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8th September 2016

Dear Ms Fernandes,

**Application by National Grid for an Order Granting Development Consent for the Richborough Connection Project – Deadline 4**

***Issue Specific Hearings***

Further to the Planning Inspectorate's Rule 8 letter dated 16 June 2016 and in accordance with Section 89 of the Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010, Kent County Council wishes to attend and make oral representations at the Issue Specific Hearings on 27 September 2016 relating to the Development Consent Order and on 30 September 2016 relating to landscape, visual and biodiversity effects. At these Issue Specific Hearings the County Council will be represented by:

- Tom Marchant - Head of Strategic Planning and Policy, KCC
- David Green - Principal Landscape Architect, Amey, instructed by KCC.

In addition, the County Council wishes to attend the second Issue Specific Hearing on 28 September 2016 relating to the Broad Oak Reservoir. Please note that KCC **does not** wish to be heard at this Issue Specific Hearing.

If you require any further information then please do not hesitate to contact me.

Yours sincerely,



**Katie Stewart**  
Director of Environment, Planning and Enforcement

Enc. Responses to the Examining Authority's Second Round of Written Questions.



## **Application by National Grid for the Richborough Connection Project The Examining Authority's second written questions and requests for information**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information; responses to which are due on **Thursday, 8 September 2016 at 11.59pm– Deadline 4.**

Questions are set out using an issue-based framework derived from the initial assessment of principal issues provided as Annex B to the ExA's Rule 6 letter of 11 May 2016. There are additional topic headings which follow on sequentially.

Column 1 of the table below provides a **unique reference number** which starts with a 1, then combines a section number and a question number. **When you are answering a question, please start your answer by quoting the unique reference number.** If you are answering a limited number of questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table based on that used below. An editable version of this table in Microsoft Word is available from the Planning Inspectorate. Please email your request to: [Richborough@pins.gsi.gov.uk](mailto:Richborough@pins.gsi.gov.uk) and include 'Editable ExAQ2 Table' in the subject line of your email.

Column 2 indicates **the party (or parties)** that is (are) required to answer each question. The ExA requests that all parties named answer all questions directed at them, providing either a clear and substantive response, or providing reasons as to why the question is not relevant to them.

The direction of questions in this way does not preclude an answer being provided by a party to whom it is not directed. Where questions can be fully addressed and answered within a Statement of Common Ground (SoCG) or other submission, then a reference to the relevant section of a SoCG or submission, will be sufficient.

When referring to documents already submitted at previous deadlines, please use the document referencing system in the Examination Library, which can be accessed at the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020017/EN020017-000009-Examination%20Library.pdf>

Ref No.	Respondent:	Question:
<b>1</b>	<b>Air quality including dust</b>	
No second round questions		
<b>2</b>	<b>Biodiversity and geological conservation</b>	
		<i>Habitat Regulations Assessment</i>
<b>Q2.2.1</b>	Natural England	<p>Confirm agreement (or otherwise) in relation to whether the Applicant has identified all of the correct qualifying features/ interests for each of the eleven European sites screened into the assessment in the updated versions of Tables 3.1 and 3.2 [REP2-017, Appendix C].</p> <p>If not, please identify which European sites and qualifying features/ interests are not accurately reflected in Tables 3.1 and 3.2 and confirm the correct qualifying features/ interests for these European sites.</p>
<b>Q2.2.2</b>	Applicant	<p>If Natural England (NE) does identify discrepancies with the qualifying features/ interests reflected in the updated versions of Tables 3.1 and 3.2 [REP2-017, Appendix C], the Applicant is to provide updated versions of Tables 3.1 and 3.2 at <b>Deadline 5</b> which align with the information provided by NE.</p> <p>The Applicant should update the No Significant Effects Report (NSER) elsewhere to demonstrate how all of the correct qualifying features/ interests have been considered within the assessment.</p> <p>The Applicant should update the screening matrices to ensure they are consistent with the qualifying features/ interests reflected in Tables 3.1 and 3.2 of the NSER.</p> <p>It is noted that the qualifying features of The Swale SPA are recorded differently in Tables 3.1 and 3.2 when compared with Screening Matrix 10 and in relation to Stodmarsh SPA; should Table 3.1 include "<i>breeding bird assemblage</i>"?. These discrepancies will also need to be corrected by the Applicant.</p>
<b>Q2.2.3</b>	Natural England	Please confirm in a <b>Deadline 5</b> response that the Applicant has submitted the correct versions of the conservation objectives in [REP2-017] and in response to Q2.2.3; and if not provide the correct versions.

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<b>Q2.2.4</b>	Natural England	Do you agree with the Applicant's response to Q1.2.10 [REP2-016], that the placement of the pylons anywhere within the limits of deviation (LoD) would not affect the conclusions of the NSER?
<b>Q2.2.5</b>	Natural England	Is there any change to NE's agreed position on there being no plans/ projects where in-combination effects may arise (response to Q1.2.6 [REP2-073]) in light of the following documents: <ul style="list-style-type: none"> <li>• South East Water's Written Representation [REP2-099];</li> <li>• Jacobs Alternatives Report (Appendix 11 [REP2-183]);</li> <li>• Broad Oak Reservoir Bird Study (Appendix 11, Appendix G [REP2-201], which is duplicated as Appendix 12, Appendix G [REP2-208];</li> <li>• Jacobs Impact Report (Appendix 12 [REP2-205]); and</li> <li>• South East Water Document on Bird Collision Risk [REP3-031]?</li> </ul>
<b>Q2.2.6</b>	Natural England	Is there any change to NE's agreed position that the proposed development will not result in a likely significant effect on any European sites and that an appropriate assessment is not needed (response to Q1.2.13 [REP2-073] and SoCG [REP2-022]), in light of documents referred to in Q2.2.4?
		<i>Assessment methods used in the Environmental Statement</i>
<b>Q2.2.7</b>	Joint Councils	Does the Applicant's response to Q1.2.25 (REP2-016) provide the assurance that the Councils were looking for in terms of the review of the method and outcomes of the assessment with reference to the Guidelines for Ecological Impact Assessment, 2nd edition (2016), as set out in the Joint Councils' Local Impact Report (LIR) [REP2-061, para 7.4.1 and REP3-014, Table 4, ref 7.4.1, bullet 1]?
KCC is satisfied that the technical assessments related to GEcIA2006 remain satisfactory within the context of GEcIA 2016.		
		<i>Planning Statement</i>
<b>Q2.2.8</b>	Applicant	Do you agree with Dover District Council's suggested amendment to the Planning Statement with regard to planning policy relating to Local Wildlife Sites (LWSs) and hedgerows in response to Q1.2.43 [REP2-065]?
		<i>Consideration of Alternatives</i>
<b>Q2.2.9</b>	Mr Bullen Interested Parties	Further to the Applicant's response to Q1.7.30 [REP2-016] on alternatives, do you have any further comments on alternatives relating to biodiversity, by reference to EN-1, section 4.4 and EN-5, section

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		2.7.
		<i>Nationally designated sites: Sites of Special Scientific Interest</i>
<b>Q2.2.10</b>	Joint Councils	Do the Councils agree with the Applicant's response regarding the West Blean and Thornden Woods Site of Special Scientific Interest (SSSI) in connection with whether the works associated with the proposed development could provide greater (or lesser) opportunities for public access (official or unofficial), which cumulatively, with the residential development planned for the Sturry Broad Oak area, could be detrimental to the SSSI [REP3 -014, Table 4, ref 7.4.1, bullet 2]? If not, is there mitigation that the Councils consider should be included?
KCC considers that when the woodland is first coppiced this could result in additional public access before a dense understorey develops. It is requested that the applicant considers fencing off the area to deter public access as a result of the initial woodland clearance.		
		<i>Regionally and locally designated sites</i>
<b>Q2.2.11</b>	Kent Wildlife Trust	Kent Wildlife Trust (KWT) to provide comments on points made by Kent County Council (KCC) [REP3-040, Appendix 1] regarding grassland reseeding mixes proposed for Local Wildlife Sites in its comments on the Concept Mitigation Planting Plans [REP2-014]?
		<i>Ancient woodland and veteran trees</i>
<b>Q2.2.12</b>	Applicant	Please provide an update on meeting(s) with the Woodland Trust. If no meeting has been arranged, why not? [REP2-016, response to Q1.2.35].
<b>Q2.2.13</b>	Applicant Joint Councils	What progress has been made on reaching an agreement on the need for and scope of enhancements or mitigation for ancient woodland (as referred to in response to Q1.2.31 [REP2-016])?
This matter was discussed at a meeting between National Grid and the Joint Councils dated 15 August 2016. KCC is content with a the generality of the enhancement and mitigation included within the current Concept Mitigation Planting Plan and the Landscape and Habitat Enhancement Scheme (subject to the concerns raised in KCC's response to Q2.2.36).		
<b>Q2.2.14</b>	Applicant Canterbury City Council	Further to the Applicant/ Joint Councils' SoCG ID 5.4.1 [REP2-024], report on the progress on agreement over a further contribution by the Applicant to " <i>the enhancement of the ancient woodland harmed by the route by contributing financially to support its future management and projects that seek to enhance its interpretation</i> ".

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		The Applicant is also requested to discuss with and report views of the Woodland Trust on this matter.
<b>Q2.2.15</b>	The Woodland Trust	<p>Comments are sought on the following matters:</p> <ul style="list-style-type: none"> <li>• the Applicant's assessment of the effects on West Blean and Thornden Woods SSSI including areas of ancient woodland (refer Q1.2.27 [PD-006]);</li> <li>• the Applicant's response to Q1.2.31 [REP2-016] regarding the Woodland Trust's concerns over removal of ancient woodland;</li> <li>• any issues of which the Woodland Trust is aware of in relation to the management of the existing 132kV line where it passes through areas of ancient woodland (Q1.2.32 [PD-006]);</li> <li>• Wayleaves as set out in the Applicant's response to Q1.2.33 [REP2-016];</li> <li>• the Applicant's assessment that the trees that would be removed from Little Hall and Kemberland Woods Pastures LWS are not ancient or veteran (Q1.2.34 [PD-006]);</li> <li>• Agreement or otherwise (with reasons) of the Applicant's response to Q1.2.35 [REP2-016] regarding areas of ancient woodland to be removed, affected and managed;</li> <li>• Q1.2.36 [PD-006]), which includes reference to the Applicant's updated Embedded Environmental Measures Schedule submitted at Deadline 2 [REP2-006] and the updated Biodiversity Mitigation Strategy (BMS) [REP3-004] submitted at Deadline 3, noting the Kent Wildlife Trust's response [REP2-083];</li> <li>• the Applicant's and Councils' responses to Q1.2.37 [REP2-016] regarding natural regeneration adjacent to ancient woodland and the ExA's further question in this regard;</li> <li>• management and maintenance periods of five years for mitigation planting as proposed by the Applicant (Q1.2.38 [PD-006]);</li> <li>• management operations within ancient woodland (Q1.2.39 [PD-006]);</li> <li>• the updated CEMP, submitted at Deadline 2 [REP2-007] and updated BMS submitted at Deadline 3 [REP3-004];</li> <li>• the Concept Mitigation Planting Plans submitted at Deadline 2 [REP2-014]; and</li> <li>• the Applicant's Response to issues raised at the Open Floor Hearings [REP3-022, Appendix 1].</li> </ul>
<b>Q2.2.16</b>	Applicant Canterbury City Council	Further to responses to Q1.2.37 [REP2-063 and REP2-069] regarding natural regeneration adjacent to ancient woodland, consider further whether areas for natural regeneration should be itemised on the concept mitigation plans. For example, should some or all of the proposed 3,927m <sup>2</sup> of Species Mix A on

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	Kent County Council Woodland Trust	the Concept Mitigation Planting Plan [REP2-014, figure 11.1zd], which would plant an area adjacent to ancient woodland, previously a wayleave for the 132kV PX line, be left for natural regeneration? Likewise the proposed area of 2,818m <sup>2</sup> of Species Mix C on the Concept Mitigation Planting Plan [REP2-014, figure 11.1zf].  Also see question under Requirement 8 of the DCO.
KCC supports the suggestion that natural regeneration would be appropriate in all of the areas indicated. See also response to Q2.5.10.		
<b>Q2.2.17</b>	Mr Boylan	Further to points made in your Deadline 3 submission [REP3-045], the Applicant's Response to Q1.2.31 [REP2-016] and to issues raised at the Open Floor Hearings [REP3-022, Appendix 1, section 2.2], do you have any further concerns regarding the effect the proposed development would have on Kemberland Woods?
<b>Q2.2.18</b>	Canterbury City Council	Do you agree with the Applicant's position that there would be no direct loss of ancient woodland, in response to the LIR ID7.1.1 [REP3-014, Table 1, ID 7.1.1]?
<i>Protection of habitats</i>		
<b>Q2.2.19</b>	Applicant	As noted, the updated Figures [REP2- 009] requested in Q1.2.39 are the same as ES Figures 3.13 [APP-034]. The Applicant should ensure clarity is provided on status of these Environmental Statement (ES) figures in the ES erratum document and/ or the ES definition in the DCO.  The Applicant should confirm whether the updated Arboricultural Impact Assessment (AIA) Limits of Deviation Potential, Figures 31.3a to 31.3v as requested in Q1.2.39 were submitted and if so where. If not, why not?
<b>Q2.2.20</b>	Applicant	Responses to Q1.2.50 and Q1.7.11 [REP2-016] make reference to trees which may be removed. Where are the trees which may be removed identified within the application documents, other than the AIA Limits of Deviation Potential, Figures 31.3a to 31.3v [APP-070].  Notwithstanding explanations in the AIA regarding the proposed development not being able to "fill" the Limits of Deviation (LoD) [APP-070, section 7.13], explain how the ExA can be satisfied that the full potential extent of the tree and hedgerow removal has been factored into the assessment presented in

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		the ES.
<b>Q2.2.21</b>	Applicant	Can you explain the statement " <i>The total variability of effects on hedges is therefore similar to that of trees or groups.</i> "? This is stated in the context of Table 32.0, which shows the total number of trees affected could increase by ten, total area of tree groups affected could increase by 0.01 hectare and the length of hedges affected could increase by 4,747 m, compared with the total affected hedge length (2,482m) in the preferred alignment [APP-070, para 7.13.13].
<b>Q2.2.22</b>	Applicant	<p>Are the trees and hedges shown on the AIA Limits of Deviation Potential, [APP-070, Figures 31.3a to 31.3v] as "<i>potentially affected by limits of deviation</i>" trees and hedges which might move from 'removal' or 'managed' to being 'unaffected' as well as ones which might move from 'unaffected' to 'managed' or 'removed'? If so, how has this been taken into account in the assessment presented in the ES?</p> <p>If not, explain how hedgerows such as H168 [App-070, Figure 31.3o and REP2-009, Figure 31.2o] can be shown for 'removal' and also as 'potentially affected by limits of deviation'.</p> <p>(Note there is a related question under Traffic and Transport relating to visibility splays).</p>
<b>Q2.2.23</b>	Applicant	Please explain which drawings landowners should consult to establish if the proposed development would result in trees and/or hedges to be removed, managed or that may be affected on their land and if mitigation or enhancement is proposed.
<b>Q2.2.24</b>	Applicant	<p>The response to Q1.2.47 [REP2.016] regarding removal of Tree Preservation Order (TPO) trees explains the need is based on the connected land required for reptile mitigation. However it also indicates that not all trees may need to be removed – a worst case is presented.</p> <p>The Applicant should review the trees to be removed in this location to establish if loss of TPO trees can be minimised further.</p>
		<i>European and other protected species</i>
<b>Q2.2.25</b>	Applicant The Environment Agency	The response to Q1.2.55 is noted, which confirms that where full ecological surveys have not been possible to date for water vole and otter, they would be undertaken to support Flood Risk Activity Permitting (FRAP) applications.

