

## DEADLINE 4: RESPONSES

### BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENTS

#### Protected Species

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| BIO.2.16 | <i>Potential Additional Requirement</i><br><b>Rushmoor Borough Council</b> | In your D3 response [REP3-039] you advocate the need for a new requirement to deal with protected and priority habitats and species.<br>i) Provide suggested wording.<br>ii) Provide a more detailed explanation for why such a requirement would be necessary and how it would meet the other tests for requirements. |
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#### RESPONSE:

#### 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.*

## Justification

The species detailed within the draft requirement are legally protected under the Conservation of Habitats and Species Regulations 2017 in the case of bats and otters, the Wildlife and Countryside Act 1981 as amended in respect of breeding birds and reptiles and by the Badger Act 1992 in respect of badger. Natural England has issued Standing Advice which details the survey methodology for each taxa or species and the requirement for mitigation for protected species. Natural England also promote guidance issued by the Bat Conservation Trust in respect of bat tree and roost surveys.

It is RBC's view that the applicant has not followed Natural England's Standing Advice in the case of reptiles and have not surveyed adequately in respect of badger, otter and bats. See response to 2.19 for further details. Generally, it is not good practice to condition surveys, however the council acknowledges that if the surveys needed to be repeated before permission were granted this could delay the pipeline for a survey season.

The condition is **necessary** to ensure that protected species legislation detailed below is followed

Bats and otters are protected from disturbance and it is unlawful to block or disturb their resting place. In respect of bats it is the RBC view that there are a number of trees within the order limits that are likely to have medium or high bat potential due to their age and condition. However within the surveys submitted only two trees were climbed and these were found to have low potential. As it is an offence to disturb a roost and a licence will need to be sought. Consent should only be granted if it is likely that a licence will be forthcoming.

It is known that otters are present in Southwood Country Park, however again no further detailed camera surveys have been undertaken to investigate whether the five arches railway bridge is a resting place for otter. As HDD is to be undertaken under the bridge it is imperative that we know whether there is danger of disturbing a holt or resting place and the regularity with which this stretch of Cove Brook is used. As in all other development if it is suspected that an otter is using the waterway, it is essential that a watching brief is undertaken with work stopping if otter is sighted. This will ensure no disturbance to otters using Cove Brook.



Although not pertinent to RBC sand lizards and great crested newts are also protected under European law and therefore full surveys and appropriate mitigation is required for these species also.

Reptiles are protected from harm only within legislation. To ensure no harm it is firstly important to know whether these species are present on site so the appropriate mitigation can be provided. The size of the populations also need to be ascertained to ensure that the correct number of trapping days are undertaken when translocating and the receptor site contains enough habitat to support the population. The applicant has suggested that reptiles can merely be displaced from the pipeline route. Although this is a perfectly legitimate practice in very small areas where appropriate habitat is present, in the case of this development the pipeline will cover significant areas in both SCP and QEP and therefore the carrying capacity of the surrounding land may become overburdened with not enough food and shelter resources available to support the larger population.

It is an offence to disturb nesting birds. Nesting bird surveys will need to be undertaken if the work occurs in the breeding season.

Finally, it is an offence to disturb badger setts. As known setts could be disturbed and these have not been identified within the survey the council would question the thoroughness of the original survey.

The suggested condition is **relevant** to the proposed development as RBC are aware that there are protected species on Southwood Country Park and suspects there are protected species within Queen Elizabeth Park. Due to the lack of survey effort there is currently no mitigation for these populations, beside the minimum working practices for reptiles. It is necessary to establish species mix and population size to identify appropriate mitigation.

The condition is **enforceable** as there is adequate time to undertake the surveys in 2020 and all that is required is a mitigation package. Providing appropriate mitigation strategies are provided to the local authority we would be able to monitor compliance. This can be secured through and appropriately worded requirement together with the LEMP.

The condition is **precise** only requiring mitigation for the species protected under specific laws rather than ecology in general.



The condition is **reasonable** as it ensures conformity with the law as would be required of any other applicant whose development may disturb protected species and is in conformity with NE standing advice.

## Habitat Regulations Assessment (HRA)

BIO.2.19

*Adequacy of Biodiversity Surveys*  
**Rushmoor Borough Council**

Comment on the Applicant's response [REP3-016] to the concerns you raised about the adequacy of biodiversity surveys.

## RESPONSE:

### Biodiversity Surveys

Throughout the pre application process the council was assured by the applicant that surveys were being undertaken for habitats, otter, bats, dormice, badger, water vole, reptiles and great crested newts. Although RBC 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

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.

