



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 2 Submissions

The Planning Act 2008

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

Document Ref: 7.9.6

PINS Ref.: EN020022

AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 2 Submissions

PINS REF.: EN020022

DOCUMENT: 7.9.6

DATE: 3 NOVEMBER 2020

WSP

WSP House

70 Chancery Lane

London

WC2A 1AF

+44 20 7314 5000

www.wsp.com

DOCUMENT

Document	7.9.6 Applicant's Response to Deadline 2 Submissions
Revision	001
Document Owner	WSP UK Limited
Prepared By	Various
Date	3 November 2020
Approved By	M. Wood
Date	3 November 2020

CONTENTS

1.	INTRODUCTION	1-1
2.	APPLICANT'S RESPONSE TO DEADLINE 2 SUBMISSIONS	2-2

TABLES

Table 2.1 - East Hampshire District Council (EHDC)	2-2
Table 2.2 - Havant Borough Council	2-5
Table 2.3 - Highways England	2-10
Table 2.4 - Marine Management Organisation (MMO)	2-10
Table 2.5 - Blake Morgan LLP on Behalf of Mr. Geoffrey Carpenter and Mr. Peter Carpenter	2-11
Table 2.6 - Blake Morgan LLP on Behalf of Mr. Michael Edwin Jefferies and Mrs. Sandra Helen Jefferies	2-23
Table 2.7 - Blake Morgan LLP on Behalf of Mr. Robin Jefferies	2-29
Table 2.8 - South Downs National Park Authority	2-32
Table 2.9 – Hampshire County Council	2-34
Table 2.10 – Winchester City Council	2-41
Table 2.11 - Trinity House	2-60
Table 2.12 - Portsmouth City Council	2-62

1. INTRODUCTION

- 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. The Examination of the Application commenced on 08 September 2020. Deadline 2 of the Examination was on 20 October 2020. This report provides responses from the Applicant to submissions made by Interested Parties at Deadline 2.
- 1.1.1.4. Each table in Section 2 corresponds to the submission of an individual Interested Party.

2. APPLICANT'S RESPONSE TO DEADLINE 2 SUBMISSIONS

Table 2.1 - East Hampshire District Council (EHDC)

Para No.	Comment	Applicant's Response
Design and Access Statement Revision 002		
	<p>Section 5.2.3 [of the DAS] provides more information on the AC switchyard. It is considered this will not greatly affect the landscape in view from the EHDC area other than the lightning masts, stated as being up to 30m in height. Reference is also made to the possibility of steel cables being strung between the masts, which would add to the appearance of visual clutter between the masts on the buildings and ground mounted masts.</p>	<p>In terms of EHDC's comments in respect of the lightning masts, the Applicant explained at a recent design meeting with relevant LPAs that there are two types of lightning masts which may be used, with plate 5.8 of the updated Design and Access Statement (DAS) (REP1-031) showing one option. It was agreed that further to the design meeting with LPAs additional images would be presented of an alternative design which relates to a conical post rather than lattice tower.</p> <p>The extent of cabling and wires strung between the masts to secure the lightning masts (and referred to in paragraph 5.2.3.14 of the updated DAS) and so as to "provide additional protection from lightning strikes" will be determined by the final choice of mast and layout.</p> <p>In accordance with requirement 6 of the draft Development Consent Order (dDCO) (REP1-021) the detailed design of the Converter Station must be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence. The design of the lightning masts will be approved pursuant to this requirement.</p> <p>The Landscape and Visual Impact Assessment (LVIA) assessed the lightning masts as narrow structures perceptible in some views from up to between one and two kilometres. From such views, vegetation will largely screen the lower elevations of the masts, with only the upper profile visible and tapering to a point. Similarly, the LVIA assessed that the wires and cabling, like the lightning masts, would not be visible beyond a 2 km radius.</p>
	<p>Section 5.2.3.27 [of the DAS] details Auxiliary Transformers. These would be oil filled and it will be critical that appropriate bunding is provided in the event of a leak. The same is applicable to the diesel generator (Plate 5.13). It is stated these would be sound-proof units, but assurance / evidence of sound-proofing should be provided, albeit these would only be used in emergency situations.</p>	<p>The detailed design of the component parts of the Converter Station Area will be developed to accord with the broadband and octave band noise criteria that must be achieved, which in practice requires the necessary noise attenuation measures to be implemented across the Converter Station Area, including in respect of the auxiliary transformers and diesel generators.</p> <p>Section 5.6.1.2 of the Onshore Outline CEMP (REP1-087) details the bunding that will be provided in the event of a leak for the transformers and the diesel generator.</p>

Para No.	Comment	Applicant's Response
		<p>Section 5.2.3.29 of the Design and Access Statement (REP1-031) provides details that the tank will be mounted on a bund to ensure that in the event of an oil leak, the oil does not enter the ground or the water table.</p>
	<p>Section 5.2.4.3 states the standard roof design would result in a building height of 22m which has been the understanding throughout preliminary discussions. It is stated a more complex architectural solution may result in a building height of 26m which is a discernible difference and EHDC would like a landscape led approach to the scale of the building and a commitment to 22m rather than this being led by engineering / contractor preferences.</p>	<p>The Applicant accepts that a lower roof line would to some degree reduce effects but considers that there is a balance to be struck, not only for engineering reasons but also for building aesthetics. The additional 4m allows, as stated below Table 5.2 of the updated DAS (REP1-031) submitted at Deadline 1, "for the roof, tolerances, lights and fittings." It allows for a degree of design flexibility for both functional and architectural design reasons, taking into account functionality, buildability and durability following a full appraisal of: the total height of the electrical equipment including clearances; distribution of internal lighting and services; structural and cladding solutions to meet functional and legislative requirements, taking into account procurement, buildability and health and safety considerations during the construction phase and maintenance for the life of the building.</p> <p>The parameter envelope height of 26m is a maximum (to the ridges of the highest buildings), taking into account the range of potential equipment sizes.</p> <p>The landscape and visual assessment (ES Chapter 15, APP-130) was undertaken based on the maximum parameters (see paragraph 15.7.1.7).</p>
<p>Comments on Applicants response to the ExA first set of Questions</p>		
<p>MG1.1.3</p>	<p>EHDC note the Position Statement (Doc Ref 7.4.1.1) regarding the approach to design. The design approach leans on the acknowledgement in section 4.5 of NPS-EN-1 (and the National Design Guide (NDG)) that such infrastructure development limits the extent to which it can contribute to the quality of the area. In early design discussions with the applicant, EHDC had sought a design approach that represented innovation / high standards of external appearance to respond to the location/landform rather than limiting the design of the Converter Station Buildings to primarily functional requirements. Design discussions with the Applicant are ongoing.</p>	<p>Please refer to the Applicant's Comments on responses to ExA First Written Questions (MG1.1.5) (REP2-008).</p> <p>The Applicant is surprised by these comments given the previous comments by EHDC that they are "<i>broadly content that its views on the concept design have been accommodated</i>" and "<i>satisfied that its views will be incorporated into the final design</i>".</p> <p>It is correct that design of the Converter Station buildings are to a large degree driven by their function, however it is not accepted that this has prevented the advancement of a design that is of a high standard of external appearance and which responds appropriately to the location/landform.</p> <p>Design meetings between the Applicant, the SDNPA, WCC and EHDC resumed in August 2020 and it is agreed that the aim of the design is to create visually recessive, simple buildings; blending into the landscape as much as possible. The cladding solution, secured by the Design Principles, includes layered facades of small separate elements of varied colours over a dark background, which break up the mass of the buildings and allow flexibility of colours to respond to the surrounding context. This results in a</p>

Para No.	Comment	Applicant's Response
		<p>building fabric and texture of a high standard, which is higher than would normally be adopted for a building of this type.</p> <p>Colours are continuing to be discussed and will be selected from a palette derived from contextual studies of the locality and will vary across the building elevations to respond to particular views. Further work is being undertaken to confirm the colour palette.</p>
MG1.1.32	<p>EHDC note the response from the Applicant, but it evades the question regarding the question regarding an update on whether an agreement is in place from the French authorities, which is considered critical.</p>	<p>The Applicant has not evaded the question. AQUIND Interconnector was not included in the 4th PCI list. The position regarding the applicability of the TEN-E Regulations as a result is clearly stated. It is not clear why EHDC consider this matter is 'critical'. The TEN-E Regulations are for planning purposes a tool to co-ordinate consenting regimes. The NSIP status and the DCO regime already address those issues in the UK without the need to rely on the EU regulations.</p>
LV1.9.25	<p>The Council notes the reference to cranes of 84m in height during construction. The Applicant states the significance of the construction stage effects would not change as a consequence of this information, however, this is considered to make light of the significance of the visual effects of cranes of such scale in this location. Clarification over the likely duration of presence of such cranes is requested to assess the impact further given a three-year construction period is planned.</p>	<p>As noted in the Applicant's Response to Written Questions ExAWQ1 (LV1.9.25) (REP1-091) specific dimensions of construction equipment were not available at the time of the assessment. However, based on the assessor's experience of construction works, it was assumed that tall cranes, of this height, would be used. The response referred to was not intended "to make light of" the updated information, rather to acknowledge that this is not a substantive change to the basis on which the assessment was made, and that the assessment (ES Chapter 15, APP-130) already finds the highest level of adverse effect (major adverse) where the development work would be visually prominent and close to sensitive receptors during construction.</p> <p>It is anticipated that mobile cranes of up to 84m in height would be required during the civil works of the Converter Station associated with the construction of the buildings. The duration is likely to be up to 8 months out of the 3-year construction period.</p> <p>The height of the crane when it is not in use will be dependent on the crane manufacturer but it is likely to be about 5m.</p>
SE1.15.12	<p>EHDC note the Position Statement on Planning Obligations (Doc Ref 7.7.6). Notwithstanding EHDC policies and thresholds contained in its CIL SPD, it is considered that the District will be significantly impacted by the development during the construction phase but that the project provides no mitigation or benefits in socioeconomic terms to the District. EHDC welcomes the acknowledgement that discussions will continue in this regard.</p>	<p>The Applicant confirms its view that the development as proposed includes adequate mitigations. Nonetheless, the Applicant will continue to discuss planning obligations with EHDC to understand what further deliverable mitigations they consider could be provided so as to further mitigate the impacts of the Proposed Development.</p>

Table 2.2 - Havant Borough Council

Para No.	Comment	Applicant's Response
Alternative Route Opportunities		
4	<p>The Supplementary Alternatives Chapter, specifically chapter 8 – Countryside Route (doc ref 7.8.1.3), outlines many reasons why the applicant has discounted this route. However, no indications of dates of when this potential route was considered have been provided. From the reading of the document many of these arguments have been retro-fitted to conclude that the highway route is the chosen, without full due consideration of this route in detail.</p>	<p>The consideration of a cable route in this location was first considered in 2017, however it was discounted at this stage because of the potential for environmental impacts on designated sites and the because the Applicant did not want to sterilise the land in this location, noting that it is an area allocated for housing development. Following the suggestion of the alternative countryside routes by HBC and WCC in responses provided at the AQUIND public consultation on 16th and 29th April 2019, respectively, the potential for a route in those location was further considered to confirm the previous conclusions made.</p> <p>A summary of how the HBC and WCC countryside routes have been considered by the Applicant is provided at section 2.6.4 of ES Chapter 2 (Consideration of Alternatives) (APP-117), submitted as part of the 2019 Application. Further to continued requests for additional information regarding how the Applicant considered these routes, a more detailed explanation of the countryside routes and the reasons why they were not pursued was provided in section 8 of the Supplementary Alternatives Chapter (REP1-152).</p>
Ecology		
5	<p>Regarding the ecological impacts of this proposed route for HBC's alternative route considered from paragraphs 8.1.4, as has been highlighted HBC are not the Local Planning Authority for the area and did not have access to the level of information required to consider this route in detail. Winchester City Council's route is more informed as they are the LPA for the area, with this route being considered by the applicant in paragraph 8.1.5. It is noted that in paragraph 8.1.5.5 that no fieldwork surveys have been undertaken to consider the presence of protected species in this area. It is stated by the applicant that their presence is known, this may well be true, however with the appropriate surveys being undertaken a route is likely to have been devised that either avoided such protected species or provided appropriate mitigation measures regarding protected ecological areas.</p>	<p>Ecological features were identified and assessed to proportionately determine potential effects on them in connection with the options in this location, both the specific routes identified and more generally.</p> <p>The constraints and the likely level of mitigation that may have been required was considered having regard to the mitigation hierarchy approach, as is explained in the Supplementary Alternatives Chapter (REP1-152). Where there are sensitive habitats or potential for impacts on protected species, avoidance is the preferred approach in terms of design.</p> <p>The HBC route, for example, would likely have direct impacts on local SINCS and, as a consequence of fragmentation, may affect the protected species that are noted to be located within those habitats.</p> <p>The Applicant confirms it is content with the approach taken to considering the Countryside Route in a proportionate manner, and with the reasons for the route it has selected when balancing the potential for impacts on the natural environment and the sterilisation of land for a significant period as opposed to the temporary impacts associated with installing utilities infrastructure in the highway.</p>

Para No.	Comment	Applicant's Response
Sterilisation of land		
6	<p>Regarding the sterilisation of land considered by the applicant in paragraphs 8.1.7. The applicant raises points that the cable routing through this area would sterilise the land for both future and current committed developments. Regarding the future of development, these areas are within the administrative boundaries of Winchester City Council. However, if any of this further land was to be allocated for housing, then policies would be given due consideration in the Local Plan process, would be in place so that if any development were to be proposed then any layout of the development would need to take account of the cable route, as such this is not a reason to dismiss this route on this issue alone.</p>	<p>It is not possible to mitigate the sterilisation of land where the cable circuits are laid along the suggested Countryside Route. Taking into account that the Project has the operational life of 40 years from the start of operations, the suggestion of placing not insignificant constraints on the land with future development being laid out around this without issue is fanciful and shows a want of understanding of technical and commercial realities. It would be an unnecessary constraint to any future development coming forward in this location, which would potentially deter development and at best would be complicated to address. As can be seen from the long history of the West of Waterlooville MDA, the delivery of development is not an uncomplicated matter, and by including additional constraints such as this feasibility and viability of future development would undoubtedly be affected. It is, of course, best avoided.</p> <p>The Applicant also confirms that the sterilisation of land for future development is not the only reason for discounting any cable route. The Applicant has considered and balanced the relevant considerations in relation to the alternatives studied (as set out in the Supplementary Alternatives Chapter (REP1-152)) and has reached reasonable and logical conclusions.</p>
7	<p>Paragraph 8.1.7.3 outlines concerns that the development would adversely impact on the West of Waterlooville Major Development Area (MDA), by severing the site and being in the open space on the western part of the site. It is considered that appropriate mitigation measures could be utilised to avoid such conflicts, indeed the route of the cable could be located to the west of the site, to avoid any such conflicts.</p>	<p>The constraints maps contained in Appendix 4 (Ecological Constraints Map of the Countryside Routes) of the Supplementary Alternatives Chapter (REP1-152) show similar environmental constraints, such as SINC's, woodland and grazing marshes, to the west of the Countryside routes that would also need to be considered in terms of balancing the various impacts against one another.</p> <p>The temporary adverse impacts of laying the cables in the highway are, in the Applicant's view, outweighed by the temporary and permanent impacts of laying the cables in the location of the Countryside Routes. Whilst mitigation could be deployed, the residual impacts of such a route mean it is not preferred, and for this reason it was not selected.</p> <p>The Applicant is unclear why the authority, which has strategic priorities for boosting housing supply, is content to suggest that works should be undertaken that jeopardise future housing delivery.</p>
Minerals and waste		
8	<p>Paragraph 8.1.7.9 outlines concerns that the proposed cable routing would sterilise areas identified in the Hampshire Minerals and Waste plan, comprising soft sand (pale yellow) and brick clay (brown). With any development appropriate mitigation measure to avoid such sterilisation occurring, it is noted that no reference is made to the applicant</p>	<p>The presence of the Onshore Cable Route above those deposits would limit the ability for those mineral deposits to be accessed in that location in the future, with or without mitigation.</p>

Para No.	Comment	Applicant's Response
	discussing this matter with Hampshire County Council as Minerals and Waste Authority, who would provide advice on this matter to ensure that measures were in place to maintain the ability to utilise these mineral deposits.	<p>The Applicant acknowledges that it may be possible for measures to be put in place to mitigate this issue as far as practicable (albeit this has not been substantiated), but that in any event this would not avoid the issue.</p> <p>The Applicant can confirm that, as set out above, this is not the only reason for discounting the Countryside route.</p>
9	Following our own discussions with the Minerals and Waste Authority, who have considered the data within the Aquind ES Addendum Appendix 3 Supplementary Alternatives Chapter. Given the relatively small areas of safeguarded minerals which the proposed routes would sterilise, and that there are no safeguarded mineral or waste sites in the vicinity of the proposed countryside routes, they cannot see a reason for an objection to either of the proposed countryside routes should they be adopted, subject to suitable controls.	<p>It is not clear what the 'suitable controls' suggested are, or how they would align with the technical feasibility of extracting minerals in proximity to electricity apparatus.</p> <p>In any event, the Applicant can confirm that, as set out above, this is not the only reason for discounting the Countryside route and that the various identified impacts have been balanced in relation to the alternatives studied. It is one of the factors that was taken into account, in a proportionate manner, when the alternatives were studied.</p>
Environmental impact of proposed development – 8.1.12		
11	This matter would be for the Highway Authority to consider these detailed technical points. However, whilst noting that some disruption would be created by a potential countryside route, this disruption. It is clear from the applicant, who acknowledges in paragraph 8.1.12.3, that the countryside would be installed more quickly.	The Applicant highlights the benefit of this, including from a cost perspective, and yet it was still determined that this was not preferable when taking into account all relevant considerations.
12	The proposed route of the cable along the highway network within the administrative control of Hampshire County Council is shown on sections 1-4 of the onshore cable corridor plans. This brings the cables from the proposed converter station site at Lovedean down to the Portsmouth City Council boundary at the A3 London Road (south of The Dale). The route primarily runs along the A3 corridor and B2150, which are highly trafficked, important priority bus routes, and play a key role within the local network. The cable route corridor in this area caters for the bus 'Star' routes 7 and 8 between Portsmouth and Waterlooville which is a key access facility to Queen Alexandra Hospital and Portsmouth's employment areas.	The impacts associated within construction of the Proposed Development have been assessed within the Transport Assessment (APP-448), Chapter 22 of the Environmental Statement (APP-137), the Supplementary Transport Assessment (REP1-142) and Chapter 15 of Environmental Statement Addendum (REP1-139). This included an assessment of the A3 and B2150 and bus services 7 and 8. The impacts associated with the Proposed Development will be mitigated to an acceptable degree by measures contained within the Framework Traffic Management Strategy (FTMS) (REP1-068) and Framework Construction Traffic Management Plan (REP1-070).
'	The proposed route is already constrained to further improvement in general capacity due to the available highway land and frontages of private properties. The ongoing ability for the Highway Authority to be able to maximise the use of the highway land therefore remains paramount on this key connection to Portsmouth and the A27/M27 corridor and therefore should not be constrained by the provision of non-highway infrastructure within the Highway Boundary.	The proposed development will be no more constraining to any improvements than other existing utilities infrastructure in the highway. The suggestion that it would prevent further improvements is without any foundation, as is the suggestion that it will limit the ongoing ability for the highway authority to maximise the use of the highway land. The presence of the Proposed Development, akin to other utilities' apparatus located in the highway, will not have an impact on any future development of the highway. By admission, the highway is constrained by the frontages of private properties abutting it, which makes clear there are no future highway

Para No.	Comment	Applicant's Response
14	<p>Whilst the Supplementary Alternatives Chapter Environmental Assessment provides some further additional consideration of an alternative non-highway focussed route, Havant Borough Council are still to be convinced that the conclusions that the ES reached on this matter are fully justified. In particular, little understanding, and weight, appears to be given to temporal disturbance to the highway during construction, subsequent longer-term impacts of this disruption and the impact on future planned highway schemes including:</p> <ol style="list-style-type: none"> 1. Ladybridge Roundabout Capacity Improvements as a s106 obligation of the Waterloo MDA planning permission and potential TCF works; 2. Stakes Road/Stakeshill Road capacity improvements as a s106 obligation of the Waterloo MDA planning permission; 3. Milton Road/Lovedean Lane junction improvements as a result of permitted development at Woodcroft Farm secured within the s106 agreement for the development; and 4. Resurfacing works at the A3 corridor. <p>There is also the ongoing potential for future transport works with long term aspirations to improve the bus provision along the A3 corridor to further support the bus 'Star' routes and improve the sustainable transport offer within the area.</p>	<p>schemes likely to come forward and which could be affected by the Proposed Development when operational.</p> <p>Temporal disturbance has been taken into account in the assessment of the Proposed Development. To suggest otherwise is untenable. This information is not also spelled out in the Supplementary Alternatives Chapter to the same extent as elsewhere in the ES, but that provides no basis on which to suggest it has not been fully considered.</p> <p>The programming of construction works associated with the construction of the Onshore Cable Route has been fully considered by the Applicant and will be managed by programme restrictions set out in the FTMS (REP1-068). The FTMS and programme restrictions contained within it are secured by the protective provisions for the protection of highways and traffic at Part 5 to Schedule 13 to the dDCO (REP1-021). The Applicant therefore considers these restrictions to be appropriate to mitigate the impact of constructing the Onshore Cable Route within the highway network.</p> <p>The impacts associated within construction of the Proposed Development have been assessed within the Transport Assessment (APP-448), Chapter 22 of the Environmental Statement (APP-137), the Supplementary Transport Assessment (REP1-142) and Chapter 15 of the Environmental Statement Addendum (REP1-139).</p> <p>In respect of items 1 to 3 of the highway schemes mentioned, the Applicant is aware that these are necessary to enable other developments to progress and is satisfied that there is no in principle conflict between the Proposed Development and these schemes. The Applicant will seek to work with HCC so that the delivery of the Proposed Development is co-ordinated with other schemes as necessary, taking into account the programme mitigations provided for within the FTMS and the need to deliver the works efficiently so as to minimise impacts.</p> <p>As to item 4 of the highway schemes, the Applicant is not aware of any specific time frames for resurfacing of the A3 corridor, therefore it cannot comment further. In any event, the requirements for reinstatement of the highway following the undertaking of the installation of the Proposed Development is very clearly secured by the protective provisions for the protection of highways and traffic at Part 5 to Schedule 13 to the dDCO.</p> <p>There is no sound basis on which to state the Proposed Development will prevent aspirations to improve the bus provision along the A3 corridor and improve the sustainable transport offer within the area.</p>

Para No.	Comment	Applicant's Response
15	<p>Furthermore, this additional information indicates that many mitigation measures for the countryside could be employed, with regard to visual impact, highway and crossing of watercourses. Indeed, this route could provide some benefits by utilising the apparent sterilised land for long term public benefit. Other matters such as ecology, whilst acknowledging that any countryside route would need to consider the impact on protected area, the routing of the cabling could be positioned in a way to either avoid or mitigate any associated impacts.</p>	<p>The sterilisation of land, where not necessary, is contrary to the philosophy of the approach for the Proposed Development. Noting the existing development allocations for the land on which the Countryside Route is located, and the potential for this land to accommodate additional future development, principally housing, seeking to route the cable circuits along the Countryside Route would have presented a significant consenting risk, in addition to an avoidable unnecessary future constraint.</p> <p>It is acknowledged that mitigation measures could likely be adopted in order to reduce the environmental impacts, as is almost always the case, however it is not considered the impacts on ecology could be wholly avoided.</p> <p>The Applicant confirms it is content with the approach taken to considering this route in a proportionate manner, and with the reasons for the route it has selected when balancing the potential for impacts on the natural environment and the sterilisation of land for a significant period against the temporary impacts associated with installing utilities infrastructure in the highway.</p>
17	<p>Finally, within the most recent submission by Aquind (REP1-127) Statement in Relation to FOC Aquind are now saying they will act as a Telecommunications Code Operator which gives them powers to run and install telecommunications equipment. The statement talks of them installing branches off the main route. Such an opportunity would not be possible if the cable went cross country as the main opportunities for further telecommunications installations would only really exist if the cable took the road route. This raises the question of the degree to which the potential commercial opportunities associated with the telecom element of the scheme have been a significant driver in the choice of the road route and conversely, resistance to the countryside route.</p>	<p>The obtainment of code powers occurred in 2020. The project and its philosophy has been pursued since circa 2014. The Proposed Development is an Interconnector, and the Applicant is desiring of utilising the Proposed Development to its full design capacity and benefit. For this reason, an application for code powers was made for future connections, should the commercial use of the FOC within the Proposed Development be authorised. There is no logic in suggesting the commercial use of the FOC is an underlying reason for the approach the project has taken over the last 6 years.</p> <p>Further, in the event that an agreement cannot be reached with the owner or occupier of private land, a person who has been conferred code powers may apply to the Court to impose an agreement which confers the Code right being sought by the operator or provides for the Code right to bind the landowner or occupier. In addition, it is not the case that permitted development rights which an electronic communications code operator benefit from are only applicable to the highway. They are applicable to any land in the control of that operator. It is therefore not correct to state the main opportunities for further telecommunications installations would only really exist if the cable took the road route.</p> <p>The reasons for the Applicant not preferring the Countryside Route have been very clearly explained.</p>

Table 2.3 - Highways England

Para No.	Comment	Applicant's Response
Traffic and Transport		
	<p>Highways England are currently reviewing the updated Framework Construction Traffic Management Plan alongside other updated traffic information submitted by the applicant. We are still awaiting traffic modelling information from the applicant for A3(M) Junctions 2 and 3.</p> <p>Once the information has been received and reviewed, it is intended to agree a new statement of common ground with the applicant.</p>	<p>The Applicant intends to submit further information on the anticipated impact at this junction prior to Deadline 4. Information will be shared with Highways England as soon as it becomes available.</p>
Proposed Easement		
	<p>Highways England are awaiting an appropriate Geotechnical Risk Assessment in accordance with CD622 (Managing Geotechnical Risk) to inform if Highways England can accept in principle an easement to facilitate a crossing beneath the A27. This is progressing well and it is anticipated to be complete prior to commencement of the DCO hearings.</p> <p>Highways England have held positive discussions with AQUIND on matters related to the principle of a proposed easement, including an appropriate agreed head of terms. Dialogue continues in advance of the completion of a geotechnical risk assessment.</p>	<p>Discussion with Highways England on the Geotechnical Risk Assessment have been ongoing, and the document will be submitted by the Applicant prior to Deadline 5.</p>

Table 2.4 - Marine Management Organisation (MMO)

Para No.	Comment	Applicant's Response
ME1.10.18	<p>The applicant has deemed the potential impact of the Atlantic Crossing Protection to be of medium magnitude and thus of minor to moderate significance. This remains unchanged since the applicant initially submitted the ES and MMO agreed with the assessment presented relating to this component of the project. Therefore, reliance can be placed on the applicant's assessment of significance.</p> <p>However, through consulting the MMO's technical advisors, the following point has been raised. Schedule 15 Part 2 Paragraph 11, subparagraph (1) of the draft DCO lists several items ((a) through (d)) which the Cable burial management plan should include. As the significance of effects to the seabed resulting from the Atlantic Crossing protection has been assessed as having minor to moderate significance, MMO requires that this plan also include an assessment of changes to the seabed around cable protection (including scour and erosion and alteration to bed forms). This should include (but not necessarily be limited to) monitoring of the effects resulting from Atlantic crossing protection.</p>	<p>The maximum parameters within Schedule 15, Part 2 Condition 1 already include provision of cable protection for the Atlantic Cable Crossing. It has previously been agreed with the MMO (in the SoCG) that presenting this parameter as 'area' (rather than volume) is appropriate. The Applicant does however acknowledge the request for defining the length and area of the Atlantic Cable Crossing and can accommodate this request.</p> <p>The Applicant proposes that rather than include this item in Part 2, paragraph 1 which would mean that the current parameters listed would need to be amended so that there is no double counting (and the details of which currently match the parameters as reported in all of the assessments and mitigation documentation), that additional text is added to Part 1, Paragraph 4(1) as follows;</p> <p><i>(1) cable protection, including the Atlantic Cable Crossing cable protection (pre-lay berm, 100 m x 30 m and post-lay berms of</i></p>

Para No.	Comment	Applicant's Response
	<p>MMO considers this appropriate because scour and erosion occurring around cable protection may influence the measures which need to be implemented as part of the cable burial management plan, and therefore this evidence should be presented to support and justify the contents of the plan.</p> <p>The table under Schedule 15 Part 2 paragraph 1 of the draft DCO defines the maximum total allowable length and area of the cable protection but does not specify the Atlantic Crossing Protection separately. If the dimensions of the Atlantic Crossing Protection exceed (in width or height above the bed) those defined for other cable protection, the MMO recommend that this 600 m length of cable protection is defined separately, and the dimensions are specified.</p>	<p><i>approximately 600 m x 30 m) covering a maximum footprint of 37,800 m².</i></p> <p>Further, the Applicant is content to amend Part 2, Condition 11 to include provision for details of scour/erosion around the Atlantic Cable Crossing, and the justification for any additional protection which may be required. The Applicant will seek to agree wording with the MMO.</p>
ME1.10.19	<p>The applicant has proposed that shallow pits be dredged as part of HDD works, and grout bags and subsequently rock will be placed within the pits. The assessment concluded that the potential impact resulting from the pits is likely to be of negligible magnitude, highly localised and only short duration, and therefore is predicted to be of negligible significance. The conclusions presented in the ES remain unchanged since the MMO's previous review, which agreed with the assessment presented relating to this component of the project, therefore reliance can be placed on the applicant's assessment of significance. However, the MMO object to the use of grout bags within designated sites as we do not believe there is reasonable evidence that would allow their decommissioning. The MMO would prefer that within designated sites only decommissionable cable protection can be used.</p>	<p>The Applicant has separately responded to the MMO's concerns regarding the use of grout bags under the Applicant's comments presented under WQ DCO1.5.18 in Table 3.4 of the Applicant's Comments on Responses to ExA First Written Questions (REP2-008).</p> <p>This confirmed that grout bags are not being proposed to be used within any site that is designated for Annex I habitats. Paragraph 6.6.4.42 in Chapter 6 (APP-121) has incorrectly stated (as an example) grout bags would be used however, rock bags or matting 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 Solent Marine Special Area of Conservation, and the use of rock bags are proposed only as a temporary measure (as stated in Table 3.3 of 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>

Table 2.5 - Blake Morgan LLP on Behalf of Mr. Geoffrey Carpenter and Mr. Peter Carpenter

3	Comment	Applicant's Response
3.1	<p>We have considered the Applicant's responses to Relevant Representations (document reference number 7.9.4) ("Responses to Relevant Representations"). Where the Applicant has referred to an application document in its response, we have assumed it is referring to the original version of that document and not any revised version submitted by the Applicant in relation to Deadline 1 of the Examination timetable.</p>	<p>In the Applicant's Responses to Relevant Representations, the Applicant has referred to the Application documents where prefixed by 'APP' or to those documents submitted at Deadline 1 where noted as such.</p>
3.4	<p>Amenity (Noise, dust, and vibration): Our Clients' Relevant Representations state that the dust produced by construction traffic will settle on their fields and paddocks, which will prevent grazing. The noise and vibration associated with such traffic and the cooling fans when the Converter Station is operational will have a significant detrimental impact on our Clients' use and enjoyment of Little Denmead Farm, their day-to-day lives, and on their livestock. The Applicant's response to this is wholly inadequate. In section 5.12</p>	<p>The impact from dust during construction will be managed through mitigation as outlined in the measures in the updated Onshore Outline CEMP (REP1-087). Air Quality measures including for dust can be found in section 5.11. This will ensure the potential effect on grazing of any dust settling on fields and paddocks will be avoided.</p>

3	Comment	Applicant's Response
	<p>of page 5-104 of its Responses to Relevant Representations, the Applicant states "<i>The noise and vibration assessment can be found in Chapter 24 (Noise and Vibration) of the ES (APP-139).</i>" The Applicant provides no further response or justification whatsoever to explain how Chapter 24 addresses our Clients' concerns, and which specific parts of Chapter 24 are relevant. We have in paragraph 8 of our Client's Written Representations (document reference number REP1-232) made submissions in relation to Chapter 24 of the Environmental Statement. We therefore maintain our Clients' objections in relation to noise, dust, and vibration and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to these issues and comment further at Deadline 3 of the Examination timetable.</p>	<p>In addition to the sentence contained in section 5.12 of the Applicant's Response to Relevant Representations (REP1-160), the Applicant provided further responses (in tables 5.15 and 5.17 of REP1-160) to the points raised in Relevant Representation 054 regarding noise and vibration.</p> <p>The Applicant notes section 8 (Noise and Vibration) of the Interested Parties' Written Representation (REP1-232), and in addition to the information provided in section 5.3 of the Applicant's Response to Written Representations (REP2-014), provides the following responses:</p> <p><u>Paragraph 8.1</u></p> <p>Given the topic material, chapter 24 of the ES (APP-139) is a technical document. Please refer to Chapter 24 of the Non-Technical Summary (REP1-079) for a non-technical description of the conclusions identified in Chapter 24 of the ES.</p> <p>The data collected during the Applicant's baseline noise survey were used to inform the noise criteria used in the operational assessment of converter station noise. As explained in Paragraph 24.6.2.18 of the ES (APP-139) and Paragraph 17.2.5.2 of the ES Addendum (REP1-139), the operational effects of the converter station are expected to be negligible at Little Denmead Farm. For the operational assessment, the term 'negligible' is used to describe an effect where the noise level from the converter station is equal to or below the noise assessment criterion (i.e. does not exceed the existing background noise level at a given receptor).</p> <p>Please refer to the information in the paragraphs below in response to the construction noise related query raised in Paragraph 8.1 of the Interested Parties' Written Representation (REP1-232).</p> <p><u>Paragraph 8.2</u></p> <p>The construction core working hours for the Converter Station area (Works No. 1 and 2) are specified in Requirement 18 of Schedule 2 of the dDCO as being between 0800 and 1800 hours on weekdays and between 0800 to 1300 hours on Saturdays, with start-up and shut-down activities up to an hour either side of the core working hours. These are standard construction working hours.</p> <p>Construction noise predictions at surrounding residential receptors, including Little Denmead Farm (R5), for the key work stages, has been completed and are presented in Tables 24.21 to 24.24 of Chapter 24 of the ES (APP-139). These noise predictions have followed the principles of the methodology set out in in British Standard (BS) 5228-1:2009+A1:2014 <i>Code of practice for noise and vibration control on construction and open sites – Part 1: Noise</i>. Based on this assessment the construction noise impacts at Little Denmead Farm are assessed as being negligible.</p>

