

AQUIND Interconnector

Application by AQUIND Limited for an Order Granting Development Consent

Hampshire County Council (“HCC”)

OVERVIEW OF ORAL SUBMISSIONS

Hearings: ISH1, CAH1, CAH2, ISH2 and ISH3

References to key documents:

- For the Local Impact Report (“LIR”) in the form [LIR/page/¶paragraph]
- For HCC’s Deadline 3 Submission [D3/page]
- For HCC’s Deadline 5 Submission [D5/page]

Introduction

1. For the purposes of this application, HCC is the statutory Local Highway Authority (which includes not only metalled vehicular roads but also public rights of way) and Lead Local Flood Authority. HCC also has interests related to landscape and archaeology, and it provides advice, guidance and support to a number of district authorities across the county on these matters.
2. The ExA has directed that the parties submit a transcript of the submissions to be made at the forthcoming hearings. HCC has summarised its key points ahead of those hearings below. In Appendix One, HCC has set out a summary response to relevant Agenda items. These points will be developed further orally as required at the hearings. In many instances the Applicant’s response is awaited.
3. HCC has been provided with a further draft DCO (on 25 November 2020). That document is, at the time of drafting, still being reviewed. There are likely to be further comments arising from it at ISH1.

Key Submissions: Draft DCO

Permit Scheme

4. HCC is pleased that the Applicant is moving towards revised wording to amend the Protective Provisions in order to accommodate the Permit Scheme with the FTMS setting out the parameters

in which the permits will be provided [D5/1]. The draft DCO provided to HCC on 25 November 2020 is intended by the Applicant to address this point. HCC will wish to comment further on the redrafting in this respect, following further review of the document.

Other Matters

5. HCC consider it necessary for the following to be secured within the DCO (or by separate planning obligation or other legal agreement where appropriate):
 - (1) funding for HCC's use of the one.network 'route monitor' product [LIR/28];
 - (2) Traffic Regulation Orders: the DCO will need to fully replicate the legal requirements of the Road Traffic Regulation Act 1984 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 [D3/3-4, 8];
 - (3) indemnity to cover the potential cost of diverting the cables should this be necessary to facilitate highway works in the future given the risk that the works end up interacting poorly with highways works [LIR/28], [D3/10];
 - (4) full highway reinstatement to prevent an ongoing maintenance liability due to excessive trenching along the route [LIR/28]; [D3/9-10];
 - (5) adherence to HCC's standard processes in relation to amendments to the layout of streets. HCC does not consider Article 10 to be sufficient [LIR/28];
 - (6) provision of a legal agreement and associated surety between the Applicant and HCC under s.278 of the Highways Act 1980 ("**Section 278 Agreement**") for the site access works and any highway works required outside that of the cable laying works including the temporary construction access works. HCC is not confident that the Applicant's confirmation of its willingness for all post-consent resource to be covered via a PPA is sufficient [LIR/28]; [D3/9];
 - (7) in the absence of a Section 278 Agreement and associated surety, HCC seeks separate measures for payment of the costs of design checking and inspection fees to cover the approval and review of the proposed access works [LIR/28]; [D3/9];
 - (8) mechanism for the Applicant to submit and the Highway Authority to approve the various documents that require approval [LIR/61];
 - (9) requirement for the use of the 'Hampshire Countryside Service Temporary Closure' procedure for temporary closures and provision of alternative routes during construction for any rights of way affected by the works [LIR/29];
 - (10) appropriate protections to ensure the Applicant's compliance with the Workplace Travel

Plan in order for HCC to waive the surety requirement [D5/13];

- (11) commitment to an acceptable level of compensation following the loss of highway trees and hedgerows [D3/11].

Potential Future Rights

6. The Application also provides telecommunication infrastructure which has a further commercial benefit beyond the initially proposed scope of the scheme. HCC seeks clarity as to 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 works [D3/3].

Specific Drafting Comments

7. More specific drafting comments are set out in the LIR [LIR/29-37].

Key Submissions: Compulsory Acquisition

8. The Highway Authority has objected to the compulsory acquisition of the subsoil beneath the vertical plane which forms the highway [LIR/19/¶5.67-5.68]. At the heart of this objection is a concern about the consistency of approach taken. Where the Applicant is granted rights in the subsoil, the Highway Authority submits there should be no difference in the Applicant's right to "maintain" the equipment whether it is in highway land or in the subsoil beneath the vertical plane which forms the highway. Such a difference is likely to extend the potential impact of the works on the highway.
9. Further and in any event, HCC rejects that there is any general principle that subsoil beneath the highway has no value. Where there is compulsory acquisition of subsoil beneath the highway, the issue of value should be examined in each case, and the DCO should apply the normal compensation provisions. It should not be pre-determined by the order on a generalised basis.

Key Submissions: Highways Impacts

Temporary Construction Accesses

10. HCC considers the temporary construction accesses continue to be inadequate particularly regarding [D5/1-2]:
 - (1) visibility splays;
 - (2) lowering of utilities;
 - (3) reinstatement requirements upon completion of the works;
 - (4) lorry access.

Bus Impacts

11. HCC as Local Transport Authority have concerns that the maintenance of certain bus service, including those directly contracted by the authority, will be restricted during the construction phase owing to the delays predicted in the bus journey time assessment and the reduced patronage of these services during the period of disruption. In the event that additional buses are required on any of the routes during this time, the Applicant should be required to bear the cost of this throughout the affected period [D5/3].

Site Access

12. HCC has a number of outstanding issues relating to site access, particularly [D5/4]:

- (1) signage;
- (2) sight of the results of the Stage 1 Road Safety Audit;
- (3) Traffic Management strategy along Day Lane;
- (4) lorry movements.

Traffic Impacts

13. The works will cause a significant amount of impact in Highway terms on the travelling public and local residential population. The Highway Authority are asking the Applicant to update the proposed mitigation strategy to minimise disruption (such as with regards bus service mitigation, accident mitigation and suitable funding for HCC officers to appropriately manage the project from the public perspective) [D5/5-9].

14. HCC also requests an update to the quantification of the magnitude of the traffic impact on the highway network in the Environmental Statement [D5/9].

Accident Analysis

15. HCC are concerned that the works will lead to an increase of traffic on the local road network. HCC seek a commitment through the Construction Traffic Management Plan (“CTMP”) for the Applicant to work with the Highway Authority throughout construction in addressing accident trends through appropriate low-cost measures such as signing and lining to mitigate any impact, as well as consideration of any other measures they can implement to reduce the risks of additional accidents [D5/10].

Alternative Routes

16. The impact of the works to the highway network during the construction programme are significant and HCC raises this as a highly relevant factor in the consideration of alternative routes [D5/10].

Changes to Key Documents

17. HCC has a number of outstanding concerns relating principally to highway matters including:

- (1) arboricultural matters within the highway in the Construction Environmental Management Plan **[D5/10-11]**;
- (2) receipt of an updated Arboriculture Method Statement **[D5/11]**;
- (3) workplace travel plan:
 - (a) improvements to the plan;
 - (b) securing the approval and monitoring process (including fees);
 - (c) securing appropriate protections for enforcement **[D5/12-13]**;
 - (d) see also **[D3/20-21]**;
- (4) receipt of an updated Framework Traffic Management Scheme to reflect HCC comments and discussions from deadline 3 **[D3/13-17]**;
- (5) receipt of an updated CTMP to reflect HCC's comments and discussion from deadline 3 **[D3/17-21]**;
- (6) receipt of an updated Construction Environmental Management Plan to reflect HCC comments and discussions to date **[D5/12]**;
- (7) updated ES Chapter 22 to include setting out a clear mitigation strategy for the development **[D5/5-9]**.

