



**AQUIND Limited**

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# **AQUIND INTERCONNECTOR**

Applicant's Response to Deadline 2  
Submissions

Tables edited by Winchester City Council for its  
deadline 4 submission

The Planning Act 2008

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

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## **Applicant's Response to Deadline 2 Submissions**

**PINS REF.: EN020022**

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

Winchester City Council has removed all the tables except the one relating to its comments.

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

Table 2.10 – Winchester City Council

| Para No. | Comment Deadline 2  | Applicant's Response Deadline 3  | Winchester Comment for Deadline 4   |
|----------|---|--|---|
| 5.5      | <b>Design and Access Statement Revision 002 (REP1-032)</b>  |  |   |
|          | <p>The Council notes the record of the Design Group meeting in section 4.3 and accepts the broad interpretation of the discussions. It is noted there have been more recent meetings that are not referred to Section 5.2.3.14 contains further information on the lightning masts. There will be two types. The first 4m tall located on the top of the tallest building. The second type will be free standing 26-30m tall located in the switchyard within the compound. Plate 5.8 appears to show these as lattice towers. Whether they are triangular or square towers is not clear.</p> <p>Considering the nature of these structures, the visualisation photos and assessment needs reviewing.</p> <p>Section 5.2.4.3 indicates there are two design options that will influence whether the roof is at 22 or 26m in height. The Council wishes to see why the lower of the two cannot be committed to rather than leaving the final decision up to a contractor?</p> <p>Section 5.7.2.3 refers to the choice of autumnal palette colours for the buildings. This is not yet agreed by the Council and is the subject of ongoing discussions.</p> <p>Section 6 contains the groups of "principles" including those for the building and landscaping. Regarding the set for the building there is no agreement as yet on no. 3 colour range. Number 7 is rather vague on the height issue of the masts and no.9 needs checking before the Council signs up to it.</p> <p>Concerning the landscape principles, the Council wishes to see "enhancement" added to number 7 as one of the objectives of the landscaping scheme.</p> | <p>The Applicant confirms that there are two types of lightning masts and plate 5.8 of the updated DAS (REP1-031) shows one option. Further to a design meeting with LPAs in October 2020 it was agreed that additional images of the alternative design (which is a conical post rather than lattice tower) would be presented at the next design meeting</p> <p>At the recent October design meeting the Applicant explained that the design of the masts and associated layout will be resolved at detailed design. In accordance with requirement 6 of the dDCO (REP-021) submitted at Deadline 1 the final detailed design of the Converter Station must be approved by the relevant planning authority in consultation with the South Downs National Park Authority before any works can commence.</p> <p><b>Visualisation photos and assessment of lightning masts:</b></p> <p>The Applicant considers that it is unnecessary to present revised visualisations. The scale of these elements in relation to the scale of the development as a whole is such that a revised visualisation would not lead to any change in the findings of the assessment. Sufficient information is provided in the updated DAS (REP1-031) and further images of masts (as referred to above) will be provided for the benefit of the relevant LPAs at the next design meeting.</p> <p>As referred to in the Applicant's Response to Written Questions (REP1-091) (LV1.9.3) the Landscape and Visual Impact Assessment (LVIA) considered the Converter Station as a whole within the maximum parameter design envelope as defined on Converter Station and Telecommunications Building Parameter</p> | <p>The Council notes the current position and is waiting for the next Design Group Meeting to be organised.</p> |

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|  |  | <p>Plans Sheets 1 to 3 (APP-012).<br/>The Parameter Plan Sheets 1 to 3 state that lightning protection masts will</p> |  |
|--|--|---|--|

| Para No. | Comment | Applicant's Response   | Winchester Comment for Deadline 4   |
|----------|---------|--|---|
|          |         | <p>be located on site (within parameter zones 3 and 4), up to 30 m high. The LVIA did not disaggregate individual constituent parts of the building such as lighting columns or lightning masts. Individual constituent parts are referred to as part of the overall Proposed Development as described in Chapter 3 (Description of the Proposed Development) of the ES (APP-118) and the updated Design and Access Statement (REP1-031). The LVIA considered that the lightning masts would be narrow structures perceptible in some views from up to between one and two kilometres. Such views will largely screen lower elevations of the masts with only the upper profile visible and tapering to a point.</p> <p>Section 5.2.4.3 height:</p> <p>The Applicant refers to the updated DAS (REP1-031) issued as part of the Deadline 1 submission and specifically the note below Table 5.2, which states that the additional 4m (the difference between 22m and 26m) allows "for the roof, tolerances, lights and fittings. This covers the architectural design including aspects such as the roof tolerances, lights and fittings as well the functional design which includes the main converter equipment known as the converter valve. This height provides the contractor a degree of flexibility to finalise their converter building design</p> <p>Section 5.7.2.3 colour:</p> <p>Please refer to the Applicant's Comments on Responses to ExA First Written Questions (REP2-008) which states that as referred to in the SoCG with WCC paragraph 4.3.12 (REP1-118) submitted for Deadline 1 following a design group meeting between the Applicant, the SDNPA, WCC and EHDC in August 2020, the Applicant has agreed to further review Building Design Principle 3 contained in the updated DAS (REP1-031) which refers to colour.</p> <p>A further design meeting was held between the Applicant, the SDNPA, WCC and EHDC in October 2020 which undertook a review of the colour based on the direction, seasonality and distance around the Converter Station. A wider range of colours was presented including more recessive and harmonious colours. It was agreed that the colours would be refined further for each elevation with conclusions presented at the next design meeting.</p> | <p>The point the Council was attempting to make on this matter was to question and clarification on who decides on the final choice between the 22 and 26m range. The information on the ground conditions indicates there is little or no tolerance to sink the building into the ground. If there are options in terms of the construction method of the building or choice of equipment when making the decision between a 22m or 26m tall building, how much a factor might cost be against reducing visual impact if the lower design is more expensive? Potentially that decision may be made by a contractor who may be less concerned over landscape impact. At the submission stage, the applicant, who may have information on a range of options with different price tags, may only present one option to the Council. Fundamentally, the Council wishes to see the lowest building possible constructed on the site.</p> |
|          |         | Section 6 Design Principles:   |   |

As referred in the Applicant's Comments on Local Impact Reports (REP2-013) paragraph 4.6.12, WCC's Urban Design Officer in Appendix O suggests a number of amendments to the Building Design Principles including Building Design Principle 3, which relates to colour. In addition, the Applicant notes that WCC also wish to review Building Design Principle 7 which covers lightning masts and 9 which relates to operational noise.

