



**AQUIND Limited**

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# **AQUIND INTERCONNECTOR**

Statement of Common Ground Between  
Aquind Limited and Natural England  
Agreed Draft

The Planning Act 2008  
Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(1)(e)

Document Ref: 7.5.11  
PINS Ref.: EN020022

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**DATE: 6 OCTOBER 2020**

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## DOCUMENT

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# 1. INTRODUCTION AND PURPOSE

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## 1.1. PURPOSE OF THIS DOCUMENT

1.1.1.1. This Statement of Common Ground ('SoCG') has been prepared with Natural England ('NE') to show where agreement has been reached with AQUIND Limited ('the Applicant') during the pre and post Development Consent Order ('DCO') application consultation and in the course of the DCO Examination.

1.1.1.2. This SoCG has been prepared by the Applicant and NE in respect of the onshore aspects of the Proposed Development, collectively referred to in this SoCG as 'the parties.'

1.1.1.3. The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government's guidance entitled "Planning Act 2008: examination of applications for development consent" (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*

1.1.1.4. This SoCG comprises a record of agreement which has been structured to reflect topics of interest to NE on the AQUIND Interconnector DCO Application ('the Application'). Topic specific matters agreed, not agreed and actions to resolve matter between NE and the Applicant are included.

1.1.1.5. The position with respect to each topic of interest is presented in a tabular form.

1.1.1.6. This draft reflects the status of discussions between the parties at Deadline 1. Throughout this document points of agreement and disagreement between the parties are clearly indicated. Points that are not agreed will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

## 1.2. THE DEVELOPMENT

1.2.1.1. This SoCG relates to an application made by the Applicant to the Planning Inspectorate ('PINS') under the Planning Act 2008 ("Act"). The application was made on 14 November 2019.

1.2.1.2. The draft DCO is referred to as the AQUIND Interconnector DCO. The DCO, if granted, would authorise the Applicant to construct, operate and maintain infrastructure and associated development (the 'Proposed Development') including:

- High Voltage Direct Current ('HVDC') marine cables;
- HVDC underground cables;
- Converter station;
- High Voltage Alternate Current ('HVAC') cables; and
- Fibre optic data transmission cables and associated infrastructure.

1.2.1.3.

This SoCG is only relevant to the onshore aspects of the Proposed Development. A separate SoCG between the Applicant and NE (joined with the Joint Nature Conservation Committee) addresses marine aspects of the Proposed Development.

## 2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

- 2.1.1.1. The parties have been engaged in consultation since the inception of the proposed Scheme. Early correspondence dates back to November 2018 with significant consultation also occurring post the non-statutory consultation period up to submission. Natural England welcomes the engagement that has been sought on this project.
- 2.1.1.2. A summary of recent key meetings and correspondence between the parties can be found at Table 2.1.

**Table 2.1 – Consultation with Natural England**

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
<b>05/11/2018</b>	Meeting	Introduction to the Project and route; Change of consenting process; and Protected Sites, ecology surveys and constraints.
<b>06/02/2019</b>	Meeting	Project design update; Ecological surveys; and Effects on Denmead Meadows and Eastney Beach SINC.
<b>25/04/2019</b>	Teleconference	Ecological survey results update; and Discussion of outline proposals for landscaping in areas of permanent development.
<b>17/07/2019</b>	Meeting	Ecological survey results update; Discussion of avoidance and mitigation, and Statement of Common Ground.
<b>28/08/2019</b>	Teleconference	Proposed Development design along Hambledon Road and at Denmead Meadows - discussion of how the Proposed Development could be designed to avoid effects on HPI Lowland Meadow habitat at Denmead Meadows (Section 3).
<b>27/02/2020</b>	Meeting	Meeting involving Natural England presenting main topics covered in their Relevant Representations: Denmead Meadows; SWBGS;

