

The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Project ref: Southampton to London Pipeline
Project – EN070005

Your ref: 20022740

Date: 5 March 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 6' 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 final two outstanding matters; we understand that this deadline is for the final SoCG, so no further updates will be made after this.

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 (REP5-050) for this application on 13 February 2020, we have undertaken further engagement with the applicant (or their agents) as set out below:

- 14 February: Meeting between EA, Jacobs (for the applicant), Brett Aggregates and Tarmac to discuss landfill strategy. It was agreed at the end of the meeting that this matter is now 'agreed' for the purposes of the DCO application.

- 25 February: EA advised applicant that we agree with the protective provisions as amended.

- 26 February: EA received 'Technical Note 2 – Works within Flood Zone 3'.

- 28 February: EA received draft Statement of Common Ground (SoCG).

- 4 March: EA advised applicant that we have no outstanding Water Framework Directive issues following our review of the Technical Note (received on 11 February) and responses to follow-up queries (received on 4 March).

- 4 March: EA provided initial comments on 'Technical Note 2 – Works within Flood Zone 3' and raised follow-up queries with the applicant. We received responses to our queries on the same day.

- 4 March: Dalcour Maclaren (on behalf of the EA) requested updates from the applicant for River Thames Scheme / SLP Project interaction, following previous engagement.

- 5 March: EA requested further information on stockpiling of material within Flood Zone 3. This is now our only outstanding flood risk concern.

1.2 We understand that the applicant intends to submit the latest SoCG at this deadline.

2.0 Summary of outstanding issues

2.1 A number of the issues that we raised in our previous response have now been satisfactorily addressed by the applicant, through meetings, further submissions (including technical notes and other correspondence) or via statements made in the SoCG.

2.2 We are now satisfied that the following matters have been addressed satisfactorily: EA Protective Provisions, landfill strategy and Permitting matters, Water Framework Directive matters, and watercourse timing restrictions. We have provided further updates on these matters below for completeness.

2.3 We now consider there to be two outstanding issues for matters within our remit – flood risk (topsoil management) and River Thames Scheme. We address these issues below:

3.0 Flood risk – topsoil management

3.1 Following our review of the 'Technical Note 2 – Works within Flood Zone 3' (received on 26 February), we raised two further queries with the applicant regarding the height

temporary buildings are to be raised and the management of stockpiles in Flood Zone 3. We raised these queries with the applicant yesterday, 4 March.

- 3.2 The applicant responded to our queries on the same day and our query related to the raised height of temporary buildings was addressed through confirmation of commitments made by the applicant. The applicant also sought to address our queries relating to the management of material stockpiles in the floodplain. However, we do maintain some concerns with material stockpiling commitments.
- 3.3 We responded to the applicant today to outline our remaining concerns regarding material stockpiles. These concerns focus around the length of time that any stockpiles would be in place for and what will happen with any excess material.
- 3.4 In relation to the first point, as part of our Environmental Permitting process, there is an exemption for storage of material in the floodplain, but this exemption only applies for 8 weeks. At the moment, we don't believe there to be any firm commitments within the DCO around the length of time that any material will be stored in the floodplain for. We understand from the applicant that stockpiling will be short duration and the trench will be excavated and backfilled on a rolling basis. We accept that this is likely to be the case and that it is in the applicant's interest to do this. However, there is currently nothing to stop the applicant from leaving material in the floodplain for an extended period of time (e.g. beyond the 8 weeks of a Permit exemption) with the DCO.
- 3.5 We have also asked the applicant for further clarity on what will happen with excess material. When the pipe is installed it will take up some volume of the excavated material. We have asked for confirmation of whether this will be removed or spread on site, although we note that the applicant has stated that there will be no land raising, so we assume that it will be managed by removal.

4.0 River Thames Scheme

- 4.1 The comments we raised in our 'deadline 4' response (REP4-059) still stand. As at 'deadline 5' we are awaiting further information from the applicant. We requested an update from the applicant yesterday, 4 March. We acknowledge that communications between all parties will need to continue beyond the end of the DCO examination period.

5.0 Protective Provisions - agreed

- 5.1 We received updated Protective Provisions (PPs) from the applicant on 12 February. Following our review, we agreed that they are sufficient to meet our requirements. There was an outstanding query about whether the reference to compounds needed to be included, which was subject to the ongoing review of the flood risk technical note.
- 5.2 Following our review of 'Technical Note 2 – Works within Flood Zone 3', we had no outstanding issues related to compounds. We advised the applicant today that the specific references to compounds could be removed from the PPs and that they are now agreed by us.

6.0 Landfill strategy and Permitting - agreed

- 6.1 Following a meeting with all key stakeholders on 14 February, all parties agreed to the strategy laid out by the applicant in relation to the construction of the pipeline through the Permitted sites near Littleton Lane. The various components of the strategy will be undertaken by the applicant and site owner/operator, with reviews and input from the EA as required. We now consider this matter to be agreed for the purposes of the DCO application.

7.0 Water Framework Directive - agreed

- 7.1 Following our review of the additional Water Framework Directive (WFD) assessment undertaken by the applicant (received in a technical note on 11 February) to review non-Heavily Modified Waterbody (non-HMWBs) mitigation measures, we responded to the applicant with three queries or proposals – the query for sediment transfer impacts and two proposals for enhancements that could easily be carried out as part of the scheme.
- 7.2 Our query related to a reduction in sediment transfer that was mentioned in a number of the non-HMWB measures for the Hart, Fleet Brook, Cove Brook and Blackwater (Aldershot to Cove Brook confluence at Hawley), which propose buffer strips to mitigate for any sediment run off. In the WFD technical note provided by the applicant, a number of waterbodies have a risk of ‘preferential erosion upstream of the crossing’, which cumulatively across a catchment where there are multiple crossings could result in increased sediment inputs. We asked the applicant to confirm whether this has been included in their measure assessments. The applicant confirmed that cumulative impacts had been assessed and that any input would be short-term and would not prevent WFD mitigation measures from being carried out. This answered our query satisfactorily.
- 7.3 We also raised two proposals with the applicant for how they could help deliver WFD objectives as part of their development. The first proposal is to ‘restore and enhance’ waterbodies at the pipeline crossing points, rather than just reinstating them back to their previous state. The second proposal relates to a specific WFD measure on the Cove Brook for ‘bank alterations and removal of concrete channel’, and at crossing point TC016 there may be an opportunity to help deliver this measure.
- 7.4 In relation to the two proposals above, we recognise that these are enhancements and not mitigation for the scheme’s impact. We therefore propose to engage with the applicant on their Environmental Investment Programme to see whether these measures could be included to help deliver WFD objectives. Otherwise, we now consider WFD matters to be agreed for the purposes of the DCO application.

8.0 Watercourse timing restrictions - agreed

- 8.1 The applicant confirmed in the SoCG that they agree with the watercourse timing restrictions that we proposed for all crossings, so we now consider this matter agreed.