

# **Comments on the Outline Landscape and Ecological Management Plan (LEMP) submitted at Deadline 6**

**Application by ESSO Petroleum Company Ltd  
for an Order Granting Development  
Consent for the Southampton to London  
Pipeline Project**

**Application Reference EN070005**

**Interested Party Reference 20022787**

**Internal Reference 19/00432/PINS**

**ESSO's Outline Landscape and Ecological Management Plan**

RBC submitted detailed representations in relation changes required to the LEMP at Deadline 5. This is therefore an extremely disappointing document with very few changes being made. There is very little improvement in the document since the first draft and RBC is of the view that this document is not fit for purpose and does not provide adequate protection and mitigation for habitats to be damaged and species populations to be disturbed.

For ease of reference where our suggested changes have not been incorporated we have reproduced our original comments with additional comments where amendments have been made.

## **1 Table 2.1 Good Practice Measures Relevant to the LEMP**

- 1.1.1 **O1** – As stated in previous submissions, it is RBC’s view that, in respect of important hedgerows auger bore or Horizon Directional Drilling should be undertaken.
- 1.1.2 **G61** – In respect of the Natura 2000 sites, RBC does not agree that enough protections would be provided if works were carried out “in accordance with Annex B of the Habitat Regulations Assessment”. It is the council’s views that far more resilient avoidance, restoration and mitigation measures are required.
- 1.1.3 **G65** – In respect of retained notable, TPO, Ancient Woodland and veteran trees the council does not feel that fencing will provide adequate protection to ensure the root zones are not compromised during the works.
- 1.1.4 **G88** – Although RBC welcomes the commitment to replace species on a like for like basis, we are concerned that the seed sock used will not be of local provenance. We have promoted the need to offset harm by providing new habitat in another part of the site, or within adjacent areas, with the habitat destroyed being allowed to regenerate. When on council land, this is likely to be best done by planning a scheme of works financially funded by the applicant.
- 1.1.5 **G92** – Again, on council land the 5 year aftercare is likely to be delivered more efficiently by the local authority which has responsibility for the day to day management of the site. Therefore, RBC recommends that a financial agreement is entered into between ESSO and the relevant Local Authority at the requirements stage.
- 1.1.6 **G94** – Reinstatement of land used temporarily should be undertaken by ESSO in agreement with the relevant Local Authority.
- 1.1.7 **G95** – RBC welcome the commitment to the British Standard 5837:2012. However G95 states that the British Standards will be applied to *trees outside of the Order Limits* RBC had stated that the council is not in agreement with the applicant having full powers to work on or fell trees outside the order limits and that permission should be sought from the Local Authority before any works outside the order limits are undertaken. The clause *where such measures do not hinder or prevent the use of the relevant working width for construction* absolves ESSO from using the British Standards when they feel it is appropriate. Within the hearing ESSO made a commitment to fully conform to the standards and this should apply to all tree works undertaken by the project.

1.1.8 **G97** – RBC is of the view that native shrubs should not be specified as alternative habitat to trees lost within the order limits. It is for the landowner and ESSO to agree the nature of the planting at the requirements stage. The council recommends that the requirement for shrubs is replaced with *alternative planting* in this commitment.

1.1.9 **HRA1** – As stated in previous representations, RBC is of the view that natural regeneration alone would not be adequate to compensate for the habitat lost to the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC) and the Thames Basin Heaths Special Protection Area (SPA).

## **2 Landscape and Ecological Features**

2.1.1 RBC welcomes the inclusion of Southwood Golf Course West within the list. However Ball Hill and Ship Lane could also be impacted indirectly therefore they should also be within the list.

## **3 3.2 Summary of Main Land Uses Crossed by the Pipeline Route**

3.1.1 **3.2.5 – Woodland** - In respect of woodland. Queen Elizabeth Park needs to be highlighted.

3.1.2 **3.2.7** – RBC note that positive changes have been made to this paragraph with more priority habitats mentioned and reference to the Phase 1 Habitat Survey. However as RBC do not agree with the deification of habitats within SCP, in particular the acidic grassland habitats recorded by Hampshire Biological Information Centre in 2017 and by Hampshire and Isle of Wight Wildlife Trust in 2018 reference to the Phase 1 Habitat survey would not protect this habitat. Therefore RBC recommends that an insertion is made as follows *There are areas of semi-natural habitat at Cove Brook (coastal and floodplain grazing marsh, **wet woodland and acidic grassland** priority habitat.*

3.1.3 **3.2.10 – Amenity Land (Including Sports Grounds)** – This list needs to include the following sites within Rushmoor Borough:-

- Southwood Playing Fields
- Cove Brook Greenways
- The Blackwater Valley River Path

