



AQUIND Limited

AQUIND INTERCONNECTOR

Written Summaries of Oral Submissions
at ISH1, 2 and 3, and CAH 1 and 2

The Planning Act 2008

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AQUIND INTERCONNECTOR

ISSUE SPECIFIC HEARING 1 – WEDNESDAY 9 DECEMBER

POST HEARING SUMMARY OF ORAL SUBMISSIONS

1. **OVERVIEW**

- 1.1 On 14 November 2019, AQUIND Limited (the '**Applicant**') submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State (the '**Application**').
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020.
- 1.3 Issue Specific Hearing 1 ('**ISH1**') on the Draft Development Consent Order took place on Wednesday 9 December and the Applicant submitted a detailed written transcript for ISH1 at Deadline 5 (**REP5-058**).
- 1.4 This document contains the Applicant's written summaries of the oral submissions made at ISH1. It is intended to supplement the Applicant's hearing transcript for ISH1 and highlight any additional points raised in summary form.
- 1.5 Where further information was requested by the Examining Authority at the hearings, this has been provided in the post hearing notes submitted at Deadline 6 and that information is not repeated in this document.

2. WRITTEN SUMMARY OF ORAL SUBMISSIONS

DRAFT DCO DOCUMENTS

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.2

Is the dDCO in the form of an SI?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.4

Could Highways England please explain why it is necessary to amend the definition of 'relevant highway authority'?

Speaker: Martyn Jarvis

- The Applicant has made contact with Highways England to explain the position but no response has been received to date.
- The FCTMP and FTMS will be verified and approved by HCC before consent is granted, and it is therefore not necessary for them to also approve the detailed plans/strategies which will be produced pursuant to those.

Question 3.5

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?

Speaker: Martyn Jarvis

- It is not necessary for the HDD position statement (REP1-132) to be certified.

- The updated works plans submitted at Deadline 6 show the areas that HDD compounds/crossings must be located and this is secured by Requirement 6 of the dDCO.
- With regard to sheet 9, the HDD on Milton Common is for a very small length and therefore it is not necessary to show the exit compound area because it will be accommodated within the trenching corridor across the rest of Milton Common.
- Please refer to the post hearing notes submitted at Deadline 6 for further information.

Question 3.6

How would Article 7 work in practice when, for example, the Optical Regeneration Stations would accommodate equipment both for the monitoring and operation of the fibre-optic cables as well as for commercial telecommunications purposes?

Speaker: Martyn Jarvis

- Article 7 is standard form and sub paragraphs 5(a) and (5)(b) make it clear that a code operator (as transferee or lessee) would be subject to the provisions of the Order.

Question 3.7

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?

Speaker: Martyn Jarvis

- Requirement 24 would cover any part of the Proposed Development.
- Further amendments will be made to requirement 24 to make it explicit that the decommissioning requirement does not circumvent the need to carry out an environmental impact assessment or obtain any necessary consents at that time.

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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 the land which is vested in the highway authority’?

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).
- No changes to the FTMS or FCTMP are required as a result of the agreed position.

Question 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])

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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 replacement landscaping and/ or compensation?

Speakers: Martyn Jarvis with support from Neil Davis as necessary

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058) and the post hearing notes submitted at Deadline 6.

Question 3.13

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 to affect streets outside of the Order limits? Reference should be made to precedents in recently made Orders where appropriate

Speaker: Martyn Jarvis

- The protective provisions for Highway England relate to the drilling of cables below land vested in Highway England. They do not relate to land that forms part of the highway and therefore it is not appropriate for PCC to have similar protective provisions in respect of its highway land
- Further, the Applicant will not be conceding to the request that a failure to give approval in time results in a refusal from PCC as that would be an impediment to the scheme coming forward.

Question 3.14

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?

Speaker: Martyn Jarvis

- The Applicant has amended the DCO to refer to temporary closure rather than temporary stopping up.

Question 3.15

Issues may be raised by the ExA in respect of Part 4 after its review of information submitted for the Deadlines leading up to the Hearing.

- N/A

Question 3.16

In respect of Article 22, can the Applicant justify the unique circumstances relating to the Proposed Development that make it different from any other 'linear' infrastructure project that warrants a 7-year time limit as opposed to 5 years? Are there any recently made DCOs serving as precedent for this Article?

- The position with regard to French consents is explained in other consents and licences document (REP1-029). A further update to this document has been submitted at Deadline 6.
- In response to comments from PCC that 5 years is not a sufficient time for the Applicant to obtain all necessary consents, it was confirmed that the French consents have been applied for and expectation is that they will be granted at a similar time to the UK consents.

Question 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?

Speaker: Martyn Jarvis

- Please refer to the post hearing notes submitted at Deadline 6.
- The proposed approach is to acquire temporary rights for construction, and then permanent rights for the operation and maintenance of the cable once built. The DCO is worded such that the undertaker may only acquire what is necessary. In essence, the approach taken is to ensure the extent of land requirement is the minimum amount possible.

Question 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?

Speaker: Martyn Jarvis

- No difference is intended between the meaning of 'carrying out' in articles 30 and 31, and the term 'construction' in the SoR. The dDCO has been updated at Deadline 6 to refer to 'construction' throughout.

Question 3.19

What is the difference between the temporary use of land and the temporary possession of land in terms of the dDCO?

Speaker: Martyn Jarvis

- Please refer to the post hearing notes submitted at Deadline 6.

Question 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 Development is operational for the purpose of its maintenance?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- Maintenance of cables beneath the highway would only be required in very limited circumstances. In practice, the undertaker would rely on the New Roads and Street Works Act and would ensure that no works take place outside the Order Limits.

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.23

Could the Applicant explain the reference to classes (h), (f) & (c) in the response to ExQ1 CA1.3.38?

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.24

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 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.

Speaker: Martyn Jarvis and Neil Davies

- Please refer to the post hearing notes submitted at Deadline 6.

Question 3.25

Can the Applicant advise the expected typical width over which restrictions would be sought where HDD or micro-tunnelling is used?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.26

Please can the Applicant advise whether the powers sought in the dDCO would prevent the future erection or maintenance of buildings or structures relating to the use of the Milton Piece Allotments by allotment holders?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.27

Please could Portsmouth City Council explain its 'New Connection Rights' position in respect of Milton Piece Allotments as set out in its LIR [REP1-1173]?

Speaker: Martyn Jarvis

- The position in relation to the use of the allotments surface and pathways is clearly established in Article 30 of the DCO.

Question 3.28

In the context of its response to ExQ1 CA1.3.19, please could the Applicant explain the relevant Hinkley detail in terms of the mechanism by, and time at which the option to progress would be chosen?

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.29

Can the Applicant explain potential nature of dDCO amendments required to remove an option from the dDCO?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.30

Please could the Applicant provide further details of the suggested new Requirement akin to Thanet Requirement 12?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.31

Please could the Applicant and Portsmouth City Council explain their current positions on 'Thanet' matters?

Speaker: Martyn Jarvis

- The existing wording of Articles 20 and 23 means that the Applicant can only acquire so much land "as is required for the construction, operation, or maintenance of the authorised development...". This is considered adequate, and further information is provided within the post hearing notes submitted at Deadline 6.

Question 3.32 – issues may be raised by the ExA in respect of Part 6 after its review of information submitted for the Deadlines.

- N/A

Question 3.33

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?

Speakers: Martyn Jarvis and Neil Davis

- The Applicant will look to agree matters with HCC and PCC in relation to trees through the Statement of Common Ground. Further information on the proposed approach is provided in the Applicant's post hearing notes submitted at Deadline 6.

Question 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?

Speaker: Martyn Jarvis and Neil Davis

- All trees within the red line boundary have surveyed taking into account their structural and ecological condition. Please refer to the post hearing notes submitted at Deadline 6.

Question 3.35

How are works to remove and replace hedgerows secured within the dDCO?

Speaker: Martyn Jarvis and Neil Davis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 3.36

Could the Applicant clarify the purposes of Article 48 and if it is necessary in this instance? Are there recently made DCOs serving as precedent for the inclusion of such an Article

when there is no known (evidential) need for it? Does the Applicant believe that the Secretary of State's decisions on the recently made West Burton C Power Station Order is relevant in this respect?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

SCHEDULE 1, AUTHORISED DEVELOPMENT

Question 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?

Speaker: Greg Irvine

- The approach to determining the significance of effects is outlined in section 4.4.3 of Chapter 4 (EIA Methodology) of the Environmental Statement ('ES') (APP-119).
- Several criteria are used to determine the significance of the potential effects of the authorised development and whether or not they are 'significant'.
- The effects are assessed quantitatively wherever possible. In determining the significance of a potential effect, the magnitude of impact arising from the authorised development is correlated with the sensitivity/value of the particular receptor under consideration.
- Any deviations from these criteria, for example due to application of topic-specific industry guidance, have been included in the technical assessment chapters, where relevant.
- Table 4.2 in ES Chapter 4 shows the matrix used for classifying the significance of effects – which shows how magnitude of impact against sensitivity of receptor is the key function to determining the effect on the receptor. Typically, effects deemed to be significant, for the purposes of assessment, are those which are described as 'moderate', 'moderate to major' or 'major'.
- However, there are instances where an assessment may differ to this approach and professional judgement has been applied based on an expert's knowledge and experience of similar projects. Where this does occur, clear justification on how significance has been determined is detailed within the respective technical assessment of the ES.
- The Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058) provides the details the approaches adopted for each topic-specific assessment within the ES, chapter by chapter.

Speaker: Adam Coombs

- The Applicant has continued to discuss and agree additional mitigation measures with the authorities and consultees and, as a result, details set out in the updated Mitigation Schedule are now out of date.
- The Applicant intends on submitting a further and final update to the Mitigation Schedule and Control Document Chart at the final deadline in order to capture the final position at the close of the examination.
- Exhibit 2 is the latest Mitigation and Control Chart and was produced in accordance with the Requirements in the most recent draft DCO. The Chart illustrates the securing mechanisms and hierarchy of the various control documents for the onshore elements of the Proposed Development. The Mitigation and Control Chart shows how the outline

documents (shown in blue) correlate to subsequent detailed submissions (shown in green) to be submitted to, and approved by, the relevant planning authority.

Question 4.2

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?

Speaker: Martyn Jarvis and Norman MacLeod

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 4.3

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?

Speaker: Martyn Jarvis

- Please refer to the post hearing notes submitted at Deadline 6.

Question 4.4

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 HVDC cables?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 4.7

Does work No.4 (f) need to be specific about the technology and means of trenchless crossing being utilised?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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 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?

Speaker: Martyn Jarvis

- The Applicant is currently engaged with National Grid Electricity Transmission regarding the extension of Lovedean substation. Further information in respect of the current position with National Grid Electricity Transmission is included in the Statement of Common Ground submitted at Deadline 6.

SCHEDULE 2. REQUIREMENTS

Question 5.1

What is the background to, and purpose of each of the draft Requirements?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- The detailed management plans, such as the detailed phase CEMP's, will be live documents as they will be produced and refined by the contractor at the detailed design and the construction phase.
- However, the outline plans set out the approaches and principles the contractors must adopt and are not 'live' documents. These are referred to as 'Outline' or 'Framework' in the Application.

Question 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’?

Speaker: Martyn Jarvis

- Ultimately the Applicant is seeking to remove the need for all approvals for some works where this is not necessary, because adequate controls already apply. This will assist with the efficient delivery of the Proposed Development. The Applicant is continuing to consider amendments that may be made to the dDCO in relation to the onshore site preparation works to more clearly outline what may be undertaken and when.

Question 5.4

In requirement 1(6), what is meant by ‘ground level’?

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 5.5

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?

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- The FCTMP clearly sets the routes and parameters and confirms that there will be no traffic routed in the SDNP. The Applicant is concerned that giving approval rights to SDNP would introduce a wholly unnecessary layer of approval.
- It would be unusual for WCC to have approval rights as discussions to date have been with HCC as highway authority.
- The Applicant is continuing to engage with WCC on the request for an Employment and Skills Plan, noting that much of the works to be undertaken will be undertaken by specialist contractors familiar with the construction of high voltage electrical apparatus.

SCHEDULE 3, PROCEDURE FOR APPROVALS, CONSENTS AND APPEALS

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 6.2

What are the roles of the MMO, Natural England, Environment Agency and local planning authorities in the seeking the discharge of Requirements?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

SCHEDULE 13, PROTECTIVE PROVISIONS

Question 8.1

Please could the Applicant provide an update on progress of negotiations on protective provision wording and the likelihood of resolution?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058) and the response to question 11.3 in the Applicant's transcript for Compulsory Acquisition Hearing 1 (REP5-034).

SCHEDULE 14, CERTIFIED DOCUMENTS

Question 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?

Speaker: Martyn Jarvis

- The DCO will be updated to more clearly refer to the documents which form the ES as certified documents in Schedule 14. The Applicant is continuing to consider the most appropriate approach and updates will be made to the DCO in this regard in due course.

SCHEDULE 15, DEEMED MARINE LICENCE UNDER 2009 ACT

Question 10.1

Could the Applicant advise on the construct and content of the draft Deemed Marine Licence (DML) and how it relates to the dDCO?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 10.2

What is the status of negotiations between the Applicant and the Marine Management Organisation in relation to the DML?

Speaker: Ross Hodson

- The main outstanding areas of discussion in regard to conditions of the Deemed Marine Licence between the Applicant and the MMO are those matters identified in the SoCG in Table 4.1, which the Applicant is engaging with the MMO in order to resolve.
- There are also a few additional points currently under discussion resulting from the MMOs responses to Written Questions at Deadline 1 and 2 which the Applicant responded to at Deadline 2 (REP2-008) and 3 (REP3-014).
- In summary these are:
 - A request to seek further advice regarding additional contaminant sediment analysis in relation to dredging at the HDD site;
 - A request for a 4 week restriction of works in a certain location along the UK Marine Cable Corridor in relation to herring spawning;
 - Assessment of underwater noise;
 - Application of appeals provisions;
 - Definition of Cable Protection;
 - Wording of Part 1, paragraph 10;
 - Wording of Part 1, paragraph 4(5);
 - Confirmation of data requirements to support additional cable protection in the operational phase;
 - Necessity of securing a worst case construction programme;
 - Express securing of parameters for Atlantic cable crossing cable protection and reference to scour; and
 - How temporary use of grout bags is reflected in the DML

Question 10.3

Please could the Applicant clarify the position regarding the Outline Marine Archaeological WSI not being in the list of certified documents but appearing in Schedule 15 relating to the DML?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 10.4

With reference to Historic England's Written Representation, could the Applicant comment on the suggested additions and recommendations for content within Part 2 of the DML, and whether amendments are to be made in any respect?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

PLANNING OBLIGATIONS AND ANY OTHER AGREEMENTS

Question 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 S106 of the Town and County Planning Act or S278 of the Highways Act?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

Question 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?

Speaker: Martyn Jarvis

- The Applicant will continue to engage with HCC and seek to reach agreement with them in respect of this matter.

Question 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?

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).

ANY OTHER ISSUES RELATING TO THE DRAFT DCO

Please clarify the position with regard to the Statement of Common Ground with the Maritime and Coastguard Agency

Speaker: Ross Hudson

- The Applicant remains in discussion with the Maritime and Coastguard Agency in relation to the minor points raised in their Deadline 4 Submission.
- It is anticipated that agreement will be reached on these points and the previously submitted SOCG will be withdrawn and replaced with an updated SoCG,.

Please provide an explanation for the differences between Article 9 (defence to proceedings in respect of statutory nuisance) with previously consented schemes?

Speaker: Martyn Jarvis

- A significant amount of work has been undertaken by the Applicant to confirm that the operation of the interconnector would not give rise to statutory nuisance. Notwithstanding this, it would be unfair to require the undertaker to achieve levels in the future which are lower than those which have been assessed if the surrounding environment changes outside of the Applicant's control. A revised version of Article 9 is included in the dDCO submitted at Deadline 6.

Could the Applicant please clarify the position with regard to climate change resilience and EMF?

Speaker: Martyn Jarvis

- These matters are related to design matters and essentially the final design will incorporate the necessary mitigation.
- More broadly, the Applicant acknowledges that operational mitigation is currently contained in the Onshore Outline Construction Environmental Management Plan and will look to ensure that this is secured in a more appropriate vehicle.

AQUIND INTERCONNECTOR

ISSUE SPECIFIC HEARING 2 – MONDAY 14 DECEMBER

POST HEARING SUMMARY OF ORAL SUBMISSIONS

1. **OVERVIEW**

- 1.1 On 14 November 2019, AQUIND Limited (the '**Applicant**') submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State (the '**Application**').
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020.
- 1.3 Issue Specific Hearing 2 ('**IS2**') on Traffic, Highways and Air Quality matters took place on Monday 14 December 2020 and the Applicant submitted a detailed written transcript for ISH2 at Deadline 5 (**REP5-061**).
- 1.4 This document contains the Applicant's written summaries of the oral submissions made at ISH2. It is intended to supplement the Applicant's hearing transcript for ISH2 and highlight any additional points raised in summary form.
- 1.5 Where further information was requested by the Examining Authority at the hearings, this has been provided in the post hearing notes submitted at Deadline 6 and that information is not repeated in this document.

2. WRITTEN SUMMARY OF ORAL SUBMISSIONS

TRAFFIC, HIGHWAYS AND TRANSPORT

Question 3A-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?

Speaker: Chris Williams

- It is considered by the Applicant that traffic flows on A2030 Eastern Road are likely to be similar on football match days to weekday AM and PM peaks, which has been robustly assessed using the Sub-Regional Transport Model as reported in the Transport Assessment and Supplementary Transport Assessment.
- Due to Covid-19 pandemic it has not been possible to complete traffic surveys on football match days prior to the Examination as the Applicant intended to verify this theory.
- However in the run up to the Issue Specific Hearings and post Deadline 5 the Applicant has obtained Automatic Traffic Count survey data for the A2030 Eastern Road between 22nd February and 16th March 2020. This is prior to the Covid-19 UK Lockdown, which commenced on 23rd March 2020.
- This traffic survey was completed on the A2030 Eastern Road between Anchorage Road and A27 Havant Bypass.
- During this period Portsmouth FC played the following 4 weekday evening games at Fratton Park with a kick-off time of 19:45:
 - A league game Vs Mk Dons on Tuesday 25th February with an attendance of 16,500;
 - A league game Vs Rochdale on Friday 28th February with an attendance of 17,600;
 - An FA Cup game against Arsenal on Monday 2nd March with an attendance of 18,839; and
 - A league game Vs Fleetwood Town on Tuesday 10th March with an attendance of 16,755,
- The Applicant also completed an assessment of traffic flows recorded on Tuesday 2nd March when Portsmouth played Arsenal noting that the attendance during that game was higher than the average attendance at Fratton Park for the last 4 seasons. The assessment is therefore considered to be very robust and will over-report compared to average attendances.
- This assessment, which is being submitted by the Applicant at Deadline 6, established that:
 - While pre-match southbound traffic flows were comparable or less than those used in the SRTM assessments of weekday traffic peaks, the traffic surveys recorded a much higher proportion of slow moving traffic than non-match days.
 - For example, between 18:00 and 19:00, 88% of traffic recorded by the ATC was traveling at speed of 0-15mph.
 - This is after the general peak hour of 17:00 to 18:00 so suggests that significant traffic congestion was present along A2030 Eastern Road, however it is also the case that due to the coincidence with the peak hour, there is likely peak hour traffic within the slow moving traffic after the peak hour.