The Council is ready to discuss the cladding colour range as soon as the details are prepared by the applicant.

| Para No.        | Comment  | Applicant's Response   | Winchester Comment for Deadline 4 |
|-----------------|--|--|-----------------------------------|
|                 |  | <p>The Applicant will consider these suggested amendments in due course as part of ongoing work with WCC, along with the other interested authorities, to seek agreement of the Converter Station Design Principles which will be discussed further at the next design group meeting.</p> <p>Landscape principles:</p> <p>The Applicant agrees that landscape design principle 7 can be revised as follows "Detailed landscaping proposals will include appropriate measures to maintain and enhance wildlife habitats and corridors where feasible". This aligns with the updated Outline Landscape and Biodiversity Strategy (REP1-034) submitted at Deadline 1 which refers to the delivery of enhancement measures.</p>  |                                   |
| <b>7.4.1.3</b>  | <b>Comments on Applicants response to the Ex Authority first set of Questions (REP1-091)</b>   |  |                                   |
| <b>MG1.1.6</b>  | <p>The Council noted the three reasons on the choice of the 85.1mAOD level. It has struggled to identify the thickness of the structureless chalk bed. The DAS (5.2.10.9) indicates this is quite thin at the northern end which may explain a reluctance to go deeper. A clear statement from Portsmouth Water or En Agency setting 85.1m as the lowest permissible FFL would clear up this matter. The ExA is invited to ask this directly of the two parties.</p> | <p>The ground investigation indicated the Structureless Chalk as an average thickness of 7.30m and a range of 5.0-9.55m. Overlying the Structureless Chalk are Head Deposits and Topsoil across the site. The ground investigation indicated Head Deposits have an average thickness of 0.75m and a range of 0.3-1.5m, and Topsoil has an average thickness of 0.3m and a range of 0.2-0.4m.</p> <p>The indicative platform level is closest to the Structured Chalk to the north at the toe of the cutting at approximately 2 metres clearance, informed from the closest exploratory location which is approximately 34 metres south of the cutting toe.</p> <p>During detailed design the platform level may require refinement, which may also require further construction methodologies and sequencing mitigation to manage the risk of exposing the Structured Chalk. Construction methodologies, mitigation and management will be to industry guidance with the review and approval from Portsmouth Water and the Environment Agency. Please refer to Sections 5.5 and 5.6 of the Onshore Outline CEMP (REP1-087)</p> | Noted.                            |
| <b>MG1.1.21</b> | <p>The Council notes and welcomes the clear intention to manage and retain the landscaping for the life of the Converter Station. The mechanism to accomplish this (Deed of Covenant) is still to be clarified and accepted.</p>   | <p>The Applicant notes this response which relates to the Applicant's Response to Written Questions (LV1.9.37) (REP1-091) and which confirms that monitoring and management of mitigation planting will take place throughout the operational lifetime of the Converter Station.</p> <p>The Applicant refers to the Applicant's Comments on Local Impact Reports Table 7.15 on Land Acquisition (REP2-013) which state that if a voluntary deed of covenant to impose an easement is not able to be agreed, the Applicant will exercise powers to compulsorily acquire the necessary rights and restrictions to ensure the Applicant has the necessary control and as such the existing landscape features are able to be retained and</p>   | Noted.                            |

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|                        |   | <p>maintained in accordance with the management prescriptions provided for in the Outline Landscape and Biodiversity Strategy (REP1-034).</p> <p>The Applicant also notes the continued request for sight of a precedent form easement, and the Applicant confirms it will provide such a precedent to WCC. It is hoped WCC do not take issue with the position that an easement is a binding property interest capable of being enforced.</p>  | <p>Rapid sight of this document will help the Council develop greater understanding of this issue.</p>  |
| <p><b>LV1.9.25</b></p> | <p>The Council notes the reference to cranes of 84m in height.</p> <p><i>It is now understood that the worst-case scenario is that up to 10 cranes would be used at any one time and a maximum of two would be up to 84m in height. It is considered that the significance of construction stage effects would not change as a consequence of this information.</i></p> <p>This needs clarifying - is this height correct, are we talking about tower cranes with what type of reach and did they form part of visual assessment during construction phase?</p> | <p>As noted in the Applicant's Response to Written Questions ExQ1 (LV1.9.25) (REP1-091) there would be up to 10 cranes used at any one time and a maximum of two would be up to 84m in height.</p> <p>Construction traffic movements associated with these cranes entering and exiting the Converter Station would be controlled by measures set out in the Framework Construction Traffic Management Plan (REP1-070), secured by Requirement 17 of the dDCO (REP1-021).</p> <p>As noted in the Applicant's Response to Written Questions ExQ1 (LV1.9.25) (REP1-091) specific details of construction equipment were not available at the time of the assessment however it was assumed that tall cranes of this height would be used.</p> <p>The statement that "<i>the significance of construction stage effects would not change</i>" in the light of details of the crane dimensions was made because the assessment (ES Chapter 15, APP-130) already finds the highest level of adverse effect (major adverse) where the development work would be visually prominent and close to sensitive receptors during construction.</p> <p>It is anticipated that mobile cranes of up to 84m in height would be required during the civil works of the Converter Station associated with the construction of the buildings. The duration is likely to be up to 8 months out of the 3-year construction period. The height of the crane, when it is not in use, will be dependant on the crane manufacturer but it is likely to be about 5m.</p> | <p>The Council notes this detail.</p> <p>In discussions with the applicant it has been proposed that outside working hours, the crane booms are lowered to avoid them appearing in the wider landscape and specifically in views from within the national park.</p> |

**OW1.1.12.1** The Council notes that the applicant's comments that they are surmising on the hydrology at Kings Pond Meadow. Why have they not taken any cores so there is more certainty on the current situation?

Cores and samples were taken from exploratory holes located in Soake Farm and Hilcrest Denmead, which informed the Deadline 1 answer to OW1.1.12.11. Exploratory locations within Kings Pond were not permitted due to access, ecological and environmental restrictions. The samples collected from Soake Farm and Hilcrest Denmead underwent classification testing to confirm the composition of the materials which informed Deadline 1 answer to OW1.1.12.11. Groundwater installations and in-situ permeability testing were not permitted by Portsmouth Water at the time of the investigation.

The baseline data obtained in the proximity of Kings Pond Meadow is adequate to allow an informed understanding of the position in relation to

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|                  |   | it, irrespective of cores and samples not being able to be obtained at this specific location.  |  |
| <b>TR1.17.2</b>  | The Council notes the reference to replacement tree planting 5m away from the cable route. However, it is not clear what this means. Is it the cable circuit or the edge of the cable corridor? It needs more clarification so the reference point is readily understood. | Replacement trees will be planted at least 5 m from the edge of the trench used to install the cable circuit within the Order limits. | This clarifies the initial question but what about the situation when space does not allow a replacement close by. How is this addressed in terms of an alternative location and how is it secured in the DCO? |
| <b>Doc 7.7.1</b> | <b>Statement in Relation to the FOC (fibre optic cable) REP1-127</b>  |   |  |

The Council notes the proposition by Aquind within the above document that the Fibre Optic Cable is an accepted part of the proposal. The statement makes a case based on several issues:

That when the Secretary of State (SofS) agreed that the project should be considered under the NSIP regulations the FOC was part of the description and therefore the SofS has automatically accepted its status as part of the proposal and as associated development.

The Council does not accept that any reference to associated development within the description provided by the applicant, or in the S35 Direction has closed the need for closer examination of the FOC in terms of whether or not it complies with the requirements to be accepted as associated development.

The Applicant claims that whether the SofS have ruled on this matter or not, the FOC is associated development. The Council still does not consider that the applicant have provided the evidence to support this statement. The applicant cites the general framework that would need to be satisfied but does not provide clear and convincing evidence that the nature of the FOC and the associated elements meets them. Quite the reverse is true, as the FOC appears to fail each criteria listed.

The applicant acknowledges that there will be spare capacity within the FOC but fails to offer the specific numbers that will quantify this matter. The need for some back up is agreed, but it is noted that the applicant accepted that a smaller FOC could be installed to provide the necessary communications for the interconnectors to operate. The Council remains concerned that if the actual data was produced, it would show virtually all of the FOC (99%) was orientated towards commercial use.