3.1.4 **4.1.1** – As stated in representations within Deadline 2, 3 and 4, RBC does not support the measures proposed to protect veteran and notable trees. *(See previous comments for further details)* The Council also notes that although Appendix C states there is no ancient woodland to be directly impacted, the trees bordering Old Ively Road have been identified by the applicant as possible ancient woodland, however, despite the assertion that narrow working will not impact on these trees, the newly issued arrangement plans show that the narrow working limits are situated within the root zones of multiple trees. *(Please see RBC representations to ESSO's comments on the council's Deadline 3 comments section 5.2)*

3.1.5 **Table 4.1 – G59** – RBC requests that the word "*preferable*" is removed from this commitment. All work to ponds must be carried out outside the amphibian breeding

season as this is the most vulnerable time for these species, when disturbance of adults and young is likely to lead to the loss of an entire breeding season. All public authorities including the applicant are obligated under the Natural Environment and Rural Communities Act 2006, to conserve biodiversity. S41 lists have been produced for specific habitats and species as an indication of what species require preservation. Palmate and smooth newts and common toad are named within the s41 list.

- 3.1.6 **G61** – As stated in previous representations RBC have very serious concerns about Appendix B of the Habitats Regulations Assessment.
- 3.1.7 **G196** - RBC have reviewed our position regarding a two stage cut for common reptiles within SCP. This is due to reptile fencing needing to remain in place around the order limits if translocation occurs. This would cause a visual intrusion to visitors for up to two years. As we have requested that ESSO remove all structures and machinery when not working on site we would agree to a two stage cut providing a fingertip search was undertaken and any individual common reptiles or newts moved to safety before the second cut was undertaken. Providing ESSO agree to this methodology we are now happy for a two stage cut in SCP. In areas where European protected species are present we still feel translocation should be undertaken.

#### **4 Vegetation Retention and Removal**

##### **4.1 4.2 General Principals of Vegetation Retention and Removal**

- 4.1.1 As stated in previous responses, RBC is very concerned regarding the wide powers that DCO Article 41 give to the applicant in relation to vegetation removal, within and adjoining the order limits. This is especially pertinent in relation to trees and hedgerows and could cause significant damage to these habitats, with no safeguards in place to stop damage occur.
- 4.1.2 **4.3.9 – 4.3.13** – On review RBC is concerned regarding the working methods for retained trees detailed by the applicant, for the following reasons.
- 4.1.3 RBC does not think it appropriate that trees root protection zones should be identified by groups. Each RPZ must be mapped to ensure no damage to individual trees. If work is to be undertaken within an RPZ this is not a decision that should be made on site but rather any infraction into an RPZ should be shown on the vegetation retention and removal plans to be agreed by the Local Authority. RBC also has concerns regarding ESSO having powers to fell and work on trees outside the order limits as encapsulated with G95. RBC also still has concerns regarding the method of works within the root zones. We continue to be concerned regarding works to Veteran, Notable and TPO trees.
- 4.1.4 **Protection of Watercourses** - RBC generally agrees with these measures.
- 4.1.5 **Retention and Protection of Ecological Features** - Other than in respect of HRA4, RBC welcome and agree with the commitments within the CoCP, detailed within this section.

## **4.2 4.4 Vegetation and Tree Removal**

- 4.2.1 **General Approach to Vegetation Removal** - In previous representations RBC has expressed our concerns regarding the removal of trees and other ecological habitats. We continue to be concerned regarding these sites.
- 4.2.2 **Hedgerows** – Other than in respect to Important Hedgerows, under the Hedgerow Regulations 1991, RBC are happy with the measures within this section. **4.5.4** – As stated within previous representations RBC do not support broadleaved semi natural woodland being translocated for Cove brook Grassland SINC and Cove Valley Southern Grassland SINC. We would however support seed collection within the acid grassland on site to provide a seed bank in case regeneration was not successful. Currently ESSO have not agreed to seed harvesting as a mitigation measure.

## **4.3 Removal of Invasive Species**

- 4.3.1 **4.6** – IRBC support the methodologies in this section. In respect of the Country Park the species of most concern are, New Zealand Pigmy weed, Himalayan balsam and signal cray fish. Within QEP *Rhododendron ponticum* is present.

