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Thu, 12/10 9:26AM • 1:04:19

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Let's begin again the hearing is resumed 10 past 3

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question 4.3 on the agenda in light of the section 35 direction from the Secretary of State, could Portsmouth city council and indeed any other local authority that considers that the commercial you use spare capacity within the fibre optic cables, and the associated input infrastructure cannot be covered and Authorized by the powers of in the draft development consent order. Please explain why they believe this to be the case. What would prevent the surplus capacity from being considered part of the proposed development

00:47

Miss Colquhoun over to you.

00:56

Thank you that

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just hope I'm working. Yes, I can hear you. So, we've set out a response to this issue has been raised a number of times now already. And I don't intend to repeat our written submissions. The question that that

01:16

the panel asked pointed to surplus capacity within the cables.

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And as we said in our written response, it's actually not just surplus capacity, that is being taken up by these, what I should call the commercial FOCs

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it is of course,

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the fact that there is going to be even more and significant development, which is specifically directed to the commercial FOCs and their operation. So, it goes beyond

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simply taking up surplus capacity.

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But there is a question that needs to be asked first. So, we say which is that

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the applicant has not actually shown that why there is that surplus capacity, or all that necessarily flows from designing this HVDC interconnector

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the assumption seems to have been made or the argument is being played that because there's going to be extra capacity, we ought to be able to put something else in it. And because we want to put something else in it, that makes us associated development. Now, sir, that may be accused of oversimplifying things, but that seems to be the position that the applicant wishes to take. So, first off, prove why that capacity is there. Secondly, it is entirely clear that when the section 35 direction was made, there was no consideration given to

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the specific nature of the FOC

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development. That's what I might call it as well.

03:07

The fact that associated development was asked for as part of the section 35 direction is maybe but the principle development that the section 35 direction relate to is of course, the HVDC interconnector not FFC telecommunications cabling, which was, which is not part of the principle development, it is a separate development. So

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that's where we stand in terms of why the section 35 direction doesn't simply allow for this form of development to be deployed as associated development.

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The

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I think the

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there is one other little point that I was going to write raising an AOB, we didn't raise it to the article and we looked at the article too, but there is a concern sir, that

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there is this anomaly

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of trying to define HVDC and HVAC

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as

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exclusively high voltage alternating currents and high voltage direct current. And then when it comes to describing and defining marine HVDC cables, HVAC cables and onshore HVDC cables, somehow that magically should include

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commercial telecommunications uses. So, Sir, you can't make something that is not an HVDC cable and HVDC cable. So, we do object to the notion that that is a suitable and lawful definition, because it simply isn't correct.

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So that's a that's a first

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Point two to raise with regard to the FAC cabling.

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So, beyond that, of course, we're talking about the ORS buildings. And now and again, it is, it seems to be suggested that those buildings are to be utilized as part of the principle development when they clearly aren't. They're not to do with, and I can happy to be corrected, but they're not to do is

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handling anything that that's directed from the HVDC cables proper.

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So

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whatever when it comes to tomorrow, we will also be discussing justification for that development. And so, there is a final point to make out of this issue, which is, of course, we say that there is a clear question.

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It's been raised by you and your brother on the panel as to whether this should be treated as associated development and the consequence of

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a conclusion that it is not? Because there are implications for this order, and how that proceeds. Should that be the conclusion, your recommendation and the Secretary state's conclusion? So we have yet to hear

06:18

what the applicant might do about that position. But I think it's sensible to raise it at this stage. So as soon as you have got any other questions, that's my submission on that part.

06:31

Thanks. Thank you very much. And before I go to other interested parties, I will just ask Mr. Jarvis to come back on what he's just heard with, with particular, obviously responding to all those points, but just focusing on that last one there as well.

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assisting the examiner 40, if you would, Mr. Jarvis on the hypothetical but nonetheless, possible,

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potential that if the examining authority or indeed the Secretary of State, recommended or determined that, notwithstanding the evidence that the fibre optic cables, the commercial use of them should not be included within the development consent order? What would the implications be of that decision for the for the rest of the development consent order? And how would you suggest we deal with that situation? If you would, please?

07:30

Thank you. So, I'll answer that point first. And I've got a few queries in relation to the points that were made on behalf Portland City Council.

07:38

In short, the elements that would be relevant in the event that it was determined that the fibre optic cables were not associated development in accordance with section 115 of the Act would be that you would just include a requirement to require the detailed design of the RS to be confirmed as far as it's necessary in connection with the monitoring of the interconnect to that, you would remove the words for commercial purposes from where it's used in connection with fibre optic cables, and you would remove the reference to the telecommunications building being authorized development.

08:11

And then in relation to points to the labor costs and capital, I'm struggling to understand the point that's being made around the definitions of HVDC, HVAC and marine HVDC cables, all of which follow the same form, all of which include fibre optic cables, and all of which refer to being for commercial use. But it was suggested that there was a difference between the three. So, if that could be explained, that would be very helpful. Thank you.

08:34

Thank you. Just before I go back to Portsmouth on that. So in in terms of your position,

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on the government consent order, the fibre optic cables,

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see those as sort of discrete elements that could be written out of the consent order, if it was deemed that they couldn't form part of it, is that correct?

