



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Application by AQUIND Ltd for the AQUIND Interconnector

The Examining Authority's further written questions

The following table sets out the Examining Authority's (ExA's) further written questions (ExQ2).

Responses are due by Deadline 7 in the Examination Timetable, which is **Monday 25 January 2021 at 11.59pm**.

As for ExQ1, the list of questions is set out in a topic-based framework, which is generally based on the ExA's Initial Assessment of Principal Issues provided as Annex B to the ExA's Rule 6 letter of 3 July 2020.

Questions have arisen from previous answers, representations, meetings and Hearings and the answers provided will contribute to the ExA's examination and assessment of the application against relevant policy.

Column 1 of the table provides a unique reference number for each question. This starts with a topic code, then a '2' (for ExQ2), followed by a section number (for that topic), and finally an individual question number. When answering a question, or in any future representations, please quote this unique reference number. The section numbers carry through from ExQ1, but as not all topics have questions in ExQ2, some numbering in the table below is no longer sequential in this respect.

Column 2 indicates the party (or parties) that the question is directed to. The ExA requests that all named parties answer all questions directed at them, providing either a clear and suitably substantive response, or reasons why the question cannot be answered or is not relevant to them. This does not preclude an answer being provided by any other party, if that party believes they have information on that specific topic or point that would be useful to the Examination.

Where a question has been or will imminently and definitely be fully answered in a Statement of Common Ground or other submission, then a detailed cross-reference to the relevant document and section or paragraph will suffice.

If you are answering a limited number of questions, responses in a letter format are appropriate. If you are answering several or many questions, it will assist the ExA if you use a table based on that used below. An editable version of this table in Microsoft Word is available from the Planning Inspectorate. Please email your request to the case team at aquind@planninginspectorate.gov.uk and include 'Editable ExQ2 Table' in the subject line of your email.

Reference	Respondent(s)	Question
1. Miscellaneous and General		
MG2.1.1	Applicant	<p>Whilst the ExA encourages ongoing negotiation on key points between parties outside the Examination, it remains important that all documents are eventually submitted into the Examination in time for other parties to review them and for the ExA to consider them. The ExA believes that it has been promised the following documents during the course of the Examination or has seen reference to them being discussed outside the Examination:</p> <ol style="list-style-type: none"> 1. Generic Method Statement for Construction Water Management (appendix to OOCEMP); 2. Review of Personal Injury Collision Data on A3(M) J2 and J3, and on A27/A2030 junctions; 3. Stage 1 Road Safety Technical Audit; 4. Results of infiltration testing; 5. Supplementary Note on Noise and Vibration arising from use of the eastern corridor for the Langstone University campus; 6. Review of the potential for injury to fish and aquatic mammals arising from underwater noise in accordance with NOAA guidance/ 26 November 2020 assessment of underwater cumulative noise exposure from vibro-hammering in accordance with NOAA 2018 guidance; 7. Geotechnical Risk Assessment regarding the easement under the A27. <p>Should the ExA expect to receive these documents, and, if so, when?</p>

Reference	Respondent(s)	Question
MG2.1.2	Applicant	Please can the Applicant confirm how the scope and approval of a marine CEMP would be secured through the DML/ dDCO, including the requirement for periodic reviews and updates to be agreed by the relevant licensing authority.
MG2.1.3	Applicant	The ' <i>Applicant's Response to Submissions made at Open Floor Hearings</i> ' ([REP6-061], page 1-36, point 5), concludes that a seasonal restriction on HDD under the Eastney and Milton Piece allotments is not necessary, and we have heard that there will be no impact on the surface of the allotments. Taking into account health and safety precautions, would allotment holders be able to work on their allotments whilst HDD is taking place beneath them? Please explain the detail, implementation and expected duration of any restrictions in this regard.
MG2.1.4	Applicant	Bentonite will be used in the drilling fluids used to facilitate HDD under the allotments. At paragraph 6.2.11.3 of the Onshore Outline CEMP [REP6-036], there is reassurance that ' <i>we can be sure of the products safety</i> ' as it is listed on the CEFAS website and OSPAR Commission's PLONOR list. In both cases, the lists appear to relate to substances used and discharged offshore which are considered to pose little or no risk to the marine environment. Could the Applicant explain how this is relevant to an onshore allotment situation on land where food is grown? Can any further reassurances be given that any bentonite break-out, however unlikely, can be safely remediated and that it would offer no risk or interruption to the use or productivity of an allotment garden?
MG2.1.5	Applicant	The ' <i>UK Joint Bay Locations Feasibility Report</i> ' submitted at Deadline 6 [REP6-070] appears to include most of the HDD launch and reception pits as joint bay locations, but not the one at the Thatched House (for the HDD under the Eastney and Milton Piece Allotments). Is this an omission or is it not necessarily the case that there will be an automatic requirement for a joint bay at the start and finish positions for each HDD? If not, how would access be gained for maintenance of the cable enclosed within the HDD section?
2. Air Quality		
AQ2.2.1	Portsmouth City Council	With reference to paragraphs 5.2.9 and 5.2.10 of NPS EN-1, please could Portsmouth City Council set out the relevant statutory air quality limits within the city and where, if any,

