

# Southampton to London Pipeline Project

## Deadline 3

Responses to Written Representations -  
Landowners

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Southampton to London  
Pipeline Project



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## 1 Responses to Written Representations - Alex Simpson

Table 1.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
1	<p><b>Loss of Garage</b></p> <p>The loss of the garage to the homeowner, who has limited space in his garden, will mean they will be forced to sell items stored in the garage</p>	<p>During construction the garages would need to be removed, this is to allow space for trenchless sections of the pipe to be installed adjacent to the railway, with the drill rig located in the area of the garages.</p> <p>To reduce the impacts to the owners of the garages at Stake Lane, provision for alternative storage would be made to suit each landowner's individual requirements, this could be provided within the existing property or rental of an offsite secure facility.</p> <p>Dependent on the final location of the replacement pipeline, if it is not possible to rebuild the garage it would still be possible to reinstate some form of storage in the location of the existing garages, however it would need to be of a form that is of such construction that it could be relatively easy to move or dismantle to afford the Applicant access to the buried pipe should it be required.</p>
2	<p><b>Temporary Possession of Car Parking</b></p> <p>The Homeowner is concerned about the provision for pedestrian and vehicle access to the property including access for council services (bins) and Emergency services, the provision for parking and the safety of the construction area for the neighbouring families.</p>	<p>The Stake Lane cul-de-sac is included within the Order Limits but is only required for the turning of vehicles. This area would not be fenced off, and existing parking and access to the properties would be maintained.</p> <p>Given the area by the garages would be occupied for construction, the project would be willing to facilitate use of the landowner's own property frontage to provide additional space for parking, for example by providing a dropped curb and suitable surfacing which would then be reinstated following construction, at the project's cost. This would be outside of the project Order Limits and secured by separate agreement.</p>



WR Para Ref	Point raised	Applicant response to point raised:
		<p>The construction activities would be confined to the area of the garages, with access to this area via Stake Lane. The construction area would be securely fenced for safety and security purposes.</p>
<p><b>3</b></p>	<p><b>Risk to Trees on Stake Lane</b>  Homeowner is concerned the trees along the railway line are at risk from the development with loss of their environmental benefit, wildlife, and character of area.</p>	<p>When determining the route and installation method for the replacement pipeline, the Applicant has considered the stability of the railway embankment and the presence of trees, and this has contributed to the decision to install by trenchless techniques in this location.</p> <p>The project would not remove any trees situated within the railway embankment. In the area adjacent to the garages required as a construction area, there would likely be a need to lop overhanging branches only.</p> <p>The Construction and Environmental Management Plan (CEMP) would contain the specific details to be implemented at the time of construction.</p>
<p><b>4</b></p>	<p><b>Construction Method</b>  Proximity of 'tunnelling' and associated works to the local children who live within 50m.  Concerns re Noise, dirt and environmental pollution.</p>	<p>The construction in this location consists of a drill rig and launch pit for a horizontal directional drill to install the pipeline east and west of the Stake Lane garages. The pit would be approximately 3 x 10m in size and approximately 2m deep. The construction area would be appropriately fenced for safety and security purposes.</p> <p>The working hours would be confined to daytime working hours (8am – 6pm), with a potential exception once the drilling is complete and the pipe is being pulled back through the bore which could result in an extended operation should unforeseen circumstances arise.</p> <p>There are a number of commitments set out within the Code of Construction Practice (CoCP) (<a href="#">REP2-010</a>) which would reduce the effects in the community. By example, commitment G30 'A dust management plan would be produced' and G99 'The contractor would be required to produce a Noise and Vibration Management Plan for the approval of the relevant planning authority. The Noise and Vibration Management Plan would, having</p>



WR Para Ref	Point raised	Applicant response to point raised:
		<i>regard to the approved operational hours, set out, where applicable, the best practicable means (BPM) that would be used to reduce noise and vibration during installation.'</i> This would set out where the use of acoustic barrier material would be used along the perimeter fencing to reduce noise.

## 2 Responses to Written Representations - Alexander Fraser Holdings Limited

Table 2.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
<b>Pg 1</b>	<b>Impact of Pipeline</b> Concerns with regard to future operation of the business	<p>With the Applicant's experience of managing the existing pipelines routed through Foxhills Golf Course, it is confident its pipeline operations would not impact ongoing golf course activities.</p> <p>The Applicant does not anticipate any immediate requirement for maintenance works to the pipeline following its construction. The Applicant's experience of managing the existing pipelines routed through Foxhills Golf Course is that when maintenance work has been required, close co-operation with Foxhills staff has ensured that disruption to the course users has always been kept to an absolute minimum. Any disruption to business that results in an evidenced financial loss is compensated for under the terms of the Applicant's standard voluntary agreement.</p>
<b>Pg 1</b>	<b>Impact of Construction</b> Short term closure of course will cause loss of members and associated incomes. Concern that in long term members may leave/not return.	<p>The Applicant is working closely with Foxhills Golf Course to address concerns regarding construction and would manage the construction works in such a way as to reduce impacts to the members. The Applicant is developing a methodology to limit the potential impacts of construction including utilisation of narrow working techniques, limiting topsoil stripping and using specialists in golf course reinstatement.</p> <p>Any disruption to business that results in a financial loss is compensated for under the terms of the Applicant's standard voluntary agreement.</p>
<b>Pg 1/2</b>	<b>Timings of Construction</b> <b>PGA CUP</b> Foxhills want winter 2022 completion of work to avoid impact on PGA cup and risk	<p>The Applicant is working closely with Foxhills Golf Course to address concerns regarding construction and in particular the timings of construction. The Applicant understands the importance of the PGA cup competition to Foxhills Golf Course and its reputation. The project would ensure no construction works take place on the Longcross Course during the period of the 2021 PGA Cup competition (which is understood to commence on the week of the 30 September 2021) and, where possible, one week thereafter. The parties would liaise over the programming of</p>

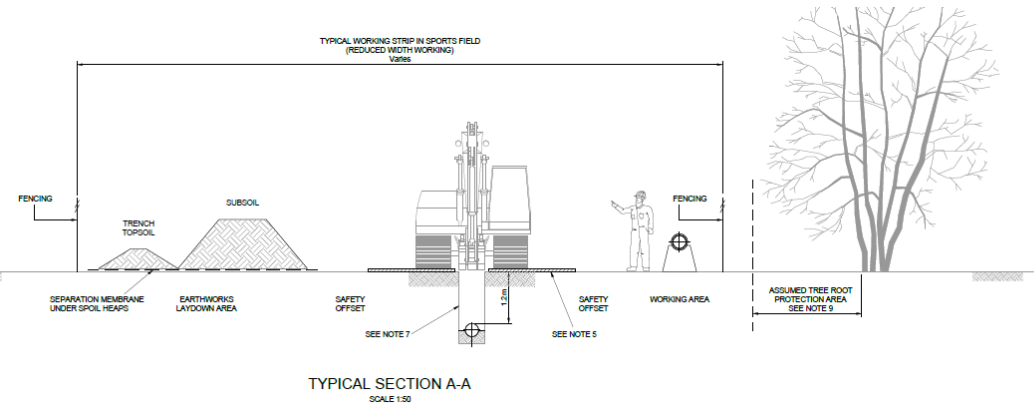


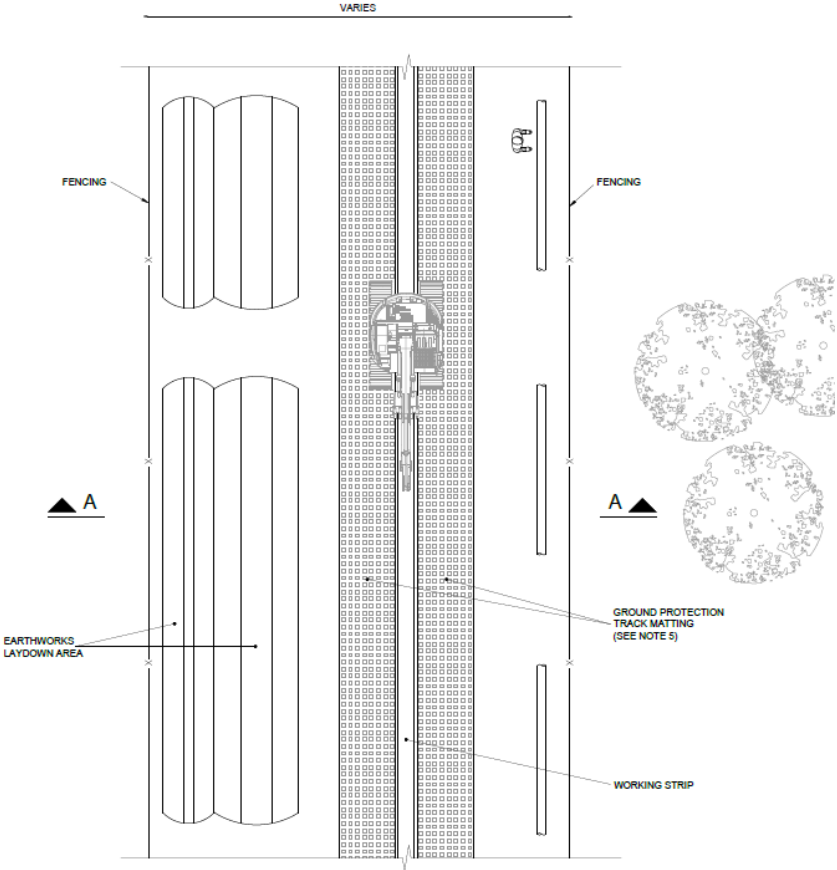
WR Para Ref	Point raised	Applicant response to point raised:
	associated with newt fencing for winter 2021 works.	<p>works to ensure that Foxhills Golf Club is fully informed of the project proposals and timescales and would work together to prepare plans covering the works.</p> <p>Great crested newt (GCN) trapping would only take place in areas of optimal habitat, i.e. woodland and non-fairway (rough). The project would work with the golf club to ensure the optimal habitat is clearly delineated. The project would endeavour to programme the works within the winter season following the PGA cup, however it is noted that there may be external factors such as weather conditions, ground conditions and regulatory requirements which mean that there is a risk that the trapping would need to take place the following spring in 2022.</p> <p>Narrow Working through sports areas, golf courses, and schools – circa 90m per week installation rate:</p> <ul style="list-style-type: none"> <li>• Limit turf removal and topsoil strip to the minimum width to allow the pipe to be installed.</li> <li>• Turf storage and protection areas are required in the Order Limits where turf needs to be maintained and returned to position as soon as practicable.</li> <li>• In certain locations hand digging and other techniques would be required to reduce impacts in root protection areas which could have been avoided by moving the pipe alignment within a wider working area.</li> <li>• Topsoil and subsoil storage would need to be accommodated within the narrow working outside of the immediate working area (resulting in increased handling of material and reducing the safe working area).</li> <li>• No backfill material can be stored in the work area requiring more frequent deliveries to site.</li> <li>• Any field drainage within the work area would be diverted ahead of the pipe installation works.</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
		<ul style="list-style-type: none"> <li>Any utilities encountered would potentially need to be diverted to allow sufficient safe offset ahead of the pipe installation works.</li> <li>Extensive use of ground protection track matting or similar, to minimise turf damage in heavy trafficked areas.</li> <li>Use of appropriately sized machinery for the given working width using non-metal tracked machines, and smaller excavators etc., to reduce impacts.</li> <li>Utilisation as a haul route is limited, with minimal passing areas. Staging areas would potentially be away from the worksite at the construction compound to feed material to the work areas when needed.</li> <li>No road-going trailers to be used in these areas, to limit potential loading on the playing surface. Transfer area required to change road-going vehicle deliveries onto lighter weight pipe handling trailers.</li> <li>No space to safely use as a through-route haul track; only the pipe/material used within the area would be transported in the narrow working area.</li> <li>Potential use of shelters, tents or similar, to undertake fabrication works such as pipe preparation, welding, coating and non-destructive testing.</li> <li>Site fencing to use non-intrusive (water-filled or weighted) base fixings so as not to impact on the surface below but reducing available working area.</li> <li>Trenching boxes or timber trench supports would be used to reduce the width of the trench (not battered back/sloped) to maximise working area.</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
		<p><b>Figure 1.1 – Cross Section of Narrow Working sports areas, golf courses, &amp; schools</b></p>  <p><b>NOTES</b></p> <ol style="list-style-type: none"> <li>1. DETAILS SHOWN ON THIS DRAWING ARE PRELIMINARY ONLY.</li> <li>2. TOPSOIL STRIP AND MANAGEMENT OF SUBSOIL MATERIAL IS SUBJECT TO LANDOWNER COMMITMENTS.</li> <li>3. REDUCED WIDTH WORKING IS WHERE THE WORKING WIDTH IS REDUCED WITHIN THE ORDER LIMITS TO ENABLE THE CONTRACTORS TO REDUCE PHYSICAL IMPACT TO THE AREA, MEET PROGRAMME AND PUBLIC RELATIONS COMMITMENTS. SUBSOIL MAY BE STORED OFF THE REDUCED WIDTH WORKING STRIP DURING OPERATIONS UNLESS SPECIFIED OTHERWISE.</li> <li>4. SUBSOIL MAY BE STORED OFF THE REDUCED WIDTH WORKING STRIP DURING OPERATIONS UNLESS SPECIFIED OTHERWISE.</li> <li>5. GROUND PROTECTION TRACK MATTING WILL BE USED TO PROTECT SPORTS FIELD SURFACE DURING CONSTRUCTION UNLESS SPECIFIED OTHERWISE.</li> <li>6. TRENCH TOPSOIL WILL BE STORED ON THE REDUCED WORKING WIDTH STRIP UNLESS SPECIFIED OTHERWISE.</li> <li>7. TRENCH MAY BE SATTERED OR WILL HAVE TRENCH SUPPORTS DEPENDING ON GROUND CONDITIONS.</li> </ol> <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>CONSTRUCTION TRAFFIC ACCESS</li> <li>PRE WELDED PIPES (LAYDOWN)</li> <li>COMPOUND FENCE</li> <li>LIMITS OF DEVIATION</li> <li>ORDER LIMITS</li> <li>HAZARD</li> <li>STRINGING AREA</li> </ul> <p><b>EXISTING SERVICES</b></p> <ul style="list-style-type: none"> <li>WOL PIPELINE</li> </ul>

WR Para Ref	Point raised	Applicant response to point raised:
		<p><b>Figure 1.2 Plan of Narrow Working sports areas, golf courses, &amp; schools</b></p>  <p style="text-align: center;">TYPICAL WORKING STRIP OF SPORTS FIELD SCALE 1:100</p>