08:58

You wouldn't be able to write out the fibre optic cables because they are needed in connection with the interconnector as has been confirmed in the statement submitted in relation to the fibre optic cables. You also wouldn't be able to remove the LRS because that is also required in connection with the monitoring of the interconnects because it is needed to boost signals between the two converter stations given the length between the two.

09:18

You could remove in theory, the telecommunications building, however, one thing I would need to check and I will check and provide a response and in due course is how having the termination equipment inside the converter station could increase the footprint of the converter station.

09:37

Right. Okay. You wouldn't have it in a separate building because there wouldn't be the necessity for it to be outside of the converter station compound which is principally for health and safety reasons because you need different health and social services to access a telecommunications building than you do to enter a high voltage conversation fight.

09:57

sure that that point is it

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Miss Colquhoun, how would you like to respond to that?

10:06

Oh, you've been muted.

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So, um, I've heard what Mr. Jarvis says, but

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is it therefore the applicants position that, that if the

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if the commercial FOC if I can call them that were removed from this

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from this development, that there would still be a need for the oars, because that is not what has happened in other interconnectors and the small element that would be left of any FOMC

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requirement.

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It would appear to be not something that requires monitoring through something as large as two Rs, it just simply doesn't add up.

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And whilst we

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was, you know, the applicant has

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has suggested, as I hear this suggested that the RS will still be required. I don't know that you have the evidence to conclude that

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and, and ask for the suggestion that that an HVDC cable can include commercial cables for commercial telecommunications uses, which is clearly a reference to the SOC commercial cables. Why should it be an HVDC? cable?

11:39

Because it's not to do with? It's not to do with electricity. That's the simple point.

11:46

Okay, Mr. Jarvis, any thoughts? Thank you. It's the same cable, it's fibre optic cable. It had glass fibres in it. Some of them were used for one purpose, and the proposals that some of them were used for another. We're not saying that the fibre optic cable transmits electricity, it's the electrical cables that do that. And in relation to the need for the O Rs, we have clearly confirmed that position at paragraph seven of our position statement in relation to FOMC.

12:16

I would just add that there have been various points made that this document reference seven, seven ones, it's passed me by I thought I would just make the point that there are other comments that have been made in relation to whether the fibre optic cable can properly be construed as associated development in other persons submissions. And it is our intention to provide a full response to all of the substantive points that have been raised in relation to that question.

12:42

Right, okay, I see a hand up, it's not immediately apparent who's that is. Oh, Mr. Mr. Cornwell? Sorry.

12:55

Yes, thank you. So, Stephen Cornwell from Winchester City Council. I know, Mr. Jarvis is indication of providing some further clarification. On this point. I wonder if,

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as part of our clarification, we might get some greater clarity on the actual capacity of the fibre optic cables.

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Today,

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in response to requests for that information, we've ascertained I believe that there are 192 glass fibres in each of the two cables. And that the split between the

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converter station and commercial elements is 2018.

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But in terms of specifying the precise number of lines that those figures may provide, we've ended up as they were in the realms of speculation, and it would be far better if there was some clarity from the applicant on that particular point. Thank you.

13:58

Thank you. And before I go to Mr. Jarvis, and notice that Mr. McLeod, your hand is up, perhaps you can assist in these matters, please. Thank you, sir. Norman MacLeod on behalf of the applicant. But perhaps Mr. Jarvis has made the point but all HVDC interconnectors using submarine cables require fibre optic cables from end to end, primarily for two reasons one to monitor the cable itself to monitor the temperature and any acoustic noise close to the cable. And secondly, for end to end communication. We can't run two stations in two countries without them being able to talk to each other. So inherently, we have to install fibre optic cables for each of the two links that we're proposing in this project. Because we have fibre optic cables led by default, adding additional commercial fibres is no great cost to the project not a technical difficulty. But the distance almost 250 kilometers from station to station is

15:00

A long way to go without boosting the light signal, which is the concept of the water stations at the landing point.

15:07

So just to clarify there, as Martin's said, fibre optics are not there to carry power, the power cables are not there to carry information, we need both as to the bandwidth and the signal capacity of the fibre optic cables that would have to be done as part of a separate mission. I couldn't answer that question here. No, but fibre optic cables have a fantastic capability for information flow primarily used for internet communication? And what would be the purpose of these commercial fibres. But we could respond on the capability of these fibres in a later submission. Okay,

15:45

thank you very much that would indeed be useful if that could be provided, if not at deadlines, six then following deadline in the examination timetable, just to confirm the breakdown of the capacity of the cables there.

16:01

Miss Colquhoun, I see your hand is raised.

16:07

Thank you, sir. merely to come back and say, well, we don't doubt that the commercial FOCs are a benefit to the applicant, and that they may be able to be done at low cost, and they may also be able to be great benefit to the development because of any cross subsidy. But in terms of this being properly associated development, and also in terms of the justification for the LRS those inherent FOCs are different, as we understand it, a very different

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capacity with that for want of a better word than those of the commercial FOCs, and we've not been told why

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the if you removed the commercial element, why they would still be in need for the IRS is and there is no evidence to suggest that those are RS would have been required. But for commercial FOCs. And the reason that we raised this is because I recall this time of year ago, when I was first instructed to look at this case, we had not really appreciated there would be these buildings. So, they came very late in the day, sir. And in addition,

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so, we say that you have not got sufficient evidence to accept that.

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That there would be the need for these LRS is without the commercial FOMC element.

