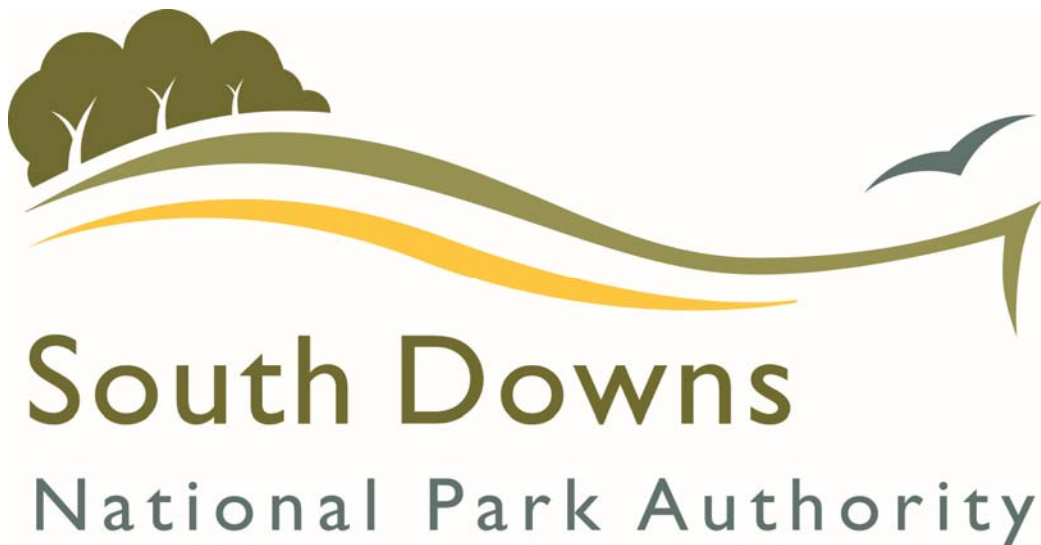


Southampton to London Pipeline Project

Local Impact Report



October 2019

Contents

	Page
1. Introduction	3
2. The Proposal	3
3. The South Downs National Park	5
4. Statutory Development Plan and Other Relevant Local Policy	6
5. Planning Issues and Relevant Policies and Guidance	8
6. Summary	20

1. Introduction

- 1.1 This Local Impact Report (LIR) relates to the proposed Southampton to London Pipeline Project, as it relates to the administrative area of the South Downs National Park. The South Downs National Park Authority (SDNPA) is the organisation responsible for promoting the statutory purposes of the National Park (see section 3 of this report) and the interests of the people who live and work in it. SDNPA is the Local Planning Authority for the National Park.
- 1.2 In preparing this document the SDNPA have had regard to the purpose of LIRs as set out in Section 60(3) of the Planning Act 2008 (as amended) and the guidance given in the Planning Inspectorate's Advice Note One: *Local Impact Reports*, published in 2012. The SDNPA are aware that, as set out in this Advice Note, a LIR should not seek to balance or weigh the impacts upon the National Park but should clearly set out positive, neutral and negative impacts.
- 1.3 This LIR's main purpose is to identify Local Plan policies relevant to the proposed development and the extent to which the proposed development accords, or does not accord, with these policies. This report does this under topic based headings addressing the impacts of the scheme, identifying key issues for the local community and the SDNPA followed by providing commentary on the extent to which the proposed Development Consent Order (DCO) addresses these issues.

2. The Proposal

- 2.1 The applicant's Environmental Statement, at chapter 3, details the proposal. A summary and key points considered to be of particular relevance to the National Park are set out below.
- 2.2 The Nationally Significant Infrastructure Project proposed is a new aviation fuel pipeline running between Boorley Green, Hampshire and the applicant's storage facility in Hounslow, West London. An existing (90km) pipeline will be decommissioned and 97km of new, underground pipeline will be installed. The new steel pipeline will have an internal diameter of approximately 300mm (compared to 250mm as existing) and will be installed in trenches at least 1.2m deep.
- 2.3 The pipeline, once operational, will convey aviation fuel. In support of the application the applicant states that the pipeline will maintain fuel supplies to major airports in the South East and that pipelines are a safe, secure and low impact method of transporting such fuel.
- 2.4 Installation of the pipeline is planned to commence in early 2021 with the pipeline becoming operational from early 2023. The pipeline would have an intended design life of 60 years. The existing pipeline would be decommissioned after the proposed pipeline becomes operational.
- 2.5 For referencing purposes the applicant has divided the pipeline route into 8 sections, labelled A to H. Section A starts in Boorley Green, Hampshire and enters the National Park approximately 4.5km later after it crosses the B2177 to the west of Bishop's Waltham. The proposed pipeline diverts away from the existing pipeline at Stephen's Castle Down and then passes Joan's Acre Wood before crossing the A272 to the south east of Bramdean, where this section ends.
- 2.6 Section B is approximately 15km in length with, again, part of the route being located within the National Park. It runs in a north easterly direction from the end of Section A to the boundary of the National Park. The proposed route runs to the west and then north of West Tisted before leaving the National Park at Soames Lane. It then

runs, outside of the National Park, to the West of Dogwood Wood before passing through the Four Marks Golf Course and re-entering the National Park at Headmore Lane. The route then runs to the north of Lower Farringdon, passing underneath the A32 and exiting the National Park at the B3006 Selborne Road, to the west of Whitehouse Farm. Section B ends at the National Park boundary.