WR Para Ref	Point raised	Applicant response to point raised:
<b>Pg 2</b>	<b>Investment programme and Compensation</b> <p>Foxhills are concerned their losses may be masked by the fact they are investing in upgrading their own facilities to increase membership in the same period.</p>	<p>The Applicant is working very closely with Foxhills Golf Course to manage and mitigate impacts on club membership and to understand the effects the project may have on this and other business areas to provide an appropriate basis for compensation terms.</p>
<b>Pg 2</b>	<b>Methods of Construction</b> <p>Foxhills require a detailed and binding method statement of works to communicate to their members.</p>	<p>The Applicant is in detailed discussions with Foxhills Golf Course and the parties have discussed the intended route and likely construction techniques.</p> <p>The Applicant would adopt narrow working through sports areas, golf course, and schools (5m to 15m width) which will be set out and secured in the draft of the CoCP to be submitted at Deadline 4. Further to the methodology to be included in the CoCP, the parties will continue to develop more detail to the methodology (for example, in respect of matters such as course drainage and irrigation) to resolve any remaining concerns as part of their land rights negotiations.</p>



### 3 Responses to Written Representations - Allan McCullen

Table 3.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
<b>Page 1</b>	<p><b>Temporary Possession of Car Parking</b></p> <p>The Homeowner is concerned about the provision for pedestrian and vehicle access to the property including access for council services (bins) and Emergency services, the provision for parking and the safety of the construction area.</p>	<p>The Stake Lane cul-de-sac is included within the Order Limits but is only required for the turning of vehicles. This area would not be fenced off, and existing parking and access to the properties would be maintained.</p> <p>Given the area by the garages would be occupied for construction, the project would be willing to facilitate use of the landowner's own property frontage to provide additional space for parking, for example by providing a dropped kerb and suitable surfacing which would then be reinstated following construction, at the project's cost. This would be outside of the project Order Limits and secured by separate agreement.</p> <p>The construction activities would be confined to the area of the garages, with access to this area via Stake Lane. The construction area would be securely fenced for safety and security purposes. The existing parking area outside of residents' properties would be maintained as a highway for vehicle movements (turning large vehicles etc.) and would not be used to store any construction materials or associated plant.</p>
<b>Page 1</b>	<p><b>Loss of Garage</b></p> <p>The loss of the garage to the homeowner.</p>	<p>During construction the garages would need to be removed, this is to allow space for trenchless sections of the pipe to be installed adjacent to the railway, with the drill rig located in the area of the garages.</p> <p>To reduce the impacts to the owners of the garages at Stake Lane, provision for alternative storage would be made to suit each landowner's individual requirements. This could be provided within the existing property or rental of an offsite secure facility.</p> <p>Dependent on the final location of the replacement pipeline, if it is not possible to rebuild the garage it would still be possible to reinstate some form of storage in the location of the existing garages, however it would need to be of a form that is of such construction that it</p>



WR Para Ref	Point raised	Applicant response to point raised:
		could be relatively easy to move or dismantle to afford the Applicant access to the buried pipe should it be required.
<b>Page 1</b>	<b>Risk to Trees on Stake Lane</b> Homeowner is concerned the trees along the railway line are at risk from the development with loss of their environmental benefit, wildlife, and character of area.	<p>When determining the route and installation method for the replacement pipeline, the Applicant has considered the stability of the railway embankment and the presence of trees, and this has contributed to the decision to install the pipeline using trenchless techniques in this location.</p> <p>The project would not be removing any trees situated within the railway embankment. In the area adjacent to the garages required as a construction area, there would likely be a need to lop overhanging branches only.</p> <p>The Construction and Environmental Management Plan would contain the specific details to be implemented at the time of construction.</p>

## 4 Responses to Written Representations - Archaylen Property Limited

Table 4.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
2.2.1-2.2.4	<p><b>Archaylen</b></p> <p>2.2.1 if the Archaylen Planning Permission is implemented and the Applicant's Development comes forward then construction of the Archaylen Development could be disrupted;</p> <p>2.2.2 the Archaylen Development might be completed but cannot be occupied due to the Applicant's works at Beacon Hill Road;</p> <p>2.2.3 the Archaylen Development is occupied and tenants use of their units is disrupted by the Applicant's Works preventing access or disrupting services and utilities; and</p> <p>2.2.4 the impact on Archaylen Development's ability to connect to utilities.</p>	<p>The Applicant has engaged with Archaylen throughout the project and has taken into account Archaylen's development proposals in the routeing refinement as the project progresses. As a result of corridor and initial working route consultations, the Applicant amended the proposed pipeline route and relocated the route away from the proposed development, to an alignment along the western boundary of the site in or adjacent to Beacon Hill Road. The amended routeing was taken into the pipeline DCO application. The limits of deviation show that the pipeline may be constructed on Archaylen property, or on the adjacent Beacon Hill Road.</p> <p>The Applicant is in detailed discussion with Archaylen and its advisors regarding the development of both schemes. The Applicant does not consider that the construction of the project would prevent or delay the build out of the Archaylen scheme or prejudice the use or the development of the Archaylen scheme when built.</p> <p>The Applicant understands the importance of maintaining access to the Archaylen development site during construction of the pipeline, in particular, during the installation across the Archaylen site entrance. The Applicant would maintain vehicular access at all times and will continue its dialogue with Archaylen as the respective schemes develop on matters such as timings and traffic management regardless of the final route being either on their land or on the adjacent Beacon Hill Road.</p> <p>The Applicant does not consider that there should be any impact on Archaylen's ability to connect into utilities which might be situated in Beacon Hill Road and would maintain a close dialogue to manage construction impacts.</p>



WR Para Ref	Point raised	Applicant response to point raised:
<b>5.1.1-5.1.3</b>	<p>5.1.1 clarify their expected timing, proposal and potential impact on the implementation of the Archaylen Planning Permission and on the operation of the Archaylen Development;</p> <p>5.1.2 commit to installation techniques where they will mitigate against the impacts of the Applicant's Development on the Archaylen Development; 3 4127-5605-4048.1</p> <p>5.1.3 commit to construction and operation arrangements that will prevent disruption at the Archaylen Development.</p>	<p>The Applicant is not yet in a position to provide exact information on the timing of construction or provide exact installation techniques as the project has not reached a phase of sufficient design.</p> <p>The Applicant would continue to work with Archaylen as their project is built out to enable both parties to mitigate any impacts or potential loss to Archaylen or their tenants once the site is occupied.</p>

## 5 Responses to Written Representations - Ark Data Centres Limited

Table 5.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
6.	<b>Pipeline Location</b> Points raised with reference to the pipeline location.	<p>The Applicant recognises that Ark Data Centre has identified its preferred route alignment is as per the Possible Pipeline Location available to view on the project website. This only provides an indication of the potential pipe alignment and the project requires a limit of deviation approach to be maintained because it may not always be possible to construct the pipeline within a specific alignment.</p> <p>As the project progresses, the Applicant will continue to work closely with Ark Data Centre and the landowner at this location (QinetiQ) to resolve their specific concerns regarding access, fencing and potential interference with existing conduits and cables at the site. The Applicant held a meeting with Ark Data Centre on the 12 December 2019 to consider these matters and the Applicant will, as part of its land right negotiations, offer further assurances regarding continued access during construction and the fencing proposed by the Applicant.</p>
10.	The way the pipeline is delivered and operated (and the land rights that are secured in association with the project) are also of concern to Ark.	<p>The Applicant would not be interfering with the operation of the Ark Data Centre Campus or affecting the reliability or security of its data connections. The Applicant is working with Ark Data Centre to identify the location of data connections to ensure those would be maintained during construction and future operation of the pipeline. The Applicant understands that Ark Data Centre is a secure site and is discussing detailed and appropriate mitigation during construction to ensure site security is maintained at levels required by Ark Data Centre. The Applicant does not envisage that pipeline operations would impact site security and the Applicant will discuss and agree specific site access protocols with Ark Data Centre.</p>





WR Para Ref	Point raised	Applicant response to point raised:
12.	It is not clear how the extent of the CPO area has been defined but from the approach taken elsewhere along the route it is likely that it is based on a fixed distance either side of the proposed pipeline rather than site specific analysis of operators that adjoin the pipeline.	The Applicant's Order Limits and associated compulsory acquisition and temporary possession powers are not based on a fixed distance either side of a possible pipeline alignment. The Order Limits (and limits of deviation) identified at this location provide flexibility to avoid complex and unknown buried service infrastructure in the vicinity of the Old Ively Road whilst taking into account landowners' concerns regarding site access.
13.	Whilst Ark is sure that there is no intention to this, work in the blue area could have the potential to disturb operations at the Data Centre Campus, because it includes about 25% of the communications cables serving the Data Centre campus, Victor Way which provides road access to Ark's campus, and the northern perimeter fence of Cody Technology Park.	The Applicant would not be interfering with the operation of the Ark Data Centre Campus or affecting the reliability or security of its data connections. The Applicant is working with Ark Data Centre to identify the location of data connections to ensure those would be maintained during construction and future operation of the pipeline. The Applicant understands that Ark Data Centre is a secure site and is discussing detailed and appropriate mitigation during construction to ensure site security is maintained at levels required by Ark Data Centre. The Applicant does not envisage that pipeline operations would impact site security and the Applicant will discuss and agree specific site access protocols with Ark Data Centre.



WR Para Ref	Point raised	Applicant response to point raised:
14.	<p>Furthermore, the DCO powers sought in this area include the ability to acquire and discharge easements. Ark would request that access or the provision of services to the Data Centre Campus are not at any time materially adversely affected by the exercise of the DCO powers and that appropriate qualifications are imposed in any development consent order in so far as it affects the Data Centre Campus:</p> <p>a. Preventing the extinction of any existing rights of access (via private land or public highway) that benefit the Data Centre Campus</p> <p>b. Preventing of the creation of any rights of way or other new easement over the Data Centre Campus in favour of any third party other than the pipeline operator.</p> <p>c. Ensuring that any new easement created (i) does not</p>	<p>In response to a), the Applicant has no requirement to permanently extinguish any rights of access that benefit the Data Centre Campus.</p> <p>In response to b), the Applicant is still in early discussions with the landowner and the asset operators at this location to better understand possible construction impacts. The Applicant has no intention of diverting existing apparatus wherever possible. However, the application requires the right in the event that it is necessary and essential.</p> <p>In response to c), the Applicant does not consider that the creation of permanent new easement rights would have any effect on the security of the Ark Data Centre campus and the Applicant would, subject to further detailed discussions with Ark Data Centre, be content to agree access protocols, if required.</p> <p>In response to d), with reference to any easements or rights enjoyed by Ark Data Centre, if it were necessary to permanently divert any apparatus, the Applicant would enter into early detailed discussion over the terms and conditions of any proposed diversion, including alternative routes, detailed methodology and specification.</p> <p>In response to e), the Applicant would provide as much prior notice as is practicably possible following detailed discussion with Ark Data Centre.</p> <p>The Applicant's powers to carry out works to the apparatus of electricity, gas, water and sewerage undertakers along the replacement pipeline route are subject to important limitations. The protective provisions in Part 1 of Schedule 9 of the draft DCO (<b>Document Reference 3.1 (4)</b>) control the manner in which those powers would be exercised. Most notably, the removal of any apparatus under that Part may only be undertaken where alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker concerned (see paragraph 7 in Part 1 of Schedule 9). These provisions serve to ensure that utility supplies by third party operators are maintained, notwithstanding that the Applicant would need, in some instances, to alter the</p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>materially adversely affect the security of Data Centre Campus and (ii) is subject to Ark's site access protocols</p> <p>d. Ensuring that no easement may be extinguished or diverted without there first being provided at the cost of pipeline operator a suitable alternative easement with associated new conduits cables etc.</p> <p>e. Ensuring that no less than six months' prior notice is given prior to the diversion or extinguishment of any easement.</p>	<p>layout and alignment of existing utilities in order to construct and maintain the replacement pipeline.</p>
15.	<p>We also note that there is an area shaded yellow immediately outside the Ark security fence and the Data Centre Campus entrance date that may be used as a construction compound. In connection with this Ark would request that:</p> <p>a. The compound is kept tidy and properly fenced and managed.</p>	<p>The Applicant confirms this area of land is not identified as a construction compound, but it is only identified as a temporary working area.</p> <p>Within the Applicant's Register of Environmental Actions and Commitments, (<b>Application Document <a href="#">APP-056</a></b>), commitment G85 states that '<i>working areas would be appropriately fenced. The choice of fencing would be decided following a risk assessment, relevant to the work location.</i>'</p> <p>As noted in paragraph 1.6.6 of the Code of Construction Practice (<a href="#">REP2-010</a>), all fencing along the route would be maintained and checked on a regular basis; entry points via gates would be closed and secured when not in use.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	b. An appropriate stand-off between the compound and the Ark security fence is maintained; ideally the compound itself would be located at least 3.5m from the security fence.	The Applicant will consult with Ark Data Centre at a pre-entry meeting to help develop the relevant risk assessment including the requested standoff from the security fence.