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		<p>concerns remain that exceedances may be caused or exacerbated by the Proposed Development.</p> <p>If any concerns are identified, please explain why the mitigations proposed by the Applicant would not alleviate those concerns.</p> <p>It would be beneficial if the written response included a summary table setting out:</p> <ul style="list-style-type: none"> a) the present levels of air pollution at near-exceedance and exceedance locations; b) what the Ministerial Directions require in terms of reductions and over what timeframe; c) the Applicant's predicted levels at those locations; d) where the predicted levels would cause concern in achieving the Ministerial Direction's objectives.
AQ2.2.2	Hampshire County Council	<p>At Deadline 1, a document entitled '<i>State of Hampshire's Natural Environment Report</i>' was referenced as emerging and shortly to be published. Could Hampshire County Council please provide an update on the document and what bearing, if any, its findings and conclusions may or may not have on the Examination.</p>
AQ2.2.3	Applicant	<p>In response to the most recent <i>Annual Status Report on Air Pollution</i> produced by Portsmouth City Council, please could the Applicant review the position with regards to Eastern Road, with particular focus on AQMA6, AQMA11 (outside Order limits) and AQMA9 (within Order limits), and:</p> <ul style="list-style-type: none"> a) provide critical commentary on the relevance of the data set; b) state whether, where and how the results of the ASR affect the findings or assumptions of the Environmental Statement (and whether any predicted effects are increased or decreased accordingly); and c) whether the mitigation measures already proposed are sufficient for minimising the duration, extent and nature of the effects, or if mitigation measures need to be amended.
AQ2.2.4	Portsmouth City Council	<p>Can Portsmouth City Council confirm that issues arising from the most recent <i>Annual Status Report on Air Pollution</i> and the Proposed Development are limited to levels of nitrogen dioxide (NO₂) within AQMA6 and AQMA11 (outside the Order limits) and AQMA9 (within the Order limits)?</p>

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		<p>Is the Council otherwise in agreement with the Applicant that there is 'substantial headroom' for PM_{2.5}, PM₁₀ and NO₂ between the predicted levels and target levels to the extent that they are not a concern and unlikely to suffer an exceedance?</p> <p>If not, why not?</p>
AQ2.2.5	Applicant	<p>In relation to paragraph 5.10.1.1 of the Onshore Outline CEMP [REP6-036], please clarify the qualifier 'where appropriate' in relation to the contractor implementing the measures in Table 5.1.</p> <p>Does this indicate a further sub-level of decision-making by the contractor outside the agreement of a dust management plan in an onshore CEMP?</p> <p>Should this be amended to read that the contractor will implement the IAQM guideline measures secured within the relevant dust management plan?</p> <p>Explain the apparent divergence between paragraph 5.10.1.1 of the updated Onshore Outline CEMP [REP6-036] from the ES in relation to:</p> <ul style="list-style-type: none"> the roles of AQUIND and AQUIND's contractor, and who is bound by the draft DCO Requirement; whether there will be consultation with a Council's EHO or whether the contractor will automatically implement, where appropriate, 'the highly desirable' mitigation measures without consultation; 'highly recommended' and 'highly desirable' measures. <p>Whose discretion is involved in deciding where a measure is 'appropriate'?</p>
3. Compulsory Acquisition		
CA2.3.1	Applicant	<p>Please can an update be provided with regards to agreeing appropriate protective provisions for all affected statutory undertakers and utility companies?</p>
CA2.3.2	Applicant	<p>Beyond what is written in Revision 2 of the Funding Statement [REP6-021] and section 3.2 of the 'Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2' [REP6-063], please can the Applicant supply any information, redacted or not, to the ExA to demonstrate that there is a 'reasonable prospect' of funds being available for this project.</p> <p>If no further information can be provided, how should the ExA approach the matter of funding in its recommendation?</p>

Reference	Respondent(s)	Question
CA2.3.3	Applicant	<p>Could the Applicant, in comparing its prospective situation against that of the current landowners, explain what extra controls and powers of deterrence it would have at its disposal over the land proposed to be acquired for a security and surveillance buffer around the Converter Station, and why these controls amount to a compelling case for Compulsory Acquisition?</p> <p>What specific threats are these designed to deter, and how do these compare to existing threats and security buffers in relation to the existing Lovedean substation?</p>
CA2.3.4	Applicant	<p>In terms of land identified for Compulsory Acquisition in the Book of Reference [REP6-062] please provide the total areas in each of the following categories:</p> <ul style="list-style-type: none"> • subsoil below the highway; • land owned by statutory authorities; • land owned by others. <p>This list of categories is not exhaustive, and the Applicant may add to it, or sub-divide further, if thought to be useful to the ExA. The total area should, however, equate to that identified in the Book of Reference.</p>
CA2.3.5	Applicant	<p>In the Deadline 6 submission by Mr G and Mr P Carpenter relating to whether the Applicant's Compulsory Acquisition estimate covers the right land, is the understanding of Mr Jarvis' CAH2 position correct ([REP6-138], Section D paragraph 3)?</p> <p>If not, how is it not?</p>
CA2.3.6	Applicant	<p>During CAH1, the ExA asked the Applicant '<i>what more can you give me on this</i>' when referring to funding availability and security for its estimated Compulsory Acquisition costs. The Applicant is now requested to list the additional information provided during the Examination and explain, against each item, why further information on this item cannot be provided to the Examination.</p>
CA2.3.7	Applicant	<p>Has any evidence to support the Applicant's financial standing been provided to any relevant regulatory authorities?</p> <p>If so, what?</p> <p>What was the response, if any, from those authorities?</p>
CA2.3.8	Applicant	<p>In view of the Deadline 6 submission by Mr G and Mr P Carpenter ([REP6-138], Section E paragraph 29), please clarify the rational basis upon which the Applicant thinks there is a</p>

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		genuine reasonable prospect of the requisite funds becoming available to enable Compulsory Acquisition within the statutory period following the DCO being made.
CA2.3.9	Applicant	If the Deadline 6 submission by Mr G and Mr P Carpenter relating to Companies House records is correct ([REP6-138], Section E paragraph 35d), explain the reported contrast. If it is not correct, how is there no contrast?
CA2.3.10	Applicant	Please provide the latest accounts for Aquind Energy SARL.
CA2.3.11	Applicant	Who would a claim for Compulsory Acquisition compensation be enforced against should the envisaged funding arrangements for AQUIND not materialise, and is there anything in the dDCO to prevent Compulsory Acquisition or Temporary Possession powers being exercised where funding is not available to the undertaker? (Refer to [REP6-138], Section E paragraph 38.)
CA2.3.12	Applicant	Should the ExA decide to include a provision in its recommended DCO along the lines suggested in the Deadline 6 submission by Mr G and Mr P Carpenter relating to the security of Compulsory Acquisition funding ([REP6-138], Section G paragraph 7), what would the Applicant's position on this be and why?
CA2.3.13	Applicant	<p>Should the ExA decide to include any of the following provisions in its recommended DCO along the lines suggested in the Deadline 6 submission by Mr G and Mr P Carpenter relating to the security of Compulsory Acquisition funding ([REP6-138], Schedule 1), what would be the Applicant's position on each of these provisions, and why?</p> <p>(i) Rookery South (Resource Recovery Facility) DCO - enforceable bonded funds located in Jersey ([REP6-138], Section G paragraph 4a).</p> <p>(ii) Able Marine Energy Park DCO - appropriate guarantees to the relevant planning authorities for the payment of compensation under the DCO Compulsory Acquisition provisions before their implementation with any compensation to be met from the Applicant's parent company's existing funds ([REP6-138], Section G paragraph 4e).</p> <p>(iii) Swansea Bay Tidal Generating Station DCO - a mechanism for the provision of security in respect of the payment of compensation under the DCO ([REP6-138], Schedule 1).</p> <p>(iv) Thorpe Marsh Gas Pipeline DCO - a guarantee agreement, Escrow arrangement, bond or other suitable alternative security to cover estimated Compulsory Acquisition costs ([REP6-138], Section B paragraph 21 and Section G paragraph 4b).</p>

