

**ESSO's comments to
submissions and answers
to ExA Questions
Submitted for Deadline 5**

**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

Applicant's comments on responses submitted for Deadline 5

1. Impacts on the Thames Basin Heaths SPA

1.1. Habitat Loss

- 1.1.1 RBC respectfully refers the ExA to our oral, legal and written submissions relating to protection of the Thames Basin Heaths Special Protection Area (SPA) and our concerns regarding significant impact due to direct habitat loss and visitor displacement within the SANGS
- 1.1.2 The applicant prepared a response to our legal case. to which RBC provided further representations at Deadline 5. The council have also provided further clarification of our position in relation to Natural England's representations at Deadline 5. RBC does not wish to make further submissions relating to direct habitat loss, other than to refer the ExA to Hearings Action Points 2, 4, and 6 in relation to clarification of RBC's position on calculation of breeding territories and supporting habitat loss within the SPA. The council wish to confirm that this information was obtained from the applicant's HRA.
- 1.1.3 It is the council's view that the decision in relation to significant impact should be made by the Secretary of State, informed by the Appropriate Assessment prepared by the ExA.

1.2 Recreational Pressure

- 1.2.1 In respect of recreational pressure from Southwood Country Park SANG, RBC feels that there is appropriate mitigation which could limit displacement of the visitors onto the SPA. The council is working with the EA, our partners in the delivery of the existing Southwood and Cove Brook River and Floodplain Improvement Project, to devise a mitigation strategy which would ensure that displacement from the SANG onto the SPA would be minimised. As detailed within the hearing the strategy would contain three safeguards to limit recreational impact.
- **Autumn working** - other than within the EA Flood Alleviation Area and areas likely to be impassable within the wetter periods. These areas would be agreed with RBC and the EA as part of detailed planning.
 - **Phased working** – Within the Southwood Country Park Site Specific Plan there is a clear schedule of works. The schedule details five distinct phases of work which would occasion the applicant working within the Country Park for 45 weeks.

Works	Estimated Duration
Enabling works, including compound (4AC)	4 – 6 weeks
Mobilisation	3 weeks
Open Cut	14 weeks
TC014 (A327 Ively Road) auger bore	8 weeks
TC014a (Flood Storage Dam) auger bore	8 weeks
Reinstatement	4–6 weeks. Reinstatement will take into account seasonal constraints including

	tree planting seasonality and will occur in the first available planting season
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1.2.2 Other than at these times, RBC would request that the DCO require no construction equipment be left on site, other than the site compound, and that clear dates to be agreed and identified within the works schedules to enable visitors to be given prior notice of disruption and enable the council to direct them to Cove Brook Greenways.

- **Delivery of Cove Brook Greenways temporary SANG** – Cove Brook Greenways is a linear corridor that stretches throughout Farnborough. Cove Brook is buffered by close mown amenity green space throughout the corridor. Currently the river is engineered in many areas and overgrown by bramble. There is an opportunity to transform the river into a natural habitat that visitors will be drawn to. The naturalisation of the river corridor would provide an appropriate alternative natural SANG for the two year period when the Country Park would be disrupted. The project could be delivered in the winter of 2020 in preparation for the works in 2021.

1.2.3 The council has requested a meeting with ESSO and the EA in the next week to discuss habitat and amenity enhancement of the Cove Brook Greenways. The EA and the council are working on a joint costed project plan, which we are hoping to share with the applicant when we meet. We hope that ESSO will be willing to work with us on this plan so we can assure the SPA is protected from recreational pressure within Rushmoor Borough.

1.3 In-combination impacts of direct habitat loss and visitor displacement from the SANG network

1.3.1 The applicant appears to have misunderstood our concerns regarding in-combination impacts within the project. RBC agrees that a list of external projects and schemes was produced within appendix E of the HRA and that RBC confirmed the projects would not cause impact in-combination with the proposed pipeline.

1.3.2 The council's concerns are focused around the in-combination impacts within the project itself, namely the interaction between direct habitat loss and increases in recreational pressure not the external projects. If the bird population loses areas of habitat in which to breed and this loss is coupled with disturbance due to visitors and dogs, a wider proportion of the breeding bird population will be impacted and fewer chicks will survive. This will lead to depression of the overall breeding numbers from both impacts.

2. The adequacy of biodiversity surveys

2.1.1 The applicant states that *there was no comment on the scope of the ecological surveys raised by Rushmoor Borough Council within their Scoping response*. This is indeed the case. Paragraph 7.3.33 of the EIA Scoping Report listed the taxa that were to be surveyed and Appendix 3 provided details of the methodology to be used to survey. The methodologies generally promoted survey in areas where the species were likely to occur, with areas such as amenity grassland and farmland excluded from the detailed surveys. This methodology is perfectly appropriate and therefore RBC had no concerns that all protected species would be identified.

