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To Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN070005

Date: 9 March 2020

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9, 16 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

Timetable variation

As a result of written submissions, and discussions at Hearings during the week commencing 24 February 2020, it is necessary to amend the Examination Timetable.

All documentation associated with this project can be found on the National Infrastructure Planning website here:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/southampton-to-london-pipeline-project/?ipcsection=overview>.

Procedural Decisions

The revised Examination Timetable is attached at **Annex A**. This replaces the timetable that was issued in the Rule 8 letter dated 16 October 2019.

There are three revisions to the timetable, as follows:

1. **Accompanied Site Inspection 2 (ASI2)**: As requested by the Independent Education Association Limited (IEAL), we will carry out an Accompanied Site Inspection to St James Senior Boys' School. This will take place on **Thursday 19 March 2020 at 10:00am**. We do not consider it necessary to visit any additional sites during ASI2. Please note that as the IEAL continue its discussions with the Applicant, should the request for the visit be withdrawn,



we will post a banner on the project page (link above) to confirm that ASI2 has been cancelled. The Applicant and a representative from the school are required to attend. Surrey County Council and Spelthorne Borough Council are welcome to attend should they consider it necessary. Can all parties please confirm attendance with the Case Team by **Monday 16 March 2020**.

2. **Deadline 6a:** We have a number of additional questions for Natural England which are set out in **Annex B** of this letter. We have set a new deadline of **Thursday 19 March 2020 (Deadline 6a)** for a response to our questions. For the avoidance of doubt, we are not seeking information from any other party at this deadline.
3. **Deadline 7:** As a result of the creation of Deadline 6a, the final bullet point in Deadline 7 has been amended to read 'Comments on responses submitted for Deadlines 6 and 6a'.

Change Request B

The Examining Authority (ExA) has made a Procedural Decision following the change request made by the Applicant at Deadline (D)4, Thursday 30 January 2020 (Examination Library (EL) reference [REP4-001]) and at D6 (EL reference not available at the time of writing). The latter was a response to the ExA's letter of 6 February 2020 [PD-014] and from oral discussions at the Compulsory Acquisition Hearing held on Monday 24 February 2020 [EV-015] and [EV-016] (CAH2). This change request concerns three sites along the proposed pipeline route where additional compulsory acquisition (CA) powers are sought. This change is herein referred to as Request B.

We have considered the Applicant's Change B request, and the responses to our questions relating to it. This response is set out in **Annex C** to this letter.

Yours faithfully

Richard Allen

Lead Member of the Panel

Annex A Revised Examination Timetable from Monday 2 March 2020 to Thursday 9 April 2020.

Annex B: Examining Authority request for information from Natural England.

Annex C: To Make Changes to the Original Application as submitted at D4 [REP4-001] and D6 (EL unavailable at this time).

Revised Timetable for Examination of the Application

The ExA is under a duty to complete the Examination of the Application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES); • The ExA's dDCO; • Any requests for information under Rule 17 of the Examination Rules (if required). 	<p>Thursday 12 March 2020</p>
	<p>Accompanied Site Inspection 2 (ASI2) to visit:</p> <ul style="list-style-type: none"> • St James Senior Boys' School. <p>The itinerary for ASI2 will be published on the project page of our website around 5 working days before the event.</p>	<p>Thursday 19 March 2020</p> <p>10:00</p>
	<p>Deadline 6a</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Natural England's response to the ExA's request for information dated 9 March 2020. 	<p>Thursday 19 March 2020</p>
	<p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES (if required); • Comments on the ExA's dDCO (if required); • Any further information requested by the ExA under Rule 17 of the Examination Rules (if required); • An updated Guide to the Application; • An updated version of the dDCO in clean, tracked and word versions; • An updated Compulsory Acquisition Schedule; • Comments on responses submitted for Deadlines 6 and 6a. 	<p>Thursday 2 April 2020</p>
	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p>Thursday 9 April 2020</p>

Publication Dates

All information received will be published on the National Infrastructure Planning project website as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination.