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		(v) Manston Airport DCO – a section 120(3) PA 2008 provision that construction cannot commence, and Compulsory Acquisition powers cannot be exercised until a guarantee to pay compensation under the DCO or an alternative form of security is provided to the satisfaction of the Secretary of State ([REP6-138], Section G paragraph 4c). (vi) Wylfa Newydd (Nuclear Generating Station) dDCO - dDCO articles restricting the exercise of Compulsory Acquisition powers until certain compensation funding security requirements are met ([REP6-138], Section G paragraph 4d).
CA2.3.14	Applicant	Would joint bay locations ([REP6-070], Table 2.1) have a wider Compulsory Acquisition width than 2m either side of the installed cable ([REP6-063] paragraph 2.6.1)? If so, what width would it be?
CA2.3.15	Applicant	Is the Applicant intending to reduce further the area of land at Sainsbury's supermarket, Farlington included within the DCO, as suggested in the Deadline 6 submission on behalf of Sainsbury's [REP6-098]?
CA2.3.16	Applicant	What is the Applicant's current position in respect of the Deadline 6 objection from Vodafone and any actions envisaged during the remainder of the Examination [REP6-102]?
CA2.3.17	Applicant	What is the Applicant's current position in respect of the Deadline 6 objection from Southern Water and any actions envisaged during the remainder of the Examination [REP6-100]?
4. Cultural Heritage		
CH2.4.1	Historic England Hampshire County Council Applicant	With reference to paragraph 5.6.12 of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland's setting are derived from the 'fields of fire'? How do these elements: a) apply to the land where the ORS facility is proposed to be located; and b) apply to the land where proposed landscape mitigation is to be planted? How would the Proposed Development affect such significance and the future value and understanding of the asset? Would mitigation planting itself affect the significance of the asset's setting?
CH2.4.2	Winchester City Council Hampshire County Council	Please could the Applicant expand on the answer to question ExQ1 CH1.4.6 (in [REP1-091]), and particularly the part of its response that suggests, ' <i>In the unlikely event that they are identified, there may be a requirement, where practicable, for their preservation in situ...</i> '.

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		<p>Could the Applicant explain how preservation <i>in situ</i> might be achieved given the cut and fill required to achieve the required formation level for the Converter Station. Could this result in a necessary change in design, elevation or location outside the parameters set in the relevant parameter plans and dDCO?</p> <p>If so, how would this be achieved?</p> <p>Do the relevant local authorities' archaeologists have confidence that any important archaeological remains found at the Converter Station site would be suitably protected through the Onshore Outline CEMP [REP6-036]?</p>
CH2.4.3	Historic England	<p>In its Written Representation [REP1-209], Historic England raised issues in respect of A1 and A2 seabed anomalies. Is Historic England now content with the Applicant's proposed approach to dealing with these?</p> <p>If not, what are the implications that the ExA needs to take into account in respect of the Examination?</p>
CH2.4.4	Historic England Applicant	<p>Has agreement been reached with regards to the geo-archaeological assessment approach to 'medium' status fine-grained deposit cores and the extent of their investigation?</p> <p>If not, what are the implications that the ExA needs to take into account in respect of the Examination?</p>
CH2.4.5	Historic England Applicant	<p>Has agreement been reached with regards to the assessment, classification and approach to possible palaeo-landscape features set out in Chapter 14 of the ES [APP-129]?</p> <p>If not, what are the implications that the ExA needs to take into account in respect of the Examination?</p>
5. Draft Development Consent Order		
DCO2.5.1	Applicant All Local Authorities Representatives of Mr Geoffrey Carpenter and Mr Peter Carpenter	<p>In relation to the proposed commercial use of the surplus capacity of the fibre optic cable, the Examining Authority notes that there are a number of opinions as to whether any associated works can be authorised by any DCO, and also which works would constitute the development and which would be Associated Development.</p>

