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To: [Aquinid Interconnector](#)
Cc: [Kasseean Anita](#)
Subject: AQUIND (EN020022) - DEADLINE 3 - Mr Geoffrey Carpenter & Mr Peter Carpenter (ID: 20025030) [BMG-LEGAL FID44973420]
Date: 03 November 2020 20:58:22
Attachments: [Final - Deadline 3 - Carpenters - Submissions - 3 November 2020 \(Blake Morgan LLP\).PDF](#)

Dear Sirs

Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project (PINS reference: EN020022)

Mr. Geoffrey Carpenter and Mr. Peter Carpenter (Registration Identification Number: 20025030)

Submitted in relation to Deadline 3 of the Examination Timetable

We act for Mr Geoffrey Carpenter and Mr Peter Carpenter.

We refer to the above and attach our clients' comments in relation to Deadline 3 of the Examination Timetable.

Kind regards,

Adrian Noviss

Associate

For and on behalf of Blake Morgan LLP

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Date: 3 November 2020

**Aquind Interconnector application for a Development Consent Order
for the 'Aquind Interconnector' between Great Britain and France
(PINS reference: EN020022)**

Mr. Geoffrey Carpenter & Mr. Peter Carpenter (ID: 20025030)

**Comments on the Applicant's Responses (REP2-014) to the
Carpenters' Written Representation (REP1-232)
Submitted in relation to Deadline 3 of the Examination Timetable**

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AQUIND INTERCONNECTOR

DCO APPLICATION REFERENCE EN020022

MR. GEOFFREY CARPENTER & MR. PETER CARPENTER (ID: 20025030)

EXAMINATION - DEADLINE 3 (3 NOVEMBER 2020)

COMMENTS ON THE APPLICANT'S RESPONSES (REP2-014) TO THE CARPENTERS' WRITTEN REPRESENTATION (REP1-232)

General comment:

We are disappointed as it appears that the Applicant has not read our Clients' Written Representations in full. The majority of our Clients' arguments have not been responded to. Given that the Converter Station will be located on our Clients' land, will be within 300m of where [REDACTED], and that extremely little effort has been made so far by the Applicant to engage in private agreement negotiations with our Clients, the Applicant's lack of responses is of grave concern. Little Denmead Farm is critical to the success of this project and addressing the legitimate concerns of our Clients should be prioritised by the Applicant.

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	LANDSCAPING		
1.	4.7 We note that paragraph 7.4 of the Design and Access Statement (document number 5.5) deals with landscaping design principles. The illustrative landscape mitigation plates shown at paragraph 7.4 are far too small to read, even when the reader zooms in electronically. It is too difficult, because of this, to properly assess the impact of the proposed landscaping works and we request that the Promoter either provides larger scale	The Applicant has failed to respond to this point.	We request that the Applicant addresses this point.

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	images of the mitigation plates shown in paragraph 7.4 of the Design and Access Statement or confirms whether these plates are available on a much larger scale in another application document.		
COMPULSORY ACQUISITION			
2.	6.5.1 The footprint of each option for the Converter Station within plot 1-32 covers only 4 hectares. The power to compulsorily permanently acquire the freehold interest on plot 1-32 however covers 12.4023 hectares. We question why the freehold ownership of 8.4023 additional hectares is needed. The Statement of Reasons (document number 4.1) contains no specific explanation. Paragraph 6.1.4 of the Statement of Reasons states that the freehold interest in the entirety of plot 1-32 needs to be compulsorily permanently acquired because that is where the Converter Station will be located. That is the only reason provided.	The Applicant has not responded to the specific point in paragraph 6.5.1 of our Clients' Written Representations (REP1-232). The closest relevant response we can identify is: CA1 The Applicant's 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). 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	The Applicant has not addressed our specific point. We request that it provides a response. We are fully aware of the facts of what is being proposed on plot 1-32. The Applicant has not provided sufficient reasons or any analysis as to why the alternative compulsory acquisition powers we have suggested will not be appropriate, other than state there are "security and safety" reasons. No further detail is provided as to what these security and safety reasons are. We request that the Applicant be required to explain in full exactly why the alternative powers we propose are not suitable.

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
		<p>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>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 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>	
3.	<p>6.5.2 The remaining land around the Converter Station within plot 1-32 is proposed to be landscaped and will also contain part of the new access road. Paragraph 7.4 of the Design and Access Statement (document number 5.5) states "<i>The design will seek to minimise the loss of existing vegetation of ecological, landscape character and / or screening value as far as practicable and will include management repair measures where appropriate with reference to the indicative landscape mitigation plan</i>". If the intention is to retain as much of the existing vegetation as possible, there is no reasonable justification as to why it therefore needs to own the</p>	<p>The Applicant has failed to respond to the specific point in paragraph 6.5.2 of our Clients' Written Representations (REP1-232).</p> <p>The closest relevant response we can identify is CA1, which is set out above.</p>	<p>We request that the Applicant provides a response to our specific point in paragraph 6.5.2 of our Clients' Written Representations.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	freehold interest of the land on plot 1-32 that will be landscaped.		
4.	<p>6.5.3 & 6.5.4 The Promoter should seek to compulsorily acquire new landscaping rights over the part of plot 1-32 to be landscaped (rather than the freehold). Tables 1.2 to 1.6 within paragraph 1.6 of the Outline Landscape and Biodiversity Strategy (document number 6.10) state that landscaping management activities need only be carried once or twice a year. Not only will there be very little requirement for constant landscaping access and maintenance on plot 1-32, but that the Promoter will be requiring local farmers (such as our Clients) to carry out landscaping management responsibilities, including compliance with and enforcing the requirements of the detailed landscaping and biodiversity strategy. There are no provisions within the proposals, strategies or the draft DCO to compensate farmers and time they would need to expend to comply. Also, it would be completely unreasonable to expect local farmers such as our Clients to fully interpret, execute, enforce, and pay for detailed technical landscaping and ecological requirements they have had no involvement in formulating. If the Promoter is allowed to pass landscaping responsibilities to local landowners and farmers, there is no reason why it should also have the power to permanently</p>	<p>The Applicant has failed to respond to the specific points in paragraphs 6.5.3 and 6.5.4 of our Clients' Written Representations.</p> <p>The closest relevant response we can identify is CA1, which is set out above.</p> <p>We note however that the Applicant has responded to representations made on behalf of Michael and Sandra Jeffries and Robin Jeffries in its response CA2 and CA3, which may be relevant to our Clients' representations on the same topic. In responses CA2 and CA3, the Applicant states "<i>With regards to the comments that 'landscaping management activities need only be carried out once or twice a year' and 'the Outline Landscape and Biodiversity Strategy provides that local farmers would be responsible for implementing parts of the detailed landscaping strategy', the Applicant will undertake landscaping management activities on an as and when required basis and Section</i></p>	<p>We request that the Applicant provides a response to our specific point in paragraphs 6.5.3 and 6.5.4 of our Clients' Written Representations, as it is unclear whether it intended its responses to CA2 and CA3 in this respect to also apply to our Clients' land. If it is relevant. We note the updates the Applicant has made to the Outline Landscape and Biodiversity Strategy in REP1-034.</p> <p>Our point that the Applicant should be relying on landscaping rights (rather than compulsory acquisition of the freehold to the entire area of plot 1-32) still stand irrespective of the clarification made in paragraph 1.8.3.2 of REP1-034. This is because:</p> <p>(a) The fact remains that landscaping management activities will only be required once or twice a year. This low frequency means there is no need to own the freehold interest to the part of plot 1-32 that will be landscaped;</p> <p>(b) Most of the proposed landscaping is natural landscaping (as opposed to ornamental) and therefore the idea is to let nature run its course. Therefore there is no need to permanently acquire the freehold when landscaping rights would be more than sufficient;</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	compulsorily acquire the freehold interest to the whole of plot 1-32.	<i>1.8.3.2 of the updated Outline Landscape and Biodiversity Strategy (REP1-034) sets out that the Applicant has had discussions with a local farmer who operates an agricultural contracting business and has shown an interest in working with the Applicant as the scheme develops, but not that it will necessarily be the case this person does manage the landscaping. The Applicant will deliver its management and maintenance requirements with suitably qualified and experienced contractors and consultants. The Applicant does not consider this point relevant to the preceding points about compulsory acquisition."</i>	<p>(c) With regard to the agricultural contracting business that is owned by the farmer the Applicant intends to contract with, to what extent does this business deal with landscaping in a way that other farmers (such as our Clients) cannot deal with? Agricultural contracting businesses can cover a whole manner of activities and may not necessarily specialise in landscaping;</p> <p>(d) Why does the Applicant require the freehold interest to that land in order to allow another farmer to landscape our Clients' farm? The Applicant is in effect taking away our Clients' freehold interest in order to grant a landscaping contract to another farmer. This is illogical. One individual (the local farmer) will ultimately benefit by getting long term business out the Applicant's proposals and our Clients lose their freehold in the process; and</p> <p>(e) Paragraph 1.8.3.3. of the updated Strategy (REP1 – 034) states that "Access for ongoing landscape management shall either be agreed with the relevant landowner by way of a voluntary agreement, or is otherwise provided for in the rights sought to be acquired via compulsory acquisition as shown on the Land Plan". If access is to be agreed on a voluntary basis, there is no need for the Applicant to own the freehold interest to parts of plot 1-32 that are to be landscaped; at worst the Applicant should be compulsorily acquiring landscaping rights only.</p>

