SANG network.

1.16 Site Planning and Set Up

1.16.1 **G184** – RBC notes that the EA still have concerns about stock piling within Flood Zone 3. The councils support these concerns.

1.17 Pollution and Erosion Prevention Measures

1.17.1 **G183** – RBC shares the concerns of the EA in relation to box or circular culverts and bridges being constructed within or over waterways. Culverts are to be removed wherever possible within SCP, and the council would request that the restored waterways are not culverted, even temporarily.

1.18 Appendix C Outline Site Waste Management Plan

1.19 Project Commitments

1.19.1 **G7** – Although RBC understands the need to treat vermin infestations, the council would be concerned if poison or traps were used within the SCP and QEP. This is due to the danger of harm to other wildlife. Please could ESSO specify what these controls would be?

1.19.2 **G71** – In the case of the possible trenched crossing across the Blackwater, RBC wish to be consulted on the studies undertaken and agree working practices and the method of crossing the River.

1.20 Appendix D Outline Dust Management Plan

1.21 Ecological Receptors

1.21.1 Ecological Receptors should include in addition to those listed

- All SANG Sites
- All River and woodland corridors

- All ecological hotspots Identified within the final outline LEMP
- All notable and veteran trees
- Local Wildlife Sites are known as SINCS within Hampshire and SINCIs within Surrey. Could this be changed so Local Authorities know the designation to which the final document refers?

1.22 Soil and Water Management

1.22.1 **3.3.8** – Within ecological sites, RBC requests that no seed is introduced into the sites which are not of local provenance. If bunds require seeding seed should be harvested from the sites in the previous year.

1.23 Appendix E Noise and Vibration Management Plan

1.23.1 In relation to protected species RBC is particularly concerned regarding the impacts of noise and vibration from HDD, Auger Drilling and trenching within river corridors. Surveys have identified that otter are present on Cove Brook. This species is particularly susceptible to loud noise. The lack of investigation on the Five Arches Railway Bridge for otter resting places may mean that the otter population could be disturbed for as much as a month, whilst HDD drilling is undertaken. This is an offence under the Habitats Directive and the Conservation of Habitats and Species Regulations 2017.

1.23.2 The council also note that the EA have concerns about migratory and breeding fish times and are concerned that the applicant is not committing to appropriate cessation of works to protect the fish in certain waterways, including Ively Brook. As fish are extremely vulnerable to noise and vibration and breeding and migratory routes could be blocked, it is our view that timing should be agreed with the EA as soon as possible and at the latest at the culmination of the examination.

1.23.3 **Table 3.2:** Noise and Vibration Thresholds proposes adopted noise and vibration levels that will be used in any additional assessment. However, for residential receptors, the day time noise limit value has been changed from that proposed previously in Appendix 13.3 Noise and Vibration Technical Note Addendum - Revision No. 2.0. The limit in Table 3.2 is quoted as being a monthly average of 70 dB $L_{Aeq,T}$. This monthly average noise level is defined as the logarithmic average of the $L_{Aeq,T}$ values averaged over each working day during the four-week period with the highest levels of construction activity. The Council does not consider this metric to be reasonable, practicable or capable of protecting residents and the wider community from excessive noise. In keeping with Section 6.2 of BS 5228-1:2009, RBC would wish to see an appropriate time period, T, stated as part of the equivalent continuous A-weighted sound pressure level. Given that normal working hours will be between 0800 to 1800 hours Monday to Saturday, it is considered that a more appropriate daytime limit value should be 70 dB $L_{Aeq,10hr}$. This would certainly be more in keeping with Annex E of BS 5228-1:2009.

1.23.4 The same is true for the noise limit proposed for educational, religious, health and other noise sensitive community facilities which the Council considers should be 65 dB $L_{Aeq,10hr}$.

1.23.5 The relevant location for the proposed noise thresholds is given as a 'Free Field' location 1m from the facade of any residential receptors. However, for all calculations, and in accordance with Annex F of BS 5228-1:2009, it is expected that an allowance is made for reflection by adding 3 dB to the calculated (free field) levels.

