



Gareth Leigh  
Head of Energy Infrastructure Planning  
Department of Business, Energy & Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

[SouthamptontoLondonPipeline@planninginspectorate.gov.uk](mailto:SouthamptontoLondonPipeline@planninginspectorate.gov.uk)

**DATE** 17/09/2020

Dear Mr. Leigh,

**Re: Planning Act 2008 Application for Development Consent Order for Southampton to London Pipeline by Esso Petroleum Company, Limited**

The Applicant has outlined below some comments on the responses provided to the Secretary of State on 19 Aug 2020.

**Crown Land**

The Applicant confirms that they have written to the Secretary of State for Justice to highlight the critical outstanding matter in respect of the necessary land rights for the project, following which a further meeting was held with their representatives. This confirmed their position that although agreement for a deed of easement has been reached it remains that the consent of the tenant is a matter for the Applicant to resolve. Further options were also discussed which would be acceptable to the Ministry of Justice.

The Applicant considers that the current lack of consent for the highway crossing at Bronzefield Prison should not prevent DCO grant and both parties believe resolution will be forthcoming.

**Proposed River Thames Flood Alleviation Scheme**

As indicated in the letter of 19 August 2020 the Applicant arranged and held a joint engineering workshop with the Environment Agency (EA) on 15 September 2020 to share provisional cost information and provide reassurance that a technical solution is possible that addresses both parties objectives. The Applicant stated its position that no additional drafting is required in the DCO to accommodate the proposed River Thames Scheme.

The Applicant received by copy the EA's submission to BEIS as of today's date. The Applicants notes the EA has now detailed a drafting change to its Protective Provisions which has not been shared previously and was not discussed at the meeting on 15 September 2020. The Applicant notes the River Thames Scheme is at an early stage of development and the EA has not determined the design and timetable for its proposed project or even the applicable consenting process it will



follow. The Applicant considers it inappropriate for the EA to seek Protective Provisions for a scheme that has not even commenced formal consultation and the Applicant therefore does not agree to the proposed drafting. To the extent that further agreement is required between the parties beyond discussions to date and the existing provisions of our proposed DCO, the Applicant considers this can be dealt with in the usual way as part of the consenting process as and when the EA brings its scheme forward for detailed consideration.

### **Network Rail Infrastructure Limited**

The Applicant has had some very positive discussions with Network Rail in recent days regarding Protective Provisions and a Framework Agreement. The position has in fact moved on significantly since Network Rail submitted its update to the Secretary of State yesterday.

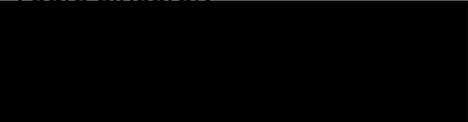
In relation to Protective Provisions, an agreement has now been reached in principle whereby the Applicant would agree to forego the provision in paragraph 21(6) of the Protective Provisions for Network Rail's benefit (included in Part 3 of Schedule 9 of the draft DCO submitted by the Applicant at Deadline 7 in the examination) in exchange for concessions agreed in principle by Network Rail on other elements of the Protective Provisions, notably in respect of the (qualified) exclusion of consequential losses in paragraph 32 of the Protective Provisions.

Positive progress has also been made on the terms of the proposed Framework Agreement, with only a few outstanding points to resolve. The parties are yet to agree which version of the Protective Provisions are to be inserted on the face of the DCO.

The Applicant and Network Rail are therefore confident, subject to continued progress in discussions being made, they will shortly (and in any event before the end of this month) be able to confirm that all matters in relation to the Protective Provisions and Framework Agreement have been agreed and to provide an agreed form of Protective Provisions to the Secretary of State for inclusion in any Order, if and when the same is made.

The Applicant is unable to confirm that the voluntary land rights have been agreed but it is sufficiently confident that these will be forthcoming such that it is willing to qualify its compulsory acquisition powers in the Protective Provisions as referred to above.

Yours sincerely

  
Tim Sunderland  
Project Executive  
Southampton to London Pipeline Project