## 6 Responses to Written Representations - Brett's Aggregates Ltd

Table 6.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
Rep 1 paragraphs 1-10	<p><b>Representation 1 – Manor Farm conveyor under Ashford road to Queen Mary Quarry</b></p> <p>Concern about how Brett Aggregates can construct the conveyor under Ashford Road once the replacement pipeline is installed – Brett Aggregates are looking for a legal agreement to be in place to ensure their scheme can progress without detriment post construction of the pipeline</p>	<p>The current position was outlined in the Applicant's response to the ExA's First Written Questions, General Questions, GQ.1.6 (<a href="#">REP2-039</a>) which was also submitted at Deadline 2.</p> <p>This confirmed that the Applicant is in discussions with Brett Aggregates with regards to the interface between the project and Brett Aggregates' proposed development to install a new conveyor belt tunnel across Ashford Road (B377). The Applicant has received Brett Aggregates' design drawings for the proposed development and is satisfied that it would be feasible for the new conveyor belt tunnel to be constructed beneath the pipeline. The vertical limits of deviation for the project enable the pipeline to be installed at a depth that would be shallow enough to enable the conveyor belt tunnel to be constructed beneath the pipeline.</p> <p>Discussions between the Applicant and Brett Aggregates are ongoing with regards to a voluntary option and deed of easement. The Applicant and Brett Aggregates held a meeting on 12 November 2019 and have agreed that within the land agreement there will be provision for the Applicant to provide any required temporary protection and support that the proposed pipeline may require during the construction of the conveyor tunnel to be constructed in the public highway at Ashford Road. Respective legal teams are now actively engaged in voluntary agreement drafting.</p> <p>Should it become apparent that a land agreement is not going to be concluded, the application would be amended to confirm the detail at a later deadline.</p>



WR Para Ref	Point raised	Applicant response to point raised:
<p><b>Rep 2</b>  <b>paragraphs 1- 4</b></p>	<p><b>Representation 2 – Shepperton Quarry</b></p> <p>Concern regarding the proposed restoration plans for the site and a request for a more specific location for the pipeline particularly at the southern end.</p>	<p>This subject was covered in part in the Applicant’s response to the ExA’s First Written Questions, Alternatives and General Questions, ALT.1.8 (<a href="#">REP2-038</a>) which was also submitted at Deadline 2.</p> <p>The Environment Agency (EA) raised various concerns relating to the interaction between the project and the Agency’s River Thames Flood Alleviation Scheme and requested further consultation to agree the way forward.</p> <p>In February 2019 and August 2019, on-site meetings were held with the EA, their Land Agent, their designers for the Flood Alleviation Scheme and Brett Aggregates. The purpose of this engagement was to share information about the project and coordinate development of the designs, specifically in relation to the interaction between the Flood Alleviation Scheme and the Applicant’s project whilst managing the impacts on restoration of the land.</p> <p>Based on design information received from the EA at the pre-application stage, the Applicant widened the standard Order Limits and limits of deviation for the project to provide flexibility for reasonable accommodation of the Flood Alleviation Scheme. The matter is still being discussed with the relevant parties to further define details with regard to the likely route of the pipeline within the LoD.</p>
<p><b>Rep 3</b>  <b>paragraph 1</b></p>	<p><b>Representation 3 – Laleham Farm</b></p> <p>Occupied by a tenant farmer growing raspberries, the land benefits from land drainage and water abstraction permits which need to be protected</p>	<p>The Applicant has been informed by the respondent that the tenant farmer who grew raspberries is no longer in occupation of the land and that a new arable farmer took on the tenancy in early 2019.</p> <p>The Applicant notes that the land benefits from an intensive land drainage system. Under the voluntary land agreement, the Applicant offers the following wording in Schedule 1 Methods of Working, Paragraph 19:</p>



WR Para Ref	Point raised	Applicant response to point raised:
		<p><i>‘So far as is reasonably practicable, the Company will ensure that the minimum of damage and disturbance to land drains and natural drainage is caused in the exercise of the Rights.</i></p> <p><i>The Company will be responsible for reinstating all land drains existing immediately before the Construction Works or Maintenance Works and which have been damaged in the exercise of the Rights and in particular the Company will where the interest of the drainage of the land will best be served lay the Pipeline underneath the land drains which it is necessary to cross and of the existence of which the Company shall have knowledge. All land drains cut or disturbed during the excavation will be strawed and prominently and durably marked at suitable positions adjacent to the trench immediately following their location and their locations will be shown in a drainage log of which a copy will be furnished to the Grantor and copy to the occupier. The methods to be employed in reinstating the field drainage system will be agreed with the occupier or the Grantor (whichever may be the responsible party) and will include the laying of header drains in advance of the main works where agreed to be necessary or failing agreement where recommended by an expert acceptable to the parties. Where drainage works are required only skilled agricultural drainers will be employed.</i></p> <p><i>The Company will ensure that the efficiency of any land drainage systems or natural drainage interfered with in the exercise of the Rights is not impaired.’</i></p> <p>Further, under the Code of Construction Practice (<a href="#">REP2-010</a>), Table 3.6 provides a commitment to complete a preconstruction drainage survey (G82), and that land used temporarily would be reinstated to an appropriate condition relevant to its previous use (G94).</p>



WR Para Ref	Point raised	Applicant response to point raised:
Rep paragraph 1 4	<p><b>Representation 4 – Environmental Permits</b></p> <p>Laleham Farm and Shepperton Quarry are both subject to EA permits, concern is that the dDCO does not make it clear how the inert landfill will be protected during installation and afterwards and what permits will be required.</p>	<p>The project is working with respondent and submitted the first draft of the pre-application document to them for comment on 3 December 2019 prior to discussing with the EA.</p> <p>The Applicant will continue to work with the respondent and the EA on progressing the necessary revisions to the permits. This activity is expected to continue after the close of the examination.</p>
Rep paragraph 1 5	<p><b>Representation 5 – Logistics Hub at Littleton Lane</b></p> <p>Brett Aggregates object to the use of the land as a logistics hub</p>	<p>The project has notified the ExA of its intention to reduce the number of logistics hubs from six to two which includes the removal of this location.</p>



## 7 Responses to Written Representations - Cove Cricket Club

Table 7.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
	<b>Cove Cricket Club</b>	The Applicant and Cove Cricket Club have had regular meetings to discuss the Applicant's proposed works as they may affect Cove Cricket Club. The latest meeting was on 16 December 2019 and the Applicant considers reaching a voluntary agreement with Cove Cricket Club is achievable. The Applicant requires a temporary construction access route through Cove Cricket Club car park, a working area for the installation of the pipeline and may require permanent easement rights if the final pipeline alignment is installed through Cove Cricket Club. The Applicant is also working with the owner of the site, Rushmoor Borough Council to reach voluntary agreement.
<b>4.2 - 4.5</b>	<b>Project temporary occupation will have a detrimental impact on the running of the club;</b> <ul style="list-style-type: none"> <li>• Loss of cricket nets</li> <li>• Loss of clubhouse access from highway making the club unviable for duration of work.</li> <li>• Loss of car parking spaces for users</li> <li>• Use in summer months</li> </ul>	<p>The Applicant met with Cove Cricket Club and its representatives on 16 December 2019 to discuss the project's ways in which the impact of construction works through the cricket club can be reduced.</p> <p>Regarding the potential loss of cricket nets, the Applicant is aware of Cove Cricket Club's proposals to erect a new multi-bay practice net facility pursuant to a consent granted on 7 June 2019 and will be exploring options to provide suitable alternative temporary practice net facilities during the pipeline installation works.</p> <p>The Applicant has confirmed in recent on-site meetings on 6 November 2019 and 16 December 2019 with Cove Cricket Club that access, parking and use of the cricket ground would be maintained during the construction period.</p> <p>The Applicant is confident that through detailed ongoing discussions with Cove Cricket Club an acceptable solution can be agreed through an appropriate land agreement which addresses remaining concerns by working together to avoid using the access at weekends during the summer months and to negate the need to fence off the access route.</p>



WR Para Ref	Point raised	Applicant response to point raised:
<p><b>4.6</b></p>	<p><b>Period of occupation</b></p> <p>Although the Applicant states they will only require access over the Club's car park for a 'short period' of time in reality the powers being sought gives them the opportunity to remain in occupation for up to 5 years and also retain the ability to use this land as access during the maintenance period which is a further five years after the completion of the project.</p>	<p>The Applicant does not expect to take more than a few months to construct the pipeline in this location and would only use this access for construction of the pipeline section in the immediate vicinity of Cove Cricket Club. However, the timing and duration of installation is not yet determined, and this area is complex due to the designation as a flood storage area which requires dry weather conditions coupled with the need for a trenchless installation under Cove flood defence structure.</p> <p>It can also be noted this access serves the neighbouring Suitable Alternative Natural Greenspace (SANG) for which the assumption by the Applicant is that the construction would be completed within a two-year period.</p> <p>The powers sought by the Applicant under articles 29 and 30 of the draft DCO (<b>Document Reference 3.1 (4)</b>) apply generally to land within the Order Limits of the proposed development. The drafting of those provisions seeks to ensure that the Applicant has the powers which it needs – particularly as regards the length of time during which those powers may be exercised – to take temporary possession of land in order to construct and then maintain the authorised development.</p> <p>That notwithstanding, the Applicant acknowledges that the scope of these powers is of concern to the Club, given the nature of use of the land and the Club's desire to ensure that the interface between that use and the construction of the authorised development can be minimised and will continue to engage as the project progresses.</p>
<p><b>4.7</b></p>	<p><b>Access to Club</b></p> <p>The Club requires a legal undertaking from the Applicant to regulate the use of their land to minimise its impact and also need an agreement to ensure the clubhouse is not severed from the</p>	<p>The Applicant can confirm that the clubhouse and its users would not be severed from the public highway and as noted above, access, parking and use of the cricket ground would be maintained during the construction period.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	public highway for members and users of the club.	
<b>4.8</b>	<b>Viability of club</b> Risk to the future operation of the club due to losses and decline in memberships	The Applicant is confident that an agreement can be reached with the Club which would ensure that the proposed works do not have a detrimental effect upon club membership. The Applicant is in active discussions with the Club in this regard. In the event that any financial loss were to be incurred by the Club, as a result of the construction of the authorised development, the Applicant provides contractual indemnities within the terms of the voluntary agreement for such losses.
<b>4.9</b>	<b>Local Road Network</b> Concerns that local streets (Grasmere Road) will not be able to service the already busy community/cricket club and construction.	<p>The Applicant is required to develop a detailed schedule of proposed works and agree this through the Construction Traffic Management Plan (CTMP) with the relevant local highway authority.</p> <p>The Applicant would be liaising with the cricket club to enable coordination of construction traffic such that it has minimal overlap with peak periods of public traffic to and from the cricket club, including the proposal to avoid using the access at weekends in the summer months. This would be further addressed at the time of developing the CTMP as referred to above.</p>
<b>4.10</b>	<b>Car Parking</b> Applicant has not provided any alternative parking arrangements	The Order Limits that are drawn through the Cove Cricket Club car parking area are only to be used for gaining vehicular access to the pipeline construction working area. The access route through the car park would potentially affect only two car parking spaces out of the 21 spaces marked in the car park. Notwithstanding this, the Applicant would seek to coordinate construction vehicle movements such that they affect none of the car parking spaces during periods where use of those spaces is required for Club purposes.



WR Para Ref	Point raised	Applicant response to point raised:
<p><b>5</b></p>	<p><b>Disproportionate use of powers</b></p> <p>There is no requirement for the Applicant to acquire permanent rights for a limited life pipeline.</p> <p>The applicant is not relinquishing its rights over the old pipeline. This should be a condition if new rights are granted.</p>	<p>The Applicant has confirmed in Table 8.1 of its Responses to Relevant Representations (<a href="#">REP1-003</a>) the rationale for seeking permanent rights in respect of the replacement pipeline. Permanent easements or long-term leases are appropriate for oil pipelines given the expected life of the replacement pipeline and the scale of investment required. The permanent nature of the rights also ensures that they are enforceable against subsequent owners of the land.</p> <p>In terms of the rights in respect of the existing pipeline, the Applicant confirmed in its Deadline 2 submissions that a landowner affected by the existing pipeline can request to have the relevant pipeline deed terminated (or amended) and to have the existing pipeline rights removed from their title to the land. Further detail is provided in response to Written Question CA.1.18 (<a href="#">REP2-041</a>).</p>
<p><b>6</b></p>	<p><b>Access in future</b></p> <p>The Occupier has concerns as to how the Applicant will access their land in the event of an emergency or routine maintenance of their infrastructure. The access / gateway is very restrictive and could pose as a threat to any emergency or routine maintenance.</p>	<p>Depending on the final installed location of the pipeline, if the easement is within Cove Cricket Club, the Applicant considers the existing cricket club entrance to be suitably accessible to future emergency and operational requirements and to not pose a limitation or threat to undertaking these activities.</p>



WR Para Ref	Point raised	Applicant response to point raised:
7	<p><b>Notice for Temporary Occupation should be 3 months (not 2 weeks)</b></p>	<p>The Applicant would always seek to provide early notice to landowners where it requires access to land. However, the notice periods in article 29 (temporary possession of land for carrying out the authorised development) and article 30 (temporary possession of land for maintaining the authorised development), which are based upon many made Orders, ensure that the Applicant is able to take access to land to carry out and maintain the development in an expeditious manner.</p> <p>As drafted, the notice periods also ensure that any unintended delay in serving a notice (or any invalidly served notice) under these provisions would be unlikely to result in any significant delay in delivering the authorised development. By contrast, a longer notice period requirement under these provisions could feasibly mean that the construction window for some works, which may in some instances be subject to important seasonal constraints, might be missed.</p> <p>The Applicant, therefore, considers that the notice periods in articles 29 and 30 are reasonable, proportionate and precedented. If the provisions of the Neighbourhood Planning Act 2017 relating to temporary possession come into force the Applicant would abide by them.</p>

## 8 Responses to Written Representations - M L Barclay

Table 8.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
2a	<p><b>M L Barclay reports points discussed with the Applicant's land agent, these points cover:</b></p> <ul style="list-style-type: none"> <li>• Route of the pipeline</li> <li>• Removal of trees</li> <li>• Restoration of roads, hedges and land drainage</li> <li>• Maintaining road access</li> </ul>	<p>The Applicant met the landowner on 11 February 2019 and has provided written confirmation to the landowner that the pipeline would only be constructed within the project's limit of deviation and plans to that effect have been provided with the subsequent land agreement offer.</p> <p>The Applicant confirmed in the meeting with the landowner that the replacement pipeline route has been selected to reduce the impact on trees, this is the reason for the deviation from the existing lines in the location.</p> <p>The woodland to the east of the replacement pipeline route known as Ewshot Wood is designated Ancient Woodland and a further band of woodland along an adjacent field boundary has also been identified as potentially being Ancient Woodland.</p> <p>Both of these areas of woodland would be protected by the provisions of the Technical Note for Ancient Woodland and Veteran Trees (<a href="#">REP2-061</a>) and none of these trees are anticipated to be removed.</p> <p>As also discussed at the meeting on 11 February 2019 the project would look to reduce impacts on other trees and consistent with the project Code of Construction Practice (<a href="#">REP2-010</a>) would retain vegetation (including trees) where practicable, and would reduce the working width through boundaries and hedges to 10m.</p> <p>The project would reinstate all roads, hedges and drainage systems impacted by the project. This is secured through the Code of Construction Practice (<a href="#">REP2-010</a>) and individual land agreements.</p> <p>Access to properties would be maintained during construction.</p>

