

**Application by Esso Petroleum Company, Limited for the Southampton to London Pipeline Project**  
**The Examining Authority's written questions and requests for information (ExQ2)**  
**Issued on Monday 13 January 2020**

**Responses are due by Deadline 4: Thursday 30 January 2020.**



**RESPONSE TO THE FURTHER WRITTEN QUESTIONS BY SURREY COUNTY COUNCIL**

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SUBMITTED: 30 January 2020

V1    15 January 2020    First circulation of Further Questions  
V2    28 January 2020    Draft answers  
V3    30 January 2020    Final version

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Sign off by Caroline Smith  
30 January 2020

CA2.5	<p><i>Culverts</i></p> <p><b>The Applicant</b>  <b>The Environment Agency</b>  <b>Lead Local Flood Authorities</b></p>	<p>Paragraph 6.3.2 of the Statement of Reasons [AS-010a] states that Class 2 i) would allow the erection and maintenance of stiles, gates, bridges and culverts for the facilitation of access to the pipeline.</p> <p><u>The Applicant</u></p> <p>i) Explain why would culverting be necessary.</p> <p><u>The Environment Agency/Lead Local Flood Authorities</u></p> <p>i) Set out concerns if any regarding this power. If yes what are your concerns and what measures would be required to address your concerns.</p>	<p>Response to part ii)</p> <p>Concerns would be in creation of culverts or bridges across watercourses resulting in increases in flood and pollution risk. Suggested mitigation to be picked up under proposed protected provisions relating to activities under s23 Land Drainage Act 1991 in consenting of structures within watercourses, these are proposed to be dis-applied under s35 of the DCO.</p> <p>These protective provisions have yet to be agreed but discussions are underway and if in place would provide suitable measures to address these concerns.</p>
DCO 2.1	<p><i>The dDCO at D3</i></p> <p><b>All Relevant Planning Authorities</b>  <b>All Interested Parties</b></p>	<p>The Applicant provided a response at D3 [REP3-010] to all concerns raised by local authorities at D1 and D2 in respect to the then latest version of the dDCO [AS-059].</p> <p>Aside from the matters questioned below, set out any outstanding concerns with the latest dDCO [REP3-006].</p>	<p>Article 9 – to clarify, consent may be withheld and whether that is reasonable or not would ultimately be a matter for arbitration under Article 47.</p> <p>SCC is to provide suggested wording to the Applicant to ensure that the relevant Articles in Part 3 (Streets) make reference to the Permit Scheme as required.</p>

			<p>Article 19 (8) Given the 28 days prior to deemed consent, it needs to be made clear exactly which post holder in the authority should receive an application for consent. Article 45 which provides for the service of notices refers to service on the secretary or clerk of a body corporate</p> <p>Part 6 Article 35(2) – Disapplication of Section 23 of the Land Drainage Act 1991. SCC has now received comments on the draft Protective Provisions it provided to the Applicant and is optimistic that agreement can be reached and consent to the disapplication given before the end of the examination</p> <p>Article 47 – where a difference must be referred to a single arbitrator, what is the mechanism for agreeing the appointment of the arbitrator and for paying the costs of the arbitrator?</p>
DCO 2.6	<p><i>Part 3, Article 11 -Application of the 1991 Act</i></p> <p><b>The Applicant</b></p>	In the D3 response [REP3-010] paragraph 2.35 it was confirmed that the Applicant is in discussion with the both Surrey and Hampshire County Councils	SCC and HCC have held further productive meetings and have agreed revised DCO content with the applicant in relation to full

	<b>All Relevant Highway Authorities</b>	<p>with respect to the implications for Article 11 and potentially other Articles in Part 3 of the South East and Hampshire Permit Schemes.</p> <p>Provide an update and any outstanding concerns.</p> <p><i>N.B - The ExA would hope that a joint response could be provided on an agreed approach</i></p>	<p>compliance to the operation of their respective Permit Schemes, with some caveats requested by the applicant. Provided this agreed wording is incorporated into subsequent versions of the DCO and provided the issue of the wording around 'working hours' is amended as suggested below, SCC would consider this matter closed to our satisfaction.</p>
DCO 2.24	<p><i>Schedule 2, Requirement 14</i></p> <p><b>The Applicant</b></p> <p><b>All Relevant Planning Authorities</b></p>	<p><u>For the Relevant Planning Authorities:</u></p> <p>The wording of this Requirement has been amended in the dDCO [REP3-006] in light of the discussions at the ISH on the dDCO held on Wednesday 27 November 2019 [EV-006b]. Respond as to the adequacy of this wording.</p> <p><u>For the Applicant:</u></p> <p>Whilst the proposed hours of work have been reduced to 08:00-18:00, it is noted that start up and shut down activities for an hour either side of these times is still proposed. Confirm whether:</p>	<p><u>SCC would suggest the following additional content in the 'working hours' section of the DCO;</u> <i>"For works on the public highway working at other times is permitted on traffic sensitive roads where working additional hours will reduce works duration. Working additional hours under these circumstances may only to be undertaken when directed by the Highway Authority after consultation with, and agreement from the local Environmental Health Authority and in accordance with any restrictions required by the Environmental Health Authority."</i></p> <p><u>We are seeking agreement on this wording with Districts/Boroughs'</u></p>

