

Deadline 2: Surrey Heath Borough Council Written Representation



**Esso Petroleum Company Limited Southampton to London Pipeline
Project Application for a Development Consent Order**

Project reference no. EN070005

November 2019

Introduction

1. This Written Representation supplements the Local Impact Report and sets out Surrey Heath Borough Council's (SHBC) position on the Southampton to London Pipeline Project in respect of the issues which the Council considers to be matters of on-going discussion or matters not agreed with the applicant. The Written Representation is structured on key topic areas.
2. The Council aspires to agree a comprehensive SoCG with Esso and is seeking to progress discussions with Esso in the near future. The Council will keep the Examining Authority appraised of progress. However, to avoid the avoidance of doubt, no agreed SoCG between Esso and Surrey Heath Borough Council is being submitted for Deadline 2.
3. For the benefit of the Examining Authority, a draft Statement of Common Ground, which has been signed by the Council, but which has **not been signed or agreed by Esso**, is attached as Appendix 1. The Council will continue to engage with the applicant to agree a Statement of Common Ground which both parties can be in the position to sign during the DCO examination. The Council is likely to make further representations once it has had sight of the responses made by the applicant to the written questions published by the ExA.

Construction Effects on Biodiversity and Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose – SPA and SANG's

4. SHBC is concerned about the potential for likely significant adverse effects on the Thames Basin Heaths SPA as a result of the construction activities proposed on St Catherines Road Suitable Alternative Natural Greenspace (SANG). Any impact on the functioning of SANG has a consequential impact on the SPA because SANGs are provided and required specifically in order to mitigate the impact of new residential development on the SPA. This is set out in detail in SHBC's Local Impact Report in the Biodiversity and Ecology section. In this respect it is relevant to note that SANG mitigation is required for the impact of even one single net additional dwelling. In the absence of such SANG mitigation planning permission for any net additional dwelling is refused.
5. SHBC considers that it is essential for Esso to mitigate the impacts of its proposals on the SANG due to the potential for likely significant effects on the SPA. SHBC notes that whilst the applicant has identified construction activities on the SANG to be short term - perhaps over the period of a few months – currently there is no specific indication of the duration of works at this location. Most notably, it has been verbally relayed to SHBC by Esso at a site visit to St Catherines Road SANG on the morning of 14th October by a Project Engineer that the temporary construction compound could be in place for a matter of years, although not necessarily active for the entirety of this period.

6. It is understood from a meeting on 6th September 2019 between Esso and SHBC at the Surrey Heath Council Offices, and St Catherine's Road site visit, that the construction compound is required by the applicant for the delivery of construction materials to be stored and transferred onto smaller vehicles suitable for accessing areas of the pipeline route in Frith Hill, as well as providing 'workers welfare facilities'. SHBC considers that, without necessary mitigation as proposed, the temporary construction compound will have an impact on the SANG which will result in a likely significant impact on the SPA, as explained in SHBC's Local Impact Report.
7. SHBC is working with Esso to seek appropriate mitigation to ensure that there will be no likely significant effect on the SPA as a result of any construction works on St Catherine's Road SANG. SHBC has suggested two potential approaches to the applicant that would deliver appropriate mitigation for the proposals impact on the SANG.
8. The first is that SHBC considers that the likely significant effects must be mitigated through removing the temporary construction compound from the SANG and reducing the order limits relating to the construction of the pipeline to ensure that the SANG's circular walk and general tranquillity are not compromised during construction. SHBC would also seek for a restriction on the time period for which works could be undertaken on the SANG and for any works to be conducted outside of bird nesting season.
9. If Esso are not prepared to remove the construction compound the alternative suggestion is for Esso to agree to mitigate the impacts on the SANG by an appropriate financial contribution towards new SANG in the Borough, which would represent an alternative to the St Catherine's Road SANG. This alternative proposal has also been suggested to Esso. It could be considered to be a reasonable, pragmatic approach that provides the necessary flexibility for the Applicant. The Council understands that the applicant remains confident in the HRA document and is therefore not progressing either of the proposed mitigation measures.
10. The Council notes that, as set out in the Surrey Heath Local Impact report, the applicants HRA report on pages 54-55 relies upon unverified assumptions on what constitutes suitable alternative locations for any recreational displacement from the SANG for the duration of construction. These unverified assumptions are reiterated in Esso's response to the Councils Relevant Representation (RR-093) as set out in paragraph 26.2.10 (Application Document 8.3). The Council notes that the financial contribution towards new SANG in the Borough could provide genuine 'suitable alternative locations' for recreational displacement.
11. At this stage, the Council considers that the HRA does not have the necessary mitigation measures in place to ensure that there is no likely significant effects on

the Thames Basin Heaths SPA and is insufficient to inform the competent authority's appropriate assessment. It is noted that the Planning Inspectorate's Habitats Regulations Assessment Advice Note that the applicant needs to give careful consideration to the avoidance and reduction of effects by use of mitigation, e.g. through specific timings on construction activities, amending the development consent order boundary or through modification of aspects of project design.

12. It is SHBC's view, as set out in the LIR, that no justification has been provided by the applicant as to why three construction compounds are required in this part of Surrey Heath within a 1,000 metre stretch of the pipeline. Moreover, the Council notes that the Applicant is proposing to change the proposed Logistics Hub at Deepcut Bridge Road into a construction compound, which has direct access onto the Frith Hill Woodlands. As such, the Council considers that this is the most appropriate location for transporting the necessary materials onto Frith Hill. SHBC therefore considers the proposed construction compound on St Catherines Road is not necessary, and should be removed.
13. To ensure that the impacts on open space and SANG are fully addressed in the draft DCO, the Council considers that the following two new requirements should be included in the Order. The new requirements would help address concerns relating to the impacts of the proposed development on SANG and Open Space. SHBC understands that Runnymede Borough Council is supportive of the proposed new requirements for SANG and Open Space.

NEW REQUIREMENT: Provision of Suitable Alternative Natural Greenspace

- (1) No stage of the authorised development which includes works or siting or use of a construction compound in existing open space identified as Suitable Alternative Natural Greenspace must commence until, for that stage, a scheme for the provision of new or alternative Suitable Alternative Natural Greenspace has been submitted to and approved by the local planning authority.
- (2) The scheme submitted under requirement X(1) above shall identify the likely impact of the works on the recreational capacity of the Suitable Alternative Natural Greenspace and the means for securing the use of an alternative of at least the same recreational capacity and serving the same function of avoiding additional recreational pressure on the Thames Basin Heaths SPA.

NEW REQUIREMENT: Management of Works in Open Space

- X.—(1) No stage of the authorised development which includes works or siting or use of a construction compound in open space must commence until, for that stage, a scheme for the management of the open space during the period of construction has been submitted to and approved by the local planning authority.
- (2) The scheme submitted under requirement X(1) must include:
 - (a) Details of the method of construction within that open space.

- (b) The proposed dates of construction activity and the siting of any construction compound within that open space.
 - (c) The proposed working hours for construction activity within that open space
 - (d) Details of how public access to the open space will be maintained during the course of construction.
 - (e) Details of how the open space will be restored at the end of the construction period.
- (3) Where the open space affected by the works is identified as Suitable Alternative Natural Greenspace for the purposes of the avoiding recreational pressure on the Thames Basin Heaths SPA, the scheme submitted under requirement X(1) must include an assessment of how the details of the works and measures in the scheme will avoid any displacement of recreational activity from the open space.
- (4) The works comprised in any stage must be constructed in accordance with the scheme approved under requirement X(1).

Construction effects on people and communities - Turf Hill

14. SHBC notes that objections have been raised by residents in the Lightwater area as to the location of the pipeline in Turf Hill and considers that the issues raised need to be examined carefully. Please refer to the LIR for further details.
15. SHBC has recently been made aware that there is a potential water main on the footpath north of Turf Hill which could impact on the final location of the replacement pipeline. SHBC seeks for Esso to investigate and establish the location of this water main to ensure that the potential impact of its location on the route of the pipeline, and therefore the construction impacts, can be fully understood during the examination of the application. SHBC notes that residents are very concerned that there is potential for a significant loss of trees in the area due to the location of the water main preventing the project from routing the pipeline along the centre of the footpath to the north of Turf Hill, avoiding a number of trees. Until the location of the potential pipeline is determined and more details are provided in respect of the likely tree loss on Turf Hill and in other areas is fully established, it is difficult for Surrey Heath and local impacted residents to fully understand the potential impacts of the pipelines construction.