## 9 Responses to Written Representations - Ministry of Defence

Table 9.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
4.2	<p><b>Training Facility</b></p> <p>All MOD land, including land let to third parties, is actively used or is capable of being used by the MOD for military purposes. Therefore, the construction of the pipeline and the rights of maintenance being sought by Esso through the DCO particularly in relation to restrictions on vehicular weight limits and the use of explosives on the pipeline route, may prejudice the statutory status of the MOD estate in terms of its role as part of the UK's Defence Strategy.</p>	<p>The Applicant already maintains a number of other assets in land owned by the MoD. These arrangements work well in practice and the Applicant does not consider that there is any reason why the rights required to construct and maintain the replacement pipeline are not capable of coexisting safely and efficiently within the MoD's estate.</p> <p>The Applicant is in detailed negotiations with the MoD and its advisors and is seeking to reach a voluntary legal agreement as soon as possible. All of the concerns raised by the MoD are subject to detailed negotiation, including vehicular weight restrictions and the use of explosives by the MoD. The Applicant does not consider the proposal would prejudice the MoD estate in terms of its role as part of the UK's defence strategy.</p>
4.3	<p><b>UXO</b></p> <p>Given the nature of the land and its use as a military training base there is likely to be significant areas where unexploded ordnance may be present in the ground. The construction of the pipeline through the estate therefore may interfere with buried</p>	<p>The Applicant has provided the relevant Risk Assessment and Method Statements in connection with Unexploded Ordnance to the MoD for borehole works and the MoD has been satisfied with those. This issue is the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights which are in progress.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>ordnance thereby causing a health &amp; safety risk not only to Esso's contractors but also other users of the estate who may be in the vicinity of construction works.</p>	
<p><b>4.4</b></p>	<p><b>Wildfires</b></p> <p>The Owner's estate is often subject to acts of arson and particularly during the summer months this (among other less common causes) can lead to large scale 'wildfires' on the estate. Such 'wildfires' could be caused inadvertently by Esso's contractors, by for example, discarding cigarette butts or emitting sparks from machinery, especially during a period of low rainfall. This creates a significant health and safety risk to all users of the estate, those in proximity to the estate and Esso's contractors.</p>	<p>This issue is the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights which are in progress.</p> <p>The Applicant operates its activities in accordance with the Health and Safety at Work Act 1974, and other health and safety legislation. Site-specific methodologies and risk assessments would be produced in accordance to the current legislation prior to any activities taking place. These would identify any potential risks, assess their likelihood and significance, then identify mitigation measures to reduce the risk, likelihood and significance.</p> <p>In addition, the Applicant has included commitment G7 within the Code of Construction Practice (<a href="#">REP2-010</a>), which states '<i>appropriate site layout and housekeeping measures would be implemented by the contractor(s) at all construction sites. These may include... locating designated smoking/vaping areas to avoid significant nuisance to neighbours</i>'.</p>





WR Para Ref	Point raised	Applicant response to point raised:
<p><b>4.5</b></p>	<p><b>Site Specific – Ewshot/Church Crookham</b></p> <p>The Scheme traverses across a large part of this estate which is subject to a SANGS agreement with the local authority and is managed accordingly.</p> <p>1 - The Owner is concerned as to how the construction works will impact the obligations to manage the land is SANGS such as the excavation of soil and material from the ground the installation of haul roads/construction sites. -</p> <p>The Applicant has not yet demonstrated how the land will be suitably reinstated back to a condition which is compatible with the SANGS management.</p> <p>2 - There are a number of low lying wet areas and water features which will be impacted by the construction of the pipeline.</p> <p>3 - The Owner is concerned that Esso will be preventing public access over this SANGS land and</p>	<p>The Applicant has met with representatives from Taylor Wimpey, who currently manage the Queen Elizabeth Barracks SANGs, and Hart District Council, the local planning authority, to discuss the project.</p> <p>The Applicant's proposals met with broad support from both parties and discussions related to habitat creation and reinstatement to help to improve the habitat and increase future use of the SANGs by making more attractive to wildlife and recreational users.</p> <p>In response to 1), the Applicant does not believe that the DCO, if granted, would cause the Owner to be in breach of its management obligations at this site. The Applicant would continue to work with the Owner to minimise construction impacts on its land.</p> <p>In response to the concerns regarding reinstatement, the Applicant's commitments on this are set out in the REAC and secured by the draft DCO (<b>Document Reference 3.1 (4)</b>), through requirements including the CoCP (DCO Requirement 5), CEMP (DCO Requirement 6), the LEMP (DCO Requirement 12) and Hedgerows and Trees (DCO Requirement 8). This includes commitment G94: <i>'Land used temporarily would be reinstated to an appropriate condition relevant to its previous use'</i>. The Applicant has also updated the commitment that a five-year aftercare period would be established for all mitigation planting and reinstatement (G92) in the Code of Construction Practice (CoCP) to be submitted at Deadline 4. Commitment G62 also allows that vegetation arisings would be disposed of responsibly. Small quantities may be reused on site to create ecological habitat.</p> <p>In responses to 2), the Applicant has committed that where works in wet heath would be unavoidable, effects on soils and surface vegetation would be reduced through the use of ground protection matting and appropriate machinery where practicable. (G51)</p> <p>In response to 3), with regard to public access, the CoCP includes a commitment to ensure crossing points are provided so that the SANGs is useable during construction. Commitment OP04 in the CoCP states: <i>'Principal pedestrian routes within SANGs crossing the working area would be managed with access only closed for short periods while construction activities occur. Additional signage for diversions on to alternative existing</i></p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>as such will be a breach of its management agreement.</p> <p>4 - Impact of noise and construction activities on the use and enjoyment of Naishes Lane community facility and the open spaces around Wakefords Park</p>	<p><i>paths would be utilised as appropriate.</i> This is set out in the CoCP and is secured through Requirement 5 of the DCO.</p> <p>The Habitats Regulations Assessment Report (<b>Application Document <a href="#">APP-130</a></b>) also states that 'Construction activity would not require the total closure of any SANG. All SANGs would still be accessible during the period of construction works, with only specific access points and footpaths being temporarily closed or diverted. There are no SANG car parks within the Order Limits and so these would remain unaffected.'</p> <p>Through these commitments, and the details that will be secured in the CTMP and the CEMP, the Applicant would ensure that access to the SANGs as a whole is not compromised by the trenching. The approach being taken for public rights of way where alternative diversion routes are not already available locally is to keep these open except while trenching is taking place across them, in which case a very localised and short-term diversion around the live working area (within the Order Limits) would be put in place for a temporary period. Any movement of construction vehicles along the working corridor (across rights of way) would also require the temporary halting of pedestrians whilst the vehicle passes for safety reasons. This would be managed by a banksman. Further details of these measures will be included within the CEMP and CTMP.</p> <p>In response to 4), the REAC within the ES (<b>Application Document <a href="#">APP-056</a></b>) identifies a number of commitments undertaken by the Applicant to reduce the effects of noise during construction. These include:</p> <p>G98 Noise and vibration from construction plant and machinery impacts would be mitigated by adopting measures in the following hierarchy:</p> <ul style="list-style-type: none"> <li>• control at source - for example the selection of quieter equipment;</li> <li>• the choice of location for equipment on site;</li> <li>• control of working hours; and</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
		<ul style="list-style-type: none"> <li>the provision of acoustic enclosures around equipment or barriers around work sites.</li> </ul> <p>G102 Noise and vibration would be managed by processes and measures laid out in the CEMP. This would include to adopt Best Practicable Means for the control of noise and vibration across the project.</p> <p>Appendix 13.3 of the ES, the Noise and Vibration Technical Note concludes that no significant effects have been identified for the following activities:</p> <ul style="list-style-type: none"> <li>noise and vibration due to traffic on the public highway during installation;</li> <li>vibration from compaction, piling and drilling activity during installation; and</li> <li>noise and vibration due to operations.</li> </ul> <p>A number of receptors may still experience adverse noise impacts during installation, even with the application of good practice measures. However, these would be temporary and short-term, and within the normal working hours unless by exception (refer to Good Practice commitment G5 in the REAC). The Applicant has committed to producing a Noise and Vibration Management Plan with the relevant planning authority which would ensure that appropriate noise and vibration mitigation would be implemented during the works.</p>
<b>4.5</b>	<b>Tweseldown</b> 1 - Impact on tenant's business which is a renowned equestrian facility used for schooling, major eventing competitions and training purposes; 2- Impact on SSSI	<p>In response to 1), the Applicant is in detailed negotiations with both the MoD and Tweseldown Race Course regarding the proposed SLP scheme. The Applicant has been working with Tweseldown Racecourse for some time in order to seek to mitigate the impact of the scheme on the running of their business and a working methodology is being developed with that business and its advisors.</p> <p>In response to 2), Tweseldown is mainly within the Bourley and Long Valley SSSI which is a component part of the Thames Basin Heaths Special Protection Area. As such the Applicant has attended site meetings with Natural England, Hampshire and Isle of Wight Wildlife Trust who manage this part of the SSSI and the MoD's Ecology and Forestry</p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>3 – Impact on night time military training activities which may conflict with the construction of the pipeline.</p>	<p>Officers. These meetings included discussions on the impact of the work on the SSSI and how these would be mitigated. As a result, the Applicant has routed the pipeline to avoid an area of mature oak trees and to largely avoid the part of the site within the Tweseldown Racecourse. In addition, as Bourley and Long Valley is within the Thames Basin Heaths Special Protection Area, potentially disturbing construction works would be carried out between 1 October and 31 January to avoid the bird nesting season (unless otherwise agreed with Natural England). In addition, where trees with bat roost potential are felled, bat boxes would be installed in nearby trees, with landowner consent.</p> <p>The Applicant has also committed to narrow working in three locations across Bourley and Long Valley SSSI. These include the woodland on the northern boundary of Tweseldown racecourse Narrow Working 11 (NW11) which states that <i>‘Working width reduced to 15m to limit impacts on trees and potential bat roosts within Bourley and Long Valley SSSI.’</i> Working specifications as detailed within Annex B of the HRA. This consists of two areas with an approximate combined distance of 293m. (Grid refs: SU8240152247 to SU8244952310, and SU8307353223 to SU8320053396)</p> <p>Construction within Bourley and Long Valley SSSI, Colony Bog and Bagshot Heath SSSI and Chobham Common SSSI would be in accordance with Annex B of the Habitats Regulations Assessment Report (<b>Application Document <a href="#">APP-130</a></b>). Where necessary, detailed methodologies would be agreed with Natural England prior to commencement. All construction works would be in accordance with the detailed methodologies.(G61)</p> <p>A Statement of Common Ground between the Applicant and Natural England has been signed (<b><a href="#">REP1-005</a></b>). Matters agreed include <i>‘that Natural England support the conclusion of the Habitats Regulations Assessment (HRA) that there would be no adverse effects on the integrity of either the Thames Basin Heaths Special Protection Area or the Thursley, Ash, Pirbright and Chobham Special Area of Conservation after implementation of appropriate mitigation and good practice measures.’</i></p>



WR Para Ref	Point raised	Applicant response to point raised:
		<p>In response to 3), the Applicant is aware that the MoD has concerns regarding impacts on night-time activities within the MoD estate. This issue is the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights.</p>
<p><b>4.5</b></p>	<p><b>Estate north of Aldershot Road (Norris Hill)</b></p> <p>1- Loss of drop off/pick up point at car park off Aldershot Road. This is not acceptable to the Owner as 24/7 access required for military purposes;</p> <p>2 - Large areas of the estate required for construction purposes with an impact on ecology and public access;</p> <p>3 - Large areas of established trees may be lost to the project;</p> <p>4 - The Owner needs various reinforced crossing points installed by the Applicant in order for them to continue using other parts of the estate -</p> <p>5 - The Draft DCO seeks the permanent acquisition of land east of Ively Road. Under the provisions of S135 of the Planning Act 2008 consent is required to</p>	<p>In response to 1), the Applicant is now aware of the issue for the MoD of the temporary loss of the car park during construction. In the course of discussions the Applicant will continue to seek an acceptable resolution regarding the use of the car park by the Applicant.</p> <p>In response to 2), the Applicant has committed to reducing impacts on the estate north of Aldershot Road (Norris Hill) by the installation of consecutive trenchless crossings (TC011 and TC012) which would be used to avoid wetland areas in Bourley and Long Valley Site of Special Scientific Interest (SSSI), a component site of the Thames Basin Heaths SPA. In addition, the Order Limits make use of the existing track in this location rather than the habitat area as a haul road. This is to lessen the impacts on the Special Protection Area (SPA), SSSI, flood zone and priority habitats. This is stated in the Habitats Regulations Assessment Report (<b>Application Document <a href="#">APP-130</a></b>) which concludes that ‘no reasonable scientific doubt remains as to the absence of effects on the integrity of the two European sites considered.’</p> <p>All working areas would be appropriately fenced. This would allow access to the wider area and maintain public safety during construction.</p> <p>In response to 3), tree loss would be reduced in the area to the north of Norris Hill by narrow working: ‘Working width reduced to limit impacts on trees and potential bat roosts within Bourley and Long Valley SSSI. Working specifications as detailed within Annex B of the HRA. This consists of two areas with an approximate combined a distance of 293m (Grid refs: SU8240152247 to SU8244952310, and SU8307353223 to SU8320053396)’ (NW11 and NW13). Also, as stated in the Applicant’s answer to concerns regarding the Tweseldown Racecourse area of Bourley and Long Valley SSSI, it is anticipated that at heathland SSSIs, targeted scrub and secondary woodland within the Order Limits would</p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>permanently acquire an interest in land owned by the Crown Estate. No agreement has been reached with the Applicant yet in relation to this land.</p> <p>6 - In any event it is not possible for a DCO applicant to permanently acquire land owned by the Crown Estate</p>	<p>be removed. Subject to landowner consent, these areas would be reinstated as heathland or acid grassland through natural regeneration. (HRA 4).</p> <p>Trees in the Norris Hill area have been classified as grade B notables by the Applicant. Where notable trees would be retained within or immediately adjacent to the Order Limits, the trees and their root protection areas would be protected where they extend within the Order Limits and are at risk. This commitment has been secured within Requirement 6 of the DCO (the CEMP) and it will further be secured within the Landscape and Ecological Management Plan under Requirement 12. The Applicant has also committed that works to notable trees, where at risk of damage, would be supervised by the Environmental Clerk of Works (G86). This commitment is secured within Requirement 5 (the CoCP).</p> <p>In response to 4), regarding crossing points this issue is the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights which are in progress.</p> <p>In response to 5 and 6), it is assumed that this point relates to plot 917 in the Book of Reference. The Applicant recognises this and confirmed in its response to the Examining Authority's Written Question CA.1.7 at Deadline 2 that the parcel of Crown land in question (parcel 917) has been removed from the Book of Reference (<a href="#">AS-011</a>) and is therefore no longer within the scope of the freehold land acquisition powers which are sought by the Applicant under the draft DCO (<b>Document Reference 3.1(4)</b>).</p>
4.5	<p><b>Site Specific – Frith Hill/Blackdown Woods</b></p> <p>1 - Large areas of the estate required for construction purposes with an impact on ecology and public access;</p>	<p>In response to 1), the Applicant has attended site meetings with Surrey Wildlife Trust and the MoD's Ecology and Forestry Officers. These included discussions on the impact of the work on the woodland at Frith Hill and how these would be mitigated and managed.</p> <p>These discussions included how the tree removal can be undertaken to improve the area for wildlife, recreational use and the training requirements of the MoD, for example by the inclusion of making woodland clearings. We believe the MoDs concerns have been addressed.</p>