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5.	<p>6.5.5 If the Promoter instead sought new landscaping rights over the relevant parts of plot 1-32, it would also be protected by Article 23 of the draft DCO (document number 3.1). Article 23 includes a power to impose restrictive covenants in relation to land over which new rights are to be acquired, to prevent operations which may obstruct, interrupt or interfere with the infrastructure and the exercise of the new rights granted over the land and to ensure that access for future maintenance can be facilitated and that land requirements are minimised so far as possible. Therefore our Clients would not be able to build or take any action that would interfere with the Promoter's new landscaping rights. The combined effect of compulsorily acquiring new landscaping rights only over the relevant part of plot 1-32 and Article 23 of the draft DCO is that the Promoter would still be able to execute and maintain its landscaping proposals, and ensure the Converter Station remains adequately visually screened by existing or newly planted vegetation. There is therefore no need for the permanent compulsory acquisition of the freehold interest in the entirety of plot 1-32.</p>	<p>The Applicant has failed to respond to the specific points in paragraph 6.5.5 of our Clients' Written Representations.</p> <p>The closest relevant response we can identify is CA1, which is set out above.</p> <p>We note however that the Applicant has responded to representations made on behalf of Michael and Sandra Jeffries and Robin Jeffries in its response CA2 and CA3, which may be relevant to our Clients' representations on the same topic. In responses CA2 and CA3, the Applicant states: <i>"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. It is therefore not considered that the acquisition of landscaping rights only over these areas (noting that landscaping rights</i></p>	<p>We request that the Applicant provides a response to our specific point in paragraph 6.5.5 of our Clients' Written Representations.</p> <p>If this part of the response to CA2 and CA3 does apply to our Clients as well, it is inadequate. We are arguing that our Clients should have third party rights over the land to be landscaped on plot 1-32. The footprint of the Converter Station only measures 4 hectares whereas the entirety of plot 1-32 measures over 12 hectares. We therefore do not agree that the position of the Converter Station under either option would "significantly constrain" our Clients should they retain the freehold over the relevant part of plot 1-32. The proposed landscaping is mainly based on retaining existing natural landscaping, which our Clients can continue to enjoy and use. Finally, the Applicant provides no explanation of what "security and safety" reasons it is relying on and we request further details be provided in this respect so that we may properly understand the Applicant's position.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
		<p><i>are proposed over existing landscaping rather than landscaping which is to be provided in connection with the Proposed Development) would be appropriate, as the land in its current form would no longer be of practical use save for serving its landscaping function in connection with the Proposed Development. Furthermore, it is necessary to acquire the freehold of the entirety of these areas in much closer proximity to the Converter Station to prevent third party access for safety and security related reasons during the construction and operation of the Proposed Development. "</i></p>	
6.	<p>6.5.6 Part of the new access road will be located on plot 1-32. If a reason for compulsorily acquiring the freehold to the whole of plot 1-32 is due to this, the Promoter could instead compulsorily acquire new rights of access to this section of the road (which include powers of maintenance). Furthermore, the Promoter would be protected by Article 23 of the draft DCO to prevent operations which may obstruct, interrupt or</p>	<p>The Applicant has failed to respond to the specific points in paragraph 6.5.6 of our Clients' Written Representations.</p> <p>The closest relevant response we can identify is CA1, which is set out above.</p>	<p>We request that the Applicant provides a response to our specific point in paragraph 6.5.6 of our Clients' Written Representations.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	interfere with the infrastructure and the exercise of the new rights granted over the land and to ensure that access for future maintenance can be facilitated and that land requirements are minimised so far as possible.		
7.	6.5.7 The Promoter has failed to demonstrate that the extent of the compulsory acquisition is proportionate, taking only what is required, in relation to the telecommunications building (in plot 1-32). Its proposed location is shown on Sheet 2 of 3 and Sheet 3 of 3 of the Converter Station and Telecommunications Buildings Parameter Plans Combined Options plan (document number 2.6). There is no explanation as to why this building cannot be situated further east towards the woods on plot 1-32, leaving the existing 4 acre paddock intact and outside the area to be permanently compulsorily acquired. There is also no explanation as to why this telecommunications building cannot be located within the Converter Station compound.	The Applicant has failed to respond to this point.	We request that the Applicant provides a response to our specific point.in paragraph 6.5.7 of our Clients' Written Representations.
8.	6.5.8 Powers of temporary possession are granted over land in relation to which new rights are compulsorily acquired. Paragraph 6.2.4 of the Statement of Reasons (document number 4.1) states: " <i>Where the Applicant is seeking to acquire land or rights over land, the temporary use of such land is also provided for (see Article 30 and 32 of the Order). The reason for seeking temporary use</i>	The Applicant has failed to respond to this point.	We request that the Applicant provides a response to our specific point.in paragraph 6.5.8 of our Clients' Written Representations.