Reference	Respondent(s)	Question
		<p>The Applicant, the local planning authorities, and Mr Geoffrey and Mr Peter Carpenter are requested to comment on the following interpretation.</p> <p>For any project that was <u>not</u> the subject of a s35 direction, the development requiring consent would be listed in s14 of the Planning Act 2008 (PA2008) and described in one or more of the relevant subsequent sections (for example, s16 for an electric line), together with any Associated Development that falls within the definition set out in s115(2) of PA2008. This project does not fall within one of the s14 categories, but instead it is to be treated as a Nationally Significant Infrastructure Project by virtue of the Secretary of State's s35 Direction. Therefore, in this case, it is the s35 Direction that defines the Nationally Significant Infrastructure Project, the development requiring consent.</p> <p>Looking at the Direction, the wording is that '<i>THE SECRETARY OF STATE DIRECTS that <u>the proposed Development, together with any development associated with it, is to be treated as development for which development consent is required.</u></i>' (Our emphasis.)</p> <p>The 'proposed development' is defined as '<i>the proposed UK elements of the AQUIND Interconnector ("the proposed Development"), as set out in the Direction request</i>'.</p> <p>The Direction request is this document. Therefore, the project would appear to consist of the elements described in that document, including the offshore data cables (paragraph 3.5.2(A)), the onshore data cables (paragraph 3.5.1(D)) and the '<i>construction of a converter station comprising a mix of buildings and outdoor electrical equipment</i>' (para 3.5.1(C)). The project description also states that '<i>Signal enhancing and management equipment may also be required along the land cable route in connection with the fibre optic cables</i>' (3.5.1(D)).</p> <p>Paragraph 3.12 refers to the use of '<i>the spare fibre optic cable capacity for the provision of commercial telecommunications services</i>' as Associated Development. However, the s35 direction states that '<i>any development associated with</i>' the Proposed Development is to be treated as development for which consent is required. Therefore, the Examining Authority is minded to consider that this use, although described as 'Associated Development', would actually be part of the proposed project, and not Associated Development for the purposes of s115 of PA2008.</p> <p>The Examining Authority also notes the effect of s157(2) of PA 2008, which means that consent is taken to '<i>authorise the use of the building for the purpose for which it is designed</i>' where no purpose is specified.</p>

Reference	Respondent(s)	Question
DCO2.5.2	Applicant MMO	Have the differences between the Applicant and the MMO in respect of: Schedule 15, Part 1 Condition 10; Schedule 15, Part 1, Paragraph 4; the MMO's request for clarification about their purpose; and concerns that these may allow certain activities to be undertaken which are either not within the scope of the EIA, or lie outside the scope of the DML been resolved? If so, how?
DCO2.5.3	Applicant	With regards to the phrase 'reasonable time' in Article 13(1) of rev005 of the dDCO [REP6-015] and the Applicant's response at Deadline 1, please could the Applicant provide details of the precedent made DCOs where such wording is included.
DCO2.5.4	Applicant	It is noted that most references to the term 'temporary stopping up' in the dDCO [REP6-015] have been changed to 'temporary closure'. However, Article 13(9) and Schedule 8 still retain the term 'stopping up'. Could the Applicant please review the dDCO to ensure consistency in this respect and provide an explanation where any such references are to remain? Also, please could the Applicant explain why Article 13(9) is required, the purpose that it serves, and whether it might cause unnecessary confusion?
DCO2.5.5	Applicant	Could the Applicant confirm whether Requirement 10 in the dDCO [REP6-015] should reference the Access and Rights of Way Plans? If not, why not?
DCO2.5.6	Historic England	In its Written Representation [REP1-209], Historic England raised a number of matters relating to mitigation in the marine environment and the Deemed Marine Licence (DML) that it wished to see addressed. For clarity, there are understood to be: <ul style="list-style-type: none"> • Expand list of survey technologies. • Expand Condition 3(1)(a)(ii) to include archaeological features and/or the identification of AEZs as identified within the ES. • In Condition 3(2), a timeframe is required for the submission of the pre-construction survey plan to the MMO. • Expand Condition 4(1)I(viii) to include 'archaeological construction exclusion zones'. • Revise Condition 4(2)I to expand on the delivery of mitigation • Check Condition 6 – the quoted condition (4(1)I(vi)) does not appear elsewhere in the draft DML.

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		<ul style="list-style-type: none"> Condition 10(1)(b) could reference 'archaeological construction exclusion zones'. <p>These were added to the agenda for discussion during Issue Specific Hearing 1 on the dDCO, to which Historic England was invited. In Historic England's absence, the Applicant explained its current position, following written submissions on the matters in [REP2-014] and [REP5-058], the latter being a transcript of the Applicant's oral representation to ISH1. Historic England's position on this remains unclear in the SOCG with the Applicant. Please could Historic England provide the Examining Authority with an update on its position and indicate which, if any, of these matters remain unresolved, along with any suggestions for progressing towards agreement.</p> <p>Furthermore, there appear to remain two further unresolved difference between the parties over whether the DML:</p> <p>i) includes adequate provision for the delivery of the project specific marine WSI.</p> <p>ii) provides appropriate timescales for the review and approval of the marine WSI before the commencement of construction activities.</p> <p>The Applicant provided a view on these in [REP2-014] and at ISH1. Please could the Examining Authority have an update and position explanation from Historic England.</p>
DCO2.5.7	Applicant Hampshire County Council	Please could the ExA be updated on progress towards securing a s278 Agreement with regards to the highway works at the junction of Day Lane and Broadway Lane? Have the technical details been agreed and will the s278 agreement be in place prior to the end of the Examination?
DCO2.5.8	Applicant	For clarity, should Schedule 2, Requirement 15(3) of the dDCO submitted at Deadline 6 [REP6-015] read ' <i>onshore outline construction environmental management plan</i> ' rather than ' <i>outline construction environmental management plan</i> ' in accordance with the definition in Schedule 2(1)? Could a check be made that all such references in the control chart and mitigation schedule are in full, including those to the WSIs?
DCO2.5.9	Applicant NGET	<p>It is noted that the description of Work No.1 in Schedule 1 of the dDCO [REP6-015] has been amended to include works for the extension of the Lovedean substation.</p> <p>Can the Applicant explain the meaning of '<i>site establishment, earthworks, civil and building works</i>'?</p> <p>Does the amended definition meet the needs of NGET and is NGET satisfied that the Applicant's ES covers all likely significant effects?</p>

