

**Richborough Connection Project
Effect of the Application on the Broad Oak Reservoir
Proposal
Second Issue Specific Hearing**

Wednesday 28 September 2016

Canterbury Cathedral Lodge, Clagett Auditorium, The Precincts,
Canterbury, Kent. CT1 2EH

9.30am for 10.00am start

Purpose of the issue specific hearing

To consider the effect of the application on the Broad Oak Reservoir proposal.

Invited attendees:

All Interested Parties are invited to attend the hearing. The following parties are invited to attend because the Examining Authority (ExA) considers that the material they have submitted raises issues that the ExA may wish to explore at the hearing:

National Grid, the Applicant
Canterbury City Council
Dover District Council
Kent County Council
Thanet District Council
Environment Agency
South East Water

Agenda

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Topic Specific Statement of Common Ground and Spot Height Plans**

The Panel understands from Deadline 4 submissions that the Applicant and South East Water (SEW) anticipate reaching further agreement in relation to their Topic Based Statement of Common Ground (SoCG). The Panel assumes that the updated document will be tabled at the hearing and the changes to that document made explicit.

The Panel wishes to understand the extent of conflict between the parties and the areas of potential compatibility between the Application and the Broad Oak Reservoir proposal.

The Panel wishes to consider SEW and the Applicant's positions in the SoCG including:

- 2.1 The extent of the impact of the use of a 36m AOD Sarre Penn diversion route for water levels of less than 36m AOD in terms of economic viability in the context of any serious detriment as referred to in s127 of the Planning Act 2008 and the estimated cost of the reservoir proposal as a whole [Q2.3.19].
- 2.2 Reservoir health and safety considerations in the context of any serious detriment as referred to in s127 of the Planning Act 2008 [SoCG 1.1.2b et al].
- 2.3 Whether there is any difference between the use of the words 'impact' and 'interaction' in the SoCG [SoCG 1.1.3a et al].
- 2.4 Whether any actions are underway or planned in terms of any legally binding agreement [SoCG 1.1.3a et al].
- 2.5 Whether any of the adjustments or amendments referred to by the Applicant in the SoCG would require any changes to the DCO [SoCG 1.1.3a et al].
- 2.6 How restrictions on flexibility on the detailed reservoir design, in terms of water levels between 32.5 and 36m AOD, would be likely to result in serious detriment to SEW's ability to perform its statutory functions [SoCG 1.1.3a et al].
- 2.7 The Applicant's position on: concept mitigation plans for a southern woodland corridor; coppice mix differences; and a planting and management group as referred to by SEW [SoCG 2.1.1b].
- 2.8 The future effect of the proposed reservoir southern corridor on bird strike risk, including consideration of the timing of the establishment of the corridor and broad leaf planting [SoCG 3.5] and the Applicant's position on the use of a 260m off-setting distance.
- 2.9 Any further comments from SEW in light of the responses received from Natural England (NE) to Q2.2.5, regarding in-combination effects with regards the Habitats Regulations and Q2.2.31 regarding its view on the uncertainty of the ornithological conservation implications of the strike risk and the suggested improbability that meaningful results from monitoring the possible future impacts of the proposed reservoir could be achieved.
- 2.10 The relationship between mature, and minimum that would be appropriate, tree heights and spot level to clearance zone distances [Drg. B14000AT-503 et al].

- 2.11 The relationship between the indicated cable positions and those positions possible under the compulsory acquisition powers in the draft DCO [Drg. B14000AT-503 et al].
- 2.12 Future activities within the pylon exclusion and maintenance zones together with the extent of pylon foundations in the context of the submitted cross sections [Drg. B14000AT-502 et al].
- 2.13 Whether pylon PC10 can be relocated further east to avoid the proposed fish pass route with a pylon height adjustment to maintain mid-span cable clearances [Drg. B14000AT-606].

3. Potential habitat incompatibility and conflict to the south of the proposed reservoir

The Panel wishes to undertake a more detailed and specific examination of the SEW Technical Notes 2 and 3 and the Applicant's SoCG position in relation to future habitat management and maintenance and in terms of incompatibility between the two schemes. Issues to be considered will include:

- 3.1 Whether there is any further agreement between the Applicant and SEW regarding future habitat management and maintenance following the draft SoCG submitted at Deadline 4.
- 3.2 The Applicant's response to the SEW Technical Notes 2 and 3 in relation to future habitat management and maintenance.
- 3.3 The SEW response to the Applicant's SoCG position in relation to future habitat management and maintenance.

4. Environment Agency

Whether, having considered deadline submissions to date, the Environment Agency has any continuing objection to the DCO proposal in relation to the Broad Oak Reservoir proposal.

5. SEW suggested alternatives

Any matters arising from submissions made following the Broad Oak Issue Specific Hearing (ISH) held on 29 July 2016.

6. Adequacy of the Environmental Statement

Any matters arising from submissions made following the Broad Oak ISH held on 29 July 2016 including:

- 6.1 Clarification from SEW over its statement regarding Blean Woods SLA having been scoped out of the ES in its response to Q2.7.5 [REP4-049], in light of the Applicant's ES [APP-029, para 6.11.12]. Any comments from the Applicant in this regard.

6.2 Anything further to parties' responses to Q2.7.9 [REP4-049] either SEW or the Applicant wish to make regarding the photomontages requested by SEW.

7. Policy context

Any matters arising from submissions made following the Broad Oak ISH held on 29 July 2016 including:

7.1 The Applicant's response to the SEW suggestion that the mitigation planting associated with the proposed development does not meet Canterbury City Council's policy on the protection of Blean Woods SLA.

8. Action points arising from the hearing

Parties intended actions on this ISH subject for the remainder of the Examination.

9. Any other business