



AQUIND Limited

AQUIND INTERCONNECTOR

Statement of Common Ground Between
AQUIND Limited and the South Downs
National Park Authority
Agreed Draft

The Planning Act 2008

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1. INTRODUCTION AND PURPOSE

1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND

1.1.1.1. A Statement of Common Ground ('SoCG') is a written statement produced as part of the application process for an application for a Development Consent Order ('DCO') and is prepared jointly by the applicant and another party. A SoCG sets out the matters of agreement between both parties, matters where there is not agreement and matters which are under discussion.

1.1.1.2. In this regard paragraph 58 of the Department for Communities and Local Government's guidance entitled "Planning Act 2008: examination of applications for development consent" (26 March 2015) hereafter referred to as DCLG Guidance) describes a SoCG as follows:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

1.1.1.1. The aim of a SoCG is to assist the Examining Authority to manage the examination of an application for a DCO by providing an understanding of the status of matters at hand and allowing the Examining Authority to focus their questioning. The effective use of SoCG is expected to lead to a more efficient examination process.

1.1.1.2. A SoCG may be submitted prior to the start or during an Examination and updated as necessary or as requested during an Examination.

1.2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

1.2.1.1. AQUIND Limited ('the Applicant') submitted an application for the AQUIND Interconnector Order (the 'Order') pursuant to Section 37 of the Planning Act 2008 (as amended) (the 'PA2008') to the Secretary of State ('SoS') on 14 November 2019 (the 'Application').

1.2.1.2. The Application seeks development consent for those elements of AQUIND Interconnector (the 'Project') located in the UK and the UK Marine Area (the 'Proposed Development').

1.2.1.3. The Project is a new 2,000 MW subsea and underground High Voltage Direct Current ('HVDC') bi-directional electric power transmission link between the South Coast of England and Normandy in France. By linking the British and French electric power grids it will make energy markets more efficient, improve security of supply and enable greater flexibility as power grids evolve to adapt to different sources of renewable energy and changes in demand trends such as the development of electric vehicles. The Project will have the capacity to transmit up to 16,000,000 MWh of electricity per annum, which equates to approximately 5 % and 3 % of the total consumption of the UK and France respectively.

1.2.1.4. The Proposed Development includes:

- HVDC Marine Cables from the boundary of the UK Exclusive Economic Zone to the UK at Eastney in Portsmouth;
- Jointing of the HVDC Marine Cables and HVDC Onshore Cables;
- HVDC Onshore Cables;
- A Converter Station and associated electrical and telecommunications infrastructure;
- High Voltage Alternating Current ('HVAC') Onshore Cables and associated infrastructure connecting the Converter Station to the Great Britain electrical transmission network, the National Grid, at Lovedean Substation; and
- Smaller diameter Fibre Optic Cables to be installed together with the HVDC and HVAC Cables and associated infrastructure.

1.3. THIS STATEMENT OF COMMON GROUND AND THE ROLE OF SDNPA

1.3.1.1. This draft SoCG has been prepared jointly by the Applicant and the South Downs National Park Authority ('SDNPA') to reflect the positions of the Parties at Deadline 7. This is an update of the drafts issued at deadlines 1 (REP1-121), 3 (REP3-009) and 5 (REP5-026). A summary of the changes made to this updated draft SoCG is contained in the Schedule of Changes submitted at Deadline 7. It has been prepared in accordance with the DCLG Guidance and precedent examples of SoCG available on the Planning Inspectorate's ('PINS') website.

1.3.1.2. The SDNPA is interested in the Proposed Development in its role as the National Park Authority for the South Downs National Park ('SDNP'). While no part of the Proposed Development is located within the National Park, the proposed Converter Station (Option B(i), which is the closer of the two options) is surrounded by the National Park on three sides and is located approximately 180 m from the National Park boundary at its closest point. The proposed landscaping and vehicular entrance is directly adjacent to the National Park boundary.

- 1.3.1.3. The SDNPA will be a consultee in relation to requirements as specified within the DCO should development consent be granted for the Proposed Development.
- 1.3.1.4. For the purpose of this SoCG the Applicant and the SDNPA will be jointly referred to as the 'Parties'.
- 1.3.1.5. Where matters are recorded as 'ongoing' the Parties will continue to progress discussions and provide a further update of this SoCG

2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

2.1.1.1. The table below sets out a summary of the key meetings and correspondence between the Parties in relation to the Proposed Development.