Reference	Respondent(s)	Question
		Could the Applicant please highlight where these works are addressed in the ES.
DCO2.5.10	Applicant	<p>The Framework Management Plan for Recreational Impacts (FMPRI) [REP1-144] is soon to be accompanied by a Reinstatement Method Statement as suggested in paragraph 6.5.1 of the <i>Applicant's Response to Action Points Raised at ISH1, 2 and 3, and CAH 1 and 2</i> [REP6-063]. Given the mitigation measures already in the FMPRI and the additional reinstatement method statement, should the FMPRI become a certified document?</p> <p>If not, why not?</p> <p>If not, can the Applicant explain how the mitigation measures and recommendations in the FMPRI at paragraphs 4.1.2.4 and 4.2.1 to 4.2.7 are to be secured in any DCO?</p> <p>In respect of all playing fields and open spaces, does the Applicant consider that planning obligations may be appropriate with respect to enabling playing pitches to be realigned and relocated (even on a temporary basis during construction) outside the Order limits?</p>
DCO2.5.11	Applicant	<p>Should the ExA decide to include any of the following provisions in its recommended DCO, what would be the Applicant's position on each of them and why?</p> <ol style="list-style-type: none"> i. The incorporation of Articles relating to private rights of way similar to Articles 26(1) and (2) of the Riverside Energy Park Order 2020 to replace Article 24(1) together with any other consequential amendments. ii. The incorporation of Articles relating to private rights of way similar to Articles 19(1) and (2) of the Cleve Hill Solar Park Order 2020 to replace Article 24(1) together with any other consequential amendments. iii. The incorporation of Articles relating to private rights of way similar to Articles 25(1) and (3) of the Southampton to London Pipeline Development Consent Order 2020 to replace Article 24(1) together with any other consequential amendments.
6. Environmental Impact Assessment and Environmental Statement		
EIA2.6.1	NGESO	<p>The ExA notes the response from NGESO [REP5-101] to its Rule 17 information request. While this makes reference to generic environmental considerations that were taken into account during the review, it does not address the Examining Authority's specific question about if and how NGESO took into account the potential effect of the choice of Lovedean on the statutory purposes for which the South Downs National Park was designated (as required by Section 62 of the Environment Act, 1995). Please could NGESO elaborate further on this.</p>

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		In its Deadline 6 submission to the Examination [REP6-099], the South Downs National Park Authority requests clarification on why the seven other substation locations were not taken forward to the shortlist, and the sorts of commercial and environmental criteria that were applied to the decision not to do so. Could NGESO please provide this clarification.
EIA2.6.2	Applicant	In its answer to ExQ1.6.11, the Applicant noted that the Mitigation Schedule would be updated to include the additional cumulative effects mitigation measures identified in Table 29.14 and to identify the means by which those controls and measures will be secured. The updated Mitigation Schedule [REP2-005] suggests that these are secured through: <i>'Updated Onshore Outline CEMP [REP1-087] (Para 4.4.3.4- 4.4.3.9)</i> <i>Updated Outline Landscape and Biodiversity Strategy [REP1-034]'</i> Paragraphs 4.4.3.4 to 4.4.3.9 of the Updated Onshore Outline CEMP [REP6-036] do not seem to refer to this matter. Please clarify precisely where and how in the two quoted control documents or elsewhere these measures would be secured.
EIA2.6.3	Applicant	Chapter 3 of the ES [APP-118] states that the marine trenches will be backfilled either naturally with dredged material or with a side cast backfill technique. Can the Applicant explain what a side cast backfill technique is, whether this influences the assessment of significant effects, and, if so, where and how this was taken into account in the EIA.
EIA2.6.4	Applicant	The Applicant's response to EIA1.6.7 [REP2-016] appears to assume that the reference to the phrase <i>'in EIA terms, a moderate or major effect is considered significant'</i> was taken from Chapter 4 of the ES. For clarification, this and similar phrases were noted elsewhere in the ES, for example in the Cultural Heritage chapter at 21.4.2.17. Indeed, the phrase <i>'The assessment has concluded that the effect on BMV land is not significant in EIA terms'</i> is used in the same Applicant's responses document [REP2-016] in the answer to ExQ1 PP1.13.7. Please can the Applicant provide evidenced assurance that significance of effects and the need to apply mitigation was applied consistently across all EIA topics, even to those impacts identified as being 'slight' or considered 'not significant in EIA terms'.
EIA2.6.5	Applicant	In its post-Hearing note, <i>Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2</i> [REP6-063], the Applicant explains the reasons for the various components of the Proposed Development in plot 1-32 (3.1.19 ff).

Reference	Respondent(s)	Question
		<p>Could the Applicant explain which parts of these Works are considered to be enhancement in visual, landscape or ecological terms, as opposed to being mitigation for an adverse effect identified through the EIA?</p> <p>For these enhancement measures, could the Applicant please explain how, notwithstanding the promotion of such enhancement through relevant policy, such measures comply with the tests in relation to the Compulsory Acquisition of land set out in s122 of the Planning Act 2008 and the associated Government guidance?</p>
EIA2.6.6	Applicant	The results of the ash die-back survey [AS-054] in the vicinity of the proposed Converter Station site have implications for the results of the EIA, in terms of a future baseline, LVIA and mitigation requirements. Could the Applicant please explain how this supplementary information has been, or will be, integrated into the ES?
7. Flood Risk		
FR2.7.1	Applicant	<p>Would the bunding of HDD sites, given their size and proportions, increase the risk of flooding elsewhere by displacing surface water to other areas at risk?</p> <p>If not, why?</p> <p>If so, how is this to be mitigated?</p> <p>In addition, is it proposed to protect other laydown areas and construction compounds with bunds as well? If so, how will this avoid increasing flood risk elsewhere? If not, what measures, if any, are proposed to manage surface water in the event of a flood?</p>
FR2.7.2	Applicant	<p>Please could the Applicant confirm areas where Flood Zone 3b overlaps the Order limits? What measures are in place to reassure the Environment Agency that there will not be any storage of materials within Flood Zone 3b?</p> <p>Would the locations of joint bays and their associated laydown areas be specified to contractors so as not to be within Flood Zone 3b?</p>
8. Habitats and Ecology (Onshore)		
HAB2.8.1	Natural England Applicant	Please confirm whether agreement has been reached with regards to the approach and assessment of 'low use' sites defined by the Solent Waders and Brent Goose Strategy? If not,