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		<p>Could the results of the verification surveys affect the conclusions of the ES assessment?</p> <p>Is there a risk that any further mitigation measures which might be required through the FRAP process may not be compatible with the mitigation strategy secured in the DCO?</p>
<b>Q2.2.26</b>	Applicant	Is there something missing from the end of response to Q1.2.57?
<b>Q2.2.27</b>	Natural England	Please confirm that a letter of no impediment (LoNI) for water vole is not required.
<b>Q2.2.28</b>	Joint Councils	Are the Joint Councils content with the responses given by the Applicant in its Comments on LIR and Councils WRs document [REP3-022, ref 7.4.1, bullet 3 and 7.4.2] regarding justification of short-term effects on water vole in the Ash Level and Richborough Pasture Local Wildlife Site and the request for further details about the works in the vicinity of ditches with potential water vole habitat? If not what information is required?
KCC is content with the clarification by National Grid given in Document 8.14 Table 4, Reference 7.4.1 bullet 3 and the calculations in response to Reference 7.4.2 in which gives a worst-case direct short-term loss of potential foraging or burrowing habitat.		
		<i>Ornithology</i>
<b>Q2.2.29</b>	Applicant	Comment on the difference in numbers and species of birds and the matters raised about dusk and dawn flights in the response to Q1.2.16 by John Craddick and Graham Chandler [REP2-081], including the reference to large numbers of cormorant. Comment also on the response of Mark Heath in the WR from Nethergong Camping [REP2-089] in its response to Q1.7.53 [REP2-090].
<b>Q2.2.30</b>	Applicant	Respond to the concern raised by St John's College regarding bird mortality collision risk and the positioning of the crossover " <i>located directly under a known Swan flightline where previous mass bird-strikes have occurred</i> " [REP2-092], the approximate location of which was pointed out on the Accompanied Site Inspection (ASI) on 26 July 2016, where the ExA observed bird flight diverters on the 132kV line.
<b>Q2.2.31</b>	Applicant Natural England	Respond to KWT's concerns regarding impacts on Golden plover within a site of conservation interest at a County level and its suggestion that mortality thresholds, monitoring and a mechanism for

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		<p>further mitigation are required [REP2-082, point 5b].</p> <p>Is there any change to the Applicant's or NE's stated positions on bird mortality monitoring not being required; in light of:</p> <ul style="list-style-type: none"> <li>• SEW's WR and Appendices [REP2-099, REP2-201 and REP3-031],</li> <li>• Dover District Council's response to Q1.12.33 [REP2-065],</li> <li>• NFU's Deadline 3 response [REP3-046] and</li> <li>• KWT's points regarding Golden plover [REP2-082, point 5b]?</li> </ul>
<b>Q2.2.32</b>	Applicant	<p>Following on from the response to Q1.7.57 [REP2-016], do the different types of bird diverters that could be selected by the main contractor have different mitigating capabilities? Does this affect how the success of bird diverters has been assessed in the ES?</p>
<b>Q2.2.33</b>	Applicant	<p>Provide a response to KWT position which considers that alternatives were not considered in any greater detail before route selection was made with regards to ornithology, given that it had previously expressed concerns over the Northern Corridor having higher frequency of flocks of waders and small groups of wildfowl than the Southern Corridor. Also respond to KWT's position over the proximity of the Northern Corridor to the SPA and wetland habitats within the Local Wildlife Sites (LWSs) of the Ash Levels and Chislet Marshes [REP2-082, point 5a].</p> <p>The Route Corridor Study [APP-131, para 11.25] states "<i>The winter bird survey results have shown flocks of waders and small groups of wildfowl are more frequently observed within the North Corridor compared to the South. The presence of the Seaton Gravel pits on the South Corridor make parts of the South Corridor potentially more important for wildfowl (SPA species) compared with the North Corridor (Scenario 2) of greater interest for raptor species such as marsh harrier (non SPA species). The on-going bird surveys will provide a clearer picture of bird patterns and movements.</i>"</p> <p>The Applicant should clarify what in fact the ongoing bird surveys did demonstrate in the response.</p>
<b>Q2.2.34</b>	Kent Wildlife Trust	<p>Expand the reasoning behind KWTs in principle objection [REP2-082, point 5a] to the chosen route corridor in the context of the policy position on alternatives contained in National Policy Statement (NPS) EN-1, section 4.4 and EN-5, section 2.7.</p>

<i>Mitigation and enhancement</i>		
<b>Q2.2.35</b>	Applicant Joint Councils KWT	In response to Q1.2.29, Kent Wildlife Trust expressed a desire to be kept apprised of future details of the Landscape and Habitat Enhancement Scheme (LHES) [REP2-083]. How should this happen?
<p>The draft s106 currently being progressed between the Joint Councils and the Applicant includes a Schedule to secure that a Landscape and Habitats Enhancement Delivery Scheme (for the original Landscape and Habitats Enhancement Scheme (LHES) or any replacement LHES) is submitted to and approved in writing by the relevant Councils prior to any stage of the authorised development commencing. It is suggested that this could also include an additional requirement for National Grid to notify KWT of the approval of any Landscape and Habitats Enhancement Delivery Schemes by the Councils, if this Schedule is considered acceptable by the Examining Authority to be secured by s106, a matter which the Councils raised a question over [REP2-065 Q1.7.63].</p>		
<b>Q2.2.36</b>	Applicant Kent County Council Canterbury City Council Dover District Council Thanet District Council	<p>KCC has provided comments on the Concept Mitigation Planting Plans [REP3-040, Appendix 1]. This sets out a number of technical matters to do with planting species and mixes and also suggestions for improving ease of use of the drawings.</p> <p>This raises a number of matters:</p> <ul style="list-style-type: none"> <li>• Which Councils would be the post-consent discharging authorities for approvals to the mitigation planting scheme for the planting of trees, groups of trees, woodlands and hedgerows to be removed under Requirement 8?</li> <li>• Can agreement be reached on the species components and level of detail required in the Concept Mitigation Planting Plans between the Applicant and the Councils? Set out agreement and any remaining differences.</li> <li>• Is the level of detail requested for the drawings in KCC's response necessary and proportionate, bearing in mind it was agreed at the first DCO hearing on 28 July 2016 that cross-referencing between mitigation and enhancement proposals would be undertaken by the Applicant? The ExA would find the suggested annotation of pylon numbers and street names useful.</li> </ul> <p>The Applicant and Councils are requested to review the KCC comments and provide a joint response on the three points above.</p>
<p>KCC has constructively engaged with National Grid on this matter although a full agreement has not been reached to date. Whilst the appropriate Local Planning Authority would be the Discharging Authority, KCC wishes to be consulted on this matter.</p>		

The County Council has concerns regarding the detailed yet formulaic approach in the Concept Mitigation Planting Plans [REP3-040, Appendix 1]. It is considered that this approach would result in a poorly planned scheme with inappropriate species mixes. Therefore, it is recommended that references to the standard plant mixes are deleted at this stage. It is also advised that a more generalised planting strategy, with a simplified Concept Plan is prepared to ensure that detailed landscape proposals would be submitted for approval before the commencement of the works.

With regard to the drawings, it is recommended that ensure that such drawings and their annotations are more 'user-friendly' for public use; however, the County Council would welcome the opportunity to consider alternative approaches. In any case, a more strategic/conceptual approach to the planting design (as above) should make the drawings less complicated.

<b>Q2.2.37</b>	Joint Councils	Are the Joint Councils satisfied with the Applicant's response in its Comments on LIR and Councils' WRs to their points on long-term methods of maintenance of safety clearance zones [REP3-014, ref 7.4.6]?
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KCC is content with the Applicant's response but would defer to Natural England regarding consents for SSSIs.

<b>Q2.2.38</b>	Joint Councils The Environment Agency Natural England The Kent Wildlife Trust Other Interested Parties	Provide any further comments on the Applicant's updated BMS [REP3-004], and where relevant to biodiversity matters in the updated CEMP [REP2-007].
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KCC has no further comments on the Applicant's updated BMS [Rep3-004] and biodiversity matters in the updated CEMP [REP2-007].

<b>Q2.2.39</b>	Applicant	Should the commitment stated in your Comments on LIR and Councils' WRs to pass records to the Kent and Medway Biological Records Centre be secured, eg in the BMS [REP3-014, ref 7.4.7]? If so, provide drafting.  Should the commitment stated in your Comments on LIR and Councils' WRs to provide ecological monitoring reports for European Protected Species licence requirements and for up to five years'
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		replacement habitat planting to the County ecologist be secured eg in the BMS and/ or CEMP [REP3-014, ref 7.4.8]? If so provide drafting.
<b>Q2.2.40</b>	Applicant	Update discussions with Persons with Interest in the Land (PILs) over the potential for extension(s) to Higher Stewardship Schemes (HLS) in the Ash Levels.
<b>3</b>	<b>Broad Oak</b>	
	Respondents should note that if a question in this section is already answered in one of the post-hearing actions also to be submitted at Deadline 4, then a reference to that document with paragraph number(s) will suffice in response to the question(s) below.	
		<i>Impacts of the proposed development on the proposed Broad Oak reservoir</i>
<b>Q2.3.1</b>	Applicant South East Water	What was the outcome of the meeting on 9 August 2016 which sought to make progress on finding a design solution that would enable both developments to proceed? Including flexibility to allow for retrofitting of mitigation measures should such measures be considered necessary.
<b>Q2.3.2</b>	The Environment Agency Natural England	Please provide comments on the Applicant's 'Response to South East Water's report Review of Alternative RCP Routes in Area of Interaction with Proposed Reservoir Scheme – July 2016' [REP3-019, Appendix 5] indicating any areas of concern and provide comments on the Applicant's views expressed on the potential for the two proposed developments to co-exist.
<b>Q2.3.3</b>	The Environment Agency Natural England	Please provide comments on the Applicant's Deadline 2 submission (the Mott MacDonald Report) [REP2-017, Appendix F] and SEW's response to the Mott Macdonald Report [REP3-036, Appendix 4.1, Appendix 1]? Indicating any areas of concern and provide comments on the Applicant's views expressed on the potential for the two proposed developments to co-exist.
<b>Q2.3.4</b>	Applicant South East Water	The Applicant and South East Water are requested to ensure that any ongoing differences between parties in terms of the application of visual (and/ or landscape) assessment methodology, such as those covered in SEW's responses to Q1.7.5, Q1.7.9, Q1.7.16 and Q1.7.29 [REP2-098], are included in the relevant topic-based SoCG for submission at Deadline 4.

