

# **Comments appertaining to ESSO's response to RBC's written representations 1 (Deadline 2)**

**Application by ESSO Petroleum Company Ltd  
for an Order Granting Development  
Consent for the Southampton to London  
Pipeline Project**

**Application Reference EN070005**

**Interested Party Reference 20022787**

**Internal Reference 19/00432/PINS**

## **Comments appertaining to ESSO's response to RBC's written representations 1 (Deadline 2)**

### **1. Adequacy of the Habitats Regulations Assessment**

- 1.1 Rushmoor Borough Council (RBC) notes that the applicant has stated that they have *“worked with Natural England extensively on the project and has sought its advice on the HRA potential impacts of the project on the Thames Basin Heaths SPA. Natural England has confirmed its satisfaction with the project's HRA, which was submitted as part of the application for development consent, and has not raised any issue with the HRA Report.”*
- 1.2 The council acknowledges that as the statutory advisor, *the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.* The Conservation of Habitats and Species Regulations 2017 63(3). However whilst the views of the statutory nature conservation bodies can be given significant weight, the decision maker is not required to follow them. The test for approval within the legislation is rather that consent may only be granted if it has been ascertained that the project will not adversely affect the integrity of the European site(s) concerned. Avoidance of an adverse effect on integrity means preserving the site at favourable conservation status. The threshold for establishing that there is no adverse effect on integrity is “beyond reasonable scientific doubt”.
- 1.3 In the case of the Southampton to London Pipeline it is RBC's view that the project will adversely affect the integrity of the Natura 2000 network as there is likely to be:
- a direct impact to 48 breeding territories and 30.68ha of breeding habitat used by Thames Basin Heaths SPA birds and 7.61ha of European dry heath designated within Thursley, Ash Pirbright and Chobham SAC
  - An impact on the SANGs network due to deflection of visitors onto the SPA during construction
  - The risk of pollution due to runoff from trenching within or adjacent to designated sites.
- 1.4 The information produced to inform the HRA, does not contain precise definitive findings; with no direct bird studies having been undertaken within the SPA or visitor surveys within the SANGs. Therefore the conclusions cannot be held to be beyond reasonable scientific doubt, or contain precise definitive findings.

### **2 Impacts on the SANG network**

- 2.1 RBC notes that the applicant within their answers to the ExA questions have endeavoured to substantiate their claim that there will be a negligible impact on the SPA, from recreational pressure due to disruption of multiple SANGs within the network. RBC will restrict our comments largely to Southwood Country Park in this respect, though many of the points apply to sites in other Local Authority areas.
- 2.2 The report produced by the applicant to inform the HRA states that *‘The short duration and limited extent of works within affected Suitable Alternative Natural Greenspaces (SANG) is considered to reduce the risk of significant levels of recreational displacement to the SPA.*

*Information presented in this report about each SANG impacted by the project and the presence of alternative unaffected spaces within 5km of affected sites further establishes a low risk of significant recreational displacement occurring. Any effects experienced are anticipated to be minor as the relative impact of a marginal increase in visitor numbers to existing footpaths on the SPA would be small. As such, no impacts are predicted that could result in an adverse effect to the site's integrity'. (HRA Report Part 1 Executive Summary pp3)*

- 2.3 In relation to the short duration of the works, assumed within the assessment of SPA impact, throughout the examination period it has become clear that disruption within the SANGs could occur for as long as 2 years. The applicant seems unable to estimate the time required to undertake the work, merely stating that it is *too early to make a commitment to a schedule of construction activity as the applicant has yet to appoint a contractor and define the phasing for installation*. Due to this uncertainty, coupled with the significant impacts due to construction compounds, directional drill pits and haul roads proposed within Southwood Country Park, it is RBC's view that there are no guarantees within the application documents that the disruption to the Country Park would not last for the entire length of the project. The council's view is that a 2 year disruption to amenity cannot be classed as short and therefore the assumptions on which the HRA assessment is based cannot be substantiated and the assessment is flawed. The length of disruption is particularly pertinent in the case of Southwood Country Park, as the timing of the project, 2021 -2023 is likely to coincide with the occupation of the residences within Farnborough and Aldershot Town Centre. As the Country Park provides SANGs mitigation for these areas, this is exactly the period when the council would be hoping to encourage new residents to use the park.
- 2.4 In relation to the level of disruption the applicant states that '*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 paths will be utilised as appropriate.*' In the case of Southwood Country Park a 30m corridor would be fenced stretching across the entire site. Haul roads are proposed across both Ively and Cove Brook, limiting visitors access to the river network, and the proposed route would sever the 2.4km circular route required within the SANG criteria. A compound is proposed within view of the planned visitor centre and café and enlarged order limits adjacent to the Cove Road, Southwood Playing Fields and Kennels Lane pedestrian access points will limit access to walkers at 3 of the 6 entry points. As part of the SANG criteria the sites selected should provide a similar experience to walking within the SPA, with the level of visual and auditory intrusion, as well as the limitations on access, RBC do not agree with the assumption that the level of disruption to the SANG would be minor.
- 2.5 Finally the level of displacement from the SANGs is not quantified within the HRA report. There is no attempt to calculate the visitor displacement either on individual sites or on all SANGs to be disrupted, in combination. RBC notes that even when requested by the ExA to undertake this calculation, no figures were provided. Conversely the applicant's assessment appears to rely on there being alternative open spaces which will absorb any displaced users. In the case of Southwood Country Park the applicant proposes that displaced people can use Southwood Woodlands SANG.

