



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 5 Submissions

The Planning Act 2008

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CONTENTS

1.	INTRODUCTION	1-1
2.	LOCAL AUTHORITIES	2-2
3.	OTHER	3-66
4.	MEMBERS OF THE PUBLIC	4-74

TABLES

Table 2.1 - East Hampshire District Council (REP5-078)	2-2
Table 2.2 - Hampshire County Council	2-2
Table 2.3 - Havant Borough Council (REP5-082)	2-20
Table 2.4 - Portsmouth City Council	2-20
Table 2.5 - South Downs National Park Authority (REP5-091)	2-51
Table 2.6 - Winchester City Council	2-57
Table 2.7 - Highways England (REP5-096)	2-59
Table 2.8 - Marine Management Organisation (REP5-100)	2-61
Table 2.9 - Network Rail Infrastructure Limited (REP5-102)	2-65
Table 3.1 - Mr Geoffrey Carpenter and Mr Peter Carpenter	3-66
Table 4.1 - Members of the Public	4-74

1. INTRODUCTION

- 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 5.
- 1.1.1.2. A response has not been 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 responded. Where points have been raised by various parties, the Applicant has responded once, but the responses are applicable to all parties who have made the same point.
- 1.1.1.3. The Applicant also does not seek to respond to all the points made 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 previous documentation.

2. LOCAL AUTHORITIES

Table 2.1 - East Hampshire District Council (REP5-078)

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
DCO		
1.1 – 1.3	Request that Article 9 of the dDCO (Defence to proceedings in respect of statutory nuisance) removes the reference to maintenance and use of the authorised development, as this may change over the life of the facility and we would not want an in-perpetuity defence against statutory nuisance in that case. The Applicant would have the benefit of the Standard Best Practicable Means defence for this scenario, so it would not mean that they have no defence.	<p>Please refer to the hearing transcript submitted by the Applicant for ISH3 (REP5-069), in particular the response to question 6O.</p> <p>The Applicant does not agree with the removal of “maintenance and use” from Article 9 of the dDCO. It would be a potential impediment to the delivery and operation of the Authorised Development where proceedings for statutory noise related nuisance could be brought and potentially prevent activities being carried on where the Authorised Development is being constructed and/or operated in accordance with the noise limits approved and secured by the Requirements in the DCO. Amendments have been made to Article 9 in the dDCO (REP5-008 Rev005) submitted at Deadline 6 to more clearly define when the Article is effective, and this represents the Applicant's final position.</p>
ISH3 – Environmental Matters		
2.1	Agenda Item 4(d): EHDC does not consider the proposals would likely result in unacceptable adverse effects on the South Downs International Dark Sky Reserve, subject to the Applicant's confirmation (previously given to us) that there would be no requirement for flashing lights on the masts or that these would not be necessary for aviation safety	Please refer to the hearing transcript submitted by the Applicant for ISH3 (REP5-069) and in particular the response to question 4D.
2.2	Agenda Item 4(e): We will review the Applicant's assessment of the visual effects of cranes during the construction period. They will likely have an effect on the landscape, particularly noting the anticipated construction period, but regard will be given to how frequently they may be operating within that construction period and any assurances over lighting of them and that they are lowered at all practicable times when not in use.	Please refer to the hearing transcript submitted by the Applicant for ISH3 (REP5-069), in particular the response to question 4E.3, and the Applicant's Post Hearing Notes submitted at Deadline 6 which also addresses this matter.
2.3	Agenda item 4.(h):EHDC are content with the Design Principles following the most recent meeting with Aquind. There remains a little work to do with the colour palette though this may be resolved between the Deadline 5 submission and the Hearing, we are though content that the remaining issues can be dealt with within the parameters.	This will be reflected in the updated Statement of Common Ground to be submitted at Deadline 7.

Table 2.2 - Hampshire County Council

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Submission with updates from the Highway Authority and Lead Local Flood Authority (REP5-080)		
Permit Scheme		

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>The Applicant and Highway Authority have been in discussions with regard to the application of the Hampshire County Permit Scheme. It has been agreed that the Applicant will seek to amend the draft Protective Provisions in order to reflect a now agreed position to utilise the Permit scheme with the Framework Traffic Management Scheme (FTMS) setting out the parameters in which the permits will be provided.</p> <p>The Highway Authority are waiting an updated FTMS from the Applicant to reflect these discussions and other matters raised within its deadline 3 response.</p>	<p>The Applicant is continuing discussions with HCC and PCC regarding the application of the permit scheme to the Proposed Development through the DCO and in relation to the FTMS. An updated draft of Article 9A is contained in the dDCO (REP5-008 Rev005) submitted at Deadline 6. An updated version of the FTMS is also submitted at Deadline 6. The Applicant will further update on these matters via SoCG with the relevant authorities in due course.</p>
	Temporary Construction Accesses	
	<p>The temporary fencing shown in drawing number AQ-UK-DCO-TR-LAY-001 Rev A is proposed to be setback 1 metre from the edge of the highway. To achieve better visibility splays from the accesses, a 2 metre setback should be provided. Any tree or hedgerow removal required to provide the visibility splays will be subject to replacement planting which should be agreed with the relevant Local Planning Authority or the provision of a CAVAT payment commensurate with the cost of the asset if it is owned by the Highway Authority.</p>	<p>As requested by HCC a 2m setback distance between the fencing at the edge of carriageway has now been provided on the temporary construction access drawing AQ-UK-DCO-TR-LAY-001, which has also been updated to reflect comments on access to Anmore Road provided below. This drawing has also been included in Appendix 7 of the updated Framework CTMP submitted at Deadline 6.</p> <p>With regard to replacement of trees and hedgerow Section 1.5.1.4 of the OLBS states that in terms of general landscape and mitigation, planting will be completed to replace hedgerows and trees lost following completion of the construction works. All planting lost shall be replaced with like for like species of a similar size and in agreement with the relevant discharging authority.</p> <p>Specifically in relation to sections of the Onshore Cable Corridor Section 2.3.5 of the OLBS states that mitigation for the loss of hedgerows and hedgerow trees would be replaced with like for like species of a similar size with hedgerow trees repositioned at least 5m away from the Onshore Cable Route within the Order Limits.</p> <p>The Applicant is continuing discussions with HCC and it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees in HCC ownership. A development consent obligation is to be progressed between the Applicant and HCC to secure this and other relevant planning obligations.</p>
	<p>Any vehicular access provided over existing footways will require the lowering of utilities, normally to a minimum of 600mm. Any concrete protection slab will require the relevant statutory undertaker to provide written confirmation that it would be acceptable.</p>	<p>The Applicant has agreed in principle that the delivery of temporary construction accesses via minor works agreements will be secured through a development consent obligation and requirement 10 of the dDCO (REP5-008 Rev005). The Applicant is continuing discussions regarding the design parameters for temporary construction accesses and how these matters are to be secured via requirement 10 and aligned with the process for delivery to be secured by way of the development consent obligation.</p>
	<p>To confirm the reinstatement requirements upon completion of the works, the Applicant should undertake pre-commencement and post completion condition surveys of the road in the vicinity of the temporary access. Any reinstatement works should be carried out in accordance with HCC specification</p>	<p>The Applicant recognises that in the event damage is caused to the highway on construction traffic routes or at construction access junctions the Applicant will be responsible for the repairs required. It is also acknowledged that to be able to determine any damage caused, a pre-commencement highway condition survey is required at the outset. The Applicant has updated Section 7.4 of the Framework</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>CTMP (REP1-074) to secure this requirement and it is submitted at Deadline 6. It is also expected this matter will be addressed through the minor works agreements for temporary construction accesses that are to be secured by way of a development consent obligation between the Applicant and HCC.</p>
	<p>The swept path plots provided by the Applicant assumes a 7.3m wide carriageway for all vehicles attempting to manoeuvre in and out of the accesses. Locations such as Anmore Lane (access point AC/2/a) and the unnamed road between Edneys Lane and Anmore Lane (access point AC/1/d and e) are noted to have 5.5m and 4m wide carriageways respectively. Given the constrained road widths at these locations, 16.5m articulated lorries may have difficulty accessing the proposed site accesses. Details of the lorry movements to these construction access points have been requested from the Applicant, along with appropriate tracking drawings for these narrower locations</p>	<p>At access AC1/d and on Broadway Lane, construction vehicles will only be required to travel across the carriageway rather than turn left or right to / from the carriageway. This reflects that construction of the Onshore Cable Route in this section will be facilitated through the use of a haul road from the Converter Station and the construction traffic is not permitted to use Broadway Lane south of the Converter Station access junction as specified in the Framework CTMP (REP1-074).</p> <p>With regards to the proposed construction access on Anmore Road, the Applicant has submitted Drawing 0616-ATR-022 in Appendix 7 of the Framework CTMP which shows that a large tipper HGV and cable drum delivery vehicle can enter and exit the junction without further modification.</p>
	<p>Regarding the unnamed road to the south of the converter station site, the construction access will need to be full depth construction given that the CBR values are likely to be low in this area. Tie in detail to the carriageway will require a glassgrid layer between the base and binder layer</p>	<p>The Applicant notes this comment. The Applicant has agreed in principle that the delivery of temporary construction accesses via minor works agreements will be secured through a development consent obligation and requirement 10 of the dDCO (REP5-008 Rev005). The Applicant is continuing discussions regarding the design parameters for temporary construction accesses and how these matters are to be secured via requirement 10 and aligned with the process for delivery to be secured by way of the development consent obligation.</p>
	<p>Visibility splay requirements are not set out within the standard detail, nor are proposed construction details. These should also be included. With regards visibility splays, if these are to be based on the posted speed limit these will need to be in accordance with Design Manual for Roads and Bridges (DMRB) requirements. Visibility splays below DMRB requirements will only be acceptable where recorded speeds are less than 37mph. In such instances, the Manual for Streets visibility splays would be accepted by the Highway Authority</p>	<p>The Applicant notes this comment and updated Section 5 of the Framework CTMP (REP1-074) reflects these requirements. Given the location of these proposed access junctions, and the character of the routes, the Applicant does not consider that these will require visibility splays to be based upon DMRB requirements as all locations with the exception of Broadway Lane are subject to 30mph speed limits.</p>
<p>Converter Station Internal Layout</p>		
	<p>Within the Highway Authority's deadline 3 response and its Local Impact Report (LIR), clarification was sought on the arrangement for construction traffic parking. In response, the Applicant has submitted drawing AQ-ITT-UK-LAY-101 revision PO1 within Appendix 6 of the Onshore Outline Construction Environmental Management Plan. The drawing confirms that sufficient space will be allocated to construction workers on the southern side of the converter station access road. This now addresses all remaining highway matters pertinent to the internal site layout.</p>	<p>The Applicant notes the acceptance of HCC on this point and that all highway matters pertinent to the internal site layout have been addressed to the satisfaction of the Local Highway Authority. The Applicant does however note that the location of the car parking for construction workers within the Converter Station Area in the locations identified for Work No.3 will be confirmed through detailed design.</p>
<p>Bus Impacts</p>		

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	<p>It is noted from the results that routes 7, 8, D2, 21, 37 and 39 all experience journey time increases across the assessment. Of significance, route 39 experiences a 11% and 31% journey time increase on the respective northbound and southbound services during both the DS1 and DS2 scenarios in the AM peak hour. This corresponds to a journey time increase of 7 minutes 57 seconds and 6 minutes 46 seconds respectively. Route number D2 also experiences a significant delay of 20% and 18% increase in journey time in the respective northbound and southbound services in the PM peak hour. This corresponds to a journey time increase of 2 minutes 24 seconds and 2 minutes 11 seconds respectively.</p> <p>HCC have engaged directly with representatives from Stagecoach and First Group. First Group can see that delays will likely be incurred by the project on routes 7 and 8. They are comforted by the commitment to maintain bus priority wherever possible however there is concern that there are a lot of unknowns and the true impact won't be known until such time as the works are taking place. They would therefore wish to reserve the right to react and plan any additional vehicles where appropriate. There are also concerns regarding the impact of the TM especially temporary traffic lights and the knock-on impacts to other routes where additional resources may also be required. This matter is also reflected in HCC discussions with Stagecoach.</p> <p>Furthermore, the joint HCC/PCC Transforming Cities Fund (TCF) bid will improve bus infrastructure and services along the A3. Given the substantial investment into bus priority along the corridor and the additional funding which will be provided through the TCF bid, the delays created by the construction works will potentially undermine this strategy, requiring support for these commercial services.</p> <p>The Applicant summarises the results by stating that there will generally be a minor impact on the bus services impacted during the construction period and therefore no mitigation has been offered. Based on the journey time analysis provided, HCC as Local Transport Authority have concerns that the maintenance of certain bus service including those directly contracted by the authority, will be restricted during the construction phase owing to the delays predicted in the bus journey time assessment and the reduced patronage of these services during the period of disruption. No assessment has been undertaken to understand the implications of delays to these services, nor whether additional buses will need to be provided to ensure the timely operation of each bus route during the phased installation of the cable. Should additional buses be required on any of the routes, the Applicant should be required to bear the cost of this throughout the affected period. This should be done by entering into a service level agreement with the Highway Authority through the S106 agreement which secures engagement with the bus operators and the Transport Authority to discuss and review each service when the works commence to understand if the forecast delays require mitigation, funded by the Applicant.</p>	<p>The Applicant refers to the hearing transcript submitted by the Applicant for ISH2 (REP5-061) and in particular the response to question 3F. As was explained at ISH2, the Applicant has assessed the impacts on bus services and based on this assessment has identified minor impacts for the temporary periods that works are being undertaken in the highway on the routes which affect the individual bus services. That assessment has not identified the need for mitigation of the sort requested by HCC, which one would usually see in connection with and to address permanent impacts of development, rather than transient impacts which result in minor delays. Without a clear evidential basis for why mitigation of the sort requested is required, it will not be necessary or appropriate to secure this.</p> <p>The Applicant has however agreed to continue discussions with HCC, and the relevant bus operators, regarding the likely impacts on local bus routes and the potential need for mitigation during the construction stage of the Proposed Development.</p> <p>Generally, the assessment completed within the Supplementary Transport Assessment (REP1-142) showed that increases in bus journey times were 10% or less across the AM, Inter-Peak and PM peak periods. Where increases in journey time were above 10%, these occurred on services impacted by either multiple sets of traffic management in the Waterlooville area or the impact of traffic assignment away from such works. The FTMS (REP1-068 Rev003) however prevents such a scenario from occurring through the programme restrictions. For example the FTMS prevents multiple sets of construction requiring shuttle working traffic signals on B2150 Hambledon Road and A3 London Road as modelled within the SRTM.</p> <p>With regards to the bus routes impacts by more than 10% the Applicant notes the following:</p> <ul style="list-style-type: none"> • The No. 8 northbound service is forecast to experience a 16-17% increase in journey time, which is the equivalent of the 4.5 minutes addition to an approximate 30 min journey time. Within the SRTM this is due to traffic management at Ladybridge Roundabout and reassignment of traffic. The FTMS (REP1-068 Rev003) limits construction works at Ladybridge roundabout to the school holidays, June and July only when traffic flows are lower than other times of the year and works through the junction (which leads to the worst-case delay) will take 1-2 weeks per circuit. • Service D2 experiences has a forecast increase in journey time of between 15-21% which is the equivalent of approximately two minutes on a 12-minute journey. Within the SRTM Do-Something scenarios this service is impacted by works on B2150 Hambledon Road and A3 Maurepas Way roundabout. The FTMS (REP1-068 Rev003) prevents these works from being completed simultaneously and therefore the delay will be less than the two minute delay modelled. • No. 39 is forecast to experience a 10-11% increase in journey time in the northbound direction which is the equivalent of a 3-minute increase on an

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		<p>approximate 30-minute journey time. The southbound service is forecast to experience a 19-31% increase, which is the equivalent to a 5-7 minute increase in journey time. The route includes Ladybridge Road, Mill Road and the A3 Maurepas Way roundabout and so within the SRTM this service is directly impacted by delay from traffic management and reassignment of traffic from other TM locations, such as the A3 London Road / Ladybridge Road. As the FTMS prohibits simultaneous construction from taking place at A3 Maurepas Way and Ladybridge roundabouts the level of delay will be less than modelled. It is also noted that construction work at the A3 Maurepas Way roundabout will take only 1-2 weeks per circuit, after which time any delay to bus services will be reduced to a lower level as associated with traffic delays from construction works on links.</p> <p>TCF Funding</p> <p>The Applicant is aware that HCC has recently secured funding from the Transforming Cities Fund (TCF) towards the introduction of transport improvement schemes. It is not accepted that the temporary impacts of construction will undermine the delivery of these works or will have a permanent impact on the effectiveness of those improvements. This assertion made by HCC is without any substance. The Applicant confirms that it will seek to work with HCC so that the delivery of the Proposed Development is co-ordinated with the TCF works and other schemes, taking into account the programme mitigations provided within the FTMS and the need to deliver the works efficiently so as to minimise impacts. It is not considered that this co-ordination needs to be formally secured, and in any event the Applicant is not agreeable to the delivery of HCC's scheme taking precedence over the delivery of the Proposed Development. Both parties will work together to deliver their respective schemes in an efficient and co-ordinated manner, and that HCC as the highway authority does not mean that the delivery of the TCF schemes by them should take priority over the delivery of nationally significant infrastructure.</p>
Site Access		
	<p><u>Haul Road Land Ownership:</u></p> <p>The Applicant has confirmed that the haul road sits within the order limits and the Applicant therefore controls the land required to construct the haul road. This matter is now considered acceptable although it is noted to be a potential point of discussion within the December hearings regarding the need to CPO land</p>	<p>The Applicant notes HCC acceptance on this point.</p>
	<p><u>Hedgerow Removal to Achieve Northbound Visibility Splay:</u></p>	<p>The Applicant is continuing discussions with HCC and it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and</p>

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	<p>Following discussions with the Applicant, the northbound hedgerow was proposed to be removed and replaced with planting set back from the visibility splays. The landscape and ecological issues arising from this proposed approach should be discussed with the local planning authority. From the Highway Authority's perspective, as an asset owned by HCC, it would also require a CAVAT value to be identified for the hedgerow and compensation paid to cover the loss of this asset. Any replacement planting would not be within the highway boundary and therefore cannot be deemed to be replacement of its lost asset. This matter should be secured within the DCO.</p>	<p>hedgerows in HCC ownership where these are not otherwise replaced. A development consent obligation is to be progressed between the Applicant and HCC to secure this and other relevant planning obligations</p>
	<p><u>'No Right Turn' Signage:</u> The Applicant has agreed to provide additional 'no right turn' signage from the access road on the highway. HCC are awaiting a plan from the Applicant detailing the proposed additional signage position for approval</p>	<p>This is agreed and will be incorporated into the proposed design following completion of the Road Safety Audit.</p>
	<p><u>Haul Road Surfacing:</u> The Applicant has confirmed that the haul road will be metalled to prevent migratory material being dragged onto the highway from the HGV and ALL's utilising the access road. This matter is considered acceptable.</p>	<p>The Applicant notes HCC acceptance on this point.</p>
	<p><u>Stage 1 Road Safety Audit:</u> HCC understand the Applicant is in the process of carrying out a Stage 1 Road Safety Audit of the access proposals. HCC would welcome sight of the results when available.</p>	<p>The Applicant has commissioned an independent Road Safety Audit and will share this, along with a Designer's Response, with HCC and the Examining Authority as soon as possible.</p>
	<p><u>Miscellaneous:</u> It has been noted that there is a small section of the southbound visibility splay from the site access and sections of both the northbound and southbound visibility splay from the haul road which will need to be dedicated to the Highway Authority. This matter should be secured within the DCO.</p>	<p>The Applicant accepts the need for this land dedication. The Applicant has agreed in principle that the delivery of the permanent construction accesses via a highways agreements will be secured through a development consent obligation. This will include for and secure the dedication of land as highway in so far as is necessary.</p>
<p>Traffic Management on Day Lane</p>		
	<p>It is understood that the Applicant is currently working on an updated traffic management strategy along Day Lane. HCC would welcome sight of the updated strategy when available. The Applicant has been referred to the approved Construction Traffic Management Plan (CTMP) for managing lorry movements at the IFA2 Chilling site where access along Hook Lane, Fareham is of a similar nature with regards to the constraints of a rural road network.</p> <p>It has been noted that Chapter 22 of the Environmental Statement (ES) states that there will be 86 lorry movements operating in 8 hour shifts along Day Lane. The CTMP proposals for Day Lane refer to 6 lorry movements an hour. Clarity is therefore sought on this point as the numbers do not appear to be consistent.</p> <p>Finally, within the information submitted for Deadline 4 it has been brought to the Highway Authority's attention that there is potential significant amounts of soil movements required in order to create the proposed calcareous grassland area. The Highway Authority request</p>	<p>The Applicant has submitted a Technical Note at Deadline 6 which provides clarification on the number of HGVs using Day Lane at peak construction and the revised management strategy that will be employed by the Applicant to ensure safe access is achieved. This includes proposals for the provision of passing bays on Day Lane, further to the request for these from HCC. This revised strategy has also been included in Section 6.2 of the updated Framework CTMP submitted at Deadline 6.</p> <p>HGV movements have been assessed for the peak construction period, during the enabling and site preparation for the main civil engineering work associated with the Converter Station. The creation of the proposed calcareous grassland will not create a volume of HGVs beyond that assessed at peak construction and it is therefore confirmed this has been appropriately accounted for within the assessment undertaken.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	confirmation that lorry movements associated with this activity at the site has been appropriately accounted for within the assumptions.	
Traffic Impacts		
	<p>The sensitivity test results in the STA demonstrate that all of the links experience significantly longer queues and average delays when compared against those in the original TA under the DS1 scenarios. It is also noted that all of the links will be operating with degrees of saturation over 100%, indicating that they will be over capacity with the TM measures in place.</p>	<p>The sensitivity tests reflect a scenario that incorporates a 50% reduction of traffic reassignment away from the Onshore Cable Route as assessed by the SRTM, thereby providing a very robust assessment of all temporary traffic signal locations, as a greater level of traffic than would be anticipated is assumed to remain on the routes where traffic signal controlled shuttle workings are proposed. As noted by HCC these sensitivity tests showed that at some locations the temporary traffic signals are forecast to operate over capacity, leading to long queues and delays in the AM and PM peak hours.</p> <p>However, the reported impacts are not expected to occur in reality and these have been provided as an overly worst-case assessment of impact should a lower level of traffic reassign away from the works than is anticipated in reality. This is highlighted by the fact that the level of queueing and delay reported at the sensitivity test locations is likely to lead to traffic reassigning away from the onshore cable route.</p> <p>This reflects typical driver behaviour where drivers seek make good progress on a journey and therefore endeavour to find the fastest route between origin and destination. This is the situation forecast by the SRTM.</p> <p>Further information in this regard is provided in the Applicant's transcript for ISH2 (REP5-061) in the responses to questions 3A-2 and 3A-3.</p> <p>In addition to general driver behaviour, the proposed communication strategy and Framework Signage Strategy of the FTMS (updated at Deadline 6) will ensure that the traveling public are aware of the construction works and anticipated construction periods, allowing drivers to make informed and alternative route choices to avoid the works.</p> <p>Furthermore, the Applicant is currently preparing a Travel Demand Strategy to provide further mitigation of traffic impacts associated with construction works on A3 London Road and A2030 Eastern Road sections of the Onshore Cable Route, through promoting changes to existing travel behaviour that reduce peak hour traffic flows. Noting that such a strategy would need to be implemented in partnership with the Local Highway Authority this will be shared with HCC as soon as possible for discussion.</p> <p>The combination of these measures will therefore allow temporary traffic signals to operate more efficiently with shorter queues than those forecast in the sensitivity tests.</p>
	The junctions which have not been compared above includes the Hambledon Road/Houghton Avenue roundabout and the Ladybridge Roundabout. The former of these junctions will be over capacity in the AM and PM peak (Practical Reserve Capacity (PRC) of -10.6% and -12.4% respectively) with a maximum queue of 53 Passenger Car Unit's	As above

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	<p>(PCU) (equal to 305 metres of queuing as per defined PCU length of 5.75m as set out within the Linsig User Guide 3.2, paragraph 4.29) on the A3 Maurepas Way E (right/U-turn/left/ahead) approach in the AM peak. The previous assessment within the TA forecast that the junction would operate within capacity with a PRC of 3.3% in the AM peak hour and PRC of 8.3% in the PM peak hour. The greatest forecast queue under the DS1 scenario occurred on the A3 Maurepas Way E (right/U-turn/left/ahead) again although the maximum queue was only 36.1 PCU's (208m). The 2026 DM scenario assessed the roundabout under current operation - without signals – which indicated that there will be a maximum Ratio of Flow to Capacity (RFC) of 0.58, equating to a queue of 1.5 PCU's, on the A3 Maurepas Way E approach in the PM peak hour</p>	
	<p>The results in the STA also demonstrate a severe impact at the Ladybridge Roundabout which will operate with a PRC of -29.6% in the AM peak hour and - 30.6% in the PM peak hour. The worst affected arm of the roundabout will be the A3 London Road S approach in the PM peak hour where is a 100 PCU queue which equates to a circa 575m queue along the A3. The DS1 results in the original TA indicated that Ladybridge Roundabout would be operating with a PRC of 7.7% in the AM peak hour and a PRC of 10.3% in the PM peak hour. The greatest queue within this scenario would be present on the on the A3 London Road N approach in the AM peak hour with a 23.9 PCU (137m) queue. The 2026 DM scenario differs from the DS1 scenario as a result of the roundabout operating under a standard give-way arrangement, instead of the temporary traffic lights proposed as part of the traffic management. Under the DM scenario, the A3 London Road N approach operates over capacity in the PM peak hour with an RFC of 1.05 and a queue of 35.5 (204m) PCU's, this is also with the assumption that the capacity improvements from the Waterloo MDA works have been implemented before works commence on the corridor. It is noted that the queue length is still substantially shorter than that observed within the sensitivity test results, however</p>	<p>As above</p>
	<p>The sensitivity test undertaken within the STA focuses on the links which will be subject to TM during the construction period, meaning that no consideration has been given to the roads previously assessed within the SRTM which will be the subject of re-distributed traffic flows. However, it was noted that some roads received a significant increase in traffic flows through the re-distribution exercise. Most notably, Park Avenue in Purbrook was predicted to receive a 350% uplift in traffic flows in the PM peak hour and Mill Road in Purbrook would receive an increase in traffic of 317% in the AM peak hour. Across all of the roads forecast to receive the re-distributed traffic, there was an average increase of 169% in traffic flows across the peak hours. Whilst the sensitivity test assumes less traffic will utilise these roads, it is acknowledged that there will still be an increase in flows along each road and therefore a decrease in performance during the construction period.</p>	<p>In relation to these sensitivity tests, the Applicant does not consider it necessary to complete additional assessments of the wider highway network impacted by traffic reassignment. This is because a realistic worst-case and robust assessment of the wider network has already been completed within the Transport Assessment (APP-448) and reported in Chapter 22 of the ES (APP-137), and as the sensitivity tests assume a lower level of traffic reassignment away from the corridor, any impacts on the wider network in such a scenario would be less than that assessed.</p>
	<p>The sensitivity test results, and previous re-distribution assessment, therefore, demonstrate that there will be a varying impact from moderate to major for highway users on the links noted above. Whilst it is noted that the road works are a temporary measure put in place to manage construction of the cable at certain points of the network, some of these measures will be in place for prolonged periods of time and the whole corridor will be impacted for the full 30 month construction period.</p>	<p>Assessments of all sensitivity tests and their impact are included within Chapter 15 of the ES Addendum (REP1--139 submitted at Deadline 1).</p> <p>As stated above, the Applicant considers the results of the sensitivity tests represent an unrealistic scenario of traffic reassigning onto alternative routes in reality, taking</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>into account typical driver behaviour and the mitigation provided by the FTMS and communication strategy (REP1-068 Rev003).</p> <p>The Applicant notes that the primary impact on traffic behaviour from traffic management arises from shuttle working traffic signals on A3 London Road. This will be required for only 28 weeks of the full 30-month programme, and will be limited to short periods in the summer months and school holidays.</p>
	<p>The updated FTMS sets out these time scales for the construction of different areas of the cable route. For example, sub-section 4.2 – B2150 Hambledon Road and A3 Maurepas Way between Milton Road (Waterlooville) and A3 London Road is predicted to require a 14 week period per circuit which means that traffic management measures will be in place for a prolonged period of time (28 weeks without any delays). Sub-section 4.32 – A3 London Road between south of the junction with Forest End (Waterlooville) and the southern end of the bus lanes is another section of the A3 which will require a 10+ week duration per circuit. This would also result in substantial delays of 109 seconds per PCU northbound along the A3 in the PM peak hour.</p> <p>HCC have requested an updated mitigation strategy from the Applicant to understand how the predicted delays can be reduced via clear strategies such as an enhanced area wide signage strategy and communication proposals. However, even if these measures can be secured to help mitigate the impact, there will still be a significant impact, in highway terms, on the travelling public and local residential population. The Highway Authority are therefore asking the Applicant to consider how impacts can be further mitigated to minimise disruption (such as with regards bus service mitigation, accident mitigation and suitable funding for HCC officers to appropriately manage the project from the public perspective).</p>	<p>In addition to the Communication Strategy, the Applicant has developed a signage strategy for discussion with both HCC and PCC which will form part of the FTMS and be secured by the DCO.</p> <p>This strategy considers a number of potential interventions that can be implemented according to the location of construction works within the highway network and the potential impacts associated with such.</p> <p>The strategy is submitted to HCC and PCC in parallel with its submission into the examination at Deadline 6.</p> <p>Furthermore, the Applicant is currently preparing a Travel Demand Strategy to provide further mitigation of traffic impacts associated with construction works on A3 London Road and A2030 Eastern Road sections of the Onshore Cable Route, through promoting changes to existing travel behaviour that reduce peak hour traffic flows. Noting that such a strategy would need to be implemented in partnership with the Local Highway Authority this will be shared with HCC as soon as possible for discussion.</p>
	<p>Chapter 22 of the ES section 22.4.9.12 quantifies the magnitude of the traffic impact on the highway network under negligible, minor, moderate and major. Section 4 of Chapter 22 notes the difference between the DM and DS severance along the A3 is low. This assessment has not been updated to take account of the sensitivity test undertaken within the STA.,</p> <p>Based on the results of this assessment, the Highway Authority considers that the difference between the DM and STA severance is likely to move into the moderate/major category. The Applicant should update this assessment to take account of the revised assessment along Hambledon Road/A3.</p> <p>The assessment criteria for the Day Lane impacts is also not acceptable as it assumes that as the route is not congested it would not be severely impacted. However, based on the current traffic management proposals for Day Lane the Highway Authority could not agree to that assessment. Traffic under the current proposals could be disrupted for the majority of the day with lorry arrivals and departures under limited controls.</p>	<p>Assessments of all sensitivity tests and their impact are included within Chapter 15 of the ES Addendum (REP1_139) submitted at Deadline 1.</p> <p>The Applicant has submitted a Technical Note at Deadline 6 which provides an updated management strategy that will be employed by the Applicant to ensure safe access is achieved on Day Lane and reduce the potential for traffic congestion. This includes proposals for the provision of passing bays on Day Lane, further to the request for these from HCC. This revised strategy has also been included in Section 6.2 of the updated Framework CTMP submitted at Deadline 6.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>Following HCC's deadline 3 response, conversations have been held with the Applicant in relation to the issues raised to date and it has been requested that they update the proposed mitigation strategy. HCC would welcome further information and discussions with the Applicant to understand how the traffic impact will be mitigated and await receipt of a revised ES Chapter 22</p>	<p>As stated above assessments of all sensitivity tests and their impact are included within Chapter 15 of the ES Addendum (REP1-139) submitted at Deadline 1.</p> <p>The Applicant has considered additional mitigation that can be included within the FTMS (REP1-068 Rev003) and Framework CTMP (REP1-070 Rev003) which has been submitted at Deadline 6.</p>
Accident Analysis		
	<p>The Applicant has undertaken an additional analysis of accidents recorded and the Highway Authority are now content with the area covered by the assessment. It is noted that there have been a number of accidents within the area. The results have been shared with the Highway Authority's Safety Engineering team and it has been confirmed that there are no sites along the cable route, or assessed network, which require intervention at this time. It should be noted that there are a number of sites however which have previously been subject to safety engineering measures. It should also be noted that the traffic assessment undertaken within the original TA identifies that traffic will be redirected away from the A3 and B2150 and onto local roads which currently experience low level of traffic flows. Based on the original assessment, flows along these roads are forecast to increase between 130% and 350%. No evidence has been provided by the Applicant to demonstrate that the increase in flows would not lead to an increase in accidents.</p> <p>With a significant increase of traffic on rural roads, there comes an increase in risk of higher severity accidents occurring, as severity of accidents on rural roads is higher than on urban roads as reported by DfT (Reported Road casualties in GB in 2019).</p>	<p>A Road Safety Technical Note has been prepared by the Applicant which further considers impacts associated with reassignment of traffic across the HCC highway network during construction of the Onshore Cable Route. This has been submitted at Deadline 6 and the Applicant welcomes further discussions with HCC on this matter following on from review of this Technical Note.</p> <p>In addition, the Applicant has developed a signage strategy for discussion with both HCC and PCC which would form part of the FTMS and be secured by the DCO.</p> <p>This strategy considers a number of potential interventions that can be implemented according to the location of construction works within the highway network and the potential impacts associated with such.</p> <p>The strategy is submitted to HCC and PCC in parallel with its submission into the examination Deadline 6.</p>
	<p>The consequence of re-distributing traffic flows onto the rural roads of Newlands Lane (traffic flows increase by +220%), Belney Lane / Pigeon Lane (+146%), Closewood Road (+196%), Furzley Road (+201%) and Purbrook Heath Road (+243%) would be significant in terms of increasing accident severity. The STA states that in West Waterlooville, there were 3 collisions on Newlands Lane, 2 of which were serious. However, if traffic flows were to increase by 220%, then it would increase the risk of additional accidents occurring.</p>	
	<p>Overall, Table 18 of the STA shows that in the three areas affected by re-distributed traffic (West of Waterlooville, Waterlooville and East of Waterlooville) there were 122 'slight accidents' and 39 'serious accidents' in the most recent 5-year period. As a guide, based on a simple calculation of the average percentage increase in traffic flow of the roads presented in Table 60 (based on the highest peak hour increase in flow) compared to the base traffic flows then casualties could increase by 169%. This could result in an additional 84 'slight accidents' and 27 'serious accidents' over the 5-year period which could be classed under the 'major' category based on the Applicant's assessment within chapter 22 of the ES.</p>	
	<p>To ensure the continued safe operation of the highway, the Highway Authority wish to seek a commitment through the CTMP for the Applicant to work with the Highway Authority throughout construction in addressing accident trends through appropriate low cost</p>	