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Okay, thank you. Mr. Jarvis. I think a pragmatic way forward perhaps would be we've discovered and post hearing note on this question and fleshing out particularly the need for the optical regeneration station, if and in the event that the commercial use of the fibre optic cables will not to be taken forward.

18:09

Is there anything else that you'd like to add before we draw this particular question to a close?

18:16

Just that, yes, we're happy to pick up that point. And I also just like to highlight, in addition to the various benefits that were mentioned by Portsmouth capital, we have also very clearly set out the significant public benefits, the ability to use the fibre optic cables. That's, that's not. That's for me, Miss Colquhoun. Have you got anything further to add?

18:39

I'm sorry, sir. I committed that felony of not muting that. So no, I think we would just be going around in circles. I have nothing to add. Thank you, sir. Okay, thank you. Before I move on to question 4.4. Mr. Man, do you wish to raise anything at this point? Could I just ask Mr. Jarvis? A very quick question. Hopefully a simple one, does the applicant see the surplus capacity, the use of the surplus capacity in fibre optic cable plus the associated plus the development that's associated with that? So that would be the building by the converter station and part of the optical regeneration station? Do you see that as associated development? Or do you see that as part of the principal government?

19:23

We see that as associated development. And that as we set out in our statement, which sets out how it satisfies the requirements of Section 115 and the guidance in relation to associated development. Thank you.

19:37

Thank you very much. Just to point out Mr. McLeod, I believe your hand is still up. I believe that from before and thank you very much.

19:51

I think we may already have touched a bit on this but just for completeness, is it an oversight the remainder of the specified works make no room

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Installation of fibre optic cables. Is each time specifying the length of HD VC cables? Mr. Jarvis?

20:09

No, it's not because it's included in the defined term. It's time.

20:13

Okay. Yes, we have sort of covered that in our answers to the to the previous question. So, I don't propose we stay on that further.

20:23

Question 4.5 on the agenda with regard to work number three, what is the actual size of the carpark sought? The supplementary transport assessment infers 150 space carparks, but the answer to x q one

point 16 point 20 states capacity for 227 parking spaces? Where are the parameters of this set? And how is the size and location controlled in the DCO? Mr. Jarvis?

20:52

Thank you, sir. So, the size of the car park is for 206 vehicles. There is a table included within my statement at question 4.5 and that sets out the car movements in connection with the authorized development and that includes the worker movements comprising the workers at the converter station area, the workers on the cable route and the landfill and all together that equals 206 spaces and that's what the carpark is sought for. The higher 227 figure that was included in the response at our response to SAS written questions takes into account the vehicles that will be used in connection with the construction. So essentially, the vehicles that are used to transport the cable gangs, from the converter station to their specified area of work, or on the site itself, we are not separately seeking consent for additional car parking spaces for those vehicles, as it's considered they can be accommodated on the site in the parking area that's already provided for because of the turnover of cars and vehicles that will happen in that area. But what we are seeking to do is to ensure that a car park is big enough to accommodate all workers. This is obviously not subject to but we're also looking at various matters in relation to the framework construction traffic management strategies to provide a more sustainable way for persons to go to and from the converter station. But that doesn't aren't at this time necessitate any reduction in the car parking figure. And we don't consider that it would be appropriate to do so.

22:22

Okay, one quick supplementary question on that. Just to confirm that the maximum size of that car park has been taken into account and the environmental statement and all the necessary effects that go along with that visual noise, etc.

22:39

Yes, it has sir. And that was all confirmed in the environmental statement addendum that was submitted at deadline one.

22:45

It was an error in type the submission and that start being corrected.

22:51

Thank you very much, can I just check whether any interested parties have any views on that and or if anything is still not understood?

23:03

That I see none. So, moving on then to question 4.6.

23:09

In work number four are the maximum upper limits in terms of the numbers of Joint Base link boxes and link pillars sufficient given that day uses depends on contract experience, capability and discretion. And Mr. Jarvis please

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just sort of echo our response in the transcript's parliament, the number of joint banks has been calculated based on one-kilometer cable section length, a number of joint bays may be reduced if the final cable contract up through design is longer section length. The number of link boxes and link pillars are calculated based on the requirement of one every five or six cable sections which can be adequate and may be reduced essentially the cable sections will be between 600 metres and two kilometers long depending on where they're located. And we are contending that there are an adequate number of joint bays and link boxes included for each cable circuit. And it's just a concern that the number of them is not dependent on contractor experience or capability. It is just dependent on the design that's brought forward for the development.

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Okay and in your view. And if the design came forward where there was a need for Bay a box a pillar within every 600 metres with the maximum upper limit still be sufficient for the purposes

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given the route 20 kilometers I would say not just using simple math, but it wouldn't be the case that okay, well x would be 600 metres and we're entirely confident of that. So, there's adequate provision for them included.

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And I'm also just being told that that would be an impossibility because it's the HDD land

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is of course, no not a that's understood in terms of other parties present. Appreciate that. We are going to go through the issue of Joint Base specifically issues

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Specific hearing to next week. But there any particular concerns as they relate to the DCO at this stage?

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No, I hear none.

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So moving on then to question 4.7. does work number four f need to be specific about the technology and means of trenchless crossing being utilized.

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C sharp,

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sorry, just to say that there has been an amendment to work number four F in the most recent version of the order, and it is specific with regard to the method to be used.