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<b>Q2.3.5</b>	South East Water	<p>Please provide any comments on the Concept Mitigation Planting Plans submitted by the Applicant at Deadline 2 [REP2-014], with respect to the concept planting proposed and/ or on the Landscape and Habitat Enhancement Scheme (LHES) [APP-123] for land within SEW's ownership?</p> <p>(There are other questions on the Concept Mitigation Planting Plans under the biodiversity section.)</p>
<b>Q2.3.6</b>	Applicant Canterbury City Council The Environment Agency Natural England South East Water	<p>Whilst SEW's response to Q1.7.67 [REP2-098] is caveated with reference to the taking on board of the SEW Alternatives, there is a wider point regarding the necessary approvals for agreeing a planting scheme in the proposed reservoir area. Does the Applicant agree that planting (mitigation and enhancement) associated with all of SEW's land (or some of SEW's land associated with the reservoir) is an area where more certainty of design is desirable and should it also be subject to future approvals including NE and the EA as well as the relevant Local Authority?</p> <p>Do the Applicant and SEW consider securing a method of approval resolves the issues raised in the Jacobs response to the Mott MacDonald comment in SEW's response to the Applicant's Deadline 2 submissions [REP3-036, Appendix 4.1, ref 3.4.2.8]?</p> <p>If so, the Applicant is invited to propose suitable wording for the DCO and /or the LHES.</p> <p>The views of CCC, the EA and NE are sought.</p>
<b>Q2.3.7</b>	Applicant	<p>Please comment on SEW's response to Q1.7.70 and set out the implications for the DCO, including temporary possession, if the Secretary of State was to find that a ten year maintenance period was appropriate for the reservoir area for the reasons set out in SEW's response to Q1.7.70 [REP3-098]?</p>
<b>Q2.3.8</b>	Applicant	<p>Please provide a plan to show the relative positions of the various elements of the reservoir and RCP, situated within the corridor said to be available, which are identified [REP3-019, para 4.10].</p>
<b>Q2.3.9</b>	Applicant	<p>If considering a generic situation where the Sarre Penn realignment, in cutting, would cross the proposed overhead line, how would the planting of each of the species in the potential mix be affected in terms of overhead line impact zones and their suitability for specific species [REP3-019, para 4.14]? The Applicant is requested to respond in a tabular or diagrammatic form.</p>

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<b>Q2.3.10</b>	Applicant	What are the typical anticipated and potential heights of the species identified in Table 7.1 of the Jacobs Stage 1b Study Report [REP3-019, para 4.24]?
<b>Q2.3.11</b>	South East Water	Provide evidence in support of its view that a continuous, and not semi-continuous, corridor of high canopy woodland is present along the Sarre Penn and why this habitat should be replaced along the Sarre Penn realignment [REP3-019, para 4.25]?
<b>Q2.3.12</b>	Applicant	Notwithstanding the stated uncertainty over flight paths, could the removal of the existing overhead line have any effect on bird collision risk in relation to the reservoir proposal [REP3-019, para 4.54]? If so, what?
<b>Q2.3.13</b>	South East Water	How has the 260m key bird collision distance been determined [REP3-019, para 4.57]?
<b>Q2.3.14</b>	South East Water	Provide details of the proposals to accommodate the RCP in relation to the Sarre Penn realignment, the fish pass and the access bridge which have been costed and confirm whether or not these proposals represent a potential physical solution to enable a 32.5m AOD top water level reservoir and the RCP to co-exist [REP3-019, para 9.16].
<b>Q2.3.15</b>	South East Water	Provide details of the proposals to accommodate the RCP in relation to the Sarre Penn realignment, the fish pass and the access bridge which have been costed and to confirm whether or not these proposals represent a potential physical solution to enable a 36m AOD top water level reservoir and the RCP to co-exist [REP3-019, para 9.24].
<b>Q2.3.16</b>	Applicant South East Water	The parties are requested to provide plans as set out in the agreed joint statement in relation to Action No 8 from the 29 July 2016 Broad Oak Issue Specific Hearing [REP3-024, secn 2 action 8]. The SEW understanding is correct on the scope of the plans, in that the requested plans should not include any of the parties' proposed alternatives. The opportunity is however available for any party to consider whether they wish to provide supplementary information in relation to this written question. For the avoidance of doubt, separate plans should be prepared for the 32.5 and 36m AOD reservoir proposals and the profile views, under item 9, should effectively be longitudinal sections along the line of the conductors.
<b>Q2.3.17</b>	South East Water	What is the scope and cost of undergrounding the existing UK Power Networks overhead powerline

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		where this has been included within the 2014 WRMP [REP3-036, section 2.2]?
<b>Q2.3.18</b>	South East Water	Is the fish pass anticipated to be used in low flow periods? If so, when and why? What is anticipated to be the lowest flow and the shallowest gradient that would need to be accommodated for effective fish pass operation [REP3-036, section 3.2.4]?
<b>Q2.3.19</b>	South East Water	For reservoir top water levels above 32.5m AOD, is there anything that would prevent the Sarre Penn realignment route being positioned onto the route shown for a 36m AOD top water level [REP3-036, secn 8.1]? Would this minimise direct conflict with proposed Pylon PC9 at intermediate water levels between 32.5 and 36m AOD? Would there be any adverse effects from this transfer to a more southerly route before it was directly required by the reservoir proposal alone? Would a combination of the 36m AOD route and water levels between 32.5 and 36m AOD release additional land between the overhead line and the reservoir shoreline for biodiversity connectivity and landscape impact mitigation planting?
<b>Q2.3.20</b>	The Environment Agency	The EA states that the riparian environment on the realigned Sarre Penn should be continuous with shading and that it is keen to see a connected environment [REP3-039, hearing comments summary]. Is the EA of the view that continuous shading is necessary to avoid deterioration in the Water Framework Directive status of the watercourse in the context of its existing characteristics?
<b>Q2.3.21</b>	Applicant	In the context of the SEW proposals and the Mott MacDonald alternative solutions for the Sarre Penn realignment, for both the 32.5 and 36m AOD reservoir concept designs, how could a future design accommodate issues with the hydromorphological quality elements identified by the EA [REP3-039, Sarre Penn realignment design principles, Sarre Penn realignment]? In other words, how much flexibility would be likely to remain when the effect of the proposed overhead line is included in the consideration of issues relating to these matters?
<b>Q2.3.22</b>	The Environment Agency	What times of year are the migratory trout and eels likely to be migrating [REP3-039, Sarre Penn realignment design principles, reservoir fish pass]?
<b>Q2.3.23</b>	Applicant	In the context of the SEW proposals and the Mott MacDonald alternative solutions for the Sarre Penn realignment, for both the 32.5 and 36m AOD reservoir concept designs, how could a future design accommodate variation in the factors that could affect the design identified by the EA? Again, in other words, how much flexibility would be likely to remain when the effect of the proposed overhead line is

		included in the consideration of issues relating to these matters [REP3-039, Sarre Penn realignment design principles, reservoir fish pass]?
		<i>Environmental Impact Assessment</i>
<b>Q2.3.24</b>	The Environment Agency	<p>In responding to Q1.2.23 regarding the scope of the biodiversity receptors considered in the cumulative assessment EA stated "<i>The scope of impacts and receptors have been reviewed and it appears that all of those of interest to the Environment Agency have been included individually and in the cumulative assessment.</i>"[REP2-060].</p> <p>EA also referred to ID 3.4.2 of their SoCG with the Applicant [REP2-020] (also in the updated version, [REP3-009]), which does not raise any further concerns regarding scoping out of receptors for cumulative assessment. The ExA notes that one matter is still outstanding in the earlier and updated SoCG with the Applicant [REP3-009] at ID 4.1.1 is the "<i>Cumulative effects of the Richborough development and the proposed Broad Oak Reservoir on WFD status of the Sarre Penn.</i>"</p> <p>In EAs Deadline 3 submission it states "<i>As previously indicated in meetings with National Grid, the Environment Agency considers that National Grid should have assessed the environmental effects of the proposed Broad Oak Reservoir cumulatively with those of the Richborough Connection Project... Specifically, this assessment would ensure that construction of the Richborough Connection Project is not pursued in such a way which may prevent the construction of the Broad Oak Reservoir by precluding necessary mitigation under the Water Framework Directive, Salmon and Freshwater Fisheries Act 1975, Water Resources Act 1991 (as amended) and the Eels Regulations 2009.</i>" [REP3-039].</p> <p>Can you clarify if the "<i>environmental effects</i>" to which EA refers in Deadline 3 submission [REP3-039] solely comprise the WFD status of the Sarre Penn as stated in the SoCG. If not, explain precisely which other potential effects (if any) and what other receptors (if any) EA consider the Applicant's cumulative assessment in its ES should have considered and why, relating this to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and any relevant guidance and/ or advice.</p>
<b>Q2.3.25</b>	The Environment Agency	Has the environmental information submitted by both the Applicant and SEW during the course of the Examination assisted the EA in understanding the relationship between the two schemes in the proposed location of the Sarre Penn diversion? Is any further clarity required to be provided by either party to assist you in understanding the potential effects? If so what?

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<b>Q2.3.26</b>	South East Water	Does SEW have any comments on the Applicant's response to SEW's WR [REP3-019]?
<b>Q2.3.27</b>	South East Water	Is SEW content that the information in the Appendices to the Applicant's response to SEW's WR that set out communication between the two parties is an accurate reflection of that communication [REP3-019, Appendices 1 and 2]? If not set out your differences, and provide evidence of these.
<b>Q2.3.28</b>	South East Water	Provide comments on the Applicant's approach to its cumulative assessment in the context of PINS Advice Note 17 (Cumulative Impact Assessment).
<b>Q2.3.29</b>	South East Water	Further to your summary of oral submission at the 29 July 2016 ISH [REP3-034, para 127]; does the Strategic Environmental Assessment (SEA) of the 2015 - 2040 WRMP cover the proposed Richborough Connection development in assessment of cumulative impacts? Did the SEA for the 2014 WRMP take the Richborough Connection development into account? If not explain why not?
<b>Q2.3.30</b>	Applicant South East Water	Is there agreement that there are no likely significant effects of a cumulative nature arising for the construction stage because as currently proposed the construction stages of the two projects would not overlap?
<b>Q2.3.31</b>	Natural England	As statutory nature conservation body (SNCB) is NE's agreed position still that the scope of impacts considered in the assessment set out in the ES Appendices and the scope of receptors considered in the cumulative assessment are adequate (response to Q1.2.23 [REP2-073] and SoCG [REP2-022, section 3.2]), in light of SEW's WR and related Appendices? If not, what is the basis for any changes and is any further clarity required to be provided by the Applicant or SEW to assist NE in understanding the potential effects? If so, what?
<b>Q2.3.32</b>	Applicant	Following Deadline 2 submissions, agenda item 2 on the adequacy of the ES at the ISH on 29 July 2016 [EV-030], SEW's summary of oral submission at the 29 July ISH [REP3-034, para 124 to 136] and the EA's Deadline 3 submission [REP3-039], is the Applicant considering the submission of 'other information' as set out in Regulation 2 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 in relation to likely significant cumulative effects of the proposed development and the proposed reservoir to the Examination?

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		<p>If so what is the anticipated content and timescale?</p> <p>If 'other information' is to be provided; anything that can be submitted at Deadline 4 should be submitted then. Any information which has already been submitted to the Examination, which the Applicant considers would form the basis of 'other information' should be submitted in an appropriate form, suitably identified as 'other information'.</p>
<b>Q2.3.33</b>	Applicant	With whom has it been agreed that effects on the water environment, in relation to the WFD status of the Sarre Penn, during the operational phase can be scoped out of the EIA cumulative assessment [REP3-009, section 4.1.1]?
<b>Q2.3.34</b>	The Environment Agency	The signed SoCG appears to suggest that the EA had agreed that effects on the water environment, in relation to the WFD status of the Sarre Penn during the operational phase, could be scoped out of the EIA cumulative assessment [REP3-009, secn 4.1.1]. Is this correct? If so, when?
		<i>Policy</i>
<b>Q2.3.35</b>	Applicant	In respect of matters discussed at the ISH on 29 July 2016, can you provide any comments on SEW's note on policy addressing the relationship between the Planning Act 2008 and the Water Industry Act 1991 [REP3-037] and how this relates to the WRMP?
<b>Q2.3.36</b>	The Environment Agency	The EA has set out the reasons why the proposed Broad Oak reservoir is an important strategic supply option identified within SEW's WRMP 2014 [REP3-009]. In this context are there any exemptions to meeting the Water Framework Directive (WFD) which might apply?
<b>Q2.3.37</b>	Canterbury City Council	<p>SEW argues that the status of WRMPs for the purposes of the PA 2008 is not materially different from local planning authority development plans [REP3-037, para 3]. Notwithstanding the point the EA makes that the post hearing action is for the Applicant and SEW, it states "... we understand that there is no direct relationship between the Water Industry Act 1991 and the Planning Act 2008 and that Water Resources Management Plans are not part of the development plan framework." [REP3-039].</p> <p>Canterbury City Council is requested to comment on these two stated opinions.</p>
<b>Q2.3.38</b>	Canterbury City	The SoCG with the Joint Councils includes Section 4.34.2 which sets out the policy position in respect of

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	Council	<p>South East Water proposals for a new reservoir at Broad Oak. Policy CC13- Water resources refers to Broad Oak as a 'major supply option' in supporting text but the policy itself does not include it as a site specific allocation and land is not safeguarded for its future position [REP2-024].</p> <p>Would Canterbury City Council explain why the land required for the reservoir has not been allocated /safeguarded in the adopted/emerging local plan?</p>
		<i>SEW Alternatives</i>
<b>Q2.3.39</b>	Applicant	<p>Further to the photograph of a relevant cable sealing end (CSE) compound [REP3-019, Appendix 5, Inset 4.7], can you submit a photograph of such a structure from further away so the entire compound is illustrated.</p> <p>Also, please submit a photograph each of a terminal pylon one with and one without auxiliary cross arms.</p>
<b>Q2.3.40</b>	South East Water	<p>Is the SEW "Option 2 – an alternative overhead line route to the north of the RCP proposal", which was not pursued further, the same or different from the Applicant's Option D [REP3-019, Appendix 5]? If it is different how is it different?</p>
		<i>General</i>
<b>Q2.3.42</b>	South East Water	<p>The purpose of the request for a list of Appendices was to ease navigation of the documents submitted at Deadline 2 by name of the pdf documents as submitted, (which are the document names given in the Examination library). SEW is requested to resubmit the list of Appendices to achieve that purpose and to include in the list only documents which have been submitted to the Examination.</p>
<b>4</b>	<b>Compulsory Acquisition</b>	
		<i>Written Representations</i>
<b>Q2.4.1</b>	Finn's LLP	<p>Finn's LLP is requested to provide the example plan offered [REP2-047, para 1.1.3].</p>
<b>Q2.4.2</b>	Finn's LLP	<p>What is the large discrepancy that is identified [REP2-047, para 1.2.2]? Is this suggested discrepancy within the draft DCO and its related documents?</p>

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<b>Q2.4.3</b>	Applicant	The Applicant is requested to respond to para 1 [REP2-050].
<b>Q2.4.4</b>	Applicant	The Applicant is requested to respond to paras 2 and 3 [REP2-052].
<b>Q2.4.5</b>	Finn's LLP	What are the alternatives for access which are said to have not been sufficiently explored by the Applicant [REP2-053, para 2]?
<b>Q2.4.6</b>	Applicant	The Applicant is requested to respond to para 2 [REP2-053].
<b>Q2.4.7</b>	Applicant	The Applicant is requested to respond to para 2 [REP2-054].
<b>Q2.4.8</b>	Applicant	The Applicant is requested to respond to para 2 [REP2-055].
<b>Q2.4.9</b>	Applicant	The Applicant is requested to respond to para 1 [REP2-057].
<b>Q2.4.10</b>	Finn's LLP	Which of the proposed permanent accesses are of particular concern [REP2-058, para 1]?
		<i>Deadline 3 Submissions</i>
<b>Q2.4.11</b>	Applicant	What detailed arrangements for land subject to temporary possession for access purposes, where this land is used by others for access purposes to enable the land to be used by others during the period of temporary possession, be put in place? And how would this use by others be secured [REP3-013, para 2.3.50]?
<b>Q2.4.12</b>	Applicant	How would any arrangements intended for access to land severed by land subject to temporary possession or other rights, be secured [REP3-013, para 2.3.49]?
<b>Q2.4.13</b>	Applicant	How has the Applicant taken into account the draft DCO, Article 18, notice clarity request from the NFU [REP3-016, para 2.35]? If not, why not? If so, how?
<b>Q2.4.14</b>	Applicant	Are there other powers outside of the PA 2008 which could be used for access to land subject to escheat [REP3-016, para 2.38]? The Applicant is also requested to provide the more substantive update on this matter offered in the first DCO issue specific hearing.