**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.

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.

**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.

The council was 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 at deadline 5 with comments on the next steps required.

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.

**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 2018.

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.

**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 report however at the time of scoping the council had no ecological expertise and thus could not examine the report for ecology.

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 of grassland and scrub with order limits in QEP incorporating 2.34ha of woodland habitat. Therefore for both these sites reptile surveys should have been undertaken if the applicant's criterion was followed.

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 become 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.

**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.

**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.

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 this taxa.

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

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.'*

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.

In respect of 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 in the RBC boundaries 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

All the above habitats are classed as 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.

In respect of TPO trees we expect to be able to provide a full list of TPOs within and adjacent to the order limits at deadline 4 or 5.

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





## DRAFT DEVELOPMENT CONSENT ORDER

DCO.2.1

*The dDCO at D3*  
**All Relevant Planning Authorities**

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].

**Aside from the matters questioned below, set out any outstanding concerns with the latest dDCO [REP3-006].**

## RESPONSE:

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.

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.

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.

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 the 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.

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.

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.

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.

RBC welcomes the agreement to a separate requirement for a Community Engagement Plan and look forward to reviewing the outline CEP.

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.

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.

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.

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| DCO.2.6 | <p><i>Part 3, Article 11 -Application of the 1991 Act</i></p> <p><b>The Applicant</b></p> <p><b>All Relevant Highway Authorities</b></p> | <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 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> |
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**RESPONSE:**



RBC as the Local Planning Authority is not aware of the detailed proposals yet (apart from with regards to hours of work) and therefore cannot comment at this time.

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| DCO.2.13 | <p><i>Part 6, Article 41 – Felling or lopping of trees</i></p> <p><b>All Relevant Planning Authorities</b></p> | <p>The ExA notes the alterations to this Article made at D3 [REP3-006] and Rushmoor Borough Council [REP3-041], Spelthorne Borough Council [REP3-045], and the SDNPA's [REP3-061] continued objection to this Article. The ExA will defer further specific questioning of this Article until after it has examined the additional documents to be submitted at D4 in respect to the Outline LEMP, Outline CEMP and CoCP to consider whether the powers sought in this Article, taken alongside the relevant Requirements in Schedule 2, are appropriate.</p> <p>However, in the interim:</p> <p>i) Comment on the changes to the wording of Article 41(1) of <i>the</i> dDCO [REP3-006] in relation to the power to remove trees “near any part of the authorised development” which has been replaced with “within or overhanging land within the Order limits, or may cut back the roots of a tree or shrub which extends into the Order land...”.</p> <p>ii) Explain with reasons whether the Article prevents any trees (other than branches or roots that encroach within the Order limits) being removed outside of the Order limits.</p> |
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|  |   | <p>iii) Set out what additional changes, if any, would be required in addition to the Outline CEMP to be submitted at D4 to overcome the concerns raised at D3 that neither this Article, Article 42 or Requirement 6 safeguards trees against unnecessary losses.</p>  |
| <p><b>RESPONSE:</b></p> <p>RBC does not agree with the wording for this requirement as this would give the applicant freedom to cut roots of notable and veteran trees within Queen Elizabeth Park without consulting the council either as landowners or the planning authority. Such consultation is required.</p> |   |   |
| DCO.2.14   | <p><i>Schedule 2, Requirements 6, 7, 9, 12 and 15</i></p> <p><b>The Applicant</b></p> <p><b>All Relevant Planning Authorities</b></p> | <p>The ExA is concerned that the Requirements as worded now only requires matters to be “<i>based upon</i>” its outline versions as opposed to be “<i>substantially in accordance</i>” or “<i>in accordance</i>”. No definition exists in the dDCO [REP3-006], and the ExA is not aware of any previous legal definition or meaning in any other DCOs of the terminology “<i>based upon</i>”.</p> <p>For the Applicant:</p> <p>i) Explain the difference in terminology and its implications.</p> <p>ii) Justify the looser term. Or</p> <p>iii) Alternatively, restore all relevant Requirement to “<i>in accordance</i>”.</p> |