- A high proportion of slow moving traffic means that it is likely the ATC under reported traffic flows during this period in the southbound direction.
 - Therefore actual traffic flows may have been higher than those used in the SRTM assessment of these traffic flows.
 - In the northbound direction the post-match traffic flows are comparable to the weekday peak hours assessed in the SRTM.
 - However this is despite the post-match peak traffic flows being recorded between 21:45 and 22:45, when background traffic flows on the Eastern Road on-non match days are significantly lower than other times of the day. It is also however acknowledged that the profile of persons leaving at 21:45 would be expected to be higher than those leaving at 17:00 on a Saturday due to the time of day.
 - Taking this additional assessment information into account, a robust assumption for assessment purposes is that the addition of post-match football related traffic at other times of the day, such as Saturday at 17:00, is likely to lead to higher traffic flows on A2030 Eastern Road than assessed within the SRTM.
- As a result of these findings the Applicant accepts that traffic flows on football match days on Saturdays may be higher than those assessed within the SRTM for weekday peak hours.
 - With this in mind, and acknowledging that the necessary mitigations must be secured, the Applicant proposes that in the first instance, Traffic Management on the A2030 Eastern Road will be removed on football match days to mitigate potential impacts of such.
 - This mitigation would be achieved through the careful scheduling of works changeovers between each 100m construction section, which under the proposed 24 hour construction working hours would occur every three days.
 - This will also allow the traffic management to be removed prior to a football match and reinstalled on the same day therefore minimising delay to the construction progress.
 - However, as the assessment work undertaken is based on evening traffic flows for a higher than average attendance match, and noting the limitations for undertaking football match day surveys at the current time which it is not expected will be something that can be undertaken before the end of the Examination, the Applicant also proposes the undertaking of further representative surveys to confirm the position when possible to do so, post grant of the DCO. Should those surveys, which will be reviewed by and agreed with the local highway authorities, identify that the traffic flows are comparable to those in the peak hour where the assessments undertaken have identified it is acceptable for traffic management to be in place during the peak hour, the need to remove traffic management on football match days would be lifted, so as to assist with the efficient delivery of the works in this location.

Question 3A-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]?

Speaker: Chris Williams

- Please refer Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061).

Question 3A-3

In light of the additional data, and the newly identified likely significant environment 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?

Speaker: Chris Williams

- Please refer to the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058).
- Further discussions have been held in relation to road safety assessment and the Applicant will provide a further update on that as soon as possible.
- A signage strategy is also in the process of being prepared.
- A lot of the traffic reassignment traffic effects relate to locations where temporary traffic signals are required to facilitate construction of the onshore cable route. By no means are they required for the entirety of the construction period. Temporary traffic signals will only be required for a short period and construction will also have to respect the programme restrictions which the Applicant has committed to mitigate the impacts.
- It is therefore inappropriate to assume that traffic impacts will be for the duration of the two year construction period.
- In addition, works will be managed through the permit scheme.

Question 3A-4

Can Portsmouth City Council explain its comment in the Local Impact Report that 'the whole exercise needs to be repeated'?

Speaker: Chris Williams

- Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061).

Question 3A-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?

Speaker: Chris Williams

- At Portsbridge roundabout, the Applicant accepts that the SRTM Do-Minimum scenario junction capacity analysis does not reflect the existing situation in relation to traffic queues on the A27 westbound off-slip.
- Further to this, the Applicant has completed further analysis of traffic flow outputs from the SRTM Do-Minimum and Do-Something Scenarios.
- In providing a summary of this analysis, it is noted that the Do-Something 1 scenario models 6 traffic management locations, but on the A2030 Eastern Road the lane closure applies to the Southbound carriageway only.
- In the Do-Something 2 scenario, 6 traffic management locations are modelled, but on the A2030 Eastern Road the lane closure is applied only to the northbound carriageway.
- This analysis has shown that the westbound off-slip approach to Portsbridge roundabout experiences a maximum increase of 9 vehicles during the PM peak of the Do-Something 1 scenario, where a lane closure is modelled in the southbound direction on A2030 Eastern Road.
- In all other Do-Something scenarios, the traffic flow on this off-slip is anticipated to decrease.
- In comparison with the existing baseline, the A27 westbound off-slip is forecast to be operating with shorter queues and less delay.

- This is highlighted in Tables 138, 139 and 140 of the Transport Assessment which show that queue lengths are comfortably accommodated with the westbound off-slip and average delay is in the region of 45-90 seconds in all assessed scenarios.
- Any further increase in delay at this junction would therefore reduce the forecast volume of traffic that the SRTM has reassigned through the junction, as the route becomes less favourable in comparison with other alternatives.
- Therefore the forecast traffic flow increases at this junction, albeit very low and only applicable to one scenario, are robust.
- On this basis the Applicant maintains its view that the implementation of traffic management on the A2030 Eastern Road will have only a minor impact on the operation of Portsbridge Roundabout and the A27 westbound off-slip.
- This is because, despite the improved operation of the junction in comparison with current observations, the SRTM has forecast only a very small increase in traffic in one scenario as a result of traffic reassignment away from modelled construction works on A2030 Eastern Road.
- Instead of using Portsbridge Roundabout, it is more likely that traffic will use alternative routes such as the M275 to avoid constructions works on the A2030 Eastern Road, which is a higher class route that provides links into Portsmouth city centre, Naval base, Gunwharf Quays and southern areas of Portsea Island such as Southsea.
- The use of this route is highlighted by the increase in queue length and delay experienced in the Do-Something 1 scenario on the A3 Mile End Road approach to the A3 Mile End Road / Church Street / Hope Street / Commercial Road signalised roundabout, which is located at the southern end of the M275. This is shown in Tables 159, 160 and 161 of the Transport Assessment.
- Further, it is only the southbound carriageway which is impacted by the increase, and the duration of impacts on the southbound carriageway would be as little as 7 weeks with the proposed 24/7 working.
- The Applicant also notes that the A27 westbound off-slip of Portsbridge Roundabout will only be impacted by traffic re-assigning away from construction work on the southbound carriageway of the A2030 Eastern Road as traffic seeks alternative routes onto Portsea Island.
- Traffic management on the southbound carriageway of the A2030 Eastern Road will be required for only 6-7 weeks of the two year construction programme should Milton Common be used for the final alignment of the cable route south of Tangier Road.

Question 3A-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

Speaker: Chris Williams

- The majority of analysis completed in the TA and STA uses the SRTM to assess the future year baseline and construction stage impact of the Proposed development.
- The use, scope and methodology of the SRTM was agreed with Hampshire County Council and Portsmouth City Council at pre-application stage through the Transport Scoping Note and SRTM Coding Note included in Appendix A of the TA.

- The STRM is a strategic transport model which is fully compliant with the Department for Transport's Transport Analysis Guidance (WebTAG).
- The SRTM has been developed by Solent Transport and is capable of providing outputs which can robustly support the development of transport strategies and schemes, provide information to support development of funding bids and business cases, and can inform land use strategies and development transport assessments.
- An important functionality of the SRTM is that it make routing choices for vehicles on the basis of generalised costs of each available route, which differ according to journey time and delay experienced on a route, in line with Department for Transport WebTAG Transport Modelling guidance.
- The introduction of traffic management into the Do-Something scenarios increases the generalised cost of a route through a reduction in traffic speed and increased congestion, leading to vehicle reassignment onto alternative routes.
- This therefore demonstrates how the SRTM has robustly considered the traffic impacts of reassignment across the wider highway network.
- Further to this, the entirety of the Onshore Cable Corridor is included within the core "Fully Modelled Area" of the SRTM as shown in Figure 2-1 of the TA Scoping Note.
- This means that the Road Traffic Model element of the SRTM used in the assessment of the Proposed Development has the highest degree of accuracy available in terms of modelled zoning and network representation.
- As a result, this also provides the finest level of detail in relation to route choice and traffic reassignment through the modelling of detailed origin and destination zones, junction capacity constraints and interaction of traffic movements.
- Using the SRTM traffic outputs, the Applicant has also completed an assessment of localised and detailed level effects through local junction capacity assessments and link assessments along the Onshore Cable Corridor and across the wider highway network.
- In addition to the scope agreed in the TA scoping note, it is also noted that following an initial review of the SRTM outputs the Applicant agreed with Hampshire County Council and Portsmouth City Council an additional 9 locations for assessment.
- As result a total of 31 junctions were modelled across the highway network, which the Applicant considers to be a very robust assessment of temporary impacts associated with construction of the Onshore Cable Route.
- The original scope of junction capacity assessments was based upon professional judgement of potential temporary traffic impacts resulting from construction of the Onshore Cable Route.
- The additional 9 junctions agreed as requiring detailed assessment are locations that are part of the HCC / PCC classified or key distributor road network where in the SRTM:
 - There was a 10% increase in traffic flow on any approach in either of the Do-Something scenarios; and
 - The volume to capacity ratio of the junction approach was over 100% in either of the Do-Something Scenarios.
- This criteria therefore identified junctions that were impacted by traffic reassignment and those which would sensitive to temporary increases in traffic flow owing to them already operating over capacity in the peak hours.
- All junctions located within the study area impacted by the Proposed Development were identified and robustly assessed using local junction capacity assessments and industry standard software.
- This is therefore an appropriate methodology for identifying likely significant impacts associated with construction of the Onshore Cable Route.

- Furthermore, the Applicant has completed a series of sensitivity tests and additional analysis within the STA that consider the following:
 - An assessment of temporary traffic signals and shuttle working traffic signals assuming a 50% reduction in traffic reassignment away from the Onshore Cable Corridor.
 - An assessment of the A2030 Eastern Road / Tangier Road traffic signal junction with traffic management lane closures
- Each of these additional assessments have shown that the SRTM has supported a robust and credible assessment of the temporary impacts associated with construction of the Onshore Cable Route.
- This sees traffic seeking to divert away from the corridor in line with typical driver behaviour that seeks to find the optimum route for a journey purpose.

Question 3A-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?

Speaker: Chris Williams

Alternative parking arrangements

- The strategy for providing access to residential driveways during construction of the Onshore Cable Route is detailed within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the FTMS (REP1-068).
- Along the majority of the Onshore Cable Corridor, temporary lane closures will be required to facilitate construction and where this is required vehicular access will be unavailable during construction working hours, except for emergencies and for vulnerable persons.
- Vulnerable persons for the purpose of this strategy are defined as those with locomotion, seeing, hearing, stretching and dexterity and learning disabilities as outlined in Inclusive Mobility guidance.
- In addition, the contractors will also be expected to use best endeavours to provide access to properties where reasonable notice of such requirements is given, noting that this may not always be possible and is dependent upon the stage of construction at any given time.
- The Applicant understands that this follows normal practice during the completion of streetworks and is considered appropriate to provide appropriate mitigation through continued access to properties to individuals most impacted by the construction works.
- Taking account of start-up and shut-down periods at each construction location, this means that access to driveways will be unavailable on weekdays from approximately 07:30 to 16:30, reflecting the normal construction working hours of 07:00 to 17:00 and travel time to and from the Converter Station compound at the start and end of each day.
- On Saturdays, access to driveways will be unavailable from approximately 08:30 and 12:30 reflecting the 08:00 to 13:00 normal construction working hours.
- Given that construction will progress along the highway in 100m sections at a rate of 100m per week it is estimated that 5-10 properties will impacted at any one time for period of 1-2 weeks per circuit.
- However, during the period of construction it is normal working practice for road plates to be installed across the trench once excavated and the cable ducts installed and these to remain in place until reinstatement of the carriageway is completed at the end of the week.

- This means that in the majority of cases properties impacted by construction works are likely to have driveway access restricted for approximately two days only with access available across road plates at all other times.
- It also means that, whilst 5-10 properties may be located within the 100m construction area, for the majority of the construction period only 3-4 properties will have driveway access restricted at any one-time.
- Where storage of materials or plant takes place within the construction zone these will be positioned where practicable to avoid blocking access to properties and driveways.
- Where vehicular access is not available to residential properties and driveways, residents will likely need to park at alternative locations, such as on adjacent or nearby residential streets or at public car parks.
- Based on travel patterns derived from the National Travel Survey 2018 the Applicant estimates that 45% of driveway parking will be displaced during construction working hours where driveway access is not available through road plating. This is based upon:
 - Table NTS0503 'Trip purpose by start time' which shows that 67% of transport trips occur between the construction working hours of 07:00 and 17:00.
 - Table NTS0409 'Average number of trips and distance travelled by purpose and main mode' shows that 67% of all transport trips are made by car when considering all journey purposes and including car passengers and London transport and surface rail trips as part of a longer distance commute as a robust assessment.
 - The maximum capacity has been multiplied by the percentage of trips made between 08:00 and 17:00 (67%) and by the percentage of trips made by car (67%) to calculate an anticipated level of demand from displaced parking when residential access is not available.
- Using this estimate of the displaced parking, the Applicant assessed the availability of alternative parking up to an approximate distance of 400m away from residential properties.
- This represents a maximum five minute walk at a speed of 5km per hour, which is the industry standard approach for assessment of travel time when traveling by foot and is considered an acceptable maximum distance for the displacement of parking on a temporary basis.
- This is based upon a distance of 400m being accepted as:
 - An acceptable distance to walk to common facilities such as shops in a town centre locations (Table 3.2 of Guidelines for Journeys on Foot, Institution of Highways and Transportation, 2000);
 - The maximum distance for residents to walk to a mode of transport, as stated in the Buses in Urban Developments which recommends that all housing development is located within 400m of a bus stop (Chartered Institute of Highways and Transportation (January 2018)) and
 - The Public Transport Access Level (PTAL) assessment methodology used by Transport for London assumes "that people will walk up to 640 metres to a bus service" from home.
- The assessment of available parking showed that in the vast majority of locations where parking surveys have been completed, all displaced parking could be accommodated within 400m distance from residential properties. However, 400m has been considered as the "worst case".
- The proposed strategy ensures that in the majority of locations, only a small number of residents will be impacted for a relatively short period of time and when this does occur alternative parking will be available within a five minute walk of their property.

- Residents will also be kept informed via the “Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy”. This is contained in Appendix 1 of the Framework Traffic Management Strategy (REP1-068).

Effect of displacement on diversion routes

- Where parking is displaced onto unofficial diversion routes as a consequence of traffic management, there may be some limited circumstances where there are minor impacts on these routes as a result of the additional on-street parking.
- The majority of such road however already include an element of on-street parking, with displaced parking able to be accommodated without having a significant impact on traffic flow.
- Where signed diversion routes are to be provided during full road closures displaced parking will not impact upon their operation.
- This is because the proposed diversion routes use roads which contain parking restrictions or have areas of on-street parking that does not impact upon two-way traffic flow due to the existing carriageway width.
- A road safety audit is in the process of being prepared in relation to the diversion routes and will be submitted into the examination once it has been finalised.

Question 3B

Abnormal Indivisible Loads (AILs)

What are the intentions regarding routing, timing and management of deliveries via AILs? 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?

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?

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?

Speaker: Chris Williams

- Please refer to the Applicant’s transcript for ISH2 submitted at Deadline 5 (REP5-061) and the post hearing notes submitted at Deadline 6.

Question 3C

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?

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?

Speaker: Chris Williams

- Please refer to the Applicant’s transcript for ISH2 submitted at Deadline 5 (REP5-061) as well as the post hearing notes submitted at Deadline 6 (including the joint bay assessment).

Question 3D

Day Lane and Broadway Lane

During operation of the Proposed Development, how many and what sort of large or oversized vehicles will need to access the Converter Station site?

At Day Lane and Broadway Lane, why can't normal construction vehicles (i.e. non-AILs) utilise the existing highway network without 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?

Is there a compelling reason why option 1 cannot be pursued and that option 2 (with permanent acquisition of land) has to be followed?

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?

Does the Applicant consider additional passing bays or waiting areas to be required on Day Lane and Lovedean Lane? If not, why not?

Speaker: Chris Williams

- Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061) and the post hearing notes submitted at Deadline 6.
- Further, in respect of width of Day Lane, the Applicant has recently completed onsite investigation and the actual highway width is wider in a number of locations when compared to the width shown on the OS map.
- The Applicant is not opposed to amending the CTMP to refer "marshal" instead of "banksman" and this will be reflected in the next version submitted into the examination.

Question 3E

Construction programming

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?

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?

Speaker: Chris Williams

- Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061) and the post hearing notes submitted at Deadline 6.

Question 3F

First Group and bus services

In the Applicant's comments on D1 submissions from non-IPs ([REP3-015], 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

the meetings with the bus companies to limit the impact on their services? Where and how would such measures be secured?

Speaker: Chris Williams

- An Assessment of the impact to local bus services using outputs from the SRTM is included within Section 6 of the Supplementary Transport Assessment.
- This assessment included a cross-section of bus routes to cover both impacts of traffic management on the Onshore Cable Corridor and traffic reassignment across the wider highway network.
- 7 routes were assessed in total, which as shown graphically on Plate 27 of the STA, included bus services that across both the Portsmouth and Hampshire highway networks.
- Generally, this assessment showed that increases in bus journey times were 10% or less across the AM, Inter-Peak and PM peak periods.
- Where increases in journey time were above 10%, these occurred on services impacted by either multiple sets of traffic management in the Waterlooville area or the impact of traffic assignment away from such works.
- The FTMS however prevents such a scenario from occurring through the programme restrictions. For example the FTMS prevents multiple sets of construction requiring shuttle working traffic signals on B2150 Hambledon Road and A3 London Road as modelled within the SRTM.
- As such it can be concluded that the works will generally have a minor impact on bus routes across the study area and where this is more pronounced, the impact will be limited to a short-time period.
- In addition to the assessments completed in the Supplementary Transport Assessment the Applicant has held meetings have been held with both First Group and Stagecoach in October 2020.
- During these meetings both bus operators were presented with the proposals, the anticipated construction programme and mitigation measures secured within the FTMS.
- Neither bus operator expressed significant concerns regarding the proposals nor potential disruption to bus services
- In the very instances where full road closures are required on bus routes these can be dealt with through diversions / shuttle bus services which were considered simple to implement.
- It was agreed with each bus operator that further meetings would be held if required following their full review of the FTMS and road closure requirements, which was shared after each meeting.

AIR QUALITY AND EMISSIONS

Question 4G

Clean Air Zone

How does Portsmouth City Council envisage the instigation of a Clean Air Zone would be affected by or have an effect on the Proposed Development?

Would the implementation of the Clean Air Zone have a beneficial influence over the construction worker travel arrangements?

Speaker: Stuart Bennet

- Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061) and the post hearing notes submitted at Deadline 6.

Question 4H Air Quality Management Areas and the Air Quality Local Plan

Can the Applicant clarify the conclusions made in respect of all the Air Quality Management Areas within and outside the Order limits?

Whilst it is now recorded that AQMA No.9 would experience slight adverse effects following the recorded additional traffic data (as opposed to slight beneficial), are there implications for other parts of the route?

With reference to the answer to question ExQ1 AQ1.2.4 and the Works Plans, can Portsmouth City Council clarify whether there are particular areas of concern relating to potential exceedances of NO2 within the Order limits and whether such areas are covered either by Air Quality Management Areas or within the air quality local plan 2019?

Speaker: Stuart Bennett

- Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061).
- Please refer to the Applicant's Please refer to the Applicant's Technical Note – Chapter 23 Air Quality Modelling Result Sub-set attached as Appendix 1.
- attached as Appendix 1.

Question 4I Construction Programming

In terms of no more than six gangs working on the cable corridor at any one time, is there a prescription as to how far the gangs have to be away from each other? How is the management and separation of gang working secured?

Has a scenario been tested whereby gangs, with associated laydown and works areas, combined with traffic management measures, would have a cumulative effect on air quality?

Could gangs work in one area in succession for a continued effect?

Speaker: Stuart Bennett

- Please refer to the Applicant's transcript for ISH2 submitted at Deadline 5 (REP5-061) and the post hearing notes submitted at Deadline 6.

APPENDIX 1

TECHNICAL NOTE – CHAPTER 23 AIR QUALITY MODELLING RESULT SUB-SET

TECHNICAL NOTE 1

DATE:	23 December 2020	CONFIDENTIALITY:	Public
SUBJECT:	Issue Specific Hearing 2 – Chapter 23 Air Quality Modelling Result Sub-set		
PROJECT:	AQUIND Interconnector	AUTHOR:	Lee Shelton
CHECKED:	Stuart Bennett	APPROVED:	Stuart Bennett

INTRODUCTION

A revised air quality assessment for AQUIND Interconnector was submitted to the Planning Inspectorate by WSP in October 2020, and the results are reported in Chapter 23 of the Environmental Statement (ES)¹. WSP represented the Applicant AQUIND on the subject of air quality at the second Issue Specific Hearing of the Examination by the Planning Inspectorate on 14th December 2020.

In response to questions under matter *4H - Air Quality Management Areas and the Air Quality Local Plan* posed to the Applicant in the hearing, the Applicant committed to provide a subset of modelling results from ES Chapter 23 to Portsmouth City Council (PCC). The sub-set corresponds to ‘exceedance sites’ and ‘near exceedance sites’ (areas of concern) which are areas of concern for air quality identified by PCC in the 2019 Air Quality Local Plan². These areas are defined as road sections which are on the:

- Local road network and are modelled as exceeding the EU limit for annual mean nitrogen dioxide (NO₂) (40 µg/m³) (“EU limit”) in 2022;
- Local network not modelled as exceeding the EU limit but still above 37 µg/m³ in 2022; and
- Road sections on the strategic road network modelled as exceeding the EU limit in 2022.

