

02 April 2020

The Examining Authority Case Team
Southampton to London Pipeline
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only

Dear Sir / Madam

**DCO Application for the Southampton to London Pipeline Project
SDNPA Deadline 7 Submission**

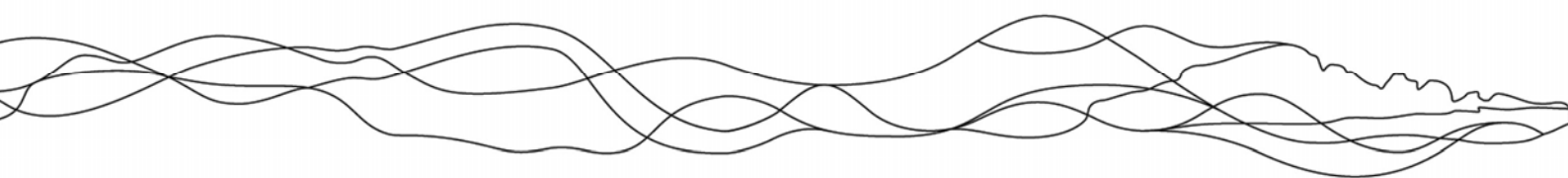
I write to provide this Authority's response at deadline 7 to:

1. The Examining Authority's Consultation Draft Development Consent Order (DCO)
2. The following documents submitted by the applicant at deadline 6:
 - a. REP6-003: Draft Development Consent Order (Revision 7)
 - b. REP6-076: Schedule of Vegetation Retention Commitments in the South Downs National Park
 - c. REP6-028: Outline Landscape and Ecological Management Plan
 - d. REP6-044: Appendix G: Outline Lighting Management Plan

1. SDNPA response to the Examining Authority's Consultation Draft Development Consent Order (DCO)

The South Downs National Park Authority (SDNPA) has made comments on the applicant's draft DCO throughout the examination process. The SDNPA recognises that the Examining Authority is now called upon to make a judgement in relation to all of the representations it has received and to put forward its proposed changes to the draft Development Consent Order. SDNPA respects this and is generally content with the changes put forward by the Examining Authority. We wish to raise just two points:

- We still remain of the view, as we set out verbally at the hearings and in our Deadline 6 response (reference REP6-114), that DCO Requirement 8 (Vegetation) should be submitted to *and approved* by the relevant local planning authority. The



reasons for our position are set out in our Deadline 6 response and in the interests of brevity I do not repeat them here.

- In respect of Schedule 2, Requirement 18 relating to the removal of above ground infrastructure (following any abandonment of the authorised development) the SDNPA welcomes the inclusion, by the Examining Authority, of a 6 month time limit.

2. SDNPA response to documents submitted by the applicant at deadline 6

REP6-003: Draft Development Consent Order (Revision 7)

The insertion, into Requirement 8 (Vegetation), of new text at 8 (1) (b) is welcomed and secures some protection for the trees and hedgerows in the National Park within and proximate to the Order Limits that we referred to in the hearings and which are identified in our deadline 6 response (reference REP6-114).

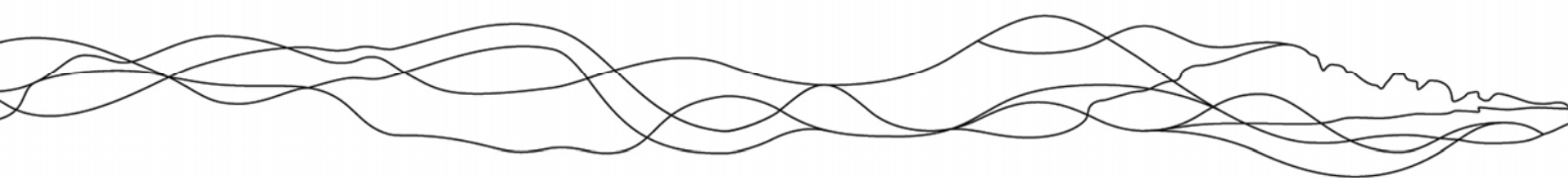
The inclusion of the 'SDNP Schedule' to Schedule 11, Documents to be Certified, of the draft DCO is supported.

