

# TEXT\_AQUIND\_ISH1\_Session1\_09122020

Thu, 12/10 9:23AM • 1:06:29

00:06

Well, good morning, everybody. And welcome to this issue specific hearing, which forms part of the examination of the application for the Aquind interconnector nationally significant infrastructure project.

00:19

This issue specific hearing related to the content construct an application of the development consent order sought by Aquind. Limited, who we will refer to as the applicant.

00:33

Before we introduce ourselves, there are a few preliminary matters. Can I check with the case team that you can hear me and that the recording has started?

00:42

Thank you, Mr. Mahon, Hefin Jones the case manager, I can confirm it can hear you fine, and the recording has started. Thank you.

00:50

Thank you.

00:51

Please could all participants ensure that they are muted unless invited to speak and please turn off mobile phones, we would ask you to keep your cameras switched off while you are not speaking.

01:04

This hearing is taking place virtually online on the Microsoft team's platform. But the format content and procedure will be very similar to the traditional face to face hearings that have been held for previous DCO examinations.

01:19

And so, to introductions. I am Andrew Mahon. I was appointed on the 12th of February 2020 under Section 65 of the Planning Act 2008 under delegation from the secretary of state as the lead member of a panel to examine this application.

01:37

I have a background in ecology and environmental impact assessment, and I am a chartered environmentalist and a chartered landscape architect.

01:47

My fellow panel members were appointed on the same date. And I will ask them to introduce themselves starting with Mr. Wallace.

01:56

Good morning, everyone. My name is David Wallace. I'm a chartered member of the Royal Town Planning Institute and I've academic qualifications in environmental planning. I'll hand over to Mr. Roscoe.

02:09

Good morning. I'm Steven Roscoe. I'm a chartered civil engineer. I have a background in engineering and development.

02:17

Thank you both.

02:20

You may have already spoken to our planning Inspectorate colleagues who are working with us on this examination. Hefin Jones is the case manager leading the planning Inspectorate case team for this application, and he is accompanied today by two case officers Lily Robbins and Tracy Glock.

02:37

You will find information about the application and documents produced for this examination on the planning Inspectorate national infrastructure website. This has a landing page for this project and further pages that set out examination procedure, the examination timetable, relevant representations and examination documents.

02:58

Our Rule 8 letter of Tuesday, the 15th of September 2020 includes the web address.

03:07

We'll be inviting participants to speak at appropriate times during the hearing. Should you need to make an urgent comment at other times, you may use the hand up function, though Please be advised there may be delay before we see it, and please wait to be invited to speak.

03:24

Telephone participants should clearly state their name if they wish to make an urgent comment. But again, please wait to be invited before making your contribution.

03:35

Participants should note that the Microsoft team's chat function is not in use today.

03:42

Please speak loudly and clearly when you are making submissions, especially those on the telephone.

03:49

The applicant has arranged for the hearing to be live streamed on the website of production 78. If you are watching this, please be aware that the chat function on the production 78 webpage is not in use either.

04:04

For those participating in the hearing, it is important that you understand that you will be recorded and live streamed and that a digital recording with subtitles will be published. It will be made available on the project page of the national infrastructure website that I referred to earlier.

04:21

The planning inspectorate's practice is to retain the recordings for a period of five years from the Secretary of State's decision on the development consent order.

04:31

Because the digital recording is retained and published, it forms a public record that can contain your personal information and to which the general data protection regulation applies.

04:43

To avoid the need to edit the digital recordings, we would ask that you try your best not to add information to the public record that you wish to be kept private and confidential.

04:55

If you or we consider that there is no alternative to the disclosure of such information.

05:00

We will agree a process to enable it to be made available without informing part of the public record.

05:08

Mr. Roscoe will be taking note of any post hearing action points that arise during the course of the hearing. And he will seek to agree these with the applicant before we close the hearing.

05:19

Mr. Wallace will now take us through agenda item two.

05:24

Thank you very much. This is a hearing into the draft development consent order as proposed and amended by the applicant. Regardless of its recommendation, at the end of this examination process, the examining authority must provide a version of a development consent order to the secretary of state that is fit for purpose and that the steps critique of state could make if he or she chose to do so. the holding of this hearing is not in any way indicative of the examining authority's position with respect to the DCO. Nor is it prejudicial to any of the parties participating in this examination is purely one of the

tools available to the examining authority to gather information about the content and construct of the DCO.

06:12

The examining authority has issued a detailed agenda to which I hope you'll have a copy to hand or which you may download from the project pages of the national infrastructure website. The agenda is set out in the form of questions that the examining authority wishes to explore at this hearing.

06:31

In most instances, these questions are aimed at the applicant for a response once the applicant has given their answer, the examining authority will invite responses to what has been said from the other participants.

06:44

In AFA cases, where the question is aimed at a particular interested party, that party will have the chance to set out their answer before responses invited from the applicant. Examining authority may ask questions anytime of any party. In all cases, the applicant will be offered the last word

07:03

speakers will have the opportunity to provide us with a written summary of any oral submissions given together with any supporting evidence or references by deadline six on the examination timetable, which is Wednesday the 23rd of December 2020.

07:21

The applicant will also be invited to respond to the points made at this hearing in writing at the same deadline.

07:30

In terms of speakers, I appreciate you've all been through the arrangements conference, but for the purposes of the audio recording, I would like those parties here today to speak to introduce themselves. When I call you please identify yourself if your name and your position at the organization where applicable.

07:50

Starting then, can I ask who appears before the first half of the applicant place?

08:00

So, I appeal on behalf of the applicant, I'm Simon Bird Queens Council instructed by Herbert Smith free Hills, and I'm assisted by Mr. Martin Jarvis. Mr. Jarvis will be the principal responding to your questions today, sir, supported by other members of the team. Those members are set out in our hearing statements first four issues specific hearing one and also for the compulsory acquisition hearing one, I'm happy to run through those briefly that would assist us to identify the topics that we'll be addressing.