Table 2-1 – Consultation with South Downs National Park Authority

Date	Form of Contact	Summary
15/10/2018	Meeting with East Hampshire District Council ('EHDC'), Winchester City Council ('WCC') and SDNPA	Initial briefing on proposals for Converter Station Area.
10/01/2019	Meeting (Planning and Highways, including WCC, EHDC, SDNPA, Hampshire County Council ('HCC'))	Preferred Converter Station location; Preliminary Environmental Information Report ('PEIR') for forthcoming statutory consultation; update on Onshore Cable Route options; land referencing (including Land Interest Questionnaires ('LIQ')); future engagement; Statement of Community Consultation ('SoCC').
22/01/2019	Meeting (Planning and Highways, including WCC, EHDC, SDNPA, HCC)	PEIR and forthcoming statutory consultation / process; Cable Route options and rationale; alternatives to limit impact of Cable Route on highway.
31/01/2019	Meeting with WCC, EHDC and SDNPA	Operational needs, requirements and constraints of a Converter Station; Approach to statutory consultation.
05/02/2019	Telecon (Planning and Highways, including WCC, EHDC, SDNPA, HCC)	Deposit locations for Consultation Documents; Converter Station design and level of information in PEIR.
21/06/2019	Meeting with WCC, EHDC and SDNPA	Design of the Converter Station and landscaping constraints.
10/07/2019	Meeting with WCC, EHDC and SDNPA	Updates and progress in relation to landscape mitigation design and built form of Converter Station.
20/08/2019	Meeting with WCC, EHDC and SDNPA	Discussion of Design Principles and landscape mitigation.
22/01/2020	Meeting with SDNPA	Key application documents of interest to the SDNPA; Structure of the SoCG.

Date	Form of Contact	Summary
01/04/2020	Call with Planning Officer	Discussion of points not yet agreed in the SoCG.
21/05/2020	Call with Planning and Landscape Officer	Introduction of Applicant Team to new Planning and Landscape Officer; discussion of key points on landscape matters covered in SoCG.
08/07/2020	Call with Planning and Landscape Officer	Call to discuss assessment of alternatives, Converter Station design and landscape impacts.
06/08/2020	Call with Landscape Officer	Call to discuss viewpoints, photomontages and ash die back.
25/08/2020	Call with Planning, Landscape and Design officers from SDNPA, WCC and EHDC	Design group call to discuss Converter Station and Access Road design and Design Principles.
02/10/2020	Via email exchange	Draft of this SoCG agreed between the SDNPA and the Applicant for submission into the Examination at Deadline 1.
21/10/2020	Call with Planning, Landscape and Design officers from SDNPA, WCC and EHDC	Design group call to discuss progress on Converter Station and Access Road design and Design Principles.
30/10/2020	Call with Planning Officer	Call to discuss the Applicant's response to the SDNPA's Deadline 1 submission and SDNPA's Deadline 2 submission.
18/11/2020	Call with Planning Officer	Call to discuss agenda for Issue Specific Hearing 3, outstanding points in the SoCG; and planning obligations.
25/11/2020	Call with Planning, Landscape and Design officers from SDNPA, WCC and EHDC	Design group call to discuss progress on Converter Station and Access Road design and Design Principles.
30/11/2020	Email confirmation from Planning Officer	SDNPA confirming agreement on Deadline 5 SoCG submission (REP5-026).
04/12/2020	Call with Planning and Landscape officer from SDNPA	Call to discuss revised colour palette and Design Principles. SDNPA's new Landscape consultant introduced.
18/12/2020	Email to Planning Officer	Email with proposed updates to the SoCG.
14/01/2020	Email to Planning Officer	Email with further proposed updates to the SoCG.
20/01/2021	Email from Planning Officer	Email to Applicant with potential options for planning obligations.
25/01/2021	Call with Planning Officer	Call to agree updates to the SoCG for Deadline 7.

3. SUMMARY OF TOPICS COVERED BY THE STATEMENT OF COMMON GROUND

3.1. TOPICS COVERED IN THE STATEMENT OF COMMON GROUND

3.1.1.1. The following topics discussed between the Applicant and SDNPA are discussed in this SoCG:

- Planning policy
- Needs Case for the Proposed Development
- Landscape and visual amenity including dark skies
- Cumulative effects
- Onshore Outline Construction Environmental Management Plan ('Onshore Outline CEMP')
- Draft DCO (including requirements to the draft DCO)
- Alternatives

3.1.1.2. For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the Parties as they have not been raised by the SDNPA during the consultation undertaken to date between the Parties.