1.24 Appendix F Outline Soil Management Plan

1.24.1 **Table 3.1** – *Please see comments in relation to REAC G13 seeding, G71 contamination and G75 in relation to risk of contamination due to disturbance of unauthorised landfill.*

1.24.2 **3.3.6** – RBC note that on main rivers, soil would not be stored within 15m of the watercourse, however G184 states that on ordinary watercourses the buffer will only be 10m. It is RBC's view that the buffer zones for all watercourses irrespective of their status should be 15m. The council is pleased to note that no stockpiles will be stored within Flood Zone 3 along the Ively Brook

1.24.3 **3.4** – As stated throughout the process RBC is concerned regarding the level of mitigation provided for habitat loss within the Natura 2000 sites.

1.24.4 **3.5.2** – As stated previously RBC have concerns regarding the lack of ground investigations in landfills where the contaminants are not known.

1.25 Appendix G Outline Lighting Management Plan

1.25.1 **G25** – RBC welcomes the commitment in the CoCP , however in the case of human receptors such as the residents of Nash Close and nocturnal species such as bats and otters, as well as fish, it is the council's view that *G25 should state that; Any activity carried out or equipment located within a logistics hub or construction compound that may produce a noticeable nuisance from dust, noise, lighting etc. would **always** be located away from sensitive receptors such as residential properties or ecological sites ~~where practicable~~*

1.25.2 **G46** – RBC welcomes this commitment. We would expect the final lighting management plan to provide details of how environmental protection is to be achieved listing the specific lighting and undertaking calculations as to lux levels on sensitive ecological receptors. RBC require all applicants to ensure that lighting levels dose not rise above 1 lux within habitats and on features that maybe used by nocturnal species such as bats. In RBC this would be particularly pertinent within SCP and QEP, along Cove Brook, Ively Brook and the Blackwater River and within the wooded railway corridors and along tree lined roads such as Old Ively Road.

1.25.3 **3.2.2** – RBC requests that ESSO also provide a commitment to the council that they will follow the South Downs Dark Skies Technical Note 2018 around the sensitive ecological areas within the borough.

1.25.4 **3.5.2** – *See RBC comments to G46*

1.25.5 There will be other species than bats within Rushmoor that will require protection from light levels. These include fish where there should be no light spill onto the surface of the river especially in sensitive breeding and migratory periods. As nocturnal species, otters also

require dark habitat and there is a risk that the foraging potential of the individuals using Cove Brook could be severely compromised if there is significant raises in lighting for extended periods.