3	Comment	Applicant's Response
		<p>The vibration assessment has also concluded that there will be negligible effects at all receptors from Converter Station construction activities (Paragraph 24.6.2.14 of Chapter 24 of the ES (APP-139)). Further information regarding vibration is provided in table 2.6 of this document under Paragraph 3.6.</p> <p><u>Paragraph 8.3</u></p> <p>The justification for undertaking noise predictions for all receptors within 300m of a given construction activity is provided in Paragraph 24.4.2.6 of Chapter 24 of the ES (APP-139). In summary this follows the guidance in BS 5228, and furthermore, no significant construction noise effects will occur at receptors located further than 300m from an activity. For the avoidance of doubt, where a receptor is located closer than 300m from a given construction activity, the actual distance between the construction activity and the receptor has been used to predict the noise level at that receptor.</p> <p>As explained in paragraph 4.2.4.1 of Chapter 4 of the ES (APP-119), environmental effects are classified as either permanent or temporary, and permanent are those changes which are irreversible or will last for the foreseeable period. Construction noise and vibration activities are considered to be temporary effects which is an accepted EIA approach. All construction effects identified have been categorised as short, medium or long term, and as described in the relevant Paragraphs of section 24.6.2 of the ES (APP-139), some of the construction noise and vibration effects for the converter station works have been categorised as medium-term to reflect their anticipated duration. Due to the negligible construction noise and vibration effects identified at Little Denmead Farm, no additional noise mitigation measures to those contained in the Onshore Outline CEMP (REP1-087) are considered necessary.</p> <p><u>Paragraph 8.4</u></p> <p>As stated in section 5.12 of the Onshore Outline CEMP (REP1-087), at all stages of construction, all contractors on-site will be required to follow Best Practicable Means, as defined in the Control of Pollution Act 1974. As part of this, in the event of a noise complaint, the contractor will review and ensure that working practices are mitigating noise and vibration as far as reasonably practicable. The detailed CEMP for these works, which will be produced following the appointment of a Principal Contractor, will contain detail in the community liaison section. This will include detailed information on a procedure in the event of complaints, which will be agreed in consultation with the environmental health department at the relevant local planning authorities.</p> <p><u>Paragraph 8.5</u></p> <p>The construction stage road traffic noise assessment has accounted for the construction traffic (both HGV and employee car movements) created by the</p>

3	Comment	Applicant's Response
		<p>Converter Station and Onshore Cable Corridor construction activities on the wider road network (Paragraph 24.4.4.4 of Chapter 24 of the ES (APP-139)). The use of the Converter Station access road has not been included in the noise and vibration assessment. However, based on the quantity of vehicle movements assumed in the transport assessment and the time periods that these vehicle movements are expected to occur, the access road will not result in any significant noise or vibration effects. This is because the magnitude of noise level at Little Denmead Farm from vehicles travelling along the access road, located over 50m away, is predicted to be negligible. Therefore, no additional noise mitigation measures to those contained in the Onshore Outline CEMP (REP1-087) specific to Little Denmead Farm are necessary.</p>
3.5	<p>Business Impact: Our Clients' Relevant Representations highlighted that the freehold interest to over 30 acres of the 52-acre farm covered by plot 1-32 is to be compulsorily acquired. This represents 58% of the farm's landholding. With over 60% of the farm being affected overall by this, and the compulsory acquisition of new permanent access rights (plot 1-51), acquisition of permanent landscaping rights (plots 1-38, 1-69, 1-70, and 1-72), and temporary possession of land (plots 1-57 and 1-71), this will significantly interfere with our Clients' farming activities. The farm's landholding is relatively small compared to neighbouring landowners, and it will therefore have a disproportionate impact on Little Denmead Farm compared to others. There will also be a significant detrimental impact on the remaining parts of the farm as existing fields will be split up, leaving small, irregular shaped paddocks without straight boundaries. This will make it difficult to carry out farming activities as there will be insufficient space for livestock grazing and access will be rendered difficult. There is no other suitable farming land of this size available in the vicinity to replace the land that will be lost. Reducing the farm to just 22 acres means that the farm is unlikely to be able to continue to operate as a viable business. The Applicant has failed to adequately assess the significant harm that the DCO would have on the farm's ability to function, considering only the type of agricultural land that would be lost and failing to consider the effect on the agricultural business that operates on that land. Section 5.12 (on page 5- 106) of the Applicant's Responses to Relevant Representations does not provide sufficient justification to address these concerns. The response in section 5.12 makes a general reference to Chapter 17 of the Environmental Statement (Soils and Agricultural Land Use), Appendix 27.3 (Cumulative Effects Assessment Matrix (Stage 1 & 2)) (APP-479) and Appendix 27.4 (Cumulative Effects Assessment Matrix (Stage 3 &4)) (APP-480). The Applicant does not however explain how these documents address our Clients' concerns. The response also states that "<i>as discussions are ongoing with landowners, no account has been taken of any potential mitigation measures for land holdings so the assessment in the ES presents a worst case for the effects on farm holdings. Paragraph 17.8.1.6 of Chapter 17 states that 'Mitigation relating to the permanent loss of farmable area to the affected farm holdings are matters of private negotiation and therefore cannot be incorporated into this assessment'. Discussions are ongoing with landowners with regards to acquisition in the hope of reaching an agreement with the impacted parties.</i>"</p>	<p>It is not the case that the Applicant has considered only the type (i.e. grade) of agricultural land that would be lost and has failed to consider the effect on the agricultural business that operates on the land.</p> <p>The relevant baseline description of the farm holding affected is set out in paragraph 17.5.1.8 of Chapter 17 of the ES (Soils and Agricultural Land Use) (APP-132) and the impacts during construction at paragraph 17.6.2.10. This states that approximately 12.8 ha (60% of the land holding) will be required temporarily and permanently from Little Denmead Farm, which would be a high magnitude of impact on a low sensitivity holding and give rise to moderate adverse temporary and permanent effects, which are considered significant for the farm.</p> <p>The impact on the land holding has therefore been formally assessed within the ES.</p> <p>The Applicant provided further information in relation to the justification for the acquisition of the land and rights for the Proposed Development in the Converter Station area in answers CA1 and CA2 of the Applicant's Response to Written Representations (REP2-014), the key points of which are repeated below.</p> <p>Plot 1-32 (owned by the owners of Little Denmead Farm), together with Plots 1-20, 1-23 and 1-29 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137). The land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development.</p> <p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135).</p>

3	Comment	Applicant's Response
	<p>Firstly, the Applicant needs to demonstrate that the public interest outweighs the harm that will be caused by the exercise of such compulsory acquisition powers, and that those powers being sought are proportionate. The harm that will be caused to our Clients is the loss of their business and livelihoods. Such a significant harm should not be relegated to the subject of private negotiations only, without any assessment by the Applicant, or scrutiny by the ExA. In this regard, we submit that the loss of businesses and livelihoods (not only in relation to our Clients but also in general) needs to be formally assessed and considered in the context of the examination into whether the compulsory acquisition powers being sought satisfy the relevant legal and guidance requirements. Secondly, despite what the Applicant states, there has been very little progress (on its part) in private negotiations with our Clients. We therefore maintain our Clients' objections in relation to business impact. Please see paragraphs 4.5.1 and 4.5.4 of this letter for further details of the lack of engagement with our Clients in relation to reaching a voluntary agreement and in relation to the proposals' impacts on our Clients' business.</p>	<p>These clearly demonstrate the national and international benefits of the Proposed Development, which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p>
3.6	<p>Compulsory Acquisition: Our Clients' Relevant Representations set out arguments as to why we do not believe the compulsory acquisition powers being sought in relation to Little Denmead Farm are necessary and proportionate. Section 5.20 on page 5-111 of the Applicant's Responses to Relevant Representations refers us to the Statement of Reasons (APP-022). However, there is no explanation provided by the Applicant beyond this as to why the powers are necessary and proportionate and which parts of the Statement of Reasons they consider relevant to our Clients' concerns in this regard.</p> <p>Our Clients' Written Representations submitted at Deadline 1 (document reference number REP1-232) sets out in full why we do not consider the Statement of Reasons adequately addresses our Clients' objections in this regard. We therefore maintain our Clients' objections in relation to the necessity and proportionality of the compulsory acquisition powers being sought and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue and comment further at Deadline 3.</p>	<p>The justification for the proposed grant of powers to authorise the compulsory acquisition of land and rights in connection with the Proposed Development, including the reasons why there is a compelling case in the public interest given the national significance of the Proposed Development, is explained within the Statement of Reasons (SoR) (REP1-025).</p> <p>The Statement of Reasons is not a standalone document and needs to be considered along with other documents, many of which it refers out to, which have been submitted by the Applicant. In this case the Applicant refers specifically to the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135). These clearly demonstrate both the need for and the benefits of the Proposed Development.</p> <p>The Applicant provided further information in relation to the justification for the acquisition of the land and rights for the Proposed Development in the Converter Station area in answers CA1 and CA2 of the Applicant's Response to Written Representations (REP2-014), the key points of which are repeated below.</p> <p>Plot 1-32 (owned by the owners of Little Denmead Farm), together with Plots 1-20, 1-23 and 1-29 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137). The land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development.</p> <p>The landscaping measures proposed by the Applicant (in Plot 1-32 as well as Plots 1-38, 1-69, 1-70 and 1-72) reflect extensive engagement with and feedback received from Statutory Consultees such as Winchester City</p>

3	Comment	Applicant's Response
		<p>Council and South Downs National Park Authority regarding concerns over loss of vegetation in this area and the Applicant's proposals will significantly strengthen the landscape features in this area, providing an important visual screening function, as well as provide biodiversity enhancements, to address the feedback received. Any third party rights over these areas would be significantly constrained by the potential presence of the Converter Station Site (for Option B(i)) and the landscaping which is to be located on this land in the event of either option, meaning access and enjoyment of the land will not be possible (for both options) once the landscaping to be provided in connection with the proposals is in situ. Further information relating to the landscaping measures is provided in the response to query 3.7 below.</p>
<p>3.7</p>	<p>Landscaping: Our Clients' Relevant Representations state that the Applicant has failed to justify the need for the laydown area/works compound on plot 1-32 to be required on a permanent basis for landscaping, when such landscaping will only consist of grassland rather than as screening, nor provided adequate justification as to why permanent landscaping rights are required in respect hedgerows which prevents our clients from being able to reshape the remaining parts of the farm.</p> <p>Section 5.25 on page 5-118 of the Applicant's Responses to Relevant Representations states that those rights are required as part of the landscaping strategy to assist with the screening of the Converter Station. The areas of land identified for this purpose are considered to be reasonable and only so much as is necessary and aligns with the scale of the project.</p> <p>The Applicant refers us to section 6.1.7 of the Statement of Reasons (APP-022). However, paragraph 6.1.7 does not contain any relevant explanation or justification; it merely states: "<i>New Landscaping Rights: Rights are sought over the land shown green on the Land Plans for landscaping and ecological measures required in connection with the visual screening of the converter station and at the University of Portsmouth Langstone Campus adjacent to Furze Lane.</i>" To therefore simply state that the rights being sought are required and are reasonable, without any further explanation or evidence to support why they are required and are reasonable, is insufficient. We therefore maintain our Clients' objections in relation to landscaping and reserve their position. We have made further representations in respect of landscaping in our Clients' Written Representations (REP1-232). We will consider the Applicant's responses to those (which are to be submitted at Deadline 2) and comment further at Deadline 3.</p>	<p>Plot 1-32 as referred to on the updated Land Plans (REP1-011 and 011a) includes the Converter Station footprint, Access Road, two attenuation ponds and land immediately surrounding such features. The landscaping on plot 1-32 in the area where the temporary laydown area/works compound is to be located during construction is not "only grassland", it consists of woodland, scrub and hedgerows and new calcareous grassland. The planting serves not just a visual screening function in specific locations but also seeks to connect with Stoneacre Copse (ancient woodland to the south east), addressing concerns over the need to improve connections to nationally important habitats as referred to at the Applicant's Response to Written Representations (4.23) (REP2-014) and responds to LPA management strategy objectives in terms of landscape character (as detailed below) and referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402).</p> <ul style="list-style-type: none"> • South Downs National Park Landscape Character Area D (D2 Hambledon and Clanfield Downland Mosaic) Management Strategy seeks to conserve and extend areas of unimproved chalk grassland at Butser Hill and species-rich chalk grassland, yew woodland and rare juniper scrub at Old Winchester Hill. The landscape mitigation measures seek to support this objective. • East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy seeks to restore hedgerow boundaries to provide visual unity and intactness and increase biodiversity and links to areas of woodland and promote growth of hedgerow trees to be required on a permanent basis. • Winchester City Council Hambledon Downs 17 (WCTW2) Management Strategy seeks to encourage the extension of existing chalk downland, through agricultural and planning policies (e.g. compensation for unavoidable loss of wildlife habitats resulting from planned development), encourage the protection and conservation of important wildlife and historic features such as ancient hedgerows

3	Comment	Applicant's Response
		<p>and woodlands, tracks and historic parks, especially where they provide a link with other semi-natural habitats and conserve and restore the structure and condition of the woodlands through appropriate management such as thinning, coppicing, replanting, ride and edge management and the removal of invasive alien species.</p> <p>Revisions to the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1 demonstrate further measures to improve connectivity further with the ancient woodland.</p> <p>The Applicant also refers to the Applicant's Response to Written Representations (CA3) (REP2-014) which explains that the proposals also reflect the extensive engagement with, and feedback received from the LPAs and that the proposals strengthen the visual screening function as well as biodiversity enhancement.</p> <p>Permanent landscaping rights re hedgerows: In terms of permanent rights the Applicant also refers to the Applicant's Response to Written Representations (CA4) (REP2-014) which explains LPAs concerns over potential loss of vegetation in this area and that Applicant's proposals will significantly strengthen the landscape features in this area, providing an important screening function, to address the feedback received. As such, the acquisition of the rights and restrictions in question is necessary in connection with the Proposed Development.</p>
3.8	<p>Relevant Representations not responded to: Our Clients' Relevant Representations also raised issues relating to access, the proximity of the proposed scheme to the South Downs National Park, why the proposed telecommunications building on plot 1-32 cannot be moved eastwards in order to preserve the paddocks belonging to our Clients, the effect of the proposed scheme on the nature of the area (turning it from an agricultural into an industrial area), and the protection of their human rights. The Applicant's Responses to Relevant Representations do not provide any direct response to these concerns.</p> <p>[From RR –</p> <ol style="list-style-type: none"> 1. (Access) The proposed acquisition will split up fields (for example the proposed permanent access route (Plot 1-51) will bisect the existing field into two), leaving small, irregular shaped paddocks without straight boundaries, making it difficult to carry out farming activities as there will be insufficient space for livestock grazing and access will be rendered difficult. There is no other suitable farming land of this size available in the vicinity to replace the land that will be lost. Reducing the Farm to just 22 acres means that the Farm is unlikely to be able to continue to operate as a viable business. 2. (Proximity to South Downs National Park) A recent planning application for a battery storage development was refused partly due to the close proximity of 	<p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135). These clearly demonstrate the national and international benefits of the Proposed Development, which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner.</p> <ol style="list-style-type: none"> 1. Access - The Applicant notes the acquisition of land necessary for the Proposed Development will split up fields such as in the case of Plot 1-51, which is required for the access road and associated landscaping. This will modify the boundaries of the fields in this area and the resulting boundaries will have a gentle curve. The Applicant recognises the loss of land will have a significant impact on the farm but does not believe the shape of the resulting boundaries and resulting fields will materially negatively impact the ability to use remaining areas. 2. The Applicant acknowledges that the Proposed Development does lie in close proximity to the South Downs National Park, and as referred to in the Applicant's Comments on Local Impact Reports Table 9.1

3	Comment	Applicant's Response
	<p>South Downs National Park. The Converter Station would hugely impact the area on the very edge of the National Park. Our clients are still willing to work with AQUIND to achieve agreement on reasonable terms to the satisfaction of both parties. However, if agreement is not reached wish to maintain their objection. Our clients reserve the right to make further detailed representations during the Examination stage of the DCO.</p> <p>3. (Use of Plot 1-32) - Over 30 acres are to be compulsorily purchased (Plot 1-32), representing 58% of the Farm's landholding..... AQUIND have failed to demonstrate that the extent of the compulsory acquisition is necessary and proportionate, taking only what is required. For example, AQUIND have failed to demonstrate why the telecommunications building (in Plot 1-32) cannot be situated further east towards the woods, leaving the existing 4 acre paddock intact. AQUIND have failed to justify the need for the laydown area/works compound on the Plot to be required on a permanent basis for landscaping, when such landscaping will only consist of grassland rather than as screening, nor provided adequate justification as to why permanent landscaping rights are required in respect hedgerows which prevents our clients from being able to reshape the remaining parts of the Farm.</p> <p>4. (Change on nature of the area) The Converter Station is likely to encourage further similar development turning this agricultural landscape into an industrial area.]</p>	<p>paragraph 5.4 (REP2-013) there will be significant effects on the setting of the designated landscape is perceived within 3km of the Converter Station Area. The Proposed Development has been sited to utilise the topography and existing vegetation to partially screen the Converter Station from some angles. It has been carefully designed to take into account impacts on landscape and visual amenity, having regard to siting, operational and other relevant constraints to minimise harm to the landscape and visual amenity, providing reasonable mitigation. With regard to the mitigation proposed, given the necessary size of the Converter Station taking into account its functional requirements it will always have a post mitigation residual impact.</p> <p>It is noted in this regard that NPS EN-1 acknowledges in relation to landscape impact and decision making at paragraph 5.9.8 that “virtually all nationally significant energy infrastructure projects will have effects on the landscape” and that “Projects need to be designed carefully, taking account of the potential impact on the landscape... to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.” This is the case with the Proposed Development.</p> <p>3. The Telecommunication Buildings were deliberately sited at a lower level to the Converter Station to minimise visual impacts. The buildings were also sited to the west of the Access Road to minimise impacts on Stoneacre Copse ancient woodland working within the offsets and standoffs set based on the range of utilities and landscape and ecological constraints present.</p> <p>As indicated in the revisions to the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1, proposed planting in the form of scrub will provide partial screening. As shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137), apart from the Telecommunications Building, Plot 1-32 will also accommodate the Converter Station, two attenuation ponds, the Access Road and significant areas of landscaping. The Applicant considers that the use of these areas for agricultural use would have a material negative effect on the development and retention of the landscaping proposed. Furthermore, the Applicant considers it is necessary to acquire the freehold of the entirety of these areas to prevent third party access for safety and security related reasons during the construction and operation of the Proposed Development.</p> <p>4. As referred to in the Applicant's Comments on Local Impact Reports Table 9.1 paragraph 5.4.2 and Table 11.1 paragraph 2.2 (REP2-013) the landscape of the Converter Station Area immediately around the buildings will change as a result of the development, however the</p>

3	Comment	Applicant's Response
		<p>landscape whilst rural is characterised by the existing Lovedean Substation and, particularly the overhead terminal towers / pylons and lines which are of an undisguised industrial nature.</p> <p>As described in ES Chapter 15 (APP-130) paragraph 15.5.3.4 "the existing Lovedean Substation, associated pylons and overhead lines are dominant elements in the landscape of the Converter Station Area and immediate surrounding area."</p>
4	Applicant's responses to ExQ1	
4.3	<p>MG1.1.2 (siting of the Converter Station): The Applicant's response refers to ongoing discussions with landowners in relation to the siting of the Converter Station and that it is confident those negotiations can be concluded in advance of the end of the Examination period. Our Clients have never been contacted by the Applicant to specifically discuss these specific issues. Whilst we share the Applicant's hope to conclude negotiations before the end of Examination, our comments at paragraph 4.5.1 of this letter illustrate how little progress is being made by the Applicant in relation to starting proper negotiations with our Clients. We respectfully request the ExA to require the Applicant to engage more with our Clients and to do so with more speed.</p>	<p>The Applicant's agent has specifically discussed Options B(i) and B(ii) with the owners of Little Denmead Farm and their agents at meetings held on 07 March 2019 and 21 August 2019 and with the owners of Hillcrest and Mill View Farm at a meeting on 07 February 2019, in advance of their agents being appointed in September 2019.</p> <p>The issue relating to the siting of the Converter Station is dependent on finalising an agreement to secure the necessary land rights from National Grid to use Plot 1-27. The other plots which the Applicant is seeking to permanently acquire or secure rights over in the Converter Station area are not affected by these discussions as they are required for the Proposed Development irrespective of whether Option B(i) or Option B(ii) is chosen.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow the impact on the farm business be further considered and assessed. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p>
4.4	<p>MG1.1.21 (management under the Outline Landscape and Biodiversity Strategy): The Applicant states that it is in discussions with a number of landowners in the vicinity of the Converter Station Area to agree the acquisition of land and easements to provide the rights required for the long term management of the land, including hedgerows, to enable the implementation and maintenance of the measures set out in the updated Outline Landscape and Biodiversity Strategy. Again, whilst we share the Applicant's hope to conclude negotiations, our comments at paragraph 4.5.1 of this letter illustrate how little progress is being made by the Applicant in relation to starting proper negotiations with our Clients. We respectfully request the ExA to require the Applicant to engage more with our Clients and to do so with more speed.</p>	<p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p>
4.5	<p>CA1.3.12: The ExA asked the Applicant: "<i>Why do the Order limits shown on the Land Plans [APP-008] extend to include a large proportion of best and most versatile agricultural land (49% of the agricultural land implicated by the Order)? What would the actual effects on availability and productivity on such land be taking a realistic approach to cable routing and Compulsory Acquisition?</i>" We note the Applicant does not provide a</p>	<p>The proportion of best and most versatile land within the Order limits is 26% rather than 49%.</p> <p>Paragraphs 17.6.6.1 and 17.6.6.2 and Table 17.6 of Chapter 17 (Soils and Agricultural Land Use) of the ES (APP-132) indicate that a total of 65.5ha of</p>

3	Comment	Applicant's Response
	<p>direct response to this question, but instead addresses a wide range of other issues, from extent of engagement carried out, to noise and vibration. We request that a more specific response be provided by the Applicant. In the meantime, our comments are as follows:</p>	<p>agricultural land will be required temporarily for the Proposed Development, of which 16.9ha (25.8%) is best and most versatile land.</p> <p>For land required permanently, this proportion is reduced to 20% (5ha of best and most versatile land (Subgrade 3a) from a total permanent agricultural land requirement of 24.9ha). Permanent landtake for Grade 3a land is needed for access and landscaping</p>
<p>4.5.1</p>	<p>Engagement: The Applicant's response mixes up engagement relating to its consultation activities, with initial and cursory engagement it has had to date with our Clients in relation to acquiring Little Denmead Farm by voluntary agreement.</p> <p>The Applicant states it has been in discussions with our Clients since late 2016 to acquire Little Denmead Farm, which included numerous face to face meetings, and that heads of terms offered have been refined, reflecting "increased certainty" in the amount of land over which rights are required. The Applicant also states that its agent has provided regular and detailed updates to our Clients. As a matter of fact, the Applicant's response in these respects is not entirely correct. The Applicant's engagement with our Clients since 2016 has been mainly in relation to its consultation activities and how the proposals have evolved up until submission of the DCO application. The Applicant's engagement has not been focussed on discussing and progressing a voluntary agreement with our Clients in order to avoid the use of compulsory acquisition powers. Our Clients strenuously contend that interactions with them were all one-way conversations by the Applicant, where the Applicant's agents simply told our Clients what the Applicant was proposing on their land at different points in time, what the DCO process involved, and how the proposals were changing. There were no meaningful discussions in relation to acquiring our Clients' land and the rights that the Applicant would need in relation to landscaping if compulsory acquisition powers were to be avoided. Our Clients (and their agents) also deny there were any meaningful discussions about the extent of the landscaping rights being sought through the DCO application. There was a meeting on 21 August 2019 with the Applicant's agents where a passing comment was made by the Applicant's agent in relation to the extent of landscaping rights the Applicant may need, and the possibility of entering into a covenant in relation to Little Denmead Farm where our Clients were not to cut the hedgerows to below a particular height (e.g. 5m). That discussion was never furthered. Mr Peter Carpenter has also confirmed to us that any previous calls he placed directly to the Applicant or its agents were to seek clarification about the detail of the changing nature of the proposals and not to negotiate terms of private agreement in relation to Little Denmead Farm. The Applicant has also never explained to our Clients why through its DCO application it needs to own the freehold interest to the parts of Little Denmead Farm it only proposes to landscape or create the access road on. Each time the scheme proposals changed, a new set of draft Heads of Terms was sent to our Clients, to the point where it became very confusing for our Clients to understand exactly what the Applicant was proposing. Each draft of the Heads of Terms was vastly different to the previous version (i.e. they were not "refined" to reflect "increased certainty", as the Applicant has put it). That is why there are currently 5 different</p>	<p>As noted in the submission, the Applicant has been engaged with the owners of Little Denmead Farm since late 2016.</p> <p>The Applicant has offered Heads of Terms to the landowner's agent on March 2017, December 2017, September 2018, November 2018 and November 2019. A further set of revised Heads of Terms have been issued to the landowner at Deadline 3.</p> <p>The certainty about the amount of land over which it is necessary to acquire land and land rights in relation to the Proposed Development has of course increased as the Applicant's proposals for the Proposed Development have evolved, reflecting feedback which has been received from various consultees, including statutory consultees such as Winchester City Council and South Downs National Park Authority, in relation to landscaping and biodiversity measures.</p> <p>In relation to the comments about each set of Heads of Terms being vastly different to the preceding version, the Heads of Terms from March 2017 and December 2017 were offered in advance of the January 2018 consultation and before a decision had been made between the Option A and Option B site. The Heads of Terms from September 2018 were based on acquiring the vast majority of the landowner's land.</p> <p>It should be noted that the amount of land the Applicant has been seeking to acquire the freehold of has not changed significantly since the November 2018 Heads of Terms were issued, seeking to acquire the freehold of 29.4 acres. The Book of Reference (REP1-027) now identifies the amount of land which the Applicant seeks to acquire the freehold of in Plot 1-32 as 124,023m² which equates to 30.65 acres.</p> <p>As noted above, Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives. The Applicant is also preparing a draft legal agreement for discussion with the landowner and is committed to securing the rights required by agreement, subject to consideration payable for the rights being reasonable.</p>

3	Comment	Applicant's Response
	<p>versions of draft Heads of Terms – each one represented a very different iteration of the pre-application proposals. It is not the case (as the Applicant's response implies) that the same set of Heads of Terms have been negotiated by our Clients since 2016 and that we are now at version 5. To date and despite requests from Blake Morgan LLP, the Applicant has not even sent our Clients a first draft of a private voluntary agreement to consider – given that we are 4 years on since consultation commenced, this illustrates how slow the Applicant has been to properly commence any meaningful voluntary agreement negotiations with our Clients. All efforts by the Applicant to progress draft Heads of Terms and a voluntary agreement have ceased since December 2019. Please see Schedule 1 to this letter for a full breakdown of engagement by the Applicant with our Clients' agents and with Blake Morgan. The last draft of the Heads of Terms was sent to our Clients nearly a year ago and despite many chasers, an updated version has to date not been issued. We have also tried to encourage the Applicant to not allow negotiations on value to stall progress on agreeing other terms on a draft legal agreement, but there has been no movement on this by the Applicant despite our requests. The Applicant's response that its engagement with our Clients has been "regular" is therefore inaccurate. It is also inaccurate for the Applicant to state that it "continues to engage with the landowners via their respective agents with the aim of securing a voluntary agreement for the land and land rights required for the Proposed Development." To this end, we respectfully request that the ExA requires the Applicant to fully and properly engage with our Clients immediately, to start legal agreement negotiations, as per our repeated requests, in order to avoid seeking and using compulsory acquisition powers in relation to Little Denmead Farm.</p>	
4.5.2	<p>Removal of land: The Applicant states that it has removed land belonging to our Clients from the Order Limits, as a result of representations made by them. It states that change was made to remove the area immediately south of the eastern end of Stoneacre Copse (i.e. north of plot 1-51 in the Land Plans [APP-008]. It is our Clients' understanding that this amendment was made purely as a result of the Applicant's changing proposals, and not as a result of any requests or pressure from our Clients. Discussions with our Clients were very much of the type where most of the time was spent by the Applicant's agent telling them what the Applicant needed, which often changed significantly.</p>	<p>The removal of the land reflected comments made by the landowner that his preference was to retain the area for keeping horses when the Applicant's agent sought clarification about whether it could be used for laydown. The area was originally included within the 'site boundary' shown at page 13 of the Consultation Document (APP-088) for the February to April 2019 consultation rather than the Order Limits.</p>
4.5.3	<p>Nature of compulsory acquisition powers: The Applicant states that it is now at a stage where the amount of land left within the Order Limits is such that it is not possible to remove any further land without jeopardising the Applicant's ability to construct, operate and maintain the project. To clarify, we are questioning why the nature of the compulsory acquisition powers being sought are required in relation to Little Denmead Farm. We cannot see how only having landscaping and access rights over the majority of plot 1-32 (which is what we are arguing would be more appropriate) will stop the Applicant from constructing, operating and maintaining the Converter Station, as those rights will provide the Applicant with the powers it needs. We maintain that the Applicant does not need to own the freehold interest to the entirety of plot 1-32. Contrary to what the Applicant states, there is no specific part of the Statement of Reasons that provides a proper justification as to why the freehold interest to the entirety of plot 1-32 in particular is required.</p>	<p>As is stated in the Applicant's Response to Written Representations (CA1) (REP2-014), Plot 1-32, together with Plots 1-20, 1-23 and 1-29 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137).</p> <p>The rights to be acquired are identified in the updated Book of Reference REP1-027 and set out at Appendix A of the Statement of Reasons (REP1-025).</p> <p>Notwithstanding that any third party rights over these areas would be significantly constrained by the presence of operational assets and landscaping, the Applicant considers it is necessary to acquire the freehold</p>

3	Comment	Applicant's Response
		of the entirety of these areas to prevent third party access for safety and security related reasons during the construction and operation of the Proposed Development.
4.5.4	<p>Impact on business: The Applicants' response covers the impacts on our Clients' farming business. The Applicant states that Little Denmead Farm is not a livestock farm and that only a small number of horses are kept on it. This is incorrect, and demonstrates the Applicant's lack of proper and accurate assessment. The threat of compulsory acquisition changed the way Mr Peter Carpenter farms the holding at Little Denmead Farm. He had every intention to erect modern livestock buildings on the holding, however given that he would only be left with 14 acres of grazing (if the DCO is granted and the compulsory acquisition powers are exercised), Mr Carpenter made the early decision that it would not be economically viable to invest in modern livestock housing as he would not have the land to accompany the new buildings. It would have put further financial strain on the farming business. At the time he made that decision, he was unsure as to whether a private agreement could be reached, and he felt under pressure to act quickly. The decision was also taken not to purchase replacement beef heifers in 2017, as Mr Carpenter knew it would take up to 5 years for those heifers to produce calves and for the calves to be reared for slaughter. With the threat of the use of compulsory acquisition looming, he had no certainty that he would continue to retain freehold ownership of the land to rear and finish those cattle over the next 5 years. Mr Peter Carpenter has continued to farm on Little Denmead Farm, growing and producing hay from the holding. Little Denmead Farm is a pasture farm and has the buildings and facilities to be used for keeping and grazing cattle, sheep or horses. The farm is fenced, with water being supplied to irrigate the fields. Our Clients therefore strongly disagree with the Applicant's statement that Little Denmead Farm is not a livestock farm.</p>	<p>The Applicant's assessment of Little Denmead Farm not being a livestock farm was based on the absence of livestock on the farm in recent years, although has acknowledged that there are a small number of horses. Water is used for drinking supply for the horses.</p> <p>Business owners whose property has the potential to be affected by compulsory acquisition are generally advised to continue operating their business, including any plans for expansion, as normal, given there are adequate compensation provisions in place to cover any losses that could be incurred as a result of the effects of the compulsory acquisition on the business. The Applicant is surprised that the landowner has not applied this principle or been advised to apply this principle to protect his position.</p> <p>The Applicant also notes the landowner had substantial plans for expansion of the farming business as set out in the Planning Statement and Agricultural Appraisal submitted in support of a planning application for 'Extension to existing temporary siting of mobile home for agricultural worker' (12_02536_FUL) in November 2012, though it does not appear those plans came to fruition either.</p>
4.5.5	<p>Access: The Applicant states that in relation to rights for our Clients to cross the access road, such rights "can be provided". This is not reflected in the DCO application documents. We would therefore question whether this is actually the Applicant's intention. We would also question why, for example, specific reference is not made in the draft DCO to make it clear that the owners of Little Denmead Farm will have rights to cross the new access road to the Converter Station. Also, there is a big difference between stating rights to cross "can" be provided, and that they "will" be provided. There has been no private agreement with our Clients or any meaningful negotiation as to how to secure such crossing rights privately. The Applicant has not sent our Clients a first draft of any legal agreement to secure any such rights. On the contrary, the rights and powers the Applicant is seeking across Little Denmead Farm through the DCO application will prevent our Clients from crossing the access road, which is contrary to any statements the Applicant may have made to our Clients privately.</p>	<p>The Applicant can confirm the rights for the landowner to cross the access road will be provided, save for any temporary restrictions required for health and safety purposes during the construction period, though it is anticipated the Applicant and landowner will be able to privately agree a suitable working arrangement to manage such occurrences. This point is addressed in the revised Heads of Terms issued at Deadline 3.</p>
4.6	<p>CA1.3.14: The ExA asked the Applicant: "<i>The Relevant Representations from Mr and Mrs Carpenter [RR-054] and Little Denmead Farm [RR-055] raise significant objections with regards to Compulsory Acquisition of farmland and the rights for landscaping around the Converter Station. Notwithstanding the response to Relevant Representations required at Deadline 1, please provide detailed justification as to the</i></p>	<p>The Applicant refers to the answer provided at 4.5.1 above and will continue to engage with the landowner and its advisors to agree the rights required by voluntary agreement, subject to consideration payable for the rights being reasonable.</p>