- 2.1.2 The council's argument is that the surveys detailed within 7.3.33 and the methodologies were not carried out on the ground. For example areas likely to contain high numbers of reptiles such as Southwood Country Park were not surveyed at all. Even when operating as a golf course the site contained a woodland grassland complex with significant areas of long grass and a ditch system. All these habitat features would indicate that at least a medium population of reptiles would be likely to be present and therefore under the survey methodology Southwood Country Park should have been surveyed. Surveys undertaken by RBC showed that a medium population of common lizard and a large population of slow worm are present within the site, however if we had not obtained this data, their presence would not have been considered and no protection provided.
- 2.1.3 In respect of QEP the council refers the ExA to the Calyx Environmental Bat Survey submitted at Deadline 5. The applicant claims that they undertook ground based and climbing surveys for bats and found only two low potential trees, which on climbing were downgraded to negligible status. However Calyx Environmental found 4 high potential, 9 moderate potential and 6 low potential trees within or adjacent to the order limits.
- 2.1.4 The results above show that, although the methodology was sound. the analysis of the habitat and the survey effort was seriously lacking, with the end result being that there are highly likely to be populations of protected species throughout the route that have not been identified and so will not be protected or impacts mitigated. There are clear Natural England standing advice guidelines for both survey effort and mitigation for protected species to ensure no infringement of European and British law. However within this application RBC do not feel these guidelines have been followed and are concerned the proposals will lead to illegal disturbance.
- 2.1.5 RBC has repeatedly offered to share our ecological data for the Country Park with the applicant and RBC will submit the survey report at Deadline 6.

3 Development Control Order – suggested changes

- 3.1.1 RBC note that the applicant has made minor changes in response to our comments at Deadline 4, however we still have a number of significant concerns regarding the wording of Articles and requirements. *(See Comments on applicant Deadline 5 submission of the Development Control Order)*

4 Trees, Vegetation Removal and Planting

4.1 Tree replacement planting

- 4.1.1 Within the applicant's comments they have focused exclusively on TPO trees. In respect of TPO's RBC would be concerned if any TPO were to be lost and would expect appropriate mitigation to be provided. The council apologises for not providing locations to the TPOs. We are submitting a map of all TPO's within the order limits with grid references as part of our Deadline 6 submission.
- 4.1.2 The applicant seems to have misunderstood the issue in relation to replacement trees and Biodiversity Offsetting. Within the SCP and QEP there are a number of trees to be lost to the

development, with other habitats also impacted within the SCP. The requirement to achieve no biodiversity net loss within development is a key pillar of the government's Draft Environment Bill. Throughout Hampshire Local Authorities are requesting that Biodiversity Offsetting calculations are undertaken, with any loss mitigated, ideally on site or through the use of Biodiversity Offsetting outside the red line boundary. Defra have produced the metric specifically to aid determining authorities to achieve no net biodiversity loss. RBC note that as a major infrastructure project the applicant does not need to prove a net gain in biodiversity, but the council does not feel this absolves them from causing impact and leaving Rushmoor Borough in a worse ecological state than before the development.

- 4.1.3 The value of Biodiversity Offsetting is particularly pertinent in the case of trees and woodland as it considers the age taken for a tree to mature. If a tree were to be lost in QEP, then the calculation would indicate the number of trees required to compensate for this. A sapling would only need to be replaced by another sapling on a like for like basis, whereas a mature tree might require many trees to be planted to compensate. These trees could not be planted on site without impacting the ecology of the beech woodland and so a location would need to be identified to accommodate the additional mitigation and no biodiversity net loss would be achieved.
- 4.1.4 As an urban borough, the natural spaces are very valuable to our local residents. If this application causes loss, which is mitigated in another borough, the council will lose not only mature habitats of note, but also the services that natural habitats provide for climate change such as shade, alleviation of the heat island effect and flooding. Therefore RBC continues to request that the ExA consider the use of Biodiversity Offsetting within their determination of the DCO.

4.2 Tree protection measures

- 4.2.1 RBC refers the ExA to our response in relation to the BS5837 (British Standard for trees in relation to construction updated in 2012)

4.3 Planting Mitigation

- 4.3.1 RBC notes the response of the applicant to our concerns in relation to the words "*where practical*" and understands this has now been removed from Requirement 8. The council welcomes this change.

5 Noise Mitigation and the use of Echo Fencing

- 5.1.1 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.
- 5.1.2 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.

Time	Relevant time period	Averaging time, T	Noise insulation trigger level dB $L_{Aeq,T}$ ^{A)}
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

^{A)} 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.

- 5.1.3 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.
- 5.1.4 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.
- 5.1.5 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.
- 5.1.6 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.
- 5.1.7 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 LAeq,T values averaged over each working day during the four-week period with the highest levels of construction activity.
- 5.1.8 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 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.

