

Planning Act 2008

Esso Petroleum Company Limited: Southampton to London Pipeline

Development Consent Order application

Project Reference Nos: EN070005

Runnymede Borough Council

Runnymede Civic Centre

Station Road

Addlestone

KT15 2AH

Response to the Examining Authority's second written questions and requests for information
(ExQ2)

18 December 2019

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This document is Runnymede Borough Council's response to the Examining Authority's written questions and requests for information (ExQ2). The Council's responses are presented in the numerical order.

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1.0 Hearing Action Points arising from the Compulsory Acquisition Hearing held at the Holiday Inn Farnborough on Wednesday 27 November 2019

Q1: All parties to negotiate and where possible conclude voluntary agreements for the land that would be needed to enable delivery of the proposed development

A1: RBC have agreed access to Council owned land.

Q10: Applicant to continue to engage with Statutory Undertakers to seek to agree the wording for Protective Provisions before the end of the Examination

A10: RBC are seeking confirmation of working practices and timetable to be used for pipe installation over Chertsey Meads. Verbally it has been agreed that the Applicant will:

i) Use narrow working practices across the Meads to minimise damage to the natural environment

ii) Schedule works so as not to interfere with the Chertsey Agricultural Show in the run up and preparation before, during and in the dismantling operation after the event. This was previously noted in the responses to Ex A questions Deadline 2

2.0 Hearing Action Points arising from the Issue Specific Hearing on the draft Development Consent Order held at the Holiday Inn Farnborough on Wednesday 27 November 2019

Q14: Local Authorities to review Requirement 6(2) for any omissions

A14: No Comments or amendments

Q19: 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 sight of drafts

A19: RBC are currently awaiting Early Draft LEMP for review and response

3.0 Hearing Action Points arising from the Issue Specific Hearing on Environmental Matters held at the Holiday Inn Farnborough on Tuesday 3 December 2019

Q4: To provide a written summary to clearly articulate S106 requests in terms of the legal tests for S106

A4: Without prejudice, RBC do not envisage a requirement for S106 requests regarding the pipeline at this time, in relation to land owned by the Council and impacted by the pipeline at Chertsey Meads.

RBC are currently seeking assurance under the DCO regarding the following:

i) construction method for installation including 'narrow working'

ii) timing of construction to avoid impacting the Chertsey Agricultural Show including preparation and dismantling periods

Subject to these elements being secured within the condition of the DCO, no S106 agreements are expected to be required

Q10: 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 sight of drafts

A10: RBC are currently awaiting Early Draft LEMP for review and response

- Q41: To provide written questions with regards to the effect of the Proposed Development on the integrity and qualifying features of the Thames Basin Heath Special Protection Area and the Thursley, Ash, Pirbright and Chobham Special Area of Conservation
- A41: While the Thames Basins Heath Special Protection Area does not fall directly within the Borough of Runnymede, it does form a boundary with the Borough and as such there is a potential for works close to the SPA to have a potential effect on the integrity and qualifying features of the SPA.

Without a detailed description of the works proposed within RBC, the Borough is not currently in a position to be able to provide written questions.

We are unable to add further comment at this time.

Our expectation is that Natural England would best be able to provide input in this regard.

4.0 Hearing Action Points arising from the Issue Specific Hearing on Environmental Matters held at the Holiday Inn Farnborough on Wednesday 4 December 2019

- Q18: Local Authorities and Highway Authorities to provide a joint statement about preferred approach to working hours including any alternative wording for the requirement 14 – *required by Deadline 4*
- A18: No response at this stage

- Q21: Submit a composite map showing the location of SANGs that would be affected by the construction of the proposed development

- A21: Please refer to the RBC GIS system which can be found here:
<http://maps.runnymede.gov.uk/website/maps/index.html#>

Integrated plans of SANGs in the Borough can be found by applying the relevant filter. Click on 'Environment & Planning'; select 'Other Layers'; select 'Suitable Alternative Natural Green Spaces'.

