

AUDIO_AQUIND_CAH1_Session1_10122020

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SUMMARY KEYWORDS

land, area, Jarvis, road, applicant, compulsory, section, includes, landscaping, acquisition, Portsmouth, transcript, rights, onshore, hearing, works, article, powers, converter, sir

00:00

Well, good morning, everybody and welcome to today's compulsory acquisition hearing for the Aquind interconnector.

00:08

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

00:18

Good morning, Mr. Mahon, Hefin Jones case manager. Yes, I can confirm we can hear you clearly and the recording has started. Thank you. Thank you. Please could all the participants in the hearing ensure they are muted unless invited to speak and please turn off mobile phones that are not being used to access this hearing.

00:38

I believe that today's participants now have at least some experience of the hearing process. But we will nevertheless provide a brief introduction for the benefit of those watching the live stream and the recording that may not may not be so familiar.

00:52

This hearing is taking place virtually online. But the format content and procedure will be very similar to the traditional face to face compulsory acquisition hearings that have been held previous DCO examinations.

01:07

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

01:26

I have a background in ecology and environmental impact assessment. And I'm a chartered environmentalist and a chartered landscape architect.

01:35

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

01:44

Thank you very much. Good morning, everyone. My name is David Wallace. I am a chartered member of the Royal Town Planning Institute and I've academic qualifications in environmental planning. I'll now hand over to Mr. Roscoe. Good morning. I'm Steven Roscoe. I'm a chartered civil engineer and I have a background in engineering and development.

02:06

Thank you can I also mention our planning Inspectorate colleagues who are working with us on this examination, some of whom you will have spoken to already, Hefin Jones is the case manager leading the planning Inspectorate case team for this application. And he's accompanied today by two case officers, Lily Robbins and KJ Hanson.

02:26

We are examining an application for an order for development consent for the Aquind interconnector, which is a nationally significant infrastructure project. The application has been made by Aquind limited and we will refer to in this meeting as the applicant.

02:42

You can find information about the application and documents produced for this examination on the planning Inspectorate national infrastructure website.

02:52

This has a landing page for this project and further pages that set out examination procedure. The timetable relevant representations and examination documents are rule eight letter of the 15th of September 2020 includes the web address.

03:09

The hearing is being held on the Microsoft Teams platform, but the chat function will not be used in the meeting today.

03:17

Should you wish to make a comment you can use the hands up function. Please be advised there may be a delay before we see it. And please wait to be invited to speak.

03:27

Telephone participants should clearly state their name if they wish to make a comment. But again, please wait to be invited before making your contribution. Please speak loudly and clearly, especially those on the telephone.

03:43

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

04:02

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

04:11

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

04:22

If you are, we consider there is no alternative to the disclosure of such information. We will agree a process to enable it to be made available without it forming part of the public record.

04:34

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

04:44

We will take breaks as necessary during the hearing. But please stay online during all breaks the turn off your camera and microphone. Note that those watching the live stream may need to refresh their browsers after a break to continue watching Mr. Wallace

05:00

We'll now move on to agenda item two.

05:04

And you very much agenda item two is to go through the purpose of today's hearing. The hearing today will follow the circulated agenda. And from that, you'll see that it's specifically about the powers that the applicant is seeking food the draft development consent order for the compulsory acquisition of legal interests in and rights over land that the applicant contends, is required to take the proposed development forward. The hearing is being held so that the examining authority and ultimately the Secretary of State contest this contention in the context of the applicable legislation, policy and guidance. As we consider the request for compulsory acquisition, we will take into account not only what we hear today, but also all of the relevant associated information in either application documents, or submissions and written representations. compulsory acquisition hearings can also take evidence in relation to applications for the development consent order for temporary possession or use of land or rights. parties who have an interest in land that is affected by such a compulsory acquisition request, are known as affected persons.

06:25

All affected persons have been notified of this compulsory acquisition hearing and have a right to be heard in relation to any objection about the effects of a compulsory acquisition request on their interest in land. We have therefore notified all those parties affected by the application for the proposed compulsory acquisition powers of this hearing and invited those who have made a substantive objection to the use of the proposed compulsory acquisition powers to address us at the hearing today. The affected persons that have requested to attend and speak today are Portsmouth City Council, Winchester City Council, and Hampshire County Council.

07:09

We've had no other requests for participation in today's meeting.

07:14

Now I'll ask each of the parties to introduce themselves. And when I call you call you please state your name and your post and relevant for the organization. Starting with the applicant's representative, please.

07:31

Good morning, sir. I'm here on behalf of the applicant. My name is Simon Bird Queen's Counsel, and I'm appearing with Mr. Martin Jarvis, Senior Associate of Herbert Smith Freehills. So, can I just introduce our team for today?

07:45

In terms of electrical engineering matters, it could be Dr. Norman MacLeod and Mr. Daniel Abbott, who I introduced to the examination yesterday. In relation to cable engineering matters, it will be Oliver Bolch and Mr. Paul Hudson, again who I introduced yesterday

08:00

in relation to engineering and the converter station, that that will Mr. Hamid Mojtabavi of WSP, who holds a Bachelor of Science honors degree in civil engineering and a Master of Science degree in structural engineering, and he is the civil and structural technical lead, focusing on the development of the converter station area. Then in relation to the regulatory status of the proposed development that will be Professor Silke Goldberg who is a partner at Herbert Smith Freehills is a solicitor qualified in England and Wales Republic of Ireland, Germany and France, who specializes in all aspects of European and UK energy law and regulations.

