

# TEXT\_AQUIND\_ISH1\_Session4\_09122020

Thu, 12/10 9:21AM • 1:03:04

00:00

All

00:11

right, good afternoon. The time is now two o'clock and the hearing is resumed. Is there anything from anybody before I continue with the agenda?

00:21

Okay, nothing heard. Thank you very much. So, the next item on the agenda was agenda question 326. It was an explanation of whether the DCO powers would prevent the future erection or maintenance of buildings or structures relating to the allotments. I've seen the applicant's response to this. We've also discussed the matter already in the hearing. Mr. Jarvis. Was there anything that you wish to add on this? Good afternoon, sir. No, nothing further to the discussion that's already been had today on this matter. Thank you. Thank you. Was there anything from anybody else?

01:04

Okay, nothing heard. Thank you very much. on now to Agenda question 327. And this is an explanation of new its new connection rights position in respect of the allotments from Portsmouth City Council, Miss Colquhoun?

01:27

Thank you, sir. We've set out our response. I know that it was prior to the receipt of a latest draft DCO, which is what we're considering today. But I think given what we've said, within our response still covers our concerns, in particular, with regard to the breadth of rights still being sought.

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We don't really have much more to add beyond what we've said.

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I'm obviously, part of our concern comes back to that earlier discussion about how

02:01

one limits the effect of HDD drilling. And the minimum depth and how you can coordinate the compound together with the point at which you hit the allotments to be at 2.5 metres, and how we do that. But at least, you know, obviously, I can we can see in Portsmouth concede that

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that the applicant is trying to guarantee that the

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that everything that or minimum disturbance, at least.

02:37

But

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that's always been the stated intention. It's just that we don't see it fully yet within how the

02:46

how the rights are being described, and how the order has its effect. But I think there will be more to discuss on this tomorrow.

02:55

Just on a point that you raised about not being able to see how it's fully addressed. What do you mean by that, in particular, bearing in mind, the conversations that we've had already today, is there anything in addition to what's been already said today?

03:16

Well, the

03:18

the difficulty for

03:22

Portsmouth, Sorry, I'm scrolling down just to try and find the right part of the book of reference, sir.

03:29

The difficulty I think we have is that

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on the one hand, we started off with 43,000

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square metres of land being identified as subject to new connection rights. And it was never clear why that much was ever required.

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We've now got down to refining, it would appear, refining the rights

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in terms of permanent rights to be the footpath rights, if I can call it that.

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But there is still

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a noted requirement for

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temporary well, as far as we can earn some temporary rights across the rest of

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that full 40,000 square metres and we don't understand why.

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So, it's the breadth I think we're talking about now as opposed to

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trying to refine the impact so much.

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So, effectively, you're Are you talking about the surface temporary use then is that is that what you're talking about?

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I mean, I'm going back to Article 30. And I'm going back to Article 30, where they that gives surface temporary use with the exceptions that we talked about

05:11

this morning.

05:13

In terms of the allotments themselves,

05:23

I can just continue the exceptions are building removals temporary works construction compound works. And it said under schedule 10, then to cover bentonite breakout.

05:36

So yes, it is it is the, the Sorry, sir. I was winching because my internet went down during the break. So, I only came back three minutes before becoming I should say at this point is called hearing that we all have we all have difficulties with this, this particular way of working, it does have certain advantages. It does have certain difficulties as well. So, would it be more helpful

06:05

in terms of giving you a clear response to come back to this under a ob. when I've actually identified the right document on my screen?

06:17

For the moment, we are content that we've given an indication of Portsmouth's position and we are going to be dealing with this tomorrow. But I don't want to hold you up whilst I'm trying to scroll through to find the right point.

06:33

And I hope that would be acceptable, rather than trying to delay things further. Right. Okay, on that I'm basically content to cover these points tomorrow. I don't particularly need to hear anything about this particular matter during the remainder of this hearing. If I just give Mr. Jarvis the opportunity to respond at this stage, if he wishes, but we'll deal with this more fully tomorrow. I'm very grateful. Thank you, sir. I'm sorry about that. Thank you.

06:59

Mr. Jarvis. Is there anything that you wanted to say in response at this stage? Yes, just for if it's helpful for Portsmouth City Council, obviously, the

07:10

rights as they are that are set out in Article 31, B, C, D, and E are expressly disapplied in relation to plot 1014 by paragraph five of Article 30.

07:21

The purposes for which plot 1014 may be temporarily occupied are very clearly stated in schedule 10. As for the purpose of and for the duration required to clear any breakout of bentonite turning lubricant, in connection with the undertaking of HDD beneath the steel mills allotments. And furthermore, the position with regards the time at which anyone may remain in possession of plot 10 protein, the purpose is very clearly stated in Article 31. Three, B. So, I think we have very clearly set out what the position is with regards to the potential possession and use of the surface of the allotments. And the position in relation to the purposes we believe establish Common Ground access on foot only. So, I think we have done our best efforts to clarify the position. And I would like to think that we have done enough to confirm that subject to address in your earlier comments in relation to explaining the position with regards to the restriction and how far that applies

08:16

Mr. Jarvis, Thank you. I would may be the opportunity for the two parties to get together outside of this hearing and before the compulsory acquisition hearing. That may be maybe possible for that to take place. But that might assist. In any event though, we will continue this discussion tomorrow at the compulsory acquisition hearing. Just before I leave this agenda item, was there anything from anybody else?

