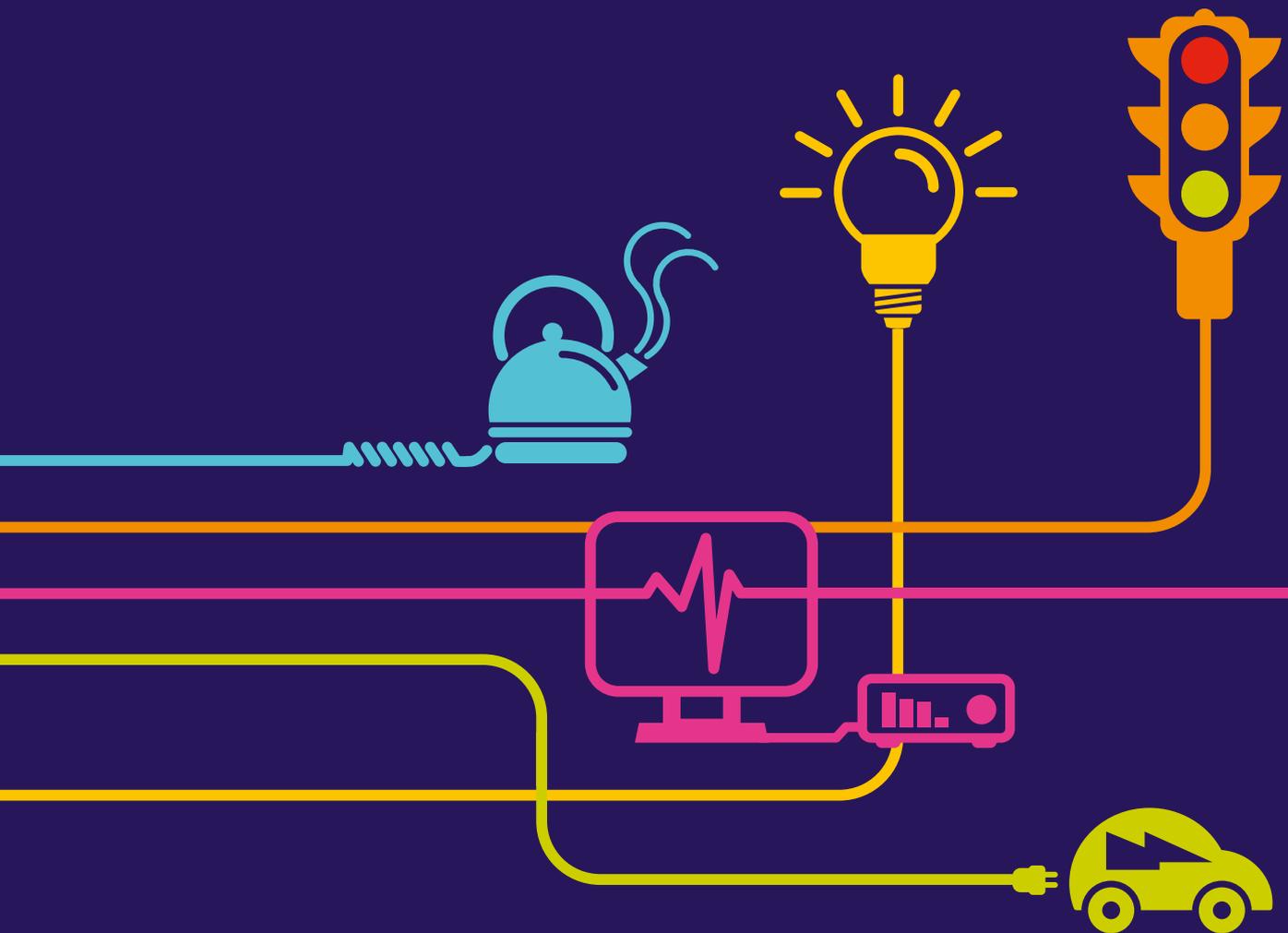


Applicant's Written Summary
of Case put forward orally at the Issue
Specific Hearing on the effect of the
Broad Oak reservoir proposal on the
Application held on 29th July 2016

