

# **Written Representations 1**

## **Application by ESSO Petroleum Company Ltd for an Order Granting Development Consent for the Southampton to London Pipeline Project**

**Application Reference EN070005  
Interested Party Reference 20022787  
Internal Reference 19/00432/PINS**

## **Terms of reference**

<b>Acronym/Abbreviation</b>	<b>Meaning/ Description</b>
CEMP	Construction Environment Management Plan
DCLG	Department of Communities and Local Government
DCO	Development Control Order
EA	Environment Agency
EIA	Environmental Impact Assessment
LIR	Local Impact Report
NERC Act 2006	Natural Environment and Rural Communities Act 2006
NPPF	National Planning Policy Framework 2019
NPS EN-4	National Policy Statement for gas supply infrastructure and gas and oil pipelines
PINS	Planning Inspectorate
RBC	Rushmoor Borough Council
SANGS	Suitable Alternative Natural Greenspaces
SINC	Site of Interest for Nature Conservation
SLP	Southampton to London Pipeline
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TPO	Tree Protection Order
WFD	Water Framework Directive

## Executive Summary

Rushmoor Borough will be heavily impacted by the proposed Southampton to London Pipeline. The route stretches for 4.4 miles intersecting the Farnborough area. Impact is largely focused within the open spaces, sports facilities and along the designated green corridors of the borough, with the order limits stretching over 26.67 acres of open spaces and intersecting ten green corridors.

It is Rushmoor Borough Council's view that the Information submitted for the Habitats Regulations Assessment does not provide a rigorous assessment of the impacts of the project on the Thames Basin Heaths Special Protection Area. We are concerned that the habitat loss within the SPA, the lack of drainage and hydrology safeguards within the CEMP and the impact to multiple SANGS across the route will cause a significant impact on the integrity of the site, loss of nesting sites, pollution and contamination within the SPA and increases in recreational pressure. RBC can see no evidence that these issues have been investigated or that appropriate avoidance, mitigation or compensation measures have been proposed.

Eelmoor Marsh Site of Special Scientific interest (SSSI) and six Sites of Interest for Nature Conservation (SINCs) are adjacent to or within the order limits. Habitat will be lost in two of the SINCs, within Southwood Country Park, with the remaining SINCs and SSSI under threat of impact due to contaminated runoff or changes in hydrology. In addition, there is a threat that Blackwater Valley; Frimley Bridge could be contaminated if the landfill is disturbed. Few avoidance measures and no mitigation have been provided for this impact and the CEMP provides no site specific safeguards to preserve hydrology or prevent contamination.

There are two natural open spaces to be impacted directly within the borough. Southwood Country Park is a SANG containing a complex of acid grassland, wet woodland and floodplain habitats such as rush pasture and grazing marsh. The pipeline will run through the middle of the park and the council is concerned that the peace and tranquillity, landscape views, wildlife value and access will be compromised, and people deterred from using the site for substantial period(s). As Southwood Country Park is a Suitable Alternative Natural Greenspace (SANG), we are concerned that the visitors may be diverted onto the SPA. The Council shares Environment Agency's concern about the risk created by compromising the integrity of the bund to the Flood Alleviation Area leading to the potential of downstream flooding. Despite meetings and consultation RBC have been unable to negotiate any mitigation for the SANG and are concerned that the construction will cause significant damage to the ecology within the site.

Queen Elizabeth Park is a 23.15-acre broadleaved woodland. It is an important local resource for the residents within the visitor catchment and an important habitat stepping stone for fauna using the South Western Main Railway Corridor. 5.8 acres of the woodland will be lost due to the pipeline with a third of this being unable to be recreated due to planting limitations within the pipeline. The applicant will not consider HDD under the park or an alternative route to avoid this well-loved open space and there is no mitigation proposed other than landscaping. Where mature trees will be permanently lost no compensation has been offered.

Four sporting facilities are to be impacted Southwood Playing Fields, Cove Cricket Club and Farnborough Hill Football and Bowls Club. There is the risk that all these facilities could lose access to their sites during construction with the long-term management of the football fields possibly being compromised. Again little compensation has been offered other than wayleave payments and the applicant has not provided assurances that the football pitches could be managed as required in the future.

Ten landscape scale green corridors, designated within the Local Plan, will be crossed within the scheme. Although impact within the three main transport routes and Basingstoke Canal SSSI are

likely to be neutral due to directional drilling, significant tree loss is planned along the railway corridors, significant trees are will need to be protected in Old Ively Road and Ively Road and the Cove brook corridor is being impacted both within the Country Park and the Cove Brook Greenways. There is a threat that the River Blackwater could be polluted if the landfill is disturbed.

One Conservation Area is being crossed by the route; however it is thought that the impacts will be temporary with the final impact being neutral.

There are several hedgerows and TPO trees along the route that will need to be protected, some of which are not mapped by the applicant.

Rushmoor Borough Council also feels that the impact on traffic due to the closure of Cove Road, Stakes Lane and Ship Lane should be considered and mitigated. Cove Road in particular is a very busy East West link through the borough and will require a transport plan to ensure no major disruption. Currently the Transport Report is incomplete and does not provide avoidance mitigation or compensation for the inconvenience caused to residents. Nash Close is to be severely impacted due to lack of access and noise. Again no mitigation has been provided.

Currently there is no assessment of impacts the decommissioning of either the existing pipeline or the new pipeline in the future. To appreciate and mitigate the full impact of the project, especially to ecology the council feel the impacts should be appraised.

Despite the significant impacts above, little mitigation or compensation has been agreed. The Council and ESSO have been negotiating for a year, however the only solid commitment for the impact caused to the borough is a new playground for Queen Elizabeth Park. We hope we will be able to work with the applicant through the Statement of Common Ground process to agree appropriate measures.

**1. Introduction to principal issues raised by Council (by reference to ExA's assessment of principal issues in Rule 6 letter):**

**1.1 Biodiversity and HRA (ExA issue 1)**

**1.1.1 Implications for European and international sites and their qualifying features including In Combination assessment**

- There are 48 breeding territories and 30.68ha of breeding habitat within the order limits passing through the Thames Basin Heath SPA. The application documents do not make clear how much of this habitat will need to be cleared, and therefore the significance of the losses cannot be assessed. There is no mitigation or compensation for the mature heathland to be lost with only natural regeneration being proposed.
- The outline CEMP provides no details regarding how the Thames Basin Heaths will be protected from pollution and contamination, or how the hydrological processes within the sensitive wetland habitats are to be preserved.
- Despite the order limits impacting on multiple Suitable Alternative Natural Greenspaces, visitor deflection onto the SPA has been discounted as insignificant. No attempt has been made to assess the numbers of visitors that may be discouraged from using the site despite all SANGs having strict capacities and SANGS in operation being required to keep records of visitor numbers.
- The decommissioning of the old pipeline and the new pipeline, at end of life, have not been assessed within the information for the HRA or the EIA.
- No in-combination assessment has been provided to examine either the loss of breeding habitat across the three SPA sites or the disturbance within multiple SANGS over the same period.

**1.1.2 Effects on other designated sites and their qualifying features including in-combination assessment**

- Despite the order limits passing adjacent to Eelmore Marshes SSSI There is no assessment of and the CEMP provides no safeguards to ensure no pollution or contamination from runoff, or that the hydrological processes, so essential to the ecological functioning of this wetland site, are to be preserved.
- Within Southwood Country Park two SINC's are to be impacted by the works leading to habitat loss. No appropriate mitigation and/or compensation has been provided for this loss.
- There is a threat to six SINC's within the borough from contamination and pollution within runoff and from changes in the hydrological processes of the sensitive wetland sites. The outline CEMP provides no safeguards against impact.

**1.1.3 Effects on Protected Species and Species of Conservation Concern**

- Rushmoor Borough Council questions the accuracy of the bat surveys. Only two trees were climbed within Queen Elizabeth Park. However there are a number of trees that appear to have bat potential, and the resident group have identified six trees that appear to be notable and have bat potential.

- Although otter signs have been noted along the route within Rushmoor, no further investigations were undertaken to establish whether a laying up coach is present under the railway, protective measures to ensure no impact due to the directional drill or mitigation have not been provided.
- Although badger signs and setts have been recorded throughout the route there are no protective measures within the CEMP or other documents to ensure no impact on foraging habitat.
- The reptile and bird surveys are based completely on previous records with no on the ground surveys being undertaken. As previous records do not provide a complete data set, sites containing these species have been missed and no protection or mitigation provided.
- Due to lack of amphibian investigations, the large population of palmate newts within the Country Park and the population of newts reported within Queen Elizabeth Park have not been recorded and thus no protection or mitigation has been provided.
- Despite rare and scarce invertebrates being noted within Southwood Country Park, due to lack of survey, these have not been identified within the application and no protection or mitigation has been provided.