- 2.6 This assumption evidences a serious misunderstanding of the criteria used to establish the amount of SANG required to mitigate additional housing and the reasons why SANG provision was thought to be necessary in the first place. SANGs were provided to ensure there was adequate natural open space available for new residents as an alternative to the SPA. Visitor studies, undertaken during research for the 2008 mitigation strategy, found that people were using the SPA due to the lack of natural habitat available. The studies also highlighted that existing alternative natural sites were avoided by visitors using the SPA as they were too busy and therefore did not provide the tranquillity experienced within the SPA.
- 2.7 Southwood Woodland is a popular site for walkers and dog walkers alike. Car park figures coupled with visitor studies show that the site is operating at the capacity for which it was identified. Car parking to the site is limited and as the woodland was one of the original SANGs all capacity has now been sold. If significant numbers of additional visitors were to use the site, there is a serious risk that the displacement could extend to current users of the woodland, disrupting positive behaviour and again increasing visitor numbers on the SPA.
- 2.8 The applicants claim there is no data with which to calculate any displacement. In the majority of the SANGs car park numbers are available, however we acknowledge that these will only log people arriving to site in cars. In the case of Southwood Woodland and Southwood Country Park the majority of the visitors arrive on foot and therefore these figures would provide an underestimation. However within our previous written representations we have proposed that the impact be calculated using the formula of  $8\text{ha} / 1000$  population to quantify impact. We note that the applicant calculates that 20ha of SANGs will be impacted by the project. It is RBC's view that this is an underestimation as it does not account for the visual and auditory impact that the works will have on the naturalness, peace and tranquillity of the site. However impacts on 20ha of SANGs using the formula would mean that 2500 people would be displaced from the SANGs in combination.  $20\text{ha} / 8 \times 1000 = 2500$ . In the case of Southwood Country Park 7ha are within the order limits. Therefore  $7 / 8 \times 1000 = 875$ .
- 2.9 The applicant states that *the project would not generate any additional population. Therefore, there is no requirement to provide permanent SANG mitigation*. Our argument however is not that additional visitors would use the sites, but that existing visitors would cease to use the site. If further temporary SANGs were provided these sites could absorb any deflected visitors and significantly reduce the impact on the SPA during construction.
- 2.10 Therefore in conclusion RBC's view is that the assessment of impact on the SANGs within the HRA report is flawed for the following reasons:
- A 2 year construction period cannot be viewed as short term impact.
  - The level of disruption to access has been underestimated.
  - There has been no attempt to quantify the level of displacement onto the SPA either from individual SANGs or in-combination.
  - The suggestion that Southwood Woodland can be used as an alternative SANG evidences a misunderstanding of the 2008 mitigation strategy and the science and studies behind the calculation of capacity.

- 2.11 RBC believes it would be possible to achieve a solution for Southwood Country Park if the applicant were willing to engage in a meaningful way to address our concerns outlined above by providing a commitment to shorter construction periods, appropriate timing and mitigation.

### **3 In-combination impacts of habitat loss and visitor displacement from the SANG network**

- 3.1 The applicant claims that an in-combination impact has been undertaken for intra project impacts. The council cannot find an in-combination assessment relating to breeding territories lost through direct impact and territories likely to be disturbed as a result of 2500 additional visitors to the SPA. As RBC do not agree with the conclusions that there will be no direct impact on breeding territories or that there would be no significant impacts of the SPA due to visitor displacement from the SANG, the council would not agree with any conclusion which is based on the above assessment.

