

# Southampton to London Pipeline Project

## Deadline 2

Signed SoCG with Network Rail Infrastructure Ltd  
Application Document: 8.4.17

Planning Inspectorate Reference Number: EN070005

Revision No. 1.0

November 2019



Southampton to London  
Pipeline Project



## **Southampton to London Pipeline Project**

### **Statement of Common Ground**

**Between:**

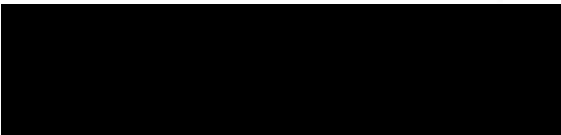
**Esso Petroleum Company, Limited**

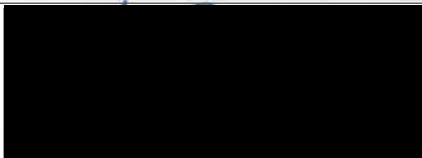
**and**

**Network Rail Infrastructure Ltd**

Date: November 2019

Application Document Reference:

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Date	13/11/19

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On behalf of	Network Rail
Date	13 - 11 - 2019



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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 late in 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 This Statement of Common Ground**

- 1.3.1 This SoCG has been prepared jointly by Esso as the applicant and Network Rail Infrastructure Limited (Network Rail) as a statutory undertaker.
- 1.3.2 Network Rail owns, operates and maintains the railway infrastructure of Great Britain.
- 1.3.3 Esso requires, pursuant to the DCO, property that is owned, operated or maintained by Network Rail, which is land comprising operational railway, land adjacent to operational railway and land elsewhere, as identified in the Book of Reference. Network Rail's property is required by Esso pursuant to the DCO for both temporary (construction) and permanent (construction, operation and maintenance) uses.
- 1.3.4 Within the Order Limits of the Southampton to London Pipeline Project, the route will cross the following operational railway lines:

- 1 Farnham Junction to Alton (Alton Line) between Alton and Bentley;





- 2 Waterloo to Northam Short Mile (South Western Main Line) between Farnborough Main and Fleet;
- 3 Ash Junction to Wokingham (North Downs Line) between Farnborough North and Blackwater;
- 4 Ascot Junction to Ash Vale Junction (Windsor Lines) between Frimley and Ash Vale;
- 5 Virginia Water to Weybridge Line (Windsor Lines) between Chertsey and Addlestone; and
- 6 Waterloo to Wokingham Junction (Windsor Lines) between Ashford (Surrey) and Feltham.

1.3.5 Temporary construction access rights are required by Esso, pursuant to the DCO, over the level crossing at Farnborough. Network Rail is assessing the impacts of the project on the level crossing at Farnborough North and other level crossings in the wider region. Temporary construction rights are also required by Esso within Ashford Railway Station and Network Rail will consult the relevant train operating company regarding the proposed works.

1.3.6 For the purpose of this SoCG, Esso and Network Rail will jointly be referred to as the "Parties". When referencing Network Rail alone, they will be referred to as "the Consultee".

1.3.7 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 and refers to Appendix A, which is the Applicant's record of the engagement 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.



## **2. Engagement Undertaken to Date**

### **2.1 Engagement and Consultation (pre-application and following submission of the Application)**

- 2.1.1 The Parties have been in ongoing discussions, including holding a number of meetings, to discuss the impacts of the project on Network Rail's assets and infrastructure.
- 2.2.2 The Applicant's record of the engagement and consultation between the Parties is set out at Appendix A to this Statement.



### 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
The effect on railway infrastructure and services	General	<p>Whilst it is agreed that Network Rail has no objection to the principle of the proposed pipeline, Network Rail cannot agree to the compulsory acquisition of its property pursuant to the DCO and before its objection can be removed the project will also need business and technical clearance, property agreements and adequate protective provisions in the DCO to be in place to protect Network Rail's infrastructure. The project will also be subject to internal and industry notification and consultation, including consultation with affected train operating companies.</p> <p>Design of undertrack crossings is to follow Network Rail standards. Design shall be based on Network Rail requirements for track settlement. All works and design will be subject to the specific requirements of Network Rail Asset Protection engineers, including completing any necessary asset protection agreements and Network Rail's standard requirements.</p> <p>Subject to all of the above matters being resolved to Network Rail's satisfaction, construction of undertrack crossings can be permitted under live Network Rail tracks provided an approved track monitoring system &amp; procedures are installed and commissioned to the satisfaction of Network Rail, in the following places:</p> <p>The crossing of the Farnham Junction to Alton (PAA2) railway line will be between the Bentley @44m 24ch and Alton @ 49m 13ch on the Wessex Route.</p> <p>The crossing of the Waterloo to Reading Line (RDG1) will be between the stations of Ashford</p>	

