

SOUTHAMPTON TO LONDON PIPELINE

APPLICATION BY ESSO FOR AN ORDER GRANTING DEVELOPMENT CONSENT

DEADLINE 3 SUBMISSION FOR SURREY HEATH BOROUGH COUNCIL

- 1) This submission is submitted on behalf of Surrey Heath Borough Council ('the Council') in response to the Examining Authority's request at Deadline 3 for comments on responses submitted at Deadline 2.
- 2) This submission is a response to The Applicant's Compulsory Acquisition Objections Schedule [**Application Document No. 8.10**] ('the Schedule') submitted at Deadline 2, only, and other matters of concern to the Council will be addressed in further submissions.
- 3) The Council has the following land interest in the Schedule:

Permanent and Temporary plots:

1292, 1294, 1299, 1300, 1301, 1303, 1304, 1305, 1306, 1307, 1308, 1310, 1312, 1354, 1358A, 1358B, 1359, 1441, 1444, 1463, 1475, 1371, 1446

Temporary plots:

1296, 1302, 1309, 1313, 1329, 1330, 1335, 1337, 1357, 1445, 1459, 1464, 1467, 1470, 1473, 1477, 1369, 1372, 1373

- 4) The Applicant has assigned the Council with Objector Number **143** in the Schedule.
- 5) The Applicant provided the following update in the Schedule:

 'Heads of Terms in negotiation'
- 6) As set out by representatives for the Council at the Compulsory Acquisition Hearing (on 27th November 2019), the Council objects to the compulsory acquisition of rights and temporary use of land at St. Catherine's Road SANG (plots 1357 and 1359). The Council has engaged with The Applicant on two bases:
 - i) The Council submitted a proportional proposal to The Applicant which would help mitigate the impact on the St. Catherine Road SANG. This proposal was formally rejected by The Applicant on 13th November 2019;
 - ii) The Council (in the expectation the proposal referenced in 'i' above would be agreed) sought to agree the drafting of the Option Agreement and Easement sought by The Applicant. This, latterly, involved a page turn exercise on 11th November 2019. Despite assurances that the points agreed in principle at that meeting would be confirmed shortly after the meeting (and

in advance of the Compulsory Acquisition Hearing), agreement on those points remain outstanding.

- 7) The Council would therefore comment that The Applicant's update on negotiations is inaccurate as The Applicant has stalled on negotiating a private treaty agreement, by both rejecting (without justification) the mitigation proposal, and by failing to respond formally on the drafting of the Option Agreement and Easement.
- 8) It is The Council's experience that The Applicant has failed to demonstrate it has considered alternatives to compulsory acquisition powers and has failed to negotiate meaningfully to ensure that such powers are only used by means of last resort, as The Applicant is required so to do in adherence with Guidance¹.
- 9) The Council maintains its objection to the compulsory acquisition powers sought over its land, and requests that the Examining Authority ensures that The Applicant engages meaningfully with the Council to reach a private treaty agreement as per the first action point arising from the Compulsory Acquisition Hearing (*'All parties to continue to negotiate and where possible conclude voluntary agreements for the land that would be needed to enable delivery of the proposed development'*).
- 10) The Council respectfully requests that The Applicant should not be granted compulsory acquisition powers if the Examining Authority deems that The Applicant has failed to adhere to this request and fails to satisfy the compulsory acquisition tests contained within the Guidance.

Ian Cunliffe
Gateley Hamer

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf