

# Southampton to London Pipeline Project

## Deadline 7

Applicant Response to Request for  
Further Information (Rule 17)

Application Document: 8.94

Planning Inspectorate Reference Number: EN070005

Revision No. 1.0

April 2020



Southampton to London  
Pipeline Project

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Applicant Response to Request for Further Information (Rule 17)**



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# 1 Applicant Response to Request for Further Information (Rule 17)

Table 1.1: Applicant Response to Request for Further Information (Rule 17)

Point	Paragraph	Applicant Response
1	<p>The Applicant proposes a number of mechanisms designed to secure a range of mitigation measures through a variety of controlling documents e.g. Code of Construction Practice (CoCP) and Construction Environmental Management Plan (CEMP). The Applicant should ensure that all relevant measures, particularly those necessary to support the findings of the HRA, are appropriately secured and will be implemented. In relation to this finding the Applicant is asked to address the following questions:</p>	
1 a)	<p>The ExA notes the conflicting response made by the Applicant regarding the appropriate mechanism for securing G38 e.g. within the CoCP or CEMP. Having regards to the conclusions reached in the HRA, can the Applicant confirm precisely how measure G38 for works within the Special Protection Area (SPA) will be secured and will robustly restrict construction activities to the four-month period between October to February?</p>	<p>Commitment G38 is contained in Section 2.2 of the main body of the Outline CEMP (<a href="#">REP6-030</a>). This section sets out commitments that are applicable to the construction schedule. The final CEMP must be in accordance with the Outline CEMP. Compliance with the CEMP is secured under Requirement 6 of the DCO. Reference to the ecological seasonal constraints is also contained in paragraph 2.1.6 of the CoCP (<a href="#">REP6-009</a>).</p> <p>The Schedule of Habitats Regulation Assessment Commitments (<a href="#">REP6-078</a>) identifies G38 as a commitment that underpins the findings of the HRA Report and identifies its securing mechanism as the Outline CEMP. The draft DCO submitted at Deadline 7 will make clear that no variation can be made to this commitment.</p>



Point	Paragraph	Applicant Response
1 b)	<p><b>Can the Applicant confirm whether the restrictions to works within the SPA relate to a single annual period during construction, for example, four months is the total maximum period of time construction within the SPA will take place and how such a measure will be secured?</b></p>	<p>It is anticipated that all construction work in the SPA will take place within the four months of 1 October 2021 to 1 February 2022, however in the unlikely event that this is not achievable due to unforeseen events, it is possible that to complete all the works across the multiple areas of the Thames Basin Heaths SPA, the work would need to be split across two winter periods (limited to the months 1 October to 1 February).</p> <p>This is consistent with the HRA Report, which clearly states that the assessment was undertaken on the basis of two breeding seasons, i.e. that the construction phase could be from the grant of DCO to early 2023.</p>
1 c)	<p><b>Can the Applicant confirm that there are no other measures proposed within the controlling documents that would result in the ability to change the approach to construction activities within the SPA for example, at the discretion of an Ecological Clerk of Works (ECoW)?</b></p>	<p>The Applicant can confirm that there are no other measures proposed within the controlling documents that would result in the ability to change the approach to construction activities within the SPA. The Environmental Clerk of Works (ECoW) role is to support the implementation of the project in alignment with the commitments and management plans. The ECoW must work within the constraints provided for by the DCO and control documents. As set out in Section 3.2 of the Outline CEMP (<a href="#">REP6-030</a>), the ECoW would monitor that the works proceed in accordance with relevant environmental Development Consent Order requirements and adhere to the required mitigation measures. The ECoW would be supported as necessary by appropriate specialists.</p>
1 d)	<p><b>Can the Applicant explain what measures are proposed to ensure ‘natural regeneration’, including those in relation to soil storage and handling, and how such measures are secured?</b></p>	<p>As set out in Section 3.4 of the Outline Soil Management Plan (<a href="#">REP6-042</a>) (which is secured through Requirement 6 - CEMP), the soils would be classified based on the habitat present before they are stripped. The topsoil and subsoil source locations from specific habitat areas would be marked on a plan so that the soil can be replaced in situ to preserve the seedbank contained within the soil. The heathland would naturally regenerate during the aftercare period.</p>



