

Deadline 7 Submission on Behalf of the Neighbours and Users of Queen Elizabeth Park



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Interested Party reference no: **20022545**

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1. Summary of Our Position

Our position remains largely unchanged since Deadline 5:

1. There is no viable route for trenched installation through Queen Elizabeth Park.
2. HDD should be used between the Cabrol Road play area and Farnborough Hill, either in a single curved bore or two straight bores.
3. If HDD is not feasible, the park should be avoided altogether and a route along Prospect Road and Prospect Avenue should be used.

We continue to be concerned about:

1. The Cabrol Road construction compound
2. Stringing out within the park for TC018
3. The reception pit compound for TC019 at the A325
4. Potential loss of all trees within the Order Limits
5. Potential damage to the Veteran and Notable Trees in the park

The majority of other issues which we have raised throughout the examination process are also still valid and still stand.

1.1. We Object to Esso's Proposal

On the basis that the issues relating to Queen Elizabeth Park have not been addressed, we continue to object to the project.

Evidence presented during the Examination has shown that the local adverse impacts outweigh the benefits, not just in Farnborough but at many places along the route. We therefore request that the Examining Authority recommends that the project is not approved by the Secretary of State.

2. Key Points at Deadline 7

2.1. HDD

As recently as January 2020 Esso themselves stated that HDD through Queen Elizabeth Park is both technically feasible and physically possible¹:

'The Applicant can confirm that it is technically feasible to HDD beneath QEP'

'1.6: While a trenchless crossing of Queen Elizabeth Park is physically possible, the Applicant maintains that its adverse impacts would be greater than the current proposal for Open Cut.'

Although Esso raised a number of concerns, mainly based around engineering risk, we presented proposals at Deadline 6 which addressed all their concerns. We have compromised by offering the use of some areas of the park to protect the parts which are important.

Right up until ISH5 Esso gave the impression that they were considering their own HDD plans for the park. The late statement that they were not has severely limited the time available within the Examination to assess alternative HDD proposals in detail.

By delaying the discussion of HDD, Esso have also avoided the need to submit any justification of why they believe HDD is not possible, in time for the Examination or the interested parties to assess the information and to agree on a resolution.

Any information submitted by Esso at Deadline 7 cannot be challenged within the Examination and it is not satisfactory to conclude the analysis of this important topic in such a way.

It is therefore vital that the new requirement proposed by the Examining Authority on pages 9-12 of their Draft DCO² is included in the final version, should agreement on HDD not be reached between Esso and RBC before 9th April 2020.

¹ Responses to ExA's Further Written Questions - Queen Elizabeth Country Park (QE), Application Document: 8.42, Revision No. 1.0, January 2020, QE.2.2, pages 4 and 10 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001090-8.42%20Responses%20to%20ExA's%20Further%20Written%20Questions%20-%20Queen%20Elizabeth%20Country%20Park%20\(QE\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001090-8.42%20Responses%20to%20ExA's%20Further%20Written%20Questions%20-%20Queen%20Elizabeth%20Country%20Park%20(QE).pdf))

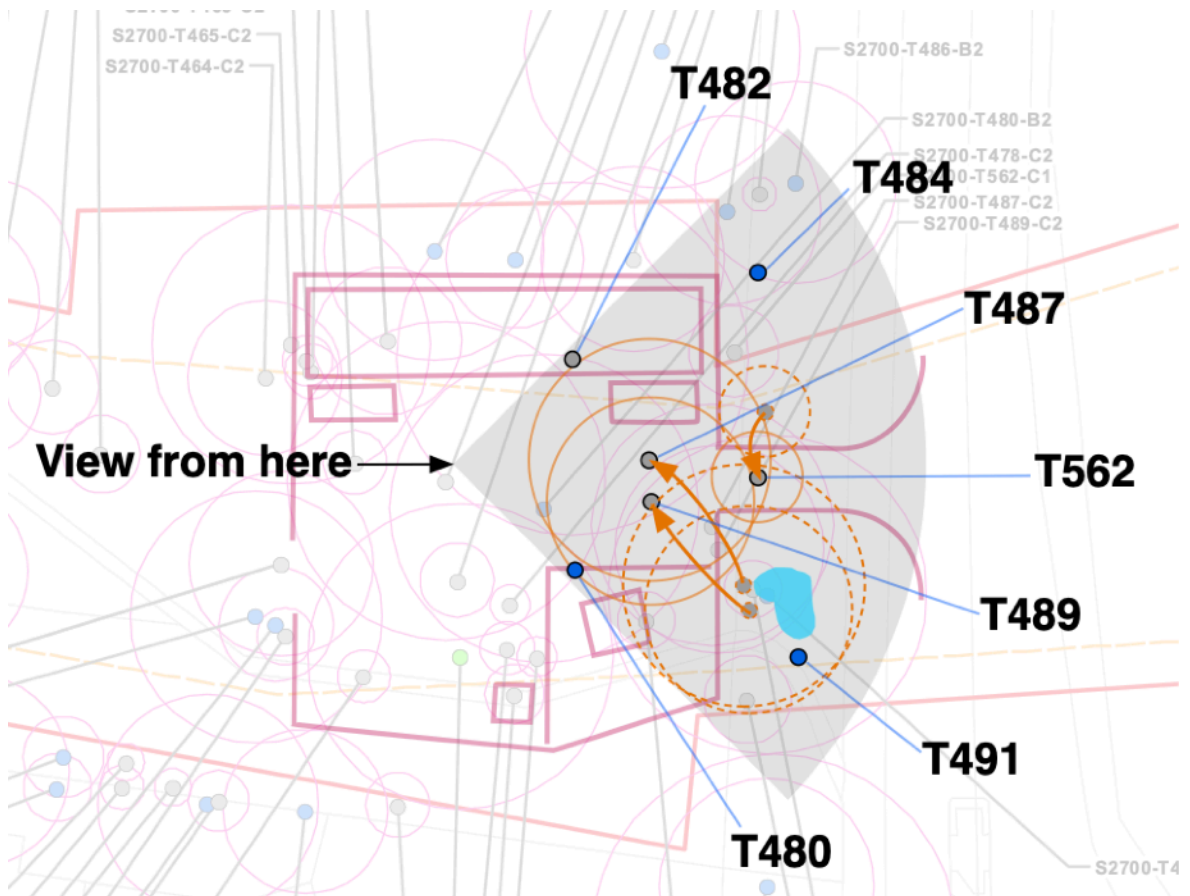
² SOUTHAMPTON to LONDON PIPELINE PROJECT, Examining Authority's (ExA) Consultation Draft Development Consent Order (DCO), Schedule of ExA's recommended amendments to the Applicant's draft DCO Submitted at Deadline (D)6 [REP6-003] (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001401-20200312%20EN070005%20SLP%20-%20ExA%20DCO%20Table%20of%20Amendments.pdf>)

2.2. Further Errors in the QEP Drawings

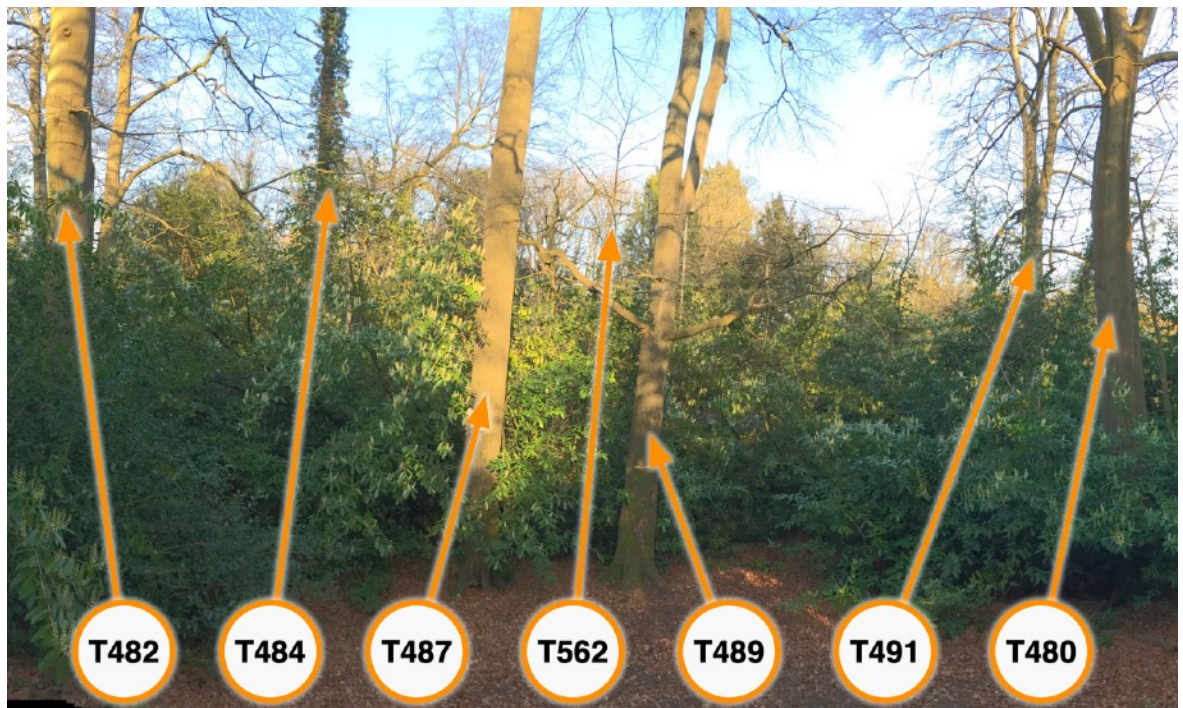
During our continued examination of the proposed auger bore compound, we noticed that the position of the trees and water body shown in Esso's drawings do not correlate with our observations on site.

We have concluded that some trees are not shown in the correct place, namely T487, T489 and T562. As evidence of this, we present a photograph taken from a known point, with trees from Esso's survey labelled. It should be evident that Esso's plan cannot possibly be an accurate representation of this view because if it were, T487, T489 would appear almost in line with T491.

Our amendments to the drawing show the more likely positions of these trees. We note that all three trees would obstruct the proposed entrance and access ramp for the compound.



Corrected tree positions: T562 (sycamore), T487 (beech) and T489 (beech) are not correctly located on Esso's map. Dotted orange lines show the position on Esso's tree survey, solid orange lines show roughly where the trees actually are.



