

**Surrey Heath Borough Council Deadline 7 Submission**

**Written Response to the The Examining Authority's written questions and requests for information (ExQ2) and submissions by Esso Petroleum Company Limited**



**Esso Petroleum Company Limited Southampton to London Pipeline Project Application for a Development Consent Order**

**Project reference no. EN070005**

**Examining Authority's (ExA)  
Consultation Draft Development Consent Order  
Schedule of ExA's recommended amendments to the Applicant's draft DCO  
submitted at Deadline 6**

Having regard to the Council's comments on the Site Specific Plan (SSP) for Turf Hill, as set out below, and the introduction of a new requirement for Queen Elizabeth Country Park as now recommended by the ExA, the Council is of the view that a new requirement should be introduced that requires that the Site Specific Plan for Turf Hill should be submitted to and approved by the local planning authority. This is on the basis that, given the lack of appropriate information, the environmental and visual impacts of the proposed tree loss cannot, at present, be precisely understood. This is important given the sensitivity of the site and its trees, notwithstanding the applicant's commitment to narrow working. The submitted SSP for Turf Hill is not considered to be acceptable for the purposes of Requirement 17.

**Response to Applicant's Deadline 6 submission – Code of Construction Practice**

As a general point the works set out in paragraph 2.11, Working near trees, should be considered in the context of comments made below in relation to trees.

In relation to paragraph 2.15.2 it would be helpful to link these provisions to the SSPs for the relevant SANGS. In relation to the maintenance of the circular walk within the St Catherine's Road SANG, the Council would expect that bins and seats along the walk would be retained or, if not possible, replaced for the duration of the works which impact on the SANG. These facilities should be available and accessible for use concurrently with the provision of the revised circular walk.

With regard to the Windlemere SANG as referred to in Table 2.3, the Council remains concerned about the impact of the pipeline on the Great Crested Newt population

With regard to paragraphs 2.20.1 and 2.20.3 it is assumed that appropriately fenced and additional fencing would allow for flexibility based on the SSPs. This is because the Council has previously advised that there are some areas it would not wish to see fencing erected.

With regard to paragraph 2.24.3 it would helpful to have clarification on what "timely" means.

With regard to table 3.1 Embedded design measures D69, it is unclear what this would mean in practice and what the possible historic feature would be.

### **Response to Applicant's Deadline 6 submission - Outline Landscape and Ecological Management Plan (LEMP)**

With regard to paragraphs 1.3.7 and 4.38 and the reference to the Code of Construction Practice (CoCP) in relation to working near trees, specifically paragraph 2.11.1 in the CoCP relating to "where such measures do not hinder or prevent the use of the relevant working width for construction", and Commitment number G95, the Council has concerns about this wording. This seems to potentially give the applicant carte blanche to avoid implementing appropriate tree protection measures for trees outside of the Order limits. This could easily result in the loss of further trees where there is currently an expectation that they would stay, further impacting on the landscape character of the borough.

New commitment G200 is not satisfactory nor is the statement made at paragraph 5.2.3. As the Council has previously advised in its submissions to the ExA, replacement of felled trees on a one for one basis is not adequate compensation or mitigation in landscape terms. The Council reiterates its view that, as a minimum, two replacement trees should be planted for every mature tree removed with replacement trees being standard, root balled, of between 15-20 years of age and of a broad leaf native species. This also relates to paragraph 2.18.1 in the Code of Construction Practice and the response made in Responses to Deadline 6 submission Applicants comments on responses submitted for Deadline 5 REP-5-048- Surrey Heath Borough Council in respect of paragraph 5.3.1 page 46

With regard to the paragraph 5.7.7 the Council does not have confidence that appropriate mitigation can yet be identified. Please also see the comments below in respect of commitment G59 on page 42 - Responses to Deadline 6 submission Applicants comments on responses submitted for Deadline 5 REP-5-048- Surrey Heath Borough Council

With regard to paragraph 6.2.1 and notwithstanding proximity to water courses or other sensitive habitats, the Council, as landowner, would wish to have control over chemicals used on land within its ownership and control.

