



**AQUIND Limited**

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# **AQUIND INTERCONNECTOR**

## **Applicant's Response to Deadline 3 Submissions**

The Planning Act 2008

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

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## CONTENTS

<b>1.</b>	<b>INTRODUCTION</b>	<b>1-1</b>
<b>2.</b>	<b>APPLICANT'S RESPONSE TO DEADLINE 3 SUBMISSIONS</b>	<b>2-2</b>

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### ***TABLES***

<b>Table 2.1 - East Hampshire District Council (EHDC)</b>	<b>2-2</b>
<b>Table 2.2 - Havant Borough Council</b>	<b>2-3</b>
<b>Table 2.3 - Highways England</b>	<b>2-4</b>
<b>Table 2.4 - Blake Morgan LLP on Behalf of Mr. Geoffrey Carpenter and Mr. Peter Carpenter</b>	<b>2-5</b>
<b>Table 2.5 - Ian Judd &amp; Partners on Behalf of Mr. Michael Jefferies and Mrs. Sandra Jefferies</b>	<b>2-21</b>
<b>Table 2.6 – Hampshire County Council</b>	<b>2-24</b>
<b>Table 2.7 – Winchester City Council (WCC) – Deadline 3 Response</b>	<b>2-48</b>
<b>Table 2.8 – Winchester City Council – Written Questions</b>	<b>2-50</b>
<b>Table 2.9 – Winchester City Council – Local Impact Report</b>	<b>2-51</b>
<b>Table 2.10 - Network Rail Infrastructure Limited</b>	<b>2-62</b>
<b>Table 2.11 – Veronica Knight</b>	<b>2-63</b>
<b>Table 2.12 – Portsmouth City Council Comments on Responses to Deadline 2</b>	<b>2-65</b>
<b>Table 2.13 – Ian Judd &amp; Partners on behalf of Robin Jefferies</b>	<b>2-84</b>
<b>Table 2.14 – South Downs National Park Authority</b>	<b>2-86</b>
<b>Table 2.15 – University of Portsmouth</b>	<b>2-87</b>

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# 1. INTRODUCTION

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- 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. Deadline 3 of the Examination was on 3<sup>rd</sup> November 2020. This report provides responses from the Applicant to submissions made by Interested Parties at Deadline 3. Each table in Section 2 corresponds to the submission of an individual Interested Party.

## 2. APPLICANT'S RESPONSE TO DEADLINE 3 SUBMISSIONS

**Table 2.1 - East Hampshire District Council (EHDC)**

Para No.	Comment	Applicant's Response
2.2 and 2.4	<p>EHDC accepts that the existing pylons are an influencing factor in the local landscape and does not dispute the site description as set out in ES Chapter 15 (APP-130)</p> <p>It is noted that the pylons extend into the surrounding landscape, but these are not considered to provide a meaningful visual connection to Horndean or Denmead or alter the isolated nature of the substation insofar as it is set in its rural position.</p>	<p>The Applicant notes these comment but is unclear what point is being made and is seeking further clarification from EHDC.</p>
4.9	<p>The engineering requirements for the access in the location proposed for construction purposes are noted e.g. to accommodate abnormal loads and the need to avoid impacting on the belt of trees to the north. However, it is the permanent retention of the track in this location that is a concern and it considers that a route that better relates to existing landscape features and which avoids the protected trees could be used given the low level of operational traffic once operational.</p>	<p>The Applicant refers to the Applicant's Comments on Local Impact Reports, Table 11.1 (REP2-013) and the Applicant's Response to Relevant Representations RR-162 (REP1-160) submitted at Deadline 1. These explain that the location and alignment of the access track is substantially determined by the engineering requirements of bringing abnormal indivisible loads (AILs) into the site, whilst avoiding the belt of ancient woodland directly south of the Converter Station, set back from Public Rights of Way (PRoW) along the south of the site and set back from Broadway Cottages.</p> <p>The access track is proposed to be in the same alignment permanently because:</p> <p>a) The converter station requires access 24/7/365 days suitable for use by HGVs and AILs during operation to facilitate the installation and removal, and potential emergency replacement, of high voltage plant such as transformers, reactors or similar units to minimise loss of power /outage.</p> <p>b) The access to the converter station also need to be suitable for fire and rescue service vehicles to fire hydrants, buildings and large oil filled plant items. A summary of the construction and operational stage impacts in respect of the access track can be found at paragraphs 15.8.3.6 and 15.8.4.14 of Chapter 15: Landscape and Visual Amenity of the ES (APP-130). Whilst significant impacts are identified during the construction stage, by Year 10 of the operational stage, the surfacing and planting would have softened the access road both west and east of Broadway Lane and the entranceway, resulting in a minor adverse localised (not significant) effect.</p>
4.20	<p>It is acknowledged that large proportions of the Converter Station development necessitates specialist work from outside the region but welcomes the Applicant's willingness to discuss local employment potential and any assurances in this regard.</p>	<p>The Applicant is willing to enter into discussions regarding valid section 106 obligations which are appropriate to mitigate impacts and are achievable. Any section 106 obligation would need to satisfy the relevant tests.</p> <p>The Applicant has discussed this matter further with Winchester City Council, who have committed to providing further information on the obligations which it considers will be appropriate for the Applicant to consider.</p>



Para No.	Comment	Applicant's Response
	<p>Section 9 of Part 2 Principal Powers of the DCO (Defence to proceedings in respect of statutory nuisance) is not necessary and should be removed. If noise levels are such that there is a need to serve a Statutory Nuisance it is reasonable to take such action, bearing in mind that the assessment which has been prepared demonstrates that impacts have been mitigated to such a level that nuisance should not exist. Either the assessed noise levels are wrong or the activities and operations taking place are not those that were assessed and should not be allowed to continue unchallenged. There is no exemption for NSIPS within the Statutory Nuisance EPA 1990 legislation and such an exemption as sought by Section 9 could leave local residents unacceptably exposed to noise impacts. A Statutory Nuisance is not considered to be an 'unreasonable impediment' to the delivery of the project as noted in The Applicant's response to ExA.</p>	<p>The Applicant refers to its response to ExA WQ MG1.1.9 and N1.11.1 at Deadline 1 (REP1-091). The Applicant does not agree to the deletion of Article 9. It is necessary to ensure there is no unreasonable impediment to the delivery of the Proposed Development.</p> <p>The noise assessment undertaken is accurate, and the measures to mitigate noise during construction are secured in the OOCEMP (REP1-087) and therefore are required to be complied with in accordance with Requirement 15 of the dDCO (REP3-003).</p> <p>The noise levels to be achieved in relation to the operation of the Converter Station are very clearly secured by Requirement 20 of the dDCO (REP3-003) and this ensures adequate protections are included for.</p> <p>Whilst those measures are secured, it would still be possible for a person to seek to bring a claim for statutory noise nuisance, and the bringing of that claim could impact the development proceeding whilst it is investigated. The Article is included to avoid such circumstances occurring, which ultimately would serve only to delay the delivery of the Proposed Development and the significant benefits which it provides.</p> <p>Further to the comments received, the Applicant has agreed to consider further drafting of Article 9 to more clearly link this to the controls provided for and discussed above, so as to ensure that the defence would not be applicable where the Proposed Development is not being constructed or operated in accordance with the relevant controls. It is considered this addresses the concerns raised, as it will be clearly confirmed that any defence would not be applicable where the Proposed Development is not being constructed or operated as required by the Order.</p> <p>Should the Council's not accept this position, they would be promoting an approach that claims for statutory noise nuisance would be able to brought where the Proposed Development is being constructed and operated in accordance with the Order, which the Article is purposefully included to avoid, to ensure there is no unreasonable impediment which would prevent the delivery and operation of nationally significant infrastructure.</p> <p>The Applicant confirms that an updated draft Statement of Common Ground (Rev. 002) was submitted at Deadline 4 which confirms that Article 9 remains under discussion.</p>

**Table 2.2 - Havant Borough Council**

Para No.	Comment	Applicant's Response
<b>6. Impact on Amenity of area pages 13-189 – 13-190</b>		
6	<p>Document APP-505 has been reviewed with respect to the CEMP as well and we are satisfied with the measures included to minimise disturbance as far as possible. HBC continues to work with the applicant and these updates will also be reflected in the emerging Draft Statement of Common Ground.</p>	<p>The Applicant confirms that an updated draft Statement of Common Ground with Havant Borough Council (Rev. 002) was submitted at Deadline 4 which confirms that all matters covered in sections 4.8 on noise and vibration and 4.11 on the Onshore Outline CEMP in the SoCG are now agreed between HBC and the Applicant. This includes the following sections that were previously outstanding to be agreed:</p>

Para No.	Comment	Applicant's Response
		<p>Section 4.8:</p> <ul style="list-style-type: none"> <li>• 4.8.2 ES Methodology;</li> <li>• 4.8.4 Predicted Impacts;</li> <li>• 4.8.5 Mitigation – Onshore Outline CEMP – General Environmental Control Measures;</li> <li>• 4.8.6 Requirement 18 – Construction Hours;</li> <li>• 4.8.7 Residual Effects.</li> </ul> <p>Section 4.11:</p> <ul style="list-style-type: none"> <li>• 4.11.1 Roles and Responsibilities;</li> <li>• 4.11.2 General Environmental Requirements;</li> <li>• 4.11.3 Monitoring and Review;</li> <li>• 4.11.4 General Environmental Control Measures;</li> <li>• 4.11.4 Location Specific Construction Environmental Control Measures.</li> </ul>

**Table 2.3 - Highways England**

Para No.	Comment	Applicant's Response
<b>Protective Provisions</b>		
	Dialogue continues with the Applicant to agree the appropriate protective provisions in relation to the Strategic Road Network and protection of its assets (which includes National Roads Telecommunications Services) to be incorporated within the DCO.	Positive discussions in relation to the protective provisions remain ongoing and the Applicant remains committed to ensuring a form acceptable to Highways England is included within the Order.
<b>Traffic and Transport</b>		
	Discussion is ongoing between Highways England and AQUIND regarding transport matters which includes the Framework Construction Management Plan and concerns regarding potential adverse impacts to A3(M) Junctions 2 and 3 during the construction period. Work is still to be concluded but it is anticipated to provide a material update for Deadline 4.	A Technical Note has been produced and provided to Highways England on 11 November 2020 in response to comments raised in regard to both Junction 2 and Junction 3 of the A3 (M) and the Framework Construction Traffic Management Plan (REP1-070) submitted at Deadline 1. The Applicant welcomes further comments on this submission from Highways England.
<b>Statement of Common Ground</b>		
	Matters agreed to date with the applicant are set out in the agreed statement of common ground (at deadline 1) which was submitted by the applicant. A new updated Statement of Common Ground between Highways England and AQUIND is anticipated to be agreed and submitted for Deadline 4.	The Applicant confirms an updated draft Statement of Common Ground with Highways England was submitted at Deadline 4.
<b>Proposed Easement</b>		



Para No.	Comment	Applicant's Response
	<p>Highways England are awaiting an appropriate Geotechnical Risk Assessment in accordance with CD622 (Managing Geotechnical Risk) to inform if Highways England can accept in principle an easement to facilitate a crossing beneath the A27. At this stage it is not anticipated to identify any significant issues that could prevent progress.</p> <p>Positive dialogue is ongoing to agree the heads of terms in advance of an agreed geotechnical assessment. Once in principle agreement has been established, formal negotiations for an easement will commence between Highways England and the Applicant.</p>	<p>Positive dialogue is ongoing with Highways England in respect of the Geotechnical Risk Assessment, which will be submitted by the Applicant in advance of Deadline 5. The Applicant also does not anticipate any significant issues that could prevent progress. An updated Statement of Common Ground with Highways England was submitted at Deadline 4.</p>

**Table 2.4 - Blake Morgan LLP on Behalf of Mr. Geoffrey Carpenter and Mr. Peter Carpenter**

Para No.	Comment	Applicant's Response
<b>Landscaping</b>		
1	<p>4.7</p> <p>We note that paragraph 7.4 of the Design and Access Statement (document number 5.5) deals with landscaping and 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 images of the mitigation plates shown in paragraph 7.4 of the DAS or confirms whether these plates are available on a much larger scale in another application document.</p> <p>We request that the Applicant addresses this point.</p>	<p>Point 4.7 relates to the Carpenters' Written Representation (REP1-232) and a request for a larger scale plan of the illustrative landscape mitigation plans rather than the plan shown at paragraph 7.4 in the Design and Access Statement (APP-114). For larger scale plans the Applicant refers to the revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted at Deadline 1.</p> <p>The Applicant also notes for reference that revised updated Design and Access Statement (REP1-031) was submitted at Deadline 1 and the revised indicative landscape mitigation plans are shown in Plates 5.40 and 5.41 for Option B(i) and Plates 5.42 and 5.43 for Option B(ii).</p>
<b>Compulsory Acquisition</b>		
2	<p>6.5.1</p> <p>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 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.</p> <p>The Applicant has not addressed our specific point. We request that it provides a response.</p> <p>We are fully aware of the facts of what is being proposed on plot 1-32.</p> <p>The Applicant has not provided sufficient reasons or any analysis as to why the</p>	<p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135).</p> <p>As per the Applicant's Response to Deadline 2 submissions submitted at Deadline 3 (REP3-014), point 3.6 contained with Table 2.5, the freehold ownership of Plot 1-32 is required for the Converter Station (allowing for options shown indicatively on the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137)), the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping.</p> <p>The multi-functional fence of a suitable height and construction will be installed to provide a temporary protection to planting until becomes established to minimise loss as a consequence of grazing deer and rabbits as referred to in the OLBS (REP1-034) and also, to act as a</p>



Para No.	Comment	Applicant's Response
	<p>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.</p> <p>We request that the Applicant be required to explain in full exactly why the alternative powers we propose are not suitable.</p>	<p>permanent demarcation fence to mark a boundary between the Converter Station Area and other private lands and to create a visual and physical barrier to deter any trespassing.</p> <p>With regard to safety and security, whilst the footprint of the Converter Station is circa 4 hectares, and the Converter Station will be securely fenced, as will the Telecommunications Buildings, it is necessary for the Applicant to have exclusive possession of the area around the Converter Station and Telecommunications Buildings so as to deter potential trespassers who may seek to intrude into the Converter Station/interfere with the Telecommunications Buildings. By having control over these areas, the Applicant is able to control who can and cannot access those areas and thus more adequately deter any potential for interference with the apparatus, which is entirely appropriate and necessary taking into account the purpose of the infrastructure and the benefits its continued safe operation will provide.</p> <p>The land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development.</p>
3	<p>6.5.2</p> <p>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 "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". 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 freehold interest of the land on plot 1-32 that will be landscaped.</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>	<p>This concern relates to the retention of existing vegetation and for the Applicant to justify why it needs to own the freehold.</p> <p>The Applicant refers to the Applicant's Response to Deadline 2 Submission paragraph 3.7 (REP3-014) in relation to the Plot 1-32. The response states that landscaping on plot 1-32 in the area where the temporary laydown area/works compound is to be located during construction is not "only grassland", it consists of woodland, scrub and hedgerows and new calcareous grassland. The planting serves not just a visual screening function in specific locations but also seeks to connect with Stoneacre Copse (ancient woodland to the south east), addressing concerns over the need to improve connections to nationally important habitats as referred to at the Applicant's Response to Written Representations (4.23) (REP2-014) and responds to LPA management strategy objectives in terms of landscape character (as detailed below) and referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402). Taking into account the aims of providing the woodland, scrub and hedgerows and new calcareous grassland, in addition to the new grassland, and the ecological benefits which this provides, it is necessary to ensure those areas are adequately maintained and otherwise not disturbed so as to fulfil their landscaping function and ensure the biodiversity benefits in this location are realised.</p> <p>Revisions to the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1 demonstrate further measures to improve connectivity further with the ancient woodland.</p> <p>The Applicant also notes that a revised Design and Access Statement (REP1-031) was submitted at Deadline 1 and the revised indicative landscape mitigation plans referred to above are shown in Plates 5.40 and 5.41 for Option B(i) and Plates 5.42 and 5.43 for Option B(ii).</p>
4	<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</p>	<p>The Applicant's notes the comments made and responds to the points as follows:</p> <p>(a) Section 1.7.4 of the revised Outline Landscape and Biodiversity Strategy (REP1-034) indicates the management prescriptions for existing and proposed planting. In the first five years</p>



Para No.	Comment	Applicant's Response
	<p>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> <p>(c) With regards 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>after planting the maintenance / management activity will be more intensive and not just one or two visits a year. New planting as stipulated in the OLBS will be carried out by a suitably qualified and experienced contractor to ensure that they have the undisputed responsibility for the early survival / establishment of planting. Thereafter works are likely to be less intensive. As stated in paragraph 1.1.3.8 to 1.1.3.9 the detailed landscaping scheme will include management, maintenance and monitoring plans and these, alongside the confirmed management responsible will prescribe in further detail maintenance regimes considering the aims, specific objectives and functions to ensure the full and successful establishment of the planting when reviewed against specific targets / indicators.</p> <p>(b) Plot 1-32 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137).</p> <p>The Applicant's Response to Written Representations (CA3) (REP2-014) explains that the proposals also reflect the extensive engagement with, and feedback received from the LPAs and that the proposals strengthen the visual screening function as well as biodiversity enhancement. The proposals include a significant amount of new planting which will need to be managed and the Applicant does not agree that 'the idea is to let nature run its course'.</p> <p>The suggestion made on behalf of the landowners is that they should be able to access and continue to use all of the landscaped and ecologically enhanced areas, however restrictions would apply such that no rights could be enjoyed over these areas in light of the need for the landscaping and ecological enhancements to be maintained and otherwise not disturbed. It is not the case that the land could be used to continue the activities currently undertaken on it where an approach of rights and restrictions is taken instead of acquisition. Therefore, it is not considered that the suggestion of applying landscaping rights and restrictions over all areas where landscaping and ecological enhancements are to be provided at the Converter Station is any way a realistic proposal. The position where those rights and restrictions are applied would be akin to exclusive possession. For this reason, as is appropriate, freehold acquisition of the relevant areas is proposed.</p> <p>(c) The revised Outline Landscape and Biodiversity Strategy (REP1-034) refers to a local farmer who operates an agricultural contracting business and who has shown an interest in working with the Applicant as the scheme develops (paragraph 1.8.3.2). The Applicant agrees that agricultural contracting businesses can cover a whole manner of activities and may not necessarily specialise in landscaping, however there are certain activities which can be carried out under the instruction of a suitably qualified and experienced landscaping consultant or contractor by such contracting businesses such as hedgerow cutting and mowing. The Applicant is not aware that the owners of Little Denmead Farm have any demonstrable experience of operating an agricultural contracting business and/or would have the staff to undertake such activities. In any event, who the Applicant does or does not enter into a contract with for the undertaking of future maintenance is of no relevance to the proposed compulsory acquisition of the land. It is not as though the acquisition in any particular form would provide for the undertaking of those activities, which will be addressed in a private commercial agreement</p>

Para No.	Comment	Applicant's Response
	<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 Client's 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 of 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>	<p>which the Applicant may choose who it is enters into with. The point made is not considered to be of any relevance to the Examination of the Application.</p> <p>(d) As referred to in part (c) above, who the Applicant does or does not enter into a contract with for the undertaking of future maintenance is of no relevance to the proposed compulsory acquisition of the land and the form of acquisition proposed. The point made is not considered to be of any relevance to the Examination of the Application.</p> <p>(e) We refer to the responses above which provide justification for the freehold acquisition of Plot 1-32. The paragraph quoted is not one which is of relevance to areas of freehold acquisition. It is made in respect of areas where rights and restrictions are sought. It therefore has no relevance to the question of whether the freehold acquisition of the land is required for the Proposed Development.</p>
5	<p>6.5.5</p> <p>If the Promoter instead sought new landscaping rights over the relevant parts of plot 1-32, it would 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.</p> <p>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 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>We request that the Applicant provides a response to our specific point in paragraph 6.5.5 of our Client's 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</p>	<p>We refer to the responses above which provide justification for the freehold acquisition of Plot 1-32, which the comments made only serve to support The restrictions to be applied to ensure the landscaping and ecological enhancements are maintained and otherwise remain undisturbed, so as to ensure their benefit is realised, would prevent any activities being undertaken on this land subject to those restrictions by the landowner, and the position would be akin to exclusive possession. Therefore, for the reasons explained, freehold acquisition of this land is required for the Proposed Development and is the appropriate approach to take in relation to this land.</p> <p>With regard to security, whilst the footprint of the Converter Station is circa 4 hectares, and the Converter Station will be securely fenced, as will the Telecommunications Buildings, it is necessary for the Applicant to have exclusive possession of the area around the Converter Station and Telecommunications Buildings so as to deter potential trespassers who may seek to intrude into the Converter Station/interfere with the Telecommunications Buildings. By having control over these areas, the Applicant is able to control who can and cannot access those areas and thus more adequately deter any potential for interference with the apparatus, which is entirely appropriate and necessary taking into account the purpose of the infrastructure and the benefits its continued safe operation will provide.</p> <p>The fence will be of a suitable height and construction to provide a temporary protection to planting until becomes established to minimise loss as a consequence of grazing deer and rabbits as referred to in the OLBS (REP1-034) and also, to act as a demarcation fence to mark a boundary between the Converter Station Area and other private lands to create a visual and physical barrier to deter any trespassing.</p>



Para No.	Comment	Applicant's Response
	<p>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 rely on and we request further details be provided in this respect so that we may properly understand the Applicant’s position.</p>	
<p><b>6</b></p>	<p>6.5.6</p> <p>Part of the new access road will be located on plot 1-32. If the reason for compulsorily acquiring the freehold to the whole of plot 1-32 is due to the access road, 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 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.</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>	<p>We refer to the responses above which provide justification for the freehold acquisition of Plot 1-32.</p>
<p><b>7</b></p>	<p>6.5.7</p> <p>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.</p> <p>We request that the Applicant provides a response to our specific point in paragraph 6.5.7 of our Clients' Written Representations.</p>	<p>The Applicant has provided a response within the Applicant's Response to Deadline 2 Submissions (REP3-014) under Paragraph 3.8 in Table 2.5. The Telecommunication Buildings were sited to the west of the Access Road to minimise impacts on Stoneacre Copse ancient woodland, working within the offsets and standoffs that have been set based on the range of utilities and landscape and ecological constraints present.</p> <p>The Telecommunications Buildings are not located within the Converter Station compound as this would have necessitated the establishment of a larger compound, which in turn would require a more significant cut and fill operation to create the platform on which the Converter Station compound will be located. In addition, the telecommunications buildings are not located in the Converter Station compound, as they could then not be accessed as necessary by third parties, with the Converter Station area subject to appropriate health and safety requirements and controls necessary for infrastructure of the type of the Proposed Development.</p>
<p><b>8</b></p>	<p>6.5.8</p> <p>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: " 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 powers</p>	<p>We refer to the responses above which provide justification for the freehold acquisition of Plot 1-32. That temporary possession powers are also applicable in advance of the vesting of the relevant land/rights has no meaningful bearing on the question of whether freehold acquisition is required for the Proposed Development in this location.</p>

Para No.	Comment	Applicant's Response
	<p>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". 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> <p>We request that the Applicant provides a response to our specific point in paragraph 6.5.8 of our Clients' Written Representations.</p>	
9	<p>6.5.9</p> <p>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 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." 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> <p>We request that the Applicant provides a response to our specific point in paragraph 6.5.9 of our Clients' Written Representations.</p>	<p>The relevant baseline description of the farm holding affected is set out in paragraph 17.5.1.8 of Chapter 17 of the ES (Soils and Agricultural Land Use) (APP-132) and the impacts during construction at paragraph 17.6.2.10. This states that approximately 12.8 ha (60% of the land holding) will be required temporarily and permanently from Little Denmead Farm, which would be a high magnitude of impact on a low sensitivity holding and give rise to moderate adverse temporary and permanent effects, which are considered significant for the farm. The impact on the land holding has therefore been formally and appropriately assessed within the ES.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business.</p>
10	<p>6.5.10</p> <p>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,</p>	<p>Land is required for the purpose set out on the Land Plans (REP1-011) and Statement of Reasons (REP1-025), including the requirement for temporary use to construct the Proposed Development. The Book of Reference (REP1-027) clarifies that all plots may be subject to the temporary use of land:</p>



Para No.	Comment	Applicant's Response
	<p>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 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> <p>We request that the Applicant provides a response to our specific point in paragraph 6.5.10 of our Clients' Written Representations.</p>	<ul style="list-style-type: none"> <li>• Pink plots: Freehold and leasehold interests to be compulsorily acquired; temporary use of land; and power to over-ride or interfere with easements and other rights and to extinguish private rights of way.</li> <li>• Blue plots: New connection works rights (including restrictions) to be compulsorily acquired; temporary use of land; and power to over-ride or interfere with easements and other rights and to extinguish private rights of way.</li> <li>• Green plots: New landscaping rights (including restrictions) to be compulsorily acquired; temporary use of land; and power to over-ride or interfere with easements and other rights and to extinguish private rights of way.</li> <li>• Purple plots: New access rights (including restrictions) to be compulsorily acquired; temporary use of land; and power to over-ride or interfere with easements and other rights and to extinguish private rights of way.</li> <li>• Yellow plots: Temporary use of land; and power to over-ride or interfere with easements and other rights and to extinguish private rights of way.</li> </ul> <p>This approach has been used on many approved DCOs previously and provides flexibility on the acquisition strategy so as to reduce permanent acquisition to the minimum. It is not considered any uncertainty is created, the position is clearly set out.</p> <p>The Applicant also highlights that Article 32(2) confirms the period for which this Article is in effect is for a period of 5 years only. It does not continue in perpetuity.</p>
11	<p>6.7.1</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>	<p>The Applicant has been engaged with the owners of Little Denmead Farm since late 2016. The Applicant has offered Heads of Terms to the landowner's agent in March 2017, December 2017, September 2018, November 2018 and November 2019.</p> <p>The Applicant issued revised and improved Heads of Terms to the Landowner at Deadline 3 which accommodate access for the Landowner and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p> <p>We await to hear from the Landowner in this regard.</p>
12	<p>6.7.2</p> <p>We have reviewed the Onshore Outline Construction Environmental Management Plan Revision 002 (REP1-087).</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</p>	<p>The Onshore Outline CEMP (REP1-087) should be read in conjunction with the Outline Landscape and Biodiversity strategy (REP1-034). Section 6 of the Onshore Outline CEMP and section 1.5.3 of the Outline Landscape and Biodiversity Strategy outlines the general mitigation measure and approach to reinstatement for the Onshore Cable Route.</p> <p>The revised Outline Landscape and Biodiversity Strategy (OLBS) (paragraph 1.5.1.4)(REP1-034) refers to the prompt reinstatement of temporary construction areas, including trenches, Laydown Area, Works Compound and construction (including haul road) corridor on completion of the Onshore Cable Installation as soon as practicable after sections of work are complete. Reinstatement will involve the careful handling of soils and a return to the existing habitat type. The revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-</p>



Para No.	Comment	Applicant's Response
	<p>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>	<p>137) submitted for Deadline 1 reflect the proposed mitigation measures which include the retention of existing vegetation and the management prescriptions associated with them are presented as part OLBS – Outline Landscape and Biodiversity Strategy Management Plans in Appendix 2. Subject to consent a detailed landscaping scheme will be prepared and approved by the relevant local planning authority in consultation with the South Downs National Park. This will include management, maintenance and monitoring plans which will be reviewed against targets / indicators to determine the full and successful establishment.</p> <p>As stated ground reinstatement is outlined in the Onshore Outline CEMP in relation to the Soils Resources Plan and Soil Handling Strategy.</p>
13	<p>6.8</p> <p>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.</p>	<p>The Applicant has been engaged with the owners of Little Denmead Farm since late 2016. The Applicant has offered Heads of Terms to the landowner's agent in March 2017, December 2017, September 2018, November 2018 and November 2019.</p> <p>The Applicant issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p> <p>We await to hear from the Landowner in this regard.</p>
14	<p>7.8</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>	<p>The Applicant has been engaged with the owners of Little Denmead Farm since late 2016. The Applicant has offered Heads of Terms to the landowner's agent in March 2017, December 2017, September 2018, November 2018 and November 2019.</p> <p>The Applicant issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on the farm business. The Revised Heads of Terms and accompanying plan show where the Applicant can accommodate access for the landowner in two locations; one being at the point where the existing farm track intersects the new access road and the second being a crossing point which would be installed across the new access road further west.</p> <p>A series of weekly calls has been proposed to progress outstanding matters privately with the landowner and their representatives. We await to hear from the Landowner in this regard.</p>
16	<p>8.1</p> <p>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 there be any difference to those (like our Clients) who will be living on the doorstep of the Converter Station?</p>	<p>Please refer to point 3.4 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014), which contains responses to all the points raised in the Interested Parties' Written Representation (REP1-232).</p> <p>The best practice construction noise and vibration mitigation measures specified in the updated Outline Onshore CEMP (REP1-087, Rev003) submitted at Deadline 4 will provide mitigation to all surrounding receptors, including Little Denmead Farm. The Applicant directs the Interested Party to section 6.3.8 of the updated Outline Onshore CEMP which includes best practice measures specific to construction noise and vibration at the Converter Station area.</p>



Para No.	Comment	Applicant's Response
		<p>The operational phase mitigation measures are targeted to avoid significant adverse noise effects at all surrounding receptors, including Little Denmead Farm. As an example, and explained in section 5.6.3 of the Design and Access Statement (REP1-031), the converter station layout and orientation has been optimised to maximise screening by its buildings for the nearest sensitive receptors, particularly The Haven and Old Mill Cottage, Hillcrest and Millfield Farm, but this also provides benefits to Little Denmead Farm, and as such the operational noise effects will be negligible.</p> <p>Requirement 20 of the dDCO (REP3-003) clearly sets out the requirements in relation to operational noise levels which must be achieved. This requirement is suitably robust, and ensures that the Proposed Development may not be operated in a manner as to cause effects which are in breach of the controls provided therein.</p>
17	<p>8.2</p> <p>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 RS (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 information is provided, it is difficult to accept the Promoter's conclusions.</p> <p>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.</p>	<p>Please refer to point 3.4 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014), which contains responses to all the points raised in the Interested Parties' Written Representation (REP1-232) and the points raised in this comment.</p> <p>Given the topic material, chapter 24 of the ES (APP-139) is a technical document. Please refer to Chapter 24 of the Non-Technical Summary (REP1-079) for a non-technical description of the conclusions identified in Chapter 24 of the ES.</p> <p>The data collected during the Applicant's baseline noise survey were used to inform the noise criteria used in the operational assessment of converter station noise. As explained in Paragraph 24.6.2.18 of the ES (APP-139) and Paragraph 17.2.5.2 of the ES Addendum (REP1-139), the operational effects of the converter station are expected to be negligible at Little Denmead Farm. For the operational assessment, the term 'negligible' is used to describe an effect where the noise level from the converter station is equal to or below the noise assessment criterion (i.e. does not exceed the existing background noise level at a given receptor).</p> <p>The construction core working hours for the Converter Station area (Works No. 1 and 2) are specified in Requirement 18 of Schedule 2 of the dDCO as being between 0800 and 1800 hours on weekdays and between 0800 to 1300 hours on Saturdays, with start-up and shut-down activities up to an hour either side of the core working hours.</p> <p>These are standard construction working hours. Construction noise predictions at surrounding residential receptors, including Little Denmead Farm (R5), for the key work stages, have been completed and are presented in Tables 24.21 to 24.24 of Chapter 24 of the ES (APP-139). These noise predictions have followed the principles of the methodology set out in in British Standard (BS) 5228-1:2009+A1:2014 <i>Code of practice for noise and vibration control on construction and open sites – Part 1: Noise</i>. Based on this assessment the construction noise impacts at Little Denmead Farm are assessed as being negligible.</p> <p>The vibration assessment has also concluded that there will be negligible effects at all receptors from Converter Station construction activities (Paragraph 24.6.2.14 of Chapter 24 of the ES (APP -139)). Further information regarding vibration is provided in table 2.6, Paragraph 3.6 of the Applicant's Response to Deadline 2 Submissions (REP3-014).</p>



Para No.	Comment	Applicant's Response
18	<p>8.3</p> <p>Paragraph 5.3.12.8 of the Planning Statement (document number 5.4) states there are 6 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." 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 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> <p>We request that the Applicant provides a response to our specific point in paragraph 8.3 of our Clients' Written Representations.</p>	<p>Please refer to point 3.4 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014), which contains responses to the points raised in the Interested Parties' Written Representation (REP1-232) and the points raised in this comment.</p> <p>The justification for undertaking noise predictions for all receptors within 300m of a given construction activity is provided in Paragraph 24.4.2.6 of Chapter 24 of the ES (APP -139). In summary this follows the guidance in BS 5228, and furthermore, no significant construction noise effects will occur at receptors located further than 300m from an activity. For the avoidance of doubt, where a receptor is located closer than 300m from a given construction activity, the actual distance between the construction activity and the receptor has been used to predict the noise level at that receptor.</p> <p>As explained in paragraph 4.2.4.1 of Chapter 4 of the ES (APP -119), environmental effects are classified as either permanent or temporary, and permanent are those changes which are irreversible or will last for the foreseeable period. Construction noise and vibration activities are considered to be temporary effects which is an accepted EIA approach. All construction effects identified have been categorised as short, medium or long term, and as described in the relevant Paragraphs of section 24.6.2 of the ES (APP -139), some of the construction noise and vibration effects for the converter station works have been categorised as medium-term to reflect their anticipated duration. All residential receptors are classed as having a high sensitivity in the noise and vibration assessment. Due to the negligible construction noise and vibration effects identified at Little Denmead Farm, no additional noise mitigation measures to those contained in the Onshore Outline CEMP (REP1-087, Rev003) are necessary.</p>
19	<p>8.4</p> <p>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>We request that the Applicant provides a response to our specific point in paragraph 8.4 of our Clients' Written Representations.</p>	<p>Please refer to point 3.4 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014), which contains responses to the points raised in the Interested Parties' Written Representation (REP1-232) and the points raised in this comment.</p> <p>The Applicant also directs the Interested Party to Paragraphs 5.12.2.5 to 5.12.2.8 of the updated Outline Onshore CEMP (REP1-087, Rev003) which contains a commitment to ensuring that where necessary mitigation measures will be revised, following a complaint, to ensure Best Practicable Means continue to be followed at all times during construction phase.</p> <p>The noise and vibration assessment considers the noise and vibration effects on human receptors, and the assessment of the impact of noise on livestock lies outside the scope of the assessment. However, livestock are no more sensitive than human receptors. Best practice mitigation measures for minimising construction noise on human receptors would also result in lower noise levels at other non-human receptors, including livestock.</p>
20	<p>8.5</p> <p>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</p>	<p>Please refer to point 3.4 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014), which contains responses to the points raised in the Interested Parties' Written Representation (REP1-232) and the points raised in this comment.</p> <p>The construction stage road traffic noise assessment has accounted for the construction traffic (both HGV and employee car movements) created by the Converter Station and Onshore Cable Corridor construction activities on the wider road network (Paragraph 24.4.4.4 of Chapter 24 of</p>



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	<p>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.</p> <p>We request that the Applicant provides a response to our specific point in paragraph 8.5 of our Clients' Written Representations.</p>	<p>the ES (APP-139)). The use of the Converter Station access road has not been included in the noise and vibration assessment. However, based on the quantity of vehicle movements assumed in the transport assessment and the time periods that these vehicle movements are expected to occur, the access road will not result in any significant noise or vibration effects. This is because the magnitude of noise level at Little Denmead Farm from vehicles travelling along the access road, located over 50m away, is predicted to be negligible. Therefore, no additional noise mitigation measures to those contained in the Onshore Outline CEMP (REP1-087, Rev003) are necessary.</p>
22	<p>9.3</p> <p>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 to 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.</p> <p>We request that the Applicant provides a response to our specific point in paragraph 9.3 of our Clients' Written Representations.</p>	<p>The classification of effects within the environmental assessment is based on operational (permanent) effects, and construction (temporary) effects. The effects of construction are therefore referred to as temporary irrespective of the construction period as they are not relevant to the long term operation of the facility. This is standard practice in environmental assessment, and does not in any way state the period of effects is less than has been explained and assessed in the ES.</p> <p>The dust risk assessment process, which was undertaken according to the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction Version 1.1, uses a part-qualitative, part quantitative process to assess the risk of unmitigated works, in this case producing a high risk of dust impacts for the Converter Station area, so as to inform appropriate mitigation. The full results of the dust risk assessment for the Converter Station area can be viewed in detail in Section 1.3.1 and Table 8 of Appendix 23.2 (REP1-074). In accordance with the guidance, the final assessment of dust effects is described in paragraph 23.6.4.2 of Chapter 23 (REP1-033) with proposed mitigation in place and are considered by the Applicant to be not significant.</p> <p>Air quality assessment is undertaken with reference to human receptors and designated ecological sites. Within the legislation and guidance there are no assessment criteria for potential air quality effects on livestock specifically. However, the assessment undertaken would be applicable to growth of grass which is grazed by livestock and therefore not significant.</p> <p>Additional reference can be made to Environment Agency Technical Guidance Note M17: Monitoring Particulate Matter in Ambient Air Around Waster facilities (2013), a summary of a review of available research which concluded that: <i>"The issue of dust on ecological receptors is largely confined to the associated chemical effect of dust, and particularly the effect of acidic or alkaline dust influencing vegetation through soils."</i> Monitoring of the chemical species in dusts are provided in this document, however, for non-toxic particulate matter on ecological receptors Environment Agency interim guidance concluded that most <i>"relatively insensitive vegetation species will not be significantly affected by smothering at dust deposition levels below about 200 mg/square metre/day"</i> which is equal to the human nuisance custom and practice guideline.</p>
23	<p>9.4</p> <p>The revised OCEMP (REP 1-087) has not been amended in respect of most of the points we make and we therefore request that the Applicant explains in more detail why it considers the measures to be "sufficient".</p>	<p>As per the response provided in Applicants Response to Written Representations (REP2-014) submitted at Deadline 2 the dust mitigation is considered sufficient as it is in line with best practice guidelines produced by the Institute of Air Quality Management (IAQM). IAQM are the industry's professional body on air quality assessments and guidance.</p>



