

Surrey Heath Borough Council Local Impact Report
Section 60 of the Planning Act 2008



Esso Petroleum Company Limited Southampton to London Pipeline Project
Application for a Development Consent Order

Project reference no. EN070005

October 2019

1 Introduction

- 1.1 Esso Petroleum Company Limited (EPCL or 'Esso') has applied for a Development Consent Order (DCO) for a replacement aviation oil pipeline running from east of Southampton to the company's West London Terminal Storage Facility south of London Heathrow Airport. The pipeline passes through Surrey Heath, a local authority district in Surrey.
- 1.2 This report has been prepared by Surrey Heath Borough Council in accordance with the advice and requirements set out in the Planning Act 2008 and the Planning Inspectorate's *Advice Note One: Local Impact Reports* (version 2, April 2012). It represents the Council's Local Impact Report (LIR) on the proposal. A LIR as defined in Section 60(3) of the 2008 Act is a '*report in writing giving details of the likely impact of the proposed development in the authority's area (or any part of that area)*', with the overall purpose to inform the examining authority (the Planning Inspectorate on behalf of the Secretary of State in this case) of the local authority's view on relevant matters.
- 1.3 The content of the LIR is a matter for the Local Authority concerned as long as it falls within the statutory definition. The Council should cover any topics they consider relevant to the impact of the proposed development on their area, and should draw on existing local knowledge. The Local Authority is not required to carry out its own consultation with the community (including Parish Councils). The community has had the opportunity through the applicant's consultation process to make their observations known. In addition local residents and Parish Councillors have the opportunity to make a representation of their full concerns directly to the Examining Authority as part of the Examination process. The Council has highlighted key issues of local concern to residents within this LIR. The report sets out the positive, neutral and negative local impacts but does not need to carry out a balancing exercise.
- 1.4 The Southampton to London Pipeline Project seeks Development Consent for the construction of a 97km cross-country pipeline by Esso. This includes the replacement of an existing pipeline and will run from Boorley Green in Hampshire to Esso's West London Terminal storage facility in the London Borough of Hounslow. The project is a Nationally Significant Infrastructure Project (NSIP) within section 14(1)(g) of the Planning Act 2008 (as amended) ('the 2008 Act') for which development consent is required under section 31 of the 2008 Act. Development consent is required before the development can proceed.
- 1.5 The Council does not object to the principle of the proposed replacement pipeline and recognises the need identified in the applicants planning statement in Chapter 2 (Application document 7.1). However, the Council has raised concerns about specific aspects of the Development Consent Order, which are identified in this report, and continues to engage with the applicant to resolve the issues identified.

2 Points of common concern with neighbouring local authorities

- 2.1 Esso's proposed pipeline runs through three local authority areas in north-west Surrey - Surrey Heath, Runnymede and Spelthorne. Discussions between the three boroughs have revealed matters of generic concern in respect of the local impacts of the pipeline. These concerns are explained in this chapter, along with potential remedies that the DCO could usefully afford. Later chapters of this LIR will demonstrate how these generic concerns arise in specific locations.
- 2.2 This section is arranged under the following headings:
- Tree protection
 - Ecology and biodiversity
 - Transport
 - Residential amenity
- 2.3 In addition to the local authorities' role as statutory consultees (pursuant to S.42 1 (b) under the Planning Act 2008), the local authorities have interests in land included in the Book of Reference and as such will be making separate representations as statutory consultees under S.42 1 (d). The impact on the local authorities' landholdings will be particular to the interests over which powers are sought and may include, but are not limited to, the matters raised in this Local Impact Report. Matters relating to the proposed compulsory acquisition of land or interests held by the local authorities will be addressed through Written Representations and oral evidence at the Compulsory Acquisition Hearings, as S.42 1 (d) consultees.

Tree protection

- 2.4 The proposed pipeline has, where possible, crossed undeveloped land including farmlands and heaths. Where a route through urban areas is considered by the Applicant to be unavoidable, the pipeline where possible follows roads with wide verges, or crosses public open space and playing fields.
- 2.5 The general logic of such a routing strategy is acknowledged. However, in Surrey a sensitivity is the extent of woodland in both rural and urban areas. According to aerial mapping company BlueSky, Surrey is England's most wooded county. A survey in 2014 indicated that 40.6% of Surrey Heath is wooded, as is 37.8% of Runnymede. In the more urban parts of the county including Spelthorne, trees are prized assets in the townscape and make a valuable contribution to local amenity.
- 2.6 In places Esso has sought to direct the pipeline corridor around blocks of woodland. However, as the site-specific examples cited later in this LIR explain, some sections of woodland would incur significant tree loss without the potential to replant trees above the finished pipeline afterwards. These include trees that are the subject of Tree

Preservation Orders (TPOs), are ancient woodland or have ancient or veteran tree status. In other sections of the pipeline the DCO Order Limits or the Limits of Deviation for the pipeline route are wide enough to admit the possibility of tree loss or harm to root systems.

- 2.7 Areas subject to TPOs are shown in the Applicant's General Arrangement Plans (application document 2.6 rev. 2 vols 1-3, September 2019). Schedule 8 of the applicant's draft DCO (application document 3.1 rev. 2, September 2019) identifies trees subject to TPOs. In total, 31 tree groups or individual trees subject to TPOs in Surrey would be affected by the pipeline proposals. For 22 of these TPOs, the proposed works would include tree felling. Works otherwise generally comprise crown lifting and pruning to prevent damage during the movement of construction plant and machinery.
- 2.8 Environmental Statement (Volume D) Appendix 10.2 provides a Schedule of Notable Trees (application document 6.4). According to paragraph 10.2.10 of ES chapter 10: Landscape and visual, (application document 6.4), 'notable trees are defined as prominent trees within the landscape and by nature will generally be the larger more mature specimens'.
- 2.9 The Councils are content that the Applicant has identified protected and notable trees accurately. Of more concern is the assessment of undesignated mature trees, which can include trees in local authority parks and open spaces. ES paragraph 10.2.19 (second bullet) reports the Planning Inspectorate's advice at the EIA scoping stage of the project that 'Any undesignated mature trees or areas of woodland that could be affected by the project should be assessed in terms of their contribution to the landscape'. Esso's response in the same bullet point is 'The impacts on trees has been informed by an arboricultural assessment and has been taken into account in Section 10.5 within the assessment of Potential Landscape Effects: Landscape Character'. As explained in the site-specific sections of this LIR, the Councils are concerned that undesignated trees have not always been assessed accurately in terms of their landscape and visual amenity value.
- 2.10 In respect of mitigation for tree loss, ES chapter 10: Landscape and visual (application document 6.4) states that:
- 2.11 *'Mitigation has been identified in the form of native species hedge and tree planting. Native trees and hedgerows would be planted within areas identified as tree planting and hedge infilling on Figure 7.5 of the ES (LV1). This is a holistic approach to partly offset the envisaged loss of trees from the overall pipeline installation project . . .'*
- 2.12 *'The design of the route and the application of good practice measures, including narrow width working and trenchless crossings set out in the REAC, has reduced the impacts arising from pipeline installation on woodland, TPOs and protected trees within*