### **Response to Applicant's Deadline 6 submission - Outline Construction Environment Management Plan (CEMP)**

With regard to paragraph 2.3.1 it is unclear how the local planning authority would be advised of any changes arising from the pre-construction surveys. This is important as this could have potential impacts on landscape character, nature conservation and amenity.

The comments made above in relation to paragraph 1.3.7 of the LEMP are relevant to the paragraph 2.4.1 in the CEMP.

With regard to paragraph 3.4.3 the replacement of "propose" with "provide" is welcome but there does not appear to be any mechanism in place to ensure that this training is undertaken.

### **Response to Applicant's Deadline 6 submission - Outline Lighting Management Plan**

With regard to paragraph 3.8.2 and notwithstanding the comments below about the removal of compounds during dormant periods, it would be helpful to understand the reasons why the lighting could not be turned off during dormant periods

### **Response to Applicant's Deadline 6 submission – Outline Construction Traffic Management Plan**

With regard to paragraph there is no provision for the submitted site checks, remediation measures or monitoring to be provided to either the local planning or highway authorities. Please could this provision be included.

### **Response to the Applicants Deadline 6 submission on the Turf Hill SSP**

With regard to paragraph 3.1.3 it is unclear where construction access for the remainder of the works will be from. Clarification of this would be helpful.

With regard to paragraph 3.2 in respect of Vegetation Removal, the Council is pleased that a tree survey of Turf Hill to BS5837:2012 has been undertaken by the applicant. However it is disappointed that, despite previous requests for such a survey to be done, the requisite survey will not be submitted until Deadline 7, giving the Council no opportunity to respond to this document. In this respect, the Council agrees with the Heronscourt and Coleville Gardens Residents Associations that the lack of fundamental information has made the evaluation of potential tree loss and the resultant impact of the proposed pipeline on the landscape character of Turf Hill challenging. Notwithstanding this, the Council notes that the tree survey has informed the revised Turf Hill SSP and it is in this regard the following comments are made.

With regard to paragraph 3.2.2 the proposed site compound is shown to be located in a relatively high density area of trees consisting of roughly 50/50 Silver Birch of a mainly early to mature age class, and Scots Pine of a more mature bias. The suggested number of trees to be removed for the access route of 18 self-set Silver birch is considered to be an underestimate and realistically double would be as more

accurate assessment. The compound removal estimate of 21 trees, but none of a mature status, is again considered to be unrealistic and there are at least 10 mature trees with another 25/30 early mature to be removed. Consideration should be given to other options which would require a significantly lower number of less important trees to be removed.

The 'footpath' to which the pipeline is to be located is approximately 6m wide. The information in the applicant's report details a working area of 10 /15m wide and the actual trench a width of 1m and unknown depth. This working area does then include a significantly greater number of trees than shown on their BS5837:2012 drawing and additionally when looking at the intended pipeline location there is a greater impact on supposedly retained trees.

Along the whole pipeline length the intended method of excavation is an 'open cut trench. This will undoubtedly result in unacceptable amounts of root damage and of a root diameter exceeding the B.S. criteria, especially when their RPA calculations from some of the more critical trees do not appear to be correctly represented. Whilst noting the provision at paragraph 3.5.2, which should include reference to an appropriately qualified arboriculturalist, the Council has concerns that this would result in further tree loss to that identified, particularly given ground level variations and other root growth restrictions.

It is considered that, having regard to trees above a stem diameter of 200mm which will be necessary to remove to achieve the pipeline installation, there are in addition to the applicant's assessment of 21 trees, another 30 to be removed. These are of a proximity that even with a none mechanical excavation method, are of such close proximity that roots over 100mm in diameter will be revealed and how these could be retained whilst trying to lay this large pipe would be challenging if not viable. Unless the whole process is carried out under full arboricultural supervision then it is considered that roots would be severed on a frequent basis.

