



**AQUIND Limited**

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# **AQUIND INTERCONNECTOR**

## **Applicant's Response to Deadline 4 Submissions**

The Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(1)(c)

Document Ref: 7.9.23

PINS Ref.: EN020022

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**DOCUMENT: 7.9.23**

**DATE: 23 DECEMBER 2020**

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## DOCUMENT

<b>Document</b>	<b>7.9.23 Applicant's Response to Deadline 4 Submissions</b>
<b>Revision</b>	001
<b>Document Owner</b>	WSP UK Limited
<b>Prepared By</b>	Various
<b>Date</b>	23 December 2020
<b>Approved By</b>	A.Hallam
<b>Date</b>	23 December 2020

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# 1. INTRODUCTION

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- 1.1.1.1. The following tables set out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 4.
- 1.1.1.2. A response has not be provided for each individual submission or topic raised. The responses have focused on issues thought to be of most assistance to the ExA and the relevant Interested Party. Where points have been raised by various parties, the Applicant has responded once, but the responses are applicable to all parties who have raised the same issue in their responses.
- 1.1.1.3. The Applicant also does not seek to respond to all responses where the Applicant's response is already contained within other submissions made since the Application was accepted, save where it is thought helpful to repeat or cross refer to the information contained in the previously submitted documentation.

## 2. LOCAL AUTHORITIES

**Table 2.1 – Havant Borough Council (HBC)**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
<b>Alternative Route Opportunities – Ecology, Sterilisation of Land and Minerals and Waste</b>		
4 - 15	<p>HBC does not prejudge that a countryside route would be acceptable, however, the Council questions if the countryside route was considered previously by the Applicant and concerns remain regarding the evidence that the cable route was first considered and selected in 2017.</p> <p>In addition, the Council continue to raise concerns regarding the discounting of the 'Countryside Route'. Including:</p> <ul style="list-style-type: none"> <li>• The level of engagement with Natural England, Winchester City Council and the Minerals and Waste Authority on the potential alternative routes; and</li> <li>• The potential sterilisation of land and impact on the West of Waterlooville MDA.</li> </ul>	<p>A cross-country option was considered in 2017 and 2018, including following the receipt of feedback from local authorities to further look into non-highway options.</p> <p>A route through the fields, adjacent to the A3 to the west, has been fully considered by the Applicant in a proportionate manner. A review of environmental designations and constraints showed areas of Priority Habitat, Sites of Importance for Nature Conservation (SINCs) and Ancient and Replanted Woodland. As well as environmental constraints, other important factors including considerations in respect of the potential need to compulsorily acquire land and the potential for and impacts on future development (including strategic housing allocations) were taken into account. The Applicant's reasoned conclusion was that a route across the countryside in this location was not preferable as an alternative to the route selected and should not be pursued.</p> <p>In July 2019 prior to the submission of the Application the Applicant discussed the implications of a possible alternative route for the Proposed Development identified by Winchester City Council (WCC) and HBC with Natural England. This alternative route would be primarily 'across country' rather than follow highways as per the Proposed Development. It was agreed that both the Applicant and NE consider there to be more likely significant ecological implications from a cross country route, including on non-statutory designated sites and protected and notable species/habitats. This agreement on position is confirmed in Ref NE4.9.1 of the Statement of Common Ground Agreed (SoCG) Draft (REP5-027).</p> <p>A meeting was held between the Applicant and WCC on 13 August 2019, where the Applicant discussed the alternative route put forward by WCC, confirming the constraints present in that location.</p> <p>The Minerals and Waste Authority was not contacted with regards to the potential alternative routes as it was not deemed necessary following identification of the significant constraints present and decision not to pursue this route, with the conclusions made in this regard being based on multiple relevant considerations more fully explained in the Supplementary Alternatives Chapter (REP1-152).</p> <p>The Applicant identified land sterilisation (putting restrictions on a plot or portion of land to prohibit all/some building/improvements) as a constraint West of Waterlooville as the land above the cable route would need to be kept clear from development and any significant vegetation. This would apply to the permanent easement of the cable route. The land over which both routes are located is partially allocated as a strategic housing site in WCC's Adopted Local Plan Core Strategy for the delivery of up to 3,000 homes and supporting uses to the west of Waterlooville.</p>

		<p>The Applicant liaised with the developer who had prepared an updated delivery programme and masterplan associated with the MDA, confirming that there was no definitive date for the completion of the highway elements within the site. The Applicant was advised by the developer that due to the long-term nature of the construction associated with the development, comprising 14 phases, they would not be able to support any infrastructure unrelated to their development that could complicate their programme, cause construction delays and also introduce uncertainty to potential buyers/occupiers of the development. The uncertainty of the phasing would have the very potential impact on and present an impediment to the delivery of the Proposed Development.</p> <p>Therefore, due to the proposed timing of construction of the Proposed Development, and the delivery programme for the West Waterlooville MDA, being a strategic housing and employment allocation, amongst other considerations, routing through this area was not considered a feasible reasonable alternative to the proposed highway route.</p>
<p><b>Draft Development Consent Order</b></p>		
<p><b>HBC 4.12.2</b></p>	<p>HBC continue to question the approach to statutory nuisance process set out at Article 9 of the dDCO and requested a fuller justification for the approach.</p>	<p>The Applicant has continued to engage with HBC on this point through ongoing discussions on the SoCG. In the most recent draft SoCG submitted at Deadline 6 the following comments have been provided as follows:</p> <p><i>HBC has queried Article 9 of the draft DCO in respect to statutory nuisance and considers that this should be removed. The Applicant has advised that this Article that will remain in the DCO as it is necessary to protect the delivery of the nationally significant infrastructure project. The Applicant has explained other examples to HBC. This point remains under discussion, with the Applicant to provide revised drafting to seek to address the comments raised.</i></p> <p>The Applicant has proposed updates to the draft DCO, including in respect of Article 9, and this matter was discussed further during the hearings into the Application held on w/c 7<sup>th</sup> and 14<sup>th</sup> December, with the Applicant explaining why this is a necessary inclusion in relation to both the construction and operation of the Proposed Development. The Applicant will continue to discuss this with HBC as necessary and considers that seeking to reach agreement on this through discussions with HBC on the SoCG is the most appropriate way to take this forward, albeit the Applicant's position is settled.</p>



**Table 2.2 - Portsmouth City Council**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
<b>General Comments on Draft DCO</b>		
9	PCC has continued concerns in respect of the proposed procedure within Schedule 3 and Schedule 13 of the dDCO which deems approval in the absence of a response from PCC, and questions why a different approach is provided in the Protective Provisions for Highways England.	The Applicant has explained that it is necessary for deemed approvals to be provided for to ensure there is no impediment to the delivery of the Proposed Development. The Applicant's position in this regard is supported by precedent provided by many made DCOs which include for deemed approvals where responses are not received in the timescales provided for within the DCO.
<b>Trees and Impact</b>		
12	PCC is pleased to note the reduction of the number of protected trees in Schedule 11 that would be affected. However, PCC reiterated the concern that the removal of any particular TPO tree is unnecessary and unjustified and maintains that the reduction to the scope of Schedule 11 does not fully address their concerns.	Trees will only be removed where their retention is not viable. The exact trees to be retained and lost will be determined at detailed design stage and confirmed within the Arboriculture Method Statement to be produced in consultation with and for the approval of PCC. This is secured via Requirement 15 of the dDCO (REP5-008).
<b>Permit Scheme Disapplication</b>		
15	PCC maintains its objection to the disapplication of its Permit Scheme made pursuant to Part 3 of the Traffic Management Act 200 ("TMA") (Sections 32 to 39) and the Traffic Management Permit Schemes (England) Regulations 2007 ("the Regulations").	The Applicant has now confirmed to PCC that the permit scheme will apply to street works associated with the Proposed Development, with its application to the Proposed Development being aligned with the need for compliance with the Framework Traffic Management Strategy (REP1-068) which identifies the mitigations and controls in relation to works on the highway as is required in accordance with Regulation 14(2)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017. This is provided for at Article 9A of the draft DCO submitted at Deadline 5 (REP5-008).
<b>Lead Local Flood Authority</b>		
18	PCC request further engagement with the Applicant as the Lead Local Flood Authority for its area.	The Applicant most recently held a meeting with Portsmouth City Council Lead Local Flood Authority (PCC LLFA) on 26 November 2020. This meeting discussed the latest information available in relation to the flood risk and surface water environment and the relevant sections of the PCC SoCG (Table 4.7) (REP4-009). The engagement identified that the Applicant and PCC LLFA are generally aligned, and the Applicant awaits comments back from PCC LLFA on the PCC SoCG to update Table 4.7 where agreement has mutually been reached.
<b>CEMP - and Later Details</b>		
19	PCC maintains its concerns regarding the Applicant's approach to the Onshore Outline Construction Environmental Management Plan and considers that the Applicant's approach would defer important details as to construction until a later stage.	The detailed management plans, such as the detailed phase CEMP's, will be live documents as they will be produced and refined at the detailed design and the construction stage.

		<p>The outline plans set out the approaches and principles that must be adopted and have been referred to as 'Outline' or 'Framework' for the Application. The detailed design documents are live so that the detailed management plans can be further developed as the scheme and methodology detail develops, within the scope of the controls provided and fixed by the outline/framework documents, which are not themselves live documents.</p> <p>No phase of the works may commence until the relevant detailed management plans relating to that phase has been submitted to and approved by the relevant discharging authority.</p> <p>The Mitigation Schedule (REP2-005) identifies the means by which the management plans are secured. Appendix 1 (Mitigation and Control Chart) sets out the Requirements as per the dDCO (REP5-008), illustrating the securing mechanisms and hierarchy of the various control documents for the onshore and marine elements of the Proposed Development. The Mitigation and Control Chart shows how the outline documents prepared correlate to subsequent detailed submissions to be submitted to, and approved by, the relevant planning authority.</p>
<p><b>Funding</b></p>		
<p>22</p>	<p>PCC considers that the Applicant's Responses to Deadline 2 Submissions (REP3-014) do not address the concerns that PCC has raised in respect of ambiguity and the absence of sufficient detail as to proper funding for the project.</p> <p>In particular PCC considers that evidence of the availability of funds required for the compulsory acquisition powers has not been provided. And that a bond is required to ensure that the Applicant can demonstrate it has the resources to fund the proposed acquisition of rights and which are having a blighting effect on land now.</p>	<p>The Applicant's position with respect to funding has been clearly set out in the Funding Statement (APP-023) and in the responses to ExA Written Questions (REP1-091) CA1.3.1, CA1.3.10, CA. 1.3.95, CA 1.3.96, CA 1.3.97 and CA 1.3.104. An updated Funding Statement is provided at Deadline 6.</p> <p>The Applicant is of the view that a bond is not necessary, with the funds for the delivery of the Proposed Development, including those required for the compulsory acquisition, to be secured prior to the development commencing.</p>
<p><b>Fibre Optic Cable and ORS: 'Associated Development'</b></p>		
<p>29</p>	<p>With reference to paragraphs 88-89 of the Applicant's Response to Deadline 2 Submissions (REP3-014), PCC disagrees that it would be lawful to include fibre optic cables and equipment as associated development for the purposes the Applicant is seeking.</p> <p>The ORS are designed solely to serve commercial data purposes totally distinct from the transmission of electricity.</p>	<p>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1-127).</p> <p>The assertion that the ORS are solely to serve commercial data purposes as distinct from the transmission of electricity is incorrect. As explained in Section 2.2 of "Statement in Relation to FOC" (REP1-127), the principal need for the ORS is to support the primary function of the Proposed Development through amplifying the optical signals to ensure the quality of signal transfer between converter stations in the UK and in France for control and monitoring purposes.</p>

30	<p>PCC maintain its concern that the spare capacity within the fibre optic cables would be used for commercial use. PCC also question the need for fibre optic cables associated with the interconnector; why the excess capacity should arise; and whether such surplus capacity is an inevitable feature of the interconnector.</p>	<p>The Applicant has been clear in its application for a Section 35 Direction, in pre-application consultation and in the documents submitted for the Application that it is proposed the spare capacity of the fibre optic cables which are required for the operation of the Proposed Development would be used for commercial telecommunications purposes.</p> <p>The need for the fibre optic cables associated with the operation of the Proposed Development is explained at paragraphs 3.5.3.7, 3.5.9.6, 3.6.2.8, 3.6.3.21 and 3.6.3.22 of the Chapter 3 of the ES, Description of the Proposed Development (APP-118). The need for fibre optic cables is also explained in the Design and Access Statement, for example at paragraph 5.4.1.1 (REP1-031). The need for commercial telecommunications infrastructure is explained at section 6 of the Needs and Benefits Addendum (REP1-136).</p> <p>An explanation of why there is to be spare capacity within the fibre optic cables which may be used for commercial telecommunications purposes is clearly explained at section 5 of the Statement in Relation to FOC (REP1-127), particularly paragraph 5.2.</p>
39	<p>Beyond the above there is the further extraordinary assertion within the Statement in Relation to FOC" (REP1-127 ) (doc ref 7.7.1) at para 4.6 namely that "the proposed Development is not an NSIP". Despite paragraph 100 of the 'Applicant's Response to Deadline 2 Submissions (ref 7.9.6.) stating that this comment is meant to be understood to be that the Proposed Development is not an NSIP by reference to how "NSIP" is defined in the Planning Act 2008, the context of the comment is significant.</p>	<p>For the purposes of the Planning Act 2008 what is a nationally significant infrastructure project is defined at Section 14 of the Planning Act 2008. Electricity Interconnectors are not a project within Section 14 of the Planning Act 2008.</p> <p>The Proposed Development has been confirmed to be nationally significant by itself, and development (together with any development associated with it) for which development consent is required, within the direction issued by the Secretary of State pursuant to Section 35 of the Planning Act 2008 dated 30 July 2018 (AS-039).</p>
40	<p>What Herbert Smith Freehills argue on behalf of the Applicant is that the "Proposed Development" should include the FOC commercial cables (see para 3.3 of doc ref 7.7.1) however when it comes to applying the Government Guidance and especially PINS Advice Note 13 (AN 13), there is an obvious difficulty in arguing that this purported associated development is "subordinate to the NSIP" as well as " necessary for the development to operate effectively to its design capacity" as set out in AN 13 para 2.9. It is at this point it is suggested that there is some question over what is the NSIP following the s35 Direction.</p>	<p>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1-127).</p> <p>That the proposed commercial use of the fibre optic cables is subordinate to the primary purpose of cable control, protection and monitoring in connection the primary use of the Proposed Development, being the transfer and conversion of electricity, is confirmed within the table contained at Annex 1 of the Statement in Relation to FOC.</p>
41	<p>PCC submits that the position is in fact palpably clear - the s35 Direction concluded that the scheme i.e. the electricity interconnector should be treated as an NSIP under the PA 08 and</p>	<p>The Section 35 Direction (AS-039) is very clear in its terms, stating "<i>THE SECRETARY OF STATE DIRECTS that the proposed Development, together with</i></p>

	<p>that any other development sought by the application for a DCO under PA 08 should be assessed by reference to the development and operation of the electricity interconnector.</p> <p>The Applicant edges some way in that direction by using terms such as 'principal' and 'ancillary' used under the Town and Country Planning Act 1990 regime but PCC urges the ExA not to go down this route as the terms are clearly used in very different ways i.e. 'NSIP' and 'associated development' do not equate to 'principal' and 'ancillary'.</p>	<p><i>any development associated with it, is to be treated as development for which development consent is required</i>".</p> <p>The Section 35 Direction is also clear that "<i>The proposed Development does not currently fall within the existing definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35 of the Act</i>". If the Proposed Development were not a nationally significant infrastructure project it would have been appropriate to consider the use of the power in section 35 of the Planning Act 2008, as the Proposed Development would already have been development for which development consent is required (see Section 31 of Planning Act 2008).</p> <p>The Applicant has confirmed in the Statement in Relation to FOC (REP1-127) why the commercial telecommunications use of the fibre optic cables and the infrastructure associated with that use is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC.</p>
<p>42</p>	<p>For completeness the ExA's attention is drawn to s.35 (1) PA 08 which inter alia confirms that the states the 'direction' there under that the Secretary of State may give is "for development to be treated as development for which development consent is required" and s.31 of the PA 08 confirms that "Consent under this Act ("development consent") is required for development to the extent that the development is or forms part of a nationally significant infrastructure project.". If the Applicant is asserting that none of the proposed development is or "is or forms part of a nationally significant infrastructure project" then this DCO application should clearly be withdrawn forthwith.</p>	<p>PCC are confused in their interpretation of the Planning Act 2008. The Section 35 Direction (AS-039) confirms that the Proposed Development, together with any development associated with it, is development for which development consent is required. Section 35 of the Planning Act 2008 provides the ability for such directions to be made by the Secretary of State, which is separate from and in addition to Section 31 of the Planning Act 2008. PCC seek to argue Section 31 excludes Section 35, which is obviously not the case.</p>
<p>43</p>	<p>Furthermore the Statement in Relation to FOC (REP1-127) (doc ref 7.7.1) concedes that the full extent of the development (ORS building and telecommunications buildings) is materially influenced by the commercial FOC opportunities, which is extraneous to the central purpose of electricity transmission served by an interconnector.</p> <p>This ties in with the points raised above as to why this 'spare capacity' has arisen.</p> <p>Consequently, and in light of the Applicant's response to paragraph 105, this further underscores the need in PCC's submission for the ExA to hold an Issue Specific Hearing on Fibre Optic Cable and Associated development in order to ensure adequate examination of this important issue or at least to ensure that PCC has a fair chance to put forward its case that none of the commercial FOC related aspect of this proposed scheme can lawfully be the subject of this DCO application.</p> <p>Furthermore PCC. in the event of the ExA deciding to hold such an ISH would want to cross examine the Applicant's experts put forward to explain and justify this issue to ensure the adequate testing of the Applicant's case given their representations and responses to date as well as allowing PCC a fair chance to put its case in this regard. To be clear, whilst this may well be raised in the context of the CA hearings, the issue in PCC is a very important and material one to the ExA's task and the SofS's decision.</p>	<p>The Applicant has clearly set out the position with regard to how elements of the Proposed Development, the telecommunications buildings and the optical regenerations stations, are related to the proposed commercial use of the spare fibres in the fibre optic cables required in connection with the operation of the Proposed Development.</p> <p>It is noted that issues relating to the fibre optic cables were discussed at the hearings held in relation to the Proposed Development on w/c 7<sup>th</sup> and 14<sup>th</sup> December, and this included questions in relation to the commercial use and associated development by PCC and responses being provided by the Applicant.</p> <p>With the above in mind, the Applicant is of the view that it is not necessary for an issue specific hearing to be held on this matter, albeit it is acknowledged that this is a matter for the ExA to decide.</p>

**Impact on Milton Allotments - Protecting Interests as Affected Persons of Allotment Holders and Disruption to Allotment as Space**

47	<p>PCC considered that the potential amendments to the Land Plans, the Book of Reference and the Works Plans (as set out in the Applicants response to request for further information Rule 17 in relation to Eastney and Milton Allotments (REP3-020)) do not go far enough and that the amendments should seek to specify acquisition of subsoil only.</p>	<p>The Book of Reference (REP5-014) is clear in explaining the rights which may be acquired in relation to the different strata of the allotments (plots 10-14, 10-14a and 10-14b), with New Connection Works Rights sub-classes Classes (a), (d) and (h) only being applicable to the subsoil below 2.5m bgl and no powers of permanent acquisition being authorised over the surface of the allotment plots.</p>
48	<p>Following the ExA's procedural decision that affected allotment holders are within sections 102A and 102B Planning Act 2008 and that the ExA must be furnished with their details by Deadline 5 in order to notify those who have not yet been identified, the ExA has given notice through its letter of 11 November 2020 that a number of allotment holders (Julian Lloyd, Millie Ansell, Bernard George, Andrew Leonard, Brian Simmons, Philippa Pettitt, Derek McCullough, Malcolm Williams, Mark Lemon, Catherine Reddy, and Kirsten Mcfarlane) have become Interested Parties.</p>	<p>The Applicant recognises this and the Book of Reference (REP5-014) as submitted at Deadline 5 reflects this. Where further information has been provided regarding interests held in the Allotments plots within the Order limits, these are included in the updates made to the Book of Reference at Deadline 6.</p>
<p><b>Impact on Recreation / Open Space</b></p>		
51	<p>PCC has reviewed the 'Applicant's Responses to Deadline 2 Submissions' (REP3-014) in respect of the Special Category Land and maintain their objections regarding the inclusion of the impact on large areas of recreational land and the displacement of users over an extended period of time.</p> <p>PCC objects to the impact of the construction of the scheme on the playing fields and to the compulsory acquisition of the interests in these plots and the imposition of those overriding rights being applied because the rights created could potentially disturb use (in this case play) for years to follow.</p> <p>If it is possible to avoid disturbance during the operational period by pulling faulty cables through cable link bays at the allotments rather than open-trenching, as has been suggested by the Applicant, PCC would expect the same protection to be secured for this crucial open space land.</p>	<p>The Applicant has explained in its submissions for Compulsory Acquisition Hearing 1 why the areas of land which are special category land are required for/to facilitate the delivery of the Proposed Development. The Applicant has provided further indicative information regarding how the special category land is to be used and will be affected by the Proposed Development within its Post-Hearing Notes bundle submitted at Deadline 6.</p> <p>The Applicant has also in its transcript for Compulsory Acquisition Hearing 1 (REP5-034) in response to question 6.1 on the agenda explained why it considers the tests provided for in Sections 132(3) and 132(4a) are satisfied in relation to the proposed compulsory acquisition of rights and restrictions over open space contained within the Order limits.</p> <p>In the very unlikely event of a cable fault, the cable would be pulled through joint bays for repair. To provide confidence that joint bays would not be located on sports pitches, the following was added to the OOCEMP submitted at Deadline 5: <i>Joint Bays will not be located within sports pitches (5.13.4.1, REP5-019).</i></p>
53	<p>Whilst the Applicant will have 7 years to exercise the CPO powers, it is not the case that the works will be ongoing for 7 years. However, PCC considers that no mechanisms has been provided within the application to manage the occupation of this recreational/open space land on a specified shorter temporary basis, and as such the prospect is one of users of recreational land being displaced and burdening uncertainty for 7 years.</p>	<p>Restrictions apply in relation to when works may be undertaken on Farlington Playing Fields in connection with wintering birds, requiring works to not be undertaken in that location between October to March (see paragraphs 6.2.1.1 to 6.2.1.9 of the Onshore Outline Construction Environmental Management Plan (REP5-019).</p> <p>The Applicant has confirmed it anticipates works on Farlington Playing Fields to be undertaken over two summers (for a total duration of 52 weeks). There is no incentive for the Applicant to take longer to construct the Proposed Development than is necessary, and it is also not necessary to provide controls on how long the Applicant may be in occupation on Farlington Playing Fields. The Applicant is seeking engagement from PCC in relation to the measures that may be undertaken to mitigate impacts whilst works are ongoing, including the realignment of pitches so that less facilities are affected during the works. The Applicant require PCC</p>

		<p>engagement on this matter to secure additional mitigations for the benefit of the residents of Portsmouth. It should also be noted that the Applicant changed the dDCO submitted at Deadline 5 (REP5-008) to reduce the time limit within which the Compulsory Acquisition powers can be exercised to 5 years.</p>
<p><b>54</b></p>	<p>With regards to Farlington Playing Fields, PCC considers that there is conflicting details in the application documents.</p> <p>Namely, at table 2.12, paragraph 69 of the Applicant's Responses to Deadline 2 Submissions, it states that "Despite mitigation measures, Chapter 25 (Socioeconomics) of the ES (APP-140) concludes that there are significant residual effects at Farlington Fields, due to the extent and duration of the impact.'</p> <p>PCC consider that this text is contrary to the position taken by the Applicant in paragraph 1.5.5 of the Statement of Reasons (REP1-025) that:</p> <p>"The Applicant therefore considers that the special category land when burdened with the rights sought in the Order will be no less advantageous to any person or the public than it was before, and therefore the test provided for at section 132(3) of the Act is satisfied."</p>	<p>The significance of impact at Farlington Fields in the Socio-economic assessment was based on the duration of effects (52 weeks construction over 2 year period) and the extent of use by sports teams. It is also recognises that the impact is temporary and does not affect the entire site.</p> <p>The assessment reflects that the land will be reinstated to its original use and is therefore consistent with the statement at 1.5.5 of the Statement of Reasons (REP5-012).</p> <p>The Applicant has fully explained why section 132(3) of the Planning Act 2008 is satisfied in relation to the Proposed Development in its response to question 6.1 posed by the ExA at Compulsory Acquisition Hearing 1 within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034).</p>
<p><b>59</b></p>	<p>PCC maintains its view that the harm to playing pitch and recreation infrastructure is not sufficiently mitigated and considers that this is illustrated by the reference to 4.4.3.4 to 4.4.3.9 of the OOCEMP (doc ref 6.9) which is considered to be an example of an anticipated communications strategy being used as a placeholder for meaningful detail on the period of disruption to the playing fields.</p>	<p>PCC has not yet provided comments on the Framework Management Plan for Recreational Impacts (REP4-026). This was first issued in draft to them on the 16<sup>th</sup> June 2020 and subsequent drafts were issued at Deadline 1 and Deadline 4.</p> <p>At a meeting on 8<sup>th</sup> October 2020 to discuss the mitigation proposed, PCC stated that they could not comment on any of the mitigation proposed until the Order limits were updated to reflect the most recent iteration (submitted at Deadline 4), despite the amendments at that time proposed and now accepted not relating to the open space which the mitigations were proposed for. A further meeting was held on 16<sup>th</sup> December 2020 and PCC has stated that it will confirm which mitigation measures are acceptable in principle and whether any further mitigation can be applied.</p>
<p><b>61</b></p>	<p>PCC's remains, concerned with reference to paragraphs 64-75 of doc ref 7.6.9, as to the Applicant's claims set out in this response that phasing of works will, in its view, reduce impact on Victorious Camping at Farlington.</p> <p>The Framework Management Plan for Recreational Impacts (FMPRI) (REP1-144) does not however allow for any reinstatement until after the scheduled camping event, leaving the available area greatly reduced.</p> <p>PCC also consider that the Applicant has not confirmed when the drainage at Farlington will be reinstated. If this is not carried out on completion of phase 5 of FMP, pitches affected in phases 1 to 5 may not be playable for the period Oct 22 to March 23.</p>	<p>The Applicant's Responses to Deadline 3 Submissions (5.16-5.17, REP4-027) sets out what mitigation can and can't be achieved for the Victorious festival, essentially clearance of the area, but not full reinstatement of land. The Applicant understands that part of the affected area will be used for a car park during the festival (which would not conflict with previous use for temporary works) and the remaining area used as family camping would be affected (map shown in REP1-176).</p> <p>The Applicant continues to engage with PCC and is happy to discuss alternative mitigation which could be applied.</p> <p>Land drains damaged during construction of HDD pits and joint bays must be repaired on completion of the works ahead of subsoil back filling and this is secured in the updated Onshore Outline CEMP Section 6.2.9.4 submitted as a part of Deadline 6. A Land Drainage survey at pre-Construction Stage , Re-instatement plan and post-Construction Survey must be undertaken in order to monitor the impacts of</p>

		the Proposed Development (Para 6.9.2.1 of the Onshore Outline CEMP (REP5-019,Rev 005))
<b>Impact on Fort Cumberland Carpark and the ORS</b>		
65	<p>PCC maintains the position as set out in its 'Comments on responses to Deadline 2 and draft Development Consent Order' (REP3-025) paragraph 10.47. PCC has reviewed 'Applicant's Responses to Deadline 2 Submissions' (REP3-014) and considers that the responses (in particular paragraph 11 of table 2.12) fails to recognise the impact of the temporary and permanent land take at the Fort Cumberland car park. It is noted that the temporary land take of this seasonally heavily used car park is for a period of 66 weeks in addition to the permanent land take.</p>	<p>The Framework Management Plan for Recreational Impacts (REP4-026) states that the car park will be occupied by construction activities as follows:</p> <ul style="list-style-type: none"> <li>• HDD construction (44 weeks) - 75% of the car park occupied;</li> <li>• Construction of Transition Joint Bay for 1<sup>st</sup> circuit (5 weeks) - 50% of the car park occupied;</li> <li>• Construction of Transition Joint Bay for 2<sup>nd</sup> circuit (5 weeks) - 75% of the car park occupied ;</li> <li>• Construction of Optical Regeneration Stations (12 week) - 50% of the car park occupied.</li> </ul> <p>An occupancy survey undertaken on August bank holiday 2020 showed a maximum occupancy of 44% capacity on the Saturday, 90% on the Sunday, and 69% on the bank holiday Monday. Whilst the current presence of COVID -19 may not be reflective of 'normal' conditions, a previous occupancy survey undertaken on a non-bank holiday Friday in August 2019 showed a maximum occupancy of 25%.</p> <p>During construction, alternative parking would be available on surrounding residential streets, including Ferry Road, Fort Cumberland Road, Gibraltar Road, Lumsden Road and Finch Road, all within 300 m of the car park.</p> <p>The position with regard to the impacts of the proposed permanent land acquisition is explained below.</p>
66-69	<p>With regards to the impact the proposed ORS building and the impact on Fort Cumberland Carpark, PCC raise the following concerns:</p> <ul style="list-style-type: none"> <li>• users of the car park will be displaced (due to the ORS building, screening and works) and thus PCC conclude that the users of the Open Space that the car park serves will be permanently displaced;</li> <li>• at paragraph 45 of the Applicant's Response to Deadline 2 Submissions, the Applicant confirms that there will be no permanent loss of playing fields following the installation of the cables, however, PCC consider that the permanent loss of car park space at Fort Cumberland has not been addressed;</li> <li>• as set out in PCC's case in respect of the proposed exercise compulsory acquisition powers, PCC disagrees that it would be lawful to include fibre optic cables and equipment as associated development for the purposes the Applicant is seeking and, therefore, consider that the displacement from the Fort Cumberland Carpark is unnecessary.</li> </ul>	<p>The Applicant is currently in discussions with PCC regarding proposals for post-construction mitigation measures which are intended to offset any impacts associated with the proposed ORS buildings in Fort Cumberland Car Park. It is intended that the proposed mitigation will provide as a minimum the same number of parking spaces as the existing layout provides. Mitigation measures which are currently being considered to re-provide the existing parking provision include resurfacing and provision of formal parking bays in the place of the existing informal layout of the Car Park (see Appendix F).</p> <p>Whilst discussions regarding this matter are currently ongoing, the Applicant understands that they would either undertake this work themselves or proposes that PCC undertakes this work on the Applicant's behalf and at the cost of the Applicant. In all cases, the Applicant will seek to agree any proposed mitigation at Fort Cumberland Car Park with Portsmouth City Council prior to its implementation.</p> <p>The principal requirement for the ORS in relation to the interconnector, as detailed in Section 2.2 of Statement in Relation to FOC (REP1-127) is to support the primary function in the amplification of the optical signals to ensure the quality of signal</p>

	<p>PCC considers that the Applicant should acknowledge the displacement of users from Special Category Land in consequence of the ORS building. It is also PCC's case that the ORS building is not justified as associated development and its development as part of this DCO cannot be lawfully granted. Alternatively, if it is concluded that the principle of the ORS is justified, PCC considers that the size is not.</p>	<p>transfer between converter stations utilised for control and monitoring. The fibre optic cables (FOC) are an essential part of the interconnector.</p> <p>The Applicant has confirmed in the Statement in Relation to FOC (REP1-127) why the commercial telecommunications use of the fibre optic cables and the infrastructure associated with that use is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC.</p> <p>It is not accepted by the Applicant that car park at Fort Cumberland is open space in accordance with how that term is defined at section 132(12) of the Planning Act 2008 by reference to Section 19 the Acquisition of Land Act 1981, being land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground. It is a car park.</p>
<p><b>70-78</b></p>	<p>With regards to the impact the proposed ORS building on the setting of designated heritage assets, PCC raise the following concerns:</p> <ul style="list-style-type: none"> <li>• PCC does not accept that car park (where the proposed structure would be located) does not currently contribute to the setting of Fort Cumberland, "but as it is still flat does allow continuation of the historic 'fields of fire' from the Ravelin towards Fort Cumberland Road" (at set out in para 21.6.4.30 of the ES);</li> <li>• PCC considers that, whilst the surface treatment of the carpark contrasts with its surroundings, it is at present 'open' (i.e. free of buildings), and for this reason contributes to the significance of the fort by sustaining uninterrupted views within the asset's historic field of fire (both from, and towards the asset). The introduction of a new structure (particularly of the footprint, scale, and height of the proposal) in this location cannot but erode and diminish the existing 'openness' which the car park and its environs provide and sustain;</li> <li>• The Council's Heritage Advisor is of the view that the heritage assessment in the ES downplays the impact of the proposal and it is suggested that the Applicant has brought insufficient consideration of the scheme's heritage impacts to bear in the justifications for acceptability.</li> <li>• As set out above, PCC disagrees that it would be lawful to include fibre optic cables and equipment as Associated Development for the purposes the Applicant is seeking and, therefore, consider that the scale of the ORS and the Telecommunications Buildings has not been minimised as much as possible.</li> <li>• PCC queries why the proposed boundary/means of enclosure around the ORS site has the footprint it does and considers that insufficient effort has been made to genuinely minimise the land take and other related design parameters for this structure.</li> </ul>	<p>The Applicant acknowledges that the car park does not currently contain any buildings. However, the car-park is not considered open in terms of baseline heritage setting due to the regular presence of multiple parked cars and an overhead height barrier. Nor are the present views from the western ravelin of Fort Cumberland considered uninterrupted based on the surrounding modern development. As such, the contribution of any sustained longer views is substantially diminished by the present use of the car park as a car park in addition to the surrounding urban fabric, which has been substantially altered through the construction of a 1960s housing estate (located 15m north of the Proposed Development) and 20th century motor shed adjacent to the north. Due to the surrounding modern development, the existing contribution of the landfall carpark on the significance of Fort Cumberland is considered low.</p> <p>The negligible impact as assessed in Chapter 21 of the ES (APP-136) is considered by the Applicant to be robust, having been determined in accordance with Historic England guidance (GPA Setting).</p> <p>The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of a modern residential housing estate, located 15m to the north-west of the proposed ORS compound. The ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood.</p> <p>The proposed footprint of the ORS compound incorporates the area required for the ancillary provision including access, parking, auxiliary supply. The proposed footprint of the building is sized to accommodate the space required for equipment and the proposed height accommodates the vertical space required, as well as taking into account flood risk considerations within the area. The design of the enclosure and infrastructure is fully detailed within the Design and Access Statement (REP1-031) and further in the Optical Regeneration Station Design Approach document (REP1-093). The orientation of the enclosure also takes into consideration the prevention of the risk of trees potentially falling on the infrastructure.</p>