3	Comment	Applicant's Response
	<p><i>approach to Compulsory Acquisition with respect these landholdings and respond to the Compulsory Acquisition concerns raised by the landowners, including the concerns of limited consultation and engagement with them despite their land appearing critical to the success of the Proposed Development.</i>" The Applicant's response to this effectively repeats its responses to question CA1.3.12. Without wishing to repeat our comments, we refer to our comments at paragraph 4.5 of this letter.</p>	

Table 2.6 - Blake Morgan LLP on Behalf of Mr. Michael Edwin Jefferies and Mrs. Sandra Helen Jefferies

Para No.	Comment	Applicant's Response
3	<p>Applicant's responses to Relevant Representations</p>	
3.1	<p>We have considered the Applicant's responses to Relevant Representations (document reference number 7.9.4) ("Responses to Relevant Representations"). Where the Applicant has referred to an application document in its response, we have assumed it is referring to the original version of that document and not any revised version submitted by the Applicant in relation to Deadline 1 of the Examination timetable.</p>	<p>In the Applicant's Responses to Relevant Representations, the Applicant has referred to the Application documents where prefixed by 'APP' or to those documents submitted at Deadline 1 where noted as such.</p>
3.4	<p>Converter Station Location - Alternative Location: Our Clients' Relevant Representations state that either proposed location of the Converter Station (options B(i) and B(ii)) will make little difference to them given that both options are located in extremely close proximity to the Property. Either a more eastward, or indeed a new alternative location would reduce the impact of the Converter Station on our Clients.</p> <p>In section 5.7 of page 5-98 of its Responses to Relevant Representations, the Applicant accepts "<i>some immediate visual receptors would be affected</i>" but refers to the criteria set out at paragraph 2.4.5.2 of Chapter 2 (Consideration of Alternatives) of the ES (APP117) leading to the identification of the Converter Station site needing to be in close proximity to the existing Lovedean Substation. Some of those criteria appear not to be met, for example the need for "<i>good quality roads... that allow transport of multiple 300 tonne loads using a multi-wheel low-loader trailer</i>". Old Mill Lane, off which the Property is located, is far from a road that would appear to meet that criterion being a tight one car-width lane. Another criterion is to "<i>minimise close proximity to dwellings</i>", which is clearly not achieved in relation to the Property. In its Responses to Relevant Representations the Applicant refers to "<i>being able to utilise the topography</i>" to arrive at the most suitable location. However, in relation to the Property, the impact is exacerbated by the fact that the topography slopes downwards away from the Property towards the Converter Station location. Technical, highway, environmental and residential amenity impact reasons are referred to. Nonetheless, the Applicant's response fails to demonstrate how it has met the criteria in relation to our Clients and the Property. We therefore maintain our Clients' objections in relation to alternative location and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (document number REP-236), which are to be submitted at Deadline 2, in relation to this issue, and will comment further at Deadline 3.</p>	<p>Further information with respect to the siting of the Converter Station and taking into consideration its local context is provided in sections and 5.2 and 5.3 of the Supplementary Alternatives Chapter (REP1-152).</p> <p><u>Roads</u></p> <p>It is acknowledged that there are narrow country roads in the vicinity of Lovedean substation, including Day Lane. Day Lane is anticipated to be utilised for construction of the Converter Station based on the availability of roads in the locality. The proposed access to the Converter Station will be taken from Broadway Lane and Day Lane, with associated highway improvements in the vicinity of the junction of these two highways. A Route Access Survey has been completed and is included in Appendix 5 of the Framework CTMP (REP1-070) (Environmental Statement - Volume 3 - Appendix 22.1.F). The study was carried out between the A3 (M) and Day Lane / Broadway Lane access to the Converter Station (Section 1). The study identified requirements to facilitate delivery of the transformers (e.g. under police escort) and temporary highway amendments. The Abnormal Loads assessment concluded that there would not be significant effects.</p> <p>In addition to this, the Framework CTMP sets out a strategy for the management of construction HGV movements on Day Lane between Lovedean Lane and the Converter Station access junction. This strategy involves the use of banksman located along Day Lane who will be responsible for ensuring that there will not be instances where HGVs approaching from opposite directions will meet each other on Day Lane and managing vehicle movements in and out of the Broadway Lane access</p>

Para No.	Comment	Applicant's Response
		<p>junction. This will ensure that safe access is provided for construction traffic throughout the construction period.</p> <p>The roads to be used are therefore entirely appropriate to be used for this purpose with appropriate mitigation in place. Of course, there is an existing electricity substation in this location which includes equipment of a similar nature, and which has been developed, operated and maintained utilising these same roads.</p> <p><i>Dwellings</i></p> <p>The proximity to residential property in the vicinity of the Converter Station Area is acknowledged and the associated impacts have been taken into account in the Environmental Impact Assessment. The location chosen for the Converter Station is generally not in close proximity to residential dwellings, for instance it is not located near to any conurbation or indeed visible from any. As such, that the site for the Converter Station should seek to avoid being located in close proximity to residential dwellings is achieved by this location.</p> <p><i>Topography</i></p> <p>With regard to topography, the 500 m area surrounding the Lovedean substation falls from approximately 97 m to 67 m above ordnance datum (AOD), therefore offering more opportunity to take advantage of the natural landscape to mitigate visual and noise impacts. To keep the excavation within structureless chalk strata to mitigate contamination of the aquifer, 84.80 m AOD has been proposed as the Converter Station finished site level.</p> <p>Chapter 15 (Landscape and Visual Amenity) of the ES (APP-130) acknowledges that for property No.1 (Hillcrest) there would be major adverse effects during construction and on completion, and that despite the mitigation measures, these would continue to be significant (falling to moderate to major by year 10 and minor to moderate by year 20). The location of the Converter Station was chosen to maximise the benefits of the topography and existing surrounding vegetation in serving a partial visual screening function from certain viewpoints within a 3 km radius and further afield (for example from South Downs National Park).</p> <p>The siting of the Converter Station was carefully considered, with landscape and visual effects being one of the most important distinguishing factors between the short-listed siting options due to the relative sensitivity of the location. Impacts on ecology, arboriculture and below-ground features were also taken into account. For example, with regard to ground investigations, both short-listed options were similar, however clay depth (impacting foundation design) and a lower risk for karstic features (potential causes of ground instability) were more favourable for Option B.</p>

Para No.	Comment	Applicant's Response
3.5	<p>Amenity: Our Clients' Relevant Representations state that their amenity is particularly acutely affected due to the degradation of the rural setting because of the very close proximity of their Property to the proposed Converter Station. Factors affected include views and visual amenity and the oppressive impact due to the height of the proposed Converter Station. This is exacerbated by the fact that the topography slopes downwards away from the Property which reduces the limited effectiveness of any proposed landscaping mitigation which in any event (in the absence of additional topographic issues) would be inadequate even after years taken to reach maturity.</p> <p>Our clients will also suffer substantive negative impacts due to construction phase noise, dust and light and, in perpetuity, operational noise daily. Such impacts would be unaffected by locational options B(i) and B(ii).</p> <p>In section 5.12 page 5-105 of its Responses to Relevant Representations, the Applicant refers to various proposed mitigation measures and "<i>new woodland planting to provide some screening</i>". By the use of the word "<i>some</i>" the Applicant accepts that the screening is to be found wanting and this is confirmed by Figure 15.48 (Indicative Landscape Mitigation Plan (Option B(i)(north)) of the ES (APP-281) to which the Applicant refers showing a very thin belt of new "<i>proposed native mixed woodland</i>" and nothing more between our Clients' Property and the proposed Converter Station. Such a woodland mix will inevitably include deciduous species which will visually screen even less effectively in winter months. We consider such mitigation measures to be inadequate.</p> <p>The mitigation referred to by the Applicant for construction phase light pollution focusses on the "<i>design and layout of site construction areas</i>" to reduce impact and refers us to paragraph 15.7.1.2 of Chapter 15 (Landscape and Visual Amenity) of the ES and paragraph 1.4.2.7 in the Outline Landscape and Biodiversity Strategy (APP-506) (which is now paragraph 1.5.1.4 in the updated OLBS (APP-506 Rev002)). Again this is inadequate because our Clients would have no opportunity to comment and influence such layouts, rather it would be imposed on our Clients. Our Clients would also have no input into any operational phase lighting scheme as may be developed by the appointed contractor the requirement for which the Applicant refers to as being contained in the Onshore Outline Construction Environmental Mitigation Plan (APP-505 Rev002) at paragraph 5.2.2.1. We cannot locate such a paragraph.</p> <p>In relation to noise and dust the Applicant's response is inadequate, simply generically referring to the noise and vibration assessment at Chapter 24 (Noise and Vibration) of the ES (APP-139) and dust addressed with reference to an updated ES Chapter 23 Air Quality (APP-128 Rev002) which at present we are unsure is admissible. We therefore maintain our Clients' objections in relation to amenity and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue, and comment further.</p>	<p>Views and visual amenity:</p> <p>Chapter 15 (Landscape and Visual Amenity) of the ES (APP-130) acknowledges that for property No.1 (Hillcrest) there would be major adverse effects during construction and on completion and that, despite the mitigation measures, these would continue to be significant (falling to moderate to major by year 10 and minor-moderate (significant) by year 20). Appendix 15.8 (Assessment of Landscape and Visual Effects) of the ES (APP-406) states under paragraph 1.4.2.14 that the receptor would have a direct close view particularly of the northern elevation of the Converter Station and that the view from lower storeys would be partially screened by their own outbuildings and vegetation edging their property.</p> <p>Mitigation measures:</p> <p>In terms of mitigation, whilst the Applicant has introduced new native mixed woodland around the periphery of the property as indicated on the revised indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1, the Applicant acknowledges that this will provide only a partial screen.</p> <p>The Applicant has therefore sought to ensure that in closer views (primarily those immediately around the edge of the Converter Station including views from private residential properties) views are as aesthetically pleasing as possible, through a number of design measures associated with the Converter Station. These are referred to as design principles in the updated DAS (REP1-031) and consider narrow cladding of varied colour to break up the overall mass, curved corners, a rationalising of different functions of buildings to avoid visual clutter and that no plant would be located on the roofs of the highest buildings (refer to the Applicant's Comments on Local Impact Reports in response to WCC comments Table 7.6 (4.6.12) (REP2-013)).</p> <p>The Applicant is working with the LPAs to seek agreement on the Converter Station Design Principles and will be discussing them at the next design meeting.</p> <p>The Applicant has also sought to site the Converter Station in the most appropriate location to allow for the landscape impacts to be minimised. This has included setting the Converter Station as low as is feasible without giving rise to adverse impacts on the underlying principal chalk aquifer (which is a large chalk aquifer located under much of the surrounding area) (refer to the Applicant's Comments on Local Impact Reports in response to WCC comments (4.3.3) Table 7.3 (REP2-013)).</p> <p>The Lighting Scheme is outlined in Paragraph 5.2.2.1 of the updated Onshore Outline CEMP submitted at Deadline 1 (REP1-087). After</p>

Para No.	Comment	Applicant's Response
		<p>consultation with the SDNPA, this will be submitted for approval to the relevant LPA.</p> <p>The impact from noise and dust during construction will be managed through mitigation as outlined in the measures in the updated Onshore Outline CEMP (REP1-087). Air Quality measures including for dust can be found in section 5.11 and measures for noise can be found in section 5.12.</p>
3.6	<p>Noise and Vibration – Construction: In relation to construction noise please refer to paragraph 3.5 above and the Applicant's response. In section 5.15 page 5-108 of its Responses to Relevant Representations, the Applicant responds by additionally referring to the "embedded" noise mitigation detailed in Appendix 24.2 (Best Practicable Measures to be Employed during Construction) of the ES (APP-461), to be secured through the OOCEMP (APP-505). The document is very general and provides little detail. In section 5.15 page 5-108 of its Responses to Relevant Representations, the Applicant refers to predicted vibration impacts in Section 24.6 to 24.9 of Chapter 24 (Noise and Vibration) of the ES (APP-139) and concludes they "are not of sufficient magnitude to cause building damage". Whilst this may be the case, this does not mean that the impact of vibration caused by construction works cannot be felt and would not have a detrimental impact on the day to day lives and wellbeing of our Clients. We therefore maintain our objection to the impacts of construction noise and vibration on our Clients' amenity and personal health given the extreme proximity of our Clients' Property to the Converter Station.</p>	<p>As explained in Paragraphs 24.6.2.1 to 24.6.2.8 of Chapter 24 (Noise and Vibration) of the ES (APP-139), the noise effects associated with the construction of the Converter Station are expected to be negligible at Hillcrest.</p> <p>The noise and vibration mitigation measures specified in section 5.12 of the Onshore Outline CEMP Rev 002 (REP1-087) provide examples of mitigation measures that the contractors will employ to minimise the effects of noise and vibration during the construction period. Further detail on the best practicable mitigation measures will be provided once a contractor is appointed and detailed works plans are produced, in consultation with the environmental health department at the local planning authorities.</p> <p>Section 5.15 of the Applicant's Response to Relevant Representations (REP1-160) was provided in response to specific queries raised about building damage from construction vibration. As explained in Paragraph 24.4.3.5 of Chapter 24 of the ES (APP-139), the construction vibration assessment has used vibration criteria that are derived for human comfort, which are considerably stricter than those that would be appropriate for building damage. The criteria are based on the guidance contained in British Standard 5228-2:2009+A1:2014 <i>Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration</i>, which states that a vibration level of 0.3 mm/s PPV 'might just be perceptible in residential environments'. Therefore, these are the criteria adopted (see Table 24.5 of the ES (APP-139)) as the threshold between a negligible and small adverse magnitude of vibration. Paragraph 24.6.2.14 of Chapter 24 (APP-139) explains that beyond 130m from source, the levels of vibration from Converter Station construction are expected to be negligible, and therefore, the construction vibration effects are predicted to be negligible at all receptors, including Hillcrest. As Hillcrest is located over 200m from the proposed Converter Station, the vibration levels would be below the threshold considered to be just perceptible in residential environments.</p>
3.7	<p>Noise and Vibration – Operation: Our Clients' Relevant Representations state their concern over the operational effects of noise. In section 5.17 page 5-110 of its Responses to Relevant Representations, the Applicant refers to "embedded" and "additional" mitigation measures leading to the conclusion that the operational effects "are expected to be negligible (not significant)". We therefore maintain our objection</p>	<p>The terms "negligible" and "not significant" are specific to an Environmental Impact Assessment (EIA) and should be considered in the context of the criteria adopted in Chapter 24 (Noise and Vibration) of the ES (APP-139), which were agreed with the environmental health departments at the local planning authorities. For the operational assessment, the term 'negligible' is</p>

Para No.	Comment	Applicant's Response
	because the difference between what is " <i>negligible</i> " (i.e. all but nil) and " <i>not significant</i> " is vast and therefore offers no comfort or represents an acceptable response.	used to describe an effect where the noise level from the converter station is equal to or below the noise assessment criterion (i.e. does not exceed the existing background noise level at that receptor). All effects in the noise and vibration assessment are assigned a significance as required by the EIA process (i.e. 'significant' or 'not significant') based on the methodology contained in paragraph 24.4.7.5 of Chapter 24 (APP-139).
3.8	House Price and Land Value: Our Clients' Relevant Representations did not state this as a concern and therefore the Applicant's Responses to Relevant Representations at section 5.19 page 5-111 are inapplicable.	This is noted
3.9	Compulsory Acquisition: Our Clients' Relevant Representations state their concern that the Applicant failed to demonstrate compulsory acquisition is necessary and proportionate, permanent landscaping rights are needed and that all reasonable alternatives have been explored. The Applicant's Responses to Relevant Representations at section 5.20 page 5-111 refers to the Statement of Reasons (APP-022), Chapter 2 (Consideration of Alternatives) of the ES (APP-117) and the Supplementary Alternatives Chapter submitted as part of the Environmental Statement Addendum (document reference number 7.8.1.3). Further at section 5.25 page 5-118 the Applicant states that permanent landscaping rights are required over areas to assist with screening and are considered reasonable in relation to the scale of the project. However, these fail to address our Clients' concerns, particularly the extent of the proposed land take and the implications of the permanent landscaping rights. We therefore maintain our Clients' objections in relation to the necessity and proportionality of the proposed compulsory acquisition and the landscaping rights and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue and comment further.	<p>The landscaping proposed by the Applicant serves not just a visual screening function in specific locations but also seeks to connect with Stoneacre Copse (ancient woodland to the south east), addressing concerns over the need to improve connections to nationally important habitats as referred to at the Applicant's Response to Written Representations (4.23) (REP2-014) and responds to LPA management strategy objectives in terms of landscape character (as detailed below) and referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402).</p> <ul style="list-style-type: none"> • South Downs National Park Landscape Character Area D (D2 Hambledon and Clanfield Downland Mosaic) Management Strategy seeks to conserve and extend areas of unimproved chalk grassland at Butser Hill and species-rich chalk grassland, yew woodland and rare juniper scrub at Old Winchester Hill. The landscape mitigation measures seek to support this objective. • East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy seeks to restore hedgerow boundaries to provide visual unity and intactness and increase biodiversity and links to areas of woodland and promote growth of hedgerow trees to be required on a permanent basis. • Winchester City Council Hambledon Downs 17 (WCTW2) Management Strategy seeks to encourage the extension of existing chalk downland, through agricultural and planning policies (e.g. compensation for unavoidable loss of wildlife habitats resulting from planned development), encourage the protection and conservation of important wildlife and historic features such as ancient hedgerows and woodlands, tracks and historic parks, especially where they provide a link with other semi-natural habitats and conserve and restore the structure and condition of the woodlands through appropriate management such as thinning, coppicing, replanting, ride and edge management and the removal of invasive alien species. <p>The Applicant also refers to the Applicant's Response to Written Representations (CA3) (REP2-014) which explains that the proposals also reflect the extensive engagement with and feedback received from the LPAs</p>

Para No.	Comment	Applicant's Response
		<p>and that the proposals strengthen the visual screening function as well as biodiversity enhancement.</p> <p>Permanent landscaping rights re hedgerows: In terms of permanent rights the Applicant also refers to the Applicant's Response to Written Representations (CA4) (REP2-014) which explains LPAs concerns over potential loss of vegetation in this area and that Applicant's proposals will significantly strengthen the landscape features in this area, providing an important screening function, to address the feedback received. As such, the acquisition of the rights and restrictions in question is necessary in connection with the Proposed Development.</p>
<p>3.11</p>	<p>Landscaping and Landscape: Our Clients' Relevant Representations state their objections to the adequacy of the landscaping given the locational relationship of the Property to the Converter Station and the topography. In sections 5.25 page 5-117 and 5.26 page 5-119 of its Responses to Relevant Representations, the Applicant refers to proposed mitigation planting and that it will "<i>over time provide screening for some visual receptors</i>" and explains that further planting enhancements will "<i>contribute to a partial screening function</i>". The Applicant's response therefore accepts that landscaping mitigation will be inadequate even once mature, some receptors may never be screened and others only partially so. We therefore maintain our Clients' objections in relation to landscaping and landscape and will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue and comment further.</p>	<p>The Applicant reiterates the points made above under 3.5, which refer to the mitigation measures considering not just planting and topography but also building design.</p>
<p>3.12</p>	<p>Concerns not responded to: Our Clients' Relevant Representations also raised issues relating to breach of their humans rights. Our Clients' also refer to the diversity of wildlife and biodiversity on their doorstep. The Applicant's Responses to Relevant Representations do not provide any direct responses to these concerns. We respectfully request that the Examining Authority requires the Applicant to respond formally to these specific issues raised.</p>	<p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum – Rev 001 (REP1-135). These clearly demonstrate the national and international benefits of the Proposed Development which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner.</p> <p>Section 7 of the Statement of Reasons explains the consideration that has been given to the powers of compulsory acquisition sought and the European Convention on Human Rights and why the potential interferences are considered to be proportionate and necessary, striking a fair balance between the public benefit and interest in the Proposed Development being delivered and the interference with the rights that will be affected.</p> <p>With regard to impact on wildlife and biodiversity, this issue is addressed in Section 5.3 of the Applicant's Responses to Relevant Reps (REP1-160).</p> <p>The Applicant therefore considers that the issues raised have been addressed.</p>

Para No.	Comment	Applicant's Response
4	Applicant's responses to ExQ1	
4.1	We have considered the Applicant's responses to ExQ1 (document reference number 7.4.1) and we cannot see any direct reference to our Clients' Relevant Representations.	As stated in the introduction to the Applicant's Responses to Relevant Representations (REP1-160), points raised by Interested Parties (IPs) were grouped together by category under different themes and responses provided to those themes.
5	The Compulsory Acquisition Schedule	
5.2	These documents contain statements by the Applicant regarding its engagement with our Clients in relation to Heads of Terms stating " <i>Heads of terms in Negotiation</i> " and " <i>the Applicant has engaged with the landowner since late 2017 and is committed to working with the landowner to address the concerns raised where possible</i> ". Our Clients did not instruct agents until September 2019 which suggests the Applicant's response is conflating meetings in relation to their statutory duty to consult and the separate duty to negotiate an agreement prior to consideration of compulsory acquisition. Following a meeting in December 2019 and a meeting in February 2020 with our Clients' agents, a revised offer was promised in March 2020. However, this has yet to materialise. As stated above, we will consider further in the context of the Applicant's responses to our Client's Written Representations that are due to be submitted at Deadline 2, and we will comment if necessary at Deadline 3. In light of this and the clarifications we have requested at paragraph 2.9 of this letter, we maintain our Client's objections and reserve their position in the meantime.	<p>The Applicant's agent has engaged with the landowners since he first met them in October 2017 in relation to the Proposed Development and met the landowner on numerous occasions thereafter to provide updates on the Proposed Development as well as to seek permission for ecology surveys on the landowner's property.</p> <p>The Applicant is aware the landowner did not instruct agents until September 2019. Indeed, it was the Applicant's agent that recommended to the Landowner that they should instruct an agent.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on their property. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p>

Table 2.7 - Blake Morgan LLP on Behalf of Mr. Robin Jefferies

Para No.	Comment	Applicant's Response
3	Applicant's responses to Relevant Representations	
3.1	We have considered the Applicant's responses to Relevant Representations (document reference number 7.9.4) (" Responses to Relevant Representations "). Where the Applicant has referred to an application document in its response, we have assumed it is referring to the original version of that document and not any revised version submitted by the Applicant in relation to Deadline 1 of the Examination timetable.	In the Applicant's Responses to Relevant Representations, the Applicant has referred to the Application documents where prefixed by 'APP' or to those documents submitted at Deadline 1 where noted as such.
3.4	Amenity – Business Impact: Our Client's Relevant Representations highlighted that the effect of the compulsory acquisition powers will lead to the loss of business caused by the sterilisation of that part of our Client's field identified as Plot 1-29 causing the loss of our Client's tenant's livery business and impairing his ability to find other tenants. The Applicant has failed to adequately assess the significant harm that the DCO would have on our Client's business as it considers only the type of agricultural land that would be lost and fails to consider the effect on the business that operates on that land. Section	<p>It is not the case the Applicant has considered only the type (i.e. grade) of agricultural land that would be lost and has failed to consider the effect on the business that operates on the land.</p> <p>The relevant baseline description of the farm holding affected is set out in paragraph 17.5.1.9 of Chapter 17 (Soils and Agricultural Land Use) of the ES (APP-132) and the impacts during construction at paragraph 17.6.2.12.</p>

Para No.	Comment	Applicant's Response
	<p>5.12 (on page 5-106) of the Applicant's Responses to Relevant Representations does not provide sufficient justification to address these concerns. It makes a general reference to Chapter 17 of the Environmental Statement (Soils and Agricultural Land Use) (APP-132), Appendix 27.3 (Cumulative Effects Assessment Matrix (Stage 1 & 2)) (APP-479) and Appendix 27.4 (Cumulative Effects Assessment Matrix (Stage 3 &4)) (APP-480). It also states that, as discussions are ongoing with landowners, no account has been taken of any potential mitigation measures for land holdings so the assessment in the ES presents a worst case for the effects on farm holdings. The Applicant's response goes on to state that mitigation relating to the permanent loss of farmable area to the affected farm holdings are matters of private negotiation and therefore cannot be incorporated into its assessment. Finally, the Applicant states that discussions are ongoing with landowners.</p> <p>Firstly, the Applicant needs to demonstrate that the public interest outweighs the harm that will be caused by the exercise of such compulsory acquisition powers, and that those powers being sought are proportionate. The harm that will be caused to our Client is the loss of his business and livelihood. Such a significant harm should not be relegated to be the subject of private negotiations only, without any consideration or scrutiny by the ExA. In this regard, we submit that the loss of businesses and livelihoods needs to be formally assessed and considered in the context of the Examination into whether the compulsory acquisition powers being sought satisfy the various legal and guidance requirements.</p> <p>Secondly, despite what the Applicant states, there has been very little progress (on its part) in private negotiations with our Client. There has been no progress since May 2020 despite numerous attempts by our Client, their agents and us. We therefore maintain our Client's objections in relation to business impact.</p>	<p>This states that approximately 1 ha (33% of the 3ha land holding) will be required temporarily and permanently from Mill View Farm, which would be a high magnitude of impact on a low sensitivity holding and give rise to a moderate adverse temporary and permanent effect, which is considered significant for the farm.</p> <p>The effect on Mill View Farm will be to reduce the area of grazing available to the tenant's livery business, and therefore the number of horses that may be kept at livery. The reduction in land will be from the eastern end of the land holding, and access from Old Mill Lane to the remainder of the land and the associated buildings and facilities (such as the outdoor arena) will remain unaffected.</p> <p>There will be an impact on the livery business because of the reduction of land available for grazing, but this does not equate to the loss of the business and the client's tenant's livelihood.</p> <p>As referred to in answer NV4 of the Applicant's Response to Written Representations (REP2-014), the Applicant made a diligent inquiry in relation to the landowner's property but did not receive a response from the landowner. The Applicant requested details of the tenancy from the landowner's agent on 10 March 2020 to enable it to be assessed (i.e. type of tenancy, the parties, rent passing, term etc.) and, if necessary, reflected in the Book of Reference but a response was not forthcoming. The Applicant has made a further request for information in relation to this tenancy at Deadline 3 and will add the interest to the Book of Reference should it be required.</p> <p>Plot 1-29 together with Plots 1-20, 1-23 and 1-32 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137). The land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development.</p> <p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135). These clearly demonstrate the national and international benefits of the Proposed Development which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact</p>

Para No.	Comment	Applicant's Response
		<p>on the livery business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and his representatives.</p>
<p>3.5</p>	<p>Compulsory Acquisition - Proportionality: Our Client's Relative Relevant Representations stated that the Applicant has failed to demonstrate that the extent of the compulsory acquisition is necessary and proportionate, taking only what is required. The Applicant failed to justify the need for permanent landscaping rights over the hedgerows in Plots 1-26 and 1-30, because those hedgerows run perpendicular to the Converter Station and offer no screening value. Section 5.20 (on page 5-111) of the Applicant's Responses to Relevant Representations does not provide sufficient justification to address these concerns. It makes general reference to the Statement of Reasons (APP-022), Chapter 2 (Consideration of Alternatives) of the ES (APP-117), and the Supplementary Alternatives Chapter submitted as part of the Environmental Statement Addendum (document reference number 7.8.1.3) but the Applicant does not explain which parts of these documents address our Client's concerns and why. Our Client's Written Representations (REP1-239) contain detailed analysis of why the Applicant has failed to justify it requires permanent landscaping rights over the aforementioned plots and that the compulsory acquisition powers being sought are proportionate. In light of this we are going to wait until the Applicant submits its responses to our Written Representations and we will comment further on this issue.</p>	<p>The Applicant also refers to the Applicant's Response to Written Representations (CA3) (REP2-014) which explains that the proposals also reflect the extensive engagement with and feedback received from the LPAs and that the proposals strengthen the visual screening function as well as biodiversity enhancement.</p> <p>Permanent landscaping rights re hedgerows: In terms of permanent rights the Applicant also refers to the Applicant's Response to Written Representations (CA4) (REP2-014) which explains LPAs concerns over potential loss of vegetation in this area and that Applicant's proposals will significantly strengthen the landscape features in this area, providing an important screening function, to address the feedback received. As such, the acquisition of the rights and restrictions in question is necessary in connection with the Proposed Development and is an entirely proportionate approach to take to secure the necessary rights and restrictions.</p>
<p>3.6</p>	<p>Relevant representations not responded to: Our Client's Relevant Representations also raised issues relating to the Applicant's failure to demonstrate that all reasonable alternatives to compulsory acquisition have been explored and the Applicant has also failed to justify interference with our Client's human rights. The Applicant's Responses to Relevant Representations do not provide any direct response to these concerns. We respectfully request that the Examining Authority requires the Applicant to respond formally to these specific issues raised.</p>	<p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135). These clearly demonstrate the national and international benefits of the Proposed Development, which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner.</p> <p>Section 7 of the Statement of Reasons explains the consideration that has been given to the powers of compulsory acquisition sought and the European Convention on Human Rights and why the potential interferences are considered to be proportionate and necessary, striking a fair balance between the public benefit and interest in the Proposed Development being delivered and the interference with the rights that will be affected.</p> <p>With regard to compulsory acquisition matters, this issue is addressed in Section 5.20 of the Applicant's Responses to Relevant Reps (REP1-160).</p> <p>The Applicant therefore considers that the issues raised have been addressed.</p>

Para No.	Comment	Applicant's Response
4	Applicant's responses to ExQ1	
4.1	We have considered the Applicant's responses to ExQ1 (document reference number 7.4.1) and we cannot see any direct reference to our Client's Relevant Representations.	As stated in the introduction to the Applicant's Responses to Relevant Representations (REP1-160), points raised by Interested Parties (IPs) were grouped together by category under different themes and responses provided to those themes rather than individual representations.
5	The Compulsory Acquisition Schedule	
5.2	These documents contain statements by the Applicant regarding its engagement with our Client in relation to Heads of Terms. As stated above, we will consider those in the context of the Applicant's responses to our Client's Written Representations that are due to be submitted at Deadline 2, and we will comment further if necessary at Deadline 3. In light of this and the clarifications we have requested at paragraph 1 of this letter, we maintain our Client's objections and reserve his position in the meantime.	The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.