#### **1.1.4 Effects on protected habitats and habitats of conservation concern including ancient woodland, other woodland, trees and hedgerows**

- Rushmoor Borough Council has one small strip of ancient woodland habitat along Old Ively Road within the order limits. No safeguards are present within the outline CEMP to ensure no impact on the root zones that are likely to be within the road.
- No mitigation is provided for the loss of Priority habitats within the designated sites or on undesignated land.
- No complete tree survey has been undertaken and no information is present on the age or condition of the trees to be lost. The list of notable trees does not incorporate many within Queen Elizabeth Park and is therefore likely to be inaccurate in other areas.
- The TPO identification appears to be incomplete with a number of TPOs in Rushmoor not being identified.
- Important hedgerows under the Hedgerow Regulations are being trenched through. RBC requests that either directional drill or auguring is undertaken on these hedgerows to ensure they maintain their ecological integrity.

#### **1.1.5 Effects on groundwater dependent ecosystems**

- The outline CEMP provides no details regarding how ecosystems with sensitive hydrological systems will be protected from changes in flow, pollution or contamination.

#### **1.1.6 Mitigation and monitoring, including whether the proposed development result in biodiversity net gain and/or ecological enhancements.**

- The proposals currently within Rushmoor Borough will lead to significant and long lasting ecological damage and loss. There is certainly no biodiversity gains or enhancement proposed within the borough.

## **1.2 Compulsory acquisition and temporary possession (ExA Issue 2)**

### **1.2.1 The need and the amount of the land proposed to be subject to Compulsory Acquisition and Temporary Possession**

- 10.70 hectares (26.46 acres) of land owned by the Council has been identified for compulsory acquisition by the applicant
- Key Terms have been issues for various agreements to be agreed into between the parties including an Option Agreement to enter into a Deed of Grant of Easement. However due to a number of flaws and impractical terms which meant that the council could not sign the agreements
- As the pipeline has a limited life the council is concerned that the applicant requires permanent rights in perpetuity. In addition the Applicant is not 'relinquishing' the rights over the old pipeline. Therefore the Council will be burdened by two easements which will sterilise more land than is necessary.
- As ESSO is not relinquishing their rights to the easement of the old pipeline, the council will face limitations in how they can manage the land across two easements
- The council is concerned that the amount of land to which the applicant is requesting rights would impact on the public use and ecological management

### **1.2.2 The requirement for the powers sought and the need to establish a compelling case in the public interest;**

- RBC is concerned that the access to land for maintenance could impact on the condition and public access of the sites being disturbed
- It is the council's view that the temporary notice period should be at least three months rather than the 14 and 28 days within the DCO

### **1.2.3 The adequacy and security of funding for compensation;**

- The land required for the Project in the ownership of the Council is used for a variety of purposes including SANGS, Country Park, children's play area, sports pitches car parks, green spaces and various watercourses. The council also manage a number of roads.
- The council is concerned that the construction and maintenance of the pipeline within Southwood Country Park SANG will impact on their ability to run the site as a SANG.
- The council is also concerned that the works undertaken by ESSO will prevent public access to the SANG
- The applicant has not yet demonstrated how the land will be suitably reinstated back to a condition which is compatible with the SANGS management.
- There are a number of low lying wet areas and water features which will be impacted by the construction of the pipeline. The application does not make clear the impact that the installation of the pipeline will have on management of these watercourses for flooding and biodiversity, or who will have responsibility for such management,
- Rushmoor Brought Council also has general concerns about the impact of construction noise arising from the installation of the pipeline through a densely populated area.

- The council is concerned that the proposed development will impact on their ability to manage the land for sports and ecology in particular.
- The project will lead to a number of trees being lost forever. The applicant has not provided any mechanism to replace these trees.
- The council is concerned regarding the quality of the proposals for land restoration

#### **1.2.4 Construction effects on people and communities (ExA issue 3)**

- The project is having an impact on a significant amount of the open space within Farnborough. The council is concerned that access will be restricted or barred to these sites during the construction process
- The play space in Queen Elizabeth Park will be lost to the local community for at least 12 months and possibly as much as three years. Thus far no reasonable temporary play space has been suggested by the applicant with a trim trail routed through the woodland which would be likely to lead to the loss of further trees.
- The project will have an impact on sporting facilities during the construction and operational phases. The council is concerned that no accommodation is being made by the applicant to avoid the football and cricket seasons, provide recompense to the clubs for lost finances or enable the football pitches to be managed for professional football to continue.
- The impact of road closure on the residents of Cove Road, Nash close, Stakes Lane and to a lesser extent Ship's Lane will lead to severe access restrictions to properties, congestion over a significant area and intolerable and protracted noise levels to the residents of Nash Close. No less damaging solutions have been explored or alternative accommodation and compensation explored.

### **1.3 Draft DCO (ExA issue 4)**

#### **1.3.1 The appropriateness of the proposed provisions;**

- The Council has identified the need for certain changes to the dDCO in its answers to the First Written Questions.
- The principal concern relates to the management of construction activities in publicly accessible open space to minimise disruption to users, ensure that ecological interests are protected, and to ensure that the amount of displaced recreational activity is minimised.
- The Council is concerned that the proposed LEMP is not likely to be sufficient for these purposes, and a more granular approach is required focusing on the particular areas affected.
- Finally, the Council has identified to the applicant the need for a development consent obligation to deal with various matters including the funding of a replacement playground in Queen Elizabeth Park. To date the applicant has refused to contemplate such an obligation.



#### **1.4 Water resources (ExA issue 5)**

##### **1.4.1 Effects on groundwater, water courses and water bodies;**

- The outline CEMP contains no safeguards to ensure that groundwater and water courses are not contaminated or polluted by construction runoff or chemical and fuel spills
- The application does not provide methodology to ensure the hydrological processes that feed the watercourse and the springs, are protected within construction

##### **1.4.2 Effects on existing/planned flood storage areas and flood alleviation schemes including the integrity of the Cove Brook Reservoir;**

- The EA have expressed concerns regarding plans to trench through the bund within the flood mitigation area in Southwood Country Park as it will undermine the integrity of area and could negate its flood storage function.
- RBC would fully support this view. The flood mitigation area stores water coming off the Country Park, the airport and acts as a storage area for excess water within the Basingstoke Canal. If the bund failed there would be extensive flooding within the urban area.

##### **1.4.3 Effects on groundwater and land contamination;**

- The council is concerned that without resilient safeguards to contain runoff and chemical and fuel spills groundwater and land could become contaminated.
- Blackwater Valley Frimley Bridge SINC contains a historic landfill. RBC is concerned that trenching through the SINC will lead to contamination of the River Blackwater and the surrounding floodplain habitat.

#### **1.5 [Historic environment] (ExA issue 6)**

##### **1.5.1 The effectiveness of mitigation measures.**

- There will be a temporary impact on the Farnborough Hill Conservation Area due to construction.
- Of more concern is the impact that the significant loss of trees within Queen Elizabeth Park and the railways will have on the setting for the Conservation area.

#### **1.6 Landscape and visual impact (particularly hedgerows and trees) (ExA issue 7)**

##### **1.6.1 The effects on the landscape character and landscape designations;**

- The council is concerned that the significant loss of trees will impact on the landscape character within the Farnborough area.
- Farnborough has little natural open space being a densely packed urban town. This project will severely damage many of the natural areas that remain, with Southwood Country Park, Cove Brook Greenways, the wooded railway corridors, Queen Elizabeth Park and a number of SINCs being damaged.
- The applicant has provided no mitigation for these impacts.

**1.6.2 Long term and short-term visual effects particularly of temporary construction compounds;**

- The plans show six compounds on RBC land. The council is concerned that the need to keep these compounds open for two years will dissuade the public from using the open space. This is a concern especially in Southwood Country Park SANG.
- Compounds will bar or restrict access to Southwood Country Park at two entrances, Queen Elizabeth Park , Cove Cricket Club and Farnborough Gates Sports Complex

**1.6.3 Effect on trees including protected, notable and veteran trees and ancient woodlands and the extent of mitigation to protect Ancient Woodlands and protected trees and replacement planting**

- These proposals will cause the loss of extensive tree cover within the Borough some of which can never be replaced. Thus far the applicant have not endeavoured to limit the damage or provided any mitigation or compensation for the loss.
- Where trees are remaining there are no safeguards within the application to ensure no impact on the root zones. As significant trees are present on Ively Road and within Queen Elizabeth Park and Farnborough Hill School, this lack of protection could lead to further loss of old, possibly veteran trees.

**1.7 Scope of development and EIA (ExA issue 9)**

**1.7.1 Adequacy of surveys and baseline data the approach to flexibility and definitions of the significance of impacts of the Environmental Statement**

- There have been no baseline surveys undertaken for trees, with no tree schedule or information regarding the age or condition of the trees to be felled.
- There are no baseline surveys for birds, reptiles and a number of trees with bat potential appear to have been missed or miscategorised.
- No baseline surveys have been undertaken for Priority species and they are not considered within the application documents.
- Many of the conclusion of the EIA are flawed either from too little baseline data or lack of analysis of the impacts.

**1.7.2 Exploration of reasonable alternatives relevant to the proposed development particularly concerning route selection**

- The applicant has not considered alternatives to tree felling within Queen Elizabeth Park. Despite consideration of a route within the road in earlier options and the possibility of HDD, ESSO have refused to discuss alternatives.
- From the early consultations RBC have encouraged the applicants to select the route to the South over the Blackwater River due to the unknown contaminants within the landfill and the risk of pollution to the river. ESSO has selected the northern route as they state the landowners were not happy for the Pipeline to enter their land.

