

Southampton to London Pipeline Project

Deadline 7

Applicant's Comments on the RIES

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Southampton to London
Pipeline Project



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1 Applicant's comments on the Report on the Implication for European Sites (RIES)

1.1 Summary

- 1.1.1 This document sets out the Applicant's comments on the Report on the Implications for European Sites (RIES) which was published by the Planning Inspectorate on 12 March 2020 ([PD-016](#)). A detailed response to specific elements of the RIES is provided in Table 1.1 to this document.
- 1.1.2 By way of introduction, some contextual issues are addressed.
- 1.1.3 The Applicant carried out and submitted with its application for development consent a Habitats Regulations Assessment (HRA) (**Application Document [APP-130](#) and [APP-131](#)**). The HRA Report assesses the potential for the project to result in likely significant effects on European sites located within the project's zone of influence. The HRA Report sets out those pathways to likely significant effects which were 'screened out' from appropriate assessment at stage 1 of the assessment. Notably, this included the pathway of physical disturbance during construction, to the Thames Basin Heaths Special Protection Area (the SPA) and that decision, including how it was reached, has been the subject of some discussion during the course of this examination (see further below).
- 1.1.4 A small number of pathways to likely significant effects were 'screened in' to appropriate assessment. This included the pathway of potential recreational displacement to the SPA from the Suitable Alternative Natural Greenspaces (SANGs) which are affected by the construction of the project. However, at the stage 2 appropriate assessment, the Applicant concluded that any displacement of recreational displacement to the SPA from affected SANGs would be temporary and small-scale and would not, on that basis, adversely affect the integrity of the SPA. Again, that decision has been the subject of some discussion throughout the examination.
- 1.1.5 The HRA Report is the product of long-standing discussion and engagement with the relevant expert bodies, including most notably Natural England. Natural England has consistently confirmed that it agrees with the conclusions reached by the Applicant in the HRA Report. Indeed, given the level of engagement between Natural England and the Applicant at the pre-application stage, Natural England has not sought to make extensive submissions during this examination, but has nevertheless on numerous occasions confirmed its agreement with the Applicant's work. The decision maker should of course attach considerable weight to Natural England's support. However, the Applicant's work is not challenged by the relevant Wildlife Trusts, or the Ministry of Defence's ecology team, who are directly responsible for the management of the parts of the SPA which are affected by the project.



- 1.1.6 As noted, two matters have been the subject of recurring discussion throughout this examination and these are:
- 1) the Applicant's decision to 'screen out' from appropriate assessment the potential for likely significant effects on the SPA due to physical disturbance during construction works within the SPA; and
 - 2) the Applicant's conclusion that the potential displacement of recreational activity to the SPA from SANGs as a result of construction works in those SANGs would not adversely affect the integrity of the SPA.
- 1.1.7 In respect of the first of these matters, the basis of the Applicant's decision to 'screen out' likely significant effects was the very small extent of the area of the SPA which would be affected by works and the temporary, short-term nature of any associated impacts. Those reasons are explained in further detail in the HRA Report (see in particular paragraph (a) of the screening matrix at Table D7) and have been elaborated further during this examination, for example in the Applicant's response to Deadline 3 legal comments ([REP4-032](#)).
- 1.1.8 The Applicant's conclusion in relation to the screening out of this pathway to likely significant effects on the SPA remains the subject of ongoing disagreement by Rushmoor Borough Council (RBC). This is in circumstances where none of the habitat disturbance in question is in fact located within Rushmoor, but within other administrative authorities' areas, and those authorities no longer seek actively to challenge the Applicant's conclusion.
- 1.1.9 RBC says that it was incorrect for the Applicant to conclude that the small extent of the SPA affected was relevant to the significance of effects and further that the Applicant was wrong to conclude that the disturbance to the SPA was temporary in nature. In saying this, RBC effectively submits that, since there is a difference of opinion between the Applicant's team of expert ecologists on the one hand, underscored though that opinion is by the expert views of Natural England and the Wildlife Trusts, and RBC's own officer on the other, an appropriate assessment should follow. That is, of course, not the case. If it were, then the screening stage would be devoid of all practical worth, save in cases where there is no disagreement between any party about the screening out of likely significant effects.
- 1.1.10 In response to RBC's submission that the small extent of the SPA affected by construction works was no answer to the significance of effects on the SPA, the Applicant explained at Deadlines 4 ([REP4-032](#)) and 6 ([REP6-075](#)) why that was wrong both as a matter of law and fact. This factor is of course directly relevant to the question of significance of effects, in circumstances where the area of the SPA affected by construction – just 0.4% of the total area of the SPA – forms such a small proportion of the total area of the SPA. The temporary nature of impacts is also entirely relevant to the significance of effects, especially where, as here, qualifying ground-nesting