4. CURRENT POSITION

4.1. PLANNING POLICY

Table 4-1 – Planning Policy

Ref.	Description of matter	Current Position	RAG
Planning Policy			
SDNPA 4.1.1	Role of NPS EN-1	It is agreed that the relevant National Policy Statement ('NPS') for the Proposed Development is the Overarching National Policy Statement for Energy (EN-1) (2011) and represents the primary policy basis for the determination of the Application (as set out in the Planning Statement, Examination Library reference APP-108).	Agreed
SDNPA 4.1.2	Development Plan	Local planning policies from the relevant authorities can be 'important and relevant' considerations for the SoS in determining the Application. The Development Plan for the SDNPA comprises (as set out at Appendix 4 of the Planning Statement, Examination Library reference APP-112): <ul style="list-style-type: none"> • South Downs Local Plan (2019). 	Agreed

4.2. NEED FOR THE PROPOSED DEVELOPMENT

Table 4-2 – Need for the Proposed Development

Ref.	Description of matter	Current Position	RAG
Need for the Proposed Development			
SDNPA 4.2.1	Need for the Proposed Development	The overarching need for the Proposed Development as set out in the Needs and Benefits Report (Examination Library reference APP-115) is a matter for consideration by the SoS as decision maker in considering applications for development consent under the PA2008.	Agreed

4.3. LANDSCAPE AND VISUAL AMENITY INCLUDING DARK SKIES

Table 4-3 – Landscape and Visual Amenity Including Dark Skies

Ref.	Description of matter	Current Position	RAG
Landscape and Visual Amenity			
SDNPA 4.3.1	Area of study relevant to the SDNPA	It is agreed that the part of the Landscape and Visual Amenity assessment set out in Chapter 15 of the ES (Examination Library reference APP-130) relevant to the SDNPA is Section 1 Lovedean (Converter Station Area).	Agreed