Conservation Areas. Whilst reinstatement planting would establish to reinstate lost vegetation, it would not be possible to fully mitigate the potential permanent loss of TPO trees in the same location. There would be restrictions to planting trees over and around pipeline easements. There may also be less scope to accommodate reinstatement of trees within the wider urban area because of restrictions caused by built development, proximity to highways and underground services for example . . .'

DCO provisions for tree protection

2.13 In respect of the protection afforded by the draft DCO for trees (see application document 3.2 rev. 2, Schedule 2 Part 1: Requirements), Requirement 6: Construction Environmental Management Plan states in part (d)(ix) that the CEMP must include an Arboricultural Management Plan. Requirement 8: Hedgerows and trees provides for a written plan of reinstatement for hedgerows and, which must form part of the Landscape and Ecological Management Plan to be approved in accordance with Requirement 12.

2.14 The ES offers no quantification of the overall likely tree loss to the proposed pipeline and its mitigation proposals are vague. The Applicant's ES offers at best a hazy view of the effects on trees and woodlands, cumulatively and at any given point along the pipeline.

2.15 As things stand any details of tree loss and mitigation would not become available until the DCO was already made. The Councils do not consider that Requirements R6: Construction Environmental Management Plan, R8: Hedgerows and trees and R12: Landscape and Ecological Management Plan explicitly provide the level of protection for trees that should be a precondition for a DCO being made.

2.16 To address the paucity of detail about the measures that would be taken to work around and protect existing trees during construction, the Councils requests that Examining Authority (ExA) invites Esso to submit a Tree Survey and Protection Strategy for consideration during the DCO examination process. The Strategy should explain in detail the working principles that Esso and its contractors will apply to minimise harm to trees, whether or not protected, during pipeline construction.

2.17 The DCO should enforce compliance with the Tree Survey and Protection Strategy and to ensure its implementation at the local level, the following DCO Requirement should be included in the Order.

NEW REQUIREMENT: Before the commencement of work in any local authority borough or district through which the pipeline passes, a detailed Local Tree Protection Plan should be submitted to and approved by the relevant planning authority in accordance with the Tree Survey and Protection Strategy.

(1). The Local Tree Protection Plan should be prepared by a qualified member of the Arboricultural Association and should include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread and estimated root spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping, lopping or root severance of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Requirement 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

(2) The Local Tree Protection Plan should include details of the species, diameter (measured in accordance with paragraph (1)(a) above), approximate height and an assessment of the general state of health and stability of any trees proposed for felling, and a scheme for their replacement or for other compensatory landscape and planting works. A written explanation of why the subject trees cannot be retained should be provided for each tree proposed for felling.

(3) The Local Tree Protection Plan should include a scheme for the long-term after care of trees affected by the proposed works and trees planted in compensation for those lost. The scheme should be applicable for five years following the first operation of the oil pipeline.

2.18 It is the Council's understanding that the residents of Lightwater have been in discussions with Esso and the applicant has verbally offered for consideration of the lifetime of a tree to be considered following the first operation of the pipeline, rather than the five years proposed in the proposed new requirement above.

Ecology and biodiversity

- 2.19 The proposed pipeline passes through or close to a range of European, statutory and non-statutory protected habitats.
- 2.20 All of Surrey Heath and parts of Runnymede lie within 5km of the Thames Basin Heaths Special Protection Area (SPA), which was designated by the European Union in March 2005. The Thames Basin Heaths SPA is a network of heathland sites designated for its ability to provide a habitat for three internationally important rare bird species - Dartford warbler, woodlark and nightjar. The SPA is protected from adverse effects under the Conservation of Habitats and Species Regulations 2017 (as amended) and European Directive 2009/147/EC.
- 2.21 The Thames Basin Heaths Joint Strategic Partnership Board (JSPB) was established to promote a coordinated approach between local authorities and other organisations responsible for protection of the Thames Basin Heaths SPA. The JSPB has adopted a Strategic Delivery Framework to manage and protect the SPA through measures including the provision of Suitable Alternative Natural Greenspace (SANG). These are areas that were not previously in use for recreation and which offer the capacity to absorb the additional recreational demand generated by new residential development, so relieving pressure on the SPA.
- 2.22 Elsewhere along the pipeline there are extensive areas designated as non-statutory Sites of Nature Conservation Importance (SNCI), many of which provide habitats for statutorily protected flora and fauna including the great crested newt. These sites are identified in the figures and appendices of the Applicant's ES.
- 2.23 The Councils consider that specialist ecological advice is required to evaluate the potential impact of the construction of the pipeline on biodiversity and nature conservation interests. The Councils does not possess such expertise in-house and can offer only high-level comments on the local impacts of the proposed pipeline on the natural environment.
- 2.24 It is noted that Natural England has submitted a Relevant Representation (document ref. EN070005-000383, dated 26 and 27 July 2019) advising that it is content with Esso's approach to the protection of nature conservation interests and that a Statement of Common Ground between Esso and Natural England is due. It is encouraging that the Applicant has engaged with Natural England in a timely manner to address the sensitivities of running a pipeline through European protected habitats. However, it appears to the Councils that there remain detailed and site-specific points of concern relating to the effects of the project on protected habitats that will warrant Natural England's close and continued attention throughout the DCO examination process.

