

**Response to action points  
arising from the Issue**

**Specific Hearings 24<sup>th</sup> – 25<sup>th</sup>  
February**

**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



## A response to actions arising from the ISH on the draft DCO on 25 February 2020

Action	Description	Response
5.	To consider how protection of veteran or protected trees could be secured in Requirement 12 or another Requirement should the Secretary of State be minded to grant consent and consider it necessary to do so.	<p>RBC do not agree that the wording within Requirement 12 will provide adequate protection for veteran, notable and protected trees as the wording does not protect the trees from felling, loping and other works or from disturbance or other impacts within the Root Protection Zones. As non-disturbance of the RPZ's is essential to ensure the survival of the trees and much of the root structure is situated near the surface trenching within close proximity is likely to cause a severe impact on the viability of these significant trees.</p> <p>Within Rushmoor Borough, the council is concerned regarding the trenching proposed within two areas, Old Ively Road, where the applicant has identified the tree line as part of a potential ancient woodland block, and within QEP where significant numbers of notable and veteran trees are present within or adjacent to the order limits. The council would also be concerned regarding any trenching undertaken within the RPZs of TPO trees.</p> <p><i>See also RBC's response entitled trees for the RBC tree officers concerns in relation to trenching.</i></p> <p>RBC can find no solution other than to HDD within these areas. This is the only construction method to ensure no damage to important trees and thus is promoted within 7.7.2 of the BS5837 (British Standard for trees in relation to construction updated in 2012). Within the examination process the applicant stated that they would conform fully to these standards.</p> <p>Therefore to ensure the protection of veteran and protected trees RBC recommends that the following requirement is incorporated within the DCO.</p> <p><i>Before any works occur along Old Ively Road and within Queen Elizabeth Park, a construction method statement will be submitted to and agreed by Rushmoor Borough Council.</i></p> <p><i>The construction method statement will provide details as to how Horizontal Directional Drilling (HDD) will be undertaken along Old Ively Road and throughout Queen Elizabeth Park</i></p> <p><i>Reason: To ensure no impact to the veteran and notable trees within these areas</i></p>

21.	Local Authorities to respond as to whether a definition for vegetation in relation to Requirement 8 would be needed and if it is, to provide a suggested definition.	<p>RBC is of the view that there should be a definitive definition of vegetation within Requirement 8.</p> <p>The council would suggest that the definition below should cover all vegetation but would be happy to agree wording with other authorities before deadline 7</p> <p>Vegetation would include –trees, hedgerows and shrubs, natural habitats including woodland, acidic and calcareous grassland, wetland and heathland, bankside and marginal riparian habitats, and ornamental planting.</p>
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**A response to actions arising from the ISH on Environmental Matters on 26 February 2020**

Action	Description	Response
2.	To find the specific page/paragraph in the Habitat Regulation Assessment (HRA) where reference is made to 48 breeding territories being affected.	<p>5.7.8 – 5.7.28</p> <p>The information with the HRA breaks the breeding territories down into SSSI sites and bird species so there is no overall number of territories quoted.</p> <p>As a point of correction the territories add up to 46 rather than 48 breeding territories. The council apologises for this error</p>
4.	To provide information as to how the 48 breeding territories are divided across the Site of Special Scientific Interest (SSSI).	<p><b>Bourley and Long Valley SSSI</b>  0.6 Dartford Warbler  1.0 Nightjar  0.8 Woodlark</p> <p><b>Colony Bog and Bagshot Heath SSSI</b>  14.4 Dartford Warbler  5.2 Nightjar  2.2 Woodlark</p> <p><b>Chobham Common SSSI</b>  14.4 Dartford Warbler  5.2 Nightjar  2.2 Woodlark</p> <p>46 Breeding Territories</p>
6.	RBC to confirm the source of the figure of 47.6ha identified as the amount of supporting habitat for breeding birds in para 2.2.1 of [RR-293] that would be	<p>This figure was calculated by GIS mapping within the order limits and was submitted as part of the Rushmoor Borough Council LIR. Within the LIR the council stated <i>that Although some habitat is being preserved due to trenchless methods, there is no information on the area of SPA supporting habitat that will be lost due to the project.</i></p>