Ref.	Description of matter	Current Position	RAG
SDNPA 4.3.2	ES Methodology – Study area	<p>It is agreed that the 8 km, 3 km and 1.2 km study areas for Section 1 (Lovedean – Converter Station Area) as set out in paragraphs 15.1.2.3 – 15.1.2.5 of ES Chapter 15 are appropriate.</p> <p>Further, the viewpoints as identified in paragraph 15.4.4.15 are agreed. However, the SDNPA has requested that three additional viewpoints should be taken:</p> <ul style="list-style-type: none"> • The first viewpoint is near Monarch Way past Scotland Farm – the SDNPA noted that there is a very well used track, though the Applicant understands this is private land from a previous visit to this location and which the Applicant has subsequently confirmed. • The second viewpoint is from the PRoW near Prews Hanger (on the submitted viewpoint location plan Figure 15.17, this footpath is obscured). The SDNPA noted that this is an interconnecting route which is valued and well used for recreational purposes. • The third viewpoint is in relation to the entranceway off Broadway Lane and Day Lane. <p>The Applicant provided an Additional Viewpoint Location Plan and Additional Viewpoints Part A, B and C at Deadline 6 (REP6-055, REP6-056 and REP6-57). For viewpoints 1 and 3 options were presented. At the Examining Authority’s request, visualisations for viewpoint 1b and 2 will be submitted for Deadline 7 (REP6-055 and REP6-056, Rev002) alongside revisions made to the baseline viewpoints and an assessment from viewpoint 1b and 2.</p> <p>The effects of the proposed development on the additional viewpoints remains under discussion.</p>	Ongoing
SDNPA 4.3.3	ES Methodology – Assessment of light impacts	Consideration needs to be and has been given to the Dark Night Skies including the International Dark Skies Reserve.	Agreed
SDNPA 4.3.4	ES Baseline – Section 1 – Lovedean	The landscape and visual baseline environment is set out at section 15.5.3 of Chapter 15. The Applicant welcomes the SDNPA’s review and agreement of this baseline for the relevant section (Section 1).	Agreed
SDNPA 4.3.5	ES Baseline - Local landscape character assessment – Characteristics of SDNP	The Applicant specifically seeks the SDNPA’s agreement that the local landscape character assessment of the SDNP contained in Appendix 15.5 of the ES (Examination Library reference APP-403) accurately describes the character of the SDNP, including the International Dark Skies Reserve.	Ongoing
SDNPA 4.3.6	Predicted Impacts – Converter Station	The impacts that are considered by the Applicant to have the potential to give rise to temporary and/or permanent significant effects during construction and operation of the Proposed Development in relation to the Converter Station are identified at section 15.3.6 of Chapter 15 of the ES. The Applicant welcomes the SDNPA’s review and agreement that these represent an accurate reflection of the potential impacts, excluding the predicted operational impacts on tranquillity, which is covered separately in 4.3.6a below.	Ongoing
SDNPA 4.3.6a	Predicted Impacts – Tranquillity during operation	Discussions on tranquillity only in relation to the predicted impacts remain ongoing between the Parties. The issue of tranquillity was discussed at Issue Specific Hearing 3 and responses submitted at Deadline 6. The Applicant notes that tranquillity is a Special Quality of the National Park, however the Converter Station Area sits outside of the National Park. The Examining Authority 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	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>landscape”. This differs from the SNDPA’s interpretation of tranquillity (as for example set out in the South Downs Local Plan and the South Downs National Park Tranquillity Study) which includes references to the presence of buildings in the landscape.</p> <p>Based on the Applicant’s interpretation in accordance with GLVIA3, there will be no effects on tranquillity during the operation of the Converter Station. The SDNPA does not agree.</p> <p>The prediction of operational impacts on tranquillity are therefore currently not agreed.</p>	
SDNPA 4.3.7	Mitigation - Outline Landscape and Biodiversity Strategy	The updated Outline Landscape and Biodiversity Strategy (REP6-038) submitted at Deadline 6 for the Converter Station Area, and the extent of the mitigation in the Strategy are yet to be agreed. Key matters of discussion remaining relate to ash dieback and woodland planting.	Ongoing
SDNPA 4.3.8	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	The measures set out in the Onshore Outline CEMP (Rev 003, Examination Library reference REP4-005 and subsequently updated at Deadline 6, Rev 004, REP6-036) section 5.2 (Landscape and Visual Amenity) are agreed.	Agreed
SDNPA 4.3.9	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The Applicant seeks the SDNPA’s agreement of the following measures set out in the revised Onshore Outline CEMP:</p> <ul style="list-style-type: none"> • Section 6.2.4 (Landscape and Visual Amenity); • Section 6.3.1 (Section 1 – Lovedean (Converter Station Area) – Landscape and Visual). This section includes a specific reference to cranes which will be retracted when not in use, and states that depending on the manufacturer the cranes are likely to be approximately 5 m in height when not in use. It adds that tower cranes will not be used on site; • References to the design principles and updated Outline Landscape and Biodiversity Strategy have now been omitted from this section and are covered in the updated DAS (REP6-025). 	Ongoing
SDNPA 4.3.10	Residual effects – Section 1 General	The Applicant seeks the SDNPA’s review and agreement of the assessment of residual effects relating to Section 1 set out at Tables 15.10 and 15.11 of Chapter 15 of the ES or otherwise seeks confirmation from the SDNPA what aspects are not agreed.	Ongoing
SDNPA 4.3.11	Residual effects – Access Road	<p>The Applicant seeks agreement that the predicted impact associated with the proposed Access Road is that it dissects fields and will result in moderate adverse effects in year 0, and by year 10 minor adverse non-significant effects, as identified within the ES.</p> <p>The SDNPA has raised concerns over the following:</p> <ul style="list-style-type: none"> • The change in character along Broadway Lane and Day Lane; • Direct long views along the new Access Road; • The nature of fencing; • Greater consideration of a more sensitive design. <p>The SDNPA has noted that the proposed Access Road is right on the National Park’s boundary, and that the change to that corner of the field will be significant. The SDNPA has queried whether it will result in the loss of an existing hedgerow, and the Applicant has confirmed that an existing</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>hedgerow will be lost, hence the assessment concluded a significant effect in this location. Proposals to soften this area (which include a new area of woodland and the relocation of a proposed hedgerow closer to the “gated link road” have been explored by the Applicant and are presented on revised versions of the indicative landscape mitigation plans for both Option B(i) north and south (REP6-027 and REP6-028) and landscape mitigation plans for Option B(ii) (REP6-054) and reflected in an updated version of the OLBS (REP6-038).</p> <p>The Applicant seeks confirmation that the SDNPA agrees, based on the above, the impacts associated with the Access Road will be moderate adverse effects in year 0, and by year 10 minor adverse non-significant effects, as identified within the ES. The SDNPA is considering the new information submitted by the Applicant and will be commenting in due course in accordance with the examination timetable.</p>	