2.25 It is requested that the Examining Authority directs written questions towards Natural England and requests senior representation from Natural England at relevant hearings to ensure that nature conservation interest are properly represented. This will ultimately be in the applicant's interest by facilitating a positive conclusion to the Habitats Regulations Assessment process and helping to ensure that the Order, if finally made, is robust in these terms.

DCO Provisions for ecology and biodiversity

2.26 As noted, the Councils lack in-house ecological expertise and is concerned to avoid a situation where the burden of finding practical solutions to specific ecological sensitivities falls to the relevant planning authority when DCO Requirements are being discharged.

2.27 Requirement 12: Landscape and Ecological Management Plan and Requirement 13: Protected species of the draft DCO afford protection for the natural environment (see application document 3.2 rev. 2, Schedule 2 Part 1: Requirements).

2.28 Requirement 12 provides for the submission to and approval by the LPA of a Landscape and Ecological Management Plan (LEMP), *'reflecting the survey results and ecological mitigation and other measures in the REAC, including the SSSI working plans . . .'*. The REAC is a Register of Environmental Actions and Commitments set out in section 16.3 of ES chapter 16 Environmental Management and Mitigation (application document 6.2, PINS ref. APP-056).

2.29 The REAC includes embedded design measures and mitigation. It sets out common sense high-level principles but there is little local or site-specific detail. This detail will be described or enforced through a range of subsidiary documents including a Code of Construction Practice (CoCP, provided as ES Appendix 16.1, PINS ref. APP-128), an Archaeological Mitigation Strategy (AMS, provided as ES Appendix 9.5, PINS ref APP-113), and a Construction Environmental Management Plan (CEMP) and the LEMP. ES paragraph 16.1.4 explains that *'the CEMP and LEMP will require further design input that is not available at the time of the application'*.

2.30 An outline CEMP has been submitted by the Applicant (ES Appendix 16.2, PINS ref. APP-130), but the Councils are concerned at the evident lack of detail in the outline document and the repeated disclaimer that it will be the contractor's responsibility to agree the details with local authorities. It is requested that ExA invites the applicant to submit a detailed draft CEMP within a reasonable timeframe during the current DCO examination for consideration.

2.31 Later sections of this LIR identify specific local impacts on ecology and biodiversity from the pipeline construction. In reviewing these specific impacts it is requested that ExA, advised as appropriate by Natural England, considers whether the protections and

safeguards proposed thus far by the Applicant would render specific impacts acceptable such that a DCO can be made. If not, it is requested that ExA seeks appropriate remedies from the Applicant before the examination closes and ensures that enforceable protective measures are incorporated in the draft DCO as submitted to the Secretary of State.

Transport and highways

2.32 In general, crossings of primary roads would be achieved by means of trenchless working. Subject to certain site-specific concerns identified later in this LIR, the Councils support this approach.

2.33 Numerous sections of the proposed pipeline cross run along highway corridors. Although these are often secondary or tertiary routes they are often busy thoroughfares. Road closures or contraflow working during the construction of the pipeline could give rise to substantial traffic congestion. In turn, this could disrupt bus services and impede the passage of emergency service vehicles. Traffic congestion can also adversely affect local businesses that rely on the restricted route for access.

2.34 Surrey County Council is the Local Highway Authority (LHA) for the Borough. In response to the individual traffic impacts identified later in this LIR it is requested that ExA seeks the LHA's advice on the workability of the temporary highways restrictions proposed by the Applicant.

2.35 Some of the roads affected by pipeline construction are frequented by emergency service vehicles. It is requested also that ExA seeks advice from Surrey County Council in its capacity as the statutory Fire and Rescue Service provider, and from Surrey Police and the South East Coast Ambulance Service NHS Foundation Trust, on the issue of whether a reasonable standard of emergency service protection can be maintained during the proposed roadworks.

DCO provisions for transport and highways

2.36 Requirement 7: Construction traffic provides for the submission to and approval by the relevant highway authority of a Construction Traffic Management Plan (CTMP). The Requirement states that 'The CTMP for each stage must reflect the mitigation measures set out in the REAC'. This makes sense as far as it goes but the REAC is an all-embracing high level list and does not, in its own right, provide a sufficient basis for a CTMP.

2.37 Accordingly it is requested that the following provision is added to Requirement 7:

ADDITION TO REQ7:

The CTMP for each stage will provide details of the following:

- a. Development phasing
- b. Vehicle types
- c. Abnormal indivisible load movements
- d. Recording of construction vehicle movements
- e. Local highway issues and constraints
- f. Highway condition survey
- g. Access and route strategy
- h. Signage strategy
- i. Core working hours
- j. Use of banksmen
- k. Management of public rights of way
- l. Wheel-washing and maintenance of a clean highway
- m. Travel plan for construction workers
- n. Temporary traffic management procedures
- o. Temporary repositioning of bus stops
- p. Communications and community engagement
- q. Liaison with emergency services
- r. Monitoring arrangements
- s. Compliance and enforcement procedures

Residential amenity

2.38 The proposed pipeline would pass through many residential neighbourhoods. In the absence of effective mitigation, construction of the pipeline has the potential to give rise to a range of adverse effects on residential amenity including noise and vibration, airborne dust, mud on roads, disruption to utility services, restrictions of access to property and the loss of street trees and other vegetation.

DCO provisions for residential amenity

2.39 Along with Requirements 7: Construction traffic, 8: Hedgerows and trees and 14: Construction hours, the primary protection for residential amenity is Requirement 6: Construction Environmental Management Plan. As acknowledged above in respect of ecology, an outline CEMP has been submitted by the Applicant (ES Appendix 16.2, PINS ref. APP-130), but the Councils are concerned at the lack of detail in the outline document and the repeated disclaimer that it will be the contractor's responsibility to agree the details with relevant local authorities.

2.40 In view of the very close proximity of construction works to residential properties at various points along the pipeline route, including those identified later in this LIR, it is requested that ExA invites the applicant to submit a detailed draft CEMP within a reasonable timeframe during the current DCO examination (e.g. Deadline 3, 11 December 2019) for consideration. This would provide interested parties with a clearer

impression of the range of measures proposed to protect residential amenity, enabling refinements to be made as necessary.

2.41 Requirement 7 should then be amended to ensure that the detailed CEMPs submitted to relevant planning authorities for approval will embrace all relevant provisions from the draft CEMP.