birds will continue to be able to use the affected areas of the SPA during each breeding season, because the Applicant has committed not to carry out works during that time and also because, following the completion of works, birds will be able to use the affected habitat before it has fully regenerated. This ability for the qualifying bird species to utilise affected habitat prior to full regeneration is supported by the fact that standard SPA management practices involve the clearance of an area of SPA far greater than 9ha, on an annual basis. This clearance involves activities such as the cutting of heather and grassland to encourage young plants and the removal of all vegetation to expose bare earth. In Chobham Common alone, the Wildlife Trust has an aim to clear 10ha annually in this way.

- 1.1.11 During examination, RBC also questioned the extent to which the Applicant had relied on measures – specifically narrow working and trenchless construction techniques – in reaching a negative screening conclusion in respect of physical disturbance to the SPA during construction. This topic was also debated at some length at ISH5. The Applicant has now clarified ([REP6-074](#)), by reference to Table D7 of the HRA Report, that such measures formed no part of its decision to screen out physical disturbance to the SPA from appropriate assessment.
- 1.1.12 However, without prejudice to its conclusions, the Applicant provided at Deadline 6 ([REP6-074, Appendix 1](#)) the data necessary to conduct an appropriate assessment, in the same way that it already had for noise impacts on the SPA and recreational pressure from SANG displacement. The data are sufficient to reach the very firm conclusion that there would be no adverse impact on the integrity of the SPA due to this pathway.
- 1.1.13 Should the Examining Authority and the Secretary of State consider it necessary, they will therefore be in a position to carry out an appropriate assessment of this pathway.
- 1.1.14 On the concerns raised by RBC regarding the screening of effects, the Applicant has therefore provided a robust case in defence of the conclusions reached in the HRA. Those concerns do of course run counter to the general expression of support and confidence in the Applicant's work.
- 1.1.15 On the second principal matter explored during examination, namely the Applicant's finding of no adverse effect on the integrity of the SPA due to the displacement of recreational pressure from affected SANGs, the position is substantially the same. That is to say that it is RBC that seeks actively to call into doubt the Applicant's finding, despite the fact that only one (Southwood Country Park SANG) is located within its area and the local authorities with responsibility for the management of the other affected SANGs have either acknowledged that works in those SANGs would not have a significant impact on the SPA (in the case of Surrey Heath Borough



Council for Windlemere SANG), and have not raised a specific concern regarding the impacts of the scheme on SANGs (in the case of Hart District Council for Crookham Park SANG and Runnymede Borough Council for Chertsey Meads SANG) or have previously confirmed those impacts were capable of being managed (in the case of Surrey Heath Borough Council for St Catherine's Road SANG).

- 1.1.16 RBC has throughout made generalised assertions regarding the impact of the project on SANGs and has at no point engaged with the specific nature of the impacts at each affected SANG.
- 1.1.17 This generalised approach is in contrast to the Applicant's approach. The HRA Report itself evaluates the position at each affected site, in terms of the area of SANG affected as a proportion of its size overall and the availability of alternative greenspace (including those parts of the SANGs which would not be affected by construction works) outside the SPA to absorb any displaced recreational pressure from affected SANGs.
- 1.1.18 On the basis of that detailed evaluation, the Applicant found that it could be concluded beyond all reasonable scientific doubt that any displacement of recreational activity to the SPA would be very low and, in any event, not of a level that would result in a finding of adverse effects on the integrity of the SPA. That conclusion has been consistently endorsed by Natural England.
- 1.1.19 On the two principal issues explored throughout examination, then, the Applicant is very confident in the conclusions it has reached and which are recorded in the HRA Report. The Applicant does not consider that RBC's submissions undermine those conclusions.
- 1.1.20 As noted, Table 1.1 of this Document sets out the Applicant's detailed comments on the RIES.
- 1.1.21 The Applicant appreciates that the RIES is largely a factual summary of the submissions made by the Applicant and interested parties in relation to HRA matters throughout the examination. However, the Applicant has taken the opportunity (a) to clarify a small number of matters as reported in the RIES; and (b) to emphasise the Applicant's case on the principal matters of disagreement which are outstanding between it and RBC as the end of this examination approaches.
- 1.1.22 The Applicant considers that both this summary and Table 1.1 below are relevant and important for the purposes of the Examining Authority's reporting to the Secretary of State and the Secretary of State's decision making, and therefore requests that these submissions inform any future iteration of the RIES and the Examining Authority's reporting to the Secretary of State as appropriate.