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	<p><i>powers over this land also, is that it allows the Applicant to enter onto land for particular construction and maintenance purposes in advance of the vesting of the relevant land/rights. This enables the Applicant to compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development."</i> We would again question the need to compulsorily acquire our Clients' freehold interest in the entirety of plot 1-32 if the Promoter would have powers of temporary possession should it only compulsorily acquire new landscaping rights and new access rights over the majority of plot 1-32.</p>		
9.	<p>6.5.9 Reducing Little Denmead Farm to 22 acres means that the Farm will not be able to continue as a viable business. There is no other suitable farming land of this size available in the vicinity. The Environmental Statement (document number 6.1.17) states at paragraph 17.3.6.1 that a likely significant effect of the construction of the Converter Station is that the loss of farmable area would in turn affect the viability of affected farming businesses. Paragraph 17.9 also states that the overall residual effect on agricultural land is assessed as moderate temporary adverse and minor to moderate permanent adverse. The temporary effect on agricultural land is considered significant. Paragraph 17.9.1.3 states that there will be "ten farm holdings affected temporarily by the</p>	<p>The Applicant has failed to respond to this point.</p>	<p>We request that the Applicant provides a response to our specific point.in paragraph 6.5.9 of our Clients' Written Representations.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	<p><i>proposed development, of which five will also be affected permanently. There will be temporary moderate adverse effects on five farm holdings, which is considered significant for each farm, and permanent moderate adverse effects on three farms, also significant for each farm."</i> The problem with these statements is that it is impossible to know which farms are being referenced, though we would assume that our Clients' farm is one of the three farms that will suffer permanent significant effects. We request the Promoter explains what its assessment of Little Denmead Farm is in this context and reserve our position to make further representations in this regard. At present, the Promoter has failed to adequately assess the significant harm the proposals would have on the ability of our Clients' business to continue, 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.</p>		
10.	<p>6.5.10 The effect of Articles 30 and 32 of the draft DCO (document number 3.1) means that a large degree of uncertainty is introduced over land within the Order Limits that our Clients will retain its freehold ownership of (plots 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72). Not knowing whether in practice the Promoter could take temporary possession of these plots too will make it</p>	<p>The Applicant has failed to respond to this point.</p>	<p>We request that the Applicant provides a response to our specific point.in paragraph 6.5.10 of our Clients' Written Representations.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	<p>impossible for our Clients to plan ahead or to assess how soon they could be to losing their business. The effect of Articles 30 and 32 is not accurately reflected in the Land Plans (document number 2.2) or the Book of Reference (document number 4.3) and is an important point that could be missed by lay people objecting to this scheme who do not have the benefit of technical advisors to support them. We would request that the relevant Land Plans and that the Book of Reference be amended to make it clearer that many more plots of land are under the threat of temporary possession due to the effect of Articles 30 and 32, so that others can accurately assess the impacts on their interests.</p>		

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
11.	<p>6.7.1 The effect of Article 30(3)(a) of the draft DCO (document number 3.1) is that the Promoter could take possession of plot 1-71 (the track) for a maximum of 4 years given that the construction and commissioning works for the Converter Station is estimated to take place between 2021 and 2024. This, to our Clients, would mean that their access would be severely restricted and their business (in whatever form that would remain) would suffer because heavy vehicles would not be able to access the land they will retain. This is a disproportionate interference with our Clients' interests and rights as no exceptions are available for our Clients to make use of, in order to mitigate the severe impacts. We request that amendments are made to the proposals to allow for heavy vehicles and animals to continue to use this track in our Clients' case, and for practical arrangements to be left to be agreed between the Promoter and our Clients</p>	<p>The Applicant responded in Te1 as follows:</p> <p>The Applicant will accommodate access for the movement of the landowner's agricultural vehicles and horses over Plot 1-71 during construction and will discuss this further with the landowner's representatives to attempt to agree a suitable framework within which safe access can be provided.</p> <p>The primary source of access to the landowner's homes is taken from the existing entrance from the public highway located south-west of Little Denmead Farm. As such, the Applicant does not agree the Proposed Development will impact access to their homes.</p> <p>The Applicant will engage with the landowner to agree suitable measures to address access over Plot 1-71 going forward.</p>	<p>Despite the Applicant's promises to reach a private agreement with our Clients, the Applicant has not made any attempt over the past year to do so. Whilst it is encouraging to see there is at least an intention to accommodate access for our Clients over plot 1-71, what evidence would the ExA wish to see that the Applicant is in reality doing what it states it intends to? We have been chasing the Applicant regularly for a private agreement (please see our submissions for Deadline 2) but have been met with silence. Therefore we currently have little faith that the Applicant will actually try to engage with our Clients to reach an agreement on this point. We request that amendments be made to the draft DCO so that express rights are granted to our Clients in this regard.</p>
12.	<p>6.7.2 Requirement 22 (Restoration of land used temporarily for construction) of Schedule 2 to the draft DCO (document number 3.1) states that any land within the Order Limits which is used</p>	<p>The Applicant responded in Te1 as follows:</p>	<p>We have reviewed the Onshore Outline Construction Environmental Management Plan Revision 002 (REP1-087).</p>

	<p>Argument contained in Carpenter's Written Representation (REP1-232)</p> <p>(Paragraph Number)</p>	<p>AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation</p>	<p>BLAKE MORGAN COMMENT</p>
	<p>temporarily for construction must be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within 12 months of the completion of the authorised development. Requirement 22, however, does not state how the "former condition" is to be assessed and by whom, nor is there any requirement on the Promoter to agree with the relevant owner of land what the "former condition" is. This may lead to the Promoter having sole discretion in determining what the "former condition" of such land is, to the detriment of our Clients. Even though Article 30(4) of the draft DCO states that restoration needs to be to the "reasonable satisfaction of the owners of land", this in itself does not preclude a situation where there is a dispute over what the land's former condition was and lead to an unsatisfactory outcome for our Clients with delay and disputes. Again, this is a disproportionate interference with our Clients' interests. We request that Requirement 22 be amended to oblige the Promoter to obtain an independent and suitable assessment to establish the baseline condition of the relevant land before temporary possession and use commences.</p>	<p>With regards to the request to amend Requirement 22, the updated Onshore Outline Construction Environmental Management Plan Revision 002 (REP1-087) provides detail of the approach to the assessment to establish the baseline condition of the relevant land before temporary use commences so as to inform the level of restoration required and, as such, it is not necessary to require the Applicant to obtain an independent assessment.</p>	<p>The OOCEMP referred to in the Applicant's response (REP1-087) contains limited reference to restoration provisions.</p> <p>Firstly, any land restoration strategy back to its previous state must account for the restoration of all the natural elements that make up that land. This includes, but is not limited to, flora (including hedgerows and trees), fauna, soil, topography, man-made elements (for example, fencing and paths) and drainage features. We would therefore expect any baseline study to take into account of all landscape and ecological elements to assess each individually and establish how those elements interact and holistically create the landscape character of the area being disturbed.</p> <p>The OOCEMP refers to restoration of a very limited range of such elements, namely some specific species sites (in relation to Solent waders and Brent Geese) and specific habitats (Anmore and Denmead / Kings Pond Meadow). Neither of these are areas that affect our Clients.</p> <p>The only specific landscape element the OOCEMP then addresses is pedological assessments (Appendix 5) via an outline Soil Resources Plan (SRP) which is to inform a detailed SRP. Soil Handling Strategies (SHS) are also to be produced.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
			<p>Whether any of these documents, for which there is no approval mechanism, actually affect our Clients' land is unclear. There is also mention of unclarified "specifications" (Appendix 5 para 1.1.1.5) and "agreed" remedial actions (Appendix 5 para 1.2.2.13), between whom we cannot ascertain, in relation, again, only to certain areas of identified Order Land.</p> <p>The Applicant's Response is therefore inadequate in that it fails to provide detail and fails to address a number of important landscape and ecological elements that we would reasonably expect to be included in a genuine, comprehensive and robust baseline assessment to allow subsequent landscape restoration and reduce the long term impacts on our Clients.</p>
13.	6.8 Exploration of all reasonable alternatives to compulsory acquisition: The table at paragraph 13 of Appendix D to the Statement of Reasons (document number 4.1) describes the Promoter's account of its negotiations with our Clients (please see pages 52 and 53 of the Statement of Reasons (document number 4.1)). Contrary to the Promoter's statements, there has been very little negotiation with our Clients or effort by the Promoter to reach a voluntary arrangement and avoid seeking compulsory acquisition powers. We request that the Promoter be required by the	The Applicant has failed to respond to this point.	We will await the Applicant's comments (to be submitted at Deadline 3) on our Deadline 2 comments, which set out more detail as to why there has not been sufficient private agreement engagement with our Clients.