1.26 Outline Surface Water and Foul Water Drainage Plan

1.26.1 RBC has no concerns in relation to this document.

2. ESSO's Outline Landscape and Ecological Management Plan

2.1 Table 2.1 Good Practice Measures Relevant to the LEMP

- 1.2.1 **O1** – As stated in previous submissions, it is RBC's view that, in respect of important hedgerows auger bore or Horizon Directional Drilling should be undertaken.
- 1.2.2 **G61** – In respect of the Natura 2000 sites, RBC does not agree that enough protections would be provided if works were carried out "*in accordance with Annex B of the Habitat Regulations Assessment*". It is the council's views that far more resilient avoidance, restoration and mitigation measures are required.
- 1.2.3 **G65** – In respect of retained notable, TPO, Ancient Woodland and veteran trees the council does not feel that fencing will provide adequate protection to ensure the root zones are not compromised during the works.
- 1.2.4 **G88** – Although RBC welcomes the commitment to replace species on a like for like basis, we are concerned that the seed sock used will not be of local provenance. We have promoted the need to offset harm by providing new habitat in another part of the site, or within adjacent areas, with the habitat destroyed being allowed to regenerate. When on council land, this is likely to be best done by planning a scheme of works financially funded by the applicant.
- 1.2.5 **G92** – Again, on council land the 5 year aftercare is likely to be delivered more efficiently by the local authority which has responsibility for the day to day management of the site. Therefore, RBC recommends that a financial agreement is entered into between ESSO and the relevant Local Authority at the requirements stage.
- 1.2.6 **G94** – Reinstatement of land used temporarily should be undertaken by ESSO in agreement with the relevant Local Authority.
- 1.2.7 **G95** – As stated at deadline 4, RBC is of the view that the National Joint Utilities Group Guidelines for the Planning, Installation, Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007)) does not provide adequate protection for trees to be impacted along the route. The Planning Inspectorate has long since accepted that all proximal trees are a constraint on that development where the LPA may reasonably require the developer to adhere to the recommendations of BS 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations). The monitoring/arboriculture supervision of retained trees is identified at 6.3 of that document. The document identifies minimum root protection areas (RPAs) calculated at 12x stem diameter (at breast height for single stem trees) within which no development activity should occur. A suitably qualified arboriculture supervisor must be engaged to monitor tree protection measures particularly where the RPA of retained trees is threatened by development activity. This does not merely apply to veteran and ancient trees where Esso have focused. So in line with all other development and the legislation above RBC would expect all works within the minimum root protection areas defined by BS 5837:2012 to be supervised by an arboriculture expert. We would not agree that an ecological clerk of works should be responsible for tree protection as they are unlikely to have the skills to advise appropriately.

- 1.2.8 **G97** – RBC is of the view that native shrubs should not be specified as alternative habitat to trees lost within the order limits. It is for the landowner and ESSO to agree the nature of the planting at the requirements stage. The council recommends that the requirement for shrubs is replaced with *alternative planting* in this commitment.
- 1.2.9 **HRA1** – As stated in previous representations, RBC is of the view that natural regeneration alone would not be adequate to compensate for the habitat lost to the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC) and the Thames Basin Heaths Special Protection Area (SPA).

2.2 3. Landscape and Ecological Features

- 2.2.1 **3.1.6** – There are a number of Sites of Interest for Nature Conservation (SINC) within Rushmoor that will be impacted, that are not included on the list within this section. These include:-
- Ball Hill SINC
 - Southwood Golf Course West SINC
 - Ship Lane SINC
- 2.2.2 **3.1.7** – RBC would also expect to see the sites within the SANG network to be impacted listed here.

2.3 3.2 Summary of Main Land Uses Crossed by the Pipeline Route

- 2.3.1 **3.2.5 – Woodland** - In respect of woodland. Queen Elizabeth Park needs to be highlighted.
- 2.3.2 **3.2.6 – Priority Habitats – Heathland** – Within this paragraph two of the SSSIs are not identified. The script appears to imply there is no heathland, or other microhabitats that make up the heathland habitat complex, other than on the sites identified within the paragraph. This is not incorrect. Other sites to be impacted directly or indirectly by the proposals include:-
- Bagshot and Colony Bog SSSI
 - Bourley and Long Valley SSSI
 - Eelmore Marsh SSSI
 - Ball Hill SINC
 - Southwood Country Park
 - Ship Lane SINC
- 2.3.3 **3.2.10 – Amenity Land (Including Sports Grounds)** – This list needs to include the following sites within Rushmoor Borough:-
- Southwood Playing Fields
 - Cove Brook Greenways
 - The Blackwater Valley River Path
- 2.3.4 **4.1 Planning and Programming of Vegetation Removal**