Table 1.1: Applicants detailed comments on the RIES

RIES Reference	RIES Point Raised	Applicants Response to point raised:
1.1.2	<p>“As such, the Applicant provided an HRA report [APP-130 and APP-131] entitled ‘Habitats Regulations Assessment Report (stages 1 - 2)’ with the DCO application, together with screening and integrity matrices. The Applicant resubmitted the HRA screening matrices (Appendix D to the HRA report) as an additional submission [AS-026] following acceptance of the application.”</p>	<p>The original application of the HRA Report (Application Documents APP-130 and APP-131) uploaded on the Planning Inspectorate website in May 2019 had the last page of Appendix D missing, which contains the footnotes from e-i. The Applicant resubmitted Appendix D of the HRA Report to the Examining Authority on 13 August (AS-026), as part of the section 51 submission, and this was uploaded as a pdf to the project website. This contains the missing page (page 18).</p>
1.1.4	<p>“Several errors and missing information were noted by the ExA and a request for these to be addressed was made in the written questions (BIO.1.61)”.</p>	<p>There were seven minor errors contained within the Habitats Regulations Assessment Report (Application Documents APP-130 and APP-131) and these had no bearing upon the conclusions of the HRA. The missing footnotes (e-i) from Appendix D, were submitted to the Examining Authority on 13 August 2019 (AS-026), as part of the section 51 submission. The incorrect references to Annex B, which should have stated Appendix B, have been corrected in the relevant commitments through examination. The other errors or omissions were noted in the Applicant’s response to the Examining Authority’s written question BIO.1.61 at Deadline 2 (REP2-040) and were corrected through an errata document submitted at Deadline 4 (REP4-056).</p>
2.0.3	<p>“...Figure 9.2 shows four Suitable Alternative Natural Greenspace (SANG) sites and one proposed SANG in relation to the Proposed</p>	<p>The Applicant would clarify that SANGs provide mitigation for housing and additional recreation impact of that housing on the Thames Basin Heaths SPA. In addition, these five SANGs are not the only SANGs associated with the Thames</p>

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
	Development. These SANG sites comprise mitigation for the Thames Basin Heaths SPA.”	Basin Heaths SPA. There are over 60 SANGs associated with the Thames Basin Heaths at the current time and many other open spaces not classed as SANGs.
2.1.3 and section 3.5	“With respect to the decommissioning stage of the Proposed Development, the HRA report [APP-130 and APP-131] stated at Section 2.5 that it is not possible to assess the probable effects of decommissioning at the present time...”	The Applicant notes that, in relation to the decommissioning of the replacement pipeline, the Scoping Opinion (Application Document APP-078) for the Environmental Impact Assessment stated at 2.3.5 ‘ <i>The Inspectorate agrees that decommissioning can be scoped out of the assessment on the basis that decommissioning of the Proposed Development is unlikely to occur in the foreseeable future</i> ’.
3.1.8	“The HRA report ... concluded ... that there would be no likely significant effect as a result of physical disturbance ... to the Thames Basin Heaths SPA.”	The Applicant stands by that conclusion, which is shared by Natural England and other relevant bodies. However, at Deadline 6, the Applicant provided, without prejudice to that conclusion, data to conduct an appropriate assessment in respect of physical disturbance to the SPA. The ExA and the Secretary of State are therefore able to carry out an appropriate assessment of this pathway if they consider it necessary.
3.1.9	“... the Applicant’s screening conclusions were disputed by a number of IPs during examination, including the Applicant’s decision to screen out the potential effect of direct habitat loss from the Thames Basin Heaths SPA; the screening out of the European dry heaths qualifying feature of the Thursley, Ash, Pirbright and Chobham SAC; and the	The Applicant notes the emphasis placed upon ‘were disputed’ by the ExA. The Applicant agrees that the importance of these words should not be underestimated given the general expression of agreement with the Applicant’s conclusions which now exists. Those responsible for the overseeing and management of these affected areas of SPA, including Natural England, the Wildlife Trusts and the Ministry of Defence’s Ecology Team, have raised no concerns about the product of the Applicant’s work. As noted by the Applicant at ISH5, there is a broad consensus of opinion in support of the Applicant’s conclusions.