Table 2.8 - South Downs National Park Authority

Para No.	Comment	Applicant's Response
	SDNPA Comments on the draft Development Consent Order submitted at Deadline 1 (reference REP1-022) The Authority made comprehensive representations on the draft Development Consent Order in its Deadline 1 submissions and these comments still apply. Following submission of the amended draft Development Consent Order at deadline 1 the Authority makes the following supplementary comments:	
1	Part 3, Article 10 (4), page 13: The revised time period of 20 working days is considered too tight to discharge this requirement and, for the reasons given in our Deadline 1 submissions, should be extended to 40 working days. 20 working days is particularly insufficient where the street authority may wish to consult others, including where appropriate the South Downs National Park Authority (SDNPA).	The position in the dDCO is that 20 Working Days are provided for approval. A 40 Working Days period would not allow the Proposed Development to come forward in good time and an efficient manner. 20 Working Days is therefore considered to be appropriate. There will be no need for SDNPA to be consulted in relation to street works, as no streets within SDNPA boundary are affected.
	SDNPA Comments on the Environmental Statement Addendum, Supplementary Alternatives (reference REP1-152) The provision of this additional information by the applicant at Deadline 1 is welcomed. It is acknowledged, based on the explanation and justification given in this document, that there is a logical and reasonable rationale for selecting Lovedean as a grid connection point above that of the alternatives at Chickerell and Bramley. However, that being said, the Authority has two further points to make:	
1	In chapter 5 a comprehensive account is given of why a grid connection at Chickerill and Bramley were discounted. However, preceding this, the reasoning for not progressing with 7 other substation locations, some of which are not near protected landscapes, is	Information regarding other substation locations is provided at paragraphs 5.1.1.5 to 5.1.1.7, with the additional paragraphs not referred to in this

Para No.	Comment	Applicant's Response
	<p>cursory (paragraph 5.1.1.5). It is appreciated that providing a comprehensive assessment as the applicant has done for grid connections at Chickerill and Bramley would be disproportionate but more information as to why these sites were discounted beyond the existing sentence given for each of the 7 discounted sites should be provided.</p>	<p>response providing further information in relation to the reasons why Fawley and Mannington were not considered further.</p> <p>The information provided at paragraph 5.1.1.5 whilst an overarching summary, provides a clear indication of why it would not have been appropriate to move forward with any further assessment of those substation to provide a grid connection for the Proposed Development. Those reasons, in addition to electrical considerations of National Grid who did not select any of those to be taken forward, are proportionate and appropriate reasons for not considering those options further.</p>
<p>2</p>	<p>With reference to the influence that the proximity of the South Downs National Park had, or did not have, on the location of the grid connection paragraph 2.1.1.10 makes it clear that the applicant is not in a position 'to confirm all that National Grid did or did not take into account' on this matter.</p> <p>It is not therefore possible to determine whether National Grid had regard to the purposes of the National Park, as required by Section 62 of the Environment Act, 1995. We can therefore have no assurance that this took place and what, if any, consideration was made of this matter in decision making by National Grid. We therefore ask that the Examining Authority issue a further written question to the National Grid on this matter (see our comments immediately below).</p>	<p>In addition to the information provided in the Supplementary Alternatives Chapter (REP1-152), the Applicant has responded in relation to this matter within the Applicant's Response to Relevant Representations (i.e. RR-049) (REP1-160).</p> <p>Whilst the Applicant is not able to confirm all that National Grid did or did not take into account, it has confirmed various matters which National Grid did take into account in its assessment of the appropriate grid connection point of which the Applicant is aware. It has been confirmed that National Grid considered the impacts of the options for the grid connection point and the cable routes that would have been needed to be delivered in connection with those on the National Park (see paragraphs 5.1.7.2 and 5.4.1.6).</p> <p>The Applicant is aware of Rule 17 letter issued by the ExA on 27 October 2020 to the Applicant and NG ESO, and will respond to it as requested by Deadline 5.</p>
	<p>SDNPA Response to the Position Statement on Planning Obligations in connection with the Proposed Development (reference REP1-135)</p> <p>The applicant's position is that a Section 106 legal agreement is not required in order to make the development acceptable. The SDNPA strongly disagrees and considers that a legal agreement is required in this case to ameliorate the harm caused by the development to landscape character and the setting of the National Park, particularly by virtue of the large scale of the convertor station buildings and their proximity to the National Park boundary on three sides. This harm remains despite the landscaping scheme put forward by the applicant as mitigation.</p> <p>The SDNPA's position on this matter is supported by paragraph 5.9.9 of the Overarching National Policy Statement for Energy which states that National Parks have the highest status of protection in relation to landscape and scenic beauty. Paragraph 5.9.12 states that the duty to have regard to the statutory purposes of National Parks also applies to projects outside the boundaries of National Parks where they may have impacts within the National Park. The aim, it goes on to note, should be to avoid compromising the purposes of a protected landscape's designation and projects should be designed sensitively given the various siting, operational and other relevant constraints. Such an approach is also consistent with Policy SD42 of the South Downs Local Plan that applies to infrastructure and states that development proposals will only be permitted where appropriate, necessary and reasonable infrastructure investment has either been secured either in the form of suitable on-site or off-site works and/or financial contributions to mitigate the impact.</p>	<p>The Applicant has proposed a comprehensive landscape mitigation package to minimise the impacts of the Proposed Development in the location adjacent to the National Park, including the continued maintenance and enhancement of appropriate surrounding existing vegetation in addition to new planting, which is considered adequate mitigation to respond to the visual impacts of the Proposed Development.</p> <p>Nonetheless, the Applicant is discussing matters relating to planning obligations with SDNPA.</p> <p>The Applicant has made clear that in no circumstances would it be feasible for the Applicant to be required to underground the electricity transmission apparatus of National Grid. This is not considered to be a deliverable mitigation, and furthermore the impacts of overhead lines are not impacts associated with the Proposed Development and therefore are not directly related to it.</p> <p>The Applicant has therefore discussed that any planning obligation needs to relate to deliverable mitigations which are directly related to the impacts of the Proposed Development.</p>

Para No.	Comment	Applicant's Response
	The fact that the development as it stands will cause harm to the National Park is incontrovertible, the applicant's Planning Statement for example accepts there will be significant adverse landscape and visual amenity effects. To offset this harm the SDNPA will be discussing with the applicant a planning obligation to cover landscape enhancement works off site (but within an appropriate distance) within the National Park. The nature of the possible works is to be discussed with the applicant but could include undergrounding of overhead power lines in the National Park, grassland enhancements and/or improvement works to hedgerows, trees and woodlands (including ancient woodland). These works could be undertaken by the applicant itself (to an agreed specification) or through a financial contribution in lieu.	

Table 2.9 – Hampshire County Council

Para No.	Comment	Applicant's Response
1	Miscellaneous and General	
MG1.1.17	Hampshire County Council's (HCC) position, as set out in its Local Impact Report (LIR), is that any compensation for tree loss or damage should be provided commensurate with the CAVAT value of the tree.	The Applicant provided a response to the LIR at Deadline 2 (REP2-013) in Section 4 (response to 5.42). The Arboriculture Method statements required as part of the OOCEMP (REP1-087) will include consideration of replacement trees and assessment of trees identified for removal.
3	Compulsory Acquisition	
CA1.3.42	As noted previously, HCC as Lead Local Flood Authority will also require an application for Ordinary Watercourse Consent.	<p>The Applicant is fully aware of the requirement for Ordinary Watercourse Consents to be obtained from Lead Local Flood Authority where necessary. Ordinary Watercourse Consents have not been applied for at this time and will be required prior to works under, over or adjacent to Ordinary Watercourses, as is explained within the Onshore Outline CEMP (REP1-087) and Table 2-1 (6) of the Other Consents and Licences document (REP1-029).</p> <p>The construction principles required in relation to Ordinary Watercourse Consents are included within Section 5.7 of the Onshore Outline CEMP (REP1-087) and acknowledgement of the requirement for Ordinary Watercourse Consent is included within Table 4.14 of the SoCG with HCC (REP1-119).</p>
CA1.3.105	The Applicant has confirmed an amendment to this route (Anmore Road) which addresses many of the Highway Authority's previous concerns on this matter. Confirmation of the proposed construction methodology within the revised order limits would be welcomed.	<p>Details of the proposed construction methodology will be provided as a submission as per the requirement provided for in the protective provisions for the protection of highways and traffic contained at Part 5 of Schedule 13 to the dDCO (REP1-021).</p> <p>Information regarding the approach to managing traffic in connection with the installation of the onshore cables in this location is detailed within the FTMS ((REP1-068).</p>

Para No.	Comment	Applicant's Response
5	Draft Development Consent Order	
DCO1.5.9	A TPO does not give precedence to the importance of the Highway Asset. Analysis of the impact on trees within the order limits should be undertaken for all highway trees as set out within section 5.41 to 5.44 of HCC's LIR response. Further comments are also made in paragraphs 17-19 of Appendix 1 of the LIR in relation to the associated proposed controls within the dDCO.	Impact on all trees within the scheme boundary has been undertaken in accordance with BS5837:2012. Please refer to the Tree Survey Schedule and Tree Constraints Plan (document reference 7.4.1.10).
DCO1.5.34	HCC's LIR response seeks further clarity on how works outside of the order limits would be appropriately controlled within the DCO process. HCC's response reads "Article 10 (1) appears to provide powers to the Applicant for works both within and outside of the Order Limits. Clarification is sought as to how works outside of the Order Limits would be appropriately controlled through the DCO. Article 10 (3) is not entirely clear in its present drafting and should be reviewed. One suggestion would be to consider splitting the paragraph into two sentences: the first to cover the powers not being exercised without the approval of the street authority, the second to cover how the powers would be approved."	Article 10 is an authorising power. It is subject to the controls otherwise provided for in the dDCO regarding design approvals and the approval of information in relation to traffic management measures. Article 10(3) confirms that no works authorised by Article 10 may be carried out without the approval of the relevant street authority. It does not discriminate regarding where the works are carried out. This approval will either be a direct approval sought, or obtained via a traffic management strategy, ensuring a co-ordinated and efficient approach. Article 10(3) is clear in what it requires. The drafting suggestion made is to delete the word "and" and drop the second part of the sentence. The term "and" does not cause confusion.
DCO1.5.35	From a public rights of way perspective, it is noted that the matter has been partially addressed in the Applicant's Explanatory Document (DCO1.5.68) 7.4.1.6. However, HCC has yet to reach a position where it is satisfied that the additional highway approvals (e.g. S278) are capable of being suitably replicated within the DCO itself	<p>Any amendments to the highway are to be carried out in accordance with the powers provided within the dDCO (REP1-021). The significant benefit of the DCO process is that there is not a need to obtain such agreements in connection with such works at a later date and instead provide statutory authority to carry out such works. Article 10 to the dDCO is relevant, and it is notable that this requires the works to first be approved by the relevant highway authority, therefore ensuring the relevant design processes are followed.</p> <p>The Applicant and the authority are to discuss the protective provisions for the protection of highways and traffic contained at Part 5 of Schedule 13 to the dDCO (REP1-021), which it is expected will include discussing any additional requests in relation to such approvals that the authority is seeking.</p> <p>It is of course commonplace for DCO's to authorise highway works that would otherwise be secured by way of a Section 278 Agreement for development not consented by a DCO. It is therefore plainly evident this is not an insurmountable issue.</p>
DCO1. 5.43	Appendix 5 Aquind Mitigation and Control Chart has been provided in response to this matter. The chart is beneficial but lacks the detail necessary for it to be a robust summary of what is required post planning and what principles have been agreed. It would also be beneficial if responsibility for approvals of the post planning matters is made clear, with specific regard to the Highway Authority involvement.	The Mitigation and Control Chart (REP1-096) was provided to help illustrate the outline plans that have been produced and where the final plans require approval in the future.

Para No.	Comment	Applicant's Response
		<p>In addition, an updated mitigations schedule was submitted at Deadline 2 (REP2-005), which provides further information regarding how mitigations are secured, and the approvals required to be obtained.</p> <p>The Applicant and the authority are to discuss the protective provisions for the protection of highways and traffic contained at Part 5 of Schedule 13 to the dDCO (REP1-021), and the Applicant will further discuss any additional clarity the authority require in relation to post consent highway approvals.</p>
DCO1.5.63	<p>It is noted that the local planning authorities have requested consistency within the approval times frames. In places 20 working days are referred and in other 40 working days. If the Highway Authority are to be consulted via the Local Planning Authority consideration must be given to the time frame for this consultation to take place, and the potential loss of time to the Highway Authority when waiting for said formal consultation from the Local Planning Authority. This should be considered within any agreement on approval timescales.</p>	<p>20 Working Days are provided for approvals. A 40 Working Day period would not allow the Proposed Development to come forward in good time and an efficient manner. 20 Working Days is therefore considered to be appropriate</p>
DCO1.5.65	<p>It is still considered by the Highway Authority that the term 'reasonable time' needs to be clearly defined within the DCO as set out within Hampshire County Councils LIR response.</p>	<p>This is noted, however the Applicant's response has not changed in this regard. This wording is included in many made DCOs and is considered entirely appropriate. It is an impossibility to cover all permutations of what may be reasonable in all circumstances, which is what is being suggested is required.</p>
DCO1.5.66	<p>From a public rights of way perspective it is understood that no alternative route is proposed during temporary closure of Footpath 4 (Horndean) and Footpath 16 (Denmead). Temporary Traffic Regulation Order closure is proposed by HCC as opposed to Stopping Up. Please see link to Countryside Service Temporary Closure procedure in DCO1.5.67 https://www.hants.gov.uk/landplanningandenvironment/rightsofway/temporaryclosures</p> <p>TSF/1/b should be omitted in order that the whole footpath is closed to prevent users turning back. Highway closure between TSH/1/d and TSH/1/e appear to make it likely to require the temporary closure of Denmead Footpath 19 and Horndean Footpath 28.</p> <p>Positions of TSF/2/a and TSF/2/b should be amended to allow the TRO Temporary Closure of the whole length of the Right of Way. Havant Footpath 11, to the south of the Fire Station on Maurpas Way, appears potentially affected and is not referred to in the plans. Any obstruction of the cycleway by AC/4/a may require improvements to Havant Bridleway 15. Alternatively, the compound should be amended to avoid impacts to the cycle route.</p> <p>Havant Footpath 19 and Southwick and Widley Footpath 35 and its users should be protected and remain open throughout the development. Whilst HCC, as Highway Authority, still require clarity on the term 'stopping up' it is considered that this is unnecessary in order to carry out the works and Temporary TRO's would be sufficient and more appropriate to implement the works under traffic management arrangements.</p>	<p>The Applicant confirms that Article 13 is an appropriate power to provide for the temporary stopping up of public rights of way and will be used for this purpose. To utilise Article 16 would not provide sufficient certainty regarding the ability to temporarily stop up the relevant right of way, and it would extend the breadth of that Article unnecessarily to provide for this to be authorised by it also. The approach taken is common in made DCO's and the appropriate method of authorising such matters.</p> <p>It is agreed that TSF/1/b should be omitted in order to prevent users needing to turn back in relation to PRoW 4 and PRoW 16, and this will be prevented as per the indicative diversion route set out in the Framework Traffic Management Strategy (FTMS) (REP1-068).</p> <p>With regards to TSH/1/d and TSH/1/e it is noted that during the temporary closure of Broadway Lane pedestrian access through the works will be maintained at all times. Therefore, a temporary closure of Denmead Footpath 19 and Horndean Footpath 28 will not be required. This is set out in the Framework Traffic Management Strategy (FTMS) (REP1-068).</p> <p>The PRoW will be temporarily stopped up between points TSF/2/a and TSF/2/b during the construction works, and a temporary diversion provided which extends southwards by approximately 60m to connect back to Footpath 13 at point TSF/2/b.</p>

Para No.	Comment	Applicant's Response
		<p>Havant Footpath 11 and Havant Footpath 19 fall outside of the Order Limits, ending at the highway. As such, there is no impact.</p> <p>AC/4/a will not impact Havant Bridleway 15 as this falls outside of the area designated as providing an access from A3 London Road at this location. It also not intended for any construction works completed within the greenspace west of AC/4/a to require alterations to Bridleway 15.</p> <p>Construction of the Onshore Cable Route will not impact Havant Footpath 19 or Widley Footpath 35 and as such these will remain open at all times.</p> <p>Further information on affected Public Rights of Way can be found at Appendix 14 to the Environmental Statement Addendum (REP1-146).</p>
<p>DCO1.5.68</p>	<p>The Explanatory Document is useful but raises some further questions and fails to take into account some rights of way and promoted routes as well as proposing closure of sections of path rather than routes from the nearest highway. See HCC's further comment on DCO1.5.66 above in relation to AC/1/a-d and TSH/1/b -d.</p> <p>The new Access and Rights of Way: Explanatory Document should include drawings of the proposed access arrangements to ensure that they are acceptable to the Highway Authority in relation to location, form, visibility splays, tracking and that the gates are sufficiently set back to avoid vehicles obstructing the carriageway. This is in the interest of highway safety. Such details are sought at this time to ensure that the proposed accesses are acceptable and don't require amendments which may have implications to the cable laying works. It is also noted that the proposed accesses are onto the classified road network which require the details to be approved at planning. In addition, it is understood that there is concern from the local planning authorities regarding hedgerow removal. The extent of this potential removal of hedgerows cannot be fully understood without appropriate drawings of the works. HCC Countryside Service would also wish to be consulted on the CEMP.</p>	<p>Please see the Applicant's response to the ExA First Written Questions (REP1-091), WQ DCO1.5.70 regarding construction access details.</p> <p>Further to discussions held with HCC at a virtual meeting of 15 October 2020, the Applicant is preparing a 'Construction Access Standard Detail Document' to provide a set of parameters for all construction access locations and the design criteria which will need to be met. The Applicant welcomes the views of HCC on this document as well as the Onshore Outline CEMP (REP1-087) in due course.</p> <p>Drawings of the hedgerows to be removed can be found at Figure 3 Tree and Hedgerow Retention Plans (REP1-101, Rev002).</p>
<p>DCO1.5.70</p>	<p>It is considered that insufficient detail has been provided within the [Access and Rights of Way] plans to allow approval within the application for works to be undertaken at the proposed locations. It is unclear what access requirements are at the shown locations or whether safe access can be achieved. Drawings of the proposed access locations will need to be provided along with details of recorded speeds and expected junction movements, both in quantity and with regards vehicle type, before the current wording in the DCO would be agreeable. This matter has been raised within HCC's LIR response.</p>	<p>At this stage the exact location of temporary access junctions within the Order limits is not confirmed as these will be dependent on the final alignment of the Onshore Cable Route, which will be confirmed during detailed design taking into account existing constraints (i.e. ground conditions).</p> <p>Further to discussions held with HCC at a virtual meeting of 15 October 2020, the Applicant is preparing a "Construction Access Standard Detail Document" to provide a set of parameters for all construction access locations and the design criteria which will need to be met. The Applicant welcomes the views of HCC on this document in due course.</p>

Para No.	Comment	Applicant's Response
DCO1.5.73	How working hours are to be agreed with regards the works within the highway are determined by the CEMP and the CTMP's for each phase. These elements will need to either be agreed through the permit scheme or appropriate additional provisions within the DCO.	<p>The working hours are outlined in Section 2.3.1 of the updated Onshore Outline CEMP (REP1-087) and the updated Framework Construction Traffic Management Plan (REP1-170). These are secured in Requirement 15 and 17 of the dDCO (REP1-021) respectively.</p> <p>The Applicant has confirmed to the authority that it will not accept the imposition of working hours which worsen the environmental impacts of the Proposed Development, for instance a requirement for night working which will have significant adverse amenity impacts. The Applicant has undertaken rigorous assessment and has very carefully considered when the works are to be carried out in locations along the onshore cable route, and the position put forward is considered to strike the correct balance in terms of mitigating the adverse impacts of construction.</p>
DCO1.5.80	Article 10 relates to the approval mechanism for works to the highway. The clauses and drafting within this section are not supported by the Highway Authority. The Highway Authority's position is that the Applicant should agree to the Hampshire Permit Scheme and S278 design check process for the works. This would allow the Highway Authority to review the relevant detail, provide relevant protections and controls as necessary for the type of works and enable the works itself to benefit from the flexibility and agility provided through these processes. The Highway Authority has yet to be presented with information which demonstrates a compelling benefit to the public, Highway Authority or indeed the Applicant in discounting these established processes. Once the approach for approvals is agreed, the clauses in Article 10 will need to be reviewed further to ensure appropriate measures are secured.	<p>Any amendments to the highway are to be carried out in accordance with the powers provided for this in the dDCO (REP1-021), the significant benefit of which is to ensure there is not a need to obtain such agreements in connection with the works and instead providing statutory authority to do so.</p> <p>Article 10 to the DCO is relevant, and it is notable that this requires the works to first be approved by the relevant highway authority, therefore ensuring the relevant design processes are followed. Not following this approach will significantly undermine the benefit of obtaining the DCO and potentially frustrate the delivery of this project of national significance, which the Planning Act 2008 regime is purposefully designed to avoid.</p> <p>The Applicant is fully committed to following necessary process, however, it is the case that to ensure the delivery of the Proposed Development within good time and minimising adverse impacts a more bespoke approach cognisant of and ensuring compliance with the updated Framework Traffic Management Strategy (REP1-068) is required. It is considered all necessary agility has been included for within the protective provisions for the protection of highways and traffic, which the Applicant looks forward to discussing with the authority. This is the clear and compelling reason why the permit scheme is not to be utilised.</p> <p>The Applicant and the authority are to discuss the protective provisions for the protection of highways and traffic contained at Part 5 of Schedule 13 to the dDCO (REP1-021), and the Applicant will further discuss any additional clarity the authority require in relation to post consent highway approvals.</p>
DCO1.5.82	The term "unavoidable" in lieu of "it reasonably believes it to be necessary" should be utilised as a means of identifying where it is necessary to remove a tree.	The Applicant will seek to avoid all impacts on trees where possible as identified within paragraph 6.3.2.1 of the Onshore Outline CEMP (APP-505 Rev002) and requirement 15 of the dDCO (APP-019). Where this is

Para No.	Comment	Applicant's Response
		<p>not possible, all pruning and felling works will be specified by a suitably trained and experienced Arboriculture consult and will be carried out by a suitably trained and experienced arboriculture contractor, in accordance with the updated OLBS (APP-506 Rev002) at Section 1.3.4, secured by requirement 15 of the dDCO.</p> <p>The articles are authorising powers which are subject to the controls otherwise provided for by the DCO. There is absolutely no need to divert from the usual drafting seen in such Articles in the circumstances. The position when reviewing the relevant DCO powers and controlling documents as a whole is entirely clear and appropriate.</p>
DCO1.5.83	Any compensation for tree loss or damage should be provided commensurate with the CAVAT value of the tree.	Please refer to the response to MG1.1.17 above.
15	Socio-Economic Effects	
SE1.15.21	<p>A condition assessment should be carried out prior to commencement of works and submitted to the Highway Authority. A chargeable inspection of the public right of way by HCC Countryside Services will also be required to ensure suitable reinstatement. HCC Countryside Service seek the right to charge for inspection.</p> <p>Design details of vehicular crossings should therefore be agreed with the Highway Authority. PROW routes should be reinstated to equivalent or better standard. Improvement to the Clarity is sought in the reference to Relevant Street Authority. Portsmouth City Council are the Highway Authority in respect of public rights of way in Portsmouth. Otherwise the Highway Authority is Hampshire Countryside Service.</p> <p>PRoW network most affected in Lovedean and Horndean and Eastney should be considered in line with NPPF paragraph 98. Right of Way remediation works should be to HCC Countryside Design Standards unless otherwise agreed. Links to standards: https://www.hants.gov.uk/landplanningandenvironment/countryside/designstandards and https://documents.hants.gov.uk/countryside/designstandardspathsurfacing.pdf</p>	The Applicant confirms that it will further discuss how to capture all necessary requirements within the dDCO and the associated control documents to ensure the authority are satisfied with the mechanisms and process for securing that reinstatement is carried out to an appropriate standard.
16	Traffic and Transport	
TT1.16.11	The response and general methodology used to determine the location of the Joint Bays in the applicant's response is noted. However, HCC still has concerns with the lack of detail provided regarding the location of the joint bays which could have significant implications on future highway schemes based on their positioning.	<p>Details of Joint Bay locations will be provided post contract award at detailed design stage.</p> <p>The concerns raised are, to date, without foundation. It is not understood what significant implications the authority consider could result as a consequence of joint bays being located within the Order limits beneath the surface of land which is highway and in the control of the HCC.</p>

Para No.	Comment	Applicant's Response
TT1.16.13	This approach is deemed reasonable with respect the highway elements and should be secured appropriately within the DCO.	The Applicant's response has already outlined how pruning works are appropriately secured, however the Applicant will further discuss this with the authority to ensure they are also content it is appropriately secured.
TT1.1.6.14	HCC notes that the duration for works areas have been amended to reflect the variance that may be experienced due to limitation on working hours. Comments on the FTMS have been set out within its LIR. HCC seeks further revisions to be made in accordance with these comments.	The Applicant welcomes further discussions on the Framework Traffic Management Strategy (REP1-068) once reviewed and has arranged further meetings with the authority to discuss the comments they have in relation to this.
TT1.6.19	HCC are seeking engagement directly with the bus service operators to ensure a cohesive response. HCC have invested heavily in bus infrastructure to support bus service provision along the A3 corridor and, as set out in its LIR, seeks support from the applicant for mitigating adverse impacts to service provision during the construction period. HCC will respond further on the bus journey time assessment in due course.	<p>The Applicant has continued its engagement with local bus operators following submission of the DCO application with meetings held with First Group on 08 October and Stagecoach on 21 October. During these meeting, neither bus operator expressed any significant concerns regarding the proposals and welcomed the engagement.</p> <p>The Applicant will share minutes of these meeting with HCC as soon as possible and will continue to engage with local bus operators where required.</p>
TT1.1.6.20	The updated outline CEMP has been reviewed, but it is noted that the appendices have not been included. HCC require the appendices and associated parking plan to be provided to review the construction parking provision.	<p>Two versions of the updated Onshore Outline CEMP were submitted at Deadline 1, a 'clean' and a 'tracked' changed version.</p> <p>All appendices were included in the 'clean' version of the Onshore Outline CEMP (REP1-087).</p>
TT1.1.6.22	The Framework Traffic Management Strategy sets out the principles to which the works should be carried out with the details to be secured with full traffic management plans for each phase. It is suggested by HCC, as Highway Authority that there is a legal requirement set to ensure the number of works areas along the corridor are restricted to no more than 6, to ensure the impacts of construction do not exceed those modelled. This requirement should therefore be included within the DCO.	The Applicant confirms it will further discuss with the authority how it is secured that works in no more than 6 locations are permitted to be undertaken at any one time, and where an additional Requirement is needed this will be included in the dDCO.
TT1.16.27	The Applicant's response to this question notes that new information has been provided within Appendix A of the Framework Traffic Management Strategy. However, this information is not currently within the document. This will need to be provided to ensure that access can be maintained to private properties throughout the duration of the works.	Full details of the strategy to maintain access to properties is included within Section 4 of the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy, which is included within Appendix 1 of the Framework Traffic Management Strategy (REP1-068), submitted at Deadline 1, compliance with which is secured by the protective provisions for the protection of highways and traffic at Part 5 of Schedule 13 to the dDCO (REP1-021), being part of the construction methodology in relation to the works which is to be approved and complied with when the works are undertaken.

Para No.	Comment	Applicant's Response
TT1.16.31	Within the Transport Assessment Addendum, the Applicant has undertaken a bus journey time assessment to understand the impact of local bus services during the construction period. The assessment indicates that certain services will experience significant disruption during construction, predominantly services D2 and 39. These delays are likely to reduce the level of patronage these services receive. Suitable mitigation should therefore be provided to ensure the longevity of these routes during the construction period.	<p>The Applicant has continued its engagement with local bus operators following submission of the DCO with meetings held with First Group on 08 October and Stagecoach on 21 October. During these meeting, neither bus operator expressed any significant concerns regarding the proposals and welcomed the engagement.</p> <p>The Applicant will share minutes of these meeting with HCC as soon as possible and will continue to engage with local bus operators where required.</p>

Table 2.10 – Winchester City Council

Para No.	Comment	Applicant's Response
5.5	Design and Access Statement Revision 002 (REP1-032)	
	<p>The Council notes the record of the Design Group meeting in section 4.3 and accepts the broad interpretation of the discussions. It is noted there have been more recent meetings that are not referred to Section 5.2.3.14 contains further information on the lightning masts. There will be two types. The first 4m tall located on the top of the tallest building. The second type will be free standing 26-30m tall located in the switchyard within the compound. Plate 5.8 appears to show these as lattice towers. Whether they are triangular or square towers is not clear.</p> <p>Considering the nature of these structures, the visualisation photos and assessment needs reviewing.</p> <p>Section 5.2.4.3 indicates there are two design options that will influence whether the roof is at 22 or 26m in height. The Council wishes to see why the lower of the two cannot be committed to rather than leaving the final decision up to a contractor?</p> <p>Section 5.7.2.3 refers to the choice of autumnal palate colours for the buildings. This is not yet agreed by the Council and is the subject of ongoing discussions.</p> <p>Section 6 contains the groups of “principles” including those for the building and landscaping. Regarding the set for the building there is no agreement as yet on no. 3 colour range. Number 7 is rather vague on the height issue of the masts and no.9 needs checking before the Council signs up to it.</p> <p>Concerning the landscape principles, the Council wishes to see “enhancement” added to number 7 as one of the objectives of the landscaping scheme.</p>	<p>The Applicant confirms that there are two types of lightning masts and plate 5.8 of the updated DAS (REP1-031) shows one option. Further to a design meeting with LPAs in October 2020 it was agreed that additional images of the alternative design (which is a conical post rather than lattice tower) would be presented at the next design meeting</p> <p>At the recent October design meeting the Applicant explained that the design of the masts and associated layout will be resolved at detailed design. In accordance with requirement 6 of the dDCO (REP-021) submitted at Deadline 1 the final detailed design of the Converter Station must be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence.</p> <p>Visualisation photos and assessment of lightning masts:</p> <p>The Applicant considers that it is unnecessary to present revised visualisations. The scale of these elements in relation to the scale of the development as a whole is such that a revised visualisation would not lead to any change in the findings of the assessment. Sufficient information is provided in the updated DAS (REP1-031) and further images of masts (as referred to above) will be provided for the benefit of the relevant LPAs at the next design meeting.</p> <p>As referred to in the Applicant's Response to Written Questions (REP1-091) (LV1.9.3) the Landscape and Visual Impact Assessment (LVIA) considered the Converter Station as a whole within the maximum parameter design envelope as defined on Converter Station and Telecommunications Building Parameter Plans Sheets 1 to 3 (APP-012). The Parameter Plan Sheets 1 to 3 state that lightning protection masts will</p>

Para No.	Comment	Applicant's Response
		<p>be located on site (within parameter zones 3 and 4), up to 30 m high. The LVIA did not disaggregate individual constituent parts of the building such as lighting columns or lightning masts. Individual constituent parts are referred to as part of the overall Proposed Development as described in Chapter 3 (Description of the Proposed Development) of the ES (APP-118) and the updated Design and Access Statement (REP1-031). The LVIA considered that the lightning masts would be narrow structures perceptible in some views from up to between one and two kilometres. Such views will largely screen lower elevations of the masts with only the upper profile visible and tapering to a point.</p> <p>Section 5.2.4.3 height:</p> <p>The Applicant refers to the updated DAS (REP1-031) issued as part of the Deadline 1 submission and specifically the note below Table 5.2, which states that the additional 4m (the difference between 22m and 26m) allows “for the roof, tolerances, lights and fittings. This covers the architectural design including aspects such as the roof tolerances, lights and fittings as well the functional design which includes the main converter equipment known as the converter valve. This height provides the contractor a degree of flexibility to finalise their converter building design</p> <p>Section 5.7.2.3 colour:</p> <p>Please refer to the Applicant’s Comments on Responses to ExA First Written Questions (REP2-008) which states that 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 (REP1-031) which refers to colour.</p> <p>A further design meeting was held between the Applicant, the SDNPA, WCC and EHDC in October 2020 which undertook a review of the colour based on the direction, seasonality and distance around the Converter Station. A wider range of colours was presented including more recessive and harmonious colours. It was agreed that the colours would be refined further for each elevation with conclusions presented at the next design meeting.</p> <p>Section 6 Design Principles:</p> <p>As referred in the Applicant’s Comments on Local Impact Reports (REP2-013) paragraph 4.6.12, WCC’s Urban Design Officer in Appendix O suggests a number of amendments to the Building Design Principles including Building Design Principle 3, which relates to colour. In addition, the Applicant notes that WCC also wish to review Building Design Principle 7 which covers lightning masts and 9 which relates to operational noise.</p>

Para No.	Comment	Applicant's Response
		<p>The Applicant will consider these suggested amendments in due course as part of ongoing work with WCC, along with the other interested authorities, to seek agreement of the Converter Station Design Principles which will be discussed further at the next design group meeting.</p> <p>Landscape principles:</p> <p>The Applicant agrees that landscape design principle 7 can be revised as follows "Detailed landscaping proposals will include appropriate measures to maintain and enhance wildlife habitats and corridors where feasible". This aligns with the updated Outline Landscape and Biodiversity Strategy (REP1-034) submitted at Deadline 1 which refers to the delivery of enhancement measures.</p>
7.4.1.3	Comments on Applicants response to the Ex Authority first set of Questions (REP1-091)	
MG1.1.6	<p>The Council noted the three reasons on the choice of the 85.1mAOD level. It has struggled to identify the thickness of the structureless chalk bed. The DAS (5.2.10.9) indicates this is quite thin at the northern end which may explain a reluctance to go deeper. A clear statement from Portsmouth Water or En Agency setting 85.1m as the lowest permissible FFL would clear up this matter. The ExA is invited to ask this directly of the two parties.</p>	<p>The ground investigation indicated the Structureless Chalk as an average thickness of 7.30m and a range of 5.0-9.55m. Overlying the Structureless Chalk are Head Deposits and Topsoil across the site. The ground investigation indicated Head Deposits have an average thickness of 0.75m and a range of 0.3-1.5m, and Topsoil has an average thickness of 0.3m and a range of 0.2-0.4m.</p> <p>The indicative platform level is closest to the Structured Chalk to the north at the toe of the cutting at approximately 2 metres clearance, informed from the closest exploratory location which is approximately 34 metres south of the cutting toe.</p> <p>During detailed design the platform level may require refinement, which may also require further construction methodologies and sequencing mitigation to manage the risk of exposing the Structured Chalk. Construction methodologies, mitigation and management will be to industry guidance with the review and approval from Portsmouth Water and the Environment Agency. Please refer to Sections 5.5 and 5.6 of the Onshore Outline CEMP (REP1-087)</p>
MG1.1.21	<p>The Council notes and welcomes the clear intention to manage and retain the landscaping for the life of the Converter Station. The mechanism to accomplish this (Deed of Covenant) is still to be clarified and accepted.</p>	<p>The Applicant notes this response which relates to the Applicant's Response to Written Questions (LV1.9.37) (REP1-091) and which confirms that monitoring and management of mitigation planting will take place throughout the operational lifetime of the Converter Station.</p> <p>The Applicant refers to the Applicant's Comments on Local Impact Reports Table 7.15 on Land Acquisition (REP2-013) which state that if a voluntary deed of covenant to impose an easement is not able to be agreed, the Applicant will exercise powers to compulsorily acquire the necessary rights and restrictions to ensure the Applicant has the necessary control and as such the existing landscape features are able to be retained and</p>