National Grid (Richborough Connection Project) Order



RICHBOROUGH CONNECTION PROJECT
ISSUE SPECIFIC HEARING: ON THE BROAD OAK RESERVOIR PROPOSAL

29 JULY 2016

**DISCOVERY PARK, BUILDING 500 (LAWRENCE SUITE) SPITFIRE WAY,
SANDWICH CT13 9FR**

1 Introduction

- 1.1 This document summarises the case put by the Applicant, National Grid Electricity Transmission plc (National Grid), at the issue specific hearing into the interactions with the Broad Oak Reservoir Proposal. The hearing opened at 10.00am on 29 July 2016 at the Discovery Park, Building 500 (Lawrence Suite) Spitfire Way, Sandwich. The agenda for the hearing was set out in the Examining Authority's (ExA)'s letter published on the Planning Inspectorate's website on 21 July 2016.
- 1.2 In what follows, National Grid's submissions on the points raised broadly follow the items set out in the ExA's agenda.

2 Agenda Item 2: Broad Oak Reservoir Proposal

Status of the draft Statement of Common Ground (SoCG) with SEW submitted by the Applicant dated June 2016

- 2.1 The ExA sought clarification as to whether the SoCG submitted to the examination at Deadline 2 was an agreed document and, if it was, when a signed version would be submitted.
- 2.2 Counsel for National Grid confirmed that the SoCG submitted to the examination at Deadline 2 was an agreed document and, if the ExA considered it appropriate, a signed copy could be submitted very quickly, in time for Deadline 3.
- 2.3 SEW confirmed that it was content with this approach.

Justification for the additional capacity and flexibility above 32.5m AoD top water level (TWL) identified in the Water Resources Management Plan (WRMP)

- 2.4 The ExA asked whether National Grid had any comments to make in response to SEW's submissions on the further work undertaken subsequent to WRMP 14 to identify additional capacity at Broad Oak Reservoir.
- 2.5 Counsel for National Grid confirmed that two points arose from SEW's submissions.
- 2.6 First, it was noted that WRMP-14 involved a sophisticated process of analysing water demand and supply into the future. In 2014, the 2,800MI capacity identified at Broad Oak was considered by both the Secretary of State and the Environment Agency (EA) to meet future supply and demand for water. A 2,800MI capacity reservoir at Broad Oak is accepted by SEW

(SEW Written Representation dated 14 July 2016, Para 24) to have a 32.5m TWL. Any future proofing to secure sufficient water supplies ought reasonably to have been taken into account at the time of compiling WRMP-14.

- 2.7 Counsel for National Grid noted, therefore, that the capacity requirements for SEW's area identified in WRMP-14 are met by the 32.5m TWL reservoir and there is no justification in WRMP-14 for a larger reservoir.
- 2.8 Second, it was submitted that whilst the TWL 32.5m AOD proposal had, and continues to have, some status under WRMP-14, the 36m TWL proposal had no current status. It is, instead, simply a broad concept that SEW is considering and, in that respect, was simply aspirational. The idea was predicated in WRMP-09, but then rejected in WRMP-14 on the grounds that it was neither achievable nor desirable. A 36m TWL reservoir has not been endorsed by the EA and neither has the need for such a reservoir been established through the WRMP process.
- 2.9 Counsel for National Grid did acknowledge that SEW was required to keep under review any options identified in the WRMP in light of any new information that comes forward. In fact, in its comments on the emerging Canterbury District Local Plan (Appendix 5 of SEW's Written Representation dated 14 July 2016), SEW confirmed that Broad Oak was only "*the preferred option at the current time*". It was quite possible, therefore, that things might be different in the future and Broad Oak may no longer be the preferred location.

Sarre Penn Realignment Potential Design Conflict

- 2.10 The ExA requested that the parties consider their positions on the potential for design conflict and identification of areas of difference between them in terms of the Sarre Penn realignment, first in respect of the TWL 32.5m AoD and then in respect of the TWL 36m AoD. The ExA asked that these matters be considered systematically, working from PC8 to PC9 and then from PC9 to PC10.