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	Secretary of State to put more effort and time into seeking a voluntary arrangement with our Clients.		
	ACCESS & RIGHTS OF WAY		
14.	<p>7.8 The Promoter proposes to temporarily stop up Footpath 4 and Footpath 16 for the duration of the Converter Station works (2021 – 2024). This, combined with the effect of Article 30(3) (a) of the draft DCO which allows the temporary possession of that route for a year longer after completion of those works, means a temporary stopping up over what could be up to 4 years. This would make it near impossible for our Clients to operate a reduced-scale farming and agricultural business, and our Clients could in effect lose their income and livelihood. Paragraph 22.6.5.12 of chapter 22 of the Environmental Statement (document number 6.1.22) states this will represent "a <i>High magnitude of impact on this Medium sensitivity link, resulting in a Moderate adverse effect for users of a temporary and medium-term nature. This effect is considered Significant</i>". The paragraph goes on to state there is an alternate route via PRow 19 and 28. In our Clients' case, given their age and health conditions, PRow 19 and 28 will not be alternate routes due to their distance.</p>	<p>The Applicant responded inTe2 as follows:</p> <p>The Applicant will accommodate access for the movement of the landowner's agricultural vehicles and horses over Plot 1-71 during construction and will discuss this further with the landowner's representatives to attempt to agree a suitable framework within which safe access can be provided.</p>	<p>Despite the Applicant's promises to reach a private agreement with our Clients, the Applicant has not made any attempt over the past year to do so. Whilst it is encouraging to see there is at least an intention to accommodate access for our Clients, what evidence would the ExA wish to see that the Applicant is in reality doing what it states it intends to? We have been chasing the Applicant regularly for a private agreement (please see our submissions for Deadline 2) but have been met with silence. Therefore we currently have little faith that the Applicant will actually try to engage with our Clients to reach an agreement on this point. We request that amendments be made to the draft DCO so that express rights are granted to our Clients in this regard.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
15.	7.9 Whilst Article 13(3) of the draft DCO (document number 3.1) states that reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by a temporary stopping up order if there would otherwise be no access, our Clients would not be able to rely on this article in relation to access for its horses or larger vehicles who must use Footpaths 16 and 4.	The Applicant responded in Te2 as follows: The Applicant will accommodate access for the movement of the landowner's agricultural vehicles and horses over Plot 1-71 during construction and will discuss this further with the landowner's representatives to attempt to agree a suitable framework within which safe access can be provided.	Despite the Applicant's promises to reach a private agreement with our Clients, the Applicant has not made any attempt over the past year to do so. Whilst it is encouraging to see there is at least an intention to accommodate access for our Clients, what evidence would the ExA wish to see that the Applicant is in reality doing what it states it intends to? We have been chasing the Applicant regularly for a private agreement (please see our submissions for Deadline 2) but have been met with silence. Therefore we currently have little faith that the Applicant will actually try to engage with our Clients to reach an agreement on this point. We request that amendments be made to the draft DCO so that express rights are granted to our Clients in this regard.
NOISE & VIBRATION			
16.	8.1 Little Denmead Farm is a key environmental receptor (see page 2-9 of the Onshore Outline Construction Environmental Management Plan (document number 6.9). It is also 'R5' in the context of it being a sensitive receptor to noise due to its location being within 300m of the proposed Converter Station (see paragraph 24.4.2.7 of Chapter 24 of the Environmental Statement). What is lacking from Chapter 24 is an analysis in layman's terms of what all the different sets of data	The Applicant responded in NV1 as follows: An assessment of potential noise and vibration impacts has been undertaken by the Applicant and set out in Chapter 24 (Noise and Vibration) of the 2019 ES (APP-139). The ES Addendum submitted at Deadline 1 (REP1-139) also contains updated and supplementary information in relation to the noise and	The ES Addendum submitted at Deadline 1 (REP1-139) does not contain updated information to address the specific points we have raised. We therefore maintain our objection in this regard and request that the Applicant be asked to respond specifically on the points we raise. Whilst the Applicant refers to some mitigation measures, it does not explain how they will, in the case of Little Denmead Farm, effectively mitigate the noise and vibration impacts feared. Whilst the measures may work for those further afield, would

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	<p>presented for R5 mean and an explanation as to how the Promoter concluded that overall noise effects from the proposed works and the operation of the Converter Station would be "negligible". Until such information is provided, it is difficult to accept the Promoter's conclusions.</p>	<p>vibration assessment, which is required following consultation with the Local Planning Authorities and updated assumptions for the Onshore Cable Route construction installation rates. A range of embedded mitigation including best practice measures and those specific to individual construction activities have been included in the Proposed Development. For example, 2 m high site hoarding on the perimeter of some construction compounds to assist in minimising noise levels. Additional construction stage mitigation, such as consideration of programme changes to reduce residents' noise exposure, is also specified for some areas of construction where work is being undertaken during sensitive periods and/or very close to sensitive receptors. Mitigation measures are also embedded into the design of the Converter Station to reduce noise levels during its operation. It is acknowledged that significant adverse effects are anticipated in some areas where weekend daytime and limited weekend night-time activities will be necessary during construction of the Proposed</p>	<p>there be any difference to those (like our Clients) who will be living on the doorstep of the Converter Station?</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
		Development. However, the out-of-hours working is necessary to minimise traffic impacts resulting from road closures which are required to complete the works. It is not possible for the road closures to be implemented during the day due to predicted significant traffic impacts on the surrounding road network. In addition, the significant adverse effects would only take place during the construction stage and would short-term and temporary in nature. No other significant effects are anticipated relating to noise and vibration of the Proposed Development.	
17.	8.2 Paragraph 3.7.1.3 of Chapter 3 of the Environmental Statement (document number 6.1.3) states that the construction works relating to the Converter Station Area is anticipated to take place in 10-hour shifts over six days a week, between 8am and 6pm, with one hour either side of these hours for start-up/shut down activities, oversized deliveries and for the movement of personnel. This will cause significant noise impacts for our Clients, given their proximity and health issues.	This has not been responded to directly. The Applicant's response at NV2 states: Noise effects on receptors in proximity to the surrounding road network resulting from construction vehicles and redistribution of traffic from road/lane closures during construction has been fully assessed in Chapter 24 (Noise and Vibration) of the 2019 ES (APP-139). The predicted impacts for the construction	We refer to our argument in paragraph 8.1 of the Carpenters' Written Representation. In this, we state that Chapter 24 of the ES lacks an analysis in layman's terms of what all the different sets of data presented for receptor R5 (Little Denmead Farm) mean and an explanation as to how the Promoter concluded that overall noise effects from the proposed works and the operation of the Converter Station would be "negligible". At present, Chapter 24 contains a significant amount of technical data, but no explanations as to what that data means and how that translated into the conclusions reached. Until such