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
	screening out of potential effects as a result of hydrological changes.”	
3.1.10	“As a result of the Stage 1 screening assessment, the Applicant concluded that the Proposed Development is likely to give rise to likely significant effects on the Thames Basin Heaths SPA (all qualifying features) and Thursley, Ash, Pirbright and Chobham SAC (all qualifying features except 4030 European dry heaths), either alone or in combination with other projects or plans.”	This is incorrect. At the stage 1 screening assessment, the Applicant concluded that the Proposed Development <u>could</u> lead to likely significant effects or that the potential for likely significant effects <u>should be considered</u> at the Appropriate Assessment stage. There was no finding of actual likely significant effects at that stage.
3.2.9	"Rushmoor BC stated that the monitoring data used by the Applicant was collected as evidence to determine whether the mitigation for effects on recreational pressure is working. It is not a detailed survey and is not for the purposes of determining habitat loss or loss of territories. Rushmoor BC contend that bespoke surveys are needed."	The bird monitoring data are gathered annually (by 2JS Ecology), following Natural England guidance, and records the location of territorial birds during the breeding season. The dataset presents 10 consecutive years of data (2008-2018, representing a robust baseline) which, when mapped, show an estimate of the abundance (numbers of breeding pairs) and distribution (spatial spread of the SPA breeding bird species across the SPA habitats) each year. For the purposes of monitoring the effectiveness of recreational pressure mitigation via SANGs, the 2JS Ecology bird monitoring data show whether site population sizes are noticeably decreasing (or increasing) and whether or not the distribution of the birds in the SPA is changing. In short, the measures of abundance and distribution are typically used to monitor the effectiveness of recreational pressure mitigation measures. For the purposes of HRA, with respect to bird data, an assessment is made of whether the proposed scheme leads to adverse effects on the integrity of the SPA via impacts to the site's conservation

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
		<p>objectives of maintaining the abundance and distribution of SPA bird species. It is those same measures, abundance and distribution, which inform and underpin the HRA, and which are used to monitor the effectiveness of mitigation measures.</p> <p>The baseline bird dataset used by the Applicant in the HRA Report is therefore an entirely appropriate and robust body of evidence, suitable for the purposes of Appropriate Assessment. That dataset has been accepted by Natural England for a number of years.</p>
3.2.20	<p>“Rushmoor BC raised concerns throughout the Examination with regards to the Applicant’s conclusion to screen out potential effects of physical disturbance / direct habitat loss to the Thames Basin Heaths SPA.”</p>	<p>The Applicant’s conclusion of no likely significant effects is endorsed by Natural England and by the Wildlife Trusts, who are directly responsible for the oversight and management of the areas of SPA affected. Heathland habitats affected by the works will be cut back to allow access for machinery and personnel, and along the pipeline route excavated, creating areas of bare ground. These activities are broadly commensurate with standard habitat management practices carried out by organisations responsible for heathland management. At Chobham Common SSSI (an important component unit of the Thames Basin Heaths SPA) for example, site managers Surrey Wildlife Trust carry out annual heather mowing and creation of bare ground areas affecting c. 10ha of heathland habitat, or 6% of the overall area of the SSSI. Similar work is undertaken in the other component units of the SPA. Given significant areas of heathland habitat are cut back and areas of bare ground created within them each year as part of good management practice, screening out of this effect is an entirely reasonable approach.</p>
3.2.24	<p>“... Rushmoor BC ... consider that the potentially affected area of the SPA is a significant area and the fact that this is only a small percentage of the overall SPA does not adequately address their concerns.”</p>	<p>The Applicant has explained at Deadline 6 (REP6-075) why the extent of SPA affected is directly relevant to the question of significance of effects. To emphasise the point made, if the area of the SPA was 10ha and the Applicant was affecting 9ha, that is plainly a more significant impact than if, as is the case here, the SPA is 8,274ha and the area affected is 9ha.</p>