Para No.	Comment	Applicant's Response
	<p>We note that paragraph 5.3.1.1 of the revised OCEMP (REP1-087) now states that <i>"The following measures <del>may be considered</del> will be taken during construction 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 (REP 1-087) still states that <i>"Construction Stage air monitoring <b>may be</b> used to check the effectiveness of the 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 (REP 1-087) 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 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 <i>"(2) Any construction environmental management plan must be substantially in accordance with the outline construction environmental management plan"</i>. It is 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.</p>	<p>Table 5.1 point 12 of the updated Onshore Outline CEMP has been updated for Deadline 4 to state:</p> <p><i>Construction Stage dust monitoring <b>will be</b> used to check the effectiveness of the damping down of the dust on site. The monitoring would be agreed with the relevant Environmental Health Officer by the Environmental Manager. This is anticipated to be through deposition pads and directional pads during high risk activities as per Table 5.1 (Row 9 to 12).</i></p>
24	<p>10.2</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>	<p>Chapter 23 (REP1-033) was completely reorganised from the original submission (APP-138) to provide the information in a clearer manner, in particular in relation to the explanation of the impacts along the Onshore Cable Corridor. A definitive tracked changes version therefore does not exist, as it would not be a legible or helpful document.</p> <p>The updates to Appendix 23.2 (REP1-074) were made in reference to the data used for background air quality and the inclusion of the ancient woodlands located to the north of the Converter Station. These updates did not affect the overall dust risk rating for the area around the Converter Station, which is described in detail in Section 1.3.1 and Table 8 of Appendix 23.2 (REP1-074).</p> <p>The main updates to Chapter 23 (REP1-033) were made in reference to the diverted traffic assessment and presentation of results that apply to the City of Portsmouth and Air Quality Management Areas within the City of Portsmouth. A summary of all updates can be found in paragraph 7.2.2 of the Schedule of Changes Submitted for Deadline 1 (REP1-089).</p>
25	<p>11.1</p> <p>Our Clients' points in relation to remediation outside the Order Limits still stand. Section 5.5 of the revised OCEMP (REP1-087 &amp; REP1-088) relates only to</p>	<p>A description of the updates to the Air Quality Chapter (REP1-033) can be found in Section 16 and Table 21.1 of the Environmental Statement Addendum document (REP1-139).</p>



Para No.	Comment	Applicant's Response
	<p>measures to prevent pollution of surface water and ground water. There is no section 6.9.2 in the revised OCEMP (REP1-087 &amp; REP1-088).</p>	<p>The Section 6.9.2 reference is an error. Mitigation in relation to contaminated land can be found in 5.5. In addition mitigation measures in relation to AQ raised in the original point made are located in 5.11 of the Onshore Outline CEMP.</p> <p>To confirm the response to the Written Representation at Deadline 1, with the mitigation secured in the Onshore Outline CEMP and as stated in the 16.6.1.10 of the Environmental Statement Chapter 16 Onshore Ecology, the impact on Stoneacre Copse would be negligible and non-significant.</p> <p>Stoneacre Copse was also assessed in the Environmental Statement Appendix 23.7 Air Quality Ecological Impacts (REP1-077). In conclusion the emissions from back-up generators would lead to negligible, non-significant residual effects.</p>
<p><b>26</b></p>	<p>12.3</p> <p>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".</p> <p>The Applicant's response does not resolve the issue we have raised. It merely repeats the drafting inadequacies we have objected to.</p> <p>We request the Applicant provides a fuller a more specific response.</p>	<p>The comment made is not agreed with. As previously explained, it is not possible to exhaustively list out all potential circumstances and it would not be a sound drafting approach to seek to do so, as this would have a high likelihood of leading to exceptional circumstances not being included for. It is also not considered the concept of exceptional circumstances is such that further drafting clarification is necessary. As explained, exceptional circumstances would be matters such as intruders seeking to enter the Converter Station or being within the areas in close proximity to the Converter Station so as to require deterrence (including during the hours of darkness), or in the event of circumstances where it is necessary for lighting to allow operatives to work safely to address emergency issues, such as operational failures. It is also relevant that the operational lightning will any event be carefully designed so as to minimise light spill in circumstances where it is necessary to light the converter station during the hours of darkness, so as to ensure in those periods adverse effects are avoided, with those details to be approved by the relevant planning authority in accordance with Requirement 6 to the dDCO (REP3-003). The Applicant is therefore content that the position is adequately stated and secured in the dDCO.</p> <p>As outlined in the updated Onshore Outline CEMP (REP1-087) Section 5.2.2.1, the appointed contractor will develop a Lighting Scheme for the construction and operational stages of the Converter Station which will be submitted for approval to the Local Planning Authority.</p>
<p><b>29</b></p>	<p>13</p> <p>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 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</p>	<p>13.3</p> <p>Para 26.4.3.4 states that the assessments made in Chapter 26 (Human Health) of the 2019 ES (APP-141) are at a population level, and individual level effects have not been identified. The assessment has identified that vulnerable groups exist within the study area, and that these groups are more sensitive to change (para 26.4.2.2). Particular vulnerable groups within the population were not given specific sensitivity ratings but were assumed to be distributed throughout the general population. Where a group within the population was deemed to be particularly vulnerable to an effect, a note was made within the assessment.</p> <p>Health effects associated with changes in air quality during construction at the Converter Station Area are anticipated to be negligible following implementation of appropriate controls and best practice methods. Anxiety stemming from the perceived effects of construction activities on air quality is also anticipated to be managed through the implementation of these measures. The assessment has taken into account that there will be a programme of community liaison to</p>



Para No.	Comment	Applicant's Response
	<p>significant) on human health receptors (residential receptors in close proximity)."                      - 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>We request the Applicant responds specifically to our Client's representations in paragraph 13 of their Written Representations.</p> <p>Relevant paras from Written Representation [REP1-232]:</p> <p>13.3 With regard to air quality impacts on human health during the construction of the converter station, paragraph 26.6.2.3 of Chapter 26 of the Environmental Statement dealing with human health (document number 6.1.26) states that there may be temporary residual minor adverse health impacts from associated anxiety due to perceived health effects, annoyance and nuisance from construction dust. However, what could be classed as a minor effect on a person who is healthy could on the contrary have a much more detrimental effect on someone who is elderly and with serious [redacted]. A material weakness of the human health assessment is that it does not take account of or provide any analysis of those who (like our Clients) will be living directly adjacent to the proposed converter station. The assessment is very general and due to this, is inadequate because the impacts on our Clients will not be negligible (which is what the assessment concludes).</p> <p>13.4 In terms of the impact on human health of the temporary stopping up of Footpaths 4 and 16 between 2021 and 2024, paragraph 26.6.2.10 of Chapter 26 of the Environmental Statement (document number 6.1.26) states that this is not considered to add substantial distance to the journey length and that this is only anticipated to result in a minor reduction in connectivity during construction. The impact on our Clients' use of this right of way however has not been properly assessed. Our Clients use this right of way for their daily walking exercise and the stopping up will mean that they will not have any other track that is close to their house to use for such purposes. Given their ages and health conditions, this will have a detrimental impact on their overall health and wellbeing. The Promoter itself acknowledges (in paragraph 26.6.2.12 of Chapter 26 of the Environment Statement (document number 6.1.26) that "<i>A reduction in ... physical activity may have a greater impact on vulnerable groups including older people</i>". We would question whether the proposed temporary stopping up therefore needs to last for the entirety of the construction period, and whether instead, the period of stopping up could be reduced or phased so as to allow more access to our Clients in particular.</p>	<p>provide early warning of construction activities (para 26.6.1.4). Measures for managing construction impacts have also been set out in the Onshore Outline CEMP (REP1-087) including recommendations for a stakeholder communications plan (Table 5.1).</p> <p>13.4</p> <p>Further details of the diversion to PRoW 4 and 16 is provided in the Environmental Statement Addendum – Appendix 14 Note on PRoW, Long Distance Walking Paths and Cycle Route Diversions (REP1-145) (see para 1.2.1).</p> <p>PRoW 4 and part of PRoW 16 (shown on Plat 1 of REP1-145) will be temporarily stopped up between points TSF/1/a, TSF/1/b and TSF/1/c during the construction phase, with temporary diversions put in place to enable access. It is anticipated that for a period of 3 months during construction this route will be unavailable, and the route will be diverted, adding an additional 300m to the overall journey between TSF/1/a and TSF/1/c. For the remainder of the construction period (15 months), the part of the route at TSF/1/c would remain open, with a diversion for the remainder of the route which would add an additional 20m to the overall journey between TSF/1/a and TSF/1/c.</p> <p>As assessed in Chapter 26 (Human Health) of the 2019 ES (APP-141), the disruption caused to all PRoW in the vicinity of the Converter Station Area is unlikely to cause a significant reduction in the use of the PRoW, and therefore is unlikely to result in changes to health outcomes related to physical activity for the population (para 26.6.2.12).</p> <p>As previously stated, individual level health effects have not been identified, though the assessment does note that "A reduction in social contact and physical activity may have a greater impact on vulnerable groups including older people, children and young people and socially excluded or isolated groups." (para 26.6.2.12).</p> <p>As a result, the health effects of any changes to landscape and green space (of which the PRoW are part of) have been assessed as minor adverse.</p> <p>13.5</p> <p>Table 26.3 of Chapter 26 (Human Health) of the 2019 ES (APP-141) provides an explanation of how effects have been categorised for the assessment. Minor effects are categorised as such "...if they are generally lower level quality of life or wellbeing impacts. Increases or reductions in noise, odour, visual amenity, etc. are examples of such effects. These effects can be important local considerations. Mitigation measures and detailed design work can reduce the adverse and enhance the positive effects such that there are only some residual effects remaining." Negligible effects are those "...within the bounds of normal/acceptable variation."</p> <p>The assessment in Chapter 24 (Noise and Vibration) of the 2019 ES (APP-139) has not identified any significant health effect caused by operational noise from the Converter Station, and all receptors, bar one residential property (Hinton Daubnay), are predicted to experience a negligible magnitude of change in operational noise levels (para 26.6.2.26).</p> <p>The assessment has highlighted that older people are particularly vulnerable to the impacts from low frequency noise and receptors include residential receptors in close proximity to the Converter Station Area (para 26.6.2.28). As a result, the assessment has concluded that health</p>



Para No.	Comment	Applicant's Response
	<p>13.5 In terms of the impact of the operation of the converter station on the overall wellbeing of residents like our Clients who will be living close to the converter station, paragraphs 26.6.2.27 and 26.6.2.28 of chapter 26 of the Environmental Statement (document number 6.1.26) states that <i>"it is anticipated that the noise from the Converter Station Area may be audible under certain operating and climatic conditions at the nearest residential receptors. Therefore, 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 in light of such negative effects, 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. This is particularly concerning for our Clients who will be living in very close proximity to the converter station and its access road, given their age and health conditions. For these reasons the Promoter's assessment on impacts on human health are not accurate in this regard.</p>	<p>effects due to noise during operation in the Converter Station Area will be negligible to minor adverse.</p>
<p><b>30</b></p>	<p>14.1</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 Client's 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>	<p>The Applicant has undertaken an assessment of all ecological features of conservation significance within the Environmental Statement Chapter 16 Onshore Ecology (APP-131). This includes badgers. The Applicant highlights that they have undertaken extensive consultation with Natural England with regard to badgers, which resulted in a Letter of No Impediment (LONI) being granted (APP-490). The LONI makes it clear that should the DCO be granted then a mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Indeed, the updated Outline Onshore Construction Environmental Management Plan (CEMP) (REP1-087) detailed the measures to be taken to mitigate and monitor badgers. Furthermore, the CEMP details that with support of appropriately experienced technical specialists, an Ecological Clerk of Works will monitor the Proposed Development for species including badgers, water voles and otters that are known to be present in the wider area. In the event of an unexpected find of such a species, an ecologist will advise the Clerk of Works on a course of action to offset potential effects and maintain legislative compliance.</p>
<p><b>31</b></p>	<p>This response does not address the point we make.</p> <p>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.</p>	<p>Paragraph 16.6.1.1 in Chapter 16 of the ES (APP-131) refers to the minimisation of impacts on ecological features, not their loss. Landscaping at the Converter Station as fully detailed in the revised Outline Biodiversity Strategy (OLBS; REP1-034) provides extensive opportunities for ecological features through the lifetime of the Proposed Development. Table 13 within ES Appendix 15.7 Landscape Schedules, Planting Heights and Image Board (APP-405) details</p>



Para No.	Comment	Applicant's Response
	<p>Would the Applicant please clarify whether it is confirming it will take 12 months to restore the loss of important species? 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?</p>	<p>expected growth periods of planting and estimates of growth periods to maturity, which are dependent on species used for planting. Hedgerows are expected to take between 5 and 10 years to reach maturity, with tree planting maturing after 15 to 20 years on average (but this is species dependent, with slower growing species maturing after up to 35 years). The OLBS includes management prescriptions for years 0 – 5 of the Proposed Development which will be sufficient to ensure that the development of habitats is in line with expectations. Thereafter management and maintenance works will continue throughout the operational lifetime of the Converter Station. Subject to consent, and as stated in paragraph 1.1.3.8 to 1.1.3.9, the detailed landscaping scheme will include management, maintenance and monitoring plans and these, alongside the confirmed management responsibilities will prescribe in further detail maintenance regimes considering the aims, specific objectives and functions needed to ensure the full and successful establishment of the planting when reviewed against specific targets / indicators. Chapter 16 of the ES takes account of all appropriate information and appropriately characterises the impacts on ecological features and required mitigation.</p>
<p><b>32</b></p>	<p>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 affect by hedgerow removal is unjustified.</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 Scheme (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 out Client's 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>	<p>As detailed in the Applicant's Response to Deadline 2 Submissions (REP3-041) and recognised within the Written Representation (REP1-232), the period of time that landscape planting, including hedgerows, will take to mature has been taken into account in our assessment of impacts and development of mitigation. Table 13 within ES Appendix 15.7 Landscape Schedules, Planting Heights and Image Board (APP-405) details expected growth periods of planting and estimates of growth periods to maturity, which are dependent on species used for planting. Hedgerows are expected to take between 5 and 10 years to reach maturity, with tree planting maturing after 15 to 20 years on average (but this is species dependent, with slower growing species maturing after up to 35 years).</p>
<p><b>34</b></p>	<p>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.</p>	<p>Consent is not sought for decommissioning at this time. Decommissioning will require a consent at the time it is proposed to be carried out, and will be subject to all relevant assessments required at that time.</p> <p>The Applicant notes that there are many other made DCO's for energy infrastructure to those referenced which do not include a decommissioning requirement, particularly where decommissioning is not to be required within a specified timeframe. That the Proposed</p>



Para No.	Comment	Applicant's Response
	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 Bruton C Power Station, Riverside Energy Park, Norfolk Vanguard Project, Drax Re-power Project, Abergelli Power Project, Mill Brook Power Project, Ferrybridge Multifuel (FM2) Power Station, and Hinkley Point C Connection Project. Please would the Applicant explain why its case is so different?	<p>Development has a design life of 40 years does not mean it will be in operation for 40 years only.</p> <p>Nonetheless, the Applicant notes the comments made regarding other DCO's and has discussed this issue with relevant local authorities. Where appropriate, wording to confirm that action will be taken at an appropriate time to decommission the Proposed Development may be included within the DCO in a future revision. The Applicant is considering this point further.</p>

**Table 2.5 - Ian Judd & Partners on Behalf of Mr. Michael Jefferies and Mrs. Sandra Jefferies**

Para No.	Comment	Applicant's Response
Para 3.4.4	The track has been present for 30 years, therefore there hasn't been any planning applications in recent years. The moto-cross track is visible from aerial mapping. If the Applicant had physically viewed the property before submission it would be fully aware of the existence of the moto-cross use. The Applicant has not liaised with the landowner or their representatives in any way since the application has been submitted. The rent passing has no bearing on the uses of the land.	<p>The Applicant was fully aware of the presence of the moto-cross track before submission. However, the Landowner did not make the Applicant aware of the third party use of the track.</p> <p>As part of the land referencing process for the Proposed Development, the Applicant sent the landowner a Land Interest Questionnaire (LIQ) requesting details about their property, including any third-party interests, on 06 November 2018. No response was received from the Landowner.</p> <p>A Confirmation Schedule to confirm the information the Applicant held in relation to the landowner's property is correct and to identify any other people who may have interests in the land so that the Applicant may contact them regarding the proposals, was subsequently sent to the Landowner on 02 October 2019. The Confirmation Schedule set out that the Applicant didn't have any knowledge of third-party interests. The Landowner responded with a signed and dated (08 October 2019) confirmation that 'the interests set out in the schedule(s) and attached plan(s), as amended if necessary, are complete and accurate to the best of my knowledge'. As such the Applicant is surprised that the Landowner is now raising the issues of a third-party interest in their land at this stage rather than earlier in the process when they had the opportunity to do so.</p> <p>The Applicant also notes that the relevant representation made by Blake Morgan LLP on behalf of The Owners of Hillcrest (RR-070) received by PINS on 17 February 2020 did not raise any details of a third-party interest in relation to the moto-cross circuit and the Landowner only raised the third party interest at Deadline 1.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner and has requested further information about the moto-cross track at Deadline 3 and held a meeting with the Landowner's agent on 12 November 2020 in an attempt to progress matters.</p>
Para 5.3.5	The Application makes no distinction between the two micro-site options in relation to the proposed powers of compulsory acquisition of freehold interests and the Promoter intends to permanently acquire the same sized area of land within plot 1-23 irrespective of which micro-site Option B(i) or Option B(ii) is	The Applicant is further reviewing the two micro sited options to determine whether if Option B(ii) is chosen it may be possible to undertake planting over a reduced area in Plots 1-23 and 1-29 without detriment to the objectives set out in the Outline Landscape and Biodiversity Strategy (REP1-034). However, the planting within the Order limits has been proposed not only to



Para No.	Comment	Applicant's Response
	<p>finally chosen without providing an explanation as to why the same extent of land is sought to be would be required. Logically it would involve a revised plot area with the western edge moved approximately 40 metres eastwards.</p> <p>The Applicant has not addressed this point. There is no distinction between the powers sort for compulsory acquisition between B(i) &amp; B(ii). It would be logical to assume that less land is required if the site to relocated to the east.</p>	<p>maximise the screening benefits, but also to provide ecological enhancements and to respond to comments raised by Winchester City Council from a planning policy and impacts perspective.</p> <p>Having begun this review in light of the comments now received, it is identified that the extent of planting may be able to be revised for Option B(ii) and presented in revised indicative landscape mitigation plans without having a detrimental impact on the screening to be provided in connection with the Converter Station. Should it be determined following further consideration that part of this plot may be removed where Option B(ii) is chosen, the Applicant intends to provide appropriate updates to the relevant documents at Deadline 5 to ensure the position is confirmed in advance of the CA Hearings.</p>
Para 5.3.6	<p>The Promoter has failed to explain why the freehold interest to these areas of Plot 1-23 need to be permanently compulsorily acquired for the development or why they are required to facilitate or are incidental to the development.</p> <p>We are fully aware of outline of the project. The Applicant has failed to identify specifically the proposed use of Plot 1-23 and why permanent compulsory acquisition is needed over and above Landscaping rights.</p>	<p>The Applicant has provided a response in the Applicant's Response to Deadline 2 Submissions (REP3-014) under paragraph 3.6 in Table 2.5. This response sets out why the extent of compulsory acquisition is sought over Plot 1-23 and that the land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development. It may be required as part of the footprint of the Converter Station and the planting will strengthen the area's visual screening function, enhance biodiversity and aid security around the perimeter areas of the Converter Station. In addition, the planting proposed provides an ecological benefit, and therefore must be maintained and otherwise left undisturbed to realise this benefit. Accordingly, the position in relation to the land on which the new planting is located is akin to exclusive possession, and freehold acquisition of the land is therefore the correct approach.</p>
5.3.7	<p>The Promoter has also failed to produce an Indicative Landscape Mitigation Plan in relation to Option B(ii).</p> <p>Much of Plot 1-23 will remain Existing Recreational Area and proposed scrub and will offer little landscaping value. Why are compulsory acquisition rights sought on this land?</p>	<p>The Applicant has prepared an Indicative Landscape Mitigation Plan for Option B(ii) and this was submitted at Deadline 1 (REP1-137).</p> <p>As referred to above this plan will be revised in the event it is determined possible to undertake planting over a reduced area in Plots 1-23 and 1-29 without detriment to the objectives set out in the Outline Landscape and Biodiversity Strategy (REP1-034).</p>
5.3.8	<p>The Promoter will not need to own the freehold to the land within plot 1-23 that is only to be landscaped because it will also be protected by Article 23 of the draft DCO if the Promoter only has landscaping rights over that land.</p> <p>Other than safety and security, the Applicant has not addressed the issue raised. With no form of safety or security fence around the freehold site, it remains unclear how the ownership of the entirety of Plot 1-23 aids safety or security of the Converter site.</p>	<p>A multi-functional fence of a suitable height and construction will be installed to provide a temporary protection to planting until this becomes established to minimise loss as a consequence of grazing deer and rabbits as referred to in the OLBS (REP1-034), and also to act as a permanent demarcation fence to mark a boundary between the Converter Station Area and other private lands and to create a visual and physical barrier to deter any trespassing.</p> <p>In addition and as explained elsewhere in this document, the landscaping and ecological enhancements to be provided are required to be maintained and otherwise left undisturbed to realise their benefit. The position in respect of the land during the period of operation is that it cannot be used by third parties and is therefore akin to exclusive possession, and as such freehold acquisition of the land is the appropriate approach to take.</p>
5.3.7	<p>The Promoter has not demonstrated that it has a clear idea of how it intends to use the land which it proposes to acquire.</p>	<p>The Applicant refers to their response to paragraph 5.3.57 and 5.3.7 (above) which sets out the use of the land. As explained in the Applicant's Response to Deadline 2 Submission (REP3-014), the proposals reflect the extensive engagement with and feedback received from LPAs who are concerned over the potential loss of vegetation in this area. The documents submitted</p>



Para No.	Comment	Applicant's Response
	<p>This is very misleading, as neither the converter station, Telecommunications Buildings or Attenuation ponds or Access Road will be located on Plot 1-23. It appears the land is solely required for Landscaping.</p> <p>Why can Landscaping rights not be sought?</p>	<p>into the Application, including the Indicative Landscape Mitigation plans for both of Options B(i) and B(ii), clearly show how the land is to be used as part of the Proposed Development.</p>
5.4.7	<p>The Promoter has failed to provide any justification for the need for permanent landscaping rights over the full length of Hedgerow HR06 in plot 1-24. This hedgerow runs perpendicular to the Converter Station and no explanation has been given by the Promoter as to the screening value that the full length of this hedgerow would provide compared to the relatively narrow screening that is proposed to be planted along the western boundary of the Converter Station.</p> <p>The Applicant has not provided any detailed response to this point.</p>	<p>The Applicant refers to the Applicant's Response to Deadline 2 Submission paragraph 3.5 (REP3-014) which also applies to HR06 in plot 1-24. This hedgerow is a strong tree belt and important in terms of its landscape and ecological connectivity and biodiversity. The hedgerow adds to the visual screening function of adjacent hedgerows and its retention reflects the extensive engagement with and feedback received from the LPAs.</p>
5.4.8	<p>Similarly, that part of Hedgerow HR05 situated in plots 1-15, 1-17 and 1-19 also runs perpendicular to the Converter Station in this location and the Promoter has offered no explanation as to the screening value that this section of Hedgerow HR05 would provide.</p> <p>The Applicant has not provided any detailed response to this point.</p>	<p>The Applicant refers to the points made above under paragraph 5.4.7 which also apply to all land within plot 1-15, 1-17 and 1-19. These hedgerows / linear belts of hedgerow trees serve an important visual screening function adding to the hedgerows retained along Old Mill Road as well as being important in terms of landscape and biodiversity connectivity. The hedgerows act as a visual screen for transport and recreational users utilising Old Mill Road, and as referred to in the ES Chapter 15 (paragraph 15.5.3.53) (APP-130) Old Mill Lane forms part of a couple of locally promoted cycle routes (Broadpenny Down) and (River Alre) reflected on Figure 15.46 (APP-279). Their retention therefore ensures a screening benefit for such users.</p>
5.4.11	<p>The Promoter has failed to demonstrate that all the land in plots 1-15, 1-17, 1-19 and 1-24 is required for the development.</p> <p>The Applicant has not provided any detailed response to this point.</p>	<p>As outlined in the table contained within the Statement of Reasons (REP1-025) under paragraph 6.3.1, New Landscaping Rights are required over Plots 1-15, 1-17, 1-19 and 1-24 for soft and hard landscaping in association with Work No. 2.</p> <p>As outlined above, planting within Plots 1-15, 1-17 and 1-19 serve as an important visual screening function as well as being important in terms of landscape and biodiversity connectivity. Similarly, Plot 1-24 is a strong tree belt and important in terms of its landscape and ecological connectivity and biodiversity. The hedgerow adds to the visual screening function of adjacent hedgerows and its retention reflects the extensive engagement with and feedback received from the LPAs.</p>
7.3	<p>To date, despite the landowners' representative chasing the Applicant's Solicitors and Agent to progress matters, we have not received any communication from the Applicant since the original Heads of Terms issued in November 2019.</p>	<p>That the landowners representatives have not received any communication since November 2019 is not correct. It is correct that new Heads of Terms had not been issued, but the comment made overstates the position.</p> <p>The landowner appointed their agent on 12 September 2019 and the Applicant's agent met with the landowner's agent on 16 December 2019 and 11 February 2020 with a further call taking place on 19 May 2020.</p> <p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and has held a meeting with the Landowner's agent on 12 November 2020 in an attempt to progress matters.</p>

Para No.	Comment	Applicant's Response
8.2.2	<p>What is lacking from Chapter 24 is an analysis in layman's terms of what all the different sets of data presented for R2 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".</p> <p>The significant adverse effect will be at all time throughout constructions. The Applicant has not put in place sufficient mitigation to reduce the impact on the immediate residential neighbours.</p>	<p>Please refer to Chapter 24 of the Non-Technical Summary (REP1-079) for a non-technical description of the conclusions identified in Chapter 24 of the ES.</p> <p>The Applicant refers to Paragraph 3.7 of Table 2.6 of the Applicant's Response to Deadline 2 Submissions (REP3-014) for an explanation of the term negligible in the context of the operational noise assessment.</p> <p>As explained in Paragraph 3.6 of Table 2.6 of the Applicant's Response to Deadline 2 Submissions (REP3-014), the noise effects associated with the construction of the Converter Station are expected to be negligible at R2 (Hillcrest). Please refer to sections 24.4.2 and 24.4.7 of Chapter 24 of the ES (APP-139), and in particular tables 24.3, 24.4 and 24.14 for an explanation of what level of construction noise is considered a negligible effect.</p> <p>The best practice noise and vibration mitigation measures specified in the updated Outline Onshore CEMP (REP1-087) submitted at Deadline 4 are sufficient to demonstrate that noise and vibration effects will be minimised as far as reasonably practicable. The Applicant refers to section 6.3.8 of the updated Onshore Outline CEMP which includes some best practice measures specific to construction noise and vibration at the Converter Station area.</p>
8.4.3	<p>As native mixed woodland species will be used, such partial screening is only likely to apply during the summer months and offer little or no screening value during the winter months when such trees have no leaves.</p> <p>The Applicant has not provided any detailed response to this point.</p>	<p>The Applicant accepts that there will be better screening in summer but disagrees that there will be "little or no screening value during the winter". There are two aspects to this: the depth of the planted areas and the inclusion of a proportion of evergreen species specifically to enhance winter screening. The Applicant refers to Appendix 15.7 Landscape Schedules, Planting Heights and Image Board (APP-405) which shows a mix of native vegetation including a proportion of holly and yew in the planting palette and to the revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) which shows a planted belt which will be approximately 20 m wide at its narrowest point.</p>

**Table 2.6 – Hampshire County Council**

Para No.	Comment	Applicant's Response
<b>Further submission including highways comments on matters raised at Deadline 2 and other matters</b>		
<b>Highways</b>		
<b>Public Rights of Way Network</b>		
	<p>The Highway Authority is of the opinion that the current Temporary Traffic Regulation Order (TTRO) process is the best means of facilitating closures of the rights of way network for the Aquind scheme. There is an established system which users of public rights of way are familiar with checking and using; a working relationship is established with local advertising organisations; there is staff resource to deal with enquiries from the public and there is a clear and</p>	<p>As confirmed at Deadline 3, the Applicant confirms that it will further discuss how to capture any necessary requirements within the dDCO and the associated control documents to ensure the authority are satisfied with the mechanisms and process for securing that reinstatement is carried out to an appropriate standard. This was most recently discussed with HCC on the 10<sup>th</sup> November.</p>



Para No.	Comment	Applicant's Response
	direct link and accountability between the Highway Authority and the public rights of way network.	The authorising power will however remain as Article 16 of the Order rather than the matter being dealt with outside of this in the future, so as to ensure the DCO delivers the benefits of a single consent necessary and appropriate for nationally significant infrastructure.
	If Aquind insist upon moving outside this system, the Highway Authority would want agreement on a process for notifying the public, a dedicated resource established to deal with public enquiries and contact details that the Highway Authority can pass on and an agreed process whereby the Highway Authority can confirm and agree satisfactory reinstatement of the public right of way.	Please see the response above.
	The Highway Authority also query some of the assumptions Aquind have made in assessing the impact on public rights of way. As an example Appendix 14; section 1.2.3 refer to "PROW11", advising that no action is required as the 'PROW stops as it reaches Maurepas Way (i.e. the boundary of the order limit) no diversion is needed' However, if no onward route is provided around the order limits, then the project would result in a public right of way that has no through route and the entire right of way would need to be closed. The public rights of way cannot be considered in isolation as they interconnect with the rest of the highway network and other access routes, which allow people to navigate across the county.	<p>The PRoW Note (Appendix 14 to the Environmental Statement Addendum, REP1-145) states that where a PRoW coincides with a highway affected by the Order Limits, no diversion is needed (para 1.1.2.4). This is the case with PRoW 11 and this route would continue to connect to the highway footway as per the existing route.</p> <p>Section 2.9.2. of the FTMS (REP1-068), states that where construction is required on-footway, 'a minimum unobstructed width of 1.0 m will be provided alongside the construction corridor and where this is not possible a safe alternative route will be provided. This will include provision of suitable crossing facilities where required.'</p>
<b>Other Matters</b>		
<b>An updated Statement of Common Ground with the applicant has not been provided at this deadline. However, the County Council can offer the following updates on specific matters:</b>		
<b>Drainage and Flood Risk</b>		
	In relation to potential flood risk, the applicant and officers from the County Council (in its role as Lead Local Flood Authority (LLFA)) met on 27 October 2020 to discuss outstanding concerns on potential flood risk with specific regard to items listed in the Local Impact Report in relation to surface water. The meeting focussed on the additional information submitted at deadline 1 within the Onshore Outline Construction Environmental Management Plan in relation to the drainage proposals at the converter station (Appendices 6 & 7). The LLFA considers that the information provided to date has not been sufficiently detailed to demonstrate that the drainage proposals work. This is particularly due to the planned, but yet to be undertaken, infiltration testing (to demonstrate that a discharge rate of 3.4 litres per second is realistic when there are no immediate watercourses to discharge into at this location).	<p>Following the meeting with HCC LLFA on the 27 October referenced within HCC's comment it is understood that in general HCC's LLFA is in agreement with the general principles and assessment in relation to the flood risk and drainage environment.</p> <p>The only ongoing matter that is being discussed between HCC's LLFA and the Applicant is in relation to infiltration.</p> <p>Infiltration testing is to be undertaken to validate surface water drainage design assumptions and proposed surface water management principles.</p> <p>To reach agreement upon the proposed surface water management principles, following receipt of infiltration test results, the Applicant has agreed with HCC LLFA to discuss the findings of the testing and provide an update on the outline drainage principles and infiltration rate assumptions underpinning the surface water management design assumptions.</p> <p>The above is reflected within the SoCG with HCC submitted at Deadline 4 and the Applicant will continue to work with HCC LLFA to on matters in relation to infiltration testing.</p>

Para No.	Comment	Applicant's Response
<b>Compulsory Acquisition Rights</b>		
	In the meantime, the Highway Authority still require a plan showing the boundary of the application with the highway boundary overlaid. Alternatively, a GIS file of the application boundary should be provided to enable a comparison of the two elements.	A GIS file has been provided directly to HCC on 16 November 2020.
<b>Potential Future Rights as a Telecommunications Provider</b>		
	<p>It is apparent that the application also provides telecommunication infrastructure which has a further commercial benefit beyond the initially proposed scope of the scheme. It is unclear, if this should be granted approval within the application, how the powers within the DCO would relate to future connections to this infrastructure and whether the powers to disapply statutory and legal processes would apply to these elements of the work.</p> <p>Clarity is sought on this matter.</p>	<p>The DCO does not apply to development which is not the Proposed Development, for instance any future telecommunications connections, and would therefore be of no effect in relation to it. The Applicant confirms there is no intention for the DCO to consent such infrastructure, or to apply in relation to it, and it has therefore not been drafted to do so. The DCO and supporting documents do seek to confirm that the fibre optic infrastructure forming part of the Proposed Development can be used for commercial purposes so as to realise the full benefit of the infrastructure to be provided, but that is the full extent of the nature of the provisions sought in the DCO in this regard.</p> <p>Any future telecommunications connections would be subject to the applicable legal regime in relation to them.</p>
<b>Appendix One – Highway Authority Response to Deadline 3</b>		
<b>Comments on Aquind's Response to Hampshire County Council's Local Impact Report (LIR)</b>		
<b>Permit Scheme</b>		
	<p>The applicant has not provided details on why they consider the permit scheme would be unacceptable other than the desire to achieve one consent for all areas within the DCO. It is noted however that this is not proposed to be the case for all areas as there are listed several permissions which will be sought post approval, although none other than abnormal loads which are related to Highways.</p> <p>Whilst the Highway Authority appreciate the purpose of the DCO process, and are content to agree suitable protective provisions and requirements within the DCO for other elements, it has yet to reach agreement with the applicant that the dismissal of the permit scheme is in the public interest.</p> <p>The processes involved in the permit scheme are used by all works promoters operating in England and similar schemes operate across the country. They are therefore a well understood and utilised way for coordinating and managing works that all utility companies understand.</p>	<p>The Applicant has explained in recent discussions to HCC that significant work has been undertaken to produce the FTMS, which provides the controls to ensure the development in the highway is carried out in a manner so as to appropriately mitigate impacts. It is therefore imperative that the FTMS is acknowledged and given appropriate status in the highways permitting process, and that the permitting process cannot cause conflicts with this. It is for this reason the permit scheme is disapplied. This has been explained on several occasions previously.</p> <p>Further to those discussions, the Applicant confirms it is considering how best to proceed, having listened to the concerns of the highway authority where the Proposed Development is dealt with outside of the permit scheme.</p> <p>The Applicant is continuing discussions with HCC in this regard to seek to reach a position which is agreeable to both parties.</p>
	The Highway Authority is not aware of any previous schemes where the permit scheme has been disapplied and the applicant has not provided any evidence of	Please see the response above.