Point	Paragraph	Applicant Response
2	<p><b>The Applicant has engaged in discussions with relevant bodies regarding the proposed approach to works within a number of SANG locations particularly St Catherine’s Road and Southwood Country Park. Can the Applicant please provide an update regarding any agreements reached in this regard and how any agreed measures are to be secured with reference to relevant DCO requirements?</b></p>	<p>The Applicant notes that Annex 4 to the RIES sets out a full summary of representations on the five individual SANGs that the Applicant’s route interacts with. The Applicant provides an update with regards to agreements reached and how measures are secured in the relation to each SANG.</p> <p><b>Crookham Park SANG (Hart District Council)</b></p> <p>The Applicant agrees with the position recorded in Annex 4 regarding Crookham Park SANG and Hart District Council: <i>‘Following further discussions with the applicant the Council has no outstanding concerns regarding this issue’</i>. The Applicant is not aware of any outstanding matters in relation to this SANG.</p> <p><b>Windlemere SANG (Surrey Heath Borough Council)</b></p> <p>The Applicant agrees with the position recorded in Annex 4 regarding Windlemere SANG and the stated position of Surrey Heath Borough Council: <i>‘on evaluation of the current order limits in Windlemere, provided that disturbance to the SANG is minimised and the circular walk is retained during construction, the Council agrees that the impact will likely be negligible on the Thames Basin Heaths SPA.’</i> The Applicant is not aware of any outstanding matters in relation to this SANG.</p> <p><b>St Catherine’s SANG (Surrey Heath Borough Council)</b></p> <p>The Statement of Common Ground (SoCG) submitted at Deadline 5 (<a href="#">REP5-020</a>) stated in ‘Matters Agreed’: <i>‘The Parties consider that an agreement can be reached regarding the specific terms of the occupation of the SANG and are continuing negotiations. Consequently, the Authority does not object in principle to the Order Limits within St Catherines Road SANG.’</i></p> <p>The Applicant received an email from the planning officer dated 12 February 2020 that stated that the SoCG <i>‘clearly and accurately reflects our current shared position’</i> (Appendix 1).</p>



Point	Paragraph	Applicant Response
		<p>Annex 4 accurately records that the position at Deadline 6 was that there were ongoing discussions and that the Parties consider that an agreement can be reached regarding the specific terms of the occupation of the SANG, should this be proved necessary.</p> <p>The Applicant also understands from an email dated 20 March 2020 that Surrey Heath Borough Council has submitted a signed SoCG directly to the Examining Authority. The Applicant believes this to be the version signed by the Applicant and submitted at Deadline 6, however the Council has not returned the jointly signed version to the Applicant. The Applicant appreciates that the Covid-19 emergency is putting new and additional pressures on Council resources at this time.</p> <p>Since the drafting of the submitted SoCG, the Applicant has adopted the following specific measures to manage the reduction in the potential for people to be displaced from SANGs, as set out within the Natural England response in (<a href="#">REP4-063</a>). These are applicable to all SANGs and secured through both the Code of Construction Practice (section 2.15.2) and the St Catherine’s Site Specific Plan (SSP) (paragraph 2.1.6) which were updated at Deadline 6 to include these measures (<a href="#">REP6-010</a> and <a href="#">REP6-059</a>):</p> <p><i>‘In line with Natural England’s advice to reduce risk of visitor disturbance during construction works, the following measures will be taken.</i></p> <ul style="list-style-type: none"> <li>• <i>Clear, user-friendly information will be provided at access points in advance of works and whilst work is taking place so that regular visitors are aware of what is going on, and which makes clear that the site will remain open.</i></li> <li>• <i>Staff on site, whilst works are ongoing, will provide a friendly interface with visitors.</i></li> <li>• <i>Works will be planned so as to avoid obstruction of main access routes.</i></li> <li>• <i>‘Stringing out’ area (where applicable) will be positioned to avoid obstructing access routes.</i></li> </ul>