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>measures such as signing and lining to mitigate any impact. For example, this may include signing of unsuitable routes if adopted by diverted traffic or additional warning signs to highlight the presence of vulnerable road users to unfamiliar drivers. The Highway Authority also welcome further consideration from the Applicant on any measures they can implement to reduce the risks of additional accidents.</p>	
<p>Alternative Routes</p>		
	<p>Whilst the Highway Authority are proactively engaging with the Applicant to mitigate the impact of the proposed development, the ExA should appreciate that the impacts during the construction programme to the highway network are significant. Whilst mitigation strategies are being sought to reduce and manage this impact where possible, it will not be possible to completely remove delay and disruption to the local residential population, business and general road users on the route itself and in the surrounding area. In this context, the Highway Authority notes the consideration of alternatives to the Applicant's preferred route, including the countryside route. Without prejudice to this wider debate, and from a Highway Authority perspective alone, it highlights the likely highway impacts in order to inform this debate.</p>	<p>The Applicant has proportionately assessed the reasonable alternatives, which where relevant has included the consideration of the likely impacts on the highway as a consequence of the works being undertaken, amongst the other relevant factors to be considered.</p> <p>The impacts of construction works on the road network have been fully assessed with the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statements (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139). These assessments have shown that the works will not lead to an unacceptable position in terms of traffic conditions.</p> <p>While there will inevitably be traffic delays during construction of the Proposed Development in the locations where this is to be constructed on the highway, the impacts of the proposed construction works will be mitigated as far practicable through measures included within the Framework Traffic Management Strategy (REP1-068 Rev003) and the Framework Construction Traffic Management Plan (REP1-070 Rev003).</p>
<p>Construction Environmental Management Plan</p>		
	<p>Paragraph 5.2.1.1 states that a number of measures will be considered during construction works to ensure protection of the existing landscape setting and views to the construction site. This is felt to be too weak a position and should set out that measures must be considered.</p>	<p>The Applicant has reviewed and revised the wording from "will be considered" to "must be considered" and this is reflected in the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).</p>
	<p>Paragraph 5.3.1.1 should also include "Highway trees will only be removed as a last resort, subject to approval from HCC Arboriculture and with agreement on compensation values for each highway tree prior to its removal.</p>	<p>This matter is agreed and this is reflected in the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).</p>
	<p>Paragraph 5.3.4.3 requires amendment to reflect the Highway Authority's policy on replacement tree planting. The Highway Authority will replant highway trees in the highway where it deems it appropriate and on receipt of the CAVAT compensation monies. Hedgerow trees are normally outside of the highway and are therefore the responsibility of the adjacent landowner. Private hedges and/or hedgerow trees will not be replaced with mitigation planting into the highway, regardless of the position on the Onshore Cable Route and/or the Order Limits. To confirm the reinstatement requirements upon completion of the</p>	<p>The Applicant is continuing discussions with HCC and it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and hedgerows in HCC ownership where these are not otherwise replaced. A development consent obligation is to be progressed between the Applicant and HCC to secure this and other relevant planning obligations. The reinstatement requirement details are set out within section 7.4 of the Construction Traffic Management Plan (REP1-070 Rev003) submitted at Deadline 6.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	works, the Applicant should undertake pre-commencement and post completion condition surveys of the road in the vicinity of the temporary access.	
	Paragraph 6.2.2.1 must include the following: "Highway trees will only be removed as a last resort, subject to approval from HCC Arboriculture and with agreement on compensation values for each highway tree prior to its removal.	This matter is agreed and this is reflected in the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).
	Paragraph 6.2.4.1 the 18th bullet point relates to mitigation planting for lost hedgerows and trees. As above this must include that there will be no third-party tree planting within the highway without express permission from the Highway Authority. HCC Arboriculture will undertake any highway tree mitigation planting required, to be funded from the highway tree compensation monies.	This matter is agreed and this is reflected in the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).
Arboriculture Method Statements		
	The Highway Authority are waiting an updated arboriculture method statement to reflect the required amendments as set out within its deadline 3 response. This has not been provided to date. The updated document should also reflect its required position on how assessments of trees should be undertaken and the methodology for compensation payments as set out above	<p>This matter is agreed and this is reflected in the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).</p> <p>The Applicant is continuing discussions with HCC and it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and hedgerows in HCC ownership where these are not otherwise replaced. A development consent obligation is to be progressed between the Applicant and HCC to secure this and other relevant planning obligations.</p>
Workplace Travel Pan		
	<p>It is noted that a workplace travel plan has been submitted and discussions regarding appropriate mitigation measures have been held with the Applicant. The Highway Authority have further reviewed the travel plan and its proposed measures to limit the traffic impacts of the development. It is appreciated that there are significant numbers of unknowns with the way the site will operate. It is agreed that construction workers will park at the main Lovedean site with onward travel to work areas along the corridor as required. The proposed travel plan sets out proposals for restrictions on contractor parking on the site through a permit scheme to encourage car sharing, this measure is welcomed. They also commit to the provision of a travel plan coordinator and advertising of sustainable travel methods. Also included is provision for a shuttle bus to run from the site to Havant Railway Station. Given the unknowns for worker home or living accommodation it is difficult to know whether this will be a truly meaningful measure. As the primary measure to reduce trips to the site, there are concerns that the travel plan provides no flexibility or alternative measures should the measures identified not be a practical option. It is therefore suggested that additional measures are added to create a shopping list of improvements that can be utilised by the contractor when writing the full workplace travel plan. Suggestions for inclusion are:</p> <ul style="list-style-type: none"> • That the shuttle bus operation is more flexible to determine its collection point or points once the work force locations are known. • Provision of cycle hire scheme • Provision of cycle vouchers 	<p>The Applicant notes HCC's comments but considers the proposed Workplace Travel Plan is appropriate to mitigate traffic impacts by reducing the number of single car occupancy trips made to the Converter Station Area.</p> <p>The Applicant has also already provided for flexibility in the provision of a shuttle bus service with paragraph 5.4.1.1.2 of the Construction Worker Travel Plan stating that "this service will be kept under review through the construction period in order to ensure that it is providing effective mitigation of private car trips."</p> <p>It is also noted that as part of the Construction Worker Travel Plan it is intended that the provision of parking permits at the Converter Station is limited to 1 permit per 1.5 construction workers to promote car sharing.</p> <p>The combination of these measures will therefore provide a significant reduction in single car occupancy trips made by construction workers to the Converter Station and as a result the implementation of further measures is not necessary.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<ul style="list-style-type: none"> • Provision of cycle training if necessary • Bike repair station • Motorcycle parking • Taxi offer as alternative to car sharing • Provision of subsidised or paid for travel on public transport and appropriate provision to access the site from Havant Station or the bus stops on Lovedean Lane. • Provision of cycle parking on site • Financial incentives for staff car sharing • Off site park and ride facilities either from public car parks or privately secured provision 	
	<p>To ensure appropriate measures are secured, mapping of the workers' home or accommodation bases should be undertaken so there is a good understanding of the available sustainable travel options for travel. This should inform the formulation of the full travel plan and allow selection of appropriate measures to meet the proposed targets.</p>	<p>This will be as part of the approval process of the full Travel Plan which is to be approved prior to the commencement of the relevant works being undertaken.</p>
	<p>Approval of the travel plan will be required prior to commencement on site. This should be submitted to the Highway Authority 2 months prior to commencement to allow appropriate approvals and amendments if necessary. This would be subject to a £1500 approval fee which should be secured through the relevant legal mechanism.</p>	<p>The submission of and approval timescales for the detailed construction worker travel plan are secured within Schedules 2 and 3 of the dDCO (REP5-008 Rev005). The payment of fees in connection with approvals via discharging authorities is to be secured via a PPA, a draft of which is to be provided to HCC shortly following Deadline 6 for review and agreement.</p>
	<p>HCC would need to monitor the travel plan to ensure that measures are being implemented and effective. This will include reviewing information submitted in accordance with the travel plan, and engaging with the travel plan coordinator on matters, including if HCC are in receipt of complaints regarding construction worker traffic. HCC's current policy for a development of this scale requires a payment of £3000 per annum to cover the costs of monitoring. Again, this should be secured through the appropriate legal mechanism. Given the unique nature and type of project, the travel plan should set out a more flexible monitoring process for the site with greater emphasis on collaborative working with the Highway Authority, and an ongoing review and monitoring process to enable the effectiveness of the measures to be considered and allow flexibility of the measures being applied in response.</p>	<p>The Applicant notes this request and confirms this matter will be further discussed and secured as necessary via the development consent obligation or the PPA to be entered into. The Applicant's current view is that this is a matter better secured through a development consent obligation, being a usual planning obligation.</p>
	<p>Finally, is the matter of surety. HCC usually require a surety for the travel plan to enable the Highway Authority to implement measures should developers fail to deliver on the travel plan requirements. These however are usually secured for applications with impacts of a permanent nature. It is acknowledged that the travel plan is of vital importance to reducing the impact of construction traffic in the Lovedean area. It is however also acknowledged that the ability to mitigate these impacts sits solely with the Applicant and their contractor. The Highway Authority has limited ability to deliver meaningful measures such as personal travel planning or physical improvements which could mitigate the impact of the development during the construction period, should the Applicant fail to meet the required</p>	<p>The Applicant will construct the Proposed Development in accordance with an approved travel plan, to which all contractors will be subject, and which is to be subject to monitoring by the authority for which monitoring fees will be secured, and which is inherently required to be reviewed and the measures adapted to be most effective as necessary. It is agreed that there is significant legal weight in the process requiring the Applicant to comply with the requirements and appropriate measures in place for enforcement should the Applicant not comply.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>standard or deliver on the travel plan. It is also acknowledged that as a high profile scheme secured through a DCO there is significant legal weight in the process requiring the Applicant to comply with the requirements and appropriate measures in place for enforcement should the Applicant not comply. Therefore, HCC in this bespoke instance are prepared to waive the need for a surety on the travel plan, subject to appropriate protections within the DCO. It is also suggested that this is contractually secured with the appointment contractor and reference to this requirement made within the framework travel plan.</p>	
Outstanding Highway Matters To Be Addressed By Applicant		
	<p>Whilst the Highway Authority have met with the Applicant and discussed progress on matters from the deadline 3 response the Highway Authority are waiting updated documents in light of these discussions before being able to move any matters further forward. The Statement of Common Ground has been updated to reflect all outstanding issues and the current position on these matters. The Highway Authority are waiting receipt of the following documents:</p> <ul style="list-style-type: none"> • Updated FTMS to reflect HCC comments and discussions from deadline 3 • Updated CTMP to reflect HCC comments and discussion from deadline 3 • Updated CEMP to reflect HCC comments and discussions to date and included within this response • Updated Travel Plan to reflect HCC comments and discussions to date and included within this response • Updated Arb Method Statement to reflect HCC comments and discussions to date and included within this response • Updated dDCO to reflect Aquind's understanding of matters agreed and progressed to date including the permit scheme and s278 matters. • Updated ES Chapter 22 to include setting out a clear mitigation strategy for the development. 	<p>An updated version of the FTMS and Framework CTMP have been submitted at Deadline 6. The Applicant welcomes further discussions with HCC following their review of these documents.</p> <p>The impacts of construction works on the road network have been fully assessed with the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statements (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139). An update to Chapter 22 of the ES is not required, with the supplementary environmental information having already been provided some time ago.</p> <p>The Applicant has agreed in principle that the delivery of the permanent and construction accesses will be secured through a development consent obligation and requirement 10 of the dDCO (REP5-008 Rev005). Section 5.3 and paragraph 5.3.4.3 of the updated OOCEMP (REP5-019 Rev005) have been updated in response to HCC comments, to provide clarification on the decision making process to avoid and reduce impact to trees within the onshore cable route.</p>
Lead Local Flood Authority Update		
	<p><u>Infiltration test results:</u></p> <p>HCC, in its role as Lead Local Flood Authority (LLFA), note that Aquind have now undertaken infiltration tests and also provided more detail on the filter material that will be used as a treatment mechanism within the basins. The limiting factor is the filter material, as opposed to the underlying chalk, but providing the filtration material has an infiltration rate of 4×10^{-6} or better then the drainage in its current format would function appropriately.</p>	<p>The Applicant acknowledges HCC LLFA's comments.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>The calculations have been re-run based on these values and while the ½ drain down time is high for the 1:100 + 40% flood risk, the capacity of the basins are considered to be sufficient. The design has been undertaken using source control which LLFA consider is appropriate for this stage in the process. However, more detailed information will be required from the contractor as the design progresses. This is in accordance with the requirements stated in the DCO under Schedule 2 Section 12 (subject to agreement of the wording of this paragraph as detailed in the SoCG 4.14.3.1).</p>	
Overview of Oral Submissions for December hearings (REP5-081)		
Draft DCO - Permit Scheme		
4	<p>HCC is pleased that the Applicant is moving towards revised wording to amend the Protective Provisions in order to accommodate the Permit Scheme with the FTMS setting out the parameters in which the permits will be provided [D5/1]. The draft DCO provided to HCC on 25 November 2020 is intended by the Applicant to address this point. HCC will wish to comment further on the redrafting in this respect, following further review of the document</p>	<p>The Applicant is continuing discussions with HCC and PCC regarding the application of the permit scheme to the Proposed Development through the DCO and in relation to the FTMS. An updated draft of Article 9A is contained in the dDCO (REP5-008 Rev005) submitted at Deadline 6. An updated version of the FTMS is also submitted at Deadline 6. The Applicant will further update on these matters via SoCG with the relevant authorities in due course.</p>
Draft DCO – Other Matters		
5	<p>HCC consider it necessary for the following to be secured within the DCO (or by separate planning obligation or other legal agreement where appropriate):</p> <ul style="list-style-type: none"> (1) funding for HCC's use of the one.network 'route monitor' product (2) Traffic Regulation Orders: the DCO will need to fully replicate the legal requirements of the Road Traffic Regulation Act 1984 in relation to advertising, public consultation, timescales and notification to emergency services and the Highway Authority. Careful consideration will need to be given regarding the process secured within the DCO and how this fits with the wider approval process (3) indemnity to cover the potential cost of diverting the cables should this be necessary to facilitate highway works in the future given the risk that the works end up interacting poorly with highways works (4) full highway reinstatement to prevent an ongoing maintenance liability due to excessive trenching along the route (5) adherence to HCC's standard processes in relation to amendments to the layout of streets. HCC does not consider Article 10 to be sufficient (6) provision of a legal agreement and associated surety between the Applicant and HCC under s.278 of the Highways Act 1980 ("Section 278 Agreement") for the site access works and any highway works required outside that of the cable laying works including the temporary construction access works. HCC is not confident that the Applicant's 	<ul style="list-style-type: none"> (1) The implementation of monitoring products is a matter for HCC. The Applicant will be subject to all relevant fees for undertaking works on the highways with which such products are funded. There is no sound basis for additional further funding to be provided connected with the impacts of the Proposed Development. (2) Article 16 of the dDCO is appropriate to secure all relevant matters in relation to traffic regulation orders, including confirming that the undertaker must advertise such orders in the manner prescribed by the relevant highway authority and consult with the chief of police before any such orders become effective. (3) For the reasons explained previously and discussed at ISH1, the Applicant will not agree to an indemnity being provided so that HCC may lift and shift the Proposed Development in the future at the cost of undertaker. The Proposed Development, where installed in the highway, will be installed in accordance with guidance applicable to all utilities infrastructure in the highways. HCC benefit from no such indemnity from all other utilities apparatus in the highway, because it is not appropriate for them to do so. Further, any such indemnity would be a major impediment to the delivery of the Proposed Development, with the potential impacts on the operation of the Proposed Development and the costs involved being unquantifiable and therefore unacceptable to any operator/investor. Please see the applicant's response to question 5.5 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>confirmation of its willingness for all post-consent resource to be covered via a PPA is sufficient</p> <p>(7) in the absence of a Section 278 Agreement and associated surety, HCC seeks separate measures for payment of the costs of design checking and inspection fees to cover the approval and review of the proposed access works</p> <p>(8) mechanism for the Applicant to submit and the Highway Authority to approve the various documents that require approval</p> <p>(9) requirement for the use of the 'Hampshire Countryside Service Temporary Closure' procedure for temporary closures and provision of alternative routes during construction for any rights of way affected by the works</p> <p>(10) appropriate protections to ensure the Applicant's compliance with the Workplace TravelPlan in order for HCC to waive the surety requirement</p> <p>(11) commitment to an acceptable level of compensation following the loss of highway trees and hedgerows.</p>	<p>(4) Highway reinstatement is secured through the application of the relevant provisions of the New Roads and Street Works Act 1991. Please see the applicant's response to question 5.5 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.</p> <p>(5) Article 10 is considered entirely appropriate, noting that any works to be undertaken are subject to the approval of the relevant highway authority.</p> <p>(6) and (7) The Applicant has agreed in principle that the delivery of the permanent and construction accesses will be secured through a development consent obligation and requirement 10 of the dDCO (REP5-008 Rev005).</p> <p>(8) The submission of information for approval is secured by the requirements contained at Schedule 2 to the dDCO. If HCC have any specific comments on the requirements the Applicant would be grateful to receive these.</p> <p>(9) Closures are to be authorised and regulated through Article 13 of the dDCO, which amendments have been made to respond to comments raised by HCC at ISH1 at Deadline 6.</p> <p>(10) As acknowledged already by HCC, there is significant legal weight in the DCO process requiring the Applicant to comply with the requirements and appropriate measures in place for enforcement should the Applicant not comply. Compliance with the workplace travel plan is therefore appropriately secured.</p> <p>(11) The Applicant is continuing discussions with HCC and it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and hedgerows in HCC ownership where these are not otherwise replaced. A development consent obligation is to be progressed between the Applicant and HCC to secure this and other relevant planning obligations.</p>
Draft DCO - Potential Future Rights		
6	<p>The Application also provides telecommunication infrastructure which has a further commercial benefit beyond the initially proposed scope of the scheme. HCC seeks clarity as to how the powers within the DCO would relate to future connections to this infrastructure and whether the powers to disapply statutory and legal processes would apply to these elements of the works.</p>	<p>Any such future development is separate to the Proposed Development and would be subject to the relevant statutory and legal processes in relation to its delivery.</p>
Compulsory Acquisition		
8-9	<p>The Highway Authority has objected to the compulsory acquisition of the subsoil beneath the vertical plane which forms the highway. At the heart of this objection is a concern about the consistency of approach taken. Where the Applicant is granted rights in the subsoil, the Highway Authority submits there should be no difference in the Applicant's right to "maintain" the equipment whether it is in highway land or in the subsoil beneath the vertical plane which forms the highway. Such a difference is likely to extend the potential impact of the works on the highway. Further and in any event, HCC rejects that there is any general principle that subsoil beneath the highway has no value. Where there is compulsory</p>	<p>The Applicant refers to the Highway Subsoil Acquisition Position Statement (REP1-131). There is no such difference, but the Applicant must be able to obtain the necessary property rights for where it is necessary in rare circumstances to locate the highway in this land. The determination of whether or not the Proposed Development is in such land is expanded upon in the Applicant's Post Hearing Notes submitted at Deadline 6.</p> <p>As was explained at ISH2, the normal compensation provisions do apply to the acquisition of such land as they do all other land and there is not, and never has</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	acquisition of subsoil beneath the highway, the issue of value should be examined in each case, and the DCO should apply the normal compensation provisions. It should not be pre-determined by the order on a generalised basis.	been, any attempt to pre-determine this through the DCO. That does not however alter that the land has no material value, being subsoil to a highway for which there is no market. Please see the applicant's response to question 3.11 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.
Temporary Construction Accesses		
10	<p>HCC considers the temporary construction accesses continue to be inadequate particularly regarding</p> <ul style="list-style-type: none"> (1) visibility splays; (2) lowering of utilities; (3) reinstatement requirements upon completion of the works; (4) lorry access 	<p>An update of temporary construction access drawing AQ-UK-DCO-TR-LAY-001, and has been included in Appendix 7 of the updated Framework CTMP submitted at Deadline 6.</p> <p>Details of visibility splay requirements and protection of utilities at temporary construction access locations has also been included Section 5 of the Framework CTMP to reflect these requirements. Given the location of the proposed access junctions, the Applicant does not consider that these will require visibility splays to be based upon DMRB requirements.</p> <p>The Applicant recognises that where damage is caused to the highway on construction traffic routes or at construction access junctions it is necessary for the Applicant to be responsible for the remediation required. It is also acknowledged that to be able to determine any damage caused a pre-commencement condition survey if first required. On this basis the Applicant has updated Section 7.4 of the Framework CTMP to reflect this requirement</p> <p>The Applicant has agreed in principle that the delivery of the permanent construction accesses via a highways agreements will be secured through a development consent obligation.</p>
Bus Impacts		
11	<p>HCC as Local Transport Authority have concerns that the maintenance of certain bus service, including those directly contracted by the authority, will be restricted during the construction phase owing to the delays predicted in the bus journey time assessment and the reduced patronage of these services during the period of disruption. In the event that additional buses are required on any of the routes during this time, the Applicant should be required to bear the cost of this throughout the affected period</p>	<p>The Applicant refers to the hearing transcript submitted by the Applicant for ISH2 (REP5-061) and in particular the response to question 3F.</p> <p>As was explained at ISH2, the Applicant has assessed the impacts on bus services and based on this assessment has identified minor impacts for the temporary periods that works are being undertaken in the highway on the routes which affect the individual bus services. That assessment has not identified the need for mitigation of the sort requested by HCC, which one would usually see in connection with and to address permanent impacts of development, rather than transient impacts which result in minor delays. Without a clear evidential basis for why mitigation of the sort requested is required, it will not be necessary or appropriate to secure this.</p> <p>The Applicant has however agreed to continue discussions with HCC, and the relevant bus operators, regarding the likely impacts on local bus routes and the potential need for mitigation during the construction stage of the Proposed Development.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Site Access		
12	<p>HCC has a number of outstanding issues relating to site access, particularly [D5/4]:</p> <ul style="list-style-type: none"> (1) signage; (2) sight of the results of the Stage 1 Road Safety Audit; (3) Traffic Management strategy along Day Lane; (4) lorry movements 	Please see the response provided above in this regard.
Traffic Impacts		
13-14	<p>The works will cause a significant amount of impact in Highway terms on the travelling public and local residential population. The Highway Authority are asking the Applicant to update the proposed mitigation strategy to minimise disruption (such as with regards bus service mitigation, accident mitigation and suitable funding for HCC officers to appropriately manage the project from the public perspective).</p> <p>HCC also requests an update to the quantification of the magnitude of the traffic impact on the highway network in the Environmental Statement</p>	Please see the responses provided above in this regard.
Accident Analysis		
15	<p>HCC are concerned that the works will lead to an increase of traffic on the local road network. HCC seek a commitment through the Construction Traffic Management Plan ("CTMP") for the Applicant to work with the Highway Authority throughout construction in addressing accident trends through appropriate low-cost measures such as signing and lining to mitigate any impact, as well as consideration of any other measures they can implement to reduce the risks of additional accidents</p>	Please see the responses provided above in this regard.
Alternative Routes		
16	<p>The impact of the works to the highway network during the construction programme are significant and HCC raises this as a highly relevant factor in the consideration of alternative routes</p>	<p>The Applicant has proportionately assessed the reasonable alternatives, which where relevant has included the consideration of the likely impacts on the highway as a consequence of the works being undertaken, amongst the other relevant factors to be considered.</p> <p>The impacts of construction works on the road network have been fully assessed with the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statements (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139). These assessments have shown that the works will not lead to an unacceptable position in terms of traffic conditions.</p> <p>While there will inevitably be traffic delays during construction of the Proposed Development in the locations where this is to be constructed on the highway, the impacts of the proposed construction works will be mitigated as far practicable</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		through measures included within the Framework Traffic Management Strategy (REP1-068 Rev003) and the Framework Construction Traffic Management Plan (REP1-070 Rev003).

Table 2.3 - Havant Borough Council (REP5-082)

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
dDCO		
1.1 – 1.3	Request that Article 9 of the dDCO (Defence to proceedings in respect of statutory nuisance) removes the reference to maintenance and use of the authorised development, as this may change over the life of the facility and we would not want an in-perpetuity defence against statutory nuisance in that case. The Applicant would have the benefit of the Standard Best Practicable Means defence for this scenario, so it would not mean that they have no defence.	<p>The Applicant refers to the hearing transcript submitted by the Applicant for ISH3 (REP5-069), in particular the response to Question 6O.</p> <p>The Applicant does not agree with the removal of “maintenance and use” from Article 9 of the dDCO (REP5-008 Rev005). It would be a potential impediment to the delivery and operation of the Authorised Development where proceedings for statutory noise related nuisance could be brought and potentially prevent activities being carried on where the Authorised Development is being constructed and/or operated in accordance with the noise limits approved and secured by the Requirements in the DCO. Amendments have been made to Article 9 in the dDCO submitted at Deadline 6 to more clearly define when the Article is effective, and this represents the Applicant's final position..</p>

Table 2.4 - Portsmouth City Council

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Letter regarding Fibre Optic Cable Development and Project of Common Interest (REP5-084)		
	<p>There is a fundamental difference of opinion between PCC and other Interested Parties and the Applicant as to whether the commercial Fibre Optic Cables and associated infrastructure ('the FOC development') can properly amount to associated development as a matter of law pursuant to the Planning Act 2008. This is in PCC's submission a principal controversial issue.</p> <p>The ExA has of course raised this matter within both their Examination Questions and queries to be discussed at ISH 1 however what is not clear and has not been considered or addressed is the consequence of the ExA concluding that PCC and the other IPs are correct which PCC will urge them so to do.</p> <p>To be clear, the removal of the FOC development from the proposed development, if the applicant wishes still to pursue the Aquind interconnector project and the grant of a DCO, will have a fundamental impact upon the current DCO as drafted. PCC in raising this matter has taken into account the guidance provided in the judgment of Paterson J in R. (on the application of Halite Energy Group Ltd) v Secretary of State for Climate Change</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 within the Statement in Relation to FOC (REP1-127).</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 7th and 14th November, and this included questions in relation to the commercial use and associated development by PCC and responses being provided by the Applicant.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>and Energy [20141 EWHC 17 as to DCO examinations and ensuring that all material matters are raised in a fair and transparent way. To that end PCC submits that the ExA needs to explore this issue with the applicant and the interested parties and in particular the opportunity be given to the applicant to provide its response to the clear potential conclusion by the ExA and thereafter the Secretary of State that the FOC development is not associated development.</p>	
	<p>The consequence of the project no longer being recognised and listed as a Project of Common Interest pursuant to the TEN E Regulations: It is PCC's understanding that this means the TEN-E regulations no longer apply. It is also PCC's understanding that this has not only procedural but financial consequences which will clearly be relevant to any Compulsory Acquisition case the applicant wishes to make but also generally as to the project's viability. In addition, whilst PCC has seen the CJEU judgment of 18 November in respect of Aquind's successful appeal against ACER's refusal to grant certain exemptions under the TEN-E regulations, it is not clear what Aquind now propose to do again in light of its loss of PCI status. Further, some of the grounds relied upon by Aquind in this appeal also have implications as to the viability of the interconnector scheme which PCC wishes to draw the ExA's attention to. Lastly, it is also not clear what support Aquind has now in France for its project in light of the same issues.</p> <p>PCC recognises that these important and controversial issues and which may well be raised during the CA ISH but currently PCC is not aware that they are addressed let alone acknowledged in the evidence to date.</p>	<p>The Applicant refers to the response to question 5.5 within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 which provides clear information regarding the regulatory status of the project and the pathway to obtaining regulatory status in 2021.</p> <p>PCC misunderstand the regulatory regime which applies to energy markets and the points raised are fundamentally flawed as a consequence of this.</p> <p>Updates are made to the Funding Statement submitted at Deadline 6 to confirm relevant regulatory matters, and updates are also made to the Other Consents and Licences document (also submitted at Deadline 6) to again update on the progress being made in relation to obtaining the necessary consents in France.</p>
<p>Transcript of Oral Evidence to be presented at Compulsory Acquisition Hearing 1 (REP5-086)</p>		
<p>Efforts to negotiate</p>		
<p>2.9</p>	<p>PCC has set out its concerns about the paucity of Aquind's approach to negotiations prior to making its application from the start e.g. letter to the Inspectorate dated 28 November 2019. Its attitude is highlighted by the issues that have arisen over highway subsoil owners and the rather peculiar if not arrogant assumptions that such owners will not bother to seek compensation for the interference by Aquind of their legal rights. This is obviously not how other applicants have addressed this same issue and PCC considers at the very least the ExA and the SofS should condemn this sort of approach and attitude.</p>	<p>Please refer to the Applicant's transcript for CAH1 (REP5-034) and the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6. In summary, the characterisation of the Applicant's efforts to negotiate by PCC is wholly unfair with PCC only recently instructing an agent to act on their behalf and engaging in negotiations.</p> <p>The Applicant confirmed at CAH2, which is also addressed in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6, how it has acted in accordance with the applicable guidance in respect of its approach to acquiring rights in subsoil land beneath the highway, in the rare occasions that may be required.</p>
<p>2.10 - 2.11</p>	<p>With regard to PCC's own interests the Applicant has stated its intention to seek to agree the land and rights sought in the draft DCO by private treaty (in the Statement of Reasons [APP-022]) however, Heads of Terms were not issued to PCC until after the Application was accepted for Examination. This is an extraordinary approach for the applicant of a DCO to take towards a major land holder.</p>	<p>The Applicant refers to paragraph 10.30 of Table 2.12 of the Applicant's Response to Deadline 3 submission (REP4-027). The Applicant welcomes the appointment of a specialist consultant to deal with land matters on behalf of the Council in September 2020 and has issued revised Heads of Terms to the Council's consultant at Deadline 6. The Applicant is hopeful the land and rights necessary for the construction, maintenance and operation of the Proposed Development can be secured by voluntary agreement.</p>
<p>2.12</p>	<p>PCC has of course endeavoured to engage with Aquind and despite productive meetings held since that time between the Applicant's and PCC's respective agents, meaningful</p>	<p>The Applicant refers to paragraph 10.30 of Table 2.12 of the Applicant's Response to Deadline 3 submission (REP4-027). The Applicant has provided revised Heads of</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>progress has not yet been made to agree even principal Heads of Terms, and a draft easement detailing the rights sought by the Applicant is yet to be issued. It is very much the experience of PCC that there has been no demonstrable efforts made by the Applicant to satisfy the requirements of the Guidance, and the use of compulsory acquisition powers can certainly not be demonstrated to be only have been sought where attempts to acquire by agreement have failed i.e. as a matter of last resort. There were no attempts made at all to acquire by agreement prior to the application</p>	<p>Terms to the Council's agent at Deadline 6 and is hopeful the land and rights necessary for the construction, maintenance and operation of the Proposed Development can be secured by voluntary agreement.</p>
2.13	<p>A legal agreement is essential to ensure that the concerns PCC as in terms of the construction and operation of the Proposed Development are properly addressed, and PCC requests that the Applicant seeks to satisfy the requirements of the Guidance and meaningfully engages with PCC to reach a legal agreement before the close of Examination.</p>	<p>The Applicant welcomes the increased level of engagement from the Council since the appointment of their agent in September 2020 and looks forward to working collaboratively to reach a legal agreement before the end of the Examination.</p>
<p>Order Land is required for the development in accordance with the 2008 Act</p>		
2.14	<p>PCC has set out in a number of previous representations its views as to the wide breadth of powers it is seeking in respect of the Order land and the unjustified flexibility it seeks in order later to identify important details of the cable route and what will determine that route such as whether the construction will use HDD or trenching methods. Indeed the person who is supposed to determine these fundamental details is the contractors who have not been identified or appointed and which have had no influence upon the design of the scheme at all.</p>	<p>Please refer to the Applicant's transcript for CAH1 (REP5-034) which clearly confirms why the land included within the Order limits is required for the Proposed Development.</p>
2.15	<p>This approach fails wholly to accord with the legal tests. There is always going to be a conflict to some degree in respect of DCO's between the use of the Rochdale Envelope; identifying justifiable limits of deviation and the need legally to show that all the land is required. The applicant has adopted the circular argument that it will only seek to exercise CA rights over the Order land when it itself decides in future what land it requires but where the arbiter of that decision is not an independent authority or third party</p>	<p>Please refer to the Applicant's transcript for CAH1 (REP5-034) which clearly confirms why the land included within the Order limits is required for the Proposed Development.</p>
2.16	<p>This does not meet the requirement to show that the all the Order land is 'required' - all the above demonstrates is that the applicant would like as much leeway as possible and correlative wide ranging power to force the acquisition of land and interests when it does not know what it needs yet.</p>	<p>Please refer to the Applicant's transcript for CAH1 (REP5-034) which clearly confirms why the land included within the Order limits is required for the Proposed Development.</p>
2.17	<p>This approach is typified in PCC's view by the inclusion of plot 10-14 some 40,000 sq m of allotment land which the applicant seeks permanent surface rights over as a result of acquiring New Connection Works Rights Classes (a), (b),(c), (d), (e), (f), (g) and (h) as set out in the Land Plans and BoR (doc ref 4.3). Not only has the applicant confused matters from the start (i.e. pre and post application) by stating it only wants to lay the cable through HDD and that it would not interfere at all with surface rights but where that is not assured and indeed where it has chosen not to seek subsoil right alone. Thereafter the insistence on having rights of access across the whole plot is clearly inconsistent with a suggestion that it only wants limited rights. Added to this is the failure to consider whether allotment holders would be affected.</p>	<p>The Applicant is not seeking permanent New Connection Works Rights over the surface of land at the Eastney and Milton Allotments and this has been clarified and confirmed within the updated Land Plans (APP-008 Rev03) and Book of Reference (APP-024 Rev003) submitted at Deadline 5. The Book of Reference has been updated to reflect that New Connection Works Rights will be sought 'in respect of the subsoil below circa 2.5 metres from the surface' of the allotments so as to allow for the HDD trenchless method of cable installation underneath the allotments at the subsoil. This description has been further updated at Deadline 6 to 'in respect of the subsoil below 2.5 metres from the surface'. The only permanent rights sought at the surface of the Eastney and Milton Allotments is the New Access Rights Class (h) over the main pathways indicatively identified as Plots 10-14a and 10-14b on Sheet</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>10 of the Land Plans, which would allow the Applicant 'to pass and repass on foot only over access ways and footways used in common with allotment holders for all purposes in connection with the construction, use, maintenance and decommissioning of the Proposed Development'.</p> <p>As set out in paragraph 4.55.6 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), temporary use of land is sought over the allotments to allow for, in the event of any breakout of Bentonite drilling fluid, any required clean up to be undertaken whilst minimising any potential for damage as a result.</p>
Funding		
2.22-2.26	<p>PCC has raised this issue before and considers that the Applicant has failed to meet the CA Guidance and provide sufficient evidence of the availability of funds required for the compulsory acquisition powers being sought, powers which are blighting large areas of land within the Order limits. Further, once the DCO has been made claimants can make a request for an advance for 90 percent of the compensation owed; the Applicant has not provided evidence that those funds will be available in the event the DCO is made. PCC considers that in light of the doubts about requisite funding that as a minimum a bond needs to be put in place to ensure that the Applicant can demonstrate it has the resources to fund the proposed acquisition of rights and land which are having a blighting effect on the Order land now.</p>	<p>Please refer to the Applicant's transcript for CAH1 (REP5-034) and the responses provided in relation to item 5 on the agenda.</p> <p>PCC are not correct claimants can make a request for an advance for 90 percent of the compensation owed once the DCO has been made. This matter is addressed in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6.</p> <p>The Applicant has submitted an updated Funding Statement at Deadline 6.</p>
Impediments		
2.27-2.29	<p>PCC has raised in its earlier submissions (see deadline 4 response REP4- 036) concerns about the status of the Aquind project in light of its no longer being listed as a Project of Common Interest and how that impacts upon the application of the TEN-E Regulations. In addition, Aquind made it clear in its appeal against the refusal by Acer to grant exemptions under the TEN E Regulations (which it has recently been successful before the CJEU in overturning it in Aquind v Acer T-735/18 2019/C 103/60) albeit without reflecting its non PCI status) that there is a "legal impossibility for the applicant to operate the proposed interconnector in France without an exemption;"</p> <p>Further the ExA clearly needs to understand what the impact is of this loss of status on the Aquind project upon the need for consents from the French authorities.</p> <p>Clearly if the prospect of the French side of the project is now under threat that would be a fundamental impediment to the progress of this scheme overall.</p>	<p>The Applicant refers to its response provided above in this regard and the updated Funding Statement submitted at Deadline 6.</p> <p>PCC misunderstand the regulatory regime which applies to energy markets and the points raised are fundamentally flawed as a consequence of this. The loss of PCI status has no impact on the securing of regulatory status.</p>
Alternatives		
2.30-2.32	<p>As noted above the applicant must satisfy the SofS that all reasonable alternatives to CA have been explored.</p> <p>It is still not clear why Portsmouth, the most densely populated city outside London and the UK's only island city, has been chosen as the landfall point for the on-shore cable. Whilst the Applicant suggests the cable route encroaches into the highway as little as is practicable in certain locations this is unavoidable. Implications of cabling through the</p>	<p>Please refer to Chapter 2 of the ES – Consideration of Alternatives (APP-117) and the Supplementary Alternatives Assessment (REP1-152) which provide detailed information on the consideration of alternatives.</p> <p>The matter of alternatives and PCC's comments in this regard are also addressed in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>highway would in fact have far greater an impact than off-road routing and result in severe impacts upon traffic movement with significant disruption and inconvenience to city residents, businesses and visitors. Queueing, diverted or rat-running traffic will significantly impact air quality, detrimentally impairing the ability of PCC to achieve its statutory obligations.</p> <p>It should also be noted that the approach the Applicant has taken is contrary to the approach by Esso on the recently made Southampton to London Pipeline DCO, where Esso sought to avoid highway land due to the increased likelihood of 'strike' from other utilities accommodated in the highway, and the preference to use private agreements with landowners of private land to manage the construction and operational requirements of the project. If the rationale applied by Esso was considered to be sound, resulting in the DCO being made by the Secretary of State, the contradictory position adopted by the Applicant cannot be maintained.</p>	
Highway Land Acquisition (Agenda issue 3)		
2.33-2.35	<p>PCC welcomes the changes made at Deadline 4 by the Applicant, whereby the application for the acquisition of rights over PCC (and other highway authority) owned land was excluded from the Book of Reference, to confirm previous statements made by the Applicant that it was not the intention to acquire rights in highway land owned by highway authorities.</p> <p>However, the Applicant has not changed its position in respect of providing compensation to owners of subsoil. Despite making references to other infrastructure schemes (HS2, Channel Tunnel Rail Link, Crossrail 1) where compensation and a notional contribution to professional fees was made, the Applicant is irrationally not providing equivalent compensation as the schemes it has identified as providing precedent to the Applicant's approach.</p> <p>As a commercial promoter, not funded by the taxpayer, the Applicant should be taking a proactive approach in ensuring that the future neighbours of the scheme are provided with an appropriate level of compensation that they could reasonably be expected to receive in accordance with the other infrastructure schemes the Applicant has cited</p>	<p>As was explained at ISH1, the normal compensation provisions do apply to the acquisition of such land as they do all other land and there is not, and never has been, any attempt to pre-determine this through the DCO. That does not however alter that the land has no material value, being subsoil to a highway for which there is no market. Please see the applicant's response to question 3.11 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.</p> <p>The Applicant's response to these comments are also addressed in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6.</p>
Open Space and Special Category Land (Agenda issue 6)		
2.36	<p>PCC has set out in submissions to date the impact on up to 17 playing fields due to the Applicant's proposals, and these are impacts the Applicant has failed to address or mitigate appropriately in accordance with the harm that would be caused.</p>	<p>The Applicant is discussing the impacts on playing fields with PCC having proposed mitigations via the Framework Management Plan for Recreational Impacts (REP4 - 026). This reduces temporary impact to 11 playing fields. There is potential to reduce further to 8 playing fields if the proposed relocation of pitches is acceptable. The Applicant does require engagement from PCC to provide the mitigations which are being offered.</p>
2.38	<p>The Applicant stated its position in respect of the impact on Special Category Land in the Statement of Reasons [REP1-025], paragraph 1.5.5:</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</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<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>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 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>2.39</p>	<p>PCC considers that the Applicant has failed to identify the long term impacts of the rights sought in the Order due to the potential 7 year displacement of users from Special Category Land. One heavily impacted section of the route is the very heavily utilised Farlington Playing Fields, which accommodates cricket in the summer and football in the winter, along with providing the Victorious Festival with an essential campsite facility.</p>	<p>Further information regarding the duration of construction of the Proposed Development on open space land is provided within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>
<p>2.40-2.41</p>	<p>The impacts at Farlington Playing Fields were recognised by the Applicant in the 'Applicant's Responses to Deadline 2 Submissions' [REP-014], where it confirmed (in paragraph 69 of table 2.12) 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 project.'</p> <p>This acknowledgement by the Applicant is in stark contradiction to the opinion in the Statement of Reasons that section 132(3) of the Act had been satisfied, and the Special Category Land would be no less advantageous. No adequate mitigation to alleviate the impacts of the construction of the Proposed Development have been identified, no replacement land has been provided to accommodate displaced users of Special Category Land, and the Applicant has not sought to limit (in either time or physical area) the extent of the temporary occupation of land, despite stating the works would not be continuing over the 7 year period for which they are applying for powers. It is PCC's view that the Applicant has failed to satisfy the requirements of S.132 and S.133 of the Act, and that powers should not be granted over this land. Further, the Applicant has not sought to considers alternatives (including modifications to the scheme) as is required in accordance with the Guidance, including using HDD beneath Farlington Playing Fields, to minimise the disruption to the Special Category Land and the consequential displacement</p>	<p>The Applicant has 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>Milton Piece Allotments (Agenda issue 9)</p>		
<p>2.42-2.43</p>	<p>The ExA within their agenda at 9.6 has asked "The Applicant and PCC to explain their current positions on the Milton Common options [REP1-091] (CA1.3.106)."</p> <p>PCC's current position is unaltered to that provided in response to CA1.3.106, in that PCC's view is to prefer the route that avoids areas of land that the council has remediated. However PCC remains of the view that the applicant has failed to provide appropriate and necessary information through proper assessment of the route options to demonstrate which route in the safest route for the Examination. This matter is one that</p>	<p>The Applicant refers to the Applicant's transcript for Compulsory Acquisition Hearing 1 (REP5-034) and its response to questions 9.5 and 9.6 and the further information provided in the Applicant's Post Hearing Notes submitted at Deadline 6 in this regard.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	PCC continues to discuss with the applicant as we progress associated matters of common ground and disagreement.	
	Fort Cumberland Optical Regeneration Station (Agenda issue 6)	
2.44	PCC maintains The Applicant has failed to recognise the impact of the temporary and permanent land take at the Fort Cumberland car park. The car park at Fort Cumberland is contiguous to and serves Special Category Land and PCC has argued forms part of the Special Category Land. Regardless of whether the car park itself satisfies the definition of Special Category Land, the users of the car park will be displaced (due to the ORS building, screening and works) and thus the users of the Open Space that the car park serves will be permanently displaced. It cannot therefore be maintained, as set out by the Applicant in paragraph 1.5.5 of the Statement of Reasons [APP-022] that: '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>Paragraph 25.7.3.7 of Chapter 25 of the ES (APP-140) assesses the operational impact on Fort Cumberland Road Car Park on users of both Eastney beach and Fort Cumberland Road SINC as negligible (not significant). A subsequent occupancy survey of the car park at peak time also supports this, as the car park was not full (Framework Traffic Management Strategy, Rev 002. REP1-069).</p> <p>The Car Park at Fort Cumberland is not special category land as it is not 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>Further information in relation to the proposals for the car park to be resurfaced by the Applicant to provide for a materially similar if not the same amount of car parking is provided in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6. The Applicant will continue to seek engagement from PCC on this matter to allow for this benefit to be provided.</p>
2.45	It should also be noted that some of the displacement is unnecessary altogether, as the ORS building exceeds the requirements of the Proposed Development, as confirmed in the Applicant's 'Statement in Relation to FOC (Doc Ref 7.7.1) submitted at Deadline 1): "Whilst it is not possible to state with absolute certainty the extent to which the size of the ORS is dictated by the proposed commercial use, it is anticipated that approximately two thirds of the cabinets within the ORS will be available for commercial use".	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).
2.46	<p>The Applicant therefore needs to recognise the displacement of users from Special Category Land in consequence of the ORS building, reduce the size of the ORS building (by approximately two thirds), to ensure the land acquisition is proportional to the needs of the Proposed Development.</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 relying on New Connection Rights. The rights sought are inconsistent with above ground and permanent works and the land should be identified as being permanently acquired in the Land Plans. The Applicant's agent issued correspondence on 26th November 2020 confirming that it deemed the rights sought in the dDCO to be proportional. It seems completely inconsistent to seek to secure land permanently for the ORS building yet the land required to accommodate screening to the building only requires the acquisition of rights. The Applicant is seeking to artificially reduce the footprint of its permanent acquisition (and consequential compensation liability).</p>	<p>The Council's approach with regards to land rights in this area appears to contain a number of inconsistencies as, on one hand, it is seeking that the Applicant reduces the area it has identified for freehold acquisition in relation to the ORS compound whilst, on the other hand, seeks that the Applicant acquires the land required for landscaping as freehold acquisition, rather than securing rights to undertake landscaping via a Deed of Grant (i.e. easement) which is entirely appropriate.</p> <p>The Applicant maintains that relying on New Connection Rights for the screening/landscaping around the ORS building is appropriate and it would be inappropriate to seek the freehold acquisition of this land as an easement is wholly adequate, given the public will still be able to enjoy access over areas of open grassland once the landscaping has been implemented.</p> <p>Part (f) of New Connection Works Rights as set out at Appendix A of the Statement of Reasons (REP5-012), which the Applicant has applied to this land, provides the right 'to install, construct, operate, test, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>replant such trees, shrubs and landscaping and the right to pass and repass on foot, with or without vehicles, equipment, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works;'</p> <p>In the event the Applicant had sought to acquire the freehold of this land they would have had the ability to restrict public access over it, without granting rights back to the Council for the benefit of the public, which would not have been appropriate given the amount of land to be acquired and its proximity to the existing areas of open land located east of this area and already used by the public.</p>
Benefits of the Scheme – Need to show Compelling Case		
	<p>PCC notes that the only NPS to which this project can seek support is EN-1 which the Government has acknowledged as a consequence of recent challenge by Dale, Monbiot and GLP -v- SST [2020] should be reviewed under the 2008 Act given its age. Section 3 of EN-1 [3.1] states on the one hand that “all applications for development consent for the types of infrastructure covered by the energy NPSs” should be assessed “on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them in this Part”. In addition, section 3.1 states that “substantial weight” should be given “to the contribution which projects would make towards satisfying this need when considering applications for development consent under the Planning Act 2008”. It is clear however that this is a reference only to the projects specifically addressed within EN-1 and the other energy NPS i.e. not interconnectors. In addition, EN-1 specifically refers to interconnector projects at [3.3.33] and confirms that “Increased investment in interconnection is... unlikely to reduce the need for new infrastructure in the UK to a great extent.” The benefits therefore of this proposed interconnector are clearly not recognised as a matter of national policy nor indeed under European policy any more</p>	<p>The compelling need for and public benefits of the Proposed Development are detailed within the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum (REP1-136).</p> <p>The Applicant also notes the clear statements contained in the Energy White Paper regarding the decarbonisation benefits of interconnectors and that the government will “<i>work with Ofgem, developers and our European partners to realise at least 18GW of interconnector capacity by 2030</i>”.</p> <p>The need for and benefits of the Proposed Development are very clear.</p>
	<p>In addition, in light of the fundamental questions arising as to the lawfulness of the inclusion of the FOC development as part of this DCO which clearly provides a commercial support for the interconnector then even further issues arise as to the claimed benefits of the scheme.</p>	<p>The Applicant has confirmed in response to the ExA Written Questions and within the Statement in relation to FOC that the commercial telecommunications use of the spare fibre optic capacity is not required to cross-subsidise the delivery and operation of the interconnector.</p>
Closing remarks		
3.1	<p>In summary, the Applicant has not made any meaningful efforts to negotiate with PCC to address the severe and long-lasting impacts of the Proposed Scheme. These impacts will result in the long-term displacement of users of Special Category and Open Space land and there has been no recognition of the consequences of the Proposed Scheme proposals on the users of the Order land. The users of Open Space land and Special Category Land, and the users of the local highway network, have been poorly treated by the Applicant – users of playing fields will be displaced with no replacement land provided, road users will face severe disruption and delays due to the poor routing solution adopted by the Applicant, where modifications and alternatives to the Proposed Development have failed to be considered. Further, owners of subsoil are not being</p>	<p>The Applicant disagrees and refers to its responses directly above.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	provided with compensation they are rightfully owed, demonstrating the alarming disdain for the key stakeholders to this scheme.	
3.2	The Applicant has also failed to confirm it will have the funds that it will need to secure the land included in the DCO. The DCO seeks rights for apparatus (the FOCs that will provide excess capacity) that does not form part of the Proposed Development, nor should be considered as Associated Development, and therefore should not be subject to compulsory acquisition powers.	The Applicant disagrees and refers to its responses directly above.
3.3	The Applicant has failed to demonstrate that is has satisfied the compulsory acquisition tests, failed to mitigate the impacts of the Proposed Development, failed to demonstrate it has the funds for the powers it seeks, and has attempted to include apparatus that should not be consented under the Planning Act 2008. It has also failed to show it has explored all reasonable alternatives to CA.	The Applicant disagrees and refers to its responses directly above.
3.4	Lastly the applicant cannot in PCC's submission show that it requires all the Order land and that there is a compelling case in the public interest to justify the inevitable interference with the human rights of those affected and to grant this private company CA rights.	The Applicant disagrees and refers to its responses directly above. In addition, the Applicant refers to the responses provided to questions 4.1 to 4.4 within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 2 (REP5-057) which are relevant to the matter of human rights and the Application.
Transcript of Oral Evidence to be presented at Issue Specific Hearing 1 (REP5-087)		
3.4	ISH1 Agenda Item 3.3 - PCC would highlight that Art 2 defines "land" and "Order land" differently. Article 20 is concerned with "Order land" in Art 20(1)(a), leading into Art 20(1)(b)'s "any land so acquired...". Consequently, the beginning of Art 20(1)(b) should be read as "Any such Order land so acquired...". An amendment to that effect could clarify this.	Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). The amendment suggested by PCC is not necessary with the defined terms used in the dDCO and their application being clear.
3.6-3.9	<p>ISH1 Agenda item 3.5 - The description of the Authorised Development in Schedule 1 does not secure particular locations for the HDD sites. PCC regards this detail as fundamental to ensure that impacts of the development are mitigated in sensitive areas. This could be secured by express stipulation within the appropriate Works types in Schedule 1. This should be secured by reference to identifiable areas of land to the maximum extent possible taking account of Aquind's need for a degree of flexibility for detailed design concerning the location of entry and exit points, launch and reception compounds. Presently the drafting is unacceptably loose and does not restrict Aquind from trenchless alternatives to HDD as it would not be clear for enforcement purposes where HDD drilling is required to occur between. These details are an important part of the Applicant's mitigation strategy and yet are not effectively delivered through the dDCO.</p> <p>In relation to Schedule 2 Requirements, Requirement 6(3) (as one example of detailed design requirements) does not empower the relevant planning authority to require HDD in any particular location(s) by reference to the DCO when considering an application under that requirement. Schedule 2, Requirement 15 requires a construction environment management plan for each phase in accordance with the onshore outline construction environmental management plan. In the interests of transparency and certainty the</p>	Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). Schedule 1 clearly confirms the number of HDD's that may be undertaken, and the location of these are clearly identified on the Works Plans which are referred to in requirement 6 of Schedule 2 of the dDCO. Accordingly, where trenchless methods are to be used for the construction of the Proposed Development is appropriately secured.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	parameters for HDD drilling should be stipulated clearly within the definitions of Works and not relegated to a certified document under Schedule 14 such as the onshore outline construction environmental management plan or a phase-specific construction environmental management plan	
3.10-3.12	<p>ISH1 Agenda item 3.6: The ExA has asked for information regarding Article 7, concerning transfer of the benefit of the Order. Art 7(6)(c) does not refer to a "transferee" as in adjacent sub-clauses, but rather "any person", suggesting an intention to retain the benefit but effectively 'sub-let' spare capacity to a third party with the requisite Ofcom status. It would seem that if granted as part of the development, the Secretary of State would have no control over any commercial user(s) of the commercial fibre optic cable. In practice, Aquind appear to be seeking to take advantage of Article 7 by designing the proposed development to keep key installations for the different infrastructure types separate. For example, we note reference in Aquind's 'Statement in Relation to FOC' (7.7.1, REP1-127) to the separate telecommunications buildings in Lovedean and Aquind's concession that "approximately two thirds of the cabinets within the ORS will be available for commercial use", separately from those that "house key control equipment... to support the primary function... (i.e. control and monitoring)". PCC refers to its detailed objections to the case for the inclusion of the commercial fibre optic cables as part of the DCO and their impact under Q4.3 below.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058).</p> <p>As confirmed at the hearing, Article 7 is standard form and it is common practice for undertakers to transfer to the benefit of the order to third parties. No further amendments are considered necessary.</p> <p>A summary of the matters raised by PCC at ISH1 in this regard and the Applicant's response confirming why Article 7 is appropriate is contained in the Applicant's Post Hearing Summary for ISH1 submitted at Deadline 6</p>
3.12 – 3.14	<p>ISH1 Agenda item 3.7 :In addition to the matters raised by the ExA as to decommissioning, PCC wishes to raise the issue of how Aquind intends to approach decommissioning of the distinct energy and data elements sought as this is not clear in PCC's view. PCC notes that the applicant in the Preesall DCO as set out in R (on the application of Halite Energy Group Ltd) v The Secretary of State For Energy & Climate Change [2014] EWHC 17 (Admin) included a "decommissioning fund provided for in the s106 agreement... to protect [the local authority] in case the operator went into liquidation during construction." PCC considers Aquind should provide such security in this case.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058).</p> <p>The Applicant has inserted Requirement 24 (decommissioning) into the DCO to deal with decommissioning, although it is relevant to note that the Applicant is not seeking consent to decommission the authorised development at this time. This is because whilst the authorised development is to be designed with a design life of 40 years, it is not the case that it will only be in operation for 40 years and then be required to be decommissioned.</p>
3.15-3.17	<p>ISH1 Agenda item 3.8: With regard to the first question concerning NRSWA 1991 powers, the current draft DCO gives authority to make, alter, impose and enforce Temporary Traffic Regulation Orders. Such powers are not ordinarily available to statutory undertakers rather those are made by the Local Highway Authority ("LHA") to facilitate works on the highway. This allows the LHA to manage the impact of works on the highway as is required by the statutory network management duty placed on the LHA.</p> <p>In part, the current draft DCO does not seem to make provision for the following sections from the NRSWA:</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) in relation to these matters.</p> <p>The Applicant is of the view the New Roads and Street Works Act is appropriately applied through the dDCO, taking into account the other documents which apply in relation to the mitigation of impacts on the highway (principally the FTMS, which provides when works may and may not be undertaken in certain locations on the highway) and provisions regarding reinstatement.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<ul style="list-style-type: none"> Section 56 – Power to give direction to the timing of streetworks Section 58 – Restriction on works following substantial highway works Section 64 – Traffic-sensitive streets Section 66 – Avoidance of unnecessary delay or obstruction (by undertakers) Section 74 – Charge for occupation of the highway where works are unreasonably prolonged Section 75 – Inspection fees Section 78 – Contributions to costs of making good long term damage These provisions are important to allow operational control of network by the LHA and should not be disregarded. 	
3.17	<p>The current draft DCO seeks to disapply the PCC permit scheme for the management of streetworks. If managed through the permit scheme, for which an agile response process has been established, the LHA is confident that permissions can be granted in a timely manner. The creation of a bespoke management system as is proposed would undermine the effectiveness of the permit scheme and could introduce consenting delays.</p>	<p>The Applicant is continuing discussions with HCC and PCC regarding the application of the permit scheme to the Proposed Development through the DCO and in relation to the FTMS. An updated draft of Article 9A is contained in the dDCO submitted at Deadline 6. An updated version of the FTMS is also submitted at Deadline 6. The Applicant will further update on these matters via SoCG with the relevant authorities in due course.</p>
3.18	<p>Turning to the second question asked by the ExA at Q3.8 concerning any need to acquire the subsoil, the highway extends to the land beneath the surface to the extent that is necessary to support / drain the highway. The LHA powers in NRSWA extend to that depth although the physical depth is not absolute and will vary depending on specific ground conditions. This will typically be in the order of a 2 - 6m depth to accommodate drainage although may extend significantly deeper to provide support. There is therefore no need to seek to acquire subsoil to a highway or easement rights in order to facilitate the laying of the onshore cable at a depth of 750mm as shown in the applicant's typical cross section.</p>	<p>The Applicant has clearly explained why it is necessary to have the ability to acquire rights in land beneath the highway so as to prevent any impediment to the delivery and operation of the Proposed Development within the Highway Subsoil Acquisition Position Statement (REP1-131). The Applicant has also sought to explain this matter to PCC during meetings and in correspondence.</p>
3.22-3.23	<p>ISH1 Agenda item 3.11: PCC reads the observations offered in relation to para 4.1.2(A) of REP1-131 'Highway Subsoil Acquisition Position Statement' as a concession by Aquind that the statutory process could be used by ad medium filium owners of subsoil to seek compensation. However, when read with paras 3.14-3.15 of the same document, instead of actively seeking to engage such landowners in private treaty negotiations or offer a fixed sum of compensation, it appears Aquind has calculated that very few, if any, of the "circa 3,000" adjacent landowners will make such an application. PCC challenges this approach which is consistent with the issues which have arisen in relation to the Eastney and Milton allotment land and the assumptions seemingly made by Aquind about those perhaps with a 'lesser' interest in land than a freehold title holder. PCC considers, at the very least, Aquind should agree to a fixed level of compensation for the acquisition of subsoil lawfully presumed vested in adjacent landowners.</p>	<p>As was explained at ISH1, the normal compensation provisions do apply to the acquisition of such land as they do all other land and there is not, and never has been, any attempt to pre-determine this through the DCO. That does not however alter that the land has no material value, being subsoil to a highway for which there is no market.</p> <p>Please see the applicant's response to question 3.11 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.</p> <p>The Applicant's response to these comments is also addressed in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6.</p> <p>The Applicant confirmed at CAH2, which is also addressed in the Applicant's Post Hearing Summary for CAH2 submitted at Deadline 6, how it has acted in accordance with the applicable guidance in respect of its approach to acquiring rights in subsoil</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		land beneath the highway for in the rare occasions that may be required. The Applicant wholly rejects this is analogous with the Allotments, where the Applicant implemented all reasonable measures, including request for information and the erection of site notices at the Allotments for prolonged periods, to seek information about the Allotment holders. PCC chose on several occasions not to respond to those requests for information.
3.24	ISH1 Agenda item 3.12: Q3.12 Art's 10 (layout of streets) & 11 (street works) seriously undermine the position of PCC as the sole competent street authority under primary legislation and there is no justification for such a power in a DCO outside the Order limits, even with the status that made DCOs attain as statutory instruments. The robustness of the DCO can only be assured by adopting a 'deemed refusal' approach to Art's 10(4) & 11(4), ensuring that PCC street authority status is not usurped.	Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) and the responses provided to 3.12 and 3.13. The provisions within the dDCO in this regard are appropriately robust and strike a fair balance to ensuring approvals are obtained for works before they are undertaken whilst securing the delivery of the Proposed Development.
3.25-3.26	Art 41 - PCC believes that all trees should be identified as part of the DCO, even if some of these are outside the Order limits. The vague drafting of the Art 41 power to fell trees overhanging Order limits is the result of Aquind being unwilling to commit to a route, compounded by an unwillingness to undertake a comprehensive tree survey along and adjacent to the routes it is seeking to reserve itself within the Order limits. Presently, Aquind appears unable to identify affected and potentially affected trees with any precision. In the absence of such information an important aspect of understanding the nature and impact of the development proposal is missing to inform the design process.	Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). Impacts on all trees within the Order Limits have been undertaken in accordance with British Standard BS5837:2012. Appendix 16.3 (Arboricultural Report) of the ES (APP-411) describes the baseline arboricultural information and assesses the potential direct and indirect impacts of the worst-case scenario with regards to the Proposed Development. Appendix 10 Tree Survey Schedule and Constraints Plans (REP3-007) provides an update to this baseline data, containing the results following a review of trees subject to TPOs within the Order limits. This exercise was undertaken to refine the trees identified as being at risk and those to be retained following submission
4.1-4.3	<p><u>Trees</u></p> <p>As trees can affect and be affected by many aspects of site operations, during the conception and design process the project arboriculturist should be involved in ongoing review of layout, architectural, engineering and landscape drawings. All members of the design team should be made aware of the requirements for the successful retention of the retained trees and should make provision for these throughout the development process.</p> <p>The following factors should also be taken into account during the design process:</p> <ul style="list-style-type: none"> a) the presence of tree preservation orders, conservation areas or other regulatory protection; b) potential incompatibilities between the layout and trees proposed for retention; c) the working and access space needed for the construction of the proposed development d) the effect that construction requirements might have on the amenity value of trees, both on and near the site, including the effects of pruning to facilitate access and working space; e) the requirement to protect the overhanging canopies of trees where they could be damaged by machinery, vehicles, barriers or scaffolding, where it will be necessary to increase the extent of the tree protection barriers to contain the canopy; 	Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). Items a) to h) are extracts from BS5837:2012 "Trees in relation to design demolition and construction – recommendations". The applicant confirms that the production of Arboriculture Method Statements at detailed design stage will be in accordance with this standard.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>f) infrastructure requirements in relation to trees, e.g. easements for underground or above-ground apparatus; highway safety and visibility splays; and other infrastructural provisions, such as substations, refuse stores, lighting, signage, solar collectors, satellite dishes and CCTV sightlines;</p> <p>g) the proposed end use of the space adjacent to retained trees;</p> <p>h) the potential for new planting to provide mitigation for any losses.</p>	
<p>4.4</p>	<p><u>Proximity of structures to trees</u></p> <p>The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should: a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA; b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.</p> <p>PCC would particularly note that there is a clear risk as well of project delay due to material constraints associated with important trees being identified only at a late stage which could have been avoided by the early procurement of a tree survey. This choice by the applicant creates uncertainty regarding the development timetable</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). As above, this is further extract from the British standard.</p> <p>Section 5.3 and paragraph 5.3.4.3 of the OOCEMP (REP5-019 Rev005) have been updated to state avoidance measures must be considered during construction works to ensure protection of the existing landscape setting and views to the construction site. Highway trees will only be removed as a last resort, subject to approval from the local planning authority Arboriculture professional and with agreement on compensation / mitigation (dependant on LPA position) values for each highway tree prior to its removal. There will be no third-party tree planting within the highway without express approval of the Highway Authority.</p>
<p>4.6</p>	<p>ISH1 Agenda item 3.13: PCC objects to the purported use of powers which grant rights outside the Order limits and which seek to supplant the role of local authorities under primary legislation. PCC asks the ExA to test the justification for these powers</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) in response to questions 3.12 and 3.13.</p>
<p>4.9</p>	<p>ISH1 Agenda item 3.17: Given Aquind's position on the commercial FOC, PCC is concerned that the power to assert right or restrictions "required for the construction, operation or maintenance of the authorised development or to facilitate it, or as is incidental to it, by creating [rights or restrictions]" under Art 23 could lead to Order land being used for unforeseen development relating to the FOC for commercial purposes. The same concerns are found in the similarly broad wording of Art 20(1). The New Connection Works Rights, class (a) which allow, for example, the undertaker to "alter" or "upgrade" the FOC in perpetuity means this possibility requires careful consideration. PCC reiterates its view that this DCO is drafted unlawfully to include a second, separate commercial telecommunications project which is clearly neither an NSIP nor associated development pursuant to the Planning Act 2008.</p>	<p>The DCO will relate to the Authorised Development, being that development detailed in Schedule 1. Any concerns in relation to the DCO permitting other development are without foundation and misunderstand the consent being sought.</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>4.10</p>	<p>ISH1 Agenda Item 3.18: With regard to Art 30 & 31 PCC considers that "carrying out" could be construed more broadly than "construction", so "construction" is preferable</p>	<p>The Applicant has agreed to update the DCO at Deadline 6 to ensure consistent terminology throughout.</p>
<p>4.14</p>	<p>ISH1 Agenda item 3.22: The implication of the wording of the Explanatory Memorandum at 9.31 and the SoR is that temporary possession of land may be taken at any time during the operational period rather than during a set maintenance period. This needs to be clarified as if it is intended that the power is available at any point once the project is operational then it would not in reality be temporary possession at all but a permanent right.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) and the response to questions 3.21 and 3.22 which confirms the maintenance period is limited to 5 years.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
4.16-4.17	<p>ISH1 Agenda item 3.24: PCC is concerned about the length of time the powers sought by Aquind could be used against a backdrop of the absence of a commitment to a particular works timetable from Aquind, due to this being deferred until contractors are appointed. PCC notes the suggestion by Aquind that subsoil rights alone are to be acquired in special category land (and the allotments) however that is not what the DCO and the BOR limits Aquind's powers to do. In addition, even if Aquind can somehow be bound only to interfere significantly with surface rights during construction, the continuing right to enter onto the land means the interference is not "finite" as suggested by Aquind and quoted by the ExA in this question.</p>	<p>PCC's concern is without substance as the necessary legal tests in relation to the land over rights may be acquired are contained in Article 23, limiting this to the land confirmed to be required for the construction, operation and maintenance of the Proposed Development. Further information regarding how this position is already confirmed through the dDCO is provided in the Applicant's Post Hearing Notes 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>
4.21-4.22	<p>ISH1 Agenda item 3.27: At the time of writing and with regard to the latest version of the Book of Reference produced by Aquind on 17 November 2020, amendments have not been made to the definition of 'New Connection Works Rights' within the Book of Reference – these are wide ranging rights i.e. "New Connection Works Rights Classes (a), (b), (c), (d), (e), (f), (g) and (h)".</p> <p>PCC therefore remains concerned as stated in the LIR (REP1-173), para 3.6.3, that the allotments could be subject to the various invasive activities that the exercise of New Connection Works Rights entail as described in the BoR (ref 4.3), despite Aquind's stated aspiration or intention to undertake HDD drilling only under plot 10-14. PCC understands that Aquind intends to draft a new sub-class of rights over the surface of plot 10-14 that would be limited to visual inspections on foot only during the maintenance period, but these have not yet been produced. Appropriate subsoil rights will also need to be drafted to reflect the area to be occupied by the conduits containing the cables during construction and maintenance.</p>	<p>The Book of Reference has been updated to reflect that New Connection Works Rights will be sought 'in respect of the subsoil below circa 2.5 metres from the surface' of the allotments so as to allow for the HDD trenchless method of cable installation underneath the allotments at the subsoil. This description has been further updated at Deadline 6 to 'in respect of the subsoil below 2.5 metres from the surface'. The only permanent rights sought at the surface of the Eastney and Milton Allotments is the New Access Rights Class (h) over the main pathways indicatively identified as Plots 10-14a and 10-14b on Sheet 10 of the Land Plans, which would allow the Applicant 'to pass and repass on foot only over access ways and footways used in common with allotment holders for all purposes in connection with the construction, use, maintenance and decommissioning of the Proposed Development'.</p> <p>As set out in paragraph 4.55.6 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), temporary use of land is sought over the allotments to allow for, in the event of any breakout of Bentonite drilling fluid, any required clean up to be undertaken whilst minimising any potential for damage as a result.</p>
4.23	<p>In addition to the excessive breadth of the legal rights sought, PCC considers Aquind has failed to provide any or any adequate explanation or justification which could support a compelling justification for the whole physical extent of Plot 10-14 (45,830 square metres), given that the Order limits are significantly narrower elsewhere where flexibility is also sought (such as Milton Common).</p>	<p>Please refer to the Applicant's transcript for CAH1 (REP5-034) which clearly confirms why the land included within the Order limits is required for the Proposed Development.</p>
4.29 – 4.34	<p>Agenda item 3.31: Aquind should be required to surrender any rights over land that is surplus to requirements at the earliest opportunity, which should be feasible once a detailed design is completed prior to commencement. With regard to the general approach which Aquind wishes to see deployed in this case of CA powers i.e. it remains a matter of choice for the undertaker of the works not as a matter of proving land is actually required, PCC does not consider this to be acceptable or indeed in accordance with the relevant legal tests for compulsory acquisition which Aquind must meet and the Secretary of State be satisfied of.</p>	<p>The existing wording of Articles 20 and 23 means that the Applicant can only acquire so much land "as is required for the construction, operation, or maintenance of the authorised development...".</p> <p>Further information regarding how this positioned is already confirmed through the dDCO is provided in the Applicant's Post Hearing Notes submitted at Deadline 6.</p> <p>There can be no surrender of rights which have not been, and cannot be, acquired. It is the confirmation of the detailed design which confirms the land in respect of which the rights are required over, and through the exercise of powers to compulsorily acquire rights over that land is secured. The remainder of the land within the Order limits cannot be acquired, as the Authorised Development for which consent is to be</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		granted will have been constructed and the rights required for this acquired, and therefore the powers exhausted.
4.36	<p>ISH1 Agenda item 3.33: PCC notes the ExA asks what sequential approach will be taken 'for determining the location of replacement trees if no land is available 'within 5 metres' of the onshore cable route'. PCC is unaware that any sequential approach has been identified and secured in the dDCO and reserves its position on whether one is necessary.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). Section 5.3 and paragraph 5.3.4.3 of the OOCEMP have been updated to provide clarification on options for replacement trees as discussed in the SoCG and ISH1</p> <p>The OOCEMP also states trees will only be removed as a last resort, subject to approval from the local planning authority Arboriculture professional and with agreement on compensation / mitigation (dependant on LPA position) values for each highway tree prior to its removal. There will be no third-party tree planting within the highway without approval from the Highway Authority.</p>
5.6-5.7	<p>ISH1 Agenda item 4.2: PCC considers Aquind has fallen well short of the clear advice in Advice Note 9 and has failed to show that it is necessary to use the Rochdale Envelope and is doing precisely what the advice note suggests should not be done i.e. it has treated it "as a blanket opportunity to allow for insufficient detail in the assessment" due, it would appear, to a rush to get this application in before the project was properly worked out.</p> <p>Aquind has therefore clearly not made every effort to finalise details applicable to the Proposed Development prior to submission of their DCO application.</p> <p>There is a clear conflict between relying upon the Rochdale Envelope and meeting the stringent legal tests to justify compulsory acquisition of the land identified in the Order. In particular PCC considers that the Order limits remain unjustifiably too wide, particularly (but not exclusively) in relation to the Eastney and Milton Allotments and Farlington playing fields.</p>	<p>The Applicant is content that all of the necessary parameters used for the purpose of undertaking the EIA and for the purpose of reporting the likely significant environmental effects in the ES are secured in the dDCO.</p> <p>The Applicant has not "rushed to get the application in before the project was properly worked out". The application has been the subject of ongoing review and refinement since the first public consultation in 2018 and the proposals include a necessary limited level of flexibility.</p> <p>Please refer to the Applicant's transcript for CAH1 (REP5-034) which clearly confirms why the land included within the Order limits is required for the Proposed Development.</p>
5.9	<p>ISH1 Agenda item 4.2: Aquind is seeking powers relating to trees and street closures outside the Order limits and PCC believes that these powers should be rejected from the Order or at least made subject to the usual local authority controls.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) in response to questions 3.12 and 3.13 in relation to the appropriateness the powers sought.</p>
