

SDNPA Consultation Response

ESSO Pipeline

ESSO Non Statutory Consultation dated March 2018



Draft Response to Northern and Southern Proposals

1. The South Downs National Park Authority (SDNPA) notes that ESSO are consulting on a replacement pipeline along the approximate line of the existing route.
2. The potential route crosses the Park in three main blocks, Lower Upham - Ropley (17km pipeline approx.), Four Marks to Chawton (5km) and Binsted – towards Spreckley (5km). Approximately 66 hectares of the South Downs National Park (SDNP) fall within the redline area of the proposals. (refer to Appendix 2). It is notable that the proposals pass through several landscape types which are identified in the South Downs Integrated Character Assessment, from the Hampshire Clay Plateau, to the Greensand Terrace to the north.
3. The 200m – 300m wide corridor which has been identified by ESSO allows for deviations around significant environmental issues, whether ancient woodland or scheduled monuments, though this may not be wide enough to avoid registered historic parkland at Chawton House (GII), access land at Stephen Castle Down or unscheduled monuments through which the existing route passes.
4. The SDNPA has broad concerns about the proposals in relation to impacts on the SDNP in terms of landscape, access, biodiversity, trees and woodland and cultural heritage.
5. ESSO have identified a route outside the SDNP (option A) which has been discounted prior to the consultation. It is noted that ESSO are not consulting on this option. This is considered by the SDNPA to be contrary to paragraph 5.9.10 of the EN-1 The National Planning Policy Statement for Energy, which sets out the exceptional circumstances for granting development consent for energy infrastructure within nationally designated landscapes, and requires the consideration of alternative options which avoid the designated area.
6. It is also noted that shorter options within the SDNP, to the west of the existing alignment were considered, but not brought for consultation. This is due to the potential for this alignment to have significant impacts on the River Itchen SAC. The SDNPA agree that having considered these alternative routes the impacts on the Special Qualities of the NP over an albeit shorter distance would be likely to be unacceptable due to the potential for harm to the SAC.
7. ESSO have included alternative route options north of West Tisted in the consultation which avoid the SDNP altogether. The SDNPA considers these options to be preferable due to the potential for impacts on the Registered parkscape at Chawton House (GII*) (Ropley to Chawton section) and also the Ancient woodland at Alice Holt (Binsted to Spreckley section). In addition both are significant tourism destinations within the SDNP where the pipeline construction impacts would be highly disruptive to the enjoyment of the SDNP in these locations for high numbers of visitors.
8. Both of these sections of the SDNP were not part of the former East Hampshire Downs AONB (see map para 7.2 Landscape Report) therefore decision making about the route alignment for the existing pipeline would not have considered impacts on designated landscapes at that time. The subsequent inclusion of these areas within the SDNP changes the planning context for these proposals, and given the impacts identified above are considered to be unacceptable by SDNPA.

9. Therefore, the SDNPA concludes that were any scheme to be given approval despite the SDNPA reservations outlined in para 5 above then the SDNPA recommends that option G followed by D or F to take the pipeline out of the SDNP would be the least damaging option to the SDNPA
10. Although not part of the consultation exercise, further consideration should be given as to alternatives to the decommissioning of the existing pipeline so that large amounts of concrete are not needed to fill the old pipeline, with all of the associated environmental damage that producing and using concrete brings
11. Details of mitigation, and/ or compensated proposals have not been included as part of the consultation to date and SDNPA recommends that a scheme of mitigation and, where this is not possible, compensation should be consulted on to enable proper and full assessment of the impacts on the SDNP to be undertaken
12. The Government's publication of 'A Green Future: Our 25 Year Plan to Improve the Environment' includes the commitment to 'support development by embedding the principle that new development should result in net environmental gain....' The challenge and expectation is for ESSO to work up the details of mitigation or compensation to a sufficient standard to be enhancing for a National Park, in line with current guidelines.