08:38

Then on land acquisition matters, it'll be Mr. Alan O'Sullivan of Avison Young is a director in the Energy and Natural Resources team at that firm and holds a Bachelor of Science honors degree in finance and Post Graduate Diploma in surveying. And he's leading the acquisition of land and land rights for the proposed development.

08:57

Then there'll be Mr. Joshua Kauffman on grand conditions in relation to Milton carbon. He's a geotechnical engineer at WSP and the civil bridge and grand team and holds a Bachelor of Science

honors degree in applied geology and master Science degree in geotechnical engineering. And he is part of the June technical team looking at the onshore cable corridor route and the converter station.

09:21

There Mr. Greg Irvine on alternatives and environmental studies who are introduced to the examination yesterday, and then there's additional name, sir for the list and it's Mr. Chris Lomax, who's the technical director with the WSP maritime team. He's a chartered geologist, a fellow of the Geological Society as the bachelor's Arts degree in geology and master's degree in engineering technology, geology, and he is the lead on Marine Engineering and the marine cable corridor on behalf of the applicant. Sir I anticipate that the principal spokespersons will be Mr. Martin Jarvis and Mr. Alan O'Sullivan.

09:59

But we will call

10:00

Other members of the team to the table as required. Thank you very much. So that's the team for today. Excellent. Thank you very much Mr. Bird much appreciated for that run through.

10:10

Okay who appears today on behalf of Portsmouth city council place.

10:16

Good morning sir.

10:18

Celina Colquhoun. Here instructed by Kieran Laven for Portsmouth City Council. I have three people in the room with me and three

10:26

extra mural and I will simply ask them to introduce themselves. So, starting firstly with Mr. Laven.

10:37

Good morning. I'm Kieron Laven. I'm a solicitor for Portsmouth City Council.

10:43

Good morning. I'm Tom Southall, Assistant Director for property and assets for Portsmouth City Council.

10:53

And good morning, I'm Vernon Nash property surveyor for Portsmouth City Council.

11:08

Good morning my name is Ian Cunliffe. I'm a chartered surveyor from Gateley Hamer instructed by Portsmouth City Council.

11:19

Good morning, I'm Peter Hayward on a chartered civil engineer representing the local Highway Authority for Portsmouth City Council.

11:35

Now I believe there's one more party from Portsmouth to speak that, there we go.

11:42

Hi, I'm Jeff Downing. I'm the team leader for Portsmouth City Council.

11:51

Thank you very much. Does that complete the team for Portsmouth?

11:55

It does, sir. Excellent. Thank you very much and welcome.

12:00

May I ask then, who is appearing before us? On behalf of Winchester City Council, please.

12:14

So, Katherine Knight, the head of legal services and Deputy Monitoring officer.

12:24

Thank you very much and welcome.

12:29

And

12:32

Good morning. So, it's Steven Cornwell. I'm a planning officer. I'm also representing Winchester, city council

12:41

Thank you very much.

12:46

Is there anyone else appearing on behalf of Winchester city council? Is that the complete team? That's the complete team. Thank you. So, thank you very much. And last but not by no means least who is appearing on behalf of Hampshire County Council please.

13:04

Morning, Sir, my name is Richard Turney. I'm a barrister instructed by Hampshire County Council on the call today, Tim Guymer spatial planning lead officer, Holly Drury, the principal transport planner, and Caroline Sakeland from the legal department.

13:23

Thank you very much. Thank you for those. Thank you for your introductions everyone.

13:28

I'm not aware of any other affected persons that are here today to speak. But if you are here and you do intend to speak could you make yourselves known to me now please.

13:42

Okay, I hear none. So, moving on, then to details of today's hearing. We will be examining the application for compulsory acquisition rights in the context of the powers provided by the Planning Act 2008, specifically sections 122 and 123. A link to that legislation is available on the main national infrastructure planning website of the planning Inspectorate. But in brief, we will need to test and advise the Secretary of State on whether the land and rights that are sought are required to build or facilitate the proposed development or related to necessary replacement land wherever there is a compelling case in the public interest for the land or rights to be acquired compulsorily.

14:31

And that what is sought is legitimate, necessary, reasonable and proportionate.

14:37

We will also be mindful of the advice set out by the government in its 2013 publication Planning Act 2008 guidance related to procedures for the compulsory acquisition of land, which is also available from a link in the guidance section of the main national infrastructure planning website.

14:58

Our deliberations

15:00

decisions will also be guided by the relevant human rights legislation, including the European Convention on Human Rights article six, eight, and 14, and first protocol article one. Ultimately, while considering whether to recommend or allow the application for compulsory acquisition powers, respectively. both we and the Secretary of State will take great care to weigh any interference with human rights against the public interest associated with the benefits of the proposed development and ensure that any interference is considered both necessary and proportionate

15:39

is for the applicant to demonstrate that all of the proposed compulsory acquisition powers they seek are justified within this framework that all reasonable alternatives to compulsory acquisition have been explored. And there is a reasonable prospect of it having funds available to implement any compulsory

acquisition rights that may ultimately be granted the Secretary of State in the time allowed within any development consent order.

16:08

While there is a clear and obvious link between our examination of the proposed development itself, and our examination of the application for compulsory acquisition rights, the two attested on their own merits, according to the case, and whatever our ultimate recommendation to the Secretary of State is, it is possible that he or she could grant development consent, but not some or any of the requested compulsory acquisition powers. I should stress that we will form a view over the full course of the examination on each of the requests for compulsory acquisition powers. And whether or not there is a compelling case in the public interest. And not just on the submissions and evidence put to us today.

16:54

For the purposes of this hearing, I'm assuming that the representatives of the applicant the statutory authorities, and the local authorities, are reasonably familiar with the legislative policy and guidance framework, and with the process that the examiner authority and sec of state will go through. So, I will take it that my preliminary marks are read unless advised otherwise.

17:21

Okay, to complete our preliminary item about the purpose of the hearing today, my request all affected persons who make an oral representation today to submit a follow up written submission after this hearing, but deadlines six, which is Wednesday, the 23rd of December 2020. Written submissions should be based on your representation today, rather than any new material. They can include more detail, and collaborative or supporting evidence. An action point list from this hearing will be prepared. You've heard my colleague Mr. Mahon said that he will do this but would also be appreciated if the applicant could keep a record. And notes can be compared at the end of this hearing.

18:09

I'll now move on to Mr. Roscoe, who will take us through the remainder of the end. Thank you.

18:18

Thank you.

18:19

Just before I deal with section three of the agenda, I just wanted to say that I believe that we did make good progress yesterday. So, I thank you for that. And also thank you for the transcripts that you've provided. It helps helped us yesterday, and I certainly think it will help us again today. So, on now to section three of the agenda and agenda item 3.1, which basically requests that the applicant set out very briefly, which articles engage compulsory acquisition and temporary possession powers. I think on this, I would just like to emphasize the very briefly, Mr. Bird, please.

18:59

So

19:01

some good What was the job?

19:06

Mr. Bird there for a moment. at this end, I'm getting some feedback from your side. I could understand then that you were referring this matter to Mr. Jarvis. But there was still that feedback. Wonder if that could be dealt with.

19:23

Thank you, sir. Is that better? That's much better. Thank you. We've addressed it so I am referring to Mr. Jarvis. Please, sir, thank you Mr. Jarvis.

19:33

And briefly set out the articles which engaged compulsory acquisition powers they are set out principle and passed by the

19:42

division of land which empower

19:46

Mr. Jarvis, if I could just hold you there. I'm sorry. Now I'm actually getting insufficient volume. For instance, I can hear the turning of papers is almost as loud as your voice. I wonder if that could

20:00

be directed in some way.

20:04

Martin Jarvis. Hello, sir, can you hear me now. I can hear you much better now. Thank you. Sorry, we were just having a problem with our audio dial in which we will seek to correct the break if that's okay. That's okay. Yes, I mean it is it is recognized by us and I'm sure it's recognized by all that these are different circumstances that we aren't all fully familiar with at this stage. So please carry on. Thank you, sir. And so as I was saying the articles of the order which engage compulsory acquisition powers are article 20, and post-acquisition of land, Article 23, compulsory acquisition of rights and imposition of restrictive covenants in respective land, Article 22, which sets the time limit for the exercise of authority to acquire land compulsory. Article 25 application of the compulsory purchase vesting declarations act 1981 and article 26 modification in part one of the compulsory purchase that criterion 65 make provision for the application of the relevant tax to the exercise of the powers of compulsory purchase contained within the order. Article 27 acquisition of subsidence based only on article 28 acquisition part of certain properties make provision as to the ability of the undertaker to acquire less than the entirety of the land held by a landowner and included within the limits. The articles of the DCO which engage temporary possession powers are our

21:22

rights under river streets which authorized the temporary use of land under over streets, Article 30, temporary use of land for carrying out the authorized development, which authorizes the temporary use of parcels of land in schedule 10 for the purposes set out in that schedule. Article 31 The time limit for the exercise of authority to temporarily use land for the carrying out of the authorized development, which restricts the temporary use of land for carrying out the development of five years from the day the order is made. And article 32 temporary use of land for maintaining the authorized development, which is discussed yesterday authorizes the undertaker to temporary use land maintenance within five years of operational use commencing and to stay in possession of such land as long as it's reasonably necessary for that purpose. Thank you, sir. Thank you, Mr. Jarvis. I didn't have any questions on that at this stage. Was there anything from anybody else?

22:09

Okay, nothing heard. Thank you. I'll now move on to agenda item 3.2. And it's a summary again of any other provisions in the draft DCO relating to compulsory acquisition or temporary possession. Mr. Jarvis. Thank you, Sir. Martin Jarvis Herbert Smith Freehills. So the following article deal with the acquisition of land held by statutory undertakers and special category land they are article 33 statute acres, which confirms that the powers of compulsory purchase interference with rights provided for in the draft DCO apply to land and rights held by statute acres subject to compliance with the protective provisions in schedule 30. Article 36 special category land which relates to land identified as common open space or fuel or field allotments and provides such land will be discharged from any rights where their continuance would conflict with the order powers and article 47 crown rights, which contains protections relating to crown interest in crown land, and the following articles do not directly relate to powers of compulsory purchase or temporary possession, which enable the undertaker to carry out the authorized development without being restricted by the rights and interests which burden the relevant land. They are article 21 statutory authority to override easements or the rights which provides that the undertaker has statutory authority to carry out the authorized development, notwithstanding any interference with or breached the rights of breach or breach of the rights which burden the Orlando apology set and article 24 private rights of way, which provides this all private rights were extinguished when land is composed, required or appropriated for the purposes of the authorized development unless the undertaker provides notice otherwise.

