

Southampton to London Pipeline Project

Deadline 2

Signed SoCG with Affinity Water Limited
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Southampton to London
Pipeline Project




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Statement of Common Ground Between: Esso Petroleum Company Limited and Affinity Water Limited

Date: November 2019

Application Document Reference: B2325300-JAC-000-CIV-REP-500011



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1. Introduction

1.1 Purpose of Document

- 1.1.1 A Statement of Common Ground (SoCG) is a written statement produced as part of the Application process for a Development Consent Order (DCO) and is prepared jointly between the applicant for a DCO and another party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.2 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning, and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.

1.2 Description of the Project

- 1.2.1 Esso Petroleum Company, Limited (Esso) launched its Southampton to London Pipeline Project in December 2017. The project proposes to replace 90km of its 105km aviation fuel pipeline that runs from the Fawley Refinery near Southampton, to the West London Terminal storage facility in Hounslow. In spring 2018, Esso held a non-statutory consultation which helped it to select the preferred corridor for the replacement pipeline. In autumn 2018, it held a statutory consultation on the preferred route for the replacement pipeline. In early 2019, it held a second phase of statutory consultation on design refinements.

1.3 Statement of Common Ground

- 1.3.1 This SoCG has been prepared jointly by Esso as the applicant and Affinity Water as a Relevant Statutory Undertaker. Affinity Water supplies water to North London and the Home Counties (Surrey and Hampshire).
- 1.3.2 For the purpose of this SoCG, Esso and Affinity Water will jointly be referred to as the “Parties”. When referencing Affinity Water alone, they will be referred to as “the Consultee”.
- 1.3.3 Throughout this SoCG:
- Where a section begins ‘matters agreed’, this sets out matters that have been agreed between the Parties.
 - Where a section begins ‘matters not agreed’, this sets out matters that are not agreed between the Parties.
 - Where a section begins ‘matters subject to ongoing discussion’, this sets out matters that are subject to further negotiation between the Parties.



1.4 Structure of the Statement of Common Ground

- 1.4.1 This SoCG has been structured to reflect matters and topics of relevance to the Consultee in respect of Esso's Southampton to London Pipeline Project.
- Section 2 provides an overview of the engagement to date between the Parties.
 - Section 3 provides a summary of areas that have been agreed.
 - Section 4 provides a record of areas that have not yet been agreed.
 - Section 5 provides a list of ongoing matters (if any) that will be agreed or not agreed by the Parties during examination.
 - Section 6 provides a record of relevant documents and drawings

2. Record of Engagement Undertaken to Date

2.1 Pre-application Engagement and Consultation

2.1.1 The table below sets out the consultation and engagement that has been undertaken between the Parties prior to the submission of the DCO application.

Date	Format	Topic	Discussion Points
04/12/2017	Correspondence	Pre-engagement	Project introduction for stakeholders whose position and comments on the project at an early stage could significantly impact the project.
11/12/2017	Correspondence	Project introduction	The project sent a letter to the Consultee including: <ul style="list-style-type: none"> • Map of current route • Project timeline • Project introduction
19/03/2018	Correspondence	Non-statutory (Corridor) consultation launch	The project sent the Consultee a notification of launch letter (as a potential future statutory consultee). The Consultee did not respond to the consultation.
30/05/2018	Correspondence	Preferred corridor announcement	The project wrote to the Consultee to announce the preferred corridor.
27/06/2018	Correspondence	Initial Working Route	Project update regarding Initial Working Route release.
06/09/2018	Correspondence	Launch of first statutory (Preferred Route) consultation	The project sent the Consultee a notification of launch letter (as a statutory consultee), in line with the Planning Act 2008. The Consultee responded to the consultation – see Appendix A.
01/11/2018	Meeting	Project update	Project introduction meeting with the Consultee's Asset Specialist - Water Resources Asset Strategy, Catchment Management Programme Lead, and Legal Solicitor. The project gave a presentation on the project and discussion was held on groundwater issues.
06/11/2018	Correspondence	Protective Provisions	The project emailed a copy of Protective Provision - Part 1 for the protection of electricity, gas, water and sewage undertakers to the Consultee's solicitor.
15/01/2019	Correspondence	Protective Provisions	The project emailed the Consultee's solicitor to chase comments on Protective Provisions.
16/01/2019	Correspondence	Protective Provisions	The Consultee's solicitor confirmed that he would arrange internal meetings with regards to Protective Provisions and respond with comments.