- 2.7 Sections C to H of the proposed route continue outside of the National Park in a broadly north easterly direction for approximately 62km, reaching the end of the route at the applicant's storage facility in Hounslow, West London.
- 2.8 Approximately 25km of the proposed pipeline would be located within the National Park. The pipeline would be installed using open-cut trenching methods for most of the route but, in the National Park, three trenchless crossings would be used to pass under:
 - i) Stakes Lane to the west of Corhampton
 - ii) The A272 to the east of Bramdean
 - iii) The A32 north of Lower Farringdon
- 2.9 The pipeline would be buried underground for its whole length however there would be associated above ground infrastructure installed. Within the National Park the following permanent, above ground infrastructure is proposed:
 - 2.9.1 Four separate remotely operated valves would be installed to allow isolation for maintenance and in order to limit the impact of a potential leak. At ground level these would each form an enclosure approximately 7m by 5m in size with fencing up to 2.4m in height. The enclosures would not be lit.
 - 2.9.2 The underground pipeline route would be marked at intervals along the pipeline and at all watercourse, railway and road crossings with marker posts. Outside of these locations, and in rural areas such as the South Downs National Park, the maximum spacing for the marker posts would be every 500m. The marker posts are similar in size to freestanding fire hydrant signs.
 - 2.9.3 The pipeline route would also be marked with new red and black colour coded flight marker posts at a frequency of about every 500m. These would be for use for inspection of the route by helicopter and would be positioned at field boundaries where possible. No dimensions are given for the posts but they appear to be up to around 2m in height.
- 2.10 Temporary infrastructure, as follows, would also be needed to install the pipeline:
 - 2.10.1 Up to six logistics hubs would be placed close to the strategic road network. They would serve as points for accepting deliveries and the storage of materials and each of the hubs would include a pipe laydown area, secure plant storage area, bunded fuel storage, single storey offices, staff welfare facilities and a vehicle parking area. None of these logistics hubs would be within the National Park but one, 5.4 hectares in size, would be located close to the National Park's boundary, to the west of the village of Chawton. Logistics hubs would be set up during the 3 month mobilisation phase and would remain in place for the pipeline installation over the following 24 months; giving an indicative use period of around 27 months.
 - 2.10.2 Construction compounds (which are smaller than the logistics hubs with typical sizes of 40m by 60m) would be positioned close to the route and would be used for storing equipment, providing staff facilities, and laying down pieces of the pipeline and equipment. Eight of these temporary compounds would be located in the National Park. These hubs would be in place whilst pipeline installation was in the vicinity.
 - 2.10.3 Temporary haul roads and access tracks would link the pipeline installation areas

with the local road network.

- 2.11 The Order Limits represent the width required to install the pipeline including the pipeline route itself and the temporary working areas that would be required to install the pipeline. The Order limits are generally between 30m and 36m wide and encompass the land required permanently and temporarily to build and operate the project. Once completed there would be an easement strip extending 3m either side of the pipeline.
- 2.12 During construction there would be temporary road and footpath closures and diversions in the National Park and these are detailed within the applicant's draft Development Consent Order (Schedule 5).

3. The South Downs National Park

Site Description

- 3.1 The proposed pipeline passes through approximately 25km of the National Park. Within the National Park the pipeline would generally cross open countryside. The undulating topography of this attractive countryside is, broadly, a farmed landscape with intervening woodland (including Ancient Woodland). Field boundary hedgerows, hedged lanes and tree belts are also a key characteristic of this part of the National Park, as are scattered settlements and a low population density. The proposed pipeline would cross isolated areas that are deeply rural in character with high levels of tranquillity.
- 3.2 The land affected is mostly in agricultural use, a key sector for the local economy. Also of importance is tourism, largely associated with the natural beauty of the area and the extensive public right of way network.
- 3.3 There is limited relevant planning history given that the Order limits largely encompass greenfield land.

Designation of the South Downs National Park (SDNP)

- 3.4 The South Downs National Park was established as a National Park in 2010 and the SDNPA became the Planning Authority for the National Park on 1 April 2011. The South Downs National Park contains over 1,600 sq km of England's most iconic lowland landscapes, stretching from Winchester in the west to Eastbourne in the east.

Statutory Purposes and Duty

- 3.5 The National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995, sets the following statutory purposes and duty for National Parks:
 - 1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
 - 2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.
- 3.6 The SDNPA also has a duty when carrying out these statutory purposes:
 - To seek to foster the economic and social well-being of the local communities within the National Park

- 3.7 In addition, Section 62 of the Environment Act 1995 also requires all relevant authorities, including statutory undertakers and other public bodies (such as the Planning Inspectorate) to have regard to these purposes. This ensures that relevant authorities take account of these purposes when coming to decisions or carrying out their activities relating to or affecting land within these areas. It recognises that a wide range of bodies have a direct influence over the future of National Parks in terms of policy, project implementation, casework decisions, land ownership and management. It also acknowledges that the fulfilment of National Parks' statutory purposes rests not only with those bodies directly responsible for their management but that it also relies on effective collaborative working.
- 3.8 Where there is an irreconcilable conflict between the statutory purposes, statute (Section 11A(2) of the 1949 Act (inserted by section 62 of the 1995 Act)) requires any relevant authority, when exercising or performing functions which relate to or affect land in a National Park, to attach greater weight to the purpose of 'conserving and enhancing' if it appears that there is a conflict between the two National Park purposes. Giving priority to the first purpose of the National Park is known as the *Sandford Principle*.

Highest Status of Protection

- 3.9 National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty (Overarching National Policy Statement for Energy (EN-1), 2011, paragraph 5.9.9 and NPPF, 2019, paragraph 172).

