

**From:** [Archer, Heather](#)  
**To:** [Southampton to London Pipeline Project](#)  
**Subject:** Southampton London Pipeline  
**Date:** 12 November 2019 14:20:56  
**Attachments:** [image001.png](#)  
[Southampton to London Pipeline DCO - Highways England Protective Provisions - 20191024-FINAL.DOCX](#)  
[First Written Questions - Highways England Responses FINAL.docx](#)

---

Case Manager Sian Evans

Please see attached Highways England's response to the ExA's written questions as requested in deadline 2 (14 November 2019). I have also attached a copy of Highways England protective provisions – which are currently being reviewed by the applicant and we should hear back on these this week. We have no additional comments to add concerning the other items required by 14 November.

Heather

**Heather Archer, Assistant Spatial Planning Manager**

Highways England | 1<sup>st</sup> Floor, Bridge House | Walnut Tree Close | Guildford | GU1 4LZ

+44 (0) 300 470 1019

Web: <http://www.highwaysengland.co.uk>



Highways England Company Limited | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ | Registered in England and Wales No. 9346363

*This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.*

**Highways England Company Limited | General enquiries: 0300 123 5000**  
**| National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,**  
**Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-](https://www.gov.uk/government/organisations/highways-england)**  
**[england](https://www.gov.uk/government/organisations/highways-england) | [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)**

*Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ*

Consider the environment. Please don't print this e-mail unless you really need to.



**Application by Esso Petroleum Company, Limited for the Southampton to London Pipeline Project**  
**The Examining Authority's written questions and requests for information (ExQ1)**  
**Issued on Wednesday 16 October 2019**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the Examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 5 September 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then an issue number (indicating that it is from ExQ1) and a question number. For example, the first question on alternatives is identified as ALT.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [SouthamptontoLondonPipeline@planninginspectorate.gov.uk](mailto:SouthamptontoLondonPipeline@planninginspectorate.gov.uk) and include 'Southampton to London Pipeline Project' in the subject line of your email.

**Responses are due by Deadline 2: Thursday 14 November 2019**



## ABBREVIATIONS USED:

<b>AWL</b>	Affinity Water Ltd	<b>GLVIA3</b>	Guidelines for Landscape and Visual Impact Assessment 3	<b>REAC</b>	Register of Environmental Actions and Commitments
<b>BoR</b>	Book of Reference	<b>HRA</b>	Habitats Regulations Assessment	<b>RR</b>	Relevant Representation
<b>CA</b>	Compulsory Acquisition	<b>INNS</b>	Invasive Non-Native Species	<b>SAC</b>	Special Area of Conservation
<b>CEMP</b>	Construction Environmental Management Plan	<b>LEMP</b>	Landscape and Ecological Management Plan	<b>SANG</b>	Suitable Alternative Natural Greenspace
<b>CIEEM</b>	Chartered Institute of Ecology and Environmental Management	<b>LLFA</b>	Lead Local Flood Authority	<b>SDNP</b>	South Downs National Park
<b>CoCP</b>	Code of Construction Practice	<b>LoNI</b>	Letter of No Impediment	<b>SFDS</b>	Surface and Foul Water Drainage System
<b>CTMP</b>	Construction Traffic Management Plan	<b>MCHLG</b>	Ministry of Housing, Communities and Local Government	<b>SoS</b>	Secretary of State
<b>DCLG</b>	Department for Communities and Local Government	<b>MoD</b>	Ministry of Defence	<b>SPA</b>	Special Protection Area
<b>Draft DCO</b>	Draft Development Consent Order	<b>NE</b>	Natural England	<b>SPZ</b>	Source Protection Zones
<b>EA</b>	The Environment Agency	<b>NFU</b>	National Farmers Union	<b>SSSI</b>	Site of Special Scientific Interest
<b>EM</b>	Explanatory Memorandum	<b>NJUG</b>	National Joint Utilities Group	<b>SWT</b>	Surrey Wildlife Trust
<b>EPS</b>	European Protected Species	<b>NPPF</b>	National Planning Policy Framework	<b>TCPA1990</b>	Town and Country Planning Act 1990
<b>ES</b>	Environmental Statement	<b>NPS</b>	National Policy Statement	<b>TPO</b>	Tree Preservation Order
<b>ExA</b>	Examining Authority	<b>NSIP</b>	Nationally Significant Infrastructure Project	<b>USI</b>	Unaccompanied Site Inspection
<b>FRA</b>	Flood Risk Assessment	<b>PA2008</b>	Planning Act 2008	<b>WFD</b>	Water Framework Directive
<b>GHG</b>	Greenhouse Gases	<b>PINS</b>	Planning Inspectorate	<b>WSI</b>	Written Scheme for the investigation of areas of archaeological interest
<b>GLA</b>	Greater London Authority	<b>PWS</b>	Private Water Supply		



### **The Examination Library**

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-000316-Southampton%20to%20London%20Pipeline%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

### **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ALT1.1.1 – refers to question 1 in this table.



## INDEX:

<b>ALTERNATIVES AND GENERAL QUESTIONS .....</b>	<b>5</b>
General Questions.....	7
<b>BIODIVERSITY AND HABITATS REGULATIONS</b>	
<b>ASSESSMENTS .....</b>	<b>15</b>
Habitat Regulations Assessment (HRA).....	29
<b>COMPULSORY ACQUISITION/TEMPORARY</b>	
<b>POSSESSION .....</b>	<b>41</b>
<b>DRAFT DEVELOPMENT CONSENT ORDER.....</b>	<b>47</b>
<b>FLOOD RISK, WATER RESOURCES AND GEOLOGY .....</b>	<b>63</b>
<b>HISTORIC ENVIRONMENT.....</b>	<b>72</b>
<b>LANDSCAPE AND VISUAL.....</b>	<b>74</b>
Tree Management .....	77
Planting Mitigation.....	81
Other Matters .....	86
<b>PEOPLE AND COMMUNITIES .....</b>	<b>87</b>
Noise and Vibration .....	88
Air Quality.....	91
Human Health .....	92
Leisure and Recreation.....	95
Housing .....	97
<b>QUEEN ELIZABETH COUNTRY PARK AND TURF HILL ...</b>	<b>98</b>
<b>SAFETY AND SECURITY.....</b>	<b>106</b>
<b>SCOPE OF DEVELOPMENT AND ENVIRONMENTAL</b>	
<b>IMPACT ASSESSMENT .....</b>	<b>107</b>
<b>TRAFFIC AND TRANSPORT.....</b>	<b>114</b>

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
<b>ALTERNATIVES AND GENERAL QUESTIONS</b>			
<b>Alternatives</b>			
<i>Please note that questions regarding alternatives for Queen Elizabeth Country Park and Turf Hill can be found in the separate question section for these areas below.</i>			
ALT.1.1	<i>Do Nothing Scenario</i> <b>The Applicant</b>	Chapter 4 of the Environmental Statement (ES) [APP-044] states that a do-nothing scenario would lead to increased maintenance and eventual shutdown. Explain why both would be the case.	
ALT.1.2	<i>Inline Renewal</i> <b>The Applicant</b>	Chapter 4 of the ES [APP-044] states that the existing pipeline is not able to be replaced in short sections "within the necessary timescales". The Examining Authority (ExA) is not clear why timescales exist which prevent inline replacement of the existing pipeline. What they are and why they are necessary. Respond.	
ALT.1.3	<i>Inline Replacement</i> <b>The Applicant</b>	Explain whether inline replacement was considered alongside construction of new sections of pipeline, as opposed to a complete replacement.	
ALT.1.4	<i>Trenchless Techniques at Fordingbridge Park</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Explain whether trenchless techniques were considered for construction of the Proposed Development at Fordingbridge Park.</li> <li>ii) If they were considered explain why they were discounted.</li> <li>iii) Consider trenchless techniques for the said areas given the effect on tree loss.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
ALT.1.5	<i>Trenchless Techniques and Narrow Working Width</i> <b>The Applicant</b>	<p>Chapter 7 of the ES [APP-047] references good practice measures and includes reducing the working width to 15m adjacent to the Maultway and to reduce impacts to woodland at Turf Hill. Paragraph 7.4.161 of the Planning Statement [APP-132] states that a 10m width can be used when crossing through boundaries between fields where these include hedgerows, trees or watercourses, where feasible.</p> <ul style="list-style-type: none"><li>i) Explain why a reduced working width could not be utilised more extensively for open cut working and how was feasibility determined.</li><li>ii) Alternatively, explain why trenchless crossing was not considered to avoid areas of high tree loss.</li></ul>	
ALT.1.6	<i>Trenchless Techniques</i> <b>The Applicant</b>	<p>Paragraph 7.4.159 of the Planning Statement [APP-132] also states that the feasibility of using trenchless techniques to avoid protected hedgerows and protected trees has been considered throughout the design development of the project. The conclusion was reached that it was not feasible to use trenchless techniques to avoid these features along the route because of the number of protected hedgerows and trees, which would result in additional engineering, environmental, social, planning and cost/scheduling challenges and impacts.</p> <p>Explain and justify the basis on which this conclusion was reached.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
ALT.1.7	<i>Cove Brook Flood Storage Area</i> <b>The Applicant</b>	<p>The Register of Environmental Actions and Commitments (REAC), which is contained within Chapter 16 of the ES [APP-056], indicates the proposed method of crossing the Cove Brook Flood Storage Area. The Environment Agency (EA) in its Relevant Representation (RR) [RR-239] has identified that these measures may result in structural weakness to the embankment, which could in turn increase the likelihood of embankment failure which would in turn risk life.</p> <p>Respond to this and explain why a trenchless crossing method has not been proposed at the Cove Brook Flood Storage Area.</p>	
ALT.1.8	<i>River Thames Flood Defence Scheme</i> <b>The Applicant</b>	<p>The EA in its RR [RR-239] states that the Proposed Development would conflict with the EA's proposed River Thames Flood Defence Scheme.</p> <p>Set out the discussions that have taken place between the Applicant, the EA and the landowner with regards to this matter, beyond those outlined in the RR, and how could the matter be resolved.</p>	
<b>General Questions</b>			
GQ.1.1	<i>Description of Development</i> <b>The Applicant</b>	The Application describes the Proposed Development as a replacement pipeline. However, the Proposed Development is a new pipeline in its own right, thus the description could be deemed to be misleading.	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>Comment as to whether clarification is needed and whether/how decommissioning would need to be secured in the draft Development Consent Order (draft DCO).</p> <p>N.B – There is an overlap between this question and questions CA.1.17 and DCO.1.29 and you may therefore wish to provide a combined response to these questions.</p>	
GQ.1.2	<i>Leakages</i> <b>The Applicant</b>	Provide information with regards to the number of leaks that have occurred to the current pipeline over the last 10 years.	
GQ.1.3	<i>Start and Finish Points</i> <b>The Applicant</b>	<p>The indicative start and finish points and the location of the Order Limits shown on the Works Plans [AS-046], [AS-047] and [AS-048] are not defined by grid reference and are only capable of being located on the ground by means of scaling off the works plans and by reference to existing on site features shown on the Ordnance Survey base of the works plans. There are also no definitions of the maximum sizes or heights of the pipeline marker posts and cathodic protection test posts.</p> <p>Provide this information.</p>	
GQ.1.4	<i>Updates on Development</i> <b>All Relevant Planning Authorities</b>	Provide an update of any planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either effect the proposed route or would be affected by the Proposed Development.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
GQ.1.5	<i>Further Information</i> <b>Brett's Aggregates Ltd</b>	<p>i) Provide further details of concerns raised in the Relevant Representation (RR) [RR-184] that the Proposed Development does not take account of a consented conveyer belt that would need to be installed in order to enable sand and gravel extraction from Queen Mary Quarry Reservoir in relation to the alignment of the Proposed Development.</p> <p>ii) Reference is made to Representation 1, 2 and 4 but there appears to be no Representation 3. Confirm whether Representation 3 exists and if so, provide it.</p> <p>iii) Reference is also made to a map, but no map was provided with the RR. Confirm if a map should have been submitted and if so, provide a copy.</p>	
GQ.1.6	<i>Brett Aggregates Ltd</i> <b>The Applicant</b>	Respond to RR-184 in respect to conflict between the route of the Proposed Development and its operations.	
GQ.1.7	<i>Further Information</i> <b>Runnymede Borough Council</b>	Provide the dates for when the Chertsey Agricultural Show is held and over how many days the event is held.	
GQ.1.8	<i>Further Information</i> <b>Eastleigh Borough Council</b>	Provide further details of the "numerous development proposals" mentioned in the RR [RR-237] that aren't covered by the Planning Statement [APP-131].	
GQ.1.9	<i>Affinity Water</i> <b>The Applicant</b>	Affinity Water Ltd (AWL) in its RR [RR-219] have raised concerns that the depth of the Proposed Development and their water mains are very	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		similar, which would be in contravention of Affinity Water guidance. AWL have suggested that the Proposed Development should be at a lower level as this could also address concerns regarding leaks/contamination. Respond.	
GQ.1.10	<i>Affinity Water</i> <b>The Applicant</b>	AWL in its RR [RR-219] have raised concerns that the proposals to install cathodic protection on the Proposed Development could adversely affect AWL's cast iron and spun water mains. Respond.	
GQ.1.11	<i>Other Consents and Permits</i> <b>The Applicant</b>	Paragraph 1.7.2 of the Planning Statement [APP-132] confirms that other consents and permits would be required by the Proposed Development. State in a table format what these are and provide an update on progress or signpost where in the application documentation this information can be found.	
GQ.1.12	<i>Logistical Hubs</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Provide an update on whether planning applications have been submitted for the proposed logistics hubs as suggested in paragraph 1.9.2 of the Planning Statement [APP-132].</li> <li>ii) Explain the implications, if these applications were consented, for the draft DCO [AS-059] given that the proposed logistics hubs form part of this Application.</li> <li>iii) Explain whether a scenario exists whereby the logistical hubs could be implemented under the Town and Country Planning Act 1990 (TCPA1990) as opposed to this Order, and thus be</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		subject to different and perhaps less onerous restrictions.	
GQ.1.13	<i>National Policy</i> <b>The Applicant</b>	Explain the applicability of National Policy Statement (NPS) EN-4 for the Proposed Development given that the proposal would be for the distribution of aviation fuel.	
GQ.1.14	<i>NPS Mitigation</i> <b>The Applicant</b>	Explain how the mitigation measures suggested within NPS EN-4 in relation to noise and vibration (2.20.7), biodiversity (2.21.5, 2.21.6), water quality and resources (2.22.6, 2.22.7), and soil and geology (2.23.7, 2.23.8), are secured by the draft DCO either in terms of the inherent design of the Proposed Development or as a result of requirements to the draft DCO.	
GQ.1.15	<i>Trenchless Crossing Techniques</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Explain maximum possible length that a trenchless crossing can be.</li> <li>ii) Explain the circumstances that would prevent or restrict the use of trenchless crossings.</li> <li>iii) If known, explain the current longest length of trenchless crossing proposed and where.</li> </ul> <p>N.B – You may wish to combine the response to this question with GQ.1.16 below</p>	
GQ.1.16	<i>Trenchless Crossing Techniques</i> <b>The Applicant</b>	Appendix 8.2 of the ES [APP-103] provides an assessment of where trenchless techniques are to be used. The ExA considers that a plan showing these areas is necessary.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		i) Provide the criteria used to select trenchless over open cut; ii) Provide a cost per metre for open cut versus trenchless; iii) Provide a plan of trenchless crossing areas; or iv) Signpost where this can be found in the Application; and v) Explain how this is secured in the draft DCO [AS-059].  N.B – You may wish to combine the response to this question with GQ.1.15 above	
GQ.1.17	<i>Local Authority Boundary Map</i> <b>The Applicant</b>	Provide a plan showing the existing and proposed route with the Relevant Planning Authority boundaries or signpost where such a plan exists in the Application documents.	
GQ.1.18	<i>Land Contamination</i> <b>The Independent Educational Association Limited</b>	With reference to concerns raised in RR-095 regarding potential land contamination of the site (point 5), provide further details with particular reference to how the site was remediated and how the Proposed Development would affect it.	
GQ.1.19	<i>Climate Change</i> <b>The Applicant</b>	Chapter 3 of the ES [APP-043] states that the above ground components are, through design and materials, resilient to climate change effects.  Explain how this conclusion has been reached and which effects have been considered.	
GQ.1.20	<i>Pipeline Diameter</i> <b>The Applicant</b>	Explain why the proposed pipeline is 5cm larger in diameter than the existing pipeline.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
GQ.1.21	<i>Working Width</i> <b>The Applicant</b>	<p>Paragraph 4.1.17 of the Planning Statement [APP-132] states that the working width for the route is typically 30m but that “where the new pipeline is routed adjacent to Esso’s existing pipelines a 36m wide Order Limit is designed to provide flexibility for detailed routing and construction methodologies for pipeline installation adjacent to these existing pipelines”.</p> <p>Clarify where there is more than one existing Esso pipeline and explain why a greater working width is required adjacent to existing pipelines.</p>	
GQ.1.22	<i>Working Width</i> <b>The Applicant</b>	<p>Paragraph 4.9.1 of the Planning Statement [APP-132] states that once the pipeline is installed and operational it will be protected by an easement strip that extends 3m either side of the pipeline.</p> <p>Confirm that the Limits of Deviation do not extend to within 3m of the Order Limits at any point along the proposed route.</p>	
GQ.1.23	<i>Temporary Fencing</i> <b>The Applicant</b>	<p>Paragraph 4.6.8 of the Planning Statement [APP-132] indicates that where temporary fencing around working areas is in close proximity to residential properties, the fence may also serve to provide acoustic and visual screening.</p> <p>Clarify what type of fencing is proposed and whether the acoustic and visual screening is an incidental benefit or necessary mitigation.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
GQ.1.24	<i>Missing Text</i> <b>The Applicant</b>	Paragraph 13.3.9 of the Planning Statement [APP-132] appears to have text missing at the start of page 379.  Clarify and provide it.	
GQ.1.25	<i>Agriculture</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) Explain whether any Best and Most Versatile (BMV) land be affected/lost as a result of the Proposed Development.</li><li>ii) If it would be affected/lost confirm whether this be on a temporary or permanent basis. If permanent provide details of how much BMV would be lost.</li><li>iii) Confirm whether the Proposed Development would result in any severance issues for farms along the proposed route.</li><li>iv) Explain how short and long-term breaches of Agri-Environment schemes caused by the Proposed Development be dealt with and who would take responsibility for dealing with any breaches, the applicant or the signatory of the scheme, if it is the signatory is the Applicant proposing to provide any support/advice.</li><li>v) If this information has been provided, signpost where in the Application documents it can be found.</li></ul>	

