

**From:** [Karl Cradick](#)  
**To:** [Southampton to London Pipeline Project](#)  
**Subject:** EN070005: ESSO pipeline DCO - Deadline 3 submissions by SPELTHORNE BC  
**Date:** 18 December 2019 10:09:56  
**Attachments:** [EN070005 SPELTHORNE BC Deadline 3 submissions.pdf](#)

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18 December 2019

The Examining Authority Case Team  
(Esso Southampton to London Pipeline)  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Ref. EN070005

Dear Sir / Madam,

**ESSO PETROLEUM COMPANY LIMITED: DCO APPLICATION FOR THE  
SOUTHAMPTON TO LONDON PIPELINE PROJECT  
DEADLINE 3 SUBMISSIONS BY SPELTHORNE BOROUGH COUNCIL**

Savills is instructed by Spelthorne Borough Council in Surrey in connection with the planning and environmental aspects of Esso's DCO application. This e-mail and its attachment form the Borough Council's response to submissions required by Deadline 3 of the DCO examination.

On behalf of Spelthorne BC I enclose a single document combining:

1. Written summary of oral submissions
2. Comments on written representations
3. Responses to action points from hearings

Please do not hesitate to contact me if any clarification is required.

Finally, please confirm receipt of this e-mail and attachments.

Yours faithfully,

**Karl Cradick**  
**Director**  
**Planning**

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Esso Petroleum Company Limited: Southampton to London Pipeline Project  
Development Consent Order application ♦ Project reference no. EN070005

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## **Spelthorne Borough Council**

### **Responses for Examination Deadline 3:**

1. Written summary of oral submissions
2. Comments on written representations
3. Responses to action points from hearings

**Spelthorne Borough Council  
Knowle Green  
Staines-upon-Thames  
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## Contents

<b>One</b>	<b>Written summary of oral submissions</b>	<b>5</b>
	ISH on the draft DCO - 27 November 2019	
	Compulsory acquisition hearing - 27 November 2019	
	ISH on environmental matters - 3 December 2019	
	ISH on environmental matters - 4 December 2019	
<b>Two</b>	<b>Comments on written representations</b>	<b>13</b>
<b>Three</b>	<b>Responses to action points from hearings</b>	<b>25</b>
	ISH on the draft DCO - 27 November 2019	
	Compulsory acquisition hearing - 27 November 2019	
	ISH on environmental matters – 3-4 December 2019	



## One ♦ Written summary of oral submissions

### ISSUE-SPECIFIC HEARING ON THE DRAFT DEVELOPMENT CONSENT ORDER 27 November 2019

#### Agenda item 2: Articles and schedules of the draft DCO

##### ***dDCO Article 14: Access to works***

- 1.1 As explained in Spelthorne BC's response to ExA written question DCO.1.15, given the length of the pipeline and the wide order limits along on the route corridors, Article 14 is a particularly broad power. Potentially it would authorise substantial works by way of the creation of new site accesses for construction traffic, which might have highways implications. It could also result in the loss of hedgerows, trees and other vegetation (pursuant to the power in Article 41 – see below) with unassessed biodiversity and landscape/visual impact issues.
- 1.2 Since the proposed means of access are identified on the Order plans, this is an additional power that does not appear to be necessary. The applicant justifies the width of its pipeline working areas in part by reference to the need to construct a haul road along much of the route (see e.g. Statement of Reasons, 6.5.9). This means that the proposed means of access are sufficient, since the remainder of the route can be accessed through the internal haul road. In those circumstances, it is not necessary to also include a power for the creation of additional means of access.
- 1.3 Spelthorne Borough Council (SBC or 'the Council') considers that Article 14 should either be deleted or made subject to approval provisions that would allow consideration of the effects of any additional site accesses.

##### ***dDCO Article 41: Felling or lopping and Article 42: Trees subject to TPOs***

- 1.4 Spelthorne BC does not consider that Article 41: *Felling or lopping* and Article 42: *Trees subject to Tree Preservation Orders* of the draft DCO (REP2-003), in conjunction with Requirement 6: *Hedgerows and trees* in Schedule 2 Part 1 of the same document, provide adequate safeguards for trees. As drafted Articles 41 and 42 give the Applicant too much discretion over what the actual level of tree loss would be. The Council's proposed safeguards are explained in paragraph 1.21 below.



### **Agenda item 3: Schedule 2 of the DCO - Requirements**

#### ***Requirement 3: Stages***

- 1.5 The Council is concerned that Requirement 3 is in effect only an advisory provision. The Requirement should include a provision for approval of development phasing by the relevant planning and highways authorities for the section of pipeline involved, enabling local considerations and preferred windows for ecological activity to be taken into account.

#### ***Requirement 5: Code of Construction Practice (CoCP)***

- 1.6 The Council is concerned that the CoCP will be set in stone and not subject to amendments reflecting local considerations. The tailpiece provision should be retained. It would be preferable for the CoCP to be an over-arching document with provision for the agreement of local arrangements. Of relevance in this context is the proposal for site-specific Construction Method Statements (CMS) for sensitive 'hotspot' locations, explained in para. 1.22 below.