08:30

And yes, I think that would be useful if you could please.

08:35

So this Mr. Daniel Abbott of WSP, whose a professional engineer with detailed knowledge of HVDC systems and power electronics, he holds a Master's Honors engineering degree and has spent most of the last decade developing and constructing and commissioning electricity, interconnectors and he's overseeing technical discussions with service and utility companies. Mr. Norman MacLeod who is the director of the interconnectors department at WSP holds a Bachelor of Science degree in electronic Electrical and Electronic Engineering and PhD in the same discipline is a chartered engineer, a fellow of the institution of Engineering and Technology, a member of the Institute of Electrical and Electronic Engineers in the USA and a distinguished member of the International Council on large electrical systems.

09:24

Mr. Paul Hudson, who's the principal cable engineer with WSP.

09:31

has a Bachelor of Science in Electrical and Electronic Engineering and over 35 years' experience in cable industry

09:39

in manufacturing system design and installation, Mr. Oliver Folch of WSP senior cable engineer with WSP.

09:49

As 12 years' experience as a site manager and project engineer on planning, management and monitoring of construction activities. Mr. Neal Davis and Associate Director of the WSP

10:00

My 24 years' experience now focus on

10:04

matters specializing arboricultural impact assessment of arboricultural management and arboricultural risk management. And he's an associate member of the Institute of Chartered foresters, and technician member of the arboricultural association. Then Mr. Ross Hudson, of natural power is principal consultant at natural power with 10 years' experience in EIA and habitats regulation assessment for marine development. He holds a Bachelor of Science honors degree in marine biology, Master of Science in clean technology, and has been a practitioner member of the Institute of Environmental Management and assessment since 2013.

10:42

Then Loretta Bowden, who is the Associate Director of WSP in landscape and urban design, who's a charter member of the landscape Institute, and has been since 1994, an associate member of the RTPi since 2009. She holds a Bachelor of Arts honors degree in landscape architecture, and the Master of

Science degree in environmental impact assessment and has 25 years' experience in environmental consultancy covering landscape planning and design, as well as environmental planning.

11:10

Then Mr. Greg Irvine, who's the associate environmental consultant at WSP, with eight years' experience environmental impact assessment as a master Science degree in environmental management, integrated environmental studies, and is a practitioner member of the Institute of Environmental Management and assessment and has been since 2013. And he's been coordinating and managing the onshore EIA team. And then finally, Mr. Adam Coombs of Quad who's an associate at quad with 10 years' experience in planning and infrastructure. He holds a BA in town planning and a Master of Science in international tax planning. And he is responsible for the mitigation schedule and the updated mitigation schedule for the application. So that is the team for today. Thank you very much, Mr. Bird much appreciated and welcome to all of you.

12:03

Okay, and may I ask now, who appears for Portsmouth City Council, please.

12:14

Good morning, sir. My name is Celena Colquhoun. I'm counsel for Portsmouth City Council.

12:21

I'm here together with Mr. Laeven, who you've heard from, I believe, on Monday, that he was solicited to the council and also Mr. Ian McGuire, who you can you would have heard from on Monday, who is the chief planner to Portsmouth City Council.

12:37

So, thank you very much. Thank you.

12:41

And who is before Winchester city council place?

12:55

You may be on mute. I cannot hear anyone. Yes, good morning sir. My name is Steven Cornwall. I'm a planning officer working for Winchester City Council. I'm accompanied today by Katherine Knight, the council's solicitor and by Phil Tidridge who is a chartered environmental health practitioner.

13:22

Excellent. Thank you very much, Mr. Caldwell.

13:26

And now who is representing the South downs National Park Authority, please.

13:34

Good morning, sir. My name is Mike Hughes. I'm a chartered town planner at South downs National Park Authority. Thank you.

13:41

Thank you very much and welcome.

13:45

And who is there on behalf of Hampshire city council please.

13:53

Hampshire County Council Richard Turney barrister instructed by them and we've got on the call with us Tim Guymmer, who's the spatial planning lead officer, Gemma McCarty as a team leader in highway development planning, and Ian Ackerman, the permit scheme and Traffic Manager. And just to say so I won't interrupt when I do say but at some point, this afternoon, if we're still going, I may hand over to my colleague Joel Semakau, who's also a barrister

14:27

because I have a commitment late this afternoon, which I need to leave for, but I won't interrupt. When I do leave. Okay, that's much appreciated. And thank you for the notification of the of that.

14:41

And who appears for the parish Council of Denmead, please.

14:50

Good morning. That's myself, Paula Langford Smith. I'm chairman of Denmead parish Council, and I believe my colleague, Kevin Andreoli, will also be joining us

15:01

Excellent. Thank you very much. Mr. Andreoli are you here at the moment.

15:12

You may be on mute if you are.

15:17

Sorry. Yeah. I think I click the button twice. Yes. Sorry. Kessler, Andrea Lee, vice chairman of the parish Council. Excellent. Thank you very much. Thank you to both and welcome. Thank you.

15:31

Who appears on behalf of the marine management organization please?

15:38

Good morning, sir. My name is Jennifer Ford, and I'm the case manager at the marine management organization. Also, on the court, we have Eva Seif check. He is the senior case manager. And Daniel Walker. Here is the case officer. Thank you. Thank you very much. Welcome.

15:56

And

15:57

who appears on behalf of the University of Portsmouth, please?

16:03

Good morning, everyone. My name is Ki Evans. I'm principal associate at Eversheds Sutherland, and I'm appearing on behalf of the university today.

16:15

Excellent. Thank you very much. Thank you for notifying me of that. I believe that does complete the list of invited speakers. However, I just asked my case team. And I believe we were expecting Miss add COC on behalf of haven't bearer account. So has have we managed to make contact with her to

16:36

Mr. Wallace having Jones case manager, I have just contacted Mr. Hancock with an email asking her to confirm. So, if she does join, and I will admit her straightaway. Excellent. Thank you very much, much appreciated.