WR Para Ref	Point raised	Applicant response to point raised:
	<p>2 - Large areas of established trees may be lost to the project;</p> <p>3 - The Owner needs various reinforced crossing points installed by the Applicant in order for them to continue using other parts of the estate</p> <p>4 - Position of proposed construction compound is not acceptable as area is required for military training purposes and specialist third party uses.</p> <p>5 - In any event it is understood the Applicant is carrying out consultation on all compounds and the status of this compound has been downgraded from a 'logistics hub' to a 'construction compound requiring a smaller area of land. Therefore, the extent of land within the LOD in this location is not fully justified.</p>	<p>In response to 2), the Applicant has committed to narrow working techniques at Frith Hill to reduce impacts on mature trees, potential bat roosts and an historic embankment. The approximate distance would be 2.2km (Grid ref: SU8905558008 to SU9094458779). (NW20) This approach involves the contractor(s) using less space than standard working due to localised constraints, such as working in roads or ecologically sensitive areas.</p> <p>The majority of trees in the Frith Hill area have been classified as grade B notables by the Applicant. Where notable trees would be retained within or immediately adjacent to the Order Limits, the trees and their root protection areas would be protected where they extend within the Order Limits and are at risk. This commitment has been secured within Requirement 6 of the DCO (the CEMP) and will further be secured within the Landscape and Ecological Management Plan under Requirement 12. The Applicant has also committed that works to notable, TPO and veteran trees, where at risk of damage, would be supervised by the ECoW and supported by an experienced aboriculturalist (G86). This commitment is secured within Requirement 5 (the CoCP).</p> <p>In response to 3), regarding crossing points this issue is the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights which are in progress.</p> <p>In response to 4 and 5), regarding the proposed logistics hub at Blackdown Woods (off Deepcut Bridge Road, Frimley Green) this site is also the subject of active discussions between the Applicant and the MoD. The Applicant understands the site's specialist uses and consulted on removing the site as a logistics hub and retaining a section of the site as a construction compound, sized approximately 0.4 hectare. The Applicant is hopeful this would greatly reduce the impacts on the site's training and third-party specialist uses, and will progress further discussions regarding this site with the MoD following the consultation that closed on 13 December 2019.</p>



WR Para Ref	Point raised	Applicant response to point raised:
4.5	<p><b>Pirbright Firing Ranges</b></p> <p>Impact on public/military access along perimeter road. Access needs to be available 24/7 for all purposes including emergency vehicles.</p> <p>The secure fence along the boundary of the firing range cannot be compromised</p>	<p>The Applicant is aware of the importance of the firing range security fence and the MoD use of the access perimeter road and this issue is the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights which are in progress.</p> <p>The Applicant has committed to narrow working in this location.</p>
5	<p><b>Adequacy of Consultation</b></p> <p>Keys terms were issued on behalf of the Applicant. It is recognised that the issuing of these terms indicated the Applicant's willingness to negotiate in parallel with the statutory process.</p> <p>There has not been any engagement prior to the issuing of these key terms to reflect the unique nature of the Owner's land and their status as a Crown Body.</p>	<p>The Applicant has been actively engaging with the MoD since December 2017 regarding the proposed scheme.</p> <p>The Applicant has extensively consulted with the MoD, including with its informal &amp; formal (s.42) consultations, its issue of offer of voluntary agreements prior to DCO submission and correspondence since the offer of terms seeking the MoD to appoint the relevant advisors.</p> <p>The Applicant issued the offer of Voluntary Terms on 4 March 2019 and has been actively seeking to discuss and negotiate the documents since issue. The Applicant has already provided flexibility in reducing restrictive rights over wider areas of landowners' property and does not consider this issue should prevent landowners considering the documentation or entering into dialogue. The points raised are now the subject of active discussion between the Applicant and the MoD as part of the negotiations for land rights.</p>





WR Para Ref	Point raised	Applicant response to point raised:
6	<p><b>Disproportionate use of powers</b></p> <p>The Owner is extremely concerned how the Applicant will access their land for maintenance of the scheme and the wide-ranging powers being sought.</p> <ul style="list-style-type: none"> <li>• Design life of the pipeline does not warrant permanent powers</li> <li>• Not relinquishing powers over the existing pipeline</li> <li>• Decommissioning of the existing pipeline</li> </ul> <p>In any event this is Crown Land and cannot be compulsorily acquired unless with the Owner's consent. That consent is not yet forthcoming.</p>	<p>The Applicant has confirmed in Table 8.1 of its comments to relevant representations (<a href="#">REP1-003</a>) the rationale for seeking permanent rights in respect of the replacement pipeline. Permanent easements or long-term leases are appropriate for oil pipelines given the expected life of the replacement pipeline and the scale of investment required. The permanent nature of the rights also ensures that they are enforceable against subsequent owners of the land.</p> <p>In terms of the rights in respect of the existing pipeline, the Applicant confirmed in its Deadline 2 submissions that a landowner affected by the existing pipeline can request to have the relevant pipeline deed terminated (or amended) and to have the existing pipeline rights removed from their title to the land. Further detail is provided in response to Written Question CA.1.18 (<a href="#">REP2-041</a>)</p> <p>The Applicant recognises the status of the MoD Crown Land and does not seek to compulsorily acquire Crown Land or Rights in Crown Land without Crown consent.</p>
7	<p><b>Disturbance of Protected Species</b></p> <p>The project could disturb or damage protected animal and plant species, the Owner asks that</p>	<p>Draft licences for protected species were submitted to Natural England who has in turn issued Letters of No Impediment. A Statement of Common Ground between the Applicant and Natural England has been signed (<a href="#">REP1-005</a>) which states that in regard to protected species '<i>Natural England agrees that the mitigation described in the draft license applications is appropriate</i>'.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	any disturbance to wildlife and damage to ground flora is minimised throughout the whole project.	<p>The Applicant has made a number of commitments in addition to those already mentioned, that would protect wildlife from disturbance. For example:</p> <ul style="list-style-type: none"> <li>• Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required (G172).</li> <li>• Lighting would be of the lowest luminosity necessary for safe delivery of each task. It would be designed, positioned and directed to reduce the intrusion into adjacent properties and habitats (G45).</li> <li>• Relevant guidance on mitigating the impact of artificial lighting on bats would be applied where practicable. This includes good practice measures that would: <ul style="list-style-type: none"> <li>➢ limit illumination of confirmed bat roosts, or trees with moderate or high potential to support bat roosts; and</li> <li>➢ limit times that the lights are on and consider factors such as height of lighting columns and use of light sources with minimal ultra violet (G46).</li> </ul> </li> <li>• Where there would be a risk of animal entrapment, a means of escape would be installed into all excavations left open overnight (G60).</li> <li>• Any activity carried out or equipment located within a logistics hub or construction compound that may produce a noticeable nuisance from dust, noise, lighting etc would be located away from sensitive receptors such as residential properties or ecological sites where practicable (G25).</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
8.	<p><b>Removal of Trees</b></p> <p>The project will require the removal of a number of mature trees on the Owner's property. Under the terms of the DCO it will not be possible to plant replacement trees over the top of the pipeline width and therefore some of these trees will be lost forever.</p> <p>Aside from the benefit of providing a screen for security purposes, we are not aware that the DCO seeks to address this loss at this location. Therefore, there will be a net loss of trees on the Owner's estate which conflicts with government's commitment to expand woodland coverage in England.</p>	<p>The Applicant has attended site meetings with the MoD's Ecology and Forestry Officers. These included discussions on the impact of the work on the woodland at Frith Hill and how these would be mitigated and managed.</p> <p>It is the project's intent to install the pipeline within or adjacent to existing tracks so that the impacts on tree loss due to re-planting restrictions would be reduced.</p> <p>A Statement of Common Ground between the Applicant and the Forestry Commission has been signed (<a href="#">REP2-025</a>). Matters agreed include 'that the Forestry Commission accepts that the removal of some trees in SSSIs, to allow the restoration of heathland habitat, is appropriate.' In addition, 'that the Forestry Commission accepts that trees to be removed on the MoD estate will be replaced on a one to one basis elsewhere on the MoD estate in the local area. The details would be agreed through the Environmental Investment Programme.'</p> <p>Where woodland vegetation is lost and trees cannot be replaced due to the restrictions of pipeline easements, native shrub planting approved by the Applicant would be used as a replacement (G97).</p>
9	<p><b>Invasive Species</b></p> <p>The construction process and vehicular movements associated with this project could cause the introduction or spread of invasive plant species such as Japanese knotweed (among other invasive</p>	<p>The project has made a commitment in the REAC (<b>Application Document <a href="#">APP-056</a></b>) within ES Chapter 16 in respect of invasive species. This states that a suitable methodology would be produced to set out how identifiable areas with the potential presence of Schedule 9 plant species or other invasive species would be demarcated, and how any affected soils would be appropriately managed throughout the works (G42).</p>



WR Para Ref	Point raised	Applicant response to point raised:
	species) on to the Owner's estate including the SSSI and SPA areas which would damage the protected natural environment and has the potential to burden the Owner with long term and costly control measures.	
10	<p><b>Land Restoration</b></p> <p>The Owner is concerned regarding the quality of land restoration across both the pipeline line and working areas. Based on previous experience land restoration over an underground utility can be mixed in terms of quality and often the area is subject to depress and is uneven. This can cause issues to users of the estate including military vehicles and the general public.</p> <p>Bringing soils back to use after the construction of a major infrastructure project is very difficult. Therefore, the way soils are stripped and stored is very important, as is the method of de-compaction of working areas.</p>	<p>The Applicant has committed to a number of measures for the reinstatement of land and vegetation. These are presented in the REAC within ES Chapter 16 Environmental Management and Mitigation (<b>Application Document <a href="#">APP-056</a></b>). Commitment G94 within the REAC states that land used temporarily would be reinstated to an appropriate condition relevant to its previous use.</p> <p>The Applicant has also committed within the REAC that where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around pipeline easements) <a href="#">(G88)</a>. The contractor(s) would retain vegetation where practicable and in accordance with, as a minimum, the vegetation retention drawings <a href="#">(G91)</a>. Vegetation clearance, retention, protection and replanting/reinstatement drawings would be produced prior to the construction phase. The contractor(s) would implement these plans including agreed mitigation where practicable <a href="#">(G87)</a>.</p> <p>To protect soils during and after construction, a methodology would be produced for stripping, handling, storage and replacement of all soils to reduce risks associated with soil degradation. This would include:</p> <ul style="list-style-type: none"> <li>• identification of appropriate plant to strip, reinstate and otherwise handle soils;</li> <li>• methods for compaction and grading of stockpiles;</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>Soils will take many years to recover from this sort of treatment and it can take a very long time before grass and other crops are able to be grown to the same yield and quality as before.</p> <p>There is no mention of the control of weed species but no indication of how this will be implemented and it depends on the method used in clearing and stockpiling topsoil and subsoil.</p>	<ul style="list-style-type: none"> <li>• methods for working in naturally wet soils; and</li> <li>• specification of appropriate decompaction measures to be used during reinstatement. <u>(G151)</u></li> </ul> <p>The contractor(s) would produce a Soil Management Plan. In developing the plan, the contractor would take note of the principles within the guidance "Construction Code of Practice for the Sustainable Use of Soils on Construction Sites" (Department for Environment, Food and Rural Affairs, 2009), and "Good Practice Guide for Handling Soils" (Ministry of Agriculture, Fisheries and Food, 2000). The Soil Management Plan would include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• specification of maximum storage periods, angles and heights of soil stockpiles;</li> <li>• reference to published soil types;</li> <li>• specification for where a soils watching brief may be required;</li> <li>• controls on use of construction machinery in areas where soils have not been stripped; and</li> <li>• specification of the role of the Suitably Experienced Person. <u>(G150)</u></li> </ul> <p>Appropriate techniques would be used when necessary to provide protection for subsoils from compaction and smearing in areas subject to heavy trafficking. The specific protection measures and their required locations would be set out in the appointed contractor's methodology document and agreed between the contractor(s) and overseeing Suitably Experienced Person (SEP) prior to construction commencing. <u>(G157)</u></p> <p>As noted above, with regards to the spread of invasive species, a suitable methodology would be produced to set out how identifiable areas with the potential presence of Schedule 9 plant species or other invasive species would be demarcated, and how any</p>



WR Para Ref	Point raised	Applicant response to point raised:
		affected soils would be appropriately managed throughout the works (G42). This is secured within Requirements 6 and 7 of the draft DCO.
11.	<p><b>Impact on existing underground utilities</b></p> <p>The Owner remains concerned about the impact of the installation of the pipeline on existing utilities and the potential severing of existing supplies which are vital to the safe running and maintenance of the owner's estate.</p>	<p>The Applicant's powers to carry out works to the apparatus of electricity, gas, water and sewerage undertakers along the replacement pipeline route are subject to important limitations. The protective provisions in Part 1 of Schedule 9 of the draft DCO (<b>Document Reference 3.1(4)</b>) control the manner in which those powers would be exercised. Most notably, the removal of any apparatus under that Part may only be undertaken where alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker concerned (see paragraph 7 in Part 1 of Schedule 9). These provisions serve to ensure that utility supplies by third-party operators are maintained notwithstanding that the Applicant would need, in some instances, to alter the layout and alignment of existing utilities in order to construct and maintain the replacement pipeline.</p>
12	<p><b>Access to land for maintenance purposes</b></p> <p>The Owner has concerns as to how the Applicant will access his land in the event of an emergency or routine maintenance of their infrastructure.</p> <p>There are certain access protocols required to access the Owner's land and these protocols conflict with the powers being sought in the DCO.</p>	<p>The Applicant is aware that access to the land is managed through existing MoD byelaws and protocols. The Applicant is seeking to work with the MoD to agree upon acceptable arrangements for access to the MoD's estate as part of the negotiations for land rights which the Applicant is actively progressing with the MoD.</p>



WR Para Ref	Point raised	Applicant response to point raised:
13	<p><b>Notice for Temporary Occupation should be 3 months (not 2 weeks)</b></p>	<p>The Applicant would always seek to provide early notice to landowners where it requires access to land. However, the notice periods in article 29 (temporary possession of land for carrying out the authorised development) and article 30 (temporary possession of land for maintaining the authorised development), which are based upon many made Orders, ensure that the Applicant is able to take access to land to carry out and maintain the development in an expeditious manner.</p> <p>As drafted, the notice periods also ensure that any unintended delay in serving a notice (or any invalidly served notice) under these provisions would be unlikely to result in any significant delay in delivering the authorised development. By contrast, a longer notice period requirement under these provisions could feasibly mean that the construction window for some works, which may in some instances be subject to important seasonal constraints, might be missed.</p> <p>The Applicant, therefore, considers that the notice periods in articles 29 and 30 are reasonable, proportionate and precedented. If the provisions of the Neighbourhood Planning Act 2017 relating to temporary possession come into force the Applicant would abide by them.</p>

