

From: [Guymer, Tim](#)
To: [Aquind Interconnector](#)
Cc: [Drury, Holly](#); [Stickland, Caroline \(Solicitor\)](#); [Murray, Chris \(Planning\)](#); [Richard Turney](#)
Subject: EN020022 Aquind Interconnector - Deadline 6 submission from Hampshire County Council (Reference: 20025080)
Date: 22 December 2020 14:50:24
Attachments: [HCC Oral Transcript - 9th Dec ISH1 DCO Hearing.pdf](#)
[HCC Oral Transcript - 10th Dec CAH1 Hearing.pdf](#)
[HCC Oral Transcript - 14th Dec ISH2.pdf](#)
[HCC Oral Transcript - 15th Dec ISH3 Hearing.pdf](#)

Dear Sirs

On behalf of Hampshire City Council, please find enclosed written summaries of oral submissions, and post hearing notes/comments, covering the following Hearings:

- Issue Specific Hearing 1 (ISH1) held on 9 December
- Compulsory Acquisition Hearing 1 (CAH1) held on 10 December
- Issue Specific Hearing 2 (ISH2) held on 14 December
- Issue Specific Hearing 3 (ISH3) held on 15 December

An update to HCC's Statement of Common Ground with the applicant has been agreed and is to be submitted by the applicant.

Yours sincerely

Tim Guymer

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December 9th – AQUIND ISH1 - DCO Hearing – HCC Transcript & Post Hearing Note/Transcript

HCC Attendees:

Richard Turney (RT)

Joel Semakula (JS)

Gemma McCart (GM)

Tim Guymer (TG)

Agenda Item	Agenda Item	HCC Comment
3.1	Please can the Applicant briefly explain the general structure of the draft Development Consent Order (dDCO), the purpose of each of the Parts 1 to 7 of the dDCO and the general thrust of the Articles within each?	HCC made no comment on this matter within the hearing.
3.2	Is the dDCO in the form of an SI?	HCC made no comment on this matter within the hearing
3.3	Does the meaning of 'land' in Article 20 include 'any interest in land or right in, to or over land' as in Article 2?	HCC made no comment on this matter within the hearing

<p>3.4</p>	<p>Could Highways England please explain why it is necessary to amend the definition of 'relevant highway authority'?</p>	<p>The applicant explained that it has responded directly to HE on this point but no response has been received.</p> <p>RT- For the approval of the FTMS and CTMP there will be joint interest between HCC and HE given the strategic importance of the road network. HCC need to ensure that there is joint approval of the documents to ensure that the impact on both HCC and HE's network is taken into account.</p> <p>Applicant – Both documents are to be certified documents and thus approved before the order is made. Both documents are currently being reviewed by HE & HCC. With regards to joint approval, thinking about the detailed matters, there would be no issue from the applicant's perspective with such an approach with plans approved insofar as they relate to Highways England, in consultation with Highways England, but approved by Hampshire County Council.</p> <p>RT – Further consideration will be had by HCC towards the joint approval of further detailed documentation to be made on receipt of HE response to the applicants' representations.</p> <p>Post Hearing Comment: HCC have considered this point further and discussed with the HE and PCC. As the HE is a Highway Authority, they should be consulted on relevant information to them directly and this be secured through the DCO. Given the approval timescales it is not accepted that HCC should be required to consult with the HE on matters where they consider it necessary to do so. It is HCC's view that provision should be made for HE to be consulted directly by the applicant where HE would wish to consider any matters for subsequent approvals.</p>
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<p>3.5</p>	<p>In the description of the Authorised Development, there are six locations where HDD works are to take place. How are these locations secured within the DCO such that the Examining Authority can be sure that these lengths of the route can only be installed through trenchless methodologies? Are the entry/ exit points, launch and reception compounds fixed in terms of location and dimensions? Would Article 3, its reliance on the Requirements and the related powers and rights sought in respect of the areas where HDD is proposed allow for flexibility to pursue other means of trenched construction other than HDD if HDD were to fail or prove unfeasible?</p>	<p>No direct comments made by HCC within the hearing.</p> <p>Post Hearing Comment: HCC note that additional information on matters relating to HDD sites is to be provided by the applicant. HCC raised concerns within its written representations relating to access to the HDD site at Kings Pond Meadow at Denmead. Mill Road and Anmore Lane are very narrow in nature. Given the dimensions of the abnormal loads HCC are yet to be provided with evidence that the required movements by HHVs and abnormal loads can be undertaken. The applicant is aware of this matter and HCC are waiting further information to be submitted.</p>
<p>3.7</p>	<p>Explain why there are no provisions, Articles or Requirements relating to Decommissioning in the DCO. Would decommissioning, if not covered here, require a separate DCO to be granted? If the commercial use of the fibre optic cable is considered to be part of the Authorised Development or 'associated development', would its buildings and equipment also fall within the scope of decommissioning?</p>	<p>No HCC comments on this matter within the hearing.</p> <p>Post Meeting Comment: HCC are aware of a request from PCC for indemnity in relation to decommissioning should the applicant (or owner of the asset) at the time not be financially able to undertake the decommissioning phase. HCC support this approach to ensure that 3rd party assets that no longer need to be in the highway are either removed if required or, at the least, clear information is available on the fact that the cables are no longer live or needed so can be removed as appropriate during other works. Reinstatement of the access arrangements at Day Lane/Broadway Lane will also need to be accounted for at the decommissioning stage. Proper noticing of the decommissioning element should be provided for. HCC notes that this point is</p>

		being considered by the applicant and amendments to the DCO drafting are expected by deadline 6.
3.8	Please could the Applicant and highway authorities set out, possibly using a diagrammatic cross section, their respective positions in respect of powers in relation to the New Roads and Street Works Act 1991 (NRWSA) and their application to the Proposed Development in terms of highway land and subsoil? Is there a need, in relation to the NRSWA and its scope, to seek to acquire subsoil to a highway in order to facilitate the laying of the onshore cable?	RT – HCC have made comment on this point in the context of the wider subsoil issue. This could await discussion in the CAH hearing (CAH1).
3.9	How do the dDCO and Book of Reference limit the rights that can be acquired in the highway ([REP1-131] paragraph 3.2)? In this context, please could the Applicant explain why the highway is identified for the Compulsory Acquisition of New Connection Works Rights on the Land Plans, such as for Plot 4-05, where the Proposed Development would be laid 'within the vertical plane of the highway' but 'No rights are sought in the Book of Reference [APP-024] in relation to the part of	HCC made no comment on this matter within the hearing

	the land which is vested in the highway authority’?	
3.10	Could the Applicant explain why it is necessary to disapply the permit schemes of both Portsmouth City Council and Hampshire County Council to deliver the Proposed Development?	RT – HCC is grateful for the concessions by the applicant which has narrowed the scope of the dispute. There are detailed points of drafting to consider further. The suggestion made by the applicant that if one HA agrees, the other will, is of course not correct – each will take their own advice and provide their own views. Just because HCC are content this does not mean that PCC are content too. The further discussion of these points can be taken offline and hopefully agreed in due course.
3.11	Please could the Applicant advise whether the dDCO applies ‘the statutory process for agreeing compensation’ to the acquisition of rights in highway subsoil ([REP1-131] section 4)?	HCC made no comment on this matter within the hearing
3.12	In relation to Articles 10, 11 and 41 (and the Applicant’s answers to questions ExQ1.16.13 and ExQ1.5.34), how would street and tree works beyond the Order limits be enacted or controlled? Would this involve powers from any DCO? If so, are there any made DCOs from which precedent can be derived for the powers sought? Specifically in relation to Article 41, how would this work in practice both within and outside the Order limits in respect of	<p>RT – In reference to the Esso DCO hearings where a similar provision was made for trees work, he clarified that whilst present at the hearing it was not on behalf of HCC. From HCC’s perspective, the provisions are understood along with the precedent. In respect of tree felling outside of the order limit, this matter needs to be revisited.</p> <p>Missing component with regards to S278 is to ensure that firstly there are appropriate measures in place to ensure that the works are completed to a satisfactory standard and that the approval to the works outside of the order limits can have some ‘teeth’. In terms of trees, there are outstanding issues between HCC and the applicant to ensure that appropriate replanting or compensation is provided. This is the subject of extensive discussion which should be revisited in writing to secure CAVAT payment.</p>