16:52

Okay, so thank you to everyone for those introductions. And just to remind everyone that we have a lot to get through today. And although we under no particular time constraints, in order to make the best use of hearing time and to ensure fairness, please do not repeat points that have been made by others. Be assured that the examiner 40 will have heard and understood the point. And I should also point out that if you bring up matters which are not relevant to the examination, we may interject to explain this and ask you to move on to your next point. Please also refrain from interrupting or disrupting the event it will not be helpful to us or nor to yourselves and getting your points heard. The examiner authority does have the ability to issue an award of costs against anyone responsible for any unreasonable behavior.

17:41

We will be seeking to adjourn for regular breaks to ensure that no one suffers from screen fatigue during the proceedings. Lunch will be convened at an appropriate time as well.

17:52

I would encourage you all to keep connected to this hearing during the breaks and at lunchtime to avoid confusion and the need to reenter the hearing. At such times, please turn your microphone off your camera off. And that will suffice for your privacy. If you're watching the live stream, please note that after every break, and after lunch, you'll probably need to refresh your browser.

18:17

But those of you haven't attended proceedings such as these, there is necessarily formality, and allows you to refrain from any interruptions. I'll now hand back to Mr. Man for agenda item three.

18:31

Thank you, Mr. Wallace for those introductions. So indeed, agenda item three. So, the start of today's business proper. This is about the draft dcl articles. And please could everybody refer to the agenda to see the list of matters that the examining authority is intending to follow?

18:51

I think we're going to share that agenda with you as well. So hopefully that's coming up on your screens. Now. We're trying to keep up to date with that as we go through.

19:00

We are aware that some of the agenda items have been partially or wholly addressed in documents that have been submitted to us a deadline for and deadline five. When we reach these and, in these cases, and subject to other parties' comments, were generally content for the applicant to respond today with a very brief summary of the situation and the reference to the relevant submission where that matter is addressed.

19:24

So if I can move on to the questions and question 3.1 and this is addressed as most to the applicant, and please could the applicant briefly explained the general structure of the draft development consent order, the purpose of each of the parts one to seven of the draft development consent order and the general thrust of the articles within each?

19:49

Good morning sir. So, the draft development consent order is explained in detail in the explanatory memorandum and there's also a summary within our statement submission deadline. Fine.

20:00

In respect to this hearing,

20:02

the draft development consent order if granted would authorize the construction operation and maintenance of acronyms connector and its associated development and that's as described in scheduled. One of the draft the powers in the trust development consent order articles are split into seven parts. They are the primary powers and provisions in each part which are as follows. So, Part one is the general provisions. Article One is citation and commencement and article two is the interpretation. The set out the name of the order when it comes into force and the definitions of the terms used throughout the order unless otherwise expressly stated. Part two is the principle powers of the order and they are contained in articles three to nine, and the set out the undertakes authority to construct operating maintain the interconnector and associated development and it provides the circumstances where the undertaker wishes others to benefit from the order powers. If you would like to do so I'll go through each of those articles individually. So article three is development consent granted

by the order that sets out the development consent is granted, and it confirms that the development that is granted is subject to the provisions of the order and the requirements which are contained in schedule. Two to the order asked for is the authorization of the use, which is included for the avoidance of doubt to confirm that the use of the interconnector if authorized is authorized to be used, after five sets out the powers to construct and maintain the authorized development so similar to Article four, but it's primarily focused on construction and maintenance in the future following construction. article six is the benefit of the order and that confirms that the undertaker being the applicant has the benefit of the order. And article seven sets out the circumstances in which consent may be granted to transfer the benefit of the order, or indeed where the consent of the Secretary of State is not needed to that for the various reasons that we have submitted to date in respect of various parties. Article eight sets out the application exclusion and modification of legislative provisions. And that essentially just applies some legislation in relation to the order and we can look at that in more detail if you would like to sir. And then article nine sets out the defense to proceedings in respect of statutory nuisance, and that principally relates to noise nuisance with controls being included to limit that defense to the controls that are otherwise secured in the requirements.

#### 22:27

Part Three of the order to articles nine eight to 16 is in relation to streets. And effectively. This sets out provisions in relation to works in the highway. And I think all parties will be aware parts of this development are located in the highway, and therefore I expect they will give particular attention on these articles.

#### 22:46

Article nine a, as it's numbered at the moment, and was numbered so as to not to knock out the numbering for the purpose of explaining the order today is in relation to the application of the pyramid scheme that essentially confirms that the pyramid schemes will be applicable but that there are caveats, so as to secure the mitigations in the framework traffic management strategy. Article 10 is the power to alter the layout etc., of streets. And this relates to work for road purposes. So, everything outside of the new roads and street Works Act, which will be the more minor highway works that are carried out in connection with the development when necessary. After 11 is street works. And essentially this provides statutory authority for the undertaker to undertake street works that are regulated by the new roads and street Works Act. And article 12 is the application of the new roads in street Works Act and it confirms how the provisions of that act apply to the order. Article 13 is the temporary stocking of streets and public rights of way. We will come to this later on in the agenda. So, I won't explain this in detail. But essentially this does explain that or rather provide the power for the African to temporarily stopped up streets and public rights of way when necessary in connection with the development. Article 14 is access to work. And this provides powers for the applicant or the undertaker rather to construct permanent and temporary accesses in relation to the carrying out and use of the works in the future. Article 15 agreements with street authorities and this essentially provides statutory authority so the undertaker to enter into agreements with the street authorities to regulate matters where that's necessary in connection with carrying out works in the highway. And article 16 is traffic regulation measures which is principally focused on vehicular traffic. And this provides powers for the applicant to make traffic regulation orders or amend them rather, such that the work can be carried out in an efficient manner. Part Four of the order its supplemental powers, and this makes provision in

relation to the discharge of water protective works to buildings and the authority to serve and investigate land. And those matters are included in the audit that I've just explained them in Article 1718 and 19. So I won't explain those further.