Para No.	Comment	Applicant's Response
	similar recent schemes where the Permit scheme has been disapplied and worked effectively for the benefit of all.	
	<p>The Highway Authority have provided detailed comments on the draft protective provisions further within this response. It is key however to note that what is being proposed by the applicant is not considered to be agile enough and does not consider the needs of the travelling public. Neither does it allow the County Council to execute its Network Management Duty, as per the Traffic Management Act 2004, to facilitate the free flow of traffic and minimise traffic disruption.</p>	<p>Whilst the comments made that the protective provisions are not considered to be agile enough, do not consider the needs of the travelling public and do not allow the County Council to execute its Network Management Duty are noted, they are not agreed with. All such matters have been at the forefront of the Applicant's mind when proposing the protective provisions, and it is considered are addressed by them.</p> <p>Irrespective of that position however, taking into account recent discussions regarding the permit scheme and the response provided above, the Applicant has not sought to provide responses in respect of the comments provided by HCC on the protective provisions at this time.</p>
<p><b>Construction Hours</b></p>		
	<p>The Highway Authority are concerned that the draft DCO lacks sufficient flexibility to enable the Highway Authority to effectively manage the highway network through the direction of appropriate working hours. This is covered in detail later in this submission and was a matter considered carefully by the Examining Authority for the Southampton to London Pipeline DCO. The wording secured for that DCO is set out below and it is suggested that said wording could be replicated within this dDCO.</p> <p><i>"Construction works must only take place between 0800 and 1800 on weekdays (except Public and Bank Holidays) and Saturdays, except in the event of an emergency.</i></p> <p><i>In the event of an emergency, notification of that emergency must be given to the relevant planning authority and the relevant highway authority as soon as reasonably practicable.</i></p> <p><i>The following operations may where necessary continue or take place on an exceptional basis outside the working hours;</i></p> <ul style="list-style-type: none"> <li>• <i>trenchless construction techniques which cannot be interrupted;</i></li> <li>• <i>filling, testing, dewatering and drying; works required to mitigate delays to the construction of the authorised development due to extreme weather conditions;</i></li> <li>• <i>and commissioning of the cabling works.</i></li> </ul> <p><i>Nothing above precludes—</i></p> <p><i>(a) the receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</i></p> <p><i>(b) start-up and shut-down activities up to an hour either side of the core working hours and undertaken in compliance with the CEMP;</i></p>	<p>The working hours to be employed for the construction of the Proposed Development have been very carefully considered so as to balance the impacts on the highway network and the impacts on the amenity of persons living in proximity to it. The Applicant has explained to HCC on several occasions that it will not accept a position where it is forced to undertake works at times which it has not determined to be acceptable following the assessment of impacts on amenity it has undertaken and which is reported in the ES.</p> <p>Should HCC have specific comments in relation to specific locations where it does not consider the working hours are appropriate, or where further flexibility is required, comments to this effect should be provided in relation to the FTMS (REP1-068) which can then be considered by the Applicant. This input has been requested on previous occasions, and it is hoped HCC will engage as necessary to ensure an appropriate and acceptable solution can be reached for both parties.</p>

Para No.	Comment	Applicant's Response
	<p><u>(c) and works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit schemes and following consultation by the relevant highway authority with the relevant planning authority under the terms of such scheme.</u></p> <p><i>In this Requirement "emergency" means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action."</i></p> <p>Notwithstanding the above, and without prejudicing the in-principle position of the Highway Authority regarding the inappropriate proposed disapplication of the permit scheme, if it is determined by the Examining Authority that sufficient justification has been provided to support the applicant's approach, Hampshire County Council will require amendments to be made to the protective provisions. These points have been set out in Annex 1 of this response.</p>	
<b>Traffic Regulation Orders</b>		
	<p>It is proposed to disapply the Road Traffic Regulation Act 1984 and processes with regard to Traffic Regulation Orders. The DCO will need to fully replicate the legal requirements in relation to advertising, public consultation, timescales and notification to emergency services and the Highway Authority. Careful consideration will need to be given regarding the process secured within the DCO and how this fits with the wider approval process.</p>	<p>It is not proposed to disapply to the Road Traffic Regulation Act 1984, rather the DCO provides the process for obtaining TRO's at Article 16 where necessary. This ensures these can be obtained as part of the single consent provided by the DCO in an appropriate manner.</p> <p>The approach being taken by the Applicant is no different to that taken by other DCO's which include works on the highway and the ability to make TRO's. It is an entirely acceptable approach.</p> <p>The Applicant does not consider there is any need for any additional process to be provided for. The position is adequate and tried and tested in DCO's, without any particular issues being known to arise as a result.</p>
	<p>No clarity has been provided regarding the mechanism for securing the permanent TRO at the Broadway Lane site access to ban right turn movements from the junction. This should be provided by the applicant. The process may need to vary for permanent and temporary TROs.</p>	<p>It is the Applicant's view that a new permanent Traffic Regulation Order (TRO) will be required to prohibit the right turn out of the site. This will be authorised and approved pursuant to the power and process provided for at Article 16 of the dDCO (REP3-003).</p>
<b>Maintenance Provision</b>		
	<p>The applicant refers to NRSWA providing powers for future maintenance requirements. It is unclear in the technical documentation submitted with the application if this includes compliance with the permit scheme for future maintenance works outside the initial delivery of the works. Clarity is sought from the applicant. The Highway Authority already have significant concerns regarding the disapplication of the permit scheme for the construction of the works, dismissal for future maintenance in perpetuity would be wholly</p>	<p>As explained above, the Applicant is discussing the position in relation to the permit scheme with HCC to seek to reach to a position acceptable to both parties.</p>



Para No.	Comment	Applicant's Response
	<p>unacceptable and would place a ongoing operational burden on the Highway Authority in relation to its Network Management Duties.</p>	
<p><b>S278 Design Checking and Legal Agreements</b></p>		
	<p>Specific comments are provided on the additional technical information submitted further within this response. It is noted within Aquind's response to Hampshire County Council's Local Impact Report that they will engage and seek detailed approval for the access works through the Highway Authority's adopted Section 278 design checking process and that this shall be secured through the DCO. It is requested that this process is specifically referred to, and secured appropriately, through the DCO drafting.</p> <p>It is also acknowledged that the applicant is producing a standard detail of the temporary construction access arrangements and the Highway Authority will comment further on receipt of these.</p> <p>A matter which requires further consideration by the applicant and the Highway Authority is whether it is appropriate to disapply the requirement for approval to work on the highway which would otherwise be secured through the entering of a Section 278 legal agreement. It is understood that the applicant wishes to avoid this additional legal approval through appropriate requirements within the DCO drafting. However the Highway Authority is concerned regarding its liability in relation to these works, enforcement powers should the works not be completed to its satisfaction or any surety in relation to the works to enable to Highway Authority to carry out further works, if necessary, in the interest of highway safety.</p>	<p>The Applicant is in discussions with HCC regarding the design check approval process to be included in protective provisions. The Applicant is aware that the process must be adequate to allow for the approval of the works before they are commenced and to ensure the works are properly undertaken and signed off by the authority.</p> <p>The Applicant has submitted a Construction Access Drawing to HCC on 16 November 2020 which provides an example layout for all construction access locations and the design criteria which will need to be met. The Applicant therefore welcomes the views of HCC on the submitted material in due course.</p> <p>The Applicant is continuing discussions with HCC regarding how these processes can be provided for via protective provisions.</p>
<p><b>Reinstatement Requirements</b></p>		
	<p>The Highway Authority have requested full lane reinstatement, and this has been responded to by the applicant as an unnecessary and unreasonable request. The applicant has stated that it will comply with all statutory requirements for the reinstatement and the relevant guarantee periods. This matter is not agreed.</p> <p>The detail for the requirement for the reinstatement is understood to be set out within the protective provisions and this will need to be discussed further with the applicant. The Highway Authority's primary concern relates to the extent of the works which, by their nature, would ordinarily require planning permission and are therefore not considered to be standard statutory undertakers' provisions.</p> <p>The extent of trenching and potential location for this within the wheel tracks could lead to a highway safety risk and an ongoing maintenance liability. Additional resurfacing requirements have therefore been requested to ensure</p>	<p>In accordance with the controls provided for by Article 12 of the dDCO (REP3-003) the Applicant will be required to carry out reinstatement in accordance with the NRSWA. As such, reinstatement will be carried out in accordance with the relevant regulations and applicable guidance, including in respect of the reinstatement of opening in the highways and guarantees for reinstatement once carried out.</p> <p>Whilst the comments made are noted, HCC have not explained why they do not consider the statutory guidance which will be applicable to the standard of reinstatement required is not sufficient to inform the reinstatement that must be provided in respect of works undertaken in the highway.</p>



Para No.	Comment	Applicant's Response
	that the interest of the Highway Authority, and the safety of the travelling public, is suitably protected.	
<b>Indemnity</b>		
	<p>An indemnity has been sought for diversion of the cables should it be required to facilitate, as yet unidentified, highway works in the future. The applicant has in previous discussions provided assurance that the cable will be laid in a manner which will negate the need for its future diversion. However, the application as it stands does not replicate these discussions. Therefore, without any changes to the parameters regarding construction depth it seems reasonable to request that the applicant provide an insurance policy to provide protection to the public funds should works be necessary in order to facilitate highway improvement.</p> <p>The A3 and the B2150 are both classified roads which take a considerable amount of traffic and play any important role within the network, including a diversion route for the A3(M). It is therefore not unreasonable to assume that alterations or additional access points may be required to it at some point above those already committed and discussed. The applicant is seeking development consent to implement their project within the highway, and this should not be at the cost of the Highway Authority either now or in the future. An indemnity is therefore sought to ensure that this project will not prejudice future schemes due to costly or impossible diversion requirements that would otherwise arise.</p>	<p>The Applicant maintains its position that an indemnity is not appropriate. The works the Applicant is to undertake are not of a different character to those undertaken by other utilities undertakers in the highway and do not give rise to any potential issues in relation to future connections to the highway that would not otherwise exist in respect of any such utilities.</p> <p>It is noted that the A3 and the B2150 are both classified roads which take a considerable amount of traffic and play any important role within the network, and that alterations or additional access points may be required to them at some point above those already committed to, but no explanation has been provided of how the Proposed Development will give rise to the need to divert the Proposed Development in the future or how the Proposed Development could prejudice any future schemes.</p> <p>HCC have also not addressed that if they were to divert other utilities apparatus to facilitate road improvements, this would not be paid for by the owner of that apparatus. There is no reason why the position should be any different in respect of the Proposed Development. Albeit, this point is only of little relevance as the Proposed Development will not prejudice any future highways schemes by being located beneath the surface of the highway alongside other similar utility infrastructure.</p>
	<p>The indicative depth is shown to be 750mm below the surface of the highway as shown in Plate 3.1 of the Environmental Statement Addendum. This is the minimum depth or requirement as set out within the National Joint Utilities Group Guidance, Volume 1, Issue 9, document.</p> <p>In previous discussions the Highway Authority had requested that in order to minimise the potential need for future diversion, the cables should be laid to a preferred depth of 1200mm as opposed to the minimum of the range at 750mm. This should be considered and agreed at this stage as it may affect the cable installation rates already amended at deadline 1. It is also noted that within the National Joint Utilities Group Guidance, the minimum depths are for installation under footways and that the parameters are minimum allowances. Within the carriageway it would therefore not be unreasonable to assume a greater depth for the minimum parameters should be required.</p>	<p>The burial depths specified comply with what has been industry practice for Extra High Voltage (EHV) cables installations for many years and are as specified in NGTS 357, ENA TS 09-02 and most Utility's specifications for EHV cable installations.</p> <p>As previously noted the dimension of 750mm is not the depth of burial of the cables but is the minimum dimension to the top of the protective tiles. The actual depth of burial for the ducts and hence cables is lower than this and will vary along the route as required to cross existing services, obstacles or specific features (bridges for example).</p> <p>HCC's comments are noted and the Applicant is looking to work with HCC to address these concerns regarding the minimum burial depth. The Applicant will therefore discuss with HCC the controls that may be included in relation to the securing of a minimum burial depth in the highway.</p>
<b>Highway Trees</b>		
	<p>Comments have been provided regarding the highway trees and the mechanism for assessment and compensation.</p> <p>Article 41 (2) and 42 (2) (a) of the draft DCO states that the undertaker must pay compensation for any unnecessary damage caused. However, the term</p>	<p>Article 41 and 42 are authorising powers, and they are subject to the controls provided in connection with the methodology to determine whether trees are to be retained in connection with the construction of the Proposed Development. They do not override or otherwise water down the commitments made in this respect, which for clarity are summarised below.</p>



Para No.	Comment	Applicant's Response
	<p>'unnecessary' leaves this open to misinterpretation due to the subjectivity of what is and is not necessary. Removal of an important tree could be deemed necessary as its retention would incur some cost to the project. The term 'unavoidable' should be used instead.</p> <p>How this compensation is to be 'paid' is not detailed here, for example that the undertaker has opted to offer new tree planting. However, new tree planting is highly unlikely to equate to the value of the established trees that could be lost. As such this would not be acceptable.</p> <p>The applicant refers to the relevant tree reports and schedules used to assess tree loss within the order limits. However, although the recommendations of the British Standard have been followed, this does not address the fact that the trees in question do not belong to the undertaker, and the commitment to an acceptable level of compensation or method of calculation is being avoided by the applicant. As stated previously, HCC utilise the Capital Asset Value for Amenity Trees (CAVAT) system to provide a monetary value for a tree. This will provide a realistic analysis of what is necessary or indeed unavoidable given possible alternative solutions for installing the cable avoiding to, or removal, of HCC trees. This matter should be committed to within the DCO. Where the Onshore Outline Construction Environmental Management Plan (OOCEMP) requires Arboricultural Method Statements to be approved by the 'relevant authority', for HCC trees this must be HCC Highways Arboriculture.</p> <p>Where supervision is required by a 'suitably trained and experienced arboriculture professional', for HCC trees this must be one of HCC arboriculture team.</p>	<p>The use of the term unnecessary responds the test of necessity required in relation to the determination of whether it is necessary to undertake the action so as to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised development or constituting a danger to persons using the authorised development. The wording used is common across made DCO's and is commonly understood. It is not necessary or appropriate to revise this term so as to ensure the control the authority is seeking is secured.</p> <p>Unavoidable tree loss is considered to be where the tree is impacted to such an extent that the physiological viability and structural integrity of the tree is significantly diminished such that the long term retention of the tree is not in keeping with arboricultural best practice. The retention or loss of trees will be decided by a suitably trained and experienced arboriculture professional without prejudice to cost implications. These will be confirmed in the detailed Arboriculture method statement and tree protection plans to be secured through discharge of Requirement 15 of the DCO (REP3-003).</p> <p>Within the Onshore Cable Route, where tree loss is unavoidable, a CAVAT assessment of those trees will be undertaken by suitably trained and experienced professional. This assessment will be submitted to the relevant authority to inform compensation discussions with the relevant authority. In the case of HCC this will be the HCC highways Arboriculture team. Likewise, on site supervision and the production of detailed arboriculture method statements will be completed by the project Arboriculturist in cooperation with the HCC highways arboriculture team in relation to trees in the ownership of HCC.</p> <p>The Applicant and HCC have arranged a meeting to further to discuss the position in relation to the assessment of the loss of trees and it is expected this discussion will address how compensation required to be paid for the loss of trees and in accordance with the assessment methodology to be employed is secured.</p>
<b>Link Boxes and Joint Bays</b>		
	<p>The Highway Authority are still concerned regarding the locations of link boxes and joint bays, especially given the size of the construction areas required for the joint bays and the overall size of the bays themselves.</p> <p>The response received from the applicant at deadline 2 has provided no further clarity on this matter. It is unclear what level of approval the Highway Authority will have over the locations of these elements of the infrastructure. The Highway Authority would wish to reserve the ability to refuse permission for any locations within the highway when the detailed proposals are put forward by the applicant if, for example, it would preclude future highway works or raise a highway safety concern (such as obstruction of visibility splays by link boxes). In the absence of this provision, the detail of the link boxes and joint bays should be provided at this stage of the consent process so the impacts of the scheme can be assessed in appropriate detail.</p>	<p>The comments made by HCC are noted. Whilst as the Applicant has confirmed the location within the highway of any of link boxes and joint bays cannot be confirmed at this stage, the Applicant will discuss what appropriate confirmations / controls may be provided to address concerns regarding future safety of highway users such as would be caused by the obstruction of visibility splays.</p> <p>The Applicant considers that the link boxes will not cause an obstruction of visibility as they are below ground. The Applicant is looking to have further discussions with HCC in relation to the cable infrastructure to understand and address those comments.</p> <p>The comments regarding the AIP process being applicable are noted, and will also be discussed further with HCC.</p>



Para No.	Comment	Applicant's Response
	<p>The joint bays may require an Approval in Principle (AIP) and it is noted that the applicant is looking to secure this approval process within the protective provisions. The Highway Authority are considering this in more detail and shall discuss further with the applicant.</p>	
<p><b>Transforming Cities Fund</b></p>		
	<p>The applicant references Portsmouth City Council's representations, drawing attention to the Transforming Cities Fund (TCF) scheme and the need to discuss these further with PCC. Hampshire County Council, as Highway Authority for those areas immediately adjoining the City of Portsmouth, wish to be party to these discussions, particularly in relation to the works on the A3 which are to be funded through the TCF. It is understood that none of the PCC schemes subject of the TCF are within the cable corridor, however those on the Hampshire County Council network are directly within the corridor and could cause works conflicts.</p>	<p>No discussions with regard to the TCF have been held with PCC to date. The Applicant is willing to engage with both PCC and HCC with regard to the progress of the Application and future phasing of the Proposed Development and provide clarity on timescales to HCC and PCC of when works will be coming forward.</p>
<p><b>Onshore Cable Installation Rates</b></p>		
	<p>It is noted that the FTMS sets out the anticipated delivery timescales along the cable laying corridor. It is also noted that delivery rates have been amended in the deadline 1 submission to be 12 metres per a day in heavily congested (with regards service provision) areas of the highway and up to 24 metres per day on highways with light service congestion. It has been summarised by the applicant that this does not affect the assumptions for the delivery rates of the project, with an average of 18-30 metres per a day assumed in urban areas and 50 metres per a day in rural areas.</p> <p>A significant amount of the Hampshire network would appear to be within the 12 metres a day bracket. It is therefore requested that the length of construction, and associated change in the construction period, is set out more clearly in a table so each section can be seen and the full period of construction can be understood across the onshore corridor. More detailed comments on the proposed traffic management can be found within the Highway Authority's comments on the Framework Traffic Management Strategy.</p>	<p>The revised installation rate assumptions and a comparison of construction periods to the original FTMS have been detailed in Section 2 of the Supplementary Transport Assessment (STA) (REP1-142). In accordance with the revised installation rate assumptions, the FTMS (REP1-068) was updated. As is stated in paragraph 2.3.1.3. of the FTMS (REP1-068), all durations of construction listed within the FTMS have been updated to account for the relevant revised installation rate assumptions, and so the information regarding the anticipated duration of installation of highways for which HCC is the highway authority is clearly stated.</p> <p>Nonetheless, noting these comments the Applicant will discuss with HCC the information it is seeking and explain where this already provided, and where necessary will provide further summary documentation.</p>
<p><b>Access to Properties</b></p>		
	<p>Within Appendix 1 of the document, the strategy and impact on access to residential and business parking has been assessed. Additional information is pending regarding additional survey information which needs to be available before the Highway Authority can comment fully on the impact on the Hampshire area.</p> <p>The document also sets out the strategy for enabling access to private driveways and residential properties during the works. Whilst it acknowledges</p>	<p>The Applicant notes HCC's comments regarding the requirement for additional parking surveys. However, due to the ongoing COVID-19 pandemic and associated lockdown measures currently being implemented by the UK government, it is not possible to carry out representative surveys at this time. As such, it is proposed that the required additional surveys be completed prior to works being undertaken. If HCC agrees with this approach, the requirement to undertake such surveys can be included within the FTMS.</p>



Para No.	Comment	Applicant's Response
	<p>the needs of the vulnerable, it does not consider the needs of all residents. As part of the phase specific traffic management plans, engagement should be had with the effected residents to ensure appropriate measures are put in place for all those that require parking and cannot find alternative parking arrangements. Where necessary, Aquind should work with local authorities to ensure suitable provision.</p> <p>Further comments on this matter have been provided within the Highway Authority's review of the Framework Construction Traffic Management Plan.</p>	<p>The approach to be taken regarding engagement with impacted residents is set out in Section 6 – 10 of Appendix 1 of the FTMS (REP1-068). Furthermore, as is stated in paragraph 4.4.1.4. of Appendix 1 of the FTMS, 'in periods of no construction activity, steel plates will be installed to provide constant access for all occupiers including vulnerable people outside of working hours.' As such, where vehicular access to residential properties is suspended due to works, this will be within working hours during the day only. The measures to be undertaken by the Applicant, noting that works will only ever effect a limited number of properties in any one location at any one time because of the sectional nature of construction, are considered to be appropriate.</p> <p>Parking surveys were undertaken to aid the assessment of the impact of works on on-street residential parking. The outcomes of these surveys can be seen in Section 5 of Appendix 1 of the FTMS (REP1-068) and identify that in the majority of instances displaced parking will be capable of being accommodated by spare capacity available at adjacent and alternative on street parking locations.</p> <p>As is stated in paragraph 5.1.1.5. of Appendix 1 of the FTMS (REP1-068), the majority of residential accesses will 'only be impacted for approximately one - two weeks per circuit within the construction phase'. This means that this impact is both temporary and short-term, and as discussed above will only ever effect a limited number of properties at any one time in any one location.</p>
<p><b>Comments on the Updated Framework Traffic Management Strategy</b></p>		
	<p>The proposals for traffic management arrangements and parameters are set out within this document. The Highway Authority comments on these proposals are set out below. Generally, there is concern regarding the robustness of these assessments given the limited engagements with the Highway Authorities NRSWA coordinators so far, the lack of certainty that can be applied given the level of unknowns regarding the exact cable locations and therefore the overall traffic management requirements. More detailed comments are set out below.</p>	<p>Preliminary design of traffic management proposals can be seen in Section 2.5.2. of the FTMS (REP1-068). All proposed traffic management designs are to be in accordance with guidance set out in Chapter 8 of the Traffic Signs Manual (DfT, 2009). Furthermore, as is stated in paragraph 2.4.1.2. of the FTMS (REP1-068), 'prior to commencement of works in the highway, detailed designs for the works and the traffic management measures will be submitted for approval to the relevant Highway Authority.' All preliminary traffic management proposals take into account the professional experience gained from undertaking similar projects subject to the same requirements. There is nothing novel about the approach to traffic management in connection with the works which would provide any lack of certainty as to the appropriateness and effectiveness of the measures proposed.</p> <p>The Applicant is seeking to engage with HCC to discuss the FTMS so as to confirm HCC is content it is appropriate to provide the framework for the measures to be implemented in connection with work on the highway.</p>
<p><b>General Principles</b></p>		
	<p>The use of Temporary Traffic Lights (TTL's) are likely to cause significant disruption including additional carbon emissions from idling traffic. These problems will be exacerbated at traffic sensitive times (usually 06:30-09:30 and 16:00-18:30 weekdays). Accordingly, additional restrictions may be imposed during these periods. The Highway Authority's preference when it comes to managing road works is that TTL's are lifted during these traffic sensitive</p>	<p>The only emissions from transport that were scoped into the greenhouse gas emissions assessment are emissions from transporting materials to/from site. No other emissions from traffic have been assessed as they were not considered to be material to the overall assessment outcome for GHG emissions.</p> <p>Air pollutant emissions (including NO<sup>2</sup>) have been addressed in Chapter 23 Air Quality (REP1-033). Complex atmospheric dispersion modelling of NO<sup>2</sup> emissions has been informed by data</p>



Para No.	Comment	Applicant's Response
	<p>periods. Other requirements, such as manual management, may be required to ensure the free flow of traffic, prevent traffic queueing across junctions or take account of tidal traffic movements. TTL's should be removed when not in use.</p>	<p>from the traffic model which represents traffic management through the use of reduced link-speeds on those roads affected by traffic management. These links experience a lower average speed due to the presence of traffic management, which produces higher emissions. All results of the modelling are summarised in Section 23.6 of Chapter 23 (REP1-033) and Appendix 23.3 (REP1-075). This included a sensitivity test representing traffic management options adjacent to Portsmouth AQMA No.9 which is described in Appendix 23.8 (REP1-078). The results of the test showed the impact of emissions relating to various traffic management options are expected to be negligible.</p> <p>The impact of the proposed works on traffic have been fully assessed within both the Transport Assessment (APP-448) and the Supplementary Transport Assessment (REP1-142). As is set out in Section 5.3.6. of the Applicant's Comments on Local Impact Reports (REP2-013) and further detailed in paragraph 2.5.2.3. of the FTMS (REP1-068), all temporary traffic signals will be managed manually during peak hours to ensure traffic flow and queue lengths are monitored.</p> <p>The Applicant notes HCC's comments regarding their preference that temporary traffic signals be removed during peak hours, however the proposed methodology does not allow for the removal of traffic management infrastructure during peak periods. The Applicant would like to stress the importance of balance between construction impacts and the total duration for which works are in place. Progress of cable installation would be slowed considerably by the removal of traffic management infrastructure twice a day during the peak hours, and thus the total duration of impact would be considerably longer.</p>
	<p>The A3 is a strategic route with high volumes of traffic forming a key link between Waterlooville and Portsmouth and also between London / Guildford and Portsmouth. The route also forms the tactical diversion route for any incident that closes the A3M. Accordingly, any disruption on this route will impact the local and regional economy.</p> <p>Traffic congestion must be kept to a minimum and the free flow of traffic must be maintained wherever possible. Any planned works must be undertaken with expediency and removed as soon as possible. When working on this route, the Highway Authority normally restricts works to nights or outside of traffic sensitive times (06:30-09:30 and 16:00-18:30 weekdays). If traffic management measures have to remain during these times, then the Highway Authority would also require works to be undertaken during extended hours and on weekends to ensure they are completed quickly. Leaving traffic management in place on weekends with no works being undertaken will cause avoidable traffic congestion. Any works on this route will also need to have a plan in place in case of an incident on the A3(M). Wherever possible, works should be removed or made as safe as possible to cater for additional traffic flow.</p>	<p>The impacts of proposed traffic management measures on the A3 between Waterlooville and Portsmouth within the peak hours have been assessed fully in both the Transport Assessment (APP-448) and the Supplementary Transport Assessment (REP1-142).</p> <p>As is stated in Section 6.7 of the FTMS (REP1-068), on the Section of the A3 London Road which requires full road closures (between Post Office Road and Rocking Horse Nursery), works will be undertaken over the course of four weekends per circuit. This is the Section of the Onshore Cable Corridor which is anticipated to lead to diversionary traffic making use of A3(M). However, it is the Applicants judgement that traffic flows will be lower on the weekend than on weekdays. Therefore it is the Applicants view that the impact will be the same or less than that which has previously been reported within the TA and STA.</p> <p>Protective provisions detailed in Paragraph 2.13.1.2. of the FTMS (REP1-068) allow for the FTMS to respond to events which occur away from the Onshore Cable Corridor itself.</p> <p>As has been mentioned previously, where HCC have specific comments regarding working hours in specific locations these must be provided so that the Applicant can further consider these, and where appropriate they can be incorporated into the framework of controls provided for by the FTMS.</p>
	<p>In section 2.5.3.4, the Framework Traffic Management Strategy states that the exact type of traffic management cannot be determined until a contractor is appointed. Traffic management will also likely change as site specific circumstances change. The permit scheme, if used, is agile enough to manage</p>	<p>Preliminary design of traffic management proposals can be seen in Section 2.5.2. of the FTMS (REP1-068). All proposed traffic management designs are in accordance with guidance set out in Chapter 8 of the Traffic Signs Manual (DfT, 2009). Furthermore, as is stated in paragraph 2.4.1.2. of the FTMS (REP1-068), 'prior to commencement of works in the highway, detailed</p>



Para No.	Comment	Applicant's Response
	<p>this on a day by day basis, whereas a general approval process currently proposed by the applicant cannot take account of localised situations.</p> <p>Any system used to approve road space, and traffic management, needs to take account of additional restrictions leading up to, and during the works. Not being able to specify exact traffic management makes it difficult for the Highway Authority to apply detailed comments to each works section described in the document. However, a number of comments are offered based on the information that the applicant has provided.</p>	<p>designs for the works and the traffic management measures will be submitted for approval to the relevant Highway Authority.' All preliminary traffic management proposals take into account the professional experience gained from undertaking similar projects.</p> <p>As explained above, the Applicant is continuing to discuss the process for approving when works are to be undertaken in the highway and the traffic management measures to be deployed with HCC, on the understanding that the process to be used will be based on the framework of controls in terms of traffic management and the times when works may be undertaken being provided by the FTMS, and that no approvals given may be in conflict with this.</p>
	<p><i>Section 1: Lovedean Converter Station</i></p> <p>There are no concerns here regarding traffic delay. However, the closure of Broadway Lane may result in edge damage / carriageway damage to the diversion route as a result of additional vehicles being displaced. The Highway Authority would expect Aquind to cover the costs of any remedial works to the diversion route which would be identified through review of the detailed traffic management plans.</p>	<p>As is stated in Table 35 of the FTMS (REP1-068), road closures on Broadway Lane will only be in place for one day per circuit. Furthermore, the observed traffic flows on this link as set out in Table 9 of the Transport Assessment (APP-448) show this link to have relatively low traffic demand. As a result of the extremely limited length of the disruption and the quiet nature of the link in questions, the likelihood of edge damage being caused is very low.</p> <p>Nonetheless, the Applicant recognises that where damage is caused it is necessary for the Applicant to be responsible for the remediation's required, and it will discuss further with HCC the most appropriate approach to secure this.</p>
	<p><i>Section 3: Denmead. Kings Pond Meadow</i></p> <p>There are no concerns here regarding traffic delay. However, the closure of Anmore Road however may result in edge damage / carriageway damage to the diversion route as a result of additional vehicles being displaced. The Highway Authority would expect Aquind to cover the costs of any remedial works to the diversion route which would be identified through review of the detailed traffic management plans.</p> <p>Use of Temporary Traffic Signals along the B2150 is expected to cause significant disruption at traffic sensitive times (06:30-09:30 and 16:00-18:30). It would also be likely to cause disruption to local events, such as the Overlord Show (usually taking place in June / July) which is popular and generates significant traffic. The B2150 is a key east / west link and is an important route to Waterlooville and its retail areas. Works on this route must be restricted to avoid December to reflect the potential significant harm that could otherwise arise due to typical traffic flows on this route at this time of year.</p>	<p>Similar to that which has been noted for Broadway Lane, Table 37 of the FTMS (REP1-068) shows the proposed road closure on Anmore Road to be in place for one day per circuit. Furthermore, the existing traffic flows for this link, as are set out in Table 10 of the Transport Assessment (APP-448), are again relatively limited. As with Broadway Lane, as a result of the extremely limited length of the disruption and the quiet nature of the link in questions, the likelihood of edge damage being caused is very low.</p> <p>The Applicant recognises that where damage is caused it is necessary for the Applicant to be responsible for the remediation's required, and it will discuss further with HCC the most appropriate approach to secure this.</p> <p>The impact of the proposed works on traffic have been fully assessed within both the Transport Assessment (APP-448) and the Supplementary Transport Assessment (REP1-142).</p> <p>With regard to the Overlord Show, the Applicant refers HCC to the response given to A7.47 in the 'Applicant's Comments on Local Impact Reports' (REP2-013). As is stated in A7.47, as the Overlord Show is typically held over a weekend and Bank Holiday (when traffic flows are typically lower than peak periods) further restrictions to construction works in the FTMS are not necessary.</p> <p>In relation to HCC's request for a works embargo during the month of December, the Applicant directs HCC to the response given in A7.52 in the 'Applicants Comments on Local Impact Reports' (REP2-013). Response A7.48 states that 'The FTMS (REP1-068) includes a two-week shut-down of construction work on the Onshore Cable Corridor to cover the Christmas and New Year period. In addition, the FTMS prohibits work during December on B2150 Hambledon Road and A3 Maurepas Way between Milton Road and A3 London Road (in proximity to Wellington Retail Park, Asda supermarket and Waterlooville town centre).</p>



Para No.	Comment	Applicant's Response
		<p>The Applicant considers these restrictions to be appropriate to mitigate impact on traffic during the Christmas period whilst allowing for an expedient construction programme.</p>
	<p><i>Section 4: Hambledon Road to Farlington Avenue Subsection 4.1: B2150 Hambledon Road between Soake Road and Milton Road</i></p> <p>The use of Southdown View, Hambledon Parade to construct part of the works would be likely to reduce disruption to the classified road network and from a traffic management perspective this would be preferred. However, when working in this area Aquind would need to work closely with local businesses and residents to minimise disruption. As mentioned above the use of Temporary Traffic Signals along the B2150 will cause significant disruption at traffic sensitive times (06:30-09:30 and 16:00- 18:30). It would also cause disruption to local events, such as the Overlord show previously referenced. Works on this route must be restricted to avoid December for the reasons as set out above. Significant delays on the B2150 may force traffic into using side roads in the area, increasing residential disruption in those roads. The Highway Authority would expect Aquind to react to this and be prepared to set out additional traffic management measures to dissuade 'rat running'.</p>	<p>Whilst the Applicant is considering all options for cable routing which are allowed for in the Order Limits, as is stated in paragraph 2.3.1.2. of the FTMS (REP1-068), the final routing of the cable will be determined by appointed contractors.</p> <p>The Applicant's approach to working with local businesses are set out in the communication strategy included in Section 6-10 of Appendix 1 of the FTMS (REP1-068), and it is considered are appropriate to ensure adequate liaison in relation to the works being undertaken.</p> <p>The impact of the proposed works on traffic has been fully assessed within both the Transport Assessment (APP-448) and the Supplementary Transport Assessment (REP1-142).</p> <p>With regard to the Overlord Show, the Applicant refers HCC to the response given to A7.47 in the 'Applicants Comments on Local Impact Reports' (REP2-013). As is stated in A7.47, as the Overlord Show is typically held over a weekend and Bank Holiday (when traffic flows are typically lower than peak periods) further restrictions to construction works in the FTMS are not necessary.</p> <p>Further discussions ongoing with HCC regarding provision of signage strategy to support FTMS.</p>
	<p><i>Subsection 4.2: B2150 Hambledon Road and A3 Maurepas Way between Milton Road and A3 London Road</i></p> <p>The use of Temporary Traffic Signals along the B2150 / A3 is likely to cause significant disruption at traffic sensitive times (06:30-09:30 and 16:00-18:30). It would also cause disruption to local events, such as the Overlord show. The B2150 is a key East / West link and is an important route to Waterlooville and the retail areas. As noted above, the A3 is a strategic local and regional route to and from Portsmouth.</p> <p>Works on this route must be restricted to the school holidays only and must also avoid December owing to the links with shopping areas.</p> <p>Traffic lights at the Forest End roundabout are likely to cause significant tailbacks and will require monitoring with manual management and potential mitigation during construction.</p>	<p>The impact of the proposed works on B2150 Hambledon Road and A3 London Road has been fully assessed within both the Transport Assessment (APP-448) and the Supplementary Transport Assessment (REP1-142).</p> <p>With regard to the Overlord Show, the Applicant refers HCC to the response given to A7.47 in the 'Applicants Comments on Local Impact Reports' (REP2-013). As is stated in A7.47, as the Overlord Show is typically held over a weekend and Bank Holiday (when traffic flows are typically lower than peak periods) further restrictions to construction works in the FTMS are not necessary.</p> <p>In relation to HCC's request for a works embargo during the month of December, the Applicant directs HCC to the response given in A7.52 in the 'Applicants Comments on Local Impact Reports' (REP2-013). Response A7.48 states that 'The FTMS (REP1-068) includes a two-week shut-down of construction work on the Onshore Cable Corridor to cover the Christmas and New Year period. In addition, the FTMS goes beyond the two week shut down period at the locations below where the following applies:</p> <ul style="list-style-type: none"> <li>• Construction work prohibited during December on B2150 Hambledon Road and A3 Maurepas Way between Milton Road and A3 London Road (in proximity to Wellington Retail Park, Asda supermarket and Waterlooville town centre); and</li> <li>• Construction work prohibited during December at all sections of A3 London Road where shuttle working traffic signals would be required to facilitate construction of the Onshore Cable Route.</li> </ul>



Para No.	Comment	Applicant's Response
		<p>The Applicant considers these restrictions to be appropriate to mitigate impact on traffic during the Christmas period and is therefore able to provide the December works embargo sought by HCC at these locations, whilst allowing for an expedient construction programme.</p> <p>As is set out in Section 5.3.6. of the Applicant's Comments on Local Impact Reports (REP2-013) and further detailed in paragraph 2.5.2.3. of the FTMS (REP1-068), all temporary traffic signals, including those which are proposed for Forest End Roundabout, will be managed manually during peak hours to ensure traffic flow and queue lengths are monitored.</p>
	<p><i>Subsection 4.31 to 4.33 London Road between Forest End Roundabout and South of the Junction with Forest Road; A3 London Road between south of junction with Forest End and southern end of bus lanes (in proximity to Poppy Fields); A3 London Road between south of Southern end of Bus Lanes (in proximity to Poppy Fields) and Post Office Road</i></p> <p>The use of Temporary Traffic Signals along the A3 will cause significant disruption at traffic sensitive times (06:30-09:30 and 16:00-18:30). As noted above, the A3 is a strategic local and regional route to and from Portsmouth. Works on this route must be restricted to the school holidays only and must also avoid December owing to the links with shopping areas. Traffic lights are likely to cause significant tailbacks and will require monitoring with manual management and potential mitigation during construction.</p>	<p>In respect to the HCC's concerns regarding the use of Temporary Traffic Signal during traffic sensitive time periods of the day, the Applicant proposes that, as is set out in Section 5.3.6 of the Applicants comments on Local Impact Reports (REP2-013) and further detailed in paragraph 2.5.2.3. of the FTMS (REP1-068), all temporary traffic signals will be managed manually during peak hours to ensure traffic flow and queue lengths are monitored.</p> <p>In respect to calendar restrictions to be placed upon the programme, these are fully detailed within the FTMS (REP1-068). As was stated in the programme restrictions contained within the FTMS, these are considered to be robust and provide adequate mitigation of impacts on the A3 London Road. As stated within the Section 4.31, 4.33, 4.35, 4.41 and 4.43 construction work facilitated by shuttle working traffic signals is only permitted during school term time in June and July when traffic flows are lower than is the case during other times of the year, therefore reducing the impact on students travelling to and from places of education.</p> <p>In specific reference to the works embargo during December, the Applicant directs HCC to the response given in A7.52 in the 'Applicants Comments on Local Impact Reports' (REP2-013). In response A7.48, it is stated that 'The FTMS (REP1-068) includes a two-week shut-down of construction work on the Onshore Cable Corridor to cover the Christmas and New Year period. In addition, the FTMS prohibits work during December on all sections of A3 London Road where shuttle working traffic signals would be required to facilitate construction of the Onshore Cable Route.</p> <p>The Applicant considers these restrictions to be appropriate to mitigate impact on traffic during the Christmas period and is therefore able to provide the December works embargo sought by HCC at these locations, whilst allowing for an expedient construction programme.</p>
	<p><i>Subsection 4.34: A3 London Road between Post Office Road and Rocking Horse Nursery</i></p> <p>As noted above, the A3 is a strategic local and regional route to and from Portsmouth. Works on this route must be restricted to the school holidays only and must also avoid December owing to the links with shopping areas. Under NO circumstances should the A3 be closed during the day except in the case of an emergency or where the local Environmental Health officers consider night closures to be unacceptable. The diversion route proposed is acceptable. However, additional closures or restrictions on side roads are likely to be needed to prevent additional disruption to residents from traffic finding other routes. Aquind should also liaise with Highways England to ensure that heavy</p>	<p>The Applicant advises that it is proposed that road closures be implemented on the A3 London Road between Post Office Road and Rocking Horse Nursery over the course of four weekends per circuit. Further details regarding the proposed traffic management on this section of A3 London Road can be seen in Section 6.7 of the FTMS (REP1-068). Whilst the Applicant has fully considered the option to use night working instead in this location, this would result in a major adverse impacts in respect to both noise and amenity, and thus was not determined to be an acceptable approach.</p> <p>It is not intended that any further road closures or restrictions to side roads be proposed above those which have already been set out in the FTMS (REP1-068). Discussions are currently being held between the Applicant and HCC and Highways England in order to devise a signage</p>