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<b>Q2.4.15</b>	Applicant	Is Article 29 necessary in the draft DCO [REP3-016, para 2.40]? If so, why?
<b>Q2.4.16</b>	Applicant	What is the latest position regarding negotiations with statutory undertakers [REP3-016, para 2.54]?
<b>Q2.4.17</b>	Applicant	The Applicant is requested to provide a detailed response to the Explanatory Note from PB Headley concerning Land and Access at Hersden, including whether any changes to the access routes identified are under consideration [REP3-044].
<b>5</b>	<b>Draft Development Consent Order</b>	
	Respondents should note that if a question in this section is already answered in one of the post-hearing actions also to be submitted at Deadline 4, then a reference to that document with paragraph number(s) will suffice in response to the question(s) below.	
		<i>Articles</i>
<b>Q2.5.1</b>	Applicant NFU Land Agents Interested Parties	<p>Article 5 - Limits of Deviation</p> <p>At the DCO hearing, the ExA requested a Post Hearing Note setting out the mechanism for discussions with land owners and National Grid Land Team in relation to micro siting and limits of deviation. Doc 8.23; 10 [REP3-023] describes in broad terms a process by which the Applicant would consult with Persons with an Interested in Land (PILs)/Agents in relation to use of LoD but does not provide details.</p> <p>Should a more prescriptive mechanism be considered in relation to consultation with PILs/ Agents in relation to the micro-siting of the pylons to ensure that impacts on arable practices are considered alongside construction related issues?</p> <p>If so, what should that mechanism entail and how would this be secured in the draft DCO?</p>
<b>Q2.5.2</b>	Applicant Kent County Council NFU Land Agents Interested Parties	<p>Article 41 - Felling or Lopping of Trees</p> <ul style="list-style-type: none"> <li>• Should the wording of this Article be amended to meet the concerns expressed by KCC in their D3 response to Action Point 41? If so, what would the alternative wording be? If not, why not?</li> <li>• Can the Applicant respond to the proposal raised by NFU that landowners / and or occupiers should be notified of any proposal to fell or lop trees. Furthermore, that the notification should</li> </ul>

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		<p>explain to the landowner/occupier how that tree will obstruct or interfere with the construction maintenance of operation of the authorised development as set out in their response to D3 [REP3-047].</p> <ul style="list-style-type: none"> <li>• Does the NF / land agents / landowners or PILs wish to comment on applicants response to Action Point 24 and Appendix B [REP3-023]</li> <li>• How could compliance with the Energy Networks Association Engineering Technical Report: 136 – Vegetation Management Near Electricity Equipment – Principles of Good Practice be [REP3-023, point 24 and Appendix B] be secured in the DCO?</li> <li>• What is the status of the bullet points in relation to the Land Officer's role in communicating with affected parties about tree felling or lopping [REP3-, point 24]. Should these points be added to a Land Officer role description in the CEMP?</li> </ul>
<p>With regard to bullet point 1 the County Council – as Local Highway Authority – does not consider that the wording of Article 41 should be amended. However, in the event that such wording is amended the following wording is recommended:</p> <p><i>“41.5. Before exercising any of rights in paragraph (1) the undertaker must consult the highway authority before removing any tree in order to provide site lines”.</i></p> <p>With regard to bullet point 3 KCC set out its comments in its response to the Hearing Action Points [REP3-040] and does not wish to make any further comments.</p>		
		<i>Schedule 3 - Requirements</i>
<b>Q2.5.3</b>	Applicant	<p>Requirement 1- Commence</p> <ul style="list-style-type: none"> <li>• Is the Applicant content with the proposed wording put forward by the Joint Councils in response to Action 29 at Deadline 3[REP3-42]? If not, why not?</li> <li>• Should requirement 3 be replaced with a substantive provision as per the A14 decision and if not, why not?</li> </ul>
<b>Q2.5.4</b>	Applicant	<p>Requirement 3 - General Accordance with Design Drawings</p> <p>Suggest a form of wording for Requirement 3 which would enable it to read “in accordance with the Design Drawings” but would be subject to Article5(b) - Limits of Deviation.</p>
<b>Q2.5.5</b>	Joint Councils	Requirement 4- Stages of Authorised Development

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		Is the Applicant's response to Action Point 33[REP3-023] sufficiently precise to enable local authorities to discharge this requirement?
The County Council defers this question to the Local Planning Authorities.		
<b>Q2.5.6</b>	Canterbury City Council Dover District Council Kent County Council	Requirement 5 - CEMP Further to comments on Q1.2.57 are you satisfied with Requirement 5(4) of the draft DCO [REP2-003], which now includes provision for NE to be consulted and the Method Statement A in the Biodiversity Mitigation Strategy, which states that if pre-works verification surveys identify new badger setts adjacent to working areas that a licence may be required from Natural England (NE) and species method statements would be required to accompany licence applications [APP-066, para 10.4.1]?
KCC is satisfied Requirement 5(4) of the draft DCO [REP2-003].		
<b>Q2.5.7</b>	Applicant Kent County Council	Requirement 5 -CEMP 5(2) refers to various plans schemes and strategies "which specifies the measures to be used to minimise the impacts of construction". 5(3) states "any works carried out pursuant to the plans, scheme and strategy referred to in sub-paragraph (2) must be carried out in accordance with the approved plan, scheme or strategy unless otherwise agreed with the relevant planning authority."  Section 5.19 of the Construction Traffic Management Plan (CTMP) refers to a Travel Plan "to be produced by the contractor at detailed design stage and will form aprt of the evolution of this CTMP." Given that the CTMP is a certified document under Requirement 5, explain the reference to 'evolution of this CTMP.  Should the Outline Travel Plan be a separate requirement, the outline of which would be certified by the SoS as per the precedent set in a number of other made DCOs. If not, why not?  The ExA has not come to a view as to whether there should be a separate requirement for travel planning. However, it would assist the ExA if an agreed draft form of wording was provided, for further consideration.
KCC defers the explanation of the reference to the 'Evolution of the CTMP' to the Applicant.		

With regard to the Outline Travel Plan, the County Council does not consider that the Travel Plan needs to be set out as a separate requirement as it is covered by Requirement 6. A further requirement would lead to duplication of matters. However, should the Examining Authority be of the opinion that a separate requirement is appropriate, the County Council agrees with National Grid's suggested drafting for such a requirement (submitted in response to Deadline 4), as set out below:

**"Travel Plan**

- 1.** No stage of the authorised development is to commence until a Travel Plan, for that stage, has been submitted to and approved by the relevant highway authority.
- 2.** The measures specified in the Travel Plan must include the measures set out in the Construction Traffic Management Plan (Document 5.4.3G (A)).
- 3.** The approved plan must be implemented at the commencement of, and maintained during, the construction of the stage of the authorised development to which it relates."

<b>Q2.5.8</b>	Applicant Natural England	Requirement 6 Should Natural England be added to Requirement 6(1) in the same way as the Environment Agency is included? This would be with regards consultation on the proposed lighting scheme.
<b>Q2.5.9</b>	Applicant	Requirement 6 - Construction Mitigation Plans The current drafting of the tail piece appears to allow non-compliance with plans/schemes. Planning Inspectorate Advice Note 15 - Drafting DCOs makes the following comment:  Para 19.4 "On the other hand, a requirement might make the development consent conditional on the LPA approving detailed aspects of the development in advance (for example, the details of a landscaping scheme). Where the LPA (or other discharging body) is given power to approve such details it will be acceptable to allow that body to approve a change to details that they had already approved. However, the tailpiece (or other wording) should not allow the LPA to approve details which stray outside the parameters set for the development as part of the examination process and subsequent approval of the Secretary of State."  Please comment on the suggested form of alternative wording below to overcome this concern.

		<p><i>(2) The construction works for each stage ..... must be carried out in accordance with the approved plans and scheme referred to in sub-paragraph(1) or with any amended plans or scheme that may subsequently be approved in writing by the relevant planning authority.</i></p>
<p><b>Q2.5.10</b></p>	<p>Applicant Canterbury City Council Dover District Council Thanet District Council</p>	<p>Requirement 8 - Mitigation Planting Can all parties provide an agreed update on the outcome of the meeting held on 15 August 2016 between the Applicant and Joint Councils in respect of Requirement 8 - locations that would benefit from advance planting?  Should there be a reference to 'areas left for natural regeneration' in Requirement 8(2)(a)?  Do the Joint Councils, discharging post-consent approvals have any further comments on the need to specify what would be contained in the scheme for planting trees, groups of trees, woodlands and hedgerows?</p>
<p>The County Council supports advance planting and recognises that National Grid has reviewed possible locations. It is considered that these locations are not practicable because they would be affected by construction activities.</p> <p>KCC agrees that areas of natural regeneration should be included in DCO Requirement 8 (2) (a). This requirement should stipulate the method of protection from animals, the method of control of undesirable species and the five year programme of monitoring and management. The following wording is suggested:</p> <p>8.—(1) No stage of the authorised development may commence until, for that stage, a <b>landscape</b> scheme for the planting of trees, groups of trees, woodlands, <b>shrubs, perennial plants</b> and hedgerows, <b>and the seeding of grass and wild flowers and areas for natural regeneration to replace those to be removed during that stage</b> that accords with the Arboricultural Impact Assessment report (Document 5.4.3I) and the Biodiversity Mitigation Strategy (Document 5.4.3E) and the Concept Mitigation Planting Plan (Document 8.11) has been submitted to and approved by the relevant planning authority, unless otherwise agreed with the relevant planning authority.</p> <p>(2) The <b>planting landscape</b> scheme submitted under sub-paragraph (1) must include details of—</p> <p>(a) the <b>location of planting, areas for natural regeneration, seeding plots</b> and a schedule of plants noting number, species, size, <b>form, and planting and layout</b> of any proposed planting <del>or</del> and a schedule of species mixes and sowing rates for seeding;</p> <p>(b) cultivation, importing of materials, protection measures for planting, <b>seeding, areas of natural regeneration</b> and other operations to ensure plant and seed establishment;</p>		

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<p>(c) details of the five year maintenance, <b>monitoring and management</b> regime; and                  (d) identify opportunities for early landscape and replacement planting after implementation of the authorised development</p> <p>The above revised wording would also allow for consideration of planting of marginal and emergent species where ditches and watercourses are reinstated for example. Direct planting of wild flower plants could also be considered.</p>		
<b>Q2.5.11</b>	Applicant	<p>Requirement 10 - Retention and Protection of Existing Trees and Hedgerows                  Please update the document reference in Requirement 10(1) to include the Deadline 3 addendum and any Deadline 4 addendum.</p> <p>Should reference also be made in 10(1) to the drawings 'Trees or Hedgerows to be Removed or Managed' plans [APP-025] as these are more detailed, particularly where a hedgerow coincides with the Order limits.</p> <p>Should there be a reference to minimum stand-off distances, in the Tree and Hedgerow Protection Strategy (THPS), even if they are aspirational, in Requirement 10(2)?</p>
<b>Q2.5.12</b>	Applicant The Environment Agency IDB	<p>Requirement 12 - Reinstatement Schemes                  Notwithstanding the fact the Environment Agency (EA) has indicated enhancement measures would be agreed outside the DCO as part of the Land Drainage Consent Process; and mindful of NPS EN-1, paras 5.3.4 and 5.3.18, do parties consider there is a case for the specific reinstatement proposals for removal of temporary culverts that benefit elvers?</p> <p>The EA has suggested these as enhancement measures (response to Q1.2.64 [REP2-009]) secured in Requirement 12, or included in the CEMP or the BMS. If they are not secured in the DCO, should these be included in the Landscape and Habitat Enhancement Scheme (LHES)?</p> <p>The EA is requested to provide an update on its discussions with the River Stour (Kent) IDB regarding the afore-mentioned reinstatement proposals.</p>
<b>Q2.5.13</b>	Applicant MMO	<p>Requirement 17 - Clearance over the Tidal Stour                  What is the outcome of discussions with MMO in relation to Action Points 46; 50 and 51 (REP3-023)</p>

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		<i>Additional Provisions</i>
<b>Q2.5.14</b>	Applicant	Please provide a form of wording for a draft additional requirement in relation to the handling of complaints, so that this can be considered further (REP3-023 Action 47, Appendix D).
<b>Q2.5.15</b>	Applicant	In response to concerns expressed by Nethergong Camping at the Open Floor Hearing (EV-019), please explain the effect on the proposed development of an additional requirement included in the DCO that would prevent all works from being carried out in connection with the construction of pylons PC26 and PC27 between the months of May to September inclusive?
		<i>Schedule 14 – Protective Provisions</i>
<b>Q2.5.16</b>	Applicant	What is the Applicant's position on the protective provisions provided to the Applicant by SEW on 27 July 2016 [REP3-019, para 8.2]?
<b>Q2.5.17</b>	Network Rail	Why would protective provisions, as in previous Orders, not prevent the identified detrimental impact, and suggested serious detriment, on the operation of the railway [REP3-041, para 2.2]?
<b>6</b>	<b>Historic environment</b>	
		<i>Heritage assets</i>
<b>Q2.6.1</b>	Canterbury City Council	Is the Council content with the Applicant's response to Q1.6.12 [REP2-016] regarding the heritage assessment of the Church of St Mary the Virgin in Chislet? If not, why not?
<b>Q2.6.2</b>	Broad Oak Preservation Society	Please provide any further comments you may have following the Applicant's response to the BOPS' response to Q1.6.7 in connection with listed buildings in Broad Oak.
<b>7</b>	<b>Landscape and visual</b>	
		<i>Applicant's landscape assessment</i>
<b>Q2.7.1</b>	Kent County Council	Provide any further comments on first round questions Q1.7.7, Q1.7.9, Q1.7.14, Q1.7.15, Q1.7.16, Q1.7.29, Q1.7.38, Q1.7.39 and Q1.7.67, as the Council advised would be the case [REP2-069], other than those contained in response to first round questions [REP3-040]:

**Q1.7.7: Do Interested Parties agree within the context of the definitions of significance set out by the Applicant in the assessment methodology [APP-029, Table 6.13] that significant predicted effects would amount to no greater than moderate adverse effects [APP-029, Table 6.14]? If not explain why.**

The methodology is accepted by KCC.

