



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Comments on Responses to ExA First Written Questions

The Planning Act 2008

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

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Document **7.4.2 Applicant's Comments on Responses to ExA First Written Questions**

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NOTE: This document has been edited down after the introduction and now only contain that section relating to Winchester City Council

The Council is only intending to make a comment when it is considered it will add to the examination process and move matters forward or highlight clear differences.

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1. INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

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

1.2 STRUCTURE OF THE APPLICANT'S RESPONSES

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

2. LOCAL AUTHORITIES

Table 2.6 Winchester City Council

Reference	Written Question	Winchester CC Response to Written Question	Applicant's Comment	Winchester City Council response at deadline 3
MG1.1.5	The Consultation Report [APP-025] describes a great deal of discussion and progress with a range of interested planning authorities on the concept design of the Converter Station buildings. What certainty does each of the local authorities have that its views and the agreements that have been made with them would be incorporated into the final design?	The Council has covered this matter in section 4.6.10 of its LIR. The Council appreciates the efforts by the applicant to discuss this matter through the establishment of a design working group. As open as those discussions where, there is a strong feeling that the technical and operational requirement were the main drivers in the choice of design which has resulted in attention focusing on the materials.	<p>Please refer to the Applicant's response to ExA WQ MG1.1.5 at Deadline 1 (REP1-091).</p> <p>Six design meetings held with the East Hampshire District Council, Winchester City Council and South Downs National Park Authority pre-submission informed the set of design principles (including general, building design and landscape principles) set out at Section 6 of the updated Design and Access Statement (DAS) (REP1-031 and 032). These design principles are secured by Requirement 6 of the dDCO (REP1-021) which requires the Applicant to confirm how the final detailed designs of the Converter Station accord with the design principles and require the final detailed designs to be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence. The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p>	
CA1.3.105	For the alternative cable routes shown in the application at Anmore Road (Paragraph 5.3.5 of the Statement of Reasons [APP-022]), which route would the Council prefer to see utilised, or have the least objection to, and why?	WCC has addressed this matter in its LIR section 4.6.5 & 4.6.16 The Councils preference would be for both cable circuits to go straight across Anmore Road, through the section with the pallet fence on the roadside boundary. This is with the absolute proviso that the TPO tree and its root system are not harmed and adequately protected. This route is more direct, it reduces the closure time of the road, has less impact on residents and avoids the loss of any hedgerow that would result if one of the circuits went partly along	The Applicant has provided a response to the WCC LIR at Deadline 2 (document reference 7.7.13).	The proposal has been revised, on leaving Pond Meadow the cable route will now go directly across Anmore Road. Consequently this issue has been resolved.