	<p>Notwithstanding these observations, PCC do not assert that the impact of the structure, as it stands, would be 'substantially harmful' to the setting of the asset. It is also acknowledged, setting aside issues of route choice and landfall, that this scheme would inevitably require some form of above ground physical infrastructure at landfall. In light of this the point of contention is the, scale, height, finish and overall physical 'presence' of the structure within its setting.</p>	<p>Planting has been proposed around the boundary of the ORS buildings in the form of a native hedgerow with hedgerow trees as shown on the Indicative Landscape Mitigation Plan (Landfall) Figure 15.50 (APP-283). The planting serves a visual screening function for residential and recreational receptors as referred to in the Landscape and Visual Amenity Assessment (APP-130).</p> <p>Proposed grassland / scrub to the north east is reinstatement planting associated with the Onshore Cable Corridor, whilst grassland with occasional trees to the south east in response to visibility splays.</p> <p>Design principles as referred to in the Design and Access Statement (REP1-031) state under principle 4 that the landscaping will be developed and approved in accordance with the illustrative landscape mitigation plans. Requirement 7 of the draft DCO (REP5-008) states that no phase of the works will commence until a detailed landscaping scheme in relation to that phase has been submitted to and approved by the relevant planning authority. Requirement 8(3) requires all landscaping provided in connection with the Optical Regeneration Stations to be managed and maintained during the operational period.</p>
<p>79</p>	<p>PCC state that, in paragraph 112 of the Applicant 's response to Deadline Submissions, the Applicant refers to an assessment already made and does not therefore substantively respond to PCC's previous question which raises issues as to the adequacy of the assessment carried out in light effects on the settings of assets and the "focus exclusively on views, and relies, in some cases, on established or proposed planting to mitigate effects".</p>	<p>The Applicant directs the ExA and PCC to the Applicant's Comments on Responses to ExA First Written Questions (CH1.4.4) (REP1-091).</p> <p>The assessment of the Proposed Development on the setting of designated heritage assets (from paragraph 21.6.4.5 of Chapter 21 of the ES (APP-136)) has considered elements beyond views, in line with Historic England's GPA3 The Setting of Heritage Assets (HE 2017). It has included historical and visual relationships to other heritage assets, to the surrounding landscape, established vegetation, and to existing noise levels. As such the negligible impact as assessed in Chapter 21 of the ES (APP-136) is considered robust having been determined in accordance with Historic England guidance (GPA Setting).</p> <p>Whilst the impact of the Proposed Development on the setting of assets has taken into account embedded landscape mitigation, as the predicted impact is considered negligible in respect to Fort Cumberland, no additional planting mitigation is proposed in response to Heritage impact. The applicant has therefore not relied on mitigation planting to mitigate effects in relation to setting of Fort Cumberland, nor any other designated heritage assets beyond the site.</p>
<p>80</p>	<p>It is PCC's experience that the survival and ongoing maintenance of planting is nevertheless frequently critical to the final impact outcome of a scheme, and this site is no different.</p>	<p>The Applicant agrees.</p> <p>As referred to in The Applicant's Comments on Responses to Examining Authority's First Written Questions MG1.1.22 (REP2-008) the revised Outline Landscape and Biodiversity Strategy (OLBS) (REP-034) makes it clear that the Applicant will be responsible for the ongoing management and maintenance of the planting around the ORS during the lifetime of the Proposed Development. As stated in paragraph 1.8.2.1, "The management of existing and proposed landscapes/habitats at the Converter Station Area and in connection with the ORS shall be subject to a detailed</p>

		<p>landscaping scheme. This shall encompass the management, maintenance and monitoring plans to ensure the full and successful establishment and ongoing monitoring of existing, new and replacement planting throughout the operational lifetime of the Proposed Development.”</p> <p>Requirement 8 of the dDCO (REP5-008) states under 8(3) that “All landscaping provided in connection with Works No.2 and the optical regeneration stations within Works No.5 must be retained, managed and maintained during the operational period.”</p>
<p><b>81</b></p>	<p>PCC disagree with the Applicant's assessment that the impact of the scheme would be negligible, given its scale, footprint and height, and the potential impact of its proposed mitigate measures (paragraph 140 of 'Applicant's Responses to Deadline 2 Submissions' (REP3-014)). PCC considers that the presence of pre-existing development within the setting of the asset, does not in and of itself justify further erosion of the open setting of the asset. In addition, whether or not the car-park at Fort Cumberland is Special Category Land is immaterial in this respect. It is a car- park serving adjacent recreational land but due to its location it is within the setting of a heritage asset and as such its partial development for the ORS is harmful.</p>	<p>The presence of pre-existing development within the setting of Fort Cumberland does not justify harm. The Applicant acknowledges that the ORS would be visible in views from the western ravelin from Fort Cumberland, nevertheless, the effect on the overall heritage significance of the scheduled monument and how the asset is experienced and understood in its entirety, as assessed in ES Chapter 21 (Heritage and Archaeology) (APP-136), is considered to be negligible.</p> <p>The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of a modern residential housing estate, located 15m to the north-west of the proposed ORS compound. The site of the proposed ORS compound is currently in use as a car park. The Applicant considers that the landward view from the western ravelin has been substantially altered since the construction of a 1960s housing estate (located 15m north of the Proposed Development) and 20th century motor shed adjacent to the north, along with the presence of the existing car park.</p> <p>The proposed ORS would be significantly lower in height than the current housing estate, and when seen against the background of the surrounding residential development would not be visually intrusive. Taken overall, the ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood.</p> <p>Further visualisations contained with the ES Addendum at Deadline 1 (REP1-139) have been produced to support the assessment in respect of the setting of Fort Cumberland (REP1-141). The additional visualisation does not alter the conclusion of Chapter 21 (Heritage and Archaeology) of the ES (APP-136).</p> <p>In EIA terms the proposed ORS would not constitute a ‘significant’ environmental effect warranting substantial design amendments to the proposed scheme.</p>
<p><b>82</b></p>	<p>Finally, PCC has raised with the Applicant that they have identified permanent screening/landscaping around the ORS building for which the Applicant is seeking to create and acquire New Connection Rights. The rights however sought are clearly more consistent with simple permanent acquisition and should be identified as such.</p>	<p>The Applicant has responded to this point at the Compulsory Acquisition Hearing 1 on 10 December 2020. In summary, the area over which rights are to be acquired is required in connection with the delivery of the Proposed Development where it may also be necessary to acquire New Connection Works Rights, and it is therefore preferable to apply a sub-class of New Connection Works Rights to provide the necessary rights for planting than to seek to shade and show two different sets of rights on that land, which would be confusing and for no-ones benefit. Please see</p>

		paragraph 4.62 of the Applicant's Transcript for Compulsory Acquisition Hearing 1 for further information (REP5-034).
83	Ensuring the long term maintenance of the landscaping is a concern to PCC. The Applicant has maintained in its response in table 2.12 paragraph 108 in 'Applicant's Responses to Deadline 2 Submissions' Ref 7.9.6 that it intends to relinquish its obligation of replacement planting after 5 years. PCC maintains that, unless an appropriate commuted sum to enable PCC to undertake the appropriate maintenance is provided, the Applicant itself needs to maintain the landscaping required to screen its own infrastructure, including any replacement planting necessary, for the construction, operation and any decommissioning of the Proposed Development i.e. well beyond 5 years after planting.	The Applicant refers to the response at paragraph 80 above and the Applicant's Comments on Responses to the Examining Authority's First Written Questions MG1.1.22 (REP2-008) which states that the revised OLBS (REP-034) makes clear that the Applicant will be responsible for the ongoing management and maintenance of the planting around the ORS during the lifetime of the Proposed Development as stated in paragraph 1.8.2.1. This is secured through Requirement 8(3) of the dDCO (REP5-008).
<b>Impact on Highway Network</b>		
84	In respect of the "Applicant's Response to Deadline 2 Submissions" (ref 7.9.6) paragraph 2, the Applicant has confirmed it has no intention to acquire land beneath the highway rather it seeks to acquire subsoil rights (easements) to install equipment therein. It remains the PCC LHA position that the equipment proposed to be laid will be within that depth below the surface which is required for support / drainage of the highway and which are part of the highway. Therefore no such easements are required.	The Applicant has clearly explained why it is necessary for there to be the ability to acquire an easement for in the event the Proposed Development is, in rare occasions, laid at a depth which is beneath the vertical plane of the land forming the highway to ensure there is no impediment to the delivery and operation of the Proposed Development. It is considered this matter has been clearly explained and the reasons why this is necessary in relation to the Proposed Development are understood. For further information, please see the Highway Subsoil Acquisition Position Statement (REP1-131).
85	In response at paragraph 3 of doc ref 7.9.6 the Applicant contends that where "land which is in private ownership is affected, it is absolutely necessary to acquire rights over that land for the purpose of installing" the equipment. PCC LHA maintain the view that as a statutory undertaker, the Applicant would require no further rights to install equipment at the depths indicated on the typical construction cross sections which the Applicant has shown and which as noted lie within the public highway and not private ownership.	The Applicant agrees, but highlights that it is not anticipated that all of the Onshore Cables in the highway will be able to be laid at the typical depth, as they may need to be laid deeper to avoid impacting on other existing constraints in the highway.
87	PCC LHA remains concerned about the inclusion of the power within the dDCO [to make, alter, impose and enforce TTROs. This power does not practically remove a layer from the process as suggested in the Applicant's response to PCC para 3 to Deadline 2 submission (doc ref 7.9.6), as despite approval of a Traffic Management Strategy, individual TTROs for other schemes will still require to be advertised and the orders made and sealed. The proposal in the DCO at [para 16 of the DDCO ref 3.1], will introduce a bespoke approach which will require the LHA to develop and operate new systems to review those proposals, approve the advertisement and conclude their acceptability in advance of approving the strategy. It is considered that this will not be as efficient as the existing established procedures and will increase the risk of delay rather than reducing that.	The Applicant's position is that it is necessary for the Applicant to have the ability to make Traffic Regulation Orders to facilitate the delivery of the Proposed Development, subject to the controls provided for in the Article 16. Further information in relation to Article 16 is provided in the Explanatory Memorandum (REP5-010). That any TTRO will need to be advertised in the manner specified by the LHA will not introduce any new process, and in fact allows the current processes to be specified and followed. Given the timescales stated in the Article, and that the power to make TTRO's is provided by Article 16, it will not in any circumstances cause delay, and will ensure the Proposed Development is delivered in as efficient a manner as is possible.
91	Within the Applicant's response to paragraph 5 of doc ref 7.9.6 the Applicant confirms that it is producing a road safety technical note to support the TA together with suitable mitigation should that be necessary. The LHA remains concerned as indicated by this response that the safety aspects of construction have still not yet been considered or are only being considered at this stage whereas they should have been fundamental in informing route	The Applicant has completed the Road Safety Technical Note in question, and it was submitted to Portsmouth City Council on 17 <sup>th</sup> November 2020. The Applicant continues to await and welcomes comments on this Technical Note from PCC.

	<p>selection. PCC retains concerns that the inadequate consideration of queuing will lead to impacts to the Strategic Road Network as highlighted in PCCs Deadline 3 response (see para 5.2.9 of that submission).</p> <p>Once received, PCC hopes the road safety technical note will allow assessment of the FTMS to determine whether or not the strategy mitigates the construction impacts successfully.</p>	
<p><b>93</b></p>	<p>Within their response to paragraph 6 of doc ref 7.9.6 the Applicant assesses traffic conditions coincident with football matches to be similar to weekday peak period congestion and intends the same mitigation with works on traffic sensitive routes scheduled largely outside of the football season, school term times and to avoid conflict with major events.</p> <p>The Applicant accepts the principle of avoiding lane closures during the PM peak period where possible although makes no commitment to that and is silent about the AM peak period. They indicate that this will be considered during the detailed design of the on shore cable route. The LHA is of the view that this should be a stated objective in the FTMS and inserted at this stage.</p>	<p>The Applicant has undertaken additional analysis of traffic flow data which has been observed on dates on which Portsmouth Football Club were playing a home game at Fratton Park. Further information has been submitted at Deadline 5 as part of the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 2 (ISH2) on Traffic, Highways and Air Quality (REP5-061) and additional analysis is submitted at Deadline 6 which supersedes the analysis contained within the transcript for ISH2.</p> <p>This assessment has showed that based on weekday evening football matches traffic flows may be higher on the A2030 Eastern Road than assessed within the SRTM for weekday AM and PM peak periods. On this basis, 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 removed on football match days to mitigate potential impacts of such.</p> <p>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.</p> <p>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 due to Covid-19 restrictions, 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 Portsmouth City Council, identify that the traffic flows are comparable to those for weekday peak hour where the assessments undertaken have identified it is acceptable for traffic management to be in place, 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.</p> <p>The Applicant notes PCC's request that a commitment is made to avoiding lane closures during the AM peak, however this is not possible due to the proposed normal construction working hours of 07:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Where these construction hours are utilised, the Applicant agrees to include a commitment within the FTMS (REP1-068) of avoiding lane closures for the PM peak period where practicable, noting that the ability to achieve such mitigation can only be confirmed during detailed design of the cable route. [</p>
<p><b>94</b></p>	<p>Within their response to paragraph 7 of doc ref 7.9.6 which deals with the proposed joint bay detail and location, PCC LHA has sought confirmation that the joint bays will be located</p>	<p>The Applicant has submitted a Joint Bay Assessment Report (Document Reference 7.9.26) as a part of Deadline 6 to explain indicative locations where joint bays can be</p>

	outside of the highway and certainly outside of the carriageway. The Applicant has reiterated the intention to locate them outside of the highway "as a preference". The LHA considers its should be a stated design objective that the joint bays be outside the highway except where it is not possible	located, including outside of the highway. The Applicant has also produced a set of design principles to guide the approach to determining the location of joint bays in the future in liaison with the relevant authorities, which are contained in the Design and Access Statement (REP1-031, Rev003) updated and submitted at Deadline 6.
95	With respect to doc REP3-036, the deadline 3 submission from Highways England they have advised that dialogue with the Applicant regarding the protective provisions in the draft DCO is ongoing without detailing any specific issues. They do raise concerns however about the potential adverse impacts to A3 (M) junctions 2 and 3 during the construction period but advise that discussions are ongoing and expect these to be concluded as part of an updated statement of common ground.	Further to on-going discussions with Highways England the Applicant has updated Technical Note HE03 which addresses concerns raised by Highways England regarding the operation of both Junction 2 and Junction 3 of the A3 (M) during the construction period. The Applicant submitted this Technical Note to Highways England on 17 December 2020 and will update the SoCG on the basis of the outcomes.
96	PCC is concerned, as advised in our Deadline 3 response, that HE have not identified that the modelling does not replicate the traffic conditions at either the A27/ A3 junction and A27 / Eastern Road junction nor consequently the potential safety issues which will arise from increased queuing during the construction period. This has been discussed at inter-authority meetings with HE and a joint meeting with PCC LHA, Hampshire LHA, HE and the Applicant is to be arranged to explore this matter further.	The Applicant is currently completing a Technical Note that provides a review of recent accident data at A3 (M) Junctions 2 and 3 and the A27 / Eastern Road junction and an assessment of impacts of the Proposed Development on identified accidents trends at these locations. This Technical Note will be shared will Highways England prior to Deadline 7.
<b>Impact on Ecology / Arboriculture and Landscaping</b>		
97	Having reviewed the Deadline 3 submission (REP3-007) PCC remains concerned that the quantum of trees and hedgerows either at risk or to be lost (as shown shaded red and yellow on Figure 3: Tree and Hedgerow Retention Plans Sheets 6 - 10) is excessive.	The retention of trees in relation to the detailed design was discussed with PCC on 1 December 2020 at the SoCG Meeting regarding Ecology and Arboriculture Issues. Both parties understood that it is not possible to confirm the exact extent of tree loss until the detailed design process has begun. Trees will only be removed where their retention is not viable. The exact trees to be retained and lost will be considered at detailed design stage and confirmed within the Arboriculture Method Statement to be produced in consultation with PCC. This is secured via Requirement 15 of the dDCO (REP5-008).
98	With regard to the Deadline 3 Submission - (doc ref 7.7.9) Biodiversity Position Paper - Rev002, PCC's view is as follows:  Paragraph 4.4.2.1 of the methodology states that 'For the majority of the Study Area, habitat condition data was assigned via the assumption that all medium and high distinctiveness habitats were in moderate condition and all low distinctiveness habitats were in poor condition.' However, habitat condition should be based on quantifiable field data, established via detailed botanical survey where necessary and using the Habitat Condition Sheets from the Technical Supplement of the Biodiversity Metric 2.0. It is possible to have a high distinctiveness habitat in poor condition, or vice versa. Why has it been necessary to assume the condition of the habitats present when the ecologists who surveyed the site should have a clear idea of the actual condition of the habitats present. The assumption made is likely to have led to some rounding up and rounding	The assumptions made follow the standard approach for habitat condition when detailed information is not available and is recommended within the CIEEM Biodiversity Net Gain training.

	down scores and this is unacceptable. PCC would therefore ask that the methodology is revisited.	
99	In addition, while the proposed gains in priority habitats are positive, and PCC supports these, PCC consider the overall loss of biodiversity remains unacceptably high, at -18.92% for all area-based habitats. PCC refers the ExA and the Applicant to the Good Practice Principles (Chapter 11 of the Biodiversity Net Gain Practical Guide), particularly Principle 5 which states 'habitat created to compensate for loss of a natural or semi-natural habitat should be of the same broad-type (e.g. new woodland to replace lost woodland) unless there is a good ecological reason to do otherwise (e.g. former habitat restoration).'	<p>This project is delivering net gains for calcareous grassland and hedgerow priority habitats. The other habitats, leading to the -18.92% biodiversity unit score, are of low conservation value.</p> <p>The principle to ensure 'habitat created to compensate for loss of a natural or semi-natural habitat should be of the same broad-type' has been followed, for example, ensuring grassland is replaced with better quality grassland, for example at the Converter Station as set out in the Outline Landscape and Biodiversity Plan (REP1-034).</p>
100	With reference to paragraph 108 of the "Applicant's Response to Deadline 2 Submissions" (doc ref 7.9.6), PCC maintains that dDCO Requirement 8(2) should read: "Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting or completion of the project whichever is the later, ... must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority." It is considered that will ensure an optimal landscaping outcome.	The Applicant refers to Requirement 8(2) which states " <i>Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority</i> ". This has been included in all drafts of the DCO since the submission of the Application and is considered entirely adequate to ensure planting which is seriously damaged or diseased is replaced, subject to an appropriate 5 year time period.
101	PCC considers it unreasonable for the Council to maintain landscaping without a commuted sum and unreasonable to avoid offering the fall-back position that the ExA has asked it to articulate.	<p>As referred to above under paragraph 80, the Applicant will maintain the planting around the ORS during the operational lifetime of the Proposed Development. There is therefore no need for the Applicant to provide a commuted sum.</p> <p>Options for mitigation of tree loss were discussed with PCC on 1 December 2020 at the SoCG Meeting regarding Ecology and Arboriculture Issues. The applicant confirmed it is open to discussion with PCC as to most appropriate form of mitigation or potential compensation via commuted sum. In either instance, PCC will be consulted to ensure that tree loss mitigation is in keeping with wider PCC tree strategies.</p>
<b>Compulsory Acquisition and Subsoil</b>		
103	PCC notes that 'the Applicant intends to update the Book of Reference to confirm in relation to each of the plots of land forming the highway and the subsoil beneath the highway, that all interests of the highway authority are excluded.' This is welcomed by PCC. PCC also considers it would be appropriate to update the Statement of Reasons.	The Statement of Reasons (REP5-012) submitted at Deadline 5 has been updated to reflect the position on highway authority interests under paragraph 6.1.8.
105	PCC is concerned that, if private subsoil rights are required, the Applicant has not changed its position in respect of its approach to rights owners and compensation for subsoil interests, despite citing a number of projects where compensation was paid for subsoil rights.	Compensation is available to owners of subsoil where rights are acquired in the subsoil beneath the highway. There is nothing in the dDCO which excludes this. Further information regarding how where such rights are acquired is identified is

		included in the Applicant's Post-Hearing Notes (Document reference 7.9.22) submitted at Deadline 6.
106	PCC does not consider it relevant, as stated in paragraph 25 enable 2-12 of the Applicant's response (doc ref 7.6.9), whether the subsoil lies beneath a dwelling - the projects cited by the Applicant affected subsoil below a variety of interests, not limited to dwellings.	No dwellings are included within the Order limits, and therefore no subsoil beneath a dwelling is included within the Order limits, and no such subsoil may therefore be acquired pursuant to powers contained in the DCO if made.
107	Again, whilst issues of compensation are not relevant to the ExA's examination and deliberations PCC would wish to highlight the Applicant's conduct and approach in line with the CA Guidance. It is irrelevant to take account of the surface interest in valuing subsoil; whether the subsoil is below a dwelling or agricultural land, the nominal value is the same. PCC is of the opinion that the Applicant should be demonstrating a far more reasonable approach and seeking to reflect the approach taken on other major infrastructure projects, particularly given the likes of HS2, the Channel Tunnel Rail Link (HS1) and Crossrail 1 were all publicly funded.	As was explained by the Applicant at Compulsory Acquisition Hearing 2, the approach taken by the Applicant of not negotiating with owners of highway subsoil is in accordance with the guidance contained at paragraph 25 of the Guidance related to procedures for the compulsory acquisition of land, September 2013, which provides " <i>Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset</i> ".  Taking into account the nature of the land over which rights may be acquired, the anticipated infrequency that such acquisition may be required, and that the land in question is the subsoil beneath existing established highway, the approach taken by the Applicant is reasonable and proportionate.
<b>Status of the Project -TEN-E Regulation EU 347/2013</b>		
109-118	PCC queries the Proposed Development's PCI and TEN- E Regulation status and queries what progress is being made with the French permitting bodies listed in the "Other Consents and Licences Document" (doc ref 5.2).	An updated version of the Other Consents and Licences document is submitted at Deadline 6 which provides updates in relation to the progress being made to obtain consents for the project in France. An update to the funding statement is also submitted at Deadline 6, which discusses relevant regulatory matters.

**Table 2.3 – Winchester City Council**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
<b>5.5 Design and Access Statement</b>		
	<p>WCC have queried who decides the final design of the Converter Building and, therefore, determines the building's height. It is noted that the ground conditions indicates there is little or no tolerance to sink the building into the ground. If there are options in terms of the construction method of the building or choice of equipment when making the decision between a 22m or 26m tall building, how much a factor might cost be against reducing visual impact if the lower design is more expensive?</p> <p>The Council wishes to see the lowest building possible constructed on the site.</p>	<p>The Applicant seeks permission for buildings between 22m and 26m and has undertaken the assessment of the worst case impacts on this basis. These dimensions are based on advice which the Applicant has received from contractors experienced in constructing converter stations. .</p> <p>As is explained in the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058) in response to question 4.2 and in the Applicant's oral response in relation to the same, taking into the account feedback received from the contractors a reduction in the permissible building height below 26m could decrease an already limited number of potential contractors able to participate in a competitive tender process for the Converter Station. If such height restriction is imposed a situation could occur where the Applicant is left with a single contractor able to deliver the Proposed Development</p>

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
		<p>which in turn may deliver a sub-optimal solution for a project of national significance and undermine the Applicant's ability to achieve value for money for energy consumers.</p> <p>As the proposed site of the converter station sits above an aquifer, whilst fully explored as a means of reducing the visual impact of the building, sinking the building into the ground by several metres is not a viable solution. As the site slopes from north to south the potential flood risk also had to be considered when reviewing the options for excavating the site to reduce the building height.</p>
<p><b>7.4.1.3 Comments on Applicants response to the Ex Authority first set of Questions (REP1-091)</b></p>		
	<p>In discussions with the Applicant, WCC has proposed that outside working hours, the crane booms are lowered to avoid them appearing in the wider landscape and specifically in views from within the national park.</p>	<p>The Applicant can confirm that outside the working hours when the crane is not in use its retracted position is likely to be about 5m high measuring from the site platform level, dependant on the crane manufacturer, as detailed in Para No. LV1.9.25 in REP3-014. This is part of standard construction practice covered under CDM 2015, BS 7121-3:2017+A1:2019 - Code of practice for safe use of crane as well as ICSA N001(ED2).</p> <p>This is secured in paragraph 6.3.2.3 of the Onshore Outline CEMP (REP5-019) and requirement 15 of the dDCO (REP5-008).</p>
	<p>At Deadline 3, the Applicant confirmed that replacement trees will be planted at least 5 m from the edge of the trench used to install the cable circuit within the Order limits.</p> <p>WCC question how replacement trees will be planted when space does not allow a replacement close by. How is this addressed in terms of an alternative location and how is it secured in the DCO?</p>	<p>OOCEMP (REP5-019) paragraph 5.3.4.3 states "<i>Where features are to be removed, consideration for replanting with like for like species in the locality is required. Hedgerow trees will require repositioning to at least 5 m away from the Onshore Cable Route within the Order Limits. Mitigation may also be achieved by appropriate compensatory tree planting within the locality. Where agreed with the Highway Authority they will replant highway trees in the highway where it is deemed appropriate and through the CAVAT compensation process</i>".</p> <p>The Applicant has continued to engage with WCC on replacement trees during ongoing discussions on the relevant sections of the dDCO under Part 7 and Schedule 2 (REP5-008). Requirement 9 remains under discussion with WCC and the Applicant is seeking agreement on this matter in the SoCG.</p>
<p><b>Document 7.7.1 Statement in Relation to the FOC (fibre optic cable) REP1-127</b></p>		
	<p>WCC invites the Applicant to quantify the number of lines which could be accommodated within the FOC and, based on an internet search, speculates that the estimated 20% FOC capacity needed for the Project would equate to 1.92ml telephone calls.</p>	<p>For the Project and for Interconnectors the utilisation of the fibre strands requires the transfer of different types of signal as well as for redundancy.</p> <p>It is not appropriate to directly compare the transfer of data for the interconnector with the transfer of data for telephone calls. With telephone calls it is a single type of signal being transferred via the fibre optic cable and therefore a large volume of the same type can be transmitted. The fibre strands for the Interconnector will be used for different type of signals of varying bandwidths as opposed to telephone calls.</p>



Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
	<p>WCC maintains its view that the FOC should not be considered Associated Development and considers that this is an area where the Examining Authority and SoS will have to make a ruling.</p>	<p>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1-127).</p>
<p><b>7.7.4 Position Statement in relation to the Refinement of the Order Limits REP1-133</b></p>		
	<p>WCC maintains its concerns over the installation of the cable at Denmead Meadows and these concerns are being discussed separately. WCC are hopeful that those discussion will come to a conclusion shortly. In the event they are successful, it will be the Councils position that any activity associated with the two drilling compounds (north &amp; south) are confined to the two distinct areas allocated as compounds and there is no vehicular or pedestrian access link between them other than simple survey walkover rights to ensure for example there is no breach of drilling fluid onto the surface.</p>	<p>The Applicant can confirm that from construction point of view, the access rights would only be required between the drilling compounds for surveys, to track the drill head (walk over, therefore no disturbance of ground) and for clean-up, if there is a breach of drilling fluid.</p>
<p><b>7.8.13 ES Addendum Appendix 3 Supplementary Alternatives Chapter REP1-152</b></p>		
	<p>WCC does not prejudge that a countryside route would be acceptable, however, the Council questions if the countryside route featured in the Applicant's site assessment decision making process.</p> <p>In addition, the Council continue to raise concerns regarding the discounting of the 'Countryside Route'. Including the Applicant's view that seeking to route the cable circuits along the Countryside Route risks sterilisation of land and would have presented a potentially significant consenting risk.</p>	<p>A cross-country option was considered in 2017 and 2018, including following the receipt of feedback from local authorities to further look into non-highway options.</p> <p>A route through the fields, adjacent to the A3 to the west, has been fully considered by the Applicant in a proportionate manner. A review of environmental designations and constraints showed areas of Priority Habitat, Sites of Importance for Nature Conservation (SINCs) and Ancient and Replanted Woodland. As well as environmental constraints, other important factors such as private land, compulsory acquisition requirements, and potential for future development (including strategic housing allocations) were taken into account. The Applicant's reasoned conclusion was that a route across the countryside in this location was not preferable as an alternative to the route selected and should not be pursued.</p> <p>The Applicant identified land sterilisation (putting restrictions on a plot or portion of land to prohibit all/some building/improvements) as a constraint West of Waterlooville as installing underground cables and joint bays would require the exclusion of development (including landscaping) above the cable route and for an area of typically 11m in width for potentially up to 5km to allow future access, where necessary. The land above the cable route would need to be kept clear from development and any significant vegetation. This would apply to the permanent easement of the cable route. This would therefore significantly constrain any proposed development in proximity to the cables.</p>

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
	<p>The chronological optioneering process as set out in Chapter 2 of the ES does not support the 2018 date put forward by the applicant. Nor is there any indication that the Countryside Route featured in any meaningful way in the decision making process that the applicant followed.</p> <p>The Council cannot find any reference to the countryside option in the optioneering section.</p> <p>The connection point to the grid was offered to the applicant by NGET in February 2016. (2.4.4.3).</p> <p>At that time the landfall had not decided.</p> <p>The number of potential landfall points was gradually reduced from an original figure of 29 (April 2015)</p> <p>During the Onshore Routes Desktop Study Q2 2016 (2.4.6), the UK Cable Route Desk Top Study February 2017 (2.4.11) and the UK Terrestrial Routes &amp; Landfall Workshop June 2017 (2.4.14.1) there is no indication that the countryside route was considered at all. "Section 2.4.14.8 says Eastney and Route 3D where selected.</p> <p>It would therefore appear that before 2018 the road option (3D) had chosen...</p>	<p>A section is included within ES Chapter 2 (Consideration of Alternatives) to illustrate that HBC and WCC's suggestion had been considered, stating that it was considered that the impact associated with the countryside route outweighs temporary short-term impact on traffic, and the countryside route options suggested by WCC and HBC <u>were not</u> considered to be <u>reasonable alternatives</u> to the highway route proposed during the statutory consultation and thus not taken forward.</p> <p>The overall philosophy applied to the consideration of the reasonable alternatives, or the options, for the Proposed Development by the Applicant is explained at paragraph 2.3 of Chapter 2 of the ES. This explains that a process of staged filtering was applied, increasing knowledge of the individual options, so as to proportionately consider them from a technical, cost and environmental perspective. A proportionate multidisciplinary approach was taken to the assessment of the reasonable alternatives, taking into account considerations relevant to and specialist input from experts in the fields of electrical engineering, cable engineering, the environment, planning and civil engineering in respect of both the onshore and marine environments.</p> <p>So as to provide as clear an explanation as is possible, the applicant submitted a supplementary chapter to provide further context behind the iterative process, and how relevant elements were considered. There is inevitably some cross over between the relevant considerations in relation to the individual aspects.</p> <p>Further information in relation to the consideration of the countryside route is provided in response to question 9.2, and further information in relation to the scope and nature of various studies undertaken, in chronological order, is provided in the response to question 9.3, in the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034).</p>
<b>Part 2</b>	<b>Principle Powers</b>	
<b>9</b>	<b>Defence to proceedings in respect of statutory nuisance</b>	
	<p>WCC and the Applicant continue to discuss Article 9 of the dDCO, the potential noise impacts and the manner in which they are mitigated/compliance with relevant criteria is secured.</p>	<p>This matter was discussed at the hearings on w/c 7<sup>th</sup> and 14<sup>th</sup> December, including in relation to Issue Specific Hearing 3. The Applicant has made clear why this Article is required, and why it is appropriate in relation to both construction and operations in the manner it is proposed. The Applicant has sought to reach agreement on the wording with WCC, and the Applicant has provided an updates to Article 9 in the dDCO submitted at Deadline 6.</p>
<b>Part 3</b>	<b>Streets</b>	
<b>Access to Works</b>		

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
	<p>WCC maintains its view that the Council should be the recipient of any submission made in relation to Article 14 (Access to Works) of the dDCO and that the relevant planning authority should be provided 40 working days to make a decision on any submission made in relation to Article 14.</p>	<p>The Applicant does not agree. To date the Applicant has discussed all such matters with Hampshire County Council, who as the local highway authority are the appropriate authority to approve such matters.</p>
<b>Part 7</b>	<b>Miscellaneous and General</b>	
<b>41</b>	<b>Felling or lopping of trees and removal of hedgerows</b>	
	<p>Within the Applicant's Response to Deadline 2 Submissions (REP3-014), the Applicant clarified to WCC that dDCO Articles 41 and 42 are authorising powers, which are otherwise subject to the controls provided for by the DCO as per Article 3. It was further explained by the Applicant that all operations will be required to be approved; as no such works can be carried out until approved in accordance with the relevant requirements.</p> <p>WCC has asked the Applicant to clarify what is meant by the reference to "all operations will be required to be approved"? Whether the DCO Requirement supersedes the Article Powers? And, if so, what is the need for Article?</p>	<p>The Requirements are required to be complied with.</p> <p>Trees will only be removed where their retention is not viable. The exact trees to be retained and lost will be determined at detailed design stage and confirmed within the Arboriculture Method Statement to be produced in consultation with and for the approval of PCC. This is secured via Requirement 15 of the dDCO (REP5-008).</p> <p>The need for the Article is to provide the power to carry out the activities approved in accordance with the Requirements.</p>

### 3. OTHER STATUTORY CONSULTEES

**Table 3.1 – Highways England**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
<b>Protective Provisions</b>		
	HE confirm that engagement continues with the Applicant to agree the appropriate protective provisions in relation to the Strategic Road Network and protection of its assets (which includes National Roads Telecommunications Services) to be incorporated with the DCO.	The Applicant and Highways England are in discussions with regard to the appropriate wording of protective provisions within the dDCO (REP5-008). Discussions have progressed in a positive manner and the Applicant is confident that agreement with Highways England can be reached before the close of the examination.
<b>Traffic and Transport</b>		
	HE issued a response to the FCTMP (Annex A of HE's Deadline 4 Submission)(REP4-042), which sets out their general support for the approach in the framework. To support the implementation of the FCTMP, HE recommend further dialogue with all relevant highway authorities to manage any potential adverse impacts from construction activities and traffic management resulting from the Applicant.	The Applicant confirms that discussions are ongoing.
	HE suggest it would be appropriate for AQUIND to consider a statement of common ground between Highways England, Hampshire County Council, Portsmouth City Council and AQUIND, setting out how any required approvals and notifications can be expedited by the relevant highway authorities while maintaining the safe and efficient operation of both local and strategic road networks.	<p>The Applicant has agreed in principle to the use of the HCC and PCC permit scheme, subject to final agreement of wording to be included in the dDCO (REP5-008), which provides for the necessary application of and alignment with the Framework Traffic Management Strategy (REP1-068).</p> <p>The Applicant is willing to enter into discussions with regard to a tri-party SoCG with Highways England, HCC and PCC to understand from all parties the purpose and content of the SoCG. Should the tri-party SoCG progress the Applicant would require active engagement from all parties in order to agree the SoCG before the close of the examination.</p>
	<p>HE have completed the review of the highway safety section of the transport assessment and the collision analysis section of the supplementary transport assessment (Annex B of HE's Deadline 4 Submission)(REP4-043). The Applicant is considering the request for a review of collision data at the following junctions of the Strategic Road Network:</p> <ul style="list-style-type: none"> <li>• A3 (M) Junction 2;</li> <li>• A3 (M) Junction 3; and</li> <li>• A27 / A2030.</li> </ul>	The Applicant is currently drafting a Technical Note which addresses concerns raised by Highways England regarding the collision analysis at both Junction 2 and Junction 3 of the A3 (M), as well as at the junction of A27 Havant Bypass / A2030 Eastern Road, and the predicted impact during the construction period. The Applicant intends to submit this Technical Note to Highways England before Deadline 7, and will update the Statement of Comment Ground on the basis of the outcomes.