08:42

Okay, nothing heard. Thank you.

08:45

On then to agenda question 3.28.

08:49

Concerning an explanation of the relevant Hinkley detail, I've seen the response Mr. Jarvis in your transcripts submitted at deadline five, I don't have anything further to add to this. Was there anything that you wish to add to it?

09:07

No, sir. Nothing further to what's in the transcript. Thank you. Thank you. Was there anything else from any other party on this agenda? Question? 3.28.

09:18

Nothing heard. Thank you.

09:21

On to Agenda question 3.29.

09:25

The removal of an option from the DCO and necessary amendments. Again, I've seen the applicant's transcript on this. I don't have anything further to raise under this particular agenda item. Mr. Jarvis. Was there anything from yourself?

09:42

nothing further, sir. No. Thank you. Anything from Anybody? Anybody else?

09:48

Okay, nothing heard. Thank you.

09:52

Agenda question 330. This concerns further details of the suggested new requirement.

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came to find out requirements 12.

10:04

Mr. Jarvis again, I've seen the response. Obviously, I just wanted to ask whether there was any non-statutory land

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in the option areas, in other words, privately owned land.

10:19

I'm happy to leave that one and return to it at the compulsory acquisition hearing tomorrow. I just wanted to put that question out at the moment so that it could be considered in the meantime.

10:33

I didn't have anything else to raise. Mr. Jarvis. Was there anything you wish to raise on this agenda? Question? No, thank you, sir. anything from anyone? Anybody else?

10:44

Nothing heard. Thank you.

10:47

Agenda, question 331. This was the applicant and Portsmouth city council to explain their current positions on these matters.

10:56

I've obviously seen the transcripts that have been provided. Mr. Jarvis, first of all, was there anything that you wish to explain that hasn't already been explained? either in the transcript or in the hearing?

11:10

No, thank you, sir. Thank you.

11:14

I just had one point in terms of the

11:22

Portsmouth

11:24

representation, the

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transcript at provided a deadline five, and it can see concerns paragraphs 420 to 423.

11:37

That Actually,

11:40

no, I'm sorry. I've actually referred to the wrong section, I believe there.

11:44

It's actually paragraph 434,

11:50

which deals with

11:54

a sector state approval of a detailed, designed, informed route.

12:02

Miss Colquhoun, first of all, is there anything that you would wish to say on this particular agenda? Question 3.31.

12:14

So, it was

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it was more a response to whether the Fannett options approach was relevant because

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Portsmouth's position has been that it doesn't, doesn't really apply. And that seems to be now the applicant's position.

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The reference to the article 17, three Sanders approach was with more a suggestion as to how

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they could be clarity, perhaps as to

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the choice of options, but we're not. We're not pushing for it. It was a further option in case there was a continuing concern as to how this issue might be resolved. But if we're not going down that route,

13:00

it's not. It's not Portsmouth's position, that this is something that that that must be considered.

13:09

So, I hope that helps.

13:11

Thank you. I'm just not quite clear on whether it is Portsmouth position that they would find this such a such an approval helpful or not, in terms of their views on the DCO

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not prejudicing their general position. Of course.

13:39

This is a couple of there's a couple of double negatives. And that's

13:45

my apologies, there. That's my thoughts.

13:49

Right. So, we have the suggestion put forward by Portsmouth. I'm not clear in my own mind, as to whether from what you've just said, as to whether Portsmouth would wish to see something like that incorporated in the DCO or not.

14:09

Give me some now on this on this point, if I could just continue. This is another matter that could

14:16

that could be continued at the hearing tomorrow, if the parties have had the opportunity to consider it in a little bit more detail overnight. And indeed, the parties may also be able to have discussions on it. I don't know. But if you think that may be the best way to proceed, then I'm happy to go along those lines.

14:37

So, I think that would be extremely helpful that the clearly that the problem was trying to respond to things when we've got a number of other people. But I take your question on board, and it will allow me to speak to a number of people but also, if it was possible to discuss matters with

15:00

Is the applicant that would be extremely helpful as well. And we'll try and have a clear position for you tomorrow. Thank you, Mr. Jarvis. Was there anything at this stage that you wish to respond to?

15:15

I would just know that, as we've discussed in relation to hospitals, 20 and 23. They are both word it's such that you can only acquire so much as is required to the authorized development. So, it would appear to me that this matter is already addressed. And there isn't anything further that needs to be added, albeit having read the submission, I'm not entirely clear if that is the point that's being made or not. So if there is any further clarification that folks from city council could provide on this point, outside of this hearing further, if they could confirm whether they are in light of the responses, given happy with the way the articles 20 and 23, are drafted in advance of tomorrow, that would be very much appreciated.

15:57

Thank you.

15:59

And just one further matter, Mr. Jarvis to actually put into the mix on their site, I recognize obviously, the opt in where it could be interdependency of the of the options in certain circumstances, as it's been put to me, I can I can see what is what is being said, but is there a stage at which an option could be

chosen and confirmed in order to remove some of the doubt as to the acquisition potential, if you like the, the potential for the exercise of CA rights?

16:49

And so, if that is something else that could be it could be considered unless you can respond on that now, but I'm happy to continue it. And it may be better to continue it at the compulsory acquisition hearing tomorrow.

17:01

Mr. Jarvis. Thank you. So, I mean, we can cover it tomorrow. I can also cover it now.