English National Parks and the Broads: UK Government Vision and Circular 2010

- 3.10 This DEFRA Circular sets out a vision for the English National Parks for 2030 and guidance on the key statutory duties of the National Park Authorities and how they should be taken forward, together with the contributions needed from others. The Circular recognises that whilst the lead role in the achievement of National Park purposes rests with National Park Authorities, the active support and co-operation of all Government and public bodies and statutory undertakers whose activities affect the Parks is also vital to the achievement of Park purposes. The Circular notes that many of these will be 'relevant authorities' with obligations under section 11A of the 1949 Act to have regard to the relevant Park purposes when coming to decisions or carrying out their activities relating to or affecting land within the Parks. The Circular states that the Government expects those bodies affected to give due weight to their obligations under this legislation.

4. Statutory Development Plan and Other Relevant Local Policy

Statutory Development Plan

- 4.1 The statutory development plan for the National Park is the South Downs Local Plan. This was adopted in July 2019 and sets out how the SDNPA will manage development to 2033. This Local Plan is the first to plan for the South Downs National Park as a single entity.
- 4.2 Section 5 of this LIR sets out the planning issues associated with the proposed development and the Local Plan policies that are relevant. It also sets out the extent to which the proposed development accords, or does not accord, with these Local Plan policies.
- 4.3 The proposed development does not pass through any areas with a made

Neighbourhood Plan therefore no Neighbourhood Plans form part of the statutory development plan for the application site.

Other Relevant Local Policy

Partnership Management Plan

- 4.4 The South Downs National Park Partnership Management Plan was adopted by the National Park Authority in 2013 and sets out an overarching strategy for the management of the National Park. The Partnership Management Plan (PMP) brings together and coordinates the aspirations of many different partners who help contribute towards the purposes for which the National Park was designated.
- 4.5 The Partnership Management Plan consists of a vision, three linked strategic themes and 11 outcomes which set out where the National Park Authority would like to get to by 2050. Reference is made to this document, where appropriate, in section 5 of this LIR below.

Special Qualities

A crucial starting point for managing change in the future is capturing the essence of what makes the National Park important now – its special qualities. Every National Park has developed a list of the things that make it special, both as a baseline for measuring changes over time and to hold the National Park Authority - and its partners - to account for their contributions to its future. Documenting the Park's special qualities is required by paragraph 21 of the *English National Parks and the Broads: UK Government Vision and Circular 2010*.

- 4.6 The 7 special qualities of the South Downs National Park are given below in Figure One. The special qualities do not sit in isolation, rather, they are interconnected and mutually reinforcing. Landscape is the key to all of the other special qualities and is therefore shown at the centre of Figure One. In SDNPA's view the aim behind National Park designation must be to conserve and enhance all seven special qualities together.

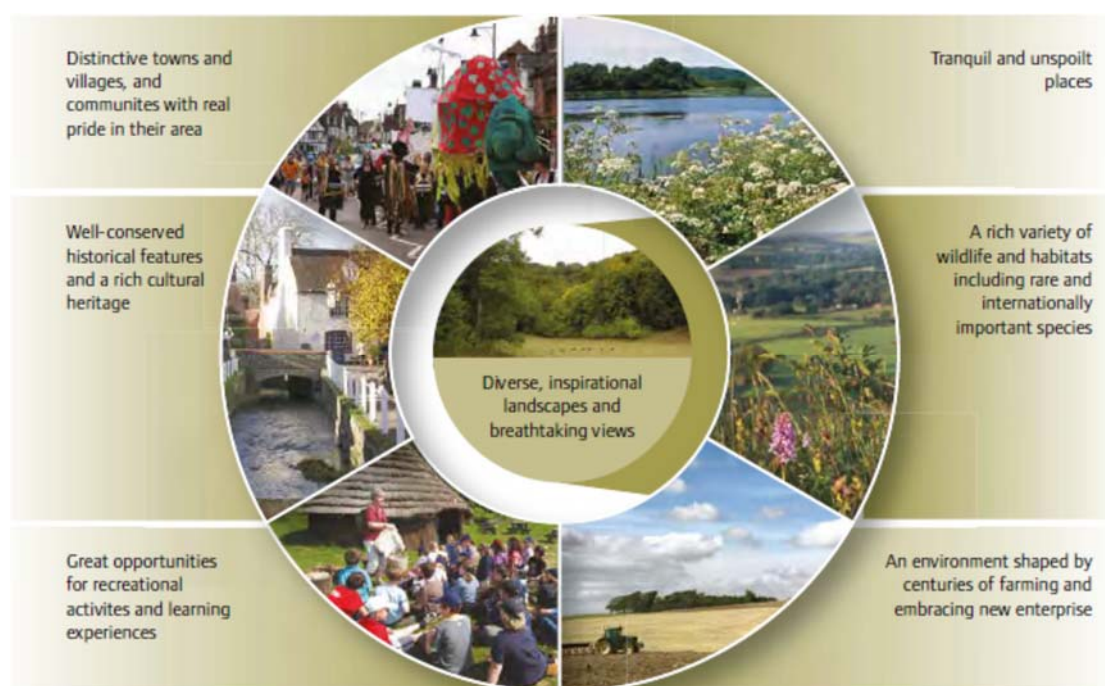


Figure One – The Special Qualities of the South Downs National Park

South Downs Integrated Landscape Character Assessment

- 4.7 The South Downs Integrated Landscape Character Assessment (SDILCA) was last updated in 2011. It is an aid to decision making, helping us to understand the landscape, what is important and special about it, and how it may change in the future. As a document it is intended to guide change and development so that it does not damage the characteristics or value of the landscape. It also helps us to identify ways that we can maintain and improve the character of a place. SDNPA uses SDILCA to help understand the landscape character of the National Park and ensure that development proposals conserve and enhance landscape character within the National Park. The SDNPA considers it of key relevance to the assessment of this proposed development.
- 4.8 The applicant's Environmental Statement, at chapter 10, considers the landscape effects of the scheme against the relevant key characteristics and sensitivities of landscape character areas defined within SDILCA. SDILCA defines 18 general landscape types within the National Park as well as 49 more place-specific 'character areas'. The development proposal, as set out in the applicant's Environmental Statement, passes through 2 general landscape types (Clay Plateau and Downland Mosaic) and a number of character areas. SDILCA helps inform the assessment of impacts on landscape character that would be caused by the permanent above ground infrastructure and the temporary effects of construction.