3 Local area characteristics

- 3.1 Surrey Heath lies in the north-western corner of Surrey and adjoins the counties of Berkshire and Hampshire. The western half of the Borough is mainly urban in character and includes the towns of Camberley and Frimley and the smaller settlements of Frimley Green, Mytchett, Deepcut and Bagshot. The eastern half of the Borough is mostly countryside in the Metropolitan Green Belt and includes the villages of Bisley, Bagshot, Lightwater, West End and Windlesham and Chobham.
- 3.2 The River Blackwater forms the western boundary of the Borough. From here the land rises gradually to the north and east leading to the areas of heathland which give the Borough its name. The River Bourne (also known as the Addlestone Bourne) flows through the east of the Borough and out toward the River Wey. The other important waterway is the Basingstoke Canal that flows through the southern part of the Borough. The heathland areas are recognised as being of national and international importance and form part of the Thames Basin Heaths Special Protection Area (SPA) and the Thursley, Ash, Pirbright and Chobham Common Special Areas of Conservation. The Borough also contains four extensive Sites of Special Scientific Interest; Ash to Brookwood Heaths; Broadmoor to Bagshot Woods and Heaths; Chobham Common; and Colony Bog to Bagshot Heaths. These four areas between them cover approximately 23% of the Borough.
- 3.3 Biodiversity is a significant issue within the Borough. SHBC has pioneered the use of Suitable Alternative Natural Greenspace (SANG) to enable the Borough to meet housing and employment land supply targets without adding to recreational pressures on the Thames Basin Heaths Special Protection Area (TBH SPA).

4 Pipeline route description

- 4.1 The replacement pipeline route enters the west of the Borough following a long crossing under the North Downs railway line, A331 Blackwater Valley Road, River Blackwater, Blackwater Valley and the Ascot to Guildford railway line. The route then runs along the south eastern boundary of SC Johnson Ltd land before crossing Frimley Green Road (B3411) near the roundabout with Balmoral Drive. From the B3411 the route follows Balmoral Drive to Frith Hill, crossing MoD land, where it follows the existing pipeline across Pine Ridge Golf Course.

- 4.2 Following the junction of Old Bisley Road, The Maultway and Deepcut Bridge Road, the route enters MoD land associated with the Bisley and Pirbright Ranges, Colony Bog and Bagshot Heath SSSI. The route continues north running adjacent to The Maultway (B3015) then turning east to follow Red Road (B311) and through an area of woodland before running alongside Guildford Road for a short distance. The section then crosses Guildford Road, followed by a crossing of the A322 Lightwater Bypass, continuing through Windlemere Suitable Alternative Green Space (SANG). The application route will then cross the Hale Bourne. The route then continues generally north-east, crossing Windlesham Road, before passing through Chobham Common SSSI and exiting the east of the Borough

5 Local Planning Policy context

5.1 The adopted development plan for Surrey Heath is the *Core Strategy and Development Management Policies Development Plan Document (CSDMP) (2012)*, together with saved policies from the Surrey Heath Local Plan 2000, the Camberley Town Centre Area Action Plan (2014) and the 'made' Windlesham Neighbourhood Plan (2019). The Development Plan Policies from the CSDMP that the Council considers are relevant to the consideration of the present application for a DCO are as follows:

- CP1 – Spatial Strategy
- CP2 – Sustainable Development and Design
- CP11 – Movement
- CP13 – Green Infrastructure
- CP14a – Biodiversity and Nature Conservation
- CP14b – European sites
- DM9 – Design Principles
- DM10 – Development and Flood Risk
- DM11 – Traffic Management and Highway Safety
- DM15 – Protection of Greenspaces and Recreational Facilities
- DM17 – Heritage

5.2 Policy CP1 sets out the spatial strategy for the Borough covering where new development will be directed in Surrey Heath, including the major redevelopment of Princess Royal Barracks, and identifies areas of the Borough designated as countryside. The Council considers that the replacement pipeline route will have a neutral impact on site allocations, and the applicant has had regard to allocated sites proximal to the replacement pipeline route. Policy CP2 requires development to ensure that land is used efficiently and within the context of its surroundings, respecting and enhancing the quality of the Borough's historic and natural environments.

5.3 Policy CP11 supports the efficient and safe operation of the highway network, including reducing the impact of traffic on residential areas. Policy DM11 advises that development will not be permitted that adversely impacts on the safe and efficient flow of traffic movement on the highway network unless it can be demonstrated that measures to reduce and mitigate such impacts can be implemented to an acceptable level. The policy also requires development to protect existing footways, cycle ways and bridleways.

5.4 Policy CP13 states that development which results in the loss, fragmentation or isolation of green infrastructure will be resisted. The policy states also that Suitable Alternative Natural Greenspace (SANG) is considered to be green infrastructure of strategic importance. Policy DM15 affirms that the loss or fragmentation of open space will be resisted.

- 5.5 Policy CP14A sets out that the Council will seek to conserve and enhance biodiversity within the Borough, identifying that development that results in the harm to or loss of features of interest for biodiversity will not be permitted. Policy CP14b adds that the Council will not permit development that gives rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC). The policy also sets out the requirements for which new development needs to comply to ensure no likely significant effect on the Thames Basin Heaths SPA, including requirements for SANG provision. The *Thames Basin Heaths Special Protection Area Avoidance Strategy* supplementary planning document (SPD, March 2019, reproduced at the end of this LIR as appendix SH-LIR1) is also relevant, providing guidance on avoidance measures and detailing the requirements for the management in perpetuity of Suitable Alternative Natural Greenspace (SANG).
- 5.6 CSDMP Policy DM9 states that development will be considered acceptable if it protects trees and other vegetation worthy of retention and reduces the potential for crime and fear of crime. Policy DM10 sets out the Councils approach to flood risk. Policy DM17 concerns the Councils approach to heritage and seeks to promote the conservation and enhancement of heritage assets and their setting.

6 Planning assessment

6.1 The Rule 6 letter published on 5 September 2019 included at annex E the matters to be included in Statements of Common Ground between the applicant and Surrey Heath Borough Council. The Local Impact Report likewise covers similar matters and therefore the assessment is thus framed on the following:

- Flood risk;
- Biodiversity and ecology;
- Landscape and visual impacts;
- Noise, air quality and disturbance;
- People and communities;
- Highways and Transport;
- Security and safety;
- Geological, soil and contamination impacts; and
- Historic environment.