- 2.3.5 **4.1.1** – As stated in representations within Deadline 2, 3 and 4, RBC does not support the measures proposed to protect veteran and notable trees. (*See previous comments for further details*) The Council also notes that although Appendix C states there is no ancient woodland to be directly impacted, the trees bordering Old Ively Road have been identified by the applicant as possible ancient woodland, however, despite the assertion that narrow working will not impact on these trees, the newly issued arrangement plans show that the narrow working limits are situated within the root zones of multiple trees. (*Please see RBC representations to ESSO's comments on the council's Deadline 3 comments section 5.2*)
- 2.3.6 **Table 4.1 – G59** – RBC requests that the word “*preferable*” is removed from this commitment. All work to ponds must be carried out outside the amphibian breeding season as this is the most vulnerable time for these species, when disturbance of adults and young is likely to lead to the loss of an entire breeding season. All public authorities including the applicant are obligated under the Natural Environment and Rural Communities Act 2006, to conserve biodiversity. S41 lists have been produced for specific habitats and species as an indication of what species require preservation. Palmate and smooth newts and common toad are named within the s41 list.
- 2.3.7 Although not present within RBC, it is the council's view that disturbance of a great crested newt breeding pond before and immediately after breeding and before the young have left the pond, would be an offence under the E.C Habitats Directive. This is of particular relevance to the great crested newt population on within the Surrey Heath Windlesham SANG, where multiple breeding ponds are to be disturbed and connecting habitat fragmented.
- 2.3.8 **G61** – As stated in previous representations RBC have very serious concerns about Annex B of the Habitats Regulations Assessment.
- 2.3.9 **G196** - As stated in previous representations RBC does not agree with common reptiles being cleared using a two stage cut, but rather would expect a full translocation to be undertaken to clear the order limits of reptiles. Although not within our borough, we note that Turf Hill contains sand lizards. Although translocation is proposed within Chobham Common, none is planned within Turf Hill, despite a significant area of *molinia caerulea/ Calluna vulgaris*, habitat, used extensively by sand lizards, being lost to the proposed compound. RBC believes that the above practices would be an offence under the E.C Habitats Directive.

2.4 4.2 General Principles of Vegetation Retention and Removal

- 2.4.1 As stated in previous responses, RBC is very concerned regarding the wide powers that DCO Article 41 give to the applicant in relation to vegetation removal, within and adjoining the order limits. This is especially pertinent in relation to trees and hedgerows and could cause significant damage to these habitats, with no safeguards in place to stop damage occurring.

2.5 4.3 Retention and Protection of Woodland and Trees

- 2.5.1 **4.3.7** – RBC is pleased to note that the applicant is now committing to employing an arboriculture expert. However, the council would advise that the arboriculture expert should

supervise any sensitive tree works, rather than the ECoW supported by the arboriculture expert.

2.5.2 **4.3.9 – 4.3.13** - RBC generally supports the working methods for retained trees detailed by the applicant, though we still have concerns regarding the method of works within the root zones. We continue to be concerned regarding works to Veteran, Notable and TPO trees.

2.5.3 **Protection of Watercourses** - RBC generally agrees with these measures.

2.5.4 **Retention and Protection of Ecological Features** - Other than in respect of HRA4, RBC welcome and agree with the commitments within the CoCP, detailed within this section.

2.6 4.4 Vegetation and Tree Removal

2.6.1 **General Approach to Vegetation Removal** - In previous representations RBC has expressed our concerns regarding the removal of trees and other ecological habitats. We continue to be concerned regarding these sites.

2.6.2 **Hedgerows** – Other than in respect to Important Hedgerows, under the Hedgerow Regulations 1991, RBC are happy with the measures within this section.

2.6.3 **Ecological Considerations** – *(For details of the council's concerns in respect to the clearance of reptiles, please see previous sections of this representation.*

2.7 4.5 Transplantation including Turf Stripping

2.7.1 RBC is very pleased to note, that some consideration has been given to the retention of turf and saving of seed and would agree to the methodology laid out for most habitats.

2.7.2 However, in respect of SCP, RBC would question why, *“within Cove Brook Grassland SINC and Cove Valley, Southern Grassland SINC: Broadleaved semi-natural woodland habitat could be reinstated partly with translocation of retained rooted material.”* These SINC are designated for their open habitats such as acid grassland, floodplain grazing marsh, *molinia caerulea* and rush pasture and other wetland habitats. RBC acknowledges that within Cove Valley Grasslands SINC wet woodland is present and that this could be a valuable habitat, however, the plans are to restore much of this SINC back to open habitats. The council would not wish any tree to be translocated. This is an expensive process and does not meet with the ecological aims for the site. The council has however been advocating the need to save seed and turfs from the open areas and the acid grassland within the wider Country Park, to ensure habitat impacts can be minimised as much as possible. We would be very happy to discuss a methodology to store seed and turf for re-establishment with the applicant as part of the Statement of Common Ground.