	affected.	<p>Within the council's Written Representations for Deadline 2, after further examination of the HRA documents this figure was quantified with a figure of 30.68ha being calculated.</p> <p>This figure was derived from the statistics within the HRA at paragraph 5.7.5 of the HRA which were detailed as supporting habitats for qualifying birds.</p> <p>RBC apologises for the confusion this has caused.</p>																								
12.	RBC to check the references to the Environmental Improvement Programme (EIP) in relation to Queen Elizabeth Park (QEP)	RBC is of the view that the EIP does not provide the mechanism to secure the appropriate mitigation for the impact to the habitats and species within the Natura 2000 network and throughout our land holdings. The mitigation is inadequate for the impacts caused and provides no direct mitigation or compensation for the ecology to be impacted. We are happy to discuss an enhancements project with the applicant on top of any mitigation required.																								
14.	To agree a Statement of Common Ground (SoCG) on the matter of the status of the HRA.	We continue to rely upon our legal submissions provided at D3 and D5, which we note the Applicant does not support. Therefore, regrettably, an agreed SoCG on the matter of the status of the HRA is not possible.																								
21.	Southwood Country Park SANG has been designated to accommodate proposed development in Farnborough and Aldershot town centres. RBC to confirm if any of the capacity of this SANG has already been allocated to consented development.	<p>We have currently allocated the following:</p> <table border="0"> <tr> <td>Land adj 1 Pickford St</td> <td>25.9</td> </tr> <tr> <td>people expected start on site 2020</td> <td></td> </tr> <tr> <td>2-4 Mount Pleasant Rd</td> <td>37.7 people</td> </tr> <tr> <td>expected start on site 2020</td> <td></td> </tr> <tr> <td>Union St East</td> <td>288.7 people</td> </tr> <tr> <td>expected start on site 2020</td> <td></td> </tr> </table> <p>In formal pre allocation and allocation to be made and application expected to be received by end of March</p> <table border="0"> <tr> <td>The Galleries</td> <td>954.1 people</td> </tr> <tr> <td>expected start on site 2020</td> <td></td> </tr> </table> <p>In informal pre-application and allocation to be made and application expected summer 2020</p> <table border="0"> <tr> <td>Civic Quarter</td> <td>2880 people</td> </tr> <tr> <td>expected start on site 2021</td> <td></td> </tr> <tr> <td>Farnborough Town Centre other</td> <td>868.8 people</td> </tr> <tr> <td>expected start on site 2022</td> <td></td> </tr> </table> <p>Other anticipated Local Plan schemes 436.4 people allocations expected 2020-2024</p> <p>Total requirement = 5491.6</p> <p>Southwood capacity = 5250</p> <p>As can be seen the allocations made and expected exceed the Southwood Capacity. It is likely that the Civic Quarter and Farnborough Town Centre will require less SANG than allowed for by the standard methodology when final mixes are determined. However it is likely other windfall schemes may come forward. So this demonstrates that the Southwood Country Park SANG will be fully or substantial allocated and being utilised during the period of the Pipeline construction.</p>	Land adj 1 Pickford St	25.9	people expected start on site 2020		2-4 Mount Pleasant Rd	37.7 people	expected start on site 2020		Union St East	288.7 people	expected start on site 2020		The Galleries	954.1 people	expected start on site 2020		Civic Quarter	2880 people	expected start on site 2021		Farnborough Town Centre other	868.8 people	expected start on site 2022	
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40.	Produce a note providing an update on the negotiations on the temporary re-provision of the play space in QEP including details of where this would be; the type of play space to be provided; when it would be delivered and, critically how it would be secured in the DCO.	RBC notes that the ExA has requested a note on the progression of discussions to provide a temporary Play space within QEP. RBC have met with the applicant and have identified that a natural age appropriate play space could be accommodated within the glade. Another meeting is planned with the RBC ecologist to ensure no RPZ's are impacted and to decide the exact location on 10th March 2020.  See SoCG
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<b>Further matters arising from the ISH hearing upon which we wish to respond:</b>	
<b>NOISE LEVELS</b>  <b>The Applicant outlined their approach with regards to assessing noise levels, namely that they use a monthly average.</b>	<p>The approach the Applicant has adopted is not considered by RBC to be orthodox. RBC awaits sight of the explanatory note that their Noise Consultant is to provide to see their further reasoning/justification and hopefully examples of other significant infrastructure projects that have adopted this approach.</p> <p>Neither the BS 5228-1:2009 'Code of practice for noise and vibration control on construction and open sites' nor the IEMA Guidelines for Environmental Noise Impact Assessment offer any reasoned justification for the approach taken. Section E of BS 5228 discusses significance of effects and provides examples of threshold criteria. Table E.2 provides examples of time periods, averaging times and noise levels associated with the determination of eligibility for noise insulation. A copy of this table is below for information.</p>

Time	Relevant time period	Averaging time, $T$	Noise insulation trigger level dB $L_{Aeq,T}$ <sup>A)</sup>
Monday to Friday	07.00 – 08.00	1 h	70
	08.00 – 18.00	10 h	75
	18.00 – 19.00	1 h	70
	19.00 – 22.00	3 h	65
	22.00 – 07.00	1 h	55
Saturday	07.00 – 08.00	1 h	70
	08.00 – 13.00	5 h	75
	13.00 – 14.00	1 h	70
	14.00 – 22.00	3 h	65
	22.00 – 07.00	1 h	55
Sunday and Public Holidays	07.00 – 21.00	1 h	65
	21.00 – 07.00	1 h	55

<sup>A)</sup> All noise levels are predicted or measured at a point 1 m in front of the most exposed of any windows and doors in any façade of any eligible dwelling.

As RBC noted at the ISH, HS2 adopted these averaging periods for construction noise and our understanding is that so too did Thames Tideway assessments.