Para No.	Comment	Applicant's Response
		<p>maintained in accordance with the management prescriptions provided for in the Outline Landscape and Biodiversity Strategy (REP1-034).</p> <p>The Applicant also notes the continued request for sight of a precedent form easement, and the Applicant confirms it will provide such a precedent to WCC. It is hoped WCC do not take issue with the position that an easement is a binding property interest capable of being enforced.</p>
<p>LV1.9.25</p>	<p>The Council notes the reference to cranes of 84m in height.</p> <p><i>It is now understood that the worst-case scenario is that up to 10 cranes would be used at any one time and a maximum of two would be up to 84m in height. It is considered that the significance of construction stage effects would not change as a consequence of this information.</i></p> <p>This needs clarifying - is this height correct, are we talking about tower cranes with what type of reach and did they form part of visual assessment during construction phase?</p>	<p>As noted in the Applicant's Response to Written Questions ExQ1 (LV1.9.25) (REP1-091) there would be up to 10 cranes used at any one time and a maximum of two would be up to 84m in height.</p> <p>Construction traffic movements associated with these cranes entering and exiting the Converter Station would be controlled by measures set out in the Framework Construction Traffic Management Plan (REP1-070), secured by Requirement 17 of the dDCO (REP1-021).</p> <p>As noted in the Applicant's Response to Written Questions ExQ1 (LV1.9.25) (REP1-091) specific details of construction equipment were not available at the time of the assessment however it was assumed that tall cranes of this height would be used.</p> <p>The statement that "<i>the significance of construction stage effects would not change</i>" in the light of details of the crane dimensions was made because the assessment (ES Chapter 15, APP-130) already finds the highest level of adverse effect (major adverse) where the development work would be visually prominent and close to sensitive receptors during construction.</p> <p>It is anticipated that mobile cranes of up to 84m in height would be required during the civil works of the Converter Station associated with the construction of the buildings. The duration is likely to be up to 8 months out of the 3-year construction period. The height of the crane, when it is not in use, will be dependant on the crane manufacturer but it is likely to be about 5m.</p>
<p>OW1.1.12.11</p>	<p>The Council notes that the applicant's comments that they are surmising on the hydrology at Kings Pond Meadow. Why have they not taken any cores so there is more certainty on the current situation?</p>	<p>Cores and samples were taken from exploratory holes located in Soake Farm and Hilcrest Denmead, which informed the Deadline 1 answer to OW1.1.12.11. Exploratory locations within Kings Pond were not permitted due to access, ecological and environmental restrictions. The samples collected from Soake Farm and Hilcrest Denmead underwent classification testing to confirm the composition of the materials which informed Deadline 1 answer to OW1.1.12.11. Groundwater installations and in-situ permeability testing were not permitted by Portsmouth Water at the time of the investigation.</p> <p>The baseline data obtained in the proximity of Kings Pond Meadow is adequate to allow an informed understanding of the position in relation to</p>

Para No.	Comment	Applicant's Response
		it, irrespective of cores and samples not being able to be obtained at this specific location.
TR1.17.2	The Council notes the reference to replacement tree planting 5m away from the cable route. However, it is not clear what this means. Is it the cable circuit or the edge of the cable corridor? It needs more clarification so the reference point is readily understood.	Replacement trees will be planted at least 5 m from the edge of the trench used to install the cable circuit within the Order limits.
Doc 7.7.1	Statement in Relation to the FOC (fibre optic cable) REP1-127	
	<p>The Council notes the proposition by Aquind within the above document that the Fibre Optic Cable is an accepted part of the proposal. The statement makes a case based on several issues:</p> <p>That when the Secretary of State (SofS) agreed that the project should be considered under the NSIP regulations the FOC was part of the description and therefore the SofS has automatically accepted its status as part of the proposal and as associated development.</p> <p>The Council does not accept that any reference to associated development within the description provided by the applicant, or in the S35 Direction has closed the need for closer examination of the FOC in terms of whether or not it complies with the requirements to be accepted as associated development.</p> <p>The Applicant claims that whether the SofS have ruled on this matter or not, the FOC is associated development. The Council still does not consider that the applicant have provided the evidence to support this statement. The applicant cites the general framework that would need to be satisfied but does not provide clear and convincing evidence that the nature of the FOC and the associated elements meets them. Quite the reverse is true, as the FOC appears to fail each criteria listed.</p> <p>The applicant acknowledges that there will be spare capacity within the FOC but fails to offer the specific numbers that will quantify this matter. The need for some back up is agreed, but it is noted that the applicant accepted that a smaller FOC could be installed to provide the necessary communications for the interconnectors to operate. The Council remains concerned that if the actual data was produced, it would show virtually all of the FOC (99%) was orientated towards commercial use.</p> <p>The applicant acknowledges that two thirds of the capacity of the ORS at Eastney and both of the telecommunications buildings at Lovedean will be dedicated to the commercial use of the FOC. The Council considers that this clearly goes beyond the threshold for associated development.</p> <p>The applicant has acknowledged that the FOC provides no financial support to the interconnector.</p> <p>The applicant's admission that they have obtained the status of a Code Operator under the Communications Act 2003 raises the potential for them to add a subsidiary branch network of telecommunications links and apparatus using the DCO powers effectively avoiding the normal requirements to comply with the planning act.</p>	<p>The Applicant has very clearly set out in the Statement in Relation to the FOC (REP1-127) how the commercial use of the FOC and the extent of the infrastructure required for this comply with the law and accord with the guidance relating to what may be associated development.</p> <p>The obtainment of code powers was an independent decision taken by Ofcom. The effects of the application of code powers to the Applicant is acknowledged.</p> <p>The commercial use of the FOC has in no way driven the philosophy for the project, nor do the powers which the code powers confer provide support for any such assertion.</p> <p>The Applicant has not acknowledged that the cable will be larger than it needs to be just to service the requirements of the interconnector alone. The diameter of the cable is driven by the need to provide adequate protection such as double steel wire armour for the Marine FOC for the glass fibres within, and does not differ to any material degree based on whether only those glass fibres required for the interconnector are included, or if a multiple of glass fibres commonly manufactured is included.</p> <p>The quantity of fibre strands within the FOC set aside for the Interconnector are approximately 20%.</p> <p>Taking into account the position of the Applicant and WCC on this matter, it is not considered this can be resolved through further discussion with them. The Applicant has clearly set out its position and WCC disagrees.</p> <p>The Applicant confirms it is more than content to provide any further information which the ExA may require in this regard.</p> <p>The Applicant does not see any benefits in removing its ability to use the Associated Development for commercial purposes as this would result only in building one or more separate data transmission links as the demand for data transmission capacity grows.</p>

Para No.	Comment	Applicant's Response
	<p>Following the submission of this statement, the Council is becoming concerned that the ability to offer a commercial telecommunications facility to locations along the cable corridor has been a disproportionate force behind the choice of the road route for the cables.</p> <p>In conclusion, the Council considers that the commercial element of the FOC should be consider in its totality. The Applicant acknowledges that the cable will be larger than it needs to be just to service the requirements of the interconnector alone. The majority of the ORS and the entirety of the Telecommunications buildings will be allocated to the commercial use. There is no need from a financial perspective for the FOC. Furthermore, the applicant may seek under its capacity as a Code Operator, to use the extensive powers granted under any DCO to install further telecommunications connections and apparatus. Finally, The Council notes the intention to allow third party access to the Telecommunication Building. The inference is that the Applicant will install the main FOC, the telecommunications network beyond the original cable with the necessary support facilities and then dispose of this element to some third party. This is considered to be an entirely commercial proposal with no clear link to the main proposal.</p> <p>Whilst the questions raised by the Council in its LIR are still considered to be outstanding, the view taken from the information in the statement is consider so clear and compelling that the Ex Authority is invited to weigh up the evidence and requested to advise the applicant that the commercial aspect of the FOC should be stripped from the proposal and the FOC element restricted to one serving the Interconnector alone.</p>	
7.7.4	Position Statement in relation to the Refinement of the Order Limits REP1-133	
	<p>The Council notes in 3.1.1.6 the adjustment to the land required for New Connection Work Rights at Soake Farm. However, the Council strongly objects to the retention of access rights as a haul route across this land as shown on plates 1 & 2. A section of this haul route would cross part of the SINC designation.</p> <p>The Council welcomes the refinement to the Order Limit on Anmore Road as set out in 4.1 with the removal of the eastern cable route option, providing it is perfectly clear that the TPO tree and its root system are not impacted</p>	<p>The Applicant can confirm that any access rights required over Plots 3-12a, 3-13a and 3-12 as shown on the updated Land Plans (REP1-011a) would not require a haul road as installation of the Onshore Onshore Cable Route in this area would be by horizontal directional drilling (HDD) rather than open trenching and the reference to a haul road in the Position Statement in relation to the refinement of the Order Limits (REP1-133) was in error. It is possible a short length of haul road may be required in Plot 3-13, though this would be in relation to the HDD compound which could be located in the southern part of Plot 3-13 (immediately north of Hambledon Road).</p> <p>While the Applicant has retained rights over land at Denmead Meadows, Soake Farm Meadows SINC is avoided through HDD works as outlined in the ES addendum (REP1-139).</p>
7.7.6	Position Statement on Planning Obligations in connection with Proposed Development REP1-135	
	<p>The Council has read and noted the contents of this paper. The only comment it wishes to make is one of disappointment. The applicant is putting forward such a high test for any contribution that it is virtually impossible for one to be achieved. This application has the potential to be very</p>	<p>The Applicant finds these comments to be quite extraordinary. The legal tests in relation to planning obligations must be accorded with so as not to render the DCO subject to challenge. The matters raised by the authority</p>

Para No.	Comment	Applicant's Response
	<p>profitable and it is a source of profound regret that the applicant is rejecting any request to share a relatively small element of that benefit with the local community that will accommodate the facility for nearly two generations.</p>	<p>are not matters which are relevant and important to the decision on the Application, and the Applicant is in any event entirely content with its position not to provide financial payments unrelated to the impacts of the Proposed Development to WCC so as to assuage their request.</p> <p>The Applicant confirms that it remains willing to discuss any valid planning obligations with the authority which it wishes to put forward as being necessary in connection with the impacts of the Proposed Development.</p>
7.8.13	ES Addendum Appendix 3 Supplementary Alternatives Chapter REP1-152	
	<p>This additional document covers two issues that The Council has raised in its Local Impact Report (LIR).</p> <p>Firstly, the degree to which the proximity of the National Park played in the decision by NGET to offer Lovedean as the connection point to the grid. Secondly, the questions around the degree to which the applicant considered a route for the cables through the countryside west of the A3 in reaching its decision to follow the A3 and B2150.</p> <p>Regarding the weight given to the presence of the National Park in the choice of Lovedean, the addendum gives no clear assurance that this took place. Section 2.1.1.10 makes it quite clear that the applicant does not know the degree this issue played in the decision making by NGET.</p> <p>The applicant does speculate on the factors that were likely to be under consideration between the three connection points and it is acknowledged that these do favour Lovedean. The Council's view is that the Ex Authority does need a clear audit trail on this matter. Consequently the Council would encourage the Ex Authority to issue a direct request to NGET for this information.</p> <p>The secondly issue to be considered is under Section 8, the Countryside Route. The addendum sets out 5 specific considerations.</p>	<p>In addition to the information provided in the Supplementary Alternatives Chapter (REP1-152), the Applicant has responded in relation to this matter within the Applicant's Response to Relevant Representations (i.e. RR-049) (REP1-160).</p> <p>Whilst the Applicant is not able to confirm all that National Grid did or did not take into account, it has confirmed various matters which National Grid did take into account in its assessment of the appropriate grid connection point of which the Applicant is aware. It has been confirmed that National Grid considered the impacts of the options for the grid connection point and the cable routes that would have been needed to be delivered in connection with those on the National Park (see paragraphs 5.1.7.2 and 5.4.1.6).</p> <p>The Applicant does not wish to speculate on what National Grid may or may not have taken into account. There would be no benefit of doing so. Instead the Applicant has clearly explained its consideration of such matters, with the decision on the grid connection point ultimately resting with the Applicant.</p> <p>The Applicant is also aware of Rule 17 letter issued by the ExA on 27 October 2020 to the Applicant and NG ESO, and will respond to it as requested by Deadline 5.</p>
Ecological Constraints		
	<p>As recognised by the applicant, the Council has sought to offer a possible route that avoids as much as possible ecological features. HDD could resolve some of the outstanding issues.</p>	<p>The suggestion that HDD could resolve the outstanding issues is without any consideration for feasibility and the impacts that HDD otherwise would likely have, taking into account site set up in sensitive areas. It is a suggestion without proper consideration or foundation.</p>
Sterilisation of Land		
	<p>The claim that a Countryside Route would stop future housing development or minerals extraction is not accepted. The likelihood of this land being allocated for development is considered very remote. Even if such an option might arise then any layout could be adjusted to</p>	<p>The sterilisation of land, where not necessary, is contrary to the philosophy of the approach for the Proposed Development. Noting the existing development allocations for the land on which the Countryside Route is</p>

Para No.	Comment	Applicant's Response
	<p>keep the cable corridor clear. If the applicant's logic was followed, then no main gas or water pipe would laid cross country.</p> <p>The claim that the cable route would sterilise mineral deposits has been reviewed with colleagues at the Minerals and Waste Authority (HCC) and not found to hold substance.</p>	<p>located, and the potential for this land to accommodate additional future development, principally housing, it was considered that seeking to route the cable circuits along the Countryside Route would have presented a potentially significant consenting risk.</p> <p>It is not possible to mitigate the sterilisation of land where the cable circuits are laid along the suggested Countryside Route. The suggestion that placing not insignificant constraints on the land with future development laid out around this without issue is fanciful and shows a want of understanding of technical and commercial realities. It would be an unnecessary constraint to any future development coming forward in this location, which would potentially deter development and at best would be complicated to address. As can be seen from the long history of the West of Waterlooville MDA, the delivery of development is not an uncomplicated matter, and by including additional constraints such as this feasibility and viability of future development would undoubtedly be affected. It is, of course, best avoided. This is a reasonable conclusion reached by the Applicant.</p> <p>The presence of the Onshore Cable Route above mineral deposits would limit the ability for those mineral deposits to be accessed in that location in the future, with or without mitigation. The Applicant acknowledges that it may be possible for measures to be put in place to mitigate this issue as far as practicable (albeit this has not been substantiated), but that in any event this would not avoid the issue.</p> <p>The Applicant also confirms that the sterilisation of land for future development and impacts on mineral deposit extraction are not the only reason for discounting any cable route in this location.</p> <p>The Applicant has considered and balanced the relevant considerations in relation to the alternatives studied (as set out in the Supplementary Alternatives Chapter (REP1-152)) and has reached reasonable and logical conclusions in respect of the route chosen.</p>
Need to Acquire Rights over Land		
	<p>The Council does not accept the applicant's use of the CPO guidance document as supporting the highway option for the cable route. When it talks of alternatives, it is considered this relates to trying to seek a resolution by negotiation to buy land or interests and not support to move the route to the line of least resistance.</p>	<p>The Applicant must consider alternatives to compulsory acquisition. It is unclear why WCC consider this to be objectionable, or that this should not be a relevant factor in considering alternatives where such an alternative would potentially require CPO.</p>
Conclusion		
	<p>The first and principle observation by the Council is that this addendum is completely devoid of any timeline that sets the consideration of the Countryside Route within the optioneering process undertaken by the applicant when they decided on the preferred cable route between Eastney</p>	<p>A cable route in this location was first considered in 2018, however it was discounted at this stage because of the potential for environmental impacts on designated sites and the because the Applicant did not want to sterilise</p>

Para No.	Comment	Applicant's Response
	<p>and Lovedean. On the basis that the only cable routes under review in this addendum are those put forward by HBC and WCC and that all 5 considerations have the intention of directly addressing issues raised by the councils routes, Winchester City Council is drawn to the only conclusion that the applicant did not consider the Countryside Option in any meaning full way prior to it being raised by the two councils in April 2019.</p> <p>Finally, within the most recent submission by Aquind (REP1-127) Statement in Relation to FOC they are now saying they will act as a Telecommunications Code Operator which gives them powers to run and install telecommunications equipment. The statement talks of them installing branches off the main route. Such an opportunity would not be possible if the cable went cross country as the main opportunities for further telecommunications installations would only really exist if the cable took the road route. This raises the question of the degree to which the potential commercial opportunities associated with the telecom element of the scheme have been a significant driver in the choice of the road route and conversely, resistance to the countryside route.</p>	<p>the land in this location, noting that it is an area allocated for housing development. Following the suggestion of the alternative countryside routes by HBC and WCC in responses provided at the AQUIND public consultation on 16th and 29th April 2019, respectively, the potential for a route in those location was further considered.</p> <p>A summary of how the HBC and WCC countryside routes have been considered by the Applicant is provided at section 2.6.4 of ES Chapter 2 (Consideration of Alternatives) (APP-117), submitted as part of the 2019 Application. Further to continued requests for additional information regarding how the Applicant considered these routes, a more detailed explanation of the countryside routes and the reasons why they were not pursued was provided in section 8 of the Supplementary Alternatives Chapter (REP1-152).</p> <p>The Applicant is content that it has complied with all relevant obligations placed upon it to consider alternatives in a proportionate manner, and to explain how it has done so.</p> <p>It is noted WCC would prefer the Countryside Route, however this is not the Applicant's preference for the reasons explained.</p> <p>The obtainment of code powers occurred in 2020. The project and its philosophy has been pursued since circa 2014. The Proposed Development is an Interconnector, and the Applicant is desiring of utilising the Proposed Development to its full design capacity and benefit. For this reason, an application for code powers was made for future connections, should the commercial use of the FOC within the Proposed Development be authorised. There is no logic in suggesting the commercial use of the FOC is an underlying reason for the approach the project has taken over the last 6 years.</p> <p>Further, in the event that an agreement cannot be reached with the owner or occupier of private land, a person who has been conferred code powers may apply to the Court to impose an agreement which confers the Code right being sought by the operator or provides for the Code right to bind the landowner or occupier. In addition, it is not the case that permitted development rights which an electronic communications code operator benefit from are only applicable to the highway. They are applicable to any land in the control of that operator. It is therefore not correct to state the main opportunities for further telecommunications installations would only really exist if the cable took the road route.</p>
Part 2	Principle Powers	
9	Defence to proceedings in respect of statutory nuisance	

Para No.	Comment	Applicant's Response
	<p>Both the statutory nuisance assessment and the environmental statement consider that the development will not result in a statutory nuisance. I fail to understand why it is appropriate to include additional defences to that already provided by Section 80(7) – Best Practical Means. I therefore see no need to introduce a new test of “cannot reasonably be avoided” I therefore suggest that section 9 is deleted if it is considered this increases the statutory nuisance threshold.</p> <p>If this section is to remain, then it references paragraph (g) and (ga) of section 79(1) and then in brackets states (noise emitted from premises so as to be prejudicial to health or a nuisance). It should be noted that this relates to section (g) only as section g(a) relates to “noise that is prejudicial to health or a nuisance and is emitted or caused by a vehicle, machinery or equipment on a street”. Section (g) will therefore mainly relate to noise relating to the installation and operation of the Converter station and section g(a) to the installing of the cabling (development stage).</p> <p>As the construction phase is temporary and section g(a) will relate mainly to such activity, I would find a rewording of section 9 to refer purely to section g(a) less of an issue due to its temporary nature.</p>	<p>Article 9 will not be deleted. It is necessary to ensure no impediment to the delivery and operation of the Proposed Development of national significance.</p> <p>The position regarding noise impacts in connection with construction and operation has been clearly assessed, and measures to control noise during construction and operation are also clearly secured via the dDCO and the related control documents.</p> <p>If WCC has any comments it wishes to provide on noise impacts and the manner in which they are mitigated/compliance with relevant criteria is secured, the Applicant is more than willing to discuss these.</p>
Part 3	Streets	
Access to Works		
14(2)	<p>This clause sets 20 working days as the turnaround time for any request to a relevant planning authority (which is defined as the district councils) for an access not shown on the plans. This is too short a time for WCC to deal with any submission taking into account that WCC would wish to consult HCC and a number of internal consultees as part of the process</p> <p>A period of 40 working days is suggested which harmonises with the processing time to be allocated to requirement submissions.</p> <p>It is noted that the 20-day period occurs elsewhere (para 16) so a common approach is needed.</p>	<p>This Article has been updated to refer to the highway authority, being the appropriate person to receive applications for access onto the highway.</p> <p>In any event, a 40 Working Days period would not allow the Proposed Development to come forward in good time and an efficient manner. 20 Working Days is therefore considered to be appropriate.</p>
18	Protective work to buildings	
	<p>It is noted that this power only applies to works to buildings that are located within the Order limit 18(1). If the application is seeking consent that could result in development anywhere within the order limits which could be very close to the edge of the Order Limit, where is the protection for buildings outside the Order Limit but which lie very close to the actual work area?</p>	<p>It is not considered that it will be necessary for any protective works to be required to buildings outside of the Order limits, and therefore this is not provided for.</p>
Part 7	Miscellaneous and General	
41	Felling or lopping of trees and removal of hedgerows	
	<p>This would allow unrestrained rights to lop chop cut etc without any involvement of the local planning authority. The applicant needs to justify why such a wide-ranging power is sought.</p> <p>The ability to work close to trees or hedgerows is influenced by the size of machinery and a smaller digger or digging by hand could avoid the need to cut trees or remove hedgerows. More</p>	<p>The Articles are authorising powers, which are otherwise subject to the controls provided for by the DCO as per Article 3. They are of course wide ranging as powers, as they need to authorise a wide range of things that</p>

Para No.	Comment	Applicant's Response
	survey work should be carried out now to identify the cable circuit routes. Even in unexpected situations, details should be submitted to and agreed with the LPA before any tree work or hedge removal is undertaken.	<p>may be done, subject to those things to be done being approved in accordance with the relevant controls.</p> <p>All operations will be required to be approved; as no such works can be carried out until approved in accordance with the relevant requirements.</p>
42	Trees subject to TPOs	
	This clause gives the same wide ranging powers as 41(1) above without any involvement of the LPA. The same response is offered as set out above.	<p>The Articles are authorising powers, which are otherwise subject to the controls provided for by the DCO as per Article 3. They are of course wide ranging as powers, as they need to authorise a wide range of things that may be done, subject to those things to be done being approved in accordance with the relevant controls.</p> <p>All operations will be required to be approved; as no such works can be carried out until approved in accordance with the relevant requirements.</p>
Schedule 2	Requirements	
GC2	Because the set of Requirements is trying to cover such a broad scheme they lack clarity. A commentary section briefly outlining what each Requirement is intended to achieve and the period of time it would apply could be very useful. Apologies if that is somewhere in the submission in which case a reference in the DCO would be useful.	<p>Please refer to the Explanatory Memorandum (REP1-024) which provides an explanation of the wording of the DCO. Paragraph 12.3 onwards provides a summary of each requirement.</p> <p>The Applicant has arranged a time to discuss the dDCO with WCC and expects the need for any specific clarifications to be raised at this meeting, which it will address at this time.</p>
	Interpretations	
1 (4)	<p>This originally referred to mechanical plant or solar panels being placed on top of the building. Only the reference to solar panel has been removed. This would contradict the design and access statement about no plant or solar panels on the roof. The reference to roof top items should be removed in its entirety.</p> <p>This would seem to give powers to place telecommunications infrastructure on the site of on the building that could be part of the associated development issue. No potential landscape impact has been considered. It should be removed.</p>	<p>There will be no plant or solar panels on the roof as stated in the Building Design Principle, item 8 in the Design and Access Statement (REP1-031).</p> <p>The authority should bear in mind that that the provisions of the DCO are subject to the requirements, and in turn where relevant the design principles, and also that general provisions relate to more than the Converter Hall buildings on which they are focused.</p> <p>The Applicant is entirely content that an acceptable position, which confirms there will be no plant on the roof of the Converter Hall Buildings, is secured.</p> <p>The Applicant is also content that the provisions referred to would not be capable of giving rise to any likely significant visual effects not already assessed.</p>
(6)	(a) says length measured inside from abutment to abutment...why not outside edge of walls. The measurement point chosen is inconsistent with that nominated in (c) for measuring width. The two (a) & (c) should be the same whatever that is.	Please refer to Section 5.2.10 of the DAS (REP1-031) which explains site level and earthwork methodology. The methodology will be finalised and provided as a submission to discharge requirements post contract award

Para No.	Comment	Applicant's Response
	<p>(b) When measuring height now says measurement from ground level. This is still too vague. GL before or after earthworks? Why not nominate the specific AOD height.</p> <p>One solution would be a requirement that sought the creation of a fixed control point in a suitable location on the site that would act as a reference point for any calculations (see additional requirements list).</p>	<p>The suggestion of the creation of a fixed control point is overly complicated, would require further agreement, and ultimately is not considered to be a feasible solution to address the authority's comments.</p> <p>The Applicant has proposed amendments in the updates to the dDCO (REP1-021) submitted at Deadline 3, to ensure all measurement approaches are consistent and that height measurements are to be taken from the finished site level.</p>
2	<p>Last line, should it not be..... comes into force.</p> <p>2(2) says notification to LPA at least 5 working days before authorised development is commenced. Are we not back with the issue here of pre commencement work that can take place? This does not allow any protective works to be checked. Notification should be given before any work associated with any approved phase is undertaken.</p>	<p>The Applicant confirms it is happy to add an 's' to the word come.</p> <p>The comments regarding notification of commencement is noted and the Applicant has no objection to providing notification in relation to the onshore site preparation works also. The Applicant will propose an appropriate form of words in this regard.</p>
3	<p>Phases of authorised development onshore</p>	
	<p>add "within that planning authorities administrative area" so it reads</p> <p>3.—(1) No authorised development landwards of MHWS including the onshore site preparation works may commence until a written scheme setting out all the phases of the authorised development has been submitted to the relevant planning authority detailing the phases of the onshore works within that planning authorities administrative area".</p> <p>As discussions continue, it is becoming evident that the cable route is not a homogeneous corridor, specifically the northern section from Lovedean down to Waterlooville. The division of the cable route into phases needs to be based on its character differences and not on how a contractor views it.</p> <p>This requirement should also require the submission of the order/sequence in which the phases will be implemented. It seems logical that ground will be broken at the access off Broadway Lane first and then the first part of the access road and the laydown area formed.</p>	<p>The Applicant confirms this addition is acceptable.</p> <p>The comments regarding phases are noted but not agreed with. The phases are to be determined so as to align to packages of works for which approvals are then required. All works are covered by the Requirements and will be contained in phases.</p> <p>It is not agreed that requirement should also require the submission of the order/sequence in which the phases will be implemented. This delivery of the Proposed Development is not uncomplicated, and in many respects need to align with the FTMS (REP1-068) and other restrictions in relation to constraints. Accordingly, flexibility is required to deliver in accordance with the constraints already provided for and additional constraints in this regard are unnecessary and will not be accepted.</p>
5	<p>Converter Station and optical regeneration station parameters</p>	
	<p>In Table WN2, the Lightning mast height is given as 30m. Understood there are also some on top of the building at 4m tall. It needs to say that the 30m masts are positioned in the yard area.</p> <p>The maximum overall height of the Converter Station of 111.1m AOD should be in here somewhere.</p>	<p>The comment is noted and the Applicant is agreeable to ensuring it is clear that no lightning mast may be higher than 30m from the finished site level. The Applicant is considering how best to reflect this in Table WN2 or elsewhere.</p> <p>The maximum overall height of the Converter Station Buildings is very clearly stated on the parameters plans, which in accordance with Requirement 5 clearly secure this position.</p>

Para No.	Comment	Applicant's Response
6	Detailed Design approval	
6 (1)	<p>What is Works No. 2(a)?</p> <p>Works No 2 includes the access road and the new access but does not ask for details of either.</p> <p>(h) refers to drainage but does Requirement 12 not covers this?</p> <p>The rural section of the cable route within WCC has distinct issues not experienced elsewhere relating to how much vegetation is removed to allow the passage of cables within the DCO limits and when crossing field boundaries.</p> <p>Should this requirement insofar as it relates to the design of the Converter Station building not reference back to the agreed principles in the Design and Access Statement by actually naming the source document and the relevant section?</p> <p>6(1) the following should be added to the list:</p> <ul style="list-style-type: none"> (i) details of fencing, lighting and lightning masts (ii) details of existing and proposed ground levels <p>6(2) Would it not be simpler if the Work No 3 area that covers the laydown/compound area also covered the permanent access at Lovedean and the first section of the access road that serves that laydown area? After all these elements are going to get built first?</p> <p>The new Work No 3 development (access, part access road & laydown area) should be established before work begins on Work No 2 other than internal earthworks. No dirt dragged out onto highway</p> <p>6(3) Seems to allow site preparation work before any details submitted so we are back with the issue over clearance work before anything is approved.</p> <p>6(3)(a) should be revised to say:</p> <ul style="list-style-type: none"> (a) Proposed layout and cable circuit positions within the DCO limits. <p>6(7) Not happy about use of word “substantially” they are either in accordance or not. Please change.</p> <p>6(7) The life expectancy of the materials is noted at 20years. Taking into account the level of consideration given to materials it seems logical for them to be retained and replaced like for like. Please add onto the end of sentence.....and shall be retained in the same materials unless the prior written approval of the local planning authority is first obtained</p>	<p>Works No.2(a) is “<i>Site clearance, preparation, establishment and earth works</i>”, as is clearly stated in Schedule 1 to the dDCO (Rep1-021).</p> <p>The Applicant confirms reference to the access road can be added. It is not clear what access track works are being referred to.</p> <p>Requirement 12 addresses authorisations for drainage. Requirement 6 (1)(h) is the provision of design details in relation to drainage, which will represent what is to be authorised. It is not clear why the authority are raising any comment in this regard.</p> <p>The words “<i>confirming how those details accord with the design principles for the converter station</i>” and the defined term “<i>design principles</i>”, are considered to provide sufficient clarity of what is being referred to and must be accorded with.</p> <p>The additions to 6(1) in relation to fencing, lighting, lighting masts, and the existing and proposed ground levels, are noted, and can be added to Requirement 6(1). The Applicant can has included these amendments in the updated draft of the DCO submitted at Deadline 3.</p> <p>The Applicant will discuss the comments in relation to Requirement 6(2) with the authority.</p> <p>Any clearance works which relate to vegetation are controlled by Requirements 7, 8 and 9. A CEMP must be approved before any onshore site preparation works are undertaken. The position in relation to such works being carried out is considered to be appropriately secured, and that Requirement 6(3) does not require amendment.</p> <p>No, Requirement 6(3)(a) should not make reference to “<i>within the DCO limits</i>”. The authorised development is not permitted outside of these. It is an unnecessary addition.</p> <p>The use of the word <i>substantially</i> relates to indicative details only. They are by definition indicative details. The requirement for them to be <i>substantially</i> accorded with is entirely appropriate to satisfactorily secure the position.</p> <p>The comments in relation to Requirement 6(6) (as per dDCO (REP1-021) is noted and will be discussed with the authority further.</p>
7	Provision of landscaping	
	<p>This Requirement should just deal with new planting work and nothing else.</p> <p>Should it include seeding of areas?</p>	<p>The Applicant is content with Requirement 7 and that it holistically secures appropriate landscape controls. The Applicant confirms that Requirement 7 will covers all soft landscaping works, including seeding areas as referred</p>

Para No.	Comment	Applicant's Response
		to in section 1.7, Appendix 1 and Appendix 2 of the Outline Landscape and Biodiversity Strategy (REP1-034 and 035).
7 (1)	The use of the words “design principles relating to landscaping” needs a clear reference back to the actual document and the section 6.2.3 within the document).	Please see the defined term “design principles”. The position is considered to be sufficiently clear but will be discussed further with the authority.
7 (2)	<p>Needs a more explicit reference to planting starting in those areas not to be disturbed as soon as work commences.</p> <p>7(2)(b) Should refer to native planting</p> <p>7(2)(c) needs to exclude use of nitrate fertilisers</p> <p>7(2)(e) this seems to cover same area of protecting vegetation as R9(4) and does not really belong here.</p> <p>7(g) & (h) not sure why these are in this Requirement.</p>	<p>In response to requirement 7 the Applicant has the following comments:</p> <p>7(2)(b): Whilst the Applicant agrees that native planting should be the primary focus for new and replacement planting as referred to in Appendix 15.7 (Landscape Schedules, Planting Heights and Image Board) of the ES (APP-405) and discussed and agreed with relevant LPAs in the relation to the Converter Station and Landfall, there may be a need to replace vegetation lost with non-native species along specific stretches of the Onshore Cable Route. This clause provides the Applicant with sufficient flexibility to allow discussions to take place with the relevant discharging authorities and agree the selection of species as part of the detailed design.</p> <p>7(2)(c): The Applicant notes this comment and will include a reference to the exclusion of nitrate fertilisers in a subsequent revision to the Outline Landscape and Biodiversity Strategy (REP1-034 and 045). Further detail will be covered in a detailed landscaping scheme which as discussed above will be submitted to and approved by the relevant discharging authority in consultation with the South Downs National Park where relevant.</p> <p>7(2)(e): The Applicant will review the overlap R9(4) and determine the most appropriate place to include this clause which states that “details of existing trees and hedges to be retained, with measures for their protection during the construction period.”</p> <p>7(2)(g) and 7(2)(h): The Applicant introduced these to give reassurance to local authorities and others that management, maintenance and monitoring plans would be produced as part of the detailed landscaping scheme and that management responsibilities would be agreed in advance with the relevant discharging authorities in consultation with the South Downs National Park, as referred to in the Applicant’s Response to Written Representations reference 1, 4 and 1.2 (REP2-014).</p>
9	Biodiversity Management Plan	
	<p>It is not particularly clear exactly what this requirement is supposed to cover?</p> <p>Problem here with use of term “commence”.</p>	<p>Details of implementation of ecological mitigation measures and definition of the role of the proposed Ecological Clerk of Works will be included as part of the Biodiversity Management Plan, which will be produced in accordance to Requirement 9 of the dDCO (REP1-021).</p>