2.8 4.6 Removal of Invasive species

2.8.1 RBC supports the methodology to remove and control schedule 9 and other invasive species. We would expect this to be undertaken throughout the Country Park, not just on Cove Brook. In respect of the Country Park the species of most concern are, New Zealand Pigmy

weed, Himalayan balsam and signal cray fish. Within QEP *Rhododendron ponticum* is present.

2.9 5. Landscape and Reinstatement Plans

2.9.1 **Table 5.1** – RBC supports and welcomes many of the measures within the table. However, this could not be seen as anywhere near adequate mitigation for the damage caused by the proposals. The exception is G97 to which we disagree. *(For further information regarding our concerns please see previous comments’.)*

2.9.2 5.3 Reinstatement of Woodland and Trees

2.9.3 **Table 5.2 – 5.5** – The species mixes within these tables appear appropriate. However RBC would wish to agree the species mix for reinstatement planting as part of the detailed LEMP.

2.9.4 **Reinstatement of Individual Trees** - In respect of QEP, RBC continues to hold the view that no trees should be lost, and excavation should be undertaken using HDD techniques.

2.9.5 5.4 Reinstatement of Lowland Heathland

2.9.6 RBC agrees that there is no other way to restore heathland than natural regeneration and that scrub clearance, within limits will improve the ecological value of the habitat. It must however be remembered, that scrub forms an important feature of the heathland habitat complex, especially where sand lizard and/ or common reptiles are present. The council’s concerns stem from the fact this appears to be the only mitigation/ compensation offered for the destruction of large areas of SPA and SAC habitat. The habitat enhancement can be seen as only a small part of the mitigation package required to ensure no significant impact on the Natura 2000 network.

2.9.7 5.5 Reinstatement of grassland

2.9.8 In respect of SCP, RBC would agree that habitats can be reinstated on the west with a general purpose rough grassland mix, providing mitigation is forthcoming for loss of maturity. However, within the eastern section the council would expect seeds to be harvested in the previous growing season and appropriately stored, to ensure no corruption of the genetic makeup of the acid grassland and wetland habitats.

2.9.9 5.7 Ecological Habitat Replacement and Improvements

2.9.10 As stated throughout the process the measures in this section are totally inadequate to mitigate the impact of the proposal, let alone provide enhancement. The council would expect Biodiversity Offsetting calculations to be provided for all hotspots, including Cove Brook Greenways, with appropriate mitigation and compensation measures provided. This does not apply to the Natura 2000 network, where the criteria of, no significant harm, sets a much higher legal bar.

2.10 6. Aftercare

2.10.1 RBC is happy with the aftercare proposals, other than in respect of weed killer on newly planted trees. This should not be applied within natural habitats.

2.11 Post Construction Monitoring

2.11.1 RBC would expect post construction monitoring to be undertaken on all natural habitats and protected species impacted by the scheme, irrespective of the conditions of any licence. Monitoring is the only method by which to prove that no lasting impact has occurred and that further mitigation or compensation is not required.

2.12 Site Specific Plan – Southwood Country Park

2.12.1 Due to the public examination process, RBC have provided a clear position as to work, restoration, mitigation, enhancement and post construction monitoring the council advocates within the park. Therefore in this response we intend to highlight areas where there have been improvements, or where further information has been provided. The council is very encouraged by the progress that has been shown by the applicant within this document and although there are a significant number of issues to still resolve, RBC now feel we have the opportunity to work with the applicant to try to resolve many of these differences through our Statement of Common Ground.

2.12.2 2 - Site Construction Plan

2.12.3 RBC is pleased to note that there is now some indication of the time the actual work will take on site. Considering the 45wk schedule RBC is now firmly of the opinion that work time period when the applicant is within the park needs to be limited significantly. We are happy to work with the applicant to reduce this.