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

<p>DCO1.5.9</p>	<p>In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.)</p> <p>The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per model provisions and as is usual in other recently made DCOs). Schedule 11 of the dDCO [APP-019] (TPO trees) only lists 'potential removal' and 'indicative</p>	<p>The Council has made representations in its LIR Section 4.6.16 (Arboricultural Issues) and in the comments on the draft DCO that this broad power is not justified and the applicant should be required to provide more detail on the precise cable route. As part of that exercise, they should devise a route that avoids any TPO with the district. If not, then a</p>	<p>Please refer to the Applicant's response to ExA WQ DCO1.5.9 at Deadline 1 (REP1-091). It is worth noting that the applicant only seeks powers over the TPO trees listed in schedule 12 of the DCO.</p> <p>The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p>	<p>At the present time the most up to date copy of the dDCO is the Deadline 1 version.</p> <p>Schedule 11 is TPO trees, schedule 12 is Hedgerows. Schedule 11 still lists trees for potential removal when the applicant is saying they will not be harmed. There is an inconsistency here, either all TPO trees are safe in which case the general power to remove them in the dDCo needs to be removed, or they are still potentially at risk.</p>
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Reference	Written Question	Response to Written Question	Applicant's Comment	Winchester City Council Response at Deadline 3
	<p>works to be carried out'. How can this be specific enough to understand the impact of the Proposed Development on trees?</p> <p>If this remains unchanged, should the ExA in weighing the benefits and disbenefits of the Proposed Development therefore assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p>	<p>more explicit justification is required. It is noted that it is not possible to plant a tree within 5m of the cable route. The applicant should establish a fund to commission tree planting close to the site of any lost tree.</p>		
DCO1.5.17	<p>In dDCO [APP-019] draft Requirement 14, a Written Scheme of Investigation is needed for activities prior to commencement of works including onshore site preparation works, but the definition of 'commence' in Article 2 does not identify this exclusion. Is this satisfactory or is an amendment required?</p>	<p>The Council has noted this situation and responded in detail in its comments on the requirements in section 5 of its LIR. In summary, the definition of actions that can take place before commencement is triggered is not acceptable and should be revised.</p>	<p>The Applicant provided a response to ExA WQ DCO1.5.17 at Deadline 1 (REP1-091).</p> <p>The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p>	<p>There is still felt to be an issue of a lack of clarity here. The Council is intending to meet with the applicant shortly and discuss the dDCO when this and all its other comments on the Order will be discussed.</p>
DCO1.5.42	<p>A number of Articles in the dDCO [APP-019] contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. Are the local planning authorities content with the provisions and the responsibilities on them as the relevant consenting authority?</p>	<p>The Council notes the use of two different response times in the DCO. There are 20 days (Part 3 Streets Access to works 14(2)) and 40 days. (SCHEDULE 3 Article 3 Procedure for approvals, consents and appeals) A single response time of 40 working days is suggested to deal with all submissions. This period of time is consider reasonable to all parties.</p>	<p>The Applicant does not accept that it is necessary or appropriate for approvals to be provided within two months, nor that this is reasonable for all parties. This would not assist the Proposed Development coming forward in a timely and efficient manner. The Applicant has confirmed its willingness to enter into post consent PPA's to cover the resourcing for approvals with all relevant planning and highway authorities.</p> <p>The intention is for all such PPA's to have been agreed and entered into by not later than the end of the examination. The Applicant looks forward to engaging with WCC on this further.</p>	<p>There is some confusion here, the original WCC comment was pointing out an inconsistency in response times. The forty day and twenty day response times are proposed by the applicant. WCC was suggesting forty days as a single time period in both circumstances that was reasonable and practicable to achieve.</p> <p>The council welcomes discussions on a PPA.</p>

<p>DCO1.5.44</p>	<p>Could the Applicant and the local planning authorities please review the definitions of ‘commence’ and ‘onshore site preparation works’ set out in Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement.</p> <p>Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable?</p>	<p>The Council has stated in Section 5 of the LIR that deals with responses on the dDCO that this matter needs revision as the proposal appears to allow the potential for substantial works to be undertaken including site clearance, tree and hedge removal and earthworks before the details in R15 (CEMP) are submitted and approved.</p> <p>R15 is the stage when the details of those features to be removed or retained and protected are actually agreed.</p>	<p>Please refer to the Applicant’s a response to ExA WQ DCO1.5.44 at Deadline 1 (REP1-091).</p> <p>The definition of “onshore site preparation works” has been amended to removed reference to (h) diversion or laying of services and (k) creation of site accesses. Requirement 4 has been amended to confirm no onshore site preparation works in respect of the area where the converter station is to be located may be carried out until the converter station perimeter option has been confirmed.</p> <p>Requirement 15 requires a CEMP to be approved before works in a phase are carried out, including any works forming part of the onshore site preparation works.</p>	<p>WCC is actively engaging with the applicant to clarify and resolved all its questions over the dDCO.</p>
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Reference	Written Question	Response to Written Question	Applicant's Comment
	<p>Does the Applicant believe that the onshore site preparation works include the creation of site accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10?</p> <p>The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed?</p> <p>If so, is this acceptable?</p> <p>Should Requirement 13 include similar wording to Requirement 14(2)?</p> <p>Also, could the Applicant provide a detailed explanation as to why each of the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP-020] paragraph 5.3.2)? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum.</p> <p>Could the local authorities comment on whether they are agreeable to these exclusions?</p>		<p>The Applicant has provided a response to the Winchester CC LIR (document reference 7.7.13) at Deadline 2.</p>