The applicant acknowledges that two thirds of the capacity of the ORS at Eastney and both of the telecommunications buildings at Lovedean will be dedicated to the commercial use of the FOC. The Council considers that this clearly goes beyond the threshold for

The Applicant has very clearly set out in the Statement in Relation to the FOC (REP1-127) how the commercial use of the FOC and the extent of the infrastructure required for this comply with the law and accord with the guidance relating to what may be associated development.

The obtainment of code powers was an independent decision taken by Ofcom. The effects of the application of code powers to the Applicant is acknowledged.

The commercial use of the FOC has in no way driven the philosophy for the project, nor do the powers which the code powers confer provide support for any such assertion.

The Applicant has not acknowledged that the cable will be larger than it needs to be just to service the requirements of the interconnector alone. The diameter of the cable is driven by the need to provide adequate protection such as double steel wire armour for the Marine FOC for the glass fibres within, and does not differ to any material degree based on whether only those glass fibres required for the interconnector are included, or if a multiple of glass fibres commonly manufactured is included.

The quantity of fibre strands within the FOC set aside for the Interconnector are approximately 20%.

Taking into account the position of the Applicant and WCC on this matter, it is not considered this can be resolved through further discussion with them. The Applicant has clearly set out its position and WCC disagrees.

The Applicant confirms it is more than content to provide any further information which the ExA may require in this regard.

The Applicant does not see any benefits in removing its ability to use the Associated Development for commercial purposes as this would result only in building one or more separate data transmission links as the demand for data transmission capacity grows.

The Council notes this figure and invites the applicant to go further and put the actual number of lines that the 80-20 split would represent.

Without a specific figure, the Council can only speculate. Searches on the internet indicate that each strand can carry around 25,000 telephone calls. This would give the cable the capacity off 9.6ml lines. (192 glasses per cable, x2 cables x 25,000) 20% of that figure is 1.92ml, which seems abnormally high just to serve the interconnector needs.

Despite the additional information, The Council still does not see how the FOC can be considered associated development. Whilst the Council can see a certain level of merit in taking advantage of an opportunity to use the open trench or how desirable or advantageous it might be in terms of providing a future service, these points have nothing to do with the qualifying criteria for associated development. . Hence the view it fails the qualifying criteria.

The Council agrees this is an area where the Examining

associated development.

The applicant has acknowledged that the FOC provides no financial support to the interconnector.

The applicant's admission that they have obtained the status of a Code Operator under the Communications Act 2003 raises the potential for them to add a subsidiary branch network of telecommunications links and apparatus using the DCO powers effectively avoiding the normal requirements to comply with the planning act.

Authority will have to make a ruling.

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|          | <p>Following the submission of this statement, the Council is becoming concerned that the ability to offer a commercial telecommunications facility to locations along the cable corridor has been a disproportionate force behind the choice of the road route for the cables.</p> <p>In conclusion, the Council considers that the commercial element of the FOC should be consider in its totality. The Applicant acknowledges that the cable will be larger than it needs to be just to service the requirements of the interconnector alone. The majority of the ORS and the entirety of the Telecommunications buildings will be allocated to the commercial use. There is no need from a financial perspective for the FOC. Furthermore, the applicant may seek under its capacity as a Code Operator, to use the extensive powers granted under any DCO to install further telecommunications connections and apparatus. Finally, The Council notes the intention to allow third party access to the Telecommunication Building. The inference is that the Applicant will install the main FOC, the telecommunications network beyond the original cable with the necessary support facilities and then dispose of this element to some third party. This is considered to be an entirely commercial proposal with no clear link to the main proposal.</p> <p>Whilst the questions raised by the Council in its LIR are still considered to be outstanding, the view taken from the information in the statement is consider so clear and compelling that the Ex Authority is invited to weigh up the evidence and requested to advise the applicant that the commercial aspect of the FOC should be stripped from the proposal and the FOC element restricted to one serving the Interconnector alone.</p> |                      |                                   |
| 7.7.4    | <p><b>Position Statement in relation to the Refinement of the Order Limits REP1-133</b></p>   |                      |                                   |

|                     |   |  |   |
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|                     | <p>The Council notes in 3.1.1.6 the adjustment to the land required for New Connection Work Rights at Soake Farm. However, the Council strongly objects to the retention of access rights as a haul route across this land as shown on plates 1 &amp; 2. A section of this haul route would cross part of the SINC designation.</p> <p>The Council welcomes the refinement to the Order Limit on Anmore Road as set out in 4.1 with the removal of the eastern cable route option, providing it is perfectly clear that the TPO tree and its root system are not impacted</p> | <p>The Applicant can confirm that any access rights required over Plots 3- 12a, 3-13a and 3-12 as shown on the updated Land Plans (REP1-011a) would not require a haul road as installation of the Onshore Onshore Cable Route in this area would be by horizontal directional drilling (HDD) rather than open trenching and the reference to a haul road in the Position Statement in relation to the refinement of the Order Limits (REP1-133) was in error. It is possible a short length of haul road may be required in Plot 3- 13, though this would be in relation to the HDD compound which could be located in the southern part of Plot 3-13 (immediately north of Hambledon Road).</p> <p>While the Applicant has retained rights over land at Denmead Meadows, Soake Farm Meadows SINC is avoided through HDD works as outlined in the ES addendum (REP1-139).</p> | <p>The Council notes the correction.</p> <p>However, it would question if the intention to protect the SINC by HDD is not undermined by the ambiguous wording that follows and refers to the intention to form .....a short length of haul road in plot 3-13 .... . This plot is more than just the intended drill launch field.</p> <p>The council still has concerns over the installation of the cable at Denmead Meadows and they are being discussed separately. Hopefully, those discussion will come to a conclusion shortly. In the event they are successful, it will be the Councils position that any activity associated with the two drilling compounds (north &amp; south) are confined to the two distinct areas allocated as compounds and there is no vehicular or pedestrian access link between them other than simple survey walkover rights to ensure for example there is no breach of drilling fluid onto the surface.</p> |
| <p><b>7.7.6</b></p> | <p><b>Position Statement on Planning Obligations in connection with Proposed Development REP1-135</b></p>   |  |   |
|                     | <p>The Council has read and noted the contents of this paper. The only comment it wishes to make is one of disappointment. The applicant is putting forward such a high test for any contribution that it is virtually impossible for one to be achieved. This application has the potential to be very</p>   | <p>The Applicant finds these comments to be quite extraordinary. The legal tests in relation to planning obligations must be accorded with so as not to render the DCO subject to challenge. The matters raised by the authority</p>   |   |