5.10-5.13	<p>ISH1 Agenda item 4.3: PCC takes issues with the justification for the inclusion of the commercial FOCs and infrastructure and the use by the Applicant of the surplus capacity for commercial use in light of the s35 Direction from the Secretary of State.</p> <p>It would plainly be premature for the Secretary of State to have decided somehow, at such a preliminary stage, that the commercial FOC development was properly associated development.</p> <p>PCC maintains that the boilerplate statement from the s.35 Direction does nothing more than confirm that the proposed Development and "any" development associated properly so called and defined may proceed to examination under the DCO regime. The point, of course, is that the commercial FOC development is wholly different to the energy transmission development and cannot be conflated with the Development for the interconnector. This is only emphasised by the fact that 'use' or introduction of the</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>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	commercial FOC into the project necessitates material additions to the electricity interconnector scheme (such as the ORS building at Eastney and the telecommunications buildings in Lovedean) which, but for the commercial FOC purpose, would not be included in this scheme	
5.14	At para 4.6 of the 'Statement in Relation to FOC' (7.7.1, REP1-127), Aquind quotes PINS Advice Note Thirteen at para 2.9: "associated development is subordinate to the NSIP, but necessary for the development to operate effectively to its design capacity". By its nature, the commercial FOC is patently not necessary for the operation of the NSIP (although PCC notes Aquind appear to want to argue that the interconnector is not an NSIP). The issue nevertheless must be by reference to the project in question which is an electricity interconnector, not an electricity interconnector and commercial FOC project. The commercial FOC is not subordinate to the development, but concerned with a totally different industry (and certainly not contemplated by NPS EN-1).	<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 spare fibres are intrinsically linked to the fibres that perform the support function as they form part of the same cable. In other words, the fibre optic cables need to be considered as a whole – they are two cables (one installed with each of the HVDC and HVAC Cable Circuits) with multiple fibres required in connection with the Proposed Development for control, protection and monitoring purposes.</p> <p>As set out in the Statement in Relation to FOC (REP1-127)., the Proposed Development could not operate reliably without the fibre optic cables. The mere fact that will be spare capacity in these cables is not “an aim in itself” and the commercial element is subordinate to the principal development.</p>
5.15 -5.16	The limited number of references to FOC in the Request to the Secretary of State do not mean that the commercial application of the FOC is a foregone conclusion. It is not reasonable to expect the Secretary of State to enter into the level of detailed correspondence that would be required to assess the appropriateness of commercial use of the FOC at the Request stage, which can only be expected through the examination period. The applicant cannot reasonably say that the Secretary of State had full knowledge at the Request stage, and this legitimately precludes the ExA from revisiting the issue as part of the inquisitorial, evidence gathering of examination.	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).
5.16	<p>The last sentence of para 4.6 of 7.7.1, REP1-127 is, in PCC's submission, an error of law. Section 31 Planning Act 2008 is a relatively straightforward provision:</p> <p>"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.”</p> <p>Aquind seek development consent because the s.35 Direction confirmed that it is a nationally significant infrastructure project.</p>	<p>There is no error of law in Para 4.6 of REP1-127. Para 4.6 reads:</p> <p><i>In addition, the Planning Inspectorate’s Advice Note Thirteen states at paragraph 2.9 that “associated development is subordinate to the NSIP, but necessary for the development to operate effectively to its design capacity.”</i></p> <p><i>In this regard it should be noted that the proposed Development is not an NSIP (though has been confirmed to be of national significance), and the advice note is read on the basis that the use of the Proposed Development for the transfer and conversion of electricity is taken to be the primary use which any associated development would need to be subordinate to”</i></p> <p>The Proposed Development is not an NSIP under the Planning Act 2008, were that the case a Section 35 Direction would not have been required to confirm development consent is required for it, however it has been confirmed to be of national significance and development for which development consent is required by virtue of the s.35 Direction.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
5.18-5.19	<p>Further, even if the inclusion of the FOC in the DCO were somehow lawful, Aquind's approach in section 3 of the 'Statement in Relation to FOC' (7.7.1, REP1-127) apparently seeks to preclude the ExA and the Secretary of State from their role under s.115(5) Planning Act 2008 in determining "the extent" (if at all) that development consent might be granted for associated development. It is untenable that the s.35 Direction determined the Development in any sense. Indeed, para 3.6 of the 'Statement in Relation to FOC' (7.7.1, REP1-127) carries with it the implication that regardless of whether "such development is to be treated as development for which development consent is required (rather than for which development consent may be granted) [emphases added]", the decision remains open for the Secretary of State to decline to grant such infrastructure.</p> <p>Even if inclusion of the FOC were somehow lawful, it would not follow that the ExA (or the Secretary of State) is legally barred from deciding during the course of the examination whether the commercial use of the FOC (and the attendant buildings that it necessitates) is part of the "development for which development consent is required" (i.e. the NSIP project) or alternatively "associated development", by reference to the "ancillary" and "necessary" definitions contained in the relevant guidance.</p>	<p>The Applicant is in no way seeking to preclude the ExA and the Secretary of State from performing their role under s.115 Planning Act 2008.</p> <p>It is acknowledged that the Secretary of State will determine whether the commercial telecommunications use of the spare fibres within the fibre optic cable and the FOC infrastructure is associated development for which development consent may be granted in due course.</p>
5.20	<p>PCC notes the implication in the ExA's question that the commercial FOC's are simply using surplus capacity within the electricity cabling. PCC does not accept this proposition for a number of reasons.</p> <p>The first is that Aquind have yet to provide evidence that such surplus capacity inevitably arises as a consequence of the electricity cabling. It has been noted a number of times that no other similar electricity cabling scheme has added such separate telecoms related cables and Aquind needs to explain that in PCC's submission.</p> <p>The second reasons is that to suggest the commercial FOC development only takes up surplus capacity is a misnomer. If surplus capacity does somehow inevitably arise the consequence of Aquind wanting to avail itself of that for a separate commercial telecomms use is to go well beyond simply using the surplus capacity and on to the creation of separate independent infrastructure.</p>	<p>As is confirmed in the Statement in Relation to FOC (REP1-127) and as was confirmed in the hearings, all electricity interconnectors require fibre optic cable to allow for the converter stations to communicated with one another. Without this, the project would not be able to reliably operate.</p> <p>The Applicant has been clear that it is seeking consent to use the spare capacity within the fibre optic cables for commercial telecommunications purposes, and has explained why this is associated development, subordinate to the principal development which performs the transfer and conversion of electricity within the Statement in Relation to FOC (REP1-127)</p>
5.21	<p>Agenda item 4.4: PCC consider it to be not only an oversight but also misleading that the laying of the FOCs is omitted from the specified Works whereas the length of the HVDC cables is specified. It is also in PCC's view further proof that the Applicant has failed properly to address and comprehend the implications of trying to add this new and separate development to this project</p>	<p>The FOC is not omitted. Please see the Applicant's its transcript for Issue Specific Hearing 1 (REP5-058) and its response to question 4.4 in this regard.</p>
5.24	<p>ISH1 Agenda item 4.7: PCC would also like to understand the difference between HDD and trenchless crossing as raised in this question. In line with other submissions, PCC would like to see precision about the particular boundaries where these methods must be used within the Order</p>	<p>Schedule 1 clearly confirms the number of HDD's that may be undertaken, and the location of these are clearly identified on the Works Plans which are referred to in requirement 6 of Schedule 2 of the dDCO. Accordingly, where trenchless methods are to be used for the construction of the Proposed Development is appropriately secured.</p>
5.28	<p>Agenda item 5.2: PCC considers that the issues raised by the ExA in this question about the approach to leaving so much that is important to the impact of the this project loose and undetermined and indeed taken forward by future contractors who have not taken</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) and the response to question 5.2.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>part in the examination result in an unsatisfactory outcome. The 'live' status described in this question would not be compatible with the need to approve such documents. Any approach to amend documents such as the Outline Onshore CEMP (or 'Onshore outline construction environmental management plan' per Sch 14 dDCO) after the examination has ended could be fraught with contradictory and opportunistic drafting that would make monitoring of the development against a certain standard virtually impossible. As the ExA identifies, the number of contractors presents scope for confusing and inconsistent management plans. This is not in accordance with the 'front-loaded' ethos of the DCO regime.</p>	<p>The detailed management plans, such as the detailed phase CEMP's, will be "live" documents as they will be produced and refined by the contractor at the detailed design and the construction phase.</p> <p>The outline plans set out the approaches and principles the contractors must adopt and are not themselves live documents. They will be certified documents with which compliance is secured.</p>
<p>5.31 -5.33</p>	<p>Agenda item 5.5: PCC has explained that where trenching is carried out in the carriageway a full lane width reinstatement will be required. In addition PCC also require an indemnity should the cables need to be moved at any point in the future to allow highway works / road improvement. This is consistent with the HCC position, although in the absence of an indemnity they are seeking installation to be at a depth of 1.2m to minimise risk of diversion being required. PCC could be equally comfortable with that option.</p> <p>PCC also note, as at item 3.7, that in the Pressall DCO, the subject of R (on the application of Halite Energy Group Ltd) v The Secretary of State For Energy & Climate Change [2014] EWHC 17 (Admin), a bond was secured through the s.106 agreement in the event that the applicant suffered financial difficulties leading it to abandon the project part-way through construction. Given Aquind's similar status to the applicant in that case as a private developer, combined with the numerous concerns PCC has in relation to Aquind's financial standing and prospects of achieving French consents, PCC considers such a bond should be required for this scheme.</p>	<p>Highway reinstatement is secured through the application of the relevant provisions of the New Roads and Street Works Act 1991. Please see the applicant's response to question 5.5 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.</p> <p>For the reasons explained previously and discussed at ISH1, the Applicant will not agree to an indemnity being provided so that PCC may lift and shift the Proposed Development in the future at the cost of undertaker. The Proposed Development, where installed in the highway, will be installed in accordance with guidance applicable to all utilities infrastructure in the highways. PCC benefit from no such indemnity from all other utilities apparatus in the highway, because it is not appropriate for them to do so. Further, any such indemnity would be a major impediment to the delivery of the Proposed Development, with the potential impacts on the operation of the Proposed Development and the costs involved being unquantifiable and therefore unacceptable to any operator/investor. Please see the applicant's response to question 5.5 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 (REP5-058) for further information in this regard.</p> <p>There are not considered to be any legitimate concerns in relation to the Applicant's financial standing or prospects of achieving French consents, as reflected in the updated Funding Statement and Other Consents and Licences Document submitted at Deadline 6.</p>
<p>5.40-5.41</p>	<p>Agenda item 11.1: PCC considers that a Community Fund provided by Aquind could help mitigate the significant disruption that will be caused to sport, public health and wellbeing in the city in order to support activity and use of open space and attract members back to affected clubs once the construction has been completed. This is in the absence of being able to avoid the disruption.</p> <p>PCC also considers that a s.106 agreement containing covenants covering costs of discharging requirements and enforcement monitoring, owing to the exceptional burden that grant of the DCO would place on its resources for an extended period of time.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) and its response to this question which confirms its position in relation to the 'community fund' requested.</p> <p>The Applicant continues to seek engagement with PCC to secure appropriate mitigations for the benefit of the residents of Portsmouth.</p> <p>Costs for providing approvals are to be secured through a PPA.</p> <p>Enforcement is a matter dealt with through the Act and there is no intention for any additional provision in this regard to be agreed to, nor is it necessary to do so.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
5.45	<p>Agenda item 11.3: With regard to Aquind's proposal for a PPA to deal with monitoring and discharge of requirements, PCC considers that a s.106 agreement would be the better and more appropriate mechanism. This avoids any difficulties that Aquind has suggested occur under PPAs, owing to their views on s.93 Local Government Act 2003, concerning a somewhat convoluted (and ultimately flawed) distinction between discretionary and non-discretionary services at different periods in the DCO process, which they have set out to PCC in meetings between the parties. For the avoidance of doubt, PCC does not consider that its role as a discharging authority (mandated by the DCO) and enforcing authority (specified by Part 8 of the Planning Act 2008) can be termed 'discretionary'. The most legally robust method to secure payment for the exceptional burden placed on local planning authorities by this development is a s.106 planning obligation</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058). The Applicant will continue to liaise with the relevant planning authorities and Hampshire County Council in relation to post-consent PPAs. PPAs will not be secured through the dDCO or section 106 Agreements. They are private agreements which are enforceable as such. For the reasons explained at ISH1 this is not a relevant matter which may lawfully be secured by planning obligations as it does not satisfy the tests provided for by Section 106 of the Town and Country Planning Act 1990, and doing so would not in any event circumvent Section 93 of the Local Government Act 2003 as PCC suggests.</p>
<p>Transcript of Oral Evidence to be presented at Issue Specific Hearing 2 (REP5-088)</p>		
<p>Traffic and Transport</p>		
2.1	<p>PCC has consistently expressed concerns regarding the applicant's intention to reserve significant matters to post consent requirements to be resolved by as yet unappointed contractors. This makes it impossible to assess the construction implications of the project except on a very wide basis upon a number of different assumptions and thence determine if those are acceptable or how they may best be mitigated. In any case a primary concern of PCC highways is the inevitable congestion these works will cause, and the implications for highways safety, including to the Strategic Road Network this will result in.</p>	<p>The impacts of construction works on the road network have been fully assessed with the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statements (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139). These assessments have shown that the works will not lead to an unacceptable position in terms of traffic conditions.</p> <p>While there will inevitably be traffic delays during construction of the Proposed Development, the impacts of the proposed construction works will be mitigated as far as practicable through measures included within the Framework Traffic Management Strategy (REP1-068 Rev003) and the Framework Construction Traffic Management Plan (REP1-070 Rev003).</p> <p>Furthermore, the Applicant is currently preparing a Travel Demand Strategy to provide further mitigation of traffic impacts associated with construction works on A3 London Road in Hampshire and A2030 Eastern Road sections of the Onshore Cable Route, through promoting changes to existing travel behaviour that reduce peak hour traffic flows. Noting that such a strategy would need to be implemented in partnership with the Local Highway Authority this will be shared with PCC as soon as possible for discussion.</p>
2.2	<p>The order limits are described for each section in the Transport Assessment. Most of these are fairly broad however and have a singular area identified for the cable installation albeit PCC understands that two different cable installations are required on each route with a separation of 4m. Two sections (5 and 8) have alternate options for</p>	<p>Please refer to the hearing transcript submitted by the Applicant for Compulsory Acquisition Hearing 1 (REP5-034) which explains why the Order limits are required for the Proposed Development and why necessary optionality is retained in relation to Milton Common and Farlington Avenue. The precise alignment of the Onshore</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>cable routes - these sections are at Farlington and A2030 Eastern Road (adjacent to Milton Common). Section 5 is split with the option to use some land within the ownership of Portsmouth Water. While it is understood from discussions with the applicant since submission that this is their preferred routeing, the final location is proposed to be determined by the contractor</p>	<p>Cables is to be confirmed through detailed design, with requirements included as necessary to provide for the approval of the location of the Onshore Cables</p>
<p>2.3-2.4</p>	<p>Section 8 of the route is more uncertain with the ground conditions in the preferred location, within Milton Common, seen as high risk. Therefore the applicant has also considered a second route which continues the cable along A2030 Eastern Road before cutting through Eastern Avenue and along Moorings Way.</p> <p>The Council considers that this would clearly be significantly more disruptive to traffic but also to residents living in this area and it is not acceptable that the final route is still unknown at this stage considering how different the impact might be upon residents. In addition it is not clear what 'incentive' there will be for the contractor to use the preferred route, rather than simply choosing to take the lower risk route which throughout the consultation process was largely publicly set aside, with the Milton Common route having been championed by the applicant as the preferred route when it is now clearly framed as the high risk one</p>	<p>Please refer to the hearing transcript submitted by the Applicant for Compulsory Acquisition Hearing 1 (REP5-034) and the responses to questions 9.5 and 9.6 which explain why necessary optionality is retained in relation to Milton Common.</p>
<p>2.5</p>	<p>The Transport Assessment outlines the trenching that will be needed to lay the majority of the cable ducts. It states that "a significant proportion of the route will be within the public highway and typically one trench will be opened and reinstated before the second trench is opened in any particular section". It has been communicated to the Council throughout the pre-application consultation and since that the applicant may instruct several contractors to undertake the works should the development be consented however it is not clear how these various contractors will be coordinated.</p> <p>If various contractors are not centrally managed and programmed by either a lead contractor or the project delivery team, the Council is concerned that there is a risk that contractors will compete for road space at conflicting times. The above statement presumes that trenches will not be worked on simultaneously, and it is not clear if or how the applicant could control this.</p> <p>It is a continued concern of PCC that the applicant has to date sought to utilise bespoke provisions in the DCO and the NRSWA rather than complying with the Council's Permit Scheme that, as currently utilised makes appropriate provision for the installation of such equipment by statutory undertakers and provides for the efficient coordination of other works and management of the network to the required standard. The Permit Scheme clearly provides the appropriate control for the Council to control the allocation of roadspace for all undertakers and ensure two trenches would not be opened on the same section at the same time. PCC is aware that the applicant is proposing to further amend their submission in respect of the use of the Permit scheme and awaits confirmation of this at deadline 5</p>	<p>All scheduling of works will be in accordance with the Framework Traffic Management Strategy (FTMS) (REP1-068 Rev003) which includes programme restrictions in relation to works in proximity to one another to avoid cumulative effects. Compliance with the programme restrictions in the FTMS is secured by the DCO. All contractors will be required to comply with the controls secured by this framework.</p> <p>Details to be submitted and approved for all works includes a schedule of timings for the works, including the dates and durations for all traffic management. PCC will be responsible for approving all traffic management strategies for works which are to be undertaken on highway land within Portsmouth, which are to comply the framework of controls provided through the FTMS (REP1-068 Rev003).</p> <p>The Applicant is continuing discussions with HCC and PCC regarding the application of the permit scheme to the Proposed Development through the DCO and in relation to the FTMS. An updated draft of Article 9A is contained in the dDCO submitted at Deadline 6. An updated version of the FTMS is also submitted at Deadline 6. The Applicant will further update on these matters via SoCG with the relevant authorities in due course.</p>
<p>2.6</p>	<p>The Transport Assessment outlines the existing sustainable transport network that is likely to be impacted by the cable route. There are two routes of the National Cycle Network that are likely to be affected; a small section of route 2 that follows the southern coastline of Portsea Island, and a significant section of route 222 which routes along the</p>	<p>Provision for temporary pedestrian and cycle routes will follow guidance set out in Traffic Signs Manual Chapter 8 – Traffic Safety Measures and Signs for Road Works and Temporary Situations (DfT, 2009) and Safety at Streetworks – Code of Practice (DfT, 2013).</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>eastern coastline alongside Langstone Harbour. Much of route 222 utilises the coastal path and shared footway along the A2030 Eastern Road. It is heavily used by both commuters and leisure cyclists with more than 500 cyclists regularly using the route daily. The cable route is likely to affect "the majority of the sections of Route 222" that are in the vicinity of the proposed order limits. In some areas where the cable route is to be laid in carriageway, there will likely be a need to stop/limit access to the shared footways during the works. The accident analysis included within the Transport Assessment highlights a number of accidents along the A2030 corridor involving cyclists, it is therefore expected although not committed that any cycle routes directly impacted will be re-provided to ensure a suitable provision is retained as there are not viable diversion alternatives for any displaced cyclists</p>	<p>With regards to temporary cycle routes section 2.9.3 of the FTMS states the following:</p> <p><i>"Where full closure of a cycle route is necessary and diversion routes are unsuitable temporary cycle facilities will be provided past the construction corridor where possible, such as on the Eastern Road shared-use path. This could be completed as part of a full lane closure or through provision of a temporary off-road cycle route. The width of these temporary routes will 2.5m where possible with a minimum width of 1.5m."</i></p> <p>In some cases it may be required to narrow a shared-use path past the construction corridor to a width that is not suitable for cycle use (i.e. 1.0m). In these circumstances 'Cyclists dismount and use footway' signs will be used as a last resort, noting that this would only be completed for one 100m section at a time.</p> <p>The Contractors appointed to construct the Onshore Cable Route will be required to adhere to this guidance as part of their detailed design.</p> <p>It is also noted by the Applicant that should the centre of Milton Common be used for the final alignment of the Onshore Cable Route as is preferred, cycle Route 222 will only be impacted by 6-7 weeks of the construction programme, during installation of cable ducts in the southbound carriageway of the A2030 Eastern Road. As stated above, during this period only a 100m section of Route 222 will be impacted at any one time, with the remainder being fully open to cyclists.</p>
<p>2.7</p>	<p>In light of the potential impact of the works, a number of junctions were identified for assessment all of which were agreed by PCC Highways. Following traffic modelling, some junctions showed significant increases (>10%) in traffic and that that junction showed a volume/capacity (V/C) ratio of above 100%. The Council considers that the identified junctions are already operating close to their practical capacities and therefore it is likely that in the forecast year, the performance of these junctions will deteriorate.</p>	<p>The impacts of construction works on the road network have been fully assessed with the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statements (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139). It is the view of the Applicant that these assessments have shown that the works will not lead to an unacceptable position in terms of traffic conditions.</p> <p>Whilst there will inevitably be traffic delays during construction of the Proposed Development, the impacts of the proposed construction works will be mitigated as far as practicable through measures included within the Framework Traffic Management Strategy (REP1-068 Rev003) and the Framework Construction Traffic Management Plan (REP1-070 Rev003).</p> <p>The Applicant also notes that all such impacts will be temporary in nature.</p>
<p>2.8</p>	<p>The broad theme of the modelling results along the cable route suggest that the performance of junctions may marginally improve due to the throughput of traffic reducing as a result of traffic diverting away from the works. The local models however do not effectively account for reduced capacity or cumulative residual impacts of traffic merging</p>	<p>The Applicant refers to the response provided to PCC's LIR at Deadline 2 (Paragraph 5.1.26):</p> <p>The SRTM as a strategic traffic model has regard to the cumulative operation and performance of the highway network within Portsmouth which has been assessed</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>to pass-by works. It is therefore likely that junctions and the links subject to works between them will operate less favourably than suggested by the models.</p>	<p>within the Transport Assessment (APP-448) and Supplementary Transport Assessment (REP1-142).</p> <p>As noted in Section 2.2 of the Eastern Road Further Traffic Assessments Technical Note (Appendix E of the Supplementary Transport Assessment (REP1-142) the Solent Transport website describes the SRTM as “fully WebTAG compliant and is capable of providing outputs which can robustly support the development of transport strategies and schemes, provide information to support development of funding bids and business cases, and can inform land use strategies and development transport assessments.”</p> <p>The SRTM Do-Something scenarios takes account of blocking back as a result of the interaction between junctions and impact of traffic management, which leads to the redistribution of traffic away from the construction works and as a consequence a reduced traffic flow within local junction capacity models.</p> <p>The use of the SRTM, supported by local junction capacity models, is therefore the best tool available to assess the temporary impacts associated with construction of the Onshore Cable Route.</p> <p>The Applicant's response to question 3A-6 contained within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 2 (REP5-061) explains why the use of the SRTM is appropriate, in particular noting that the entirety of the Onshore Cable Corridor is within the fully modelled area and as such offers the highest degree of accuracy available.</p>
<p>2.9 – 2.10</p>	<p>Several further junctions in Portsmouth have also been assessed that lie off of the cable route but are expected to experience increased traffic as a result of diverted trips avoiding works on Eastern Road. These junctions are all known to experience capacity issues during peak periods, therefore the degree to which each junction is impacted is of significant importance.</p> <p>Most of the junctions, although worsened in at least one of the peak periods, suffer a negligible impact as a result of diverted trips. That said, three of the junctions (Copnor Road/Burrfields Road; Milton Road/Velder Ave; and Church Street/Mile End Road) are already forecast to operate significantly in excess of capacity and as such any additional traffic loaded onto those junctions could be classed as severe. Furthermore PCC is concerned that traffic diverted to use the Portsbridge Roundabout A3/M27 has the potential to extend the queue in the off bound slip into the nearside lane with consequent implications for highway safety which is not properly reflected in the traffic modelling nor considered in the road Safety Technical Note as submitted to date.</p>	<p>These impacts have been robustly assessed using the SRTM using a future year scenario of 2026 as reported in the Transport Assessment (APP-448). Given the nature of the proposed development the impacts experienced at these junctions will be temporary in nature.</p> <p>The Applicant refers to the response provided to PCC's LIR at Deadline 2 (Paragraph 5.1.28:</p> <ul style="list-style-type: none"> • At Copnor Road / Burrfields Road traffic signal junction the results of the junction capacity assessments are shown in Tables 147, 148 and 149 of the Transport Assessment (APP-448). • The impact of the Proposed Development at the Milton Road / Veldar Avenue traffic signal junction is shown in Tables 156, 157 and 158 of the TA. • The impact of the Proposed Development at A3 Mile End Road / Church Street / Hope Street / Commercial Road signalised roundabout is shown in Table 159, 160 and 161 of the TA. • In all instances the increase in queue lengths shown between the Do Minimum and Do-Something scenarios is not considered by the Applicant to be a material increase in the context of the Do-Minimum scenario queue lengths.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>Therefore the Applicant does not consider the impacts to be severe or to be capable of classification as such.</p> <p>Concerns regarding Portsbridge roundabout are responded to as part of Question 3A-5 within the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 2 (REP5-061), with the Applicant also providing a further response to this at Deadline 6 in the Applicant's Post Hearing Summary in respect of ISH2.</p>
2.11	<p>The Transport Assessment addresses the impacts upon sustainable transport networks including bus and walking/cycling. The disruptions in some areas, particularly at the A3 London Road will disproportionately disadvantage bus services given the use of an existing bus lane to run the cable circuit(s). Services will lose existing on-road priority given to buses and have to travel amongst general traffic and as a result likely cause delays to services inconveniencing passengers and potentially resulting in operators needing to increase the number of vehicles on the road to maintain headway. The A3 corridor is also a key focus of the committed schemes (funded by Transforming Cities Fund) to provide rapid transit services into Portsmouth, the delivery period of the funding ends in March 2023 and therefore will likely be affected in some way by these works</p>	<p>The Applicant refers to the hearing transcript submitted by the Applicant for ISH2 (REP5-061) and in particular the response to question 3F. As was explained at ISH2, the Applicant has assessed the impacts on bus services and based on this assessment has identified minor impacts for the temporary periods that works are being undertaken in the highway on the routes which affect the individual bus services.</p> <p>TCF Funding</p>
2.12	<p>Aside from the direct impact of the cable route, the redirection of traffic across the city of Portsmouth will increase congestion and delays. This will also impact upon bus services across the city, especially those using the three key routes of A288 Copnor Road and A2047 London Road; both of which have junctions predicted to be impacted by the construction of the development. This specific delay to bus services, either along the cable corridor or in the wider impact area, has not been assessed</p>	<p>The Applicant is aware that PCC has recently secured funding from the Transforming Cities Fund (TCF) towards the introduction of transport improvement schemes. It is not accepted that the temporary impacts of construction will undermine the delivery of these works or will have a permanent impact on the effectiveness of those improvements. The Applicant confirms that it will seek to work with PCC and HCC so that the delivery of the Proposed Development is co-ordinated with the TCF works and other schemes, taking into account the programme mitigations provided within the FTMS and the need to deliver the works efficiently so as to minimise impacts. It is not considered that this co-ordination needs to be formally secured, and in any event the Applicant is not agreeable to the delivery of TCF works taking precedence over the delivery of the Proposed Development. Both parties will work together to deliver their respective schemes in an efficient and co-ordinated manner, and that PCC as the highway authority does not mean that the delivery of the TCF schemes by them should take priority over the delivery of nationally significant infrastructure.</p>
2.13	<p>It is possible that the temporary works may only have a limited impact on a short section of shared footway/cycleway on Eastern Road. This section of cycleway is heavily used by both commuting and leisure cyclists, the number of users has risen significantly during the Covid-19 "lockdown" period and as a result any closure of cycle routes will disadvantage a considerable number of cyclists. However, on many sections of A2030 Eastern Road there is no alternative route and along large stretches of the road there is no footway on the western side of road. It is therefore not clear how it will be possible to retain walking and cycling routes along A2030 Eastern Road during construction if the footway is needed for installation of a cable circuit or as safe working area for the same.</p>	<p>See response to 2.6 above.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
2.14	<p>The scale of disruption will depend on which route the applicant intends to take, however it is suggested that it "is likely to include temporary diversions for the footway/cycleway and temporary crossing facilities." Any crossing facility over A2030 Eastern Road will need to be signalled due to the volume and speed of traffic. It is not clear if these will be included within existing junctions or additional facilities which will also have a further impact upon the expeditious movement of traffic as well as cause inconvenience to active travel modes</p>	<p>The worst case impacts of construction works on the transport network have been fully assessed with the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statements (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139).</p> <p>As is noted in Section 2.9.2. of the FTMS, temporary replacement of existing pedestrian crossings will be implemented should an existing crossing need to be closed to facilitate construction. Provision of temporary crossings will directly replace any which will be temporarily suspended due to construction works. As such, any temporarily suspended signalled crossings will be mitigated by the provision of a temporary replacement signalled crossing.</p>
2.15	<p>It is not clear what, if any, early contractor involvement has been carried out to define the route. Given the importance of their proposed role subsequently in deciding the final route and whether trenching or HDD is to be used, this is a very worrying omission in Aquind's design approach. The applicant can say it wishes the cable route to be laid through off-carriageway areas where possible however where difficulties around land ownership or contamination exist, it is unclear what will incentivise or indeed require potential contractors to follow these routes</p>	<p>Preliminary design has been undertaken by appropriate specialists to provide a feasible route within the Order limits which will be utilised to provide the Onshore Cable Corridor at detailed design stage.</p> <p>Schedule 1 clearly confirms the number of HDD's that may be undertaken, and the location of these are clearly identified on the Works Plans which are referred to in requirement 6 of Schedule 2 of the dDCO. Accordingly, where trenchless methods are to be used for the construction of the Proposed Development is appropriately secured.</p> <p>The Proposed Development will be undertaken within the Order limits, as it would not be permissible to do otherwise, and appropriate assessments have been carried out in relation to areas of existing contamination and appropriately flexibility retained for such areas, for instance at Milton Common for the reasons explained in the Applicant's responses to question 9.5 and 9.6 within the Applicant's transcript for Compulsory Acquisition Hearing 1 (REP5-034).</p>
2.16	<p>PCC has also suggested that it is highly likely that the works related to this development could impede the delivery of, or increase disruption around, junction improvement works related to Transforming Cities Fund (TCF) bid. These works would be carried out between Jan 2021-March 2023</p>	<p>The Applicant is aware that PCC has recently secured funding from the TCF towards the introduction of transport improvement schemes and will seek to work with PCC so that the delivery of the Proposed Development is co-ordinated with the TCF works and other schemes, taking into account the programme mitigations provided for within the FTMS and the need to deliver the works efficiently so as to minimise impacts.</p>
2.17	<p>PCC have also highlighted that the submitted traffic modelling does not adequately take into account the highway safety implications of extended queue lengths or traffic diversions within the network. This is a fundamental omission in the impact assessment preventing a clear understanding of the construction impacts and mitigation options.</p>	<p>A Road Safety Technical Note was submitted to PCC on the 17th November 2020. This Technical Note considered the road safety implications associated with construction, both in terms of queuing traffic along the onshore cable route and reassignment of vehicles across the wider highway network. This Road Safety Technical Note is submitted at Deadline 6 (document reference 7.9.27).</p>
2.18	<p>The traffic modelling work does provide a reasonable indication about how and where traffic might divert to avoid the works associated with the development however it remains the Council's opinion that there will most likely be second and third level impacts beyond that shown by the modelling - not least because the road works associated with</p>	<p>The Applicant therefore welcomes PCC's comments on this Technical Note and will continue to discuss it with PCC as required.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>this development will remove any resilience the highway network in Portsmouth (Portsea Island especially) has. Portsmouth is predominantly an Island city with just three road links onto/off of Portsea Island. These routes into the city are effectively severed by the Strategic Road Network (SRN) and are often significantly affected by disruptions on the SRN and vice versa. Ultimately, the works associated with this development will put further pressure on alternative roads and junctions that are already subject to significant stress at peak times resulting in further delays, pollution and longer "rush hour" periods (peak spreading).</p>	<p>Further to this the Applicant has produced a signage strategy for discussion with both HCC and PCC which will form part of the FTMS with which compliance is secured by the DCO (see Requirement 25).</p> <p>This strategy considers a number of potential interventions that can be implemented according to the location of construction works within the highway network and the potential impacts associated with such.</p>
<p>2.19</p>	<p>The information submitted in support of this DCO application does not consider possible mitigation of impacts nor the potential road safety implications of increased congestion along the cable route or identified diversion routes. This is again a fundamental omission without which the impacts of increased congestion arising during the construction period on the safety of the highway network cannot be properly determined. It is acknowledged that further information for a safety audit and in respect of the Framework Traffic Management Strategy were submitted at Deadline 4, and PCC is reviewing these. PCC wishes to reserve its position in respect of these further submissions at the time of drafting these transcripts.</p>	<p>The strategy is submitted to HCC and PCC in parallel with its submission into the examination at Deadline 6.</p> <p>Furthermore, the Applicant is currently preparing a Travel Demand Strategy to provide further mitigation of traffic impacts associated with construction works on A3 London Road in Hampshire and A2030 Eastern Road sections of the Onshore Cable Route, through promoting changes to existing travel behaviour that reduce peak hour traffic flows. Noting that such a strategy would need to be implemented in partnership with the Local Highway Authority this will be shared with HCC as soon as possible for discussion.</p> <p>As stated above the Road Safety Technical Note submitted to PCC provides a full assessment of road safety implications of queueing traffic on the onshore cable route and at junctions across the wider network. Where necessary, this document also proposed mitigation measures in the form of temporary signage to help mitigate impacts associated with such queueing.</p>
<p>Air Quality</p>		
<p>3.3</p>	<p>It should be noted that the point on the Eastern Road water bridge has been identified as being a 'near exceedance' location. Technical studies have shown that the cause of the high nitrogen dioxide concentration in this location is queuing traffic travelling northbound out of the city. Whilst the DCO application proposals do not suggest lane closures along the water bridge during construction, the use of temporary traffic management along the length of Eastern Road has potential to lead to queuing traffic in this location. There is therefore a clear concern that the lane closures will result in increased queuing time for vehicles which will have a detrimental impact on air pollution concentrations at the 'near exceedance' location, potentially pushing this site into exceedance. Equally there is also concern that the lane closures on Eastern Road could also result in traffic rerouting via the M275 to travel into/ out of the city, meaning that additional traffic will be travelling through the exceedance locations, which again are sensitive to increases in traffic volumes and queuing</p>	<p>We note from the Portsmouth CAZ Business Case and Air Quality Local Plan 2019 the "near exceedance" prediction on the Eastern Road Water Bridge.</p> <p>This location was not modelled in the sensitivity test representing a possible cable route on Eastern Road (Chapter 23, Appendix 23.8) as it is some distance from the location of the nearest traffic management. It is not likely that traffic would queue some 2 km to the Eastern Road Water Bridge from the Eastern Road traffic management.</p> <p>A review of the results in Chapter 23 (REP1-033) for compliance receptors modelled adjacent to specified road links, showed elevated predictions either side of the Eastern Road Bridge in common with the Air Quality Local Plan modelling. Indeed, the conservative modelling undertaken for Chapter 23 shows these locations to be in exceedance of the national air quality objective. However, predictions on the Eastern Road Bridge were not reported in Chapter 23 as the bridge itself is not a Defra compliance link and there are no human receptors within 200 m of the bridge that would be affected by road traffic emissions from this road link.</p> <p>The traffic modelling undertaken does include redistribution of traffic on the wider network, and this includes to the M275. Indeed, Portsmouth City Council requested additional sensitivity modelling as they were concerned that levels of redistribution</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>from Eastern Road may be too high. As a result, the Supplementary Transport Assessment and additional Appendix 23.8, was produced to accompany Chapter 23. These documents examined the effects of reduced traffic redistribution of local traffic on air quality. It was concluded that the predictions reported in Section 23.6 of Chapter 23 are robust for the wider network because redistribution from Eastern Road is predicted to be reduced.</p> <p>Further information in this regard is included within the Applicant's Post Hearing Summary in respect of ISH2 submitted at Deadline 6.</p>
3.4	<p>The mitigation measures included in the Operation Management Plan and Explanatory Statement are considered sufficient to reduce some of the air quality impacts of the construction works in respect of the proposal, however it is noted that there is uncertainty in the modelling. To that end therefore it cannot be determined with certainty that an exceedance of the Nitrogen Dioxide annual mean objective will not occur as a result of diverted traffic.</p>	<p>The air quality modelling incorporates a number of conservative approaches including the use of:</p> <ul style="list-style-type: none"> • EFT 9 instead of a CAZ specific EFT which incorporates the benefits of increased Euro 6 (diesel) and Euro 4 (petrol) uptake; • 2026 peak flows for 2022, thus adding 4 additional years of traffic growth; • Predicted flows which assume that works are in place for a whole year, whereas the works are restricted by time constraints imposed by PCC and are likely to last no more than 7 weeks. In reality, they are likely to be transitory and short-lived in nature along the whole length of the cable route; and • AADT values which generally results in higher annual average predictions over those where diurnal profiles are applied to traffic flows. <p>It should be noted that uncertainty is a feature of all models which attempt to replicate reality. For this reason, the conservative measures listed above are incorporated into the model in an effort to compensate for the effects of this uncertainty. This is considered to be a robust approach to dealing with such uncertainty.</p> <p>Further information in this regard is included within the Applicant's Post Hearing Summary in respect of ISH2 submitted at Deadline 6.</p>
3.5	<p>The Government requires the Council to implement a Class B charging Clean Air Zone (CAZ) as part of its national AQPAs set out in the Ministerial Directions. This is in order to reduce the nitrogen dioxide emissions to within legal limits across the city, with a focus on the exceedance locations. If legal limits of concentrations of nitrogen dioxide are not met by the end of 2022, PCC could be required to implement a more stringent CAZ i.e charging additional vehicle classes vehicles. Therefore proposals which risk achievement of this legal objective cannot be supported unless sufficient mitigation of the impacts can be found.</p>	<p>PCC describes 'areas of concern' in its Air Quality Local Plan as those road sections which are on the:</p> <ul style="list-style-type: none"> ▪ Local road network and are modelled as exceeding the EU limit for annual mean nitrogen dioxide (NO₂) (40 µg/m³) ("EU limit") in 2022 ▪ Local network not modelled as exceeding the EU limit but still above 37 µg/m³ in 2022 ▪ Road sections on the strategic road network modelled as exceeding the EU limit in 2022. <p>Do-Minimum to Do-Something scenario results for north-bound (DS1) and south-bound (DS2) road closures on the A2030 Eastern Road show a mixture of beneficial and adverse impacts at the areas of concern. Adverse impacts are predicted at:</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<ul style="list-style-type: none"> ▪ Church Street (east of Church Street roundabout) (DS1 +0.6 µg/m³ and DS 2 +0.4µg/m³) ▪ A2047 London Road (Stubbington Avenue to Kingston Crescent south-bound) (DS1 +0.9 µg/m³) ▪ Mile End Road (north of Church Road roundabout) (DS1 +0.2 µg/m³ and DS2 + 0.1 µg/m³) ▪ A27 (north of Portsea Island south-bound) (DS2 +0.3 µg/m³) ▪ A27 (east of Portsea Island west-bound) (DS1 +0.1 µg/m³) ▪ A27 (north of Portsea Island east-bound) (DS2 +0.3 µg/m³). <p>However, it should be noted that the magnitude of impact at these locations is over-predicted because of the conservatism applied in the assessment relating to the over-estimation of vehicle emissions, traffic flows and the duration of road closures and diversions.</p> <p>The risk posed to compliance can be contextualised by consideration of the highest adverse impact prediction of +0.6µg/m³ on Church Street. This impact is just 1.5% of the annual mean objective of 40 µg/m³ and is based on the assumption that traffic management is in place for the whole of 2022 with underestimated rates of fleet renewal. In practice, traffic management will not be in place for more than 7 weeks. The magnitude of impact at all locations will be substantially lower than predicted. Therefore, the application is not likely to cause new or continued exceedances at the areas of concern.</p>
4.5	With regard to the Applicant's Responses to the Local Impact Reports ([REP2-013], 5.1.14), the updated results for Portsdown Hill and Portsbridge Roundabout are unlikely to have any consequential effects on the modelled scenarios. However the model does not predict the observed peak hour queuing on the off slip from the M27 at the Portsbridge Roundabout and the queue extent and safety implications of that will need to be determined.	The Applicant agrees that the updated results do not have a consequential effect on the SRTM model scenarios and refers to the hearing transcript submitted by the Applicant for ISH2 (REP5-061) in response to question 3A-5.
4.6-4.7	In PCC's view and in its capacity as LHA it can have no confidence that the joint bays will not be located within the highway as required, as in the Applicant's response to Local Impact Reports ([REP2-013], page 3-50, 5.5.2) the applicant is specific that 'The location of the joint bays will be off the roads, (e.g. in verges) where practicable' PCC's emphasis). This implies that the joint bays are likely to be in the highway and may well be within the carriageway where it is not practical to position these in verges. As the applicant has not undertaken full surveys of the locations for joint bays the LHA can have no confidence as to the practicability of locating them outside the carriageways.	<p>The Applicant has submitted a Joint Bay Feasibility Assessment Document at Deadline 6 which confirms the feasibility of locating joint bays along the route and how these can be located not within the carriageway</p> <p>Where any joint bays are to be located on the highway, the works to deliver those will be required to comply with the FTMS and therefore no more traffic management than is permissible in accordance with that document may be provided, and the impacts of doing so have been appropriately assessed.</p>
4.8-4.9	The charging Clean Air Zone (CAZ) will be introduced in the south-western part of Portsea Island in November 2021. The proposed development is not within the CAZ boundary therefore is likely to have limited direct impact on the zone. It is however possible that traffic that reroutes to avoid the traffic management put in place to facilitate	<p>The traffic modelling undertaken includes redistribution of traffic on the wider road network.</p> <p>It should be noted that the modelling for the PCC 2019 Air Quality Plan used the EFT9.1b that has been specially produced by Defra for use in Portsmouth in relation</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>the development will inadvertently travel through the CAZ. Equally this impact could work in reverse with traffic seeking to avoid the CAZ inadvertently travelling along Eastern Road. Transport modelling undertaken using the Solent Sub-regional transport Model (SRTM) in support of the Local Air Quality Plan demonstrates limited rerouting of traffic to avoid the CAZ (as detailed in Transport Modelling Forecasting Report T4, October 2019). However, it should be noted that this is a strategic level model and the CAZ is not yet operational so uncertainty remains in confirming likely impacts.</p>	<p>to the Ministerial Directive to install a Class B Charging CAZ. This EFT incorporates assumptions over the renewal of the vehicle fleet that suggests a greater shift towards cleaner combustion powered vehicles, hybrid electric vehicles (HELV) and electric vehicles (ELV) than the nationally predicted shifts. The modelling undertaken for Chapter 23 uses the standard Defra issued EFTv9 which incorporates no such additional emphasis on fleet renewal, and as such results in higher predicted overall air pollutant concentrations and predicted changes in concentrations as a result of the transient and temporary construction phase. The use of EFT9 means the effects on air quality of diversions resulting from the transient and temporary construction phase are over-estimated in comparison to the use of EFT9.1b.</p> <p>Also inherent in the modelling is the use of 2026 peak flows from the SRTM, adding 4 years of additional traffic growth that also does not take account of the implementation of a Class B Charging CAZ to the model.</p> <p>This combined conservatism, indicates that the effect of the transient and temporary construction phase on air pollutant concentrations have been overestimated in Chapter 23. This conservative approach mitigates for the fact that as there is a lack of operational CAZ within the UK from which to draw useful data about fleet renewal, there is inevitably some uncertainty as to the future.</p>
<p>4.11-4.12</p>	<p>There are two specific areas of concern relating to current and potential exceedances of NO₂ within the Order limits:</p> <ol style="list-style-type: none"> (1) Air Quality Management Area 9 (AQMA) covers covering the southernmost section of Eastern Road from Sword Sands Road south into Velder Avenue and its junction with Milton Road. In the 2020 Air Quality Annual Status report the bias corrected and annualised concentration of NO₂ at monitoring site 132 (Column 50 Milton Road (MR-Col50)) is reported as 39.36µg/m³. Although this concentration falls within the objective standard (40µg/m³ annual mean) it is close to it and therefore this site is sensitive to changes in traffic volumes and flows. This location is not currently projected to be a future exceedance in the Air Quality Local Plan, however the plan does not take into account the adverse impacts that the proposed development could have on traffic flow in this location. (2) In the Air Quality Local Plan a receptor at Eastern Road Water Bridge is projecting a future 'near exceedance' with concentrations of 38.8 µg/m³ anticipated in 2022 under baseline conditions and 36.8 µg/m³ with a Class B CAZ in place. Although the water bridge itself falls to the west of the red line for the proposed development, this location is particularly sensitive to queuing traffic and therefore there is concern that any increased queuing resulting from the traffic management put in place to facilitate development will have a negative impact on NO₂ concentrations here, and therefore compliance. 	<p>The points are addressed as follows:</p> <ol style="list-style-type: none"> (1) An examination of the diffusion tube data recorded in the 2020 Air Quality Status Report around AQMA 9 reveals measured concentrations ranging from 24 µg/m³ up to 33µg/m³, with monitoring site 132 (MR-Col50) recording 39.36 µg/m³. An examination of the raw data for this site reveals an anomalous uncorrected measurement of over 96 µg/m³ was recorded in March 2019, which is clearly an outlier when compared to the other recorded months where uncorrected readings ranged from 33.17 µg/m³ up to 53.18 µg/m³. This is highly unlikely to be a valid measurement. Examination of these data reveals that this anomalous measurement causes an over-estimation of the annual average at this location of approximately 4 µg/m³. Therefore the annual average for tube 132 (MR-Col50) in the 2020 Annual Status Report cannot be considered representative of this location. Removal of the anomalous measurement from the dataset leaves 10 months of recorded data. According to the Defra guidance LAQM.TG(16), tubes with nine or more months of data do not require annualization giving locally bias adjusted annual average NO₂ concentration of 35.2 µg/m³. This is more consistent with other tubes in the vicinity where traffic flows are similar, and furthermore removes this site from being a near exceedance site as defined in the Air Quality Local Plan. This also represents an improvement in concentrations over the 36.85 µg/m³ recorded in 2018, consistent with the broader trends of other tubes in the vicinity.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>(2) The classification of the A2030 Eastern Road Water Bridge is acknowledged and confirmed. The modelling in Chapter 23 shows the compliance receptor predictions at the Water Bridge to be:</p> <ul style="list-style-type: none"> a. DM – 43.6 µg/m³; b. DS1 – 42.6 µg/m³ (improvement of 1.0 µg/m³); and c. DS2 – 41.9 µg/m³ (improvement of 1.7 µg/m³). <p>It can be seen from these predictions that the more conservative modelling undertaken for Chapter 23 with respect to the Air Quality Local Plan shows higher overall predictions at this location, which is to be expected given the difference in emission factors used. However, the Air Quality Local Plan modelling, using a more accurate representation of emissions and the local fleet impacted by the CAZ, shows that exceedances are unlikely. It is also apparent from the predictions in Chapter 23 that concentrations on the Water Bridge are expected to improve during the transient and temporary construction phase by 1.0 µg/m³ and 1.7 µg/m³ as it is highly unlikely that traffic would queue some 2 km to the Eastern Road Water Bridge from the Eastern Road traffic management.</p>
Transcript of Oral Evidence to be presented at Issue Specific Hearing 3 (REP5-089)		
HRA		
2.1	<p>Both Langstone and Farlington are sites designated as overwintering bird grassing sites for Brent Geese.</p> <p>Following cable laying operations there is concern that there may be insufficient grass coverage intact and ready for the winter season - and which could detrimentally affect the birds overwintering on these sites. The continued uncertainty and excessive optimism provided within the indicative work schedules provided by the applicant are considered by PCC to be of significant concern based on the need to avoid playing seasons for effect sports pitches, support other recreational activity at Farlington and maintain adequate habitat for effected species.</p>	Please refer to the Applicant's transcript for ISH3 (REP5-069) and the responses to question 3B and 7P.
Landscape, visual impacts and tranquillity		
2.2	PCC have maintained concerns regarding the unjustified visual intrusion of the ORS buildings and compound on the open space at Fort Cumberland and the heritage value of this significant designated asset.	The Applicant has provided a written response at Deadline 6 in the Applicant's Response to Deadline 4 Submissions Table 2.2 in response to paragraph no. 70 - 78 (document reference 7.9.23) which outlines the position in relation to Fort Cumberland.
Noise		
2.3-2.5	PCC remains concerned, notwithstanding the suggestions made by the applicant regarding management and mitigation of out of hours working in the Onshore Outline CEMP, that noise levels during construction, particularly potentially prolonged periods of	The Applicant has been engaging proactively with PCC on these matters, and has subsequently received written correspondence that the mitigation measures for the works outside of core working hours in Section 5 (Havant Road between Farlington