Assessment Stage

13. The assessment of impacts to date by ESSO has been carried out in accordance with the National Infrastructure Commission process which does not require a full Environmental Impact Assessment (EIA) until the Development Consent Order Application (ie preferred route announcement). The following assessment is therefore based on the information made available to the SDNPA prior to the consultation document being released by ESSO as part of their information gathering and non-statutory consultation and stage. Further detailed assessment of the preferred route option will be undertaken by SDNPA in order to refine this early impact assessment of likely impacts to identify indicative mitigation and compensation.

Planning process

14. It is understood that permission for the pipeline will go through the National Infrastructure Planning process which is undertaken by the Planning Inspectorate (PINS) on behalf of the Secretary of State for Business, Energy and Industrial Strategy. ESSO will apply for a Development Consent Order (DCO). The National Park Authority would be considered to be a 'relevant' Local Authority and will be invited to produce a Local Impact Report on the proposals within the DCO to submit to PINS for their consideration during the application process.

Planning policy

Overarching National Policy Statement for Energy (EN-1)(ONPSE)

15. The proposals would be considered by the Secretary of State for Business, Energy and Industrial Strategy against the policy criteria set out in the Overarching National Policy Statement for Energy (EN-1) ¹ and The National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) ², (NPSGSI) some consideration will also be given to the Local Development Plan and the relevant policies in the NPPF.
16. The ONPSE sets out several policy criteria in relation to Energy infrastructure development within or close to National Parks;

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37049/1941-nps-gas-supply-oil-en4.pdf

- Paragraph 5.9.8 - 9 : Reference to the need for the Infrastructure Planning Commission to have regard to the statutory purposes for which national parks and AONBs were designated and refers to the NE publication which sets out the 'Duty of Regard'³
- Paragraph 5.9.10 sets out the approach to Energy infrastructure development proposed within nationally designated areas and broadly follows the tests for major development in Nationally designated landscapes which is set out in the NPPF;
- Paragraph 5.9.10 sets out the need for the IPC to ensure that infrastructure projects in these areas are carried out to high environmental standards.
- Paragraphs 5.9.12 & 13 sets out the considerations for infrastructure projects which might affect the statutory purposes of designated areas from beyond their boundaries – ie in the setting of the designated area.
- Paragraphs 5.9.18 – 5.9.20 covers visual impact
- Paragraphs 5.9.21 – 5.9.23 covers mitigation of landscape and visual impact.

National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) (NPSGSI)⁴

17. This NPS provides the primary basis for decisions by the IPC on applications it receives for gas supply infrastructure and gas and oil pipelines. This proposed pipeline meets the criteria for IPC decision making in paragraph 1.8 point (iv) being over 10 miles in length.
- Section 2.21 provides guidance for decision makers on Biodiversity, landscape and visual matters.
 - Section 2.22 provides guidance on impacts on water quality and resources
 - Section 2.23 provides guidance on soil and geology.

National Planning Policy Framework

18. Paragraph 115 of this document states that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage in National Parks, the Broads and Areas of Outstanding National Beauty;
19. Paragraph 116 then goes on to say that planning permission should be refused for major development in these areas except in exceptional circumstances and where it can be demonstrated to be in the public interest and meets the following tests;
- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Local Plan documents may also be considered relevant by PINS;

The East Hants/SDNPA Joint Core Strategy 2014

20. The Joint Core strategy 2014 contains the following overriding policy which is relevant to the proposal

Policy CP2 Spatial Strategy

- *New development must fully acknowledge the constraints and opportunities of the South Downs National Park and the form, scale and location of development must ensure that the duty and purposes of the National Park are delivered. In particular, major new development will only be considered if it supports National Park purposes*

³<http://webarchive.nationalarchives.gov.uk/20130402204840/http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37049/1941-nps-gas-supply-oil-en4.pdf

Winchester/ SDNPA Joint Core strategy 2013

21. Contains the following overriding policy which is relevant to the proposal.

Policy CP19 - South Downs National Park.