- 5.1.9 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 1st 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.

6 Potential Additional Requirement for Sports Pitch's

- 6.1.1 RBC hold the position that our additional requirement is valid to ensure that
- RBC can plan any disruption to the use of the pitch and provide alternative facilities for the clubs that use the site for the duration of the works
 - To ensure that any damage done to the pitch during construction is appropriately reported
 - To ensure that the playing pitch or open space can be managed for the activity for which it was intended in the short and long term

7 Queen Elizabeth Park

7.1 Horizontal Directional Drilling within QEP

- 7.1.1 RBC wishes to clarify our position in relation to HDD verses trenching. The council is very concerned regarding the damage that would be occasioned by open cut trenching on the beech woodland within QEP. We feel it would cause irrevocable damage to the ecology of the woodland and would be likely to lead to the loss of a number of notable and veteran trees, which has grown on this site for 200 – 300 years. The council would respectfully request that serious consideration is given to the ecological damage that open trenching would cause and that the ExA recommend that HDD is undertaken within the park.
- 7.1.2 RBC has been in discussion with HDD experts who have stated that trench excavation for the pipeline will be unable to be undertaken without damage to roots within the RPA's. The council note that the applicant has suggested air shovels will be used, however, regardless of the excavation technique; once the pipe is fed into the trench the force of pulling it through will break all roots within its path. Due to the pipeline being buried at such a shallow level, within a meter of the surface, this would lead to significant damage as many of the essential roots of trees are within the top layers of the soil.
- 7.1.3 RBC fully supports the report prepared by the Friends of Queen Elizabeth Park and the options that have been proposed to enable HDD through the park without the need to impact on the veteran trees within Farnborough Hill School. RBC's ecologist has undertaken

a site visit with the group and Mr Francis to ensure that the area selected contains habitats of least value and can confirm that the option proposed will only lead to the loss of bramble and young birch, with possible impact on one beech. The council wish to work with the applicant within the period between deadline 6 and 7 to try to agree a HDD option to ensure the long term preservation of this special site.

- 7.1.4 RBC is intending to commission an expert report from a qualified HDD expert between Deadline 6 and Deadline 7 to enable informed discussion with the applicant on all excavation options before the close of the examination. However, due to time constraints the report may not be available until Deadline 7.

7.2 New works access off the A325

- 7.2.1 RBC wish to refer the ExA to the work undertaken by the Friends of Queen Elizabeth Park which show that the area identified for the auger pit is completely covered by RPZs. Damage to the root zones within this area would cause significant damage to many mature trees within the area and would be likely to lead to the fragmentation of the vegetated corridor along the A325 in the medium to long term. Even if no trees were removed, it is the impact on the root zones and the long term survival of the trees which is the council's greatest concern.

- 7.2.2 Within a meeting held on 26th February 2020, the applicant provided further verbal information as to how the compound was to be constructed and the machinery was to be accommodated in this area. RBC was informed that a ramp would be constructed with hard surfacing placed over the top of the ramp to enable access. This was new information and not included anywhere within the application documents. The council is extremely concerned regarding these plans as we feel that this is paramount to land rising and is likely to change the sensitive hydrology of the woodland for the duration of the works and possibly in the longer term. RBC is also concerned that the weight of this structure, coupled with the facilities and machinery planned to be accommodated within the pit and compound, would be likely to lead to severe compaction of any roots under the structure, causing long term damage to the root systems of a number of significant boundary trees.

7.3 Alternative car park provision

- 7.3.1 RBC is concerned regarding the proposals to provide an alternative car park at Farnborough Road for the duration of the works. The existing car park is only an overflow car park and is unsurfaced. In the winter the site becomes boggy and unusable. *(See pictures for details)*. The site is extremely small, accommodating no more than 10 cars and is extremely well used currently. The Friends of Queen Elizabeth Park have undertaken a survey which shows that both car parks are often at full capacity. We hope to submit this to the ExA at Deadline 7.
- 7.3.2 If the car park is to be provided within the current Farnborough Road site, the facility would require significant upgrading with hard surfacing and drainage. RBC will discuss these concerns with the applicant between Deadline 6 and 7 to try to resolve this issue.



7.4 NEAP Provision

- 7.4.1 RBC notes that the ExA has requested a note on the progression of discussions to provide a temporary Play space within QEP. RBC has 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 for RBC's concerns regarding deliverability)*

1.2 Comments to the Environment Agency representations

1.2.4 The council notes that there are still some outstanding issues between the EA and ant applicant in regards to Cove Brook. RBC is working with the EA to enhance the ecology of the Cove Brook catchment with a significant program of habitat restoration and enhancements planned, including decelerating. We support the EA's position that no works should be undertaken during fish breeding times within Cove Brook and that no culverts should be constructed within any of the waterways within the Country Park.

1.2.5