Reference	Respondent(s)	Question
		how are such 'low use' sites considered to be affected by the Proposed Development and to what magnitude?
HAB2.8.2	Natural England Applicant	Please confirm whether Natural England's suggested amendment of Principle 7 of the winter working restriction principles [RR-181] has been incorporated. If not, why does Natural England consider this wording necessary and what would be the respective implications of the existing and proposed wordings?
HAB2.8.3	Natural England South Downs National Parking Authority Winchester City Council	Are the proposed woodland management measures to deal with ash die-back in the two ancient woodland copses known as Stoneacre Copse and Mill Copse, as set out in the Applicant's updated Outline Biodiversity and Landscape Strategy submitted at Deadline 6 [REP6-038]: a) appropriate and proportionate; b) capable of being implemented without harming the integrity of the ancient woodland habitats; and c) sufficient to meet visual mitigation requirements against the updated future baseline?
9. Landscape and Visual Amenity		
LV2.9.1	Applicant	The new viewpoint photography provided by the Applicant at Deadline 6 ([REP6-055] to [REP6-057]) is welcome. It is noted that new VP 1b and new VP 2 closely replicate VP 15 and VP 1 in terms of compass direction, but in both cases are from lower elevations. Please could the corresponding elevations (AOD) for the new viewpoint locations be provided so that they can be accurately compared with the elevations provided for VP 15 and VP 1. Please could the Applicant provide visualisations of the Proposed Development on the baseline photographs from new VP 1b and new VP 2, together with an assessment of effects, including any breaking of the skyline by the Converter Station building and structures. Could confirmation be provided that all three magnifications of new VP 2 are at a bearing of 211 degrees, noting that the higher magnification photographs (15.60B and 15.60C) are not centred on the broader, panoramic shot (15.60A).
LV2.9.2	Applicant	In its answer to ExQ1.5.13 in relation to the restriction of approval under draft Requirement 7 of the dDCO to Works 2, 4 and part of Works 5 (and the exclusion of Works 1, 3 and the rest of 5), the Applicant states that <i>'the flexibility required for design and construction meant</i>

Reference	Respondent(s)	Question
		<p><i>that it was more appropriate to develop any necessary mitigation in detail once the final alignment and construction areas have been decided and actual impacts can be understood.'</i></p> <p>Please expand on the differentiation, and why some landscape mitigation measures are subject to a Requirement while others appear not to be so.</p> <p>If 'the actual impacts' are not yet understood for some areas, how was the LVIA carried out and reported? What reliance can the Examining Authority and Secretary of State place on the outcome?</p>
10. Marine Environment		
ME2.10.1	Applicant MMO	Have the MMO and the Applicant reached a final position on the inclusion of a DML condition restricting works in relation to herring spawning sensitivities, and if so, what period and length of the marine cable route is affected, and how is this to be secured?
ME2.10.2	Applicant MMO	In its Deadline 6 submission [REP6-096], MMO requested the Applicant to clarify which parts of conditions 4 and 11 of the DML would enable the MMO to approve the deployment of cable protection. Has this matter been finalised, and if so, how?
ME2.10.3	Applicant MMO	In relation to the MMO's request that operational deployments of cable protection be supported by survey data no older than 5 years old and the Applicant's proposed consequential changes to the DML condition, has agreement been reached between the parties and the relevant parts of the draft DML finalised?
ME2.10.4	Applicant MMO	We understand that the Applicant and MMO have reached agreement on the definition, detail and monitoring of the Atlantic cable crossing at Part 1 (4) (1) of the DML but that the MMO has some residual concerns regarding the details in Part 1 (4) more broadly. Have these concerns been overcome and, if so, how?
ME2.10.5	Applicant MMO	Have the MMO and the Applicant reached agreement on the need for resampling of sediments for contamination at the offshore HDD entry/ exit point if these works do not occur within 5 years from the date of the latest contaminant analysis? If not, has an agreed form of wording for a DML condition been agreed, notwithstanding the Applicant's view that it should not be applied?

Reference	Respondent(s)	Question
11. Noise		
N2.11.1	Applicant	<p>It is noted that Article 9 of the dDCO (defence against statutory nuisance) [REP6-015] has been amended. Why is it considered necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation?</p> <p>Please provide details of any made DCO precedents for inclusion of the 'operational' phase of a development in this manner.</p> <p>Please provide details of any made DCO precedents for inclusion of Articles 9(1)(b), 9(2) and 9(3).</p> <p>What does the Applicant believe is specific to this Proposed Development to warrant what appears to be an exceptional approach to a '<i>Defence to proceedings in respect of statutory nuisance</i>' Article such as this?</p>
N2.11.2	Applicant	<p>Could the Applicant please clarify two phrases used in relation to night-time works in the Onshore Outline CEMP [REP6-036]:</p> <p>i. '<i>outside the Harbourside Caravan Park</i>' (2.3.1.4);</p> <p>ii. '<i>in the vicinity of sensitive receptors</i>' (6.2.8.6).</p> <p>For the avoidance of the doubt, what constitutes 'outside' and 'in the vicinity of', and what method would be used to establish this with a future contractor?</p>
N2.11.3	Applicant	<p>Please could the Applicant clarify the apparent inconsistency between ES paragraph 24.4.2.21 and Table 24.1 [APP-139]. The former states that night-time working is only anticipated at two of the HDD sites, while the table mentions only HDD-4.</p> <p>Also, Table 24.1 seems to contradict the mitigation schedule [REP2-005] by stating that weekend working at joint bays is limited to between 08.00 and 13.00. The mitigation schedule does not anticipate any weekend working at joint bays.</p> <p>On what basis was the noise assessment undertaken in relation to both of these?</p> <p>The mitigation schedule suggests that evening, weekend or night-time working is not anticipated at joint bays. Table 2.2 of the Outline Onshore CEMP [REP6-036] (working hours) does not seem to mention joint bays explicitly. Requirement 15 of the dDCO appears to allow all components of Work No. 4 to take place on a Saturday morning, which is assumed to include joint bays. Please explain how the submitted documentation secures this mitigation measure on which the noise assessment was apparently undertaken.</p>