24:56

Part Five is powers of acquisition.

25:00

Which is articles 2236. And this sets out The Undertaker's power to acquire land temporarily or permanently for the purposes of the project, or to impose rights and restrictions over land, and the provisions include time limits for the exercise of such powers. I will just go through each of those articles individually briefly. Article 20 is compulsory acquisition of land and this is the principle power provided for the undertaker to compulsory acquire land and rights in land as that term is defined, it will explain I think, question 3.3. Article 21 is the statutory authority to override easements and other rights. And this essentially shows that where land is purchased or proposed required rather, any rights or reasons over that land are also purchased and do not interfere with the development being carried out or used. Article 22 is the time limit for the exercise of authority to acquire land compulsorily, which has been amended to five years. And that's essentially the time within which the applicant may benefit from those powers. Article 23 is the composer acquisition of rights and the imposition of restrictive covenants. And this is similar to Article 20 and confirms that rights and restrictions may be imposed over the land as shown on the book of reference for those purposes. Article 24 is private rights of way and this allows any private rights of way on the land that is to be acquired to be extinguished in connection with the development of Article 25 is the application of the compulsory purchase vesting declarations act 1981 it essentially just applies that act and to Article 26 is the modification of part one the compulsory purchase act 1965, which is principally dealt with within scheduled nine to the draft development consent order. Article 27 provides for the acquisition of subsoil and airspace only. As will be appreciated in connection with this development, which is located underground in the main for the onshore cable corridor, it is necessary to be able just to acquire parts of the subsoil in particular, Article 28 is acquisition of parts of certain properties. And this just provides provisions in relation to the circumstances where parts properties are acquired. Article 29 relates to right under over STS, which is similar to Article 27. In fact, as it will relate to this sort of the STS article 30 is the temporary use of land for carrying out the authorized development. And this provides the power for land to be possessed and used for the purposes for which it's possessed temporarily for the carrying out of the authorized development.

27:29

We will talk about this later. But this essentially ensures that the applicant does not overreach or does not need to overreach with what it requires in connection with the carrying out of the development. And article 31 is the time limit for the exercise of authority to temporarily use land for carrying out the authorized development. And this just confirms the same five-year time limit as applicable safer expressly otherwise provided in Article 30, which relates to the continuous use of that land once acquired. Article 32 relates to the temporary use of land for maintaining the authorized development which is subject to a five-year period following the completion of the development. Article 33 relates to statutory undertakings and confirms the position in relation to the compulsory acquisition status through

Undertaker's operators. Article 33 is subject to the protective provisions which are included in scheduled 13 to the order article search for Is there a cost of coverage of new connections, which relates to new connections in connection with statutory undertakers for the purposes of the development, Article 35 is a notable recovery article and it confirms that essentially, one person cannot recover twice in respect to the same matter. And article 36 relates to special category land and confirms the abilities for the undertaker to acquire rights and restrictions over special category land. Part Six of the order relates to operations as a single article in there which is article 37, the marine license under the 2009 Act. And this confirms that the disconfirms the effect of schedule 15, within which the deemed marine license for those elements within the marine area of the proposed development are to be authorized. Part Seven

29:06

is miscellaneous in general, and this makes provision for the matters necessary or expedient for the purpose of the project, including powers to fell lock trees to deal with human remains found. It makes provision in relation to the application of arbitration services, notices and certification of plans and gives us access to the protected provisions for statutory undertakers.

29:25

Unless you would like to do so. So, I won't go through each of those articles individually.

29:30

Thank you. And then there are various schedules to the draft development consent order so schedule one confirms the authorized development schedule two includes the requirements to which the development is subject in schedule three is the procedure for approvals consents and appeals in relation to the requirements, schedule for lift the land plan, schedule five lists, the work plans, etc. Six lists the access and right of way plans and schedule seven lists the pharmacy plans, all of which are certified documents in accordance with schedule 14 and schedule eight

30:00

The streets and public rights of way which may be temporarily stopped as referred to in Article

30:07

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30:09

schedule nine as discussed in relation to the proposed acquisition powers is the modification of compensation and compulsory purchase and documents scheduled 10 details the land of which temporary possession may be taken and the purposes for which that temporary possession may be taken into the 11 details the trees which is subject to tree preservation orders and to which article 42 is applicable scheduled 12 details the important Hydros which may be removed in accordance with Article 41 and subject to the controls provided for in the requirements in that respect. schedule 13 sets out the protected provisions there are protective provisions, there are general protective provisions for electricity, gas, water and sewerage undertakings for the operators of electronic communication networks for the protection and that sorry and then there are specific protective provisions for certain

gas networks. Network Rail which is the protection of railway interest, National Grid electricity, Undertaker, and for the protection of highways England, schedule 14 List of certified documents which are referred to within the order and schedule 15, as discussed in relation to Part Six is the deemed marine license the construct of which will be explained later on in today's hearing.

31:18

This job is thinking next to cancer through that just for the purpose of the oral recording. Could you just briefly reintroduce yourself and confirm that was you that did that? Yes. To every speaker? Could you introduce yourselves before you speak on each occasion? Thank you. Apologies. I'm Martin Jarvis, I've Herbert Smith Free Hills LLP and I'm representing the applicant at today's hearing. Thank you very much no apology needed my admission.

31:42

That's very useful. Thank you very much indeed for that, as Mr. Jarvis hinted that we are going to delve into some of the detail a bit later in the hearing. But in terms of what you've just heard, does anybody have any comments or points on the general structure of the draft DCO?