PC8 under the TWL 32.5 AoD proposal

- 2.11 In respect of this section of the route, SEW confirmed that it agreed with the summary of interaction between the Richborough Connection Project and the proposed reservoir described in the Mott MacDonald report (Appendix F of Doc 8.2.1), save for matters relating to landscape and visual amenity.
- 2.12 Mrs Nicola Hancock, on behalf of National Grid, explained that a Landscape and Visual Impact Assessment (LVIA) within the Environmental Statement (ES) had assessed the visual effects likely to arise from the Richborough Connection Project. Within the area around Broad Oak, no effects greater than moderate adverse had been identified. The ES had concluded that moderate adverse visual effects would be experienced by visual receptors of high and medium sensitivity (residential properties on the north edge of Broad Oak and users of recreational footpaths within the Broad Oak valley), where a partial alteration of the view arises from the introduction of new infrastructure into the view in the medium and long term. To the west of Broad Oak, where overhead line infrastructure is already present and will remain in views (the 400kV ZV route and the 132kV PKC route), the magnitude of effect is slightly reduced.

- 2.13 Mrs Hancock confirmed that the overhead line route in the vicinity of Broad Oak does not cross any designated landscapes. The closest designated area is the Blean Woods Special Landscape Area, which lies to the north west. This is a local designation where landscape is highly valued. Indirect effects have been identified as minor adverse arising from the low magnitude of effect on the adjacent landscape which is influenced by existing infrastructure.
- 2.14 Mrs Hancock confirmed that the LVIA was based on existing visual receptors, both public and private. The LVIA does not identify or assess visual receptors associated with the future uses of the reservoir as the reservoir proposal did not form part of the future baseline or the cumulative assessment.
- 2.15 Mrs Hancock confirmed that it was the case that reservoir users tend to be focussed on recreational activities (sailing, canoeing, swimming, fishing etc.), although scenic quality was appreciated as well. However, the landscape and visual effects identified, whilst recognised as being significant, were not incompatible with recreational activities and would not compromise the overall function of the reservoir as an amenity facility.
- 2.16 Mrs Hancock explained that there were examples of popular recreational lakes with National Grid's overhead lines in close proximity (and in some cases oversailing), such as Lee Valley Regional Park (north London and Hertfordshire), Sale Water Park (Cheshire) and Burghfield Sailing Club, Theale (Berkshire). At the Lee Valley Regional Park, activities including walking, cycling and horse riding, as well as water sports, take place. Burghfield Sailing Club is Royal Yachting Association accredited with Champion status. It caters for experienced racers, families and beginners and the presence of overhead transmission lines does not compromise its success as one of the largest sailing clubs in England.

PC8 – PC9 under the TWL 32.5 AoD proposal

- 2.17 Counsel for National Grid advised the panel that a number of points arose from SEW's submissions on the interaction between the Richborough Connection Project between pylons PC8 and PC9 under the TWL 32.5m AoD proposal.

Engineering constraints

- 2.18 Mr Thomas Rosenberg, on behalf of National Grid, responded to comments made by SEW on the effect of variants in gradient in the Sarre Penn diversion channel. Mr Rosenberg explained that the gradient of the channel made little, if any, difference to SEW's proposals and would not constrain the proposed reservoir development between pylons PC8 and PC9 in the manner suggested by SEW.
- 2.19 Mr Rosenberg referred to Figures 4.3 and 4.4 in the Mott MacDonald Interaction report (**Appendix F** of **Doc 8.2.1** submitted at Deadline 2). Mr Rosenberg explained that the existing ground level to the lowest sag of the overhead transmission line between pylons PC8 and PC9 had a clearance of 10 metres. In addition, the final lowest sag level to the invert of the channel would be increased by the depth of the excavation, approximately a further 7 metres at its lowest point. This total clearance will set the maximum height of planting under the overhead lines where interaction has been identified.
- 2.20 Mr Rosenberg confirmed that, in the event that the gradient of the channel were to increase to 1 in 200 from the proposed 1 in 400, the width and depth of the excavation would increase. A

larger river diversion footprint will increase the interaction at pylon PC9 and increase excavation requirements under the oversailing line.