This note provides the subset of modelling results from ES Chapter 23 corresponding to the areas of concern to enable a comparison between the results predicted in the Air Quality Local Plan, which accounts for the implementation of a Clean Air Zone (CAZ), and ES Chapter 23. The results sub-set is provided graphically at the areas of concern for the Do-Minimum scenario as **Figure 1**, Do-Something scenario (‘DS1’) (lane closures north bound on A2030 Eastern Road) as **Figure 2**, and the Do-Something scenario (‘DS2’) (lane closures south bound on A2030 Eastern Road) as **Figure 3**. Also provided is a summary of assumptions made in the ES Chapter 23 modelling which provides context to the differences in predicted concentrations made in the Air Quality Local Plan and Environmental Statement.

MODEL OUTPUT

Table 1 provides a summary of the modelling results from ES Chapter 23 corresponding to the areas of concern in the Air Quality Local Plan for the Do-Minimum, Do-Something (lane closures north bound on A2030 Eastern Road ‘DS1’) and Do-Something (lane closures south bound on A2030 Eastern Road ‘DS2’) scenarios. The information in **Table 1** is a reproduction of Table 3.1 in the PCC 2019 Air Quality Local Plan with the predictions added from the compliance point predictions that informed ES Chapter 23.

¹ Environmental Statement – Volume 1 Chapter 23 Air Quality. Document reference 6.1.23 (REP1-033).

² Portsmouth City Council (2019). Portsmouth Air Quality Local Plan. Outline Business Case.

<https://www.portsmouth.gov.uk/services/environmental-health/air-quality-and-pollution/air-quality-in-portsmouth/>



TECHNICAL NOTE 1

DATE:	23 December 2020	CONFIDENTIALITY:	Public
SUBJECT:	Issue Specific Hearing 2 – Chapter 23 Air Quality Modelling Result Sub-set		
PROJECT:	AQUIND Interconnector	AUTHOR:	Lee Shelton
CHECKED:	Stuart Bennett	APPROVED:	Stuart Bennett

Table 1 - PCC Areas of Concern

Local Air Quality Plan EU Directive Compliance Points	Air Quality Local Plan (Emissions Factors Toolkit (EFT) 9.1b) ($\mu\text{g}/\text{m}^3$)	Environmental Statement Chapter 23 concentrations (EFT9.0) ($\mu\text{g}/\text{m}^3$)						
		DM (2022)	DM (2022)	DS1 (2022)	DS2 (2022)	DS1 (2022) impact	DS1 (2022) significance	DS2 (2022) impact ($\mu\text{g}/\text{m}^3$)
Road sections on the local network modelled as exceeding the EU limit in 2022								
A3 Alfred Road (Unicorn Road to Queen St south-bound)	41.7	42.9	42.9	42.9	0.0	No change	0.0	No change
A3 Commercial Road (south of Church Street Roundabout)	41.7	50.8	50.3	50.1	-0.5	Beneficial	-0.7	Beneficial
Road sections on the local network not exceeding the EU limit, but still above 37 $\mu\text{g}/\text{m}^3$ in 2022								
Church Street (east of Church Street roundabout)	38.7	50.0	50.6	50.4	0.6	Adverse	0.4	Adverse
A3 Hope Street (south of Church Street roundabout)	38.9	36.4	36.2	36.3	-0.2	Beneficial	-0.1	Beneficial



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CHECKED:	Stuart Bennett	APPROVED:	Stuart Bennett

Local Air Quality Plan EU Directive Compliance Points	Air Quality Local Plan (Emissions Factors Toolkit (EFT) 9.1b) ($\mu\text{g}/\text{m}^3$)	Environmental Statement Chapter 23 concentrations (EFT9.0) ($\mu\text{g}/\text{m}^3$)						
		DM (2022)	DM (2022)	DS1 (2022)	DS2 (2022)	DS1 (2022) impact	DS1 (2022) significance	DS2 (2022) impact ($\mu\text{g}/\text{m}^3$)
A2030 Eastern Road Water Bridge (south-bound)	38.8	43.6	42.6	41.9	-1.0	Beneficial	-1.7	Beneficial
A2047 London Road (Stubbington Avenue to Kingston Crescent south-bound)	38.5	44.7	45.6	44.7	0.9	Adverse	0.0	No change
Mile End Road (north of Church Road roundabout)	37.6	50.7	50.9	50.8	0.2	Adverse	0.1	Adverse
A3 Marketway (Hope Street roundabout to Unicorn Road)	37.4	Not assessed as this road did not meet the screening criteria for the assessment.						
Road sections on the strategic road network exceeding the EU limit in 2022								
A27 (north of Portsea Island south-bound)	48.5	59.9	59.3	60.2	-0.6	Beneficial	0.3	Adverse
A27 (east of Portsea Island west-bound)	46.1	59.2	59.3	59.2	0.1	Adverse	0.0	No change



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Local Air Quality Plan EU Directive Compliance Points	Air Quality Local Plan (Emissions Factors Toolkit (EFT) 9.1b) ($\mu\text{g}/\text{m}^3$)	Environmental Statement Chapter 23 concentrations (EFT9.0) ($\mu\text{g}/\text{m}^3$)						
		DM (2022)	DM (2022)	DS1 (2022)	DS2 (2022)	DS1 (2022) impact	DS1 (2022) significance	DS2 (2022) impact ($\mu\text{g}/\text{m}^3$)
M27 (west of Portsea Island west-bound)	43.7	60.8	60.8	60.8	0.0	No change	0.0	No change
A27 (north of Portsea Island east-bound)	41.1	59.9	59.3	60.2	-0.6	Beneficial	0.3	Adverse

TECHNICAL NOTE 1

DATE:	21 December 2020	CONFIDENTIALITY:	Public
SUBJECT:	Issue Specific Hearing 2 - Provision of a subset of Air Quality Modelling Data		
PROJECT:	AQUIND Interconnector	AUTHOR:	Lee Shelton
CHECKED:	Stuart Bennett	APPROVED:	Stuart Bennett

SUMMARY

Do-Minimum Scenarios

In **Table 1**, a comparison of key results for the Air Quality Local Plan no CAZ scenario (completed with Defra Emissions EFT9.1b DM2022) to the ES Chapter 23 no application scenario (EFT9.0 DM2022) is made. Full results are shown in **Figure 1**.

For all areas of concern, the results in ES Chapter 23 are higher than the Air Quality Local Plan with the exception of the A3 Hope Street (south of Church Street roundabout). It should also be noted that exceedances are predicted in ES Chapter 23 at Church Street (east of Church Street roundabout), A2030 Eastern Road Water Bridge (south-bound), A2047 London Road (Stubbington Avenue to Kingston Crescent south-bound) and Mile End Road (north of Church Road roundabout). In the Air Quality Local Plan no exceedances are predicted at these locations.

The Air Quality Local Plan was informed by modelling undertaken with Defra emission factors specifically derived for the Class B Charging Clean Air Zone (CAZ) under the Ministerial Directive. This is known as EFT9.1b. The modelling for ES Chapter 23 was undertaken using the publicly available emission factors from Defra, known as EFT9.0, because EFT9.1b is only available to local councils for the purpose of CAZ business case testing. Therefore, EFT9.0 does not represent the reductions in vehicle emissions caused by more rapid fleet renewal driven by CAZs and provides conservative results when applied to locations where CAZs will be implemented in future.

There are a number of points of conservatism in the modelling for ES Chapter 23 that should be acknowledged when interpreting the predictions in **Table 1**. These are:

- Use of EFT 9.0 instead of a CAZ specific EFT9.1b;
- Use of 2026 peak SRTM flows for 2022, thus adding 4 additional years of traffic growth;
- Use of predicted flows that have works in place for a whole year, whereas the reality is that works are restricted by time constraints imposed by PCC, and are also transitory and short-lived in nature along the whole length of the Onshore Cable Route; and
- Use of Annual Average Daily Traffic (AADT) values which generally results in higher annual average predictions over those where diurnal profiles are applied to traffic flows.

For the Do-Minimum scenario, the ES Chapter 23 results are therefore considered to be highly conservative at the Air Quality Local Plan areas of concern.

Do-Something Scenarios

Table 1 provides a comparison of the ES Chapter 23 Do-Minimum to Do-Something scenario results for north-bound (DS1) and south-bound (DS2) road closures on the A2030 Eastern Road. Full results are shown in **Figure 2** for the DS1 scenario and **Figure 3** for the DS2 scenario.



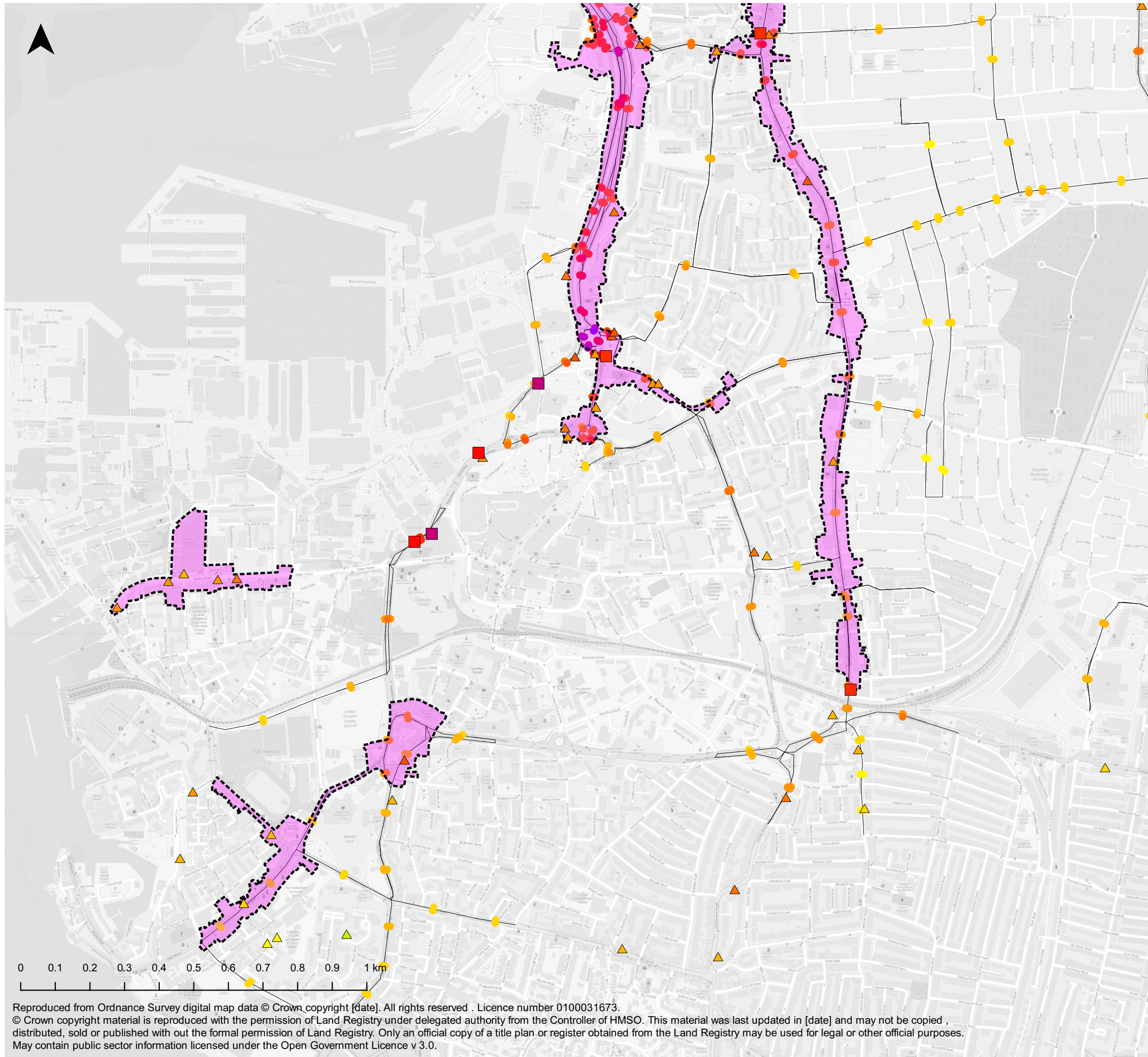
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The results show that a mixture of beneficial and adverse impacts are predicted. Adverse impacts are predicted at:

- Church Street (east of Church Street roundabout) (DS1 and DS2);
- A2047 London Road (Stubbington Avenue to Kingston Crescent south-bound) (DS1);
- Mile End Road (north of Church Road roundabout) (DS1 and DS2);
- A27 (north of Portsea Island south-bound) (DS2);
- A27 (east of Portsea Island west-bound) (DS1); and
- A27 (north of Portsea Island east-bound) (DS2).

It should be noted however, that the magnitude of impact at these locations is over-predicted because of the conservatism applied in the assessment. Furthermore, the adverse impacts predicted at Church Street (east of Church Street roundabout) (DS1 0.6 $\mu\text{g}/\text{m}^3$ and DS2 0.4 $\mu\text{g}/\text{m}^3$), A2047 London Road (Stubbington Avenue to Kingston Crescent south-bound) (DS1 0.9 $\mu\text{g}/\text{m}^3$) and Mile End Road (north of Church Road roundabout) (DS1 0.2 $\mu\text{g}/\text{m}^3$ and DS2 0.1 $\mu\text{g}/\text{m}^3$) would not cause new exceedances when added to the Air Quality Local Plan Do-Minimum prediction.



Legend

- Modelled Road Links
- Air Quality Management Area (AQMA)
- Do-Minimum NO₂ Predictions (µg/m³)
- PCC NO₂ Diffusion Tubes (µg/m³)

16.0 - 20.0	12.0 - 16.0
20.0 - 24.0	16.0 - 20.0
24.0 - 28.0	20.0 - 24.0
28.0 - 32.0	24.0 - 28.0
32.0 - 36.0	28.0 - 32.0
36.0 - 40.0	32.0 - 36.0
40.0 - 44.0	36.0 - 40.0
44.0 - 48.0	40.0 - 44.0
48.0 - 52.0	44.0 - 48.0
52.0 - 56.0	48.0 - 52.0
56.0 - 60.0	52.0 - 56.0
60+	56.0 - 60.0
	60+

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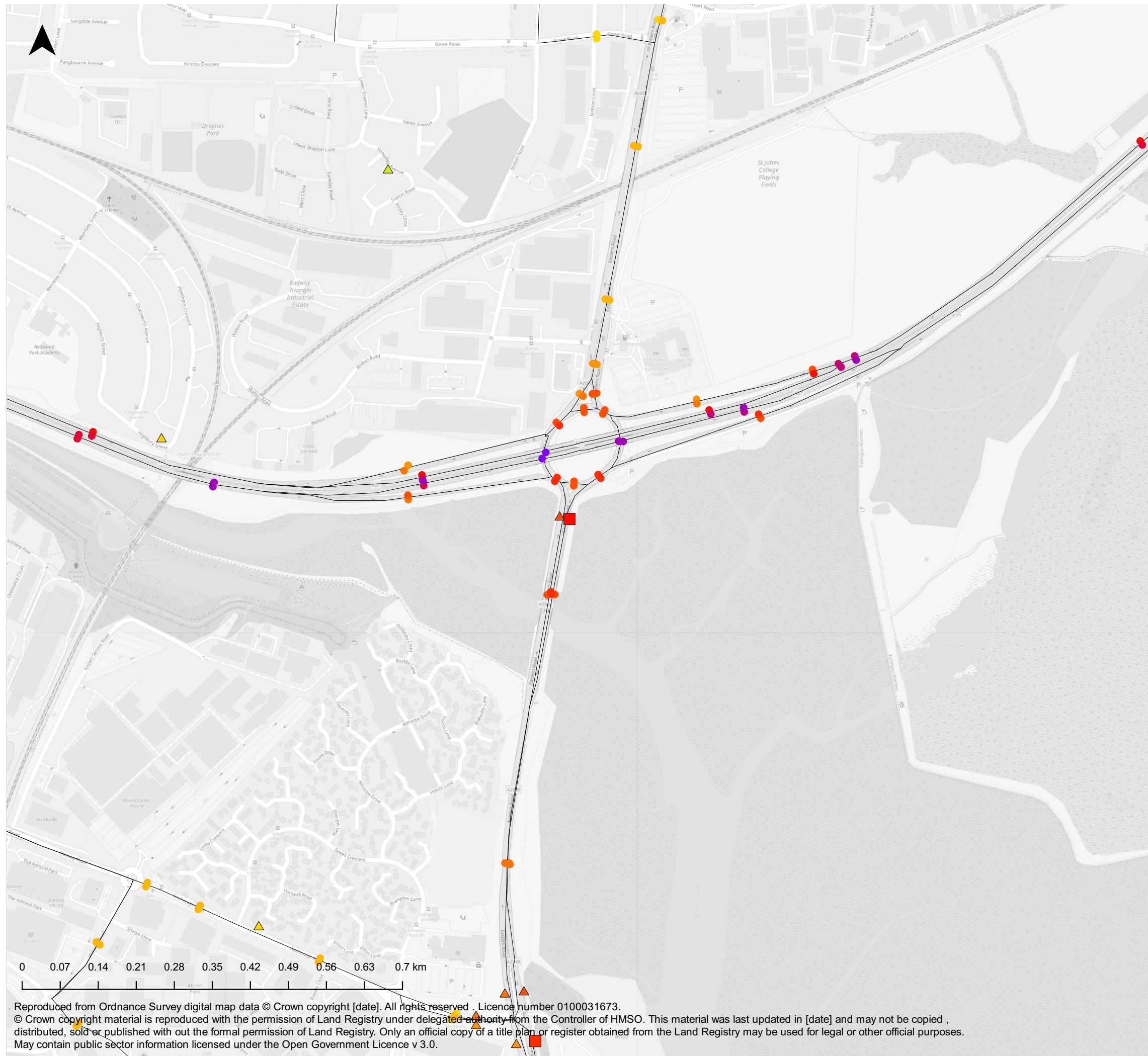
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TITLE:

Air Quality Assessment
Modelling Subset Do-Minimum Scenario
Figure 1
Sheet 1 of 4

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Legend

— Modelled Road Links

Do-Minimum NO₂ Predictions (µg/m³)

- 20.0 - 24.0
- 24.0 - 28.0
- 28.0 - 32.0
- 32.0 - 36.0
- 36.0 - 40.0
- 40.0 - 44.0
- 44.0 - 48.0
- 48.0 - 52.0
- 52.0 - 56.0
- 56.0 - 60.0
- 60+

PCC NO₂ Diffusion Tubes (µg/m³)