RIES Reference	RIES Point Raised	Applicants Response to point raised:
3.2.25	"Rushmoor BC is also concerned that the Applicant is relying on the temporary nature of the interference."	The temporary nature of the disturbance to the SPA is also directly relevant to the significance of effects. Further, the reliance on such disturbance being temporary and short-term is not disputed by other parties, notably by Natural England, who have expressly confirmed that this approach is appropriate during the course of this examination.
3.2.39	"Rushmoor BC in their comments on NE's Deadline 4 submission stated that they do not agree with NE's appraisal of the Information to Inform the HRA or its conclusions."	Insofar as RBC seeks to set its view against that of Natural England, it is of course important to recognise that the Applicant's assessment and conclusions are endorsed by other relevant bodies, including the Wildlife Trusts, and other parties responsible for the management of the SPA. None of the SPA within the Order Limits is in Rushmoor Borough.
3.2.20 – 3.2.27 and 3.2.39 – 3.2.46	<p>RBC raise concerns over screening out the effects of direct habitat 'loss' in the TBH SPA, in that such effects fail to maintain the extent, distribution, structure, function and supporting processes of SPA habitats.</p> <p>In 3.2.46 RBC state "If there is a loss of habitat then that is an adverse effect on integrity in its own right".</p>	<p>The extent and distribution of Thames Basin Heaths SPA supporting habitats are maintained; areas demarcated as heathland habitat pre-construction will remain as such, post-construction. The structure of affected heathland habitat will change during construction, as excavation and vegetation clearance works proceed, however this change in structure is temporary, in line with standard best practice habitat management techniques used for heathland habitat and does not reduce the functionality or ability to provide supporting processes of the habitat for the SPA bird species, which will continue to make use of the affected areas for foraging and nesting.</p> <p>A loss of SPA/SAC habitat can only be considered automatically to result in an adverse effect on site integrity if it is permanent (at any scale). Habitats within the Thames Basin Heaths SPA are not actually lost as a result of the scheme, only temporarily changed, and at a <i>de minimis</i> scale, thereby justifying the decision to screen out this effect.</p> <p>While the Applicant maintains its view that it correctly screened out the effects of physical disturbance to the SPA, it provided data at Deadline 6 to conduct an appropriate assessment in the same way that it had already done so for noise</p>

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
		impacts on the SPA and recreational pressure from SANG displacement. The Examining Authority and Secretary of State are therefore able to carry out an appropriate assessment of this pathway if they consider it necessary.
3.2.50	"In terms of measures relied upon for the screening out of physical disturbance / habitat loss to the Thames Basin Heaths SPA, the Applicant's HRA considers those 'embedded measures' listed in Table 2.1 of the HRA report."	This is not strictly correct and is at odds with the statements recorded at paragraphs 3.2.107 – 3.2.108 of the RIES, which are accurate. At Deadline 6 (REP6-074), the Applicant confirmed, by reference to Table D.7 of the HRA Report, that narrow working and trenchless construction techniques, both of which form part of the measures set out in Table 2.1 of the HRA Report, were not relied upon in order to 'screen out' from appropriate assessment effects on the SPA which would or should otherwise have been screened into assessment.
3.2.68	This measure is also listed in the HRA Commitments Schedule [REP6-078] submitted by the Applicant at Deadline 6. However, this measure is in its original form: "Potentially disturbing construction works within the Thames Basin Heaths SPA would be undertaken between 1 October and 31 January unless otherwise agreed with Natural England."	The Applicant has updated the HRA Commitments Schedule (Document Reference 8.89(2)) at Deadline 7 with the correct commitment wording.
3.2.93	"... Rushmoor BC remain of the view that natural regeneration alone is not adequate to compensate for the habitat lost to the Thurley, Ash, Pirbright and Chobham SAC and Thames Basin Heaths SPA."	There is no habitat which is lost as RBC have suggested. The habitat is changed, on a temporary and short-term basis, and upon completion of the works, the habitat will regenerate naturally. This is in line with standard best practice habitat management techniques used for heathland habitat and does not reduce the functionality or ability to provide supporting processes of the habitat for the SPA

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
		bird species, which will continue to make use of the affected areas for foraging and nesting.
3.3.3	Discrepancies in submissions over the extent of SAC habitats affected and RBC's requests for a detailed breakdown of such information with respect to each qualifying feature.	The Applicant does not accept that there were any discrepancies within its own submissions over the extent of SAC habitat affected. The extent (hectarage) of each of the SAC qualifying feature habitats within the Order Limits is clearly set out in Table 6.3 of the HRA Report (Application Document APP-130). The HRA Report does not provide calculations of extents of SAC habitats directly affected by the works; this detailed information was presented at Deadline 6 in the Applicant's response to ISH5-07 following further detailed design (REP6-074).
3.3.14	"Rushmoor BC stated in response to NE's Deadline 4 response that ... <i>the applicant acknowledges that 7.61ha of habitat will be lost in its entirety</i> ".	The Applicant does not acknowledge that 7.61ha of habitat would be lost. This is simply wrong and is misrepresentative of the Applicant's submissions. At Deadline 6 (REP6-075), the Applicant confirmed that the figure of 7.61ha relates to the approximate area of European dry heaths habitat within the Order Limits where they cross the SAC. However, the approximate area of European dry heaths within the Order Limits which is likely to be impacted by construction works is in fact 1.8ha, which equates to 0.01% of the total area of the SAC. Further, that habitat would not be permanently lost and would be allowed to regenerate naturally, an approach commensurate with good practice habitat management techniques (as described above in 3.2.20) and which is endorsed by Natural England.
3.6.5	"NE did not raise any concerns with regards to the Applicant's in-combination assessment and confirmed their agreement with the assessment and conclusions in the Applicant's HRA report in their SoCG and in their response to ExA's Written Questions."	This is, of course, extremely significant. The decision maker must attach very considerable weight to the views of Natural England and there must be very compelling reasons to depart from those views. That position is illustrated by case law. In <i>R (Akester and Anor) v DEFRA and Wightlink Ferries [2010] EWHC 232 (Admin)</i> , the court held that '... given Natural England's role as the national conservation body' [the defendant was] '... bound to accord considerable weight to its advice, and there had to be cogent and compelling reasons for departing from it ' (emphasis added, para 112).