ExQ1	Question to:	Question:	Highways England Response
<b>BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENTS</b>			
<i>Please note that questions regarding biodiversity for Queen Elizabeth Country Park and Turf Hill can be found in the separate question section for these areas below.</i>			
BIO.1.1	<i>Landscape and Ecological Management Plan</i> <b>The Applicant</b>	<p>Requirement 12 of the draft DCO [AS-059] requires the submission and approval of a Landscape and Ecological Management Plan (LEMP) in accordance with the REAC, which is contained within Chapter 16 of the ES [APP-056]. The LEMP would contain, amongst other things, details of the reinstatement of hedgerows and trees. Although the Applicant relies heavily on the measures contained within the LEMP to mitigate biodiversity and wildlife effects, no outline document is before the Examination.</p> <p>i) Justify the approach that no outline submission is before the ExA, particularly as the final LEMP would need to be approved by numerous relevant planning authorities.</p> <p>ii) In the absence of outline contents, explain how the ExA and the relevant planning authorities can be satisfied, that measures in the LEMP would deliver the mitigation that the conclusions that the submitted ES relies upon.</p> <p>iii) Provide an Outline LEMP, listing measures that would be secured, drawings to be prepared, detailing consultation that would be undertaken and with whom, and the inter-relationship of ecology and landscape.</p>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>iv) If an Outline LEMP is provided, explain whether it should form a Certified Document in Schedule 11 of the draft DCO [AS-059].</p> <p>N.B – There is significant overlap between this question and LV.1.1. The Applicant (and any other Interested Parties) may wish to address the issue in a combined response to both questions.</p>	
BIO.1.2	<i>Landscape and Ecological Management Plan</i> <b>All Relevant Planning Authorities</b>	<p>Comment on the absence of an Outline LEMP in the Examination and whether it is agreed that such a document could be submitted as part of the discharge of Requirement 12 of the draft DCO [AS-059].</p> <p>N.B – There is overlap between this question and LV.1.2 you may therefore wish to provide a combined response to both questions.</p>	
BIO.1.3	<i>Methodology</i> <b>The Applicant</b>	<p>In respect of the assessment of dust on ecological receptors:</p> <p>i) Explain whether the methodology applied in the ES [APP-047] is suitable to assess the effects on distinct ecological features, and whether there is potential undervaluation of the sensitivity of ecological features when relying on level of designation or legal protection rather than their susceptibility to dust impacts from the Proposed Development.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		ii) Include reference in your response to any advice received from ecological experts or relevant stakeholders.	
BIO.1.4	<i>Pre-Construction Surveys</i> <b>The Applicant</b>	With reference to pre-construction biodiversity surveys (measure G33 in the REAC [APP-056] and Code of Construction Practice (CoCP) [APP-128]), explain the trigger for whether " <i>existing baseline survey data needs to be updated or supplemented</i> " for individual receptors and who would be responsible for determining this.	
BIO.1.5	<i>Bird Surveys</i> <b>The Applicant</b>	Paragraph 2.3.5 of the Bird Factual Report [APP-090] confirms that only desk study work has been undertaken for birds, with no specific field surveys undertaken. Explain the extent to which they consider the findings of the assessment of impacts to birds are reliable in absence of this level of effort.	
BIO.1.6	<i>Post-Construction Monitoring</i> <b>The Applicant</b>	Chapter 7 of the ES [APP-047] states that a programme of post-construction monitoring and objectives/targets for designated ecological sites, would be agreed and implemented in accordance with DCO requirements (ref. G47 in CoCP/REAC), although specific details of this are not provided.  i) Provide further details of which designated ecological sites are intended to be monitored; for what purpose; how the effectiveness of the proposed measures would be monitored; and in the event that proposed measures should fail or underperform, the triggers for any remedial/adaptive measures.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		ii) Explain which bodies would be involved in agreeing the monitoring and objectives/targets for designated sites.	
BIO.1.7	<i>Environmental Investment Programme Report</i> <b>The Applicant</b>	<p>The EA in its RR [RR-239] notes the absence of an "Environmental Investment Programme Report" from the Application documents (which it understood from pre-application discussions with the Applicant would demonstrate environmental net gain commitments) and requests confirmation from the Applicant as to whether the Proposed Development would deliver a net gain. A similar point is raised by Natural England (NE) in [AS-030].</p> <p>Respond.</p>	
BIO.1.8	<i>Relevant Permissions and Permits</i> <b>The Applicant</b>	<p>Fish rescues are proposed at any watercourse crossings that would require isolation and dewatering (as per mitigation measure G49 in the CoCP [APP-128]). The EA note that appropriate permissions would be required from the EA for this and a suitable contractor appointed. The need for such permissions is not acknowledged in the Application documentation [G49, APP-128], whereas the need for other types of wildlife licence is – e.g. [G43, APP-128] explains that appropriate wildlife protected species licences would be sought from NE.</p> <p>Respond, ensuring that the need to obtain appropriate fish rescue licences from the EA and to appoint a suitable contractor is reflected in the CoCP.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.9	<i>Fish Management</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) Explain how dewatering and over pumping works would not prevent movement of fish species.</li><li>ii) Explain how provision of appropriate screening during any over pumping would be secured through the draft DCO, to prevent the entrainment and death of eels and fish.</li></ul>	
BIO.1.10	<i>Fish Management</i> <b>The Applicant</b>	<p>The assessment of construction disturbance to fish presented in ES paragraphs 7.5.755 to 7.5.759 [APP-047] appears to have been undertaken on a qualitative basis. To support the assessment conclusion that the effect would be “of minor adverse significance”, explain further:</p> <ul style="list-style-type: none"><li>i) How underwater noise, vibration and lighting levels have been predicted, with reference to the different types of construction activities.</li><li>ii) What assumptions have been made regarding the thresholds at which disturbance would occur.</li><li>iii) Has the assessment been informed by any relevant scientific literature?</li></ul> <p>Taking account of these points, the Applicant is also requested to comment on whether there is a need for timing restrictions for trenchless crossings to protect salmonids, as referenced in the EA’s RR [RR-239].</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.11	<i>Survey Methodology</i> <b>The Applicant</b>	<p>Paragraph 7.2.4 of Chapter 7 of the ES [APP-047] states that a desk study involved the collection of existing records within a minimum 1km radius from the Order Limits.</p> <p>Explain the basis on why the 1km radius was chosen.</p>	
BIO.1.12	<i>Survey Methodology</i> <b>The Applicant</b>	<p>Paragraph 7.2.27 of Chapter 7 of the ES [APP-047] states that the criteria for determining the value of ecological receptors shown in Table 7.4 have been adapted from the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines.</p> <p>Explain the criteria adapted and in what way.</p>	
BIO.1.13	<i>Biodiversity Net Gain</i> <b>The Applicant</b>	<p>In Table 7.6 of Chapter 7 of the ES [APP-047] reference is made to meetings with NE and Surrey Wildlife Trust (SWT) on 23/24 July 2018. Bullet point 3 refers to NE's advice that the project should seek to deliver a "biodiversity net gain". Similarly, in its RR [RR-239] the EA reiterates its ambition for the project to deliver an overall net gain in biodiversity in line with recent updates to the National Planning Policy Framework (NPPF) and in line with the Government's 25 Year Environment Plan. Rushmoor Borough Council in its RR [RR-293] also sets out an expectation for the Applicant to demonstrate biodiversity net gain.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		i) Explain the response to these requests and if a biodiversity net gain has not been secured, why not. ii) Bullet point 4 of Table 7.6 refers to potential habitat enhancement opportunities at Bourley and Long Valley Site of Special Scientific Interest (SSSI). Explain where these are secured in the draft DCO [AS-059].	
BIO.1.14	<i>Referencing Error</i> <b>The Applicant</b>	Confirm that paragraph 7.5.191 of Chapter 7 of the ES [APP-047] should reference A7.1.145 instead of A7.1.96 in the Figure in Appendix 7.1.	
BIO.1.15	<i>Biodiversity Opportunity Area</i> <b>The Applicant</b>	In Appendix 7.10 of Consultation Report – Route Release [APP-038] reference is made to Sub-Option F1c affecting a Biodiversity Opportunity Area.  i) On what basis has the Biodiversity Opportunity Area been designated and over what area does it exist. ii) Provide these details on a map.	
<b>Trees</b>			
BIO.1.16	<i>Tree Survey Work</i> <b>The Applicant</b>	Respond to the National Trust's RR [RR-091] which raises concerns regarding the tree survey work, with particular reference to highlighting those trees that would need to be removed in relation to the Hinton Ampner Estate and Joan's Acre Wood specifically.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.17	<i>Additional Information</i> <b>The Applicant</b>	Respond to Surrey Heath Borough Council's RR [RR-093] which raises comments regarding request for additional information regarding the potential impact of trees that would need to be felled.	
BIO.1.18	<i>Ancient Woodland</i> <b>The Applicant</b>	Confirm that there would be a buffer zone of 15m around all areas of Ancient Woodland during construction and if this is not the case, what measures would be proposed to ensure that these areas would not be subject to noise or dust pollution during construction [RR-287]. N.B – There is an overlap between this question and questions BIO.1.20 and LV.1.23 you may therefore wish to provide a combined response to these questions.	
BIO.1.19	<i>Veteran Trees</i> <b>Woodland Trust</b>	The Woodland Trust in its RR [RR-287] states that two trees recognised as veteran on the Ancient Tree Inventory could be affected by the Proposed Development. Provide details of where and what these trees are and how best they could be protected.	
BIO.1.20	<i>Buffer Zones</i> <b>Woodland Trust</b> <b>Natural England</b>	The respective RRs [RR-287] and [AS-030] refer to the need for a buffer when working near Ancient Woodland. However, the size of the suggested buffer differs. Confirm the correct size and on what basis/guidance this size is calculated. N.B – There is an overlap between this question and questions BIO.1.18 and LV.1.23 you may therefore wish to provide a combined response to these questions.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.21	<i>Tree Surveys</i> <b>The Applicant</b>	<p>Paragraph 7.3.90 of the ES [APP-047], which is within the section of the ES considering bats, refers to ground level tree assessments of approximately 1,300 trees. Reference is also made to the assessment of 582 trees within 10m of the Order Limits.</p> <ul style="list-style-type: none"> <li>i) Explain the basis on which the 1,300 trees were identified and over what area did they extend.</li> <li>ii) Of the 582 trees within 10m of the Order Limits, explain how many are within the Order Limits themselves, and where such information is recorded.</li> </ul>	
BIO.1.22	<i>Further Information</i> <b>Natural England</b>	<p>In NE's additional submission [AS-030] dated 26 July 2019 it is stated that the proposal would avoid all Ancient Woodland. It goes on to state that the Applicant is "going to be running in close proximity to other areas of woodland" and that "there is a proposal in a few circumstances to run within 15 metres of that woodland potentially encroaching on root protection".</p> <ul style="list-style-type: none"> <li>i) Identify the said woodland.</li> <li>ii) Comment on the extent of other woodland/trees which would be removed as a result of the Proposed Development.</li> </ul>	
BIO.1.23	<i>Tree Replacement</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Where replacement trees are proposed, explain on what basis replacement trees have been determined in terms of species and age.</li> <li>ii) Explain how they would be secured through the draft DCO [AS-059].</li> </ul>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
<b>Invasive Non-Native Species (INNS)</b>			
BIO.1.24	<i>Survey Work</i> <b>The Applicant</b>	<p>Chapter 7 of the ES [APP-048] confirms that a desk study was used to identify Invasive Non-Native Species (INNS), with no specific surveys undertaken (although incidental records of INNS have been noted during botany and ecological surveys).</p> <p>In the absence of specific survey data for INNS, explain the confidence which can be placed in measures including G42 in the REAC [APP-056] and the CoCP [APP-128] in identifying and controlling the spread of plant INNS.</p>	
BIO.1.25	<i>On-Site Storage and Reuse of Soils</i> <b>The Applicant</b>	<p>Rushmoor Borough Council in its RR [RR-293] raises concerns around the on-site storage and reuse of soil associated with INNS. The Council considers that any soil associated with INNS should be disposed of off-site as contaminated waste and that an INNS Strategy should be prepared and agreed before works commence.</p> <p>Comment on the potential need for these measures and explain how any such commitments would be secured through the draft DCO.</p>	
BIO.1.26	<i>Animal INNS</i> <b>The Applicant</b>	<p>Animal INNS are not considered within ES Chapter 7 [APP-048], on the basis that the Applicant considers the Proposed Development "has extremely limited potential to contribute to their introduction or spread" (paragraph 7.3.71 [APP-047]). It is noted that reference is made to</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>a signal crayfish recorded at Frimley Bridge in Appendix 7.5: Aquatic Ecology Factual Report [APP-085]. It is also unclear from the REAC/CoCP what measures are proposed should any animal INNS be encountered, including any biosecurity measures.</p> <p>i) Justify the statement made at paragraph 7.3.71 with reference to the specific works that are proposed.</p> <p>ii) Clarify the point on animal INNS being encountered and explain how any such mitigation measures would be put in place and how these would be secured and delivered in the draft DCO.</p>	
<b>Protected Species</b>			
BIO.1.27	<i>Bats</i> <b>The Applicant</b>	Field surveys for bats have been limited to within 10m of the Order Limits. Provide further justification for the selected survey area and confirm how this relates to the Zone of Influence for the Proposed Development.	
BIO.1.28	<i>Bats</i> <b>Natural England</b>	Due to the current uncertainties around which individual trees would require felling to facilitate construction of the Proposed Development, the Applicant explains that the need for a European Protected Species (EPS) licence for bats would be determined by pre-construction surveys of those trees which require felling and have moderate or high potential to support bat roosts [APP-087 and APP-101]. Measure G174 of the REAC [APP-056] and CoCP [APP-128] refers to surveys prior to their removal.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		Considering the recommended approach to obtaining EPS licences in the Planning Inspectorate's Advice Note 11 (Annex C), confirm whether any necessary letter of no impediment (LoNI) for bats can be provided given the Applicant's approach.	
BIO.1.29	<i>Bats</i> <b>The Applicant</b> <b>National Trust</b>	<u>To the Applicant:</u> Respond to the National Trust's [RR-091] concern that the bat survey information in relation to Hinton Ampner has not considered the trees that project out from Joan's Acre Wood which contain a rare bat species.  <u>To National Trust:</u> Provide details of the species of bat involved.	
BIO.1.30	<i>Great Crested Newts</i> <b>The Applicant</b>	Respond to the points raised by Surrey Heath Borough Council in its RR [RR-093], regarding the mitigation proposed for impacts to great crested newts in the Windlemere Suitable Alternative Natural Greenspace (SANG) area.	
BIO.1.31	<i>Great Crested Newts</i> <b>The Applicant</b>	Pond 57a in area 692 is proposed as a receptor area for translocated great crested newts. However, this pond has been established by allowing natural colonisation only.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		Provide information as to where the great crested newts would be translocated from and if these are to be located at a distance greater than 500m from the pond, how this could affect the existing colonies within the pond.	
BIO.1.32	<i>Great Crested Newts</i> <b>The Applicant</b>	Froyle Wildlife in its RR [RR-190] highlight a number of errors in the Application documentation specifically in respect to great crested newts.  Respond to these concerns.	
BIO.1.33	<i>Water Vole and Otter</i> <b>The Applicant</b>	Confirm whether a watching brief for signs of water vole and otter would be maintained during construction and if so, how would this be secured through the draft DCO [AS-059].	
BIO.1.34	<i>Water Bourne Wildlife</i> <b>The Applicant</b>	For open-cut crossings, timing restrictions would need to apply. The tributary of the River Hamble (WCX007), ditch leading to the tributary of the River Hamble (WCX006), Caker Stream (WCX012) and Ryebribe Stream (WCX021) would be subject to constraints between October to December and March to May [paragraph 7.5.747, APP-047]. The EA [RR-239] considers that the timing restrictions should apply for October to May inclusive to protect the egg and fry stages of life.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>The tributary of Cove Brook (WCX047) would be subject to constraints between March and May [paragraph 7.5.747, APP-047]. The EA [RR-239] considers that the timing restrictions should apply between March and July inclusive.</p> <p>Commit to the extended timing restrictions as recommended by the EA and if not, why not. Any such commitment should be reflected in updated versions of the relevant documents (including the CoCP [APP-128] and the REAC [APP-056] (ref. G171)).</p>	
BIO.1.35	<i>Reptiles</i> <b>The Applicant</b>	<p>ES Appendix 7.11: Reptile Factual Report [APP-092] includes Figures 7.11.1 and 7.11.2. No key appears to have been provided for either of these Figures.</p> <p>Explain what the Figures are showing.</p>	
BIO.1.36	<i>Colony Bog and Bagshot Heath SSSI</i> <b>The Applicant</b>	<p>Paragraph 7.5.182 of the ES [APP-047] states that the Order Limits within the Colony Bog and Bagshot Heath SSSI encompass a total area of 14.50ha. Paragraph 7.5.197 indicates that narrow width working within the SSSI would reduce the area of habitats impacted within the Order Limits from 15.24ha to 7.73ha.</p> <p>i) Explain why the total area (14.50ha) is smaller than the area impacted (15.24ha).</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		ii) Explain whether the narrow working width applies to all of the SSSI and if not, why not.  iii) Explain whether the narrow working width applies to all SSSIs crossed by the proposed pipeline and if not, why not.	
<b>Habitat Regulations Assessment (HRA)</b>			
BIO.1.37	<i>In-Combination Effects</i> <b>The Applicant</b>	<p>The HRA report [APP-130] concludes that visual, dust and noise impacts would not act in-combination with impacts from proposals to expand the Heathrow Airport. The ExA understands that these proposals are in earlier stages of development and that detailed information may not yet be available on which to base the assessment.</p> <p>Explain what information has been used in order to support the conclusions reached and what (if any) assumptions have been made.</p>	
BIO.1.38	<i>Screening Stage</i> <b>Natural England</b>	<p>Confirm agreement with the Applicant's screening stage assessment as presented in the HRA report [APP-130] and [APP-131] for each of the eight European sites considered and for each effect that a likely significant effect is excluded. For example, it is noted that a number of effects are screened out on the basis of: the small scale, temporary nature of the works; existing screening and/or levels of disturbance; and the size of the</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		European site compared to the receiving environment.	
BIO.1.39	<i>Nutrient Run-Off</i> <b>The Applicant</b>	<p>Table 4.1 of the HRA report [APP-130] and [APP-131] identifies in respect to the Solent Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site the potential for generation of nutrient run-off during construction. However, this is not described in any detail in the screening assessment (Appendix D).</p> <p>Confirm whether the Proposed Development is likely to result in the release of additional nutrients into the system/ European sites.</p>	
BIO.1.40	<i>Nutrient Run-Off</i> <b>Natural England</b>	<p>i) Given the location of the Proposed Development in proximity to European sites within the Solent (the Solent SPA, SAC and Ramsar site), confirm whether the issues raised in the recent European Court of Justice (CJEU) 'Dutch case' C-293/17<sup>1</sup> and addressed in NE's advice on achieving nutrient neutrality for new development in the Solent region are applicable in this case.</p> <p>ii) Identify any concerns with regards to the Proposed Development and the</p>	

---

<sup>1</sup> <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-293/17&td=ALL>

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		Applicant's assessment of likely significant effects on the Solent European sites.	
BIO.1.41	<i>Thames Basin Heaths SPA</i> <b>Natural England</b>	Confirm agreement with the conclusions of the Applicant's screening assessment for the Thames Basin Heaths SPA, including that the effect of physical disturbance (habitat loss) during construction is not significant on the basis that effects would be small scale and temporary, and that construction generated dust and emissions would result in insignificant/ <i>de minimis</i> effects.	
BIO.1.42	<i>Thames Basin Heaths SPA</i> <b>Natural England</b>	Confirm agreement with the assessment and conclusions presented in Section 5 of the HRA report [APP-130] with regards to the Thames Basin Heaths SPA, with particular reference as to whether you agree with the Applicant's approach, assumptions and conclusions with regards to displacement effects that would arise from other developments within SANGs.	
BIO.1.43	<i>Thames Basin Heaths SPA</i> <b>The Applicant</b>	Respond to the points raised in Surrey Heath Borough Council's RR [RR-093] with regards to the potential adverse effects on the integrity of the Thames Basin Heaths SPA that would result from the Proposed Development's effect on the two SANGs (St Catherine's Road and Windlemere) within the borough.	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.44	<i>Hydrological Changes</i> <b>The Applicant</b>	With reference to Table D.8 of the HRA report [APP-130] explain why no pathway for hydrological changes and resulting effects is considered to exist for European dry heaths.	
BIO.1.45	<i>Spread of INNS</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) With reference to paragraph 4.2.6 and Table D.8 of the HRA report [APP-130] and the statement of low potential for likely significant effects, clarify whether there is a potential for likely significant effects arising from the spread of INNS, ground contamination and air quality changes, or whether it determines on the basis of objective information, that these effects would be <i>de minimis</i>.</li><li>ii) Confirm whether you are relying on mitigation measures to dismiss likely significant effects associated with such effects.</li></ul>	
BIO.1.46	<i>Embedded Measures</i> <b>The Applicant</b>	Clarify whether the embedded measures referred to in ES Chapter 16, including the REAC [APP-056] and in the CoCP [APP-128] are relevant to the conclusions regarding screening of likely significant effects for all relevant European sites and qualifying features.	
BIO.1.47	<i>Displaced Visitors Calculations</i> <b>The Applicant</b>	Explain how the HRA has determined the likely numbers of displaced visitors from the SANGs to the Thames Basin Heaths SPA, and whether the	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		worst-case scenario has considered seasonal use of the SANGs by visitors.	
BIO.1.48	<i>Non-Trenched Construction Techniques</i> <b>The Applicant</b>	<p>Paragraph 5.8.17 of the HRA report [APP-130] refers to the use of non-trenched construction techniques, which would result in the pipeline installation taking longer.</p> <ul style="list-style-type: none"> <li>i) Confirm whether there are any trenchless crossings located within SANGs relevant to the Thames Basin Heaths SPA and provide a figure at an appropriate scale to show the crossing locations.</li> <li>ii) Direct the ExA to the figures/drawings showing the proposed narrow working areas within SANGs.</li> </ul>	
BIO.1.49	<i>Alternative Use of SANGs</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Provide the evidence used to support the assumptions made regarding alternative use of SANGs and open-access land.</li> <li>ii) Provide a statement as to whether there is uncertainty attached to these assumptions and if so, what other measures should be applied to improve certainty.</li> </ul>	
BIO.1.50	<i>Alternative Use of SANGs</i> <b>The Applicant</b>	The HRA [APP-130] and [APP-131] states that the visitor impact cannot be quantified due to the lack of visitor data. However, Rushmoor Borough	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>Council in its RR [RR-293] advocate that this can be done using their adopted formula.</p> <p>Provide an accurate calculation of visitor numbers using this formula.</p>	
BIO.1.51	<i>Alternative Use of SANGs</i> <b>The Applicant</b>	<p>Rushmoor Borough Council in its RR [RR-293] argued that the Application documents do not provide adequate information to enable an Appropriate Assessment to be undertaken in respect of the magnitude of displacement caused by the impact on the SANG network and habitat loss within the Thames Basin Heaths SPA.</p> <p>Respond.</p>	
BIO.1.52	<i>St Catherine's Road SANG</i> <b>The Applicant</b>	<p>The HRA report [APP-130], including Figure 9.2, states that the boundary and size of St Catherine's Road SANG is not known and/or pending confirmation.</p> <ul style="list-style-type: none"> <li>i) Explain whether the location and size of this SANG has been established since submission of the draft DCO application.</li> <li>ii) If so, provide the details and if not, provide the timescale for when this information would be available.</li> </ul>	
BIO.1.53	<i>St Catherine's Road SANG</i> <b>Surrey Heath Borough Council</b>	<p>Confirm the boundary, location and size of the St Catherine's Road SANG.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.54	<i>Construction Works</i> <b>The Applicant</b>	<p>Paragraph 6.6.13 of the HRA report [APP-130] states that an area of Northern Atlantic wet heaths with <i>Erica tetralix</i> lies outside of the Limits of Deviation and would not be affected by trench excavation.</p> <p>Clarify if the assessment has considered other construction works within the Order Limits.</p>	
BIO.1.55	<i>Use of Existing Access Tracks</i> <b>The Applicant</b>	<p>Paragraph 6.8.5 of the HRA report [APP-130] states that "To reduce vegetation loss and to protect soils, the existing access tracks would be utilised as haul routes where practicable."</p> <ul style="list-style-type: none"> <li>i) Confirm where such measures are secured through the REAC/CoCP.</li> <li>ii) Explain how it would be determined how existing tracks would be used and who would be responsible.</li> <li>iii) Comment on whether the conclusions reached in the HRA would be affected if such measures were "not practicable".</li> </ul>	
BIO.1.56	<i>Thursley, Ash, Pirbright and Chobham SAC</i> <b>Natural England</b>	<ul style="list-style-type: none"> <li>i) Confirm agreement with the Applicant's assessment and conclusions presented in Section 6 of the HRA report [APP-130] with regards to the Thursley, Ash, Pirbright and Chobham SAC. In particular, are you in agreement with the Applicant's approach (including habitat survey and Conceptual Site</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>Models), assumptions and conclusions with regards to no adverse effects on the integrity of this European site.</p> <p>ii) Confirm agreement with the proposed mitigation measures and whether they are appropriately clear and sufficiently secured to ensure no adverse effects on the integrity of the SAC.</p>	
BIO.1.57	<i>Construction Activities</i> <b>The Applicant</b>	<p>With reference to mitigation measure G38 in the CoCP [APP-128]:</p> <p>i) Explain what would constitute “potentially disturbing construction works” and what works (if any) would be permitted in the SPA during the period 1 February to 30 September.</p> <p>ii) Update measure G38 in the CoCP [APP-128] and the REAC [APP-056] to explicitly include reference to the areas where seasonal constraints would apply (stated to be Figures 9.9, 9.10 and 9.11 in the HRA report [APP-130] and [APP-131]) and seek to agree the proposed timings of seasonal constraints with NE.</p>	
BIO.1.58	<i>Construction Activities</i> <b>The Applicant</b>	<p>Clarify why there are no seasonal restrictions to the proposed works in the north-eastern section of Bourley and Long Valley SSSI.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
BIO.1.59	<i>Topsoil</i> <b>The Applicant</b>	With reference to REAC/CoCP measure HRA4 and the legend to the Figures in Appendix B to the HRA report [APP-130], confirm where in the HRA report it identifies the areas where topsoil stripping would not be reduced to a minimum extent within European sites and SSSI. What is the minimum extent and how is it defined?	
BIO.1.60	<i>Regeneration Work Example</i> <b>The Applicant</b>	<p>The HRA report [APP-130] references the following article in support of the natural regeneration measure HRA1: South East Water, 2018. Wildlife corridor in Swinley Forest heralded an environmental success. [Online] Available at: <a href="https://corporate.southeastwater.co.uk/news-info/wildlife-corridor-in-swinley-forest-heralded-an-environmental-success">https://corporate.southeastwater.co.uk/news-info/wildlife-corridor-in-swinley-forest-heralded-an-environmental-success</a> [Accessed April 2018].</p> <p>The hyperlink to this article does not work. It is assumed there is an error in the hyperlink and that the Applicant is referring to this article: <a href="https://corporate.southeastwater.co.uk/news-info/wildlife-corridor-in-swinley-forest-heralded-an-environmental-success/">https://corporate.southeastwater.co.uk/news-info/wildlife-corridor-in-swinley-forest-heralded-an-environmental-success/</a></p> <p>Please confirm this.</p> <p>This article states that "In preparation, a mix of local wildflower, grass and heathland seeds were collected and stored in controlled conditions until reseedling could take place in autumn 2015. The success of this re-seeding programme became fully evident in July this year."</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>i) It is not apparent from the HRA report that a similar programme of seed collection and preparation is planned for the Proposed Development. Confirm whether this would be the case or whether it would be entirely natural regeneration with no intervention.</p> <p>ii) This article is also referenced in support of the statement that "Full regeneration to acid grassland and pioneer heathland is anticipated to occur within the short term (i.e. within five years following construction) (South East Water, 2018)." However, it is not explicitly stated in this article that full regeneration, as proposed by the Applicant, would occur within five years. Expand.</p> <p>iii) It is also apparent that a programme of monitoring has been undertaken for the aforementioned project. Does the Applicant intend to monitor the success of the restoration post-completion, and/or would remedial measures be proposed if remediation is not as planned? This is not apparent within the HRA report [APP-130] and [APP-131]. However, reference to monitoring is included in measures G47 and G4 of the REAC/CoCP. Confirm whether monitoring is to take place and provide further details of this monitoring.</p>	