Flood risk

6.2 The pipeline would cross the river Bourne, north of Chobham, and the Blackwater Valley to the east of Farnborough North Station, areas of which are in flood zone 2 and flood zone 3. Of the 98 watercourse crossings identified in the Strategic Flood Risk Assessment (SFRA, document 7.3), 17 crossings have been assessed with a medium or high flood risk to sensitive receptors based on the assessment criteria¹. Two of these sites are in Surrey Heath Borough Council's area, including at the SC Johnson Factory in Frimley Green and Windsor Road, Chobham.

6.3 There are a number of locations in which Esso proposes to encroach into, and temporarily store soil within, Flood Zone 3. For the two areas in Surrey Heath that this applies to, the construction compound on Frimley Green Road was assessed as low risk with very low severity in the applicants Flood Risk Assessment, and the area where the pipeline crosses Windle Brook, north of Chobham, was assessed in the applicants Flood Risk Assessment as having a medium risk with a low severity of impact.

6.4 The Lightwater area is also noted in the applicant's Flood Risk Assessment as having a high flood risk in relation to residential properties. It is noted that there is potential for flood risk to be exacerbated by the loss of trees in this area and this issue is set out in the flood risk assessment. It is noted that in August 2006 and in 2007, a number of properties in Lightwater and Chobham were flooded internally and externally. The principal sources of flooding were a combination of sewage, surface and foul water incursions. The Council's Strategic Flood Risk Assessment (2015) identified that in the south-east of Lightwater, properties are at high risk of flooding from the Lightwater Stream. The

¹ Due to the increase in temporary haul road crossings, summarised in Section 4 of the FRA submitted by the applicant

Strategic Flood Risk Assessment (2015) also identified areas to the South of Lightwater, including where the replacement pipeline crosses Red Road, to be at high risk of ground water flooding.

6.5 The impacts on flood risk are therefore considered by the Council to be negative. The Council notes that mitigation measures are proposed by the applicant (such as G28², G179³ and those set out in table 3.3 of Appendix 16.1, application document 6.4). SHBC requests that ExA reviews the issue of flood risk and as appropriate secures assurances from Surrey County Council, in its capacity as the lead local flood authority, and the Environment Agency, in its capacity as the statutory body for flooding, that Esso's individual proposed flood mitigation measures would be effective and the most appropriate and robust measures to address the issue of the increased risk of flooding.

Biodiversity and ecology

European sites

6.6 Surrey Heath is entirely within 5km of the Thames Basin Heaths Special Protection Area (SPA), which was designated by the European Union in March 2005. The Thames Basin Heaths SPA is a network of heathland sites designated for its ability to provide a habitat for three internationally important rare bird species: Dartford warbler, woodlark and nightjar. It is protected from adverse effects under The Conservation of Habitats and Species Regulations 2017 (or as subsequently amended) and European Directive 2009/147/EC. The Regulations deal with both the impact of developments and of Development Plans upon European Sites which include SPAs.

6.7 Due to the large number of local authorities involved and the cumulative nature of the impacts (a result of many individual housing developments), a co-ordinated approach to avoidance measures has been necessary and the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) was set up to provide the vehicle for joint working between the 11 local authorities and other organisations responsible for protection of the Thames Basin Heaths SPA. The JSPB includes Member representation for each affected Local Authority together with a number of stakeholders.

6.8 In February 2009 the JSPB endorsed a Strategic Delivery Framework. This recommends a combination of three avoidance and mitigation measures to protect the Thames Basin Heaths from the impacts of new residential development:

- The establishment of a 400 metre buffer around the SPA within which no net new residential development will be permitted.

² G28 - Construction workers would undergo training to increase their awareness of environmental issues. More details provided on page 16 of Appendix 16.1, Application Document 6.4.

³ G179 - An Emergency Action Plan would be developed for the construction phase which would outline procedures to be implemented in case of unplanned events such as site flooding, pollution incident, disease outbreak etc.

- The provision of Suitable Alternative Natural Greenspace (SANG).
- Strategic Access Management and Monitoring (SAMM) measures, coordinated visitor management across the whole of the publically accessible SPA.

6.9 SANGs are areas that currently are not in use for recreation and so are a new alternative provision or are existing areas that are significantly under-used and so have the capacity to absorb additional recreational use. SANGs should be in place before any development is occupied so that the risk of additional recreational pressure arising on the SPA is avoided. SANGs are expected to be provided and funded in order that they can function in perpetuity, which is considered to be at least 125 years, in accordance with legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009).

6.10 All proposals for SANGs must include a detailed SANG Management Plan that clearly outlines the practical habitat management and explains how the requirements of the SANG Guidelines (see section 6) will be met. The SANG Management Plan should include details of the managing body or organisation, capital costs and costs for the in-perpetuity management of the SANG in order to demonstrate that the SANG will deliver effective avoidance both at the outset and in perpetuity. There are a number of requirements that a SANG must meet in order to be considered an in-perpetuity mitigation measure for the avoidance of likely significant effects on the SPA, including being designed to be perceived to be safe by users, be perceived as semi-natural with little intrusion from artificial structures and be free from unpleasant intrusions. More information is available in the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document (2019), enclosed as appendix SH-LIR1.

6.11 The replacement pipeline passes through large areas of the Thames Basin Heaths SPA in Surrey Heath. The Council considers that specialist ecological advice is required to evaluate the potential impact of the construction of the pipeline in areas of the Borough that are designated as Special Areas of Conservation and Special Protection Areas due to the complex ecological considerations associated with such designations, as well as the need to ensure that any likely significant effects are avoided or appropriately mitigated. As noted at paragraph 2.23, it is requested that the ExA directs written questions to Natural England. Matters in Surrey Heath on which Natural England's input would be beneficial include SANGs and the protection of great crested newts and trees. These will be considered in turn.

SANGs

6.12 There is the potential for significant impacts on the Thames Basin Heaths Special Protection Area (SPA) associated with construction activities associated with routing the pipeline through Suitable Alternative Natural Greenspaces (SANGs). Any impact on an area of SANG has a consequential impact on the SPA because SANGs are specifically provided and required in order to mitigate the impact of new development on the SPA.