Key Submissions: Section 106 Agreement

18. The Statement of Common Ground confirms that both HCC and the Applicant consider there to be a need to secure a s.106 agreement. The scope is still to be agreed, with both parties agreeing that it will be necessary to secure the CAVAT mechanism for the funding of replacement trees.

19. Discussions between the parties are ongoing on the potential for the agreement to include:

- (1) provisions for Travel Plan checking/monitoring/surety;
- (2) mitigation for disruption to bus services;
- (3) provision for a PPA to cover post-consent works arising.

30 November 2020

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Issue Specific Hearing 1 – Draft Development Consent Order - 9 December 2020

Agenda Item Number	Agenda Item	General Comments
3.1	Please can the Applicant briefly explain the general structure of the draft Development Consent Order (dDCO), the purpose of each of the Parts 1 to 7 of the dDCO and the general thrust of the Articles within each?	HCC will respond as appropriate to the Applicant’s comments.
3.2	Is the dDCO in the form of an SI?	HCC will respond as appropriate to the Applicant’s comments.
3.3	Does the meaning of ‘land’ in Article 20 include ‘any interest in land or right in, to or over land’ as in Article 2?	HCC will respond as appropriate to the Applicant’s comments.
3.4	Could Highways England please explain why it is necessary to amend the definition of ‘relevant highway authority’?	This point has been raised because Highways England are not referred to within the definition. No comments from HCC other than to agree for clarity it should include Highways England.
3.5	In the description of the Authorised Development, there are six locations where HDD works are to take place. How are these locations secured within the DCO such that the Examining Authority can be sure that these lengths of the route can only be installed through trenchless methodologies? Are the entry/ exit points, launch and reception compounds fixed in terms of location and dimensions? Would Article 3, its reliance on the Requirements and the related powers and rights sought in respect of the areas where HDD is proposed allow for flexibility to pursue other means of trenched construction other than HDD if HDD were to fail or prove unfeasible?	HCC has no specific comment on this agenda item but would wish to ensure that the scheme is constructed in accordance with the information in the FTMS and CTMP, and in accordance with the assessment in the ES.
3.7	Explain why there are no provisions, Articles or Requirements relating to Decommissioning in the	It is HCC’s understanding that decommissioning is not part of the consent and is not appropriate to be. This is set out within the statement of common ground reference

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	<p>DCO. Would decommissioning, if not covered here, require a separate DCO to be granted? If the commercial use of the fibre optic cable is considered to be part of the Authorised Development or ‘associated development’, would its buildings and equipment also fall within the scope of decommissioning?</p>	<p>4.9.12. It could lead to impacts that are equal to that of construction and therefore should be subject to a future application as and when the extent of decommissioning works is known and the impacts on the highway can be assessed as appropriate at the time (circa. 40 years time). The DCO drafting currently still refers to areas of works which fall under the decommissioning phase. It should be amended to ensure that these elements are removed. If the parameters are agreed with all parties, this will be commented on further review of the dDCO once all parameters of the order are agreed.</p>
<p>3.8</p>	<p>Please could the Applicant and highway authorities set out, possibly using a diagrammatic cross section, their respective positions in respect of powers in relation to the New Roads and Street Works Act 1991 (NRWSA) and their application to the Proposed Development in terms of highway land and subsoil? Is there a need, in relation to the NRSWA and its scope, to seek to acquire subsoil to a highway in order to facilitate the laying of the onshore cable?</p>	<p>The requested GIS layer of the order limits has been provided to the Highway Authority which has confirmed that there is no land outside the horizontal plane of the highway boundary which falls under the jurisdiction of the County Council. HCC under the de-trunking order for the A3 are also the landowner for the extent of the highway boundary although it is acknowledged that this is not correctly represented in the Land Registry records.</p> <p>The highway extends to the land beneath the surface to the extent that it is necessary to support / drain the highway. The Highway Authority powers in NRSWA extend to that depth although the physical depth is not absolute and will vary depending on specific ground conditions. This will typically be in the order of a 2 - 6m depth to accommodate drainage although it may extend significantly deeper to provide support. There is therefore no need to seek to acquire subsoil to a highway or easement rights in order to facilitate the laying of the onshore cable at a depth of 750mm as shown in the Applicants’ typical cross section. This requirement would not change if HCC’s request made within the deadline 3 response, for the cable to be laid to the NJUG guidance depth of 1200mm, to avoid impacts on future schemes, was accepted by the Applicant.</p>
<p>3.9</p>	<p>How do the dDCO and Book of Reference limit the rights that can be acquired in the highway ([REP1-131] paragraph 3.2)? In this context, please could the Applicant explain why the highway is identified for the Compulsory Acquisition of New Connection Works Rights on the Land Plans, such as for Plot 4-05, where the Proposed Development would be laid</p>	<p>Although CPO is not applicable where cables are installed in the highway, HCC remains concerned about the acquisition of rights in the subsoil beneath the vertical plane which forms the highway. The dDCO at Article 2 defines “maintain’ widely.</p> <p>In circumstances where the undertaker is maintaining equipment that lies below highway land, HCC is concerned about the wide nature of rights in the future following construction in order to allow for operation and maintenance and which clearly extend the potential impact of the works on the highway. Where the project travels under highway, it is most</p>

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	‘within the vertical plane of the highway’ but ‘No rights are sought in the Book of Reference [APP-024] in relation to the part of the land which is vested in the highway authority’?	appropriate that the existing legislative framework under NRSWA 1981 is used as the basis for the powers to be granted, since NRSWA is designed specifically for this and is well used and understood by undertakers and street works authorities.
3.10	Could the Applicant explain why it is necessary to disapply the permit schemes of both Portsmouth City Council and Hampshire County Council to deliver the Proposed Development?	The Applicant has agreed to utilise the permit scheme for the works. HCC are reviewing revised drafting of the dDCO. It is agreed that this drafting will make clear that permits will be issued in accordance with the parameters set out within the Framework Traffic Management strategy (FTMS) and it is acknowledged that the Highway Authority have further comments on this document and outstanding matters to be addressed as set out within the County Council’s response to deadline 3 and its LIR.
3.11	Please could the Applicant advise whether the dDCO applies ‘the statutory process for agreeing compensation’ to the acquisition of rights in highway subsoil ([REP1-131] section 4)?	Article 27 (Acquisition of subsoil) does not mention compensation. The Applicant’s stated approach for highway subsoil interests is not to negotiate the private acquisition for the rights or pay compensation because it asserts the owner has no use or enjoyment of it, its use is not prejudiced by the proposed development and the highway subsoil has no market value (s51 meeting note dated 9/8/19). There is no exclusion of Schedule 9(5) (Application of the 1965 Act) in the dDCO to the acquisition of rights in highway subsoil. In any event, HCC does not accept that there is any general principle that highway subsoil has no value. The issue of value should be examined in each case, and the DCO should apply the normal compensation provisions. It should not be pre-determined by the order on a generalised basis.
3.12	In relation to Articles 10, 11 and 41 (and the Applicant’s answers to questions ExQ1.16.13 and ExQ1.5.34), how would street and tree works beyond the Order limits be enacted or controlled? Would this involve powers from any DCO? If so, are there any made DCOs from which precedent can be derived for the powers sought? Specifically in relation to Article 41, how would this work in practice both within and outside the Order limits in	HCC would expect this to be under normal process, either NRSWA or through a s.278 or appointment of the HCC Arb team to undertake works on the Applicant’s behalf. If trees are to be felled, permission to do this is granted through a mini s.278 agreement which includes provision for compensation payment for the loss of the asset.