## **5. Landscape and Ecological Reinstatement**

### **5.1 General Reinstatement Proposals**

- 5.1.1 RBC is extremely disappointed to see this additional paragraph inserted into this document as we believe this will lead to significant biodiversity loss. As stated throughout the examination, if a semi mature or mature tree is lost and merely replaced by a whip; 30 – 50 years of growth could be lost. There is the opportunity to replace semi mature trees however transplantation of a mature tree is generally unsuccessful. To alleviate the biodiversity loss experienced in many applications the government is promoting biodiversity offsetting. Throughout the examination process ESSO has refused to consider the use of biodiversity offsetting to ensure no biodiversity loss however RBC still wish to promote this as the fairest way of calculating loss and the mitigation that would be required. We have undertaken discussions with ESSO on providing additional habitat for loss of acidic grassland, and grazing marsh habitats and the required number of trees but in relation to trees they are unwilling to agree any mitigation package other than a one for one compensation package.
- 5.1.2 **Table 5.1** – There is little change to this table since the last draft and as stated previously RBC feel that it does not provide adequate mitigation for the ecological damage to be occasioned by the project. We are concerned that so near to the end of the examination process there is still little habitat mitigation within the application documentation. Although there maybe opportunities to secure some habitat restoration outside the order limits as part of the EIP, ideally RBC would wish this to be secured by a s106 agreement, with the amount of mitigation calculated using the Defra Biodiversity Offsetting matrix. RBC has identified areas within Southwood Country Park and Southwood Woodlands where additional habitat for marshland, acidic grassland and any additional trees could be provided.

## **5.2 5.3 Reinstatement of Woodland and Trees**

- 5.2.1 **Table 5.2 – 5.5** – The species mixes within these tables appear appropriate. However RBC would wish to agree the species mix for reinstatement planting as part of the detailed LEMP.
- 5.2.2 **Reinstatement of Individual Trees** - In respect of QEP, RBC continues to hold the view that no trees should be lost, and excavation should be undertaken using HDD techniques. Himalayan birch is detailed within the species mix. RBC would not be happy for non-indigenous species to be included within the species mix for QEP or SCP. It is also probably better to avoid horse chestnut due to disease which is killing many of the mature stock across the South East.

## **5.3 5.4 Reinstatement of Lowland Heathland**

- 5.3.1 RBC agrees that there is no other way to restore heathland than natural regeneration and that scrub clearance, within limits will improve the ecological value of the habitat. It must however be remembered, that scrub forms an important feature of the heathland habitat complex, especially where sand lizard and/ or common reptiles are present. The council's concerns stem from the fact this appears to be the only mitigation/ compensation offered for the destruction of large areas of SPA and SAC habitat. The habitat enhancement can be seen as only a small part of the mitigation package required to ensure no significant impact on the Natura 2000 network.

## **5.4 5.5 Reinstatement of grassland**

- 5.4.1 In respect of SCP, RBC would agree that habitats can be reinstated on the west with a general purpose rough grassland mix, providing mitigation is forthcoming for loss of maturity. However, within the eastern section the council would expect seeds to be harvested in the previous growing season and appropriately stored, to ensure no corruption of the genetic makeup of the acid grassland and wetland habitats. The council would request that the habitat reinstatement and compensation for both SCP and QEP be secured through a s106 agreement.

## **5.5 5.7 Ecological Habitat Replacement and Improvements**

- 5.5.1 RBC has always had serious concerns regarding the accuracy of the protected species surveys undertaken and is concerned that many populations may have been missed along the route. RBC can only comment on our own sites for which we have ecological data, however within Southwood Country Park badger, bat, and reptile populations were not recorded, *see surveys submitted at deadline 6*, and at Queen Elizabeth Park the bat survey commissioned by Rushmoor Borough Council identified a number of trees with bat potential which were absent from the surveys undertaken by ESSO. (*see bat surveys submitted at Deadline 5 late submission*) The surveys identified trees with high and medium bat potential which would need to be investigated further with a licence obtained if they contained roosts. Although the trees were resurveyed by ESSO they still insist there are only two low potential trees present. Despite repeated requests for sight

of the badger and bat surveys undertaken within QEP, ESSO have still not released this data.

- 5.5.2 Within the last few weeks ESSO have undertaken a newt survey within the pond in QEP. Again despite repeated requests RBC have been unable to ascertain the nature of this survey, whether bottle trapping or eDNA. The council assumes that all these surveys will be published at Deadline 7 and therefore needs to caution the inspectors that if eDNA was undertaken on the pond the results are invalid as this method cannot be used until after the 15<sup>th</sup> April.
- 5.5.3 No avoidance measures have been proposed to ensure no disturbance to otter using the 5 arches bridges or agreement to a watching brief whilst the work are being undertaken, despite the fact that HDD could be in operation under the railway for over a month. It is an offence to disturb an otter resting place under European law and therefore RBC's view is that if undertaken without a watching brief this work would be in contravention of European Law.

## **6. 6. Aftercare**

- 6.1.1 RBC is happy with the aftercare proposals and welcomes the limitation of weed killer in natural habitats.

## **7. Post Construction Monitoring**

- 7.1.1 RBC would expect post construction monitoring to be undertaken on all natural habitats and protected species impacted by the scheme, irrespective of the conditions of any licence. Monitoring is the only method by which to prove that no lasting impact has occurred and that further mitigation or compensation is not required.