	<p>replacement landscaping and/ or compensation?</p>	<p>PCC - noted that they were aware of issues outside of the order limit too and they shared similar concerns that the S278 process will not be adhered too.</p> <p>Applicant – correct that CAVAT is being discussed but further thought will need to be given to S278 process to apply although, to note, where works are in the highway regarding the loss of trees, these will be subject to NRSWA.</p> <p>RT – HCC will come back on this point. With regards to NRSWA, there are circumstances that still require separate consideration e.g. tree works outside of the order limit won't apply to NRSWA. There is a broader issue with S278 that the works are not NRSWA works, aside from the cable laying, which is being discussed with the applicant.</p> <p>Post Meeting Comment – HCC met with MJ on 10th December post hearing to discuss s278 requirements. The applicant has agreed to the adoption of the s278 process and separate legal agreement secured through the s106. HCC have shared its precedent legal agreements for s278 to be utilised for the construction accesses and main site access works at Broadway Lane. HCC are waiting drafting of the s106, amendments as necessary to the DCO and comments on its standard agreements. Regarding the securing of CAVAT it is also agreed that permission to work on highway trees can be secured within the DCO appropriately and HCC will review the revised draft when submitted at deadline 6. The means for securing the payment of any necessary CAVAT values will be secured within the s106 agreement. Subject to appropriate drafting HCC are content with these approaches.</p>
<p>3.13</p>	<p>With reference to the answers received to ExQ1.5.35, please could the Applicant explain the scope and level of rights sought, why they are necessary and why some of the powers sought (Article 10 for example) offer unsanctioned ability</p>	<p>RT – HCC agree with the points previously made by PCC that the process should not be deemed as approved without consideration of sufficient detail and confirmation of approval from the relevant highway authority.</p> <p>RT – Regarding HE protective provisions, the applicant's response states that because HE will not have works taking place on their network, the applicant can give</p>

	<p>to affect streets outside of the Order limits? Reference should be made to precedents in recently made Orders where appropriate.</p>	<p>them PP's anyway. HCC have major concerns with this approach and management. The approval process given to HE appears to be more extensive and thorough than that being offered to HCC. The fact it is being offered to HE therefore suggests that the applicant considers it a reasonable request, but HCC would like to see this replicated.</p> <p>Post meeting comment – HCC request that the applicant set up a joint meeting to discuss the legal drafting of the agreement with HCC and PCC to ensure it is drafted with appropriate favour to the Highway Authorities as necessary. Specifically ensuring that the assumed approval elements are suitably addressed and wording in relation to s278 requirements are secured appropriately and to the satisfaction of both Highway Authorities.</p>
<p>3.14</p>	<p>Could the Applicant explain the meaning and extent of 'stopping up' and whether the works would meet the definition of such in the 1991 Act? Could the Applicant clarify the approval process for any temporary closures (including where this is secured in the dDCO) and what consultation with the relevant street authority includes?</p>	<p>RT – In response to the ExA query regarding why a temporary stopping up is required when a TTRO could be used, Richard Turney advised that he recollected this point being made by the ExA for the Southampton to London Pipeline DCO hearings. In those hearings, the applicant (Esso) accepted that temporary stopping up was not required and thus made a change request to redraft the dDCO. Article 13 of the final DCO thus refers to temporary closure rather than temporary stopping up. Temporary stopping up is a significant step to take as it results in a loss of the interests for the general public to pass and repass over the highway. The ownership also temporarily reverts back to those owners either side of the highway. Temporary closure should be utilised rather than temporary stopping up.</p> <p>Post Meeting Comment – This matter was picked up later within the hearing agendas and it is HCC's understanding that the applicant is to review the wording and amend to reflect the requirements for temporary traffic regulation orders not formal stopping up.</p>

3.17	Is there intended to be a difference between installation/ construction, operation and maintenance rights under Articles 23 and possibly 20, or would the corridor rights, of approximately 6 and 23m in width, shown in ES Vol 2, Fig 3.12 [APP-157] remain in perpetuity for each category? Is the corridor rights width restricted by anything in the dDCO apart from the Order limits? Would the dDCO prevent the undertaker installing further cables or ducts, either at the time of the initial installation or subsequently, under the description provided in the dDCO for Work No 4	HCC made no comment on this matter within the hearing. Post Meeting Comment – It is HCC’s understanding that the applicant is to provide a post meeting note regarding easement requirements. This is expected to provide clarity on when these will be necessary and an appropriate process as to how HCC will be made aware, and be party to, establishing if easements are required.
3.18	What is the difference between the use of the term ‘carrying out’ in Articles 30 and 31 and ‘construction’ in the Statement of Reasons (SoR) [APP-022], paragraph 6.2.1?	HCC made no comment on this matter within the hearing
3.19	What is the difference between the temporary use of land and the temporary possession of land in terms of the dDCO?	HCC made no comment on this matter within the hearing
3.20	Would Article 32 allow the Undertaker to take possession of any part of the Order land at any time in the future whilst the Proposed	HCC made no comment on this matter within the hearing

	Development is operational for the purpose of its maintenance?	
3.21	Article 32 of the dDCO [APP-019] appears to allow temporary use 'during the maintenance period' which is said to be five years. The application Explanatory Memorandum [APP-020], paragraph 9.27, advises that maintenance possession under Article 32 is allowed during the period that the Proposed Development is operational. This advice is repeated in the SoR, paragraph 6.2.3. Is the advice correct? If so, how does this accord with Article 32?	<p>RT – HCC is concerned to ensure that ongoing maintenance requiring highway intervention is dealt with through an appropriate approval process. As an example, it is still not entirely clear how the reopening of means of access to the highway would be dealt with in the approvals process.</p> <p>Applicant - stated that this would be dealt with under NRSWA and exclusions under the book of reference may address the point, but this can be explored further.</p> <p>Post hearing comment – further clarity is sought on this with regard to the potential impact on the MDA Ladybridge access if this is in place prior to construction, or built out during the maintenance period.</p>
3.22	If the above advice in the Explanatory Memorandum and SoR is correct, why can't all future maintenance be carried out under Article 32 where the necessary rights have not been acquired? Would this reduce the extent of acquisition for maintenance purposes under Article 20?	HCC made no comment on this matter within the hearing

3.23	<p>Could the Applicant explain the reference to classes (h), (f) & (c) in the response to ExQ1 CA1.3.38?</p>	<p>HCC made no comment on this matter within the hearing</p>
3.24	<p>Please can the Applicant explain, using practical examples, the rights and temporary use powers sought over each area of allotments, open space and sports pitches within the Order land? The explanation should differentiate between rights and temporary use powers sought for surface construction and maintenance and those sought for land beneath the surface. The explanation should also include reference to the response to ExQ1 CA1.3.33, which states that, during construction, 'the Special Category Land will be affected for that temporary period and in so far as areas are required for construction will not be able to be used.' and that 'Article 30(3) is also relevant, noting that the rights which may be acquired over the Special Category Land will relate to land beneath the surface only, and therefore no acquisition of the surface of the land would be authorised by the Order and in turn the period of surface</p>	<p>HCC made no comment on this matter within the hearing</p>