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	respect of replacement landscaping and/ or compensation?	
3.13	With reference to the answers received to ExQ1.5.35, please could the Applicant explain the scope and level of rights sought, why they are necessary and why some of the powers sought (Article 10 for example) offer unsanctioned ability to affect streets outside of the Order limits? Reference should be made to precedents in recently made Orders where appropriate.	<p>Article 10: First, changes to the street permitted within the DCO should only apply to the order limits and separate processes would need to be followed to make any further amendments to the street outside of the order limits. Second, the powers for amendments are also not relevant to the type of works being undertaken. The relevance of the powers set out within points A to I require review and only powers relevant to the works required should be included within the DCO. Third, HCC requires that approval for changes to the street must be sought separately and cannot be considered approved through the traffic management strategy (Article 10(3)).</p> <p>Article 11: As the Applicant has now agreed to use HCC’s permit scheme, this article will need to make appropriate reference to it.</p> <p>Article 13: it is unclear why temporary stopping up is required and HCC continues to request clarity on this matter. It is considered that all works can be undertaken through temporary closures (either full or part) and there is therefore no benefit to stopping up of the street.</p>
3.14	Could the Applicant explain the meaning and extent of ‘stopping up’ and whether the works would meet the definition of such in the 1991 Act? Could the Applicant clarify the approval process for any temporary closures (including where this is secured in the dDCO) and what consultation with the relevant street authority includes?	HCC objects to the use of the term ‘stopping up.’ The title of this article should be renamed for clarity: “Temporary closure, alteration, diversion or restriction of streets and public rights of way”. Whilst noting the provisions in Article 13(5), clarity is also sought on the details of the approval process for such temporary works, including consultation with the relevant street authority. Article 13 should be redrafted to incorporate the approval process in the Traffic Management Act 2004.
3.17	Is there intended to be a difference between installation/ construction, operation and maintenance rights under Articles 23 and possibly 20, or would the corridor rights, of approximately 6 and 23m in width, shown in ES Vol 2, Fig 3.12 [APP-157] remain in perpetuity for each category? Is the corridor rights width restricted by anything in the	HCC would want operation and maintenance rights to be covered under NRSWA 1981 for the cable in the highway and no additional rights are therefore required post construction. HCC is concerned that the use of Articles 20 and 23 would allow for the acquisition of a wide nature of rights in the future in the whole corridor following construction, in order to allow for operation and maintenance. HCC considers it most appropriate that the existing legislative framework under NRSWA 1981 is used as the basis for the operation and

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	dDCO apart from the Order limits? Would the dDCO prevent the undertaker installing further cables or ducts, either at the time of the initial installation or subsequently, under the description provided in the dDCO for Work No 4	maintenance rights for the cable in the highway, including any fibre optics. Any rights secured in this way should be specific to the cable route rather than the whole corridor.
3.18	What is the difference between the use of the term ‘carrying out’ in Articles 30 and 31 and ‘construction’ in the Statement of Reasons (SoR) [APP-022], paragraph 6.2.1?	HCC will respond as appropriate to the Applicant’s comments.
3.19	What is the difference between the temporary use of land and the temporary possession of land in terms of the dDCO?	HCC will respond as appropriate to the Applicant’s comments.
3.20	Would Article 32 allow the Undertaker to take possession of any part of the Order land at any time in the future whilst the Proposed Development is operational for the purpose of its maintenance?	<p>This wide power in Article 32 cannot override the permit scheme where the cable is in the highway. The dDCO should make clear that Article 32 would not apply to highway land (potentially in sub paragraph 2) and consents for maintenance work would be required through the permit scheme where the cable is in the highway. This would require a simple application to the Highway Authority under the terms of the scheme to co-ordinate with other scheduled activities and secure the road space which would include any necessary TTRO applications.</p> <p>The Highway Authority have also raised concerns regarding the management of private driveway access and access to properties generally during the construction process. The same concerns arise under use of Article 32.</p>
3.21	Article 32 of the dDCO [APP-019] appears to allow temporary use ‘during the maintenance period’ which is said to be five years. The application Explanatory Memorandum [APP-020], paragraph 9.27, advises that maintenance possession under Article 32 is allowed during the period that the Proposed Development is operational. This advice is repeated in the SoR, paragraph 6.2.3. Is the advice correct? If so, how does this accord with Article 32?	HCC is concerned to ensure that after the construction of the project, any ongoing maintenance is dealt with through appropriate approvals processes. The apparent ability under Article 32 to re-enter land identified for construction purposes after the completion of the construction of the project would need to be appropriately managed from a highway’s perspective. HCC will respond further once the Applicant has answered the agenda item.

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3.22	If the above advice in the Explanatory Memorandum and SoR is correct, why can’t all future maintenance be carried out under Article 32 where the necessary rights have not been acquired? Would this reduce the extent of acquisition for maintenance purposes under Article 20?	HCC will respond as appropriate to the Applicant’s comments.
3.23	Could the Applicant explain the reference to classes (h), (f) & (c) in the response to ExQ1 CA1.3.38?	HCC will respond as appropriate to the Applicant’s comments.
3.24	Please can the Applicant explain, using practical examples, the rights and temporary use powers sought over each area of allotments, open space and sports pitches within the Order land? The explanation should differentiate between rights and temporary use powers sought for surface construction and maintenance and those sought for land beneath the surface. The explanation should also include reference to the response to ExQ1 CA1.3.33, which states that, during construction, ‘the Special Category Land will be affected for that temporary period and in so far as areas are required for construction will not be able to be used.’ and that ‘Article 30(3) is also relevant, noting that the rights which may be acquired over the Special Category Land will relate to land beneath the surface only, and therefore no acquisition of the surface of the land would be authorised by the Order and in turn the period of surface occupation for this purpose is finite.’ Furthermore, the explanation should include whether the dDCO contains powers to occupy or disturb the surface of	HCC has no comments on this agenda item.

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	any of the Special Category Land identified on the Land Plans and, if so, to what extent and why.	
3.25	Can the Applicant advise the expected typical width over which restrictions would be sought where HDD or micro-tunnelling is used?	HCC has no comments on this agenda item.
3.26	Please can the Applicant advise whether the powers sought in the dDCO would prevent the future erection or maintenance of buildings or structures relating to the use of the Milton Piece Allotments by allotment holders?	HCC has no comments on this agenda item.
3.27	Please could Portsmouth City Council explain its ‘New Connection Rights’ position in respect of Milton Piece Allotments as set out in its LIR [REP1-1173]?	HCC has no comments on this agenda item.
3.28	In the context of its response to ExQ1 CA1.3.19, please could the Applicant explain the relevant Hinkley detail in terms of the mechanism by, and time at which the option to progress would be chosen?	HCC has no comments on this agenda item.
3.29	Can the Applicant explain potential nature of dDCO amendments required to remove an option from the dDCO?	HCC has no comments on this agenda item.
3.30	Please could the Applicant provide further details of the suggested new Requirement akin to Thanet Requirement 12?	HCC has no comments on this agenda item.
3.31	Please could the Applicant and Portsmouth City Council explain their current positions on ‘Thanet’ matters?	HCC has no comments on this agenda item.
3.32	Issues may be raised by the ExA in respect of Part 6 after its review of information submitted for the Deadlines leading up to the Hearing.	HCC has no comments on this agenda item.