32:03

I'm not seeing or hearing anything. So, I'm going to move on. And I'm going to go to the next question, which is question 3.2 on the agenda, which relates to Part One of the draft DCO. The general provisions, asked Mr. Jarvis again, is the draft DCO in the form of an SI.

32:24

I confirm that the draft DCO is in the form of an SI which has been verified using the relevant government software.

32:31

Thank you, Mr. Jarvis. I trust that everyone has seen the draft DCO has been submitted and updated by the applicant. Are there any comments on its form?

32:45

Again, I can see no requests. Just as a general point to everybody that was quite a long and detailed canter through the draft development consent order.

32:56

The applicant has very helpfully provided us in advance of this hearing with a copy of the presentation they just made. So, you can go away and read that at your leisure. We will welcome any written comments in place of oral comments by deadlines six, which is the 23rd of December 2020.

33:17

Moving on that case two question 3.3 does the meaning of land in Article 20 include any interest in land or writing to overland? As is defined in Article two?

33:32

I confirm that the definition of land in Article two and article two applies throughout the draft development consent order unless otherwise specified. And that's Mr. Jarvis again.

33:45

Any questions on that particular?

33:51

Again, I see no hands.

33:56

Question 3.4 was directed at highways England and we were to expand them to explain why it is necessary to amend the definition of the relevant Highway Authority.

34:07

highways England did tell us at deadline five in writing that the parties have not yet had the opportunity to discuss matters relate related to the terminology of relevant Highway Authority in the DCA. But that have been an intention to discuss and agree with this ahead of these hearings. So, in the absence of highways England today, could the applicant tell us if and how this matter has moved on since our request was made by Mr. Jarvis. So, Martin Jarvis on behalf of the applicant. So, I have through w SP who are also acting on behalf of the applicant corresponded with highways England to inform them the reasons

34:47

why highways England word if they were would rather if the works were carried out on highway which is highways England highway be irrelevant Highway Authority. I've also explained opposition that we would not be amenable to

35:00

Any jewel approval process being applied in relation to detail traffic matters.

35:05

To date, we have not had any direct discussion and I have not received any further response from highway things. And so, they may make further written submissions at deadlines next in response to the position that we've set out in our statement today and further in correspondence with them.

35:20

Thank you. We'll look out for that. And if we haven't,

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if this isn't brought to a conclusion, we'll zoom out again, no further questions. Thank you, any other comments or any other parties on that item?

35:36

So, Richard, Tony here for Hampshire County Council, Hampshire County Council just observe that

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for the approval of the framework, traffic management strategy and the construction traffic management strategy, there is going to be considerable joint interest between HCC and highways England because of the strategic importance of the road network as affected. So, one way or another, we need to ensure that there is joint approval of those documents. The impacts on the highways England network are taken into account in the same way as the impacts on HCCs network are taken into account.

36:23

Thank you, Sterling.

36:25

Anything else on that? Mr. Jarvis?

36:29

Yes. With regards to those documents that Mr. Turney's just mentioned, both of those documents are to be certified documents and approved before the order is made.

36:39

So highways England are at the moment looking at those documents as our Hampshire County Council and they are able to comment on them to confirm their adequate notice and also to raise any further points and we will continue to liaise with them in that respect.

36:54

With regards to joint approval, thinking about the detailed matters,

36:59

there would be no issue from the applicant's perspective with there being those plans approved insofar as they relate to highways England, in consultation with highways England, but approved by Hampshire County Council.

37:12

I would like to ask whether Mr. Turney would be able to respond as to whether that would be an acceptable position for Hampshire County Council

37:20

Mr. Turney?

37:24

Well, I think we'll give that some consideration once we've heard from highways England on their position on that. But thank you for that, for that suggestion.

37:33

Thank you very much. I will still have a question I believe from Miss Colquhoun.

37:40

Thank you, sir. I'm just raising the same sort of issue from Portsmouth's point of view because clearly, trying to prove all of those same documents will need to be required. But I listen to what Mr. Jarvis has said. And clearly, we will be involved in that process as well and give you our views.

38:00

Thank you very much. It sounds Mr. Jarvis says something can be taken away and sorted relative reading fairly easily. Hopefully.

38:09

We'll leave that one with you. Any other comments on this one?

38:16

In which case, can I please move on to our question 3.5 on the agenda. We've moved on now to part two, which is the principal powers in the draft development consent order.

38:27

This is a long question for which

38:31

in the description of the authorized development There are six locations where horizontal direct drilling which are called HDD for ease, or other trenchless installation works hard to take place. How these locations secured is in the draft development consent order. Such the examining authority can be sure that these lengths of the route can only be installed through trenchless methodologies are the entry and exit points launch and reception compounds fixed in terms of location and dimensions? Would article three its reliance on the requirements and the related powers and rights sought in respect to the areas where HDDs proposed allow for flexibility to pursue other means of trenched construction, other than HDD, even GD were to fail or feasible.

39:21

I think Mr. Jarvis you'll appreciate that the sensitivity of the need for mitigation through trenchless installations the number of locations along the proposed cable route. So, we do need to explore this in some depth

39:34

as a few, sort of, preliminary observations and

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use

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paragraphs 612 to 12 of the deadline five onshore outline camp has a quotation which states that HDD or trenchless installation will be used in the locations identified in the HDD position statement and provides indicative information

40:00

And outlining the requirements for the compounds and work methodology for the HDD works at these locations.

40:09

I suppose my first question here then is to secure these HDD locations properly. Does the HDD position statement need to be included in scheduled 14 of the draft development consent order and the list of certified documents because I note that unlike most of the new and updated plans and securing documents, this one is not appended to the camp, or another document that is included in scheduled 14.

40:38

So, Martin Jarvis on behalf of the applicant,

40:42

in light of the updates that have been made at deadline five to the works plans, which shows the locations of the compounds and in relation to requirement six, paragraph 10, which confirms where HDD must be used.