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
	Dialogue continues regarding matters related to the potential adverse impact of construction traffic on A3(M) Junctions 2 and 3 and how if necessary it can be mitigated.	The Applicant confirms that discussions are ongoing.
<b>Proposed Easement</b>		
	HE are awaiting the complete Geotechnical Risk Assessment in accordance with CD622 (Managing Geotechnical Risk) to inform if HE can accept in principle an easement to facilitate a crossing beneath the A27. At this stage it is not anticipated to identify any significant issues that could prevent progress.	The CD622 documentation for the A27 HDD crossing was submitted to Highways England on 3 <sup>rd</sup> December 2020.
	HE confirm that positive dialogue is ongoing to agree the heads of terms in advance of an agreed geotechnical assessment. Once in principle agreement has been established, formal negotiations for an easement will commence between Highways England and the Applicant.	Presented are low settlement calculations and negligible impact to the Highways England asset. The document will now be reviewed by their technical experts and they will likely request the proposed real-time monitoring of the asset during the works.

**Table 3.2 – Highways England - Briefing Note 01- Review of Revised Framework Construction Traffic Management Plan (Annex B of HE's Deadline 4 Submission) (REP4-043)**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
<b>2.1 and 2.12</b>	<p>Construction Traffic Zone Collision Review A3(M) Junction 2, A3(M) Junction 3 Collision Review and Farlington Roundabout (A2030/ A27) Collision Review:</p> <p>It is recommended that the collision data is interrogated further for A3(M) Junction 2 in its entirety, and at individual conflict points such as approaches/ exits/ circulatory carriageway etc. within the wider junction, to identify any existing collision patterns and clusters (regardless of collision severity) that may be exacerbated by the increased traffic flows as a result of the Proposals.</p>	The Applicant is currently drafting a Technical Note which addresses concerns raised by Highways England regarding the collision analysis at both Junction 2 and Junction 3 of the A3 (M), as well as at the junction of A27 Havant Bypass / A2030 Eastern Road, and the predicted impact during the construction period. The Applicant intends to submit this Technical Note to Highways England before Deadline 7, and will update the Statement of Comment Ground on the basis of the outcomes.

**Table 3.3 – Highways England – Briefing Note 02 - Review of Revised Framework Construction Traffic Management Plan (Annex A of HE's Deadline 4 Submission) (REP4-042)**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
	On behalf of Highways England, AECOM produced a Briefing Note (BN02) (REP4-042) which documents their review of the revised Framework Construction Traffic Management Plan (FCTMP) (REP1-070) submitted by the Applicant at Deadline 1.	It has been agreed between Highways England and the Applicant that these details will be included within the next iteration of the FCTMP, which will be submitted at Deadline 6.

AECOM's previous reviews of relevant submission documents are documented in Technical Notes TN01 (REP1-206), TN02 (REP1-207) and TN03 (REP1-208), submitted by HE at Deadline 1.

AECOM confirm that the issues identified in TN01 and TN02 have largely been closed out, with TN03 detailing the remaining issues outstanding as at the time of its issue, 21st August 2020.

Within BN02, AECOM confirm that the following recommendations previously identified in TN03 (Relating to traffic management issues) have now been resolved:

- For both access and egress at the Farlington playing fields with regard to oversized vehicles, traffic management should be used.
- Proposed restrictions on the movement of HGV's during peak periods will still need to be more robust and should be formalised as protective provisions in the DCO.
- The promoter of the Aquind Interconnector should work collaboratively with Highways England to coordinate matters such as temporary traffic signage in the event that the construction phases of the M27 J4 – J11 Smart Motorway Project and Aquind Interconnector scheme overlap.

AECOM consider that more details are required regarding their recommendation for access by a 20t tipper/11.7m rigid vehicle at the Farlington playing fields to take place under traffic management control.

Finally, AECOM recommend that once a construction contractor is appointed, the exact details of the construction phasing and duration of works should be finalised.

**Table 3.4 – Maritime and Coastguard Agency**

Para No.	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
	The Maritime and Coastguard Agency reviewed the dDCO submitted by the Applicant at Deadline 3 (REP3-003) and provided a schedule of comments and proposed amendments.	A full response to the Maritime and Coastguard Agency's comments is provided at Appendix E to this document.

## 4. MEMBERS OF THE PUBLIC

**Table 4.1 – Members of the Public**

Doc Ref	Summary of Deadline 4 Submission	Applicant's Response at Deadline 6
<b>James and Joan Veryard</b>		
James Veryard Deadline 4 Submission - 2.0 Representation - Scope of the Environment Impact Assessment	<p>With the document titled, Scope of the Environment Impact Assess (REP4-057), Mr Veryard states that he considers the cable corridor will encroach into one of the Farlington Avenue pavements by 1.25m and that this is not shown on:</p> <ul style="list-style-type: none"> <li>• Drg: EN020022_ES_3.12-Sheet 1 - Figure 3.12 - Construction Corridor Assumptions - HVDC Cables – Highway - Sheet 1 of 2; or</li> <li>• Drg:- EN020022_ES_3.12-Sheet 2 - Figure 3.12 - Construction Corridor Assumptions - HVDC Cables -NonHighway - Sheet 2 of 2</li> </ul>	<p>The drawings referred to are indicative drawings showing indicative corridor assumptions for highway and non-highway routes. In the presence of existing underground utility services in specific areas, the cables could encroach into the footpath, and this will be determined during the detailed design stage.</p>
<b>James Veryard Deadline 4 Submission - 1.0 Representation - Socio-Economic Effects</b>	<p>Mr Veryard maintains his concerns regarding the potential Electric and Magnetic Fields impact of the Proposed Development and whether it will impact a Spinal Cord Stimulator or a Deep Brain Stimulators</p>	<p>The Direct Current (DC) flowing in the underground cables will create a stray magnetic field along the route. Unlike Alternating Current (AC) cables, which operate at a frequency of 50Hz, the DC cables produce a static magnetic field, i.e. at 0Hz. The Applicant has calculated that the maximum value of this static magnetic field will be 23µT directly above the cable. The magnitude of this magnetic field falls rapidly with distance away from the cable and will be at 2µT at a distance of 10m. These magnetic field levels are significantly below the guideline level of 40,000µT.</p> <p>This level of the stray magnetic field must be considered in relation to the earth's natural static magnetic field, created by the north and south poles, which has a magnitude of between 25µT and 65µT at the surface of the earth. Depending on the orientation of the cables and the direction of the current flow in the cables, the stray magnetic field of 2µT may add to, or subtract from, the earth's natural magnetic field.</p> <p>The Applicant would assume that such devices have been designed and tested to be able to operate safely in the presence of the earth's natural magnetic field and it would be surprising if their design tolerance were such that a negligible increase in the background magnetic field could interfere with their operation.</p>
	<p>Mr Veryard raised concerns regarding the potential impact of the Proposed Development on human health and, in particular, a risk of increased childhood leukaemia.</p>	<p>Public Health England have confirmed that they "<i>are satisfied that, based on the submitted documentation and suggested control/mitigation measures, the development is unlikely to present a significant risk to public health.</i>" (REP1-218).</p> <p>Most studies on the impact of electromagnetic fields focus on the potential impact of time-varying fields, i.e. those created by Alternating Current (AC) electricity systems and their potential to induce the flow of current in the human body. The AC supply system in the UK operates at a frequency of 50Hz. As Direct Current (DC) electromagnetic fields are not time varying, i.e. 0Hz, there is no induction of current into the human body. Generally DC electric</p>

		<p>and magnetic fields are not considered to represent a risk to human health, although DC electric fields can be perceived on the human skin and hair and some types of medical implant, e.g., heart pacemakers, can be impacted by high levels of magnetic field (which as explained above the DC cables will not produce).</p> <p>The guidelines issued by the UK government in this area provide limits for the exposure of occupational personnel and for the general public to AC and DC electric and magnetic fields. In their proposed designs for the interconnector, the Applicant has fully specified these guidelines to potential suppliers of the equipment and will not install any equipment which does not comply with the guidelines.</p> <p>The Applicant clarifies that the underground cables from Eastney to Lovedean use DC not AC and the levels of stray magnetic field calculated at a distance of 10m from the cables is 2<math>\mu</math>T. This figure can be compared to the guideline figure of 40,000<math>\mu</math>T and the earth's natural magnetic field, which is between 25<math>\mu</math>T and 65<math>\mu</math>T.</p>
	<p>Mr Veryard quired whether the HVAC and HVDC would create noise, or hum, during the operational stage.</p>	<p>The HVDC cables proposed will be buried typically 1m underground. The cables are of a concentric design, with a central high voltage core, surrounded by solid (plastic) insulation, and an outer metallic sheath. This sheath is connected to ground potential for safety. By design there is no electrical breakdown of the solid insulation, which could cause a noise. The insulation material is not self-restoring and any localised breakdown would ultimately lead to the failure of the cable.</p> <p>Unlike AC overhead transmission lines, DC underground cables create no audible noise when in operation.</p> <p>Therefore, operational noise from the HVDC cables was scoped out of the ES. This was agreed by the ExA as confirmed in Table 4.21.1 of the EIA Scoping Opinion (APP-366).</p>
<p><b>Blake Morgan LLP on behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter</b></p>		
<p>Deadline 4 Submission - Cover email with Schedule 1 to 5 (REP4-047)</p>	<p>On behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter, Blake Morgan LLP submitted the following documents at Deadline 4:</p> <ol style="list-style-type: none"> <li>1. Schedule 1 – Mr Geoffrey Carpenter and Mr Peter Carpenter’s comments on document reference REP3-014, which are the Applicant’s responses to Deadline 2 submissions that were submitted at Deadline 3;</li> <li>2. Schedule 2 – A summary of the status of Mr Geoffrey Carpenter and Mr Peter Carpenter’s written representations in light of the Applicant’s responses submitted to date during the Examination;</li> <li>3. Schedule 3 – A note responding to the ExA’s Procedural Decision dated 11 November 2020 to accept the Applicant’s changes to the Application (letter references PD-019 and PD-020);</li> <li>4. Schedule 4 – A cross-referenced Submission Note produced by Blake Morgan LLP with DCO Counsel (Mr. Christiaan Zwart) advising Mr Geoffrey Carpenter and Mr Peter Carpenter in relation to whether the use of fibre optic cables within the FOC Cable (or spare capacity above otherwise necessary</li> </ol>	<p>The Applicant has reviewed Mr Geoffrey Carpenter and Mr Peter Carpenter Deadline 4 submission and responses to Schedule 2 and Schedule 4, where considered necessary to assist the ExA, are appended to this document (Appendix A and B respectively).</p>



	<p>redundancy) for commercial telecommunications (and related infrastructure) can lawfully, or would be, able to be evaluated on the Applicant’s evidence as “authorised development”, together with a summary of the consequences of it not being so and concerns over extensive land take; and</p> <p>5. Schedule 5 – A letter from Blake Morgan LLP to the Applicant requesting certain technical information, and the AutoCAD drawings for the Land Plans.</p>	
<p><b>Ian Judd &amp; Partners on behalf of Mr Michael Jefferies and Mrs Sandra Jefferies</b></p>		
<p>Deadline 4 Submission - Comments on Applicant's Responses to the Written Representation (REP4-050)</p>	<p>On behalf of Mr Michael Jefferies and Mrs Sandra Jefferies, Ian Judd &amp; Partners submitted detailed comments on responses submitted by the Applicant at Deadline 3.</p>	<p>The Applicant’s response to Mr Michael Jefferies and Mrs Sandra Jefferies’s submission, where considered necessary to assist the ExA, is provided at Appendix C.</p>
<p><b>Ian Judd &amp; Partners on behalf of Mr Robin Jefferies</b></p>		
<p>Deadline 4 Submission - Comments on Applicant's Responses to the Written Representation (REP4-052)</p>	<p>On behalf of Mr Robin Jefferies, Ian Judd &amp; Partners submitted detailed comments on responses submitted by the Applicant at Deadline 3.</p>	<p>The Applicant’s response to Mr Robin Jefferies’s submission, where considered necessary to assist the ExA, is provided at Appendix D.</p>



# **Appendix A – Additional Schedules for Mr Geoffrey Carpenter and Mr Peter Carpenter**

# 1. APPLICANT'S RESPONSE TO MR GEOFFREY CARPENTER AND MR PETER CARPENTER

1.1.1.1. The following table sets out the Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter's submissions to the Examining Authority (ExA) made at Deadline 4 (REP4-047) Schedules 1 and 4.

**Table 1.1 - Blake Morgan LLP on behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter – Schedule 1**

Para No.	Comment	Applicant's Response
<b>Amenity (Noise, Dust and Vibration)</b>		
1.	<p>1) The Applicant has (merely) replicated its response provided at Deadline 2 (REP2-014). Row 23 of our Clients' Deadline 3 submissions (REP3-043) already addresses this. A particularised response from the Applicant remains outstanding.</p> <p>2) The responses in tables 5.15 and 5.17 of REP1-160 merely refer to chapter 24 of the Environmental Statement, a document which we have already commented on. No evidence is provided by the Applicant in its current response to address our specific concerns relating to Chapter 24. Table 5.15 of REP1-160 also refers to conclusions relating to the prospect of building damage as a result of noise and vibration, whereas our Clients' concerns encompass the (wider) impacts on their amenity and livestock grazing.</p> <p>The second paragraph of table 5.17 of REP1-160 seems to be a restatement of the Applicant's view that operational noise effects are expected to be negligible, and it does not address our request for a specific explanation as to how our Clients' concerns relating to Little Denmead Farm have been addressed and assessed. Similar arguments have already been responded to by us at rows 16, and 29 of our REP3-043.</p> <p>As the Applicant has failed at Deadline 3 to provide particular responses, we maintain our representations in this regard.</p>	<p>1) The Applicant refers to its response provided within Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014). Impacts from dust will be mitigated through the relevant measures secured in the OOCEMP (section 5.11) which ensure the potential effects of construction related dust settling on fields and paddocks and in impacting grazing activities will be avoided.</p> <p>2) The Applicant refers to the responses provided at para no. 17 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p>
2.	<p>The Non-Technical Summary is that. Chapter 24 of the Non-Technical Summary (REP1-079) does not provide the level of information and particularisation requested in relation to Measurement Point 1 and R5. It does not contain any explanation underpinning the asserted conclusion that there will be a negligible effect in relation to these two specific receptors. For example, paragraph 24.3.1.2 of REP1-079 states that "<i>Additional construction stage mitigation, such as consideration of programme changes to reduce <b>residents</b> ' noise exposure, is also specified <b>for some areas of construction</b> where work is being undertaken during sensitive periods and/or very close to sensitive receptors..</i>" but it does not state which residents and which sensitive receptors will benefit from this. Paragraph 24.3.1.3 of REP1-079 also states "<i>Additional mitigation has been recommended to reduce Converter Station noise</i></p>	<p>The Applicant refers to the responses provided at para no 17 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p>

Para No.	Comment	Applicant's Response
	<p><i>levels at one receptor.</i>" Further, it remains unclear whether these relate to Little Denmead Farm?</p> <p>The Applicant has failed to date to provide particular responses and gaps remain. We maintain our representations in this regard.</p> <p>We note, in the Applicant's recent reply, their assertion that 'negligible' is used to describe an effect where the noise level from the Converter Station is equal to or below the noise assessment criterion (i.e. does not exceed the existing background noise level at a given receptor). However, Table 24.3 of Chapter 24 of the Environmental Statement (APP-139) states for construction noise to be negligible it must be less than or equal to 65dB during the day, less than or equal to 55dB during the evenings and weekend, and less than or equal to 45dB during the night. The Applicant also invites us to read REP1-079 but Chapter 24 of the Non-Technical Summary (REP1- 079) does not detail how the overall noise effects from the proposed works and the operation of the converter stations would be negligible. Therefore, our question is what is negligible? Is it the value given by the Applicant in Table 24.3 or is it the description given by the Applicant in their most recent comment?</p> <p>In addition, we note that the Applicant has defined the noise assessment criterion at Little Denmead Farm to be 33dB. See paragraph, 24.4.5.6, Table 24.9 (APP-139). This noise assessment criterion has been taken from the background noise level for measurement position 1, found at Table 24.15 (APP-139) as outlined at paragraph 24.2.4.8 (APP- 139) and as such is 33dB. However, despite background noise levels being 33dB, average ambient noise level averaged as 45dB for the day and 43dB for the night at measurement position 1, as seen at paragraph 24.5.1.5, Table 24.15 (APP-139).</p> <p>There is no explanation as to why background noise levels have been used rather than average ambient noise levels to form the 'noise assessment criterion'.</p> <p>We request for the Applicant to provide this explanation and why it has chosen an elevated and not a lower baseline as background. Raising the baseline reduces (potentially artificially) the real noise impacts generated by the Application Development.</p> <p>In addition, we cannot identify in the documents provided by the Applicant any resultant noise predictions in decibels ("dB") incorporating current ambient and background noise readings.</p> <p>The Applicant has provided figures for the operation noise levels, construction noise levels, pre-existing background noise levels, and pre- existing ambient noise levels but does not provide the expected resulting uplift in noise levels during construction and operation. Dealing with the figures provided at Tables 24.21-24.24 (APP-139), the Applicant has not commented whether the noise levels during construction are those calculated in absence of the background noise levels or in addition to the pre-existing background noise.</p> <p>Therefore, in relation to Table 24.3 (APP-139) we are unable to tell if the noise that is</p>	<p>The Interested Party is mistakenly mixing the construction and operational assessment, and referring to them interchangeably in this section. To assist the Interested Party, the Applicant attempts to correct the misinterpretations as follows:</p> <p><u>Paragraph 1</u></p> <p><i>"Negligible' is used to describe an effect where the noise level from the Converter Station is equal to or below the noise assessment criterion (i.e. does not exceed the existing background noise level at a given receptor)"</i></p> <p>This is how negligible magnitudes of noise level are described for the <b>operational</b> assessment.</p> <p><i>"Table 24.3 of Chapter 24 of the Environmental Statement (APP-139) states for construction noise to be negligible it must be less than or equal to 65dB during the day, less than or equal to 55dB during the evenings and weekend, and less than or equal to 45dB during the night."</i></p> <p>This is how a negligible magnitude of noise level is described for the <b>construction</b> noise assessment.</p> <p><u>Paragraphs 3 and 4</u></p> <p><i>"There is no explanation as to why background noise levels have been used rather than average ambient noise levels to form the 'noise assessment criterion'. We request for the Applicant to provide this explanation and why it has chosen an elevated and not a lower baseline as background. Raising the baseline reduces (potentially artificially) the real noise impacts generated by the Application Development."</i></p> <p>Background noise levels have been used to inform the operational noise criteria because this is what is required by the assessment methodology in British Standard BS 4142:2014+A1:2019 <i>Methods for rating and assessing industrial and commercial sound</i>, which is the appropriate standard on which the operational assessment has been based. It is incorrect to state that the baseline has been 'artificially raised'.</p> <p><u>Paragraph 5</u></p> <p><i>In addition, we cannot identify in the documents provided by the Applicant any resultant noise predictions in decibels ("dB") incorporating current ambient and background noise readings.</i></p> <p>The ambient and background noise levels are entirely different noise metrics, and are defined British Standard BS 4142. It would not be correct for these to be combined, nor does any methodology endorse doing so.</p>

Para No.	Comment	Applicant's Response
	<p>being measured as 'negligible' is the total noise levels of the area with both construction and background included, or if the Applicant is measuring the construction noise levels in isolation.</p> <p>In addition, if the Applicant is using total noise levels, does the Applicant use the background noise levels of 33dB or ambient noise levels of 45dB, as depending on which one we consider that this might make a material difference to the final calculation of dB readings caused by the construction and operation of the Application Development?</p> <p>We request that if the Applicant is using background noise levels to calculate total noise levels to provide their reason for doing this.</p>	<p><u>Paragraph 6</u></p> <p><i>“Dealing with the figures provided at Tables 24.21-24.24 (APP-139), the Applicant has not commented whether the noise levels during construction are those calculated in absence of the background noise levels or in addition to the pre-existing background noise.”</i></p> <p>These are construction noise level predictions (a noise level in dB, <math>L_{Aeq,10h}</math>) in the absence of existing noise. This follows the methodology in British Standard 5228-1 <i>Code of practice for noise and vibration control on construction and open sites</i>, which is the correct standard for the assessment of construction noise.</p> <p><u>Paragraph 7</u></p> <p><i>“In addition, if the Applicant is using total noise levels, does the Applicant use the background noise levels of 33dB or ambient noise levels of 45dB, as depending on which one we consider that this might make a material difference to the final calculation of dB readings caused by the construction and operation of the Application Development?”</i></p> <p>Construction and operational assessments are being mistakenly muddled in this sentence. The background noise level is used to inform the operational noise assessment. Background or ambient noise levels are not used in the construction noise assessment, as this is not required in the BS 5228 methodology followed.</p> <p><u>Paragraph 8</u></p> <p><i>We request that if the Applicant is using background noise levels to calculate total noise levels to provide their reason for doing this.</i></p> <p>Background noise levels are not used to calculate ‘total noise levels’ (although it is not exactly clear what the Interested Party means by this term). The background noise levels are used to inform the operational noise criteria, as required by BS 4142.</p>
3.	<p>The Applicant is side-stepping our point and has not addressed it. Instead, it merely re-iterates its responses already provided at Deadline 2. We have already provided an answer on this point at row 17 of our submissions for Deadline 3 (REP3- 043.). The Applicant does provide additional references to information relating to noise and vibration predictions, but these do not answer the points we have made in relation to our Client's health.</p> <p>To summarise Tables 24.21 to 24.24 of Chapter 24 of the ES (APP-139), in relation to our Clients.</p> <ol style="list-style-type: none"> <li>1. Construction of main site access road - 55dB - Negligible</li> <li>2. Establishment of car parking and site welfare area - 53dB negligible</li> <li>3. Construction of substructure of telecommunications buildings - 53dB - negligible</li> <li>4. Construction of superstructure re of telecommunications building -52dB - negligible</li> <li>5. Landscaping car parking and site welfare area - 52dB - negligible</li> </ol>	<p>The Applicant refers to the responses provided at para no 18 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p>

Para No.	Comment	Applicant's Response
	<p>The evidence leaves out of account the impact of the Converter Station on RS.</p> <p>We request evidence of the impact on RS from the Converter Station and request an explanation as the basis for excluding the impact of the building of the substructure and the superstructure of the Converter Station for receptor RS (Little Denmead Farm) from Tables 24.22 and 24.23. This seems a significant omission.</p> <p>In addition, we cannot identify in the Application documents any resultant noise predictions in decibels ("dB") incorporating current ambient and background noise readings.</p> <p>The Applicant has provided figures for the operation noise levels, construction noise levels, pre-existing background noise levels, and pre-existing ambient noise levels but does not provide the expected resulting uplift in noise levels during construction and operation. Dealing with the figures provided at Tables 24.21-24.24 (APP-139), the Applicant has not commented whether the noise levels during construction are those calculated in absence of the background noise levels or in addition to the pre-existing background noise.</p> <p>Therefore, in relation to Table 24.3 (APP-139) it is impossible to ascertain whether the noise that is being measured as 'negligible' is the total noise levels of the area with both construction and background included, or if the Applicant is measuring the construction noise levels in isolation excluding background.</p> <p>In addition, if the Applicant is using total noise levels, does the Applicant use the background noise levels of 33dB or ambient noise levels of 45dB, as depending on which one we consider that this might make a material difference to the final calculation of dB readings caused by the construction and operation of the Application Development?</p> <p>We therefore maintain our representations in this regard.</p>	<p>The answers to these points are provided in the response to Paragraph 2 above.</p>
4.	<p>We note the generalised response of the Applicant to rely on mere generalised guidance to avoid undertaking a particular assessment of the impact of the Application Development on our Clients' land and business.</p> <p>We note that paragraph 24.4.2.6 of the Environmental Statement (APP-139) explains that the guidance BS 5228-1 states that construction noise predictions at distances over 300 m should be treated with caution due to the increasing importance of meteorological effects and uncertainty regarding noise attenuation over soft ground.</p> <p>Furthermore, given the distances involved, it is asserted that no significant construction effects would occur at distances beyond 300m. However, this does not respond to our point that, in the circumstances of this matter, why a lesser distance was not adopted as representative of the receptor sites, rather than selecting an arbitrary and generalised guidance distance of 300m which is on the borderline of the warning relating to using this guidance.</p> <p>With regard to the Applicant's response as to what is "temporary", paragraph 4.2.4.1</p>	<p>The Applicant refers to the responses provided at para no 19 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p>

Para No.	Comment	Applicant's Response
	<p>of the Environmental Statement (APP-119) states that the duration of effects lasting between 1 and 5 years is classed as "medium term". The 3-year construction period will, therefore, be a medium-term effect. That, in itself, sounds more serious than a "temporary" effect. The Applicant also, yet again, makes a blanket reference to a large section of the Environmental Statement (para 24.6.2 of APP-139) that we are already aware of and that our Client's written representation is based on in this regard. No attempt has been made by the Applicant in its response to demonstrate it has adequately assessed the specific impacts on our Clients. Simply telling us which large section we need to read (already knowing we have read it) is not enough.</p>	
	<p>The Applicant has still failed to explain why and how it has concluded that the effects of noise and vibration will be negligible specifically in relation to Little Denmead Farm and our Clients' specific health conditions, based on the technical analysis contained in Chapter 24 of the ES. The Applicant continues to merely assert they will be negligible. We therefore maintain our representations in this regard.</p>	<p>The Applicant refers to the responses provided at para no 18 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p>
5.	<p>The Applicant's response does not address the gap we have identified. There has been no change in that section to create an obligation to take positive steps to deal with the source of the complaint, and any detailed CEMP will need to be in line with the provisions of the outline CEMP. The possibility of a complaint's procedure is irrelevant to the concerns we are raising - it still does not oblige positive steps to be taken to resolve issues. We therefore maintain our representations in this regard.</p>	<p>The Applicant refers to the responses provided at para no 20 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p>
6.	<p>Little Denmead Farm is within 300m of the converter station and is a classed as a sensitive noise and vibration receptor. The Applicant admits that the construction, use for construction and equipment traffic, and presence of the access road has not been considered in the noise and vibration assessment. This is a significant oversight. In light of this, the Applicant has no technical basis to conclude that the vehicle movements will not result in any significant noise or vibration effects. The Applicant has no evidence to support this. We therefore maintain our representations in this regard.</p>	<p>The Applicant refers to the responses provided at para no 21 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised. Furthermore, supplementary information confirming the position that the access road will not result in any significant noise or vibration effects has been provided as Deadline 6 (Appendix F, Document Reference 7.9.23.1).</p>
<p><b>Business Impact</b></p>		
7.	<p>The Applicant's reference to Chapter 17 the ES (Soils and Agricultural Land Use) (APP-132) does not deal with the explicit question of business impact. Paragraph 17.5.1.8 of Chapter 17 of the ES (Soils and Agricultural Land Use) (APP-132) state that the proposals " give rise to moderate adverse temporary and permanent effects. These are considered to be significant effects on the farm." As such, we maintain our representations in this regard. The Applicant has continued to fail to adequately assess the significant harm that the DCO would have on Little Denmead Farm's ability</p>	<p>The Applicant refers to the responses provided at paragraph number 9 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains responses to the points raised.</p>



Para No.	Comment	Applicant's Response
	<p>to function. The Applicant has also failed to formally assess the loss of businesses and livelihoods (not only in relation to our Clients but also in general) in the context of the examination into whether the compulsory acquisition powers being sought satisfy the relevant legal and guidance requirements. As such, we maintain our representations in this regard.</p> <p>We are also aware of the information provided by the Applicant in answers CA1 and CA2 of REP2-014. To this we repeat our answers submitted in REP3-043 Comments on the Applicant's Responses (REP2-014) to the Carpenters' Written Representation (REP1-232). This is that, we are fully aware of the facts of what is being proposed on plot 1-32. However, the Applicant has not provided sufficient reasons or any analysis as to why the alternative compulsory acquisition powers we have suggested will not be appropriate, other than state there are "security and safety" reasons. No further detail is provided as to what these security and safety reasons are.</p> <p>We note the reliance placed by the Applicant on the terms of the Direction of the Secretary of State. That reliance remains misplaced. See the terms of the Direction and the underlying Statement requesting a Direction.</p> <p>The Applicant remains required to justify its Application Development, the terms of the DCO it seeks, and the lawful justification for the authorisation of compulsory acquisition rights in relation to our Clients' land at Little Denmead Farm.</p>	
<b>Compulsory Acquisition</b>		
8.	<p>Para 7.2.6 of REP1-025 states that the extent of the land to be affected by the Application Development will be no more than is reasonably necessary in connection with the construction, operation and maintenance of the Application Development and is therefore necessary and proportionate.</p> <p>We note the assertion by the Applicant.</p> <p>It remains necessary for the Applicant to establish the justification for the need for taking our Clients' land comprised of plot 1-32.</p> <p>The Needs and Benefits Report (APP-115) (and the belated Needs and Benefits Addendum - Rev 001 (REP1-136)) do not provide the justification necessary to support the use of compulsory powers of acquisition in relation to the Application Development.</p> <p>We are also aware of the information provided by the Applicant in a response to CA1 and CA2 of REP2-014. We repeat our answers submitted in REP3-043 Comments on the Applicant's Responses (REP2-014) to the Carpenters' Written Representation (REP1-232): we remain aware of what is being proposed on plot 1-32. However, the Applicant has not provided a rational basis or any assessment as to why the alternative extent of powers suggested would not be appropriate. Instead, the Applicant merely</p>	<p>The Applicant refers to the responses provided at paragraphs no. 2 and 3 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which contains answers to the points raised.</p> <p>Any third party rights over these areas would be significantly constrained by the potential presence of the Converter Station Site (for Option B(i)), and the landscaping and biodiversity enhancements which are to be located on this land in the event of either option, meaning access and enjoyment of the land will not be possible (for both options) once the landscaping to be provided in connection with the proposals is in situ.</p> <p>Furthermore, the Applicant considers it is necessary to acquire the freehold of the entirety of these areas to assist prevention of third party access for safety and security related reasons during the construction and operation of the Proposed Development.</p> <p>The areas of land where access and enjoyment of the land will not be possible due to landscaping is the land located within Plot 1-32. Plots 1-38, 1-69, 1-70 and 1-72 are fundamentally different to Plot 1-32 in that New Landscaping Rights are appropriate in these areas given the rights are necessary for the retention, protection and improvement of existing landscape features (i.e. existing hedgerows). As such, it would not be necessary to acquire the freehold of these areas for the reasons referred to above and in the post-hearing note to Compulsory Acquisition Hearings within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>

Para No.	Comment	Applicant's Response
	<p>asserts there to be generalised "security and safety" reasons. No evidence or particularised detail is provided as to what these security and safety reasons may be.</p> <p>We request clarification from the Applicant in relation to their statement that 'third party rights over these areas would be significantly constrained by the potential presence of the Converter Station ... and the landscaping which is to be located on this land in the event of either option, meaning access and enjoyment of the land will not be possible (for both options) once the landscaping to be provided in connection with the proposals is in situ.' Would the Applicant please specifically explain which areas of land where access and enjoyment of the land will not be possible due to landscaping? It is our understanding from the entire above statements in relation to Plot 1-32 as well as Plots 1-38, 1-69, 1-70 and 1-72.</p> <p>It had been our understanding that landscaping rights were not so prescriptive as to remove rights of access for Plot 1-38, Plot 1-69, 1-70, and 1-72. We have also addressed the Applicant's contentions relating to third party rights in row 5 of our Clients' Deadline 3 submissions (REP3-043), and we maintain those comments.</p>	
<b>Landscaping</b>		
	<p>Our Client's land lies in the setting of the South Downs. The Downs regulator has advised that their advice is to retain the existing situation and address the sensitivities of the farmsteads and the local landscape character. The landscape area around the Converter Station is at odds with the existing situation and appears to be a preferred landscape scheme seeking to justify a larger extent of land take than is necessary for the Converter Station's situation.</p>	<p>The Applicant refers to the Applicant's Response to Deadline 3 Submissions (REP4-027) (particularly the response to para no.5 at table 2.4) and the points made at para no 2 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which provide the justification for the freehold acquisition of Plot 1-32.</p> <p>As referred to in the Applicant's Response to Deadline 2 Submission, Table 2.5 Blake Morgan LLP on Behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter (REP3-014) and the Applicant's Comments on Local Impact Reports Table 9.1 paragraph 5.4 (REP2-013), the Applicant has proposed a comprehensive landscape mitigation package to mitigate the impacts of the Proposed Development in the location adjacent to the National Park in response to relevant planning policies and environmental considerations, which includes both new planting and the management and reinforcement of parts of the existing vegetation around the site. This is considered adequate mitigation to respond to the visual impacts of the Proposed Development, and required to make the Proposed Development acceptable in planning terms.</p>
	<p>However, the landscape scheme is not itself nationally important infrastructure but (mere) landscaping of currently open grassland fields used by livestock and able to be used for livestock farming.</p>	<p>The Applicant also refers to paragraph 3 of Table 2.4 to the Applicant's Response to Deadline 3 Submission (REP4-027). The landscaping associated with Plot 1-32 is not only "only grassland", it consists of woodland, scrub and hedgerows and new calcareous grassland. The planting serves not just a visual screening function in specific locations but also seeks to connect with Stoneacre Copse (ancient woodland to the south east), addressing concerns over the need to improve connections to nationally important habitats as referred to at the Applicant's Response to Written Representations (4.23) (REP2-014) and responds to LPA management strategy objectives in terms of landscape character (as</p>

Para No.	Comment	Applicant's Response
		<p>detailed below) and referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402). Taking into account the aims of providing the woodland, scrub and hedgerows and new calcareous grassland, in addition to the new grassland, and the ecological benefits which this provides, it is necessary to ensure those areas are adequately maintained and otherwise not disturbed so as to fulfil their landscaping function and ensure the biodiversity benefits in this location are realised.</p> <p>It is also necessary for the Applicant to have exclusive possession of the area around the Converter Station and Telecommunications Buildings so as to deter potential trespassers who may seek to intrude into the Converter Station/interfere with the Telecommunications Buildings. By having control over these areas, the Applicant is able to control who can and cannot access those areas and thus more adequately deter any potential for interference with the apparatus, which is entirely appropriate and necessary taking into account the purpose of the infrastructure and the benefits its continued safe operation will provide.</p>
	<p>The Applicant asserts that its proposed landscape appearance is preferable to the existing local landscape of the farmstead. It asserts that that preference for a different local landscape appearance around the Converter Station footprint is necessary and proportionate for the proposed Converter Station. It relies on addressing concerns over the need to improve connections to nationally important habitats as referred to, by a single sentence, in the Applicant's Responses to Written Representations (4.23) (REP2-014).</p>	<p>As the Applicant has explained above, the landscaping serves a visual screening function. It also aids landscape and ecological connectivity, biodiversity enhancement and strengthens landscape features. Such measures have been discussed at length with the Local Planning Authorities to ensure the Proposed Development mitigates against the predicted landscape and visual effects.</p>
	<p>Whereas livestock can move through open fields presently, they cannot move across the proposed new vegetative barriers indicated on the (indicative unfixed) landscape plans.</p> <p>The envisaged new connections do not accommodate the existing farmstead connections situation.</p> <p>Further, it is difficult to see what in particular the landscape indications are mitigating at all at the local level of the nearby farmstead.</p> <p>If the purpose of these powers is to improve connections to nationally important habitats, why is the very considerable horizontal breadth over large swathes of our Clients' freehold land proportionate or necessary in the context of the purpose of the Converter Station infrastructure? As the Applicant points to the Needs and Benefits report to indicate the proportionality of its desired acquisition, this needs, and benefits report does not encompass the need to create habitat cohesion. In addition, if the Applicant was seeking to create better habitat cohesion with the Ancient Woodland, why can this not be done by means other than compulsory acquisition?</p>	<p>As the Applicant has explained in paragraph 5.3.8 of the Applicant's response to Deadline 3 submission (REP4-027), temporary fencing will be installed to provide a temporary protection to planting until it becomes established to minimise loss as a consequence of grazing deer and rabbits as referred to in the OLBS (REP1-034) and also, to act as a demarcation fence to mark a boundary between the Converter Station Area and other private lands to create a visual and physical barrier to deter any trespassing.</p>