This includes St Catherine's Road SANG (sometimes referred to as Clewborough SANG) in Frimley, and Windlemere SANG in West End.

- 6.13 The applicant's Habitats Regulations Assessment report (application document 6.5) concludes that there will be no likely significant effect on the integrity of the Thames Basin Heaths SPA. It is noted that the Habitats Regulations Assessment (summary, page 3) states that:

"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."

- 6.14 In detail the applicant's HRA Report states on pages 54-55 that:

"5.8.22 St Catherine's Road SANG is a small site approximately 2km from the SPA. The site is not listed as one of Surrey Heath Borough Council's strategic SANG and so no information relating to the position of its boundary or size has been obtained (Surrey Heath BC, 2019). However, based on the site's signage it is assumed that the SANG occupies a triangular parcel of grassland approximately 1.4ha in area between St Catherine's Road and Frith Hill Road. The assumed area of the SANG within the Order Limits is approximately 0.7ha (50% of the total SANG area). Within 1km of the SANG there is open-access woodland at Frimley Fuel Allotments and Frith Hill. These extensive areas of woodland would likely be suitable alternative locations for any small amount of recreational displacement from the SANG for the short duration of construction."

5.8.23 Windlemere SANG is a strategic SANG within the borough of Surrey Heath. The SANG has a total area of approximately 15ha (Aspect Ecology, 2017). The area of the SANG within the Order Limits is approximately 1.5ha (10% of the total SANG area). No current SANG car parks would be directly affected by the project. The Turf Hill area of the SPA is approximately 100m to the west of Windlemere SANG, albeit on the opposite side of the A322 dual carriageway. A Surrey Wildlife Trust car park allowing access to the Brentmoor Heath area of the SPA lies approximately 300m to the west of Windlemere SANG. As such, a measure of displacement could result from Windlemere SANG to the SPA via Brentmoor Heath. However, it is reasonable to assume that the unaffected area of SANG would be sufficient to absorb any displaced recreational activity. In addition, the 5.5ha West End Recreation Ground is an area of common land approximately 410m from Windlemere SANG that may also act as a receptor for any displaced recreational activity for the short duration of construction."

- 6.15 This assessment clearly relies on unverified assumptions. The Council is not satisfied with these conclusions and considers that there remains the potential for likely significant effects on the SPA, for the reasons set out below.
- 6.16 First, new development is specifically allocated to one SANG and this can only be considered as the appropriate mitigation for that particular development, rather than a range of SANGs, especially in relation to bespoke SANGs such as at St Catherine's Road. Therefore, if the purposes of the SANG are compromised during the construction of the pipeline, as will likely be the case due to the intrusion of artificial structures and impacts on the tranquility of the site, the impacts on the Thames Basin Heaths SPA will likely be significant, with individuals looking to the SPA as an alternative source of recreation.
- 6.17 Second, the likelihood of this recreational displacement is exacerbated when it is acknowledged that St Catherine is one of the only SANGs in the west of Surrey Heath and Windlemere SANG is in very close proximity to the Thames Basin Heaths, increasing the potential displacement of residents onto SPA sites.
- 6.18 Third, and associated with this, there are potential long term impacts, for example, for individuals visiting the site during the pipeline's construction in the area. If access is restricted, even temporarily, visitors might be deterred from using the site in future, especially if it was the first time the site had been visited for some time. Moreover, it is the Council's understanding from recent discussions with the applicant that the construction compound proposed on St Catherine's Road SANG could be in place for a matter of years, rather than months, and there are currently no DCO provisions to limit the time for which the applicant can undertake works on the SANG. Irrespective of this point, SANGs are required to be managed in perpetuity.
- 6.19 Finally, the temporary loss of other open space during construction could, along with the temporary loss of SANG, exacerbate recreational pressures on the SPA. This would be the case at proposed construction compound 5B, proposed on an amenity area in Balmoral Drive in Frimley that, as acknowledged by paragraph 16.4.36 of the applicant's Planning Statement (document ref. 7.1) is *'of local importance for informal recreation'*.
- 6.20 The Council manages St Catherine's Road SANG and applies a light touch management approach to ensure that the site is semi-natural in character and tranquil for residents visiting the site. A general layout plan for St Catherine's Road SANG is provided at Appendix SH-LIR2, which was submitted as part of the SANG management plan for the Clewborough School Development planning application (Planning reference number 09/0500). The SANG is valued and well used by the local community and the Council has on a number of occasions received positive feedback from residents regarding the quality of the SANG and the biodiversity it supports.

- 6.21 On evaluation of the current order limits within St Catherine's 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. 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. Therefore, based on the information that has been submitted to date, the impact is considered by the Council to be unacceptable.
- 6.22 No justification has been provided by the applicant as to why three construction compounds are required in this part of Surrey Heath within a 1,000 metre stretch of the pipeline. It is requested that ExA invites Esso to consider removing the St Catherine's Road construction compound and use the Balmoral Drive construction compound and/or the logistics hub on Deepcut Bridge Road, which connects to St Catherine's Road via Frith Hill Road. This would significantly reduce the impact upon the St Catherine's Road SANG.
- 6.23 In view of these concerns it is unclear to the Borough Council why Valley Road, which runs parallel to Frith Hill Road was not considered as a preferred pipeline route. The length of pipeline along St Catherine's Road would be marginally longer but it would avoid an impact upon the SANG.
- 6.24 The appropriate site layout and housekeeping measures set out in the Code of Construction Practice (Appendix 16.1 of application document 6.4) are generic, whilst the potential impacts at St Catherine's Road SANG are very specific and therefore require specific and bespoke mitigation measures to minimise potential adverse effects. Moreover, in their current forms, good practice measures OP04⁴, G28⁵, G7⁶ are considered insufficient to conclude that there will be no likely significant impact on the Thames Basin Heaths SPA. It is noted that there are very few references to the St Catherine's Road SANG throughout the application documents submitted. The Council is continuing to work with the applicant to seek the necessary mitigation, but at this stage the Council considers that there remains the potential for likely significant effects on the SPA due to the impact on St Catherine's Road SANG.
- 6.25 On evaluation of the current order limits in Windlemere, provided that disturbance to the SANG is minimised and the circular walk is retained during construction, the Council agrees that the impact will likely be negligible on the Thames Basin Heaths SPA.