- ▲ 12.0 - 16.0
- ▲ 32.0 - 36.0
- ▲ 36.0 - 40.0
- 44.0 - 48.0

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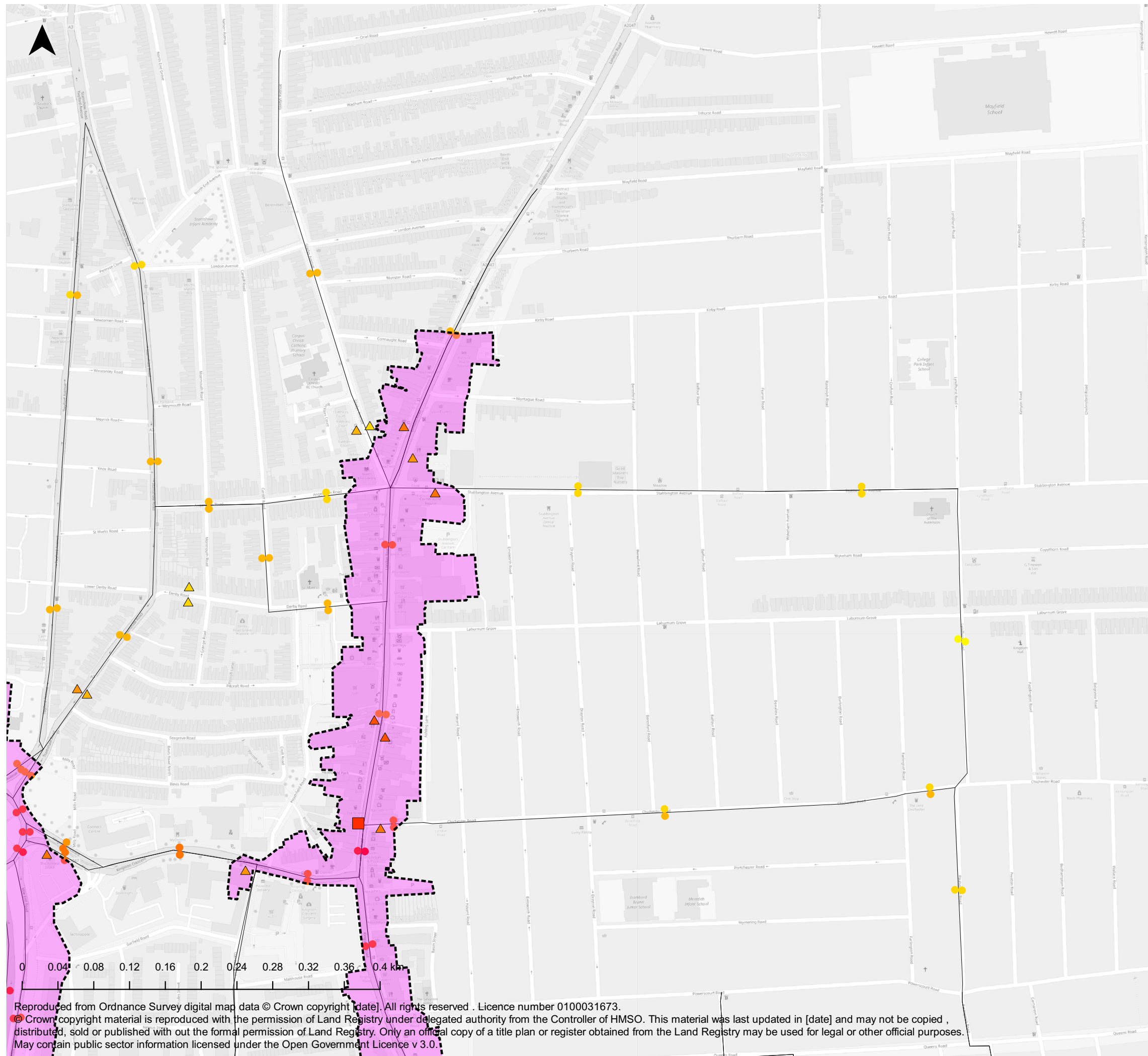
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**Air Quality Assessment
Modelling Subset Do-Minimum Scenario
Figure 1
Sheet 2 of 4**

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Legend

- Modelled Road Links
- Air Quality Management Area (AQMA)
- Do-Minimum NO₂ Predictions (µg/m³)
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
- PCC NO₂ Diffusion Tubes (µg/m³)
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0

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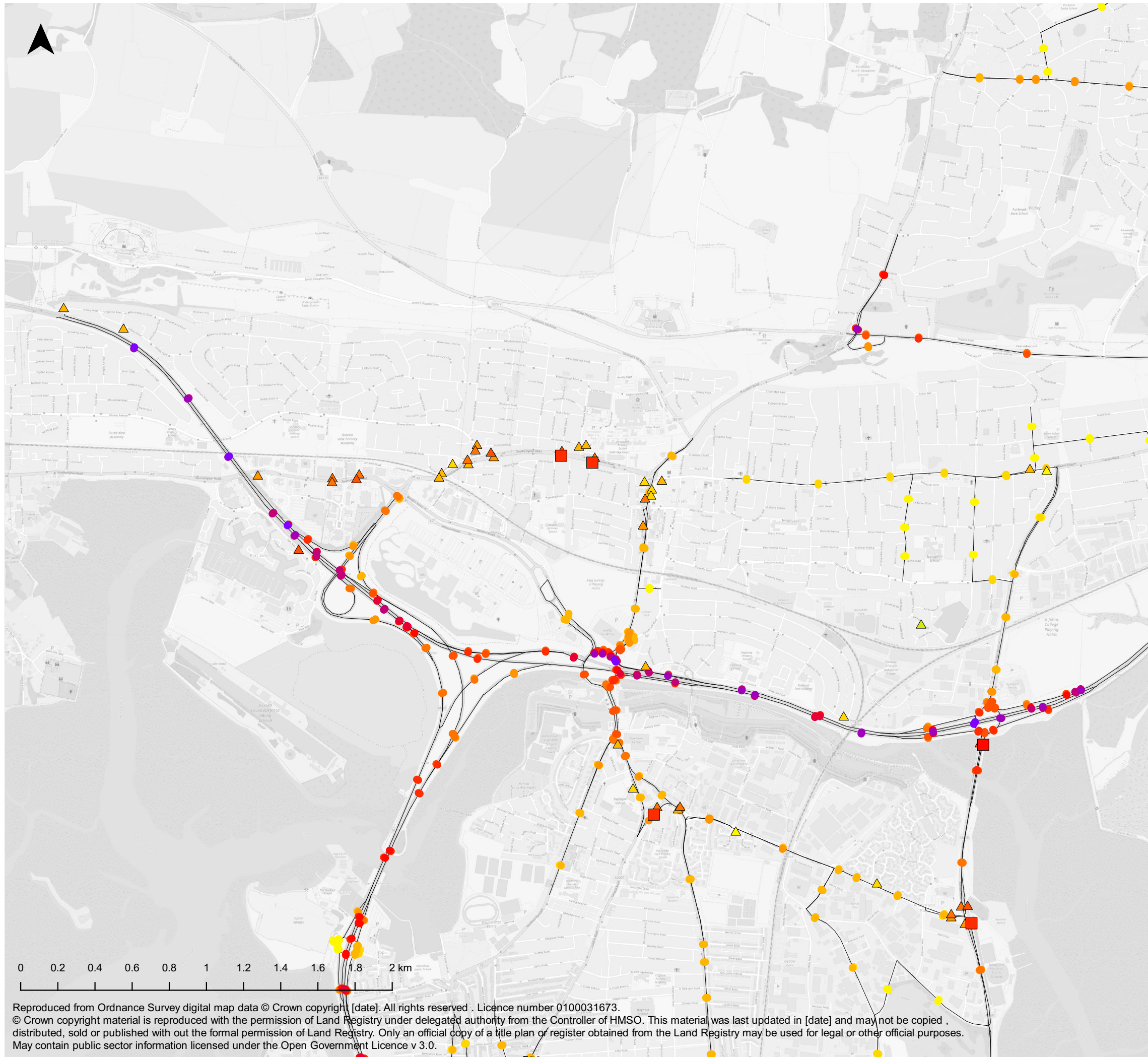
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**Air Quality Assessment
Modelling Subset Do-Minimum Scenario
Figure 1
Sheet 3 of 4**

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Legend

— Modelled Road Links	PCC NO ₂ Diffusion Tubes (µg/m ³)
● Do-Minimum NO ₂ Predictions (µg/m ³)	▲ 12.0 - 16.0
● 16.0 - 20.0	▲ 16.0 - 20.0
● 20.0 - 24.0	▲ 20.0 - 24.0
● 24.0 - 28.0	▲ 24.0 - 28.0
● 28.0 - 32.0	▲ 28.0 - 32.0
● 32.0 - 36.0	▲ 32.0 - 36.0
● 36.0 - 40.0	▲ 36.0 - 40.0
● 40.0 - 44.0	▲ 40.0 - 44.0
● 44.0 - 48.0	▲ 44.0 - 48.0
● 48.0 - 52.0	■ 48.0 - 52.0
● 52.0 - 56.0	■ 52.0 - 56.0
● 56.0 - 60.0	■ 56.0 - 60.0
● 60+	■ 60+

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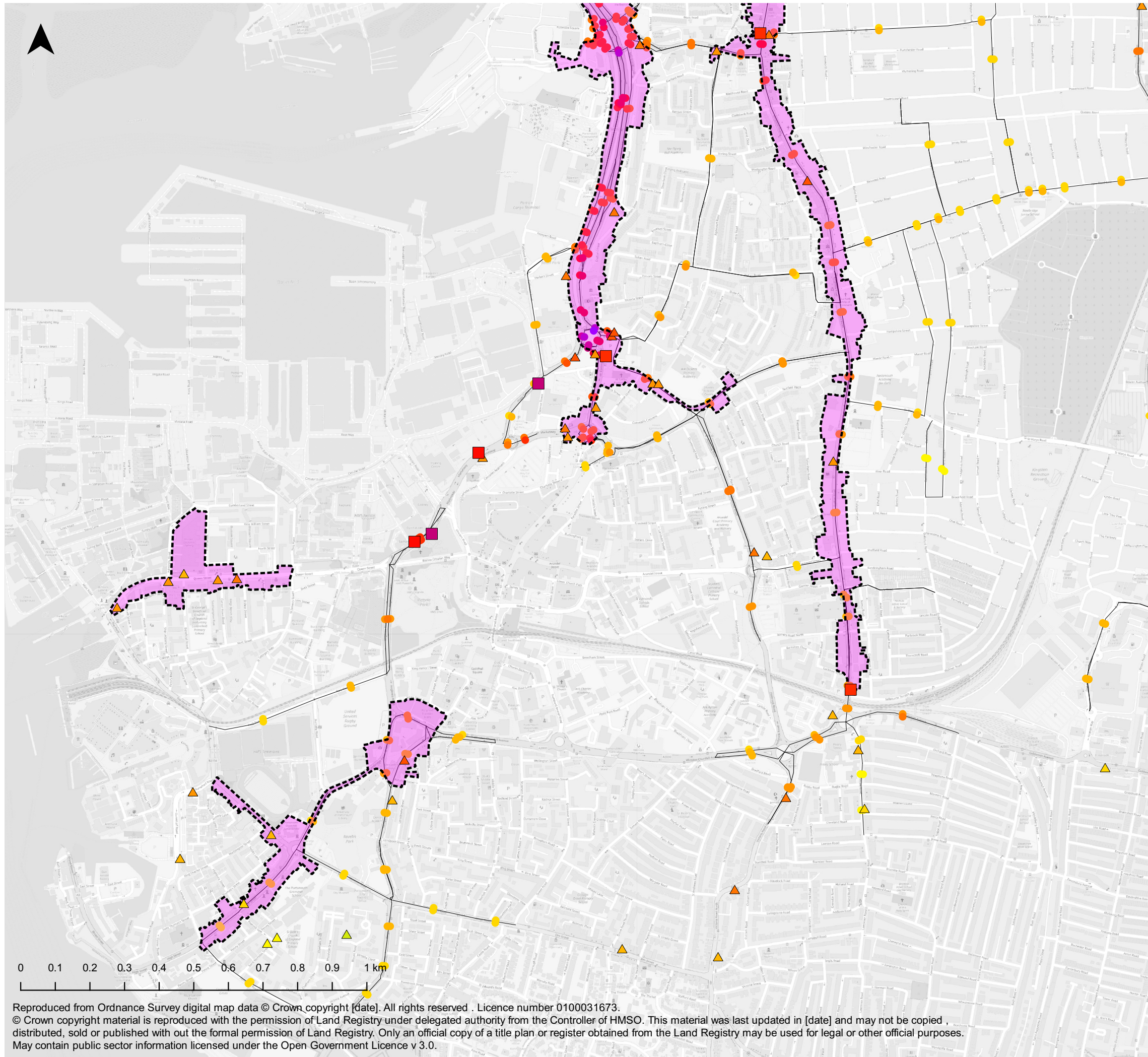
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Modelling Subset Do-Minimum Scenario
Figure 1
Sheet 4 of 4**

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Legend

- Modelled Road Links
- Air Quality Management Area (AQMA)
- DS1 NO₂ Predictions (µg/m³)
 - 16.0 - 20.0
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
 - 48.0 - 52.0
 - 52.0 - 56.0
 - 56.0 - 60.0
 - 60+
- PCC NO₂ Diffusion Tubes (µg/m³)
 - 12.0 - 16.0
 - 16.0 - 20.0
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
 - 52.0 - 56.0

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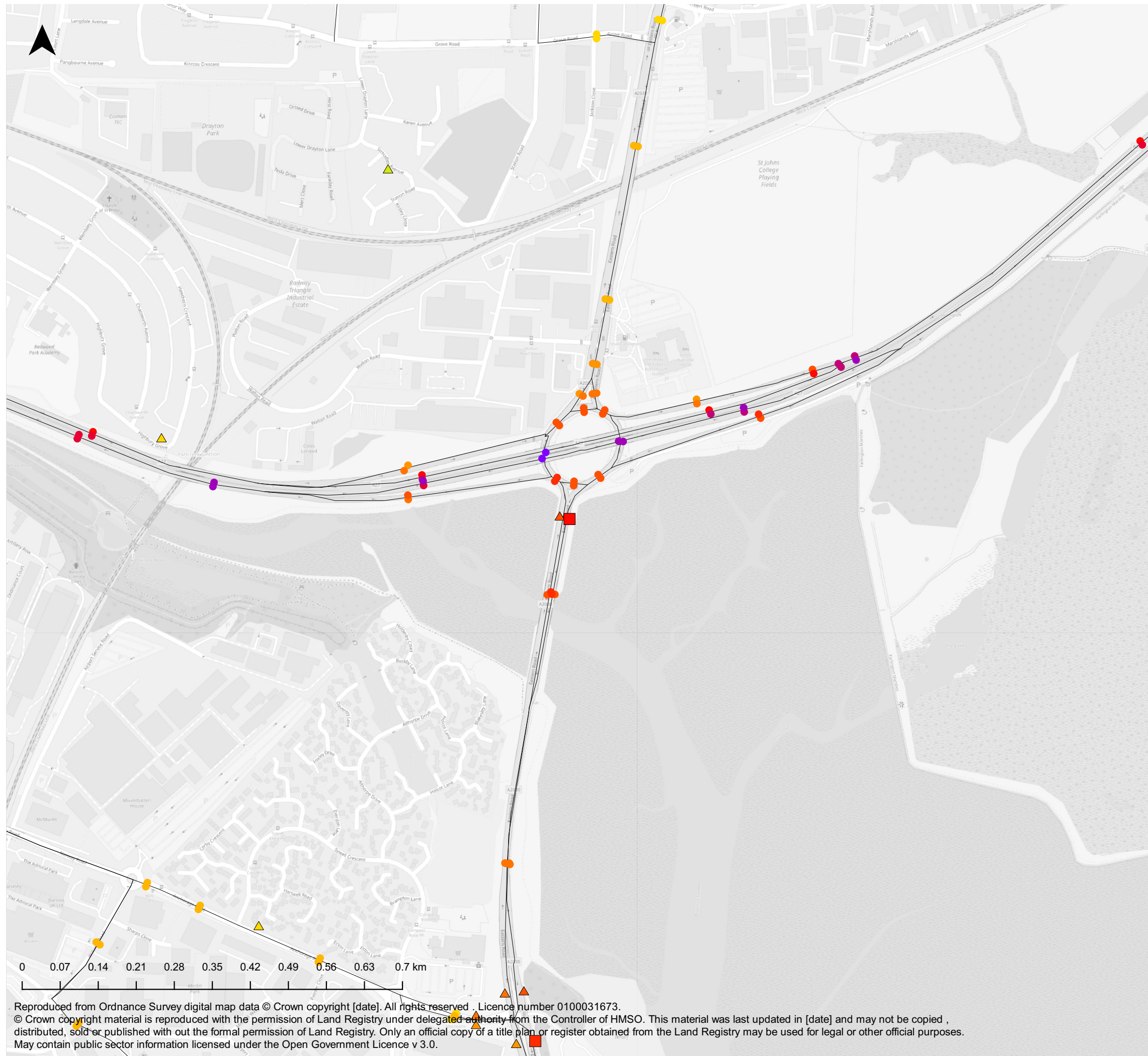


PROJECT: **AQUIND Interconnector**

TITLE: **Air Quality Assessment Modelling Subset Do-Something Scenario 1 Figure 2 Sheet 1 of 4**

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Legend

— Modelled Road Links	PCC NO ₂ Diffusion Tubes (µg/m ³)
● 20.0 - 24.0	▲ 12.0 - 16.0
● 24.0 - 28.0	▲ 32.0 - 36.0
● 28.0 - 32.0	▲ 36.0 - 40.0
● 32.0 - 36.0	■ 44.0 - 48.0
● 36.0 - 40.0	
● 40.0 - 44.0	
● 44.0 - 48.0	
● 48.0 - 52.0	
● 52.0 - 56.0	
● 56.0 - 60.0	
● 60+	

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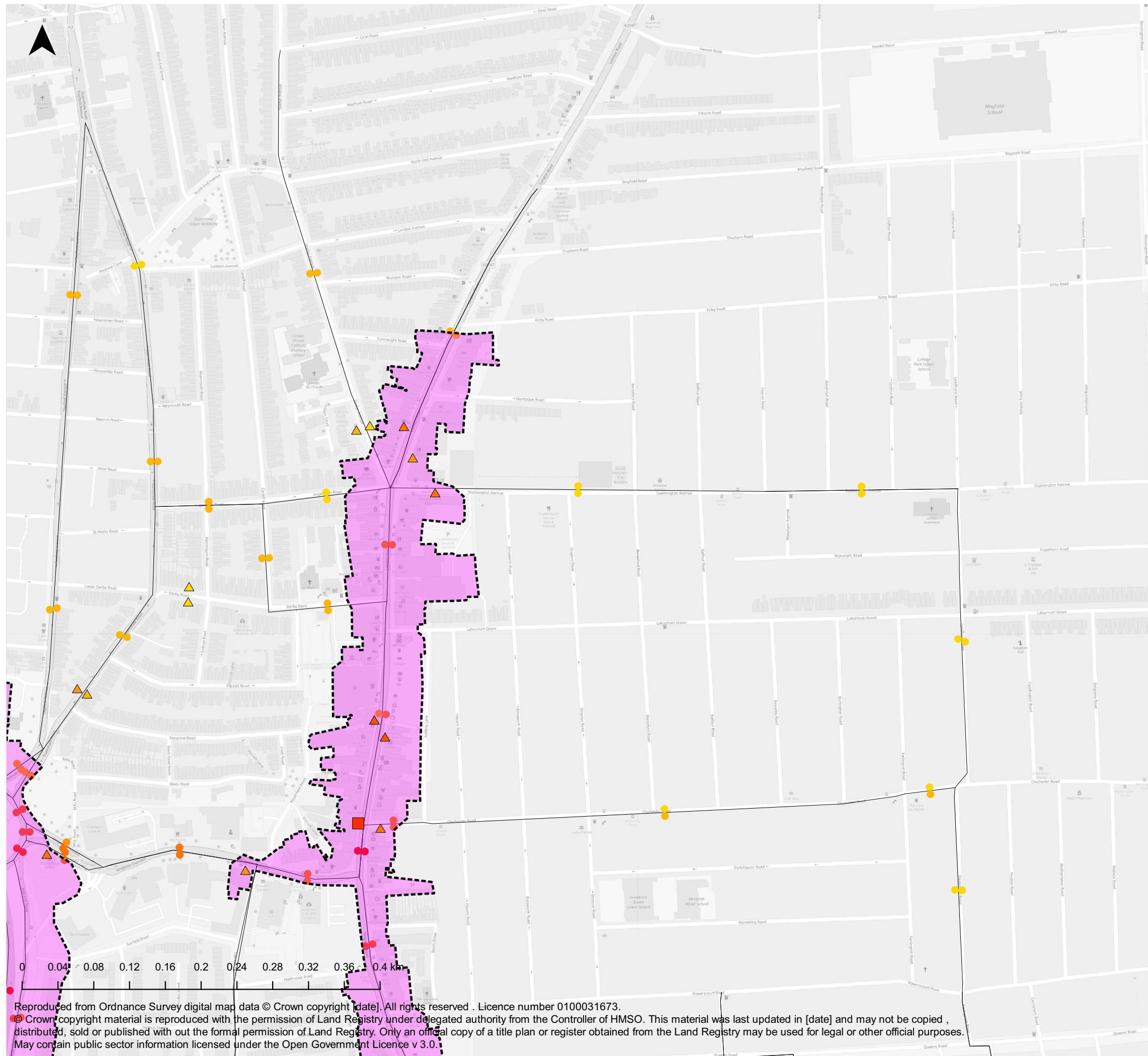
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Modelling Subset
Do-Something Scenario 1
Figure 2
Sheet 2 of 4**