Para No.	Comment	Applicant's Response
	<p>The Applicant refers to the South Downs National Park Landscape Character Area D (D2 Hambledon and Clanfield Downland Mosaic) Management Strategy and the desire (not need) therein to conserve and extend Buster Hill and Old Winchester Hill. It is difficult to follow why the Applicant references this Strategy when these distant features that are both over five miles away from the site and not within the SDNP area.</p>	<p>The SDNPA Integrated Landscape Character Assessment (LUC, December 2005) identifies for Landscape Type D Downland Mosaic that one of the key landscape sensitivities of this landscape type which is vulnerable to change are areas of chalk grassland and associated woody scrub and that in the short term there is likely to be “continued positive change in the form of conversion of arable land back to pasture and creation and management of chalk grassland habitats as a result of ongoing policies and incentives (D23)”. Landscape management considerations include maintaining and increasing the species diversity of areas of semi-improved grassland, which act as a reservoir for more common chalk downland species.</p> <p>Landscape Character Area D2 Hambledon and Clanfield Downland Mosaic lies within Landscape Type D. Paragraph D2.2 Integrated key characteristics states that “a number of important chalk grassland and woodland sites occur within this character area including Butser Hill and Peake Wood” north of Old Winchester Hill. Whilst such locations are beyond the Converter Station area these are examples of where grassland habitats are notable and should not preclude proposals to respond to landscape management and development considerations specific to this area to “conserve the chalk grassland and hanger woodland”. Paragraph D2.13 also makes it clear that all general landscape management considerations relevant at the landscape type also apply to the landscape character area.</p> <p>The Applicant therefore sees it as an opportunity to support changes to chalk grassland whilst also generating a positive gain in terms of biodiversity within the landscaping that is required to mitigate the impacts of the Proposed Development. .</p>
	<p>The Applicant references the East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy. We note that the Applicant states that this strategy seeks to restore hedgerow boundaries to provide visual unity and intactness. We note that this strategy is formed for the entire Character Area 3f Horndean - Clanfield Edge and not simply the area around the Lovedean station. It cannot be ascertained how the Applicant plans on increasing already established hedgerows in this area to increase biodiversity.</p>	<p>The revised Indicative Landscape Mitigation Plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) seek to restore, enhance and reinstate hedgerows within the Order Limits. For some existing hedgerows these will be gapped up and / or new tree planting introduced to provide visual screening at a higher level and improve biodiversity, for other hedgerows which have been lost through grubbing out or limited management they will be replaced. The Applicant refers to the Outline Landscape and Biodiversity Strategy (REP1-034) for further details. As referred to in the Applicant's Response to Deadline 2 Submission (REP3-014) the hedgerows also seek to maintain links to areas of woodland and promote the growth of hedgerow trees required on a permanent basis for visual screening.</p>
	<p>In addition the East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy also asks to conserve the pattern of small assorted [sic] fields and seek to conserve/reinstate hedgerow boundaries and seek to ensure good management of horse paddocks to conserve the rural setting. The Applicant's submissions seem to be in conflict with these considerations. Also, there is also a consideration to monitor the expansion of the urban edge of Horndean and Clanfield to ensure that it does not expand further onto areas of open rolling chalk downland. As such we consider that on balance, the Applicant's proposals are more in breach of the East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy than in accordance with it.</p>	<p>The Applicant disagrees that there is a conflict with the management objectives of the East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy.</p> <p>The East Hampshire Landscape Character Assessment, LUC, 2006 refers to two management objectives: “to conserve the pattern of small assorted fields and seek to conserve/ reinstate hedgerow boundaries. Under a further objective the document “seeks to ensure good management of horse paddocks to conserve the rural setting”. In response to the first objective stated the Applicant has sought to conserve the pattern of fields in so far as is feasible given the new infrastructure proposed and has sought to conserve and</p>

Para No.	Comment	Applicant's Response
		<p>reinstate hedgerow boundaries. The Applicant's Response to Written Representations (REP2-014) in paragraph 4.25 vii) states that the indicative landscape mitigation plans have sought to reconnect existing field boundaries lost as a consequence of construction works and where unconstrained by underground services. A new hedgerow has been introduced to the north of the Converter Station which follows a historic field boundary. To the south of the substation, and along either side of the access road, the existing fields change from small to large and open – the latter increasing in size as a result of an intensification in agricultural practices. If the plans were aligned with the existing pattern of field boundaries in this location the extent of hedgerows would be limited. Given the need for visual screening and ecological connectivity hedgerows were introduced and smaller fields were created replicating those to the west of Stoneacre Copse.</p> <p>In terms of the second management objective and as explained in the Applicant's Response to Deadline 2 Submission (REP3-014) paragraph 3.8 the Applicant considers that the use of these areas for agricultural use would have a material negative effect on the development and retention of the landscaping proposed. Furthermore, the Applicant considers it is necessary to acquire the freehold of the entirety of these areas to prevent third party access for safety and security related reasons during the construction and operation of the Proposed Development.</p>
	<p>In regards to Winchester City Hambledon Downs 17 (WCTW2) Management Strategy, we have been unable to find this document online as so invite the Applicant to provide it as they are seeking reliance on it.</p>	<p>The Winchester District Landscape Character Assessment, Winchester City Council, March 2004 as referred to in Appendix 15.4 (APP-402) refers to management or more specifically landscape strategies which seek to encourage the extension of existing chalk downland, through agricultural and planning policies (e.g. compensation for unavoidable loss of wildlife habitats resulting from planned development), encourage the protection and conservation of important wildlife and historic features such as ancient hedgerows and woodlands, tracks and historic parks, especially where they provide a link with other semi-natural habitats and conserve and restore the structure and condition of the woodlands through appropriate management such as thinning, coppicing, replanting, ride and edge management and the removal of invasive alien species.</p> <p>Information regarding the Hambledon Downs LCA are found within Chapter 4 Pages 136-151, of the Winchester City Council, Landscape Character Assessment website:  <a href="https://www.winchester.gov.uk/planning/landscape---countryside/landscape-character-assessment/">https://www.winchester.gov.uk/planning/landscape---countryside/landscape-character-assessment/</a></p>
	<p>In relation to the Applicant's statement that the indicative landscape mitigation plans Figure 15.48 and 15.49 demonstrate further measures to improve connectivity further with the ancient woodland, we again question how this is relevant to the Application Development.</p>	<p>LPAs and NE have expressed concern over the need for east west links and the fragmentation of ancient woodland. This is evidenced in the Statement of Common Ground with Winchester City Council (document reference 7.5.4 submitted at deadline 5) which at paragraph 4.3.7 states that further to discussions with WCC and other LPAs in response to the request to provide stronger connectivity between features and for east-west movement of wildlife (which is covered in the ecology section 4.4.15 below) revisions have been made to the indicative landscape mitigation plans and these are reflected on Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii)</p>

Para No.	Comment	Applicant's Response
		<p>(REP1-137). Further details are provided of the means to improve east west links and minimise fragmentation. How the Proposed Development complies with planning policy requirements and the benefits which it provides from a biodiversity perspective through the provision of the landscaping required in connection with the Proposed Development to mitigate the its visual impacts is relevant to the Application.</p>
	<p>The Applicant refers to extensive engagement and feedback with LPAs. We request that the Applicant provide evidence as to the feedback given and where it would state that additional areas of land would have to be compulsorily acquired in order to improve the connectivity of the ancient woodland.</p>	<p>The Applicant's Statement of Common Ground with Natural England (REP4-015) paragraph NE4.1.1 also reiterates the need for explore "Projects to enhance the landscape by increase planting of trees or hedgerows would also deliver biodiversity gains, especially schemes to increase connectivity between ancient woodland areas and within ecological corridors. It is appreciated that this may fall outside of land ownership areas, however, enhancements could be secured via a landscape and biodiversity enhancement fund. NE would be happy to discuss this option further in due course".</p> <p>Evidence of extensive engagement is detailed in the Statements of Common Ground with relevant local planning authorities, the most recent documents of which are as follows:</p> <ul style="list-style-type: none"> <li>• The Applicant's Statement of Common Ground with Winchester City Council (REP4-010)</li> <li>• The Applicant's Statement of Common Ground with East Hampshire District Council (REP5-025)</li> <li>• The Applicant's Statement of Common Ground with South Downs National Park Authority (REP5-026)</li> <li>• The Applicant's Statement of Common Ground with Natural England (REP5-027)</li> </ul> <p>In terms of a statement of where additional areas of land would have to be compulsorily purchased in order to improve connectivity of the ancient woodland, The Applicant asks for further clarification on this point. All land which has been proposed to be subject to the powers of compulsory acquisition lies within the Order limits.</p>
<p>9.</p>	<p>Regarding the Applicant's comment on permanent landscaping rights in relation to hedgerows and the provision of a screening function, the Applicant has previously failed to answer our queries in this regard which featured in our written representations. The Applicant has not provided, and has failed to provide, justification for the need for permanent landscaping rights over the full lengths of hedgerows in order for them to provide screening, when the existing hedgerows are already fully mature. The hedgerows would continue to provide screening for the Applicant's Application Development, whether or not the Applicant has rights over that land.</p>	<p>A comprehensive landscape mitigation package to minimise the impacts of the Proposed Development in the location adjacent to the National Park has been provided, including both new planting and the management and reinforcement of parts of the existing vegetation around the site where this is considered necessary.</p> <p>Permanent landscaping rights are sought over existing vegetation including hedgerows to ensure screening is retained and managed as necessary during the operational lifetime of the authorised development. This gives the Local Planning Authorities the confidence that the existing vegetation will be retained and vegetation replaced where lost and this is secured through Schedule 2 requirement 8(3) of the draft DCO (REP5-008). If the rights are not secured, the Applicant could not guarantee the landscaping features would remain.</p>
<p><b>Relevant Representations not responded to</b></p>		

Para No.	Comment	Applicant's Response
10.	<p>We note the Applicant's response in regards to our very real access concern. However, the Applicant has failed to recognise this concern or to provide credible evidence to justify its conclusions on the impacts that the Application Development will have over access to the farm. We made points in this regard at paragraph 6.5.9 of our Client's Written Representations (REP1-232) and have provided further comments so refer to our comments above relating to business impact.</p> <p>We remain aware of the facts of what is being proposed on plot 1-32. With regard to the Telecommunications Building, the Applicant continues to have failed to explain why the Telecommunications Building cannot be placed slightly east to avoid the break up on an additional paddock and has also failed to establish why the Telecommunications Building cannot be included in the Converter Station compound, a point we established in paragraph 6.5.7 of our Clients' written representations (REP1-232) and not yet acknowledged by the Applicant.</p> <p>We note: the Applicant's comments in regard to the nature of the area; that the Applicant asserts that whilst the area is rural it is dominated by features of undisguised industrial nature. We consider the Applicant's assertion to be enthusiastic: despite hosting overhead pylons, the area of our Clients' land is unmistakably a rural agricultural area.</p>	<p>With regard to the location of the Telecommunications Buildings and their proximity to Stoneacre Copse (which comprises Ancient Woodland), the Applicant has explained in its Response to Deadline 3 Submissions (REP4-027) in response to para no.7 at Table 2.4 that the Telecommunications Buildings were sited to the west of the Access Road to minimise impacts on Stoneacre Copse, working within offsets and standoffs required taking into account relevant utilities, landscape and ecological considerations. Further, due to the strict access requirements at the Converter Station as detailed in Section 6 of REP1-127, the landscape bunding around the Converter Station and the attenuation pond located directly south of the Converter Station, the Telecommunications buildings compound is proposed to be situated south of the attenuation pond and west of the proposed Access Road.</p> <p>The Applicant also refers to the Applicant's Comments on Local Impact Reports paragraph 1.4.7 (REP2-013) and the Applicant's Response to Deadline 2 Table 2.10 (REP3-014) in relation to the nature of the area. The landscape whilst rural is characterised by the existing Lovedean Substation and, particularly the overhead terminal towers / pylons and lines which are of an undisguised industrial nature. As described in ES Chapter 15 (APP-130) paragraph 15.5.3.4 "the existing Lovedean Substation, associated pylons and overhead lines are dominant elements in the landscape of the Converter Station Area and immediate surrounding area."</p>
16.	<p>The Applicant did at Deadline 3 provide revised draft Heads of Terms, which we are currently considering on behalf of our Clients.</p> <p>We reserve the right to make further comments on the Applicant's quality and frequency of engagement should this deteriorate once again.</p> <p>We note that the potential provision of access rights to enable their entitlement to return to their current freehold land (whilst being logically circular) does not resolve all our Client's access issues. In paragraph 6.7.1 of our Client's Written Representations (REP1-232), it was explained that the effect of Article 30(3)(a) of the draft DCO (document number 3.1) is that the Promoter could take possession of plot 1-71 (the track) for a maximum of 4 years given that the construction and commissioning works for the Converter Station is estimated to take place between 2021 and 2024.</p> <p>This would result in the severe restriction of access for the Clients to their land and for their business (in whatever form that would remain) and these would suffer because heavy vehicles would not be able to access the land they will retain.</p> <p>This resulting situation would be a disproportionate interference with our Clients' interests and rights as no exceptions are available for our Clients to make use of, in order to mitigate the severe impacts. We request that amendments are made to the proposals to allow for heavy vehicles and animals to continue to use this track in our Clients' case, and for practical arrangements to be left to be agreed between the Promoter and our Clients.</p>	<p>The Applicant refers to the the points made at paragraphs no 14, 15 and 16 of Appendix B (Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter).</p> <p>The Applicant is willing to consider revised wording in the Heads of Terms in relation to the Landowner's retained access rights, both temporarily during construction and permanently during operation. Should the Landowner's representatives seek further clarification or would prefer to provide alternative suggestions the Applicant welcome further engagement to progress such matters. However, such access will need to take into account that the areas in question will be used by plant and machinery and will need to be subject to appropriate provisions to ensure that access can be undertaken safely, both for the benefit of the Landowners and the Applicant's contractors.</p>

Para No.	Comment	Applicant's Response
	<p>The Applicant responded at Deadline 2 at para Te1 of document REP2-014 that it would grant our Clients' access over plot 1-71 to resolve these issues.</p> <p>Regrettably, the revised draft Heads of Terms that have now been sent to our Clients do NOT provide these access rights. The Applicant continues to pay lip service to the approach to the taking of our Clients' land against their will and has failed to do what it has represented to the ExA it would do.</p> <p>This is both surprising and disappointing but appears reflective of the private limited company promoting the Application Development and which appears unaccustomed to exercising discretions in the public interest as opposed to in its exclusively private interest.</p> <p>We therefore maintain our Clients' representations in this respect.</p>	
17.	<p>The Applicant's response does not provide what the ExA has asked for, which is a detailed justification as to the assessment and approach to compulsory acquisition in relation to Little Denmead Farm.</p> <p>The answer the Applicant refers the ExA to relates alone to the Applicant's subjective perspective of how it views its engagement in discussions with our Clients. This approach, however, remains not relevant for the purposes of the ExA's question (please see row 14 of this Table relating to engagement).</p>	<p>The Applicant has clearly out the reasons why the land which is proposed to be acquired and to be subject to the powers of compulsory acquisition is required for and/or to facilitate the delivery of the Proposed Development within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034), and further information regarding the reasons why Plot 1-32 is required for the Proposed Development is provided within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>

See Appendix B – Applicants Response to Mr Geoffrey Carpenter and Mr Peter Carpenter for the response to Schedule 2

**Table 1.2 – Blake Morgan LLP on behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter – Schedule 4**

Para No.	Comment	Applicant's Response
<b>Introduction</b>		
6	<p>By section 35(1), the SoS is empowered to direct that “development” be treated as development for which development consent is required. Consistent with the scope of sections 31 and 14(6), the scope of that power is expressly restricted, including in subsection (2)(a) of Section 35 by which that the development is or forms part of a project (or proposed project) in prescribed fields that include “energy”. Parliament has not prescribed “commercial telecommunications” as an available “field” within section 35(2)(a)(i).</p>	<p>The Proposed Development is a project in the field of energy. There is nothing in the Planning Act 2008, or more specifically Section 115 of the Planning Act 2008, which limits and/or requires associated development to be in the same field as the primary project to which it is associated, or indeed in relation to what type of development may be associated development, save that it cannot be the construction or extension of a dwelling house (see section 115(2)(b) of the Planning Act 2008).</p>
7	<p>However, Parliament has provided for a direction to potentially encompass “a business or commercial project (or proposed project) of a prescribed description”. In doing so, it continues to recognise that some such categories</p>	<p>The Proposed Development is a project in the field of energy. The Section 35 Direction is issued in relation to the Proposed Development, being a project in the field of energy. The proposed commercial use of the spare fibres within the fibre optics cables is associated</p>



	<p>may be subject to the development consent regime but only if within the scope of a prescribed description. As at Deadline 4, the Applicant has not relied on a prescribed description notwithstanding that AQ dDCO: Article 2(1) defines “onshore HVDC cables” to include “i) fibre optic data transmission cables ... for commercial telecommunications” and “telecommunications building” to include “for the commercial use of the fibre optic data transmission cables housed within the building”; Similarly, Article 7(6)(c) provides for the transfer benefit of the Order “so far as it relates to the commercial telecommunications use of the fibre optic data transmission cables”.</p>	<p>development within Section 115 of the Planning Act 2008, which as explained above does not need to be in the same field as the primary project to which it is associated to be associated development for which development consent may be granted.</p>
9	<p>In interfacing with other development regimes, section 115(6) ensures that “to the extent that development consent is granted for associated development”, section 33 applies to it. By section 33(1)(a), “to the extent that development consent is required for development”, planning permission is not required to be obtained. Thereby, development within an application for development consent that is “associated development” does not require planning permission whereas development that is not “associated development” requires planning permission that may be secured on further or separate application under the Town and Country Planning Act 1990 to the relevant local planning authority or authorities under that statutory regime. Thus, commercial telecommunications are allocated locally.</p>	<p>This statement is wrong. As explained above, There is nothing in the Planning Act 2008, or more specifically Section 115 of the Planning Act 2008, which limits and/or requires associated development to be in the same field as the primary project to which it is associated, or indeed in relation to what type of development may be associated development, save that it cannot be the construction or extension of a dwelling house (see section 115(2)(b) of the Planning Act 2008). The commercial telecommunications use of the spare fibres within the fibre optic cable may therefore be associated development, and it is not the case that commercial telecommunications can only be permitted pursuant to the Town and Country Planning Act 1990.</p>
<p><b>The Secretary of States’ Direction (30<sup>th</sup> July 2018)</b></p>		
11	<p>In paragraph 3.12, the request evinced a stated “intention” (but no more) to seek consent to “use the spare fibre capacity for the provision of telecommunications services” and would seek development consent for “this commercial telecommunications use” on the basis that “it is associated development”. As referred to above, the Applicant did not identify or rely on any prescribed business description under section 35(2)(a)(ii) of the PA 2008 notwithstanding that Parliament provides for certain such category.</p>	<p>It was not necessary to do so. The commercial use of the spare capacity within the fibre optic cables is to be treated as associated development, which is associated with and subordinate to the primary development in relation to which the Section 35 Direction was issued.</p>
12	<p>The terms of the Direction expressly refer back to that request and refers to “elements of the AQUIND Interconnector”. See paragraph 1. Those elements can only mean those referred to in paragraph 3.5.1(A)-(D) and no other. The Direction also describes those elements as “the Development” in line with the request made to him. The Direction includes no reference to prescribed business descriptions. Read on its face, the SoS could direct that the certain energy field development elements could properly be treated as requiring development consent on the basis of the request made to him.</p>	<p>The Section 35 Direction (AS-039) is very clear in its terms, stating “<i>THE SECRETARY OF STATE DIRECTS that the proposed Development, together with any development associated with it, is to be treated as development for which development consent is required</i>”.</p> <p>The proposed commercial use of the spare capacity within the fibre optic cables is associated development, which in accordance with the Section 35 Direction is development for which development consent is required.</p>
13	<p>The Direction also provides that: “together with any development associated with it” be treated as requiring development consent. This reflects section 115(1)(a) of the PA 2008. But, whether or not development may qualify as “associated development” is an evaluative matter of judgement for a decision taker properly directing its mind in law on the relevant facts. It being evident</p>	<p>The Applicant has confirmed in the Statement in Relation to FOC (REP1-127) why the commercial telecommunications use of the fibre optic cables and the infrastructure associated with that use is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC.</p>

	<p>that the SoS understood the Applicant “intended” (but no more) to apply for use of fibre optic cables for commercial telecommunications and their being no such “field” in the PA, and in the absence of reliance on a “prescribed description” of commercial development. In using the term “any”, the SoS ensured that the Applicant could make certain its proposals and that their evaluation could occur through the Hearing Process. That is, “any” infers that there may be some or none. This is because he was not asked to designate the “associated development” as a paragraph 3.5.1 certain “element” of the project in the request to him and, at its highest, the Applicant evinced (and no more than) an express “intention” alone to seek consent for “associated development”. Nor did the Applicant explain in its request how the envisaged development might qualify within the guidance on associated development (April 2013).</p>	
16	<p>Further, that the Applicant needs to further assert that spare capacity (or additional unnecessary fibre optic cables) within a standard sized FOC cable qualifies as “associated” development under paragraphs 5 and 6 of the PA 2008 Guidance on Associated Development (April 2013) reveals a recognition of its (enthusiastic) misreading of the Direction. The Carpenters own the freehold land in which it is envisaged to situate permanently FOC cable containing fibre optic cables with spare capacity or unnecessary additional fibre optic cables, for commercial telecommunications and its related infrastructure. That permanent situation and related infrastructure for the practical reason would reduce the size of their farm land and the area available for livestock grazing and appears to be development outside the scope of section 115(1)(b) by reason of its separate purpose unrelated to the interconnector’s purpose. In law, reinforced by a lawful evaluation of fact and degree by the ExA, such development cannot be included in the development consent order being sought.</p>	<p>The Applicant has confirmed in the Statement in Relation to FOC (REP1-127) why the commercial telecommunications use of the fibre optic cables and the infrastructure associated with that use is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC.</p>
<p><b>Associated Development Guidance (April 2018)</b></p>		
20	<p>The phrase in section 31 of the PA 2008 - “to the extent that the development is or forms part of” an NSIP – and in 115(1)(b) and (2)(a) – “associated” – is a value laden word requires an evaluation and judgement. The ordinary meaning of “associated” includes: “joined in function; concomitant; sharing in function but with secondary or subordinate status”; connect as an idea; combine for a common purpose”. See Shorter Oxford Dictionary, 6th Edition, in Appendix 1 hereto.</p>	<p>That the proposed commercial use of the fibre optic cables is subordinate to the primary purpose of cable control, protection and monitoring in connection the primary use of the Proposed Development, being the transfer and conversion of electricity, is confirmed within the table contained at Annex 1 of the Statement in Relation to FOC (REP1-127).</p>
<p><b>Associated Development, Paragraph 6 – Typical or Atypical?</b></p>		
23	<p>The Applicant asserts in paragraphs 1.2 and 1.3 of Annex 1 to its “Statement in Relation to FOC” (6th October 2020), Document Ref: 7.7.1 that the commercial fibre optic cables and Telecommunications Buildings are typical of the examples given in the “2008” [sic] Guidance, Annexes A and B, as brought forward alongside the relevant type of principal development. Annex A gives examples under “connections to national, regional or local networks”</p>	<p>Whether telecommunications is a field of nationally significant infrastructure project in accordance with Section 14 of the Planning Act 2008 is irrelevant. The proposed commercial use of the spare fibres within the fibre optic cables required for the purpose of cable control, protection and monitoring in connection the primary use of the Proposed Development, being the transfer and conversion of electricity, is associated development, and therefore not required by law to be within a field detailed in Section 14 of the Planning Act 2008.</p>

	<p>that include references to “electricity networks” and “telecommunications networks”. The Application would “connect” to the existing Lovedean electricity sub-station adjacent to the Carpenters’ land but there is no pre-existing telecommunications network that would be connected to and it remains the case that, as at 2020, Parliament has not extended the “fields” of what it recognises as “nationally significant infrastructure projects” to encompass “telecommunications” nor are they a prescribed commercial project. Annex B refers to “electric lines” and concerns control buildings relating to those and not to telecommunications cables. In its “Appendix 1 – GB Interconnectors” to its Needs and Benefits Report, Document Ref: 5.6 (22nd October 2019), the Applicant has referred to a range of interconnectors without reference to their inclusion of commercial telecommunications fibre optic cables or Telecommunications Buildings. There is no such reference in its most recent “Needs and Benefits Addendum” (6th October 2020), Document ref: 7.7.7.</p>	<p>All interconnectors include fibre optic cables for cable control, protection and monitoring purposes.</p>
<p><b>24</b></p>	<p>The Carpenters’ evaluation in Appendix 2 hereto (as to whether interconnectors typically or atypically include use for commercial telecommunications of spare capacity in fibre optic cables, or of the inclusion and use of unnecessary additional fibre optic cables within the FOC cable, or Telecommunications Buildings) shows there is no nationally significant infrastructure project that includes such cables or buildings “for commercial telecommunications”. This finding is consistent with the scope of projects and fields prescribed by Parliament in the PA 2008, by 2020, as not extending beyond the prescribed “fields” to encompass “telecommunications”. Thus, the inclusion of development comprised of the use of such spare capacity, or of such fibre optic cables in the FOC cables and their use for such commercial telecommunications use, (and of equipment and buildings related to and for such use in this Application) is atypical and not to be expected in the PA 2008 sphere of NSIP projects, is outside of the scope of Parliament’s specified (broad) “fields” and is not within a prescribed description of commercial development defined under the Act. Their inclusion in the Application results in this proposal being isolated and unique.</p>	<p>There is no other interconnector for which development consent has been obtained, with the Proposed Development being the first of its kind to be considered pursuant to the Planning Act 2008 regime. As explained above, there is no test to be satisfied requiring associated development to be within the fields detailed in Section 14 of the Planning Act 2008.</p>
<p><b>Associated Development, Paragraph 5</b></p>		
<p><b>29</b></p>	<p>The “Needs and Benefits Addendum” (6th October 2020), Document Ref: 7.7.7, paragraphs 5.1.1.1 – 2 reiterates that: “the industry standard single Fibre Optic Cable (FOC) has up to 192 fibres, but the number of fibres required for cable protection is less than this” with the result that “[t]here will therefore be spare capacity on [sic] the fibres cables ...”. The reason for the 192 fibres appears to be an industry standard size of cable rather than because of an Applicant bespoke choice or design that matches the requirements of the particular interconnector project. Further, paragraph 3.6.3.22 of the ES, Document Ref: 6.1.3, describes: The industry standard for the amount of fibres within a single cable continues to increase as technology develops”. It would appear that, because only a specified number of fibres</p>	<p>As is explained at paragraph 5.2 of the Statement in Relation to FOC, to withstand the various physical impacts which the fibre optic cables are likely to be subject to associated with transportation, installation and operation in the marine and underground environment and protect the glass fibres located within it, the fibre optic cables are required to be of an adequate outer diameter. Within the required outer diameter for the fibre optic cables, 192 glass fibres may be installed. The outer diameter must be of sufficient size to withstand the impacts to which it is likely to be subject, and the use of standard size cable components for this purpose, the size of the cable itself would not change if the number of glass fibres within it was reduced from 192 to a lesser multiple. Therefore, whilst it would be possible to install a cable with fewer glass fibres (and thus less spare capacity), this would not reduce the impacts to any degree. Accordingly, there is no benefit to such an approach being taken, and</p>

	<p>(and related redundancy levels) within (but less than) the 192 fibre optic cables (that can but are not otherwise necessary for data transmission to populate the overall diameter of a cable) are necessary or required for the function of supporting the electricity bearing cables, then, because the industry appears to be supplying FOC cables of a higher diameter than is necessary, or of the necessary diameter but with (ever) smaller fibre optic cables within that FOC cable resulting in an increased number of fibres within the FOC cable, then there can be either spare capacity in some fibre optic cables, or additional fibre optic cables within an overall FOC cable that would have (as here) no support function role or purpose at all in relation to the electricity bearing cables and are functionless fibre optic cables.</p>	<p>it is considered this would limit the overall benefits to be provided by the Proposed Development.</p> <p>It is therefore incorrect to refer to FOC cables being of a higher diameter. The diameter does not change, being the diameter which is required to withstand the various physical impacts to which the fibre optic cables are likely to be subject.</p> <p>The spare fibres where not used for commercial telecommunications purposes would act as redundancy, albeit it is likely would be unused.</p>
<p><b>30</b></p>	<p>Thus, it is evident that alongside each HVDC and HVAC cable would be situated a different FOC cable of adequate overall diameter to withstand environmental effects upon it and that would contain 192 individual fibre optic cables of which 192:</p> <p>a) some would relate to the function of supporting the cables nearing electricity;</p> <p>b) some would have redundancy capacity related to that support function;</p> <p>c) some would have “spare” capacity not related to that redundancy nor to the necessary support function; and</p> <p>d) some individual fibre optic cables would have no function related to the support of electricity bearing cables at all.</p> <p>Categories (a) and (b) would satisfy paragraph 5(i) (but have been included by the Secretary of State in his Direction as element (D) (“together with smaller diameter fibre optic cables for data transmission”); whereas (c) and (d) could not.</p>	<p>Categories (a) and (b) are an essential part of the Interconnector, being the principal development, and therefore are part of the principal development.</p> <p>Categories (c) and (d) are proposed to be used for commercial telecommunications purpose as associated development in accordance with Section 115 of the Planning Act 2008. The reasons why paragraph 5(i) is satisfied in relation to this proposed commercial use is explained in Annex 1 of the Statement in Relation to FOC (REP1-127).</p>
<p><b>32</b></p>	<p>That additional spare capacity (from such capacity and/or from unnecessary additional fibre optic cables within the FOC cable) results from a choice by the Applicant to not use an overall FOC cable of lesser diameter or of the same diameter but that contained fewer individual fibre optic cables, or because of a happenstance mismatch between the diameter of the cable required to withstand environmental effects and the number of fibre optic cables that it may contain. (A happenstance mismatch cannot be said to be a designed fibre optic cable for commercial telecommunications but is merely spare capacity devoid of use, function, aim or purpose to which the Applicant desires to apply one).</p>	<p>As detailed in Section 5.2 of REP1-127 and addressed in Para “Doc 7.7.1” in REP3-014, the fibre optic cables are required to be of an adequate outer diameter. This outer diameter which surround fibre optic strands consists of insulation and protective layers and dictate the diameter. The physical diameter of the cable would not reduce by decreasing the quantity of fibre strands.</p> <p>It is correct that the Applicant wishes to use the spare capacity within the fibre optic cable for commercial telecommunications purposes, and this is on the basis that use such and associated infrastructure is associated development in accordance with Section 115 of the Planning Act 2008.</p>
<p><b>33</b></p>	<p>In either situation, it is then desired that the spare capacity in fibres over and above the required redundancy level required in relation to support fibre optic cables, or of additional fibres that are unnecessary for monitoring of the electricity bearing cables, may be used instead exclusively for commercial telecommunications transmission. Such use of additional fibre optic cables capacity or of additional but unnecessary fibre optic cables within the industry standard diameter FOC cable, or the use of the spare capacity above the</p>	<p>There are single fibre optic cables to be installed, which is required for the purpose of cable control, protection and monitoring in connection the primary use of the Proposed Development, being the transfer and conversion of electricity. It is correct that certain fibres would provide this support function, and the Applicant is seeking consent for the other spare fibres to serve a beneficial commercial telecommunications function so that the Proposed Development may operate effectively to its design capacity and to realise fully the benefits which it can provide in the public interest.</p>

	level of the redundancy relating to the fibre optic cables supporting operation of the electricity transfer cables, for commercial telecommunications transmission is unrelated to the support function of the other fibres within the overall FOC cable. It cannot be directly related to the support function by reason of discrete use of fibres within the overall cable diameter for unrelated data transmission: one category of fibre cables transmitting support information; the other category of fibre cables transmission commercial telecommunications.	
34	The physically disparate nature of the capacity and fibre optic cables within the FOC from the capacity and support function of the particular cables within the 192 cables within the FOC cable is reinforced by the requirement for the Telecommunications Buildings being required to be physically disconnected from the Converter Station. The Optical Regeneration Station ("ORS") includes 2/3rds discrete cabinets for such particular use. See paragraphs 6.3 and 7.4 of the "Statement in Relation to FOC" (6th October 2020), Document Ref: 7.7.1. Thus, paragraph 5(i) could not be satisfied.	<p>There are single fibre optic cables to be installed, which is required for the purpose of cable control, protection and monitoring in connection the primary use of the Proposed Development, being the transfer and conversion of electricity. There is nothing that is disparate about the fibres being in the same cable.</p> <p>The Applicant has explained the position regarding the how the Telecommunications Buildings and Optical Regeneration Stations are influenced by the proposed commercial telecommunications use as associated development.</p>
<b>Principle (ii)</b>		
39	The stated aim of the fibre optic cables, or of redundancy of fibres above the level of redundancy otherwise required for data transmission in necessary support of electricity bearing cables, "for commercial telecommunications" is an aim in itself.	As is explained at Annex 1 of the Statement in Relation to FOC (REP1-127), the primary purpose of the fibre optic cables is for cable control, protection and monitoring purposes in connection the primary use of the Proposed Development, being the transfer and conversion of electricity. The Proposed Development could not operate reliably without the fibre optic cables and the ORS. Whilst the Telecommunications Buildings are required in connection with the commercial use only, these buildings are subordinate to the principal development. Considering the FOC Infrastructure as a whole, the proposed commercial use of the spare capacity is therefore subordinate to the use and purpose of the fibre optic cables as part of the principal development.
44	By contrast, the different, discrete, and unrelated aim or purpose of the commercial telecommunications infrastructure is adverted to by the Applicant in paragraph 5.1.4.9 and footnote 50 of the Needs and Benefits Addendum (6th October 2020), Document Ref: 7.7.7. wherein the Applicant refers to is application to Ofcom to apply Code powers under the Communications Act 2003 to the Applicant. On the 27th March 2020, Ofcom made its direction under section 106 of the Communications Act 2003 by which it directed that the Code powers apply to the Applicant's "provision of part of an electronic communication network" but excludes "the UK Aquind Interconnector Fibre which would be deployed in the Aquind Interconnector" (see Appendix 5 hereto). The UK Aquind Interconnector Fibre is defined in that direction to mean that "part of the Applicant's electronic communications network in England ... and is subject to a Direction issued on 30th July 2018, by the Secretary of State... pursuant to section 35 of the Planning Act 2008". The Ofcom direction affirms the separate aim or purpose of those parts (and in contrast with the separate purpose of Ofgem relied on at paragraph 1.4.5, bullet 2 of the Statement of Reasons, Document Ref; 4.1, and the scope of the Electricity Act Licence for that different particular aim or purpose.	This is not correct. The application for the direction from Ofcom to apply Code powers to the Applicant was submitted on the basis that it would not include the fibre optic cable forming part of the Proposed Development as they are to be consented as part of the development consent to be granted for the Proposed Development, should that be granted. The issue of that direction is no way indicative that the proposed commercial use of the spare fibres within the fibre optic cables forming part of the Proposed Development is not subordinate to the principal development of which they form part.