Being realistic on how the pipeline can be installed and given the shortcomings in the submitted tree information, there is sufficient concern to cast doubt on the actual level of tree removal/damage which will, in reality, be required for the construction of the pipeline. Furthermore it is unclear how a satisfactory balance could be struck to achieve a sympathetic excavation method which would protect the trees but equally would allow the excavations to be achieved at a reasonable rate. This would require, in a number of cases, the use of Air Spade and soil vacuum to expose roots. A decision would then be made on how to install the pipeline under them or agree removal if they could be removed without resulting in health issues. Again how this would work in practice, and notwithstanding the provisions as set out in paragraph 3.5.5 for example with the retention of an appropriately qualified arboriculturalist on site during the tree removal and construction phases to advise on methods of

excavation to ensure that roots are not unnecessarily removed or exposed, is unclear.

Tree related decisions should be made by an appropriately qualified arboriculturalist. Having regard to the above concerns and those raised by the Heronscourt and Colville Gardens Residents Associations, the Council seeks a new requirement in respect of the Turf Hill SSP, as set out above, to ensure that, following the consideration of all relevant information, a plan may be agreed where all the impacts of the development are known, understood and mitigated for.

As a general point it is assumed that where trees are to be removed, the reinstatement will be trees, although this is not entirely clear. There is a concern that there would be a conflict with the applicant's previous statements that it may not be appropriate or possible to undertake tree planting.

With regard to paragraph 3.4.8 it is noted that construction activities within the SANG are envisaged to last two years. However the estimated construction period is envisaged as being 24 weeks. On the basis that the compound could be inactive for a substantial period, the Council would wish to see the removal of fencing, built form, materials and equipment from the compound during periods of inactivity lasting more than one month.

In conclusion the Council is of the view that the submitted SSP for Turf Hill is currently not acceptable. More detailed tree information is required as is information on the methods of excavation/tree protection and method of supervision required. The Council remains committed to engaging with the applicant to address these issues.

### **Response to the St Catherine's SSP**

It is noted that construction activities within the SANG are envisaged to last two years. However the estimated construction period is envisaged as being 56 weeks. On the basis that the compound could be inactive for a substantial period, the Council would wish to see the removal of fencing, built form, materials and equipment from the compound during periods of inactivity lasting more than one month.

It is noted that additional mitigation measures have been added to the SSP in respect of Natural England's comments at paragraph 2.1.6. However, the Council provided a suite of more detailed mitigation measures that the applicant should consider including in the SSP. As a minimum the Council would expect the addition of the following measures, which were included in the Council's Deadline 5 submission:

'In advance of any construction works taking place, providing an information pack to every Keaver Drive residence detailing the timescale of the works, notification that the SANG will remain open and potential routes that can be utilised within Frith Hill and the Frimley Fuel Allotments'.

Given that the SANG mitigates the potential recreational displacement of the Keaver Drive development, providing an information pack to the residents is considered by the Council to be a key way of reducing and potential recreational displacement. The Council considers that this is a relatively simple measure and not overburdensome for the applicant.

'Laying the pipeline into the SANG outside bird nesting season to limit any potential impact'. It is noted that this is likely not possible for the construction compound."

In the event that the installation method at St Catherines's Road is not by HDD the Council would expect to be consulted on and approve the size and duration of the compound.

The Council welcomes confirmation that 'dog walking and dogs being allowed off the lead will be possible during the works' at paragraph 3.1.5. The comments made above concerning the circular walk in respect of paragraph 2.15.2 Response to Applicant's Deadline 6 submission – Code of Construction Practice are also relevant.

The Council is concerned about the statement given at paragraph 3.1.6. in respect of construction access. This introduces uncertainty in relation to site access which is, and would be, of concern in both amenity and highway safety terms. The applicant has consistently advised the Council that no construction access would go through Regent Way to the north but this paragraph would seem to allow for this. This would not be acceptable to the Council.