#### ***Requirement 6: Construction and Environmental Management Plan (CEMP)***

- 1.7 The Council reiterates its concern at the lack of a detailed draft CEMP for consideration during the DCO examination. In the absence of a detailed draft CEMP it might be necessary to include additional DCO Requirements to address the specific concerns raised in Spelthorne's and other authorities' Local Impact Reports (LIRs).
- 1.8 As explained in para. 8.18 of Spelthorne BC's LIR (REP1-021), it is requested that part (2)(d) of Requirement 6 includes '(x). *Construction lighting strategy*'. The Applicant indicated at the hearing that it is agreeable to this addition.

#### ***Requirement 7: Construction traffic***

- 1.9 It is requested that ExA and the Applicant give consideration to the additional provisions to be added to Requirement 7, as explained and justified in paragraphs 4.29-4.34 of Spelthorne BC's LIR. This is particularly important given the absence of a draft Construction Traffic Management Plan (CTMP) and the high-level nature of the Applicant's Register of Environmental Actions and Commitments (REAC, see section 16.3 of ES chapter 16: *Environmental Management and Mitigation* in application document 6.2, PINS ref. APP-056).

#### ***Requirement 8: Hedgerows and trees***

- 1.10 The Council is pleased that Esso is committed to ensuring that the mitigation planting would be cared for post-construction, not least because the loss of trees

and other vegetation is one of the most significant adverse effects of the pipeline project. However, the Council considers that a three year aftercare period is insufficient to ensure that the proposed planting has established properly. A five-year aftercare period would be more appropriate, in keeping with widespread planning practice.

- 1.11 Paragraphs 4.3-4.14 of the Council's LIR offers further observations in respect of the tree protection and replacement, including the need for an additional DCO Requirement on tree surveys and protection (see paras. 4.13-4.14 the Spelthorne BC Local Impact Report (LIR, ref. REP1-021), with a Tree Survey and Protection Strategy requested from the Applicant during the current DCO examination.

***Requirement 12: Landscape and Ecological Management Plan (LEMP)***

- 1.12 Draft Requirement 12 provides for the submission and approval of the LEMP prior to the commencement of the relevant stage of development. However, with no outline LEMP provided as a part of the DCO application, it is unclear whether the measures that are being relied upon will be able to sufficiently mitigate the likely adverse effects identified.
- 1.13 The Council therefore considers that the specific measures proposed to remedy the effects upon biodiversity and landscape should be set out in an outline LEMP, made available for consideration during the current DCO examination. It is noted that the Applicant now intends to produce a draft LEMP for Examination Deadline 4 (30 January 2020). The outline LEMP should be presented in sufficient detail to enable ExA and interested parties to arrive at informed judgements at the likely effectiveness of the protective measures and mitigation that would be implemented should the development proceed.
- 1.14 To this end it would be helpful if the outline LEMP identified the surveys, consultations, licences, mitigation, site management and aftercare that the Applicant proposes to ensure satisfactory outcomes on the ground. In this context the Council recommends that the project should seek to achieve biodiversity net gain within each local authority area affected, rather than across the pipeline as a whole.

***Requirement 14: Construction hours***

- 1.15 Spelthorne BC supports the idea of the local agreement of construction hours with the relevant planning and highways authorities. The pipeline passes through a wide range of environments, including remote farmland in which extended working hours might be acceptable, and more sensitive residential areas and school sites in which working hours will need to be restricted.

**COMPULSORY ACQUISITION HEARING**

27 November 2019

- 1.16 Spelthorne BC reiterates the concern expressed by its advocate Mr Richard Turney at the hearing on 27 November 2019 to the effect that the period over which the construction would take place on any given land parcel is unknown, with no limiting provision on temporary possession. This is a concern not least in respect of public open space.
- 1.17 Under the provisions of the Development Consent Order as drafted, Esso would have the ability to occupy all land within the DCO order limits for up to five years for construction purposes. In addition there is the ability for a further five years of occupation for maintenance of pipeline infrastructure. Esso has indicated repeatedly that it intends to complete the project by the end of 2022 so it is unnecessary to burden land for any additional time. Access to land for maintenance purposes could be agreed by Esso on a short term basis as and when the need arises, rather than burden land for a further five years without justification.

**ISSUE-SPECIFIC HEARING ON ENVIRONMENTAL MATTERS**

3 December 2019

**Agenda item 2 - The effect of the proposed development on biodiversity and landscape from tree, hedgerow and vegetation losses**

- 1.18 Spelthorne Borough Council views with concern the latitude that the DCO as drafted allows for the removal of vegetation. The 'worst case' tree and hedgerow removal plans supplied by Esso in its *Response to the Examining Authority's First Written Questions Landscape and Visual* document (REP2-046, document 2 of 2) show a level of loss that would be entirely unacceptable and sufficient to warrant a refusal of the DCO application.
- 1.19 The Applicant has indicated verbally that it aspires to work within the broad parameters of the DCO as drafted to minimise tree and hedgerow loss. However, the likely level of tree loss is effectively unknown and has not been assessed in the Applicant's Environmental Statement.
- 1.20 Measures to minimise tree loss are promised in documents such as a Landscape and Ecological Management Plan (LEMP), which is provided for in Requirement 12 of the draft DCO but unavailable to the Examination in draft. The outline Construction Environmental Management Plan (CEMP, application document 6.4, ref. APP-130) is only a skeleton document and the Applicant's Register of Environmental Actions and Commitments (REAC, see section 16.3 of ES chapter 16: *Environmental Management and Mitigation* in application document 6.2, ref.