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|  |  | <b>For Relevant Planning Authorities:<br/>iv) Comment on the above.</b>  |
| <b>RESPONSE:</b><br><br>iv) Our view is that the word “ <i>in accordance</i> ” should replace “ <i>based upon</i> ” in relation to requirements 6, 7, 9, 12 and 15. The term “ <i>based upon</i> ” is too broad. |  |  |
| DCO.2.15   | <i>Schedule 2, Requirement 3</i><br><b>The Applicant</b><br><b>All Relevant Planning Authorities</b> | <p>The ExA has expressed concerns regarding the practicalities of this Requirement, specifically how the Applicant intends to deal with each authority and ensure a consistent approach. In the D3 response [REP3-010], the Applicant states that the current drafting of this Requirement reflects that there has been limited engagement with contractors and as such the detail as to how the project would be built out has not been worked up.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Explain whether further details will be made available to the Examination before it closes.</li> <li>ii) Amend the Requirement to ensure that development cannot commence until the scheme setting out the stages has been submitted to all relevant planning authorities.</li> </ul> <p><b>For Relevant Planning Authorities:</b></p> |



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|  |   | <p>iii) Given the concerns raised at the Issue Specific Hearing on the dDCO held on Wednesday 27 November 2019 [EV-006b] and by Spelthorne Borough Council in its submission at D3 [REP3-045] regarding the wording of this Requirement, provide an alternative form of wording which would be acceptable.</p> <p><i>N.B – The ExA would hope that a joint response could be provided on an agreed approach</i></p> |
| <p><b>Stages of authorised development</b></p> <p>3. The authorised development <del>may</del> <u>must</u> not commence until a written scheme setting out all stages of the authorised development <u>in the relevant to it planning authority or highway authority area</u> has been submitted to <u>and approved in writing by</u> the relevant planning <u>and highways</u> authorities</p> <p><b>RESPONSE:</b></p> <p>iii) please see proposed alternative form of wording above, proposed by and agreed with Spelthorne Borough Council and the South Downs National Park Authority.</p> |   |   |
| DCO.2.17   | <p><i>Schedule 2, Requirement 5</i></p> <p><b>All Relevant Planning Authorities</b></p> | <p>In its D3 response [REP3-010] the Applicant has indicated that it does not intend to amend Requirement 5 of the dDCO but has instead inserted a new requirement to maintain an electronic register of requirements. This is set out in new Requirement 20.</p> <p>i) Explain whether this resolves the concerns raised by a number of relevant planning</p>  |



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|  |  | <p>authorities at the ISH on the dDCO held on Wednesday 27 November 2019 [EV-006b].</p> <p>ii) If not, why not and provide alternative wording that could be used.</p> <p><i>N.B – The ExA would hope that a joint response could be provided on an agreed approach</i></p>                                       |
| <p><b>RESPONSE:</b></p> <p>The maintenance of an electronic register as set out in Requirement 20 seems reasonable, however we are concerned about the leeway that ‘as soon as practicable’ might provide. We would instead suggest that it states ‘<i>before the submission of requests for approval under this Order</i>’.</p> <p>Please see below the proposed amendments to 20(1), which we have agreed with Spelthorne Borough Council.</p> <p><b><i>Register of requirements</i></b></p> <p><b>20.</b>—(1) <i>The undertaker must, before the submission of requests for approval under this Order, establish and maintain on a project website for inspection by members of the public a register of requirements contained in this Part of this Schedule that provide for approvals to be given by a relevant authority.</i></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><b>For the Relevant Planning Authorities:</b></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> |





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|  |  | <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>i) Deliveries would occur during the start-up/shut-down activities.</p> <p>ii) 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>iii) Explain what is meant by “<i>reasonably necessary on an exceptional basis</i>”.</p> |
| <p><b>RESPONSE:</b></p> <p>RBC are aware that start up and shutdown activities can be noisy and might involve noisy machinery, which is concerning. Also while these activities are limited to one hour either side, requirement 14.(4)(a) has no such limit and we would therefore proposes the following amendment:-</p> <p>(4) Nothing in paragraph (1) precludes <b><i>the following activities being undertaken up to an hour either side of the core working hours, providing they are non-intrusive</i></b> -</p> <p>(a) the receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</p> <p>and</p> <p>(b) start-up and shut-down activities.</p> |  |  |
| DCO.2.25   | <p><i>Schedule 2, Requirements 15, 16 and 20</i></p> <p><b>All Relevant Planning Authorities</b></p> | <p>Comment on the adequacy of the new Requirements 15, 16 and 20 in the dDCO [REP3-006].</p>   |



### RESPONSE:

RBC are content with this providing the CEP is of sufficient quality.