<p>DCO1.5.57</p>	<p>Are the relevant planning and highway discharging authorities and other relevant bodies content with their roles in the discharge of Requirements? (Refer to paragraph 12.4 of the Explanatory Memorandum [APP-020].)</p>	<p>The Council believes there are more issues associated with the consideration of access scheme than simple highway safety matters. This includes potential impacts on landscape features and ecology that would necessitate internal consultations. Accordingly, the Council considers it has a major role to play in those requests. On balance, the Council considers those requests should be directed to the district who can then consult the Highway Authority as it would normally do</p>	<p>The Applicant provided a response to ExA WQ DCO1.5.57 at Deadline 1 (REP1-091).The dDCO follows the approach in other recent made development consent orders and Applicant considers the appropriate persons will be consulted.</p>	<p>The Council remains of the view that any submission should be directed towards WCC in the first instance. Again this will be discussed directly with the applicant shortly.</p>
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Reference	Written Question	Response to Written Question	Applicant's Comment	
		with standard planning applications even those relating to an access.		
LV1.9.2	Do you have any comments on the appearance of the proposed 30m-high lighting columns as seen during daylight and at night- time from vantage points within the South Downs National Park and elsewhere, and should these columns have been considered in the modelling of the ZTVs?	<p>There seems to be some confusion here. It was our understanding that the lighting columns would be between 4- 15m tall. The Lightning masts are sometimes referred to as 30m and other times indicated as 4m sitting on the roof of the building. If simple 4m poles then any visual impact will be minimal. If 30m columns they will have support cables which will make their overall impact more significant.</p> <p>The applicant needs to clarify this matter at which time the need for additional details will become evident or not.</p> <p>To date our assessment of impact has not included any lightning masts or columns.</p>	Please refer to the Applicant's response to ExQ1 LV1.9.3 (REP1-091) submitted at Deadline 1 which explains why lightning columns and lighting masts were not considered in the preparation of the ZTVs and the range of which they may be perceptible from in some views.	Before considering the ZTV question, we need to clarify exactly what structures are going to be placed on the building and in the building yard area. WCC understands there will be free standing frames in the yard with others on top of the building with a cable string linking them . The Council looks to the applicant to formally provide this detail before then considering its landscape impact.
LV1.9.5	With reference to the dDCO [APP-019], there would be potential for rooftop plant and machinery to be placed on the roof of the Converter Station and associated telecoms building. Do you have any comments on the landscape and visual effects of such equipment, if installed?	There is a contradiction here. The Design and Access Statement clearly says the roof will be clear of any plant or equipment and that was our understanding from the discussions with the applicant. However the dDCO does talk of the possibility of solar panels on the roof. It is our understanding from the applicant that this reference is to be removed.	The Applicant has confirmed that there will not be any plant or machinery on the roof as per para 5.3.1.5 in the updated DAS (REP1-032 and 033) and building design principle 8 which states that "There will be no plant on the roofs of the highest buildings". The updated dDCO (REP1-021) submitted for Deadline 1 reflects this revision.	dDCO Schedule 2 para 1(4) still has a reference to mechanical plant when calculating the height of the building. For the avoidance of any doubt, this should be removed just like the reference to solar panels was.

<p>LV1.9.36</p>	<p>Does Winchester City Council believe that the proposed landscape and visual mitigation measures [APP-130] are adequate, and, if not, what further measures might be considered?</p>	<p>The proposed landscape and visual mitigation measures are acceptable, with regard to the proposed and existing planting. What is still unresolved is the final colour and appearance of the converter halls themselves, which no amount of planting will help if it is done poorly or not considered properly.</p>	<p>As referred to in the SoCG with WCC paragraph 4.3.12 (REP1-118) submitted for Deadline 1 following a design group meeting between the Applicant, the SDNPA, WCC and EHDC in August 2020 the Applicant has agreed to further review Building Design Principle 3 contained in the updated DAS (REP1-032 and 033) which refers to colour.</p>	<p>The Council is actively engaging in these ongoing discussions</p>
<p>N1.11.5</p>	<p>In ES Tables 24.4 and 24.6 [APP-139], the allocation of a category for the magnitude of impact is wholly dependent on how many 'consecutive' periods would be involved. Do the local authorities believe this is an appropriate approach, or should some account be taken of the overall, total length of time</p>	<p>WCC agrees that total hours would have been a better model than consecutive periods as this would be more in line with a BS 5228. Based Protocol. This is, in my view, not a significant issue for us as Work 4 will tend to be consecutive anyway due to the linear</p>	<p>Please refer to the Applicant's response to Havant Borough Council under Reference N1.11.5 in Table 2.3 of this document which addresses this point.</p>	