Para No.	Comment	Applicant's Response
	<p>traffic remains on the A27 and makes use of the A3(M) rather than the local diversion route.</p>	<p>strategy which will prevent additional disruption to residents, which will include the implementation of 'access only' signs where appropriate.</p>
	<p><i>Subsection 4.35, 4.41, 4.42 and 4.43 A3 London Road between Rocking Horse Nursery and Ladybridge Roundabout; A3 London Road between Ladybridge Roundabout and the start of the bus lane; A3 London Road between the start of the bus lane and Lansdowne Avenue; A3 London Road between Lansdowne Avenue and Bus Lane (South of The Brow).</i></p> <p>Use of Temporary Traffic Signals along the A3 will cause significant disruption at traffic sensitive times (06:30-09:30 and 16:00-18:30). As noted above, the A3 is a strategic local and regional route to and from Portsmouth. Works on this route must be restricted to the school holidays only and must also avoid December owing to the links with shopping areas. Traffic lights are likely to cause significant tailbacks and will require additional restrictions such as monitoring with manual management and potential mitigation during construction.</p>	<p>In respect to the HCC's concerns regarding the use of Temporary Traffic Signal during traffic sensitive time periods of the day, the Applicant proposes that, as is set out in Section 5.3.6. of the Applicants comments on Local Impact Reports (REP2-013) and further detailed in paragraph 2.5.2.3. of the FTMS (REP1-068), all temporary traffic signals will be managed manually during peak hours to ensure traffic flow and queue lengths are monitored.</p> <p>In respect to calendar restrictions to be placed upon the programme, these are fully detailed within the FTMS (REP1-068). As was stated in the programme restrictions contained within the FTMS, these are considered to be robust and provide adequate mitigation of impacts on the A3 London Road. As stated within the Section 4.31, 4.33, 4.35, 4.41 and 4.43 construction work facilitated by shuttle working traffic signals is only permitted during school term time in June and July when traffic flows are lower than other months, therefore reducing the impact on students traveling to and from places of education.</p> <p>In specific reference to the suggestion of a December works embargo, the Applicant directs HCC to the response given in A7.52 in the 'Applicants Comments on Local Impact Reports' (REP2-013). In response A7.48, it is stated that 'The FTMS (REP1-068) includes a two-week shut-down of construction work on the Onshore Cable Corridor to cover the Christmas and New Year period. In addition, the FTMS prohibits work during December on all sections of A3 London Road where shuttle working traffic signals would be required to facilitate construction of the Onshore Cable Route.</p> <p>The Applicant considers these restrictions to be appropriate to mitigate impact on traffic during the Christmas period and is therefore able to provide the December embargo sought by HCC at these locations, whilst allowing for an expedient construction programme.</p>
<p><b>Comments on the Framework Construction Traffic Management Plan</b></p>		
<p><b>HGV / Construction Traffic Routing</b></p>		
	<p>It is understood that a haul road will be constructed between the converter station and Anmore Lane to reduce HGV and construction traffic on the network. However, no details of the access onto Anmore Lane have been provided in terms of design, geometry or visibility splays which would be required at this stage to determine if the principle of the haul road can be safely implemented. Paragraph 3.4.3.2 states that Soake Road will not be used for construction traffic and this should be enforced. However, it is not clear as to the purpose of the Anmore Lane access if traffic is prohibited from traveling along Anmore Lane and Soake Road. Clarity is sought on this matter.</p>	<p>An access will be required from Anmore Road to the agricultural fields to the north and south into Kings Pond Meadow via an existing gate. This southern access will be utilised as an entry and exit for the HDD-5 compound. This is shown as points AC/2/a and AC/2/b on the AROW Plans (Examination Library Reference: APP-011 Rev 02).</p> <p>Further information is provided on the access junction requirements for Anmore Road in the Applicant's Responses to First Written Question, to DCO1.5.68 – Appendix 6 Access and Rights of Way: Explanatory Document (REP1-097). The Applicant has also submitted a Construction Access Drawing to HCC on 16th November 2020 which provides a layout for all construction access locations and the design criteria which will need to be met. The Applicant welcomes the views of HCC on this document in due course.</p>
<p><b>Construction Traffic Timing</b></p>		



Para No.	Comment	Applicant's Response
	<p>Confirmation has been given by the applicant that no HGV movements will be carried out during peak hours. A traffic count was obtained to determine the peak hours in the area were 08:00-09:00 and 17:00-18:00, which is accepted. It is noted that some movements may occur outside of normal working hours when 24-hour construction is approved, and this will be addressed on a case by case basis as necessary. The restrictions on HGV movements outside the peak periods will need to be secured through the DCO.</p>	<p>The timing of HGV movements are detailed within Section 3.3.2. of the Framework Construction Traffic Management Plan (FCTMP) (REP1-071). All restrictions on HGV movements which are set out in the FCTMP (REP1-071) are secured via Requirement 17 in the dDCO (REP3-003).</p>
<p><b>Joint Bays and Temporary Laydown Areas</b></p>		
	<p>Section 2.5.1.2 now states that the temporary laydown areas which may be created at Joint Bay locations to store materials are not to be confirmed until the detail stage. Previous comments have been made in relation to the requirement for the Joint Bay locations to be known at this stage and to be located outside of the highway carriageway. As such the temporary laydown areas will also need to be determined at this stage due to the locations indicated as being synonymous.</p> <p>Notwithstanding this, it is noted in Plate 1 that a typical laydown area is in the region of 14m by 13m, which is not unsubstantial. Due to the size of these areas there are limited opportunities to locate these along the cable route without considerable impact on the highway. As such indicative locations should be shown and agreed at this stage.</p>	<p>The comments made by HCC are noted. Whilst the Applicant has confirmed the location of joint bays cannot be confirmed at this stage, the Applicant will discuss with HCC what appropriate confirmations / controls may be provided to address these comments.</p>
<p><b>Construction Accesses</b></p>		
	<p>The applicant will require construction accesses along the cable route but is only able to provide indicative locations at this stage. These precise locations within the indicative parameters show can be provided during the detail design stage but will require approval from the Highway Authority prior to implementation. A standard detail for construction access is proposed but has yet to be submitted for review. These accesses are usually required to be delivered under a Section 171 licence agreement with the Highway Authority. It is noted that these may be able to be delivered under the powers granted by the DCO, however details of this are still under discussion.</p> <p>The access to the converter station has been designed to encourage right-in, left-out movements to deter construction traffic from travelling south down Broadway Lane, but this should also be enforced via a TRO. Further comments regarding this are made within the Highway Authority's review of the Supplementary Transport Assessment.</p>	<p>The Applicant has submitted a Construction Access Drawing to HCC on 16 November 2020 which provides a layout for all construction access locations and the design criteria which will need to be met. The Applicant welcomes the views of HCC on this document in due course.</p> <p>As explained above, it is the Applicant's view that a new permanent Traffic Regulation Order (TRO) will be required to prohibit the right turn out of the site. This will be authorised and approved pursuant to the power and process provided for at Article 16 of the dDCO (REP3-003).</p>
<p><b>Sensitive Receptors</b></p>		
	<p>Detail regarding proposed access to retail areas and residential access has not been provided. The applicant sets out measures for securing access for</p>	<p>Details regarding access to residential properties and businesses are set out in Appendix 1 of the FTMS (REP1-068). The construction hours cited by HCC are incorrect, the Applicant</p>



Para No.	Comment	Applicant's Response
	<p>vulnerable people at all times, along with pedestrian and cycling access to properties. Plates are suggested to be installed outside of construction hours (which are noted as being 07:00-19:00), however this does not address how access will be maintained and controlled during construction hours.</p> <p>Suggestion is made by the applicant that residents with driveways will make use of other parking facilities during construction. No distances have been shown to the proposed parking facilities and it is not considered appropriate for residents to park any significant distance from their property. The suggestion in paragraph 5.4.2.2 that if parking facilities are fully occupied then residents will have to park further away is not a suitable strategy.</p>	<p>advises that works on the Onshore Cable Corridor are to take place over 10 hour shifts between 07:00 and 17:00 unless expressly stated otherwise, as is set out in Table 4 of the FCTMP (REP1-071).</p> <p>Furthermore, as is stated in paragraph 4.4.1.4. of Appendix 1 of the FTMS, 'in periods of no construction activity, steel plates will be installed to provide constant access for all occupiers including vulnerable people outside of working hours.' As such, where vehicular access to residential properties is suspended due to works, this will be within working hours during the day only. Access for vulnerable people and emergency services will retained throughout construction via road plating, as is set out in Section 4.4. Appendix 1 of the FTMS (REP1-068).</p> <p>Alternative parking for residents within 400m (5 minute walk) of impacted properties has been identified, with available alternatives capable of accommodating displaced vehicles. Parking surveys were undertaken to aid the assessment of the impact of works to on-street residential parking. The outcomes of these surveys can be seen in Section 5 of Appendix 1 of the FTMS (REP1-068) and identify that in the majority of instances displaced parking could be accommodated by spare capacity available at alternative nearby locations.</p> <p>As is stated in paragraph 5.1.1.5. of Appendix 1 of the FTMS (REP1-068), the majority of residential accesses will 'only be impacted for approximately one - two weeks per circuit within the construction phase'. This means that this impact is both temporary and short-term. When considering this matter, it is also important to note the sectional nature of construction and that only so many properties will be disrupted in any one location at any one time and only during the hours of construction.</p> <p>This approach is similar to that which is implemented for the road works pertaining to other utilities installation, and is considered to appropriate to mitigate the impacts which are actually likely to arise as a result of the construction of the Proposed Development.</p>
	<p>In line with the above, a communication plan was suggested by the applicant, and the Highway Authority requested more details regarding the content and management of the website, as well as the details of a dedicated communication liaison officer. This has not been provided.</p>	<p>Information in respect of the proposed communications strategy proposed is set out in Section 6 – 10 of Appendix 1 of the FTMS (REP1-068).</p> <p>Further detail regarding the communications, including specifics regarding the content and management of the website, and the details of appointed communication liaison officers will be provided to relevant authorities prior to the commencement of works. This is secured via Part 5 of the Protective Provisions set out in the dDCO (REP3-003) and is required to be provided prior to start of construction.</p> <p>It is the view of the Applicant that it is wholly reasonable to provide these details at this time closer to when works are actually to be carried out, rather than provide all of the specifics now.</p> <p>Should HCC have comments on the approach to the communications set out in the FTMS, the Applicant confirms it is happy to discuss this further.</p>
<p><b>Construction Worker Movements</b></p>		

Para No.	Comment	Applicant's Response
	<p>The provision of a shuttle bus between Havant rail station and Waterlooville town centre is seen as a suitable measure to promote the use of sustainable transport.</p> <p>It is requested that the provision of this service, including timings and frequency, is regularly reviewed during the construction programme in line with the Framework Travel Plan to ensure its level of service remains appropriate.</p>	<p>As noted in Section 5.4 of the Construction Worker Travel Plan, the shuttle bus service will be kept under review throughout the construction period in order to ensure that it is providing effective mitigation of private car trips (Appendix 6 of the Framework Construction Traffic Management Plan (REP1-070)).</p>
	<p>These mitigation measures will need to be secured through an approved framework travel plan, preferably within a S106 agreement.</p>	<p>Compliance with these measures is secured through Requirement 17 of the dDCO (REP3-003). It is therefore not necessary for this to be secured via a Section 106 Obligation.</p> <p>The Applicant notes requests by HCC to provide a bond in relation to these measures, but HCC has still confirm why this is necessary and what it considers such a bond would be utilised for. The Applicant will not accept a position where HCC seek to impose measures that would usually be employed in relation to the achievement of sustainable travel modes associated with occupational traffic which are not something that is otherwise in the control of the developer, as has previously been suggested, as this is not appropriate in relation to construction traffic management measures which are to be controlled by the Applicant and secured through the DCO requirements.</p>
<p><b>Highway Condition</b></p>		
	<p>The applicant states that pre-condition surveys of diversion routes are not required due to the temporary nature of the works. However, as the works will be taking place over a number of years the impact on the diversion route is not considered to be temporary. The diversion routes were not originally designed to accommodate the levels of traffic from the cable route, and therefore there will be a greater maintenance liability on the Highway Authority, which should be recompensed by the applicant. As such, pre-condition surveys will be required in order to ensure the network is not negatively impacted following construction completion.</p>	<p>The Applicant recognises that where damage is caused it is necessary for the Applicant to be responsible for the remediation's required. It is also acknowledged that to be able to determine any damage caused, a pre-condition survey is first required. The Applicant will discuss further with HCC the most appropriate approach to secure this.</p>
	<p>It is understood that pre-condition surveys of the construction traffic route from the A3(M) to the Lovedean site have been accepted by the applicant and will be secured through the DCO within the Framework Construction Traffic Management Plan. It is noted that photographic surveys will be undertaken prior to works commencing and on completion with weekly condition surveys being undertaken to identify any emerging defects. What is not clearly committed to is how any defects will be repaired and in what timeframe. Any defects emerging should be repaired with the cost borne by the applicant and on request of the Highway Authority. Again, there is no confirmation on the process for agreeing remedial measure on completion of the works and for these to be funded/completed by the applicant.</p>	<p>The position regarding the need to reinstate is secured via Articles 11 and 12 of the dDCO (REP3-003), which confirm the applicable law provided by the New Roads and Street Works Act in relation to reinstatements and defects is applicable and therefore must be complied with.</p> <p>Nonetheless, noting these comments the Applicant will further discuss with HCC what, if any, additions are required to provide sufficient certainty in relation to the reinstatement to be provided.</p>
<p><b>Abnormal Loads</b></p>		



Para No.	Comment	Applicant's Response
	<p>Whilst amendments have been made to the Abnormal Loads strategy, it is noted that the applicant is preparing an additional Technical Note to address previous concerns raised by the Highway Authority. As such additional comments are not made at this time.</p>	<p>The Applicant is preparing a Technical Note that will provide a proposed methodology for undertaking these works in relation to the delivery of multiple transformers associated with the Proposed Development. This document will be shared with HCC as soon as possible.</p>
<p><b>Comments on the Access and Rights of Way Plan and Explanatory Document</b></p>		
	<p>This document has been discussed with the applicant and the Transport Consultant. Representation has also been made within the Highway Authority's response to deadline 2. The plan shows broad locations for access locations along the route. The permanent access arrangement and site construction access arrangements at Broadway Lane have been provided in detail within the Transport Assessment documents. There is a lack of information however on the design proposals for the construction access points along the corridor. The Highway Authority are requesting details including but not limited to:</p> <ul style="list-style-type: none"> <li>• Construction details for the access proposals</li> <li>• Tracking</li> <li>• Visibility Splays</li> <li>• Gate set back details</li> </ul> <p>It has been discussed with the applicant that primarily these matters could be addressed through a standard detail. However, the accesses are in varying locations with differing speed limits and therefore differing visibility requirements. The Highway Authority will need to confirm that the required visibility splays can be achieved within the parameters for the proposed access locations at each location. These construction access points are proposed onto primarily a classified road network and therefore would ordinarily be subject to a requirement for planning permission. Sufficient details therefore need to be available prior to this application for the DCO being determined in order to provide the Highway Authority with the confidence that the proposed locations will be acceptable and therefore not impact on the deliverability of the scheme.</p>	<p>Information is provided on the access junction requirements for Anmore Road in First Written Question Responses to DCO1.5.68 – Appendix 6 Access and Rights of Way: Explanatory Document ( REP1-097). At this location, the new temporary access will require removal of the existing gate and hedgerow, provision of a vehicle crossover and new kerb to form a gated access.</p> <p>The gates will be set-back from the highway to prevent vehicles blocking the carriageway.</p> <p>At this stage the exact location of temporary access junctions within the Order Limits is not confirmed as these will be dependent on the final alignment of the Onshore Cable Route, which will be confirmed during detailed design taking into account existing constraints (i.e. ground conditions).</p> <p>The Applicant has submitted a Construction Access Drawing to HCC on 16 November 2020 which provides a layout for all construction access locations and the design criteria which will need to be met. The Applicant welcomes the views of HCC on this document in due course.</p>
<p><b>Construction Traffic Main Site Access</b></p>		
	<p>Within the Local Impact Report, the Highway Authority requested further information to confirm the suitability of the site access junction to the converter station. The outstanding information that was requested was as follows:</p> <ul style="list-style-type: none"> <li>• Swept path analysis for vehicles accessing the converter station.</li> <li>• Confirmation that the land to construct the haul road is within the Applicant's land ownership.</li> <li>• Speed checks undertaken on Broadway Lane to inform the southbound visibility splay requirement.</li> <li>• Removal of the hedgerow restricting the northbound visibility splay.</li> </ul>	<p>The Applicant's response to the points raised are provided below.</p>

Para No.	Comment	Applicant's Response
	<ul style="list-style-type: none"> <li>Physical restrictions to ensure the haul road is used by large vehicles only.</li> <li>Implementation of 'no right turn' signage to restrict construction traffic heading southbound along Broadway Lane.</li> <li>Confirmation as to whether the haul road will be metalled.</li> <li>A Stage 1 Road Safety Audit to be undertaken for the new junction</li> </ul>	
<b>Swept Path Analysis – Site Access</b>		
	<p>To demonstrate that access to the site is achievable for HGVs, the applicant has provided drawing number AQD-WSP-UK-OS-DR-Z-200224 Rev 01. The plan tracks two HGVs passing side by side through the access, and also the new haul road.</p> <p>The tracking drawing demonstrates that two HGVs will have sufficient space to pass through both the access and the haul road. This matter is considered acceptable.</p>	<p>The Applicant notes that the tracking drawing has demonstrated that two HGVs will have sufficient space to pass through both the access and the haul road and this is considered to be acceptable.</p>
<b>Land Ownership of the Haul Road</b>		
	<p>The applicant has not confirmed within the STA that they own the land required to construct the haul road. Confirmation is required on this point.</p>	<p>The Applicant does not currently own the land required to construct the haul road. However, it is shown on the Land Plans (APP-011a) as Plots 1-32, 1-47, 1-48 and 1-51 as the Applicant is seeking the necessary land ownership in this location by compulsion in the event it is not able to secure the necessary interests by way of private agreement.</p> <p>In addition, the Applicant is engaged in positive discussions with the landowner to secure the necessary interests in this land to construct the haul road by way of private agreement.</p>
<b>Southbound Visibility Splay</b>		
	<p>It has been demonstrated that from a highway safety perspective sufficient visibility can be provided from the new access.</p> <p>The impact of the vegetation loss however should be assessed to be acceptable within the wider remit of the application.</p>	<p>The Applicant acknowledges that HCC is content from a highway safety perspective that sufficient visibility can be provided from the new access</p> <p>As referred to in ES Chapter 15 (APP-130) the loss of vegetation surrounding the entranceway into the Converter Station and to the east of Broadway Lane will result in localised significant adverse effects on local landscape features and visual receptors utilising Broadway Lane and Day Lane during construction and operation. Such effects immediately around the entranceway and "gated link road" will reduce over time as proposed mitigation planting matures.</p> <p>As referred to in the Applicant's Comments on Local Impact Reports (REP2-013), the Applicant is working with the relevant LPAs and SDNPA to refine the landscape mitigation measures around the "gated highway link" and proposed entranceway west of Broadway Lane which will embed such features into their surroundings.</p>
<b>Hedgerow Removal to Achieve Northbound Visibility Splay</b>		



Para No.	Comment	Applicant's Response
	<p>This matter has not been addressed within the STA. The applicant should confirm that the full extent of the hedgerow will be removed and suitably replaced and that all matters relating to landscape or ecology as considered and identified by the local planning authority have been suitably addressed. Should this not be achievable, the applicant is expected to make a CAVAT payment commensurate with the loss of the highway asset.</p>	<p>The Applicant confirms that the hedgerow south of the proposed entranceway to the Converter Station and west of Broadway Lane will be removed and a new native hedgerow planted behind the visibility splay. This will be reflected on revised Indicative Landscape Mitigation Plans for option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) to be submitted into the examination in due course.</p>
<p><b>Amendments to Prevent Access for Northbound Traffic</b></p>		
	<p>Within the LIR response, the applicant was asked to investigate alterations to the junction which would prevent construction traffic from accessing the site to the south along Broadway Lane.</p>	<p>The Applicant welcomes discussions on this topic and will work collaboratively with HCC to reach an agreeable solution.</p>
	<p>To address this point, the applicant has included 'no right turn' signage on the Converter Station access road to prevent traffic from heading southbound out of the site access. The permanent signage will need to be placed on the highway in a distinguishable location. The Highway Authority would welcome further discussion with the applicant to agree a position for the signage.</p>	<p>The Applicant confirms that the 'no right turn sign' can be placed on the highway. These details will be included on an update to the site access drawing (AQD-WSP-UK-OS-DR-Z-200215) contained within Appendix C of the Supplementary Transport (REP1-142) and will be submitted to HCC in due course.</p>
	<p>The radii of the access road have also been reduced from 10m to 1m to discourage vehicles coming from Broadway Lane to travel into the site. This arrangement is shown within drawing number AQD-WSP-UK-OS-DR-Z- 200215 Rev 04 and is considered acceptable.</p>	<p>It is noted that the physical measures proposed to be provided on the southern kerb radii connecting the Haul Road to Broadway Lane to discourage vehicles travelling into the site are accepted.</p>
<p><b>Haul Road Surfacing</b></p>		
	<p>The applicant has not confirmed the surfacing arrangement for the haul road. As requested in the LIR, the applicant should confirm that the haul road will be metalled to prevent migratory material being dragged onto the highway. The gate on the eastern side of the access road appears to be sufficiently set back to prevent the gates from opening onto the highway. The gate on the western side of the haul road is located closer to Broadway Lane and no confirmation has been provided as to which direction the gate will open. The applicant should confirm that the gate will open internally rather than onto the public highway.</p>	<p>The Applicant confirms that that the haul road will be metalled to prevent migratory material being dragged onto the highway, and that the proposed gate will open internally rather than onto the public highway. These details will be included on an update to the site access drawing (AQD-WSP-UK-OS-DR-Z-200215) contained within Appendix C of the Supplementary Transport (REP1-142) and will be submitted to HCC in due course.</p>
<p><b>Stage 1 Road Safety Audit</b></p>		
	<p>It is understood that the applicant will be undertaking a Stage 1 Road Safety Audit following initial feedback from the Highway Authority I on the site access information included within the STA.</p>	<p>It is agreed that a Stage 1 Road Safety Audit will be undertaken, which will be shared with HCC when available, together with the Designers Response.</p>

Para No.	Comment	Applicant's Response
<b>Internal Layout</b>		
	<p>The applicant has not provided a parking plan to demonstrate that the maximum number of construction workers at any given point can be accommodated on-site before travelling to the area they will be working. This information should be provided to prevent any overspill parking occurring on the highway.</p>	<p>Refer to Appendix 6 of Onshore Outline Construction Environmental Management Plan (REP1-087, Rev003) which provides a parking plan for 206 parking bays, 14 LGV parking bays and 7 HGV parking bays at the Converter Station which is adequate for maximum number of construction workers on-site during the construction stage. The Applicant confirms that there will be no need for overspill parking occurring on the highway. The FCTMP (REP01-070) at section 4.3 requires the Contractor to prevent workers from parking within inappropriate locations, including the Public Highway.</p>
<b>Managing Construction Traffic Movements on Day Lane</b>		
	<p>Having reviewed the traffic management proposals, the Highway Authority have significant concerns with the safety implications of these proposals and also the lack of waiting facilities on the eastern side of Day Lane by the junction with Lovedean Lane which will result in HGV's needing to wait on the public highway.</p> <p>The applicant states that an informal give way arrangement will take place on the western side of Day Lane owing to the forward visibility available. The achievable forward visibility has not been presented and should be provided. Drawing number AQD-WSP-UK-OS-DR-Z-200224 Rev 01 demonstrates that there is conflict between a HGV and family car passing across the whole stretch of Day Lane shown within the first inset. There are no passing locations available on Day Lane and ditches are present on either side of the road, meaning that there are no places a car could pull over to let a HGV pass. At present, the only available passing place is located next to banksman 2 at the entrance to the solar farm, which would require a car to reverse back down a substantial length of Day Lane which is wholly unacceptable. This issue is further exacerbated by the 5-6 HGV movements an hour which means that matter would not be a one-off issue. There are also no controls on how these HGV movements would be spaced over the hour.</p> <p>It is also noted that westbound HGVs will be held by banksman 1 near to the Bird in the Hand pub. No details have been provided as to where the banksman will be positioned to ensure that there is suitable time to stop a HGV turning into the junction from travelling along Day Lane. Nor has any consideration been given to vehicles queuing at banksman 1's location blocking back onto the highway at Lovedean Lane.</p> <p>Whilst priority will be given to westbound traffic i.e. HGVs will travel first in the event that another HGV is waiting to travel eastbound from the haul road, there will still be instances where a HGV has already commenced it's journey, resulting in a queue of traffic waiting within the junction. Without a formal waiting area, vehicles will be expected to wait in the middle of the junction, forming a</p>	<p>Further discussions are being held between the Applicant and HCC on this topic, with the view to agreeing upon an acceptable solution.</p>



Para No.	Comment	Applicant's Response
	<p>queue and creating a potential safety hazard if cars turning into the junction fail to anticipate the stationary traffic.</p> <p>The Highway Authority would welcome further discussions with the applicant to investigate opportunities to provide dedicated passing areas on Day Lane, a dedicated waiting area at Lovedean Lane and discuss the overall management of construction traffic on Day Lane.</p>	
<b>B2150 Hambledon Road/Aston Road Signal Junction</b>		
	<p>The sensitivity test indicates a maximum DoS of 77% on the Hambledon Road North arm in the PM peak which remains within operational capacity. As referenced in Hampshire County Council's LIR, all junctions should be monitored during the construction period and appropriate mitigation put in place if there are severe capacity issues at certain locations.</p>	<p>As is set out in Section 5.3.6. of the Applicant's Comments on Local Impact Reports (REP2-013) and further detailed in paragraph 2.5.2.3. of the FTMS (REP1-068), all temporary traffic signals will be managed manually during peak hours to ensure traffic flow and queue lengths are monitored. This will ensure the monitoring of junctions whilst they are directly impacted by traffic management which is associated with the construction of the Onshore Cable Corridor.</p>
<b>Dell Piece East/A3 Portsmouth Road/Catherington Lane Signal Junction</b>		
	<p>This junction will need to be monitored carefully during construction and mitigation put in place if the performance of the junction worsens during the construction period. This is a position previously discussed and agreed with the applicant as part of the ongoing traffic management strategy along the A3 and the wider network.</p> <p>The Protective Provisions offered in lieu of ongoing monitoring is very specific and does not account for severe congestion as a result of the traffic management measures. The Highway Authority would welcome further discussions with the applicant on this point.</p>	<p>As this location sits outside of the Onshore Cable Corridor, the Applicant will not be undertaking works at the Dell Piece East/A3 Portsmouth Road/Catherington Lane Signal Junction. It is therefore not appropriate for the Applicant to monitor the operation of these junction during the construction period. However there are Protective Provisions included within the dDCO (APP-019) to allow unforeseen circumstances to be responded to. This is summarised in Section 2.13 of the FTMS (REP1-068) as follows:</p> <p>Paragraph 10 of the protective provisions for the protection of the highway provides the ability for the highways authority to provide directions in relation to the works:</p> <ul style="list-style-type: none"> <li>• Where an emergency occurs or where necessary to secure the safety of the public;</li> <li>• Where works are being carried out in a manner which constitutes or likely constitutes a danger to any person or class of persons or to affect the stability or integrity of any structures or apparatus including the public highway; and</li> <li>• Where, as a consequence of unforeseen circumstances, in the reasonable opinion of the relevant highway authority any part of the works being carried out or to be carried out within the public highway are causing or are likely to cause serious disruption to traffic that will endanger the safety of the public.</li> </ul> <p>Paragraph 4(2) of the protective provisions for the protection of the highway provides for any detailed traffic management strategy to be revised where necessary in the event of unforeseen circumstances.</p>
<b>Junction Capacity Assessments – PM Peak Construction Worker Trips</b>		

Para No.	Comment	Applicant's Response
	<p>The A3(M) J2 roundabout will experience an increase on the A3(M) South approach in RFC from 0.89 in the DM PM peak to 0.98 within both the DS1 and DS2 scenarios. The approach will therefore be close to operating over capacity on this approach. It is understood that discussions are being held with Highways England to understand the implications of the additional queueing on the Strategic Road Network. The Highway Authority would welcome an update on this matter when available.</p>	<p>This has been addressed in a Technical Note produced in specific response to concerns raised by Highways England in regard to both Junction 2 and Junction 3 of the A3 (M). This Technical Note was shared with HCC ahead of Deadline 4.</p>
<p><b>Bus Journey Time Assessments</b></p>		
	<p>It is acknowledged that a separate assessment document relating to bus journey times and the impacts of the works on the bus service operation has been undertaken. The Highway Authority are reviewing this information and consulting with the bus operators to provide an overarching response on these matters under its statutory function to ensure suitable bus provision. The Highway Authority cannot agree, at this time, that no mitigation measures will be necessary to ensure access to bus services and journey time reliability is not significantly affected by the works.</p>	<p>The Supplementary Transport Assessment (REP1-142) Section 6 comprises a detailed bus journey times assessment, which analyses the difference between bus journey times across the study area by using a comparison of Do Minimum and the two Do Something scenarios contained within the SRTM. Overall, this assessment concludes that the works will generally have a minor impact on bus routes across the study area and where this is more pronounced, the impact will be limited to a short-time period.</p> <p>Furthermore, a meeting was held with First Group (First Hampshire &amp; Dorset) on the 22nd August 2019 to discuss the Proposed Development and the potential impact to local bus services in the Portsmouth and South Hampshire area. The Applicant has continued its engagement with local bus operators following submission of the DCO Application with meetings held with First Group on 08 October and Stagecoach on 21 October. During these meetings, no bus operator expressed any significant concerns regarding the proposals and welcomed the engagement. No request was made to the Applicant regarding requirements for additional services to mitigate the impacts of construction.</p> <p>The agreed Minutes of this meeting are included in Appendix 1 of this documents for reference.</p>
<p><b>Highway Summary</b></p>		
	<p>It is believed that comments on all technical documents relating to highway matters have been provided within this response. If any technical highway documents have been overlooked, it is requested that the applicant brings this to the Highway Authority's attention.</p>	<p>The Applicant confirms that no technical highway documents have been overlooked.</p>
	<p>It is also considered that there remain unmanaged risks within the application which will, if not suitably addressed, place a financial burden on the Highway Authority through both additional officer time on network management and approvals as well as maintenance liabilities. The Highway Authority are therefore wishing to engage directly with the applicant's transport team to discuss further the implications of the development and whether appropriate mitigation measures can be agreed and appropriately secured to manage these issues and risks.</p>	<p>The comments is noted and the Applicant confirms it is engaging and will continue to engage with HCC on these matters.</p>



**Table 2.7 – Winchester City Council (WCC) – Deadline 3 Response**

Para No.	Comment	Applicant's Response
<b>7.7.4</b>	<b>Position Statement in Relation to the Refinement of the Order (REP1-133)</b>	7.7.4
	The Council has a concern relating to the adjustment to the Order Limit at Soake Farm as described in section 3.3.1.6. Plates 1 & 2 show the existing and proposed arrangement. Whilst the area where the cable is to be installed is reduced, section 3.1.1.9 indicates that New Access Rights are to be retained over the purple area and there is a reference to the provision of a haul route at the end of the paragraph. These are now shown as land parcels 3-12a & 3-13a on sheet 3 of the Lands Plan (REP1-011).	The Applicant can confirm that any access rights required over Plots 3-12a, 3-13a and 3-12 as shown on the updated Land Plans (REP1-011a) would not require a haul road as installation of the Onshore Cable Route in this area would be by horizontal directional drilling (HDD) rather than open trenching and the reference to a haul road in the Position Statement in relation to the refinement of the Order Limits (REP1-133) was in error. It is possible a short length of haul road may be required in Plot 3-13, though this would be in relation to the HDD compound which could be located in the southern part of Plot 3-13 (immediately north of Hambledon Road).
	The nature and degree of access for monitoring (by foot or vehicle) needs clarifying but the Council would resist the establishment of any haul route from north to south. Such a provision is not compatible with the HDD approach to the installation of the cables in this location which includes two SINCS.	For monitoring purposes access will be carried out on foot. The statement in relation to the haul road is an error. No haul road will be installed in plots 3-12, 3-12a, 3-13a. It is possible a short length of haul road may be required in Plot 3-13, though this would be in relation to the HDD compound which could be located in the southern part of Plot 3-13 (immediately north of Hambledon Road). Habitat within Plot 3-13 comprises Lowland Meadow which is ecologically important. Ecological mitigation to restore this habitat following completion of the construction phase is proposed within ES Chapter 16 Onshore Ecology (APP-131), and expanded upon in the ES Addendum (REP1-139). It is secured through the OLBS (REP1-034) through requirement 9 of the dDCO (REP3-003).
	The Council questions if the applicant cannot release the land to the south of Hambledon Road from the proposal. These are land parcels 3-14, 3-15, 3-16 & 3-17 as shown on sheet 3 of the Lands Plan (REP1-011). It is understood that this was originally considered as a location to launch the HDD, but that launch site now appears to be located on land on the north side of the road. If this is the case, then the southern land is no longer needed. If it is to be retained, then a discussion is needed on the way that land will be used and its impact on the close knit features that surround and divide up that ground.	Plots 3-14, 3-15, 3-16 and 3-17 have been retained to provide flexibility for the location of Horizontal Directional Drilling (HDD) launch compound. The Applicant notes the need for a discussion regarding usage of land and possible impacts and will facilitate those discussions. The Applicant is in consultation with Natural England with regards restoration proposals for Lowland Meadow habitat within Plot- 3.13 and hopes to reach agreement on such proposals through the Statement of Common Ground with WCC.
<b>7.7.9</b>	<b>Biodiversity Position Paper Rev 001 (REP1-138)</b>	
	Definition: when using the term Denmead Meadows this is assumed to refer to the section of ground bounded to the south by Hambledon Road and to the north by Anmore Road.	This is correct. The Applicant has used the term 'Denmead Meadows' as the area between Hambledon Road and Anmore Road. Within Denmead Meadows are Kings Pond SINC, Soake Farm Meadows SINC and further unimproved grassland not covered by SINC boundaries.
	The bespoke mitigation at Denmead Meadows is the subject of ongoing discussions. The Council notes the desire of the applicant to seek the agreement of Natural England as a priority. At this time, the Council would	The Applicant is indeed continuing discussions with both Natural England and Winchester City Council on this matter. The Applicant has reduced the footprint of compounds proposed at Denmead Meadows as much as is practicable and has committed to a pre-construction survey



Para No.	Comment	Applicant's Response
	<p>make two observations. Firstly if a compound is to be formed on the land at the southern end of the area then its footprint needs to be the subject of a micro siting process to avoid any existing plant clusters Secondly, notwithstanding the applicants embedded measures to mitigate harm, there is still a need for some form of compensation for the inevitable damage that results from the activity. All the applicant's proposal seek to limit the degree of harm but a certain level of impact is inevitable. This should be acknowledged and responded to.</p>	<p>of the meadows to highlight a contemporary distribution of green-winged orchid. It is noted that the distribution of orchids, which were widespread in the meadows, is highly likely to vary from year to year.</p> <p>The Applicant has detailed a thorough assessment of the impacts on Denmead Meadows and has clearly concluded that there would be a significant effect in the absence of mitigation. The mitigation proposed will return the meadows to their current condition in an appropriate and diligent manner. On this basis, the Applicant considers that there is no requirement for compensation, as there will be no residual damage to compensate for.</p>
	<p>All the actions need to be linked into the DCO. Such is the significance of the sensitivity around the work at Denmead Meadows that a distinct Requirement needs to be considered.</p>	<p>This is subject to ongoing discussions with Winchester City Council.</p>
	<p>At Lovedean, the Council notes the intention to provide a gain relating to hedgerow and calcareous grassland. An increase in hedgerow of 1.99km and in the area of grassland of 8.63 ha are offered. Regarding the establishment of the lowland calcareous grassland, the Council considers that the applicant needs to expand on exactly how this additional area will be created to the quantity and quality indicated. The existing soils do not appear to be of the type and nature to establish a calcareous grassland. Chapter 17 of the Environmental Statement Soils &amp; Agricultural Land Use (APP-132) refers to the Lovedean area as clay loam (17.5.1.3) with the upper subsoil as clay/heavy clay loam (17.5.1.4). It would appear that significant earthworks and the laying of a more suitable material would be required.</p>	<p>The Outline Landscape and Biodiversity Strategy (REP1-034) seeks to establish a species-rich calcareous grassland following topsoil removal or inversion and ground preparation and no fertilizer will be applied. These interventions will counter agricultural improvements and allow the influence of the underlying calcareous geology.</p>
	<p>The engineering work to form the level building platform will both expose faces of the underlying chalk to the north, west and east. The work would also provide a surplus of excavated material. However, the excavated chalk will presumably be needed at the southern end to bring the ground level up. It is not envisaged how the soils could be used to increase the levels as they would fail to provide a solid and compacted area on which to build. Accordingly, all the chalk is anticipated being used to establish the level building platform. It is assumed that the chalk is of a quality that is suitable to be used as sub base compacted infill. This appears to only leave the top soil and sub soil as surplus material to be used elsewhere.</p>	<p>The proposed Converter Station site slopes gradually from the north to the south. The earthworks at the site would mainly comprise cutting into the existing slope in the north of the site, and site raising (embankment construction) in the south of the site to achieve the indicative site platform level of 84.8m AOD (metres above Ordnance Datum). All excavations works should be battered back to safe angles during the works in accordance with the relevant temporary or permanent works design. Where practicable, suitable excavated materials from the proposed cutting in the north of the site will be re-used as general fill to raise site levels i.e. to construct the proposed embankment in the south. Suitability will be assessed as part of earthworks specification requirements - including confirmatory tests agreed with statutory bodies. If the site-won material is not suitable the proposed embankment fill material is to be agreed with the statutory bodies. The embankment fill materials (site-won or imported) would be benched into the existing site materials and appropriately compacted in accordance with the designer's earthworks specification (which it is expected will follow methods and guidance given in CIRIA 574 Engineering in Chalk Section 5.2.5). All primary structures on site will be piled through to transfer loads to competent material at depth.</p>



Para No.	Comment	Applicant's Response
	<p>This would offer a poor medium to establish a calcareous grassland. The applicant is invited to explain how the extensive area of calcareous grassland will be established without imports and whether this issue has been factored into the assessment of the extent and quality of the resultant habitat which appears to be based on forming a habitat of high quality.</p> <p>With the uncertainty associated with the establishment of the calcareous grassland, it is considered that the applicant should be offering a broader range of enhancement work and not placing so great a reliance on establishing this habitat type at Lovedean. This is particularly valid when it is considered that a large part of the calcareous grassland to be created, is represented by the cut slopes around the compound area. These slopes would be the natural result of the excavation work rather than as a result of a direct intention to establish that type of habitat.</p>	<p>The enhancement work proposed within the Outline Landscape and Biodiversity Strategy (Rev002; REP1-034), including the establishment of calcareous grassland, is both proportionate to the scale of the Proposed Development and appropriate to the chalk downland environment in which it is located. Although this grassland type will be established on land subject to development work, this does not diminish the ecological value the habitat will bring to the area once established, nor the intention on behalf of the Application to provide such ecological enhancements post construction.</p> <p>The Applicant will discuss arrangements for establishing calcareous grassland with Winchester City Council as necessary.</p>

**Table 2.8 – Winchester City Council – Written Questions**

Para No.	Comment	Applicant's Response
<b>DCO 1.5.9</b>	<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>	<p>The applicant will only remove trees, including those subject to TPO, where it is completely unavoidable. Trees at risk have been included in Schedule 11 as it is not yet possible to definitively confirm their loss or retention (see REP3-003).</p> <p>Unavoidable tree loss is considered to be where the tree is impacted to such an extent that the physiological viability and structural integrity of the tree is significantly diminished such that the long term retention of the tree is not in keeping with arboricultural best practice. The retention or loss of trees will be decided by a suitably trained and experienced arboriculture professional without prejudice to cost implications.</p> <p>This decision will be made as part of the Arboriculture Method Statement and Tree protection plans to be secured through discharge of requirement 15 (REP3-003).</p>
<b>LV1.9.2</b>	<p>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.</p>	<p>The Applicant refers to Table 2.10 of the Applicant's Response to Deadline 2 Submissions (REP3-014) which confirms that there are two types of lightning masts. Further to a design meeting with LPAs in October 2020 it was agreed that additional images of the alternative design (which is a conical post rather than lattice tower) would be presented at the next design meeting.</p> <p>At the recent October design meeting the Applicant explained that the design of the masts and associated layout will be resolved at detailed design. In accordance with requirement 6 of the dDCO (REP3-003) submitted at Deadline 1 the final detailed design of the Converter Station must be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence.</p>

Para No.	Comment	Applicant's Response
LV1.9.5	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.	DCO Schedule 2 paragraph 1(4) applies to more than just the roof of the Converter Station Valve Halls being referred to in this comment. It is necessary and it does not otherwise override the controls provided in relation to design and secured by the Requirements in Schedule 2. Suitable design controls in relation to the Converter Station buildings are secured through the Requirements and the Design Principles, and it is not necessary to revise the wording as requested.
LV1.9.36	The Council is actively engaging in these ongoing discussions.	The Applicant confirms that it is continuing to have discussions with WCC over the indicative landscape mitigation plans which were revised at Deadline 1 - indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137). These plans will be revised in due course to reflect some of the comments made at Deadline 3 and 4.
TR1.17.3	<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 &amp; 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>	<p>The applicant is only seeking powers to impact trees subject to TPOs listed in schedule 11 of the dDCO (REP3-003). Other trees subject to TPOs not listed in schedule 11 will not be impacted.</p> <p>Unavoidable tree loss is considered to be where the tree is impacted to such an extent that the physiological viability and structural integrity of the tree is significantly diminished such that the long term retention of the tree is not in keeping with arboricultural best practice. The retention or loss of trees will be decided by a suitably trained and experienced arboriculture professional without prejudice to cost implications.</p> <p>This decision will be made as part of the Arboriculture method Statement and Tree protection plans to be secured through discharge of requirement 15 (REP3-003).</p>

**Table 2.9 – Winchester City Council – Local Impact Report**

Para No.	Comment	Applicant's Response
4.4.2	The Council still considers that in relation to the areas identified in the LIR the applicant is pushing the concept of the Rochdale envelope too far in certain instances. These situations are identified and in the Councils case.	<p>The adopted Rochdale Envelope assessment approach is appropriate for the scale and nature of the Proposed Development and the assessment carried out is robust. The dDCO (REP3-003), together with the control documents, ensures the parameters of the assessment are secured. The applicant has responded to WCC with regards to the two specific areas where they feel this approach is being applied too liberally (response to paragraph 4.4.3 contained in REP2-013).</p> <p>The applicant has explained that the parameter envelope used for the assessment of likely significant environmental effects is wholly adequate and has allowed for the robust assessment of the worst case effects.</p>
4.4.3	Despite some adjustment to the wording, the final decision is still left to the contractor. If the applicant has undertaken further utilities survey work in the highway as claimed, then it should be a simple matter to share that detail with everyone and refine the cable route. The Council is not suggesting that an	The comment that the Order limits provide a broad corridor is not agreed with. The Order limits, and the limited lateral limits of deviation which they provide, are necessary and proportionate and required so as to facilitate the delivery of the Proposed Development.