	<p>occupation for this purpose is finite.’ Furthermore, the explanation should include whether the dDCO contains powers to occupy or disturb the surface of any of the Special Category Land identified on the Land Plans and, if so, to what extent and why.</p>	
<p>3.33</p>	<p>Can the Applicant clarify the scope of powers authorised under Articles 41 and 42? Please explain the approach towards replacing lost trees and what sequential approach will be taken for determining the location of replacement trees if no land is available ‘within 5 metres’ of the onshore cable route. How is this secured in the dDCO? How does Article 41(2) account for compensation for those trees lost or damaged, in both urban and rural character areas where such trees are considered important?</p>	<p>RT –HCC are pleased that the applicant agreed with the methodology for valuing the loss of highway trees. However, there is currently no provision to secure this within the DCO. Regarding the overall approach, HCC are keen to avoid the loss of highway trees where necessary. The order is currently framed in a way which means that any tree which the undertaker reasonably believes needs to be removed, because it interferes with construction, can be removed. This fails to embed the principle of ‘avoidance’ in the DCO and therefore the applicant should reconsider the wording ‘<i>if it reasonably believes it to be necessary</i>’ as it limits the ability of the authority to consider the necessity of tree removal. Perhaps consider “if it is necessary to do so”, which would allow the approving authority of the arboricultural method statement to determine the necessity to remove the tree.</p> <p>RT – Proposal regarding highway trees in HCC land. All those within highway land are dealt with by CAVAT payment. HCC don’t accept the private developer replanting of trees in highway land. Therefore, all of the trees should be dealt with via CAVAT.</p> <p>Post hearing comment – discussions are ongoing between HCC and the applicant and as noted it is suggested that there is an agreeable way forward for both parties on this matter.</p>

3.34	Please could the Applicant provide an update on the position in relation to impacts on, and dealing with TPO trees outside Portsmouth City Council's administrative remit? Also, can the Applicant provide an update on the position in relation to those trees on land owned and maintained by Portsmouth City Council that could potentially be subject to TPOs, but have not been?	RT – In relation to PCC's position regarding their position on tree on their lands, this applies in the same way to trees in HCC's remit. HCC are content that this is dealt with under S41 and the CAVAT repayment. The highway trees are not TPO'd but this does not mean that they do not have a value, it is purely because they are a highway asset which is proactively managed.
3.35	How are works to remove and replace hedgerows secured within the dDCO?	HCC made no comment on this matter within the hearing
4.1	Please could the Applicant confirm the approach to the identification and definition of 'significant effects' and demonstrate the adequacy of the Mitigation Schedule in ensuring that all necessary mitigation measures that are relied upon in the EIA will be readily auditable at the discharge of Requirements? Are any parties aware of instances where this may not be the case?	<p>RT – HCC is keen to ensure that the information provided in the Supplementary Transport Assessment (STA) is also reflected in the mitigation schedule as there are different measures used to control the impacts of traffic set out within the original TA. HCC will come back further on this point.</p> <p>Post hearing Comment: HCC responded fully on this matter within its deadline 5 response and its position remains unchanged. HCC will discuss further with the applicant and provide any additional comments as appropriate in future deadlines.</p>

4.2	<p>Are all of the necessary parameters of the Proposed Development that require a 'Rochdale envelope' for the purposes of the EIA included in, and thus assured in the draft DCO? Are any parties aware of instances where this may not be the case? Are there two height options for the Converter Station as indicated in paragraph 5.2.4.3 of the Design and Access Statement and, if so, would there be any loss/ benefit of having the lower height secured in the dDCO?</p>	<p>RT – In response to the contention of the applicant that the parameters are necessary to ensure that the subsequent procurement of contracts is OJEU compliant, counsel advised that this was not correct. As a matter of law, there would be no procurement impediment, if the DCO was so constrained re heights of building, which meant only one developer and/or only one engineering company could take the project, then only one could take the project. This is perfectly common in procurement and is provided for through OJEU compliant processes.</p>
4.3	<p>In light of the s35 Direction from the Secretary of State, could Portsmouth City Council and any other local authority that considers that the commercial use of the spare capacity within the fibre optic cables and the associated infrastructure cannot be covered and authorised by the powers within the dDCO please explain why they believe this to be the case. What would prevent the surplus capacity from being considered part of the Proposed Development?</p>	<p>HCC made no comment on this matter within the hearing</p>
4.4	<p>Is it an oversight that the remainder of the specified Works make no reference to laying of fibre-optic cables whilst each time specifying the length etc of HDVC cables?</p>	<p>HCC made no comment on this matter within the hearing</p>

4.5	With regards to Work No.3, what is the actual size of the car park sought? The Supplementary Transport Assessment infers a 150-space car park (Table 10 and paragraph 3.2.1.5) but the answer to ExQ1.16.20 states capacity for 227 parking spaces. Where are the parameters set and how is the size and location controlled through the dDCO?	HCC made no comment on this matter within the hearing
4.6	In Work No.4, are the maximum upper limits in numbers of joint bays, link boxes and link pillars sufficient given that their usage depends on contractor experience, capability and discretion?	HCC made no comment on this matter within the hearing Post hearing Comment – It is HCC’s understanding that additional information on the potential locations and locations where link boxes will not be provided is be submitted by the applicant for deadline 6. HCC shall review this information and come back with more detailed comments, as appropriate, for future deadlines.
4.7	Does work No.4 (f) need to be specific about the technology and means of trenchless crossing being utilised?	HCC made no comment on this matter within the hearing
4.8	In relation to Part 2(k) of Schedule 1, what other works are anticipated to be necessary for the construction or use of the Authorised Development and why are such works considered not to have materially new or materially different environmental effects? Are any of these works likely to be related to the status the	HCC made no comment on this matter within the hearing

	Applicant has obtained as a Code Operator under the Communications Act 2003? In any case, has the worst case in relation to visual impacts of the Converter Station development site been presented?	
5.2	A number of the management plans (for example, the Outline Onshore CEMP) are said to be 'live' documents that the appointed contractor(s) will review and update regularly. How are the changes to the management plans proposed to be regulated and by what process? Would there be potential for the management plans to diverge from each other in respect of different contractors and different 'phases' and, if so, how should such conflict be resolved? How would the overall position be managed when up to six contractors are appointed at any one time?	HCC made no comment on this matter within the hearing
5.3	Can the Applicant confirm the definition of 'commencement' and the full scope of works that would be allowed to be undertaken 'pre-commencement'? What benefit is there to the Applicant or the public by having certain works being deemed not to fall within the definition of 'commencement'?	JS – HCC want to ensure that the definition of commencement will not impede the delivery of the site access works as pre-commencement works. This should be reflected within the DCO.

<p>5.5</p>	<p>In relation to Requirement 22, can the Applicant define the scope and extent of reinstatement powers within the dDCO at present and how they relate to highway related works? Would the roads be restored in accordance with the 'Specification for Reinstatement of Openings in Highways' document? If not, why not? If so, where is this secured in the dDCO? What views does the Applicant have in respect of Hampshire County Council's request for 'indemnity' for undertaking any works that may result in the diversion of otherwise of the cables to facilitate highway works</p>	<p>JS – Broader indemnity point here to cover the cost of relocation of the applicant's highway assets in the instance that they need to be moved to accommodate highway improvement schemes.</p> <p>MJ - the cables will be laid to the same depth as SU's and indemnity will not be acceptable to AQUIND.</p> <p>Post hearing comments: Matters on this were not discussed in detail within hearings. HCC has made its views on its requirement and request for indemnity clear to the ExA within its written representations and provided an update on this position within its deadline 3 response. HCC's views on this matter remain as set out within the response and it is considered by HCC that this is a reasonable request.</p> <p>Regarding reinstatement requirements, this is also set out within its deadline 3 response on why it is reasonable to request reinstatement above that set out within the Specification for Reinstatement of Opening in Highways document (SROH). The SROH is for the reinstatement of works that are of a scale to be considered 'permitted development'. Even with these types of works, under the NRSWA Permit Scheme negotiations on reinstatement are undertaken especially with regards to when utility works are being undertaken in areas of special surfacing or those protected under section 58 of the NRSWA or in areas of special engineering or traffic need. The Highway Authority are seeking these discussions with the applicant and a commitment to ensure a level of reinstatement above and beyond that set out in the SROH to ensure that the Highway Authority are not left with the maintenance burden of an extensively trenched highway network. Given wider discussions in the ISH1 hearing regarding the joint bay locations, ensuring reinstatement requirements can be set out within the approval process for the cable laying works are of key importance to the Highway Authority.</p>
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5.6	Can Winchester City Council please set out the rationale for requiring an Employment and Skills Plan given the split of local/ non-local workers suggested in the ES?	JS – In Response to Mike Hughes (SDNPA) point regarding ensuring that the SDNPA are appropriately engaged in the approval processes (not directly relevant to agenda item 5.6 but discussed at this point)– HCC emphasises the importance of ensuring that the HA are included in the approval process where it is material to the impact on the highway.
6.1	What are the various documents that will require approval and the means/ method/ timescales involved in obtaining them? What is the rationale behind the time period allowed of 20 days for authorities to respond to requirement discharge requests?	HCC made no comment on this matter within the hearing
6.2	What are the various documents that will require approval and the means/ method/ timescales involved in obtaining them? What is the rationale behind the time period allowed of 20 days for authorities to respond to requirement discharge requests?	HCC made no comment on this matter within the hearing
7.1	Any matters parties wish to raise.	HCC made no comment on this matter within the hearing
8.1	Please could the Applicant provide an update on progress of negotiations on protective provision wording and the likelihood of resolution?	JS – S278 agreement has been shared with the applicant. The point has been made repeatedly that these matters need to be replicated but, so far, they have not been adequately reflected in the DCO including indemnity, etc. This matter will be picked up in CA1.