- ESSO have done no investigations of the landfill, and are unclear about the method of working, suggesting in plans that the site will be trenched.
- Despite requesting that all waterways on RBC land were directional drilled, plans show that Ively Stream is to be trenched with a haul road across Cove Brook

#### **1.7.3 The Effectiveness of mitigation measures including the content of the Construction and Environmental Management Plan, the Code of Construction Practice and the Register of Environmental Actions and Commitments**

- There are few mitigation measures to alleviate impacts on natural habitat and none to alleviate impacts on protected species. When mitigation is mentioned it is largely natural regeneration with no consideration of the time these habitats will take to mature. Where trees are lost within the easement there is no offer of replacement trees and no biodiversity offsetting considered
- The CEMP has no specific safeguards for pollution or habitat and water protection. No mitigation plans appear to be present for protected species The clauses are vague and do not relate to the conditions on the ground.
- The Code of Construction Practice and the Register of Environmental Action and Commitments are extremely difficult to interrogate. They provide no substantial commitments.

#### **1.7.4 The approach to decommissioning/ removal of the existing pipeline and the approach to the decommissioning of the proposed pipeline**

- There is no information regarding the decommissioning of the old or new pipeline. When asked about this in meetings the applicant states that the old pipeline comes under the historic permission and decommissioning of the new pipeline cannot be considered as technology may have changed in the life of the pipeline.
- RBC's view is that both pipelines should be assessed for individual and in-combination impacts, looking at the worst case scenario. The council feels this is particularly important in the case of the Thames Basin Heaths SPA.

#### **1.7.5 Cumulative and in-combination effects on, and with, other major projects and proposals.**

- Within Rushmoor Borough there are no in-combination impacts with other developments. The council is concerned that intra project in-combination impacts such of loss of trees, impacts on wetland and road closure have not been considered.

### **1.8 Traffic and transport (ExA issue 10)**

#### **1.8.1 Effects on local road network and roads in residential areas including access, congestion and disruption and to community and emergency services;**

- There is going to be a significant impact on the local roads within residential areas with Cove Road, Nash Close, Stakes Lane and Ships Lane being impacted
- Cove Road is a major transport route within the borough and one way traffic is likely to cause grid lock within Farnborough Town Centre. No thorough transport study has been

undertaken and no mitigation or compensation has been offered to the residents. No alternative working practices such as HDD under Cove Road or diversions have been considered

- Nash close is a small cul-de-sac with entry and exit onto Cove Road. The residents are going to find it difficult to enter or exit their properties, the stringing out will fill the road and the directional drill could be in operation for 12 hours a day or more. This work will take at least a month to complete. No relocation or compensation has been offered to the residents.
- There is no information as to whether Stakes Lane will be closed or not. There are residents that have mobility problems and so need full access to their properties. Due to the lack of detail the residents of Stakes Lane are unsure what the future holds.
- Although a less busy route the closure of Ships Lane will impact on the businesses and residential properties, as well as restricting access to the cemetery and the bowling club in RBC's ownership.

#### **1.8.2 Effects on the strategic road network;**

As all strategic roads are being either auger or directional drilled so the Council does not envisage any impacts on the strategic road network.

#### **1.8.3 Effects on public rights of way/non-motorised user routes;**

- There will be significant impacts on PRW and non-motorised routes. (*Please see comments in relation to open spaces, woodland corridors and SINCs*)

#### **1.8.4 The Effectiveness of mitigation measures**

- RBC can find no resilient mitigation measures

### **2 The Thames Basin Heaths Special Protection Area (SPA)**

**2.1.1** The Thames Basin Heaths are a network of heathland sites that cover 8,274ha of Berkshire Hampshire and Surrey, across 13 Sites of Special Scientific Interest (SSSI), within nine Local Authority areas. The SPA is designated for three species of ground nesting birds, Dartford warbler, nightjar and woodlark. In 2005 bird studies, undertaken by Natural England, found that the three bird populations were declining. The surveys indicated that this was, at least in part, due to disturbance from recreational pressure during the breeding period and that these declines would be exacerbated by house building planned within south east England.

**2.1.2** To ensure the protection of the ground nesting birds, 14 Local Authorities, from where population growth was thought to be contributing to increasing recreational pressure, formed the Thames Basin Heaths Joint Strategic Partnership Board (JSPB). The aim of the partnership was to find solutions to protect the SPA habitat in the long term, whilst allowing new housing to be delivered. The resulting agreement required new residential development to fund the provision of Suitable Alternative Natural Greenspaces (SANGS) at 8ha /1000 new population, to deflect existing and new residents from using the SPA, and a team of rangers to promote responsible behaviour within the Thames Basin Heaths SPA.

- 2.1.3** To ensure that the SANGS provided an experience that was as near to the SPA as possible a list of criteria was devised against which every SANG is assessed. SANGS should be as natural as possible, free from noise, lighting, smells and visual intrusion, visitors should have unfettered access throughout the site, with the ability for dogs to be safely let off the lead throughout the SANG. SANGS should also provide a minimum 2.4 km circular path starting and ending at the car park.

## **2.2 Direct Breeding Territory Loss within the Thames Basin Heaths SPA**

- 2.2.1** Rushmoor Borough Council is concerned that significant amounts of SPA bird breeding habitat will be lost in the short to medium term as a result of the pipeline. The route traverses three Sites of Scientific Interest (SSSIs) within the heathland complex, Bourley to Long Valley SSSI, Colony Bog and Bagshot Heath SSSI, and Chobham Common SSSI. There have been no bespoke breeding bird surveys undertaken by the applicant, with bird breeding territories being calculated from data collected from bird surveys funded by the Thames Basin Heaths Joint Strategic Partnership Board.
- 2.2.2** Although bird surveys are undertaken annually throughout the SPA, their aim is to monitor overall bird breeding and ascertain whether recreational mitigation is working or whether further mitigation is required. It is RBC's view that, to gain an accurate picture of the level of impact, either breeding bird surveys should have been undertaken by the applicant or full monitoring bird surveys should have been submitted with the application documents. Without these surveys it is difficult to be sure that the methodology used to monitor was rigorous enough to record the extent of all breeding territories which will be lost.
- 2.2.3** The results obtained from the wider site survey do show that a significant amount of SPA habitat and a number of breeding territories are to be lost as a result of the project. Across the three SSSIs, there is 30.68ha of breeding habitat currently within the order limits. The report does not calculate how much of that habitat will be disturbed during the construction and therefore it is difficult to evaluate the amount of direct habitat loss. Within this response RBC have assumed that all habitats within the order limits will be lost.
- 2.2.4** Across the route 29.4 Dartford warbler, 11.4 nightjar and 5.2 woodlark breeding territories will be impacted. Within Colony Bog and Bagshot Heath SSSI and Chobham Common SSSI, Dartford warblers will lose 21%, nightjars, 11% and woodlarks, 20% of their breeding territories on each site. At Bourley and Long Valley SSSI losses are smaller at 2%, 4% and 4% for Dartford warblers, nightjars and woodlarks respectively. It is RBC's view that these losses are likely to cause a significant impact on the breeding success of the birds in future years.
- 2.2.5** The HRA information states that direct disturbance will be minimised by timing restrictions, with work only being undertaken within the winter months. Rushmoor Borough Council welcomes this commitment. The applicant claims that the loss of territories due to direct habitat loss will not have a medium to long term impact, as pioneer heathland will recolonise sites within 5 years. However, it stands to reason that a reduction of up to 21% of breeding territories on three individual sites, for five breeding seasons, will have a severe impact on the breeding success of the SPA designated species. For HRA purposes, the question is whether such an impact can be excluded beyond reasonable scientific doubt. Within the information to inform the HRA the council would expect these losses in fecundity to be

calculated and for avoidance, mitigation and compensation measures to be proposed in order to create additional habitats and ameliorate the impact to breeding sites, on and/or off the site. The report contains no explanation as to why routes avoiding the SPA have not been selected, and there are no commitments to provide either mitigation or compensation, with only natural regeneration recommended.

- 2.2.6** The application assumes that within 5 years the habitat lost will have regenerated to a level that provides nesting habitats for the bird populations. However, the applicant acknowledges that the designated birds largely nest in mature habitats. Heather has four stages of growth, pioneer, building, mature and degenerate. To attain the mature state, so attractive to SPA nesting birds, 15 -25 years of growth is required. Therefore, the breeding territories lost will not be replaced for at least 15 years. No biodiversity offsetting calculation has been undertaken, to quantify the amount of replacement breeding habitat to compensate this loss, or have any suggestions been made as to where this habitat could be provided to ensure that it would be free from disturbance from any maintenance or decommissioning of the pipeline in the longer term.
- 2.2.7** The information provided does not assess the intra project in-combination impacts of the decommissioning of the old or new pipelines. There is a high risk that the habitats lost could again be disturbed during the decommissioning of both pipes. We note that ESSO state that, due to advances in technology, it would be difficult to ascertain the impacts during the decommissioning stage for the new pipeline and that no final plans have been made for the decommissioning of the pipe in use. However, where there is uncertainty the Habitats Directive advocate that a precautionary principal is used, with the worst-case scenario being modelled. Therefore, the council would suggest that a loss of breeding habitat at the same level as within the construction process is assumed within decommissioning, with appropriate mitigation being required to ensure that any replacement habitat would not be impacted within the decommissioning stage.
- 2.2.8** In conclusion due to incomplete survey data, a lack of assessment of avoidance measures, little provision of mitigation or compensation and no consideration of impacts within the decommissioning stages, it is the council's view that the applicant has not provided sufficient information to inform the HRA as required under the regulation 63 of the Conservation of Habitat and Species Regulations 2017.
- 2.2.9** RBC would suggest that the loss of 48 breeding territories and 30.68ha of breeding habitat, with possible similar loss through decommissioning, creates a significant impact which needs to be mitigated or compensated by the project. An adverse effect on site integrity cannot be excluded beyond scientific doubt. The construction management methods relied on by the applicant are insufficient and uncertain (see in this regard C-461/17 *Holohan v An Bord Pleanala* [2019] PTSR 1054 at [41]-[47]). Since the impacts would amount to an adverse effect on integrity, the ExA and the Secretary of State must first be satisfied that IROPI have been shown to exist.