Para No.	Comment	Applicant's Response
	<p>absolute alignment is presented, simply that at the most sensitive locations the existing broad corridor is reduced to exclude impacting on the adjoining features. The continued threat to 250m of hedgerow and trees on the north side of Hambledon Road west of Soake Road cannot be justified. The applicant must be able to refine the impact to a narrower section of this frontage close to the junction.</p> <p>At the detailed submission stage, a clearly reasoned written justification needs to be included on which features are to be removed and why there is no alternative. Given the importance of the landscape features identified, the presumption should be reversed and placed on retention unless a clear case can be made for removal.</p>	<p>The detailed design of the Proposed Development will be submitted for approval to discharge requirement 6 of the dDCO (REP3-003), which will include such details include confirmation of the cabling route.</p> <p>As explained, unavoidable tree loss is where the tree is impacted to such an extent that the physiological viability and structural integrity of the tree is significantly diminished such that the long term retention of the tree is not in keeping with arboricultural best practice. The retention or loss of trees will be decided by a suitably trained and experienced arboriculture professional without prejudice to cost implications.</p> <p>This decision will be made as part of the Arboriculture method Statement and Tree protection plans to be secured through discharge of requirement 15 (REP3-003).</p>
4.6.4.2	The Supplementary Alternatives Chapter lacks a clear time line setting out exactly when the applicant considered the countryside route.	<p>The applicant provided a more detailed response to this in Table 2.2 of REP3-014.</p> <p>In summary, the consideration of a cable route in this location was first considered in 2017, however it was discounted at this stage because of the potential for environmental impacts on designated sites and because the Applicant did not want to sterilise the land in this location, noting that it is an area allocated for housing development. Following the suggestion of the alternative countryside routes by HBC and WCC in responses provided at the AQUIND public consultation on 16th and 29th April 2019, respectively, the potential for a route in those location was further considered, with that further consideration confirming the previous conclusions made.</p>
4.6.4.6	Regarding the discussions with PINs it was the Councils view that the absence of the countryside route from any proposal left a hole in the consultation exercise. In the event this alternative was found to have merit then it could be a fundamental problem for the applicant at the Examination Stage.	<p>The Applicant is content that it has complied with all relevant obligations placed upon it to consider alternatives in a proportionate manner, and to explain how it has done so. The Countryside Route suggested by WCC has been considered further to the consultation. It is not the Applicant's preference for the reasons explained. Public consultation on an option which the Applicant would not take forward for the reasons would be a meaningless exercise, and would only serve to potentially frustrate consultees where this option was removed as it would have been for the reasons explained. It is for the Applicant to consider the reasonable alternatives for the Proposed Development, and it is for the Applicant to determine how it appropriately consults on the proposals for the Proposed Development as it does so. The Applicant has taken an entirely appropriate approach in all regards.</p>
4.6.4.8	The applicant makes general statements that the countryside route was considered but fails to identify the specific time in the optioneering process when this occurred.	See response to paragraph 4.6.4.2 in this table.
4.6.5.1	<p>Noted and accepted.</p> <p>Noted and welcomed providing the TPO tree and its root system are not impacted in any way. The dDCO should be amended to reflect this.</p>	<p>It is assumed the reference to the TPO tree is to T393.</p> <p>As confirmed within the OLBS (REP1-034): "<i>The Onshore Cable Route shall avoid impacting on the TPO'd oak tree (T393) (TPO - 2246 T1) to north of Anmore Road and a mature Category A oak tree (T409).</i>" This is also shown in Sheet 3, Figure 3 Tree &amp; Hedgerow Retention Plans (REP3-007). Further, T393 has been removed from Schedule 11 to the dDCO (REP3-003).</p>



Para No.	Comment	Applicant's Response
4.6.5.4	<p>The Arboricultural Method Statement only refer to protecting high value trees (TPO trees). This sets the bar too high and fails to consider other important factors.</p> <p>The trees on the north side of the Hambledon Road and west of the Soake Road junction are not covered by a TPO but considered to have significant landscape value when viewed in the context of the trees on the south side of the road and their value as part of the Denmead Gap. Nothing has been seen to remove the threat to these trees.</p> <p>The Access and Rights Plan quoted clearly indicates a new access is to be formed off Anmore Road into the land to the north. The new access to Kings Pond Meadow is ref AC/2/b. Clarification required.</p>	<p>The Arboriculture Method Statement will include the protection measures afforded to all retained trees, not just TPO trees as suggested. In relation to the trees on the north side of Hambledon Road to the West of Soake Road, trees at the roadside have been identified as "at risk". However, the applicant will only remove these trees where their loss is unavoidable. Unavoidable tree loss is considered to be where the tree is impacted to such an extent that the physiological viability and structural integrity of the tree is significantly diminished such that the long term retention of the tree is not in keeping with arboricultural best practice. The retention or loss of trees will be decided by a suitably trained and experienced arboriculture professional without prejudice to cost implications. The retention or loss of these trees will be confirmed at detailed design stage and secured through Arboriculture Method Statements to be secured through discharge of requirement 15 (REP3-003).</p> <p>The latest Access and Rights of Way Plan submitted at Deadline 1 (REP1-016) show that a construction access is only proposed onto the southern side of Anmore Road at location AC/2/a.</p>
4.3.3	<p>What actions are proposed to mitigate the <i>significant (applicant's word)</i> impacts on landscape character within the 1.2 km radius of the site.?</p>	<p>The Applicant considers that an appropriate and proportionate approach has been taken to landscape mitigation as stated in the Applicant's Comments on WCC's Local Impact Report (REP2-013). Existing planting surrounding the Converter Station which serves a visual screening function and is important to the local landscape character now falls within the Order Limits and measures have been taken to ensure their reinforcement where appropriate and their retention and management in accordance with Requirement 8 of the dDCO REP3-003).</p> <p>It is noted in this regard that NPS EN-1 acknowledges in relation to landscape impact and decision making at paragraph 5.9.8 that "virtually all nationally significant energy infrastructure projects will have effects on the landscape" and that "Projects need to be designed carefully, taking account of the potential impact on the landscape... to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate." This is the case with the Proposed Development.</p>
	<p>The Council is keen to resolve the design principles so they can be locked into the dDCO.</p>	<p>As referred to above the Applicant refers in paragraph 4.3.12 in the SoCG with WCC (REP1-118) submitted for Deadline 1, the Applicant will continue to work with WCC, along with other interested authorities, to seek agreement of the Converter Station Design Principles.</p> <p>The Applicant, as discussed at the October design group meeting has agreed that the design principles will be discussed at the next design group meeting.</p> <p>The need to comply with the design principles is already secured by Requirement 6 to the dDCO (REP3-003).</p>
4.6.14	<p>The Council is seeking greater understanding of the use of this type of deed which includes a meeting with the applicant.</p> <p>The Council notes the clarification on the commitment to manage the landscaping for the operational life of the Converter Station. This closes that specific issue but not the more general concerns about the use of the Deed of Covenant.</p>	<p>The New Landscaping Rights are set out at Appendix A of the Statement of Reasons (REP1-025).</p> <p>New Landscaping Rights means "<i>all rights and restrictions necessary for the undertaker and / or those authorised by the undertaker:</i></p> <p><i>(a) to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping and the right to pass</i></p>



Para No.	Comment	Applicant's Response
		<p><i>and repass on foot, with or without vehicles, equipment, plant and machinery (including any temporary surface) at all times and for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works;</i></p> <p><i>(b) to install, construct, operate, test, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, renew, upgrade, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage water flows in any drains, watercourses and culverts; and</i></p> <p><i>(c) restrictions on constructing and erecting buildings, works, structures, excavation, altering ground cover or soil levels, or growing or planting trees or shrubs or carrying out operations or actions which may obstruct, interrupt, or interfere with the exercise of the rights."</i></p> <p>These rights would be secured via a Deed of Grant to secure the legal rights to undertake the improvement measures set out at Parts (a) and (b) above and to secure the restrictions set out in Part (c). The Applicant has discussed this further with WCC and it is understood that, subject to having sight of a precedent Deed of Grant, WCC are content the legal rights are appropriate. It is understood that WCC's concern is actually in respect of ensuring compliance with the Requirements is enforceable, and that the legal rights and secured ensure the Requirement can be enforced.</p> <p>Enforcement of Requirements is a matter addressed in Part 8 of the Planning Act 2008, and it would be an offence for the Applicant not to comply which would be actionable as such. The enforcement provisions of the Planning Act 2008 and their effectiveness are not a matter for the Applicant to address.</p>
	<p>Is this correct that new planting will only take place on land that the applicant will own and only rights to management existing features will take place on other land?</p> <p>The Land Plans clearly show areas where New Landscape Rights are to be sought coloured green. The land to be permanently acquired is shown in pink. It is clear from the outline landscaping plan that new planting is clearly intended for green coloured areas.</p>	<p>In terms of the first point regarding new planting only taking place on land that the Applicant will own, this is incorrect. New planting can take place on land shown on the Land Plans (REP1-011a) as green where New Landscaping Rights are sought. This will include for instance hedgerow planting associated with Plot 1-82 and 2-01 and new tree planting within Plot 1-03. As set out above, Appendix A of the Statement of Reasons (REP1-025) sets out the nature of the rights sought by the Applicant. For the avoidance of doubt this part (a) includes the right "to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping and the right to pass and repass on foot, with or without vehicles, equipment, plant and machinery (including any temporary surface) at all times and for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works"</p> <p>The Applicant confirms that areas where New Landscaping Rights are sought are coloured green, that the land permanently acquired is pink and that based on the revised indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1. New planting can take place in areas where there are New Landscaping Rights, the permanent acquisition of land, New Access Rights and New Connection Works Rights.</p>
4.6.3.3	192 glass fibres noted.	Whilst the comment is noted, measuring optical fibre transmission capacity by reference to a number of phone calls misunderstands the technology proposed and its use. The Applicant has

Para No.	Comment	Applicant's Response
	<p>It is becoming increasingly evident that the Applicant does not wish to answer the question of capacity directly. One strand of optical fibre can transmit the equivalent of 24,000 telephone calls at the same time. Are we therefore looking at a capacity that could be 192 x 24000 for each of the two circuit? That could be over 9 million lines?</p> <p>This does not answer the question of separate implementation</p>	<p>clearly explained the position regarding the fibre optic cables in terms of their requirements and capacity.</p> <p>There could be no separate implementation. The Applicant cannot lay fibre optic cables alone in accordance with the DCO, as it is not seeking permission to do so. They must be provided as part of the Proposed Development, which is the Interconnector.</p>
<p><b>4.6.3.4</b></p>	<p>The fact the applicant has sought Code Operator status would seem to indicate that they must have thought of the wider connections both locally alongside the cable route and to the wider UK network.</p> <p>If you are going to branch off how could you possibly offer service that does not go anywhere?</p>	<p>The termination of the spare fibre at the Telecommunications Buildings provides an interface point to connect to a network. No digression from the FOC shall be made along the Onshore Cable Route.</p> <p>As previously explained, no decision has been taken in relation to a future network and there is nothing specific proposed. However, the Applicant is seeking the ability to be able to provide this in the future. As mentioned previously, any future network will be subject to all relevant laws and controls in relation to it.</p>
<p><b>1.4.11</b></p>	<p><i>“The Applicant would like to highlight that the following comment is incorrect with regard to hedgerows “to the north, the DCO limits do not reach the edge of the road”. The Order limits do reach the edge of the road, encompassing the hedgerows.”</i></p> <p>This comment is not understood as the original comment clearly states it does not reach the road.</p> <p>In the applicants comments on the Council responses to ExQ1 there is reference to more survey work having been undertaken regarding services in the highway.</p> <p>The view prevails that a more refined corridor can be identified on Hambledon Road.</p>	<p>The Applicant is making further contact with them to clarify the point and provide a response to close out this issue.</p> 



Para No.	Comment	Applicant's Response
1.4.17	The Council stands by its interpretation of the landscape character of the area	<p>The Applicant as referred to in the Applicant's Comments on Local Impact Reports paragraph 1.4.7 (REP2-013) and the Applicant's Response to Deadline 2 Table 2.10 (REP3-014) disagrees. The landscape whilst rural is characterised by the existing Lovedean Substation and, particularly the overhead terminal towers / pylons and lines which are of an undisguised industrial nature. As described in ES Chapter 15 (APP-130) paragraph 15.5.3.4 "the existing Lovedean Substation, associated pylons and overhead lines are dominant elements in the landscape of the Converter Station Area and immediate surrounding area."</p> <p>Whilst it is accepted that the western side of Old Mill Lane does become more rural, the south western side of the Converter Station (and southern part of Old Mill Lane) is also affected by pylon towers demonstrated in Viewpoint 11 Figure 15.28 (APP-261) which shows pylon route YE063 which runs north east / south west and skirts the northern edge of Denmead.</p>
4.6.12	The design group is meeting and it is the hope of the Council that the Design Principles can be established revised and agreed shortly.	<p>As referred to above the Applicant refers in paragraph 4.3.12 in the SoCG with WCC (REP1-118) submitted for Deadline 1, the Applicant will continue to work with WCC, along with other interested authorities, to seek agreement of the Converter Station Design Principles.</p> <p>The Applicant, as discussed at the October design group meeting has agreed that the design principles will be discussed at the next design group meeting.</p>
	<p><i>"The existing length of hedgerow has not been included within the Order limits as is not deemed necessary to include this length of hedgerow in the Order limits in connection with the Proposed Development. This is because it is not considered this section of hedgerow referred to provides a meaningful screening benefit which in turn necessitates its inclusion in the Order limits such that it may be retained and maintained in connection with the Proposed Development."</i></p> <p>When this was first raised some time ago, the response was the applicant believed it to be a section of fencing and not a hedge. It is hard to see how this section is not as important to screening the site as those sections to the north and south along the lane.</p>	<p>As outlined previously in the Applicant's Comments on Local Impact Reports (REP2-013) the existing length of hedgerow has not been included within the Order limits as it is not deemed necessary to include this length of hedgerow in the Order limits in connection with the Proposed Development. This is because it is not considered this section of hedgerow referred to provides a meaningful screening benefit which in turn necessitates its inclusion in the Order limits such that it may be retained and maintained in connection with the Proposed Development.</p> <p>The hedgerow wraps around a business property and in part fronts fencing. To the north of the property the hedgerow which is predominately hedgerow trees is gappy with views through to HR05 at eye level. In response to WCC's concern the Applicant has proposed planting on both Plots 1-23 and Plots 1-29 which is of sufficient density to provide screening at eye level and this is shown in the revised indicative landscape mitigation plans Figure 15.48 and 15.49 (APP-281 Rev002 and APP-282 Rev002 respectively) Option B(i) and indicative landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1.</p>
	<p><i>"The Applicant confirms in the event that Option B(ii) is adopted the extent of landscaping proposed to the western side of the Converter Station will not be reined back. This is demonstrated by the updated landscape mitigation plans for both Option B(i) and B(ii) where additional areas of woodland have been introduced or extended - Figure 15.48 and 15.49 (REP1-036 and REP1-037 respectively) Option B(i) and indicative landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1."</i></p> <p>Noted and welcomed.</p> <p>Does this commitment need to feature in the dDCO?</p>	<p>The dDCO (REP3-003) requires the detailed landscaping scheme to be approved by the relevant planning authorities in consultation with the South Downs National Park Authority. This in effect is a commitment to the relevant local planning authorities that should Option B(ii) be adopted, the planting will not be "reined back" to below that shown on the indicative landscape mitigation plans for Option B(i) as referred to on the revised indicative landscape mitigation plans (REP1-036 and 037 respectively) submitted at Deadline 1.</p> <p>The Applicant considers that Requirement 7 is drafted to give the LPAs sufficient control post consent.</p>



Para No.	Comment	Applicant's Response
	<p>Elsewhere in the comments to the Councils response to the ExAQ1 the applicant accepted the development will have significant effects on landscape character for a radius of 1,2km. However the mitigation is confined to well within this area. The figures are approximately as follows:</p> <ul style="list-style-type: none"> <li>• 350m to the west</li> <li>• 750m to the south and east</li> <li>• 6550m to the north.</li> </ul> <p>What mitigation is being offered for the impact beyond these limits but within the 1.2km radius?</p>	<p>As stated above under Table 7.3 the Applicant considers that an appropriate and proportionate approach has been taken to landscape mitigation as referred to in the Applicant's Comments on WCC's Local Impact Report (REP2-013). Existing planting surrounding the Converter Station which serves a visual screening function falls within the Order Limits and measures have been taken to ensure their reinforcement where appropriate and their retention and management in accordance with Requirement 8 of the dDCO (REP3-003).</p> <p>The 1.2 km radius is the limit of significant effects: mitigation planting does not have to be physically present across the whole of the area to have an appropriate mitigating effect.</p>
4.6.16	<p>Whilst noting the movement, the Council still wishes to see a reduction in the broad corridor on the Hambledon Road where the route enters Soak Meadows.</p>	<p>The Applicant has already substantially reduced the area of land over which new connection works rights are applied in this area and deems it necessary to retain the remaining land subject to new connection works rights noting it will only exercise the rights over as much land as is necessary for the construction, operation and maintenance of the proposed development.</p>
4.6.13	<p>The additional/reinforcement planting suggested by the Council is still viewed as having merit for the reasons previously stated. Action at both locations is the Councils preferred response but if forced to express a preference, PH-2 is the logical choice as it represents the stronger east –west link to be enhanced in preference to PW-5.</p>	<p>The Applicant notes this response and refers to revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1. These plans show that PH-2 has been widened to a thickness of approximately 6.5m which is more than the standard two rows of new hedgerow planting as requested to provide a stronger east west connection and PW-5 has been extended further east to again improve connectivity whilst maintaining a gap for access.</p>
	<p>I think the Applicant is referring to EH-5 not EH-8 The Council continues to see merit in this addition even if the access needs to be left open for access purposes.</p>	<p>EH-5 relates to the hedgerow running north south and lies to the east of EH-8 which also runs north south and would form part of a larger proposed woodland block. WCC has requested an east west connection between the two sections of hedgerow which lies outside the Order Limits. The Applicant's Comments on the Local Impact Reports Table 7.8 (REP2-013) remain unchanged in this regard. This east west planting would sever the existing arable field. It is not considered that the benefits of such planting would outweigh the impacts of needing to acquire this land which is Grade 3a, and it is not considered the landscaping is of such benefit that it would justify the acquisition of the land required to provide it.</p>
	<p>Thickening PH-3 to form a more substantial linear feature is still regarded as holding merit for the reasons previously stated.</p>	<p>The Applicant notes this comment and will explore whether in specific locations within the Order Limits and where PH-3 meets EH-23 and EH-25 such areas can be thickened up. If feasible, this will be presented on a revised version of the indicative landscape mitigation plans for both Option B(i) and Option B(ii).</p>
	<p>The sections in Chapter 16 recognise that the immature nature of the new planting will have a negative impact but propose no actions to mitigate for this as they claim the impacts are low or minor. There is also considered to be a negative impact on landscape as well as biodiversity. The reinforcement was seen as a mechanism to mitigate for both impacts.</p>	<p>The Applicant has recognised within ES Chapter 16 Onshore Ecology (APP-131) that there will be a period following the completion of construction and landscaping where planting will be immature and will need time to grow-in, as must be the case. This is not considered to represent a significant effect and thus no mitigation has been proposed.</p>



Para No.	Comment	Applicant's Response
	<p>The where practicable approach to avoiding tree loss is still the applicants position along the whole of the cable corridor.</p> <p>What is actually meant by the Cable route needs to be defined for clarity. Is it the corridor cut through a feature, the trench or the cable itself?</p>	<p>As stated in the OOCEMP (REP1-087, Rev003) paragraph 1.1.1.9 “<i>The Onshore Outline CEMP outlines mitigation that will be applied in some cases ‘where practicable’. The final routing of the Onshore Cable Route within the order limits will be determined following the grant of the DCO, due to routing constraints associated with environmental constraints, including utilities. For example, in some instances it may prove not possible to avoid certain tree root protection areas. However, ...measures which are “where practicable” must be applied where they reasonably can be applied.</i>”</p> <p>The Glossary submitted with the Application (APP-006) contains definitions of the relevant terms:</p> <p>Onshore Cable: ‘The part of the HVDC Cable installed inland from the Mean High Water Springs (MHWS).’</p> <p>Onshore Cable Corridor: ‘The area within which the Onshore Cable Route and all associated Temporary Works will be located. This runs landward from the Mean Low Water Springs (MLWS).’</p> <p>Onshore Cable Route: ‘The final refined route for the Onshore Cable that lies within the Onshore Cable Corridor.’</p> <p>HVDC Cable: ‘The Cable designed to transfer power using High Voltage Direct Current (HVDC) at a nominal voltage of 320 kV. For the purpose of the Proposed Development, this comprises the Onshore Cable and the Marine Cable.’</p> <p>HVDC Cable Corridor: ‘Comprises the Onshore Cable Corridor and the Marine Cable Corridor.’</p> <p>HVDC Cable Route: ‘Comprises the Onshore Cable Route and the Marine Cable Route.’</p> <p>Also for completeness:</p> <p>HVAC Cable: ‘The Cable designed to transfer power using High Voltage Alternating Current (HVAC) at a nominal voltage of 400 kV, which will connect Lovedean Substation to the Converter Station.’</p> <p>HVAC Cable Corridor: ‘The area within which the HVAC Cable Route and all associated Temporary Works will be located.’</p> <p>HVAC Cable Route: ‘The final refined route for the HVAC Cable that lies within the HVAC Cable Corridor.’</p>
	<p><i>The question references a compound acting as a “barrier to movement/migration of species across land , or the use of the “airspace” by birds or bats”, but does not state which compound is being referred to. Effects of placement of all compounds have formed part of the assessment within ES Chapter 16 Onshore Ecology (APP-131), and has covered both the construction and operational phase of the Proposed Development.</i></p>	<p>The Applicant's previous response is reiterated. Effects of placement of all temporary compounds and permanent land take, including at the Converter Station, have formed part of the assessment within ES Chapter 16 Onshore Ecology (APP-131), and has covered both the construction and operational phase of the Proposed Development.</p>
<p><b>4.6.16</b></p>	<p>This comment followed the community expression to support the Gap as a priority in the adopted Neighbourhood Plan.</p>	<p>The Applicant notes that the Neighbourhood Plan has not yet been adopted and therefore carries limited weight.</p>

Para No.	Comment	Applicant's Response
	<p>The FTMS (REP1-068) includes a signage strategy, the full details of which are to be agreed with each Highway Authority prior their implementation. The strategy <b>could</b> include "Access only" signs; the need for which will be determined at the detailed approval stage.</p> <p>Please change "could" to "will"</p>	<p>The Applicant is currently discussing the requirements for a signage strategy with HCC for inclusion in the FTMS. This point will be clarified as part of this strategy, but in any event where signs need to be provided the will be, it is just not the case that it is known now Access Only signs will be required and hence the wording used.</p>
4.6.17	<p>If the projected life of the scheme is 40 years what guarantees are there that the energy will remain low carbon during that period?</p>	<p>As explained in the Need and Benefits Addendum (REP1-136) the UK Government has made a commitment to achieving net-zero by 2050. Similar commitments in line with COP21 Paris Agreement have been made by the European Union and its Member States.</p> <p>To achieve this objective requires replacing carbon intensive generation, such as coal and gas, with renewable alternatives such as wind and solar. In the UK these policy objectives are supported by scenarios produced by the National Grid ESO in its FES and NOA publications, which are described in a great detail in the Need and Benefits Addendum.</p> <p>In addition, on 6 November 2020 ENTSO-E released pan-European Ten Year Network Development Plan 2020 that provides a set of scenarios (Distributed Generation and Global Ambition) which are created in line with the COP21 targets to understand the impact on infrastructure needs against different pathways reducing EU-28 emissions to net-zero by 2050. In these scenarios AQUIND Interconnector<sup>1</sup> provides reduction in CO2 emissions between 1,928 ktonnes and 2,789 ktonnes per year by reducing curtailment of renewable generation and avoiding electricity generation from hydrocarbon energy sources.</p> <p>Taking into account that this is the position with regard to electricity generation, i.e. targets must be achieved in accordance with law, it is certain that the electricity which is generated in the UK and France will continue to be less carbon intensive, and this is the energy which the Interconnector may import/export.</p> <p>The carbon emissions benefits of the Proposed Development are extremely clear and a compelling national benefit of the proposals.</p>
	<p>This response does not address the specific point made. The construction and operational stages should be kept Separate and assessed individually not as a combined Figure. The construction work leaves a residual amount of Carbon emissions and these should be mitigated by the Applicant.</p> <p>The discounting of carbon emissions from construction Employee traffic does not make sense in the context of other factors that are taken into account</p>	<p>The Environmental Statement does report emissions separately by construction and operation phases in section 5. However, the overall impact of the project is across both phases, and this results in a net reduction in emissions. Mitigation during the construction phase is proposed in Section 5.15.2 of the Environmental Statement.</p> <p>Emissions from Employee Commuting during construction are expected to be very small and have be excluded as de-minims as they would not materially affect the result of the assessment.</p>
	<p>The Council is still seeking mitigation for the residual amount of carbon.</p>	<p>The Onshore Outline CEMP (REP1-087, Rev 003) outlines mitigation measures for the construction phase in relation to carbon.</p> <p>Section 5.15.2 outlines mitigation relating to greenhouse gasses and the sustainable approach to be adopted by the contractor. This is to be read in conjunction with section 5.14 which</p>

<sup>1</sup> <https://tyndp2020-project-platform.azurewebsites.net/projectsheets/transmission/247>



Para No.	Comment	Applicant's Response
		<p>provides mitigation for Waste and Material Resources including their associated embedded carbon.</p> <p>The Onshore Outline CEMP provides the appointed contractor the principles they must apply in the design and methodology refinement to be included in the detail CEMPs at construction. The measures in the Onshore Outline CEMP are secured in requirement 15 of the dDCO which also requires the contractor to submit the detailed CEMPS to the LPAs for approval.</p> <p>This ensures all reasonable and appropriate steps to reduce carbon emissions during construction are to be taken, and nothing further is considered to be necessary to make the development acceptable in respect of carbon emissions reductions.</p>
	<p>This response would seem to confirm the view that benefits are not clear. For the reasons set out in its original comments, the Council remains of the view that an ESP requirement should be imposed. Following previous discussions the Applicant knows what the Council is looking for but it will repeat this detail shortly.</p>	<p>Table 7.11 of the Applicant's Response to the Local Impact Report (REP2-013) copied below remains applicable. The ability to provide employment is not related to carbon benefits but the nature of the construction work.</p> <p><i>The calculation of employment and associated benefits has been conservative to reflect the relatively specialist nature of some of the construction work (refer to para 25.4.3.2, Chapter 25 of the ES (APP-140)). Multiplier effects have been calculated at a Regional level (para 25.4.3.7) so will not differentiate between different local authorities crossed by the Proposed Development. Use of accommodation and local spending would not be limited to Denmead and would include other areas within Winchester City Council and the region.</i></p> <p><i>Given that predicted construction employment is not assessed as significant, the Applicant does not believe an ESP is required in this instance. The measures set out at Paragraph 25.9.2.1 of the ES also appear in section 5.12.1.1 of the OOCEMP (REP1-087). Flexibility to their application needs to remain as this will depend on whether the nature of the construction work allows these opportunities.</i></p> <p>The Applicant does not agree that it "knows what the Council is looking for". Discussions to date have been at best high level and with no clear explanation of what the proposals could be and how they would meaningfully mitigate the impacts of the Proposed Development. The Applicant looks forward to being provided with clear information in this regard for it to consider.</p>
	<p><i>"Whilst not a made DCO as it is currently yet to be determined, the Applicant notes that the same approach to acquiring the necessary rights and impose restrictions in relation to Landscaping is taken in the Hornsea Project Three Offshore Wind Farm DCO. It is confirmed that if a voluntary deed of covenant to impose an easement is not able to agreed, the Applicant will exercise powers to compulsorily acquire the necessary rights and restrictions. It is for this reason that these rights over the relevant land are included for within the Book of Reference (REP1-027) which WCC may wish to consider."</i></p> <p>Given the magnitude of the documentation for this project, it is requested that the applicant provides references to the relevant documents and section they are referring to.</p>	<p>The Applicant advises WCC to review the Land Plans and the Book of Reference in relation to that project.</p>



Para No.	Comment	Applicant's Response
	<p>The question remains how can the applicant secure access to undertake work on features away from existing publicly accessible locations if there is any resistance by the relevant landowner.</p>	<p>Access to undertake work on existing features away from publicly accessible features will be secured via private agreement with the relevant landowner or via the rights set out in the Book of Reference(REP1-027) and shown on the Land Plans (REP1-011a). It should also be noted that the Applicant has agreed Heads of Terms with Winchester College over a significant amount of land in the vicinity of the Converter Station area and this land can be used to access adjoining landscaping features where necessary. The Option Agreement is currently being drafted and it is expected it will be completed before Christmas.</p>
<p>9.</p>	<p>Why does the applicant consider they need to exempt the development from the statutory nuisance regime if their own submitted assessments states the development will not result in a statutory nuisance occurring. This would suggest that the applicant has doubt in the conclusions of its own assessment. Implying the exemption required to ensure no “unreasonable impediment is in place” strongly implies that they consider a matter of statutory nuisance could occur (contrary to their assessment) and that such an action is unreasonable. This is not in the interest of Winchester’s local residents whose normal right of redress through this regulatory regime will be prejudiced.</p>	<p>It is necessary to ensure there is no unreasonable impediment to the delivery of the Proposed Development.</p> <p>The noise levels to be achieved in relation to the operation of the Converter Station are very clearly secured by Requirement 20 of the dDCO (REP3-003) and this ensures adequate protections are included for.</p> <p>Whilst those measures are secured, it would still be possible for a person to seek to bring a claim for statutory noise nuisance, and the bringing of that claim could impact the development proceeding whilst it is investigated. The Article is included to avoid such circumstances occurring, which ultimately would serve only to delay the delivery of the Proposed Development and the significant benefits which it provides.</p> <p>Further to the comments received, the Applicant has agreed to consider further drafting of Article 9 to more clearly link this to the controls provided for in relation to noise during construction and operation, so as to ensure that the defence would not be applicable where the Proposed Development is not being constructed or operated in accordance with the relevant controls. It is considered this addresses the concerns raised, as it will be clearly confirmed that any defence would not be applicable where the Proposed Development is not being constructed or operated as required by the Order.</p> <p>Should the Council’s not accept this position, they would be promoting an approach that claims for statutory noise nuisance would be able to brought where the Proposed Development is being constructed and operated in accordance with the Order, which the Article is purposefully included to avoid and ensure there is no unreasonable impediment which would prevent the delivery and operation of nationally significant infrastructure.</p>
<p><b>Schedule 15</b></p>	<p>Initial comment should have referred to table 5.2. If Section 1 includes the construction of the converter station building as now advised, why is this risk shown as medium when the Air quality Chapter 23 (Document 6.1.23) categorises this dust risk as high.</p> <p>It is particularly important to ensure suitable dust mitigation is in place during the construction phase of the converter station which is of a much longer duration than the works within the cable corridor sections.</p>	<p>This error identified by the respondent was also previously noted by the Applicant and has been corrected in the Onshore Outline CEMP (REP1-087) submitted at Deadline 1.</p> <p>Table 5.2 Summary table of Dust Risk Results Per Onshore Cable Corridor Section of the updated Onshore Outline CEMP now correctly identifies that the Converter Station Area is at a high risk of dust impacts.</p> <p>The mitigation measures set out in the Onshore Outline CEMP are c sufficient. The general air quality and dust mitigation measures set out in 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. In accordance with Requirement 15 of the dDCO (REP3-003), no construction phase of the onshore development may commence until a CEMP (including a Dust Management Plan) relating to that phase has been submitted to and approved</p>



Para No.	Comment	Applicant's Response
		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 CEMP.
4.6.15	Please share the data collected and explain why no further survey work trenches or radar was considered necessary.	<p>Trial trenching and ground penetrating radar has not been undertaken at this time.</p> <p>The latter is not best suited for projects of this nature as GPR antennae beam width is broad making it difficult for the radar to discriminate between closely spaced pipes/services.</p> <p>At the detailed designed stage further route proving surveys will be carried out by the contractor to determine the refined corridor within the Onshore Cable Corridor.</p>
	<p>The Council is pleased to see that some further work on the utilities with the road has been undertaken but it is vague exactly what this has entailed. A Desk top study or actual survey work on the ground or a combination of both? Why are the full details of this additional work and what it discovered not included in the response?</p> <p>Trial pits should not have been discounted so easily. There is no substitute for locating a service exactly where it is located in the ground.</p>	<p>A full utility search has been conducted throughout the Order Limits which formed the basis of a detailed route proving desk-top study.</p> <p>The study identified existing services within the highways boundaries and provided several route options for duct installation.</p> <p>As explained above, at the detailed designed stage further route proving surveys will be carried out by the contractor to determine the refined corridor within the Onshore Cable Corridor, which may include trial trenching as necessary. This has not been discounted, and will be undertaken as necessary at the appropriate time.</p>
	<p><i>"The applicant refers the following schemes which are comparable in terms of utility congestion in an urban environment, trench dimensions and twin circuit installation. These schemes are:</i></p> <ol style="list-style-type: none"> <li>1. Dewar Place 275kV – Scottish Power Energy Networks, Edinburgh</li> <li>2. Nechells 132kV – Western Power Distribution, Birmingham</li> <li>3. North Hyde to Hayes 66kV, Scottish and Southern Energy, Slough"</li> </ol> <p>Using the brief details provided does not allow any meaningful results in terms of the details of the schemes and what implications the work had on traffic movements?</p>	<p>A proportionate level of information obtained from these schemes has been used to confirm the revised cable duct installation rates included in the ES Addendum (REP1-139). As noted in that document, these have been revised down to ensure a very robust position is explained for the purpose of determining the likely significant impacts.</p> <p>Details of traffic movements associated with such work has been based upon professional experience of these and other schemes, which is a suitably robust approach.</p> <p>The impacts of traffic on the existing road network as a result of construction, taking into account the information explained above in an appropriate and proportionate manner, is set out in the Transport Assessment (APP-448) and Supplementary Transport Assessment (REP1-142).</p>

**Table 2.10 - Network Rail Infrastructure Limited**

Para No.	Comment	Applicant's Response
1.4	However, that overlooks Network Rail's key concern which is that the powers of the Order could be transferred to an entity which does not have either the competency to comply with the obligations or sufficient financial standing to indemnify Network Rail in the event of a breach of the provisions. In addition there is nothing to stop the transfer of the benefit of the powers to an overseas entity. The strength of the protective provisions relies on Network Rail being able to enforce the provisions and also the party against whom	It is not the case that the benefit of the Order could be transferred to any other person as suggested. The operation of an interconnector is a regulated activity and only persons granted with a licence to participate may do so. The process to obtain a licence ensures the recipient is fit and proper to operate the Proposed Development, and places obligations on them in that respect. Provided that the persons to which the Interconnector is to be transferred has an appropriate licence, which they must do so by law to be able to operate the Proposed Development, the concerns of Network Rail simply do not arise.