17:07

In terms of anything being confirmed, before the order is granted, if it is granted, the answer is, is no, effectively because it is a detailed design consideration. And tomorrow, in particular, we will look at, excuse me, in more detail the explanation of the ground conditions at Milton common, which makes it very difficult to confirm a position now. And also, in relation to Farlington Avenue. It's been explained in my statement as to what the constraints are, that are there that may require the cable array to go in both different directions. So, in advance at that point in time, I would say no. And, of course, they will, in the future be a point at which you can confirm the option. And that really would be when you've confirmed the detailed design. And that detailed design has been approved as until that's approved, you don't have confirmation that you can build it because you need to get that approval. So that would only be at that stage that the option could be confirmed and the ability to acquire that and could fall away. I would have no issue with including anything in the requirements that confirms once the detailed design has been approved. The other option that isn't used, if there is an option that isn't used falls away. And you cannot compose require.

18:14

I'm not sure if that would be necessary, given the point I've made with regards to how articles 20 and 23 drafted in terms of only being able to acquire what's required for the development. But if it's thought that having that on the face of the order for purposes of clarity is helpful, then there's no objection to including such a requirement as it were.

18:35

Thank you. Right. I don't have anything further on this particular agenda. Question. Was there anything from anybody else?

18:43

Nothing heard. Thank you.

18:48

So that brings us to the end of Part Three, sorry, Part Five.

18:57

of the DCO. Well, that was there anything anybody wanted to raise generally on part five of the DCO?

19:05

Okay, nothing. Thank you. under Part Six, which is agenda question 332.

19:13

I didn't have anything particularly I want particular I wanted to raise under this at this stage.

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I think that we'll deal with matters and

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under this in terms of item 10 on the agenda, and that schedule 15 of the DCO. There may be something that comes in later in terms of

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the appeal provisions, but we'll deal that with that when it occurs in the agenda. Was there anything that anybody else wish to raise in terms of agenda question? 332.

19:48

Okay, nothing heard. Thank you. Thank you very much for your contributions on those sections. I'll now hand over to Mr. Man. Thank you.

19:59

Thank you, Mr. Roscoe.

20:00

Now I'm going to cover Part Seven, which is the miscellaneous and general powers. Question 333. Back to you Mr. Jarvis. Can the applicant clarify the scope of powers authorized under articles 41 or 42? Could you explain the approach towards replacing loss trees and the sequential element of that? If no land is available within five metres of the cable route, and how this is secured in the DCO could you also address how article 41 two accounts for compensation for those trees that are lost or damaged?

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Who were to again,

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thank you.

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So article 41 provides the undertaker with the power to settle a lot, any tree within or overhanging the order limits landward, if mean low or spring or shrub near any part of your limits will cut back its roots if reasonably if it reasonably believes it necessary to do so to prevent the trail shirt from obstructing or interfering with the construction, maintenance or operation of the authorized development or constituting a danger to persons using the authorized development and article 41 also provides the

undertaker with the powers for the purposes of and insofar as it reasonably believes is necessary in connection with the authorized development to remove any hedgerows within the limits land with mineral springs that may be required for the purpose of carrying out the authorized development and to remove important Hydros as are within the order limits land with mean low water springs, and identified in schedule 12. And article 42 provides broadly the same rights in relation to trees which are subject to tree preservation orders. With regards to the sequential approach that's taken to assess and trees and whether or not they're lost. I would be grateful if I could hand over to my colleague Neil Davies at WSP. And I just asked Neil to take to just talk you through what the onshore outline construction environmental management plan requires in relation to agricultural method statements and generally, how that works and how it would be agreed with in connection with the exercise of these powers. And then I expect Neil will also be able to touch on the position with regards to replacement planting within five metres and possibly also to give an update in relation to the discussions with Hampshire County Council in relation to cabinet which will relate to compensation for trees within the highway. Thank you. Yes.

22:22

Thank you.

22:26

Okay.

22:29

Mr. Davis, could you speak up for us please?

22:33

Sorry, is that better, much better? Thank you.

22:36

Good. Um, so, you would take those points, one by one in relation to the sequential approach for determining

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how trees may be lost and then as such replaced. And the intention is that we

22:54

we will secure that within the arboriculture method statements, which are

23:01

detailed within the outline, landscape and biodiversity.

23:08

Excuse me, I just need to cough one second.

23:18

Apologies. Thank you, sir. No problem.

23:21

always happens just as you start to speak.

23:24

Yes. So, the arboriculture method statement is secured within the OLPS via requirement 15 of the DDC.

23:34

We've had very productive conversations with Portsmouth and Hampshire over how to determine mitigation planning. In the instance of

23:48

HCC, we're, we've agreed to pursue a cavate assessment, which for the benefit of those that may not be familiar, a cabinet assessment provides a fiscal valuation for a tree.

24:02

And then it's my understanding that HTC have a ring-fenced pot, if you will, where that cabinet payment goes into, and then they take on the planting and the maintenance of those replacement trees at their discretion.

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For PCC, we've explored options with

24:25

their troughs, where we would discuss with the appropriate person within the division of PCC.

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How mitigation planting would be achieved, whether that's in the immediate vicinity of the cable route, whether that's within the limits of the DCO or whether it's on the land under their control

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with PCC,

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although we didn't discuss cavate directly, we did explore the possibility of a community term in lieu of mitigation

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as far as I'm aware,

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Those

25:01

whose discussions were well received, and I believe were on the same hymn sheet as it were.