ExQ1	Question to:	Question:	Highways England Response
BIO.1.61	<i>Missing Evidence</i> <b>The Applicant</b>	<p>A number of errors and missing information in the HRA report [APP-130] and [APP-131] and in related documents has been identified. Could the Applicant address the following points:</p> <ul style="list-style-type: none"> <li>i) It is noted that Table 2.1 of the HRA report [APP-130], the REAC [APP-056], CoCP [APP-128] and draft DCO [AS-059] repeatedly refer to the SSSI Working Plans contained in "Annex B to the HRA report". However, there is no Annex B to the HRA report, and it is assumed that these references are to "Appendix B" of the HRA report. Revise references to Annex B in all relevant documents to ensure they are directing to the correct Appendix in the HRA report.</li> <li>ii) It is noted that the Highways England 2009 guidance referred to in the HRA report [APP-130] is missing from the references. Provide this reference.</li> <li>iii) It is noted that there is information missing from Appendix D Table D.8 [APP-130] and therefore the text for footnotes d to i is missing. Provide a complete version of the HRA report.</li> <li>iv) Paragraph 5.7.8 of the HRA report [APP-130] states that "The occurrence of potential supporting habitat relative to the Order Limits through the SSSI [Bourley and Long Valley SSSI] is also presented in Figure 9.6." However, no</li> </ul>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>habitat information is shown within this SSSI on this figure. Confirm if this information is missing and if so, provide a revised Figure 9.6.</p> <p>v) It is noted that there is no Section 5.6 within the HRA report [APP-130]. Additionally, paragraph 5.7.7 refers to information contained in paragraphs 5.6.8 to 5.6.28, which are absent. Confirm whether there is text missing from the HRA or if this is a typographical error.</p> <p>vi) Condition status information for Eelmoor Marsh SSSI is absent from Section 5.3 and Table 5.1 of the HRA report [APP-130]. Provide this information.</p> <p>vii) Please clarify the brown hatched areas shown on the Figures in Appendix B to the HRA report [APP-130], as the legend does not appear to include these features. In addition, the green hatched areas on the figures are described as "Mitigation areas (within Order Limits)". No reference is made to mitigation areas in the HRA report and their purpose. Clarify.</p> <p>viii) The ExA is aware from the Natura 2000 data form and Citation for the Solent and Southampton Water SPA, that the qualifying waterfowl assemblage numbers are stated to be 51,361 individuals. However, Table 4.1 and screening matrix D.1 of the HRA report [APP-130] states this to be 53,948.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		Confirm with NE the correct figure for the qualifying assemblage at this site, which is to be used for HRA purposes.	
BIO.1.62	<i>Missing Evidence</i> <b>Rushmoor Borough Council</b>	Paragraph 2.2.0 of the RR [RR-293] states that you consider that there is not adequate information provided for the ExA to undertake an Appropriate Assessment. Please expand on why you consider this to be the case and what information you consider needs to be submitted in order for the ExA to be able to undertake an Appropriate Assessment.	
<b>COMPULSORY ACQUISITION/TEMPORARY POSSESSION</b>			
CA.1.1	<i>Update Table</i> <b>The Applicant</b>	At the Preliminary Meeting held on Wednesday 9 October 2019 [EV-002], the ExA requested an update table to be regularly provided on the progress of negotiations for Compulsory Acquisition (CA) of the Freehold of land, of new rights over existing land and of temporary possession of land.  Confirm acceptance of this request.	
CA.1.2	<i>Compulsory Acquisition Table</i> <b>The Applicant</b>	The Applicant is requested to complete columns 7 to 11 of the attached Compulsory Acquisition Objections Schedule found at Appendix A to these questions, and make any additional, or delete any, entries that it believes would be appropriate, giving reasons for any additions or deletions.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
CA.1.3	<i>Protective Provisions</i> <b>The Applicant</b> <b>Statutory Undertakers</b>	<p>The Book of Reference (BoR) [AS-011] includes a number of Statutory Undertakers with interests in land.</p> <ul style="list-style-type: none"> <li>i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference, with an estimate of the timescale for securing agreement from them.</li> <li>ii) State whether there are any envisaged impediments to the securing of such agreements.</li> <li>iii) State whether any additional Statutory Undertakers have been identified since the submission of the Book of Reference as an Application document.</li> </ul> <p>A number of Statutory Undertakers have requested that their Protective Provision wording should be used as opposed to that which is currently contained within the draft DCO [AS-059].</p> <ul style="list-style-type: none"> <li>iv) Provide copies of the preferred wording.</li> </ul>	<p>Highways England has provided the applicant with a set of standard Protective Provisions on the 24<sup>th</sup> October 2019 for agreement and inclusion within the DCO.</p> <p>The proposed wording is attached to the email with this document and we are expecting a response back from the applicant this week (w/c 11 November 2019).</p>
CA.1.4	<i>Availability of Funding</i> <b>The Applicant</b>	The Applicant is reminded that the Department for Communities and Local Government (as it then was) Guidance related to procedures for CA (September 2013) states that: <i>"Applicants should be able to demonstrate that adequate funding is</i>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p><i>likely to be available to enable compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from blight notice have been taken account of."</i></p> <p>i) Confirm whether the Funding Statement [APP-030] identifies the CA costs separately from the project costs or explains how the figure for CA costs was arrived at. If it doesn't explain why not? and confirm whether this information can be provided.</p> <p>ii) Clarify the anticipated cost of CA, how this figure was arrived at, and how these costs would be met.</p>	
CA.1.5	<p><i>Crown Land</i></p> <p><b>The Applicant</b></p> <p><b>Ministry of Defence</b></p>	<p>The Ministry of Defence (MoD) in its RR [RR-200] and [AS-039] raise concerns regarding CA over its land. MoD land is Crown Land. As set out in s135 of the PA2008, the DCO will only be able to authorise the CA of new rights of Crown Land if the MoD (on behalf of the SoS) provides consent for this. If the MoD do not consent, the new rights sought over their land will have to be excluded from the scope of CA authorised by the DCO.</p> <p>Respond to the comments made by the MoD and indicate whether consent for land to be CA for new rights is forthcoming.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
CA.1.6	<i>Crown Land</i> <b>The Applicant</b>	<p>Consent is also required for any other provision in the DCO which relates to Crown Land or rights benefiting the Crown in accordance with s.135(2) PA2008. Among other things this includes consent for any Temporary Possession sought over Crown Land.</p> <p>Indicate whether consent for any provisions affecting MoD land or rights is forthcoming.</p>	
CA.1.7	<i>Crown Land</i> <b>The Applicant</b>	<p>The BoR [AS-011] indicates that CA for freehold is required for Plot 917. The Applicant appears to be seeking to CA the interest of the Crown in plot 917. The ExA finds that is not permissible in accordance with s.135 of the PA2008 for consent to be sought in the DCO for CA over Crown Land irrespective of any consent. The Applicant must remove this interest from the scope of CA they are seeking authorisation for in article 20 of the draft DCO.</p> <p>Respond, and remove Class 1 from the Book of Reference entry for plot 917 and include wording in Article 20 of the draft DCO [AS-059] to ensure that all interests held by or on behalf of the Crown are excluded from the scope of CA for which consent is sought.</p>	
CA.1.8	<i>Additional Information</i> <b>The Environment Agency</b>	Annotate Land Plan Sheet 11b [AS-045] showing the overlap in land required by the Proposed	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		Development and the EA for the River Thames Scheme.	
CA.1.9	<i>Additional Information</i> <b>The Independent Educational Association Limited</b>	i) Provide information on the consented planning permission for a new assembly hall and the planning application for 'redevelopment' referred to in the RR [RR-095] that would be affected by the proposed compulsory acquisition of this land.  ii) Annotate the relevant Land Plan [AS-042], [AS-043] and [AS-044] to show the footprint and extent of these proposals in relation to the proposed pipeline.	
CA.1.10	<i>Easements</i> <b>Notcutts Limited</b>	Provide further explanation of concerns over easements and how they affect the land and the route of the Proposed Development as expressed in the RR [RR-167].	
CA.1.11	<i>Shepperton Quarry</i> <b>The Applicant</b>	i) Explain why the amount of land needed at Shepperton Quarry (See Brett Aggregate's RR RR-184]) could not be narrowed.  ii) Explain if the adjoining industrial estate was considered as a potential site for the proposed logistics hub and if so, why it was discounted.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
CA.1.12	<i>Absence of Information</i> <b>Ministry of Defence</b>	Provide further details of the considered discrepancies and potential errors in the Land Plans and Book of Reference identified in the RR [RR-200].	
CA.1.13	<i>Absence of Information</i> <b>The Applicant</b>	Respond to the National Farmers Union's (NFU) RR [RR-267] requesting further information with regards to construction compounds.	
CA.1.14	<i>Book of Reference</i> <b>The Applicant</b>	<p>In the explanatory paragraphs in the Book of Reference [AS-011] the Applicant describes the temporary possession powers as being "<i>more particularly described in articles 31-32 and schedule 9 of the Order</i>". Temporary possession powers are granted by Article 29 and 30 and relate to schedule 7 of the draft DCO [AS-059].</p> <p>The ExA is also concerned by what is meant by the "<i>temporary possession powers to which the land tinted pink, blue, brown and yellow relate</i>". Paragraph 5(d) of the Book of Reference says that the land tinted yellow is the land which the undertaker may take temporary possession of and on the land plans the temporary possession land is shown in yellow.</p> <p>Clarify.</p>	
CA.1.15	<i>Works Plans</i> <b>The Applicant</b>	The Works Plans [AS-046], [AS-047], and [AS-048] contain areas of white land, which are unexplained in the legend. The ExA consider Works Plans should be fully explanatory and indicate all land and its intended works.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		Amend the Works Plans, and fully annotate each area of land with a Work No.	
CA.1.16	<i>Works Plans</i> <b>The Applicant</b>	The ExA notes that the Works Plans Sheets 1, 23, 36, 49 and 52 contain areas of white land which although indicated for temporary possession, it is not clear what their intended purpose is particularly as they appear not to be required for access purpose. Provide this clarity.	
CA.1.17	<i>Existing Pipeline</i> <b>The Applicant</b>	Provide a copy of the consent for the existing pipeline which shows the decommissioning requirements. N.B – There is an overlap between this question and questions GQ.1.1 and DCO.1.29 and you may therefore wish to provide a combined response to these questions.	
CA.1.18	<i>Existing Pipeline</i> <b>The Applicant</b>	Respond to numerous RRs in respect to whether existing rights over land in connection with the existing pipeline would be extinguished once decommissioned.	Highways England also wishes to know whether the existing rights over land in connection with the existing pipeline would be extinguished once decommissioned.
<b>DRAFT DEVELOPMENT CONSENT ORDER</b>			
DCO.1.1	<i>General Provisions</i> <b>The Applicant</b>	A number of Articles contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. The ExA notes that no evidence has been advanced that such consenting authorities agree with the draft DCO [AS-059].  Provide this assurance.	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
DCO.1.2	<i>Part 1 Article 2 – the Land and Compensation Act 1961</i> <b>The Applicant</b>	A number of Articles make provision for "compensation to be determined, in case of dispute, under Part 1 of the 1961 Act". Part 1 of the 1961 Act only relates to compensation for compulsory acquisition. The ExA considers that in order for there to be certainty that it would apply in other situations (e.g. the temporary use of land under Articles 29 and 30 of this Order, modification should also be included as with the other compensation provisions in Schedule 6 of the draft DCO [AS-059].  Respond.	
DCO.1.3	<i>Part 1 Article 2 - Definition of "Commence"</i> <b>The Applicant</b>	The Explanatory Memorandum (EM) [APP-028] states that it is envisaged that works which are de-minimis and have minimal potential for adverse effects are excluded from the definition of commence. It is not clear from the draft DCO [AS-059] that the works excluded from the definition of commence are limited in this way.  Respond.	
DCO.1.4	<i>Part 1 Article 2 - Definition of "Maintain"</i> <b>The Applicant</b>	The definition of maintain includes "divert", and Part 2 Article 4 restricts such works to within the Order Limits. The ExA nevertheless is concerned that maintenance works could result in a lateral diversion of the authorised development from the route for which development consent is sought. The Applicant's assertion that this Article accords with s21 of the PA2008 is questionable as the ExA considers a diversion beyond the limits of lateral deviation granted by a DCO requires development consent if the pipeline has not yet been	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>constructed. If it has been constructed whether development consent is required depends on the length of the pipeline being diverted.</p> <ul style="list-style-type: none"> <li>i) Confirm that the term "divert" requires such diversion to be within the lateral Limits of Deviation as well as those within the Order Limits; and if so</li> <li>ii) Amend the DCO accordingly; or</li> <li>iii) Provide a justification for the current position.</li> </ul>	
DCO.1.5	<p><i>Part 1 Article 2 - Definition of "Maintain"</i></p> <p><b>The Applicant</b></p>	<p>While the ExA accepts the need for the Applicant to undertake maintenance works, the ExA is nevertheless concerned that the definition as worded is not sufficiently precise. This is specifically the case where such maintenance works would be allowed <i>"insofar as such activities are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement"</i>. As currently worded, the ExA is concerned that maintenance activities could exceed the Rochdale Envelope of the ES.</p> <ul style="list-style-type: none"> <li>i) Explain what is meant by <i>"materially new or materially different"</i>. How is this distinguished between <i>"new or different"</i>.</li> <li>ii) Explain where <i>"materially new or materially different"</i> is defined in the draft DCO [AS-059].</li> <li>iii) Who would be the arbiter or assessor that such maintenance works were <i>"new or different"</i> as opposed to <i>"materially new or materially different"</i>, and how would this be secured in the draft DCO.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>iv) Explain whether the relevant planning authority would have any role in checking whether maintenance works, individually or collectively, would be "<i>materially new or materially different</i>" and how would this be secured in the draft DCO.</p> <p>v) Explain how the definition as worded would prevent the whole of the pipeline being replaced as maintenance works.</p>	
DCO.1.6	<p><i>Part 2 Article 3(2) – Development consent etc. granted by this Order</i></p> <p><b>The Applicant</b></p>	<p>The ExA is unclear what enactments might apply to land within the Order Limits which affect the authorised development or how this Article provides clarity in this respect.</p> <p>Respond.</p>	
DCO.1.7	<p><i>Part 2 Article 4(2)(c) – Maintenance of the authorised development</i></p> <p><b>The Applicant</b></p>	<p>The wording of the said sub-paragraph differs sharply and conflicts with the definition of "maintain" in Part 1 Article 2. This Article uses the words "materially new or materially worse adverse effects".</p> <p>Correct this wording to reflect the definition of "maintain".</p>	
DCO.1.8	<p><i>Part 2 Article 6(2) – Limits of deviation</i></p> <p><b>The Applicant</b></p>	<p>The ExA is concerned by the tailpiece in Article 6(2).</p> <p>i) Justify the level of flexibility sought, in particular why and in what circumstances it will be necessary to permit amendment to the maximum limits of vertical deviation by the SoS at a later date.</p>	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>ii) Explain why it is appropriate to permit amendments to the Limits of Deviation other than by applying to amend the Order in accordance with the provisions of PA2008.</p> <p>iii) Explain what process is in place for the SoS to determine whether exceeding the vertical limits would not give rise to any materially new or materially worse adverse environmental effects.</p>	
DCO.1.9	<p><i>Part 2 Article 6(2) – Limits of deviation</i>  <b>The Applicant</b></p>	<p>The wording of the said sub-paragraph differs sharply and conflicts with the definition of “maintain” in Part 1 Article 2. This Article uses the words “materially new or materially worse adverse effects”.</p> <p>Correct this wording to reflect the definition of “maintain”.</p>	
DCO.1.10	<p><i>Part 2 Article 7 - Benefits of Order</i>  <b>The Applicant</b></p>	<p>Explain the circumstances in which Article 7(2) is likely to apply.</p>	
DCO.1.11	<p><i>Part 3 Article 9 – Power to alter layout, etc. of streets. and Part 3 Article 10 – Street works</i>  <b>The Applicant</b>  <b>All Relevant Local Highway Authorities</b></p>	<p>The ExA considers that the explanation contained within the EM [AS-061], which centres on the need for consent from the highway authority, is insufficient justification for such wide powers conveyed within the Article.</p> <p><u>To the Applicant:</u></p> <p>i) Provide justification for the wide powers sought in these Articles.</p> <p><u>To All Relevant Local Highway Authorities:</u></p> <p>ii) Provide a response as to the appropriateness of the powers sought by these Articles.</p>	<p>ii) Highways England considers the powers sought are unnecessarily wide in the context of a development of this type and are unsuitable in the context of the strategic road network.</p>