With regard to paragraph 3.2.3, there is a lack of clarity in relation to "some" and "younger" trees. In the absence of knowing how many and of what maturity it is difficult for the Council to fully understand the impact on the landscape character of the SANG. With regard to pruning there is also a lack of clarity as to what constitutes "nearby trees". Are they within or outside the Order limits? This is also relevant in respect of paragraph 3.2.4.

The Council welcomes the addition of 'acoustic material that will be applied to the fencing to limit the impact of noise pollution on the tranquillity of the SANG' at paragraph 3.4.4. and the inclusion of 'fencing material will be selected to reduce the visual impact on the SANG, maintaining reduced visibility of the compound area' at paragraph 3.4.5 of the SSP .

With regard to paragraph 3.5.12 it is difficult to quantify the difference in size between normal and smaller plant as no benchmark has been set.

The Council remains concerned that insufficient information has been provided to enable a detailed assessment of the impact of the proposal on habitat, tree and vegetation removal.

#### **Response to Deadline 6 submission by applicant in response to Action Points from Issue Specific Hearing on Draft Development Consent Order (ISH4)**

In response to the applicant's comments in respect of Action 5, and having regard to the Council's previous and current comments in relation to trees and the lack of appropriate and sufficient detail, the Council would support a requirement which affords appropriate protection of veteran, notable or protected trees.

#### **Response to Deadline 6 submission by applicant in response to Action Points from Issue Specific Hearing on Environmental Matters (ISH5)**

With regard to Action 10 on page 7 the Council has not had discussions concerning voluntary agreements concerning the Environmental Mitigation Areas.

As set out at paragraph 1.5 in response to Action 13 and in response to Action 30, the applicant is proposing tree replacement on a one for one basis. As advised in previous submissions and having regard to the verdant and treed landscape character of Surrey Heath, this level of replacement tree planting is inadequate. A minimum of at least two trees should be planted as replacements to appropriately address the impact of the pipeline on the landscape character of the borough.

With regard to Actions 17, 19, 22 and Appendix 2 the Council would wish to see minimal impacts on the local environments during the indicative two year periods particularly in relation to the St Catherine's Road SANG and Turf Hill. As such please see the comments above about the removal of built form, fencing, materials, plant etc from the compounds during periods of inactivity in excess of one month. This is also relevant in respect of Action 19.

With regard to Action 20 the Council notes that the applicant will undertake works outside of the bird nesting season.

The response to Action 23 concerning the construction compound at Frith Hill is confusing. The reference in paragraph 1.1 would appear to refer to the original compound. This is because at Deadline 5 the applicant proposed compound reference 5U and included it in the draft Development Consent Order. This would lead interested parties to reasonably conclude that the applicant had reached an



agreement with the MoD for a new and alternative compound with access from Deepcut Bridge Road, notwithstanding that the Council had raised concerns about what was being proposed at Deadline 6.

The basis for the applicant's conclusion that the construction compound at Frith Hill/Deepcut is not an appropriate replacement during construction, because the works to St Catherine's Road require the road to be closed to traffic, is unclear and clarification of this would be helpful. It is difficult to understand why the main deliveries eg the pipe could not be organised to be done before St Catherine's Road is closed with any smaller items coming from Frith Hill. The Council queries why reference is made to the use of the SANG reducing the potential impact of delivery vehicles through the residential areas when the applicant has advised the Council on numerous occasions that this would not happen, please also see comments above on this issue relating to the St Catherine's SANG SSP.

With regard to Action 31 the Council has concerns about the wording at the end of the response at paragraph 1.2 relating to "where such measures do not hinder or prevent the use of the relevant working width for construction". This seems to potentially give the applicant carte blanche to avoid implementing appropriate tree protection measures for trees outside of the Order limits. This could easily result in the loss of further trees where there is currently an expectation that they would stay.