41:00

And 11 as well, I would say that it's probably not necessary for the HDD position statement to also be a certified document. I think that position has now been adequately secured.

41:15

Thank you.

41:17

In that HDD position statement, we see a series of maps and these show the indicative locations of the HDD compounds. Can you tell us if these are only indicative what would actually bind the contractor to locating these in the places of the show?

41:34

So, most jobs involve the applicant. So, as I explained the work plans

41:41

have been updated at deadline five, and they show the areas within which the HDD compounds and the HDD crossings must be undertaken.

41:55

Requirements 610 confirms that HDD must be used for the purpose of passing under the various locations and references the zones which are shown on the various sheets of the works plans in relation to each of those crossings. So, that is the area within which HDD compound must be located. And it's also the case that the works to install by trenchless crossings must be undertaken as a consequence of the updates to requirements six at paragraph 10 and 11. So, in essence that secures the areas where they will be.

42:28

So, your submission at the moment is the deadline five

42:33

additions. I've made those of securement appropriately. Can I come back to that very shortly but before moving on very specific question. Whilst we're talking about the position statement for HDD sheet nine and I think the same map is replicated in the deadline five submissions. We see the proposed HDD at the north end of Milton common which goes underneath the flood defenses I believe as shown as HDD six. Could we ask why there's no reception compaction for HDD six.

43:07

There's no reception compensating for that HDD six because it's a very small HDD. And therefore, the area that you would need in order to

43:17

the exit compound is essentially used for stringing out welding the duct which are pulled back through the crossing which is drilled at depth. Because the length there is very small, you don't need a particular area within which to carry that out. It's just a very small operation. And because of that, it hasn't been considered necessary to show the exit compound area, because the area that will be used will be broadly representative of the trench corridor that will be used for going across the rest of Milton common.

43:46

So effectively the extraction can take place within the general width of the cable installation corridor. Yes, that's correct. Thank you that explains that for us.

43:58

So, if we can go back to the changes that would be made at deadline five to the draft development consent order. As you say we now see that this brings the HDD works under the control of requirements six, which is the detailed design approval net does this by reference to trenchless crossing zones on the updated deadline five works plans, as you've said,

44:23

our understanding then is this requires HDD or trenchless installation to pass under the six specified trenchless crossing zones. Is that case by case Yeah, thank you.

44:36

So, by definition, this presumably means that within those trenchless crossing zones, there will be no excavation works on the surface and no open trenching.

44:48

There will be excavation works insofar as it's necessary to excavate for the drill.

44:54

It's also the case that in those locations the area where the compounds are located

45:00

Essentially, the compound sits behind where the drill is undertaken, there will be a need to trench from where the drill is undertaken because that's where a joint, they will be located and where you join the cables. So, there will still be trenching in those areas, in addition to them being used for compounds in accordance with the sequence of how the works are carried out.

45:21

So, this means within those trenchless crossing zones, we will have launch and reception pits. And presumably the cable routing, the parts of the zones beyond those pits will be open trenched. That is correct. Yes, outside of those zones, all cable installation will be by transfer. Sorry, it will be open trench, but it's possible even within those zones that some of it will be done by open trenching, beyond the construction pits, because at the moment, we don't have fixed locations for those pits. There's flexibility for them to be within the larger area shown, which could actually leave a stretch between those pits and the edge of the trenchless crossing zones where you would actually be open trenching.

46:03

Yes, that's correct, yes. But then that, then you wouldn't be you wouldn't be using that area for the purpose of the trenches crossing in that respect. So, the areas identified are the areas that are needed for the trenchless crossing. So, it's the area within which the crossing actually takes place and the construction compound area for that crossing. Once that trenches crossings complete, you're then onto a trench crossing and that can be in the same area, but it will be subject to the relevant sort of requirements in relation to the cable corridors that are required for that trenching operation. So, what exactly are those requirements? Because said, tell me exactly what draft requirements six as it stands allows, but perhaps more importantly, what does it exclude in these zones.

46:45

So draft requirements six requires the detailed design works number four to be concerned before the work carried out works. Number four being the onshore cable that will require the proposed layout the proposed cable burial depths and the location of the Joint Base to be confirmed. And any trench any trench installation that takes place will be required to be in accordance with those approved details. There is not the case that you'll be able to train without having the details approved and already being approved as to where exactly the trenched installation will be.

47:19

Okay.

47:24

How does this presumably the guarantee the guarantee which you can provide to us today or to the examining authority and to the Secretary state, the HDD will be implemented throughout the sensitive areas, if I may call them that which are only part of the demarcated zones will depend on

47:41

requirements six been approved by the relevant planning authority.

47:46

Because at present, it appears to us, it would be possible for a contractor for instance, to implement the powers from the DCM by installing horizontal directional drilling only under the central portion of some of those urns. For instance, central Portland portion of the allotments and to open trench, the remainder, that doesn't present it doesn't seem to be there's nothing to secure the actual HDD under those sensitive areas because of the flexibility allowed within the zone.

48:18

No, that's a fair point. And that's understood. And I expect probably what we therefore need to do is to

48:25

demarcate the areas of the compound and the area for the passing under, as it were separately. And we can update on the work plans to show that and we can confirm that the position through the requirement only to have a think about how we best represent that in the order by reference to the updates to the work plans. But there's no issue with securing that to prevent that potential issue arising. I say no, very useful to us. Because we notice also mean just cares. To me, that's potentially a fallback. Because the five locations where HDD must be used are mentioned by name,

49:00

but they're not defined. So, there's no definition anywhere where those sensitive areas are, where we would see a guarantee of HDD being installed, which you may wish to take into account as well.

49:13

Yeah, yes. They are expressly referred to on the plans. But yeah, again, let me have a think about that. So that it is absolutely clear. They're referred to but not defined or delineated.

