

Principal Areas of Disagreement Statement: Initial PADS as at 3 November 2023

<b>Table 1 – Outstanding Principal Areas of Disagreement</b>			
Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
Protective Provisions ('PPs')	Protective Provisions not agreed, include land and maintenance funding issues and ongoing NH costs NH not yet confident it is adequately protected from safety and commercial or other liabilities perspectives	Protective Provisions must be agreed and included in the DCO, including land access, commuted lump sum and funding of NH costs	NH regularly apply their standard PPs and would expect the Applicant to agree to NH standard PPs to stand on the face of the DCO with project specific PPs to be negotiated and dealt with through a side agreement (as occurs with other DCOs)
A27 – Applicant’s proposals to carry out trenchless drilling at Hammerpot	<p>The Applicant proposes to carry out trenchless drilling under and in the vicinity of the A27 at Hammerpot, Sussex in order to carry the cable. To-date NH has not seen or agree the details of how this will be achieved without adversely and unacceptably affecting the safety, reliability and operational efficiency of the SRN.</p> <p>Required details would include (but are not limited to)</p> <ol style="list-style-type: none"> <li>1) Technical specifications</li> <li>2) Legal framework</li> <li>3) Any necessary current or future financial considerations</li> <li>4) Any necessary future maintenance, repair, replacement or withdrawal provisions</li> </ol>	The Applicant must provide full DMRB compliant plans, methodologies and timings for all works under and close to the A27 for NH approval.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
A27 - the impact of drainage on the SRN where the route passes under the A27 at Hammerpot	The Applicant proposes to carry out trenchless drilling under and in the vicinity of the A27 at Hammerpot, Sussex in order to carry the cable. To-date NH has not seen or agreed evidence demonstrating that the works would not have an unacceptable impact on the drainage of the A27.	The Applicant must provide full DMRB compliant plans, methodologies and timings for all works under and close to the	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.

		A27 for NH approval.	
Traffic attracted to, generated by or routed or rerouted as a result of the proposals and the potential implications for the SRN	The applicant proposes to route construction and other related traffic to locations (work sites/ compounds etc) via the SRN. To-date, with regards to named junctions or access points, NH has not seen or agreed evidence demonstrating that the works would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN. Without this detail there may be doubts as to whether the proposed cable route and works can be progressed in compliance with national planning and transport policy.	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
The construction, operation or maintenance of a site (construction/ compound/ permanent) associated with the project adjacent to or in close proximity to the SRN and the implications for the SRN	The applicant proposes to make use of sites and compounds with direct or near direct access from the SRN via the SRN. To-date, with regards to named locations, NH has not seen or agreed evidence demonstrating that the use/ works/ any enabling works would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN. Without this detail there may be doubts as to whether the proposed cable route and works can be progressed in compliance with national planning and transport policy.	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
The need to safeguard NH interests with regards to compulsory acquisition proposals or proposals concerning the acquisition of other rights.	The applicant proposes via the Book of Reference and elsewhere activities, works or consequential provisions that may affect the safety, operation or management of the SRN and/or the roles and responsibilities of National Highways as the Strategic Highway Authority, asset owner and/or statutory consultee. The applicant needs to fully explain the implications of their proposals in these contexts in order to ensure that they comply with national planning and transport policy, the National Highways Operating Licence and do not usurp or unreasonably fetter National Highways.	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
The need to safeguard NH interests as the Strategic Highway Authority via the DCO, Protective Provisions, Requirements or other appropriate or relevant legal agreements	The applicant proposes via the Book of Reference and elsewhere activities, works or consequential provisions that may affect the safety, operation, management of the SRBN and/or the roles and responsibilities of National Highways as the Strategic Highway Authority, asset owner and/or statutory consultee. The applicant needs to fully explain the	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.

	implications of their proposals in these contexts in order to ensure that they comply with national planning and transport policy, the National Highways Operating Licence and do not usurp or unreasonably fetter National Highways.	The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	
APP-064 6.2.23 Environmental Statement - Volume 2 Chapter 23 Transport (plus AAP107-APP110 comprising appendices thereto)	<p>We have no comments as such on this high-level document.</p> <p>However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.</p>	<p>The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.</p> <p>The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.</p>	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
APP-173 6.4.19.1 Environmental Statement - Volume 4 Appendix 19.1 Full results of construction road traffic modelling	<p>We have no comments as such on this high-level document.</p> <p>However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.</p>	<p>The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.</p> <p>The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.</p>	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
APP-174 6.4.19.2 Environmental Statement - Volume 4 Appendix 19.2 Full results of construction plant modelling	<p>We have no comments as such on this high-level document.</p> <p>However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.</p>	<p>The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.</p> <p>The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.</p>	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
APP-196 6.4.23.1 Environmental Statement - Volume 4 Appendix	We have no comments as such on this high-level document.	The Applicant will need to work with National	We see no reason why the outstanding concerns and

23.1 Abnormal Indivisible Loads assessment	However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.	Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	requirements cannot be resolved via the Applicant providing the required evidence and details.
APP-197 6.4.23.2 Environmental Statement - Volume 4 Appendix 23.2 Traffic Generation Technical Note	We have no comments as such on this high-level document.  However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
APP-224 7.2 Outline Code of Construction Practice	We have no comments as such on this high-level document.  However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.
APP-228 7.6 Outline Construction Traffic Management Plan	We have no comments as such on this high-level document.  However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.	The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.  The applicant will need to update their DCO submissions and	We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.

		evidence accordingly for the ExA to consider.	
APP-229 7.7 Outline Construction Workforce Travel Plan	<p>We have no comments as such on this high-level document.</p> <p>However, as explained via our RRs, we have concerns that the Applicant's current submissions do not contain sufficient detail to demonstrate that the proposals will not unacceptably impact on the safety, reliability and or operation of the SRN as required by national planning and transport policy.</p>	<p>The Applicant will need to work with National Highways to submit the required evidence for us to assess and agree.</p> <p>The applicant will need to update their DCO submissions and evidence accordingly for the ExA to consider.</p>	<p>We see no reason why the outstanding concerns and requirements cannot be resolved via the Applicant providing the required evidence and details.</p>

<b>Table 2 - Resolved Principal Areas of Disagreement</b>			
Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
Policy C1/22 ('C1/22')	DfT C1/22 <i>Strategic road network and the delivery of sustainable development</i> was published in December 2022. All developments are now required to comply with its provisions unless material considerations indicate otherwise	The final Travel Plans will be able to reflect C1/22 requirements. But given that the main transport effects are temporary and during construction period, NH is satisfied that sufficient is being done by the Applicant to ensure compliance with C1/22.	Resolved