25:10

Thank you.

25:11

Thank you very much, Mr. Davis.

25:14

You may be able to help me this question as well, maybe Mr. Jarvis needs to help me. In terms of the intentions we just heard again that which we understand. And we understand the local authority is going to play a role in that.

25:29

We heard that priority is going to be given to planting replacements close to the area of loss. And then alternative solutions explored if there's no land within five metres, how would that be secured through the documentation?

25:45

So, I can take that question. So, if that's okay, yeah, so the measures with regards to arboriculture are secured within section 534 of the onshore outline construction environmental management plan that sets out the broad sequential approach that is to be taken. And then within each of the relevant sections, where it's the potential for trees to be removed with the route having been broken down into 10 sections. There is an explanation in relation to each of what the process is that needs to be gone through in relation to those and they will reference back to an arboricultural method statement, which is appendix f to the arboricultural report, which is appendix 613. Three to the environmental statement, and that sets out the approach to be taken. With regards to replanting within the order limits should it be able to be agreed that replanting can take place within the order limits the order includes the powers for the applicant to carry out those work, and it would be the intention for the applicant to do those works under the supervision of an agricultural professional acting on behalf of the relevant authority. In the event that it's not possible to provide a replacement within the order limits. As has been explained in relation to Hampshire County Council, we are exploring the potential for cabinet which would be secured through section 106. And noting that there may also be a need for planting elsewhere in Portsmouth It would also be the intention to secure that fire section 106 agreement.

27:02

Okay, thank you. Are there any comments from Hampshire County Council on that?

27:08

So, Richard Turney for Hampshire County Council. Two points if I may, the first one is on combat, and section 106. We're pleased that the applicant has agreed to comply with the combat methodology for

valuation, but we do need provision to be made for that to be secured. And at the moment, there is nothing to do that. So, we need some progress on that from the applicant. And on the

27:35

overall approach. In article 41. It's understood as the arboricultural method statement, provision and the and the generic method statement, which has included it, Appendix 16, three to the s. But we're very keen to ensure that avoidance of tree losses have priority. At the moment, the order is framed in a way, which would

28:04

mean that any tree which The Undertaker reasonably believes is needs to be removed,

28:14

because it's obstruct or interferes with the construction of the scheme can be removed. And of course, that doesn't embed in the order avoidance in the first instance, can that tree loss be designed out? So, it would be helpful if the outcome could reconsider the wording there? And in particular, whether, in fact, the words, if it reasonably believes it to be necessary, is the right words or should it just be if necessary to do so which would allow the approving authority of the arboricultural method statement to review the necessity to remove the tree tool?

28:51

Thank you, Mr. Turney before I go to Paul Smith, is there anything immediately in response Mr. Jarvis?

28:58

Yes, please sir, I would just point to paragraph 5341 is the onshore environmental construction environmental plan which says adherence to British Standards. And I won't read out the number trees in relation to design demolition and construction. When laying cable, she'll be here to root protection areas shall be avoided, that must be complied with before any trees removed in terms of going through the agricultural method statement process. So, whilst I am happy to look at the wording that Mr. Turney has highlighted there, I would just point out that avoidance is already secured.

29:30

Okay, so for that, and if it's something you could discuss, or at least potentially look for you step into common ground that would be very helpful to us as early as possible.

29:39

On the same issue, anything from Portsmouth please?

29:43

I think nothing in addition to what Mr. Turney said on behalf of his authority,

29:49

Portsmouth position comes from its initial concern that there wasn't enough of an assessment of the trees by the applicant prior to yesterday.

30:00

going in. So, this is another one of those where it's something that's being left to a later date when we can, we're still not clear about the, you know, the likelihood of impact. But that's not really for this, this hearing in any event.

30:16

Portsmouth will, of course, continue to engage and make sure and help make sure that that there's a minimal disruption and minimal loss of trees. But I don't think we have anything more to add at this stage.

30:31

Thank you very much for that anything final on this point? Mr. Jarvis?

30:36

No, thank you is the point that will be agreed between the parties and will seek to include an update and a statement of common ground into court. Did you wish to come back Mr. Turney?

30:46

Sir, yes, apologies, Richard. Turney, for Hampshire County Council. Just one point I've had a nudge digitally from the from people at Hampshire.

30:54

Just to add that to be clear, the proposal in respect of highway trees in HCCs area is that all of those trees would be dealt with by way of cavate payments. We don't accept the proposition of a third-party developer planting new trees in highway land. So, the expectation there is that all of that tree loss would be the subject of cavate payments, rather than there being replacement planting the replacement plant would then be dealt with by Hampshire County Council through their reference to fund.

31:31

Okay, thank you very much. Does anybody else have another point on this matter?

31:38

I got a hand raised from Councilor Andreoli. Hello.

31:47

Mr. Andreoli library not hearing us You are you muted?

31:52

Sorry, sir. I don't understand why I was, but I was sorry, counsellor Andreoli Denmead parish council just on the point of trees, specifically and the DCO or draft DCO says that the TPO trees, the protection will be possibly be ignored. On the rural entrance to Denmead. Parish, where the horizontal drilling is about to take will take place.

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There are significant trees and hedgerows where the applicant proposes to, to put in a compound to help with the drilling.

32:37

And I just like to raise the point that replacement trees for those that are well over a century old, there's not much point. And we really don't see the point of the ignoring TPO is on significant trees. That's my point. Thank you.