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		<p>(Middlesex) @17m 40ch and Feltham @ 14m 68ch on the Wessex Route.</p> <p>The crossing of the Virginia Water to Waterloo - VWW - railway between the stations of Chertsey @ 22m 25ch and Addlestone @ 20m 71ch on the Wessex Route.</p> <p>The crossing of the Farnborough Main line railway (BML1) will be between the stations of Farnborough Main @33m 17ch and Fleet @ 36m 38ch on the Wessex Route.</p> <p>The crossing of the Guildford to Wokingham (GTW2) and the Ascot to Ash Vale (AAV) railway between the stations of Blackwater @ 55m 58ch</p> <p>Farnborough North @ 53m 16ch &amp; the stations of Frimley @ 37m 48ch and Ash Vale @32m 38ch on the Wessex Route.</p>	
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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.

Topic	Matter not agreed	Reference
Protective Provisions and private agreements between the Parties	<p>Network Rail does not agree that the Protective Provisions submitted by the Applicant to the Examining Authority provide sufficient protection for Network Rail to safeguard its railway undertaking.</p> <p>Network Rail cannot agree to the compulsory acquisition of its property pursuant to the DCO and before its objection can be removed the project will also need business and technical clearance, property agreements and adequate protective provisions in the DCO to be in place to protect Network Rail's infrastructure. The project will also be subject to internal and industry notification and consultation, including consultation with affected train operating companies.</p>	

## 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	Discussions are ongoing between the Parties, in particular regarding the use of compulsory acquisition powers (which Network Rail strongly objects to) and the extent and scope of the indemnity contained in the Protective Provisions.	
The effect on railway infrastructure and services	Design	<p>Settlement analysis – Esso to undertake a risk assessment of both long term and short term effects of the project in relation to its infrastructure and Network Rail assets, including the need for an ongoing maintenance plan to be in place addressing the steps to be taken by Esso in the event of an emergency relating to railway infrastructure and / or the pipeline.</p> <p>Monitoring to be in place to assess long term and short term effects.</p> <p>Final design of the undertrack crossings to be approved by Network Rail.</p>	
The effect on railway infrastructure and services	Design	<p>Asset management and asset monitoring plans.</p> <p>Plans/Drawings needed to enable Network Rail to commence the remaining clearance procedures.</p>	
The effect on railway infrastructure and services	Borehole licences	Agreement of licence terms for drilling boreholes on Network Rail property (such works will require business and technical clearance by Network Rail).	





The effect on railway infrastructure and services	Easement Agreements and other property agreements	Agreement of Easement terms for rail undertrack crossings and other agreements relating to Network Rail property, required to enable the project to proceed by way of private agreement.	
The effect on railway infrastructure and services	Construction	<p>Access for construction traffic over Farnborough North and any other affected level crossings: Network Rail will need to see and approve details of the Construction Traffic Management Plan in relation to the construction access proposed over this and any other level crossings.</p> <p>Esso to carry out risk assessments in addition to an approved traffic and pedestrian management plan for relevant local level crossings in consultation with Network Rail to ensure that there would not be any adverse effects to any Network Rail level crossings.</p> <p>Access to / operation of Ashford Railway Station, which will be affected during the construction phase of the project (consultation with the train operating company is required to be undertaken by Network Rail).</p>	
	Design	Whilst discussions between the Parties are ongoing in respect of technical aspects and the specifications of the design of the undertrack crossings, these details have not yet been agreed between the Parties.	

## Appendix A. Applicant's record of Consultation and Engagement

### A.1.1 Applicant's record of Engagement prior to Submission of Application

The table below sets out the Applicant's record of consultation and engagement that has undertaken between Parties prior to the Submission of the DCO Application.

