

**Surrey Heath Borough Council Deadline 6
Submission**



Esso Petroleum Company Limited
Southampton to London Pipeline Project
Application for a Development Consent Order

Project reference no. EN070005

Hearing Action Points arising from the Issue Specific Hearing on the draft Development Consent Order (dDCO) held at the Village Hotel Farnborough on Tuesday 25 February 2020

Action 21

With regard to the need for a definition for vegetation, the Council is satisfied that the common meaning of vegetation as set out in the Oxford English Dictionary provides sufficient clarity for the purposes of Requirement 8. However it is noted that a tree may also be defined as a plant and, given the separate references to trees within the draft Development Consent Order, clarity on the definition of a tree may be helpful.

The Council also wishes to make the following submissions in respect of the documents submitted by the applicant at Deadline 5 and also representations made at the Issue Specific Hearing on Environmental Matters held of 26 February 2020.

The Council welcomes confirmation that the Applicant has agreed that all tree surveys and works including protection measures will be undertaken in full compliance with BS5837:2012.

Deadline 5 Applicants Response to Interested Parties on the Draft DCO at Deadline 4

DCO.2.15 Schedule 2 Requirement 3

The Council remains concerned that the use of “may” has the potential to introduce an unintended level of flexibility, and thereby uncertainty, to the proposal. Clarification from the Applicant would be welcome as to why the Applicant believes that “it would lose all meaningful control over how the development is implemented” given commitments it has given as part of the Examination process of how and when the development would be undertaken.

DCO.2.24 Schedule 2 Requirement 14

Whilst the Applicant’s commitment to provide additional information on the definition of start up and shut down activities, ie those that may take place up to an hour either side of the core working hours, is welcome, the Council continues to seek assurances that such activities are restricted to those that do not generate noise or vibration impacts. There is no objection to these details being provided within the outline CEMP provided that they do not conflict with the terms of any other requirement.

The clarification concerning the wording “reasonably necessary” and “exceptional basis” is welcome provided this is included in this requirement. If this clarification is omitted this could result in a lack of clarity and potential for disagreement between the Applicant and the relevant planning authority.

DCO.2.25 Schedule 2 Requirement 20 (now 21)

The Applicant's comments have been noted. However the Council remains concerned that this wording is not sufficient to ensure that information on this project is easily accessible and provided in a timely manner. The Council does not agree that a 3 year period is appropriate as, as previously advised, information should remain available and easily accessible in the public interest until all obligations are discharged in full.

DCO.2.28 Schedule 2 Requirement 21 (now 24)

It is noted that following the Issue Specific Hearing on the draft Development Consent Order held on the 25 February 2020 the Examining Authority has requested, as a Hearing Action Point, that the definition of business days be amended by the Applicant by Deadline 6 "to exclude days on which an election or referendum is held".

Draft Development Consent Order Deadline 5

Article 14

The Council supports the revised wording.

Schedule 1 and Schedule 2 Requirement 4

With regard to new Work No 5U the Council has consistently promoted a compound on Ministry of Defence land at Frith Hill. This was on the basis that this would be provided on a part of the extensive areas of hardsurfacing in this area. It is therefore of some concern that Work No 5U, as submitted at Deadline 5, details a new compound at Frith Hill on an area of land that has extensive tree cover with difference in site level. In this regard the Council is concerned that in the absence of a tree survey to BS5837:2012 it is difficult to fully assess the impact of tree removal in landscape terms or to confirm what would be appropriate levels of protection/reinstatement/mitigation. In this regard the Council would refer to its comments made below in respect of tree replacement at Turf Hill which would apply equally at Frith Hill. Furthermore it is not clear whether the facilities would be provided on a 24 hour basis and clarification of this would be helpful.