- *New development should be in keeping with the context and the setting of the landscape and settlements of the South Downs National Park. The emphasis should be on small-scale proposals that are in a sustainable location and well designed. Proposals which support the economic and social wellbeing of the National Park and its communities will be encouraged, provided that they do not conflict with the National Park's purposes.*
- *Development within and adjoining the South Downs National Park which would have a significant detrimental impact to the rural character and setting of settlements and the landscape should not be permitted unless it can be demonstrated that the proposal is of over-riding national importance, or its impact can be mitigated.*
 - a. The emerging South Downs Local Plan (Submission Version, September 2017).
 - b. Partnership Management Plan – Shaping the future of your South Downs National Park 2014-2019 This proposal impacts and could contribute to the following policies of the PMP;

Policy 1, 3, 4, 5, 9, 10, 19, 24, 26, 28, 30, 31, 34, 37, 38, 47

Summary of Impacts on Special Qualities of the SDNP

22. The proposals at this stage are very high level and do not include detailed information about the route alignment and construction methodology. Further very detailed assessment of the preferred option will be necessary at the next consultation stage of the project in order to fully identify likely impacts, mitigation and potential compensation

Biodiversity (Appendix 4)

23. The SDNPA Landscape and Biodiversity Lead (water) commissioned a data search from the Hampshire Biodiversity Information Centre (HBIC) and carried out an ecological desk-based assessment for the proposed Junction changes and area of influence
24. The route cuts through many hedgerows and the species diversity and connectivity of these should be considered, in some cases they may be protected by the Hedgerow Regulations (1997). Where possible damage to hedgerows should be avoided, by utilising gateways or for important species rich hedgerows consider direct drilling. Hedgerows that need to be removed should be replaced with a similar species mix.
25. The route has been planned to avoid many designated and local wildlife sites. There are a number of local wildlife sites close to the pipeline which may be affected and measures to mitigate for these impacts will be required. Any chalk downland turf which is along the route should be carefully removed and preserved and then reinstated as soon as possible.
26. There is a range of protected species found in the vicinity of the route for which appropriate mitigation measures will be required.
27. The protection of the varied geology and soil profiles along the route during the construction process will need to be set out in a soil management document in accordance with Defra Construction code of practice for the sustainable use of soils on construction sites⁵

⁵https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69308/pb13298-code-of-practice-090910.pdf

Archaeology/Cultural Heritage (Appendix 5)

28. SDNPA commissioned a report by Hampshire County Council Heritage Services which has identified the significant number of heritage features along the proposed route.
29. There are significant issues identified with both designated and undesignated features which will require re-routing and consents from Historic England
30. Route corridor G passes through Chawton Park Grade II Registered Park and Garden. Historic England would need to be consulted and the need for the route to cross the park be justified. Any impacts on the park would be likely to be temporary, unless of course works required the removal of landscape features such as tree lines.
31. Impacts on nearby scheduled monuments and listed buildings would be a material consideration at the planning stage.
32. The general archaeological potential along all of the routes within the Park is good to high. Having established this potential, with a large number of prehistoric field systems, funerary sites and possible settlements located along the routes, it is clear that the stripping of topsoil along the pipeline easement would expose many archaeological features and that where the pipe trench crosses these features, the impact upon them would be severe.
33. A draft programme for a series of archaeological assessments along the chosen route would be expected. This would include a geophysical survey of the route, the results of which could then be used to target a series of trial trenches to be excavated along the easement, (along with a general spread of trenches within areas deemed as 'blank' by the geophysics results). The results of this trial trenching could then be used to fully assess the archaeological potential of the route and the impact of the development. This potential could then be mitigated via a series of excavations at sites of particular value. This fieldwork would then be followed up by a programme of post-excavation assessment and ultimately the publication of the results for public consumption.
34. Any archaeological work carried out within the Park would also require an element of public engagement.