⁴ OP04 - 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.

⁵ G28 - Construction workers would undergo training to increase their awareness of environmental issues. More details provided on page 16 of Appendix 16.1, Application Document 6.4.

⁶ G7 - Appropriate site layout and housekeeping measures would be implemented by the contractor(s) at all construction sites. More details provided on page 16 of Appendix 16.1, Application Document 6.4.

Great Crested Newts

6.26 The pipeline is routed through Windlemere SANG, passing between ponds used by a Great Crested Newt meta-population. Although the pipeline would not directly affect the ponds, Great Crested Newts can roam widely from water features, with the potential to be affected adversely by pipeline construction. Although mitigation measures have been proposed by Esso, the impact on the Great Crested Newt population will likely be negative due to the location of the replacement pipeline, as detailed above. The severity of this impact will depend on the time of year when construction takes place. The Borough Council requests that ExA seeks specific advice from Natural England on the protection of this newt metapopulation and ensures that appropriate protective measures are provided for in the draft DCO.

Trees

6.27 The construction of the pipeline will result in the loss of a significant number of trees, especially in the Frith Hill area near Frimley and Turf Hill near Lightwater. Surrey Heath is one of the most wooded boroughs in England and trees play an important role in the character of the Borough. The Council is in continuing discussion with the applicant (including the approach to replacement trees), but at this stage the impact on trees is considered to be negative and significant.

6.28 Specifically, the Borough Council is concerned that inadequate attention has been given in the DCO application to the presence of trees at:

- Balmoral Drive Frimley;
- Frith Hill, Frimley;
- The Maultway (B3015), Heatherside;
- Red Road (B310) between Camberley and Lightwater;
- Turf Hill, Lightwater;
- Rural areas in the eastern part of the borough, where the proposed pipeline would cut through wooded field boundaries.

6.29 It is noted that significant concerns have been raised by residents in the Lightwater area in relation to the loss of trees in Turf Hill and the potential impact on tree roots within close proximity to residential properties north of the pipeline's order limits. Further details on this issue are set out in the People and Communities section of this LIR.

Landscape and visual impacts

6.30 Environmental Statement Appendix 10.3 (application document 6.4) provides schedules of the visual impacts of the proposed pipeline. During construction, there would be significant short-term visual impacts on a number of residential properties near Heatherside and Lightwater. Such visual impacts will be exacerbated in the long term by the likelihood that a significant number of trees will be removed, especially in the

Lightwater area. During construction there would be a small magnitude of impact on the public right of way east of Heatherside of minor significance and on a public right of way at Staple Hill at Chobham Common.

6.31 SHBC accepts that, in most cases, landscape and visual effects of the proposals are minor and temporary. The main propensity for landscape and visual harm relates to tree loss. The Council considers the reinforced DCO provisions proposed in the preceding section of this LIR would address this point.

Noise, air quality and disturbance

6.32 The pipeline route passes close to residential properties in Frimley Green. Although it is noted that the 'Noise and Vibration Management Plan' submitted by the applicant will seek to minimise and mitigate the impact of construction on residential areas, there will nonetheless be an impact for local residents. In some cases, the proximity of the order limits and areas for construction are considered to generate unnecessary noise and disturbance to adjacent residential properties and community facilities, especially along Balmoral Drive.

6.33 It is noted that Requirement R6: *Construction Environmental Management Plan* includes provision for the submission and local approval of a Noise and Vibration Management Plan. The Council is generally content that this will enable specific local noise sensitivities to be taken into consideration. On Balmoral Drive, account needs to be taken of the effects of noise disturbance on Frimley Community Centre and Frimley Baptist Church.

6.34 It is noted that aside from the concerns raised regarding the impact of works on St Catherine's Road SANG, the siting of a construction compound has the potential to cause distribution and noise disturbance to local residents as a result of construction vehicles being directed along residential roads. As previously noted, it is the Council's understanding that the construction compound could be in place for a matter of years, and although the compound would not be in use throughout such time, there could be significant and prolonged disturbance to local residents. Further information is required from the applicant to fully assess the impact on local residents.

People and communities

6.35 The routing of the pipeline is in close proximity to residential properties in Frimley Green and Lightwater. The construction of the pipeline will therefore have an impact on local residents, both in terms of accessibility and disturbance.

6.36 It is noted that significant concerns have been raised by the residents of Lightwater, especially residents of Heronscourt and Colville Gardens, in relation to the Turf Hill section of the replacement pipeline. Residents have noted that arboriculture surveys

have only recently been made available, however the impact on trees in this area is yet to be fully understood. The routing of the pipeline in this area will likely result in the loss of a significant number of trees and will potentially give rise to significant impacts on the local community including loss of visual amenity, potential impacts on flood risk, reduction in noise abatement from Red Road, traffic disruption associated with Red Road and damage to the roots of trees having the potential to damage local properties and the impact on the environment.

6.37 In addition, residents of Lightwater, especially the residents of Heronscourt and Colville Gardens, have raised concerns that justification has not been provided as to why the sub-options that more closely follow the existing pipeline (F1b and F1c) were not selected. The Council recognises that local residents also raise concerns in respect of the change in the pipeline route since the previous consultation and their opportunity for engagement in this process. Residents are concerned also about the increased biodiversity net loss of the selected route, including impacts on Sand Lizards.

6.38 Impacted residents in Lightwater have also raised concerns about disruption during construction including:

- the problems of anyone having to sell their property during the two years of planning and construction,
- the daily noise, fumes, dust and disruption for the Residents during the six month construction period;
- traffic congestion for at least six months on the Guildford Road caused by the movement of contractor's vehicles and heavy plant at the entrance to Turf Hill Park.
- the potential for the considerable loss of trees to increase flood risk in an area with a history of flooding.

6.39 The order limits of the pipeline, which includes areas that will be utilised during construction, are also in close proximity to a number of community facilities. Notably, activities and events at Frimley Baptist Church and Frimley Community Centre in Frimley Green are likely to be impacted when the pipeline is being constructed, for example due to noise and highway impacts. Whilst it is noted that there is a commitment to not carry out works on Sundays, there are a number of events that take place on weekdays, including the potential for funeral services at Frimley Baptist Church. Without a clear channel of communication between the community facilities affected and the applicant, which to date the Council understands is not in place, this could have a negative impact on local communities.