### **2.3 Pollution and disturbance of the Thames Basin Heath due to construction drainage and physical works**

**2.3.1** Rushmoor Borough Council is concerned that there are currently no site specific safety mechanisms proposed to control pollution from construction runoff or contamination due to fuels and chemicals. Despite the agreement to work within the winter months, there are no working practices to avoid habitat compaction or vehicles becoming marooned within the heath. An outline Construction Environment Management Plan (CEMP) has been submitted however there is little detail regarding safeguards to ensure the SPA would not become polluted. This is particularly concerning as the draft requirement states that any future CEMP must be substantially in accordance with the outline CEMP.

### **2.4 Disturbance within the Suitable Alternative Natural Greenspaces**

**2.4.1** SANGS have been required as mitigation for recreational impact since 2008. The sites were set up to provide a network of natural habitats that are freely available to the public, with 80 years of funding required to ensure the sites are managed in the long term. It was hoped that these natural open spaces would provide a substitute to the Thames Basin Heaths within the summer months and thus reduce the disturbance to the SPA designated species from dogs and walkers in particular. This strategy seems to be successful with visitor numbers within the Thames Basin Heaths being significantly reduced.

**2.4.2** To ensure the sites do not become too crowded and there is adequate space for people to experience the peace and tranquillity so valued within the Thames Basin Heaths, all sites have a strict capacity of 8ha/1000 increase in population.

**2.4.3** The applicant has stated that the impact on the SANGS network will be temporary; however within meetings we have been informed that sites could be disturbed on a number of occasions throughout the construction period, with compounds being open for up to two years to accommodate the phased works. In the worst case scenario this could mean that works within the SANGS could be undertaken over three summer seasons.

**2.4.4** Within pre application discussions the council has highlighted that there should be no disruption to the SANG network within the summer months. This is to ensure that the SANGS can fulfil their function as alternative natural spaces at breeding times, when the SPA birds are at their most vulnerable. ESSO has stated that they cannot commit to working times until their contractors have been commissioned, however this does not appear to have applied within the SPA where timing restrictions have been agreed. It is RBC's view that agreement must be reached on the timing of the works to ensure that the in-combination impact of the project, along with other proposed development does not lead to increases in recreational pressure and impacts on the breeding success of SPA species.

**2.4.5** Finally we are concerned by the intra project impacts with multiple SANGS being disturbed at the same time. The council fears this could lead to further increases of visitors using the SPA sites. Agreement to the timing of such works will go some way to alleviating these concerns, but to ensure that increases in visitor numbers are kept to a minimum we would wish to agree that no more than one SANG is disturbed at any one time. A requirement in respect of the management of works in SANGs is considered necessary.

## **2.5 Conclusion**

**2.5.1** It is Rushmoor Borough Council's view that the applicant has not provided adequate information to enable the competent authority to undertake a Habitats Regulations Assessment and thus has not conformed to Regulations 63(2)

*A person applying for any such consent, permission or other authorization must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required*

**2.5.2** The Information to inform the HRA

- Contains an incomplete survey for breeding bird territories
- Does not consider direct habitat loss and the impact on bird territories
- Gives inadequate consideration to avoidance measures such as alternate routes and working methods
- Provides few safeguards to minimise the risk of pollution and contamination of SPA habitats
- Does not consider adequately or calculate the increases in recreational pressure that would occur due to construction within the SANGS both individually and throughout the SANG network

**2.5.3** Rushmoor Borough Council does not agree with the applicant's conclusions that there will be no impact on the Thames Basin Heaths SPA as a result of this application. Direct habitat loss at the scale proposed, amounts to an adverse effect on site integrity. The simultaneous interference with the SANG network, as well as recreational displacement within the SPA as a result of construction works, risks increasing recreational pressure on the habitat not directly affected by the project. We would respectfully request that the applicant be required to provide and assess the above information to enable appropriate measures to be formulated and implemented to ensure there is no significant impact to the SPA.

**2.5.4** It is RBC's view that the application as it stands will adversely affect the integrity of the SPA and therefore Regulation 63(5 & 6) could not be fulfilled.

*In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*

**2.5.5** In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorization should be given. At present those measures are uncertain in effect and therefore cannot be relied upon.



### **3 Southwood Country Park**

**3.1.1** Southwood Country Park is a 57ha park to the west of Farnborough. Southwood woodland, also owned by Rushmoor Borough Council, stretches for a further 30ha. Within the western parcel of the park the majority of the grassland is rough and supports a good population of common reptiles and provides foraging habitat for badgers and bats.

**3.1.2** The east of the site is more biodiverse with a habitat complex of acidic grassland, rush pasture, grazing marsh and wet woodland which supports a good population of slow worms, common lizards, palmate newts, foraging bats and significant numbers of rare and scarce invertebrates. Cove Brook, Marrow Brook and the Ively stream run through the site with evidence of otter using the river. *(for further information on the ecology of the Country Park please see s7.5 of the Rushmoor Borough Council's Local Impact Report)*

**3.1.3** It is planned to undertake significant habitat works within the Country Park as well as providing a visitor centre and café. The improvements to Phase 1 and Phase 2 of the Country Park will be delivered by the end of 2020.

### **3.2 Impact of Construction on Recreational use of the SPA.**

**3.2.1** Southwood Country Park has been created to provide SANGS capacity for development associated with the regeneration of Farnborough and Aldershot Town Centres. Due to the significant benefits regeneration will provide, the delivery of this development is a high priority for the council.

**3.2.2** The Country Park has capacity for SANG mitigation in respect of 5,875 people, with contributing development expected to have gained permission by mid-2020. At the time that planning permission is granted the SANGS payments are triggered to enable the provider to deliver mitigation before houses are occupied. The council is concerned that, due to the position of the route straight through the middle of the park and the timing of construction, the tranquillity of the Country Park will be affected at exactly the time when the council would be encouraging new residents to use this resource. This could result in new residents using the SPA making the SANGS mitigation ineffectual. Further, impacts on the delivery of the SANG and its recreational use may mean that it cannot be relied upon by developers as an avoidance measure, which may in turn lead to a delay in the grant of permission for new housing in the Borough.

**3.2.3** RBC notes that the applicant has highlighted that Southwood Woodlands SANG is adjacent to Southwood Country Park and that this site could accommodate any visitors deterred from using the Country Park during the works period. Southwood Woodlands was one of the first SANGS designated, being opened in 2008. As explained above, population increases from new residential development are attributed to a particular SANG (or SANGs) which are funded by the developer. The Southwood Woodlands site reached its capacity a number of years ago. It provides an effective alternative recreational resource for a particular size of population. We agree this site accommodates many visitors, including regular dog walkers, however if further new residents displaced from Southwood Country Park, were to start using Southwood Woodlands the peace and tranquillity within this site would be compromised and existing users as well as those displaced may revert to walking within the SPA. This important point seems to have been missed by the applicant in its work to inform

the HRA. It is only if there is spare capacity in an unaffected SANG (within a suitable distance from the displaced population) that the applicant's argument could succeed.

**3.2.4** As the route passes through the middle of the Southwood Country Park and it is proposed to place two compounds within the park boundaries, the visual and noise intrusion will severely limit areas where people can gain the peace and tranquillity required within a SANG. It is apparent that the Country Park or large parts of it will not, during construction, meet the requisite quality to be treated as SANG. This impact will continue over a protracted period of time. Views over the site would be severely hampered, as would access through the site from east to west. The 2.4km circular walk, required as part of the SANG would be severed by the order limits with the pedestrian entrances from Southwood playing fields and Cove Road being severely compromised due to compounds and construction.

**3.2.5** As the site is only 0.5 km away from the SPA and there is little natural open space within Farnborough, the Council is of the view that it is highly likely that recreational users will be displaced onto the SPA instead. This will compromise the effectiveness of the SANG as an avoidance measure, and give rise to an adverse effect on the integrity of the SPA.