Please note that the position and outline of the 'pond' feature is also in doubt, however we present our evidence of this in our response to QEP SSP (section 3.7.2).

We also note that the drawings and tree survey in the SSP continue to feature the following errors:

1. Missing Notable Tree in the Cabrol Road compound area
2. Oak tree misclassified as sweet chestnut
3. Trees in the working area shown on the wrong side of the path
4. The 'pond' by the A325 is drawn in the wrong position

2.3. Trees

2.3.1. Root Protection

Throughout the examination we have been hoping to convince Esso to minimise their activities in the root protection areas of trees in the park.

Possible concessions could have been as minor as adjusting the route of the pipeline, through to re-thinking the location and layout of compounds or even as major as changing installation techniques.

After the tree survey had been completed, Esso had sufficient information to make any number of sensible adjustments to their plans yet they have not done so. In fact, they have tried to dismiss the results by saying that the data is not appropriate for the purpose. This is exemplified by their statement in their Comments on Responses submitted for Deadline 5³:

'The root protection areas shown are a theoretical circle of where the roots might occur calculated with the mathematical formula provided in BS 5837. BS 5837 describes the root protection area as a 'layout design tool'. It does not mean that the roots of any tree will be occupying the entire area of a root protection area.'

This amounts to a rejection of the British Standard with which Esso claimed they would fully comply at ISH5. We believe the data in the survey is sufficient to make general adjustments to the plans which would go some way to addressing the concerns we have raised at various stages of the examination.

In the absence of any adjustments to the layout of the works, we still have concerns about the nature of work which will be done close to trees. We are concerned that Esso will not respect the RPAs of trees in any work they undertake. They may attempt to argue that the area where they wish to work does not contain roots in order to justify working in the RPAs.

³ Applicant's Comments on Responses submitted for Deadline 5, Application Document: 8.86, Revision No. 1.0, March 2020, page 79, 2.2.1 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001314-8.86%20Applicant's%20Comments%20on%20Responses%20submitted%20for%20Deadline%205.pdf>)

Based on Esso's submissions so far, it is not possible to be certain which RPAs will be honoured and therefore which trees are safe from harm.

2.3.2. Notable Trees

Throughout the examination process Esso have refused to acknowledge or recognise the Notable Trees listed in the Woodland Trust's Ancient Tree Inventory, despite committing to protect Notable Trees in commitment G65. In fact they seem to describe them as an inconvenience⁴:

'It is also a fairly simple process to have a tree declared to be a notable tree, which could frustrate the development if done in a coordinated fashion.'

There is no difference in the process for declaring a tree to be Notable, Veteran, or Ancient. The Woodland Trust decides on a classification based on the data submitted to it. Gathering and submitting this data is not a trivial task and it takes a significant amount of time.

Listing a tree as Notable, Veteran or Ancient does not change the nature of the tree, it merely documents its presence and value. It will only be listed if it is indeed notable. The fact that Esso see this as a nuisance which frustrates their plans should raise concerns about all areas where their work affects trees.

Esso's refusal to acknowledge and record Notable Trees in their plans and documents ignores their value as recognised by the Woodland Trust and their importance to the local environment. It also brings into question Esso's ability to meet their commitment G65, as they will not be able to protect Notable Trees which are not identified and documented.

2.3.3. Veteran Trees

Esso's document 'Approach to Ancient Woodland and Veteran Trees'⁵ still only lists 1 Veteran Tree within QEP. The other 3 Veteran Trees (including the 'Fairy Tree') have not

⁴ Response to Action Points from Issue Specific Hearing on Draft Development Consent Order (ISH4), Application Document: 8.83, Revision No. 1.0, March 2020, page 3, 1.2 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001311-8.83%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Draft%20Development%20Consent%20Order%20\(ISH4\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001311-8.83%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Draft%20Development%20Consent%20Order%20(ISH4).pdf))

⁵ Outline Landscape and Ecological Management Plan (LEMP) (clean), Application Document: 8.50, Revision No. 2.0, March 2020, Appendix C ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001347-8.50%20Outline%20Landscape%20and%20Ecological%20Management%20Plan%20\(LEMP\)%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001347-8.50%20Outline%20Landscape%20and%20Ecological%20Management%20Plan%20(LEMP)%20(clean).pdf))

been included in this document despite us first raising this issue in Deadline 3⁶, and the document being re-issued since then.

A note on the QEP SSP Construction Drawing⁷ points to the technical note for the handling of the Veteran Trees, therefore the fact that the technical note is missing trees is a serious omission.

‘Further information regarding mitigation for Veteran Trees is set out in the Ancient Woodland and Veteran Trees Approach (LEMP Appendix).’

Further, it means that these 3 missing trees have no mitigation level assigned to them and so no commitment on the type of work within their RPAs.

The Veteran Tree which is documented in the Technical Note (willow, original reference T41) is assigned a mitigation level of B1, however the HDD bore from Stake Lane will intersect with its RPA meaning that B1 mitigation is not being implemented.

The Veteran Trees within the park are not receiving the correct special care or treatment.

2.4. Combined Easements

We remain concerned about the size of the combined easement within QEP. The final total easement will be 12 metres wide, which is too wide for a small woodland area of this size.

We raised this concern at Deadline 3 but there has been no response.

2.5. Alternative Route

At Deadline 2 we asked for an alternative route, which avoids the park altogether, to be considered. We proposed a route which runs along Prospect Road and Prospect Avenue.

Although it has not received much attention during the examination we feel it should remain open for consideration in preference to trenching in the park, should HDD not be possible.

⁶ Deadline 3 Submission on Behalf of the Neighbours and Users of Queen Elizabeth Park, section 4.1.2 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-000972-Neighbours%20and%20Users%20of%20Queen%20Elizabeth%20Park%20Deadline%203%20Submission.pdf>)

⁷ Site Specific Plan - QEP (clean) Application Document: 8.57, Revision No. 2.0, March 2020, Appendix B ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001370-8.57%20Site%20Specific%20Plan%20-%20QEP%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001370-8.57%20Site%20Specific%20Plan%20-%20QEP%20(clean).pdf))

We note that in other areas, for example Beacon Hill Road⁸ in Church Crookham, the route has been modified to use the road in order to avoid the 'mixed-use retail/light industrial site' entrance, the construction of which has not yet started.

2.6. QEP Visitors

We know that QEP is a much loved and well used park, highly valued by the community and unique in the area.

We carried out a visitor survey which counted the number of visitors entering the park during a two week period in February. Visitors were counted for one hour at various times on different days. At least one hour's worth of visits was recorded for each of the 14 days.

Weather conditions were generally poor, dominated by rain and wind, which we believe depressed visitor numbers. The survey was completed before any coronavirus-related restrictions were imposed.

On average, the number of visitors entering the park is as follows:

- Cabrol Road: 26 per hour
- Farnborough Road: 10 per hour

If we assume 12 hours of active use per day this gives an a total average of 437 users per day. This is based on our finding that visitor numbers were reasonably constant regardless of the time of day.

This also shows that the Cabrol Road entrance is the most popular, seeing 71% of the visitors, so the impact of displacing those visitors to the Farnborough Road entrance will be significant.

2.7. General Comments on Esso's Submissions

We would like to highlight two problems which have hindered us whilst researching and preparing our submissions during the examination. The first is that many of our questions and points remain unanswered by Esso, the second is that there are numerous errors, inaccuracies and omissions in the documents submitted by Esso, which are only apparent on close examination.

⁸ Written Summary of Oral Submissions at Compulsory Acquisition Hearing on 24 February 2020 (CAH2), Application Document: 8.80, Revision No. 1.0, March 2020, paragraphs 2.7 and 2.22 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001308-8.80%20Written%20Summary%20of%20Oral%20Submissions%20at%20Compulsory%20Acquisition%20Hearing%20on%2024%20February%202020%20\(CAH2\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001308-8.80%20Written%20Summary%20of%20Oral%20Submissions%20at%20Compulsory%20Acquisition%20Hearing%20on%2024%20February%202020%20(CAH2).pdf))

2.7.1. Questions and Issues Ignored

Whilst we understand that Esso are at liberty to choose which points raised in other submissions they respond to, we have been disappointed by how many important points have gone unanswered.

For example, in our Deadline 5 Submission, section 5.4.3, we expressed a concern about overnight noise from generators:

‘This does not take account of how electrical equipment which operates outside normal working hours is powered. For example, compounds will have security lighting, CCTV and alarms. Security guards might also require the use of welfare facilities which need power.

We would like Esso to confirm that these will be powered silently, e.g. via battery.’

It would have been simple for Esso to clarify this but they have chosen not to. There are numerous other examples where it seems that responses have not been given - in some cases, possibly to avoid submitting unfavourable evidence to the Examination.

Appendix A lists all the points from our submissions where a response was not given, or where the response did not fully explain the point raised.

2.7.2. Errors, Inaccuracies and Omissions

Throughout the examination we have observed that the data and documents submitted by Esso contained numerous errors and omissions.

The data we have examined most thoroughly related mainly to Queen Elizabeth Park but the nature of the errors and inaccuracies we have found leads us to doubt the quality of data on which important decisions affecting the whole project are based.

Of further concern is the fact that when errors are reported, they are not always acknowledged or corrected. Examples range from critical details, such the list of Veteran Trees in the Approach to Ancient Woodland and Veteran Trees document, to errors which show lack of quality control and review: for example, the continued presence of placeholder text in documents.

We believe that the overall quality of Esso’s documents exposes an underlying lack of care and thoroughness in the approach to the entire project and this should be taken into account when a decision is made on whether the project is in a suitable state to be given approval.

3. Comments on QEP SSP⁹

We are still concerned that the QEP SSP does not give enough specific details about the planned work in the park.

For example, it is well known that the treatment of Notable and Veteran Trees is an area where significant detail is required in order to allay previously raised concerns. However the only mention of Veteran Trees in the document is in paragraph 3.3.2:

‘The installation will not require the removal of any mature or veteran trees.’

No details are present which describe specific measures around the known trees. For example, there is no acknowledgement of the importance of trees such as the Fairy Tree within the park. Furthermore, there are no details on how it will be protected during pipe stringing and trenched installation (should that go ahead).

There is also no mention of any special techniques which will be used where the pipe route runs particularly close to large trees, for example T270. Trenching and pipe installation in this region will present significant technical challenges yet there are no details of how these will be overcome. Esso have had the opportunity to answer this specific concern within the examination deadlines but have chosen not to.

