

## **Southampton to London Pipeline Project**



### **Surrey County Council Submission**

**Submission date: 18 December 2019**

**Deadline 3**

**Sign off by Caroline Smith**

**FINAL Version**

This document pulls together a variety of information required through the Hearing process.

## 1. SUMMARIES OF ORAL SUBMISSIONS

Written summary of oral submissions put at the Issue Specific Hearings held on the 27<sup>th</sup> November, 3<sup>rd</sup> December and 4<sup>th</sup> December and the Compulsory Acquisition Hearing held on 27<sup>th</sup> November.

### 1. Issue Specific Hearing on the Draft Development Order 27/11/19

- i) The Examining Authority (the “Ex A”) asked the Applicant why it had not responded to the comments made by Surrey County Council (“SCC”) on the dDCO in its LIR. The Applicant stated that it considered it appropriate to respond post this issue specific hearing and SCC looks forward to the Applicant’s substantive response.
- ii) SCC confirmed its LIR point 6.1 concerning clear early reference being made to any deemed consent provision within the DCO.
- iii) It was noted that Angus Walker of BDB Pitmans stated that the DCO may be capable of being amended to make such clear, early reference a requirement within the DCO and that the Applicant had considered the length of time provided within the deemed consent provisions and would be willing to extend this up to 42 days (Schedule 2, Requirement 18).
- iv) Part 3, Article 9, (2) – permanent alteration to layout. Matthew Jezzard, SCC (“MJ”) stated regarding permanent alteration that there have been extensive meetings between SCC and the Applicant/its agents so far. He was not aware of any permanent alterations to streets in Surrey. MJ agreed with the power to not consent. It was pointed out that as the Local Planning Authorities did not have the same consenting authority, the County Council could consult with the Districts and Boroughs however the 28 days provided for consultation would be insufficient. The Applicant said it would consider extending the time provided to 42 days given the desire of the Districts and Boroughs to be consulted.
- v) Regarding use of the South East Permit Scheme (“SEPS”), MJ stated that it was good to hear that the Applicant would discuss this further. Mirroring SEPS as suggested by the Applicant would, however cause unnecessary duplication. The DCO should just refer to existing powers. SEPS has run successfully for six years. MJ set out the duties of the Highway Authority. SEPS meets those duties. The scope, scale and importance of the project is understood. The nature and scope of activity is not different to the activities of utilities and the project works can be incorporated. Organisation and collaboration are key. Without SEPS, SCC cannot co-ordinate activities around the works required nor the works around activities. Public relations are also key. With SEPS, the public can view the scheme. Road users plan their journeys online. There has been a reduction in calls to SCC’s Contact Centre about Roadworks since SEPS information has been published on SCC’s website. Complaints from members of the public are minimised. The scheme also informs satellite navigation systems. Issues are minimised and mitigated by using SEPS. SCC has had a series of beneficial meetings with the Applicant and discussed ways forward. The end of the process is the use of SEPS. The Thames Tideway Tunnel DCO sets a precedent. Due to concerns about delays if the London Permit Scheme

("LoPS") was to be used, discussions were held regarding the possible use of a bespoke scheme. As this had not been agreed by the end of the examination, the Secretaries of State decided to retain reference to LoPS within the DCO. Subsequent conversations between MJ and equivalent TfL officers have shown that LoPS is working well and there has been no move away from it. Regarding the moratorium raised by the Applicant preventing subsequent work to a street already worked, MJ explained that this was a discretionary provision under the New Roads and Street Works Act 1991 rather than SEPS. MJ mentioned parity of approach and the fact that SCC is required to 'be reasonable' under legislation when utilising SEPS. Following a discussion of Schedule 5, part 2 where it was decided that the table would need to be renamed in order to avoid being misleading, MJ pointed out that if any unplanned re-routing was required, stopping up of the street concerned may be required.

- vi) Regarding Archaeology and pre-commencement – any comments from SCC regarding these matters would be provided in writing by Deadline 3 (These comments are provided below)

## **2. Compulsory Acquisition Hearing 27<sup>th</sup> November 2019**

- i) Abbey Rangers. The Ex A asked for an update on Compulsory Acquisition negotiations between the parties. David Moody ("DM") for SCC confirmed that there is a meeting scheduled between the parties for the 28th November. Significant concerns were being addressed by the Applicant regarding the club and the business. There are alternative techniques which have been suggested. Trenchless techniques have been mooted, further information is awaited. SCC's land interests include affected leaseholders specifically the Abbey Moor Golf Centre and Surrey Wildlife Trust. There have been meetings and extensive discussions with the Applicant. Solicitors are involved in the negotiation of Agreements. There aren't specific issues preventing agreement.
- ii) The Ex A asked about Abbey Rangers and maintenance. DM explained that the meeting on the 28th November would address trenchless techniques which may alleviate concerns. The Ex A asked whether negotiations could be concluded by the end of the examination period as voluntary agreement would be best. DM was confident that voluntary agreement could be reached in that time.