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Right.

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Mr. Morris, we're having difficulty hearing you.

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At what point did I drop out? Sorry.

26:01

We heard the we heard Mr. Jarvis, his response and then we didn't hear from you after that.

26:07

Okay. If you can hear me now. Yes. Yep. Okay, thank you very much. move on then to question 4.8.

26:18

In relation to part two k of schedule. One, what other works are anticipated to be necessary for the construction or use of the authorized development, and why such works not to have materially new or materially different environmental effects. Any of these works likely to be related to the status the applicant has attained as a code operator under the Communications Act. Mr. Jarvis.

26:46

Thank you, sir.

26:48

So essentially, they're all very minor works. And as we've set out in our transcript, it really is not possible for any project or of a large infrastructure project to anticipate and list all minor or temporary elements of development, which might need to be implemented in carrying out the work, we have sought extensively to do that as best we can. But this is really just about embraces to ensure that anything that has been assessed is within the scope of the environmental assessment is permitted. With regards to the question of why ethics works considered not to have a materially new or materially different environmental effect, it's not that they're not considered to have such an effect, it's that they're not permitted to have such an effect, where they did have such an effect, they'd be out with the terms of the work that we are seeking permission for, and therefore they wouldn't be permissible. So hopefully, that addresses that concern. And with regards to the queries in relation to the relationship to code operator status, no such works would be authorized by disorder consented not sort of such work, excuse me, apologies, schedule. One is clear as to what the authorized development contains, certainly any additional fibre optic cable network would not be within the scope of the environmental assessment carried out and therefore would be out with the terms of schedule one and not permissible. So, I confirm that there is no intention to seek to use paragraph two K to buy some way include those works. And that even if we didn't tend to do that, it wouldn't give them authority to do it for the reasons I've explained.

28:09

Okay, thank you. There's one supplementary point coming out of this and he may be able to respond to it now, or in the post it notes. And we noticed at

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deadline for I think it was the statement of common ground with National Grid electricity transmissions and get fingers rep for hyphen zero to one. Notice that within that document, there was reference to DCO powers covering works to extend the love Dean substation, the inference in that statement of common ground was that such works are not already covered by the DCO. Perhaps you could just help clarify what is meant by extending the loved in substation and whether or not those works are really forming part of the DCO place. Yes, I can, sir. Thank you. So essentially, the extension at the substation would involve the delivery of additional outdoor electrical equipment, which would be essentially connection base to link in the two HVAC cable circuits which connect the converter station to the substation

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national grid, having provided the information that's included within the environmental statement for the purposes of assessment has more recently just asked for the recipe to confirm that all of those works have been assessed in the environment of statement. And they were also looking for an amendments to the description of work number one, just so there's absolute clarity as to what the works are that can be built out and my understanding is that that just stems from a desire to have clarity such that there isn't any potential issue in the future. Subject to that request. W SP have been reviewing the environmental statement and have been corresponding with national group to confirm the position and there is some back and forth correspondence.

30:00

Which is very close to being finalised to confirm how all of how the environmental statement has taken all of those words into account in the assessment that has been undertaken on Saturday as finalised, that will be submitted with the statement of common ground for the view of the examining authority so that they can see the correspondence and also its contents in terms of the combinations of how it's included in the environmental statement. And should they wish to do so can ask any questions in that regard to confirm the position. And the intention is for that to be submitted in that statement updated statement of common ground and deadlines six

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cents that will not

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do look, see that there's any other party have any concerns? or queries at this time?

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That I hit none. In which case I've no further questions. And that completes the agenda item four. I will now hand over to Mr. Roscoe.

31:02

Thank you on to agenda item five, which is scheduled to requirements and specifically agenda item 5.1, which refers to the background to and the purpose of each of the draft requirements. Now I've obviously seen we've obviously seen and read the response to this in the applicants transcript. It wasn't my intention at this stage in the agenda item to work through them individually. And I'd be happy to take them as read. But before I do so, Mr. Jarvis. Is there anything that you particularly wanted to point out on the response?

31:40

No, nothing in particular, sir. Thank you. Thank you. What I would say in terms of the requirements, we will work through the agenda questions as shown. I've also got some other points off the reps that have been put in so far. And then if any other party has something they wish to raise, then there will be opportunities join this agenda item to do so. on then to agenda item 5.2. This relates to how changes to the so-called Live management plans would be regulated and by what process? And would there be a potential for the management plans to diverged from each other? And how would the overall position be managed, when it says up to six contractors are appointed at one time that has been dealt with in the applicant's response?

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Mr. Jarvis says if there's anything that you would wish to say in overview. To start off, then I'm happy for you to do so I've just got a couple of things that I wanted to pick up. In terms of the detail of this.

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Mr. Jarvis? Thank you, sir. So in terms of an overview is just to confirm that the outline or the framework plans, which are those which detail plans need to be produced in accordance with our not live documents, they are secured, and they will be certified documents, and they will not change?

33:05

The detailed management plans that are produced pursuant to those will naturally vary from one another being related to different elements of the development that's being undertaken. But they will all be in conformity with the framework. And on that basis, there will be harmony across them.

33:21

I don't have anything further to add in overview, sir. Thank you.

33:26

Right. In terms of the detailed plans, then the live documents, would they be subject to any continuing approval process is saying that they wouldn't be I think in that response?