		<p>ii) Deliveries would occur during the start-up/shut-down activities.</p> <p>iii) What mechanisms are proposed to ensure that these activities are low noise generating activities and that plant and machinery are not operated in these periods as stated in your response.</p> <p>iv) Explain what is meant by “<i>reasonably necessary on an exceptional basis</i>”.</p>	<p><u>Environmental Health departments within Surrey. We understand that Hants CC are seeking similar agreement on the same proposed additional wording with their own Districts.</u></p> <p><u>We feel this wording is necessary should it be prudent to expedite any works which are causing major disruption by extending the working day in order to complete works on an earlier date.</u></p>
DCO 2.31	<p><i>Potential Additional or Re-Worded Requirements</i></p> <p><b>All Relevant Planning Authorities</b></p>	<p>In the event that the Outline LEMP and Outline CTMP, alongside the substantially updated Outline CEMP and CoCP to be submitted at D4 are not deemed sufficient particularly in dealing with the “<i>hotspot</i>” areas, the ExA will need to consider whether a) the Order is capable of being made with existing Requirements in place or b) whether additional Requirements or amended wording to existing Requirements would be necessary.</p> <p>When the D4 documents have been assessed, advise whether the SoS is capable of making the Order with the dDCO unamended, or whether additional and/or amended wording would be</p>	<p>On CTMP; SCC need to reserve comment on CTMP until updated drafts are supplied. We have met with the applicant and have been advised of the format/outline content of any revised CTMP which we feel should be adequate, but are yet to see further content in any detail.</p>

		necessary. Provide this advice by D5, <b>Thursday 13 February 2020.</b>	
FR2.3	<p><i>FR2.3 Riparian Vegetation and Long- term Watercourse Bank Stability</i></p> <p><b>The Applicant</b></p>	<p>In response [REP2-043] to ExA WQ FR.1.13 [PD-008] the good practice measures relevant are set out. Commitment G116 is for an Erosion and Sediment Control Plan to be produced by the contractor and Commitment G131 is for the retention of in-channel vegetation which is not directly affected by installation works.</p> <p>v) Explain how the Erosion and Sediment Control Plan would be secured through the dDCO and who would be responsible for its approval.</p> <p>vi) Clarify how it will be determined whether vegetation will be directly affected by installation works; where in-channel vegetation is to be removed; how vegetation would be re-instated and if so, how will this be secured through the dDCO [REP3-006] and who will be responsible for the reinstatement of in-channel vegetation.</p>	<p>No comments other than no works should be done which will destabilise the banks. If any works are done that destabilise the banks and this subsequently blocks watercourses, SCC/HCC may take action under s.25 of the LDA 1991 to require the removal of obstructions in the watercourse to ensure no increase in flood risk.</p>

FR2.4	<p><i>FR 2.4 Private Water Supplies – Significant Spills</i></p> <p><b>The Applicant</b></p>	<p>In its response to Response to ExA WQ FR.1.17 [REP2-043], the Applicant sets out that professional judgement will be used to identify mitigation measures. It is assumed that this will be the decision of the contractor.</p> <p>vii) Explain whether such an approach should be set out and secured in the CEMP.</p> <p>viii) State how the mitigation measure W12 would be secured through the dDCO [REP3-006].</p>	<p>Noted</p> <p>i) We agree that this could be done through site mitigation but the principles of such measures to protect WQ should be set out in the CEMP</p>
FR2.6	<p><i>FR2.6 Climate Effects</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p>	<p><u>For the Applicant:</u></p> <p>Considering the EA’s comment in [RR-239] that sites in place for over 18 months should take climate change into consideration and that the logistics hubs could be in place for up to two years; provide an explanation for why climate change has not been taken into consideration within the logistic hubs FRA.</p> <p><u>For the Environment Agency:</u></p>	<p>Noted. Due to the short term nature of the logistic hubs – it could be understood why climate change is not being taken into account for surface water runoff as they are not expected to be in place for more than the 2 years of the project.</p>



		Provide comment on the Applicant's response to ExA WQ FR.1.23 in [REP2-042].	
FR2.7	<i>FR 2.7 Flood Risk</i> <b>The Environment Agency</b>	<p>In response [REP2-043] to ExA WQ FR.1.24 [PD-008] the Applicant sets out the construction and detailed design methods with respect to Flood Zone 3.</p> <p>Confirm whether the response provided is acceptable.</p>	<p>In their response to FR2.7 s1.9; Applicant has detailed the % of floodplain likely to be taken up as reasoning for categorising no need for mitigation rather than an assessment of the likely change in impact or otherwise this would cause. E.g. 0.1% of the river Thames/Ash floodplain could represent a very significant land area. The need for mitigation should be based on the change in risk i.e. the change in flood levels and its impact rather than the % land take. Currently stated as not significant but with no other evidence.</p>
FR2.9	<i>FR 2.9 River Thames Flood Defence Scheme</i> <b>The Applicant</b> <b>The Environment Agency</b>	<p>In ExA WQ ALT.1.8 [PD-008] the ExA requested details of the discussions that have taken place between the Applicant, the EA and the landowner regarding potential conflict with the Thames Flood Defence Scheme. In its response [REP2-038], the Applicant stated, amongst other things, that discussions are ongoing but that it has a good degree of confidence</p>	<p>Noted but would be interested in the response as SCC are contributing to the RTS</p>