23:40

Thank you, Mr. Jarvis. I just had one, one point on article 24, specifically 24 three.

23:51

And I

23:54

I'm focusing on the on the words that you use then appropriated for the purpose of the authorized development. Article 24. Three, effectively suspends the temporary possession or use of land. And I'm thinking of that in relation to farm tracks at the north end of the site. And just as an example, plot 60, which connects little Denmead Farm effectively with Broadway farm, but it provides access from Broadway farm to the east, the farm buildings. So, to the west of the farm buildings, for instance.

24:31

Does article 24 three effectively say that if there isn't an agreement, otherwise, then temporary possession would suspend the use of that track by the current owners of the track?

24:47

That would be the effect of Article 24 three where there was not some other form of agreement in place with the owner of that land. Yes, that's correct, sir. Right. Thank you.

24:58

Right, that was my only point on that.

25:00

Our item was there anything from anybody else?

25:04

Okay, nothing heard. Thank you

25:06

like to go to agenda item 3.3. And this is an explanation from Winchester City Council in terms of the potential reinforcement of landscaping rights or deeds of Covenant. Mr. Cornwall, I've obviously seen the representation put in that you've put in a deadline five. Do you wish to provide any explanation to that? Or can I go straight into any questions that I may have? Mr. Cornwall?

25:39

Sir, we've got Miss Knight, the head of legal services.

25:44

I've just asked Mr. Cornwall. If he Steven, can you just use? If you Steven, do you want me to add anything to the representation? Yes, I am. Sir. We've had very good discussions with the applicant so far. However, we're just not moving forward on a couple of points. And that's what we would like to highlight to you. The outcome sought by both the applicant and the City Council for both ourselves and residents is the preservation of the landscaping as a mitigation. The difficulties we've got with what's currently put forward are the practical means of monitoring and enforcement. And the fact that these practicalities for the landowners and the fact that it is actually a farming district, and its location as right beside the National Park, the DEA currently put forward doesn't contain is considered to not contain sufficient penalties or incentives for compliance by the landowner. And it doesn't seem to consider and so far, the applicant hasn't considered resources required by the City Council on to whom they are passing the monitoring and enforcement of the state. So, we've just got concerns, we'd like you to encourage the applicant to keep working with us.

26:55

on it, we are prepared to keep working with the applicant on it. And we'd like the applicant to provide other examples. We've had a look ourselves, but obviously it's a dude, and therefore wasn't really visible from looking through DCIS is where any other examples might be.

27:14

Right, just before I pass this across to the applicant, I just had one question of clarification. And it refers to your deadline five submission on this. And indeed, you've mentioned it, then

27:28

landscape rights over the land that the applicant does not intend to own. In saying that, are you referring to what I might call the green land on the land plans? Yes, sir. We are. Thank you.

27:42

Right.

27:45

Mr. Jarvis, was there anything that you wanted to come back on this in the first in the first instance? I do have some questions for you. But if you wish to speak first, I'm quite happy for that. Yes, please, sir, if that's okay. And I would just identify that, including penalties or incentives in an easement would be highly unusual and is not necessary. It's a legal property interest that's enforceable as such through the courts. And we won't be looking to try and include penalties or incentives, as suggested. And with regards to enforcement, I think the statement I've made is clear with regards to what the position is with enforcement, the requirements require us to monitor and maintain the position. Ultimately, it's the monitoring of those requirements which the city council would be doing. In the event, there is a need for enforcement, that is a matter that's dealt with through the app. Thank you. So

28:34

thank you.

28:36

The point that I had really for you, Mr. Jarvis, in the first instance, and then I'll obviously pass it back to Winchester city council is that I'm not quite clear of the if you like the relevance of this of this point. The DCO requires landscape landscaping to be carried out reinforced, maintained.

29:02

And the DCO includes CA powers to acquire the rights to be able to do that, then it's my understanding that the deed of Covenant then fits in could fit in with that, to regulate those rights effectively. Now, if there aren't any rights, there's no landscaping and the undertaker then would not comply with the DCO. And so, it would appear to me that it is for the undertaker to ensure that the CA powers sought are sufficient to allow those activities to take place. Otherwise, the works aren't proceeding in compliance with the DCO. Is that understanding? relatively generally correct, Mr. Jarvis? No, it's not so. Right. Thank you. So, you

30:00

The database easement is effectively the applicant seeking to voluntarily acquire the rights rather than compulsorily they do the same thing that we need to train acquire, so that there's no difference in terms of their effect. It's just one order and one's voluntary. And you said that you use the word deed of

easement they're not deed of covenants are they interchangeable? It's a deed of grant of easement which contains covenants. So, they are not they're interchangeable as such, but for the purpose of continuing I will refer to a deed of easement so. So, what is what is being what is being queried here is the voluntary negotiation, if you like, or the voluntary settlement of the rights required, the compulsory acquisition, then the powers then would be available as to underpin.