49:27

And I think, sort of in summary, in relation to this, we have an examination there are quite a range of documents and parts of documents that relate wholly or partly to the locations and the nature of the HDD. And perhaps you could also give some thought to potential benefits of collating these into some sort of single location or more accessible location, perhaps related to a more precise requirement, which would definitively limit works in the relevant stretches of the route to HDD and which would actually fix the person

50:00

parameters for the routes and depths that HDD.

50:06

That's and

50:10

it's going to be difficult to fix the depth, because it's an arc. So, it's not really feasible to explain all of the depths throughout the ark. If you see what I mean, I get we don't want mathematical formula in the in the requirements. But we would be interested to know if it's possible with it to at least fix some parameters. Clearly the things that are going to be important environmentally, are they minimum depth, particularly things like that defenses, things like allotments, and where you're going through restricted geology where you're trying to avoid lower geology. So, in those sorts of situations, we do have a concern that we tend to have access for the depth. And so, we have no guarantee that those there's any respect when a contract comes to put in those actual HDD that it's in accordance with the assumptions made in the environmental statement.

51:03

Okay. Thank you.

51:06

Is there anything else you wanted to add on the HDD Mr. Jarvis?

51:12

No, not particularly. Thank you. Thank you, is there anybody else would like to make any progress? Just a one point for me before you finish. You have answered the moment the queries that we had at the present time, in terms of the possibility of further submissions on that. And that's what we'd like to see progress on. I think that the

51:37

the point as well would be that we would like to see that covered in the DCO in terms of article or requirement references. And just as an example, there are the references to plots in articles in the DCO. It could be that it could be referenced to plots in requirements six. And the point about depth then would be that there are minimum depths referred to in for instance, the book of reference, those could actually be repeated in the rep the in the relevant requirement, if you like, under this HDD subject. So, if that's something that you could bear in mind that we'd wish to see this identified in the DCO somewhere?

52:23

Yes, I will bear that in mind, the thing that comes to mind immediately is that it's going to be quite difficult to secure a minimum depth in relation to the hole of the crossing beneath Langston harbour because of the way the depth has changed as you go beneath it. So it needs a bit of thought that what I will do is ensure that it's either in a secured statement or in the book of references appropriate so that there is a clarity on the minimum depth that must be achieved in relation to those operations. Thank

you. I mean, once thought that does come to mind is a further short schedule or something like that. If that was the more, the better way to put it forward in the dcl.

53:02

Thank you. Thank you. Thank you. Miss Roscoe. I mean, in summary, Mr. Jarvis, I think we completely understand the applicant's intent in relation to HDD. But at the end of this process, we do need to develop consent order that can secure those.

53:18

Does anybody else?

53:20

Anybody else have a point in relation to the horizontal direct drilling in this question, particularly?

53:28

I'm not seeing any hands. Yes, Miss Colquhoun?

53:32

Very quickly, sir. I mean, you know, Portsmouth's position on this and and I'm simply flagging up the fact that we would support all the questions and issues that you're raising. I, we this may come back during the CA hearings as well, just in terms of how you identify what landed you need.

53:51

And obviously, Portsmouth has been concerned throughout the, the level of detail has not been tied down at an early enough stage.

54:02

Thank you.

54:04

Comments, Mr. Jarvis? No, no comments to make. Thank you.

54:09

Anybody else like to make a comment on this?

54:14

Let's go ahead and could you blow your hand for me, please?

54:20

Okay.

54:22

So, in the absence of anything else on that one, can we move on?

54:27

We're now to question 3.6.

54:32

How would article seven work in practice when for example, the optical regeneration stations would accommodate equipment both for the monitoring and operation of the fibre optic cables, as well as for commercial telecommunication purposes. This relates Of course to the consent transfer the benefits of any order in relation to any commercial user for fibre optic cables. Mr. Jarvis.

54:59

I'm sorry.

55:00

In effect, when one transfers the benefit of an order, it is the case that it's very clear in the documents with the transferee as to what powers are that are transferred to that person.

55:10

And then it's particle seven, five, A and B that confirmed the position with regards to the transfer benefit. So article 585 benefit transfer granted, must include any rights or concern any obligations that are imposed by virtue of prisons to which the benefit relates, and article five, B now, seven five be rather concerned that the exercise by person of any benefits or rights concerned in accordance with any transfer of grants under paragraph one is subject to the same restrictions, liabilities and obligations would apply, under this order if those benefits or rights are exercised by the undertaker, that then ensures that the person who benefits from the transfer is subject to the order and subject to article three in terms of what they must comply with. And in essence, what you would have in those circumstances is two parties benefiting from in connection with the fibre optic cable, for instance, the ability to use that fibre optic cable for the purposes Authorized by the order. In theory, it could be that the undertaker in connection with the interconnector benefits from it for the purposes of protection and monitoring at the end connector, or other third-party benefits from the use of the same cables but for commercial telecommunications purposes.

56:22

In relation to the practical use of the buildings, the optical regeneration stations themselves, if it's simply a case that if there were two parties that were interested in the use of those cables, they would both have access to those buildings individually. Yes, that's correct. Yes.

56:39

Thank you very much. Does anybody else have any questions or points to raise on this? We? Well, there's quite a lot of general questions around the fibre optic cables. But the question here relates specifically to the use of those buildings in practice. Miss Colquhoun?

56:55

Thank you, sir. It may be my fault. But I'm not entirely clear about how the transfer to separate Undertaker's on the one hand

57:09

relates to the benefits from the order which are for the single authorized development and how that transfer is going to be. And the benefits are going to be meted out. And, and secondly, how a third party can be also involved in the benefit from the order. I mean, this is going to be a really a series of fairly complex, complex contracts that that would seem to arise. And also, it's not clear how the IRS would be accessed by a third party. And all those who are benefiting from the interconnector electric issue would be wanting to access the IRS anyway. So, there are a number of issues that arise out of simply trying to transfer the benefit of the order to a series of separate parties. And I think that this article needs to reflect the fact that

58:15

this is trying to mete out two separate powers to two separate entities with subsequent issues arising for even further entities. So

58:30

I think through you, I would ask that this article needs to tackle that actually a lot more.