Schedule 2 Requirement 14

Please see comments made above in respect of DCO.2.24 Schedule 2 Requirement 14

Deadline 5 Applicant's Comments on Responses submitted for Deadline 4

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Response to the Examining Authority's written questions and requests for information (ExQ2) issued on Monday 13 January 2020

Use of noise mitigation for additional locations

In response to the applicant's response the Council's Environmental Health team advises that

"Albeit that Annex 1 of Noise and Vibration Management Plan Rev 1 remains blank (Figs showing location of proposed noise barriers) Esso's approach regarding significant receptors is acceptable bearing in mind that these are day works, and night work (emergency or congestion relief) has been screened out of the assessment by the latest revisions. We would expect to see a final clarification on exact locations and mitigation in this authority in a final Noise and Vibration Management Plan including details of any planned out of hours work due to relief of congestion. We would expect to see a statement detailing noise mitigation measures if any such night work is planned."

SANG 2.3

With regard to SANG 2.3 the Council welcomes the Applicant's confirmation that the proposed compound at St Catherine's SANG will be limited to a 32 week consecutive time period. It is considered likely that this confirmation has arisen as a result of the proposed compound at Frith Hill. This has been addressed above at Schedule 1 and Schedule 2 Requirement 4 wherein further information is sought to ensure appropriate protection/reinstatement/mitigation is secured.

The Council does not remove its objection to the Order Limits within the St Catherine's Road SANG but the Parties consider that an agreement can be reached regarding the specific terms of the occupation of the SANG should this be necessary and are continuing negotiations. Furthermore the Council would draw attention to its Deadline 5 submission 8.61 Site Specific Plan (SSP) St Catherine's SANG – Revision No 1.1. As such the Council would envisage that a revised Site Specific Plan would be submitted to address the matters and concerns made in its submission.

Concerns raised by residents at Turf Hill in relation to trees

The Council understands that the Heronscourt and Colville Gardens Residents Associations are very concerned about the potential loss of a significant number of trees in the Turf Hill area as a result of construction activities. Whilst the Council welcomes the Site Specific Plan for Turf Hill and notes that it is a step in the right direction to addressing and mitigating the potential significant impacts in this area, the Council and the Heronscourt and Colville Gardens Residents Associations are of the opinion that information submitted in respect of potential tree losses are lacking the necessary detail.

At Deadline 4 the Heronscourt and Colville Gardens Residents Associations provided a detailed submission in respect of the Applicants Arboriculture Report for Turf Hill. The Council requests that the Examining Authority seek further clarifications from the Applicant in respect of the evidence and concerns outlined by the Residents Associations throughout the Examination and in the Deadline 4 submission referencing Mr Hogg's report (Examination document 1159).

As previously requested by both the Council and the Heronscourt and Colville Gardens Residents Associations the Council welcomes confirmation that a survey in full compliance with BS5837:2012 of the trees in Turf Hill, including those along the Guildford Road, is to be undertaken by the Applicant. However it is concerning that such fundamental information to enable an informed assessment of the impact of tree removal to facilitate the pipeline in both amenity (residential and visual) and ecological terms and the likely protection/mitigation measures required to address the identified impacts is to be submitted so late in the Order process. At the hearing held on 26 February 2020, the Applicant's tree consultant advised that all replacement tree planting, on a one for one basis, would take place within the Order limits. Firstly we would draw the Examining Authority's attention to our submissions at Deadlines 4 and 5 where the Council confirmed that it would expect to see a minimum of two replacement trees for each mature tree removed with replacement trees being standard, root balled, of between 15 -20 years of age and broad leaf native species. Secondly the Site Specific Plan for Turf Hill makes it clear that replacement planting would take place outside of the 6.3 metre pipeline easement. This ongoing lack of clarity is unhelpful at this stage in the Examination process to both the Council and the Heronscourt and Colville Gardens Residents Associations

Sand lizards at Turf Hill

The Council notes that the Heronscourt and Colville Gardens Residents Associations have relayed to the Council, and as part in their detailed submissions during the Examination, that there remains a lack of detail submitted by the Applicant and Natural England as to how the sand lizards informed the route selection for Turf Hill. The Council asks that the Examining Authority requests that the Applicant provides further clarifications and detailed responses to the concerns raised by the Heronscourt and Colville Gardens Residents Associations regarding sand lizards in Turf Hill, including the lack of field surveys undertaken as part of the application process. To date, the Council understands that the Heronscourt and Colville Gardens Residents Associations consider that the information that has been submitted by the applicant does not adequately address their concerns and requests for further information.