Reference	Respondent(s)	Question
		Read together, draft Requirements 15 and 18 appear to allow operations to take place outside the core working hours controlled by Requirement 15, if this is agreed in an approved CEMP. How was this accounted for in the noise assessment and could it give rise to effects not anticipated in the ES?
N2.11.4	Applicant	What does the word 'approximate' mean in paragraph 6.2.8.20 of the Outline Onshore CEMP [REP6-036] in relation to the noise fence at the Thatched House pub? What would be the implications for the noise assessment if the fence was less than 3.5m in height? Should this read ' <i>at least 3.5m in height</i> '?
NV2.11.5	Applicant	It is noted that a supplementary noise and vibration assessment was provided at Deadline 6 as Appendix F to the <i>Applicant's Response to Deadline 4 Submissions</i> [REP6-067] to consider the use of the access road for the Converter Station. For completeness, could the Applicant describe and evaluate the noise and vibration effects from the construction of this access road on residents of nearby properties and especially those situated within 300 metres? If this has already been evidenced in the ES, please highlight the relevant sections.
12. Onshore Water Environment		
OW2.12.1	Applicant	It is understood that the trenchless technique to be used for HDD-4 will not be HDD, but an alternative trenchless solution known as micro-tunnelling. With respect to preventing groundwater seeping into the tunnel, can the Applicant indicate how this is accounted for and secured within the Onshore Outline CEMP [REP6-036]?
OW2.12.2	Environment Agency Portsmouth Water	Are the Environment Agency and Portsmouth Water now satisfied that the measures to grout any surface karst features at the Converter Station site prior to any earthwork movements and to interrupt any pathway to the underlying Chalk aquifer are suitable and achievable? Does the surface water drainage and aquifer contamination mitigation strategy [APP-360] provide sufficient reassurances in this regard?
OW2.12.3	Environment Agency Portsmouth Water	In response to our first written question OW1.12.11 in respect of whether the baseline data in the proximity of Kings Pond Meadow are adequate to ensure a robust assessment, the

Reference	Respondent(s)	Question
	Winchester City Council	Applicant indicated that samples taken from exploratory holes at Soake Farm and Hilcrest were suitable proxies. Do you agree? If not, why not?
OW2.12.4	Environment Agency Hampshire County Council Portsmouth Water	Are there any outstanding areas of concern or disagreement regarding the safety and security of the public water supply in Source Protection Zone 1? If so, why are the Applicant's mitigation measures considered not to alleviate the concern and what additional measures do you believe are required?
OW2.12.5	Applicant Portsmouth City Council	Please could Portsmouth City Council provide the ExA with details of the subsurface drainage system (field drains, mole drains, tile drains, etc) at Farlington Playing Fields, including any maps or diagrams that would assist our understanding? Could any of these systems be severed or otherwise interrupted by the installation of the Proposed Development and, if so, what would be the effects on drainage and playing surface quality? What mechanism would ensure their proper restoration through a CEMP and any DCO? Could any of these drains be compacted or damaged during construction works and, if so, what mechanism would ensure their investigation and restoration through a CEMP and any DCO? The Applicant's Deadline 6 post-Hearing note [REP6-063] refers to planned SI works at Farlington Playing Fields, and to the preparation of a Method Statement in relation to reinstatement that will be submitted ' <i>at a future deadline</i> '. What certainty can the Applicant provide that the relevant information on this matter will be available prior to the close of the Examination and in sufficient time for Portsmouth City Council and other parties to read and comment on it?
13. Planning Policy		
PP2.13.1	Applicant Local authorities	In December 2020, a number of policy documents and Court decisions that might be considered relevant to this DCO application came into the public forum. These included the: i) Energy White Paper https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future

Reference	Respondent(s)	Question
		<p>ii) Impact of Interconnectors on Decarbonisation https://www.gov.uk/government/publications/impact-of-interconnectors-on-decarbonisation</p> <p>iii) Supreme Court judgment on the Airport National Policy Statements and Heathrow Airport Expansion https://www.supremecourt.uk/cases/docs/uksc-2020-0042-judgment.pdf</p> <p>iv) Defra policy paper, Changes to the Habitats Regulations 2017 https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017</p> <p>In relation to each of these, and any other relevant, recently published policy or cases, please explain the relevance and significance for the current Proposed Development and what influence, if any, arises that the Examining Authority and Secretary of State should be aware of and take into consideration.</p>
15. Socio-Economic Effects		
SE2.15.1	Applicant Portsmouth City Council	<p>What progress has been made with regards to agreeing the reinstatement of the car park at Fort Cumberland?</p> <p>Would the car park be fully re-surfaced and marked out, and, if so, in what timeframe?</p> <p>What proportion of capacity would be lost, and how would the loss of car parking be compensated?</p> <p>If a reinstatement method statement is being prepared for Farlington Playing Fields, should a similar document be prepared for Fort Cumberland Car Park as opposed to using a s106 agreement as proposed by the Applicant?</p>
SE2.15.2	Applicant	<p>Could the Applicant explain and, as far as practicable, estimate the predicted social and economic benefits (from employment, local spending, support for community services, etc) that would arise from the Proposed Development for the rural settlements of Denmead and Anmore?</p>
SE2.15.3	Applicant	<p>Who will be responsible for confirming that the Applicant's reinstatement measures at the various playing fields and sports pitches affected by the Proposed Development have been completed satisfactorily?</p> <p>If any defects are claimed, what will be the mechanism for agreeing them and, if necessary, putting them right?</p>