### **3.3 Impacts on publicly accessible greenspace**

**3.3.1** Southwood Country Park is by far the largest open space within the borough. It provides a valuable resource for residents and is becoming increasingly popular. The Country Park along with Southwood Woodland is integral for the delivery of a green infrastructure throughout Farnborough. Long distance routes such as Cove Brook and the Basingstoke Canal can be reached via routes within and adjacent to the Country Park and woodlands. A cross borough boundary project is being discussed with Hart District Council to provide habitat and pedestrian links. Both councils hope to deliver a chain of linked SANGS. In an urban borough, where open space is at a premium the impact on Southwood Country Park along with impacts to other natural and amenity open spaces, will severely limit the overall access to open spaces for residents throughout the Cove and Southwood ward as well as the Empress Ward.

### **3.4 Duration of construction work and working practices**

**3.4.1** RBC is concerned that there is no indication of the duration of the works within the Country Park, how often the park will be disrupted and committed to working practices to minimise disturbance to the park users. We understand that the compounds are likely to be used for two years but the applicants are unable to provide details of the level of disruption. Measures to manage the timing, duration and nature of the works in the Country Park (and other open spaces) are necessary, and an additional requirement is proposed.

### **3.5 Impact of construction on the ecological function**

**3.5.1** The Sites of Interest for Nature Conservation (SINC) network stretches throughout Hampshire and contains a high percentage of the most biodiverse habitat in Hampshire outside the nationally and internationally designated sites. There are two SINC to be directly impacted by the scheme within Southwood Country Park; Cove Brook SINC and Cove Valley Southern Grasslands SINC. *(for further details regarding the ecology of the SINC please see RBC LIR sections 7.5.5. For further details regarding impacts please see RBC LIR section 8.7*

**3.5.2** Currently little mitigation is proposed to ameliorate the scheme's impact to these sites, with only habitat restoration proposed. Due to the maturity of the habitats within the SINC network, it is unlikely that habitat restoration will be able to be provided on a like for like basis. .

### **3.6 The riparian corridors**

**3.6.1** The hydrology and ecology of Southwood Country Park is important for the ecological health of Cove Brook throughout its length. RBC and the EA have jointly funded the Cove Brook and Southwood Floodplain Enhancement Project, to naturalise the river network and associated habitats. We are in the early stages of planning a scheme of river enhancements to naturalise and enhance Cove Brook lower down the catchment. Both these schemes will be completed by 2021.

**3.6.2** Both projects will deliver significant enhancements to the riparian corridor throughout Farnborough as well as enhancing the recreational offer along the river. RBC is concerned that the pipeline will lead to a delay in some of the works. There is a high risk that the newly created habitats could be disturbed with trenching proposed through Ively Brook. It is our view that the directional drill proposed under Ively Road should be extended to ensure no disturbance of the Ively brook or the adjacent habitats.

**3.6.3** In relation to the haul road across Cove Brook RBC wishes to explore the need for the road to determine whether a less ecologically damaging solution can be found. However, if there is no other solution, RBC requests that details are provided as to the impact of the road on the brook and showing how the waterway and bankside vegetation is to be protected from any contaminants, within the examination process.

### **3.7 Terrestrial habitats**

**3.7.1** When the Phase I Habitat survey was undertaken in 2017, the site was still a golf course. However, since the golf course closed in 2018 there has been a rapid regeneration of acid grassland and wetland within the eastern parcel, with a richer species composition than would usually be expected. The Phase 1 Habitat survey no longer provides an accurate picture of the habitats to be lost (*see section 7.5.2 of the RBC LIR for further details on the grassland ecology*)

**3.7.2** RBC note that the applicant has obligated to replace the habitats disturbed on a like for like basis or provide a richer habitat. However, the grassland habitats within the east of the park will have matured by 2021, with newly created habitats, requiring at least five years to reach the maturity of habitat lost.

### **3.8 Hydrological processes and flooding**

**3.8.1** The hydrology within Southwood Country Park is essential to the survival of wetland habitats RBC is concerned that the proposed trenching will disrupt the sensitive hydrological processes. There are currently no detailed proposals within the application documents to safeguard the hydrology or avoid contamination and pollution of the river and wetland habitats.

**3.8.2** In relation to the flood storage area Rushmoor Borough Council would wish to ensure its integrity and avoid any risk of flooding downstream.

### **3.9 Protected Species**

**3.9.1** Within the Country Park few protected species surveys, have been undertaken. Rather than collecting up to date records, using reliable survey methodology, for a number of species groups' only historic records being used. Due to RBC undertaking rigorous surveys we have good ecological data for the park. In relation to protected species good populations of slow worms and common lizard are present, with badger and bat foraging across the site. Although we have only undertaken roost surveys on trees to be removed, we have recorded trees with potential interspersed across the site. The aquatic mammal survey undertaken for the ESSO pipeline did find spraints and feeding signs of otter along the length of Cove Brook impacted by the scheme.

**3.9.2** Although RBC accepts that the Biological Records Centres and the species groups provide a valuable resource, all ecologists would acknowledge that species records are incomplete and should not be relied on to predict absence or population size and distribution. Within all Natural England Standing Advice, up to date surveys are required to inform mitigation strategies and ensure all species are protected and applications are compliant with British and European law.

**3.9.3** In relation to the protected species with the Country Park RBC would expect our records to be used to identify impact on foraging bats, birds, badger, otter, hedgehog, reptiles' amphibians and invertebrates with appropriate mitigation strategies provided to ensure no harm to the protected species that use the site. Due to the species protected or priority status RBC would request that no DCO is granted until mitigation strategies have been produced and agreed for these species. RBC would be happy to agree protected species mitigation strategies that cover all sites impacted within the borough to alleviate duplication of work.

### **3.10 Conclusion**

**3.10.1** In conclusion the proposals will cause a significant negative impact on the SANG value and the amenity, ecology and hydrology within Southwood Country Park. The disruption due to construction over a long period could lead to changes in visitor behaviour and increased recreational pressure on the SPA. If the SANG mitigation becomes ineffectual, the deflection of visitors from the SANG may bring the delivery of regeneration within the town centres into doubt

## **4 Mitigation and Compensation**

**4.1.1** To ensure impacts to the sites amenity ecological, hydrological and SANG value are reduced to a minimum during the construction process, we respectfully request that a requirement is attached to the DCO detailing that;

- Directional drilling should be used to cross the Ively brook
- work within the SANGS can only be carried out within the winter months and the following documents should be submitted to and agreed by the Local Authority
- a work schedule for the entire construction period provided and implemented
- a phasing plan is provided and implemented

- A Construction Environment Management Plan including details of methods to preserve hydrological flow and construction drainage provided and implemented
- a restoration Plan with reference to ecological and recreational function
- a Biodiversity Offsetting calculation for ecological loss within the Country Park

**4.1.2** As SANG contributions will fund the management within the Country Park any additional habitat recreation; restoration and enhancement evidenced by the Biodiversity Offsetting should be delivered within the Cove Brook corridor.

## **4.2 Southwood Playing Fields and Cove Cricket Club**

### **4.3 Impacts to Southwood Playing Fields**

**4.3.1** The pipeline route will run along the boundary of Southwood Playing Fields and the car park within Cove Cricket Club (CCC). Southwood Playing Fields is the home to Rushmoor Community Football Club (RCFC), a Charter Standard Club with 40 teams and a hugely important asset for grass-roots football within the borough. In respect of the playing pitches the management restrictions imposed by the existing pipeline have meant that RBC has needed to shorten one of the pitches. We would like to agree a form of management that would ensure the council could again manage the full pitch.

**4.3.2** The use of Southwood Playing Fields will be restricted within the construction phase causing a negative impact, especially if the pitch cannot be used within the football playing season. The loss of even one pitch for a club the size of RCFC is significant.

### **4.4 Impacts on Cove Cricket Club**

**4.4.1** Cove Cricket Club is also a significant club within the borough and an important sporting asset providing cricket for adults, boys & girls locally and across the wider area. The council is concerned that the proposed route may impact on the use of the club. A significant area of concern is the proposed new practice nets which the club are due to construct (to the east of the footprint of the old original nets) as these are planned to be used for training and coaching both within and outside of the cricket season. Disruption to the club car park could also have a detrimental impact in terms of accessibility and the use of the clubhouse itself. Cove Cricket Club are concerned that they will be unable to hold events that provide income to keep the club solvent

**4.4.2** Within the working area there are also several TPO trees which do not appear to have been mapped by the applicant. These will need to be preserved from any root damage due to the construction of the haul road or contamination due to fuel and chemical leaks.

### **4.5 Mitigation and Compensation**

- 4.5.1** RBC will be happy to work with the applicant to help minimise any impact on Southwood Playing Fields and Cove Cricket Club. RBC requests that a requirement is placed on the DCO to :
- ensure appropriate compensation for alternative facilities,
  - Provide financial recompense for loss of income and damage to the property of the club during the works.
  - Prepare a tree management strategy to ensure no impact to the TPO trees

- Provide enhancements within the club to compensate for the disruption caused.

## **5 Cove Road and Nash Close**

### **5.1 The Management of Construction Impacts on road users**

**5.1.1** Rushmoor Borough Council notes that Cove Road is to be partially closed with only single lane traffic operating. The Council expects the road to be closed for at least a month, whilst the directional drill is undertaken, under the railway and within Nash Close. Due to the proximity of the compound off West Heath Road, we are concerned that this closure could be in operation for a further considerable length of time. Cove Road (B3014) is currently a main East West route through the borough as well as a busy route into the Town Centre. The proposals to close one side of the road are likely to lead to significant congestion and delay to commuters and residents accessing Cove Road.

