

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

Deadline 4 submission submitted on behalf of the Independent Educational Association Limited in response to the Deadline 3 submission submitted by Esso Petroleum Company Limited

Planning Inspectorate Reference No: EN70005

Interested Party Reference No: 20022533

Introduction

- 1 This representation is submitted on behalf of the Independent Educational Association Limited (**IEAL**) in response to the following documents submitted to the Examining Authority (**ExA**) by Esso Petroleum Company Limited (**Applicant**) at Deadline 3:
 - (a) Response to Action Points from the Issue Specific Hearing on Environmental Matters held on 4 December 2019 (ISH3) [**REP3-013**];
 - (b) Written Summary of Oral Submissions put at the Issue Specific Hearing on Environmental Matters on 4 December 2019 (ISH3) [**REP3-014**];
 - (c) Responses to Written Representations – Other Parties [**REP3-017**];
 - (d) Comments on Responses to ExA's Written Questions [**REP3-020**];
 - (e) Responses to Relevant Representations [**REP1-003**].
- 2 As previously described in its section 56 representation [**RR-095**] and the IEAL's Written Representation [**REP2-102**], the IEAL strongly objects to the proposed route of the pipeline through the grounds of St James Senior Boys' School (**School**) that IEAL owns and operates as it will have severe adverse impacts on the operation of the School. The IEAL has therefore proposed an alternative route that significantly reduces such adverse impacts on the School (**Alternative Route**).

Background

- 3 As described by the Applicant in its Response to Action Points from the Issue Specific Hearing on Environmental Matters on 4 December 2019 (ISH3) [**REP3-013**], the Applicant's response to the IEAL's proposed Alternative Route is summarised in the letter dated 8 October 2019 from the Applicant to the IEAL (Appendix 1 of the Applicant's Response to Action Points from the Issue Specific Hearing on Environmental Matters on 4 December 2019 (ISH3) [**REP3-013**]).
- 4 In summary the Applicant submits that it does not propose to submit any request for a material change to the Examining Authority because the Alternative Route will not perform as well as the Preferred Route due to the following reasons:
 - (a) the Alternative Route has increased engineering complexity and the Applicant's works are, therefore, less likely to be completed within the School's summer holiday and are more likely to extend into term time;
 - (b) the Alternative Route conflicts with existing planning permission for the Sports Hall and the Boarding House;
 - (c) the Alternative Route would require the demolition of a residential property, which lies within the curtilage of a listed building and which is in direct conflict with an existing project commitment;
 - (d) the Alternative Route and the proposed installation are closer to the core operating area of the School;
 - (e) the Alternative Route is closer to the listed building and buildings in its curtilage; and
 - (f) the Alternative Route poses significantly higher construction risks because of the ground conditions and existing utilities in this corridor.

- 5 Having reviewed the Applicant's Deadline 3 submissions, the IEAL instructed engineering consultancy Alan Baxter to produce a detailed assessment of the Applicant's preferred route (**Preferred Route**) and the Applicant's reasons, set out in their 8 October 2019 letter, for refusing to seek powers to construct the Alternative Route.
- 6 A report prepared by Alan Baxter (**Report**) is attached to this representation as Appendix 1. In summary, it provides as follows.

The Report

- 7 In its assessment of the Preferred Route, the Applicant has failed to consider the construction impacts of the Preferred Route on the high water table within the gravel layer below the eastern playing field. This is likely to add significant cost and complexity to the construction of the Applicant's preferred route, as described in detail in paragraph 4.1 of the attached Report.
- 8 In respect of the Applicant's comments on the Alternative Route proposed by the School, it is submitted that the majority of the issues that the Applicant relies on in its assertion that the Alternative Route is not a viable proposition, can be overcome as explained in detail in paragraphs 4.2-5.0 of the Report.

Conclusion

- 9 The IEAL reiterates its view that the Alternative Route is viable and feasible and requests that the Examining Authority ask the Applicant to apply for a material change in respect of the Alternative Route.
- 10 However, as outlined in the IEAL's Deadline 3 Submission, "Post-hearing submission, details of what the IEAL would like to see included in an Asset Protection Agreement with the Applicant", [REP-050], even if the Alternative Route is consented and an application is made by the Applicant for a material change in respect of the Alternative Route, it will be essential for an asset protection agreement to be entered into with the Applicant and for protective provisions to be included in the Order on the terms outlined in the IEAL's Deadline 3 Submission [REP-050].

Addleshaw Goddard LLP
29 January 2020