



# Preliminary Meeting Note

**Application:** Southampton to London Pipeline

**Reference:** EN070005

**Time and date:** 9 October 2019 – 10:00am

**Venue:** Farnborough International Exhibition and Conference Centre

*This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed.*

## 1. Welcome and Introduction

Richard Allen (**RA**) welcomed those present and introduced himself as the lead member of the Panel of Examining Inspectors, known as the Examining Authority (ExA). Kevin Gleeson (**KG**) and Joanne Dowling (**JD**) introduced themselves as members of the panel to examine the Southampton to London Pipeline application. **RA** announced that Neil Humphrey (**NH**) had been appointed to be the fourth panel member following the resignation of David Brock (**DB**) from the panel.

**RA** explained the appointments were made on behalf of the Secretary of State on 25 June 2019 and 8 October 2019.

**RA** explained that the ExA would be examining the application made by Esso Petroleum Company, Limited ('the Applicant') before making a recommendation to the Secretary of State who will decide whether an Order granting Development Consent for the proposed project, which is a Nationally Significant Infrastructure Project (NSIP), should be made.

**RA** explained the purpose of the Preliminary Meeting (PM) and noted that the Examination will commence after the PM closes.

The ExA confirmed that all documents and submissions received and accepted during the Examination will be published on the project-specific page of the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/southampton-to-london-pipeline-project/?ipcsection=overview>

## 2. Audio recording

The full audio recording of this Preliminary Meeting is available on the National Infrastructure Planning website and can be accessed [here](#).

### 3. General Data Protection Regulation

The ExA explained the Planning Inspectorate's duties under General Data Protection Regulation (GDPR).

Further information relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

### 4. Examination Process

The ExA explained the Examination process under the Planning Act 2008 (PA2008), further information can be found in the Planning Inspectorate's [Advice Note 8.4](#).

### 5. Procedural decisions

The ExA clarified the Procedural Decisions made under section 89(3) of the PA2008 and asked for any observations. The ExA's Procedural Decisions can be found in Annex E of the [Rule 6 Letter](#).

**KG** confirmed that the Statements of Common Ground (SoCG) should be submitted by the Applicant. The list of organisations and parties were comprised from the draft Statements of Common Ground document submitted with the application [[APP-133](#)].

**KG** noted that the Applicant had queried the inclusion of the Internal Drainage board in the SoCG list, in their letter dated 25 September 2019 [[AS-041](#)]. On reflection the ExA agreed this should be related to lead local flood authorities. **KG** advised that the Health and Safety Executive (HSE) was added by the ExA based on inclusion of operational effects on safety and security being part of the Initial Assessment of Principal Issues (IAPi).

The Applicant made the following observations:

- Agreed that they should liaise with the lead local flood authority on drainage board issues.
- It is their understanding that Basingstoke Canal is not a body but a partnership between Hampshire County Council and Surrey County Council. Therefore, the Applicant advises liaising with Hampshire County Council regarding Basingstoke Canal in the SoCG.
- It is understood that the HSE has contacted the Planning Inspectorate advising that their concerns are already being addressed therefore will not be entering a SoCG. The Applicant is happy to prepare a SoCG on their understanding of the position between both parties, but it can't be concluded if HSE are unwilling to sign.

**KG** appreciated the issue being raised and will consider this after the close of the meeting.

Surrey County Council reserved the right to seek guidance on whether they will need to provide any representations regarding the Basingstoke Canal.

**KG** requested that the Applicant provide an updated Guide to the Application demonstrating any superseded documents / most recent versions at each deadline.

**KG** requested that the Applicant provide an updated document outlining each stage / milestone of compulsory acquisition negotiations with any Affected Persons, with the final version submitted at Deadline 6.

## **6. Initial Assessment of Principal Issues**

The ExA explained the purpose of the Initial Assessment of Principal Issues (IAP) (section 88 of the PA2008), which can be found in Annex B of the [Rule 6 Letter](#) of 5 September 2019 and asked for any observations on them.

The Ministry of Defence (MoD) raised concerns on the following issues:

- Crown Land;
- Protective Provisions – what will this fall under as part of the assessment;
- Security and Safety – impact of operational land.

**KG** noted the concerns and confirmed that issues relating to Crown Land and Protective Provisions will be dealt with as Compulsory Acquisition Issue 2 of the IAP.

David Mansfield – Lightwater Residents raised the following issues:

- Consultation;
- The final chosen route.