### **5.2 Access for residents of Nash Close**

**5.2.1** Rushmoor Borough Council is concerned regarding the level of disruption that residents of Nash Close will suffer due to the current proposals. As the close is to be used to directional drill under the railway, the plans show a compound will be required directly adjacent to the railway. Examination of Nash Close shows that the area planned for the compound is very restricted. The proposed work is likely to impinge on access to and from adjacent houses. As the intention is to string out along Nash Close this is also likely to restrict access of residents to houses within it. The movement of waste and the amount of construction machinery will further affect the residents.

**5.2.2** Within pre application meetings ESSO has indicated that work is likely to take at least a month so there is likely to be access problems over a considerable period. As the only access and exit points to Nash Close are via Cove Road, the routes for residents leaving the area are likely to be hampered still further, by congestion on the B3014.

### **5.3 Noise within Nash Close**

**5.3.1** The council notes that working hours proposed within the scheme are lengthy with work commencing at 7:00 and finishing at 19:00. Within the DCO there are clauses that enable the applicant to extend these hours still further, with night time working also being a possibility. If drills are underway. The council is concerned that residents would be exposed to high noise levels for protracted periods.

**5.3.2** Currently the application provides no information regarding how the above impacts will be managed, and there are no details regarding how the residents of both Cove Road or Nash Close are to be compensated

### **5.4 Proposed Avoidance Measures**

**5.4.1** Within previous consultations ESSO proposed the a directional drill would be undertaken from the Cove Road entrance of the Country Park, under Cove Road, the mainline railway and Cove Brook. Although directional drill would increase the impacts to the Country Park, as a compound is already proposed in this area, additional impacts to habitats are likely to be minimal. RBC's view is that the earlier proposals should be undertaken to avoid impacts on Cove Road and Nash Close altogether. If there is some engineering reason for the change in plans RBC requests that justification is provided within the examination process.

**5.4.2** If the solution above cannot be delivered then RBC would respectfully request that a requirement be attached to the DCO for

- A detailed transport plan to manage and control the traffic along Cove Road and within Nash Close
- An Access plan to ensure as little disruption to the residents within Cove Road
- A noise control plan to ensure noise levels are limited as much as possible
- A compensation package for the residents of Nash Close and Cove Road for any inconvenience caused.

**5.4.3** Full engagement with RBC and local residents should be required to ensure the in respect of how any road closures are managed.

## **6. Impact to Cove Brook Greenways**

6.1.1 On leaving the Country Park, Cove Brook passes through the urban area providing an important migration corridor for wildlife and an essential resource used by thousands of people. Unlike many urban rivers, Cove Brook is still buffered by extensive open spaces, throughout much of its length. The presence of this green lung through the urban area is invaluable as a carbon SINC and a peaceful refuge in a densely urban environment. The EA, RBC and Network Rail are discussing The Cove Brook Greenways Enhancement Project, a green infrastructure initiative to enhance the Cove Brook corridor through the urban area. *(For Further information on The Cove Brook Enhancements Project see RBC's LIR section 7.7)*

6.1.2 The order limits extend through the southernmost part of the greenway to enable stringing out with a compound situated within the greenway to the north of West Heath Road. Due to the proposed enhancement scheme the location of the river may alter in this location. To ensure the compound is located in the least damaging area RBC would respectfully request that a requirement is attached to the DCO for the position of the compound to be agreed within the discharge of requirements stage.

6.1.3 It is Rushmoor Borough Council's view that to mitigate and compensate any impact on the Country Park that cannot be provided within the SANG, compensate users for the damage to the corridor as a result of the compound and the working area adjacent to the bridge and attract new users into the corridor to endeavour to limit the recreational impact on the SPA, the Cove Brook enhancements project should be funded by ESSO and delivered in advance of any works within the Country Park. Therefore RBC respectfully requests that a development consent obligation is entered into, or alternatively a requirement be attached to the DCO to secure funding of the project including:

- A connecting pedestrian way under the railway culvert
- Redirection of the river through one culvert
- Delivery of a fish pass as part of the directional drill process
- creation of meanders, rills, backwaters and scrub clearance along the waterway
- community resources such as signage, dipping platforms and wildflower planting
- A fully resourced five year management plan

## **7. Tree loss within the South Western Mainline Railway, Queen Elizabeth Park and North Downs Railway Woodland Complex**

### **7.1 The Community Value of the Queen Elizabeth Park and the woodland corridors**

7.1.1. Although Farnborough is densely urbanised there are a number of green transport corridors that interlace the urban landscape. Rushmoor has identified these principal green corridors within Chapter 12 of the Local Plan. In paragraph 12.18 of the Local Plan it identifies the principal green corridors as the Blackwater Valley, Basingstoke Canal, Cove Brook as well as rail corridors and major highway corridors. In addition, Policy NE2 - Green Infrastructure states that development proposals within or adjoining green corridors, as shown on the Policies Map, will be expected to enhance their landscape and amenity value.

7.1.2. The woodland railway corridors and Queen Elizabeth Park provide an important community resource within the area. Off road pedestrian and cycle routes are available through much of the woodland, with green routes to Farnborough Main Rail Station, Cove Brook Greenways and Farnborough Town Centre and out to the Blackwater path.

7.1.3. The woodland corridors and Queen Elizabeth Park are busy commuter and dog walking routes with local residents valuing the woodland complex as their own local nature reserve. The woodland is particularly valuable to the health and wellbeing of local residents, as natural habitat is a scarce resource within Rushmoor, a heavily urbanised borough.

7.1.4. The users of the park are providing their own written representations which include an appendix containing comments from users of the woodland complex. The comments evidence how well loved this site is with many generations having used the woodland. Schools and clubs use the park for education, with the woodland playing an integral role in the community's everyday life.

### **7.2. The Impact of the tree loss on the Biodiversity Value of the Woodland Corridors**

7.2.1. The extensive woodland corridors interlacing the Farnborough urban areas are of significant importance to the fauna, as they provide a safe route through the urban area. *(See section 7.8.2 of the RBC LIR for further details)* The large areas of woodland clearance will fragment the continuous woodland and impact on its ecological carrying capacity. This habitat loss is likely to limit the roosting, nesting and foraging opportunities for bats, birds and invertebrates, as well as fragmenting the connecting corridor likely to be used by ground dwelling reptiles, amphibians, badgers and otter. This fragmentation could limit the recolonization of habitats within Southwood Country Park by severing the ecological links between the Country Park and the natural habitat to the east and west.

7.2.2. The ESSO pipeline will lead to significant negative impacts on the woodland belts within the Railway Green Corridors. To provide space for the stringing out of the directional drills under the railways, a 65m corridor of broadleaved trees is likely to be affected along the South Western Main Line, with a further 380m of trees affected along the North Downs railway.

7.2.3. The plans show that a 30m swathe of broadleaf woodland will be lost throughout Queen Elizabeth Park, with 5.8 acres of the 23.15 acres within the order limits. If all trees were clear felled within the order limits 25.1% of the woodland will be lost. RBC do note that ESSO have



obligated to narrow working within the woodland however this is not reflected within the plans submitted with the application.

- 7.2.4. In conclusion, the proposals will cause a significant negative impact on one of the most important ecological corridors in Farnborough. As woodland to be felled is mature, it will not be possible to compensate for the loss in the short, medium and long term. Due to the tree planting restrictions within the order limits 6.5m will need to be left clear of trees within Queen Elizabeth Park. This will amount to a significant permanent change to the character of the Park.

### **7.3. Protected Species**

- 7.3.1. Few protected species surveys, have been undertaken within the locality of the woodland complex with only two trees climbed for bats and badgers identified within the locality.

- 7.3.2. The local population have observed Daubenton's, pipistrelle bats and badgers and cubs within the gardens adjacent to the woodland. Grass snake, slow worm adder and a newt species have been observed within the woodland.

### **7.4 The impact of the tree loss on the Landscape Value of the Woodland Corridors**

- 7.3.3. The loss of trees within the woodland corridors and Queen Elizabeth Park will also lead to a loss in landscape and visual value, depriving Farnborough of a significant percentage of the town's mature tree cover. The corridors interlace a conservation area or provide the backdrop for historic buildings within Farnborough Hill School. The loss of the trees will change the character of the area, with any replacement trees likely to take decades to provide the same landscape and visual value.

### **7.4. Horizontal Directional Drill**

- 7.4.1. Rushmoor Borough Council as a Planning Authority and the landowner of Queen Elizabeth Park is of the view that there should be no direct impact to Queen Elizabeth Park Woodlands. Within the application documents the council can find no justification as to why the applicant has chosen not to use this method.

- 7.4.2. Rushmoor Borough Council considers that the impact on the local population and commuters who use this well-loved community resource and on the ecology of Queen Elizabeth Park from trenching would be unsupportable when a far less damaging working practice can achieve the same result.

- 7.4.3. The council respectfully requests that the applicant be required to use directional drilling or provide a justification as to why HDD cannot be used to preserve Queen Elizabeth Park. If the latter can be provided then a potential route for trenching that minimises loss of trees has been explored. If this option is necessary the Council would want requirement that they approve the route contained within the DCO.