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
DCO.1.12	<i>Part 3 Article 11 – Application of the 1991 Act</i> <b>The Applicant</b>	Justify the need to modify the 1991 Act other than for reasons of precedent as set out in the EM [AS-061].	
DCO.1.13	<i>Part 3 Article 13 - Use of private roads</i> <b>The Applicant</b>	The ExA is concerned that the Article as worded would allow for unprecedented and unrestricted access to private roads.  Justify the need for such wide powers and explain whether this Article ought to be tied into a phasing plan such that the powers in the Article would not be used for any longer than necessary.	
DCO.1.14	<i>Part 3 Article 14 – Access to works</i> <b>The Applicant</b>	Paragraph 6.70 of the EM [AS-061] states that the consent of the street authority is required to form and layout of means of access and Paragraph 6.71 states that Article 14(2) contains a deemed consent provision. Article 14 contains no subparagraph (2) of the DCO does not contain any requirement for consent from the street authority. Respond and amend.	
DCO.1.15	<i>Part 3 Article 14 – Access to works</i>  <b>All Relevant Planning Authorities</b>	Comment on the provision contained within Part 3 Article 14 of the draft DCO [AS-059].	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
DCO.1.16	<p><i>Part 4 Article 17 – Discharge of water</i></p> <p><b>All Relevant Planning Authorities</b></p>	Comment on the provision contained within Part 4 Article 17 of the draft DCO [AS-059].	For the avoidance of doubt the drainage systems of the Strategic Road Network are private drains. The Secretary of State's policy as set out in paragraph 50 of Department for Transport Circular 02/2013 " <i>The Strategic Road Network and the delivery of sustainable development</i> ". precludes the new connection of any third-party systems into Highways England's drainage systems.
DCO.1.17	<p><i>Part 4 Article 19(8) – Authority to survey and investigate the land</i></p> <p><b>The Applicant</b></p>	<p>The ExA considers inadequate justification has been advanced in the EM [AS-061] for the need for this provision.</p> <p>Provide this justification.</p>	
DCO.1.18	<p><i>Part 5 Article 22(1) – Compulsory acquisition of rights and restrictive covenants</i></p> <p><b>The Applicant</b></p>	<p>The ExA wants to be assured that this Article would not enable the creation of undefined new rights or restrictive covenants and must ensure that either a Schedule detailing each of these rights or restrictions is included in the draft DCO, or the description of each right and restriction is clearly set out in the BoR [AS-011].</p> <p>Provide this reassurance or amend accordingly.</p>	
DCO.1.19	<p><i>Part 5 Article 24(10) – Private rights over land</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 6.113 of the EM [AS-061] states that Article 24(10) is included to ensure that any existing rights owned by the Applicant (Esso) in, on, under or over the Order land are not discharged by this Article. However, Article 24(10) refers to rights of the "undertaker" and not Esso. The ExA is not clear how this provision is intended to work if the benefit of the Order</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		were transferred in accordance with Article 8(2) which provides that references to the undertaker in the Order include references to a transferee or lessee.  Respond.	
DCO.1.20	<i>Part 5 Article 24(11) – Private rights over land</i> <b>The Applicant</b>	<p>The ExA considers that this provision has not been adequately justified or indeed what it is seeking to achieve. The ExA considers inadequate justification has been advanced as to how the provision in this Article is permissible in accordance with s120(5) of the Planning Act 2008.</p> <ul style="list-style-type: none"><li>i) Provide evidence in the form of legal submissions regarding the lawfulness of including this provision in the draft DCO [AS-059] including the intention of the provision and justification for it.</li><li>ii) Explain its effect and how it is intended to work in practice.</li><li>iii) Consider the need to amend the Acquisition of Land Act and/or Part 11 of the TCPA1990 (the definition of a Statutory Undertaker for the purpose of s.127 and s.138 are derived from this legislation) to enable the undertaker to be treated as a statutory undertaker for the purpose of s.127 and s.138 of the Planning Act 2008.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
DCO.1.21	<i>Part 5 Article 31(1) – Crown rights</i> <b>The Applicant</b>	While the ExA accepts the purpose of the Article, the words “to take” should be removed as no power exists for any party to take Crown Land.  Remove this wording.	
DCO.1.22	<i>Part 5 Article 32 – Special category land</i> <b>The Applicant</b>	The ExA considers that neither the EM, nor the BoR, adequately set out the plots in question which fall under this Article or what powers are sought over them. It is also unclear which of these plots the Applicant is seeking CA for freehold land.  Provide this clarity.	
DCO.1.23	<i>Part 6 Article 35 – Disapplication and modification of legislative provisions</i> <b>The Applicant</b>	The Article seeks to disapply the provisions of the Neighbourhood Planning Act 2017 (2017 Act) in respect to Articles 29 (temporary use of land for carrying out the authorised development) and 30 (temporary use of land for maintaining the authorised development). The Applicant’s position as set out in the EM [AS-061] that the disapplication is necessary for certainty given the absence of regulations providing any detail is noted.  However, the Government’s overall approach is understood namely to provide protections for those affected by the use of temporary possession powers. The ExA is concerned that the provisions within the 2017 Act which, amongst other things, specify an absolute period of temporary possession, have not been adequately justified to be dis-applied.	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		i) Provide this justification; or ii) Amend accordingly.	
DCO.1.24	<i>Part 6 Article 35 (2) - Disapplication and modification of legislative provisions</i> <b>The Applicant</b>	<p>This Article cannot include a provision to disapply the provisions under the Water Resources Act 1991, the Environmental Permitting Regulations 2016 and the local legislation and byelaws without the express consent of the relevant consenting body (i.e. the EA the relevant drainage boards and the relevant local authorities).</p> <p>Provide an update as to obtaining that consent.</p>	
DCO.1.25	<i>Part 6 Article 36(12)(a) – Removal of human remains</i> <b>The Applicant</b>	<p>Other than the Applicant's assertion in the EM [AS-061] of precedent being set in the Crossrail Act, the ExA is not clear adequate justification has been advanced for the need for the provision and why the interred period is set at 100 years.</p> <p>           i) Provide this justification; or            ii) Amend accordingly.         </p>	
DCO.1.26	<i>Part 6 Article 38 – Operational land for purposes of the Town and Country Planning Act 1990</i> <b>The Applicant</b>	<p>Explain the permitted development rights in the TCPA1990 that would be made available to the Proposed Development under this provision.</p>	
DCO.1.27	<i>Part 6 Article 39 – Planning permission</i>	<p>The ExA is concerned by the provisions in this Article. The powers conveyed in this Article could</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
	<b>The Applicant</b>	potentially enable amendments to be made to the authorised development without application under the PA2008, thus circumventing the statutory process.  i) Justify the inclusion of this Article; or ii) Amend or remove accordingly.	
DCO.1.28	<i>Part 6 Article 41 – Felling or lopping</i> <b>The Applicant</b>	The ExA considers the Article is incomplete. The ExA considers that where it is known that specific hedgerows need to be removed, they should be listed in a Schedule and this Article should be amended to refer to the Schedule. Furthermore, an additional paragraph should also be added to this Article to the effect that any other hedgerows should only be removed once the prior consent of the local planning authority has been obtained.  Respond, and amend accordingly.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
DCO.1.29	<i>Missing Schedule on Decommissioning of the Existing Pipeline</i> <b>The Applicant</b>	<p>The ExA notes the Applicant's assertion in the ES [APP-044] that the decommissioning of the existing pipeline is controlled under a previous consent and in the Planning Statement [APP-132] reference is made to decommissioning being undertaken under the Pipelines Act 1962. However, nothing in this Order would prevent the Applicant from failing to do so, and the ExA is concerned that a scenario exists where both the existing and proposed pipelines could operate in unison, and in that circumstance the SoS cannot be certain of the full environmental effects.</p> <ul style="list-style-type: none"><li>i) Provide details of how decommissioning would be carried out under the Pipelines Act 1962.</li><li>ii) Justify the current approach.</li><li>iii) Should the draft DCO include a Requirement which prevents the existing pipeline from operating once the proposed pipeline has been commissioned? If so:</li><li>iv) Insert a Requirement which prevents the pipeline from operating until the existing pipeline has been decommissioned or ceases operating.</li></ul> <p>N.B – There is an overlap between this question and questions GQ.1.1 and CA.1.17 and you may therefore wish to provide a combined response to these questions.</p>	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
DCO.1.30	<p><i>Schedule 2 Requirement 3 – Stages of the authorised development</i></p> <p><b>The Applicant</b> <b>All Host Relevant Planning Authorities</b></p>	<p>The ExA is concerned by this Requirement as it considers there is a lack of clarity in how it is worded and how it would operate in practice.</p> <p><u>To the Applicant:</u></p> <ul style="list-style-type: none"> <li>i) Explain how this Requirement would function when dealing with multiple authorities.</li> <li>ii) Explain whether it is the intention for <u>all</u> stages or Work Nos to be approved before development commences, or just individual stages and Work Nos with individual host authorities.</li> <li>iii) If the former, explain when and how these stages will be identified.</li> <li>iv) If the latter, explain whether this approach differs with the definition of “commence” in Part 1 Article 1 of the draft DCO [AS-059] or that all stages and all relevant Requirements must be approved by all host authorities prior to commencement (except in the circumstances outlined).</li> </ul> <p><u>To the Host Local Authorities and National Park Authority:</u></p> <ul style="list-style-type: none"> <li>i) Comment on the effectiveness of this Requirement.</li> </ul>	
DCO.1.31	<p><i>Schedule 2 Requirement 4 – Scheme design</i></p> <p><b>The Applicant</b></p>	<p>The ExA is concerned that this Requirement is vague.</p> <p>For the Applicant:</p>	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>i) Justify the appropriateness of the stated Work Nos to be "<i>in general accordance</i>" with "<i>indicative layout drawings</i>".</li> <li>ii) Explain how this Requirement relates to the proposed Limits of Deviation.</li> <li>iii) Provide accurate and precise wording.</li> </ul>	
DCO.1.32	<p><i>Schedule 2 Requirement 5 – Code of construction practice</i></p> <p><b>The Applicant</b></p>	<ul style="list-style-type: none"> <li>i) Comment on whether the CoCP, which is defined in Article 1 of the draft DCO, cannot be changed in the manner allowed for by the Requirement once the Secretary of State has approved it because it is a certified document as defined in Schedule 11 of the draft DCO.</li> <li>ii) Explain whether the tailpiece allows for an unlimited and unchecked amendments to the CoCP.</li> </ul>	
DCO.1.33	<p><i>Schedule 2 Requirement 6(2) – Construction environmental management plan</i></p> <p><b>The Applicant</b> <b>All Relevant Planning Authorities</b></p>	<p>Requirement 6 of the draft DCO [AS-059] states that the Construction Environmental Management Plan (CEMP) must be substantially in accordance with the Outline CEMP. However, the Outline CEMP [APP-129] contains scant and in some cases no details regarding the plans and measures set out in Requirement 6(2)(d). The ExA is concerned that in discharging the Requirement, relevant planning authorities would be determining information and evidence which is not before the Secretary of State, and subsequently the CEMP will be a substantial departure from the Outline CEMP.</p> <p><u>To the Applicant:</u></p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		i) Respond and justify the current approach. <u>To All Relevant Planning Authorities:</u> ii) Comment on the above.	
DCO.1.34	<i>Schedule 2 Requirement 6(2) – Construction environmental management plan</i> <b>The Applicant</b> <b>All Relevant Planning Authorities</b>	Requirement 6(2)(d)(vi) makes provision for a Community Engagement Plan to form part of the CEMP. The ExA places considerable importance on the need for such a plan to ensure effective engagement with the local community prior to and during construction. However, the ExA considers that a Community Engagement Plan or Local Liaison Officer should form a separate Requirement in draft DCO. Respond.	
DCO.1.35	<i>Schedule 2 Requirement 8(3) – Hedgerows and trees</i> <b>The Applicant</b> <b>All Relevant Planning Authorities</b>	Requirement 8(3) of the draft DCO [AS-059] states that any hedgerow or tree planting which is removed, uprooted, destroyed, dies or becomes seriously damaged or defective within a three-year period must be replaced.  Comment on the adequacy of the Requirement and on the time period allowed for reinstatement and management.	
DCO.1.36	<i>Schedule 2 Requirement 18 – Application made under Requirements</i> <b>The Applicant</b>	i) Justify the time period of 28 days for determination of a Requirement, which the ExA is concerned is unreasonably short.  ii) Justify the approach that consent is deemed to have been given should the relevant authority not determine an application within its required period, as	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		opposed to consent not have been given. iii)	
DCO.1.37	<i>Schedule 2 Requirement 20 – Further information</i> <b>The Applicant</b> <b>All Relevant Planning Authorities</b>	<u>To the Applicant:</u> i) Justify the time period of two business days from receipt of the application that the relevant planning authority has for requesting further information, which the ExA is concerned is unreasonably short. ii) <u>To All Relevant Planning Authorities:</u> iii) Comment on the above.	
DCO.1.38	<i>Schedule 2 Part 2 – Procedure for Discharge of Requirement</i> <b>All Relevant Planning Authorities</b>	Comment on the Requirements in Schedule 2 Part 2 of the draft DCO [AS-059] in particular regard to the timescales given and the deemed consent provisions.	
DCO.1.39	<i>Schedule 9 – Protective provisions</i> <b>The Applicant</b> <b>Environment Agency</b> <b>Statutory Undertakers</b>	i) Provide an update as to the acceptability of the Protective Provisions contained in Schedule 9 of the draft DCO [AS-059]. ii) <u>To the Environment Agency:</u> iii) Provide a copy of the model Protective Provisions that is proposed for Schedule 11. iv)	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
DCO.1.40	<i>Schedule 11 – Documents to be Certified</i> <b>The Applicant</b>	<p>The ExA considers the following should be added to the list of certified documents in Schedule 11 of the draft DCO [AS-059]:</p> <ul style="list-style-type: none"> <li>• Guide to the Application (of updated documents).</li> <li>• Outline Landscape and Ecology Management Plan (if to be provided).</li> <li>• Outline Construction Traffic Management Plan (if to be provided).</li> <li>• Outline Surface and Foul Sewage Drainage System (if to be provided).</li> <li>• Outline Written Scheme of Investigation (if to be provided).</li> </ul> <p>Amend the draft DCO accordingly.</p>	Highways England considers that an Outline Construction Traffic Management Plan is necessary and that the Applicant should provide a draft as quickly as possible.
<b>FLOOD RISK, WATER RESOURCES AND GEOLOGY</b>			
<i>Please note that questions regarding flood risk, water and geology for Queen Elizabeth Country Park and Turf Hill can be found in the separate question section for these areas below.</i>			
FR.1.1	<i>Surface and Foul Drainage System</i> <b>The Applicant</b>	<p>Requirement 9 of the draft DCO [AS-059] requires the submission and approval of a Surface and Foul Water Drainage System (SFDS) in accordance with the REAC, which is contained within Chapter 16 of the ES [APP-056]. No Outline document is before the Examination, and the ExA finds this questionable given the Applicant's reliance on it as means to mitigate drainage matters.</p> <p>i) Justify the approach that no outline submission is before the ExA, particularly as it must be approved by numerous relevant planning authorities.</p>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		ii) Explain how the ExA, host local authorities and National Park Authority can be satisfied, and take any confidence that its measures would be capable of adequately mitigating traffic matters.  iii) Provide an Outline SFDS listing measures that would be secured; drawings to be prepared; and detailing consultation that would be undertaken and with whom.  iv) If an Outline SFDS is to be provided, explain whether it should form a Certified Document in Schedule 11 of the draft DCO [AS-059] and update accordingly.	
FR.1.2	<i>Surface and Foul Drainage System</i> <b>All Relevant Planning Authorities</b> <b>The Environment Agency</b>	Comment on the absence of an Outline SFDS in the Examination and whether it is agreed that such a document could be submitted as part of the discharge of Requirement 9 of the draft DCO [AS-059].	
FR.1.3	<i>Baseline Data</i> <b>The Environment Agency</b> <b>Lead Local Flood Authorities (LLFA)</b>	i) Confirm whether the baseline data included within Chapter 8 of the ES [APP-048] and the accompanying appendices are acceptable.  ii) If issues with the baseline have been identified, state what these are.	
FR.1.4	<i>Buffer Zones</i> <b>The Applicant</b>	Mitigation ref. G39 in the REAC [APP-056], which is contained within Chapter 16 of the ES [APP-056], states that "appropriate buffer zones would	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>be established within Order Limits adjacent to identified watercourses”.</p> <p>Explain how “appropriate” buffer zones would be determined and secured through the DCO.</p>	
FR.1.5	<i>Assessment of Groundwater Resources</i> <b>The Applicant</b>	Confirm the extent to which the assessment of impacts to groundwater resources is robust having regard to assumptions in relation to highest winter groundwater levels. The response should address the potential for shallower groundwater levels than those reported, having regard to limitations in establishing the highest winter groundwater levels.	
FR.1.6	<i>Site Surveys</i> <b>The Applicant</b>	Paragraph 1.2.18 of Appendix 8.6 [APP-107] states that due to site surveys being undertaken during prolonged hot dry weather worst case “conditions had to be inferred from site observations and using desk-based techniques”. Describe the desk-based techniques, and any assumptions made and used, to develop the worst-case scenario conditions for Water Framework Directive (WFD) watercourses.	
FR.1.7	<i>Silt Discharge</i> <b>The Applicant</b>	Direct the ExA to the assessment of the potential impacts arising from silt discharge, as requested within the Scoping Opinion ID 4.2.6 [AS-018] or provide confirmation that the impact from silt discharge would not result in significant effects.	
FR.1.8	<i>Spills and Leakages</i> <b>The Applicant</b>	Explain how the assessment of the effects has addressed impacts associated with potential spills and leakages to groundwater as requested within the Scoping Opinion ID 4.2.7 [AS-018] or provide confirmation that the impact from spills and	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		leakages to groundwater would not result in significant effects.	
FR.1.9	<i>Groundwater Abstraction</i> <b>The Applicant</b>	Provide the thresholds and criteria used to classify the risk to groundwater abstraction from flow and infiltration rates as "low", "moderate", "high" and "very high" as stated in Table 8.4.1 of Appendix 8.4 [APP-105].	
FR.1.10	<i>Water Framework Directive</i> <b>The Applicant</b>	Provide the thresholds and criteria used to classify the risk of WFD water bodies deterioration as "low", "medium" or "high" as stated in paragraph 1.5.11 of Appendix 8.6 [APP-107].	
FR.1.11	<i>Groundwater and Surface Water</i> <b>The Applicant</b>	Confirm what timescale has been used with regards to the short-term impacts on groundwater and surface water and whether this timescale applies to all activities that could result in impacts to surface water.	
FR.1.12	<i>Mitigation of Watercourses</i> <b>The Applicant</b>	Paragraph 8.5.29 of Chapter 8 of the ES [APP-048] states "with the implementation of good practice measures, no significant effects are anticipated on receiving watercourses". However, no assessment to determine the efficacy of the best practice measures has been included within the ES.  State what confidence can be given to the efficacy of the mitigation measures stated in Paragraph 8.5.29 [APP-048].	
FR.1.13	<i>Riparian Vegetation</i> <b>The Applicant</b>	Explain what measures are in place to avoid impacts which result in the loss of riparian vegetation which may undermine riverbank stability in the long term.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
FR.1.14	<i>Caker Stream</i> <b>The Applicant</b>	Clarify how the likely significance of effect has been determined, in light of the methodology described, for the Caker Stream receptor considering it is assigned a "medium" sensitivity/value and a "medium" magnitude of change (for sediment process, flow process, knickpoint formation, and bed and bank disturbance) but the likely significance of effects is stated as "minor".	
FR.1.15	<i>Beech Farm</i> <b>The Applicant</b>	With regards to the unknown location of water abstraction at Beech Farm (1110), the Applicant states a "worst case scenario" will be assumed but no further details are provided.  Provide a detailed description of the worst-case scenario characteristics.	
FR.1.16	<i>Location of Private Water Supplies</i> <b>Hart District Council</b> <b>East Hampshire District Council</b> <b>The Applicant</b> <b>The Environment Agency</b>	i) Provide an update on whether the request for the location of Private Water Supplies (PWS) have been provided to the Applicant.  ii) Provide a view on how the absence of this information might affect the Applicant's assessment in ES Chapter 8 [APP-048] and ES Appendix 8.4: Groundwater Abstraction Assessment [APP-105].	
FR.1.17	<i>Private Water Supplies</i> <b>The Applicant</b>	The mitigation measures proposed to prevent significant effects arising to PWS in the event of a "significant spill during construction" are outlined in Paragraph 8.6.2 of ES Chapter 8 [APP-046].	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>However, no information on what constitutes a significant spill has been outlined.</p> <p>Provide the clarification for the circumstances under which the mitigation measures would be implemented and/or provide a definition of what is meant by the term "significant spill" given that the term is not defined in the ES.</p>	
FR.1.18	<i>Private Water Supply</i> <b>The Applicant</b>	<p>In its RR [RR-239] the EA notes that whilst the proposed pipeline would not pass through any Source Protection Zones (SPZ) mapped as SPZ1, it needs to be established that it would not have an adverse effect on private water supply abstractions. In addition, the pipeline would pass through areas of SPZ2, which are regarded as highly sensitive to the pollution of groundwater. Moreover, the EA raises concerns about the value/sensitivity assessments within Chapter 8 of the ES [APP-048] and other concerns about the effect on groundwater.</p> <p>Respond.</p>	
FR.1.19	<i>Water Supplies</i> <b>The Applicant</b>	<p>Paragraphs 4.6.23 and 4.6.24 of the Planning Statement [APP-132] refer to the need to hydrostatic test the proposed pipeline.</p> <ul style="list-style-type: none"> <li>i) Confirm how much water would be required to carry out the hydrostatic test.</li> <li>ii) The Planning Statement refers to it being "sourced locally". Provide further detail on what this means and confirm whether this would include the use of PWS.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>iii) Confirm that if water would be sourced locally that supply for other users would be maintained.</li> <li>iv) If it cannot be sourced locally the Planning Statement states that it would be tankered in. Confirm how many tankers would be required and are these movements included in the Transport Assessment [APP-135] and if not, if they were included how would they affect the conclusions of the Transport Assessment.</li> </ul>	
FR.1.20	<i>Construction Environmental Management Plan</i> <b>The Applicant</b>	<p>Reference G130 of Table 8.12 of the ES [APP-048] notes that the measures will be included within the CEMP but no further information within the Outline CEMP [APP-129] has been provided.</p> <ul style="list-style-type: none"> <li>i) If settlement lagoons are required, provide a plan/ figure illustrating the anticipated location and dimensions of the settlement lagoons.</li> <li>ii) Provide a description of the "mitigation measures for all work or compound areas located within flood risk areas", which is relied upon but not specified in the ES.</li> <li>iii) Regarding reference G39 of Table 8.12 [APP-048], provide further information on how the buffer zones would be established.</li> <li>iv) Provide a robust justification, with reference to the sequential test, for locating any construction compound or logistic hub in Flood Zone 2. For</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		example, it is noted that the construction compound in proximity to the M3 junction 3 is situated in Flood Zone 2 (as shown on the Flood Risk Assessment Figure A2 Sheet 11 of 14 [APP-134]).	
FR.1.21	<i>Monitoring of Well Water</i> <b>The Applicant</b>	It is noted that in the event of a significant spill event, if requested, monitoring of well water would be undertaken for a determined period of time as stated in the ES Chapter 8 at paragraph 8.6.2 [APP-048].  Explain how the "determined period of time" will be determined and state the monitoring measures that would be included.	
FR.1.22	<i>Assessment of Effects</i> <b>The Applicant</b>	Chapter 8 of the ES [APP-048] concludes " <i>following the implementation of the flood risk mitigation included in Section 8.6, there are considered to be no significant effects for flood risk, with all risks reduced to minor or negligible.</i> " However, it also states that " <i>while the project includes measures to mitigate against the exacerbation of existing levels of flood risk during its construction phase, a residual risk of flooding remains for extreme events, as explained the FRA</i> " [APP-134]. The ExA considers the statements conflict with each other on the level of risk from flooding caused by the Proposed Development.  Respond.	
FR.1.23	<i>Climate Effects</i> <b>The Applicant</b>	Item 9 in the Applicant's letter of 29 July 2019 [AS-016] states that the EA and the Applicant has agreed that climate change allowances do not	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>need to be factored into the assessment for fluvial and pluvial flood sources. It is indicated that this would be addressed in the Statement of Common Ground with the EA. In the EA's RR [RR-239] it is stated that climate change allowances do not need to be considered for short-term, temporary works subject to two conditions, namely that there would be no permanent structures or land raising and that sites would not be in place for longer than 18 months. The EA raises concerns that the FRA does not provide sufficient surety of these conditions.</p> <p>Provide evidence that these conditions can be met.</p>	
FR.1.24	<i>Flood Risk</i> <b>The Applicant</b>	<p>In respect of flood risk, the EA in its RR [RR-239] seeks details of the construction and detailed design method to be submitted prior to the commencement of works. In addition, concerns are raised about the adequacy of the flood risk assessments provided for haul roads, access roads, logistic hubs and construction compounds; consideration of Flood Zone 3b; watercourse crossing reports; open-cut crossings of culverted watercourses; and permitting issues.</p> <p>Respond.</p>	
FR.1.25	<i>Sewage Management</i> <b>The Applicant</b>	<p>Paragraph 7.3.25 of the Planning Statement [APP-132] states that there has been extensive engagement with the EA and NE and also engagement with all of the relevant sewage and water undertakers.</p>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		Provide evidence of this engagement with responses from these Statutory Parties.	
FR.1.26	<i>Farming</i> <b>The Applicant</b>	Explain whether the Proposed Development would result in the disruption of any PWS that are used for agricultural purposes (including irrigation and water for animals). If so, what alternative arrangements (e.g. tankering) are proposed to ensure water supplies would be maintained for the duration of any disruption.	
<b>HISTORIC ENVIRONMENT</b>			
HE.1.1	<i>Written Scheme of Investigation</i> <b>The Applicant</b>	<p>Requirement 11 of the draft DCO [AS-059] requires the submission and approval of a written scheme for the investigation of areas of archaeological interest (WSI). No Outline WSI document is before the Examination.</p> <ul style="list-style-type: none"> <li>i) Justify the approach that no outline submission is before the ExA particularly as it must be approved by numerous relevant planning authorities.</li> <li>ii) Explain how the ExA and relevant planning authorities can be satisfied and take any confidence that its measures would be capable of adequately mitigating archaeological finds.</li> <li>iii) Comment on Historic England's RR [RR-243] that the absence of the Outline WSI may preclude archaeological finds from being designed out.</li> <li>iv) Provide an Outline WSI, listing measures that would be secured, drawings to be prepared, detailing consultation that would be undertaken</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>and with whom, and the inter-relationship of landscape and ecology.</p> <p>v) If an Outline WSI is to be provided, explain whether it should form a Certified Document in Schedule 11 of the draft DCO [AS-059] and update accordingly.</p>	
HE.1.2	<i>Written Scheme of Investigation</i> <b>All Relevant Planning Authorities</b>	Comment on the absence of an Outline WSI in the Examination and whether it is agreed that such a document could be submitted as part of the discharge of Requirement 11 of the draft DCO [AS-059].	
HE.1.3	<i>Stephens Castle Down</i> <b>The Applicant</b>	Respond to Historic England's concerns as raised in its RR [RR-243] that compounds and pits may physically impact on Roman remains particularly in the absence of an Outline WSI.	
HE.1.4	<i>World War Crash Sites</i> <b>The Applicant</b>	Respond to Historic England's concerns as raised in its RR [RR-243] that crash site remains should be classified as high significance and not as a low-priority risk as set out in Chapter 9 of the ES [APP-049].	
HE.1.5	<i>Mitigation</i> <b>The Applicant</b>	In the absence of an Outline WSI, update the ExA on discussions with the relevant planning authorities on mitigation for archaeology, as highlighted by Surrey County Council in its RR [RR-281].	