*(For further information regarding RBC's concerns in relation to the protection of the Natura 2000 network please see the council's Local Impact Report section 8.1, 8.4 and 8.6, Written Representations section 2 and Outline Legal Submissions.)*

### **4 Biodiversity Surveys**

- 4.1 Throughout the pre application process the council was assured by the applicant that survey were being undertaken for habitats otter, bats, dormice, badger, water vole, reptiles and great crested newts. Although the RBC ecologist requested sight of the surveys on a number of occasions, ESSO would not release this information before the application documents were published. Therefore the council had no opportunity to assess the methodology used to obtain the information on which the EIA was based
- 4.2 RBC notes that within the scoping report the methodology to assess protected species was laid out. Within this response the council intend to focus on the habitat and species groups likely to be impacted within the borough.
- 4.3 **Habitat Survey** – RBC was happy with the methodology to assess habitats within the scoping report as it stated that *Sites short-listed will consist of those of high, or potentially high, nature conservation importance. This will include sites identified as potentially water-dependent.* However the council is questioning the accuracy of the findings for Southwood Country Park and Queen Elizabeth Park. The grassland within the Country Park, identified as amenity grassland within the 2017 survey, was found to contain a rich community of acid grassland species in 2019. It is thought that the seed stock, from the SINCS, had seeded into the adjacent grassland but was only able to germinate when management was relaxed. Due to the change in condition the council is requesting a requirement to ensure that the acid grassland is reassessed before construction commences with appropriate mitigation provided. The level of mitigation should be calculated using a biodiversity offsetting calculation. If further acid grassland than that lost is required due to loss of maturity, this can be delivered by opening up Southwood Woodland to create further acid grassland glades.
- 4.4 In respect of Queen Elizabeth Park the council would have expected this site to be surveyed due to the significant loss of the priority mixed broadleaved deciduous woodland. However the original survey missed many notable and veteran trees and therefore their loss was not

considered within the EIA process. We understand that further survey have been undertaken within Queen Elizabeth Park.

- 4.5 **Bats** – The scoping report states that the project will assess the route for bats using a number of criteria. These include habitat type and connectivity, in particular the presence of water features, hedges, woodland and veteran trees, the risk of affecting trees with the potential to support roosts and the anticipated impacts based on the order limits and proposed construction activities within them. All trees to be impacted would undergo a ground based survey with any trees assessed as containing medium or high potential undergoing further climbing surveys
- 4.6 The council is particularly concerned regarding the assessment undertaken within Queen Elizabeth Park. Although many trees within the order limits appear to contain bat potential, with a significant number of notable and veteran trees present within the park, only two trees were climbed. The council has agreed for ESSO to undertake further bat and tree condition surveys within QEP which RBC understands are to be submitted at deadline 4. If we still feel that the information is inadequate we intend to undertake our own survey which we will submit before the next hearings, along with comments on the next steps required.
- 4.7 In conclusion we do not feel that the survey for bats within QEP met best practice standards detailed within the Bat Conservation Trust's Bat Surveys for Professional Ecologists Good Practice Guidelines 3<sup>rd</sup> edition, which provides the industry standards accepted by Natural England and Planning Authorities.
- 4.8 **Otters** – RBC have no concerns regarding the initial surveys for otter and note that spraints were found along Cove Brook either side of the five Arches Railway Bridge. Within discussions with the EA on another project it was agreed that further investigations would be required using static cameras, to assess whether the bridge is being used as a resting place for otter. The council notes that the applicant has stated that *no otter couches or Holts were identified during the field survey*, however this could be due to the lack of survey effort to identify these features. Due to the lack of detailed surveys the applicant cannot say with surety that the bridge is not a resting place for otter. As the intention is to directional drill under the bridge the construction process could lead to otter disturbance which is a criminal offence under the Conservation of Habitats and Species Regulations 2017.
- 4.9 Irrespective of the possibility of a Holt or couch being found, the surveys have established that otter use the waterways. Therefore RBC would expect a mitigation strategy to be formulated to provide a watching brief whilst work is undertaken along the waterways within the Country Park and during the HDD under the bridge. If otter is seen work, including HDD would need to cease until the otter left the locality.
- 4.10 **Reptiles** – Within the scoping report the methodology for reptile survey states that records would be obtained from Hampshire Biological Information Centre and the Reptile and Amphibian groups with no further survey. Amenity grassland was scoped out with no mitigation offered. This methodology is not good practice and does not meet with Natural England's Standing Advice in relation to reptiles. RBC apologise for missing this within our scoping response, however at the time of scoping the council had no ecological expertise and thus could not examine the report for ecology.