APP-056) offers only high-level commitments. In addition it is noted that Esso is often seeking temporary land rights for land on which permanent landscape mitigation is required.

- 1.21 As things stand the Applicant would have too much discretion over what the actual level of tree loss would be. The Council does not consider that Article 41: *Felling or lopping* and Article 42: *Trees subject to Tree Preservation Orders* of the draft DCO (REP2-003), in conjunction with Requirement 6: *Hedgerows and trees* in Schedule 2 Part 1 of the same document, provide adequate safeguards. In response, Spelthorne and neighbouring Surrey local authorities have proposed an additional DCO Requirement on tree surveys and protection (see paras. 4.13-4.14 the Spelthorne BC Local Impact Report (LIR, ref. REP1-021), with a Tree Survey and Protection Strategy requested from the Applicant during the current DCO examination. Site-specific safeguards could be provided by means of s.106 agreements and/or the production of site-specific Construction Method Statements for the most sensitive locations along the pipeline route (referred to as 'hotspots' in the hearings).
- 1.22 In response to a request to local authorities by the Appellant's advocate during the 3 December 2019 ISH on environmental matters, Esso has been provided with a proposed outline for site-specific Construction Method Statements covering identified 'hotspot' locations of highest sensitivity on the pipeline route. This approach aligns with observations made by ExA at the end of the Environmental Matters ISH on 4 December 2019.

## **Agenda item 2 - Ashford Road and Fordbridge Park**

- 1.23 The general concerns summarised in the preceding paragraphs are well illustrated at Ashford Road and Fordbridge Park in Spelthorne. Sheet 60 of 62 of the 'worst case' tree and hedgerow removal plans supplied by Esso in its *Response to the Examining Authority's First Written Questions Landscape and Visual* document (REP2-046, document 2 of 2) shows a near-complete removal of woodland on the north-eastern edge of the park. This woodland currently provides visual containment of the public open space from the busy A30 Staines by-pass to the north, and includes various memorial trees. This level of impact would be entirely unacceptable. Esso's project team has given verbal reassurances that the actual construction impacts would be less severe but the DCO as drafted would enable tree removal up to the worst case scenario.
- 1.24 In contrast, no tree loss is predicted in Sheet 60 of 62 of the 'worst case' tree and hedgerow removal plans along Ashford Road other than at the small valve enclosure towards the northern end of the road. SBC is concerned that the plan overlooks the potential for harm to root systems from TPO-protected trees on the eastern verge of Ashford Road, which at worst could lead to tree loss. This line of trees is an important landscape and amenity feature and screens views of the

mineral workings beyond. Again, the level of impact is currently unknown but the Order would allow the pipeline to be laid close to the eastern verge of Ashford Road, where harm to root systems would be inevitable.

- 1.25 The measures proposed in paragraph 1.21 (above) would afford superior protection to valued trees in Ashford Road and Fordbridge Park.

## **ISSUE-SPECIFIC HEARING ON ENVIRONMENTAL MATTERS**

4 December 2019

### **Agenda item 2: Examination of alternatives – education and sporting facilities**

- 1.26 During the hearing the Applicant's engineer was asked whether a single trenchless pipeline section could be constructed directly from Station Road beneath both the B378 Church Road to the St James' Boys School playing fields, so avoiding Clarendon primary school. Spelthorne BC is prepared to accept the Applicant's verbal response to the effect that this would be very difficult technically in view of the extreme strike angles for pipeline boring and the need to protect the structural integrity of Church Road railway bridge.
- 1.27 However, this reinforces the need to understand the detailed effects of two trenchless crossings on Clarendon primary school, as highlighted in chapter 9 of the Spelthorne LIR (REP1-021), and for the Applicant to provide clear safeguards through mechanisms that might include a site-specific Construction Method Statement for Ashford town centre and Clarendon primary school (see para. 1.22 above).
- 1.28 Also of concern is the lack of clarity on the constraints that might be imposed on the maintenance and use of playing fields and open spaces above the pipeline. This is a relevant concern at various points along the pipeline route as it crosses Spelthorne, including Fordbridge Park, Woodthorpe Park, Clarendon primary school, St James' Boys School, Thomas Knyvett College and Ashford Sports Club on Short Lane.
- 1.29 The Council heard the Applicant's verbal response (hearing, 4 December 2019, 11.53 a.m.) to the effect that there would be "no restriction whatsoever" to maintenance, rolling, tilling and the use of the land for sports above the pipeline. However, as noted by the Council's advocate Mr Richard Turney in response, this has not been the experience of some owners and users of land above Esso's existing fuel pipeline. In particular where there is a restriction on the 'breaking up' of such land which is common practice to repair sports pitches after the end of the season. Under the DCO and draft land agreements the 'breaking up' of soil above the pipeline is prohibited. In this respect, clarity is owed to landowners on the long term covenants that would be imposed by the DCO.