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		stage road traffic noise assessment are summarised in Section 24.6.13 of Chapter 24 and the ES concludes that the construction traffic noise effects will not be significant.	information is provided, it is difficult to accept the Promoter's conclusions. We also request that the Applicant explains how it reached the conclusion that there would be no significant effects on Little Denmead Farm where there will be 10-hour construction work shifts over six days a week, between 8am and 6pm, with one hour either side of these hours for start-up/shut down activities, oversized deliveries and for the movement of personnel, all taking place within 300m of Little Denmead Farm.
18.	8.3 Paragraph 5.3.12.8 of the Planning Statement (document number 5.4) states there are 6 <i>specific surrounding sensitive Receptors within 300 m of construction activities. The ES concludes that no significant Impacts will occur at the Converter Station Area during the Construction Stage noting the distances to the six sensitive Receptors and the temporary nature of the construction works. The implementation of the Onshore Outline CEMP will ensure that Impacts are reduced as far as practicable through the imposition of standard construction working hours and best practice construction methods including screening of works.</i> Our Clients' residential properties lie within 300m of the construction activities. We question whether a 300m distance was an appropriate maximum distance to measure from and would request the Promoter to explain the	The Applicant has failed to respond to this point.	We request that the Applicant provides a response to our specific point.in paragraph 8.3 of our Clients' Written Representations.

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	<p>basis of selecting this distance. We would not categorise an estimated 3-year construction and commissioning period for the Converter Station as a "temporary" period of time. Being exposed to noise impacts for such a long period of time, especially where there are severe health issues, would cause significant harm. This has not been adequately assessed by the Promoter, and we would request the Promoter to explain what specific noise reduction methods it would apply in relation to our Clients given their circumstances and location.</p>		
19.	<p>8.4 The 'Community Liaison' section of the Onshore Outline Construction Environmental Management Plan (document number 6.9) states on page 5-52 that "Any noise complaints will be reported to the appointed contractor and immediately investigated, including a review of mitigation measures for the activity that caused the complaint". There is no obligation to then take positive steps to deal with source of the complaint. At the moment it only requires a 'review'. Our Clients' concern is that there is no guarantee from the Promoter that action will be taken and this could therefore expose our Clients to a continuing source of what is to them, unacceptable noise levels, both from a human health perspective but also in terms of the health of their livestock if they are affected by noise too.</p>	<p>The Applicant has failed to respond to this point.</p>	<p>We request that the Applicant provides a response to our specific point in paragraph 8.4 of our Clients' Written Representations.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
20.	8.5 Chapter 22 of the Environmental Statement states at paragraph 22.4.6.3 that during the peak construction in the Converter Station Area, there would be an estimated 43 two-way HGV movements (86 in total) per day, and an estimated 150 two-way employee car movements (300 in total) per day. It is unclear however whether the analysis in the noise chapter of the Environmental Statement (chapter 24) takes this into account. We request the Promoter confirms whether it does and explain what specific noise mitigation measures will be put into place for residents who live directly next to plot 1-32. This is a significant amount of traffic movement and is likely to cause considerable noise disturbance to our Clients.	The Applicant has failed to respond to this point.	We request that the Applicant provides a response to our specific point in paragraph 8.5 of our Clients' Written Representations.
	DUST		
21.	9.2 Table 5.2 on page 5-50 of the Onshore Outline Construction Environmental Management Plan (document number 6.9) states that the Converter Station Area is at a medium risk of dust impacts. However, table 23.78 (Summary of the Overall Dust Risk Construction Site Activity) of chapter 23 of the Environmental Statement (document number 6.1.23) states that in relation to the Lovedean area and the construction of the Converter Station, there is a high risk of dust. We request the Promoter explains this conflict in risk	The Applicant responded in AQ1 as follows: This error identified by the respondent was also previously noted by the Applicant and has been corrected in the latest Onshore Outline Construction Environmental Management Plan (REP1-087) submitted at Deadline 1.	The Applicant's concession that the Converter Station Area will be high risk is noted.

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	level and confirms which risk level is correct, and why	The Summary Table of Dust Risk Results Per Onshore Cable Corridor Section on page 5-56 of the updated Onshore Outline Construction Environmental Management Plan now correctly identifies that the Converter Station Area is at a high risk of dust impacts.	
22.	9.3 Paragraph 23.6.8.2 of chapter 23 of the Environmental Statement (document number 6.1.23) states effects from dust will be temporary and transient and the impacts during construction are assessed as not significant. A construction and commissioning works period between 2021 and 2024 cannot be classed as being "temporary". It is also illogical to conclude that there is a low impact of dust if there is also assessed be a high risk of dust. There will also livestock and horses on our Client's land that would be exposed to a high risk of dust for three years.	The Applicant has failed to respond to this point.	We request that the Applicant provides a response to our specific point.in paragraph 9.3 of our Clients' Written Representations.
23.	9.4 Chapter 23 of the Environmental Statement (document number 6.1.23) states that the risk of dust will be effectively mitigated by the measures set out in the Onshore Outline Construction Environmental Management Plan ("Onshore OCEMP") (document number 6.9). Page 5-31 of the Onshore OCEMP states certain measures will be used: but we question whether	The Applicant responded in AQ2: as follows: The mitigation measures set out in the Onshore Outline Construction Environmental Management Plan (REP1-087) are considered to be sufficient. The general air quality and dust mitigation measures set out in	The revised OCEMP (REP1-087) has not been amended in respect of most the points we make and we therefore request that the Applicant explains in more detail why it considers the measures to be "sufficient". We note that paragraph 5.3.1.1 of the revised OCEMP (REP1-087) now states that " The following measures may be considered will be taken during construction

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	<p>those measures go far enough. We ask how realistic it would be to catch all sources of dust with water sprays on what will be such a large construction site. There are also no details provided of what "precautions" will be taken when transporting materials off-site. Also, air monitoring "may" (not "will be") carried out to check on the effectiveness of the measures taken – i.e. it is not guaranteed that the Promoter will even check and monitor the risk of dust.</p> <p>We request stronger measures are put in place that firmly bind the Promoter, to ensure that the high risk of dust anticipated will actually be mitigated.</p>	<p>Section 5.11 are to be implemented in line with best practice IAQM guidelines and the air quality monitoring is to take place in accordance with the framework set out in Section 7.</p> <p>In accordance with Requirement 15 of the dDCO (REP1-021), no phase of the onshore development may commence until a Construction Environmental Management Plan (include a Dust Management Plan) relating to that phase has been submitted to and approved by the relevant planning authority. The final scope and extent of monitoring and reporting procedures will be approved at that stage and in accordance with Sections 5.11 and 7 of the Onshore Outline Construction Environmental Management Plan.</p>	<p><i>works to ensure ecological disturbance is minimised... Water sprays will be used to manage dust and prevent it drifting from the construction site to surrounding areas where sensitive habitats are present".</i> The amendment from "may be" to "will be" is welcomed.</p> <p>It is disappointing however that the revised OCEMP, on page 5-39, (REP1-087) still states that "<i>Construction Stage air monitoring may be used to check the effectiveness of damping down of the dust on site.</i>" We request the Applicant explains why it does not wish to commit to monitoring the air for construction dust given that the Applicant already accepts that there will be a high risk of dust. We also note that Entry 9 in Table 5.1 of paragraph 5.11.1.1 on page 5-54 of the revised OCEMP (REP1-087) states that in relation to high risk sites (such as this), it is highly recommended as a IAQM mitigation measure to "<i>Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked ...</i>". We request that in light of this, the Applicant explains why it will not commit to monitoring the air for dust.</p> <p>Whilst requirement 15 of the revised draft DCO does indeed require a detailed environmental management plan, requirement 15(2) states that "(2) <i>Any construction environmental management plan must be substantially in accordance with the outline construction environmental management plan</i>". It is</p>