- 4.11 The scoping report does provide certain criteria that need to be met before a decision was made not to survey. Of pertinence to both Southwood Country Park and Queen Elizabeth Park is the need to survey if construction impact exceeds approximately 0.5ha. Within Southwood Country Park the order limits encompass 7ha natural habitats, with the order limits in QEP incorporating 2.34ha of woodland habitat. Therefore for both these sites reptile surveys should have been undertaken if the applicant criterion was followed.
- 4.12 RBC could not agree with merely displacing reptiles from these large areas as this would be likely to lead to mortality with individuals becoming trapped within the construction area or feeding resources becoming depleted by overpopulation of the surrounding areas. This is particularly concerning as the above areas could be lost for up to 2 years in the case of the Country Park and permanently in the case of QEP. RBC respectfully requests that a requirement is attached to the DCO for a full reptile survey with an appropriate translocation and mitigation strategy negotiated between RBC and the applicant to ensure the reptile populations on both sites are protected during the construction period.
- 4.13 **Badger** - RBC notes that within the scoping report there is an obligation that all badger setts within 30m of the order limits would be surveyed. Despite this known setts have been missed. This is likely to be due to the applicant's dependence on known records. Ecological records are a useful resource to indicate where protected species may be, but it is acknowledged by the holder of the records that they provide an incomplete data set and should not be used as an alternative to detailed field surveys.
- 4.14 **Birds** – Due to the fact that no bird surveys have been undertaken, the applicant has no knowledge of what species may be disturbed and therefore what mitigation may be required. RBC is happy to share our survey data for the Country Park in respect of birds but further survey is required within QEP. Once survey results are obtained RBC would recommend that a requirement is attached to any permission granted for production of a bird mitigation strategy for the above sites.
- 4.15 Although surveys meeting best practice standards would have recorded the rich terrestrial invertebrate and amphibian communities present within Southwood Country Park, RBC does hold records for these species which we are happy to share with the applicant. If translocation of the reptile populations on SCP and QEP are agreed, then any amphibian present should also use the refugia. Providing the strategy incorporates the safe translocation of any amphibians found RBC would not require further survey of these taxa.

*(For further information regarding RBC's concerns in relation to protected species please see the council's Local Impact Report section 9.0.1 and Written Representations section 1.1.3, 3.9 and 7.3).*

## **5 Effects on protected habitats including trees and hedgerows**

- 5.1 In respect of the woodland along Old Ively Road, this was identified within the REAC as ancient. NW15 states that *'Narrow working techniques to reduce the impacts to woodland along the Old Ively Road, and trees with high and moderate potential for bat roosts. The approximate distance would be 470m. (Grid ref: SU8384753962 to SU8423654174). To reduce the impacts on*

*woodland in the Old Ively Road area, **which is potential ancient woodland under 2ha.** Several trees have high and moderate bat roost potential.'*

5.2 RBC note that within the updated arrangement plans narrow working only covers part of the road. Part of G59b and G61d and all of G59c, S32, G61e, G61f and S33, all identified as notable trees appear not to be covered by narrow working. As RBC has been assured that narrow working would cover the entire tree line, the council asks that the applicant provide clarity on this issue.

5.3 In regards to impacts on priority habitats, the applicant states that *Priority habitats are assessed within ES Chapter 9 (Application Document APP-049). This includes habitats within designated sites and also outside of designated sites. The assessment concludes that there are minor and negligible effects to priority habitat (Table 7.48), therefore additional mitigation would not be required.* Within our responses above the council has highlighted a number of priority habitats within the order limits these include:-

- 479m of potential ancient woodland adjacent to or within the order limits at Old Ively Road
- 7.61ha of European dry heath is within Thursley, Ash Pirbright and Chobham SAC,
- 7ha of regenerating acid grassland, Molina and rush pasture, wet woodland and floodplain grazing marsh within Southwood Country Park
- 2.34ha of broadleaf woodland within Queen Elizabeth Park
- RBC is pleased to hear that no trees will be lost on the Railway corridors

5.4 All the above habitats are priority habitats under the Natural Environment and Rural Communities Act 2006, with public bodies and utilities companies charged conserve the habitats and species within the S41 list. RBC would suggest therefore that mitigation should be required for any priority habitats lost.

5.5 In respect of TPO trees the council has now identified all trees that are missing from the plan. These include 285 T1 and T186. A map will follow for Deadline 5.

5.6 RBC accepts that only one important hedgerow was noted within our boundaries. We would request that this hedgerow is conserved in its entirety.

