



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Comments on Responses to ExA First Written Questions

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(1)(c)

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1. INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1.1. AQUIND Limited (the Applicant) submitted an application for the AQUIND Interconnector Order (the Order) pursuant to Section 37 of the Planning Act 2008 (as amended) (the PA2008) to the Secretary of State (SoS) on 14 November 2019 (the Application). The Application was accepted by the Planning Inspectorate (PINS) on 12 December 2019, with the Examination of the Application commencing on 08 September 2020.
- 1.1.1.2. The Application seeks development consent for those elements of AQUIND Interconnector (the Project) located in the UK and the UK Marine Area (the Proposed Development).
- 1.1.1.3. At Deadline 1, the Applicant and various Interested Parties submitted responses to the Examining Authority's (ExA) First Written Questions (REP1-091) issued with the second Rule 6 letter dated 3 July 2020. This report provides the Applicant's comments on the responses to written questions submitted by Interested Parties.

1.2 STRUCTURE OF THE APPLICANT'S RESPONSES

- 1.1.1.4. Each of the tables set out below includes the ExA's original written question, the Interested Party's response to the written question and the Applicant's comments on the response.

2. LOCAL AUTHORITIES

Table 2.1 - South Downs National Park Authority

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|----------------|---|---|---|
| MG1.1.5 | <p>The Consultation Report [APP-025] describes a great deal of discussion and progress with a range of interested planning authorities on the concept design of the Converter Station buildings. What certainty does each of the local authorities have that its views and the agreements that have been made with them would be incorporated into the final design?</p> | <p>Whilst the applicant has met with us and others on this (and we welcome this engagement) SDNPA considers that there is a lack of information in the DCO application about the design and appearance of the Converter Station (despite its size and scale). Requirement 6 leaves too much of this to post approval consideration, rather than being considered by the Examining Authority now.</p> <p>As it stands therefore the SDNPA has limited assurance that its views will be incorporated into the final design of the Converter Station buildings.</p> | <p>Please refer to the Applicant's response to this question at Deadline 1 refer to ExA WQ MG1.1.5 (REP1-091).</p> <p>Six design meetings held with the East Hampshire District Council, Winchester City Council and South Downs National Park Authority pre-submission informed the set of design principles (including general, building design and landscape principles) set out at Section 6 of the updated Design and Access Statement (DAS) (REP1-031 and 032). These design principles are secured by Requirement 6 of the dDCO (REP1-021) which requires the Applicant to confirm how the final detailed designs of the Converter Station accord with the design principles and require the final detailed designs to be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence.</p> <p>The Applicant is continuing discussions with the interested planning authorities to seek to reach a consensus with all.</p> |
| CH1.4.4 | <p>For Section 1 of the Proposed Development (from ES paragraph 21.6.4.5 [APP136]), the assessment of effects on the settings of assets appears to focus exclusively on views, and relies, in some cases, on established or proposed planting to mitigate effects. Could the Applicant, Historic England and the relevant local authorities comment on the adequacy of this, or whether other factors that contribute to setting should have been considered.</p> <p>To what extent should the ExA and Secretary of State take established vegetation and proposed mitigation planting into account in the assessment of setting?</p> | <p>The applicant's approach does appear to be oversimplified but we do note that the Environmental Statement also generally considers the architectural quality of the listed building itself as the nature and character of the listed building is also an important factor in judging its setting. Some information is also provided on the nature and appearance of listed building's surroundings.</p> <p>In our view established vegetation can be taken into account in the assessment of setting unless it is thought to be at risk (e.g. from development or on account of ash die back). Where the application relies on defined mitigation areas for planting the applicant should have control of these parcels of land to ensure long term management and that the mitigation continues to be provided for the lifetime of the project.</p> | <p>Please refer to the Applicant's response to ExA WQ CH1.4.4 at Deadline 1 (REP1-091). The assessment of the Proposed Development on the setting of designated heritage assets (from paragraph 21.6.4.5 of Chapter 21 of the ES (APP-136)) has considered elements beyond views, in line with Historic England's GPA3 The Setting of Heritage Assets (HE 2017).</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>SDNPA considers that proposed mitigation planting can be taken into account in the assessment of setting provided that it is secured by the DCO and provided that it is clear and recognised at what point in time the planting will be at when any judgements are made (planting will obviously be more established years after planting compared to the date of planting).</p> | |
| <p>DCO1.5.9</p> | <p>In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.)</p> <p>The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per model provisions and as is usual in other recently made DCOs). Schedule 11 of the dDCO [APP-019] (TPO trees) only lists 'potential removal' and 'indicative works to be carried out'. How can this be specific enough to understand the impact of the Proposed Development on trees?</p> <p>If this remains unchanged, should the ExA in weighing the benefits and disbenefits of the Proposed Development therefore assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p> | <p>SDNPA object to this as currently written, for the reasons set out in section 5 of our Local Impact Report.</p> <p>However, should this remain unchanged it is SDNPA's view that because the loss of trees cannot be quantified and because it would be possible to remove all trees within the Order Limits without replacing them the Examining Authority should, when weighing the application in the planning balance, assume the loss of all trees within the Order Limits.</p> | <p>A review of trees subject to Tree Preservation Orders within the Order Limits has been undertaken to identify those which may be affected and confirmation of those which are not. This review has extended to any trees within designated conservation areas and a suitable plan and schedule of trees provided. Please refer to the Applicant's response to ExA WQ DCO1.5.9 at Deadline 1 (REP1-091).</p> <p>The Applicant has provided a response to the SDNPA LIR at Deadline 2 (document reference 7.7.13).</p> |
| <p>DCO1.5.44</p> | <p>Could the Applicant and the local planning authorities please review the definitions of 'commence' and 'onshore site preparation works' set out in Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement.</p> <p>Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of</p> | <p>The SDNPA is concerned about the exclusions proposed from the commencement of development, especially in respect of how they might interact with the discharge of Requirements. The SDNPA would welcome sight of the applicant's responses to these questions before considering whether to comment further.</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.44 at Deadline 1 (REP1-091). The definition of "onshore site preparation works" has been amended to remove reference to (h) diversion or laying of services and (k) creation of site accesses. Requirement 4 has been amended to confirm no onshore site preparation works in respect of the area where the converter station is to be located may be carried out until the converter station perimeter option has been confirmed.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable?</p> <p>Does the Applicant believe that the onshore site preparation works include the creation of site accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10?</p> <p>The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed? If so, is this acceptable?</p> <p>Should Requirement 13 include similar wording to Requirement 14(2)?</p> <p>Also, could the Applicant provide a detailed explanation as to why each of the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP- 020] paragraph 5.3.2)? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum.</p> <p>Could the local authorities comment on whether they are agreeable to these exclusions?</p> | | <p>Requirement 15 clearly already requires a CEMP to be approved before works in a phase are carried out, including any works forming part of the onshore site preparation works</p> |
| <p>DCO1.5.57</p> | <p>Are the relevant planning and highway discharging authorities and other relevant bodies content with their roles in the discharge of Requirements? (Refer</p> | <p>SDNPA, as it is not the Local Planning Authority for the development site, will not be discharging any requirements itself but it will be inputting into a number in consultation</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.57 at Deadline 1 (REP1-091). The Applicant is content with how this is dealt with and considers the appropriate persons are referenced.</p> |

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| | <p>to paragraph 12.4 of the Explanatory Memorandum [APP- 020].)</p> | <p>with the relevant Local Planning Authority. SDNPA is happy to perform this role.</p> <p>SDNPA input currently applies to Requirements 6 (design), 7 (landscaping) and 16 (external construction lighting) where explicit reference is made to consultation with the SDNPA.</p> <p>SDNPA made a number of points in relation to discharging the Requirements in our Local Impact Report and these points are summarised below for ease of reference:</p> <p>There is, in our view, a lack of information about the design and appearance of the Converter Station buildings (despite the size and scale). Requirement 6 leaves much too much of this to post approval consideration rather than being considered by the Examining Authority now.</p> <p>Regarding Requirement 17 (Construction Traffic Management Plan) we request that this document be submitted to and approved by the relevant Local Planning Authority (after consultation with the SDNPA in respect of the Converter Station Area), rather than the relevant Highway Authority.</p> <p>Regarding Requirement 20 (noise management) SDNPA request that this requirement is discharged, in respect of Work Area 2, after consultation with the SDNPA because of the potential impacts on tranquillity.</p> <p>Requirement 23 (control of operational lighting) should, in our view, be expanded in a similar way to Requirement 16 to require written details of any external, permanent lighting to be installed in connection with the Converter Station to be, after consultation with the SDNPA, submitted to and approved by the relevant local planning authority. This is to ensure that due consideration is given to the International Dark Sky Reserve of the National Park.</p> | <p>The Applicant has provided a response to the SDNPA LIR at Deadline 2 (document reference 7.7.13).</p> |
| <p>EIA1.6.2</p> | <p>In its Relevant Representation [RR-049], the South Downs National Park Authority drew attention to National Grid's duties under s62 of the Environment Act as a Statutory Undertaker to have regard to the purposes of the South Downs National Park. It</p> | <p>SDNPA have attempted to progress discussions on this but with no success. SDNPA understands that the applicant will be submitting further information on this matter at Deadline 1 and SDNPA will consider this and approach National Grid again if necessary.</p> | <p>The Supplementary Alternatives Chapter (REP1-152) submitted at Deadline 1 outlines the selection process of the Converter Station location.</p> |

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| | <p>suggested that there is only limited evidence of how National Grid met these duties and that it would be seeking further information from National Grid:</p> <p>'National Grid is a Statutory Undertaker and therefore, as per section 62 of the Environment Act 1995, they are required to have regard to the purposes of the National Park in their decision making. It is not clear whether the assessment of alternatives (set out in the Environmental Statement Chapter 2: Consideration of Alternatives) by National Grid when preparing the NGET feasibility study in 2014 took into account the impact of the various options on the National Park. There is only limited information on how that duty has been met and the SDNPA will be seeking further information on this from National Grid.'</p> <p>Have negotiations continued and is there any update to report?</p> <p>Could the South Downs National Park Authority explain if, in its view, the Proposed Development would affect the statutory purposes for which the National Park was designated?</p> <p>Further, does it believe that there any distinction between the effects of Option B (i) and B(ii) in relation to their effects on the statutory purposes of the National Park?</p> <p>Please could NGET explain if and how you had regard to the statutory purposes of the South Downs National Park designation in preparing the 2014 feasibility study referred to in Chapter 2 of the ES [APP-117].</p> | <p>SDNPA considers that the proposed development, notably the Converter Station buildings, fail to conserve the rural landscape setting of the National Park here and in this respect fails to comply with Purpose 1 of National Parks which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.</p> <p>Without prejudice to our view that the Converter Station buildings cause harm to landscape character and the setting of the National Park the SDNPA prefers Option B(ii) of the two options put forward by the applicant. This is because it retains a hedgerow and woodland to the west that we understand would be lost under option Bi).</p> | <p>The Applicant notes the comments made by SDNPA and refers to Applicant's response to the Relevant Representations submitted at Deadline 1 (RR-049)(REP1-160).</p> <p>Chapter 15 (Landscape and Visual) (APP-130) acknowledges that the proposed Converter Station would have a significant effect on the landscape character of the South Downs National Park (Landscape Character Area D2 - Hambledon and Clanfield Downland Mosaic) and the setting of the South Downs National Park within approximately 3 km of the Site during construction and on completion.</p> <p>Such effects have been mitigated as far as practicable through the development of, and adherence to, Design Principles contained within the DAS (REP1-031 and 032), retention of existing vegetation and compliance with the Onshore Outline Construction and Environmental Management Plan (REP1-087 and 088) which is secured in Requirement 15 of the dDCO (REP1-021).</p> <p>The Applicant has submitted a Statement of Common Ground (SoCG) with National Grid Electricity Transmission to Deadline 1 (REP1-113). However, this does not contain further information on National Grid's duties under the Environment Act.</p> <p>The Applicant notes the comment in relation to Option B(ii). Option B(i) represented the worst case scenario in terms of landscape and visual effects and on landscape and visual grounds the Applicant agrees that Option B(ii) is the more favourable option.</p> |
| <p>LV1.9.1</p> | <p>Do you agree with the selection of representative viewpoints used for the LVIA of the Converter Station and associated infrastructure [APP-250]?</p> <p>If not, why not?</p> | <p>The SDNPA is happy with the selection of viewpoints with the exception of: 1. Providing a viewpoint from east of Prews Hanger to the north</p> <p>The SDNPA is happy with the selection of viewpoints with the exception of:</p> | <p>The Applicant's view that the selected viewpoints provide appropriate representation of the Converter Station and associated infrastructure. Viewpoints were previously agreed with local planning authorities and SDNPA refer to the Applicant's Response to ExQ1 LV1.9.13 (REP1-091). Notwithstanding the previous statement the Applicant is in the process of reviewing the feasibility of taking the two additional</p> |

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| | <p>Do you have any comments on the presentation of baseline photographs and visualisations ([APP-251] to [APP-270])?</p> | <p>Providing a viewpoint from east of Prews Hanger to the north footpath. The footpath is obscured in the maps provided within the LVIA by an enlargement box graphic. SDNPA has requested that this viewpoint is added to the viewpoint list. Whilst the route is 'only' a footpath, it is a well used connection between two rural lanes which in themselves are used as part of the PROW network. There is no other location which demonstrates the effects from this viewpoint.</p> <p>A further viewpoint is desirable at the entrance to the Interconnector site where a number of alterations are proposed to the road layout. Through discussion at design workshops with the applicant it is emerging that this is an area which requires careful consideration on the boundary of the SDNP due to the degree of change proposed to the existing rural character. An additional viewpoint to demonstrate this series of effects would be helpful in assessing this impact; there are no other viewpoints which demonstrate this effect. The SDNPA has supplied best practice guidance on industrial (quarry) entrances to the applicant and raised the issue during recent design team meetings.</p> <p>The baseline photos all need to be viewed at the correct scale to avoid an inaccurate perception of the proposals. There is, in our view, an over reliance on panoramic photography which distorts the perception of the proposals and relies on viewers enlarging the image to the correct size in order to achieve the appropriate viewing experience. In this case many of the photos require printing at A1 size to view in the field. To view electronically requires enlargement to A4 height which many screens will not accommodate. This limits the ability to accurately consider the effects of the proposals and has the effect of obfuscating the impacts through the combination of a wide field of vision coupled with the need for significant enlargement.</p> | <p>viewpoints requested through recent SDNPA SoCG meetings – one near Prews Hanger and another close to viewpoint 15 just off the Monarch's Way past Scotland Farm as referred to in the SoCG (REP1-121).</p> <p>SDNPA's suggestion of a further viewpoint from close to the proposed access point has not been previously raised with the Applicant. The Applicant notes this request but considers it unnecessary. The Applicant is in discussions with EHDC over the proposed entranceway and landscape mitigation measures around Broadway Lane / Day Lane.</p> <p>The visualisations are designed to reasonably represent the proposal in such a way that people can understand the likely landscape and visual change.</p> <p>All visualisations except for Viewpoint C include a single page image designed to give a realistic impression of the scale of the development when printed at A3 or viewed full frame on a 24" screen.</p> <p>These images show 27° horizontal field of view - a 'zoomed in' view equivalent to using a 75mm (short telephoto) lens on a 35mm camera. These images are designed to be used in the field as well as on the computer screen. Printed at A3 and viewed at a comfortable arm's length they appear slightly 'larger than life' which helps compensate for the fact that a printed image stands out less strongly than an object seen in the field.</p> <p>Viewpoint C has been produced at the same relative size but to be printed on an A1 wide sheet because it was not possible to show the whole development on a single A3 page.</p> <p>Because of the nature of the view from certain viewpoints it was considered beneficial to include a panoramic visualisation to show the development in the context of the broader scene. For the sake of consistency this approach was then used for all the wireline views (VPs 1 to 17).</p> <p>As discussed in ExA1 (REP1-091) WQ LV1.9.8 the presentation of the visualisations was developed in</p> |

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| | | | <p>anticipation of Landscape Institute visualisation guidance TGN 06/19 and is generally in accordance with this standard.</p> <p>It should also be borne in mind that the images were used to inform the assessment but were not the sole basis on which the conclusions were drawn.</p> |
| <p>LV1.9.2</p> | <p>Do you have any comments on the appearance of the proposed 30m-high lighting columns as seen during daylight and at night-time from vantage points within the South Downs National Park and elsewhere, and should these columns have been considered in the modelling of the ZTVs?</p> | <p>The SDNPA has requested further details from the applicant regarding the proposed lighting columns. The Authority would like to understand the technical specification (including angle, cowels, direction, lumens, light colour and design) for the proposed lighting, and under what circumstances the lighting would be used. The SDNPA notes that a specific Lighting assessment was recommended in the Scoping Opinion (page 97).</p> <p>The term 'emergency only' has been used to describe the operation of the external lighting but drilling down into this to understand how the lighting would work, be switched on and off, what event would trigger the lighting, restrictions on ambient usage, and so on would be helpful.</p> <p>The SDNPA would like to see a more robust Dark Night Skies assessment which includes night sky photomontages to fully understand the implications of these proposals.</p> <p>The design of the lighting columns could have additional effects on landscape and a query has been made at the last design team workshop to this effect and further details are awaited from the applicant.</p> <p>SDNPA has not requested inclusion of the lighting columns in the ZTV to date as this could distort the perception</p> | <p>The Applicant has provided further information on lighting as part of Deadline 1. In particular, the updated Onshore Outline CEMP (REP1-087) states at paragraph 5.2.2.1 that the Lighting Scheme will be developed for the Construction and Operational Stages of the Converter Station Area.</p> <p>Also refer to Requirement 16 of the dDCO (REP1-021).</p> <p>In relation to the emergency lighting, the detailed design of emergency lighting falls under Requirement 6 of the dDCO (REP1-021) and would be approved in writing by the relevant planning authority in consultation with the South Downs National Park Authority.</p> <p>The Applicant notes the comments in relation to the Dark Night Skies assessment and lighting columns, however paragraph 4.4.3 of the SoCG (REP1-121) states that consideration has been given to the Dark Night Skies including the International Dark Skies Reserve and this has been agreed. Furthermore, it is noted in Appendix 15.1 Consultation Responses (APP-399) under Table 1.2 that "in terms of lighting it was agreed that a separate lighting assessment was not needed as part of Chapter 15 (Landscape and Visual Assessment)".</p> <p>The Applicant provided a response in relation to the lighting columns at Deadline 1 - please refer to ExA WQ LV1.9.3 (REP1-091).</p> |
| <p>LV1.9.5</p> | <p>With reference to the dDCO [APP-019], there would be potential for rooftop plant and machinery to be placed on the roof of the Converter Station and associated telecoms building. Do you have any comments on the landscape and visual effects of such equipment, if installed?</p> | <p>The SDNPA objects to the ability, that would be conferred by the DCO as it stands, to provide rooftop plant and machinery and similar on the roof of the Converter Station.</p> <p>Our biggest concern is that the potential for plant installation on the roof (in terms of quantum, scale and appearance) is currently unknown and, in any case, would be uncontrolled in the DCO. The landscape and visual</p> | <p>The Applicant has confirmed that there will not be any plant or machinery on the roof as per para 5.3.1.5 in the updated DAS (REP1-031 and 032)) and building design principle 8 which states that "There will be no plant on the roofs of the highest buildings". The updated dDCO (REP1-021) submitted for Deadline 1 reflects this revision.</p> |

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| | | <p>impacts of such machinery are potentially significant and could interfere with the relatively simple roof profile.</p> <p>The installation of such machinery on the roof could also be prominent, would likely appear as ad hoc and piecemeal additions and would do nothing to add to the design quality of the Converter Station buildings.</p> | |
| <p>LV1.9.6</p> | <p>With reference to paragraph 15.8.4.7 of the ES [APP-130], does the South Downs National Park Authority agree that the 'sensitivity of the SDNP setting' is medium for the purposes of the landscape assessment?</p> | <p>No. The SDNPA considers that the sensitivity of the National Park setting is high for the purposes of the landscape assessment.</p> <p>This is because the National Park is a national resource and a protected landscape subject to the highest level of protection in relation to landscape and scenic beauty (Overarching National Policy Statement for Energy (EN-1), 2011, paragraph 5.9.9 and NPPF, 2019, paragraph 172). The Converter Station is also surrounded by the National Park on three sides at relatively close proximity. The existing largely rural landscape has a generally positive character supporting the setting of the National Park.</p> | <p>This is noted but the Applicant disagrees and considers that the sensitivity of the National Park setting is medium for the purposes of the assessment and based on the reasons stated in Appendix 15.5 South Downs National Park (APP-403) which used criteria in the South Downs Landscape Background Paper to the Local Plan (South Downs National Park Authority, September 2017).</p> <p>The Converter Station Area has not been included within the boundary of the National Park. It is adjacent to the existing Lovedean substation and further development of other infrastructure, such as an interconnector, that needs a connection to a national transmission system can reasonably be expected.</p> |
| <p>LV1.9.35</p> | <p>Your Relevant Representation [RR-049] notes that you are still reviewing the landscape and visual mitigation proposals for the Converter Station. Could you please confirm your updated position? Are you satisfied with the Applicant's proposals [APP-130]?</p> | <p>We are not currently satisfied with the applicant's proposals on this matter but we are, and will continue to, work with the applicant to address these matters. Current issues we have with the landscape and visual mitigation proposals are:</p> <p>In relation to the colour scheme for the proposed Converter Station buildings we do not consider the autumn spectrum to be sufficiently developed as a response to the context of proposed building. In our view the building as it stands is imposing and dominant in colour appearing over the top of mature tree and woodland belts. We have asked the applicant to carry out further work on this (which they have agreed to) thus this matter is still under discussion.</p> <p>It appears that not all of the proposed landscape mitigation areas are in the applicant's control so we question how it will ensure continued management for the purposes of mitigation.</p> | <p>The Applicant has responded to the specific points as follows, some of which are reflected in the Applicant's Response to Relevant Representations from SDNPA (RR-049) (REP1-160):</p> <p>As referred to in the SoCG paragraph 4.3.13 submitted for Deadline 1 (REP1-121) design group meetings between the Applicant, the SDNPA, WCC and EHDC resumed in August 2020 to progress discussions on the proposed colour scheme. The Applicant has confirmed that it is necessary for a colour palette to be agreed at this stage so that sufficient clarity is included for how the detailed design can be progressed and this matter will not be left unresolved post consent. Further work is being undertaken to progress discussions at the next design team meeting.</p> <p>All elements of the proposed landscape mitigation plan fall within the Order Limits. As referred to in the SoCG paragraph 4.3.10 submitted for Deadline 1 (REP1-121) the Applicant has explained that hedgerows within the Order Limits will be</p> |

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| | | <p>In addition no assessment appears to have been made of the age, condition or species of trees in the existing areas to be used for mitigation.</p> <p>There is a lack of a proactive strategy to deal with Ash dieback</p> <p>The limitations on woodland planting along the perimeter security fence are acknowledged, however this does not preclude more significant woodland planting further away (which unfortunately has not been proposed).</p> <p>Hedgerows which accentuate the line of the proposed access drive (and which cut across field boundaries)</p> | <p>managed through the mechanisms set out in the updated OLBS (REP1-034 and 035) which are secured through the submission and approval of a detailed landscaping scheme as required by draft DCO Requirement 7.</p> <p>Requirement 8 secures the maintenance of landscaping. From an ownership perspective, compulsory acquisition of the land on which the hedgerows are located would not be justified and is not sought. The Applicant is seeking rights and restrictions through the Order over those hedgerows, which is a proportionate and appropriate approach.</p> <p>The age condition and species of treed assets has been assessed in accordance with BS5837:2012 "Trees in relation to design demolition and construction. Please see (APP-411) and First Written Question Responses – Appendix 10 Tree Survey Schedule and Constraint Plans (REP1-101). Further arboricultural condition assessment of Mill Copse, Crabdens Row, Crabdens Copse, and Stoneacre Copse was undertaken as a part of the Ash dieback survey. The Applicant will share the findings of the survey in due course.</p> <p>The Applicant has commissioned an ash dieback survey and will share the findings of the survey in due course.</p> <p>The landscape mitigation proposals have been influenced by a number of fixed offsets and standoffs required due the range of utilities and landscape and ecological constraints present on site. The extent of new woodland planting has had to be balanced with the impact on viable agricultural land. The Applicant has, following discussions with the LPAs, made a number of revisions to the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) Option B(i) and indicative landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1 to include additional areas of woodland planting particularly to the south and west of the Converter Station Area.</p> <p>The indicative landscape mitigation plans have sought to reconnect existing field boundaries lost as a consequence of</p> |

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| | | <p>should be more closely aligned with the existing field pattern.</p> <p>The treatment of the western/northern boundary is very rectilinear in contrast to the surrounding field patterns & will not provide a seamless interface between the new and the existing landscape pattern.</p> <p>Regarding the sizes of tree nursery stock at planting – we consider that there is a need to have a much bigger range of planting sizes than currently proposed to achieve screening at an earlier stage.</p> <p>We also consider that standard, heavy standard and extra heavy standard trees should be included in the woodland blocks (not only as specimen trees) to broaden the age of the stand, increase the range of canopy height and provide screening and structure planting during the early years of the project.</p> | <p>construction works and where unconstrained by underground services. A new hedgerow has been introduced to the north of the Converter Station which follows a historic field boundary. To the south of the substation, and along either side of the Access Road, the existing fields change from small to large and open – the latter increasing in size as a result of an intensification in agricultural practices. If the plans were aligned with the existing pattern of field boundaries in this location, the extent of hedgerows would be limited. Given the need for visual screening and ecological connectivity, hedgerows were introduced and smaller fields were created which replicate those to the west of Stoneacre Copse.</p> <p>The Applicant has, following discussions with the LPAs, made some revisions to the indicative landscape mitigation plans (references above) to include additional areas of woodland planting particularly to the south and west of the Converter Station Area which seek to “soften” this rectilinear edge where practicable. The detailed landscape mitigation plans will be revised post consent. Requirement 7 of the dDCO (REP1-021) requires a detailed landscaping scheme to be submitted for approval to the relevant discharging authority prior to any phase of the works being carried out (and, where relevant to the Converter Station Area, for this approval to be in consultation with the SDNPA).</p> <p>The Applicant notes the comment over a greater variety of planting stock and refers to the updated OLBS (REP1-034 and 035). At paragraph 1.6.7.1 the OLBS recognises the need for a mix of plant stock (of local provenance where practicable) including larger trees in specific locations and native ‘pioneer’ species to create variations in the woodland structure and mix. This will provide the ‘instant screening and structure’ referred to.</p> <p>Requirement 7 of the dDCO (REP1-021) which calls for a detailed landscaping scheme includes specific reference to the location, species, size, planting protection measures and planting density of any proposed planting. The discharging authority is required to consult with SDNPA as part of the approval process.</p> |

Table 2.2 - Hampshire County Council

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| <p>MG1.1.14</p> | <p>In the Onshore Outline CEMP [APP-505] at 6.3.5.9, a 'Temporary Site Water Management Plan' is 'proposed' to be developed and approved prior to commencement of construction work. Does the Applicant believe that this paragraph would be sufficient to secure its production through the DCO?</p> <p>Should an outline management plan be provided as an Appendix (similar to those at Appendices 3, 4 and 5 for the Outline Site Waste Management Plan, Outline Materials Management Plan and Outline Soils Resources Plan respectively) or, as a minimum, a framework to clarify the intended content?</p> | <p>Hampshire County Council (HCC), in its role as Lead Local Flood Authority, seeks an outline management plan to be provided in relation to the Temporary Site Water Management Plan. This should be provided prior to the determination of this application in order to provide the reassurance that the treatment of water associated with the temporary site works can be suitably addressed.</p> | <p>Please refer to the Applicant's response to ExA WQ MG1.1.14 at Deadline 1 (REP1-091). Onshore Outline CEMP (REP1-087 and 088) paragraph 6.3.5.9 has been removed. The updated Surface Water Drainage and Aquifer Contamination Mitigation Strategy (Appendix 7 to the Onshore Outline CEMP) includes text in relation to construction water management and earthworks, which now forms Appendix 7 to the Onshore Outline CEMP (REP1-087 and 088). The Applicant considers that the combination of the updated Requirement 15, the Onshore Outline CEMP and Surface Water Drainage and Aquifer Contamination Mitigation Strategy are sufficient to secure the required mitigations.</p> |
| <p>CA1.3.5</p> | <p>The Statement of Reasons [APP-022] states there would be direct acquisition of subsoil beneath the highway without negotiation and without compensation. Is there sufficient legal justification for not negotiating or contacting landowners whose rights extend to the subsoil beneath the highway? Is there precedent for this?</p> | <p>Where HCC are the Highway Authority, but not the subsoil owner, the surface of the highway vests in the Highway Authority as a statutory freehold by virtue of s.263 of the Highways Act 1980 (and including any drains beneath the surface s.264). There is no precise definition for the depth of this freehold, the case law provides that it will extend down to the 'top two spits' (or spade depths) or as far down as is necessary for the construction or maintenance of the highway. So if HCC are divested of the sub-soil ownership, this slightly elastic ownership will remain with HCC as the highway authority and statutory freeholder of the surface.</p> <p>HCC's powers of improvement apply over the highway surface, so if it needed to widen carriageways or install new highway infrastructure, it does not need a sub-soil legal interest to undertake this work.</p> <p>Where a highway is stopped up the subsoil, landownership will revive, where the subsoil is owned by HCC. There has been no agreement with respect to the Applicant's proposition to acquire land or rights in the subsoil. Consequently HCC objects to the compulsory acquisition of land in its ownership.</p> | <p>Please refer to the 'Statement in Relation to Highway Subsoil Acquisition' (REP1-131) submitted at Deadline 1 for the Applicant's response to this question.</p> |
| <p>CA1.3.13</p> | <p>The Book of Reference (BoR) [AS-011] includes a number of Statutory Undertakers with interests in land.</p> | <p>HCC has an interest in land within the route parameters. To date, we are not aware of any substantive negotiations initiated with the applicant in this regard.</p> | <p>The Applicant provided a response to ExA WQ CA1.3.13 at Deadline 1 (REP1-091). Please also refer to the 'Statement in</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference, with an estimate of the timescale for securing agreement from them.</p> <p>ii) State whether there are any envisaged impediments to the securing of such agreements.</p> <p>iii) State whether any additional Statutory Undertakers have been identified since the submission of the Book of Reference as an Application document.</p> | <p>As detailed elsewhere, any proposed compulsory acquisition of land under HCC's control, including sub-soil under the highway, raises significant concerns. This includes concern as to whether other utilities will still be able to install apparatus / plant within the 'highway' given the definition of the sub-soil is '1.0 metre or so' in the Statement of Reasons.</p> | <p>Relation to Highway Subsoil Acquisition' (REP1-131) submitted at Deadline 1.</p> |
| <p>CA1.3.41</p> | <p>Has any contact been made with the following Statutory Undertakers to consult over and agree protective provisions? (Appendix B of the Statement of Reasons [APP-022] refers.)</p> <p>If so, what are the current positions of the Applicant and each of the following.</p> <p>If not, why not?</p> <p>If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement?</p> <p>i) ESP Utilities Group Ltd.</p> <p>ii) GTC Infrastructure Ltd (GTC Electricity). GTC Infrastructure Ltd (GTC Gas).</p> <p>iv) Hampshire County Council.</p> <p>v) National Grid Electricity Transmission plc.</p> <p>vi) Portsmouth City Council.</p> <p>vii) Southern Water Services Ltd – Sewers.</p> <p>viii) SSE PLC (Gas).</p> | <p>The Applicant contacted the County Council in July 2020 in relation to draft protective provisions as a consequence of the proposed disapplication of the Hampshire Highways Permitting Scheme. The County Council has undertaken an initial review of these proposed provisions, but the County Council remains of the view that the Permit Scheme should be applied and therefore that these matters should be addressed under that scheme rather than through bespoke protective provisions. The County Council provided the Applicant with a draft version of its Local Impact Report which sets out its position in relation to the Permit Scheme. We expect discussions with the applicant to continue on this matter over the coming weeks. The applicant has not discussed any other proposed protective provisions with HCC in its other roles e.g. as Highway Authority on S.278, S.171 and Traffic Regulation Orders.</p> | <p>The Applicant provided a response to ExA WQ CA1.3.41 at Deadline 1 (REP1-091). Discussions with all Statutory Undertakers regarding protective provisions are ongoing.</p> <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13).</p> |
| <p>CA1.3.42</p> | <p>What are the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses? (Appendix B to the Statement of Reasons [APP-022] refers.)</p> | <p>HCC, in its role as Lead Local Flood Authority, will require an application for Ordinary Watercourse Consent in relation to the proposed works. Further details of this process, including fees, are set out at: https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse</p> | <p>The Applicant provided a response to ExA WQ CA1.3.42 at Deadline 1 (REP1-091).</p> <p>The need to apply for such consents is acknowledged in the Other Consents and Licences Document (REP1-029). This matter, and comments on the dDCO (REP1-021) are also</p> |