<p>SDNPA 4.3.12</p>	<p>Requirement 6 – Detailed Design</p>	<p>The SDNPA is broadly content with the design principles set out at section 6 of the DAS and welcome the ability to progress further detailed discussions as a consultee on the final design, as secured by draft DCO requirement 6 (see section 4.6.3 below). However, the SDNPA sought further detailed work on the colour scheme and proposed aspect treatment for the proposed building. ‘Design group’ meetings between the Applicant, the SDNPA, WCC and EHDC that took place before submission of the Application resumed in August 2020 to progress discussions of the building design, including the proposed colour scheme.</p> <p>The Applicant is firmly of the view that it is necessary for a colour palette to be agreed at this stage, so that sufficient clarity is included for how the detailed design is to be progressed, and this matter will not be left to be resolved post consent. The SDNPA welcomes this statement.</p> <p>The SDNPA has noted that the contextual colour palette on page 18 of the DAS (APP-114) is reasonable. However, as the building will be viewed in a different context on every elevation, the SDNPA considers that each elevation needs to be considered in its context, and that the design / colour needs to be further developed as colour is the key to reducing impact on the landscape. The SDNPA has expressed the view that there should potentially be more than four colours. The Applicant presented a contextual colour palette at the design group meeting in October which reviewed colour against each elevation of the Converter Station based on directionality, seasonality and distance. It was agreed that the Applicant would present a refined set of colours for each elevation at the next design group meeting and alongside the design principles to reach agreement. This meeting was held on 25 November 2020.</p> <p>The refined set of colours - four dominant base colours and eight additional pallets of colour - identified in the revised ‘Contextual Elevation Study’ (dated 24.11.20) was presented to the design group for discussion.</p> <p>WCC raised concerns over the use of lighter colours and wanted to see a focus on darker recessive colours for each elevational view.</p> <p>A further design call was then arranged to discuss the revised ‘Contextual Elevation Study’ (dated 27.11.20) with the revised colour palette showing dark recessive colours. During a call on 04 December with the SDNPA the Landscape consultant acting on behalf of the SDNPA was introduced. The SDNPA agreed, in the call of 25 November 2020, to consider the Applicant’s proposal in relation to colour palette and to come back to the applicant, which the SDNPA did shortly thereafter.</p> <p>The SDNPA feels that the range of agreed colours set out in the latest revision of the ‘Contextual Elevation Study’ (dated 27.11.20) is not sufficiently broad to be able to be used to mitigate the proposals. Whilst accepting that the lower levels of the building do need the darker, more recessive appearance the Authority requested that a wider colour range be adopted to ensure a suitable treatment where the built form is set against the sky, incorporating the paler colours identified in the previous iteration (24.11.20).</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant has prepared two photomontages from Local Viewpoint B (Figure 15.36E and 15.36F) and shared them with the LPAs on 22.12.2020 for discussion to try and achieve a consensus on colour.</p> <p>The SDNPA responded to confirm they are of the opinion that a wider study needs to be undertaken to determine what colour schemes might suit different elevations and what might be acceptable in views from the SDNP. The Applicant refers to previous design group meetings where there was broad verbal agreement that a specific reference should be included in Building Design Principle 3 regarding a further on site contextual study post consent. This would be undertaken as part of the detailed design and test each elevation from different viewpoints and angles to determine the colours ratios and whether overall such elevations should have a greater transition of darker to lighter colour.</p> <p>Since the circulation of the two photomontages illustrating the different colour palettes and receipt of comments back from the LPAs there remains a lack of consensus between the authorities over colour. Given the continued discussions had with the LPA's and the apparent unlikelihood of consensus being reached, the Applicant is minded to include the wider colour range and this will be referred to in Building Design Principle 3 – as detailed below. The basis for this approach is the Applicant's view that a broader range of colours, which includes lighter colours, is required for where the building cuts the skyline (for instance viewpoint 3, 12 and 14). The further on-site contextual study to be undertaken as part of the detailed design will test each elevation from different viewpoints and angles to determine the colours ratios and whether overall such elevations should have a greater transition of darker to lighter colour.</p> <p>The Applicant therefore suggests the following revised wording for Building Design Principle 3:</p> <p><i>3. Colours will be selected from a palette of contextual colours (which are primarily dark recessive colours) within the ranges below chosen to complement the surrounding landscape. A contextual study will be undertaken to review the colour ratios for each elevation from the below colour range. The roofing will be in a dark recessive non-reflective colour to minimise visual impact.</i></p> <p><i>RAL 8022; 6009; 8019; 6015; 6020; 6014; 7022; 7013; 8025; 6003; 1020; & RAL 8015; 8012; 7008; 6011; 7040; 1002; 1014; 7035</i></p> <p>Given the continued discussions had with the LPA's and the apparent unlikelihood of consensus being reached, the Applicant has taken a view and is minded to include the wider colour range and this will be referred to in Building Design Principle 3 – as described above. The basis for this approach is the view that a broader range of colours, which includes lighter colours, is required for where the building cuts the skyline (for instance viewpoint 3, 12 and 14). The further on-site contextual study to be undertaken as part of the detailed design will test each elevation from different viewpoints and angles to determine the colours ratios and whether overall such elevations should have a greater transition of darker to lighter colour.</p> <p>The Applicant seeks the SDNPA's agreement on the Design Principles as referred to in Applicant's Transcript of Oral Submission (REP5-069) and summarised in the Applicant's Written Summaries of Oral Submissions at ISH1, 2 and 3, and CAH1 and 2 (REP6-062) Question 4H as well as the suggested text detailed above.</p>	
SDNPA 4.3.13	Requirements 7 and 8 – Detailed landscaping scheme	Draft DCO requirements (7 and 8) for a detailed landscaping scheme, comprising hard and soft landscaping, and a scheme of implementation and maintenance (LPA approval subject to consultation with the SDNPA) are agreed.	Agreed