KCC considers that the sensitivity of the Ash Levels (Section 4) has been under-reported. The assessment fails to record that this landscape has been previously designated as an Area of Local Landscape Importance (as is indicated in the Dover Landscape Character Assessment (LCA) and that the landscape character is contiguous with the Chislet Marshes designation within CCC and the Former Wantsum Channel within TDC. These distinctive marshland landscapes, between the low promontory of Richborough Castle and the chalk outlier of the Isle of Thanet, form a coherent and historic pattern as a result of the silting up of the navigable channel and its gradual reclamation to produce pasture and arable land. It is visually remote, open and sparsely vegetated. The valued characteristics of the area are well set out in Table 6.7 Landscape value summary assessment Section D within the ES [APP-029].

Therefore, KCC identifies the Ash Level LCA as of Local Value, Medium Susceptibility and of Medium Sensitivity. This would result in a High Adverse significance for construction effects and a Moderate Adverse effect in the short and long term.

KCC also considers that the construction effects have been under-reported throughout the assessment. The activities would extend over large geographical areas and introduce haul roads, scaffolding, working at height, moving vehicles and construction activity into the heart of rural landscapes (including the remote and tranquil marshland landscapes of Sections C and D) creating a high magnitude of impact in all areas. This would not be possible to mitigate to any significant extent. Receptors in Sections A-D within areas would therefore experience a High Adverse Significance.

The very large geographical extent of the effects should also be carefully assessed (see Q2.7.6). KCC considers that the overall significance of effect of the whole project would be of High Adverse Significance.

**Q1.7.9: Are Interested Parties content with the conclusions of the cumulative landscape assessment which states that the proposed development would not comprise a 'tipping point' which would give rise to greater significance of adverse effects on the landscape cumulatively with other projects; and that the "assessment establishes that the cumulative changes do not exceed the tipping point that would fundamentally change the landscape character and exceed the limits of acceptable development defined by the development plans" [APP-030, para 16.4.95 to 16.4.97].**

KCC contends this because the ES [APP-029 and APP-030] has underestimated landscape effects, the proposed development is harmful to the landscape and considers that the development on its own would significantly adversely change landscape character and is not acceptable in planning terms.

A review of the cumulative effects should include the following submitted planning applications for two proposed developments under consideration within Dover district:

- DOV/16/00044 - Erection of a guyed steel lattice mast 322m high at former Richborough Power Station, Ramsgate Road, Sandwich, CT13 9NL.
- DOV/16/00524 - Erection of a 305m high communication mast to the North of Kings End Farm, Richborough, Sandwich, CT13 9JH.

**Q1.7.14: Are you content that the viewpoints selected and agreed still represent worst case visual effects following the design changes to which the Applicant refers [APP-029, para 7.3.11 to 7.3.13]? (Bear in mind that additional photomontages have been requested by the ExA in the Rule 6 letter [PD-004]).**

KCC has no further comment.

**Q1.7.15: Provide any comments you wish to make on the Applicant's visual assessment methodology, clearly distinguishing between those comments on the actual methodology and those on its application as described in the ES and supporting documents [APP-029 and APP-078].**

It is the application of the methodology which is contested by KCC. In many cases the magnitude of impact is under-reported and the effectiveness of mitigation which comprises only replacement planting and reinstatement of grass and wild flowers (some of which would need to be managed to maintain clearances) is over-emphasised. KCC is currently reviewing the visual assessment including a review of pylon-receptor distances. The issue of sequential assessment of Public Rights of Way (PRoW) also needs further study.

**Q1.7.16: Do Interested Parties agree, within the context of the definitions of significance set out by the Applicant in the assessment methodology [APP-029, Table 7.7], that significant predicted effects would amount to no greater than moderate adverse effects for the proposed development alone [APP-029, Table 7.9]? (The exception to this, which gives context to the definitions, is the combined cumulative assessment for the Saxon Shore Way visual receptor, located close to the cluster of developments at Richborough, from which a major adverse visual effect is predicted [APP-030, para 16.5.97 to 16.5.98]). If you do not agree explain why.**

Please refer to the County Council's response to Q1.7.15.

**Q1.7.29: Interested Parties are invited to comment on the Applicant's approach for the assessment of visual effects; stating, if they have concerns, whether they are about the methodology itself or the Applicant's application of the methodology.**

Please refer to the County Council's response to Q1.7.15.

**Q1.7.38: NPS EN-5, para 2.8. 8 to 2.8.9 refer to undergrounding as a method of installation for new electricity lines when there are "serious concerns about the potential adverse landscape and visual effects of a proposed overhead line". Do Parties agree that the concerns have to pass the test of "serious" for this part of the NPS to apply? Interested Parties are invited to set out any serious concerns they have regarding the adverse impact on landscape and visual effects, stating the nature and degree of the harm that they consider would arise from the application.**

KCC agrees that the test of serious concerns is relevant. The County Council contends that there would be serious concerns in relation to landscape character which would result in a High Adverse Significance overall because of the wide geographical extent. As indicated previously, the sequential effects on PROW and the distance of sensitive receptors from pylons needs further assessment.

**Q1.7.39: When considering other means of connection, NPS EN-5, para 2.8.4 refers not just to an adverse effect, but to the situation where "the nature or proposed route of an overhead line makes it likely that its visual impact will be particularly significant". In this context set out any comments you wish to make regarding the significance of the visual impact of the proposed overhead line, relating those comments to the Applicant's assessment.**

It is likely that the sequential assessment of PROW high sensitivity receptors would also result in a highly significant effect but further assessment is required as discussed previously.

**Q1.7.67: Do the Applicant and Interested Parties have any comments on the locations listed above and/or consider any other locations where increased certainty regarding function and location for planting and habitat mitigation or enhancement would be beneficial? If so set out the reasons.**

KCC welcomes the suggested locations for additional mitigation and will review further locations when the sequential assessment of PROW and the distance from residential receptors to pylons has been undertaken.

<b>Q2.7.2</b>	Kent County Council	In places KCC's response to first written questions refers the ExA to specific parts of the Joint Councils'
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		<p>SoCG; which, whilst topically relevant, do not answer the specific questions [REP2-069]. Please can the council respond to:                  Q1.7.34 – reference to SoCG section 4.1;                  Q1.7.40 – reference to SoCG section 4.23; and                  Q1.7.44 – reference to SoCG section 4.23.</p>
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**Q1.7.34: Do Interested Parties agree with the rationale that the Applicant used in scoping the topics for inclusion in the appraisal undertaken in the SOR [APP-130, Appendix F, para F5 to F11]?**

KCC indicated at the consultation stage (SOR page 156) that hydrology should have been considered due to the River Stour and other numerous drainage features throughout the area, namely on the levels and marshes). Further comments from KCC's consultation responses are set out on pages 153-157 of the SOR.

**Q1.7.40: NPS EN-5, para 2.8.9 on undergrounding states that the decision maker should place particular emphasis on residential areas and those of natural beauty or historic importance such as National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Broads. Do you have any comments on the way the Applicant has addressed this in its SOR [APP-130] and its Connection Options Report (COR) [APP-133]?**

GLVIA3 (paragraph 3.4) indicates that the site selection process should identify opportunities and constraints and make comparative assessments of the options. The SOR assessment of the impacts on the Kent Downs AONB and its setting together with impacts on residential areas are discussed in a cursory fashion for each option. The consultation comments at (Q1.7.34 above) indicate that KCC recommended a 'finer grain' approach. The report did not undertake a systematic and comparative assessment of the landscape and visual impacts as recommended by the guidelines.

The COR assessment does not fully and carefully consider and assess views from the AONB but simply concludes (paragraph 7.82) that there would be negligible effects on views from the North Kent Downs AONB due to the distance. There is no description of the baseline view from key receptors within the AONB although reference is made to intervening landscape. The COR states (paragraph 2.25) that 'representations on all of the strategic options put forward by National Grid included concerns about effects on landscape character, particularly in relation to the Kent Downs Area of Outstanding Natural Beauty'. Considering that this issue is highly important the assessment of effects does seem cursory especially as even a slight adverse impact on this highly sensitive receptor could result in a significant effect.

**Q1.7.44: Do parties agree with the rationale the Applicant has used in scoping the topics for inclusion in the appraisal**

<b>undertaken in the Route Corridor Study (RCS) [APP-131, para 9.3 to 9.22]?</b>		
KCC considers that hydrology should have been considered in view of the River Stour and other numerous drainage features throughout the area, especially on the levels and marshes.		
<b>Q2.7.3</b>	Applicant	<p>Further to Kent County Council's (KCC's) response to Q1.7.1 [REP2-069] and its comments on responses to Q1.7.4 [REP3-040], please explain the apparent discrepancy in response to Q1.7.2 and Q1.7.4 regarding 'regional' value.</p> <p>Are there areas which do not trigger assessment characteristics for 'regional' or 'national' value where the assessment remains as 'local', but have some special characteristics?</p> <p>If so should those areas be identified in some way in the landscape assessment?</p> <p>Please respond to this in the context of KCC's comments regarding the soundness of the Connection Options Report (COR) methodology and KCC's ongoing disagreement over the way the methodology in the ES has been applied in arriving at landscape sensitivity [REP3-040].</p>
<b>Q2.7.4</b>	Applicant	SEW's comments in its WR [REP2-099, para 74 to 75], to which its response to Q1.7.7 refer, relate to the COR rather than the ES assessment, but the Applicants response relates to the ES [REP3-015]. Are there any points you wish to add in reference to the SEW points made on the COR?
<b>Q2.7.5</b>	South East Water	SEWs response to Q1.7.7 refers to its WR [REP2-099, para 74 to 75], which firstly questions the logic of the COR landscape effects in relation to undergrounding then calls for a review of the SEW Alternatives taking into account sensitivity values of landscape and visual receptors. Q1.7.7 specifically asked about the ES assessment and whether IPs agree that significant predicted effects would amount to no greater than moderate adverse effects [APP-029, Table 6.14]. Further explanation is required in order to explain the point being made.
<b>Q2.7.6</b>	Kent County Council	<p>KCC made comments about the "<i>accumulative effect of a very large number of less significant adverse effects over a very extensive geographical area..</i>" [REP2-069 and REP2-068].</p> <p>Does the Applicant's response to KCC's response to Q1.7.7 [REP3-015] referring to the cumulative</p>

		<p>effects assessments in the technical chapters of the ES, satisfy KCC?</p> <p>If not set out in detail where KCC's opinion differs; and confirm how this relates to the agreement reached on the approach to presenting inter-related effects as set out in the SoCG [REP2-024, ID4.31.1].</p>
<p>With regard to the use of the terminology of 'accumulative', KCC is not referring to the cumulative effects of adjoining developments, but rather that the scheme's overall very wide geographical extent of adverse landscape has not been properly assessed by the Applicant. GLVIA3 at 5.50 refers to 'Geographical Extent'. The development would give rise to a very large number of low to high adverse effects spread over a very extensive corridor with a very varied landscape. GLVIA3 5.50 indicates a scale of geographical extent ranging from 'at the site level, within the development site' to 'on a larger scale (<i>GLVIA's emphasis</i>), influencing several landscape types or character areas'.</p> <p>KCC considers that the applicant has not given sufficient weight to the 'larger scale' of effects. There would be an extremely wide geographical extent of adverse impacts, influencing very many LCAs.</p> <p>This aspect (often combined with the applicant's under-assessment of the susceptibility of the landscape, its value, and the size and scale of impact of the development) has resulted in an assessment which does not reflect the true significance of the adverse effects on landscape elements, features and character.</p>		
<p><i>Applicant's visual assessment</i></p>		
<p><b>Q2.7.7</b></p>	<p>Applicant</p>	<p>Set out a concise tabulated list of the documents Interested Parties, such as Broad Oak Preservation Society (BOPS) [REP3-048], should view to understand the visual assessment methodology and its application.</p> <p>Also indicate where the following can be found:</p> <ul style="list-style-type: none"> <li>• explanation of the relationship between landscape and visual assessments; and</li> <li>• assessments which are outward looking from Broad Oak.</li> </ul>
<p><b>Q2.7.8</b></p>	<p>Applicant</p>	<p>Where in the documentation is the '<i>panorama photo</i>' from the north of Broad Oak Valley which it is stated as having been submitted and referred to in the Response to the SEW WR [REP3-019, para 4.38].</p> <p>It should be submitted if not already.</p>