Para No.	Comment	Applicant's Response
	they are enforceable being able to meet any claim brought against them. Article 7(7)(e) removes the ability for the Secretary of State to have oversight of the identity of the transferee of the benefit of those powers in certain circumstances. In a worst case scenario the powers would be transferred to an overseas shell entity with no capital. That risks a dilution of the strength of the protective provisions which are critical to ensuring the safe and efficient continued operation of the railway network. It could also lead to difficulties in effectively enforcing any claim against an entity who is outside the jurisdiction. It is for this reason that Network Rail request that Article 7(7)(e) is deleted.	In any event, the Applicant is continuing discussions with Network Rail in relation to an easement to be granted over its land, and those discussions are relevant to matters which may affect that land and the operation of the railway and how the benefit of it may be transferred in the event of a transfer of the benefit of the Order. It is considered these discussions and the agreement reached will address Network Rail's concerns sufficiently.

**Table 2.11 – Veronica Knight**

Para No.	Comment	Applicant's Response
1	The UK should aim to be self-sufficient in sustainable environmentally acceptable power.	As set out in Table 2.10 of the Applicant's Response to Deadline 1 Submission from persons who have not registered as Interested Parties (REP3-015) and as set out in the Needs and Benefits Report (APP-115), interconnectors are a well-established feature of electricity markets in Europe.
2	Minimising consumption should be at the forefront of future development. I feel a lot more could be done in that respect.	The Needs and Benefits Report (APP-115) sets out the established need for greater interconnection (Section 2.2) and the specific role of the Proposed Development in resolving the "energy trilemma" of affordability, security and decarbonisation of energy supply (Section 2.3). Energy consumption is a matter for national government policy.
3	Portsmouth is a highly densely populated city with very little recreational or aesthetically pleasing space. This project threatens this.	The Proposed Development has temporary impacts on open space and some of these have been assessed as significant due to the duration of works in these areas (Chapter 25 of the Environmental Statement, APP1-140).
4	This comes at a time when the city council is proposing major development and on the whole local residents are becoming overloaded with changes and disruption.	The level of development proposed in Portsmouth is a matter for the City Council to comment on.
5	The new sea defences will see large areas disrupted in the coming months and just as things begin to settle down Aquind will cause further disruption.	The North Portsea Island Coastal Defence Scheme is being developed by East Solent Coastal Partnership (ESCP) and was included in the cumulative assessment as project ID 62 in ES Chapter 29 (Cumulative Effects (APP-144)). The Applicant continues to engage with ESCP (last meeting held on 12/08/20) and both parties have agreed to continue this engagement during detailed design and construction to mitigate impacts.
6	There are strong concerns for local wild life, particularly migrant birds.	The Applicant has undertaken a detailed assessment on migratory birds within Chapter 16 of the Environmental Statement and within the Habitats Regulations Report (APP-491 Rev002). Particular focus has been given to potential impacts on migratory Brent geese which frequent Chichester and Langstone Harbours SPA and adjacent Solent Waders and Brent Goose Strategy (SWBGS) sites. The Applicant has detailed extensive mitigation to avoid impacts on Brent geese and other migratory birds including a restriction of construction work in the wintering period at key parts of the Onshore Cable Route.
7	The commute to work for a large portion of the population is down the Eastern Road and just one short lane closure causes chaos. With this project we could see months of diversions and road closures.	Through programme restrictions contained with the Framework Traffic Management Strategy (FTMS) (REP1-068), construction works on the A2030 Eastern Road will be limited to one 100m section at any one time and full road closures of A2030 Eastern Road are not proposed at any point. Instead, single lane closures are proposed to facilitate duct installation on the A2030



Para No.	Comment	Applicant's Response
		<p>Eastern Road. In relation to this, construction along the A2030 Eastern Road is permitted only during the following periods, when traffic flows are typically at their lowest levels to mitigate the impacts of the works on the highway:</p> <ul style="list-style-type: none"> <li>• Easter school holidays;</li> <li>• May half-term (outside of football season);</li> <li>• June;</li> <li>• July; and</li> <li>• August (avoiding Victorious Festival weekend).</li> </ul> <p>The traffic management proposals for A2030 Eastern Road are set out in Section 7.8 and Section 10 of the FTMS (REP1-068)</p> <p>The effects of the Onshore Cable Corridor temporary works have been carefully considered and the changes to the operation of the highway network are temporary with the highway network returning to normal levels of operation following the completion of the works.</p>
8	I am extremely concerned for the allotments at Milton. The area has families going back generations and traditions are still maintained, not least of which are the family allotments. These spaces have evolved mostly within tight budgets over a long time and for many compensation won't help.	The use HDD under Milton and Eastney Allotments means that there is no disruption to use of the allotment plots. The description of HDD-2 is found in paragraph 3.6.4.45 of ES Chapter 3 Description of the Proposed Development (APP-118).
9	Since the original consultation, I am not aware of there being further consultation to discuss the final plan or explain exactly what it means.	<p>Since the submission of the application, the Applicant has not undertaken any further formal consultation. The Application as submitted and accepted in December 2019 is now subject to Examination process, which is ongoing.</p> <p>However, the Applicant requested changes to the Order Limits at Deadline 1, and non-material changes at Deadline 3, and following the ExA's Procedural Decision made on 11/11/2020 to accept the proposed changes to the Order Limits, the ExA has advised the Applicant to formally notify affected parties of the changes to the Order Limits, and this process is underway. Some of the changes to the Order Limits affect the Allotments. The owners and relevant occupiers will be included in this Notification and letters accompanying the Notification will explain exactly what the implications of the changes to the Order Limits mean for respective affected parties.</p> <p>Should any further information be required, it is requested that the Applicant is contacted so that they may provide any updates as necessary in relation to the proposals.</p>
10	The key to the plan does not explain what e.g. 'Access' means, or what the other coloured shaded areas mean exactly. Is access across these areas needed indefinitely? Would the allotments be re-instated? What is the actual line of the cable? When all this is over, what can be seen above ground? How frequently will the cable or its ancillary equipment need maintaining and what disruption will this cause going forward? I tried to find answers from the 100+ documents on your web-site but failed.	<p>The Land Plans (REP1-011a) should be read in conjunction with the Book of Reference (REP1-027), which confirm the rights of access sought. The coloured shading of the plots as shown on the Land Plans identifies the purpose for which the land is required in connection with the Proposed Development and is outlined under Paragraph 2.1.1.5 of the Book of Reference. The rights and restrictions sought in connection with the blue and purple plots is explained in table 1-1 under Section Access would be required at all times 2.7 of the Book of Reference.</p> <p>Access will be required during the construction for visual inspection.</p>

Para No.	Comment	Applicant's Response
		<p>The allotment will not be disturbed as the onshore cable will be installed below the allotments utilising Horizontal Directional Drilling and therefore no reinstatement will be required.</p> <p>The line of the cable will be run parallel with the Order Limits in land plot 10-14, the exact location of the line of the cable within the Order limits will be determined at detailed design stage.</p> <p>Once installation is complete there will be no visual infrastructure above ground.</p> <p>Maintenance will be carried out every two years, however there will be no requirement to access the allotments to carry out any future maintenance and hence no disruption to the allotments. Regular inspections of the land above where the cables are buried will be undertaken to confirm no activities are being undertaken which could potentially damage the cables, and at the allotments access on foot along the existing allotment paths is all that is required and sought for these walkover inspections.</p>
11	I think Portsmouth City Council gave a figure of about £25,000 per acre, which didn't mean much to me. What do Aquind pay to the city for the rights they will need to the land? Will there be compensation for any default on their part?	Engagement with Portsmouth City Council with respect to acquisition of land rights is ongoing.
12	Is there going to be a prescribed timeframe for the works to take place, or are most of my local walks going to be blocked for months and months?	<p>The Proposed Development will be carried out in accordance with the controls in relation to it, which in respect of works in the highway and ecologically sensitive areas prescribe when works can and cannot be undertaken.</p> <p>For Public Rights of Way, diversions will be provided and will be temporary in nature (the majority will be diverted for 1-2 weeks, although one PRoW will be diverted for 18 months at the Converter Station) More details on likely diversion routes and durations can be found in Appendix 14 to the ES Addendum (REP1-145).</p>

**Table 2.12 – Portsmouth City Council Comments on Responses to Deadline 2**

Para No.	Comment	Applicant's Response
<b>'Need' for deemed consent</b>		
2.1	<p>With reference to the applicant's response to the ExA question (ref 7.4.2) DCO1.5.42 - PCC considers the applicant's reasons for suggestion that the consenting regime under the DCO should allow for deemed approvals of consents after certain periods, as opposed to PCC's view that a system of deemed refusal after a short timescale is appropriate, are telling but do not provide a good reason.</p> <p>The applicant asks for deemed approval in the absence of a response from all consenting authorities not only PCC. The applicant considers this is justified</p>	Deemed consent is provided for in this DCO, as it is other DCO's, to ensure there is no unreasonable impediment to the delivery of the Proposed Development. The approach is entirely appropriate, as evidenced by the many other DCO's containing the same provisions. The Applicant has nothing further to add on the merits of this approach, and does not consider any further time needs to be taken discussing matters which are already clearly established and commonly accepted as being appropriate in connection with the delivery of nationally significant infrastructure.



Para No.	Comment	Applicant's Response
	<p>because it considers PCC would not discharge its consenting function under the DCO in a lawful manner. Other than an extraordinary suggestion by Aquind it is of considerable concern to PCC that it is asking the ExA as well as the Secretary of State to agree that PCC would deliberately withhold consents.</p>	
<p><b>2.4</b></p>	<p><i>Trees and impact</i></p> <p>In reference to the applicants response to the ExA question (ref 7.4.2) DCO1.5.9 - PCC's position remains that Aquind appear to remain reliant on previously submitted revised plans which have been reviewed and commented upon. They appear to remain sufficiently wide in scope and vague in detail that detailed comment of impact upon trees is difficult. The decision process for any other development proposal relies on detail of arboricultural impact assessment, mitigation, replacement planting, tree protection plans etc. most of which in the opinion of PCC this still lacks. Trees in planning remain a material constraint and influence the design and execution of a proposal from the outset, the applicant's approach however is seemingly to force the scheme upon the landscape regardless and which is unreasonable.</p>	<p>The Applicant will only remove these trees where their loss is unavoidable. Unavoidable tree loss is considered to be where the tree is impacted to such an extent that the physiological viability and structural integrity of the tree is significantly diminished such that the long term retention of the tree is not in keeping with arboricultural best practice. The retention or loss of trees will be decided by a suitably trained and experienced arboriculture professional without prejudice to cost implications. The retention or loss of these trees will be confirmed and secured in consultation with PCC at detailed design stage through Arboriculture Method Statements including Tree Protection Plans to be secured through discharge of requirement 15 (REP3-003).</p>
<p><b>2.9</b></p>	<p><i>Scheme of Investigation</i></p> <p>With regard to the applicant's response to the ExA question (ref 7.4.2) DCO1.5.17 - PCC note that the applicant has confirmed that a written scheme of investigation is required before any pre-construction archaeological investigations take place as part of "onshore site preparation works" and the relevant definition to enable this should be included.</p>	<p>Each stage of archaeological work will be directed by a Written Scheme of Investigation (WSI) outlining the scope and methodology for site-based investigations will be submitted and approved by the relevant planning authority prior to undertaking the work, in accordance with Requirement 14 Archaeology, of the draft DCO.</p> <p>It is not the case that these works are part of the onshore site preparation works as defined, which is why Requirement 14 confirms onshore site preparation works cannot be commended in the relevant locations until Requirement 14 has been complied with.</p>
<p><b>2.10</b></p>	<p><i>Permit Scheme disapplication</i></p> <p>With regard to the applicant's response to the ExA question (ref 7.4.2) DCO1.5.35 – PCC considers the applicant has disregarded the PCC's preferred mechanism to manage works on the highway and concerns for omissions in the dDCO. It has not provided details to explain why the permit scheme would be unacceptable other than the desire to achieve one consent for all areas within the DCO. Whilst the Highway Authority does appreciate the purpose of the DCO process and are content to agree suitable protective provisions and requirements within the DCO for other elements, we do not agree that disapplication of the permit scheme is in the public interest or is necessary. It is noted that other authorities with Permit Schemes agree (see representations by HCC). The processes involved in the permit scheme are used by all works promoters operating in England and similar schemes operate across the Country. Indeed such an approach has recently been found appropriate in respect of the ESSO pipeline DCO in Hampshire / Surrey which establishes that the use of a permit scheme is an entirely appropriate</p>	<p>The Applicant has explained in recent discussions to PCC that significant work has been undertaken to produce the FTMS, which provides the controls to ensure the development in the highway is carried out in a manner so as to appropriately mitigate impacts. It is therefore imperative that the FTMS is acknowledged and given appropriate status in the highways permitting process, and that the permitting process cannot cause conflicts with this. It is for this reason the permit scheme was disapplied. This has been explained on several occasions previously.</p> <p>Further to those discussions, the Applicant confirms it is considering how best to proceed, having listened to the concerns of the highway authority where the Proposed Development is dealt with outside of the permit scheme.</p> <p>The Applicant is continuing discussions with PCC (and HCC) in this regard to seek to reach a position which is agreeable to both parties.</p>



Para No.	Comment	Applicant's Response
	mechanism to manage the delivery of this sort of project. Such a framework should be acceptable to Aquind.	
2.11	In respect of the applicant's response to the ExA question (ref 7.4.2) DCO1.5.42 – If managed through the permit scheme, for which an agile response process has been established, the LHA is confident that permissions can be granted in a timely manner although the creation of a bespoke management system as is proposed would undermine the effectiveness of the permit scheme and could introduce consenting delays. There is no reason why the interconnector works should somehow take precedence over other highways schemes as appears to be contended but should be able to sit alongside other permit applications and be managed that way in a fair and proportionate manner.	<p>The Applicant has explained that significant work has been undertaken to produce the FTMS, which provides the controls to ensure the development in the highway is carried out in a manner so as to appropriately mitigate impacts. It is therefore imperative that the FTMS is acknowledged and given appropriate status in the highways permitting process, and that the permitting process cannot cause conflicts with this. It is for this reason the permit scheme is disapplied. This has been explained on several occasions previously.</p> <p>The Applicant confirms it is considering how best to proceed, having listened to the concerns of the highway authority where the Proposed Development is dealt with outside of the permit scheme.</p> <p>The Applicant is continuing discussions with PCC in this regard to seek to reach a position which is agreeable to both parties.</p>
<b>Section 5 - Impact on recreation/open space</b>		
5.1	At a recent meeting between PCC and the applicant (29/10/2020) the applicant acknowledged that the submitted Framework Management Plan for recreational impact (ref 7.8.1.13) was inaccurate and required updating in light of their proposed changes to order limits. PCC must therefore reserve its final position awaiting the updated document. However to assist the ExA the following comments on the submitted information can be provided.	Minor updates to the Framework Management Plan for Recreational Impacts have been made and submitted at Deadline 4 ( REP1-144, Rev002) to reflect recent changes to the Order Limits. The Applicant has not received comments from PCC on aspects not affected by these changes. The first draft of the FMP was first issued on 16 <sup>th</sup> June 2020.
<b>Bransbury Park (3.5)</b>		
5.2	PCC note that Doc ref 7.8.1.13 Framework Management Plan is indicative only and illustrates a potential, rather than fixed scenario. This makes it difficult for PCC to constructively evaluate and comment on the impact and proposed mitigation of the proposed works at Bransbury Park.	The Applicant is happy to receive feedback from PCC that some elements proposed are acceptable in reducing impact and secure these elements. This includes realignment of pitches. This has separately been discussed with PCC and it is understood both comments on the FMP and on the potential for any other mitigations will be provided by PCC, and the Applicant awaits this feedback to progress matters.
5.3	It is noted however that it is proposed that 1 pitch is to be out of use for 12 weeks construction and 8 weeks reinstatement, a total of around 5 months. Doc 7.8.1.13 Framework Management Plan does not detail the timing of these works to allow PCC fully to evaluate impact on the regular playing of football and general park provision and whether an 8 week reinstatement period is feasible.	<p>The Applicant has clarified duration of impacts in the FMP. Trenching would take approximately 4 weeks plus 8 weeks reinstatement for works to the pitch.</p> <p>Whilst not secured, it should be assumed that this would be undertaken in winter-time, during the football season, which represents the worst case.</p> <p>The Applicant is seeking to engage with PCC regarding what mitigation would be acceptable, including pitch realignment to avoid impacts on the playing facilities being able to be provided and in respect of reinstatement timing and methods.</p>
5.4	Aquind suggest that a pitch could be realigned to the north of the field. PCC would advise that the City did previously have a pitch in this position but was	The Applicant will discuss alternative proposals with PCC, including moving the pitches at Bransbury Park to the west. This has been discussed with PCC's land agent and also with PCC, and is included in the updates to the FMP submitted at Deadline 4.



Para No.	Comment	Applicant's Response
	removed several years ago due the unsuitability of the ground due to flooding in this area. As such this mitigation suggestion is not considered feasible.	
5.5	It is noted that no mitigation for impact upon the car park at this site has been considered.	<p>As set out in the Applicant's Response to Deadline 2 Submissions (REP3-014), the Framework Management Plan for Recreational Impacts (REP1-144) states in 4.2.4.4 that <i>alternative parking includes on street parking on surrounding residential roads, including Henderson Road and Bransbury Road, all within 400 m.</i></p> <p>As the impact of works to the car-park are likely to be for 8 weeks, and therefore temporary, it is not considered that further mitigation is required.</p>
<b>Langstone sports / Kendall's Stadium (3.10.3 - 4 &amp; 3.11.3)</b>		
5.6	Again it is noted that Doc 7.8.1.13 Framework Management Plan is indicative and illustrates a potential, rather than fixed scenario, making it difficult for PCC to constructively evaluate and comment on the impact and proposed mitigation of the proposed works at Langstone. Works at Langstone are shown to be along the western side of the field encroaching on both the PCC football pitch and Baffins Milton pitch at Kendall's stadium as well as the cricket outfield in June to August 2023 for 1-3 weeks plus 8 weeks for reinstatement during the cricket season. If these timings are confirmed there would be some minor impact on the football at the start of the season (PCC pitch opens Mid Sept). The works on the cricket outfield would however mean PCC are losing 20 to 25% of our cricket availability for this 3 month period during the height of the cricket season. (Note: PCC only have 5 cricket squares for general usage in Portsmouth and 1 of these is used almost exclusively by one club at Drayton Park).	<p>The Applicant is happy to receive feedback from PCC that some elements proposed are acceptable in reducing impact and secure these elements. However, it is understood that there is not sufficient space for pitch realignment at this location.</p> <p>Section 4.2.2 of the FMP for Recreational Impacts set out the timing of works and reinstatement at Baffins Milton Rovers pitch is being discussed with the Chairman of the football club as the pitch is stripped for re-grassing every off-season.</p> <p>Chapter 25 of the ES (APP-140) acknowledges that after applying mitigation relating to programming of works and location of trenching, there is a residual impact on pitches (not significant).</p>
5.7	There appears to be no mitigation as to address the impact of upon the playing of these games and how that might continue.	<p>Chapter 25 (Socio-economics) of the ES (APP-140) acknowledges that after applying mitigation relating to programming of works and location of trenching, there is a residual impact on pitches (not significant).</p> <p>It is understood that there is not sufficient space to realign the pitch so that it is not affected, and there is no alternative provision available. The Applicant is happy to discuss what further mitigation is possible at this location.</p>
5.8	PCC would also question if turfing could be successfully achieved and ready for use in 8 weeks during August, which is what appears to be proposed {Ref } during a potentially hot and dry period. Delay to this process later in the year would further extend the period of disruption.	The Applicant is seeking to engage with PCC regarding what mitigation would be acceptable, including reinstatement timing and methods.
<b>Farlington Sports (3.12.1 - 4.7)</b>		
5.10	The Order limits noted on Fig 4-1 affect 8 senior football, 1 junior football, cricket outfield to pitch 2, access roads and the car park. These Order limits are consistent across all phases of construction.	The Framework Management Plan (REP1-144, Rev002) demonstrates that some pitches covered by the Order Limits are not affected through the use of HDD. Proposed temporary works area affect 3 senior football pitches and 1 junior pitch, in addition to the disused cricket

Para No.	Comment	Applicant's Response
		pitch (pitch 3). The access road would not be affected and use of the car park for laydown would be limited to a small area in Phase 1.
5.11	<p>Since the Framework Management Plan FMP is indicative only with flexibility retained within the Order Limits, it is not clear whether:</p> <ol style="list-style-type: none"> <li>1. Access will be required across the whole of the order limits or these can be reduced.</li> <li>2. Public access will be restricted over the areas included in the order limits or those shown in the phases.</li> <li>3. Whether access through the site will be available at all times to St John's College Playing Fields</li> </ol>	<p>1 &amp; 2 – Access is required over the whole of the order limits. If measures proposed in the FMP for Recreational Impacts are undertaken public access will be restricted to areas marked for temporary works during each Phase, and the remainder will be available for public use.</p> <p>3. Access to St John's College Southsea playing fields will be maintained for the duration of the works period, with any temporary closures for vehicular access to be agreed in advance between the Contractor and College.</p> <p>The Applicant is happy to receive feedback from PCC that some elements proposed are acceptable in reducing impact and secure these elements. This includes realignment of pitches. This has separately been discussed with PCC and it is understood both comments on the FMP and on the potential for any other mitigations will be provided by PCC, and the Applicant awaits this feedback to progress matters.</p>
<b>Order Limit Impact</b>		
	<p>Summary of indicative works areas impact</p> <ul style="list-style-type: none"> <li>• Phase 1 - April 2022 only 9 pitches available</li> <li>• Phase 2 - All football pitches closed after 11th April 2022</li> <li>• Phase 3 - All football Pitches closed until 5th Sept 2022</li> <li>• Phase 4 - Late August 2022 for 2 weeks only potentially only cricket square 1 available (plus re-instatement time 8 -12 weeks sept to Oct) Cricket square 2 could be out for rest of season as re-instatement not programmed until Sept to Nov. Football closed</li> <li>• Phase 5 - September 2022 Only 6 senior pitches available plus 9v9 pitch which could potentially be moved (plus re-instatement time 8 -12 weeks scheduled for Sept to Nov )</li> <li>• All pitches potentially available Dec to mid-April?</li> <li>• Phase 6 - October 2022 to March 2023 no works all pitches available subject to completion of re-instatement works which are scheduled to complete end of Nov. Therefore reduced pitches as phase 5 above until Dec 2022</li> <li>• Phase 7 - No football played after 11th April 2023 (pitches closed)</li> <li>• Phase 8 - June 2023 to August 2023 No football pitches closed. Cricket 1 and 2 appear to be unaffected and are not in work areas but included in work order limits?</li> <li>• Phase 10 - September 2023 there are 3 senior pitches affected only 7 available (plus re-instatement time 8 -12 weeks scheduled for completion end of Nov 23)</li> <li>• All pitches potentially available from Dec 2023</li> </ul>	<p>Based on the indicative programme, out of total 11 football pitches:</p> <ul style="list-style-type: none"> <li>• Phase 1 – 2 weeks April 2022 - 10 pitches available</li> <li>• Phase 2 – Mid-April to June 2022- 8 pitches available</li> <li>• Phase 3 – June to Mid-August 2022 – 7 pitches available</li> <li>• Phase 4 – Late August 2022 – 7 pitches available, (not taking into account use for the Victorious Festival).</li> <li>• Phase 5 – September 2022 – 7 pitches available until reinstatement works complete on affected 4 pitches.</li> <li>• Phase 6 – October 2022- March 2023 – 7 pitches available, reinstatement works to other 4 pitches.</li> <li>• Phase 7 – Mid April to June 2023 – 8 pitches available</li> <li>• Phase 8 – June to Mid-August 2023 – 7 pitches available.</li> <li>• Phase 9 - Late August 2023 – 7 pitches available, (not taking into account use for the Victorious Festival).</li> <li>• Phase 10 – September 2023 – 7 pitches available while reinstatement works undertaken.</li> </ul> <p>Following Phase 10, 7 pitches will be available until reinstatement works complete on affected 4 pitches.</p>



Para No.	Comment	Applicant's Response
5.13	PCC continues to assess the overall adverse impact of this unmitigated loss of playing pitch and, subject to the updated Framework Management Plan must reserve its position in respect of this significant disturbance highlighted above until such time as additional clarity is provided.	<p>The Environmental Statement reflects that there is a residual significant impact on Farlington Fields, even following mitigation.</p> <p>The Applicant is happy to receive feedback from PCC that some elements proposed are acceptable in reducing impact and secure these elements. This includes realignment of pitches. This has separately been discussed with PCC and it is understood both comments on the FMP and on the potential for any other mitigations will be provided by PCC, and the Applicant awaits this feedback to progress matters.</p>
5.14	PCC note the whole car park is within the order limits but only has a small area during phase 1 required for a works area and assume this means it will not be required at all for the remaining phases.	The Applicant can confirm that a small area is proposed for phase 1 of the works as set out in Appendix A of the Framework Management Plan for Recreational Impacts (REP1-144) and that it will not be required following this.
5.15	Even with a reduced provision of football pitches PCC would require approximately 90 spaces and around 30 spaces for the 2 cricket pitches based on 2 people per car which is not always the case. The alternative parking suggested by Aquind is not of equal provision, is used already by visitors to Farlington Marshes (using available provision) and a fair walk away across 2 slip roads serving the A27, potentially carrying equipment. It is clearly not suitable mitigation.	Appendix 25.5 Illustrative Phasing of Works at Example Public Open Spaces of the ES (APP-473) states that use of the small proportion of the car park for installing the ducts for one circuit and HDD4 Railway Crossing taking place during April 2022 and lasting approximately two weeks. During this closure, the Applicant estimates that approximately 15 car parking spaces will be lost, leaving approximately 100 spaces available in the remainder of the car park. This is therefore adequate to cater for any displaced demand.
<b>Farlington Victorious Camping (3.12.5)</b>		
5.16	The phasing within the Framework Management Plan shows the Victorious Camping festival coinciding during or at the end of works stages, prior to any reinstatement taking place. The Framework Management Plan shows a large area of field within the work areas for phases 1 to 3 potentially reducing the area for the campsite by 30 to 40% as no re-instatement is scheduled to commence until Sept 2022. This disruption is repeated in 2023.	The Applicant will clear the majority of the temporary works and secure the HDD compound. This will ensure security, in addition to health and safety, during the festival. Zoning and use on the areas not occupied by the Proposed Development will need to be determined by the organisers of the Victorious Festival.
5.17	If the site for the festival is not fully available or in suitable condition prior to use in association with the Festival, it would result in significant logistical and reputational impacts on the organisers and on PCC.	<p>With the exception of the HDD compound, Farlington Fields will be cleared of temporary works and available for use during the Festival. This is illustrated in Appendix A of the Framework Management Plan for Recreational Impacts (REP1-144 Rev 002). Land will not have been restored at this time so may not be suitable for all uses, though could be used for camping purposes.</p> <p>The assessment in Chapter 25 (Socio-economics) of the Environmental Statement (APP-144) identifies that there is a residual significant effect on the Victorious Festival, reflecting reduced capacity.</p> <p>The Applicant is seeking to engage with PCC regarding impacts on the Victorious Festival and what mitigation could be applied.</p>
<b>Farlington Timescales /Drainage (3.12.6 &amp; 3.12.8)</b>		

Para No.	Comment	Applicant's Response
5.19	PCC do not consider the 8 -10 week re-instatement time quoted is possible to get turf fully established for competitive sport to be played. In ideal weather and ground conditions it may be possible but does not allow for extensive land- drainage works, or full ground settlement following deep excavation works.	The Applicant is seeking to engage with PCC regarding what mitigation would be acceptable, including reinstatement timing and methods.
5.20	Farlington has an extensive drainage system covering the whole field (a plan can be provided to show this if required). Any damage to this system due to the trenching works, material storage or heavy vehicles tracking across the ground within the work areas, or within the work order limits, would mean having to completely relay the drains over the whole of the damaged area. This would be required at the end of indicative Phases 5 and again at the end of Phase 10 if the pitches are to be used in between.	Section 6.9.3 of the updated Onshore Outline CEMP (REP1-087) provides for a land drainage survey at pre-construction stage, with associated reinstatement, and post-construction survey to ensure the integrity of the existing land drainage system.  During construction a suitable hoarding will be installed in order spread the weight of heavy plant and vehicles mitigating damage of the soil structure and land drainage.
5.21	PCC anticipate this would take significantly longer than the 8 -10 weeks reinstatement time quoted in the document due to the need for settlement following deep excavation works and when dealing with particularly shallow drain falls across the site for the land-drains to be effective.	The Applicant is seeking to engage with PCC regarding what mitigation would be acceptable, including reinstatement timing and methods.
<b>Farlington Overwintering birds (3.12.11)</b>		
5.22	PCC note re-instatement of the field continues into October a conclusion that that according to Aquind has been agreed with Natural England. However, the current Framework Management Plan shows reinstatement continuing into November. PCC are concerned therefore that unmitigated impact to overwintering birds will occur.	Reinstatement for use by sports teams is different to reinstatement for use by birds foraging. All grassland with the Farlington Playing Fields SWBGS site will be restored to previous condition during the month of October.
<b>Zetland Field (3/12/1-2)</b>		
5.23	PCC note the limited timescales on site although indicative of 1-2 weeks construction plus 8 weeks for re-instatement and that access to the field would be maintained for the duration of the works.	Access to Zetland Fields would be maintained but not the area of construction works.
5.24	PCC also note the offer by Aquind to move the recreational football goal towards the eastern boundary, this however may cause problems near the gardens backing onto the field, and PCC may depending on the timing of works accept the loss of this provision for the duration if confirmed at 10 weeks in total.	Works are likely to be undertaken in Autumn 2021. The Applicant can relocate the goal or remove it for the duration of the works (proposed to be 10 weeks for construction work), whichever is preferred by PCC.
<b>Section 6 - Impact on Fort Cumberland carpark and the ORS</b>		
6.2	Concerns have been raised with the applicant in respect of a wish to retain 'responsibility for the maintenance of the landscaping' but do not wish to acquire the land where that landscaping is planted. This may render the proposed requirement 8 unenforceable.	The Applicant is satisfied that the necessary rights and restrictions will be secured. Enforcement of Requirements is a matter addressed in Part 8 of the Planning Act 2008, and it would be an offence for the Applicant not to comply which would be actionable as such. The enforcement provisions of the Planning Act 2008 and their effectiveness are not a matter for the Applicant to address.



Para No.	Comment	Applicant's Response
<b>Section 7 - Impact on Highway Network/Air Quality</b>		
7.1	<p>In respect of section 5 of the applicant's response to PCC's Local Impact Report ('LIR')(ref 7.7.13) regarding Highways impact, PCC would say in summary the responses are noted but not necessarily agreed rather serve largely to establish points of difference between the parties. These can of course be reflected in any Statement of Common Ground. Further specific comments in this respect are included below:</p> <p><i>5.2-5.4 - Given the applicant's confidence that the installation of the equipment will not impede the LHA from exercising its statutory powers, the LHA would require an indemnity from the applicant in the event costs are incurred by the LHA in association with the equipment or diversion of that in their exercise of those statutory powers</i></p> <p><i>5.5 and 5.6 – As set out above, PCC remain of the view that the permit scheme (which the Council clearly understands is not a NRSWA related process )should not be disapplied see response to REP2-0008 DCO 1.5.35 above PCC disagrees with the applicant and considers that works within the highway need to be separately permitted as is provided for in the permit scheme and as has recently been found appropriate in respect of the ESSO pipeline DCO in Hampshire / Surrey which establishes that the use of a permit scheme is an entirely appropriate mechanism to manage the delivery of this sort of project and such a framework would be acceptable to PCC.</i></p> <p><i>5.7-5.8 – see response on 5.5 / 5.6 above</i></p> <p><i>5.12- With regard to subsoil highway works, the applicant's position seems to be that the land below that depth necessary to support / drain the highway does not form a part of the highway and therefore needs to be acquired in order to install the equipment lawfully. The installation cross sections indicate the cable installation at an average depth of 1m. The highway drainage infrastructure is generally significantly deeper than 1m below the surface (typically between 2 and 3m) and as a consequence the installation is in fact intended within the highway with no need for further compulsory acquisition. To be clear the extent of the highway does not 'stop' when physical elements of the highway are lower than the 'top 2 spits'. Any alternative interpretation must find that the equipment of all other statutory utilities has been installed beyond the highway limits unlawfully.</i></p>	<p>5.2 – 5.4 The burial depths specified comply with what has been industry practice for Extra High Voltage (EHV) cables installations for many years and are as specified in NGTS 357, ENA TS 09-02 and most Utility's specifications for EHV cable installations. PCC's comments are noted and the Applicant is looking to work with PCC to address these concerns regarding the minimum burial depth. The Applicant will therefore discuss with PCC the controls that may be included in relation to the securing of a minimum burial depth in the highway.</p> <p>5.5 and 5.6 – As explained above, the Applicant is continuing discussions with PCC (and HCC) in this regard to seek to reach a position which is agreeable to both parties.</p> <p>5.12 – The Applicant has no issue with the interpretation as explained by PCC, which aligns with the submissions made by the Applicant. The Applicant has in further discussions explained that there would be no land acquisition if the infrastructure is at a depth where the land is not vested in the highway authority, an easement over land would be acquired. The Applicant has also explained that it is only where there is a specific constraint which requires installation at such greater depth that any such easement would be acquired. Having provided these confirmations, the Applicant understands they have addressed PCC's concerns in this regard.</p> <p>5.16 – this assertion is wholly disagreed with. The impacts associated with the installation of the Proposed Development within the Order limits, in their entirety, have been robustly assessed taking a Rochdale envelope approach. That assessment is entirely appropriate and provides the assessment of impacts and identifies mitigations in relation to them. Nothing has been bypassed as is suggested.</p> <p>5.1.18 - The Applicant is producing a note to provide further information regarding the road safety implications of the installation of traffic management along the Onshore Cable Corridor and the associated reassignment of traffic across the PCC highway network. This was shared with PCC on 17 November 2020.</p> <p>5.1.28 - see above.</p> <p>5.2.3 – The response provided is clear with regard to the utility searches conducted and to be undertaken in the future.</p> <p>5.2.7 - As noted in the Applicant's response to PCC's Local Impact Report (REP2-013) the Applicant will seek to work with PCC so that the delivery of the Proposed Development is co-ordinated with the TCF works and other schemes as necessary, taking into account the programme mitigations provided for within the FTMS and the need to deliver the works efficiently so as to minimise impacts where practicable. The Applicant notes PCC have not actually identified any impacts in this regard.</p> <p>5.2.9 - The Applicant is reviewing Personal Injury Collision Data for the A27 / A2030 Eastern Road junction with regards to existing conditions and potential for an increase in rear shunt accidents which will be shared with PCC as soon as possible However, the Applicant also notes</p>