33:46

I'm not sure if that is what I'm saying, sir. And I think if they were to be amended, they would have to be amended, in accordance with what is now requirements 26. I want to say which details is variation and variations of approved documents or amendments to prove details rather.

34:05

So I think they would still be subjected to amendment and they would be revised in liaison with the local authority, but it's just providing an ability to amend the plans as the development moves forward to make sure that they are the most appropriate to mitigate the impacts that are designed to mitigate.

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Right. And so that would be the monitoring process that the agenda question asks about, and I correct in that. Yes.

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Thank you.

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And just on that point, or is there anything from anybody else on that matter?

34:37

Okay, nothing heard. Thank you. Just an additional question, at this point in relation to requirement eight.

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Is it correct that the applicant has now committed to maintain all landscape planting for the duration of the operation of the proposed development? This seems to be the understanding in some of the representations

35:00

jobs?

35:02

Yes, that's correct. And so far, the landscaping is associated with work from the two, which is the converter station and Work Center. Five, which is the optical regeneration station.

35:12

Thank you.

35:16

Right. I think that's all that I had to raise in terms of agenda item 5.2. Was there anything else from anybody else in the hearing on this particular agenda? Question point?

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No, thank you. Nothing heard. Oh, Miss Colquhoun, I see your hand up.

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Sorry, sir. I promised to get better.

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There was just one point and forgive me because I was

35:45

doing something. Let's try to write something else at the time. Perhaps I could turn to Mr. Malawian to, to ask a question about the nature of, of the live documents and how they're going to be amended.

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is delivered.

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Thank you, sir. Yes, Mr. Laden's port city council. So, did I hear that correctly, that the sort of the outline onshore, as from the outline documents may require retrospective in the sense that post this examination review under requirement? 26?

36:16

Yes, that's the one that was quoted.

36:21

Okay. Well, I think we've highlighted our views on that in terms of how that could be potentially challenging, contradictory.

36:31

Yeah, I think next opposition on that. Okay. Thank you. Mr. Jarvis, bearing in mind that comment, was there anything that you wish to respond to at this stage?

36:42

Yes, please. I don't if I miss her that, and I certainly wasn't saying that the framework or outline plans will be capable of being buried pursuant to requirement 27. It's the detailed plans that are produced pursuant to those will be capable of review and amendment so as to ensure they provide the most effective mitigations for the work that they're being carried out. And those matters would be discussed and approved with the relevant local authority.

37:08

With that in mind, I'm not entirely clear what the potential conflict or issue is with that approach.

37:14

Right, Mr. Jarvis on that, I've taken that these would be amendments to the detailed plans, which would have to follow the basis of the frameworks that were part of the frameworks would not accept

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Miss Colquhoun. Sorry. I'm not sure if you forgot to mute and I see you muted now. So, I assume that was the case. And so, and so therefore, the detailed ones would be subject to approval, and they would

need to follow the basis of the frameworks as to Java. So they got that generally correct. Yeah. Thank you.

37:51

Was there anything else on agenda item 5.2.

37:56

Nothing heard. Thank you.

38:03

on now to agenda item 5.3. This is confirmation of the definition of commencement, and the full scope of works that would be undisturbed, that would be allowed to be undertaken pre commencement, and the benefit of having works that are included in the pre commencement definition.

38:23

Now I've, we've obviously seen the transcript that was provided. Again, Mr. Jarvis, if there's anything that you wish to say by introduction, please do so. Mr. Jarvis.

38:37

Thank you, sir. So, it's really just to explain the rationale behind having onshore site preparation work separate from the rest of the development. And essentially, what we're seeking to do is ensure that the

38:49

works that are lesser in scope can be carried out at an earlier stage, while still the detailed approval was being obtained. And essentially, what that does is it allows the development called come forward in the most time efficient manner possible. But bearing that in mind, we have also sought to confirm where controls or approvals do need to be approved in relation to those works also, such that they do not give rise to an acceptable environmental impacts where they're required to be controlled. So, it's not that they can just be carried out without any approval it is that certain approvals do need to apply to them. And they are those that are set out within paragraph 538 of the statement that was submitted.

39:29

Thank you.

39:32

Are there any comments from other parties? Now the parties have had the opportunity to actually consider the deadline five submissions. And so, I'm interested in their responses to that in what we're just going to do now. And I can see first handed by Mr. Cornwall is to Cornwall, please.

39:52

Yes, thank you. So, we've been in discussions with the applicant for some time, serve

40:01

I'm wondering if, notwithstanding the observation deadline five, whether this isn't getting extremely complicated.

40:11

It seems to us that despite the good intentions, the ability to remove hedgerows, trees and shrubs, great site accesses to bring buildings and other structures onto the site

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could potentially have adverse environmental effects.

40:32

I know that the applicant has been trying to insert

40:36

precautionary

40:38

paragraphs into some of the requirements. But it seems to us that the most simple and straightforward way would be to reduce the number of onshore site preparation work categories that can take place to a level that does seem to be more consistent within DCOs. And approach the issue from that perspective. Finally, Sarah, I'd simply say to the applicant, I'm not sure that concerns about losing the ability to make to do work in advance of submitting details is likely to happen. Thank you. Thank you,

41:20

Mr. Jarvis, anything in response to that?