Landscape and visual Impacts (Appendix 6)

35. The pipeline would be buried after construction is complete and the land reinstated. As a result, in theory, the visual impact could be reduced to occasional infrastructure associated with maintenance/safety and operation of the line; principally on/off valves at regular lengths along the route and below ground inspection chambers. However this minimal visual impact does rely on important features in the landscape being avoided and unaffected during construction of the pipeline, and sensitive construction and reinstatement methods for the landscape being used.
36. The removal or alteration of existing features due to the proposed pipeline construction could affect the continuity of the existing landscape – eg woodland, hedgerows and field patterns, ancient tracks and lanes, hedge banks and sunken lanes, distinctive open topography, scheduled monuments and archaeological features, rivers, streams and historic parkland for example. Long distance views along a scar in the landscape for example would result in both visual and landscape impacts. In these cases it is recommended that the working width of the construction corridor is reduced to the minimum (likely 12m) or horizontal direct drilling is used as an alternative to preserve existing features such as hedgerows, banks to sunken lanes, walls and other linear features which the propose route may cross.
37. Where the route passes through existing arable land it is considered that residual landscape and visual impacts could be neutral, however again this would rely on hedgerows and other existing features being gapped up or retained following completion.

38. Pasture and woodland would be more affected by the construction process where the permanent land cover would be broken by the construction corridor which could result in permanent landscape and visual impacts for example on open and unenclosed slopes of chalk downland and through areas of woodland where a 6m wide easement would be needed for the pipeline. This approach will require further detailed assessment.
39. A scheme of reinstatement of the landscape and replacement planting where necessary following completion of the works will be required together with the agreements in place for establishment maintenance and long term management of the restored land.

Tranquillity (included in Appendix 6 vol 2)

40. Tranquillity is a perceptual quality of the landscape, and is influenced by things that people can both see and hear in the landscape around them. It is considered to be a state of calm, quietude and is associated with a feeling of peace. It relates to quality of life, and there is good scientific evidence that it helps to promote health and well-being. As a special quality of the National Park, it is a characteristic of the landscape that visitors and residents greatly value. These are not characteristics that apply uniformly across the whole National Park, some areas are considered more tranquil than others based on a wide number of influences.
41. It is considered that Tranquillity would be detrimentally affected along the proposed route for the duration of both the construction and decommissioning phases due to the presence of vehicles, machinery and human activity in rural and undeveloped areas of the SDNP. This could affect users of the PROW network, residents and other visitors and their enjoyment of this special quality for the duration of the works.. However following completion it is anticipated (at this stage) that existing levels of tranquillity would be restored.
42. Tranquillity mapping for the route alignment is included in volume 2 of the Landscape report at Appendix 6.

Impacts on Access and Recreation (Appendix 7)

43. The proposed routes shown on the confidential map will impact on numerous rights of way including several long distance promoted routes and the South Downs Way where the route is not just crossed by the pipeline route but the route follows the line of these paths for some distance. Open Access land at Stephens Castle Down could be affected in combination with other biodiversity impacts.
44. During construction the timetable should take account of any major events planned for the National Trail or on other rights of way ensuring any diversions (where unavoidable) are able to accommodate event numbers and are well signed.
45. Paths will need to be reinstated following any disruption or damage by the works in accordance with the Rights of Way Authority (HCC) recommendations and the National Trail management team (NE/SDNPA)
46. A scheme of appropriate mitigation for the prolonged disturbance to the amenity and use of the PROW network will be needed together with a robust communications strategy for giving information about closures and diversions of route for the duration of the works.

Woodland and existing trees (Appendix 8)

47. Modifications to the southern section of route options D,F, &G would be required as several areas of Ancient Semi Natural Woodland are currently shown as being within the route corridor.
48. Further detail will be required on minimising the impact on trees through the construction phase – eg compliance with BS5837 (including an Arboricultural Impact Assessment and method statement).

49. Mitigation or compensation for the loss of woodland, existing trees and hedgerows would be required, together with a scheme of replacement planting (or other habitat restoration) with demonstrable long term management agreements in place. Horizontal direct drilling could be considered beneath hedgerows and woodland where feasible and where there is no suitable alternative route.

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