30:52

If you like the ability to undertake the dcl works in common with other situations along the length of the route, my correcting that very much so thank you. Right, thank you for that clarification.

31:08

What I'll do now, I'll pass it back to Winchester to see if they have anything further to add, Miss Knight.

31:16

So, we don't have anything further to add at the stage. We would like other examples when we don't. So, we don't consider the database easement, which we have reviewed. And we it is an easement. And we want it to stay as an it as much as you want it to be able to be registered against learn as actually sufficient. And discussions with Mr. Jarvis, he has said, well, the council can do this and take the section and that action. Bottom line is the council just don't have the resources or the money, physical resources on the ground or financial resources to actually take those actions. Civil action isn't taken by the Council. There's just those non straightforward practicalities of working in house. So, thank you very much, sir. Thank you. So, from my point of view, I've heard from the positions of both parties now on this.

32:03

Was there anything that you wanted to say Finally, Mr. Jarvis?

32:08

No, nothing further searches that will then to get you to discuss with Winchester. Thank you. Thank you. And just to complete this agenda item, was there anything from anybody else?

32:18

Okay, nothing heard. Thank you.

32:25

All now to Section four of the agenda. And agenda item 4.1. I've obviously seen the applicant's deadline five transcript submission? I don't think I have I don't have anything to raise on this. Was there anything from anybody else?

32:44

Okay, nothing heard. Thank you.

32:49

Until agenda item 4.2. applicant to set out briefly how the purposes for compulsory acquisition powers comply with section 1222 of the Planning Act 2008. Mr. Jarvis, I think this may well be a very brief explanation. Again, you may wish to just rely on your transcript, I leave it to you. I do have a question on this.

33:12

If that's okay, with you, sir, I will just rely on my transcript but just compound that the land that's included within you're required for the development to which the development consent relates, or is required to facilitate or is incidental to that development. Thank you. So, thank you.

33:29

Um, my points related to and I'm referring now to the deadline five submissions, submission and paragraphs within it. Basically, paragraph 4.5. And in the second line, there you refer to permanent limits shown on the land plans just for clarity. Could you just describe what the permanent limits are? I can, sir. I think as I mentioned yesterday, there is a need to change the definition of permanent limits, because at the moment, it just applies to the pink land. But it should actually apply to essentially all of the land within the order limits onshore, excluding the yellow land, which is the land which is identified for temporary possession only. And that amendment will be made at deadline sixth.

34:18

Right, okay. Yes, I was aware of that. My point then was, what do you mean by permanent limits?

34:28

It's just a defined term that's used to identify that land. So, it is essentially defining the limits of the area over which you can acquire permanent rights. It's not the case that all of the land within that or rights over it would be permanently acquired. And I think that again, goes to the explanation I gave yesterday with regards to how articles 20 and 23 work in respect of it needing to be evidence that the land is required for the proposed development.

34:55

So, could I just, effectively, to me what you've just said

35:00

Is all of the order land except for temporary possession and land.

35:07

I'm not quite clear as to permanently limits you, you have various categories, there is a compulsory acquisition of title, there is a compulsory acquisition of rights, then we have temporary possession, then we have landscaping rights are the permanent limit, then the compulsory acquisition of title and rights for the new Works Connection,

35:31

everything that's permanent. So, it would be permanent access permanent landscaping, permanent new connection rights. position,

35:39

is the only one that you've excluded then is temporary is temporary possession. Right, because it's anyone that's not permanent. Thank you. So, I've got that. Thank you.

35:50

It did occur to me that it might just be title only. But you've clarified that Thank you. Then going to paragraph 4.6. You talk then about the

36:05

powers being sought CA powers being sought overland, which is less optimal, then it may have been.

36:17

And I just wanted an example of where the CA powers have gone beyond what the optimal CA power would be in terms of the geographic the spatial limit of it.

36:32

An example would be at Farlington playing fields, where the exit compound that's required for the HDD. And I think I explained yesterday, it's probably helpful if I explain again, essentially, you drill from the entry point drill comes out, you then string out a duct which is pulled back through the ball. And ideally, the area that's identified for the stringing out would give you the full length of the DAP, so you can weld it in one section. But it's not always possible to do that, because of the constraints. So you effectively take a decision to limit the area of land that you're seeking writes over in that respect, so that you minimize your impact and you carry out a less than optimal engineering operation, but still feasible, but also have less impact on land overall.

37:20

Right. Okay. So, the less optimal refers to the engineering operation, rather than to the area of land that's been taken, the area of land has been optimized to the detriment of the engineering operation. That's correct, sir. Yes. Thank you. Well, not necessarily to the detriment, but is it slightly more?

37:43

slightly more difficult? Let's, let's use those words. Yes, yes. Right. Okay. Thank you for that. In terms of

37:54

agenda item 4.2, then I didn't have anything else. Was there anything from anybody else on that agenda item?

38:03

Okay, nothing heard. Thank you.

38:07

agenda, item 4.3, then, this is an explanation by the applicant of how the rights to be acquired, including temporary possession are necessary and proportionate working through the route as described in

38:22

the agenda item. Now on this, I've obviously hadn't read, and I think generally understood, the transcript that has been put forward. I've got some questions all the way through.