Specific techniques for lowering the pipeline into a trench obstructed by roots are also not presented.

This is not an exhaustive list but we hope it gives impression of how far short the SSP falls of what is required.

3.1. Farnborough Road Car Park

Section 3.1.2, Esso state:

‘Note: The northern A325 access and car park are outside of the Order Limits and will not be impacted by the proposals.’

In our Deadline 2 submission we stated that the Farnborough Road car park is not suitable to take the additional usage which closing the Cabrol Road car park will cause.

Our visitor survey which we performed in February 2020 showed the following average use of the two car parks:

- Cabrol Road: 7 cars per hour
- Farnborough Road: 3 cars per hour

⁹ Site Specific Plan - QEP (clean) Application Document: 8.57, Revision No. 2.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001370-8.57%20Site%20Specific%20Plan%20-%20QEP%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001370-8.57%20Site%20Specific%20Plan%20-%20QEP%20(clean).pdf))

If all cars from Cabrol Road are displaced to Farnborough Road, the use of this car park will more than triple, rapidly accelerating the degradation of its already inadequate un-made surface.

Esso state in their 'Response to Deadline 5' document that they are in discussions with Rushmoor Borough Council on this topic. However, we are concerned that at this late stage in the process, there is no commitment to ensure this car park will be a useable substitute and that this will be done before any work starts.

3.2. Trees to be Removed

Section 3.3.1, Esso state:

'It is anticipated that none of the mature trees identified in the park will require removal.'

In addition, in section 3.6.4:

'Vegetation clearance will take place to clear small scrub and plants from the string area, although it is expected that no trees will be removed (based on current conditions).'

We are very concerned that the commitments to retain trees, such as those shown above, are vague and caveated. There is no formal commitment to retain trees as the route and the plans are all subject to detailed design.

3.3. Continued Mis-Use of RBC Quote

Section 3.3.2, Esso state:

'These are trees of a lower arboricultural value and are in areas previously discussed with Rushmoor Borough Council as benefitting from some tree removal'

Esso have used this quote on numerous occasions in support of their activities but Rushmoor Borough Council have thoroughly refuted it in section 1.3 of their document, 'Response to Esso Petroleum Company, Limited's comments to submissions and answers to ExA Questions Deadline 3'¹⁰. Therefore the continued use of this quote in this context is not valid and it should be removed from the SSP.

¹⁰ Rushmoor Borough Council: ESSO's comments to submissions and answers to ExA Questions Deadline 3 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001253-Rushmoor%20-%20Deadline%203.pdf>)

3.4. Compound Topsoil

Section 3.4.8, Esso state:

'Outside the root protection areas (RPA), topsoil in the compound area will be stripped and neatly stored to one side of the compound'

The Cabrol Road compound is almost completely covered by RPAs of Notable Trees, however the SSP still maintains that the topsoil within it will be removed and stored in this area.

This seems to be a generic statement which does not take into account the nature of the compound area. As part of a Site Specific Plan, it would have more integrity for the statement to be something along the lines of:

'Given that the Cabrol Road compound consists almost entirely of RPAs there will be no topsoil stripping or storage within the compound area'

This would show that the area is understood and that there is a plan of work which meets the conditions which are present.

3.5. Auger Bore Compound Ramps

Section 3.7.6, Esso state:

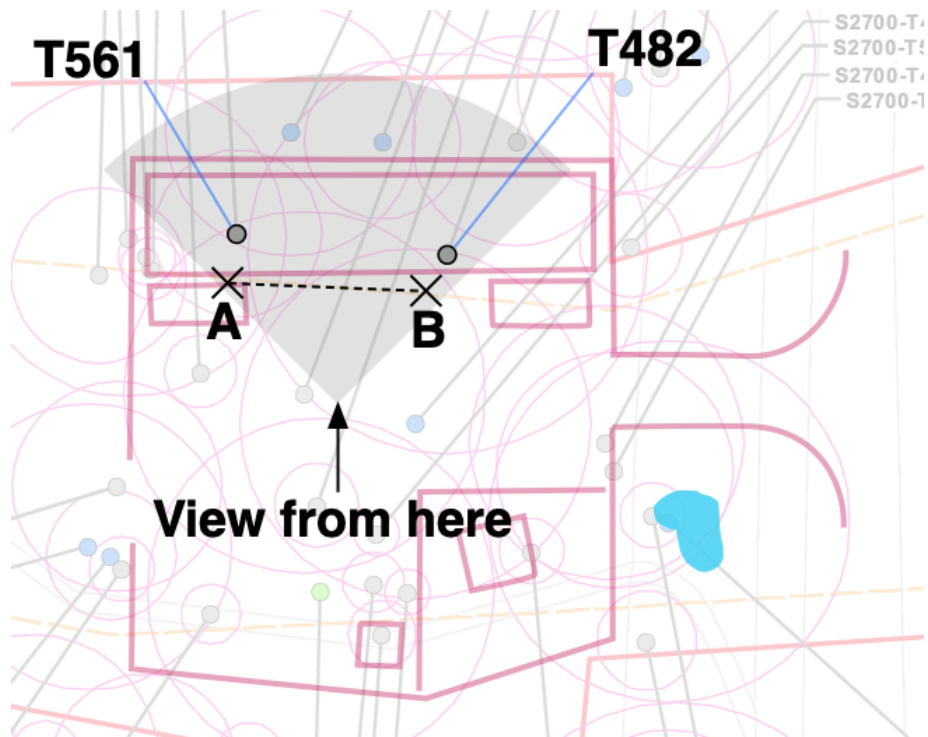
'A lightweight low loadbearing ramp will be constructed from the level of the A325 down into the receiving pit area in the park. The construction of the ramp will be designed to not impact on the RPAs.'

A ramp would simply provide access to an unusable area where even dismounting a vehicle from the ramp would be impractical.

The surface of the auger bore compound area is too uneven for road vehicles, making turning or other manoeuvres impractical. The ground within the compound cannot be levelled because it is covered by the RPAs of so many Notable Trees - and in any case, RBC object to this.

We have also observed that trees T487, T489 and T562, which are shown in the wrong place on Esso's drawings (see section 2.2), will block the path of the proposed ramp, meaning that there is no practical way for vehicles to access this area without the removal of trees which Esso has claimed will be retained.

The drawing and photograph below attempt to give an impression of the gradients within the proposed auger boring compound. The photograph shows the difference in ground levels between points A and B in the plan. This is by no means the steepest gradient in the area but it is the easiest to photograph. The gradient between these points is approximately 24% but there are areas with gradients of 35% and more.



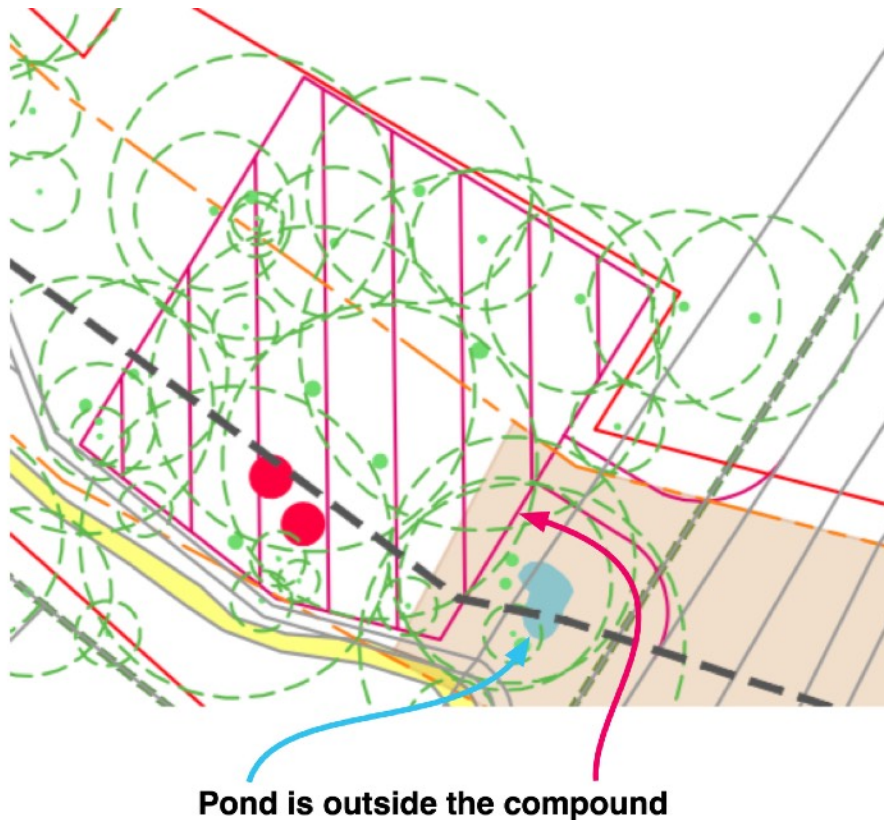
It would have been useful if Esso had submitted a topographical survey of the area to the examination to show that their plans are feasible. In the absence of this information, and with our knowledge of the site, we conclude that the survey has not been provided because it would prove that Esso's plans for this area, with the stated level of tree retention, are not feasible.

3.6. Auger Bore Pit Location

Section 3.7.7, Esso state:

‘The equipment to create the receiving area will then be brought into the area. A reception pit will then be excavated approximately within the silted up pond, at approximately 5m wide, 6m long and 3m deep. Excavated material will be neatly bundled within the receiving area or stored off-site.’