**KG** advised that the ExA are aware that numerous Relevant Representations (RR) raised concerns about the consultation prior to the application being submitted. It was assessed that the application had met the requirements set out in the legislation and the consultation had been conducted in the appropriate manner. This is supported by the Adequacy of Consultation responses received by the Local Authorities. **KG** also stated that Parties had the opportunity to comment on the scheme and participate. Lastly, concerns that have been expressed during the RR period and that will be made during the Examination will be considered before the ExA submit their Recommendation Report to the SoS.

**RA** followed on from **KG** to make parties aware of the Written Questions (WQ) that will be issued the week after the PM to help address any issues about the route selection etc. There will also be an opportunity at Deadline 2 for Interested Parties to submit Written Representations about their views on the scheme.

Clive Thompson representing Herrings Court and Culvert Gardens raised concerns over the complexity of issues 1, 3, 5, 7 and 10 of Annex B of the Rule 6 letter; and requested if information on these issues can be submitted together under general headings. **KG** advised to follow the structure set out by the ExA however it can be flexible.

North Surrey Green Party raised the following concerns in relation to Issue 3:

- Construction safety;
- Safety where the line passes through residential areas open to members of the public.

Surrey County Council raised concerns on the following:

- Issue 3 - the construction programme and potential protestors on the construction site and surrounding highways;
- Issue 9 - safe guarding existing minerals.

Rushmoor Borough Council raised the following points:

- Issues 1, 3, 7 and partly issue 2 require specific attention having regard to use of these public open spaces;
- Biodiversity impact on public land;
- Impacts in relation to public open space and the long-term effect - this can be assessed through various other issues already raised but they do feel the need for it to have its own Initial Principal Issue.

Spelthorne Borough Council raised the following points:

- They support and agree with the issues raised above by Rushmoor Borough Council;
- Biodiversity and nature conservation are identified as an Issue and request questions to be addressed to Natural England.

**KG** noted this and advised questions relating to this matter will be raised in the Written Questions.

Katherine Stewart representing Queen Elizabeth Park queried if they can request any Issue Specific Hearings as they are not a registered Interested Party (IP). **KG** advised that the period for RRs had now closed, and so had the opportunity to register as an IP. S102A and 102B are the only legal avenues to become an IP at this stage and any persons wishing to become an IP needed to satisfy those tests. However, the ExA is able to accept such persons as “Other Persons” and accordingly, those persons can still make Written Representations and attend the hearings, albeit that they will not have the right to request an OFH or speak at the hearing; the letter rests with the discretion of the ExA. For the avoidance of doubt, the ExA stated that the decision as to whether to hold an ISH rests solely with the ExA and cannot be requested by any IP.

Kaye Squires - Herons Court Residents Association:

- Issue 4 of Annex B – what is meant by the draft Development Consent Order (dDCO) with other consents?

**KG** advised this is an opportunity for the Applicant to identify a range of other consents they may need/wish to apply for during this process which do not fall under the PA2008 for NSIPs. Kaye Squires queried if this will include easements. **KG** confirmed that the dDCO will address compulsory acquisition and land issues, including easements.

**KG** asked if the Applicant had anything further to add to the relevant consents. The Applicant responded that in relation to easements, this will fall into the context of compulsory acquisition as already indicated. Any Affected Persons, in relation to compulsory acquisition has the power to request a compulsory acquisition hearing to be held.

Surrey Heath Borough Council requested the following point be added to Issue 1 of Annex B:

- Suitable alternative natural green space.

Clive Molding, an affected resident, wanted to raise a query in relation to Issue 10 of Annex B on the Local Road Network. **KG** confirmed that this has been included in Issue 10 which will also include the issue of access.

## 7. Examination Timetable

The ExA noted requests, already received in writing to amend the draft Examination Timetable contained in Annex C of the [Rule 6 letter](#) and welcomed further suggestions from the parties in attendance.

**JD** stated the ExA are aware that the Applicant is in the process of preparing draft SoCGs with several organisations. **JD** advised that although the request to supply a statement of commonality of SoCGs is currently not in the draft timetable the ExA request that the Applicant submits this at relevant points in the Examination to act as a formal update on the current status for each SoCG. **JD** requested that these live documents are to be used throughout the Examination for the Applicant to keep up to date and submit at the necessary deadlines.