Date	Format	Topic	Discussion Points
11/12/2017	Correspondence	Project launch	Project introduction and intention to hold future meeting and spring consultation.
20/02/2018	Meeting	Project introduction	<p>The project met with attendees from Network Rail Wessex Region (Scheme Project Manager, Senior Asset Protection Engineer, Asset Protection Project Manager).</p> <p>Presentation on the project and discussions on route options. The Consultee stated that a Basic Asset Protection Agreement to be signed between both parties to cover the period to the application submission.</p> <p>Discussed the Consultee's requirements for crossing under tracks, cathodic protection and rail bonds, approval in Principal Form 1's, optioneering reports and programme.</p>
23/02/2018	Correspondence	Development questionnaire	<p>The Consultee's Asset Protection Project Manager sent a copy of a development questionnaire for completion.</p> <p>The project returned a completed questionnaire on 01/03/2019 and shared crossing location plans and crossing schedule.</p>
07/03/2018	Correspondence	Farnborough North level crossing	The project emailed the Consultee's Asset Protection Project Manager and Scheme Project Manager to request details of proposed closure of Farnborough North level crossing and construction of a ramped bridge.
09/03/2018	Correspondence	Farnborough North level crossing	The Consultee's Scheme Project Manager confirmed that timeframe for the bridge is not agreed but that the level crossing will remain operational and the bridge will be constructed to the south of the level crossing.



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Date	Format	Topic	Discussion Points
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.
24/04/2018	Correspondence	Basic Asset Protection Agreement (BAPA)	The Consultee's Scheme Project Manager emailed copy of draft BAPA agreement (WR7430) for GRIP 1-3 stages to the project for legal review and signature. On 04/05/2018 the project's legal team reviewed BAPA and returned comments to the Consultee.
30/05/2018	Correspondence	Preferred corridor announcement	The project wrote to the Consultee to announce the preferred corridor.
11/06/2018	Correspondence	BAPA	Revised BAPA agreement received from scheme project manager
18/06/2018	Correspondence	Land ownership and occupier data request	Ref SLP – 13500 – A The Consultee's Scheme Project Manager confirmed Network Rail owned the land shaded green on plan 1915 001 – Farnborough North area.
27/06/2018	Correspondence	Initial Working Route	Project update regarding Initial Working Route.
05/07/2018	Correspondence	BAPA	Esso signed BAPA agreement (WR7430) and emailed back to the Consultee on 06/07/2018.
30/07/2018	Correspondence	BAPA	Esso sent via email a purchase order, customer modification form and copy of BAPA and accompanying letter to the Consultee's Scheme Project Manager.
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 did not respond to the consultation.
19/09/2018	Meeting	Project update	Introduction meeting between the project and the Consultee's Network Rail Scheme Project Manager and Senior Asset Protection Engineer – gave presentation on the project and current status.
07/12/2018	Correspondence	Reports and drawings	The project issued option selection reports and crossing drawings to the Consultee's Scheme Project Manager.

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Date	Format	Topic	Discussion Points
02/01/2019	Correspondence	Protective Provisions	The Consultee emailed the project to request a copy of Network Rail's Standard Protective text.
09/01/2019	Correspondence	Protective Provisions	Correspondence to confirm that the Consultee has engaged Addleshaw Goddard LLP to act on behalf of it in relation to Protective Provision Agreement. Addleshaw Goddard LLP emailed the project to request details of Esso's solicitor to commence Protective Provision engagement.
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.
25/01/2019	Correspondence	Protective Provisions	Esso instructed BDB to engage with Addleshaw Goddard LLP.
07/02/2019	Meeting	Progress update	<p>Progress meeting between the project and the consultee (attendees Scheme Project Manager, Senior Asset Protection Engineer, Property services surveyor).</p> <p>Discussion regarding Blackwater Valley &amp; Cover UTXs, covering use of sleeves and HDD crossings, 5mm settlement tolerance and temporary disruptive possession of the railway. Separate form 1 for Cove crossing.</p> <ul style="list-style-type: none"> <li>• Clearance Certificate - Schedule of Minimal Information (SMI) forms to be produced for each crossing, which will initiate the business clearance and technical clearance process. This process takes 2-3 months for the Consultee to provide feedback.</li> <li>• Discussion in regard to Framework Agreement.</li> <li>• The Consultee's Property Services Surveyor will be the main point of contact regarding Statements of Common Ground (SoCG). The project to issue draft, however the Consultee will insist on using their format.</li> <li>• Property agreements.</li> </ul>