32:56

Thank you very much, Mr. Andreoli. Like if we could we deal with that? And Mr. Jarvis has responded to my next question, which does relate to TPO trees. Is that acceptable to

33:08

Okay, thank you. I'm not quite sure where I should have come in. But that's okay. No problem. We'll do it in the next question. So, if you could re mute yourself and turn off your camera, be grateful. Thank you.

33:20

Anything else on question? 333?

33:28

Which case we'll move on? Councilor, could you lower your hand as well now when we please? Thank you.

33:37

So, moving on to question 334. So, this one is about TPO trees and it's a request for the applicant to provide an update on the position in relation to impacts on dealing with in the first instance TPO trees outside Portsmouth City Council's administered remit

33:55

Mr. Jarvis.

34:00

So in terms of an update, we have, through the removal of the various plots of land that have now been accepted, removed quite a lot of TPO trees that were previously included, but there are some that often included the TPO trees that are included within search the letters are those which are potentially to be lost on the leaf if I can just check the schedule sir, that we have

34:20

indicated that they are all for potential removal. The hope is that through detailed design and they will all be able to or not necessary all be able to do most will be able to be retained and that will be determined in accordance with the process that's set out within the onshore outline construction environmental management plan which I have explained earlier. It's certainly not the applicant's

intention to remove trees where it's not necessary to do so. But having spent a considerable amount of time designing scheme to be the least impactful possible. There is still the potential for that, and it will not be concerned until detailed design has happened.

34:56

Thank you very much.

34:58

And was there anything specific

35:00

In relation to the point that Councilor Andreoli just mentioned.

35:05

I mean, compensation is available in relation to the loss of those trees in any dispute in relation to it would be settled

35:12

through the

35:14

1961 Act. I think we recognize that replacing a 100-year-old tree with a sapling, it's not really a replacement. But there isn't really anything further I can add in that respect. Thank you.

35:28

Before we go to anybody else, the second part of the question for the applicant was an update in position in relation to trees on the land is owned and maintained by Portsmouth City Council, the company is subject to TPOs, but have not been.

35:48

Thank you, sir, only insofar all trees have been assessed that could be affected in their value has been identified irrespective of whether they've got a TPO or not. So, we're contemporary, irrespective of the fact that a TPO may not apply to them, they have been adequately taken into account in our assessment and the potential impact on them reported.

36:08

So, you're confident that the examining authority has before it a full set of baseline information in respect to these trees, where they are and what the likely significant effects are.

36:22

If I may, Sir, I'll refer back to Neil Davis who's undertaken the assessment of trees and he can explain where the baseline information is and where the potential impacts on those are reported within the environmental statements. Yes, please. Thank you.

36:38

Thank you, sir. Neil Davis for the applicant. So yes, the old trees within the redline boundary have been made the subject of a British Standard five, a three seven tree condition survey, which takes into account their structural condition and their physiological condition and attributes a retention value in terms of those conditions not in fiscal term. It's a qualitative assessment.

37:08

Unfortunately, I have to get back to you on where that data actually is. I'm very sorry, my mind's gone blank on the on the reference of where that data is, but it is available. It is there. I'll be very happy to get that for deadlines. Six, if that's convenient, Mr. Davis? Yeah. I'm sure it'll come to me as soon as I hang up. Who can thank you so much. Deadline six will be fine for us. Thank you. We just need to make sure that we have a comprehensive set of data there to work with.

37:35

It's that Thank you.

37:37

Does anybody else have any other comments in relation to the shoot? Mr. Turn your hands up?

37:43

Sir. So, Richard Turney for Hampshire County Council, just a small point, which is that the Portsmouth position in respect of trees on Portsmouth held land, which are not subject to TPOs applies equally to highway trees in HCCs area.

38:00

I think we're contempt with the approach with discussed, which is under Article 41, dealing with those through the arboricultural method statements, and then through cavate payments. But just to flag the same issue arises. The trees that are highway trees in Hampshire County Council's area are not TPO. But that does not mean that they don't have an amenity value. They're not TPO, because they're Highway trees rather than because of an assessment that they shouldn't be TPO.

38:28

It's very useful. Thank you for that clarification. Does anybody else have a point to make?

38:36

I can see a hand can't see whose it is.

38:44

See several hands. So, I'll come to the one in turn. We've got Mr. Cornwall, please. Yes, thank you. So, it's Steven Cornwall from Winchester City Council. I just want to make two observations. Firstly, Article 42 specifically removed the requirement to replace trees that were lost.

39:06

And we're unclear as to why that exclusion should apply. And the second point and I believe this relates to the Denmead parish council observation. The concern that the parish Council have which is shared by the City Council, relates to the as the local member indicated the trees on the north side of the Hambledon road to the west of soak lane junction. There is a section of hedge there which does appear to be wide enough to take the necessary accessing cable route through before the trees that are no subject of a preservation order which we shared with you at the beginning of the week. Before that preservation order commences.

39:55

It would be on our view, a very simple matter for the applicants to make that

40:00

Commitment now to come through the hedge as the least worst option, rather than continue to hold out the possibility that we might lose the trees. Thank you.

40:14

Thank you, Mr. Cornwell. And I believe Parish, Councilmember Smith wishes to say something, which I suspect is probably the same topic as it.