41:26

Thank you, sir. No, just to acknowledge that I have been in discussions with Miss Cornwell and Winchester City Council on this issue. Their comments are noted,

41:36

it is still my view that there is a benefit to having these works defined separately. And for them to be able to be carried out in advance of the works from a timing perspective, I would just add that if you look at the definition of phases within the requirements, in schedule, two, I believe, it is quite clear that a phase of work could be some of the onshore site preparation works. And by taking that approach, you would be able to get marked as approved in relation to those and be able to carry them out at an earlier stage. For so the details are still being approved. And that would essentially allow for a quicker and more efficient construction process. But I acknowledge that there are still points to look at in the wording further to my discussions with Mr. Cornwell. Excuse me, I confirm that I'm continuing to do so, and I'll look to make appropriate updates as necessary. In due course, Thank you, sir. Thank you. Now, at this point in time, I can see another hand up, but it's in the group in the hearing that I can't actually identify. So, if whoever's got their hand up, could just speak and identify who they are in the first place.

42:39

So, this is Joel Samkula for Hampshire County Council. And you're going to hear from Richard Turney, and we'll get to Mr. Samkula. Thank you. You can go ahead now. Thank you. Thank you, sir. So we just want to be sure that the definition of commencement won't impede the construction of the site access Levine prior to the start of the main works, and its opposition, they actually made me preferable for the site access works to be expressly identified as pre commencement works within the DCO.

43:12

So effectively, what you're what you're saying to us is that the particular aspect of pre commencement works that you've identified then is quite important to the authority and almost needs elevating in terms of its position,

43:28

Mr. Jarvis, anything on that?

43:32

Thank you, sir. I certainly don't think there's anything that would impede that approach. Currently.

43:38

As, as I as I've explained, the definition of phase is quite broad. And that allows that flexibility to bring forward parts of work at appropriate times.

43:48

It is, of course, the case that without the access, we wouldn't be able to build the access road and then build conversation. So, it will be an early part of the work. I can further consider the suggestion of whether we move that into onshore site preparation works or not, but I wouldn't necessarily think that we need to do that in order to be able to carry out those work earlier in the development process.

44:10

Thank you.

44:12

Right on this aspect. Now, I'm not sure whether I can see any more hands up or not, I don't think I can. But is there anything else that anybody wishes to raise concerning this? agenda question, which is 5.3.

44:29

Okay. Nothing heard. Thank you very much.

44:33

on now to then agenda question 5.4, which is in requirement one, six, what is meant by ground level?

44:42

In terms of this, I've seen the response from the applicant.

44:48

I didn't have any further points that I wanted to raise on it. Is there anything that you wanted to raise on it, Mr. Jarvis?

44:54

No, sir. Thank you.

44:56

And is there anything from anybody else on this particular point?

45:00

Nothing heard. Thank you.

45:03

Moving on to Agenda question 5.5. This is the definition of the scope and extent of reinstatement powers within the dcl and how they relate to highway related works. And then some specifics in terms of the standard of road rest or restoration. And the securing of that within the DCO. And the request for an indemnity for undertaking any works. Now, in terms of this agenda item, again, I've seen the transcript that was provided by the applicant. Is there anything that you wish to

45:44

draw our attention to in terms of that, Mr. Jarvis?

45:49

No, sir, thank you. I think it's quite a detailed response. Okay. Thank you. And was there anything else that anybody wanted else wanted to raise in relation to this matter?

46:02

Okay, nothing heard. No, I don't see anything. Right. Okay. Thank you.

46:07

All now to agenda item 5.6. This concerns Winchester City Council, and it asks for the rationale for requiring an employment and skills plan. In this, I have already seen obviously, the deadline.

46:26

Five submission, I'm just actually being told there is a hand raised from Mr. Cornwall. But I don't actually see it on my screen. Mr. Cornwall, could you just confirm whether your hand is supposed to be raised or not?

46:46

This could go wrong. And not just at the moment, it isn't No, thank you. I can't see it on my screen. But I'm being told from elsewhere that it's gone now. Thank you. But thank you very much. Okay. I will continue on then with agenda item 5.6. And that, indeed, refers to Winchester City Council. And it concerns a rationale for requiring an employment and skills plan. Given the split of local non workers

suggested in the s. Mr. Cornwell, I have seen the submission that you put into deadline five, in terms of the employment and skills plan, is there anything that you wish to draw our attention to?

47:29

Thank you. So simply the fact that we are in discussions with the applicant on this matter, and we're obviously hoping for progress, in terms of setting some realistic targets, which I think is the main concern of the applicant. Thank you. Thank you, I can see a hand raised now by Mr. Summer cooler.

47:54

So, I'd like to apologize because I attempted to raise my hand on the 5.5 point, but it never quite made it through for moving on to 5.6. And I was wondering if I could just take us back for one quick second. Yes, of course, you can. I had said earlier on in the hearing, you probably weren't present then that we were quite happy to go back to elements that that people might have, for whatever reason missed the opportunity to, to contribute to so the item that you were talking about then was 5.5. Am I correct? So that's correct. And thank you very much. I'm grateful. And so here there's a there's a broader indemnity, indemnity point which we have discussed with the applicant. What we seek is an indemnity to cover the cost of relocating Aquind assets in the event they're in conflict with highways improvement schemes, one particular example being lady bridge roundabout and we say that on this point, the applicant needs to consider it again.

48:52

Thank you, Mr. Jarvis, anything can response at this stage?

