

Date: 12 March 2020



Planning Inspectorate

BY EMAIL ONLY

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Dear Planning Inspectorate,

Application by Esso Petroleum Company, Limited for the Southampton to London Pipeline Project

The Examining Authority's written questions and requests for further information

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find below Natural England's response to the three additional Examiners written questions and requests for information.

1. Natural England (NE) [REP4-064] stated in response to question B2 of the ExA's Rule 17 further information request [PD-010] that they "regularly receive consultations on items of infrastructure that run through Suitable Alternative Natural Greenspaces (SANGs) and Special Protection Areas (SPAs) for that matter. Whether that be water utilities (water pipes through Swinley Forest) or electrical utilities (such as the undergrounding of pylons at Edenbrook Country Park in Hart)."

- a. Could NE specifically expand on their experience of such works permitted within SANGs and what measures (if any) do they typically require for works within SANGs (eg restrictions to timing and/or duration of works; provision of alternative space; provision of information for users of SANGs)?**

In general, Natural England is only directly involved as a statutory consultee over works taking place within a SANG in cases where the SANG is in close proximity to the Thames Basin Heaths SPA and there is a clear risk of adverse impacts on the European site, such as through visitor displacement or direct impacts on habitats which support the Annex 1 birds for which the SPA is classified. Natural England is not generally consulted over works taking place on SANGs which are some distance from the SPA boundary. There is no legal obligation to do so. Natural England's statutory role is limited to consultation over works which 'are likely to damage any of the flora, fauna or geological or physiographical features by reason which a site of special scientific interest is of special interest'.

In most cases where Natural England has been involved in consultation over works on SANGs this has been over works within a small area of the site and over a short duration, such as clearance of vegetation under power lines, which would normally take only a few days. Such works are routinely timed to take place during the winter when, even if there were to be some displacement of visitors it is outside the bird breeding season and therefore there is unlikely to be a risk of impacts on Annex 1 birds.

However, we are occasionally consulted over works of longer duration. An example is the installation of a new water main at Broadmoor to Bagshot Woods and Heaths SSSI, part of Thames Basin Heaths SPA, which took place in 2015. Natural England worked with the local planning authority and applicant (South East Water) to agree safeguards which allowed a conclusion of 'no likely significant effect' to be made. The measures agreed were very similar to those which we have advised in the current application:

- Avoidance of particularly sensitive areas through modification to the line of the route;
- Routing the pipeline along the edge of existing tracks so as to minimise habitat loss;
- Agreement over access routes and location of site compounds to minimise risk of disturbance of Annex 1 birds;
- Timing of operations so that the bulk of the work was to be carried out outside bird breeding season;
- Where works were unavoidable in bird breeding season pre-works checks were to be carried out by suitably qualified ecologists to ensure that there was no disturbance of active nests;
- Use of no-dig installation techniques in wetland areas;
- Proposals for habitat restoration where natural recovery was unlikely to be successful;

With these measures in place Natural England was able to advise the local planning authority that it had no objection to the proposal subject to the agreed measures being attached as conditions.

With regard to the example of works taking place within a SANG, the case at Edenbrook Country Park near Fleet was the removal of large electricity pylons and overhead power cables followed by installation of a buried cable which took place in 2014. The project involved cable installation along a length of roughly 960 metres within the SANG. Natural England was not initially consulted over this project. However, when the project was brought to our attention we were able to advise the local authority that we were satisfied that the proposal did not raise concerns over possible impacts on TBH SPA because:

- The scale of the project and area of the site affected was relatively small in the context of the size of the SANG (which is 33 hectares in total), so that the risk of displacement of visitors from the SANG to the SPA was considered negligible;
- The works could be carried out sequentially across the site so that disruption in any one part of the site was of short duration;
- The natural habitat was being restored after cable installation so that there would be no long term degradation of the landscape character of the SANG;
- The removal of large pylons was likely to improve the landscape character of the area and hence the attractiveness of the SANG to visitors.

b. How long were such infrastructure works taking place both within the European sites and SANGs? What area of the European sites and SANGs were affected by such works?

The installation of the new water main at Broadmoor to Bagshot Woods and Heaths SSSI had a duration of just under 12 months. This affected an area of about 80 hectares (based on a rough calculation) which is about 0.9% of the area of the SPA. Much of the area affected was conifer plantation, and where this was the case the route is being maintained as a broad heathy 'ride', which is intended to provide improved supporting habitat conditions for Annex 1 birds.

2. In NE's response to questions BIO.2.22, BIO.2.23, BIO.2.27 and BIO.2.28 [REP4-063], and in confirming agreement with the Applicant's Habitats Regulation Assessment (HRA) in the signed Statement of Common Ground (SoCG) [REP1-005], NE refer to measures they understand the Applicant is proposing, to conclude no likely significant effects and/or no adverse effects on the integrity of the Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC). Could NE confirm specifically what they understand these measures to be?

These 'measures' are the avoidance and mitigation mechanisms referred to in the application documents including the use of minimum working width in particularly sensitive areas, avoidance of open heathland for use as site compounds, the general policy of selection of route options which avoid sensitive areas completely, trenchless working in areas of wet heath and mire, timing of operations in areas of open heath in TBH SPA to avoid bird nesting season, adherence to good working practice such as safeguards to protect against oil/fuel spillage, supervision of works within the SPA by suitably qualified ecologists etc.

3. In response to question SANG.2.7 [REP4-063] NE addressed concerns raised by Surrey Heath Borough Council (SHBC) about potential risk of displacement of recreational disturbance effects at St Catherine's Road SANG. NE sought assurance from the Applicant that concerns were being properly considered and provided advice to SHBC on suggested means of avoiding or minimising risk of visitor displacement to discuss directly with the applicant:

a. Why did NE not seek to secure such measures in their initial and subsequent comments on the HRA?

Natural England's remit is to consider whether a project is likely to have an adverse effect on the integrity of the designated sites. Natural England considers this issue to be addressed through the HRA Report provided by the Applicant. As stated within the HRA Report, the Applicant assessed the likely effect of displacement of recreation users from SANGs to the Thames Basin Heath SPA. This was unlikely to affect the integrity of the site due to the short-term duration of the works and that other open spaces were available for recreation in the vicinity.

Natural England recognises that despite the conclusions of the HRA Report, that Surrey Heath Borough Council was still concerned about the effects on the SANG. Therefore, Natural England provided advice to Surrey Heath Borough Council on some standard good practice measures that could further reduce effects of displacement from the SANG. Natural England recognises that many of these measures would be standard on construction projects of this type for example reducing working areas and provision of information about access to the site and do not consider these to be specifically noted to underpin the conclusions of the HRA Report.

b. Can NE confirm if, in their view, the *text missing*

Natural England remains confident that with appropriate safeguards in place the use of part of this SANG poses no significant risk of measurable adverse effects on TBH SPA through visitor displacement.

Yours sincerely,
Marc Turner
Senior Planning Adviser
Thames Solent Team