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<p>3.33</p>	<p>Can the Applicant clarify the scope of powers authorised under Articles 41 and 42? Please explain the approach towards replacing lost trees and what sequential approach will be taken for determining the location of replacement trees if no land is available ‘within 5 metres’ of the onshore cable route. How is this secured in the dDCO? How does Article 41(2) account for compensation for those trees lost or damaged, in both urban and rural character areas where such trees are considered important?</p>	<p>HCC met with the Applicant’s project team on the 19th November 2020 to discuss its arboricultural position. As set out within its LIR response, and further responses at deadlines 3 and 5, the Highway Authority will accept the loss of highway trees only as a last resort. HCC has provided comments on the overarching method statement within its deadline 3 response and expect this to outline a clear process to avoid tree loss. All arboricultural work to be undertaken on highway trees or specific retained private trees that may have an impact on the highway as a result of proposed works, must be done so with the approval and supervision of an HCC arboricultural officer. Should highway trees need to be removed this should be done so under the agreed supervision and result in a CAVAT payment for the loss of the tree. The CAVAT valuation can be calculated by the Applicant’s arboriculturist or by an HCC arboricultural officer at the Applicant’s cost. HCC have an adopted policy on how trees are to be dealt with in relation to developer led schemes and this policy should apply to this scheme. HCC will replant in close proximity to the lost tree within the highway where possible. If this is not possible the monies shall be used to replace the lost asset elsewhere within the County. The Applicant is currently reviewing the wording for Articles 41 and 42 and considering how best to secure the CAVAT payment requirements.</p>
<p>3.34</p>	<p>Please could the Applicant provide an update on the position in relation to impacts on, and dealing with TPO trees outside Portsmouth City Council’s administrative remit? Also, can the Applicant provide an update on the position in relation to those trees on land owned and maintained by Portsmouth City Council that could potentially be subject to TPOs, but have not been?</p>	<p>The Applicant should answer the same question in relation to HCC trees, whether they are subject to TPOs or not. Further details of HCC’s position are set out within the LIR and deadline 3 response.</p>
<p>3.35</p>	<p>How are works to remove and replace hedgerows secured within the dDCO?</p>	<p>Schedule 12 of the dDCO sets out all important hedgerows that may potentially be removed pursuant to Article 41(4). It has been identified that the hedgerow at the site access, which requires removal, is a highway asset. The Applicant is proposing to replant the lost hedgerow on the site boundary to the rear of the dedicated visibility splays. This will be outside of the adopted highway boundary and will therefore no longer be an asset</p>

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		of the Highway Authority. HCC is not currently satisfied that Article 41 follows its policy. Where the hedgerow removed is an asset owned by HCC, HCC would require a CAVAT value to be identified for it and compensation paid to cover the loss of this asset. Any replacement planting would not be within the highway boundary and therefore cannot be deemed to be replacement of the lost asset. This matter should be secured within the dDCO.
4.1	Please could the Applicant confirm the approach to the identification and definition of ‘significant effects’ and demonstrate the adequacy of the Mitigation Schedule in ensuring that all necessary mitigation measures that are relied upon in the EIA will be readily auditable at the discharge of Requirements? Are any parties aware of instances where this may not be the case?	Chapter 22 of the ES covers the mitigation requirements and EIA assessment of the impact of the development in highway terms. This has not been updated since its initial submission and does not reflect the work undertaken with the Supplementary Transport Assessment. The impacts are therefore not accurately reflected. The Highway Authority have not provided detailed comment on this chapter to date as key matters which feed into this assessment had not been agreed. The Applicant needs to review and update this document in light of works to date and include additional mitigation to demonstrate that there will not be a significant effect on the highway.
4.3	In light of the s35 Direction from the Secretary of State, could Portsmouth City Council and any other local authority that considers that the commercial use of the spare capacity within the fibre optic cables and the associated infrastructure cannot be covered and authorised by the powers within the dDCO please explain why they believe this to be the case. What would prevent the surplus capacity from being considered part of the Proposed Development?	HCC is concerned about the scope to which the use of spare capacity could lead to a greater need to interfere with the highway under the terms of the DCO. This point is addressed further under question 4.8 below.
4.4	Is it an oversight that the remainder of the specified Works make no reference to laying of fibre-optic cables whilst each time specifying the length etc of HDVC cables?	HCC will respond as appropriate to the Applicant’s comments.
4.5	With regards to Work No.3, what is the actual size of the car park sought? The Supplementary	HCC will respond as appropriate to the Applicant’s Comments

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	Transport Assessment infers a 150-space car park (Table 10 and paragraph 3.2.1.5) but the answer to ExQ1.16.20 states capacity for 227 parking spaces. Where are the parameters set and how is the size and location controlled through the dDCO?	
4.6	In Work No.4, are the maximum upper limits in numbers of joint bays, link boxes and link pillars sufficient given that their usage depends on contractor experience, capability and discretion?	HCC will respond as appropriate to the Applicant's comments.
4.7	Does work No.4 (f) need to be specific about the technology and means of trenchless crossing being utilised?	HCC will respond as appropriate to the Applicant's comments.
4.8	In relation to Part 2(k) of Schedule 1, what other works are anticipated to be necessary for the construction or use of the Authorised Development and why are such works considered not to have materially new or materially different environmental effects? Are any of these works likely to be related to the status the Applicant has obtained as a Code Operator under the Communications Act 2003? In any case, has the worst case in relation to visual impacts of the Converter Station development site been presented?	HCC is concerned to ensure that further works under Part 2(k) of Schedule 1 are consistent with the assessment in the ES (together with subsequent traffic assessment work) and that such works do not prolong or worsen highway impacts from the proposed development. In respect of works as a Code Operator, again it is important to ensure that any such works relating to the fibre optic cable would not lead to additional, prolonged or worsened highways impacts.
5.2	A number of the management plans (for example, the Outline Onshore CEMP) are said to be 'live' documents that the appointed contractor(s) will review and update regularly. How are the changes to the management plans proposed to be regulated and by what process? Would there be potential for the management plans to diverge from each other in respect of different contractors and different	HCC will respond as appropriate to the Applicant's comments.