## 10 Responses to Written Representations - Ministry of Justice


Table 10.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
3.4	<p><b>MOJ Access</b></p> <p>Access must be maintained at all times and all purposes. The Owner requires a legal undertaking from the Applicant to that effect;</p>	<p>The Applicant has been in correspondence with the Ministry of Justice (MoJ) throughout the project. Meaningful engagement on voluntary terms have been progressing since April 2019 and in greater detail following appointment of external advisors to the MoJ in October 2019.</p> <p>The Applicant understands the importance of maintaining access to HMP Bronzefield and will commit to ensuring vehicular access is maintained at all times during pipeline installation. This commitment will be written in to the Deed of Grant being agreed between the MoJ and the Applicant.</p>
3.4	<p><b>Pipeline Installation Beneath Access</b></p> <p>The installation of the pipeline beneath the road must be carried out using a HDD construction technique which will bore under the surface of the road without affecting its surface</p>	<p>The Applicant understands the importance of maintaining access at all times along the prison access road. The Applicant is also mindful of the MoJ's need for the pipeline crossing of the access road to be protected by means of a concrete strengthening slab to be installed above the pipeline.</p> <p>The Applicant believes that the pipeline can be installed via an open trench method in this location without prejudicing the MoJ's access concerns. A trenched installation in two halves, thus maintaining vehicular access at all times, would enable the installation of the concrete protection slab.</p> <p>A concrete protection slab would not be able to be installed if an HDD method of pipeline installation was used.</p>





WR Para Ref	Point raised	Applicant response to point raised:
3.4	<b>Construction Vehicles/Plant</b> No construction vehicles or plant can block the road and the passage of prison vehicles along it	The Applicant understands the importance of maintaining access to HMP Bronzefield and will commit to ensuring vehicular access is maintained at all times during pipeline installation
3.4	<b>Heavy Vehicle Crossing</b> The area above the pipeline must be protected by a 'heavy vehicle crossing'. This is normally achieved by way of a strengthening slab over the pipeline. This will ensure the integrity of the road which needs to cater for large vehicles and regular use. As a private road it is not built to the same standard as public highway	The Applicant would ensure that a concrete protection slab is installed above the pipeline during construction. The precise weight-bearing capabilities would be agreed between the Applicant and the MoJ. The Applicant recognises that the access road is a private road that is not necessarily constructed to the usual public highway standards. The Applicant would agree a suitable standard of road reinstatement with the MoJ.
3.4	<b>Maintenance/Markers</b> Any requirements for access to the Owner's land for ongoing maintenance, repairs etc must be subject to the Owner's prior approval – No markers are to	<p>The Applicant understands the importance of maintaining access at all times along the prison access road. With regard to future maintenance, the appropriate notice and consent provisions will be drafted and offered within the voluntary legal agreement.</p> <p>The Applicant has a legal duty to mark the route of the pipeline by means of marker posts, in particular at road crossings and at changes of land ownership. The Applicant's existing pipelines have marker posts near to the crossing of the prison access road and the Applicant</p>

WR Para Ref	Point raised	Applicant response to point raised:
	be placed on or near the Owner's land	<p>would mark the proposed pipeline in the same way with nearby markers that do not impact access along or adjacent to the prison road (see photograph below showing existing markers).</p> 
3.4	<p><b>Boreholes/Monitoring Equipment</b></p> <p>No boreholes or other monitoring equipment is to be placed on or near the Owner's land</p>	<p>The Applicant currently has no requirement for a borehole or other monitoring equipment on the MoJ's land and understands that any future requirement for such apparatus would only be at the consent of the MoJ. The Applicant would seek to draft the appropriate consent mechanism with the legal voluntary agreement.</p>



WR Para Ref	Point raised	Applicant response to point raised:
<b>3.4</b>	<p><b>Layout of pipe</b></p> <p>It is understood the Applicant intends to lay out pipes over the road for construction purposes. This needs to be agreed in advance with the Owner having regard to the access comments made above. If access cannot be maintained then the Applicant will not be granted permission to lay its pipes over the Owner's road</p>	<p>The Applicant understands the importance of maintaining access to HMP Bronzefield and will commit to ensuring vehicular access is maintained at all times during pipeline installation. Sections of pipeline for the crossing of the access road can be laid out either side of the road until ready for installation in the pipeline trench in the access road.</p>
<b>3.5</b>	<p><b>Lift and Shift Request</b></p> <p>In respect of the Class 3 rights the Owner requires the ability to lift and shift the pipeline in perpetuity should its operational needs require it.</p>	<p>Within the voluntary legal document, the Applicant offers a development (lift &amp; shift) clause. If any bespoke drafting is required to ensure the MoJ concerns are addressed, the Applicant is pleased to discuss this with the MoJ.</p>
<b>4</b>	<p><b>Adequacy of Consultation with Affected Parties</b></p> <p>We are not aware of any engagement with the Owner prior to the submission of the DCO.</p>	<p>The Applicant has extensively consulted with the MoJ and Sodexo who manage the HMP Bronzefield site, including with its informal &amp; formal (s.42) consultations, its issue of offer of voluntary agreements on 1 March 2019, prior to DCO submission, and extensive correspondence since the offer of terms with the MoJ property team who have recently appointed an external agent on 23 October 2019 to represent their interest.</p> <p>The Applicant notes that Circular 06/04 has been withdrawn.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	Query if applicant has acted accordance with Circular 06/04	
<b>6</b>	<b>Notice for Temporary Occupation should be 3 months (not 2 weeks)</b>	<p>The Applicant would always seek to provide early notice to landowners where it requires access to land. However, the notice periods in article 29 (temporary possession of land for carrying out the authorised development) and article 30 (temporary possession of land for maintaining the authorised development), which are based upon many made Orders, ensure that the Applicant is able to take access to land to carry out and maintain the development in an expeditious manner.</p> <p>As drafted, the notice periods also ensure that any unintended delay in serving a notice (or any invalidly served notice) under these provisions would be unlikely to result in any significant delay in delivering the authorised development. By contrast, a longer notice period requirement under these provisions could feasibly mean that the construction window for some works, which may in some instances be subject to important seasonal constraints, might be missed.</p> <p>The Applicant, therefore, considers that the notice periods in articles 29 and 30 are reasonable, proportionate and precedented. If the provisions of the Neighbourhood Planning Act 2017 relating to temporary possession come into force the Applicant would abide by them.</p>
<b>5</b>	<b>Disproportionate use of powers</b>  There is no requirement for the Applicant to acquire permanent rights for a limited life pipeline.  The applicant is not relinquishing its rights over the old pipeline.	<p>The Applicant has confirmed in Table 8.1 of its Responses to Relevant Representations (<a href="#">REP1-003</a>) the rationale for seeking permanent rights in respect of the replacement pipeline. Permanent easements or long-term leases are appropriate for oil pipelines given the expected life of the replacement pipeline and the scale of investment required. The permanent nature of the rights also ensures that they are enforceable against subsequent owners of the land.</p> <p>In terms of the rights in respect of the existing pipeline, the Applicant confirmed in its Deadline 2 submissions that a landowner affected by the existing pipeline can request to have the relevant pipeline deed terminated (or amended) and to have the existing pipeline rights</p>



WR Para Ref	Point raised	Applicant response to point raised:
	This should be a condition if new rights are granted.	removed from their title to the land. Further detail is provided in the Applicant's response to Written Question CA.1.18 ( <a href="#">REP2-041</a> ).

## 11 Responses to Written Representations - Mr M D Barnard

Table 11.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
<b>Pg 1</b>	<p><b>Lack of Consultation</b></p> <p>Agent considers Mr Barnard was not consulted adequately.</p> <p>In Preferred route consultation sept-oct 2018 he was consulted, and the route went through the corner of his land. There was no consultation during the Design refinement consultation on the change in layout through his property. He would have objected to the change.</p> <p>Mr Barnard is concerned about diminution in value.</p>	<p>The project has been engaged with Mr Barnard for almost two years. On 18 January 2019, a letter with a draft option agreement and a plan showing the proposed final layout was sent to Mr Barnard. This layout varied from the initial proposal indicated during the Statutory Consultation/Preferred Route Consultation (6 September to 19 October 2018) to take account of protected species and a project commitment to avoid ancient woodland habitat. Such constraints had been identified during design development and necessitated a change to the final layout to avoid impacting on these sensitive environmental features. Following on from the issue of the letter and draft option agreement, the project has sought to remain in communication with Mr Barnard with a view toward establishing a voluntary agreement for the final layout. Because the revised alignment was a relatively minor revision to the alignment of the pipeline, which only affected Mr Barnard's land, this revision was not included in the wider Design Refinements Consultation (21 January to 19 February 2019) which only included changes that affected new and multiple parties. The Applicant remains keen to work with Mr Barnard to reach a voluntary agreement for the proposed alignment.</p>



## 12 Responses to Written Representations - Mr Y Ziv

Table 12.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
4	<p><b>Concerns raised with regard to potential impacts on the use of the property</b></p> <ul style="list-style-type: none"> <li>• Mature trees</li> <li>• Vicinity to the main house</li> <li>• Impact to utilities</li> </ul>	<p>The Applicant is working with the landowner and their representatives to understand the potential impacts the scheme may have on their property. To help mitigate many of these impacts, the project intends to install the pipeline as close as possible to the northern edge of the limits of deviation. This would enable the pipeline to be situated as far from the main house as possible to avoid the ground source heat system.</p> <p>Subject to further detailed design and assessment of tree root areas, the project is hopeful that any impacts to the mature trees along the landowner's western boundary can either be avoided or be kept to a minimum.</p> <p>In respect of public utility apparatus that may be affected, the Applicant's powers to carry out works to the apparatus of electricity, gas, water and sewerage undertakers along the replacement pipeline route are subject to important limitations. The protective provisions in Part 1 of Schedule 9 of the draft DCO (<b>Application Document 3.1(4)</b>) control the manner in which those powers would be exercised. Most notably, the removal of any apparatus under that Part may only be undertaken where alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker concerned (see paragraph 7 in Part 1 of Schedule 9). These provisions serve to ensure that utility supplies by third-party operators are maintained notwithstanding that the Applicant would need, in some instances, to alter the layout and alignment of existing utilities in order to construct and maintain the replacement pipeline.</p>





WR Para Ref	Point raised	Applicant response to point raised:
<p><b>5</b></p>	<p><b>Adequacy of Consultation with affected parties</b></p> <p>Applicant queries if Esso has met their requirements as documents and key terms were not fit for purpose and required work with the CLA to resolve.</p> <p>Question if applicant have met their obligations under circular 06/04.</p>	<p>The Applicant considers that the original documentation was fit for purpose and this is demonstrated by the fact that a significant number of grantors (56) were willing to complete on the basis of the offers and documents presented, prior to the involvement of the Country Land and Business Association (CLA).</p> <p>The Applicant has worked very closely with the CLA and a forum of solicitors representing their members to produce a document which they were prepared to recommend to their clients and members as it addressed their concerns.</p> <p>The Applicant notes that Circular 06/04 has been withdrawn.</p>
<p><b>6</b></p>	<p><b>Disproportionate use of powers</b></p> <p>There is no requirement for the Applicant to acquire permanent rights for a limited life pipeline.</p> <p>The applicant is not relinquishing its rights over the old pipeline. This should be a condition if new rights are granted.</p>	<p>The Applicant has confirmed in Table 8.1 of its comments on relevant representations (<a href="#">REP1-003</a>) the rationale for seeking permanent rights in respect of the replacement pipeline. Permanent easements or long-term leases are appropriate for oil pipelines given the expected life of the replacement pipeline and the scale of investment required. The permanent nature of the rights also ensures that they are enforceable against subsequent owners of the land.</p> <p>In terms of the rights in respect of the existing pipeline, the Applicant confirmed in its Deadline 2 submissions that a landowner affected by the existing pipeline can request to have the relevant pipeline deed terminated (or amended) and to have the existing pipeline rights removed from their title to the land. Further detail is provided in response to Written Question CA.1.18 (<a href="#">REP2-041</a>).</p> <p>The Applicant notes that this landowner is not affected by the existing pipeline.</p>





WR Para Ref	Point raised	Applicant response to point raised:
8	<p><b>Concerns on the adequacy of land reinstatement</b></p> <p><b>Concerns over land restoration, particularly for horses.</b></p> <p><b>Concerns over soil recovery</b></p> <p><b>[No] mention of the control of weed species but no indication of how this will be implemented.</b></p>	<p>The Applicant is committed (by commitment G94 of the REAC) to reinstate land used temporarily to an appropriate condition relevant to its previous use, in this case for horses. This is set out in the Code of Construction Practice and is secured by Requirement 5 of the draft DCO in the Deadline 4 submission.</p> <p>The Applicant has also committed to a number of additional measures for the reinstatement of land and vegetation. These are presented in the Register of Environmental Actions and Commitments (REAC) within ES Chapter 16 Environmental Management and Mitigation (<b>Application Document <a href="#">APP-056</a></b>), and the REAC confirms the securing mechanism for these commitments by reference to the Requirements in Schedule 2 of the draft DCO (<b>Application Document 3.1(4)</b>)</p> <p>For example, commitment G88 of the REAC states that where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around pipeline easements). Commitment G91 confirms that the contractor(s) would retain vegetation where practicable. Commitment G87 confirms that vegetation clearance, retention, protection and replanting/reinstatement drawings would be produced prior to the construction phase. The contractor(s) would implement these plans including agreed mitigation where practicable.</p> <p>The Applicant has also made a number of commitments in the REAC in relation to the protection of soils both during and after construction (again, the REAC confirms the securing mechanism for these commitments by reference to the DCO Requirements), including commitment G151 which confirms that a method statement would be produced for stripping, handling, storage and replacement of all soils to reduce risks associated with soil degradation. This would include:</p> <ul style="list-style-type: none"> <li>• identification of appropriate plant to strip, reinstate and otherwise handle soils;</li> <li>• methods for compaction and grading of stockpiles;</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
		<ul style="list-style-type: none"> <li>• methods for working in naturally wet soils; and</li> <li>• specification of appropriate decompaction measures to be used during reinstatement.</li> </ul> <p>Commitment G150 states that the contractor(s) would produce a Soil Management Plan. In developing the plan, the contractor would take note of the principles within the guidance '<i>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</i>' (Department for Environment, Food and Rural Affairs, 2009), and '<i>Good Practice Guide for Handling Soils</i>' (Ministry of Agriculture, Fisheries and Food, 2000). The Soil Management Plan would include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• specification of maximum storage periods, angles and heights of soil stockpiles;</li> <li>• reference to published soil types;</li> <li>• specification for where a soils watching brief may be required;</li> <li>• controls on use of construction machinery in areas where soils have not been stripped; and</li> <li>• specification of the role of the Suitably Experienced Person (SEP).</li> </ul> <p>Under Requirement 6 of the draft DCO (<b>Document Reference 3.1(4)</b>) a Soil Management Plan must be produced and approved by the relevant planning authority for each stage of the authorised development.</p> <p>Commitment G157 confirms that appropriate techniques would be used when necessary to provide protection for subsoils from compaction and smearing in areas subject to heavy trafficking. The specific protection measures and their required locations would be set out in the appointed contractor's method statement and agreed between the contractor(s) and overseeing SEP prior to construction commencing.</p>