9.1	With regards to the amount of refreshed, new, modified and additional information to the Environmental Statement, please could the Applicant explain what now constitutes the certified Environmental Statement for the purposes of the dDCO, and how this will be managed going forwards?	HCC made no comment on this matter within the hearing
11.1	Taking account of all Written Submissions at Deadline 1 and any subsequent negotiations, could the Applicant provide an update on the progress of any obligations with regards to s.S106 of the Town and County Planning Act or S278 of the Highways Act?	JS – The scope of the S106 is yet to be agreed with the applicant, although discussions are moving forward. The impact on buses – HCC do not agree that they are minor, but this matter will be deferred to discuss at Monday’s hearing.
11.2	With reference to the Hampshire County Council Local Impact Report, could the Applicant explain whether progress is intended towards an agreement under S278 of the Highways Act?	JS – There is insufficient provision within the DCO for S278 matters. These works would normally be subject to a S278 but there are no provisions for outstanding matters which are yet to be addressed.
11.3	Please could the Applicant explain the progression, if any, on Planning Performance Agreements (PPAs)? Could the Applicant set out the content of any PPAs and with which authorities they are intended. How are these secured through the dDCO or its Requirements?	No HCC comment on this point although it should be noted that HCC support PCC and have mutual concerns regarding the matter of funding issues for works if the PPA is not legally secured.

12	Any other issues relating to DCO drafting	JS – A lot of issues remain between HCC and the applicant but there should be a further DCO hearing to get these matters resolved.
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Post Hearing Note Requirements Relevant to HCC

- **Tree's and section 278 requirements under agenda item 3.12**

Post Meeting Note in Relation to Agenda Item 3.12 – HCC S278 Requirements in Relation to Tree Removal

The Examining Authority have sought further clarity on the requirements for S278 with regards tree works. Since the hearing, and through further discussion with the applicant within further hearings, the matter has been resolved in principle subject to appropriate wording within the DCO and S106 agreement.

It is usual practice for HCC as Highway Authority to enter into a simple s278 agreement in relation to a planning application to enable tree works prior to full s278 works being completed and the full s278 being entered into. These are often required in the period up to and including bird nesting season and are only entered in to when HCC are agreed to the footprint of the scheme and are agreed on the need for tree loss. These minor agreements provide the necessary legal permission under the Highways Act for the works to be undertaken on the highway and secure the agreed CAVAT value for the lost assets as agreed between the applicant and HCC's Arboriculture teams.

However, the DCO, as drafted, provides for the ability to work in the highway and therefore with the appropriate approvals the applicant is able to fell any trees. Whilst HCC need to agree the specific wording with the applicant on receipt of the latest draft of the DCO at Deadline 6, in principle this is agreed. What the DCO does not do, at present, is secure the CAVAT payments HCC require for the loss of a highway tree nor do they reflect that requirement for payment only and not for mitigation planting by the applicant. The applicant has proposed to amend the DCO accordingly and provide draft s106 wording as needed to secure payment of agreed CAVAT values through the approval process (Detailed Arboricultural Method Statements). The Highway Authority are content with this approach, again subject to agreeing the detailed of the S106.

December 10th – AQUIND CAH1 Hearing – HCC Transcript & Post Hearing Note/Comment

HCC Attendees:

Richard Turney (RT)

Holly Drury (HD)

Tim Guymer (TG)

Caroline Stickland (CS)

Agenda Item	Agenda Item	HCC Comment
4.1	The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the Planning Act 2008 (PA2008).	HCC made no further representation within the hearing.
4.2	The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers are sought comply with section 122(2) of the PA2008	HCC made no further representation within the hearing.
4.3	The Applicant to explain whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate. The explanation should include an end-to-end explanation of the need for Order land widths using visual aids to assist with the appreciation of construction methods and the use of the Order land sought and be an illustration and	<p>RT – two points raised by section 4 of the Applicant’s transcript where HCC are seeking certainty on what’s proposed.</p> <p>Point 1 - The first issue relates to the extent of vertical deviation and the associated rights sought to lay within and beneath the highway. At the moment, HCC have been given various indicative figures of the depth of the cable lay. Clarity is sought on the depth the Applicant proposes to lay the cable and, at any particular section, whether they are in the highway or beneath the highway. HCC considers this to be important to get clarity on as a</p>

expansion of the information in the Environmental Statement – Volume 1 - Chapter 3 Description of the Proposed Development [APP-118], paragraphs 3.6.4.57 to 5.15 and other submissions.

different set of statutory powers are relied upon in the two instances. As Mr Jarvis explained yesterday, the Applicant does not seek any rights in the DCO where land is in the highway, but they do where it is in the subsoil.

In response, the ExA sought clarification as to whether the opening up of the highway to install the cables in the subsoil below the highway would be covered under the New Road and Street Works Act (NRSWA). If so, this would require a reason for installation. Presumably, that would require details of the depth at which that cable was to be laid and thus whether the cable was indeed to be laid in the highway, or in the sub soil below the highway. ExA conscious that the technicalities of such a decision could often depend on what is found when the highway is opened up as it's not always known what depth other equipment operators is actually laid. Clarity from ExA therefore sought on whether details would need to be available before the highway could be opened in any event?

RT– Point is that below highway, different easement/rights needed and need to know when these will be engaged. What powers are they going to be relying on and at what stage?

The ExA asked if this was needed before the highway is open, after surveys done, would this be too late? Or are HCC looking for something earlier in timeline.

RT – the position is unclear from applicant. The timing of when they will be taking certain rights is not clear re subsoil/highway. This raises a slightly esoteric point about the vertical extent of the highway. At what point in the process will the Applicant be able to advise?

ExA asks for confirmation that HCC's position is that to do that shortly before the highway is opened, when detailed physical surveys have been done, would be too late. And following on from that, once the trenches are opened, then that would be too late as well. Is the position that HCC are looking for something earlier in the timeline than that? When it may be that that is the answer that the applicant gives that they'll provide that confirmation when they get to their detailed design stage. And then there'll be submitting that information to the Highway Authority. But at the moment, the scheme for that is

slightly unclear. And, in particular, the point at which they notify that they're going to be exercising rights or taking powers over the subsoil assets as opposed to exercising a statutory right to open up and lay within the highway. Perhaps the Applicant could assist with this and explain at what point in the process, the intentions in respective depth are known and how it's going to be established between the applicant and the host Highway Authority whether it's regarded that a particular cable is in or beneath the highway? Could HCC also confirm the point made previously: that works to install in the sub soil beneath the highway would need a full set of notifications for opening up the highway above, in the first place. Is this still correct?

RT –yes but it's the point whether they stop before leaving highway or if they continue beyond to land which is also vested under HCC ownership and when this position will be agreed.

RT – It is still unclear about the process to be used for when the applicant will be leaving the highway. Understand it's a matter for detailed design but helpful to understand further at this point how the depth is determined and therefore when works are considered outside the highway depth, perhaps to be covered under Requirement '6'?