Woodland planting and connectivity

- 2.21 Ms Caroline Gettinby, on behalf of National Grid, explained that it was important to consider the reason for the connectivity requirement and the drivers behind it, so that the potential planting proposed by National Grid could subsequently be shown to fully meet those needs and thus not compromise SEW's proposals in respect of this mitigation.
- 2.22 Appendix 12 (part 3), Appendix F1 of SEW's written representation submitted at Deadline 2, contains correspondence between Natural England (NE) and SEW (dated 26 May 2016) which details the key objectives and requirements from NE's perspective for the reservoir proposals. Foremost of those objectives are:
- 2.22.1 No loss of ancient woodland SSSI and no loss of connectivity of ancient woodland SSSI; and
- 2.22.2 To prevent further fragmentation and improve connectivity of woodland habitat to help mitigate any indirect or adjacency impacts on the West Blean and Thornden Woods SSSI.
- 2.23 The approach to planting for Broad Oak Reservoir and the Richborough Connection Project proposed by National Grid is described in the Mott MacDonald report at Appendix C (contained within **Doc 8.2.1, Appendix F**); this planting mix was previously suggested within Doc 5.4.2D submitted in January 2016. Ms Gettinby explained that good planting design, in combination with appropriate woodland management, would result in greater dependant faunal and floral diversity. The benefits of such structural diversity is a core tenet of ecology and is supported by many examples in available best practice guidance and research.
- 2.24 Ms Gettinby confirmed that National Grid's proposal would meet National Policy Planning Framework (section 11, paragraph 109) aims in respect of diversification and net gain, as well as ensuring the habitat creation and connectivity for the SSSI as required by NE. Coppice woodland would deliver this kind of diversity more effectively than high canopy woodland (as proposed by SEW) and would also be quicker to establish.
- 2.25 Mr Tom Popplewell, on behalf of National Grid, explained that the planting palette outlined in the Mott MacDonald report at Appendix D (contained within **Doc 8.2.1, Appendix F**) describes 'potential' species and is not presented as an exhaustive list of possible species for any scheme of mitigation planting implemented by SEW. Verbal evidence on behalf of SEW that species selection beneath lines would be too restricted to allow its mitigation proposals to be effective was therefore incorrect.
- 2.26 Mr Popplewell advised that National Grid is proposing coppice woodland and other tree planting beneath the conductors at a number of other locations along the Richborough Connection Project route and has no objection in principle to plant within the easement corridor except for within the actual pylon footprints. There is also no constraint to species selection in those locations.
- 2.27 The ExA's attention was drawn to the Concept Mitigation Planting Plan (**Doc 8.11**), which illustrates proposed mitigation planting of woodland species beneath the conductors and

includes a large range of other planting palettes approved for use by National Grid. A local example was given of woodland planting to the east of pylon PC9 adjacent to Barnet Lane which will be beneath the overhead line (**Doc 8.11, Figure 11.1f, 'ID: G94'**).

- 2.28 Oak and alder species were identified in verbal evidence presented by SEW as being of particular importance to the function of its mitigation proposals. Concerns were raised by SEW that neither species could be planted beneath the Richborough Connection Project alignment and that neither species is capable of management by coppicing, as is proposed by National Grid. Mr Popplewell submitted that oak and alder were both acceptable species for planting beneath the line. The ExA was referred to Forestry Commission Research Information Note 259 'Management of Coppice Stools', which describes both species as 'especially suitable' for coppicing. The only constraint to mitigation presented by the Richborough Connection Project proposal relates to the top height of trees within the easement corridor and therefore the management regime rather than species selection.
- 2.29 Counsel for National Grid confirmed that, in respect of planting management, powers had been taken under Article 41 of the draft Development Consent Order (**Doc 2.1(A)**) in order to fell or lop trees near any part of the authorised development, subject to the conditions in Paragraphs (a) and (b) of that article.
- 2.30 Ms Gettinby advised that management and maintenance cycles of the proposed woodland mitigation planting underneath the overhead line would create diversity of tree spacing, crown density, increased surface area of edge habitat and woodland floor light conditions and correspondingly, provide opportunity through a diverse range of microhabitats for small mammals, reptiles, breeding birds and a range of invertebrates. This would meet SEW's requirement in relation to protection and enhancement of the SSSI. Selective coppicing would also maximise the potential for colonisation by other cited species from the West Blean and Thornden Woods SSSI, such as heath fritillary and breeding birds which would be able to use this area both as a wildlife corridor and a functional resource, thereby meeting NE's requirement to be effectively connected to this mitigation area, rather than simply for commuting. Furthermore, this woodland type would also result in complete connectivity under the line for bats, along with other key species identified in the area such as dormice. Thus, a "high canopy" woodland is not an essential requirement to meet the need for connectivity or prevent fragmentation, in the way that SEW submits.
- 2.31 It was pointed out that in Appendix 11 (part 22) of SEW's written representation submitted at Deadline 2 (Alternative report Appendix K, Section 4.3, Table 1, Risk Summary table), SEW use the terms "*High canopy woodland proposed to mitigate woodland fragmentation effects identified as required by Natural England.*" None of the published correspondence from NE specifies that the planting of "high canopy" woodland is needed to achieve this aim.