38:38

I'm also conscious of the Portsmouth and Hampshire representations in bits that do touch on this particular agenda item. So, what I would look to do is to take each section in turn.

38:56

Mr. Jarvis, I would be quite happy to go straight into the questions. But if you would wish to do a very, very brief explanation of each section, just almost just to describe the area that we're actually talking about. When we refer to that section. When I refer to that section as I go through, then I would be happy to have a brief introduction from you for each part. Mr. Jarvis, your thoughts on that? And I said, Yes, that sounds fine. I think if it's okay, I will do a brief introduction as to the introduction part, which sets out what the works are. And then Alan O'Sullivan will take us through each of the individual sections just to give a brief description of them.

39:44

Right, thank you. I mean, what I what I'm doing here, as I said at the beginning of agenda item, before I started agenda, item three, I'm using the benefit of the transcripts that I've got, that we've all had the opportunity to look through, to actually make use of those drawings.

40:00

The hearing so it was Mr. O'Sullivan, with all that in mind, or I might just give a very, very brief run through of the section so that we can get into the questions if that's okay, because it feels like that will be more optimal timewise for us today.

40:14

Right. So, are you now just so that I can be clear? Are you now suggesting that Mr. O'Sullivan would only come in as an when called? Yes, sir. Yes, right. Right. Okay. Yes, I'm, I'm perfectly happy to take it that way. I have no doubt that when I go into some of my questions, then that will be the opportunity for various members of your team to come in. I will also say that when I come to the end of the section, I will ask if anybody else has anything that they wish to raise concerning that section? And if I should, because there are many, many suggestions if I should forget to do that. Or if we've passed on to the next section, without me seeing your hand up or the difficulty button the hand up, then please indicate and we can be flexible on go through this. So first of all, then Mr. Jarvis on your introduction.

41:06

So the proposed development is broken down into five main works and they are as follows they'll work number one, the substation connection works which are at the Love Dean substation, they are works

number two the works to construct the converter station which are also located in proximity to the Love Dean substation, and they are within section one of works number three, which is a temporary working area of up to five hectares associated with work number one, work number two and work number four, again, they are in proximity to the Love Dean substation and where the Convert station is proposed to be constructed. There is work number four, which is the onshore HVDC cables which runs from the converse station at Love Dean down to the landfall at Eastney. And I will surely go through the 10 sections of the route, which are comprised of which comprise rather the area for the onshore HVDC cables. And finally, there's the onshore connection works at the landfall in Eastney. So as explained in section one includes the converter station, the converse stationary rather, and that's in proximity to the Love Dean substation as existing. We then move on to the onshore cable route, section two is and more going through agricultural land down towards Hambledon. Before we get to Section three, which is Denmead and King palm meadow.

42:28

The cable goes through agricultural land in this area by open trenching in part, and underneath the Denmead Meadows sink by HDD in part also.

42:40

We then have section four which is Hambledon Road to Farlington Avenue, which is a rather long section in the context of the cable corridor. And essentially this runs down the A3 London Road. The three, apologies, of the order limits for Section four run predominantly within the highway boundary along the B1250 Hambledon road, they continue south along the A3 London Road for more pathway round about three Waterlooville Purbrook and Widley. And then under the B2177 Portsdown Hill Road bridge, before turning East at the slip Road to Portsdown Hill Road, and then the onshore cable route will then run through the carpark immediately south of Portsdown Hill Road before continuing south east down Farlington Avenue. Section five is Farlington

43:27

with the extent of section five being shown on sheets seven and eight, of CA one, exhibit seven I don't propose we need to show that now sir, but we can go back to that if helpful later. Section five is located in the urban areas of Grayson Farlington, which are suburbs of Portsmouth and encompasses the highways of Farmington Avenue. Everly road south of the zone and infant school haven't rode the area of open land between every road and haven't road and the northern part of the eastern road. Section seven is then the Farlington Junction to the airport service road. Section seven is located within Farlington and Bathans, both of which are urban areas of Portsmouth and it includes a large area of Farlington playing fields and Langston harbor beneath which the cables have been stored by HDD. It also includes land at Kendall's Wharf used for processing and distributing marine batch aggregates, an area of woodland, a yard southwest of candles Wolf and the main sea land south of Kendra's Wharf, which includes two football pitches, one of which is used by Baffin Milton's rovers FC, a cricket pitch in areas used for storing equipment used by the Tudor Sailing Club.

44:37

We then move on to section eight which is the eastern road adjacent to the airport service road to moorings way the onshore HDD cables will run South within the carriageway of Eastern road between

airport service road and Burfield Road. Opposite great Sultan's harvester South at this point it will run in the highway and or the verge of the highway of Eastern road to the northern end of Milton.

45:00

Common.

45:01

Section nine then comprises Milton common. So, the onshore coverage in Section nine progresses from the south end Milton common through the playing field to the east side of the University of Portsmouth Langston campus.