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	‘phases’ and, if so, how should such conflict be resolved? How would the overall position be managed when up to six contractors are appointed at any one time?	
5.3	Can the Applicant confirm the definition of ‘commencement’ and the full scope of works that would be allowed to be undertaken ‘pre-commencement’? What benefit is there to the Applicant or the public by having certain works being deemed not to fall within the definition of ‘commencement’?	The definition of “commence” does not apply to “operations consisting of onshore site preparation works.” It does not exclude any highways works required to be carried out pre-commencement. HCC wants an additional exclusion for the construction of proper site access at Lovedean prior to commencement. It may be preferable for the site access works to be expressly identified as pre-commencement works.
5.5	In relation to Requirement 22, can the Applicant define the scope and extent of reinstatement powers within the dDCO at present and how they relate to highway related works? Would the roads be restored in accordance with the ‘Specification for Reinstatement of Openings in Highways’ document? If not, why not? If so, where is this secured in the dDCO? What views does the Applicant have in respect of Hampshire County Council’s request for ‘indemnity’ for undertaking any works that may result in the diversion of otherwise of the cables to facilitate highway works	<p>Reinstatement: the Applicant is proposing to reinstate in accordance with the specification for reinstatement of Opening in Highways. This document sets out the minimum reinstatement requirements for trench reinstatement with stepped tie in details. HCC’s views on this type of reinstatement are set out clearly within its deadline 3 response. It is considered by the Highway Authority that its reinstatement requests are not unreasonable and form part of usual discussions with statutory undertakers when undertaking significant works. It is in the interest of the Highway Authority, travelling public and the Applicant to undertake half carriageway reinstatement as it can guarantee that they will get released from the maintenance period with minimal need for further reinstatement. Experience of trench reinstatement is that it often fails within the 2-year maintenance period and requires further works. This also adds to additional delay on the network through the need for further road works which, in this case, is all exacerbated by the extent of the trenching which would be provided (circa 12 miles in HCC ownership).</p> <p>HCC has made its requests clear on why it requires an indemnity in relation to the future needs to divert the cables most recently within its deadline 3 response. It will be happy to address, as appropriate, any of the Applicant’s comments.</p>
5.6	Can Winchester City Council please set out the rationale for requiring an Employment and Skills Plan given the split of local/ non-local workers suggested in the ES?	

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6.1	What are the various documents that will require approval and the means/ method/ timescales involved in obtaining them? What is the rationale behind the time period allowed of 20 days for authorities to respond to requirement discharge requests?	
6.2	What are the various documents that will require approval and the means/ method/ timescales involved in obtaining them? What is the rationale behind the time period allowed of 20 days for authorities to respond to requirement discharge requests?	<p>The Highway Authority is working with the Applicant to understand the documents which will require submission and approval with the Highway Authority. It is anticipated that this will include:</p> <ul style="list-style-type: none"> • full travel plan; • number of traffic management strategies as required to be approved through the permit scheme; • detailed design elements for the cable laying corridor as set out in the proposed list within appendix 4 of HCC’s LIR response. Note this list is under review by both HCC and the Applicant to ensure it is clear and appropriate; • detailed design submissions for the site access and temporary site access locations to be in accordance with the principles agreed within the approved plans; • Communication Strategy; • Full Construction Traffic Management Plan; • Arboriculture Method Statements for areas as appropriate; • any other documents related to mitigation strategies yet to be agreed depending on the agreed approach e.g. accident mitigation, bus service reliability mitigation. <p>The details regarding the approval mechanism are yet to be agreed. Usual practice differs for differing elements. S278 design checking work for the accesses and details for approval for through the Permit Scheme are usually made direct to the Highway Authority. Matters relating to approval of travel plans, CTMP’s etc. are matters which are usually consulted on through the planning processes for discharge of conditions. The statutory consultation process should be followed here with the ability to agree extensions of time if required and agreed with the Applicant. There is concern regarding the deemed automatic approval should responses not be achieved to the set-out timeframes. Delays in</p>

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		receiving consultations can compress consultation periods for the Highway Authority. This should be appropriately addressed in the dDCO approval parameters.
7.1	Any matters parties wish to raise.	
8.1	Please could the Applicant provide an update on progress of negotiations on protective provision wording and the likelihood of resolution?	The Protective Provisions are being addressed by the Applicant. The use of the Permit scheme is now an agreed matter, with the detail within the dDCO to be progressed. The Highway Authority have also shared with the Applicant its standard S278 agreement for the Applicant to draft protective provisions, as appropriate, to secure its requirements. HCC anticipates that it will need to comment further on protective provisions.
9.1	With regards to the amount of refreshed, new, modified and additional information to the Environmental Statement, please could the Applicant explain what now constitutes the certified Environmental Statement for the purposes of the dDCO, and how this will be managed going forwards?	
Section 10	Section 10 relates to marine matters.	
11.1	Taking account of all Written Submissions at Deadline 1 and any subsequent negotiations, could the Applicant provide an update on the progress of any obligations with regards to s.S106 of the Town and County Planning Act or S278 of the Highways Act?	(See 8.1) Regarding S106 requirements, discussions are ongoing regarding the appropriate mechanism to secure various elements of mitigation being discussed. As yet no matters have been agreed. HCC will respond to the Applicant’s response to this question once the Applicant has confirmed the scope of the proposed s 106 obligations. In respect of S278, HCC has emphasised the need for a surety for a works which would normally be carried out pursuant to a S278 agreement.
11.2	With reference to the Hampshire County Council Local Impact Report, could the Applicant explain whether progress is intended towards an agreement under S278 of the Highways Act?	The Applicant has been provided with HCC’s precedent legal document for S278 works and are reviewing whether it is appropriate to replicate the requirements within the dDCO. HCC are awaiting the revised draft for further comment. Amongst other considerations, it will be expecting to see a method for securing a surety for works and the payment of officer fees for works undertaken through S278. It is HCC’s understanding that there is no question over its requirement for the detailed design of the works (to be undertaken at the site access and temporary construction access) to be reviewed and approved by HCC’s standard S278 design check processes.

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11.3	Please could the Applicant explain the progression, if any, on Planning Performance Agreements (PPAs)? Could the Applicant set out the content of any PPAs and with which authorities they are intended. How are these secured through the dDCO or its Requirements?	Whilst the principle of a post consent PPA has been discussed with the Applicant, at the time of preparing this submission there had been no substantive discussions about its scope, content or provisions.
Section 12	Any other issues relating to DCO drafting	Although some matters have moved on since its publication, Appendix One of the LIR reflects HCC’s latest written comments on the dDCO.

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Compulsory Acquisition Hearing 1 – 10 December 2020

Agenda Item Number	Agenda Item	General Comments
Section 3	Section 3 relates to a summary of the DCO provisions to be set out by the Applicant	No need for HCC to comment here
Section 4.1	The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the Planning Act 2008 (PA2008).	HCC will respond as appropriate to the Applicant’s comments.
Section 4.2	The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers are sought comply with section 122(2) of the PA2008	HCC will respond as appropriate to the Applicant’s comments.
Section 4.3	The Applicant to explain whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate. The explanation should include an end-to-end explanation of the need for Order land widths using visual aids to assist with the appreciation of construction methods and the use of the Order land sought and be an illustration and expansion of the information in the Environmental Statement – Volume 1 - Chapter 3 Description of the Proposed Development [APP-118], paragraphs 3.6.4.57 to 5.15 and other submissions	HCC is concerned that the use of Articles 20 and 23 would allow for the acquisition of a <u>wide nature of rights in the future in the whole corridor following construction, in order to allow for operation and maintenance.</u> HCC considers it most appropriate that the existing legislative framework under NRSWA 1981 is used as the basis for the operation and maintenance rights for the cable in the highway, including any fibre optics. <u>Any rights secured in this way should be specific to the cable route rather than the whole corridor.</u>
Section 4.4	The Applicant to explain, with the aid of plans, the envisaged locations and extents for any other non-HDD 'satellite contractor's compounds', 'laydown areas' and non-HDD joint bays along the 'Onshore Cable Corridor' (ES Vol 3 Appendix 22.2 paragraphs 2.4.1.2, 3 and 5, and [REP1-091] CA1.3.71).	HCC will respond as appropriate to the Applicant’s comments.