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Legend

- Modelled Road Links
- Air Quality Management Area (AQMA)
- DS1 NO₂ Predictions (µg/m³)
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
- PCC NO₂ Diffusion Tubes (µg/m³)
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0

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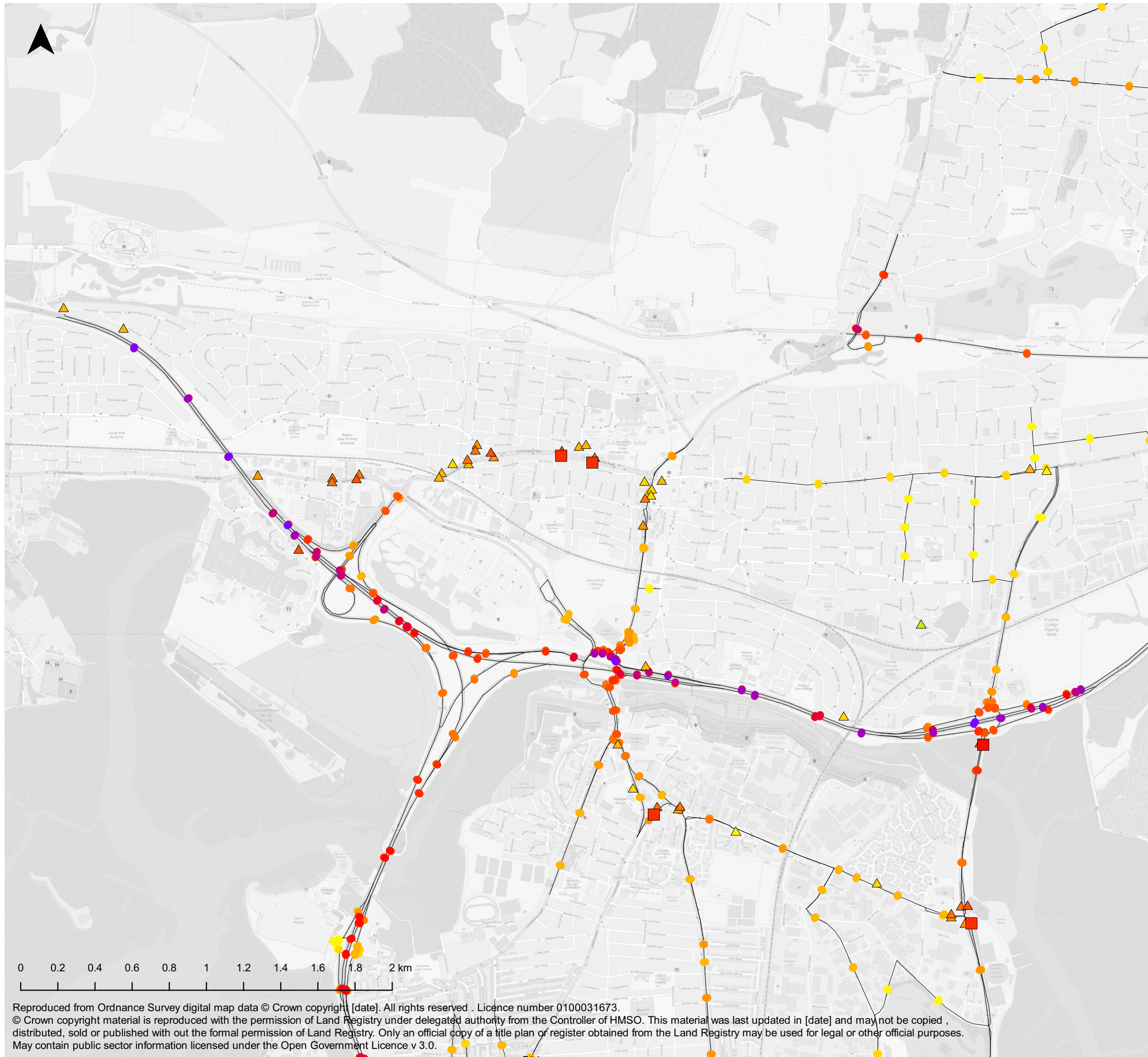
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**Air Quality Assessment
Modelling Subset
Do-Something Scenario 1
Figure 2
Sheet 3 of 4**

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Legend

— Modelled Road Links	PCC NO ₂ Diffusion Tubes (µg/m ³)
● 16.0 - 20.0	▲ 12.0 - 16.0
● 20.0 - 24.0	▲ 16.0 - 20.0
● 24.0 - 28.0	▲ 20.0 - 24.0
● 28.0 - 32.0	▲ 24.0 - 28.0
● 32.0 - 36.0	▲ 28.0 - 32.0
● 36.0 - 40.0	▲ 32.0 - 36.0
● 40.0 - 44.0	▲ 36.0 - 40.0
● 44.0 - 48.0	■ 40.0 - 44.0
● 48.0 - 52.0	■ 44.0 - 48.0
● 52.0 - 56.0	
● 56.0 - 60.0	
● 60+	

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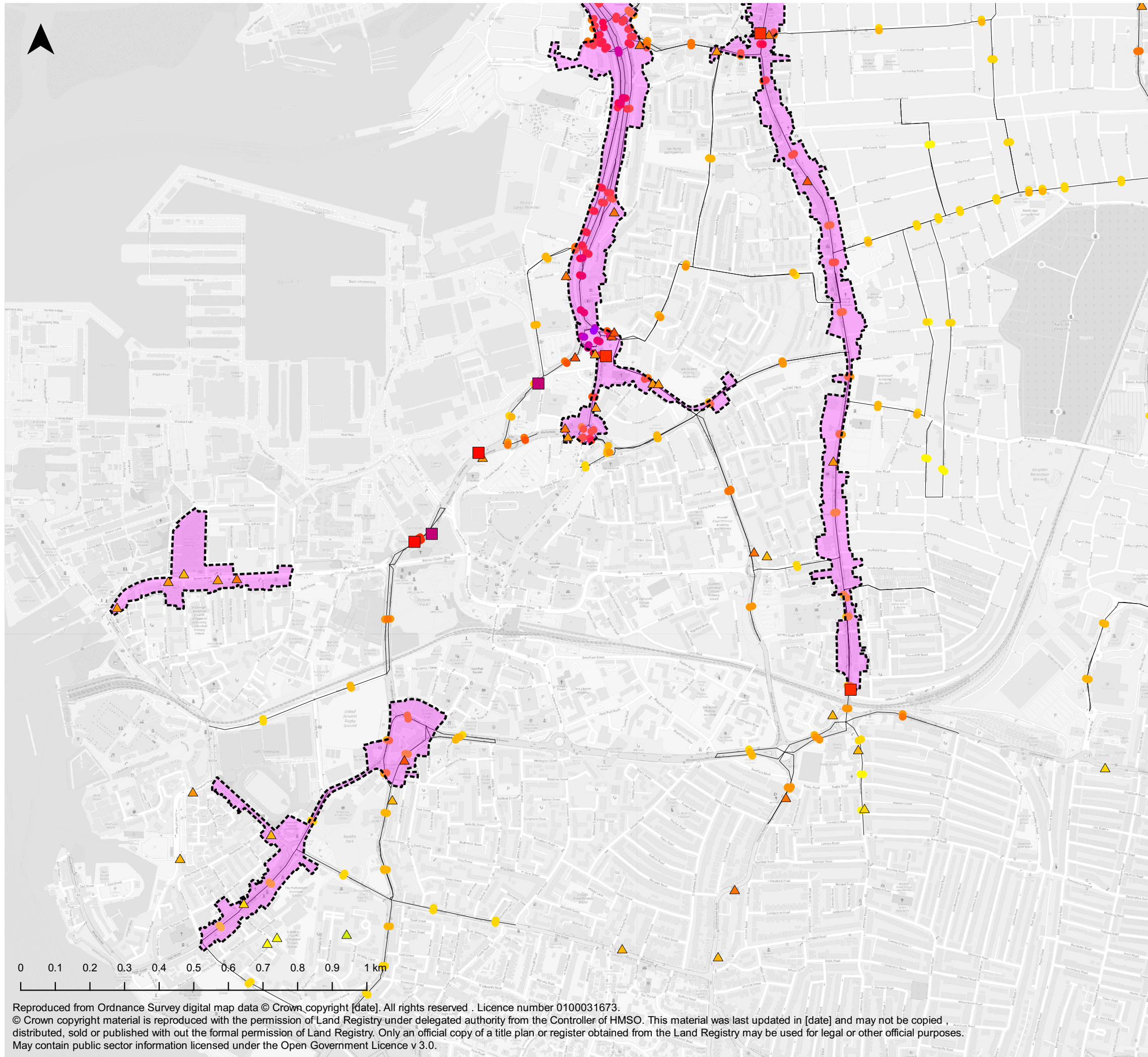
PROJECT: **AQUIND Interconnector**

TITLE: **Air Quality Assessment Modelling Subset Do-Something Scenario 1 Figure 2 Sheet 4 of 4**

SCALE AT A3: 1:0.90428	CHECKED: SB	APPROVED: MM
PROJECT NO: LFS	DESIGNED: LFS	DRAWN: DATE: 18/12/20
DRAWING NO:		REV NO: 01

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Legend

- Modelled Road Links
- Air Quality Management Area (AQMA)
- DS2 NO₂ Predictions (µg/m³)
 - 16.0 - 20.0
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
 - 48.0 - 52.0
 - 52.0 - 56.0
 - 56.0 - 60.0
 - 60+
- PCC NO₂ Diffusion Tubes (µg/m³)
 - 12.0 - 16.0
 - 16.0 - 20.0
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
 - 52.0 - 56.0

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(i)

REV	DATE	BY	DESCRIPTION	CHK	APP
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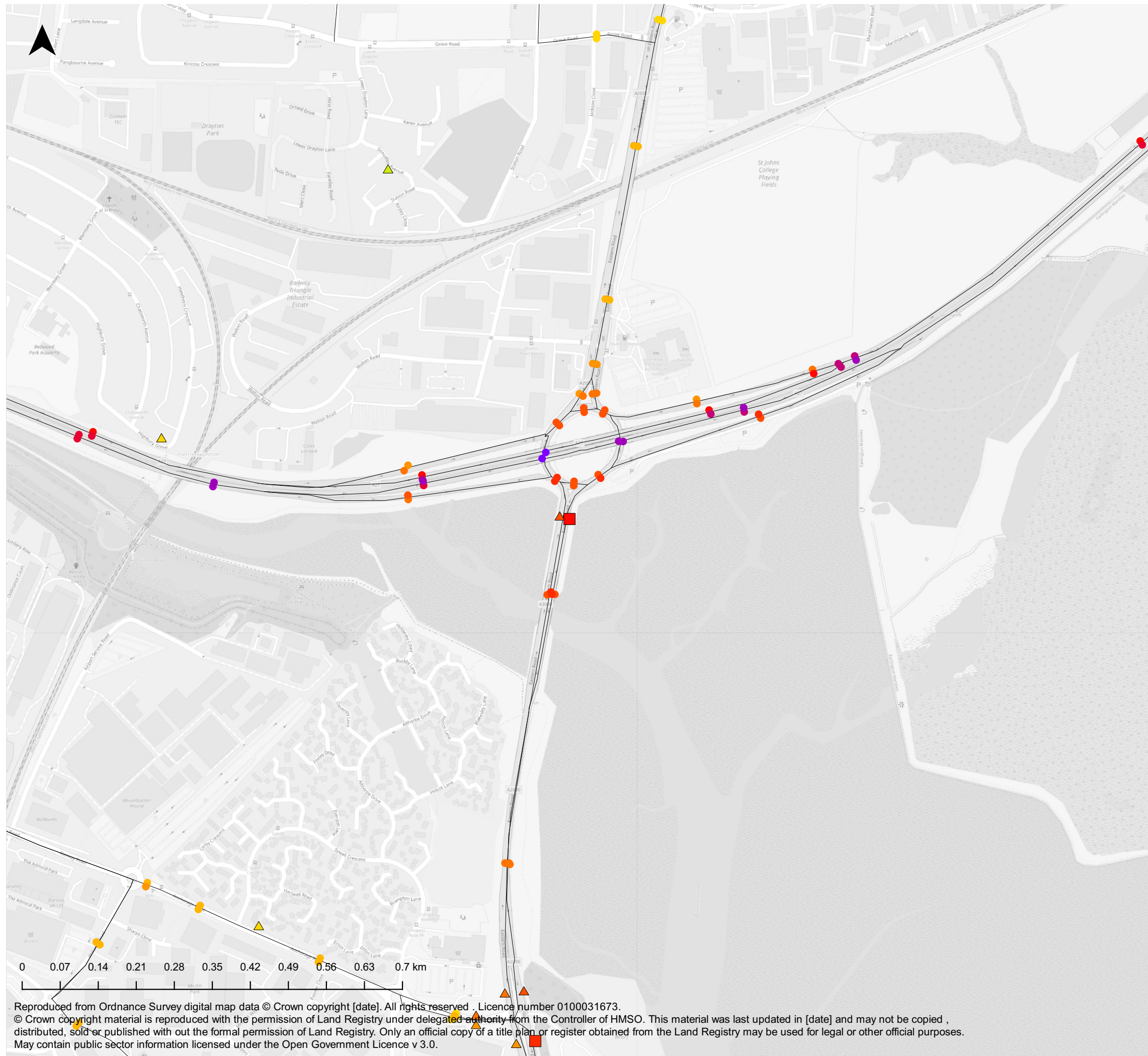


PROJECT: **AQUIND Interconnector**

TITLE: **Air Quality Assessment Modelling Subset Do-Something Scenario 2 Figure 3 Sheet 1 of 4**

SCALE AT A3: 1:0.90428	CHECKED: SB	APPROVED: MM
PROJECT NO:	DESIGNED: LFS	DRAWN: LFS
DRAWING NO:	DATE: 18/12/20	REV NO. 01

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Legend

— Modelled Road Links	PCC NO ₂ Diffusion Tubes (µg/m ³)
● 20.0 - 24.0	▲ 12.0 - 16.0
● 24.0 - 28.0	▲ 32.0 - 36.0
● 28.0 - 32.0	▲ 36.0 - 40.0
● 32.0 - 36.0	■ 44.0 - 48.0
● 36.0 - 40.0	
● 40.0 - 44.0	
● 44.0 - 48.0	
● 48.0 - 52.0	
● 52.0 - 56.0	
● 56.0 - 60.0	
● 60+	

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PROJECT:

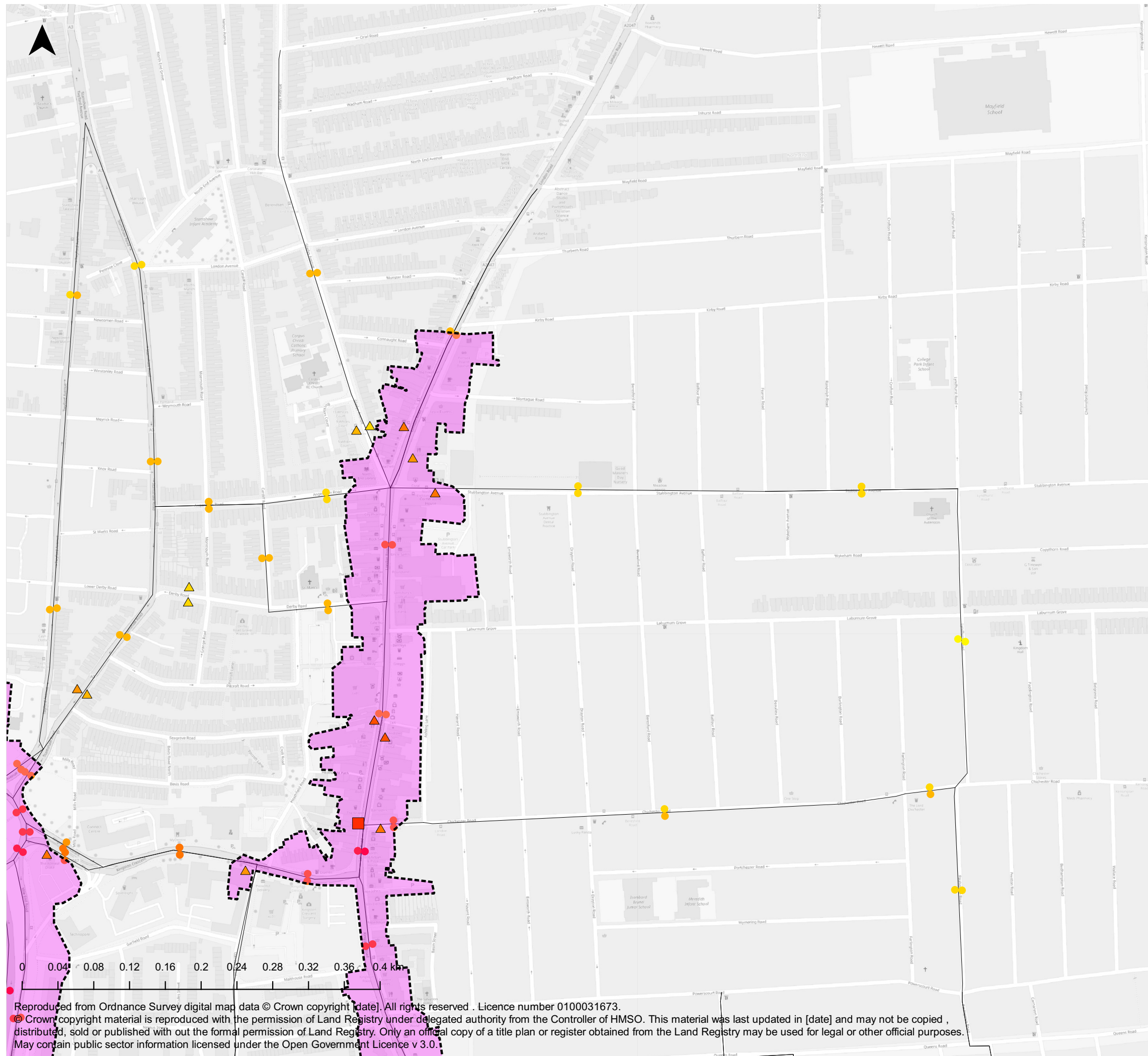
AQUIND Interconnector

TITLE:

**Air Quality Assessment
Modelling Subset
Do-Something Scenario 2
Figure 3
Sheet 2 of 4**

SCALE AT A3: 1:0.90428	CHECKED: SB	APPROVED: MM
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Legend

- Modelled Road Links
- Air Quality Management Area (AQMA)
- DS2 NO₂ Predictions (µg/m³)
 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0
 - 44.0 - 48.0
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 - 20.0 - 24.0
 - 24.0 - 28.0
 - 28.0 - 32.0
 - 32.0 - 36.0
 - 36.0 - 40.0
 - 40.0 - 44.0