2.12.4 3.2 – Vegetation Removal

2.12.5 RBC is extremely pleased to see the commitment to updated surveys within SCP in 2020, and that translocation is being considered. Surveys will need to include a phase 2 botanical survey on the eastern side of SCP and full protected species surveys for otter, bats, badger and reptiles. The council wish to point out that we would not be satisfied with mitigation only at the pre-construction stage, but would expect further mitigation, monitoring and funding for management after construction has ceased, with appropriate protected species and habitat mitigation and enhancement, supported by a biodiversity offsetting calculation.

2.13 Site Specific Plan – Queen Elizabeth Park

2.13.1 Due to the public examination process, RBC have provided a clear position as to work, restoration, mitigation, enhancement and post construction monitoring the council advocates within the park.

2.13.2 Unlike SCP, there has been little progress in respect to this site. Although RBC is pleased to note that only 30 semi mature trees will be lost, our concerns are around the impact on the notable and veteran trees due to works within the root zones. The council does not agree

with the applicant that the impact on this special woodland will be minimal and continue to advocate HDD throughout the park.

- 2.13.3 RBC is pleased to note the construction timetable will not last for 2 years as previously implied, however the council feels that the applicant should negotiate a schedule where the park would not be closed, aside from the construction compound for more than two periods of three months.
- 2.13.4 RBC is undertaking a bat survey on QEP within the order limits. We would respectfully request that the ExA grant us leave to submit this before the hearings commence in late February.

ESSO's Outline Construction Transport Management Plan (CTMP)

3.1 Introduction

- 3.1.1 RBC responded at deadline 3 on the DCO as follows:-
- 3.1.2 **8.1** - RBC is pleased to note that Part 3 Article 9 has been amended to ensure that any Construction Transport Management Plan include consultation from the relevant planning authority, however within our response to DCO 1.11 the council requested that the plan gain Local Authority consent as well as consent from Highways. Therefore further amendments are required to ensure a clear process of consultation is established and that no alterations occur until HCC/RBC having confirmed consent to the proposals.
- 3.1.3 Therefore within the CTMP process while it would prefer that there is a requirement for approval from the LPA it recognises that there will be consultation. As RBC is not the Highway authority it will defer to these authorities in commenting on the CTMP except with regard to working hours and Farnborough Air Show.

3.2 6.2 Management of Impacts of Street Works on Highway Users

- 3.2.1 **6.2.3** - States "Where practicable, deliveries of construction materials would be timed to fall outside of traditional peak traffic periods (i.e. 08:00 to 09:00 and 17:00 to 19:00 Monday to Friday). RBC does not consider that the phrase where practicable has any effect as it is an entirely subjective judgement of the applicant. We would request that 6.2.3 be reworded as follows:
- 3.2.2 Deliveries of construction materials will be timed to fall outside of traditional peak traffic periods (i.e. 08:00 to 09:00 and 17:00 to 19:00 Monday to Friday) unless agreed by the Highways Authority.

3.3 6.4 Working Hours

- 3.3.1 Hampshire CC have been in discussion with us and the Applicant, and we understand that the following new paragraph (f) to Requirement 14(3) has been agreed:-
- (f) works on a traffic sensitive highway where so directed by the highway authority pursuant to a permit granted under the Hampshire County Council Permit Scheme or the Surrey County Council Permit Scheme and following consultation by the highway authority with the relevant planning authorities under the terms of such scheme.*
- 3.3.2 RBC is in agreement with this proposal but would wish the approach to be replicated within the Outline CTMP. Furthermore, while we are content with the new paragraph, we remain concerned about the rest of the requirement for the reasons provided at D4 and outlined in our attached response to DCO.2.31.

3.4 6.5 Local Considerations

- 3.4.1 **6.5.1** - Esso states it would take account of local events when programming its works. Other specific events that Esso has discussed with stakeholders include the Farnborough Air Show. It is true that the matter has been raised in discussion by RBC with Esso. However within Deadline 3 responses the applicant stated Farnborough Air show is no longer being run. As RBC has responded this is not the case the Air Show is continuing to run every two years with significant traffic implications for the borough. The public element of the air show is not taking place in 2020 but this was always held at the weekend. Therefore the usual high levels of traffic will be occurring during the week of the Air show. Traffic planning for the air

show is substantial and we would require a similar commitment PC1 for the Chertsey Agricultural show for the Farnborough Air Show.