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Section 5	Section 5 relates to funding. The questions are aimed at the applicant.	
Section 6	Section 6 relates to open space.	
Section 7	Section 7 focuses on Milton Allotments.	
Section 8.1	The Applicant and local highway authorities to explain briefly the differences between the powers sought under the dDCO and those available to Statutory Undertakers in the highway under other statutes.	There are two main respects in which the dDCO powers differ from those of other Statutory Undertakers. First, where works are within the vertical plane of the highway the dDCO regulates those works rather than being dealt with under existing statutory powers. This leads to a number of practical differences in application, although the recent agreement by the Applicant to incorporate the HCC permit scheme means that the practical application should be more consistent with existing Statutory Undertaker powers. Second, the Applicant proposes acquiring rights in the subsoil beneath the highway which are not available to other Statutory Undertakers without separate CPO processes. HCC is keen to ensure that in practice the implementation and maintenance of the project would be no different whether the cable is installed within the vertical plane of the highway or in the subsoil.
Section 8.2	The Applicant and local highway authorities to briefly explain what consents would be required to install and maintain the cable in the highway if dDCO powers were not available to undertake these operations.	From a Highway Authority perspective, these approvals would come under the S50 NRSWA 1981 licence process. The licence would need to be bespoke as the current licence arrangement only permits 200m sections at a time. But for the S35 designation, the scheme would also require planning permission for its implementation as it would not benefit from permitted development rights.
Section 9.1	The Applicant to explain briefly how the August 2014 preliminary technical-economical study took into account traffic disruption and residential environmental effects before recommending that a highway route should be preferred [APP-117], paragraph 2.4.1.2).	HCC will respond as appropriate to the Applicant’s comments.
Section 9.2	The Applicant to explain briefly the detail of the consideration which is summarised in the ‘Alternative Countryside Routes Comparison’ in the	HCC will respond as appropriate to the Applicant’s comments.

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	Environmental Statement (ES) ([APP-117], table 2.6) and any subsequent updates.	
Section 9.3	The Applicant to explain briefly the scope and nature of the following studies beyond the level of detail provided in the ES ([APP-117], sections 2.4 to 2.6): a. interconnector preliminary technical-economical study (August 2014); b. preliminary converter station site identification exercise (April 2016); c. converter station technical viability and environmental constraint detailed assessment (2017); d. converter station environmental constraints desktop study (July to December 2017); e. preliminary landfall locations desk study (April 2015); f. preliminary route desk study and site visit investigation (February 2017); and, g. Eastney and East Wittering routes detailed desk study (June 2017).	HCC will respond as appropriate to the Applicant’s comments.
Section 9.4	The Applicant to explain how ground conditions on Milton Common could require the appointed contractor to lay one cable circuit across the Common and one along Eastern Road ([REP1-133] page 4-21 and [REP1-091] CA1.3.18).	
Section 9.5	The Applicant to describe the expert views on comparative depths of made ground, contamination, ground obstructions, variable ground potentially vulnerable to differential settlement, soft ground potentially vulnerable to adverse total settlement and potential ground gas at Milton Common and the source of these views ([REP1-091] CA1.3.18).	
Section 9.6	The Applicant and PCC to explain their current positions on the Milton Common options [REP1-091] (CA1.3.106).	

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Section 10	Section 10 relates to crown land interest	
Section 11.1	The Applicant to list and briefly set out any applications made under s127 of the PA2008 and not withdrawn.	HCC will respond as appropriate to the Applicant’s comments.
Section 11.2	The Applicant to explain the application of s138 of the PA2008 to the dDCO and list the Statutory Undertakers involved.	
Section 11.3	The Applicant to set out briefly whether protective provisions are in a satisfactory form that is agreed with the relevant parties listed in ExQ1 CA1.3.41, 43, 45 and 46 or if not, why not.	
Section 11.4	The Applicant to explain why the Environment Agency is referred to in Appendix B of the Statement of Reasons (SoR) [APP-022] and in the Book of Reference (BoR) [APP024] as a Category 1 and 2 person, a Part 2 person for potential claims and a Part 3 person with an affected easement or private right but not included in the SoR paragraph 8.2.1. Also, to provide a brief update, in the context of Appendix B to the Statement of Reasons [REP1-026], on the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses ([REP1-091] CA1.3.42).	
Section 11.5	The Applicant to provide an update on discussions with Natural England in respect of Denmead Meadows ([REP1-091] CA1.3.21).	
Section 11.6	The Applicant to explain why: GTC Infrastructure Ltd Gas appears in the SoR but not in BoR, whereas GTC Pipelines Limited does; the BoR refers to ‘SSE Services plc’ as a Category 1 and 2 person, a Part 2 person for potential claims and a Part 3 person with an affected easement or private right but this is not included in	

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	<p>the SoR paragraph 8.2.1; Leep Networks (Water) Limited and British Gas Limited are BoR Part 1 Category 2 parties but are not in the SoR; and Arqiva Services Limited is a BoR Part 2 party but not in the SoR.</p>	
<p>Section 11.7</p>	<p>The Applicant to advise whether the RWE Renewables UK Limited Relevant Representation [RR-018] should be considered under s127 and/ or s138 of the Planning Act 2008 ([REP1-091] and [CA1.3.78]).</p>	

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Compulsory Acquisition Hearing 2 – 11 December 2020

Agenda Item Number	Agenda Item	General Comments
Section 3.1	The Applicant to set out briefly which draft DCO (dDCO) Articles engage Compulsory Acquisition and Temporary Possession powers.	
Section 3.2	The Applicant to briefly summarise any other provisions in the dDCO relating to Compulsory Acquisition and Temporary Possession.	
Section 4	Section 4 relates to Human Rights.	
Section 5.1	The Applicant to summarise outstanding objections and progress with negotiations on alternatives to Compulsory Acquisition.	HCC will respond as appropriate to the Applicant’s comments.
Section 6.1	Affected Persons who requested a Compulsory Acquisition Hearing and wish to make oral representations: <ul style="list-style-type: none"> • Hampshire County Council; • Portsmouth City Council; • Winchester City Council; • Aggregate Industries; • Sainsburys Supermarkets Limited; • Geoffrey and Peter Carpenter; • Michael and Sandra Jefferies; • Robin Jefferies 	HCC considers that the issues relevant to its compulsory acquisition objection are all within the scope of the agenda for CAH1. Accordingly, it does not at present envisage a need to make oral representations at CAH2.
Section 6.2	Other Affected Persons wishing to make oral representations.	
Section 6.3	Any section 102 parties or Category 3 persons ² wishing to make oral representations.	
Section 6.4	Interested Parties wishing to make oral representations on the temporary use of land.	