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| CA1.3.64 | <p>At section 20.9.2 [APP-135] and elsewhere, the ES notes that the contractor appointed to undertake the construction works would need to apply for various environmental permits, discharge and other consents once detailed design is complete. Given that such applications have not been made, the Examining Authority and Secretary of State cannot be sure from the information provided if adequate avoidance or mitigation of environmental effects are possible, and therefore if all of these consents are achievable. Could the Environment Agency and the relevant local authorities with responsibilities in this area please provide an opinion on the likelihood of all such permits and consents being achieved.</p> | <p>HCC, in its role as Lead Local Flood Authority, has been in dialogue with the applicant on this matter. Based on the information presented to date, the LLFA are satisfied that the general principles of the works are acceptable, with the finer details capable of being resolved through the usual consent process.</p> <p>In relation to other potential environment impacts, including those relating to highway trees, HCC are seeking within the DCO an appropriate mechanism to secure compensation for any loss or damage to such trees.</p> | <p>continuing to be discussed with HCC, noting comments provided by them in their LIR.</p> <p>Please see updated Onshore Outline CEMP (REP1-087 and 088), and Outline Landscape and Biodiversity Strategy (REP1-034 and 035) provided at Deadline 1.</p> <p>The Arboriculture Method statements required as part of the Onshore Outline CEMP will include consideration of replacement trees and CAVAT (fiscal evaluation) assessment of trees identified for removal. This will be secured by Requirement 15(2)(c)(iv) which will be submitted to and approved by the relevant planning authority.</p> |
| CA1.3.94 | <p>Why are Compulsory Acquisition powers being sought over and above the statutory framework that exists in the New Roads and Street Works Act 1991, and why does the dDCO [APP-019] not include protective provisions to protect highway interests? (Refer to paragraph 2.10 of [RR-185].)</p> | <p>If the undertaker is granted the benefit of these rights under the DCO, then these would appear sufficient for the installation of their apparatus. These rights would appear sufficient to achieve the undertaker's objective and are less onerous, therefore granting the undertaker compulsory powers of acquisition for subsoil landownership would appear excessive.</p> <p>Where the project travels under the highway it seems most appropriate that the existing legislative framework under NRSWA 1981 is used as the basis for the powers to be granted, since NRSWA is designed specifically for this and is well used and understood by undertakes and street works authorities. This is understood to be the agreed approach where the DCO for the ESSO Southampton to London pipeline crossed the public highway.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.94 at Deadline 1 (REP1-091) and the 'Statement in Relation to Highway Subsoil Acquisition' (REP1-131) submitted at Deadline 1.</p> |
| CA1.3.100 | <p>The s51 meeting note dated 9/8/19 (available on the Planning Inspectorate's National Infrastructure project web page at</p> | <p>It is not a principle of law, or a matter of fact, that highway subsoil landownership will never have any value to the subsoil landowner. Adjacent landowners owning to the</p> | <p>Please refer to Applicant's response to ExA WQ CA1.3.100 (REP1-091) and the 'Statement in Relation to Highway Subsoil Acquisition' (REP1-131) submitted at Deadline 1.</p> |

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| | <p>https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=advice&ipcadvice=329e4c36ae records that the Applicant's approach for highway subsoil interests (being not to negotiate the private acquisition for the rights or pay compensation because the owner has no use or enjoyment of it, its use is not prejudiced by the proposed development and the highway subsoil has no market value) has precedent in relation to High Speed Two. Provide details of this precedent and the relationship of the Applicant's approach with Government guidance on Compulsory Acquisition. This guidance includes Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, dated September 2013.</p> <p>The response should also refer to any potential for provisions under the New Roads and Street Works Act 1991 to be used for works in the highway. (Point 2.10 in [RR-185] refers.)</p> | <p>centreline of the highway can (subject to the Highway Authority's permission) build under the highway. Or they may wish to lay private services (again with Highway Authority permission) in their subsoil under the highway.</p> <p>In any case since there is no general principle that highway subsoil has no value, the issue of value should be examined in each case, and the DCO should apply the normal compensation provisions. It should not be pre-determined by the order on a generalised basis.</p> | |
| CA1.3.105 | <p>For the alternative cable routes shown in the application at Anmore Road (Paragraph 5.3.5 of the Statement of Reasons [APP-022]), which route would the Council prefer to see utilised, or have the least objection to, and why?</p> | <p>It is understood that the preferred option of Winchester City Council is to use the straight crossing for both cable circuits, as an extension of the route through King's Pond Meadow. The Highway Authority would support this in reducing the length of cable route within the highway and to minimise the length of cable within the highway.</p> <p>It is not clear why horizontal drilling is not being utilised to cross Anmore Road given the proposed drilling through King's Pond Meadow. The Highway Authority would prefer methods and routes to be used which reduce the impact of road closures and therefore impact on residents and users of the Highway.</p> | <p>A longer drill has been considered and ruled out because at that point the Chalk (aquifer) is at outcrop. It was stipulated in the ES (Chapter 19, paragraph 19.6.1.12) (APP-134) that the HDD works would remain in the Lambeth Group to avoid the Chalk aquifer and any associated karst dissolution features (which act as a fast contaminant transport pathway to Portsmouth Water abstractions).</p> <p>The Applicant has sought to amend the Order limits in the vicinity of Anmore Road, resulting in a single crossing option for both circuits between Kings Cottage and Lavender House.</p> |
| CA1.3.107 | <p>For the alternative cable routes shown in the application at Anmore Road (Paragraph 5.3.5 of the Statement of Reasons [APP-022]), what are the Council's views on whether the regulation</p> | <p>The Highway Authority refers to its comments on CA1.3.105. Given that the examination has only just commenced, we would expect the Applicant to have further explored these options and identified a preferred route</p> | <p>In respect to Anmore Road, the Applicant has sought to amend the Order Limits, resulting is the removal of optionality. The revised Order Limits allow for single crossing</p> |

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| | <p>provided by dDCO [APP-019] Requirement 6(2), together with the addition of an article similar to Article 19(5) and a requirement similar to Schedule 1 Part 3 Requirement 12 at Appendix D of the Examining Authority's Recommendation Report for the Thanet Extension Offshore Wind Farm Nationally Significant Infrastructure Project</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010084/EN010084-003108-TEOW%20%E2%80%93%20Final%20Recommendation%20Report.pdf</p> <p>would provide sufficient clarity at an appropriate time in respect of the chosen cable route, notwithstanding any other concerns that the Council may have?</p> | <p>prior to the close of the Examination. In the event that this is shown not to be feasible, the Highway Authority would value the opportunity to offer advice on suitable wording within the DCO.</p> | <p>option of both circuits between Kings Cottage and Lavender House.</p> |
| <p>DCO1.5.1</p> | <p>Explain in greater detail the technical and environmental reasons why Hayling Island was discounted as an alternative landfall and cable route option for the Proposed Development when it appears to share largely similar natural constraints with the selected route to Eastney (paragraph 2.4.11.14 of ES Chapter 2, Consideration of Alternatives [APP-117]).</p> <p>With reference to paragraph 2.4.3.8 and Table 2.3 of ES Chapter 2 [APP-117], please explain in more detail how the decision to choose Eastney as the landfall was reached on the basis of a site visit. What factors made Eastney a more viable option than the other beaches studied?</p> <p>Were impacts on the human population and traffic flows part of the optioneering process, including the discounting of Hayling Island during the assessment of alternatives?</p> <p>If so, please provide evidence.</p> | <p>HCC does have some reservations about Hayling Island as an alternative landing point for the AQUIND cable route, particularly if it were to impact on the A3023 rather than a non-highway focussed route. Hayling Island is restricted to one road on and off the island (the A3023) and any disruption or severance along this route would create significant traffic delays for motorists, emergency services and the wider community. Given the extremely sensitive nature of the A3023, all planned highway works on the A3023 is undertaken between October and March, maintaining a single lane of traffic at all times (as a minimum) and must be done at night. Any significant works would cause delays both on the island and the mainland as traffic backs along the Hayling Bridge onto the A27 Langstone Junction, strategic road network and through Havant town centre. Additional assessment would be required to understand the impacts on the A3023, and surrounding road network within Havant, if an alternative route was chosen.</p> | <p>The Applicant notes the reservations of a landing point at Hayling Island, which supports the Applicant's findings.</p> <p>The Applicant has produced a Supplementary Alternatives Chapter (REP1-152) which forms part of the ES Addendum (REP1-139) submitted at Deadline 1.</p> <p>Further information on the reasons for discounting Hayling Island, including the ability to HDD between the two islands is included within Section 6 of the Supplementary Alternatives Chapter.</p> <p>Section 7 of the Supplementary Chapter provides additional detail on the selection of the Onshore Cable Corridor, which is relevant to the decision of whether to pursue a Landfall at Eastney or East Wittering.</p> |

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| | <p>In paragraph 2.4.11.14 of the ES [APP-117], a number of reasons for excluding the cable route option through Hayling Island are listed. Expand on each of these reasons giving comparative explanation as to why such factors were or were not considered prohibitive.</p> <p>Was a comparison made between the ability to HDD between the two islands (Portsea and Hayling) and the mainland?</p> <p>If so, what was the comparative outcome.</p> <p>If not, why not?</p> | | |
| <p>DCO1.5.9</p> | <p>In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.)</p> <p>The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per model provisions and as is usual in other recently made DCOs). Schedule 11 of the dDCO [APP-019] (TPO trees) only lists '<i>potential removal</i>' and '<i>indicative works to be carried out</i>'. How can this be specific enough to understand the impact of the Proposed Development on trees?</p> <p>If this remains unchanged, should the ExA in weighing the benefits and disbenefits of the Proposed Development therefore assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p> | <p>As set out in HCC's Local Impact Report, there is concern about the applicant's approach to addressing the potential impact on highway trees. HCC has declared a 'state of climate emergency' (https://www.hants.gov.uk/landplanningandenvironment/environment/climatechange). Trees are an important asset of green infrastructure and mitigating climate change in this regard. Trees within highway land are generally not subject of TPO as they are effectively managed and protected by the County Council itself. As such, the absence of a TPO should not be inferred to reflect a judgement made on the condition, quality or value of tree.</p> <p>The County Council has recently introduced a policy which requires compensation for the loss of highway trees, utilising the Capital Asset Value of Amenity Trees (CAVAT). Such an approach should be secured through this DCO. In addition, the County Council seeks clarification on the compensatory proposals in the draft DCO and wishes to ensure that the applicant will pay compensation for all loss of, or damage to trees.</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.9 at Deadline 1 (REP1-091). The Applicant has carried out a review of trees subject to Tree Preservation Orders within the Order Limits to identify those which may be affected and confirmation of those which are not.</p> <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13).</p> |
| <p>DCO1.5.17</p> | <p>In dDCO [APP-019] draft Requirement 14, a Written Scheme of Investigation is needed for activities prior to commencement of works including onshore site preparation works, but the definition of 'commence' in Article 2 does not</p> | <p>HCC suggest that the Applicant should consider ensuring that the following matters are covered in any such exclusion: remediation works, environmental (including archaeological) surveys and investigation, site or soil survey, erection of fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile</p> | <p>The Applicant provided a response to ExA WQ DCO1.5.17 at Deadline 1 (REP1-091).</p> <p>The drafting of Requirement 14 is clear, and no amendments are considered by the Applicant to be required.</p> |

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| | <p>identify this exclusion. Is this satisfactory or is an amendment required?</p> | <p>fencing, the diversion or laying of services or environmental mitigation measures. This is without prejudice to any matters that may arise as a consequence of this change of definition in relation to seeking prior approval of further details of the scheme.</p> | |
| <p>DCO1.5.35</p> | <p>Across Articles 10, 11 and 13 (in particular) of the dDCO [APP-019], numerous provisions are made in respect of highway works. Are the Highway Authorities content with the scope and level of rights empowered to the applicant by the dDCO [APP-019]?</p> <p>Are these Articles (and the full scope of powers sought within them) necessary for the type of development proposed?</p> | <p>The Highway Authority are not content with the proposed arrangement within the DCO and are yet to see evidence to why alternative approaches are beneficial to the public. In the continued absence of such justification the Applicant is encouraged to sign up to the full S278, S171, TRO and permit scheme processes which are well established and provide the Highway Authority with the appropriate powers to protect the Highway asset and public interest. This preferred approach is set out within HCC's LIR response and comments on the dDCO within Appendix 1.</p> <p>Article 10 gives powers for permanent or temporary amendments to the street whether within the order limits or not. It is considered that changes permitted within the DCO should only apply to the order limits and separate processes would need to be followed to make any further amendments to the street outside of the order limits. The powers for amendments are also not relevant to the type of works being undertaken. The relevance of the powers set out within points A to I require review and only powers relevant to the works required should be included within the DCO. The Article refers to clause 24 relevant to the traffic management strategy and this should be we believe clause 19. Approval for changes to the street must be sought separately and cannot be considered approved through the traffic management strategy. Clause 19 refers to the information required to permit works on the highway under NRSWA requirements and not for assessments of the proposals in engineering terms. As set out in HCC's LIR response, this will require a separate approval process with a requirement for all details for the cable laying works to be submitted to the Highway Authority for appropriate engineering assessment and approval.</p> | <p>The Applicant considers the drafting of Articles 10, 11 and 13 to be appropriate and necessary to ensure certainty of delivery.</p> <p>The Applicant has submitted an updated draft DCO at Deadline 1 (REP1-021) which corrects the error referred to in Article 10.</p> <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13) which addresses all of these matters.</p> <p>Ultimately the DCO provides a single consent, so that it is not necessary to obtain other agreements and licences such as those referred to. To do so would undermine the value of the DCO process.</p> <p>The permit scheme is to be disapplied because of the need for the traffic approvals to be aligned with and secure the mitigations provided for in the FTMS (REP1-068 and 69). The Applicant has drafted, and provided to HCC at the beginning of July of this year, protective provisions for the protection of highways and traffic (see Part 5 to Schedule 13 to the dDCO). These have been drafted taking into account the permit scheme and comments received following earlier engagement with HCC regarding their concerns in respect of their ability to manage their network, and it is considered provide HCC (and PCC) with adequate controls so as to ensure they can comply with their legal duties in relation to the management of the highway network, whilst also providing an appropriate and necessary bespoke approval process to deliver the Proposed Development in an efficient, co-ordinated, single manner. The nature of the mitigations required to be provided and incorporated by the FTMS, including the programming mitigations, provide a clear and compelling reason for why this approach is being taken. The Applicant confirms it will not consider the inclusion of the HCC</p> |

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| | | <p>Article 11 relates to permissions for street works and HCC have no comments on this drafting at this stage however should the permit scheme be adopted appropriate reference will need to be made.</p> <p>Article 13 is regarding the temporary stopping up of the street and public rights of way. It is unclear why temporary stopping up is required and the Highway Authority have requested clarity on this matter. It is considered that all works can be undertaken through temporary closures (either full or part) and therefore there is no benefit to stopping up of the street.</p> | <p>Permit Scheme, or the PCC Permit Scheme, in the dDCO, as it is not possible to guarantee the securing of the mitigations set out and secured in the FTMS and the efficient delivery of the Proposed Development where that approach is taken.</p> |
| DCO1.5.40 | <p>Please comment on whether the suite of protective provisions written into the dDCO [APP-019] would be sufficient to ensure respective undertakers are able to meet their statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p> | <p>HCC notes that the current draft of the DCO contains no protective provisions relating to the Council's statutory obligations as Highway Authority. Some discussions with the applicant have taken place over the summer regarding potential protective provisions in this regard.</p> | <p>Discussions in relation to protective provisions with statutory undertakers are ongoing.</p> |
| DCO1.5.42 | <p>A number of Articles in the dDCO [APP-019] contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. Are the local planning authorities content with the provisions and the responsibilities on them as the relevant consenting authority?</p> | <p>Matters relating to the approval timescales have been identified within HCC's dDCO comments in its LIR. The Highway Authority seeks further discussions with the Applicant on the adoption of its Permit scheme, S278, S171 and TRO approval processes. In the absence of these, the timescales would need to be reviewed. A number of the consents allocated to the Planning Authorities are jurisdiction of the Highway Authority and this should be reviewed within further drafts of the DCO. HCC does not support a position where the absence of a response is taken to be deemed consent. A process requiring agreement to all works to be approved must be achieved before any works are undertaken.</p> | <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13).</p> |
| DCO1.5.44 | <p>Could the Applicant and the local planning authorities please review the definitions of 'commence' and 'onshore site preparation works' set out in Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement.</p> | <p>Please see HCC's response to 5.1.17</p> | <p>It is assumed that HCC is referring to DCO1.5.17 when they state 5.1.17. Please refer to the Applicant's response to DCO1.5.17 above.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable?</p> <p>Does the Applicant believe that the onshore site preparation works include the creation of site accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10?</p> <p>The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed?</p> <p>If so, is this acceptable?</p> <p>Should Requirement 13 include similar wording to Requirement 14(2)?</p> <p>Also, could the Applicant provide a detailed explanation as to why each of the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP-020] paragraph 5.3.2)? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum.</p> | | |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>Could the local authorities comment on whether they are agreeable to these exclusions?</p> | | |
| <p>DCO1.5.45</p> | <p>In respect of Article 8(3) of the dDCO [APP-019], please explain the relevance of the Traffic Management (Hampshire County Council) Permit Scheme Order 2019 and is it acceptable to disapply its terms in respect of this Proposed Development?</p> | <p>HCC, as Highway Authority, does not consider it acceptable to disapply the permit scheme. The Hampshire County Permit Scheme ('permit scheme') replaced the existing noticing regime as specified in the New Roads and Street Works act 1991. Powers to replace noticing with regimes with permit schemes is provided in the Traffic Management Act 2004. The permit scheme is a nationally prescribed system for coordinating all works on the public highway. The permit scheme forms a critical part of enabling a local authority to execute its legal duties to coordinate all works and maximise traffic flow. All works promoters (utility companies and County Council works) need to apply for a permit to undertake works. Prior to granting a permit, the County Council will review the proposals and check for clashes with other works or activities. Permits may be granted subject to conditions which are aimed at minimising disruption to traffic flow (eg, working outside of peak times). Permits are never withheld unreasonably, and conditions are always relevant to the impact on the network. Standard response times and conditions are set out in legislation and the permit scheme itself.</p> | <p>Please refer to the Applicant's response to above. The Applicant maintains its position that it is necessary to disapply the Traffic Management (Hampshire County Council) Permit Scheme Order 2019 in respect of the Proposed Development.</p> <p>The permit scheme is to be disapplied because of the need for the traffic approvals to be aligned with and secure the mitigations provided for in the FTMS (REP1-068 and 69). The Applicant has drafted, and provided to HCC at the beginning of July of this year, protective provisions for the protection of highways and traffic (see Part 5 to Schedule 13 to the dDCO (REP1-021)). These have been drafted taking into account the permit scheme and comments received following earlier engagement with HCC regarding their concerns in respect of their ability to manage their network, and it is considered provide HCC (and PCC) with adequate controls so as to ensure they can comply with their legal duties in relation to the management of the highway network, whilst also providing an appropriate and necessary bespoke approval process to deliver the Proposed Development in an efficient, co-ordinated, single manner. The nature of the mitigations required to be provided and incorporated by the FTMS, including the programming mitigations, provide a clear and compelling reason for why this approach is being taken. The Applicant confirms it will not consider the inclusion of the HCC Permit Scheme, or the PCC Permit Scheme, in the dDCO, as it is not possible to guarantee the securing of the mitigations set out and secured in the FTMS and the efficient delivery of the Proposed Development where that approach is taken.</p> <p>The Applicant looks forward to engagement with HCC on the protective provisions for the protection of highways and traffic, and this has been raised as necessary to discuss with HCC since Deadline 1.</p> |
| <p>DCO1.5.57</p> | <p>Are the relevant planning and highway discharging authorities and other relevant bodies content with</p> | <p>Generally HCC is content with this broad approach, albeit it wishes to highlight the potential need and desirability of</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.57 and DCO1.5.73 at Deadline 1 (REP1-091).</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>their roles in the discharge of Requirements? (Refer to paragraph 12.4 of the Explanatory Memorandum [APP-020].)</p> | <p>providing sufficient time to consult with local planning authorities where appropriate to do so e.g. in considering impacts on residential amenity, landscape mitigation etc HCC in its role as Highway Authority will need to review these requirements in more detail as matters progress and delivery mechanisms for works are agreed. Specifically at this stage the Highway Authority have the following comments:</p> <p>Requirement 18 construction hours relates to areas which are covered under the NRSWA requirements for approval of street works. The provisions set out within the clause to restrict working hours, as per construction sites generally, are not applicable here. Where appropriate, the Highway Authority need to be free to amend the working hours (for example permit night works or restrict works to shortened day time working to avoid peak traffic periods) where traditional daytime working would cause greater disruption to the road users and residents. Requirement 18 should therefore have additional wording applied to allow the Highway Authority directly to permit working hours outside those set, when considered necessary by the Highway Authority and are set out within the traffic management plan for each works area. It is suggested that wording from the Esso Pipeline DCO is incorporated as an appropriate starting point.</p> <p>Requirement 21 relates to securing the travel plan requirements, yet it makes no reference to be in accordance with the Framework Travel Plan. Presently there is no mechanism in place to secure any fees to cover costs of this work. In the absence of such provision through suitable alternative mechanisms, HCC requests that this is secured under a s106 obligation to enable it to secure the necessary approval fees for the full travel plan and the associated monitoring fees, as well as a bond/cash deposit to cover and default on the proposals by the Applicant.</p> | <p>Whilst the Applicant is willing to discuss nighttime working arrangements, it is the case that this has already been carefully considered and included for where appropriate taking into account the amenity impacts of doing so. The Applicant will not accept a position where as a consequence of HCC's desire for night time works significant adverse impacts will occur on the amenity of residents, which ultimately would be adverse effects taken into account in the determination of the Application.</p> <p>The Applicant has confirmed to HCC's its willingness to enter into a post consent PPA for approvals and where necessary for monitoring, as is confirmed in the response to HCC's LIR (REP1-167). The Applicant does not agree that there is any justification for a surety/bond in relation to the travel plan. Compliance with this is secured through the DCO and that is adequate to ensure compliance. Again, the Applicant has responded to this request in the response to HCC's LIR (REP1-167).</p> <p>The Applicant does not consider it necessary to provide HCC within a bond or cash deposit to secure the measures contained within the Travel Plan. This is because the Travel Plan is limited to the construction period and its implementation already forms a requirement of the DCO.</p> |

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| | The use of the phrase ' <i>reasonable time</i> ' is ambiguous in Article 13(1) of the dDCO [APP-019]. Who would decide what is a reasonable time, and would not such a period be dictated by 'weekly' timetable set out in the Framework Traffic Management Strategy? | This matter has been identified within HCC's LIR response, Appendix 1. The Highway Authority is seeking clarity on the definition of 'reasonable time'. | Please refer to the Applicant's response to ExA WQ DCO1.5.65 at Deadline 1 (REP1-091). This wording is included in many made DCOs and is considered entirely appropriate. The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13). |
| DCO1.5.66 | The implication of Schedule 8 of the dDCO [APP-019] is that the listed streets would be temporarily stopped up, although in most cases only one half of the carriageway would be affected. Can some clarity be given as to what streets would be fully stopped up (temporarily) and thus a diversion put in place, and where one half of the carriageway would remain open for the duration of the works? | As detailed in its LIR, HCC seeks clarity over the use of the term 'stopping up' and whether this refers to single lane or road closures rather than the formal process of stopping up under the Highways Act 1980 Section 247 and the County Planning Act 1990 Section 116. | Please refer to the Applicant's response to ExA WQ DCO1.5.66 at Deadline 1 (REP1-091). The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13). |
| DCO1.5.67 | Notwithstanding the answer to DCO1.5.66, should [APP-019] Article 13(5) be amended to include reference to 13(4) as well as 13(1) so that adequate notice and consultation with the relevant street authority takes place? | HCC considers that Article 13 is unclear on the approval process for any temporary closures and what consultation with the relevant street authority includes. An appropriate approval process should be secured within the DCO. | Please refer to the Applicant's response to ExA WQ DCO1.5.67 at Deadline 1 (REP1-091). The Applicant does not consider it necessary to amend Article 13(5) to refer to Article 13(4). |
| DCO1.5.68 | In respect of Article 14 of the dDCO [APP-019], provide a detailed description of the intentions at each of the access points shown in the Access and Rights of Way Plans (Sheets 1 to 10) [APP-011] stating the purpose, whether a new or altered access is being formed and by what arrangement, and, specifically in relation to AC/1/a, can a plan be provided detailing site specific remodelling and access formation. | HCC shares the ExA view that further plans showing the details of the proposed access points, and associated works, are required to inform a view on the acceptability of these arrangements. | Please refer to the Applicant's response to ExA WQ DCO1.5.68 at Deadline 1 (REP1-091). The Applicant has produced an Access and Rights of Way: Explanatory Document (REP1-097). This document provides further explanatory information in relation to the nature and purpose of the proposed access points. |
| DCO1.5.72 | In Schedule 2 of the dDCO, draft Requirement 21 [APP-019] secures a 'travel plan' but does not state that it should be in accordance with a framework travel plan. The need for travel plans for each contractor is outlined in the Framework Construction Traffic Management Plan [APP-449] in Appendix 7 and secured via Requirement 17, where it states the plan must be in accordance with | HCC has an approval and monitoring process as set out within its adopted workplace travel plans document. Further details of its requirements and processes can be found on its website. https://www.hants.gov.uk/transport/developers/travelplans/assessment | Please refer to the Applicant's response to ExA WQ DCO1.5.72 at Deadline 1 (REP1-091). The phases of the Proposed Development are to be confirmed in accordance with Requirement 3 to the dDCO (REP1-021), and the reference to phases in the Requirements already appropriately defined in Schedule 2 to the dDCO. |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>the framework plan. Explain the relationship between the travel plans in Requirements 21 and 17 and how the process to finalise and approve the travel plans would work in practice. Further, draft Requirement 17 refers to the approval of a construction traffic plan in the singular, whereas the Framework Construction Traffic Management Plan [APP-450] at 1.3.1.1 suggests that there would be multiple plans needed for each phase, one for each contractor: 'Individual CTMP documents will be provided to each contractor with further detail relating to their relevant work site locations. These will be prepared and agreed with the relevant Local Highway Authority ahead of works commencing.' Can the Applicant also confirm if a separate Construction Traffic Management Plan would be produced for each of the 10 sections described in the ES?</p> | <p>It is understood that an overarching travel plan will be produced for the whole development and secured at present under Clause 21 with separate Construction Traffic Management Plans being produced for each phase of the works as secured in Clause 17. It is unclear if the phases are yet defined and the clauses within the DCO should refer to an agreed phasing plan.</p> | |
| <p>DCO1.5.76</p> | <p>In securing land restoration under dDCO [APP-019] Requirement 22, would there be a requirement on the applicant to inform the relevant local authorities that the development has been completed? If so, how would such notice be served?</p> | <p>The Highway Authority would also like the Applicant to consider additional wording for this requirement to ensure appropriate reinstatement approval powers are provided for the Highway Authority. The level of required reinstatement should be agreed for each phase within the Construction Traffic Management Plans. As set out within the LIR the Highway Authority wish to secure additional reinstatement requirements above the standard requirements due to the extent of the proposed works. This is to ensure that the highway network is not subject to extensive trenching as a result of the cable laying which would reduce the resilience of its asset, create ongoing maintenance issues and in some instances concerns with regards highway safety.</p> | <p>The Applicant provided a response to ExA WQ DCO1.5.76 at Deadline 1 (REP1-091).</p> <p>Requirement 22 has been amended to require the relevant local authorities to be notified that the development has been completed. It requires the land to be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within not more than twelve months of the date of the completion of the construction.</p> <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13).</p> |
| <p>TT1.16.16</p> | <p>In your Relevant Representation [RR185], you state planned works on traffic-sensitive routes are only allowed during off-peak hours and the City also operates works embargoes. Could you set out how the route and timing of the Proposed Development would be affected by these</p> | <p>HCC also have restrictions which apply to the cable laying corridor which restrict work timings and traffic management types. This primarily includes seasonal restrictions during the Christmas period from the 1st December to 5th January. These types of working restrictions do not appear to have been accounted for within the proposed build programme as detailed conversations regarding the</p> | <p>The Framework Traffic Management Strategy (FTMS) (REP1-068 and 069) includes a two-week shut-down of construction work on the Onshore Cable Corridor to cover the Christmas and New Year period. In addition, the FTMS prohibits work during December on:</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | embargoes, and whether any such restrictions are reflected in the ES ([APP-137] and [APP-449])? | construction method and traffic management requirements are yet to be held with the Highway Authority. | <ul style="list-style-type: none"> • B2150 Hambledon Road and A3 Maurepas Way between Milton Road and A3 London Road (in proximity to Wellington Retail Park, Asda supermarket and Waterlooville town centre); • All sections of A3 London Road where shuttle working traffic signals would be required to facilitate construction of the Onshore Cable Route. <p>The Applicant considers these restrictions to be appropriate to mitigate impact on traffic during the Christmas period whilst allowing for an expedient construction programme.</p> |
| TT1.16.31 | Could the Applicant please identify where the assessment of intra-project cumulative effects of construction works at (up to) six simultaneous sites is addressed (in terms of matters such as driver delay, public transport disruption, pedestrian and cyclist amenity, etc on a longer journey that would encounter multiple construction sites). What additional mitigation has been considered, discounted or employed to deal with any cumulative effects such as these? | The Highway Authority agree that this has not been thoroughly assessed and have made recommendations within the LIR response for this to be considered further. This includes recommending engagement with the bus operators and HCC's Passenger Transport Team, along with securing of appropriate mitigation measures to protect the delivery of public transport services and pedestrian and cyclist infrastructure. | <p>Please refer to the Applicant's detailed response to ExA WQ TT1.16.31 at Deadline 1 (REP1-091).</p> <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13).</p> |
| TT1.16.32 | <p>Please give further details of the bid to the 'Transforming Cities Fund' and the programme of works anticipated to take place up until 2023, including any decision made in March 2020 (as alluded to in [RR-185]). Is the Council able to submit into the Examination any maps or diagrams to show which parts of the City could be affected by the South East Hampshire Rapid Transit system?</p> <p>How would the Proposed Development impact on the proposed programme of works associated with the bid to the 'Transforming Cities Fund', if it was successful?</p> | <p>The City region's TCF bid (comprising Portsmouth City Council, HCC and the Isle of Wight Council) submitted to the DfT on the 28th November 2019 was initially unsuccessful in receiving funding in the March 2020 TCF bid announcement. On the invitation from the DfT, a revised TCF bid was submitted by the City region on the 3rd July 2020, with confirmation recently received that funding has been awarded to deliver a number of junction improvement schemes.</p> <p>The AQUIND interconnector route alignment coincides with the location of one of the City region's TCF rebid schemes located along the A3 London Road in the vicinity of Ladybridge Roundabout. In addition, there are important cumulative impacts of the diverted traffic associated with the development's construction activities on diversionary routes located within both Hampshire and Portsmouth. The TCF rebid scheme delivery period remains the same,</p> | <p>The Applicant has provided comments on the Transforming Cities Fund within the response to Portsmouth City Council's Relevant Representation (page 2-18, REP1-160).</p> <p>The Applicant will seek to discuss TCF schemes with PCC.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | concluding in March 2023. This means that all site works related to the bid must be completed by this date, otherwise HCC and its partners risk losing any unspent TCF funding. Following confirmation of the successful TCF rebid, HCC and its partners wish to share details of TCF scheme designs and associated construction programmes at an early stage with a view to coordinating TCF site works with AQUIND and other street works to enable all schemes to be delivered within agreed funding windows. | |
| TR1.17.3 | <p>The Government places importance on 'street trees' in the National Design Guide for the benefit of placemaking. Is the Applicant's approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees sufficiently unambiguous and is it appropriate?</p> <p>Could the Applicant please comment in detail on how the 'potential removal' of the TPO trees listed in dDCO [APP-019] Schedule 11 would be avoided.</p> | Please see HCC's response to DCO1.5.9 and its Local Impact Report. | <p>Please refer to the Applicant's response to ExA WQ TR1.17.3 at Deadline 1 (REP1-091).</p> <p>The Applicant has provided a response to the Hampshire County Council LIR at Deadline 2 (document reference 7.7.13).</p> |