- 1.30 Similarly, guarantees firmer than the promise of provisions in the Code of Construction Practice and future Land Agreements are desirable to ensure that playing fields would be restored and be able to be maintained by the Council to the appropriate standard.

### **Agenda item 3 – Construction practices**

- 1.31 Esso confirmed during the hearing that 24-hour construction working would be required at times – particularly for trenchless working. This underlines the need for the submission of a more detailed draft CEMP for consideration during the current DCO examination, so that there can be greater confidence that residential amenity can be maintained during pipeline construction before a DCO is made.
- 1.32 In respect of construction practices generally, clarity is requested on:
- the rationale and actual physical parameters of working widths for pipeline construction. The selection of working widths is an important determinant of the environmental impact of the project, be this in woodland, parks or suburban streets;
  - whether and how Esso proposes to undertake street works in accordance with the permit scheme Surrey County Council operates under the New Roads and Street Works Act 1991.
  - the thresholds for noise mitigation that Esso will apply for construction sites in different types of location.

### **Construction working hours**

- 1.33 As explained in Spelthorne BC's response to ExA written question PC.1.8 (REP2-088), Esso's non-negotiable 'one size fits all' formula for managing construction working hours omits to acknowledge the wide range of environmental and amenity conditions encountered along the pipeline route. There are places – for example, in open farmland remote from sensitive receptors – where extended working hours might well be acceptable. In others, such as where the pipeline weaves through residential neighbourhoods or close to schools, restricted working hours would be justified.
- 1.34 In recognition of this it is proposed that:
- i). Draft DCO Requirement 5: *Code of Construction Practice* is amended to require its submission and approval by the Relevant Planning Authority prior to the commencement of construction works. This would have the additional benefit of enabling input by Esso's contractors, who have yet to be appointed

and in whom great faith is currently placed by the Applicant for the effective implementation of the proposed construction mitigation strategies.

- ii). Draft DCO Requirement 14: *Construction hours* is amended to require the submission of approval by the Relevant Planning Authority of construction working hours for defined sections of the pipeline. This would incentivise the Applicant or its contractor to negotiate practical local solutions with the relevant planning and highways authorities and environmental health officers.

**Celia Crescent, Ashford**

- 1.35 Spelthorne BC welcome's Esso's preparedness to consider deleting the proposed construction access from Celia Crescent in favour of an access from Woodthorpe Road, and will work with the Applicant to formalise this arrangement.

## Two ♦ Comments on Written Representations

2.1 Spelthorne BC offers the following comments on documents submitted at Examination Deadline 2.

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
<b>Esso - Comments on Local Impact Reports (Application Document 8.7, PINS ref REP2-053)</b>		
Table 10.1, para ref 4.8 – <i>Trees: Undesignated Trees</i>	SBC's concerns relating to undesignated trees and landscape and visual amenity value	<p>This response does not actually address the concerns raised. Whilst groups of trees in Fordbridge Park have been mentioned, no individual notable trees have been identified.</p> <p>Concern remains that the LVIA does not fully address the value of the trees.</p>
Table 10.1 para ref 4.13 and 4.14 – <i>Trees: Tree Survey and Protection Strategy</i>	<p>SBC requested a Tree Survey and Protection Strategy for consideration during the DCO process.</p> <p><i>Esso's response:</i> not possible - how many trees will be retained or removed is unknown. Measures will be set out in a LEMP to be approved by LPA. Where notable trees would be retained the trees and their root protection areas (RPA) would be protected where they extend inside the order limits and are at risk.</p>	<p>This response is unsatisfactory. Trees are important assets and the Council is concerned that not all trees have yet to be properly identified. Without the full consideration of the likely effects, the ExA does not have the full information to determine the DCO.</p> <p>Given the current Order Limits and the proximity of notable trees, particularly along Ashford Road and in Fordbridge Park, SBC is unclear as to how the root protection areas can be protected. Based on current standards a RPA could be up to 15m from the tree trunk. Further information on the effects on specific trees is thus required.</p>