Technical Advice Note: Dark Skies (2018)

- 4.9 The South Downs National Park is an International Dark Sky Reserve, designated in May 2016. This technical advice note sets out guidance on the SDNPA's approach to lighting design and the protection and enhancement of dark skies. Its aim is to provide developers and planners with the necessary information to submit and assess lighting schemes which are appropriate to the landscape.

Supplementary Planning Documents

- 4.10 The SDNPA has no Supplementary Planning Documents that relate to this Nationally Significant Infrastructure Project.

5. Planning Issues and Relevant Policies and Guidance

Principle of development

- 5.1 Local Plan Policy SD3 explains that planning permission will be refused for major developments in the National Park, except in exceptional circumstances, and where it can be demonstrated that they are in the public interest. The policy explains that the consideration of such applications should include an assessment of:
- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) The cost of, and scope for, developing elsewhere outside the National Park, or meeting the need for it in some other way; and
 - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 5.2 If, Policy SD3 continues, it is considered that exceptional circumstances exist and

- development would be in the public interest, all opportunities to conserve and enhance the special qualities of the National Park should be sought.
- 5.3 Policy SD42 states that development proposals for new or improved infrastructure will only be permitted where the design minimises the impact on the natural beauty, wildlife and cultural heritage of the National Park.
 - 5.4 National Policy Statement EN-1 confirms, in paragraph 5.9.9, that National Parks have the highest status of protection in relation to landscape and scenic beauty whilst paragraph 5.9.10 states that development consent in a National Park may be granted in exceptional circumstances where the development is in the public interest and consideration of such applications should include an assessment of:
 - 5.4.1 The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;
 - 5.4.2 The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4 [of the National Policy Statement]; and
 - 5.4.3 Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
 - 5.5 Paragraph 5.9.11 goes on to state that any projects consented in National Parks should be carried out to high environmental standards, including through the application of appropriate requirements where necessary.
 - 5.6 In response to this 'major development test', and considering the start and end points of the pipeline route SDNPA accept that it would be prohibitive and unreasonable to take the pipeline around the National Park entirely, effectively taking the pipeline much further to the west than its current alignment and through Winchester. Esso have previously considered this (option A) and discounted it and SDNPA accepts this position. However, where SDNPA differ from the applicant is over the acceptability of the pipeline re-entering the National Park once it has left it. It is proposed for the pipeline to re-enter the National Park to the west of Lower Farringdon and to leave it again to the east of Chawton. This part of the National Park was not part of the former East Hampshire Downs AONB therefore decision making about the route alignment for the existing pipeline would not have considered impacts on designated landscapes at that time. The subsequent inclusion of these areas within the SDNP changes the planning context for these proposals. More importantly, the SDNPA do not consider that it has been demonstrated that the proposed pipeline needs to re-enter the National Park and why the pipeline cannot be routed away from this northern part of the National Park.
 - 5.7 The SDNPA consider that an assessment must be undertaken to demonstrate that the proposed development could not be located outside of the northern part of the SDNP, within a less sensitive environment.

Landscape

- 5.8 Local Plan Policy SD1 explains that planning permission will be refused where development proposals fail to conserve the landscape or natural beauty of the National Park, unless, exceptionally, the benefits of the proposal demonstrably outweigh the great weight to be attached to these interests. Policy SD4 states that development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that, for example, proposals are informed by that landscape character, reflecting the context and type of landscape in which the development is located. The design, layout and scale of proposals should conserve and

enhance existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape.

- 5.9 Local Plan Policy SD5 requires a landscape led approach to design that makes a positive contribution to the overall character and appearance of the area. Policy I of the Partnership Management Plan seeks the conservation and enhancement of the natural beauty and special qualities of the landscape and its setting.
- 5.10 The SDNPA do not consider that the development proposal accords with Local Plan policy in this respect, nor with the statutory requirement to conserve and enhance. The principal issues of concern relate to:
- 5.10.1 The impact of the pipeline during construction which would take up approximately 80 hectares of land in the National Park
 - 5.10.2 The loss, during construction, of large tracts of vegetation, hedgerows and trees in the National Park and, additionally, the adverse impact on woodland edges in proximity to the Order Limits
 - 5.10.3 The location of the route through the hedgerow noted in Jane Austen's novel *Persuasion* which is specifically included within the Chawton House Registered Parkscape
 - 5.10.4 The size and location of the proposed Logistics Hub adjacent to the A31 at Chawton, just outside the National Park boundary
 - 5.10.5 The proposed location of a construction compound at Stephen Castle Down
 - 5.10.6 A lack of information about vegetation, tree and hedgerow loss and approach, leaving this to post approval consideration
 - 5.10.7 Certain elements of the scheme, such as construction hubs and compounds, are not adequately assessed within the LVIA
 - 5.10.8 Where notable trees or those subject to Tree Preservation Orders cannot be replaced by Esso due to operational issues, appropriate compensatory measures for their loss should be provided elsewhere within the SDNP within the vicinity of the route
- 5.11 The SDNPA considers that appropriate planning obligations are required to address a number of the issues identified above but in the current absence of such obligations the proposal is not considered to be in accordance with Local Plan Policy.
- 5.12 The SDNPA have one suggestion to make in relation to the proposed DCO requirements:
- i) That the location of all marker posts proposed to be positioned by the applicant on the route be submitted to and approved by the relevant local planning authority in advance. It is accepted that these marker posts are relatively small however if they are sited insensitively (for example in an otherwise tranquil view or at a prominent location on the public right of way network) they could be harmful to landscape character and visual amenity.