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|          | <p>profitable and it is a source of profound regret that the applicant is rejecting any request to share a relatively small element of that benefit with the local community that will accommodate the facility for nearly two generations.</p>   | <p>are not matters which are relevant and important to the decision on the Application, and the Applicant is in any event entirely content with its position not to provide financial payments unrelated to the impacts of the Proposed Development to WCC so as to assuage their request.</p> <p>The Applicant confirms that it remains willing to discuss any valid planning obligations with the authority which it wishes to put forward as being necessary in connection with the impacts of the Proposed Development.</p>  |   |
| 7.8.13   | <b>ES Addendum Appendix 3 Supplementary Alternatives Chapter REP1-152</b>   |  |   |
|          | <p>This additional document covers two issues that The Council has raised in its Local Impact Report (LIR).</p> <p>Firstly, the degree to which the proximity of the National Park played in the decision by NGET to offer Lovedean as the connection point to the grid. Secondly, the questions around the degree to which the applicant considered a route for the cables through the countryside west of the A3 in reaching its decision to follow the A3 and B2150.</p> <p>Regarding the weight given to the presence of the National Park in the choice of Lovedean, the addendum gives no clear assurance that this took place. Section 2.1.1.10 makes it quite clear that the applicant does not know the degree this issue played in the decision making by NGET.</p> <p>The applicant does speculate on the factors that were likely to be under consideration between the three connection points and it is acknowledged that these do favour Lovedean. The Council's view is that the Ex Authority does need a clear audit trail on this matter. Consequently the Council would encourage the Ex Authority to issue a direct request to NGET for this information.</p> | <p>In addition to the information provided in the Supplementary Alternatives Chapter (REP1-152), the Applicant has responded in relation to this matter within the Applicant's Response to Relevant Representations (i.e. RR-049) (REP1-160).</p> <p>Whilst the Applicant is not able to confirm all that National Grid did or did not take into account, it has confirmed various matters which National Grid did take into account in its assessment of the appropriate grid connection point of which the Applicant is aware. It has been confirmed that National Grid considered the impacts of the options for the grid connection point and the cable routes that would have been needed to be delivered in connection with those on the National Park (see paragraphs 5.1.7.2 and 5.4.1.6).</p> <p>The Applicant does not wish to speculate on what National Grid may or may not have taken into account. There would be no benefit of doing so. Instead the Applicant has clearly explained its consideration of such matters, with the decision on the grid connection point ultimately resting with the Applicant.</p> <p>The Applicant is also aware of Rule 17 letter issued by the ExA on 27 October 2020 to the Applicant and NG ESO, and will respond to it as requested by Deadline 5.</p> | <p>The Council notes the invitation from the ExP to NGESO to assist in answering this question and their response is awaited.</p> |

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|                                      | <p>The secondly issue to be considered is under Section 8, the Countryside Route. The addendum sets out 5 specific considerations.</p>   |   |  |
| <p><b>Ecological Constraints</b></p> |  |   |  |
|                                      | <p>As recognised by the applicant, the Council has sought to offer a possible route that avoids as much as possible ecological features. HDD could resolve some of the outstanding issues.</p>   | <p>The suggestion that HDD could resolve the outstanding issues is without any consideration for feasibility and the impacts that HDD otherwise would likely have, taking into account site set up in sensitive areas. It is a suggestion without proper consideration or foundation.</p> | <p>Clearly the merits of HDD would have to be considered as part of a rigorous assessment of the feasibility of a Countryside Route.</p> |
| <p><b>Sterilisation of Land</b></p>  |  |   |  |
|                                      | <p>The claim that a Countryside Route would stop future housing development or minerals extraction is not accepted. The likelihood of this land being allocated for development is considered very remote. Even if such an option might arise then any layout could be adjusted to</p> | <p>The sterilisation of land, where not necessary, is contrary to the philosophy of the approach for the Proposed Development. Noting the existing development allocations for the land on which the Countryside Route is</p>   |  |

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|  | <p>keep the cable corridor clear. If the applicant's logic was followed, then no main gas or water pipe would laid cross country.</p> <p>The claim that the cable route would sterilise mineral deposits has been reviewed with colleagues at the Minerals and Waste Authority (HCC) and not found to hold substance.</p> | <p>located, and the potential for this land to accommodate additional future development, principally housing, it was considered that seeking to route the cable circuits along the Countryside Route would have presented a potentially significant consenting risk.</p> <p>It is not possible to mitigate the sterilisation of land where the cable circuits are laid along the suggested Countryside Route. The suggestion that placing not insignificant constraints on the land with future development laid out around this without issue is fanciful and shows a want of understanding of technical and commercial realities. It would be an unnecessary constraint to any future development coming forward in this location, which would potentially deter development and at best would be complicated to address. As can be seen from the long history of the West of Waterlooville MDA, the delivery of development is not an uncomplicated matter, and by including additional constraints such as this feasibility and viability of future development would undoubtedly be affected. It is, of course, best avoided. This is a reasonable conclusion reached by the Applicant.</p> <p>The presence of the Onshore Cable Route above mineral deposits would limit the ability for those mineral deposits to be accessed in that location in the future, with or without mitigation. The Applicant acknowledges that it may be possible for measures to be put in place to mitigate this issue as far as practicable (albeit this has not been substantiated), but that in any event this would not avoid the issue.</p> <p>The Applicant also confirms that the sterilisation of land for future development and impacts on mineral deposit extraction are not the only reason for discounting any cable route in this location.</p> <p>The Applicant has considered and balanced the relevant considerations in relation to the alternatives studied (as set out in the Supplementary Alternatives Chapter (REP1-152)) and has reached reasonable and logical conclusions in respect of the route chosen.</p> | <p>Again, an issue that any assessment would have to take into account. Given the character of the land crossed and the potential separation of some of the routes from the existing built up area there seems little likelihood of land being lost to future housing needs.</p> <p>I would simply ask the ExP to note that the presence of the overhead pylon lines has influenced the WWDA. The same appreciation could apply to something buried underground.</p> |
| <p><b>Need to Acquire Rights over Land</b></p> |   |  |  |

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|                          | <p>The Council does not accept the applicant's use of the CPO guidance document as supporting the highway option for the cable route. When it talks of alternatives, it is considered this relates to trying to seek a resolution by negotiation to buy land or interests and not support to move the route to the line of least resistance.</p> | <p>The Applicant must consider alternatives to compulsory acquisition. It is unclear why WCC consider this to be objectionable, or that this should not be a relevant factor in considering alternatives where such an alternative would potentially require CPO.</p> |   |
| <p><b>Conclusion</b></p> |  |   |   |
|                          | <p>The first and principle observation by the Council is that this addendum is completely devoid of any timeline that sets the consideration of the Countryside Route within the optioneering process undertaken by the applicant when they decided on the preferred cable route between Eastney</p>   | <p>A cable route in this location was first considered in 2018, however it was discounted at this stage because of the potential for environmental impacts on designated sites and the because the Applicant did not want to sterilise</p>                            | <p>The chronological optioneering process as set out in Chapter 2 of the ES does not support the 2018 date put forward by the applicant. Nor is there any indication that the Countryside Route featured in any meaningful way in the decision making process that the applicant followed.</p> <p>The Council cannot find any reference to the countryside option in the optioneering section.</p> <p>The connection point to the grid was offered to the applicant by NGET in February 2016. (2.4.4.3).</p> <p>At that time the landfall had not decided.</p> <p>The number of potential landfall points was gradually reduced from an original figure of 29 (April 2015)</p> <p>During the Onshore Routes Desktop Study Q2 2016 (2.4.6), the UK Cable Route Desk Top Study February 2017 (2.4.11) and the UK Terrestrial Routes &amp; Landfall Workshop June 2017 (2.4.14.1) there is no indication that the countyside route was considered at all. " Section 2.4.14.8 says Eastney and Route 3D where selected.</p> <p>It would therefore appear that before 2018 the road option (3D) had chosen..</p> |