Date	Form of Contact	Summary
		Biodiversity Net-gain; Milton Common; and Cumulative effects.
06/05/2020	Telecon	Discussion regarding: Denmead Meadows mitigation; Noise impacts on SWBGS; Cumulative effects; and Landscape and visual amenity.
31/07/2020	Email	Issue of draft SoCG to Natural England
05/08/2020	Telecon	Discussion regarding the scope of the SoCG including: Denmead Meadows mitigation; Restoration of SWBGS; Approach to assessment of noise impacts on SWBGS Cumulative effects; and Landscape and visual amenity.
16/09/2020	Email	Comments on draft SoCG received from Natural England
18/09/2020	Email	Issue of draft report on noise impacts on SWBGS / SPA issued to Natural England
24/09/2020	Email	Comments on noise impacts on SWBGS/ SPA received from Natural England



# 3. SUMMARY OF TOPICS COVERED BY THE STATEMENT OF COMMON GROUND

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## 3.1. TOPICS COVERED IN THE STATEMENT OF COMMON GROUND

3.1.1.1. The following topics discussed between the Applicant and Natural England are discussed further in this SoCG:

- Landscape and Visual Amenity;
- Ecology (including arboriculture);
- Soils and agricultural land use ;
- Air quality;
- Cumulative effects;
- Decommissioning;
- Construction Environmental Management Plan;
- Draft DCO (including requirements to the draft DCO); and
- Alternatives

3.1.1.2. For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by Natural England during the consultation undertaken to date between the parties.