Coppicing

- 2.32 Representatives on behalf of the Environment Agency (EA) asked National Grid to confirm the maintenance cycle that was envisaged for managing coppicing in the area.
- 2.33 Mr Popplewell explained that the top height of coppice woodland and the duration of the coppice cycle would depend on the height of the conductor at each point, but that coppiced trees can generally be grown to 3.1m below conductor height. Coppicing is a particularly useful form of vegetation management beneath lines because coppice regrowth cannot be

easily climbed and is cut at ground level, removing the requirement for aerial work in proximity to the overhead lines. There are many variables affecting the maximum possible tree height but trees further from the centre of each span, trees further from the conductor and those on lower ground would all be capable of achieving greater height than those directly beneath the centre point of each span. The vegetated corridor beneath a typical overhead line would not therefore comprise small shrubs as a maximum but would be capable of including a wide range of species and, if required, proper coppice woodland.

2.34 A system of woodland management based on continuous cover coppicing was outlined by Mr Popplewell with an example given whereby a diffuse selection of 10% of trees would be coppiced annually over a ten year cycle, whilst retaining the shading and connectivity functions of the remaining structurally diverse woodland. This mode of operation would ensure that trees at 90% of maximum permissible height would always be present within the woodland. It was recognised that this is a non-standard management approach and different from a standard compartment-based coppice regime. However, most coppice management systems are conceived for the production of timber or wood products. Where ecology and amenity functions are the primary objective, there is no silvicultural barrier to the method described.

2.35 In the absence of detailed proposals from SEW, Mr Popplewell advised that it was not possible to present an accurate model of coppice cycle and maximum tree height. However, National Grid had modelled a worst case scenario based on maximum conductor sag heights and existing ground levels for the section PC9 to PC11, and was satisfied that a healthy and ecologically functional coppice woodland could be maintained in all locations. The actual figures could not be calculated but the ground profiling described as part of the creation of the river diversion in particular would be likely to increase the ground clearance of conductors in some places, which would have the effect of further increasing both the managed height of trees and the length of coppice cycle in those locations. The responsibility to deliver woodland management within easement corridors lies with National Grid.

Riparian planting

2.36 In respect of shading, Ms Gettinby advised that Water Framework Directive (WFD) requirements make clear that any newly created habitat should reflect the current habitat type as closely as possible so that ecological status (of the whole riparian environment) is maintained and there is no deterioration, as reported in SEW's submissions for Deadline 2. The EA advised SEW in respect of riparian planting in communications set out in Appendix 12 of SEW's written representation submitted for Deadline 2 (part 2). This was to include shading (to ensure cool water conditions), a range of wood materials to be available to the water resource (through natural drop or otherwise) and that "*not a monoculture*", but a diverse range of plantings be included "*to ensure that the riparian corridor is suitably bio-diverse and provides as wide a range of habitats for other species as possible*". National Grid agreed that alder and oak are suitable species and promote habitat for riparian invertebrates, and that a range of other species (alongside these) would provide a greater opportunity for structural and species diversity.