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| DCO.2.27 | <p><i>Schedule 2, Requirements 18(4), 21(1) and 24(2)(b)</i></p> <p><b>Rushmoor Borough Council</b></p> <p><b>SDNPA</b></p> | <p>In its submission at D3 [REP3-006], the Applicant has amended the said Requirements to 42 days. It is not clear from Rushmoor Borough Council's submission at D3 [REP3-041] whether this time period is acceptable or whether it maintains it should be 56 days. SDNPA in its D3 response [REP3-061] considers 56 days to be appropriate.</p> <p>i) Justify why 42 days as proposed by the Applicant is insufficient.</p> <p>ii) Explain whether these concerns extend to Articles 9(5), 10(3), 12(8) and 15(7).</p> |
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### RESPONSE:

- (i) Given the potential number and complexity of requirements submissions and the potential need for consultation with other Local Authorities and/or parties our view is that they should be subject to the same response time as conditions submissions; namely 56 days with the provision to issue a notice of discharge after 42 days.
- (ii) Our view is that the same should apply to Articles 9(5), 10(3), 12(8) and 15(7).

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| DCO.2.28 | <p><i>Schedule 2, Requirement 21</i></p> <p><b>All Relevant Planning Authorities</b></p> | <p>The dDCO submitted at D2 [REP2-003] (then as Requirement 20) increased the number of business days for the submission of a request for</p> |
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|  |  | <p>further information from two to five days (20(2)). However, this is still below the number suggested by a number of Local Authorities in their LIRs for example Hampshire County Council [REP1-013] suggested 14 days and Runnymede [REP1-017] and Spelthorne [REP1-021] Borough Councils suggested 15 days was necessary. Explain further why a longer time frame would be necessary.</p> |
| <p><b>RESPONSE:</b></p> <p>Our view is that 15 working days is a reasonable amount of time for such a request given the likelihood of the need for both internal and external consultation. Furthermore, we are dealing with potential for an unknown number of complex submissions which may need time for analysis before a request can be made.</p> |  |   |



| LANDSCAPE AND VISUAL |   |  |
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| LV.2.1               | <p><i>New Tree Survey and Protection Assessment</i></p> <p><b>The Applicant</b></p> <p><b>All Relevant Local Planning Authorities</b></p> | <p>In their respective LIRs, Spelthorne Borough Council [REP1-021], Runnymede Borough Council [REP1-017] and Surrey Heath Borough Council [REP1-023] requested an additional Requirement be inserted into the dDCO which requires a Tree Survey and Protection Strategy to be submitted to and approved by the relevant planning authority. This is because the Local Authorities did not consider the current REAC, which forms part of the Chapter 16 of the ES [APP-056] and CoCP [REP2-010] are sufficient to deal with the tree loss and mitigation, particularly at identified “hotspot” areas.</p> <p>The Applicant responded at D3 [REP3-010] stating matters would form part of the Arboricultural Management Plan secured by Requirement 6 of the dDCO, an outline of which will be included in the Outline CEMP to be submitted at D4. The Local Authorities in question in their D3 responses [REP3-044] appear to consider the matter remains unresolved.</p> <p>Update the ExA as to the progress with and the content contained in the Arboricultural</p> |



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|   |   | Management Plan, and whether this would provide the sufficient tree survey and protection assessment as sought by the Local Authorities.   |
| <b>RESPONSE:</b><br><br>We await sight of the proposed Aboricultural Management Plan and intend to comment on it at Deadline 5. |   |  |
| LV.2.4  | <i>Tree Replacement Planting</i><br><b>The Applicant</b><br><b>All Relevant Local Authorities</b> | <p>In ExA WQ LV.1.10 [PD-008], the ExA requested a justification for the Applicant's position that no replacement or compensatory planting is required for Tree Preservation Order (TPO) lost trees where a moderate effect is identified at Year 15. The Applicant responded [REP2-045] stating that proposed tree planting and hedgerow infilling shown on Figure 7.56 of Chapter 7 of the ES [APP-047] would partly offset for loss of TPO trees but that this replacement planting would be mainly in rural areas where there is more room to accommodate planting. The ExA is unconvinced that the response resolves the concern.</p> <p>i) Explain whether off-site planting could mitigate loss of TPOs particularly in non-rural areas.<br/> ii) Explain how this could be secured given that such sites would be outside of the Order Limits.</p> |

## RESPONSE:

The highest concentrations of TPOs occur in urban areas where amenity is immediate and most at risk, particularly from development. The principle of offset replacement planting into the countryside would not benefit the residents of towns where trees provide considerable amenity value. It would take decades for the replacement trees to restore the ecoservices lost by the felling of healthy mature urban trees.