		<p>that matters will be agreed before the end of Examination.</p> <p>Provide an update.</p>	
FR2.10	<p><i>FR2.10 Adequacy of Baseline Data</i></p> <p><b>The Environment Agency Local Lead Flood Authorities</b></p>	<p>Provide comments on the Applicant's response to ExA WQ FR.1.3 [REP3-020] regarding the adequacy of the baseline data.</p>	<p>This response appears to be within: Deadline 3</p> <p>Comments on Responses to ExA's Written Questions</p> <p>Application Document: 8.27</p> <p>Revision No. 1.0</p> <p>December 2019</p> <p>FR1.3 It appears that information from all SFRA's has been used as well the most up to date mapping and modelling of Fluvial and Surface Water flood risk, this should be suitable for use at this stage of the DCO process.</p>
HE.2.1	<p><i>Archaeological Mitigation Strategy</i></p> <p><b>The Applicant Surrey County Council</b></p>	<p>ix) Provide an updated Annex A for the Archaeology Mitigation Strategy with trial trench locations.</p> <p>x) Provide an update on the trial trenching design and whether agreement with Surrey County Council has been reached.</p>	<p>Following a meeting between SCC Archaeological advisors and ESSO representatives from Jacobs on 09/01/2020, a phase 1 evaluation strategy has been agreed <i>in principle</i>, and can be agreed following the submission of appropriate documentation.</p>

		<p>xi) Provide an update on the results of the first phase of archaeological trial trenching that is scheduled to take place in early 2020 or a timescale for when these works would be undertaken.</p> <p><i>You may wish to combine the response to this question with DCO.2.22</i></p>	
TH2.9	<p><i>Potential Flooding after Removal of Trees</i></p> <p><b>The Environment Agency</b></p>	<p>In response [REP2-049] to ExA WQ TH.1.13 (ii) the Applicant refers in paragraph 1.4 to Rainfall Runoff Management for Developments (Environment Agency, 2013) and states that run-off rates do not depend on vegetation types and goes on in paragraph 1.5 to say that removal of trees would not change surface water run-off rates in Turf Hill. Could the EA advise on:</p> <p>xii) The appropriateness of the quoted best practice guidance in this context.</p> <p>xiii) The general conclusion about there being no change to surface water runoff if trees are removed.</p>	<p>i) SCC agree that the applicant is correct that the assessment within the quoted text in determining whether the runoff of water on the surface is not affected by the type of vegetation present (i.e. it is based on soil characteristics), and that this is usually used in determining the runoff from a development.</p> <p>However this guidance is only an outline tool in assessing average runoff from large areas and does not assess all of the factors which would in practice affect runoff in a specific area. These factors can include soil moisture, topography and the type and extent of existing vegetation.</p> <p>ii) SCC <b>disagree</b> with general conclusion that removal of trees</p>

			<p>would result in no change to surface water runoff.</p> <p>It is well documented that tree canopies intercept rainfall and some proportion of this rainfall does not reach the ground due to absorption and evaporation resulting in reduced runoff. The presence of tree roots can help prevent compaction of soil which would increase runoff. Trees themselves remove water from the soil resulting in reduced soil moisture and additional capacity for infiltration of runoff to soil. In addition trees and vegetation in general add to the hydraulic roughness of the land meaning that surface water flow rates would be reduced and soil infiltration increased.</p> <p>SCC believes that appropriate mitigation should be put in place during both the construction and operational phases of the project to reduce the impact of tree loss, where this is likely to increase surface water flood risk to local receptors such as residential or commercial properties or key infrastructure.</p>
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TT.2.1	<i>Possible Temporary Closure of Frimley Green Road</i> <b>The Applicant</b> <b>Surrey County Council</b>	<p>On sheet TC-020 of the submitted crossing drawings [REP3-026], there is a note indicating that it may be necessary for pre welded pipe to be strung out across Frimley Green Road that would require a closure of Frimley Green Road.</p> <p><u>For the Applicant:</u></p> <p>xiv) In the event of it being required confirm the estimated duration of this possible closure and whether the closure has been discussed and agreed with the Surrey County Council.</p> <p><u>For Surrey County Council:</u></p> <p>xv) Given expressed concern about congestion effects of works impact on Frimley Green Road confirm that this possible closure has been agreed, along with any necessary diversion routes that may be needed.</p>	<p>A closure of Frimley Green Road has not been agreed and discussed with SCC for the purposes of welded pipe to be strung out and we would be concerned over timings and duration of any such closure. It would not be impossible to facilitate such a closure, but consideration would have to be given over timings/duration and the diversion route used for dis-placed traffic.</p>