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Issue Specific Hearing 2 - Traffic, Highways and Air Quality – 14 December 2020

Agenda Item Number	Agenda Item	General Comments
3 (a) point 1	With reference to the Applicant’s response to ExQ1 TT1.16.18 at Deadline 1, please can the Applicant set out the assumptions and limitations made in respect of traffic generated from Fratton Park on football match days, and the predicted effects on the highways? Could Portsmouth City Council and Hampshire County Council confirm their positions in respect of the assumptions made?	
3 (a) point 2	Can the Applicant briefly set out the results of the additional survey work undertaken to inform the Supplementary Transport Assessment, in particular the Technical Note at Appendix E [REP1-142]?	The Highway Authority has provided detailed comments on this updated work within its deadline 5 response. It is noted that the impacts proposed significantly differ from those set out within the original TA, demonstrating a concerning level of congestion on the network. This additional information will need to be reflected within the ES in order to ensure the impacts are properly reflected in the EIA assessment. At present the mitigation proposed is not viewed by the Highway Authority to be sufficient in mitigating the impact of the development on the highway.
3 (a) point 3	In light of the additional data, and the newly identified likely significant environment effects (as tabulated in the Applicant’s response to Rule 17 request in relation the ES Addendum), are the conclusions made on the significance of effects both pre- and post-mitigation robust?	As set out within HCC’s deadline 5 response, and 3 (a) point 2, above it is not considered by the Highway Authority that the assessment within ES Chapter 22 is accurate in reflecting the impacts on the highway. The ES requires updating against the revised assessment and additional work undertaken to date. Matters on which HCC have raised concern, such as the operation of Day Lane being severely affected, have not been accurately represented (as an example). The mitigation strategy falls short in providing sufficient meaningful measures within the CTMP and Travel Plan to mitigate the impact of the development. In addition, these two documents alone do not provide appropriate mitigation for the impacts on bus services or road safety.
3 (a) point 4	Can Portsmouth City Council explain its comment in the Local Impact Report that ‘the whole exercise needs to be repeated’?	

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3 (a) point 5	With reference to the Applicant’s Responses to the Local Impact Reports ([REP2-013] page 3-24, 5.1.14), do the updated results for Portsdown Hill and Portsbridge Roundabout have any consequential effects on the modelled scenarios?	
3 (a) point 6	The transport assessment [APP-448] and supplementary transport assessment [REP1-142] rely on the sub-regional transport model in order to understand the impact of traffic at a detailed level. Can the Applicant explain why this model is appropriate for such an assessment, what assumptions have been applied to assess localised and detailed level effects (using the regional model) and what measures are in place to address any degree of uncertainty that may exist in outcome?	HCC will respond as appropriate to the Applicant’s comments.
3 (a) point 7	For those residents who cannot access their driveways due to construction, what distance does the Applicant consider acceptable for residents to seek alternative parking arrangements? Would on-street parking arising from displacement affect the effectiveness of diversion routes?	<p>The Highway Authority have raised concerns about the management of private driveway access and access to properties generally. Currently, residents’ access would be restricted to a level that is unacceptable. The Applicant must review this and remove the ambiguous “vulnerable” definition from Appendix 1 of the Framework Traffic Management Strategy. The Applicant should agree:</p> <ul style="list-style-type: none"> • to provide road plates to the properties during the working day when reasonable and practicable to do so; • a communication strategy for access that should be set out fully within the draft strategy to ensure there is ongoing communication between the site based teams and the affected residents throughout construction; • a case by case assessment of the alternative parking options available. <p>Further, management of access and the provision and identification of alternative parking arrangements within the FTMS requirements and communication strategy should limit parking in areas which would significantly affect the diversion routes.</p>

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3 (b) point 1	What are the intentions regarding routing, timing and management of deliveries via AILs?	The Highway Authority has accepted the principle of the AILs route to the convertor station. However, it should be noted that the Applicant has stated that a Technical Note will be provided in relation to the required works to street furniture, traffic signals and delivery timings. Due to the impact of each delivery, these details are required in advance to allow for adequate measures to be implemented through the DCO.
3 (b) point 2	What provisions will be made such as advance notice to residents and businesses along the AIL delivery route? How will this be managed, and how will services affected by the AIL deliveries be restored, including those affected areas that lie outside the Order limits?	The Highway Authority agrees that this matter is currently unclear and seeks further clarity, along with appropriate details being included in a revised and more detailed communication strategy.
3 (b) point 3	Would the movements of AILs, and the consequential road restrictions in terms of access and parking, impact on the road diversions and traffic assumptions modelled on the highway network and, if so, have they featured in the assessment of cumulative effects?	HCC will respond, as appropriate, to the Applicant’s comments. It is waiting for additional information on the requirements for AILs and details of the implications should be provided within this document. This should then be reflected accordingly within ES Chapter 22 which is also awaiting update.
3 (b) point 4	In relation to AILs, the specialist report by Collett ([REP1-142] Appendix A, paragraph 1.11) makes reference to full structural reports being made of any affected properties near the AIL route and discussion with the relevant local authorities in advance to ensure the route is structurally suitable. Whose responsibility is this, how or where is it secured and what compensation is available if damage is caused to properties either within or outside the Order limits?	The Highway Authority’s duties are to ensure the AILs travel safely across its network. It is already agreed with the Applicant, through the CTMP, that a precondition survey of the construction route should be undertaken. It is suggested that there is ongoing inspection of the construction traffic, including at points in time where AIL movements are being undertaken. This is to ensure that any damage is rectified, as appropriate, at the Applicant’s expense and highway safety defects are dealt with in an appropriately timely manner. This should be included in the updated CTMP. It should be noted that surveys of private properties potentially affected by the AIL movements are beyond the jurisdiction of the Highway Authority.
3 (c) point 1	Given the Applicant’s response to Local Impact Reports ([REP2-013], page 3-50, 5.5.2) regarding the position of joint bays, and noting that the construction of a joint bay takes 20 days, what confidence can the highway authorities have that	HCC will respond as appropriate to the Applicant’s comments. HCC seeks an obligation in the dDCO to ensure that no joint bay is located in the carriageway, which is understood to be the Applicant’s intention.

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	the construction of joint bays will not take place within the highway?	
3 (c) point 2	Has the Applicant modelled the worst case of all joint bays needing to be constructed in the highway on Portsea Island? If not, why not?	
3 (c) point 3	Given the extent of the Order limits, how does the Applicant intend to provide laydown areas adjacent to construction works without encroachment onto the public highway?	HCC will respond as appropriate to the Applicant’s comments.
3 (d) point 1	During operation of the Proposed Development, how many and what sort of large or oversized vehicles will need to access the Converter Station site?	The quantum of proposed AIL movements to and from the Converter Station have not been stipulated to date and the Highway Authority are awaiting additional information on this matter. It is noted that two forms of AIL are required for construction (transformer delivery to the converter station and cable drum deliveries to joint bay locations), however no details as to expected numbers and timings have been suggested. Restrictions will need to be applied to the cable drum deliveries to minimise the impacts on the local network.
3 (d) point 2	At Day Lane and Broadway Lane, why can’t normal construction vehicles (i.e. non-AILs) utilise the existing highway network without modification, especially since option 1 (shown in Appendix 5 to Appendix F of the Transport Assessment [APP-448]) shows that even AILs may be able to use the existing highway with minor modification? If option 1 (reference above) is not feasible, why not?	<p>As part of the access and traffic management strategy along Broadway Lane and Day Lane, the Applicant previously proposed three access options, one of which was discounted owing to the location of SSE joint bays. The remaining two access options consisted of the following:</p> <ul style="list-style-type: none"> • Provision of a gated highway link between Day Lane and Broadway Lane to manage the movement of vehicles in and out of the site. • Realignment of Broadway Lane by widening the existing bend at the Broadway Lane/Day Lane junction. This would have increased the radii and visibility around the bend. <p>It was agreed that Option 1 would be progressed through further design work given the control over traffic movements off the highway which would be provided. This would then tie into the overall traffic management strategy along Day Lane to ensure that HGV and AILs can access the site without conflicting with another vehicle.</p> <p>The gated haul road was therefore considered to be the most appropriate option for providing access into the site and feeding into the traffic management strategy.</p>