## 4. CURRENT POSITION

### 4.1. LANDSCAPE AND VISUAL AMENITY

Table 4.1 – Landscape and Visual Amenity

Ref.	Description of matter	Current Position	RAG
<b>Landscape and Visual Amenity</b>			
NE4.1.1	Area of Study relevant to NE	It is agreed that the part of the Landscape and Visual Amenity assessment set out in Chapter 15 of the ES (Landscape and Visual Amenity (APP-130) relevant to NE is Section 1 Lovedean (Converter Station Area) and more specifically the relationship of the Converter Station and associated infrastructure to the South Downs National Park.	Agreed
NE4.1.2	ES Methodology – Study area	<p>It is agreed that the 8 km, 3 km and 1.2 km study areas for Section 1 (Lovedean – Converter Station Area) as set out in paragraph 1.5.2.3 - 15.1.2.5 of ES Chapter are appropriate.</p> <p>The 1.2 km radius of the Converter Station applies to residential receptors only.</p> <p>Remaining receptors who fall within a 1.2 km study area were considered as part of an assessment of effects within a 3 km radius of the Converter Station.</p>	Agreed
NE4.1.3	ES Methodology – Viewpoints	The viewpoint selection for the Converter Station as set out in section 15.4.4 of ES Chapter is agreed.	Agreed
NE4.1.4	ES Methodology - General	The Applicant welcomes NE’s agreement of the remaining aspects of the LVIA methodology set out in section 15.4 of Chapter 15 where relevant to NE interests.	Agreed
NE4.1.5	ES Baseline	The landscape and visual baseline environment is set out at section 15.5.3 of Chapter 15. The Applicant welcomes NE’s review and agreement of this baseline for Section 1 Lovedean (Converter Station Area).	Agreed
NE4.1.6	Predicted Impacts – Converter Station	It is agreed that the impacts identified at section 15.3.6 of ES Chapter 15 Landscape and Visual Amenity and more specifically those that relate to Section 1 Lovedean (Converter Station Area) are accurate. It is agreed that the impacts considered by the Applicant have the potential to give rise to temporary and/or permanent significant effects on the South Downs National Park during construction and operation of the Proposed Development in relation to the Converter Station.	Agreed
NE4.1.7	Mitigation - Outline Landscape and Biodiversity Strategy	<p>It is agreed that there are significant effects on the landscape character and setting of the South Downs National Park and NE have welcomed the commitment to an Outline Landscape and Biodiversity Strategy (APP-506). However, NE have advised that the details are progressed in agreement with the district ecological and landscape officers and that Requirement 7 of the draft DCO (APP-019) be updated to secure this. The Applicant considers that as the written detailed landscaping scheme is to be “submitted to and approved by the relevant planning authority” that this is appropriate as the relevant planning authority holds the responsibility for ecology and landscape and the matter will be dealt with via the district ecological and landscape officers on this basis.</p> <p>NE further recommends that the Outline Landscape and Biodiversity Strategy for the Converter Station is agreed with landscape officers at South Downs National Park. Requirement 7 of the draft DCO requires that a written detailed landscaping scheme be “submitted to and approved by the relevant planning authority and where related to any phase of Works No. 2 in consultation with the South Downs National Park Authority”.</p> <p>NE has reviewed and agreed the wording of Requirement 7.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
NE4.1.8	Mitigation - Maintenance of landscaping	<p>NE advise that any landscape planting should be monitored and managed with replacement planting, as necessary, to ensure that the predicted medium to long term landscape improvements are realised. The Applicant considers that this is secured under Requirement 8 Implementation and maintenance of landscaping of the draft DCO (APP-019) which includes for replacement of any seriously damaged or diseased new planting for a period of five years after planting based on a five year establishment maintenance period as part of the landscape or construction contract. All new and existing planting falling within the Order Limits will be maintained throughout the operational lifetime of the Converter Station as referred to in the Outline Landscape and Biodiversity Strategy.</p> <p>NE are to review whether the wording of Requirement 8 is considered acceptable and agreed and confirm by Deadline 2.</p>	Ongoing
NE4.1.9	Mitigation – further enhancement opportunities	<p>NE advised that further consideration should be given to opportunities for landscape enhancements within the South Downs National Park to compensate for adverse effects, being potentially on land outside of the Application, with such enhancements to be secured via a landscape and biodiversity enhancement fund.</p> <p>The Applicant does not consider that further enhancements above those proposed within the Application is appropriate and proportionate to address the landscape and visual effects associated with the proposed Converter Station. NE have provided specific comments on opportunities for landscape enhancements at 4.1.10 and this will be subject to further discussion.</p> <p>Chapter 15 (Landscape and Visual Amenity) of the ES (APP-130) Table 15.10 and 15.11 summarises the nature of effects and concludes that as planting matures, the significance of effects for some visual receptors and landscape character types / areas (including 3fi Downland Mosaic within which the Converter Station sits) and associated landscape features will reduce and will not be significant after 10 years. It is noted that effects would remain significant on SDNP landscape character type (D2 Hambledon and Clanfield Downs) and some immediate residents within a 1.2 km radius of the Converter Station Area, and on some recreational and transport users over very localised sections of PRow and roads within a 3 km radius of the Converter Station Area, after 20 years.</p>	Ongoing
NE4.1.10	Residual Effects	<p>The residual effects associated with the South Downs National Park are set out at Tables 15.10 and 15.11 of ES Chapter 15 Landscape and Visual Amenity (APP-130). NE have provided the following comments, which will be subject to further discussion following the Deadline 1 submission.</p> <p>NE advises that significant weight is given to the advice of the landscape advisor/planner for the National Park, as they will be best placed to provide detailed advice on grading method used in the EIA, and appropriateness of the mitigation strategy in delivering the reduction in the significance of the adverse effects. We recommend that the key principles to deliver the necessary mitigation are secured in the Outline Landscape and Biodiversity Strategy. Given the size and scale of the convertor station on the edge of the National Park, the key issue is whether the scale and location of mitigation proposed is sufficient to adequately mitigate the proposal, and whether this can be secured appropriately with any permission.</p> <p>Given there are significant effects on the landscape character and setting of South Downs National Park and that people using Monarch’s Way will be subject to adverse effects as a result of the development, NE advises that further consideration is given to opportunities for landscape enhancements within the South Downs National Park as compensation. A similar approach has been taken previously by the National Grid to compensate for adverse effects and to increase the resilience of the landscape. Projects to enhance the landscape by increase planting of trees or hedgerows would also deliver biodiversity gains, especially schemes to increase connectivity between ancient woodland areas and within ecological corridors. It is appreciated that this may fall outside of land ownership areas, however, enhancements could be secured via a landscape and biodiversity enhancement fund. NE would be happy to discuss this option further in due course.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>NE would encourage further discussion with the National Park Authority given the impact of the development on the character and setting of the National Park. Given their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, they would be best placed to further on the scope of the mitigation. Provided the landscape officers at SDNPA are satisfied with the approach taken in the Outline Landscape and Biodiversity Strategy, NE raises no further comments.</p> <p>The Applicant will consider the points raised above in discussions with the SDNPA and against the updated OLBS which refers to opportunities to maximise biodiversity within the Order Limits and will be issued as part of Deadline 1.</p>	