40:24

Thank you, sir. I'm very similar. And just to say that the area of the Hambledon road where the trees line, and that that area is absolutely fundamental in separating the village of Denmead, from the urban sprawl of Waterloo Ville, so it's very specific to the rural character at the entrance to the village.

40:46

Thank you very much.

40:48

Mr. Jarvis, I assume you've seen the tree preservation order on these trees that we're talking about in Hambledon road on Denmead.

40:57

In the light of that, in the light of what you've just heard, is there anything else you need to add on this point? I mean, we are talking here, of course, about the DCO rather than necessarily the specific value of those trees, but in relation to the DCO. Is there anything further you wish to ask?

41:13

No, no, I have I have seen that TPO. It was helpfully forwarded to me by Katherine Winchester. And it is something that we're looking at further, in particular, whether we can confirm that those trees will be retained rather than lost and remove those from schedule 11. And hopefully, we will have an answer and an update in that respect by deadline six. I think that will be very useful. I think it could put quite a few things at rest, if that was possible one way or the other.

41:40

Is there anything else in relation to questions 334 from anybody?

41:47

I'm not seeing anything. So, I'm going to move on to question 335. I'm going to ask Mr. Jarvis, if you give us a very brief summary in relation to his answer to this, about how works to remove and replace hedgerows are secured in the draft development consent order.

42:08

Sorry, to muting to any person sorry. So

42:12

in short, the matters are secured through the requirements. So, it's the LLB s and the detailed landscaping schemes that will secure what may be removed and what needs to be replaced. And that also measures in the construction environmental management plan, which apply in relation to head trade as well as tree so there are controls in place to confirm when they may be removed.

42:34

And at the end of the day, the final species mix, etc., associated with your replacements will be agreed with the local authority, I believe, is that correct? I believe that is correct. I believe the species mix is a matter that's agreed as part of the detailed landscaping scheme and the biodiversity scheme, and that that's been secured and to be accorded with when the replacement plantings provided. Thank you.

42:56

Is there anything from anybody on hydro replacement?

43:03

So, moving on to 336? And could the applicant please clarify the purpose of Article 48? And if it's necessary in this instance, and we've asked about precedent, DCs, and we have had a response from you and Mr. Jarvis. But if you could just summarise that that would be useful.

43:24

Yes, I may summarise it. Thank you, sir. So, our responses that we haven't identified that there are human remains within the order limits. But on a linear scheme such as this, it's not beyond the realms of possibility that you may encounter such human remains. And we therefore think it would be appropriate to include that power within the DC Oh, four in that event? And I think we've identified that in relation to the scheme that was identified in the question, which was Westburn c power station DCO, that that related to an existing power station, and it would therefore unlikely that you would find human remains, but we don't necessarily think that's analogous with the scheme that we're seeking consent for.

44:01

And Does anybody else have a comment on article 48?

44:07

In which case, I will surely hand over to Mr. Wallace. But in the meantime, I think Mr. Roscoe has a question.

44:14

Yes, thank you. It's for Mr. Jarvis really.

44:18

Crown article 47 is said to be based on Hinkley. The Hinkley DCO connector I believe, which was 2013.

44:30

It's undoubtedly the case that crown articles move on in terms of how they're worded. And there is actually a more recent crown article in the Southampton to London pipeline, which was made in earlier this year, October, I think it actually was, which has a slight wording change to the DCO. The draft DCO that we've got in front of us at the moment. It also has I think it's an MoJ approval subsection whereas

45:00

Here there may be an MoD approval subsection. But Mr. Jarvis, I was just going to ask if that could be taken into account then, when the next batch of DCO revisions are being made, Mr. Jarvis, any comments on that?

45:16

Yes, just to confirm, happy to review that and take it into account and if it's necessary to make an update. Thank you. Thank you.

45:26

Thank you, Mr. Roscoe, in which case, it's Mr. Wallace's turn to deal with agenda item four, which is schedule, one of the draft DCO.

45:35

Thank you very much. Yes. Moving on to question 4.1, then,

45:42

Please, could the applicant confirm the approach the identification and definition of significant effects and demonstrate the adequacy of the mitigation schedule and ensure that all necessary mitigation measures that are relied upon in the environmental impact assessment will be readily audible at the discharge of requirements stage? Now, Mr. Jarvis, I'm aware that the transcript you have provided is got a very detailed response to this. If anyone is interested in reading that in full, you can go on to the project pages of the infrastructure website. The exam Library Reference is rep five hyphen 058. Mr. Jarvis, I don't expect you to run through the whole of that, but wonder if you could briefly summarise the contents of your response with particular emphasis perhaps on the mitigation schedule, if you would place.

46:39

Thank you. So, we do have a summary form of that response today. And if I may, I'm going to hand over to Greg Irvine of WSP to explain the identification and definition of significant effects. And then Adam Coombs of quad who will talk to the mitigation schedule.

46:54

Okay.