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>night-time noise will have significant impacts in the areas of Havant Road between Farlington Ave and Eastern Rd, Fitzherbert road and Sainsbury's car park, and Eastern Road between Airport Service Road and north of Milton. Of particular concern is Harbourside Caravan / Mobile Home Park, where residential occupants in these caravans do not have the same sound insulation properties as houses.</p> <p>The applicant's decision to reserve many matters to post-consent requirements to be managed by as yet un-appointed contractors has been an ongoing concern to PCC especially as mitigation measures have not been clarified for day or night time noise. It is a matter also of great concern that this is proposed to be left wholly to the contractor who would identify specific mitigation measures. It is noted in the Noise Report that different contractors may be employed to carry out the works. As mentioned in its submissions to the ExA about highways impacts, the Council is concerned that delays by one contractor in one section may require elongation of the timetable or additional night-time working without recourse to Section 60 (Control of noise on construction sites) or Section 61 (Prior consent for work on construction sites) of The Control of Pollution Act 1974 due to the proposed Art 9(2) of the dDCO.</p> <p>PCC is similarly concerned that matters of noise management for the operation of the ORS are reserved to requirements, creating uncertainty in respect of the design for these large structures which have a clear potential for significant intrusion.</p>	<p>Avenue and Eastern Road) and Section 6 (Sainsbury's Car Park), which are required to mitigate adverse traffic effects and minimise business disruption to Sainsbury's, are agreed.</p> <p>The Applicant understands that, with regard to the mitigation measures for the works outside of core working hours in Section 8 on Eastern Road outside the Harbourside Caravan Park, PCC is content with the measure that prevents road surface cutting/ breaking and resurfacing activities at night (22:00-07:00) outside the Caravan Park.</p> <p>However, PCC has requested that as the works will be carried out 24 hours per day, there is a need for additional safeguards for affected occupants. PCC has suggested that respite could be achieved through the offer of temporary alternative accommodation or a break in the works. The Applicant is not in agreement with these proposed approaches for the following reasons:</p> <ul style="list-style-type: none"> • With regard to temporary alternative accommodation, the Applicant's position is as follows: <ul style="list-style-type: none"> ○ The works will be transient and temporary and therefore the receptors will be exposed to adverse noise levels for a limited duration. British Standard 5228-1 provides thresholds of activity duration above which eligibility for temporary rehousing would apply; 10 or more days of working in any 15 consecutive days or for a total number of days exceeding 40 in any 6 consecutive months. These thresholds of duration for the noise levels specified in BS 5228 will not be exceeded based on the cable installation rates (REP1-151). Therefore the properties are not considered eligible for mitigation of this nature. ○ The Applicant does not consider this a necessary or proportionate mitigation measure given that road cutting/breaking or resurfacing activities during the night will not be permitted. PCC have indicated this mitigation is sufficient in the other locations where night-time works are proposed. ○ The Applicant does not consider there is a justification for treating these occupants in an exceptional manner, as it is important that the assessment and eligibility for mitigation should be applied consistently across the Proposed Development in accordance with the guidance in the relevant standard. • With regard to the suggestion for a break in the works, the Applicant's position is that this would not be appropriate because the reason for these works taking place 24 hours is to complete them as quickly as possible to minimise adverse traffic impacts. Including respite periods between works would prolong the total duration of the works and therefore the adverse traffic impacts. <p>The Applicant does not accept the assertion by PCC that many matters are being reserved to post-consent requirements to be managed by as yet un-appointed contractors. The Applicant has received written correspondence indicating that PCC</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>are now content with the response provided to this point previously in the Applicant's Comments on Local Impact Reports (REP2-013).</p> <p>In response to the comment that noise mitigation measures for daytime and night-time were not clear, the wording in the Outline Onshore CEMP Rev 005 submitted at Deadline 6 has been refined to ensure clarity.</p> <p>Contractors will be required to comply with all requirements contained in Onshore Outline CEMP Rev 005, and therefore it is not the case that mitigation measures are being left 'wholly to the contractor'.</p> <p>In response to the point regarding programme delays potentially resulting in additional night-time working, the Applicant provided a response to this concern in the Applicant's Comments on Local Impact Reports (REP2-013). The construction working hours are controlled by Requirement 18 of the draft DCO. Works required to take place outside of the core working hours are expressly stated in the CEMP, and as stated in Requirement 15 of the draft DCO, each detailed CEMP is subject to approval by the local planning authority. These controls ensure that noisy works will not be completed outside of the agreed working hours. The Applicant has received written correspondence indicating that PCC are now content with the response provided to this point.</p> <p>With regard to the concerns raised about operational noise at the Optical Regeneration Station (ORS), PCC has subsequently confirmed that the operational noise criteria for the ORS are acceptable. It is therefore anticipated that this matter will be formally agreed through a revised Statement of Common Ground submitted at Deadline 6.</p>
	<p>Socio-economic assessment</p>	
<p>2.7</p>	<p>The proposal will cause significant adverse impact to the provision and enjoyment of open spaces and playing pitches in the densely populated city of Portsmouth. To date the applicant has provided minimal suggestions to reduce the adverse impact and provided no suggested mitigation for the acknowledged residual impacts of loss of playing pitches, open space and associated parking during construction. As part of its ongoing consideration PCC has, and will continue to, encourage the applicant to consider entering into an obligation for a Community Fund to mitigate the harm caused to local community's health, wellbeing and cohesion arising from the loss of these essential open space facilities.</p>	<p>Please refer to the transcript submitted by the Applicant for ISH1 (REP5-058) and its response to this question which confirms its position in relation to the 'community fund' requested.</p> <p>The Applicant continues to seek engagement with PCC to secure appropriate mitigations for the benefit of the residents of Portsmouth.</p> <p>As per the Applicant's response to the Deadline 4 Submissions, PCC has not yet provided formal comments on the Framework Management Plan for Recreational Impacts (REP4-026). This was first issued in draft to them on the 16th June 2020 and subsequent drafts were issued at Deadline 1 and Deadline 4.</p> <p>At a meeting on 8th 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). A further meeting was held on 16th December 2020 and PCC agreed to confirm whether pitch relocation is acceptable and whether any further mitigation can be applied.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
2.8	Loss of playing pitches at Bransbury Park, Langstone Campus, Kendall Stadium sports ground and Farlington will result in loss of income for the City and University but more significantly displace community clubs and other uses and create uncertainty over availability over multiple playing seasons resulting in long term detriment to teams and clubs in the City. PCC is concerned that the applicant's indicative works plans are too optimistic in respect of work periods and reinstatement resulting in significant and long term disruption to these facilities. The consequence of further playing seasons being deferred and the loss for a time of the facilities will have a progressively detrimental effect on the life of the club as well as the health and wellbeing of the residents of Portsmouth who use this land.	<p>The Framework Management Plan for Recreational Impacts (REP4-026) seeks to reduce the number of pitches affected at Farlington Playing Fields. The Applicant is seeking specialist advice with regard to reinstatement to more accurately inform the timescales for reinstatement for sports purposes (this does not affect reinstatement for ecological purposes). Proposed relocation of a pitch at Bransbury Park can avoid impact on this pitch. The Applicant accepts that there will be disruption at the football and cricket pitch at Langstone Harbour over the summer months but this will be temporary.</p> <p>The link between greenspace and health has been acknowledged in Chapter 26 of the ES (paragraphs 26.5.3.1, 26.5.3.5). The impacts on partial and temporary loss of greenspace were not found to be significant for health.</p>
3.4-3.8	PCC do not consider that adequate consideration has been given to the time required for and complexity of reinstatement of the drainage system within the applicant's indicative timetable.	The Applicant is seeking specialist advice in this respect as there are a number of factors to be considered for reinstatement. Land drains damaged during construction of HDD pits, joint bays or by trenching activities must be repaired on completion of the works ahead of subsoil back filling. This is confirmed in paragraph 6.2.9.4 of the updated OOCEMP (REP5-019 Rev005).