Table 2.3 - Havant Borough Council

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| DCO1.5.1 | <p>Explain in greater detail the technical and environmental reasons why Hayling Island was discounted as an alternative landfall and cable route option for the Proposed Development when it appears to share largely similar natural constraints with the selected route to Eastney (paragraph 2.4.11.14 of ES Chapter 2, Consideration of Alternatives [APP-117]). With reference to paragraph 2.4.3.8 and Table 2.3 of ES Chapter 2 [APP117], please explain in more detail how the decision to choose Eastney as the landfall was reached on the basis of a site visit. What factors made Eastney a more viable option than the other beaches studied? Were impacts on the human population and traffic flows part of the optioneering process, including the discounting of</p> | <p>Whilst HBC acknowledge that this is a question for the applicant, we would comment that Havant Borough Council share the views of Hampshire County Council that we wish to raise that we have serious concerns about the principle of using Hayling Island as an alternative landing point for the AQUIND cable route, particularly if it were to impact on the A3023. Hayling Island is restricted to one road on and off the island (the A3023) and any disruption or severance along this route would create significant traffic delays for motorists, emergency services and the wider community. Given the extremely sensitive nature of the A3023, all planned highway works on the A3023 can only be undertaken between October and March, maintaining a single lane of traffic at all times (as a minimum) and must be done at night. Any significant works would cause delays both on the island and the mainland as traffic blocks back along the Hayling bridge</p> | <p>Please refer to the Applicant's provided a response to ExA WQ DCO1.5.1 at Deadline 1 (REP1-091).</p> <p>The Applicant has produced a Supplementary Alternatives Chapter (REP1-152) which forms part of the ES Addendum (REP1-139) submitted at Deadline 1.</p> <p>Further information on the reasons for discounting Hayling Island, including the ability to HDD between the two islands is included within Section 6 of the Supplementary Alternatives Chapter.</p> <p>Section 7 of the Supplementary Chapter provides additional detail on the selection of the Onshore Cable Corridor, which is relevant to the decision of whether to pursue a Landfall at Eastney or East Wittering.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>Hayling Island during the assessment of alternatives? If so, please provide evidence. In paragraph 2.4.11.14 of the ES [APP-117], a number of reasons for excluding the cable route option through Hayling Island are listed. Expand on each of these reasons giving comparative explanation as to why such factors were or were not considered prohibitive. Was a comparison made between the ability to HDD between the two islands (Portsea and Hayling) and the mainland? If so, what was the comparative outcome. If not, why not?</p> | <p>onto the A27 Langstone Junction, strategic road network and through Havant town centre.</p> | |
| <p>DCO1.5.44</p> | <p>Could the Applicant and the local planning authorities please review the definitions of 'commence' and 'onshore site preparation works' set out in Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement. Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable? Does the Applicant believe that the onshore site preparation works include the creation of site accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10? The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed? If so, is this acceptable? Should Requirement 13 include similar wording to Requirement 14(2)? Also, could the Applicant provide a detailed explanation as to why each of</p> | <p>The definitions of commence in Article 2(1) allows the following works to be undertaken before commencement: (c) pre-construction archaeological investigations, (d) environmental surveys and monitoring (e) site clearance, (f) removal of hedgerows, trees and shrubs (g) investigations for the purpose of assessing ground conditions (h) diversion or laying of services (i) remedial work in respect of any contamination or adverse ground conditions; (j) receipt and erection of construction plant and equipment (k) creation of site accesses (l) the temporary display of site notices and advertisements; and (m) erection of temporary buildings, structures or enclosures. Using the word commencement as the trigger point allows significant work to have already been undertaken before the Local Planning Authority get a chance to see any details is not acceptable. The applicant with need to refine the definition of commencement or use a totally different trigger for some of the Requirements, as the Local Planning Authority needs to consider many of these issues before development commences, to ensure development is controlled following consultation with relevant consultees.</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.44 at Deadline 1 (REP1-091). The definition of "onshore site preparation works" has been amended to remove reference to (h) diversion or laying of services and (k) creation of site accesses. Requirement 4 has been amended to confirm no onshore site preparation works in respect of the area where the converter station is to be located may be carried out until the converter station perimeter option has been confirmed.</p> <p>Requirement 15 clearly already requires a CEMP to be approved before works in a phase are carried out, including any works forming part of the onshore site preparation works</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP-020] paragraph 5.3.2]? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum. Could the local authorities comment on whether they are agreeable to these exclusions?</p> | | |
| <p>N1.11.5</p> | <p>In ES Tables 24.4 and 24.6 [APP-139], the allocation of a category for the magnitude of impact is wholly dependent on how many 'consecutive' periods would be involved. Do the local authorities believe this is an appropriate approach, or should some account be taken of the overall, total length of time (perhaps with breaks) that the noise or vibration affects a particular receptor?</p> | <p>Having reviewed Tables 24.4 and 24.6, We agree that additional clarity is required, in particular to confirm what a period is, and also we would agree that the approach currently in place could lead to some receptors "experience" being underrepresented , because there are "breaks" in between noisy periods.</p> <p>We will be asking for clarity on this matter from the applicant.</p> | <p>The term 'period' in Table 24.4 refers to a either day, evening/weekend or night. The reason for using the word period is that all three time periods are presented in the table.</p> <p>Please refer to Paragraph 17.3.2.3 of the ES Addendum (REP1-139) for an explanation of the use consecutive periods in the 2019 ES, and the optionality for successive (consecutive) or non-successive (non-consecutive) installation of the two cable circuits that has been accounted for in the revised construction noise assessment contained in section 17.3 of the ES Addendum.</p> <p>As there is the potential for successive installation of both cable circuits, the revised assessment has, by dentition, considered the total duration that any individual receptor would be exposed to adverse effects from a construction activity such as cable duct installation. As explained in Paragraph 17.3.2.4 of the ES Addendum, as successive or non-successive cable circuit installation will not alter the total duration that any receptor is exposed to a given noise or vibration impact, the programme of works adopted (successive or non-successive installation of each circuit) will not alter the conclusions of the noise and vibration assessment.</p> |
| <p>N1.11.7</p> | <p>Do you believe that the application of definitions of magnitude of impact to the noise environment as set out in Table 24.13 of the ES [APP-139] is unclear? For example, what would constitute 'a total loss' of key elements or features of the baseline? Would an alternative set of definitions be more appropriate, and if so, would the noise assessment need to be re-run?</p> | <p>We would agree that further clarity is required and this might lead to a requirement for the assessment to be rerun. We will be asking for clarity on this matter from the applicant.</p> | <p>Please refer to the Applicant's response to ExA WQ N1.11.7 at Deadline 1 (REP1-091). In summary, little reliance has been placed on the generic definitions in Table 24.13 of the ES and the assessment does not need to be repeated. The magnitude categories adopted for each assessment element are underpinned by the appropriate British Standard or guidance document.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| N1.11.10 | For all of the impact assessment sections that follow ES paragraph 24.6.1.14 in Chapter 24 [APP-139], in converting the noise level magnitudes to impacts, allowance is made for the temporary nature of the effect, thus ameliorating the severity (from 'medium' to 'low' in 24.6.2.2, for example). However, does not the methodology adopted for the assessment already build duration into the calculation of magnitude (e.g. 24.4.2.36), and thus is there not an element of 'doublecounting' of duration in reducing the severity of effects? If so, what are the implications of this for the assessment findings? For example, if trenching impacts for section 4 were recalculated without the 'double-counting', would these become significant (ES 26.4.5.3 ff)? | We are satisfied that the impact assessment does not double count the impacts – it does follow the agreed and accepted methodology which is derived from the national guidance and recognised standards for assessing construction noise impact. | The Applicant provided a response to ExA WQ N1.11.10 at Deadline 1 (REP1-091) and the Applicant is in agreement with HBC that the duration of construction activities is not 'double-counted' in the noise and vibration assessment. |
| TR1.17.3 | The Government places importance on 'street trees' in the National Design Guide for the benefit of placemaking. Is the Applicant's approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees sufficiently unambiguous and is it appropriate? Could the Applicant please comment in detail on how the 'potential removal' of the TPO trees listed in dDCO [APP019] Schedule 11 would be avoided. | In HBC area the trees impacted are highway trees, which Hampshire County Council will be providing a response in this matter. | The Applicant provided a response to ExA WQ TR1.17.3 at Deadline 1 (REP1-091) and has responded to specific comments made by Hampshire County Council. |

Table 2.4 - East Hampshire District Council

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| MG1.1.5 | The Consultation Report [APP-025] describes a great deal of discussion and progress with a range of interested planning authorities on the concept design of the Converter Station buildings. What certainty does each of the local authorities have that its views and the agreements that have been made with them would be incorporated into the final design? | East Hampshire District Council (EHDC) is broadly content that its views on the concept design have been accommodated. EHDC has been party (along with the South Downs National Park Authority (SDNPA) and Winchester City Council (WCC) to ongoing discussions with the applicant and their architects and is satisfied that its views will be incorporated into the final design. More recent discussions have confirmed that no plant, masts, solar panels or other paraphernalia will be attached to the roof, which should be reflected/confirmed through the DCO process. | Please also refer to the Applicant's response to ExA WQ MG1.1.5 at Deadline 1 (REP1-091) on the Design Principles set out at Section 6 of the updated Design and Access Statement (REP1-031 and 032). |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| DCO1.5.17 | In dDCO [APP-019] draft Requirement 14, a Written Scheme of Investigation is needed for activities prior to commencement of works including onshore site preparation works, but the definition of 'commence' in Article 2 does not identify this exclusion. Is this satisfactory or is an amendment required? | No amendment is considered necessary purely insofar as the scheme relates to areas within the EHDC authority area. | The Applicant provided a response to ExA WQ DCO1.5.17 at Deadline 1 (REP1-091). The Applicant agrees that the drafting of Requirement 14 is clear, and no amendments are considered to be required. |
| DCO1.5.42 | A number of Articles in the dDCO [APP-019] contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. Are the local planning authorities content with the provisions and the responsibilities on them as the relevant consenting authority? | EHDC is broadly content with the provision for deeming consent noting that a longer period may be agreed (Article 1.2(c) Schedule 3). However, having regard to the scale of the development and the level of information required in dealing with a number of the requirements e.g. drainage/groundwater contamination necessitates high levels of technical information with consultation with various parties, it is likely that further time may be needed but it is noted that a longer period may be agreed. It is, however, our view that all periods set out in the DCO should be consistent at 40 working days. | The Applicant does not accept that it is necessary or appropriate for approvals to be provided within two months as suggested. This would not assist the Proposed Development coming forward in a timely and efficient manner. The Applicant has confirmed its willingness to enter into post consent PPA's to cover the resourcing for approvals with all relevant planning and highway authorities. The intention is for all such PPA's to have been agreed and entered into by not later than the end of the examination. The Applicant looks forward to engaging with EHDC on this further. |
| LV1.9.1 | Do you agree with the selection of representative viewpoints used for the LVIA of the Converter Station and associated infrastructure [APP-250]? If not, why not? Do you have any comments on the presentation of baseline photographs and visualisations ([APP-251] to [APP-270])? | EHDC are satisfied with the selection of representative viewpoints used in the LVIA. The viewpoints were agreed between Aquind and the EHDC Landscape Officer at an early stage. In terms of the baseline photographs and visualisations, the wire frame visualisations depict the building in two dimensional form, so give a false representation of the depth/massing of the buildings that a three dimensional depiction would. | The Applicant explained the guidance followed in ExA WQ LV1.9.8 (REP1-091) in relation to the preparation of visualisations. The Applicant also notes in Table 1.2 of Appendix 15.1 Consultation Responses (APP-399) that agreement was reached over the viewpoint locations wirelines and local viewpoints. The wirelines show the extent of the parameter envelope for each option (not two-dimensional form). The Applicant considers this to be a proportionate approach when considered alongside the three full photomontages. |
| LV1.9.2 | Do you have any comments on the appearance of the proposed 30m-high lighting columns as seen during daylight and at night-time from vantage points within the South Downs National Park and elsewhere, and should these columns have been considered in the modelling of the ZTVs? | Schedule 1 of the DCO, work number 2 (p) states up to 8 masts. Discussions with Aquind have recently stated that only two masts are necessary. If that is the case, then it is accepted that, provided also that there are no flashing lights at the top of these, (which Aquind have advised will not be required) then these are not considered necessary for inclusion in the ZTVs. As the DCO currently is, however, eight 30m high masts would result in a cluster of masts that should be included in the modelling of the ZTVs. Subject to there being no lights on the masts, there is not considered to | The updated dDCO (REP1-021) Schedule 1 refers to "up to 8 lighting masts" – the exact number of masts will be subject to detailed design post consent and approval by the relevant discharging authority in consultation with the SDNPA. The Applicant can confirm that there will be no flashing lights on the lightning masts. The Applicant refers to the Applicant's Responses to ExA WQ1 LV1.9.3 (REP1-091) in relation to the exclusion of lightning masts and lighting columns in the preparation of ZTVs. |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>be an impact on the night-time appearance and impacts would be day light only. The appearance of 8 masts would likely have a harmful impact and would contribute towards visual clutter and negate the clean lines/profile of the buildings. They also would likely be visible at distant receptor points including Old Winchester Hill and Portsdown Hill.</p> | |
| <p>LV1.9.5</p> | <p>With reference to the dDCO [APP-019], there would be potential for rooftop plant and machinery to be placed on the roof of the Converter Station and associated telecoms building. Do you have any comments on the landscape and visual effects of such equipment, if installed?</p> | <p>EHDC consider that the provision of rooftop plant and machinery would have a harmful visual impact on the area and the integrity of the building design. This is allied with the lightning masts above. There is also concern that such plant may result in glare or glimmer from metallic surfaces from the plant. The roof of the building would be visible from higher ground to the north and potentially from other viewpoints depending on the position and nature of the plant. Rooftop plant/machinery may also result in additional noise impacts that have not been accounted for, which may unacceptably impact amenity of surrounding property. Aquind have advised that no plant/machinery will be added, but until the DCO is formally amended, there is concern at the potential impacts of plant and machinery.</p> | <p>The Applicant has confirmed that there will not be any plant or machinery on the roof of the Converter Station and associated telecommunications buildings in paragraph 5.3.1.5 and building design principle 8 of the updated DAS (REP1-031 and 032) submitted at Deadline 1.</p> <p>The updated dDCO (REP1-031) submitted for Deadline 1 reflects this revision.</p> |
| <p>N1.11.5</p> | <p>In ES Tables 24.4 and 24.6 [APP-139], the allocation of a category for the magnitude of impact is wholly dependent on how many 'consecutive' periods would be involved. Do the local authorities believe this is an appropriate approach, or should some account be taken of the overall, total length of time (perhaps with breaks) that the noise or vibration affects a particular receptor?</p> | <p>Having reviewed Tables 24.4 and 24.6, it is agreed that additional clarity is required, in particular to confirm what the period is, and also it is agreed that the approach currently in place could lead to some receptors' "experience" being under-represented, because there are "breaks" in between noisy periods. We will be asking for clarity on this matter from the Consultant.</p> | <p>Please refer to the Applicant's response to Havant Borough Council under Reference N1.11.5 in Table 2.3 of this document which addresses this point.</p> |
| <p>N1.11.7</p> | <p>Do you believe that the application of definitions of magnitude of impact to the noise environment as set out in Table 24.13 of the ES [APP-139] is unclear? For example, what would constitute 'a total loss' of key elements or features of the baseline? Would an alternative set of definitions be more appropriate, and if so, would the noise assessment need to be re-run?</p> | <p>It is considered further clarity is required and this might lead to a requirement for the assessment to be rerun. We will be asking for clarity on this matter from the Consultant.</p> | <p>Please refer to the Applicant's response to ExA WQ N1.11.7 at Deadline 1 (REP1-091). In summary, little reliance has been placed on the generic definitions in Table 24.13 of the ES and the assessment does not need to be repeated. The magnitude categories adopted for each assessment element are underpinned by the appropriate British Standard or guidance document.</p> |
| <p>N1.11.10</p> | <p>For all of the impact assessment sections that follow ES paragraph 24.6.1.14 in Chapter 24 [APP-139], in converting the noise level magnitudes to</p> | <p>We are satisfied that the impact assessment does not double count the impacts – it does follow the agreed and accepted methodology which is derived from the national</p> | <p>Please refer to the Applicant's response to ExA WQ N1.11.10 at Deadline 1 (REP1-091). In summary, the Applicant is in agreement with EHDC that the duration of construction</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>impacts, allowance is made for the temporary nature of the effect, thus ameliorating the severity (from 'medium' to 'low' in 24.6.2.2, for example). However, does not the methodology adopted for the assessment already build duration into the calculation of magnitude (e.g. 24.4.2.36), and thus is there not an element of 'double-counting' of duration in reducing the severity of effects? If so, what are the implications of this for the assessment findings? For example, if trenching impacts for section 4 were recalculated without the 'double-counting', would these become significant (ES 26.4.5.3 ff)?</p> | <p>guidance and recognised standards for assessing construction noise impact.</p> | <p>activities is not 'double-counted' in the noise and vibration assessment.</p> |
| <p>PP1.13.1</p> | <p>Could each of the local planning authorities please provide comments and any updates in relation to the Applicant's summary of the Development Plan position, including any emerging plans and plan documents. (The Planning Statement Appendix 4 [APP-112] refers.)</p> | <p>Paragraph 1.2.1.3 of the Planning Statement Appendix 4 (APP-112) states that the new East Hampshire Local Plan will be adopted in September 2020. This is no longer the case. The Local Development Scheme was amended in September 2019 and sets out that Regulation 19 consultation would be carried out in March-May 2020 with adoption envisaged for March 2021. However, there have been further delays and it is now anticipated that Regulation 19 consultation will be carried out in early 2021. Furthermore, however, in light of the 'Planning for the Future' White Paper August 2020, there is further uncertainty about the progression of the Local Plan and no decision has yet been made about its future. In short, it carries no weight and the Development Plan remains that as stated in 1.2.1.1.</p> <p>The East Hampshire Joint Core Strategy remains the adopted Plan for the areas of East Hampshire not within the South Downs National Park now that the South Downs Local Plan (adopted July 2019) is the Local Plan in place for whole of the National Park.</p> | <p>The updated position on the review of the East Hampshire Joint Core Strategy is noted by the Applicant. This has no impact on the Applicant's assessment.</p> |
| <p>TT1.16.3</p> | <p>With reference to paragraphs 22.2.3.10 to 22.2.3.39 of Chapter 22 of the ES [APP-137], are there any pertinent updates in respect of the local planning policy framework?</p> | <p>The applicant notes at 22.2.3.33 the large housing site at Land East of Horndean. There is a Planning Committee resolution to grant outline planning permission for a mixed-use development of 800 dwellings, 2ha of employment land (B1 & B2), a local centre, primary school and community facilities and is currently pending completion of a Section 106 legal agreement (application ref: 55562/005). Otherwise, please see comments in response to PP1.13.1.</p> | <p>The Applicant notes the update provided in relation to Land at East Horndean. This was included as a Committed Development within the SRTM used to assess the traffic impacts of the Proposed Development as noted in Section 15.5 of the ES Addendum (REP1-139).</p> |

Table 2.5 - Portsmouth City Council

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| <p>MG1.1.22</p> | <p>Does Portsmouth City Council accept that it would take responsibility for the maintenance of the proposed landscape planting at the landfall after 5 years of establishment, as suggested at 1.6.4.1 of the Outline Landscape and Biodiversity Strategy [APP-506]?</p> <p>Does the Applicant have a fallback proposal if agreement was not reached?</p> | <p>Portsmouth City Council (PCC) would wish to contain control of all relevant parts of our land. Whether maintenance responsibility should sensibly pass to PCC would be dependent on whether that landscaping was on land retained by PCC or on land that has passed into the applicant's control or ownership. If the proposed landscaping was on land that has passed into the applicant's ownership PCC would not expect to be burdened with the maintenance of it but would expect an appropriate requirement to approve a landscaping scheme and require the applicant to maintain it to fulfil its amenity and other purposes. Where landscaping is proposed on land retained by PCC the Council would accept the responsibility for maintenance after 5 years of establishment but an appropriate commuted sum to be paid by the applicant ought to be required to cover the reasonable costs of doing so.</p> <p>Response to second question: N/A.</p> | <p>The Applicant refers to the points made at ExA WQ MG1.1.23 (REP1-091), the updated Landscape and Biodiversity Strategy (REP1-034 and 035) and Requirement 8 of the revised dDCO (REP1-021) submitted at Deadline 1. The Applicant will be responsible for the maintenance of the landscaping to be provided in connection with the optical regeneration stations, as is confirmed in the revisions to dDCO (REP1-021) Requirement 8.</p> |
| <p>MG1.1.26</p> | <p>The proposed cable route includes a number of areas with known contamination issues, especially at Milton Common. Has the Applicant provided sufficient evidence to demonstrate that, should the cable be installed at these locations, contamination could be dealt with appropriately and in such a way that there would be no significant adverse effects on human health, the water environment or biodiversity?</p> | <p>The Environmental Statement confirmed that data collection for the geoenvironmental survey(s) will be undertaken after the statement has been considered. A non-focused but useful ground baseline survey has been produced and submitted, but there is nothing new for PCC's Contaminated Land Team (CLT) to review since that time.</p> <p>The original sampling scheme for the baseline survey was based upon ease of access rather than targeted at locations more likely to have contamination. The desk study and testing along the cable run that has been provided was agreed to be updated following further collection of historical records. However, this has not yet been undertaken, and seems to have been deferred to D&B contractor (to sub contract or maybe WSP will continue the assessment in some locations). At present the CLT do not know the approach that will be adopted.</p> <p>Once the ground assessments for the parcels of land are available, the PCC's CLT will be in a position to advise on each. The baseline report submitted is not a complete geo-environmental assessment of the various parcels of land that will comprise the cable run. The submission from Aquind has obtained historical reports for the main sites that the cable crosses but not all the parcels. This assessment was to be added to at a later stage, and now it is to be completed by a third party D&B contractor subcontracting</p> | <p>PCC's comments are noted. Please refer to the Applicant's response to ExA WQ MG1.1.26 at Deadline 1 (REP1-091). The Applicant can confirm that a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) have been produced and can be found in Appendix 18.1 (Preliminary Risk Assessment and Generic Quantitative Risk Assessment) of the ES (APP-429). The PRA/GQRA was prepared in accordance with contaminated land guidance including BS10175:2011+A2:2017 and as this was produced before the new LCRM document was released in October 2020 it follows guidance provided by Contaminated Land Report 11 (CLR11).</p> <p>A Site Investigation was carried out by WSP in 2018 with the results incorporated into the GQRA. For further information on the PRA/GQRA please refer to the response within the Applicants Response to Relevant Representations (REP1-160).</p> <p>Additional ground investigation including, Remediation Options Appraisal, Remedial Strategy, verification reports and subsequent monitoring are covered under Requirement 13 of the dDCO (REP1-021). Additional investigations will follow guidance in accordance with BS10175:2011+A2:2017 and LCRM. For further information on Requirement 13 please refer</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>the work, and at a much later stage in the process than anticipated. This assessment will occur after tendering and hence money will have been allocated to tasks before those tasks are even known. This also means the survey is being undertaken close to when ground works will be occurring, and that in itself is likely to hinder the assessment and reduce options for mitigation, adding further constraints into the project.</p> <p>PCC considers that in terms of scope and standards achieved, the approach adopted to any other development should be applied here. This would mean that each of the areas of land that may be contaminated would be investigated following national standards prior to starting any ground works so that ground conditions were known before commencing works or appointing contractors. The amount of investigation and required testing would be decided upon by the desk study which ensures that effort is focused upon those areas needing testing and not on other areas, and so the approach is inherently always proportionate to the risk. The recommendations in Appendix 18.1 are "Further targeted ground investigation after the submission of the Environmental Statement to further assess the risks to human health and controlled waters along specific lengths of the route where elevated risks have been identified" (11.2.1.1) but we await this information. Initially all geoenvironmental records for 1km either side of the proposed routes were requested, which covered a substantial part of the city and disproportionate to the survey, but the current submission is based on very few records (apart from Milton Common). For the geoenvironmental survey it has now been deferred to a third party D&B contractor to undertake or sub-contract. Without the assessment, PCC and its CLT cannot yet review the approach.</p> <p>At all locations where the cable crosses previously-used-land there should be a risk assessment carried out so that ground conditions and likely constraints are known before works commence. This information is clearly relevant to route option choices. It is understood that the contractor will be deciding which route option will be used and that all options will remain within DCO. It is understood that the tender process is imminent and it is therefore reasonable to assume that the standards being suggested for the geoenvironmental survey that will be undertaken have already been decided by the applicant, be in writing and</p> | <p>to the response within the Applicants Response to Relevant Representations (REP1-160).</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>described within the tender documents. PCC suggests that this information (excluding any commercially confidential matters) should be shared with the examination in order for any further assessment to be made as to whether the future survey will meet UK standards. In short, PCC would advise that the future submissions should follow BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice', and national guidance 'LCRM': https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks).</p> <p>On an engineering project of this size, it may be felt that there is less need to assess localised contamination risks or to have an agreed remedial approach before undertaking ground works, but the reverse is true. Whilst the developer's own cable will be protected by its design, the cable run may act as a conduit for pollutants and it may leave the land it traverses in a poorer condition than before ground works. The linear nature of the scheme means the cable transects many parcels of land each with disparate histories and constraints. The impacts upon the land use both from disturbing the soil as well from potential contamination should be considered on a section by section, if not, site by site basis (even if it is only to discount any unusual risks). The risk assessment is required to ensure contamination is not brought to the surface thereby creating new exposures during or after construction. By crossing various areas of land the trenches may join those parcels together creating a conduit potentially allowing migration of mobile contaminants and ground gases between areas that previously were not connected. A Method Statement should also be in place to protect the areas of temporary usage within the order limits that will be used as a working area - degradation of the soil quality from compaction and by potentially contaminated arisings being stored on land can be avoided. The availability of any such document would allow review and improvements. In places, vulnerable or sensitive land, including surface cover soil on landfills, may require restoration or rehabilitation afterwards to return to its previous use. A general scheme will be appropriate for most locations, but where ground condition is suspect or vulnerable, additional measures should be documented for each area.</p> <p>In some areas Aquind have suggested route options and have now asked which option PCC would prefer. This dialogue, although restricted to considering variations in</p> | |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>routes offered by Aquind is helpful to allow the local authority to feed into the process but under the terms of the DCO it will be the D&B contractor that will be making the final decision.</p> <p>Every parcel of land with likely contamination along the route, that is vulnerable to degradation by being worked, or that is sensitive to restoration being achieved should be considered by Aquind. These start with the land-fall location itself and occur along the length of the cable run and must be subject to a geoenvironmental risk assessment.</p> <p>Milton Common seems to be the only area that has been considered in more depth for geoenvironmental constraints. Milton Common is a harbour that has been filled with waste and remediated by the council in the 1990s for its current use for open public space. Aquind in its application acknowledges Milton Common's past and considers records but there is insufficient information as to how it will be traversed. Several route options are given, and the final route(s) will be decided after surveys later in the process. The options will need to be excavated without exposing the public to waste and remediate in a way that does not allow ground bulk gases to migrate along the disturbed cable route. 'Option 1' follows the coastal path and penetrates the landfill and flood defences. 'Option 2' follows the eastern road/ verge which is where the council has installed bulk gas protection to prevent gas migration. In the south west corner, two further options are available and both are likely to cross infilled land.</p> <p>Milton Common is the most obvious example of where land has been remediated for its current use. The intention is to trench either near the vent trench and/or through the landfill and bore through the coastal defences. PCC understands that the applicant has started desk study reviews of available records for several areas encountered by the route but the resulting information has not been made available. The ground condition for physically working this land will be difficult. Working on Milton Common will require practices that avoid compaction and poaching of the land; digging through its thin surface may be hampered, and then thereafter surface must be returned to usable public open space. The suggested working plan does not ensure this can happen.</p> <p>Whilst Milton Common is being discussed with PCC's CLT but the other areas have not yet been mentioned. Unless the</p> | |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>records for each site are looked at, it is unknown whether the ground conditions are favourable or require consideration which is why the desk study should be updated along the cable length. As this area is public open space, PCC would want to ensure that storage on this area of land will not leave residual contamination.</p> <p>All previously-used-land must be risk assessed, and at the minimum the available records reviewed to understand their history and current usage with a view to vulnerability to contamination or disturbance (e.g. allotments, public space, previously worked soils etc.). These areas include the intended land-fall, land near Milton & Eastney allotments (infilled land), Kendall's Wharf, Baffin's Field, Portsmouth University campus, as well as any locations identified from the untargeted sampling already undertaken by WSP in the original survey.</p> <p>Once the various risk assessments have been undertaken, it will only then be possible to review the risk assessments and in the interim PCC considers that the tendering brief being sent to contractors should be made available so as to ensure it covers adhering to the British Standard BS10175.</p> <p>The above shows that sufficient evidence is not as yet available to address contamination concerns in the identified areas. As the route, including its options are a matter that has been with the applicant at least for some time this information could have been collected over the last year to allow impacts and risks already to be known. This however is not what appears to be the case.</p> | |
| <p>AQ1.2.2</p> | <p>In relation to the Air Pollution SPD referred to by the Applicant in paragraph 23.2.3.7 of the ES [APP-138], what is expected of developments and against what criteria should a scheme be assessed? Has an independent assessment been made against the SPD?</p> <p>The ES [APP-138] states that the effect on air quality would be 'negligible beneficial'. It reaches this conclusion by weighing totalled receptor deteriorations against totalled receptor improvements. Does Portsmouth City Council believe that this is a suitable approach and conclusion?</p> <p>Has the Applicant demonstrated through evidence that the Proposed Development would not</p> | <p>https://www.portsmouth.gov.uk/ext/documents-external/pln-air-quality-spd.pdf</p> <p>New development in the PCC area has to comply with Policy DC5 of the local plan review. This states that "New development will only be permitted where: (i) it would not cause unacceptable levels of air, noise, vibration, light, water or other pollution or otherwise cause unacceptable detrimental effects to the amenity of adjoining or nearby occupiers; (ii) the amenity of future occupiers or users of the proposed development is not adversely affected by existing or projected levels of air, noise, vibration, light, water or other pollution. New development should be laid out and designed to minimise, as far as possible, the impact of the above matters. Particular consideration will be given to the</p> | <p>With reference to saved policy DC5 in the City Local Plan, this has been superseded by policy PCS23 in the Portsmouth Plan as described in Appendix 6 of that document https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/The-Portsmouth-Plan.pdf. During the Operational Stage, exceedances of the EU Limit Values will not be produced as a result of back-up generators and as such the proposed development is compliant with PCS23.</p> <p>For the Construction Stage, it should be noted that air quality effects are transient and temporary, and all predicted exceedances predicted are already present in the Do-Minimum scenarios. Furthermore, no effects are predicted that would prevent future developments as the effects will be temporary. The Proposed Development is compliant with PCS23.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment | | | | | | | | | | | | | | | | | | | | | | | | |
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| | <p>adversely affect air quality or cause a failure to meet air quality objectives in the City?</p> | <p>location of sensitive land uses, especially housing, in the context of the above.”</p> <p>Air quality is deemed to be a material planning consideration under the Town and Country Planning Act 1990 where any of the following apply:</p> <ul style="list-style-type: none"> • A national air quality objective or an EU Limit Value may be exceeded for the first time on a specific site if a development is permitted. • The level of exceedance over a national air quality objective or an EU Limit value will be made significantly worse if a development is permitted. • The concentration of an air pollutant for which a national air quality objective or an EU Limit Value has been prescribed will approach an exceedance such that other developments in the area might be prevented. • The number of people potentially exposed to exceedances of national air quality objectives or EU Limit values is increased if a development is permitted. • To grant permission for the development would lead to a conflict with measures that the Council intends to include in its Air Quality Action Plan (or Local Transport Plan), thus rendering any improvement in air quality unworkable. Appendix B of the SPD lists those types of developments where Air Quality may be a material consideration (see below): <p>APPENDIX B: LIST OF DEVELOPMENT TYPES TO INDICATE IF AIR QUALITY MAY BE A MATERIAL CONSIDERATION</p> <table border="1" data-bbox="1107 1314 1777 1793"> <thead> <tr> <th>Type of proposals</th> <th>Tick if applicable</th> </tr> </thead> <tbody> <tr> <td>1. Processes governed by the Pollution Prevention and Control (PPC) regime</td> <td></td> </tr> <tr> <td>2. Sensitive development located in an area of poor air quality (AQMA or other area in excess of the Air Quality Objectives or limits) as identified in the latest review and assessment report</td> <td></td> </tr> <tr> <td>3. Sensitive development close to existing prescribed processes</td> <td></td> </tr> <tr> <td>4. Proposals with potential to significantly change road traffic characteristics on any busy roads (those in excess of 10,000 vehicles per day) in the City or any roads in AQMAs. 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Proposals that introduce or increase car parking facilities by 300 spaces or more. | | 6. Proposals forming part of a major phased re-development of an area | | 7. Proposals with particularly extensive development phases | | 8. Proposals close to ecological sites or SSSI. | | 9. Proposals that will enclose busy roads and reduce dispersion of pollutants. | | 10. Proposals that alter significantly the road network. | | 11. Proposals that may interfere with the Local Transport Plan air quality actions | | <p>Measures which the Council intends to include in its Air Quality Action Plan (or Local Transport Plan) are not provided to allow comment. However, the proposed development has been subject to a rigorous air quality impact assessment and its effects, which will be transient and temporary, will be mitigated by measures contained within the updated CTMP (REP1-070 and 071). There is potential for some of these measures to complement the Air Quality Action Plan (or Local Transport Plan).</p> <p>Air pollution impacts have been assessed in accordance with the approach set out in the SPD Appendix C: Air Quality Assessment for Planning Applications. Full detail is provided in detailed technical modelling appendices provided as Appendix 23.3 (traffic emissions) (REP1-075) and Appendix 23.4 (generator emissions) (REP1-076). Impacts at approximately 70,000 receptor locations adjacent to the city road network in eastern and northern Portsmouth have been assessed. The results have been grouped and presented according to model verification zones and AQMAs to provide the highest level of granularity possible within the practical constraints of an impact assessment report.</p> <p>All relevant sensitive receptors are identified with the use of OS data on clearly labelled maps in relation to the modelled domain for all scenarios considered as follows:</p> <ul style="list-style-type: none"> • Figure 23.6 to Figure 23.11 - impacts of traffic diversions (REP1-059 to REP1-062, REP1-047 and REP1-048); • Figure 23.14 to Figure 23.16 - intra-project effects (REP1-051 to REP1-053); and • Figure 23.18 to Figure 23.20 - amalgamated (diverted traffic + construction traffic + local power generation) effects (REP1-055 to REP1-057). <p>The impacts are summarised for the purpose of the judgement of significance, but each receptor has a defined impact as shown in the figures and for the purpose of assessing compliance where the affected road network overlaps with DEFRA's PCM model. Specifically, the PCM</p> |
| Type of proposals | Tick if applicable | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | <p>Appendix C of the SPD is a guidance note for developers regarding the preparation of an air quality assessment. It is PCC's view that the above is an important and relevant consideration under s.104 of the Planning Act 2008 and should be applied to the Aquind DCO scheme.</p> <p>Whilst assessment of air pollution impacts has been undertaken this has not been undertaken per the assessment approach set out in the SPD. Chapter 23.2.3.9 of the ES notes "The Air Pollution SPD outlines the requirement for an air quality assessment where a development may have an effect on local air quality....however does not go into detail on the required level of assessment." This level of detail is however clearly set out in Appendix C of the SPD.</p> <p>This is not a suitable approach or conclusion due to two considerations. Firstly, the Air Quality SPD states "All relevant sensitive receptors should be identified and represented...in relation to the modelled domain for all scenarios considered." Therefore it is not considered appropriate in terms of the assessment to provide a summary of receptors. Secondly, the ministerial directions issued to PCC require that air quality in the city is improved in the 'shortest possible time', ensuring that exceedances are not indicated at any of the receptors shown on DEFRA's PCM model. Given that this direction requires compliance at each of these individual locations it is not considered acceptable to provide an average impact based on totalled receptor deteriorations against totalled receptor improvements. Impacts of the proposed developed on each of the receptors must be considered on its own merits in order for PCC to ensure that compliance with the ministerial directions are achieved. It is considered that the ministerial directions referred to in more detail below are in themselves important and relevant consideration under s.104 of the Planning Act 2008.</p> <p>PCC does not consider it can be confirmed through the evidence provided that the proposed development would not adversely affect air quality due to the uncertainty in the modelling. From the evidence provided it is not clear what level of certainty the transport and air quality model provides and the assertion is made that "Although no new exceedances of the objectives are predicted, such are the limitations in the modelling process, it cannot be determined with certainty that an exceedance of the NO2 annual mean</p> | <p>results are presented in detail in the Table 23.3 and Table 23.4 of the updated Air Quality Chapter (REP1-033) and are discussed in paragraphs 23.6.2.57 to 23.6.2.69.</p> <p>All predictive modelling assessments are subject to a degree of uncertainty which for the Transport assessment is discussed in Chapter 22 (APP-137) and for air quality Appendix 23.3 (REP1-075) Section 1.3.2. It can, however, be confidently concluded on the basis of the assessment that the Proposed Development will not lead to an exceedance.</p> |

