

The Independent Educational Association Ltd.



23 September 2020

The Secretary of State  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

FAO Gareth Leigh, Head of Energy Infrastructure Strategy

By email only:  
beiseip@beis.gov.uk  
SouthamptontoLondonPipeline@planninginspectorate.gov.uk

Dear Sir

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010  
Application by Esso Petroleum Company Limited (Applicant) for an Order granting  
Development Consent for the proposed Southampton to London Pipeline Project (Pipeline  
Project)  
Independent Educational Association Limited (St James School)**

**Introduction**

1. I am the Chair of the Board of Governors of St James School; an independent school owned and managed by the Independent Educational Association Limited (**St James School**) which will be severely affected by the Pipeline Project. I note that the deadline for the Secretary of State to make his decision on the application is 7 October 2020.
2. The School has made detailed submissions to the Examining Authority during the course of the Examination of the application for the Order and the Examining Authority will have reported to the Secretary of State on those submissions.
3. The purpose of this letter is to draw to the Secretary of State's attention the major concern that the School has about the impact of the Pipeline Project on the safe and viable operation of the School; namely whether or not the works are carried out during school holidays only or are allowed to be carried out during term time. If works are carried out during term time, they will have a serious adverse impact on the operation, reputation and viability of the School. The noise, dust and vibration caused by the works will be harmful to the teaching and learning environment and a

failure to reinstate the work site will make it impossible for the school grounds to be used for sports. The transportation of school children to alternative facilities will be expensive and time-consuming and there is no certainty that alternative facilities will be available.

### **The Applicant's commitment to school holiday working**

4. At the Issue Specific Hearing on Environmental Matters held on 4 December 2019, the Applicant's Barrister stated:

*We've heard the concerns raised, we've said we will do it [construct the pipeline] within the school holiday and we are extremely confident we can do it in the holiday. To be absolutely clear when we say lay the pipeline that includes not only the laying of the pipeline i.e. the engineering work but the restoration of the land afterwards*

### **The Site Specific Plan and Requirement 17**

5. The obligation on the Applicant to carry out works during school holidays only is purported to be set out in the Site Specific Plan – St James School (**Site Specific Plan**) submitted by the Applicant to the Examining Authority and attached to this letter. Compliance with Site Specific Plans is required by Requirement 17 at Part 1 of Schedule 2 to the draft Order.

6. The Site Specific Plan states at paragraph 2.1.4 that "*Esso intends on constructing the works (Open cut and trenchless crossing) outside of term-time, thereby avoiding a conflict between the operation of the school and the construction of the replacement pipeline*".

7. This is not the prohibition on term-time working that the School has sought or which the Applicant committed to comply with at the Issue Specific Hearing referred to above. Nor does the Site Specific Plan provide that the relevant parts of the School site must be reinstated before a new term starts. The School made this point at paragraph 4.2 of its Deadline 6 submission to the Examining Authority which is attached to this letter.

### **Negotiations with the Applicant**

8. The School has sought to reach an agreement with the Applicant under which the School grants to the Applicant the rights it needs to carry out the works while ensuring that there are adequate safeguards for the School including that construction and reinstatement works will only be carried out only during school holidays. The negotiations have proceeded slowly and it is unlikely that an agreement will be concluded before the Secretary of State's decision is reached and issued. I understand that other interested parties are also frustrated by the Applicant's failure to progress negotiations in a proactive way.

### **The School's request of the Secretary of State**

9. Accordingly, we are entirely at the mercy of the Secretary of State, if he is minded to make the Order, to include an obligation on the Applicant in the Order to carry out works affecting the School during school holidays only. I ask that such an obligation is included in the Order should it be made. This can be achieved by three simple amendments to the Site Specific Plan:

An amendment to paragraph 2.1.4 so that it states:

*Esso shall not construct the works (Open cut and trenchless crossing) during term-time*

An amendment to paragraph 3.2.1 so that it states:

*The works, including the reinstatement works, shall take place outside of term time [...].*

The addition of a new paragraph 3.7.4:

*The parts of the site where works have been carried out will be reinstated before the end of the school holiday period during which they have been carried out and before a new term starts.*

Should you have any questions please do not hesitate to contact me.

Yours faithfully



John Story  
Chair, Board of Governors

Attachments:  
Site Specific Plan, St James School  
St James School's Deadline 6 Submission