## 4.2. ECOLOGY (INCLUDING ARBORICULTURE)

Table 4.2 – Ecology (including Arboriculture)

Ref.	Description of matter	Current Position	RAG
<b>Ecology (including Arboriculture)</b>			
NE4.2.1	Area of Study relevant to NE	It is agreed that the part of the Ecology assessment set out in Section 16.1 of Chapter 16 of the ES (APP-131) relevant to NE includes all sections of the Onshore Cable Route and Section 1 Lovedean (Converter Station Area), and more particularly the relationship of the Proposed Development and associated infrastructure to the statutory and non-statutory designated sites, protected species and priority habitats and species.	Agreed
NE4.2.2	Study Areas	The study areas defined in Section 16.1.2 of Chapter 16 Onshore Ecology of the ES (APP-131) and Section 5.1.1 of the Habitat Regulations Assessment (APP-491) with respect to different ecological features are agreed.	Agreed
NE4.2.3	Methodology - Surveys and Data Sources	A suite of ecological surveys have been completed to provide baseline information to inform the assessment through both the ES and HRA of the Proposed Development. The full programme of surveys are outlined in Table 16.3 of Chapter 16 Onshore Ecology of the ES (APP-131). These are agreed to be appropriate and comprehensive.	Agreed
NE4.2.4	Designated Sites	<p>It is agreed that the following designated sites are appropriately scoped out of ES Chapter 16 Onshore Ecology at section 16.3.5 (APP-131) with respect to onshore ecology:</p> <ul style="list-style-type: none"> <li>• Solent and Dorset Coast pSPA (now formally ratified as a SPA)</li> <li>• Solent and Southampton Water SPA / Ramsar</li> <li>• Solent &amp; Isle of Wight Lagoons SAC</li> <li>• Solent Maritime SAC</li> <li>• South Wight Maritime SAC</li> <li>• Butser Hill SAC</li> <li>• Langstone Harbour SSSI</li> <li>• Sinah Common SSSI</li> <li>• Portsdown SSSI</li> <li>• Catherington Down SSSI</li> </ul>	Agreed

Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> <li>• The Kench, Hayling Island LNR</li> <li>• Farlington Marshes LNR</li> <li>• Yeoll's Copse LNR; and</li> <li>• Cathington Down LNR.</li> </ul> <p>It is agreed the designated sites assessed in Chapter 16 are limited to:</p> <ul style="list-style-type: none"> <li>• Chichester and Langstone Harbours SPA / Ramsar; and</li> <li>• Portsmouth Harbour SPA/ Ramsar</li> </ul> <p>It was concluded in Section 7.3 of the Habitat Regulations Assessment (APP-491) that there were no LSE with respect to Portsmouth Harbour SPA / Ramsar. However, it is agreed that this site should be to be taken forward to Stage 2 of the updated HRA with respect to disturbance of the dark-bellied brent goose feature only</p> <p>The assessment screens out of further assessment specifically: Solent and Dorset Coast pSPA (now SPA) and Solent and Southampton Water SPA / Ramsar.</p>	
NE4.2.5	Ecological Assessment of the Converter Station	<p>It is agreed that the Applicant has appropriately characterised the impacts on ecological features at the location of the proposed Converter Station. Features assessed include ancient woodland at Stoneacre Copse (outside of the Order Limits), badgers, bats, hedgehogs, reptiles and breeding birds.</p> <p>An ES Addendum (to be submitted at Deadline 1 of the Examination) details a reassessment of the botanical community of grasslands at the Converter Station based on a survey in 2020. The survey did not show the grassland to have any calcareous characteristics and thus will be reclassified in the ES addendum to being of species-poor semi-improved grassland.</p> <p>As detailed in the Outline Landscape and Biodiversity Strategy (OLBS) (APP-506) and in the Onshore Outline Construction and Environmental Management Plan (APP-130 Rev002) embedded mitigation measures to be implemented include a 15 m buffer between works and Stoneacre Copse, landscape planting at the Converter Station to include ecologically important habitats (mixed woodland, scrub, hedgerow, scattered trees and marshy grassland). The 15m buffer between the proposed development and ancient woodland is in line with standing advice by Government on “Ancient woodland, ancient trees and veteran trees: protecting them from development” - <a href="https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences">https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences</a>.</p> <p>It is agreed that there are no significant effects for any of these features as a result of either the construction or operational phases of the Proposed Development, with the detailed measures to be included in the Proposed Development to be detailed and secured within a written detailed landscaping scheme in accordance with Requirement 9 ‘Biodiversity Management Plan’ of the draft DCO (APP-109).</p>	Agreed
NE4.2.6	Ecological assessment of Kings Pond / Denmead Meadows	<p>It is agreed that the Onshore Cable Route runs through sensitive lowland meadow habitats at Denmead, with Denmead Meadow and King's Pond SINC recognised as of national importance in the assessment.</p> <p>It is accepted that NE's preference is to avoid these sensitive and important habitats in the first instance, but on the basis of balancing ecological with other planning constraints (including engineering constraints associated with the aquifer), it is agreed that the proposal for horizontal directional drill ('HDD') under part of Denmead Meadows is acceptable in principle.</p>	Ongoing