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|          | <p>and Lovedean. On the basis that the only cable routes under review in this addendum are those put forward by HBC and WCC and that all 5 considerations have the intention of directly addressing issues raised by the councils routes, Winchester City Council is drawn to the only conclusion that the applicant did not consider the Countryside Option in any meaning full way prior to it being raised by the two councils in April 2019.</p> <p>Finally, within the most recent submission by Aquind (REP1-127) Statement in Relation to FOC they are now saying they will act as a Telecommunications Code Operator which gives them powers to run and install telecommunications equipment. The statement talks of them installing branches off the main route. Such an opportunity would not be possible if the cable went cross country as the main opportunities for further telecommunications installations would only really exist if the cable took the road route. This raises the question of the degree to which the potential commercial opportunities associated with the telecom element of the scheme have been a significant driver in the choice of the road route and conversely, resistance to the countryside route.</p> | <p>the land in this location, noting that it is an area allocated for housing development. Following the suggestion of the alternative countryside routes by HBC and WCC in responses provided at the AQUIND public consultation on 16<sup>th</sup> and 29<sup>th</sup> April 2019, respectively, the potential for a route in those location was further considered.</p> <p>A summary of how the HBC and WCC countryside routes have been considered by the Applicant is provided at section 2.6.4 of ES Chapter 2 (Consideration of Alternatives) (APP-117), submitted as part of the 2019 Application. Further to continued requests for additional information regarding how the Applicant considered these routes, a more detailed explanation of the countryside routes and the reasons why they were not pursued was provided in section 8 of the Supplementary Alternatives Chapter (REP1-152).</p> <p>The Applicant is content that it has complied with all relevant obligations placed upon it to consider alternatives in a proportionate manner, and to explain how it has done so.</p> <p>It is noted WCC would prefer the Countryside Route, however this is not the Applicant's preference for the reasons explained.</p> <p>The obtainment of code powers occurred in 2020. The project and its philosophy has been pursued since circa 2014. The Proposed Development is an Interconnector, and the Applicant is desiring of utilising the Proposed Development to its full design capacity and benefit. For this reason, an application for code powers was made for future connections, should the commercial use of the FOC within the Proposed Development be authorised. There is no logic in suggesting the commercial use of the FOC is an underlying reason for the approach the project has taken over the last 6 years.</p> <p>Further, in the event that an agreement cannot be reached with the owner or occupier of private land, a person who has been conferred code powers may apply to the Court to impose an agreement which confers the Code right being sought by the operator or provides for the Code right to bind the landowner or occupier. In addition, it is not the case that permitted development rights which an electronic communications code operator benefit from are only applicable to the highway. They are applicable to any land in the control of that</p> | <p>Whatever information the applicant is presenting, it cannot overcome the fundamental problem that the timeline through which the three constituent parts the project:</p> <ol style="list-style-type: none"> <li>(1)landfall,</li> <li>(2)connection point to grid and</li> <li>(3)the route between them</li> </ol> <p>where assessed and put together and which are set out in chapter 2 of the ES, do not support the view that the countryside route was an active part of that consideration.</p> <p>The Council has not placed on record a preference for the countryside route. Throughout the period when it has raised questions over the absence of any consideration of what seems an obvious option for the cable route north of Portsdown, the Council has remained neutral in expressing any support for one route over the other. What it has promoted is an open and honest assessment of the merits (positive and negative) of the road route and countryside route in coming to a preference based on sound considerations.</p> |

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|               |  | <p>operator. It is therefore not correct to state the main opportunities for further telecommunications installations would only really exist if the cable took the road route.</p> |  |
| <b>Part 2</b> | <b>Principle Powers</b>  |   |  |
| <b>9</b>      | <b>Defence to proceedings in respect of statutory nuisance</b> |   |  |

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|               | <p>Both the statutory nuisance assessment and the environmental statement consider that the development will not result in a statutory nuisance. I fail to understand why it is appropriate to include additional defences to that already provided by Section 80(7) – Best Practical Means. I therefore see no need to introduce a new test of “cannot reasonably be avoided” I therefore suggest that section 9 is deleted if it is considered this increases the statutory nuisance threshold.</p> <p>If this section is to remain, then it references paragraph (g) and (ga) of section 79(1) and then in brackets states (noise emitted from premises so as to be prejudicial to health or a nuisance). It should be noted that this relates to section (g) only as section g(a) relates to “noise that is prejudicial to health or a nuisance and is emitted or caused by a vehicle, machinery or equipment on a street”. Section (g) will therefore mainly relate to noise relating to the installation and operation of the Converter station and section g(a) to the installing of the cabling (development stage).</p> <p>As the construction phase is temporary and section g(a) will relate mainly to such activity, I would find a rewording of section 9 to refer purely to section g(a) less of an issue due to its temporary nature.</p> | <p>Article 9 will not be deleted. It is necessary to ensure no impediment to the delivery and operation of the Proposed Development of national significance.</p> <p>The position regarding noise impacts in connection with construction and operation has been clearly assessed, and measures to control noise during construction and operation are also clearly secured via the dDCO and the related control documents.</p> <p>If WCC has any comments it wishes to provide on noise impacts and the manner in which they are mitigated/compliance with relevant criteria is secured, the Applicant is more than willing to discuss these.</p> | <p>The Council is discussing this matter at three levels with the applicant. Firstly, is the exemption fully justified? Secondly, whatever the final outcome of the first matter is the wording proposed appropriate to apply at the construction phase. Thirdly, whatever the final outcome of the first matter is the wording proposed appropriate to apply at the operational phase.</p> <p>These discussions are ongoing.</p> |
| <b>Part 3</b> | <b>Streets</b>   |  |   |
|               | <b>Access to Works</b>   |  |   |
| <b>14(2)</b>  | <p>This clause sets 20 working days as the turnaround time for any request to a relevant planning authority (which is defined as the district councils) for an access not shown on the plans. This is too short a time for WCC to deal with any submission taking into account that WCC would wish to consult HCC and a number of internal consultees as part of the process</p> <p>A period of 40 working days is suggested which harmonises with the processing time to be allocated to requirement submissions.</p>   | <p>This Article has been updated to refer to the highway authority, being the appropriate person to receive applications for access onto the highway.</p> <p>In any event, a 40 Working Days period would not allow the Proposed Development to come forward in good time and an efficient manner. 20 Working Days is therefore considered to be appropriate.</p>  | <p>The Council still considers it should be the recipient of any submission.</p> <p>The Council still maintains that 40 days to turn around submissions is adequate, that it should apply to all types of submissions and that it does not prejudice the project.</p>   |
|               | It is noted that the 20-day period occurs elsewhere  |  |   |

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|               | (para 16) so a common approach is needed.  |   |  |
| <b>18</b>     | <b>Protective work to buildings</b>  |   |  |
|               | It is noted that this power only applies to works to buildings that are located within the Order limit 18(1). If the application is seeking consent that could result in development anywhere within the order limits which could be very close to the edge of the Order Limit, where is the protection for buildings outside the Order Limit but which lie very close to the actual work area?    | It is not considered that it will be necessary for any protective works to be required to buildings outside of the Order limits, and therefore this is not provided for.  |  |
| <b>Part 7</b> | <b>Miscellaneous and General</b>   |   |  |
| <b>41</b>     | <b>Felling or lopping of trees and removal of hedgerows</b>  |   |  |
|               | <p>This would allow unrestrained rights to lop chop cut etc without any involvement of the local planning authority. The applicant needs to justify why such a wide-ranging power is sought.</p> <p>The ability to work close to trees or hedgerows is influenced by the size of machinery and a smaller digger or digging by hand could avoid the need to cut trees or remove hedgerows. More</p> | The Articles are authorising powers, which are otherwise subject to the controls provided for by the DCO as per Article 3. They are of course wide ranging as powers, as they need to authorise a wide range of things that |  |