Ref.	Description of matter	Current Position	RAG
SDNPA 4.3.14	Planning obligations	<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. As such, the Applicant does not consider a planning obligation is necessary in planning terms.</p> <p>Nonetheless, the Applicant is open to consider further the necessity of planning obligations. Any planning obligations must be in accordance with the legal tests in regulation 122 of the Community Infrastructure Levy Regulations 2010. The SDNPA has provided suggested heads of terms to the applicant for consideration and awaits a response. The Applicant considers that the SDNPA would need to quantify any contributions sought and how they are fairly and reasonably related in scale and kind to the Proposed Development.</p> <p>This point remains under discussion.</p>	Ongoing

4.4. CUMULATIVE EFFECTS

Table 4-4 – Cumulative Effects

Ref.	Description of matter	Current Position	RAG
Cumulative Effects			
SDNPA 4.4.1	ES Methodology	It is agreed that the approach taken to the assessment of cumulative effects, including the zone of influence is set out in section 29.4 of ES Chapter 29 of the ES (Cumulative Effects) (Examination Library reference APP-144) is appropriate and proportionate, in accordance with PINS Advice Note 17 (Cumulative Effects Assessment).	Agreed
SDNPA 4.4.2	Assessment	It is agreed that the Applicant has taken account of all relevant planned and consented projects within the administrative boundary for the SDNPA as set out within figure 29.6 (Onshore Short List of Developments) of ES Chapter 29.	Agreed
SDNPA 4.4.3	ES Chapter	<p>The assessment of Cumulative Effects for the Proposed Development as set out in Table 29.14 of Chapter 29 of the ES is yet to be agreed and will be subject to further discussion with the SDNPA.</p> <p>Resolution of this item is subject to the conclusion of discussions on the details above in table 4-3.</p>	Ongoing

4.5. ONSHORE OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Table 4-5 – Onshore Outline Construction Environmental Management Plan

Ref.	Description of matter	Current Position	RAG
Onshore Outline Construction Environmental Management Plan			
SDNPA 4.5.1	Roles and Responsibilities	The Onshore Outline CEMP (Rev 005, Examination Library reference REP6-036) and the personnel with defined environmental responsibilities as set out in Section 3 of the Onshore Outline CEMP are agreed.	Agreed
SDNPA 4.5.2	General Environmental Requirements	The General Environmental Requirements set out in Section 4 of the Onshore Outline CEMP: <ul style="list-style-type: none"> • Requirements and Consents; • Competence, Training and Awareness; • Internal Communication; • External Communication; • Method Statements; and • Environmental Incidents; are agreed.	Agreed
SDNPA 4.5.3	Monitoring and Review	The CEMP and the proposal for an Environmental Manager to be responsible for maintaining the register of all environmental monitoring, to be made available for auditing and inspection as set out in Section 7 of the Onshore Outline CEMP are agreed.	Agreed
SDNPA 4.5.4	General Environmental Control Measures	The SDNPA welcomes the amendment to paragraph 5.2.2.1 of the Onshore Outline CEMP, stating that 'The Lighting Scheme will be developed in accordance to the SDNPA Technical Advice Note 2018, Dark Skies'. The proposed general environmental control measures contained in Section 5 of the Onshore Outline CEMP, where relevant to the Onshore Cable Corridor are agreed.	Agreed
SDNPA 4.5.5	Location Specific Construction Environmental Control Measures	The proposals for site specific management measures for Section 1 set out in Section 6 of the Onshore Outline CEMP are agreed.	Agreed
-	-	<i>For topic specific outline CEMP environmental control measures see the relevant specialist/topic areas.</i>	