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		<ul style="list-style-type: none"> <li>• Working width will be kept to the minimum required for construction based on the technique/location, including temporary land take for storage of vehicles, materials, etc.</li> <li>• Any existing screen of vegetation will be maintained alongside access routes where this might help maintain low visibility of works area.'</li> </ul> <p>Since the drafting of the submitted SoCG, the Applicant has also agreed to the following additional measures (as set out by Surrey Heath Borough Council in <a href="#">REP5-048</a>) in relation to this SANG. These will be secured through the voluntary Deed of Grant that is being negotiated. The project, when working at the land known as St Catherine's SANG, will:</p> <ul style="list-style-type: none"> <li>• install an acoustic fence around the working area;</li> <li>• agree with Surrey Heath Borough Council and use suitable fencing materials, including consideration of the site's amenity and the continuing requirement that dogs can be let off the lead in the SANG;</li> <li>• introduce up-to-date, clear and user-friendly information within the SANG for its users, including details of timings and potential routes through the Frith Hill woodland, as well as making clear the remainder of the site will remain open;</li> <li>• carry out all works in compliance with commitment G35; and</li> <li>• in advance of any construction works taking place, provide an information pack to each Keaver Drive residence detailing the timescale of the works, notification that the SANG will remain open and potential routes that can be used within Frith Hill and the Frimley Fuel Allotments.</li> </ul> <p>Further discussions have also been progressing with Surrey Heath Borough Council over the details of the Applicant's voluntary Environmental Investment Programme (EIP), which although not related to or required as part of the DCO is proposing</p>



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		<p>investment by the Applicant in a number of sites including St Catherine’s SANG. Since the drafting of the submitted SoCG, the Applicant has agreed a location-specific project framework for inclusion in the EIP. This has been negotiated to allow the Council sufficient time for the proper development of a project that meets the EIP objectives within the area of the SANG, and for which the detail and timetable for delivery will be agreed at a later date with completion of the works not later than the end of Dec 2022.</p> <p>With the conclusion of negotiations as reflected in the CoCP, the St Catherine’s Site Specific Plan and the voluntary Land Agreement (which reflect the terms of occupation of the SANG) and agreement on financial terms for the land rights, there are no outstanding items requiring resolution between the Parties, and the Applicant is not aware of any outstanding requests or concerns from the Council. The Applicant is in the process of concluding the Heads of Terms and drafting of the Deed of Grant.</p> <p><b>Southwood Country Park SANG (Rushmoor Borough Council)</b></p> <p>With regard to Southwood Country Park, Annex 4 does again accurately record the position as it was at Deadline 6, when it was a matter subject to ongoing discussion. These discussions with Rushmoor Borough Council have continued, despite the Covid-19 emergency. Since Deadline 6, the Applicant has held a number of conference calls with the Council regarding the details included within the SSP for Southwood Country Park submitted at Deadline 6, focusing on the programming, including seasonal working, and duration of works as described in sections 2 and 3 of the SSP, and details of the proposed reinstatement measures that were included in response to earlier discussions with the Council.</p> <p>Separately, the Applicant has also been engaging directly with Rushmoor Borough Council on the terms of the proposed Land Agreement.</p> <p>Further discussions have also been progressing with the Council over the details of the Applicant’s voluntary Environmental Investment Programme (EIP), which although</p>





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		<p>not related to or required as part of the DCO is proposing investment by the Applicant in a number of sites in the Council’s ownership within Farnborough, including Queen Elizabeth Park, Cove Brook, and Southwood Country Park.</p> <p>Regarding Southwood Country Park SANG, the EIP proposal covers a number of activities to complement the Council’s establishment of and long-term management plan for the SANG. The Applicant and RBC are in discussions on the scope of these activities and once agreed the measures would be secured through a binding agreement.</p> <p>Although there has been constructive discussion and progress on implementation of the project, it is the Applicant’s understanding that the council’s position with regard to the conclusions of the HRA Report remains as stated in the RIES.</p> <p><b>Chertsey Meads SANG (Runnymede Borough Council)</b></p> <p>Runnymede Borough Council has not raised a specific SANG-based comment, including displacement of visitors or objections to the HRA Report. It has also not objected to the route across Chertsey Meads in any engagement with the Applicant.</p> <p>Negotiations to date have related to the need to avoid specific locations for biodiversity reasons and associated reinstatement, and not for concerns relating to displacement of users. Other discussions are outside the scope of the DCO and relate to EIP opportunities to improve the management of Chertsey Meads for ecological reasons.</p> <p>There has been significant progress with the Land Agreement. Heads of Terms have been agreed and legal drafting is underway. There are no outstanding issues relating to the works within Chertsey Meads.</p> <p>The Examining Authority can therefore be assured that there are no SANG-related matters outstanding in relation to Runnymede Borough Council.</p>