Applicant - confirmed that they were happy to put something confirmatory in DCO. Acknowledge point re when it will be in highway and under highway, recognising that HCC are the HA and know highway the best and therefore its extent both horizontally and vertically.

Agreed that further discussions to be had on this matter with the applicant and how this is to be covered within the DCO.

RT - Content that HCC don't need to provide a post hearing note but will cover within its written summaries.

Point Two

RT - Second point was about the position of joint bays, its recognised that the exact locations won't be known until detailed design but a joint bay involving highway is a much more significant excavation and from HCC's perspective they want to ensure there is certainty on that as soon as possible.

ExA –joint bays will be a matter to be discussed at the ISH on Monday.

Post Meeting Comments - Paragraph 4.27.8 of the applicant's transcript relates to the need for permanent acquisition of land for the purpose of access. For clarity, post hearing the Highway Authority have re-reviewed the submitted plans. Parcel 1-35 on the Land Plans provides for the visibility splays at the site access and these are required by the Highway Authority for dedication through the s278 process in order to ensure visibility splays are within the control of the Highway Authority. Parcel 1-49 is the land required for the haul road, this does also contain a section to the south of Broadway Cottages which is outside the requirements for the site access works. This appears to connect to an existing informal access through the field which is used by farm vehicles. The Highway Authority require further clarification from the applicant on whether an additional access point will be sought here. The Access and Rights of Way Plan does not indicate this to be the case but the requirement for the land is not clear.

Regarding joint bay locations, it is understood that additional information is being provided by the applicant at deadline 6. HCC will respond upon receipt of this further information.

Regarding the cable depth and depth of the highway, HCC will look to discuss this point further with the applicant.

Post hearing note: HCC seeks the further information suggested by the Applicant as to how these matters will be addressed through the DCO.

4.4	The Applicant to explain, with the aid of plans, the envisaged locations and extents for any other non-HDD 'satellite contractor's compounds', 'laydown areas' and non-HDD joint bays along the 'Onshore Cable Corridor' (ES Vol 3 Appendix 22.2 paragraphs 2.4.1.2, 3 and 5, and [REP1-091] CA1.3.71).	HCC made no further representation within the hearing.
5.1	The Applicant to provide any further updates to the Funding Statement.	HCC made no further representation within the hearing.
5.2	The Applicant to advise on whether the residual cost of completing the pre-construction stage of the project, which is forecasted at £7m, excludes Compulsory Acquisition costs ([REP1-091] CA1.3.1 and 103). If this is the case, explain how the Compulsory Acquisition costs are to be funded.	<p>RT – HCC have concerns about funding arrangements for developer. Surety for works is normally secured through S278, but no provision is made here should the developer fail to meet any requirements set out within the DCO.</p> <p>The applicant confirmed that further discussions are to be had with Hampshire County Council and the applicant regarding the inclusions of s278 provisions.</p>
5.3	The Applicant to explain briefly why AQUIND is described as an 'additional exempt project' in terms of the cap and floor regime ([APP-115] pages 2-3, footnote 12, NearTerm Interconnector Cost-Benefit Analysis, section 2.4). Also explain the term 'fully merchant (exempt) interconnector project' used to describe the AQUIND project and how, in this respect, AQUIND is different to other interconnector projects from Nemo in 2014 onwards ([APP-115] pages 2-3, footnote 12, Near-Term Interconnector CostBenefit Analysis, section 4.1.2 and [REP1-091] CA1.3.55).	HCC made no further representation within the hearing.

5.4	The Applicant to explain briefly the relationship between AQUIND being described as an 'additional exempt project' in terms of the cap and floor regime and the potential for a 'cap and floor' award [REP1-091] (CA1.3.59).	HCC made no further representation within the hearing.
5.5	The Applicant to explain whether the project would still be viable if the current exemption request is refused [REP1-091] (CA1.3.97).	HCC made no further representation within the hearing.
5.6	Consideration of further document submission arrangements for the Funding Statement [REP1-091] (CA1.3.53).	HCC made no further representation within the hearing.
8.1	The Applicant and local highway authorities to explain briefly the differences between the powers sought under the dDCO and those available to Statutory Undertakers in the highway under other statutes.	<p>RT – difference between what’s been sought in the DCO and the rights of statutory undertakers (SU) in particular are the acquisition of compulsory rights. HCC think some of the commentary provided by the applicant is focused on what would be the ordinary rights of an SU. HCC recognises that there are rights of an SU to lay cables in the road, that’s perfectly normal. HCC are seeking to make sure the applicant has those rights but regulated in a way known typically understood by HCC i.e. consistent with those that apply to other SU. HCC have made comments to that affect in its written responses to items 8.1 and 8.2.</p> <p>Applicant - The applicant agrees that the response within the response is as RT sets out and that there is a difference with regards the powers being sought under the highway.</p>
8.2	The Applicant and local highway authorities to briefly explain what consents would be required to install and maintain the cable in the highway if dDCO powers were not available to undertake these operations.	<p>RT – summarised S.278/PP request.</p> <p>SR - Invitation from ExA to put forward what it considers to be a sensible PP. But maybe not at that stage yet. Post hearing note may ‘unlock” prospects.</p> <p>RT – further round of discussion with applicant may be sensible.</p>

		<p>MJ – 2 points – PP in relation to HE very different. Willing to discuss a way forward with highway authorities.</p> <p>Post hearing note: the Applicant has now clarified that it intends to enter into legal agreements with HCC and the terms of these will be discussed further.</p>
9.1	The Applicant to explain briefly how the August 2014 preliminary technical-economical study took into account traffic disruption and residential environmental effects before recommending that a highway route should be preferred [APP-117], paragraph 2.4.1.2).	HCC made no further representation within the hearing.
9.2	The Applicant to explain briefly the detail of the consideration which is summarised in the 'Alternative Countryside Routes Comparison' in the Environmental Statement (ES) ([APP-117], table 2.6) and any subsequent updates.	HCC made no further representation within the hearing.
9.3	The Applicant to explain briefly the scope and nature of the following studies beyond the level of detail provided in the ES ([APP-117], sections 2.4 to 2.6): a. interconnector preliminary technical-economical study (August 2014); b. preliminary converter station site identification exercise (April 2016); c. converter station technical viability and environmental constraint detailed assessment (2017); d. converter station environmental constraints desktop study (July to December 2017);	HCC made no further representation within the hearing.

	e. preliminary landfall locations desk study (April 2015); f. preliminary route desk study and site visit investigation (February 2017); and, g. Eastney and East Wittering routes detailed desk study (June 2017).	
11.1	The Applicant to list and briefly set out any applications made under s127 of the PA2008 and not withdrawn.	HCC made no further representation within the hearing.
11.2	The Applicant to explain the application of s138 of the PA2008 to the dDCO and list the Statutory Undertakers involved.	HCC made no further representation within the hearing.
11.3	The Applicant to set out briefly whether protective provisions are in a satisfactory form that is agreed with the relevant parties listed in ExQ1 CA1.3.41, 43, 45 and 46 or if not, why not.	<p>RT – HCC unclear where the matter of s278 was to be discussed after being deferred from yesterday.</p> <p>The Inspector was happy to take the matter under 11.3.</p> <p>RT – The DCO (as it stands) contains protective provisions (PP) for SU and Highways England and Network Rail. The effect of those provisions allow those bodies an element of control of detailed design and proposals as they affect their undertaking. Under s278 of the HA the highway authorities would ordinarily also be seeking to secure an agreement over the detailed design of highways works carried out by a development. The ExA would be well familiar with those agreements. In this case the applicant doesn't wish to enter these agreements. In summary, what is being sought is approvals over such details, a process for indemnification of works and, at the Lovedean site, provision for the dedication of visibility splays with regards the site access.</p> <p>There are examples of other DCOs where PP have provided for the Highway Authority to allow for the detailed design approval and s278 provisions. What HCC are seeking is encouragement from the ExA for the applicant to either provide PP or enter into a s278 so the HA can have control of the implications to the highway and indemnity for its liability and to undertake any remedial work if needed.</p>