Ref.	Description of matter	Current Position	RAG
		<p>However, NE maintains concerns that the location of the HDD construction compounds, jointing bay and section of cable to be trenched across the north of the meadows will result in damage to this priority habitat and a residual loss of biodiversity.</p> <p>The Applicant has confirmed in discussions (06/05/2020) that the entrance and exit sites for the HDD compounds will be located within fields 13 and 3 respectively (see Figure 1 of Appendix 16.4 Non-statutory Designated Sites Report of the ES APP-412), with open trenching used to cross the eastern half of Field 8 and Field 13. Following discussions, a strategy (expanding on the mitigation identified in sections 16.8.2 to 16.8.4 of ES Chapter 16 Onshore Ecology (APP-131)) to avoid potential effects through controlling working practices is being developed for further discussion and agreement with NE. The strategy will comprise seven key actions:</p> <ol style="list-style-type: none"> <li>(1) Avoidance and general measures – size of compounds kept to minimum, work areas to be fenced and monitored by Ecological Clerk of Works</li> <li>(2) Timing of work – Avoidance of growing season – work undertaken between August and November</li> <li>(3) Seed harvesting – For Field 3 where HPI present seed collected prior to works through appropriate methods</li> <li>(4) Turve stripping and preservation – turves to be cut from Field 3 and stored locally. Appropriate collection and storage methodologies will be implemented including the use of a telehandler and plastic sheeting respectively. Turves will be kept moist and monitored daily</li> <li>(5) Soil structure protection – Top and sub soil removed from Field 3 will be stored during works and replaced following works. Ground protection (temporary membrane and bog matting) will prevent soil compaction</li> <li>(6) Habitat restoration – Turves will be returned to Field 3 following completion of works alongside re-seeding of Fields 3, 8 and 13.</li> <li>(7) Monitoring and management – Three years light touch management of Fields 3, 8 and 13 (areas within Order Limits) in order to maintain diversity. Botanical survey to take place once yearly to inform any changes to management prescriptions e.g. grazing. At the end of the 3 years the land will be returned to landowners.</li> </ol> <p>The strategy will be subject to further discussions with NE to reach agreement of the proposed mitigation.</p> <p>NE agrees that the habitat at the compound site is valuable enough to be translocated and the details of this methodology and appropriate aftercare period will be discussed further with the Applicant.</p> <p>NE agree that this approach is necessary if the construction compound is to be situated in this location. However, it is our view that given the habitat will need to be stored for a number of months and with aftercare limited to 3 years, it cannot be assumed that there will be no adverse impacts. Furthermore, the compound in field 13 and trenching of the King’s Pond SINC and adjacent area will lead to a further loss of biodiversity. The poor management of these fields has led to signatures of improvement, but it is NE’s view that the capacity for restoration to MG5 remains.</p> <p>It is NE’s position that additional compensation for management and creation of neutral grassland is required, in addition to the translocation and aftercare management.</p> <p>The Applicant notes Natural England’s position that it cannot be assumed that there will be no adverse impacts on grassland habitats at Denmead Meadows. However, it is the Applicant’s position that mitigation measures proposed within Chapter 16 of the Environmental Statement (Examination Library reference APP-131, and subject to further detail and refinement since, are sufficient to restore the grassland habitats at Denmead Meadows to their original condition post construction, leading to no residual adverse effects. It should</p>	