Para No.	Comment	Applicant's Response
	<p>In light of discussion on Kings Pond Meadow/Soake Meadow there is an expectation that there will need to be a very specific Requirement that addresses the establishment of the compounds at the Meadows, the HDD operation and the reinstatement of the ground.</p> <p>Any actions should achieve nitrate neutrality regarding use of fertilisers for new landscaping establishment.</p> <p>Fundamentally, this Requirement is trying to do too much. Should it be split into two?</p> <p>The first dealing with "Biodiversity Protection Plan During Construction Work". As the name implies this would cover identification of those features that would be lost to development and those that will be retained together with measures to protect them. It should also define any ground that is not to be disturbed and from which any work, storage, or use by vehicles and people will be excluded. It would work alongside the CEMP.</p> <p>If considered more appropriate, this Requirement could have a separate section to reflect treatment of different phases.</p> <p>The second new requirement would cover "Biodiversity Retention & Management Plan during Operational Phase".</p> <p>The areas this needs to cover are self-evident given the title. Proposals/Action/Monitoring/Review/Revision/Reporting/Changes/Action</p> <p>It should refer back to the landscape design principles in the 6.2.3 of the DAS (I do not know if there is an intention to undertake long term management elsewhere other than Lovedean).</p> <p>The trigger when this plan becomes operational could be commissioning of the Converter Station. I assume that is a clearly defined action. The Council has a concern that any screen vegetation may be considerably weakened as a result of ash dieback. Ash removal and replanting with suitable native species needs to be part of any management plan.</p> <p>This requirement needs to be clearly linked to whatever mechanism is agreed upon to be used to secure long terms interest in the landscape features.</p>	<p>The long term management of landscaping is to be at the Converter Station and the Landfall only. There is not a need for long term management elsewhere in connection with temporary construction impacts.</p> <p>The Applicant will discuss these comments with the authority to seek to agree a position which is acceptable to both parties.</p>
0	Highway Accesses	
	<p>Is this intended to cover both permanent and temporary access points?</p> <p>I am unclear if there are any other permanent accesses proposed other than at Lovedean. If not, then it makes the following even more sensible. I would suggest stripping out of here the Lovedean permanent access details which would sit better as part of R6(2). If that's the only new permanent access being formed, then could change title of this requirement to Temporary Highway Accesses. If it is not the only permanent access, then the points are still work considering.</p>	<p>Within the HCC highway network only one permanent highway access will be constructed. This will be constructed on Broadway Lane to access the proposed Converter Station as set-out in the Supplementary Transport Assessment (REP1-142).</p> <p>Vehicular access is already included for at Requirement 6(1)(h).</p> <p>The Applicant will further discuss with HCC and WCC how to best address the provision and approval of information for the permanent highway access.</p>
10 (1)	<p>Too late having commencement as trigger as according to the definitions, gaps (in hedges) may already have been cleared.</p>	<p>The Applicant does consider that agreement of highway accesses should rest with HCC, being the authority with responsibility for the highway and the approval of such matters generally. It is not understood what benefit</p>

Para No.	Comment	Applicant's Response
	Question if agreement really should rest with HCC on access arrangements. Does this not contradict clause 14 above where WCC is to agree any additional access points....question what the difference in the two sets of circumstances is?	WCC consider they offer to this process, or why they consider it necessary for them to approve these details. Article 14 has already been amended to refer to the highway authority in the dDCO submitted at Deadline 1 (REP1-021).
11	Fencing	
11 (3)	Need detail of fencing to be installed as it does not show up under No.6 (Detail design approval) unless it is added to 6.	Reference to fencing can be added to Requirement 6 as necessary.
12	Surface and foul water drainage	
	So where does this detail sit relative to that required under 6(1) (f) and (h) are they not covering same issues?	The Requirements relate to the same works, but one requires a design approval from the LPA whereas the other requires approval from the relevant surface water or drainage authority. Of course, the details will need to align so as not to frustrate what is to be built, but this is no need to not refer to drainage and the attenuation points in Requirement 6 also.
14	Archaeology	
	Trigger is commencement which means ground could be disturbed before any survey work undertaken. Needs the addition of further detail and strengthening of the proposed archaeological mitigation strategy, including for human remains, the submission of an appropriate WSI and its implementation in full would need to be adequately controlled and secured.	Paragraph (2) of Requirement 14 clearly confirms the term commence as used in requirement 14(1) includes any onshore site preparation works. Ground could not be disturbed before survey work is undertaken. Chapter 21 (Heritage and Archaeology) of the ES (APP-136) sets out a programme of archaeological mitigation. As stated in paragraph 21.8.1.7, each stage of archaeological work will be directed by a Written Scheme of Investigation (WSI) outlining the scope and methodology for site-based investigations will be submitted and approved by the relevant planning authority prior to undertaking the work, in accordance with Requirement 14 Archaeology, of the dDCO (REP1-021). Requirement 14 already requires the submission of this, for its approval, and of the works to be undertaken in accordance with the approved details. The Applicant will further discuss this matter with the authority to ensure they are content the necessary measures are secured.
15	Construction Environmental Management Plan (CEMP)	
	Again a problem with use of term commence. This requirement seems to try to protect features from harm yet again refers to commencement as trigger.	Paragraph 15(1) is clear that it includes the onshore site preparation works. There is need to move the requirement to a different number. This has no bearing on the extent to which it must be complied with.

Para No.	Comment	Applicant's Response
	<p>This requirement should be re worded to say “No development of any kind shall be begun”and moved right up the list to position of R4</p> <p>That the following change is made</p> <p>Table 5.3 – This is titled “table of dust results per onshore cable corridor section”. There is however no comparable assessment for construction activities of the converter station itself. There needs to be a comparable table/entry for the Converter station construction which should categorise this activity as high risk (in accordance with paragraph 23.6.2.7 of the Air Quality Chapter 23 (Document 6.1.23)</p>	<p>In Table 5.2 of the Onshore Outline CEMP (REP1-087) ‘Section 1’ includes both the Converter Station Area and Converter Station construction, and this is therefore covered in Table 5.2.</p>
17	Construction Traffic Management Plan	
	<p>Again a commencement trigger issue. Pre commencement work has associated traffic movements that will be occurring before plan agreed.</p> <p>R17 references back to the framework CTMP which is 8.2 in appendix 22.2 but the list of items in that document excludes any monitoring and any remedial action that might be required to correct unforeseen problems. (I have not checked revised submissions so this may have been resolved)</p> <p>If these plans are prepared by different contractors (section 8.2.1.2 Appendix 22.2) who ensures they all harmonise?</p>	<p>The Applicant will discuss commencement triggers with the authority.</p> <p>Section 7.4 of the Framework CTMP states that weekly condition surveys will be produced during construction works programme to identify areas of the highways which have worsened and required immediate action to avoid hazard to other road users.</p> <p>All approved plans must be in accordance with the FCTMP. This ensures the approved plans are harmonious with one another.</p>
18	Construction Hours	
	<p>Says construction work, but does that excludes preliminary site clearance and preparation activity? They should be governed by same hours. The first section may be trying to hint in a convoluted way at this but suggest apply that restriction here in plain English.....</p> <p>No reference to exclusions to protect wildlife.</p> <p>Reference to “no discernible activities” is too vague and subjective.</p> <p>Not clear if the start-up activity all takes place at the main laydown area or allows workers to get to the main site at Lovedean and if so, would that include workers and equipment moving down the access road</p> <p>The exemption 4(b) should be amended to remove the exemption for receipt of oversize deliveries to the site. Such activity can have significant noise impacts and should therefore be identified as necessary “out of hours work” within the requirements of section 18(3) and be included within the required specific phase CEMPs.</p> <p>Paragraph (5) states “core working hours” means the working hours stated in relation to the relevant operations at paragraphs (2) and (3)”. Should this not read paragraphs 18(1) a and 18(1)(b)?</p>	<p>Preliminary site clearance and preparation form part of the Works. They are expressly covered by this Requirement and subject to the controls on when works may be undertaken.</p> <p>The timing restrictions for environmental receptors including wildlife are outlined in the Onshore Outline CEMP (REP1-087). The start-up activities may be undertaken anywhere in the Converter Station Area. The activities by their nature do not give rise to effects, and the location of them within the Converter Station Area does not make any difference to this.</p> <p>The Applicant acknowledges that the receipt of oversized deliveries outside of core working hours has the potential to result in noise impact. However, the Applicant requires flexibility to deliver outside of core working hours, for instance on Sundays, when there is less traffic and consequently less effects on the road network. All oversized deliveries are subject to the controls provided for within the Framework Construction Traffic Management Plan (REP1-070) provided in relation to them and will be appropriately timed.</p> <p>The comment regarding core working hours is noted and this will be corrected.</p>

Para No.	Comment	Applicant's Response
19	Traffic Management Strategy	
	<p>Why is this limited only to Works No 2 What about 3 and 4?</p> <p>There are aspects to the strategy that are relevant to WCC such as the timing of the work.</p> <p>Wish to see absolute commitment that two-way traffic flow maintained on the Hambledon Road for all sizes of vehicles (with assistance of traffic lights) plus maintenance of combined pedestrian /cycle path.</p>	<p>Requirement 19 as referred to has been deleted and is replaced with the protective provisions for the protection of highways and traffic at Part 5 of Schedule 13 to the dDCO (REP1-021).</p>
20	Control of noise during the operational period	
	<p>Should set maximum noise level</p> <p>How does this reconcile with exemptions claimed elsewhere in the DCO?</p> <p>There are serious concerns regarding the wording of this section as I do not consider this gives sufficient confidence in the level of noise mitigation that will be achieved for the Converter station will be as detailed in in Document 6.1.24 – Chapter 24 Noise and Vibration - Volume 1 (plus associated Volume 2 appendices).</p> <p>Although it is appreciated that the final design and specific equipment has not been finalised there are significant assumptions made within the noise assessment to derive the conclusion that the impacts from the converter station are negligible. Especially in addition to the assumed embedded mitigation measures (section 24.6) additional mitigation measures are identified in section 24.8(proposed mitigation and enhancement) with regards to one exposure location.</p> <p>It is therefore considered that this section needs to be reworded to ensure these specific requirements form part of the measures being proposed. This section needs to cross reference the measures identified within Documents 6.1.24 (sections 24.6 and 24.8) and this might also need to be added to Schedule 14 (Certified Documents).</p>	<p>Please refer to Table 7.16 of the Applicant's Comments on Local Impact Reports (REP2-013) which was provided at Deadline 2.</p> <p>In summary, the updates to Requirement 20 of the draft DCO (REP1-021) provided at Deadline 1 robustly secure the noise criteria in the Operational Broadband and Octave Band Noise Criteria document (REP1-129). This will ensure that the effects of operational Converter Station noise will not exceed those set-out in Chapter 24 of the ES (APP-139).</p>
21	Travel Plan	
	<p>Suddenly trigger is..... will be begun.....Does this include site preparation and clearance?</p> <p>It seems to exclude Work No 3. There may be fewer workers on that establishment work but not clear why they are not to be covered by the Travel Plan</p>	<p>The Framework Construction Worker Travel Plan (Appendix 6 of the Framework Construction Traffic Management Plan (REP1-070)) does not include work associated with site preparation and clearance.</p>
22	Restoration of land used temporarily for construction	
	<p>What is definition of completion of authorised development?</p> <p>Suggest consider using the following: "no later than first handling or transmission of any power...."</p>	<p>Amendments are made to Article 22 in the version of the dDCO submitted at Deadline 1 (REP1-021). The Applicant refers the authority to those amendments, which should address the points raised.</p>
23	Control of lights during the operational period	
	<p>is exceptional circumstance defined anywhere?</p>	<p>Exceptional circumstances is not defined, as it is not possible to define all things may constitute exceptional circumstances. The use of this term is considered to be clear, and will relate to circumstances such as intruders,</p>

Para No.	Comment	Applicant's Response
		<p>unscheduled maintenance in the event of system failure etc. Whilst it is possible to provide these examples, it is not the case that a definitive clear and precise can be provided without potential unintentional adverse consequences.</p>
Missing Requirements		
	<p>It is considered that the following aspects should form the basis of additional requirements: Establishment and decommissioning of Works 3: the Laydown Compound (methodology approach to constructing the temporary construction compound and then its decommissioning)</p> <ul style="list-style-type: none"> • Noise control during construction • Controls over use of temporary earth storage area.... weed control dampening; max height? (postscript think may now be covered) • Decommissioning scheme to be submitted if Converter station does not transmit any power (import or export) for period of 2 years. • Dust mitigation strategy: dampening site generally and access road; speed control on access road; first part tarmaced up to access to laydown compound. • It is suggested a levels control point is established on ground that is not to be disturbed and which can then be used as a base reference point for any levels that need to be taken on site. • An Employment and Skills Plan. 	<p>Decommissioning of Work No.3 is provided for by Requirement 22.</p> <p>The Applicant will not agree to a requirement to remove the Proposed Development where not operational for 2 years. There could be very valid reasons why operation does not occur for a period, but that does not also mean the Proposed Development needs will not be operational in the future. Permission will be sought for decommissioning at the appropriate time when the Proposed Development will no longer be required for operation.</p> <p>The establishment of a levels control point is not possible at this time, as it needs a static location from levels to be taken from and earthworks are required in connection with the Proposed Development. The suggestion is overly complicated and unnecessary. The Applicant will discuss the relevant wording regarding the measurement of distances with the authority.</p> <p>Construction Stage impacts from noise, dust and temporary earth storage will be managed through standard control measures secured through a Construction Environmental Management Plan (CEMP) secured in Requirement 15 of the draft DCO (REP1-021) and to be in accordance with the submitted Outline Onshore CEMP (REP1-087).</p> <p>The embedded noise mitigation measures that will be applied at all phases of the Construction Stage are detailed in Appendix 24.2 (Best Practicable Measures to be Employed during Construction) of the ES (APP-461), and these measures will be secured through the OOCEMP (REP1-087) (see Section 5.12).</p> <p>For the Construction Stage, a dust risk assessment, following Institute of Air Quality Management (IAQM) guidance was undertaken for each of the cable sections and is detailed in Appendix 23.2 (IAQM Construction Assessment) of the ES (APP-455), and also identifies mitigation which is included in the OOCEMP (see Section 5.11).</p> <p>The appointed contractor will be responsible for the correct storage and management of any earthworks material excavated from the works. A Soil Resources Plan (SRP) will be prepared prior to commencement of construction and confirms the different soil types and depths and also the proposed methods for handling, storing and replacing soils on site. An Outline SRP has been prepared as Appendix 5 of the OOCEMP. All</p>

Para No.	Comment	Applicant's Response
		<p>measures will be secured through the OOCEMP (REP1-087) (see Sections 5.4 and 5.14).</p> <p>Given that predicted construction employment is not assessed as significant, the Applicant does not believe an ESP is required in this instance. The measures set out at Paragraph 25.9.2.1 of the ES also appear in section 5.12.1.1 of the OOCEMP (REP1-087). Flexibility to their application needs to remain as this will depend on whether the nature of the construction work allows these opportunities.</p>

Table 2.11 - Trinity House

Para No.	Comment	Applicant's Response
Draft Development Consent Order (dDCO)		
Article 1-14	<p>Trinity House notes that the draft DCO proposed by the applicant and published at Deadline 1 (Document Ref. 3.1 Revision 002 - 6 October 2020) does not currently appear to include a standard 'Saving Provision' for Trinity House.</p> <p>As such, Trinity House would highlight to the ExA that Orders conferring powers on undertakers for specific projects or developments, for example Orders under the Transport and Works Act 1992, the Harbours Act 1964 and the Planning Act 2008, typically also include a provision "saving" or protecting the statutory rights and duties of Trinity House in the context of the relevant Order.</p> <p>The standard wording included in this regard is:-</p> <p>'Saving provision for Trinity House' Article XX. 'Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House'.</p> <p>Trinity House would, therefore, suggest that the relevant Article is included on the face of the dDCO immediately prior to the Article relating to 'Crown Rights'. If accepted, the numbering of the other Articles in the draft DCO would, of course, need to be adjusted accordingly.</p>	<p>A saving provision is added to the dDCO in the updated version submitted at Deadline 3, at Article 49. It is not necessary to place the article where requested.</p>
Article 45 - Arbitration	<p>Trinity House notes that Article 45 of the draft DCO makes provision in respect of Arbitration. It provides that any difference under any provision of the DCO, unless otherwise provided for, must be referred to and settled in arbitration.</p> <p>Trinity House is concerned that the exercise of its statutory functions to provide for safety of navigation, including the requiring of the marking and lighting of potential obstructions during the construction, operation, maintenance and possible decay of the works authorised by the proposed DCO, might be regarded as being subject to the Arbitration provisions in the DCO.</p> <p>The "saving" provision typically included in Orders of this nature (and as proposed above by Trinity House) is clearly intended to preserve Trinity House's ability to exercise</p>	<p>Appropriate amendments are made to article 45 in the updates to the dDCO submitted at Deadline 3 by the Applicant.</p>

Para No.	Comment	Applicant's Response
	<p>its statutory functions. Nothing in the DCO should, in our view, fetter the statutory powers of Trinity House in respect of DCOs and DMLs, to give direction in terms of aids to navigation requirements and for the prevention of danger to navigation.</p> <p>In addition, any advisory and consultation function undertaken by Trinity House on safety of navigation matters with the MMO pursuant to the Marine and Coastal Access Act 2009 should not be subject to the Arbitration provision of the DCO.</p> <p>We consider therefore that it is imperative that there is clarity that the proposed saving for Trinity House in the DCO, if adopted, should also not be subject to any other provision in the draft DCO.</p> <p>As the DML issued under the DCO will likely have a legal existence independent of the DCO, we contend that this should similarly remain subject to the "saving" provision under the proposed new Article of the draft DCO.</p> <p>Trinity House would therefore respectfully submit that Article 45 (Arbitration) of the draft DCO should be amended as follows to include the following additional provisions:-</p> <p>(3) This article is without prejudice to article XX (saving provision for Trinity House).</p> <p>(4) The powers of the arbitrator appointed under this article do not extend to considering the appropriateness of a decision or determination made by a body exercising regulatory functions on behalf of the Secretary of State under or pursuant to an enactment.</p>	
Draft Deemed Marine Licence (dDML)		
<p>Schedule 15: Part 2 Condition 7 - Aids to Navigation</p>	<p>We would propose that the wording of condition 7(1) of Schedule 15 Part 2 is broadened slightly to refer to the standard marking schedule for offshore installations (the suggested additional text to this condition is highlighted red below for ease of identification).</p> <p>Thus this condition would read as follows:-</p> <p>(7) (1) Any vessels utilised during the licensed activities, when jacked up, must exhibit signals in accordance with the standard marking schedule for offshore installations;</p>	<p>"Standard marking schedule" is a defined term in paragraph 1 of Part 1 to Schedule 15, which is the DML. The defined terms refers to the standard marking schedule for offshore installations, including its reference and publication date. There is therefore not a need for the amendment requested.</p>
	<p>Trinity House further notes that condition 7(4) of Schedule 15 Part 2 refers to condition 2(12). With the re-numbering of the conditions in this section of the updated draft DML, Trinity House believes that this should instead refer to condition 2(13) of Schedule 15 Part 2.</p>	<p>The dDCO will be updated to include the correct reference to Condition 2(13).</p>

Table 2.12 - Portsmouth City Council

Para No.	Comment	Applicant's Response
Task A - General comments on responses for Deadline 1		
1	<p>Portsmouth City Council ('PCC' or the 'Council') have reviewed the documents submitted by Aquind, the Local Authorities, affected landowners, statutory undertakers, and interested third parties. At this stage, subject to the further detailed comments set out below and in the accompanying Appendix, PCC maintains its position as set out in the conclusion to its Written Representation (Document REP1-174), namely that PCC objects in the terms set out therein, in respect of the substance of the application; the unjustified scale of the order limits; and of the proposed scope of the draft DCO which seeks to disapply other consenting regime. In addition PCC maintains its objections based upon the applicants identified procedural failings and legal concerns. PCC reserves its position to respond to new evidence as the examination continues.</p>	<p>The comment is noted, and the Applicant directs the ExA and PCC to the Applicant's Response to Written Representations (REP2-014).</p>
Comments relating to Highways and street works		
2	<p>With regard to highways matters and compulsory acquisition raised by Aquind's Deadline 1 Response to Relevant Representations <u>Doc 7.9.4</u>: PCC in its capacity as local highway authority (LHA) remains highly concerned as to any justification for formal compulsory acquisition of highways land when, as set out by PCC a number of times, as a licensee Aquind could exercise more limited rights to lay its apparatus in the highway. In addition, the permanent acquisition of such land may detrimentally affect or frustrates future development on the basis of its presenting as a ransom strip whereas again the interconnector could be constructed using lesser rights i.e. easements.</p>	<p>The Applicant confirms there is not, and never has been, any intention to acquire land vested in the highway authority. The Applicant will rely on the statutory authority to be provided by Article 11 of the dDCO (REP1-021) to install, operate and maintain the elements of the Proposed Development which are located in the highway.</p> <p>Any acquisition of the subsoil beneath the highway will be the acquisition of rights (i.e. an easement).</p> <p>The Applicant confirms that it has considered how to ensure the position is unequivocal and intends to make amendments to the Book of Reference (REP1-027) and has detailed its intention in this regard in its response to the further information request of the ExA dated 27 October 2020 submitted at Deadline 3.</p>
3	<p>In addition, with regard to the applicant's proposals to acquire highway subsoil, it is highly relevant to note that the proposed installation is not significantly deeper than any other statutory utility plant and the acquisition of the subsoil is simply not necessary to facilitate the installation. PCC in its capacity as LHA considers that the proposed power within the dDCO to make, alter, impose and enforce TROs should only be with the consent of the LHA. This should be explicitly stated in the DCO and that the absence of a response by the LHA is deemed to be a refusal or objection not a deemed grant.</p>	<p>Where land which is in private ownership is affected, it is absolutely necessary to acquire rights over that land for the purpose of installing, operating and maintaining apparatus within it. To not do so would constitute a trespass. The position put forward by PCC is without any foundation.</p> <p>The Applicant considers the form of Article 16 to the dDCO (REP1-021) to be acceptable and that this aligns with the position in many other made DCO's. The implementation of any TTRO's would be confirmed in the traffic management strategy for the works which necessitate it, which PCC will be required to approve in connection with works within their administrative boundary. A further layer of unnecessary approval would delay the delivery of this development of national significance and the benefits which it is to provide, as would any position which provides for deemed refusals.</p>

Para No.	Comment	Applicant's Response
4	<p>With regard to PCC's permit scheme in respect of road works and street works, the applicant notes its implementation but seeks to rely on the provisions of NRSWA 1992 and bespoke provisions in the DCO rather than complying with the permit scheme. PCC objects to this. The permit scheme provides a system which the DfT is promoting PCC and many other highway authorities to adopt in order best to manage the network beyond the simple provisions of noticing in NRSWA (see Appendix 1 attached). The permit scheme allows for the efficient and effective coordination of works to be carried out by undertakers, making specific and appropriate provision for the installation of such equipment and its maintenance whilst allowing for the management of the network to the required standard. There is no reason to create a separate system for the interconnector works which could itself have a stalling or negative effect on others trying to coordinate their own works under the Permit Scheme.</p>	<p>The permit scheme will not be applicable so as to ensure the works can be delivered in a coordinated manner in accordance with the programming mitigations included for within the FTMS (REP1-068), which ensures efficient delivery minimising impacts. The authority was provided the protective provisions for the protection of highways and traffic some months ago and no comment on these has been received. The Applicant's position in this regard will not change, and it looks forward to discussing the protective provisions with PCC.</p>
5	<p>With regard to traffic impacts, the impact of construction on the highway network cannot simplistically be considered only in the context of delays / journey times but must also assess the impact of extended queue lengths / redistribution of traffic on the safety of the network which has not been adequately assessed in the TA. Further traffic assessment and or technical information and/or a supplementary TA is required.</p>	<p>The traffic impacts associated with construction of the Onshore Cable Route have been assessed within the Transport Assessment (APP-448) and Supplementary Transport Assessment (REP1-142). The scope and methodology of the Transport Assessment was agreed with Portsmouth City Council prior to submission of the DCO application, details of which are included in the Transport Assessment Scoping Note at Appendix A of the Transport Assessment.</p> <p>Notwithstanding this the Applicant is producing a Road Safety Technical Note which considers the safety implications of increased traffic flows on links, and increased queueing at junctions and traffic management locations within Portsmouth. Suitable mitigation will be identified within the Road Safety Technical Note should this be necessary.</p>
6	<p>With regard to the simple calendar working restrictions proposed, in Doc 7.9.4 at table 2.6 these do not take account of either special events or Portsmouth FC football matches which have significant impact on network demands, assessed by the applicant to be similar to peak hour conditions, nor peak hour working time constraints on traffic sensitive routes.</p> <p>The LHA at such times seeks to ensure that traffic management is pulled in tight to any excavation to preserve 2 lane operation in each direction rather than shuttle working. Where this cannot be achieved an alternative route for the cable should be found or works undertaken around these events. This would be achievable and required through the permit scheme albeit this may require the applicant's installation programme to be revisited. This however in the circumstances, is not unreasonable.</p>	<p>The peak hour traffic impacts associated with construction of the Onshore Cable Route have been assessed within the Transport Assessment (APP-448) and Supplementary Transport Assessment (REP1-142). It is the view of the Applicant that traffic conditions associated with football matches would be similar to these weekday peak traffic conditions.</p> <p>The Framework Traffic Management Strategy (FTMS) (REP1-068) also considers Portsmouth Football Club home matches through the use of programme constraints that limit construction as far as practically possible to periods outside of the football season and when major events are scheduled. As shown in Section 10 of the updated FTMS, construction along the A2030 Eastern Road is permitted only during the following periods:</p> <ul style="list-style-type: none"> • Easter school holidays; • May half-term (outside of football season); • June;

Para No.	Comment	Applicant's Response
		<ul style="list-style-type: none"> • July; and • August (avoiding Victorious Festival weekend). <p>With these restrictions, construction will take place during the football season only during the Easter school holidays and in August, which may correspond with 2-3 Portsmouth FC home matches during construction of each circuit, so would only affect a maximum number of between 4 – 6 matches in total. As set out in the FTMS, construction will also avoid the weekend in which Victorious Festival takes places (August bank holiday) and Great South Run (October).</p> <p>The Applicant understands that it may be possible to avoid the requirement for lane closures during the PM peak periods (taking account of the general 7am-5pm construction working hours as set out in the FTMS) through construction taking place in the first third of the nearside lane and traffic management pulled tight to the excavation. It is proposed, where it is possible, to incorporate these measures, noting that the ability to do so will be confirmed during detailed design of the Onshore Cable Route and associated traffic management measures in accordance with the protective provisions for the protection of highways and traffic at Part 5 of Schedule to the dDCO (REP1-021).</p>
7	<p>The LHA is not content with the optionality of joint bays being located outside of the carriageway where practical. It is essential that the LHA has clarity over the route and joint bay locations to be able properly to assess the impact of the construction of the interconnector.</p>	<p>Details of the exact route and Joint Bay locations will be determined at detailed design stage and will be issued to the LHA for approval. Joint Bays will be outside the highway as a preference, to minimise any effects on the highway, however, this will need to be balanced with other engineering and environmental constraints at detailed design stage.</p> <p>It is not understood what impacts PCC consider it is not able to understand based on the information already provided and the nature of the infrastructure to be delivered.</p>
<p><i>Comments on the Applicant's response to the Council's Relevant Representation in respect of Compulsory Acquisition</i></p>		
9	<p>The Council refutes the Applicant's position that it has justified the extent of land sought in the draft Order, and also highlights that general engagement 'on numerous aspects of the Proposed Development' (Compulsory Acquisition matters, Table 2.6), does not constitute efforts to acquire by agreement.</p>	<p>The Applicant notes PCC's comments regarding the Order limits not being justified, and disagrees with this.</p> <p>The Applicant has, on a number of occasions, presented overviews of the Order Limits to the Council and has also provided an overview of the rights the Applicant would be seeking in relation to the project. Heads of Terms were issued to the Council on 28 January 2020 and a follow up call took place between the Applicant's agent and representatives on the Council on 23 March 2020. At that meeting the Council representatives stated their preference to deal with the principles of the land agreement rather than</p>

Para No.	Comment	Applicant's Response
		<p>discuss the valuation aspects. On a conference call on 4th August 2020 the Council's property lead assigned to the Aquind project announced he was due to retire shortly and the Council were in the process of appointing an external surveyor to deal with property matters. The Council appointed the external surveyor in September 2020 and the Applicant's agent and the Council's surveyor had a kick-off meeting on 07 October 2020 to progress discussions. A series of weekly meetings have also been organised to provide a forum to progress discussions with the aim of securing the Council's voluntary agreement on land and land rights related matters before the end of the Examination, noting the Council has an outstanding objection to the project.</p>
<p>10</p>	<p>The repetition of the description of the FOCs does not adequately satisfy the concerns of the Council that the inclusion of additional FOC capacity does not satisfy the definition of Associated Development and the Applicant is should not form part of an application for compulsory acquisition powers (please see below).</p>	<p>The Applicant has clearly set out its position regarding why the commercial use of the FOC and the extent of the additional infrastructure for this purpose constitute associated development in compliance with the law in this regard and in accordance with the guidance in the - Statement in Relation to FOC (REP1-127).</p>
<p>11</p>	<p>In respect of the response from the Applicant to the Council's concerns over the treatment of Special Category Land included in the Order Limits, the Applicant has shown that it has failed to have regard for the significant impact that the proposals will have on recreational land in Portsmouth. The Applicant states again that 'the land will be no less advantageous than it was before to the persons specified in Section 132(3) of the Planning Act 2008' due to there being no apparatus above ground and the works being temporary. However, the displacement of users will be for extended years - up to 7 - with a further period for maintenance. This cannot be defined as temporary, as users could be permanently lost to the sites. The Applicant has also failed to acknowledge that the ORS building (and permanent screening) is part of a car park serving Fort Cumberland open space and thus users will be permanently displaced as car parking space will be lost.</p>	<p>Details of effects on recreation areas at Farlington Playing Fields can be found in Chapter 25 (Socio-economics) of the ES (APP-140) submitted in November 2019. Further consideration is given to recreational assets in the context of mitigation, in Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts) (REP1-144). The Applicant acknowledges the Council's response with regard to recreational land in Portsmouth. The draft Framework Management Plan (FMP) for Recreational Impacts, includes mitigation measures designed to address recreational disturbance effects. The draft FMP was discussed at a meeting with PCC held on 08 October 2020. PCC have provided some information in their response on the utilisation of playing pitches on recreational land in Portsmouth which was discussed and requested from PCC at the meeting on 08 October 2020, and this information is being considered as part of an update to the FMP which will be provided to, and further discussed with, PCC and formally submitted to the ExA in due course.</p> <p>Whilst the Applicant will have 7 years to exercise the CPO powers, it is not the case that the works will be ongoing for 7 years.</p> <p>The works will be programmed, and the programme of works will be communicated to PCC as outlined in section 4.4.3.4 – 4.4.3.9 of the OOCEMP (REP1-087).</p> <p>The Applicant has considered whether the car park at Fort Cumberland is SCL by virtue of being within the statutory definition of open space provided by section 19 of the Acquisition of Land Act 1981, and the conclusion is that it is not because it is not land laid out as a public garden, or used for the purposes of public recreation. It is a car park which serves that purpose, be</p>

Para No.	Comment	Applicant's Response
		it in connection with recreational purposes carried on elsewhere or for other purposes.
12	The Applicant has failed to address the Council's concerns in respect of their approach to the inclusion of highway land in the Order Limits, and the failure to negotiate with Affected Persons. The Council has repeated its concerns in this submission, in respect to its comments on the Applicant's response to the First Written Questions, question CA1.3.5.	The Applicant has clearly set out its position. The land beneath the highway is not vested in the highway authority, it is private land. A right to lay and operate cables must be acquired for that to be authorised and there to be no impediment to the delivery and operation of the Proposed Development. The Applicant has not, and has never had, any intention to acquire rights over the highway. Works in the highway are to be authorised by way of statutory authority in accordance with Article 11 of the dDCO (REP1-021). The Applicant confirms it is considering amendments to the Book of Reference to remove any confusion in this regard.
13	With reference to the Statement in Relation to FOC (Doc Ref 7.7.1 submitted at Deadline 1) the Applicant has stated "Whilst it is not possible to state with absolute certainty the extent to which the size of the ORS is dictated by the proposed commercial use, it is anticipated that approximately two thirds of the cabinets within the ORS will be available for commercial use".	The Applicant's position, as is set out in Statement in Relation to FOC (REP1-127), is that the commercial use of the FOC and associated infrastructure constitute associated development for the reasons explained. Should development consent be granted for this aspect of the development, the land on which it is located would satisfy the conditions at Section 122(2) of the Planning Act 2008 for the purpose authorising the compulsory acquisition of it. Of course, the Applicant is hopeful that voluntary agreement can be reached so that compulsory acquisition is not necessary.
14	The Applicant's admission that two thirds of the land required is for commercial purposes means that the case for compulsory acquisition of the land cannot be made, as it is neither part for the Proposed Development, or Associated Development, as it is not 'necessary for the development to operate effectively to its design capacity' (Planning Inspectorate's Advice Note Thirteen1, paragraph 2.9). The Applicant has clearly confirmed that two thirds of the cabinets are not required to support the Proposed Development, and as such should not be considered as Associated Development. As such, in addition to the Council overarching objection to the use of the car park land servicing open space land, the Applicant should reconsider its proposals to a scale that can be demonstrated to satisfy the definition of Associated Development, and locate the facility in a more appropriate location.	
<p>Comments on the Applicant's responses to the Examining Authority's First Written Questions (document library reference REP1-091)</p>		
<p>Ref CA1.3.1</p>		
15	PCC considers that the Applicant's conjecture 'that funding for the Project is likely to be available to enable the compulsory acquisition within the 7-year period' is ambiguous and does not satisfy the requirements of the 'Planning Act 2008 - Guidance Related to the Procedures for the Compulsory Acquisition of Land' (the 'Guidance'). The Guidance sets out that an applicant for compulsory acquisition powers should 'be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.' A speculative assertion that investors to fund the compensation liability will be secured at a later stage is incompatible with the Guidance. The Guidance also makes	The Applicant considers its responses on this issue to be adequate to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.