**DEADLINE 3 RESPONSES** **SPELTHORNE BOROUGH COUNCIL**

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
Table 10.1 para ref 5.29 and 5.30 – <i>Trees: Landscape and Visual Effects including trees</i>	<p>SBC identified that there is a belt of trees not identified by the applicant which is priority habitat.</p> <p><i>Esso's response:</i> the belt of trees on the northern side of the M3 motorway is not priority habitat. It lies above a trenchless crossing and so will not be affected.</p>	<p>According to information available via Natural England, the site is a priority habitat. As such any potential risk should be identified. If the trenchless crossing will ensure that integrity is not affected then the Council is content.</p>
Table 10.1 para ref 6.27 and 6.28 – <i>Trees: Trees along Ashford Road</i>	<p>Concern about the permanent loss of mature trees and features of ecological value.</p> <p><i>Esso's response:</i> see ES chapter 10 (APP-050), response to RR (REP1-003) and responses to WQ LV.1.8 and LVC.19.</p> <p>Esso acknowledges that there are a number of veteran trees in Ashford Road and has estimated root protection areas for these trees that will inform the routeing.</p> <p>See commitments in the REAC.</p>	<p>Esso's response does not address the specific concern about the potential effects of trees on Ashford Road.</p> <p>No response has been provided concerning the potential felling of tree group TPO 076 on Ashford Road, which lies outside order limits.</p> <p>Concerns remain about root protection for trees on Ashford Road, as described above.</p>
Table 10.1 para ref 4.27 – <i>Ecology and Biodiversity: Construction Environmental Management Plan (CEMP)</i>	<p>Lack of detail in the CEMP and request for detailed one to be submitted as part of examination.</p> <p><i>Esso's response:</i> See responses to written questions DCO.1.33, DCO.1.34, FR.1.20 and PC.1.6. Production secured through detailed commitment G1 in the Applicant's REAC (APP-056).</p>	<p>The responses do not address the concerns raised and SBC's position is unchanged.</p>
Table 10.1 para ref 4.33 and 4.34 <i>Transport and Highways: Transport and Highways</i>	<p>SBC requests the addition of various provisions to DCO Requirement 7: <i>Construction traffic</i> concerning the content of the CTMP.</p> <p><i>Esso's response:</i> the company proposes good practice measures which broadly reflect the issues raised and are in the commitments in the REAC (APP-056). The</p>	<p>The responses do not address the concerns raised. SBC remains of the view that the additional provisions suggested for Requirement 7 are necessary.</p>

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
	applicant will bear the points in mind at the appropriate time for drafting. Refers to WQ response TT.1.1.	
Table 10.1 para ref 6.13, 6.14 and 6.15 <i>Transport and Highways: Effects on highways and traffic – Ashford Road and Kingston Road</i>	<p>Highlighting of the importance locally of Ashford Road as a traffic thoroughfare.</p> <p><i>Esso's response:</i> Refer to REP1-003.</p> <p>Trenchless crossing proposed is to maintain access to White House Depot. The Applicant confirms that there would be traffic management in place where the open cut works take place along Ashford Road.</p>	The responses do not address the concerns raised and SBC's concern about adverse traffic effects remains.
Table 10.1 para ref 8.20, 8.21, 9.7, 9.8. 9.9 <i>Transport and Highways: Access around Ashford in relation to: HMP Bronzefield / Effects on the retail centre at the Station Approach area during construction / Effects on the use of the railway station</i>	<p>Vehicular access to HMP Bronzefield needs to be maintained at all times. Risk that the pipeline will adversely affect trading conditions in Ashford and the maintenance of access to Ashford station</p> <p><i>Esso's response:</i> HMP Bronzefield's access road will be treated as a highway. It will not be closed but may be subject to traffic management measures.</p> <p>Refers to REAC commitment G79 which includes '<i>pedestrian access ...would be maintained throughout the construction period. Vehicle access would be maintained where practicable. This may require signed temporary diversions. This means of access would be communicated to affected parties at least two weeks in advance.</i>'</p> <p>The trenchless proposed at Church Road will involve use of Station Road. This will affect circulation but station and car park will remain accessible.</p> <p>Esso will adopt a community engagement plan.</p>	As explained in paragraphs 1.22 and 1.27 in the preceding chapter, SBC requests the provision of a site-specific Construction Method Statement for the affected area of Ashford town centre.

**DEADLINE 3 RESPONSES** **SPELTHORNE BOROUGH COUNCIL**

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
Table 10.1 para ref 8.17 <i>Residential Amenity: Construction Compound 51 (Works CO-5Q), Woodthorpe Road</i>	Refers to compound 5Q and effects on amenity.  Esso's response: see FWQ responses GQ.1.14, PC.1.12 to PC.1.14  The Applicant considered the impacts in chapter 13 (APP-053) and included commitments in the REAC.	The responses do not address the concerns raised and SBC's concern remains.
Table 10.1 para ref 5.19, 5.21 <i>Hydrology and Flood Risk: Effects in relation to hydrology and flood risk</i>	Refers to the potential for contaminated water from logistics hub at Littleton Lane.  <i>Esso's response:</i> Safeguards are provided in Requirement 10: <i>Contaminated land and groundwater.</i>	SBC is content with Esso's response. In any event the proposed logistic hub at Littleton Lane no longer forms a part of Esso's proposals.
Table 10.1 para ref 9.12, 9.18 <i>People and Communities: Clarendon School</i>	Concerns over the effects on Clarendon primary school in Ashford.  <i>Esso's response:</i> The Applicant has met the school's head teacher and he is agreeable to the proposals. Discussions will continue. REAC commitment G173 states that ' <i>the project would consult with educational facilities...to co-ordinate where practicable the construction timetable to reduce impacts</i> '.	The responses do not address the concerns raised by the Council.  It is noted that Esso has committed to school holiday working and additional mitigation measures for St James' Boys School, across the railway.  As explained in paragraphs 1.22 and 1.27 in the preceding chapter, SBC requests the provision of a site-specific Construction Method Statement for the affected area of Ashford town centre, including Clarendon primary school.
Table 10.1 para ref 6.36 <i>People and Communities: Effects on the operation of the local authority's White House Depot</i>	Concerns about accessibility and the safe operation of depot.  <i>Esso's response:</i> See RR (REP1-003). Trenchless crossing proposed is to maintain access to the Council's White House Depot. Traffic management in place where the open cut works take place along Ashford Road.	Noted.
Table 10.1 para ref 7.16 to 7.21,	Concern over Celia Crescent construction traffic.	Spelthorne BC welcome's Esso's preparedness to consider

