

Date: 30 January 2020



Planning Inspectorate

**BY EMAIL ONLY**

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Dear Planning Inspectorate,

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

**The Examining Authority's written questions and requests for further information  
Issued on Wednesday 12 December 2019**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find below Natural England's response to a number of Examiners written questions and requests for information.

**A1. Please set out the advice given to the Applicant and other Interested Parties on the ecological value of the heathland at Turf Hill.**

The route options in this area were discussed during meetings on site between the applicant and Natural England, as documented in our Statement of Common Ground. The applicant was already well aware of the high sensitivity of the land and very high level of legal protection through the designation of the land as part of Colony Bog and Bagshot Heath SSSI, classification as part of Thursley, Ash, Pirbright and Chobham SAC and classification as a component part of Thames Basin Heaths SPA. The heathland itself is an interest feature of both the SAC and SSSI here, and is the key influencing component for the SPA features, the home of the interest features, if not a feature of the SPA itself.

The nature of our discussion was to ensure that the applicant was fully aware of particularly sensitive features most vulnerable to damage or disturbance, and means of avoiding or mitigating damaging effects. So for example we discussed the need for consideration of phasing of works to avoid the risk of disturbance of ground-nesting Annex 1 birds known to utilise this area and the desirability of avoiding loss of supporting habitat features such as dense blocks of gorse. Again covered in the Applicant's Habitats Regulations Assessment and our Statement of Common Ground. We also discussed the particularly high sensitivity of areas of wet heath fed by groundwater where excavations could have very damaging impacts and where restoration or re-creation of the habitat might be extremely difficult.

If restoration would not be possible then Esso would be looking at the later tests of the Habitat Regulations, such as the IROPI test. One of the key elements of this, is are there any viable alternatives. The Habitats Regulations dictate that if there are then they should be progressed in preference. These were exactly the same discussions we had on all the other European designated sites such as Chobham Common SSSI and Bourley and Long Valley SSSI.

**A2. Please explain the ecological value of the woodland habitat at Turf Hill, specifically the location of the route of the proposed pipeline F1a.**

The woodland habitat at Turf Hill is not a specific feature of special nature conservation interest in relation to Colony Bog and Bagshot Heath SSSI, nor for Thursley, Ash, Pirbright and Chobham SAC and classification as a component part of Thames Basin Heaths SPA. It is not a primary reason for the designation of the SSSI. Esso have done surveys of the woodland habitat in question. It is the view of Natural England Officers that the woodland specifically along the route of proposed pipeline F1a is low interest mixed woodland with serious problems of invasive non-native vegetation, in particular *Gaultheria shallon*. Removal of some tree cover from the site, could be beneficial to some of the interest features of the SPA as it would create additional heath land/open habitat of potential value to the ground nesting birds.

Nevertheless, semi-natural woodland is often a valuable component of the mosaic of habitats associated with lowland heath land, in that it often provides supporting habitat for specialised invertebrates which inhabit both heath and woodland. Additionally the transitions between woodland and heath can be important foraging or song perch areas for nightjar and woodlark.

**A3. Please provide a view as to the acceptability of route F1c.**

Route F1c will result in significant damage to lowland heathland habitat, the primary reason for the designation of the land as part of Colony Bog and Bagshot Heath SSSI, and classification of the land as part of Thursley, Ash, Pirbright and Chobham SAC. As discussed above we do not have the details before us as to whether this could actually be avoided or mitigated. Esso could find themselves at an IROPI and alternatives test.

Route 1c will also result in the loss of a considerable extent of habitat known to regularly support nesting and feeding Dartford warbler, one of the three Annex 1 birds for which the land is included in Thames Basin Heaths SPA. A significant length of Route 1c is occupied by structurally varied and dense common gorse, which is an important habitat for this species. We have not discussed the implications of these effects with the applicant and how they might minimise the scale of damage or provide compensation as this option was never presented as a preferred option.

**A4. In terms of the internationally and nationally designated sites at Turf Hill, does NE have a view as to which of the route options would give rise to the worst impacts and have you provided any advice to the Applicant in this regard?**

As we explained at the time of the site meetings with Esso, there are a number of legislative hurdles that would need to be examined and tested thoroughly by following route F1c. These hurdles are not present following route F1a. This also includes the Sand Lizards which we will come to presently. Natural England are here to advise on what is before us as an application, and not to defend the position of Esso or anybody else.

The decision on a preferred route was made by the applicant based on the information available at the time. Natural England could not give a view at this juncture without a clear understanding of the detail of the proposed works and proposed means of minimising or avoiding damage and disturbance of the sensitive features.

In our opinion Option F1c has the potential to give rise to the worst impacts, including some potentially irreparable damage to wet heathland areas, that would need compensating. We haven't discussed those matters with Esso as they decided to follow option F1a.

**A5. Was the option of translocating sand lizards (as is proposed at Chobham Common) from Turf Hill discussed with the Applicant? If so, what was NE's advice in this regard? If translocating sand lizards from Turf Hill was not considered appropriate please explain the reasons why.**

The option of sand lizard translocation was not raised as an option with Natural England by the applicant. In order to consider this properly Natural England would need to have a clear understanding of the likely scale of impact on the local population, how the translocation would be undertaken and how the work would be monitored. If there was a possible alternative, less harmful or disruptive solution for the Lizards then we would prefer that.