Para No.	Comment	Applicant's Response
	<p>clear where financial ambiguity arises, an Applicant has to take steps to provide confidence that funds will be in place to resource the compensation liability, viz:</p> <p><i>'It may be that the project is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty about the assembly of the necessary land. In such instances, the applicant should provide an indication of how any potential shortfalls are intended to be met. This should include the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the scheme, and on what basis such contributions or underwriting is to be made.'</i> [para 17 of the CA Guidance]</p>	
16	<p>The Applicant has not demonstrated how shortfalls are going to be met. To that end it has not demonstrated it has the funds to acquire any blighted land or rights it seeks to purchase compulsorily as well as the compensation for any other impacts the proposals may have for which it makes provision under the dDCO . As such, there is no justification for granting the applicant compulsory acquisition powers in the absence of certainty over funding for the compulsory acquisition powers.</p>	<p>The Applicant considers its responses on this issue to be adequate to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.</p> <p>There are no such shortfalls. The project will be independently financially viable. Please see the Applicant's responses to ExA WQ CA 1.3.1 and CA 1.3.10, CA 1.3.104.</p>
Ref CA1.3.3		
17	<p>As set out below in addressing the issue of the commercial FOC infrastructure and whether it qualifies as associated development under the PA 08, there are clear difficulties in the applicant seeking to rely upon commercial benefits from those aspects that are clearly not the principal Development, exceed that which should be considered associated development and it is argued should not be granted consent nor accordingly justify compulsory acquisition.</p>	<p>The Applicant has provided further information in relation to the benefits of the FOC Infrastructure at the response to CA 1.3.3, as requested.</p> <p>The Applicant's position, as is set out in Statement in Relation to FOC (REP1-127), is that the commercial use of the FOC and associated infrastructure constitute associated development for the reasons explained.</p>
Ref CA1.3.4		
18	<p>PCC considers that the Applicant's response to justify its making no assumption as to the likely future service of any blight notices and hence no provision within its funding is weak and fails to understand the implication of the powers it is seeking to acquire. In other words the Applicant's assumptions are wrong.</p>	<p>PCC has not provided any foundation to its comments that the Applicant's assumptions are wrong. It is not considered this is the case.</p> <p>The response provided by the Applicant confirms that there are suitable measures proposed to mitigate impacts (including reinstatement of land as defined in the Outline Landscape and Biodiversity Strategy) (APP-506)) and that there would not be any depreciation in value of land not directly impacted by the Proposed Development.</p> <p>The Applicant also confirms that it does not consider the Proposed Development is of such a nature that will give rise to claims for statutory blight.</p>
19	<p>Further, whilst there is reference within the dDCO to potential claims arising from section 152 of the Planning Act 2008 and which in turn make reference to section 10 of the</p>	<p>The Applicant does not fail to recognise that such claims can be made. It is just not considered that such claims are likely to be able to be made in connection with the Proposed Development, taking into account the works</p>

Para No.	Comment	Applicant's Response
	Compulsory Purchase act 1965, and Part I of the Land Compensation Act 1973. The Applicant fails to recognise that such claims can be made.	to be undertaken and the mitigations to be provided in connection with them. Again, this point is made by PCC without any evidential foundation.
Ref CA1.3.5		
23	The Book of Reference (still) does not in fact exclude the acquisition of Council land where it identifies land that is the highway authority's. Such land in accordance with the above should be excluded from the Book of Reference (and the powers sought) as confirmed in the Position Statement.	The Applicant confirms that it has considered how to ensure the position is unequivocal and intends to make amendments to the Book of Reference (REP1-027) and has detailed its intention in this regard in its response to the further information request of the ExA dated 27 October 2020 submitted at Deadline 3.
24	As the Council has confirmed in its submissions, no efforts to acquire rights in the highway land have been made, as it has been stated the Applicant will be reliant on New Roads and Streets Works Act 1991. However, at present, the Applicant, despite the statement to the contrary, is still applying for powers (as per the Book of Reference). The Book of Reference, and the Draft DCO need updating to explicitly exclude the acquisition of rights in the Council's highway land.	<p>The Applicant is not seeking to acquire any land vested in the highway authority.</p> <p>The Applicant confirms that it has considered how to ensure the position is unequivocal and intends to make amendments to the Book of Reference (REP1-027) and has detailed its intention in this regard in its response to the further information request of the ExA dated 27 October 2020 submitted at Deadline 3.</p>
25	The Council notes that the Applicant has considered other infrastructure schemes to inform the approach taken to owners of sub-soil interests in section 4 of the statement. Here, it has confirmed that contrary to the position taken by the Applicant, compensation was offered to owners of subsoil in all the schemes, being Thames Tideway Tunnel, Crossrail 2, HS2 and Channel Tunnel Rail Link (Hs1). In all cases, c£50 was put forward as compensation, and in the cases of Thames Tideway Tunnel (c£250), HS2 (c£250), and Channel Tunnel Rail Link (c£500) payment was also offered towards surveyors fees (even if one was not appointed - HS2). [Note - the link to the HS2 policy did not work in the statement - we have reviewed the HS2 Decision Document for Properties above Tunnels].	<p>The distinguishing factor is that it will only be in very limited instances where this is required, not for major sections of the route, and that the only land affected is that which is beneath the highway, not beneath any actual dwellings (as was the case for all examples provided).</p> <p>As is confirmed at paragraph 3.12 of the Applicant's Highway Subsoil Position Statement document (library reference REP1-131)</p> <p><i>"The use and enjoyment available to the presumed owners of the highway subsoil over which rights are proposed to be acquired in connection with the Proposed Development is obviously limited by the presence of the highway above this, and in a way that non-highway subsoil, as considered and nominally valued in the precedents, was not. As any nominal value for the highway subsoil would be negligible at best, no compensation for the acquisition of rights over it is therefore proposed, and it is not considered to be proportionate or in anyone's interest for there to be a need to negotiate for those rights where there is not compensation payable in relation to their acquisition."</i></p> <p>There will not be a need for surveyor's fees in connection with installation in the land which those persons are assumed to own beneath the highway, nor legal fees with the matters of acquisition of rights in this land to be undertaken by the undertaker.</p>
26	Rather than failing to engage and negotiate with subsoil owners, these applicants and promoters identified in advance what compensation was proposed for the owners of the	Please see the above response, which confirms how the Proposed Development is distinguished from the examples.

Para No.	Comment	Applicant's Response
	interests of subsoil. The Applicant has failed to offer any compensation, not even the £50 that it has asserts would be payable. The Applicant has also demonstrated a clear lack of understanding of the principles of the compensation code. Paragraphs 3.11 and 3.12 of the statement discuss the differences in the purpose for which the rights in subsoil are being acquired - paragraph 3.11 states The "tubes" of subsoil required for the main tunnel of the Thames Tideway Tunnel, for example, had an internal diameter of between 6.5 and 7.2 metres, as well as requiring further subsoil for the protection zone to surround the tunnel.'	The Applicant has not misunderstood the compensation code. The position is simply that any acquisition of rights over such land will be minimal and the land is of no benefit to the assumed owner having established highway placed on it.
27	The Council is aware that the ExA will not consider matters of compensation per se but it makes these points in order to illustrate the wholesale failure of the Applicant to address these fundamental issues when seeking these wide powers to acquire compulsorily interests in land and the need to demonstrate that it has sought to negotiate with those whose rights it wishes to accrue. The purpose of the acquisition (of subsoil or rights in subsoil) is irrelevant to the compensation that should be offered.	<p>The Applicant has set out its position on the need to negotiate for such interests and how this approach aligns with the relevant guidance in the Highway Subsoil Position Statement document (library reference REP1-131).</p> <p>As confirmed in the response to CA1.3.31:</p> <p><i>“As any nominal value for the highway subsoil would be negligible at best, no compensation for the acquisition of rights over it is therefore proposed, and it is not considered to be proportionate or in anyone’s interest for there to be negotiation for those rights where there is not compensation payable in relation to their acquisition.</i></p> <p><i>The Applicant cannot lawfully exclude the payment of compensation, and it has not sought to do so”.</i></p>
28	The Council cannot, understand why the Applicant has failed to offer compensation to Affected Persons with an interest in the subsoil, especially given the precedent schemes that it references.	The reasons for this have been explained and are further explained above.
29	The Council considers that such efforts should be made and that the Property Cost Estimate be revised to accommodate such acquisition of subsoil rights (if the Property Cost Estimate does not take account of such acquisitions). Given the level of disruption to the residents along the line of the route, the Council would also recommend that the Applicant provide the higher end of payment above the compensation for the rights sought, in line with the Channel Tunnel Rail Link, being £500 (plus the £50) in order better to reflect the scheme, as the Applicant has done in the statement, the disruption to owners of properties adjacent to highway included in the Order will be significant.	<p>The Applicant has set out its position on the need to negotiate for such interests and how this approach aligns with the relevant guidance in the Highway Subsoil Position Statement document (library reference REP1-131).</p> <p>The Applicant disagrees that there is any need to revise the Property Cost Estimate, noting that any acquisition of rights at such depth will be minimal and that the ability is included to prevent impediment to the delivery of the Proposed Development for in those limited circumstances.</p> <p>The disruption occasioned by the undertaking of the works has no bearing whatsoever on what compensation may be due in relation to the acquisition of rights over the subsoil beneath the highway.</p>
Ref CA1.3.10		
31	As noted in the Council's comments in respect of CA.1.3.3, the applicant is wrongly reliant upon future financial benefits arising outside of 'the Scheme' once it is operational	The Applicant considers its responses on this issue to be adequate to demonstrate that there is a reasonable prospect of the requisite funds for

Para No.	Comment	Applicant's Response
	whereas the funding statement should be based there being a clear evidence that the funding is available now.	<p>acquisition becoming available, as per the tests provided for in the guidance.</p> <p>There has not been a suggestion by the Applicant of any reliance on financial benefits arising outside of 'the Scheme' which are necessary to make the Proposed Development viable.</p> <p>The Applicant assumes PCC is seeking to state that the Applicant is relying on revenues from the commercial use of the FOC, which it considers to be outside of the scheme, however the Applicant has already confirmed in its response to CA 1.3.3 that the delivery of AQUIND Interconnector is not reliant on the revenue from the commercial use of FOC.</p>
Ref CA1.3.11		
32	It is the Council's position that compulsory acquisition powers should not be confirmed in absence of the Crossing Agreement. This is a clear and fundamental impediment to the delivery of this Proposed Project.	There is no known impediment to the crossing agreement being entered into. The need for this to be entered into does not represent a clear and fundamental impediment to the delivery of the Proposed Development as PCC suggests.
Ref CA1.3.17		
33	The Council's refers the ExA to Written Representation submitted for Deadline 1, reference, REP1-174, Chapter 3 (paragraphs 3.5 and 3.6 in particular).	The Applicant responded to PCC's Written Representation at Deadline 2 within the Applicant's Response to Written Representations Table 2.1 (REP2-014). The Applicant refers PCC to paragraphs 3.1-3.28 which cover the Applicant's response to compulsory acquisition queries raised by PCC.
Ref CA1.3.18		
34	The Council's refers the ExA to its own response to the Examining Authority's First Written Questions submitted for Deadline 1, reference, REP1-172, response to CA.1.3.106 in respect of comments made in respect of Milton Common (paragraph V).	With regard to route option V through Milton Common referred to in PCC's response CA.1.3.106 (REP1-172), the Applicant in a meeting with PCC on the 28/09/2020 advised that it is known that the route through Milton Common is feasible having reviewed background information and undertaken a campaign of ground investigations, but the Common given its historic landfill nature still presents potential difficulties, and the Applicant will not be able to confirm whether it is deliverable until the EPC contractor is appointed.
Ref CA1.3.22		
39 40	As noted in the Council's Written Representation submitted for Deadline 1, (reference, REP1-174, Chapter 3 paragraphs 3.18 and 3.21) it remains concerned in its capacity as freehold owner and landlord to allotment holders in respect of the allotment land that the applicant seeks to acquire permanent rights over that those allotment holders' interests have not been identified within the Book of Reference.	The Applicant's understanding and position in this regard is included in its response to the ExA on this issue further to the request for information issued on 27 October 2020 and submitted at Deadline 3.

Para No.	Comment	Applicant's Response
	<p>This is a significant and critical omission and a failure to comply with the relevant provisions of the PA 2008 (in particular Ss44 and s.123) as well as the CA Regulations. It would as a result make it unlawful to grant the applicant the power to acquire the proposed rights in respect of plot 10-13 and 10-14 and any other rights which impinge on current allotment holders' rights. In addition, the Council is seeking to confirm whether the allotments should be subject to the protective provisions of the Allotments Acts.</p>	
Ref CA1.3.25		
41	<p>The Council considers the 7-year period for the exercise of compulsory acquisition powers and temporary use are clearly excessive. The applicant seeks to rely on the fact that this is a linear scheme to justify the time but the Southampton to London Pipeline DCO only provided for 5 years for the duration of powers, during which the project will see the replacement of 90 kms of pipeline.</p>	<p>The Applicant's position in this regard is set out at its response to CA 1.3.25 (REP1-091).</p>
42	<p>In addition, the period is at odds with the approach taken to the evidence of funding support for the scheme development and CA. The longer the time granted the greater the need for clarity and assurance now for affected persons and those affected more widely.</p>	<p>The Applicant does not agree with this statement. The Applicant considers its responses on this issue to be adequate to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available, as per the tests provided for in the guidance, and that a 7 year period is appropriate and justified in the circumstances.</p>
Ref CA1.3.31		
44	<p>The Applicant at least recognises it cannot go so far as to exclude the right of owners of the subsoil to seek compensation and confirms it has taken a somewhat unattractive and dismissive approach that those who may be affected will just have to seek compensation claims as opposed to the applicant taking any form of conciliatory approach or to negotiate or proffer some level of compensation as others have.</p>	<p>Any acquisition of rights at such depth will be minimal and the ability is included to prevent impediment to the delivery of the Proposed Development for in those limited circumstances. Taking this into account, and the nature of the subsoil land that may potentially be affected which is beneath established highway, the Applicant is content with its position.</p>
Ref CA1.3.33		
45	<p>The Council does not agree with the Applicant's statement that 'the special category land when burdened with the rights sought in the Order will be no less advantageous to any person or the public than it was before' (paragraph 1.5.5 of the Statement of Reasons). The proposals will impact upon circa 17 playing fields, along with recreational land at Milton Common and Zetland Fields. The users of the special category land face years of displacement, with no alternative facilities provided, and as such permanent displacement from the land may result. Further, the citing of the ORS facility in the Fort Cumberland car park will displace users of the open space land due to the permanent loss of car parking spaces for the building and screening planting.</p>	<p>No permanent displacement from land will result from the installation of cable in the playing fields, and PCC has no foundation on which to say so.</p>
46	<p>No replacement land has been offered in face of this clear loss and as such the Council is of the opinion that the Applicant has wholly failed to satisfy the tests set out in S.132 (3)</p>	<p>Measures to reduce recreational impacts are set out in 5.12.4.1 - 5.12.6.1 of the Onshore Outline Construction Environmental Management Plan (CEMP) (REP1-087) and are secured in Requirement 15 of the dDCO (REP1-021). Further detail is provided in Appendix 13 of the ES Addendum (Framework</p>


Para No.	Comment	Applicant's Response
	of the Act and without any or any proper justification or understanding as to its impact or without recognising the impact of the permanent rights it seeks to retain over such land.	<p>Management Plan for Recreational Impacts) (REP1-144), which reviews the phasing of works and usage requirements of each recreational space, taking account of measures set out in the Onshore Outline CEMP.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p>
Ref CA1.3.34		
47	The Council believes that HDD should be secured in the DCO and identified in the Land Plans, as per the 'narrow working widths' that were identified in the Southampton to London Pipeline DCO Land Plans.	The Applicant confirms that it is intending to address this matter and has set out proposals to amend the Land Plans to provide the necessary clarity in its response to the ExA on this issue further to the request for information issued on 27 October 2020 and submitted at Deadline 3.
Ref CA1.3.47		
48	As per the update in the Compulsory Acquisition Schedule submitted by the Applicant for Deadline 1 (reference REP1-124, ID number 33), the Council can confirm a meeting with the Applicant's agent on 7th October 2020, with the Council's appointed surveyor. The Council's surveyor issued meeting notes and actions arising from the meeting on 12th October 2020, but as of the date of this submission, there has been no response from the Applicant's agent, and therefore no further progress.	The Applicant agent provided a response to the Council's appointed surveyor on 29 October 2020 and has set up a series of weekly meetings to progress matters with the view to securing voluntary agreement.
Ref CA1.3.67		
50	The Council does not agree with the Applicant's stated position that it has demonstrated all 'reasonable alternatives to acquisition.' Heads of Terms were only issued to the Council after the Application was submitted to The Planning Inspectorate. The Heads of Terms do not provide for the acquisition of highway land, yet powers are being applied for in the highway. Highway land should be excluded from the dDCO if it is proposed NRSWA provisions will apply. The intrusion into Special Category Land is extensive and excessive, and HDD has not been properly considered as an option to mitigate impacts on Special Category Land.	<p>The Applicant is not seeking to acquire highway land. This will be reinforced in updates to the Book of Reference, with the intended approach outlined in its response to the ExA further to the request for information issued on 27 October 2020 and submitted at Deadline 3.</p> <p>The Applicant has considered all reasonable alternatives for the Proposed Development, including taking into account alternatives to compulsory acquisition. Furthermore, the Applicant has refined the Proposed Development taking into account feedback from PCC regarding the land to be affected.</p> <p>The Applicant is content with its selection of the preferred option for the Proposed Development.</p> <p>HDD has been properly considered. There are no locations where any SCL is affected where installation via HDD would be justified or feasible.</p>
Ref CA1.3.68		


Para No.	Comment	Applicant's Response
51	This level of intrusion would result in significant disruption to the allotments, the occupiers of which have not been included in the Book of Reference and as such have not been engaged in the Examination.	The Applicant directs the ExA and PCC to the Applicant's responses to Penny Mordaunt MP and Eastney and Milton Allotment Holders Association Committee (AS-047). No allotment plots will be affected by the construction or operation of the Proposed Development.
Ref CA1.3.73		
52	The explanation of the widths of the easements are noted - this is contradictory however to the position the Council had been briefed on previously by the Applicant, where it was stated an 11-metre easement would (generally) apply.	<p>The Applicant directs the ExA and PCC to the Applicant's Response to Written Questions (ExQ1) (CA1.3.38) (REP1-091).</p> <p>Plate 3.24 from the Description of the Proposed Development (APP-118) provides the typical arrangement of HVDC and FOC cables in non-highway land. It should be noted this would be for installation via open trenching rather than HDD. The distance between the external edges of the two trenches is shown as 5.7m. To provide the necessary level of protection to the onshore cable route, a protection area of 2m would be applied either side of this, providing a typical easement width of 9.7m. It should be noted this is based on a typical arrangement and different cable suppliers may have their own specifications which differ slightly from this.</p> <p>There will also be instances where it is not possible to provide the typical spacing of 5m between the trench centres. An example is Yeo Court where the Applicant's preference, subject to technical feasibility, is to install both circuits through an area approximately 6.5m wide. This will generally take longer and requires more concrete to be used as part of the installation process. However, the general preference is to work on the basis that an 11m width will be required to provide a degree of predictability and flexibility.</p>
53	There has been no detail provided however in respect of the easement widths required for the HDD, a particular concern for the reception site at Farlington Playing Fields where the location of the cables will be critical in determining the impact on playing fields.	<p>The HDD Position Statement Note (REP1-132) sets out indicative HDD reception areas and layouts.</p> <p>These have been refined in Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts, REP1-144) to show how routing of cables and alignment of working areas over construction phases can help mitigate impacts on Farlington Fields.</p> <p>Where HDD is used to install the cables, each cable is installed in a single ducted bore created by the HDD rig. At the launch site (i.e. where the HDD rig will be located, and the drilling operations will take place from) the bores will typically be drilled at 3.5m – 5m centres based on the geotechnical properties of the ground, manufacturers' specifications and space availability. To ensure sufficient space is kept between the respective bores when they are deep underground (and cables when they are pulled through at a later date), the HDD route generally splays out when underground to provide a spacing of approximately 10m between each bore. A 5m protection zone would be applied either side of this to protect the cables from risks such as deep excavation or piling, resulting in the potential to</p>

Para No.	Comment	Applicant's Response
		have an easement of approximately 40m width for a HDD, though the vast majority of this will be at substantial depth below the surface.
Ref CA1.3.75		
54	It is the Council's position that the contractor should work to refined provisions of a made DCO, rather than have excessive flexibility to the detriment of Affected Persons and users and occupiers of this excess of Order land. The highway width is circa 9.5 metres; it is unclear why the Applicant cannot limit its Order widths to 9.5 metres wherever possible, along the line of the route.	The Applicant notes PCC's comments regarding the Order limits not being justified and disagrees with this. A necessary and proportionate level of flexibility has been included to ensure there is no impediment to the delivery of the Proposed Development. There is no excessive flexibility included within the Order Limits.
Ref CA1.3.94		
56 57	If the Applicant's position as set out here which indicates a large percentage of the rights sought where the development is to be placed within highway land, there is no justification for seeking compulsory acquisition powers over it. To that end the PCC highway land should be removed from the Book of Reference and not subject to the application for compulsory acquisition powers.	The Applicant is not seeking to acquire highway land. This will be confirmed in updates to the Book of Reference, with the intended approach outlined in its response to the ExA further to the request for information issued on 27 October 2020 and submitted at Deadline 3.
Ref CA1.3.96		
58	The Council does not believe that powers of compulsory acquisition should be granted to the applicant unless funding for the acquisition can be demonstrated in accordance with the CA guidance (see response to CA 1.3.1). This the applicant has signally failed to do.	The Applicant considers its responses on this issue to be adequate to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available, as per the tests provided for in the guidance.
Ref CA1.3.103		
59	The Council considers it important to understand what compensation provision has been provided for in respect of acquisition of rights in highway land, in the Property Cost Estimate. This is not apparent.	The Applicant is not seeking to acquire highway land, or rights in highway land. This will be confirmed in updates to the Book of Reference, with the intended approach outlined in its response to the ExA further to the request for information issued on 27 October 2020 and submitted at Deadline 3. The Proposed Development will be installed in the highway land pursuant to statutory authority. No compensation is payable in connection with this.
Comments in respect of the HDD Position Statement Note (document library reference REP1-132) and the Framework Management Plan for Recreational Impacts (document library reference REP1-144).		
60	The Council has reviewed both documents submitted by the Applicant at Deadline 1. A key concern is the amount of recreational land impacted by the Proposed Development. The two documents are inconsistent in detailing the impact on Farlington Playing Fields.	The HDD Position Statement Note (REP1-132) sets out indicative HDD reception areas and layouts. These have been refined in Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts, REP1-144) to show how

Para No.	Comment	Applicant's Response
		alignment and reduced working areas over different phases of construction at Farlington Playing Fields can reduce impacts.
Farlington Playing Fields		
64	This sports field hosts in a season an average 238 senior football matches, and 39 cricket matches plus junior football on regular basis a year. Over the season this would affect over 5700 football participants and Over 900 cricketers with a loss in revenue to the council in the region of £13,500 for football and £3200 for cricket per annum. While the income is important to Portsmouth City Council the bigger issue is the lack of facilities to the residents of Portsmouth. This would be multiplied year on year for the duration of the works up to 7 years.	<p>The assessment of impacts in Chapter 25 (Socioeconomics) of the ES (APP-140) assesses the impact of construction works over a 52-week period and concludes a moderate adverse (significant) effect.</p> <p>Appendix 25.5 (Illustrative Phasing of Works at Example Public Open Spaces) of the ES (APP-473) sets out illustrative phasing for works at Farlington Fields which have been designed to reduce impacts, including in relation to camping in connection with the Victorious Festival.</p>
65	This site hosts camping for the victorious music festival in August each year where the whole field is used for camping over the weekend we cannot have bare ground and unfortunately within the city no other site offers the space or infrastructure required. Loss of this facility would result in significant financial penalties to Portsmouth City Council and possible effect the whole Victorious festival for a period of up to 7 years, (a plan of the camp site for 2019 can be supplied if required)	<p>Whilst the Applicant will have 7 years to exercise the CPO powers, it is not the case that the works will be ongoing for 7 years.</p> <p>The works will be programmed, and the programme of works will be communicated to PCC as outlined in section 4.4.3.4 – 4.4.3.9 of the OOCEMP (REP1-087).</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p>
66	The Aquind submission states as a guide (but not confirmed) that they will be on site for around 52 to 58 weeks between April 2022 and Sept 2023 there is no mention of re-instatement between works or whether reinstatement will be carried out on completion of all works.	<p>The Framework Management Plan for Recreational Impacts (Appendix 13 of the ES Addendum (REP1-144)) states in paragraph 4.2.1.12 that “it is unlikely that these football pitches could be re-turfed and bedded in (in between works) in time for the beginning of the football season, and dependent on the method of reinstatement used, assuming an 8-week reinstatement period, the three football pitches affected may therefore not be available until the beginning of December”. As such, dependent on the reinstatement method, the pitches may remain unavailable for this period.</p> <p>Measures to reduce recreational impacts are set out in 5.12.4.1 - 5.12.6.1 of the Onshore Outline Construction Environmental Management Plan (CEMP) (REP1-087). Further detail is provided in the Framework Management Plan for Recreational Impacts) (REP1-144), which reviews the phasing of works and usage requirements of each recreational space, taking account of measures set out in the Onshore Outline CEMP (REP1-087).</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p>
67	Aquind have not offered any mitigation as to how sports fixtures will be accommodated, bearing in mind they also require an unspecified area of the car park as a site compound. The order limits impact directly on 8 senior pitches the 9v9 and 1 cricket pitch, the car park and access road so we have to assume this would make the majority of the whole	Measures to reduce recreational impacts are set out in 5.12.4.1 - 5.12.6.1 of the Onshore Outline Construction Environmental Management Plan (CEMP) (REP1-087) and include information for users, review of events programme and maintaining pitches as far as possible within the Order limits and

Para No.	Comment	Applicant's Response
	<p>field depending on car park and access availability unusable for up to 2 years plus the reinstatement times of 6 to 12 months this would make nearly 3 years of disruption. However order limits would be in place for 7 years so even this 2-3 year estimate is not confirmed.</p>	<p>secured in Requirement 15 of the dDCO (REP1-021). Further detail is provided in Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts) (REP1-144), which reviews the phasing of works and usage requirements of each recreational space, taking account of measures set out in the Onshore Outline CEMP.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p> <p>Following discussions with PCC on 08 October 2020, it has been agreed that PCC will provide information on capacity of pitches, car parking, and bookings information so the Applicant can better understand usage levels and current capacity in relation to the proposed relocation of pitches.</p>
<p>68</p>	<p>Farlington also has an integrated land drainage system covering the whole site and any damage to part of this may impact on the integrity of the whole system, (plans can be supplied if required) The scale of the order limits would indicate that a large area of the field would be impacted either through digging or heavy vehicle movements which would damage the drainage below ground, potentially requiring a large part of the field drainage to be completely re-laid. This would take several months to be usable as playing surface further impacting on the sports field. This must be taken into consideration during and after works are completed, no mention of how or when this will be reinstated without full re-instatement the field is prone to flooding and potentially unusable.</p>	<p>Section 6.9.3 of the updated Onshore Outline CEMP (REP1-087) provides for a land drainage survey at pre-construction stage, with associated reinstatement, and post-construction survey to ensure the integrity of the existing land drainage system.</p> <p>During construction a suitable hoarding will be installed in order spread the weight of heavy plant and vehicles mitigating damage of the soil structure and land drainage.</p> <p>The Onshore Outline CEMP is secured by requirement 15 of the DCO (REP1-021). The Framework Management Plan for Recreational Impacts allows for 8 weeks reinstatement following re-turfing of pitches (REP1-144).</p>
<p>69</p>	<p>Any disruption to this sports ground would have significant impact on both football and cricket over a number of seasons. Unfortunately Portsmouth City Council does not have the capacity to move these games to alternative venues. This would be completely unacceptable to both football, and cricket leagues and with only limited alternative pitches available may void whole league seasons for 2-7 years with the subsequent health and wellbeing of users affected.</p>	<p>Despite mitigation measures, Chapter 25 (Socioeconomics) of the ES (APP-140) concludes that there are significant residual effects at Farlington Fields, due to the extent and duration of the impact. Appendix B of the Framework Management Plan for Recreational Impacts (REP1-144) sets out the duration of impacts for individual sports pitches, which occurs in phases (not continuously) over the two-year construction period.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p> <p>Whilst the Applicant will have 7 years to exercise the CPO powers, it is not the case that the works will be ongoing in this location for 7 years.</p>
<p>70</p>	<p>No mitigation or alternatives have been put in place by Aquind for the loss of the sports pitches or potential impact on victorious camping.</p>	<p>Measures to reduce recreational impacts are set out in 5.12.4.1 - 5.12.6.1 of the Onshore Outline Construction Environmental Management Plan (CEMP) (REP1-087) and include information for users, review of events programme and maintaining pitches as far as possible within the Order Limits and secured in Requirement 15 of the dDCO (REP1-021). Further detail is provided in Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts) (REP1-144), which reviews the phasing of</p>

Para No.	Comment	Applicant's Response
		<p>works and usage requirements of each recreational space, taking account of measures set out in the Onshore Outline CEMP.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p>
71	<p>Farlington sports field is also a designated site for overwintering birds any disruption or lack of grazing availability during the winter months could have /significant impact on the wildlife that use this site no mitigation has been put place by Aquind or any assurance that grass cover would be intact for the winter months.</p>	<p>The impacts on Solent Water and Brent Geese Sites have been assessed and information on reinstatement outlined in Section 10 of the ES Addendum (Rep1-139). Restoration measures for Solent Wader and Brent Geese Sites are outlined in Section 6.2.1 of the updated Onshore Outline CEMP (Rep1-087).</p>
72	<p>The HDD Position Statement (Doc Ref. REP1-132 / Deadline 1 Submission 7.7.3) sets out the reception area in Appendix 2 (Sheet 11):</p> 	<p>See response below.</p>

Para No.	Comment	Applicant's Response
73	<p>The Framework Management Plan indicates the land requirements for the HDD reception site will be as per Plate 2 of the document:</p>  <p>Plate 2 - Farlington Playing Fields, indicative construction lay-out</p>	See response at row 74 below.
74	<p>The two areas set out in the two documents show inconsistencies in terms of the anticipated land requirements. Even where the Phasing of the works is shown in the Framework Management Plan indicates the works to be at their most intrusive (Phase 3 and Phase 8), the proposed impacts do not correlate to the proposed land requirements shown in Plate 2 of the HDD Position Statement. The Order Limits at Farlington Fields are drawn very widely, and the Council has stated in its previous submissions the concerns over the impact on this widely used recreational site, and the long term impacts on its users. The Council requests that the HDD proposals are reviewed further at this location, with confirmation impacts will be kept to an absolute minimum. The ambiguity over the proposals means the Council has no confidence the Applicant has an understanding of how it intends to use the land, and as such cannot satisfy the compulsory acquisition tests.</p>	<p>The HDD Position Statement (REP1-132) gives a high level overview of the area required to facilitate all HDD activities across the wider scheme, whereas Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts) (REP1-144) provides details of pitches which are likely to be affected during all phases of HDD works across all locations. Phases 3 & 8 have been reviewed within the Framework Management Plan, and mitigation which could be implemented in order to minimise impacts on the pitches at Farlington Playing Fields is outlined.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p>
75	<p>In addition to impacts on Farlington Playing pitches the Framework Management Plan for Recreational Impacts (document library reference REP1-144) makes comments on several other recreational areas. Overall this document fails to offer much, in any mitigation for the loss or interference of facilities and amenities focussing instead on limited avoidance measures.</p>	<p>Measures to reduce recreational impacts are set out in 5.12.4.1 - 5.12.6.1 of the Onshore Outline Construction Environmental Management Plan (CEMP) (REP1-087) and include information for users, review of events programme and maintaining pitches as far as possible within the Order Limits and secured in Requirement 15 of the dDCO (REP1-021). Further detail is provided in Appendix 13 of the ES Addendum (Framework Management Plan for Recreational Impacts) (REP1-144), which reviews the phasing of</p>