ExQ1	Question to:	Question:	Highways England Response
<b>LANDSCAPE AND VISUAL</b>			
<i>Please note that questions regarding landscape and visual for Queen Elizabeth Country Park and Turf Hill can be found in the separate question section for these areas below.</i>			
LV.1.1	<i>Landscape and Ecological Management Plan</i> <b>The Applicant</b>	<p>Requirement 12 of the draft DCO [AS-059] requires the submission and approval of a LEMP in accordance with the REAC, which is contained within Chapter 16 of the ES [APP-056]. The LEMP would contain, amongst other things, details of the reinstatement of hedgerows and trees. Although the Applicant relies heavily on the measures contained within the LEMP to mitigate landscape matters, no outline document is before the Examination.</p> <ul style="list-style-type: none"> <li>i) Justify the approach that no outline submission is before the ExA particularly as the final LEMP would need to be approved by numerous relevant planning authorities.</li> <li>ii) In the absence of outline contents, explain how the ExA and the relevant planning authorities can be satisfied, that measures in the LEMP would deliver the mitigation that the conclusions of the submitted ES rely upon.</li> <li>iii) Provide an Outline LEMP, listing measures that would be secured; drawings to be prepared; detailing consultation that would be undertaken and with whom; and the inter-relationship landscape and ecology.</li> <li>iv) Provide a schedule detailing the areas or lengths of Potential Ancient Woodland,</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>trees covered by area, and individual Tree Preservations Orders (TPOs), woodlands, hedgerows and important hedgerows that are proposed to be reinstated following completion of construction and the areas or lengths of off-site planting.</p> <p>N.B – There is overlap between this question and BIO.1.1. The Applicant (and any other Interested Parties) may wish to address the issue in a combined response to both questions.</p>	
LV.1.2	<i>Landscape and Ecological Management Plan</i> <b>All Relevant Planning Authorities</b>	<p>Comment on the absence of an Outline LEMP in the Examination and whether it is agreed that such a document can be submitted as part of the discharge of Requirement 12 of the draft DCO [AS-059].</p> <p>N.B – This question is repeated in BIO.1.2. The Relevant Planning Authorities may wish to address the issue in a combined response to both questions.</p>	
LV.1.3	<i>Definition of Vegetation</i> <b>The Applicant</b>	<p>Appendix C of the CoCP [APP-128] covers the replacement planting of vegetation and states that replacement planting will be secured through the LEMP. However, vegetation does not appear to be defined anywhere within the CoCP or within the draft DCO [AS-059].</p> <p>Confirm that trees and hedgerows are included in the term “vegetation” as used in the CoCP.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
LV.1.4	<i>Baseline Data</i> <b>The Applicant</b>	<p>Notable trees are recorded in the ES Appendix 10.2 [APP-115] as being defined as Category A and B trees in accordance with British Standard 5837:2012.</p> <p>Confirm that all category A and B trees within 15m of the Order Limits were recorded as notable trees or whether any other parameters were used in defining notable trees, such as species, diameter height or overall height.</p>	
LV.1.5	<i>Baseline Data</i> <b>The Applicant</b>	<p>Figure 10.4 of the ES [APP-064] show the existing views of the route. With few exceptions, the vegetation is in leaf. Paragraph 10.2.26 describes a winter survey being undertaken in early 2018, and states "<i>The findings of the winter landscape survey were used to help influence the developing design and inform the choice of Representative Viewpoints.</i>"</p> <p>i) Explain why these winter photographs, which were used to help influence the design and confirm representative viewpoints, were not submitted into the Examination; or</p> <p>ii) Provide these photographs.</p>	
LV.1.6	<i>Methodology</i> <b>The Applicant</b>	Chapter 6 of the ES [APP-046] states the matrix approach used for determining the impact significance. However, there are no definitions of the significance criteria negligible, minor, moderate or major which are set out in Illustration 6.1, which is recommended by Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3). Paragraph 6.4.10 states	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p><i>"A significant effect in relation to the EIA Regulations is taken to mean a moderate or higher adverse or beneficial significance. Effects of minor or negligible significance are not considered to be significant effects on the environment but are used to acknowledge that there would be some differences from the baseline conditions."</i></p> <p>Provide definitions of the significance criteria presented in Illustration 6.1 applicable to the assessment of landscape and visual effects.</p>	
LV.1.7	<p><i>General Arrangement Plans</i></p> <p><b>The Applicant</b></p>	<p>The locations of the important hedgerows identified in the ES Appendix 7.2 [APP-082] and TPOs are illustrated in the General Arrangement Plans [APP-022] to [APP-024]. However, these plans show no details of notable trees and the locations of Ancient Woodland Inventory sites and Potential Ancient Woodland sites. There is also no information provided on the referenced TPOs.</p> <p>i) Justify the omission; or ii) Provide these details.</p>	
<b>Tree Management</b>			
LV.1.8	<p><i>Tree Removal</i></p> <p><b>The Applicant</b></p>	<p>The ExA is not clear from the CoCP [APP-128], which is secured by Requirement 8, if the draft DCO [AS-059] or any other document identify the number of trees that would need to be removed for the Proposed Development to be constructed.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>i) Confirm whether all trees within the Order Limits would need to be removed.</li> <li>ii) Confirm the total number of trees to be removed during the construction of the Proposed Development, in particular at Fordingbridge Park.</li> <li>iii) Confirm whether the use of trenchless techniques would harm or result in the loss to any tree.</li> <li>iv) Confirm how and where tree replacement would occur, including details of number, species and age of replacement trees.</li> </ul>	
LV.1.9	<i>Identification of Trees</i> <b>The Applicant</b>	<p>Appendix 10.2 of the ES [APP-115] sets out a schedule of notable tree and Figure 10.3: ES Landscape Constraints and Representative Viewpoints [APP-064] does include notable trees categories A and B. However, the ExA considers the schedule does not assist in knowing the exact location of the category A or B trees within the Order Limits. The ExA considers that plans illustrating the location of affected trees should be provided.</p> <ul style="list-style-type: none"> <li>i) Provide these plans.</li> <li>ii) Assess the quality of the identified trees within the schedule.</li> </ul>	
LV.1.10	<i>Tree Replacement Planting</i> <b>The Applicant</b>	Chapter 10 of the ES [APP-050] identifies no compensatory planting or offsetting for the loss of trees covered by a TPO where a moderate effect	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>at Year 15 is identified. Whilst it would not be possible to replace TPO trees lost on a 'like for like' basis, no additional planting of specimen trees off site, for example, is proposed. The tree planting and hedge infilling referred to in the ES and in Figure 7.5 [APP-061] is not stated as being mitigation for TPO trees that would be lost. The ExA is concerned with this approach.</p> <p>Justify the stance that no replacement or compensatory planting is required for TPO lost trees where a moderate effect is identified at Year 15.</p>	
LV.1.11	<i>Tree Protection</i> <b>The Applicant</b>	Confirm whether tree protection fencing, as set out in the REAC which is contained within Chapter 16 of the ES [APP-056] for notable trees, would also be provided for TPO trees and woodland, and other trees and woodland, hedgerows and important hedgerows and their root protection areas where they extend within the Order Limits which may be at risk of damage during the construction period.	
LV.1.12	<i>Tree Protection</i> <b>The Applicant</b>	The REAC [APP-056] states that notable trees (Ref G86 in Table 16.2), where they are at risk of damage, would be supervised by the Environmental Clerk of Works, and that such a person would be supported by an appropriately qualified arboriculturalist.	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"><li>i) Confirm whether the provisions of the REAC would also apply to TPO trees and veteran and ancient trees; and</li><li>ii) Confirm whether the Environmental Clerk of Works would be supported by an appropriately qualified arboriculturalist in respect to notable trees.</li></ul>	
LV.1.13	<i>Tree Protection</i> <b>The Applicant</b>	<p>The REAC (Ref: G95 Table 16.2) [APP-056] refers to the contractor considering and applying, where practicable, the relevant protective principles set out in the National Joint Utilities Group Guidelines (NJUG) for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007)). The arboricultural assessment of notable trees was carried out with reference to British Standard 5837:2012. The NJUG Guidelines do not appear to contain any recommendations on tree protection fencing, whereas the British Standard has a comprehensive recommendation on this and other related issues, although tree protection zones are similar in each document.</p> <ul style="list-style-type: none"><li>i) Explain why British Standard 5837:2012 is not being used.</li><li>ii) Explain whether use of British Standard 5837:2012 would result in a better environmental outcome for trees likely to be affected by the Proposed Development.</li></ul>	