Table 2.5 - South Downs National Park Authority (REP5-091)

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Draft Development Consent Order		
2.4.2	Regarding Requirement 17 (Construction Traffic Management Plan) we request that this document be submitted to and approved by the relevant Local Planning Authority (after consultation with the SDNPA in respect of the Converter Station Area), rather than the relevant Highway Authority. This matter gives rise to local planning considerations (such as tranquillity and impacts on residents) and Local Planning Authorities are best placed and used to handling such documents, not least because they are ordinarily determined by them	There are no construction routes within the South Downs National Park and the South Downs National Park have no further comments on the FCTMP. There is no sound basis for SDNPA to be consulted on the detailed approvals which are to be in accordance with the FCTMP.
2.4.3	Regarding Requirement 20 (noise management) SDNPA request that this requirement is discharged, in respect of Work Area 2, after consultation with the SDNPA because of the potential impacts on tranquillity.	The noise criteria to be achieved are already secured by Requirement 20. Compliance with those noise criteria, which is secured, will ensure there is no impact on the SDNPA. There is therefore no need for SDNPA to be consulted on the detailed approvals which are to be in accordance with the noise criteria already secured by Requirement 20.
2.4.4	The SDNPA note that should the proposal receive consent the converter station would, as stated in the applicant's Environmental Statement, have a lifetime of approximately 40 years. The SDNPA request that if the proposal	Requirement 26 in relation to decommissioning has been updated in the dDCO submitted at Deadline 6.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>ceased to be in use that the convertor station associated with the Aquind Interconnector be removed and the land restored to its previous state within 12 months of the use ceasing. The SDNPA respectfully requests that a DCO requirement be imposed to ensure this</p>	
<p>2.5</p>	<p>As set out in paragraph 23.2 of the Planning Inspectorate's Advice Note 2, crossreference to documents is encouraged in order to assist in keeping submissions as concise as possible and to avoid repetition. Therefore, we note here that additional, detailed comments on the draft DCO are contained at paragraph 5.31 on pages 14 to 16 (inclusive) of our Local Impact Report, submitted at Deadline 1. This covers points such as; i) that we do not consider that a defence in respect of statutory nuisance should be written into the DCO, ii) that Local Planning Authorities and Local Highways Authorities should have 40 working days (and not 20 working days) to notify the applicant of its decision in respect of, for example, applications to discharge DCO requirements and, iii) Articles 41 and 42 give the applicant very broad powers to fell any tree or hedgerow within or overhanging the Order limits.</p>	<p>Please refer to the hearing transcript submitted by the Applicant for ISH3 (REP5-069), in particular the response to question 6O. Amendments have been made to Article 9 in the dDCO submitted at Deadline 6 to more clearly define when the Article is effective, and this represents the Applicant's final position.</p> <p>The timescales for approvals of Requirements are those contained in Schedule 3 to the dDCO, which as per the dDCO submitted at Deadline 6 are 42 days to ensure a consistent application across the Order.</p> <p>Articles 41 and 42 are authorising powers, which are subject to the Requirements relating to those matters. Further information in this regard is provided in the Applicant for ISH1 (REP5-058) and the responses provided to 3.12 and 3.13.</p>
	<p>Traffic, Highways and Air Quality</p>	
<p>3.2.1</p>	<p>Traffic associated with construction will adversely affect the tranquillity of the area around the convertor station in close proximity to the National Park, albeit the impacts will be temporary and localised.</p>	<p>The Applicant refers to its hearing transcript for ISH3 (REP5-069) and comments below under ISH Agenda item 4 g) ii) which states with respect to landscape and visual effects, Chapter 15 of the ES (APP-130) that there will be moderate to minor localised significant effects on tranquillity (as a local landscape feature) during the construction period arising from construction activity and traffic. Effects will vary depending on the nature and focus of activities as well as programme. The ExA noted that there was a disagreement over the different interpretation of "tranquillity" and this continues to be an area of disagreement. The Applicant has based the LVIA on the Glossary in the Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment, Third Edition, 2013, which provides that tranquillity is "A state of calm and quietude associated with peace, considered to be a significant asset of landscape". This differs from SNDPA's interpretation of tranquillity which includes references to the presence of buildings in the landscape.</p> <p>With respect to construction noise, Chapter 24 of the ES (APP-139) concluded that there would be no significant construction noise effects, including at those properties located near to the SDNPA boundary. Based on the adopted definition of tranquillity, there could be a temporary effect on tranquillity in relation to noise during the construction phase within the boundary of the SDNPA. However the effect would impact a very small proportion of the overall area of the SDNPA, and will be temporary (only when noise producing equipment is operating) and not occur for the entire construction period. (i.e. only during Core Working Hours and not on Saturday afternoons or Sundays). Furthermore, as most users of the National Park are transient, they would be exposed to noise effects for a limited period of time. The best practice noise mitigation measures described in the Outline Onshore CEMP (REP5-019) will also provide benefit to users of the National Park.</p> <p>The noise criteria to be achieved are already secured by Requirement 20. Compliance with those noise criteria, which is secured, will ensure there is no impact on the SDNPA. There is</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		therefore no need for SDNPA to be consulted on the detailed approvals which are to be in accordance with the noise criteria already secured by Requirement 20.
3.2.2	The SDNPA is generally content with the construction traffic routing strategy put forward in the Framework Construction Traffic Management Plan (examination reference REP1-070). This sees construction traffic accessing the converter station site from the A3 to the east and largely avoiding the National Park. However, the South Downs National Park should be identified in the Framework CTMP (which it is not currently) as a sensitive receptor. This is because tranquillity is one of the special qualities of the South Downs National Park and it should be explicitly referenced and taken into account	Noting that permitted construction traffic routes prohibit use of roads within the SDNP other than as part of trips on the Strategic Road Network (A3(M)), this request has been incorporated into the updated Framework CTMP submitted at Deadline 6.
Environmental Matters		
ISH3 Agenda item 4(e)(ii)	No common ground has yet been reached with regard to the additional viewpoints requested in answer to ExQ1 LV1.9.	The Applicant refers to its hearing transcript for ISH3 (REP5-069) in this regard and confirms the additional viewpoints are submitted into the examination at Deadline 6.
ISH3 Agenda item 4(e)(ii)	<p>The viewpoint from the east of Prew's Hanger is further east than Viewpoint 1 from the PRow near Hinton Manor and is of a very different nature. The additional view requested is approximately 1km closer to the Converter Station site and around 30m lower. This is a far clearer and much closer view of the converter station without any intervening woodland blocks. Views from viewpoint 1, whilst at a higher elevation, are much more interrupted by intervening wooded areas and the foreground with the grapevines which distract the reader from the purpose of the image. With the inclusion of the additional viewpoint and the imposition of the wire frame outline of the Converter Station on the view, a judgement will be able to be made on the effects on visual amenity and landscape character from this location.</p> <p>It is difficult to understand why this viewpoint was not included – whilst there are views from the closer route of the Monarch's Way, the additional view requested is from a close PRow at an elevated position with a clear view and unimpeded by intervening woodland. It shows the impact of the Converter Station when against the more distant landform of Portsdown Hill, a key element of views from the SDNP when looking to the south from the area.</p>	<p>The Applicant refers to its hearing transcript for ISH3 (REP5-069).</p> <p>The Applicant notes a comment made by SDNPA at the hearing that-the viewpoint from Prew's Hanger was suggested by SDNPA as an alternative option. As far as the Applicant is aware and based on confirmation of agreed representative viewpoints by all the LPAs (see LV1.9.1 The Applicant's Comments on Responses to the Examining Authority's first Written Questions (REP2-008) this is not the case.</p> <p>Whilst the Applicant will submit additional viewpoints at Deadline 6, it is worth noting that the reason viewpoint 12 was taken was because it was from the Monarch's Way which is a sensitive receptor. Viewpoints 1, 12 and 17 cover the same angle of view as additional viewpoint 1 at varying distances and elevations, and Portsdown Hill is perceptible in all the views.</p>
ISH3 Agenda item 4(e)(ii)	The second viewpoint (at the entrance) is requested as the proposals give rise to considerable landscape and visual changes at this point and there are no viewpoints covering this area provided in the application documents. It will likely be one of the most highly viewed areas on one of the busiest roads local to the converter station. Landscape character will be impacted by the change from an enclosed hedge-lined lane with rural character to a far more open character with a loss of vegetation to the west for the creation of the new access point. There is also a complete reconfiguration of the area on the opposite side of the road from the entrance, close to the junction between Days Lane and Broadway Lane with loss of an existing hedge, provision of	<p>Please refer to the hearing transcript submitted by the Applicant for ISH3 (REP5-069)</p> <p>The Applicant has undertaken photography from the additional viewpoints including around the entranceway and "gated link road" and these are represented as viewpoint 3a, 3b and 3c.</p> <p>The additional viewpoints and accompanying viewpoint location will be submitted at Deadline 6. These are photographs, and not visualisations including a wireframe.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>additional roadway, a new and realigned hedge together with three new sets of gates and presumably considerable signage.</p> <p>This view is key in the assessment of the proposals, being at one of the most publicly visible areas of the proposals and being adjacent to the National Park. It is difficult to understand why this viewpoint was not included in the assessment when the landscape and visual effects are so extensive.</p>	
Converter Station landscaping		
<p>ISH3 Agenda item 4 f) ii)</p>	<p><u>Additional woodland and hedgerow planting</u></p> <p>The Applicant has made revisions to the indicative landscape mitigation plans at deadline 1 to include additional areas of woodland planting, particularly to the south and west of the Converter Station Area and to provide a new hedgerow to the north of the Converter Station. The SDNPA considers it disappointing how little woodland has been added to the mitigation proposals by the applicant at deadline 1. Further, the revised proposals put forward by the applicant do nothing to address the concern we raised in our deadline 1 submissions that the treatment of the western/northern boundary is very rectilinear in contrast to surrounding field patterns.</p> <p>The applicant states in response to the SDNPA's answer to ExQ1 and question LV1.9.25 (page 2-10 of examination library reference REP2-008) that the 'new woodland planting has had to be balanced with the impact on viable agricultural land'. Yet in the statement about the hedgerow alignment (ibid, page 2-11) discusses that, with the 'need for visual screening and ecological connectivity, hedgerows were introduced and smaller fields were created which replicate those to the west of Stoneacre Copse.' The SDNPA suggest that these smaller field areas could be considered to be less viable as agricultural land and therefore, in line with the Applicant's statement, could be considered for additional woodland planting.</p> <p>The planting of additional woodland on smaller areas would also be beneficial to safeguard the local area from further loss of land to horsiculture, a land use already found extensively in the local area that is detrimental to landscape character here. In the applicant's Environmental Statement, Volume 3, Appendix 15.5 (APP-403) it states on page 6 that 'Landscape character has been eroded by: ...Diversification of land use with the subdivision of fields into numerous small paddocks edged by electric fences and set aside for horse grazing as well as areas for off road mountain biking.' The SDNPA suggests that the request for additional woodland would not only provide additional screening, but also could be used to stem the possible further erosion of already degraded landscape character partly due to existing subdivision of fields in the surrounding area and as now proposed in this application.</p>	<p>Please refer to the hearing transcript submitted by the Applicant for ISH3 (REP5-069).</p> <p>The Applicant refers to the OLBS (REP-034), the updated OLBS (REP1-034 Rev003) and accompanying updated indicative landscape mitigation plans for both Option B(i) and Option B(ii) (REP1-036 Rev03, REP-037 Rev03 and REP5-032 Rev03). In terms of specific points the Applicant would like to respond as follows:</p> <p>Extent of woodland: The extent of planting around the vicinity of the Converter Station has been limited by a number of infrastructure and health and safety constraints which are referred to at section 1.6.4 of the OLBS (REP1- 034).</p> <p>Rectilinear form of woodlands: The planting aims to mimic some of the small copses around dells and the existing rectilinear planting where this has resulted through maturing belts of linear hedgerows / hedgerow trees. Planting to the west of the Converter Station has been rounded off for Plots 1-23 and Plots 1-29 and this is reflected in the updated indicative landscape mitigation plans submitted at Deadline 6.</p> <p>The shape of the woodland to the north of the Converter Station has been influenced by the 30m offset from the overhead lines and the need to maximise screening. The woodland has however been extended as show on the indicative landscape mitigation plans for both Options submitted at Deadline 1 and subsequently revised further at Deadline 6 to reflect a looser shape whilst maintaining its visual screening function as requested by SDNPA.</p> <p>Woodland planting to the south west (plot 1-44) was introduced to increase the visual screening function and would remain rectilinear in form. It should also be noted that as referred to in the updated OLBS (REP1-034 Rev003) woodland margins will be created and a loose woodland edge generated where possible:</p> <ul style="list-style-type: none"> ○ Paragraph 1.6.5.2 states "New native woodland belts and copses with glades and more open woodland edge to encourage understorey and ground flora to develop – again would benefit several ecological features" ○ Paragraph 1.6.7.1 "Within specific locations (determined through detailed design), glades and open "looser" woodland edges shall be created to provide a range of woodland habitats and enhance the understorey and ground flora (including ferns) to establish and regenerate naturally." <p>The Applicant would like to reiterate (as referred to in the title of the mitigation plans) that these plans are indicative and will be refined in consultation with WCC and SDNPA through</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>detailed design. The Applicant has taken an appropriate and proportionate approach to the extent of mitigation planting. The extent of planting has been guided by offsets and existing constraints as referred to in the OLBS.</p> <p>Balancing woodland with the impact on viable agricultural land:</p> <p>In terms of points made by SDNPA in their Deadline 5 Submission (REP5-091) that the creation of smaller fields could be considered to be less viable as agricultural land and therefore, in line with the Applicant's statement, could be considered for additional woodland planting. The Applicant's position is that the smaller agricultural fields will remain suitable for agricultural use.</p> <p>The Applicant does not consider that the benefits of woodland planting would outweigh the impacts of needing to acquire this land which is Grade 3a, and it is not considered such additional landscaping is necessary or appropriate so as to justify the acquisition of the land required to provide it.</p>
<p>ISH3 Agenda item 4 f) ii)</p>	<p><u>Strategy to deal with Ash die back</u></p> <p>With regard to existing trees the Outline Landscape and Biodiversity Strategy (REP1-034) states at paragraph 1.4.4.5 that 'Most of the woodlands in the vicinity [of the Converter Station] are estimated to contain between 40% and 80% ash population and are likely to be substantially affected by ash dieback disease'.</p> <p>The Applicant has commissioned an ash dieback survey and SDNPA understands that it will share its findings in due course.</p> <p>The Outline Landscape and Biodiversity Strategy states at paragraph 1.7.5.2 that 'Further investigation is required to determine the condition of trees and whether appropriate replacement planting must be introduced where there are suitable gaps in the woodland and where trees have failed and gaps are evident (including those affected by ash dieback).' The SDNPA welcomes this statement.</p> <p>The SDNPA consider that once the condition survey is undertaken there will need to be additional landscape mitigation proposals set out that address any identified future gaps. This should also specify the period of time over which the replacement planting would be carried out and explain what would happen in the future if other areas of disease develop that are not present in the original condition survey. It is expected that further revisions will be needed to the Outline Landscape and Biodiversity Strategy to address these points.</p>	<p>The Applicant confirms that an ash dieback survey has been undertaken and its findings have been shared with SDNPA. Based on the findings the Applicant is proposing to include two new areas of woodland within the revised Order limits. The request for a change to include these areas within the Order limits (AS-054) was accepted by the ExA on 18 December 2020. These woodlands (which serve a visual screening function) will be planted and managed to maintain their effectiveness in providing a visual screening function for the future baseline. The management strategy for these woodlands will be provided in an updated Outline Landscape and Biodiversity Strategy submitted at Deadline 6.</p>
<p>ISH3 Agenda item 4 f) ii)</p>	<p><u>The use of a bigger range of planting sizes to help provide screening at an earlier stage:</u></p> <p>The applicant's Outline Landscape and Biodiversity Strategy, at paragraph 1.6.7.1, recognises the need for a mix of plant stock (of local provenance where practicable) including larger trees in specific locations and native</p>	<p>The Applicant refers to the hearing transcript submitted for ISH3 (REP5-069) and the Applicant's Post Hearing Summary for ISH3 submitted at Deadline 6.</p> <p>The Applicant has revised Appendix 15.7 Landscape Schedules, Planting and Image Board (APP-405) to omit all reference to plant sizes and mixes. This document now states under Section 1.3 that the final schedule of planting sizes, schedules and mixes will be presented</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>'pioneer' species to create variations in the woodland structure and mix. Further details of the applicant's approach and intent on this matter would be welcomed, not least as the planting schedule in the Environmental Statement (Appendix 15.7, reference APP-405) incorporates the smaller planting sizes that the SDNPA raised concerns about in its deadline 1 submissions.</p>	<p>on the detailed landscaping scheme which will be agreed with the relevant discharging authority in consultation with the SDNPA.</p>
<p>ISH3 Agenda item 4 g) ii)</p>	<p>During construction there will be significant, albeit temporary and localised, impacts on tranquillity. The impacts will be multiple including from construction noise, impacts from the movement of plant and vehicles (including cranes), the presence of a construction compound (including over 200 car parking spaces) and temporary fencing together with stockpiled soils and materials. Once the Converter Station has been constructed the presence of large, utilitarian buildings will detract from the tranquillity of this otherwise generally rural area.</p> <p>The SDNPA welcomes proposed DCO requirement 20 that requires submission of a Noise Management Plan in respect of the Converter Station building. This will be important to ensure that the ongoing operation of the proposed development is not audible within the National Park. However, the SDNPA request that this requirement is discharged, in respect of Work Area 2, after consultation with the SDNPA because of the potential tranquillity impacts.</p>	<p>The Applicant refers to the hearing transcript submitted for ISH3 (REP5-069) which explains that there will be moderate to minor localised significant effects on tranquillity (as a local landscape feature) during the construction period arising from construction activity and traffic. Effects will vary depending on the nature and focus of activities as well as programme. However the effect would impact a very small proportion of the overall area of the SDNPA, and will be temporary (only when noise producing equipment is operating) and not occur for the entire construction period. (i.e. only during Core Working Hours and not on Saturday afternoons or Sundays). Furthermore, as most users of the National Park are transient, they would be exposed to noise effects for a limited period of time.</p> <p>The ExA noted that there was a disagreement over the different interpretation of "tranquillity" and this continues to be an area of disagreement. The Applicant has based the LVIA on the Glossary in the Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment, Third Edition, 2013, which provides that tranquillity is "a state of calm and quietude associated with peace, considered to be a significant asset of landscape". This differs from SNDPA's interpretation of tranquillity which includes references to the presence of buildings in the landscape.</p> <p>The noise criteria to be achieved are already secured by Requirement 20. Compliance with those noise criteria, which is secured, will ensure there is no impact on the SDNPA. There is therefore no need for SDNPA to be consulted on the detailed approvals which are to be in accordance with the noise criteria already secured by Requirement 20.</p>
<p>S106 agreement</p>		
<p>5</p>	<p>The applicant's position is that a Section 106 legal agreement is not required in order to make the development acceptable. The SDNPA disagrees and considers that a legal agreement is required in this case to ameliorate the harm caused by the development to landscape character and the setting of the National Park, particularly by virtue of the large scale of the converter station buildings and their proximity to the National Park boundary on three sides. This harm remains despite the landscaping scheme put forward by the applicant as mitigation.</p> <p>The SDNPA's position on this matter is supported by paragraph 5.9.9 of the Overarching National Policy Statement for Energy which states that National Parks have the highest status of protection in relation to landscape and scenic beauty.</p> <p>Paragraph 5.9.12 states that the duty to have regard to the statutory purposes of National Parks also applies to projects outside the boundaries of</p>	<p>The Applicant and the SDNPA are currently in discussion over the appropriateness of securing planning obligations. The SDNPA considers that an appropriate section 106 planning obligation is required to mitigate and offset the harm the Proposed Development would cause to landscape character by delivering agreed and significant landscape enhancements within the local area. The Applicant acknowledges that there is harm to the landscape remaining, but considers that this has been mitigated as far as practicable through careful design, siting and landscaping, and therefore in accordance with the relevant policies provided for by EN-1. The Proposed Development is not located within the South Down National park, and therefore Policy SD42 of the South Downs Local Plan is of no relevance.</p> <p>The Applicant is open to further discussing the necessity of planning obligations, however any obligations must be in accordance with the legal tests in regulation 122 of the Community Infrastructure Levy Regulations 2010.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>National Parks where they may have impacts within the National Park. The aim, it goes on to note, should be to avoid compromising the purposes of a protected landscape's designation and projects should be designed sensitively given the various siting, operational and other relevant constraints.</p> <p>Such an approach is also consistent with Policy SD42 of the South Downs Local Plan that applies to infrastructure and states that development proposals will only be permitted where appropriate, necessary and reasonable infrastructure investment has either been secured either in the form of suitable on-site or off-site works and/or financial contributions to mitigate the impact.</p> <p>The fact that the development as it stands will cause harm to the National Park is incontrovertible, the applicant's Planning Statement for example accepts that there will be significant adverse landscape and visual amenity effects. To offset this harm the SDNPA have been discussing with the applicant a planning obligation to cover landscape enhancement works off site (but within an appropriate distance) within the National Park. A number of potential projects have been discussed and no resolution has been reached as yet. Discussions are ongoing.</p>	

Table 2.6 - Winchester City Council

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Overview of Oral Submission for hearings (REP5-094)		
ISH1 Agenda item 4.2	<p><u>HDD Compound</u></p> <p>The location of the HDD launch compound at the southern end of the Denmead Meadows drilling operation is still unresolved.</p> <p>consideration and no final absolute decision has been made on a choice between the two. The Council has proposed amendments to requirement 4 to address the need for a decision on the choice of the HDD launch compound.</p>	<p>Should a position not be agreed with Natural England to confirm that the HDD will take place from the northern compound, the Applicant confirms it would be amenable to including an addition to this Requirement, albeit it is not considered this is necessary as the location of the HDD will be confirmed though detailed design in any event and the position that only one HDD can take place in this location is already secured.</p>
	<p>Parallel to the decision on the HDD launch compound is the related matter of how the cables would leave the Hambledon Road and enter the land on the northern side, if that is the location for the compound. The Council has documented its concerns at each deadline over the applicants reluctance to commit to the retention of the trees on the northern boundary of the road to the open ground beyond. On the basis that the location of the compound is fixed then there does not seem to be any reason why this commitment cannot be given</p>	<p>Following a desk based review of the tree constraints plans (Appendix 10 Tree Survey Schedule and Constraints Plans (REP3-007)) and discussion with the cabling contractor, it has been confirmed that T290, T300, T302, T303, T306, T307 and T312 as shown in those plans, will be avoided during the proposed works adjacent to Hambledon Road. This will be included in the detailed arboriculture method statement to be prepared in consultation with the local planning authority as secured by Requirement 15 of the dDCO (REP5-008 Rev005).T306, T302 and T300 have also been removed from Schedule 11 in the dDCO submitted at Deadline 6.</p>
	<p>The Council notes the request to the applicant to clarify the situation regarding the Converter Station height. The Council wishes to take this opportunity to comment on that situation. It is understands that the height</p>	<p>The Applicant seeks permission for buildings between 22m and 26m as stated in the draft DCO (REP5-008) and justified in the Design and Access Statement (REP1-031). These dimensions are based on advice which the Applicant has received from contractors</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>variation is to allow some flexibility in the design of the roof and its supporting structure. The final decision will rest with the contractor at the time the detailed design is finalised. The Council has sought clarification what weight will be given to minimising landscape impact in that decision.</p> <p>This is particularly pertinent if the lower building results in a higher capital outlay.</p>	<p>experienced in constructing converter stations. 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, to ensure that no supplier is disadvantaged from offering their proposed technological solution the Applicant has sought to retain flexibility in respect of the height, and without this the Applicant would not be able to run a competitive tender process for the Converter Station taking into account the limited number of supplies of the bespoke equipment which comprises a converter station.</p>
<p><u>ISH1 Agenda Item 4.3</u></p>	<p><u>Fibre Optic Cable</u></p> <p>The Council has consider this question in the light of the information provided by the applicant at the various deadlines. The Council has responded at each deadline looking to build up a clear picture of the FOC to the point where it can reach a definitive view on whether this element is clearly associated development or not. Any review must be set in the context of the section in the Planning Act 2008 and the guidance on associated development April 2013.</p> <p>A reference to a commercial use of the FOC is acknowledged within the S35 Direction. However, this reference alone is not considered to fundamentally tip the argument in the applicants favour. The Council is of the view that the SofS was "blind" to the full extent of the proposed commercial use when the S35 Direction was made. The Council is of the view that had the SofS been aware of the full magnitude of the amount of the commercial FOC capacity then he would not have accepted it.</p> <p>The applicant has been slow to share the precise magnitude of the commercial use.</p> <p>Following a number of request, the latest figure to be disclosed is an 80-20% split between the commercial and interconnector use. The actual number of lines that would be offered is thought to add further light on the question.</p> <p>The criteria for associated development are limited. They are set out in the guidance document referred to above. From the examples given in the guidance, it is clear that the associated development has to have a direct connection to the main element. Whilst this is true at a superficial level in this project, those benefits raised by the applicant in support of the FOC being associated development are not considered to fulfil the qualifying criteria.</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 development 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 (REP1-127).</p>
<p><u>ISH1 Agenda item 5.6</u></p>	<p><u>Employment and Skills Plan</u></p> <p>The applicant's statement that the nature of the project will require a specialised workforce to install elements of the project is accepted. However, it is recognised that this still leaves open the ability of local companies and workers to become engaged in other elements of the project. These include the earthworks, landscaping and the road gangs. Whilst they may be considered minor elements in the context of the overall scheme, they are</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 11.1, the Applicant is continuing to consider this request, and is seeking further information and engagement with WCC to confirm what may be able to be provided that is realistically achievable (noting that much of the works to be undertaken will be undertaken by specialist contractors familiar with the construction of high voltage electrical apparatus).</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	significant elements worthy of attention. As part of the Plan, the Council is also seeking the applicants support in firing the enthusiasm of students from local educational establishments on career opportunities by arranging carefully controlled site visits.	
CAH1 Agenda item 3.3	<p><u>Deed of Covenant</u></p> <p>The use of the Deed of Covenant as a mechanism to acquire landscape rights over land that the applicant does not intend to own is a proposal that the Council is not familiar. Consequently, it has sought clarification on the practicalities of using this approach and also of the ability for the deed to be maintained throughout the life of the development. This later point includes the ability to take enforcement action if the deed is breached.</p> <p>The Council has sought further information on this matter. The most recent formally submitted detail was in the deadline 4 response. This refer to the provision of a model of the deed and makes reference to enforcement provision under the relevant section of the Planning Act 2008. This is still under consideration and discussion with the applicant.</p>	<p>Please refer to the Applicant's hearing transcript for CAH1 (REP5-035) and in particular the response to question 3.3.</p> <p>The Applicant has liaised further with Winchester City Council on this matter, and has provided a copy of a precedent landscaping easement and an explanation of the position in respect of enforcement.</p> <p>Whilst the Applicant notes the comments of WCC, it is considered the Applicant has made very clear why the approach to voluntarily seeking to secure the necessary rights by way of a Deed of Grant of an Easement is appropriate, providing a legally enforceable property interest. The Applicant therefore considers this matter to be addressed.</p>