*(For further information regarding RBC's concerns in relation to protected habitats, hedgerows and trees please see the council's Local Impact Report section 8.5, 8.7, 8.8, 8.11, 8.12, 8.14, 8.17 and 8.18, and Written Representations section 3.6 – 3.7, 7, 10, and 13.4.*

### **Suggested Requirement**

*Updated surveys will be undertaken on sites agreed with the relevant Local Authority*

- *Botanical surveys on any sites where the habitats have significantly changed since the original survey*
- *Bat climbing or emergence surveys on all trees assessed as having medium to high potential*



- *Breeding bird surveys in all sites which support natural habitats*
- *Reptile surveys on all sites containing heathland, grassland, scrub woodland or wetland*
- *Camera surveys for all areas where otter signs have been recorded*
- *Badger walkover surveys in areas containing grassland scrub or woodland*

*Mitigation strategies will be submitted as part of the Landscape and Ecological Management Plan for all species where a potential effect is identified.*

## **6 Outline CEMP**

6.1 In regards to the outline CEMP the council welcomes the applicant's willingness to revise this document and await the updated version at deadline 4. RBC will provide comments on this document at deadline 5.

## **7 Mitigation and Monitoring including Net Gain and enhancements**

7.1 RBC thanks the applicant for highlighting the report relating to the Environmental Investment Program published in December. This is the first time we have had sight of this document. Within the introduction to the program the applicant states that *The Environmental Investment Programme (EIP) comprises a range of voluntary activities along the replacement pipeline route to fund and/or carry out works within designated sites and/or areas of social/community importance. It is in addition to any mitigation/reinstatement activities identified within our Environmental Statement.* As stated previously, although we welcome the list of enhancements within the document the proposals would not provide appropriate mitigation for loss of habitat within the Thames Basin Heaths, impact to the SANGs network or habitat impact within Southwood Country Park, Queen Elizabeth Park, Cove Brook Greenways or the Blackwater Valley Frimley Bridge SINC, if trenching were undertaken. RBC is of the view that mitigation for designated and priority habitats and species should be incorporated within the DCO agreement and secured by a legal agreement, preferably within an s106 agreement. All mitigation or compensation measures should be dealt with transparently, within the planning process as with all other planning applications. This will ensure that all interested parties are happy with the mitigation or compensation and that the applicant is legally required to provide the agreed schemes.

7.2 Throughout the pre application and application process RBC have been clear about the measures the council feels are appropriate to mitigate the loss of SANGs and ecological damage to the Country Park, Cove Brook Greenways and Queen Elizabeth Park. We continue to be open to discussions in relation to appropriate mitigation but within the meeting held on 15th January 2020, the project team were unwilling to discuss mitigation to be secured by an s106 agreement and continued to promote the voluntary EIP.

7.3 RBC notes that, as an infrastructure project, net gain will not be required as part of DCO consent. The council is happy to discuss enhancement measures detailed within the Environmental Investment Project providing these are not viewed as an alternative to mitigation or compensation for ecological damage.

*(For further information regarding RBC's concerns in relation to the EIP and the lack of mitigation please see the council's Local Impact Report sections 8.1, 8.6, 8.7, and 8.8, and Written Representations).*

### **Compulsory acquisition and temporary possession**

- 7.4 The Option Agreement and Deed of Grant of Easement issued to Rushmoor is based on an agricultural precedent (i.e. it is suitable for the pipeline being situated in arable and pasture fields). It is not suited to where the pipeline needs to traverse across an urban centre interfering with numerous areas of open space, public recreational areas and other protected sites each of which have their own unique use and characteristics to the local residents. A lot of drafting work is necessary to the Option and Deed agreements to make them suitable for consideration by Rushmoor.
- 7.5 The Applicant mentions that 56 grantors were willing to complete on the original documents but RBC are not clear what percentage of the overall number of interested parties that equate to. Also RBC would like to know whether the applicant has agreed terms with any other local planning authorities that have land interests affected by the scheme.
- 7.6 The Council requested the applicant consider different methods of construction (such as underground boring through Queen Elizabeth Park) to mitigate its impact however the applicant has refused to consider alternative options to open trenching. The council note that the applicant has now provided two options for HDD. *(for further details regarding RBC position in relation to HDD options see paragraph 10.5)*
- 7.7 The presence of the buried pipeline on the Council's land does interfere with its use for public recreation. For example it will not be possible for the re-planting of felled trees on top of the pipeline. In addition there are concerns that sports pitches cannot be suitably maintained when they are situated above the pipeline as the draft DCO (and Deed terms) conflict with their management. Historically the presence of the current pipeline has interfered with the use of the sports pitches.
- 7.8 Two weeks' notice is insufficient for the notification of the commencement of construction works and maintenance works. The Council will be under duty to liaise with its residents to ensure they are suitably aware in the event the Applicant has failed or is not obliged to notify them. RBC intends to confirm at deadline 5 the minimum period it would require.
- 7.9 The Council disagrees with the following comments: *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. A longer notice period could feasibly mean the construction window for some works, which may be subject to important seasonal constraints, might be missed*". A well-run project with appropriate safeguarding measures in place will ensure notices are served and executed at the correct time on the relevant persons.
- 7.10 The Council has not received any detail of where the applicant intends to provide replacement planting on its unaffected holding.