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| | | <p>objective will not occur as a result of diverted traffic." This is clearly insufficient for the ExA's purposes under the 2008 Act.</p> | |
| <p>AQ1.2.4</p> | <p>Can you fully explain the requirements of the air quality Ministerial Directives relating to parts of the Portsmouth City Council area in terms of levels, timescales, and so on?</p> <p>Can you explain the mitigation measures that are being pursued by the Council at present to achieve these aims, and comment on any implications of the Proposed Development for the Directives and for the Council's proposed measures?</p> | <p>On 26 July 2017, the government published the UK plan for tackling roadside nitrogen dioxide (NO₂) concentrations ('the UK Plan'). This set out how the government would bring the UK NO₂ concentrations within the statutory annual limit of 40 micrograms per cubic metre (µg/m³) in the shortest possible time.</p> <p>As part of the UK Plan, the government set out how 28 local authorities (first and second wave local authorities) with the most severe NO₂ exceedances¹ should develop local plans to implement measures to achieve compliance with statutory NO₂ limits (set out in the Ambient Air Quality Directive) within the shortest possible time.</p> <p>On 5 October 2018, the government published a supplement to the UK Plan, setting out conclusions for each of the 33 'third wave' local authorities², based on Targeted Feasibility Studies undertaken for each of these authorities (ministerial direction 1). The supplement identified eight local authorities with more persistent longterm exceedances. Portsmouth is one of the eight authorities falling into this category.</p> <p>Under the terms of the Environment Act 1995, the government has issued a Ministerial Direction to this group of local authorities. This Direction requires these local authorities to develop a local plan to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the shortest possible time (ministerial direction 3).</p> <p>Ministerial Direction 1 (March 2018): Required the Council to develop a Targeted Feasibility Study (TFS) by 31 July 2018 for two specified road links in the city: A3 Mile End Road and A3 Alfred Road. These two roads were selected as they were projected to have nitrogen dioxide (NO₂) exceedances in Defra's national PCM model.</p> <p>Ministerial Direction 2 (October 2018): Following the results of the TFS, PCC were issued with a further Ministerial Direction in October 2018, this time to undertake a bus retrofit programme. The Ministerial Direction stipulated that the programme should be undertaken as quickly as possible with the purpose of bringing forward compliance with legal levels of NO₂ on A3 Mile End Road and A3 Alfred Road.</p> | <p>Please refer to the Applicant's response to ExA WQ AQ1.2.4 at Deadline 1 (REP1-091) and the updated Air Quality Chapter (REP1-033) included within the ES Addendum (REP1-139) submitted at Deadline 1.</p> |

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| | | <p>Ministerial Direction 3 (October 2018): The third Ministerial Direction required PCC to produce an Air Quality Local Plan to set out the case for delivering compliance with legal limits for NO₂ in the shortest possible time. The Outline Business Case for this Plan was submitted in October 2019.</p> <p>Ministerial Direction (March 2020): The fourth Ministerial Direction required PCC to implement a Class B charging Clean Air Zone, and supporting measures, in Portsmouth as soon as possible and in time to bring forward compliance with legal limits for nitrogen dioxide to 2022.</p> <p>Levels and areas covered: The Ministerial Directions require that PCC "must take steps to implement the local plan for NO₂ compliance for the areas for which it is responsible." Therefore in practice although the two exceedance locations on the A3 have been identified as 'in exceedance' in the PCM model and are the focus for intervention, the Air Quality Local Plan considered the whole city. As such exceedances in any areas for which PCC are responsible should not be accepted. To be considered in exceedance of the relevant limitations, NO₂ concentrations would need to be projected to be above 40.49 µg/m³ as an annual average.</p> <p>Class B charging Clean Air Zone (CAZ) is to be introduced in Autumn 2021. This will charge the most polluting buses, coaches, taxis, private hire vehicles and taxis driving within the CAZ. The CAZ will be located in the south western part of Portsea Island, so although the area impacted by the proposal is not within the CAZ there is potential for additional traffic to route along Eastern Road to avoid the CAZ which may have a knock on effect on numbers of vehicles within the AQMA.</p> | |
| <p>AQ1.2.8</p> | <p>In relation to the assumptions made when re-assigning traffic during construction works in Air Quality Management Area 9 at Eastern Road [APP-138], is it likely that vehicles would not divert but would instead wait at the traffic lights operating for the single lane closures with engines idling, leading to a deterioration in air quality rather than improving it as suggested in the ES?</p> | <p>Chapter 22 - Traffic and Transport confirms that delay due to temporary traffic management in construction has been accounted for through using LinSig 3 and traffic data from the 2026 DS scenarios. Any increase in engine idling and resulting air pollution appears to be captured in the modelling due to the inclusion of delay. However, the emissions produced from vehicles that would be idling due to temporary traffic management have been taken from EFT 9.0 which provides assumptions about the future emissions quality of the national vehicle fleet. Local data suggests that the local vehicle fleet is not likely to renew as quickly as EFT 9.0 would suggest and therefore in practice the impact of</p> | <p>Please refer to the Applicant's response to ExA WQ AQ1.2.8 at Deadline 1 (REP1-091) and also AQ1.2.7 for details of assumptions on traffic reassignment. These responses outline the results of the sensitivity testing which found negligible deteriorations in air quality as a result of reduced redistribution on the network, compared to the results in Chapter 23 (APP-138 Rev 002) which found negligible improvements in AQMA N°9.</p> <p>The composition of the local fleet is constantly evolving. Whilst EFTv9 has been configured by Defra to reflect local fleets as</p> |

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| | | <p>any vehicle idling is likely to be higher than the modelling suggests.</p> <p>This level of uncertainty about impacts of changes in traffic flows is captured in Chapter 23 (23.6.4.119) which states "Although no new exceedances of the objectives are predicted, such are the limitations in the modelling process, it cannot be determined with certainty that an exceedance of the NO2 annual mean objective will not occur as a result of diverted traffic."</p> <p>It is noted that the primary traffic model used was SRTM, supplemented with localised junction modelling. The scale used for SRTM is not likely to be sensitive to small changes in traffic slows/ delay due to temporary traffic management, therefore impacts are likely to be underestimated in the modelling. This concern is address in the mitigation outlined in Chapter 23- Air Quality which notes "During peak times the signals will be manually adjusted to ensure delays are kept to a minimum" however the impact of this construction work and other work that might be taking place concurrently on the local highway network has not been taken into account. It is therefore essential that queuing of traffic/ delay is kept to a minimum to reduce deterioration of air quality- this could be aided through use of the PCC permit system for road space booking.</p> <p>Many of the diversion routes have been informed by the SRTM (strategic modelling), this predicts the next most equitable route for drivers (time/speed/ or both) although doesn't contain many minor roads that may see some uplift in flows. Local drivers may well know the alternative routes but others will prefer to stay on the main route regardless.</p> <p>The premise is that there will be traffic lights operating for the single lane closures within AQMA 6 (although shuttle signals should not be necessary at Eastern Rd as it is has sufficient carriageway to retain at least one lane in either direction (as per FTMS)). The shuttle signals required along single-lane carriageways which will have greater impact on air quality are typically further removed from the AQMA.</p> | <p>far as possible the emission factors used are an estimate. However the predictions are considered robust due to the conservatism built in to the modelling of having used 2022 emission factors with peak traffic from 2026.</p> <p>There is no traffic management directly affecting AQMA N°6.</p> |
| <p>CA1.3.41</p> | <p>Has any contact been made with the following Statutory Undertakers to consult over and agree protective provisions? (Appendix B of the Statement of Reasons [APP-022] refers.)</p> | <p>The Applicant issued PCC draft Protective Provisions to "replace Requirement 19 of the draft DCO which relates to the approval of traffic management strategies" on 8 July 2020.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.41 at Deadline 1 (REP1-091). The Applicant is engaged in ongoing discussions with Statutory Undertakers in respect of the protective provisions.</p> |

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| | <p>If so, what are the current positions of the Applicant and each of the following. If not, why not?</p> <p>If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement? i) ESP Utilities Group Ltd. ii) GTC Infrastructure Ltd (GTC Electricity). iii) GTC Infrastructure Ltd (GTC Gas). iv) Hampshire County Council. v) National Grid Electricity Transmission plc. vi) Portsmouth City Council. vii) Southern Water Services Ltd – Sewers. viii) SSE PLC (Gas).</p> | <p>PCC does not consider it is its responsibility to consult with the statutory undertakers in respect of the DCO protective provisions rather this is the responsibility of the applicant.</p> <p>PCC as the LHA objects to the acquisition of the subsoil of the highway which may lead to conflict with the discharge of its duties as LHA and a statutory undertaker.</p> <p>PCC has reviewed the draft Protective Provisions and will revert shortly to the Applicant. In brief, PCC does not agree to the provisions for deemed approval. Instead, a lack of response should lead to deemed refusal (as seen in the Thames Tideway Tunnel DCO). The drafting overreaches by seeking to give the undertaker too much discretion and judgement over interventions in the highway. The same provisions lack precision. The Council will revert to the Applicant to continue these discussions.</p> | <p>The Applicant welcomes further discussion with PCC on Protective Provisions. So far no feedback from PCC has been received.</p> |
| <p>CA1.3.64</p> | <p>At section 20.9.2 [APP-135] and elsewhere, the ES notes that the contractor appointed to undertake the construction works would need to apply for various environmental permits, discharge and other consents once detailed design is complete. Given that such applications have not been made, the Examining Authority and Secretary of State cannot be sure from the information provided if adequate avoidance or mitigation of environmental effects are possible, and therefore if all of these consents are achievable. Could the Environment Agency and the relevant local authorities with responsibilities in this area please provide an opinion on the likelihood of all such permits and consents being achieved.</p> | <p>A number of further and dependent consents (e.g, building regulation approval, ordinary watercourse consent etc.) are required to support the applicant's development. PCC share the examining authority's opinion that there is no certainty that adequate information has been provided to demonstrate adequate avoidance or mitigation of environmental effects. However PCC are of the opinion that securing the relevant permits and consents is in principle achievable as most are technical in their nature and with further negotiation solutions are likely to be identifiable. What PCC is unable to provide reassurance of however is whether the necessary further negotiated solutions with permitting and consent authorities will not result in matters that result in further environmental considerations or impacts beyond that currently described in the DCO application. The applicant's decision to leave these matters for a future contractor results in a significant uncertainty that would need to be accommodated within the DCO requirements to ensure any likely variation or mitigation to meet the requirements for subsequent consents can be confidently secured without material amendment to the DCO.</p> | <p>Please refer to the updated Other Consents and Licences statement submitted at Deadline 1 (REP1-029 and 030) which provides updates in relation to other consents.</p> <p>The consents referred to will be obtained by the Applicant post consent. As noted in the Applicant's response to ExA WQ CA1.3.65 submitted at Deadline 1 (REP1-091), it is not anticipated that there will be any impediment to the grant of any other consent or licence required in connection with the Proposed Development or any environmental or other effects not appraised in the DCO application.</p> |
| <p>CA1.3.106</p> | <p>For each of the alternative cable routes shown in the application at the locations listed below, which route would the Council prefer to see utilised, or have the least objection to, and why?</p> <p>i) Portsdown Hill Road (Statement of Reasons [APP-022] paragraph 5.3.8);</p> | <p>i) Of the options presented, neither of which are ideal, PCC would prefer the cable to run through the carpark immediately south of Portsdown Hill Road in order to minimise disturbance to a busy road. Whilst this would result in development on open space it is considered that this would be preferable to highway disruption.</p> | <p>The Applicant notes PCC's comments and provides individual responses to each point below:</p> <p>i) As shown on the updated Land Plans (REP1-011) the section of Portsdown Hill Road adjacent to the car park has been removed from the Order limits and as a result the Onshore Cable Route will be constructed within the</p> |

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| | <p>ii) Farlington Avenue (Statement of Reasons [APP-022] paragraph 5.3.9);</p> <p>iii) Zetland Field (Statement of Reasons [APP-022] paragraph 5.3.10);</p> <p>iv) the Baffins Milton Rovers FC pitch (Statement of Reasons [APP-022] paragraph 5.3.1 - paragraph numbering out of sequence);</p> <p>v) Milton Common (Statement of Reasons [APP-022] paragraph 5.3.4 - paragraph numbering out of sequence);</p> <p>vi) Moorings Way and Eastern Avenue (Statement of Reasons [APP-022] paragraph 5.3.5 - paragraph numbering out of sequence);</p> <p>vii) the University of Portsmouth Langstone Campus (Statement of Reasons [APP-022] paragraph 5.3.6 - paragraph numbering out of sequence); and</p> <p>viii) Bransbury Park (Statement of Reasons [APP-022] paragraph 5.3.2 - paragraph numbering out of sequence).</p> | <p>ii) PCC, subject to the caveat above, would prefer the cable to run along Farlington Avenue to Havant Road. The alternative route past the Solent Infant School would cause disruption and inconvenience as well as pose health and safety risks to teachers, staff, pupils and parents and other visitors to the school. In addition the southbound route would pass the 70th Portsmouth Sea Scouts causing disturbance and loss of amenity to their operation.</p> <p>iii) Running the cable through Zetland Field does have merit in terms of minimising disturbance to the highway and also minimising the risk of damaging the root protection areas (RPAs) of the important street trees that screen Zetland Field from Eastern Road. However Zetland Field is designated Special Category Land - Open Space and represents a valuable open space asset so if there was an option to HDD this section that might be preferable.</p> <p>iv) The route along the west side of the Baffins Milton Rovers FC pitch is characterised by a belt of mature trees screening the pitch from the Eastern Road. And whilst there would appear to be sufficient verge for the required works, this would only be viable if adequate tree protection were in place. The route to the east via the Tudor Sailing Club would cause disruption to their activities and would also disrupt the operation of the cricket pitch and football pitch located there. As such provided that disturbance to trees was minimised PCC preferred route and the more direct one would be to the west of the Baffins Rovers pitch.</p> <p>v) PCC recognises that some flexibility is desirable should any ground investigations find that the conditions are unsuitable for the development. However, this unknown should not exist at the start of works and as set out above could have been addressed earlier. The lighter coloured route is preferable in PCC's view (as advised by CLT) as it avoids areas of land that the council has remediated. Even that shorter route passes across the original infilled channel and will need consideration. If the Aquind process offered equivalent protection to a planning permission, then their investigation prior to starting any works (desk study and testing) would mean they should know site conditions before they commenced any works (that's why DCLG template conditions suggested such assessment is a pre-</p> | <p>car park. This has been reflected in the updated Framework Traffic Management Strategy (FTMS) (REP1-068 and 069).</p> <p>ii) Should the Onshore Cable Route use Eveleigh Road, construction would only be permitted during the school holidays to mitigate the impact on Solent Infant School. This is detailed within Section 7 of the FTMS.</p> <p>iii) As shown on the updated Land Plans (REP1-011), the section of A2030 Eastern Road adjacent to Zetland Field has been removed from the Order Limits. As a result, the Onshore Cable Route will be constructed within Zetland Field. This update has been reflected in the FTMS. HDD in this area is not justified as it would result in the longer duration of the works and result in an overall higher impact.</p> <p>iv) Updated Tree Constraints Plans were provided at Deadline 1 in Appendix 10 Tree Survey Schedule and Constraints Plans (REP1-101).</p> <p>Tree protection measures will be secured through Arboriculture Method Statements as indicated in the updated Onshore Outline CEMP (REP1-087 and 088) and OLBS (REP1-034 and 035) provided at Deadline 1. Potential impacts to these trees are likely to be pruning to facilitate protective fencing. It is the Applicant's intention to retain this tree belt.</p> <p>v) Responses detailing how potential contamination would be dealt with appropriately, and in such a way that there would be no significant adverse effects on human health, the water environment or biodiversity within Milton Common, are provided within REP1-091 and MG1.1.26 submitted at Deadline 1. Mitigation measures relating to the disturbance and exposure of buried material within Milton Common Landfills are contained in Section 5.5 and Section 6.9.2 of the updated Onshore Outline CEMP (REP1-087 and 088). Additional investigation is secured by Requirement 13 of the DCO (REP1-021). For further information on Requirement 13, please refer to the response within the</p> |

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| | | <p>commencement condition, and is often required for validation of the permission by the council). PCC has yet to receive the updated desk study and testing along the entire cable route as the original testing was for ease of access rather than focused upon likely contaminated locations. Whilst the question of 'which route would the Council prefer to see utilised' is seemingly innocuous, it obscures the fact that Aquind should have assessed the routes and be demonstrating which route is the safest route to the local authority. PCC therefore does not consider it fair or reasonable to make a determined choice in such circumstances in the absence of sufficient important information. The Milton Common is a harbour that has been filled with waste and after investigations in the 1990s and was remediated by the council for its current use for open public space. The Aquind submission acknowledges that it is a landfill, but has not provided information on how they would excavate without exposing the public to waste or remediate in a way to not allow ground bulk gases to migrate along the disturbed route.</p> <p>vi) Given that Eastern Avenue serves a fairly dense residential area, the logical route would be across the southern edge of Milton Common. However this would need to be assessed against the risks associated with disturbing the former landfill site on Milton Common (for which see earlier). With regard to Moorings Way, the route that would cause the least disturbance would be that immediately north of the highway boundary.</p> <p>vii) PCC would support the route to the east of the site, avoiding Furze Lane and sufficiently separated from the existing previously developed part of the site to minimise future conflict from maintenance access. This is to ensure the access through and to the site is maintained along Furze Lane and to ensure the utilisation and any future alterations to the site are impacted in the minimum way.</p> <p>viii) Running the cables through Yeo Court and along the back (southern boundary) of Kingsley Court would cause least disturbance to local residents, provided that construction hours were stipulated and adhered to.</p> | <p>Applicant's Response to Relevant Representations (REP1-160).</p> <p>vi) The risks to disturbing the former landfill site on Milton Common are addressed in Section 18.7.3 and 18.7.4 of Chapter 18 of the 2019 ES (Ground Conditions) (APP-133) and 11.2.2 of the ES Addendum (REP1-139) submitted at Deadline 1. All areas within 500m of Moorings Way have been assessed in terms of risk from disturbance of contamination as detailed in Section 18.7.3 and 18.7.4 of Chapter 18 of the 2019 ES (Ground Conditions) (APP-133) and 11.2.2 of the ES Addendum (REP1-139) submitted at Deadline 1.</p> <p>vii) As shown on the updated Land Plans (REP1-011), Furze Lane has been removed from the Order limits. As a result, the Onshore Cable Route will be constructed within the University of Portsmouth playing fields. This has been reflected in the updated Framework Traffic Management Strategy (REP1-068 and 069).</p> <p>viii) Details of traffic management required to facilitate construction of the Onshore Cable Route is contained within the FTMS (REP1-068 and 069). Confirmation of construction working hours are contained within the Onshore Outline CEMP (REP1-087 and 088).</p> |

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| CA1.3.108 | <p>For each of the alternative cable routes shown in the application at the locations listed below, what are the Council's views on whether the regulation provided by dDCO [APP-019] Requirement 6(2), together with the addition of an article similar to Article 19(5) and a requirement similar to Schedule 1 Part 3 Requirement 12 at Appendix D of the Examining Authority's Recommendation Report for the Thanet Extension Offshore Wind Farm Nationally Significant Infrastructure Project Examination document [REP8-013]</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010084/EN010084-003108-TEOW%20%E2%80%93%20Final%20Recommendation%20Report.pdf</p> <p>would provide sufficient clarity at an appropriate time in respect of the chosen cable route, notwithstanding any other concerns that the Council may have?</p> <p>i) Portsdown Hill Road (Statement of Reasons [APP-022] paragraph 5.3.8);</p> <p>ii) Farlington Avenue (Statement of Reasons [APP-022] paragraph 5.3.9);</p> <p>iii) Zetland Field (Statement of Reasons [APP-022] paragraph 5.3.10);</p> <p>iv) the Baffins Milton Rovers FC pitch (Statement of Reasons [APP-022] paragraph 5.3.1 – paragraph numbering out of sequence);</p> <p>v) Milton Common (Statement of Reasons [APP-022] paragraph 5.3.4 - paragraph numbering out of sequence);</p> <p>vi) Moorings Way and Eastern Avenue (Statement of Reasons [APP-022] paragraph 5.3.5 - paragraph numbering out of sequence);</p> <p>vii) the University of Portsmouth Langstone Campus (Statement of Reasons [APP-022] paragraph 5.3.6 - paragraph numbering out of sequence); and</p> | <ol style="list-style-type: none"> 1. With regard to the issue raised by the Examining Authority ('ExA') in this question as to what may or may not be "the appropriate time" for clarity to be provided as to which route this proposed DCO should take, Portsmouth City Council ("PCC")'s principal position (other than objection) remains that the appropriate time to identify the location of the actual development and to be clear that land the applicant asks to be granted powers to compulsorily acquire is in fact the minimum necessary is now, during the examination period (and is very concerned that this was not achieved prior to the application being submitted earlier). PCC finds the applicant's continued insistence on seeking to postpone fundamental details of the scheme which dictate the breadth of land-take until after the examination process and the appointment of contractors as unimpressive and certainly not in accordance with the spirit if not the letter of the Planning Act 2008 procedure. This has meant that the extent of the Order Limits have evidently been drawn too widely and on a fundamental basis cannot be justified as 'required' for the project. To be clear this goes far beyond issues about the limits of deviation but instead is about giving the applicant carte blanche to have a wide choice of power as to where it ultimately constructs its scheme. 2. Setting that fundamental concern aside the ExA's question raises 2 issues: the appropriate time to settle the route and the appropriate time to commit to the nature of the works (Horizontal Directional Drilling ("HDD") vs. trenching). 3. With regard to Aquind dDCO Requirement 6(2)(c) - "indicative" locations are unacceptable in PCC's view if the undertaker is commencing works. These locations should be clearly proposed and then confirmed prior to commencement, with any variation being justified for truly exceptional reasons if a location is discovered to be technically unworkable or turns out to be undesirable for any other reason. 4. The ExA asks whether a similar article to Thanet draft DCO Art 19(5) would be acceptable in this instance. Art 19 of the Thanet draft DCO contemplated compulsory granting acquisition of rights over only 1 of 2 options of land parcels. Notwithstanding PCC's | <p>The updated Statement of Reasons (REP1-025 and 026) provides robust justification for the compulsory acquisition of all of the land required to deliver the Proposed Development. The detail required to be submitted and approved by the relevant authority is entirely appropriate and common to most Development Consent Orders.</p> <p>The limited level of flexibility provided by the limits of deviation within the Order limits is entirely necessarily and proportionate to ensure the Proposed Development can be delivered without risk of impediment. It is unclear what further refinement PCC consider can be made without giving rise to any such risk of impediment. The Applicant is entirely confident it has justified why the Order limits are appropriate and the area identified required for the delivery of the Proposed Development.</p> <p>The Applicant considers that the amount of detail provided within the Description of the Proposed Development (APP-118) is adequate in terms of undertaking the appropriate environmental assessment to robustly identify the likely significant effects and the mitigation required to address those effects as secured in the DCO.</p> <p>The HDD locations have been defined and presented to all relevant parties and are secured via the Onshore Outline CEMP (REP1-087). This matter is settled.</p> <p>The Applicant's Position Statement in relation to the refinement of the Order limits (REP1-133) submitted at Deadline 1 provides a substantial amount of information in relation to removing flexibility and why flexibility is retained in certain parts of the Onshore Cable Corridor.</p> <p>With regard to the comments in relation to Requirement 6 (2)(c), the details are to be indicative because of the nature of the works, which are a complex engineering operation requiring the joint of two electrical cables, with the location of the joint dictated by where the ducts arrive. It is noted that any indicative details are to be substantially accorded with, ensuring appropriate control, whilst not unnecessarily giving rise to the risk of very minor deviations to suit local conditions giving rise to a breach issue.</p> |

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| | <p>viii) Bransbury Park (Statement of Reasons [APP-022] paragraph 5.3.2 - paragraph numbering out of sequence).</p> <p>1</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010084/EN010084-002100-D8_Appendix7_TEOW_DCO_Rev1.pdf</p> | <p>general objection to acquisition of its land, in principle this approach is acceptable to PCC if the ExA is minded to grant the Aquind DCO provided that any such article is expanded to ensure that the Secretary of State consults with PCC to take account of any concerns or comments regarding the proposed route, and that the Secretary of State is required to authorise the route selection prior to the works being implemented, not merely "to notify". However, unlike the Thanet draft DCO the drafting of any Aquind DCO will need to reflect that there is a whole series of largely binary options at various points on the route, which options are loosely defined as well as not even being binary around Milton Common and Moorings Way. It is noted that the Thanet draft DCO contained a Schedule 5 clearly applying particular rights to particular plots; this would be of value to all parties. By contrast, the Aquind draft DCO articulates these crucial details by reference to the Book of Reference and Land Plans. This, and the comments that follow regarding specific options, underscore the need for the applicant to undertake further work to subdivide the land parcels, describe routes precisely and specify the rights it is seeking on those parcels. This will enable the route option(s) not taken forward to be removed from the Book of Reference and Land Plans, and ensure land is not unnecessarily (statutorily) blighted.</p> <p>5. With regard to the imposition of a requirement similar to Thanet draft DCO Requirement 12 PCC considers again that the circumstances presented here do not compare well with those at Thanet. Requirement 12 of the draft Thanet DCO prohibits commencement until the relevant planning authority has been notified of the selected option of Works (i.e. HDD vs. trenching). The question here though relates to the methodology ie use of HDD drilling. If the New Connection Works Rights proposed at this location as well were expressed with more precise subcategories (as the Statement of Reasons suggests might be intended over certain parcels) rather than in the broad-stroke terms of the Book of Reference and in a fashion akin to Schedule 5 of the Thanet draft DCO, PCC could be more readily comforted that approaching this on a on a parcel-by-parcel basis meant the rights of those with an interest in the land</p> | |

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| | | <p>would be respected with the minimum level of interference.</p> <p>i. <i>Option 1 (Portsdown Hill Road) parcels 6-08, 6-09, 6-11 & 6-12. Option 2 (Part of Portsdown Hill Road, through the car park immediately south of Portsdown Hill Road, before continuing south-east down Farlington Avenue) parcels 6-08, 6-09, 6-10 (special category) & 6-12.</i></p> <p>1. PCC's view is that the applicant must justify the extent to which, if at all, 6-11 is necessary for Option 2 to connect 6-15 to 6-10 (special category). The interference sought by Aquind with the land should be kept to a minimum in order to be justified.</p> <p>2. PCC considers that parcel 6-09 must be subdivided to reflect Option 2 as a proportionate minimum amount of land-take.</p> <p>ii. <i>Option 1 (the full length of Farlington Avenue to Havant Road, turning east along Havant Road before continuing south via Eastern Road) (parcels 6-19 & 7-01) Option 2 (cable turns east off Farlington Avenue along Eveleigh Road before turning south via the area of open land [not special category land] between Eveleigh Road and Havant Road, and then turning west to join Eastern Road at the junction with Havant Road) (parcels 6-19, 6-21, 6-22 & 7-01)</i></p> <p>1. PCC queries why parcel 6-19 is not divided at the junction with Eveleigh Road so that in the event Option 2 is selected the undertaker does not receive an excess of land south of that junction which is not clearly required.</p> <p>2. Similarly, PCC queries why parcel 7-01 could not be divided between east and west to respect the alternate route options. This parcel appears excessive in either case for the extent of works.</p> <p>3. As presently drafted, Option 2 will automatically incorporate all parcels required for Option 1 due to a lack of granular parcel allocation. The purpose of Option 2 clearly must be to reduce the overall landtake to the proportionate minimum required; presently it secures 2 different options, contrary to the Statement of Reasons (5.3.9) intending to seek only "one of two options". The applicant must address this.</p> <p>iii. <i>Option 1 (Eastern Road) (Parcels 7-03 & 7-09) Option 2 (Zetland Field and Fitzherbert Road) (Parcels 7-03, 7-04, 7-05, 7-06, 7-07, 7-08 & 7-09)</i></p> <p>1. PCC considers that Option 2 would need to</p> | |

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| | | <p>incorporate part only of 7-03 to facilitate the cable from 7- 02 to 7-04.</p> <p>2. Option 2 also needs to be refined to clarify which parcels of 7-05, 7-07 & 7-08 would be required and which can be excluded.</p> <p>3. As presently drafted, Option 2 will automatically incorporate all parcels required for Option 1 due to a lack of granular parcel allocation. The purpose of Option 2 must be to reduce the overall land-take to the proportionate minimum; presently it secures 2 different options, contrary to the Statement of Reasons (5.3.10). The applicant must address this.</p> <p>iv. <i>Option 1 (along the west side of the pitch used by the Baffins Milton Rovers FC, through the cricket pitch and the southern football pitch across the car park and into Eastern Road) Parcel 8-03 (Special Category). Option 2 (east of the pitch used by the Baffins Milton Rovers FC through a yard used by Tudor Sailing Club before running in a south westerly direction across the southern part of the cricket pitch and the west side of the southern football pitch across the car park and onto Eastern Road) Parcel 8-03 (Special Category).</i></p> <p>1. With regard to these 2 options, as presently drafted, both are reliant on the same large parcel of special category land, namely parcel 8-03.</p> <p>2. PCC considers it is not satisfactory that a more detailed parcel allocation has not been made to reflect the routes described in the Statement of Reasons by this point. The applicant must address this or else the Order could in effect permit both options simultaneously, which would clearly not be proportionate.</p> <p>v. Milton Common presents a large number of potential routing options and combinations, which again are not aided by the lack of detailed parcel allocations. Although the Statement of Reasons states a preference for the route to pass through Milton Common, it is noted that only the carriageway route is assumed to be viable, and acknowledges that the 2 routes through Milton Common are dependent on favourable ground condition surveys (5.3.3-5.3.5). None of the 3 broad routes are precisely defined, and even the Eastern Road carriageway route could comprise solely of carriageway or a combination of carriageway and verge.</p> | |

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| | | <p>Option 1 (through Eastern Road carriageway) Parcel 9-02 Option 2 (through Eastern Road verge adjacent to carriageway where possible, then carriageway) Parcels 9- 02 & 9-04 Option 3 (through Eastern Road carriageway entering Milton Common adjacent to East Shore Way and along the western edge of Milton Common to Moorings Way) Parcels 9-02, 9-04, 9-06 (special category) Option 4 (entering Milton Common special category land at the earliest opportunity from Eastern Road and running south on the eastern side of Milton Common to Moorings Way) Parcels 9-01 (special category), 9-02 & 9-06 (special category).</p> <p>It will be seen from the above that parcels 9-02 and 9-06 (special category) require subdivision to detail and mature routing discussions. In particular, Option 4 would require a subdivision of 9-02 adjacent to the northern edge of 9-06 (special category) to avoid the inclusion of the vast remainder of Eastern Road to the south-west. The need to sub-divide 9-06 to reflect the eastern and western routes across Milton Common proposed in the Statement of Reasons should be self-evident (and 9- 06's relevance to providing land adjacent to the carriageway of Moorings Way should also be considered under vi)).</p> <p>vi. Option 1 (carriageway of Eastern Avenue, Moorings Way) Parcels 9-09, 9-10, 9-11 9-12, 9-13 (special category), 9-14, 9-15, 9-16 & 9-17. Option 2 (Milton Common as adjacent to Moorings Way) Parcel 9-06 (special category).</p> <p>1. PCC considers that Option 1 is only applicable where either Option 1 or Option 2 (not Option 3 or 4) of v) above is selected. Consequently, v) & vi) could be considered in tandem or merged.</p> <p>vii. Option 1 (south down Furze Lane and east along Locksway Road into the car park west of the Thatched House) Parcels 9-21 (landscaping rights), 9-24 (landscaping rights), 9-25 (landscaping rights), 9-27, 10-04, 10-05, 10-06, 10-07, 10-11 (car park) Option 2 (through the playing fields at the east side of the University of Portsmouth Langstone Campus before continuing west along Longshore Way to the car park west of the Thatched House.) Parcels 9-18 (special category), 9-20 (special category), 9-26, 9-28, 9-29, 10-05, 10-06, 10-10, 10-11 (car park). PCC considers that the line between 10-04 and 9-29</p> | |

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| | | <p>reflects contemplation of a genuine either/or route between Option 1 and Option 2 that is not evident elsewhere.</p> <p>viii. <i>Option 1 (From the grassed area north-east of Kingsley Road through Yeo Court to Bransbury Park) Parcels 10-14 (Special Category), 10-19, 10-20, 10-21 (special category) Option 2 (From the grassed area north-east of Kingsley Road along Kingsley Road to the junction with Ironbridge Lane before turning south through the pedestrian access to Bransbury Park) Parcels 10-14 (special category), 10-15, 10-18, 10-16, 10-17, 10-20, 10-21.</i></p> <p>1. With regard to these options, it is presumed that "the grassed area north-east of Kingsley Road" relevant to Options 1 and 2 is located within parcel 10-14. A more detailed parcel allocation to denote this important work site would assist.</p> <p>2. In the case of Options 1 and 2 it is unclear to PCC why the east-west stretch of 10-20 needs to be included within the Order Limits in any case. This is because it is land that immediately adjoins Yeo Court (10-19) and the north-south passageway to Kingsley Road.</p> <p>3. In the case of Option 2, parcel 10-18 should be in PCC's view be sub-divided to reflect the short distance between 10-14 and 10-19. The same applies to parcel 10-20 between parcels 10-19 and 10-21.</p> <p>4. Parcel 10-14 (special category) should not be left open to the option of trenching by drafting analogous to the Thanet DCO Requirement 12.</p> | |
| <p>CH1.4.4</p> | <p>For Section 1 of the Proposed Development (from ES paragraph 21.6.4.5 [APP136]), the assessment of effects on the settings of assets appears to focus exclusively on views, and relies, in some cases, on established or proposed planting to mitigate effects. Could the Applicant, Historic England and the relevant local authorities comment on the adequacy of this, or whether other factors that contribute to setting should have been considered. To what extent should the ExA and Secretary of State take established vegetation and proposed mitigation planting into account in the assessment of setting?</p> | <p>From a local authority perspective, the reliance on existing or proposed planting to mitigate the impacts of development be that on heritage assets or anything else is considered to be unreliable and inadequate. Proposed planting often fails notwithstanding requirements to replace within the first 5 years; and established planting unless protected by TPOs, within Conservation Areas or within PCCs ownership can similarly be removed without permission. As such from PCCs perspective the ExA and SoS should not attach much weight to established vegetation and proposed mitigation planting in the assessment of setting.</p> | <p>Please refer to the Applicant's response to ExA WQ CH1.4.4 at Deadline 1 (REP1-091).</p> <p>The assessment of the Proposed Development on the setting of designated heritage assets (from ES Paragraph 21.6.4.5 (APP-136)) has considered elements beyond views, in line with Historic England's GPA3 The Setting of Heritage Assets (HE 2017).</p> |