Reference	Written Question	Response to Written Question	Applicant's Comment
	(perhaps with breaks) that the noise or vibration affects a particular receptor?	nature of the cable installation programme. It may have under represented Work 2 but I consider that we have picked these up in the more detailed quantitative noise assessment and mitigation proposals. Other local authorities may have a more detailed view on this with regard to Work 4 as they have out of hours works taking place in their District, which we do not. However the only additional mitigation measure that I could see then being then pursued would be the offer of off site temporary (hotel) accommodation for those most effected.	
N1.11.7	Do you believe that the application of definitions of magnitude of impact to the noise environment as set out in Table 24.13 of the ES [APP-139] is unclear? For example, what would constitute 'a total loss' of key elements or features of the baseline? Would an alternative set of definitions be more appropriate, and if so, would the noise assessment need to be re-run?	WCC agrees that Table 24.13 read in isolation provides a poor definition of the magnitude of impacts but further consideration has been given elsewhere to assessing the noise impacts; such that we do not consider this on its own results in the need for the noise assessment to be rerun.	Please refer to the Applicant's response to ExA WQ N1.11.7 at Deadline 1 (REP1-091). In summary, little reliance has been placed on the generic definitions in Table 24.13 of the ES and the assessment does not need to be repeated. The magnitude categories adopted for each assessment element are underpinned by the appropriate British Standard or guidance document.
N1.11.10	For all of the impact assessment sections that follow ES paragraph 24.6.1.14 in Chapter 24 [APP-139], in converting the noise level magnitudes to impacts, allowance is made for the temporary nature of the effect, thus ameliorating the severity (from 'medium' to 'low' in 24.6.2.2, for example). However, does not the methodology adopted for the assessment already build duration into the calculation of magnitude (e.g. 24.4.2.36), and thus is there not an element of 'double-counting' of duration in reducing the severity of effects? If so, what are the implications of this for the assessment findings? For	This is a valid point and although a potential flaw in the assessment, I do not consider this has prejudiced our findings or conclusions. We have already taken a stance that Work 4 will have significant albeit short term noise impacts on local residents and I do not consider this will have resulted in reducing the controls proposed to mitigate as far as reasonably practicable said impacts. Again more likely to be an issue for local authorities where Work 4 takes place over night.	Please refer to the Applicant's response to ExA WQ N1.11.10 at Deadline 1 (REP1-091). In summary, the duration of construction activities is not 'double counted' in the noise and vibration assessment and therefore there are no implications for the assessment findings.

	<p>example, if trenching impacts for section 4 were recalculated without the 'double-counting', would these become significant (ES 26.4.5.3 ff)?</p>			
<p>TR1.17.3</p>	<p>The Government places importance on 'street trees' in the National Design Guide for the benefit of placemaking. Is the Applicant's approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees sufficiently unambiguous and is it appropriate? Could the Applicant please comment in detail on how the 'potential removal'</p>	<p>Having reviewed the guide it is clear that it is focusing on the built environment and the contribution that street trees (existing and new planting) can make towards placemaking. Whilst not a built up area the Council does consider that the hedgerows</p>	<p>Please refer to the Applicant's response to this question at Deadline 1 (REP1-091). The Applicant has submitted an updated Tree Survey Schedule and Constraints Plans (REP1-101) with refined tree retention detail. Please also refer to the updated Onshore Outline CEMP (REP1-067 and 068) and OLBS (REP1-034 and 035) provided at Deadline 1.</p>	<p>The applicant is still seeking to retain the powers in the dDCO to remove any trees including those protected by a TPO. These sections need to be revised to reflect the new commitment not to remove any tree covered by a TPO.</p> <p>Despite the words of good intention the applicant continues to use the word of retention where "practicable" (1.1.3.17 of Outline Landscape & Biodiversity Strategy Rev 002 REP1-035) Regarding the section on the Hambledon Road west of Soake Road junction reliance on "where practicable" is not considered a sufficient safeguard for the Council.</p>

Reference	Written Question	Response to Written Question	Applicant's Comment	Winchester City Council response at Deadline 3
	<p>of the TPO trees listed in dDCO [APP-019] Schedule 11 would be avoided.</p>	<p>and trees alongside the Hambledon Road make a contribution towards the character and feeling of the Gap that separates Waterlooville and Denmead which is prized by residents. Part of the road west of the Soake Road junction has trees on both sides. The ones on the north side are within the Order Limits. If some of these were lost then it would degrade the character of the Gap.</p>		