4.6. DRAFT DEVELOPMENT CONSENT ORDER

Table 4-6 – Draft Development Consent Order

Ref.	Description of matter	Current Position	RAG
Scope of the Draft DCO and Draft Requirements			
SDNPA 4.6.1	Discharge of Requirements (procedure and timescales)	The Applicant seeks the SDNPA's agreement of the procedure and timescales provided for the discharge of requirements in the draft DCO (Rev 005, Examination Library reference REP6-015), and the extent to which the SDNPA is consulted with by the relevant local authority on the discharge of requirements.	Ongoing

Ref.	Description of matter	Current Position	RAG
SDNPA 4.6.2	Requirement 5 – Converter station and optical regeneration station parameters	The SDNPA remains concerned over the impacts of the Converter Station, as set out in Table 4-3, however, without prejudice to this position, the SDNPA considers that the parameters contained in Table WN2 under draft DCO requirements 5 are an appropriate way to limit the scale of the Proposed Development.	Agreed
SDNPA 4.6.3	Requirement 6 – Detailed design approval	<p>In relation to Works No. 2 Requirement 2 requires the submission of details relating to the</p> <ul style="list-style-type: none"> (a) layout of buildings; (b) scale of buildings; (c) existing and proposed site levels; (d) proposed finished ground floor slab level; (e) external appearance and materials of buildings; (f) hard surfacing materials; (g) location of the attenuation ponds; (h) vehicular access, the access road, parking and circulation areas; (i) external lighting and lightning protection; (j) fencing; and (k) proposed services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports; <p>for that phase of the works, which will confirm how those details accord with the design principles and parameters for Works No. 2.</p> <p>The contents of Requirement 6 in relation to Works No.2 is agreed.</p>	Agreed
SDNPA 4.6.4	Requirement 7 – Provision of landscaping	The draft DCO requirement for the provision of landscaping is agreed.	Agreed
SDNPA 4.6.5	Requirement 8 – Implementation and maintenance of landscaping	<p>The draft DCO requirement for the implementation and maintenance of landscaping is agreed.</p> <p>The SDNPA has queried how maintenance of landscaping will be secured, especially where the Applicant is not acquiring the freehold over land required for landscaping. The Applicant has responded that a deed of grant of easement is being sought with the appropriate landowners for the long-term maintenance and management of existing planting and retained hedgerows, and powers of compulsory purchase acquisition are sought to acquire the rights and impose restrictions to do so for in the event a voluntary agreement is not reached with those persons. The approach being taken is set out in the Statement of Reasons (REP6-019). The Applicant is satisfied that the necessary rights for the Applicant and restrictions to landowners to secure the maintenance of landscaping will be secured through the Order. The draft Order should be read in conjunction with the Land Plans (REP6-004) and the Book of Reference (REP6-022), which confirm the rights sought over each plot of land. The coloured shading of the plots as shown on the Land Plans identifies the purpose for which the land is required in connection with the Proposed Development and is outlined under Paragraph 2.1.1.5 of the Book of Reference.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>The SDNPA has queried how compliance following potential breaches of landscaping requirements will be enforced. The Applicant has explained that enforcement of DCO requirements is a matter addressed in Part 8 of the Planning Act 2008, and it would be an offence for the Applicant not to comply which would be actionable as such. The Applicant has also explained that any person, not just a local authority, can commence proceedings against the undertaker in case of a breach of a requirement.</p> <p>A copy of a precedent deed of grant of easement has been provided to the SDNPA so that the legal documentation proposed to be used is known and understood. Having reviewed this legal agreement the SDNPA is content that such an agreement would secure suitable access for the Applicant to the land to plant, manage and maintain landscaping for the duration of the operation of the development and that this would be secured by proposed draft DCO requirements 7 and 8. The matter is therefore agreed.</p>	
SDNPA 4.6.6.	Requirement 16 – External construction lighting	<p>The draft DCO requires that no phase of Works No. 2 may commence until written details of any external lighting to be installed at any of the construction sites within that phase or in relation to that phase, including measures to prevent light spillage, will, after consultation with the SDNPA, be submitted to and approved by the relevant local planning authority, and any approved means of lighting must subsequently be installed and retained for the duration of the construction period.</p> <p>This requirement is agreed.</p>	Agreed
SDNPA 4.6.7	Requirement 22 – Restoration of land used temporarily for construction	<p>The draft DCO requires that any land within the Order limits landwards of the MLWS which is used temporarily for construction must be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within twelve months of the completion of the authorised development. This requirement is agreed.</p>	Agreed
SDNPA 4.6.8	Requirement 23 – Control of lighting during the operational period	<p>The draft DCO requires that there will be no external lighting of Works No. 2 during the hours of darkness save for in exceptional circumstances. The SDNPA has requested further information on the proposed lighting, such as what constitutes exceptional circumstances and technical specifications including colour, brightness and angles and has drawn the Applicant’s attention to the Authority’s Dark Night Skies Technical Advice Note.</p> <p>The Applicant’s position is that it is not possible to exhaustively list out all potential circumstances and it would not be a sound drafting approach to seek to do so, as this would have a high likelihood of leading to exceptional circumstances not being included for. It is also not considered the concept of exceptional circumstances is such that further drafting clarification is necessary. Exceptional circumstances would be matters such as intruders seeking to enter the Converter Station or being within the areas in close proximity to the Converter Station so as to require deterrence (including during the hours of darkness), or in the event of circumstances where it is necessary for lighting to allow operatives to work safely to address emergency issues, such as operational failures. It is also relevant that the operational lighting will any event be carefully designed so as to minimise light spill in circumstances where it is necessary to light the Converter Station during the hours of darkness, so as to ensure in those periods adverse effects are avoided, with those details to be approved by the relevant planning authority in accordance with Requirement 6 to the dDCO.</p> <p>The Applicant is therefore content that the position is adequately stated and secured in the dDCO. As outlined in the updated Onshore Outline CEMP (REP1-087) Section 5.2.2.1, the appointed contractor will develop a Lighting Scheme for the construction and operational stages of the Converter Station which will be submitted for approval, following consultation with the SDNPA, to the Local Planning Authority. Section 5.2.2.1 also states that the lighting scheme will be developed in accordance with the SDNPA’s Dark Skies Technical Advice Note. The SDNPA welcomes this and is satisfied with the applicant’s explanation in respect of exceptional circumstances. This matter is therefore agreed.</p>	Agreed