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
7.22 to 7.29 <i>People and Communities: Celia Crescent and Fordbridge Park</i>	<p><i>Esso's response:</i> see the information sheet released when route was altered. (APP-032), along with the Applicant's response to Relevant Representations (REP-003).</p> <p>Other than for the delivery of large construction vehicles, the Applicant would aim to use the gate for only small vehicles, typically at the start and the end of the day.</p>	deleting the proposed construction access from Celia Crescent in favour of an access from Woodthorpe Road, and will work with the Applicant to formalise this arrangement.
Table 10.1 para ref 8.12 <i>People and Communities: Woodthorpe Road Play Area</i>	<p>SBC seeks clarification on proposals for the relocation and reinstatement of a children's play area in Woodthorpe Park.</p> <p><i>Esso's response:</i> reinstatement secured through REAC commitment G94 and a specific commitment in the revised CoCP (Commitment OP07 (doc ref 6.4 appendix 16.1(2))).</p>	SBC is in discussion with the Applicant about this matter.
Table 10.1 para ref 6.19 <i>Noise and Vibration: Sensitive receptors along Ashford Road</i>	<p>SBC is concerned that receptors have been identified along Ashford Road, with the implication that mitigation measures therefore don't apply.</p> <p><i>Esso's response:</i> Refers to WQ responses GQ.1.14, PC.1.4, PC.1.6 and PC.1.12 to 1.14, along with good practice measures set out in the REAC (APP-056). The addendum to Appendix 13.3 (APP-121) identifies Fordbridge Park and Fourth Ashford Scout Group as only receptors to experience significant noise. Esso is committed to producing a Noise and Vibration Management Plan (REAC commitment G99).</p>	<p>Concern remains regarding the noise and vibration effects residential receptors at the top of Ashford Road near the valve and trenchless crossing.</p> <p>SBC has requested a site-specific Construction Method Statement as a means of addressing these concerns.</p>
Table 10.1 para ref 6.22, 6.23, 6.24 <i>Noise and Vibration: Time to construct long Ashford Road</i>	<p>Concerns re. the cumulative effect of trenchless crossing and valve construction.</p> <p><i>Esso's response:</i> The company carried out a cumulative assessment (APP-055) and identified no</p>	See comment above.

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
	significant adverse effects. Good practice measures adopted in REAC (APP-056).	
<b>Esso – Response to the ExA's First Written Questions – Alternatives and General Questions (ALT) (Application Document 8.6.01, PINS ref. REP2-038)</b>		
Table 1.1 ExQ1 ALT.1.4	<p>Was trenchless construction considered by the applicant as a means of reducing tree loss in Fordbridge Park?</p> <p><i>Esso's response:</i> trenchless construction was considered but the area of land required at either end of trenchless approach would have resulted in loss of a similar amount of trees.</p> <p>Narrow working of up to 10 metres in width is proposed instead with the amount of tree loss reduced by using the open areas along the footpath. It is not anticipated that there would be a large amount of tree loss in the park.</p>	SBC remains concerned about the effects on Fordbridge Park and has requested a site-specific Construction Method Statement as a means of addressing its concerns.
<b>Esso – Response to the ExA First Written Questions – General Questions (GQ) (Application Document 8.6.02, PINS ref REP2-039)</b>		
Table 1.1 ExQ1 GQ.1.14	<p>Explanation requested of how the mitigation measures suggested within NPS EN-4 are secured by the draft DCO either in terms of inherent design or as a result of requirements.</p> <p><i>Esso's response:</i> Refer to commitments set out in REAC (APP-056). ES and Planning Statement.</p>	As explained in the preceding chapter of this document, SBC remains concerned about how the level of detail in the REAC and inadequate guarantees on the DCO as to how REAC commitments would be applied in detail.
Table 1.1 ExQ1 GQ.1.23	Clarification sought about the type of temporary fencing for acoustic and visual screening and whether this would be an incidental benefit or necessary mitigation.	SBC will review the revised CoCP provisions.