Ref.	Description of matter	Current Position	RAG
		<p>also be noted that the aftercare period is not limited to 3 years, but will extend over 5 years as stated in Chapter 16 of the Environmental Statement.</p> <p>The Applicant welcomes further discussion of the mitigation and compensation strategy with Natural England in due course.</p>	
NE4.2.7	Ecological Assessment of Milton Common SINC	<p>It is agreed that Milton Common SINC comprises a mixture of grassland, scrub, open water and footpaths (within Section 8 of the Order Limits). The preferred option (subject to deliverability following detailed design) is to install the cable along a well-used footpath through the SINC. The direct impacts of the Proposed Development will lead to the temporary loss of 10.5 ha of habitat within the SINC. Proposed mitigation to be agreed with Natural England identified in sections 16.8.2 and 16.8.3 of ES Chapter 16 Onshore Ecology (APP-131) includes soil horizon and grassland turf preservation for semi-improved grassland. In addition, use of bog matting and temporary membranes will be applied to prevent compaction of grassland soils. The ES concludes that residual effects on Milton Common SINC are of negligible significance following the application of mitigation.</p> <p>Further comments from Natural England are to be provided prior to Deadline 2.</p>	Ongoing
NE4.2.8	Ecological assessment of other SINC sites	The Applicant has assessed potential impacts on all relevant SINC sites including those additional to Kings Pond and Milton Common. These are Crabden's Copse SINC, Crabden's Row SINC and Great Salterns Lake SINC. The potential impacts on these sites have been appropriately characterised and it is agreed that there are no significant effects from the Proposed Development.	Agreed
NE4..	Biodiversity Metric	<p>NE welcomes the biodiversity metric that has been undertaken by the applicant.</p> <p>NE has raised queries with regard to the scope of the metric and the assumptions and parameters considered in the assessment. Given the current loss of area-based habitats, NE welcomes further discussion about options available to ensure any losses have been addressed.</p>	On-going
NE4.2.9	Habitat Regulations Assessment - existing environment and pre screening	The information used to inform the environmental baseline on onshore ecology is agreed as appropriate alongside the methods used to identify potential connectivity between the Proposed Development and designated sites relevant to onshore ecology are appropriate. The conclusions of the site-based pre-screening assessments for designated sites with onshore ecology features are agreed as appropriate.	Agreed
NE4.2.10	Habitat Regulations Assessment – determination of likely significant effect	The conclusions of the assessment of LSE for sites with onshore ecology features are considered to be agreed. LSEs were identified for Chichester and Langstone Harbours SPA, and in the updated HRA (APP-491 Rev002) for Portsmouth Harbour SPA with respect to onshore ecology. All other designated sites SPA are screened out at Stage 1 of the HRA.	Agreed
NE4.2.11	Habitat Regulations Assessment – Noise impacts on Chichester and Langstone Harbours SPA and Solent Waders and Brent Goose Strategy	The Appropriate Assessment of the HRA in addition to Chapter 16 of the ES considers impacts on Chichester and Langstone Harbours SPA. The assessment concludes that with respect to disturbance effects from the Proposed Development no adverse effect on site integrity will result from the Proposed Development either alone or in combination with other projects. This conclusion is reached following application of Principles 4,5,6 and 8 (as detailed in ES Appendix 16.14 Winter Working Restriction for Features of Chichester & Langstone Harbours SPA) (APP-422) that are designed to avoid or mitigate effects on the SPA. Following consultation with Natural England further analysis (through noise contour modelling) has been undertaken. This work, provided to Natural England as the Construction Noise and SWBGS report (Appendix 18,document reference 7.8.1.18), highlights SWBGS and areas of the SPA that will be subject to winter working restrictions in order meet the principles and has informed a revision of the principles. As requested by Natural England, 'low use' SWBGS sites are considered.	Agreed