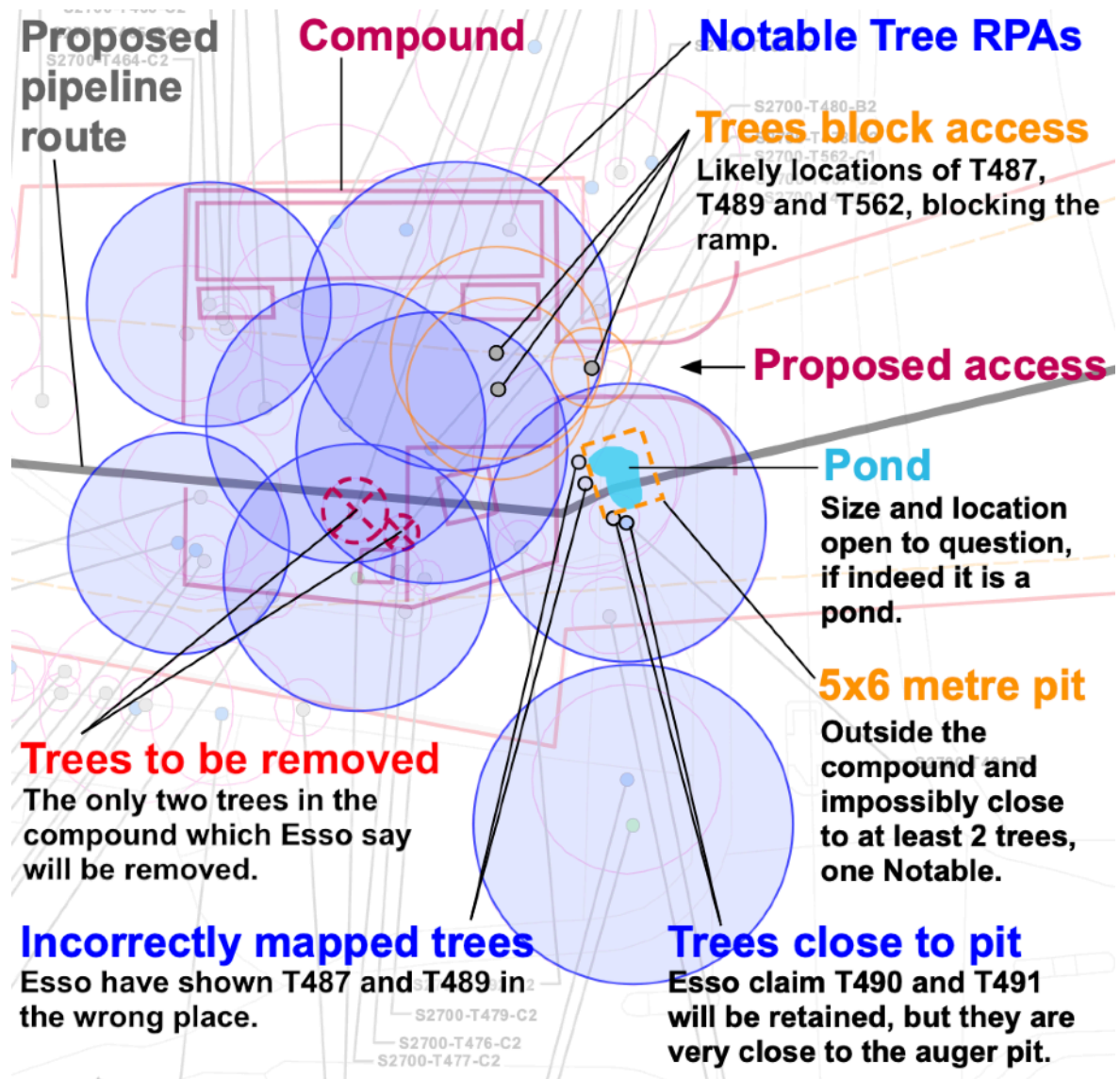
Please refer to the previous section for our comments about getting vehicles and equipment into the area via the proposed ramp.



Note that the pond (blue area) is outside the pink hatched area which the key describes as ‘area for auger boring activities’. This means that the pit would be outside the compound and therefore not protected by being enclosed by it. Furthermore, the compound fencing would prevent machinery from accessing the pit area.

The reasons for enclosing such a large area within the compound, when gradients and tree cover mean it cannot be used for any activities, are unclear. There is no explanation as to why the pit is outside the compound.

The entire area is still very badly thought out and poorly documented. The information presented by Esso to the Examination does not make sense.



The diagram above is based on the tree survey drawings in the QEP SSP and attempts to show some of the main issues with the plans and proposals provided by Esso.

3.7. The Eastern 'Pond'

Section 3.8.3, Esso state:

'The largely overgrown pond at the eastern end of the park within the auger bore site will be reinstated.'

The SSP still refers to a section of the ditch within the Auger Bore pit as a pond and is claiming that this will be reinstated as such, despite many assurances that this is not a pond. We still request that it is not converted into a pond.

Esso submitted a photo to support their claim that this is a pond but we can prove that it is not. We visited the same area in March 2020 and found no water. The ground was firm with a covering consistent with a woodland floor and no evidence of aquatic plants of any kind. This is not an ephemeral pond.



Esso's picture, taken in January 2020¹¹



Our picture of the same area, taken from the same position in March 2020

¹¹ Photo was on page 89 of Applicant's Comments on Responses submitted for Deadline 5, Application Document: 8.86, Revision No. 1.0, March 2020 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001314-8.86%20Applicant's%20Comments%20on%20Responses%20submitted%20for%20Deadline%205.pdf>)



Additional picture of the area where the water collected

We estimate that the maximum depth of the water that Esso saw was between 50mm and 75mm. This is all that accumulated during one of the wettest spells of weather for a number of years. The leaves and other debris show no signs of being submerged beneath water for any significant length of time.

In their Comments on Responses submitted for Deadline 5¹² Esso state:

‘The location of the proposed reception pit is a pond or waterbody located at the edge of the park. Surveys by the Applicant’s arboricultural expert suggest that the presence of ponds leads to a reduction of oxygen in the soil below the pond and that this discourages root growth. Therefore, it is not expected to encounter extensive tree roots within this area.’

Given that this area is dry for most of the year, we can be sure that the Notable Trees around it have their roots growing into this area. We also note that Esso’s assertion about the effects on root areas is generic and not specific to the site.

This means this area should not be used for an auger bore pit as it will dig through the Root Protection Areas of the Notable Trees.

¹² Applicant's Comments on Responses submitted for Deadline 5, Application Document: 8.86, Revision No. 1.0, March 2020, page 82 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001314-8.86%20Applicant's%20Comments%20on%20Responses%20submitted%20for%20Deadline%205.pdf>)

3.7.1. Comments on Esso's Claims

Based on the evidence above, we are sure that this area is not a pond, however if Esso can prove it is a pond, then we have the following comments on their submission.

On page 88 of 'Applicant's Comments on Responses submitted for Deadline 5'¹³, Esso state:

'The Applicant can confirm that it has recorded and mapped a waterbody at the eastern end of the park, which it believes is an ephemeral pond. It is fed by a ditch from the south via a culvert under the pedestrian/cycle path. The pond does contain wildlife.

The Applicant would be concerned that not reinstating this area would mean the water would be displaced elsewhere.'

Esso have not provided evidence to substantiate the claim that wildlife is present. If they have this evidence and if the reception pit is to be sited within the pond/water body area, Esso should:

- Provide a survey of wildlife present in the water body
- Explain how they will manage the displacement of the wildlife during their work
- Explain how they will manage the water in the area during their work

It is unsatisfactory that information about the wildlife has been withheld from the Examination because this makes it impossible to objectively comment on the impact of Esso's proposed plans.

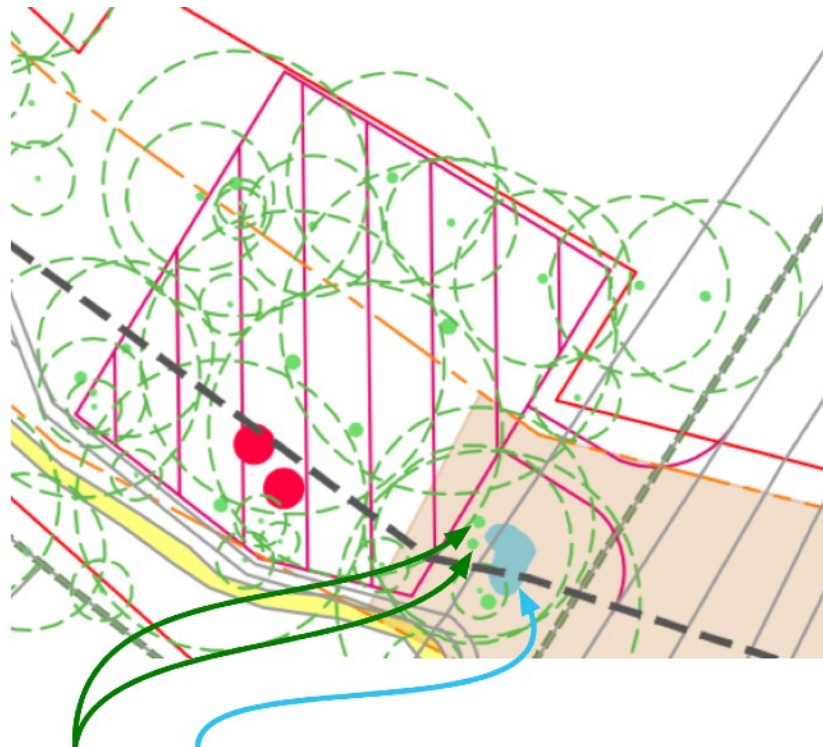
We are also of the view that the source and drainage of water into and out of this system have not been sufficiently investigated by Esso and documented on their plans.

3.7.2. Doubts About the Location of the 'Pond'

The area of ground that we have discussed within this section is a depression where water briefly stands during prolonged heavy rain. Having stood within the depression we have concluded that it is not shown in the correct place on Esso's drawings.

¹³ Applicant's Comments on Responses submitted for Deadline 5, Application Document: 8.86, Revision No. 1.0, March 2020 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001314-8.86%20Applicant's%20Comments%20on%20Responses%20submitted%20for%20Deadline%205.pdf>)

The construction phase drawing in the SSP (extract below) shows the water body/ depression adjacent to T487 and T489 (unlabelled on this drawing but numbers are obtained from the tree survey drawings):



Trees or pond are incorrectly positioned in the drawing

Standing on site and checking this visually, there is no depression or pond adjacent to T487 and T498. Based on this, we believe that not only are the trees drawn in the wrong location (see section 2.2), but the pond/depression is also drawn in the wrong location.



Pond and/or trees not shown in the right place

3.8. Rhododendron Removal and Reinstatement

Section 3.8.5, Esso state:

‘It has been proposed that areas of rhododendron either side of the southern cycle/ pedestrian path will be reinstated with a mix of woodland species,’

However, in section 3.3.4 they state:

‘The project does not intend to remove vegetation over the existing pipelines. In addition, given the residential boundaries to the south are offset from the Order Limits, vegetation forming the boundary with these properties will not be removed by the project.’

Both of these statements refer to the same area, south of the path. We pointed this contradiction out in our Deadline 5 submission¹⁴, section 5.2.3 so we hope that it will be corrected before the end of the Examination. The area south of the path is outside the Order Limits, therefore no removal or reinstatement should take place here.