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|                        | survey work should be carried out now to identify the cable circuit routes. Even in unexpected situations, details should be submitted to and agreed with the LPA before any tree work or hedge removal is undertaken.   | <p>may be done, subject to those things to be done being approved in accordance with the relevant controls.</p> <p>All operations will be required to be approved; as no such works can be carried out until approved in accordance with the relevant requirements.</p>   | <p>It is not clear what the applicant means by the reference to <i>all operations will be required to be approved</i>. The Article does not make any provision for details to be submitted in advance of work taking place.</p> <p>Is the applicant suggesting the relevant requirement Supersedes the Article Powers? If so what is the need for Article?</p> |
| 42                     | <b>Trees subject to TPOs</b>   |   |  |
|                        | This clause gives the same wide ranging powers as 41(1) above without any involvement of the LPA. The same response is offered as set out above.   | <p>The Articles are authorising powers, which are otherwise subject to the controls provided for by the DCO as per Article 3. They are of course wide ranging as powers, as they need to authorise a wide range of things that may be done, subject to those things to be done being approved in accordance with the relevant controls.</p> <p>All operations will be required to be approved; as no such works can be carried out until approved in accordance with the relevant requirements.</p> | <p>It is not clear what the applicant means by the reference to <i>all operations will be required to be approved</i>. The Article does not make any provision for details to be submitted in advance of work taking place.</p> <p>Is the applicant suggesting the relevant requirement supersedes the Article Powers? If so what is the need for Article?</p> |
| Schedule 2             | <b>Requirements</b>  |   |  |
| GC2                    | Because the set of Requirements is trying to cover such a broad scheme they lack clarity. A commentary section briefly outlining what each Requirement is intended to achieve and the period of time it would apply could be very useful. Apologies if that is somewhere in the submission in which case a reference in the DCO would be useful. | <p>Please refer to the Explanatory Memorandum (REP1-024) which provides an explanation of the wording of the DCO. Paragraph 12.3 onwards provides a summary of each requirement.</p> <p>The Applicant has arranged a time to discuss the dDCO with WCC and expects the need for any specific clarifications to be raised at this meeting, which it will address at this time.</p>   | <p>The meeting between the applicant and the Council took place on 10 November. The Council is waiting to see how the suggestions made have been taken forward by the applicant in advance of the dDCO hearing. Arrangements have been made for access to the updated version of the dDCO asap.</p>  |
| <b>Interpretations</b> |  |   |  |

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| <p><b>1</b><br/><b>(4)</b></p> | <p>This originally referred to mechanical plant or solar panels being placed on top of the building. Only the reference to solar panel has been removed. This would contradict the design and access statement about no plant or solar panels on the roof. The reference to roof top items should be removed in its entirety.</p> <p>This would seem to give powers to place telecommunications infrastructure on the site of on the building that could be part of the associated development issue. No potential landscape impact has been considered. It should be removed.</p> | <p>There will be no plant or solar panels on the roof as stated in the Building Design Principle, item 8 in the Design and Access Statement (REP1-031).</p> <p>The authority should bear in mind that that the provisions of the DCO are subject to the requirements, and in turn where relevant the design principles, and also that general provisions relate to more than the Converter Hall buildings on which they are focused.</p> <p>The Applicant is entirely content that an acceptable position, which confirms there will be no plant on the roof of the Converter Hall Buildings, is secured.</p> <p>The Applicant is also content that the provisions referred to would not be capable of giving rise to any likely significant visual effects not already assessed.</p> |  |
| <p><b>(6)</b></p>              | <p>(a) says length measured inside from abutment to abutment....why not outside edge of walls. The measurement point chosen is inconsistent with that nominated in (c) for measuring width. The two (a) &amp; (c) should be the same whatever that is.</p>   | <p>Please refer to Section 5.2.10 of the DAS (REP1-031) which explains site level and earthwork methodology. The methodology will be finalised and provided as a submission to discharge requirements post contract award</p>   |  |

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

In Table WN2, the Lightning mast height is given as 30m. Understood there are also some on top of the building at 4m tall. It needs to say that the 30m masts are positioned in the yard area.

The maximum overall height of the Converter Station of 111.1m AOD should be in here somewhere.

The comment is noted and the Applicant is agreeable to ensuring it is clear that no lightning mast may be higher than 30m from the finished site level. The Applicant is considering how best to reflect this in Table WN2 or elsewhere.

The maximum overall height of the Converter Station Buildings is very clearly stated on the parameters plans, which in accordance with Requirement 5 clearly secure this position.

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| 6        | <b>Detailed Design approval</b>  |   |                                   |
| 6 (1)    | <p>What is Works No. 2(a)?</p> <p>Works No 2 includes the access road and the new access but does not ask for details of either.</p> <p>(h) refers to drainage but does Requirement 12 not covers this?</p> <p>The rural section of the cable route within WCC has distinct issues not experienced elsewhere relating to how much vegetation is removed to allow the passage of cables within the DCO limits and when crossing field boundaries.</p> <p>Should this requirement insofar as it relates to the design of the Converter Station building not reference back to the agreed principles in the Design and Access Statement by actually naming the source document and the relevant section?</p> <p>6(1) the following should be added to the list:</p> <ul style="list-style-type: none"> <li>(i) details of fencing, lighting and lightning masts</li> <li>(ii) details of existing and proposed ground levels</li> </ul> <p>6(2) Would it not be simpler if the Work No 3 area that covers the laydown/compound area also covered the permanent access at Lovedean and the first section of the access road that serves that laydown area? After all these elements are going to get built first?</p> <p>The new Work No 3 development (access, part access road &amp; laydown area) should be established before work begins on Work No 2 other than internal earthworks. No dirt dragged out onto highway</p> <p>6(3) Seems to allow site preparation work before any details submitted so we are back with the issue over clearance work before anything is approved.</p> | <p>Works No.2(a) is “<i>Site clearance, preparation, establishment and earth works</i>”, as is clearly stated in Schedule 1 to the dDCO (Rep1-021).</p> <p>The Applicant confirms reference to the access road can be added. It is not clear what access track works are being referred to.</p> <p>Requirement 12 addresses authorisations for drainage. Requirement 6 (1)(h) is the provision of design details in relation to drainage, which will represent what is to be authorised. It is not clear why the authority are raising any comment in this regard.</p> <p>The words “<i>confirming how those details accord with the design principles for the converter station</i>” and the defined term “<i>design principles</i>”, are considered to provide sufficient clarity of what is being referred to and must be accorded with.</p> <p>The additions to 6(1) in relation to fencing, lighting, lighting masts, and the existing and proposed ground levels, are noted, and can be added to Requirement 6(1). The Applicant can has included these amendments in the updated draft of the DCO submitted at Deadline 3.</p> <p>The Applicant will discuss the comments in relation to Requirement 6(2) with the authority.</p> <p>Any clearance works which relate to vegetation are controlled by Requirements 7, 8 and 9. A CEMP must be approved before any onshore site preparation works are undertaken. The position in relation to such works being carried out is considered to be appropriately secured, and that Requirement 6(3) does not require amendment.</p> <p>No, Requirement 6(3)(a) should not make reference to “<i>within the DCO limits</i>”. The authorised development is not permitted outside of these. It is an unnecessary addition.</p> <p>The use of the word substantially relates to indicative details only. They are by definition indicative details. The requirement for them to be substantially accorded with is entirely appropriate to satisfactorily secure the position.</p> <p>The comments in relation to Requirement 6(6) (as per dDCO (REP1-021) is noted and will be discussed with the authority further.</p> |                                   |