Ref.	Description of matter	Current Position	RAG
		It is agreed that the approach provided by the Applicant is appropriate and no adverse effects on the integrity of Chichester and Langstone Harbours SPA (and Portsmouth Harbour SPA) can be concluded.	
<b>NE4.2.12</b>	Habitat Regulations Assessment – Restoration of Solent Waders and Brent Goose Strategy	<p>The route of the Onshore Cable runs adjacent to and through sites identified as supporting habitat to Chichester and Langstone Harbours SPA namely Solent Waders and Brent Goose Strategy (SWBGS). The following SWBGS sites are agreed to overlap with onshore components of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• P25 – University of Portsmouth, Langstone Campus;</li> <li>• P23B – University of Portsmouth;</li> <li>• P23A – Milton Common north 1;</li> <li>• P23R – Milton Common north 2;</li> <li>• P11 – Kendall’s Wharf playing fields; and</li> <li>• P08A – Farlington playing fields.</li> </ul> <p>All SWBGS grassland habitat will be restored before the onset of the non-breeding season (October). In SWBGS P08A, Farlington Playing Fields, it is unlikely that the CCT1 &amp; CCT2 HVDC trench route and cabling works would be fully reinstated for the commencement of the non-breeding season on 1<sup>st</sup> October. Re-turfing will likely only be possible at the start of October and is estimated that a minimum of 2-3 weeks would be required for re-establishment of the grass sward required for geese grazing. It is agreed that the restoration of a small area of P08A (1.7 ha) during the month of October would not impair the SWBGS network and specifically it would not impact the non-breeding brent goose population.</p> <p>There would therefore be no adverse effects on the integrity of Chichester and Langstone Harbours SPA.</p> <p>A plan of the SWBGS restoration has been provided to and agreed with NE, and this is secured in the OOCEMP. Natural England agreed with the approach presented by the Applicant and agree with the conclusions drawn.</p>	Agreed
<b>NE4.2.13</b>	Wildlife Licencing	<p>Follow the receipt of a draft method statement from the Applicant regarding proposed mitigation on existing badger setts within the Order Limits, Natural England issued a Letter of No Impediment (LONI). The LONI was included as an appendix to the application (APP-490).</p> <p>There is expected to be no requirement for wildlife licencing for any further protected species.</p>	Agreed
<b>NE4.2.14</b>	Consents to work in Sites of Special Scientific Interest (‘SSSIs’) under Regulation 28E of the Wildlife and Countryside Act 1981	The Applicant intends to directionally drill (HDD) under Langstone Harbour SSSI. It is agreed that there is no impediment to Natural England granting consent for this work.	Agreed



### 4.3. SOILS AND AGRICULTURAL LAND USE

Table 4.3 – Soils and Agricultural Land Use

Ref.	Description of matter	Current Position	RAG
<b>Soils and Agricultural Land Use</b>			
NE4.3.1	Potential Impacts	Natural England agree that potential impacts on the agricultural land identified within Chapter 17 Soils and Agricultural Land Use of the ES (APP-132) have been adequately characterised and assessed.	Agreed

### 4.4. AIR QUALITY

Table 4.4 – Air Quality

Ref.	Description of matter	Current Position	RAG
<b>Air Quality</b>			
NE4.4.1	Potential Impacts	Natural England agree that the potential impacts on Air Quality within Chapter 23 Air Quality of the ES (APP-138) have been adequately characterised and assessed.	Agreed

### 4.5. CUMULATIVE EFFECTS

Table 4.5 – Cumulative Effects

Ref.	Description of matter	Current Position	RAG
<b>Cumulative Effects</b>			
NE4.5.1	Coastal Defence Scheme	The North Portsea Island Phase 2B Coastal Defence works (PCC 19/01368/FUL), was granted planning permission post submission of the Application. It is noted that the proposed timing of the works Onshore HVDC Route Construction/Cable Installation in Portsmouth are likely to coincide with when those works are understood to be likely to be carried out.  An update to the ES Chapter 29 Cumulative Effects (APP-144), taking account of this additional application is being undertaken by the Applicant (and due for submission into the Examination at Deadline 1) and will be subject to further discussions with NE.	Ongoing
NE4.5.2	Fraser Range	A planning application for development at Fraser Range Fort Cumberland, Southsea (19/00420/FUL) is considered to be adequately considered within ES Chapter 29 Cumulative Effects (APP-144) and in ES Appendix 16.15 – Onshore Ecology Cumulative Effects Matrix (Stage 1 & 2) (APP-423). The conclusions are to be agreed in further discussions between parties.	Agreed