IMEA guidance states “The longer the averaging time period of the indicator, the more likely it is that a small change in it could be masking a larger and potentially substantial change that only occurs for a short part of the averaging period”. Even a  $T$  value of 10hrs runs a risk of masking a significant impact that may occur for a short period during the day, but at least an averaging period of 10 hours reflects the extent of a typical working day and is a recognised way of describing environmental noise, in keeping with BS 5228.

In addition, RBC notes that the noise levels appear to have been changed between Appendix 13.3 and the Outline Noise and Vibration Management Plan. Para 5.1.10 of Appendix 13.3 states that for daytime noise, the highest monthly average noise level over the works has been used. Table 3.2 of the NVMP adopts a month average only.

The Applicant stated “the assessed value is equivalent to the daily average as proposed by RBC”. (Session 3 recording: 57.40 minutes in). If so, then RBC the Applicant should have little concern in amending Table 3.2 accordingly.

Furthermore, from a practical perspective, RBC seeks to understand how the Applicant proposes one would monitor compliance with the proposed noise limits set out within Table 3.2 of the Outline Noise and Vibration Management Plan should complaint be received. The 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.

With regards 24 hour working, RBC notes that night working was removed from the most recent noise assessment, presented in Appendix 13.1 of the Noise and Vibration Technical Note Addendum report (para 1.2.3), and the assessment of day working was confined to the working hours agreed at the time (07:00 to

	<p>19:00 Monday to Saturday). Therefore, it appears that we have no data on the potential impact that 24 hour working would have at those locations.</p> <p>In addition, the use of noise barriers as a mitigation measure is only effective (assuming no holes or gaps) at reducing noise at ground floor level. If the barriers are only going to be 2m in height and, depending on how far they are located from the noise source, they may not be effective at 1<sup>st</sup> floor façade levels and above. Windows overlooking the works may well have line of sight of the noisy activities and therefore be afforded no protection. In particular, this would impact the resident of any maisonettes or flats on Ship Lane, Ringwood Road, Cove Road, Nash Close, Ship Alley, Stake Lane or Cabrol Road. Any noise sensitive receptors at first floor level and above may be afforded no or little screening depending on site layout.</p>
<p><b>TREES</b></p> <p><b>The Applicant has committed to comply in full with the British Standards for tree works within QEP</b></p>	<p>RBC welcomes the commitment by the Applicant to comply in full with BS5837:2012 (BS) in relation to works within QEP.</p> <p>RBC wishes to make it clear that our preferred construction method within QEP and along Old Ively Road is trenchless. This approach is endorsed at paragraph 7.7.2 of BS which says that trenchless techniques should be used for installing utilities in the RPAs. However, it is noted in 7.2.2. that  <i>“Provided that roots can be retained and protected in accordance with 7.2.2 (preservation of exposed roots), excavation using hand-held tools (see 7.2.1) might be acceptable for shallow service runs”.</i></p> <p>Paragraph 7.2.1 of BS5837:2012 states: <i>“To avoid damage to tree roots, existing ground levels should be retained within the RPA. Intrusion into soil (other than for piling) within the RPA is generally not acceptable and topsoil within it should be retained in situ”.</i> It goes on to state <i>“However, limited manual excavation within the RPA might be acceptable, subject to justification. Such excavation should be undertaken carefully, using hand-held tools and preferably by compressed air soil displacement.</i>  <i>Note Due to the demands that manual excavation places on a development project and limitations arising from health and safety considerations, it is not realistic to plan for excavation using hand-held tools where there is a need for trench shoring or grading the sides of the excavation to a stable angle of repose.”</i></p> <ul style="list-style-type: none"> <li>• Firstly, the development would not be achievable within the RPA of retained trees by means of a “shallow service run” as the excavations are planned to be 1m below ground</li> <li>• Secondly, the use of “compressed air soil displacement” tools (aka The Air Spade) creates clouds of soil dust most of which cannot be recovered for back-filling as advocated in the first sentence in 7.2.1. The soil at QEP is a humus layer over free draining sands and gravels and use of an air spade here may have significant environmental (air quality) implications.</li> <li>• Thirdly, any trench depth greater than 1m would require “shoring” (shuttering) and require severing any bridging roots to achieve this. This is because operators would be required to enter the trench to feed the pipe through the roots, and Health and Safety demands that they are not</li> </ul>

<p><b>Comment on the Site Specific Plan for QEP</b></p>	<p>exposed to burial. The alternative would be to “grade” the sides of the trench, avoiding root severance and allowing operators to feed the pipe beneath the roots but exposing a greater extent of roots both sides of the run, to the detriment of the tree. Naturally the extent of “grading” is determined by the depth of the trench.</p> <p>In summary, RBC cannot see how the development is achievable within the RPA of retained trees by trenching without seriously compromising the health of this important community woodland and the notable and veteran trees within it. Only trenchless insertion methods can achieve the Applicant’s objective without causing serious adverse environmental implications.</p> <p>Finally, the plan in the QEP Site Specific Plan needs to refer to RPAs from the BS, and not to the tree protection areas in the NJUG.</p>
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