As an urban borough RBC understands the importance of the trees within the urban environment and has worked hard to retain its ancient stock as well as providing supplementary tree planting in new developments. If the mitigation of tree loss were delivered within the rural environment it is very likely this would be outside our borough boundaries and therefore is unlikely to be accessed by the urban population which has been impacted.

By undertaking a biodiversity offsetting calculation for impact in each borough as promoted throughout this process by RBC, the applicant would be able to mitigate through a mix of habitats. The biodiversity offsetting calculation would take into consideration not only the number of trees or area of habitat to be lost but would also consider the time it would take for these habitats to regenerate. Local Authorities would then be able to identify projects which could be funded by the offsetting monies. Biodiversity offsetting is being promoted by the government to resolve issues of residual biodiversity loss which cannot be mitigated on site with provision offsite. Due to the restricted and linear nature of the red line and the restrictions in relation to tree planting it would not be possible to provide all mitigation within the red line boundary. It is RBC's view that these proposals are a prime candidate for biodiversity offsetting.

Delivery of off site mitigation could be secured through a s106 with land to accommodate the offsetting being selected by the relevant Local Authority.

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| LV.2.6 | <p><i>Tree Protection Measures</i></p> <p><b>All Relevant Planning Authorities</b></p> | <p>In ExA WQ LV.1.12 [PD-008], the ExA sought confirmation that provision G68 in the REAC, which is contained within Chapter 16 of the ES [APP-056] and relates to the supervision of notable trees by an Environmental Clerk of Works, would also extend to TPO trees, veteran trees and ancient trees.</p> |
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|  |  | <p>The Applicant's response [REP2-045] stated that no ancient trees were identified from the inventory or during site surveys, but that G86 of the REAC has been amended to include reference to TPO and veteran trees. The Applicant also states that commitment G3 in the REAC refers to 'appropriate specialists' and this could include an arboriculturalist if required.</p> <p><b>Confirm the appropriateness of commitment G3 in the REAC with regards to the provision of specialist arboricultural advice.</b></p> |
| <p><b>RESPONSE:</b></p> <p>The commitment G3 in the Reac is not sufficient as it does not define when it would be appropriate. Esso is seeking to adopt a lesser standard than BS 5837:2012 in the National Joint Utilities Group Guidelines (NJUG) for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007) with which RBC is not in agreement. The Planning Inspectorate has long since accepted that all proximal trees are a constraint on that development where the LPA may reasonably require the developer to adhere to the recommendations of BS 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations). The monitoring/arboricultural supervision of retained trees is identified at 6.3 of that document. The document identifies minimum root protection areas (RPAs) calculated at 12x stem diameter (at breast height for single stem trees) within which no development activity should occur. A suitably qualified arboricultural supervisor must be engaged to monitor tree protection measures particularly where the RPA of retained trees is threatened by development activity. This does not merely apply to veteran and ancient trees where Esso have focused.</p> <p>So in line with all other development and the legislation above RBC would expect all works within the minimum root protection areas defined by BS 5837:2012 to be supervised by an arboriculture expert. We would not agree that an ecological clerk of works should be responsible for tree protection as they are unlikely to have the skills to advise appropriately. Therefore we would want to ensure that appropriate is defined as in accordance with BS5837:2012. If despite our and others objections the NJUG standard is adopted we would request that appropriate is defined as requiring a suitably qualified arboricultural supervisor is engaged to monitor tree protection measures where the RPA of retained trees is effected by development activity.</p> |  |   |



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| LV.2.7   | <p><i>Tree Protection Measures</i><br/> <b>All Relevant Planning Authorities</b></p> | <p>In ExA WQ LV.1.13 [PD-008], the ExA sought an explanation as to why the aboricultural assessment accompanying the ES, which was undertaken in accordance with British Standard 5837:2012, relied on the protective principles for trees used by the National Joint Utilities Group Guidelines (NJUG) for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees ('NJUG Volume 4' (2007). The Applicant responded [REP2-045] that British Standard 5837:2012 is not considered to be the most appropriate guidance for utilities works. The ExA is not persuaded by this response, considering that British Standard 5837:2012 is more rigorous in terms of tree protection fencing.</p> <p>Confirm whether it is accepted that the Applicant's proposed reference to NJUG during the construction period and if not, why not.</p> |
| <p><b>RESPONSE:</b></p> <p>Our view is that the protective principles for trees used by the NJUG is not the most appropriate guidance for this project. It is expressed to be voluntary and does not offer the same level of protection that the British Standard (BS) 5837:2012 would provide in terms of tree protection fencing.</p> <p>Following the guidance by the NJUG gives rise to a risk of tree damage. The BS 5837:2012 recommends no development activity within the root protection area whereas NJUG 4 guidelines accept the loss of roots less than 25mm diameter within the area. Any shuttered trench deeper than 1m would necessarily sever all roots. Therefore the BS 5837:2012 would offer a higher level of tree protection, particularly in areas with ancient and notable trees such as QEP. It is therefore our view that the NUUG guidelines are not appropriate and that BS 5837-2012 should be applied.</p> |  |   |