46	The same logic applies to the separate aim of the Telecommunications Buildings (to which the Carpenters have previously objected to being situated on their land) and is now confirmed by the Applicant as being “required solely in connection with that commercial use”, and also to some 2/3rds of the ORS equipment with its separate aim relating to that commercial telecommunications use.	Whilst the Telecommunications Buildings are required in connection with the commercial use only, these buildings are subordinate to the principal development. Considering the FOC Infrastructure as a whole, the proposed commercial use of the spare capacity is subordinate to the principal development.
<b>Principle (iii)</b>		
50	The Applicant makes no mention of the need for, or provision of, cross-subsidy from the commercial telecommunications income to support the provision of the Interconnector Development. See the Funding Statement, paragraph 8.1. Paragraph 4.2.1.4 of the Planning Statement, Document Ref: 5.4 explains that the investment cost will be Euros 1.4bn.	There is no need for or cross-subsidy from the commercial telecommunications use to support the provision of the Proposed Development. Please refer to the Applicant’s response to CA 1.3.3 and CA 1.3.10 of the Applicant’s Responses to the ExA First Written Questions (REP1-091).
<b>Principle (iv)</b>		
51	Paragraph 5(iv) requires associated development to be proportionate to the nature and scale of the principal development and requires regard to be had to all relevant matters. The provision of unnecessary Telecommunications Buildings on the Carpenters’ freehold farmland, together with excessive and unnecessary fibre optics cables or their use, and a related spur road cannot be said to be proportionate.	<p>The Applicant has confirmed the basis on which the FOC Infrastructure is proportionate to the nature and scale of the principal development within Annex 1 of the Statement in Relation to FOC (REP1-127).</p> <p>The Telecommunications Buildings are not unnecessary development, they are associated development in accordance with Section 115 for which there is a need and a significant public benefit, as is explained in the Needs and Benefits Addendum (REP1-136) at Section 5.</p>
<b>Compulsory Purchase</b>		
62	In respect of the Converter Station, an unmanned building, it remains difficult to see how any land take beyond the footprint of the Station can be permanently justified were access and maintenance rights granted in relation to the use of part of the Carpenters’ surrounding land for that purpose.	<p>The Applicant refers to the Applicant’s Response to Deadline 3 Submissions (REP4-027) (particularly the response to para no.5 at table 2.4) and the points made at para no 2 of Appendix B (Applicant’s responses to Mr Geoffrey Carpenter and Mr Peter Carpenter) which provide the justification for the freehold acquisition of Plot 1-32.</p> <p>Plot 1-32 (owned by the owners of Little Denmead Farm), together with Plots 1-20, 1-23 and 1-29 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137). The land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development.</p> <p>The landscaping measures proposed by the Applicant (in Plot 1-32 as well as Plots 1-38, 1-69, 1-70 and 1-72) reflect extensive engagement with and feedback received from Statutory Consultees such as Winchester City Council and SDNPA regarding concerns over loss of vegetation in this area and the Applicant’s proposals will significantly strengthen the landscape features in this area, providing an important visual screening function, as well as provide biodiversity enhancements, to address the feedback received. Any third party rights</p>

		<p>over these areas would be significantly constrained by the potential presence of the Converter Station Site (for Option B(i)) and the landscaping which is to be located on this land in the event of either option, meaning access and enjoyment of the land will not be possible (for both options) once the landscaping to be provided in connection with the proposals is in situ.</p>
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# **Appendix B – Applicant’s Response to Mr Geoffrey Carpenter and Mr Peter Carpenter**



# 1. APPLICANT'S RESPONSE TO MR GEOFFREY CARPENTER AND MR PETER CARPENTER

1.1.1.1. The following table sets out the Applicant's responses to Mr Geoffrey Carpenter and Mr Peter Carpenter's submissions to the Examining Authority (ExA) made at Deadline 4 (REP4-047) Schedule 2.

**Table 1.1 – Blake Morgan LLP on behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter – Schedule 2**

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
1	<p>The Landscaping images are illegible. Requested that the Applicant provides larger scale images of the illustrative landscape mitigation plates shown in para 7.4 of the Design and Access Statement or confirm whether these plates are available on a legible larger scale in another Application document.</p> <p>(REP1-232 Para 4.7)</p>	<p>Not Resolved</p> <p>The Applicant has failed to address this request for evidence in its Deadline 2 response (REP2-014).</p> <p>We repeated our request in our Deadline 3 submission (REP-043) that the Applicant address this point.</p> <p>We maintain our request.</p>	<p>The Applicant refers to Table 2.4 paragraph 1 of the Applicant's Response to Deadline 3 submission (REP4-027) and their request for a larger scale plan of the illustrative landscape mitigation plans than the plan shown at paragraph 7.4 in the Design and Access Statement (APP-114).</p> <p>For larger scale plans the Applicant refers to the revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted at Deadline 1.</p> <p>The Applicant also notes for reference that revised updated Design and Access Statement (REP1-031) was submitted at Deadline 1 and the revised indicative landscape mitigation plans are shown in Plates 5.40 and 5.41 for Option B(i) and Plates 5.42 and 5.43 for Option B(ii).</p>
2	<p>Lawful Justification for use of the Proposed Compulsory Acquisition Powers</p> <p>As the ExA will know but so as to remind the Applicant, the taking of land of a party against its will is the most draconian interference of land rights and the law safeguards against unlawful takings.</p> <p>We have requested the Applicant to provide lawful justification for the envisaged extent and scope of compulsory acquisition powers sought for the Application Development in relation to our Clients' freehold land. For example, the extent of the freehold interest envisaged to be compulsorily acquired in plot 1-32 is currently not</p>	<p>NOT RESOLVED</p> <p>The Applicant has not provided justification for the extent of land envisaged to be taken against the will of our Clients, nor for the scope and nature of the envisaged rights, beyond mere preference for a different landscape appearance extending over a wide area, a desire for unnecessary fibre optic cables and related unmanned Telecommunications Buildings and spur road, and a single use construction access leading to an unmanned Converter Building. It remains difficult to see how the ExA can lawfully recommend confirmation of section 122 PA 2008 powers, or evaluate the</p>	<p>This matter was discussed at Compulsory Acquisition Hearing 1 and further to that the Applicant has provided a post-hearing note explaining the reasons why the full extent of Plot 1-32 is required for the Proposed Development.</p> <p>Plot 1-32 (owned by the owners of Little Denmead Farm), together with Plots 1-20, 1-23 and 1-29 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds to ensure the adequate drainage of the Converter Station Area for its continued safe operations, the Access Road (which is required for construction but is also required on a permanent basis and which the siting of has been very carefully considered) and significant areas of landscaping,</p>

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
	<p>justified and so must be limited to the footprint of the Converter Station. (REP1-232 Para 6.5.1)</p>	<p>unnecessary fibres for commercial telecommunications (and related infrastructure) as associated development (underpinning section 122 considerations).</p> <p>In REP2-014, the Applicant sidestepped engaging with justifying its envisaged taking of our Clients' land and explained the powers it was seeking in relation to plot 1-32 which we are already aware of. This was a surprising generalised response and without particularisation.</p> <p>The Applicant's response in REP3-014 was an explanation that the justification was contained in the Statement of Reasons (REP1-025) and further that that document is not a standalone document and needed to be considered along with other documents, with the Applicant specifically referring to the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum - Rev 001 (REP1-135) [sic].</p> <p>Whilst our Clients' recognise the novel iterative to the envisaged taking of our Clients' land against their will in contrast to the orthodox position whereby (for example) a public authority may be expected to have its case for compulsory acquisition lawfully justified before it starts the authorisation of acquisition process, it remains not justified in extent of area, and scope and nature of rights. The position remains that the extent and scope of acquisition powers cannot be authorised under section 122 of the Planning Act 2008 in relation to our Clients' land.</p> <p>We request that the ExA be particularly astute to the seeking by a private limited company of draconian powers by which to take land in the absence of lawful and rational justification. The law does not require our Clients to defend their land from compulsory acquisition in order to avoid authorisation of powers.</p> <p>At about the mid-point of the Examination Hearing process, the extent of land take remains in flux (see the Applicant's Proposed Changes to the Application Area (3rd November 2020).</p>	<p>which are necessary to be provided to ameliorate the impacts on the local landscape.</p> <p>These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281 and APP-282) and B(ii) (REP5-032). The land which has been identified as being required is no more than is required for the construction, operation and maintenance of the Proposed Development.</p> <p>The landscaping measures proposed by the Applicant (in Plot 1-32 as well as Plots 1-38, 1-69, 1-70 and 1-72) reflect extensive engagement with and feedback received from Statutory Consultees including Winchester City Council and South Downs National Park Authority in relation to the impacts on the landscape of the Proposed Development and the loss of vegetation in this area. The Applicant's proposals will significantly strengthen the landscape features in this area, providing an important and necessary visual screening function, as well as provide biodiversity enhancements, to address the feedback received and respond to the requirements of the relevant national policies.</p> <p>Any third party rights over these areas would be significantly constrained by the potential presence of the Converter Station Site (for Option B(i)), and the landscaping and biodiversity enhancements which are to be located on this land in the event of either option, meaning access and enjoyment of the land will not be possible (for both options) once the landscaping to be provided in connection with the proposals is in situ.</p> <p>The Applicant requires a permanent access road of suitable construction and width during the operational life of the converter station. The road specification is designed to cater for wheel loads from AIL's (required in connection with the delivery of transformers to the Converter Station, with one spare transformer to be kept on the site at any one time) and the road width/alignment is to be designed to allow for two way access for normal road vehicles to/from the site and unrestricted access with appropriate swept paths for AIL transportation (one way). It is also important to note that it is necessary for permanent access controlled by the operator to be available at all times in the event of an emergency, for example to allow for emergency services to attend the Converter Station in the unlikely event of an emergency.</p> <p>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required</p>

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
		<p>In relation to Proposed Change I, the Applicant's envisaged land take is too small and requires to be increased. In relation to our Clients' freehold land, the Applicant's envisaged land take remains incomplete in relation to its justification. There remains as at the 17th November 2020 no evidence to justify the extent and scope of the envisaged acquisition. The Applicant has not established why it is necessary (and thereafter, proportionate) to acquire the extent of the freehold interest in the entirety of plot 1-32, being a very much greater extent than the proposed footprint of the Converter Station. In this respect, that Converter Station is envisaged to be an unmanned building and so, once built, any regular access would be very limited to mere maintenance.</p> <p>The Applicant has asserted there being "security and safety reasons" for requiring the freehold to the entirety of plot 1-32 but we do not understand that the Converter Station building would be openly accessible but for the wider land take and would be fitted with lockable doors. Other than this, evidence remains unprovided to justify the wide extent and nature of powers sought by the Applicant and no explanation why it cannot modify its powers so that it only acquires the freehold interest covering the footprint of the Converter Station.</p> <p>The initial Needs and Benefits Report (APP-115) (very recently amplified by the Needs and Benefits Addendum – Rev 001 (REP1-136)) do not justify the extent of the land take envisaged nor the scope of powers. The reliance placed by the Applicant on the scope of the Secretary of State's Direction is misplaced.</p> <p>We note that our concerns align with those of the ExA which has also asked the Applicant to provide lawful justification for the use of compulsory acquisition powers over our Clients' land in its (very) First Written Questions (CA1.3.14). Surprisingly, but in line with its underlying lack of justification for the taking of the extent and scope of our Clients' land,</p>	<p>for the operation of the Proposed Development and the development associated with that commercial use, which includes the Telecommunications Buildings, is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1-127).</p> <p>The Telecommunications Buildings need to be located external to the converter station compound due to strict access requirements for the Converter Station. This is detailed in Section 6 of Statement in Relation to FOC (REP1-127).</p>

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
		<p>the Applicant's response in Table 2.5 of REP3-014 refers to its efforts to reach a private agreement.</p> <p>We therefore maintain our representation in this respect and envisage proposing changes to the draft DCO as to the extent and scope of land envisaged to be taken and the scope of the Application Development to align with the development lawfully requiring development consent.</p>	
3	<p>Justification for Compulsory Acquisition of Freehold Interest of Land to be Landscaped</p> <p>Requesting justification for acquiring the freehold interest of the remaining land in plot 1-32 that will be landscaped. (REP1-232 Para 6.5.2)</p>	<p>NOT RESOLVED</p> <p>The Applicant has not provided a response to this. The Applicant's position appears to be that a large landscape belt is envisaged around the Converter Station so as to mitigate the impact of that large building on the National Park's setting i.e. without that landscape belt, the effect would be material and the impact weight against the project. This raises consideration of whether alternative locations not requiring landscaping have been lawfully addressed, and the question of whether landscape mitigation measures for a project (as opposed to the project elements itself) can lawfully justify here the taking our Clients' land against their will.</p> <p>The Applicant's generalised response in Table 2.5 of REP3-014 refers our Clients simply to numerous 'strategy' documents of various local authorities which has formed the basis for the detail of the proposed landscaping, but the Applicant fails to justify a logically prior matter: why do they need to compulsorily acquire our Clients' freehold interest for landscaping when the land is undeveloped? They have explained why they are proposing to landscape the land in this way, but have not provided a justification for these particular compulsory acquisition powers in respect of the Application project elements. The genesis of this particular mitigation measure therefore remains opaque. For example, no justification has been given by the Applicant for why it needs to compulsorily acquire the extent of the area of land located to the west of Stoneacre Copse and east of the access road or the area of land situated to the west of the access road,</p>	<p>The Applicant has considered and has explained the conclusions it has drawn in relation to the reasonable alternatives to the Proposed Development. The relevant information in this regard, including why Lovedean was selected as the grid connection point for the Proposed Development and the underlying reasons for the siting of the Converter Station in the proposed location are explained in Chapter 2 of the ES – Consideration of Alternatives (APP-117) and the Supplementary Alternatives Chapter (REP1-152). The Applicant has provided the reasons for why Plot 1-32 is required for the Proposed Development. These are summarised above, and a further explanation is provided as a post-hearing note to Compulsory Acquisition Hearing within the Applicant's Post Hearing Notes submitted at Deadline 6.</p> <p>With regard to connections to nationally important habitats, the Applicant refers to the Applicant's Response to Written Questions, LV1.9.39 (REP1-091) submitted for Deadline 1, which explains that the proposed landscape mitigation measures seek to tie the adjacent woodland into its surroundings (as far as reasonably practicable) given the location of the overhead lines and the Access Road. The Applicant has undertaken extensive engagement with the relevant authorities to develop the required landscaping strategy and biodiversity enhancements to be provided in connection with the Proposed Development, responding to relevant national policies in this regard also. Revisions to the indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1 seek to improve connectivity further with the ancient woodland and further details of actions to address this are outlined in the Applicant's Statement of Common Ground with Winchester City Council submitted at Deadline 4, WCC 4.3.7 (REP4-010).</p>

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
		<p>north of the Telecommunications Building when such areas of land will only be used as grassland.</p> <p>The Applicant seeks to establish that the acquisition of land and rights around the Converter Station footprint is necessary and proportionate for the development so that the Applicant can address concerns over the need to improve connections to nationally important habitats as referred to, by a single sentence, in the Applicant's Responses to Written Representations (4.23) (REP2-014). If the purpose of these powers is to improve connections to nationally important habitats, why is this proportionate and necessary in the context of the purpose of the infrastructure?</p> <p>As the Applicant points to the Needs and Benefits report to indicate the proportionality of its desired acquisition, this needs and benefits report does not extend to the need to create habitat cohesion. In addition, if the Applicant was simply seeking to create better habitat cohesion with the Ancient Woodland, why can this not be done by means other than acquisition?</p> <p>We maintain our representation in this respect.</p>	
4	<p>Alternative Compulsory Acquisition of Landscaping Rights</p> <p>The Applicant should seek to compulsorily acquire new landscaping rights over the part of plot 1-32 to be landscaped (rather than permanent acquisition of the freehold interest).</p> <p>(REP1-232 Paras 6.5.3 &amp; 6.5.4)</p>	<p>NOT RESOLVED</p> <p>In line with its generalised approach, the Applicant has not provided a particularised response to this. The responses we could locate were CA1, CA2 and CA3 of REP2-014, but they do not directly relate to this representation. Therefore, the Applicant continues to be unable to particularise its case in relation to our Clients' land.</p> <p>We have reviewed the updated Outline Landscape and Biodiversity Strategy in REP1-034 but it does not provide the information to justify the extent or scope of the envisaged enforced land take and is (another) 'strategy' document.</p> <p>A less intrusive means to ensure landscaping would be for the Applicant to seek (or the ExA to restrict the scope of rights to) a right to enter and establish</p>	<p>The Applicant has responded to these matters which are a repeat of previous submissions within the Applicant's Response to Deadline 3 Submissions (REP4-027) which provides further detail on the justification of the freehold acquisition of land.</p> <p>In particular, the Applicant refers to the responses provided in relation to paragraph 2, 3, and 4 of that table 2.4 within that response. Further, an explanation of why the freehold acquisition of Plot 1-32 is required is provided as a post-hearing note to Compulsory Acquisition Hearing 1 within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>

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		<p>and periodically maintain landscaping for a period over our Clients' land in conjunction with its subsisting freehold use for pasture and animal use. We proposed that, if the Applicant can lawfully justify the extent of land necessary, then the Applicant be restricted to relying on landscaping rights (rather than compulsory acquisition of the freehold to the entire area of plot 1-32).</p> <p>We note that it is logically inconsistent to substitute a third party farmer or agricultural contractor in place of our Clients who remain the farmers of their freehold land. In this respect we note that:</p> <ul style="list-style-type: none"> <li>(a) the frequency of landscaping management activities is envisaged to be up to twice a year;</li> <li>(b) the proposed landscaping be natural landscaping (not ornamental);</li> <li>(c) agricultural contracting businesses is a broad category that can cover a whole manner of activities and not necessarily specialise in landscaping;</li> <li>(d) the Applicant envisages taking our Clients' freehold interest in their land in order to grant a landscaping contract to another farmer whereas that very proposal by the Applicant justifies it not taking the freehold of our Clients' land because a mere change in the identity of a person could not justify a draconian taking of land; and</li> <li>(e) whereas the Applicant continues to refuse to engage with our Clients, it has not been suggested that landscaping access terms could not be agreed. There remains no need for the Applicant to own the freehold interest</li> </ul>	

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		<p>to parts of plot 1-32 that are to be planted up for landscaping.</p> <p>The envisaged taking of freehold land for the mere planting in the land surface of plants remains not justified and could be ensured by lesser rights over land.</p> <p>We maintain our representation in this respect.</p>	
5	<p>Alternative Landscaping Rights Protected by Article 23 of the Draft DCO</p> <p>There is therefore no need for the permanent compulsory acquisition of the freehold interest in the entirety of plot 1-32. Alternative landscaping rights over the relevant parts of plot 1-32 would be protected by Article 23 which includes powers to impose restrictive covenants, prevent operations which may obstruct, interrupt or interfere with the infrastructure and the exercise of the new rights granted over the land.</p> <p>(REP1-232 Para 6.5.5)</p>	<p>NOT RESOLVED</p> <p>The Applicant has not provided a response to this. The closest generalised responses we could find were CA1, CA2 and CA3 of REP2-014, but they do not directly relate to this representation.</p> <p>We maintain our representation in this respect.</p>	<p>The Applicant refers to the Applicant's Response to Deadline 3 Submissions (REP4-027) (particularly the response to para no.5 at table 2.4) and the points made above which provide the justification for the freehold acquisition of Plot 1-32.</p>
6	<p>Alternative Compulsory Acquisition of New Access Rights</p> <p>The Applicant could compulsorily acquire new rights of access to the part of the new access road in plot 1-32 instead of compulsorily acquiring the freehold interest.</p> <p>(REP1-232 Para 6.5.6)</p>	<p>NOT RESOLVED</p> <p>No response provided. We therefore maintain our representation.</p>	<p>The Applicant refers to the responses provided above which explain the reasons why the freehold acquisition of Plot 1-32 is required for the Proposed Development.</p>
7	<p>Compulsory Acquisition – Telecommunications Building</p> <p>The Applicant has failed to demonstrate that the extent of the compulsory acquisition is proportionate, taking only what is required, in relation to the Telecommunications Building (plot 1-32) with no explanation as to why this building cannot be situated further east or located within the Converter Station compound.</p> <p>(REP1-232 Para 6.5.7)</p>	<p>NOT RESOLVED</p> <p>The Applicant has explained in Table 2.5 of REP3-014 that it needs to situate the Telecommunications Building to minimise visual impacts and to minimise impacts on Stoneacre Copse.</p> <p>(Leaving aside the absence of lawful justification for this Telecommunications Building and its cabling), the Applicant fails to justify the basis for the great distance between it and the Converter Station building and the basis for the Telecommunications Building situation farther west from the envisaged (temporary) access road to avoid the fragmentation of an additional paddock. The Applicant has failed to evidence the physical need for any gap between the Converter Station and the Telecommunications</p>	<p>The Telecommunications Buildings need to be located external to the converter station compound due to strict access requirements. This is detailed in Section 6 of REP1-127.</p> <p>With regard to the location of the Telecommunications Buildings and their proximity to Stoneacre Copse (which comprises Ancient Woodland) the Applicant has explained in its Response to Deadline 3 Submissions (REP4-027) in response to para no.7 at Table 2.4 that the Telecommunications Buildings were sited to the west of the Access Road to minimise impacts on Stoneacre Copse, working within offsets and standoffs required taking into account relevant utilities, landscape and ecological considerations.</p> <p>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development and the</p>

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		<p>Building, a point we raised some time ago in paragraph 6.5.7 of our Clients' written representations (REP1-232) and not yet acknowledged by the Applicant.</p> <p>The Telecommunications Buildings are also unnecessary because they are parasitic on the unnecessary fibre optic cables, being "required solely in connection with the commercial use" of the fibre. See paragraph 5.4 of the "Statement in Relation to FOC", Document Ref: 7.7.1.</p> <p>The spur road serving the Telecommunications Buildings is also unnecessary, being parasitic on the situation of the Telecommunications Buildings, it is difficult to see how there is any justification for a spur road to it. Similarly, once erected, the Converter Station (and Telecommunications Buildings) will be unmanned. Since such buildings would not be manned, it is difficult to see how a permanent spur or access road could be justified instead of a less intrusive temporary road for construction purposes.</p> <p>We therefore maintain our representation.</p>	<p>development associated with that commercial use, which includes the Telecommunications Buildings, is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1-127).</p> <p>As explained above, the Applicant requires a permanent access road of suitable construction and width during the operational life of the converter station. The road specification is designed to cater for wheel loads from AIL's (required in connection with the delivery of transformers to the Converter Station, with one spare transformer to be kept on the site at any one time) and the road width/alignment is to be designed to allow for two way access for normal road vehicles to/from the site and unrestricted access with appropriate swept paths for AIL transportation (one way). It is also important to note that it is necessary for permanent access controlled by the operator to be available at all times in the event of an emergency, for example to allow for emergency services to attend the Converter Station in the unlikely event of an emergency.</p>
8	<p>Compulsory Acquisition – Powers of Temporary Possession</p> <p>Questioned the need to compulsorily acquire our Clients' freehold interest in the entirety of plot 1-32 if the Applicant would have powers of temporary possession should it only compulsorily acquire new landscaping rights and new access rights over the majority of plot 1-32.</p> <p>(REP1-232 Para 6.5.8)</p>	<p>NOT RESOLVED</p> <p>No response provided. We therefore maintain our representation.</p>	<p>The Applicant refers to the Applicant's Response to Deadline 3 Submissions (REP4-027) and the information provided above which provide the justification for the freehold acquisition of Plot 1-32.</p> <p>The powers of temporary possession are provided for limited periods, in relation to maintenance for 5 years, so are not appropriate to supplement the need for freehold acquisition.</p>
9	<p>Compulsory Acquisition – Business Impact</p> <p>Reducing Little Denmead Farm to 22 acres renders it an unviable business as a livestock farm with a significant detrimental impact on the remaining parts of the farm (with existing fields split up, leaving small, irregular shaped paddocks, making it difficult for livestock to graze and insufficient space for livestock to graze, rendering</p>	<p>NOT RESOLVED</p> <p>In Table 2.5 of REP3-014 the Applicant responded by asserting that its relevant baseline is its description of the farm holding affected as it set out in paragraph 17.5.1.8 of Chapter 17 of the ES (Soils and Agricultural Land Use) (APP-132) and the impacts during construction at paragraph 17.6.2.10. This states that approximately 12.8 ha (60% of the</p>	<p>The assessment in ES Chapter 17 (Soils and Agricultural Land Use) (APP-132) on farm businesses is fully in line with the Scoping Report (APP-365) and Scoping Opinion (APP-366), and has properly assessed the impact on Little Denmead Farm.</p> <p>Paragraph 17.8.1.6 of Chapter 17 of the ES sets out that mitigation relating to the permanent loss of farmable area to the affected farm holdings are matters of private negotiation and therefore cannot be incorporated into the EIA. Nevertheless,</p>



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	<p>access difficult) with no other suitable farming land of this size available in the vicinity.</p> <p>Paragraph 17.9.1.3 of Chapter 17 of the Environmental Statement (document number 6.1.17) refers to farms being affected but it is impossible to know which farms are being referenced.</p> <p>Applicant requested to explain what its assessment of Little Denmead Farm is in this context. The Applicant has failed to adequately assess the significant harm the proposals would have on the ability of our Clients' business to continue, considering only the type of agricultural land that would be lost and failing to consider the effect on the agricultural business that operates on that land.</p> <p>(REP1-232 Para 6.5.9)</p>	<p>land holding) will be required temporarily and permanently from Little Denmead Farm, which would be a high magnitude of impact on a low sensitivity holding and give rise to moderate adverse temporary and permanent effects, which are considered significant for the farm. The Applicant further states that the impact on the land holding has therefore been formally assessed within the ES.</p> <p>The Applicant's reference to Chapter 17 the ES (Soils and Agricultural Land Use) (APP-132) does not deal with the particular question of business impact arising from the Application Development and the proposed compulsory acquisition of our Clients' freehold land. Paragraph 17.5.1.8 of Chapter 17 of the ES (Soils and Agricultural Land Use) (APP-132) state that the proposals "give rise to moderate adverse temporary and permanent effects. These are considered to be significant effects on the farm." As such, we maintain our representations in this regard. The Applicant has continued to fail to adequately assess the significant harm that the DCO would have on Little Denmead Farm's ability to function as a whole as a single farm business. The Applicant has failed to assess the loss of business and livelihood (in relation to our Clients and also in general) in the context of the examination into whether the compulsory acquisition powers being sought satisfy the relevant legal and guidance requirements (as opposed to compensation).</p> <p>The Applicant asserts that Little Denmead Farm is not a livestock business. This assertion is incorrect. Our Clients' farm remains capable of livestock farming at all times, save only that livestock be situated on their land. As they have explained in REP2-027, the sole reason why there is currently no livestock on their farm is because they previously sold their livestock in the foreshadow of the Application out of fear and misunderstanding when they were first notified of the DCO application and the threat of compulsory acquisition first arose. Surprisingly, the Applicant has criticised our Clients for doing this in Table 2.5 of REP3-014, which is</p>	<p>this is a clear recognition that the impacts on businesses will be dealt with by compensation (be that via voluntary agreement which the Applicant continues to seek to agree or following the acquisition of the land by compulsion).</p>

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		<p>also disappointing as our Clients did not have the benefit of any legal representation at that time and were merely behaving as any other lay person would reasonably do in those circumstances of such a threat to their ongoing business. The Applicant's assertion that our Clients' farm is not a livestock farm business relies on a bootstraps argument and is otherwise without real foundation.</p> <p>As such, we maintain our representations in this regard.</p>	
10	<p>Compulsory Acquisition – Alternative Power of Temporary Possession</p> <p>Articles 30 and 32 of the draft DCO introduce uncertainty, and to a large degree, over what land within the Order Limits that our Clients will retain its freehold ownership of (plots 1- 38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72). Not knowing whether in practice the Applicant could take temporary possession of these plots too will make it impossible for our Clients to plan ahead or to assess how soon they could be to losing their business.</p> <p>The effect of Articles 30 and 32 is not accurately reflected in the Land Plans (document number 2.2) or the Book of Reference (document number 4.3). Request that the relevant Land Plans and that the Book of Reference be amended to make it clearer that many more plots of land are under the threat of temporary possession.</p> <p>(REP1-232 Para 6.5.10)</p>	<p>NOT RESOLVED</p> <p>No response provided. We therefore maintain our representation.</p>	<p>The Applicant refers to its response to para no.10 in table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027).</p>
11	<p>Restoration of Land Used Temporarily for Construction</p> <p>Requirement 22 of Schedule 2 to the draft DCO does not state how the "former condition" is to be assessed and by whom, nor is there any requirement on the Applicant to agree with the relevant owner of land what the "former condition" is. Request amendment to Requirement 22 to oblige the Applicant to obtain an independent and suitable assessment to establish the baseline condition of the relevant land before temporary possession and use commences.</p> <p>(REP1-232 Para 6.7.2)</p>	<p>NOT RESOLVED</p> <p>The OOCEMP referred to in the Applicant's response (REP1-087) contains limited reference to restoration provisions.</p> <p>The Applicant's Response contains gaps and is inadequate in failing to provide detail and fails to address important landscape and ecological elements that would be reasonably expected to be included in the justification for taking our Clients' land against their will and reduce the long term impacts on our Clients.</p> <p>We therefore maintain our representation.</p>	<p>The Applicant refers to the Applicant's Response to Deadline 3 Submissions (REP4-027) which states that the Onshore Outline CEMP (REP1-087) should be read in conjunction with the Outline Landscape and Biodiversity Strategy (REP1-034). Section 6 of the Onshore Outline CEMP and section 1.5.1 of the Outline Landscape and Biodiversity Strategy outlines the general mitigation measures.</p> <p>The revised Outline Landscape and Biodiversity Strategy (OLBS) (paragraph1.5.1.4) (REP1-034) refers to the prompt reinstatement of temporary construction areas, including trenches, Laydown Area, Works Compound and construction (including haul road) corridor on completion of the Onshore Cable Installation as soon as practicable after sections of work</p>

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			<p>are complete. Reinstatement will involve the careful handling of soils and a return to the existing habitat type. The revised indicative landscape mitigation plans for Option B(i) Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1 reflect the proposed mitigation measures which include the retention of existing vegetation and the management prescriptions associated with them are presented as part of the Outline Landscape and Biodiversity Strategy Management Plan (OLBS) in Appendix 2. Subject to consent a detailed landscaping scheme will be prepared and approved by the relevant local planning authority in consultation with the South Downs National Park. This will include management, maintenance and monitoring plans which will be reviewed against targets / indicators to determine the full and successful establishment.</p> <p>As stated ground reinstatement is outlined in the Onshore Outline CEMP (REP5-019) in relation to the Soils Resources Plan and Soil Handling Strategy.</p>
12	<p>Exploration of all reasonable alternatives to compulsory acquisition.</p> <p>There has been very little negotiation with our Clients or effort by the Applicant to reach a voluntary arrangement and avoid seeking compulsory acquisition powers. Request that the Applicant be required by the Secretary of State to put more effort and time into seeking a voluntary arrangement with our Clients.</p> <p>(REP1-232 Para 6.8)</p>	<p>The Applicant has provided its own perspective of its engagement with our Clients in Table 2.5 of REP3-014.</p> <p>Our Clients disagree with the Applicant's account of fact.</p> <p>The Applicant has, for the very first time, however, soon after Deadline 3 suddenly sent us revised draft Heads of Terms which we are currently considering on behalf of our Clients. We, however, reserve the right to make further comments on the Applicant's quality and frequency of engagement should this deteriorate once again.</p>	<p>The Applicant refers to its response to para no.11 in Table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027)</p>
13	<p>Compulsory Acquisition – Impact on Human Rights</p> <p>Articles 1 and 8 of the European Convention on Human rights have been infringed due to:</p> <p>(a) the Applicant not seeking to minimise the amount of land it needs to compulsorily acquire;</p> <p>(b) Less intrusive measures being available – the Applicant does not have to compulsorily acquire all of our Clients' freehold interest and less intrusive compulsory acquisition powers can be sought; and</p>	<p>NOT RESOLVED</p> <p>No response provided. We therefore maintain our representation.</p> <p>These Articles remain, surprisingly but not unexpectedly, unsatisfied as at Deadline 4.</p>	<p>The Applicant refers to the statement of reasons (REP5-012), in particular section 7.9, and the responses to question 4 within the Applicant's Transcript of Oral Submission for Compulsory Acquisition Hearing 2 (REP5-057) which are of relevance to the consideration of human rights in relation to the Application. It is noted that despite being represented at that hearing, no matters were raised orally in relation to the application of human rights and the Application on behalf of this Interested Party.</p>

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	<p>(c) there is no compelling case in the public interest for the extent of the powers being sought with the harm outweighing the potential societal gain. The Applicant has therefore not met the requirements of law and Guidance (REP1-232 Para 6.9)</p>		
<p><b>14</b></p>	<p>Access to Track</p> <p>Requested amendments to the proposals to allow our Clients to continue to use the track in plot 1-71 for heavy vehicles and animals where Article 30(3)(a) of the draft DCO currently allows the Applicant to take possession of the track for up to 4 years during construction and commissioning works. Heavy vehicles would not be able to access the land our Clients would retain. This is a disproportionate interference with our Clients' interests and rights as no exceptions are available for our Clients. Amendments to the proposals were requested to allow for our Clients' heavy vehicles and animals to continue to use this track.</p> <p>(REP1-232 Para 6.7.1)</p>	<p>NOT RESOLVED</p> <p>The Converter Station is envisaged to be an unmanned building once completed and so access to its perimeter would necessarily be limited to periodic maintenance and inspection. No decommissioning is envisaged by the Application nor has it been justified. It can, therefore, be anticipated that the Converter Station would remain in perpetuity.</p> <p>There appears to our Clients' no rational basis for the maintenance of a permanent access way over their land between the highway and the Station footprint after its erection. Rather, there is no reason why no more than access rights for maintenance (but not for decommissioning) may be required. This would reduce the extent of land take and the scope of rights sought to be taken also whilst simultaneously enabling our Clients' to maintain their farming Page 12 of 24 business, raise livestock and live in their Farm (instead of it being decimated and destroyed as a going concern).</p> <p>The Applicant responded at Deadline 2 at para Te1 of document REP2-014 that it would grant our Clients access over plot 1-71 to resolve these issues but this puts the cart before the horse and avoids the logically prior justification for the prior taking of our Clients' freehold land in the first place.</p> <p>Further, the revised draft Heads of Terms that have now been sent to our Clients do NOT provide these access rights. The Applicant has therefore failed to do what it has told the ExA it would do.</p> <p>We therefore maintain our Clients' representations in this respect.</p>	<p>As explained above, the Applicant requires a permanent access road of suitable construction and width during the operational life of the converter station. The road specification is designed to cater for wheel loads from AIL's (required in connection with the delivery of transformers to the Converter Station, with one spare transformer to be kept on the site at any one time) and the road width/alignment is to be designed to allow for two way access for normal road vehicles to/from the site and unrestricted access with appropriate swept paths for AIL transportation (one way). It is also important to note that it is necessary for permanent access controlled by the operator to be available at all times in the event of an emergency, for example to allow for emergency services to attend the Converter Station in the unlikely event of an emergency.</p> <p>The revised and improved Heads of Terms issued to the Landowner on 03 November 2020 states 'the Landowner will maintain the ability to pass and repass at all times (save for any temporary restrictions required for health and safety purposes during the construction period).'</p> <p>Furthermore, the Applicant, in its Request for Changes to the Order Limits (AS-054) removed a length of approximately 250m of the track contained within Plot 1-71 as, following review, it is deemed this area is not necessary for the construction, maintenance or operation of the Proposed Development.</p> <p>The Applicant is keen to progress a voluntary agreement in relation to the land and rights required in connection with the Proposed Development but is yet to receive a response from the Landowner to the Heads of Terms issued on 03 November 2020. The Applicant is willing to consider revised wording in the Heads of Terms in relation to retained access rights, both temporarily during construction and permanently during operation. Should the Landowner's representatives seek further clarification or would prefer to provide alternative suggestions the Applicant welcome further engagement to progress such matters.</p>