		<p>ExA - The ExA do have a post hearing note requirement from the 9 Dec hearing for additional information. There may be a position here where the HA could put forward what it would consider to be acceptable protective provisions. Then the ExA have two documents to potentially compare. Not sure of the bespoke nature of such a provision and thus whether it can be lifted from elsewhere. That might be the way forward so the ExA have the position of both the applicant and the HA before it. Recognise that the examination may not be at that stage yet and a Post Hearing Note may unlock the issues and come to a partial or full resolution.</p> <p>RT – HCC appreciate the guidance and certainly it has been contemplating that approach. The applicant has the HCC generic s278 agreement and the applicant didn't want to engage in that. But if the applicant doesn't wish to engage further HCC will draft PP that reflect other DCOs and will submit this. Another round of discussions is welcomed by HCC and this is considered to be a more sensible solution before HCC give the ExA more information.</p> <p>Applicant - in comparison for HE, the PP for HE are not in relation to highway works but they open to further discussions on the matter.</p> <p>RT – HCC don't accept that its correct regarding the HE PP as it's about the protection of the highway but it's a moot point at this time as it seems they are open to further discussion.</p> <p>Post hearing note: progress is now being made on this matter and further submissions will be made in due course.</p>
12	Actions and post-Hearing notes	HCC to be involved in discussions for a post hearing note on dealing with depths of the highway and how HCC are to know where easements are in place and agree that these are required.
13	Any other business and closing remarks	HCC made no further representation within the hearing.

December 14th – AQUIND ISH2 Hearing – HCC Transcript & Post Hearing Note/Comment

HCC Attendees:

Richard Turney (RT)

Holly Drury (HD)

Tim Guymer (TG)

Ian Ackerman (IA)

Agenda Item	Agenda Item	HCC Comment
3a) point 1	With reference to the Applicant's response to ExQ1 TT1.16.18 at Deadline 1, please can the Applicant set out the assumptions and limitations made in respect of traffic generated from Fratton Park on football match days, and the predicted effects on the highways? Could Portsmouth City Council and Hampshire County Council confirm their positions in respect of the assumptions made?	HD – HCC had not picked up this issue previously and raised concerns about backing up of the traffic onto the A3. HCC would like to see any additional work in relation to traffic surveys undertaken for PCC's network which demonstrates the impact of matchday traffic to be extended onto the A3.
3a) point 2	Can the Applicant briefly set out the results of the additional survey work undertaken to inform the Supplementary Transport Assessment, in particular the Technical Note at Appendix E [REP1-142]?	RT – HCC have not raised any concerns regarding the survey data, but would highlight that HCC does have ongoing concerns regarding the model outputs and the interpretation of these by the applicant. The mitigation proposed, at present, is not considered sufficient, but it may be that those matters can be dealt with by the applicant in consideration of HCC's Deadline 5 submission.
3a) point 3	In light of the additional data, and the newly identified likely significant environment	HD – Whilst HCC are satisfied with the use of the sub regional transport model (SRTM), it is not satisfied with the interpretation and testing of the outputs. Additional information is

<p>effects (as tabulated in the Applicant's response to Rule 17 request in relation the ES Addendum), are the conclusions made on the significance of effects both pre- and post-mitigation robust?</p>	<p>required, including more details on mitigation in relation to delay to bus services and accident analysis. There is likely to be a significant increase in levels of diverted traffic in the highway network. HCC are seeking a clearer Communication Strategy and more commitments to make it a meaningful document. HCC also require Chapter 22 of the Environmental Statement (ES) to be updated following the Supplementary Transport Assessment (STA). It is noted that the applicant has made changes through an addendum to the ES, but this is tricky to follow and HCC are not agreed on matters yet.</p> <p>The Applicant relies on its main mitigation strategy being that the construction programme is only for a 2-year timeframe. Such an approach is not acceptable to HCC as the main mitigation. HCC have also suggested some form of bus mitigation needs to be provided to ensure journey time reliability during the road works. HCC have noted additional accident analysis has been undertaken. There are concerns about how increased accident risks, due to road works and likely significant levels of diverted traffic onto known accident locations, will be mitigated. The communication strategy is also key. More detailed signage information has been requested from the applicant to, where possible, keep traffic on A3(M) and actively divert traffic away from the main cable laying corridor. The mitigation strategy, as prepared, is not considered to be robust at present.</p> <p>Applicant - confirmed that a signage strategy is being drafted and that the permit scheme will authorise the timing of works.</p> <p>ExA - queried what change does applying the permit scheme have to HCC's position and does it give any reassurance</p> <p>RT – HCC welcomes the permit scheme as it gives HCC more capacity to manage traffic. There are however residual effects in the applicant's assessment which still raise concerns. Main point here is that these measures in the permit scheme do not fully mitigate or fully address the wider concerns which is the major traffic disruption.</p>
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3a) point 4	Can Portsmouth City Council explain its comment in the Local Impact Report that 'the whole exercise needs to be repeated'?	HCC made no further representation within the hearing.
3a) point 5	With reference to the Applicant's Responses to the Local Impact Reports ([REP2-013] page 3-24, 5.1.14), do the updated results for Portsdown Hill and Portsbridge Roundabout have any consequential effects on the modelled scenarios?	HCC made no further representation within the hearing.
3a) point 6	The transport assessment [APP-448] and supplementary transport assessment [REP1-142] rely on the sub-regional transport model in order to understand the impact of traffic at a detailed level. Can the Applicant explain why this model is appropriate for such an assessment, what assumptions have been applied to assess localised and detailed level effects (using the regional model) and what measures are in place to address any degree of uncertainty that may exist in outcome?	HCC made no further representation on this point other than to reiterate that the SRTM is an appropriate form of modelling potential construction impacts along the route; however, the interpretation and outputs of the model are still disputed.
3a) point 7	For those residents who cannot access their driveways due to construction, what distance does the Applicant consider acceptable for residents to seek alternative parking arrangements? Would on-street parking arising from displacement affect the effectiveness of diversion routes?	RT - The Highway Authority provided comment on the proposed strategy within its deadline 3 response and have subsequently provided further clarity on its concerns and expectations for management of vehicular access with the applicant. Its primary concern is the restriction of providing access during the working day where reasonable requests are made and for those that are vulnerable. Both of these criteria are down to the applicant's discretion and leave the residents in a potentially very poor position. The residents have a right of access to their property and the applicant needs to demonstrate strong intentions to engage readily with individual residents to determine the needs and identify suitable alternative parking arrangements.

		<p>Reference to the 400m walking distance is not necessarily acceptable for all residents. Parents with young children or the elderly, for example, may not be able or feel comfortable negotiating the road works on the A3 in order to access a vehicle parked 400m away.</p> <p>The nature of the A3 must also be taken into context here. It is not a simple case that people can park on the road outside their property instead of the driveway. The works will displace parking onto alternative roads and require a considerable minimum travel distance.</p> <p>The applicant is seeking to obtain uninterrupted works during the working hours with very limited acceptable requests for delays due to private property access requirements. This is not a considerate or acceptable way to bring forward works of this type and where possible disruption should be minimised. The Highway Authority have requested that the document is reviewed in the light of these discussions and that it includes a clear notification and communication strategy for effected residents so that it can ensure that, where necessary, access can be provided and that residents are fully aware of the time slots specific to them where access is otherwise physically impossible to provide.</p>
3b) point 1	What are the intentions regarding routing, timing and management of deliveries via AILs?	<p>RT – an additional note to be provided regarding AIL regarding changes to street furniture, traffic signals and delivery timings</p> <p>CW – Technical Note being submitted at Deadline 6</p>
3b) point 2	What provisions will be made such as advance notice to residents and businesses along the AIL delivery route? How will this be managed, and how will services affected by the AIL deliveries be restored, including those affected areas that lie outside the Order limits?	HCC made no further representation within the hearing.