3.9. Tree Survey Drawings

Pages 34-41. We still believe that the tree survey plans should show:

- Veteran Trees, due to the value and care needed
- Notable Trees
- Trees to be removed indicated on the plans with a dashed line (as specified by BS 5837:2012)

3.10. Trees for Retention

There is a much firmer commitment to retain trees within the Fordbridge Park SSP¹⁵ than there is within the QEP SSP.

‘3.2.4 None of these trees are mature and none are identified as memorial trees. Where not identified for removal, the remaining identified trees will be retained’

We request that a similar commitment is added to the QEP SSP.

¹⁴ Deadline 5 Submission on Behalf of the Neighbours and Users of Queen Elizabeth Park (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001180-Neighbours%20and%20Users%20of%20Queen%20Elizabeth%20Park%20Final.pdf>)

¹⁵ Site Specific Plan - Fordbridge Park (tracked change), Application Document: 8.59, Revision No. 2.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001375-8.59%20Site%20Specific%20Plan%20-%20Fordbridge%20Park%20\(tracked%20change\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001375-8.59%20Site%20Specific%20Plan%20-%20Fordbridge%20Park%20(tracked%20change).pdf))

3.11. Site Specific Working Hours

Esso were asked by the Examining Authority to consider including site specific working hours¹⁶ at ISH4, however they have declined to do this¹⁷.

'The Applicant does not consider that the Site Specific Plans ("SSPs") should include provision for bespoke working hours in those locations and the SSPs have been prepared on the basis that the core working hours defined in Requirement 14 would apply.'

Although Esso have agreed to work around school term times and football seasons, they have refused to reduce the Saturday working hours within the park, a time when traditionally it is at its busiest with small children. We continue to request reduced, or preferably no working on Saturdays.

3.12. Drawings Showing Hand Digging Areas

The Construction and Reinstatement drawings in Appendix B of the SSP for St James' School¹⁸ show a hatched area of trees to be retained by hand digging.

The absence of such hatching on the QEP SSP drawing currently suggests that there are no 'trees to be retained by hand digging' within QEP and that a trench will be dug for the whole route through the park.

If there is an intent to hand dig in the RPAs of the trees in QEP, then we request that this is shown with the same clarity as the St. James' School drawings.

¹⁶ Written Summary of Oral Submissions at the Issue Specific Hearing on the Draft Development Consent Order on 25 February 2020 (ISH4), Application Document: 8.82, Revision No. 1.0, March 2020, paragraph 3.36 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001310-8.82%20Written%20Summary%20of%20Oral%20Submissions%20at%20the%20Issue%20Specific%20Hearing%20on%20the%20Draft%20Development%20Consent%20Order%20on%2025%20February%202020%20\(ISH4\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001310-8.82%20Written%20Summary%20of%20Oral%20Submissions%20at%20the%20Issue%20Specific%20Hearing%20on%20the%20Draft%20Development%20Consent%20Order%20on%2025%20February%202020%20(ISH4).pdf))

¹⁷ Response to Action Points from Issue Specific Hearing on Draft Development Consent Order (ISH4) Application Document: 8.83, Revision No. 1.0, March 2020, Action point 12, page 5 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001311-8.83%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Draft%20Development%20Consent%20Order%20\(ISH4\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001311-8.83%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Draft%20Development%20Consent%20Order%20(ISH4).pdf))

¹⁸ Site Specific Plan - St James' School (clean), Application Document: 8.62, Revision No. 2.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001300-8.62%20Site%20Specific%20Plan%20-%20St%20James'%20School%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001300-8.62%20Site%20Specific%20Plan%20-%20St%20James'%20School%20(clean).pdf))

4. Responses to Applicant's Comments on Responses Submitted for Deadline 5¹⁹

We are dismayed by the tone of Esso's responses to our Deadline 5 submission. It seems that the responses have been phrased so that when read in isolation the reader would form an impression that we had not been thorough and accurate.

This is particularly true in a number of their responses where Esso state that we have not substantiated our claims. We strongly disagree with their opinion because we have always been diligent in supplying detailed supporting evidence. The responses in question are:

- Page 78, WR Para 2.1
- Page 79, WR Para 2.1.3, 2.2.1
- Page 81, WR Para 2.2.1, 2.2.2, 2.2.4

Instead of repeating ourselves on the points above, we will allow the original documents to speak for themselves.

4.1. Page 77, WR Para 1.1: Worst Case Scenario

We believe that Article 42 does give Esso sufficient powers for the work to result in the worst case.

Furthermore, our understanding of the narrow working width commitment is that deviations to the original route can occur during the works. This would result in a wider area being used. Numerous deviations, however unlikely, would result in the worst case scenario.

4.2. Page 77, WR Para 2.1: Notable and Veteran Trees

Esso state that they have not identified Notable Trees because the British Standard does not require it to be done in the survey. However Esso's own commitment G65 enforces the protection of Notable Trees. If Esso have not identified the Notable Trees within their documents then G65 cannot be achieved.

4.3. Page 78, WR Para 2.1.1: No Adjustments After Tree Survey

Esso have misunderstood the statements we made. Our point was that given the results of the tree survey and the resultant drawn plans, we expected, for example, the pipeline

¹⁹ Applicant's Comments on Responses submitted for Deadline 5, Application Document: 8.86, Revision No. 1.0, March 2020 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001314-8.86%20Applicant's%20Comments%20on%20Responses%20submitted%20for%20Deadline%205.pdf>)

alignment to be adjusted to make sure that it was the best possible route for the trees. This did not happen.

4.4. Page 78, WR Para 2.1.2: Mis-Identified Tree

Our Deadline 5 submission statement:

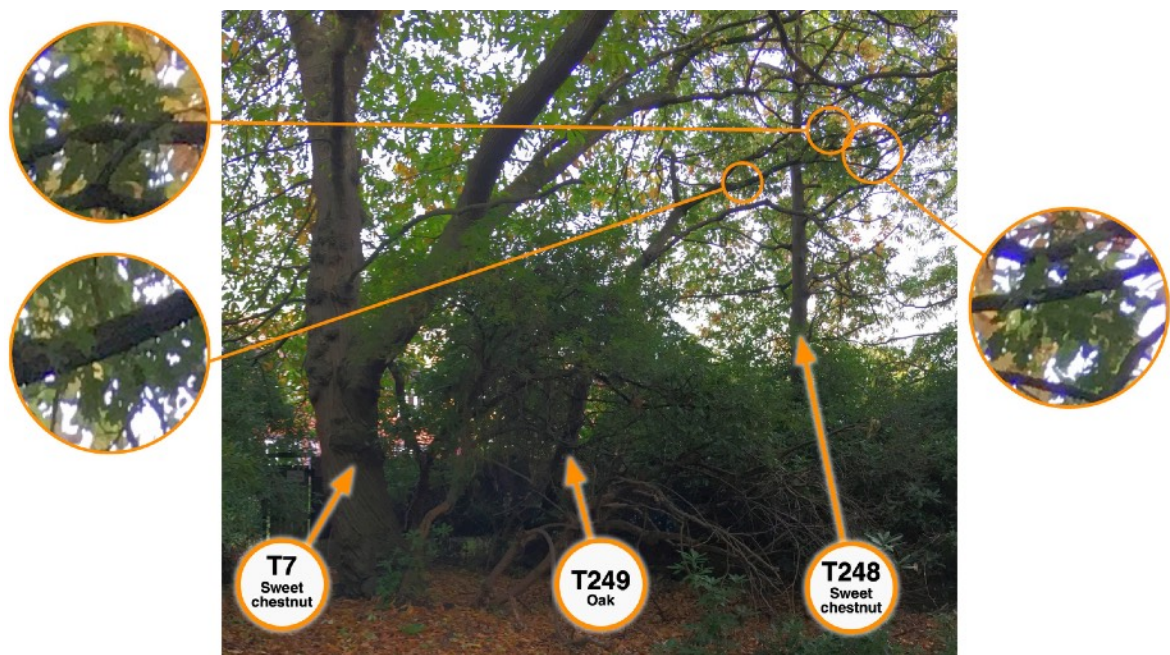
'T249 is listed as a sweet chestnut but is actually an oak.'

Esso's response statement, paragraph 1.3:

'In relation to point 2, the Applicant can confirm that this tree is a sweet chestnut.'

It is difficult to know how best to respond to this. We are extremely familiar with this area of the park. We have also studied Esso's tree survey and drawings in detail to make absolutely certain that we are confident in this assertion: T249 is an Oak.

The photograph below is the only recent picture we can find of T249 when it is in leaf and therefore provably an oak. It was taken in October 2018. We have done the best we can to highlight identifiable oak leaves in the picture but are limited by the low resolution of the picture.



The distinctive oak leaf shape can be seen in the magnifications

The reason for responding to this point is not to argue about a single tree, but to highlight the fact that Esso will make statements with absolute certainty and refuse to make corrections when mistakes are pointed out. On this basis, it is hard to identify exactly which data submitted to the examination by Esso can be reliably used as the basis for important planning decisions.

4.5. Page 79, WR Para 2.1.2: Omitted Tree

Esso's statement:

'In relation to point 3, the tree in question was not surveyed as its root protection area is entirely encompassed in the root protection areas of neighbouring trees which are not being removed.'

This is of great concern for a number of reasons:

- This would imply that there are other trees which have also not been surveyed and so are missing from the survey results.
- The missing tree is a Notable Tree within the compound area so is at risk.
- The RPA of the missing tree is not completely contained within the RPAs of surrounding trees, so this statement is incorrect.

There are other trees in the survey whose RPAs are completely contained within other RPAs, and yet they have been surveyed.

In addition, the survey was supposed to be to BS 5837:2012 and include all trees with a stem diameter greater than 75mm. No exceptions were listed.