Trees and Woodland

- 5.13 Local Plan Policy SD11 states that development proposals will be permitted where they conserve and enhance trees, hedgerows and woodlands. It notes that the removal of protected trees or hedgerows will only be permitted in exceptional circumstances and that a proposed loss or damage to non-protected trees, woodland or hedgerows should be avoided, and if demonstrated as being unavoidable, appropriate replacement

or compensation will be required. Where new planting is undertaken it should be suitable for the site conditions, use native species and be informed by and contribute to local character, and enhance or create new habitat linkages. Policy SD9 states that development proposals in irreplaceable habitats (including ancient woodland and veteran trees) should be refused where they would result in the loss or deterioration of such irreplaceable habitats, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

5.14 SDNPA does not consider that the proposal accords with Local Plan policy, nor with the requirement to conserve and enhance for the following reasons:

5.14.1 Although the order limits do not pass directly through Ancient Woodland they do pass adjacent to it in a number of locations within the National Park and the SDNPA is concerned that this proximity will cause harm to ancient woodland, which is, by its very definition, irreplaceable.

5.14.2 SDNPA note that the proposal does not accord with standing guidance from the Forestry Commission and Natural England in respect of Ancient Woodland which states that development should be at least 15m from the canopy of Ancient Woodland.

5.14.3 The exact impact on trees cannot be quantified at this time given that the exact pipeline route within the Order Limits is unknown. SDNPA have requested a Comprehensive Arboricultural Impact Assessment, which we understand the applicant is preparing.

5.14.4 Even in the absence of a Arboricultural Impact Assessment it is understood that an as yet undetermined quantity of trees will be lost and, where there is the 6m easement over the pipeline, new tree planting will not generally be possible

5.14.5 The SDNPA consider that an assessment of ancient/veteran trees also needs to be undertaken

5.14.6 There is no package of compensation put forward for the damage caused to Ancient Woodland, trees and hedgerows

5.15 The SDNPA have two suggestions to make in relation to the proposed DCO requirements:

i) Proposed DCO requirement number 8 (1) (b) states that the reinstatement of all hedgerows and trees must be undertaken in accordance with a written plan of reinstatement and sub section 2 states that this must form part of the landscape and ecological management plan approved in accordance with proposed DCO requirement number 12. Sub section (3) of requirement number 12 states that a landscape and ecological management plan will only be required for those stages of the development identified in the Environmental Statement. We seek clarification that this would include the entirety of the pipeline route within the National Park. We also request that the DCO requirement ensures that the applicant table information, to an appropriate and proportionate level of detail, on what is to be removed in order that Local Planning Authorities can adequately judge the appropriateness or otherwise of the proposed mitigation.

ii) Proposed DCO Requirement number 8 (3) states that any hedgerow or tree planting part of an approved reinstatement plan that, within a period of three years is removed, uprooted, destroyed, dies or

becomes seriously damaged or defective must be replaced with planting material of the same specification as that originally planted. The intent behind this proposed DCO requirement is supported but it is established practice within the English planning system to impose such a requirement for 5 years. Given this established practice, the scale of the proposal and the fact that the replacement planting is crucial to the success or otherwise of the mitigation strategy a period of at least 5 years is considered more appropriate.

Biodiversity

- 5.16 Local Plan Policy SD9 applies to biodiversity and notes that development proposals will be permitted where they conserve and enhance biodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. It goes on to state that development proposals should retain, protect and enhance features of biodiversity interest and should identify and incorporate opportunities for net gain in biodiversity. Development proposals should also contribute to the restoration and enhancement of existing habitats.
- 5.17 The SDNPA defers to Natural England, as the Government's advisor for the natural environment, on the biodiversity impacts of the proposed scheme. Although disappointing that the applicant has chosen not to deliver biodiversity net gain the SDNPA are broadly supportive of the approach taken by the applicant to biodiversity matters and would make the following observations:
- 5.17.1 The proposed pipeline route avoids all international, national and locally designated sites within the National Park.
- 5.17.2 The only priority habitats found along the route are lowland deciduous woodlands and hedgerows.
- 5.17.3 The proposed route would pass through approximately 60 hedgerows in the National Park, of which the vast majority have been categorised as important under the Hedgerow Regulations and which are therefore also priority habitat under the Natural Environment and Rural Communities Act.
- 5.17.4 The proposal is for a 10m working width through hedgerows which will be replanted (thus restoring connectivity in the long term) however this does not address temporary connectivity, especially where there are known Dormice populations. Ideally gaps should have temporary hedging installed between working hours and until replanting takes place.
- 5.17.5 Impacts on other species are considered minor either because of the lack of water bodies on the pipeline route through the National Park, or because of the narrow corridor and temporary nature of the works or because of the working methodology and mitigation measures to be adopted by the applicant.
- 5.17.6 The SDNPA supports proposed DCO Requirement number 12 that requires the submission and approval of a Landscape and Ecological Management Plan prior to the commencement of development as this will secure suitable and appropriate mitigation measures.

Heritage

- 5.18 Local Plan Policy SD12 states that development proposals will only be permitted where they conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.