46:56

Hi there, Greg Ervin on behalf of the applicant. The approach to determining the significance of effects as outlined in Section 4.4 point three of chapter four the EIA methodology chapter of the environmental statement, several criteria used to determine the significance of the potential effects of the authorized development and whether or not they are significant. The effects are assessed quite quantitatively wherever possible. In determining the significance of a potential effect, the magnitude of impact is correlated with the sensitivity or value of the particular receptor under consideration. Any deviations from these criteria for example, due to application of topic specific industry guidance, have been included in the technical assessment chapters were relevant at table 4.2 of the ES chapter four presents the matrix used to for classifying the significance of effects, which shows how magnitude of impact against sensitivity receptor is the key function to determining the effect on the receptor. So typically, effects deemed to be significant for the purposes of the assessment of those which are described as moderate, moderate to major or major. However, there are instances where an assessment may differ to this approach and professional judgement has been applied based on an expert's knowledge and on the local context with respect to where that impact is occurring. So where this does occur, clear justification on how significance has been determined as detailed within the respective technical assessment of the ES. The Transcript provided details the approaches adopted for each topic specific assessment within the ES chapter by chapter and confirms the various guidance and methodologies applied, which I trust is sufficient.

48:46

So, I'll now pass on to Adam Coombs, to address the point regarding the adequacy of the mitigation schedule. Thank you. Okay.

48:55

Thanks, Greg. My name is Adam Coombs. Speaking on behalf of the applicant, the mitigation schedule is a standalone document identifying the means by which the mitigation measures relied upon the EIA will be secured. We consider it to be a comprehensive and robust document. The following sorry, the examining authorities first written questions the applicant undertook a detailed review of the mitigation schedule, and an updated version was submitted a deadline to the updated version sought to address the inspectors earlier questions, and in particular provided paragraph references to explain where each mitigation measure identified in the s and the s addendum submitted that deadline one can be found within the relevant control document or license. Whilst this cross-referencing exercise has been

49:38

I'm sorry if anyone can.

49:41

My Computer says I have a bad connection. I'm not able to hear anything. You are. You are still audible. I can hear you.

49:52

Mr. Coombs may have just dropped out. Hi, sorry about that Mr. Wallace.

50:00

Again, can you hear me now that I can see him? Thank you very much. That's the second or third time that's happened today. I was really hoping it wouldn't happen while I was speaking. This. So please continue. Thank you very much. I'm not sure if I've, you've heard everything I said. I did say that the updated version of the mitigation schedule sought to address your inspectors earlier questions and in particular provide paragraph references to explain where each mitigation measure identified an s and the s addendum submitted a deadline one could be found in the relevant control document or license. So while this cross referencing exercise has been very helpful, as the panel will be aware, the applicant has continued to discuss and agree additional mitigation with the authorities and consultees. And as a result, the detail set out in the updated mitigation schedule is also out of date. On this basis, we'd be pleased to submit further and final update to the mitigation schedule and the control document chart at the final deadline in order to capture the position at the close of the examination.

50:58

As the panel will be aware of, we've also submitted exhibit to attach to our oral transcript. And this is the latest mitigation and control chart, which was produced in accordance with the requirements of the most recent draft DCO submitted at deadline five. The chart illustrates the securing mechanisms and hierarchy and hierarchy of the various control documents for the onshore elements of the post development. The chart shows how the existing outline documents which form part of the dcl application shown in blue correlate with the submitted with the subsequent detailed submission shown in green, which would be submitted to and approved by the relevant planning authority. So to answer the panel's agenda question directly as a result of the process of producing an updating the mitigation schedule, the applicant is confident that all necessary mitigation measures that are relied upon in the EIA will be readily audible at the discharge stage, the DCO requirements and licensing conditions. Thank you very much. I'll answer any questions about the mitigation schedule chart.

51:52

Excellent. Thank you very much for that.

51:56

I have no specific questions relating to it. But I will open the floor to any of the other interested parties. In particular, whether or not anyone has actually been through the mitigation schedule and tested. If you like the audit trail of mitigations, arising from the environmental statement, then into the control documents and then third to the development consent order.

52:20

Trusted party wish to make any comments on this.

52:27

Mr. Turney.

52:31

Thank you so much attorney for Hampshire County Council. And we're just keen to ensure and it may be that the type of order that you've just suggested there is what needs to be done. But we're keen to ensure that the information that was provided in the supplementary ta has found its way into the mitigation schedule. Because of course there's a different

53:00

proposals in respective management have some highways impacts in the supplementary ta from those that were in the original chapter 22 of the ES. So that's a point which I think needs some further review. And if we may, we'll come back on that.

53:18

Yes, of course, that's much appreciated.

53:21

Mr. Coombes any last thoughts on this?

53:26

Yeah, I believe the information the supplementary ta would have been

53:32

taken or replicated in the ES addendum submitted at deadline while at the same time, which was included in the updated mitigation schedule submitted a deadline to so but I believe that that audit trail has been completed.

53:47

Okay, thank you very much. And as you say, we can await a final mitigation shoot you later for a subsequent examination deadline. Thank you very much. We'll move on then to question 4.2 on the agenda to again to the applicant, all of the necessary parameters of the proposed development that require a Rochdale envelope for the purposes of the environmental impact assessment included in and that's a short in the draft DCO

54:19

there are two high options for the converter station as indicated in paragraph 5.2 point 4.3 of the design and access statement and as a result of those would there be any loss or benefit of having the lower height secured in the DCO, Mr. Jarvis.

54:39

Thank you, sir. So, I would say that we are contempt that all of the worst case parameters that were used for the purpose of the assessment are secured within the DCO in relation to the cable corridor that

is essentially the limits of deviation that are provided by the limits. And in relation to the other elements the RS and the converter station in particular, there are tables included within requirement five that sets out the parameters

55:00

That must be recorded with. If I may in relation to the height of the building. I'm going to pass this question over to Dr. Norman MacLeod, who will be able to explain why it's necessary to have a 26 metre maximum height in connection with the equipment that may be used and procurement.