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|                 | <p>6(3)(a) should be revised to say:</p> <p>(a) Proposed layout and cable circuit positions within the DCO limits.</p> <p>6(7) Not happy about use of word “substantially” they are either in accordance or not. Please change.</p> <p>6(7) The life expectancy of the materials is noted at 20years. Taking into account the level of consideration given to materials it seems logical for them to be retained and replaced like for like. Please add onto the end of sentence.....and shall be retained in the same materials unless the prior written approval of the local planning authority is first obtained</p> |   |  |
| <p><b>7</b></p> | <p><b>Provision of landscaping</b></p>   |   |  |
|                 | <p>This Requirement should just deal with new planting work and nothing else. Should it include seeding of areas?</p>  | <p>The Applicant is content with Requirement 7 and that it holistically secures appropriate landscape controls. The Applicant confirms that Requirement 7 will covers all soft landscaping works, including seeding areas as referred</p> |  |

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|          |  | to in section 1.7, Appendix 1 and Appendix 2 of the Outline Landscape and Biodiversity Strategy (REP1-034 and 035).  |                                   |
| 7 (1)    | The use of the words "design principles relating to landscaping" needs a clear reference back to the actual document and the section 6.2.3 within the document).   | Please see the defined term "design principles". The position is considered to be sufficiently clear but will be discussed further with the authority.   |                                   |
| 7 (2)    | <p>Needs a more explicit reference to planting starting in those areas not to be disturbed as soon as work commences.</p> <p>7(2)(b) Should refer to native planting</p> <p>7(2)(c ) needs to exclude use of nitrate fertilisers</p> <p>7(2)(e) this seems to cover same area of protecting vegetation as R9(4) and does not really belong here.</p> <p>7(g) &amp; (h) not sure why these are in this Requirement.</p> | <p>In response to requirement 7 the Applicant has the following comments:</p> <p>7(2)(b): Whilst the Applicant agrees that native planting should be the primary focus for new and replacement planting as referred to in Appendix 15.7 (Landscape Schedules, Planting Heights and Image Board) of the ES (APP-405) and discussed and agreed with relevant LPAs in the relation to the Converter Station and Landfall, there may be a need to replace vegetation lost with non-native species along specific stretches of the Onshore Cable Route. This clause provides the Applicant with sufficient flexibility to allow discussions to take place with the relevant discharging authorities and agree the selection of species as part of the detailed design.</p> <p>7(2)(c): The Applicant notes this comment and will include a reference to the exclusion of nitrate fertilisers in a subsequent revision to the Outline Landscape and Biodiversity Strategy (REP1-034 and 045). Further detail will be covered in a detailed landscaping scheme which as discussed above will be submitted to and approved by the relevant discharging authority in consultation with the South Downs National Park where relevant.</p> <p>7(2)(e): The Applicant will review the overlap R9(4) and determine the most appropriate place to include this clause which states that "details of existing trees and hedges to be retained, with measures for their protection during the construction period."</p> <p>7(2)(g) and 7(2)(h): The Applicant introduced these to give reassurance to local authorities and others that management, maintenance and monitoring plans would be produced as part of the detailed landscaping scheme and that management responsibilities would be agreed in advance with the relevant discharging authorities in consultation with the South Downs National Park, as referred to in the Applicant's Response to Written Representations reference 1, 4 and 1.2 (REP2-014).</p> |                                   |
| 9        | <b>Biodiversity Management Plan</b>  |  |                                   |

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|  | <p>It is not particularly clear exactly what this requirement is supposed to cover?<br/>Problem here with use of term "commence".</p> | <p>Details of implementation of ecological mitigation measures and definition of the role of the proposed Ecological Clerk of Works will be included as part of the Biodiversity Management Plan, which will be produced in accordance to Requirement 9 of the dDCO (REP1-021).</p> |  |
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|          | <p>In light of discussion on Kings Pond Meadow/Soake Meadow there is an expectation that there will need to be a very specific Requirement that addresses the establishment of the compounds at the Meadows, the HDD operation and the reinstatement of the ground.</p> <p>Any actions should achieve nitrate neutrality regarding use of fertilisers for new landscaping establishment.</p> <p>Fundamentally, this Requirement is trying to do too much. Should it be split into two?</p> <p>The first dealing with "Biodiversity Protection Plan During Construction Work". As the name implies this would cover identification of those features that would be lost to development and those that will be retained together with measures to protect them. It should also define any ground that is not to be disturbed and from which any work, storage, or use by vehicles and people will be excluded. It would work alongside the CEMP.</p> <p>If considered more appropriate, this Requirement could have a separate section to reflect treatment of different phases.</p> <p>The second new requirement would cover "Biodiversity Retention &amp; Management Plan during Operational Phase".</p> <p>The areas this needs to cover are self-evident given the title.<br/>Proposals/Action/<br/>Monitoring/Review/Revision/Reporting/<br/>Changes/Action</p> <p>It should refer back to the landscape design principles in the 6.2.3 of the DAS (I do not know if there is an intention to undertake long term management elsewhere other than Lovedean).</p> <p>The trigger when this plan becomes operational could be commissioning of the Converter Station. I assume that is a clearly defined action. The Council has a concern that any screen vegetation may be considerably weakened as a result of ash dieback. Ash removal and replanting with suitable native species needs to be part of any management plan.</p> <p>This requirement needs to be clearly linked to whatever mechanism is agreed upon to be used to secure long</p> | <p>The long term management of landscaping is to be at the Converter Station and the Landfall only. There is not a need for long term management elsewhere in connection with temporary construction impacts.</p> <p>The Applicant will discuss these comments with the authority to seek to agree a position which is acceptable to both parties.</p> |                                   |

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|               | terms interest in the landscape features.   |   |  |
| <b>0</b>      | <b>Highway Accesses</b>   |   |  |
|               | <p>Is this intended to cover both permanent and temporary access points?</p> <p>I am unclear if there are any other permanent accesses proposed other than at Lovedean. If not, then it makes the following even more sensible. I would suggest stripping out of here the Lovedean permanent access details which would sit better as part of R6(2). If that's the only new permanent access being formed, then could change title of this requirement to Temporary Highway Accesses. If it is not the only permanent access, then the points are still work considering.</p> | <p>Within the HCC highway network only one permanent highway access will be constructed. This will be constructed on Broadway Lane to access the proposed Converter Station as set-out in the Supplementary Transport Assessment (REP1-142).</p> <p>Vehicular access is already included for at Requirement 6(1)(h).</p> <p>The Applicant will further discuss with HCC and WCC how to best address the provision and approval of information for the permanent highway access.</p> |  |
| <b>10 (1)</b> | Too late having commencement as trigger as according to the definitions, gaps (in hedges) may already have been cleared.  | The Applicant does consider that agreement of highway accesses should rest with HCC, being the authority with responsibility for the highway and the approval of such matters generally. It is not understood what benefit  |  |

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

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|           |   | authority to ensure they are content the necessary measures are secured.  |  |
| <b>15</b> | <b>Construction Environmental Management Plan (CEMP)</b>  |   |  |
|           | Again a problem with use of term commence. This requirement seems to try to protect features from harm yet again refers to commencement as trigger. | Paragraph 15(1) is clear that it includes the onshore site preparation works. There is need to move the requirement to a different number. This has no bearing on the extent to which it must be complied with. |  |