As noted elsewhere, our preferred option for QEP would be directional or horizontal drilling beneath the rooting zone, thereby causing minimal damage to trees and their roots.

LV.2.8

*Planting Mitigation*  
**The Applicant**  
**All Relevant Planning Authorities**

The ExA notes the Applicant's response to ExA WQ LV.1.14 [REP2-045 and REP2-046] and the provision of a worst-case scenario set of drawings indicating the approximate lengths of hedgerows and the approximate areas of woodlands to be potentially removed. However, commitment G87 of the REAC, which is contained within Chapter 16 of the ES [APP-056] and the CoCP [REP2-010] only requires the Applicant to implement these measures "*where practicable*".

**For the Relevant Planning Authorities:**  
**i) Confirm the appropriateness of the Applicant's approach to commitment G87.**

For the Applicant:  
 ii) Explain the process for vegetation clearance, retention, protection and replanting/reinstatement drawings in the event that it was not practical to implement commitment G87.  
 iii) How this would be advised and agreed with relevant planning authorities.



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|  |  | iv) How would changes to the submitted drawings be made and recorded. |
| <p><b>RESPONSE:</b></p> <p>The caveat “where practicable” significantly reduces the effectiveness of the proposed requirement together with its enforceability. There should be a requirement to the effect that in any circumstance where the Applicant considers that it is “not practicable” to implement the measures referred to, they should first notify and gain permission from the relevant LPA providing reasons and setting out a proposed alternative reinstatement scheme. The LPA should have 15 working days from receipt in which to respond, stating whether they agree to the “not practicable” submission and to the alternative reinstatement scheme.</p> |  |   |



### PEOPLE AND COMMUNITIES

#### Noise and Vibration

PC.2.1

*Noise Mitigation and the Use of Echo Fencing*  
**The Applicant**  
**Relevant Planning Authorities**

For the Applicant:  
 In response to Action Point 19 [REP3-015] that arose from the ISH on Wednesday 4 December 2019 [EV-010a and EV-010b], explain why the following locations were not included in the list:

- Ashford: Ferndale Road;
- Lightwater: Briar Avenue; and
- Farnborough: Woodland Crescent, Woodstocks, the Chase, Queen Victoria Court, Cabrol Road and Stakes Lane.

**For Relevant Planning Authorities:**  
**Review the locations where the Applicant has suggested the use of Echo fencing as noise mitigation and provide with explanation any other locations where such mitigation would be needed.**

#### RESPONSE:

We await sight of an updated assessment of noise impacts which shows where large to medium impacts will occur. In the meantime, in addition to those highlighted above, we would add West Heath Road, Prospect Road, Union Street and Tarn Close/Ively Road since all locations are close to trenchless crossing sites, that may require temporary noise screening as a noise mitigation measure without a detailed assessment to demonstrate otherwise.



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| PC.2.3  | <i>Noise Assessment Thresholds</i><br><b>The Applicant</b><br><b>Rushmoor Borough Council</b> | <p>For the Applicant:<br/>Respond to the concerns raised by Rushmoor Borough Council [REP3-041] that incorrect thresholds have been used with particular reference to Nash Close and if the incorrect thresholds have been used, provide an updated assessment and details of how this would affect the conclusions of that assessment.</p> <p><b>For Rushmoor Borough Council:</b><br/> <b>Provide a response to the Applicant's response to Action Point 20 from the ISH on Wednesday 4 December 2019 [REP3-015].</b></p> |
| <p><b>RESPONSE:</b></p> <p>The Applicant confirms that they have revised the classification of receptors to provide a precautionary approach to the assessment. The 70dB external noise threshold level will now be applied to urban areas away from main road traffic, as per Annex E.2 of BS 5228. Whilst the Applicant's comments regarding improvements in window design and specifications since the 1960s are noted, it is also the case that many of the properties close to where the pipeline will be laid are not new-build and the types of glazing fitted has not been surveyed. It is also the case that many properties rely on openable windows for fresh air ventilation and mitigating overheating, so a reliance on closed windows as a mitigation measure, especially if works take place during the summer months, would seem unreasonable. Revising the classification of receptors is therefore welcomed.</p> |   |   |
| PC.2.7  | <i>Potential Additional Requirement</i><br><b>Rushmoor Borough Council</b>                    | <p>In your D3 response [REP3-039] you advocate the need for a new requirement to deal with sporting facilities.</p> <p>i) Provide suggested wording.</p>  |