## **3. Issue Specific Hearing on Environmental Matters 3<sup>rd</sup> December 2019**

- iii) In response to discussion on the REAC, the Ex A identified the CEMP, LEMP and working methods required more detail and asked the local authorities whether this should be over the whole route or specific areas. SCC when questioned explained its limited locus as minerals and waste planning authority. SCC as stated in its response to written

questions favours the provision of an outline LEMP listing measures that would be secured, drawings to be prepared, consultation to be undertaken and with whom and the interrelationship of ecology and landscape. It also agrees with the provision of a requirement for a programme of post construction monitoring and objectives and targets. The Ex A wanted to know whether this should be route wide or in specific areas. Surrey County Council's Natural Environment and Assessment Team Manager has subsequently stated that monitoring should be based on the designated ecological sites and that the applicant should be asked to produce a list of these for the avoidance of doubt. SCC considers that the list should include both statutory and non-statutory sites, ie statutory sites; SPAs, SACs, SSSIs, NNRs, LNRs and non-statutory sites; Sites of Nature Conservation Importance (SNCIs).

For the statutory sites, Natural England should agree the monitoring and for Sites of Nature Conservation Importance, SCC and Surrey Wildlife Trust should agree the monitoring.

#### **4. Issue Specific Hearing on Environmental Matters 4<sup>th</sup> December 2019**

- i) Abbey Rangers. Ben Whitaker ("BW") for SCC reported DM's email note of meeting. ESSO confirmed that due to technical limitations a full length drill was not going to be possible. Even if the partial drill is used the contractors will still need to cross the main pitch to get to the other side. Additional considerations will therefore need to be included in the mitigation discussions, especially if works overrun and the planned homes games are affected. An alternative route around the edge of the pitch has been looked at, though further consideration then suggested this wasn't really an option as it would require amendments to their planning application.
- ii) The Ex A asked for information on the situation with the stand, specifically whether it needs to go or could be retained *Post Hearing note: It is likely that the access requirements over the main pitch will not require the stands to be removed, though this would really be for Esso to determine if they would intended to remove these. There would appear to be plenty of room within the Order of Limits to keep these and provide access to the other side of the pitch. The Club is currently waiting on a statement from Esso outlining some commitments which it is prepared to accept as part of the mitigation.*
- iii) The Ex A asked whether trenchless drilling would help rather than an alternative route.
- iv) Commitment G1 11 CTMP. CTMP in outline to be produced by Deadline 4. MJ – s65 New Roads and Street Works Act 1991 ("NRSWA") sets out widths etc. It would be more robust for the DCO to refer to SEPS and s65 NRSWA
- v) The Ex A asked how long the highway authorities thought the works would take. MJ said – no details yet. Documents show roads where occupation is likely to be more than 4 weeks and there are not many of those. The Permit scheme discussion includes negotiation on what is a 'reasonable period'.

- vi) The Ex A asked about Balmoral Drive and SCC's comment in response to a written question. MJ explained trial holes in February. District/Borough expressed concern. There has been continuing dialogue. Will consider and reach agreement with Applicant.
- vii) The Ex A stated that temporary acquisition assumes closure of Balmoral Drive. MJ – width required for traffic. Our preference to avoid congestion would be closure to mitigate congestion on Frimley Green Road. It is under discussion but our preference would be closure to prevent congestion.
- viii) The Ex A stated that the Applicant needs to decide what is happening at Balmoral Drive and the application documents are currently confusing and need to be clarified.
- ix) Regarding working hours, MJ stated that current working hours were too prescriptive. Balance should be sought between light/noise complaints v air quality due to congestion. The dDCO should allow flexibility. Requirement 14 should be wider. More 'normal' activities may be required for longer periods.
- x) The Ex A identified that working hours needs to be discussed between the Applicant, the highway authorities and the local planning authorities and a suggestion should be brought forward at Deadline 4.
- xi) MJ explained that he was not suggesting a 24/7 default position, rather flexibility is needed
- xii) Glen Westmore ("GW") for Surrey County Council as Local Lead Flood Authority stated that SCC were in a broadly similar position to the EA. Generally happy with specific locations to be examined further. The LLFA requires more details (surface and foul water drainage strategy) REAC – need additional wording to ensure that flood risk is not increased. Adequate provision needs to be made for mitigation. SCC have drafted Protective Provisions (and amended Requirement wording) and have not yet received a response on these from the Applicant.
- xiii) Detail should be within the surface and foul water drainage strategy. Some within the REAC once detail is added. In terms of the DCO, SCC is not a drainage authority
- xiv) AOB – SCC wanted clarity on the position of Chertsey School and whether term time working was proposed. If so, how will that be accommodated? The Applicant will respond in writing.

## **2. ARCHAEOLOGY – MITIGATION STRATEGY AND REQUIREMENT 11**

- i) The general views of Hampshire County Council are supported - that there are some ambiguities which currently rely on the submission of more detailed Written Schemes of Investigation. SCC prefers that these commitments are defined at this early stage. SCC would not wish to formally agree the AMS without the updated Annex A with trial trench locations, given that this is referred to throughout the report. Discussions are ongoing with the Applicant's archaeological consultants in order to establish a mutually acceptable resolution to the trial trenching design.
  
- ii) The first phase of archaeological trial trenching to take place in the first half of 2020. The exact scope of the necessary mitigation and pre-commencement work will depend on the subsequent results, but generally speaking as a minimum SCC will require the results of this work, a subsequently informed mitigation strategy, and appropriate Written Scheme(s) of Investigation to be submitted and approved by the Local Planning Authorities before the development can commence. Pre-commencement work should be secured with the condition "No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority."
  
- iii) Requirement 11, point 5 should read; Any archaeological works carried out under the scheme must be carried out by a suitably qualified and Registered person or body and approved by the relevant planning authority