### **7.5. Construction Phase Mitigation**

- 7.5.1. Within the application documents there appears to be no mention of the duration of construction within Queen Elizabeth Park. The applicant has informed the Council within a recent meeting that the construction compound could be open for as long as two years, with the only access track through the woodland being closed for at least a year. This will not only

mean that the community will be without a local play space for a significant period of time but it will also deter commuters from using the route which may lead to them driving to the station.

7.5.2. In mitigation for the loss of the playground the Council is seeking the following mitigation package;

- The cost of a new Playground, funded with a budget of £100.000
- Temporary play equipment provided within Cove Brook Greenway as part of the Cove Brook Enhancement project

7.5.3. To compensate the users for the lack of access during the construction process the Council proposes that a management plan is produced by the applicant for the construction phase and agreed by Rushmoor Borough Council. This should include access arrangements into and through the woodland in particular pedestrian access from Cabrol Road. This should be secured by a requirement which ensures that a scheme for the works in the park is submitted to and approved by the Council before development commences.

## **7.6. Post Construction Phase mitigation**

7.6.1. If the proposed working practices are permitted there will be significant damage to Queen Elizabeth Park which will need to be mitigated. As much of a quarter of the mature woodland could be clear felled a 6m stretch of which cannot be replaced In compensation for the damage caused the council would suggested that following mitigation package should be agreed and secured by a requirement:-

- the applicant should be required to undertake a biodiversity offsetting calculation for all trees lost on site with appropriate mitigation provided
- Funding to commission a redesign of the park with full community consultation
- A full habitat survey
- Protected species surveys
- Establishment of alternative habitat such as a woodland edge or glade within the 6m corridor.
- Other offsetting works such as clearance of non-native species
- Funding of the setup and running of a friends of Queen Elizabeth Park community group
- Funding for council management of the site for a specified period

## **7.7. Conclusion**

7.7.1. In conclusion Rushmoor Borough Council is extremely concerned with the amount of mature tree coverage to be lost within the borough as a result of the current proposals. If the applicant continues to propose the scale of habitat destruction with inadequate mitigation and compensation, the Council believes that the scheme would have an unacceptable impact on Queen Elizabeth Park in particular, and the woodland complex in general, that suggests a DCO should not be granted. However, if the applicant is willing to produce the strategies and fund the mitigation and compensation plan set out above the Council feel that community and biodiversity impacts could be mitigated in the longer term.

## **8. Farnborough Hill Conservation Area**

### **8.1. Impacts due to Loss of visual setting**

8.1.1. The conservation area centres on Farnborough Hill School, which is a grade I listed building. The topography of the site locates the pipeline to the lower ground of the area, therefore the direct impact to the building (curtilage structures) would be of little impact, subject to access to the site, however, the historic landscape will be affected during construction and after. Due to this being a private estate and the position of the pipeline in low lying ground, the visual effect on the public domain is of only some impact. The key impact is the trees and historic hedgerows on the boundary of the school's curtilage, within the Conservation Area affected or felled which would be of significant harm visually and create a harmful impact during the winter in particular and for many years to come.

### **8.2. Traffic management within Ship Lane**

8.2.1. The council is also concerned that traffic using Ship Lane will be disrupted by the proposed works. Although more of a local route than Cove Road, a Traffic Management Plan including alternative options for traffic should a requirement of the DCO.

### **8.3. Access to Ship Lane Cemetery SINC**

8.3.1. The council wishes to ensure that there will be access to Ship Lane Cemetery at all times, during the construction period. The council requests that a legal guarantee is secured to ensure that there will be no access restrictions to this sensitive site.

## **9. Farnborough Gate Sports Complex**

9.1. RBC notes that the applicant has queried whether the football pitch is in use; however we can confirm that this facility is licenced to Aldershot Town FC and is used extensively within the football season. This a significant recreational resource for the Borough as it provides good changing facilities, not present in many other pitches.

### **9.2. Construction Impacts**

9.3. The pipeline will bisect the Farnborough Gate Sports Complex main car park and football pitch and potentially restrict access to the bowls club. There will be a definite negative impact on the use of the football pitch as open trenching will disrupt the playing surface requiring significant refurbishment works unlikely to permit use for at least a season. It is likely that the council will need to relocate the football club within the construction and recovery period.

### **9.4. Long term Impacts**

9.5. Of greater concern however is the impact that the pipeline could have on the long-term use of the site. RBC has sought reassurances that this football pitch can be appropriately managed. Despite repeated requests, and information regarding management being submitted to the applicant, RBC is yet to receive any reassurances that management will not be hampered. Unlike Cove Playing Fields, Farnborough Gate Sports Complex is used by an established club with any restrictions more likely to require the permanent relocation of the team. The inability to manage the pitch would also lead to the grounds becoming unusable. As Farnborough is a heavily urbanised borough, it would be unlikely that an alternative pitch

could be provided and therefore disruption of the pitch would lead to a significant negative impact permanently.

## **9.6 Mitigation Measures**

- During the construction and restoration period RBC would expect the applicant to ensure that the football club can be relocated
- During the construction period the bowling club access should be unimpeded.
- In the longer term the council would wish to negotiate terms within the DCO that enable us to manage the pitch as a sporting facility.

## **10. Habitat loss within Blackwater Valley Frimley Bridge SINC**

10.0.1 The Blackwater Valley is one of the most important green corridors for people and wildlife within the borough. Rowhill Nature Reserve in Aldershot contains the headwaters of the River Blackwater, with a long-distance path stretching throughout the river's length. The path passes through five boroughs providing an ecological and access connection throughout the Blackwater catchment. The path, the surrounding floodplain and the standing water habitats are managed by Blackwater Valley Countryside Partnership, in partnership with the owners of the sites adjacent to the river.

### **10.1 The Blackwater Valley Frimley Bridge SINC**

10.1.1 The above SINC is designated for its floodplain and grazing marsh habitats and contains a historic landfill. RBC is concerned that open trenching through the SINC will lead to extensive habitat loss within and adjacent to the SINC. This will lead to the displacement of flora and fauna which use the river and surrounding habitat leading to a significant loss of these rare wetlands habits.

### **10.2 Disturbance of Contaminated Waste**

10.2.1 The Council is also concerned that the uncertainty within the application regarding whether open trenching or HDD will be used through the SINC. As the SINC contains a historic landfill, trenching could disturb these contaminants and threaten to the ecology within the Blackwater River. Although the stretch within our boundaries is to be directionally drilled, the council is keen to ensure the protection of the Blackwater River and the integrity of the SINC within both boroughs.

10.2.2 Within the application documents there are no details regarding the nature of the landfill or safeguards to ensure there is no contamination of the natural habitats within the Outline CEMP.

10.2.3 RBC recommends that the nature of the landfill is investigated whilst the proposals are within examination. If there are contaminants that could be deleterious to the River Blackwater and the associated SINC habitats, RBC would request that there is a requirement for directional drill under the entire SINC and landfill or that the option to the South is again considered. The Council requests that a requirement is included within the DCO for a Construction Environment Management Plan (CEMP) detailing how the pipe laying is to be undertaken to ensure no pollution of the SINC or the River Blackwater as a result of the works.

## **11. General Issues**

### **11.1. Transport**

- 11.1.1 Rushmoor Borough Council is extremely concerned that the Transport Assessment fails to adequately consider the impact on its area of the proposed traffic management measures and construction traffic due to the assumptions made in the study. In particular only areas where the works are likely to exceed four weeks have been assessed as part of the Transport Assessment. The length of time works will take is not an adequate proxy for impact. Rushmoor Borough Council believes that the potential impact of each of the potential measures needs to be considered. It is particularly concerned that impacts on Cove Road, A325 and A331 have not been considered given the significance of these routes. It is well aware from previous experience of the impact of closure of Cove Road. While it is appreciated that this is not currently proposed given the impact that was seen, it is likely that any measures will have a substantial impact on the road network, congestion and journey times. The Council would therefore request that further Transport Assessment work is undertaken to consider the impact on the main routes within and adjacent to Farnborough including their diversionary effects on the network.
- 11.1.2 The fact that only two construction hubs were considered as part of the Transport Assessment also gives rise to concern as these cannot be seen to be representative of the myriad situations across the length of the pipeline. Rushmoor Borough Council has highlighted the specific on site issues relating to several of the construction hubs. It is unable given the exclusion of these and the necessary supporting information to make an assessment on the impact of construction traffic on the road network or people and communities.
- 11.1.3 The existence of Farnborough International is a factor that does not appear within consideration of the Transport Assessment. In particular the Farnborough Air show which attracts 80,000 visitors is not mentioned. However the site is also allowed to hold ticketed events comprising no more than 31 days between February and May and 19 days between September and November. It is considered essential that a requirement is included in the DCO that no street works are undertaken for a period to be agreed with the Highway Authority and Rushmoor Borough Council during and around the Farnborough Air show. There will also need to be coordination with FIA on the timing of street works in relation to other events held at the venue.