Date	Format	Topic	Discussion Points
21/01/2019	Correspondence	Launch of second statutory (Design Refinements) consultation	The project sent the Consultee a notification of launch letter (as a statutory consultee). The Consultee did not respond to the consultation.
24/02/2019	Meeting	Project update	The parties discussed the pipeline alignment, working areas and risk assessment of potential effects.
25/03/2019	Correspondence	Statement of Common Ground (SoCG)	The project sent a draft SoCG to the Consultee's solicitor and Asset Specialist.
02/04/2019	Correspondence	Development Consent Order (DCO)	The project sent a draft DCO and schedules 1, 2, 9 and 11 to the Consultee's solicitor.
17/04/2019	Correspondence	SoCG	The project received comments on the SoCG from the Consultee's solicitor and Asset Specialist.

2.2 Engagement Following Submission of Application

2.2.1 The table below sets out the consultation and engagement that has been undertaken between the Parties since the submission of the DCO application.

Date	Format	Topic	Discussion Points
18/07/2019	Correspondence	Protective Provision	BDB (Esso's Legal Representative) contacted the Consultee's solicitor to commence Protective Provision engagement.
26/07/2019	Correspondence	Relevant Representation	The Consultee registered as an Interested Party with the Planning Inspectorate by making a Relevant Representation.
01/08/2019	Correspondence	DCO and Protective Provision	The Consultee confirmed they have registered as an interested party with planning inspectorate and requested an asset protection agreement to protect their water undertakings.
28/08/2019	Correspondence	SoCG	Revised draft SoCG issued to Consultee.
10/09/2019	Correspondence	SoCG	Chased Consultee for comments on SoCG.
02/10/2019	Correspondence	SoCG and DCO and Protective Provision	The Consultee requested a meeting between Parties to discuss monitoring proposals pre / during and after construction / SoCG. Meeting arranged for 31/10/2019.



Date	Format	Topic	Discussion Points
31/10/2019	Meeting	DCO / SoCG and Protective Provision	Meeting between Parties discussed project progress / the Consultee's monitoring proposals / SoCG / Protective Provisions.
05/11/2019	Correspondence	SoCG	The Applicant received comments from Consultee on SoCG.

3. Matters Agreed

3.1.1 The table below sets out the matters agreed in relation to different topics.

Examining Authority's suggested theme	Topic	Matter agreed	Reference
	General	It is agreed that the Consultee has no objections to the proposed pipeline alignment.	
	Engagement	Contact and discussion will be maintained with the Consultee during detailed design and ahead of construction as per Protective Provisions.	
<p>Water environment effects including flooding effects and risks and drainage</p> <p>Water quality</p> <p>The effects on existing apparatus and infrastructure</p>	Construction	<p>In submitting the Applicant's plans to the Consultee pursuant to protective provisions, the Applicant will demonstrate that:</p> <ul style="list-style-type: none"> Runoff across the site will be controlled by the use of a variety of methods including header drains, buffer zones around watercourses, on site ditches, silt traps and bunding. There will be no intentional discharge of site runoff to ditches, watercourses, drains or sewers without appropriate treatment and agreement of the appropriate authority (except in the case of emergency). The pipeline as laid will not lie within existing source protection zone 1 (SPZ 1) areas associated with licensed abstractions. The inclusion of remotely operated valves to allow isolation of sections of the pipeline if required. 24-hour remote monitoring of pipeline operation to detect leaks and enable remote shut down of the pipeline if required. 	<p>Protective Provision</p> <p>DCO requirements and REAC</p>

		<ul style="list-style-type: none"> • To notify the Consultee if an event occurs in close proximity to Chertsey Wells. • Stockpiles in Flood Zone 3 or areas of High or Medium surface water flood risk do not exceed 25m between breaks. Breaks in between stockpiles will be at least 5m. Breaks will be located opposite each other on either side of the excavation where practicable. • Where the pipeline crosses or runs parallel to the Consultee's water mains, the intention would be to install it lower than the water mains wherever practicable. • The Applicant will share the findings of its ground investigations in the Chertsey Wells area with Consultee. 	WQ.G.GQ.1.9 response
	Crossings	The project has committed to ensuring that trenchless techniques are to be used for all crossings of trunk roads, motorways and railways.	See REAC
The effects on existing apparatus and infrastructure	Commissioning	The Consultee agrees it has no objection to water being abstracted from their mains during testing and commissioning of the pipeline with appropriate agreement.	
Water quality	CEMP	<p>The project has committed to ensuring that the Construction Environmental Management Plan (CEMP) will follow the principles set out in the Outline CEMP and will set out the water mitigation and management measures and where they will need to be used. These measures will include, but not be restricted to, the following:</p> <ul style="list-style-type: none"> • details of when de-watering will be likely; • measures to segregate construction site runoff from natural catchment runoff; • details of measures to attenuate runoff rates before discharging at controlled rates to receiving watercourses; 	See DCO requirements and REAC