2.37 The basis for establishing the requirements for habitats in relation to the riparian corridor is presented in SEW's Jacob's reporting. The Stage 1b Study (Appendix 10 (part 1)) states at Para 4.7.2 that "*Riparian shading should be as per the current upper reaches of the Sarre Penn, in its semi-continuous nature, and reflect the current species distribution as far as*

possible.” Section 7.5 of the Jacob’s Stage 1b Study supports that assessment and recognises that the suite of species suggested by National Grid match those current conditions (Appendix 10 (part 1)) and goes on to say that “*All the species currently found alongside the existing Sarre Penn and proposed for the mitigation are listed within National Grid’s Tree Planting Palettes.*”

- 2.38 Mr Popplewell advised that National Grid’s proposals for planting contain a potential range of tree species, which could be delivered through coppicing management that would satisfy the EA’s requirements in full (**Appendix D, Doc 8.2.1, Appendix F** submitted at Deadline 2). The management of the top height of specific sections of riparian woodland to allow for the Richborough Connection Project would result in the creation of a mixture of light and temperature conditions, from the unaffected dense canopy through open canopy and dappled shade to some open ground conditions, thereby recreating that habitat as is present currently, and thus meeting the requirements of the WFD.

Pylon PC9 under the TWL 32.5m AoD proposal

Engineering

- 2.39 Mr Rosenberg, on behalf of National Grid, confirmed that, as the two schemes are presented, there is interaction at pylon PC9 for the TWL 32.5 metre proposal. Mr Rosenberg advised that there were potential solutions available to mitigate the interaction cited, including:

- 2.39.1 Locally moving the Sarre Penne diversion channel in the vicinity of pylon PC9 so as to avoid the interaction;
- 2.39.2 Increasing the channel embankment gradient if slope stability allows; and
- 2.39.3 Engineering a retaining wall.

- 2.40 Mr Rosenberg confirmed that, whilst some of the solutions cited in the Mott MacDonald report (**Appendix F of Doc 8.2.1** submitted at Deadline 2) would place constraints on planting, it was possible to reach a viable solution, both technically and in respect of planting requirements.

Pylons PC9 - PC10 under the TWL 32.5m AoD

- 2.41 Counsel for National Grid noted that three themes emerged from SEW’s comments on the interactions between the proposed reservoir and the 400kV line between pylons PC9 and PC10 under the TWL 32.5m AoD proposal. Counsel confirmed that its comments in respect of the third of these themes (amenity) were only very minor and therefore would not be addressed in any detail at this stage.

Engineering

- 2.42 Mr Rosenberg confirmed that there was a minor interaction between the 400kV line between pylons PC9 and PC10 and the proposed TWL 36m AoD reservoir, as illustrated at page 55 of the Mott MacDonald report (**Appendix F of Doc 8.2.1**).
- 2.43 Mr Rosenberg stated that National Grid had identified solutions to address concerns relating to this interaction, and that it could see no reason why these solutions could not be built into

SEW's proposals. There was equally adequate space to incorporate the fish pass in the manner proposed by National Grid at Figure 6.1 of the Mott MacDonald report.

- 2.44 Mr Rosenberg confirmed that the route of the fish pass shown in Figure 6.1 was all currently within SEW's ownership.
- 2.45 Mr Rosenberg referred to the challenge in this location of the overhead transmission lines oversailing the proposed permanent bridge for access onto the dam crest. It was confirmed that, as outlined in Section 6 of the Mott MacDonald report, a number of options exist to construct the bridge under the overhead lines.

Biodiversity: shading

- 2.46 Ms Gettinby advised that where shading is required such as in the riparian zones (so as to avoid the creation of a thermal barrier to fish species), those areas could be maintained through appropriate choice of species and maintenance. NE's requirement for shading of the fish pass would thus also be met. Shading of the fish pass and river diversion by coppice woodland could be delivered by appropriate woodland design and management, including by planting of riparian tree species that can be coppiced and grown in wet ground conditions, such as willows and alder.
- 2.47 As a result, Ms Gettinby confirmed that the conditions needed to meet both connectivity and WFD requirements can be created and maintained in the area of interaction between the proposed Richborough Connection Project and SEW's proposals. This would be through the provision of National Grid's proposals for planting (**Appendix D** within **Appendix F, Doc 8.2.1**) which could be delivered through coppicing or selective height reduction management, and both the EA's and NE's requirements, and those of the WFD to match or better existing habitat conditions, would be met in full.