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		Is this the information to which SEW's WR refers [REP2-099, para below 224]?
<b>Q2.7.9</b>	Applicant South East Water	Is there still disagreement between parties on the need for further photomontages? If so, SEW is requested to describe what it considers is still required. The Applicant is asked to set out its position.
<b>Q2.7.10</b>	Applicant	The Applicant is invited to reconsider the assessment of " <i>visual receptor with no view of proposed development</i> " for the location immediately to the north of A1.H51 in Calcott [REP2-017, Appendix L, page 2 of 7] following inspection nearby on the Accompanied Site Inspection (ASI) on 25 July 2016.
<b>Q2.7.11</b>	Applicant	Please provide an update on progress on the possible photomontage from Sandwich Church Tower.
<b>Q2.7.12</b>	Kent County Council	Is KCC satisfied with the explanation in the Applicant's response to Q1.7.27 that a clearly deterministic method to identifying views of regional value was not adopted in the ES, that site assessments were also considered, resulting in the judgements in the Visual Impact Assessment Tables [REP-2016]?
KCC accepts that a purely deterministic method of assessing the value of views was not adopted in the visual assessment. However, it is unfortunate that the Visual Assessment Tables (REP2-011) do not give a transparent explanation of how professional judgement has been applied to the relevant factors in determining value (in particular, where the assessment of value falls outside the rubric in 7.8.9 of Environmental Statement (Doc 5.2)).		
<b>Q2.7.13</b>	Kent County Council Dover District Council	Are KCC and DDC satisfied with the way in which the sequential views from long distance trails (footpaths and cycleways) have been assessed in the ES [APP-029, Table 7.1]?
The County Council considers that the assessment of the sequential views from Public Rights of Way is unsatisfactory. The applicant has generally taken the approach of giving a single (and not sequential) assessment for each section of footpath. The Visual Assessment Tables (REP2-011) now indicate that the range of distances to the nearest part of the proposed overhead line. In some instances a range of magnitudes of effects is given because of variations of visibility and distance along the route. However, the resultant significance of effect is indicated as a single value and not a range. The reasoning behind this is not explained, and presumably a form of averaging has been applied.		
As an example, the Visual Assessment Tables assessing views under 1km distance, indicate that D1.F1: footpath TE23 along The Drove is sited 0 to 1069m (sic) from the proposed OHL. It is stated that this is a medium sensitive receptor which would experience low and		

moderate adverse effects in the long term. According to the applicant this would result in a minor adverse significance of effect.

However, using the criteria in Table 7A.4 of the Visual Impact Methodology would indicate a range of adverse effects from moderate to minor significance. Because moderate adverse effects are considered ‘significant’, the table under-reports the important adverse effects. During construction the significance of effect is similarly under-reported. Considering that GLVIA3 indicates that assessment should focus on the most significant effects, this is particularly concerning.

In order to assess the variation of visibility and the sequence of views, it is good practice to produce mapping which indicates which particular lengths of footpath would experience a negligible, minor, moderate or major adverse/beneficial effect. The actual length of footpath affected could also be quantified within the tables, (at least where the assessment indicates moderate or major adverse significance) so that the decision maker can quantify significant adverse effects.

Additionally, KCC contends that the visual assessment under-estimates:

- the scale and dominance of the proposed pylons in comparison with the existing OHL infrastructure;
- the impact of the poor design of pylon locations in relation to the existing route (of the existing synchronised pairing of identical structures in Section D). See also KCC’s response at Q2.7.21); and
- the visual clutter created by the plethora of diverse pylons south of Minster.

Furthermore, KCC contends that the visual assessment over-estimates:

- the degree of screening and backgrounding particularly within open marshland landscapes;
- the extent of intrusive urban development; and
- the effectiveness of mitigation, especially as much of it must be ‘managed’ to avoid conflicts with the OHL.

KCC contends that because the visual harm of the development has not been accurately assessed, the need for undergrounding has not been properly considered.

		<i>Other feasible means of connection (alternative technologies)</i>
<b>Q2.7.14</b>	Interested Parties	Are there any further comments (other than those already made) on the Applicant’s response to Q1.7.30, setting out its position on alternative technologies and routeing [REP2-016]?
The County Council has no further comment at this stage.		
<b>Q2.7.15</b>	Applicant	Please respond to the BOPS’ comments regarding the undergrounding across the Wirral Peninsula

		[REP3-048]?
<b>Q2.7.16</b>	Applicant	<p>Further to the responses to the last part of Q1.7.30 and to Q1.7.45 [REP2-016 and REP2-017] which set out the reasons for not taking forward undergrounding in Section A:</p> <ul style="list-style-type: none"> <li>• Is the reference for the summary of socio-economic effects from the COR correct, stated as COR, para 7.210?</li> <li>• Is it the case that the consideration of undergrounding at COR stage was undertaken on a section by section basis? This seems to be borne out by the Q1.7.30 (including Appendix N) response on consideration of undergrounding in areas of landscape and visual sensitivity <i>"With respect to high sensitivity landscape and visual areas and receptors in Section A the landscape and visual assessment concludes that an underground cable would give rise to beneficial effects on visual amenity with localised adverse effects on the landscape resource (ancient woodland and orchards) in Section A. Overall, it is not considered that an overhead alignment would result in such a substantial change to landscape and views that it would necessitate undergrounding."</i> [REP2-017, Appendix N].</li> <li>• Was the suggestion by some IPs that a length of proposed overhead line which is contained within, but not extending for a full section length, should be undergrounded considered?</li> <li>• Could the approach at the COR stage have led to significant adverse effects in one length of a section being balanced with less significant effects in another part of that section, arriving at an overall section conclusion, which might differ from that of a part of the section?</li> <li>• Please respond to the BOP points regarding undergrounding from the vicinity of PC13 to Canterbury substation, including the need for only one CSE compound, cabling taking circuitous routing, the benefits in terms of proximity to Broad Oak and therefore less interaction with eg Goose Farm and the proposed reservoir; and points made regarding the other benefits of underground lines [REP3-048] and costs.</li> <li>• Would there be any difference in the type of CSE compound for undergrounding all the way from PC13 to Canterbury from that which would be required to deliver the two underground SEW Alternatives? If so provide a photograph.</li> <li>• Explain the need for the size of CSE compound, in response to the photographs in the BOPS' submission [REP3-048].</li> </ul>
		<i>Routeing, including Holford Rules and lines of deviation</i>

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<b>Q2.7.17</b>	CPRE Kent	A response was not provided to Q1.7.47. Does CPRE Kent wish to respond?
<b>Q2.7.18</b>	Applicant	<p>KCC is of the opinion in its WR [REP2-068] that Holford Rule 6 (in flat and sparsely planted countryside high voltage lines should be kept, as far as possible, independent of smaller lines and converging routes, so as to avoid a concentration or 'wirescape') has not been taken into account in the design of the diamond crossover, as illustrated with photomontage VPD1 [APP-044].</p> <p>The Applicants response to Q1.7.43, which includes a summary table outlining how the Holford Rules have been applied to each section of the final route alignment [REP2-017, Appendix O] makes no mention of the diamond crossover, which straddles the boundary of Sections C and D.</p> <p>As the crossover was not part of earlier options, provide an explanation of how this part of the overhead lines (the crossover) meets Holford Rule 6 and clarify what alternatives were considered in this location to aim for compliance with Holford Rule 6.</p>
<b>Q2.7.19</b>	Applicant	BOPS questions the application of Holford Rule 6 because of the existence of two existing lines in the Broad Oak area [REP2-077]. The Applicant's response in the summary table outlining how the Holford Rule 6 has been applied in Section A addresses landscape susceptibility and selection of pylon type [REP2-017, Appendix O]. Please explain how in the Broad Oak area Rule 6 has been applied.
<b>Q2.7.20</b>	Applicant	SEW considers Holford Rule 7 has been overlooked as set out in its WR [REP2-099, para 194]. This is not specifically addressed in the Applicant's responses on Holford Rules and responses on SEW's WR [REP2-016, REP2-017 and REP3-019]. The BOP also makes reference to this Holford Rule in its response to Q1.7.43 [REP2-077]. The Applicant is requested to set out a more specific response to the points made by SEW and the BOP in connection with how it considers Holford Rule 7 has been applied in Section A of the proposed development.
<b>Q2.7.21</b>	Kent County Council	In your opinion are there opportunities that the Applicant should seek to explore to ensure that the final design of the proposed development would offer a greater degree of compliance with the Holford Rules?
<p>This topic also includes the general requirement to achieve 'good design'. At the Hinkley C Connection DCO Examination the Panel expressed concern over the lack of a sympathetic overall design approach recommended by EN-1, it was stated that National Grid often</p>		

fails to respond to the characteristics of place in a way that minimises harmful intrusion or contributes to the quality of its surroundings. EN-1, paragraph 4.5.4 notes that applicants should be able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Unfortunately, the ES is often unclear about the detail of design changes developed after the publication of the PEIR (such as the cross-over south of Minster from PC45 to PY22) and how the final design changes comply with Holford.

Notwithstanding KCC's position on the need for undergrounding of the entire route, the following key opportunities to improve the design of the proposed development (should an OHL be approved) to more fully comply with Holford are put forward for consideration by the applicant and the Examining Authority:

Holford Rules indicate that tree and hill backgrounds are preferred to sky backgrounds wherever possible.

The extent of backgrounding in the open marshland landscapes of Chislet Marshes and Ash Levels, crossed by the highly sensitive Saxon Shore Way, is minimal so that pylons would inevitably be prominent skyline features. In these circumstances, careful and coordinated design of the route is particularly important to avoid a confusing wirescape.

The removal of one of the existing OHL on this stretch is welcomed, but the introduction of a much bulkier pylon design alongside the remaining route would be both visually overpowering and adversely affect landscape character by urbanising an historic landscape of remoteness and tranquillity. The result would be a double line of pylons of different sizes and uncoordinated spacing would lack balance and be visually intrusive. The proposed low height lattice pylons (41.5m average height - PEIR 3.4.8) would be 60% taller than the existing 132kV pylons. This is not compliant with the Holford rules which indicate that parallel or closely related routes should be planned with tower types, spans and conductors forming a coherent appearance. This problem could be obviated by the undergrounding of the proposed route which would result in a single line of smaller existing pylons. This would offer an enhancement of the sensitive and distinctive landscape and reduced visual effects for users of the Saxons Shore Way and other local PROWs.

The overhead cross-over south of Minster (PC45 to PY22) is particularly poorly designed. Its undergrounding should be considered a very high priority. This design was not included in the PEIR (2015). Para 3.1.1 of the PEIR indicated that the crossing of the 400kv would be achieved by a permanent underground cable diversion of the existing 132kV PY route. It is not clear from the ES why the undergrounding was replaced by the overhead arrangement and how this was considered to be a good design compliant with Holford.

The undergrounding of pylons which would be particularly dominating close to residential properties should also be fully investigated. The document 'Wind Turbines and Pylons, Guidance on the Application of Separation Distances from Residential Properties - Executive Summary', 2014 offers guidance on potential situations where pylons can result in a 'very large scale of visual impact' seriously reducing

visual amenity. This study was commissioned to determine the appropriateness of applying minimum separation distances between wind turbines or pylons and residential properties, to protect residential visual amenity. Although rigid separation distances are not recommended in the report (paragraph 5.3) and there are various factors which should be considered on a site by site basis, the use of indicative residential visual amenity assessment trigger distances (within which there is potential for very large scale of visual impacts) is considered a valuable tool to identify locations where a visual residential amenity assessment should be carried out to identify any potentially unacceptable impacts.

Guidance on trigger distances is as follows:

<b>Pylon Height</b>	<b>Residential Visual Amenity Assessment Trigger Distance</b>
Up to 40.00 m	Within 350 m
40.01 – 60.00 m	Within 500 m

Although the revised Visual Impact tables now show distances to the nearest part of the conductor, KCC recommend that the distance to the nearest pylon is also tabulated for more sensitive receptors such as residential properties and promoted footpaths, so that this important guidance can be checked against the applicant's assessment, and the introduction of mitigation by undergrounding or other method can be fully considered.

<i>Pylon design</i>		
<b>Q2.7.22</b>	Applicant	<p>Please provide a photograph each taken from a similar distance of a standard 132kV lattice pylon, a standard 400kV lattice pylon and a low height lattice pylon.</p> <p>Using the photographs, please explain what is meant by "<i>consistent appearance</i>" between the low height 400kV pylons and the 132kV pylons in the justification of Holford Rule 6 compliance in Section D [REP2-017, Appendix O].</p>
<b>Q2.7.23</b>	Applicant	Further to the response to Q1.7.56 [REP2-016] please resubmit Sheet 1 of the Design Drawings [APP-026] revised, so it illustrates pylon heights associated with this proposed development, rather than standard pylon heights.