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| <p>DCO1.5.9</p> | <p>In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.)</p> <p>The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per model provisions and as is usual in other recently made DCOs). Schedule 11 of the dDCO [APP-019] (TPO trees) only lists 'potential removal' and 'indicative works to be carried out'. How can this be specific enough to understand the impact of the Proposed Development on trees? If this remains unchanged, should the ExA in weighing the benefits and disbenefits of the Proposed Development therefore assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p> | <p>The plans of sites subject to TPO were provided by the LPA.</p> <p>The applicant seeks to set out exemptions to the Tree Preservation Regulations which removes any form of statutory control by Local Authorities.</p> <p>The imprecision of this article is unacceptable and fails to reflect the statutory importance of preserving protected trees. The applicant may seek to argue the need for operational flexibility justifies the "potential" removals listed in Schedule 11 or the wording of Articles 41 and 42, but without any further permission it must be assumed that art 42(1) will result in the felling of all trees if it is commercially expedient to the undertaker. There is a lack of detail with regard to the particular trees within the given TPO that may be affected.</p> <p>A phased approach (such as that seen in relation to archaeology and with particular sensitivity to site clearance works falling within Onshore Site Preparation Works) could be taken for the LPA to approve any felling or works to protected trees and confirm that other protected trees shall not be felled or worked upon (without any deeming provisions) before works commence, and any felling or works to trees following commencement should be the subject of an application to the local planning authority.</p> <p>Given the requested exemption from re-planting obligations, the oversight of the local planning authority is especially important to ensure that the undertaker is accountable for its actions in relation to trees. The apparent disregard for trees as protected public assets gives PCC serious concern about whether they retain the relevant technical skills and understanding of balancing the public interest to make appropriate decisions about works to trees. Consequently the undertaker's powers should be curtailed in this respect and their actions subject to local planning authority approval, including the ability to insist on replanting.</p> <p>All trees to be impacted upon must be individually identified and work proposals specified in a detailed schedule.</p> <p>If this remains unchanged, the ExA must in weighing the benefits and disbenefits of the Proposed Development assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that the proposal at 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p> | <p>A review of trees subject to Tree Preservation Orders within the Order Limits has been undertaken to identify those which may be affected and confirmation of those which are not. This review has extended to any trees within designated conservation areas and a suitable plan and schedule of trees provided. Please refer to the Applicant's response to ExA WQ DCO1.5.9 at Deadline 1 (REP1-091).</p> <p>The Applicant has submitted updated Tree Constraints and Tree Survey Schedule (REP1-101) which addresses these concerns.</p> <p>Please also refer to the updated Onshore Outline CEMP (REP1-087 and 088) and OLBS (REP1-034 and 035) provided at Deadline 1.</p> <p>Articles 41 and 42 of the dDCO are included in many made DCOs and the wording is considered entirely appropriate. The powers in Article 42 (trees subject to tree preservation orders) are largely aligned with those in the recently made Southampton to London Pipeline Development Consent Order 2020. Article 42 provides that the Applicant may fell or lop any tree described in column (1) of Schedule 11 to the dDCO.</p> |

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| | | <p>The potential for unmitigated loss of amenity and eco system services provided by the city's trees is huge.</p> <p>The breadth of article 41 is unacceptable and displays a lack of understanding of how local authorities manage their trees, approaching the matter through a misguidedly legalistic lens. Even then, as highlighted, Schedule 11 only engages with TPO protected trees at a disappointingly high level. The applicant may seek to argue the need for operational flexibility justifies the "potential" removals listed in Schedule 11 or the wording of Articles 41 and 42, but without any further requirement to obtain permission it must be assumed that arts 41(1) and 42(1) will result in the felling of all trees if it is commercially expedient to the undertaker. In the case of 41(1) this would occur without obliging the applicant to have regard to the amenity or other value of any tree, no matter how mature or otherwise noteworthy.</p> <p>A phased approach (such as that seen in relation to archaeology and with particular sensitivity to site clearance works falling within Onshore Site Preparation Works) could be taken for the local planning authority to approve any felling or works to trees located on land in which PCC has a legal interest, and confirm precisely which trees are not intended to be felled or subject to works. Further approval from the local planning authority should be sought to confirm that other such trees shall not be felled or worked upon (without any deeming provisions) following commencement. Such approvals for non-TPO trees should empower the local planning authority to be able to enforce appropriate replacement trees.</p> <p>Given the requested exemption from re-planting obligations, the oversight of the local planning authority is especially important to ensure that the undertaker is accountable for its actions in relation to trees. The apparent disregard for trees as protected public assets gives PCC serious concern about whether they retain the relevant technical skills and understanding of balancing the public interest to make appropriate decisions about works to trees. The undertaker's powers should be curtailed in relation to trees and subject to local planning authority approval in relation to all trees on land in which PCC has a legal interest. It is noted that the Thanet DCO, Article 34, only granted the undertaker the power to fell or lop only those trees made subject to a TPO after July 2017, being a year before the application was accepted for examination.</p> | |

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| DCO1.5.17 | <p>In dDCO [APP-019] draft Requirement 14, a Written Scheme of Investigation is needed for activities prior to commencement of works including onshore site preparation works, but the definition of 'commence' in Article 2 does not identify this exclusion. Is this satisfactory or is an amendment required?</p> | <p>Requirement 14 - Archaeology In our view, the drafting is adequate in the context raised by the ExA, provided that the archaeological expert is content for works (preparatory and construction) to begin guided by a scheme grounded in desktop reports only. Requirement 14 in Sch 2 reads, so far as material:</p> <p>"14.— (1) No phase of the authorised development landwards of MHWS may commence until for that phase, a written scheme for the investigation of areas of archaeological interest as identified in the environmental statement has been submitted to and approved by the relevant planning authority. (2) The term commence as used in requirement 14(1) includes any onshore site preparation works. ... [emphases added]"</p> <p>Art 2 provides: "commence" means (a) in relation to any works seaward of MHWS, ... and (b) in respect of any other works comprised in the authorised development beginning to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the purposes, of the authorised development other than operations consisting of onshore site preparation works and the words "commencement" and "commenced" are to be construed accordingly; [emphasis added]</p> <p>Para 1 of Sch 2 defines "phase" for the purposes of Sch 2: "phase" means any defined section or part of the authorised development, the extent of which is shown in a scheme submitted to the relevant planning authority pursuant to requirement 3 and which may individually or collectively include the onshore site preparation works (phases of the authorised development onshore) [emphases added]'. </p> <p>Consequently, in relation to Requirement 14, sub-para (2) overrides the general position established in the Art 2 "commence" definition that operations consisting of onshore site preparation works are not "commencement" (for the purposes of Requirement 14 only). The definition of "phase" introduces some ambiguity because a "phase" may (or may not) include onshore site preparation works, so Req 14(2) asserts that no phase may commence even onshore site preparation works before the archaeological scheme has been approved.</p> <p>Art 2 defines "onshore site preparation works": "onshore site preparation works" means: (c) pre-construction archaeological investigations; (d) environmental surveys and</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.17at Deadline 1 (REP1-091). The Applicant considers that the drafting of Requirement 14 is clear and no amendments are considered to be required.</p> |

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| | | <p>monitoring; (e) site clearance; (f) removal of hedgerows, trees and shrubs; (g) investigations for the purpose of assessing ground conditions; (h) diversion or laying of services; (i) remedial work in respect of any contamination or adverse ground conditions; (j) receipt and erection of construction plant and equipment; (k) creation of site accesses; (l) the temporary display of site notices and advertisements; and (m) erection of temporary buildings, structures or enclosures,"</p> <p>It must follow that under Requirement 14 the approved written archaeological scheme will be by reference to desktop investigations only (as pre-construction archaeological investigations are prohibited until the written archaeological scheme is approved), but the written scheme may direct that such (potentially invasive) archaeological investigations are carried out as pre-construction archaeological investigations.</p> <p>It would be normal for a requirement of the submission for approval of a written scheme of archaeological work, and for this to be submitted and approved in writing before the commencement of the development (this allows the considerable detail of the necessary archaeological work to be set out in the WSI rather than rehearsed in the condition wording).</p> <p>In this case the WSI will also include preliminary archaeological survey (known as an evaluation) the result of which might identify archaeological mitigation works which will in their own right need to be described and agreed. This is set out in the ES paragraphs 21.8.11, 21.8.1.3 to 21.8.1.15.</p> | |
| <p>DCO1.5.35</p> | <p>Across Articles 10, 11 and 13 (in particular) of the dDCO [APP-019], numerous provisions are made in respect of highway works. Are the Highway Authorities content with the scope and level of rights empowered to the applicant by the dDCO [APP-019]?</p> <p>Are these Articles (and the full scope of powers sought within them) necessary for the type of development proposed?</p> | <p>PCC is not content that the appropriate level of rights is empowered to the applicant by the dDCO nor that this is the appropriate mechanism to authorise and manage the works within the highway. The LHA requires that all works are carried out fully in-line with the NRSWA '91.</p> <p>Administering roadspace bookings and control of the permit scheme is undertaken by COLAs on behalf of the council to deliver the LHA obligations under the terms of NRSWA. The LHA require that this scheme, if approved, is delivered entirely in accord with the NRSWA and operational permit scheme.</p> <p>Article 10 of the dDCO giving the undertaker power to permanently or temporarily alter the layout is of particular</p> | <p>Please refer to the Applicant's comments in response to ExA WQ CA1.3.94 and CA1.3.100 submitted at Deadline 1 (REP1-091).</p> <p>Where the Proposed Development is located in land which is known to be vested in the highway authority, the statutory framework provided by the New Roads and Street Works Act 1991 is to be relied upon as provided for in Requirements 11 and 12 of the dDCO (REP1-021).</p> |


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| | | <p>concern and this power should not be exercised without the explicit approval of the LHA and provide for "restoration as per SRoH (Specification of Reinstatements and Openings of Highways).</p> <p>Article 11 gives the impression Aquind will be acting as a statutory undertaker following NRSWA and TMA specifications and SIs on their occupancy, standards and permitting, they will be required to pay permitting fee's, are liable to FPNs and responsible for guarantee periods on their reinstatements, they would not be utilising Section 50 licenses to access and open the highway.</p> <p>Article 13 of dDCO does not include any provision for vehicle access to property, only pedestrians, this will impact Farlington Ave residents especially and potentially Yeo Court/Kingsley Road and should be amended accordingly.</p> <p>In part, the draft DCO does not seem to make provision for the follow sections from the NRSWA: Section 56 – Power to give direction to the timing of streetworks Section 58 – Restriction on works following substantial highway works Section 64 – Traffic-sensitive streets Section 66 – Avoidance of unnecessary delay or obstruction (by undertakers) Section 73 – Reinstatement affected by subsequent works Section 74 – Charge for occupation of the highway where works are unreasonably prolonged Section 75 – Inspection fees Section 78 – Contributions to costs of making good long term damage</p> <p>These provisions are important to allow operational control of network by the LHA and should not be disregarded.</p> | <p>The statutory framework which exists in the New Roads and Street Works Act 1991 relates to land forming part of the highway. Not all land beneath the surface of the highway required in connection with the Proposed Development forms part of the highway. This is explained at paragraph 7.5.2 to the Statement of Reasons (REP1-025 and 026).</p> <p>The position regarding the acquisition of land beneath the highway is also explained in the Statement in relation to the acquisition of highway subsoil, submitted with these written question responses (REP1-131).</p> <p>The Applicant notes that amendments to Articles 11 and 13 have been included in the updated dDCO (REP1-021) submitted at Deadline 1.</p> <p>The Applicant does not consider any further amendments to dDCO to be necessary.</p> <p>The Applicant looks forward to engaging with PCC on the protective provisions for the protection of highways and traffic.</p> |
| <p>DCO1.5.40</p> | <p>Please comment on whether the suite of protective provisions written into the dDCO [APP-019] would be sufficient to ensure respective undertakers are able to meet their statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p> | <p>No the draft DCO does not seem to make provision for the follow sections from the NRSWA: Section 56 – Power to give direction to the timing of streetworks Section 58 – Restriction on works following substantial highway works Section 64 – Traffic-sensitive streets Section 66 – Avoidance of unnecessary delay or obstruction (by undertakers) Section 73 – Reinstatement affected by subsequent works Section 74 – Charge for occupation of the highway where</p> | <p>Please refer to the Applicant's response directly above.</p> <p>The Applicant looks forward to engaging with PCC on the protective provisions for the protection of highways and traffic.</p> |

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| | | <p>works are unreasonably prolonged Section 75 – Inspection fees Section 78 – Contributions to costs of making good long term damage</p> <p>These provisions are important to allow operational control of network by the LHA and should not be disregarded</p> | |
| DCO1.5.42 | <p>A number of Articles in the dDCO [APP019] contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. Are the local planning authorities content with the provisions and the responsibilities on them as the relevant consenting authority?</p> | <p>No, a specific confirmation is required rather than an assumption that a deemed consent is granted in the absence of a response.</p> <p>In terms of Traffic Management strategies, at this stage it is unclear how many will be submitted in what format nor from how many contractors as the scheme is implemented. If for example multiple strategies are provided for all phases of the works by different contractors coincidentally then review and response to those within 20 days will not be practically achievable.</p> <p>Relevant references are at Article 10(4), 11(4), 13(8), 14(2). Reference also to traffic authority at Article 17(7), 19(6). In general, PCC will resist the imposition of 'deemed' consents, especially those with timescales of 20 days. It is vital that PCC along with the other consenting authorities maintain control over this process.</p> <p>The default position in the case of any deeming provisions not struck out of the DCO should be that the consent sought is deemed refused if unanswered in the given time limit.</p> | <p>We look forward to engagement with PCC on the protective provisions for the protection of highways and traffic, provided to them in early July, which provide the requirements and timescales for traffic management strategies.</p> <p>It is noted that PCC will resist deemed approvals. The Applicant requires this as it has little confidence PCC will deal with applications for approvals in a timely manner, noting their unwillingness to engage with the Applicant in relation to the Proposed Development to date. Without this inclusion, there will be a very serious risk of impediment to the delivery of the Proposed Development and the significant national benefits which it provides.</p> <p>The Applicant does however highlight that it is willing to enter into a post-consent PPA to cover resourcing in relation to approvals.</p> |
| DCO1.5.44 | <p>Could the Applicant and the local planning authorities please review the definitions of 'commence' and 'onshore site preparation works' set out in Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement. Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable?</p> <p>Does the Applicant believe that the onshore site preparation works include the creation of site</p> | <p>It is not clear that the choice of the Converter Station option affects PCC directly, but Requirement 4 only purports to restrain development of Work No. 2 because the definition of "commence" excludes 'Onshore Site Preparation Works'.</p> <p>We note that under Requirement 15 "No phase of the authorised development landwards of MHWS including the onshore site preparation works may commence until a construction environmental management plan relating to that phase has been submitted to and approved". This does not appear to dovetail well with the inclusion of "(c) pre-construction archaeological investigations; (d) environmental surveys and monitoring; ... (g) investigations for the purpose of assessing ground conditions; ... (i) remedial work in respect of any contamination or adverse ground conditions;" in the definition of 'onshore site preparation works' here and in other Requirements. For Requirement 15, it actively prevents intrusive investigations as part of a CEMP,</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.44 at Deadline 1 (REP1-091).</p> <p>The definition of "onshore site preparation works" has been amended to remove reference to (h) diversion or laying of services and (k) creation of site accesses. Requirement 4 has also been amended to confirm no onshore site preparation works in respect of the area where the converter station is to be located may be carried out until the converter station perimeter option has been confirmed.</p> <p>Requirement 15 requires a CEMP to be approved before works in a phase are carried out, including any works forming part of the onshore site preparation works.</p> |

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| | <p>accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10?</p> <p>The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed? If so, is this acceptable?</p> <p>Should Requirement 13 include similar wording to Requirement 14(2)?</p> <p>Also, could the Applicant provide a detailed explanation as to why each of the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP-020] paragraph 5.3.2)? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum.</p> <p>Could the local authorities comment on whether they are agreeable to these exclusions?</p> | <p>meaning only desktop investigations are permitted when drafting the CEMP. Is that acceptable or does it relegate the CEMP to a tick-box exercise? Would it build meaningfully on the 'outline onshore construction environment management plan'?</p> <p>Applied to the specific drafting of Requirement 14 on Archaeology, 14(2) runs into the general problem detailed above - no pre-construction archaeological investigations can be undertaken that involve work onsite.</p> <p>To illustrate the converse, Requirement 13 on Contaminated Land and Groundwater as presently drafted permits investigations that are necessary and desirable prior to commencement but simultaneously permits the laying of accesses or services (for example) that could interfere with necessary regulatory investigations and release as yet un-surveyed contaminants.</p> <p>Requirement 13 'Contaminated land and groundwater' does not provide that "commence" includes onshore site preparation works, so these could be carried out before a written contamination scheme is submitted under Requirement 13(1). As can be seen from the definition of "onshore site preparation works", a number of those activities could entail breaking or disturbing ground without any prior oversight of contamination matters.</p> <p>Requirement 13(3) reads: <i>"(3) Any scheme submitted to deal with the contamination of any land, including groundwater, within the Order limits landwards of MHWS which is likely to cause significant harm to persons or pollution of controlled waters or the environment will include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site. [emphases added]"</i></p> <p>It follows from Requirement 13(3) that any written contamination scheme under 13(1) will need to include site investigations and not rely upon mere desktop sources. However, it does not follow that other activities included in the "onshore site preparation works" should occur without any assessment of contamination where those activities might break or disturb ground. I note that the Thanet DCO in the context of archaeological provisions refers to "invasive"</p> | |

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| | | <p>"pre-commencement works". A requirement similar to Requirement 14(2) is therefore necessary and feasible with some a definition of "invasive" or "intrusive".</p> <p>PCC is concerned that the drafting of the definition of 'commencement', combined with that of 'onshore site preparation works', appears to simultaneously prohibit site investigations and operations such as the laying of accesses and services, causing ambiguity that if unaddressed could encourage the carrying out of intrusive operations with the potential to release contaminants during the onshore site preparation works before the site has been robustly assessed.</p> | |
| <p>DCO1.5.57</p> | <p>Are the relevant planning and highway discharging authorities and other relevant bodies content with their roles in the discharge of Requirements? (Refer to paragraph 12.4 of the Explanatory Memorandum [APP-020].)</p> | <p>No we require conformity with NRSWA and the permit scheme.</p> <p>Whilst Condition 13 (12.4.1) makes provision that the "Undertaker may at any time maintain the authorised development", they will still require a permit granted to access the public highway as do all other SU's.</p> <p>"Role"</p> <p>[Requirement 16 - would PCC as LPA want to control external construction lighting in relation to sensitive wildlife in Works 4 or 5?]</p> <p>[Requirement 18 - LPA will be responsible for setting times of works under the CEMP. In relation to 18(1)(b), concerning Works 4, presumably the LHA are content to give advice to the LPA while the LPA remains the formal decision-maker]</p> <p>[Requirement 21 - consultation with both the LPA and the LHA]</p> | <p>The Applicant provided a response to ExA WQ DCO1.5.57 at Deadline 1 (REP1-091).</p> <p>Please also refer to the Applicant's response above to DCO1.5.35 in relation to the NRSWA requirements. The Applicant does not consider that any further amendments to these requirements are necessary. The DCO provides statutory authority in accordance with the New Roads and Street Works Act 1991 for works in the highway to be undertaken. Removing this would seriously undermine the benefit of the consent, and in respect of the Application the DCO process as a whole.</p> <p>The permit scheme is to be disapplied because of the need for the traffic approvals to be aligned with and secure the mitigations provided for in the FTMS (REP1-068 and 069). The Applicant has drafted, and provided to PCC at the beginning of July of this year, protective provisions for the protection of highways and traffic (see Part 5 to Schedule 13 to the dDCO). These have been drafted taking into account the permit scheme and it is considered provide PCC with adequate controls so as to ensure they can comply with their legal duties in relation to the management of the highway network, whilst also providing an appropriate and necessary bespoke approval process to deliver the Proposed Development in an efficient, co-ordinated, single manner. The nature of the mitigations required to be provided and incorporated by the FTMS, including the programming mitigations, provide a clear and compelling reason for why this approach is being taken. The Applicant confirms it will not consider the inclusion of the PCC Permit Scheme in the dDCO, as it is not possible to guarantee the securing of the mitigations set out and secured in the FTMS and the efficient</p> |

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| | | | <p>delivery of the Proposed Development where that approach is taken.</p> <p>Requirement 16 requires approval by PCC in so far as it relates to works in their administrative area.</p> <p>The construction working hours are clearly set out. The Applicant is willing to discuss these, but these will be secured in the DCO to provide necessary certainty in relation to the operations, noting assessments of impacts take these into account.</p> <p>In relation to Requirement 21, consultation with both planning and highway authority is already provided for.</p> |
| <p>FR1.7.1</p> | <p>Given the schedule, nature and extent of planned improvement works to the coastal flood defences on Portsea Island, do you have any concerns that the Proposed Development could have adverse implications or threaten the effectiveness and efficiency of the works? If so, please provide specific, evidenced reasoning.</p> <p>While the proposed HDD works pass below the coastal defences and avoid direct effects, do you believe that there is any potential for sea water to use the HDD channels and bypass the coastal defences?</p> <p>The ExA would encourage Portsmouth City Council to liaise with the East Solent Coastal Partnership in the formulation of a response to this question.</p> | <p>PCC does not have concerns regarding the impact on the effectiveness of the coastal flood defences, as long as the works do not directly interfere with them (i.e. go through them); they avoid the footprint where possible; or go under where they cannot avoid, as the applicant has stated.</p> <p>PCC have no real concerns in this regard – it would be similar to drainage pipework issues. As long as the ductwork is sealed, starts and ends above or behind flood defences there should be a low risk of it impacting on the flood protection.</p> <p>If this is not the case suitable one way valves or seals should be provided within the duct work to prevent the HDD providing a route for flood water to enter the protected areas.</p> | <p>The Applicant refers to reference PCC4.7.3 & PCC4.7.4 of the SoCG with PCC (REP1-117) submitted at Deadline 1.</p> <p>Overarching principles for mitigation relevant to HDD works and pathways for flood water to bypass the coastal defences is included within bullet point 12 of 5.7.1.4 of the original and updated Onshore Outline CEMP (REP1-087 and 088) submitted at Deadline 1. This statement will be further refined at Deadline 3 to state that 'during operation at the transition between the HDD and open cut trenching a fully sealed transition collar will be used to connect the ducts to the HDD pipe. This will prevent the ingress of water into the ducted system at this location and limit the risk of the HDD duct providing a route for flood water to enter the protected areas behind the flood defence'.</p> |
| <p>LV1.9.10</p> | <p>Paragraph 15.4.4.6 of ES Chapter 15 [APP-130] tells us that the Applicant and the '<i>landscape representative for Portsmouth City Council</i>' agreed that no ZTV was required for the Optical Regeneration Station buildings at Fort Cumberland. Given the existence of sensitive visual receptors locally (community and historical), what was the rationale for this decision?</p> <p>Would the clarity of the assessment be improved by the production and presentation of wirelines for viewpoints 19 and 22 [APP-286] and [APP-289]?</p> | <p>The rationale applied by PCC was one of proportionality. The proposed site of the ORS is readily understandable and notwithstanding the local visual receptors it was considered that the visual impact could be adequately assessed through agreeing viewpoints rather than requiring a full ZTV to be defined.</p> <p>Yes</p> <p>PCC's summary response to the photos is set out below: 285 - Adequate representation. The trees in the middle distance (south of the site) are evergreen. However the tree</p> | <p>Please refer to the Applicant's Response at ExA WQ LV1.9.10 (REP1-091) in relation to necessity for a ZTV, the presentation of wirelines and the accuracy of the photography.</p> |

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| | <p>The photography prepared to represent the views of the proposed Optical Regeneration Station buildings ([APP-285] to [APP-289]) is limited to summer views only. Does this represent an accurate and adequate worst case?</p> <p>How do these exclusions and matters sit with the Planning Inspectorate's Scoping Opinion [APP-366] at entry ID 14.13.2?</p> <p>Are there any relevant updates from the ongoing consultation that is being undertaken in this respect?</p> | <p>in Viewpoint 18 (Right): Wireline Summer Figure 15.52 D is deciduous.</p> <p>286 - The tree in Viewpoint 19: Baseline Summer Figure 15.53 A is deciduous and there would also be an element of dieback in the underlying vegetation.</p> <p>287 - Viewpoint 20: Baseline Summer Figure 15.54 A, save for comments about the tree on left hand side of photo, this is adequate.</p> <p>288 - With regard to Viewpoint 21: Wireline Summer Figure 15.55 B, a winter view may be required as clearly the car park was well used on the day the photograph was taken and as such the parked cars partially screen the view of the proposed building.</p> <p>289 - See above with regard to comments about the car-par and the deciduous tree in the middle distance, highlighted by an arrow</p>  <p>At entry ID 4.13.2 (not 14.13.2) - PCC would agree with the Inspectorate's conclusion that: 'The Scoping Report does not contain sufficient detail regarding the spatial and temporal nature of the proposed works associated with the landfall site, or the likely scale and significance of the acknowledged temporary effects, for the Inspectorate to agree that this matter can be scoped out of the ES. The Inspectorate notes the character area information including heritage assets within close proximity to the landfall site, as described in the Scoping Report. The ES should include an assessment of landscape and seascape character effects, including heritage assets, arising from the proposed landfall works, where likely significant effects could occur.</p> <p>None that PCC is aware of.</p> | <p>Please refer to the Applicant's Response at ExA WQ LV1.9.10 (REP1-091) in relation to the Planning Inspectorate's Scoping Opinion at entry ID 14.13.2 which explains that the assessment of landscape and seascape character was discussed and agreed verbally with PCC and that in order to focus on potentially significant effects, it was considered a study area of 300m was appropriate, and this should focus on landscape rather than seascape given the position of the Landfall relative to Eastney Beach and the built up nature of the surrounding area as well as the negligible impact associated with HDD up to the Landfall. The Applicant's response goes on to state that discussions are ongoing with PCC and Historic England, which include the production of another wireline from viewpoint 22 (REP1-141).</p> |

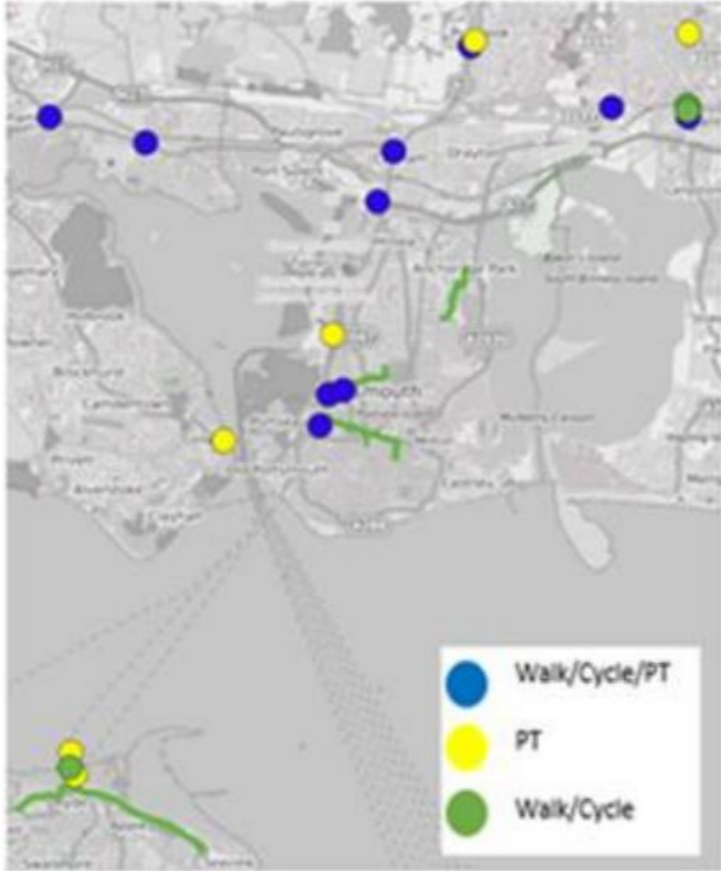
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| <p>N1.11.2</p> | <p>Is each affected local authority content with the approach and methodology used for undertaking the construction and operational noise assessments, particularly the location of survey points at the Converter Station and Optical Regeneration Station sites relative to the identified noise-sensitive receptors?</p> | <p>Methodology used as given in Guidance BS-5288 Part 1 - Code of Practice for Noise and Vibration on Construction Sites.</p> <p>No information of noise monitoring for sensitive receptors for north of Havant Road, Farlington Avenue (start of section 5) or coming from Havant boundary in to Portsmouth City Council boundary. Insufficient information for sensitive receptors in location 6, receptors backing on to Eastern Avenue to its west and also dwellings to the east of the Order Limits on Nutborne Road and Zetland Road. Noise report states that breaking, cutting and resurfacing equipment has been excluded from the assessment. This needs to be included.</p> <p>More detailed assessment required for Section 8 especially outside of Harbourside caravan park.</p> | <p>Noise monitoring associated with construction activities in the Onshore Cable Corridor is not considered necessary.</p> <p>The predicted impacts for section 6 are contained in section 24.6.7 of the ES Chapter 24 (APP-139), and supplemented by Paragraphs 17.3.2.20 to 17.3.2.22 (work in core hours) and Paragraph 17.3.2.45 (out-of-hours work) of the ES Addendum (REP1-139) submitted at Deadline 1.</p> <p>The noise and vibration assessment has included breaking, cutting and resurfacing equipment in areas where the cable circuits will be installed within roads or footpaths. Breaking, cutting and resurfacing equipment has not been included in locations where the cable circuits are installed over agricultural land or open ground because this equipment will not be used in these areas. This is the case, as an example, for the cable duct installation across Zetland Field in Section 6. Breaking, cutting and resurfacing equipment has not been included in calculations of any night-time noise effects because as a mitigation measure, equipment associated with these activities will not be permitted during the night-time period.</p> <p>The predicted impacts for section 8 are contained in section 24.6.9 of the ES (APP-139), and supplemented by Paragraphs 17.3.2.25 to 17.3.2.29 (work in core hours), 17.3.2.46 to 17.3.2.71 (out-of-hours work) and 17.3.2.76 to 17.3.2.77 (Vibration) of the ES Addendum (REP1-139) submitted at Deadline 1.</p> <p>No further noise assessment to that contained in Chapter 24 of the ES and Chapter 17 of the ES Addendum is considered necessary because the assessment utilises all information available and is considered robust and sufficient to identify the likely significant noise and vibration impacts on sensitive receptors.</p> |
| <p>N1.11.5</p> | <p>In ES Tables 24.4 and 24.6 [APP-139], the allocation of a category for the magnitude of impact is wholly dependent on how many 'consecutive' periods would be involved. Do the local authorities believe this is an appropriate approach, or should some account be taken of the overall, total length of time (perhaps with breaks) that the noise or vibration affects a particular receptor?</p> | <p>The works are transient and daytime and weekend work will have a lesser impact upon sensitive receptors. A clear timescale/plan is required of the works to be carried out and the number of days in each location. Night time works for trenching and duct installation, resurfacing likely to cause a significant disturbance to sensitive receptors and possible alternative accommodation should be offered if works allowed to take place for 3 or more consecutive nights. Vibration from the equipment is not a cause of concern at the sensitive receptors.</p> | <p>The noise mitigation measures relevant to works outside of core working hours are contained in section 6.2.8 of the updated Onshore Outline CEMP (REP1-087 and 088), which includes avoiding breaking, cutting and resurfacing activities during night-time hours.</p> <p>British Standard 5228-1 <i>Code of practice for noise and vibration control on construction and open sites</i> states that noise levels above certain trigger levels (equivalent to a large adverse magnitude of level in this assessment) would have to occur for a period of ten or more days of working in any 15</p> |

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| | | | consecutive days for noise insulation or temporary rehousing to be considered necessary. |
| N1.11.7 | Do you believe that the application of definitions of magnitude of impact to the noise environment as set out in Table 24.13 of the ES [APP-139] is unclear? For example, what would constitute 'a total loss' of key elements or features of the baseline? Would an alternative set of definitions be more appropriate, and if so, would the noise assessment need to be rerun? | <p>For the purpose of determining the significance of noise and vibration effects, the sensitivity of residential receptors, hotels, educational and healthcare facilities are considered to be high (24.4.7.4). An alternative set of definitions is set out in the Noise Policy Statement for England with which the ExA will be familiar. This provides the following measures of impact:</p> <p>NOEL – No Observed Effect Level This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.</p> <p>LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected.</p> <p>SOAEL – Significant Observed Adverse Effect Level This is the level above which significant adverse effects on health and quality of life occur. PCC would support the use of this as a measure and we consider in the circumstances it would assist the ExA if the assessment was re-run and the NPSE used.</p> | <p>The Applicant provided a response to this question at Deadline 1. Please refer to the response to question N1.11.7 in the Applicants Response to Written Questions (ExQ1) (REP1-091).</p> <p>Please also refer to section 24.2.4 of Chapter 24 of the ES (APP-139) with respect to the relevance of NOEL, LOAEL and SOAEL in the noise and vibration assessment.</p> |
| N1.11.8 | Does Portsmouth City Council consider the limited baseline noise monitoring data set out at ES 24.5.1.25 [APP-139] sufficient to set criteria for the operational noise associated with the Optical Regeneration Station? | No noise information has been provided for an Optical Regeneration Station. The Converter Station is not within PCC district and the information for noise and vibration only relates to the laying of cables within PCC district. | <p>The methodology for the operational assessment of the Optical Regeneration Station (ORS) is presented in Paragraphs 24.4.5.12 to 24.4.5.16 of Chapter 24 of the ES (APP-139).</p> <p>The operational assessment criteria (magnitude of level categories) are consistent with that used for the operational Converter Station, as presented in Table 24.11 of the ES. The baseline environment in the vicinity of the ORS is presented in Table 24.20 of the ES, which has been used to inform the operational noise criteria (APP-139).</p> <p>The predicted operational noise impacts for the ORS are presented at Paragraphs 24.6.11.24 to 24.6.11.30 of the ES (APP-139).</p> |
| N1.11.10 | For all of the impact assessment sections that follow ES paragraph 24.6.1.14 in Chapter 24 [APP-139], in converting the noise level magnitudes to impacts, allowance is made for the | The ABC Methodology in BS-5288 Part 1 - Code of Practice for Noise and Vibration on Construction Sites this specifies noise limits for the threshold of noise where it would be a significant disturbance and the noise from the construction | Please also refer to the Applicant's response to ExA WQ N1.11.10 at Deadline 1 (REP1-091). In summary, the duration of construction activities is not 'double counted' in the noise |