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		<p><b>Natural England</b></p> <p>The Applicant has worked extensively with Natural England, the appropriate nature conservation body within the meaning of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and it has not taken issue with the approach taken by the Applicant in respect of works within SANGs. The Applicant has worked extensively with Natural England, the appropriate nature conservation body within the meaning of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and it has not taken issue with the approach taken by the Applicant in respect of works within SANGs.</p> <p>In the submission at Deadline 6a (<a href="#">REP6a-001</a>), Natural England set out in its response to question 1a that it is occasionally consulted on items of infrastructure that run through SANG. The example was given of works to remove electricity pylons and install replacement cables at Edenbrook Country Park near Fleet, a proposal found to be satisfactory for similar reasons to the Applicant's proposals.</p> <p>Natural England also refers to the works in Swinley Forest which were in the Thames Basin Heaths SPA. Given that the Applicant's advisors also worked on Swinley Forest, the Applicant considers this shows its experienced team is able to effectively manage impacts and implement the measures outlined by Natural England as the appropriate body.</p>
3	<p><b>Can the Applicant provide an update on progress made to address the concerns raised by Eastleigh Borough Council in relation to impacts to water quality and drainage, including any specific measures required to control of run-off to the Solent European sites?</b></p>	<p>In relation to water quality, the Council was keen to ensure that sufficient pollution prevention measures were secured within the DCO, to prevent potential pollution of ditches and watercourses that flow into Ford Lake, which itself flows in the River Hamble and thereon to the Solent European sites.</p> <p>In relation to drainage, the Council was keen to ensure that the construction of the pipeline did not create a potential preferential pathway (e.g. through the sub-base within</p>



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		<p>the pipeline trench) such as could take water away from the ditches north of Maddoxford Lane that feed into Ford Lake.</p> <p>The Applicant has responded to the Council subsequent to the publication of the RIES, identifying that these issues are already covered by the CoCP and CEMP, together with specific commitments set out in the Outline Water Management Plan (a daughter document to the CEMP).</p> <p>On 1 April 2020, the Council’s ecologist responded noting that:</p> <p><i>‘EBC will be consulted on the detailed Water Management Plan and CEMP when they are produced. This will consider water quality, quantity and directional flows during construction and coupled with the relevant construction Commitments already made I am happy that any potential impacts can be mitigated.</i></p> <p><i>Regarding any potential long-term effects on drainage resulting from the pipeline during operation, the Code of Construction document provides information regarding the backfilling around the pipeline. This backfill will comprise only the original, excavated (for pipe installation) soils/ sediment with no importation of other materials, therefore any changes to the hydrology are expected to be insignificant.’</i></p> <p>On this basis, the Applicant considers that the Council’s previously expressed concerns have been fully addressed.</p> <p>There are no other Matters Not Agreed or Matters Under Discussion in relation to this topic. No additional specific measures have been identified as necessary to control runoff to the Solent European sites, above the measures already secured within the Outline Water Management Plan.</p>



## **Appendix 1: Email correspondence with Surrey Heath Borough Council**

**From:** [Keiran Bartlett](#)  
**To:** [REDACTED]  
**Subject:** [EXTERNAL] RE: SLP - Surrey Heath SoCG  
**Date:** 12 February 2020 17:02:10

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Dear Suki,

Thank you for providing this in advance of deadline tomorrow. I have read through the updated draft and confirm that we agree that this clearly and accurately reflects our current shared position.