45:16

And sorry, sir, I think I've probably skipped over the fact that section eight also includes is going through Milton common which will either be there are multiple options in that section. They are to either go across Milton common or to go along the eastern road by the side of Milton common where it is evidenced that that's preferable to going along the road. And then the last section is the Eastney landfall. With the extensive section tension on sheet 11 of CA 1 exhibit seven, the onshore HVDC cables exit branch three Park which is contained in Section nine and head southeast along Henderson road and fort Cumberland road until they reach the fort Cumberland carpark which is the location at the transition joint bank, and where the drilling rigs for the operation to bring the marine cables onshore will be located onshore, sir, thank you. Apologies, if I missed any parts there, if there are any questions about the route you'd like to ask, I'm happy to take them.

46:09

Thank you.

46:18

Right. Okay, so that was basically the introduction and a quick run through. What I would like to do now is just to work through those sections in a little bit more detail.

46:29

Was there anything from any other party first on that introduction? and quick run through?

46:37

Okay, nothing heard. Thank you. So just onto this the first item, which is effectively paragraph 4.16 on the transcript, then it's the substation connection works.

46:51

We've just had the brief run through Was there anything else that you wish to say on this, Mr. Jarvis, this particular section?

47:00

Nothing in particular, I'd like to add here. So, I didn't have

47:05

any questions on specifically, the substation connection works. I do have questions in terms of this general area later, that going through the transcript in that way in this in the way that you've set it out? I didn't have any questions on this section. Is there anything from anybody else?

47:24

Okay, nothing heard. Thank you. I can now move on to paragraph 420 of your transcript. And this is works to construct the converter station, including temporary works areas.

47:38

Now, this is actually shown on the indicative converter station area layout plans.

47:45

But I'll stick with that plan that's on the sharing at the moment.

47:50

I didn't have any questions on this particular section,

47:54

which is 422 423. As the job is, did you want to introduce this will not?

48:04

I mean, you've obviously done the run through. Will there be anything else that you wish to say in advance of any questions on these sections?

48:14

No, not particularly. So I think just the key points are that this is the area that's to contain the converter station, the temporary works area, and the landscaping associated with the converse station, the biodiversity enhancements associated with the converter station and the telecommunications building. But that's the introduction on gifts. Thank you. Right. Okay. Thank you. So, I'm now still talking about the works to convert the clue to construct the converter station building including temporary works areas. I didn't have any specific questions on this element of the run through Was there anything from anybody else?

48:47

Okay, nothing heard. Thank you.

48:52

I'm now looking at the section that in your transcript that speaks to the converter station, which is paragraph 424. One onwards. Is there anything Mr. Jarvis, you'd wish to say to that by way of introduction?

49:08

No, sir. Thank you.

49:10

Right on this, then I had a couple of points. And effectively, I'm looking at both. I'm looking at the land plans. And I'm looking at the overhead cables then that cross the land plans effectively on plot, I think it's

49:35

3032.

49:39

And if we if we look at the indicative converter station area layout plans in that area, it is shown as the road comes up between there between the two and it is shown as just being an open area. Excuse me. I was wondering

50:00

Why the bottom part of plot 32 was actually necessary? If you like, it's the it's the area below the word track. And that's that general pink area there. What I've got in mind is there is there is some landscaping there. But I just wonder if you could confirm the necessity for that area of plot 32.

50:29

That's, that's the area that you can see on the screen now just where the cursor is, just

50:35

That's it, it's to the east side of the access road.

50:39

Okay, so as you can see, to the south of that is the telecommunications building, I can see that yes. So, the applicants intention is to effectively install a fence here, not a very visual fence quite a small one to demarcate the area. And the reason for that is because whilst the converter station area is itself enclosed with fencing, it's still considered to be necessary for security purposes to have control over the areas surrounding so that matters can be dealt with as they arise if there are issues with intruders, etc. It's also I can see there's some sort of landscaping on there. And I'm not sure if today I do have our landscape individual who can explain the sort of necessity of the landscaping or our ecology individual who can explain the benefits of the ecological measures that may be provided there. But there certainly matters that we could come back to explain the position.

51:38

It is also the case that the attenuation pond is located south of that area, and that is expected will be run off across that area. Right. Okay. I wonder if at this point, I could request a post hearing notes on this not to cover the entirety of the

51:57

the transcript again. But just to cover any points that you wish, may wish to bring to our attention, which is not already in the transcript. It concerning subject areas that we've touched during our discussion.

52:15

Yes, I'm noticing that as the area north of the telecommunications building.

52:21

Right. I'm noting it as both of those areas, too. I mean, I specifically mentioned the area to the east of the access road, I can see that there is the attenuation pond to the west of the access road. I'm noting it as both of those areas. I think I've also seen something that shows construction parking on the area to the west. of Yeah, albeit that's temporary, isn't it? Yes, of course. Yes. And that was that was part of my thoughts really that if it if it is temporary? Can it be undertaken through temporary possession? Right? You mentioned security. And you mentioned the two levels of security one being the fence, which is absolutely This is directly around, I wonder if on the screenshare, I could just continue with the plan that we've just had.

53:11

So that I can

53:13

the with give, you've got the two levels of security, you've basically got. Thank you, you've basically got the fence that goes around the converter building. And then you've got another boundary fence Mr. Jarvis that you were talking about.

53:27

I'm trying to in my mind, compare that kind of situation with the situation that exists around the existing love the substation, where there seems to be agricultural fields that come to something like within 50 meters of the substation boundary fence. And I don't know whether there are two boundary fences for the existing substation or not. It just seems that the security measures can be achieved in a narrower width with the existing substation than is shown on the plans before us in the examination for the proposed development.