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|           | <p>This requirement should be re worded to say "No development of any kind shall be begun"<br/>.....and<br/>moved right up the list<br/>to position of R4 That<br/>the following change<br/>is made</p> <p>Table 5.3 – This is titled "table of dust results per onshore cable corridor section". There is however no comparable assessment for construction activities of the converter station itself. There needs to be a comparable table/entry for the Converter station construction which should categorise this activity as high risk (in accordance with paragraph 23.6.2.7 of the Air Quality Chapter 23 (Document 6.1.23)</p> | <p>In Table 5.2 of the Onshore Outline CEMP (REP1-087) 'Section 1' includes both the Converter Station Area and Converter Station construction, and this is therefore covered in Table 5.2.</p>  |                                   |
| <b>17</b> | <b>Construction Traffic Management Plan</b>  |  |                                   |
|           | <p>Again a commencement trigger issue. Pre commencement work has associated traffic movements that will be occurring before plan agreed.</p> <p>R17 references back to the framework CTMP which is 8.2 in appendix 22.2 but the list of items in that document excludes any monitoring and any remedial action that might be required to correct unforeseen problems. (I have not checked revised submissions so this may have been resolved)</p> <p>If these plans are prepared by different contractors (section 8.2.1.2 Appendix 22.2) who ensures they all harmonise?</p>  | <p>The Applicant will discuss commencement triggers with the authority.</p> <p>Section 7.4 of the Framework CTMP states that weekly condition surveys will be produced during construction works programme to identify areas of the highways which have worsened and required immediate action to avoid hazard to other road users.</p> <p>All approved plans must be in accordance with the FCTMP. This ensures the approved plans are harmonious with one another.</p> |                                   |
| <b>18</b> | <b>Construction Hours</b>  |  |                                   |

Says construction work, but does that excludes preliminary site clearance and preparation activity? They should be governed by same hours. The first section may be trying to hint in a convoluted way at this but suggest apply that restriction here in plain English.....

No reference to exclusions to protect wildlife.

Reference to “no discernible activities” is too vague and subjective.

Not clear if the start-up activity all takes place at the main laydown area or allows workers to get to the main site at Lovedean and if so, would that include workers and equipment moving down the access road

The exemption 4(b) should be amended to remove the exemption for receipt of oversize deliveries to the site. Such activity can have significant noise impacts and should therefore be identified as necessary “out of hours work” within the requirements of section 18(3) and be included within the required specific phase CEMPs.

Paragraph (5) states “core working hours” means the working hours stated in relation to the relevant operations at paragraphs (2) and (3)”. Should this not read paragraphs 18(1) a and 18(1)(b)?

Preliminary site clearance and preparation form part of the Works. They are expressly covered by this Requirement and subject to the controls on when works may be undertaken.

The timing restrictions for environmental receptors including wildlife are outlined in the Onshore Outline CEMP (REP1-087). The start-up activities may be undertaken anywhere in the Converter Station Area. The activities by their nature do not give rise to effects, and the location of them within the Converter Station Area does not make any difference to this.

The Applicant acknowledges that the receipt of oversized deliveries outside of core working hours has the potential to result in noise impact. However, the Applicant requires flexibility to deliver outside of core working hours, for instance on Sundays, when there is less traffic and consequently less effects on the road network. All oversized deliveries are subject to the controls provided for within the Framework Construction Traffic Management Plan (REP1-070) provided in relation to them and will be appropriately timed.

The comment regarding core working hours is noted and this will be corrected.

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| <b>19</b> | <b>Traffic Management Strategy</b>  |  |                                   |
|           | <p>Why is this limited only to Works No 2 What about 3 and 4?</p> <p>There are aspects to the strategy that are relevant to WCC such as the timing of the work.</p> <p>Wish to see absolute commitment that two-way traffic flow maintained on the Hambledon Road for all sizes of vehicles (with assistance of traffic lights) plus maintenance of combined pedestrian /cycle path.</p>  | <p>Requirement 19 as referred to has been deleted and is replaced with the protective provisions for the protection of highways and traffic at Part 5 of Schedule 13 to the dDCO (REP1-021).</p>   |                                   |
| <b>20</b> | <b>Control of noise during the operational period</b>   |  |                                   |
|           | <p>Should set maximum noise level</p> <p>How does this reconcile with exemptions claimed elsewhere in the DCO?</p> <p>There are serious concerns regarding the wording of this section as I do not consider this gives sufficient confidence in the level of noise mitigation that will be achieved for the Converter station will be as detailed in in Document 6.1.24 – Chapter 24 Noise and Vibration - Volume 1 (plus associated Volume 2 appendices).</p> <p>Although it is appreciated that the final design and specific equipment has not been finalised there are significant assumptions made within the noise assessment to derive the conclusion that the impacts from the converter station are negligible. Especially in additional to the assumed embedded mitigation measures (section 24.6) additional mitigation measures are identified in section 24.8(proposed mitigation and enhancement) with regards to one exposure location.</p> <p>It is therefore considered that this section needs to be reworded to ensure these specific requirements form part of the measures being proposed. This section needs to cross reference the measures identified within Documents 6.1.24 (sections 24.6 and 24.8) and this might also need to be added to Schedule 14 (Certified Documents).</p> | <p>Please refer to Table 7.16 of the Applicant's Comments on Local Impact Reports (REP2-013) which was provided at Deadline 2.</p> <p>In summary, the updates to Requirement 20 of the draft DCO (REP1-021) provided at Deadline 1 robustly secure the noise criteria in the Operational Broadband and Octave Band Noise Criteria document (REP1-129). This will ensure that the effects of operational Converter Station noise will not exceed those set-out in Chapter 24 of the ES (APP-139).</p> |                                   |

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| 21 | <b>Travel Plan</b>  |   |  |
|    | <p>Suddenly trigger is..... will be begun.... Does this include site preparation and clearance?</p> <p>It seems to exclude Work No 3. There may be fewer workers on that establishment work but not clear why they are not to be covered by the Travel Plan</p> | <p>The Framework Construction Worker Travel Plan (Appendix 6 of the Framework Construction Traffic Management Plan (REP1-070)) does not include work associated with site preparation and clearance.</p>                                  |  |
| 22 | <b>Restoration of land used temporarily for construction</b>  |   |  |
|    | <p>What is definition of completion of authorised development?</p> <p>Suggest consider using the following:<br/>“no later than first handling or transmission of any power. ”</p>   | <p>Amendments are made to Article 22 in the version of the dDCO submitted at Deadline 1 (REP1-021). The Applicant refers the authority to those amendments, which should address the points raised.</p>                                   |  |
| 23 | <b>Control of lights during the operational period</b>  |   |  |
|    | <p>is exceptional circumstance defined anywhere?</p>  | <p>Exceptional circumstances is not defined, as it is not possible to define all things may constitute exceptional circumstances. The use of this term is considered to be clear, and will relate to circumstances such as intruders,</p> |  |

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

The appointed contractor will be responsible for the correct storage and management of any earthworks material excavated from the works. A Soil Resources Plan (SRP) will be prepared prior to commencement of construction and confirms the different soil types and depths and also the proposed methods for handling, storing and replacing soils on site. An Outline SRP has been prepared as Appendix 5 of the OOCEMP. All