3b) point 3	Would the movements of AILs, and the consequential road restrictions in terms of access and parking, impact on the road diversions and traffic assumptions modelled on the highway network and, if so, have they featured in the assessment of cumulative effects?	HCC made no further representation within the hearing.
3b) point 4	In relation to AILs, the specialist report by Collett ([REP1-142] Appendix A, paragraph 1.11) makes reference to full structural reports being made of any affected properties near the AIL route and discussion with the relevant local authorities in advance to ensure the route is structurally suitable. Whose responsibility is this, how or where is it secured and what compensation is available if damage is caused to properties either within or outside the Order limits?	HCC made no further representation within the hearing.
3c) point 1	Given the Applicant's response to Local Impact Reports ([REP2-013], page 3-50, 5.5.2) regarding the position of joint bays, and noting that the construction of a joint bay takes 20 days, what confidence can the highway authorities have that the construction of joint bays will not take place within the highway?	<p>RT – HCC have made comments previously regarding Joint Bay (JB) locations. The applicant has stated that they will not put joint bays in carriageway and further detail will be provided. Clarity is still required by the Highway Authority.</p> <p>CW – It is the intention that JB's will be in verges, fields and car parks to limit impact. Whilst the exact location cannot be addressed at this time, the applicant is completing work for deadline 6 which will provide indicative locations and further detail where joint bays will not be located. This will be secured within the DCO.</p> <p>MJ – JB's are not proposed to be located within carriageway and are looking into making further submissions in this regard. Ongoing discussions with PCC and HCC regarding this.</p> <p>RT – As HCC understand from the STA, JB's 6/7 7/8 are proposed to be located within a bus lane (or at least the lay down areas are). HCC would also add that a location within the highway but off carriage does not mean it's not a concern, as it increases the intensive</p>

		construction period within the highway. This matter will be reviewed in further detail on receipt of the additional information.
3c) point 2	Has the Applicant modelled the worst case of all joint bays needing to be constructed in the highway on Portsea Island? If not, why not document.	HCC made no further representation within the hearing.
3c) point 3	Given the extent of the Order limits, how does the Applicant intend to provide laydown areas adjacent to construction works without encroachment onto the public highway?	<p>RT – there is a general concern about the hours of working and making sure that HCC can manage hours of working to include night-time/weekend when it is required to minimise disruption. FTMS states this isn't possible. Highway impacts should be attempted to be managed outside of this to minimise requirements of night time working.</p> <p>The Examining Authority asked whether the permit scheme allow for night time working? RT – the way the applicant is incorporating the permit scheme is via the FTMS which prevents night time working unless it is identified as necessary at this stage. The usual permit scheme allows the highway authority, in consultation with the planning authority, to instruct night time working or extended working hours (evenings and weekends) to minimise traffic disruption.</p> <p>MJ – applicant reviewing noise assessments to see where appropriate but wish to avoid where possible.</p> <p>Post Hearing Comment: This matter was discussed further within the hearing on the 15th December and HCC are to provide a post hearing note in response to those discussions.</p>
3d) point 1	During operation of the Proposed Development, how many and what sort of large or oversized vehicles will need to access the Converter Station site?	HCC made no further representation within the hearing.
3d) point 2	At Day Lane and Broadway Lane, why can't normal construction vehicles (i.e. non-AILs) utilise the existing highway network without	HD – HCC are agreed that matters are acceptable here and that the applicant's assessments of alternatives are sound.

	modification, especially since option 1 (shown in Appendix 5 to Appendix F of the Transport Assessment [APP-448]) shows that even AILs may be able to use the existing highway with minor modification? If option 1 (reference above) is not feasible, why not?	
3d) point 3	Is there a compelling reason why option 1 cannot be pursued and that option 2 (with permanent acquisition of land) has to be followed?	HD – HCC are agreed that matters are acceptable here and that the applicant’s assessments of alternatives are sound.
3d) point 4	With respect to management of construction traffic on Day Lane, can the Applicant set out the predicted effectiveness of using banksmen to co-ordinate HGV movements? Apart from the purpose-built access on the corner with Broadway Lane, how does the Applicant intend to prevent HGVs meeting other non-construction traffic and potentially waiting within the public highway?	<p>RT – HCC received additional information on the proposed management of construction vehicles on Day Lane Friday 11th December and are yet to have time to review and provide comment.</p> <p>HD – HCC have looked briefly at the document and initial key concerns relate to whether Highways England (HE) would be content for their laybys to be used in such a manner and whether they have appropriate capacity. Safety issue with the risk of accidents at the Lovedean Lane junction as a result of held traffic will still need to be looked at and the issue of vehicle tracking, which currently appears to demonstrate that HGVs can currently only pass in one section of Day Lane. Final issue relates to how movements from the properties along Day Lane are managed.</p> <p>RT – Noted that a banksman cannot direct traffic apart from “asking nicely”. It is noted that the applicant has provided updated information which will be reviewed. HCC are to provide a post meeting note with comments on the current proposals.</p>
3d) point 5	Does the Applicant consider additional passing bays or waiting areas to be	Applicant - are looking into this matter. The highway boundary is wider than the OS mapping implies. Additional information is to be provided if necessary.

	required on Day Lane and Lovedean Lane? If not, why not?	HD – It is considered prudent by HCC to pursue this element of work to understand if widening can be provided. The strategy put forward needs to be reviewed and at this time it isn't necessarily agreed with. The provision of additional passing places may aid in overcoming some of the access issues.
3e) point 1	With reference to the Framework Traffic Management Strategy, could the Applicant explain or provide insight as to whether any greater certainty can be applied to the 'weeks per circuit' construction programme? Why are there differences (1 day to 2 weeks per circuit for example) and what factors would influence prolonging the construction?	HCC made no further representation within the hearing.
3e) point 2	What 'engineering challenges' does the Applicant envisage during onshore construction that would warrant the contractor deviating from the Applicant's own identified preferred working hours and routes? Is this purely down to the skill or ability of the contractor?	HCC made no further representation within the hearing.
3f) point 1	In the Applicant's comments on D1 submissions from non-IPs ([REP3015], 2.4.10) (and elsewhere) it is noted that there are ongoing discussions with the bus companies and that appropriate mitigation can be secured. Can the Applicant provide the minutes of the meetings with First Group into the Examination and confirm the status of discussions with both bus companies? What is the nature of the additional mitigation measures arising from	RT – HCC have undertaken direct engagement with the bus companies. There is concern over the potential impact on the whole network and therefore buses. HCC want to ensure bus service levels are maintained. HCC is not content to rely on assurances that the impacts are minor. There is a need to mitigate the impact (i.e. funding) and to ensure that the services are maintained. The A3 corridor is part of a wider strategy which will incorporate improved infrastructure via the Transforming Cities Fund (TCF). The delays could have a greater impact on the wider strategy. HA is concerned regardless of the bus operator views as currently understood. HD – Bus users cannot switch routes like car users and thus there is a risk that there could be changes to travel mode which will have wider implications due to the long-term disruptions.

<p>the meetings with the bus companies to limit the impact on their services? Where and how would such measures be secured?</p>		<p>MJ – the applicant has assessed the impact and shown they are minor. Provision of mitigation is only required if there is a significant impact. TCF noted, but does not consider temporary disruptions will affect this.</p> <p>CW – Restrictions within the FTMS limit the period shuttle working and Temporary Traffic Management can be implemented along the A3 corridor. These instances create the most significant delay but are limited in time period over the 2 years and are also limited to school holidays.</p> <p>RT – This comes down to points of interpretation regarding impact to service levels. Discussions to be taken away. The longer-term implications to the TCF corridor are important. There is still some uncertainty (i.e. JB in bus lane) and more work is required as noted by MJ.</p>
<p>HCC were asked if they had covered all areas of concern at the end of the highways section of the hearing.</p>		<p>HD – two additional points remain regarding mitigation which I don't believe have been raised. This relates to the Framework Travel Plan which HCC has made representation on within its deadline 5 response. There is a lack of certainty as to where workers will be coming from so difficult to secure in FTP. HCC are therefore seeking a considerably revised document and a more flexible approach to ensure meaningful measures can be adopted in the future, given the considerable increase in traffic movements to the Lovedean area during the course of construction of the development.</p> <p>The second point relates to the works coordination regarding Ladybridge roundabout and the TCF works. This is of vital importance and HCC need to be sure that the schemes do not preclude each other or create unacceptable delays to either programme. The provision of the TCF scheme funding is time limited to spend before 2023 and the implementation of MDA southern access is also time critical to ensure provision of much needed housing for the area with a current programme forecast date of late 2022. Discussions are required with the applicant and the interested parties to ensure appropriate protection is provided to facilitate the delivery of these committed schemes.</p>

Post Meeting Note Agenda Item 3d (point 4) – Operation of Day Lane

Within Hampshire County Council's (HCC) Deadline 3 and 5 responses to the AQUIND Interconnector DCO, concerns were raised regarding the traffic management strategy along Day Lane during the construction period of the works. Specifically, concerns were raised with the proposed banksmen control, the lack of passing places for a HGV and cars to pass, the safety implications of holding vehicles on carriageway at the Lovedean Lane/Day Lane junction and the overall delays to other road users as a result of the management strategy.