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|  |  | ii) Provide a more detailed explanation for why such a requirement would be necessary and how it would meet the other tests for requirements. |
| <p><b>RESPONSE:</b></p> <p>Proposed requirement</p> <p>Sporting facilities</p> <ol style="list-style-type: none"> <li>(1) Where the authorised development includes any works on a pitch provided for the purpose of sport, a written scheme for the management and restoration of the pitch shall be submitted for the approval of the relevant planning authority.</li> <li>(2) Any scheme submitted under sub-paragraph (1) above shall include details of the length of time that the pitch will be used together with a detailed scheme for the restoration of playing surface and any necessary aftercare provisions.</li> <li>(3) The authorised development shall be carried out in accordance with the scheme approved under this paragraph.</li> </ol> |  |   |



## QUEEN ELIZABETH COUNTRY PARK AND TURF HILL

### Queen Elizabeth Country Park

QE.2.4

*Trenchless Techniques*  
**Rushmoor Borough Council**

In the response to Action Point 15 [REP3-013], the Applicant sets out its opinions and issues relating to alternative trenchless crossing of Queen Elizabeth Country Park. It states, amongst other things, the following: *"Unlike QEP, Farnborough Hill school is within the Farnborough Hill Conservation Area and accounts for approximately 50% of its area. The addition of a substantial stringing out operation as well as the required open trench works will have a greater impact on this designation. Rushmoor Borough Council has previously advised the Applicant of concerns about its impacts on the Conservation Area."*

i) Having read and heard the Examination matters up to now, explain the Council's views as to whether it would prefer Queen Elizabeth Country Park to be constructed using trenchless techniques even if the consequences are that temporary construction works would occur within the Conservation Area and within proximity to a Grade II\* Listed Building at Farnborough Hill School.



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|   |  | ii) If so, provide a view on the Conservation Area and setting of the Listed Building, and how this would weigh against the potential effects to Queen Elizabeth Country Park. |
| <p><b>RESPONSE:</b></p> <p><b>HDD –</b> 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.</p> <p><b>Duration of HDD works -</b> In relation 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.</p> <p><b>Area required for HDD -</b> RBC note that the applicant has highlighted that more area 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.</p> |  |  |

**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 the site was trenched.

**Option 2 HDD** – RBC would obviously object to the loss of mature and veteran trees within Farnborough Hill School 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 would expect appropriate recompense for this loss to be negotiated.

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| QE.2.8 | <i>New Works Access to Auger Bore Compound<br/>from A325 Farnborough Road</i><br><b>Rushmoor Borough Council<br/>Hampshire County Council</b> | Confirm:<br>i) Consultation with respect to this proposed new access has taken place; and<br>ii) The views of the Authorities with respect to this proposed new temporary access point. |
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## RESPONSE:

RBC is pleased to note that the applicant has given consideration to a new access off the Farnborough Road as this will decrease the damage done to the woodland from vehicles driving through the site. However the council has serious concerns about the damage that will be done to the woodland due to the auger pit adjacent to the road.