Best wishes,

Keiran

**Keiran Bartlett** Bsc (Hons) MSc MSc  
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**From:** Coe, Suki <Suki.Coe@jacobs.com>  
**Sent:** 12 February 2020 16:53  
**To:** Keiran Bartlett <Keiran.Bartlett@surreyheath.gov.uk>; Sarita Bishop <Sarita.Bishop@surreyheath.gov.uk>  
**Cc:** Hemsley, Amy <Amy.Hemsley@jacobs.com>; Pace, Stuart <stuart.pace@exxonmobil.com>  
**Subject:** RE: SLP - Surrey Heath SoCG

Dear Keiran and Sarita,

Thank you for your positive engagement and fast turnaround of this document.

We intend to submit the attached unsigned draft Statement of Common Ground with the Statement of Commonality which clearly explains that this draft reflects our current shared position for the Examining Authority deadline tomorrow.

Thank you

Suki

**Suki Coe, MRTPI** | [Jacobs](#) | Senior Associate Director of Town Planning  
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**From:** Keiran Bartlett <[Keiran.Bartlett@surreyheath.gov.uk](mailto:Keiran.Bartlett@surreyheath.gov.uk)>  
**Sent:** 12 February 2020 14:32  
**To:** Coe, Suki <[Suki.Coe@jacobs.com](mailto:Suki.Coe@jacobs.com)>; Sarita Bishop <[Sarita.Bishop@surreyheath.gov.uk](mailto:Sarita.Bishop@surreyheath.gov.uk)>  
**Cc:** Hemsley, Amy <[Amy.Hemsley@jacobs.com](mailto:Amy.Hemsley@jacobs.com)>; Pace, Stuart <[stuart.pace@exxonmobil.com](mailto:stuart.pace@exxonmobil.com)>  
**Subject:** [EXTERNAL] RE: SLP - Surrey Heath SoCG

Hi Suki,

For the St Catherines Road SANG, can we please reword it to the following: 'The Parties consider that an agreement can be reached regarding the specific terms of the occupation of the SANG and are continuing negotiations. Consequently, the Authority does not object in principle to the Order Limits within St Catherines Road SANG'.

For Windlemere and GCN mitigation, we need to have a think about how best to word this and therefore at this stage we cannot agree the wording provided below. It is probably best that it remains in matters of ongoing discussion for the moment, with a view to update the position at Deadline 6. Sarita and Sue will be in contact in due course regarding GCN's.

We are unlikely to be in a position to sign the Statement of Common Ground for the deadline tomorrow because we need to brief Jenny Rickard, the Head of Regulatory. That said, as the draft reflects our discussions to date, it does accurately reflect the current position.

Please give me a call if you would like to discuss any of the above.

Best wishes,

Keiran

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**From:** Coe, Suki <[Suki.Coe@jacobs.com](mailto:Suki.Coe@jacobs.com)>  
**Sent:** 12 February 2020 09:07  
**To:** Keiran Bartlett <[Keiran.Bartlett@surreyheath.gov.uk](mailto:Keiran.Bartlett@surreyheath.gov.uk)>; Sarita Bishop <[Sarita.Bishop@surreyheath.gov.uk](mailto:Sarita.Bishop@surreyheath.gov.uk)>  
**Cc:** Hemsley, Amy <[Amy.Hemsley@jacobs.com](mailto:Amy.Hemsley@jacobs.com)>; Pace, Stuart <[stuart.pace@exxonmobil.com](mailto:stuart.pace@exxonmobil.com)>  
**Subject:** SLP - Surrey Heath SoCG

Hi Keiran and Sarita,

As discussed briefly on the phone with Keiran – please find below the suggested wording for the Surrey Heath SoCG:

For SANG

[The Authority does not object in principle to the Order Limits within St Catherines Road SANG. The Parties are continuing landowner negotiations regarding the specific terms of occupation within the SANG.](#)

For Great Crested Newts

[The Authority does not object in principle to the Order Limits within Windlemere SANG, on the basis that the Parties agree to continue discussions with regards to appropriate GCN mitigation.](#)

I hope these are acceptable to you and if possible we would like to submit an signed/unsigned SoCG to the Examining Authority for tomorrow's deadline because this will help the Examining Authority to set the agenda for the hearings at the end of the month.

I look forward to hearing from you.

Suki

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