

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

Deadline 6 – 5 March 2020

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

Highways England's written summaries of oral submissions

Temporary Stopping Up

None of Highway England's roads is affected by temporary stopping up in the proposal before this Examination.

Highways England is both a promoter of Development Consent Orders but may also be an objector to others. Whilst temporary stopping up is widely used in DCOs we now have significant concerns that it is often used inappropriately and we will be reconsidering its use in future Development Consent Orders promoted by us.

The origins of temporary stopping up are in the closure of footpaths and bridleways to enable opencast mining but it is now being used much more broadly. We are unable to identify any case law into its application but we believe that there are significant risks in its use which do not exist for the alternative of using temporary traffic regulation. Historically temporary traffic regulation has been widely used by highway authorities for carrying out works on highways.

Potential risks of temporary stopping up include:

- Reversion of half widths to frontagers preventing the highway from being reinstated.
- Statutory undertakers losing the right to retain their plant in the land concerned.
- Lack of clarity as to responsibility for the safety of the public when it is expected that a highway temporarily stopped up will nevertheless remain partly open for public use.
- Lack of certainty as to when and how the temporary stopping up will be terminated.

Requirement 14, 4(c)

We suggest that Requirement 14(4)(c) be amended as follows:

(c) works on a traffic sensitive highway where so directed by the relevant 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 relevant highway authority with the relevant planning authority under the terms of such scheme.

This is to allow the Applicant to carry out works on the SRN outside normal working which may, for example, avoid large volumes of traffic being diverted from the SRN on to local roads during the day.

Alternatively Highways England is open to its Roadspace Booking System being added to the two permit schemes in the Article.

Highways England's Further Submissions on the draft Development Consent Order

At the DCO hearing on the 25th February it was suggested by Surrey County Council that the old decommissioned pipeline could in the future be used as a duct for fibre optic cables for example.

Highways England objects to this suggestion as we understand from the applicant that the old pipe is rusting away and would therefore leave a void and or become a maintenance liability under our network in the future.

We therefore request that the old pipeline, when decommissioned, is cleaned and filled with an inert foamed grout or similar material as previously advised by the applicant. This will prevent the decommissioned pipeline becoming a maintenance liability to Highways England in the future.

Highways England's Response to the Action Points arising from the Hearing

Action 9- Relevant Highway Authorities to provide a list of the traffic sensitive streets that would be affected by the proposed development.

We regret that we are unable to provide this information for the Strategic Road Network by Deadline 6 and will advise ExA as soon as possible.

Action 10 - Applicant, Relevant Highways Authorities and Highways England to review Requirement 14, 4(c) to see whether a reference to Highways England requirements needs to be included.

Highways England looks forward to discussing this with the Applicant and the two local highway authorities.