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| | <p>temporary nature of the effect, thus ameliorating the severity (from 'medium' to 'low' in 24.6.2.2, for example). However, does not the methodology adopted for the assessment already build duration into the calculation of magnitude (e.g. 24.4.2.36), and thus is there not an element of 'double-counting' of duration in reducing the severity of effects? If so, what are the implications of this for the assessment findings? For example, if trenching impacts for section 4 were recalculated without the 'doublecounting', would these become significant (ES 26.4.5.3 ff)?</p> | <p>works should not exceed these levels at the sensitive receptors. These levels do not take into consideration transient noise.</p> <p>The noise report gives a baseline for noise levels without the construction and then predictions would have been made using noise levels in BS5288 of the equipment to be used to see if the noise level during the construction phase was higher than the given levels in BS5288 in relation to disturbance and significantly higher than the levels without construction.</p> <p>The magnitudes is a descriptive way of describing the impacts of the noise rather than showing the numerical values in decibels so therefore not double counting it.</p> | <p>and vibration assessment and therefore there are no implications for the assessment findings.</p> |
| <p>PP1.13.1</p> | <p>Could each of the local planning authorities please provide comments and any updates in relation to the Applicant's summary of the Development Plan position, including any emerging plans and plan documents. (The Planning Statement Appendix 4 [APP-112] refers.)</p> | <p>In respect of the summary for the Portsmouth City Council area, the Hampshire Minerals and Waste Plan (HMWP) (2013) also forms part of the development plan for the area. This is recognised in section 1.71, where the proximity of the proposed Onshore Cable Corridor to a safeguarded mineral importation site (Kendalls Wharf) is also noted. However, the proposed cable corridor also crosses two safeguarded mineral resource areas: superficial Sand and Gravel around Milton Common and Brick Clay in the coastal area adjacent to Burfields Road. These resources are protected under Policy 15 of the HMWP to prevent their needless sterilisation by other non-minerals development in order to secure the future long term supply of minerals.</p> <p>Seafront Masterplan Supplementary Planning Document 2013 (section 1.5.4); a 'final draft' of the revised masterplan is currently being consulted on; consultation closes on 30th October 2020. The intention is to adopt the new SPD in late 2020/ early 2021.</p> <p>Consultation on a revised Parking Strategy and Parking SPD is also expected to be carried out in the Autumn of 2020.</p> | <p>The Applicant notes the position in relation to the status of the HMWP, the Seafront Masterplan SPD and Parking SPD. This has no impact on the Applicant's assessment.</p> |
| <p>TT1.16.3</p> | <p>With reference to paragraphs 22.2.3.10 to 22.2.3.39 of Chapter 22 of the ES [APP137], are there any pertinent updates in respect of the local planning policy framework?</p> | <p>Whilst we are working on a new Local Transport Plan, it is not yet under full consultation and can be given little weight at this stage.</p> <p>Update for para. 22.2.3.15. The new Local Plan for Portsmouth, for a 2020 - 2038 plan period, is being prepared in accordance with the timetable in Local Development Scheme, updated in August 2020. It is envisaged that a further Regulation 18 draft Local Plan will be published for</p> | <p>The Applicant notes the update provided in relation to the emerging Local Transport Plan, Local Plan and permit scheme. This has no impact on the Applicant's assessment.</p> |

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| | | <p>consultation early in 2021, to be followed by a Regulation 19 Publication Draft in Spring / Summer 2021 and a submission draft (Regulation 22) plan in Autumn 2021. Adoption of the new plan is envisaged for the Summer of 2022. The current timetable may be affected by changes to national planning policy.</p> <p>In addition whilst not related to the planning policy framework PCC would also mention the following: A NRSWA permit scheme was introduced in August and it is PCC's position that its provisions should be applied to these DCO works and not modified or removed.</p> <p>The public consultation for the Clean Air Zone (CAZ) was conducted between 15th July – 26 th Aug 2020. The results of the consultation are being considered as part of the final business case to be submitted late 2020.</p> | |
| <p>TT1.16.9</p> | <p>Are the baseline traffic surveys set out in the Transport Assessment sufficient (Appendix 22.1: sections 1.5.3 for the Converter Station; 1.5.4 for the onshore cable corridor; and 1.5.5 for the routes that may be affected by traffic redistribution in the wider transport network) [APP-448], or is there a need for data from a wider spread of months to present a more representative view and to take account of festivals and events?</p> | <p>The DfT specify that traffic data collection should be on a "neutral day" - which is a weekday between March/October. The data collected by the applicant fits this. The dates given are "June" or "July", it is therefore presumed that the latter was prior to school holidays.</p> <p>In Portsmouth, based upon the FTMS, works to the A2030 Eastern Road are scheduled to only take place in the Jun-Aug period and as such, the counts are probably most relevant for this. What isn't fully clear is whether the applicant has fully understood the difference in traffic patterns between weekday/weekends - provided they stick to their FTMS strategy, the football season should be largely irrelevant.</p> <p>Whether the development can be implemented in this timeframe is a moot point but will be influenced largely through routing which remains to be confirmed.</p> | <p>The Applicant can confirm that traffic surveys undertaken in July 2019 were outside of the school holidays.</p> <p>The Applicant refers to the points made at ExA WQ TT1.16.18 (REP1-091), which summarises the Applicants position on the appropriateness of assessed traffic condition on A2030 Eastern Road, as well as the Eastern Road Further Traffic Assessment Technical Note included at Appendix E of the Supplementary Transport Assessment (REP1-142) submitted at Deadline 1.</p> |
| <p>TT1.16.16</p> | <p>In your Relevant Representation [RR-185], you state planned works on traffic-sensitive routes are only allowed during off-peak hours and the City also operates works embargoes. Could you set out how the route and timing of the Proposed Development would be affected by these embargoes, and whether any such restrictions are reflected in the ES ([APP-137] and [APP-449])?</p> | <p>Where the cable route is located on traffic sensitive routes (in this case principally Eastern Road) there will be limited scope to undertake work during the day (when working in peak periods is prohibited) and where that will conflict with specific events. It will be required that any trenches opened in carriageways are located in the first third of lane 1 and traffic management pulled close to the excavation to retain two way working during peak periods</p> | <p>The Framework Traffic Management Strategy (FTMS) (REP1-068 and 069) provides details of traffic management required to facilitate construction of the Onshore Cable Route. On A2030 Eastern Road single lane closures will be required which will retain two-way working at all times. The final alignment of the Onshore Cable Route will be confirmed by the contractor during detailed design. Only at this time will be it possible to confirm if traffic management can be pulled close to the excavation as suggested.</p> |

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| | | <p>This is a matter that has not been properly considered as the applicant has sought to defer such details to a post consent CTMP.</p> <p>Furthermore we have a seasonal works directional period on the mapped routes from the 7th December through to the 5th January, only essential works should be undertaken on the routes in the time period.</p> <p>Exemptions to work embargo periods will be considered on a case by case basis and may be permitted where prevention of work would not practically restrict capacity but would prolong the period of works.</p> | <p>The FTMS (REP1-068 and 069) includes a two-week shut-down of construction work on the Onshore Cable Corridor to cover the Christmas and New Year period. In addition, the FTMS prohibits work during December on:</p> <ol style="list-style-type: none"> 1. Sections of A3 London Road where shuttle working traffic signals would be required to facilitate construction of the Onshore Cable Route. 2. Farlington Avenue, Eveleigh Road and Havant Road, A2030 Eastern Road and Fizherbert Road in Farlington; 3. A2030 Eastern Road on Portsea Island; 4. Moorings Way in the vicinity of Moorings Way Infant School <p>The Applicant considers these restrictions to be appropriate to mitigate impact on traffic during the Christmas period whilst allowing for an expedient construction programme.</p> |
| <p>TT1.16.26</p> | <p>Your Relevant Representation [RR-185] suggests that reliance on the agreement of tailored Construction Traffic Management Plans post-consent is unacceptable as the impacts of the Proposed Development should be understood in advance of consent. Please explain the approach that would normally be expected for projects such as this and detail any additional information you would like to see included in the Framework Construction Traffic Management Plan.</p> | <p>Whilst there will need to be some arrangements which will have to be reserved pending a detailed CTMP at this stage even basic information such as the final cable route, how many contractor compounds there might be and where they will be remains to be confirmed. These fundamental principles together with working hours and traffic routing should be established in the framework CTMP with details such as specific signing arrangements for works to be confirmed after approval.</p> <p>It would seem that no early contractor involvement has been carried out to date to understand how a future contractor might look to construct the cable route, whether the phasing set out in the CTMP and FTMS is realistic/achievable, whether the numbers of staff on site is realistic and how it will be ensured they access the site sustainably (it is proposed that workers are shuttled to site) - similarly how/where will contractors park to be collected by a shuttle service.</p> <p>2.3.3 Suggests a permanent access for the ORS building, yet no details have been submitted for this.</p> | <p>The Framework Construction Traffic Management Plan (CTMP) (REP1-070 and 071) contains details of construction compounds, working hours and construction traffic routing. Details of the proposed construction worker shuttle bus and other sustainable transport measures are included within the Framework Construction Worker Travel Plan (Appendix 6 of the Framework CTMP). These details will be secured through Requirement 17 of the draft Development Consent Order (REP1-021).</p> <p>The construction methodology, programme and phasing for the Onshore Cable Route is based upon professional experience of similar projects. This includes use of worst-case installation rate assumptions, further detail in relation to which is provided within Section 3.3 of the ES Addendum (REP1-139). As such, the Applicant considers the duration of works set out in the FTMS are realistic and achievable (REP1-068 and 069).</p> <p>A new formal access arrangement is required for the ORS buildings to be located in the public car park south of Fort Cumberland Road. This access will be located on the</p> |

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| | | | southern side of the ORS compound and directly from the public car park. A new permanent access will therefore not be required onto Fort Cumberland Road. This is shown in Section 7.5 of the updated Design and Access Statement (REP1-031 and 032) submitted at Deadline 1. |
| TT1.16.32 | <p>Please give further details of the bid to the 'Transforming Cities Fund' and the programme of works anticipated to take place up until 2023, including any decision made in March 2020 (as alluded to in [RR-185]).</p> <p>Is the Council able to submit into the Examination any maps or diagrams to show which parts of the City could be affected by the South East Hampshire Rapid Transit system?</p> <p>How would the Proposed Development impact on the proposed programme of works associated with the bid to the 'Transforming Cities Fund', if it was successful?</p> | <p>The cable route options do not directly interfere with any schemes within the Portsmouth highway network however I believe there is potential conflict along the A3 with one or more of the schemes promoted by HCC as part of the bid. The residual impacts of the diverted traffic will potentially be exacerbated by works at some key junctions on the diversionary routes, within Portsmouth these include the roundabout junction at Spur Road/Northern Road, Portsbridge Roundabout (A2047/A27/A397) and the Rudmore Roundabout (A3/M275). The delivery period remains the same, concluding March 2023 and PCC would be happy to share versions of project programmes as they become available. A map showing the locations of schemes included in the bid is reproduced below.</p>  | The Applicant is aware that Portsmouth City Council has recently secured funding from the Transforming Cities Fund (TCF) towards the introduction of transport improvement schemes. The Applicant understands that schemes are to be built by 2023. The Applicant will seek to discuss TCF schemes with PCC. |

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| TR1.17.1 | <p>What is the effect of Portsmouth City Council's stated policy not to apply TPOs to qualifying trees in its guardianship, as set out in the Council's Relevant Representation [RR-185]? (See Schedule 11 of the dDCO [APP-019].) Has any progress been made towards an agreement with Portsmouth City Council over how this matter can be accommodated in the assessment and the dDCO?</p> | <p>Local planning authorities may make Orders in relation to land that they own. However trees on Local Authority land are generally considered to be under good arboriculture management and are less likely to be under pressure from development as their retention and management is undertaken to improve the amenity value of public open space for the populace. No progress has been made and no approach has been received in order to address this.</p> <p>The effect of PCC's stated policy is that the dDCO has a significant blind-spot in relation to the impact on trees. Although this matter was flagged with the applicant well in advance of the examination period, no progress has been made to assess the precise trees that are likely to be affected. This experience resonates with the applicant's general response that much of the detail of the scheme is to be deferred until a contractor is appointed after the DCO has been made.</p> | <p>Please refer to the Applicant's response to ExA WQ TR1.17.1 at Deadline 1 (REP1-091) which outlines the Applicant's approach to the retention value of trees including those subject to a TPO.</p> <p>The Applicant has submitted an updated Tree Survey Schedule and Constraints Plans (REP1-101) with refined tree retention detail which addresses these concerns. The Applicant also refers to the updated Onshore Outline CEMP (REP1-087 and 088) and OLBS (REP1-034 and 035) provided at Deadline 1.</p> |
| TR1.17.3 | <p>The Government places importance on 'street trees' in the National Design Guide for the benefit of place making. Is the Applicant's approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees sufficiently unambiguous and is it appropriate? Could the Applicant please comment in detail on how the 'potential removal' of the TPO trees listed in dDCO [APP-019] Schedule 11 would be avoided.</p> | <p>As set out in the National Design Guide, A well-designed movement network defines a clear pattern of streets that (inter alia): incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.</p> <p>Further, in paragraph 89, 'Utilities services and infrastructure include water supply, sewerage, drainage, gas, electricity, full fibre broadband, digital infrastructure and telephones. Their siting and layout take into account:</p> <ul style="list-style-type: none"> • their space requirements and visual impact; • convenient maintenance while not impeding the planting of street trees; and • implications for foreseeable future changes in demand. <p>There is no approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees within the limits of the draft DCO only unnecessary damage is taken into account.</p> <p>In respect of TPO trees the condition ' the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.' has been inserted. The potential impact in terms of amenity and eco system services as a result of this is therefore potentially significant and highly detrimental. PCC considers that the applicant's approach to trees is not appropriate.</p> | <p>Please refer to the Applicant's response to ExA WQ TR1.17.3 and DCO DCO1.5.9 at Deadline 1 (REP1-091) which relates to the protection measures and control of works to trees.</p> <p>The Applicant has submitted an updated Tree Survey Schedule and Constraints Plans (REP1-101) with refined tree retention detail. Also see updated Onshore Outline CEMP (REP1-087 and 088) and OLBS (REP1-034 and 035) provided at Deadline 1.</p> |

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| | | The approach to date is wholly inadequate as rehearsed in questions DCO1.5.9 and TR1.17.1. No methodology for calculating damages for loss of trees or hedgerows has been proposed. 41(2) needs to clarify that any damage or loss of trees will be compensated, not merely any damage that is "unnecessary" in the reasonable belief of the undertaker. | |

Table 2.6 - Winchester City Council

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| MG1.1.5 | The Consultation Report [APP-025] describes a great deal of discussion and progress with a range of interested planning authorities on the concept design of the Converter Station buildings. What certainty does each of the local authorities have that its views and the agreements that have been made with them would be incorporated into the final design? | The Council has covered this matter in section 4.6.10 of its LIR. The Council appreciates the efforts by the applicant to discuss this matter through the establishment of a design working group. As open as those discussions where, there is a strong feeling that the technical and operational requirements were the main drivers in the choice of design which has resulted in attention focusing on the materials. | <p>Please refer to the Applicant's response to ExA WQ MG1.1.5 at Deadline 1 (REP1-091).</p> <p>Six design meetings held with the East Hampshire District Council, Winchester City Council and South Downs National Park Authority pre-submission informed the set of design principles (including general, building design and landscape principles) set out at Section 6 of the updated Design and Access Statement (DAS) (REP1-031 and 032). These design principles are secured by Requirement 6 of the dDCO (REP1-021) which requires the Applicant to confirm how the final detailed designs of the Converter Station accord with the design principles and require the final detailed designs to be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence. The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p> |
| CA1.3.105 | For the alternative cable routes shown in the application at Anmore Road (Paragraph 5.3.5 of the Statement of Reasons [APP-022]), which route would the Council prefer to see utilised, or have the least objection to, and why? | WCC has addressed this matter in its LIR section 4.6.5 & 4.6.16 The Councils preference would be for both cable circuits to go straight across Anmore Road, through the section with the pallet fence on the roadside boundary. This is with the absolute proviso that the TPO tree and its root system are not harmed and adequately protected. This route is more direct, it reduces the closure time of the road, has less impact on residents and avoids the loss of any hedgerow that would result if one of the circuits went partly along | The Applicant has provided a response to the WCC LIR at Deadline 2 (document reference 7.7.13). |

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| | | <p>the road and then cut back north. In the event one of the circuits does turn eastward, it is not clear on the implications on the Kings Pond Meadow SINC as the cable seek to achieve the bend to enter the road.</p> | |
| <p>CA1.3.107</p> | <p>For the alternative cable routes shown in the application at Anmore Road (Paragraph 5.3.5 of the Statement of Reasons [APP-022]), what are the Council's views on whether the regulation provided by dDCO [APP-019] Requirement 6(2), together with the addition of an article similar to Article 19(5) and a requirement similar to Schedule 1 Part 3 Requirement 12 at Appendix D of the Examining Authority's Recommendation Report for the Thanet Extension Offshore Wind Farm Nationally Significant Infrastructure Project</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010084/EN010084-003108-TEOW%20%E2%80%93%20Final%20Recommendation%20Report.pdf</p> <p>would provide sufficient clarity at an appropriate time in respect of the chosen cable route, notwithstanding any other concerns that the Council may have?</p> | <p>It is our understanding that there are two alternatives in play. Either both cable circuits go straight across the road, or on leaving Kings Pond Meadow SINC the circuits split with one going straight across and the other turning east onto the road. If the applicant retains the alternative cable route arrangement then clearly there is a need for the relevant bodies to be notified of the specific alternative to be implemented with all powers associated with the redundant option then extinguished. The wording used in the example quoted seems to cover the necessary elements.</p> | <p>As shown on the updated Land Plans (REP1-011) the section of Anmore Road that allowed the Onshore Cable Route to be split has been removed from the Order Limits. As a result the Onshore Cable Route will be installed directly across Anmore Road. This update has been reflected in the updated Framework Traffic Management Strategy (REP1-068 and 069) submitted at Deadline 1.</p> |
| <p>CH1.4.4</p> | <p>For Section 1 of the Proposed Development (from ES paragraph 21.6.4.5 [APP-136]), the assessment of effects on the settings of assets appears to focus exclusively on views, and relies, in some cases, on established or proposed planting to mitigate effects. Could the Applicant, Historic England and the relevant local authorities comment on the adequacy of this, or whether other factors that contribute to setting should have been considered. To what extent should the ExA and Secretary of State take established vegetation and proposed mitigation planting into account in the assessment of setting?</p> | <p>The only listed feature close to the route is a grade 2 listed barn at Shafers Farm Anmore Road. Works in this vicinity are very short term and should only impact on a poor roadside boundary made up of a series of wooden pallets. The contribution to views or setting of the barn made by the hedge on the south side of the road is considered to be negligible. No adverse impact is anticipated on the historic feature.</p> | <p>Please refer to the Applicant's response to ExA WQ CH1.4.4 submitted at Deadline 1 (REP1-091). The assessment of the Proposed Development on the setting of designated heritage assets (from paragraph 21.6.4.5 of Chapter 21 of the ES (APP-136)) has considered elements beyond views, in line with Historic England's GPA3 The Setting of Heritage Assets (HE 2017).</p> |
| <p>DCO1.5.9</p> | <p>In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.)</p> <p>The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per model provisions and as is usual in other recently made DCOs). Schedule 11 of the dDCO [APP-019] (TPO trees) only lists 'potential removal' and 'indicative</p> | <p>The Council has made representations in its LIR Section 4.6.16 (Arboricultural Issues) and in the comments on the draft DCO that this broad power is not justified and the applicant should be required to provide more detail on the precise cable route. As part of that exercise, they should devise a route that avoids any TPO with the district. If not, then a</p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.9 at Deadline 1 (REP1-091). It is worth noting that the applicant only seeks powers over the TPO trees listed in schedule 12 of the DCO.</p> <p>The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p> |

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| | <p>works to be carried out'. How can this be specific enough to understand the impact of the Proposed Development on trees?</p> <p>If this remains unchanged, should the ExA in weighing the benefits and disbenefits of the Proposed Development therefore assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p> | <p>more explicit justification is required. It is noted that it is not possible to plant a tree within 5m of the cable route. The applicant should establish a fund to commission tree planting close to the site of any lost tree.</p> | |
| DCO1.5.17 | <p>In dDCO [APP-019] draft Requirement 14, a Written Scheme of Investigation is needed for activities prior to commencement of works including onshore site preparation works, but the definition of 'commence' in Article 2 does not identify this exclusion. Is this satisfactory or is an amendment required?</p> | <p>The Council has noted this situation and responded in detail in its comments on the requirements in section 5 of its LIR. In summary, the definition of actions that can take place before commencement is triggered is not acceptable and should be revised.</p> | <p>The Applicant provided a response to ExA WQ DCO1.5.17 at Deadline 1 (REP1-091).</p> <p>The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p> |
| DCO1.5.42 | <p>A number of Articles in the dDCO [APP-019] contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. Are the local planning authorities content with the provisions and the responsibilities on them as the relevant consenting authority?</p> | <p>The Council notes the use of two different response times in the DCO. There are 20 days (Part 3 Streets Access to works 14(2)) and 40 days. (SCHEDULE 3 Article 3 Procedure for approvals, consents and appeals) A single response time of 40 working days is suggested to deal with all submissions. This period of time is consider reasonable to all parties.</p> | <p>The Applicant does not accept that it is necessary or appropriate for approvals to be provided within two months, nor that this is reasonable for all parties. This would not assist the Proposed Development coming forward in a timely and efficient manner. The Applicant has confirmed its willingness to enter into post consent PPA's to cover the resourcing for approvals with all relevant planning and highway authorities. The intention is for all such PPA's to have been agreed and entered into by not later than the end of the examination. The Applicant looks forward to engaging with WCC on this further.</p> |
| DCO1.5.44 | <p>Could the Applicant and the local planning authorities please review the definitions of 'commence' and 'onshore site preparation works' set out In Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement.</p> <p>Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable?</p> | <p>The Council has stated in Section 5 of the LIR that deals with responses on the dDCO that this matter needs revision as the proposal appears to allow the potential for substantial works to be undertaken including site clearance, tree and hedge removal and earthworks before the details in R15 (CEMP) are submitted and approved.</p> <p>R15 is the stage when the details of those features to be removed or retained and protected are actually agreed.</p> | <p>Please refer to the Applicant's a response to ExA WQ DCO1.5.44 at Deadline 1 (REP1-091).</p> <p>The definition of "onshore site preparation works" has been amended to removed reference to (h) diversion or laying of services and (k) creation of site accesses. Requirement 4 has been amended to confirm no onshore site preparation works in respect of the area where the converter station is to be located may be carried out until the converter station perimeter option has been confirmed.</p> <p>Requirement 15 requires a CEMP to be approved before works in a phase are carried out, including any works forming part of the onshore site preparation works.</p> |

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| | <p>Does the Applicant believe that the onshore site preparation works include the creation of site accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10?</p> <p>The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed?</p> <p>If so, is this acceptable?</p> <p>Should Requirement 13 include similar wording to Requirement 14(2)?</p> <p>Also, could the Applicant provide a detailed explanation as to why each of the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP-020] paragraph 5.3.2]? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum.</p> <p>Could the local authorities comment on whether they are agreeable to these exclusions?</p> | | <p>The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p> |
| <p>DCO1.5.57</p> | <p>Are the relevant planning and highway discharging authorities and other relevant bodies content with their roles in the discharge of Requirements? (Refer to paragraph 12.4 of the Explanatory Memorandum [APP-020].)</p> | <p>The Council believes there are more issues associated with the consideration of access scheme than simple highway safety matters. This includes potential impacts on landscape features and ecology that would necessitate internal consultations. Accordingly, the Council considers it has a major role to play in those requests. On balance, the Council considers those requests should be directed to the district who can then consult the Highway Authority as it would normally do</p> | <p>The Applicant provided a response to ExA WQ DCO1.5.57 at Deadline 1 (REP1-091).The dDCO follows the approach in other recent made development consent orders and Applicant considers the appropriate persons will be consulted.</p> |

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| | | with standard planning applications even those relating to an access. | |
| LV1.9.2 | Do you have any comments on the appearance of the proposed 30m-high lighting columns as seen during daylight and at night-time from vantage points within the South Downs National Park and elsewhere, and should these columns have been considered in the modelling of the ZTVs? | <p>There seems to be some confusion here. It was our understanding that the lighting columns would be between 4- 15m tall. The Lightning masts are sometimes referred to as 30m and other times indicated as 4m siting on the roof of the building. If simple 4m poles then any visual impact will be minimal. If 30m columns they will have support cables which will make their overall impact more significant.</p> <p>The applicant needs to clarify this matter at which time the need for additional details will become evident or not.</p> <p>To date our assessment of impact has not included any lightning masts or columns.</p> | Please refer to the Applicant's response to ExQ1 LV1.9.3 (REP1-091) submitted at Deadline 1 which explains why lightning columns and lighting masts were not considered in the preparation of the ZTVs and the range of which they may be perceptible from in some views. |
| LV1.9.5 | With reference to the dDCO [APP-019], there would be potential for rooftop plant and machinery to be placed on the roof of the Converter Station and associated telecoms building. Do you have any comments on the landscape and visual effects of such equipment, if installed? | There is a contradiction here. The Design and Access Statement clearly says the roof will be clear of any plant or equipment and that was our understanding from the discussions with the applicant. However the dDCO does talk of the possibility of solar panels on the roof. It is our understanding from the applicant that this reference is to be removed. | The Applicant has confirmed that there will not be any plant or machinery on the roof as per para 5.3.1.5 in the updated DAS (REP1-032 and 033) and building design principle 8 which states that "There will be no plant on the roofs of the highest buildings". The updated dDCO (REP1-021) submitted for Deadline 1 reflects this revision. |
| LV1.9.36 | Does Winchester City Council believe that the proposed landscape and visual mitigation measures [APP-130] are adequate, and, if not, what further measures might be considered? | The proposed landscape and visual mitigation measures are acceptable, with regard to the proposed and existing planting. What is still unresolved is the final colour and appearance of the converter halls themselves, which no amount of planting will help if it is done poorly or not considered properly. | As referred to in the SoCG with WCC paragraph 4.3.12 (REP1-118) submitted for Deadline 1 following a design group meeting between the Applicant, the SDNPA, WCC and EHDC in August 2020 the Applicant has agreed to further review Building Design Principle 3 contained in the updated DAS (REP1-032 and 033) which refers to colour. |
| N1.11.5 | In ES Tables 24.4 and 24.6 [APP-139], the allocation of a category for the magnitude of impact is wholly dependent on how many 'consecutive' periods would be involved. Do the local authorities believe this is an appropriate approach, or should some account be taken of the overall, total length of time | WCC agrees that total hours would have been a better model than consecutive periods as this would be more in line with a BS 5228. Based Protocol. This is, in my view, not a significant issue for us as Work 4 will tend to be consecutive anyway due to the linear | Please refer to the Applicant's response to Havant Borough Council under Reference N1.11.5 in Table 2.3 of this document which addresses this point. |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | (perhaps with breaks) that the noise or vibration affects a particular receptor? | nature of the cable installation programme. It may have under represented Work 2 but I consider that we have picked these up in the more detailed quantitative noise assessment and mitigation proposals. Other local authorities may have a more detailed view on this with regard to Work 4 as they have out of hours works taking place in their District, which we do not. However the only additional mitigation measure that I could see then being then pursued would be the offer of off site temporary (hotel) accommodation for those most effected. | |
| N1.11.7 | Do you believe that the application of definitions of magnitude of impact to the noise environment as set out in Table 24.13 of the ES [APP-139] is unclear? For example, what would constitute 'a total loss' of key elements or features of the baseline? Would an alternative set of definitions be more appropriate, and if so, would the noise assessment need to be re-run? | WCC agrees that Table 24.13 read in isolation provides a poor definition of the magnitude of impacts but further consideration has been given elsewhere to assessing the noise impacts; such that we do not consider this on its own results in the need for the noise assessment to be rerun. | Please refer to the Applicant's response to ExA WQ N1.11.7 at Deadline 1 (REP1-091). In summary, little reliance has been placed on the generic definitions in Table 24.13 of the ES and the assessment does not need to be repeated. The magnitude categories adopted for each assessment element are underpinned by the appropriate British Standard or guidance document. |
| N1.11.10 | For all of the impact assessment sections that follow ES paragraph 24.6.1.14 in Chapter 24 [APP-139], in converting the noise level magnitudes to impacts, allowance is made for the temporary nature of the effect, thus ameliorating the severity (from 'medium' to 'low' in 24.6.2.2, for example). However, does not the methodology adopted for the assessment already build duration into the calculation of magnitude (e.g. 24.4.2.36), and thus is there not an element of 'double-counting' of duration in reducing the severity of effects? If so, what are the implications of this for the assessment findings? For example, if trenching impacts for section 4 were recalculated without the 'double-counting', would these become significant (ES 26.4.5.3 ff)? | This is a valid point and although a potential flaw in the assessment, I do not consider this has prejudiced our findings or conclusions. We have already taken a stance that Work 4 will have significant albeit short term noise impacts on local residents and I do not consider this will have resulted in reducing the controls proposed to mitigate as far as reasonably practicable said impacts. Again more likely to be an issue for local authorities where Work 4 takes place over night. | Please refer to the Applicant's response to ExA WQ N1.11.10 at Deadline 1 (REP1-091). In summary, the duration of construction activities is not 'double counted' in the noise and vibration assessment and therefore there are no implications for the assessment findings. |
| TR1.17.3 | The Government places importance on 'street trees' in the National Design Guide for the benefit of placemaking. Is the Applicant's approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees sufficiently unambiguous and is it appropriate? Could the Applicant please comment in detail on how the 'potential removal' | Having reviewed the guide it is clear that it is focusing on the built environment and the contribution that street trees (existing and new planting) can make towards placemaking. Whilst not a built up area the Council does consider that the hedgerows | Please refer to the Applicant's response to this question at Deadline 1 (REP1-091). The Applicant has submitted an updated Tree Survey Schedule and Constraints Plans (REP1-101) with refined tree retention detail. Please also refer to the updated Onshore Outline CEMP (REP1-067 and 068) and OLBS (REP1-034 and 035) provided at Deadline 1. |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>of the TPO trees listed in dDCO [APP-019] Schedule 11 would be avoided.</p> | <p>and trees alongside the Hambledon Road make a contribution towards the character and feeling of the Gap that separates Waterloooville and Denmead which is prized by residents. Part of the road west of the Soake Road junction has trees on both sides. The ones on the north side are within the Order Limits. If some of these where lost then it would degrade the character of the Gap.</p> | |

3. STATUTORY CONSULTEES

Table 3.1 - Highways England

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|--|---|---|
| CA1.3.46 | <p>What are the current positions of the Applicant and Highways England in terms of protective provisions and National Roads Telecommunications Services? (Appendix B to the Statement of Reasons [APP-022] refers.)</p> <p>If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement?</p> | <p>Dialogue is ongoing with the Applicant to agree the appropriate protection provisions in relation to the Strategic Road Network and protection of its assets (which includes National Roads Telecommunications Services) to be incorporated with the DCO. For indicative purposes only, please see Annex A which is a set of protective provisions Highways England have agreed in a recent DCO proposal. The applicant has not given a timeframe when they anticipate being in a position to commence detailed discussions to agree protective provisions with Highways England.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.46 and CA1.3.94 at Deadline 1 (REP1-091). Discussions in relation to protective provisions are ongoing.</p> |
| CA1.3.94 | <p>Why are Compulsory Acquisition powers being sought over and above the statutory framework that exists in the New Roads and Street Works Act 1991, and why does the dDCO [APP-019] not include protective provisions to protect highway interests? (Refer to paragraph 2.10 of [RR-185].)</p> | | |
| DCO1.5.61 | <p>What protective provisions are requested to be incorporated within the dDCO [APP-019]?</p> | | |
| TT1.16.1 | <p>Could the Applicant please provide an update on progress towards Statements of Common Ground and any other agreements on highways matters with Highways England, Hampshire County Council and Portsmouth City Council.</p> | <p>Highways England have agreed in principle a statement of common ground as of deadline 1 with the Applicant. It is anticipated that there will be further updates to the statement of common ground at each deadline. Highways England would welcome highways matters specific statement or statements of common ground to be agreed by all highway authorities relevant to the DCO (Highways England, Hampshire County Council and Portsmouth City Council) and the Applicant. This is likely to be focused around an agreed way of working set out by the Framework Construction Traffic Management Plan.</p> | <p>Please refer to the Applicant's response to ExA WQ TT1.16.1 at Deadline 1 (REP1-091). An updated Framework Construction Traffic Management Plan was submitted at Deadline 1 (REP1-070 and 071).</p> <p>Given that the Applicant is already progressing individual Statements of Common Ground with Highways England, Hampshire County Council and Portsmouth City Council it is considered unnecessary to progress a separate highways document.</p> |
| DCO1.5.60 | <p>Should the definition of 'relevant highway authority' ([APP-019], Interpretation) be amended to include Highways England in view of works in the vicinity of the strategic road network?</p> | <p>Highways England request that the definition of 'relevant highway authority' is amended to include Highways England.</p> <p>Proposed Easement</p> <p>Highways England are awaiting an appropriate Geotechnical Risk Assessment in accordance with CD622 (Managing Geotechnical</p> | <p>The Applicant considers that the current definition of 'relevant highways authority' is appropriate. It is not considered necessary to refer to Highways England, noting no works are undertaken on roads for which Highways England are responsible. It is noted no justification is provided by Highways England for this request.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>Risk) to inform if Highways England can accept in principle an easement to facilitate a crossing beneath the A27.</p> <p>AQUIND have submitted an initial draft Heads of Terms for the proposed easement to Highways England. We are currently reviewing, and it is anticipated we will be able to advise the applicant of our position and what Head of Terms for an easement on Highways England land will find acceptable to ensure the integrity of the SRN and its assets are not compromised prior to deadline 2. Once in principle agreement has been established, formal negotiations for an easement will commence between Highways England and the Applicant.</p> | <p>Highways England's comments are noted in relation to the easement. The Applicant will continue to engage with Highways England on this subject in order to reach agreement in principle.</p> <p>The Applicant will continue to engage with Highways England on the Heads of Terms.</p> |