The Applicant raised three points following on from the letter that was submitted on 25 September 2019:

- Deadline 1 requires the draft Accompanied Site Inspection (ASI) itinerary however they would not see the suggestions from the IPs to include any suggestions into the draft itinerary;
- Deadline 7 requests an updated dDCO as well as to provide comments on the ExA's version of the dDCO. The Applicant suggested working on one document rather than providing comments on the ExA's dDCO and providing an updated dDCO;
- The Applicant advised that they had been liaising with some Local Authorities regarding the Local Impact Reports (LIR), requested to be submitted at Deadline 1. There had been concerns in trying to produce LIRs in time for Deadline 1. The Applicant requested that there is an extension for submitting the LIRs to Deadline 2 and provide comments on LIRs at Deadline 3.

Runnymede Borough Council requested an extension of 14 days from Deadline 1 to submit their LIR.

Spelthorne Borough Council and Surrey Heath Borough Council confirmed they are comfortable with submitting their LIR in time for Deadline 1.

**JD** noted these comments and requests.

The MoD drew attention to their letter of 19 September 2019 [\[AS-039\]](#) for a potential request for a closed hearing which is dependent on the progress that may/may not be made with the Applicant. **JD** advised that the request for a closed hearing will need to be made in writing to the SoS via the Planning Inspectorate as soon as possible to accommodate it within the timetable. It will then be down to the SoS to make the decision if a closed hearing can be held, not the ExA.

The MoD also advised that the current dates timetabled for an ASI would not give significant time to gain the relevant security clearance to access any MoD land. Access on any MoD land will also require individuals to meet the specific requirements. **JD** said these comments are duly noted and advised that the Planning Inspectorate is equipped to handle such requests.

Rushmoor Borough Council requested a Deadline to include dDCO obligations. **JD** advised that Deadline 6 included s106 Agreements which will be relevant for this request.

The National Farmers Union stated that there was insufficient time to provide written summaries of oral submissions at Deadline 3 following the hearings in the previous week. The ExA noted these comments.

All comments received were noted by the ExA and considerations will be reflected in the Rule 8 Letter.

The Examination Timetable can be found in the [Rule 8](#) letter published on 16 October 2019.

## **8. Hearings and Site Inspections**

The ExA clarified the purpose of:

- Issue Specific Hearings
- Compulsory Acquisition Hearings
- Open Floor Hearings
- Accompanied Site Inspections
- Unaccompanied Site Inspections

**JD** noted that the USI note has been published [[EV-004](#)], and the aim for the ASI is to attend locations that are not publically available. **JD** stated the ASI is not an opportunity to provide verbal comments on the scheme.

Spelthorne Borough Council requested both Issue Specific Hearings (ISH) and Open Floor Hearings (OFH) to be arranged in sections of the pipeline scheme, as per the letter sent on 23 September 2019 [[AS-064](#)] to allow focus on local issues. The Applicant commented that they do not have a strong position in how the hearings are conducted as it is down to the discretion of the ExA. **JD** noted these comments and advised a sectional approach may suffice.

The Independent Educational Association Limited requested an ISH to be held on the impact on St James School, which falls within the IAPI. As stated earlier in this note, **RA** commented that the subject matters on which an ISH will be held is solely down to the decision of the ExA. Matters falling outside these issues can be brought to the ExA attention at OFH.

Rushmoor Borough Council raised the issue of how compulsory acquisition issues in relation to open space also fall into issues that may be raised at any ISHs. The Council requested that any ISH relating to open space is held before any Compulsory Acquisition Hearing (CAH), to avoid confusion on overlapping matters. They requested that any CAH be held in the new year. **JD** stated that the ExA are aware that some issues may overlap.

Runnymede Council supported the above issue raised by Rushmoor Borough Council and confirmed that they are happy to host any hearings at one of their facilities.

The Applicant does not agree that there should be a delay between any ISH or CAH that may be held relating to public open space. As the scope for a CAH is limited the Applicant would find it helpful not to blur the issues raised in an ISH with any CAH that may be held.

The only matter raised in relation to the ASI is that the Applicant was concerned about obtaining the relevant permissions to enter land. **JD** noted these concerns.

The ExA sought comments on the arrangements for the above events. These were duly noted and considered by the ExA. Further information relating to hearings and site inspections can be found in the Planning Inspectorate's [Advice Note 8.5](#).

## **9. AOB**

**RA** asked if there was any other business relating to the items set out, to which there were none.

**RA** announced that the Preliminary Meeting Closed at 12:40.