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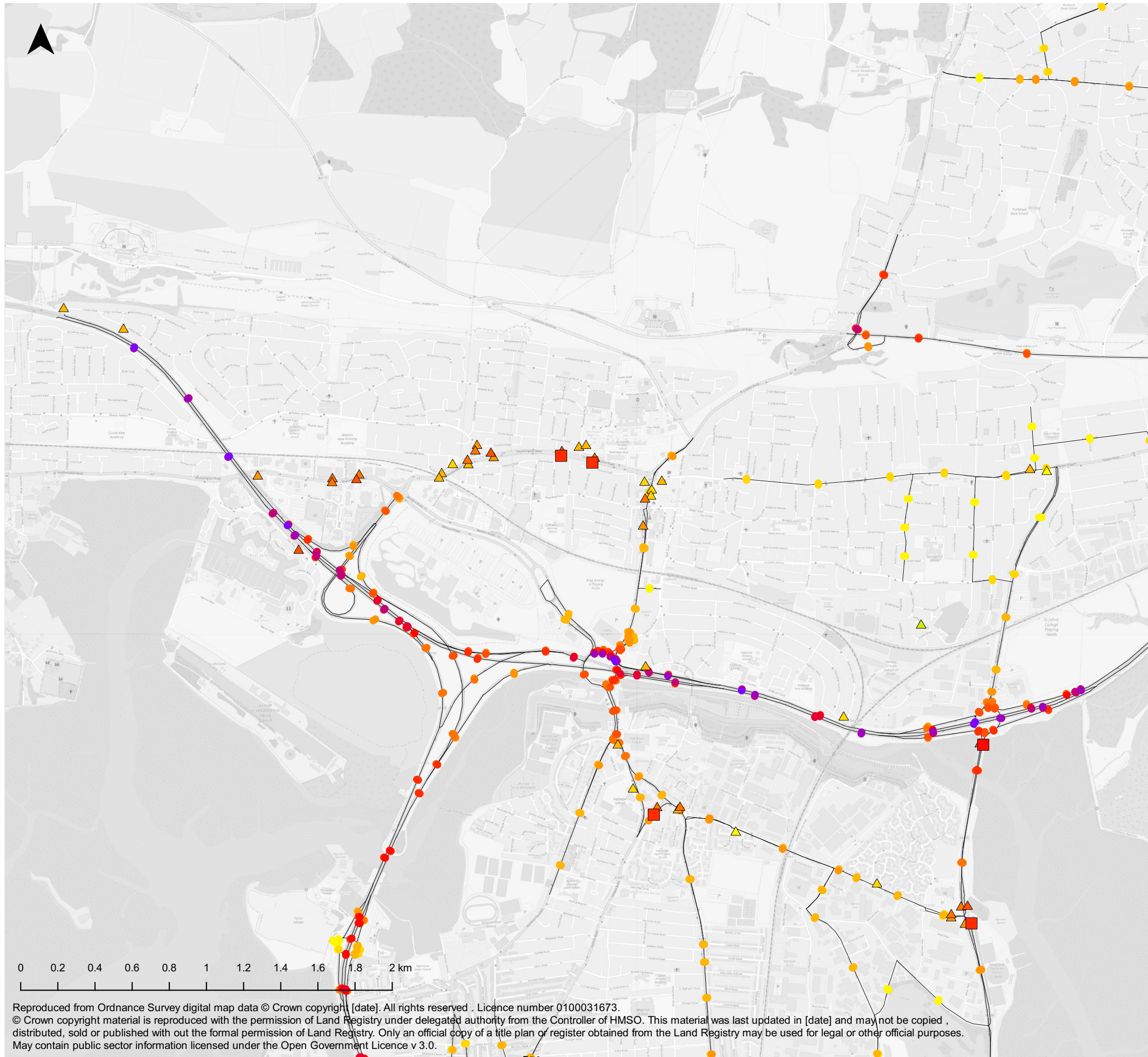


PROJECT: **AQUIND Interconnector**

TITLE: **Air Quality Assessment Modelling Subset Do-Something Scenario 2 Figure 3 Sheet 3 of 4**

SCALE AT A3: 1:0.90428	CHECKED: SB	APPROVED: MM
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Legend

— Modelled Road Links	PCC NO ₂ Diffusion Tubes (µg/m ³)
● 16.0 - 20.0	▲ 12.0 - 16.0
● 20.0 - 24.0	▲ 16.0 - 20.0
● 24.0 - 28.0	▲ 20.0 - 24.0
● 28.0 - 32.0	▲ 24.0 - 28.0
● 32.0 - 36.0	▲ 28.0 - 32.0
● 36.0 - 40.0	▲ 32.0 - 36.0
● 40.0 - 44.0	▲ 36.0 - 40.0
● 44.0 - 48.0	■ 40.0 - 44.0
● 48.0 - 52.0	■ 44.0 - 48.0
● 52.0 - 56.0	
● 56.0 - 60.0	
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PROJECT: **AQUIND Interconnector**

TITLE: **Air Quality Assessment Modelling Subset Do-Something Scenario 2 Figure 3 Sheet 4 of 4**

SCALE AT A3: 1:0.90428	CHECKED: SB	APPROVED: MM
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AQUIND INTERCONNECTOR

ISSUE SPECIFIC HEARING 3 – TUESDAY 15 DECEMBER

POST HEARING SUMMARY OF ORAL SUBMISSIONS

1. **OVERVIEW**

- 1.1 On 14 November 2019, AQUIND Limited (the '**Applicant**') submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State (the '**Application**').
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020.
- 1.3 Issue Specific Hearing 3 ('**ISH3**') on Environmental Matters took place on Tuesday 15 December 2020 and the Applicant submitted a detailed written transcript for ISH3 at Deadline 5 (**REP5-069**).
- 1.4 This document contains the Applicant's written summaries of the oral submissions made at ISH3. It is intended to supplement the Applicant's hearing transcript for ISH3 and highlight any additional points raised in summary form.
- 1.5 Where further information was requested by the Examining Authority at the hearings, this has been provided in the post hearing notes submitted at Deadline 6 and that information is not repeated in this document.

2. WRITTEN SUMMARY OF ORAL SUBMISSIONS

HABITATS REGULATION ASSESSMENT

Question 3A

Visual disturbance

Answers to ExQ1 ME1.10.33 suggest a difference of opinion between the Applicant and Natural England in relation to the inclusion of visual disturbance immediately adjacent to the Chichester and Langstone Harbours SPA/ Ramsar site boundary and its supporting habitat on qualifying SPA flock features as a Likely Significant Effect in the Habitats Regulations Assessment. Notwithstanding the proposed mitigation of works being avoided in such areas during the over-wintering period, should the HRA report be updated?

With references to the Works Plans, are there any construction areas that Natural England is particularly concerned about in respect of this possible Likely Significant Effect?

Speaker: Ian Ellis

- Please refer to the Applicant's transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 3B

Can the Applicant and Natural England provide an update on the HRA and the extent of progress towards common ground. The Statement of Common Ground submitted at Deadline 1 suggests all matters have been resolved, but the document is still labelled 'draft'.

Speaker: Ian Ellis (onshore) and Ross Hodson (offshore)

- Please refer to the Applicant's transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 3C

In ExQ1 HAB1.1.18, the Examining Authority asked Natural England to provide electronic copies of the conservation objectives and, where relevant, the supplementary advice on conservation objectives for a list of European sites.

We were referred in the answer to links to external websites.

This raises a concern that the information is not in the Examination, that links could break, or the objectives might change during or after the Examination.

Is it possible for the Applicant and Natural England to agree the information and for the Applicant to submit it into Examination, perhaps as an Annex to the HRA report, the Statement of Common Ground or in any other suitable submission?

Speaker: Ross Hodson

- The Applicant has been liaising with Natural England on this matter is in the process of collating attributes tables for the relevant UK sites.
- It was agreed that the conservation objectives and full list of attributes for UK sites assessed will be submitted as an appendix to the HRA Report.
- The main HRA Report will also be resubmitted at Deadline 6.

LANDSCAPE, VISUAL IMPACTS AND TRANQUILLITY

Question 4D Lighting

For clarity, can the Applicant confirm the number, height and construction of lighting columns and lightning masts at the Converter Station site, including any on the roofs of the buildings?

Speaker: Norman MacLeod

- The Landscape and Visual Impact Assessment (LVIA) considered the Converter Station as a whole within the maximum parameter design envelope as defined on Converter Station and Telecommunications Building Parameter Plans Sheets 1 to 3 (APP-012).
- In summary:
 - A total of forty (40) lighting columns will be installed at the proposed converter station.
 - Lighting columns (6m height) will be installed along the perimeter road, to be activated only in the event of an intruder, so CCTV will have visibility
 - Lighting columns (15m in height) will be installed in the outdoor high voltage compound, but only used during emergency repairs
 - Lighting columns are of steel construction with LED bubs, which avoid glare flicker and stroboscopic effects
 - Lightning masts will be up to 30m in height, with eight (8) installed in the outdoor switchyard
 - Lightning spikes of 4m height will be installed on the roof of the main buildings
- Lightning masts are narrow structures perceptible in some views from up to between one and two kilometres. Such views will largely screen lower elevations of the masts with only the upper profile visible and tapering to a point.
- The exact location of the lightning masts will be determined at the detailed design stage and will be based on a lightning strategy design and layout.
- In normal operation the proposed converter station will not be illuminated during the hours of darkness.
- The lightning masts and spikes will not be fitted with aviation lights.
- The telescopic cranes will have a boom of up to 84m extension. The cranes will not be left elevated overnight and will not be fitted with aviation lights.
- The telecommunications building will not be fitted with external lights.
- A courtesy light over the entrance door will have a proximity motion sensor, with an automatic timed switch off.
- The building will not be fitted with windows, to enhance security and avoid the spill of light if it is accessed during the hours of darkness

We note the Applicant's comment at Deadline 2 that, 'The Applicant can confirm that there will be no flashing lights on the lightning masts.' Could the Applicant please confirm whether this refers to aviation safety lighting, and if any part of the Proposed Development, including the cranes and other plant to be used during the construction at the Converter Station, will require aviation safety lights?

Speaker: Norman MacLeod

- The Applicant confirms there will be no flashing lights on lightning masts.

- Cranes will not be fitted with aviation lights and telescopic arms will not be left elevated overnight.

What lighting will be used at the proposed telecommunications building and compound near to the Converter Station and will it be limited to emergency use only? If this building is intended to be accessed by third party commercial companies using the surplus fibre-optic cable capacity, what control will the Applicant have over its use and lighting?

Speaker: Maritta Boden

- There will not be any external lighting at the telecommunication buildings, except for in the case of an emergency and the courtesy light above the entrance door. The courtesy light will be operated by a proximity motion sensor, with an automatic turn off. The access road form Broadway Lane is not illuminated.
- Third party users of the building will not have the right to install external rights, as the lighting scheme will be agreed as part of the lighting scheme for the Converter Station Area in accordance with Requirement 6(1) being a part of Work No.2, and that approved lighting scheme will be subject to Requirement 23 which requires no lighting during the hours of darkness also, again as it forms part of Work No.2 to which that Requirement applies.
- Please refer to the post hearing notes submitted at Deadline 6 in relation to external lighting at the ORS.

What are the various parties' conclusions with regards to the Proposed Development's likely effects on the International Dark Skies Reserve, and can common ground be confirmed between the Applicant and the relevant local authorities?

Speaker: Maritta Boden

- Please refer to the Applicant's transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 4E.1 Landscape and Visual Impact Assessment

Please could the Applicant summarise why the South Downs National Park is said to be of medium sensitivity for the landscape and visual assessment, and in particular how this relates to the usual EIA tenet that 'importance' is an inherent quality of the receptor irrespective of the potential effect that they are exposed to.

Please explain how the approach taken accords with the guidance set out in GLVIA2, or, if it has been modified, how and why.

Given the 'nationally important' status of the National Park and the purposes behind its designation, does the medium sensitivity rating undervalue its overall importance?

Speaker: Maritta Boden

- The LVIA was based on an agreed methodology described in further detail in Appendix 15.3 Landscape and Visual Assessment Methodology (APP-401) and this is consistent with GLVIA 3 published in 2013.
- Table 1.2 of Appendix 15.1 Consultation Responses (APP-399) refers to the LPAs agreement of the methodology on 15 October 2018.
- Landscape sensitivity is a combination of judgements in relation to the susceptibility of the landscape to the type of change or development proposed and the value attached to the landscape.
- The LVIA concluded that the National Park was of high sensitivity.
- The characteristics associated with landscape sensitivity are defined in Table 3 of Appendix 15.3. High sensitivity is described as:

- Landscape character, characteristics, and elements where, through consideration of the landscape resource and characteristics, there would generally be a lower landscape capacity or scope for landscape change or positive enhancement, and higher landscape value and quality. Often includes landscapes which are highly valued for their scenic quality, including most statutorily (nationally / internationally designated landscapes).
- Elements/features that could be described as unique or are nationally scarce.
- Mature vegetation with provenance such as ancient woodland or mature parkland trees, and/or mature landscape features which are characteristic of and contribute to a sense of place and illustrates time- depth in a landscape and if replaceable, could not be replaced other than in the long term.
- To inform this judgement the assessment drew on susceptibility of change which was considered to be high with a “low ability to accommodate the specific proposed change; undue consequences for the maintenance of the baseline situation (receptor value) and/or achievement of relevant planning policies / strategies)” and landscape value with categories based on condition, features, quality and recognition includes National Parks.
- The LVIA considered that the impact on the character areas identified as within the National Park were high, as is evidenced in Table 2 of Appendix 15.4 (APP-402). For the SDNP Downland Mosaic D2 – Hambledon and Clanfield Downland: The landscape is of high sensitivity.
- Where there was an overlap of character areas sitting within and outside of the National Park, namely WCC 17 Hambledon Downs W2 and EHDC LCT Downland Mosaic 3f Horndean and Clanfield Edge, these were described as being of medium to high sensitivity levels, increasing progressively away from the Converter Station Area and where the SDNP exerts an influence in terms of condition and management.
- This approach was consistently applied throughout the assessment for local landscape character areas and types within and outside of the National Park, with the assessment concluding that for both the W2 and 3F the landscape character within the Converter Area and its immediate edges was of medium sensitivity.
- In terms of the *setting* of the National Park the LVIA, Appendix 15.5 South Downs National Park (APP-403) considered the Converter Station Area in terms of the criteria used in the South Downs Landscape Background Paper to the Local Plan and found it to be of mixed value and therefore of medium sensitivity. The criteria used for determining setting (Table 1) was based on Guidance for assessing landscapes for designations as National Park of Areas of Outstanding Natural Beauty in England, Natural England, 2011) and covered:
 - Landscape quality (intactness / condition and influence)
 - Scenic quality
 - Relative wildness
 - Relative tranquillity
 - Natural heritage features
 - Cultural heritage
- Whilst landscape value and susceptibility to change were not stated, the assessment drew on the LVIA methodology (APP-401) to inform the judgement on sensitivity as well as the conclusions:
 - Table 1 – Medium susceptibility to change: Is a moderate ability to accommodate the specific proposed change; some undue consequences for the maintenance of the baseline situation (receptor value) and/or achievement of relevant planning policies / strategies.
 - Table 2 - Medium value: covers regional recognition (nothing specific under this category for the area), a number of distinguishing features worth of conservation;

evidence of some degradation and occasional detracting features and an ordinary to good quality landscape / feature with some potential substitution; a reasonably attractive landscape / feature.

- The findings of the LVIA in relation to the setting of the National Park does not undervalue the importance of the National Park, rather it recognises that the area is not designated because it does not meet the standards required for designation, which were informed by the criteria outlined in Appendix 15.5 South Downs National Park.

Question 4E.2 Landscape and Visual Impact Assessment

Can South Downs National Park Authority confirm the relevance and importance of the additional viewpoints requested in answer to ExQ1 LV1.9.1? What additional benefits would there be in understanding the Proposed Development from those representative viewpoints? Is there an update on common ground with the Applicant on this matter?

Speaker: Maritta Boden

- The Applicant has undertaken photography from the additional viewpoints requested by SDNP and will provide these at Deadline 6. It was agreed they would be provided as photographs, and not visualisations including a wireframe.

Question 4E.3 Landscape and Visual Impact Assessment

Can the Applicant explain why the cranes (including two 84-metre high telescopic cranes) to be used in the construction of the proposed Converter Station were not included in the LVIA?

What effect will these have on landscape and views, and over what extent and period?

Is an additional assessment necessary?

Why does the Applicant consider that the significance of construction stage effects at would not change as a result of their presence, and do the South Downs National Park Authority and other relevant local planning authorities agree?

Speaker: Maritta Boden

- Please refer to the Applicant's transcript for ISH3 submitted at Deadline 5 (REP5-069) and the post hearing notes submitted at Deadline 6.

Question 4E.4 Landscape and Visual Impact Assessment

In the answer to OW1.12.16 in ExQ1, the Applicant notes that an indicative location and surface finish for the proposed car park in Work No. 3 has now been identified and that the capacity has been increased from 150 to 226. How was this feature assessed in the LVIA? Does this new information alter the assessment in any way?

Speaker: Maritta Boden

- The LVIA states under section 15.4.6 (APP130) that the assessment of the Converter Station was principally based on the maximum parameter design envelope as defined in by the Converter Station and Telecommunications Buildings Parameter Plans Sheet 1 to 3 which form part of the Application. It was considered against Chapter 3 Project Description and the draft Design Principles.
- On this basis the LVIA methodology assessed the whole of the Converter Station rather than specific elements which would then be aggregated. This is a standard approach to assessing effects and the disaggregation was considered inappropriate.
- The LVIA considered at paragraph 15.3.6.2 that construction would cover "the short-term and temporary effects arising from construction activities including the presence of

temporary site compounds, car parks and laydown areas as referred to in section 15.3.6.1 specific construction impacts.”

- The change in surfacing of the car park would not change the nature of effects.
- As per the agreed LVIA methodology and the LVIA findings there would be moderate adverse effects on landscape character areas directly affected by construction works (LCTW2 Hambledon Downs 17 and LCA3fi Downland Mosaic), the setting of the SDNPA and specific landscape features (including land use, vegetation and landform), as well as major, major to moderate and moderate effects on a number of visual receptors. Moderate effects on landscape character and landscape features as described in Table 9 of Appendix 15.3 are those where there is a more intensive change to a landscape of medium or low sensitivity affecting some key characteristics and the overall impression of its character”.
- In terms of car park capacity, the ES Addendum addresses the error and explains at paragraph 3.3.5 that whilst the previously stated capacity of the temporary car park was for 150 car parking spaces for the Converter Station workers, this mistakenly excluded a requirement for additional capacity for workers associated with the Onshore Cable Route. The construction compound will have a maximum peak capacity for:
 - 206 car park spaces;
 - Space for 14 Light Goods Vehicles; and
 - Space for 7 Heavy Good Vehicles.
- The LVIA had assumed that the area identified would be used for car parking, with the extent of the area to be used not changing in terms of the LVIA undertaken.

Question 4F.1 Landscape Mitigation Proposals

Could the South Downs National Park Authority provide an update on its suggestion in its Local Impact Report that some land required for landscape mitigation appears to be out of the Applicant’s control? Has common ground been reached with the Applicant over this matter?

- N/A

Question 4F.2 Landscape Mitigation Proposals

Following the Applicant’s submission of further information and detail at Deadline 1, does the South Downs National Park Authority have any remaining concerns or objections in relation to the updated landscape mitigation proposals for the Converter Station? Has common ground been reached with the Applicant over this matter?

Speakers: Maritta Boden and Martyn Jarvis

Ash die back strategy

- An ash dieback survey has been undertaken and based on the findings the Applicant is seeking to include two new areas of woodland within the revised Order limits.
- These woodlands (which serve a visual screening function) will be planted and managed to maintain their effectiveness of providing a visual screening function for a future baseline.

Additional woodland and hedgerow planting

- The extent of planting around the vicinity of the Converter Station has been limited by a number of infrastructure and health and safety constraints which are referred to at section 1.6.4 of the OLBS (REP1- 034)
- The proposed hedgerow to the north of the Converter Station has always been there in the indicative landscape mitigation plans - it has just been widened to respond to concerns by WCC over connectivity.

- The planting aims to mimic some of the small copses around dells and rectilinear planting where this has resulted, through maturing belts of linear hedgerows.
- Planting to the west of the Converter Station has been rounded off for Plots 1-23 and Plots 1-29.
- The shape of the woodland to the north of the converter and the new hedgerow has been influenced by the 30m offset from the overhead lines and the need to maximise screening. The woodland has been extended as shown on the indicative landscape mitigation plans for both Options submitted for Rep1
- In response to the SDNPA comments over the rectilinear form of woodland the Applicant has altered the shape of the woodland slightly whilst maintaining its visual screening function.
- Woodland planting to the south west (plot 1-44) is rectilinear and has been introduced as a result of a request from WCC whilst siting it within the Order Limits. It should be noted that there are linear belts of mature hedgerow trees and here the woodland merely seeks to widen this area.
- It should also be noted that as referred to in the OLBS, woodland margins will be created and a loose woodland edge generated where possible:
 - Paragraph 1.6.5.2 states “New native woodland belts and copses with glades and more open woodland edge to encourage understorey and ground flora to develop – again would benefit several ecological features”
 - Paragraph 1.6.7.1 “Within specific locations (determined through detailed design), glades and open “looser” woodland edges shall be created to provide a range of woodland habitats and enhance the understorey and ground flora (including ferns) to establish and regenerate naturally.”
- The Applicant notes that as referred to in the title of the mitigation plans, these plans are indicative and will be refined in consultation with WCC and SDNPA through detailed design.
- The Applicant has taken an appropriate and proportionate approach to the extent of mitigation planting and considers that this is sufficient to acceptably mitigate the landscape and visual effects of the development. The extent of planting has been guided by offsets and existing constraints as referred to in the OLBS

Range of planting sizes

- Revisions are being made to Appendix 15.7 to omit references to plant sizes for submission at Deadline 6. The document will then align with the OLBS and provides flexibility in terms of plant sizes which will form part of the detailed landscaping scheme.