Para No.	Comment	Applicant's Response
	<p>5.15 – see response on 5.6 /5.6 above</p> <p>5.16 – the intent of the order limit is to establish the extent of the works such that the effect of those can be assessed and mitigation required if necessary – this provision provides scope for that assessment to be bypassed</p> <p>5.17 – see response at 5.5 above</p> <p>5.1.18 - it is implied that congestion caused by the works on Eastern Road will cause traffic to divert via minor roads to the effect that the strategic network will actually operate similarly to existing conditions. This cannot be the case as the effect of the works would introduce the lane reduction further to the north. This would extend the queue further to the north with consequent impacts on the operation of junctions again further to the north. The LHA has previously requested that a safety review of the impact of this queueing on these junctions be undertaken although this has yet to be presented.</p> <p>5.1.28 - the view of the applicant that the extended queue length on the A27 off slip during the works will not increase the risk of accidents there is not one shared by the LHA as this lengthier queue is likely to increase the instances when this extends into the westbound lane of the M27.</p> <p>5.2.3 - Misrepresents statutory utility enquiries as ECI – the LHA remain of the view that limited, if any, ECI has informed the route selection</p> <p>5.2.7 - Any compromise to the delivery of TCF schemes by these works is a matter of clear and fundamental objection by the LHA as these programmes have significant and wide ranging benefit, and delay or interruption of them have proportionate detrimental impact.</p> <p>5.2.9 - the LHA welcomes confirmation that a note on the safety implications of the works as requested on the 11th August will be provided in due course. Whilst the LPA awaits this Transport Assessment addendum, it is particularly concerned that the traffic modelling carried out to date, whilst using the best model available, does not realistically reflect the traffic queues on the off bound slip from the A27 to Eastern Road as are observed on a daily basis during peak times. If that modelling data is relied upon exclusively to inform the safety assessment then the real likelihood of this queue extending into the nearside through lane and consequent increase in likelihood of rear shunt type accidents may not be apparent. The perspective of the applicant as explained in their response on REP2-013 section 5.1.28 that the extended queue length on the A27 off slip during the works will not increase the risk of accidents is not one shared by the LHA. The Framework Construction Management Plan does not currently include management measures to</p>	<p>that in the DS1 and DS2 scenarios, it is forecast that traffic flows will reduce on the off-slip of the A27 on approach to the A27 / A2030 Eastern Road as traffic reassigns away from the A2030 Eastern Road to avoid construction works on this link. It is therefore concluded that the likelihood of accidents at this location would decrease during construction of the Onshore Cable Route and that there would n no circumstances be a need to close the off bound slip during the period of work on Eastern Road as suggested.</p> <p>5.3.2 - The working hours for the Onshore Cable Route are defined in the OOCEMP (REP1-087). The impacts of construction work taking place during peak periods have been assessed within the Transport Assessment (APP-448) , ES Chapter 22 (APP-137), ES Addendum (REP1-139) and Supplementary Transport Assessment (REP1-142). The use of these working hours which disapply PCC working restrictions is necessary to achieve the balance between completing the construction works as expediently as possible and mitigating associated impacts.</p> <p>5.3.4 Provision of a 1.0m pedestrian route accords with the minimum requirement set-out in Paragraph D3.32.6 of Traffic Signs Manual Chapter 8 Traffic Safety Measures and Signs for Road Works and Temporary Situations (DfT, 2009). The Applicant sees no reason to not follow DfT requirements in respect of this matter, particularly when taking into account the temporary nature of the use of 1.0m pedestrian routes.</p> <p>5.3.5 - Section 2.9.3 of the FTMS notes with regards to provision for cyclists.</p> <p><i>“Where full closure of cycle route is necessary and diversion routes are unsuitable temporary cycle facilities will be provided past the construction corridor where possible, such as on the Eastern Road shared-use path. This could be completed as part of a full lane closure or through provision of a temporary off-road route. The width of these temporary routes will be 2.5 m where possible, with a minimum of 1.5 m.</i></p> <p><i>In some cases, it may be required to narrow a shared-use path past the construction corridor to a width that is not suitable for cycle use (i.e. 1.0m). In these circumstances ‘Cyclists dismount and use footway’ signs will be used as a last resort, noting that this would only be completed for one 100 m section at a time.”</i></p> <p>The Safety at Streetworks – Code of Practice (Dft, 2013) states that to accommodate two-way cycle traffic past a temporary works site, the desirable minimum width of a cycle track is 2.5m but 3m is preferable. Where cycle flow is light, and / or give-and take working operates, it might be possible to reduce width to 1.2m.</p> <p>The Contractors appointed to construct the Onshore Cable Route will be required to adhere to this guidance, noting that the minimum provision as set-out in the FTMS exceeds that contained within the DfT guidance document.</p> <p>5.3.6 - The impacts of construction work taking place during peak periods have been assessed within the Transport Assessment (APP-448), ES Chapter 22 (APP-137), ES Addendum (REP1-139) and Supplementary Transport Assessment (REP1-142). The FTMS also contains programme mitigations which balance the need to deliver the works efficiently whilst minimising impacts where practicable.</p>



Para No.	Comment	Applicant's Response
	<p><i>mitigate against this impact nor the practical reduction in capacity which would arise on the A27. This should be addressed in the Transport Assessment addendum expressly although it is the initial LHA view that this could only be mitigated practically by closing the off bound slip during the period of work on Eastern Road which is not an acceptable option and will require an alternative route to be brought forward</i></p> <p><i>5.3.2 - the working hours in the FTMS do not reflect the peak hour working time restrictions on sensitive traffic routes</i></p> <p><i>5.3.4 - the LHA will require minimum retained or alternatively provided footway widths of 1.2m for this to be safe.</i></p> <p><i>5.3.5 - where a 2.5m shared width for pedestrians / cyclist cannot be provided an alternative diversion route will be required again for safety reasons.</i></p> <p><i>5.3.6 - the working hours in the FTMS do not reflect the peak hour working time restrictions. In addition the LHA objects to any process which would prevent interventions from the LHA in the event that the works have an unacceptable impact on congestion / traffic management other than on safety grounds as this appear so to do.</i></p> <p><i>5.3.8 – The LHA asks that the term ‘vulnerable persons’ is clarified and in particular that it applies to children being taken to and from school and that access will be maintained to properties outside of working hours including the peak hour restricted periods</i></p> <p><i>5.4.2 - see 5.3.4 and 5.3.5 above</i></p> <p><i>5.4.4 - where construction is required on any and all traffic sensitive routes where peak hour working restrictions would normally apply the LHA considers that those works should only be undertaken outside of term times and in avoidance of all special events such as PFC football matches, the Great South Run, Victorious etc.</i></p> <p><i>5.5.2 and 5.5.4 - joint bays should be located outside of the highway where practical and always outside of the carriageway to minimise the disruption that would arise for future reactive maintenance of the cable.</i></p> <p><i>5.5.8 - in the event that the ESCP has not vacated the intended compound when required by Aquind, the applicant needs to explain what the alternative intention is to be.</i></p> <p><i>5.6.12 - where trenching is undertaken the LHA considers in carriageway reinstatement should provide for resurfacing of the lane width.</i></p>	<p>5.3.8 - Vulnerable persons are defined as those with locomotion, seeing, hearing, reaching, stretching and dexterity and learning disabilities, as outlined in the Inclusive Mobility guidance include at Appendix 9 of the Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the Framework Traffic Management Strategy (FTMS) (REP1-068)). This is an appropriate definition.</p> <p>This does not include children, although the Applicant notes that pedestrian and cycle access will be maintained to properties at all times during the construction works. Construction working hours of 7am to 5pm and therefore vehicular access to properties, during the limited period which they are affected by the works, will not be available within these hours, except for emergencies and to allow access for vulnerable persons.</p> <p>5.4.2 – Please see the Applicant's response to the comments 5.3.4 and 5.3.5 made by PCC as provided above.</p> <p>5.4.4 - The impacts of construction work taking place during peak periods have been assessed within the Transport Assessment (APP-448) , ES Chapter 22 (APP-137), ES Addendum (REP1-139) and Supplementary Transport Assessment (REP1-142).</p> <p>Public activities and events in proximity to the Converter Station and Onshore Cable Corridor have already been taken into account within the FTMS with programme restrictions applied where necessary in relation to the following:</p> <ul style="list-style-type: none"> <li>• School term time;</li> <li>• Football season;</li> <li>• Great south Run;</li> <li>• South Central Festival; and</li> <li>• Victorious Festival.</li> </ul> <p>In relation to this and as shown in Section 10 of the FTMS, construction along the A2030 Eastern Road is permitted only during the following periods:</p> <ul style="list-style-type: none"> <li>• Easter school holidays;</li> <li>• May half-term (outside of football season);</li> <li>• June;</li> <li>• July; and</li> <li>• August (avoiding Victorious Festival weekend).</li> </ul> <p>With these restrictions, construction will take place during the football season only during the Easter school holidays and in August, which may correspond with 2-3 Portsmouth FC home matches during construction of each circuit, so would only affect a maximum number of between 4 – 6 matches in total. As set out in the FTMS, construction will also avoid the weekend in which Victorious Festival takes places (August bank holiday) and Great South Run (October).</p>



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		<p>5.5.2 and 5.5.4 - The location of the joint bays will be off the roads, (e.g. in verges, parks) where practicable, with this secured in the updated Onshore Outline CEMP (REP1-087) with which compliance is secured by requirement 15 of the dDCO (REP1-031).</p> <p>The location of the joint bays cannot be confirmed now as it is a matter to be addressed at detailed design. Detailed design approvals for all works in Portsmouth will be approved by PCC.</p> <p>In any event, maintenance activities associated with onshore cables are minimal, with cable failures rare and monitoring undertaken from the link boxes and link pillars. Whilst it will be necessary for access to be available to joint bays in perpetuity, the need for any access would only be in the event of a cable failure, which as previously stated is a very rare occurrence. Monitoring is undertaken from the infrastructure, being the link boxes and link pillars.</p> <p>5.5.8 – In this event the contractor will look to interface and plan in conjunction with ESCP to manage the shared occupation and works accordingly.</p> <p>5.6.12 – The Applicant has confirmed that reinstatement will be undertaken as required in accordance with the NRSWA and the regulations and guidance in this regard that are applicable as a result. This is secured by Articles 11 and 12 of the dDCO (REP3-003).</p>
7.3	With reference to the applicant's response to the ExA question (ref 7.4.2) TT1.16.16 – PCC consider that the response does not acknowledge there should be a restriction requiring works on traffic sensitive routes to be curtailed during peak periods	The Applicant does not agree that a restriction is required. The impacts of construction work taking place during peak periods have been assessed within the Transport Assessment (APP-448), ES Chapter 22 (APP-137), ES Addendum (REP1-139) and Supplementary Transport Assessment (REP1-142). The FTMS also contains programme mitigations which balance the need to deliver the works efficiently whilst minimising impacts where practicable.
<b>Section 8 - Impact on Ecology and Arboriculture</b>		
8.1	PCC note that the applicant, in their response to Written Representations at section 12.6 (Doc Ref 7.9.5) suggests that the Biodiversity Position Paper (REP1-138) provides an adequate response to the concerns PCC have raised regarding the significant net loss of habitat (18.92% across all area-based habitats. PCC note that this document focuses on the habitat-specific gains for hedgerows and calcareous grassland, but does not address the significant overall net loss of habitat and therefore has not addressed the concerns raised. Comments regarding arboriculture on specific sites are noted above.	<p>The planning policy that applies to this Proposed Development is the National Policy Statement EN-1, published in 2011 by the Department of Energy &amp; Climate Change. Paragraph 5.3.3 of EN-1 states that the Environmental Statement ('ES') should clearly set out "...any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity".</p> <p>In addition, paragraph 5.3.4 of EN-1 states "The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests".</p> <p>The combination of the Environmental Impact Assessment and the Biodiversity Position Paper respond to both of these requirements.</p> <p>Biodiversity Net Gain is not a requirement for projects falling under the Planning Act 2008. Nevertheless, the Proposed Development has demonstrated how it will deliver a net gain for priority habitats.</p>
<b>Section 9 – Optioneering and route alternatives</b>		



Para No.	Comment	Applicant's Response
9.2	<p>At this stage however PCC would note the following:</p> <p>i) If amendments to the Order limits are agreed to utilise the Portsdown Hill car park, a timetable for the closure of the car-park should be provided. As the car-park is at a key viewpoint overlooking the city and Solent, the summer period (June to September) should be avoided or this adverse impact to recreational enjoyment recognised and mitigated.</p> <p>ii) Solent Infant School term dates are published on their website (<a href="https://solentinfant.thesolentschools.org/">https://solentinfant.thesolentschools.org/</a>)</p> <p>iv) PCC is concerned that the applicant has only stated that it is 'an intention to retain the tree belt' at this site. It is vital that this tree belt be retained and this certainty should be secured at consent rather than delaying consideration to post consent approval of CEMPs.</p>	<p>i) The Applicant is seeking to engage with PCC in relation to the Framework Management Plan for Recreational Impacts (REP1-144, Rev 002) regarding what mitigation would be acceptable, including reinstatement timing and methods, and this discussion will include discussing the undertaking of works in this location during the summer period.</p> <p>ii) The framework traffic management strategy restricts works on Farlington avenue in the vicinity of Solent infant school to the school holidays only.</p> <p>iv) It is the Applicant's intent to retain trees at this location. However, where tree loss is unavoidable, loss of the lower quality trees on the south side of Portsdown road will be the treated as the preferred option allowing the retention of the higher quality trees on the northern side. This will be secured through the Arboriculture method statement to be agreed with the PCC prior to the start of works on site at this location as outlined in the OLBS (REP1-034) and OOCEMP (REP1-087, Rev003).</p>
<p><b>Section 10 - Compulsory acquisition and subsoil</b></p>		
<p><b>AQUIND Limited Deadline 2 Submission - 6.6 - Mitigation Schedule - Rev 002 (REP2-005)</b></p>		
10.3	<p>It would appear that if the applicant is seeking to limit its impact as stated and seeks only interests in the subsoil that needs to be reflected in the DCO; Book of Reference and Land Plans (as sub-soil acquisition only).</p>	<p>The Applicant confirms that necessary amendments will be made to the Book of Reference and Land Plans and other relevant Application documents as necessary to reflect the position. Given the information which is outstanding and which needs to be provided to the Applicant in this regard, it is proposed these amendments will be made for Deadline 5.</p>
10.4	<p>25.19 States amendment to 'dDCO Requirement 7 [Provision of Landscaping]; 'Areas of open space will be restored to the same condition as they were in prior to construction.' This needs to be amended in reference to Article 30 (4) to ensure the obligation holds to 'restore the land to the reasonable satisfaction of the owners of the land'.</p>	<p>The overriding position provided by the OLBS is appropriate and the level of reinstatement that will be provided. It is correct that the reinstatement to the same condition must be to the satisfaction of the owners of the land in this circumstances.</p> <p>The Applicant will consider if any amendment is necessary, albeit the position will not change that reinstatement is to be to the same condition which will be to the satisfaction of the landowner.</p>
10.5	<p>CA1.3.108 - PCC maintains its view that the applicant has been vague in its application for compulsory acquisition powers, with detail lacking in respect of proposed use over land within the broad Order limits. Further, it's response to PCC's position in respect of Requirement 6 is unsatisfactory and unclear.</p>	<p>A number of meetings have taken place between the Applicant's agent and the Council's agent in relation to the rights necessary for the construction, operation and maintenance of the Proposed Development with further weekly calls scheduled in an attempt to secure a voluntary agreement.</p> <p>The Applicant does not agree with the comments made. The extent of the Order limits, and the limited lateral limits of deviation which they provide, are necessary and proportionate and required so as to facilitate the delivery of the Proposed Development.</p>
10.6	<p>DCO1.5.35 - The dDCO still includes acquisition of PCC Highway land – this needs to be removed from the Book of Reference to avoid the applicant' being able to compulsorily acquire highway land which is inconsistent with its position that it does not need to do so. Either it is necessary or it is not. Currently, as drafted, the dDCO enables the applicant to do so.</p>	<p>As noted in REP3-020, the Applicant has updated the Book of Reference (REP1-027) to remove the powers of acquisition over land which is vested in the highway authority.</p>



Para No.	Comment	Applicant's Response
10.7	3.2.3 - PCC does not consider the sub-classes included in the Book of Reference provide any significant improvement in terms of understanding the extent of the powers sought. PCC also considers the applicant to be inconsistent with the extent of land sought in the Order. The applicant has consistently maintained that working within the highway corridor will be problematic due to the amount of other apparatus in the highway. However, the applicant has limited itself to narrow stretches of highway (circa 9.5 metres wide in places) which is wholly inconsistent with the wide swathes of Order land covering Special Category Land such as at Farlington Playing Fields.	<p>PCC in reference to Farlington Playing Fields is seeking to compare open trenching to HDD works. The space requirements for the two are not analogous.</p> <p>Where trenching is to take place on open land, additional space is required for haul roads in connection with the delivery of equipment and construction working areas.</p> <p>It is not the case that working in the highway is problematic, it is just inevitably more constrained, however given such utilities are installed in the highway it is not considered those constraints are in any insurmountable, and the Applicant is content that the Order limits in relation to the highway provide sufficient limits of deviation so that there is not impediment to the delivery of the Proposed Development.</p> <p>The extent of Farlington playing fields sought is due to additional works to facilitate the HDD installation. These works includes pipe welding, fabrication, stringing as well as space for the reception area.</p>
10.8	The applicant should be limiting impacts to narrow working widths as per the Southampton to London Pipeline DCO over Special Category Land (in particular). It is also the case that the Applicant should identify where it only intends to acquire sub-soil; this should be clearly indicated in the Book of Reference and Land Plans.	<p>In light of the comments received and the confusion regarding the position in respect of the allotments, despite the Applicant's best efforts to clearly communicate that works in this location will be undertaken by HDD, the Applicant is in the process of amending the Land Plans (REP1-011a), the Book of Reference (REP1-027) and the Works Plans (REP1-014).</p> <p>In respect of the Land Plans, the Applicant is amending Plot 10-14 to show a further layer of shading for access rights over the existing allotment paths within that plot. Further, the Applicant will include an additional sub-category of access right, which provides that access over that land may only be taken on foot.</p> <p>The extent of the Order limits in respect of all other areas of special category land is only so much as is required in connection with the Proposed Development. As explained above, in locations where HDD is to be undertaken, the Order limits are larger to provide sufficient space for the compounds.</p> <p>It is considered the position with regard to compulsory acquisition when taking into account the Proposed Development for which Development Consent is sought, relevant powers in the dDCO (REP3-003) and the suite of relevant supporting CA documents is sufficiently clear in relation to where the cables are to be located in sub-soil and how rights would be acquired in this regard.</p>
10.9	3.3.1 – The proposed works at Fort Cumberland Car Park are extensive, with the majority of the car park to be used during construction and resulting in the permanent loss of car parking spaces (which will have the consequential knock-on effect of displacing users of the open space land). This has not be addressed or compensated for by the applicant contrary to S.132 of the Planning Act 2008.	<p>The car park at Fort Cumberland is not special category land as it does not form part of any open space used for recreational activities. It is a car park, that whilst it may be used for persons to undertake recreational activities on open space elsewhere, is not open space itself as a consequence of this. Section 132 of the Planning Act 2008 is not relevant in relation to it.</p>
10.10	3.5.1 – 4 - The proposed re-positioning of one of the playing fields as proposed by the applicant is inappropriate as it proposes an area which is subject to flooding. The Order widths as drafted do not mitigate against the loss of use of the playing field, and users of the land will also be displaced due to the use of the car park.	<p>Refer to response to 5.4 above - although some mitigation has been possible, including alignment of the cable route, the Applicant accepts that after consultation with PCC, some mitigation proposals may not be possible. The Applicant also proposes to move pitches to the west at Bransbury Park to address the issue raised .</p>



Para No.	Comment	Applicant's Response
10.11	3.6.2 - 6, 8, 10 – 12 It would appear that the applicant should have identified the acquisition of subsoil interests only under the allotments where New Connection Rights are sought to be consistent with what it argues it wants.	See above response to Paragraph 10.8.
10.12	3.6.7, 9 - The Book of Reference does not limit the acquisition of land to subsoil only, and therefore even if it was the opinion of the applicant that the allotment tenancies did not provide an interest in sub-soil, the Book of Reference and Land Plans includes their (surface) interests. Neither document seeks to or describes the limits of the rights and powers sought to sub-soil only and as such the allotment holders at a minimum should have been included in the Book of Reference due to their interests in the surface of the allotments (it is also arguable that they have an interest in the subsoil given the nature of their tenancies and purpose of those tenancies i.e. the work the soil to grow crops and plants as well as recreation and health). The rights sought over the access tracks are relevant to all allotment users who 'are interested in' the land, as it could affect their access, and as such, should have been included in the Book of Reference.	<p>As noted above, the Book of Reference (REP1-027) is being updated to clarify the limit of acquisition of land to subsoil only in relevant locations. Following confirmation from Portsmouth City Council on its view that allotment holders have specified rights over rights of ways and subsoil of the allotments, the Book of Reference will be updated to list the allotment holders upon Portsmouth City Council's provision of the list of legal interests to be included.</p> <p>The Articles of the Order are clear that land and rights can only be acquired where necessary in connection with the Proposed Development. That the Proposed Development includes the delivery of an underground cable is clear. It is considered the position with regard to compulsory acquisition when taking into account the Proposed Development for which Development Consent is sought, relevant powers in the dDCO (REP3-003) and the suite of relevant supporting CA documents is sufficiently clear in relation to where the cables are to be located in sub-soil and how rights would be acquired in this regard.</p>
10.13	3.6.13 – 14 and 3.7.2 As noted above, it would seem that the acquisition of rights needs to be limited to sub-soil only in the Book of Reference and Land Plans to reflect the commitments to HDD in the CEMP.	See above response to Paragraph 10.8 and 10.12.
10.14	3.10.3 – 4 Comments noted – PCC wishes to pursue a land agreement with the applicant to secure the obligations referenced, which will be tripartite where appropriate (with Baffins FC).	The Applicant is more than willing to enter a tripartite agreement with Portsmouth City Council (as owner of the land in question) and Baffins Milton Rovers FC (as tenant).
10.15	3.11.3 - The proposed works will impact the Council owned (maintained and operated) cricket field and football pitch – there are no proposed mitigation measures that will lessen the impacts to these fields as mentioned above.	Proposed mitigation in Chapter 25 of the ES (APP-144) has included programming of works and review of working areas. The Applicant has subsequently revised the Order Limits, which has reduced impact on these pitches. Chapter 25 of the ES acknowledges that effects cannot be fully mitigated and a residual impact remains.
10.16	3.11.2 PCC confirms it will need to be party to any agreement with its tenant, Aggregate Industries.	The Applicant is more than willing for the Council to be party to any agreement with Aggregate Industries where the agreement is related to an Aggregate Industries tenancy of Portsmouth City Council land (noting Plot 8-01 as shown on the Land Plans (REP1-011a) is owned by Aggregate Industries).
10.18	3.11.5 PCC notes the applicant's intention to secure the temporary rights by agreement – as landlord, PCC will wish to be a party to the agreement and ensure the tenant's concerns are appropriately resolved.	The Applicant is content with the principle that the Council will be party to any agreements with between the Applicant and any of their tenants.
10.21	3.11.9 - In respect of PCC's tenants, PCC confirms it will need to be a party to any agreements entered into with its tenants and the Applicant.	The Applicant is content with the principle that the Council will be party to any agreements with between the Applicant and any of their tenants.



Para No.	Comment	Applicant's Response
10.22	<p>3.12.1 - 4, 7 &amp; 9,10 and 3.12.6 - The proposed works will impact on up to 8 playing fields, with the use of the car park further displacing users, whilst compromising the hosting of the Victorious Festival camp site (which PCC is contractually obliged so to do). The works are indicatively shown to take from April 2022 to October 2023 (not 52 weeks as indicated by the applicant) plus re-turfing for which an 8 week period is unrealistic. Further, the applicant can carry out the works for the duration of the powers it secures in the DCO, if made, and it can be anticipated the programme could well be impacted for any number of factors, including unseasonal weather, Health and Safety impacts of supply chain issues. The impacts are severe, and no mitigation proposals have been identified to address these impacts.</p>	<p>The proposed works will affect four football pitches as well as the disused cricket pitch at Farlington Fields.</p> <p>The impact on the Victorious Festival is acknowledged in Chapter 25 of the ES (APP-140) as set out in response to 5.17 above and has been reduced as far as possible through phasing of works.</p> <p>The proposed works are anticipated to be for a duration of 52 weeks (not continuous) plus the periods of reinstatement. The works will not take the whole of the duration between April 2022 and October 2023 (they cannot take place during winter due to ecological restrictions which PCC is well aware of), though it is anticipated they will be undertaken within windows within this period.</p> <p>The Applicant is seeking to engage with PCC in relation to the Framework Management Plan for Recreational Impacts (REP1-144, Rev 002) regarding what mitigation would be acceptable, including reinstatement timing and methods.</p> <p>The works will be programmed and the programme of works will be communicated to PCC as outlined in section 4.4.3.4 – 4.4.3.9 of the OOCEMP (REP1-087).</p>
10.23	<p>3.12.5 - The applicant's response provides no certainty that the impacts can be mitigated. The whole of the car park is required for the camp site, and all of the fields are required for use of the camp site, for which considerable work is required to set up the site, and reinstate following the event.</p>	<p>The Applicant can clear the majority of the temporary works for the Victorious Festival and secure the HDD compound as set out in Appendix 25.5 of the ES (APP-473) and Appendix C to the Framework Management Plan for Recreational Impacts (REP1-144). The car park will not be required by the Applicant during the period of the festival.</p>
10.24	<p>3.12.8 - PCC will require an agreed pre-condition survey and that reinstatement requirements for the drainage solutions are identified prior to any works being undertaken.</p> <p>Works need to be undertaken by a recognised specialist drainage contractor and overseen by a Drainage Liaison Officer with whom PCC can raise any concerns.</p> <p>In the event of a dispute then there will need to be an Alternative Dispute Resolution process agreed and an obligation on the Applicant to remedy any failures of the reinstated drainage system and pay for any and all costs and losses arising from the failure.</p>	<p>Section 6.9.2 of the updated Onshore Outline CEMP Rev 3 (REP1-087) submitted at Deadline 4 provides for a land drainage survey at pre-construction stage, with associated reinstatement, and post-construction survey to ensure the integrity of the existing land drainage system.</p> <p>Article 30 is adequate in relation to the position in respect of any compensation that may be required for loss or damage arising. It is not necessary for any further process to be secured to address what is already provided for.</p>
10.25	<p>3.13.1 – 2 - It is important that the trees are not affected at this site, and that if required the cable trenches are split to avoid impacting trees as they enter the fields from the highway.</p> <p>This land is very wet so works should be programmed to ensure no works are undertaken which will permanently impact on the land, and reinstatement of the land can be successfully delivered to PCC's reasonable satisfaction.</p> <p>The specific reinstatement requirements for land occupied temporarily will need to be identified and secured in the Land Agreement to be entered into</p>	<p>Section 6.9.2 of the updated Onshore Outline CEMP Rev 3 (REP1-087) submitted at Deadline 4 provides for a land drainage survey at pre-construction stage, with associated reinstatement, and post-construction survey to ensure the integrity of the existing land drainage system.</p> <p>The period within which works may be carried out at Farlington Playing Fields is already known as a consequence of the applicable ecological restrictions. Works may be undertaken within this period, subject to any additional mitigation requirements that may be agreed in relation to recreational impacts.</p> <p>Discussions regarding the contents of any land agreement with PCC are ongoing.</p>



Para No.	Comment	Applicant's Response
	between PCC and the Applicant, and to ensure substance to Article 30 (4) ('restore the land to the reasonable satisfaction of the owners of the land').	
10.28	The applicant's Position Statement in respect of FOCs (REP1-127) does not change the fact that read in accordance with the relevant law and guidance the excess FOC capacity does not form and cannot part of the Proposed NSIP nor satisfies the definition of Associated Development.	The Applicant has explained why the FOC Infrastructure forms part of the Proposed Development and satisfies the requirements to be associated development in accordance with the relevant law and guidance. The Applicant does not repeat this already clearly explained reasoning.
10.30	PCC maintains there have been no genuine efforts to acquire its interests by agreement and the applicant cannot demonstrate this.	As set out in the Applicant's Response to Written Representations (REP2-014), the Applicant has engaged with Portsmouth City Council (PCC) regarding the Proposed Development since April 2017 as set out in the Consultation Report (APP025). This engagement has focussed on numerous aspects of the Proposed Development including the rights necessary for its construction, operation and maintenance. Heads of Terms were issued to the Council 28 January 2020 and a follow up call took place on 23 March 2020 where the Council representatives preference was for the Applicant's agent to provide a further overview of the route. The Applicant's land agent has had a number of meeting with the Portsmouth City Council's land agent (appointed in September 2020) on 07 October 2020, 06 November 2020 and 13 November 2020 and will continue to engage with the Council in their capacity as a landowner to seek to secure the rights required by agreement.
10.31	The applicant's approach to the acquisition of rights in highway land remains inconsistent, and PCC requires that PCC owned highway land is omitted from the application for compulsory acquisition of rights in accordance with the reliance by the applicant on NRSWA rights as an undertaker.	<p>As set out in the Applicant's Response to the Deadline 2 submissions (REP3-014), the Applicant confirms there is not, and never has been, any intention to acquire land vested in the highway authority. The Applicant will rely on the statutory authority to be provided by Article 11 of the dDCO (REP3-003) to install, operate and maintain the elements of the Proposed Development which are located in the highway.</p> <p>This has been reflected in the updated Book of Reference (REP1-027 Rev003) which confirms in respect of all plots which contain highway land no land which is vested in the highway authority is to be acquired.</p>
10.38	<p>2.16 - 2.17, 2.18 PCC does not consider that the additional capacity that will be created by the additional FOCs beyond the limited FOCs required to support the Proposed Development satisfies the DCLG Guidance to which the applicant has referenced.</p> <p>Paragraph 5 sub-section (i) states that for development to be considered associated development it 'requires a direct relationship between the associated development and the principal development.' There is no direct relationship between the additional FOCs that will result in additional (i.e., over and above that required to support the Proposed Development) capacity.</p> <p>Sub-section (iii) also sets out that 'Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development.' It is clear that the additional FOCs are only being added to the interconnector for the purpose of deriving additional commercial revenue. This will as a matter of logic be used to subsidise the Proposed Development. As</p>	<p>The Applicant's position is that which is set out in the Position Statement (REP1-127).</p> <p>The Applicant has set out why there is a direct relationship between the FOC and the principal development, being that:</p> <ul style="list-style-type: none"> <li>• The fibre optic cables and ORS are directly linked to the principal development as they are required for cable control, protection and monitoring purposes. In that respect, they support the primary operation of the Proposed Development.</li> <li>• The commercial use of the spare capacity is ancillary to the primary use of the Proposed Development, being the transfer and conversion of electricity</li> <li>• The commercial use generates significant benefits, which are to be considered in the context of the impacts of the Proposed Development. Further, by providing much needed additional fibre optic services the need to lay equivalent infrastructure in the future, and the impacts associated with doing so, are avoided.</li> </ul>



Para No.	Comment	Applicant's Response
	such, the DCLG Guidance confirms that the additional FOCs cannot be treated as Associated Development.	The Applicant has confirmed on several occasions that revenue from the commercial use of FOC is not only necessary as a source of additional revenue required to cross-subsidise the cost of the principal development.
10.40	3.2 - 3.4 - The Council's position remains that there were no reasonable efforts to acquire the rights sought by the Applicant in advance of the submission of the application. As such the applicant does not comply with the CA Guidance.	As set out in the Applicant's Response to Written Representations (REP2-014), the Applicant has engaged with Portsmouth City Council (PCC) regarding the Proposed Development since April 2017 as set out in the Consultation Report (APP-025). This engagement has focussed on numerous aspects of the Proposed Development including the rights necessary for its construction, operation and maintenance. Heads of Terms were issued to the Council 28 January 2020 and a follow up call took place on 23 March 2020 where the Council representatives preference was for the Applicant's agent to provide a further overview of the route. The Applicant's land agent has had a number of meeting with the Portsmouth City Council's land agent (appointed in September 2020) on 07 October 2020, 06 November 2020 and 13 November 2020 and will continue to engage with the Council in their capacity as a landowner to seek to secure the rights required by agreement.
10.46	3.12(1), 3.11, 3.12 (2) and 3.13The Council does not consider that a compelling case in the public interest can be shown by the applicant for the rights and interests sought, especially given the significant impact that the Proposed Development will have on occupiers of the land within Order limits. The effect of the acquisition of permanent rights and temporary rights should both have to meet any test of proportionality. The deprivation of right temporarily in this instance will in fact likely give rise to the greatest amount of disruption and displacement of users, along with associated financial and environmental loss. In short temporary acquisition can have permanent effects.	<p>It is correct that in respect of the laying of the cables, the temporary construction impacts will give rise to the greatest amount of disruption and displacement of users.</p> <p>The compelling public interest benefits of the Proposed Development are clearly set out the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135). It is considered these benefits outweigh the impacts associated with the acquisition of the land and rights, both permanent and temporary, which are required to deliver this nationally significant infrastructure.</p> <p>The approach taken to the land included within the Order limits, and the land and rights sought, is a proportionate approach.</p>
10.47	<p>13.14, 3.16 and 3.22 - PCC maintains that the proposals are devastating in respect of the impacts on Special Category Land.</p> <p>As set out in the Council's LIR, (REP1-173), the impacts are severe and the displacement of users from the land could extend for 7 years.</p> <p>The proposals included in the Framework Management Plan (REP1-144) are unsatisfactory – there is no replacement land proposed in the dDCO, and the indicative timescales have no statutory or contractual obligations applied to them; as such, they are as meaningless as they are optimistic. PCC has clarified its position in respect of the allotment land which appears to be 'garden allotment' and not fuel or field garden allotment. It is therefore protected by the Allotment Acts not by being special category land under the PA 08.</p>	<p>As set out in REP3-020, the development to be authorised in the location of the allotments is the drilling of ducts and the pulling of cables at a minimum depth of circa 2.5m beneath the surface via HDD, and for the majority of the route beneath the allotments at a more significant depth. Access rights over the existing allotment paths will be required to be taken on foot only. Only the rights and restrictions necessary in connection with that activity would be authorised by the DCO.</p> <p>As per the Applicant's response to Paragraph 10.8 of this response, the Book of Reference (REP1-027), Land Plans (REP1-011a) and Works Plans (REP1-014) are being updated to clarify this.</p> <p>The timescales included in respect of the anticipated period of construction are neither meaningless nor optimistic, and PCC provide nothing to support this claim. PCC also confuse the period within which compulsory acquisition may be authorised with the period over which works will be undertaken. This is an error on their part.</p> <p>As the Applicant has explained to PCC, it wishes to receive feedback on the Framework Management Plan (REP1-144, Rev002), a version of which has been with PCC since June, so that it can be determined which mitigations are to be secured in relation to this land.</p>



Para No.	Comment	Applicant's Response
		There is not permanent acquisition of special category land. There is therefore not justification for replacement land to be provided in the circumstances.
10.48	3.15 - The draft Framework Management Plan (REP1-144) was only provided to PCC in June 2020, nine months after the Application was submitted. Impacts should be assessed and mitigation measures proposed and agreed (where possible) in advance of an application for development consent being submitted, when Order limits can still be defined and impediments to the scheme removed. The applicant has not properly mitigated the impacts of the Proposed Development and has not provided itself with enough time to do so. As such, the applicant cannot show that there is a compelling case in the public interest to grant powers of compulsory acquisition to this applicant.	<p>The Applicant has engaged with PCC since 2017 including in respect of the identification of impacts on playing fields and movement of pitches (e.g. Minutes 22/08/2019). PCC have not provided a direct response to the Applicant to date on the FMP on Recreational Impacts. As the Applicant has explained to PCC, it wishes to receive feedback on the Framework Management Plan so that it can be determined which mitigations are to be secured in relation to this land.</p> <p>There is more than adequate time to confirm the mitigations in these areas, should PCC engage adequately on these matters.</p> <p>The compelling case in the public interest for the acquisition has been explained above.</p>
10.53	3.24- 3.25 PCC maintain that the applicant has not complied with the Guidance; key risks have not been managed and programming of accommodation works to mitigate the impact of the proposed works have not been considered. As such the applicant has confirmed in its response that it has had to seek flexibility in the draft Order, which increases the footprint of the Proposed Development in the absence of properly considered and agreed mitigation. To be clear the applicant has to show and the Secretary of State has to be satisfied that all the land sought to be acquired compulsorily is required and necessary. Enabling the contractor subsequently to define the route within a wide parameter which is what this DCO seeks does not meet the relevant legal tests. CA of rights cannot be justified on the basis that the acquiring authority or DCO undertaker wants to have sufficient room as possible to decide where it will build once it has carried out further investigations as to any constraints nor can such rights be justified on the basis that they allow the undertaker room for error.	<p>The extent of the Order limits, and the limited lateral limits of deviation which they provide are necessary and proportionate and required so as to facilitate the delivery of the Proposed Development.</p> <p>The use of limits of deviation for development of the type of the Proposed Development is not an uncommon approach, and is in no way in principle conflicting with the relevant guidance.</p>
10.57	5.12 Regardless of the definition of subsoil, the exclusion of the acquisition of rights of PCC highway land needs to be explicitly confirmed in the Book of Reference (see PCC's Comments on Responses to Deadline 1 (REP2-018) in respect of comment to CA1.3.5, paragraphs 20-24.	See above response to Paragraph 10.6.
11.1	Notwithstanding the applicant's comments PCC would note that the methodology used is as given in Guidance BS-5288 Part 1 - Code of Practice for Noise and Vibration on Construction Sites. BS-5288 gives methods of noise control relating to construction sites and open works where activities/operations generate significant noise levels and also provides guidance on predicting and measuring noise, and assessing its impact upon those exposed to the noise. This document is used by acousticians and local authorities. The Environmental Statement - Volume 1 - Chapter 24 - Noise and Vibration only provides noise levels for out of hours work and the number of properties that are likely to experience a disturbance for daytime noise. It does not provide details of day time noise levels for construction. The ExA is	<p>It is not the case that predicted noise levels have only been provided for construction works outside of core hours in the noise and vibration assessment. The predicted noise levels for construction activities during core working hours have been provided for each section of the Onshore Cable Corridor through the provision of a magnitude of level, which corresponds with the noise level bands specified in Table 24.3 of the ES (APP-139) for the respective time period.</p> <p>For example, in the case of trenching and duct installation during core working hours in Section 10, Paragraph 17.3.2.37 of the ES Addendum (REP1-139) states:</p> <ul style="list-style-type: none"> <li>• 29 receptors are predicted to experience a large adverse magnitude of level (i.e. a noise level of <math>\geq 76</math> dB <math>L_{Aeq,T}</math>);</li> <li>• 80 receptors are predicted to experience a medium adverse magnitude of level (i.e. a noise level of 71-75 dB <math>L_{Aeq,T}</math>); and</li> </ul>



Para No.	Comment	Applicant's Response
	asked therefore to request further information with regards to daytime noise levels during the construction works in order to assess this matter.	<ul style="list-style-type: none"> <li>97 receptors are predicted to experience a small adverse magnitude of level (i.e. a noise level of 66-70 dB L<sub>Aeq,T</sub>).</li> </ul> <p>Paragraph 17.3.2.37 of the ES Addendum (REP1-139) goes on to determine the noise effect from each magnitude of level based on the expected duration of impact, which has been informed by the installation rate assumptions (REP1-151).</p> <p>This same approach is replicated for construction activities in other sections, which is a robust and proportionate approach for the assessment of construction noise during core working hours.</p> <p>It is correct that noise levels at individual receptors have been predicted for the assessment of construction noise outside of core working hours (i.e. when receptors are considered more sensitive to noise). This reflects the proportionate approach of undertaking a more detailed assessment at locations where the noise effects have the potential to be larger given the more sensitive time period.</p> <p>The Applicant does not consider it a reasonable or proportionate approach to provide individual noise level predictions for every sensitive receptor within the Study Area for the Onshore Cable Corridor for works that will take place during core working hours. The assessment is robust and sufficient to identify the likely significant noise and vibration impacts on sensitive receptors.</p>
11.2	The night-time equipment used for breaking and cutting of the road surface and re-surfacing of the road have been excluded from the assessment (24.6.6.13, 24.6.7.10 and 24.6.9.19), and the noise report states that these are the loudest elements of trenching activities given the close proximity of sensitive receptors and would be considered unacceptable during the night time in any circumstances.	The Applicant refers PCC to reference N1.11.2 (page 2-62) of the Applicant's Comments on Responses to Examining Authority's First Written Questions (REP2-008). The Applicant's response explains that breaking, cutting and resurfacing equipment has not been included in calculations of night-time noise effects because as a mitigation measure, equipment associated with these activities will not be permitted in the vicinity of sensitive receptors during the night-time period.
11.3	<p>PCC considers that the following information is missing and that the ExA is asked to require its production in order to test and understand the issues raised which are relevant and important to the DCO:</p> <ul style="list-style-type: none"> <li>Further clarity is required as to why night-time works would be required and what works would be done that would not cause any impact on nearby residential properties?</li> <li>A noise assessment if night time works are to include breaking and cutting of road surface and resurfacing of the roads.</li> <li>Details of noise levels for day time work in areas 5 to 10 and a work programme for the number of days that work will be carried out</li> <li>Clarify the route through Farlington and noise assessment for sensitive receptors.</li> </ul>	<p>As stated in paragraphs 17.3.2.39, 17.3.2.43, 17.3.2.45 and 17.3.2.46 of the ES Addendum (REP1-139), works outside of core working hours in sections 4, 5 and 8 may be required to mitigate adverse traffic impacts during cable and duct installation. In the case of section 6, night-time works may be required to minimise disruption to the Sainsbury's supermarket in Farlington. For section 8, night-time working is proposed to ensure that construction is completed in the highway along A2030 Eastern Road as expediently as possible to minimise traffic impacts.</p> <p>The Applicant does not consider it necessary to provide a noise assessment for night-time works which includes equipment associated with road breaking, cutting and resurfacing for the reasons explained in the answer to 11.2 above. In short, this is not to be permitted and it would therefore be pointless to assess it.</p> <p>As explained in the answer to 11.1 above, noise levels for works in the Onshore Cable Corridor during core working hours have been provided in the noise and vibration assessment. The assessment approach is robust and proportionate and therefore no further assessment to that contained in Chapter 24 of the ES (APP-139) and Chapter 17 of the ES Addendum (REP1-139) is considered necessary.</p> <p>With regard to the comment in the final bullet point, it is assumed that PCC is referring to the two cable route options described in Section 5 around Farlington Avenue. The option assessed in the noise and vibration assessment is considered the worst-case and therefore robust, the</p>



Para No.	Comment	Applicant's Response
		reasons for which are explained in the response to question N1.11.3 of the Applicants Response to Written Questions (REP1-091). Therefore, no further noise assessment is necessary.
11.5	PCC note that the only reference that BS5288 makes with regard to consecutive periods is for sound insulation. It would appear that the Environmental Statement gives reference to this for magnitude level and if the noise levels are exceeded as set out in table 24.3 between the hours specified for daytime, evening and weekend, and night time works, then this will have a significant impact upon sensitive receptors, as stated in table 24.4.	<p>The Applicant assumes that the reference to 'BS5288' is a typographical mistake, and PCC are referring to British Standard 5228.</p> <p>For the avoidance of doubt, the duration of impact (total duration and consecutive or non-consecutive periods) is not a consideration when determining of the magnitude of noise level at a receptor in Table 24.3 of Chapter 24 of the ES (APP-139). Duration of impact is accounted for when determining the magnitude of impact in Table 24.4 of Chapter 24 of the ES.</p> <p>With regard to the consideration of consecutive or non-consecutive time periods, the Applicant refers PCC to the response provided to reference N1.11.5 in Table 2.3 (page 2-28) of the Applicant's Comments on Responses to Examining Authority's first Written Questions (REP2-008). In summary, the assessment has considered the total duration that any individual receptor would be exposed to adverse effects from a construction activity.</p> <p>British Standard 5228-1 <i>Code of practice for noise and vibration control on construction and open sites</i> states that duration of site operations is one of the factors likely to affect the acceptability of noise arising from construction and open sites and the degree of control necessary. Therefore, the Applicant considers the inclusion of duration of impact and consecutive/non-consecutive periods an important part of the noise and vibration construction assessment methodology in determining the significance of effect.</p>
12	Due to the significant number of additional documents submitted within the applicant's responses, the Statement of Common Ground has not been formally progressed since Deadline 1. Officers will continue to meet with the applicant, and other parties, to discuss matters arising and anticipate being in a position to provide an updated Statement of Common Ground by Deadline 4.	The Applicant submitted a unilateral update to the draft Statement of Common Ground at Deadline 4. The Applicant and PCC continue the engagement with the objective of submitting a mutually agreed draft for Deadline 5.