4.6. Page 79, WR Para 2.1.3: Trees Identified for Removal

Esso's statement:

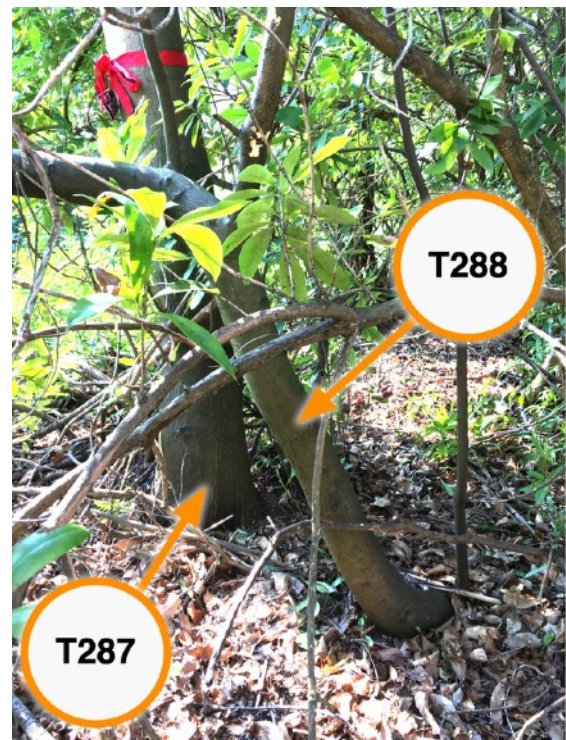
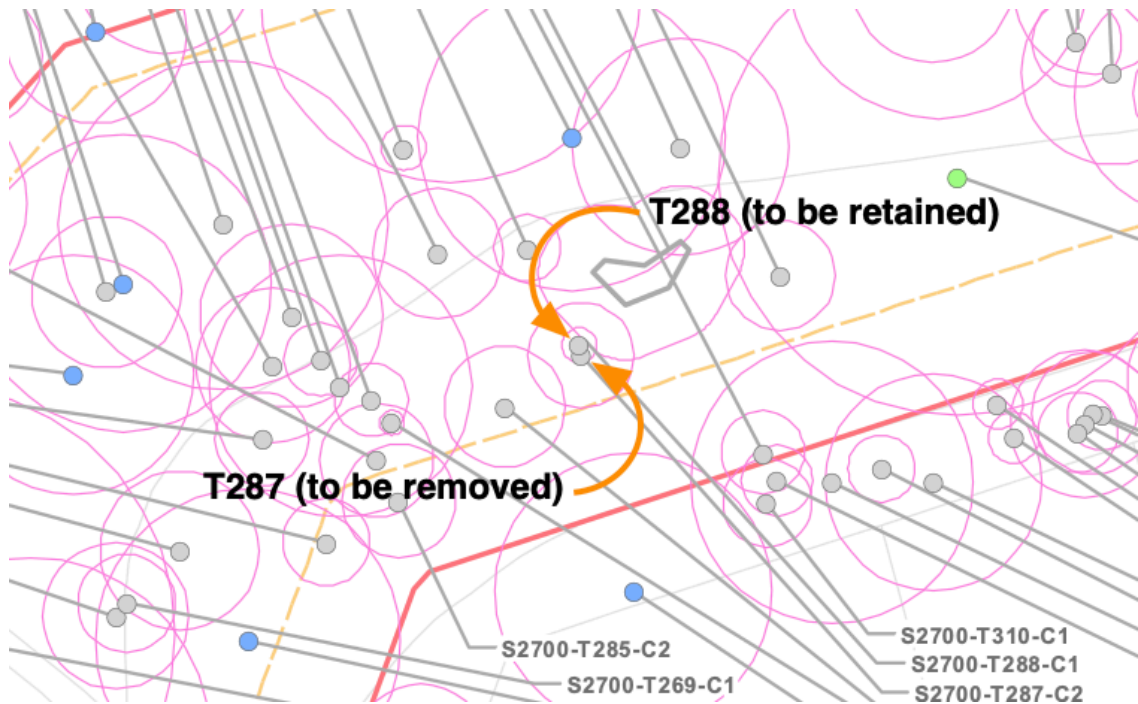
'This representation claimed that 33 trees are to be removed. The Applicant maintains that the number of trees to be removed is 30 and this is confirmed in the Site Specific Plan and on the accompanying drawing'

We clearly stated within our submission, that due to the fact that Esso did not provide a list of trees which would be removed, identified by their survey number, we had to deduce this from the tiny red dots on their small scale plans, many of which were overlapping and unclear. We even highlighted two of those trees with a '?' in our table to declare our uncertainty. We were not trying to claim more trees or embellish the truth.

Esso have now provided a list (at Deadline 6) and we note that we correctly identified all 30 trees on it.

We have doubts about Esso's ability to state so confidently that only those trees which they have listed will be removed. We can show that trees which they claim will be retained are likely to suffer serious damage when their neighbours are removed.

For example, we are somewhat surprised that Esso believe T288 can be retained and not damaged by any works which necessitate the removal of T287 given its proximity to T287. The diagram and photographs below show why this seems hard to believe and leads us to question the commitment on 30 trees.



We are not commenting on the merit of the trees which might be retained, merely using this as an example of why Esso's statements on tree retention and removal should be doubted.

4.7. Page 79, WR Para 2.2.1: Trenching In Root Protection Areas

4.7.1. Esso's Dismissal of Tree RPAs

Esso's statement:

'The root protection areas shown are a theoretical circle of where the roots might occur calculated with the mathematical formula provided in BS 5837. BS 5837 describes the root protection area as a 'layout design tool'. It does not mean that the roots of any tree will be occupying the entire area of a root protection area.'

The British Standard states that circles should be used unless the root area is known to be a different shape:

'4.6.2 The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.'

If Esso have evidence that the RPAs are polygonal they should have drawn polygons. In the absence of this, we have commented on the information they submitted to the examination: circular RPAs. It should be noted that the British Standard requires the polygon to cover an area of identical size to the circle, so our comments relating to RPA coverage are valid regardless of the shape.

Although Esso highlight the fact that the RPA should be used as a design tool, they have not used it as such in designing their layout because their pipeline route does not avoid the circular RPAs.

Their justification for this is that circles are not an accurate representation of the root structure. Instead they seem to want to pick and choose which areas contain roots, conveniently assuming that the pipeline will not interfere with any roots.

Esso cannot say that they fully comply with BS 5837:2012 if they use their own methodology to define RPAs.

4.7.2. Previously Installed Infrastructure

In points 1.6 and 1.7, Esso suggest that because other infrastructure (a sewer, lighting, lighting cable conduit and a path) has been installed within RPAs, further disturbance is permissible and acceptable. There are 2 main points:

Point 1

Esso state:

'All this infrastructure lies within the root protection areas of the trees that would be impacted by the project and will have damaged or influenced the patterns of root distribution.'

BS 5837:2012 states that previous installation of infrastructure in RPAs means that further installations should be avoided, particularly where there is evidence of previous damage:

'The cumulative effects of incursions into the RPA, e.g. from excavation for utility apparatus, are damaging and should be avoided. Where there is evidence that a tree has been previously subjected to damage by construction activity, this should be taken into account when considering the acceptability of further activity within the RPA.'

We believe this highlights Esso's lack of familiarity with the British Standard and further strengthens our argument against trenching in the park.

In any case, we would welcome Esso including their findings of previous root damage in the SSP and showing what action they are taking to avoid the RPAs of trees where the RPA has been damaged previously - as required by the British Standard.

Point 2

We have obtained details of the previous works from Rushmoor Borough Council. Details are as follows:

Sewer

RBC had a discussion with the engineer who oversaw the sewer installation and who estimates that this work was done around 30 years ago, and previous to the British Standard publication.

Lighting

The lighting was installed around 12 years ago, at the same time as the footpath. The holes for the lights were all individually hand dug and were outside of the tree canopies, and so outside of the the RPAs, at that time.

Lighting Conduit

The lighting cables were installed at the same time as the lights about 12 years ago and are a 50mm duct at a depth of max 300mm. The trench was only 150mm wide. They were all hand dug, ducting was small and did not have to be dragged through but could be hand worked around any roots.

Path

The path was not excavated, it was a surface scrape, timber edged with a permeable aggregate within and used soil to regulate either side of the edging so no impact on the tree roots at all.

4.8. Page 82, WR Para 2.3.1: Location and Size of Auger Pit

Esso's statement:

'This representation quoted the generic size of pit used for the Environmental Impact Assessment'

Esso has misunderstood this point. Our measurements were not quoting a generic pit size, but were taken directly from the Detailed Trenchless and Targeted Open Cut Assessment²⁰ and the QEP Site Specific Plan²¹. References to both were given in the paragraph to which Esso refer and we reproduce them here:

Detailed Trenchless and Targeted Open Cut Assessment:

1.23 TC 019 – A325 Farnborough Road

Reception pit depth: assumed as 6.0mbgl

Reception pit length: approximately 3m

Reception pit width: approximately 3m

QEP Site Specific Plan, section 3.7.7:

5m wide, 6m long and 3m deep.

Both sets of measurements refer to the same pit and we are therefore correct in stating that they have changed over time.

4.9. Page 82, WR Para 2.3.2: Shape of Root Protection Areas

As previously stated, if Esso have evidence that the root protection areas are not circular, they should show correct shape in the drawings, as per BS 5837:2012. Please see section 4.7.1 for our comments on why we believe Esso have not applied the standard correctly.

4.10. Page 82, WR Para 2.3.3: Gradients in Auger Bore Compound

Esso's statement:

'The Applicant can confirm it has reviewed this site and can confirm that it feels confident it can utilise the proposed area without significant damage to the trees.'

Esso have not submitted any evidence to justify their claim. There are no details explaining how they will overcome the gradient and lack of space, either in their response

²⁰ Environmental Statement (Volume D) Appendix 8.2: Detailed Trenchless and Targeted Open Cut Assessment, Application Document: 6.4, Revision No. 1.0, May 2019 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-000223-6.4%20Appendix%208.2%20Detailed%20Trenchless%20and%20Targeted%20Open%20Cut%20Assessment.pdf>)

²¹ Site Specific Plan - QEP (clean), Application Document: 8.57, Revision No. 2.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001370-8.57%20Site%20Specific%20Plan%20-%20QEP%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001370-8.57%20Site%20Specific%20Plan%20-%20QEP%20(clean).pdf))

document or in the QEP SSP. Without evidence from Esso to show this can be achieved, we stand by our assertion that this area is unsuitable for a pit and compound and believe we have backed this up with sufficient proof.

Esso go on to state:

‘This area has been visited and reviewed by its engineers who have confirmed that the works required for an auger reception can be accommodated in the area available between the trees.’

As we have shown in sections 2.2 and 3.7.2, there are serious doubts that the area has been accurately mapped by Esso. Positions of trees and the pond shown in drawings submitted to the examination are not consistent with what we have observed on the ground.

