

## Southampton to London Pipeline Development Consent Order

### Summary

A Development Consent Order (DCO) application for the Southampton to London Pipeline Project is being considered by the Examination Authority (the Planning Inspectorate). Executive have resolved for submissions to be made to the Examination Authority in the form of a Local Impact Report and Statement of Common Ground.

The Council has recently been made aware of the potential for likely significant effects on the Thames Basin Heaths Special Protection Area (SPA) as a result of the scale and potential time scale of construction activities proposed on St Catherines Road Suitable Alternative Natural Greenspace (SANG). This includes the siting of a temporary construction compound on the SANG. The Council is seeking to mitigate the impact of these construction activities through negotiation with Esso (the applicant). The mitigation may include a financial contribution to future SANG provision secured through a Section 106 agreement, in order to mitigate the likely significant effects of the proposal on the SPA.

### Wards Affected

Frimley Green and Frimley Ward

### Recommendation

The Planning Application Committee is asked to resolve to:

**Note the content of the report and for authority to be delegated to the Executive Head of Regulatory Services to make relevant representations to the Examination Authority in respect of the Southampton to London Pipeline Development Consent Order and in the event that a S106 agreement is required to enter into such an agreement and agree terms.**

### 1. Resource Implications

- 1.1 There are resource implications arising from seeking specialist advice on the Development Consent Order but these are expected to be accommodated within the agreed budget for 2019/20.

### 2. Key Issues

#### *Introduction and background*

- 2.1 On the 14th May 2019 Esso submitted a Development Consent Order (DCO) application for the Southampton to London Pipeline Project to the Planning Inspectorate. The project proposes to replace 90km of the 105km underground aviation fuel pipeline that runs from the Fawley Refinery near Southampton to the West London Terminal storage facility in Hounslow. The existing pipeline runs from West to East in Surrey Heath, entering the Borough in Frimley Green and exiting into Runnymede from Chobham Common.
- 2.2 A report was taken to the 16<sup>th</sup> July 2019 Executive meeting, which set out the key impacts and secured approval for the production of a Statement of Common Ground with Esso and the production of a Local Impact Report. Due to uncertainty over submission timescales, authority to agree the content of these documents was delegated to the Executive Head of Regulatory

Services in consultation with the Finance Portfolio Holder and Planning and People Portfolio Holder Portfolio.

- 2.3 The Examination began on the 9<sup>th</sup> October. It will last for a maximum of 6 months, after which the Examination Authority will provide its recommendations to the Secretary of State.
- 2.4 As part of the Examination Process, local authorities are expected to submit a Local Impact Report (LIR). A LIR, as defined in Section 60(3) of the 2008 Planning Act, is a 'report in writing giving details of the likely impact of the proposed development in the authority's area'. Its purpose to inform the Examination Authority of the Council's view on relevant matters. The Surrey Heath Local Impact Report has now been submitted to the Examination Authority and a copy of is included as at Annex 2.
- 2.5 The Council has recently been made aware of the potential for likely significant effects on the Thames Basin Heaths Special Protection Area (SPA). This results from the scale and potential time scale of construction activities associated with routing the pipeline through St Catherines Road Suitable Alternative Natural Greenspace (SANG). On evaluation of the current order limits within St Catherines Road SANG, including the siting of a temporary construction site to include facilities for workers, the functioning of the SANG will likely be compromised and, as a consequence, the impact on the Thames Basin Heaths SPA will likely be significant (see map at Annex 1).
- 2.6 Although it is noted that the construction of the pipeline will be within reduced working width and would not include the whole area identified in the order limits, the impact will none the less be significant, especially as it incorporates and compromises the SANGs circular walk. Moreover, the draft DCO does not currently limit the time period for which the applicant could undertake works on the SANG, and it has been verbally relayed to officers that the temporary construction compound proposed for the SANG could be in place for a matter of years.

#### *Proposals*

- 2.7 Officers consider that there are two potential options for Esso to mitigate the impacts of the proposed development on St Catherines Road SANG. The first is to seek for the temporary construction compound to be removed from the SANG and the order limits of the pipeline to be reduced to such a degree that it would reduce the impact on the SANGs circular walk and tranquillity.
- 2.8 The second, option is for Esso to provide a financial contribution towards replacement future SANG provision in Surrey Heath, secured through a Section 106 agreement. It is noted that this would not prevent the Council raising separate concerns in relation to other matters. The report recommendation seeks for authority to be delegated to the Executive Head of Regulatory Services to enter into a Section 106 agreement, if required.
- 2.9 The Council is able to express a view on the required mitigation through participation in the Development Consent Order Examination, however, the Council is only a stakeholder in the Development Consent Order process. It is noted that another stakeholder, Natural England, has not raised objections to the Pipeline proposals. It will be for the Examination Authority to determine if

mitigation is required and reasonable and what form the mitigation should take.

- 2.10 It is expected that the Examination Authority will consider SPA and SANG Local Impact issues at Hearing sessions on 3 and 4 December 2019. This Committee is requested to note the content of this report and for authority to be delegated to the Executive Head of Regulatory Services to make relevant representations to the Examination Authority in respect of the impacts of the proposal on the Borough.

<b>Annexes</b>	Annex 1: Map Annex 2 :Surrey Heath Local Impact Report in respect of the Southampton to London Pipeline Project
<b>Background Papers</b>	Further information is available: <a href="https://www.surreyheath.gov.uk/southampton-london-pipeline-project">https://www.surreyheath.gov.uk/southampton-london-pipeline-project</a>
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