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
3.7.3	"The Applicant concluded LSE on two European sites: Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC."	As above, this is not strictly correct. At the phase 1 screening stage, the Applicant concluded that, with respect to the Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC, the proposed development <u>could</u> lead to likely significant effects or that the potential for likely significant effects <u>should be considered</u> at the Appropriate Assessment stage and only then in respect of the specific pathways to likely significant effects at paragraph 4.2.4 of the HRA Report.
4.1.6	"The Applicant's conclusions [the finding of no adverse effects on the integrity of the Thames Basin Heaths SPA] were disputed by a number of IPs during the Examination."	Again, the Applicant agrees with the emphasis placed by the Examining Authority on the words "were disputed" in the past tense. The issue was advanced only by RBC at ISH5 and the position in relation to the remaining four affected SANGs is explained in the introductory notes to this document. Further, only one of the SANGs affected by the scheme, Southwood Country Park SANG, is actually located within Rushmoor Borough; and at that SANG the corresponding housing will not be fully occupied by the time the project is complete. The Applicant would also point out that the Surrey Wildlife Trust, Hampshire Wildlife Trust and the Ministry of Defence's ecology team do not have any concerns over the conclusions of the HRA Report.
4.1.13	"The Applicant ... also confirmed at Deadline 6 ... that [commitment G38] was included in the Outline CEMP but has now been moved to CoCP. However, in the Deadline 6 submissions this measure remains in the Outline CEMP and not in the updated CoCP."	The Applicant submitted the HRA Commitment Schedule (REP6-078) at Deadline 6 to provide further clarity about where the HRA commitments are secured. It has also added working to the Draft DCO Requirements to make clear that commitments relating to the HRA would not be amended post-examination. The CoCP has evolved over examination. Originally it contained all of the project commitments. Since the production of the outline management plans at Deadline 4, some of the commitments relating to the HRA Report sit better within those management plans as opposed to the CoCP.
4.1.14	This measure is also listed in the HRA Commitments Schedule [REP6-078] submitted by the Applicant at	The Applicant has updated the HRA Commitments Schedule at Deadline 7 (Document Reference 8.89(2)) with the correct commitment wording.

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	Deadline 6 but in its original, rather than amended, form.	
4.1.22	“Paragraphs 5.8.20 to 5.8.29 of the HRA report describe each SANG affected by the Proposed Development and also include a description of anticipated receptor areas for any displacement from SANGs.”	This illustrates the detailed and site-specific nature of the Applicant’s approach to the assessment of impacts on affected SANGs in the HRA.
4.1.24	“During the Examination, a number of IPs raised concerns regarding the Applicant’s conclusions ... and questioned the assumptions and adequacy of information in the HRA report.”	As above, it is important to note that there is a broad consensus of opinion in support of the Applicant’s approach and conclusions.
4.1.38	“The Applicant stated that it is anticipated that visitors would typically continue to make use of the SANG during the construction period and any displacement of recreational activity to the SPA.”	The Applicant confirmed that any displacement of recreational activity to the SPA was expected to be very low.
4.1.40	Rushmoor BC’s WR [REP2-081] pointed out that ... works within SANGs could take place over three summer seasons.	Para 2.6.2 of the HRA Report states that ‘ <i>Works to install and commission the pipeline are expected to start from grant of DCO and be completed early 2023</i> ’. The grant of the DCO would not be before Autumn 2020 at the very earliest and the HRA Report states that works would be complete in early 2023. Therefore, there are only two potential summers (2021 and 2022) assumed within the programme.