<p><b>Q2.7.24</b></p>	<p>Applicant Kent County Council</p>	<p>Is the agreement on mitigation for landscape and visual effects set out in the SoCG [REP2-024, ID4.3.6 and ID4.4.6] included in the event the Secretary of State permits an overhead line? It appears to conflict with the statement in KCC’s WR “<i>As the adverse landscape and visual effects have been under-reported and cannot be effectively mitigated, it is recommended that further consideration is given to the undergrounding of the connection.</i>” [REP2-068].</p> <p>Clarification is requested from KCC.</p> <p>The Applicant may wish to elaborate on its understanding of the SoCG statement.</p> <p>Parties to review and advise whether a revised SoCG is necessary.</p>
<p>Notwithstanding its view that the route should be undergrounded, and in the event of the S of S approving the scheme as it stands, KCC’s aim is to obtain the highest practicable standards of design and mitigation by assisting the ExA in a rigorous examination of the merits of the proposal. For instance, see Q2.7.21.</p> <p>KCC has agreed with the approach for embedded environmental measures and enhancement measures in principle and the rationale behind tree and hedgerow planting.</p> <p>This does not imply that KCC agrees the detail of the applicant’s mitigation strategies. See Q2.2.36. Furthermore, although KCC questions the effectiveness of the proposed mitigation, there is still merit in exploring mitigation by landscaping. However, the applicant is requested to review the effectiveness and extent of mitigation, which for example, could include undergrounding sections which are particularly adversely affected, improved layout and additional landscape proposals. An underground route would also require an appropriate mitigation strategy for planting.</p>		
<p><b>Q2.7.25</b></p>	<p>Applicant</p>	<p>Please provide an update in relation to advance planting and potential locations including:</p> <ul style="list-style-type: none"> <li>• Broad Oak in the vicinity of the proposed reservoir;</li> <li>• Foxhill Farm;</li> <li>• Nethergong Campsite; and</li> <li>• Tile Lodge Farm.</li> </ul> <p>The response should cover advance mitigation planting, which could be secured through the DCO. It</p>

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		should also cover the potential to build agreements to deliver advance enhancement planting through the LHES, such as ex-situ planting at Foxhill Farm as mentioned in response to Q1.7.48 [REP2-016].
<b>Q2.7.26</b>	Applicant	The Applicant is requested to explain where the fixed detail design is set out and where the areas open to further agreement within fixed parameters as relied on in the ES are set out.
<b>Q2.7.27</b>	Canterbury City Council	Is Canterbury City Council content with the Applicant's response to Q1.7.49 setting out why it does not consider it would be possible to increase the lines of deviation (LoD) in the areas mentioned [REP2-016]?
<b>Q2.7.28</b>	Broad Oak Preservation Society	Further to BOPS comments regarding screening, are there any further comments on the proposed line of native tree planting along the rear of the properties on Mayton Lane and along the northern boundary of Nook Farm shown as ID: MA12 [APP-123, Figure 5.8.2 and Appendix A, page 6], summarised in Applicant's response to Q1.7.66 [REP2-016]. This is proposed as enhancement planting (not mitigation) by the Applicant and subject to landowner agreement, and therefore the location is not guaranteed.
<b>Q2.7.29</b>	Mrs Christine Jenkins	Provide any comments you have on the proposed line of native tree planting along part of the northern boundary of Nethergong campsite, south of Nethergong Penn at the base of the embankment, shown as ID: MB1.2 [APP-123, Figure 5.8.4 and Appendix A, page 13], summarised in Applicant's response to Q1.7.66 [REP2-016]. This is proposed as enhancement planting (not mitigation) by the Applicant and subject to landowner agreement.
<b>Q2.7.30</b>	Mr Richard Jones and Ms Lindsay Halpin	Provide any comments you have on the proposed line of native tree planting along part of the track south west of Lower Chitty Farm shown as part of ID: MB1.6 [APP-123, Figure 5.8.4 and Appendix A, page 15], summarised in Applicant's response to Q1.7.66 [REP2-016]. This is proposed as enhancement planting (not mitigation) by the Applicant and subject to landowner agreement, therefore the location is not guaranteed.
<b>Q2.7.31</b>	Mr Headley Mark Chandler for Finns	Do you have any comments on the mitigation planting which is shown on the Concept Mitigation Planting Plans [REP2-014, Figure 11.1zi, page 35 of 94 and other drawings eastwards]?  Provide any comments you have on the proposed line of native tree and hedgerow planting in the vicinity of Tile Lodge Farm, shown as parts of ID: MB1.1 [APP-123, Figure 5.8.3 and Appendix A, page

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		<p>12]. This is proposed as enhancement planting (not mitigation) by the Applicant and subject to landowner agreement.</p> <p>Both are summarised in the Applicant's response to Q1.7.66 [REP2-016].</p>
<b>Q2.7.32</b>	<p>Canterbury City Council, Dover District Council, Thanet District Council Kent County Council</p>	<p>Further to the Applicant's response to Q1.7.69 [REP2-016], please confirm if there are any other opportunities for enhancement which you consider the Applicant should explore?</p> <p>In the case of Dover District Council, if you consider the remit of the enhancements are beyond the planning remit (response to Q1.7.63 [REP2-065]), who do you consider is best placed to represent the interests of the Countryside Stewardship scheme?</p>
<p>KCC agrees that the opportunities for planting which would screen pylons are extremely limited because this would have an adverse effect on the open and treeless marshland landscape. Mitigation through undergrounding would obviate the problem.</p>		
		<i>Good Design</i>
<b>Q2.7.33</b>	Applicant	<p>The response to Q1.7.52 [REP2-016] and responses to comments from the NFU and Richborough Agents [REP3-013, para 2.3.26 to 2.3.28] explains that comments were received during consultation which led to a decision to move the proposed overhead line alignment at the eastern end.</p> <ul style="list-style-type: none"> <li>• How is the design of the proposed development in the location of the crossover compliant with the policy requirements of NPS EN-1, section 4.5 and NPS EN-5, para 2.7.1 to 2.7.5?</li> <li>• Set out a summary of the reasoning behind this decision and the consequential evolution of the design.</li> <li>• How were the effects (biodiversity including ornithology, socio-economic including farming, drainage and soils, landscape and visual) of the change assessed?</li> <li>• Was undergrounding of the existing 132KV line (that will remain) and / or the proposed 400KV line or other alternatives for the diamond crossover design and location considered? If not why not?</li> <li>• If the location of cable sealing end (CSE) compounds or CSE pylons in sensitive locations would be significant, were alternative locations for CSE compounds or CSE pylons considered?</li> <li>• What would be the cost, socio-economic and environmental implications of undergrounding the</li> </ul>

		overhead line at the crossover?
<b>8</b>	<b>Noise and vibration, electro-magnetic fields</b>	
<b>Q2.8.1</b>	Applicant Joint Councils	A draft Noise and Vibration Management Plan was subject to discussion with the Joint Councils prior to the submission of an NVMP [REP2-044] to the Examination. Does the submitted document adequately address the concerns raised by the Joint Councils about noise and vibration? What, if any, are the outstanding issues?
The County Council defers this question to the Local Planning Authorities.		
<b>Q2.8.2</b>	Joint Councils	Are the Joint Councils content with the noise and vibration monitoring proposals contained in Section 1.10 of the NVMP? Do random monthly noise surveys adequately deal with short term activities such as bellmouth and access track construction? What alternative measures, if any, would they propose?
The County Council defers this question to the Local Planning Authorities.		
<b>Q2.8.3</b>	Applicant Joint Councils	The Joint Councils in their LIR [REP2-061 Para 7.7.4] suggest that the inclusion in the DCO of more specific restrictions on hours of work at the defined locations set out in the NVMP [REP2-044 Para1.5.6 Table 1.3] would go some way to address their concerns over the impacts of construction noise and vibration. What are the Applicant's views on such a change?
The County Council defers this question to the Local Planning Authorities.		
<b>Q2.8.4</b>	Applicant	In Table 7 of the draft NVMP [REP2-044], why have no mitigation options been provided in respect of 1 Shalloak Road where a 60dB noise threshold is exceeded?
<b>Q2.8.5</b>	Applicant	In assessing the effects of overhead line noise at the Nethergong Camp Site, what account has been taken of the fact that human receptors in this area will typically be under canvas at night?
<b>Q2.8.6</b>	Applicant	What steps have been taken to ensure that the appropriate sized conductor arrangement would be selected in order to minimise potential noise from overhead lines?

9	Socio-economic	
Q2.9.1	Applicant	<p>In a first written question [PD-006 Q1.7.33] the Applicant was asked how farming was taken into account in the local economic impact of the socio-economic appraisal at SOR stage and whether consideration was given to specialist cropping and irrigation needs.</p> <p>In response [REP2-016 Q1.7.33] the Applicant states that '<i>....the SOR is a high level appraisal of the options and does not consider at that stage the localised impacts such as those mentioned in the question and referenced in relevant representations. The appraisal at strategic options stage focusses on the identification of potential effects to major areas of economic activity, or tourism assets of regional or national importance which may differentiate one strategic option from another. Farming impact is not something that is considered to be significant enough to differentiate between options at that stage. Specialist cropping and irrigation needs were therefore not considered at SOR stage...</i>'</p> <p>Is this approach consistent with the requirements of NPS EN-1, in particular Para 5.10.8?</p>
Q2.9.2	Applicant	<p>In a first written question [PD-006 Q1.7.37] the Applicant was asked to provide a response to the point made which argued that the additional cost of undergrounding would add little to the annual bill of an average electricity consumer.</p> <p>It is unclear from the Applicant's response, what the economic cost of undergrounding would be and the likely impact on an average domestic consumer's bill of an underground option compared with an overhead. Can the Applicant explain matters further?</p>
Q2.9.3	Applicant	<p>In first written question [PD-006 Q1.7.52] the Applicant was asked to set out the reasons for the change in the alignment of the 400kV line across Ash Level in Section D from south of the remaining 132kV line to the north. The Applicant replied [REP2-016 Q1.7.52] that the decision was made following the statutory consultation and a review of all feedback as detailed in the Consultation Report [APP-124].</p> <ul style="list-style-type: none"> <li>• What were the factors taken into account and the reasoning that led to this decision?</li> <li>• What account was taken of the impact on farming operations during construction and subsequently?</li> <li>• What account was taken of the need for additional pylons on Monkton marshes to facilitate the</li> </ul>

		passage of the 400kV line over the remaining 132kV PY line necessitated by the change of alignment?
<b>Q2.9.4</b>	Applicant	<p>What steps has the Applicant taken in the design of the proposed development to ensure that existing agricultural operations are able to continue in areas through which the 400 kV overhead line passes? What account has been taken of the potential loss of production area where agricultural machinery and spray irrigation equipment can no longer operate owing to field width or height restrictions? How does the approach adopted comply with the approach detailed in to the Route Corridor Study [APP-131 Appendix 2 Para 1.14] which notes that “..National Grid would work closely with any landowners on whose land its equipment is sited to negotiate the terms to install and maintain its equipment including compensation if this is appropriate....the residual economic impact is expected to be small...”?</p>
<b>10</b>	<b>Traffic and Transport</b>	
<b>Q2.10.1</b>	Applicant Kent County Council	<p>The SoCG between the Applicant and KCC [REP3-011 SoCG 3.4.3] notes that <i>'construction traffic would avoid travelling past local schools where possible. Construction traffic will not travel past schools during the morning and afternoon periods when pupils arrive and leave school.'</i> The sections of the CTMP [APP-068] referred to in the SoCG in this connection (3.4 and 5.3) make no mention of local schools or preventing construction traffic passing them at specified times.</p> <p>What schools would be affected and how would construction traffic be controlled so as to deliver this agreement? How would this be secured in the DCO?</p>
<p>The County Council refers to the Applicant's response to this question that identifies that construction vehicle routes pass directly in front of the entrances to the following schools: Chislet Church of England Primary School, Church Lane, Chislet and Spires Academy, Bredlands Lane, Sturry.</p> <p>KCC agrees that the route past Chislet Church of England Primary School will be used by light vehicles for access to a track off Chitty Lane in order to install environmental mitigation measures in this location and that this work could be undertaken outside of the morning and afternoon periods.</p>		

In addition, the County Council agrees that Bredlands Lane is used by construction traffic exiting from bellmouths BM22, BM23 and BM24 which give access for the construction of pylons PC12 to PC15 and PC17 to PC20, as well as the removal of pylons PX15 to PX19 and PX21 to PX22, and scaffolding.

Furthermore, the exact times at the start and end of the school day that construction traffic will avoid passing both the above schools will be determined through further discussion with officers of Kent County Council (KCC) and if required representatives of the schools themselves.

<b>Q2.10.2</b>	Applicant Kent County Council	<p>The SoCG between the Applicant and KCC [REP3-011 SoCG ID3.3.2] notes that there is agreement on '<i>..the scope of traffic surveys undertaken to inform the TA...</i>'</p> <ul style="list-style-type: none"> <li>• What analysis has been carried out to ensure that the capacity of road junctions is not adversely affected by construction traffic from the proposed development?</li> <li>• How have impacts on junction capacities been assessed?</li> <li>• How have likely queue lengths and delays been calculated or otherwise assessed at, for instance, the roundabout at the junction of the A28 and Vauxhall Road and the junction of the A28 and the A291 at Sturry Station?</li> </ul>
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KCC refers to and agrees the Applicant's response to this question which sets out the following: the analysis that has been undertaken to ensure that the capacity of road junctions is not adversely affected by construction traffic from the proposed development; the assessment of impacts on junction capacities and likely queue lengths and delays at associated junctions.

