

Application by Esso Petroleum Company Limited for the Southampton to London Pipeline Project

Written summary of the Oral Representations made by the Independent Educational Association Limited at the Issue Specific Hearing on Wednesday 4 December 2019

Planning Inspectorate Reference No: EN70005

Interested Party Reference No: 20022533

Agenda Item 1 – Examination of Alternatives

Introduction

1. This submission summarises the case put forward by the Independent Educational Association Limited (**IEAL**) on 4 December 2019 at the Issue Specific Hearing (**Hearing**) on environmental matters held on 4 December 2019. The IEAL's oral submissions were made by Mark Warnett; partner at Carter Jonas. The IEAL is the owner of St James School (**School**).

Alternative Route

2. Mr Warnett summarised the IEAL's preferred alternative route, as further described in the IEAL's Written Representation [**REP2-102**] (**Alternative Route**) and described the principle advantages of the Alternative Route for the School including:
 - a. the Alternative Route is "tucked away" from the main educational facilities and operations of the School; and
 - b. the Alternative Route does not sterilise any of the land in respect of which planning permissions have been granted for new educational facilities including an assembly hall, laboratories and classrooms.
3. Mr Warnett noted that the existing pipeline immediately adjoins the School's western boundary and does not have a material impact on the playing pitches. In contrast, the Applicant's preferred route would cross the School's sport grounds and require a very significant 'land take' for permanent and temporary surface and underground rights.

Impact of the preferred route on School's Sports Grounds

4. The School has been awarded an "outstanding" accreditation by the Independent Schools Association which provides the School with a major advantage in a competitive educational market. The adverse impact of the proposed pipeline development on the School's sport grounds would result in significant reputational risks and associated practical consequences.
5. The IEAL remains sceptical about the Applicant's suggestion that all works could be completed, and the sports grounds reinstated to the required standard, during School holidays. Mr Warnett noted that it has taken years of work by ground staff to get the sport grounds to their current standard, including, for example, levelling of the cricket pitch. Mr Warnett noted that the Applicant is unlikely to be in a position to bring the sports grounds back to the same standards within their proposed construction timetable.
6. Mr Warnett also noted that the DCO, if granted, does not include any mechanism for the IEAL to enforce the Applicant's suggestions as to how its works could be carried out to minimise the impacts on the School. For example, if the Applicant fails to comply with its proposals to carry out and

complete the works during School holidays, the School would be exposed to substantial risk and without any remedy.

Failure to properly consider the School's Alternative Route

7. Mr Warnett noted that the IEAL and the Applicant met on 30 July 2019 to enable the Applicant to present its technical review of the School's proposed Alternative Route. He explained that prior to the meeting the IEAL had requested that technical documentation supporting the Applicant's conclusions in respect of the Alternative Route be provided for its review and comment. However, no documentation was provided either prior to, or during, the meeting.
8. At meeting, the Applicant set out its position and advised the IEAL that it would not consider the School's Alternative Route and provided its reasons for doing so. Mr Warnett explained that after the meeting the IEAL repeated its request for sight of the Applicant's technical documentation and the Applicant responded that no such documentation existed.
9. Mr Warnett explained that the IEAL was provided with a summary document on 8 October 2019 setting out the Applicant's position in respect of the Alternative Route. He further explained that the IEAL instructed consultants to undertake an initial review of the Applicant's summary document. Mr Warnett explained that the IEAL was advised that a sound conclusion about the viability of the Alternative Route could not be reached as the following information has not been provided by the Applicant:
 - a. A dimensional survey to determine the existing pipeline location relative to buildings and the site boundary;
 - b. An assessment of the minimum separation distance between the existing and proposed pipes; and
 - c. Ground investigations to determine ground conditions and to inform the construction parameters.
10. Mr Warnett stated that it was clear that the Applicant could not have reached a reasoned and informed decision in respect of the School's Alternative Route in the absence of any supporting written documentation and in the absence of the information referred to above.
11. Mr Warnett stated that the Applicant has not properly considered the Alternative Route and has therefore failed to comply with its duty only to apply for compulsory purchase powers as a last resort.
12. The IEAL notes that during the hearing Mr Hodkin, on behalf of the Applicant, stated that he believed that the Alternative Route would require a listed building to be demolished. The IEAL infers this reference was to a bungalow at the south west corner of the School site. As a post-meeting note, the IEAL submits that the bungalow itself is not itself listed and has no historic value. In fact,

it is in a state of significant dilapidation and is not in any way an impediment to the Alternative Route being brought forward.

Addleshaw Goddard LLP
18 December 2019