Para No.	Comment	Applicant's Response
		works and usage requirements of each recreational space, taking account of measures set out in the Onshore Outline CEMP. The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC and confirms its willingness to discuss mitigations in relation to the identified impacts.
Langstone Harbour Sports Ground		
80	There is no mitigation measures or alternatives in place for the loss of sporting facilities during a period of 11 weeks as described by the Framework Management Plan or loss of the Tudor sailing clubs boat storage area which is within the order limits.	The Order Limits have been refined (REP1-133) to avoid impacts to Tudor Sailing Club boat storage and to reduce impacts at Langstone Sports Ground. Appendix 13 of the ES Addendum (Framework Management Plan (FMP) for Recreational Impacts) (REP1-144), reviews the phasing of works and usage requirements of each recreational space, taking account of measures set out in the Onshore Outline CEMP (REP1-087). The FMP is being updated to reflect these changes.
University of Portsmouth playing and fields and Langstone sports site		
81	PCC retains concerns in respect of the unmitigated impact on the recreational and sporting provision at the University of Portsmouth Site which is used throughout the year by both the university and the wider community. PCC find it unacceptable that the temporary loss extends over 16 week periods and again no mitigation is considered beyond the avoidance attempts should the order limits be altered. The council is progressing a Statement of Common Ground with the University and will provide further comments in due course.	<p>Table 4.2 of the Applicant's Response to Written Representations (REP2-014), sets out responses to representations from the University of Portsmouth regarding effects on the University sports grounds. This includes revision to the Order Limits so that the Proposed Development does not affect Langstone Sports Centre, through potential loss of access. It also refers to measures set out in Section 4.2.3 of the Framework Management Plan (FMP) for Recreational Impacts (Appendix 13 of the ES Addendum (REP1-144)).</p> <p>With regard to the proposed SoCG between PCC and University of Portsmouth, it is noted that this is being prepared, and the Applicant will review this once it is made available.</p>
Bransbury Park		
82	This park has 3 football pitches hosting approximately 54 games in a season and although the work plans appear to miss the football pitches any loss to the field access and /or car park would have significant effect on the use of the pitches and ability to complete league fixtures. An average of 33 different teams use these pitches affecting 1296 participants per season with a loss of revenue in the region of £3000.	<p>The Applicant refers to the response provided to PCC's Local Impact Report (see Section 3 of REP2-013) which addresses the duration of works and measures to mitigate the affected football pitch.</p> <p>There will be a temporary loss of car parking during construction of the Onshore Cable Route, which the Applicant notes may fall outside of the football season. Whilst construction takes place in the car park, parking will be temporarily displaced onto public highway in proximity to Bransbury Park.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p>

Para No.	Comment	Applicant's Response
84	<p>The order limits include the whole car park part of Football pitch 2, running adjacent to some very mature trees and tracks across the whole park from Bransbury rd to Glasgow road in a wide swathe. Again no mitigation has been offered for the loss of pitches (12 weeks) and the loss of parking provision (4 weeks per joint bay). Some avoidance has been suggested through pitch reconfiguration, but this would of course result in the loss of informal recreational area at this site. PCC do not accept therefore that the works will result in no recreational disturbance to users of the football pitches, due to the loss of parking, and due to wider harm to recreational amenity.</p>	<p>The Framework Management Plan for Recreational Impacts (REP1-144) states in 4.2.4.4 that <i>alternative parking includes on street parking on surrounding residential roads, including Henderson Road and Bransbury Road, all within 400 m</i>. Whilst it is acknowledged that the reconfiguration of pitches would encompass some of the existing informal recreation area, a considerable area will remain accessible for informal recreation during the works period.</p> <p>The Applicant is continuing to seek engagement on matters relating to mitigating impacts on recreational land with PCC.</p> <p>The full extent of the Order Limits within Bransbury Park is required to allow for plant and vehicle movements adjacent to the cable trenches to facilitate duct installation.</p>
85	<p>Impacts on other, smaller or more informal recreational areas, such as Milton Common, Zetland Field and Portsdown Hill will be proportionately less but will still result in an unmitigated loss of local amenity. While some direct avoidance measures are considered, such as the relocation of football goals, no mitigation or other community compensation has been suggested for the general temporary loss of recreational space, amenities and ecological space.</p>	<p>Given that impacts on a number of recreational areas (including Zetland Field, Milton Common and Portsdown Hill) are not assessed to be significant in Chapter 25 (Socio-economics) of the ES (APP-140) due to the short-term duration of the impact, additional mitigation beyond that set out in section 5.12.4 of the Onshore Outline CEMP (REP1-987) is not considered necessary.</p>
86	<p>The impacts on Fort Cumberland Car Park are significant with the majority of the car park removed for prolonged periods, totalling 66 weeks including a single period of 44 weeks. Again no mitigation is offered throughout construction which is not considered acceptable. During operation, when a significant part of the car park is acquired for the ORS the proposed mitigation is to surface the car park to optimise parking density. Due to the proximity to heritage assets and the current landscape character the Council notes Historic England's position on the current visual impact assessment and must reserve its position on the appropriateness of this as a mitigation strategy.</p>	<p>The Applicant's Response to Written Representations (REP2-014, Ref TA4) states that during the Construction Stage of the Proposed Development, works at Fort Cumberland Road Car Park are anticipated to last up to 66 weeks. In addition, during the Operational Stage, up to two Optical Regeneration Station(s) ('ORS') would permanently occupy a small area within the Fort Cumberland Road Car Park but access to the majority of the car park would resume. An illustrative phasing plan of works at Fort Cumberland Car Park is provided at Appendix B of the Framework Management Plan for Recreational Impacts submitted at Deadline 1 (REP1-144). The illustrative phasing plan shows how some car parking provision may be retained throughout the construction of the Proposed Development.</p> <p>The Framework Management Plan for Recreational Impacts also provides information on predicted effects arising from the construction of the Proposed Development on key recreational assets, including the Fort Cumberland Road Car Park at Section 4.2.8, and outlines the mitigation measures proposed to address those effects. During construction, alternative parking would be available on surrounding residential streets, including Ferry Road, Fort Cumberland Road, Gibraltar Road, Lumsden Road and Finch Road, all within 300 m of the car park. With regard to proposed mitigation, it is considered that post-construction resurfacing of the car park will provide a better surface for users, and white lining of spaces will encourage efficient use of space and overall capacity. The Applicant would either undertake this work or proposes that PCC</p>

Para No.	Comment	Applicant's Response
		<p>undertakes this work on the Applicant's behalf, with the Applicant covering the costs of works.</p> <p>Surface level changes to the car park are not considered to form a potential heritage impact as they do not present a change from the baseline setting, as such proposals do not entail new built form, in alignment with the scope of the heritage assessment as presented in. 21.1.1.2 of ES Chapter 21 (APP-136).</p> <p>The potential effect of the ORS buildings on the heritage significance of nearby Fort Cumberland scheduled monument, through possible changes to the setting of the asset resulting from proposed new built form, is addressed in Chapter 21 (Heritage and Archaeology) of the ES (APP-136). The Applicant has provided additional visualisation at the request of Historic England and responded to Historic England's written representation at Deadline 1 (REP1-160).</p> <p>The Applicant acknowledges that the ORS would be visible in views from the western ravelin from Fort Cumberland, but the overall environmental effect is as assessed in Chapter 21 (Heritage and Archaeology) of the ES (APP-136) and is considered negligible. As such, no Construction or Operational Stage mitigation is proposed.</p>
Associated Development - FOC Commercial Infrastructure		
<p>88</p> <p>89</p>	<p>These submissions, in PCC's submission, are a clear acceptance either that subject of the application cannot be the subject of proceedings under the PA 2008 or that at a minimum the development is not associated development under the PA 2008.</p> <p>This is because the applicant apparently seeks to argue that because it argued that the FOC infrastructure amounted to AD in accordance with s115 of the PA 08 in its application for a direction under s 35 that the interconnector be treated as a project of 'national significance' and the Sof S did not in issuing the direction take issue with that, this means that "irrespective of whether the commercial use of the FOC Infrastructure constitutes 'associated development' as defined in Section 115 of the Act, it has already been confirmed that such development is to be treated as development for which development consent is required (rather than for which development consent may be granted) [sic]."</p>	<p>The Applicant has clearly out set out its position regarding why the commercial use of the FOC and the extent of the additional infrastructure for this purpose constitute associated development in compliance with the law in this regard and in accordance with the guidance in the - Statement in Relation to FOC (REP1-127).</p>
<p>100</p>	<p>PCC notes the comment at para 4.6 of the applicants submissions (doc ref 7.7.1) in which it states rather surprisingly that the "proposed Development is not an NSIP (though has been confirmed to be of national significance)" by which it is assumed that this is a reference to the interconnector not falling within any of the NSIPs listed generally in s.14 of the rest of Part 3 of the PA 2008. It clearly has been concluded by the SofS that it should be treated as an NSIP however as a consequence of his direction under s35.</p>	<p>The Applicant confirms that this is reference to the Proposed Development not being an NSIP as per how that term is defined in the Planning Act 2008.</p>

Para No.	Comment	Applicant's Response
101	This point takes the applicant seemingly nowhere as there does not appear to be nor should there be debate about what the 'principal development' is in this context and by which the decision is to be made as to whether the FOC Infrastructure is AD i.e. the interconnector and its use for the transfer and conversion of electricity.	This point was merely to explain how the guidance has been interpreted in light of this. There is no debate about what the principal development is.
102	It is notable that throughout the rest of the document the applicant seeks to blur the line between the "two smaller diameter" FOCs which have specific function as part of the interconnector for data transmission and the rest of the FOC which is proposed solely because the applicant wishes to use the 'spare capacity'.	It is not agreed that at any point the Applicant has sought to 'blur the lines'. It has consciously sought to set out the explanation of the position in a clear manner.
103	The applicant's legal representatives argue that this is "so as to realise the full benefit of the Proposed Development and to ensure it operates effectively to its design capacity" however the commercial FOC use does not benefit the interconnector i.e. the Principal Development nor does it have anything to do with its operation.	Please the Applicant's response to CA 1.3.3 for information regarding the need for and benefits of the commercial use of FOC Infrastructure.
105	PCC asks the ExA to conclude from this response and the applicant has wholly failed to show that the FOC commercial infrastructure should be treated as associated development in accordance with s115. In addition, the ExA and the SofS have no power to treat this issue as somehow addressed or concluded by the SofS's direction under s35.	<p>The Applicant has clearly out set out its position regarding why the commercial use of the FOC and the extent of the additional infrastructure for this purpose constitute associated development in compliance with the law in this regard and in accordance with the guidance in the Statement in Relation to FOC (REP1-127).</p> <p>PCC have not at any stage explained why the position put forward in the Statement in Relation to FOC (REP1-127) in respect of why the FOC Infrastructure does satisfy the legal requirements in this regard and accord with the guidance is not correct. There is therefore no credible position put forward as to why the FOC commercial infrastructure should not be treated as associated development in accordance with s115, as suggested.</p>
Task B - Comments on responses to ExQ1		
108	MG1.1.22. This question asked, '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]? Does the Applicant have a fall back proposal if agreement was not reached? PCC's response to this is that it should be the applicant's responsibility to maintain planting for at least five years following the completion of construction of the whole project. Given the physical and temporally linear nature of the project, it is considered that the requirement as set out in Requirement 8 (2) should be amended to, inter alia: 'Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting <i>or completion of the project whichever is the later</i> , .. must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.' As noted at Deadline 1 PCC also suggests that an appropriate commuted sum should be paid in respect of the reasonable costs of maintaining the landscaping after this period. This is even more necessary in light of the	<p>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (MG1.1.22) (REP2-008) which states that the Applicant will be responsible for the maintenance of the landscaping to be provided in connection with the optical regeneration stations, in accordance with Requirement 8 of the updated dDCO (REP1-021).</p> <p>The five-year period for plant replacement required under Requirement 8 (2) is current good practice for large infrastructure projects. The applicant considers that extending this is not necessary.</p> <p>As the Applicant is to maintain the landscaping, there is not a need for any commuted sum for PCC to do so.</p> <p>There is no need for a fall-back position, because the position is secured.</p>

Para No.	Comment	Applicant's Response
	<p>Applicant's proposed amendment to Requirement 8 which expressly requires all landscaping to be retained, managed and maintained; an obligation that would transfer to PCC with its associated reasonable expectation from effected communities. It is noted that the Applicant has not provided a response to the Examination Question in respect of whether they have a fall back proposal is agreement cannot be reached.</p>	
<p>109</p>	<p>MG1.1.26. This question asked, 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>With regard to this, PCC considers that the Applicant has not provided sufficient evidence to demonstrate that contamination along the whole run will be identified and dealt with in such a way to avoid adverse effects on human health, the water environment or biodiversity. The ground investigation has provided a general coverage of the Onshore Cable Route. It did not target areas of suspected historical contamination (locations were targeted because of ease of access as they were open space and owned by the council) and the desk study was undertaken retrospectively.</p> <p>Their testing was to inform the construction design to protect their cable, which is not vulnerable to contamination because of its industry standard design. These are engineering matters and not PCC's Contaminated Land Team's (CLT) concern. PCC CLTs concern remains about the residual impacts of the project and the poorer ground condition that is likely to be left. The key concern is about contamination being disturbed and new exposure created unless these areas are identified and systems of working put in place. PCC CLT have previously queried the approach that the cable will take through Milton Common disused landfill, which may go through the sea defences, and through the areas of remediation that the council installed (ground gas vent trench, capping soils). The Applicant's confirmation that they will comply with an un-agreed document is not reassuring unless it can be ensured that ground gas protection will be maintained, working on the site will avoid poaching the land, and that exposure of fill material during and after works is prevented. The restoration must ensure that afterwards the residents have Milton Common with an uncontaminated surface that is suitable for use.</p>	<p>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (MG1.1.26) (REP2-008).</p> <p>The ground investigation provided general coverage of the Onshore Cable Route as well as targeted areas which included suspected historical areas of contamination. The scoping for the ground investigation was informed by a robust dataset which included publicly available data, purchased, Envirocheck Reports, site walkover findings and consultation feedback. On site, additional exploratory locations were scoped to target any other areas of contamination which were not evident or present during the initial scoping.</p> <p>The ground investigation was carried out by WSP in 2018, the results (soil and water) were incorporated into the Generic Quantitative Risk Assessment (GQRA). The GQRA was prepared in accordance with contaminated land guidance including BS10175:2011+AQ:2017 and as this was produced before the new Land Contamination Risk Management (LCRM) document was released in October 2020 it follows guidance provided by Contaminated Land Report 11 (CLR11). For further information on the GQRA please refer to the response within the Applicants Response to Relevant Representations (REP1-160).</p> <p>Responses detailing how potential contamination would be addressed 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 the Applicant's Response to Written Questions (ExQ1) REP1-091 (MG1.1.26) submitted at Deadline 1.</p> <p>Mitigation measures relating to the potential 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), compliance with which is secured within Requirement 15 of the dDCO (REP1-021).</p>
<p>110</p>	<p>AQ1.2.4: This question asks: '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? 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>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (AQ1.2.4) (REP2-008).</p> <p>There is no refinement of the position through additional submissions. The position is clearly stated and will not change. The Proposed Development has no material impact in terms of potential delay to compliance with the Ministerial Direction.</p>

Para No.	Comment	Applicant's Response
	<p>The Aquind reply states that 'Given the negligible impacts at receptors and the concentrations recorded in the Do-Minimum scenario, and the temporary short-term nature of the impacts, the Proposed Development has no material impact in terms of potential delay to compliance with the Ministerial Direction. A description of these aspects is included in the updated ES Addendum Chapter 23 (APP-138 Rev 002).</p> <p>PCC note this response and reserve our position to identify whether there are more than negligible impacts as the Applicant continues to refine the proposal with their additional submissions.</p>	
111	<p>CA1.3.41. This question asks: 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.) If so, what are the current positions of the Applicant and each of the following. If not, why not? 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 pic. vi) Portsmouth City Council, vii) Southern Water Services Ltd - Sewers, viii) SSE PLC (Gas).</p> <p>PCC would note that the applicant has contacted Portsmouth City Council as Highway Authority with regard to protective provisions, however currently these do not meet our expectations. PCC's submission is that the Applicant should be required to comply fully with the Portsmouth City Council Permit scheme. Further submissions in respect of the protective provisions will be made at the latter Deadlines.</p>	<p>PCC have provided no comments on the protective provisions to date, despite having been receipt of these for a prolonged period. The Applicant looks forward to discussing these with PCC to ensure they do provide the necessary protections that PCC requires.</p> <p>The permit scheme will not be applicable so as to ensure the works can be delivered in a coordinated manner in accordance with the programming mitigations included for within the FTMS (REP1-068), which ensures efficient delivery minimising impacts. The authority was provided the protective provisions for the protection of highways and traffic some months ago and no comment on these has been received. The Applicant's position in this regard will not change.</p>
112	<p>CH1.4.4 This question asks, 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>PCC note the deadline 1 response from Historic England and the fact that discussions are ongoing with this expert body. PCC concurs with the implied and expressed concerns that new landscaping will take time to establish, may not become a permanent addition and will have, as yet, unassessed impacts on the heritage value of the area. Should the ExA, to some extent, take proposed planting into account, the interrelationship between that consideration and the fact that the Applicant seeks to transfer the permanent maintenance of that planting to PCC.</p>	<p>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (CH1.4.4) (REP2-008) in respect of the effect on significance of heritage assets through changes to setting.</p> <p>The assessment of the Proposed Development on the setting of designated heritage assets (from paragraph 21.6.4.5 of Chapter 21 (Heritage and Archaeology) 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>Regarding maintenance, the question of who maintains and manages the planting has no bearing on the impact on the significance of heritage assets through changes to setting.</p> <p>In any event, the Applicant has confirmed its responsibility for the maintenance of landscaping at the ORS which is secured in the dDCO (REP1-021)</p>
113	<p>DC01.5.9: This question asks, 'In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.) The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per</p>	<p>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (DCO1.5.9) (REP2-008).</p>

Para No.	Comment	Applicant's Response
	<p>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>PCC's response to this is that it remains somewhat vague and more detail ought to be asked for, for example a definite route ought to be proposed and those trees definitely at risk identified. Sheet 6 Figure 3 of the Tree Retention Plan - appears to fail to take into account the presence of a cemetery, Christ Church, Portsdown, and a significant change in levels between the cemetery and highway. It should be noted that all the trees in the cemetery are covered by a TPO. Please see the image below.</p> 	<p>Further to the above, additional desk-based review of the tree retention including TPO trees within the scheme has been undertaken. In all areas of the scheme this has resulted in a reduction in the number of trees to be lost and trees at risk. The applicant can confirm that the trees shown in the image below have been identified for retention.</p> <p>An updated Schedule 11 of the dDCO (REP1-021, Revision 003) has been submitted at Deadline 3.</p>
<p>117</p>	<p>An Outline Landscape and Biodiversity Strategy is to be certified by the SoS for the purposes of the DCO. Requirement 7 (Landscaping) and Requirement 9 (Biodiversity Management Plan) provide that respective schemes/plans must be submitted for Works No 4 (a new insertion in the case of Requirement 7 (Landscaping)) in accordance, where relevant, with the certified Outline Landscape and Biodiversity Strategy.</p> <p>The applicant's answer focuses on retention required by the Outline Landscape and Biodiversity Strategy, which would presumably specify certain assets that must not be removed. The implication would seem to be that significant "onshore site preparation works" such as "(c) site clearance" and "(d) removal of hedgerows, trees and shrubs", in</p>	<p>The Applicant notes these comments and will discuss them further with PCC.</p>

Para No.	Comment	Applicant's Response
	<p>other words significant landscaping works, could occur in any precommencement phase. PCC will need to be convinced that the Outline Landscape and Biodiversity Strategy is sufficiently detailed so that it would be acceptable for such "onshore site preparation works" to occur without the schemes and plans required by Requirements 7 (Landscaping) and 9 (Biodiversity Management Plan) for their respective phases. PCC reiterates its concern to date that provisions relating to trees elsewhere in the dDCO are inadequate.</p>	
118	<p>Given that substantial site clearance including the removal of removal of hedgerows, trees and shrubs would be permissible under current drafting, PCC would like the applicant to expand on why it is confident that onshore site preparation works would not impact surface and foul water management.</p>	<p>From a flood risk and surface water management perspective, site clearance (including the removal of hedgerows, trees and shrubs) could have some impact on the pre-development drainage regime, however, surface water management measures during construction, as set out within Section 5.7 of the Onshore Outline CEMP (REP1-087) and secured under Requirement 15 of the draft DCO (REP1-021), are to be implemented to minimise impacts upon the existing drainage regime and flood risk environment.</p> <p>An approved CEMP is required for the onshore site preparation works as per Requirement 15(1) to the dDCO (REP1-021)</p> <p>The Onshore Outline CEMP will be updated at a future Deadline within Section 5.7 to also include:</p> <p><i>"Site earthworks and site clearance (including vegetation clearance) activities must ensure that impacts to the current drainage regime in relation to surface water drainage, water quality and flood risk are appropriately managed through proportionate temporary and permanent drainage measures in accordance with industry best practice. This may include pre-construction surveys, temporary surface water management, pollution control and post-construction reinstatement works."</i></p>
120	<p>PCC is not clear how the Applicant's contention that the "onshore site preparation works are not works of a scale where further controls are required in relation to them", when the scale of any particular phase is within the Applicant's discretion, meaning that onshore site preparation works for the entire length of Works No 4, for example, could be submitted as a single "phase".</p>	<p>The nature of the onshore site preparation works means they are not works of a scale where further controls are required in relation to them. The Applicant has explained above that a CEMP is required for these works, hence the reference in the response to further controls.</p>
122	<p>With regard to each exclusion, PCC would comment:</p> <ul style="list-style-type: none"> a) Because "commencement" under Requirement 14 includes preconstruction archaeological investigations, they are prohibited until a written scheme for investigation has been approved. This is acceptable. b) Because "commencement" under Requirement 13(2) (as amended) includes environmental surveys and monitoring, such surveys and monitoring are prohibited until a written scheme for investigation has been approved. This is acceptable. 	<p>c) With reference to the Applicant's response to DCO1.5.44 (REP1-091) and PCC's comments it should be noted that site clearance, without the need for all other pre-commencement, notes that a CEMP will be required before these works can be carried out. The Onshore Outline CEMP (REP1-087) includes mitigation to manage impacts to surface water as secured under Requirement 15 of the draft DCO (REP1-021). Requirement 13 addresses the contamination in the context of soil disturbance through site clearance as does Section 5.5 of the Onshore Outline CEMP (REP1-087).</p>

Para No.	Comment	Applicant's Response
	<p>c) Firstly, PCC would like to know why the applicant is of the view that site clearance would not impact surface and foul water management in a way that requires mitigation. Secondly, if Requirement 13(2) and the CEMP address contamination in the context of soil disturbance through site clearance then the Council is satisfied with the exclusion in this particular respect.</p> <p>d) PCC queries whether the removal of hedgerows, trees and shrubs could firstly impact surface and foul water management and, secondly, disturb soils. Can soil disturbance through the removal of trees, hedges and shrubs be adequately accounted for in the CEMP and by 13(2)? Thirdly, PCC will want to be satisfied that the Outline Landscape and Biodiversity Strategy is sufficiently detailed to permit the removal of minimal trees and does not lead to trees worthy of protection being removed because they are not the subject of a TPO (due to being in the Council's ownership) or other unduly permissive wording.</p> <p>e) Ditto comments for b)</p> <p>f) Remedial works for contamination are subject to Requirement 13(2) and 13(3)-(5). It is reasonable that these are subject to the schemes specified therein but do not commence particular Works.</p> <p>g) PCC agrees that receipt and erection of construction plant and equipment would be unlikely to be perceived as development in any case.</p> <p>h) PCC agrees that temporary display of site notices and advertisements is not development, but would like to see a caveat that such notices and advertisements must only advertise site entrances.</p> <p>i) PCC would expect the CEMP to specify the nature of the temporary buildings and structures required. Requirement 15 could be amended to specify the nature and period that such temporary buildings and structures will be required.</p>	<p>d) From a flood risk and surface water management perspective site clearance (including the removal of hedgerows, trees and shrubs) could have some impact on the pre-development drainage regime, however, surface water management measures during construction, as set out within Section 5.7 of the Onshore Outline CEMP (REP1-087) as secured under Requirement 15 of the draft DCO (REP1-021), are to be implemented to minimise impacts upon the existing drainage regime and flood risk environment. An approved CEMP is required for the onshore site preparation works as per Requirement 15(1) to the dDCO (REP1-021). The Onshore Outline CEMP will be updated at a future Deadline within Section 5.7 to also include: <i>"Site earthworks and site clearance (including vegetation clearance) activities must ensure that impacts to the current drainage regime in relation to surface water drainage, water quality and flood risk are appropriately managed through proportionate temporary and permanent drainage measures in accordance with industry best practice. This may include pre-construction surveys, temporary surface water management, pollution control and post-construction reinstatement works.</i></p> <p>h) that temporary display of site notices and advertisements will be that which is necessary in connection with the Proposed Development. No caveat as suggested will be included.</p> <p>i) The nature and duration of temporary buildings and structures cannot be specified for the DCO as this information would not be known until a contractor is available.</p>
124	LV1.9.10: The applicant's answer to this question is noted. As above, however, PCC would reserve their position with regard to addressing this point in more detail as the examination progresses.N 1.11.7:	The comment is noted with regard to the production of ZTV, wireline, presentation of summer views only and the Planning Inspectorate's Scoping Opinion, and the Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (LV1.9.10) (REP2-008).
125	The applicant's answer to this is noted.	It is assumed that this comment is in relation to WQ N1.11.7 in Paragraph 124 above. If so, this comment is noted, and the Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (N1.11.7 in Table 2.5) (REP2-008).
126	N 1.11.10: The applicant's answer to this is noted.	The comment is noted, and the Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (N1.11.10 in Table 2.5) (REP2-008).

Para No.	Comment	Applicant's Response
127	TT1.16.3: The applicant's answer to this is noted.	The comment is noted, and the Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (TT1.16.3) (REP2-008).
128	TR1.17.1: The applicant's answer to this is noted, but please also see the comments on DC01.5.9 above. PCC would ask the ExA to note its earlier comment. The applicant is seeking to remove a considerable number of trees and which will clearly have a harmful impact upon the appearance of the area and considerable loss of amenity.	<p>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to the ExA's First Written Questions (TR1.17.1) (REP2-008) submitted at Deadline 2 and the updated Tree Survey Schedule and Constraints Plans to be submitted at Deadline 3 (document reference 7.4.1.10, Rev002).</p> <p>ES Chapter 15 (APP-130) recognises in Table 15.10 that there would significant adverse effects on trees as a consequence of the cable installation, however measures have been taken through the OOCEMP (REP1-087 and 088) submitted at Deadline 1 to minimise such effects. The final routing of the Onshore Cable Route would seek where practicable to avoid impacting on trees and root protection areas as referred to under section 5.3.4, 6.2.2, 6.2.4 and 6.3 of the OOCEMP and where significant incursion is unavoidable, trees will be appropriately replaced. Arboricultural Method Statements with associated Root Protection Area plans would be submitted as part of the detailed CEMPs and would accompany the detailed landscaping scheme. Installation works would be undertaken in accordance with BS 5837 and under the supervision of a suitably qualified clerk of works.</p>
Task C - Comments on Local Impact Reports (LIR) from Local Authorities		
<i>Havant Borough Council:</i>		
	Havant identify that the cable route corridor in this area caters for the bus 'Star' routes 7 and 8 between Portsmouth and Waterlooville which is a key access facility to Queen Alexandra Hospital and Portsmouth's employment areas'	<p>The Applicant has continued its engagement with local bus operators following submission of the DCO application with meetings held with First Group on 08 October and Stagecoach on 21 October. During these meeting, neither bus operator expressed significant concerns regarding the proposals and welcomed the engagement.</p> <p>The Applicant will share minutes of these meeting with HCC as soon as possible and will continue to engage with local bus operators where required.</p>
	Havant identify concerns that, 'The proposed route is already constrained to further improvement in general capacity due to the available highway land and frontages of private properties. The ongoing ability for the Highway Authority to be able to maximise the use of the highway land therefore remains paramount on this key connection to Portsmouth and the A27/M27 corridor and therefore should not be constrained by the provision of non-highway infrastructure within the Highway Boundary.	<p>The Applicant directs the ExA and PCC to the Applicant's Response to Local Impact Reports (REP2-013).</p> <p>The proposed development will be no more constraining to any improvements than other existing infrastructure in the highway. The presence of the Proposed Development will not have an impact on any</p>

Para No.	Comment	Applicant's Response
		future development of the highway in this area. This point is without foundation.
PCC clearly concurs with this view.		See above
Task D - Comments on Written Representations (WRs)		
132	(i) SGN "strongly objects to the proposed compulsory acquisition by the Applicant of rights in land in order to construct, operate and maintain the Works for the reasons given in this Written Representation. Given the importance of the safe and continued operation of SGN's statutory gas distribution undertaking, SGN considers it is to be of the utmost importance that full protections are first put in place and that the Proposed Development should proceed by way of agreement rather than compulsory acquisition affecting SGN's interests in land and which risks serious detriment to its statutory undertaking."	<p>The Applicant directs the ExA and PCC to the Applicant's Response to Written Representations (REP2-014).</p> <p>The Applicant and SGN have had further positive engagement since the submission of the written representation in relation to the required form of protective provisions and the required private agreement. Whilst discussions are ongoing, it is not considered there is any impediment to a position being agreed in relation to both matters in the near future to allow SGN to remove its objection on the basis that satisfactory protections for SGN land and apparatus within the Order limits are provided for.</p>
133	PCC supports SGN's position but would also point out that the fact that the applicant has not achieved this with SGN by this stage is indicative of the failure in its approach and the weakness of its position.	See response provided above. The point made by PCC is without any foundation. It is entirely normal for such matters to be finalised during an examination.
134	(ii) UoP highlights two concerns: (1) Operational: disruption to the provision of sports facilities to its students and the local community together with impact on the University's business, and (2) Future Development: the main Campus site offers excellent potential for future residential development to meet the City's housing needs and supply. The proposed route will impact on the Site's capacity and potential. They recommend that the Furze Lane route option be dropped entirely.	The Applicant directs the ExA and PCC to Table 4.2 of the Applicant's Response to Written Representations (REP2-014). This addresses the operational concerns and impacts on future development which UoP has highlighted.
135	PCC supports the University's position. PCC and UoP are in the process of agreeing a Statement of Common Ground with Portsmouth City Council in relation to Langstone Campus and the Applicant's Deadline 1 submissions. The draft SoCG is at an advanced stage and will be submitted as soon as possible.	With regard to the proposed SoCG between PCC and University of Portsmouth, it is noted that this is being prepared, and the Applicant will review this once it is made available.
136	(iii) Network Rail - Network Rail considers the proposed development, if carried out in relation to Plot 7-11, would have serious detrimental impact on the operation of the railway and would prevent Network Rail from operating the railway safely and efficiently and in accordance with its Network Licence. Until such agreements are in place, and clearance has been obtained, Network Rail is unable to withdraw its objection to the DCO.'	<p>The Applicant directs the ExA and PCC to information provided by Network Rail at Deadline 1 (ExQ1 CA1.3.43). This states that "discussions between the parties regarding the form of the protective provisions are on-going, recent discussions have been positive. It is Network Rail's expectation that there will be an agreed form of protective provisions in the next few weeks."</p> <p>Further, as stated in Item 4 Section 3.2 of the Applicant's Response to Written Representations (REP2-014), the Applicant has provided all necessary information in order for Network Rail to reach a decision on clearance and assess the impact on the operational railway.</p>

Para No.	Comment	Applicant's Response
		On this basis, it is not considered there will be any detrimental impact on the operation of the railway.
138	(iv) Sainsburys- highlights that its principal concerns with the application is focused on: (i) the lack of consideration to alternative cabling routes, and (ii) the extent of the acquisition of rights over land. The proposed cabling route, and the extent of rights proposed to be acquired over land, covers a significant portion of the car park and access routes at Sainsbury's Farlington which has the potential to impact on SSL's current management of the store, cause considerable disruption and result in significant losses. As such, it is our client's request that alternative cabling routes, such as, but not necessarily limited to, a route along A2030 Eastern Road, and a revision to the extent of the acquisition of SSL's land should be considered during the examination.	The Applicant directs the ExA and PCC to Table 5.1 of the Applicant's Response to Written Representations (REP2-014). This addresses the concerns raised by Sainsbury' s with regard to the alternative cabling route and acquisition rights.
140	(v) Historic England "As set out in the summary to the WR: In the case for designated heritage assets, we draw your attention to (i) possible indirect effects of changes on the setting of Fort Cumberland, a scheduled monument and Grade II* listed building, as could be caused by the proposed design of the Optical Regeneration Station. We consider there to be a level of harm, although less than substantial, which is higher than suggested by the Environmental Statement, or at the very least, has yet to be adequately proven. The Environmental Statement assesses the effect to Fort Cumberland at the "negligible" level. We do not agree with how this low level of harm has been identified in consideration of the particular relationship that exists between Fort Cumberland its field of fire and, in particular, the visual association between the ravelin and the approach road from Portsmouth, in this instance, Fort Cumberland Road. AND (ii) The proposal also has the potential to cause harm to onshore buried archaeological remains, either as a result of direct effects or for indirect effects, such as by change within setting. The Specialist Environmental Services (Archaeology) Team at Hampshire County Council is best placed to provide advice about non-designated archaeological heritage assets. PCC supports and concurs with these views (see above)	The Applicant directs the ExA and PCC to Table 3.4 of the Applicant's Response to Written Representations (REP2-014). (v) The Applicant acknowledges that the ORS would be visible in views from the western ravelin from Fort Cumberland. Although the western ravelin may have views of the proposed ORS, the overall effect is assessed in Chapter 21 (Heritage and Archaeology) of the ES (APP-136) as negligible, largely because the setting has already been compromised by modern development. This matter will be subject to further discussion between the parties following submission on the additional visualisation, as requested by Historic England and submitted within Chapter 14 of the ES Addendum (REP1-139) at Deadline 1. The additional visualisation does not alter the conclusion of Chapter 21 (Heritage and Archaeology) of the ES (APP-136). (ii) No onshore buried archaeological remains are affected through indirect changes to setting. The setting of buried heritage assets has been scoped out of Chapter 21 (Heritage and Archaeology) of the ES (APP-136) for the reasons stated in Table 21.1 'Elements Scoped Out'. The outline mitigation strategy for non-designated archaeological heritage assets is presented in Chapter 21 (Heritage and Archaeology) of the ES (APP-136) which has been produced following consultation with the relevant historic environment advisors, including the Archaeology Team at Hampshire County Council. The relevant securing mechanisms in relation to archaeology are provided by Requirement 14 of the dDCO (REP1-021).