Table 3.2 - Environment Agency

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------------|--|--|---|
| MG1.1.26 | The proposed cable route includes a number of areas with known contamination issues, especially at Milton Common. Has the Applicant provided sufficient evidence to demonstrate that, should the cable be installed at these locations, contamination could be dealt with appropriately and in such a way that there would be no significant adverse effects on human health, the water environment or biodiversity? | <p>The Environment Agency's remit means that we do not consider impacts on human health in relation to contamination issues as this responsibility lies with the relevant Local Planning Authority.</p> <p>In regard to effects on the water environment/groundwater, we agree with the Applicant that the risk is low on the vast majority of the cable route save for certain localised areas such as Milton Common. Information regarding how contamination will be dealt with is high-level at present (with reference to section 18.9 of the Environmental Statement Chapter 18 Ground Conditions (APP-133) and the Onshore Outline CEMP (APP-505)). However, we are content with the overarching principles specified and that more detailed CEMPs for each relevant part of the Proposed Development will be produced by the appointed contractor(s) and provided to relevant authorities for review, including the Environment Agency where necessary (due to the presence of sensitive groundwater features present in that particular part of the Proposed Development).</p> <p>Natural England would be best placed to assist in regard to effects on biodiversity.</p> | <p>Please refer to the Applicant's response to ExA WQ MG1.1.26 at Deadline 1 (REP1-091).</p> <p>The ground investigation findings, coupled with the assessments of EIA specialists, support the feasibility of the project for successful construction, operation and decommissioning with no significant adverse effects on human health, the water environment or biodiversity. Mitigation measures specifically required for works through Milton Common are outlined in Section 6.9.2 of the updated Onshore Outline CEMP (REP1-087 and 088), compliance with which is secured within Requirement 15 of the dDCO (APP-019).</p> |
| CA1.3.42 | What are the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses? (Appendix B to the Statement of Reasons [APP-022] refers.) | The Environment Agency has rights – under our statutory duty - to carry out maintenance, improvement or construction work on Main Rivers to manage flood risk. We agree that the Proposed Development will not have any serious detriment on these rights. | Please also refer to the Applicant's response to ExA WQ CA1.3.42 at Deadline 1 (REP1-091). Permits have not been applied for as part of the consent process and will be required prior to works under, over or adjacent to the watercourses for which the principles for construction have been agreed with the |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | | EA as secured within the updated Onshore Outline Construction Environmental Management Plan (REP1-087 and 088) |
| CA1.3.64 | At section 20.9.2 [APP-135] and elsewhere, the ES notes that the contractor appointed to undertake the construction works would need to apply for various environmental permits, discharge and other consents once detailed design is complete. Given that such applications have not been made, the Examining Authority and Secretary of State cannot be sure from the information provided if adequate avoidance or mitigation of environmental effects are possible, and therefore if all of these consents are achievable. Could the Environment Agency and the relevant local authorities with responsibilities in this area please provide an opinion on the likelihood of all such permits and consents being achieved? | As part of any permit and consent applications, we will need to see further detailed information from the Applicant and we understand this is intended to be provided by the appointed contractor(s). Therefore, we cannot give an absolute guarantee that permits and consents will be forthcoming until we have seen that further information. However, from the information provided so far, it seems reasonably likely that the necessary permits and consents will be achievable. | This has been included within the draft SoCG between the Applicant and Environment Agency submitted at Deadline 1 (REP1-108). |
| DCO1.5.16 | With reference to draft Requirement 13 in the dDCO [APP-019], should works halt in the circumstances where contamination is discovered pending the approval and implementation of the remediation scheme? Should this be written into the Requirement? | <p>Yes, works should halt in the circumstances where contamination is discovered pending the approval and implementation of a remediation scheme.</p> <p>Yes, this should be written into the Requirements. We suggest an addition to section 13 of the current draft Development Consent Order with the wording (or similar) below:</p> <p><i>“If, during development, contamination not previously identified is found to be present then no further development (unless otherwise agreed in writing with the discharging authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the discharging authority.</i></p> <p><i>The remediation strategy shall be implemented as approved.”</i></p> | <p>Please refer to the Applicant's response to ExA WQ DCO1.5.16 at Deadline 1 (REP1-091).</p> <p>Requirement 13 has been updated to require such part of the authorised development as is to be carried out in the area where the contamination has been identified to halt whilst the remediation scheme is submitted and approved. Requirement 13 (4) then requires the remediation to be carried out in accordance with the approved scheme.</p> |
| FR1.7.2 | Is there any likely interaction between the Proposed Development and existing and proposed coastal flood defences on Portsea Island and do you envisage that the proposed works could compromise the integrity of the defences? | The proposed coastal flood defences are being undertaken by the Eastern Solent Coastal Partnership (ESCP). We have worked closely with the ESCP in regard to the proposed defences. We raised the matter as part of our Relevant Representation for this Proposed Development to ensure that there is adequate recognition of potential | See response within Table 4.10 of the Applicant's Responses to Relevant Representations at Deadline 1 (REP1-160) to the Environment Agency (RR-165) on flood defences. Please also refer to the Applicant's response to ExA WQ HAB1.8.13 at Deadline 1 (REP1-091) on the in-combination effects assessed within the updated HRA (REP1-081 and 082) and also the |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>Do you see any reason why you might not grant the relevant permits and consents for any of the proposed works over, under or adjacent to the coastal defences?</p> | <p>impacts on the proposed coastal defences given the importance of these for the community. However, we understand that the Applicant has had direct detailed discussions with ESCP and therefore the ESCP would be better placed to provide an answer to this question. Our understanding is that there were some technical details being discussed to ensure the development does not compromise the integrity of the defences.</p> <p>As stated previously, we will need to see further detailed information from the Applicant as part of any permit applications to ensure that the works are not increasing flood risk or adversely impacting on the existing defences, and we understand this is intended to be provided by the appointed contractor(s). Therefore, we cannot give an absolute guarantee that permits will be forthcoming until we have seen that further information. However, from the information provided so far, it seems reasonably likely that the necessary permits will be achievable.</p> | <p>update to ES Chapter 29 (Cumulative Effects) within the ES Addendum (REP1-139).</p> |
| <p>FR1.7.4</p> | <p>If the flood risk assessment [APP-439] allowed differentiation between Flood Zones 3a and 3b, would there need to be any changes to the Proposed Development's approach to mitigation in the event that part of the development fell within Flood Zone 3b?</p> | <p>As this development concerns buried cables in the main alongside some unoccupied infrastructure buildings (the converter station and at the landfall site), we do not believe there would need to be significant changes to the Proposed Development's approach to mitigation in the event that part of the development fell within Flood Zone 3b. However, the only minor change that may be necessary is that as Flood Zone 3b is functional floodplain, we would not want to see any storage of materials/stockpiles within Flood Zone 3b during construction works, so any plans for such storage would need to be amended accordingly. Additionally, we will not want to see any permanent change to the land in Flood Zone 3b, such as land raising.</p> | <p>Please refer to the Applicant's response ExA WQ FR1.7.4 (and associated FR1.7.3) at Deadline 1 (REP1-091) on proportionate measures that could be implemented.</p> |
| <p>HAB1.8.17</p> | <p>The Environment Agency's Relevant Representation [RR-165] raises concerns about the effects of offshore cable installation on the migratory fish features of Special Areas of Conservation. Please could the Environment Agency explain its concerns in more detail.</p> <p>Natural England is requested to explain why it is satisfied that effects on the migratory fish features</p> | <p>The offshore cable installation methodology is understood to involve an initial stretch of non-buried/protected cable from the exit point, and then buried or protected subsea cable out into the sea (Plate 3.1 of the Environmental Statement, Chapter 3 Description of the Proposed Development (APP-118)). The activities of installing the cable, building protections, creating trenches for the buried</p> | <p>The Applicant notes the Environment Agency's response and the SoCG was submitted at Deadline 1 (REP1-108).</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | <p>of the relevant Special Areas of Conservation would not lead to adverse effects on the integrity of these sites (Relevant Representation [RR-181] refers).</p> | <p>cables and disposal of material will disturb the seabed and mobilise sediments within the water.</p> <p>Diadromous migratory fish use this corridor to begin their migration inland ultimately heading to rivers to spawn, and then subsequently for smolts to migrate out to sea. This is a qualifying feature for the Solent Maritime Special Area of Conservation. The presence of high levels of sediments and/or noise has the potential to cause a barrier for adult migratory fish on their journey to the rivers and can 'put off' smolts heading out to sea. This can impact on natural life cycles and in serious cases, result in reduced spawning, higher mortality rates and subsequent low population numbers. Disturbed sediment can also result in reduced dissolved oxygen in the water and may also contain contaminants which if mobilised can have detrimental impacts on any marine species within the area.</p> <p>We raised the issue within our Relevant Representation to ensure it was considered. That said, we are satisfied that the Applicant has carried out the necessary assessments and agree with their conclusions that sediment and noise levels will not cause significant impacts on migratory fish. We are also content that adequate mitigations will be incorporated into the installation works and during operation of the Proposed Development. This has been reflected in the agreed marine Statement of Common Ground which will be submitted for Deadline 1.</p> | |
| <p>OW1.12.9</p> | <p>Given the importance of groundwater in the vicinity of the Proposed Development, and especially the Converter Station site, are Portsmouth Water and the Environment Agency content with the conclusion reached in paragraph 18.5.4.4 of the ES [APP-133] that there is no real risk to public water supply in Source Protection Zone 1 as a result of these proposals?</p> | <p>We are not content with the conclusion that there is no real risk to public water supply in Source Protection Zone 1 as a result of the proposals. We have raised this with the Applicant as part of our on-going discussions relating to the Converter Station site.</p> <p>We do however agree that the risks can be managed if best practices and suitable controls are adopted, and detailed discussions have been held and will continue to be held with the Applicant about such practices and controls. Particular focus is upon the 'Surface Water and Aquifer Contamination Mitigation Strategy' (APP-360) which is a document that is intended to be updated by the Applicant in</p> | <p>Detailed discussions have taken place with the Environment Agency (and Portsmouth Water and HCC), which have led to the inclusion of additional proposed mitigation measures and communication plans. It is agreed that the Applicant will provide a Generic Method Statement that presents a methodology for dealing with unknown karst dissolution features during the proposed works. The Surface Water Drainage and Aquifer Contamination Mitigation Strategy (APP-360) has also been updated based on these discussions and was issued at Deadline 1 (Appendix 7 to the Onshore Outline CEMP (REP1-087 and 088)). With the adoption of the practices set out in these documents, the Applicant is confident</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>due course to reflect recent discussions held with us, Portsmouth Water and Hampshire County Council Lead Local Flood Authority.</p> <p>We note that compliance with this document (APP-360) is referenced in the Requirements within the draft Development Consent Order (section 12(2) - APP-019), albeit this section is entitled "Surface and foul water drainage" which is not entirely reflective of the broader matters this document intends to cover. It may be helpful to amend the Requirement in due course, and we will work with the Applicant to address this if necessary as we proceed.</p> | <p>that risks to the supplies in Source Protection Zone 1 have been sufficiently mitigated.</p> |
| <p>OW1.12.17</p> | <p>The surface water assessment in ES Chapter 20 [APP-135] assumes that the measures detailed in the Surface Water Drainage and Aquifer Contamination Mitigation Strategy are supported by the regulators and that these measures <i>'will be further developed during detailed design by the Appointed Contractor'</i> (construction and operation). To what extent can the ExA and Secretary of State rely on this assumption?</p> <p>Also, in the absence of a definition for this Strategy in the dDCO [APP-019], could the Applicant advise how and where can it be secured?</p> | <p>We (the Environment Agency, Portsmouth Water, Hampshire County Council Lead Local Flood Authority and the Applicant) are working towards the Surface Water Drainage and Aquifer Contamination Mitigation Strategy [APP-360] being a document that contains the fundamental principles and rules that will need to be applied to the proposal to afford the necessary protections of the underlying aquifers and public water supply. Therefore, any further development by the appointed contractor(s) at detailed design should not seek to lower the protections set out within that document and as far as we understand, this will be secured by the Applicant in any contractual arrangements with the appointed contractor(s). Further clarification from the Applicant may assist the ExA and Secretary of State in this regard.</p> | <p>Please refer to the Applicant's response to ExA WQ OW1.12.17 at Deadline 1 (REP1-091) which provides details of clear set of mitigation measures added in Appendix 7 to the updated Onshore Outline Construction Environmental Management Plan (REP1-087)</p> |
| <p>SE1.15.16</p> | <p>Given the actual and perceived human health concerns around the potential disturbance of the former landfill at Milton Common, including ground instability, the mobilisation of contaminants and the release of landfill gas, is it possible in principle to design and engineer a 'safe' (acceptable level of risk) cable installation solution through the area?</p> | <p>The former landfill at Milton Common operated prior to current waste licencing/permitting regimes. We can confirm that it does not have an existing Environmental Permit from ourselves.</p> <p>Controls of ground stability and human health concerns, such as landfill gas, in relation to historic non-permitted sites are the responsibility of the relevant Local Authority. Therefore, Portsmouth City Council may be better placed to assist with this question.</p> | <p>Please refer to the Applicant's response to ExA WQ SE1.15.16 at Deadline 1 (REP1-091).</p> <p>It is considered to be possible to design and engineer a 'safe; (acceptable level of risk) cable installation solution through Milton Common area, with the mitigation measures listed in section 6.9.2 of the Onshore Outline Construction Environmental Management Plan (APP-505), secured by Requirement 15 of the dDCO (APP-019). Brownfield construction procedures are common practice in the UK and the Proposed Development will use approved methodologies for contamination control using industry standard guidance.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|------------------|------------------------------|---|
| | | | Installation contractors have established practises for safe working, excavation, and removal of contaminated material. |

Table 3.3 - Historic England

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|----------------|--|---|---|
| CH1.4.4 | <p>For Section 1 of the Proposed Development (from ES paragraph 21.6.4.5 [APP-136]), the assessment of effects on the settings of assets appears to focus exclusively on views, and relies, in some cases, on established or proposed planting to mitigate effects. Could the Applicant, Historic England and the relevant local authorities comment on the adequacy of this, or whether other factors that contribute to setting should have been considered.</p> <p>To what extent should the ExA and Secretary of State take established vegetation and proposed mitigation planting into account in the assessment of setting?</p> | <p>For the assessment of the effect of the proposed development, the ES primarily focuses on views of the proposed Converter Station and the Optical Regeneration Station from the heritage assets. The assets in the Converter Station Area are primarily Grade II (with the exception of the Grade II* Rookwood and the Catherington Conservation Area) and, as such, generally fall under the purview of the local planning authority. However, as noted in the Historic England GPA 3 The Setting of Heritage Assets (2nd Edition, 2017), views of or from an asset, although forming an important aspect of setting, are not the only way in which it can be appreciated. It can also be experienced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings, sites or landscapes that are in close proximity, but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.</p> <p>With regard to the setting assessment of the impact of the Optical Regeneration Station (ORS) on Fort Cumberland, the assessment goes a bit further. In addition to direct views it considered the relationship between specific elements of the defences (i.e. the ravelin) to the wider landscape, such as the field of fire and the relationship to Fort Cumberland Road. Although it is noted that the ORS building will be fenced off and enclosed with native vegetation, it is concluded that this will result in no impact on the continuation of the historic fields of fire from the ravelin. However, the proposed new planting, although softening the appearance of the new buildings, does not alter its proposed height of 4m. Additionally, no supporting information has been provided to demonstrate that the view from the ravelin to Fort Cumberland Road to the west of the ORS will be retained. We deem that the assessment is incomplete and level of impact uncertain until this evidence has been provided.</p> | <p>Please refer to the Applicant's response to ExA WQ CH1.4.4 at Deadline 1 (REP1-091). The assessment of the Proposed Development on the setting of designated heritage assets (from paragraph 21.6.4.5 of Chapter 21 of the ES (APP-136)) has considered elements beyond views, in line with Historic England's GPA3 The Setting of Heritage Assets (HE 2017).</p> <p>With regard to planting, the Applicant agrees that other related considerations should be taken into account as part of the assessment. The built heritage (setting) assessment within Chapter 21 of the ES (APP-136) has considered elements beyond planting, in line with Historic England's GPA 3 The Setting of Heritage Assets (HE 2017). This includes historical and visual relationships to other heritage assets, to the surrounding landscape and to existing noise levels. No mitigation measures are considered necessary in response to 'less than substantial harm'.</p> <p>With regard to Fort Cumberland, this matter is subject to further discussion between the parties following submission of the further information contained with the ES Addendum at Deadline 1 (REP1-139).</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| | | <p>As a further point with regard to vegetation and planting, other related considerations should also be taken into account. These could include factors such as the location of historic vegetation, the framing of views, vegetation as a marker of historic land boundaries, seasonal changes and the screening function of vegetation to protect the landscape setting. Furthermore, if new screening is to be proposed, regard has to be given to the fact that it may take time to fully establish to an extent whereby it is fulfilling its purpose and, also, that it may not become a permanent addition to a place.</p> <p>As a result it can be concluded that the ExA can, to some extent, take established vegetation and proposed planting into account in the assessment of setting but, there are other factors which should also be considered alongside this, as set out above.</p> | |

Table 3.4 - MMO

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| DCO1.5.3 | Given that there is some uncertainty about whether the surplus capacity in the proposed fibre-optic cable that would be used for commercial telecommunications purposes can constitute Associated Development, would the Secretary of State be able lawfully to include the fibre-optic cable or this surplus capacity in a Deemed Marine Licence in this DCO? | The MMO distinguish a number of licensable marine activities as outlined within s.66 of Marine and Coastal Access Act 2009. These include deposits, removals and construction works. In the context of the DML, it is the MMO's view that the surplus capacity should only be a consideration if it leads to additional activities or impacts within the UK marine area, as the MMO does not view the capacity itself as a licensable matter. | The Applicant has separately responded to ExA WQ DCO1.5.3 (REP1-091). |
| DCO1.5.16 | With reference to draft Requirement 13 in the dDCO [APP-019], should works halt in the circumstances where contamination is discovered pending the approval and implementation of the remediation scheme? Should this be written into the Requirement? | <p>Requirement 13 is referencing contaminated land and groundwater, which does not appear to be within the MMO's remit.</p> <p>The MMO defer to the Environment Agency on this matter.</p> | Requirement 13 clearly relates to works Landwards of MHWS. It is agreed that this Requirement is not applicable to the works in so far as they are not within the MMO's jurisdiction. |
| DCO1.5.18 | <p>In dDCO [APP-019] Schedule 15, the Deemed Marine Licence:</p> <ul style="list-style-type: none"> Is the definition of cable protection acceptable, especially the reference to 'unlikely'? 4(a) should be MMO Head Office not 'Local Office'? | <p>The MMO agree that 'unlikely' is not a clear term.</p> <p>The MMO are also concerned that the list of materials that can be used for cable protection is not exhaustive as the definition simply states that it 'includes' certain examples of cable protection.</p> <p>The MMO is also not content with the use of the word 'materially' as this could allow for further materials to be</p> | <p>The Applicant has separately responded to ExA WQ DCO1.5.18 to confirm why the wording used in the DML is appropriate (REP1-091).</p> <p>The Applicant can amend the definition to the following if this is more acceptable;</p> <p><i>"cable protection" means physical measures for the protection of cables principally by use of rock or rock bag/gravel</i></p> |

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| | <ul style="list-style-type: none"> 4(f) is the contact address for Natural England in Exeter correct? | <p>used that have not been assessed in the Environmental Impact Assessment (EIA). In addition, the MMO, in consultation with Natural England, is not content with grout bags being used within designated sites due to issues with removal following decommissioning.</p> <p>In relation to 4(a): Yes, this should be MMO Head Office. The address should also just read "Marine Licensing" rather than "Offshore Marine Licensing".</p> | <p><i>placement and/or concrete/frond mattresses with supplemental use of tubular protection and grout bags."</i></p> <p>Grout bags are not being proposed to be used within any site that is designated for Annex I habitats. In addition, grout bags would not be used as a primary protection product on its own as stated in Chapter 3 (Description of the Proposed Development) (APP-118). Rock bags have been proposed to be used at the HDD marine exit point (Appendix 3.4, APP-358) (although located in a Special Protection Area, it is well outside the Special Area of Conservation), however, these bags are only a temporary measure (as stated in Chapter 3 (Description of the Proposed Development) APP-118) to protect the HDD ducts (once installed) prior to cable pull. The bags would then be removed and replaced with a longer term solution in the form of rock protection once the cable pull is complete.</p> <p>The Applicant has updated the dDCO (REP1-021) to state Head office.</p> |
| <p>DCO1.5.19</p> | <p>In the Deemed Marine Licence in the dDCO [APP-019], at Part 1, 10 'Details of Licensed Marine Activities', does the inclusion of the modifier 'likely' add a subjective test and room for argument? Should it be deleted, or the wording changed to make it more precise?</p> <p>The corresponding paragraphs for the authorised development section of the dDCO [APP-019] at Schedule 1 (2) (e) says 'such other works as may be necessary or expedient for the purpose of or in connection with the construction or use of the authorised development and which do not give rise to any materially new or materially different environmental effects from those assessed as set out in the environmental statement.' Would this wording be preferable in the Deemed Marine Licence?</p> | <p>The MMO agrees that 'likely' adds a subjective test and room for argument and therefore ambiguity. The MMO is not content with the use of 'materially' in the proposed wording as this means "new or different in a significant way". Therefore, the MMO proposes the following wording: "Any amendments to or variations from the approved details must demonstrate that the subject matter of the approval sought will not give rise to any new or different environmental effects from those assessed in the environmental statement".</p> | <p>The Applicant notes that wording of the same effect to that used in the draft Order is used in the recently made Norfolk Vanguard Offshore Wind Farm Order 2020, which uses the terminology 'unlikely' and 'materially new' and 'materially different' (see Schedule 9, Part 2, paragraph 4, for example) .</p> <p>Noting the Applicant's response to ExA WQ DCO1.5.19 (REP1-091) and that similar wording appears in recently made Orders, it is not considered there is a need to amend the wording included at Part 1, paragraph 10 of the DML at Schedule 15 to the dDCO.</p> |
| <p>DCO1.5.20</p> | <p>With reference to the Deemed Marine Licence Part 2 conditions in the dDCO [APP-019]:</p> <p>2(b) this is usually 28 days rather than the 20 days included here – what is the justification and is MMO content?</p> | <p>In relation to: 2(b) This condition requires those who are agents or contractors in accordance with condition 4(e)(vi) to confirm to the MMO that they have been provided with a copy of the DML by the undertaker in accordance with condition 2(1)(a)(i) of the DML. The MMO is content with the proposed timeframe of 20 working days as it does not affect the MMO. However, this obligation would apply to</p> | <p>As explained in the Applicant's response to ExA WQ 1.5.20, 20 working days is the same as 28 days (REP1-091).</p> <p>The Applicant agrees with the MMO in relation to 2(b) and the dDCO (REP1-021) has been updated with the correct cross references to 4(1)(c)(vi) in Condition 2(1)(a)(i) and Condition 6.</p> <p>Condition 5 (2) is clear that where the MMO fails to determine the application for approval it is deemed to be approved. Only where a refusal is issued would the route of appeal then be</p> |

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| | <p>5(2) Is this wording acceptable to the MMO? Could it permit damaging works not in accordance with the EIA?</p> <p>8. Is the MMO happy with the extent of Construction Monitoring proposals and the ability to secure them?</p> | <p>those who are required to be provided with the copy of the licence by the undertaker in accordance with condition 4(e)(vi). However, it is noted that condition 4(e)(vi) does not appear to be in the DML. The MMO believe this may refer to condition 4(1)(c)(vi). If so, this may need changing in condition 6 too.</p> <p>In relation to: 5(2) The MMO is not content with this wording, the MMO will not be held to such deadlines within the DML. The MMO do not agree with any plan to be deemed to be approved if we do not determine the application for approval in a specific timescale. In addition, what is set out in 5(2) contradicts subsection (4) which introduces an appeal route in the event the MMO are minded to refuse the application or fail to determine the application. That brings in a conflict, if the MMO fail to determine an application for approval is it deemed approved or would the appeal route set out in Part 3 of the DML be used? Further, the MMO is not content with the appeal route in Part 3, as per Table 4.1 of the Statement of Common Ground (SoCG). It is inconsistent with other marine licences the MMO grant outside of DCOs to have an appeal route for approvals with plans. There is already an appeal mechanism via the established process of JR.</p> <p>In relation to: 8. Can the ExA please clarify this point, as 8 appears to relate to chemicals, drilling and debris rather than Construction Monitoring proposals.</p> | <p>able to be followed. The Applicant's position regarding the necessity for Part 3 of the DML at Schedule 15 to be included is set out in the SoCG with the MMO (REP1-110). Proposing that a route of Judicial Review is followed to address issues with MMO decision making is wholly inappropriate.</p> <p>In relation to 8, the Applicant had the same query as the MMO. It has been discussed with the MMO that no construction monitoring is required.</p> |
| <p>DCO1.5.21</p> | <p>The location of the HDD exit (marine) (Work 7b) is shown as parameter box on Figure 3.3 of the ES [APP-148], and some aspects of the EIA and HRA were carried out on this basis, including those in respect of the interest features of the Solent Maritime SAC (for example, on Table 7.1, HRA Report [APP-491]). Where and how are this location and these parameters secured?</p> <p>Does the MMO believe that the reference in dDCO [APP-019] draft condition 4(1)(a) is sufficient to ensure that the detailed design falls within the assessed scheme?</p> <p>The Deemed Marine Licence at paragraph 6 suggests that the extent of Works 6 and 7 are shown on the Land Plans [APP-008]. This does not</p> | <p>It is the MMO's view that the onus rests on the applicant to ensure the accuracy of the coordinates provided. The applicant should confirm how they would like the co-ordinates to be shown: either as specific co-ordinates for discrete activities at their exact locations, or a set of co-ordinates covering a larger area where the worst-case scenario has been assessed anywhere within the boundary.</p> <p>The MMO is content with draft condition 4(1)(a) as this can be used to ensure that the plan is in line with what was assessed in the EIA.</p> | <p>The Applicant can confirm the accuracy of the co-ordinates provided for marine activities. Co-ordinates are presented for the Order Limits in Schedule 15, Part 1 Paragraph 6 of the dDCO and in the Works Plans that cover the larger area where the worst case scenario has been assessed. Further, the HDD (marine) with up to 4 entry/exit pits is secured in relation to Works Plans as stated at Schedule 1, Paragraph 1, Work. No. 7 (b) and Schedule 15, Part 1, Paragraph 3 (b).</p> <p>The location of the HDD entry/exit pits is also required to be confirmed in accordance with Schedule 15, Part 2, condition 4(1)(a)(ii), which is to accord with the Outline Marine Construction Environmental Management Plan (APP-488) which includes information regarding the location of the HDD entry/exit pit at Table 1.</p> |

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| | appear to be the case, so could the Applicant clarify this reference. | | |
| HAB1.8.10 | <p>A 'worst-case' construction programme has been assumed in the HRA [APP-491] for both the marine and onshore works. Should this be secured through the DML in the dDCO [APP-019]? At present, the DML sets out the need for an agreed programme at condition 4(1)(b) but this is not referenced to the HRA assumption.</p> <p>Could the Applicant provide a parallel response in relation to the onshore works, referring to draft Requirement 3 of the dDCO [APP-019].</p> | <p>The HRA assesses the worst-case scenario. The HRA applies to the project as a whole and not just the licensable marine activities authorised through the DML, so the MMO agree that the Order does need to limit the construction that can take place under it to the worst case that was assessed in the HRA (and the EIA also). The DML as written only authorises the licensable marine activities which are necessary for the construction, maintenance and operation of the works packages set out in the DML (6 and 7).</p> <p>Those packages of Work are set out in Schedule 1, the definition of Work in the DML links back to Schedule 1. However, to ensure the worst-case construction programme is secured, further detail should be added to the design parameters to confirm the maximum amount of cable protection required.</p> | <p>Please refer to the Applicant's response to ExA WQ HAB1.8.10 at Deadline 1 (REP1-091).</p> <p>As per the MMO's response, the maximum area of cable protection assessed and permitted is secured in the dDCO (REP1-021) in Schedule 15, Part 2, Condition 1.</p> |
| ME1.10.1 | <p>Is there agreement between the Applicant and the MMO that the table in paragraph 6.6 of the MMO Relevant Representation [RR-179] represents an accurate summary of the works sought through the DML?</p> <p>What is the status of the Statement of Common Ground between the Applicant and the MMO?</p> | <p>It is the MMO's view that the onus rests on the Applicant to confirm that the table in paragraph 6.6 represents an accurate summary of the works sought through the DML.</p> <p>The MMO agreed a version of SoCG dated 4th August 2020 as accurately reflecting the state of discussion with the Applicant. The Applicant sent an updated version of SoCG to the MMO on 23rd September which is currently under review. The MMO understands from the applicant that this is the version they will be submitting, however the MMO would like to highlight that this version has not yet been reviewed or agreed upon.</p> | <p>The Applicant can confirm that paragraph 6.6 of the MMO's relevant representation (RR-179) appears to be an accurate summary of the works sought through the DML, while highlighting the importance of the detail contained within the DML (rather than the MMO's interpretation).</p> <p>The Applicant is awaiting feedback from the MMO on the most recent revision of the SoCG issued on 23rd September 2020 (REP1-110).</p> |
| ME1.10.9 | <p>In relation to paragraph 7.30 of the MMO Relevant Representation [RR-179], is there adequate assessment of additional cable protection during both laying and operation set out in the ES?</p> | <p>The MMO and the Applicant have been in discussion regarding cable protection. The Applicant drafted a Cable Protection Note which the MMO has commented on. The MMO has confirmed to the applicant that a marine licence is required for cable protection at all times. The MMO have consulted with Cefas and Natural England and are content for a separate marine licence for cable protection to have a length of 15 years provided that all the appropriate controls are in place including the following (as set out in Appendix 1 draft paper on Cable Protection): 'Data less than 5 years old will be required to support laying of additional cable protection along with descriptions of the seabed habitat and information regarding what cable protection has been laid to date. Justification will need to be made as to why cable</p> | <p>The Applicant notes the MMO are content for the licence to have a length of 15 years for the laying of new cable protection during the operation phase. The Applicant has also taken on board the request for additional separate licence conditions to place additional controls and these have been included in the dDCO submitted at Deadline 1 (REP1-021). The Applicant has responded to this question in detail in the Applicants Response to Written Questions (ExQ1 ME1.10.9) (REP1-091). For clarity, the MMO response provided on 27 August 2020 (Appendix 12 of the SoCG, REP1-110) did not request a <i>separate</i> marine licence for cable protection as is stated in this response but that provisions for the laying of cable protection during the first 15 years of operation can be accommodated within the DML.</p> |

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| | | <p>protection is necessary considering risk and alternatives and every effort made to minimise amounts required to reduce environmental impact'. Additionally, the MMO are content with the applicant's proposal to only undertake surveys in the discrete areas where additional cable protection works are proposed to be undertaken. This is based on a scientific need to ensure that any marine features that are likely to be affected by the proposed cable protection works are surveyed, described and the significance of potential impacts on them subsequently assessed and mitigated.</p> <p>However, the MMO is unclear about the purpose of the DML Part 1, 4(5) permitting any "other works as may be necessary or expedient" and there is some concern that it could introduce scope for additional cable protection to be added without the necessary marine licence being sought.</p> <p>The MMO would like the Applicant to clarify the purpose of this provision.</p> | <p>The amount of cable protection permissible is very clearly set out at Schedule 15, Part 2, Condition 1 and it is further clear this amount must not be exceeded. Paragraph 4(5) of Part 1 does not override this. Paragraph 4(5) is a catch all provision to ensure all activities assessed may be carried out so as to ensure any unnecessary impediment to delivery does not arise. The Applicant notes similar wording is included in many DMLs included in made DCOs and so presumably is not objectionable (for example see paragraph 2(2) of Part 3 to Schedule 9 of the Norfolk Vanguard Offshore Wind Farm Order 2020).</p> |
| <p>ME1.10.10</p> | <p>In relation to paragraph 7.33 of the MMO Relevant Representation [RR-179], and the information in the ES about pre-installation surveys and mitigation through micro-siting (8.8.2.2 [APP-123]), the avoidance of a significant effect on the <i>Ophiothrix fragilis</i> and/ or <i>Ophiocomina nigra</i> brittlestar beds on sublittoral mixed sediment community is dependent on the findings of a pre-construction survey. The ES also recognises a high potential for encountering Annex 1 stony reef habitats and recommends a 500m buffer zone.</p> <p>Has adequate mitigation against finding and avoiding such habitats and communities been included, and can the ExA and Secretary of State be confident that the findings of a pre-construction survey would guarantee that micro-siting within the Order limits that provides an adequate buffer is possible?</p> | <p>The MMO has requested comments on this from Natural England. Natural England are in a position to advise on what measures are necessary to protect the reef, and whether the mitigation proposed is adequate. The MMO will comment on the wording on receipt of advice from Natural England as the Statutory Nature Conservation Body.</p> | <p>The Applicant has responded to this matter in the Applicants Response to Written Questions (ExQ1 ME1.10.10) (REP1-091). For clarity however, the ES does <u>not</u> state that there is 'high potential' for encountering Annex 1 stony reef habitats as this is not the case. However, mitigation is secured within the dDCO (REP1-021) to avoid any significant effects to these habitats <u>if</u> they are found during the pre-construction surveys. dDCO, Schedule 15, Part 2, Condition 3 (1)(a)(ii) covers pre-construction surveys. More specifically, it requires that surveys cannot be carried out until the survey methodology to determine location, extent and composition of any reef identified has been submitted and approved by the MMO. Natural England are also content with the mitigation provided as reflected within the SoCG (REP1-106).</p> |
| <p>ME1.10.15</p> | <p>In the Other Consents Report [APP-106], at 17, marine EPS licensing, should Natural England be the authority rather than MMO? Are Natural England and MMO happy that this licensing is deferred until later, or should it be addressed now</p> | <p>The MMO Marine Conservation Team are the licensing authority for EPS. The MMO recommend that the Applicant discusses the EPS licence with the Marine Conservation Team</p> <p>(conservation@marinemanagement.org.uk; 0300 123 1032) and the onus rests on the applicant to ensure all the relevant</p> | <p>The Applicant is grateful for the clarification from the MMO on EPS licensing. As stated within paragraph 5.7.5 of the Marine Outline Construction Environmental Management Plan (APP-488), an EPS Risk Assessment will be undertaken prior to works commencing in order to determine whether an EPS</p> |