4. ESSO's Outline Community Engagement Plan (CEP)

4.1 Introduction

- 4.1.1 RBC is satisfied that there is a requirement that the final CEP will be agreed with each relevant planning authority for each relevant stage of construction.

4.2 Scope

- 4.2.2 **2.1.3** - RBC appreciates that the categories outlined are identified separately as they are not part of the application. However in reality the communication regarding these matters is likely to be taking place at the same time and in relation to activities within the application. It would be useful if a commitment to apply the approach and principles within the CEP to these communications was made in the plan.
- 4.2.3 **2.1.4** - While it is envisaged that the plan will be delivered by the designated community development team, it is important that there is a wider commitment that any other Esso staff engaged with the community will work to the plan.

4.3 Core Engagement Channels

- 4.3.1 **6.1.2** - Frequency of these communications will be proposed by Esso The intention is that these plans are agreed by the LPA. The phraseology "determined" could be taken as limiting the LPAs discretion. The range of activities is itself is considered comprehensive. However it is the application and frequency of the communications that will determine their success and it is important this is subject to agreement through the process in requirement 15.
- 4.3.2 **Direct Mail** - It is proposed that leaflets or letters are sent only one week before works start in any area. While we recognise the uncertainties of the installation programme our view is that this is too short a timescale and that those properties within 50m require more notice of anticipated start dates so they can make any necessary arrangements. We would suggest 14 days is more appropriate and that ideally a prior communication giving an indication of when works might be expected before that would be useful. We would also suggest that the words or directly affected are added as just because a property is beyond 50m does not mean that it might not be impacted in a way that requires direct communication.

4.4 Frequency of engagement

- 4.4.1 **7.1.1 Add.** - The frequency of community engagement will be set out in the agreed CEP for each relevant LPA for each relevant stage.
- 4.4.2 **7.1.3** - Further details will be added once a construction schedule is available through submission of an amended CEP detailing any changes and frequencies for agreement.

4.5 8. Core Engagement Topics

- 4.5.1 **8.1.1 and 8.1.2** - It is accepted that in terms of broad community engagement the "in your area" approach is appropriate. However for those properties directly affected more specific information is essential. An outline of the type of information expected in that direct mail should be included in this section.

4.6 9. Location-Specific Tactical Communication Plans

4.6.1 **9.1.1** - We would like clarity that while included as appendices these plans form part of the CEP to be agreed by the LPA

4.6.2 **9.1.2** - Would suggest the following amendment

These plans will reflect the unique characteristics and usage of an area to ensure that all users receive the appropriate information on the works being undertaken, their impact on the usage of the area, timings and any other relevant information.

4.6.3 **9.1.4** - We are pleased that Southwood Country Park and Queen Elizabeth Park are identified. However the fact the list is examples is not acceptable. We suggested this should be changed to "These plans will be implemented for:"

4.7 10. Tracking activities

4.7.1 **10.1.1** - The frequency of sharing should be set out in the CEP as regularly is not defined. To exaggerate to make a point once a year is regularly!

4.8 11. Enquiries and complaints

4.8.1 **11.1.1** - We note the reference to adding further details in future iterations. We would expect the final outline CEP to include deadlines for responses to enquiries by category and a complaints process.

4.9 Appendix A

4.9.1 We note that the residents of QEP are not identified in the list. While we appreciate the group is still in the process of formally being established again. However this is an important location where additional engagement will be needed and so it is important they are included. The representatives of QEP have demonstrated their capability at the enquiry and the Council is engaged with them.

4.10 Appendix B

4.10.1 We would suggest that the template requires a section relating to remediation as this may not necessarily occur at the same time or immediately following the installation works.