We would like to draw your attention to our Protected Species Standing Advice on the matter.  
<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

The specific section covering reptile translocation states;

*If you need to move reptiles to a new location you'll have to choose a receptor site:*

- as close as possible to the development site, and within the same local planning authority if possible*
- that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)*
- that will serve the same function as the habitat to be lost, eg it has hibernation features*
- with similar habitat to the area that will be lost, including water bodies*
- that doesn't currently support the same species, but can be improved to make it suitable*
- that will be safe from future development and managed in the long term*

*You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers.*

*You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them.*

**A6. Did NE advise the Applicant that the proposed route through Chobham Common should avoid the supporting habitat for sand lizards?**

The proposed route through Chobham Common is some distance from the main centre of distribution of Sand Lizard. It is considered by Natural England that special precautions are not necessary other than standard good practice ways of working.

**B1. What consideration did NE give to the construction effects on SANGs in the vicinity of the proposed pipeline?**

Natural England fully considered the construction effects on the SANGs in the vicinity of the proposed pipeline. We advised Esso throughout our pre application process of new areas of SANG coming forward and likely to open during this DCO process, which they then incorporated within their relevant assessment work.

**B2. The Applicant's HRA report [APP-130] and [APP-131] does not specify the duration of the proposed works within SANGs and there are no proposed timing restrictions for works within SANGs. It was however indicated at the ISH of 4 December 2019 that works within SANGs could take place for a period of up to two years. Could NE comment on whether they are content that works within SANGs (including consecutively or concurrently) would not result in an adverse effect on the integrity of the Thames Basin Heaths SPA, given that they provide an avoidance and mitigation strategy for recreational impacts from new development? Are you content that no restrictions to the duration and timing of works within SANGs are required to ensure no adverse effects on the integrity of the Thames Basin Heaths SPA?**

In the South East of England we regularly receive consultations on items of infrastructure that run through SANGs and SPA for that matter. Whether that be water utilities (water pipes through Swinley Forest) or electrical utilities (such as the undergrounding of pylons at Edenbrook Country Park in Hart). We try to be as pragmatic as we possibly can, and look at the term of impacts long term versus short.

It is our opinion from discussion with Esso, that this project is going to move fast and that no area of SPA or SANG will be impacted for any great length of time, along the route of the pipeline. They have their own targets to meet and it wouldn't be in their interest to keep trenches open for two years. We have also been told by Esso that when they are working on SANGs, disruption will be

kept to a minimum for recreational users, and that they can continue to enjoy these spaces. With circular walks intact, potentially diverted for short periods and the visitor experience no more effected than if pylons had been undergrounded such as at Edenbrook Country Park. As it stands in our mind, We can confirm that Esso's proposals are unlikely to have significant effect upon the integrity of Thames Basin Heaths SPA. We can also assure the Local Planning Authorities that we wouldn't be taking measures or enforcement against them if elements of their SANG are closed for works on the Esso Pipeline.

However we do understand and acknowledge the concerns raised by the Local Planning Authorities on this matter of securing timescales. It would seem worthwhile for the applicant to discuss the matter on a SANG by SANG basis to see whether it could be possible to reduce the working timescales on areas the Local Planning Authorities have concerns. Although we understand that there are a number of constraints such as the Environment Agency not allowing wet working on sites such as Southwood Golf Course and Chertsey Meads during the winter.

**B3. Would any impact on SANGs during construction result in likely significant effects and / or adverse effects on the integrity of the assessed European sites including the Thames Basin Heaths SPA?**

We are of the opinion that the impacts to SANGs during construction are short term temporary impacts, that won't lead to integrity issues on the SPA.

**B4. Could NE comment on the assumptions and methodology applied by the Applicant in their assessment [APP-130 and APP-131] of effects on SANGs and the Thames Basin Heaths SPA? NE is directed to responses in the Applicant's response to Written Questions [REP2-040] and the Written Representations of Rushmoor BC [REP2-081] and Surrey Heath BC [REP2-092]**

Natural England feel that the second set of questions released by the Examiner also cover these points and thus we have covered these in our response to the 13<sup>th</sup> January 2020. We would also like to draw the examiners attention to Esso's "Applicants Response to Deadline 3 Legal Comments" document which has been submitted recently. Natural England are in agreement with the conclusions drawn in that document.

**C1. Please explain the purpose, status and relevance of the EIP.**

Natural England from the very beginning of discussions on this scheme have been pushing the merits of Biodiversity Net Gain with Esso. It is a key priority for our organisation and is something we are pushing with Local Planning Authority Local Plans, through to all major planning applications and all of our other NSIPs. This is in advance of the impending Environment Bill, which is proposing mandatory net gain. It is also something referenced heavily within the most recent updates to the National Planning Policy Framework (NPPF).

Following our site visits there were clear discrete projects of net gain that could be delivered within the SPA or its environs, that Esso have expressed a willingness to complete. This includes extra scrub / tree clearance on SPA units, to open up extra nesting habitat for the Annex 1 birds. Natural England received a draft copy of this document on December 18<sup>th</sup> 2019 and are pleased with the progress of it. We have submitted some comments to the applicant on how to improve the document further.

**C2. Please explain whether the EIP is intended to mitigate the effects of the Proposed Development. Is the EIP relied upon for the conclusions in the ES?**

The EIP is not intended to mitigate effects of this proposed development, nor is it relied upon for the conclusions within the Environmental Statement.

Yours sincerely,  
Marc Turner  
Senior Planning Adviser  
Thames Solent Team