REP6-076: Schedule of Vegetation Retention Commitments in the South Downs National Park

The commitments given by the applicant in respect of trees and hedgerows within and proximate to the Order Limits are welcomed and these commitments will be secured by DCO Requirement 8. However we have a number concerns with this document as it currently stands, namely:

- A proper identification reference for these trees and hedgerows is required, as the applicant accepts at Page 1 of this document. This should also include the species of tree concerned.
- A number of the trees identified in this document are annotated in the right hand column (titled Agreed Esso Action) as: 'Survey before committing to retain'. This offers no security at this point, it merely ensures a survey is undertaken and not that the tree is actually retained.
- In a few places the applicant gives a 'commitment' to a maximum 10m gap between the pipeline and a tree or hedge. Again it is difficult to see how this provides any form of security or comfort given that the gap could well be significantly below 10m.

The SDNPA sets out, in our deadline 6 response, a comprehensive explanation (in particular on pages 7 and 8) of the issues we have with the applicant's approach to trees and hedgerows within the National Park. Other than securing the SDNP Schedule via Requirement 8 (which we acknowledge is a positive step) all of these concerns remain. On this matter SDNPA do not consider the applicant's approach to be in accordance



with paragraph 5.9.11 of the Overarching National Policy Statement for Energy that requires DCO projects consented in National Parks to be carried out to high environmental standards.

REP6-028: Outline Landscape and Ecological Management Plan

The SDNPA notes that the applicant has updated this outline document to address a number of the comments we made previously in our deadline 5 submission (reference REP5-055). However, we retain the following concerns:

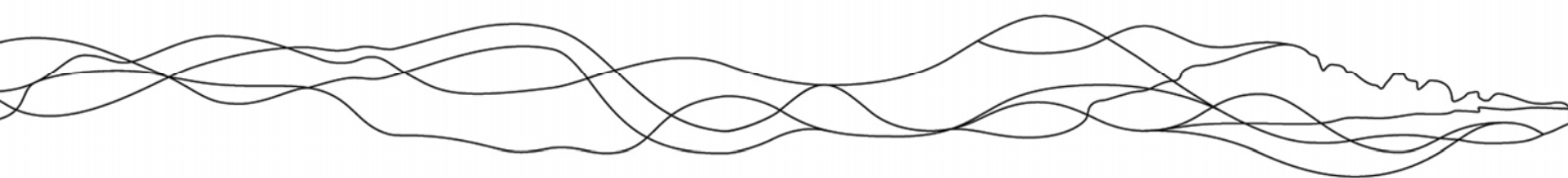
- A commitment (G200) is made that any trees felled will be replaced on a 1 for 1 basis. However, we would make the point, as we did orally within the hearings, that replacing a felled tree with a new tree will in many cases and in many ways represent a net loss. For example, a mature oak tree (or any other mature tree) cannot adequately be replaced by a sapling.
- At the hearings the applicant gave an unequivocal assurance that all tree works would be carried out in full accordance with British Standard BS5837: 2012. This is not consistent with the caveat in commitment G95 which states (*italics added*):

The contractor(s) would apply the relevant protective principles set out in the British Standard 5837:2012 Trees in relation to design, demolition and construction. This would be applied to trees within the Order Limits which would be preserved through the construction phase, *and to trees outside of the Order Limits where such measures do not hinder or prevent the use of the relevant working width for construction.*

- In Appendix One of our deadline 6 submission (reference REP6-114) we set out suggested content for National Park specific plans in relation to trees and hedgerows. We suggested three tiers of information that would apply separately dependent upon the area. Within these three tiers we set out different requirements that would apply dependent upon the sensitivity of an area. The SDNPA considers that this proposal represents an appropriate and proportionate response. A commitment to produce the information required could have been given by the applicant through the Outline LEMP. No such commitment has been made and the applicant has been unable to find the time to discuss this proposal with us. In the absence of a commitment to provide this information SDNPA remains concerned at the inadequate baseline evidence produced by the applicant. This has been a source of concern expressed by SDNPA in many of our examination submissions.

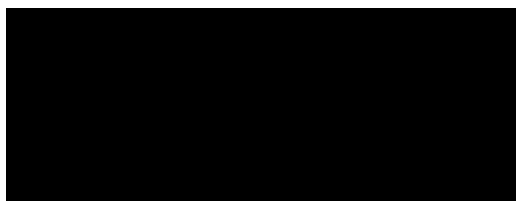
REP6-044: Appendix G: Outline Lighting Management Plan

The SDNPA made comments on a previous iteration of this outline document in our response at Deadline 5 (reference REP5-055). Having reviewed the outline document submitted by the applicant at deadline 6 it is considered that this Outline Lighting Management Plan is satisfactory and appropriate. The Authority considers the measures to



be taken will preserve dark night skies in the National Park and it has no further concerns in respect of this matter.

Yours faithfully



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