Any assertions which are made about the feasibility of the work are based on flawed data. Alternatively, if accurate mapping exists, Esso has not submitted it to the Examination.

4.11. Page 85, WR Para 4.1: Topsoil Removal and Storage

Esso’s statement, in response to our concerns about topsoil removal and storage within RPAs:

‘The Applicant’s approach to veteran trees is outlined in the Approach to Ancient Woodland and Veteran Trees within the Outline Landscape and Ecological Management Plan (Document Reference 8.50 (2)) which has been agreed with Natural England and the Forestry Commission. This will be applied to veteran trees in Queen Elizabeth Park.’

There is no commitment on the rules for working with Topsoil in the RPAs of either Notable or Veteran Trees within this document.

Furthermore the document pointed to by Esso does not mention Notable Trees and still fails to recognise 3 of the 4 Veteran Trees within the park.

4.12. Page 86, WR Para 5.1.4: Veteran and Notable Tree Care

We note that Esso have evaded answering the original point and have gone on to misinterpret our supporting statements.

Esso’s interpretation of the Woodland Trust’s statement is somewhat illogical. It is quite clear that the Woodland Trust’s position is that all Notable Trees within the park should be protected. If those Notable Trees are not protected, Esso’s works will have a detrimental impact on all of them.

Our original point was that the Technical Note has not been updated and submitted to the examination declaring the mitigation level for the Veteran Trees in the park, the note

still only contains 1 of the 4 Veteran Trees in QEP. The Technical note commits to mitigation B1 for that Veteran Tree and we expect the same level of mitigation for the other Veteran Trees.

4.13. Page 87, WR Para 5.2.4: Trees to be Removed

Esso's statement:

'It is not clear from this representation what aspects of the Applicant's arboricultural characterisation are being disagreed with, as the bullet point characteristics that are listed seem to be lifted directly from the Applicant's survey data.'

The point being made in the document was that Esso's characterisation of the trees to be removed as 'non-mature' was misleading.

The accusation that the bullet points were 'lifted directly from the Applicant's survey data' is implausible because Esso did not submit that data to the examination. As we stated in that section, we derived it from the drawing in Esso's SSP.

4.14. Page 87, WR Para 5.2.5: Lopping

Whilst the Willow has indeed been pollarded, that work was undertaken for the good of the tree. The tree has not been lopped to allow a truck to pass on one side of it, it would seem obvious that there is a huge difference between the 2 scenarios.

4.15. Page 90, WR Para 5.8.4: Scalloping

Esso's statement:

'The scalloping suggested in the Environmental Investment Programme (EIP) involves the planting of trees and shrubs to create a non-uniform edge effect, rather than removing trees and shrubs to create the non-uniform edge effect.'

The statement above is in contradiction with the statement about scalloping in the LEMP, which explains that scalloping will be done by removing trees, not by planting them:

'Measures could include prioritising the removal or coppicing of weaker specimens, taking care not to create wind tunnels which could exacerbate the risk of windthrow, to create a softer, more scalloped, woodland edge'

If scalloping in QEP will be achieved by tree planting, this should be stated in the SSP. We should point out that no trees have been lost in the park during the recent strong winds.

5. Comments on Other Deadline 6 Documents

5.1. Response to Action Points from ISH on Environmental Matters (ISH5)²²

5.1.1. Page 26: Noise Reduction

Esso's statement:

'The locations suggested by Spelthorne Borough Council, Surrey Heath Borough Council and Neighbours and Users of Queen Elizabeth Park at Deadlines 4 and 5 have been reviewed, and it is confirmed that the calculated noise levels at all identified locations are below the adopted thresholds at receptors.'

We find it unlikely that Queen Victoria Court should not require any noise screening and are doubtful that our comments about noise disturbance in gardens have been taken into account. In the absence of any supporting evidence submitted by Esso, we continue to request noise reduction fencing to protect the residents of Queen Victoria Court.

5.2. Response to Action Points from ISH on Draft DCO (ISH4)²³

5.2.1. Page 3: Tree Protection

As we have explained in section 2.3.2, we are still concerned that Esso have not acknowledged or recorded the Notable Trees and so will be unable to afford them the correct level of protection.

Esso go on to state:

'1.3 The Applicant has committed to the retention of certain, identified trees as part of some of the Site Specific Plans ("SSPs") submitted at Deadline 4. Compliance with those SSPs is secured by Requirement 17 of the draft DCO. For example, in relation to the SSP for Queen Elizabeth Park (Document Reference 8.57), the Applicant has confirmed that "the installation will not require the removal of any mature or veteran trees". To the extent that it proved necessary to depart from that commitment, the Applicant would need to seek and obtain the approval of the relevant planning authority (in this case Rushmoor Borough Council) under Requirement 17.'

²² Response to Action Points from Issue Specific Hearing on Environmental Matters (ISH5), Application Document: 8.85, Revision No. 1.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001313-8.85%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Environmental%20Matters%20\(ISH5\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001313-8.85%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Environmental%20Matters%20(ISH5).pdf))

²³ Response to Action Points from Issue Specific Hearing on Draft Development Consent Order (ISH4), Application Document: 8.83, Revision No. 1.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001311-8.83%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Draft%20Development%20Consent%20Order%20\(ISH4\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001311-8.83%20Response%20to%20Action%20Points%20from%20Issue%20Specific%20Hearing%20on%20Draft%20Development%20Consent%20Order%20(ISH4).pdf))

1.4 As explained at ISH4, the Applicant is concerned that any wider Requirement could jeopardise the delivery of this scheme, since it would imply that the route of the pipeline was being driven not by the Applicant, subject to the limits of deviation imposed by the draft DCO, but by relevant planning authorities. That position would be entirely inappropriate, given the purpose of the DCO is to confer development consent for the construction and maintenance of this scheme.'

Points 1.3 and 1.4 seem to be in contradiction. 1.3 seems to say that no trees which are marked as being retained can be removed without approval from RBC. 1.4 suggests that Esso needs the ability to remove whichever trees it wants with no further approval.

It does not seem an unreasonable requirement to seek consent to remove a Notable Tree because the number of trees affected by this requirement should be very small if the route is properly planned around them.

5.3. Written Summary of Oral Submissions at ISH5 on Environmental Matters, 26/2/2020²⁴

5.3.1. Page 13: Timing of Submissions

Esso's statement:

'5.8.3 the difficulty of having to seek local authority approval to the SSPs was underscored by the fact that, at that late stage in examination, interested parties were still advocating alternative solutions such as trenchless construction through QE Park, which had long since been discarded by the Applicant as inappropriate and which moreover had not been assessed.'

This remark from Esso is unnecessary and unfair. We have taken great efforts to respond to information as soon as it is available and have worked hard outside of our full-time jobs to provide comprehensive, reasoned submissions to the Examination.

We were not expecting to have to propose alternative solutions, because Esso had not definitively stated in the Examination that HDD was off the table. Esso were initially asked to perform their own analysis of HDD options and it would not have been appropriate for us to submit our own at that point.

Our HDD proposal was submitted to the Examination at the earliest possible opportunity.

²⁴ Written Summary of Oral Submissions at the Issue Specific Hearing on Environmental Matters on 26 February 2020 (ISH5), Application Document: 8.84, Revision No. 1.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001312-8.84%20Written%20Summary%20of%20Oral%20Submissions%20at%20the%20Issue%20Specific%20Hearing%20on%20Environmental%20Matters%20on%2026%20February%202020%20\(I%20ISH5\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001312-8.84%20Written%20Summary%20of%20Oral%20Submissions%20at%20the%20Issue%20Specific%20Hearing%20on%20Environmental%20Matters%20on%2026%20February%202020%20(I%20ISH5).pdf))

5.4. Appendix C: Outline Site Waste Management Plan²⁵

5.4.1. Document Errors Still Not Corrected

We commented at Deadline 5 that this document contained copy and paste errors. Despite this document being revised and reissued for Deadline 6, the errors have not been corrected.

Page 2

'1.5.2 The Outline SWMP includes:

- The main body of the outline SWMP, with the good practice measures, and details about methods that will be employed to reduce noise and vibration during construction including additional mitigation measures; and
- The site checks and reporting that will be undertaken in respect of noise and vibration.'

Page 5

'1.9.2 The final project programme has yet to be developed in detail, as this would be undertaken during the detailed design stage. The high-level project programme will be included within the final CEMP. Details in relation to site waste management will be added to this section in the final SWMP, for example the anticipated rates of progress for different types of open cut sections and the anticipated duration of works at trenchless crossing sites.'

Page 10 (new error): Two occurrences of 'insert text' in table 2.1, where placeholder text has not been replaced with the required illustrative checks.

5.5. Appendix 16.1 Code of Construction Practice²⁶

5.5.1. Page 11, 2.5.38: Bell-Holes

We raised the question about bell-holes in our Deadline 5 submission:

'No bell-holes are shown in Queen Elizabeth Park and we request confirmation that none will be required. If any are needed we would like Esso to indicate their location.'

No response has been received to this and we remain concerned about the size and number of bell-holes to be used within the park and the possible impacts on tree roots. We believe this information should be included in the QEP SSP.

²⁵ Appendix C: Outline Site Waste Management Plan (clean), Application Document: 8.51, Revision No. 2.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001353-8.51%20Appendix%20C%20Outline%20Site%20Waste%20Management%20Plan%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001353-8.51%20Appendix%20C%20Outline%20Site%20Waste%20Management%20Plan%20(clean).pdf))

²⁶ Appendix 16.1 Code of Construction Practice (clean), Application Document: 6.4, Revision No. 4.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001326-6.4%20Appendix%2016.1%20Code%20of%20Construction%20Practice%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001326-6.4%20Appendix%2016.1%20Code%20of%20Construction%20Practice%20(clean).pdf))

5.5.2. Page 11, 2.5.39: Lower and Lay Through Roots

Esso describe the process of pipe installation in an open cut trench using a lower and lay technique.

The QEP SSP states that the trench will be hand dug. This will expose a web of tree roots which will prevent the pipe from being lowered in to the trench. This will be the case throughout the park.

There is no description of how a pipe can be placed into the bottom of the trench under these conditions. This should be described in the QEP SSP.

5.5.3. Page 35: Working Hours

This document still allows Esso to work on a Sunday if the weather is bad.

‘(c) works required to mitigate delays to the construction of the authorised development due to extreme weather conditions;

2.19.3 During the 24-month construction period, the works could also encounter unforeseen weather conditions etc. This may require exceptional working, so that prolonged disruption in any one area could be limited.’