Reference	Respondent(s)	Question
SE2.15.4	Applicant Portsmouth City Council University of Portsmouth	Would playing fields and sports pitches outside but adjacent to the Order limits (for example, at Bransbury Park and the University of Portsmouth) will be able to operate at full capacity when construction works are underway nearby? Would noise, vibration and general disturbance disrupt users and the ability to use these areas fully? If so, are such effects evidenced in the ES?
16. Traffic and Transport		
TT2.16.1	Applicant	On page 5-93 of [REP2-013], the Applicant stated that a Road Safety Audit should be completed. The ExA has not seen this to date, only a Road Safety Technical Note [REP6-071]. When will such an Audit be produced and submitted to the Examination? Will the safety audit be prepared by independent consultants? At this time, can the Applicant set out, with reasons, why it appears that different methods have been applied with regard to assessing accidents and road safety along the onshore cable corridor and the wider study area?
TT2.16.2	Applicant	The ES assesses a worst-case scenario of up to 86 two-way HGV movements during peak construction (APP-137 paragraph 22.4.6.3). Can the Applicant indicate where and how this is secured in the dDCO and other application documents?
TT2.16.3	Applicant	The Applicant's report, <i>Temporary Highway Alterations to Facilitate Abnormal Load Deliveries</i> [REP6-074], (at page 2, Impacted Locations) states: ' <i>Based on the preliminary assessment of Joint Bay locations it is estimated that 16 cable drums will be delivered to a Joint Bay located in Sainsbury's car park.</i> ' This appears to contradict the Supplementary Transport Assessment [REP1-142] (paragraph 3.9.4.1 ff): ' <i>All cable drums will be delivered by sea to, and stored at the Cargo Terminal of Portsmouth International Port and transported directly to each Joint Bay from this location</i> ', and also paragraph 3.5.5.1 of the FCTMP. Could the Applicant confirm if there is an error in the technical note in this regard? If so, please amend with correct wording.

Reference	Respondent(s)	Question
		If not, should cable drums be stored at Sainsbury's car park and further transported from there, can the Applicant explain how this influences the ES assessments and update any ES documents to reflect this.
TT2.16.4	Hampshire County Council First Group	<p>Is Hampshire County Council content, in light of the minutes of the meetings between the Applicant and the relevant bus companies, that adequate consideration, engagement and mitigation is in place to minimise the disruption to bus services across the onshore cable corridor?</p> <p>Is Hampshire County Council aware of any documented outstanding concerns that Stagecoach has with regards to the Proposed Development?</p> <p>Could First Group please provide details of any outstanding concerns regarding the Proposed Development's impacts on its services and what, if any, measures could be taken to alleviate any such concerns.</p>
TT2.16.5	Applicant	Hampshire County Council has suggested that the Applicant should monitor the proposed construction worker shuttle bus services to check the provisions are fit for purpose. How does the applicant intend to ensure that the provisions are fit for purpose and how are they secured through the dDCO?
TT2.16.6	Portsmouth City Council	<p>During ISH2, it was concluded that the additional data in the Supplementary Transport Assessment were largely agreed with the exception of figures for Portsbridge Roundabout. The Applicant has provided a Technical Note for this location at D6 [REP6-076]. Is Portsmouth City Council in agreement with the conclusions of the Technical Note, notwithstanding any perceived limitations in the modelling.</p> <p>If not, why not?</p>
TT2.16.7	Applicant	<p>The Joint Bay Technical Note [REP6-070] shows indicative locations for joint bays. Whilst it is acknowledged these are indicative and there are more shown than is permissible in the dDCO, the ExA notes that JB's 11, 12, 13, 14, 15, 16, 18 and 19 in particular appear to be within the highway (where the definition of 'highway' incorporates the carriageway and footpath and cycle path margins). It says in APP-137 paragraph 22.4.7.15 that joint bay locations have been included, all of which provide adequate space for construction works to take place without blocking the carriageway.</p> <p>Can the Applicant therefore explain:</p>

Reference	Respondent(s)	Question
		<p>1) Whether the single-lane closures or shuttle-system for traffic would constitute traffic management for which there should be no more than 6 occurrences on the network at any one time?</p> <p>2) What arrangements would be in place for the diversion of pedestrians or cyclists during the 20-day joint bay construction period?</p> <p>3) Have measurements been carried out along the Order limits to confirm that sufficient room (either 40m x 5m in the case of a single bay or 40m x 12.5m in the case of a double bay as shown in [REP6-064]) exists at all potential joint bay locations to confirm that the joint bay will not be in the carriageway?</p>
TT2.16.8	Applicant Hampshire County Council	<p>It is proposed to use four passing bays in Day Lane to allow construction-related HGVs to pass non-project traffic and non-related HGVs, and images have been provided showing the locations in the <i>Day Lane Technical Note</i> [REP6-073]. These passing bays appear to be beyond the Order limits and the document does not describe how the bays would be secured or surfaced. Would this be this through a s278 agreement?</p> <p>What evidence exists that all the land for the passing bays is within the public highway?</p> <p>What baseline evidence is there regarding the use, availability and environmental effects arising from the use of these parcels of land for passing bays?</p> <p>What surfacing would be used and how would this impact trees, hedgerows and wildlife?</p>
TT2.16.9	Highways England	<p>The Applicant proposes using lay-bys on the strategic road network to hold construction-related HGVs temporarily until such HGVs are given the authorisation by a traffic marshal to travel and approach the Converter Station construction site. Can Highways England confirm if the identified lay-bys shown in the applicant's <i>Day Lane Technical Note</i> [REP6-073] have capacity for such vehicles to park and wait and if there are any safety or capacity concerns with the use of the lay-bys in this way?</p>
TT2.16.10	Hampshire County Council Portsmouth City Council	<p>During ISH2, reference was made to a figure of 200 metres being a reasonable walking distance for persons to travel in order to retrieve their displaced parked cars (as opposed to 400 metres suggested by the Applicant). The origin of this is not clear in the Deadline 6 submissions. Please could greater clarity be provided as to the source of this, and what effects, if any, the shorter distance might have on the Applicant's parking strategy where parking spaces are temporarily displaced due to construction.</p>

Reference	Respondent(s)	Question
TT2.16.11	Applicant	<p>In terms of defining the vehicular route for construction traffic to the Converter Station, can the Applicant update the Mitigation Schedule [REP2-005] to separate HGVs from regular employee traffic and correctly identify the appropriate control documents and references?</p> <p>Can reassurance be given that the CTMP that will cover the 'phase' of Converter Station construction will be in accordance with the CWTP, and does that document need separate citing in the relevant dDCO Requirement?</p>
TT2.16.12	Hampshire County Council	<p>Does Hampshire County Council have any concerns regarding the proposed traffic management measures on Anmore Road, as detailed in paragraph 6.2.2.17 of the Framework Construction Traffic Management Plan [REP6-032] in respect of either:</p> <p>a) the efficient operation of the highway in terms of traffic flows; or</p> <p>b) the safety of all road users?</p>