Date	Format	Topic	Discussion Points
21/03/2019	Correspondence	Statements of Common Ground (SoCG)	The project sent a draft SoCG to the Consultee's Property Services Surveyor. On 22/03/2019 the Consultee's Property Services Surveyor acknowledged receipt of SoCG and requested SMLs before SoCG can be reviewed.
27/03/2019	Correspondence	Final route announcement	The project sent a letter to announce the final route for the replacement pipeline.
01/04/2019	Meeting	Project update	<p>Progress meeting between the project and the Consultee (attendees Scheme Project Manager and Designated Project Engineer).</p> <p>Discussion addressed:</p> <ul style="list-style-type: none"> <li>- Programme based on procurement of D&amp;B contractor in Q12020 with breakdown activities for SMI submission, site surveys, Wayleave, design packages and NR reviews.</li> <li>- Joint site visit to establish accessibility and monitoring requirements.</li> <li>- Notice periods for rail possessions and other safety aspects of surveys.</li> <li>- Confirmation that Esso maintains the role of Principal Designer.</li> <li>- Network Rail sharing of rail asset data.</li> </ul>
03/04/2019	Correspondence	Schedule of Minimal Information (SMI)	The project issued Alton's SMLs to the Consultee for comment.
02/05/2019	Joint site visit	Site access and site conditions	Site visit to 3 no. UTX locations to establish site conditions for accessibility and rail assets monitoring during construction.
16/05/2019	Joint site visit	Site access and site conditions	Site visit to 3 no. UTX locations to establish site conditions for accessibility and rail assets monitoring during construction.



### A.1.2 Applicant's record of Engagement Following Submission of Application

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

Date	Format	Topic	Discussion Points
11/06/2019	Correspondence	SMI	The project issued SMIs for the 6 No. under track crossings to the Consultee (Scheme Project Manager, Senior Asset Protection Engineer, Property Services)
13/06/2019	Meeting	Progress meeting	<p>Progress meeting between the project and the Consultee (Scheme Attendees Project Manager, Senior Asset Protection Engineer, Construction Manager, Civil PE)</p> <ul style="list-style-type: none"> <li>• Update on wayleaves and SMI applications</li> <li>• Set provisional date for HAZID</li> <li>• Discussed Form 1 submission – track maintenance engineer to be engaged during Form 1 process and specialist monitoring supplier</li> <li>• Progress on ground investigation work</li> </ul>
04/07/2019	Correspondence	SMI	The project issued A1 plans to accompany the revised schedule of minimum information. The Consultee's property team responded asking for A4 copies of the plans.
10/07/2019	Correspondence	SMI	The project sent PDF and Shape files of undertrack crossings to the Consultee's Project Manager.
12/07/2019	Correspondence	Asset information request	The project sent a request for copies of the Consultee's as built asset and service information records for each of the undertrack crossings.
17/07/2019	Correspondence	Asset information request	The Consultee acknowledged receipt of information and stated that a response was expected within 20 working days.
26/07/2019	Correspondence	Relevant Representation	The Consultee registered as an Interested Party with the Planning Inspectorate by making a Relevant Representation.
29/07/2019	Correspondence	Asset information request	Response received from the Consultee on the asset information request.
11/10/2019	Correspondence	SMI	The project issued SMIs for the additional 4 No. crossings to the Consultee (Scheme Project Manager, Senior Asset Protection Engineer, Property Services)
23/10/2019	Correspondence	Legal and Property workshop	Progress meeting between the project and the Consultee (Surveyors, Asset protection, Consultee's legal representatives, interface manager)



Date	Format	Topic	Discussion Points
			<ul style="list-style-type: none"> <li>• Overview of the project and DCO process and examination deadline dates.</li> <li>• Update on wayleaves and SMI applications</li> <li>• Discussed Consultee's land ownership</li> <li>• Discussed SLP / NR programme</li> <li>• Discussed Form 1, 2 and 3 submission – track maintenance engineer to be engaged during Form 1 process and specialist monitoring supplier.</li> </ul>
11/11/2019	Correspondence	SoCG	Comments on SoCG / amended version received from Consultee.