#### 4.6. DECOMMISSIONING

Table 4.6 – Decommissioning

Ref.	Description of matter	Current Position	RAG
<b>Decommissioning</b>			
NE4.6.1	Decommissioning	NE raised concern around the limited information around the impacts at decommissioning stage it has subsequently been clarified that development consent for decommissioning is not sought as part of the application.	Agreed

#### 4.7. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Table 4.1 – Draft Development Consent Order (Onshore Comments)

Ref.	Description of matter	Current Position	RAG
<b>CEMP</b>			
NE4.7.1	Part 1 1 (1)	<p>It is agreed that a Construction Environmental Management Plans (CEMP) will be used to control the construction of the Proposed Development. A draft Onshore Outline CEMP (APP-505) which any detailed CEMP will be required to comply was submitted with the Application. The Outline Onshore CEMP has been updated during the examination (APP-505 Rev002).</p> <p>The Applicant advises that Requirement 15 of the draft DCO (APP-019) necessitates the submission of a Construction Environmental Management Plan ('CEMP'). As detailed by NE this will be submitted to and approved by the relevant planning authority who have responsibility for ecology/biodiversity.</p> <p>The CEMP will cover all of potential impacts detailed by NE:</p> <ul style="list-style-type: none"> <li>• Storage of construction materials/chemicals and equipment</li> <li>• Dust suppression</li> <li>• Chemical and/or fuel run-off from construction into nearby watercourse(s)</li> <li>• Waste disposal</li> <li>• Noise/visual/vibrational impacts</li> <li>• Visual screening (for SPA birds)</li> <li>• Lighting on sensitive receptors</li> </ul> <p>Such impacts are addressed, and mitigation proposed, where relevant in Chapter 16 (Onshore Ecology) of the ES (APP-131). The acceptability of Requirement 15 is subject to ongoing discussion prior to Deadline 2.</p>	Ongoing

#### 4.8. DRAFT DEVELOPMENT CONSENT ORDER

Table 4.8 – Draft Development Consent Order (Onshore Comments)

Ref.	Description of matter	Current Position	RAG
<b>General Requirements</b>			
NE4.8.1	Part 1 1 (1)	The definition for a Statutory Nature Conservation Body was requested for inclusion with the draft DCO, and it is agreed this will be included in updates to the draft DCO prior to Deadline 2.	Ongoing
NE4.8.2	Schedule 2 Requirements - Requirement 7 &15	NE have requested that the relevant statutory nature conservation body is included as a consultee on the Landscaping scheme (Requirement 7) and the Construction Environmental Monitoring Plan (Requirement 15) of the draft DCO, this is subject to ongoing consideration by the Applicant.	Ongoing

#### 4.9. ALTERNATIVES

Table 4.9 – Alternatives

Ref.	Description of matter	Current Position	RAG
<b>General Requirements</b>			
NE4.8.1	Alternative Cross-Country Route	<p>The Applicant and Natural England have discussed the implications of a possible alternative route for the Proposed Development identified by Winchester City Council and Havant Borough Council as described in section 2.6.4 of ES Chapter 2 Consideration of Alternatives (APP-117).</p> <p>This alternative route would be primarily ‘across country’ rather than follow highways as per the Application. It is agreed that both the Applicant and NE consider there to be more significant ecological implications from a cross country route including on non-statutory designated sites, protected and notable species/ habitats .</p>	Agreed

## 5. SIGNATURES

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<b>Ref.</b>	<b>Natural England</b>	<b>Aquind (the Applicant)</b>
Signature		
Printed Name		
Title		
On behalf of	Natural England	Aquind Limited
Date		