WR Para Ref	Point raised	Applicant response to point raised:
		<p>Commitments G158 and G159 state that stripping and reinstatement of topsoils would only be carried out when topsoils are in a reasonably dry state, and that different soil types and made ground would be stripped and stored separately where applicable.</p> <p>Commitment G155 states that topsoils and subsoils intended for reinstatement would be temporarily stockpiled as close to where they were stripped from as practicable.</p> <p>In addition to the measures committed to within the DCO, a land agreement has been drawn up with the landowner with further detail regarding the protection of soils on this site.</p> <p>With regard to the spread of invasive species, would provide a suitable method statement to set out how identifiable areas with the potential presence of Schedule 9 plant species or other invasive species would be demarcated, and how any affected soils would be appropriately managed throughout the works (commitment G42 of the REAC).</p>
10	<p><b>Access for Maintenance</b></p> <p>Will require breaching of his boundary and access from 3<sup>rd</sup> party land.</p>	<p>It is noted that the landowner is concerned about permanent rights of access. Under the terms of the voluntary agreement offered, the Applicant would only utilise the extent of the Grantor's property as has been agreed in the Deed of Easement to secure any future access required to the pipeline easement. Where access to the easement using the Grantor's property is not possible, access may only be taken from adjacent land. The indemnities within the voluntary agreement will cover any reinstatement and compensation for damages. The Applicant will give the Grantor and occupier of the land affected two weeks' written notice of intention to commence the Construction Works and Maintenance Works thereon and will give reasonable notice at other times for all other works (save in the case of emergency). Appropriate requirements for matters such as livestock, fencing and security would be discussed with the occupier of the property prior to access.</p>



WR Para Ref	Point raised	Applicant response to point raised:
11	<p><b>Diminution in Value to Property</b></p> <p>There is a concern that if the Owner wanted to sell his property he would only be able to achieve a sale at below market value due to the presence of the pipeline and the associated rights that granted.</p>	<p>The Applicant does not believe there would be a diminution of value to property through the presence of an underground pipeline. The Applicant currently operates over 700km of pipelines in the UK and in numerous locations the pipelines are routed adjacent to residential properties. These properties are sold from time to time and the Applicant has not received notification from residential property owners that there has been any diminution of value due to the presence of the pipeline.</p>
12	<p><b>Notice for Temporary Occupation should be 3 months (not 2 weeks)</b></p>	<p>The Applicant would always seek to provide early notice to landowners where it requires access to land. However, the notice periods in article 29 (temporary possession of land for carrying out the authorised development) and article 30 (temporary possession of land for maintaining the authorised development), which are based upon many made Orders, ensure that the Applicant is able to take access to land to carry out and maintain the development in an expeditious manner.</p> <p>As drafted, the notice periods also ensure that any unintended delay in serving a notice (or any invalidly served notice) under these provisions would be unlikely to result in any significant delay in delivering the authorised development. By contrast, a longer notice period requirement under these provisions could feasibly mean that the construction window for some works, which may in some instances be subject to important seasonal constraints, might be missed.</p> <p>The Applicant, therefore, considers that the notice periods in articles 29 and 30 are reasonable, proportionate and precedented.</p> <p>The Applicant would also note that under the terms of the Land Agreement drawn up with the landowner, works would be carried out as far as is reasonably possible in accordance with a programme of which the occupier would be made aware, prior to commencement.</p>

## 13 Responses to Written Representations - Mrs J Ralls

Table 13.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
1.1-2.2	<p><b>Environmental Habitats</b></p> <p>The Written Representation identifies two alternative routes which they consider to be preferable.</p>	<p>Whilst one of the Applicant's guiding principles is to follow the route of the pipeline which is being replaced, in this area it would be technically difficult to follow the corridor of the existing pipeline due to the location of existing residential properties.</p> <p>The Applicant proposed two sub-options (D1a &amp; D1b) for a route to the east of the existing pipelines to avoid impacting on the existing residential properties and the tees and greens within Oak Park Golf Course. The Applicant selected D1b to reduce disruption to Oak Park Golf Course. The Applicant also considered a route that would have avoided the golf course and the landowner in question. This was rejected on the basis that it would be a case of transfer of impacts from one landowner to another.</p> <p>Alignment C suggested within the Written Representation is similar to sub-option D1a that was consulted on. This route may be technically feasible but it would impact on the 18<sup>th</sup> hole of the golf course for a long duration as it runs along the entire length of the hole from tee to green. The Applicant's proposed route cuts across fairways therefore reducing the extent to which holes would be affected.</p> <p>The Applicant has met this landowner on a number of occasions to discuss proposed routeing in order to accommodate their ambitions to develop their land holding. For example, on the 14 January 2019 detailed decisions relating to routeing and the timing of works took place, and as a result, the Applicant has widened the Order Limits and limits of deviation at this location to provide flexibility to take account of the landowner's plans.</p>



WR Para Ref	Point raised	Applicant response to point raised:
2.3	<p><b>Equalities Impact Assessment</b></p> <p>No Equalities Impact Assessment has been undertaken and they believe one is required. The routing at Heath Lane has a disproportionately negative impact on the landowner, as the land is linked with her nearby residential property nearby.</p>	<p>The Applicant has not carried out an Equalities Impact Assessment for this project because it is understood that the impacts are temporary for the construction phase of the project which is an underground pipeline. The Applicant does not consider there are any permanent changes affecting the landowner's use of the land.</p>
3.1-3.5	<p><b>Highways Safety</b></p> <p>Heath Lane is a small, narrow lane subject to the national speed limit of 60 mph.</p> <p>Concerns about running surface water and Ice.</p> <p>Danger to traffic (bend, poor sight lines for project access)</p> <p>Increased danger to pedestrians, equestrian, cyclists</p> <p>Interaction with Public footpaths 18 &amp; 21 as Heath Lane links these</p> <p>TPO trees would need to be removed to facilitate better visibility.</p>	<p>The Applicant is proposing to make use of an existing access off the public road. The Applicant is working with Hampshire Highways to ensure the safe execution of the project impacting on the county road network. Further details will be set out in the outline Construction Traffic Management Plan (CTMP) for Deadline 4.</p>



WR Para Ref	Point raised	Applicant response to point raised:
<p><b>3.6 – 3.8</b></p>	<p><b>Impact on existing land &amp; land use</b></p> <p><b>Equestrian Land Use</b></p> <p>Land is classed as agricultural in DCO documentation – not Equestrian and therefore our assessments will have been incorrect.</p> <p><b>Deep Stream</b></p> <p>Concerns on damage to stream and habitats due to its depth as a result of construction.</p>	<p>Within ES Chapter 12 (<b>Application Document <a href="#">APP-052</a></b>), the agricultural land definition included the use of land for equestrian grazing. The land use assessment categorises land into the broad land use categories, such as agricultural, community or residential, for the purposes of the assessment. This is separate to the more detailed land assessments that are undertaken as part of the landowner discussions and compensation claims.</p> <p>The proposed pipeline would cross a number of streams and ditches along the pipeline route – such crossings would be designed and constructed using a temporary pipe to manage existing water flow during works. The proposed pipeline would be installed beneath the level of the existing stream bed. This is covered in commitment G122 in the Code of Construction Practice (<b><a href="#">REP2-010</a></b>) which states: <i>‘For open cut watercourse crossings and installation of vehicle crossing points, mitigation measures would include to:</i></p> <ul style="list-style-type: none"> <li><i>only use a 10m working width for open cut crossings of a main or ordinary watercourse whilst still ensuring safe working;</i></li> <li><i>install a pollution boom downstream of the works;</i></li> <li><i>use and maintain temporary lagoons, tanks, bunds, silt fences or silt screens as required;</i></li> <li><i>have spill kits and straw bales readily available at all crossing points for downstream emergency use in the event of a pollution incident;</i></li> <li><i>place all static plant such as pumps in appropriately sized spill trays;</i></li> <li><i>prevent re-fuelling of any plant or vehicle within 15m of a watercourse;</i></li> <li><i>inspect all plant prior to work adjacent to watercourses for leaks of fuel or hydraulic fluids; and</i></li> <li><i>reinstate the riparian vegetation and natural bed of the watercourse using the material removed when appropriate on completion of the works and compact</i></li> </ul>





WR Para Ref	Point raised	Applicant response to point raised:
	<p><b>Access Bridge</b></p> <p>Landowner considers that access will require a new bridge (existing bridge not suitable). Concerns for landowner affected of timescales of construction and users of the road.</p>	<p><i>as necessary. If additional material is required, appropriately sized material of similar composition would be used.'</i></p> <p>The Applicant is aware of the status of the existing bridge and would put in place appropriate temporary works to enable safe access. On completion of the work, the existing bridge across the stream would be left in no worse condition. This is secured through commitment G80, which states: <i>'Where field to field access points would require alteration as a result of construction, alternative field access would be provided in consultation with the land owner/occupier. Recessed field access from local roads would be reinstated where agreed with the landowner.'</i></p>
4	<p><b>Consultation Process</b></p> <p>Short timescales and narrow scope of information provided</p> <p>Little response from Esso to design concerns – concerned that feedback did not influence the process.</p>	<p>The Applicant's consultation activities were in accordance with standard practice for non-statutory and statutory consultation. The Applicant's application for development consent was accepted for examination following confirmation by the Planning Inspectorate that the consultation complied with the requirements of the 2008 Act and was adequate (<a href="#">AoC-001 to AoC-025</a>).</p> <p>The Applicant held public consultations at a stage in the evolution of the project where consultation could influence the design and location of the pipeline. Separate one-to-one engagement with landowners also took place; the initial engagement began in January 2018 prior to the initial non-statutory consultation and again in January 2019 when additional details relevant to the landowner's interests became available.</p> <p>Following the January 2019 meeting, the Applicant widened the Order Limits to provide flexibility for both to the Applicant's scheme and Mrs J Ralls' proposed development.</p>
5.	<p>The Applicant should have provided more focused design in this area to enable inspector to</p>	<p>The Applicant has provided information and updates to the landowner as the project has developed. The Applicant will continue to work with the landowner as the design evolves in order to progress discussions and resolution of the matters of concern.</p>





WR Para Ref	Point raised	Applicant response to point raised:
	decide if this is the appropriate route.	
<b>6.9</b>	<b>Planning Permission</b> Esso could have avoided conflict with planning permission, further Esso are preventing meaningful use of such a development.	<p>As noted above, the Applicant has widened the Order Limits and limits of deviation to provide flexibility to accommodate both the Applicant's project and the landowner's approved development.</p> <p>The Applicant provided comments on the landowner's planning application prior to its determination by the local planning authority (Hart District Council), under the Safeguarding Direction for the SLP project. As a result of these comments, the location of the menage was amended prior to approval of the application. In addition, a condition was imposed on the planning permission relating to timing, reading: <i>'The timing of the construction of the schooling arena (menage) permitted as part of this planning permission shall be agreed with the Local Planning Authority (in consultation with Esso Petroleum Company, Limited) prior to commencement of work on this element of the development so as to avoid or reduce conflicts between the construction of the proposed schooling arena and the construction of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. Once agreed, the development of the schooling arena shall be carried out in accordance with the agreed timetable.'</i></p>
<b>6.10</b>	<b>Narrow Working</b> The representation has suggested narrow working as mitigation of the impacts on this landowner's land.	<p>The Applicant has continued to have dialogue with the landowner and their agent. Now that the landowner's development plans are formed, and planning permission has been granted, the area available to route the pipeline through this area is narrower than normal. However, the Applicant has been in discussion with the landowner and has committed to adopt a narrow working methodology within this land parcel. This will be included within the Land Agreement.</p>



## 14 Responses to Written Representations - St Edward Homes Ltd

**Table 14.1: Applicants response to Written Representation**

WR Para Ref	Point raised	Applicant response to point raised:
	St Edward Homes - No questions raised – statement updating Examining Authority on Progress	<p>The Applicant agrees with the content of the written submission by St Edward Homes Limited.</p> <p>The Applicant and St Edward Homes Limited and their advisors are in detailed discussions to agree terms for a voluntary commercial agreement for the use of the land at Hartland Village as a temporary logistics hub. Commercial Terms are agreed, legal documents are at an advanced stage of drafting including the specific issue of retention of Temporary Possession powers. Continuing progress is being made and both parties anticipate that an agreement for lease will be signed before the close of the examination.</p>

## 15 Responses to Written Representations - Stephen English

Table 15.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
	<p><b>Health and Safety</b></p> <p>i) Canford Drive is a narrow densely populated road with limited access.</p> <p>ii) Installation into Canford Drive would necessitate residents enduring significant adverse effects in terms of vibration, noise and dust pollution.</p>	<p>The Written Representation has raised that Canford Drive is densely populated and that there are safety concerns relating to construction deliveries and safe working widths.</p> <p>The Applicant would comply with the Code of Construction Practice (CoCP) which will contain a method statement for working within a street work environment. This will cover items such as traffic management working, access to properties, access for emergency vehicles and site safety. These would be implemented in accordance with the South East Permitting Scheme.</p> <p>Environmental Statement Appendix 16.1: Code of Construction Practice (<b>Application Document <a href="#">REP2-010</a></b>) and the Register of Environmental Commitments and Actions (REAC) (<b>Application Document <a href="#">APP-056</a></b>) contain a number of commitments that would reduce the impacts of vibration, noise and pollution. These would be secured through draft Development Consent Order (dDCO) Requirement 6 in the Construction and Environmental Management Plan (CEMP) (<b>Document Reference 3.1 (4)</b>).</p> <p><b>Vibration</b></p> <p>The Applicant has adopted the following commitments to manage the impact of the construction for residents:</p> <p>Commitment G99 states: <i>'The contractor would be required to produce a Noise and Vibration Management Plan for the approval of the relevant planning authority. The Noise and Vibration Management Plan would, having regard to the approved operational hours, set out, where applicable, the best practicable means (BPM) that would be used to reduce noise and vibration during installation.'</i></p>