Question 4G Tranquillity

Can the Applicant demonstrate how the predicted effects on tranquillity have been taken into account in the EIA for users of the South Downs National Park, including the potential effects of construction traffic, movements of HGVs, movement of AILs, car parking provision, access and haul roads?

Please provide an update on any common ground between the Applicant and the South Downs National Park Authority on the predicted effects of the construction and operation of the Proposed Development in relation to tranquillity and any mitigation that has been proposed.

Speaker: Maritta Boden

- Please refer to the Applicant’s transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 4H Design

In terms of the design of the Converter Station building and the corresponding elements of the LVIA, is there any update on the design meetings held between the Applicant and the relevant local planning authorities and progress towards agreeing the design principles? What matters, if any, remain unresolved between the parties in terms of the design and colour palette proposed for the Converter Station buildings?

Please could the Applicant briefly summarise how these design principles would be secured to ensure that the final building design would be in accordance with them, such that the views of each of the local planning authorities that participated in the process are taken into account?

Speaker: Maritta Boden

- Further to discussions with the local planning authorities, the design principles have been reviewed following submission of the Applicant's transcript for ISH3 (REP5-069). The current position is reflected below, however at the time of the hearing comments had yet to be received from SDNPA.
 - General Design Principle 7 – This has been agreed, subject to confirmation from SDNPA.
 - Building Design Principle 1 – This has been agreed, subject to confirmation from SDNPA.
 - Building Design Principle 2 - This has been agreed, subject to confirmation from SDNPA.
 - Building Design Principle 3 – All the elements have been agreed apart from colour. A revised colour palette study was presented on 3 December to WCC and EHDC and received broad agreement, however SDNPA have now confirmed that they would prefer a wider range of colours. We understand that whilst WCC would like to narrow the colour palette down to purely dark recessive colours, SDNPA do not want to rule out the inclusion of other lighter colours that may be required at a future stage. The Applicant is now considering whether to refer to a broader range of colours which would include those agreed by WCC as well as lighter colours mentioned by SDNPA. The intention is for this to be discussed at a further design group meeting.
 - Building Design Principle 7 – This principle was agreed, however WCC requested that a reference should be included which states that “the lightning masts should be suitably coloured to minimise the visual prominence”. The Applicant has explained that the masts will have to be galvanised for maintenance reasons and that this additional text is not necessary. This has been agreed, subject to confirmation from SDNPA.
 - Building Design Principle 8 – The Applicant has agreed to remove reference to heating and ventilation. The sentence which states that there will be “no plant on roofs of the highest buildings” will be retained. This has been agreed, subject to confirmation from SDNPA.
 - Building Design Principle 9 – Reference to operational noise has been removed. This has been agreed, subject to confirmation from SDNPA.
 - Landscape Design Principle 6 – This has been agreed, subject to confirmation from SDNPA.
 - The Telecommunication Buildings and Optical Regeneration Stations Principle 7 – operational noise – The Applicant has agreed to remove reference to operational noise from this principle. This has been agreed, subject to confirmation from SDNPA.

MARINE MATTERS

Question 5I The Deemed Marine Licence

Can the Marine Management Organisation (MMO) and Natural England confirm if the methods of non-burial protection for the cable are acceptable and adequately secured in the DCO and Deemed Marine Licence? Following the Applicant's response at Deadline 2, do you still consider that further detail needs to be added to the design parameters to confirm maximum amount of cable protection required?

MMO previously noted that it was unclear and had concerns about the purpose of proposed Deemed Marine Licence Part 1, 4(5) that permits 'any other works as any be necessary or expedient.' Is there any progress to report on achieving common ground on this matter? If not, what is the basis of outstanding differences?

Are all the necessary Deemed Marine Licence conditions in place to satisfy the MMO that all of the mitigation required for the Proposed Development can be secured?

Further to the Deadline 2 submissions from the parties, have the Applicant and MMO progressed discussions over the outstanding differences between them in relation to the assessment of the AQUIND Interconnector/ Atlantic Crossing interaction and protection? If not, what are the implications if agreement cannot be reached?

Speaker: Ross Hodson

- Natural England have agreed with our approach to cable protection and there are no outstanding matters (as reflected in the current SoCG and NEs deadline 5 response to this question (REP5-097).
- Discussions with the MMO are ongoing. Please refer to the post hearing notes submitted at Deadline 6 for further details.

Question 5J Marine habitats and assessments

In ME1.10.3 and ME1.10.23 of ExQ1, we asked the Applicant to supply figures to show the location of the WFD sensitive sites and habitat locations (Table 8.4 of the ES (APP-123) (ISH3-9)) and suspended sediment levels (Table 8.6 of the ES (APP-123) (ISH3-9)) and sensitive habitats respectively. In response, the Applicant directed us to defra's MAGIC maps website. Are MAGIC maps a suitable option for this purpose, given that maps have to be constructed by users inputting data and that non-technical Interested Parties may not be familiar with their workings. At present, we do not consider the relevant information to be in the Examination. Please could the Applicant review its previous response and consider whether illustrative representations of the necessary data on a base map could be produced?

Whilst it is stated that a precautionary approach was taken to determine the study areas for the baseline, could the Applicant provide reassurance that Figure 8.1 does not need updating to reflect the regional boundaries used in the ES? Are the MMO and Natural England content with the extent of the study area?

With reference to the Applicant's answer to question ME1.10.6, could Natural England and the Marine Management Organisation confirm they are satisfied that the most appropriate and up-to-date environmental information has been used to inform and influence the definition of the Zone of Influence relating to benthic receptors?

Speakers: Ross Hodson

- Please refer to the Applicant's transcript for ISH3 submitted at Deadline 5 (REP5-069).

NOISE

Question 6K-1 Robustness of the assessment

With reference to ExQ1 N1.11.3, could the Applicant clarify the meaning of its response: ‘Within the onshore cable corridor, the relative distance between the illustrative cable route and the noise sensitive receptors influences the magnitude of noise level experienced by any receptor. The magnitude of impact and overall noise effect assigned to this magnitude of level is influenced by the duration, timing and frequency of exposure to that noise level, which is not altered by the alignment of the cable route.’

The first part suggests that the distance between the cable installation and a receptor does influence the impact perceived at the receptor, as might intuitively be expected as noise diminishes with distance from source. The second part could be taken to contradict this.

Notwithstanding the ultimate judgement of whether such an impact is significant or not, could ExQ1 N1.11.3 be reconsidered in respect of the different effects that might be perceived at sensitive receptors near those stretches of the route where it would be possible for installation to come substantially closer than the illustrative route?

How robust is the assessment of magnitude of change in the noise environment and the determination of significance in the light of this? How does it relate to the adopted EIA approach of assessing the worst case?

Speaker: Tom Farmer

- Please refer to the Applicant’s transcript for ISH3 submitted at Deadline 5 (REP5-069) and the post hearing note submitted at Deadline 6.
- The adopted methodology for determining significance in the construction noise assessment is based not only on the anticipated noise level, but also other factors (duration of the activity, time of day and receptor sensitivity).
- In the Applicant’s original response to question N1.11.3, a sensitivity test was completed in the sections where the Order Limits are relatively wide, and therefore where there is potential for variation in the exact cable route alignment compared with the alignment assessed. An example of this sensitivity test is illustrated in Exhibit 2 for cable and duct installation in section 2.
- There are four key points to highlight with reference to Exhibit 2 which shows section 2 of the cable corridor:
 1. The corridor within which adverse noise levels could occur is relatively narrow compared with the width of the Order Limits. The distances that different noise levels are predicted to occur are described in paragraph 6.4 of the Applicant’s transcript, but by way of example negligible noise levels will occur at distances greater than 22m either side of the cable route in section 2.¹
 2. Therefore, in light of the point above, in section 2 the cable route would have to be installed within 22m of the Order Limits edge for a greater than negligible noise level to be experienced outside the Order Limits. Given the cable installation principles of following the shortest route and minimising bends, the route is very unlikely to vary enough to result in a change in the noise level experienced.

¹ As explained in para 6.4 of the hearing transcript for ISH3 (REP5-069), a negligible magnitude of level is expected when the cable route is located over 22m from a receptor. A small adverse magnitude of level is expected when the cable route is between 12m and 22m from a receptor, a medium adverse magnitude of level is expected when the cable route is between 7m and 12m from a receptor, and a large adverse magnitude of level is expected when the cable route is within 7m of a receptor. These distances are based on construction calculations which have been informed by the methodologies in British Standard (BS) 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open site – Part 1: Noise.

3. If the route was installed at the very western edge of the Order Limits in section 2, the overall noise effect would be at worst, minor adverse (not significant) at a single receptor. The other receptors would be subject to negligible effects.
 4. This sensitivity test has been completed in the other sections where the Order Limits are relatively wide, and in summary the conclusions of the assessment will not change, and therefore the assessment is considered robust.
- More broadly, the following conclusions can be drawn from the sensitivity test:
 - The magnitude of noise level is only one factor used to determine the overall noise effect. There are other factors that require equal consideration, including the duration of exposure, timing of the works (day, evening or night), and receptor sensitivity, and these other factors are not affected by the precise alignment of the cable route.
 - Regardless of the precise alignment of the cable route, the total duration of exposure to a greater than negligible noise level will not change.
 - In conclusion, whilst there could be minor differences in the magnitude of noise level experienced at some receptors depending on the exact cable route alignment, this is unlikely to alter the overall perception of effects and therefore assessing an illustrative route is considered a robust, reasonable worst-case and proportionate approach.

Question 6K–2 Robustness of the assessment continued

Subsequent to all relevant parties' answers to ExQ N1.11.2, does the information provided in the noise assessment chapter of the Environmental Statement (APP-139) (ISH3-14) fully reflect the requirements of the stated methodology and standard BS 5288?

Speaker: Tom Farmer

- The assessment fully and robustly follows the principles set out in BS 5228, and in particular includes a detailed consideration of activities that may take place outside of core working hours.

Should it include information about daytime noise levels generated during construction? If so, does it include adequate information about this matter?

- Daytime construction noise levels (i.e. works during Core Working Hours) have been fully provided in the assessment. An example of how they are provided for section 10 is described in Paragraph 6.14 of the ISH3 transcript (REP5-069), and the same approach is replicated for construction activities in other sections throughout the ES and Addendum. The adopted approach for the assessment of construction noise during core working hours is robust and proportionate.

Should it include details of noise levels for daytime work and relate these to a work programme for the number of days that noise-generating work will be carried out?

- The construction noise assessment has utilised all the available programme information, including the proposed working hours, the duration of the construction activities, and in particular for the cable route, the assumed installation rates illustrated in the figure REP1-151. The cable installation rates have been used to determine the expected duration of impact, to determine how long a receptor will be exposed to adverse noise levels. This is considered a robust and proportionate assessment of the likely significant effects.

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?

- Given the night-time is the most sensitive period for residential receptors, cutting and breaking of the road surface and road resurfacing activities will not be permitted during this period, and this mitigation measure is secured through section 6.2.8 of the Outline Onshore CEMP. Therefore, no further noise assessment to that contained in the ES and Addendum is necessary.

Question 6L Robustness of the methodology

With reference to the Applicant’s response at Deadline 2 to question ExQ1 N1.11.7, several relevant local authorities indicate that they remain unclear how magnitude of noise change has been assessed. Notwithstanding the Applicant’s response that ‘little reliance has been placed on the generic definitions in Table 24.13 of the ES’, would the clarity of the noise assessment, especially for non-technical readers, be improved by a clearer explanation of how the magnitude of change, sensitivity of receptors and predicted significance of effect was dealt with in the noise assessment?

For the Applicant’s Deadline 2 response, please clarify with specific references what is meant by ‘The magnitude categories adopted for each assessment element are underpinned by the appropriate British Standard or guidance document’. Do parties believe that the ExA and Secretary of State can have confidence that the method and conclusions of the noise assessment are reliable and robust?

Speaker: Tom Farmer

- Following submission of the Applicant’s transcript for ISH3 (REP5-069), subsequent discussions have been held with the relevant local planning authorities and the noise assessment methodology has been formally agreed with WCC, EHDC and HBC. This is evidenced through the respective Statements of Common Ground between the Applicant and these Parties.
- A detailed response explaining the noise assessment methodology for operational and construction noise has been provided in the written transcripts submitted at Deadline 5 for ISH3 (REP5-069).
- The following three points are made in response to the specific question in relation to clarity of the noise assessment for non-technical readers:
 - A non-technical summary of the noise and vibration assessment is provided in Chapter 24 of the Non-Technical Summary (REP1-079), which focusses on the topics non-technical readers are typically interested in.
 - Noise is a technical discipline, and to fully understand the methodologies employed, which are underpinned by complex British Standards, a degree of technical knowledge and understanding is required. The explanation provided in Paragraphs 6.18 to 6.37 of the transcripts is a clear explanation of the methodologies employed and the clarity of the explanation would be lost if the response was made less technical.
 - Non-technical readers should take comfort from the fact that three local planning authorities, that each have technical specialists who have reviewed the assessment, have agreed the noise assessment methodology.

Question 6L – continued

Would the alternative approach based on the Noise Policy Statement for England suggested at Deadline 1 by Portsmouth City Council in response to ExQ1 N1.11.7 be more appropriate?

Speaker: Tom Farmer

- Please refer to the Applicant’s transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 6L – continued

Following the Applicant’s submission at Deadline 2 (REP2-014), does CPRE Hampshire have any remaining concerns from its Written Representation (REP1-253) regarding noise generated from both construction and operation of the Converter Station, the requirements of NPS EN-1, the use of BS 4142 as the assessment standard, the incorporation of ‘uncertainties’ in the assessment, and the interpretation of the technical note on BS 4142:2014+A1:2019 (prepared by members of the Association of Noise Consultants Good Practice Working Group)? Is there now common ground between the parties?

Speaker: Tom Farmer

- Please refer to the Applicant’s transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 6M Continuous or periodic exposure to noise

In relation to ExQ1 N1.11.5, the Applicant has provided further explanation at paragraph 17.3.2.3 of the ES Addendum (REP1-139) to explain how successive periods of noise have been treated in the noise assessment. Havant Borough Council and East Hampshire District Council had earlier expressed concern about the methodology. Does this update satisfy these concerns and is there now common ground between the parties on this matter?

Speaker: Tom Farmer

- Please refer to the Applicant’s transcript for ISH3 submitted at Deadline 5 (REP5-069).

Question 6N Optical Regeneration Stations

Does Portsmouth City Council have any further observations or concerns regarding the noise assessment presented in the Environmental Statement in respect of the construction and operation of the Optical Regeneration Station buildings at the Fort Cumberland car park? Has enough information been provided to satisfy the Council that any noise emanating from the buildings can be mitigated effectively?

Speaker: Tom Farmer

- The Applicant has been in discussions with the relevant Environmental Health Officer at PCC, and on the basis of the recent correspondence, it is the Applicant’s understanding that PCC are satisfied with all elements of the assessment in relation to the ORS at Landfall. It is the Applicant’s assumption that this will be reflected in an updated SoCG submitted at Deadline 6.
- With respect to any electrical tones or hums, the key noise producing equipment is the heating/ventilation (HVAC) units on the external facade of the ORS buildings. It is not anticipated that these would produce any tones or hums. However in the event they did the noise criteria (which are expressed in terms of a “Rating Level” in accordance with British Standard 4142) would ensure any characteristic feature of the noise is appropriately quantified and mitigated.

Question 6O DCO provisions

In relation to Winchester City Council’s Local Impact Report (REP1-183) (ISH3-2), can the Applicant clarify the use and meaning of the phrase ‘cannot reasonably be avoided’ as incorporated into Article 9 of the dDCO, and how this could relate to any noise nuisance and any subsequent levels secured in the Requirements (for example, Requirement 20)? Could Winchester City Council please explain its concerns in relation to this, and the ‘Best Practice documents’ it refers to?

Could the Applicant explain how its proposed Article 9 varies from the model provision and explain why the variation is considered necessary.

- The Applicant's position in relation to Article 9 is summarised in the hearing transcript for ISH1 (REP5-058).
- The Noise Management Plan ensures that appropriate noise levels will be achieved at all times and any change of equipment would need to meet those levels. This uses an objective test to identify what is appropriate.
- The Applicant maintains that it is not appropriate to risk requiring the undertaker to achieve noise levels in the future which are lower than those which have been assessed if the surrounding environment changes outside of the Applicant's control.

SOCIO-ECONOMIC ASSESSMENT

Question 7P

Could the Applicant clarify the answer to ExQ1 OW1.12.12 in relation to any existing subsurface land drainage systems that may exist in the Farlington Playing Fields?

Does the submission in response that 'All existing drainage systems should be identified and plotted, incorporate into new drainage designs – if new drainage required' allow for any damage and restoration of such systems?

If so, what would the projected timescale be for effective restoration?

What certainty can be expected that any damage will be made good when this statement is prefaced with 'should be'?

Please could Portsmouth City Council describe 'its own purpose-built drainage system' mentioned in its Local Impact Report?

Speaker: Ursula Stevenson and Oliver Bulch

- PCC have now provided a copy of their land drainage plan.
- The OOCEMP requires that land is reinstated in consultation with the land owner (Section 1.2.2.13, Rev 3, REP4-005).
- It also requires that a land drainage survey will be undertaken prior to construction, a reinstatement plan and a post-construction survey (Section 6.9.2).
- Any land drains damaged would be repaired the same working day, prior to back filling of soil.
- It is acknowledged that reinstatement periods will vary and depend on a number of factors and specialist advice may need to be obtained.
- Reinstatement for sport is different to reinstatement for Brent Geese, the proposals for which is have been agreed with Natural England.
- The Framework Management Plan for Recreational Impacts (REP4-026) has been developed in order to inform mitigation proposals which the Applicant continues to discuss with PCC. This can then be used to update the OOCEMP and/or dDCO as necessary.
- Please refer to the post hearing notes submitted at Deadline 6 for further details.

AQUIND INTERCONNECTOR

COMPULSORY ACQUISITION HEARING 1 – THURSDAY 10 DECEMBER

SUMMARY OF ORAL SUBMISSIONS

1. **OVERVIEW**

- 1.1 On 14 November 2019, AQUIND Limited (the '**Applicant**') submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State (the '**Application**').
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020.
- 1.3 Compulsory Acquisition Hearing 1 ('**CAH1**') took place on Friday 11 December and the Applicant submitted a detailed written transcript for CAH1 at Deadline 5 (**REP5-034**).
- 1.4 This document contains the Applicant's written summaries of the oral submissions made at CAH2. It is intended to supplement the Applicant's hearing transcript for CAH2 and highlight any additional points raised in summary form.
- 1.5 Where further information was requested by the Examining Authority at the hearings, this has been provided in the post hearing notes submitted at Deadline 6 and that information is not repeated in this document.

2. WRITTEN SUMMARY OF ORAL SUBMISSIONS

SUMMARY OF DCO PROVISIONS

Question 3.1

The Applicant to set out very briefly which Articles engage Compulsory Acquisition and Temporary Possession powers.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 3.2

The Applicant to summarise very briefly any other provisions in the draft DCO (dDCO) relating to Compulsory Acquisition and Temporary Possession.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 3.3

Winchester City Council to explain why the landscaping rights, or 'deeds of covenant', sought may need 'reinforcement' 'if confidence continues to be 'low' [PDB-006].

Speaker: Martyn Jarvis

- The Applicant seeking compulsory acquisition of landscaping rights and restrictions for in the event that it is not able to acquire the relevant rights and restrictions voluntarily.
- A Deed of Grant of Easement will be pursued voluntarily to secure the necessary rights and restrictions
- Where any breach occurs, the undertaker will have an enforceable property interest which may be relied upon to enforce compliance with the covenants granted (i.e. the rights and restrictions).and prevent the breach
- In accordance with Article 3 of the dDCO (REP3-003) the undertaker is to be granted development consent for the authorised development subject to the provisions of the Order and the requirements.
- The Applicant is required to comply with the requirements, as to not do so would constitute an offence in accordance with s161 of the Planning Act 2008 (the 'Act'), and could be subject as necessary to the enforcements powers provided for in Part 8 of the Act.
- It is therefore the view of the Applicant that the approach taken is entirely appropriate, and that there is no sound basis on which confidence could be said to be 'low' in relation to the effectiveness of the arrangements.