Table 2.7 - Highways England (REP5-096)

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Protective Provisions		
	Dialogue 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 confirms that it is continuing discussions with Highways England to agree an appropriate form of protective provisions for the Proposed Development to which they relate, which does not include works on highway for which Highway England is the highway authority.
Traffic and Transport		
	<p><u>An updated, more detailed assessment of the collision data at A3(M) Junctions 2 and 3 and at the A27/ A2030 junction.</u></p> <p>This was discussed at the meeting held on 26th November and WSP stated that this had been done but that they would await agreement on the junction capacity modelling before issuing it to us, as the two were linked (in the sense that the modelling would allow us to understand the risk that collision clusters associated with excessive queueing on the slip roads would be exacerbated by the Scheme);</p>	The Applicant continues to progress this Technical Note, which will be submitted to Highways England as soon as possible. The review of accidents data and traffic modelling for the Strategic Road Network has however shown that the Porposed Development is unlikely to exacerbate existing accident trends.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p><u>A firm commitment that normal sized HGVs (and not just abnormal loads) would access and leave the Farlington Playing Fields work site under traffic management control</u></p> <p>This was also discussed at the meeting held on 26th November and WSP stated that this would be incorporated in an updated FCTMP, which would be issued once HE, HCC and PCC were all happy with the responses to issues they had each previously raised.</p>	<p>This has been incorporated into the updated Framework CTMP submitted at Deadline 6.</p>
	<p><u>A further submission in respect of the junction capacity modelling for A3(M) Junctions 2 and 3:</u></p> <p>This was raised at the meeting held on 18th November, at which we expressed the opinion that the ARCADY and LINSIG models submitted to date required an update. This was to be addressed by WSP by obtaining locally-derived traffic flows for these junctions, rather than those produced by the SRTM, which was regarded as not having sufficiently fine detail in the vicinity of these junctions to produce precise, accurate turning movements. We understand that WSP will incorporate their response to this issue in the updated models referred to above. This will be the subject of a WSP Technical Note, which we will review once we receive it.</p>	<p>This Technical Note was submitted to Highways England on 17 December 2020. The Applicant therefore welcomes further discussions with Highways England on this document.</p>
	<p>It is anticipated that the issues identified to date are not showstopper issues and will if necessary be mitigated through commitments to be made either in an updated FCTMP or a supplement to the Transport Assessment. It is not currently anticipated for Highways England to attend hearings on 14 December 2020 on these matters.</p> <p>We 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>	<p>A meeting with PCC, HCC and HE was held on the 8 December 2020 to discuss transport matters within PCC and cross boundary transport matters.</p> <p>PCC, HE and HCC advised that they would wish to progress a triparty SoCG on the FTMS/CEMP and specific traffic and transport issues. The Applicant is awaiting a joint statement from all parties outlining the topics that the parties would like to see included within the SoCG for consideration.</p>
<p>Proposed Easement</p>		
	<p>Highways England are awaiting the complete Geotechnical Risk Assessment in accordance with CD622 (Managing Geotechnical Risk) to inform if Highways England 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.</p> <p>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.</p>	<p>The Geotechnical Risk Assessment document was issued to Highways England for review and comment and minor comments from Highways England have now been received. The Applicant will resolve these comments following Deadline 6.</p> <p>The Applicant agrees that positive dialogue is ongoing with Highways England in relation to the proposed easement.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Definition of "relevant highway authority"		
	We have not yet had the opportunity to discuss with AQUIND matters related to terminology of 'relevant highway authority' in the DCO. This is intended to be discussed and agreed ahead of the hearings. It is not expected that Highways England will need to attend the hearings on 9 December 2020 on this matter.	Please refer to the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058) and the response provided to question 3.4.

Table 2.8 - Marine Management Organisation (REP5-100)

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Issue Specific Hearing 1		
ISH1 Agenda item 10(2) - Contaminated sediments sampling	Contaminated sediments sampling (Table 4.1, item 4.1.1 of SoCG submitted at Deadline 6) – We all agree the purpose of this condition, the applicant is finalising the wording which we will review.	<p>Within Table 4.1 of the Statement of Common Ground (Item 4.1.1), the MMO has advised that should excavation of the HDD entry / exit point not occur within 5 years from the date of contaminant analysis then further advice should be sought from the MMO regarding the need for further sediment sampling analysis.</p> <p>The MMO provided draft wording for the proposed condition, which is based on a dredge and disposal licence condition for ports and harbours projects, which we do not consider to be analogous to the Proposed Development.</p> <p>As discussed in a meeting with the MMO on 19 November 2020, while the Applicant understands the reasoning behind the request (i.e. to make sure that the level of contaminants hasn't changed over time) given the low level of contaminants previously identified (Appendix 7.3 Contaminated Sediments Survey Report, App-374) and the very small volumes that need to be excavated i.e. maximum of 2,700 m³, we consider the risk is very low and query the need for such a condition.</p> <p>We previously requested further clarity from the MMO and Cefas on how this has been applied to projects of a similar nature i.e. construction projects such as cables and windfarms which are undertaking small excavations for HDD or works, or as part of seabed preparation activities, but they have been unable to provide such detail to date – we (via email on the 8 December 2020) requested that they revisit this with Cefas.</p> <p>The Applicant is reviewing the latest feedback from the MMO provided on 21 December 2020 and will respond in due course. Should agreement on this matter not be possible, the Applicant will seek to agree the drafting of the DML condition with the MMO, without prejudice to its position that one is not required, to inform the decision making of the Secretary of State.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
ISH1 Agenda item 10(2) Herring mitigation	<p>Herring mitigation (Table 4.1, Item 4.1.2 of SoCG submitted at Deadline 6) – The MMO request that temporal and spatial mitigation is included, the applicant is not currently in agreement with this mitigation.</p>	<p>The Applicant considers that the detailed assessment in Chapter 9 (Fish and Shellfish Ecology; APP-124) appropriately assesses the potential impacts to herring, that the impact is not significant, and no additional mitigation is needed. The MMO advised in their Relevant Representation (RR-179) that they considered that a timing restriction (for up to 3 months) was required to protect spawning herring during sensitive periods.</p> <p>The Applicant has worked with the MMO and their advisors in order to resolve the matter, including providing data used to support the assessment of impacts on herring including herring larvae data and particle size analysis data (PSA) (see REP3-013). Based on the data provided within REP3-013, the MMO advised that they have refined down the potential timing restriction to a 4 week period over a part of the UK Marine Cable Corridor.</p> <p>Further justification was requested from the MMO as to why they consider a restriction is required, and which aspects of the assessment in Chapter 9 of the ES they disagree with. Further justification was provided by the MMO (18 November 2020), but it isn't clear why / which aspect of the assessment they disagree with (only that they consider a restriction is needed).</p> <p>While the Applicant considers that sufficient justification has not been provided by the MMO regarding the need for a restriction, a four week restriction will not significantly impact in the buildout of the project. Therefore, the Applicant is willing to accept a four week restriction (from Dec 15 – Jan 15) for seabed preparation and cable laying activities between KP 90 and KP 109 of the Marine Cable Corridor.</p> <p>The Applicant agrees to the restriction and requests the MMO to draft the licence wording (and state location in the DML where it should sit) in accordance with the parameters set out above for the Applicant to consider.</p>
ISH1 Agenda item 10(2) - Underwater noise	<p>Underwater noise – MMO provided the applicant with rationale for requesting an updated criteria, as the cumulative exposure should also be assessed and the most appropriate criteria for assessing this is NOAA (2018). Awaiting Applicant response.</p>	<p>In the MMO's Relevant Representation (RR-179), the MMO requested that further assessment was required for cumulative underwater noise from the vibrohammering installation of ducts and trestles at the marine HDD location. There has been numerous email correspondences on this matter since. Subsequently, the Applicant issued the assessment on 26 November 2020 which covered underwater cumulative noise exposure from vibro hammering in accordance with NOAA 2018 guidance as requested by the MMO.</p> <p>The MMO has confirmed via email (16 December 2020) that they are content with the assessment that was submitted and this matter is now considered to be resolved. This agreement is reflected in the Statement of Common Ground submitted at Deadline 6.</p>
ISH1 Agenda item 10(2) - Appeals and Arbitration	<p>Appeals and Arbitration</p> <p>The MMO must not be subject to an appeals process. The MMO's position is that any matter in relation to the DMLs should not be subject to arbitration or appeal. The Applicant should rely on judicial review as a means to challenge any decision of the MMO.</p> <p>The MMO requests that Article 45 states that any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration. The MMO requests amendments to the drafting that make it explicit that the MMO is not subject to the provision.</p>	<p>Article 45 is not applicable to the DML by virtue of the "Except as otherwise expressly provided" wording used in that Article, as has previously explained.</p> <p>The Applicant has updated the Statement of Common Ground to reflect that this matter remains not agreed (see Table 5.1 of SoCG, Rev 003 submitted at Deadline 6).</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
ISH1 Agenda item 10(2) - The definition of cable protection	The definition of cable protection in dDCO [APP-019] Schedule 15, the Deemed Marine Licence. The MMO and the applicant will work to come to an agreement on this definition.	The MMO has raised concerns regarding the inclusion of terms such as 'likely' in their responses to the ExQ1(REP1-211). This was discussed with the MMO in a meeting on 19 November 2020, and an updated definition of cable protection has been provided to the MMO via email on the 08 December 2020. The MMO is now content with the definition and the DML has been updated in the revision (Rev 005) submitted at Deadline 6.
ISH1 Agenda item 10(2) - Part 1, 10 of the DML.	Part 1, 10 of the DML. In the DML in the dDCO [APP-019], at Part 1, 10 'Details of Licensed Marine Activities' the use of the word "likely". The MMO is working with the applicant to understand the purpose of Part 1, 10.	<p>The ExA will be aware that the EIA (IP) Regs require the reporting of 'likely' significant effects on the environment. The wording used reflects the statutory scheme to identify effects, and is drafted as it is on that basis, providing the same level of certainty as the regulations which govern assessment.</p> <p>The Applicant notes that wording of the same effect to that used in the draft Order is used in the recently made Norfolk Vanguard Offshore Wind Farm Order 2020, which uses the terminology 'unlikely' and 'materially new' and 'materially different' (see Schedule 9, Part 2, paragraph 4, for example).</p> <p>The wording used in the Norfolk Vanguard Offshore Wind Farm Order 2020 is as follows: <i>Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial and it must be demonstrated to the satisfaction of the MMO that they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i></p> <p>Noting the Applicant's response to ExA WQ DCO1.5.19 (REP1-091) and that similar wording appears in recently made Orders, we consider that it is not necessary to make amendments to Part 1, paragraph 10 of the DML at Schedule 15 of the dDCO. However, the Applicant is content to amend with the above wording should this be preferable to the MMO and it resolves this matter.</p> <p>Details will be approved by the MMO pursuant to the DML. It may be necessary to amend the plans, protocols or statements which have been approved. Part 1 paragraph 10 allows for such amendments to approved plans, protocols or statements to be made, but when any such amendment to approved details is sought the variation must demonstrate it accords with the ES, i.e. the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those already assessed. Without this wording, there is no ability to make any such minor variations. As such, a provision to this effect must remain in the DCO.</p> <p>The MMO's previous comments are not fully understood but we can confirm that nothing in this paragraph would permit a variation of what the works are, as appears to be suggested, and it is not the case that the paragraph has a wider application than the details approved pursuant to the DML, again as appears to be suggested. Paragraph 10 needs to be read with paragraph 9, being the paragraph which confirms what approved plans, protocols and statements may be amended and to which paragraph 10 then refers.</p> <p>The Applicant is reviewing the MMO's most recent feedback provided on 21 December 2020 and will respond in due course.</p>
ISH1 Agenda item 10(2) - Part	Part 1, 4(5) of the DML. The MMO is unclear about the purpose of the DML Part 1, 4(5) permitting any "other works as may be necessary or expedient"	The Applicant has removed this paragraph 4(5) from the DML submitted at Deadline 6 (Rev 005), as the minor development to which it may relate is considered to already be captured

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
1, 4(5) of the DML	and there is some concern that it could introduce scope for additional cable protection to be added without the necessary marine licence being sought. In the meeting on the 19th November, the applicant confirmed that the "other works" would be minor ancillary works. The MMO have requested that the applicant review this condition to clearly state that these are minor works.	by paragraph 4 which confirms that such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed in the environmental statement is permitted. The MMO however advised (21 December 2020) that they have residual concerns regarding the similar wording in Schedule 15, Part 1 Paragraph 4 e.g. that it permits works which are not permissible under the DML. It is the Applicants position that this is a standard approach to DCO / DML drafting, that it is not possible to include every minor detail of works which may be required at this stage, that the condition requires the works to fall within the scope of the environmental assessment, and that all licensable works require MMO approval through relevant licence conditions e.g. Part 2 Condition 4 (c). The Applicant will continue to work with the MMO on this matter.
Issue Specific Hearing 3 Agenda		
ISH3 Agenda item 5(i)	<p>Providing grout bags are a temporary measure as detailed in the Applicant's response to the MMO, the MMO is content with the methods of non-burial protection for the cable. However the MMO would like the applicant to confirm how this is secured in the DML. With regards to the design parameters, the MMO is content that the Applicant has acknowledged our request to define the length and area of protection required at the Atlantic Cable Crossing and is content that the applicant proposes to include this in Part 1, Paragraph 4(1). The MMO notes that Applicant is content to amend Part 2, Condition 11 to include provision for details of scour/erosion around the Atlantic Cable Crossing, and the justification for any additional protection which may be required. The MMO awaits for proposed wording from the Applicant.</p> <p>In addition, the MMO are concerned that the request for data no older than 5 years to be presented before post construction cable protection is approved is not currently secured in the DML. The MMO is working with the Applicant on this matter.</p>	<p>In terms of the temporary use of grout bags, the Applicant considers that it is not appropriate to secure the temporary use of grout bags within the DML but the Applicant wishes to highlight that the MMO will be required to approve the deployment of cable protection (during construction and operation) as per licence conditions in the DML (Rev 005) submitted at Deadline 6 including Part 2, Condition 4 Cable Burial and Installation Plan and in Condition 12 respectively.</p> <p>The Applicant has agreed to add further detail to define the extent of the Atlantic Cable Crossing parameters at Part1 4 (1) of the DML as requested. This has been actioned in the DML submitted at Deadline 6.</p> <p>In light of the recent feedback provided by the MMO on 21 December 2020, the Applicant has amended the DML submitted at Deadline 6 (APP-019, Rev 005) to resolve this matter in regard to data no older than 5 years.</p> <p>As per the amended licence conditions in the DML submitted at Deadline 6 (APP-019, Rev 005), during construction, the approval of deployment of cable protection will be exercised through approval of the Design Plan and Cable Burial and Installation Plan in Part 2, Condition 4(1)(a)(iii) and Condition 4(c)(i) to (iii) which are subject to approval in Part 2, Condition 5. During operation, the Applicant proposes that the approval for deployment of cable protection be exercised through Condition 12 (6). The MMO will also approve the Cable Burial Management Plan (Condition 11) which will form the record of cable burial surveys and installation of cable protection for the authorised development throughout the operational lifetime of the project.</p>
ISH3 Agenda item 5(i)	MMO previously noted that it was unclear and had concerns about the purpose of proposed Deemed Marine Licence Part 1, 4(5) that permits 'any other works as any be necessary or expedient.' The MMO's concern is that it's not an exhaustive list. In a meeting with the Applicant on the 19th November, the applicant confirmed that the "other works" would be minor ancillary works. The Applicant has agreed to review this condition.	See Applicant's response to paragraph no. ISH1 Agenda item 10(2) - Part 1, 4(5) of the DML above.
ISH3 Agenda item 5(i)	The only outstanding areas of discussion in regard to conditions of the Deemed Marine Licence between the MMO and the Applicant are those matters identified in the SoCG in Table 4.1. The key outstanding issue	See Applicant's response to paragraph no. ISH1 Agenda item 10(2) Herring mitigation above.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>regarding mitigation is the Herring mitigation. The MMO recommend that temporal and spatial mitigation is included. The MMO have taken a pragmatic approach based on the best available data and recommend either of the following conditions:</p> <p>A) Joint to Joint: No works to be undertaken between the two cable joints (shown on the map) located within ICES sub-rectangles 29E97 and 29F02, during the period of 15th December to 15th January inclusive.</p> <p>B) KM to KM Distance: No works to be undertaken between the 90 – 100km and 100-110km distances shown on the map, located within ICES sub-rectangles 29E97 and 29F02, during the period of 15th December to 15th January inclusive.</p>	
<p>ISH3 Agenda item 5(i)</p>	<p>The MMO awaits for proposed wording for the condition from the Applicant relation to the assessment of the AQUIND Interconnector/ Atlantic Crossing interaction and protection.</p>	<p>The Applicant has agreed with the MMO to add additional detail to define the extent of the Atlantic cable crossing at Part1 4 (1) of the DML. This has been actioned in the revision of the DML submitted at Deadline 6.</p> <p>The Applicant proposes that rather than include this item in Part 2, paragraph 1 which would mean that the current parameters listed would need to be amended so that there is no double counting (and the details of which currently match the parameters as reported in all of the assessments and mitigation documentation).</p> <p>Further to feedback from the MMO on 21 December 2020, the Applicant has also amended Part 2, Condition 11 to include provision for details of scour/erosion around the Atlantic Cable crossing (APP-019, Rev 005).</p>

Table 2.9 - Network Rail Infrastructure Limited (REP5-102)

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
<p>1.2 – 1.3</p>	<p>The Examining Authority are asked to note that clearance is still pending. As detailed in Network Rail's written representations, clearance is a two stage process by which Network Rail's technical and asset protection engineers review a proposal before determining whether, having regard to the impact on the railway, clearance can be granted for a proposal to proceed.</p> <p>Until the outcome of the clearance process is known Network Rail is unable to comment fully on the impact of the proposals on its operational railway. Network Rail is considering what further information it requires and will be liaising directly with the applicant so that the clearance process can be progressed. Clearance may be refused where proposals have an unacceptable impact on the safety and/or operation of the railway. In the event that clearance were to be refused Network Rail would submit further information to the Examining Authority setting out in detail its concerns about the proposals</p>	<p>The Applicant has provided all required information to Network Rail.</p> <p>Further information was requested by Network Rail on 11 December 2020. The Applicant responded to confirm clearly that all information requested by Network Rail in that request had already been provided to them. The Applicant therefore looks forward to clearance being confirmed in good time by Network Rail.</p>

3. OTHER

Table 3.1 - Mr Geoffrey Carpenter and Mr Peter Carpenter

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Written Submission in relation to Compulsory Acquisition Hearing 2 (REP5-108)		
31(a)	Aquind recognises the use “for commercial telecommunications” as both a discrete purpose from use for electricity transmission, and that the result of happenstance industry standard cables sizes means that it is “desirable” to utilise those happenstance available additional fibre optic cables. The logical outcome of its evidence is that such parts for such purposes, in law, cannot be “associated development” but cannot also satisfy the “requirement” test of section 122(2) of the PA 2008. Since That results to require exclude from the dDCO terms any development relating to “commercial telecommunications” purposes and also precludes the scope of compulsory acquisition powers being justified on any basis. This results to require the scope of the Proposals to be reduced to exclude the Telecommunications Buildings (and parking) and commercial fibre optic cables from the Land.	<p>The Applicant does not accept that the use of the fibre optic cables is for a “discrete” purpose and the Applicant has not “by happenstance” chosen an industry standard cable with more capacity.</p> <p>The choice of cable is up to the Applicant and it is entirely reasonable to use an “industry standard size cable” for control, monitoring and communication purposes. In any event, even if it were available, there would be no benefit in installing a “bespoke choice or design that matches the requirements of the particular interconnector project” as the cable would still need to be installed underground.</p> <p>The Applicant maintains that the FOC Infrastructure meets the relevant legal tests for the reasons set out in the FOC Statement (REP1-127) [and the post hearing notes].</p>
31(c)	The Proposal for a choice of Parameter Volumes (Options B(i) and (ii)) in two locations 40m different from each other evidences in itself that the Proposals remain premature because the siting of this key necessary element remains (at Deadline 5) uncertain: a Converter Station will be either in location B(i) or in location B(ii). The subsisting uncertainty appears based on unresolved subjective negotiations between the Applicant and National Grid in circumstances where third party compulsory acquisition powers may or may not be necessary. See Land Plans, Sheet 1, Document Ref: 2.2: Key “Permanent acquisition of land or New Connection Rights”. Put another way, the evidence in Sheet 1 of the Land Plans, Document Ref: 2.2, points to only Option B(i) being justified unambiguously;	<p>A response to this has been provided under paragraphs 4.24.3 and 4.24.4 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034) submitted at Deadline 5 which outlines the changes made to the Land Plans (APP-008 Rev03) also submitted at Deadline 5.</p> <p>The Application is not premature, it includes for two siting options with a requirement to confirm that which is selected, with the eastern option being subject to continuing discussions with National Grid regarding the acquisition of the land required for this.</p>
31(d)	The permanent continuous presence of an Access road, 7.3m wide and 1.2km long designed for Heavy Goods Vehicles and Abnormal Loads, across the Land after the event of conclusion of the erection of one of two Converter Stations, remains unjustified by evidence of periodic occasional 3-4 days of actual use per year by light inspection vehicles or, hypothetically, by vehicles concerning theoretical happenstance rare equipment failure in relation to a Converter Station designed for a 40 year minimum period and a desire to upgrade electronic equipment	<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 ALL'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 ALL 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>Further information regarding the Access Road and is provided within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
31(e)	The taking of the Carpenters' Land extent, to execute and maintain no more than a choice of difference on its greater part in the type of landscape vegetation (trees, hedges and different grass) and a visual change from the current open rolling arable fields traversed by pylons and reinstatement of open rolling arable fields (still traversed by pylons), appears problematic.	The landscape vegetation has been carefully chosen and designed to mitigate the visual impacts of the Proposed Development. As referred to in the Applicant's Response to Deadline 4 (document reference 7.9.23) 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 and provides benefits from a biodiversity perspective.
33(a) – (b)	The Carpenters do not accept that the fibre optic cables or the Telecommunications Buildings and parking (envisaged immediately North of the Farm buildings), are lawful or justified as part of the development for which development consent can be granted, nor that these elements can or do qualify as "associated development" under the Planning Act 2008	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 within the Statement in Relation to FOC (REP1-127).
33(c)	The Carpenters do not accept that maintenance, in perpetuity, of a (temporary construction) access way within the Parameter Zone 1 Access Road, together with a related attenuation pond, nor that these are, or can be, lawful nor can these be justified to be permanently situated on their Land	The Applicant refers to the response provided for Question 4.3 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), where the land-take of each component of the Converter Station Area is justified. Further information in relation to Plot 1-32 is included within the Applicant's Post Hearing Notes submitted at Deadline 6.
33(d)	The Carpenters do not accept the provision of permanent landscaping proposals for localised effects otherwise than Northwards of the proposed bunds immediately adjacent to the built Converter Station is lawful or justified	The Applicant refers to points made under 31(e) above and reiterates that landscaping proposals seek to respond to not just visual impacts but also impacts on landscape character. Measures include improving connections with a 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 referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402). 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.
33(e)	Mere design desires for a permanently resulting different appearance of local landscaping to that of the existing open agricultural appearance of the Land are justified nor can such a desire for a different appearance of the existing Land lawfully satisfy section 122(2) of the PA 2008	The Applicant refers to the points made under 31(e) and 33(d) above. The landscaping to be provided is necessary to mitigate the visual impacts of the Proposed Development and the land on which is to be located is therefore required for the Proposed Development. .
36 - 43	The Carpenter's maintain that the extent of permanent land take is unjustified and instead propose Protective Provisions in relation to their land.	The Applicant disagrees that the extent of the permanent land take is unjustified for the reasons explained in the response provided for Question 4.3 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034). Further information in relation to Plot 1-32 is included within the Applicant's Post Hearing Notes submitted at Deadline 6.