WR Para Ref	Point raised	Applicant response to point raised:
		<p>Commitment G102 explains how the commitments will be secured and managed. It states: <i>'Noise and vibration would be managed by processes and measures laid out in the CEMP. This would include to adopt BPM for the control of noise and vibration across the project.'</i></p> <p>Noise</p> <p>The noise assessment is presented in Environment Statement Appendix 13.3 (<b>Application Document <a href="#">APP-121</a></b>) and in Appendix 13.3 Noise and Vibration Technical Note Addendum (<b><a href="#">REP2-060</a></b>).</p> <p>Commitment G107 has been amended and has been added to the Code of Construction Practice which will be submitted at Deadline 4, and is reproduced here.</p> <p><i>'Temporary noise screening would be put in place to screen receptors at the following locations from installation activity, unless a detailed assessment is undertaken which demonstrates that no significant noise impacts would occur without screening. The screening would comprise acoustic barrier material (such as Echo Barrier or similar) fitted to site fencing.</i></p> <ul style="list-style-type: none"> <li><i>Nash Close and Cove Road, Farnborough, Hampshire.</i></li> <li><i>Burdock Close and Blackthorn Drive, Lightwater, Surrey.</i></li> <li><i>Canford Drive, Roakes Avenue, Chertsey Road and Addlestone Moor, Addlestone, Surrey.</i></li> <li><i>Station Road and Station Approach, Ashford, Surrey.'</i></li> </ul> <p>The CoCP (<b><a href="#">REP2-010</a></b>) also contains the following relevant commitments:</p> <p>Commitment G104, which states: <i>'Before works commence, the site workforce would be fully briefed on the need to keep all noise generated to a low level. Shouting and raised voices would not be permitted other than in cases where warnings of danger must be</i></p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>iii) Esso were unable to demonstrate how delivery of materials, excavation and removal of waste from site could be carried out safely whilst maintaining a safe working width.</p>	<p><i>given. Radios would not be played at a volume that is likely to cause disturbance to local residents.'</i></p> <p>Commitment G108 to manage vehicle noise: <i>'Audible vehicle reversing sirens, would be set to as low a setting as is compatible with safety requirements where possible.'</i></p> <p>Commitment G109 to manage noise from deliveries: <i>'Noise implications would be considered when planning activities such as deliveries of pipe and bulk materials.'</i></p> <p><b>Dust</b></p> <p>The Applicant recognises that the construction activity in residential roads requires sensitive management and has adopted good practice measures to manage the impact of construction. These commitments include:</p> <ul style="list-style-type: none"> <li>• Commitment G17: <i>'Materials and equipment would not be moved or handled unnecessarily.'</i></li> <li>• Commitment G21: <i>'Vehicle loads would be sheeted during the transportation of loose, potentially dusty or contaminated excavation material.'</i></li> <li>• Commitment G30: <i>'A dust management plan would be produced, including the following measures to be implemented where relevant:</i> <ul style="list-style-type: none"> <li>➤ <i>control runoff of water or mud to reduce the spread of particulates that could subsequently be disturbed and become airborne;</i></li> <li>➤ <i>protect sand and other aggregates from drying out.</i></li> <li>➤ <i>control the number of handling operations to ensure that dusty material is not moved or handled unnecessarily;</i></li> <li>➤ <i>where there is a risk of dust nuisance when using cutting, grinding or sawing equipment, use in conjunction with suitable dust suppression techniques;</i></li> <li>➤ <i>limit dry sweeping of large areas;</i></li> </ul> </li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
		<ul style="list-style-type: none"> <li>➤ <i>deploy water assisted road cleaners on public roads when necessary to prevent excessive dust or mud deposits;</i></li> <li>➤ <i>sheet vehicle loads during the transportation of loose or potentially dusty material or spoil; and</i></li> <li>➤ <i>undertake inspections to monitor dust and record results in the inspection log. The frequency of inspections to be increased when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.'</i></li> </ul> <p><b>Material handling and waste</b></p> <p>The method statement within the CoCP to be provided at Deadline 4, in relation to Streetworks specifies how the Applicant intends to manage and handle delivery of materials. The method statement also covers how excavated waste and general waste would be removed from site and therefore it is not stored within the working area. This enables the Applicant to erect safety fencing to establish a safe working width within which the installation of the pipe can be carried out.</p>
	<p><b>Restricted Access To Properties</b></p> <p>i) Esso have confirmed that installation will necessitate the need for restricted vehicular access. This is not acceptable.</p> <p>ii) What provision is being made for couriers, postal and other deliveries?</p>	<p>The Written Representation raises a number of questions relating to access to affected properties.</p> <p>The method statement within the CoCP to be provided at Deadline 4, in relation to Streetworks specifies how the Applicant intends to manage vehicle access.</p> <p>The application includes good practice measures and construction commitments to manage the impacts of construction of the replacement pipeline to reduce the inconvenience to local residents.</p> <p>In regard to maintaining access (vehicle and pedestrian) the Applicant has confirmed it would maintain pedestrian access to and from residential property, and vehicle access</p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p>iii) What provision is being made to maintain access for emergency services?</p> <p>iv) How are the elderly and perhaps those with young children supposed to remain mobile without being cut off?</p> <p>v) If residents don't have access to their driveways, where are their cars supposed to go</p>	<p>would be maintained where practicable. Access for emergency services would always be maintained. On road parking would be temporarily limited subject to traffic management.</p> <p>The project would provide notice (minimum 30 days) to the residents in advance of the work and continue to engage through the community engagement plan as the work is undertaken.</p>
	<p><b>Environmental Effect</b></p> <p>Granting consent to this application for a wider diameter pipeline will service greater demand and lead to increased consumption of fossil fuels, contributing significantly to climate change at time when we should all be taking steps to reduce dependency by restricting their use and investing in greener alternatives.</p>	<p>The diameter of the replacement pipeline is a business decision taken by the Applicant, the increased diameter allowing the Applicant to respond flexibly to both seasonal fluctuations in aviation fuel demand, and shorter-term changes in demand. From an environmental, engineering and practical perspective there is no difference between the installation of a 25cm diameter pipeline and a 30cm diameter pipeline.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	<p><b>Alternative Options</b></p> <p>i) Esso stated in their consultation that the existing pipeline is serviceable and will continue to be serviceable for the foreseeable future. It would be altogether less intrusive both to the environment and local communities to maintain the existing pipeline.</p> <p>ii) There are numerous viable alternatives available that would keep the installation away from residential areas such as routing adjacent to major road networks or even power lines.</p>	<p>In response to point i), the existing pipeline is working adequately, but the need for inspections and maintenance (repair and recoating) is increasing. Therefore, the economic life of the pipeline is reaching the point where replacement is the more responsible and cost-effective course of action.</p> <p>As detailed above, the existing pipeline is nearing the end of its economic life, inspection and maintenance is increasing, the maintenance regime is becoming increasingly intrusive both for local residents and environmentally.</p> <p>In response to point ii), the Applicant considered various corridor options and following consultation, a corridor was selected and route options were developed. Following further consultation, a final route for this application was designed.</p>



## 16 Responses to Written Representations - Taylor Wimpey

Table 16.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
1.3	<p><b>Taylor Wimpey – Service of Notice</b></p> <p>Notice of Hearing and ASI is the first time notice has been served on Taylor Wimpey. Taylor Wimpey is not aware of having received any other notification and was not consulted during the Applicant's consultation on the proposed route.</p>	<p>The Applicant has been in detailed discussion with the owner and their representative throughout the early development of the scheme. Initial contact was made on 11 December 2017 and liaison has continued, most notably the group meetings on 11 July 2018. Non-intrusive survey access has been agreed, and intrusive survey licences agreed and signed dated 3 July 2019. Key Terms for an Easement Option were issued on 1 February 2019. Those were negotiated and agreed and returned signed by Taylor Wimpey on 28 June 2019. The Applicant's legal team are in detailed discussions with the owner's solicitors, with initial contact between the parties being on 11 July 2019, and legal drafting is progressing.</p> <p>The Applicant has recently contacted Taylor Wimpey's property representative and they have verbally confirmed that this representation was submitted in error and arrangements are in hand to withdraw the representation</p>
1.4	<p><b>Blight and Loss of Future Amenity</b></p> <p>As a consequence of the proposed construction and future management and maintenance of the Pipeline and needs to understand the nature of the works and how the environmental impacts will be mitigated and will wish to ensure that appropriate</p>	<p>The project is for an underground pipeline. Following construction, as per commitment G94, '<i>Land used temporarily would be reinstated to an appropriate condition relevant to its previous use</i>'. Therefore, there would be limited impacts on blight and amenity as a consequence of the project.</p> <p>The Environmental Statement sets out the likely significant effects expected by the project. The project has identified a number of good practice measures and additional mitigation, which are set out within the Code of Construction Practice (CoCP) (<a href="#">REP2-010</a>), which is a secured document. In addition, measures are also secured through a number of requirements, including:</p> <ul style="list-style-type: none"> <li>Requirement 5 – Code of Construction Practice;</li> </ul>



WR Para Ref	Point raised	Applicant response to point raised:
	mitigation is secured through appropriate Requirements.	<ul style="list-style-type: none"> <li>• Requirement 6 – Construction Environmental Management Plan;</li> <li>• Requirement 9 (Surface and foul water drainage); and</li> <li>• Requirement 12 (Landscape and Ecological Management Plan).</li> </ul>
2.1	<p><b>Queen Elizabeth Barracks SANG</b></p> <p>This land is part of SANG Land which was brought forward as part of an 872 residential unit development of the Queen Elizabeth Barracks. The associated S106 Agreement requires the maintenance of the SANG Land in accordance with the requirements of a management schedule for 80 years.</p>	<p>The Queen Elizabeth Barracks SANG (also known as the Crookham Park SANG) is crossed by the proposed Order Limits. The Applicant has engaged with Taylor Wimpey as landowner, Hart District Council as relevant local planning authority, and Church Crookham Parish Council (local Parish Council) over the proposed pipeline construction through the SANG, including on potential impacts and mitigation measures secured through the draft DCO.</p> <p>The Applicant has also engaged with Taylor Wimpey as landowner and Hart District Council as relevant local planning authority over measures proposed as part of the Environmental Investment Programme and has provided details of those proposed measures to the parties involved.</p> <p>The Applicant is aware of the requirement for the maintenance of the SANG land as publicly accessible greenspace and has committed through the CoCP (<a href="#">REP2-010</a>) to maintaining pedestrian access through the SANG during construction (commitment OP04). Land affected by construction would be reinstated (commitment G94).</p>
2.1	<p><b>Naishes Lane</b></p> <p>Taylor Wimpey has an interest in land here.</p>	<p>The Applicant is aware of this interest and it is identified in the Book of Reference (<a href="#">AS-011</a>) for the affected plots. This land is also included in the Key Terms for an Option agreement signed by Taylor Wimpey</p>



WR Para Ref	Point raised	Applicant response to point raised:
2.2	<p><b>Land included in Hart District Council's Strategic Housing Land Availability Assessment.</b></p> <p>Taylor Wimpey has land in the area that are included in Hart District Council's Strategic Housing Land Availability Assessment and Taylor Wimpey intend to promote a planning application for residential development on this land.</p> <p>These lands are not the subject of compulsory acquisition, but they are close enough to the proposals for Taylor Wimpey to be concerned as to the blight and loss of amenity that could be caused as a consequence of the proposed construction and future management and maintenance of the Pipeline.</p>	<p>As this land is not subject to the Order Limits for the pipeline, statutory blight is not applicable. The Applicant does not consider, based on its long experience of managing and operating its existing pipeline network, that there would be any detrimental impact arising from the pipeline on any future development proposals.</p>
2.3	<p><b>Land at Four Marks</b></p> <p>Taylor Wimpey has an option over land at Four Marks some 700m from the proposed order limits. Taylor Wimpey is concerned as to</p>	<p>There is no evidence of any adverse impacts on land under option to Taylor Wimpey, or any future development that Taylor Wimpey may pursue on that land, located over 700m from the Order Limits.</p>



WR Para Ref	Point raised	Applicant response to point raised:
	the effect of the proposals on amenity and the redevelopment proposals as a consequence of traffic and noise or vibration during the construction and also impacts associated with future management and maintenance of the Pipeline.	

## 17 Responses to Written Representations - Tweseldown Race Course

Table 17.1: Applicants response to Written Representation

WR Para Ref	Point raised	Applicant response to point raised:
N/A	<p><b>Interruption of Equestrian Competitions</b></p> <p>Four British Eventing affiliated annual one day events and Three other non-affiliated one day competitions are likely to have to be cancelled</p>	<p>The Applicant understands that Tweseldown are required to provide at least 12 months prior notice to British Eventing (BE) of any intention to cancel an affiliated BE event. The Applicant will continue to have detailed discussions with Tweseldown over the possible timings of entry for construction activities. However, at this stage of the project development, it is very unlikely that 12 months' notice of entry to construct can be provided. This means that some or all of the BE affiliated events may have to be cancelled for the 2021 calendar. It is envisaged, subject to timings, that some of the unaffiliated competitions can still take place, and the Applicant will continue to actively discuss these issues with Tweseldown and their agent.</p>
N/A	<p><b>Ground Disturbance and Restoration</b></p> <p>Concerns over final reinstatement of areas used for construction, uneven ground and trench settlement</p>	<p>The Applicant has held several meetings with Tweseldown to better understand their concerns regarding final reinstatement of the site post construction and will continue to engage on this subject with the intention of agreeing terms via the land deed.</p> <p>In addition, the DCO already contains a number of generic commitments that would be used to reduce impacts of construction at this location, namely good practice measure commitment G94 included within the code of construction practice which states that land used temporarily would be reinstated to an appropriate condition relevant to its previous use, in this case for horses. This is set out in the Code of Construction Practice (<a href="#">REP2-010</a>) and is secured by Requirement 5 of the draft DCO (<b>Document Reference 3.1 (4)</b>).</p> <p>The Applicant has also committed to a number of additional measures for the reinstatement of land and vegetation. These are presented in the REAC within ES Chapter 16 Environmental Management and Mitigation (<b>Application Document <a href="#">APP-056</a></b>), which would be secured through the Code of Construction Practice or other subsidiary documents such as the Construction and Environmental Management plan.</p>



WR Para Ref	Point raised	Applicant response to point raised:
		<p>To protect soils both during and after construction, commitment G151 of the REAC confirms that a methodology would be produced for stripping, handling, storage and replacement of all soils to reduce risks associated with soil degradation. This would include the identification of appropriate plant to strip, reinstate and otherwise handle soils.</p> <p>Commitment G150 of the REAC states that the contractor(s) would produce a Soil Management Plan. This would include controls on use of construction machinery in areas where soils have not been stripped.</p>
	<p><b>Interruption to Equestrian cross country course</b></p> <p>The cross-country course is likely to have to be closed with an immediate effect on the business and future uncertain impacts</p>	<p>The Applicant is actively discussing the potential construction related impacts on the cross-country course. It is hoped that impacts would only be short-lived and temporary and that, subject to timings, the course can remain open as usual until construction activity commences and that suitable practical solutions can be agreed to reinstate the course where it is directly impacted so that use of the cross-country course can re-commence as quickly as possible post construction.</p>