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15	<p>Temporary Stopping UP of Footpath 4 and Footpath 16</p> <p>Footpath 4 and Footpath 16 could be temporarily stopped up for up to 4 years, making it near impossible for our Clients to operate a reduced-scale farming and agricultural business with potential loss in income and livelihood.</p> <p>Paragraph 22.6.5.12 of chapter 22 of the Environmental Statement (document number 6.1.22) states that there is an alternate route via PRoW 19 and 28. In our Clients' case, given their age and health conditions, PRoW 19 and 28 will not be alternate routes due to their distance. (REP1-232 Para 7.8)</p>	<p>NOT RESOLVED</p> <p>The Applicant has artificially restricted its discussions to state that it will discuss with our Clients to attempt to agree suitable measures to accommodate access.</p> <p>The Applicant appears to consider that the authorisation by the Secretary of State (following a recommendation from the ExA) to obtain compulsory purchase powers over the whole of our Clients' land for the Application Development is a given. We request that the ExA scrutinise with care the Applicant's case for its Application Development and the extent of land take and range of rights sought through the appropriate lens of compulsory acquisition.</p> <p>Given the Applicant's (at best) 'lip service' approach to privately agree terms thus far at Deadline 4, we therefore maintain our representation that amendments be made to the draft DCO to align its terms to the lawful extent of the Application Development and to such of the compulsory purchase powers as may (or may not) be justified and, if so, that express rights of access are granted to our Clients.</p>	<p>The Applicant refers to the Environmental Statement Addendum (REP1-145) Appendix 14 Note on PRoW, Long Distance Walking Paths and Cycle Route Diversions - Rev 001.</p> <p>Paragraphs 1.2.1.1-1.2.1.3 explain the impact on this PRoW 4/16 which, runs along the access track. The section between Broadway Lane and the barns will be closed for users of the PRoW, for a period of three months, requiring the diversion specified.</p> <p>For the remainder of the construction period in this area (15 months), this part of the track would remain open to PRoW users, but the remainder west to Denmead Farm would be diverted immediately to the south (adjacent to the existing footpath).</p> <p>The Applicant, in its Request for Changes to the Order Limits (AS-054) removed a length of approximately 250m of the track contained within Plot 1-71 as, following review, it is deemed this area is not necessary for the construction, maintenance or operation of the Proposed Development. Footpath 16 has been removed from the Order limits following the acceptance of the changes.</p> <p>Notwithstanding this, the revised and improved Heads of Terms issued to the Landowner on 03 November 2020 states 'the Landowner will maintain the ability to pass and repass at all times (save for any temporary restrictions required for health and safety purposes during the construction period).' The Applicant is willing to consider revised wording in the Heads of Terms in relation to retained access rights, both temporarily during construction and permanently during operation. Should the Landowner's representatives seek further clarification or would prefer to provide alternative suggestions the Applicant welcome further engagement to progress such matters.</p> <p>The Applicant disagrees strongly with the Landowner's reference to taking a 'lip service' approach to privately agree terms and is yet to receive a response from the Landowner in relation to the Heads of Terms issued on 03 November 2020.</p>
16	Access for Horse and Larger Vehicles	<p>NOT RESOLVED</p> <p>The Applicant has stated that it will only discuss with our Clients to attempt to agree suitable measures to accommodate access.</p>	<p>The Applicant's responses in Paragraphs 14 and 15 above clearly demonstrate the Applicant is willing to discuss and agree suitable measures to accommodate access with the Landowner. However, such access will need to take into</p>

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	<p>Page 13 of 24 Article 13(3) of the draft DCO does not extend to granting our Clients access for their horses or larger vehicles which must use Footpaths 16 and 4. (REP1-232 Para 7.9)</p>	<p>Given the Applicant's minimal attempts at engaging in reaching a private agreement thus far we therefore maintain our representation that amendments be made to the draft DCO so that express rights of access are granted to our Clients.</p>	<p>account that the areas in question will be used by plant and machinery and will need to be subject to appropriate provisions to ensure that access can be undertaken safely, both for the benefit of the Landowners and the Applicant's contractors.</p>
17	<p>Analysis of Effects of Noise on Little Denmead Farm</p> <p>Chapter 24 of the Environmental Statement lacks a simple analysis of what the data presented for Little Denmead Farm as sensitive receptor R5 mean and lacks an explanation as to how the Applicant concluded that overall noise effects from the proposed works and the operation of the Converter Station would be "negligible". (REP1-232 Para 8.1)</p>	<p>NOT RESOLVED</p> <p>Whilst the Applicant refers to some mitigation measures in REP2-014 and in REP3-014, it does not justify how they will mitigate the noise and vibration impacts in relation to Little Denmead Farm itself. For example, the second paragraph of Table 5.17 of REP1-160 seems to be a restatement of the Applicant's assertion that operational noise effects are expected to be negligible, and it does not address our request for a specific explanation as to how our Clients' concerns relating to Little Denmead Farm have been addressed and assessed. Similar arguments have already been responded to by us at rows 16, and 29 of our REP3-043.</p> <p>The Applicant has also referred us to the non-technical summary of Chapter 24 of the Environmental Statement. Chapter 24 of the Non-Technical Summary (REP1-079) does not provide the information and clarity we requested in relation to Measurement Point 1 and R5. It does not contain any further explanation of the conclusion that there will be a negligible effect in relation to these two specific receptors.</p>	<p>The best practice construction noise and vibration mitigation measures specified in the updated Outline Onshore CEMP (REP5-019) will provide mitigation to all residential receptors surrounding the Order limits at Section 1, including Little Denmead Farm. Specifically, section 6.3.8 of the updated Outline Onshore CEMP includes best practice measures specific to construction noise and vibration at the Converter Station area. Throughout the construction stage, the Converter Station access road will be maintained in a good condition (i.e. free from bumps/potholes) to minimise the generation of noise or vibration from vehicles. This will minimise noise and vibration at all properties within the vicinity of the proposed Access Road, including Little Denmead Farm.</p> <p>The layout of the laydown areas, vehicle parking and works compounds at the Converter Station will be planned carefully to minimise noise at nearby sensitive receptors as far as practicably possible. The noisiest activities will be planned to take place as far as practicably possible from nearby sensitive receptors. Site cabins and other equipment will be carefully positioned to provide screening between site activities and nearby sensitive receptors. Where appropriate, screening may be supplemented by localised noise barriers in the areas adjacent to sensitive residential receptors.</p> <p>Information regarding Receptor R5 (Little Denmead Farm) (See Figure 24.1 of the ES (APP-335)) has been provided in previous responses to the Interested Party. Construction noise predictions at surrounding residential receptors, including Little Denmead Farm (R5), for the key work stages, have been completed and are presented in Tables 24.21 to 24.24 of Chapter 24 of the ES (APP-139). These noise predictions have followed the principles of the methodology set out in in British Standard (BS) 5228-1:2009+A1:2014 <i>Code of practice for noise and vibration control on construction and open sites – Part 1: Noise</i>, as agreed with Winchester City Council (WCC) and East Hampshire District Council (EHDC). Based on this assessment</p>

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		<p>For example, paragraph 24.3.1.2 of REP1-079 states that "Additional construction stage mitigation, such as consideration of programme changes to reduce residents' noise exposure, is also specified for some areas of construction where work is being undertaken during sensitive periods and/or very close to sensitive receptors.." but it does not state which residents and which sensitive receptors will benefit from this. Paragraph 24.3.1.3 of REP1-079 also states "Additional mitigation has been recommended to reduce Converter Station noise</p>	<p>the construction noise impacts at Little Denmead Farm are assessed as being negligible. The residential receptors at Little Denmead Farm are located over 150m from the nearest indicative laydown areas/ works compounds and over 300m from the Converter Station. Construction noise levels will reduce with increasing distance from the activities, and it is these substantial distances that contribute to the expected negligible effect at Little Denmead Farm.</p> <p>Measurement Position 1 (Figure 24.1 of the ES (APP-335)) is not a receptor position; it is one of the positions where noise levels were measured during the baseline noise survey. As explained in previous responses to the Interested Party, the data collected during the Applicant's baseline noise survey were used to inform the noise criteria used in the operational assessment of converter station noise.</p> <p>The Non-Technical Summary (REP1-079) provides a simple summary for a non-technical reader, and has focussed on the baseline, the potential impacts assessed, proposed mitigation and residual effects, as these are the key topics that non-technical readers are typically most interested in. Noise is a technical discipline, and to fully understand the methodologies employed, which are underpinned by technical British Standards, a degree of technical knowledge and understanding is required, and as such it is not possible to provide a simple analysis of all the data provided. The Interested Party should take comfort from the fact that the two Local Planning Authorities relevant to the Converter Station Area (WCC and EHDC), who both have technical specialists who have reviewed the assessment, have agreed the noise assessment methodology and analysis. This is evidenced in the respective Statements of Common Ground (REP5-025 and REP4-010).</p> <p>The reference in the non-technical summary (REP1-079) to programme changes to reduce residents' noise exposure as a mitigation measure is not relevant to receptors surrounding the Converter Station, including Little Denmead Farm. This is relevant to receptors along the proposed cable route and proposed construction works which are expected to take place during sensitive periods (i.e. night-time).</p> <p>As confirmed in previous responses to the Interested Party, the construction core working hours for the Converter Station area (Works No. 1 and 2) are specified in Requirement 18 of Schedule 2 of the dDCO (REP5-008, Rev004) as being</p>

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		<p>levels at one receptor." Do these relate to Little Denmead Farm?</p> <p>We therefore maintain our representation.</p>	<p>between 0800 and 1800 hours on weekdays and between 0800 to 1300 hours on Saturdays, with start-up and shut-down activities up to an hour either side of the core working hours. These are not considered to be sensitive time periods for construction activities.</p> <p>The statement in the non-technical summary (REP1-079) 'additional mitigation has been recommended to reduce Converter Station noise levels at one receptor' relates to operational noise, not construction noise, and applies to mitigation applied to address a minor exceedance of the night-time broadband operational criteria at Hinton Daubnay (Receptor R12 of Figure 24.1 of the ES (APP-335)). As shown in table 17.3 of the ES Addendum (REP1-139), the predicted operational noise levels at Little Denmead Farm are substantially below the daytime and night-time noise criteria (i.e. the background noise level) and therefore the effect will be negligible.</p>
18	<p>Noise from Vehicular Movements</p> <p>Paragraph 3.7.1.3 of Chapter 3 of the Environmental Statement (document number 6.1.3) states that Converter Station Area construction works will take place in 10-hour shifts over six days a week, with one hour either side of these hours for start-up/shut down activities, oversized deliveries and for the movement of personnel. This will cause significant noise impacts for our Clients, given their proximity and health issues.</p> <p>(REP1-232 Para 8.2)</p>	<p>NOT RESOLVED</p> <p>Chapter 24 of the ES lacks an analysis in layman's terms of what all the different sets of data presented for receptor R5 (Little Denmead Farm) mean and an explanation as to how the Applicant concluded that overall noise effects from the proposed works and the operation of the Converter Station would be "negligible".</p> <p>We asked the Applicant to explain how it reached the conclusion that there would be no significant effects on Little Denmead Farm where there will be 10- hour construction work shifts over six days a week, between 8am and 6pm, with one hour either side of these hours for start-up/shut down activities, oversized deliveries and for the movement of personnel, all taking place within 300m of Little Denmead Farm. The Applicant has failed to provide an explanation. For example, the Applicant in Table 2.5 of REP3-014 refers us to Table 5.15 of REP1-160 which refers to conclusions relating to the prospect of building damage as a result of noise and vibration, whereas our Clients' concerns stretch to wider impacts on their amenity and livestock land use.</p>	<p>The Applicant has fully answered the queries on these matters in previous submissions. A response to the request for an analysis in laymen's terms is provided in the rows above.</p> <p>An explanation on operational noise was provided under Ref 3.4 Paragraph 8.1 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014). Our explanation is repeated in the Interested Parties' fourth paragraph in the adjacent column.</p> <p>An explanation on construction noise was provided under Ref 3.4 Paragraphs 8.2, 8.3 and 8.4 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014). This information is summarised again in the rows above.</p> <p>The Interested Party has incorrectly stated the proposed working hours at the Converter Station Area. The Applicant has confirmed these in the rows above, but for the avoidance of doubt, Core Working Hours at the Converter station Area will not comprise works after 1300 hours on Saturdays.</p> <p>The Interested Party is incorrect in stating that all construction activities will take place within 300m of the sensitive residential receptors at Little Denmead Farm. The proposed Converter Station buildings, where the majority of construction activities will take place, are located over 300m from the sensitive residential receptors at Little Denmead Farm.</p>



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		<p>The Applicant's provision of additional references in Table 2.5 of REP3-014 (to information relating to noise and vibration predictions) does not answer the points we have made in relation to our Client's health.</p> <p>The Applicant stated in Table 2.5 of REP3-014 that the data collected during the Applicant's baseline noise survey were used to inform the noise criteria used in the operational assessment of converter station noise and that for the operational assessment, the term 'negligible' is used to describe an effect where the noise level from the Converter Station is equal to or below the noise assessment criterion (i.e. does not exceed the existing background noise level at a given receptor).</p> <p>To summarise, Tables 24.21 to 24.24 of Chapter 24 of the ES (APP-139), in relation to our Clients.</p> <ol style="list-style-type: none"> <li>1. Construction of main site access road – 55dB – Negligible</li> <li>2. Establishment of car parking and site welfare area – 53dB negligible Page 15 of 24</li> <li>3. Construction of substructure of telecommunications buildings – 53dB – negligible</li> <li>4. Construction of superstructure of telecommunications building – 52dB – negligible</li> <li>5. Landscaping car parking and site welfare area – 52dB – negligible</li> </ol> <p>We question why the impact of the building of the substructure and the superstructure of the converter station for receptor R5 (Little Denmead Farm) has been excluded from Tables 24.22 and 24.23. We therefore maintain our representation.</p>	<p>It is not appropriate for the Applicant to comment on the health of any individuals residing within sensitive residential receptors. As confirmed in table 2.4 (Para 18) of the Applicants Responses to Deadline 3 submissions (REP4-027), all residential receptors are classed as having a high sensitivity in the noise and vibration assessment. Impacts on human health have been assessed within Chapter 26 (Human Health) of the 2019 ES (APP-141). The assessments made are at a population level, and individual level effects have not been identified (para 26.4.3.5). For the purpose of the assessment, vulnerable groups were assumed to be distributed throughout the general population of the study area, and these groups are more sensitive to changes (para 26.4.2.2). Where a vulnerable group within the population was deemed to be particularly vulnerable to an effect, a note was made within the assessment.</p> <p>Noise predictions for the substructure and superstructure works at the Converter Station were not included for Little Denmead Farm because the residential receptors are located over 300m from the proposed location of the works. As explained in Ref 3.4 Paragraph 8.3 of Table 2.5 of the Applicant's Response to Deadline 2 Submissions (REP3-014), this follows the guidance in British Standard 5228 that construction noise predictions should be avoided at distances greater than 300m, and furthermore, given noise levels will decrease with distance from the works the construction noise effects will be negligible.</p>
19	<p>Noise Reduction Methods</p> <p>Questioned whether a 300m distance was an appropriate maximum distance to measure sensitive Receptors from (given our Clients' residential properties lie within 300m of the construction activities). Requested the Applicant to explain the basis of selecting this distance.</p>	<p>NOT RESOLVED</p> <p>The Applicant's response in Table 2.5 of REP3-014 that the justification for undertaking noise predictions for all receptors within 300m of a given construction activity follows the guidance in BS 5228, and clarified that where a receptor is located closer than 300m from a given construction activity, the actual</p>	<p>In response to the Interested Parties' point: <i>'this does not answer our initial argument of why a lesser distance was not chosen that might have been more representative of the receptor sites, rather than selecting a distance of 300m which is just on the borderline of the warning relating to using this standard.'</i></p>

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	<p>Asserted that an estimated 3-year construction and commissioning period for the Converter Station is not a "temporary" period of time and exposure to noise impacts for such a long period of time, would cause significant harm which has not been adequately assessed.</p> <p>Applicant requested to explain what specific noise reduction methods it would apply in relation to our Clients given their circumstances and location.</p> <p>(REP1-232 Para 8.3)</p>	<p>distance between the construction activity and the receptor has been used to predict the noise level at that receptor.</p> <p>The Applicant further stated that environmental effects are classified as either permanent or temporary, and permanent are those changes which are irreversible or will last for the foreseeable period and that construction noise and vibration activities are considered to be temporary effects which is an accepted EIA approach and that due to the negligible construction noise and vibration effects identified at Little Denmead Farm, no additional noise mitigation measures to those contained in the Onshore Outline CEMP (REP1- 087) are considered necessary.</p> <p>We note that paragraph 24.4.2.6 of the Environmental Statement (APP-139) explains that BS 5228-1 states that construction noise predictions at distances over 300m should be treated with caution due to the increasing importance of meteorological effects and uncertainty regarding noise attenuation over soft ground. Furthermore, given the large distances involved, no significant construction effects would occur at distances beyond 300m. However, this does not answer our initial argument of why a lesser distance was not chosen that might have been more representative of the receptor sites, rather than selecting a distance of 300m which is just on the borderline of the warning relating to using this standard.</p> <p>With regard to the Applicant's response as to what is "temporary", paragraph 4.2.4.1 of the Environmental Statement (APP-119) states that the duration of effects lasting between 1 and 5 years are classed as "medium term". The 3 year construction period will therefore be a medium term effect. That in itself sounds more serious than a "temporary" effect. The Applicant also, yet again, makes a blanket reference to a large section of the Environmental Statement (para 24.6.2 of APP-139) that we are already aware of and that our Clients' written representation is based on in this regard. No attempt has been made</p>	<ul style="list-style-type: none"> <li>• A lesser distance was not chosen because this would not be representative of the residential receptors at Little Denmead Farm. As stated in the paragraphs above, the residential receptors are located over 300m from the proposed Converter Station buildings, where the majority of construction activities are expected to take place.</li> </ul> <p>In response to the Interested Parties' point: <i>'The 3 year construction period will therefore be a medium term effect. That in itself sounds more serious than a "temporary" effect.'</i></p> <ul style="list-style-type: none"> <li>• Construction stage effects are considered to be temporary and this is an accepted approach for Environmental Impact Assessment.</li> <li>• The approximate 3 year construction period will be divided into different phases (e.g. enabling works, substructure, superstructure, and commissioning works). Those relevant to Little Denmead Farm are those where construction noise predictions have been undertaken, and each phase will last for a shorter time than the total construction period.</li> </ul> <p>As explained in the paragraphs above, it is not appropriate for the Applicant to comment on the health of any individuals residing within sensitive residential receptors.</p> <p>The Applicant has confirmed that the operational and construction noise and vibration effects at the residential receptors at Little Denmead Farm will be negligible, because these are the conclusions of a robust assessment that has followed the principles of the appropriate British Standards, which have been agreed by the environmental health departments at WCC and EHDC.</p>

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		<p>by the Applicant in its response to demonstrate it has adequately assessed the specific impacts on our Clients. Simply telling us which large section we need to read (already knowing we have read it) is not enough.</p> <p>The Applicant remains unable to explain why and how it has concluded that the effects of noise and vibration will be negligible specifically in relation to Little Denmead Farm and our Clients' specific health conditions, based on the technical analysis contained in Chapter 24 of the ES. The Applicant continues to merely state they will be negligible.</p> <p>We therefore maintain our representations in this regard</p>	
20	<p>Responding to Noise Complaints</p> <p>There is no obligation in the 'Community Liaison' section of the Onshore Outline Construction Environmental Management Plan (document number 6.9) to take positive steps to deal with source of noise complaints, only a 'review'.</p> <p>(REP1-232 Para 8.4)</p>	<p>NOT RESOLVED</p> <p>The Applicant responded in Table 2.5 of REP3-014 that section 5.12 of the Onshore Outline CEMP (REP1-087) will require all on-site contractors to follow Best Practicable Means, as defined in the Control of Pollution Act 1974 and that in the event of a noise complaint, the contractor will review and ensure that working practices are mitigating noise and vibration as far as reasonably practicable and that the detailed CEMP will contain detailed information on a procedure in the event of complaints, to be agreed in consultation with local planning authorities' environmental health departments.</p> <p>The Applicant's response does not address the gap we have identified. There has been no change in that section to create an obligation to take positive steps to deal with the source of a complaint, and any detailed CEMP will need to be in line with the provisions of the outline CEMP. The possibility of a complaints Page 17 of 24 procedure is toothless and so not relevant to the concerns we are raising because it still does not oblige positive steps to be taken to resolve issues that arise.</p> <p>We therefore maintain our representations in this regard.</p>	<p>The CEMP is secured through Requirement 15 of the Draft DCO (REP5-008), which states that it must be in accordance the outline CEMP.</p> <p>Paragraph 5.12.2.8 of the Outline Onshore CEMP (REP5-019) states that 'any noise complaints received by the public relations officer, Environmental Health Officer or Environmental Manager will be reported to the appointed contractor and immediately investigated, including a review of mitigation measures for the activity that caused the complaint. Where necessary, mitigation measures will be revised to ensure Best Practicable Means (BPM) is being followed'.</p> <p>This commitment confirms all noise complaints will be proactively investigated and ensured that BPM is being followed, which is the requirement set out in primary legislation, the Control of Pollution Act 1974. The Applicant has nothing further to add on this matter.</p>

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21	<p>Noise from Vehicular Movements</p> <p>Requested that the Applicant confirms whether the analysis in the noise chapter of the Environmental Statement (chapter 24) takes into account the HGV movements and employee car movements and explain what specific noise mitigation measures will be put into place for residents who live directly next to plot 1-32. (REP1-232 Para 8.5)</p>	<p>NOT RESOLVED</p> <p>The Applicant responded in Table 2.5 of REP3-014 that the construction stage road traffic noise assessment has accounted for the construction traffic (both HGV and employee car movements) created by the Converter Station and Onshore Cable Corridor construction activities on the wider road network (Paragraph 24.4.4.4 of Chapter 24 of the ES (APP-139)), but the use of the Converter Station access road had not been included in the noise and vibration assessment.</p> <p>This is surprising, not least because our Clients' land remains a livestock farm and livestock kept on the land would be alarmed by the crashing and banging of construction of the Converter Station and other structures and emplacements.</p> <p>The Applicant stated that the access road will not result in any significant noise or vibration effects, due to the access road being over 50m away from the farm and that no additional noise mitigation measures to those contained in the Onshore Outline CEMP (REP1-087) specific to Little Denmead Farm are necessary.</p> <p>Little Denmead Farm is within 300m of the Converter Station and is classed as a sensitive noise and vibration receptor in itself. The Applicant candidly admits that the access road has not been considered in the noise and vibration assessment. This is a significant admission. In light of this, the Applicant has no technical evidential basis to conclude that the vehicle movements will not result in any significant noise or vibration effects. The Applicant has no evidence to support this assertion.</p> <p>We therefore maintain our representations in this regard.</p>	<p>As confirmed above, the residential receptors at Little Denmead Farm are located further than 300m from the Converter Station buildings. This substantial distance means that any characteristic features of construction noise are likely to be limited. Furthermore, the best practice mitigation measures described in the Outline Onshore CEMP (REP5-019) will ensure any 'crashing and banging' from construction activities is minimised. As explained in the Applicant's Responses to Deadline 3 submissions (REP4-027), livestock are no more sensitive than human receptors to noise and vibration.</p> <p>Supplementary information confirming the position that the access road will not result in any significant noise or vibration effects has been provided as Deadline 6 (Appendix F, Document Ref 7.9.23.1).</p>
23	<p>Impact of Dust during Construction</p> <p>A construction and commissioning works period for three years cannot be classed as being "temporary" and illogical to conclude that there is a low impact of dust if there is also assessed be a high risk of dust.</p>	<p>NOT RESOLVED</p> <p>No response provided. We therefore maintain our representation.</p>	<p>Please refer to Table 2.2 paragraph 22 of Applicant's Responses to Deadline 3 Submissions (REP4-027)</p>

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	(REP1-232 Para 9.3)		
24	<p>Dust Mitigation Measures</p> <p>Questioned whether the measures in the Onshore OCEMP go far enough and how realistic it would be to catch all sources of dust with water sprays. Noted that there were no details of what "precautions" will be taken when transporting materials off-site and no guarantee that air monitoring would be carried out to check effectiveness of the measures taken. Requested stronger binding measures ensuring that the anticipated high risk of dust will be mitigated.</p> <p>(REP1-232 Para 9.4)</p>	<p>NOT RESOLVED</p> <p>In AQ2 of REP2-014 the Applicant stated that the mitigation measures set out in the Onshore Outline Construction Environmental Management Plan (REP1- 087) are considered to be sufficient.</p> <p>The revised OCEMP (REP1-087) continues to have gaps in respect of the matters we raise. We requested that the Applicant explain why it considers the measures to be "sufficient" and refuses to commit to monitoring the air for construction dust whilst accepting that its activities will generate a high risk of dust. We therefore maintain our representation.</p>	<p>Please refer to Table 2.4 paragraph 23 of Applicant's Responses to Deadline 3 Submissions (REP4-027).</p> <p>The Outline Onshore CEMP (REP5-019) has been updated to require that monitoring "will" be carried out. The Outline Onshore CEMP also states there will be wheel washing and covered vehicles' when transporting material off-site (Measures 43-51 in Table 5.1).</p>
25	<p>Emissions During Construction</p> <p>We questioned how a three year construction period equates to involving "temporary" emissions from construction vehicles in paragraphs 16.6.1.9 and 16.6.1.10 of Chapter 16 the Environmental Statement (document number 6.1.16).</p> <p>(REP1-232 Para 10.2)</p>	<p>NOT RESOLVED</p> <p>The Applicant responded in REP2-014 that the assessment in Chapter 23 (Air Quality) had been revised providing detail on air quality changes associated with back-up diesel generators and additional modelling for NOX concentrations, nutrient N deposition and N acid deposition at the adjoining ancient woodland site.</p> <p>We requested that the Applicant explain what the new details revealed and concluded, and provide a specific response to the points we made in paragraph 10 of REP1-232.</p> <p>We therefore maintain our representation.</p>	<p>Please refer to Table 2.4 paragraph 24 of Applicant's Responses to Deadline 3 Submissions (REP4-027).</p>
26	<p>Land Contamination</p> <p>Paragraph 16.6.1.8 of Chapter 16 of the Environmental Statement (document number 6.1.16) does not elaborate on what "effects" could be caused to Stoneacre Copse from increases in pollutants during the construction stage, nor is there a positive requirement in the draft DCO to remediate any contamination of land outside the Order Limits</p> <p>(REP1-232 Para 11.1)</p>	<p>NOT RESOLVED</p> <p>The Applicant responded in REP2-014 that the assessment in Chapter 23 (Air Quality) had been revised providing detail on air quality changes associated with back-up diesel generators and additional modelling for NOX concentrations, nutrient N deposition and N acid deposition at the adjoining ancient woodland site.</p> <p>We requested that the Applicant explain what the new details revealed and concluded, and provide a</p>	<p>Specific results for the operational effects on Stoneacre Copse can be found in Table 23.111, Plate 23.33 and Plate 23.39 in Chapter 23 (REP1-033), and summarised in Section 1.5 of Appendix 23.7 (REP1-077).</p> <p>Temporary air pollutant emissions were not specifically assessed following the guidance in LAQM.TG(16) which states that NRMM is unlikely to have a significant effect on local air quality provided suitable mitigation measures are in place. considered qualitatively in Chapter 23 (REP1-033) according to the IAQM Guidance on the assessment of dust from construction and demolition, and the significance of the effect</p>

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		<p>specific response to the points we made in paragraph 11 of REP1-232.</p> <p>The Applicant also stated that contamination within the Order Limits would be remediated under Requirement 13 of the DCO (REP1-021) and mitigation measures make the spread of contamination outside of the Order Limits highly unlikely.</p> <p>Our Clients' points in relation to remediation outside the Order Limits still stand. Section 5.5 of the revised OCEMP (REP1-087 &amp; REP1-088) relates only to measures to prevent pollution of surface water and ground water. There is no section 6.9.2 in the revised OCEMP (REP1-087 &amp; REP1-088).</p> <p>We therefore maintain our representation</p>	<p>on Stoneacre Copse is described in Chapter 16 (APP-131) paragraph 16.6.1.10.</p> <p>The background rate of nutrient nitrogen deposition at Stoneacre Copse is approximately 15kg/ha/year and the likely critical load for Stoneacre Copse ranges from 10-20kg/ha/year. It is therefore considered highly unlikely that the deposition of nutrient nitrogen from NRMM will exceed 5kg/ha/year (+30%) from vehicles and plant operating intermittently anywhere within the 37ha Section 1 works area. It should also be noted that all vehicles and plant will be compliant with the requirements of Winchester City Council's air quality action plan. On this basis, the impact of nutrient nitrogen deposition to Stoneacre Copse is considered to be negligible.</p> <p>No remediation will be undertaken outside the Order Limits as all proposed works are being undertaken within the Order Limits. In addition, no areas of gross contamination have been identified that would require offsite works to prevent the recontamination of the area within the Order limits.</p> <p>The mitigation measures outlined within the Onshore Outline CEMP (REP5-019), will be in place during the proposed development so that any identified unexpected contamination will be prevented to migrate outside the Order Limits.</p> <p>As clarified in the Applicants Response to Deadline 3 Submissions (REP4-027), it was acknowledged there is no 6.9.2 in the Onshore Outline CEMP and this was an error. It has been corrected that reference should have been made to Section 5.5 of the Onshore Outline CEMP.</p>
27	<p>Artificial Light</p> <p>Lack of Definition of "Exceptional Circumstances"</p> <p>No definition of "exceptional circumstances" in Requirement 23 of the draft DCO in which operational external lighting is allowed.</p> <p>(REP1-232 Para 12.3)</p>	<p>NOT RESOLVED</p> <p>The Applicant's response in REP2-014 merely repeats the drafting inadequacies we objected to. We therefore maintain our representation.</p>	<p>The Applicant refers to its response to para no.26 in Table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027)</p>
28	<p>Lack of External Lighting Strategy</p> <p>No requirement in the draft DCO for the Applicant to submit any form of external lighting strategy for</p>	<p>RESOLVED</p> <p>The Applicant provided further information on lighting as part of Deadline 1.</p>	<p>The Applicant refers to Requirement 6(1)(i) of the dDCO (REP5-008).</p>

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
	operational purposes in relation to exceptional circumstances to the relevant local planning authority. (REP1-232 Para 12.5)	The updated Onshore Outline Construction Environmental Management Plan (REP1-087) requires the appointed contractor to develop a Lighting Scheme for the Construction and Operational Stages of the Converter Station Area.	
29	Request that Requirement 23 in the draft DCO be amended to require the submission of a lighting strategy and a particular definition of "exceptional circumstances". (REP1-232 Para 12.6)	<p>PARTIALLY RESOLVED</p> <p>The Applicant provided further information on lighting as part of Deadline 1.</p> <p>The updated Onshore Outline Construction Environmental Management Plan (REP1-087) requires the appointed contractor to develop a Lighting Scheme for the Construction and Operational Stages of the Converter Station Area.</p> <p>In relation to the definition of "exceptional circumstances", as noted above, the Applicant's response in REP2-014 merely repeats the sloppily framed drafting we objected to.</p> <p>We therefore maintain this part of our representation.</p>	Please see the responses above. No amendments are intended to be made to the dDCO in this regard.
30	<p>Impacts from Air, Dust, Light, Noise and Vibration</p> <p>It is questionable to conclude that the impacts on human health within the Converter Station Area from air, dust, light, noise and vibration during construction and operation will be negligible to minor adverse given the conclusions in Chapter 26 of the Environmental Statement that there could be associated adverse effects on psychological health for nearby residents given that the residual operational noise from the Converter Station Area will be permanent and long-term and given the age and health conditions of our Clients.</p> <p>(REP1-232 Para 13)</p>	<p>NOT RESOLVED</p> <p>No specific response provided. We therefore maintain our representation.</p>	The Applicant refers to its response to para no.29 in table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027).
31	<p>Badgers</p> <p>Page 22 of 24 Questioned the extent to which the assessment in chapter 16 of the Environmental Statement (Onshore Ecology) (document number 6.1.16) considers the presence of wildlife on our Clients' land and how they will be protected from harm.</p>	<p>NOT RESOLVED</p> <p>Our questions related to the extent of assessment and asked if there was to be a further assessment of badgers to identify the presence and extent of a clan.</p> <p>The Applicant's response in REP2-014 did not substantively address the points raised about the re-</p>	The Applicant refers to its response to para no.30 in table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027).

Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
	Noted the presence of badgers and questioned whether there would be a requirement to conduct further assessment before works begin, to ensure their protection.	assessment of badgers. We therefore maintain our representation.	
32	<p>Reinstatement</p> <p>Asked the Applicant to explain how it has factored in the amount of time it would take to restore the loss of important species through re-landscaping and re-planting. (REP1-232 Para 14.2)</p>	<p>NOT RESOLVED</p> <p>The Applicant's response avoided and failed to address the point we make. Their response only referred to the carrying out of reinstatement work to land to restore its former condition, which may not be the same thing as actually restoring the land to its former condition.</p> <p>The Applicant was asked to clarify whether it is confirming it will take 12 months to restore the loss of important species. If so, would Requirement 22 of the draft DCO should be amended to make it clear that the 12-month period includes the restoration of the loss of important species. We therefore maintain our representation</p>	The Applicant refers to its response to para no.31 in table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027).
33	<p>Hedgerows</p> <p>No explanation or assessment provided as to how long it will take for the new planting to grow in order to provide an increase in the overall long term area of habitat. Therefore difficult to accept that there will be a low magnitude of impact on species affected by hedgerow removal. (REP1-232 Para 15.4)</p>	<p>NOT RESOLVED</p> <p>The Applicant's responses did not address the point we made. We therefore maintain our representation.</p>	The Applicant refers to its response to para no.32 in table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027).
35	The Draft DCO does not contain any provisions relating to decommissioning (REP1-232 Para 16.2)	<p>NOT RESOLVED</p> <p>The Applicant responded in REP2-014 that development consent was not being sought for decommissioning as part of the application and that it considered that a Requirement securing a decommissioning strategy is not necessary.</p> <p>This assumes that the Converter Station and other Application Development will remain in perpetuity. This is surprising because infrastructure in England is commonly expected to have a lifespan of, for example, 125 years at most.</p>	<p>The Applicant refers to its response to para no.34 in table 2.4 of the Applicant's Response to Deadline 3 Submissions (REP4-027).</p> <p>An updated form of the decommissioning requirement is included within the dDCO submitted at Deadline 6.</p>



Para No.	Summary of argument contained in Carpenter's Written Representations (REP1-232)	Carpenter's Summary of Status	The Applicant's further response at Deadline 6
		<p>In this Application, however, the Applicant has confirmed that the Application Development would have a much shorter life space of 40 years. Therefore, there is no justification for the period of land acquisition to be greater than 40 years. It follows that the scope and extent of compulsory purchase powers to take the freehold of our Clients' land remains unjustified and that, instead, a lease of 40 years would be sufficient to enable the Converter Station to be situated on their land, with access rights for the Applicant thereto.</p> <p>Further, on its own evidence of its accepted basis that the onshore design life is 40 years, the Applicant accepts that decommissioning will be required in about 2060. But the Applicant only goes as far as stating that it will be done in "the appropriate manner". This response evidences that the Applicant has no idea how it may decommission the Application Development (if at all). How is that to be judged? How will it be controlled? Who will decide its impacts? In the absence of any decommissioning plan at Deadline 4, is it envisaged to 'repower' the Application Development in 40 years' time by substituting then new equipment and cables? These questions remain unanswered. We therefore maintain our objection in this regard.</p>	

# **Appendix C – Applicant’s Response to Mr Michael Jefferies and Mrs Sandra Jefferies**

# 1. APPLICANT'S RESPONSE TO MR MICHAEL JEFFERIES AND MRS SANDRA JEFFERIES

1.1.1.1. The following table sets out the Applicant's responses to Mr Michael Jefferies and Mrs Sandra Jefferies's submissions to the Examining Authority (ExA) made at Deadline 4 (REP4-050). Ian Judd and Partners' summary of the previous submissions is provided in the first three columns and the Applicant's latest response is provided in the fourth column.

**Table 1.1 – Response to Mr Michael Jefferies and Mrs Sandra Jefferies**

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
1	<p>Converter Station Location - Alternative Location</p> <p>that either proposed location of the Converter Station (options B(i) and B(ii)) will make little difference to them given that both options are located in extremely close proximity to the Property. Either a more eastward, or indeed a new alternative location would reduce the impact of the Converter Station on our Clients.</p>	<p>Further information with respect to the siting of the Converter Station and taking into consideration its local context is provided in sections 5.2 and 5.3 of the Supplementary Alternatives Chapter (REP1-152).</p>	<p>Not Resolved</p> <p>The applicant has not addressed the issues raised. Sections 5.2 and 5.3 of the Supplementary Alternatives Chapter (REP1-152) do not address a more eastward or indeed some new alternatives locations.</p>	<p>The Applicant has explained the reasonable alternatives considered for the grid connection point and the reasons for the selection of the location of the converter station in proximity to Lovedean Substation, including considerations relevant to potential impacts on the South Downs National Park (SDNP), within the Chapter 2 (Consideration of Alternatives) (APP-117) and the Supplementary Alternatives Chapter submitted as part of the Environmental Statement (ES) Addendum (REP1-152). This provides an overview of the process undertaken to identify the preferred grid connection point and location for the Converter Station forming part of the Proposed Development. In summary, whilst the proposed location of the Converter Station is in the countryside, it is considered by the Applicant to be the most suitable and appropriate location.</p> <p>A set of criteria were established with regards to the identification of the Converter Station location following the identification of Lovedean Substation as the grid connection point. These are set out in paragraph 2.4.5.2 of Chapter 2 (Consideration of Alternatives) of the ES (APP-117) which identified that the Site should be within 2 km (radius) of the existing Lovedean Substation due to a variety of factors, including but not limited to AC cable transmission losses, cable easement widths, footprint requirements, highway connections, and environmental and residential amenity impacts.</p>

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
2	<p>Roads</p> <p>Old Mill Lane, off which the Property is located, is far from a road that would appear to meet that criterion being a tight one car-width lane.</p>	<p>It is acknowledged that there are narrow country roads in the vicinity of Lovedean substation.</p> <p>The strategy to manage construction vehicles involves the use of banksman located along Day Lane who will be responsible for ensuring that there will not be instances where HGVs approaching from opposite directions will meet each other on Day Lane and managing vehicle movements in and out of the Broadway Lane access junction.</p> <p>The roads to be used are therefore entirely appropriate to be used for this purpose with appropriate mitigation in place.</p> <p>Of course, there is an existing electricity substation in this location which includes equipment of a similar nature, and which has been developed, operated and maintained utilising these same roads.</p>	<p>Not Resolved</p> <p>The applicant has not addressed the issues raised, in particular the use of Old Mill Lane.</p> <p>The applicant has referred to banksmen, however has not taken into account the existing HGV traffic on Day Lane. We fail to see how the use of banksmen will help.</p> <p>The Applicant stated that they will make the road use "entirely appropriate to be used for this purpose"</p> <p>The applicant refers to the construction of the existing sub-station, which was built in phases, when local transport numbers were considerably lower than they are today. This is not a true comparable of current traffic management.</p>	<p>Old Mill Lane is not a permitted construction traffic route detailed within the Framework Construction Traffic Management Plan (REP1-070) and therefore the construction traffic will not be required or permitted to use it. All construction traffic associated with the proposed development will use Broadway Lane (at the access junction), Day Lane and Lovedean Lane to access the Converter Station site.</p>
3	<p>Topography</p> <p>The Applicant refers to "being able to utilise the topography" to arrive at the most suitable location. However, in relation to the Property, the impact is exacerbated by the fact that the topography slopes downwards away from the Property towards the Converter Station location.</p> <p>The Applicant's response fails to demonstrate how it has met the</p>	<p>With regard to topography, the 500 m area surrounding the Lovedean substation falls from approximately 97 m to 67 m above ordnance datum (AOD), therefore offering more opportunity to take advantage of the natural landscape to mitigate visual and noise impacts. To keep the excavation within structureless chalk strata to mitigate contamination of the</p>	<p>Not Resolved</p> <p>The applicant has stated the changing AOD, this would result in huge volumes of earth being moved within the site, resulting in an artificial and unnatural bunding, exacerbating the visual impact of the scheme. The noise, dust and sound pollution from this earth movement will have a significant impact on our client's enjoyment of their property.</p>	<p>The Applicant's response explains the existing changes in the natural topography of the land, with the 500 m area surrounding the Lovedean substation falling from approximately 97 m to 67 m above ordnance datum (AOD), therefore offering more opportunity to take advantage of the natural landscape to mitigate visual and noise impacts.</p> <p>There will be a cut and fill exercise to create a level platform for the Converter Station, and this will involve earthworks, though most earth moved will be recycled to create the level platform and landscape re-profiling to the north of the Converter Station the impacts of undertaking of these</p>

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
	criteria in relation to our Clients and the Property.	<p>aquifer, 84.80 m AOD has been proposed as the Converter Station finished site level.</p> <p>Chapter 15 (Landscape and Visual Amenity) of the ES (APP - 130) acknowledges that for property No.1 (Hillcrest) there would be major adverse effects during construction and on completion , and that despite the mitigation measures, these would continue to be significant (falling to moderate to major by year 10 and minor to moderate by year 20).</p> <p>The location of the Converter Station was chosen to maximise the benefits of the topography and existing surrounding vegetation in serving a partial visual screening function from certain viewpoints within a 3 km radius and further afield (for example from South Downs National Park) . For example, with regard to ground investigations, both short - listed options were similar, however clay depth (impacting foundation design) and a lower risk for karstic features (potential causes of ground instability) were more favourable for Option B</p>	It is clear the applicant has greater concerns of long distance views, particularly from South Downs National Park, but less concern with the immediate neighbours and they have chosen the cheapest option to avoid clay foundations, when they are clearly going to remove all top and subsoils anyway.	<p>earthworks has been fully assessed in the Environmental Statement submitted in support of the Application.</p> <p>The Applicant rejects the assertion that it has greater concerns in relation to long distance views than immediate neighbours. The Applicant has carried out extensive work in relation to the landscaping which is to be provided to screen the Converter Station in so far is practicably possible to mitigate its visual impacts, which provides screening mitigation for closer distance views.</p>
4	<p>Amenity</p> <p>Their amenity is particularly acutely affected due to the degradation of the rural setting because of the very close</p>	(Hillcrest) there would be major adverse effects during construction and on completion and that, despite the mitigation measures, these would continue	<p>Not Resolved</p> <p>The applicant acknowledges a major adverse effect on Hillcrest.</p>	The Applicant has made a decision based on professional judgement on the partial screening of the lower storeys of Hillcrest by standing in the field adjacent to Hillcrest and at the entranceway off Old Mill Lane.

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
	<p>proximity of their Property to the proposed Converter Station.</p> <p>Factors affected include views and visual amenity and the oppressive impact due to the height of the proposed Converter Station.</p> <p>This is exacerbated by the fact that the topography slopes downwards away from the Property which reduces the limited effectiveness of any proposed landscaping mitigation which in any event (in the absence of additional topographic issues) would be inadequate even after years taken to reach maturity.</p>	<p>to be significant (falling to moderate to major by year 10 and minor-moderate (significant) by year 20).</p> <p>The receptor (Hillcrest) would have a direct close view particularly of the northern elevation of the Converter Station and that the view from lower storeys would be partially screened by their own outbuildings and vegetation edging their property.</p> <p>Mitigation measures: In terms of mitigation, whilst the Applicant has introduced new native mixed woodland around the periphery of the property as indicated on the revised indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1- 137) submitted for Deadline 1, the Applicant acknowledges that this will provide only a partial screen.</p> <p>The Applicant has therefore sought to ensure that in closer views (primarily those immediately around the edge of the Converter Station including views from private residential properties) views are as aesthetically pleasing as possible, through a number of design measures associated with the Converter Station.</p>	<p>The applicant is incorrect that the view from Lower Storeys would be partially screened. The Applicant nor its agents or landscapers have not been within Hillcrest on any storey and therefore cannot make this statement, which is incorrect. The property enjoys verandas and balconies on three storeys which all overlook directly onto the proposed site. We welcome the inspector to view the site from within Hillcrest.</p> <p>Any building being the height of the proposed Converter Station is never going to be aesthetically pleasing. At no time has the applicant consulted with our client to gain their feedback to minimise the visual impact.</p> <p>The Converter Station is not at the lowest feasible point. This is incorrect. It is halfway up the hill. If the Converter Station was located 200m to the south, it would be some distance lower.</p> <p>The Applicants response has not addressed the individual issues addressed by our client and have not given due consideration to the impact on their dwelling.</p>	<p>The Applicant acknowledges that as described in Appendix 15.3 Landscape and Visual Assessment Methodology (APP-401) paragraph 1.11.7 the judgement is the assessor's "best estimate" of the likely visual effects - "Whilst most of the properties can be viewed at close range from public roads and footpaths, some of these properties are accessed via private or gated roads and due to these access limitations, they have been assessed from the nearest public road or PRow which may be at greater distance from the property. The assessment, in this instance, should therefore be regarded as a 'best estimate' of the likely visual effects." The document goes on to state in paragraph 1.11.8 that the "assessment has been further supported by aerial and ground level photography as well as map-based data. The assessment takes account of the likely views from the ground floors of properties and main garden areas but excludes upper floors and other land that may be connected with the property."</p> <p>The findings of the visual amenity assessment presented in Table 3 of the Appendix 15.6 Visual Amenity (APP-404) states that for Hillcrest, a barn and coniferous boundary planting edging the property to the south partially screens lower storey and garden views.</p> <p>In terms of proposed mitigation measures and as referred to in the Applicant's Response to Deadline 2 Submissions (Table 2.6, Para No. 3.5) (REP3-014) the Applicant has introduced new native mixed woodland around the periphery of the property as indicated on the revised indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1-137) submitted for Deadline 1, the Applicant acknowledges that this will provide only a partial screen.</p> <p>The Applicant has therefore sought to ensure that in closer views (primarily those immediately around the edge of the Converter Station including views from private residential properties) views are as aesthetically pleasing as possible, through a number of design measures associated with the Converter Station. These are referred to as design principles in the DAS (REP1-031) and include cladding in varied natural</p>

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		<p>The Applicant is working with the LPAs to seek agreement on the Converter Station Design Principles and will be discussing them at the next design meeting.</p> <p>The Applicant has also sought to site the Converter Station in the most appropriate location to allow for the landscape impacts to be minimised.</p> <p>This has included setting the Converter Station as low as is feasible without giving rise to adverse impacts on the underlying principal chalk aquifer (which is a large chalk aquifer located under much of the surrounding area) (refer to the Applicant's Comments on Local Impact Reports in response to WCC comments (4.3.3) Table 7.3 (REP2-013)).</p>		<p>colours designed to visually break up the overall mass, curved corners, a rationalising of different functions of buildings to avoid visual clutter and avoiding plant on the roofs of the highest buildings (refer to the Applicant's Comments on Local Impact Reports in response to WCC comments Table 7.6 (4.6.12) (REP2-013)).</p> <p>The Applicant is working with the LPAs to seek agreement on the Converter Station Design Principles.</p> <p>The location of Lovedean Substation is constrained by various factors including the position of the overhead lines to the north and south. Within those constraints, the Applicant has also sought to site the Converter Station in the most appropriate location to allow for the landscape impacts to be minimised. This has included setting the Converter Station as low as is feasible without giving rise to adverse impacts on the underlying principal chalk aquifer (which is a large chalk aquifer located under much of the surrounding area) (refer to the Applicant's Comments on Local Impact Reports in response to WCC comments (4.3.3) Table 7.3 (REP2-013)). In addition the landform along the northern boundary of the Converter Station will be re-profiled to add to the visual screening function.</p> <p>The Converter Station is designed with a finished floor level of 85.1m AOD. Hillcrest appears to be at 99 m AOD, approximately 14 m above the Converter Station floor level, approximately 12 m below top of roof if the Converter Buildings are constructed to the maximum of 26m height. The proposed planting described above would be on ground between 95 and 96 m AOD, immediately south of the building and trees on the boundary of Hillcrest. This planting would reach height sufficient to start reducing views from the ground floor within 10 years and would provide a reasonable degree of screening from ground and first floor level by 20 years. The Applicant has amended the landscape mitigation plans to add a band of fast-growing conifers immediately south of the boundary with Hillcrest to more rapidly reinforce the screening provided by the existing and buildings. Please refer to the updated</p>

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				indicative landscape mitigation plans for both Option B(i) and Option B(ii) submitted at Deadline 6.
5	<p>Our clients will also suffer substantive negative impacts due to construction phase noise, dust and light and, in perpetuity, operational noise daily. Such impacts would be unaffected by locational options B(i) and B(ii). In section 5.12 page 5-105 of its Responses to Relevant Representations, the Applicant refers to various proposed mitigation measures and "new woodland planting to provide some screening".</p> <p>The Applicant refers showing a very thin belt of new "proposed native mixed woodland" and nothing more between our Clients' Property and the proposed Converter Station. Such a woodland mix will inevitably include deciduous species which will visually screen even less effectively in winter months. We consider such mitigation measures to be inadequate.</p> <p>The mitigation referred to by the Applicant for construction phase light pollution focusses on the "design and layout of site construction areas" to reduce impact. Again this is inadequate because our Clients would have no opportunity to comment and</p>	<p>The Lighting Scheme is outlined in Paragraph 5.2.2.1 of the updated Onshore Outline CEMP submitted at Deadline 1 (REP1-087). After consultation with the SDNPA, this will be submitted for approval to the relevant LPA.</p> <p>The impact from noise and dust during construction will be managed through mitigation as outlined in the measures in the updated Onshore Outline CEMP (REP1-087).</p> <p>Air Quality measures including for dust can be found in section 5.11 and measures for noise can be found in section 5.12.</p>	<p>Not Resolved</p> <p>The Applicant has not address the points raised with particular reference to our clients property.</p>	<p>New woodland planting: The Applicant has responded to this point in paragraph 8.4.3 of the Applicant's Response to Deadline 3 Submissions (REP4-027). The "very thin" belt of new proposed native mixed woodland at its narrowest point is approximately 20 m wide. The Applicant considers that given its density and depth there would be a "screening value" during the winter. It should also be noted that there is to be a proportion of evergreen species (holly and yew) included in the planting palette.</p> <p>As explained in the Applicant's Response to Deadline 2 Submissions (REP3-014) and Applicant's Responses to Deadline 3 submissions (REP4-027), the noise effects associated with the construction of the Converter Station are expected to be negligible at Hillcrest, primarily due to the distance (200m) between Hillcrest and the construction activities at the Converter Station buildings. All of the best practice noise mitigation measures specified section 5.12 of the Outline Onshore CEMP (REP5-019) will minimise noise as far as reasonably practicable at surrounding residential receptors including Hillcrest.</p> <p>Specific to the Converter Station Area, section 6.3.8 of the Outline Onshore CEMP confirms that the layout of the laydown areas, vehicle parking and works compounds at the Converter Station will be planned carefully to minimise noise at nearby sensitive receptors as far as practicably possible. The noisiest activities will be planned to take place as far as practicably possible from nearby sensitive receptors. Site cabins and other equipment will be carefully positioned to provide screening between site activities and nearby sensitive receptors. Where appropriate, screening may be supplemented by localised noise barriers in the areas adjacent to sensitive residential receptors.</p> <p>The converter station area is assessed as being at a high risk of dust impacts, and as such the appropriate mitigation from</p>



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	<p>influence such layouts, rather it would be imposed on our Clients. Our Clients would also have no input into any operational phase lighting scheme as may be developed by the appointed contractor.</p> <p>In relation to noise and dust the Applicant's response is inadequate, We therefore maintain our Clients' objections in relation to amenity and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue, and comment further.</p>			<p>Institute of Air Quality Management dust risk assessment process should be implemented. The dust risk assessment process, which was undertaken according to the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction Version 1.1, uses a part-qualitative, part quantitative process to assess the risk of unmitigated works, in this case producing a high risk of dust impacts for the Converter Station area, so as to inform appropriate mitigation. The full results of the dust risk assessment for the Converter Station area can be viewed in detail in Section 1.3.1 and Table 8 of Appendix 23.2 (REP1-074). In accordance with the guidance, the final assessment of dust effects is described in paragraph 23.6.4.2 of Chapter 23 (REP1-033) with proposed mitigation in place and are considered by the Applicant to be not significant. The appropriate mitigation for high risk sites can be found in the updated Onshore Outline Construction Environmental Management Plan (REP5-019) Table 5.1.</p>
6	<p>Noise and Vibration – Construction</p> <p>In section 5.15 page 5-108 of its Responses to Relevant Representations, the Applicant refers to predicted vibration impacts in Section 24.6 to 24.9 of Chapter 24 (Noise and Vibration) of the ES (APP-139) and concludes they "are not of sufficient magnitude to cause building damage". Whilst this may be the case, this does not mean that the impact of vibration caused by construction works cannot be felt and would not have a detrimental impact on the day to day lives and wellbeing of our Clients. We therefore maintain</p>	<p>Further detail on the best practicable mitigation measures will be provided once a contractor is appointed and detailed works plans are produced, in consultation with the environmental health department at the local planning authorities.</p> <p>As Hillcrest is located over 200m from the proposed Converter Station, the vibration levels would be below the threshold considered to be just perceptible in residential environments</p>	<p>Not Resolved</p> <p>Our Client operates their business from the site, in workshops immediately adjoining the site. No consideration has been made for the employees within these workshops, which are of steel framed construction.</p> <p>The Applicant has not undertaken an assessment of buildings within close proximity to the development site and therefore can not comment on the impact on these buildings.</p>	<p>The Applicant is aware of the workshop in question which is located immediately south of the residential property at Hillcrest and is used for undertaking repair work on vehicles.</p> <p>British Standard BS 5228:2009+A1:2014, upon which the construction assessment has been based, lists noise-sensitive premises as dwellings, places of worship, educational establishments, hospitals or similar institutions. Therefore, a commercial operation such as a workshop is not considered a sensitive receptor in the noise and vibration assessment and therefore it is not appropriate to undertake an assessment of construction noise or vibration on these buildings.</p>

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
	our objection to the impacts of construction noise and vibration on our Clients' amenity and personal health given the extreme proximity of our Clients' Property to the Converter Station			
7	<p>Compulsory Acquisition:</p> <p>Our Clients' Relevant Representations state their concern that the Applicant failed to demonstrate compulsory acquisition is necessary and proportionate, permanent landscaping rights are needed and that all reasonable alternatives have been explored.</p> <p>The Applicant states that permanent landscaping rights are required over areas to assist with screening and are considered reasonable in relation to the scale of the project. However, these fail to address our Clients' concerns, particularly the extent of the proposed land take and the implications of the permanent landscaping rights. We therefore maintain our Clients' objections in relation to the necessity and proportionality of the proposed compulsory acquisition and the landscaping rights and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at</p>	<p>The landscaping proposed by the Applicant serves not just a visual screening function in specific locations but also seeks to connect with Stoneacre Copse (ancient woodland to the south east), addressing concerns over the need to improve connections to nationally important habitats</p> <p>The Applicant also refers to the Applicant's Response to Written Representations (CA3) (REP2-014) which explains that the proposals also reflect the extensive engagement with and feedback received from the LPAs and that the proposals strengthen the visual screening function as well as biodiversity enhancement.</p> <p>In terms of permanent rights the Applicant also refers to the Applicant's Response to Written Representations (CA4) (REP2-014) which explains LPAs concerns over potential loss of vegetation in this area and that Applicant's proposals will significantly strengthen the landscape features in this area, providing an important screening function, to address the feedback received. As such, the acquisition</p>	<p>Not Resolved</p> <p>The Applicant has not addressed our client's concerns as to whether these rights are necessary and proportionate.</p> <p>Our Client has not been party to the consultation with the LPA and question whether their response is necessary and proportionate for the scheme or whether the proposed Landscaping is excessive in order to appease the LPA.</p>	<p>Landscaping rights relate to plots 1-11, 1-13, 1-15, 1-16, 1-17, 1-19, 1-23a and 1-24): These plots are existing hedgerows / linear belts of hedgerow trees which either run along Old Mill Lane (Plots 1-11, 1-13 and 1-16), lie to the east of Old Mill Road (Plots 1-15, 1-17 and 1-19) or run perpendicular (Plots 1-23a and Plot 1-24).</p> <p>The plots either act as a visual screen or contribute to a visual 'layering' function in conjunction with the other hedgerows in the area, the extent of which depends on the angle of view. The plots provide screening for transport and recreational users utilising Old Mill Road, and as referred to in the ES Chapter 15 (paragraph 15.5.3.53) (APP-130) Old Mill Lane forms part of a couple of locally promoted cycle routes (Broadpenny Down) and (River Alre) reflected on Figure 15.46 (APP-279). The plots are also important in terms of their landscape and ecological connectivity and biodiversity.</p> <p>Their retention and ongoing management to provide a visual screening function throughout the operational lifetime of the Converter Station reflects the extensive engagement with, and feedback received, from the LPAs.</p> <p>In response to previous comments, the Applicant has reviewed the two micro-sited options to determine whether, if Option B(ii) is chosen, it may be possible to undertake planting over a reduced area in Plot 1-23 without detriment to the screening and ecological functions, whilst continuing to meet the objectives set out in the Outline Landscape and Biodiversity Strategy (REP1-034).</p>

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
	Deadline 2) in relation to this issue and comment further	of the rights and restrictions in question is necessary in connection with the Proposed Development.		Following this review, the Applicant has revised the design for Option B(ii) to reduce the extent of planting in Plot 1-23 (see Indicative Landscape Mitigation Plan Option B(ii) WQ CA1.3.7 (document reference 7.7.8 Rev02). These plans should be read alongside the revised Land Plans (include reference number) which now shows planting in Plot 1-23 and "no landscaping proposed" in Plot 1-23a. The land requirements have been updated for this plot to state 'Permanent Acquisition of Land or No Rights Sought'.
8	<p>Landscaping and Landscape</p> <p>Our Clients' Relevant Representations state their objections to the adequacy of the landscaping given the locational relationship of the Property to the Converter Station and the topography. In sections 5.25 page 5-117 and 5.26 page 5- 119 of its Responses to Relevant Representations, the Applicant refers to proposed mitigation planting and that it will "over time provide screening for some visual receptors" and explains that further planting enhancements will "contribute to a partial screening function". The Applicant's response therefore accepts that landscaping mitigation will be inadequate even once mature, some receptors may never be screened and others only partially so. We therefore maintain our Clients' objections in relation to landscaping and landscape and will consider the Applicant's responses to our Clients' Written</p>	The Applicant reiterates the points made above under 3.5, which refer to the mitigation measures considering not just planting and topography but also building design.	<p>Not Resolved</p> <p>The Applicant has not addressed the point. The proposed Landscaping will have little to no mitigation of the effects on Hillcrest.</p>	The Applicant disagrees for the reasons outlined in the paragraphs above.

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
	Representations (which are to be submitted at Deadline 2) in relation to this issue and comment further.			
9	<p>Concerns not responded to:</p> <p>Our Clients' Relevant Representations also raised issues relating to breach of their humans rights. Our Clients' also refer to the diversity of wildlife and biodiversity on their doorstep. The Applicant's Responses to Relevant Representations do not provide any direct responses to these concerns. We respectfully request that the Examining Authority requires the Applicant to respond formally to these specific issues raised.</p>	<p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum – Rev 001 (REP1-135). These clearly demonstrate the national and international benefits of the Proposed Development which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner. Section 7 of the Statement of Reasons explains the consideration that has been given to the powers of compulsory acquisition sought and the European Convention on Human Rights and why the potential interferences are considered to be proportionate and necessary, striking a fair balance between the public benefit and interest in the Proposed Development being delivered and the interference with the rights that will be affected. With regard to impact on wildlife and biodiversity, this issue</p>	<p>Not Resolved</p> <p>The applicant has failed to address the specific concerns in relation to the loss of wildlife on our clients property</p>	<p>The Applicant has undertaken a broad suite of ecological surveys and undertaken an assessment of the impacts of the Proposed Development on ecological receptors as reported in the ES and ESA.</p> <p>As identified in the Non-Technical Summary (REP1-079), the assessment process identified that there would be no significant residual effects on ecological features as a result of the construction, decommissioning and operation (including repair and maintenance) of the Proposed Development.</p>

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
		is addressed in Section 5.3 of the Applicant's Responses to Relevant Reprs (REP1-160). The Applicant therefore considers that the issues raised have been addressed.		
10	<p>These documents contain statements by the Applicant regarding its engagement with our Clients in relation to Heads of Terms stating "Heads of terms in Negotiation" and "the Applicant has engaged with the landowner since late 2017 and is committed to working with the landowner to address the concerns raised where possible". Our Clients' did not instruct agents until September 2019 which suggests the Applicant's response is conflating meetings in relation to their statutory duty to consult and the separate duty to negotiate an agreement prior to consideration of compulsory acquisition. Following a meeting in December 2019 and a meeting in February 2020 with our Clients' agents, a revised offer was promised in March 2020. However, this has yet to materialise. As stated above, we will consider further in the context of the Applicant's responses to our Client's Written Representations that are due to be submitted at Deadline 2, and we will comment if necessary at Deadline 3. In light of this and the clarifications we have requested</p>	<p>The Applicant's agent has engaged with the landowners since he first met them in October 2017 in relation to the Proposed Development and met the landowner on numerous occasions thereafter to provide updates on the Proposed Development as well as to seek permission for ecology surveys on the landowner's property. The Applicant is aware the landowner did not instruct agents until September 2019. Indeed, it was the Applicant's agent that recommended to the Landowner that they should instruct an agent. The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on their property. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p>	<p>Not Resolved</p> <p>This is not correct. The Applicant's agent undertook their statutory duty to consult, but at no time have they entered into negotiation on terms prior to issuing Heads of Terms in Nov 2019. Despite repeated attempts the Applicant has been unwilling to provide any analysis of the Heads of Terms.</p> <p>Revised Heads of Terms were received at Deadline 3, however the Applicant has repeatedly failed to provide an assessment or further detail on the terms when asked.</p>	<p>Please refer to paragraph 7.3 of Table 2.5 of the Applicant's Responses to Deadline 3 Submissions (REP4-027) which clearly demonstrates the Applicant has entered into negotiations with the Landowner.</p> <p>The Applicant has provided revised and improved Heads of Terms on 03 November 2020 and has not received any feedback from the Landowner in relation to these.</p> <p>Further Heads of Terms reflecting the changes made to the Land Plans and Book of Reference at Deadline 5 have been sent to the Landowner and the Applicant looks forward to receiving feedback on these in due course.</p> <p>On 03 November 2020, the Applicant requested details of the occupiers the Landowner's representatives have referred to in their representations and look forward to this information being provided by the Landowner's representatives in due course.</p>

Para No.	Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
	at paragraph 2.9 of this letter, we maintain our Client's objections and reserve their position in the meantime.			

# **Appendix D – Applicant’s Response to Mr Robin Jefferies**

# 1. APPLICANT'S RESPONSE TO MR ROBIN JEFFERIES

1.1.1.1. The following table sets out the Applicant's responses to Mr Robin Jefferies's submissions to the Examining Authority (ExA) made at Deadline 4 (REP4-052). Ian Judd and Partners' summary of the previous submissions is provided in the first three columns and the Applicant's latest response is provided in the fourth column.

**Table 1.1 – Response to Mr Robin Jefferies**

Argument contained in Jefferies's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-029) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4	AQUIND's further response at Deadline 6
<p>Amenity – Business Impact: Our Client's Relevant Representations highlighted that the effect of the compulsory acquisition powers will lead to the loss of business caused by the sterilisation of that part of our Client's field identified as Plot 1-29 causing the loss of our Client's tenant's livery business and impairing his ability to find other tenants. The Applicant has failed to adequately assess the significant harm that the DCO would have on our Client's business as it considers only the type of agricultural land that would be lost and fails to consider the effect on the business that operates on that land. Section 5.12 (on page 5-106) of the Applicant's Responses to Relevant Representations does not provide sufficient justification to address these concerns.</p> <p>It also states that, as discussions are ongoing with landowners, no account has been taken of any potential mitigation measures for land holdings so the assessment in the ES presents a worst case for the effects on farm holdings. The Applicant's response goes on to state that mitigation relating to the permanent loss of farmable area to the affected farm holdings are matters of private negotiation and therefore cannot be incorporated into its assessment. Finally, the Applicant states that discussions are ongoing with landowners. Firstly, the Applicant needs to demonstrate that the public interest outweighs the harm</p>	<p>It is not the case the Applicant has considered only the type (i.e. grade) of agricultural land that would be lost and has failed to consider the effect on the business that operates on the land.</p> <p>The relevant baseline description of the farm holding affected is set out in paragraph 17.5.1.9 of Chapter 17 (Soils and Agricultural Land Use) of the ES (APP-132) and the impacts during construction at paragraph 17.6.2.12. This states that approximately 1 ha (33% of the 3ha land holding) will be required temporarily and permanently from Mill View Farm, which would be a high magnitude of impact on a low sensitivity holding and give rise to a moderate adverse temporary and permanent effect, which is considered significant for the farm. The effect on Mill View Farm will be to reduce the area of grazing available to the tenant's livery business, and therefore the number of horses that may be kept at livery. The reduction in land will be from the eastern end of the land holding, and access from Old Mill Lane to the remainder of the land and the associated buildings and facilities (such as the outdoor arena) will remain unaffected. There will be an impact on the livery business because of the reduction of land available for grazing, but this does not equate to the loss of the business and the client's tenant's livelihood.</p>	<p>Not resolved</p> <p>The holding operates an equestrian livery use, commercial storage use, and residential uses. There is not any agricultural uses on the land, other than the agricultural storage building.</p> <p>Whilst 33% of the land is to be lost, all of this land is used as part of the livery business and makes up a much greater area of the land occupied for that use. Landscaping rights are to be located on the main access track to the paddocks and will cause a further loss of land and cost of re fencing the paddocks.</p> <p>The Applicant has not inspected the holding (prior to 30th September 2020) and has not assessed the impact on the residential or commercial users.</p>	<p>The Applicant has identified that the effect on Mill View Farm will be to reduce the area of grazing available to the tenant's livery business, and therefore the number of horses that may be kept at livery, and this is the effect which has been assessed, The Applicant's assessment has identified that there will be an impact on the livery business because of the reduction of land available for grazing, but this does not equate to the loss of the business and the client's tenant's livelihood.</p>



<p>that will be caused by the exercise of such compulsory acquisition powers, and that those powers being sought are proportionate. The harm that will be caused to our Client is the loss of his business and livelihood. Such a significant harm should not be relegated to be the subject of private negotiations only, without any consideration or scrutiny by the ExA. In this regard, we submit that the loss of businesses and livelihoods needs to be formally assessed and considered in the context of the Examination into whether the compulsory acquisition powers being sought satisfy the various legal and guidance requirements.</p>			
	<p>Plot 1-29 together with Plots 1-20, 1-23 and 1-32 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP281) and B(ii) (REP1-137). The land which has been identified as being required is no more than is necessary for the construction, operation and maintenance of the Proposed Development.</p>	<p>Not resolved</p> <p>The applicant has failed to identify specifically what plot 1- 29 is to be used for. It is clear from the Indicative Landscape Mitigation Plans for Option B(i) (APP281) and B(ii) (REP1-137) that the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road are all situated on plots 1-32 and only landscaping is located on my client's property. If this is the case, the applicant has not addressed why the freehold ownership is required for Landscaping and why Landscaping Rights are not sufficient.</p> <p>The Applicant has not demonstrated how the Landscaping is necessary for the construction, operation and maintenance of the Proposed Development.</p>	<p>As referred to in the Applicant's Responses to Deadline 3 (Table 2.4, Para No. 4) (REP4-027) the Applicant requires the plot to ensure adequate visual screening and biodiversity balance. It also responds to comments raised by Winchester City Council from a planning policy and impacts perspective.</p> <p>In response to previous comments, the Applicant has reviewed the two micro-sited options to determine whether, if Option B(ii) is chosen, it may be possible to undertake planting over a reduced area in Plot 1-29 without detriment to the screening and ecological functions, without conflicting with points raised by Winchester City Council, and meeting the objectives set out in the Outline Landscape and Biodiversity Strategy (REP1-034).</p> <p>As set out in paragraphs 4.24.3 and 4.24.4 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034) the Land Plans (REP5-004) have been revised to reflect additional assessment of the landscaping requirements, reflecting the two siting options of the Converter Station at Plot 1-29.</p>
<p>Secondly, despite what the Applicant states, there has been very little progress (on its part) in private negotiations with our Client. There</p>	<p>The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested</p>	<p>Not resolved</p>	<p>The Applicant has provided revised and improved Heads of Terms on 03 November</p>

<p>has been no progress since May 2020 despite numerous attempts by our Client, their agents and us. We therefore maintain our Client's objections in relation to business impact.</p>	<p>further information from the Landowner to allow further assessment of the impact on the livery business.</p> <p>A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and his representatives.</p>	<p>Heads of Terms were received at Deadline 3. We question why it has taken to this point for the applicant to consider the impact of the scheme on the livery and other uses of the property.</p>	<p>2020 and has not received any feedback from the Landowner in relation to these.</p> <p>Further Heads of Terms reflecting the changes made to the Land Plans and Book of Reference at Deadline 5 have been sent to the Landowner and the Applicant looks forward to receiving feedback on these in due course.</p> <p>On 03 November 2020, the Applicant requested details of the persons with an interest in the land and its users which the Landowner's representatives have referred to in their representations. None of the information requested has been provided to date and the Applicant looks forward to this information being provided by the Landowner's representatives in due course.</p>
<p>Compulsory Acquisition - Proportionality: the Applicant has failed to demonstrate that the extent of the compulsory acquisition is necessary and proportionate, taking only what is required.</p> <p>The Applicant failed to justify the need for permanent landscaping rights over the hedgerows in Plots 1-26 and 1-30, because those hedgerows run perpendicular to the Converter Station and offer no screening value.</p> <p>Our Client's Written Representations (REP1-239) contain detailed analysis of why the Applicant has failed to justify it requires permanent landscaping rights over the aforementioned plots and that the compulsory acquisition powers being sought are proportionate.</p> <p>In light of this we are going to wait until the Applicant submits its responses to our Written Representations and we will comment further on this issue</p>	<p>The Applicant also refers to the Applicant's Response to Written Representations (CA3) (REP2-014) which explains that the proposals also reflect the extensive engagement with and feedback received from the LPAs and that the proposals strengthen the visual screening function as well as biodiversity enhancement. Permanent landscaping rights re hedgerows:</p> <p>In terms of permanent rights the Applicant also refers to the Applicant's Response to Written Representations (CA4) (REP2-014) which explains LPAs concerns over potential loss of vegetation in this area and that Applicant's proposals will significantly strengthen the landscape features in this area, providing an important screening function, to address the feedback received.</p> <p>As such, the acquisition of the rights and restrictions in question is necessary in connection with the Proposed Development and is an entirely proportionate approach to take to secure the necessary rights and restrictions.</p>	<p>Not resolved</p> <p>The Applicant has not published the details of the Consultations with LPA's. The Written Representations (CA3) (REP2-014) clearly indicates that South Downs National Park continue to have concerns in relation to landscaping and screening, which haven't been fully addressed.</p> <p>The applicant has made the statement that the rights are necessary without providing any evidence to justify the necessity or proportionality of the rights sort.</p>	<p>The Applicant refers to the Applicant's Response to Deadline 3 Submission (REP4-027) paragraphs 5.3.7 which sets out the use of the land for landscaping and biodiversity connectivity purposes. As explained in the Applicant's Response to Deadline 2 Submission (REP3-014), the proposals reflect the extensive engagement with and feedback received from LPAs who are concerned over the potential loss of vegetation in this area.</p> <p>Plot 1-26 and Plot 1-30 form strong tree belts. Aside from being important in terms of connectivity they are also important landscape features. They add to the visual screening function of adjacent hedgerows. Plot 1-26 form part of HR06 and Plot 1-30 forms part of HR-09 both of which are identified as important hedgerows through the Hedgerow Regulations. Gapping-up, maintenance and management are required to maintain their value in the longer term.</p> <p>The restrictions and landscaping rights to be applied are to ensure the landscaping and ecological enhancements are maintained and otherwise remain undisturbed so as to ensure their benefit is realised.</p>

			<p>The Applicant has continued to consult with SDNPA on landscaping and screening matters. The latest agreed draft SDNPA SoCG (REP5-026) submitted at Deadline 5 provides details on these recent consultations with SDNPA (see table 2-1). Section 4.6.5 sets out the position between Applicant and SDNPA with regards to the Provision of Landscaping (Requirement 7) and the Implementation and Maintenance of Landscaping (Requirement 8) of the dDCO (REP5-008) which are both now agreed. Further updates on the landscape design principles following more recent consultations will be reported in the SDNPA SoCG at later deadlines.</p>
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# **Appendix E – Applicant’s Response to Maritime and Coastguard Agency**

# 1. APPLICANT'S RESPONSES TO MARITIME AND COASTGUARD AGENCY

1.1.1.1. The Maritime and Coastguard Agency ('MCA') reviewed the dDCO submitted by the Applicant at Deadline 3 (REP3-003) and provided a schedule of comments and proposed amendments. Subsequent communications (01/02 and 16 December 2020) between the Applicant and the MCA has resulted in further feedback from the MCA. The following table sets out the Applicant's most recent position to MCA submissions to the Examining Authority (ExA) made at Deadline 4 (REP4-039). The Applicant considers all matters to be resolved and agreed with the MCA.