## 8 Draft DCO

- 8.1 RBC is pleased to note that Part 3 Article 9 has been amended to ensure that any Construction Transport Management Plan include consultation from the relevant planning authority, however within our response to DCO 1.11 the council requested that the plan gain Local Authority consent as well as consent from Highways. Therefore further amendments are required to ensure a clear process of consultation is established and that no alterations occur until HCC/RBC having confirmed consent to the proposals. The council is aware that an outline CTMP will be submitted as part of deadline 4. RBC will provide further comments in relation to this matter on review of the outline CTMP.
- 8.2 RBC welcomes the changes made to Part 3 Article 14 that any additional accesses required are subject to the prior consent of the street authority. Within our response we also highlighted the impact that additional site accesses could have on ecology in relation to trees and hedgerows in particular. Within sites owned by the council including Southwood Country Park, Cove Cricket Club, Southwood Playing fields, Cove Brook Greenways, Queen Elizabeth Park and Highgate Football Pitch the council would expect to agree any changes in access. In respect of Old Ively Road we would also wish to be consulted if access were likely to cause loss or damage to the ancient trees.
- 8.3 Within our response to DCO 1.16 RBC stated that *The Article refers to the use of a watercourse or public sewer for the drainage of water however this should include caveats to ensure that water is not contaminated and adequately reflects the current situation such that flows and volumes are not increased in said infrastructure.* Within the applicant's changes there continue to be no safeguards to ensure that there is no contamination with caveats such as wherever practicable being used. As the pipeline route already impacts on the Blackwater, Cove Brook and its tributaries, which are the richest ecological corridors in the borough and the council owns much of the riparian habitat to be impacted within Rushmoor, RBC maintains its position that safeguards need to be built into the DCO to ensure no contamination or hydrological changes as a result of the pipeline.
- 8.4 The council notes that the applicant does not agree that the LLFA should have a central role in permitting works to ordinary watercourses. In respect of the riparian corridors that RBC owns the council would be unable to grant consent to discharge into or additional works to these waterways without these operations first being permitted by the relevant authority. We are pleased to note that *R09 (3) confirms that no discharge may take place under A17 until details of the location and rate of discharge have been submitted for prior approval.* The council does not agree that a surface and foul drainage plan should only be submitted to the LLFA for permanent works as detailed in R(1) but feel that both the Local Authority and where relevant the LLFA will need to approve any drainage plans. In relation to any detailed drainage plan this should be in conformity with the approved outline CEMP not just be based on this document as currently stated.
- 8.5 As stated in within 13.7 of our written representations, RBC continues to hold the view that the notice periods detailed within Article 29 and 30 are too short and should be extended to three months.

- 8.6 In relation to TPO, veteran tree or notable tree root zones RBC is concerned that protection will not be provided when the trees encroach on any route to be trenched. Within Old Ively Road despite a commitment to narrow working the updated plans show many of the notable trees root zones are within the narrow working corridor or there is no narrow working shown with the trees actually within the order limits. At Queen Elizabeth Park the council is extremely concerned regarding the methods being promoted to hand dig. RBC's Tree Officer advises that there is unlikely to be adequate room to lay the pipeline between the root system of old and ancient trees and roots are likely to be severed in order to enable development to proceed. To ensure the survival of all notable, veteran and TPO trees within the borough boundaries the council feels that avoidance measures should be incorporated within the DCO. Measures could include changing the route to avoid the root zones all together, HDD or auger boring. RBC look forward to reviewing the outline CEMP and LEMP where we hope root zone protection for specific areas will be detailed.
- 8.7 In respect of RO3 RBC is very concerned that the applicant is not intending to seek prior approval from the Local Authorities regarding the timing and phasing of the works. It would also appear from the applicant's response to our concerns that Local Authorities would only be sent details of stages within the borough boundaries. The council have already expressed concerns regarding the potential duration of the works and without the powers to control the stages there is a danger that disruption could continue within important ecological and/or amenity sites for a number of years, with protracted disruption to residents due to street works.
- 8.8 RBC welcomes the agreement to a separate requirement for a Community Engagement Plan and look forward to reviewing the outline CEP.
- 8.9 RBC is still of the view that a requirement is required to address specific scheme impacts especially within the open spaces. The council would respectfully refer the ExA to the proposed draft requirement within our answer to DCO 1.33.
- 8.10 In respect of our concerns in relation to the contamination of the Blackwater Valley Frimley Bridge SINC and the Blackwater due to disturbance of contaminants within the landfill, the council will provide detailed comments once we have reviewed the Outline CEMP.
- 8.11 RBC notes that a commitment has been made to an outline CTMP. However the council would question its usefulness if it does not contain details of specific mitigation measures for the residents to be impacted as implied within the applicant's comments.