- 5.19 There are no high value heritage assets within the Order Limits and only 30 high value heritage assets across the pipeline's entire length. There will be short term impacts during construction but given that once operational the development will be an underground pipeline with a very small number of above ground installations the SDNPA considers that the impact of the proposal on heritage assets is of minor concern.

Highways

- 5.20 Local Plan Policy SD19 requires development proposals to demonstrate the continued safe and efficient operation of the strategic and local road network.
- 5.21 The SDNPA notes that Hampshire County Council, as Highways Authority, will be making representations regarding the highways impacts of the proposed pipeline through the examination process. At this stage the SDNPA considers this matter to be of minor concern and would make the following comments:
- 5.21.1 The traffic demand associated with the operation of the pipeline is sufficiently low that it has been scoped out of the applicant's Transport Statement. The SDNPA agrees with this assessment.
- 5.21.2 The use of trenchless techniques to cross 3 trunk routes in the National Park is supported.
- 5.21.3 We understand that where temporary traffic management is required there will be no locations in the National Park where this will be required for more than 4 weeks and thus disturbance will be limited.
- 5.21.4 Whilst construction traffic will have an adverse impact on tranquillity in the Park (one of the Park's special qualities and see 'tranquillity' section in this report below) it is considered that the applicant's Transport Statement helps demonstrate that, in principle, the strategic and local route network can accommodate the likely construction traffic.
- 5.22 The SDNPA supports the inclusion of proposed DCO Requirement number 7 that requires the submission and approval of a Construction Traffic Management Plan and recognises this should ensure that the impact on the local road network is acceptable, in line with the requirements of Policy SD19. The SDNPA does, however, respectfully request that this document be submitted to and approved by the relevant Local Planning Authority rather than the relevant Highway Authority. Local Planning Authorities would ordinarily consult with the Highway Authority in any case and, further, Local Planning Authorities are used to handling such documents, not least because they are ordinarily determined by them. Local Planning Authorities would also be well placed to consider other impacts of construction traffic including impact on residents and, in the case of the National Park, tranquillity.

Dark Night Skies

- 5.23 Local Plan Policy SD8 states that development proposals will be permitted where they conserve and enhance the intrinsic quality of dark night skies. It also requires that development proposals must demonstrate that all opportunities to reduce light pollution have been taken and that the measured and observed sky quality in the surrounding area is not negatively affected, having due regard to the following hierarchy:
- a) That the installation of lighting is avoided; and
 - b) If lighting cannot be avoided, it is demonstrated to be necessary and

appropriate, for its intended purpose or use:

- i) Any adverse impacts are avoided; or
- ii) If that is not achievable, then adverse impacts are mitigated to the greatest reasonable extent.

- 5.24 Policy 3 of the Partnership Management Plan also seeks the protection and enhancement of dark night skies.
- 5.25 It is understood that no permanent lighting is proposed as part of the scheme. However, the temporary construction compounds will have some lighting, as might sections of the pipeline as it is being installed. This has the potential, unless appropriately mitigated, to harm Dark Night Skies and the SDNPA are currently in discussions with the applicant on this point.
- 5.26 The SDNPA considers that the proposed Development Consent Order Requirement number 6 (given in Schedule 2, Part 1) at point (d) should be expanded, at least as it relates to the National Park, to include a lighting management plan. This would enable the SDNPA to control lighting to ensure that it does not harm Dark Night Skies.

Tranquillity

- 5.27 Local Plan Policy SD7 states that development proposals will only be permitted where they conserve and enhance relative tranquillity. It goes on to state that development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity.
- 5.28 Tranquillity is considered to be a state of calm and quietude and is associated with a feeling of peace. It relates to quality of life, and there is good scientific evidence that it also helps to promote health and well-being. It is a perceptual quality of the landscape, and is influenced by things that people can both see and hear in the landscape around them. It is one of the National Park's special qualities.
- 5.29 The South Downs National Park Tranquillity Study (2017) sets out relative tranquillity across the National Park. As noted in the applicant's Environmental Statement, and with reference to this National Park publication, the proposed pipeline route passes through substantial areas of high and moderate tranquillity. This is to be expected given that the pipeline passes through generally undeveloped locations and through many areas that are deeply rural in character.
- 5.30 The SDNPA acknowledge that when the pipeline is in operation there will be limited impact on tranquillity, given the pipeline's location underground and the limited above ground infrastructure. However there will be temporary, and significant, localised impacts on tranquillity when the pipeline is being constructed. This will be in the form of movement of plant and vehicles, the presence of construction compounds and temporary fencing and from stockpiled soils and materials. It is acknowledged that this harm would be temporary but it is considered contrary to the requirements of Local Plan Policy SD7.
- 5.31 The SDNPA notes the proposed DCO Requirement number 14 that would limit construction works to between 0700 and 1900 on weekdays and Saturdays. It is acknowledged that longer working hours might mean that construction works are likely to be in any given area for a shorter period of time than would be the case if working hours were more restricted. However, this needs to be balanced against the impact on residents and the tranquillity of the National Park. The development, as already noted, is in sensitive areas of moderate and high levels of tranquillity proximate to numerous public rights of way. The public rights of way network is most heavily used at weekends and local residents would, also, reasonably expect to experience less disruption at weekends. Therefore the SDNPA considers that construction works

should be limited to between 0800 and 1300 hours on Saturdays, as would, of course, be the case with general construction works across England.