48:59

Yes, so we have seen the onshore outline construction environmental management plan secured the minimum depth of the cables in the highway by reference to the relevant extra high voltage utilities guidance. They are to be varied at the same depth as all of the utility's operators in the highway. No other utilities operators in the highway is subject to the lift and shift indemnity that Hampshire County Council is seeking, there is no precedent for such an approach. Such an approach will not be acceptable to the applicant in any circumstances. Thank you, sir. Thank you.

49:29

Miss Colquhoun.

49:32

Give me so my hand is raised for 5.6. So, when you're when you're going to come back to that, but I just thought I'd try and get in early as opposed to

49:43

thank you. So just going back, just for clarity, just going back to 5.5. Then, were there any other points that anybody wish to raise concerning agenda question? 5.5.

49:55

Right, I don't see any further hands raised in that.

50:00

This guy who and what I had got to in terms of 5.6 was the contribution from Winchester city council bearing by the nature of that contribution. I will open it up now. And so, if you wish to speak relating to 5.6, then please do so let's go here.

50:18

Thank you, sir. It's very simple point. But Portsmouth has already spoken to at grinned about trying to sort out the section 106. And I just thought I'd flag up at this stage that we would also be wanting an employment and skills plan within that within that section 106 it's one.

50:38

Right. Okay, thank you in terms of that point, and indeed matters like that, if the parties can actually get together to have a consistent approach from both the authorities and, and also a coordinated approach into in terms of the applicant, then that would be useful. Bearing in mind what we've heard, and bearing in mind that point, Mr. Jarvis, is there anything else that you wish to respond on, on agenda rest in 5.6?

51:13

I mean, the request for employment and skills plan from Portsmouth is noted, again, we're not being given an awful lot of direction as to what they would like it to cover. It's a bit of a sort of nebulous concept at the minute in terms of how it applies to the development. Now, that's not to say that we'll look to consider it further. And one would think that we can try to consider it on a regional level such that it can have benefits in Portsmouth, and then Winchester, but it is just sort of flagging the point that we really do need some assistance from the authorities to produce an employment and skills plan that they consider provides a benefit to their communities, and which also is deliverable in connection with this development, which does have a lot of specialized workers.

51:56

Right, thank you for that. I come back to my point about trying to ensure that there is a coordinated approach to this and from what you've just said, then it would seem as though those would benefit the situation. I see. Mr. Corn was hand is raised Mr. Cornwell.

52:12

So simply that we've provided the applicants with a level of detail.

52:18

There's a meeting trying to be organized in the next few weeks, and hopefully that will make progress and take this matter forward.

52:26

Thank you. Was there anything else on agenda item 5.6.

52:32

Okay, nothing heard. Thank you. Now, I have got some other matters raised by the South downs, National Park Authority.

52:45

I can take them they are part of the deadline five submission, what I can do, I can take them now. I'm conscious of the time being four o'clock. But I'll just work quickly through these.

53:02

It's Mr. Hughes from the National Park, I'm basically looking at the paragraphs of the sub paragraphs under 2.5 of your deadline five representation.

53:15

numbers one through two, four.

53:18

And they seem to follow through the role of the National Park in terms of consultation with the National Park in terms of requirement discharge.

53:37

Now that is one, two and three, I can take those together. Mr. Hughes, is there anything that you would wish to add on the consultation aspects of the representation that you put in at deadline five? Mr. Hughes?

53:51

Thank you, sir. No, I just have one further comment in respect to discharge of the construction traffic management plan, though, would like to make if that's okay. I think it is. Yes, go ahead. Okay. And just in respect of requirement 17. I'm sorry, it's Mike Houston, south downs National Park Authority. At the moment, as the requirement is currently worded, it says for the local Highway Authority to discharge and the CTMP. I would like to suggest that that should be local planning authorities that do that, given that it gives rise to local planning considerations such as impact on residential amenity, etc. And we've talked a lot about credit and DCOs today. And I've just like to say that that was the approach that was taken the recent Southampton to London pipeline development consent order as well. Thank you, sir. Right. Thank you. Was there anything else from any party on the consultation, aspects relating to the National Park in terms of requirement discharge?

54:55

Nothing heard. Thank you. Just coming to the final point then on that

55:00

action within the park's deadline five representation, which talks about

55:08

it's almost deep decommissioning really to for the paragraph action actually is. Mr. Hughes. Is there anything you want to say about that before I open it up for any comments, Mr. Hughes?

55:21

Thank you, sir. No, not particularly other than I noticed that they have. The applicant has put forward a decommissioning requirement, deadline five. And that's welcomed some certainty. And I think this is a point that Mr. Turney made earlier this morning some certainty around the timeliness of doing that would be appreciated. Thank you, sir.

55:42

Thank you. And Mr. Samikula, your hand is raised. I see. Mr. Samikula.

55:49

So just in response to Mr. Mr. Hughes', sorry, Joel Samikula for Hampshire county council, and Mr. Hughes's point as to as to who should be responsible for those approvals earlier. And the, as a Highway Authority, we'd be concerned about being left out of that. And it's our view that any approvals there should be in consult, in consultation with us. And there's a highway Authority and not excluding us, even if final approval does take place by a local planning authority.

56:18

Thank you. Was there anything else anybody wanted to

56:23

raise? Right, I've got a number of hands that are appearing and disappearing here.

