

Southampton to London Pipeline Project

Deadline 7

Response to Hearing Action Points at
Deadline 7

Application Document: 8.96

Planning Inspectorate Reference Number: EN070005

Revision No. 1.0

April 2020



Southampton to London
Pipeline Project



1 Response to Hearing Action Points at Deadline 7

Table 1.1: Response to Action Point

Action No.	Action:	Applicant response to Action:
CAH2-12	If Protective Provisions have not been agreed with statutory undertakers' submission of s127 case	The Applicant has provided the Section 127 Case at Deadline 7, see Document Reference 8.98 .
ISH5-37	Undertake a survey in accordance with BS 5837 of the trees in Turf Hill (including those along the Guildford Road)	The Applicant has provided this survey at Deadline 7, see Document Reference 8.97 .
ISH5-48	Provide a list, or signpost where in the application documents the information can be found, of all the made DCO that the Applicant has cited as precedent or relied on in the application documentation	<p>The draft DCO (Document Reference 3.1(8)) is the principal document which has been informed by made DCO precedent. The DCOs cited by the Applicant as precedent for the approach to drafting adopted in the draft DCO can be found in the Explanatory Memorandum ("EM") (Document Reference 3.2(8)) - see, most notably, paragraph 6.4 of the EM.</p> <p>Whilst the Applicant acknowledges that made DCOs do not constitute binding precedent and that neither the Examining Authority nor the Secretary of State are bound by previous approaches to drafting, the Applicant nevertheless considers that drafting approved by the Secretary of State in the context of previous applications is both informative and persuasive. It is also helpful if DCOs are consistent in their drafting where this is possible.</p> <p>The EM has been supplemented by the Applicant's responses to the Examining Authority's written questions, particularly those which relate to the draft DCO. Reference should be made in this regard</p>



Action No.	Action:	Applicant response to Action:
		<p>to (REP2-042) and (REP4-022), as well as the Applicant’s explanation for changes to the draft DCO submitted at each of the deadlines (see in particular (REP3-021) and Document Reference 8.97).</p> <p>Reference was also made to a number of made DCOs at the issue specific hearings during the course of the examination. For example, at the Compulsory Acquisition Hearing which was held on 27 November 2019, the Applicant referred to the Richborough Connection Order as an example where the Secretary of State had considered the position vis-a-vis the placing of infrastructure in open space land and concluded that the test in section 132(3) of the Planning Act 2008 did engage so that the land affected was no less advantageous as open space thereafter (REP3-011) Reference should also be made to (REP3-010) and (REP3-012), where DCO precedent was relied upon by the Applicant in responding to the Examining Authority’s questions.</p> <p>Elsewhere, the Statement of Reasons (Application Document APP-029) and the Planning Statement (Application Document APP-132) cites the Hinkley Point C Connection Project and M20 J10a made Orders as precedent for the Applicant’s decision to present two sub-options along part of the route at Hinton Ampner (a sub-option was subsequently selected by the Applicant after reaching agreement with the National Trust, which means that this is no longer a live issue for the purposes of this application).</p>