Highways and Safety

16. As identified in by the ExA in Written Question TT.1.18, 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. The Council understands that it is Surrey County Council's view that it not possible to achieve the minimum distance to allow traffic to access the road and keeping the road open to traffic would result in 4 way lights being required.

17. Whilst the Council recognises the points raised by Surrey County Council, Surrey Heath raises significant concerns in respect of the proposed road closure. SHBC was until recently, of the understanding that traffic control measures would be in place to allow for one-way traffic along Balmoral Drive. This is the main access point for a significant number of residential properties (over 1000 homes) and for service vehicles accessing businesses on Balmoral Parade. The alternative roads which would be used for access to residential properties and business are all residential in nature, many with cars parked on either side of the road, and not suitable a high level of traffic or access for service vehicles. Moreover, the proposed road closure would sever access to Frimley Community Centre, which the Council considers to be unacceptable.
18. It is the view of SHBC that section 7(1) of Schedule 2 Requirements (Part 1) in the Draft Development Consent Order (Application Document 3.1) be amended to include '*approved by both the relevant highway authority and the local planning authority*'. As previously noted, SHBC considers that the amendments to the DCO proposed in the Surrey Heath LIR would help to address SHBCs concerns in relation to Highways and Transport. This would allow for consideration of implications beyond solely highways, for example the impact of proposed traffic management on residential amenity and local communities.
19. In addition, SHBC seeks confirmation from the applicant that, in the event that a temporary construction compound is located on the St Catherine's Road SANG, large vehicles associated with the compound would not access the site from the north via Regent Way. The roads in this area are residential and relatively restricted in width, with residents' cars regularly parked on the roadside. SHBC does not consider this route to be suitable for large vehicles to access the proposed construction compound. SHBC notes that it likewise has concerns about access from the south, due to the lack of a footpath and the use of St Catherine's Road by children walking or being driven to Tomlinscote School. SHBC requests for the hours at which large vehicles could access St Catherine's Road to be restricted to minimise the potential impacts. The submission to be made by the applicant pursuant to Section 7(1) should address the size of vehicles and timing of vehicle movements in relation to the school day.

Construction effects on people and communities - residential properties and community facilities

20. As noted in the SHBC Local Impact Report, the draft Order Limits of the DCO application are in close proximity to residential properties and community facilities, especially in the Balmoral Drive section of the route. Whilst noting that draft Requirement 6: Construction Environmental Management Plan includes in part 2(d)(vi) provision for the submission and approval of a community engagement plan, SHBC requests that Esso produces further detail at the DCO examination stage on how community interests will be engaged and their interests maintained. For example, whilst it is noted that Esso have committed to not carrying out works

on Sundays, there are a number of events that take part on weekdays and may be significantly disrupted if construction timings and durations are not clearly relayed to local communities. An outline Community Engagement Plan could provide a degree of comfort for affected communities.

The Draft Development consent order

21. As outlined in SHBC's Local Impact Report, the local authorities of Surrey Heath, Runnymede and Spelthorne have suggested new draft requirements and amended requirements for the draft DCO to address impacts relating to tree protection, transport and highways and residential amenity (see Chapter 2 of the LIR). SHBC considers that such amendments to the DCO would help to address SHBCs concerns in relation to these specific matters. Further issues are raised in response to the Examining Authority's written questions.
22. For Parts 1-6 of the draft DCO, where significant and wide ranging powers are granted, the Council requests that consideration is given as to whether they should be linked to the proposed requirements where mitigation may or would be required. For example, consideration could be given to referencing the proposed requirement 7 (with the Council's proposed amendments) to Articles 10-12 of Part 3 of the DCO, as well referencing Article 41 of Part 6 in relation to proposed DCO requirements 6 and 8.