56:29

I have one raised that I can't see who it is from. So, if the person who's got their hand raised could speak please identify themselves.

56:38

That's me sir Martin Jarvis. Right. That is quite strange. If I could just hold you there, though, that is quite strange, because the hand being raised wasn't coming up against the contact pad. If you like what I've got for you, guys.

56:52

I was going to come back to you at the end anyway, so you can do it now. And just to highlight that, we appear to be getting into a bit of a risk in relation to these transport approvals. If we've got the local Highway Authority approving it in consultation with highways England, in consultation with the sounds of National Park Authority in consultation with the relevant local planning authority, it's quite simply an unnecessary level of approval. The framework construction traffic management plan clearly sets the route that those detailed construction traffic management plans can apply to, that sets the parameters, it confirms for bond that there will be no traffic routing within the South Mountain National Park, it's therefore not considered there's any need for the sound festival park to be considered on this requirement. We have listened to their representations made during this period. And I have spoken with Mike about this. And he's asked for some references to be added to the construction traffic management plan to reference the National Park. And I understand that is something that's been

further considered. But that that matter needs to be addressed is not considered to be something that would require the South downs National Park Authority to be consulted on matters which are so the extended impacts on them already secured. And then also, I would highlight that in terms of the construction traffic management plan and the discussions today. They have been with Hampshire County Council, it would be quite odd for us to be in a position where it's Winchester City Council, that are approving traffic management plans in Hampshire, when Hampshire has been the person feeding into that discussion.

58:19

Right, thank you. I think on this particular matter, it may well be that the parties have come to their final positions on this. And the only the only purpose then is for the parties to set those positions out clearly. And then it is for the panel to consider those positions. There are areas where continuing discussion can be useful. But there are areas where it can be recognized by all that you've reached that point where your positions are clearly set out. Was there anything else on this particular agenda item concerning the National Park before I complete this item? anything from anybody else? Right, is there anything from anybody else on items five on the agenda that schedule to requirements

59:06

Mr. Cornwell

59:09

Yes, thank you. So, Stephen Cornwell from Winchester City Council. So, the authority made a number of representations that deadline five, relating to the requirements and

59:23

I'm not sure whether you want to go through them now or whether it's simply sufficient for you to acknowledge them.

59:33

And for Mr. Jones

59:37

for further consideration.

59:40

I could if you wish, just as you were summarise the main particular points, which I think might be pertinent. Right on this Mr. Cornwell, I do, we obviously do have all the representations that you put in including those on deadline five. If there was anything that you wanted to add in addition to that

1:00:00

That, then I'm happy to hear it now. And I'm happy to take a written response then from the applicant in terms of those matters. So, what I've got before me then, is the other requirements that you've already put in it. The submissions you already put in at deadline five. Is there anything in particular you wanted to identify or add to those?

1:00:31

Mr. Cornwell, I'm not hearing anything at the moment. I'm not sure whether you're still on, I think you're possibly muted.

1:00:42

The call will I get your

1:00:45

apologies technology problems at this end?

1:00:48

If I could just mention a requirement for so

1:00:52

This recognizes the fact that Dan made there are still two alternatives for the HDD five launch site.

1:01:05

And therefore,

1:01:07

in terms of option confirmation, we need clarification of which of those two sides for the compound will be chosen, if that matters and resolved over the coming weeks or months. Right

1:01:23

here.

1:01:25

The other general observation I would make is we made comments about the sort of, if I can call them the landscaping required, it seemed to be getting awfully complicated, specifically requirements seven, which to our mind was trying to achieve an awful lot of different things under one single requirement. I'm happy for the applicant to go away and consider whether the requirements achieve everything that's necessary in a clear, legible, concise way. Thank you. Thank you. Thank you,

1:02:05

Mr. Jarvis. I'm not looking for a response to those specifically now. But is that something that you can take into consideration and return to the examination in due course? Yes, thanks for just to confirm that I have had a call with Mr. Cornwell and representatives of Winchester city council to discuss these comments already. So, they are being progressed. And the intention is that dates that are appropriate will be made at deadline six and where there are points that are not agreed with the rationale for that will be set out in our deadline six responses. Thank you. Thank you, just to say that I have the high taken these as points that were in the ongoing discussions. Thank you. Was there anything else in terms of items five on the agenda that schedule to requirements? Mr. Khan? Well, I can see your hands still up? I'm not sure if that is. It's intentional. One final point,

1:02:58

which was and I think he probably is worth mentioning. The Council was proposing that a requirement was imposed. The required no start on the UK side until the French side had got its approvals.

1:03:17

This is this is we consider in the vein; shall we say have a Grampian type condition? Right.

1:03:26

Right. If I can pass that across then to the Jarvis. Mr. Jarvis. Is that something that you can respond to in the same way as the other requirements that have been raised?

1:03:36

Yes, it is. Yes. Thank you, sir. Thank you. Mr. Cornwell. I can still see your hand raise but it's gone now. Thank you. Right. Was there anything else in terms of schedule two requirements? Okay, nothing heard. Thank you. That then brings us to the end of section five of the of the agenda. The time is now 13 minutes passed for I would be minded to take

1:03:59

an afternoon break now.

1:04:02

And till 16 2020 past four, so I will adjourn the hearing now to be resumed at 1620. That's 20 past four. Thank you.