Public Right of Way Network

- 5.32 Temporary footpath diversions will be required in places to accommodate construction of the pipeline. The public right of way network in the South Downs is extensive and is important for recreation and tourism opportunities, as well as helping deliver the second statutory purpose of the National Park. The Public Right of Way Network is the primary means by which the public access and enjoy the National Park. Local Plan Policy SD20 states that development proposals will be permitted provided that they a) maintain existing public rights of way and b) conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes and access land.
- 5.33 The proposal is considered to meet criterion a) of Local Plan Policy and criterion b) is addressed under 'tranquillity' above.
- 5.34 The applicant has attempted to minimise disruption by making closures of rights of way for as short a period as possible and by generally providing alternative routes. Of particular local concern is the impact of the proposal's construction on the South Downs Way (a designated National Trail). National Trails are designated due to the special qualities of the surrounding trail corridor, including landscape, biodiversity habitats and the historic environment. Local, national and international visitors come to use the South Downs Way and to enjoy this special landscape. Although the proposed route only crosses the South Downs Way at one location, users' experiences will be significantly affected during construction.
- 5.35 The SDNPA is discussing with the applicant ways in which the timing of the construction through the South Downs Way can be managed and scheduled. This is to ensure that major events on the South Downs Way are avoided in order to prevent participants in these events having to use temporary footpath diversions, which can carry greater implications for participants in major events.
- 5.36 Otherwise the SDNPA generally agrees with Chapter 13 of the Environmental statement that the impact on users of the public right of way network will be temporary, limited and minor. An exception to this will be footpath Exton 9a, part of the Wayfarer's Walk Long Distance Path, between, (roughly) Preshaw Wood and Lomer Farm. Here the footpath runs roughly parallel to the proposed pipeline route for a distance of approx. 1.5km. The proximity of this footpath to the construction site over this distance means that users are likely to experience the adverse impacts of works for more than a limited amount of time.
- 5.37 Further, close to Four Marks the pipeline route intersects with five public rights of way within a distance of approximately 2km. Whilst the diversions associated with each crossing are temporary, there is likely to be an adverse cumulative impact from construction disturbance concentrated in this area.

Residential Amenity

- 5.38 Local Plan Policy SD5, point k) notes that development proposals should have regard to avoiding harmful impact upon any surrounding uses and amenities. Policy SD54 explains that development proposals will be permitted provided that levels of noise, vibration, light, water, odour or other pollutants do not have a significant negative effect on people and the natural environment now or in the foreseeable future. This Policy takes into account cumulative impacts and any mitigation. It sets out that

development proposals should follow best practice measures to reduce levels of dust and other pollutants arising from a development.

- 5.39 Given the underground nature of the pipeline and the limited above ground structures the SDNPA does not consider there will be disturbance caused to residents during the operation of the pipeline.
- 5.40 During construction it is inevitable that the works will give rise to localised disturbance to amenity. However, the relative isolation of the pipeline and the fact that it normally passes away from established residential areas helps mitigate this impact, as do the mitigation measures set out in the applicant's Environmental Statement (chapter 16). To help secure acceptable mitigation measures the SDNPA supports the need for proposed DCO Requirement numbers 5 and 7 which require, respectively, adherence to the Code of Construction Practice and the requirement for a Construction Traffic Management Plan.
- 5.41 Taking these factors together the SDNPA does not consider that demonstrable harm to residential amenity will be caused and that the proposal therefore accords with Local Plan Policies SD5 and SD54.

Flood Risk

- 5.42 The Flood Risk Assessment sets out that the proposal would have a negligible impact upon flood risk during its 60 year design life as the pipeline would be buried underground with only relatively small permanent features above ground. Any flooding issues would be associated with construction, although the construction period is relatively short in flood risk terms and mitigation measures are to be employed by the applicant.
- 5.43 The adoption of good practice and mitigation measures leads the Flood Risk Assessment to conclude that the project would not exacerbate flood risk. The SDNPA agrees, on the basis of the evidence provided, with this conclusion.

Socio-economic

- 5.44 The SDNPA has a statutory duty to "foster the economic and social well-being of communities living within the National Park".
- 5.45 With regards to tourism businesses it is difficult to assess the impacts that the loss of visual amenity and tranquillity during construction in areas adjacent to the pipeline will have, and the wider potential impacts of construction traffic on roads. Overall, the impact is considered to be negative, but it is acknowledged that this will be limited by the temporary nature of the construction works.
- 5.46 Outside of tourism the socio-economic impacts of the scheme are considered to be limited and the Authority raises no objection in this regard.

Archaeology

- 5.47 Local Plan Policy SD16 relates to archaeology and details that development proposals will be permitted where they do not cause harm to archaeological heritage assets and/or their setting.
- 5.48 The applicant's Environmental Statement contains the applicant's proposed approach to archaeological mitigation which is generally considered appropriate by the SDNPA. DCO Requirement number 11, as currently drafted, is acceptable to the SDNPA and will help ensure compliance with local plan policy.

- 5.49 The SDNPA is, however, concerned that given the lack of space currently affecting collecting capacity of archaeological archiving repositories across the South East suitable provision needs to be secured by the applicant. There should also be appropriate financial recompense built into the archiving process, given major infrastructure projects of this kind often have a significant impact on archaeological archive stores, many of which are publicly funded.

Water

- 5.50 There are no major surface water courses in the National Park section of the pipeline route. Only four watercourses have been identified (WCX7-10) and these are all drainage ditches or dry so there is no significant impact.

Agricultural land

- 5.51 It is understood that, following construction, the land above the pipeline can be used, where appropriate, for agricultural purposes. On this basis the SDNPA raises no objection.

Public open space

- 5.52 There is no permanent loss of public open space in the National Park associated with the proposal and thus the development complies with Local Plan Policy SD46 which seeks the protection of such space.