54:10

Any comments on that?

54:13

Yes, I just highlight that it's not only for purposes of security, that this is relevant. And as I say, there is the telecommunications building in that area as well. And there is the attenuation pond. And effectively what you then have as a consequence of those elements being included as a continuous land ownership over the area that's to be affected by the proposed development, which is considered to be appropriate. So, while security is one factor, this is another and it's also the case that with regards to security, because of the dark skies' designation in this area that there can't be any lighting at night. And I'm not sure if that's exactly the same position for lifting substation we'd have to check that, but it's considered in those circumstances that it's preferable to have an ability of control over the areas surrounding the converter

55:00

stations such that persons can be deterred further away rather than being able to navigate themselves right to the entrance to the converse station.

55:10

Right. Okay. Okay. You mentioned in the telecommunications building.

55:17

And within the

55:21

transcript, I think there's, it's it seems to be as though it seems to be some 200 meters from the converter station, maybe 250 meters from the converter station. And there's mentioned in the transcript, I believe, of the need to separate the two facilities.

55:46

Does that separation need to be 250 meters? My point is the telecommunications building where it's situated does seem to be a little bit out on a limb.

55:58

And I wondered if there's anything that you can give me on the reason for that? Mr. Jarvis. That's okay. I'm likely not the best person to answer that question.

56:09

And I think if I may, if I could refer you Hamid Mojtabavi who will be able to talk about the drainage matters that are relevant which influence where the telecommunications building may be able to sit?

56:23

Thank you. Mr. Mojtabavi

56:27

Hello sir, can you hear me, I can't thank you, I do apologize for the background just trying to change that

56:34

you can continue with that, okay.

56:40

And when we're looking at the siting of the telecommunication buildings, we were also looking at the primary

56:49

primary requirements of the converter station in order to be able to operate safely and obviously, the landscaping associated with that which will require to basically providing some screenings to the to the

to the converter stations. So, therefore, the starting point for that telecommunication building was to be immediately in the south side of the converter station. However, when the landscaping design was developed, and the requirement of some trees up to 25-meter height was basically highlighted in that area, we basically identify realize the telecommunication will not be that soon to replace there. And then we also develop the design for the drainage and the attenuation. So, of light upon that currently shown there and the attenuation point need to be at the close location to the converter station to be able to convey the surface water safely to the from the converter station to that area. And in the south of that attenuation pond, there will be also a circular system, which basically the been in design in coordination with the poor support and water and Environment Agency in relation to making sure discharge to the SPS at one is safe.

58:10

So, by the time those are basically put in place, there will be almost no space left on the north of existing of the headline to locate the telecommunication building. So therefore, we've then looked at the location on which these can be put without causing too much of a

58:32

visual impact in coordination with our landscaping team and their locations currently shown. It's sort of in a lower part of the site based on the topography, which basically will be shelled by the surrounding area. It's also in the north of the exists there, the second attenuation pond, which is right in the bottom of the page that you're currently looking at. And therefore, it provides a good provision for discharging the surface water from that from that buildings through the swale system, that runnings on the west of the access road into that pond, which is again in a short distance. So that was the reason obviously couldn't go to the to the rest of the access road because that's going to be basically the existing Asian woodland as well as the sort of like a new planting as part of the landscaping.

59:32

And, and, and it's very similar to the area immediately South sort of like south of the converter station but west of the access road because there's again there's going to be some tree planting there. And obviously we need to make sure these buildings located in a place then if there was a bit there was a tree falling in future. There they are at a safe distance from those elements to ensure

1:00:00

Short has been protected, I'm not going to be in that lobby damaged. So that was the whole reason for the con for the telecommunication building to locate the verities. Right. Thank you,

1:00:11

Mr. Jarvis. That that that answers my point on that.

1:00:16

In terms of the question that I had Mr. Jarvis side next just had a comment about the road corridor that shown going into the converter station and particularly the length and brought a lane to the area that we've been talking about. I can see in the representations, the vehicles that would have to traverse that road.

1:00:41

It has to, to sort of the compulsory acquisition, the access compulsory acquisition is a lot wider than the carriageway itself. I can understand the degree of landscaping, I think something is shown on the southern side. But what is the reason for the width of that

1:01:04

we have an option over that Lancer. So, we've included all the land that we have an option in relation to such that we can provide appropriate landscaping around that road. It's essentially a private road. So, it shouldn't be on public view once the converse stations operational. And I think, sir, that we do come to the reasons for the selection of this option for the access road and issue specific hearing to next week when my transport colleagues will be available to discuss that further.

1:01:31

Right. When you say when you say an option, right, okay, no, that's I'm quite happy for that to be that to be undertaken in that in that way. That's fine.

1:01:41

Right. I think that covers the questions that I have in terms of the converter station section of your transcript. I just asked now if there was anything from anybody else on this particular section of the transcript.

1:01:59

Okay, nothing heard.

1:02:01

That then brings us to the next section, which is works compound and laid lay down area but I'm conscious that the time has just gone 11 o'clock would be my intention now to take a relatively short break as we do after the hour or thereabouts. And so, bearing in mind it's 1102. Now, I will adjourn the hearing to be resumed at 1110. So the hearing is adjourned to be resumed at 10 past 11. Thank you