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Planning Inspectorate ref. EN070005

Dear Sir / Madam

ESSO PETROLEUM COMPANY LIMITED - DCO APPLICATION FOR THE SOUTHAMPTON TO LONDON PIPELINE PROJECT:

DEADLINE 7 RESPONSE BY SPELTHORNE BOROUGH COUNCIL

Savills is instructed by Spelthorne Borough Council (SBC or 'the Council') in respect of the DCO application above. This letter sets out the Council's comments on documents and responses submitted at Deadline 6 of the current DCO examination (5 March 2020), as follows.

1. Revision 7 of the draft DCO (REP6-003)
2. Response to the Site Specific Plan for Fordbridge Park (REP6-055)
3. Response to the Site Specific Plan for Ashford Road (REP6-063)
4. Response to the Site Specific Plan for St. James' School (REP6-061)
5. Response to the Site Specific Plan for Ashford town centre (REP6-066)
6. Comments on Esso's amended draft project implementation plans submitted at Deadline 6:
 - Code of Construction Practice (REP6-009)
 - Outline Construction Traffic Management Plan (CTMP) - Revision No. 1.0 (REP6-026)
 - Outline Landscape and Ecological Management Plan (LEMP) - Revision No. 1.0 (REP6-028)
 - Outline Construction Environmental Management Plan (CEMP) - Revision No 1.0 (REP6-030)
 - Outline Lighting Management Plan - Revision No. 1.0 (REP6-044)
 - Outline Community Engagement Plan (CEP) - Revision No. 1.0 (REP6-046)

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ExA will be aware that the Council and Esso have concluded a Statement of Common Ground (REP6-022) and the comments in this letter are made in the context of that agreement.

Subject to the comments made later in this Deadline 7 response, the Council is now generally satisfied with the local environmental and amenity safeguards afforded by the certified implementation plans (CoCP, CEMP, LEMP, CTMP, CEPs, SSPs, etc) and with the future communications between the Applicant, relevant planning authorities and affected local communities that these plans and associated DCO Requirements enable.

1. Revision 7 of the draft DCO (REP6-003)

1.1 The Council has the following specific observations.

Part 1(2) Interpretation

1.2 It is noted that Part 1(2) *Interpretation* now includes ‘*days on which general or local elections are held*’ in the definition of business days. This is welcomed because it acknowledges local authorities’ staff resource constraints on election days.

Req 5: Code of Construction Practice

1.3 The Council supports the safeguards added to this DCO Requirement and the cross-referencing to it in para. 1.3.1 of the CoCP itself.

Req 8: Vegetation

1.4 Notwithstanding the relationship between the protections afforded by Req 8 and Req 12: Landscape and Ecological Management Plan, SBC requests that the following addition in bold underlined text is made to Req 8(1)(a)(i):

*(i) a written vegetation retention and removal plan which has been submitted to **and approved by the relevant planning authority** prior to the commencement of that stage of the authorised development and which implements the requirements of the LEMP . . .*

Req 14: Construction hours

1.5 It is noted that the Applicant still proposes standard construction working times for the whole pipeline route. As explained in paragraph 1.15 of the Council’s *Responses for Examination Deadline 3* (REP3-045), SBC would prefer the local agreement of construction hours with the relevant planning and highways authorities. The pipeline passes through a wide range of environments, including remote farmland in which extended working hours might be

acceptable and more sensitive residential areas and school sites in which working hours will need to be restricted.

Req 17: Site-specific plans

1.6 The Council supports the clarification now added at the end of Requirement 17.

1.7 In respect of Requirement 17(a) it is requested the wording in bold underlined text (below) is added to ensure that a SSP certified at the time the DCO is made can respond to any unforeseeable changes in local circumstances:

17. The authorised development must be undertaken in accordance with the site specific plans, or with such changes to those plans as agreed by the relevant planning authority provided that any such changes must be—

*(a) necessary or desirable to reflect **material changes in local circumstances in the area to which the site specific plan applies or** a change or update in legislation, guidance or good practice; or . . .*

Req 18: Removal of above-ground infrastructure

1.8 The Council supports this additional Requirement, which is in the interests of local amenity at the sites affected.

Req 22: Register of Requirements

1.9 The Council supports the amendment made to this Requirement insofar as it brings forward the time at which the Register of Requirements will be established. However, the obligation to ‘establish and maintain [the Register] in an electronic form suitable for inspection by members of the public’ could be met by the provision of the Register on memory sticks on request. So that the intention of the Requirement is plain the following amendment is requested:

*22.—(1) The undertaker must, prior to the formal submission of any application for approval under Part 2 of this Schedule, establish and maintain in ~~a an electronic~~ form suitable for inspection by members of the public **an on-line** register of **the** requirements contained in this Part of this Schedule that provide for approvals to be given by a relevant authority.*

Req 25: Further information

1.10 It is noted that the applicant remains resistant to the request in the Council’s response to second written questions (ExA question DCO.2.28 - see REP4-073 pp 13-14) that the period within which the relevant authority must notify the undertaker in writing specifying the

further information required should be extended to 15 business days of receipt of the application (Req 25(2)). As a compromise it is requested that the notification period is extended from 5 to 10 business days.