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			therefore important for there to be a commitment in the revised OCEMP for the air to be monitored in respect of dust and we request that the OCEMP be amended to reflect this.
	AIR QUALITY		
24.	<p>10.2 Paragraphs 16.6.1.9 and 16.6.1.10 of Chapter 16 the Environmental Statement (document number 6.1.16) state that air pollution around the Converter Station Area will increase during construction. This would lead to deposition of nitrogen compounds leading to nutrient enrichment of the ancient woodland, and changes in the botanical community to species that favour high nutrient soils. Stoneacre Copse is closer than the two other ancient woodlands in the area at 50m from the Converter Station footprint. However, nitrogen emissions by construction vehicles will be temporary and low level, and would not lead to perceptible changes above background levels (construction stage nitrogen emissions at the Converter Station Area are considered an impact of negligible significance).</p> <p>We have questioned how a three year construction period equates to involving "temporary" emissions from construction vehicles.</p>	<p>The Applicant responded in AQ4 as follows:</p> <p>Since submission, the assessment provided by Chapter 23 (Air Quality) has been revised and expanded, providing newly available detail on air quality changes associated with back-up diesel generators proposed to be located at the Converter Station.</p> <p>Additional modelling at the ancient woodland sites adjacent to the Order Limits at the Converter Station, including Stoneacre Copse, was undertaken for NOX concentrations, nutrient N deposition and N acid deposition.</p> <p>With the new detail available in the updated ES Chapter 23 (REP1-033) to include operational air quality changes as a result of the back-up</p>	<p>Please would the Applicant explain what the new details revealed and concluded, and provide a specific response to the points we make in paragraph 10 of our Clients' Written Representations? A tracked changes version of the revised Chapter 23 was not submitted by the Applicant at Deadline 1. Chapter 23 is over 200 pages long and it would be helpful if the Applicant could point us to the relevant sections that have been amended.</p>

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		generators, reconsideration of Operational Stage impacts on ecological features, including Stoneacre Copse, have been undertaken.	
	LAND CONTAMINATION		
25.	11.1 Stoneacre Copse is ancient woodland which lies within and will remain in our Clients' freehold interest and directly adjacent to the Order Limits (it borders and cuts into plot 1-32). Chapter 16 of the Environmental Statement (document number 6.1.16) states in paragraph 16.6.1.8 (page 16-63) that in relation to Stoneacre Copse, increases in pollutants such as dust and chemicals in waterborne run-off, could lead to "effects" during the construction stage. The term "effects" is not elaborated on. It states this would be "controlled effectively" by standard measures as part of the Onshore OCEMP. This is not the same as avoiding causing contamination, which implies that a degree of contamination will still be caused. Other than the provisions of Article 17(8) in the draft DCO (document number 3.1) which prohibit discharges into controlled waters without the relevant environmental permit, there is no positive and express requirement to remediate the anticipated	The Applicant responded in GC2 as follows: Following submission of the Application, the assessment provided by Chapter 23 (Air Quality) has been revised and expanded, providing newly available detail on air quality changes associated with back-up diesel generators proposed to be located at the Converter Station. Additional modelling at the ancient woodland sites adjacent to the Order Limits at the Converter Station, including Stoneacre Copse, was also undertaken for NOX concentrations, nutrient N deposition and N acid deposition. With the new detail available in the updated ES Chapter	Please would the Applicant explain what the new details revealed and concluded, and provide a specific response to the points we make in paragraph 11 of our Clients' Written Representations? A tracked changes version of the revised Chapter 23 was not submitted by the Applicant at Deadline 1. Chapter 23 is over 200 pages long and it would be helpful if the Applicant could point us to the relevant sections that have been amended. Our Clients' points in relation to remediation outside the Order Limits still stand. Section 5.5 of the revised OCEMP (REP1-087 & REP1-088) relates only to measures to prevent pollution of surface water and ground water. There is no section 6.9.2 in the revised OCEMP (REP1-087 & REP1-088).

	<p>Argument contained in Carpenter's Written Representation (REP1-232)</p> <p>(Paragraph Number)</p>	<p>AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation</p>	<p>BLAKE MORGAN COMMENT</p>
	<p>contamination that could be caused to land outside the Order Limits (such as Stoneacre Copse) where the Environmental Statement expressly identifies (as it does here) known risks of pollution that could be caused to sensitive sites.</p>	<p>23 (REP1-033) to include operational air quality changes as a result of the back-up generators, reconsideration of Operational Stage impacts on ecological features, including Stoneacre Copse, has been undertaken. This is reflected in Table 23.116 of the updated ES Chapter 23 (REP1-033) and Appendix 23.7 (Air Quality Ecological Impacts) (REP1-077).</p> <p>The Applicant also responded in GC3 as follows:</p> <p>Where contamination is identified within the Order Limits this will be remediated under Requirement 13 of the DCO (REP1-021) Mitigation measures will be in place to prevent the mobilisation of contamination during the construction phase within the order limits and therefore contamination spreading to areas outside of the Order Limits is highly unlikely. Mitigation measures are contained in Section 5.5 and Section 6.9.2 of the updated Onshore Outline CEMP (REP1-087 and 088).</p>	

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	ARTIFICIAL LIGHT		
26.	12.3 Requirement 23 of the draft DCO allows operational external lighting during "exceptional circumstances". There is no definition of what those "exceptional circumstances" could be. All that is provided in the wording are examples, leaving it completely reliant on the Promoter's subjective and unchecked view as to what is an "exceptional circumstance".	The Applicant responded in Li1 as follows: As set out within Requirement 23 of the dDCO (REP1-021), "exceptional circumstances" included cases of emergency and where urgent maintenance is required.	The Applicant's response does not resolve the issue we have raised. It merely repeats the drafting inadequacies we have objected to. We request the Applicant provides a fuller a more specific response.
27.	12.5 There is also no requirement in the draft DCO for the Promoter to submit any form of external lighting strategy for operational purposes in relation to exceptional circumstances (as there is in Requirement 16 in relation to external construction lighting) to the relevant local planning authority so that it can check what the exceptional circumstances could be and to place protections against light pollution for those like our Clients who will live next to the Converter Station.	The Applicant responded at Li2 as follows: The Applicant has provided further information on lighting as part of Deadline 1. Details are provided at Section 5.2.2. of the updated Onshore Outline Construction Environmental Management Plan (REP1-087) and paragraph 5.2.2.1 requires that the appointed contractor will develop a Lighting Scheme for the Construction and Operational Stages of the Converter Station Area. The submission and approval of a Lighting Scheme, as part of the Construction Environmental Management Plan of the Converter Station Area, is	Noted.