## **9 Impacts on Queen Elizabeth Park and HDD**

- 9.1 **Loss of tree cover** - Within our written representations and Local Impact Report RBC has highlighted the loss of tree cover from the borough. The applicant states that no mitigation is required as all impacts will be temporary. However RBC notes that ESSO have found 28 mature trees within the order limits at QEP. There is no mention of how mature trees have been classified, or how many younger trees will be lost. Queen Elizabeth Park is woodland rather than a selection of trees. The different age of the trees is essential for its ecological functions. Although the council welcomes the aim to conserve as many of the mature trees as possible, if all younger trees are removed the habitat will significantly change from beech woodland to

wooded pasture. This could lead to species currently using the site abandoning the woodland reducing biodiversity significantly. RBC questions the applicant's definition of temporary. If any significant loss of trees occur the woodland is not likely to recover for at least one and probably many decades. This certainly constitutes a medium if not a long term impact. RBC looks forward to reviewing the entire tree survey at deadline 4.

- 9.2 **National Joint Utilities Group (NJUG) Guidelines V the British Standard 5837:2012** - The applicant states that they are committed to work to National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007)). Our view is that the protective principles for trees used by the NJUG is not the most appropriate guidance for utilities works as it is voluntary and does not offer the same level of protection that the British Standard 5837:2012 would provide in terms of tree protection fencing.
- 9.3 Following the guidance by the NJUG gives rise to a risk of tree damage should the Applicant be able to justify departing from the guidelines. For instance, in relation to excavation zones, the NJUG guidelines are to hand dig within a 4x tree circumference zone and that roots in excess of 25mm diameter crossing the trench should be retained and protected. It is our understanding that the HSE rules require that any hand excavated open trench deeper than 1m must be shuttered to protect personnel working in the trench. Therefore if the Applicant can justify exceeding that depth (even by 1mm), then it would be at liberty to excavate the area by machine and sever all retained roots in excess of 25mm that cross the trench in order to shutter the trench thereby damaging the stability and vitality of proximal notable and veteran trees.
- 9.4 The preferred option would be to avoid the root zones wherever feasible. However if there is no option but to work within the root zones directional or horizontal drilling or auger boring beneath the rooting zone should be undertaken, thereby causing minimal damage to trees and their roots.
- 9.5 **Access from Farnborough Road** - RBC is pleased to note that the applicant has given consideration to a new access off the Farnborough Road as this would decrease the damage done to the woodland from vehicles driving through the site. However the council has serious concerns about the damage that would be done to the woodland due to the auger pit and the new compound adjacent to the road. This would lead to a significant loss of woodland and so would increase the damage to the integrity of the site.
- 9.6 **HDD** – The council welcomes the consideration of HDD through QEP, however there appears to be some inconsistencies within the applicant's response. We welcome the commitment to no loss of trees on the railway however this seems to be in variance with the claim that HDD from Stakes Lane would cause loss of trees within Queen Elizabeth Park due to stringing out. If impact would not be caused on the railway and around Cove Brook where space is very limited, it seems sensible that stringing out could also be contained within the car park and play area within QEP. If conversely tree loss cannot be avoided within Queen Elizabeth Park then RBC would be concerned regarding the level of damage HDD would cause to the area around Cove Brook where a HDD pit and stringing out area is proposed.

**9.7 Duration of HDD works** - In regards to the duration of the works and the loss of play facilities for a longer period of time, we have been informed by the applicants that the compound within QEP will be required for the life of the project and thus will be in situ for at least two years. If open trenching were agreed the trees would need to be cleared, the trench dug and the mitigation landscaping planted. RBC believes that this would take a far longer period of time than a directional drill that would all be done in one operation. The council would be interested to know how long the HDD process would take to complete.

**9.8 Area required for HDD** - RBC note that the applicant has highlighted that more space would be required to accommodate the equipment for HDD. However as the car park and play area is already being lost to accommodate the HDD along the railway line this equipment is already in situ. RBC requests that the applicant clarify whether it is feasible to use the same drill pit used along the railway line.