Response from Natural England to the Right Honourable Michael Gove MP

The Thames Basin Heaths Special Protection Area comprises a network of heathland sites which are protected from adverse impact by European and national legislation.

The Council has been forwarded the text of a response from Natural England to Michael Gove following representations made to him by Lightwater residents concerning the Turf Hill section of the route. We understand this will be submitted by the residents as part of their Deadline 6 submission.

The Council is surprised by the information included in the response to Michael Gove in that it seems inconsistent with the submissions made by Natural England to the Examination and referenced by the applicant as forming part of their approach to the final route selection at Turf Hill. It was our understanding, based on discussions with the applicant and Natural England, that there was a clear preference for the route which sought to minimise the impact on the heathland habitat.

The Council considers that this raises significant questions about how the applicant, taking into account their extensive discussions with Natural England, came to the conclusion for the final route selected in this area. We ask that the Examining Authority carefully consider the views of Lightwater residents in the context of all of Natural England's comments, including the response to Michael Gove, when preparing its recommendations to the Secretary of State.

Great Crested Newts (GCN) at Windlemere

It is acknowledged that in previous submissions prior to the examination, the Council broadly agreed with the preferred route. However at that time, as the Applicant will be aware, the surveys regarding GCNs had not been published, meaning that at this stage, survey data was not available to inform the Council's opinion on the route. None the less, since details of the surveys undertaken were made available, the Council has continued, throughout the pre-examination and examination stages, to raise concerns regarding the pipelines' route and the resultant impact on the GCN communities within Windlemere, particularly as the Council is of the view that the surveys undertaken were incomplete specifically in relation to the ditches. At the time the Applicant completed the surveys in Windlemere, the ditches were dry and as such not surveyed.

However, the Applicant would, none the less, have been aware of the location of the ditches and their importance for GCN migration between ponds. Indeed, the Applicant has acknowledged that the ditches would likely be used by GCN due to their character. As such, it is surprising that the ditches on the site have not seemed to inform the route that has been decided in Windermere. In this regard it is difficult to see how severing links between ponds would minimise the impacts on the GCN population. Therefore, the Council considers that it is fair to come to the conclusion

that consideration of the GCN population in Windermere only played a small role in deciding the final alignment, given that this was only based on the location of the ponds, did not exclude the potential for severing linkages between ponds and ultimately disregarded the potential importance of the ditch network to the GCN community. The GCN population utilise the whole area, the pipelines construction will none the less sever the population's habitat in this area.

Notwithstanding this, the Council acknowledges that the Applicant has committed to undertaking further GCN surveys in April 2020 which the Council would expect to take full account of all of the ditch network on-site so that the construction impacts on the GCN population can be fully assessed and understood.

Whilst the Council acknowledges that at this late stage in the Examination process the order limits are unlikely to be amended, it is noted that the entirety of the Windlemere site is within the Council's ownership. As such, the Council commits to working with the Applicant to make the best of what the Council considers to be a bad situation for the GCN population on Windlemere, including playing a role in how the GCN question is addressed on site.

As a general point, the Council looks forward to receiving updated Site Specific Plans for St Catherine's Road SANG and Turf Hill so that, if the Development Consent Order is granted, appropriate safeguards and measures would be put in place to ensure that the pipeline is undertaken in a manner which minimises the impact on the environment and residents and provides appropriate protection, mitigation and reinstatement measures.