Further to these responses, the Applicant submitted a revised traffic management strategy along Day Lane to HCC via email on Friday 11th December 2020 which had not been reviewed in detail prior to the ISH. The Highway Authority have subsequently reviewed the document and wish to make the following comments.

Updated Strategy

Arrivals

Following comments from the Highway Authority to take a more holistic approach towards the management of HGVs to and from the converter station, the applicant is now proposing a 'check in' system for all HGVs visiting the site. This will require the drivers to pre-book an arrival slot to the site with the banksmen positioned on Day Lane. To co-ordinate the timed arrivals, the applicant is proposing that the HGVs utilise a number of existing laybys on the strategic road network (SRN) located on the A27 and A3, as set out on Page 3 of the note.

The applicant has not carried out any assessment to understand whether there is spare capacity at each of the identified laybys to accommodate HGVs throughout the construction period. Given that this matter relates to capacity along the SRN and appropriate use of the laybys, Highways England will need to confirm whether they are happy with the principle of these laybys being used and should be formally consulted on the note.

HGVs arriving to the site will still be held on carriageway at the junction with Lovedean Lane/Day Lane. The Highway Authority remain concerned with this arrangement and the potential for accidents to occur if a vehicle turning into the junction fails to anticipate the stationary traffic. The applicant is therefore requested to investigate whether any waiting facilities can be provided off the highway, as noted within previous written representation.

The Highway Authority remain concerned with the delays resulting from the current inability to convoy HGVs into the site. The 'check-in' system will better inform the banksmen of incoming HGV movements and therefore prepare them to hold eastbound HGV movements along Day Lane and remove this element of conflict and management of 2 HGVs meeting on Day Lane itself. However, the majority of Day Lane is of insufficient width to allow a car to pass a HGV. It is not clear how management of general traffic is to be undertaken when the HGV is on route to the site at the Broadway Lane end of Day Lane. If the HGV must arrive at the Lovedean Lane/Day Lane junction before general traffic can be held then safety issues still

remain on how this is to be accommodated on the highway network. As the holding areas are circa 20 minutes away from the junction it would be inappropriate to hold traffic until the HGV arrived. The proposed management system also still means that arrivals of HGV's will take place in a piecemeal manner, creating delays for existing users of Day Lane. As mentioned within the latest note, it is anticipated that there will be 6 westbound and 6 eastbound HGV movements per hour during construction of the converter station. The Highway Authority therefore remain concerned that the lack of regulation of incoming HGVs will cause significant delay for road users on Day Lane who are held to allow for HGV movements. The applicant has also not commented on how movements in between banksmen i.e. residents with access to their properties via Day Lane will be managed whilst westbound HGV movements are being undertaken. Given the lack of passing places available on Day Lane, the movement of these vehicles should also be controlled to ensure that they do not conflict with the HGV management strategy.

Departures

To manage the movements of HGVs along Day Lane, the applicant has also proposed a convoy system for lorry's departing the site to reduce the period which departing HGV's occupy Day Lane. This would involve HGVs being held within the site on the new haul road until there are 3 vehicles ready to head eastbound along Day Lane. At this point, the banksmen will communicate to prevent any further oncoming traffic travelling along Day Lane, allowing the HGVs to be released in one go. This system offers an improvement over the previous strategy which allowed for HGVs to come and go freely (albeit still under banksmen control).

There are no details of where it is proposed to hold vehicles waiting at the Day Lane/Lovedean Lane junction or how any movements from the properties along Day Lane will be controlled. There are safety concerns regarding the holding of traffic at the junction as a result of an unexpected queue on the carriageway. This needs to be understood further and measures considered to ensure that any queue does not create a safety issue. Further information is sought on these matters.

General Matters

The Highway Authority question the effectiveness of banksmen and whether they are legally able to control and direct HGV movements. Further clarification from the applicant is welcomed on this point.

The applicant has not carried out a quantitative assessment of HGV travel time along Day Lane and how long the predicted number of HGVs will therefore spend on Day Lane based on the current controls. This assessment is required to understand the extent of the delays to existing road users resulting from the construction traffic movements.

The applicant is required to address the points above before the construction traffic management strategy on Day Lane can be considered acceptable. Hampshire County Council would welcome further discussions with the applicant on any of the points raised within this note. The proposed control methods should also be subject to a Road Safety Audit.

December 15th – AQUIND ISH3 Hearing – HCC Transcript & Post Hearing Note/Comment

HCC Attendees:

Tim Guymer (TG)

Agenda Item	Agenda Item	HCC Comment
6 k) point 4	Would the dDCO allow the breaking and cutting of road surface or resurfacing of roads during night-time? If so, is further noise assessment necessary to determine the worst-case impact on noise sensitive receptors?	<p>TG – The Highway Authority are concerns about the limitations being placed on traffic management within the draft DCO in its worthy efforts to demonstrate minimal noise impacts on residential amenity.</p> <p>It is recognised that the applicant has made positive steps towards a more acceptable package of measures in mitigating highway impact, including commitment to the highway permit scheme.</p> <p>However the current drafting of the DCO, and outline CEMP, doesn't provide the flexibility and agility needed for the Highway Authority to effectively manage the highway impacts arising on traffic sensitive roads with regard to directing out of hours working (including night-time).</p> <p>This is particularly important on the A3 London Rd. The challenges faced by the applicant in ensuring that impacts on residential amenity are appropriate and adequately examined is acknowledged and understood.</p> <p>The permit scheme, and supporting practice therein, provides for such control to be secured in a way that responds to the particular circumstances arising at the time of construction. Indeed, such mechanisms/approaches are adopted by all other statutory undertakers for such works</p>

Indeed, and finally, the Highway Authority are mindful of the provisions made in the Esso Pipeline DCO in this regard which includes drafting which the Applicant may wish to consider using in this dDCO.

WCC/HBC/EHDC – have some concerns that the approach suggested by the HA in relation to the details of their proposal.. Need to understand what noise impacts could arise and whether this could invalidate noise impact reports. Suggest that HCC meet with the local authority representatives to have a further discussion offline in time for the next deadline to clarify this matter.

Applicant – concerned about any change that would potentially generate significant impacts that fall outside of ES.

ExA – advised that it would be appreciated if this matter could be taken forward outside of the hearing session

Post Meeting Note Agenda Item 6k (point 4) – Provision for out-of-hours working on traffic sensitive streets in Hampshire.

Since the hearing, meetings held between the LPAs in Hampshire and Hampshire County Council have confirmed the principle of providing for flexibility within the DCO to enable the County Council to direct extended working hours (or night working) where it is considered to be desirable to minimise traffic congestion.

It has been agreed that, for the purposes of some sites where significant traffic congestion could be avoided, HCC could replicate its existing arrangements whereby HCC consult with the LPA before directing 'out of hours' working. This would retain the protection for residents. It is also HCC's understanding that the EHOs at WCC/HBC/EHDC have also advised that making adjustments to the DCO to reflect this flexibility would not, in their view, invalidate the existing environmental assessments.

Accordingly, revised drafting of the DCO (and associated documentation in the CEMP/FTMS) is sought to enable the County Council, after consultation with the LPA, to direct out of hours working where this would be essential to minimise significant traffic disruption. HCC consider that such powers would be used sparingly and only where essential.