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3 (d) point 3	Is there a compelling reason why option 1 cannot be pursued and that option 2 (with permanent acquisition of land) has to be followed?	The Highway Authority has not provided detailed comments on option 1 as the Applicant has decided to move forward with the Haul Road option. The Highway Authority has no objection to this option. In considering option 1, while it may be able to meet the requirements for management of vehicles at the Day Lane/Broadway Lane junction, it would fail to provide a suitable waiting area for vehicles accessing the site. It would also have implications to the site access design as tracking for turning of large vehicles and AILs would be more onerous for a right in, left out arrangement. The Haul Road removes the need for turning of vehicles during construction at the site access where forward visibility is constrained. The Haul Road alignment, where it meets Day Lane, is angled and therefore reduces the required road width to facilitate tracking for HGVs and makes it easier to track abnormal loads.
3 (d) point 4	With respect to management of construction traffic on Day Lane, can the Applicant set out the predicted effectiveness of using banksmen to co-ordinate HGV movements? Apart from the purpose-built access on the corner with Broadway Lane, how does the Applicant intend to prevent HGVs meeting other non-construction traffic and potentially waiting within the public highway?	<p>The Highway Authority have queried the overall management of traffic along Day Lane, including the use of banksmen. The frequency of peak construction HGV movements and the lack of control over when the HGVs arrive (i.e. at any point over the course of an hour) means that the banksmen would constantly need to be in communication to stop oncoming traffic from preventing an HGV from travelling westbound towards the site. The eastbound or westbound movement of an HGV from the site will also restrict the flow of other vehicles along Day Lane given the inability of a car to pass an HGV along the majority of the road.</p> <p>The Highway Authority has additional concerns regarding:</p> <ul style="list-style-type: none"> • the lack of waiting facilities at the Lovedean Lane/Day Lane junction; and • the inability of a car and HGV to pass each other.
3 (d) point 5	Does the Applicant consider additional passing bays or waiting areas to be required on Day Lane and Lovedean Lane? If not, why not?	<p>HCC will respond as appropriate to the Applicant’s comments. HCC are awaiting a revised management strategy for control of HGV movements along Day Lane after concerns raised within its deadline 3 response including:</p> <ul style="list-style-type: none"> • HGVs are proposed to be held at the Lovedean Lane/Day Lane junction in the event that a car or goods vehicle has already departed westbound along Day Lane. Vehicles are currently assumed to wait in the junction, which could create a queue back onto Lovedean Lane and also creates safety concerns if a car is waiting while other vehicles turn into the junction who do not anticipate stationary traffic. • The lack of passing spaces on Day Lane means that the only current space two-way flow can be safely accommodated is by banksmen 2. There are a number of existing

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		properties, with access via Day Lane, who have not been accounted for in the assessment and could therefore attempt to use Day Lane whilst an HGV approaches.
3 (e) point 1	With reference to the Framework Traffic Management Strategy, could the Applicant explain or provide insight as to whether any greater certainty can be applied to the ‘weeks per circuit’ construction programme? Why are there differences (1 day to 2 weeks per circuit for example) and what factors would influence prolonging the construction?	HCC will respond as appropriate to the Applicant’s comments.
3 (e) point 2	What ‘engineering challenges’ does the Applicant envisage during onshore construction that would warrant the contractor deviating from the Applicant’s own identified preferred working hours and routes? Is this purely down to the skill or ability of the contractor?	The Highway Authority seeks details of how the cables will pass the large double box culvert south of Ladybridge roundabout. This culvert is 6.6m wide and 1m deep but this varies. It is likely to be at least 1m below the surface course (varies over different sections). This, as far as the Highway Authority is aware, is the only place where an easement might be required. The de-trunking order for the A3 below this structure passes control to HCC.
3 (f) point 1	In the Applicant’s comments on D1 submissions from non-IPs ([REP3015], 2.4.10) (and elsewhere) it is noted that there are ongoing discussions with the bus companies and that appropriate mitigation can be secured. Can the Applicant provide the minutes of the meetings with First Group into the Examination and confirm the status of discussions with both bus companies? What is the nature of the additional mitigation measures arising from the meetings with the bus companies to limit the impact on their services? Where and how would such measures be secured?	HCC have engaged directly with representatives from Stagecoach and First Group. There is concern that there are a lot of unknowns and the true impact on bus services will not be known until such time as the works are taking place. They would therefore wish to reserve the right to react and plan any additional vehicles where appropriate to do so. There are also concerns regarding the impact of the TM, especially temporary traffic lights, and the knock on impacts to other routes where additional resources may also be required. This matter is also reflected in HCC discussions with Stagecoach. Furthermore, the joint HCC/PCC TCF bid will improve bus infrastructure and services along the A3. Given the substantial investment into bus priority along the corridor and the additional funding which will be provided through the TCF bid, the delays created by the construction works will potentially undermine this strategy, requiring support for these commercial services.

Appendix 1: Summary of Hampshire County Council’s position on agenda items for ISH1, CAH1, CAH2 and ISH2

		<p>The Applicant summarises the results by stating that there will generally be a minor impact on the bus services impacted during the construction period and therefore no mitigation has been offered.</p> <p>Based on the journey time analysis provided, HCC as Local Transport Authority have concerns that the maintenance of certain bus service, including those directly contracted by the authority, will be restricted during the construction phase owing to the delays predicted in the bus journey time assessment and the reduced patronage of these services during the period of disruption. If additional buses are required on any of the routes during this time, the Applicant should be required to bear the cost of this throughout the affected period. This should be done by entering into a service level agreement with the bus operators to discuss and review each service when the works commence to understand if the forecast delays require mitigation.</p>
3 (i) point 1	In terms of no more than six gangs working on the cable corridor at any one time, is there a prescription as to how far the gangs have to be away from each other? How is the management and separation of gang working secured?	HCC will respond as appropriate to the Applicant’s comments.
3 (i) point 2	Has a scenario been tested whereby gangs, with associated laydown and works areas, combined with traffic management measures, would have a cumulative effect on air quality?	
3 (i) point 3	Could gangs work in one area in succession for a continued effect?	HCC will respond as appropriate to the Applicant’s comments.
Section 4 G, H	Section 4 G and H relates to air quality.	
Section 4 (i) point 1	In terms of no more than six gangs working on the cable corridor at any one time, is there a prescription as to how far the gangs have to be away from each other? How is the management and separation of gang working secured?	

Appendix 1: Summary of Hampshire County Council’s position on agenda items for ISH1, CAH1, CAH2 and ISH2

Section 4 (i) point 2	Has a scenario been tested whereby gangs, with associated laydown and works areas, combined with traffic management measures, would have a cumulative effect on air quality?	
Section 4 (i) point 3	Could gangs work in one area in succession for a continued effect?	