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
		therefore secured by Requirement 15 of the dDCO (REP1-021).	
28.	12.6 We request that the wording of Requirement 23 in the draft DCO be amended to require the submission of a lighting strategy to the local planning authority for scrutiny and approval and for a better definition of "exceptional circumstances" to be inserted into the draft DCO or for Requirement 23 to require the lighting strategy to set this out. Without this, we disagree that there would be an insignificant effect of artificial lighting on our Clients.	<p>The Applicant responded at Li2 as follows:</p> <p>The Applicant has provided further information on lighting as part of Deadline 1. Details are provided at Section 5.2.2. of the updated Onshore Outline Construction Environmental Management Plan (REP1-087) and paragraph 5.2.2.1 requires that the appointed contractor will develop a Lighting Scheme for the Construction and Operational Stages of the Converter Station Area. The submission and approval of a Lighting Scheme, as part of the Construction Environmental Management Plan of the Converter Station Area, is therefore secured by Requirement 15 of the dDCO (REP1-021).</p>	Noted.

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	HUMAN HEALTH		
29.	<p>13. Due to the concerns raised by our Clients in relation to air, dust, light, noise and vibration, the Promoter's assessment in table 26.19 of chapter 26 of the Environmental Statement (document number 6.1.26) that there will be a negligible to minor impact on human health within the Converter Station Area during its construction and operation, is questionable. This is made more acute given the ages of and severe health conditions our Clients suffer from. Chapter 26 of the Environmental Statement states that <i>the Converter Station Area during operation may result in perceived annoyance and associated adverse effects on psychological health for nearby residents. This may cause anxiety for some residents and could lower levels of quality of life or wellbeing. Overall, it is considered that the residual operational noise from the Converter Station Area will have a permanent, long-term, negligible to minor adverse effect (not significant) on human health receptors (residential receptors in close proximity).</i>" - We fail to see how a conclusion can be reached that the impacts will be negligible to minor adverse. No explanation has been provided to explain this leap in analysis.</p>	<p>The Applicant has failed to respond to this point.</p>	<p>We request the Applicant responds specifically to our Client's representations in paragraph 13 of their Written Representations.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
	WILDLIFE & CONSERVATION		
30.	<p>14.1 Our Clients have observed a number of species of wildlife on their land within the Order Limits. These include multiple badger sets (at least 5 to 6), foxes, rabbits, barn owls, tawny owls, buzzards, fallow deer, muntjac deer, red kites, and varieties of woodpecker. It is unclear to what extent the assessment in chapter 16 of the Environmental Statement (Onshore Ecology) (document number 6.1.16) considers their presence and what account will be taken of them in order to avoid their harm. We note that paragraphs 16.5.1.27 to 16.5.1.31 of chapter 16 discuss the presence of badgers and that the territory of one clan of badgers could not be established. If that is the case, will there be a requirement on the Promoter to conduct another assessment before works begin, to ensure the proper protection of badgers within the Order Limits?</p>	<p>The Applicant's response in Ec1 is as follows:</p> <p>Extensive consideration of the effects on wildlife receptors including habitats, flora, fauna, protected species and designated sites for nature conservation is included in the Chapter 16 (Onshore Ecology) of the ES (APP-131) including an account of comprehensive habitat and species surveys.</p> <p>Chapter 16 (Onshore Ecology) concludes that following implementation of mitigation there are no likely significant effects on biodiversity. Furthermore, the HRA (APP-491) assesses impacts on European designated sites including Special Protection Areas (SPAs) and Special Areas for Conservation (SACs). The HRA concludes that there are no adverse effects on site integrity from the Proposed Development.</p>	<p>Our questions related to the extent of assessment and asked if there was to be a further assessment of badgers to identify the presence and extent of a clan.</p> <p>The response does not answer this but refers to the implementation of mitigation resulting in no likely significant effects on biodiversity occurring (set out in document APP-131). In the absence of such re-assessment it is unclear how such a conclusion as to the effectiveness of mitigation can be reached in relation to badgers.</p> <p>The Applicant's Response in relation to the HRA (APP-491) is not relevant to our Clients' Written Representation and the document only refers to badgers generically, twice.</p> <p>The Applicant's Response also refers to the updated Chapter 16 (REP1-139) and the updated HRA (REP1-081). Neither document substantively addresses the point raised about the re-assessment of badgers.</p> <p>The Applicant's comment in relation to Requirement 22 of the dDCO (REP1-021) is irrelevant to the Written Representation.</p>

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
		<p>Updates to Chapter 16 (Onshore Ecology) are provided in the ES Addendum (submitted at Deadline 1) (REP1-139) including in relation to impacts on Chichester and Langstone Harbours SPA. The HRA has also been subject to an update (REP1-081) including the assessment of Ramsar sites and additional information in the assessment of Chichester and Langstone Harbours SPA and Portsmouth Harbour SPA which again concludes that there would be no adverse effects on site integrity as a result of the Proposed Development.</p> <p>The Applicant's response in Ec6 is as follows:</p> <p>Requirement 22 of the dDCO (REP1-021) ensures that the undertaker must confirm to the planning authorities the date of the completion of the construction and any land within the Order limits which is used temporarily for construction of the authorised development must be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within not more than</p>	

	Argument contained in Carpenter's Written Representation (REP1-232) (Paragraph Number)	AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation	BLAKE MORGAN COMMENT
		twelve months of the date of the completion of the construction works.	
31.	14.2 Paragraph 16.6.1.1 of chapter 16 of the Environmental Statement states there will be a loss of important species caused by the construction of the Converter Station, but that the Promoter will rely on re-landscaping and re-planting to enhance biodiversity. The issue is the time it would take to restore the loss of important species; that assessment does not appear to have been carried out. We request the Promoter explains how it has factored in the amount of time it would take to restore the loss of important species	The Applicant responded at Ec6 as follows: Requirement 22 of the dDCO (REP1-021) ensures that the undertaker must confirm to the planning authorities the date of the completion of the construction and any land within the Order limits which is used temporarily for construction of the authorised development must be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within not more than twelve months of the date of the completion of the construction works.	This response does not address the point we make. The response provided refers only to the carrying out of reinstatement work to land to restore its former condition, which may not be the same thing as actually restoring the land to its former condition. Would the Applicant please clarify whether it is confirming it will take 12 months to <u>restore the loss of important species</u> ? If so, would Requirement 22 of the dDCO (REP1-021) be amended to make it clear that the 12-month period includes the restoration of the loss of important species?
	HEDGEROWS		
32.	15.4 Chapter 16 of the Environmental Statement (paragraphs 16.6.1.13 to 16.6.1.15) (document number 6.1.16) state that the direct impacts of construction of the Converter Station will lead to the permanent loss of 410m of species-rich hedgerow within Section 1 (the Converter Station area, which covers most of our Clients' land within plot 1-32). They also state that this would will lead	The Applicant's response is as follows: Impacts on biodiversity features from the Proposed Development are presented in Chapter 16 (Onshore Ecology) of the 2019 ES (APP-131). Where potential effects on biodiversity	The Written Representation raises concern about the length of time landscaping and hedgerows will take to mature and that in the absence of explanation or assessment of such timeframes a conclusion of low magnitude impact on species affected by hedgerow removal is unjustified.