STATUTORY CONDITIONS AND GENERAL PRINCIPLES

Question 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).

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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 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.

Speakers: Martyn Jarvis and Hamid Mojtavavi

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034) and the post hearing notes submitted at Deadline 6.

Question 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).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

FUNDING

Question 5.1

The Applicant to provide any further updates to the Funding Statement.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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, Near-Term 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 Cost-Benefit Analysis, section 4.1.2 and [REP1-091] CA1.3.55).

Speaker: Silke Goldberg

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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).

Speaker: Silke Goldberg

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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).

Speakers: Silke Goldberg

- There is a clear pathway to a regulatory status in 2021 on the basis of the 2018 ACER application which, following the judgment of the General Court, is being considered by the Board of Appeal once more.
- In its decision of 2018, ACER assessed the Applicant's exemption request against all six criteria for an exemption as set out in article 17 (now 63) of the Electricity Regulation. ACER confirmed that the Applicant passed five of the six tests set out in the Electricity Regulation. In relation to the element that ACER deemed the Applicant not to have passed, the General Court of the European Union has ruled that ACER acted unlawfully as it wrongly created a hierarchy between two EU regulations and wrongly sought to create a further conditionality for the exemption for which the Applicant had applied. On the basis that this approach by ACER was held to be unlawful and given that Applicant had met all other criteria for the exemption, there is a clear positive pathway to an exemption in 2021.
- Should, against all expectations, the 2018 application for an exemption not be granted, the Applicant has, by way of mitigation, also applied for a partial exemption (which is limited to France) to CRE and Ofgem. This application is currently being considered by CRE and Ofgem. We understand that this application is progressing and it is currently expected that the regulators will imminently launch a public consultation in respect of the partial exemption request.
- The status of Project of Common Interest, whilst a nice attribute, does not have any material impact on the development of the project or indeed any impact on the regulatory status that the Applicant is pursuing with ACER and, in the alternative with the partial exemption, CRE and Ofgem. The absence of PCI status is not an impediment to development either in France or the UK.

Question 5.6

Consideration of further document submission arrangements for the Funding Statement [REP1-091] (CA1.3.53).

Speaker: Martyn Jarvis

- Please refer to the updated Funding Statement submitted at Deadline 6.

OPEN SPACE

Question 6.1

The Applicant to explain the application of s132 of the PA2008 to the dDCO, particularly in relation to s132(3), (4A) and (5).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034) and the post hearing notes submitted at Deadline 6 in respect of special category land.

OTHER SPECIAL CATEGORY LAND

Question 7.1

The Applicant to explain the application of s132 of the PA2008 to the dDCO, particularly in relation to s132(3), (4A) and (5) and allotments.

Speaker: Martyn Jarvis and Alan O'Sullivan

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034) and the post hearing notes submitted at Deadline 6.

Question 7.2

The Applicant to explain why four access points are required along the Order limits within the Milton Piece Allotment Gardens [REP1-091] (CA1.3.22).

Speaker: Joshua Kaufmann

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034) and the post hearing notes submitted at Deadline 6.

Question 7.3

The Applicant to describe briefly a Vantage Point Survey [REP1-091] (CA1.3.68).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 7.4

The Applicant to explain why covered joint boxes may be required within the Milton Piece Allotment Gardens [REP1-091] (CA1.3.34) if the 'proposed HDD alignment will lie' 'at 7m bgl' ([REP1-132] section 3.2 and [REP1-091] CA1.3.71).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034) and the post hearing notes submitted at Deadline 6.

Question 7.5

The Applicant to explain, with the aid of examples to describe an occupation of the compound, the need for the larger reception HDD compounds at Milton Piece Allotment Gardens and the playing field to the north of the A27 compared to other reception compounds and also why these reception compounds are significantly larger than the launch compounds to which they relate ([REP1-132] appendix 2 and [REP1-091] CA1.3.71).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034)

HIGHWAY LAND

Question 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.

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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.

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

CONSIDERATION OF ALTERNATIVES AND OPTIONS

Question 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).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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.

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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);*
- 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).*

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 9.4

The Applicant to explain how ground conditions on Milton Common could require the appointed contractor to lay one cable circuit across the Common and one along Eastern Road ([REP1-133] page 4-21 and [REP1-091] CA1.3.18).

Speaker: Josh Kaufmann

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034) and the post hearing notes submitted at Deadline 6.

Question 9.5

The Applicant to describe the expert views on comparative depths of made ground, contamination, ground obstructions, variable ground potentially vulnerable to differential settlement, soft ground potentially vulnerable to adverse total settlement and potential ground gas at Milton Common and the source of these views ([REP1-091] CA1.3.18).

Speaker: Josh Kaufmann

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 9.6

The Applicant and PCC to explain their current positions on the Milton Common options [REP1-091] (CA1.3.106).

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

CROWN LAND AND INTERESTS

Question 10.1

The Applicant to provide an update on discussions with the Crown Estate Commissioners.

Speaker: Alan O'Sullivan

- The Applicant has submitted a change request which results in removal of Plots 1-66 and 1-67 from the Order Limits.

- The Applicant is involved in discussions with Burges Salmon LLP in relation to Plot 3-21.
- The Applicant is also involved in discussions with Womble Bond Dickenson LLP in relation to Plot 7-22.

Question 10.2

The Applicant to provide an update on discussions with the Ministry of Defence.

Speaker: Alan O’Sullivan

- Discussions are also progressing with the Secretary of State for Defence and the Applicant anticipates that matters will be agreed before the end of the Examination.

STATUTORY UNDERTAKERS AND STATUTORY BODIES

Question 11.1

The Applicant to list and briefly set out any applications made under s127 of the PA2008 and not withdrawn.

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 11.2

The Applicant to explain the application of s138 of the PA2008 to the dDCO and list the Statutory Undertakers involved.

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 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.

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 11.4

The Applicant to explain why the Environment Agency is referred to in Appendix B of the Statement of Reasons (SoR) [APP-022] and in the Book of Reference (BoR) [APP-024] as a Category 1 and 2 person, a Part 2 person for potential claims and a Part 3 person with an affected easement or private right but not included in the SoR paragraph 8.2.1. Also, to provide a brief update, in the context of Appendix B to the Statement of Reasons [REP1-026], on the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses ([REP1-091] CA1.3.42).

Speaker: Martyn Jarvis

- Please refer to the Applicant’s transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 11.5

The Applicant to provide an update on discussions with Natural England in respect of Denmead Meadows ([REP1-091] CA1.3.21).

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 11.6

The Applicant to explain why:

- **GTC Infrastructure Ltd Gas appears in the SoR but not in BoR, whereas GTC Pipelines Limited does;**
- **the BoR refers to 'SSE Services plc ' as a Category 1 and 2 person, a Part 2 person for potential claims and a Part 3 person with an affected easement or private right but this is not included in the SoR paragraph 8.2.1;**
- **Leep Networks (Water) Limited and British Gas Limited are BoR Part 1 Category 2 parties but are not in the SoR; and**
- **Arqiva Services Limited is a BoR Part 2 party but not in the SoR.**

Speaker: N/A

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

Question 11.7

The Applicant to advise whether the RWE Renewables UK Limited Relevant Representation [RR-018] should be considered under s127 and/ or s138 of the Planning Act 2008 ([REP1-091] and [CA1.3.78]).

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH1 submitted at Deadline 5 (REP5-034).

AQUIND INTERCONNECTOR

COMPULSORY ACQUISITION HEARING 2 – FRIDAY 11 DECEMBER

POST HEARING SUMMARY OF ORAL SUBMISSIONS

1. **OVERVIEW**

- 1.1 On 14 November 2019, AQUIND Limited (the '**Applicant**') submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State (the '**Application**').
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020.
- 1.3 Compulsory Acquisition Hearing 2 ('**CAH2**') took place on Friday 11 December and the Applicant submitted a detailed written transcript for CAH2 at Deadline 5 (REP5-057).
- 1.4 This document contains the Applicant's written summaries of the oral submissions made at CAH2. It is intended to supplement the Applicant's hearing transcript for CAH2 and highlight any additional points raised in summary form.
- 1.5 Where further information was requested by the Examining Authority at the hearings, this has been provided in the post hearing notes submitted at Deadline 6 and that information is not repeated in this document.

2. WRITTEN SUMMARY OF ORAL SUBMISSIONS

SUMMARY OF DCO PROVISIONS

Question 3.1

The Applicant to set out briefly which draft DCO (dDCO) Articles engage Compulsory Acquisition and Temporary Possession powers.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057).

Question 3.2

The Applicant to briefly summarise any other provisions in the dDCO relating to Compulsory Acquisition and Temporary Possession.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057).

HUMAN RIGHTS AND DUTIES UNDER THE EQUALITY ACT 2010

Question 4.1

The Applicant to set out briefly the consideration of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) in relation to the application.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057).

Question 4.2

The Applicant to set out briefly, as above, the consideration of Article 6 of the ECHR.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057).

Question 4.3

The Applicant to set out briefly, as above, the consideration of Article 8 of the ECHR.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057).

Question 4.4

The Applicant to set out briefly any duties under the Equality Act 2010 in relation to the application.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057) and the updated Equalities Statement submitted at Deadline 6.

REVIEW OF THE COMPULSORY ACQUISITION SCHEDULE

Question 5.1

The Applicant to summarise outstanding objections and progress with negotiations on alternatives to Compulsory Acquisition.

Speaker: Martyn Jarvis

- Please refer to the Applicant's transcript for CAH2 submitted at Deadline 5 (REP5-057).

REPRESENTATIONS FROM AFFECTED PERSONS AND OTHER INTERESTED PARTIES

Question 6.1

Affected Persons who requested a Compulsory Acquisition Hearing and wish to make oral representations

Speakers: Martyn Jarvis and Alan O'Sullivan

- Please refer to the Applicant's response to Deadline 4 and Deadline 5 submissions submitted at Deadline 6.

1. Mr. Christiaan Zwart on behalf of Geoffrey and Peter Carpenter

- In response to the specific points raised at the hearings, it was noted:
 - The Applicant applied for a section 35 direction for an energy project and the proposed commercial use is development associated with that project for the purposes of section 115 of the PA 2008. Nothing in the Act limits associated development to energy development.
 - The outer diameter of the fibre optic cables needs to be able to withstand the various pressures to which they will be subject during transport and installation. Their size does not change with function.
 - Whilst the commercial use of the fibre optic cables is not required in order to provide a cross subsidy, there are significant public benefits associated with the commercial use of fibre optic cables.
 - The "sea of red" as shown on the Land Plans is for the Converter Station itself and cut and fill operation to accommodate the platform. It includes the area for drainage, access, telecoms and landscaping and biodiversity improvements.
 - Maintaining the access road width is required for the transportation of transformers and the position of the access road takes into account the existing constraints. For example, on the eastern side of by Broadway lane there are constraints from existing underground oil filled cables, existing ancient woodlands (Stoneacre Crops).
 - The proposed alternative route along farm track suggested by Mr Zwart was discussed at a meeting on 15 November 2020. The fundamental requirement is for the Applicant to be able to bring transformers in by road. Both the initial installation and any subsequent replacement would require adequately sized cranes which, given the weight of the transformers (300-350 tonnes), are substantially sized vehicles
 - The Applicant's key concern is that the turning radius wouldn't be sufficient to get through this area as a 15m buffer from Stoneacre copse is necessary. It would result in the removal of ancient woodland and would run under the existing

overhead line configuration. The removal of ancient woodland would be contrary to the following policies and guidance which protect ancient woodland:

- National Policy Statement for Energy: EN-1 provides guidance regarding Ancient Woodland, noting that once lost it cannot be recreated and advising that “the Infrastructure Planning Commission should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that location outweigh the loss of the woodland habitat.”
 - National Planning Policy Framework: Paragraph 175 of the NPPF notes that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.
 - Natural England and Forestry Commission Guidance - Ancient Woodland, ancient trees and veteran trees: protecting them from development (November 2018): Combined Natural England and Forestry Commission guidance refers to that set out in the NPPF with regard to planning permission. The guidance also advises on the use of buffer zones to protect Ancient Woodland. A buffer zone of at least 15m should be implemented around Ancient Woodland to avoid root damage. A buffer zone around a single ancient or veteran tree should be at least 15 times larger than the diameter of the tree and the buffer zone should be 5m from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter.
 - Woodland Trust Practical Guidance – Planning for Ancient Woodland Planner’s Manual for Ancient Woodland and Veteran Trees (October 2017): This guidance contains guiding principles to support good practice and regarding Ancient Woodland and veteran trees and includes the provision of adequate buffers in relation to ancient Woodlands and veteran trees.
- With regards to the clearances from the overhead lines in the area running parallel to the northern edge of Stoneacre Copse, the overhead lines in this area are lower than in the area further west where the Access Road is proposed as a result of the OHL terminating in the south west corner of the National Grid substation, immediately east of the area suggested for the alternative access road. Works in proximity to overhead must comply with the relevant guidance in this regard (Energy Networks Association Technical Specification 43-8, Overhead Lines Clearances).
 - Given the presence of the Stoneacre Copse and Crabden’s Copse, the Applicant has not specifically assessed the clearances from the OHLs in this area to confirm their suitability, with the removal of the ancient woodland in this area deemed to be unacceptable in light of the relevant policies and guidance in this regard referred to above.
 - It would not be feasible to have a temporary access road.
 - When a transformer needs to be replaced a crane and substantially sized vehicle will be required to move it into place and remove the defunct transformer offsite. Transformers are expensive, heavy and it is not standard practice to store more than one spare transformer on site.
 - The Applicant has engaged with landowners in relation to the proposed battery storage facilities and those landowners have set out their preference that the plans shouldn’t prejudice their ability to bring forward other proposals.
 - The location of the attenuation pond has been carefully considered based on engineering constraints.

- The landscaping proposed is the minimum which is necessary to mitigate effects of the development.
- The Applicant's Financial Statements for the year ended 30 June 2019 were submitted at Deadline 1 (REP1-095).
- Points in relation to funding and regulatory matters are addressed in the Applicant's transcript for Compulsory Acquisition Hearing 1 (REP1-095). A number of the points raised on behalf of the Carpenters are not relevant.

2. Sainsbury's Supermarkets Limited

- It was acknowledged that changes have been made to the Application since the consultation was carried out in 2018 and 2019. In particular, a substantial amount of land has been removed from Eastern Road in attempt to secure the least impactful route. Further, at Deadline 1, an area of highway land adjacent to Zetland fields was removed.
- The alternative proposal proposed by Sainsbury's would remove a length of 150m of cable route from Sainsbury's land. That amounts to 300m of trenching and based on installation rate of 100m per week would amount to approximately 3 weeks work.
- There are quite a number of trees next to that pavement suggested by SSI as an alternative route, and the Applicant seeks to avoid root protection areas which would result in needing to install the cable in the carriageway itself. That would have more significant effects on Sainsbury's that running cables through land.
- A memorandum was sent to Sainsbury's on 26 November 2020 which contained the following proposals:
 - The Applicant would avoid key working times around Christmas and running up to and during Easter and confirms applicant willing to commit to those measures.
 - Works could only commence at 6.30pm and would need to be completed by 7am in the morning. That would involve works for 3.5 hours whilst store is open. The Applicant's view is that the vast majority of store traffic would have actually used it by that point of the day. This takes into account the noise and vibration mitigation whereby the Applicant has committed to not undertaking any significant noise generating activities such as tarmac cutting and breaking between the hours of 10pm and 7am.
 - The memorandum also identifies where it may be possible to remove land from Order Limits and where it might be possible to reduce the rights required from new connection rights to temporary use of land. In addition, it states that the Applicant would be willing to agree to a communication protocol to ensure appropriate notice in advance of works commencing.
- In respect of engagement, the Applicant first engaged with Sainsbury's in 2017 in relation to ground investigations. Surveys were subsequently undertaken in 2018 and a meeting took place in March 2019 to discuss the consultation document. That meeting was summarised and another detailed email was provided explaining how the proposal could affect Sainsbury's however feedback was not received until May 2020.
- The memorandum of 26 November 2020 was based on a number of meetings since the appointment of the Council's land agent. The Applicant is confident that matters can be agreed however it does not believe that rerouting provides any benefits and would actually have a more negative impact on Sainsbury's (when compared with the current proposal to only carry out works between 6.30pm and 7am).
- The Applicant acknowledges that a balance needs to be struck between environmental considerations on the one hand and impacts to Sainsbury's on the other hand. The applicant has put forward measures to ensure access is retained. The Applicant's view is that the option put forward is the least impactful.

- The Applicant's intention is to enter into a voluntary agreement with Sainsbury's, and any agreed measures would be contained in that agreement. However, the Applicant acknowledges that if agreement cannot be reached it may be appropriate to include appropriate provisions in the DCO.

3. University of Portsmouth

- Engagement with the University of Portsmouth commenced in July 2018 and further engagement took place in 2019. HoTs sent in December 2019 and the Applicant requested further meetings on 12 occasions between 12 December and 11 November 2020. The Applicant finally received a response on 13 November 2020 and meeting took place on 20 November 2020. The Applicant welcomes further engagement to address the University's concerns.
- Following the removal of Furze Lane from the Order Limits, the Onshore Cable Route will be installed on the east of the University land and the Applicant's preference is to keep cable as far east as possible.
- There are approximately two circuits along that stretch of the route of 325m each (650m total). Assuming an installation rate of approximately 50 m a day it would take 3 weeks to carry out the works of the University's with reinstatement to follow.
- The Applicant is keen to progress discussions with the University of Portsmouth with a view to securing voluntary agreement.

4. Portsmouth City Council

Engagement

- Engagement with PCC started in 2017. The first meeting was held in 2018, with subsequent meetings held throughout 2018 and 2019. Heads of terms were issued in February 2020 and the Applicant is yet to receive any feedback from the Council.
- The Applicant welcomes the appointment of Mr Cunliffe and is currently working towards agreeing revised Heads of Terms.

Extent of Order Limits

- The Applicant's response to question 4.1 in the hearing transcript for CAH1 clearly sets out the reasons why the land is required (REP5-034).
- Where the Order Limits are necessarily wider, this is in order to accommodate the HDD installations.

Funding and regulatory status

- The Applicant refers to the hearing transcript for CAH1 (REP5-034) and the updated Funding Statement submitted at Deadline 6.
- The loss of PCI status is not in any way an impediment to the scheme being brought forward.

Open Space and Special Category Land

- The Applicant has sought to engage with PCC on the Framework Management Plan for Recreational Impacts however it has received limited feedback to date. The Applicant acknowledges that further consideration of restoration timescales is required and further work is taking place in try and address some of PCC's concerns.

- The Applicant refers question 6.1 of the hearing transcript for CAH1 (REP5-034) which sets out the Applicant's view on how the tests in relation to special category land have been satisfied.

Highway Land

- The Highway Subsoil Acquisition Position Statement (REP1-131) sets out the position with regard to compensation.
- It is not practicable to negotiate with all of the landowners of highway sub-soil and in the rare instances where it is necessary to go beneath the plane of the highway, compensation is available.

Alternatives

- It is not feasible to use HDD for extreme lengths and therefore the alternative proposed by PCC to use HDD at Farlington Playing Fields is not practicable.

FOC Infrastructure

- The position in relation to FOC Infrastructure has been discussed with PCC on numerous occasions and a position statement has been submitted explaining why the Applicant considers it does satisfy the requirements of the Planning Act (REP1-127).

Fort Cumberland and surrounds

- Fort Cumberland car park does not satisfy the definition of 'special category land'. The Applicant has provided a lot of information to PCC in relation the car park and maintains that there will be a long term benefit in relation to the car par as the mitigation proposed includes resurfacing.

Question 6.2

Other Affected Persons wishing to make oral representations.

- N/A

Question 6.3

Any section 102 parties or Category 3 persons wishing to make oral representations.

- N/A

Question 6.4

Interested Parties wishing to make oral representations on the temporary use of land.

- N/A