Pylon 10 under the TWL 32.5m AoD proposal

- 2.48 Representatives on behalf of SEW confirmed that all points in relation to pylon PC 10 had been raised elsewhere in its submissions to the ExA.

Area south of pylon PC 8 (i.e. between PC7 – PC8) under the TWL 36m AoD proposal

- 2.49 Representatives on behalf of SEW confirmed that all points already raised in relation to woodland planting proposals and woodland continuity that applied to this area under the TWL 36m AoD proposal had been raised in respect of the TWL 32.5m AoD proposal. There were no further comments to add to this.

Pylon PC8 under the TWL 36m AoD proposal:

Engineering

- 2.50 Mr Rosenberg advised that the interaction between the river diversion and pylon PC8 is slight and is likely to be managed through minor alterations to the river diversion.
- 2.51 Mr Rosenberg confirmed that if the river channel gradient was increased to 1 in 200, the interaction, when compared to a 1 in 400 fall, would increase at pylon PC8. The river diversion would be wider and deeper. This increased interaction could be managed through

the options presented in the Mott MacDonald Interaction report (**Appendix F of Doc 8.2.1** submitted at Deadline 2) by utilising solutions presented for other interactions. The secondary embankment was identified as a fixed point and SEW have presented this to have a crest level of 38m AoD for the 36m AoD TWL. The channel gradient upstream of this embankment, based on the current proposed river diversion channel, would fall at a gradient of 1 in 1000, therefore a 1 in 200 channel gradient just downstream of this is unlikely to meet the requirements of the WFD for channel morphology.

Pylon PC8 – PC9 under the TWL 36m AoD proposal

Engineering

- 2.52 SEW's concerns in respect of this location under the TWL 36m AoD proposal were discussed in relation to the TWL 32.5m AoD.

Pylon PC9 under the TWL 36m AoD proposal

Access

- 2.53 Representatives on behalf of SEW raised concerns over the access that National Grid would seek to take to pylon PC9 under the TWL 36m AoD proposal.
- 2.54 Mr Jim Brown, on behalf of National Grid, explained that, in respect of any access that National Grid would need during construction of the reservoir in order to carry out maintenance works to pylon PC9, access would be taken following discussion with SEW or their appointed Principal Contractor. This would be to ensure that prior to any access or works on that site, maintenance activities could be coordinated and National Grid staff would be made aware of the construction risks and site restrictions in place.
- 2.55 Once the reservoir construction works are complete, National Grid would agree with SEW on the access (for maintenance) that would need to be taken, however at this stage it is believed that the access would make use of the newly constructed bridge over the Sarre Penn diversion toward the dam crest before turning west towards pylon PC9. Mr Brown advised that National Grid has a range of vehicles for gaining access to its pylon sites ranging from all-terrain vehicles with low ground pressure tyres to 4 x 4 large goods vehicles.
- 2.56 Mr Brown confirmed that, in normal circumstances, it would be 15-20 years before National Grid would envisage going onto the site in order to carry out any major works.

Pylons PC 9 – PC 10 under the TWL 36m AoD proposal

- 2.57 Representatives on behalf of SEW confirmed that the issue of maintaining woodland connectivity explained in relation to the TWL 32.5m AoD proposal would apply to the 36m proposal in the same way.

Pylon PC 10 under the TWL 36m AoD proposal

Engineering

- 2.58 Mr Rosenberg identified a corridor of approximately 175m in width to incorporate the fish pass and associated infrastructure. A representative on behalf of SEW raised the concern of

having a fish pass raised above existing ground level, which could potentially have greater engineering challenges and may lead to lining of the channel. Mr Rosenberg responded that this risk could be reduced or mitigated by:

- 2.58.1 Diverting a short section only where interaction occurs and joining back to the existing line as soon as possible.
- 2.58.2 Diverting the channel initially to the south; this may increase excavation, but would avoid interaction with pylon PC10 and keep the diversion below existing ground levels.