4.7. CONSIDERATION OF ALTERNATIVES

Table 4-7 – Consideration of Alternatives

Ref.	Description of matter	Current Position	RAG
Consideration of Alternatives			
SDNPA 4.7.1	Consideration of Alternatives (Converter Station Micro-sited Options)	<p>Chapter 2 (Consideration of Alternatives) of the ES (Examination Library Reference APP-117) sets out the alternatives that the Applicant considered in relation to the location of the Proposed Development.</p> <p>With regard to the Converter Station location at Lovedean, two possible Converter Station sites, referred to as Options A and B were taken forward for informal consultation in 2018, resulting in Option B as the final proposed site. Out of the two options, the SDNPA's preferred option was Option B.</p> <p>The Applicant considers that Option B makes the best use of the existing landscaping and topography in terms of screening the Converter Station from views. In addition, Option B is closer to Lovedean substation than some of the other options assessed, thus reducing the length of Cable required and reducing associated construction works.</p>	Agreed
SDNPA 4.7.1a	Consideration of Alternatives (Connections)	The Applicant has prepared additional detailed information on the assessment of alternatives undertaken, which has been submitted into the Examination at Deadline 1 (Examination Library Reference REP1-152). The SDNPA has, in their Deadline 2 submission (Examination Library Reference REP2-020), accepted the Applicant's reasons for discounting grid connections at Chickerill and Bramley. The SDNPA questioned, in its submissions to the examination, why the other seven options were not progressed.	Ongoing
SDNPA 4.7.2	Access Road	The Applicant seeks agreement that ES Chapter 2 paragraph 2.6.5.8 to 2.6.5.13 provides adequate further information in relation to the location of the Access Road and alternative locations and alignments considered.	Ongoing

5. SIGNATURES

Ref.	South Downs National Park Authority	AQUIND (the Applicant)
Signature		
Printed Name		
Title		
On behalf of	South Downs National Park Authority	AQUIND Limited
Date		