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
Annex 4 Southwood Country Park 1.47, 1.49 1.71 and.1.83	"Rushmoor BC are of the view that a 2-year disruption to amenity 'cannot be classed as short and therefore the assumptions on which the HRA assessment is based cannot be substantiated and the assessment is flawed.' Rushmoor BC stated that this is particularly pertinent in the case of Southwood Country Park, as the timing of the project, 2021 to 2023 is likely to coincide with the occupation of the residences within Farnborough and Aldershot Town Centre".	The Applicant explained at ISH5 why RBC's submission was not entirely correct in this regard. It is important to note that there is a difference between allocation, when a developer would need to start building the SANG for it to be ready in time for residents, and property occupancy, when the residents who use the SANG would have moved in. RBC's own housing land supply document of June 2019 states in terms that at least 750 of the 2,450 dwellings which the SANG was intended to accommodate would not be delivered during the period 2020 – 2023 and would not therefore be delivered during the period of construction of the scheme, hence spare capacity would remain available.
4.1.29 – 4.1.31, 4.1.40, 4.1.48, 4.1.49, 4.1.53, 4.1.83, 4.1.90, 4.1.91	RBC's assertion that increased recreational pressure via visitor displacement from affected SANGs to the TBH SPA will lead to adverse effects on site integrity.	<p>The HRA Report identifies the risk of increased recreational pressure on the SPA as a result of works within SANGs displacing visitors to the SPA, and assesses this risk at Appropriate Assessment, concluding no adverse effects on integrity due to the short-term duration of the effect and the likely very low levels of increased recreational pressure to the SPA.</p> <p>The maximum duration of the effect is two breeding seasons. The effect itself is one of increased levels of disturbance to breeding birds as they proceed through the annual cycle, foraging throughout, of territory establishment, nest building, incubation of eggs and rearing of chicks during the breeding season. Increased disturbance at any of these lifecycle stages could, in a worst-case scenario, result in fewer chicks being successfully reared (known as the productivity of a population) by the disturbed adult bird, or pair of birds. For this effect to lead to an adverse effect on site integrity, it would need to be at play for a sufficiently long</p>



RIES Reference	RIES Point Raised	Applicants Response to point raised:
		<p>period of time and on a sufficiently large proportion of birds to drive a reduction in the number of breeding adult birds at the site, thereby adversely impacting the site's conservation objective of maintaining a target population size (and distribution).</p> <p>The SPA bird species (Dartford warbler, nightjar and woodlark) all possess resilience against pressures experienced during the breeding season, e.g. all three species are capable of laying replacement clutches of eggs in the eventuality of loss of eggs or chicks. This mechanism enables populations to rebound after e.g. a cold and/or wet spring, or consecutive springs, which can significantly reduce a population's productivity rate.</p> <p>Further, survey data indicate that in the past the numbers of all three bird species have been at far higher levels than the current recorded populations, in line with natural population variance. This supports the fact that the SPA is therefore not currently at full carrying capacity for these birds. This means that survival rates of juvenile birds are currently likely to be higher, as young birds will find it easier to identify space and suitable habitat to join the site population. If increased recreational pressure were to lead to two seasons (maximum) of a very slight reduction in productivity rates, at the current stage of the SPA species' demography this does not have the power to result in a reduction in the number of breeding adults within the SPA.</p> <p>The productivity of a population is just one of a range of factors which determine the number of breeding adults present within the population. Other factors include the site's carrying capacity (largely a function of habitat extent and quality), adult longevity and mortality rate (dependent on availability of food, presence of predators, and climatic conditions), and rates of immigration and emigration of birds to/from the site.</p>

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RIES Reference	RIES Point Raised	Applicants Response to point raised:
		Therefore, if a reduction in productivity was experienced, such reduction, which lasts for only two seasons (maximum) and is likely to be very small scale at worst, does not have the capacity to lead to adverse effects.
4.1.102	“The HRA Commitments Schedule is included as a certified document in Schedule 11 of the draft DCO. It is also referenced in Requirements 5 (CoCP) and 17 (SSPs) of the draft DCO.”	The HRA Commitments Schedule (Document Reference 8.89(2)) is referenced in Requirements 5 (Code of Construction Practice) and 17 (Site Specific Plans) so as to ensure that any changes to those documents which may be sought with the approval of the relevant planning authority must not have the effect of resulting in a variation to the mitigation measures set out in that Schedule. This ensures that the commitments recorded in the HRA Commitments Schedule, a number of which underscore the conclusions reached in the HRA Report, are fixed and may not be varied by later agreement.
4.2.2	“Matters also remain to be agreed between the Applicant and a number of local authorities with respect to the detail of the measures relied upon for managing the displacement of visitors to SANGs during construction.”	To clarify, it is not the case that any specific measures are relied upon to support the Applicant's finding of no adverse effects on the integrity of the SPA. These measures rather reflect the Applicant's desire to do what it can to reduce the impacts of working through sensitive locations. The Applicant has continued to work with the local authorities throughout the examination and has incorporated specific good practice measures for working within SANGs (in line with Natural England advice) into the CoCP. In addition, specific detail such as the duration of works and seasonal activities have been included in the Site Specific Plans.
4.2.3	“Throughout the Examination NE have confirmed their agreement with the conclusion of the Applicant's HRA.”	As explained above, Natural England's agreement with the conclusions of the HRA Report is extremely significant. The Applicant worked up this scheme through a close working relationship with Natural England and also with the individuals who have a direct responsibility for managing these areas of the SPA, in particular with the Surrey Wildlife Trust, Hampshire and Isle of Wight Wildlife Trust and the Ministry of Defence's ecology team, who have an intimate and direct

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		understanding of the areas in question. These organisations have expressed no concerns with the HRA Report.