There is no definition of extreme which raises concerns that almost any weather could lead to Sunday working.

5.6. Outline Landscape and Ecological Management Plan (LEMP)²⁷

5.6.1. Removal of Mature Trees in QEP

Section 5.3.8, Esso state:

‘Where individual mature trees may need to be removed, for example at Queen Elizabeth Park’

This contradicts the statements by Esso that no mature trees will be removed in QEP, and raises concerns that mature trees may need to be removed.

²⁷ Outline Landscape and Ecological Management Plan (LEMP) (clean), Application Document: 8.50, Revision No. 2.0, March 2020 ([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001347-8.50%20Outline%20Landscape%20and%20Ecological%20Management%20Plan%20\(LEMP\)%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070005/EN070005-001347-8.50%20Outline%20Landscape%20and%20Ecological%20Management%20Plan%20(LEMP)%20(clean).pdf))

5.6.2. Project Commitments Not Updated

In Appendix C, page 2, the project commitments have not been updated in line with the DCO requirements definitions - missing changes are shown underlined below:

G65 Working widths would be reduced in specific locations where trees or hedges are present. Where notable, TPO, Ancient Woodland and veteran trees would be retained within or immediately adjacent to the Order Limits, the trees and their root protection areas would be protected where they extend within the Order Limits and are at risk. This would be by means of fencing or other measures.

G86 Works to notable, TPO and veteran trees, where at risk of damage, would be supervised by the ECoW and supported by an experienced aboriculturalist.

G87 In accordance with Requirement 8 of the DCO, vegetation clearance, retention, protection and replanting/reinstatement drawings would be produced prior to the construction phase (including where applicable as part of a Site Specific Plan). The contractor(s) would implement these plans including agreed mitigation where practicable.

G92 A five-year aftercare period would be established for all mitigation planting and reinstatement.

G95 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.

G97 Where woodland vegetation is lost and trees cannot be replaced in situ due to the restrictions of pipeline easements, native shrub planting approved by Esso would be used as a replacement, in accordance with the vegetation reinstatement plans to be approved by the relevant planning authorities as part of the LEMP. The approved vegetation reinstatement plan will also include replacement tree planting where appropriate.

5.6.3. Appendix C - Tree Technical Note

Section 5.2 and Table 5.2 both need to be updated to include all 4 Veteran Trees which are listed within the order limits in QEP.

In Table 5.2 these trees should be allocated a mitigation level of B1, consistent with tree T41 which is present in the table and does have B1 mitigation.

6. Closing Comments

The final words in our submission are from Kathryn Stuart, Chairman of the New Friends of Queen Elizabeth Park:

“Queen Elizabeth Park is a supreme example of what a town park should be. It provides its local residents with a quiet area for relaxation, exercise and community space and is well loved by all who use the facilities.

Esso should have taken greater steps to understand the value of this park to the local people. With a better appreciation of its trees, wildlife and environmental contribution they would surely not have proposed a plan which inflicts such a deep and unnecessary scar along the entire length of the space.

Sooner or later we will all realise we cannot eat money, and spaces like this will be left to thrive alongside their community, maintaining their beauty for the next generations.”

A. Previous QEP Submission Points Currently Unanswered or Unresolved

This appendix lists all the points and concerns that we have raised within our submissions, which we believe Esso has not responded to.

A.1. Deadline 5 Submission

- 1. A full analysis of, and response to, the proposal of routing the pipeline along Prospect Road and Prospect Avenue.
- 2.1 Recognition from Esso of the Notable Trees in QEP.
- 2.1.1 An update to the pipeline route for QEP given all the new information, including the tree survey results and the ATI listed trees.
- 2.1.2 An update to the tree survey to correct the inaccuracies.
- 2.2.2 A response as to why both the trench and the stringing areas are going through what is practically the centre of the fairy tree.
- 2.2.2 How a trench can be dug 0.8m from the centre of Notable Beech tree T270 - we particularly asked Esso to address this, but have had no response.
- 2.3 Details on how the Auger Bore compound can be positioned as planned given the number of trees, the Notable Trees, RPAs and the ground levels.
- 2.3.1 How the A325 water body will be used as the auger bore pit when it is shown outside of the compound.
- 2.5.1 Why TC018 and the Cabrol Road compound can't both be sited in the area of the current play park, to avoid the damage to the Notable and Veteran Trees.
- 2.5.2 Why T22 has an HDD bore underneath its roots when Esso have committed to B1 mitigation for it.
- 3.1.2 Why trees would have to be cleared for stringing out in Farnborough Hill school but not for stringing out in QEP.
- 3.1.4 Why trees in the HDD reception pit in Farnborough Hill would have to be removed, when Esso can keep much more densely positioned trees in QEP.
- 3.1.5 What the 'additional protection' was that Esso mentioned would make HDD in Farnborough Hill viable, and why this is not being considered.
- 3.1.5 The larger scale plans of the HDD launch and reception pits we requested.
- 4.2 Working hours for the park to be reduced to weekday working, which means no work on a Saturday.
- 4.2 What notice residents will be given of work happening overnight.
- 5.1.4 Why B1 mitigation is not being offered for all the Veteran Trees in the park.
- 5.2.2 A325 car park and its unsuitability to take on the extra use from the Cabrol Road car park closure (originally raised at Deadline 2).
- 5.2.3 The continued contradictions around Rhododendron clearing within the park.

- 5.2.7 If the working width is cleared, whether additional vegetation clearance will be needed if the route later turns out not to be viable.
- 5.2.8 G95 and its 'where' clause, and whether this allows all work to be done without tree protection or preservation.
- 5.2.9 Why the Turf Hill SSP says that Topsoil will only be removed from the area needed for the Trench, but there is no such commitment in the QEP SSP and so the Topsoil will be stripped from the whole working width.
- 5.2.14 Removal of all commitments to create a wildlife pond in the auger bore pit area.
- 5.3.1 Confirmation of what wildlife surveys will be done for the park.
- 5.4.3 Confirmation that the items running overnight do not need generator power.
- 5.5 How Esso can claim a firm 30 trees to be removed when the final pipeline alignment has not been decided.
- 5.6 Why construction staff will be instructed to return to the compound and dial 999 rather than use a fire extinguisher on site when a fire breaks out (obviously given that personal safety must be considered too).
- 5.7 Why the General Arrangement Plans are still missing 2 Veteran Trees and the Cabrol Road pond from QEP when this was pointed out at Deadline 5.
- 5.8.4 A commitment from Esso not to remove trees in the park in order to scallop the woodland edge.
- 5.11 Correction of copy and paste errors in the outline site waste management plan.
- 5.12 Why Cabrol Road needs a compound when Farnborough Hill is using compound 4AD in West Heath Road and so the park could use compound 4AD.
- 5.14.3 Details of where the bell-holes are located, and how many are in QEP.

A.2. Deadline 4 Submissions

- 1.2 General Arrangement Plans to be updated to show TPO 194.
- 1.3 General Arrangement Plans do not show the detail of the Notable Trees, despite this being an action from ISH 2 (action point 7).
- 1.4 General Arrangement Plans show 2 widths of 'green' line within the stringing area but no explanation of what the 2 widths are.
- 1.5 General Arrangement Plans have not been updated with the Drill and Receptor Pits in QEP despite this being Action Point 9 from ISH3.
- 2 Alignment sheets (narrow working) show specific root protection zones for 2 trees in Farnborough Hill, but these have not been added for the Veteran Trees in QEP.
- 3.1 The crossing drawings for TC018 do not show Veteran Trees.
- 3.2 There is no crossing drawing for TC019 the A325 crossing.
- 4.3 Potential flooding risk in Cabrol Road is still in dispute.

- 4.7 There was no response from Esso on the combined result of tree loss in the Farnborough area, given that this was highlighted to Esso, it should have been considered.
- 4.8.1 There was no response to our theory that that the backhoe/excavator will not be able to rotate anti-clockwise from the the reception pit as it needs to.
- 4.8.1 No response to clarify the statement from Esso that the area for for trenchless crossing of the A325 will require greater tree removal than the trenching.
- 4.8.2 If the auger bore pit is not now a full compound, the updated plan of the auger bore area.
- 4.8.2 Confirmation of whether there be a generator in the A325 pit compound.
- 4.16 Removal of the references to creating a woodland ride in QEP.
- 5. The changes and updates needed to Esso's Veteran Tree plan which is in Appendix 2 of their Response to local authorities - although this appendix never seems to have been published as a document.
- 7.1 There has been no clarity or detailed answer on the contents and design of the 3 compounds within the park, and so nothing to show that these are not 3 compounds.
- 7.3 There was no response to our proposal that traffic was not a factor for the alternative route.
- 7.3 There was no analysis of the alternative route by Esso.

A.3. Deadline 3 Submission

- 2.1 No analysis of the alternative route that was proposed.
- 4.1.2 The technical note Ancient Woodland and Veteran Trees has not been updated with the Veteran Trees in QEP.
- 4.1.3 The schedule of Notable Trees has not been updated to include the QEP Notable Trees.
- 4.1.5 Esso have not removed statements throughout their documents which claim that Rushmoor Borough Council are in favour of tree removal in the park.
- 4.4.1 The response to noise shielding is inadequate, especially as we show that at least one house boundary in Queen Victoria Court touches the order limits.
- 4.5.1 There is no response to the potential easement of 12m after installation.

A.4. Deadline 2 Submissions

- 2.3.1 The response on the flood risk in the area is insufficient.
- 2.4.5 The response on the noise disruption to residents and park users is insufficient.
- 2.4.3 Trees which will be pruned or have roots trimmed have not been identified.
- 2.4.5 The response to the cumulative affects of tree loss from Esso and other local projects was inadequate and not analysed.

- 2.6.2 There was no response confirming what size the order limits are around the auger bore pit.
- 2.7.5 There was no further analysis or discussion of the option to use Farnborough Hill to host a compound.
- 2.8.1 There was no clarification on the penalties for overrunning the specified timescales.
- 2.8.2 There has been no resolution of the loss of the green commuter path through the park.
- 2.8.2 There has been no resolution to the displacement of cars to the unsuitable Farnborough Road car park.
- 2.9.2 There is little detail on the path reinstatement, especially for lighting and surface.
- 2.9.3 There are mixed commitments on the removal of screening for the adjoining properties.
- 3.1 The alternative route has not been sufficiently considered.
- 3.2 HDD has not been sufficiently considered.