### **11.2 The outline CEMP**

- 11.2.3 As the pipeline enters the borough it runs along the boundary of Eelmoor Marsh SSSI, with Ball Hill, Southwood Woodlands, Southwood Golf Course West, Cove Brook, Cove Valley Grasslands, Ship Lane Cemetery and Blackwater Valley, Frimley Bridge SINC are interspersed throughout the route. As all these designated sites support wetland habitats the lack of any detail regarding construction drainage and safeguards to conserve the hydrological processes, prevent contamination and ensure habitats are not compacted, RBC is concerned that these fragile habitats will not be protected from the above impacts.

- 11.2.4 The lack of commitment to rigorous environmental working practices during construction is particularly concerning as the draft DCO requirement states that any future Construction Environment Management Plan must be substantially in accordance with the outline CEMP. Rushmoor Borough Council requests that a requirement be attached to the DCO for submission and agreement of a thorough Construction Environment Management Plan that safeguards the wetland and other natural habitats from impacts, before construction commences.

### **11.3 Protection of TPO Tree and Important Hedgerows**

- 11.3.3 There are a number of TPO trees and an important hedgerow along the Pipeline route. The plans do not appear to show all the TPO trees. Ian May, the council tree officer is happy to send the TPO layer to ESSO to ensure no TPOs are missed.
- 11.3.4 Within the detailed CEMP RBC will expect safe working practices to be detailed to ensure no impact on the root zones of TPOs and significant trees.
- 11.3.5 To ensure conformity with the Hedgerow Regulations 1997 it is RBC's view that all hedgerows that qualify under the regulations should be auger drilled to ensure no reduction of biodiversity value or habitat fragmentation.

## **12 Changes in the DCO**

- 12.1.3 The Council has identified the need for certain changes to the dDCO in its answers to the First Written Questions. Additional requirements are necessary to address various matters set out above. The principal concern relates to the management of construction activities in publicly accessible open space to minimise disruption to users, ensure that ecological interests are protected, and to ensure that the amount of displaced recreational activity is minimised.
- 12.1.4 The Council is concerned that the proposed LEMP is not likely to be sufficient for these purposes, and a more granular approach is required focusing on the particular areas affected. Without such measures there is a material risk that the construction of the project will have an unacceptable adverse effect on these important sites.
- 12.1.5 Finally, the Council has identified to the applicant the need for a development consent obligation to deal with various matters including the funding of a replacement playground in Queen Elizabeth Park. To date the applicant has refused to contemplate such an obligation.

## **13 Compulsory acquisition**

- 13.0.1 The draft DCO identifies various plots in the ownership of the Council as being required for the Scheme:
- 13.0.2 Overall a total of 10.70 hectares (26.46 acres) of land owned by the Council has been identified for compulsory acquisition by the applicant across various Classes 2-4 as described below:

### **13.1 Impact on the use of the Council's Property**

- 13.1.1 The land required for the Project in the ownership of the Council is used for a variety of purposes including SANGS, Country Park, children's play area, sports pitches used for general

recreation, sports pitches and clubs let to third party users, car parks, green spaces and various watercourses managed by the Council.

- 13.1.2 In addition there are a number of public roads although not owned by the Council are managed by them as the local highway authority which will be directly affected by the project as access routes to work areas.
- 13.1.3 The Council are concerned as to how the construction works will impact the obligations to manage land as SANGS such as the excavation of soil and material from the ground the installation of the pipeline and also the construction haul roads/construction sites adjacent to the working corridor.
- 13.1.4 The Council is concerned that Esso will be preventing public access over this SANGS land will be a breach of its management and planning agreements.
- 13.1.5 The applicant has not yet demonstrated how the land will be suitably reinstated back to a condition which is compatible with the SANGS management.
- 13.1.6 There are a number of low lying wet areas and water features which will be impacted by the construction of the pipeline. Some of these watercourse such as Cove Brook require constant management in order to provide essential protection for the prevention of flooding in the local areas. It is not known what impact the installation of the pipelines over, through or under these brooks and watercourses will have on their ability to provide flood protection. In addition it is not known if the Applicant will bear responsibility for those watercourses and brooks which are within their order limits for the duration of the project.
- 13.1.7 General concerns about the impact of construction noise arising from the installation of the pipeline through a densely populated area.

### **13.2 Adequacy of consultation with affected parties**

- 13.2.1 Fisher German, on behalf of the Applicants, issued 'Key Terms' for various agreements to be agreed into between the parties including an Option Agreement to enter into a Deed of Grant of Easement.
- 13.2.2 Although it is recognised that the issuing of these terms indicated the Applicant's willingness to negotiate in parallel with the statutory process there are a number of key flaws in the terms and various documents which have prevented the Council from entering into to them.
- 13.2.3 For example through the key terms Esso sought restrictive rights over a much larger area than the pipeline corridor which, if granted, would have imposed these rights over the entirety of the Council's registered interests including the right of disposition of any disposal even if that was nowhere near the pipeline itself.
- 13.2.4 In addition, Esso were seeking the right to consent to any charge, easement, right, licence or tenancy over any part of the Grantor's Property.
- 13.2.5 Therefore, the impractical nature of the terms issued by Esso has prevented the Council from being able to consider entering into them from a pure property perspective.

### **13.3 Disproportionate Use of Powers**

- 13.3.1 The pipeline has a limited design life (as shown by the need to replace the current pipe). Therefore it is not clear why the Applicant requires permanent rights over land in perpetuity.
- 13.3.2 In addition the Applicant is not 'relinquishing' the rights over the old pipeline. Therefore the Council will be burdened by two easements which will sterilise more land than is necessary.
- 13.3.3 It should be a condition of the project that the rights over the old pipeline are released even if it remains in the ground once it has been decommissioned.
- 13.3.4 There are large areas of land required for construction purposes as shown in pink on the Order plans. The Council is concerned about the cumulative impact of the loss of this land in terms of public access, enjoyment of third parties and ecology.
- 13.3.5 The Council is concerned based on past experience that it will not be able to use the land for its intended purpose once restored due to the broad nature of the permanent rights. This is particularly the case in relation to sports pitches where due to the interpretation and enforcement of covenants on the existing pipeline one pitch had to be shortened. If this occurred with the new route then the Council would lose complete use of valuable pitches without any ability to compensate the loss. The Council is therefore seeking a specific undertaking in relation to the sports pitch which says that RBC are able to maintain the football pitches within the easement width as is required for their standard maintenance (including the aerating of the ground) and such maintenance does not breach any terms of the easement/DCO powers particular relating to the Class 3 rights.

### **13.4 Removal of Trees**

- 13.4.1 The project will require the removal of a number of mature trees on the Council's property. Under the terms of the DCO it will not be possible to plant replacement trees over the top of the pipeline width and therefore some of these trees will be lost forever.
- 13.4.2 We are not aware of any mechanism or agreement with the Council to replace trees removed by the project elsewhere on the Council's ownership. Therefore there will be a net loss of trees to the Council many of which have great ecology value and amenity value to local residents.

### **13.5 Land Restoration**

- 13.5.1 The Council is concerned regarding the quality of land restoration across both the pipeline line and working areas. Based on previous experience land restoration over an underground utility can be mixed in terms of quality and often the area is subject to depressions and is uneven. This can cause issues in areas which are subject to heavy use from the public such as open spaces and sports pitches. Ultimately it will be Council who will be responsible for any ongoing issues beyond the maintenance period which will have financial implications.
- 13.5.2 Bringing soils back to use after the construction of a major infrastructure project is very difficult. Therefore the way soils are stripped and stored is very important, as is the method of de-compaction of working areas.
- 13.5.3 There is no mention of the control of weed species and no indication of how this will be implemented.



### **13.6 Access to land for and construction and maintenance purposes**

- 13.6.1 The Applicant has failed to engage with the Council to agree suitable crossing points over the pipeline corridor. As it stands large areas of the Council's estate will be inaccessible as it is being severed by the scheme.
- 13.6.2 The Council has concerns as to how the Applicant will access their land in the event of an emergency or routine maintenance of their infrastructure and the potential damaged caused by vehicles in taking access.
- 13.6.3 Also many parts of the pipeline route are subject to public access. Therefore there is a risk to the safety of the users of these public areas if the Applicant is also in occupation.

### **13.7 Temporary Notice Period**

- 13.7.1 In accordance with Article 29 of the Draft DCO the Applicant can exercise its temporary possession powers by serving a minimum of 14 days' notice and can remain on the land for up to 1 year after the completion of the part of the authorised development specified in relation to the land.
- 13.7.2 Likewise the DCO, if granted, enables the Applicant to take possession of land subject to a minimum of 28 days' notice in the maintenance period which is 5 years after the completion of the relevant part of the project.
- 13.7.3 Both these notice periods, particularly the notice requiring possession of land for construction purposes is wholly inadequate and not practical. The Council would like a provision requiring Esso to providing a minimum of 3 months' notice for all works required on their property.

## **14 Conclusion**

- 14.0.1 In conclusion RBC is very concerned about the impacts to the ecology, open spaces, sport facilities and the disruption to residents within the borough. Despite almost 18 months of negotiation RBC has been unable to secure much avoidance of impact and no appropriate mitigation and compensation. The council will continue to work within the examination process to endeavour to protect our assets and our residents, whilst enabling this essential development to progress.