55:18

Okay.

55:20

Thank you. I'm Norman MacLeod. I speak on behalf of the applicant.

55:26

The converter station height is strongly dependent on the high voltage equipment inside the building. This equipment is bespoke for this project. It is not standard power station equipment. It is proprietary information prior to design from the individual manufacturers mostly under patterns.

55:46

In our approach to this building, we have to give, we believe we have to give the freedom to the manufacturers to give us their best option for the solution. This is very large, very expensive equipment. So, we're trying not to constrain them with any particular requirements in terms of dimensions. It's for them to design

56:07

equipment inside the building is high voltage air insulated, so we need a lot of space inside the building. By its very nature, it is a large building. But if we constrain the height of the building, for example, to 22 metres removed, we made us advantage one of the very small number of bidders for this type of equipment.

56:25

We are trying to engage in a competitive tendering exercise. And picking only one builder at a great disadvantage would be unfair to them.

56:35

So, we've had to try and keep the range of heights of the building between 22 and 26 metres so we don't exclude anybody. And these dimensions, including the footprint of the station now have come from the supply chain itself. We have engaged with the supply chain, to be sure that the dimensions we are seeking are realistic and attainable.

56:56

Thank you.

56:58

Thank you very much. Thank you for that.

57:01

I'll ask if any other interested party wishes to respond to this

57:07

nots particularly shoehorn anyone in but I know both Winchester City Council and the South downers National Park Authority have particular interest in the height of the converter station. See Mr. Cornwell, your hand is up?

57:24

Yes, thank you. So, Stephen Cornwell from Winchester City Council. I'm aware through a conversation with Mr. Jarvis about the limited options for sourcing the equipment in the building. I also note in the transcript for the applicant presented that there is reference to the design of the roof itself.

57:49

And the question that we've asked is

57:54

in the choice of the design of the roof, if there is a vote if there are two options, one obviously lower than the other.

58:04

But more expensive.

58:07

What factor does the landscape impact play in making that decision with regards to the structural choice of the roof itself?

58:18

Thank you.

58:20

Thank you.

58:22

Mr. Jarvis. Mr. McCloud, how would you like to respond to that?

58:28

I'm happy to pick up on those points. That's okay, sir.

58:31

So yeah, just to clarify, with regards to the small number of suppliers, it is the case that this is very specialized equipment. And there are a very small number of suppliers. And if we were to secure a lower height, we would potentially be excluding some of those suppliers. And doing so because of the small number would potentially mean that we wouldn't be able to run a lawful procurement process. So, we're not able to lower the height of the building in that respect.

58:56

And with regards to the roof,

59:00

I think the point that's made there is that it's an engineering challenge. Essentially, what you need to do is to achieve a roof design that's engineering me sound. And that will always be the aim of the exercise. What we wouldn't be looking to do is to produce something which isn't sound from an engineering perspective, because it has a lesser landscape impact. And it's for that reason that we have purposefully assessed a maximum parameter of 26 metres and that's the scheme that consent is sought for.

59:31

Okay. And Mr. Cornwall, was there anything you'd like to come back on that?

59:41

Thank you, sir.

59:44

Mr. Jarvis has answered most of the question. But

59:49

he might my point was when you get down to making this a final decision on the height of the building, when you're considering the roof design detail

1:00:00

What, what wait is given to the desirability of keeping the building as low as possible from a landscape perspective, if the choice is a more expensive option.

1:00:15

Before I go back to the applicant on that, is there anyone else who wishes to add a question or point on this?

1:00:25

Note? Oh, Mr. Turney,

1:00:30

savage attorney for Hampshire County Council just wanted to make sure that the examining authority is not

1:00:38

gone the wrong way on this because Mr. Jarvis said that there would be an issue with the lawfulness of a procurement process if they were to be constrained to the lowest possible height of a building. And that's simply wrong. As a matter of law, there would be no procurement impediment, if the DCA was branded away, which meant only one developer only one engineering company could take the project, then only one engineering company could take the project. That's perfectly common in procurement. So it's there isn't a procurement objection to this.

1:01:12

Okay, okay. Mr. Jarvis, how would you wish to respond on that

1:01:17

we can't run a competitive tender with one supplier.

1:01:22

It's as simple as that. The aim is to run a competitive tender with a number of suppliers to achieve the best costs for the project, which takes into account a number of factors. With regards to the consideration of landscape impact at the time at which the detailed design is undertaken. It's obviously not necessarily the case that a higher roof would be cheaper. In fact, you'd think if you're building the higher, it's likely to be more expensive. But in any event, as I've mentioned earlier, the scheme that we're seeking consent for and the parameters that we're seeking consent for are 26 metres, and should a DCO be granted for scheme of that height, the landscape impacts and the acceptability of those would have been decided at that stage, such that it's not a matter that would need to be reopened when detailed designs sought.

1:02:08

Okay, thank you for clarifying that is Mr. Turney or Mr. Cornwell? or indeed anyone else's wish to make a point in respect of this?

1:02:21

Okay, none heard, then we'll draw the that question to an end and look to move on. I'm conscious now that we've been back at our screens for an hour or so. I propose therefore that we take a short adjournment just to refresh ourselves. And therefore, it's now two minutes past free, if we could resume at 10 past free 1510. That's when the hearing will resume. Thank you.