<b>Q2.10.3</b>	Applicant Joint Councils	<p>The SoCG between the Applicant and KCC [REP3-011 SoCG ID3.2.1] notes that '<i>Advance warning signs will be provided where a PRoW is subject to closure or diversion. Where applicable maps showing temporary diversions and alternative rights of way will be provided at sites affected by the works as detailed in Section 3.2 of the PRoW Management Plan (Document 5.4.3H APP-069). National Grid will also work with KCC to include information on proposed mitigation on the 'Explore Kent' website.</i>'</p> <ul style="list-style-type: none"> <li>• How would this be secured in the DCO?</li> <li>• Are the Joint Councils content with this approach, particularly in respect of proposed closures of the Saxon Shore Way?</li> <li>• Should a specific mechanism be identified which ensures timely communications to PRoW users</li> </ul>
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		to mitigate adverse impacts on PRoW users and address the concerns expressed in the DCC Written Representation [REP2-064 Para 1.8]?
<p>The County Council concurs with the Applicant's response to this question.</p> <p>KCC notes that the measures identified in the Public Rights of Way (PRoW) Management Plan (Sections 3.2.1, 3.2.3 and 3.5 of Document 5.4.3H (A)) and the Construction Environmental Management Plan (Section 2.10 of Document 5.4.3C (B)) are all secured through Requirement 5 of the DCO. The CEMP and PRoW Management Plan documents will be certified by the Secretary of State under Article 44 of the draft DCO.</p> <p>Additionally, the Joint Council and National Grid are discussing including an obligation in the s.106 Agreement relating to provision of details of the proposed mitigation, to be published on the Kent County Council (KCC) /Explore Kent Websites. This is likely to include a contribution to enable the KCC /Explore Kent websites to be updated regularly, keeping users informed and up to date in relation to works, planned and operational closures and management. A position statement on the draft s.106 Agreement between National Grid and the Councils has been submitted at Deadline 4 (Document 8.27).</p>		
<b>Q2.10.4</b>	Applicant	How do the topics to be included in the travel plan, set out in REP3-023 Appendix C Section 2.7, meet the requirement set out in EN-1 Para 5.13.4 that the Applicant should prepare a travel plan? How does the Embedded Environmental Measures Schedule [REP2-006] define the measures which would be secured by the travel plan?
<b>Q2.10.5</b>	Applicant	A revision to the Transport Assessment [REP3-007] was submitted for Deadline 3. The Summary of Changes sheet referred to in the document control sheet is not included in the published document and should be submitted.
<b>Q2.10.6</b>	Applicant	The degree of protection afforded to trees and hedges in visibility splays is uncertain and the rationale for the extent of some of the land required for visibility splays is unclear. For example, plot 394 is shown on the Land Plans [APP-015 Sheet 3B] as adjacent to the A291 Herne Bay Road. In an answer to a question [REP2-016 Q1.4.12] the Applicant produced a document [REP2-017] detailing the use to which each plot would be put, this indicates that Plot 394 would be used as a visibility splay. The Trees and Hedgerows to be Removed or Managed Plans [APP-025 Sheet 3] do not indicate that trees or hedges that are to be removed or managed in this area, but the tree constraints drawing in the AIA [APP-070, Figure 31.1d] shows a hedge H81 along the line of the Order Limits. What steps will be taken

		<p>to ensure that hedges and trees will not be unnecessarily removed or damaged in providing suitable visibility for traffic using BM19?</p> <p>There is no hedge shown on the opposite side (west) of Herne Bay Road, (plot 396) so it is unclear why the Order Limit is required for the visibility splay for BM20. What works will be undertaken in such plots identified for visibility splays if there is no vegetation to be managed or removed? Likewise in plots 405 and 406 [APP-015 Sheet 3B], what work is to be undertaken other than the management of Tree T216 at the tip of the Order Limits?</p> <p>How can the ExA be satisfied that:</p> <ul style="list-style-type: none"> <li>• The effects on trees and hedges in visibility splays not shown for management or removal, has been adequately covered in the ES? and</li> <li>• The land shown in the Order Limits for visibility splays is required for class 5 access?</li> </ul>
<b>11</b>	<b>Water Issues</b>	
		<i>Environmental Statement – Chapter 13 (Water environment) [APP-030]</i>
<b>Q2.11.1</b>	The Environment Agency	When is new data published for Cycle 2 of the WFD assessments of the SE River Basin District likely to be available [APP-030, para 13.5.52]?
<b>Q2.11.2</b>	Applicant	Is it possible to incorporate new data published for Cycle 2 of the WFD assessments of the SE River Basin District in the ES baseline water quality data during the course of the examination or is it necessary for there to be a commitment in the DCO for the Applicant to undertake this assessment before finalising its mitigation strategy [APP-030, para 13.5.52]?
		<i>Environmental Statement – Chapter 13A (Flood risk assessment) [APP-111]</i>
<b>Q2.11.3</b>	Kent County Council	Is KCC satisfied that Requirement 5 in the draft DCO [REP2-003] and the CEMP [APP-064] adequately secure all measures required to mitigate flood risk in terms of its statutory responsibilities as Lead Local Flood Authority [APP-111, para 7.1.2]? If not, why not?
National Grid has previously consulted KCC as a consenting authority. It has been agreed that provided construction is outside of the stream channel that consent will not be required. Notwithstanding this approach, it is important that the role of KCC - as Lead Local Flood		

Authority (LLFA) and consenting authority for ordinary watercourses - is included and correctly referenced.

The County Council sets out further comments for the Examining Authority to consider:

- a) Part 4 Supplemental Powers Discharge of water provides for the use of any watercourse or any public sewer or drain. Reference is made to sewers or drains which belongs to a number of authorities however does not recognise highway drains which are adopted and managed by KCC as Local Highway Authority. It is recommended that connection or discharge to Highway sewers and drains is appropriately referenced.
- b) Requirement 14 “Inspection of temporary watercourses” makes reference to “relevant planning authority... and the relevant drainage authority.” There may be instances where KCC as LLFA may be required to be consulted. It is recommended that this list includes consultation with KCC.
- c) Consents are provided for under Schedule 4. KCC as LLFA will grant land drainage consents in relation to works within ordinary watercourses within the County Council’s jurisdiction. Schedule 4 does not fully reflect this requirement. Notably 5(1) of this Schedule must include reference to the LLFA. Reference is made to “planning authority” on a number of occasions (notably 5(2) of Schedule 4). IDBs and KCC are not acting as planning authorities in relation to drainage consents but should be recognised as a “relevant authority”.
- d) Requirement 6 should acknowledge KCC as LLFA e.g. *“after consultation with the relevant sewerage authority, drainage authority and/or Lead Local Flood Authority and the Environment Agency ..”*

Requirement 5 requires the compliance with the CEMP which is accompanied by a number of plans. It includes general principles and mitigations for consideration of the protection of the water environment. It is intended that the Drainage Management Plan (DMP), required within Requirement 6, will be developed by the appointed contractor following the identification of location of specific risks and which will secure the measures to mitigate flood risk.

Compliance with Requirement 5 and 6 will deliver the necessary mitigations for flood risk, provided that Requirement 6 acknowledges KCC as LLFA and other comments above are addressed.

		<i>Deadline 3 Submissions</i>
<b>Q2.11.4</b>	Applicant	Is agreement anticipated on these points during the course of the Examination [REP3-010, table 4.1 item 4.1.1]? If agreement is not achieved, how does the Applicant intend that the draft DCO will comply with s150 PA 2008 in this regard?

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12	Other matters	
		<i>Construction effects</i>
<b>Q2.12.1</b>	Applicant	Although the ES Figures [APP-034 Figs 3a-h] indicate the areas required for the removal of 11kV and 33kV overhead line (conductors and poles) and the installation of underground cable and associated works, it is not clear in all cases why such extensive areas are required. For example on Fig 3.1a between pylons PC2 and PC3; south of PC6; north of PC7, and on Fig 3.1e at PC33. Please explain by means of more detailed drawings or otherwise the purposes for which these areas of land are required.
<b>Q2.12.2</b>	Applicant	In designing the layout of construction routes over agricultural land what consideration has been given to the detailed views of land owners and tenants? How and in what instances have these been taken into account in producing the submitted scheme? What consideration has been given to the maintenance of existing drainage? In what way will the construction details for temporary accesses been amended to suit the varying ground conditions likely to be encountered in order to reduce long term impacts and minimise the need for remediation?
<b>Q2.12.3</b>	Applicant	In its answer to written question [PD-006 Q1.7.52] the Applicant listed topics included in discussions with PILs. A more detailed explanation of the topics discussed with precise references to how agreements are to be secured, together with evidence that agreement has been reached with the relevant landowners in respect to the matters listed, or an indication of the stage which discussions have reached, should be provided.
<b>Q2.12.4</b>	Applicant	The Proposed Construction, Dismantling and Maintenance Access Plans [REP2-015] show a number of routes that appear to be required for access to sites of environmental mitigation measures. It would be helpful if routes intended entirely for this purpose could be indicated on updated drawings.
<b>Q2.12.5</b>	Applicant	Why is the clearance of vegetation required on land accessed from Vauxhall Road via Bellmouth 40?
<b>Q2.12.6</b>	Applicant	What is the purpose of the scaffold access running north from the location of pylon PC5 as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 2]?

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<b>Q2.12.7</b>	Applicant	What is the purpose of the two scaffold accesses immediately west of the location of pylon PC13, and that running east of pylon PX21, as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 4]?
<b>Q2.12.8</b>	Applicant	What is the purpose of the scaffold access running east of pylon PX25, as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 5]?
<b>Q2.12.9</b>	Applicant	What is the purpose of the scaffold access running north from BM25 then east towards pylon PX28 as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 7]?
<b>Q2.12.10</b>	Applicant	What is the purpose of the duplicated construction accesses running between the locations of pylons PC26 and PC27 as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 8]?
<b>Q2.12.11</b>	Applicant	What is the purpose of the scaffold access between pylons PX42 and 43 lead south from the indicated dismantling access as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 10]?
<b>Q2.12.12</b>	Applicant	What is the purpose of the construction access running from BM33 to BM37 as shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015 Sheet 11]?
<b>Q.12.</b>	Interested Parties	Do any interested parties have comments on any of the accesses shown on the Construction, Dismantling and Maintenance Access Plans [REP2-015]?
<b>Q2.12.13</b>	Applicant	Can you provide a detailed account of the steps taken to minimise the impact on agricultural operations of the 400kV route by locating pylons either on field edges or sufficiently far from margins to allow unhindered access for irrigation and other agricultural machinery?
<b>Q2.12.14</b>	Applicant	In response to written question [REP2-016 Q1.12.8] the Applicant notes that in constructing access roads a contractor may choose to use trackway instead of stone construction depending on ground conditions. How would the views of PILs be sought in the design of the access roads?
<b>Q2.12.15</b>	Applicant	The outline of a Soil and Aftercare Management Plan (SAMP) [REP3-023 Appendix C Sec. 2.2] makes no

		<p>mention of inputs from PILs. What is the mechanism for including the views of PILs in the SAMP and in the day to day operation of the plan?</p> <p>In response to points raised in the ISH on the DCO held on 28 July [REP3-023 Action No. 48] the Applicant proposed the appointment of an agricultural liaison officer. This role is not yet described in the SAMP, should it be?</p> <p>What assurance will there be that the person appointed to this role has sufficient seniority within the Applicant's organisation and the appropriate level of knowledge and understanding of the agricultural issues involved, both to gain the confidence of PILS involved and to represent them effectively to the Applicant and its contractor?</p>
<b>Q2.12.16</b>	Applicant	What are the terms of reference of the land drainage consultant (REP3-013 para 2.3.33)?
<b>Q2.12.17</b>	The Environment Agency, Internal Drainage Board, Kent County Council NFU	<p>You are requested to provide any comments on the plans and strategies referred to in Appendix C Plan [REP3-23] including:</p> <ul style="list-style-type: none"> <li>• Soil and Aftercare Plan</li> <li>• Drainage Management Plan</li> <li>• Pollution Incident Control Plan</li> <li>• Lighting Scheme</li> <li>• Site Waste Management Plan</li> <li>• Travel Plan</li> </ul>

**Soil and Aftercare Plan**

The County Council has no further comments on the Soil and Aftercare Plan.

**Drainage Management Plan (DMP)**

KCC agrees that the preparation of the DMP by the main works contractor is appropriate and will provide the level of detail necessary to identify flood risks and propose appropriate mitigation. The mitigation measures as proposed appear appropriate at a strategic level but will need refinement with specific site information.

The County Council does not have any further comment on the DMP.

<b><u>Pollution Incident Control Plan</u></b>		
The County Council has no further comments on the Pollution Incident Control Plan.		
<b><u>Site Waste Management Plan</u></b>		
The County Council welcomes the intention to prepare a Site Waste Management Plan and recognises that the outline measures that the Site Waste Management Plan is anticipated to contain conform with both national and local planning policy.		
<b>Q2.12.18</b>	Applicant	The degree of protection afforded to trees and hedges in visibility splays is unclear. For example, plot 394 is shown the land plans [APP-015 Sheet 3] as adjacent to the A291 Herne Bay Road. In an answer to a question [REP2-016 Q1.4.12] the Applicant produced a document [REP2-017] detailing the use to which each plot would be put: this indicates that Plot 394 would be used as a visibility splay. Site inspections show the plot area to be wooded but the Trees and Hedgerows to be Removed or Managed plans [APP-025 Sheet 3] do not indicate that trees or hedges are to be removed or managed in this area. What steps will be taken to ensure that hedges and trees will not be unnecessarily removed or damaged in providing suitable visibility for traffic using BM19? What other visibility splay areas are similarly affected?
<b>Q2.12.29</b>	Applicant	Can you explain REP3-013, para 2.3.53, further?
<i>Contaminated land</i>		
<b>Q2.12.20</b>	Applicant	In answer to a written question [REP2-016 Q1.12.14] the Applicant states that the proposed Westbere compound would be used, among other things, for a site office and welfare cabins for staff use. How would services and sewage connections be made to these facilities and fuel storage facilities be installed given the Applicant's answer to written question Q1.12.23 [REP2-016] about the possible harmful effects of the former use of this site?
<i>Environmental Statement</i>		
<b>Q2.12.21</b>	Applicant	Your response to Q1.12.26 considers resilience of the proposed development to flooding. How have the impacts of climate change, and in particular resilience of the proposals to effects of wind and storms on overhead lines; higher average temperatures leading to increased transmission losses and the effects of flooding or drought, on those locations where the proposals include undergrounding?
<b>Q2.12.22</b>	The Environment	Are parties content that the Applicant has provided appropriate evidence to demonstrate where intra-

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	Agency, Kent County Council, Canterbury City Council, Dover District Council, Thanet District Council	project effects have been considered in its response to Q1.12.17 [REP2-016]?
		<i>Planning policy</i>
<b>Q2.12.23</b>	Applicant	Can you respond to the note by SEW on the relationship between the Water Industry Act 1991 and the PA 2008 [REP3-037].
<b>Q2.12.24</b>	Applicant	Please respond to SEWs further comments on Q1.12.40.
<b>Q2.12.25</b>	Applicant	Do you agree with DDC's suggested word change to the Planning Statement given in its response to Q1.2.43 [REP2-065]?
		<i>General matters</i>
<b>Q2.12.26</b>	Applicant	Please provide an update to REP3-008 at Deadline 5.
<b>Q2.12.27</b>	Applicant	SEW refers to the judgement given on the second application for permission to appeal the Thames Blue Green Economy [REP3-036]. Does the Applicant wish to make any further comments in relation to this judgement and SEW's submission?