Topic specific SoCGs

- 2.59 The ExA considered that, in order to navigate the areas of agreement and disagreement in relation to the areas of interaction between the Richborough Connection Project and the proposed reservoir, it would be useful for the parties to prepare and agree statements of common and uncommon ground for submission to the examination at Deadline 4.
- 2.60 The ExA suggested that such statements be prepared in relation to the following topics, in each case dealing with reference to the TWL 32.5m AoD and TWL 36m AoD proposals:
 - 2.60.1 ecology and biodiversity including management and maintenance;
 - 2.60.2 landscape and visual impact and amenity; and
 - 2.60.3 engineering and construction.
- 2.61 Counsel for National Grid confirmed that these topics were appropriate and that it would work with SEW to agree areas of common and uncommon ground for submission to the ExA at Deadline 4.

Other areas of potential design conflict

Construction constraints

- 2.62 Mr Brown explained that National Grid was required by law to maintain safe clearance distances to overhead lines and to make it safe for people to work in proximity to them. Further to the ExA's request at the Issue Specific Hearing, guidance relating to construction works in the vicinity of electricity transmission lines is included with the Applicant's Deadline 3 submissions (**Doc 8.24**). Once SEW has arrived at detailed design and construction phasing, National Grid would sit down with SEW to discuss how those safety clearances could be guaranteed during the construction of the reservoir.

Recreational, Landscape and visual amenity

- 2.63 In response to the points made by SEW in respect of recreational amenity, Counsel for National Grid explained that leisure activities do take place at sites with overhead transmission lines, for example at Lee Valley Park, which Mrs Hancock had referred to. In terms of kite flying, it was pointed out that SEW were seeking high canopy planting in the vicinity of the transmission lines, which in itself would preclude that activity from taking place

in those areas. Counsel for National Grid confirmed that it would respond in writing to the note on bird strike/collision risk to be submitted to the examination by SEW for Deadline 3.

Protective provisions

- 2.64 Counsel for National Grid confirmed that it was National Grid's position that it would be inappropriate to include protective provisions relating to a future potential reservoir within the Richborough Connection Project Development Consent Order.
- 2.65 As regards costs, it was noted that SEW had acknowledged in its written submissions at Deadline 2 that the cost of diverting or undergrounding the existing 132kV line that crosses the proposed reservoir site had been included in the WRMP 14 appraisals. In relation to National Grid's proposed 400kV line, SEW would assess any additional costs and refer these to its regulator in the normal way.

SEW suggested alternatives

- 2.66 Counsel for National Grid confirmed that it was not anticipating seeking an extension to the 6 month examination timeframe. It did anticipate responding formally to the three alternatives options put forward by SEW and was currently considering these.
- 2.67 In response to Mr Bullen's comments on alternatives, Counsel confirmed that National Grid intended to respond to SEW's alternatives proposals, but not to any other alternatives submitted by Interested Parties to the examination, unless directed to do so.

Adequacy of the ES

- 2.68 Counsel for National Grid explained that the Applicant's view was that cumulative assessment does not include long term projects that may or may not be the subject of an application in the future where there is uncertainty over the proposals. To the extent that this is a correct view, National Grid then believes that its ES is adequate and covers the likely significant effects of the proposed development. As SEW is currently uncertain of what size of reservoir it would seek consent for, does not have the design work ready for the whole reservoir, or certainty on its future plans for recreational use, that is why, in effect, it is not possible to cumulatively assess the likely significant effects.
- 2.69 National Grid did anticipate responding formally to the Written Representation put forward by SEW and would take this away for review.

3 Agenda Item 3: Policy context

- 3.1 A post-hearing note on the interpretation of the hierarchy between the Water Industry Act 1991 and the Planning Act 2008 was requested from SEW for submission at Deadline 3, as noted in the Hearing Action Points List published by PINs on 1 August 2016.

4 AOB

- 4.1 Counsel for SEW confirmed that the parties and their consultants do continue to engage in discussions in relation to the issues raised at the Issue Specific Hearing and that a meeting is scheduled for Tuesday 9 August 2016, where those discussions will continue.