**Table 1.1 - Applicant's Responses to MCA submission at Deadline 4**

dDCO submitted at Deadline 3 (REP3-003)	Description	MCA Comment	The Applicant's Response
Part 7 S. 45 Arbitration	Arbitration	The MCA will defer to and support the MMO's position on Arbitration and deemed approval.	Noted.
Schedule 15 Part 1 S. 1(4)(e)	MCA address amendment	'Navigation Safety Branch' is now called Technical Services Navigation	Schedule 15, Part 1, Paragraph 4(e) amended to; <i>Maritime and Coastguard Agency Technical Services Navigation Bay 2/20, Spring Place 105 Commercial Road Southampton SO15 1EG</i>

dDCO submitted at Deadline 3 (REP3-003)	Description	MCA Comment	The Applicant's Response
			<i>Tel: 020 3817 2000</i>
Schedule 15 Part 2 S. 2(7)(a) & (b)	Notifications and Inspections	<p>This should read:</p> <p>a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;</p> <p>b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.</p> <p>Confirmation of notification must be provided to the MMO within 5 days.</p>	This has been amended as requested in the dDCO submitted at Deadline 6.
Schedule 15 Part 2 S. 2(8)	Notifications and Inspections	<p>'Notice to mariners' should be replaced with local notification</p> <p>'10 working days' should be amended to 14 days</p>	This has been amended as requested in the dDCO submitted at Deadline 6.

dDCO submitted at Deadline 3 (REP3-003)	Description	MCA Comment	The Applicant's Response
Schedule 15 Part 2 S. 2(9)	Notifications and Inspections	'Notice to mariners' should be replaced with local notification	This has been amended to refer to 'local notification to mariners' in the dDCO submitted at Deadline 6 as agreed via email from the MCA on 16 December 2020. It is not considered that 'local notification' is sufficiently clear wording to be included.
Schedule 15 Part 2 S. 2(10)	Notifications and Inspections	'10 working days' should be amended to 14 days	This has been amended as requested in the dDCO submitted at Deadline 6.
<b>Schedule 15</b> <b>Part 2</b> <b>S. 2(11)</b>	'10 working days' should be amended to 14 days  HMCG contacts are:  zone15@hmcg.gov.uk zone16@hmcg.gov.uk	'10 working days' should be amended to 14 days  HMCG contacts are: <a href="mailto:Zone15@hmcg.gov.uk">Zone15@hmcg.gov.uk</a> <a href="mailto:Zone16@hmcg.gov.uk">Zone16@hmcg.gov.uk</a>	This has been amended as requested in the dDCO submitted at Deadline 6.

dDCO submitted at Deadline 3 (REP3-003)	Description	MCA Comment	The Applicant's Response
Schedule 15 Part 2 S. 2(14)	Notifications and Inspections	'Notice to mariners' should be replaced with local notification	This has been amended to refer to 'local notification to mariners' in the dDCO submitted at Deadline 6 as agreed via email from the MCA on 16 December 2020. It is not considered that 'local notification' is sufficiently clear wording to be included.
Schedule 15 Part 4 S. 3	Pre-construction plans and documents	Reference to the 'marine emergency action card' should be removed. This is a document between MCA and Aquind and approval does not need to be via MMO. MCA will ensure it is completed via the remaining wording of this condition. This is consistent with the arrangements for the ERCoP requirement with other projects.	This has been amended as requested in the dDCO submitted at Deadline 6.
Schedule 15 Part 4 S.10(3)	Post-Construction Surveys	Sonar is not an MCA requirement for meeting IHO Order 1a Standard	Reference to sonar has been removed and inclusion of MCA as a consultee included (as previously agreed in the Statement of Common Ground (REP1-111)). Reference to MGN 543 hydrographic survey guidelines included.



dDCO submitted at Deadline 3 (REP3-003)	Description	MCA Comment	The Applicant's Response
Schedule 15 Part 4 S. 13(10)	Maintenance of the Authorised Development	<p>Hydrographic survey data must be submitted to MCA for confirmation of IHO standards. Suggest the following is included:</p> <p>This should fulfil the requirements of MGN 543 and its supporting 'Hydrographic Guidelines for Offshore Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.</p>	<p>Schedule 15, Part 2, Condition 13(10) amended to;</p> <p><i>Within 4 weeks of the completion of laying of any new cable protection following the completion of construction unless otherwise agreed with the MMO, the undertaker must submit International Hydrographic Office (IHO Order 1A) approved Multi Beam Echo Sounder survey data and report to the MMO, the MCA and UKHO meeting MGN 543 hydrographic survey guidelines and confirming the final clearance depths over the protected cables where the new cable protection has been laid. Once this data has been assessed, if any area is identified as a possible danger to navigation it may require marking with aids to navigation at the undertakers expense.</i></p> <p>Reference to sonar has been removed and inclusion of MCA added. Reference to MGN 543 hydrographic survey guidelines included as requested.</p>

dDCO submitted at Deadline 3 (REP3-003)	Description	MCA Comment	The Applicant's Response
			<p>This condition relates only to post-construction period for the laying of additional cable protection during operational maintenance or repair activities. Therefore, the timescale for submitting three months prior to construction is not appropriate. The MCA will be provided with the detailed cable laying plan within the Order Limits in the preparation of the Cable Burial and Installation Plan (Part 2, Condition 4 (c)(iii)). This matter has been agreed via email from the MCA on 16 December 2020.</p>

# **Appendix F – Converter Station Access Road: Supplementary Noise and Vibration Assessment**



**AQUIND Limited**

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# **AQUIND INTERCONNECTOR**

Converter Station Access Road –  
Supplementary Noise and Vibration  
Assessment – Appendix F

The Planning Act 2008

Document Ref: 7.9.23.1

PINS Ref.: EN020022

**AQUIND Limited**

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# **AQUIND INTERCONNECTOR**

Converter Station Access Road –  
Supplementary Noise and Vibration  
Assessment – Appendix F

**PINS REF.: EN020022**

**DOCUMENT: 7.9.23.1**

**DATE: 23 DECEMBER 2020**

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## DOCUMENT

<b>Document</b>	<b>7.9.23.1 Appendix F Converter Station Access Road: Supplementary Noise and Vibration Assessment</b>
<b>Revision</b>	001
<b>Document Owner</b>	WSP UK Limited
<b>Prepared By</b>	T. Farmer
<b>Date</b>	23 December 2020
<b>Approved By</b>	L. Beamish
<b>Date</b>	23 December 2020

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# 1. CONVERTER STATION ACCESS ROAD: SUPPLEMENTARY NOISE AND VIBRATION ASSESSMENT

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## 1.1. INTRODUCTION

1.1.1.1. This technical note confirms the position with respect to noise and vibration assessment associated with the use of proposed Converter Station access road.

1.1.1.2. In written submissions provided to Interested Parties' during the Examination process, the Applicant confirmed:

*“The use of the Converter Station access road has not been included in the noise and vibration assessment. However, based on the quantity of vehicle movements assumed in the transport assessment and the time periods that these vehicle movements are expected to occur, the access road will not result in any significant noise or vibration effects.”*

1.1.1.3. This supplementary information is provided to evidence these conclusions and provide reassurance to occupants of sensitive residential receptors located within the vicinity of the proposed access road.

1.1.1.4. This technical note provides additional environmental information and should be read in conjunction with and forms part of the Environmental Statement submitted for the application for the Development Consent Order ('DCO') for the UK Onshore and Marine Components of the AQUIND Interconnector (the 'Proposed Development') (the 'Application').

## 1.2. METHODOLOGY

### 1.2.1. DATA SOURCES

1.2.1.1. This assessment is underpinned by traffic data relating to the quantity, composition and timings of vehicle movements along the access road. This information is consistent with the detail provided in Chapter 15 (Traffic and Transport) and Appendix 11 (Supplementary Transport Assessment (REP1-142)) of the ES Addendum (REP1-139). These traffic flows are based on peak construction periods at the Converter Station and, therefore, represent a worst case. These peak construction periods correspond with the substructure and superstructure works at the Converter Station compound.



- 1.2.1.2. The key information from the transport assessment used to inform these noise predictions are presented in Table 1.1.

**Table 1.1 – Quantity, composition and timing of vehicle movements along access road**

<b>Construction Activity</b>	<b>Estimated vehicle movements per day</b>		<b>Expected timings of vehicles on access road.</b>
<b>Converter Station Area</b>	HGVs	43 two-way movements (86 in total)	Occurring over an eight-hour window between 09:00-17:00
	Cars	150 car two-way movements (300 in total)	Arrival between 07:00-08:00, and departure between 18:00-19:00
<b>Cable Route (using Converter Station Area as main compound)</b>	HGVs	24 two-way movements (48 in total)	Occurring over a nine hour window between 07:00-17:00 (excluding 08:00-09:00)
	LGVs	12 LGV two-way movements (24 in total)	Departure between 07:00-08:00 and return between 17:00-18:00
	Cars	48 car two-way movements (96 in total)	Arrival between 06:00-07:00, and departure between 17:00-18:00
<b>Landfall and HDD (using Converter Station Area as main compound)</b>	HGVs	4 two-way movements (8 in total)	Occurring over a ten hour window between 07:00-19:00 (excluding 08:00-09:00 and 17:00-18:00).
	LGVs	2 LGV two-way movements (4 in total)	Departure between 07:00-08:00 and return between 19:00-20:00
	Cars	8 car two-way movements (16 in total)	Arrival between 06:00-07:00, and departure between 19:00-20:00
HGVs – Heavy Good Vehicles LGVs – Light Good Vehicles These vehicle movements are assumed to occur simultaneously and represent a worst-case during peak construction.			

## 1.2.2. ASSUMPTIONS

- 1.2.2.1. The locations for the construction compounds, vehicle parking and laydown areas that each vehicle will access will be confirmed during detailed design and approved in accordance with the Requirements included within the draft Development Consent

Order (dDCO). Therefore as a worst case and robust approach, it is assumed that all vehicles will travel the full length of the access road between the junction with Broadway Lane and the Converter Station compound.

1.2.2.2. The vehicle speed of the access road is to be limited to 15 mph, which is consistent with the proposed maximum speed limit on surfaced roads as a dust mitigation measure (Table 5.1 of the Outline Onshore CEMP Rev 004 (REP5-019)).

1.2.2.3. The location of the access road is based on the indicative Converter Station Area layout plans (REP1-018). The distances between the access road and the relevant sensitive receptors are the same for Options B (i) and B (ii).

### 1.2.3. SENSITIVE RECEPTORS

1.2.3.1. The sensitive residential receptors located closest to the proposed access road and, therefore, included in this assessment are:

- Broadway Farm Cottages
  - This is labelled as R11 in figure 24.1 (APP-335) of the noise and vibration assessment.
  - Broadway Farm Cottages are the closest residential receptors to the access road, being located 45m from proposed access road at the closest point, and are considered to also represent a worst-case assessment for Broadway Farm House (R10 in figure 24.1(APP-335)), which is located a further distance from the access road.
- Little Denmead Farm
  - This is labelled as R5 in figure 24.1 (APP-335) of the noise and vibration assessment.
  - Little Denmead Farm is 65m from the access road at its closest point, which is the static caravan located approximately 100m north-east of the permanent residential building known as Little Denmead Farm. The static caravan has been used as the sensitive receptor location for Little Denmead Farm, which represents a worst case assessment as this is the nearest sensitive receptor to the access road.
  - It is the Applicant's understanding that temporary planning permission (12/02536/FUL) to site this mobile home for an agricultural worker expired on 1 July 2016. Condition 2 of this permission states that after this date, '*the mobile home and any associated residential paraphernalia shall be removed from the site and the land restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority.*' Whilst it appears this condition has not been complied with, as it is understood the caravan is occupied, the receptor has been included as a worst case.

## 1.2.4. NOISE PREDICTION METHODOLOGY

- 1.2.4.1. The prediction methodologies set out in CRTN<sup>1</sup> (which was used for the assessment of construction traffic noise on the wider road network) are unreliable when flows are below 50 vehicles per hour. Therefore, this methodology is not appropriate for the majority of the construction working hours as access road vehicle flows are below this threshold. Therefore it is necessary to adopt an alternative methodology that is reliable for low flow roads (see paragraph 1.2.4.2). Whilst CRTN could be used for the traffic noise predictions during the hours at the start and end of the day when flows are expected to be greater than 50 vehicle per hour, it is not considered appropriate or robust to apply two different prediction methodologies for the assessment of the same noise source. It is appropriate, therefore, to identify a methodology that can be robustly applied across all of the construction hours the access road will be in use.
- 1.2.4.2. The noise levels shown in Table 1.2 have been predicted using Noise Advisory Council<sup>2</sup> guidance, which is an appropriate and robust approach for quantifying noise level on roads with relatively low flows, such as there will be on the access road. The methodology adopted is not considered any less appropriate than CRTN for the assessment of flows greater than 50 vehicles per hour on the access road. This method initially calculates a noise level ( $L_{Aeq,T}$ ) at a distance of 10m from a road. To predict levels at the sensitive receptors listed above, noise levels have been assumed to decrease at a rate of 3dB per doubling of distance (i.e. a line source), which is considered a worst case and robust approach.
- 1.2.4.3. An approach using the empirical method for haul roads described in British Standard 5228-1:2009+A1:2014<sup>3</sup> is also not appropriate for the assessment of the access road because this method is limited to the prediction of mobile plant. As shown in Table 1.1, a notable proportion of the vehicles using the access road during peak construction will be cars and light good vehicles (LGVs), and it would not be appropriate, therefore, to quantify these using the BS 5228 method.

## 1.3. RESULTS

### 1.3.1. NOISE

- 1.3.1.1. The predicted noise levels from the access road are presented in table 1.2.

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<sup>1</sup> Department of Transport (1988) Calculation of Road Traffic Noise. London: HMSO.

<sup>2</sup> The Noise Advisory Council (1978). A Guide to Measurement and Prediction of the Equivalent Continuous Sound Level  $L_{eq}$ . London: HMSO

<sup>3</sup> BSI (2014) Code of practice for noise and vibration control on construction and open sites – Part 1: Noise

**Table 1.2 – predicted noise levels from vehicles travelling along the access road during peak construction**

Time period <sup>1</sup>	Predicted noise level from access road ( $L_{Aeq,T}^2$ )	
	Broadway Farm Cottages	Little Denmead Farm
06:00-07:00	42	40
07:00-08:00	49	48
08:00-09:00	n/a <sup>3</sup>	n/a <sup>3</sup>
09:00-17:00	50	48
17:00-18:00	42	41
18:00-19:00	47	45
19:00-20:00	35 <sup>4</sup>	33 <sup>4</sup>

1 – These times periods relate to works on weekdays. Equivalent noise levels are also expected for works on Saturday mornings. Noise levels during core working hours on Saturday morning (0800-1300) would be equivalent to the 0900-1700 period in this table. The start-up and shut down periods on Saturdays would be equivalent to the 0700-0800 and the 1800-1900 periods in this table.

2 – T refers to the duration of the time period i.e. 1 hour for most periods presented, and 8 hours for the 09:00-17:00 period.

3 – No vehicle arrivals or departures expected during this period.

4 – The predicted noise levels from the access road are very low during this period as only 10 vehicles are expected to arrive or depart the Converter Station area. The measured noise levels are likely to be below the existing ambient noise level during this period.

### **Broadway Farm Cottages**

- 1.3.1.2. At Broadway Farm Cottages, the predicted noise levels from the vehicles travelling along the access road range between 35 and 50 dB  $L_{Aeq,T}$ , depending on the time period.
- 1.3.1.3. As explained above, the traffic flows that these noise predictions are based upon correspond to the peak construction period (the substructure and superstructure works at the Converter Station Compound). As Broadway Farm Cottages are located over 300m distance from these works at the Converter Station, following the BS 5228 methodology, it was not necessary or appropriate to provide predicted noise levels for these construction activities at these receptors in Tables 24.22 and 24.23 of the

ES (APP-139). Therefore it is not necessary to combine the predicted noise level from the access road use with noise levels from these construction activities.

1.3.1.4. Furthermore, it is not necessary to combine predicted noise levels for the access road use with the noise levels for the enabling works and post-construction works (tables 24.21 and 24.24 of the ES (APP-139)) because these relate to activities before and after the peak construction period, including the construction of the access road itself, the establishment of the laydown and parking areas that vehicles will access, and the reinstatement of the temporary laydown areas after construction.

1.3.1.5. Therefore, in accordance with the methodology described in section 24.4.2 of the ES (APP-139), the noise levels at Broadway Farm Cottages from the access road use represent a negligible magnitude of level and therefore a direct, temporary, medium-term, negligible (not significant) effect.

### **Little Denmead Farm**

1.3.1.6. At Little Denmead Farm, the predicted noise levels from the vehicles travelling along the access road range between 33 and 48 dB  $L_{Aeq,T}$ , depending on the time period.

1.3.1.7. As explained above, the traffic flows that these noise predictions are based upon correspond to the peak construction period (the substructure and superstructure works at the Converter Station compound). Whilst Little Denmead Farm (the permanent residential building and caravan to the north-east) are located over 300m from these works at the Converter Station compound, these receptors are located within 300m of the substructure and superstructure works at the Telecommunications Building, and hence construction noise level predictions were provided for these activities in Tables 24.22 and 24.23 of the ES (APP-139).

1.3.1.8. If the noise level during substructure works (i.e. the highest and worst case) of 53 dB  $L_{Aeq,T}$  (Table 24.22 of the ES (APP-139)), is added to the highest noise level from the access road use during these works (48 dB  $L_{Aeq,T}$ ), this would result in a combined construction noise level at Little Denmead Farm of 54 dB  $L_{Aeq,T}$ <sup>4</sup> during substructure works.

1.3.1.9. It is not necessary to combine predicted noise levels for the access road use with the enabling works and post-construction works, for the same reason explained for Broadway Farm Cottages.

1.3.1.10. Therefore, in accordance with the methodology described in section 24.4.2 of the ES (APP-139), the noise levels at Little Denmead Farm from substructure activities and simultaneous access road use represent a negligible magnitude of level and therefore a direct, temporary, medium-term, negligible (not significant) effect. This is

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<sup>4</sup> Noise levels are logarithmic and therefore noise levels are combined using logarithmic addition rather than arithmetic addition.

the same magnitude of effect presented in Chapter 24 of the ES (APP-139) for all construction activities relevant to Little Denmead Farm.

### **1.3.2. VIBRATION**

1.3.2.1. The two nearest receptors at Broadway Farm Cottages and Little Denmead Farm are located 45m and 65m respectively from the proposed access road. For groundborne vibration from vehicles travelling along the access road to potentially result in adverse effects at these distances, a source of vibration (an irregularity (i.e. a bump or pothole) in the road surface) would be required.

1.3.2.2. As explained in Paragraph 1.4.1.2 below, the Outline Onshore CEMP ensures that the Converter Station access road will be maintained in a good condition (i.e. free from bumps/potholes) to minimise the generation of noise or vibration from vehicles.

1.3.2.3. Therefore, in the absence of an expected source of adverse vibration, it can be robustly concluded that negligible vibration effects will result from vehicles using the access road.

## **1.4. CONCLUSIONS**

1.4.1.1. In summary, the noise and vibration effects from the use of the access road combined with the substructure and superstructure works during the construction period will be negligible at all receptors, as concluded in Chapter 24 of the ES.

1.4.1.2. Furthermore, the following best practice noise and vibration mitigation measures specific to the access road and Converter Station Area are secured through section 6.3.8 of the Outline Onshore CEMP (REP5-019):

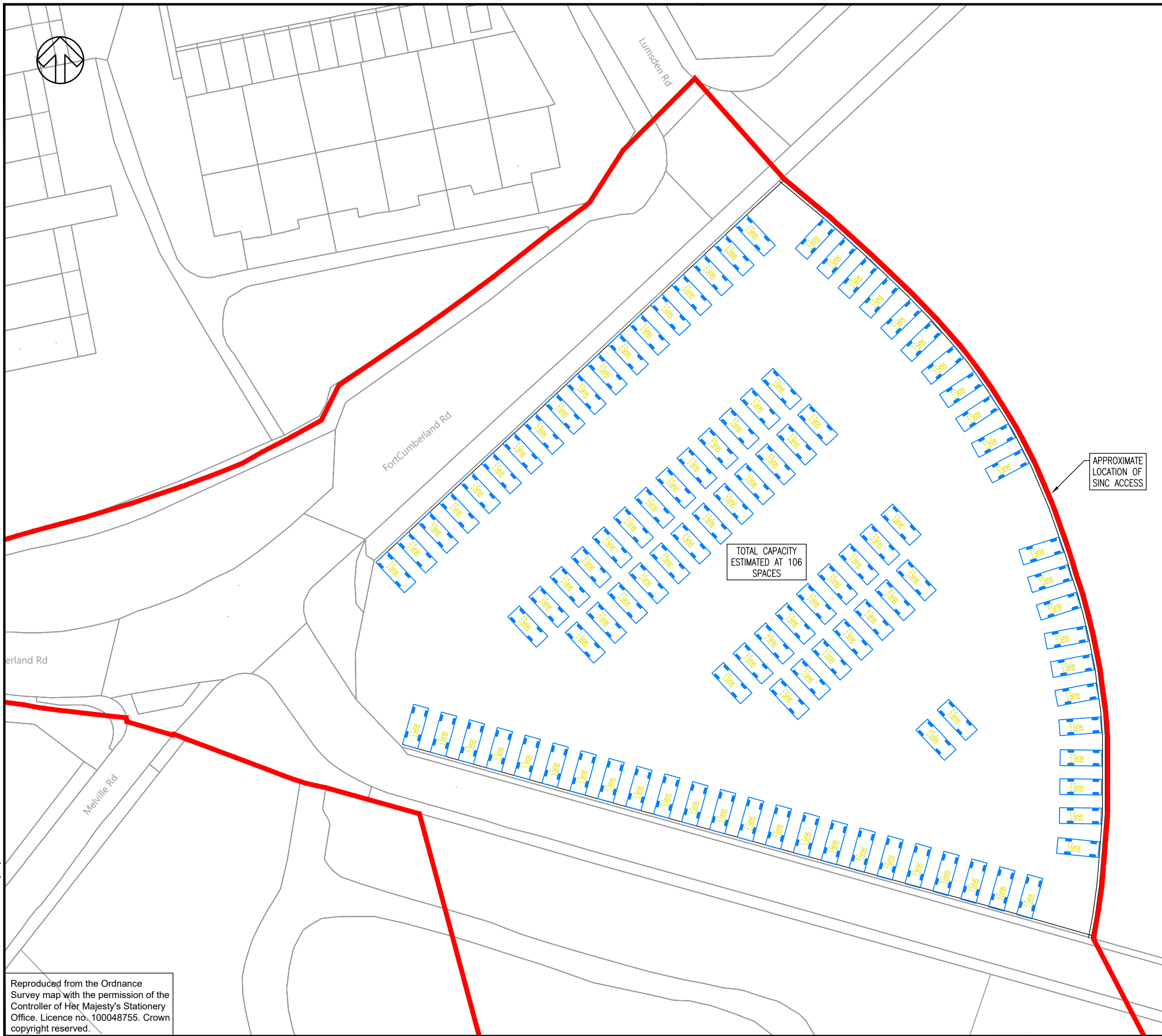
- Throughout the construction stage, the Converter Station access road will be maintained in a good condition (i.e. free from bumps/potholes) to minimise the generation of noise or vibration from vehicles.
- The layout and form of the laydown areas, vehicle parking and works compounds at the Converter Station will be planned carefully to minimise noise at nearby sensitive receptors as far as practicably possible through best practice measures including the following:
  - The noisiest activities will be planned to take place as far as practicably possible from nearby sensitive receptors.
  - Careful positioning of site cabins and other equipment to provide screening between site activities and nearby sensitive receptors. Where appropriate, this could be supplemented by localised noise barriers in the areas adjacent to sensitive receptors.





# Appendix G – Fort Cumberland Car Park Layouts

File name \\UK-WSPGROUP.COM\CENTRAL DATA\PROJECTS\62100616 - AQUIND VO NO.3\IE MODELS AND DRAWINGS\300 - SITE\320 - TASK 7 UK ROUTE\SQAQ-UK-DCO-TR-LAY-006.DWG, printed on 22 December 2020 12:50:50, by Lyster, Hallan



DO NOT SCALE

NOTES:

1. A 1.5M WIDTH HAS BEEN ASSUMED BETWEEN PARKED CARS TO ACCOUNT FOR THE INFORMAL NATURE OF PARKING AT FORT CUMBERLAND CAR PARK

KEY:

 APPROXIMATE LOCATION OF INFORMAL PARKING SPACES

REV	DATE	BY	DESCRIPTION	CHK	APP
01	22/12/2020	AVI	FIRST ISSUE	CW	CW

DRAWING STATUS: **S2 - FOR INFORMATION**



Grosvenor House, 2 Grosvenor Square, Southampton, SO15 2BE, UK  
T+ 44 (0) 2380 101 700  
wsp.com

CLIENT: 

ARCHITECT: -

PROJECT: **AQUIND**

TITLE: **FORT CUMBERLAND CAR PARK EXISTING LAYOUT**

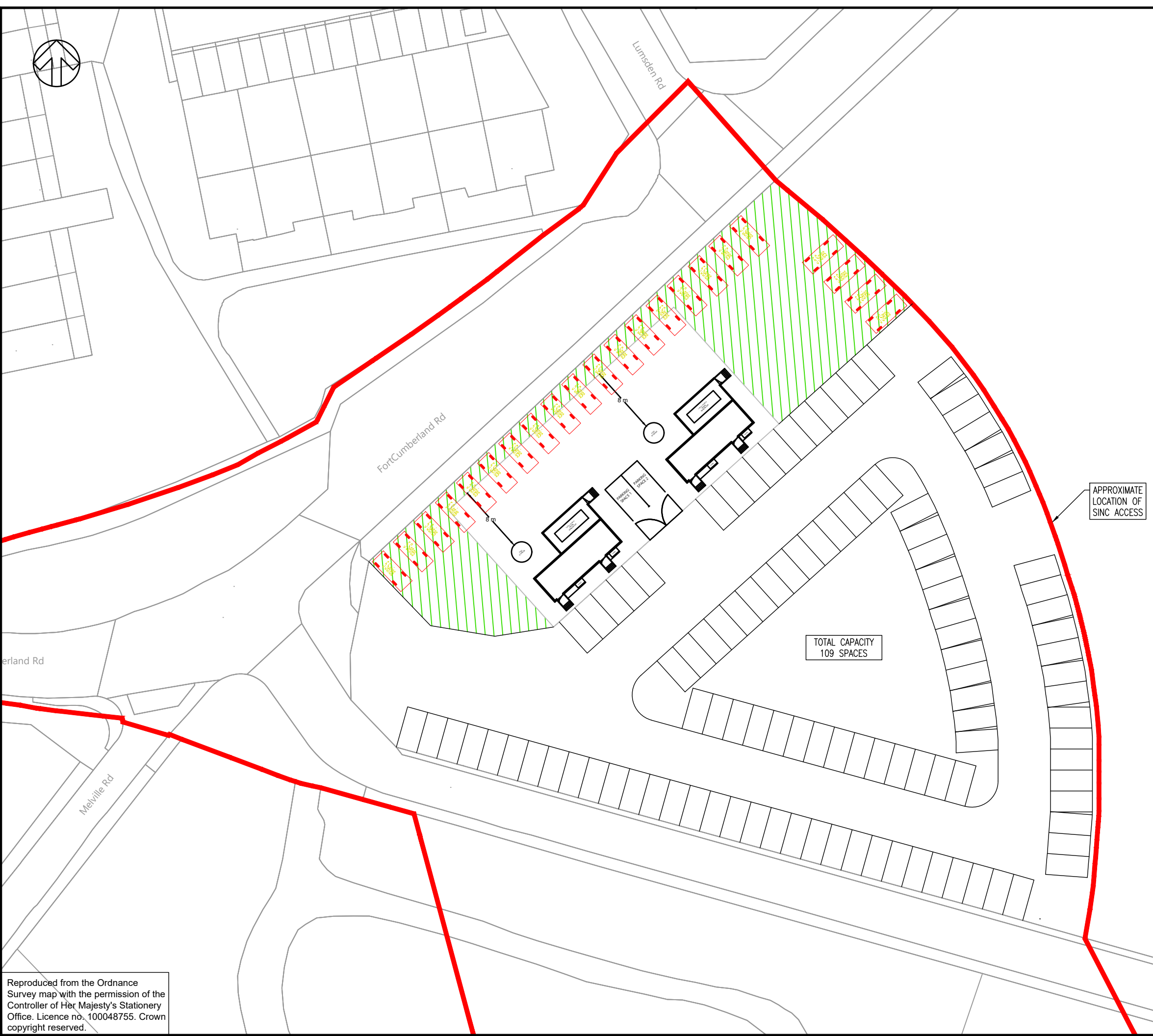
SCALE @ A3:	CHECKED:	APPROVED:
NTS	CW	CW
PROJECT No:	DESIGNED:	DRAWN:
62100616	-	AVI
		DATE:
		December 20

DRAWING No:	REV:
<b>AQ-UK-DCO-TR-LAY-006</b>	<b>01</b>

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DO NOT SCALE

- NOTES:
1. A 1.5M WIDTH HAS BEEN ASSUMED BETWEEN PARKED CARS TO ACCOUNT FOR THE INFORMAL NATURE OF PARKING AT FORT CUMBERLAND CAR PARK
  2. ALL FORMAL PARKING SPACES USE DIMENSIONS OF 2.4m by 4.8m

KEY:

-  PROPOSED LANDSCAPE AREA
-  ESTIMATED LOCATION OF LOST INFORMAL PARKING

REV	DATE	BY	DESCRIPTION	CHK	APP
01	22/12/2020	AVI	FIRST ISSUE	CW	CW

DRAWING STATUS: **S2 - FOR INFORMATION**



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CLIENT: 

ARCHITECT: -

PROJECT: **AQUIND**

TITLE: **FORT CUMBERLAND CAR PARK  
PROPOSED CAR PARK LAYOUT WITH  
FORMAL PARKING BAYS**

SCALE @ A3: NTS	CHECKED: CW	APPROVED: CW
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PROJECT No: 62100616	DESIGNED: -	DRAWN: AVI	DATE: December 20
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DRAWING No: <b>AQ-UK-DCO-TR-LAY-007</b>	REV: <b>01</b>
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