Examining Authority request for information from Natural England

<p>1</p>	<p>Natural England (NE) [REP4-064] stated in response to question B2 of the ExA's Rule 17 further information request [PD-010] that they "regularly receive consultations on items of infrastructure that run through Suitable Alternative Natural Greenspaces (SANGs) and Special Protection Areas (SPAs) for that matter. Whether that be water utilities (water pipes through Swinley Forest) or electrical utilities (such as the undergrounding of pylons at Edenbrook Country Park in Hart)."</p> <p>a. Could NE specifically expand on their experience of such works permitted within SANGs and what measures (if any) do they typically require for works within SANGs (eg restrictions to timing and/or duration of works; provision of alternative space; provision of information for users of SANGs)?</p> <p>b. How long were such infrastructure works taking place both within the European sites and SANGs? What area of the European sites and SANGs were affected by such works?</p>
<p>2</p>	<p>In NE's response to questions BIO.2.22, BIO.2.23, BIO.2.27 and BIO.2.28 [REP4-063], and in confirming agreement with the Applicant's Habitats Regulation Assessment (HRA) in the signed Statement of Common Ground (SoCG) [REP1-005], NE refer to measures they understand the Applicant is proposing, to conclude no likely significant effects and/or no adverse effects on the integrity of the Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC). Could NE confirm specifically what they understand these measures to be?</p>
<p>3</p>	<p>In response to question SANG.2.7 [REP4-063] NE addressed concerns raised by Surrey Heath Borough Council (SHBC) about potential risk of displacement of recreational disturbance effects at St Catherine's Road SANG. NE sought assurance from the Applicant that concerns were being properly considered and provided advice to SHBC on suggested means of avoiding or minimising risk of visitor displacement to discuss directly with the applicant:</p> <p>a) Why did NE not seek to secure such measures in their initial and subsequent comments on the HRA?</p> <p>b) Can NE confirm if, in their view, the measures necessary to avoid adverse effects on the integrity of the SPA?</p>

Request B: To Make Changes to the Original Application as submitted at Deadlines 4 [REP4-001] and 6 (EL reference not available)

Notwithstanding the responses at D5 [REP5-001] and [REP5-022], the Applicant accepted at the CAH2 [EV-015] and [EV-016] that Change Request B did amount to additional land for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regs) and accordingly, agreed with the ExA's initial assessment [PD-014] that Regulations 4 to 19 are potentially engaged if all persons with an interest in the land do not make written submissions consenting to the additional CA powers sought or allowing the matter to be examined. The Applicant made oral submissions that it was confident the plots on which additional CA powers are sought concern only Category 1 persons, and that all such persons are consenting; indeed, the Applicant was at pains to point out that the change request was made at their behest.

At D6, the Applicant submitted a document entitled Response to Action Points from the Compulsory Acquisition Hearing (EL reference not available at the time of writing). Within that document, the Applicant identified the request for additional land concerns (new plots 231B, 1784B and 1786B). The following evidence was submitted in support of the Change Request B:

- Excerpts from the Book of Reference (BoR) illustrating the relevant plot numbers which were subject to the additional land request and all those persons with an interest over those plots;
- Excerpts from the Land Plans corresponding to the BoR and showing the new plots in questions; and
- Evidence in the form of those Affected Persons consenting to the change.

The ExA has examined the submissions and is satisfied that the all Affected Persons with an interest in the respective land, as identified in the excerpt from the proposed BoR, consent to the additional powers sought over the land. Accordingly, Regulations 4 to 19 of the CA Regs are not engaged. The ExA therefore accepts Change Request B into the Examination as a non-material amendment to the Application.

The ExA requests that the Applicant submit complete and up-to-date versions of the Land Plans, Works Plans, General Arrangement Plans, Crown Land Plans, Access and Rights of Way Plans and Special Category Land Plans for Deadline 7, **Thursday 2 April 2020**, taking account of both Change Requests A and B and any other amendments, if applicable, throughout the Examination. This will assist the ExA in making its recommendation and the Secretary of State in reaching their final decision.