**Table 2.13 – Ian Judd & Partners on behalf of Robin Jefferies**

Para No.	Comment	Applicant's Response
Para 5.3.6 Para 5.3.15	This is very misleading, as neither the Converter Station, Telecommunications Buildings or Attenuation ponds or Access Road will be located on Plot 1-29. It appears the land is solely required for Landscaping. Why can Landscaping rights not be sought?	The Applicant confirms that Plot 1-29 is proposed to be acquired for landscaping purposes and as explained in the Applicant's Response to Deadline 2 Submission (REP3-014), the proposals reflect the extensive engagement with, and feedback received, from LPAs who are concerned over the potential loss of vegetation in this area. The Applicant's proposals will significantly strengthen the visual screening function as well as provide biodiversity enhancement as referred to in revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1.

Para No.	Comment	Applicant's Response
		<p>The restrictions to be applied to ensure the landscaping and ecological enhancements are maintained and otherwise remain undisturbed so as to ensure their benefit is realised would prevent any activities being undertaken on this land subject to those restrictions by the landowner, and the position would be akin to exclusive possession. Therefore, for the reasons explained, freehold acquisition of this land is required for the Proposed Development and is the appropriate approach to take in relation to this land.</p>
<p><b>Para 5.3.7</b></p>	<p>The land area to be compulsory acquired has not altered between Option B (i) &amp; Option B (ii), however the Converter Station has moved some 40m. Much of the land shown as existing pasture, it has not been demonstrated why this land is permanently required for the scheme.</p>	<p>The Applicant is seeking compulsory purchase powers on this land which will (in line with the extensive engagement with and feedback received from LPAs who are concerned over the potential loss of vegetation in this area) significantly strengthen the visual screening function as well as provide biodiversity enhancement and aid security as referred to in revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1.</p> <p>The Applicant is further reviewing the two micro sited options to determine whether if Option B(ii) is chosen it may be possible to undertake planting over a reduced area in Plot 1-29 without detriment to the objectives set out in the Outline Landscape and Biodiversity Strategy (REP1-034). However, the planting within the Order limits has been proposed not only to maximise the screening benefits, but also to provide ecological enhancements and to respond to comments raised by Winchester City Council from a planning policy and impacts perspective.</p> <p>Having begun this review in light of the comments now received, it is identified that the extent of planting may be able to be revised for Option B(ii) and presented in revised indicative landscape mitigation plans without having a detrimental impact on the screening to be provided in connection with the Converter Station. Should it be determined following further consideration that part of this plot may be removed where Option B(ii) is chosen, the Applicant intends to provide appropriate updates to the relevant documents at Deadline 5 to ensure the position is confirmed in advance of the CA Hearings.</p>
<p><b>Para 5.3.7</b></p>	<p>The Applicant has not demonstrated what additional mitigation measures are intended to take place on the remaining part of plot 1-29 to justify its compulsory acquisition of the freehold interest, nor why alternative measures (such as landscaping rights, notwithstanding the submissions below in relation to plots 1-26 and 1-30) are not considered sufficient.</p>	<p>The Applicant refers to their response to Table 2.5, paragraphs 5.3.5 and 5.3.7 (above) which sets out the use of the land for landscaping and biodiversity connectivity purposes, in addition to providing a security benefit. As explained in the Applicant's Response to Deadline 2 Submission (REP3-014), the proposals reflect the extensive engagement with and feedback received from LPAs who are concerned over the potential loss of vegetation in this area.</p> <p>The restrictions to be applied to ensure the landscaping and ecological enhancements are maintained and otherwise remain undisturbed so as to ensure their benefit is realised would prevent any activities being undertaken on this land subject to those restrictions by the landowner, and the position would be akin to exclusive possession. Therefore, for the reasons explained, freehold acquisition of this land is required for the Proposed Development and is the appropriate approach to take in relation to this land.</p>
<p><b>Para 5.3.8</b></p>	<p>If Option B (ii) is chosen, the Converter Station is 40m further away. It is proposed to have security fence around the Converter Station. We fail to</p>	<p>With regard to security, whilst the footprint of the Converter Station is circa 4 hectares, and the Converter Station will be securely fenced, as will the Telecommunications Buildings, it is</p>



Para No.	Comment	Applicant's Response
	understand why the land is required for safety or security related reasons. Is the Applicant intending to erect any permanent structures on the landscaping land to prevent third party access?	necessary for the Applicant to have exclusive possession of the area around the Converter Station and Telecommunications Buildings so as to deter potential trespassers who may seek to intrude into the Converter Station/interfere with the Telecommunications Buildings. By having control over these areas, the Applicant is able to control who can and cannot access those areas and thus more adequately deter any potential for interference with the apparatus, which is entirely appropriate and necessary taking into account the purpose of the infrastructure and the benefits its continued safe operation will provide.  The fence to be provided will be of a suitable height and construction to provide a temporary protection to planting until it becomes established to minimise loss as a consequence of grazing deer and rabbits as referred to in the OLBS (REP1-034) and also, to act as a demarcation fence to mark a boundary between the Converter Station Area and other private lands to create a visual and physical barrier to deter any trespassing.
<b>Para 5.3.9</b>	To date, despite the landowners' representative chasing the Applicant's Solicitors and Agent to progress matters, we have not received any communication from the Applicant since the original Heads of Terms issued in November 2019. Aquind's agents did visit the site in September 2020, but no further communication has been made, dispute verbal assurance that the Applicant would respond "next week".	The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and has held a meeting with the Landowner's agent on 12 November 2020 in an attempt to progress matters.
<b>5.4.6</b>	The Applicant has failed to answer the specific point. Why have hedgerows which run perpendicular to the Converter Station been included in Landscaping Rights?	The Applicant refers to the Applicant's Response to Deadline 2 Submission paragraph 3.5 (REP3-014) which applies to the hedgerows which run perpendicular (plots 1-24, 1-25, 1-26 and 1-30). These hedgerows form strong tree belts and are important in terms of their landscape and ecological connectivity and biodiversity. They contribute to visual screening, having a visual 'layering' function in conjunction with the other hedgerows in the area, the extent of which depends on the angle of view. Their retention reflects the extensive engagement with, and feedback received, from the LPAs.
<b>8.2.4</b>	The issues relating to uses on the retained land have not been addressed.	The Applicant has requested details of the Landowner's tenant and looks forward to receiving these from the Landowner.

**Table 2.14 – South Downs National Park Authority**

Para No.	Comment	Applicant's Response
<b>1</b>	In relation to paragraph number 5.4.5 on page 9-166 of the Applicant's Response to Local Impact Reports (and reference 4.11, page 2-29 of the Applicant's Response to Written Representations) it is important to state that 'tranquil and unspoilt places' is a special quality of the South Downs National Park. It applies to the National Park as a whole and does not, as the applicant implies, only relate to or have importance in certain parts of the National Park. The South Downs National Park Tranquillity Study (2017) sets out relative tranquillity levels experienced across the National Park (including proximate	The Applicant considers that the Local Plan is unclear in its application of references to Special Qualities - some areas include specific references to SQ2 tranquillity whilst others don't, including both the Dip Slope and Scarp Slope.  Nevertheless, the Applicant acknowledges that based on the South Downs National Park Tranquillity Study and as stated in paragraph 1.4.1.1 Appendix 15.5 (APP-403) and referred to in the tranquillity map in Appendix 1: Relative Tranquillity Scores For The SDNPA, the Converter

Para No.	Comment	Applicant's Response
	to the development site) and this is explained in our Local Impact Report (reference REP1-178).	<p>Station Area falls between an intermediate (yellow) to low (orange) value for tranquillity with the area of the proposed Converter Station falling in the intermediate value tranquillity.</p> <p>Whilst the tranquillity map shows the Converter Station Area as of intermediate relative tranquillity the Applicant reiterates the point made previously in the Applicant's Comments on Local Impact Reports (REP2-013), that the Converter Station Area lies outside of the National Park and therefore Strategic Policy SD7 Relative Tranquillity which seeks to ensure that "Development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity" do not apply.</p> <p>Special Qualities were used to define the boundaries of the National Park, and the Converter Station Area was not regarded worthy of inclusion.</p> <p>The Applicant refers back to Appendix 15.5 Table 1 (APP-403) which states that the relative tranquillity of the Converter Station Area is mixed.</p>
2	<p>Regarding paragraph number 5.4.6 on page 9-167 of the Applicant's Response to Local Impact Reports it is incorrect to state that 'in instances [the SDNPA] is seeking for less information to be secured (for instance in relation to the colour palette to be utilised).'</p> <p>This is simply not the case as is evident from paragraph 4.3.13 of the draft Statement of Common Ground (reference REP I - I2I) where it is stated in unequivocal terms that the SDNPA welcomes continued discussions to progress the building design, including the proposed colour scheme. Our Deadline I submissions also make it clear that this Authority considers that there is currently a lack of information about the design and appearance of the Converter Station. Further, we have been working with the applicant and other local planning authorities over a number of Design Group meetings to try and get the colour palette (and other design matters) agreed during the course of the examination. The SDNPA will continue to work with the applicant on these matters.</p>	<p>The Applicant acknowledges that the following comment in the Applicant's Comments on Local Impact Reports (REP2-013) is unclear rather than incorrect - "the Applicant notes the SDNPA has not requested any further level of design information, and in fact in instances is seeking for less information to be secured (for instance in relation to the colour palette to be utilised)". The comment related to the suggestion by SDNPA to keep the colour concept broad at a design group meeting held in August.</p> <p>At a subsequent design group meeting with the LPAs and SDNPA held in October a Contextual Colour Palette Study was presented which revisited views based on direction, seasonality and distance around the Converter Station and presented a range of colours for each elevation. It was agreed as part of the next steps that the "broader" range of colours for each elevation would be refined and presented at the next design group meeting for review.</p>

**Table 2.15 – University of Portsmouth**

Para No.	Comment	Applicant's Response
<b>Introduction &amp; Background</b>		
<b>Lack of Information</b>		
5.	It is agreed that the Applicant has not provided sufficient information or detail on the rationale and operational impacts of the Proposed Development. The questions posed by UoP in their Written Representation (see UoP WR paragraph 26) remain largely unanswered. It is noted that some additional information has been provided in the Documents submitted and referred to	<p>The Applicant would request that UoP and PCC clarify what further explanation and justification is required to respond to this issue.</p> <p>However, in terms of operational impact, the Applicant confirms that the cable design and manufacture is tried and tested technology and the risk of faults developing is extremely low.</p>



Para No.	Comment	Applicant's Response
	<p>above but further explanation and justification is still required.</p>	<p>This means that it is highly unlikely that further works would be required to the UoP land once cable installation has taken place. Planned monitoring will take the form of regular site walkovers to check that there are no activities on the site which would affect the cables (i.e. digging). In an unlikely scenario of a cable failure, it will be replaced from a joint bay.</p> <p>During the operational phase of the development there are no above ground structures within the UoP's landownership. The impact of the development during the operational phase to the current use (i.e. playing fields) would be minimal (see reference to quarterly site walkovers above). In addition, the operational impact on the UoP's land would be that it is necessary to prevent construction within the identified easement width (refer to rights being sought over the land here). However, the easement area is located in an area protected from development by current Local Plan policies and also subject to ecological designations including as a functionally linked site to an SPA.</p> <p>In particular, it is noted that the former 'Site Allocations – First Consultation Draft' (March 2013), which is no longer being progressed, identifies at paragraph 4.79 that "...the University Langstone Campus may also become available for development in the longer term, although the associated open spaces will be protected."</p> <p>In addition, the accompanying plan for the area identifies that the previously developed parts of the Langstone Campus are the areas to be consulted on as part of the Site Allocations document for future allocation, and that the remaining areas of green space are to be retained as open space and excluded from the proposed allocation. This is shown in the plan of the Milton area on page 79 of the document.</p> <p>There is therefore an indication that whilst the previously developed parts of the Langstone Campus site may provide an opportunity to accommodate development, the existing green space at the site is most likely to be protected from built development.</p> <p>As set out in the previous response to UoP, the Applicant does not consider the proposed development would have any significant operational impacts on UoP land, as this land is protected from development for two purposes: recreational provision; and overwintering site for Brent Geese.</p> <p>The Applicant has provided detailed responses to the points raised in the Response to Written Representations (REP2-014). If more detailed information is required, the Applicant is happy to meet with UoP to discuss these points.</p>
<p><b>6</b></p>	<p>10.7 The majority of the Order limits in the other parts of the Application are no more than the width of a normal highway boundary (circa 9.5m) and it is explained in the Applicant's submissions that working areas would be typically 4-5m wide where there are constraints such as sports pitches (see ES Addendum Appendix 13 paragraph 4.2.3.6). The 11m permanent easement and 23m construction cable corridor are excessive and exceed the test of necessity, and refinement of this requirement should have been undertaken prior to the submission of the application. This needs to be explained by the Applicant and the Order area east of the Campus buildings reduced</p>	<p>The 23 m corridor takes into consideration a temporary haul road which would be required to be installed alongside the route where it is identified the land is not suitable for the relevant wheel loads, which would be expected on such greenfield land (nominally 5m wide). Additional working width would also be required for drainage and for storage of excavated subsoil and topsoil during construction, with excavated soil and topsoil always stored adjacent to the trench from which it has been excavated to eliminate the risk of cross contamination.</p> <p>Whilst the Applicant's preference is to install the onshore cable route in the eastern part of the order limits in this area so as to avoid the impact on UoP's playing fields it should be noted that the Applicant has not undertaken ground investigations in this area to date as a request for</p>

Para No.	Comment	Applicant's Response
	accordingly to be consistent with the other Order area	<p>access to undertake ground investigations in 2018 was not accommodated by UoP. The Order Limits provide a degree of flexibility reflecting the ground condition risk.</p> <p>Furthermore, the Applicant has requested meetings with UoP to discuss these matters in greater detail on</p> <ul style="list-style-type: none"> <li>• 09 December 2019;</li> <li>• 03 March 2020;</li> <li>• 04 April 2020;</li> <li>• 21 April 2020;</li> <li>• 12 June 2020;</li> <li>• 2 July 2020;</li> <li>• 13 July 2020;</li> <li>• 23 July 2020;</li> <li>• 01 September 2020;</li> <li>• 14 September 2020;</li> <li>• 25 September 2020; and</li> <li>• 11 November 2020,</li> </ul> <p>and only received a response from the University on 13 November 2020.</p> <p>The Applicant welcomes further discussion with the University to agree an amicable way forward in relation to the rights necessary for the construction, operation and maintenance of the Proposed Development.</p> <p>The Applicant would look to further refine the Order Limits at the UoP playing fields in consideration of the maximum construction corridor required.</p>
<b>Impact on Recreational Activity</b>		
7	It is agreed that the Proposed Development will have a significant impact on recreational activity on both the Sports Centre and the Campus site. The agreed extent of the impact is identified in both PCC's Local Impact Report and UoP's Written Representation.	<p>Table 4.2 of the Applicant's Response to Written Representations (REP2-014), sets out responses to representations from the University of Portsmouth regarding effects on the University sports grounds. This includes revision to the Order Limits so that the Proposed Development does not affect Langstone Sports Centre, through potential loss of access.</p> <p>The temporary loss of pitches to the east of the Campus is not considered to be significant and a number of mitigation measures have been proposed relating to timing of works largely outside of the rugby/ football playing season in the Framework Management Plan for Recreational Impacts (REP1-144, Rev002).</p> <p>The Applicant looks forward to discussing these with UoP to confirm the mitigation measures to be secured in this regard.</p>
<b>Proposed Mitigation</b>		
8	It is noted that mitigation and management proposed is outlined in the ES Addendum Appendix 13 (Document Ref: 7.8.1.13) and specifically paragraphs 4.2.3.1 – 4.2.3.10. Based on our review, there is actually no	The temporary loss of pitches to the east of the Campus is not considered to be significant and a number of mitigation measures have been proposed relating to timing of works largely outside



Para No.	Comment	Applicant's Response
	mitigation proposed for the reasons explained below.	of the rugby/ football playing season in the Framework Management Plan for Recreational Impacts (REP1-144, Rev002). The Applicant looks forward to discussing these with UoP to confirm the mitigation measures to be secured in this regard.
9.	It is agreed between PCC and UoP that there remains insufficient detail on how the 16 week period for works and re-turfing has been arrived at. Without further explanation on the identified 16 week period, both Parties are concerned that this is unrealistic and an under estimate which will extend beyond the proposed April – September period. For example, what investigations have been made for the period which will need to be allowed for drainage works and soil to settle before the pitches can be re-turfed and then used.	The Applicant is seeking to engage with PCC regarding what mitigation would be acceptable, including reinstatement timing and methods. The Applicant looks forward to discussing these with UoP to confirm the mitigation measures to be secured in this regard. A meeting has been arranged for 20 <sup>th</sup> November.
10	The Impact Assessment makes no allowance for the impact that the loss of pitch capacity has on recreational activity and access to the pitches by UoP and other groups as outlined in their WR. As identified the UoP WR, this includes the organised events scheduled for the site which can be just as intensive in terms of usage as the term time activities that take place. It is not as simple as programming work to between April – September to reduce the impact.	The programme has been designed to minimise impact, it is recognised that the impact is not fully mitigated and this is reflected in the assessment in the Environmental Statement Chapter 25 (APP-140). More recently, requests for further information on use of pitches have been made on the 28 <sup>th</sup> Sept and 29 <sup>th</sup> October 2020. Although some information has been provided through the Examination, this doesn't relate to individual pitches.
11.	The magnitude of the effect of temporarily losing football and rugby pitch capacity against the context of no capacity elsewhere in the city has also not been properly explained or the subject of mitigation by the Applicant in the application. If the teams that currently use the pitches are unable to play elsewhere due to a lack of alternative pitch capacity in the City (as identified in PCC's Impact Assessment), then there is the potential for those teams to lose players and revenue to other teams outside of the City boundary. This will affect their ability to continue once the pitches become available again. This also needs to consider the impact on UoP's business and plans for activity during April – September as identified in their WR.	The Applicant would welcome further information on the use of pitches and subsequent impacts. Recently, requests for further information on use of pitches have been made on the 28 <sup>th</sup> Sept and 29 <sup>th</sup> October 2020 to PCC. The temporary loss of pitches to the east of the Campus is not considered to be significant and a number of mitigation measures have been proposed relating to timing of works largely outside of the rugby/ football playing season in the Framework Management Plan for Recreational Impacts (REP1-144, Rev002). The Applicant looks forward to discussing these with UoP to confirm the mitigation measures to be secured in this regard.
12	It is noted that the Applicant intends to discuss the mitigation with PCC and UoP to provide temporary mitigation during the identified periods of disruption (see Document 7.8.1.13 paragraph 3.1.1.1 page 4 of 28). A meeting is to be arranged by UoP between the parties for w/c 9 <sup>th</sup> November 2020 if possible.	A meeting is being held with PCC on the 12 <sup>th</sup> November and the Applicant asked for comments on mitigation and whether this was sufficient. A meeting has been arranged with UoP for the 20 <sup>th</sup> November.
<b>Development Potential of the Campus Site</b>		
13	It is agreed between PCC and UoP that the previously-developed element of the Campus site has potential for development to support the City's future growth. This may be residential, academic, commercial or recreational. There will continue to be discussions between the parties on this as part of the Local	The Applicant has responded to the current and emerging planning policy status of UoP Langstone's Campus in the Applicant's response can be found at Table 4.2 (row 36-44) of the Applicant's Response to Written Representations (REP2-014).

Para No.	Comment	Applicant's Response
	<p>Plan Review to work towards a land use allocation of the site. It is common ground between PCC and UoP that the maximum degree of flexibility should be retained in this area to enable any future development to be designed and delivered based on good design and opportunity, rather than artificially constrained by the private interests of the Applicant's proposal.</p>	
<p><b>Alternative Route at the eastern edge of the Campus</b></p>		
<p><b>15</b></p>	<p>It is noted that the Applicant has considered the feasibility of a route closer to the eastern boundary of the Campus site (see the ES Addendum Appendix 13 / Document Ref: 7.8.1.13 and specifically Plate 5 and paragraphs 4.2.3.1 – 4.2.3.10). The Applicant identifies that the use of such a route will have less of an impact on the pitches with only a direct impact on the northern rugby pitch with the two remaining pitches realigned. This needs to be the subject of further investigation as the plan provided by the Applicant is not sufficient to determine whether this is deliverable. We also understand that the Applicant is to issue an updated ES Addendum Appendix 13 which we will review upon publication.</p>	<p>Whilst the Applicant's preference is to install the onshore cable route in the eastern part of the order limits in this area so as to avoid the impact on UoP's playing fields it should be noted that the Applicant has not undertaken ground investigations in this area to date as a request for access to undertake ground investigations in 2018 was not accommodated by UoP. The Order Limits provide a degree of flexibility reflecting the ground condition risk.</p> <p>Furthermore, the Applicant has requested meetings with UoP to discuss these matters in greater detail on</p> <ul style="list-style-type: none"> <li>• 09 December 2019;</li> <li>• 03 March 2020;</li> <li>• 04 April 2020;</li> <li>• 21 April 2020;</li> <li>• 12 June 2020;</li> <li>• 2 July 2020;</li> <li>• 13 July 2020;</li> <li>• 23 July 2020;</li> <li>• 01 September 2020;</li> <li>• 14 September 2020;</li> <li>• 25 September 2020; and</li> <li>• 11 November 2020,</li> </ul> <p>and only received a response from the University on 13 November 2020.</p> <p>The Applicant welcomes further discussion with the University to agree an amicable way forward in relation to the rights necessary for the construction, operation and maintenance of the Proposed Development.</p>
<p><b>17</b></p>	<p>Before it can be agreed and proposed to the Examination as an acceptable and deliverable alternative, further information and justification does still need to be provided by the Applicant on the ongoing easements and rights that would be sought on a cable route in this area so that the long term effect on the Site can be understood and assessed fully by PCC and UoP. The effect on playing pitch capacity in the area, the magnitude of the temporary effects and the accuracy of the 16 week programme also needs to be further investigated by the Applicant for the reasons outlined in this Statement.</p>	<p>The Applicant is seeking to engage with UoP regarding what mitigation would be acceptable, including pitch realignment to avoid impacts on the playing facilities being able to be provided and in respect of reinstatement timing and methods.</p>



# **Appendix 1 – First Group (First Hampshire & Dorset) Meeting Minutes**



## AGENDA AND MEETING NOTES

MEETING DATE	08 October 2020
PRESENT	<p>██████████) – WSP – Associate, Transport ██████████) – WSP – Principal Planner, Planning ██████████) – First Group, Business Manager ██████████) – First Group, Commercial Manager ██████████) – First Group, Network Planner ██████████) – First Group, Performance Chief Advisor ██████████) – First Group, Performance Supervisor</p>
APOLOGIES	Simon Mohammad (SM)
DISTRIBUTION	As above plus: AQUIND and Martyn Jarvis (HSF)

ITEM	SUBJECT
1	<p><b>Introductions</b></p> <p>CW thanked all attendees for making time to attend the call.</p>
2	<p><b>Proposed Development</b></p> <p>JO provided a general overview of the scheme and signposted to further information that is available on the PINS website (<a href="https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=overview">https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=overview</a>).</p> <p>The Proposed Development's main UK elements are the installation of HVDC onshore cables which will be installed within highway, verges, greenspace and agricultural land and a Converter Station in Lovedean. A plan was shared of the Onshore Order Limits within the UK.</p>
3	<p><b>Development Consent Order and Examination</b></p> <p>JO provided a general overview of the DCO process and Examination. In July 2018 the Secretary of State for Business, Energy and Industrial Strategy directed that AQUIND Interconnector should be treated as a being nationally significant. This means that construction and operation of AQUIND Interconnector can only be consented by a Development Consent Order (DCO)</p> <p>The DCO application of the Aquind Interconnector was submitted in November 2019 with the DCO examination starting in September this year. JO advised that Deadline 1 of 9 has now passed and the team are currently progressing submission material for Deadline 2 (20 October). The Examination will end on the 8 March 2021 and full details on the examination process can be found on the Council's website.</p> <p>The Examining Authority will make a recommendation to the Secretary of State 3 months of the examination has closed (June 2021) and the Secretary of State then has 3 months to make a final decision of the DCO application (September 2021)</p>



ITEM	SUBJECT
4	<p><b>Construction Methodology for the Onshore Cable Route</b></p> <p>CW talked through the route using the PowerPoint presentation slides. CW outlined how cable route is constructed and impact on highway.</p> <p>The key component affecting operation of the highway will be the installation of the Onshore Cable Route. This will be made up of two circuits, installed independently from each other in one trench per circuit. Within highways these are likely to be installed on opposite sides of the carriageway at different times.</p> <p>Construction will take place in 100m sections at an average rate of 100m per week per circuit. Up to 6 construction gangs may be working on the highway at any one time but the location and timings of these will be controlled by the submitted Framework Traffic Management Strategy.</p>
5	<p><b>Indicative Construction Programme</b></p> <p>The current indicative construction programme anticipates that the onshore cable construction and installation will commence in Q3 2021 and run through to the end of 2023. The converter station commissioning is anticipated to be completed by end of Q4 2024. Indicative programming shared on screen.</p>
6	<p><b>Framework Traffic Management Strategy</b></p> <p>CW talked through the slides on the FTMS and will send a copy of the FTMS alongside draft minutes to GF and CA. This sets out the strategy for mitigating traffic impacts associated with construction of the onshore cable route.</p> <p>CW noted that temporary road closures will be required on First Group bus routes at A3 London Road north of Ladybridge roundabout and on Havant Road at the junction of Farlington Avenue and Eastern Road. To mitigate the impact of these closures such work will be completed at weekends, with A3 London Road requiring full road closure for 4 weekends per circuit (8 weekends in total). Havant Road will require a full road closure for 1-2 weekends per circuit depending upon the construction working hours used by the Contractor (2-4 weekends in total).</p> <p>CW also noted that Furze Lane had now been removed from the Order Limits and therefore temporary closure of the Furze Lane bus link was no longer proposed. As such the required diversion of First Group service 14 discussed with MH and MS in 2019 is no longer required.</p> <p>■■■ – Will access to Sainsbury's Car Park be available? CW – The Intention is to maintain access to Sainsbury's Car Park at all times and discussions are on-going with Sainsbury's regarding how this can be achieved.</p> <p>■■■ – Why didn't you continue via Langstone Harbour instead of via Portsmouth. CW – the Portsmouth channel has ecological and engineering constraints which make use of this route unfeasible. Having considered all the relevant factors landfall at Eastney was considered to be the best location.</p> <p>■■■ – Having listened to the presentation there are not any red flags that immediately jumps out. CC acknowledged that the route has been well planned with minimal disruption and suitable mitigation in place. The level of communication from the Applicant in terms of the updates provided were warmly welcomed and appreciated as it provides First Group with the opportunity to plan ahead.</p> <p>■■■ – From the sounds of it there are two possible road closures that impact First Group bus services. However diversion routes should be relatively simple to implement. The Service 22 (Cosham – Drayton – Farlington) will be affected during closure of Havant Road while Service 9 (Portsmouth – Waterlooville – Clanfield) will be affected during closure of the A3 London Road.</p>

## MEETING NOTES

ITEM	SUBJECT
	<p>■ – confirmed that this looks very well planned from a Bus Route perspective and echoes CC thoughts with regard to the level of engagement the Applicant has had with First Bus in keeping the bus service provider updated on the development proposals.</p>
7	<p><b>Next Steps</b></p> <ul style="list-style-type: none"><li>- ■ provide a copy of the meeting minutes.</li><li>- Further meetings to be held with First Group if required once a full review of the FTMS has been completed.</li></ul>
8	<b>AOB</b>





# AGENDA AND MEETING NOTES

MEETING DATE	21 October 2020
PRESENT	██████████) – WSP – Associate, Transport ██████████ – WSP – Principal Planner, Planning ██████████ – Stagecoach – Operations Director ██████████ Stagecoach – Operations Manager
APOLOGIES	-
DISTRIBUTION	As above plus: AQUIND and Martyn Jarvis

ITEM	SUBJECT
1	<b>Introductions</b> CW thanked GF and CA for making time to attend the call.
2	<b>Proposed Development</b> JO provided a general overview of the scheme and signposted to further information that is available on the PINS website ( <a href="https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=overview">https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=overview</a> ).  The Proposed Development's main UK elements are the installation of HVDC onshore cables which will be installed within highway, verges, greenspace and agricultural land and a Converter Station in Lovedean. A plan was shared of the Onshore Order Limits within the UK.
3	<b>Development Consent Order and Examination</b> JO provided a general overview of the DCO process and Examination. In July 2018 the Secretary of State for Business, Energy and Industrial Strategy directed that AQUIND Interconnector should be treated as being nationally significant. This means that construction and operation of AQUIND Interconnector can only be consented by a Development Consent Order (DCO)  The DCO application of the Aquind Interconnector was submitted in November 2019 with the DCO examination starting in September this year. JO advised that Deadline 2 of 8 has now passed and that the Examination will end on the 8 March 2021.  GF clarified with JO that the decision-making power does not lie with any of the LPA's. JO confirmed that this is correct. The decision maker in this instance is the SoS for BEIS who will consider the recommendation of the Examining Authority (who have been appointed by PINs).  The Examining Authority will make a recommendation to the Secretary of State 3 months of the examination has closed (June 2021) and the Secretary of State then has 3 months to make a final decision of the DCO application (September 2021)
4	<b>Construction Methodology for the Onshore Cable Route</b>

ITEM	SUBJECT
	<p>CW talked through the route using the PowerPoint presentation slides. CW outlined how cable route is constructed and impact on highway.</p> <p>The key component affecting operation of the highway will be the installation of the Onshore Cable Route. This will be made up of two circuits, installed independently from each other in one trench per circuit. Within highways these are likely to be installed on opposite sides of the carriageway at different times.</p> <p>Construction will take place in 100m sections at an average rate of 100m per week per circuit. Up to 6 construction gangs may be working on the highway at any one time but the location and timings of these will be controlled by the submitted Framework Traffic Management Strategy.</p>
5	<p><b>Indicative Construction Programme</b></p> <p>The current indicative construction programme anticipates the onshore cable construction and installation will commence in Q3 2021 and run through to the end of 2023. The converter station commissioning is anticipated to be completed by end of Q4 2024. Indicative programming shared on screen.</p>
6	<p><b>Framework Traffic Management Strategy</b></p> <p>CW talked through the slides on the FTMS and will send a copy of the FTMS alongside draft minutes to GF and CA. This sets out the strategy for mitigating traffic impacts associated with construction of the onshore cable route.</p> <p>GF – Are PCC aware of the works and are the works being coordinated with PCC to minimise disruption? CW- The FTMS as drafted provides AQUIND the ability to be able to work within the parameters set out in the FTMS. PCC and HCC are aware of the FTMS and the approach to obtaining approvals is proposed to be addressed in the DCO. Due to the mitigations on programming included in the FTMS when works can be carried out is constrained. Whilst the Applicant will seek to co-ordinate works with PCC and HCC, the works must be carried out within the windows available and should not be frustrated by other works. Discussions are ongoing between AQUIND and the relevant authorities.</p> <p>CW noted that all traffic management will be based upon normal Department for Transport Guidance and will therefore operate in the same way to normal roadworks. Plans were then shared for shuttle working traffic signals and single lane closure traffic management arrangements that would be used to facilitate installation of the cable route.</p> <p>CW noted limited requirements for full road closures during construction of the cable route that may impact bus routes – on A3 London road north of Ladybridge Road (4 weekends per circuit), Farlington Avenue (6 weeks per circuit) and at the junction Farlington Avenue / Havant Road and A2030 Eastern Road (1 to 2 weekends per circuit).</p> <p>CW also noted proposals for bus stops during construction, including potential requirement for temporary closure and relocation depending upon the location of the construction works.</p> <p>CW then provided a description of TM proposals along the Onshore cable route from north to south while sharing plans from the FTMS</p> <p>GF – Works in the Havant Road area is going to be the biggest issue for Stagecoach as works here will be the most difficult to accommodate and will affect Stagecoach bus services. CW – briefly outlined the diversion routes in the FTMS and programme restrictions in place. CW to provide FTMS for GF to review in full.</p> <p>GF- Thanked CW for the presentation and stated that based on discussions there are no red flags for Stagecoach to consider. GF – Stated that there are no elements of the Proposed Development that Stagecoach would formally object to. From a practical point of view Stagecoach need to consider the</p>



## MEETING NOTES

ITEM	SUBJECT
	<p>impacts of the service and customers when construction occurs. GF – raised the issue of costs to mitigate the construction impacts where diversions and shuttle buses may be needed to mitigate impacts of temporary road closures. CW – advised this is something that will need to be discussed in further detail and with AQUIND.</p> <p>CW welcomes further discussions with Stagecoach once they have fully reviewed the FTMS and any other relevant submission documents. It was agreed that a copy of this would be forwarded.</p>
7	<p><b>Next Steps</b></p> <p>CW – To forward draft minutes and FTMS.</p> <p>CW – Link to relevant submissions on the PINS website if required.</p>
8	<p><b>AOB</b></p>