**9.9 Impacts on the conservation area** - RBC notes that the applicant has stated that the council have previously expressed concerns in relation to the impact on the conservation area. It is correct that at pre application we highlighted the need to preserve the significant tree belt around Farnborough Hill School. This issue was resolved by the route being positioned away from the root zones of the trees. Since this time we have expressed no concerns in relation to impact on the conservation area or the listed building. The RBC Historic Officer is more concerned about tree loss within Queen Elizabeth Park as the woodland creates a wooded setting to the area which would be lost if QEP was trenched.

**9.10 Option 2 HDD** – RBC would object to the loss of mature and veteran trees within Farnborough Hill School within Option for the same reason as tree loss in Queen Elizabeth Park. Therefore option 2 would appear to be the best option. If further space is required at the southern end of QEP, to ensure avoidance of the notable trees within the school, the council would suggest that the allotments are accessed. Although this will cause disruption to the allotment holders the priority has to be given to tree preservation as impact is permanent. Allotments and any structures on them can be restored after construction, whereas mature and veteran trees are likely to take decades or hundreds of years to replace. The council understands how inconvenient it will be for the school to lose access to the playing fields during the summer holidays and the allotment holders to lose access to the site for the duration of the works and would expect works to be completed as soon as possible appropriate recompense for this loss to be negotiated.

**9.11 Alternative access through Queen Elizabeth Park** – RBC would not feel an alternative lighted surfaced path through the woodland would be appropriate as this would impact heavily on the ecology of the park. The lighting within the park is not ideal and in the longer term should to be replaced by low level bollards that have less impact on nocturnal species such as bats. Further lighting within the park would impact on trees that could contain roosts and foraging bats. The council would be happy for the public and commuters to access the unmade path for the duration of the works if it were safe to do so.

**9.12 Alternative Play Area** – RBC can confirm that discussions are ongoing relating to the alternative play area. There is a possibility that it could be sited within the woodland glade;

however the RBC ecologist needs to discuss with the supplier any possible impacts on the root zones of the surrounding trees.

- 9.13 RBC wishes to clarify that no agreement has been reached in relation to mitigation for QEP by officers or members. In relation to ESSO meeting with the Friends of Queen Elizabeth Park Community Group the council has no recollection of being asked to arrange a meeting with the group. The ecologist has now discussed this with the group and they do not wish to meet with ESSO at this time, though may do so in the future.

*(For further information regarding RBC's concerns in relation to the protection of the QEP please see the council's Local Impact Report section 8.12 and 8.13 and Written Representations section 1.2, 1.5 – 1.7, and 7.)*

## **10 Exploration of Alternatives**

*(For comments in relation to HDD options please see paragraph 9.6 – 9.10)*

- 11.1 RBC continues to be extremely concerned regarding the lack of detail in respect of the Landfill within Blackwater Valley Frimley Bridge site. The council is of the view that it is imperative that details be submitted on the nature of the landfill and methods of working as well as any safeguards required to ensure no pollution of the Blackwater or the SINC before the examination closes. This should be incorporated into the outline CEMP. This information is required to ensure that appropriate safeguards are incorporated within the DCO to alleviate risk of pollution.

*(For further information regarding RBC's concerns in relation to Pollution of the Blackwater please see the council's Local Impact Report section 7.11 and Written Representations section 10.)*

## **12 Habitat Restoration within Southwood Country Park**

- 12.1 In the case of acid grassland, flood Grazing Marsh and Molina and Rush Pasture within the Country Park this will also take at least 5 years to recover to the maturity obtained by 2021. RBC has calculated that over 7ha will be lost within the Country Park; a significant proportion of this is likely to be acid grassland. Due to the severe disturbance it is likely that the seed within the grassland will be lost and currently there are no plans to collect seed in the 2020 season to reseed once disturbed. Due to the local provenance of the seed stock and the rare flora species within the mix it would not be appropriate to use industrial seed mix so the large corridor through the site would need time to regenerate naturally.

*(For further information of concerns in relation to habitat loss and restoration within QEP see paragraph 10.1 and the council's Local Impact Report 8.7 – 8.8 and Written Representations section 3)*

## **13 Other sites**

- 13.1 RBC notes that no further information was provided by the applicant in response to our concerns in relation to Southwood Country Park, Southwood Playing Fields, and Farnborough

Gate Sports complex. Therefore all concerns within previous representations continue to remain unresolved. The council understands that the concern relating to the EA flood alleviation area are now resolved.