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| | on a precautionary basis and to demonstrate that such a licence is achievable? | consents are in place prior to commencement of works. The MMO would request that the Applicant apply no later than 3.5 months before the works are scheduled to commence. This is to account for a minimum of 8 weeks wildlife licence determination timescale (which includes 4-week consultation with advisers), and potential delays, which may delay works if the EPS licence is not submitted in good time ahead of works. | licence will be required. The clarity on timescales for submissions is duly noted. |
| ME1.10.18 | In relation to paragraph 6.6.4.10 of the ES [APP-121], Schedule 15 Part 2 of the dDCO (the DML) [APP-019] and the Atlantic cable crossing protection, are the parameters assessed appropriate and can reliance be placed on the Applicant's assessment of significance? | The MMO consulted our scientific advisors at CEFAS on the Environmental Statement and no concerns in this matter have been raised. However, the MMO requested CEFAS to give ExA's question further consideration and the MMO would be happy to provide full response by Deadline 2. | It is not clear what is being asked of the MMO as paragraph 6.6.4.10 of the ES (APP-121) discusses the seabed disturbance from different trenching techniques. It is not clear how this relates to the Atlantic Cable Crossing. Worst case parameters for trenching for cable burial as well as cable crossings (including cable protection) have all been adequately assessed within the EIA and HRA, and, as reflected in the SoCG (Table 3.1, REP1-110), the assessment conclusions are agreed in regard to the Physical Processes assessment. |
| ME1.10.19 | In relation to paragraph 6.6.4.42 of the ES [APP-121], Schedule 15 Part 2 of the dDCO (the DML) [APP-019] and the proposals for HDD, are the parameters assessed appropriate and can reliance be placed on the Applicant's assessment of significance? | The MMO consulted our scientific advisors at CEFAS on the Environmental Statement and no concerns in this matter have been raised. However, the MMO requested CEFAS to give ExA's question further consideration and the MMO would be happy to provide full response by Deadline 2. | Worst case parameters (as shown in Appendix 3.2, APP-356) for excavation of the HDD pits have been adequately assessed within the EIA and HRA. In addition, the volume of material that is to be excavated was included within the volumes of disposal material (see Table 6.15 of APP-121) and, as reflected in the SoCG (Table 3.1, REP1-110), the assessment conclusions are agreed in regard to the Physical Processes assessment. |

Table 3.5 - Natural England

| Reference | Written Question | Response to Written Question | Applicant's Comment |
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| DCO1.5.18 | In dDCO [APP-019] Schedule 15, the Deemed Marine Licence: <ul style="list-style-type: none"> Is the definition of cable protection acceptable, especially the reference to 'unlikely'? 4(a) should be MMO Head Office not 'Local Office'? 4(f) is the contact address for Natural England in Exeter correct? | Natural England believes that the definition is partially acceptable in this particular case however we are not comfortable with the use of the term "unlikely." We would recommend the words "which are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement;" be removed from the definition to give certainty on what is to be deployed. We advise that it would be preferable to word the condition so that it is clear that any cable protection measures proposed must fall within the window of those assessed within the ES. Should there be any materially new or materially different environmental effects from those | The Applicant has separately responded to ExA WQ DCO1.5.18 to confirm why the wording used in the DML is appropriate (REP1-091). See also the Applicant's response to the comments raised by the MMO in relation to DCO1.5.18 in Table 4.4 above. When the Proposed Development has reached the end of its lifespan, a marine licence application would be submitted for decommissioning activities. When developing the options for decommissioning, the approach taken to decommissioning of infrastructure including cable protection would follow the latest guidance available and would include an evaluation of whether removal of or leaving infrastructure in situ would have the least impacts and would be assessed accordingly. |

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| | | <p>assessed in the environmental statement, however unlikely, these should be assessed accordingly and any changes to the license made if required. In addition Natural England's preference would be for the use of cable protection which could be decommissioned at the end of the lifetime of the project.</p> <p>The correct address for Natural England is</p> <p>Natural England 4th floor, Eastleigh House, Upper Market Street, Eastleigh, Hampshire, SO50 9YN</p> | <p>Noted that the Natural England address advised of has changed. This change will be included in an updated draft of the Order.</p> |
| <p>HAB1.8.3</p> | <p>The ES reports some difficulties gaining access to land for surveys. To what extent does this mean that the knowledge of onshore ecology is not comprehensive, and are the assumptions that have been made in lieu of full survey results fair and reasonable for an informed assessment?</p> | <p>Natural England is in broad agreement with the approach taken with respect to the ecological surveys and we consider that the assumptions are fair and reasonable.</p> <p>It is understood that surveys have been agreed with local planning authority where relevant.</p> <p>It is noted that there were some restrictions to land access for badger clan surveys, but specifically in relation to clan 2. Given that clan 2's territory includes land away from the proposed development, this approach is considered reasonable.</p> <p>It is noted that reptile surveys have been undertaken at the convertor station but their absence cannot be confirmed with confidence given the extensive area affected. Given this uncertainty, it is noted that clearance works will be undertaken under ecological supervision. This approach is supported, and we advise that this is agreed with the LPA's retained ecologist. We also advise that a similar approach is taken for the clearance of other suitable habitat along the terrestrial route, as necessary.</p> <p>At pre-application, Natural England advised the applicant that a comprehensive botanical survey of Denmead Meadows should be undertaken to include a botanical survey with population counts of green-winged orchids. This</p> | <p>Please refer to the Applicant's response to ExA WQ HAB1.8.3 at Deadline 1 (REP1-091). This reiterates access limitations discussed within ES Chapter 16 Onshore Ecology (APP-131) and confirms that there are no gaps within the survey data and Natural England have confirmed the adequacy of surveys in the Statement of Common Ground (REP1-105) submitted at Deadline 1.</p> |

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| | | <p>detailed botanical survey was not undertaken. However, it is accepted that the applicant has taken a worst case approach in the EIA as the meadows have been assessed as of national importance and Natural England agrees with this approach.</p> <p>The importance of a detailed survey of Field 3 at Denmead Meadow could have informed the exact location of the construction compound within this field. For example, to avoid areas with very high numbers of green-winged orchids. However, in subsequent discussions with the applicant, it is our understanding that any micro siting of the compound is not possible, and a detailed survey would not have resulted in the avoidance of parts of the field.</p> <p>As set out in the Statement of Common Ground, further discussion is on-going with regard to the mitigation and compensation measures proposed to address impacts to these meadows.</p> <p>It has also been agreed that a detailed botanical survey will be undertaken pre-commencement to ensure an appropriate baseline for future monitoring.</p> | |
| HAB1.8.7 | Should the ES include an assessment of potential effects of the EMF along the onshore cable route on terrestrial wildlife, and in particular protected species such as bats? | <p>Natural England advises that an assessment of potential effects of the EMF does consider potential impacts to bats.</p> <p>The applicant should review the evidence base, such as reviews from the Bat Conservation Trust, to confirm whether the EMF from the underground cable route is likely to affect bats and whether any further assessment is required.</p> | Please refer to the Applicant's response to ExA WQ HAB1.8.7 at Deadline 1 (REP1-091). This confirms there are no known over ground EMF outputs from the Proposed Development that would affect ecological features and therefore an assessment of the potential effects of EMF on terrestrial wildlife along the cable route is not considered necessary. |
| HAB1.8.10 | <p>A 'worst-case' construction programme has been assumed in the HRA [APP-491] for both the marine and onshore works. Should this be secured through the DML in the dDCO [APP-019]? At present, the DML sets out the need for an agreed programme at condition 4(1)(b) but this is not referenced to the HRA assumption.</p> <p>Could the Applicant provide a parallel response in relation to the onshore works, referring to draft Requirement 3 of the dDCO [APP-019].</p> | <p>Natural England would agree that a worst case scenario for the project should be defined within the DCO/DML. Factors such as maximum areas of cable protection and maximum amount of sandwave levelling or dredge and disposal (as an example) should be set out explicitly within the consent. These are important limitations that encompass the extent of works considered and granted, should the project gain consent. Any proposal that varies from these limitations should be subject to an appropriate variation process.</p> | <p>The Applicant has provided a response in regard to the construction programme in detail in the Applicant's Response to Written Questions (ExQ1 HAB1.8.10) (REP1-091).</p> <p>As per Natural England's response, the maximum area of cable protection assessed is secured in the dDCO (REP1-021) in Schedule 15, Part 2, Condition 1. The maximum amounts of material that will be dredged and disposed of within the registered disposal sites is secured in Part 1, Paragraph 2 (7) and 4(3) and in Part 2, Condition 8(3).</p> |

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| HAB1.8.14 | <p>In your Relevant Representation [RR-181], you indicate that you remain concerned about the effects on the Chichester and Langstone Harbours Special Protection Area (SPA) and the Portsmouth Harbour SPA. Please could you explain your concerns in relation to the impacts on the Portsmouth Harbour SPA.</p> | <p>The route of the terrestrial onshore cable runs through sites identified as supporting habitat.</p> <p>The supporting habitat affected by the development is part of a network that joins Portsmouth Harbour to Langstone Harbour and would be used by qualifying features from both designated sites.</p> <p>Given this network, it is Natural England's advice that Portsmouth Harbour SPA is scoped into the assessment and assessed accordingly for impacts.</p> <p>However, please note that the avoidance and mitigation measures to address impacts to this supporting habitat would apply equally to both Chichester and Langstone Harbours SPA and Portsmouth Harbour SPA and no additional measures would be required.</p> | <p>The Applicant has updated its assessment documentation to include Portsmouth Harbour SPA in response to Natural England's Relevant Representation (RR-181). Chapter 10 of the ES Addendum (REP1-139) revises ES Chapter 16 Onshore Ecology (APP-131) to include the site, and a revised version of the Habitat Regulations Assessment Report (REP1-081 and 082) also includes the site. These documents were submitted Deadline 1.</p> |
| HAB1.8.16 | <p>Could Natural England and the Joint Committee for Nature Conservation confirm that they are satisfied with the scope of the Applicant's assessment of effects on European sites?</p> <p>Are there any other sites or site features that could be affected by the Proposed Development?</p> | <p>Natural England has advised that Portsmouth Harbour SPA and Ramsar site is included in the assessment due to the connection between designated sites using supporting habitat.</p> <p>Given the nature and scale of the proposal and the distance of the Solent and Southampton Water SPA and Ramsar site, Natural England agrees that it is appropriate to screen out this designated site in the assessment.</p> | <p>The Applicant has updated its assessment documentation to include Portsmouth Harbour SPA in response to Natural England's Relevant Representation (RR-181). Chapter 10 of the ES Addendum (REP1-139) revises ES Chapter 16 Onshore Ecology (APP-131) to include the site, and a revised version of the Habitat Regulations Assessment Report (REP1-081 and 082) also includes the site. These documents were submitted at Deadline 1.</p> |
| HAB1.8.18 | <p>In your Relevant Representation [RR-181], you provide links to the conservation objectives for the two SPAs which are of concern to you but not for any of the other sites. To avoid any issues with interpretation or outdated links, please could you provide electronic copies of the conservation objectives and where relevant, the supplementary advice on conservation objectives for the European sites listed below:</p> <ul style="list-style-type: none"> • Solent and Dorset Coast SPA; • Chichester and Langstone Harbours SPA; • Portsmouth Harbour SPA; • Solent and Southampton Water SPA; • Pagham Harbour SPA; | <p>For the most up to date and accurate information, Natural England would direct to the link as provided below for Conservation Objectives (CO) and Supplementary Advice on Conservation Objectives(SACOs) for the relevant European Sites.</p> <p>https://designatedsites.naturalengland.org.uk/</p> <p>Natural England would agree that in this case it is appropriate to rely on the SPA conservation advice for the assessment of effects on the Ramsar sites. We also advise that SAC conservation objective principles are considered if there is overlap with the Ramsar site.</p> <p>The designation of UK Ramsar sites has generally been underpinned through prior notification of these areas as</p> | <p>The HRA Report has been updated to include separate matrices for Ramsar sites which are now presented in Appendix 5 of the HRA Report (REP1-128).</p> <p>The HRA Report has also been updated to include the features for which sites were designated listed in the most recent Natural England conservation objectives and advice packages (March 2020) and in the Ramsar information sheets.</p> <p>The HRA Main Text (REP1-081 and 082) and Appendix 1 PINS Screening and Integrity Matrices (REP1-085) have been updated to show this.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-------------------------|---|---|---|
| | <ul style="list-style-type: none"> • River Itchen SAC; • River Avon SAC; • River Axe SAC; • Plymouth Sound and Estuaries SAC; • Solent Maritime SAC; and • South Wight Maritime SAC. <p>Could you confirm if you think it appropriate to rely on the SPA conservation objectives for the assessment of effects on the Ramsar sites for which likely significant effects have been identified?</p> | <p>Sites of Special Scientific Interest (SSSIs) and accordingly receive statutory protection Wildlife & Countryside Act 1981.</p> <p>Additionally, Ramsar sites also extend, under the same protection at policy level as Special Areas of Conservation or Special Protection Areas.</p> <p>In accordance with the Conservation of Habitats and Species Regulations 2017, where there is likely to be a significant effect, either alone or in combination, on a European site, as a result of a new plan(s) or project(s) that are not considered to be directly connected with or necessary to the management of the site, competent authorities are required to make an Appropriate Assessment in view of that site's conservation objectives. As an example, The Chichester and Langstone Harbours SPA and Ramsar Site protects overwintering and breeding bird species, together with the habitats that support them. The Conservation Objectives for the Chichester and Langstone Harbours SPA are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to the Wild Bird Directive.</p> | |
| <p>ME1.10.10</p> | <p>In relation to paragraph 7.33 of the MMO Relevant Representation [RR-179], and the information in the ES about preinstallation surveys and mitigation through micro-siting (8.8.2.2 [APP123]), the avoidance of a significant effect on the <i>Ophiolithrix fragilis</i> and/ or <i>Ophiocomina nigra</i> brittlestar beds on sublittoral mixed sediment community is dependent on the findings of a preconstruction survey. The ES also recognises a high potential for encountering Annex 1 stony reef habitats and recommends a 500m buffer zone.</p> <p>Has adequate mitigation against finding and avoiding such habitats and communities been included, and can the ExA and Secretary of State be confident that the findings of a pre-construction survey would guarantee that micro-siting within the Order limits that provides an adequate buffer is possible?</p> | <p>Experience has shown that micro siting is not always possible. For example, on a recent cable project, cobble reef of medium quality has been identified in three locations covering the entire width of the cable corridor. The pre-construction survey will allow identification and discussion of such areas and consideration of other mitigations. Additionally, any areas where an impact is permitted to happen to habitats of conservation importance, monitoring of recovery must be included and any monitoring plans, conditions and cable installation plans should reflect this.</p> | <p>The Applicant has responded to ExA WQ ME1.10.10 in detail in the Applicant's Response to Written Questions (ExQ1) (REP1-091). For clarity however, the ES does <u>not</u> state that there is 'high potential' for encountering Annex 1 stony reef habitats as this is not the case. However, mitigation is secured within the dDCO ((REP1-021) to avoid any significant effects to these habitats <u>if</u> they are found during the pre-construction surveys. dDCO, Schedule 15, Part 2, Condition 3 (1)(a)(ii) covers pre-construction surveys. More specifically, it requires that surveys cannot be carried out until survey details to determine location, extent and composition of any reef identified have been submitted and approved by the MMO.</p> <p>If micro-siting is not deemed achievable then further discussion will be held on consideration of other mitigations. Condition 4(c)(viii) then requires details of any required micro-siting in relation to biogenic and geogenic reef habitat within the Order limits seaward of MHWS to be included in the pre-construction Cable Burial and Installation Plan, which will also be submitted</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|---|--|--|
| | | | and approved by the MMO prior to the commencement of works. |
| ME1.10.15 | In the Other Consents Report [APP-106], at 17, marine EPS licensing, should Natural England be the authority rather than MMO? Are Natural England and MMO happy that this licensing is deferred until later, or should it be addressed now on a precautionary basis and to demonstrate that such a licence is achievable? | <p>Natural England advises that for Marine EPS licences, the MMO are the regulator. A letter of comfort or no impediment has usually been sought for Offshore Windfarm projects. To achieve this, the applicant should submit a draft application to the regulator for consideration. This would allow the regulator to say that, based on the information provided, they would be able to grant consent.</p> <p>Natural England understands that EPS licences may only be granted for a duration of 1 year and therefore they would expire before works began should they obtain one now.</p> | <p>Please refer to the Applicant's response to ExQ1 ME1.10.10 submitted at Deadline 1 (REP1-091).</p> <p>As stated within paragraph 5.7.5 of the Marine Outline Construction Environmental Management Plan (APP-488), an EPS Risk Assessment will be undertaken and submitted to the MMO prior to works commencing in order to determine whether an EPS licence will be required.</p> |
| ME1.10.33 | Does Natural England agree that likely significant effects from visual disturbance (see Table 7.10 of the HRA Report [APP-491]) on the qualifying features of the Chichester and Langstone Harbours SPA and Ramsar site can be excluded from the HRA? | <p>Natural England advises that visual disturbance immediately adjacent to the SPA boundary or supporting habitat is a Likely Significant Effect in the Habitats Regulations Assessment if works are proposed during the over-wintering period. We advise that the HRA is updated if this is the case.</p> <p>Whilst it is unlikely that visual screening will be needed for works along road carriageways, screening may be required for works that abut the SPA boundary or supporting habitat during the over-wintering period.</p> | <p>The Proposed Development sits within an entirely urbanised environment so that Chichester and Langstone Harbour SPA and associated functionally linked land (SWBGS sites) is subject to consistent visual disturbance. The HRA quotes evidence that establishes that disturbance does not have a significant impact on waders in an estuary close to conurbations (Goss-Custard et al., 2019). Most critically it is stated that it should not be assumed that an estuary's close proximity to conurbations, and the presence of large numbers of people in the vicinity of the SPA, necessarily implies a significant disturbance risk to waders. While the Applicant contends that visual disturbance is not an LSE in this case, it does note that where the Onshore Cable Route is adjacent to the SPA or SWBGS sites, then the winter working principles applied in the updated HRA Report (REP1-081 and 082) preclude construction work in the wintering period (October – March) due to potential noise impacts.</p> |

Table 3.6 - National Grid

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|--|--|---|
| DCO1.5.37 | Schedule 2 of the dDCO [APP-019] provides two options for the siting of the Converter Station, dependent upon negotiations with National Grid around the Lovedean substation. Can the ExA be updated as to the current position of the negotiations and if such discussions could be concluded during the Examination period, thus confirming an actual location for the Proposed Development. | Discussions between the Applicant and NGET on the siting of the converter station on NGET land are ongoing. Draft Heads of terms were first received by NGET from the Applicant on 13 December 2018. Following discussions a revised set of heads of terms was received by NGET on 14 November 2019, with a further revised set received on 17 July 2020. Discussions in relation to these draft heads of terms continue between the parties. It is hoped that agreement will soon be reached. | The Applicant has provided a response to ExA WQ DCO1.5.37 at Deadline 1 (REP1-091) and continues to engage with National Grid to secure the rights required by voluntary agreement. |

4. STATUTORY UNDERTAKERS

Table 4.1 - Network Rail Infrastructure Ltd

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|--|---|---|
| CA1.3.43 | <p>What are the current positions of the Applicant and the following Statutory Undertakers in terms of protective provisions? (Appendix B of the Statement of Reasons [APP-022] refers.)</p> <p>If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement?</p> <p>i) Network Rail Infrastructure Ltd. ii) Portsmouth Water Ltd. iii) SGN - Southern Gas Network PLC. iv) SSE PLC (High Voltage). v) SSE PLC (Low Voltage).</p> | <p>Network Rail engaged with Aquind prior to submission of the Order regarding Network Rail's required form of protective provisions. Following the submission of the DCO there were some minor updates to Network Rail's standard form protective provision to modernise the language. These updates have been shared with Aquind and are annexed to Network Rail's written representations.</p> <p>While discussions between the parties regarding the form of the protective provisions are on-going, recent discussions have been positive.</p> <p>It is Network Rail's expectation that there will be an agreed form of protective provisions in the next few weeks.</p> | <p>Please refer to the Applicant's response to ExA WQ CA.3.43 at Deadline 1 (REP1-091) which refers to ongoing engagement and negotiations.</p> |

Table 4.2 - Portsmouth Water Ltd

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|--|--|--|
| CA1.3.43 | <p>What are the current positions of the Applicant and the following Statutory Undertakers in terms of protective provisions? (Appendix B of the Statement of Reasons [APP-022] refers.)</p> <p>If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement?</p> <p>i) Network Rail Infrastructure Ltd. ii) Portsmouth Water Ltd. iii) SGN - Southern Gas Network PLC. iv) SSE PLC (High Voltage). v) SSE PLC (Low Voltage).</p> | <p>The Statement of Reasons says "<i>Portsmouth Water has apparatus within the Order Limits. The Applicant has contacted Portsmouth Water to consult with and agree protective provisions and will continue to discuss this following submission of the Application.</i>" At present, discussions are on-going but we would expect agreement to be reached within the next few months, and no particular issues are anticipated.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.43 at Deadline 1 (REP1-091) which refers to ongoing engagement and negotiations.</p> |
| OW1.12.9 | <p>Given the importance of groundwater in the vicinity of the Proposed Development, and especially the Converter Station site, are Portsmouth Water and the Environment Agency content with the</p> | <p>We have co-ordinated with the Environment Agency to provide a response to this question.</p> | <p>Detailed discussions have taken place with the Environment Agency (and Portsmouth Water and HCC), which have led to the inclusion of additional</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|---|--|---|
| | <p>conclusion reached in paragraph 18.5.4.4 of the ES [APP-133] that there is no real risk to public water supply in Source Protection Zone 1 as a result of these proposals?</p> | <p>We are not content with the conclusion that there is no real risk to public water supply in Source Protection Zone 1 as a result of the proposals. We, along with the Environment Agency, have raised this with the Applicant as part of our on-going discussions relating to the Converter Station site.</p> <p>We do however agree that the risks can be managed if best practices and suitable controls are adopted, and detailed discussions have been held and will continue to be held with the Applicant about such practices and controls. Particular focus is upon the 'Surface Water and Aquifer Contamination Mitigation Strategy' (APP-360) which is a document that is intended to be updated by the Applicant in due course to reflect recent discussions held with us, the Environment Agency and Hampshire County Council Lead Local Flood Authority.</p> <p>We note that compliance with this document (APP-360) is referenced in the Requirements within the draft Development Consent Order (section 12(2) - APP-019), albeit this section is entitled "Surface and foul water drainage" which is not entirely reflective of the broader matters this document intends to cover. It may be helpful to amend the Requirement in due course, and we will work with the Applicant to address this if necessary as we proceed.</p> | <p>proposed mitigation measures and communication plans. It is agreed that the Applicant will provide a Generic Method Statement that presents a methodology for dealing with unknown karst dissolution features during the proposed works. The Surface Water Drainage and Aquifer Contamination Mitigation Strategy (APP-360) has also been updated based on these discussions and was issued at Deadline 1 (Appendix 7 to the Onshore Outline CEMP (REP1-087 and 088). With the adoption of the practices set out in these documents, the Applicant is confident that risks to the supplies in Source Protection Zone 1 have been sufficiently mitigated.</p> |

Table 4.3 - Southern Gas Network PLC

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------------|---|---|---|
| CA1.3.13 | <p>The Book of Reference (BoR) [AS-011] includes a number of Statutory Undertakers with interests in land.</p> <p>i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference, with an estimate of the timescale for securing agreement from them.</p> <p>ii) State whether there are any envisaged impediments to the securing of such agreements.</p> <p>iii) State whether any additional Statutory Undertakers have been identified since the submission of the Book of Reference as an Application document.</p> | <p>SGN is engaged with ongoing technical and legal discussions with the Applicant in relation to its land interests. SGN's Technical Team is keen to better gauge the Applicant's preferred onshore cable crossing route so that it can gauge the full likely impact on its apparatus. However, it is meanwhile working with the Applicant to secure agreed Protective Provisions to the Order so as to avoid any serious detriment to SGN's undertaking. SGN shall keep the Examining Authority up to date as to the progress of those negotiations which are currently moving forward in a positive manner.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.13 at Deadline 1 (REP1-091) which refers to ongoing engagement and negotiations with each of the Statutory Undertakers.</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------------|---|---|---|
| CA1.3.43 | <p>What are the current positions of the Applicant and the following Statutory Undertakers in terms of protective provisions? (Appendix B of the Statement of Reasons [APP-022] refers.)</p> <p>If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement?</p> <ul style="list-style-type: none"> i) Network Rail Infrastructure Ltd. ii) Portsmouth Water Ltd. iii) SGN - Southern Gas Network PLC. iv) SSE PLC (High Voltage). v) SSE PLC (Low Voltage). | <p>Applicant and SGN negotiations continue on protective provisions, and SGN is keen for such negotiations to be concluded at the soonest opportunity once technical and legal discussions have been concluded. A status report on the negotiations is included in the draft Statement of Common Ground which has been submitted by the Applicant at this Deadline 1.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.43 provided at Deadline 1 (REP1-091) which refers to ongoing engagement and negotiations.</p> |

5. LANDOWNERS

Table 5.1 – The Ministry of Defence

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|--|---|---|
| CA1.3.37 | <p>What are the current positions of the Applicant and the Ministry of Defence in respect of discussions relating to s135 of the Planning Act 2008 (Statement of Reasons [APP-022] paragraphs 1.5.7 and 8.3.3)? Provide details of any such discussions.</p> <p>In the context of Planning Act 2008 guidance related to procedures for the Compulsory Acquisition of land (September 2013), Annex B Paragraph 2, when does the Applicant expect to receive any relevant consent?</p> <p>Are there other bodies that should be the subject of such discussions?</p> <p>If the relevant consent is not received, would the project be able to proceed and, if so, in what form?</p> <p>Would a reassessment of environmental effects be necessary?</p> | <p>To undertake their works, the applicant requires the use of grass verges at Farlington Avenue, Portsmouth which are owned by the MOD. The applicant will not be purchasing these parcels of MOD land so compulsory acquisition is not required instead the applicant is looking to obtain consent from the MOD to carry out these works at this location through the grant of wayleaves.</p> <p>A tri-party agreement between Avison-Young (representing the Applicant), MOD and Annington Homes (provider of Service Families Accommodation) is in discussion for the prospective grant of wayleaves relating to the cable routes over MoD land. The applicant has full details of the Heads of Terms and documents, at the time of writing this response these agreements are yet to be completed.</p> | <p>Please refer to the Applicant's response to ExA WQ CA1.3.37 provided at Deadline 1 (REP1-091) which refers to ongoing engagement and negotiations with the Ministry of Defence.</p> |
| SN1.14.1 | <p>With reference to paragraph 13.6.2.44 of ES Chapter 13 [APP-128], in the event of an urgent military need (rather than just exercise), can the path be cleared for naval forces to deploy and would sufficient notice be available to allow cable installation works to cease to enable this to occur?</p> | <p>We have previously made representations in response to a Scoping Opinion request and a Section 42 consultation in relation to this project and the safeguarding of offshore military assets and interests.</p> <p>As previously advised, the offshore cable route will intersect military Danger Area D037 however we have no safeguarding concerns with the cable route passing through this danger area. We have no other offshore safeguarding concerns with this proposal however we did advise that the applicant should consider the presence of both historic explosive munitions disposal sites and unexploded ordnance (UXO). The onshore cable route does not occupy any statutory onshore safeguarding zones so we also raised no safeguarding concerns with the onshore element of the project.</p> <p>In response to the written question, the AQUIND interconnector cable route runs clear of the main navigation channels used for deploying warships out of HM Naval Base Portsmouth and only a small section of the cable route falls within the port limits. It is therefore unlikely that the route will need to be cleared should a warship need to be deployed. Information relating to maintenance and constriction works will be circulated by the project to the Queens Harbour Master (QHM)</p> | <p>The Applicant has been engaging with the Ministry of Defence ('MoD') (the Defence Infrastructure Organisation) and the Queen's Harbour Master ('QHM') at Portsmouth since 2018 directly and through the NAB VTS User Group meetings as evidenced in the Navigation Risk Assessment (APP-393, Section 6.2.1) which are attended by MoD//QHM representatives and the Consultation Report (APP-025, Section 9.3)</p> <p>Further consideration of military vessel movements from Portsmouth and Southampton has been undertaken and has been presented in Section 8 of the ES Addendum (REP1-139) submitted at Deadline 1. It concludes that there is reasonable separation and distance between the Proposed Development and any military vessel transits. Therefore, this information concurs with the Defence</p> |

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|------------------|---|--|
| | | at Portsmouth and via Notices to Mariners so the QHM and Navy will be notified. | <p>Infrastructure Organisation, that there is no potential for the Proposed Development to interfere with normal military operations or what might be considered an urgent military need.</p> <p>During construction of the Proposed Development, there will be regular and ongoing communication with key stakeholders such as local ports including the MoD/QHM Portsmouth (see Section 5.6.3 of the Marine Outline CEMP (APP-488)) as well as the relevant notifications that are a requirement of the dDCO (REP1-021), Schedule 15, Part 2, Condition 2.</p> |

Table 5.2 – Savills on behalf of West Waterlooville Development Ltd/Grainger Plc

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------------|--|---|---|
| CA1.3.81 | <p>Does the Savills Relevant Representation [RR-141] include any concerns in relation to the seeking of rights within the areas of adopted highway?</p> <p>What are the Land Plan [APP-008] plots, or parts of plots, referred to in the Relevant Representation that lie outside the adopted highway?</p> | <p>No. The concerns raised by Grainger relate solely to the timescales for and programming of the work in relation to the Berewood Southern Access Junction (plot 5-12).</p> <ul style="list-style-type: none"> • Berewood main entrance: Application document reference 2.2 Land Plans Sheet 4 of 10 plot 4-11 and 4-13 • Berewood Phase 8: Application document reference 2.2 Land Plans Sheet 4 of 10 plot 4-36 and 4-38 • Berewood Town Park: Application document reference 2.2 Land Plans Sheet 4 of 10 plot 4-39 and 4-41 • Berewood Southern Access Junction: Application document reference 2.2 Land Plans Sheet 5 of 10 plot 5-12 | <p>The only areas in which West Waterlooville Developments Limited have an interest which lies outside of the adopted highway are plots 4-36 and 5-12.</p> <p>All of the other West Waterlooville Developments Limited interest are in respect of subsoil of the highway (plots 4-10, 4-11, 4-42, 5-01, 5-16).</p> <p>Grainger also has a subsoil interest in respect of plot 4-13.</p> <p>Neither Grainger nor West Waterlooville Developments Limited has any interest in relation to plots 4-38, 4-39 and 4-41.</p> <p>The Applicant will engage with Savills and Grainger to clarify this position outside of the Examination process and continues to engage with Grainger to secure the rights required by voluntary agreement.</p> |

Table 5.3 – Ian Judd and Partners on behalf of Peter and Geoffery Carpenter, Michael and Sandra Jefferies, Robin Jefferies and Joe Tee

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|---|--|---|
| CA1.3.83 | To what Land Plan [APP-008] plot numbers does Relevant Representation [RR-168] refer? | <p>Peter & Geoffrey Carpenter- Freehold Interest 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, 1-72</p> <p>Michael & Sandra Jefferies - Freehold Interest 1-11, 1-13, 1-15, 1-16, 1-17, 1-19, 1-23 and 1-24.</p> <p>Robin Jefferies - Freehold Interest 1-26, 1-29 and 1-30</p> <p>Mr Tee - Freehold Interest 3-05</p> | <p>Noted in relation to Peter & Geoffrey Carpenter, Michael & Sandra Jefferies and Robin Jefferies.</p> <p>Plot 3-05 has now been removed from the Order Limits. This is reflected on the updated Land Plans (REP1-011) and Book of Reference (REP1-027 and 028) submitted at Deadline 1.</p> |
| CA1.3.84 | What land interest does Joe Tee have in respect of Relevant Representation [RR-168]? | Mr Tee is the Freehold Owner, with Mr & Mrs Moor of plot 3-05 | Plot 3-05 has now been removed from the Order Limits. This is reflected on the updated Land Plans (REP1-011) and Book of Reference (REP1-027 and 028) submitted at Deadline 1. |

6. OTHER

Table 6.1 - Trinity House

| Reference | Written Question | Response to Written Question | Applicant's Comment |
|-----------|---|---|---|
| SN1.14.5 | With reference to paragraph 12.6.2.1 of ES Chapter 12 [APP-127], is there an exclusion margin to the east of the Isle of Wight and would this, in combination with the proposed exclusion zone around the marine cable corridor, lead to navigational concerns or conflict with ships entering or leaving the Solent? | <p>Trinity House would have concerns if any exclusion zones granted during the construction of the interconnector included areas within the Nab Channel. In particular, the proposed exclusion areas within the Nab Channel would reduce the navigable width of the channel and could have a serious impact on marine navigation. This would, therefore, need to be carefully managed and monitored by the relevant Port and Pilotage authorities, with the cooperation of the applicant.</p> <p>The Nab East Pilot Boarding area for Southampton and Portsmouth would be affected if the construction area exclusion zones are used to restrict operations as vessels may require more room to manoeuvre, depending on the weather at the time. It is suggested that this could be managed with good cooperation between the applicant and the Pilotage authorities as construction passes this area.</p> <p>An exclusion zone around the construction operations may impact on vessels navigating outside of the Nab Channel, including recreational craft, although this should be mitigated by vessels complying with COLREGS and the proposed guard vessels.</p> <p>Trinity House acknowledges that any exclusion zones, as described in ES Chapter 12, would be temporary during the construction phase and move accordingly. It is requested the applicant and relevant Port/harbour authorities promulgate appropriate information to the marine users in the area accordingly.</p> <p>Trinity House suggests that it may be appropriate for the ExA to consider additionally directing the above question to Port/Pilotage Authorities for the area and to the Maritime & Coastguard Agency who may wish to comment.</p> | <p>The Marine Cable Corridor is approximately 2 km from the Nab Channel and 2.2 km from the Nab East Pilot Boarding area for Southampton and Portsmouth, so we would not expect exclusion zones to intersect either of these areas. For clarity, Chapter 12 Commercial Fisheries (APP-127) uses the term exclusion zone as fishing activities will not be possible around construction operations. In Chapter 13, the zones around construction operations are referred to as rolling recommended safe passing distance for transiting vessels.</p> <p>Chapter 13 Shipping, Navigation and Other Marine Users (APP-128) includes liaison with ports and harbours as part of the embedded mitigation. In particular, for Nab East this would require continued liaison (which has already been undertaken pre-application) with Southampton VTS and QHM Portsmouth.</p> <p>The Applicant has submitted a signed Statement of Common Ground with the Maritime & Coastguard Agency (REP1-111).</p> |