ExQ1	Question to:	Question:	Highways England Response
<b>Planting Mitigation</b>			
LV.1.14	<i>Planting Mitigation</i> <b>The Applicant</b>	<p>Chapter 10 of the ES [APP-050] describes generic mitigation measures for proposed planting that are also confirmed in the REAC, which is contained within Chapter 16 of the ES [APP-056]. ES Figure 7.5 [APP-061] shows proposed mitigation planting of hedgerow infilling and tree planting at a scale of 1:10,000. However, there is no clear definition of the extent of proposed mitigation planting, for example on the Works Plans [AS-046], [AS-047] and [AS-048].</p> <p>The ExA is concerned that the probability of temporary or long-term significant effects arising from the removal of existing vegetation is at present unclear. The loss of vegetation is not quantified by individual trees, lengths of hedgerow or areas of woodland, and the landscape and visual effects of vegetation removal is not shown by annotated photograph or photomontage.</p> <ul style="list-style-type: none"> <li>i) Provide a schedule detailing the 'worst case' areas of lengths, as appropriate, of individual trees, hedgerows or areas of woodland that are expected to be removed to accommodate the Proposed Development from each section of the pipeline corridor.</li> <li>ii) Annotate the extents or lengths to be removed on the Works Plans [AS-046], [AS-047] and [AS-048].</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
LV.1.15	<i>Planting Mitigation</i> <b>The Applicant</b>	<p>Potential impacts on landscape character are considered in Chapter 10 of the ES [APP-050] during construction, at Year 1 and at Year 15 post construction, which assumes mitigation planting is established. However, in some paragraphs the assessment of effects at Year 15 seems to be at odds with the text which describes the effects, for example at paragraph 10.5.43: "<i>Whilst reinstatement planting would have established to restore the landscape, it would not be possible to fully reinstate distinctive, mature vegetation and notable trees within 15 years. In year 15 post construction, the potential magnitude of impact would be small, and the significance of effect would be minor.</i>" There is no statement on the height that reinstatement planting is expected to have reached after 15 years, an important omission where the mitigation planting would be relied upon in the assessment of residual effects at Year 15.</p> <p>Confirm what heights have been assumed for the proposed replacement planting in the assessment of the effects at Year 1 and Year 15 following completion of construction activities.</p>	
LV.1.16	<i>Planting Mitigation</i> <b>The Applicant</b>	<p>i) Explain whether there has been any assessment for the potential for die back to retained trees due to compaction from adjacent construction activities and windthrow to retained</p>	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>woodlands and plantations where these are crossed by the pipeline corridor.</p> <p>ii) Explain whether any mitigation measures would be implemented to address these issues.</p>	
LV.1.17	<p><i>Planting Mitigation</i></p> <p><b>The Applicant</b></p>	<p>The REAC (Ref G87 Table 16.2) [APP-056] states that "<i>vegetation clearance, retention, protection and replanting/reinstatement drawings would be produced prior to the construction phase. The contractor(s) would implement these plans including agreed mitigation where practicable</i>". Chapter 10 of the ES [APP-050] states that "<i>In order to consider a reasonable worst case, the assessment of potential impacts assumes loss of all trees and shrub vegetation within the Order Limits except where the good practice measures set out in Table 10.13 and reduced working widths identified within the REAC dictate otherwise</i>". The REAC (Ref G91 Table 16.2) also states that "<i>the contractor(s) would retain vegetation where practicable and in accordance with, as a minimum, the vegetation retention drawings.</i>"</p> <p>The ExA is concerned with the approach taken by the Applicant and the use of the words "where practicable". The wording would weaken the commitment to mitigation measures set out in the ES, REAC and draft DCO [AS-059] and could result in significantly greater long-term landscape and visual effects than assessed in the ES, for example, if the Order Limits were kept free of trees.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>i) Confirm the circumstances in which it would not be practicable to implement the vegetation retention, protection and replanting or reinstatement;</li> <li>ii) Explain why the Applicant has not fully committed to provide replacement planting;</li> <li>iii) Explain whether there is uncertainty as to the extent of mitigation possible in practice; and</li> <li>iv) Confirm whether the ES [APP-050] has presented a worst-case assessment.</li> </ul>	
LV.1.18	<i>Planting Mitigation</i> <b>The Applicant</b>	<p>The REAC (Ref: LV1 of Table 16.3) [APP-056] proposes native trees and hedgerow to be planted within areas identified as tree planting and hedge infilling in ES Figure 7.5 [APP-061]. Chapter 10 of the ES [APP-050] states "<i>this is a holistic approach to partly offset the envisaged loss of trees from the overall pipeline installation project.</i>"</p> <ul style="list-style-type: none"> <li>i) Confirm whether the measures discussed here apply equally to REAC ref G87 in Table 16.2 in respect to vegetation clearance.</li> <li>ii) Explain the degree to which the extent of planting as illustrated in Figure 7.5 of the ES [APP-061] was determined and the agreements reached with relevant Interested Parties and Statutory Bodies.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>iii) Explain the detailed design process that will lead to the implementation of the proposed planting.</li> <li>iv) Explain who will be consulted on and approved the proposed extent of planting, species, densities and heights of planting.</li> <li>v) Provide details of monitoring and aftercare measures proposed to be applied to reinstated features, mitigation planting and tree and hedgerow infilling and how these will be secured in the draft DCO [AS-059].</li> </ul>	
LV.1.19	<i>Planting Mitigation</i> <b>The Applicant</b>	<p>The REAC (Ref: G97 of Table 16.2) [APP-056] proposes the use of native shrub planting where woodland vegetation is lost and trees cannot be replaced due to the restrictions of pipeline easements.</p> <ul style="list-style-type: none"> <li>i) Confirm whether Local Authorities, the National Park Authority, NE and local wildlife trusts will be invited to, or have made comments on the proposed species for replacement shrub, hedgerow, tree and woodland planting.</li> <li>ii) Confirm how grass seed mixes would be selected.</li> </ul>	
LV.1.20	<i>Planting Mitigation</i> <b>All Relevant Planning Authorities</b>	<p>The REAC (Ref: G92 Table 16.2) [APP-056] states that a three-year aftercare period would be established for all mitigation planting and reinstatement.</p> <p>Comment on the appropriateness of this measure and time length proposed.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
<b>Other Matters</b>			
LV.1.21	<i>Working Width</i> <b>The Applicant</b>	<p>The ExA acknowledges the working width is defined in Chapter 3 of the ES [APP-043]. The REAC [APP-056] records the sections of the route where there is a commitment to reduce the working width as mitigation. However, the General Arrangement Plans [APP-022], [APP-023] and [APP-024] are for the most part unchanged. An illustration of this is reference to General Arrangement Plans drawing sheet 28, where the REAC makes a commitment to a 15m working width, but the Order Limit is annotated at 26.1m.</p> <ul style="list-style-type: none"> <li>i) Explain the anomalies.</li> <li>ii) Explain how the locations within the Order Limits will be determined.</li> <li>iii) Explain how the assumptions, if any, have been made in the assessment of effects as the locations of narrow working areas.</li> </ul>	
LV.1.22	<i>Working Width</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Confirm the working widths for the proposed pipeline corridor sections: NW/11/13; NW15; NW20; NW23/24; NW30; and NW33.</li> <li>ii) Explain how the reduced working width areas would be secured in the draft DCO [AS-059].</li> </ul>	
LV.1.23	<i>Working Width</i> <b>The Applicant</b>	The Forestry Commission indicated [AS-028] that discussions are taking place with the Applicant in respect of a methodology for working within tree root zones of Ancient Woodland and the need for a 15m buffer zone to be established.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>Update this position and how discussions have progressed with the Forestry Commission, the Woodland Trust and NE.</p> <p>N.B – There is an overlap between this question and questions BIO.1.18 and BIO.1.20 you may therefore wish to provide a combined response to these questions.</p>	
LV.1.24	<i>Working Width</i> <b>The Applicant</b>	Explain the criteria used to determine when a narrow working width would be used and why it is not proposed in public parks such as Queen Elizabeth Country Park and Fordingbridge Park, but it is proposed at Turf Hill.	
LV.1.25	<i>Viewpoints</i> <b>All Relevant Planning Authorities</b>	<p>i) Confirm acceptance of the representative viewpoints as set out in Appendix 10 of the ES [APP-114]; or</p> <p>ii) If not accepted, explain why.</p>	
<b>PEOPLE AND COMMUNITIES</b>			
<i>Please note that questions regarding people and communities for Queen Elizabeth Country Park and Turf Hill can be found in the separate question section for these areas below.</i>			
PC.1.1	<i>Community Receptors</i> <b>All Relevant Planning Authorities</b>	Confirm that the study area applied to community receptors (500m from the Order Limits) in Chapter 13 of the ES [APP-053] is adequate.	
PC.1.2	<i>Effects on Tourism</i> <b>The Applicant</b>	Respond to the concerns raised by the National Trust [RR-091] about the lack of recognition of the impact that the proposal would have on tourism, or signpost where in the Application documentation this information could be found.	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
<b>Noise and Vibration</b>			
PC.1.3	<i>Baseline Assessment</i> <b>The Applicant</b>	Explain what or if any agreement has been reached with relevant planning authorities regarding the baseline assessment of noise and vibration effects, particularly given that background noise surveys do not appear to have been undertaken at key receptor locations.	
PC.1.4	<i>Assumptions on Effects</i> <b>The Applicant</b>	Explain the assumption that disruption to people and communities as identified in Chapter 13 of the ES [APP-053] is unlikely to occur as a result of significant effects from noise and vibration, landscape and visual impacts or traffic and transport impacts alone.	
PC.1.5	<i>Update Requirements</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Provide an update on the progress of the Construction Traffic Management Plan (CTMP), noise and vibration management plan, and dust management plan relied upon in the assessment as part of the embedded mitigation measures for the Proposed Development.</li> <li>ii) To what extent have these been discussed with the relevant planning authorities or other parties responsible for their discharge.</li> <li>iii) Provide further detail on the form of any monitoring proposed in relation to the measures in the REAC [APP-056], including frequency, responsibilities, and details of any remedial actions in the event that measures are not performing as anticipated.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
PC.1.6	<i>Construction Environmental Management Plan</i> <b>The Applicant</b>	<p>Requirement 6 of the draft DCO [AS-059] requires the submission of a CEMP to be submitted and approved by the relevant planning authority. Documents to form part of the CEMP are set out in Requirement 6(2)(d) of the draft DCO. Requirement 6(2)(d)(viii) requires the submission of a Noise and Vibration Management Plan. However, details contained within the Outline CEMP [APP-129] are scant at best.</p> <p>Substantiate the Outline CEMP to provide more information on the Noise and Vibration Management Plan, including details of the measures expected to result in the “moderate” degree of noise reduction described in Section 6.1.5 of Appendix 13.3 of the ES [APP-121].</p>	
PC.1.7	<i>Noise Effects from Tree Loss</i> <b>The Applicant</b>	<p>Trees are known to help screen and filter noise. The Proposed Development would result in the loss of a significant number of trees.</p> <ul style="list-style-type: none"><li>i) Explain whether the noise assessments, particularly for Fordingbridge Park, Queen Elizabeth Country Park, Stakes Lane and Brewers Close, allow for the loss of these trees.</li><li>ii) If they did not, explain why not and whether the results of those assessments differ if the tree loss was included in the assessment.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		N.B – There is an overlap between this question and questions PC.1.11 and PC.1.13 you may therefore wish to provide a combined response to these questions.	
PC.1.8	<i>Working Hours</i> <b>The Applicant</b> <b>All Relevant Planning Authorities</b>	<p>The proposed hours of work are 4 hours longer than a standard working day and would operate 6 days a week [APP-128].</p> <p><u>To the Applicant:</u></p> <ul style="list-style-type: none"><li>i) Advise why the extended working hours would be required.</li><li>ii) Confirm that there would be no working on public as well as bank holidays.</li><li>iii) What action is proposed to minimise the effect of deliveries and construction on the living conditions of residential properties particularly between the hours of 07:00 and 09:00.</li><li>iv) Paragraphs 1.1.30 and 1.1.31 of the CoCP [APP-128] list a number of circumstances where working outside of these hours/days would be required. Explain the frequency that this may occur and what measures are proposed to inform residents when this does occur and what measures are proposed to minimise any harm to living conditions that may occur as a result of these alternative working hours.</li></ul> <p><u>To All Relevant Planning Authorities:</u></p> <ul style="list-style-type: none"><li>v) Comment on the working hours proposed.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
<b>Air Quality</b>			
PC.1.9	<i>Air Quality Effects</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) Provide further justification for the assumption that air quality effects can be ruled out of the assessment of community disruption, and why this approach differs from that taken for other environmental effects e.g. noise and vibration where residual effects (following the application of embedded mitigation measures in the REAC) are used to inform the assessment.</li><li>ii) Explain to what degree has consultation informed the approach to the assessment.</li></ul>	
PC.1.10	<i>Air Quality Effects</i> <b>The Applicant</b>	Explain the implications to the air quality assessment of unexpected reduction in the effectiveness of the good practice measures proposed, taking into account probability and severity of any reduction. As part of this, set out the specific good practices measures that apply to each impact assessed.	
PC.1.11	<i>Tree Loss</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) Explain whether the air quality assessments undertaken for this scheme allow for the loss of these trees.</li><li>ii) If they did not, explain why not and would the results of those assessments differ if the tree loss was included in the assessment.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		N.B – There is an overlap between this question and questions PC.1.7 and PC.1.13 you may therefore wish to provide a combined response to these questions.	
<b>Human Health</b>			
PC.1.12	<i>Noise Effects</i> <b>The Applicant</b>	<p>The assessment of effects on Human Health (Appendix 13.4, [APP- 122]) states in Paragraph 1.5.16 that although adverse noise effects can impact on health, the short duration of works in each location leads to a conclusion of no significant effects on human health. The method for determining significance is not provided.</p> <p>Clarify how the conclusion of no significant effects on human health from noise impacts has been reached, including any criteria applied for determining the significance of effects.</p>	
PC.1.13	<i>Noise Effects</i> <b>The Applicant</b>	The assessment of effects on Human Health (Appendix 13.4, [APP-122]) considers the short-term effects of noise from construction on human health. However, the Proposed Development would result in the removal of a significant number of trees which in some locations (such as Queen Elizabeth Country Park, Fordingbridge Park and alongside the railway embankment in Stake Lane) provide an important filter for noise and air quality as well as a visual screen.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>i) Explain whether the long-term effects of the loss of these trees on human health has been considered.</p> <p>ii) if they were, signpost to where in the documentation this information can be found.</p> <p>iii) If these effects were not assessed, explain why not and what would be the outcome on the long-term effects on human health if they were.</p> <p>N.B – There is an overlap between this question and questions PC.1.7 and PC.1.11 you may therefore wish to provide a combined response to these questions.</p>	
PC.1.14	<i>Noise Levels</i> <b>The Applicant</b>	Indicate how the predicted increase in decibel levels have been determined from the traffic data with reference to any guidance used and an explanation of the baseline applied.	
PC.1.15	<i>Methodology</i> <b>The Applicant</b>	<p>i) Explain to what degree has Human Health been considered as part of the methodology of the other technical assessments listed in Paragraph 1.2.14 of Appendix 13.4 of the ES [APP-122] when reaching a conclusion of no significant effects.</p> <p>ii) Explain how robust the assumption in Paragraph 1.2.26 of Appendix 13.4 [APP-122] is which states that no significant effects on human health can arise if significant effects are excluded by these assessments.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
PC.1.16	<i>REAC</i> <b>The Applicant</b>	Indicate which measures in the REAC [APP-056] have been taken into account in the Human Health assessment. In particular indicate which measures in the REAC have been considered in the assessment of community disruption, including those related to air quality, traffic and transport, and noise and vibration.	
PC.1.17	<i>Greenspaces</i> <b>The Applicant</b>	<p>Chapter 13 of the ES [APP-053] considers the effects on greenspaces in relation to access, severance or availability in Appendix 13.4 (Human Health Technical Note) [APP-122]. Table 1.2 of Appendix 13.4 sets out the NHS Rapid Health Impact Assessment Tool criteria which have been applied to the assessment. Against the criteria 'access to open space and nature' Table 1.2 states that this is assessed in Chapter 12 Land Use [APP-052] and Chapter 13 People and Communities [APP-053] and significant effects discussed in the Technical Note. However, no further discussion is provided.</p> <ul style="list-style-type: none"><li>i) Provide detail as to what impacts are anticipated on these receptors and what mitigation is proposed.</li><li>ii) Provide an assessment of residual effects and a determination of their significance. Explain how human health impacts have been considered in the assessment.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		iii) Set out how consultation with stakeholders has informed the assessment.	
PC.1.18	<i>Landfill Routing</i> <b>The Environment Agency</b>	Respond to the issues raised by RR-182 regarding the routing of the Proposed Development through an inert landfill site and how this would affect the current Environmental Permit for the site.	
PC.1.19	<i>Scope of Assessment</i> <b>The Applicant</b>	<p>The NHS Hounslow Clinical Commissioning Group in its written submission [AS-031] raises concerns about the health impact of the proposal particularly arising from construction activity and from the risk of major accidents and natural disasters. In particular, it is stated that the proposal has not been properly assessed with respect to the use of Greater London Authority (GLA) data to assess the baseline conditions.</p> <p>Respond.</p>	
<b>Leisure and Recreation</b>			
PC.1.20	<i>Effects on Sports Grounds</i> <b>The Applicant</b>	<p>Concerns have been raised by the Independent Educational Association Limited in its RR [RR-095] that the Proposed Development would prevent the future use of sports grounds.</p> <p>Confirm if the existing pipeline runs under any sports ground/playing fields and if there have been any incidents in relation to the pipeline that have prevented these facilities from being used for sport.</p>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
PC.1.21	<i>Effects on Sports Grounds</i> <b>The Applicant</b>	<p>The Proposed Development would run through a number of playing fields and sports pitches.</p> <ul style="list-style-type: none"><li>i) Confirm if the Proposed Development would result in the permanent loss of any playing fields or sports pitches.</li><li>ii) Where the route of the Proposed Development would run through a playing field or sports pitch, explain how long it would be unavailable for use including the time needed for construction and reinstatement/reseeding.</li><li>iii) Where a playing field or sports pitch would be unavailable, what alternative provision would be made for the duration of the closure.</li></ul>	
PC.1.22	<i>Effects on Sports Grounds</i> <b>Sport England</b>	<p>Paragraphs 16.4.1 to 16.4.70 of the Planning Statement [APP-132] describe 17 priority open spaces where the construction of the replacement pipeline was considered to have potential impacts needing detailed assessment.</p> <ul style="list-style-type: none"><li>i) Explain whether there has been engagement with the Applicant.</li><li>ii) If so, explain the advice provided with regards to the potential effect of the Proposed Development on sports provision, with particular reference to development on playing fields and sports pitches.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		iii) If not, comment on the potential effects that the Proposed Development may have on sports provision with particular reference to playing fields.	
PC.1.23	<i>Effects on Sports Grounds</i> <b>The Applicant</b>	Respond to the comments made by Abbey Rangers in its written submission [AS-065] regarding the potential effect of the proposal on their facilities and the sports opportunities that they provide.	
PC.1.24	<i>Chertsey Meads</i> <b>The Applicant</b>	Respond to Runnymede Council's RR [RR-212] regarding the effects of construction on access to and use of Chertsey Meads.	
PC.1.25	<i>Effects on Golf Courses</i> <b>The Applicant</b>	Table 16.3 of the Planning Statement [APP-132] identifies 7 golf courses within the Order Limits which would be affected by the Proposed Development. Table 12.5 in the ES indicates that there are 5 golf courses in the study area.  Clarify.	
<b>Housing</b>			
PC.1.26	<i>Hartland Village</i> <b>Hart District Council</b>	St Edward Homes [RR-225] and [AS-040] have raised a concern that the location of a proposed logistics hub and site compound area would prevent the delivery of housing at the site.  Respond.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
PC.1.27	<i>Hartland Village</i> <b>The Applicant</b>	i) Provide a plan overlaying the location of the proposed logistics hub/construction compound with the indicative masterplan for Hartland Village.  ii) Respond to St Edward Homes comments [RR-225 and AS-040] as to why the proposed logistics hub would prevent the development of Hartland Village.	
PC.1.28	<i>Hartland Village</i> <b>St Edward Homes</b>	Set out the proposed phasing for Hartland Village, including indicative commencement and completion dates for each phase and explain why the proposed logistics hub/construction compound would prevent the delivery of 745 houses given the proposed location of the logistics hub/construction compound on the eastern part of the site.	
<b>QUEEN ELIZABETH COUNTRY PARK AND TURF HILL</b>			
<i>Please note that in addition to these specific sections there are a limited number of questions relating to both Queen Elizabeth Country Park and Turf Hill located in other sections.</i>			
<b>Queen Elizabeth Country Park</b>			
QE.1.1	<i>Play Provision</i> <b>The Applicant</b>	Sheet 34 of the Works Plans [AS-048] would appear to necessitate the removal of the play area in Queen Elizabeth Country Park:  i) Confirm if it would be necessary to remove or temporarily close the play area during the proposed construction period.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		ii) If it would need to be closed or removed, what alternative provision would be made for play for the duration of the construction period.  iii) If the play area is to be removed, would it be reinstated after the Proposed Development has been completed and if not, what alternative/replacement provision is proposed and where would this be located.  iv) Confirm that the reinstatement of the play provision is secured in the draft DCO [AS-059].	
QE.1.2	<i>Tree Removal</i> <b>The Applicant</b>	Confirm the total number of trees to be removed during the construction of the proposed pipeline route at Queen Elizabeth Country Park.	
QE.1.3	<i>Location of Route</i> <b>The Applicant</b>	A large number of RRs have raised concerns about the route for the Proposed Development across Queen Elizabeth Country Park. On their Unaccompanied Site Inspection (USI) the ExA observed this to be a well-used space with a busy children's play area and significant number of mature trees that contributed positively to the character of the area. The ExA is concerned about the route of the Proposed Development across this space and the potential effects it would have on local communities. Chapter 4 of the ES gives no assessment of the alternative routes considered to specifically avoid this public space.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<ul style="list-style-type: none"> <li>i) Explain whether other route locations were considered to avoid the use of this community open space.</li> <li>ii) Explain why the working width was not minimised here, as at other locations where trees and hedges are to be retained to limit the land take and minimise loss of trees.</li> </ul>	
QE.1.4	<i>Tree Survey</i> <b>The Applicant</b>	Respond to the concerns raised in RR-102 regarding inaccuracies in the data submitted with regards to the plotting of the tree groups in Queen Elizabeth Country Park, Farnborough in Appendix 10.2 [APP-115].	
QE.1.5	<i>Trenchless Techniques</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Explain whether trenchless techniques were considered for construction of the Proposed Development at Queen Elizabeth Country Park.</li> <li>ii) Explain why they were discounted.</li> <li>iii) Consider trenchless techniques for the said areas given the effect on tree loss.</li> </ul>	
QE.1.6	<i>Access to Open Space during Construction</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Confirm whether public access to Queen Elizabeth Country Park would be restricted/prevented during construction</li> <li>ii) If so, confirm for how long it would be unavailable and whether alternative provision would be provided.</li> <li>iii) Explain whether access would be able to be maintained if a trenchless technique was used.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
<b>Turf Hill</b>			
TH.1.1	<i>Tree Removal</i> <b>The Applicant</b>	Confirm the total number of trees to be removed during the construction of the proposed pipeline route at Turf Hill.	
TH.1.2	<i>Tree Removal</i> <b>The Applicant</b>	<p>A large number of RRs have expressed concern that the Applicant's decision to re-route the proposed pipeline in Turf Hill was done without adequate consultation and would result in the loss of a significant number of trees. Chapter 10 of the ES [APP-064] makes no reference to the effects of the loss of trees in this location.</p> <ul style="list-style-type: none"> <li>i) Explain how and where the landscape and visual effects of the loss of trees at Turf Hill Park have been assessed in the ES [APP-064].</li> <li>ii) If they have not been assessed, explain whether an absence of an assessment undermines the conclusions of the ES; or</li> <li>iii) If such assessment has been undertaken and not provided, submit it into the Examination.</li> </ul>	
TH.1.3	<i>Route Change</i> <b>The Applicant</b>	A large number of RRs have raised concerns that the route for the Proposed Development across the area of bridleway at Turf Hill was done so at the last moment and without consultation with local residents. The Applicant states that the route changed as a result of the need to avoid sand lizard populations on the original proposed route.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>When the sand lizards became an issue, explain whether other route locations were considered to avoid use of the bridleway.</p> <p>N.B – There is overlap between this question and TH.1.7 you may therefore wish to provide a combined response to both questions.</p>	
TH.1.4	<i>Trenchless Techniques</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Explain whether trenchless techniques were considered for construction of the Proposed Development at Turf Hill.</li> <li>ii) Explain why they were discounted.</li> <li>iii) Consider trenchless techniques for the said area given the effect of tree loss.</li> </ul>	
TH.1.5	<i>Coleville Gardens and Herons Court</i> <b>The Applicant</b>	<p>Paragraph 13.3.10 of the Planning Statement [APP-132] states that the proposed route utilises a track along the southern edge of the housing area in Coleville Gardens and Herons Court to “avoid particularly sensitive protected habitat alongside the existing pipeline” with the route refinement shown in Illustration 13.3. Paragraph 13.7.11 and Appendix 7.10 of the Consultation Report [APP-038] also provide an outline of how the proposed route was chosen.</p> <p>Explain why alternatives to these routes were rejected.</p>	
TH.1.6	<i>Sand Lizards</i> <b>The Applicant</b>	<p>Paragraphs 7.3.127 to 7.3.131 of the ES [APP-047] address rare reptiles and specifically the sand lizard. Desk studies indicate that the sand lizard is present at Chobham Common</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>SSSI/National Nature Reserve (NNR) and Colony Bog and Bagshot Heath SSSI, specifically Unit 5 of the SSSI known as Turf Hill. It is stated that the route passes through the Turf Hill unit of the SSSI, although the habitats within the Order Limits are unsuitable for the species as they are dominated by plantation Scots pine.</p> <p>i) Clarify why no field surveys were undertaken in respect of rare reptiles, when surveys were undertaken of common reptiles.</p> <p>ii) Explain whether field surveys would have helped to establish how far the species extended.</p>	
TH.1.7	<i>Sand Lizards</i> <b>The Applicant</b>	<p>Paragraph 7.5.196 of the ES [APP-047] states that "vegetation clearance would be required in advance of construction works...to facilitate the movement of construction plant and to displace wildlife from the working area (e.g. reptiles)".</p> <p>Explain why it would not be possible to relocate sand lizards in the vicinity of Turf Hill to another location.</p> <p>N.B – There is overlap between this question and TH.1.3 you may therefore wish to provide a combined response to both questions.</p>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
TH.1.8	<i>Sand Lizards</i> <b>The Applicant</b> <b>Natural England</b>	<p>Numerous RRs relating to the Turf Hill area of Lightwater refer to advice in a report from NE that resulted in the need to re-route the Proposed Development due to the presence of sand lizards.</p> <p>The Applicant and NE are required to provide a copy of any advice from NE which led to the identification of proposed route, being a combination of options F1a and F1b, as outlined in Appendix 7.10 of the Consultation Report [APP-038].</p>	
TH.1.9	<i>Sand Lizards</i> <b>The Applicant</b> <b>Natural England</b>	<p>In Chapter 7 of the ES [APP-047] there is a reference in Table 7.6 to meetings on 18-19 October 2018 with NE to discuss, among other sites, the Colony Bog and Bagshot Heath SSSI and Turf Hill.</p> <p>Explain why there is no reference to this further advice in the additional submission [AS-030] provided to the Examination, dated 26 July 2019.</p>	
TH.1.10	<i>Sand Lizards</i> <b>Natural England</b> <b>Surrey Heath Borough Council</b>	<p>Numerous RRs have referred to the fact that the Sand Lizards were 'recently' reintroduced into the Turf Hill/Lightwater area.</p> <p>Provide details of this programme including: the reason why they were reintroduced; when they were reintroduced; the areas which were repopulated; and the numbers that were introduced.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
TH.1.11	<i>Colony Bog and Bagshot Heath SSSI</i> <b>The Applicant</b>	Figure A7.1.145 [APP-081] is a site plan of the Colony Bog and Bagshot Heath SSSI.  Reproduce the Figure showing the boundaries of the subsites, and in particular the Turf Hill subsite, more clearly.	
TH.1.12	<i>Bats</i> <b>The Applicant</b>	Numerous RRs have mentioned the presence of bats in the trees that would need to be removed to enable the route in the Turf Hill/Lightwater area.  i) Given the late change in the route, explain whether any bat surveys were undertaken for this area.  ii) If so, provide a copy or signpost where in the application documentation that this information can be found.	
TH.1.13	<i>Flooding</i> <b>The Applicant</b>	Numerous RRs relating to the Turf Hill area of Lightwater refer to an existing flooding problem in the area and the possibility of flooding occurring as a result of the removal of trees along the bridleway to the rear of Colville Gardens and Herons Court.  i) Confirm whether there are known flooding problems in this area and if so, provide details.  ii) Reference where the removal of trees in this area has been assessed in the FRA and demonstrate what the impact of their removal would be on adjoining residential properties.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
TH.1.14	<i>Environmental Assessment</i> <b>The Applicant</b>	i) Confirm the environmental effects from the route change at Turf Hill have been assessed in the ES. ii) If they have, signpost where this assessment can be found; or iii) If not, provide the assessment and indicate whether this affects the conclusions of significant effects in the ES.	
<b>SAFETY AND SECURITY</b>			
SS.1.1	<i>Blast Zones and Leakages</i> <b>The Applicant</b>	Respond to [RR-024] and [RR-199] and the points raised in respect to health and safety, including blasts, leakages and the reliance on the biodegrading qualities of diesel to conclude low risk.	
SS.1.2	<i>Emergency Planning</i> <b>The Applicant</b>	Respond to [RR-281] in respect to emergency planning and Surrey County Council's concerns that the multi-agency measures are in place to respond to pipeline incidents and to confirm the statutory responsibility for the "Major Hazards Pipeline Plan".	
SS.1.3	<i>MoD Land</i> <b>The Applicant</b>	Respond to the MoD's concerns raised in their RR [RR-200] and Additional Submission [AS-039] and at the Preliminary Meeting [EV-002] in relation to the ability for them to maintain their operations.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
SS.1.4	<i>MoD Land</i> <b>The MoD</b>	<p>In the written submission [AS-039] and at the PM [EV-002] it is indicated that there may be a requirement for a closed hearing. Due to the implications for the Examination timetable, the ExA would wish to be notified of any forthcoming request by Deadline 1, Thursday 24 October 2019.</p> <p>Provide a response by the required Deadline.</p>	
SS.1.5	<i>Construction Effects</i> <b>The Applicant</b>	<p>Large sections of the proposed route would be publicly accessible. In response to concerns raised at the Preliminary Meeting [EV-002], explain what procedures and processes are proposed to ensure the safety of the general public during construction or signpost where in the Application documentation this information can be found.</p>	
<b>SCOPE OF DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT</b>			
EIA.1.1	<i>Design Parameters</i> <b>The Applicant</b>	<p>The Proposed Development includes permanent above ground facilities comprising a pigging compound, valves, a pressure transducer, cathodic protection transformer rectifier cabinets, cathodic protection test posts, industry standard marker posts, colour-coded flight marker posts, installation of a replacement booster pump at Alton Pumping Station and modification of an existing pigging station at the West London Terminal Storage Facility.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		<p>i) Confirm what design parameters e.g. maximum heights and widths, have been assumed for these elements of the Proposed Development in the assessment of effects and how these relate to design details secured through the draft DCO [AS-059].</p> <p>ii) Confirm how the parameters of the pipeline e.g. wall diameter, wall thickness, and installation depth set out in the ES would be secured through the draft DCO [AS-059].</p>	
EIA.1.2	<i>Permanent Lighting</i> <b>The Applicant</b>	<p>The Proposed Development includes permanent lighting at the proposed pigging compound.</p> <p>Confirm what assumptions have been made on the height, design and hours of operation of such lighting and confirm where this lighting would be secured in the draft DCO [AS-059].</p>	
EIA.1.3	<i>Working Width</i> <b>The Applicant</b>	<p>Chapter 3 of the ES [APP-043] defines the working width of the pipeline corridor as being 36m where adjacent to Esso's existing pipeline, 30m where the replacement pipeline moves away from the existing pipeline, and a greater (undefined) width where geology requires.</p> <p>Confirm what these geological requirements are, what would be the maximum working width of corridor that would be required as a result,</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		whether these would be contained within the Order Limits and whether a worst-case assessment of potential environmental effects relating to this issue is presented in the ES.	
EIA.1.4	<i>Logistic Hubs</i> <b>The Applicant</b>	<p>The construction of the Proposed Development includes logistics hubs and temporary construction compounds with office, welfare and security facilities.</p> <p>Confirm the maximum sizes and heights for structures as assessed in the ES and confirm how these parameters relevant to the worst-case assessment in the ES would be secured through the draft DCO.</p>	
EIA.1.5	<i>Trench Backfilling</i> <b>The Applicant</b>	<p>Chapter 3 of the ES [APP-043] states that after pipe laying the trench would be backfilled with subsoil arisings and compacted. At paragraph 3.4.70 a commitment is made to the restoration of existing sub surface drainage, such as field drains, and the loosening of sub soil. However, these measures are not reflected in the REAC [APP-056] or CoCP [APP-128].</p> <p>Clarify how measures to render the pipeline corridor suitable for agricultural purposes or the reinstatement of planting following completion of construction would be secured, with reference to the draft DCO, the REAC and CoCP.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
EIA.1.6	<i>Decommissioning the Existing Pipeline</i> <b>The Applicant</b>	<p>Noting that decommissioning of the existing pipeline has not been identified as an “other development” for the purposes of the ES cumulative assessment [APP-055], [APP-125] and [APP-127], confirm the following:</p> <p>v) ES Chapter 3 [APP-043] explains that “an appropriate decommissioning strategy” would be implemented for the existing pipeline. a) When is such a strategy likely to be implemented and is there any potential that this could overlap temporally with the Proposed Development; and b) If the existing pipeline would be left in situ what types of impact are likely to occur from its decommissioning; and</p> <p>vi) In light of the Applicant’s answers to a) and b) above, whether there is any potential for decommissioning of the existing pipeline to result in cumulative effects together with the Proposed Development</p>	
EIA.1.7	<i>Cumulative Effects</i> <b>All Relevant Planning Authorities</b>	<p>i) Comment on the long list of other developments that have the potential to lead to inter-project cumulative effects at Appendix 15.1 of the ES [APP-125].</p> <p>ii) Confirm that potential inter-project cumulative effects have been fully assessed in the ES.</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
EIA.1.8	<i>Cumulative Effects</i> <b>All Interested Parties</b>	Confirm the ES [APP-055] to [APP-127] and the HRA report [APP-130] and [APP-131] have adequately assessed the cumulative or in-combination effects that could arise from other development, plans and projects along the proposed route.	
EIA.1.9	<i>Carbon Assessments</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) Explain how the carbon assessment has informed the ES including the assessment of effects on people and communities. The assessment of greenhouse gas (GHG) emissions is focussed solely on CO<sub>2</sub> and no explanation is given as to why other GHG emissions are not considered. Can the Applicant explain why impacts to climate from other GHGs associated with the Proposed Development are not assessed in the ES.</li><li>ii) Explain the information source used to provide the values given for tonnes of CO<sub>2</sub> so that it can be understood how these values have been derived.</li><li>iii) Explain the relevance of the use of 2017 CO<sub>2</sub> emissions values in the assessment and how the results of the assessment relate to the UK Carbon Budgets (for both construction and operation of the Proposed Development), which are based on 1990 emissions. Please explain how the results may be affected by the 2019 update on progress against the Carbon Budgets and the</li></ul>	



