



Department for  
Business, Energy  
& Industrial Strategy

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To:

Esso Petroleum Company Limited  
Ministry of Justice  
Hart District Council  
Runnymede District Council  
The Environment Agency  
Network Rail Infrastructure Limited  
Affinity Water Limited

Your Ref:  
Our Ref: EN070005

Date: 5 August 2020

cc:

All Interested and Other Parties

Dear Sir or Madam,

**Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Esso Petroleum Company Limited (“the Applicant”) for an Order granting Development Consent for the proposed Southampton to London Pipeline Project and associated infrastructure (“the Pipeline Project”)**

**REQUEST FOR INFORMATION**

1. Following the completion of the Examination on 9 April 2020, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 7 July 2020. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months from the date of the submission of the Report to determine the application.
2. There are several issues on which the Secretary of State requests that the parties identified in bold should provide any updates or information as appropriate. Additional comments from any interested parties on these particular points will also be considered. The issues are grouped by topic heading.

**Crown Land**

3. The Secretary of State notes the Applicant is seeking the permanent acquisition of rights in land or rights of access in respect of ‘Crown Land’ held by the Ministry of Defence and

the Ministry of Justice. The Secretary of State also notes that at the completion of the Examination, discussions were still ongoing with the Ministry of Defence and the Ministry of Justice in respect of the use of the land sought by the Applicant under compulsory acquisition powers. However, the Secretary of State is aware that the Ministry of Defence and the Defence Infrastructure Organisation wrote to him on 31 July 2020 to withdraw their objections to the use of their land. The Secretary of State, therefore, requests information from the **Applicant** and the **Ministry of Justice** about the current status of negotiations between the parties in relation to this matter and whether consent has been obtained in relation to the relevant plots of land. If discussions are still ongoing, the Secretary of State requests an indication of when they might be concluded.

### **Development Plans**

4. The Secretary of State notes that Table 3.1 of the Statement of Common Ground dated 1 February 2020 between the Applicant and Hart District Council refers to the following emerging policy documents which are “not yet part of the Development Plan”:
  - Hart Local Plan: Strategy and Sites 2016-2032
  - Crondall Neighbourhood Plan (Current stage – Inspector’s Report received 8 Nov 2019).
5. The Secretary of State requests an update from **Hart District Council** on whether the policies set out in these documents are now part of the relevant Development Plan and, if so, whether they have any bearing on the Pipeline Project.
6. The Secretary of State understands that on 28 May 2020, Runnymede Borough Council received the Inspector’s Report on the Examination of its emerging Local Plan and that the Report included modifications to the wording of some elements of the Local Plan. The Secretary of State notes that the Statement of Common Ground between the Applicant and Runnymede Borough Council (which is dated 4 March 2020 but signed by the Chief Executive of the Council on 2 April 2020) does not make reference to any conflicts between the Pipeline Project and the Local Plan. The Secretary of State requests that **Runnymede Borough Council** should provide an update on whether the modifications to the wording of some elements of the Local Plan affect the Council’s position as set out in the Statement of Common Ground.

### **River Thames Flood Alleviation Scheme**

7. The Secretary of State notes that at the completion of the Examination, the Environment Agency and the Applicant were still in discussions about an engineering solution that would accommodate both the Pipeline Project and the Environment Agency’s River Thames Flood Alleviation Scheme. The Secretary of State requests updates from the **Applicant** and from the **Environment Agency** in respect of this matter.

### **Compulsory Acquisition**

8. The Secretary of State understands that at the completion of the Examination, there were several voluntary agreements which were still subject to discussion between the Applicant and the parties concerned. The Secretary of State has been made aware that the objection lodged by a party to the Examination in respect of land plots 784, 787, 788, 789 and 790 has been withdrawn. The Secretary of State also requests that the Compulsory Acquisition Schedule and the Book of Reference for the Pipeline Project should be updated by the **Applicant** to reflect any changes in the position resulting from voluntary agreements being concluded since the completion of the Examination or the withdrawal of any objections to the grant of compulsory acquisition powers. These updated documents should be provided to the Secretary of State by the deadline below.

### **Network Rail Infrastructure Limited**

9. The Secretary of State notes that the wording of any Protective Provisions between the Applicant and Network Rail Infrastructure Limited for inclusion in any development consent order that he might make had not been agreed by the completion of the Examination. The Secretary of State requests an update from the **Applicant** and **Network Rail** on discussions between the parties in relation to the Protective Provisions.

### **Affinity Water Limited**

10. The Secretary of State notes that at the completion of the Examination, there was no agreement in place between the Applicant and Affinity Water Limited over the contents of any Protective Provisions that might be included in any development consent order the Secretary of State might issue. The Secretary of State also notes that Burges Salmon LLP wrote to him on 10 July 2020 on behalf of its client, Affinity Water Limited, (copied to the Applicant) to set out its position in respect of the Pipeline Project, namely that it had not objected during the Examination to the Protective Provisions that were proposed by the Applicant in anticipation of a voluntary agreement being put in place to protect Affinity Water's assets but that in the absence of such an agreement, it sought changes to the Protective Provisions to provide those safeguards. The Secretary of State requests the **Applicant** and **Affinity Water Limited** should provide an update on the status of any negotiations between them in relation to the Protective Provisions.

**The deadline for responses is 23.59 on Wednesday 19 August 2020.**

11. Due to COVID-19, responses on the information requested should be submitted by e-mail only to:  
[SouthamptontoLondonPipeline@planninginspectorate.gov.uk](mailto:SouthamptontoLondonPipeline@planninginspectorate.gov.uk) .
12. Responses will be published on the Southampton to London Pipeline Project page of the National Infrastructure Planning website as soon as possible after Wednesday 19 August 2020:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/southampton-to-london-pipeline-project/> .

13. Comments may then be invited from Interested and Other Parties within a further 28 days on the above matters only (if appropriate). The Secretary of State will then consider the responses and information received in reaching a decision on the Application.
14. This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Southampton to London Pipeline Project, and nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully



Gareth Leigh  
Head of Energy Infrastructure Planning