58:39

Thank you, Mr. Jarvis. You've heard the question, is there a response?

58:44

Yes, I don't think that anything included in this article is unusual. And I personally am aware of circumstances where you would transfer part of development to one person in part to another A good example would be in relation to offshore wind, where one may, one person may operate the generation assets and one person may general operate the transmission assets.

59:05

Effectively, seven, five, A and B are clear that where someone benefits from the rights of the order, they are subject to the provisions of the order and therefore, to the extent that they operate any part of the authorized development, they will be subject to the provisions in the requirements, which are the adequate controls, of course, where such a sort of transfer takes place, it will be incumbent on the applicant or rather, The Undertaker to do that in the appropriate way which which would involve a contract, which again, is not an unusual thing. And I'm not entirely sure that it would be necessary for any circumstances to go into more detail in respect to those matters within this article, and I confirm that there's no intention on our part to do so.

59:49

Any, anything further, you want to set this stage Miss Colquhoun on that or is it something that you can follow up in writing?

59:56

I think I'll follow up in writing. So that's probably the easiest way. Thank you very much.

1:00:01

And Does anybody else have anything to add on this particular topic?

1:00:09

Okay, I'm not seeing anything there. So, I'm going to move on to questions 3.7

1:00:17

Hopefully a short one. The question actually did read explain why there are no provisions, articles or requirements relating to decommissioning in the draft develop consent order. What 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 authorized development, associated development or ancillary development, would its buildings and equipment also fall within the scope of decommissioning?

1:00:45

Now, we know that the addition of requirement 24 to the draft DCO, deadline five to deal with these questions. But is there anything the applicant wishes to add here now?

1:00:58

Yes, sir. Thank you.

1:01:03

Mr. Jarvis, could you introduce yourself? Sorry, yeah, sorry, Mr. Jarvis on behalf of the applicant.

1:01:08

So, there have been further discussions in relation to the commissioning, in particular with Winchester city council who are interested as the host authority for where the converter station is to be located.

1:01:21

And we are looking at a requirement which is more similar to that which is included in the draft DCO, which concerns sort of more by way of timescales that things need to be undertaken within.

1:01:36

The key point in all of this is that we're not actually seeking consent to decommission through this order. And the reason for that is because in our view, it's not it's not possible to appropriately assess what those decommissioning activities could involve some 4050 years in the future at this time, or indeed, it could be longer. And therefore, our position is that we will always be obtaining the consent, the consent that are necessary at the time to decommission. But nonetheless, I confirmed that we are content to have a decommissioning requirement which will compel that. And we're further looking at the wording in that regard.

1:02:16

And just with regards to the fibre optic cable infrastructure, given the specific nature of the question in that respect,

1:02:24

the decommissioning requirement would cover that insofar as both buildings and that infrastructure were identified for decommissioning by the applicant at an appropriate time in the future.

1:02:36

Thank you, I do have a supplementary question. But you probably already answered it. But we just need to be sure, I think or has to ask for you to consider whether the suggested draft requirement might circumvent the need for the applicant to seek new consent for decommissioning works and an accompanying environmental impact assessment, assuming one was needed at that time.

1:02:58

So that's something else you could include in your considerations as you go forward. We're grateful for that.

1:03:05

Yes, I would say that actually, the requirement I'm looking to draft does include provision that confirms that the requirement is without prejudice to any of the consents or permissions which may be required to decommission any part of the authorized development. I think the inclusion of that wording will address the point you've raised. Thank you. We look forward to sorry, did I miss Did you say when we will be seeing that Mr. Jarvis? My intention is deadline six sir. Thank you.

1:03:30

Does anybody else have a comment or a question on this particular issue?

1:03:37

I see no hands.

1:03:40

I hear somebody misbehaving again. Sorry, sorry. So, I spoke before I raise my hand.

1:03:45

Celena Colquhoun Portsmouth City Council, they just one point, the

1:03:52

we understand that that what the applicant is trying to do in terms of this addressing decommissioning and that it would be an approval for subsequent stage.

1:04:03

The implication seemed to be listening to Mr. Jarvis that there would be two separate

1:04:10

possibilities. So that the FOMC, decommissioning would be considered at a separate or as a separate matter, and not because but by the time that there would be decommissioning presumably the FOMC would be under someone else's control and as in separate from the party who was dealing with the

HVDC cables. So, is it the intention on midlist be clarified that there will be separate requirements for separate parts of

1:04:48

the DEA authorized development?

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Thank you, Mr. Jarvis. Will your revised drafting cover that point

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the requirement is drafted such that it applies to

1:05:00

any part of the development that's identified for decommissioning, so it therefore covers every part in each individual part, which I think is adequate in that respect. We wouldn't be looking to have a separate decommissioning requirement for the conversation and interconnector and a separate one for the fibre optic cable infrastructure is that wouldn't be necessary.

1:05:20

Could you just explain to us in those circumstances where there's a single requirement? Would that mean that all of those components would have to be decommissioned at the same time? Or would it be possible for them to be decommissioned at different times? It would be possible for them to be decommissioned at different times once they've been identified for decommissioning. I think that clarifies the question from my perspective. Is there anything else Mr. Kuhn?

1:05:45

No, thank you. So that's, that's very helpful. Thank you very much.

1:05:50

Okay, we've done a good hour, we've got on quite well here. So, I'm tending to take a short break now just to give us all a bit of a break from the screens. When we return, Mr. Wallace is going to deal with the questions relating to part three. So, could we reconvene, please at 1115 just to remind you, please to keep your connections on but to switch your camera and your microphone off. And those watching the live stream if we don't appear to have restarted at 1115. Please do refresh your browser. See all very shortly.