The following sites provide further information on Natural Environment (policy documents and guidance) including site specific aerial photographs:

<https://www.runnymede.gov.uk/article/15560/Natural-Environment-policy-documents-and-guidance->

and the Thames Basin Heaths Special Protection Area (TBH SPA) 9 (policy documents and guidance) please go to the following RBC:

<https://www.runnymede.gov.uk/article/15568/Thames-Basin-Heaths-Special-Protection-Area-TBH-SPA-policy-documents-and-guidance->

5.0 Summary of Oral Evidence for Runnymede Borough Council

SUMMARY RESPONSE: GATELEY HAMER ON BEHALF OF RBC:

**SOUTHAMPTON TO LONDON PIPELINE
APPLICATION BY ESSO FOR AN ORDER GRANTING DEVELOPMENT CONSENT
SUMMARY OF ORAL EVIDENCE FOR RUNNYMEDE BOROUGH COUNCIL
COMPULSORY ACQUISITION HEARING 27TH NOVEMBER 2019**

1. Land affected/Plots

1.1. Runnymede Borough Council (the 'Council') have multiple plots affected by the Scheme, covering a range of land uses including highway land and open space land.

1.2. The plots affected by the scheme and included in the Book of Reference are:

Permanent Rights (and temporary occupation)

1703, 1761, 1791, 1795, 1799, 1801, 1802, 1804, 1787

Temporary Acquisition

1701, 1712, 1719, 1736, 1738, 1790, 1792, 1796, 1798, 1800, 1786

2. Background of Engagement (in respect of land matters)

2.1. The Council has no in principle objection to the scheme, but maintains its objection to the compulsory acquisition to any of its land whilst two key points remain outstanding:

- i) The Council put forward a mitigation proposal for the environmentally sensitive Chertsey Meads, which is crossed by the Scheme, on 13th November. A formal response to this proposal remains outstanding.
- ii) A page turn of the Option Agreement and Easement was completed on 11th November 2019 to agree the drafting of the documents.

3. Update and position

The Council has not received a response on either of these two key points, despite assurances they would be provided in advance of the Compulsory Acquisition Hearing.

The Council's position remains that it is willing to enter into an agreement, subject to the two key points identified being resolved, but maintains its objection to any compulsory acquisition of its land until an agreement is reached protecting the Council's interests.

Ian Cunliffe MRICS
Gateley Hamer

SUMMARY RESPONSE: COUNSEL ON BEHALF OF RBC:

Hearing 03 December 2019:

There were no RBC specific discussions at this hearing. We note that general discussions on other 'hot spots' outside of the Borough have general application to Runnymede regarding the approach to construction and environmental management along the following main themes:

- Lack of outline LEMP
- Failure to justify working limits
- Uncertain construction durations
- Insufficient / inadequate assessment and mitigation of impact on trees along the route

Hearing 04 December 2019:

Most of the discussions were generic to all Boroughs in the area.

RBC notes that the Surrey County Council identified that discussions between Abbey Rangers and Esso to avoid / mitigate damage to the pitch are ongoing and that updates would be provided.

Responding to questioning from the Ex A, Counsel confirmed that Chertsey Meads was not in formal receipt of financial contributions for use as a SANG at the time but there were intentions for it to receive funds. This has now commenced. See note below for further details.

The key points from the hearing were:

- (1) Esso needs to develop a draft CEMP/LEMP/CTMP suite of documents which addresses particular "hot spots";
- (2) The management of traffic affected by construction needs to be addressed in the draft CTMP (as opposed to just the contractor's construction vehicle movements);
- (3) There needs to be extensive further discussion with the local authorities to try to resolve concerns;
- (4) Esso's working widths, compound requirements, and construction duration have not been properly justified/detailed;
- (5) There are outstanding Habitat issues particularly with respect to SANGS.

Chertsey Meads SANG

In May 2018, it was confirmed by Natural England that this site could provide a SANG capacity equivalent to 1822 new dwellings to mitigate for the impact on the TBHSPA.

Chertsey Meads SANG Management Plan approved by the Community Services Committee and adopted by the Chertsey Meads Management Liaison Group in November 2018.

Planning Committee noted on 4 December 2019 the commencement of use of financial contributions towards Chertsey Meads SANG.