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		Taking the above into account, the proposed protective provisions in relation to the Carpenter's land are wholly inappropriate.
Appendix J - Proposed Landscaping: Excessive Unjustified Land Take (REP5-126)		
2	The extent of the land take for the Application development remains unjustified, unlawful and is required to be carefully scrutinised. That scrutiny reveals that more land than is necessary for the Application development has been included and either a protective provision or Requirement appears necessary by which to ensure a match between the extent of the Order Limits that is lawfully justified and that shown on the Land Plans as the proposed Order Limits (we have drafted a draft schedule 13 accordingly to the draft DCO and submitted this at Deadline 5).	<p>With regards to works at the Converter Station Area, the Applicant refers to Work No.2 and schedule 1 of the dDCO (REP5-008 Rev005) which outlines the Converter Station and associated equipment to be constructed to the west and south of the Lovedean Substation. The Converter Station Area has been developed based on the temporary construction and permanent operational requirements as well as the landscaping and ecological requirements.</p> <p>The land within the Converter Station Area is required to accommodate the Converter Station, the connection between the HVAC cables and the existing Lovedean Substation, the HVDC cables, the Works Compound and Laydown area and areas associated with the construction of the permanent Access Road and associated haul roads, surface water drainage and associated attenuation ponds and soakaway, landscape and ecology, incoming utilities and Telecommunications Buildings and the compound in which they are located. The Indicative Converter Station Area Layout Plans - Rev 02 (REP1-018) identifies indicatively the layout of the Converter Station Area and the temporary areas over which rights are required to facilitate the delivery of the temporary laydown and works compound areas required during the period of construction. The Applicant refers to the response provided for Question 4.3 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), where the land-take of each component of the Converter Station Area is justified. Further information in relation to Plot 1-32 is included within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>
	The starting point is that, when carefully scrutinised, the Landscape proposals that show one way that the Landscape Framework terms may result in their application, are evidently unnecessary and the extent of the Landscape proposals has been amplified. A more sustainable result can be ensured by significantly less land take and the Application development can be accomplished through significantly less onerous land enabling powers and residual emergency planning and decommissioning rights than the Applicant seeks over our Clients' land (as shown diagrammatically), adjacent land, and the geographical extent of those powers that are sought	<p>The Applicant refers to section 4.31 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034).</p> <p>In addition, the approach to the provision of new landscaping and ecological enhancements at the Converter Station Area is detailed within the Outline Landscape and Biodiversity Strategy (REP1-034 Rev003) and the indicative landscape mitigation plans (REP1-036 Rev03 and REP1-037 Rev03 for Option B (i) and REP5-032 Rev03 for Option B (ii)).</p> <p>The landscaping to be provided is necessary to mitigate the visual impacts of the Proposed Development and the land on which it is to be located is therefore required for the Proposed Development.</p>
5 - 6	The Applicant seeks a range of rights over different parts of our Clients' land that include landscape rights of certain plots and permanent acquisition of other land. Plot 1-32 of our Client's land is identified as "Works No. 2 Works to Construct the Converter Station" (Works Plan APP-010(a)) and the Applicant contends that all of Plot 1-32 is required to be permanently required (Land Plan APP-008(a)) for the delivery and operation of the Converter Station. It is difficult to identify a rational basis for permanent acquisition of some land, mere new landscape rights over adjacent land, or	<p>The Applicant refers to the Applicant's Response at Deadline 4 (REP4-027) and responses above which explain the reason for the permanent acquisition of landscaping as referred to diagrammatically in Appendix J (REP5-162) and which includes Plot 1-32.</p> <p>As set out in the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), plot 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 Figure 15.48 and 15.49 (REP1-036</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>their extent, that is in the national interest, necessary or essential to make the Converter Station or sub-surface cables or temporary construction-related development permanently acceptable, or required.</p>	<p>and 037 Rev03 respectively) and landscape mitigation plans for Option B(ii) (REP5-032 Rev03).</p> <p>The Applicant's Response to Written Representations (CA3) (REP2-014) 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. The proposals include a significant amount of new planting which will need to be managed. The suggestion made on behalf of the landowners is that they should be able to access and continue to use all of the landscaped and ecologically enhanced areas, however restrictions would apply such that no rights could be enjoyed over these areas in light of the need for the landscaping and ecological enhancements to be maintained and otherwise not disturbed. It is not the case that the land could be used to continue the activities currently undertaken on it where an approach of rights and restrictions is taken instead of acquisition. The position where those rights and restrictions are applied would be akin to exclusive possession. For this reason, as is appropriate, freehold acquisition of the relevant areas is proposed.</p> <p>This is different to other adjacent areas of land where only landscaping rights are required in order to implement landscaping activities in respect of existing landscaping..</p> <p>By having control over these areas, the Applicant is also 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>8 - 25</p>	<p><u>Extent of landtake unjustified</u> Amplification of land take is for commercial convenience and is unjustified</p>	<p>The Applicant refers to the response provided for Question 4.3 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), where the land-take of each component of the Converter Station Area is justified. Further information in relation to Plot 1-32 is included within the Applicant's Post Hearing Notes submitted at Deadline 6. It is not agreed that land is in any way proposed to be acquired for commercial convenience, it is proposed to be acquired because it is required for the Proposed Development.</p>
<p>26 – 29</p>	<p><u>Telecommunications Buildings</u> Contingent upon this 'desired' but not required or essential Telecoms Buildings infrastructure, the landscaping proposals are predicated upon, and asserted to be justified across an extensive tract of our clients' land (Plot 1-32 Land Plan APP008(a)) to be purchased or over which extensive rights are to be acquired.</p> <p>However there remains no need for the landscaping proposals nor for the permanent acquisition of our Clients' land to ensure the provision of such local landscaping, however desirable the choice by the Applicant of a different form of local landscape appearance and visual appearance may be in place of the current rolling arable fields of our Clients' land and around their farm buildings.</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 within the Statement in Relation to FOC (REP1-127).</p> <p>The Applicant refers to the Applicant's response at Deadline 4 Appendix 1 paragraph 10. 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</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>compound is proposed to be situated south of the attenuation pond and west of the proposed Access Road.</p> <p>The Applicant refers to the reasons why planting has been proposed as outlined above under paragraphs 5-6 above and the reasons permanent acquisition of the land on which this is to be located is required.</p>
<p>Para 30 - 34</p>	<p><u>No real 'need'</u></p> <p>(a) Access Road:</p> <ul style="list-style-type: none"> (i) There is no rational justification for a permanent 7.3m wide tarmac roadway in perpetuity or beyond that initial construction-related phase. (ii) Temporary haul road options exist which could be more than adequate to install along the alignment of the proposed access. These could include geo-matting, timber matting, geosynthetic cellular confinement systems and even soil chemical solutions. Such options may reduce the need for localised re-profiling too but appear not yet to have been explored by the Applicant as less intrusive measures by which to construct the Converter Station because of the quite outline stage of the Application development (iii) The existing north-south track along the Eastern boundary could be allocated for use (secured by a planning obligation for access for 3-4 annual trips by light vehicles to the unmanned converter station) and which is a Track more appropriate and commensurate to the Applicant's envisaged annual maintenance requirements. (iv) This less intrusive approach could allow the Application development to be constructed and the unmanned Converter Station adequately maintained during operational phase whilst avoiding extensive landscape features and significant permanent land take for what would be an over specified permanent impermeable tarmac road which, due to the fact that it winds up the hill towards the Station site, otherwise has visual impact in itself falling to be considered for mitigation. 	<p>The Applicant refers to the response provided for Question 4.3 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), where the land-take of each component of the Converter Station Area is justified. Further information in relation to Plot 1-32 is included within the Applicant's Post Hearing Notes submitted at Deadline 6.</p> <p>The Applicant also refers to the summary of CAH2 submitted by the Applicant at Deadline 6, which also addresses this matters as they were discussed at CAH2.</p>
<p>34</p>	<p><u>(b) Attenuation pond:</u></p> <ul style="list-style-type: none"> (i) The natural outcome of proposing an unnecessary permanent impermeable access way throughout the operational phase is that pluvial runoff and the topography generate a permanent need for an attenuation pond at the lowest point of the proposed access road (#5 Features Plan). (ii) In the absence of such a permanent access road to allow for maintenance related access via the alternative solution proposed following the reinstatement of our Clients' pasture land there is no need for the proposed southerly attenuation pond. 	<p>The Applicant refers to the response provided for Question 4.3 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), where the land-take of each component of the Converter Station Area is justified. Further information in relation to Plot 1-32 is included within the Applicant's Post Hearing Notes submitted at Deadline 6.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	(iii) This immediately removes the Applicant's purported need for this area of our Clients' land for an attenuation pond.	
34	<p><u>(c) Telecommunications Building</u></p> <p>(i) there is no lawful nor otherwise any, justification for the provision “for commercial telecommunications” infrastructure” on our Clients’ land because it cannot be part of the Application development and is otherwise unjustified as required and is merely commercially ‘desired’.</p> <p>(ii) However, the presence of these buildings on our Clients’ land and close to the farm buildings below them results to generate a landscape proposal. Moreover, in relation to the proposed mitigation landscaping to the northern boundary of our Clients' retained land (as shown in Schedule 4 to their Written Representations), the asserted justification relates to the very localised screening of the impact of the Telecoms Building in our Clients' the immediate view. The existing hedgerow immediately to the south of the proposed Telecoms Building are proposed to be gapped up and between it and the Telecoms Buildings scrub is envisaged to be established.</p> <p>(iii) However, without a lawful justification for the unmanned Telecoms Buildings being necessarily required for the Application development, and without rational justification (as opposed to commercial convenience) in the proposed location isolated from the situation of the equipment housed within the Converter Station, the justification for the landscape embedded mitigation linked to this element remains merely asserted out of commercial desire and convenience and cannot be essential or required for the Application development.</p> <p>(iv) In the absence of lawful or any justification for the telecoms building in this location, then a related need for it be accessed from the access road is removed also, as too is the need for the attenuation pond which would also serve the impermeable pad for the Telecoms Buildings related run off.</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 within the Statement in Relation to FOC (REP1-127).</p> <p>The Applicant refers to the response provided for Question 4.3 of the Applicant’s Transcript of Oral Submissions for CAH1 (REP5-034), where the land-take of each component of the Converter Station Area is justified. Further information in relation to Plot 1-32 is included within the Applicant’s Post Hearing Notes submitted at Deadline 6.</p> <p>It has been clearly confirmed in those submissions and above why both the permanent access road and permanent landscaping are required, and why the land on which they are to be located is therefore required for the Proposed Development.</p>
37 - 50	<p><u>Converter Station</u></p> <p>(i) The result of the Applicant’s landscape proposals and their permanent extensive land take, is to take our Clients’ land against their will in order to impose on them a different view than that of the existing rolling arable fields. The taking of their land against their will seems an unreasonably high price to be imposed on them for a change of visual scene. It is also difficult to see how compulsory acquisition of land could be justified for a mere change of view, including because there is no right to a view.</p> <p>(ii) Following construction, visual impacts should be considered in light of the existing landscape elements.</p> <p>(iii) Our Clients' live in and amongst the juxtaposition of two visual worlds: on the one hand a landscape of purely natural man-made rolling agricultural fields lined with hedgerows and interspersed</p>	<p>The Applicant responds to the points between 37 to 50 as follows:</p> <p>i. Landscape and visual mitigation: The Applicant’s reasons for the extent of land take as outlined above under paragraph 5-6 relate to visual screening function. Planting also seeks to improve landscape and ecological connectivity, enhance biodiversity and strengthen landscape features. Such measures have been discussed at length with the Local Planning Authorities to ensure the Proposed Development offers multiple benefits to mitigate against the predicted landscape and visual effects.</p> <p>ii. Impacts should be considered in light of existing landscape elements: The Applicant seeks clarity on the point and therefore the question raised under this section. This would appear to suggest that no landscaping should be provided, though we doubt that could be the point being made as it would be nonsensical.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	<p>with pockets of woodland; on the other hand uncompromising agricultural buildings overlain, in this location particularly, by a domineering aerial infrastructure which maintains the modern world</p> <p>(iv) The envisaged and extent of the proposed design choice of so-called 'embedded' landscape mitigation appears unjustified in an existing hybrid situation in which our Clients' already reside and which seeks to take a large part of their land against their will so as to effect the Applicant's design preference for a local difference in vegetative view (because the pylons would remain domineering in the view)</p> <p>(v) Our Clients have and maintain their objection to the taking of their land against their will whereas the landscape proposals on land permanently taken from them would prevent also their farming activity on that land.</p> <p>(vi) Given that the Converter Station is to be screened immediately adjacent to it, some of which is on new bunding created from the Station pad re-profiling works and the fact the Station may clad in sympathetic materials and colours and that visual impression is ultimately subjective and beauty like benefit is in the eye of the beholder, the visual impression of the Station in a landscape dominated by existing pylons would likely be less visually intrusive than a lot of the existing agricultural buildings and the existing Substation, even on the Applicant's highest subjective position that it is "minor-moderate significant adverse".</p>	<p>iii. Expansive rolling arable landscape: The Applicant 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> <p>iv. Proposed design choice: The Applicant refers to the offsets and constraints which have influenced and constrained the design as referred to at paragraph 1.6.4 of the updated Outline Landscape and Biodiversity Strategy (REP1-034 Rev003). The offsets and constraints were informed by health and safety guidelines stipulated in Electricity Safety, Quality and Continuity Regulations 2002, as amended by the Health and Safety Executive (Health and Safety Executive, 2002).</p> <p>v. Extent of land take: The Applicant refers to the points made above under paragraph 5-6 which explain the reasoning for the extent of land required for landscaping in connection with the Proposed Development.</p> <p>vi. Converter Station will be less visually intrusive: It is perhaps not immediately apparent to the respondent that in views from the south the residential receptor from No 12 (Figure 15.47 APP-280) would not only see the Converter Station but also the external infrastructure immediately to the east. Mitigation planting immediately edging the southern boundary of the Order limits is designed not only to address the impact on views from the respondent but also responds to concerns raised by Local Planning Authorities regarding visual receptors further afield including those from Portsdown Hill. The receptor from this location would still experience a significant effect by year 20 but this would be neutral since the predicted residual change would neither be an improvement nor a deterioration in the view. The extent of mitigation planting justifies the extent of land required for this.</p>

Para No.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
51 - 52	<p><u>Less Intrusive Alternative Landscaping</u></p> <p>Adequate visual landscaping of the Converter Station S can be secured by:</p> <ul style="list-style-type: none"> - Additional shrub planting near to the Converter Station (north of the black dotted line on the Features Plan) and positioned on any re-profiling to ensure maximum visual mitigation as soon as possible is achieved; - Gapping up and enhancing the existing hedgerow with native trees along the existing track shown (see photo #9); and - Planting along the field boundary at #16 <p>This enables our Clients' to retain their fields in the southerly half of Plot 1-32 which can be maintained in a manner to reflect the open rolling arable landscape and permanently so following construction of the Converter Station and burying of electricity cables.</p>	<p>In terms of alternative planting the Applicant makes the following points:</p> <p>Additional shrub planting: The Applicant refers to the updated Outline Landscape and Biodiversity Strategy (REP1-034 Rev003) which states under paragraph 1.6.4 that there are a number of fixed offsets (both existing and proposed) which constrain the extent of planting, type and height immediately around the vicinity of the Converter Station, The offsets and constraints were informed by health and safety guidelines stipulated in Electricity Safety, Quality and Continuity Regulations 2002, as amended by the Health and Safety Executive (Health and Safety Executive, 2002). In short planting of any significant height cannot be located immediately next to the Converter Station due to health and safety concerns and therefore the visual screening function is limited in the immediate vicinity of the buildings.</p> <p>Gapping up and enhancing the existing hedgerow with trees: As referred to above trees have to be offset from National Grid overhead lines and therefore cannot be introduced within the existing hedgerow.</p> <p>Planting along the field boundary at #16: It is unclear where field boundary #16 is, as this does not appear to be referenced on the features plan referred to under paragraph 3 of Appendix J.</p>
53	<p>A (northerly) attenuation pond could be re-shaped, fed from channels on the southern side of the Converter Station footprint and related bunding, and situated in a more north-westerly location and shaped to fit in order to avoid the compulsory acquisition of our Clients' land solely for landscape and Converter Station maintenance over the operational phase of the Application Development.</p>	<p>The Applicant can confirm that the attenuation pond and its associated ancillaries (i.e. soakaway system, flow control chamber, etc) are placed in the most appropriate location to the south west of the proposed Converter Station considering constraints from the existing features, the proposed landscaping, HVDC cables as well as the access for future maintenance and inspection:</p> <p>The proposed landscaping, which has been developed in close collaboration with LPAs and SDNPA, will provide an important visual screening function. The proposed plants are located immediately to the south of the proposed development and at a suitable distance from the Converter Station to ensure that electrical earthing remains clear of any risk of root damage, that trees do not fall onto the security fencing compromising safety and breaching unauthorised access, and also that access is maintained to ease the removal of all fallen or felled trees. Therefore, the proposed attenuation pond cannot be located any closer to the south of the Converter Station else it would compromise the landscape and screening requirement.</p> <p>The HVDC onshore cables will enter the Converter Station from the west. With reference to Chapter 3 (Description of the Proposed Development) of the ES (APP-118), the overall working width of 23m is to be provided during construction and operation for access maintenance and any cable replacement. The space that is currently provided between the west side of the proposed attenuation pond and the existing native sensitive hedgerows is approximately 24m wide at the pinch point. Therefore, the attenuation pond cannot be moved any further west as it would compromise the installation and future access, maintenance and or replacement of the HVDC cables.</p>

4. MEMBERS OF THE PUBLIC

Table 4.1 - Members of the Public

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Needs and Benefits		
REP5-148	Comments raising general questions regarding the need for the Proposed Development and whether alternative energy sources should be given priority, such as wind energy.	<p>The Needs and Benefits Report (APP-115) sets out the established need for greater interconnection (Section 2.2) and the specific role of the Proposed Development in resolving the “energy trilemma” of affordability, security and decarbonisation of energy supply (Section 2.3). This is set within the context of UK Government Policy for Nationally Significant Infrastructure Projects, the support for more electricity interconnector projects in other Government statements, the prevailing climate change targets, the European policy context and the potential Brexit implications. The Needs and Benefits Report also identified the wider benefits of AQUIND Interconnector in relation to ancillary services, tax revenue, new employment opportunities and wider economic activity (Section 2.4).</p> <p>An Addendum to the Needs and Benefits Report was also submitted at Deadline 1 (REP1-136). It serves to provide an update on available data, analysis and publications since the original report was prepared and to summarise the compelling case in the national interest for the Proposed Development.</p> <p>The Needs and Benefits Report (and Addendum) conclude that the Proposed Devotement would deliver substantial socio-economic and environmental benefits on a national scale by delivering energy security, integrating of renewable energy sources, providing consumer benefits and contributing to major investment into UK infrastructure. The project will also deliver local and regional benefits through employment generation, spending and business rate generation.</p>
Impacts on Eastney Lake and Milton Piece Allotment		
REP5-104 REP5-105 REP5-128 REP5-129 REP5-136 REP5-142 REP5-146	Comments raising concerns regarding potential impact to the Eastney Lake and Milton Piece Allotments, disturbance to access to allotments and damage to existing allotment structures.	<p>The Applicant's proposal has always been that the Cable Corridor would be installed under the allotments through the use of horizontal directional drilling (HDD) so as to avoid any surface impacts. No works will take place on the Allotments and this has been confirmed in written submissions made by the Applicant during the course of the Examination and by way of updates to the dDCO (REP5-008) and the Works Plans (REP5-005).</p> <p>All that the Applicant seeks is rights for pedestrian access over some existing paths and internal roads for monitoring/clean up during the HDD process, and access to any plots to undertake any necessary clean-up required. There will no restriction on access for allotment holders, or removal or destruction of their plots or structures.</p>
REP5-136 REP5-144	Comments raising concerns that the method of lay the cable under the Eastney Lake and Milton Piece Allotments could be changed from HDD to trenching at a later stage and objection to the use of any other method apart from HDD.	The use of HDD is secured by Requirement 6 of the dDCO (REP5-008 Rev005) and the updated Works Plans (REP5-005).

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		Please refer to the Applicant's response to Question 3.5 (Securing HDD Parameters) in the Post Hearing Note for Issue Specific Hearing 1 submitted at Deadline 6, which explains how the DCO secures the use of HDD.
<p>REP5-104 REP5-136 REP5-146 REP5-144</p>	<p>Comments raising concerns regarding the potential impact of maintenance and access over the Eastney Lake and Milton Piece Allotments. Reference to a previous issue when <i>"the water company dug a tunnel under the allotments using a tunnel boring machine. This machine got stuck under the allotments and people were thrown off their plots and the company took over the land"</i>.</p>	<p>As set out at paragraph 3.82 of the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058), the Land Plans (REP5-003 Rev04) and the Book of Reference (REP5-014 Rev005) confirm that the rights sought over the Allotments are a right of access on foot over the existing paths only for the undertaking of visual inspections during construction to allow for checks to be made for any bentonite (a CEFAS approved non-toxic clay lubricant) breakout associated with the HDD works, and rights to temporarily access the Allotment plots for the purpose of clearing any such bentonite breakout (in the unlikely event that occurs).</p> <p>Operational maintenance will only involve surveying from the surface, including visual inspections for any settlement, which will not be intrusive, therefore resulting in minimal impact to allotment users. Any maintenance of the cable will be completed from the entrance and exit pits outside of the allotments and therefore will not affect the users. Details of maintenance procedures are detailed in Section 6.11.2 of the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).</p>
<p>REP5-105 REP5-129</p>	<p>Comments raising concerns regarding potential impact on newts and other local wildlife at the Eastney Lake and Milton Piece Allotments.</p>	<p>The Applicant's proposal has always been to install cables under the allotments and Milton Locks Nature Reserve via HDD, which will take place between the car park located west of the Thatched House Pub and the grassed area east of Kingsley Road. The HDD approach allows cables to be installed deep underground with no impact at surface level, including to the local wildlife ecology. For more details regarding the HDD process and locations, please refer to the HDD Position Statement Note (REP1-132) submitted at Deadline 1.</p> <p>Specific information about Great Crested Newt can be found in the Great Crested Newt Survey Report at Appendix 16.9 of the 2019 ES (APP-417). The Survey did not identify great crested newts in any of the waterbodies surveyed and this species is thus considered absent from the Study Area and was scoped out of the ES assessment, as set out at Table 16.1 of Chapter 16 (Onshore Ecology) of the ES (APP-131).</p>
<p>REP5-143 REP5-144</p>	<p>With regards to any access and planned maintenance of the cable beneath the Eastney Lake and Milton Piece Allotments, a specific request has been submitted for the Applicant to provide as much notice as possible and details of what works will be undertaken, the access required and the duration.</p>	<p>Operational maintenance will only involve surveying from the surface, including visual inspections for any settlement, which will not be intrusive, therefore resulting in minimal impact to allotment users. Any maintenance of the cable will be completed from the entrance and exit pits outside of the allotments and therefore will not affect the users. Details of maintenance procedures are detailed in Section 6.11.2 of the updated OOCEMP submitted at Deadline 6 (REP5-019 Rev005).</p>
<p>REP5-143 REP5-144</p>	<p>A specific requests that upon completion of any works affecting the Eastney Lake and Milton Piece Allotments, the Applicant should be required to return the surfaces affected to as far as possible their</p>	<p>The Applicant does not expect any residual damage as all of the bentonite can be removed from the frac out / break-out point, after this the area can be raked over, using hand tools. Visually we do not anticipate there to be any significant signs of the event other than footprints.</p>

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
	'normal' condition or provide compensation to an affected allotment holders for possible damages.	With regards to compensation, Article 30(6) of the dDCO (REP5-008 Rev005) provides that the undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under the article for any loss or damage arising from the exercise in relation to land of any powers conferred by that article, with Article 30 being the article which permits temporary possession to be taken of allotments plots for the purpose of Bentonite clean-up.
Alternatives		
REP5-129 REP5-104 REP5-146 REP5-136 REP5-139 REP5-148	Objections raised regarding the proposed route through Portsmouth, the assessment of alternative routes for the Onshore Cable Corridor and general comments that less harmful alternative routes are considered to exist.	<p>Chapter 3 (Description of the Proposed Development) of the 2019 ES (APP-118) provides a detailed description of the Onshore Cable Corridor and the proposed changes to the Order limits made at Deadline 1, including the removal of the Furze Lane and the Furze Lane to Moorings Way bus link, are described in the Position Statement in relation to the refinement of the Order Limits submitted at Deadline 1 (REP1-133).</p> <p>Chapter 2 (Consideration of Alternatives) of the 2019 ES (APP-117) and the Supplementary Alternatives Chapter submitted at Deadline 1 as Appendix 3 of the ES Addendum (REP1-152) explains the reasonable alternatives considered for the Onshore Cable Corridor and the reasons for the selection of the preferred option.</p> <p>It is demonstrated in these documents that after an extensive review of the available options for the Proposed Development, the Applicant has thoroughly considered and balanced the relevant considerations in relation to the alternatives studied, guided by the relevant policy requirements provided for by National policy and guidance in relation to the compulsory acquisition of land, and has reached reasonable and logical conclusions. Whilst there is no requirement for an applicant to demonstrate that a proposed project represents the best option from the alternatives which were studied, it is the view of the Applicant that when balancing all relevant considerations in relation to the reasonable alternatives, it has selected an optimal final option for the Proposed Development.</p>
Ground Conditions		
REP5-105 REP5-146	Comments raising concerns regarding the potential impact on ground conditions and contamination at Milton Common.	<p>Chapter 18 (Ground Conditions) of the ES (APP-133) reports the outcome of the environmental assessment of likely effects arising from the Proposed Development upon ground conditions, including the potential for disturbance of existing contaminated land associated with the construction, operational and decommissioning stages of the Proposed Development.</p> <p>A detailed summary of the baseline ground conditions and sensitivity at Milton Common is set out at paragraphs 18.5.4.90. - 18.5.4.105 of ES Chapter 18 (APP-133).</p> <p>A detailed summary of the comparative depths of made ground, contamination, ground obstructions, variable ground potentially vulnerable to differential settlement, soft ground potentially vulnerable to adverse total settlement and potential ground gas at Milton Common is also provided at the response to Question 9.5 of the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034).</p> <p>The mitigation measures specifically required for works through Milton Common are outlined in Section 6.10.2 and measures for the management of waste are outlined in Section 5.14 of the</p>

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>updated Onshore Outline Construction Environmental Management Plan (REP5-019 Rev005), compliance with which is secured by Requirement 15 of the dDCO (REP5-008 Rev005).</p> <p>The ground investigations findings, coupled with the assessments of EIA specialists, support the feasibility of the project for successful construction, operation and decommissioning at Milton Common with no significant adverse effects on human health, the water environment or biodiversity.</p>
Socio-Economics, Recreation and Human Health		
<p>REP5-129 REP5-146</p>	<p>Comments raising concerns regarding potential impact on Milton Common, Milton Locks, University playing fields, Farlington Marshes and Bransbury Park. Comments also raising concerns regarding the loss of access to these green spaces for leisure, recreation and exercise.</p>	<p>Chapter 25 (Socio-economics) of the 2019 ES (APP-140) assesses the impacts of the Proposed Development upon recreational spaces. In addition, Chapter 26 (Human Health) of the 2019 ES (APP-141) covers the importance of greenspace to health and wellbeing (Section 26.5.3) and paragraphs 26.6.3.32 – 26.6.3.52 cover these effects arising from loss of greenspace.</p> <p>A Framework Management Plan for Recreational Impacts (submitted at Deadline 1(REP1-144)) also provides further information on predicted effects arising from the construction of the Proposed Development on key recreational assets. Specific mitigation (for example relocation of pitches) has been explored within the Plan, which is referenced at paragraph 6.2.9.9 of the Onshore Outline CEMP and would be adopted where necessary and practicable. The Applicant is seeking engagement with PCC in relation to this to secure further mitigations for benefit of the residents of Portsmouth.</p> <p>It is set out within these documents that the Proposed Development and method of construction has been designed to avoid greenspaces and recreational facilities wherever possible. Paragraph 25.7.2.1 of Chapter 25 sets out mitigation embedded in the design of the Proposed Development which includes use of HDD to avoid Milton Locks Nature Reserve, Milton Allotments, Eastney Beach; in addition to routing the cable to avoid two of the cricket squares in Farlington Fields, Baffins Milton Rovers' main football pitch and Bransbury Park football pitch and skate park.</p> <p>Mitigation measures to reduce recreational impacts are set out in Section 5.12.4. of the Onshore Outline Construction Environmental Management Plan (REP5-019 Rev005) and include providing information for users, signing alternative spaces, review of events programme and maintaining pitches as far as possible within the Order Limits. These mitigation measures will ensure that the appointed contractor installs the cable route in a manner that mitigates disruption to the use of recreational facilities within the Order Limits. The Onshore Outline Construction Environmental Management Plan is secured by Requirement 15 of the dDCO (REP5-009 Rev005), and ensures that areas of open space will be restored to the same condition as they were in prior to construction.</p>
<p>REP5-139 REP5-147</p>	<p>Comments raising concerns regarding the potential electromagnetic field (EMF) impact of the Proposed Development on human health and ecology.</p>	<p>Appendix 3.7 (Onshore Electric and Magnetic Field Report) of the ES (APP-361) provides an assessment of the electromagnetic field (EMF) due to the Proposed Development. This report concluded that:</p> <ul style="list-style-type: none"> • Due to the earthed shielding of the HVAC Cables and HVDC Cables there will be no electric field present along the Onshore Cable Route;

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<ul style="list-style-type: none"> The HVAC and HVDC Onshore Cables are laid in agricultural land and along public highways, and the magnetic field strength is well below the guidelines and reduces rapidly with distance from the Onshore Cables; and There will be no AC electric field outside of the Converter Station due to the earthed perimeter fence. <p>Public Health England (PHE) have responded to the Application through a Relevant Representation confirming that they are satisfied with the methodology used to undertake the environmental assessment. PHE agreed that the potential impacts of the static and alternating electric and magnetic fields associated with the onshore electricity infrastructure have been considered and satisfactorily addressed; and that they 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 (see Section 4.17 Public Health England (RR-065)).</p> <p>Health evidence on EMF used in the Human Health assessment (including consideration of health evidence on EMF and children) is summarised within Chapter 26 (Human Health) of the ES (APP-141).</p>
Air Quality		
REP5-139 REP5-146	Comments raising concerns regarding the potential air quality impacts related to increased traffic and idling.	<p>A revised Chapter 23 (Air Quality) of the ES (REP1-033) was submitted at Deadline 1 and assesses the potential impacts arising from the Proposed Development on air quality, including air quality impacts resulting from construction traffic emissions and non-construction related traffic emissions due to the use of alternative routes.</p> <p>The proposed air quality and dust mitigation measures set out in Section 5.11 of the OOCEMP (REP5-019 Rev005) and are to be implemented in line with best practice IAQM guidelines, Air quality monitoring is to take place in accordance with the framework set out in Section 7 of the Onshore Outline Construction Environmental Management Plan.</p> <p>The revised Chapter 23 (Air Quality) does not identify any significant effects related to air quality as a result of the construction traffic emissions and non-construction related traffic emissions due to the use of alternative routes in connection with the construction of the Proposed Development.</p>
Traffic, Transport and Access		
REP5-139 REP5-148	Specific objections raised regarding the proposed cable route along Farlington Avenue and Eastern Road and the potential impact on traffic and access to properties and schools.	Part of the A2030 Eastern Road is within the Order Limits. The Applicant anticipates that the proposed works will cause some level of disruption and the impacts of construction along the Eastern Road have been fully assessed within Appendix 22.1 (Transport Assessment) of the ES (APP-448) and Supplementary Transport Assessment (submitted at Deadline 1 at Appendix 11 to the ES Addendum (REP1-142)). These documents provide results of junction capacity assessments along the cable route itself together with locations impacted by traffic redistribution on the wider network. This shows that whilst there will be an impact at some

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
		<p>junctions, this will not be severe and will only be temporary in nature. The updated Framework Traffic Management Strategy (REP1-068 Rev003) sets out programme controls to mitigate the impacts of these works. Both the programme controls and Onshore Cable Corridor have been developed in consultation with Portsmouth City Council to take account of environmental constraints, public events, school terms and public holidays.</p> <p>With specific regards to traffic capacity assessment and potential impact on Eastern Road, the Supplementary Transport Assessment (REP1-142) provided a series of updated and additional assessments to the TA. This includes the Eastern Road Traffic Assessment Technical Note which provides an additional assessment of the impact of the traffic management required to facilitate construction of the Onshore Cable Route on the A2030 Eastern Road.</p> <p>With regards to potential impacts to access to local schools, Section 7 of the Framework Traffic Management Strategy (FTMS) (REP1-068 Rev003) includes programme restrictions that prohibit construction work taking place on Farlington Avenue and Eveleigh Road within term time. As is set out in Table 17, Table 18 and Table 19 of the FTMS, works will only be permitted on Farlington Avenue or Eveleigh Road during the February, May and October half-terms, the Easter school holidays, and the summer school holidays. This mitigation measure prevents the traffic management associated with cable duct installation from interacting with school traffic.</p>
REP5-148	Comments raising concerns regarding loss of access to residential properties.	<p>The strategy for providing access to residential driveways during construction of the Onshore Cable Route is detailed within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the FTMS (REP1-068)). A summary of the strategy and proposed mitigation measures is set out at paragraphs 3.40 – 3.49 of the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 2 on Traffic, Highways and Air Quality (REP5-061).</p>
REP5-148	Comments raising concerns regarding the impact on the Sainsbury Car Park.	<p>The Order Limits contain a portion of the car park of Sainsbury's Farlington Superstore. The large car park currently accommodates approximately 640 bays, approximately 76 of which are accessible.</p> <p>It is anticipated that partial closure of the car park may be required for the duration of works in this location. This partial closure would likely include the temporary suspension of 30-40 parking spaces on the western side of the Car Park. Construction taking place in Sainsbury's Car Park may require the temporary realignment of the Car Park's internal road, making it one way in the southbound direction on the western side.</p> <p>A summary of the proposed use of Sainsbury's Farlington Superstore Car Park is provided at Section 4.52 of the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034). As set out at paragraph 4.25.13, the Applicant is continuing to engage with Sainsbury's appointed agent to agree a number of potential measures to minimise the impact of the construction of the authorised development on the operations of the Farlington store. This includes agreeing restrictions on undertaking certain activities during peak trading times (e.g. a restriction on undertaking open trenching works during the period before and during Christmas and Easter) as well as potential refinement of the rights to be sought over the car park such as limiting the areas over which the works are undertaken.</p>

Examination Library Ref.	Summary of Deadline 5 Submission	Applicant's Response at Deadline 6
Consultation		
REP5-136	Comments objected to what was considered to be insufficient consultation and engagement with local community.	<p>The Consultation Report (APP-025) provides the details of the pre-application consultation carried out by the Applicant in compliance with the requirements of the Planning Act 2008.</p> <p>The Applicant carried out two rounds of consultation before submission of the DCO application, including:</p> <ul style="list-style-type: none"> • one stage of non-statutory consultation carried out between January – February 2018; and • one stage of statutory consultation carried out between February – April 2019. <p>The Applicant disagrees strongly with the concerns raised by the landowners in relation to limited consultation and engagement. Indeed, the Applicant would contend that the opposite is the case as the Applicant's agent has provided regular and detailed updated updates to the landowners.</p> <p>The Applicant undertook close consultation with key stakeholders throughout the process, including on a one to one basis with the owners and occupiers of properties closest to the Proposed Development.</p> <p>The Applicant recognises that developments of this scale may have significant implications for local people, particularly those living close to the Order Limits. The Applicant has considered and reflected on all responses received from consultees, taking all individual views expressed about the Proposed Development carefully into account and has, where possible, adjusted plans to reflect their local knowledge of the area with consultation helping to shape and improve the proposals.</p> <p>The Applicant has endeavoured to present the project details as clearly and non-technically as possible, whilst ensuring compliance with the statutory requirements of the DCO process.</p>
Ecology		
REP5-148	Comments raising concerns regarding the loss the trees, hedgerows and open space which are important habitat for local wildlife.	<p>Impacts on biodiversity features from the Proposed Development are presented in Chapter 16 (Onshore Ecology) of the 2019 ES (APP-131). Where potential effects on biodiversity features have been identified, avoidance and mitigation measures have been proposed to address them.</p> <p>The Applicant has carried out a review of trees to identify those which may be affected and confirmation of those which are not. This review has extended to any trees within designated conservation areas and a suitable plan and schedule of trees provided and the results are presented in the updated Tree Constraints Plans (REP1-010) and Tree Survey Schedule REP1-101 submitted at Deadline 1. The Applicant has committed to habitat creation through the updated Outline Landscape and Biodiversity Strategy (REP1-034) (submitted at Deadline 1) which will be implemented as part of construction of the Proposed Development. The Outline Landscape and Biodiversity Strategy sets out the measures that will mitigate the effects and enhance the value of landscape and biodiversity features, and is to be secured by Requirement 9 of the dDCO (REP5-008). The proposed mitigation measures include requiring prompt reinstatement of temporary construction areas (including trenches, laydown and construction</p>

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		<p>(including haul road) corridor) on completion of the cable route installation as soon as practicable after sections of work are complete. Reinstatement would involve the careful handling of soils and a return to the existing habitat type. Mitigation planting will take place to replace hedgerows and trees lost following completion of the construction works (see the General Landscape & Visual Mitigation measures set out at paragraph 1.5.1.4 of the updated OLBS).</p> <p>The Applicant's position with regard to the proposed biodiversity enhancements is also explained in detailed in the Biodiversity Position Paper (REP1-138) which was submitted at Deadline 1. The Position Paper shows how the Proposed Development has taken opportunities to conserve and enhance biodiversity in line with National Planning Policy.</p> <p>Finally, habitats lost during the construction stage would be reinstated within 12 months following completion of the works, as secured by Requirement 22 of the dDCO (REP5-008).</p>