2. Response to the Site Specific Plan for Fordbridge Park (ref. REP6-055)

- 2.1 SBC is content with the Fordbridge Park SSP and the safeguards it provides for the amenity and continued enjoyment of the park during pipeline construction. *Inter alia* it is noted with satisfaction that SSP para. 3.5.6 requires tree work to be undertaken in accordance with BS5837:2012 *Trees in relation to design, demolition and construction* in preference to the *National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees* (NJUG).
- 2.2 In respect of the land agreement for the provision of an alternative construction access from lower Woodthorpe Road (SSP para. 3.1.2), discussions have taken place between the Council and the Applicant and a progress update will be provided to ExA in writing before the end of the DCO examination.

3. Response to the Site Specific Plan for Ashford Road (ref. REP6-063)

- 3.1 SBC is content with the Ashford Road SSP and in particular with the adoption of BS5837:2012 in respect of tree protection and tree works.

4. Response to the Site Specific Plan for St James' School (ref. REP6-061)

- 4.1 An SSP for St James Senior Boys' School was not requested by the Council but the delivery of the pipeline in a manner sensitive to the operation, landscape setting and cultural heritage interest of the school is supported.

5. Response to the Site Specific Plan for Ashford town centre (ref. REP6-066)

- 5.1 Provided that the County Education Authority and Clarendon Primary School's head teacher confirm to ExA that they are satisfied with the measures proposed to protect the amenity and safe operation of Clarendon Primary School, and on the understanding that construction activities will be restricted to the north-western corner of the school site such that the amenity of residents of Village Way whose homes back on to Clarendon Primary School will be protected, SBC is content with the Ashford town centre SSP.

6. Comments in Esso's draft project implementation plans submitted at Deadline 6 (CoCP, CTMP, LEMP, CEMP, Lighting Plan and Community Engagement Plan)

6.1 In addition to the matters discussed above, SBC offers the following comments on the suite of project implementation plans submitted by Esso at Examination Deadline 6.

Code of Construction Practice (ref. REP6-009)

6.2 The Council welcomes the addition of new section 2.11 *Working near trees* and the adoption of BS5837:2012 for tree care. The following addition (in bold underlined text) is proposed for CoCP para. 2.11.2 to ensure an appropriate level of engagement with relevant planning authorities:

*2.11.2 Where works cannot be carried out outside of the relevant Root Protection Area (RPA) (as per BS5837: 2012) the extent of encroachment and level of works will be assessed by the arboriculturist and an appropriate method of work agreed **in consultation with the tree officer from the relevant planning authority.***

6.3 Under CoCP section 2.18 *Reinstatement* it is noted that an extra provision has been added to para. 2.18.1, as follows:

... Where possible, replacement tree planting will be located in close proximity to the original tree ...

6.4 The Council supports this addition and restates its commitment to working with Esso to find local sites for replacement tree planting where locations cannot be found inside the DCO Order Limits. This is to ensure that the local communities which incur the loss of trees will receive the reinstatement benefit.

6.5 In respect of CoCP section 2.19 *Working hours*, please refer to the Council's comments on draft DCO Requirement 14 (para. 1.5 above).

Outline Construction Traffic Management Plan (CTMP) - Revision No. 1.0 (REP6-026)

6.6 As noted in para. 5.4 of its Deadline 5 response (REP5-047), SBC defers to Surrey County Council in its capacity as the Local Highway Authority for Spelthorne in respect of the technical adequacy of the draft CTMP. Subject to the County Council's comments SBC notes with satisfaction that the latest draft of the CTMP covers the range of topics identified in paragraph 4.34 of the Spelthorne LIR (REP1-021).

Outline Landscape and Ecological Management Plan (LEMP) - Revision No. 1.0 (REP6-028)

6.7 Again, the Council welcomes the adoption of BS5837:2012 for tree care. As noted above, SBC is committed to working with Esso to find local sites for replacement tree planting where locations cannot be found inside the DCO Order Limits.

Outline Construction Environmental Management Plan (CEMP) - Revision No 1.0 (REP6-030)

6.8 The Council has no further comments on the outline CEMP and notes with satisfaction that Requirement 6: *Construction Environmental Management Plan* of the draft DCO (REP6-003) provides for the submission to and approval by the relevant planning authority of a detailed CEMP.

Outline Lighting Management Plan - Revision No. 1.0 (REP6-045)

6.9 SBC notes with satisfaction that a LMP will be in place to address lighting effects during construction, and has no further observations.

Outline Community Engagement Plan (CEP) - Revision No. 1.0 (REP6-046)

6.10 SBC likewise welcomes the production of an outline CEP. Pages 17-19 of the draft outline CEP in *Appendix A: Community Stakeholders List*, contain a table of 'local interest groups' that includes schools.

6.11 Given how the pipeline will affect playing fields and open space enjoyed by schools in Spelthorne, specifically Clarendon Primary School, St James' Boys School and Thomas Knyvett College, it is requested that these be added to the list.

We hope these comments are helpful to the Examining Authority.

Yours faithfully,



Karl Cradick
Director