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
		commitment made to net-zero carbon emissions.	
EIA.1.10	<i>Methodology of Carbon Assessments</i> <b>The Applicant</b>	Explain the methodology used to determine the significance of effects applied to the carbon emissions assessment.	
EIA.1.11	<i>Works 2A to 2O</i> <b>The Applicant</b>	With reference to the 'indicative' locations of Works 2A and 2O, explain whether a situation could arise where the final location of these works would result in a likely significant effect beyond that which has been assessed in the ES.	
EIA.1.12	<i>Works 2A to 2O</i> <b>The Applicant</b>	Works 2A to 2O states that the respective areas for valves and associated works are located at indicative points on the respective Works Plans [AS-046], [AS-047] and [AS-048]. i) Clarify whether such indicative locations will be defined. ii) Explain the maximum dimensions that have been assumed for these Works. iii) Clarify if these maximum dimensions are or should be secured in the draft DCO [AS-059].	
EIA.1.13	<i>Works 3A to 3C</i> <b>The Applicant</b>	Works 3A to 3C states that the respective above-ground installation and pipework, valves and vessels at the existing compounds are located at indicative points on the respective Works Plans [AS-046], [AS-047] and [AS-048]. Chapter 3 of the ES [APP-043] indicates that permanent lighting will be required at Work 3A; however,	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>there is no mention of this in the draft DCO [AS-059].</p> <ul style="list-style-type: none"> <li>i) Clarify whether such indicative locations will be defined.</li> <li>ii) Explain the maximum dimensions that have been assumed for these Works.</li> <li>iii) Clarify if these maximum dimensions are or should be secured in the draft DCO [AS-059].</li> <li>iv) Confirm whether permanent lighting would be required and if so, make an additional Requirement for it.</li> </ul>	
EIA.1.14	<p><i>Works 4A to 4AE and 5A to 5T</i></p> <p><b>The Applicant</b></p>	<p>Works 4A to 4AE and 5A to 5T states that the respective areas for temporary compounds are located at indicative points on the respective Works Plans [AS-046], [AS-047] and [AS-048].</p> <ul style="list-style-type: none"> <li>i) Clarify whether such indicative locations will be defined.</li> <li>ii) Explain the maximum dimensions that have been assumed of these works.</li> <li>iii) Clarify if these maximum dimensions are or should be secured in the draft DCO [AS-059].</li> </ul>	
EIA.1.15	<p><i>Works 6A to 6C and 7A to 7C</i></p> <p><b>The Applicant</b></p>	<p>Works 6A to 6C and 7A to 7C states that the respective areas for the temporary logistics and construction materials storage hubs are located at indicative points on the respective Works Plans [As-046], [AS-047], and [AS-048].</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>i) Clarify whether such indicative locations will be defined.</li> <li>ii) Explain the maximum dimensions that have been assumed of these works.</li> <li>iii) Clarify if these maximum dimensions are or should be secured in the draft DCO [AS-059].</li> <li>iv) Detail how long the proposed hubs would be in place for and how their removal would be secured by the draft DCO.</li> </ul>	
EIA.1.16	<i>Works 8A to 8CY, 9A to 9AV, 10A to 10J and 11A to 11E</i> <b>The Applicant</b>	Clarify that Works 8A to 8CY, 9A to 9AV, 10A to 10J and 11A to 11E state that the respective areas for permanent construction accesses are all defined by 'indicative' locations shown on the Works Plans [AS-046], [AS-047] and [AS-048]. Clarify whether such indicative locations are contained within the Order Limits.	
<b>TRAFFIC AND TRANSPORT</b>			
TT.1.1	<i>Construction Traffic Management Plan</i> <b>The Applicant</b>	<p>Requirement 7 of the draft DCO [AS-059] requires the submission and approval of a Construction Traffic Management Plan (CTMP) in accordance with the REAC which is contained within Chapter 16 of the ES [APP-056]. Although the Applicant relies on the measures contained within the CTMP to mitigate transport effects, no outline document is before the Examination.</p> <ul style="list-style-type: none"> <li>i) Justify the approach that no outline submission is before the ExA, particularly as it must be approved by numerous relevant Highway and Planning authorities.</li> </ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<ul style="list-style-type: none"> <li>ii) Explain how the ExA and relevant planning authorities can be satisfied and take any confidence that its measures would be capable of adequately mitigating traffic matters.</li> <li>iii) Provide an Outline CTMP, listing measures that would be secured, drawings to be prepared, and detailing consultation that would be undertaken and with whom.</li> <li>iv) If an Outline CTMP is to be provided, explain whether it should form a Certified Document in Schedule 11 of the draft DCO [AS-059] and update accordingly.</li> </ul>	
TT.1.2	<i>Construction Traffic Management Plan</i> <b>All Relevant Highway and Planning Authorities</b>	Comment on the absence of an Outline CTMP in the Examination and whether it is agreed that such a document can be submitted as part of the discharge of Requirement 7 of the draft DCO [AS-059].	Highways England considers that an outline CTMP is necessary and that the Applicant should provide a draft as quickly as possible.
TT.1.3	<i>Removal of Spoil</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Confirm whether any vehicle movements associated with the removal of excavated spoil from the pipeline construction corridor, as confirmed by Table 1.2 of Appendix 13.1 [APP-119], have been allowed for in the assessment of traffic movements during the construction period.</li> <li>ii) Clarify the likely traffic generation that would arise from the removal/deposition of such waste.</li> </ul>	Highways England would like to know how many vehicle movements would be generated from the boring under the A30 (T) as ultimately these may need to access the A30 (T) to access/leave the site.

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
TT.1.4	<i>Study Areas</i> <b>The Applicant</b>  <b>All Relevant Highway and Planning Authorities</b>	<u>To the Applicant:</u> i) Confirm that the Traffic and Transport assessment study area [APP-135] is established relevant to the locations of the proposed logistics hubs, construction compounds and where works are within roads which are anticipated to exceed four weeks in duration.  <u>To All Relevant Highway and Planning Authorities:</u> i) Explain whether the extent of the study area for this assessment is acceptable.	Highways England considers that the Study Area within the Traffic and Transport assessment [APP-135] is acceptable for the purposes of assessing the impact of the proposed development on the Strategic Road Network (SRN).
TT.1.5	<i>Missing Appendix</i> <b>The Applicant</b>	Provide Appendix 3 (Transport Assessment Scoping Report) to the Transport Assessment [APP-135].	
TT.1.6	<i>Screening process</i> <b>The Applicant</b>	Explain the screening processes undertaken with the relevant Highways Authorities for excluded the locations listed in Appendix 8 [APP-135] from the assessment	
TT.1.7	<i>Road Work Disruption</i> <b>The Applicant</b>	i) With particular reference to Tables A2.1 and A2.2 in the Transport Assessment [APP-135] explain the certainty and levels of sensitivity to the Assessed Locations used throughout the assessment.  ii) It is noted in Footnote 1 in Table A2.2 that St. Catherine's Road is assumed to	

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>be completed at a slower rate than other urban locations. It is therefore assumed in the scoping exercise missing from Appendix 3 that there has been a similar assessment of all streets and highways that would be affected by the works. If not include the assessment that has been done in response to this question.</p> <p>iii) Confirm an apparent error in Table A2.2 Balmoral Drive column 4 which should read 375 and not 37.</p>	
TT.1.8	<p><i>Methodology</i>  <b>The Applicant</b></p>	<p>Explain further the methodology outlined in Section 4 of the Transport Assessment [APP-135] with respect to whether the future baseline without the Proposed Development can be considered to represent a realistic worst-case for the assessment of journey times and collisions from traffic management and diversion impacts.</p>	
TT.1.9	<p><i>Assumptions on Road Diversions</i>  <b>The Applicant</b></p>	<p>Justify the assumptions made in the assessments contained within the Transport Assessment [APP-135] as stated in paragraph 6.1.1 and used throughout the assessment regarding severe traffic effects and road diversions and explain the apparent discrepancy between Appendix 13.1 [APP-119] and Appendix 13.2 paragraph 1.6.22 [APP-120] in this regard.</p>	
TT.1.10	<p><i>Construction Activity</i>  <b>The Applicant</b></p>	<p>Explain when the worst-case for construction activity is anticipated to be and how this has been</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		established with respect to the anticipated phasing and duration of the construction works.	
TT.1.11	<i>Heavily-Trafficked Roads</i> <b>The Applicant and All Relevant Highway and Planning Authorities</b>	<p>Paragraph 1.1.4 of the Planning Statement [APP-132] refers to the selection criteria for when trenchless as opposed to open cut techniques would be used. Amongst other things this includes 'heavily trafficked roads.</p> <p><u>To the Applicant:</u></p> <p>i) Explain the criteria which determined roads which are deemed to be 'heavily trafficked'</p> <p><u>To All relevant Highway and Planning Authorities:</u></p> <p>ii) Confirm the roads selected as being correct.</p> <p>iii) Explain whether additional roads could be defined as 'heavily trafficked' and should benefit from trenchless crossings and if so, why.</p>	ii)& iii) Highways England understands from the Applicant that all affected sections of the SRN will benefit from trenchless crossings. Detailed discussions with the Applicant are ongoing in this respect. It is anticipated that a Statement of Common Ground between the Applicant and Highways England and Protective Provisions for the benefit of Highways England covering this and other matters will be submitted to the ExA in due course.
TT.1.12	<i>Cove Road</i> <b>The Applicant</b>	RR-118 suggests that the change in route for the Cove Road section may have been undertaken for financial rather than technical reasons as it would enable the use of open cut as opposed to trenchless techniques even though this would potentially cause more disruption to road users. Respond.	
TT.1.13	<i>Ashford Road and Woodthorpe Road</i> <b>The Applicant</b>	<p>With particular reference to both Ashford Road and Woodthorpe Road confirm the following:</p> <p>i) How residents, businesses and other users of Ashford Road and Woodthorpe Road would be affected during</p>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		<p>construction works and over what period of time.</p> <p>ii) The alignment of the Order Limits and the Limits of Deviation.</p> <p>iii) Whether the works would be contained entirely within the carriageway.</p> <p>iv) Whether tree removal is necessary and over what period of time would the trees be removed.</p> <p>v) How on street parking and access arrangements would be managed during construction.</p>	
TT.1.14	<i>Logistical Hubs</i> <b>The Applicant</b>	<p>Table 4.1 of the Planning Statement [APP-132] provides an estimate of the average number of two-way vehicle movements per working day at each proposed logistics hub.</p> <p>Provide an hourly breakdown.</p>	Highways England is interested to see the estimated hourly breakdown of two-way vehicle movements per working day at each proposed logistics hub.
TT.1.15	<i>Construction Traffic Routing</i> <b>All Relevant Planning Authorities</b>	<p>i) Comment on the extent to which the local community (including local businesses, schools and farms) might be affected by the construction traffic routeing, diversions and related arrangements as proposed by the Applicant.</p> <p>ii) Comment on the suitability of the local road network for the size, quantity and type of construction traffic which is proposed would use it.</p>	Highways England is interested to see the construction traffic routing from the trenchless crossing sites either side of the A30 (T).



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Highways England Response</b>
TT.1.16	<i>Rural Road Network</i> <b>All Relevant Highways Authorities</b>	i) Given the rural nature of the road network on the lower part of the route, comment on whether the road network is capable of taking the volume of traffic and loads proposed and would not be damaged as a result of the use by construction traffic; and ii) Explain who would be responsible for its repair if the road network were to be damaged by construction traffic. iii) Comment on the adequacy of mitigation proposed by the Applicant in the ES.	Highways England has no comments on TT.1.16.
TT.1.17	<i>Access to Properties</i> <b>The Applicant</b>	Explain how, during construction, parking, access (vehicular and pedestrian) for residents, businesses and emergency services would be managed and maintained where the Order Limits run along an existing road. If this information has been provided, signpost where in the Application documents it can be found. Make particular reference to the arrangements for Nash Close, Cove Road, Stake Lane, Brewers Close, Cabrol Road, Ship Lane, Ringwood Road, Balmoral Drive, St Catherine's Road, Frith Hill Road and Canford Drive.	
TT.1.18	<i>Balmoral Drive Diversion</i> <b>Surrey County Council</b>	In paragraph 3.1.7 of the Transport Assessment [APP-135] and other places in the assessment it is stated by the Applicant that the closure of Balmoral Drive to traffic while works are undertaken and the requirement for a diversion is at the request of the Highway Authority.	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

ExQ1	Question to:	Question:	Highways England Response
		Explain the reasoning for this closure.	
TT.1.19	<i>Balmoral Drive Diversion</i> <b>The Applicant</b>	<p>In paragraph 3.1.8 of the Transport Assessment [APP-135] the Balmoral Drive diversion route is detailed. This omits Field Lane.</p> <ul style="list-style-type: none"><li>i) Explain why parts of the assessment only include Buckingham Way and Frimley Green Road and not the whole route.</li><li>ii) Explain why later tables starting with Table 5.2 have Buckingham Way and Frimley Green Road separate from row entitled Balmoral Drive diversion route.</li></ul>	
TT.1.20	<i>Bus Journey Times</i> <b>The Applicant</b>	<ul style="list-style-type: none"><li>i) Explain why in Table 4.4 of the Transport Assessment [APP-135] reference is made to change in peak hour journey times, then changes in bus route distance of more than 400 meters is used in the assessment of impact on bus users as set out in paragraph 4.2.9. and outputted into Table 8.9.</li><li>ii) Explain how in paragraph 10.1.3 at the third bullet point the statement that bus services may experience delays of up to two minutes is evidenced.</li></ul>	

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019****ANNEX A****Southampton to London Pipeline Project: EN70005**

List of all objections to the grant of Compulsory acquisition OR TEMPORARY POSSESSION powers (ExQ1: Question CA1.2])