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| <p>QE.2.9</p> | <p><i>NEAP Provision</i><br/> <b>The Applicant</b><br/> <b>Rushmoor Borough Council</b></p> | <p>The proposal would require the temporary removal of the play area at Queen Elizabeth Country Park. The existing play area is a Neighbourhood Equipped Area for Play (NEAP).</p> <p><b>For Rushmoor Borough Council:</b></p> <ul style="list-style-type: none"> <li>i) Explain the criteria for a NEAP in particular what size area and equipment is needed.</li> <li>ii) Set out where the nearest alternative NEAP to the play area in Queen Elizabeth Country Park is.</li> <li>iii) In your D3 response [REP3-041] you advocate that there would be insufficient space for the existing play area to be relocated within the Order limits. Explain whether sufficient space exists within Queen Elizabeth Country Park outside of the Order limits where the NEAP could be relocated and where trees would not need to be felled.</li> <li>iv) If this would not be possible, advise whether an alternative of a temporary provision of several Local Areas of Play (LAPs) or Locally Equipped Areas of Play (LEAPs) would be considered acceptable. If so how many/which type would be considered a suitable alternative and whether these could be accommodated within the Order limits or within the wider park without the need to fell trees.</li> </ul> <p>For the Applicant:</p> |
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|  |  | <p>Rushmoor Borough Council in its D3 response [REP3-041] suggest that the relocation of the NEAP must be secured by a legal mechanism, and the appropriate one is s106 of the TCPA1990. The reason cited by Rushmoor Borough Council is that the re-provision would need to be outside of the Order limits.</p> <p>Provide a response and advise the ExA whether the SoS should withhold the Order if they determined the re-provision of the NEAP had not been adequately secured by means of an appropriate measure.</p> |
| <p><b>RESPONSE:</b></p> <p>i) A NEAP is a Neighbourhood Equipped Playground and as such offers more play value and to a larger age-range than a LEAP (Local Equipped Playground). The National Planning Policy Framework (NPPF) 2012 sets out guidelines and these include that the footprint should be a minimum 1,000sq.m and 30m separation zone from boundary of any dwelling. It also states that such provision has a catchment area of 1km (10 to 15min walk).</p> <p>ii) The nearest NEAP to QEP is Cove Green Recreation Ground which is 0.73km distant (walking route).</p> <p>iii) There is no alternative sufficient space in QEP to relocate a NEAP.</p> <p>iv) The Applicant has located a company who might be able to build a temporary play area within the glade at QEP. They have provided RBC with details of the company and further information is being requested. Any proposal will need to be subject to consultation with the local residents. We intend to explore this further and update all parties at the relevant hearing.</p> |  |   |



## SUITABLE ALTERNATIVE NATURAL GREENSPACES (SANGs)

SANG 2.3

*HRA and SANGs*

**All Relevant Planning Authorities**

In response to ExA WQ BIO.1.47 [PD-008] concerning the likely numbers of displaced visitors from the SANGs to the TBH SPA, the Applicant stated [REP2-040] that the HRA used information that was available to construct a reasoned case including that unaffected alternative spaces were available. Relevant planning authorities are asked to comment on the suitability of the Applicant's "unaffected alternative spaces".

## RESPONSE:

Impacts on the SANG network

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.

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)*

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.

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 60m 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.

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.

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.

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 taken up. 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.

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 8ha / 1000 population to quantify impact. This reflects the basis upon which the SANGs have been established. 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 and 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. Even this figure may not be sufficiently precautionary.

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 could absorb any deflected visitors and significantly reduce the impact on the SPA during construction.



Therefore in conclusion RBC's view is that the assessment of impact on the SANGs within the HRA report due to

- 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.

SANG 2.4

*HRA and SANGs*  
**All Relevant Planning Authorities**

In response to ExA WQ BIO.1.49 [PD-008] the Applicant [REP2-040] states that the assumption is made that if visitors decide not to use an affected SANG during construction, they are likely to select a nearby SANG or other open access space for recreational activities. Evidence is provided by the Applicant that such alternative locations exist. The Applicant states that the Proposed Development would not generate any additional population and therefore, there is no requirement to provide permanent SANG mitigation and the pipeline would have a temporary impact during construction only and this is reported in the HRA Report.  
Comment on this response.

**RESPONSE:**



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.

SANG 2.6

*Additional Requirement for Working in a SANG*

**The Applicant**  
**Rushmoor Borough Council**

The ExA note that the Applicant does not agree [REP3-010] that there is a need for a Requirement dealing with working in a SANG as this would be managed through the updated CoCP due to be submitted at D4. However, the Applicant is proposing to limit construction works within Southwood Country Park to two years.

For the Applicant:

- i) Justify the decision to limit construction activities to a two-year period.
- ii) At the ISH held on Wednesday 27 November 2019 [EV-006b], the Applicant indicated that a similar time limit would be proposed for St Catherine's Road SANG. Confirm whether this is still proposed, and why is two years required and how would this be secured.
- iii) If it would be occupied for a period of up to two years how can it be concluded that there would be no impact on the integrity of the TBH SPA? Provide evidence to support this conclusion.



**For Rushmoor Borough Council:  
Comment on whether the proposed two-year  
limit on construction works is acceptable.**

**RESPONSE:**

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.