With regard to Action 32 the Council has previously acknowledged that it recognises that replacement planting may not be appropriate in the same location from where trees have been removed. The Council restates its commitment to working with the applicant to ensure that appropriate levels of replacement tree planting are achieved within the borough to ensure that its landscape character is not adversely impacted by the proposed pipeline.

### **Responses to Deadline 6 submission Applicants comments on responses submitted for Deadline 5 REP-5-048- Surrey Heath Borough Council**

Many of the issues raised in this submission have been dealt with above. However the following matters are relevant:

In response to the comments on page 34 the Council would wish to ensure that the link between the Code of Construction Practice and the Site Specific Plans is clear particularly if the SSPs are to be certified documents.

With regard to the response to the CoCP on page 39, the applicant's comments are noted. However this does not address the fact that whilst tree surveys have been undertaken they have not been provided to the Council. Given the number of trees within the borough, the absence of this information has made it difficult for an informed understanding of the impacts on the landscape and nature conservation.

This is dealt with in more detail above and below in relation to Turf Hill and St Catherine's.

With regard to the response to commitment G59 on page 42, it is difficult to understand how the applicant can identify mitigation measures when the relevant surveys on the Great Crested Newts have only recently been commenced. In the absence of detailed surveys to fully understand the impact on the Great Crested Newts at Windlemere, including the role of the ditches, the Council has little confidence that these amphibians will be appropriately safeguarded or be able to re-establish following the construction of the pipeline.

With regard to the response to paragraph 4.3.6 RPAS on page 43, it is unclear why the working method statements could not be made available, as a minimum, to the local planning authority.

With regard to the response to paragraphs 4.5.2 and 4.5.3, the Council queries what is meant by short term. Throughout the Examination process the applicant has consistently referred to a two year construction period. In nature conservation terms this is not considered to be short term. It is expected that new surveys would be undertaken to inform the site specific method statement and this information provided, as a minimum, to the local planning authority.

With regard to the responses to the LEMP on page 48, it is unclear why landscape inspection reports could not be made available, as a minimum, to the local planning authority and the landowner. The latter is so that the landowner has an understanding of the inspections that have taken place when considering future maintenance. The response to Ecological Monitoring seems incomplete.

With regard to the response on page 49, the Council would wish to have a copy of the dormice survey that was undertaken.

The applicant's comments in respect of the answer given to paragraphs 3.3.3 and 3.3.4 are noted. However it is unclear in respect of Commitment G9 who the Council would need to request it from and where and how it would be available to view.

The response to paragraph 3.6.1 on page 51 is noted but it is unclear where this is explicitly stated and how the local planning authority would be kept informed.

The response to paragraph 3.7.2 on page 52 is noted but it is unclear where this is explicitly stated

With regard to the response to paragraph 4.2.1 on page 52, it is unclear who the Council would need to contact to receive this information.

With regard to the response to paragraph 3.3.17 on page 55, the Council is of the view that root protection zones should be included in the definition of sensitive areas for the purposes of paragraph 3.3.5.

With regard to the response in respect of the Water Management Plan on page 59, it is not clear how and where the impact on the Windlemere would be captured or used to inform the impact on the Great Crested Newts nor is it clear why the applicant does not believe that there is a risk from pipeline installation to the levels of groundwater experienced in the Windlemere SANG. Clarification of this would be helpful.

With regard to the response to Chapter 11 of the CEP, it would be helpful to know what would be an appropriate method for reporting incidents that may require immediate or urgent actions and where would this be found

With regard to the response on page 64 in relation to Turf Hill it is unclear how the details of the finalised compound layout would be provided to the local planning authority, particularly in light of the concerns raised in respect of the Turf Hill SSP.

With regard to the response on page 65 in relation to Turf Hill it is unclear what measures would be in place to prevent the applicant erecting fencing.