Air Quality

- 5.53 Local Plan Policy SD54 relates to air quality and sets out that development proposals will be permitted provided that levels of air pollution do not have a significant negative effect on people or the natural environment.
- 5.54 The SDNPA notes that there are no appreciable air quality implications of the proposal when in operation. During construction there may be impacts, particularly associated with plant and with the temporary construction compounds. However, these impacts will be temporary and there is no evidence that there will be significant or harmful air quality impacts. This is not therefore a matter of concern to the SDNPA and the proposal complies with Local Plan Policy.

Waste Management

- 5.55 The applicant's intention is to reuse spoil created on site as far as possible, thus waste arising from excavation will be minimised.
- 5.56 DCO Requirement number 6 requires, as part of a Construction Environmental Management Plan, a Site Waste Management Plan to be submitted to and approved by the SDNPA prior to commencement of development. This allows the approach to waste management to be reviewed and managed appropriately and the SDNPA is satisfied with both this approach and with the DCO Requirement as drafted.

Contaminated land

- 5.57 Local Plan Policy SD55 relates to contaminated land and outlines that development proposals for sites with either known or suspected contamination, or with the

potential to contaminate land will require the submission of robust evidence regarding investigations and remedial measures, sufficient to ensure that any unacceptable risk to human health or the environment is removed prior to development proceeding.

- 5.58 Within the National Park the pipeline route runs through open countryside where the risk of contamination is considered to be low. In relation to potential contamination from the pipeline itself, either during construction or operation, the Environmental Statement details these risks and concludes that there are no significant residual effects. Proposed DCO Requirement number 10 requires that in the event that contamination is found it must be reported in writing to the SDNPA, that the nature and extent of the contamination must be assessed and, that where remediation is required, a detailed remediation scheme must be submitted for SDNPA's approval. Given this the proposed development is considered to comply with the requirements of Local Plan Policy SD55.

Open Access Land

- 5.59 As a National Park, the SDNPA is the Relevant Authority for Access Land. The development proposal would have no permanent effect on access to open land.

Decommissioning

- 5.60 The SDNPA note that, should the proposal receive consent, the above ground elements of the scheme may remain in place beyond the operational life of the pipeline. The SDNPA would request that if the proposed pipeline ceased to be in use that all above ground infrastructure associated with the development should be removed and the land restored to its previous state within 6 months of the pipeline ceasing to be in use. The SDNPA respectfully requests a DCO requirement be imposed to ensure this.

Comments on the applicant's draft Development Consent Order – Schedule 2, Part 2, Procedure for Discharge of Requirements

- 5.61 Comments on the proposed DCO Requirements (Schedule 2, Part 1) have been made under the topic specific headings above. However, the SDNPA also wishes to make the following observations in respect of Schedule 2, Part 2. The remarks are set out in table format for ease of reference.

Reference draft DCO	Requirement in original text	SDNPA proposed amendment	Reason
Section 18 (1)	LPA's have 28 days to determine applications related to DCO requirements	That LPA's have 56 days to determine such applications	28 days is a very short timeframe in which to determine an application on which the LPA may choose to carry out consultation and on which specialist advice may be required.
Section 20 (2)	If LPA's determine that further information is necessary to make a decision they should write to the undertaker	That LPA's have 5 business days in which to write to the undertaker requesting	It is considered reasonable to allow the LPA a period of time in which to check the contents of an

	within 2 business days	such information	application to determine whether it has sufficient detail to allow it to make a decision. 2 business days is not sufficient time to do this.
Section 21 (2) (b)	That if the LPA fail to determine an application within the time period in section 18 the fee paid by the undertaken should be returned to them	That the fee is non refundable	<p>The LPA may have undertaken significant work in the application, regardless of whether a decision has been issued. The application fee is not refunded for other applications outside of the DCO consent regime (such as prior approvals and prior notifications) and there is considered to be no reason to take a different approach here.</p> <p>If a LPA fails to determine the application within the time prescribed there will already be an implication for the LPA as deemed consent will be given.</p>
Section 22 (1) (b)	That having received a request for further information that the undertaker considers is either wholly or partly unnecessary it may proceed straight to appeal	The SDNPA proposes that where this is the case the undertaker only has the ability to appeal after the prescribed time limit has been reached (measured from the date the application was first submitted).	Gives the LPA the opportunity to decide whether to determine the case without the additional requested information. Whilst in some cases it may proceed to appeal it seems inappropriate for this to be effectively the first recourse.
Section 22 (1) (c)	Having received any further information requested the LPA notifies the undertaker that the information provided is inadequate and requests additional information is provided which the undertaker considers is not necessary	That where this is the case the undertaker has the ability to appeal after the prescribed time limit has been reached (measured from the date the application was first submitted).	Gives the LPA the opportunity to decide whether to determine the case without the additional requested information. Whilst in some cases it may proceed to appeal it seems inappropriate for this to be effectively the first recourse.

Table One: SDNPA comments on Schedule 2, Part 2, Procedure for Discharge of Requirements

6. Summary

6.1 Table Two below sets out SDNPA's view on the local impacts associated with the proposed scheme, as the scheme stands at October 2019. This table assumes the delivery of all currently committed mitigation measures. The table is ordered by topic area and represents a summary of the points made in section 5 of this LIR.

Topic Area	Positive Impact	Neutral or Limited Impact	Negative impact
Principle of Development			
Landscape			
Trees and Woodland			
Biodiversity			
Heritage			
Highways			
Dark Night Skies			
Tranquillity			
Public Right of Way Network			
Residential Amenity			
Flood Risk			
Socio-economic			
Archaeology			
Water			
Agricultural Land			
Public Open Space			
Air Quality			
Waste Management			
Contaminated Land			
Open Access Land			

Table Two: SDNPA summary of impacts of the development proposal