	<p>Argument contained in Carpenter's Written Representation (REP1-232)</p> <p>(Paragraph Number)</p>	<p>AQUIND response (provided at Deadline 2) (REP2-014) to argument raised by Carpenter's Written Representation</p>	<p>BLAKE MORGAN COMMENT</p>
	<p>to the temporary loss and fragmentation of habitats. Whilst embedded mitigation and proposed landscaping will offset ecological effects <i>"there will be a period following the completion of construction and landscaping where planting will be immature and will need time to grow-in. During this time habitat would be of a lower quality to that lost, an adverse impact of low magnitude, minor effects that are not significant."</i> There is no reference to how long a period it would take for the new planting to grow in order to provide an increase in the overall long term area of habitat. No explanation or assessment is provided. To that end, it is difficult to accept that there will be a low magnitude of impact on species affected by hedgerow removal. We do not consider that a proper assessment and conclusion have been carried out and reached in this regard.</p>	<p>features have been identified, avoidance and mitigation measures have been proposed to address them.</p> <p>The Applicant has carried out a review of trees to identify those which may be affected and confirmation of those which are not. This review has extended to any trees within designated conservation areas and a suitable plan and schedule of trees provided and the results are presented in the updated Tree Constraints Plans (REP1-010) and Tree Survey Schedule REP1-101 submitted at Deadline 1. The Applicant has committed to habitat creation through the updated Outline Landscape and Biodiversity Strategy (REP1-034) (submitted at Deadline 1) which will be implemented as part of construction of the Proposed Development. The Outline Landscape and Biodiversity Strategy sets out the measures that will mitigate the effects and enhance the value of landscape and biodiversity features, and is to be secured by Requirement 9 of the dDCO (REP1-021). The proposed mitigation measures include requiring prompt reinstatement of temporary</p>	<p>The Applicant's Response refers to the original Chapter 16 (Onshore Ecology) document (APP-131) from which our query was borne and goes on to refer to Tree Constraints Plans (REP1-010) and a Tree Survey Schedule (REP1-101) neither of which address the query.</p> <p>The response also refers to an updated Outline Landscape and Biodiversity Strategy (REP1-034) setting out the measures to be implemented but, again, does not address the concern as to the amount of time for landscaping to reach maturity and the consequential impact of that upon species diversity and quantum.</p> <p>Reference to paragraph 1.5.1.4 is irrelevant to the concern.</p> <p>Reference is also made to the Biodiversity Position Paper (REP1-138) which, again, fails to address our Clients' Written Representation because it deals with the conservation and enhancement of existing biodiversity and not the time to maturity of new landscaping and hedgerows and its effect on species.</p> <p>Requirement 22 of the dDCO (REP1-021) to reinstate habitats within 12 months again also fails to address the point of time to maturity and the consequential impact that has on the magnitude of impact on species.</p>

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		<p>construction areas (including trenches, laydown and construction (including haul road) corridor) on completion of the cable route installation as soon as practicable after sections of work are complete. Reinstatement would involve the careful handling of soils and a return to the existing habitat type. Mitigation planting will take place to replace hedgerows and trees lost following completion of the construction works (see the General Landscape & Visual Mitigation measures set out at paragraph 1.5.1.4 of the updated OLBS).</p> <p>The Applicant's position with regard to the proposed biodiversity enhancements is also explained in detailed in the Biodiversity Position Paper (REP1-138) which was submitted at Deadline 1. The Position Paper shows how the Proposed Development has taken opportunities to conserve and enhance biodiversity in line with National Planning Policy.</p> <p>Finally, as set out above, habitats lost during the construction stage would be reinstated within 12 months</p>	

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		following completion of the works, as secured by Requirement 22 of the dDCO (REP1-021).	
DECOMMISSIONING			
33.	16.1 With regard to which option will be selected for the Converter Station, Requirement 4 of Schedule 2 of the draft DCO does not state to who the Promoter needs to provide its confirmation, and whether the confirmation needs to be in writing. We requested that the wording of Requirement 4 be amended in this regard.	The Applicant has failed to respond to this point.	We note that Requirement 4 of the updated draft DCO submitted at Deadline 1 (document reference REP1-022) has been amended to address our comment.
34.	16.2 The draft DCO does not contain any provisions, requirements or controls over how decommissioning will be carried out and how its impacts will be controlled or avoided. This is a material omission. Chapter 3 of the Environmental Statement (document number 6.1.3) states that the Promoter is applying for consent for the proposed scheme for an indefinite period, but that " <i>If the Proposed Development and associated equipment is deemed to have reached the end of its design life, then the equipment may be decommissioned in an appropriate manner, and all materials reused and recycled where possible.</i> " Firstly, would the Secretary of State accept that the design life of the proposed scheme could last forever? That appears to be the Promoter's starting point, and that the	The Applicant responded at OI1 as follows: As set out at paragraph 3.6.5.16. of Chapter 3 (Description of the Proposed Development) of the 2019 ES (APP-118), the Applicant is seeking consent for installation of the Proposed Development for an indefinite period. The Converter Station will be designed, manufactured and installed for a minimum service life of 40 years. Major items of equipment (e.g. transformers, circuit breakers, reactors) are designed to meet the	If the onshore design life is 40 years, the Applicant accepts that decommissioning will be required, but only goes as far as stating that it will be done in "the appropriate manner". How is that to be judged? How will it be controlled? Who will decide its impacts? These questions have not been answered and we therefore maintain our objection in this regard. A large number of DCOs granted for energy projects contain requirements relating to decommissioning. These include the Richborough Connection Project, the Brechfa Forest Connection Project, the Triton Knoll Electrical System Project, West Burton C Power Station, Riverside Energy Park, Norfolk Vanguard Project, Drax Re-power Project, Abergelli Power Project, Mill Brook Power Project, Ferrybridge

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	<p>expiry of the design life and a need to decommission are only a "maybe". No explanation or evidence is provided as to why that is the case, as consent is apparently being sought on the basis that the physical structure of this scheme will last forever, requiring no further analysis of the need to decommission as part of the application documents. This approach would set a dangerous precedent if accepted. As to what the "appropriate manner" of decommissioning may be, there is again no further detail. There is not enough information in the Environmental Statement to demonstrate that the Promoter has properly assessed the possible impacts of decommissioning. We therefore request that at the very least, a suitable Requirement is inserted into the draft DCO requiring the Promoter to submit to the local planning authority for approval a full decommissioning strategy before it commences any decommissioning, setting out a decommissioning programme, a full assessment of its impacts, and a plan for the mitigation of those impacts.</p>	<p>lifetime of the Proposed Development and should remain operational for their design life subject to regular maintenance, inspection and availability of spare parts. If the Proposed Development and associated equipment is deemed to have reached the end of its design life, then the equipment may be decommissioned in an appropriate manner, and all materials reused and recycled where possible.</p> <p>Decommissioning activities for the marine elements of the Proposed Development would be determined by the relevant legislation and guidance available at the time of decommissioning in line with the options and principles included in Appendix 3.4 (Additional Supporting Information for Marine Works (APP-358)). In addition, a decommissioning plan will be developed and agreed with The Crown Estate.</p> <p>Therefore, development consent for decommissioning is not sought as part of the application and the Applicant does not consider that a Requirement securing a</p>	<p>Multifuel 2 (FM2) Power Station, and Hinkley Point C Connection Project. Please would the Applicant explain why its case is so different?</p>

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		decommissioning strategy is necessary.	

Blake Morgan LLP

3 November 2020

Submitted in relation to Deadline 3