		<ul style="list-style-type: none"> • design of any holding or settlement lagoons or other treatment system required prior to discharge to the environment; • details of mitigation measures for all work or compound areas located within flood risk areas; • where construction activities will be located, preferably outside of the floodplain; and • details of any water abstraction and discharge points relating to the works. 	
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4. Matters Not Agreed

4.1.1 The table below sets out the matters **not** agreed in relation to different topics.

Examining Authority's suggested theme	Topic	Matter not agreed	Reference
Water quality	Monitoring post-construction	The Consultee has requested post-construction monitoring at the Chertsey abstraction wells to monitor the effect on SPZs.	

5. Matters Subject to On-going Discussion

5.1.1 The table below sets out the matters subject to ongoing discussion.

Examining Authority's suggested theme	Topic	Matter subject to ongoing discussion	Reference
Protective Provisions	Protective Provisions	<p>The Applicant has engaged with the Consultee on Protective Provisions and legal discussions are ongoing.</p> <p>The Consultee has requested an asset protection agreement to protect its water undertakings.</p>	
The effects on existing apparatus and infrastructure	Design	The Consultee has requested a signal test to determine whether the SLP Project overlaps with the zone of influence of Chertsey Wells.	
Water quality	Design	The Consultee has requested that the project provides data gathered on Landfill contaminants to the Consultee.	
Water quality	Construction	The Consultee would like to agree the monitoring programme in the vicinity of Chertsey Wells and if further investigation is required pre / during construction.	
	Construction	The Consultee has requested the Applicant does not undertake construction during peak demand period (June to August) in the vicinity.	

6. Relevant documents and drawings

6.1 List of relevant documents and drawings

6.1.1 The following is a list of documents and drawings upon which this SoCG is based.

Application Reference	Title	Content	Date
EN070005 Document 6.2	Environmental Statement	Report of the Environmental Impact Assessment	14 May 2019
EN070005 Document 6.4	Environmental Statement Appendices	Additional data and evidence to support the Environmental Statement	14 May 2019

7. Appendix A. Response to Preferred Route Consultation

Esso's Southampton to London Pipeline Project - Preferred route statutory consultation Section 42 Planning Act 2008

We refer to your letter of 6 September 2018 and my colleague [Editor's note: personal details removed] conversation with your office on 21 September logging Affinity Water Limited's interest in the project and its contact details.

Your letter refers to previous contact regarding the DCO but unfortunately, we cannot locate any such correspondence so could you please send that through to me and [Editor's note: Personal details removed] in the Legal Team at the above reference? All future correspondence should be similarly addressed to ensure safe receipt.

We confirm that Affinity Water Limited is the water supply company for the area covering part of the proposed route. Affinity Water Limited is appointed as a water undertaker under the Water Industry Act 1991; it provides drinking water to approximately 3.6 million customers in parts of north and west London and the Home Counties together with customers in the Dover and Folkestone and East Tendring area.

We have a statutory duty under section 37 of the Water Industry Act 1991 to develop and maintain an efficient and economical system of water supply and to ensure that all such arrangements have been made for providing supplies of water and for maintaining, improving and extending our water mains and other pipes

Part of the proposed route from Frimley to Hounslow is within our Central region of operations. Around 60% of the water we supply to customers in this Central region is abstracted from groundwater sources. The remaining 40% of the water we provide to our customers is abstracted from the River Thames and treated at four water treatment works, one of which is our Iwer water treatment works that is located only a few kilometres from the West London Terminal storage facility in Hounslow.

We would like to have preliminary discussions with you as soon as is feasible to discuss the proposed route and the possible effects it may have on our undertaking. We consider that a one to one consultation would be more helpful than attending a public session due to the level of technical detail and analysis required.

Diversions or protective measures may need to be made in relation to our existing and extensive network of water mains, service pipes, equipment, operational apparatus and accessories

We have concerns that the proposed route could exacerbate the risk of contamination of the water quality at our surface water abstractions and abstraction wells.

We will also need to understand more about the works (depth/type/if any new digging is required) and also what mitigation actions are proposed to avoid contamination and damage during the pipe laying process and afterwards.

Please note this cannot be a fully comprehensive list because we have not yet seen the full detail of your proposals and we anticipate that we may identify additional concerns.

If you have any queries please do not hesitate to contact me but I look forward to hearing from you with your proposals for a meeting.