Appendix A – Applicant's Update of Table 3.1 in the RIES (Cumulative / in-combination assessment)

Local Authority/ Interested Party	Project or Plan identified	Applicant's response in the RIES	Updated response
Eastleigh BC [REP2-064]	104 dwellings at Land South of Maddoxford Lane, west of Westfield, Boorley Green (F/19/85178)	The Applicant (REP3-016) stated that this project was not included in the cumulative assessment as was submitted on 12 March 2019, after the completion of the cumulative effects assessment (CEA) (APP-055).	This application was submitted after the CEA was undertaken and was therefore not included in the assessment submitted at Application. The Applicant has since reviewed the application and can confirm that this would not result in significant effects in the ES or the HRA Report.
Eastleigh BC [REP2-064]	Land off Woodhouse Lane (O/18/83634) – outline permission was granted on 6 September 2019	Applicant (REP3-016) stated O/18/83634 was assessed within the inter-development CEA and presented in ES Appendix 15.3 (APP-127), which concluded effects were not significant.	This was included within the CEA at application and concluded effects were not significant.
Runnymede BC [REP2-079]	Heathrow Airport Expansion	Applicant (REP3-020 and REP2-053) confirms this project was included in the long list of developments considered in ES Chapter 15. (APP-055).	This was included within the CEA at application and concluded effects were not significant.
Runnymede BC [REP2-079]	River Thames Scheme	Applicant (REP3-020 and REP2-053) confirms this project was included in the long list of developments considered in ES Chapter 15. (APP-055).	This was included within the CEA at application and concluded effects were not significant.

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<p>Spelthorne BC LIR [REP1-021]</p>	<p>Listed at Appendix SBC-1 other major developments in Spelthorne close to the pipeline corridor</p>	<p>Applicant (REP3-020) responded that they have undertaken an in-combination effects or inter-project CEA and considers the CEA in both the ES (Application Document APP-055) and the HRA Report (application Document APP-131) to be both adequate and proportionate to the scale of the works.</p>	<p>The table at the end of the Spelthorne Borough Council Local Impact Report (LIR) (REP-018) contains a list of developments. The majority of these are minor planning applications and therefore would be screened out of the CEA using the criteria in Table 13.3 (Application Document APP-055). The two major planning applications in the LIR table are Shepperton Studios and Homers Farm Quarry both of which were included within the CEA at application and concluded effects were not significant.</p>
<p>Surrey County Council [REP2-089]:</p>	<p>The proposed Garden Village at Longcross and the associated provision of a SANG on land at Chertsey Common</p>	<p>No specific response from the Applicant to this project/plan.</p>	<p>This was included on Page 13 of Appendix 15.1 (Application Document APP-125). ES Chapter 13 (Application Document APP-055) states that 'Allocations within Local Development Plans and other plans and programmes were scoped out' (paragraph 15.2.26). Therefore, this was included within the CEA at application and concluded effects were not significant.</p>
<p>Surrey County Council [REP2-089]</p>	<p>for RU.17/0793 Longcross South, Chertsey</p>	<p>Applicant stated in HRA report Appendix E that permission has been granted, however, this was only a scoping opinion in 2017. The Applicant (REP3-020) accepted this error and stated that it does not undermine the findings of the HRA Report.</p>	<p>This was included within the CEA at application and concluded effects were not significant.</p>

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<p>Surrey County Council [REP2-089]</p>	<p>Surrey Waste Plan (SWP) and emerging Surrey Waste Local Plan (SWLP) both allocate an area of land off Kitsmead Lane at Longcross for waste-related development.</p>	<p>No specific response from the Applicant to this project/plan.</p>	<p>The minerals and waste safeguarded sites were included on page 14 of ES Appendix 15.1 (Application Document APP-125). ES Chapter 13 (Application Document APP-055) states that 'Allocations within Local Development Plans and other plans and programmes were scoped out' (paragraph 15.2.26). Therefore, this was included within the CEA at application and concluded effects were not significant.</p>
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