6.40 In respect of the effects on local businesses, the Council requests that Esso and its contractors liaise constructively with business owners during pipeline construction. In particular it is noted that the proposed pipeline passes close to the SC Johnson household products factory in Frimley, the sole access to which is from Frimley Green Road, crosses

the Pine Ridge golf course at Frith Hill and weaves between greenhouses at the Dingley Dell wholesale nursery on Windlesham Road, to the north-west of Chobham.

Highways and transport

6.41 It is noted that 110m of St Catherine's Road, 375m of Balmoral Drive and 570m of Red Road is affected by the construction of the pipeline. It is expected that the estimated duration of works at Red Road will be seven weeks, and five weeks for the other two roads affected. Red Road is an important road link between the west and east of the Borough and it is likely that during construction there will be significant delays expected for this area.

6.42 Balmoral Drive is the only access point to Frimley Community Centre, Beaumaris Parade, Braemar Close and Penshurst Rise and therefore construction of the pipeline has the potential to cause moderate disruption to local business and residents. However it is noted that access will not be severed to the residential properties and businesses in this area during construction of the pipeline.

Security and safety

6.43 As previously noted, the pipeline is routed in close proximity to residential properties in the south of Lightwater. The impact on trees associated with the construction of the pipeline has the potential to impact on the safety of properties in the south of Lightwater. The Council understands that the applicant has committed to the removal of unstable trees which pose a risk to residential properties. The reinforced DCO provisions proposed by the Councils (as set out Chapter 2) will assist in this respect.

6.44 The temporary logistic hubs have the potential to be at risk from unauthorised entry, vandalism and theft. The Council understands that the applicants will be implementing a high level of security at such sites and therefore considers the impact on security to be negligible.

Geological, soil and contamination impacts

6.45 The routing of the pipeline and its relatively shallow depth are not envisaged to conflict with solid geological formations. Geological impacts are likely to be confined to superficial deposits, such as fluvial deposits arising from the Blackwater Valley. The open-cut nature of the project - with topsoil to be stored in bunds to the side of the pipe corridor, subsoil to be excavated to provide for the pipe trench and restoration after work is complete - results in a neutral effect. Whilst there would be some temporary loss of versatile agricultural land, and permanent loss of some sub-soil off site, this land is not considered to be the most versatile agricultural land and it would not be permanently sterilised, resulting in a negligible impact.

6.46 The routing of the pipeline through Surrey Heath has the potential to reveal contaminated land, especially within land owned currently or previously by the Ministry of Defence. However, due to Esso's approach to contaminated land, it is considered the impact of this will be negligible.

Historic environment

6.47 In Chapter 9 of Environmental Statement, para 9.5.33 it is noted that there is the potential for significant effects due to construction on Chobham Common, which is identified as a Historic Landscape. Approximately 775m of the project is within Chobham Common, although this includes sections of trenchless crossings. Outside Chobham Common, the Council considers that the impact on the historic environment will be negligible on the basis of good practice measures identified in Environmental Statement Chapter 9: *Historic environment*.

7 Conclusion

- 7.1 As previously noted, the Council does not object to the principle of the proposed replacement pipeline and recognises the need identified in the applicants planning statement in Chapter 2 (Application document 7.1). However, the Council does have concerns in relation to specific issues arising from the proposals, as outlined in this report, and continues to engage with the applicant to seek to address these issues.
- 7.2 The Council considers that the proposal is broadly compliant with policies CP1 (Spatial Strategy), CP2 (Sustainable Development and Design) and DM17 (Heritage) of the CSDMP 2012.
- 7.3 The Council considers that based on the information submitted by the applicant, the proposals are not compliant with Policies CP13 (Green Infrastructure), CP14A (Biodiversity and Nature Conservation), CP14B (European Sites), DM9 (Design Principles) and DM15 (Protection of Greenspaces and Recreational Facilities).
- 7.4 With regard to the areas in the Borough where the pipeline is routed through the Thames Basin Heaths SPA, which relates to Policy CP14A and CP14B, it is the Council's view that independent specialist ecological advice should be provided directly to the ExA. The Council reiterates that it considers the ExA should direct written questions towards Natural England and request that they have representation at the relevant hearings to ensure that nature conservation interests are properly represented.
- 7.5 In respect of the proposals impact on SANG, specifically St Catherines Road SANG, the proposals are not compliant with Policies CP13, CP14A, CP14B and DM15. The applicants assessment of SANG in the Habitats Regulation Assessment are unverified and there remains potential for likely significant effects on the SPA for the reasons set out in paragraphs 6.15 - 6.21 of this report. Whilst the Council is working with the applicant to seek to secure design and mitigation measures that would clearly demonstrate that there will be no potential for likely significant effects on the SPA. At this moment in time the application documents submitted do not provide adequate mitigation and design measures to address the potential for likely significant effects on the SPA and the Council therefore concludes that the proposals are not compliant with policy CP14B of the CSDMP (2012), the Habitats and Species Regulations 2017 and the Habitats Regulations.
- 7.6 In respect of Great Crested Newt populations on Windlemere SANG, which relates to policy CP14A, the Council requests that the ExA seeks specific advice from Natural England on the protection of the newt meta population in this area and ensures that appropriate protective measures are provided for in the draft DCO.
- 7.7 With regard to the protection of trees in the Borough, which relates to CSDMP policy DM9, the Council does not consider that the DCO requirements provide the level of

protection sufficient for the DCO being made. The Council therefore requests that the ExA invites the applicant to submit a Tree Survey and Protection Strategy for consideration during the DCO examination. The DCO should then enforce compliance with the Tree Survey and Protection Strategy and ensure its implementation at the local level through the new requirement proposed by the Council at paragraphs 2.16 – 2.17 of this report.

- 7.8 The Council is reliant on statutory bodies and Surrey County Council to determine the compliance of the proposals with policies CP11, DM10 and DM11 of the CSDMP (2012). The Council requests that the ExA secures reassurances from Surrey County Council, in its capacity as the lead local flood authority and highways authority, that the applicants proposed measures to address the increased risk of flooding in areas of the Borough, along with the highways impacts on the Council's local road network, are appropriate and robust. In respect of flood risk, the Council also requests that the ExA seek reassurances from the Environment Agency, the statutory body for flooding.