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
	<i>Esso's response:</i> ES Chapter 3 (APP-043) provides a general commitment with regard to fencing. A specific new commitment will be added to the CoCP in relation to Station Road and Station Approach, Ashford.	
<b>Esso – Response to the ExA First Written Questions – Biodiversity and Habitats Regulations Assessments (BIO) (Application Document 8.6.03, PINS ref REP2-040)</b>		
Table 1.1 ExQ1 BIO.1.21	<p>How were trees identified for bat surveys and how many trees of high potential are within order limits.</p> <p><i>Esso's response:</i> This is explained in ES Appendix 7.7 (APP-087). The study area for roosting bats was based on a 10m survey area around the preferred corridor, then reviewed on aerial photographs and desk study to identify potential trees. 88 trees with high or moderate potential are recorded within the Order Limits (presented in APP-089).</p>	<p>The TPO 076 tree group in Ashford Road has not been surveyed for bats yet lies within 10 metres of the Order Limits and is identified for potential felling (TPO 076).</p> <p>Other trees along Ashford Road and Celia Crescent Fordbridge Park are identified as high and medium bat roost potential including at the valve site.</p>
Table 1.1 ExQ1 BIO.1.23	<p>Replacement trees and how they have been determined in terms of species and age and secured through the draft DCO.</p> <p><i>Esso's response:</i> the company is not expecting to remove all trees but needs to retain flexibility to deal with ground conditions and unforeseen circumstances. Esso cannot as yet identify which trees need replacing but details would be set out in the LEMP. Commitments on replacement planting would be secured through commitments in the REAC (APP-056) – G87, G88, G97.</p>	<p>This response does not change SBC's position on the need for further detail to be made available during the DCO examination on trees to be lost.</p> <p>A more detailed draft LEMP should be provided during the examination process.</p>

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
<b>Esso – Response to the ExA First Written Questions – Draft Development Consent Order (DCO) (Application Document 8.6.05, PINS ref REP2-042)</b>		
Table 1.1 ExAQ1 DCO.1.35	<p>The three year aftercare period proposed in DCO Requirement 8: <i>Hedgerows and trees</i> is insufficient to ensure that the proposed planting has established properly.</p> <p><i>Esso's response:</i> RHS guidance states that in unfavorable conditions, trees and shrubs may fail often within first two years. Vandalism most likely to occur during early establishment. Esso therefore considers the three year requirement adequate.</p>	<p>A five-year aftercare period would be more appropriate, in keeping with widespread planning practice and arrangements for other major infrastructure projects such as HS2.</p> <p>If Esso is only proposing a three year aftercare period, why is it seeking a five year maintenance period for the enforcement of access rights after the completion of the scheme?</p> <p>The same RHS advice note states '<i>Although larger sized specimen trees and shrubs can be perfect for making instant impact or screening, they are naturally more prone to poor establishment. This is because the root system is invariably undersized compared to the amount of top growth. They will require greater aftercare than smaller plants, especially with attention to watering. Expect it to take two or even three seasons for specimen trees and shrubs to be fully established</i>'. This would support the argument that three years is not enough time to ensure that the planting has established.</p>
<b>Esso – Response to the ExA First Written Questions – Landscape and Visual (LV) (1 of 2) (Application Document 8.6.08, PINS ref REP2-045)</b>		
Table 1.1 ExA Q1 LV.1.1	<p>Provision of LEMP and the identification of tree and hedgerow losses etc.</p> <p><i>Esso's response:</i> the mitigation and commitments set out in REAC (APP-056) provide adequate safeguards. The total number of trees to be</p>	<p>This response does not change SBC's position on the need for further detail to be made available during the DCO examination on trees to be lost.</p>

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
	felled has not been determined at this stage, and would be set out in a LEMP including provisions for tree replacement. It is not considered necessary to provide an outline LEMP at this stage.	A more detailed draft LEMP should be provided during the examination process.
Table 1.1 ExAQ1 LV1.8	<p>Clarification on number of trees within order limits to be removed, confirmation of the total number of trees in Fordbridge Park to be removed, whether trenchless techniques would reduce numbers, details of tree replacement.</p> <p><i>Esso's response:</i> Not all trees within the Order Limits are expected to be removed. Numbers cannot be confirmed numbers and flexibility need to be maintained. It should not be necessary to remove all trees in Fordbridge Park within the Order Limits. The REAC includes replacement planting commitments.</p>	SBC's concerns in respect of potential tree loss in Fordbridge Park remain and are not addressed by this response.
Table 1.1 ExA Q1 LV.1.10	<p>Compensation or offsetting in relation to loss of TPO trees.</p> <p><i>Esso's response:</i> it is not possible to fully mitigate the loss of TPO trees and there can be limited scope for tree reinstatement in urban areas. The company proposes to offset tree loss in urban areas with new planting in rural areas.</p>	As a basic principle, compensatory planting should take place as close to the affected community as possible, rather than at some remote location.
Table 1.1 ExA Q1 LV.1.11	<p>This concerns the need for fencing to protect trees and woodland and root protection areas where they extend into order limits.</p> <p><i>Esso's response:</i> See REAC commitment G95 in (APP-056).</p>	This commitment only states 'where possible'. Paragraphs 4.3-4.14 of the Council's LIR offer further observations in respect of the tree protection and replacement, including the need for an additional DCO Requirement on tree surveys and protection (see paras. 4.13-4.14 the Spelthorne BC Local Impact Report (LIR, ref. REP1-021), with a Tree Survey and Protection Strategy requested from