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
1	Mr Philip Collins	SLP-S570934	RR-050							
2	Mrs Anne Collins	SLP-S570935	RR-052							
3	Mrs Julie Appleton	SLP-S571162	RR-068							
4	Mr Anthony Vear	SLP-S571270	RR-070							
5	Clive Tosdeyine (RS Hill and Sons)	20022516	RR-071							
6	Mrs Dawn Vear	20022507	RR-072							
7	James Mayhew	20022514	RR-074							
8	Michael Newell	SLP-S570990	RR-076							
9	Miss Jane Clancy	SLP-S571021	RR-077							
10	Miss Sheena Judd	SLP-S570940	RR-078							
11	Mr Ashwin Hill	20022515	RR-079							
12	Mr David Mayhew	SLP-S571019	RR-080							
13	Mr Dennis Vear	20022509	RR-081							
14	Mr Eric John Newbury	SLP-S571187	RR-082							
15	Mr Gary F Simmonds	SLP-S570378	RR-083							
16	Mr Hilton Ramseyer	20022517	RR-084							
17	Mr Mark Dunford	SLP-S570985	RR-085							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
18	Mr Peter Taplin	SLP-S570698	RR-086							
19	Mr Richard Harvey	SLP-S570705	RR-087							
20	Mr Steve Gregory	SLP-S571177	RR-088							
21	Mrs Lynda Ramseyer	SLP-S571098	RR-089							
22	Mrs J F Roote	SLP-S571063	RR-092							
23	The Telling family	20022517	RR-174							
24	D J Squire Property and Investment Co	20022659	RR-188							
25	Mr D Greengrass	SLP-S570937	RR-202							
26	Mr M D Barnard	SLP-S570734	RR-204							
27	The Money family	20022658	RR-217							
28	Alexander Fraser Holdings Ltd	20022745	RR-221							
29	Mr M Fisher	SLP-S570868	RR-264							
30	The Foreman family	20022765	RR-284							
31	The Goggin Family	20022764	RR-285							
32	Joyce Harvey	SLP-S571279	RR-167							
33	Anne Janette Collins	SLP-S570935	RR-182							
34	Christopher John Butler	SLP-S571122	RR-186							
35	Elizabeth Ann Butler	SLP-S570910	RR-189							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
36	James Foot	SLP-S571005	RR-193							
37	Joan Lamise Denton-Thompson	SLP-S571212	RR-196							
38	Julie Anne Appleton	SLP-S571162	RR-197							
39	Lady Janet Diones Glover	SLP-S571006	RR-198							
40	Merrick Hugh Denton-Thompson	SLP-S571211	RR-199							
41	Patricia Ann Coggins	SLP-S571232	RR-207							
42	Paul Due Andersen	20022674	RR-208							
43	Philip Collins	SLP-S570934	RR-209							
44	Simon Barker	20022678	RR-213							
45	Stephen William Coggins	SLP-S571231	RR-214							
46	Susan Foot	20022691	RR-215							
47	Suzanne Pamela Anderson	20022676	RR-216							
48	Alexander McLeod Morton	SLP-S571192	RR-222							
49	Blanchard Properties Ltd	SLP-S570717	RR-226							
50	Deborah Ann Bonney	20022710	RR-232							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
51	Dennis Anthony Vear	SLP-S570957	RR-234							
52	Diana Vear	SLP-S570958	RR-235							
53	Dulce Whightman	20022730	RR-236							
54	Eric John Newbury	SLP-S571187	RR-272							
55	Froyle Land Ltd	SLP-S571159	RR-240							
56	Harold William Gerald Wyeth	SLP-S570783	RR-242							
57	Ian John Neville Robertson	SLP-S570766	RR-244							
58	Jane Clancy	SLP-S571021	RR-246							
59	Jeanette Louise Mercer	20022713	RR-247							
60	Jennifer Ruby Wyeth	SLP-S570784	RR-248							
61	John Paul Wiggins	SLP-S571111	RR-250							
62	Keith John Taylor	SLP-S571020	RR-253							
63	Lynne Roberta Swift	SLP-S570642	RR-255							
64	Mark Robert Gosney	SLP-S571266	RR-256							
65	Mary Wood	20022731	RR-257							
66	Matthew George Everly Morton	SLP-S571138	RR-258							
67	Richard James Bonney	20022711	RR-271							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
68	Richard Norman Smith	SLP-S571169	RR-273							
69	Stephen Kerry Mercer	SLP-S571183	RR-279							
70	Steven Gregory	SLP-S571177	RR-280							
71	Susan Margaret Wiggins	SLP-S571112	RR-282							
72	Victoria Katherine Gladstone	SLP-S570788	RR-286							
73	Victoria Gladstone	20022534	RR-096							
74	Mr C Butler	20022671	RR-201							
75	Mr T Glynn	SLP-S571243	RR-205							
76	Ms L Swift	SLP-S570642	RR-206							
77	Mr M J Mary	SLP-S570585	RR-265							
78	Anthony Porter	20022749	RR-223							
79	Bridget Batten	SLP-S571188	RR-228							
80	Christopher Holmes	SLP-S570881	RR-229							
81	Elizabeth Porter	SLP-S571070	RR-238							
82	Giles Porter	20022752	RR-241							
83	Mr E J Watts	SLP-S571117	RR-262							
84	Penn Croft Farms Ltd	SLP-S571071	RR-269							
85	Simon Porter	20022758	RR-275							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
86	West London Pipeline and Storage	20022440	RR-034							
87	Independent Educational Association Ltd	SLP-S571199	RR-095							
88	Spelthorne Borough Council	20022641	RR-172							
89	Ark Data Centre	20022637	RR-175							
90	Brett's Aggregates Ltd	20022655	RR-184							
91	Ministry of Defence	20022673	RR-200							
92	Archalyen Property Ltd	SLP-S570689	RR-224							
93	Bloor Homes Ltd	SLP-S570718	RR-227							
94	MHA Fleet Ltd	SLP-S571015	RR-259							
95	Network Rail Infrastructure Ltd	SLP-S571038	RR-268							
96	Derek Hammond	SLP-S571061	RR-039							
97	Sherbourne Developments Ltd	20022448	RR-043							
98	James Reed	SLP-S570799	RR-048							
99	Jonathan Rogers	SLP-S570414	RR-049							
100	Mr Yir Ziv	SLP-S570927	RR-051							
101	Charley Howell	20022494	RR-065							



**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
102	Christopher Piasecki	SLP-S570661	RR-066							
103	Marcus Cranstone	SLP-S570724	RR-075							
104	Rosemary Mostakhdemin	20022502	RR-090							
105	National Trust	SLP-S571208	RR-091							
106	Deidre Rook	SLP-S571055	RR-097							
107	Jen Rook	SLP-S571054	RR-099							
108	Mr James Foot	SLP-S571005	RR-100							
109	Mr John Potter	SLP-S571226	RR-101							
110	William Butler	SLP-S571256	RR-163							
111	Notcutts Ltd	SLP-S571045	RR-169							
112	Mrs J Fletcher	SLP-S570145	RR-178							
113	Bourne Education Trust	SLP-S570839	RR-183							
114	Janet Gaze	SLP-S570815	RR-195							
115	Runnymede Borough Council	SLP-S571120	RR-212							
116	Berkley St Edward (St Edward Homes)	20022768	RR-225							
117	Defence Infrastructure Organisation	SLP-S571102	RR-233							
118	South Eastern Power Networks	SLP-S571146	RR-278							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
119	Southern Water	SLP-S571150	RR-031							
120	Cobham Parish Council	20022461	RR-047							
121	National Grid Electricity Transmission PLC and National Grid Gas	SLP-S570147	RR-053							
122	Transport for London	20022490	RR-069							
123	Cadent Gas Ltd	SLP-S570756	RR-143							
124	Church Crookham Parish Council	SLP-S570773	RR-176							
125	Froyle Wildlife	20022693	RR-190							
126	Heathrow Airport Ltd	SLP-S570917	RR-191							
127	Highways England	SLP-S570924	RR-192							
128	Affinity Water Ltd	SLP-S570682	RR-219							
129	Aldi Stores	20022738	RR-220							
130	Environment Agency	SLP-S570961	RR-239							
131	Portsmouth Water	SLP-S571090	RR-270							
132	South Eastern Water Ltd (Cripps Pemberton Greenish LLP)	SLP-S571146	RR-277							

**ExQ1: 16 October 2019****Responses due by Deadline 2: Thursday 14 November 2019**

<b>Obj No.<sup>i</sup></b>	<b>Name/ Organisation</b>	<b>IP/AP Ref No<sup>ii</sup></b>	<b>RR Ref No<sup>iii</sup></b>	<b>WR Ref No<sup>iv</sup></b>	<b>Other Doc Ref No<sup>v</sup></b>	<b>Interest<sup>vi</sup></b>	<b>Permanent/ Temporary<sup>vii</sup></b>	<b>Plot(s)</b>	<b>CA<sup>viii</sup></b>	<b>Status of objection</b>
133	Surrey County Council	SLP-S570798	RR-281							
134	Thames Water Utilities Ltd	SLP-S571182	RR-283							
135	Rushmoor Borough Council	SLP-S571121	RR-293							
136	Dr John Upham	SLP-S571201	RR-005							
137	Hood estate	20022423	RR-023							
138	Mrs J Shutt	SLP-S570469	RR-056							
139	Stephen Mercer	SLP-S571032	RR-173							
140	Andrew Shylan	SLP-S570099	RR-181							
141	Steve Heath	20022791	RR-294							
142	Abbey Rangers Football Club	SLP-S570677			AS-065					

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each Relevant Representation (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land.
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented.
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

**ExQ1: 16 October 2019**

**Responses due by Deadline 2: Thursday 14 November 2019**

---

vii This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.

## PART [ ]

### FOR THE PROTECTION OF HIGHWAYS ENGLAND

#### **Application**

1. The provisions of this Part of this Schedule apply for the protection of Highways England and have effect unless otherwise agreed in writing between the undertaker and Highways England.

#### **Interpretation**

2.—(1) Where the terms defined in article 2 of this Order are inconsistent with subparagraph (2) below the latter prevail.

(2) In this Schedule—

“as built information” means one digital copy of the following information—

- (a) as constructed drawings in both PDF and AutoCAD DWG formats for anything designed by the undertaker; in compliance with Interim Advice Note 184 or any successor document;
- (b) list of suppliers and materials used, test results and CCTV surveys (CCTV to comply with DMRB standards);
- (c) product data sheets and technical specifications for all materials used;
- (d) as constructed information for any utilities discovered or moved during the works;
- (e) method statements for the works carried out;
- (f) in relation to road lighting, signs, and traffic signals any information required by Series 1300 and 1400 of the Specification for Highway Works or any replacement or modification of it;
- (g) organisation and methods manuals for all products used;
- (h) as constructed programme;
- (i) test results and records as required by the detailed design information and during construction phase of the project;
- (j) the health and safety file; and
- (k) other such information as is required by Highways England to be used to update all relevant databases and to ensure compliance with Highways England’s *Asset Data Management Manual* as is in operation at the relevant time.

“condition survey” means a survey of the condition Highways England structures, assets (including, but not limited to, drainage and cabling) and pavements that in the reasonable opinion of Highways England may be affected by a specified work

“contractor” means any contractor or sub contractor appointed by the undertaker to carry out the a specified work;

“the DBFO contract” means the contract between Highways England and the highway management contractor for the maintenance and operation of parts of the trunk road network (including the M3, M25 and A30) which are within the Order limits;

“detailed design information” means drawings specifications and calculations as appropriate for the following—

- (a) regime of California Bearing Ratio testing;

- (b) earthworks including supporting geotechnical assessments required by CD622 and any required strengthened earthworks appraisal form certification;
- (c) proposed departures from DMRB standards;
- (d) utilities diversions;
- (e) topographical survey;
- (f) maintenance and repair strategy in accordance with Designing for Maintenance Interim Advice Note 69/15 or any replacement or modification of it;
- (g) health and safety information including any asbestos survey required by GD05/16 or any successor document; and
- (h) other such information that may be reasonably required by Highways England to be used to inform the detailed design of a specified work.

“DMRB” means the Design Manual for Roads and Bridges or any replacement, revision or modification of it;

“the highway management contractor” means the management contractor appointed by Highways England under the DBFO contract;

“highways structure” means structures or installations within the scope of the DMRB and that are situated under, over or adjacent to a motorway or other trunk road

“nominated persons” means the undertaker’s representatives or the contractor’s representatives on site during the carrying out of a specified work as notified to Highways England from time to time;

“programme of works” means a document setting out the sequence and timetabling of a specified work;

“specified work” means so much of any work authorised by this Order, including any maintenance of that work, as is in, under, or is otherwise likely to adversely affect the trunk road network for which Highways England is the highway authority.

### **General:**

**3.—**(1) The undertaker acknowledges that parts of the works authorised by this order affect or may affect parts of the trunk road network in respect of which Highways England have appointed the highways management contractor.

(2) Notwithstanding the limits of deviation permitted pursuant to article 6 (1) of the Order and the exception to the limits of deviation set out in article 6((2) of this Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the trunk road network at a distance of less than 4 metres below the ground surface.

(3) Notwithstanding the powers granted to the undertaker pursuant to the Order, if the carrying out of any specified work will require any of the works listed in sub-paragraph (1)(a)-(e) of the Article 16 of the Order in relation to any highway for which Highways England are the highways authority, the undertaker must enter into an agreement with Highways England prior to the commencement of any such work.

### **Prior Approvals**

- 4.—**(1) no specified work may commence until:
- (a) the programme of works has been approved by Highways England
  - (b) the detailed design of a specified work comprising of the following details has been submitted to and approved by Highways England:-
    - (i) the detailed design information
    - (ii) details of any proposed road space bookings;

- (iii) (if details have been supplied pursuant to paragraph 4(ii) above) a scheme of traffic management; and
  - (iv) the identity of the contractor and nominated persons.
  - (c) (if the carrying out of a specified work requires the booking of any road space) a scheme of traffic management and a process for stakeholder liaison has been submitted by the undertaker and approved by Highways England such scheme to be capable of amendment by agreement between the undertaker and Highways England from time to time.
  - (d) any stakeholder liaison that may be required has taken place in accordance with the process for such liaison agreed between the undertaker and Highways England under sub-paragraph 4(1)(c) above;
  - (e) any further information that Highways England may reasonably request within 14 days of the submission of the detailed design of a specified work has been supplied to Highways England
  - (f) a condition survey and a regime of monitoring the structures, assets and pavements that were surveyed under the condition survey has been submitted to and approved by Highways England.
- (2) Highways England must prior to the commencement of a specified work inform the undertaker of the identity of the person who will act as a point of contact on behalf of Highways England for consideration of the information required under sub-paragraph (1)
- (3) Any approval of Highways England required by this paragraph:
- (a) must not be unreasonably withheld or delayed
  - (b) in the case of a refusal must be accompanied by a statement of grounds for refusal
  - (c) is deemed to have been refused if it is neither given or refused within two months of the submission relevant information (or of any further if such further information was requested by Highways England; and
  - (d) may be given subject to any reasonable requirements as Highways England consider necessary.
- (4) If, in the exercise of a power of survey pursuant to paragraph 19 of this Order, the undertaker requires the use of any road space, the undertaker must supply details of any proposed road space bookings and submit to Highways England and obtain the approval of Highways England of a scheme of traffic management prior to the exercise of the power.

### **Construction of the specified work**

**5.—(1)** The undertaker must, prior to commencement of a specified work, give to Highways England 28 days' notice in writing of the date on which the specified work will start unless otherwise agreed by Highways England.

(2) If the carrying out of any part of the authorised development requires the booking of road space, the undertaker must comply with Highways England's usual road space booking procedures prior to and during the carrying out the specified work and no specified work for which a road space booking is required shall commence without a road space booking having first been secured.

(3) Any specified work must be carried out to the satisfaction of Highways England in accordance with—

- (a) the relevant detailed design information and programme of works approved pursuant to paragraph 3(1) above or as subsequently varied by agreement between the undertaker and Highways England;
- (b) the DMRB, the Specification for Highway Works (contained within the Manual of Contract Documents for Highway Works) together with all other relevant standards as required by Highways England to include, inter alia, all relevant interim advice notes and any amendment to or replacement thereof for the time being in force save to the extent

that exceptions from those standards apply which have been approved by Highways England; and

- (c) any additional requirements of Highways England notified by Highways England to the undertaker pursuant to paragraph 4(3)(a) of this Part.

(4) The undertaker must, whilst a specified work is being carried out, ensure that without entering the highway:

- (a) the highway is kept free from mud, soil and litter; and  
the specified work is carried out without disturbance to the highway and so that the highway remains open for traffic at all times unless otherwise agreed with Highways England

(5) The undertaker must permit and must require the contractor to permit at all reasonable times persons authorised by Highways England (whose identity must have been previously notified to the undertaker by Highways England) to gain access to a specified work for the purposes of inspection and supervision of a specified work or method of construction of such work.

(6) If any specified work is constructed otherwise than in accordance with the requirements of this Part of this Schedule or in the carrying out of a specified work damage is caused to the highway, any highway structure or asset or any other land of Highways England, Highways England may by notice in writing require the undertaker, at the undertaker's own expense, to comply with the requirements of this Part of this Schedule or put right any damage notified to the undertaker under this Part of this Schedule.

(7) If within 28 days of the date on which a notice under sub-paragraph (6) is served on the undertaker, the undertaker has failed to take steps to comply with the notice, Highways England may carry out the steps required of the undertaker and may recover from the undertaker any expenditure reasonably incurred by Highways England in so doing, such sum to be payable within 28 days of demand.

(8) Highways England may, at its discretion, in its notice in writing to the undertaker given pursuant to sub-paragraph (6) state that Highways England intend to put right the damage notified to the undertaker, and if it intends to do so it shall give the undertaker not less than 7 days' notice of its intention to do so and Highways England may recover from the undertaker any reasonable expenditure incurred by Highways England in so doing.

(9) Nothing in this Part of this Schedule prevents Highways England from carrying out any work or taking any such action as it reasonably believes to be necessary as a result or in connection with of the carrying out of the authorised works without prior notice to the undertaker in the event of an emergency or to prevent the occurrence of danger to the public and Highways England may recover from the undertaker any reasonable expenditure incurred by Highways England in so doing.

## **Payments**

6.—(1) The undertaker must pay to Highways England a sum equal to the whole of any costs and expenses which Highways England incurs (including costs and expenses for using internal or external staff) in relation to any specified work including—

- (a) the checking and approval of the information required under 4(1);
- (b) the supervision of a specified work;
- (c) costs properly payable to the highway management contractor as a consequence of any specified work, including costs incurred by the highway management contractor in carrying out the tasks referred to at sub-paragraphs (a) and (b) of this paragraph, and costs incurred in payment of compensation or damages or otherwise arising from any proceedings, actions, claims, demands or liability made against Highways England by the highway management contractor; and
- (d) all legal and administrative costs in relation to (a), (b) and (c) above;
- (e) any value added tax which is payable by Highways England in respect of such costs and expenses and for which it cannot obtain reinstatement from HM Revenue and Customs,

together comprising “the HE costs”.



(2) The undertaker must pay to Highways England upon demand and prior to such costs being incurred the total costs that Highways England believe will be properly and necessarily incurred by Highways England in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing any specified work or that are incurred in connection with a specified work.

(3) Highways England must provide the undertaker with a schedule showing its estimate of the HE costs prior to the commencement of a specified work and the undertaker must pay to Highways England the estimate of the HE costs prior to commencing a specified work and in any event prior to Highways England incurring any cost.

(4) If at any time after the payment referred to in sub-paragraph (3) has become payable, Highways England reasonably believes that the HE costs will exceed the estimated HE costs in respect of a specified work it may give notice to the undertaker of the amount that it believes the HE costs will exceed the estimate of the HE costs (excess) and the undertaker must pay to Highways England within 28 days of the date of the notice a sum equal to the excess.

(5) Highways England must give the undertaker a final account of the costs referred to in sub paragraph (1) within 28 days of the undertaker notifying to Highways England that a specified work has been completed .

(6) Within 28 days of the issue of the final account:

- (a) if the final account shows a further sum as due to Highways England the undertaker must pay to Highways England the sum shown due to it;
- (b) if the account shows that the payment or payments previously made by the undertaker have exceeded the costs incurred by Highways England, Highways England must refund the difference to the undertaker.

(7) If any payment due under any of the provisions of this Part of this Schedule is not made on or before the date on which it falls due the party from whom it was due must at the same time as making the payment pay to the other party interest at 1% above the rate payable in respect of compensation under Section 32 of the 1961 Act for the period starting on the date upon which the payment fell due and ending with the date of payment of the sum on which interest is payable together with that interest.

### **Completion of a specified work**

7.—(1) Within 28 days of the completion of a specified work, the undertaker must arrange for the highway structures, assets and pavements that were the subject of the condition survey carried out in respect of the specified work to be re-surveyed and must submit the re-survey to Highways England for its approval.

(2) If the re-survey carried out pursuant to sub-paragraph 7(1) indicates that any damage has been caused to any highways structure or pavement, the undertaker must submit a scheme for remedial works to Highways England for its approval in writing, which must not be unreasonably withheld or delayed, and must carry out the remedial works at its own cost and in accordance with the scheme submitted.

(3) If the undertaker fails to carry out the remedial work in accordance with the approved schedule, Highways England may carry out the steps required of the undertaker and may recover from the undertaker any expenditure reasonably incurred by Highways England in so doing, such sum to be payable within 28 days of demand.

(4) Highways England may, at its discretion, at the same time as giving its approval to the condition survey, give notice in writing to the undertaker stating that Highways England will put right the damage identified by the condition survey the undertaker and Highways England may recover from the undertaker any reasonable expenditure incurred by Highways England in so doing.

(5) Within 10 weeks of the completion of a specified work, the undertaker must submit to Highways England the as built information.

(6) The undertaker must make available to Highways England upon request copies of any survey or inspection reports produced pursuant to any inspection or survey of any specified work following its completion that the undertaker may from time to time carry out.

### **Indemnification**

8.—(1) The undertaker must indemnify Highways England from and against all costs expenses damages losses and liabilities arising from or in connection with or ancillary to any claim demand action or proceedings resulting from:

- (a) The construction or maintenance of a specified work; and
- (b) The placing or presence in under the highways of the pipeline being constructed as part of the authorised development

PROVIDED THAT—

Highways England notifies the undertaker upon receipt of any claim; and following the acceptance of any claim notifies the quantum of the claim to the undertaker in writing.

(2) Within 14 days of the receipt of the notification referred to in sub-paragraph (1)(b) the undertaker must pay to Highways England the amount specified as the quantum of such claim.

(3) Sub-paragraphs (1) and (2) do not apply if the costs expenses liabilities and damages were caused by or arose out of the neglect or default of Highways England or its officers servants agents or contractors or any person or body for whom is responsible.

### **Expert Determination**

9.—(1) Article 42 (*arbitration*) does not apply to this Part of this Schedule.

(2) Any difference under this Part of this Schedule may be referred to and settled by a single independent and suitable person who holds appropriate professional qualifications and is a member of a professional body relevant to the matter in dispute acting as an expert, such person to be agreed by the differing parties or, in the absence of agreement, identified by the President of the Institution of Civil Engineers.

(3) All parties involved in settling any difference must use best endeavours to do so within 21 days from the date of a dispute first being notified in writing by one party to the other and in the absence of the difference being settled within that period the expert must be appointed within 21 days of the notification of the dispute.

(4) The expert must—

- (a) invite the parties to make submission to the expert in writing and copied to the other party to be received by the expert within 21 days of the expert's appointment;
- (b) permit a party to comment on the submissions made by the other party within 21 days of receipt of the submission;
- (c) issue a decision within 42 days of receipt of the submissions under paragraph (b); and
- (d) give reasons for the decision.

(5) Any determination by the expert is final and binding, except in the case of manifest error in which case the difference that has been subject to expert determination may be referred to and settled by arbitration under article 42.

(6) The fees of the expert are payable by the parties in such proportions as the expert may determine or, in the absence of such determination, equally.