**DEADLINE 3 RESPONSES** **SPELTHORNE BOROUGH COUNCIL**

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
		the Applicant during the current DCO examination.
Table 1.1 ExA Q1 LV.1.24	Narrow width working at Fordbridge Park.  <i>Esso's response:</i> 10 metre narrow working (NW30) is proposed.	SBC remains concerned about the potential for tree loss in Fordbridge park and has requested a site-specific Construction Method Statement.
<b>Esso – Response to the ExA First Written Questions – Landscape and Visual (LV) (2 of 2)</b> <b>(Application Document 8.6.09, PINS ref REP2-046)</b>		
	Additional plans, main comments under part 1	The worst-case tree and hedgerow loss plans reinforce SBC's concern about the need to include better tree protection safeguards.  Paragraphs 4.3-4.14 of the Council's LIR offers further observations in respect of the tree protection and replacement, including the need for an additional DCO Requirement on tree surveys and protection (see paras. 4.13-4.14 the Spelthorne BC Local Impact Report (LIR, ref. REP1-021), with a Tree Survey and Protection Strategy requested from the Applicant during the current DCO examination.
<b>Esso – Response to the ExA First Written Questions – People and Communities (PC)</b> <b>(Application Document 8.6.09, PINS ref REP2-047)</b>		
Table 1.1 ExA Q1 PC.1.13  (overlaps with PC.1.7 and PC.1.11)	Does the human health assessment consider the loss of trees in relation to noise, AQ and visual impacts including long-term effects?  <i>Esso's response:</i> see the Human Health Technical Note (APP-122), in which tree loss is indirectly covered in assessment.  At Fordbridge Park, trees do not provide interlocking screen and	The 'worst case' tree and hedgerow removal plans supplied by Esso in its Response to the Examining Authority's First Written Questions Landscape and Visual document (REP2-046, document 2 of 2) show near complete tree loss in Fordbridge Park beside the A30 Staines by-pass. This would be unacceptable in any event but raises questions also about the adequacy of the noise assessment.

REFERENCE	TOPIC / ESSO'S COMMENT	SBC'S RESPONSE
	<p>density not high enough for perceptible noise attenuation. There is a greater density of trees along the Staines Bypass but this is likely to only provide negligible attenuation. Therefore perceptible increases in noise for park users as a result of tree loss are not anticipated.</p>	
<b>Esso – Response to the ExA First Written Questions – Traffic and Transport (TT) (Application Document 8.6.14, PINS ref REP2-052</b>		
Table 1.1 ExA Q1 TT.1.13	<p>How will residential receptors in Ashford Road and Woodthorpe Road be affected and over what time? Would construction work be within the carriageway, is tree removal is necessary, how long would works take and how would street parking and access arrangements be managed?</p> <p><i>Esso's response:</i> It is not practicable to state how long roads would be affected but the company would seek to seek to reduce adverse impacts through CoCP. The Order limits include the carriageway and extend into the verge and adjoining land. Where practicable the applicant intends to avoid laying pipe in the carriageway. On street parking details would be confirmed once construction detail confirmed.</p>	It is reasonable for these details to be requested before any Order is made, where residential amenity and protected trees are at issue.
Table 1.1 ExA Q1 TT.1.20	<p>Relates to peak journey times in relation to bus routes.</p> <p><i>Esso's response:</i> the largest assessed delay that bus users would experience is approximately one minute during the morning peak on Ashford Road.</p>	Noted



## Three ♦ Responses to action points from hearings

- 3.1 This chapter is Spelthorne Borough Council's response to the Examining Authority's lists of action points arising from hearings on 27 November and 3-4 December 2019. The Council's responses are presented in the same numerical order as the original action points, as follows.

### **Hearing Actions Points arising from the Issue-Specific Hearing on the draft Development Consent Order, Wednesday 27 November 2019**

#### ***Action Point 14. Local Authorities to review Requirement 6(2) for any omissions.***

- 3.2 As explained in para. 8.18 of Spelthorne BC's LIR (REP1-021), it is requested that part (2)(d) of Requirement 6 includes '(x). *Construction lighting strategy*'. The Applicant indicated at the hearing that it is agreeable to this addition.

#### ***Action Point 19. Requirement 12 – outline LEMP to be provided indicated aiming to submit at Deadline 4 (30 January 2020). Local Authorities requested discussions about its scope and early sights of drafts.***

- 3.3 Spelthorne Council supports the production of a draft LEMP during the current DCO examination, provided it is sufficiently detailed to address stated concerns, and is willing to engage with the Applicant on the scope and drafts.

### **Hearing Actions Points arising from the Issue Specific Hearings on Environmental Matters held at the Holiday Inn Farnborough on Tuesday 3 December and Wednesday 4 December 2019**

#### ***Action Point 16. Provide details of amended construction access to Fordbridge Park, avoiding Celia Crescent but utilising the existing access on Woodthorpe Road, with the agreement of Spelthorne Council. In addition, submit details of how the use of this revised access arrangement would affect the order limits and the draft Development Consent Order.***

- 3.5 Spelthorne BC welcome's Esso's preparedness to consider deleting the proposed construction access from Celia Crescent in favour of an access from Woodthorpe Road, and will work with the Applicant to formalise this arrangement. The Parties will ensure that ExA is updated at Deadline 4 (30 January 2020).

***Action Point 21. Submit a composite map showing the location of SANGs that would be affected by the construction of the proposed development.***

- 3.6      There are no SANGs within the administrative area of Spelthorne Borough Council that would be affected by the construction of the proposed development.

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**Spelthorne Borough Council**  
**December 2019**